

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



Pre-Application Meeting (PRE23-039 - Location 5)

An Intake Screening is required in addition to a Pre-Application Meeting. A Pre-Application Meeting does not replace the required Intake Screening. This meeting is to provide guidance and information include prior to formal submittal.

Summary:

Site Location:	70th Ave SE & SE 20th St., Mercer Island, WA 98040	Parcel Number	ROW
Lot Size:	NA	Zoning:	R-15 (Single Family)
Brief Project Description:	The City of Mercer Island Public Works Department (Applicant) is proposing installation of data collection equipment at Roanoke Park (W Mercer Way) to support the Mercer Island Meter Replacement Program.	Documents Provided:	<ol style="list-style-type: none"> 1. Pre-Application Meeting Request Form 2. Cover Letter 3. Application Questions 4. Project Description 5. Site Plan 6. Drawing 7. Tree Inventory Worksheet 8. Public Participation Plan
Applicant Information:			
Name:	Alaine Sommargren, City of Mercer Island Public Works	Email:	alaine.sommargren@mercerisland.gov
Phone:			206-275-7879
Second Pre-application Meeting Required:	Choose an option	Click for explanation if necessary	

Applicant Questions:

1. Based on our desktop review, Location 5 is not located within critical areas or their buffers.

- a. Please confirm this understanding.

Staff Response: According to City mapping, the proposed development is not located within critical areas or their buffers.

2. An Essential Public Facility use is allowed in all zoning districts with a CUP. Location 5 is within the City right of way adjacent to a park and is proposing a new 80-foot pole at with a 7'8" antenna at the top of the 80-foot pole (total height 87'8").

- a. Please confirm this understanding for Location 5.

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Staff Response: The City Zoning Map indicates the area where the proposed development is to be sited is within the Single Family Residential (R-15) zone. Pursuant to [MICC 19.02.010\(C\)\(1\)](#) government services are a conditional use. Due to the height limitations of the proposed development, an EPF is being sought. Pursuant to [MICC 19.06.100\(C\)](#), an EPF shall require a conditional use permit (CUP) in all zones.

3. No trees are proposed for removal.

- a. What documentation do you need to comply with tree regulations, particularly in this case where there will be no ground disturbance?

Staff Response: It sounds like this would just be upgrading an existing pole. Please be aware of our ROW use permit. Conditions from our right of way permit.

Best management practices for tree trunk, tree canopy and tree root protection shall be followed. Do not stage or store equipment or materials within tree driplines. This permit does not authorize any digging, excavation, boring, or other earthwork within the driplines (root zone) of trees nor removal or trimming of trees. A separate tree permit is required. Work without a tree permit that damages or removes a tree will be grounds for civil penalty and remediation according to Mercer Island City Code 19.10.160 including a fine equal to up to three times the value of the tree(s) plus remediation.

4. Can we go over the estimated review times of the anticipated CUP permit to confirm realistic processing times?

Staff Response: Processing of a CUP depends on the quality of an application, the materials provided, and demonstration of consistency with the required code provisions.

5. Please confirm submittal requirements for Location 5

- A. Development Application Sheet. Linked [here](#).
- B. Project Narrative. Applicable code criteria: MICC 19.06.100, 19.15, 19.06.110
- C. Development Plan Set – *Site plan that's surveyed, showing all existing features and proposed features related to the proposed development. Please review this [guide](#).*
- D. SEPA Checklist.
- E. Fees – estimate
- F. Code Compliance Matrix

6. Once PSE has installed the pole and our equipment can be installed, what kind of permit or approval would be needed (if any)? Who would be responsible for obtaining and when would be the best time to apply?

Staff Response: The Applicant shall be required to obtain all permits and approvals prior to the start of work. The proposed development shall not be constructed until the Applicant receives approval on the proposed Essential Public Facility (EPF) through the conditional use permit (CUP) process. **Possible condition of approval.**

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Review Comments:

Fire Comments:

Fire Contact: Jeromy.Hicks@mercerisland.gov or 206-275-7966.

For additional information please refer to this helpful webpage:

<https://www.mercerisland.gov/cpd/page/fire-permits-and-prevention-information>

Tree Comments:

Tree Contact: John.Kenney@mercerisland.gov or 206-275-7713.

1. Please refer to [Chapter 19.10 MICC](#) for our tree code.
2. Pursuant to [MICC 19.10.100\(A\)](#) An annual tree permit will be issued to the city to cut any public trees necessary for public safety, removal of hazardous trees, removal of diseased or dead trees, as part of the city's forest management program or regular tree maintenance program or for construction work on public property.

For additional information please refer to this helpful webpage:

<https://www.mercerisland.gov/cpd/page/tree-permits>

Civil Engineering Comments:

Civil Contact: Ruji.Ding@mercerisland.gov or 206-275-7703.

1. Please refer to [MICC Title 15](#) for our Water, Sewers, and Public Utilities code.
2. A ROW Use Permit will be required for this proposed installation.

For more information on Stormwater Permits please visit here:

<https://www.mercerisland.gov/cpd/page/stormwater-permits>

Building Comments:

Building Contact: gareth.reece@mercerisland.gov or 206-275-7710.

Mapping and Design Criteria: Complete information on codes adopted by Mercer Island and available City mapping is available here: <https://www.mercerisland.gov/cpd/page/codes-design-criteria-research>

Mercer Island City Code 19.07.160 requires a geotechnical engineer's assessment of certain types of work if located within a mapped geologic hazard area. Please review city mapping to determine if landslide hazards, seismic hazards, or erosion hazards are mapped on the property.

ASCE-7 wind design for structures involves topographic and exposure effects. The City has mapping available for accepted values to be used in design. Please refer to the link above for design criteria.

1. [If Existing utility pole or attached to existing structure] If no ground disturbance is planned for this development, a geotechnical report is not required for development and no statement of risk is required.

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2. [If condition use provided] Conditional use permit content: Required when building permit required: Building permit not required for R.O.W. projects. Provide specifications of new pole to building department for review prior to construction.
3. The location is shown on Figure 1 is south and east of the red property line, and in the right-of-way. A permit is not required for work located primarily in the public way per MICC 17.14.010 Section 105.2.2:

105.2.2 Public service agencies or Work in the Public Way.

1. *A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies established by right.*
2. *A permit shall not be required for work located primarily in a public way, public utility towers and poles (but not exempting wireless communications facilities not located in a public way) and hydraulic flood control structures.*

4. RCW 19.28.141 requires the City to adhere to the same permitting and inspection standards applicable to basic electrical work as are enforced by the department of labor and industries. The Right-of-Way exemption above thus does not apply to electrical permitting and inspection, which is required for this proposal.

Planning Comments:

Planning Contact: Ryan Harriman, EMPA, AICP – Planning Manager, Email: ryan.harriman@mercerisland.gov PHONE. 206-275-7717

NOTE: *The Community Planning & Development Department (CPD) will not be responsible for responding to comments and inquiries from the public. The Applicant shall appoint a project contact who shall be responsible for answering questions and inquiries from the public. Do not list anyone from CPD as the contact person for this project or who the public can ask project related questions. CPD will accept public comments in writing or email format and will add them to the official record. The Applicant shall provide a response to the commentor and provide CPD with a copy to include into the record.*

NOTE: *The Public Works Department shall provide mailing list, mailing labels, and a map showing the properties the public notice will be sent to. If the proposed development occurs on a parcel, we need a mailing list that includes all property owners within 300-feet them the property lines of the subject property. If the proposed development is in the public right-of-way er will need a mailing list that includes all property owners within 300-feet of the adjacent parcel and parcel opposite the adjacent parcel.*

MICC 19.06.100 Essential public facilities.

1. [MICC 19.06.100](#) establishes a process for identifying, siting and regulating essential public facilities (EPFs).
2. Nothing in [MICC 19.06.100](#) shall be construed as precluding the siting of new EPFs, or the expansion or modification of existing EPFs, in contravention of applicable state law. This chapter shall be interpreted in a manner consistent with the requirements of the Growth

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Management Act, RCW Chapter 36.70A, as now enacted or hereafter amended, and other applicable statutes and regulations.

3. [MICC 19.06.100](#) is intended to:
 - a. Ensure that EPFs, as needed to support orderly growth and delivery of public services, are identified, sited and regulated for the public health, safety and welfare in a timely and efficient manner.
 - b. Ensure that public services are available and accessible to Mercer Island and that the facilities are sited and constructed to provide those services in a timely manner.
 - c. Provide the city with additional regulatory authority to require mitigation of impacts that may occur because of siting, operating, modifying, or expanding an EPF.
 - d. Promote enhanced public participation that will produce EPF decisions consistent with community goals and the comprehensive plan.
- B. *Preapplication meeting required.* Prior to submitting a conditional use permit application, an EPF applicant is required to attend a preapplication meeting consistent with the preapplication provisions of [Chapter 19.09 MICC](#) and [Chapter 19.15 MICC](#). The preapplication meeting is required as a means for applicants to present facility and siting proposals, seek information about potential sites, and propose possible mitigation measures.
- C. *Public participation.* The applicant shall present a public participation plan for city review and comment as part of the preapplication meeting. Applicants shall conduct local outreach efforts with early notification to prospective neighbors to inform them about the project and to engage residents in the development of the proposal, site planning and mitigation design prior to submittal of a conditional use permit application.
- D. *Conditional use permit required.* An EPF shall require a conditional use permit in all zones. Outside of the Town Center zone, an application for a conditional use permit shall follow the procedure and meet the criteria in [Chapter 19.15 MICC](#). In addition, regardless of the proposed location of the EPF, materials showing compliance with the following items must be submitted:
 1. *Documentation of need.* The applicant must demonstrate the need for the proposed EPF. Included in the analysis of need should be the projected service population, an inventory of existing and planned comparable facilities and projected demand for this type of essential public facility.
 2. *Consistency with applicant's plans.* The proposal shall be consistent with the applicant's own long-range plans for facilities and operations.
 3. *Consistency with Mercer Island Comprehensive Plan.* The proposal shall be consistent with the Mercer Island Comprehensive Plan.
 4. *Minimum site requirements.* The applicant shall submit documentation showing the minimum siting requirements for the proposed facility. Site requirements may be determined by the following factors: minimum size of the facility, access, support facilities, topography, geology, and mitigation needs. The applicant shall also identify future expansion needs of the facility.
 5. *Alternative site selection.* The applicant shall search for and investigate alternative sites before submitting a proposal for conditional use permit approval. The proposal shall indicate

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whether any alternative sites have been identified that meet the minimum site requirements of the facility.

6. *Proposed impact mitigation.* The proposal must include adequate, appropriate and reasonable mitigation measures for the impacted area(s) and community. Mitigation measures may include, but are not limited to, natural features that will be preserved or created to serve as buffers, other site design elements used in the development plan, and/or operational or other programmatic measures contained in the proposal. The proposed measures shall be adequate to substantially reduce or compensate for anticipated adverse impacts created by the proposed facility.
- E. *Design review.* In addition to conditional use permit approval, design review pursuant to [Chapter 19.15 MICC](#) is required for any regulated improvements. The proposed development is not a regulated improvement pursuant to [MICC 19.16.010](#) and is exempt from Design Review.
- F. *Independent consultant review.* The code official may require independent consultant review of the proposal to assess its compliance with the criteria contained in this chapter, as well as the conditional use permit criteria. If independent consultant review is required, the applicant shall make a deposit with the city sufficient to defray the cost of such review. Unexpended funds, if any, will be returned to the applicant following the final decision on the application.

MICC 19.06.110 Conditional use permits.

1. *Purpose.* A use may be authorized by a conditional use permit for those uses listed in chapters 19.02 and 19.11 MICC. The intent of the conditional use permit review process is to evaluate the particular characteristics and location of certain uses relative to the development and design standards established in this title. The review shall determine if the development proposal should be permitted after weighing the public benefit and the need for the use with the potential impacts that the use may cause.
2. *Criteria for conditional use permits that are not located in Town Center.* An applicant must demonstrate how the development proposal meets the following criteria:
 - a. The permit is consistent with the regulations applicable to the zone in which the lot is located;
 - b. The proposed use is determined to be acceptable in terms of size and location of site, nature of the proposed uses, character of surrounding development, traffic capacities of adjacent streets, environmental factors, size of proposed buildings, and density;
 - c. The use is consistent with policies and provisions of the comprehensive plan; and
 - d. Conditions shall be attached to the permit assuring that the use is compatible with other existing and potential uses within the same general area and that the use shall not constitute a nuisance.
3. No building permit, business license, or other permits related to the use of the land shall be issued until final approval of the conditional use permit.
4. *Change after conditional use permit granted.*
 - a. *Change of ownership.* Conditional use permits granted shall continue to be valid upon change of ownership of the site.

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- b. *Change of use.* Modifications to the use shall require an amendment to the conditional use permit and shall be subject to the review process in Chapter 19.15 MICC.
- c. *Applicability.* A conditional use permit shall be applicable only to the property for which it was granted, as defined by the legal description of the property boundaries submitted with the conditional use permit application ("permitted property"). The use(s) permitted under a conditional use permit shall not extend beyond the permitted property to adjoining property or property added to the permitted property unless the conditionally approved use(s) are already allowed on the adjoining or added property or a new conditional use permit is granted for the adjoining or added property.

State Environmental Policy Act (SEPA) Review:

- 1. The proposed scope of work requires SEPA review. The proposed development is not exempt from SEPA review pursuant to WAC 197-11-800.
- 2. SEPA may not be consolidated and shall be completed prior to the public hearing.

Other:

- 1. Vesting: Please see the standards in MICC 19.15.170.
- 1. Application fees
 - a. Deposit due at time of application
 - b. Review time is billed hourly against the deposit; additional fees may be requested if additional review time is required.
 - c. When third-party technical review is required (e.g. geotechnical, wetland, watercourse etc.), this is billed separately, in addition to staff review time.
- 2. Permits/Reviews Required:
 - d. Conditional Use Permit (CUP) – Essential Public Facility;
 - e. SEPA review;
 - f. Electrical permit; and
 - g. Right-of-way use permit.
- 3. Land Use Application Process and Estimated Timeline:
 - h. Required land use approvals
 - i. Describe options and the required land use approvals for each option
 - i. Summary of procedural steps
 - i. Pre-Application meeting
 - ii. Submit application electronically
 - iii. Application Completeness Check
 - iv. Notice of Application (incl. public notice via sign on site, mailing, notice in bulletin) beginning 30-day comment period; review begins
 - v. Review comments may be sent out if needed
 - vi. Public hearing
 - vii. Notice of Decision
 - viii. Appeal period

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Land Use Decisions

Type of Review	Target
Completeness Review	4 weeks
First review	8-12 weeks
Second and subsequent reviews	6 weeks
Staff Report / Decision (following completion of review)	3-4 weeks

For more information on Land Use and Planning please refer to this useful webpage:

<https://www.mercerisland.gov/cpd/page/land-use-application-forms-and-submittal-requirements>

Pre-Application Fees:

The minimum fee for the pre-application meeting must be paid to initiate the pre-application process. If staff time exceeds the minimum hours allotted, the applicant will be invoiced via email for additional staff hours at the current hourly rate. Note: All involved staff members track time spent researching and preparing, attending the meeting, corresponding, responding to questions pre and post meeting, and/or on any other activity related to the pre-application process for the project. Applicants who continue to discuss the meeting with staff should expect to be invoiced for additional staff time.

2023 Pre-application Fees	
Type 1 Pre-Application Meeting: \$954 minimum fee, plus charges for any staff time spent on the pre-application over 6 hours. Any additional staff time is charged at a rate of \$159/hour.	Type 2 Pre-Application Meeting: \$1,908 minimum fee, plus charges for any staff time spent on the pre-application over 12 hours. Any additional staff time is charged at a rate of \$159/hour.
<i>Please Note: Fees will continue to accrue, post pre-application meeting, in situations where the applicant requests follow up or has additional questions that require additional staff time. Fees will be assessed at the hourly staff rate in place at the time of accrual and invoiced via email.</i>	

Conditional Use Permit: \$16,695

SEPA Review: \$1,272

Right-of-way Permit:

If the poles and antennas are installed at the same time, then the Underground Improvements in an Unpaved Area ROW permit would apply for each pole location to cover both activities. If the antennas are installed later by a different contractor, then those would be additional permits for each location using the Miscellaneous ROW permit category.

Underground Improvements in an Unpaved Area of the Right of Way	\$301 + hourly fee for plan review and inspection at \$159/hour (2023 fee rate)
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Miscellaneous Right of Way Use	\$226 + hourly fee for plan review and inspection at \$159/hour (2023 fee rate)
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Electrical Permits:

Electrical Permits are required for work on private property.

Electrical Permit Fees	
Minimum Permit Fee	\$188
Inspection (Hourly)	\$188
Electrical Plan Review (hourly)	\$159

Best Regards,

Ryan Harriman

Ryan Harriman, EMPA, AICP
 Planning Manager
 Community Planning & Development
 City of Mercer Island

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