
COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040
206.275.7605 | www.mercerisland.gov/cpd



PUBLIC NOTICE OF DECISION

NOTICE IS HEREBY GIVEN that approval has been granted for the application described below:

File No.: CAO22-023

Permit Type: Type III

Description of Request: The applicant requested approval of a Critical Area Review 2 to construct a new single-family residence on a vacant lot encumbered by geologically hazardous areas.

Applicant/ Owner: Clayton Herbst (Shed Architecture & Design) / John Sullivan

Location of Property: 3024 69th Ave SE, Mercer Island, WA 98040
King County Assessor tax parcel number: 217510-0315

SEPA Compliance:

The project is exempt from SEPA Review pursuant to [WAC 197-11-800\(a\)\(1\)\(b\)](#).

Applicable Development Regulations: Pursuant to Mercer Island City Code (MICC) [19.15.030](#) Table A, applications for variances are required to be processed as Type IV land use reviews. Processing requirements for Type IV land use reviews are further detailed in MICC 19.15.030 Table B.

Other Associated Permits: A future building permit is anticipated.

Project Documents: <https://mieplan.mercergov.org/public/CAO22-023>

Decision: Approved subject to conditions.

Appeal Rights: *DISCLAIMER: This information is provided as a courtesy. It is the ultimate responsibility of the appellant to comply with all legal requirements for the filing of an appeal.*

Parties of record have the right to appeal certain permit and land use decisions. In some cases, other affected parties also have appeal rights. Depending on the type of decision, the appeal may be heard by a City Hearing Examiner, Commission, Board, or City Council, or outside the City to the State Shoreline Hearings Board, the State Growth Management Hearings Board, or King County Superior Court. For a comprehensive list of actions and the applicable entity who will hear the appeal, see MICC 19.15.030 Table B.

If you desire to file an appeal of a decision that is appealable to the City, you must submit the appropriate form and file it with the City Clerk **within the time stated in the Notice of Decision**. Forms are available from Community Development and Planning. Upon receipt of

a timely complete [appeal application](#) and [appeal fee](#), an appeal hearing will be scheduled. To reverse, modify or remand a decision, the appeal hearing body must find that there has been substantial error; the proceedings were materially affected by irregularities in procedure; the decision was unsupported by material and substantial evidence in view of the entire record; or the decision is in conflict with the City's applicable decision criteria.

Application	Date of Application:	December 8, 2022
Process	Determined to Be Complete:	December 23, 2022
Information:	Public Comment Period:	January 3, 2023 through 5:00 PM on February 2, 2023
	Date Notice of Decision Issued:	August 7, 2023
	Appeal Filing Deadline:	5:00 PM on August 21, 2023
Project Contact:	Andrew Leon, Planner andrew.leon@mercerisland.gov (206) 275-7720	