
CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



CONDITIONAL USE PERMIT

STAFF REPORT CUP25-002 (Exhibit 1)

Project Number: CUP25-002

Project Name: AMI Water Meter Location 1

Land Use

Review Type: Type IV

Description: A request for a Conditional Use Permit (“CUP”) for installation of water meter data collection equipment (“Project”). The Project is considered an Essential Public Facility (“EPF”) Mercer Island City Code (MICC) 19.16.010(E). An EPF requires a Conditional Use Permit in all zones pursuant to MICC 19.06.100(D).

Applicant/ Owner: Alaine Sommargren / City of Mercer Island

Site Address: The proposed development is located in the right-of-way adjacent to the intersection of SE 32nd St. and W Mercer Way, Mercer Island, WA 98040
Identified by King County Assessor tax parcel number: Located in the Right-of-Way.

Zoning District: R-8.4

Key Project Dates:

Date of Application:	March 4, 2025
Determined to Be Complete:	March 17, 2025
Bulletin Notice:	March 17, 2025
Date Mailed:	March 17, 2025
Date Posted on the Subject Property:	March 17, 2025
Comment Period Ended:	5:00 PM on April 16, 2025
SEPA Issued	April 21, 2025
Appeal Deadline	May 5, 2025
Notice of Public Hearing Issued:	May 19, 2025
Notice of Public Hearing Bulletin Notice:	May 19, 2025
Notice of Public Hearing Date Mailed:	May 19, 2025
Notice of Public Hearing Date Posted on the Subject Property:	May 19, 2025
Date of Open Record Public Hearing:	9:30 AM on June 26, 2025

Staff Contact: Tony Newton, Assistant Planner

Exhibits:

1. CUP25-002 Staff Report, dated June 26, 2025;
2. Development Application;
3. Project Narrative;
4. Pre-Application Meeting Notes;
5. Determination of Complete Application;
6. Notice of Application;
7. Public Participation Plan;
8. Plan Set;
9. Zoning Map;
10. SEPA Optional Determination of Nonsignificance, issued April 21, 2025;
11. Notice of Public Hearing, issued May 19, 2025.
12. Code Compliance Matrix
13. Engineering Letter
14. SEPA Checklist

I. APPLICATION OVERVIEW

Project Overview: The Applicant is proposing to install water meter data collection equipment on utility poles or other structures located across Mercer Island. The proposed locations were identified due to their ability to capture transmissions from water meters across Mercer Island.

The data collection equipment for AMI Water Meter Location 1 is proposed to be installed in the right-of-way (ROW) at the intersection of at W. Mercer Way & SE 32nd St. The data collection equipment would include two elements: a coated aluminum box approximately 22-inches by 22-inches by 10.5-inches in size (base station) and an antenna that is approximately 9-feet, 1-inches tall and 1.5-inches wide. Installation of the base station and antenna would be on a Puget Sound Energy (PSE)-owned pole in the ROW. A new 55-foot pole will be installed by PSE to replace an existing PSE pole. The base station will be installed on the pole approximately 15-feet from the ground and the antenna will be installed at the top of the 55-foot pole (reaching a total height of 64-feet 1-inch).

The staging and construction area would be approximately 40-feet by 40-feet (160-square feet). Installation machinery would include a manlift. All construction would occur over 1-2 days during daylight hours and include up to three construction workers; no nighttime work is proposed.

Background: The City operates a water utility meter reading program that involves reading 82 percent of meters manually and reading 18 percent of meters through a radio read system. Water metering information is used in the City's utility billing system, from which utility billing statements are generated.

In 2018, the City began evaluating options to improve its water metering practices, which led to a comprehensive Water Meter Replacement Program ("the Program"). The Program includes implementing an Advanced Metering Infrastructure ("AMI") system that has involved replacement of nearly 7,900 existing water meters with new smart meters, standardized in type and technology. This will enable a meter-reading approach that will best support reduced water loss and improved water resource management. The new meters will automatically transmit water usage data to the City on an hourly basis via data collection equipment on utility poles or other structures.

Location: The subject property is located in the right-of-way adjacent to the intersection of W. Mercer Way & SE 32nd ST.

Existing Conditions: The existing site has pre-disturbed ground cover; no vegetation is anticipated to be removed or altered. Likewise, no trees are proposed for removal or alteration. There are no anticipated

stormwater runoff or surface water issues as the data box and antenna will not create any ground disturbance or impervious surfaces.

Access: The subject property is in the right-of-way and can be accessed from SE 32nd or W Mercer Way.

Contact Information:

Contact	Applicant:	Engineer
Alaine Sommargren City of Mercer Island 9611 SE 36th Street Mercer Island, WA 98040 (206) 275-7608	Same as Contact	Bush, Roed & Hitchings, INC. 15400 SE 30th PL STE 100 Bellevue, WA 98007-6546 (206)-323-4144

Terms used in this staff report:

Term	Refers to, unless otherwise specified:
Applicant	Alaine Sommargren / City of Mercer Island
Proposed development	City of Mercer Island Water Meter Data Collector Installation Project; Location 1
Subject property, site	The subject property or site where the proposed development is located, as defined in this staff report
City	City of Mercer Island
MICC	Mercer Island City Code
Code Official	City of Mercer Island Community Planning and Development Director or a duly authorized designee
Conditional Use Permit	The application request by the Applicant.
EPF	Essential Public Facility

II. PROCEDURE AND NOTICE REQUIREMENTS

1. Review Type: Applications for Conditional Use Permit (“CUP”) approvals are required to be processed as a Type IV land use review pursuant to MICC 19.15.030. Type IV land use reviews require a notice of application, a 30-day public comment period, and a notice of decision. Processing procedures and requirements for Type IV land use reviews are further detailed in MICC 19.15.030. CUP approval criteria are located within MICC 19.06.110(A) and Essential Public Facility (“EPF”) criteria are located within MICC 19.16.010(E).

Staff Finding: The application for the proposed development was correctly classified and processed as a Type IV land use review.

2. Application: The application for the proposed development (**Exhibit 2**) was submitted on March 4, 2025, the application for the proposed development was deemed complete for the purpose of review on March 17, 2025 pursuant to MICC 19.15.070 (**Exhibit 5**).

Staff Finding: The application for the proposed development is consistent with the procedures of MICC 19.15.070.

3. Notice of Application: The City issued a notice of application for the proposed development on March 17, 2025, consistent with the provisions of MICC 19.15.090, which include the following methods: a mailing sent to neighboring property owners within 300-feet of the subject property; a notice sign posted on the subject property; and publication in the City’s weekly permit bulletin. The notice of

application began a 30-day comment period, which took place on March 17, 2025 through April 16, 2025 (**Exhibit 6**).

Staff Finding: The notice of application and comment period are consistent with the provisions of MICC 19.15.090.

4. Preliminary Plan Set: The Applicant provided a preliminary plan set (**Exhibit 8**) for the proposed development.

5. Opportunities for Public Comment: The 30-day public comment period took place on March 17, 2025 through April 16, 2025.

Staff Finding: No public comments were received during the public comment period.

6. Response to Public Comment:

Staff Finding: No public comments were received during the public comment period.

7. SEPA Review: The SEPA responsible official for the City determined that the proposed development does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) was not required pursuant to RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist. An Optional Determination of Nonsignificance (“ODNS”) was issued on April 21st, 2025 (**Exhibit 10**), no appeals were filed.

Staff Finding: The SEPA review was completed consistent with the provisions of WAC 197-11 and Chapter 19.21 MICC.

8. Public Hearing: Pursuant to MICC 19.15.030 Table A and B, a public hearing is required for a CUP. A Notice of Public Hearing (**Exhibit 11**), for the June 26, public hearing, was provided to the public as required by MICC 19.15.100(D) on May 19, 2025.

Staff Finding: The public hearing was noticed appropriately pursuant to the provisions of MICC 19.15.100.

III. ZONING AND COMPREHENSIVE PLAN DESIGNATIONS

1. Site Zoning & Land Use: The subject property is zoned Single Family Residential, R-8.4. According to MICC 19.02.010, essential public facilities are allowed within the R-8.4 zone by a CUP.

Staff Finding: The proposed development is consistent with the permitted uses provided in MICC 19.02.010.

2. Comprehensive Plan Policies: The City of Mercer Island Comprehensive Plan is a forward-looking plan for the development of the City, fulfilling the Washington Growth Management Act (GMA) requirements. The subject property is zoned R-8.4 and the use, though allowed by a CUP, is consistent with the MICC. The proposed development conforms to the MICC, which ultimately means it complies with the spirit of the comprehensive plan since these regulations have been created to ensure the vision of the plan is met. The proposed development is consistent and compatible with the Single Family Residential, R-8.4, land use designation and the policies of the City of Mercer Island Comprehensive Plan: Planning for Generations 2015-2035, adopted in 2016.

Staff Finding: The proposed development is consistent with the Comprehensive Plan.

3. Adjacent Zoning and Comprehensive Designations: The proposed development is compatible with the surrounding zoning and Comprehensive Plan designations as follows:

	Zoning Designation	Comprehensive Plan Designation
North	R-8.4	Single Family Residential R-8.4
South	R-8.4	Single Family Residential R-8.4
East	R-8.4	Single Family Residential R-8.4
West	R-15	Single Family Residential R-15

Staff Finding: The proposed development is consistent with the Comprehensive Plan.

IV. CONSISTENCY WITH THE ESSENTIAL PUBLIC FACILITY STANDARDS

1. MICC 19.06.100 establishes a process for identifying, siting and regulating essential public facilities (EPFs).

A. *MICC 19.06.100(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 Chapters 19.09 and 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 proposed possible mitigation measures.

Staff Finding: A preapplication meeting (PRE24-076) was held on November 19, 2024. Alaine Sommargren was present to represent the Applicant, and representatives from the Community Planning and Development Department were present. Notes were provided to the Applicant at the close of the preapplication meeting (**Exhibit 4**).

B. *MICC 19.06.100(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.

Staff Finding: The Applicant submitted a public participation plan (**Exhibit 7**) that describes local outreach efforts to prospective neighbors to inform them about the proposed development and engage residents. The Applicant sent letters and door hanger notifications to property owners within a 300-foot radius of the base station location on March 17th, 2025, which informed residents about the proposed development and conditional use permit process. The Applicant also published details regarding the proposed development on the City of Mercer Island’s Let’s Talk webpage.

C. *MICC 19.06.100(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. Within the Town Center zone, an application for a conditional use permit shall follow the procedure and meet the criteria in chapter 19.15 MICC and MICC 19.15.040. In addition, regardless of the proposed location of the EPF, materials showing compliance with the following items must be submitted:

Staff Finding: The Applicant submitted a conditional use permit application to the City of Mercer Island on March 4, 2025. The application was deemed complete on March 17, 2025 (**Exhibit 5**).

1. 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.

Staff Finding: The City operates a water utility meter reading program that involves reading 82 percent of meters manually and reading 18 percent of meters through a radio read system. Water metering information is used in the City's utility billing system, from which utility billing statements are generated.

Staff Finding: In 2018, the City began evaluating options to improve its water metering practices, which led to a comprehensive Water Meter Replacement Program (the Program). The Program includes implementation of an Advanced Metering Infrastructure (AMI) system to replace the 7,900 existing water meters with new smart meters, standardized in type and technology. This will enable a meter-reading approach that will best support reduced water loss and improved water resource management. The new meters will automatically transmit water usage data to the City on an hourly basis via data collection equipment placed in a total of seven locations throughout Mercer Island. The proposed meter is located at Location 1.

2. The proposal shall be consistent with the applicant's own long-range plans for facilities and operations.

Staff Finding: The proposed development is part of the implementation of the Program and will contribute to the goal of improved water resource management, which is the overall long-range plan for facilities and operations.

3. The proposal shall be consistent with the Mercer Island Comprehensive Plan.

Staff Finding: The Mercer Island Comprehensive Plan calls for the City to provide adequate water supply and improved water quality to the water service area now and in the future. The meter replacement program is a capital project designed to fulfill that requirement through implementing the City of Mercer Island's Comprehensive Plan, Chapter 6, Capital Facilities Goals and Policies, Goal 1 (1.1, 1.2, 1.3, 1.9, 1.15, and 1.18).

4. 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.

Staff Finding: The site requirements that informed the location of the proposed development were primarily based on the AMI system performance requirements in which a certain percentage of meters must be read within a certain number of days. The site requirements that were analyzed in the selection of the site included tree canopy cover, proximity to other utilities and meters, topography, and the existing characteristics of the site. There are no future expansion needs anticipated.

5. The applicant shall search for and investigate alternative sites before submitting a proposal for conditional use permit approval. The proposal shall indicate whether any alternative sites have been identified that meet the minimum site requirements of the facility.

Staff Finding: The Applicant is proposing to install water meter data collection equipment on utility poles or other structures across Mercer Island. A propagation study was completed on January 10, 2024 to assist with location selection. The proposed locations were identified due to their ability to capture transmissions from water meters across Mercer Island. The proposed location is not in the Town Center Zone.

6. 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.

Staff Finding: The proposed development would not cause any permanent impact to the natural or built environment. The site, W. Mercer Way & SE 32nd St. is within a geologically hazardous area (landslide and erosion hazard area). The Project would be exempt from provisions of Chapter 19.07 MICC as a minor expansion of public utility structures and their associated facilities (MICC 19.07.120(D)(2)). Consistent with MICC 19.07.100, reasonable methods are proposed to minimize impacts to the geologically hazardous area. The development proposal is minor in nature and will not increase the risk of landslide, erosion, or harm from seismic activity.

- D. MICC 19.06.100(E) Design review required. In addition to conditional use permit approval, design review pursuant to chapter 19.15 MICC is required for any regulated improvements. Design review may be consolidated with the conditional use permit review pursuant to chapter 19.15 MICC.

Staff Finding: The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and does not require design review.

V. CONSISTENCY WITH CONDITIONAL USE PERMIT APPROVAL CRITERIA

1. MICC 19.06.110(A) lists criteria for approval of Conditional Use Permits.
 - A. *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.
 - B. *Criteria for conditional use permits that are not located in Town Center.* An applicant must demonstrate how the development proposal meets the following criteria:
 1. The permit is consistent with the regulations applicable to the zone in which the lot is located.

Staff Finding: Per MICC 19.06.100(D), Essential Public Facilities are permitted in all zones with the approval of a conditional use permit.
 2. 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.

Staff Finding: The existing site is pre-disturbed ground cover; no vegetation is anticipated to be removed or altered. Likewise, no trees are proposed for removal or alteration. There are no anticipated stormwater runoff or surface water issues as the data box and antenna will not create any ground disturbance or impervious surfaces.
 3. The use is consistent with policies and provisions of the comprehensive plan.

Staff Finding: Policies 2.1 and 2.7 of the Utilities Element in the Comprehensive Plan encourage cost-effective and reliable water supply. The proposed development contributes to water conservation and efficiency by improving water metering practices. The proposed

development enables a meter-reading approach that will best support reduced water loss and improved water resource management.

4. 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.

Staff Finding: Conditions of approval have been attached below.

VI. CONSISTENCY WITH CONDITIONAL USE CRITERIA IN SINGLE-FAMILY ZONES

1. MICC 19.02.010(C)(1) lists conditions for government services, public facilities, utilities, and museums and art exhibitions located in single-family zones.

- A. All structures shall be located at least 20-feet from any abutting property.

Staff Finding: The proposed structure would be located at least 20-feet from any abutting property (**Exhibit 8**).

- B. Off-street parking shall be established and maintained at a minimum ratio of one parking space for each 200 square feet of gross floor area.

Staff Finding: The proposed development does not result in an increase of gross floor area on the subject property.

- C. Utilities shall be shielded from abutting properties and streets by a sight obscuring strip of trees or shrubs.

Staff Finding: The proposed utilities would not alter the character of the subject property, which contains other utilities including a wireless communication facility.

VII. RECOMMENDED CONDITIONS OF APPROVAL

1. The proposed development shall be in substantial conformance with (**Exhibit 8**) and all applicable development standards contained within Mercer Island City Code (MICC) Title 19.
2. The Applicant shall obtain any permits from state and federal agencies that are applicable to the proposed development. The Applicant is also responsible for documenting any required changes to the proposed development due to conditions imposed by any applicable local, state, and federal government agencies.
3. A City of Mercer Island Building Permit may be required for construction of the proposed development.
4. Construction of the proposed development shall only occur during approved construction hours by the City of Mercer Island and/or as otherwise restricted by the Building Official.
5. Per MICC 19.15.200, revisions that result in substantial changes, as determined by the code official, shall be treated as a new application for purposes of vesting. For the purposes of this section, "substantial change" includes the creation of additional lots, the elimination of open space, substantial changes in access, or changes to conditions of approval. Additionally, the need for the modification was not known and could not have been reasonably known before the approval was granted.
6. Per MICC 19.15.150, land use review approvals shall expire three years from the date of notice of decision if the development proposal authorized by the land use review is not commenced. For the purposes of this section, the development proposal shall be considered established if

construction or substantial progress toward construction of a development proposal for which a land use review approval has been granted must be undertaken within two years of the date of notice of decision of the land use review. Where no construction activities are involved, the use or activity shall be commenced within three years of the date of notice of decision of the land use review.

VIII. DEVELOPMENT REGULATION COMPLIANCE – DISCLOSURE

1. Compliance with all local, state and federal regulations is required.

IX. RECOMMENDATION

Staff reviewed the proposed development application in accordance with standards for essential public facilities and criteria for conditional use permits. The staff report and recommendations to the Hearing Examiner are based on the application and all supplemental information. The Hearing Examiner may approve, approve with conditions, or deny the proposal. Staff recommends that the Hearing Examiner **Approve with Conditions**, City File Number CUP25-002.

Recommended this 26th day of June 2025.

Tony Newton

Tony Newton
Assistant Planner
City of Mercer Island
Community Planning & Development Department



CITY USE ONLY		
PROJECT NO.	RECEIPT NO.	FEE
Date Received:		
Received By:		

DEVELOPMENT APPLICATION

A Development Application form is required to be completed for any land use project within the City of Mercer Island. Additional supplemental information for each specific land use permit requested is required. See below for land use permits and associated permit forms.

PROPERTY INFORMATION

Property Address: _____

Parcel Number(s): _____

Gross Lot Area(s): _____

Net Lot Area(s): _____

Zone: _____

Shoreline Environment Designation: Urban Residential
 (if located within 200 feet of Lake Washington) Urban Park

CRITICAL AREAS ON PROPERTY

GEOLOGICALLY HAZARDOUS AREAS

- Potential Landslide Hazard
- Erosion Hazard
- Seismic Hazard
- Steep Slope

WATERCOURSES

- Type F
- Type Np
- Type Ns
- Piped
- Unknown

WETLANDS

- Category I
- Category II
- Category III
- Category IV
- Unknown

PROPERTY OWNER INFORMATION

Name:	Company (if applicable):
Address:	E-Mail:
Phone:	

APPLICANT/REPRESENTATIVE INFORMATION Same as property owner

Name:	Company (if applicable):
Address:	E-Mail:
Phone:	

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature

Date

PROPOSED APPLICATION(S) AND CLEAR DESCRIPTION OF PROPOSAL (please use additional paper if needed):

INDICATE REQUESTED LAND USE APPROVALS

CRITICAL AREAS		ENVIRONMENTAL REVIEW (SEPA)		SUBDIVISION	
	Critical Area Review 1		Environmental Impact Statement		Short Plat- Preliminary
	Critical Area Review 2		SEPA Review		Short Plat- Alteration
DESIGN REVIEW		LEGISLATIVE			Short Plat- Final Plat
	Design Review – Signs		Code Amendment		Long Plat- Preliminary
	Design Review – Code Official		Comprehensive Plan Docket Application		Long Plat- Alteration
	Design Commission Study Session		Comprehensive Plan Application (If Docketed)		Long Plat- Final Plat
	Design Commission Review – Exterior Alteration		Rezone		Lot Line Revision
	Design Commission Review – Major New Construction	OTHER LAND USE		WIRELESS COMMUNICATION FACILITIES	
			Accessory Dwelling Unit		New Wireless Communication Facility
DEVIATIONS			Code Interpretation Request		Wireless Communications Facilities- 6409 Exemption
	Deviations to Antenna Standards – Code Official		Conditional Use (CUP)		Small Cell Deployment
	Deviations to Antenna Standards – Design Commission		Noise Exception Type I - IV		Height Variance
	Public Agency Exception		Other Permit/Services Not Listed		
	Reasonable Use Exception	SHORELINE MANAGEMENT			
	Variance		Shoreline Exemption		
	Seasonal Development Limitation Waiver – Wet Season Construction Approval		Shoreline Substantial Development Permit		
			Shoreline Variance		
			Shoreline Conditional Use Permit		
			Shoreline Permit Revision		

LAND USE APPLICATION SUBMITTAL REQUIREMENTS

Each Land Use Application requested above must be accompanied by the appropriate land use application form and required materials. Refer to the [City of Mercer Island Permit Forms](#) webpage for a complete list of all land use application forms and submittal requirements.

CONDITIONAL USE PERMIT APPLICATION PROJECT NARRATIVE

INTRODUCTION

The City of Mercer Island (City) Public Works Department (Applicant) is seeking a Conditional Use Permit (CUP) for installation of water meter data collection equipment (Project). The project is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E. An EPF requires a Conditional Use Permit in all zones (MICC 19.06.100.(D)).

BACKGROUND AND NEED FOR THE PROJECT

The City operates a water utility meter reading program that involves reading 82% of meters manually and reading the remaining 28% through a radio read system. Water metering information is used in the City's utility billing system, from which utility billing statements are generated.

In 2018, the City began evaluating options to improve its water metering practices, which led to a comprehensive Water Meter Replacement Program (the Program). The Program includes implementing an Advanced Metering Infrastructure (AMI) system that has involved replacement of nearly 7,900 existing water meters with new smart meters, standardized in type and technology. This will enable a meter-reading approach that will best support reduced water loss and improved water resource management. The new meters will automatically transmit water usage data to the City on an hourly basis via data collection equipment on utility poles or other structures.

PROJECT DESCRIPTION

The Applicant is proposing to install water meter data collection equipment on utility poles or other structures across Mercer Island. A propagation study was completed on 1/10/2024 to assist with location selection. The proposed locations were identified due to their ability to capture transmissions from water meters across Mercer Island. The proposed location is not in the Town Center Zone.

The data collection equipment at W. Mercer Way & SE 32nd St. (project site) is proposed for installation in the City right-of-way (ROW). The data collection equipment would include two elements: a coated aluminum box approximately 22-inches by 22-inches by 10.5-inches in size (base station) and an antenna that is approximately 9 feet, 1 inch tall and 1.5 inches wide. Installation of the base station and antenna would be on a Puget Sound Energy (PSE)-owned pole in the ROW. A new 55' pole will be installed by PSE at 47.581830, -122.248637 (See Figure 1: Site Map) to replace an existing PSE pole. The base station will be installed on the pole approximately 15 feet from the ground and the antenna will be installed at the top of the 55-foot pole (reaching a total height of 64 feet 1 inch) (See Figure 2: Pole Diagram).

CRITICAL AREAS

The City of Mercer Island defines critical areas as geologically hazardous areas, fish and wildlife habitat conservation areas, watercourses, and wetlands (MICC 19.16.010) and requires any development activity, and all structures and facilities that contain critical areas and/or their buffers to be reviewed prior to authorization of development (MICC 19.07.020).

According to our desktop review, W. Mercer Way & SE 32nd St. is within a geologically hazardous area (landslide and erosion hazard area). The Project would be exempt from provisions of Chapter 19.07 MICC as a minor expansion of public utility structures and their associated facilities (MICC 19.07.120(D)(2)). However, a review of mitigation sequencing is provided in the Code Compliance Matrix.

Consultation with the code official occurred during the pre-application meeting for the project where critical area study requirements were waived (pursuant to MICC 19.07.119). Consistent with MICC 19.07.100, reasonable methods are proposed to minimize impacts to the geologically hazardous area. Please see compliance with mitigation sequencing under Decision Criteria below. The development proposal is minor in nature and will not increase the risk of landslide, erosion, or harm from seismic activity.

CONSTRUCTION

The new pole upon which the equipment will be mounted will be designed and installed by PSE, who will coordinate the permitting of said effort with the City through permit requirements established in its franchise agreement. As that design/construction effort will be initiated by PSE, the construction notes provided here do not address installation of the pole itself; rather, the focus of this discussion is upon the attachment of the data box and associated antenna to the pole.

The staging and construction area would be approximately 40 feet by 40 feet (160 square feet). Installation machinery would include a manlift. All construction would occur over 1-2 days during daylight hours and include up to three construction workers; no nighttime work is proposed.

The existing site is pre-disturbed ground cover; no vegetation is anticipated to be removed or altered. Likewise, no trees are proposed for removal or alteration. There are no anticipated stormwater runoff or surface water issues as the data box and antenna will not create any ground disturbance or impervious surfaces.

OPERATIONS

Post-installation, minimal equipment maintenance is required. In the event of an emergency or malfunctioning equipment, an initial investigation can be completed remotely. If the situation cannot be resolved remotely, a site visit would occur by a professional trained technician to maintain the data collection equipment, to inspect the unit and make any necessary adjustment/repairs. For onsite inspection and maintenance of the antenna, a lift truck would be used.

STATE ENVIRONMENTAL POLICY ACT

The State Environmental Policy Act (SEPA) is required to be fulfilled for this Project. A SEPA Checklist is included with this submittal.

SCHEDULE

The schedule is highly dependent on receiving permit approvals and lead times on construction materials. The applicant would like the equipment to be in service by the end of Q2 2025 to support the Program schedule.

DECISION CRITERIA

Review of the MICC development criteria required to be met for proposal approval (MICC 19.06.100, 19.06.110, 19.06.120 and 19.07.100) is included in the Code Compliance Matrix document submitted with this application package.

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 (PRE24-076)

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:	City of Mercer Island Water Meter Data Collector Installation Project W. Mercer Way and SE 32nd St.	Parcel Number	ROW
Lot Size:	NA	Zoning:	R-8.4 (Single Family)
Brief Project Description:	The City of Mercer Island Public Works Department (Applicant) is proposing installation of data collection equipment City of Mercer Island Water Meter Data Collector Installation Project at the W. Mercer Way and SE 32nd St. Intersection to support the Mercer Island Meter Replacement Program.	Documents Provided:	<ol style="list-style-type: none">1. Pre-Application Meeting Request Form2. Cover Letter3. Application Questions4. Project Description5. Drawing set6. Tree Inventory Worksheet7. 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:	Not Applicable	Click for explanation if necessary	

Applicant Questions:

1. **According to (MICC 19.07.120(D)(2) the three proposed locations would be exempt from provisions of Chapter 19.07 MICC as a minor expansion of public utility structures and their associated facilities.**

Staff Response: Based on City mapping, the proposed development may be located within a geologically hazardous area. Pursuant to [MICC 19.07.120\(D\)\(2\)](#), a minor expansion of public utility structures and conveyance systems and their associated facilities including service lines, pipes, mains, poles, equipment and appurtenances, both above and below ground, following consultation with the code official, may be exempt from the provisions of [Chapter 19.07 MICC](#). The proposed development may be exempt from review and compliance with [Chapter 19.07 MICC](#), provided all activities shall use

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reasonable methods to avoid and, if avoidance is not possible, minimize impacts to critical areas and buffers to the greatest extent feasible consistent with [MICC 19.07.100](#), mitigation sequencing.

2. An Essential Public Facility use is allowed in all zoning districts with a CUP. All three locations are within the City right of way within a residential area.

- a. Please confirm all 3 locations are within zoning R 8.4 (Residential 8,400 sq ft. lots) given that they are within the public road right of way.
- b. Please confirm this project requires a CUP for all site locations, regardless of zoning.

Staff Response: The City Zoning Map indicates the area where the proposed development is to be sited is within the Single Family Residential (R-8.4) 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. Can the three proposed locations be addressed with one CUP permit application?

Staff Response: No.

4. Can the three proposed locations be addressed in one SEPA checklist?

Staff Response: No.

5. No trees are proposed for removal.

- a. What documentation do you need to comply with tree regulations given there will be no removal of trees, and the areas all fall within the ROW, which is covered by City Permit 2401-081?

Staff Response: No tree impacts are expected. Submit the approved permit with your CUP application.

6. 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. See notes below.

7. Will installation require a ROW permit from the Public Works Department?

Staff Response: Yes.

8. 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.

9. Please confirm submittal requirements for Location 7

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- 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

Staff Response: All items are required for the submittal. Fees are listed below. Check with the Permit Center to ensure correct amount.

Review Comments:

Fire Comments:

Fire Contact: jhicks@esf-r.org or 425-313-3323.

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.
3. No tree impacts are expected.

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.

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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.
1. [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.

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.*

2. 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).

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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 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.

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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 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.*

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- a. *Change of ownership.* Conditional use permits granted shall continue to be valid upon change of ownership of the site.
- 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.
2. 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.
3. Permits/Reviews Required:
 - a. Conditional Use Permit (CUP) – Essential Public Facility;
 - b. SEPA review;
 - c. Electrical permit; and
 - d. Right-of-way use permit.
4. Land Use Application Process and Estimated Timeline:
 - a. Required land use approvals
 - i. Describe options and the required land use approvals for each option
 - b. 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.

2024 Pre-application Fees	
Type 1 Pre-Application Meeting: \$1,014 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: \$2,028 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 \$169/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: \$17,745

SEPA Review: \$1,352

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	\$321 + hourly fee for plan review and inspection at \$169/hour (2024 fee rate)
Miscellaneous Right of Way Use	\$241 + hourly fee for plan review and inspection at \$169/hour (2024 fee rate)

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Electrical Permits:

Electrical Permits are required for work on private property.

Electrical Permit Fees			
Minimum Permit Fee			\$200
Permit Issuance Fee	N/A	N/A	\$44
Supplemental Permit Issuance Fee			\$31
Electrical Plan Review (hourly)			\$169

Best Regards,

Ryan Harriman

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

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COMMUNITY PLANNING & DEVELOPMENT

206.275.7605
www.mercerisland.gov/cpd

March 17, 2025

City of Mercer Island
Attn: Alaine Sommargren
9611 SE 36th ST
Mercer Island, WA 98040
Via: Email

RE: **CUP25-002 and SEP25-003** Determination of Complete Application; Located in the right of way adjacent to the intersection of SE 32nd St. and W Mercer Way, Mercer Island, WA 98040

The City of Mercer Island received an application for a(n) **Conditional Use Permit** with SEPA for the subject property on 3/4/2025. The City has assigned file number **CUP25-002** to the application. Following review of the application, City staff has determined that the application is procedurally complete and has established a vesting date of 3/17/2025.

The application is scheduled for mailing and posting on 3/17/2025 as required by MICC 19.15.090. A public hearing will be scheduled at a later date.

Formal review of the application will now begin in compliance with Mercer Island City Code, Chapter 19. As review progresses, additional documentation will most likely be requested.

Pursuant to Mercer Island City Code 19.15.110(B), if the applicant fails to provide the required information within 60 days from the date of any request for information, the application shall lapse, and become null and void.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Tony Newton

Tony Newton, Assistant Planner
(206) 275-7715 | tony.newton@mercerisland.gov
City of Mercer Island Community Planning and Development

COMMUNITY PLANNING & DEVELOPMENT

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



PUBLIC NOTICE OF APPLICATION

NOTICE IS HEREBY GIVEN for the application described below:

File No.: CUP25-002 & SEP25-003

Permit Type: Type IV

Description of Request: A request for a Conditional Use Permit with SEPA Review for installation of water meter data collection equipment. The proposed development is considered an Essential Public Facility pursuant to Mercer Island City Code 19.16.010.E. An Essential Public Facility requires a Conditional Use Permit in all zones (MICC 19.06.100(D)).

Applicant/Owner: Alaine Sommargren / City of Mercer Island

Location of Property: Located in the right of way adjacent to the intersection of SE 32nd St. and W Mercer Way, Mercer Island WA 98040

SEPA Compliance:

Following review of the submitted State Environmental Policy Act (SEPA) checklist, an initial evaluation of the proposed project for probably significant adverse environmental impacts has been conducted. The City expects to issue a SEPA Determination of Non-Significance (DNS) for this project. The optional DNS process, as specified in Washington Administrative Code (WAC) 197-11-355, is being used. This may be your only opportunity to comment on the environmental impacts of the proposal. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an Environmental Impact Statement (EIS) is prepared. A copy of the subsequent threshold determination for this specific project may be obtained upon request.

Project Documents: <https://mieplan.mercergov.org/public/CUP25-002>

Written Comments: This may be the only opportunity to comment on this proposal. Written comments on this proposal may be submitted to the City of Mercer Island either by email, in person, or by mail to the City of Mercer Island, 9611 SE 36th Street, Mercer Island, WA 98040-3732. Anyone may comment on the application, receive notice, and request a copy of the decision once made. Only those persons who submit written comments or participate at the public hearing (if a hearing is required) will be parties of record; and only parties of record will have the right to appeal.

Public Hearing and Public Meeting: Pursuant to Mercer Island City Code (MICC) [MICC 19.15.030](#) Table A and B a public hearing is required for Type IV land use reviews. The Hearing Examiner conducts the public hearing and issues a decision on Type IV land use reviews. The public hearing will be advertised in a separate notice for a date to be determined.

Applicable Development Regulations

Applications for Conditional Use Permit approval are required to be processed as a Type IV land use reviews pursuant to [MICC 19.15.030](#). Processing requirements for Type IV land use reviews are further detailed in [MICC 19.15.030](#). The Conditional Use Permit approval criteria is detailed in MICC 19.06.110(A).

Other Associated Permits:

N/A

Environmental Documents:

Copies of all studies and/or environmental documents are available through the above project documents link.

Application Process Information:

Date of Application:	March 4, 2025
Determined to Be Complete:	March 12, 2025
Weekly Permit Bulletin Notice:	March 17, 2025
Date Mailed:	March 17, 2025
Date Posted on Site:	March 17, 2025
Comment Period Ends:	5:00PM on April 16, 2025

Project Contact:

Tony Newton, Assistant Planner
tony.newton@mercerisland.gov | (206) 275-7715



**CITY OF
MERCER ISLAND**

**Water Meter Data Collector Installation Project
Conditional Use Permit Application
Public Participation Plan
Version 3 – November 2024**

Introduction and Purpose

Introduction

The City of Mercer Island (City) Public Works Department (PWD) is seeking Conditional Use Permits (CUP) for installation of water meter data collection equipment (equipment) at several different locations in the City (Water Meter Data Collector Installation Project, or Project). The Project is considered an Essential Public Facility (EPF; Mercer Island City Code [MICC] 19.16.010 – Essential public facilities). An EPF requires a CUP in all zones (MICC 19.06.100.D).

This document outlines the public participation plan (PPP) for the Project. The purpose of a PPP is to provide a framework to “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” (MICC 19.06.100.C).

A CUP requires a review process that allows evaluation of the characteristics and location of a particular proposed use. During the review process, the public benefits, need for use, potential consequences, and appropriate mitigation are identified and weighed by decision-makers. Application for a CUP is required to comply with the Type IV Land Use Review process (19.15.030 – Table B). A Type IV process requires public notifications at the following points of the process:

- Notice of Application (mailing and posting) (MICC 19.15.090)
 - Open Record Hearing (MICC 19.15.090.D)
 - With a 30-day Public Comment Period (MICC 19.15.090.E)
- Public Hearing Notice (MICC 19.15.100)
- Notice of Decision (MICC 19.15.120 and MICC 19.15.090)
- Hearing Examiner Decision (MICC 19.15.140.C)

The State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. During the review process, a SEPA Checklist may be completed as part of the CUP application to identify potential environmental impacts (MICC 19.15.060).

Background and Need

The City operates a water utility customer meter reading program that currently involves reading 82 percent of meters manually and the remaining 28 percent through a radio read system. Water metering information is used in the City’s utility billing system, from which utility billing statements are generated.

In 2018, the City began evaluating options to improve its water metering practices, which led to a comprehensive Water Meter Replacement Program (the Program). The Program includes implementation of an Advanced Metering Infrastructure (AMI) system to replace the 7,900 existing

water meters with new meters, standardizing the equipment in type and technology. This program will enable a meter reading approach that will best support reduced water loss and improved water resource management. These benefits will be realized through the use of AMI technology that allows the new meters to automatically transmit water usage data to the City on an hourly basis via data collection equipment placed in several locations throughout Mercer Island.

Project Description

The Applicant is proposing to install the equipment at two discrete locations on Mercer Island (see Figure 1). The equipment would include two elements: a coated aluminum box approximately 22 inches by 22 inches by 10.5 inches in size (referred to as a “base station”) and an approximately 9-foot, 1-inch antenna.

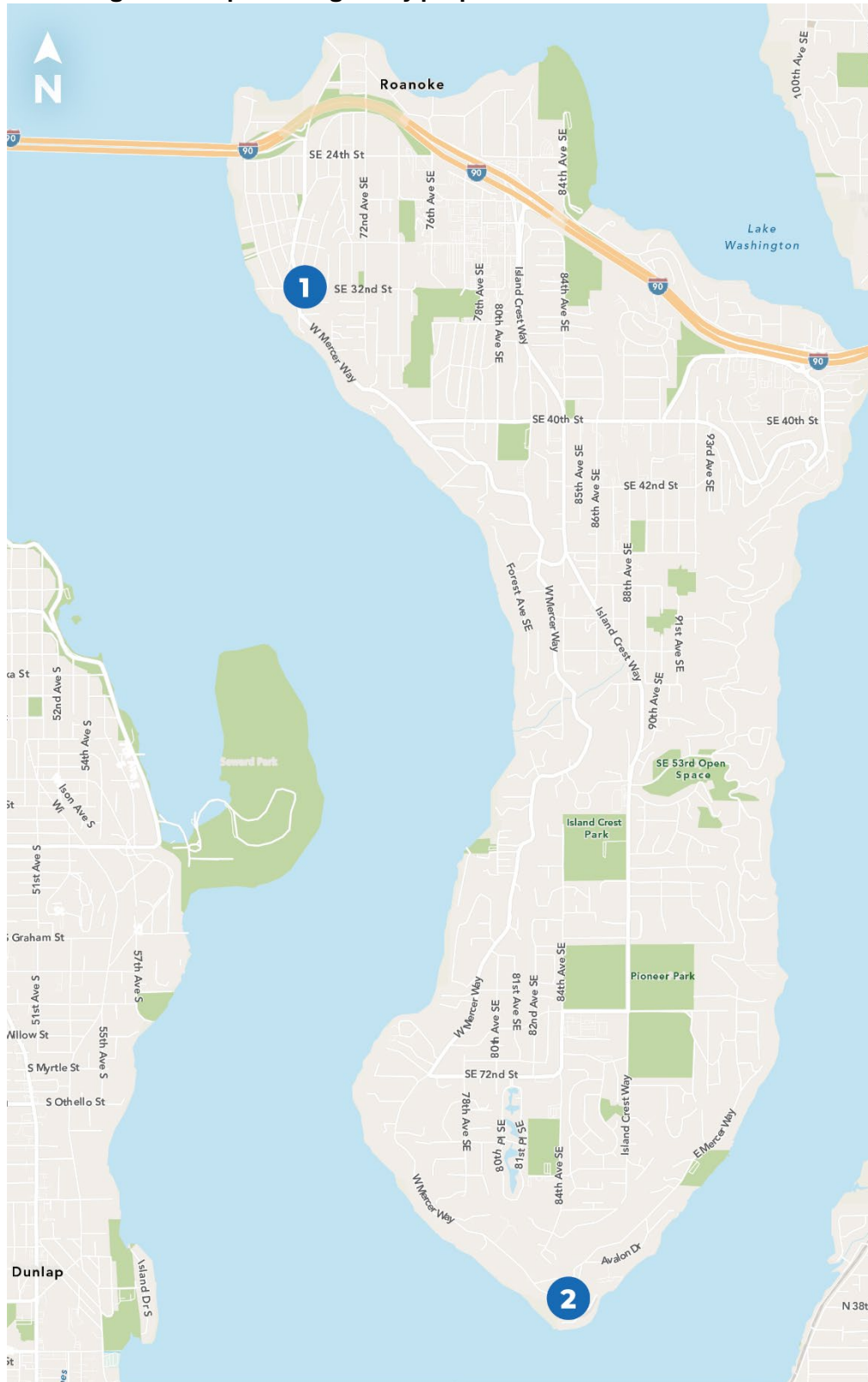
The proposed locations were identified due to their ability to capture transmissions from water meters across Mercer Island. None of the locations are within the Town Center Zone. The three locations, requiring public notification and review, are:

- **W. Mercer Way & SE 32nd St (47.581830, -122.248637)**
The equipment would be installed on the SW Corner of W. Mercer Way & SE 32nd St. Installation will be on a replacement pole owned by Puget Sound Energy that is within the public road right of way.
- **W. Mercer Way & E. Mercer Way (47.525862, -122.226832)**
The equipment would be installed on a new city-owned at the intersection of W. Mercer Way & E. Mercer Way. The new pole will be within public road right of way.

The PWD is preparing CUPs to address both new locations. A SEPA Checklist will be required as well and the PWD will prepare separate checklists for both sites.

Public input is important to the City's permitting process and allows the local jurisdiction to be transparent and accountable. This process gives the public a voice in providing feedback or concerns on what is being proposed. The PPP is a way to demonstrate that the proposed Project is aligned with the needs of the community.

Figure 1: Map showing newly proposed base station locations



Roles and Responsibilities

The CUP application process will engage the groups summarized below.

City Council

The City Council is the governing body of the City of Mercer Island. The City Council includes seven elected members who serve 4-year terms and is responsible for enacting ordinances, setting the City's budget, and appointing members to various boards and commissions.

Planning Commission

The Mercer Island Planning Commission was established in 1960 as an advisory commission to the City Council. The Planning Commission's role is to advise the City Council on growth management issues, land use policies, and development regulations. The Commission is a volunteer advisory committee made up of island residents.

Hearing Examiner

The Mercer Island Hearing Examiner is an independent officer of the City who is responsible for hearing and resolving appeals from City decisions. This position has jurisdiction over certain types of land use decisions as well as appeals of various land use decisions. The Hearing Examiner will lead the public hearing process for the conditional use permit application.

Community Planning & Development

The Mercer Island Community Planning & Development (CPD) department is a division of the City of Mercer Island. The CPD is responsible for developing and implementing the City's land use and development policies. The CPD also reviews permits for land use and private development.

City Staff

City staff and the consulting team will lead the conditional use permitting process.

Subject Matter Experts

Subject matter experts within the Project will provide professional and technical expertise during the CUP application process.

Stakeholders

Stakeholders are groups and individuals who have an interest in the outcome of the CUP application process. Stakeholders are diverse and can have numerous and conflicting concerns. The Project will benefit from engaging these groups and individuals to gather varied perspectives and build consensus on the proposed installations.

Engaging stakeholders with diverse viewpoints will help City staff understand the plurality of public opinions on the Project. Several stakeholder groups are listed in Table 1.

Table 1. Typical Stakeholder Groups.

<p><i>General public</i></p> <ul style="list-style-type: none"> • City residents • Park users • Boaters and recreational users • Non-English-speaking communities • Persons with disabilities <p><i>Impacted property owners and tenants</i></p> <ul style="list-style-type: none"> • Residential property owners • Renters • Local businesses • Governmental agencies <p><i>Community-based organizations</i></p> <ul style="list-style-type: none"> • Mercer Island Chamber of Commerce • Rotary Club of Mercer Island • Neighborhood/homeowner associations • Religious organizations 	<p><i>Utilities</i></p> <ul style="list-style-type: none"> • Seattle Public Utilities • Puget Sound Energy • King County Metro • Telecommunications providers <p><i>Facilities</i></p> <ul style="list-style-type: none"> • Schools and daycares • Sports leagues and recreational facilities • Healthcare facilities (e.g., senior centers, recovery programs) • Faith-based facilities and places of worship <p><i>Government agencies</i></p> <ul style="list-style-type: none"> • City of Mercer Island • King County • Washington State Department of Transportation • King County Library System • Mercer Island School District <p><i>Media</i></p> <ul style="list-style-type: none"> • <i>The Mercer Island Reporter</i>
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See [Appendix A](#) for detailed lists of stakeholder groups near the base station locations and other interested parties.

Please note that the list above may include stakeholders outside of the 300-foot radius from each proposed base station.

A combination of public participation tactics will be required to reach multiple stakeholder groups and interested parties during the permitting process. The following recommendations include specific external stakeholder outreach tactics for the proposed base stations:

- Base station locations sited in or near City park facilities require posted notices at key park locations, including entrances and bulletin boards, during each phase of the permitting notification process.
- Proposed base stations near public school facilities require additional coordination with the Mercer Island School District and affected facilities.

- Additional coordination will be required for sites adjacent to state transportation corridors like I-90 or on infrastructure managed or operated by local utilities.
- Base stations located near commercial facilities will require notice to the property owners and affected tenants during the permitting process.

Public Participation Tactics

Public participation is central to planning under the CUP application process. Public participation is cited in the City’s Comprehensive Plan under the following principles:

- Public participation should be driven by the specific goals and objectives of the program, in consideration of the specific groups of potentially affected interests or stakeholders, NOT by a random collection of public participation techniques.
- Public participation should take place as early as possible in a decision process, preferably at the scoping or option identification stage. It should include specific activities as well as informal, “keeping an ear to the ground” efforts, and should focus on opportunities for two-way communication and responsiveness by the public.
- The decision-making entity should commit in advance to the planned level of public involvement and how it will use the public input that is received to make its decision. People must be brought to realize that the City is always listening to their concerns, even though it may not always agree with what it hears or implements.
- Appropriate techniques range from simply informing citizens to involving them through opportunities for direct participation in decision making. The guiding principle is to select the fewest number of the simplest techniques that will meet the objectives.
- Public input must be fully integrated and sequenced with technical work and the decision process in order to be useful in raising and resolving emerging issues.
- Providing feedback to public participants is critical to confirming their input, demonstrating that it is valued and in maintaining their interest in participating in City processes.

Each proposed base station will be addressed within a CUP application. The tactics below will detail how the City will integrate public participation in the CUP application process.

Tactics

Pre-Application Outreach Materials

As part of the Project, the City will send letters and door hanger notifications to property owners within a 300-foot radius of each base station location. The letters would inform residents about the Project and the CUP process. A Frequently Asked Questions handout will be included with the letters to provide more information. Details regarding each site will be included on the webpages for the Water Meter Replacement Program (letstalk.mercergov.org/meterproject) and the Water Meter Data Collection Stations (<https://letstalk.mercergov.org/water-meter-data-collection-stations>), where constituents can learn more and ask questions. The Mercer Island Utility Board

reviewed these materials at their October 8, 2023 meeting. See *Appendix B* to view the pre-application outreach materials.

Notice of Application - MICC 19.15.090

The Notice of Application serves as a way to disclose the proposal to the public, including details of the proposal and opportunities for participation and feedback to inform decision-makers. The Notice of Application will include:

- The proposal description;
- Each base station location;
- The Open Record Public Hearing date, time, and location;
- Information regarding the 30-day public comment period;
- Contact information for additional questions; and
- The Project website link.

This Notice of Application will be:

- Mailed to property owners within a 300-foot radius of each base station location;
- Posted at each of the proposed base stations in a location that is visible to the public, including the ROW, park entrances, and bulletin board areas; and
- Published in the Weekly Permit Bulletin.

Open Record Public Hearing - MICC 19.15.090.D

The City of Mercer Island Hearing Examiner will conduct the Open Record Public Hearing. Persons who testify at the Open Record Public Hearing will become parties of record, and only parties of record will receive a notice of the decision. The hearing is open to all members of the public.

30-Day Public Comment Period - MICC 19.15.090.E

Written comments on this proposal may be submitted to the City by email, in person, or by mail to the City of Mercer Island, 9611 SE 36th Street, Mercer Island, WA 98040-3732. Anyone may comment on the proposal, receive notice, and request a copy of the decision once it is made. Only those who submit written comments or participate in the public hearing (if a hearing is required) will be parties of record; only parties of record will have the right to appeal the Hearing Examiner's decision.

The Notice of Application will include a single point of contact from the City's CPD for written comments and additional information.

Public Hearing Notice - MICC 19.15.100

The Public Hearing Notice is required for land use reviews requiring a public hearing. This notice can be combined with a Notice of Application. The notice will be provided at least 30 days before the required Open Record Public Hearing and will include:

- The proposal description;
- The proposed base station location;
- The Open Record Public Hearing date, time, and location;
- Contact information for additional questions;
- A statement that only those persons who submit written comments or testify at the Open Record Public Hearing will be parties of record, and only parties of record will receive a notice of the decision and have the right to appeal; and
- The project website link.

This notice will be distributed in the following manner:

- Mailed to the parties of record and all property owners within a 300-foot radius of the proposed base station locations;
- Published in the City's Weekly Permit Bulletin; and
- Posted on each of the sites in a location visible to the public, including the ROW, park entrances, and bulletin board areas.

Notice of Decision - MICC 19.15.120 and 19.15.090

The City shall provide notice in a timely manner of its final decision or recommendation on the CUP application process, including the SEPA threshold determination, if any; the dates for any public hearings; and the procedures for administrative appeals, if any. Notice shall be provided to the applicant, parties of record, and agencies with jurisdiction. The Notice of Decision shall also be provided to the public via the City webpage. The Notice of Decision may be provided by email, or a hard copy may be mailed.

Hearing Examiner Decision - MICC 19.15.140.C

The Hearing Examiner will decide (either approve, conditionally approve, continue the hearing, remand the application, not staff the proposal, or deny the proposal) following the Open Record Public Hearing.

Other Outreach Methods

In addition to the tactics listed above, the Project will utilize the following methods to encourage public participation and communicate key decision points during the CUP application process:

- City staff will maintain and update both the Water Meter Replacement Program webpage (letstalk.mercergov.org/meterproject) and the Water Meter Data Collection Stations

webpage (<https://letstalk.mercergov.org/water-meter-data-collection-stations>) to include information about the Project. The Data Collection Stations webpage will have updates regarding the CUP application process, base station equipment and specifications (see [Appendix C](#)), and the Hearing Examiner's decision.

- The City's Customer Call Center will direct inbound calls and emails to the appropriate contact overseeing the CUP application process.
- The City's Communications department will direct social media inquiries and comments to the appropriate contact overseeing the CUP application process.
- The City's email newsletter, the MI Weekly, will include information regarding the CUP application process, schedule, and key decision points for subscribed residents.

Appendix A: Stakeholders and Interested Parties

Site Name: W. Mercer Way & SE 32nd St		Address: W Mercer Way & SE 32nd St, Mercer Island, WA 98040	
Stakeholder		Category	
Proctor Landing Park		Park	
Seasons of Life Nursing Home		Healthcare Facility	
RKK Construction		Business	
Buttercup		Business	

Site Name: E. Mercer Way & W. Mercer Way		Address: E. Mercer Way & W. Mercer Way, Mercer Island, WA 98040	
Stakeholder		Category	
Odegard Landscape Design		Business	
Mercer Island Beach Club		Business	

Site Name: Crestwood		Address: SE 43rd St & 94th Ave SE, Mercer Island, WA 98040	
Stakeholder		Category	
Mercer Island High School		School	
Mercer Island Public Library		Library	
Advisor4Seniors		Healthcare Facility	

Site Name: Roanoke Park		Address: W Mercer Way, Mercer Island, WA 98040	
Stakeholder		Category	
Aubrey Davis Park		Park	
Mercer Island United Methodist Church		Religious Organization	
Roanoke Inn		Business	
Roanoke Landing		Park	
Roanoke Park		Park	
Veterans of Foreign Wars		Community-Based Organization	
WSDOT		State Agency	

Site Name: Water Reservoir Pump Station		Address: 4350 88th Avenue SE, Mercer Island, WA 98040	
Stakeholder		Category	
Emmanuel Episcopal Church		Religious Organization	
Friends of the Mercer Island Library		Community-Based Organization	
Hollerback Park		Park	
Holy Trinity Lutheran Church		Religious Organization	
Mercer Island High School		Educational Facility	
Mercer Island Library		County Facility	
Mercer Island School District		Educational Facility	
Mercer Island Young Life House		Religious Organization	
Mercerwood Shore Club		Business	
Rotary Park		Park	
St. Monica Catholic Church		Religious Organization	
St. Monica School		Educational Facility/Religious Organization	
Youth Theatre Northwest		Business	

Site Name: Island Crest Park		Address: 5801 Island Crest Way, Mercer Island, WA 98040	
Stakeholder		Category	
Deane's Children's Park		Park	
Groveland Beach Park		Park	
Island Crest Park		Park	
Island Park Elementary School		Educational Facility	
Kika Flower Farm		Business	
Northwest Yeshiva High School		Educational Facility/Religious Organization	
Redeemer Lutheran Church		Religious Organization	
Spring Trust for Trails		Business	
The MI Funny Farm		Business	

Other Interested Parties	
Stakeholder	Category
City of Mercer Island	City Agency
King County	County Agency
Mercer Island Chamber of Commerce	Community-Based Organization
Puget Sound Energy	Utilities
Rotary Club of Mercer Island	Community-Based Organization
Seattle Public Utilities	Utilities
The Mercer Island Reporter	Media
WSDOT	State Agency

Appendix B: Pre-Application Outreach Materials

Letter



PUBLIC WORKS

206.275.7608
www.mercerisland.gov/publicworks

October 7, 2024

Dear Mercer Island Utility Customer:

The City of Mercer Island is pleased to share that we are investing in new tools to better serve water customers. In 2024, as part of the Island-wide water meter replacement project, the City is installing an advanced metering infrastructure (AMI) system that will improve utility operations, customer service, and support water conservation planning efforts.

The proposed AMI system will remotely and securely communicate usage data by connecting individual water meters to the City system. In order to collect meter readings through the new AMI system, the City is proposing to install data collection equipment at three remaining locations identified to effectively communicate with water meters across Mercer Island.

You are receiving this notification because your property is located within 300 feet of a proposed data collection site.

The enclosed insert in this notice includes additional information about the data collection equipment and the proposed locations for the project.

The remaining data collection equipment installations will each require a Conditional Use Permit from Mercer Island's Community Planning and Development (CPD) department, which allows the use of the equipment as an essential public facility. The Hearing Examiner will review each Conditional Use Permit application and can approve or deny the application. If the Conditional Use Permits are granted, the City will notify residents living near each site about next steps, including details regarding data collection equipment installation and construction schedule. For details about the Conditional Use Permit application process and the Water Meter Data Collection Stations Project, please visit: www.mercerisland.gov/watermeterdata.

9611 SE 36th Street, Mercer Island, WA 98040 / (206) 275-7608 / www.mercerisland.gov

This information can be made available on request to accommodate people with disabilities and those who need translation assistance.
Эта информация может быть предоставлена по запросу для размещения людей с ограниченными возможностями, а также тех, кому требуется помощь переводчика.

Esta información puede estar disponible a pedido conforme a las necesidades de personas con discapacidad o aquellas que requieren de servicio de traducción.

可根據要求提供這些資訊，以幫助殘障人士和需要翻譯協助的人士

If you have additional questions, please contact the City's Customer Service Team at (206) 275-7600 or customerservice@mercerisland.gov. We appreciate your patience and understanding while we work to improve Mercer Island's utility services.

Sincerely,

A handwritten signature in cursive script, reading "Alaine Sommargren".

Alaine Sommargren
Deputy Public Works Director
City of Mercer Island

Frequently Asked Questions Handout

Frequently Asked Questions

Water Meter Data Collection Stations City of Mercer Island



What is the Water Meter Data Collection Station Project?

The City of Mercer Island is investing in new tools to better serve water customers. In 2024, the City replaced all residential and commercial water meters with an advanced metering infrastructure (AMI) system and create an online portal where customers can track water use, leak alerts, and other notifications. In order to collect the meter readings, the City must install data collection equipment at six key locations on Mercer Island. The equipment will communicate with the AMI system and the new meters to transmit water usage data to the City.

Where is the City proposing to install the six data collection stations? How was this decided?

The six data collection stations will be installed at various locations across the city (see map). These proposed locations were identified based on their ability to transmit the data from all water meters across Mercer Island. Two base stations have already been installed (City Reservoir and Island Crest Park) and another has gone through permit review (Roanoke).

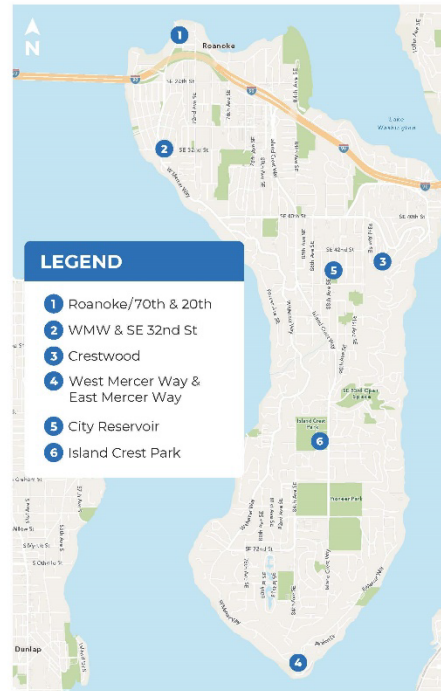
Once constructed, what will the equipment look like?

The equipment includes a 22-inch by 22-inch by 10.5-inch aluminum box, known as a base station, and antennas ranging from 7 to 9 feet tall, which will be mounted on utility poles and towers. Some installations will be applied to existing utility poles and infrastructure, but the City will install or replace several poles with 55' poles to collect the metering data effectively. An example rendering is shown on the backside of this handout. Visit www.mercerisland.gov/watermeterdata for detailed information and renderings of the six data collection stations.

Why is the City reaching out to residents about this project?

The City is conducting early outreach to properties within 300 feet of the proposed sites to inform them about the proposed installation locations and permitting process.

Each installation will require the approval of a Conditional Use Permit, which will authorize the use of this equipment as an essential public facility. The City is required to send a Notice of Application to residents within 300 feet of each data collection site. The notification will detail the proposed permit application and opportunities for public comment. Ultimately, a Hearing Examiner will decide on the issuance of each Conditional Use Permit, and a Notice of Decision will be published.



Map showing the six data collection stations on Mercer Island.



Example base station and antenna equipment

Can I comment on a particular data collection site?

The City will share additional details about opportunities to comment or provide feedback on a particular data collection site via the Conditional Use Permit Notice of Application. The City will notify residents within 300 feet of each data collection site with information about the permit application, public comment period, and the public hearing date and time. Anyone may comment on the application, receive notice, and request a copy of the decision once it has been made.

What are the community benefits of this project?

The new data collection equipment will connect with the AMI system to securely communicate water usage data on an hourly basis to the City.

Customers will be able to manage their water use in real-time and receive important alerts through the new online customer portal. Additionally, the new system will help with the City's water conservation efforts.

Is the data collection equipment safe? Is the data secure?

The data collection technology complies with Federal Communications Commission (FCC) standards and guidelines for environmental exposure to radio frequency (RF), which have been in place since 1985. RF energy produced by smart meter technology is not harmful and is comparable to cellular phone devices, wireless baby monitors, television broadcasts, garage door openers, microwave ovens, cordless home phones, and Wi-Fi networks.

The new metering system will transmit the water readings and other metering information to the data collection stations and the City. The data transmitted is encrypted and sent to the data collectors and the City through a secure, private RF channel. This technology does not share personal customer account information.



Rendering of 55-foot pole at West Mercer Way and 32nd Street.

Who can I contact for more information about this project?

For questions, please contact the City's Customer Service Team at **(206) 275-7600** or **customerservice@mercerisland.gov**.

For details about the Water Meter Data Collection Stations Project, please visit: **www.mercerisland.gov/watermeterdata**.



Door Hanger Notification

PUBLIC WORKS



WATER METER DATA COLLECTION STATIONS PROJECT

The City is proposing to install data collection stations at three new locations on Mercer Island. The data collection equipment will communicate with the new smart water metering system to transmit water usage data to the City.

You are receiving this notification because your property is located within 300 feet of a proposed data collection station site.

SEE REVERSE SIDE FOR PROJECT & CONTACT INFO

WATER METER DATA COLLECTION STATIONS PROJECT

The City of Mercer Island is investing in new tools to better serve water customers. In 2024, the City replaced all residential and commercial water meters, in preparation for the implementation of an advanced metering infrastructure (AMI) system.

In order to implement the AMI system, the City must install data collection equipment at three new locations, in addition to the three locations where data collectors have already been permitted and/or installed.

The installation of this equipment requires Conditional Use Permits from the City's Community Planning and Development department, which allows the use of the equipment as an essential public facility. CPD will notify residents within a 300-foot radius of each location with details about the permit applications and opportunities to provide public comment.

For additional details about the equipment and station locations, please visit our project website at www.mercerisland.gov/watermeterdata.



Contact Us

Customer Service Team

(206) 275-7600

customerservice@mercerisland.gov

www.mercerisland.gov/watermeterdata

This information can be made available on request to accommodate people with disabilities and those who need translation assistance. Esta información puede estar disponible a pedido conforme a las necesidades de personas con discapacidad o aquellas que requieran de servicio de traducción. Эта информация может быть предоставлена по запросу для размещения людей с ограниченными возможностями, а также тех, кому требуется помощь переводчика. 可根據要求提供這些資訊，以幫助殘障人士和需要翻譯協助的人士。

Water Meter Data Collection Stations – Website

Water Meter Data Collection Stations



The City of Mercer Island is investing in new tools to better serve water customers. In 2024, the City replaced the majority of residential and commercial water meters, and is working to implement an advanced metering infrastructure (AMI) system and an online portal where customers can track water use, leak alerts, and other notifications.



In order to collect the meter readings, the City must install data collection equipment at six key locations across Mercer Island. This equipment communicates with the AMI system and the new meters to transmit water usage data to the City.

In addition to improving utility operations, Mercer Island customers will see additional benefits including monitoring tools for managing water use through a new online customer portal. The customer portal is expected to go live in fall 2024.

Please note that due to a delay in the deployment of data collection stations, the customer portal will only be available for a portion of meters on Mercer Island. Once all data collector stations are installed and activated, this online portal will be available for all water customers.

Proposed Data Collection Station Locations

A total of six data collection equipment stations will be installed at various locations across the city. These proposed locations were identified based on their ability to effectively communicate with water meters across Mercer Island. Of these six locations, two have been approved through the permitting process and one is currently under permitting review.

1. [Island Crest Park](#) - permit approved, base station activated
2. [Water Reservoir](#) - permit approved, base station activated
3. [Roanoke Park](#) - permit currently under review

The exact locations for the three remaining base stations are being determined currently, and this site will be updated once those determinations have been made.

Each data collection station includes a 22" by 22" by 10.5" aluminum box base station and a communication antenna that ranges from 7' to 9' in height, depending on the specific location. Some stations are located on existing utility poles and infrastructure, but some will be mounted on new 55' tall utility poles.

Continue reading for site specific location and other details or click on a location (above) to jump directly to that specific site.

Conditional Use Permit Process

Before applying for permits for the three remaining base station locations, the City will conduct early outreach to properties within 300 feet of the proposed sites to inform them about the installations and upcoming permitting process.

Each installation requires the approval of a Conditional Use Permit, which will authorize the use of this equipment as an essential public facility. Once the permitting process is underway, the City sends a Notice of Application to residents within 300 feet of each data collection site. The notification details the proposed permit application and opportunities for public comment. Ultimately, a Hearing Examiner decides on the issuance of each Conditional Use Permit, and a Notice of Decision will be published.

Have questions? Check out our frequently asked questions or [ask your own here](#).



Lifecycle

- Preparation of Conditional Use Permit Applications**
The City collects all required documentation for the Conditional Use Permit process.
- Conditional Use Permit Applications Submitted**
The City submits Conditional Use Permit applications for each of the remaining three Data Collection Station sites.
- Notice of Application to Nearby Property Owners**
Notice of Application goes out to property owners within a 300-foot radius of each data collection site, opening a 30-day public comment period.
- Public Hearing**
- Notice of Decision**
- Construction of Data Collection Sites Begins**

Documents

- [Frequently Asked Questions flyer \(3,13 MB\) \(pdf\)](#)
- [Letter to proposed Data Collection Station neighbors \(193 KB\) \(pdf\)](#)
- [Doorhanger - Distributed 11.17.23 \(247 KB\) \(pdf\)](#)
- [Permit Outreach Letter \(194 KB\) \(pdf\)](#)
- [Permit Outreach FAQ w/Map \(929 KB\) \(pdf\)](#)
- [Doorhanger - Distributed 10.10.2024 \(164 KB\) \(pdf\)](#)

[Water Meter Data Collection Sites](#)

[Ask a Question](#)

[Proposed Data Collection Station Map](#)

[Post a Public Comment](#)

Appendix C: Renderings of Proposed Data Collection Equipment

Island Crest Park



Rotary Park – Water Reservoir Pump Station



Roanoke Park

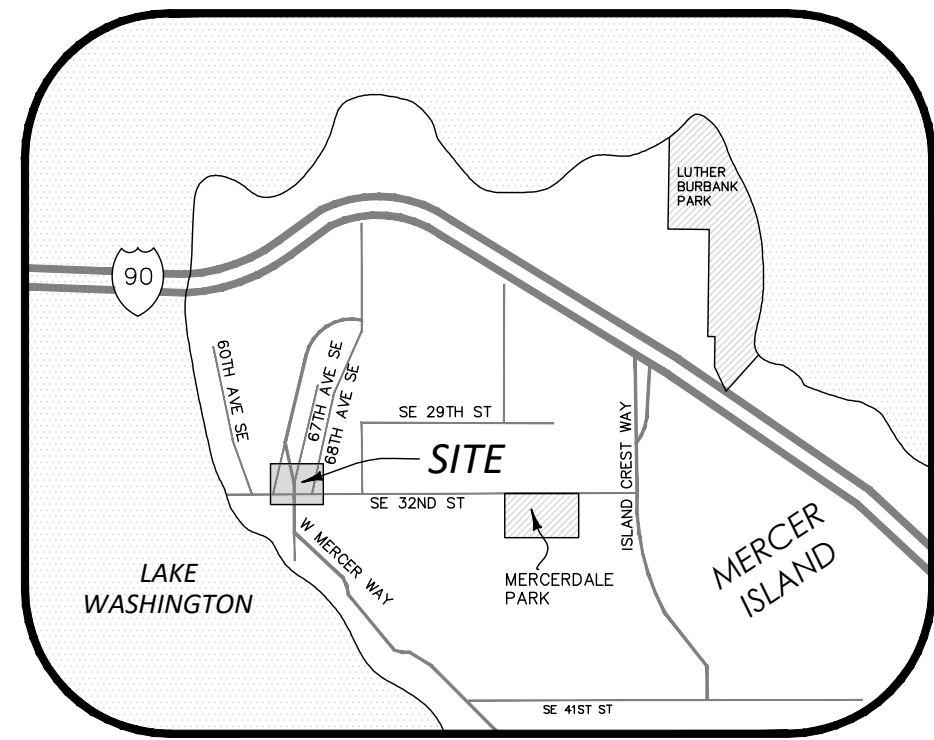


W. Mercer Way & SE 32nd Street

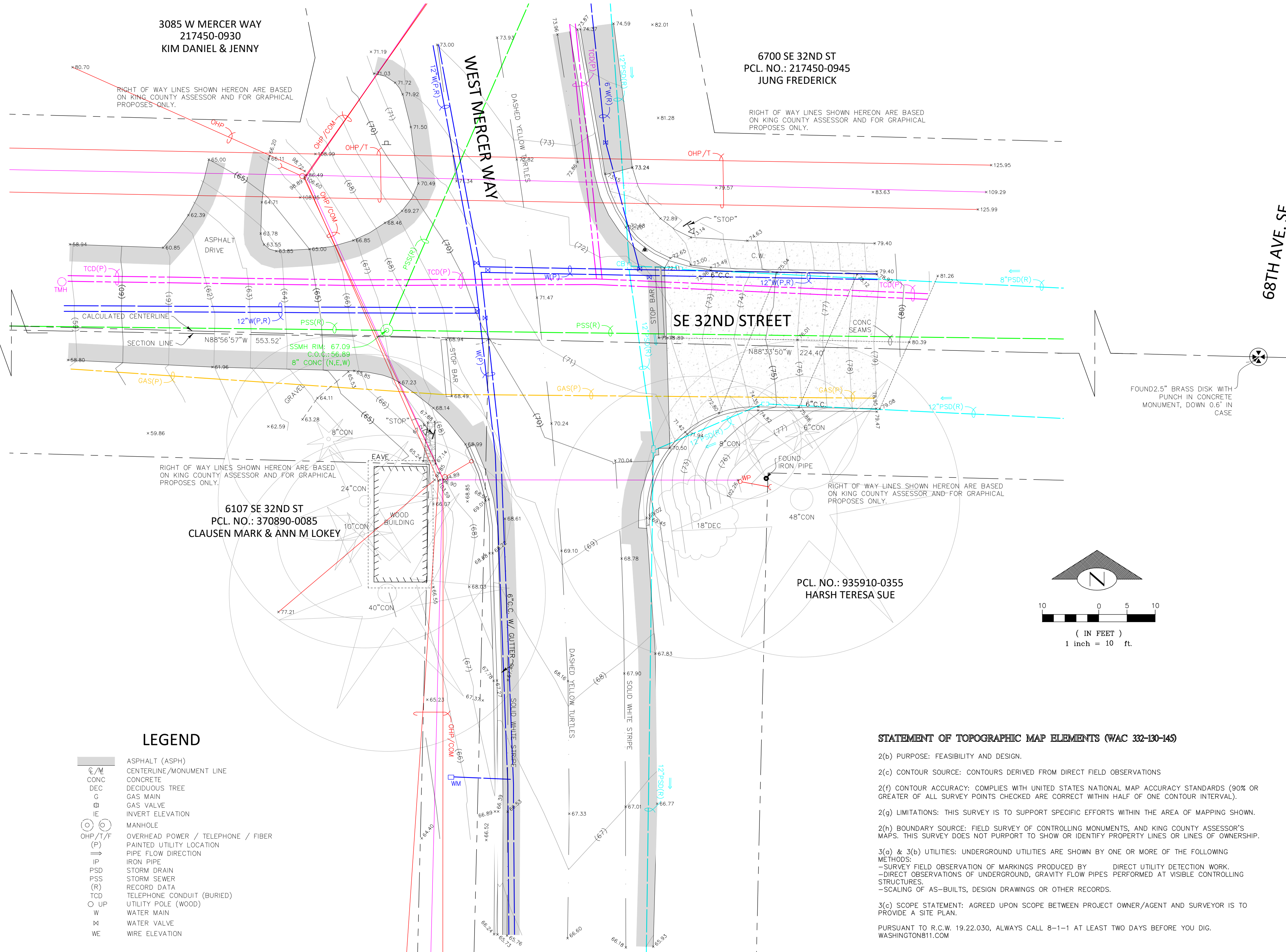


W. Mercer Way & E. Mercer Way





VICINITY MAP
NO SCALE



SURVEYORS NOTES:

CENTERLINES AND ROW LINES SHOWN HEREON ARE A BEST FIT CALCULATION BASED ON THE FOLLOWING:
 - ASSESSOR MAPS FOR SECTIONS SE 11-24-04 AND SW 12-24-04
 - RECORD OF SURVEY VOL. 384, PG. 170
 - RECORD OF SURVEY VOL. 471, PG. 105
 - RECORD OF SURVEY VOL. 388, PG. 139
 - RECORD OF SURVEY VOL. 314, PG. 194
 - RECORD OF SURVEY VOL. 302, PG. 021
 - KING COUNTY ROAD, ENGINEER MAP SECTIONS 2 & 11, TWP. 24 N., RGE. 4 E., W.M., MAP NO. 42-53
 - SURVEY FOR MERCER ISLAND BLVD. REVISION NO.: 2, SURVEY NO. 12.24.4-1
 THIS IS NOT A BOUNDARY SURVEY; RIGHTS OF WAY, CENTER, AND LOT LINES ARE FOR REFERENCE ONLY.
 OQR - FEBRUARY 5, 2025

HORIZONTAL DATUM: NAD 83/2011 (EPOCH 2010)

GPS OBSERVATIONS USING WASHINGTON STATE REFERENCE NETWORK FOR CORRECTIONS

HORIZONTAL BENCHMARKS:

OWNER: CITY OF MERCER ISLAND
 ID#: 5959
 DESCRIPTION: FOUND 1 1/2" IRON PIPE WITH PLUG AND TACK, DOWN 0.7' IN CASE
 LOCATION: MONUMENT IN CASE, APPROX @ INTERSECTION OF SE 32ND ST & 60TH AVE SE

OWNER: CITY OF MERCER ISLAND
 ID#: 502
 DESCRIPTION: 2.5" BRASS DISK WITH PUNCH IN CONCRETE MONUMENT, DOWN 0.6' IN CASE
 LOCATION: MONUMENT IN CASE, APPROX @ INTERSECTION SE 32ND ST & 68TH AVE SE

VERTICAL DATUM:

NAVD 88

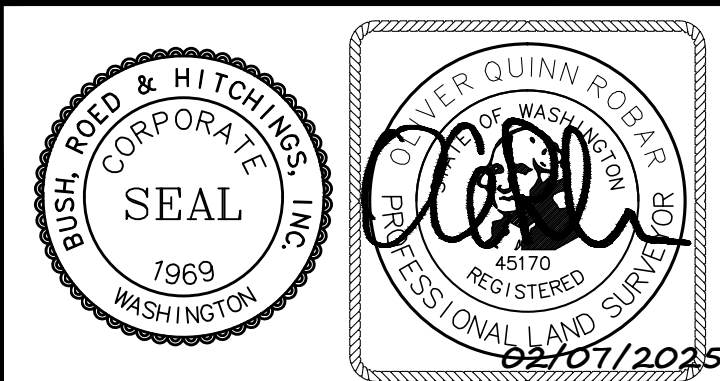
LEGEND

- ASPHALT (ASPH)
- /M CENTERLINE/MONUMENT LINE
- CONC CONCRETE
- DEC DECIDUOUS TREE
- G GAS MAIN
- ⊕ GAS VALVE
- IE INVERT ELEVATION
- MANHOLE
- OHP/T/F OVERHEAD POWER / TELEPHONE / FIBER
- (P) PAINTED UTILITY LOCATION
- ⇒ PIPE FLOW DIRECTION
- IP IRON PIPE
- PSD STORM DRAIN
- PSS STORM SEWER
- (R) RECORD DATA
- TCD TELEPHONE CONDUIT (BURIED)
- UP UTILITY POLE (WOOD)
- W WATER MAIN
- M WATER VALVE
- WE WIRE ELEVATION

STATEMENT OF TOPOGRAPHIC MAP ELEMENTS (WAC 332-130-145)

2(b) PURPOSE: FEASIBILITY AND DESIGN.
 2(c) CONTOUR SOURCE: CONTOURS DERIVED FROM DIRECT FIELD OBSERVATIONS
 2(f) CONTOUR ACCURACY: COMPLIES WITH UNITED STATES NATIONAL MAP ACCURACY STANDARDS (90% OR GREATER OF ALL SURVEY POINTS CHECKED ARE CORRECT WITHIN HALF OF ONE CONTOUR INTERVAL).
 2(g) LIMITATIONS: THIS SURVEY IS TO SUPPORT SPECIFIC EFFORTS WITHIN THE AREA OF MAPPING SHOWN.
 2(h) BOUNDARY SOURCE: FIELD SURVEY OF CONTROLLING MONUMENTS, AND KING COUNTY ASSESSOR'S MAPS. THIS SURVEY DOES NOT PURPORT TO SHOW OR IDENTIFY PROPERTY LINES OR LINES OF OWNERSHIP.
 3(a) & 3(b) UTILITIES: UNDERGROUND UTILITIES ARE SHOWN BY ONE OR MORE OF THE FOLLOWING METHODS:
 - SURVEY FIELD OBSERVATION OF MARKINGS PRODUCED BY DIRECT UTILITY DETECTION WORK.
 - DIRECT OBSERVATIONS OF UNDERGROUND, GRAVITY FLOW PIPES PERFORMED AT VISIBLE CONTROLLING STRUCTURES.
 - SCALING OF AS-BUILTS, DESIGN DRAWINGS OR OTHER RECORDS.
 3(c) SCOPE STATEMENT: AGREED UPON SCOPE BETWEEN PROJECT OWNER/AGENT AND SURVEYOR IS TO PROVIDE A SITE PLAN.
 PURSUANT TO R.C.W. 19.22.030, ALWAYS CALL 8-1-1 AT LEAST TWO DAYS BEFORE YOU DIG.
 WASHINGTON811.COM

227x34 2/7/2025 W:\C3D\2023\2023165\SURVEYING\DWG\XS-SUR-08.DWG



Mercer Island Water Meter Data Collector Installation Project
Conditional Use Permit Application
W. Mercer Way & SE 32nd St (PRE24-074)
Site Survey

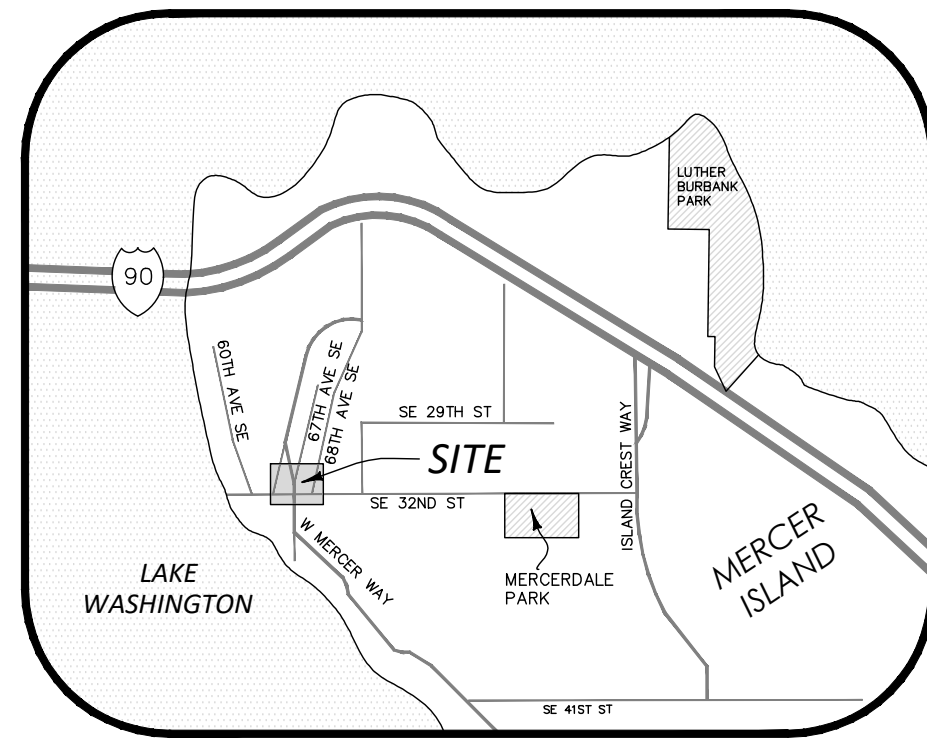
BUSH, ROED & HITCHINGS, INC.
LAND SURVEYORS & CIVIL ENGINEERS

15400 SE 30TH PL, STE 100 (206) 323-4144
 BELLEVUE, Washington 1-800-935-0508
 98007-6546 WWW.BRHINC.COM

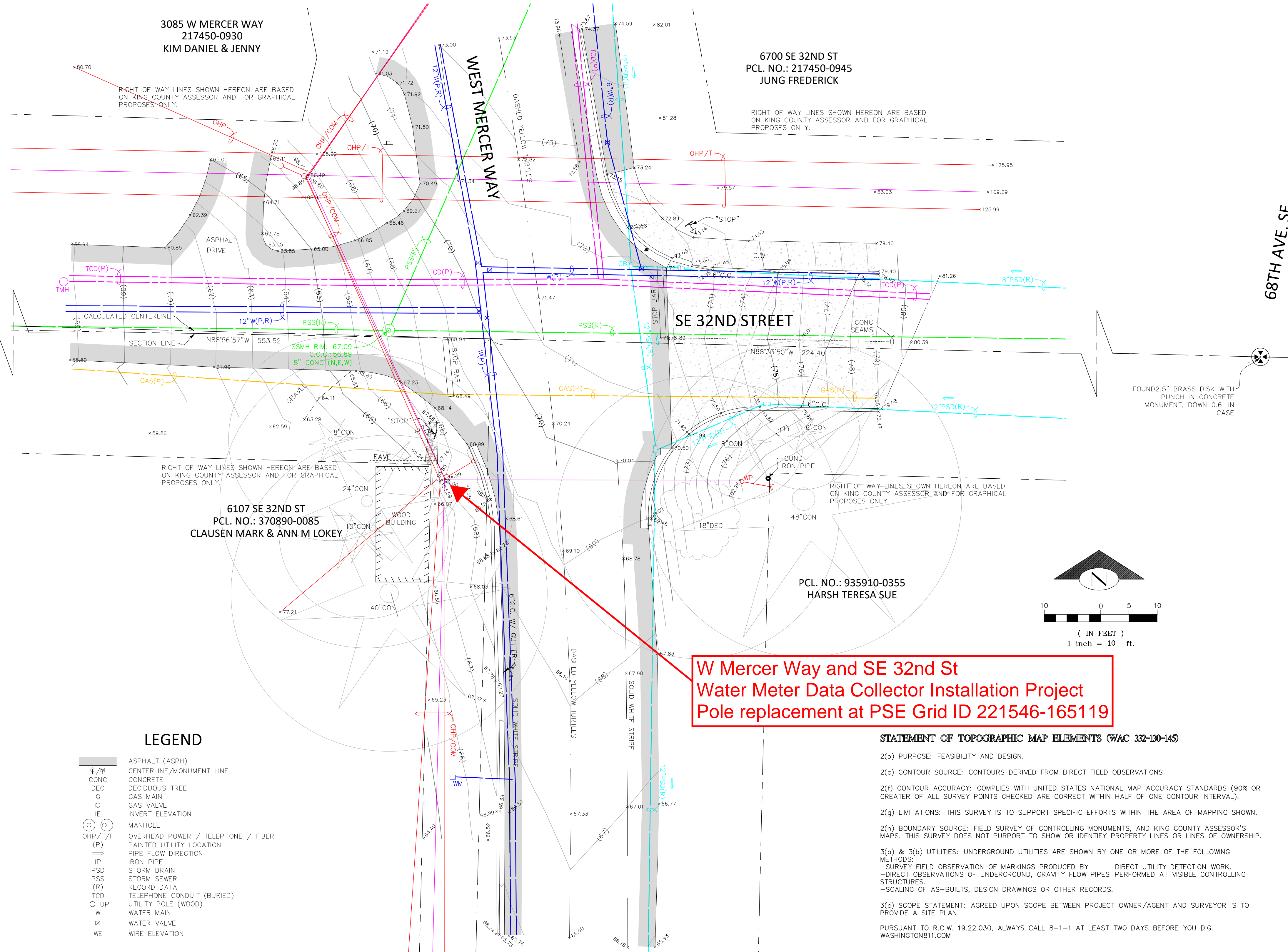
LIMITED SITE PLAN
CITY OF MERCER ISLAND
SE 32ND STREET / WEST MERCER WAY

MERCER ISLAND KING COUNTY WASHINGTON

drawn by	HDC	checked by	OQR
scale	1"=10'	date	2/7/25
job no.	2023165.08		
sheet	1	of	1



VICINITY MAP
NO SCALE



SURVEYORS NOTES:

CENTERLINES AND ROW LINES SHOWN HEREON ARE A BEST FIT CALCULATION BASED ON THE FOLLOWING:
 - ASSESSOR MAPS FOR SECTIONS SE 11-24-04 AND SW 12-24-04
 - RECORD OF SURVEY VOL. 384, PG. 170
 - RECORD OF SURVEY VOL. 471, PG. 105
 - RECORD OF SURVEY VOL. 388, PG. 139
 - RECORD OF SURVEY VOL. 314, PG. 194
 - RECORD OF SURVEY VOL. 302, PG. 021
 - KING COUNTY ROAD, ENGINEER MAP SECTIONS 2 & 11, TWP. 24 N., RGE. 4 E., W.M., MAP NO. 42-53
 - SURVEY FOR MERCER ISLAND BLVD. REVISION NO.: 2, SURVEY NO. 12.24.4-1
 THIS IS NOT A BOUNDARY SURVEY; RIGHTS OF WAY, CENTER, AND LOT LINES ARE FOR REFERENCE ONLY.
 OQR - FEBRUARY 5, 2025

HORIZONTAL DATUM: NAD 83/2011 (EPOCH 2010)

GPS OBSERVATIONS USING WASHINGTON STATE REFERENCE NETWORK FOR CORRECTIONS

HORIZONTAL BENCHMARKS:

OWNER: CITY OF MERCER ISLAND
 ID#: 5959
 DESCRIPTION: FOUND 1 1/2" IRON PIPE WITH PLUG AND TACK, DOWN 0.7' IN CASE
 LOCATION: MONUMENT IN CASE, APPROX @ INTERSECTION OF SE 32ND ST & 60TH AVE SE

OWNER: CITY OF MERCER ISLAND
 ID#: 502
 DESCRIPTION: 2.5" BRASS DISK WITH PUNCH IN CONCRETE MONUMENT, DOWN 0.6' IN CASE
 LOCATION: MONUMENT IN CASE, APPROX @ INTERSECTION SE 32ND ST & 68TH AVE SE

VERTICAL DATUM:
NAVD 88

LEGEND

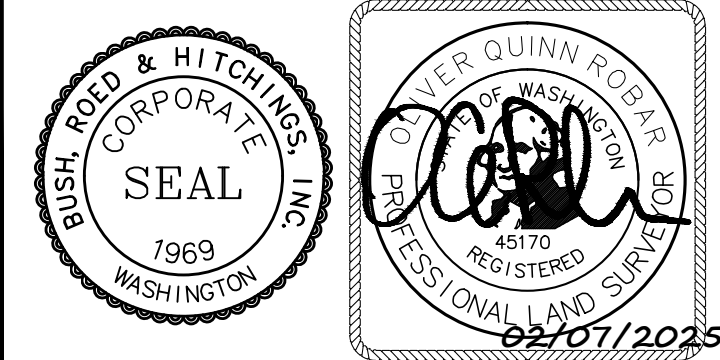
- ASPHALT (ASPH)
 - CONC
 - DEC
 - G
 - ⊕
 - IE
 - MANHOLE
 - OHP/T/F
 - (P)
 - IP
 - PSD
 - PSS
 - (R)
 - TCD
 - UP
 - W
 - X
 - WE
- CENTERLINE/MONUMENT LINE
 CONCRETE
 DECIDUOUS TREE
 GAS MAIN
 GAS VALVE
 INVERT ELEVATION
 PAINTED UTILITY LOCATION
 PIPE FLOW DIRECTION
 IRON PIPE
 STORM DRAIN
 STORM SEWER
 RECORD DATA
 TELEPHONE CONDUIT (BURIED)
 UTILITY POLE (WOOD)
 WATER MAIN
 WATER VALVE
 WIRE ELEVATION

W Mercer Way and SE 32nd St
 Water Meter Data Collector Installation Project
 Pole replacement at PSE Grid ID 221546-165119

STATEMENT OF TOPOGRAPHIC MAP ELEMENTS (WAC 332-130-145)

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 WASHINGTON811.COM

INFORMATION ONLY



Mercer Island Water Meter Data Collector Installation Project
 Conditional Use Permit Application
 W. Mercer Way & SE 32nd St (PRE24-074)
 Site Plan

BUSH, ROED & HITCHINGS, INC.
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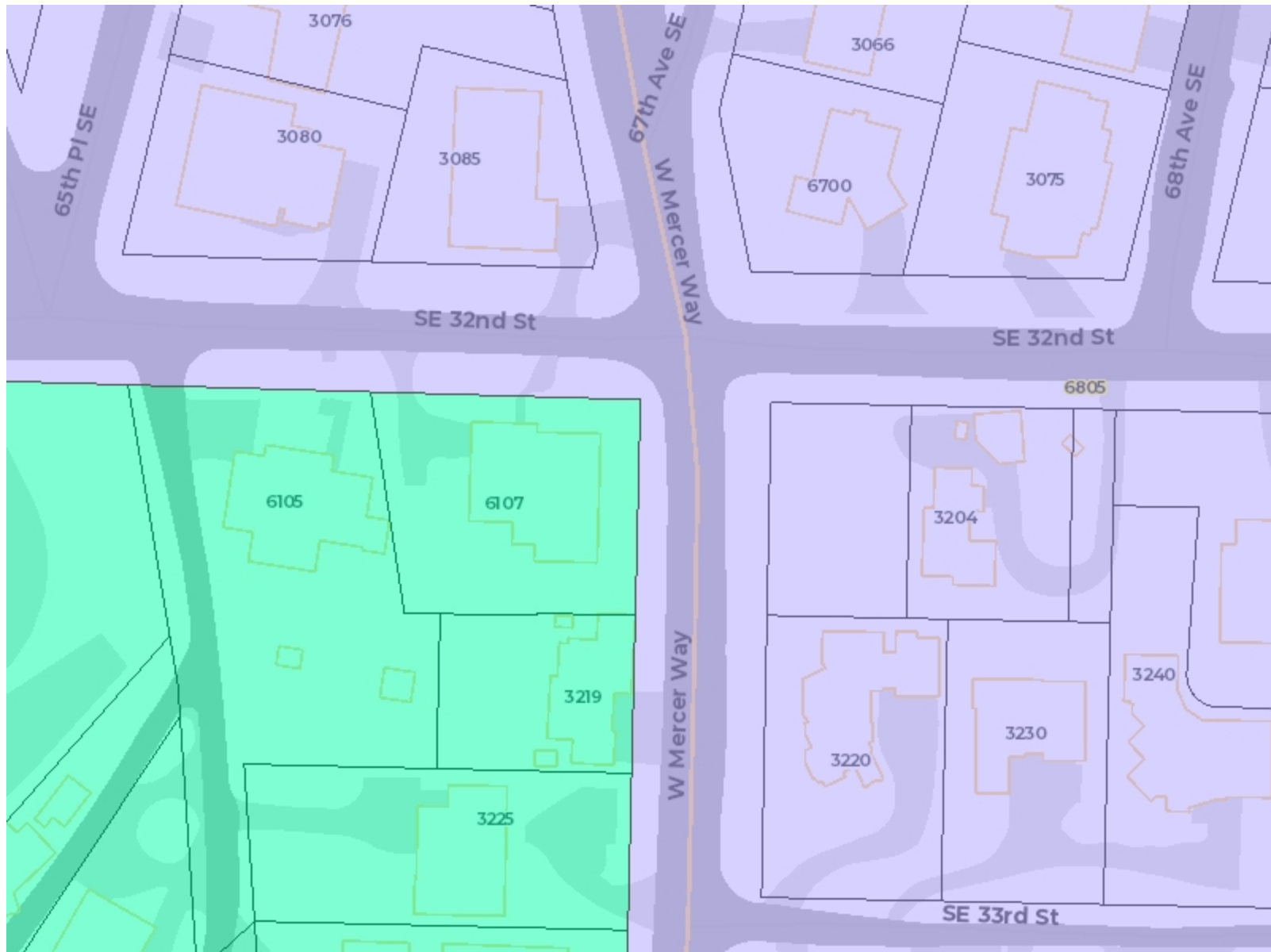
LIMITED SITE PLAN
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MERCER ISLAND KING COUNTY WASHINGTON

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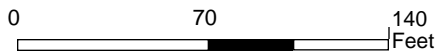
22'x34' 2/7/2025 U:\C3D\2023\165\SURVEYING\DWG\XS-SUR-08.DWG

AMI Water Meter Location - Zoning Map



Legend

- Zoning**
- OS
 - R-15
 - R-12
 - R-9.6
 - R-8.4
 - MF-2L
 - MF-3
 - MF-2
 - PI
 - PBZ
 - C-O
 - TC
 - B
- Address**
- Parcels
 - Buildings
 - Docks
 - Shoreline
 - Major Roads
 - Street Centerline
 - Paved Road
 - Paved Driveway
 - Parks



1 inch =
140.487804833333
feet



Disclaimer: These maps were developed by the City of Mercer Island and are intended to be a general purpose digital reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property concerns or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of these data sets, especially in regard to labeling of surveyed dimensions, or agreement with official sources such as records of survey, or mapped locations of features.

Notes

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



DETERMINATION OF NON-SIGNIFICANCE (DNS)

Application No.: SEP25-003

Description of proposal: Review under the State Environmental Policy Act (SEPA) a Conditional Use Permit with SEPA Review for installation of water meter data collection equipment. The proposed development is considered an Essential Public Facility pursuant to Mercer Island City Code 19.16.010.E. An Essential Public Facility requires a Conditional Use Permit in all zones (MICC 19.06.100(D)).

Proponent: Alaine Sommargren (City of Mercer Island)

Owner: City of Mercer Island

Location of proposal: Located in the right of way adjacent to the intersection of SE 32nd St. and W Mercer Way, Mercer Island, WA 98040;

Lead agency: City of Mercer Island

Project Contact Tony Newton, Assistant Planner
Tony.newton@mercerisland.gov | (206)- 275-7715

Project Documents: <https://mieplan.mercergov.org/public/CUP25-002/>

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist. This information is available to the public on request.

	There is no comment period for this DNS.
✓	This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
	This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by <u>N/A at 5:00pm.</u>

SEPA Responsible

Official: Ryan Harriman, Planning Manager
ryan.harriman@mercerisland.gov | (206) 275-7717

Signature: /s/ Ryan Harriman, Planning Manager

Date: April 21, 2025

APPEAL INFORMATION

This decision to issue a Determination of Non-significance (DNS) rather than to require an EIS may be appealed pursuant to Section 19.21 of the Mercer Island Unified Land Development Code, Environmental procedures.

✓	Any party of record may appeal this determination to the City Clerk at 9611 SE 36 th Street Mercer Island, WA 98040 no later than 5:00 PM on May 5, 2025 by filing a timely and complete appeal application and paying the appeal fee. You should be prepared to make specific factual objections. Contact the City Clerk to read or ask about the procedures for SEPA appeals. To reverse, modify or remand this 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.
	There is no agency appeal.

COMMUNITY PLANNING & DEVELOPMENT

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



NOTICE OF PUBLIC HEARING – CUP25-002

NOTICE IS HEREBY GIVEN that the City of Mercer Island Hearing Examiner will conduct an Open Record Public Hearing at 9:30AM on June 26, 2025, for the application described below:

File No.: CUP25-002

Permit Type: Type IV

Description of Request: The Applicant is seeking a Conditional Use Permit for installation of water meter data collection equipment. The proposed development is considered an Essential Public Facility pursuant to Mercer Island City Code 19.16.010.E. An Essential Public Facility requires a Conditional Use Permit in all zones (MICC 19.06.100(D)).

Applicant/ Owner: Alaine Sommargren (City of Mercer Island) / City of Mercer Island

Location of Property: Located in the right of way adjacent to the intersection of SE 32nd St. and W Mercer Way, Mercer Island WA 98040

SEPA Compliance: A SEPA Optional Determination of Nonsignificance (ODNS) was issued on April 21, 2025 after using the optional DNS process in WAC 197-11-355.

Project Documents: <https://mieplan.mercergov.org/public/CUP25-002>

Documents will continually be added to this file as the process moves forward.

Time, Date and Location of Public Hearing: Pursuant to MICC 19.15.030(F) Table A, Conditional Use Permit approval requests are required to be processed as a Type IV action, with the Hearing Examiner as the decision authority. The public hearing is scheduled for June 26, 2025, at 9:30AM.

The open record public hearing will be held virtually using Zoom by either calling in or logging onto the meeting as a Zoom attendee. The City will also accept written testimony until such time that the public hearing is adjourned. Please send written testimony to deb.estrada@mercerisland.gov. Requests for additional information should be referred to the project contact listed below. Only those persons who submit written comments or testify at the open record hearing will be parties of record, and only parties of record will receive a notice of the decision and have the right to appeal.

Preregistering to Testify: Individuals wishing to testify or wishing to provide comment during the Public Hearing may preregister their request with the Administrative Coordinator/Deputy City Clerk at 206-275-7791 or email at deb.estrada@mercerisland.gov and leave a message before 4PM on the day prior to the Public Hearing. Please reference "Public Hearing Public Comment". Each speaker will be allowed three (3) minutes to speak.

Public Comment by Video:

Notify the Administrative Coordinator/Deputy City Clerk in advance that you wish to speak on camera and staff will be prepared to permit temporary video access when you enter the live Public Hearing. Please remember to activate the video option on your phone or computer, ensure your room is well lit, and kindly ensure that your background is appropriate for all audience ages. Screen sharing will not be permitted, but documents may be emailed to deb.estrada@mercerisland.gov.

Submitting Written Comments:

The City will also accept written comments until such time that the public hearing is adjourned. Please send written comments to deb.estrada@mercerisland.gov.

Attending the Public Hearing:

Please use the following Zoom information:

Join by Telephone at 9:30 AM:

1. Call 253-215-8782 and enter Meeting ID **825 0135 1585** and Passcode **519512** when prompted. Press *6 to mute and unmute.

Join by Internet at 9:30 AM:

<https://us02web.zoom.us/j/82501351585?pwd=liASQiZFLi9LW6Yk3YqzclZJaQWcOL.1>

1. If the Zoom app is not installed on your computer, you will be prompted to download it.
2. If prompted for Meeting ID, enter **825 0135 1585**
3. Enter Passcode **519512**

Applicable Development Regulations:

Pursuant to MICC 19.15.030(F) Table A, applications for Conditional Use Permit approvals are required to be processed as Type IV land use reviews. Processing requirements for Type IV reviews are further detailed in MICC 19.15.030(F) Table B. Review criteria for Conditional Use Permits is in MICC 19.06.110 and the Essential Public Facilities criteria is in MICC 19.06.100.

Other Associated Permits:

A future site development permit and building permits may be required.

Application Process Information:

Date of Application	March 4, 2025
Determined to be Complete	March 12, 2025
Bulletin Notice	March 17, 2025
Date Mailed	March 17, 2025
Date Posted on Subject Property	March 17, 2025
Comment Period Ended	5:00 PM on April 16, 2025
Notice of Public Hearing Issued	May 19, 2025
Notice of Public Hearing Bulletin	May 19, 2025
Notice of Public Hearing Date Mailed	May 19, 2025
Notice of Public Hearing Date Posted on Subject Property	May 19, 2025
Date of Open Record Public Hearing	9:30AM on June 26, 2025

Project Contact:

Tony Newton, Assistant Planner
tony.newton@mercerisland.gov | (206) 275-7715

Mercer Island City Code Compliance Matrix		
Mercer Island City Code (MICC) 19.06.010-Prohibited Uses.	How the proposed development meets the provisions of the MICC relative to Prohibited Uses	City Review/Notes
The following uses are prohibited in all zones except as specifically allowed below.	Noted	
A. Portable toilets except for temporary encampments, emergency or construction use.	N/A - the project does not propose portable toilets.	
B. Electric fences or any device designed to give an electric shock to any person coming in contact therewith.	N/A - the project does not propose electric fences or devices designed for electric shock on contact.	
C. Houseboats and watercraft used for habitation or commercial purposes.	N/A - the project does not propose watercraft.	
D. Excavation and removal from the lot, as distinguished from grading on the lot, of black soil, peat, sand, gravel or other natural deposits.	N/A - the project does not propose excavation as removal from the site.	
E. The use of any vehicle or trailer as a dwelling.	N/A - the project does not propose use of any vehicle or trailer as a dwelling.	
F. Any signs, except as permitted by this Code, or other city or state regulation.	N/A - the project does not propose signage.	
G. The lease of any dwelling or dwelling unit for a period of less than 30 days; provided, rooms in a bed and breakfast, hotel, or motel may be leased for periods of less than 30 days.	N/A - the project does not propose dwelling units.	

Mercer Island City Code Compliance Matrix		
Mercer Island City Code (MICC) 19.06.020-Temporary Signs	How the proposed development meets the provisions of the MICC relative to Temporary Signs	City Review/Notes
A. General provisions. All temporary signs in the city are subject to the following conditions:	N/A - the project does not propose signage.	
1. Signs may not be placed on private property without permission of the owner.	N/A - the project does not propose signage.	
2. All signs shall be unlit.	N/A - the project does not propose signage.	
3. Signs shall not obstruct vehicular or pedestrian traffic.	N/A - the project does not propose signage.	
4. It is the responsibility of the person posting a temporary sign to remove it.	N/A - the project does not propose signage.	
5. Except as specified elsewhere in this section, temporary signs shall not exceed 60 inches above the ground and shall not exceed six square feet in area; provided, signs up to 16 square feet in area may be allowed subject to the issuance of a permit from the code official; further provided, both sides of an A-frame sign shall be counted in calculating the sign's area.	N/A - the project does not propose signage.	
6. Signs in public rights-of-way. Signs may not be placed on public property except for publicly owned rights-of-way. In addition to all other applicable conditions, signs placed in rights-of-way shall be subject to the following conditions:	N/A - the project does not propose signage.	
a. Signs may be placed on rights-of-way adjacent to a single-family dwelling only with permission of the adjoining property owner.	N/A - the project does not propose signage.	
b. Signs shall not create a traffic safety or maintenance problem, and the city may remove and dispose of any signs that do constitute a problem.	N/A - the project does not propose signage.	
c. Signs placed on public property shall be freestanding and shall not be attached to any structure or vegetation. Signs attached to utility poles, traffic signs, street signs, or trees are specifically forbidden.	N/A - the project does not propose signage.	
d. Signs shall be either an A-frame design or shall be attached to a stake driven into the ground well clear of tree roots, irrigation lines and any other underground vegetation or structures that could be damaged by such a stake.	N/A - the project does not propose signage.	
e. A temporary sign may only be erected for a maximum of 120 days during any 365-day period.	N/A - the project does not propose signage.	
B. Temporary signs allowed in all zones.	N/A - the project does not propose signage.	

1. Temporary, noncommercial signs. Temporary, noncommercial signs, which are signs that express non-commercial messages such as public/community events, religious, political, ideological, or other philosophical messages, are allowed in all zones, subject to the conditions set out in subsection (A) of this section.	N/A - the project does not propose signage.	
a. Except as allowed in subsection (C) of this section, banners, pennants, and other similar attention getting devices are not allowed.	N/A - the project does not propose signage.	
2. Temporary commercial signs. Temporary commercial signs are not allowed outside of the TC, B and PBZ zones except for real estate signs and garage sale signs.	N/A - the project does not propose signage.	
a. Real estate signs. Signs advertising the sale, rental, or lease of property are allowed in all zones, subject to the following conditions.	N/A - the project does not propose signage.	
i. One real estate sign per street frontage is allowed on property being offered for sale, rent, or lease.	N/A - the project does not propose signage.	
ii. Three real estate A-frame signs may be posted in the public right-of-way, subject to the conditions set out in subsection (A)(6) of this section, for the following purposes:	N/A - the project does not propose signage.	
(a) Advertising a real estate open house at a single-family dwelling; provided, no more than four signs total may be posted for property being sold by the same owner;	N/A - the project does not propose signage.	
(b) Directing the public to a multiple-family dwelling in which there is a dwelling unit available for rental or sale.	N/A - the project does not propose signage.	
iii. Real estate sales and rental signs shall be removed within seven days after the sale or rental of the property being advertised.	N/A - the project does not propose signage.	
iv. Real estate signs in public rights-of-way may be posted only during those hours that a real estate or rental agent is actually present at the property and shall be removed at the end of the open house or when the sales or rental office closes each day.	N/A - the project does not propose signage.	
b. Garage sales.		
i. Three signs directing the public to a garage sale may be posted in a public right-of-way subject to the conditions set out in subsection (A)(6) of this section.	N/A - the project does not propose signage.	

ii. Garage sale signs may be posted no more than 24 hours before the beginning of the sale and shall be removed at the end of the sale.	N/A - the project does not propose signage.	
C. Temporary commercial signs in the TC, B, and PBZ zones. Temporary commercial signs in the form of banners, A-frame sandwich boards and streamers are allowed in the TC, B, and PBZ zones; provided, temporary signs shall not be permanently attached to any structure on the site; and further provided, the temporary signs conform to the following conditions:	N/A - the project does not propose signage.	
1. Banners.		
a. Shall be no larger than 48 square feet; however, no business may display more than ten square feet of banner per ten feet of business facade as measured by that portion of the building facing the access street, up to a maximum of 48 square feet, but always in proportion to the business building.	N/A - the project does not propose banners.	
b. Shall be limited to one banner per side of the business as it faces and is accessible to the public.	N/A - the project does not propose banners.	
c. Shall be attached to the building housing the business.	N/A - the project does not propose banners.	
d. May hang for up to 30 days at one time, but no more than a total of 120 days per calendar year on a side of the business designated for display. Any side of a business must be free of any banner for a period of no less than 14 days before the next banner is hung.	N/A - the project does not propose banners.	
e. Shall be professionally produced by a person skilled in the art of graphic design.	N/A - the project does not propose banners.	
f. Shall be hung in a manner which does not obstruct traffic or a view of any other business.	N/A - the project does not propose banners.	
g. Shall be well maintained.	N/A - the project does not propose banners.	
2. A-Frames. Each licensed business may post one A-frame sign either on property owned or controlled by the business or in the public right-of-way, subject to the conditions set out in subsection (A)(6) of this section; provided, the sign:	N/A - the project does not propose signage.	
a. Shall not exceed 60 inches above the ground and shall not exceed 24 square feet in area; provided, both sides of the A-frame shall be counted in calculating the sign's area.	N/A - the project does not propose signage.	
b. May be used on a daily basis, but only during business hours.	N/A - the project does not propose signage.	
c. Shall be located within 100 feet of the business displaying the sign.	N/A - the project does not propose signage.	

d. Shall be professionally produced by a person skilled in the art of graphic design.	N/A - the project does not propose signage.	
e. Shall be well maintained.	N/A - the project does not propose signage.	
3. Streamers, flags, or pennants attached to a string or wire.	N/A - the project does not propose signage.	
a. May be used a maximum of two times per year for a maximum of seven days each time.	N/A - the project does not propose signage.	
b. Shall be attached to the building housing the business displaying the streamer.	N/A - the project does not propose signage.	
c. Shall not obstruct vehicular or pedestrian traffic or obstruct a view of any other business.	N/A - the project does not propose signage.	
d. Shall be well maintained.	N/A - the project does not propose signage.	
4. Other temporary signage. Other forms of portable signs are expressly prohibited.	N/A - the project does not propose signage.	

Mercer Island City Code Compliance Matrix

Mercer Island City Code (MICC) 19.06.030-Antennas	How the proposed development meets the provisions of the MICC relative to Antennas	City Review/Notes
A. Antennas are not permitted within required yards or setbacks.	Installation of the antenna would be in the ROW.	
B. Dish antennas are not permitted between a building and a street.	N/A - the project does not propose a dish antenna.	
C. No part of a dish antenna shall exceed 15 feet above average building elevation. Dish antennas shall not be permitted on rooftops of buildings.	N/A - the project does not propose dish antenna.	
D. The code official shall review the proposed location of a dish antenna to determine that the antenna is located and designed so as to minimize the visual impact on surrounding properties and streets and is reasonably and adequately screened from view from abutting properties.	N/A - the project does not propose a dish antenna.	
E. Dish antennas shall not be installed on a portable, or movable device, such as a trailer.	N/A - the project does not propose a dish antenna.	
F. Dish antennas shall not exceed 12 feet in diameter.	N/A - the project does not propose a dish antenna.	
G. Dish antennas shall be constructed of transparent material such as wire mesh and shall be finished in a dark color and a non-light-reflective surface.	N/A - the project does not propose a dish antenna.	
H. Only one dish antenna shall be permitted on any residential lot.	N/A - the project does not propose a dish antenna.	
I. A deviation from any of the above standards may be granted by the code official or the design commission for projects which require design commission approval.	Noted	
J. Dish antennas shall be installed and maintained in compliance with the applicable construction codes set forth in MICC title 17.	N/A - the project does not propose a dish antenna.	

Mercer Island City Code Compliance Matrix

Mercer Island City Code (MICC) 19.06.040-Wireless Communication	How the proposed development meets the provisions of the MICC relative to Wireless Communication	City Review/Notes
This section is intended to apply to macro wireless communications facilities and other facilities that do not qualify as small wireless facilities, which are governed by MICC 19.06.070 and 19.06.075.	N/A - the project is not a WCF.	
A. Town Center, commercial/office, business and planned business zones.	N/A - the project is not within the Town Center Zone.	
1. Permitted use. Attached wireless communications facilities ("WCFs") are permitted in the Town Center, commercial/office, business and planned business zones. WCFs with support structures are permitted in the commercial/office, business and planned business zone districts, and are not permitted in the Town Center district.	N/A - the project is not within the Town Center Zone.	
a. Town Center zone (TC). The height of attached WCFs shall not exceed the height of the structure it is attached to by more than 15 feet. Wireless support structures are not allowed in the TC zone.	N/A - the project is not within the Town Center Zone.	
b. Commercial/office zone (C-O). The height of attached WCFs shall not exceed the height of the structure it is attached to by more than ten feet. Structures shall not be located within front yard setbacks. Structures in the side and rear yards must be set back from adjacent property a distance equal to the height of the pole. New WCFs may be located on a monopole and shall not exceed 60 feet in height.	N/A - the project is not a WCF.	
c. Planned business zone (PBZ) and business zone (B). The height of attached WCFs shall not exceed the height of the structure it is attached to by more than ten feet. Structures shall not be located within the setbacks. New WCFs may be located on a monopole and shall not exceed 60 feet in height.	N/A - the project is not a WCF.	
2. Performance standards. WCFs shall comply with the standards in subsection (E) of this section.	N/A - the project is not a WCF.	
B. Public institution zone (I-90 Corridor).	N/A - the project is not a WCF.	
1. Permitted use. Wireless communications facilities, including antenna support structures and equipment cabinets, are permitted. Facilities must meet all of the following criteria:	N/A - the project is not a WCF.	

<p>a. Antennas shall not project more than two feet in height over the nearest I-90 retaining wall, unless they are located on an existing structure, and must be screened as much as possible from public views;</p>	<p>N/A - the project is not a WCF.</p>	
<p>b. Equipment cabinet dimensions shall not exceed 480 cubic feet, should be placed underground if feasible and shall be completely screened from pedestrian and park activities with landscaping;</p>	<p>N/A - the project is not a WCF.</p>	
<p>c. Facilities shall be within 15 feet of the pedestrian side of the I-90 retaining wall, unless they are located on an existing structure. Facilities may be located between the retaining walls in the traffic corridor;</p>	<p>N/A - the project is not a WCF.</p>	
<p>d. Facilities shall be at least 300 feet from any single-family dwelling, unless located between and below the top of the retaining walls in the traffic corridor;</p>	<p>N/A - the project is not a WCF.</p>	
<p>e. Applicants shall demonstrate that they have attempted to collocate on existing structures such as other wireless support structures, rooftops, light poles, utility poles, walls, etc.</p>	<p>N/A - the project is not a WCF.</p>	
<p>2. Performance standard and location. Wireless communications facilities shall comply with the standards in subsection (E) of this section. No wireless communications facilities are allowed along the Greta Hackett Outdoor Sculpture Gallery, defined as the south side of I-90 between 76th Avenue SE and 80th Avenue SE.</p>	<p>N/A - the project is not a WCF.</p>	
<p>C. Island Crest Way Corridor.</p>		
<p>1. WCFs are permitted within the right-of-way boundary along Island Crest Way from SE 40th Street to SE 53rd Place and from SE 63rd to SE 68th Street. WCFs must be attached directly to and in line with existing utility poles, with the smallest feasible overhang. WCF antennas shall not exceed 96 inches in length, 12 inches in width, and 12 inches in depth. The WCF must not project over the height of the pole, but a pole with a height of up to 70 feet may replace an existing pole, or a pole with a height of up to 110 feet may replace an existing pole if the WCF is being collocated with another WCF consistent with subsection (F) of this section. All WCFs shall be set back from adjacent residential structures by a minimum of 40 feet.</p>	<p>N/A - the project is not a WCF.</p>	

2. Performance standards. Wireless communications facilities shall comply with the standards in subsection (E) of this section. Proponents shall provide an agreement with the utility pole owner granting access to the pole.	N/A - the project is not a WCF.	
D. Residential districts.		
1. Permitted use. WCFs are prohibited in single-family and multifamily residential zones; provided, WCFs are permitted as stated below on the following public and utility properties:	N/A - the project is not a WCF.	
a. South Mercer Island Fire Station, 8473 SE 68th Street. Maximum height: 60 feet;	N/A - the project is not a WCF.	
b. Puget Sound Energy Power Substation, 8477 SE 68th Street. Maximum height: 60 feet;	N/A - the project is not a WCF.	
c. Mercer Island Water Reservoir, 4300 88th Avenue SE. Maximum height: 60 feet;	N/A - the project is not a WCF.	
d. Island Crest Park, if the WCF is either (i) attached to an existing ballfield light standard, or (ii) attached to a new stealth designed replacement ballfield light standard located along the eastern border of Island Crest Park.	N/A - the project is not a WCF.	
i. Maximum number of support structures: A maximum of two support structures (existing or replacement ballfield light standards) with up to three antennas on each such support structure, unless the proposed new antenna(s) qualify as a 6409 eligible facility, as described in section 19.06.040(l);	N/A - the project is not a WCF.	
ii. Maximum height: 110 feet; and	N/A - the project is not a WCF.	
e. Certain rights-of-way adjacent to Clise Park.	N/A - the project is not a WCF.	
i. Maximum number of support structures: One stealth support structure with up to three antennas on such support structure located within the rights-of-way at the intersection of Island Crest Way, 84th Avenue SE and SE 39th Street, in a location at such intersection abutting trees and having the least visual impact while ensuring the maximum protection of mature trees.	N/A - the project is not a WCF.	

<p>ii. Maximum number and location of equipment cabinets: Three equipment cabinets associated with such support structure located in that portion of the SE 39th Street or 84th Avenue SE rights-of-way adjacent to Clise Park, except that if such location does not permit the proper functioning of the WCF as determined by the director of community planning and development ("director") then the equipment cabinet shall be located in the Island Crest Way right-of-way adjacent to Clise Park.</p>	<p>N/A - the project is not a WCF.</p>	
<p>iii. Maximum height: 110 feet.</p>	<p>N/A - the project is not a WCF.</p>	
<p>WCFs on the above properties may be attached or have a monopole structure. Except as to the Puget Sound Energy Substation referred to above, equipment cabinets shall be placed underground if feasible. In Island Crest Park, 84th Avenue SE or SE 39th Street right-of-way, the director may allow or require the equipment cabinets to be placed aboveground if there is a significant benefit to the parks by either the retention of trees and/or vegetation or the improvement of park uses. Any aboveground equipment cabinet must be properly screened consistent with subsection (E)(3) of this section. The setback of the support structure from any adjacent residential property line shall be equal to the height of the support structure except in Island Crest Park or those rights-of-way described in subsection (D)(1)(e) of this section, where the setback of the support structure shall be 40 feet from any residential structure.</p>	<p>N/A - the project is not a WCF.</p>	
<p>E. Performance standards.</p>		
<p>1. Attached WCFs. Attached WCFs which are visible to the traveling public and/or neighboring residences shall be designed to blend in with the existing structure and be placed in a location which is as unobtrusive as possible to the traveling public and/or neighboring residences consistent with the proper functioning of the WCF, and use color matching to blend in with the structure to which it is attached. If the aesthetic impacts cannot be mitigated by placement and color solutions, the WCF can be required to be screened.</p>	<p>N/A - the project is not a WCF.</p>	

<p>2. WCFs with support structures. WCFs with support structures shall be designed to blend into the existing site and be placed in a location which is as unobtrusive as possible consistent with the proper functioning of the WCF, and use colors to blend into the existing site. If the aesthetic impacts cannot be mitigated by placement and color solutions, the WCF can be required to be screened with landscaping and/or fencing.</p>	<p>N/A - the project is not a WCF.</p>	
<p>3. Equipment cabinets. Equipment cabinets that are visible to the traveling public and/or neighboring residences shall be designed to blend in with existing surroundings, be placed underground if feasible, or placed in a location as unobtrusive as possible consistent with proper functioning of the WCF, and use colors to blend in with the adjacent surroundings. Screening may be required using landscaping or fencing.</p>	<p>N/A - the project is not a WCF.</p>	
<p>4. Reserved.</p>		
<p>5. Priority locations. WCFs shall be located only in the zones and properties described in this chapter and a WCF applicant shall locate any WCF in the following siting priority consistent with proper functioning of the WCF:</p>	<p>N/A - the project is not a WCF.</p>	
<p>a. Public properties described in subsections (B) and (D) of this section;</p>	<p>N/A - the project is not a WCF.</p>	
<p>b. Town Center, commercial/office and planned business zones described in subsection (A) of this section; and</p>	<p>N/A - the project is not a WCF.</p>	
<p>c. Island Crest Way corridor described in subsection (C) of this section.</p>	<p>N/A - the project is not a WCF.</p>	
<p>F. Shared facilities and collocation. Collocation is highly encouraged. The applicant shall collocate the WCF with an existing WCF site unless the applicant can demonstrate to the director's satisfaction that such collocation is not feasible due to radio interference, usable signal, other engineering reason, property owner's refusal to lease property, or zoning restriction. The city also encourages WCF applicants to construct and site facilities with a view toward sharing sites and structures with other utilities, and accommodating the future collocation of other future WCFs.</p>	<p>N/A - the project is not a WCF.</p>	

<p>G. Electromagnetic radiofrequency emissions. The city recognizes that the Federal Telecommunications Act of 1996 gives the Federal Communications Commission sole jurisdiction in the field of regulation of radio-frequency (RF) emissions and WCFs which meet FCC standards shall not be conditioned or denied on the basis of RF impacts. As part of a complete application under this chapter, applicants shall provide to the city an affidavit signed by a licensed RF engineer stating that the proposed installation is compliant with applicable federal RF regulations.</p>	<p>Noted.</p>	
<p>H. When there are more than six antennas at one site, the director shall deem that site full and deny additional antennas, unless the antenna qualifies as a 6409 eligible facility.</p>	<p>Noted.</p>	
<p>I. 6409 eligible facilities. 6409 eligible facilities shall be reviewed in accordance with 47 CFR Section 1.6100 Wireless facility modifications, or as hereafter amended.</p>	<p>N/A - the project is not a WCF.</p>	
<p>1. Time frame for review. Within 60 days of the date on which an applicant submits a request seeking approval under this section, the city shall approve the application unless it determines that the application is not covered by 47 CFR 1.6100 (or as hereafter amended).</p>	<p>Noted.</p>	
<p>2. Tolling of the time frame for review. The 60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the city determines that the application is incomplete. The time frame for review is not tolled by a moratorium on the review of applications.</p>	<p>Noted.</p>	

<p>a. To toll the time frame for incompleteness, the city must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information only to the extent reasonably related to determining whether the request meets the requirements of 47 CFR Section 1.6100 or as hereafter amended. The city cannot require an applicant to submit any other documentation, including but not limited to: documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.</p>	<p>Noted.</p>	
<p>b. The time frame for review begins running again when the applicant makes a supplemental submission in response to the city's notice of incompleteness.</p>	<p>Noted.</p>	
<p>c. Following a supplemental submission, the city will have ten days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in subsection (2)(a) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.</p>	<p>Noted.</p>	
<p>3. Failure to act. In the event the city fails to approve or deny a request seeking approval under this section within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the city in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.</p>	<p>Noted.</p>	
<p>J. Removal of WCFs. If a WCF becomes obsolete or unused, it must be removed at the applicant's sole cost and expense within six months of cessation of operation at the site.</p>	<p>Noted.</p>	

<p>K. Amateur radio facilities. Amateur radio (ham) towers shall be permitted by right in all zones, pursuant to the FCC Order entitled Amateur Radio Preemption, 101 FCC 2nd 952 (1985). Any height restrictions applicable to amateur radio (ham) towers may be waived by the director upon a showing by the applicant that the proposed amateur radio (ham) tower is the minimum necessary for the facility to function as proposed.</p>	<p>N/A - the project is not a radio facility.</p>	
<p>L. Any design criteria required to make a facility into a stealth facility (i.e., intended to make the facility look like something other than a wireless tower or base station) shall be considered concealment elements for purposes of future eligible facilities requests.</p>	<p>N/A - the project is not a WCF.</p>	
<p>M. Temporary wireless communications facilities. Temporary wireless communications facilities shall be permitted in all zones and subject to the Type I land use review process pursuant to MICC chapter 19.15. Temporary wireless communications facilities may not be deployed for more than 30 days except in case of emergency or natural disaster, in which case the director may authorize a longer period of deployment.</p>	<p>N/A - the project is not a WCF.</p>	

Mercer Island City Code Compliance Matrix		
Mercer Island City Code (MICC) 19.06.050-Commerce on Public Property	How the proposed development meets the provisions of the MICC relative to Commerce on Public Property.	City Review/Notes
A. The purpose of this chapter is to allow for the safe, healthful and aesthetic use of public property for the benefit of private commerce.	N/A - the project does not propose commerce.	
B. The provisions of this section shall apply only to public sidewalks, streets and rights-of-way within the Town Center zone.	N/A - the project does not propose commerce.	
C. Any person(s), corporation, or company who wishes to use the public right-of-way for the exchange of goods or services shall apply for a private commerce on public property permit. Such permit shall be in the form specified by the code official and shall contain such information as deemed necessary by the code official.	N/A - the project does not propose commerce.	
D. Criteria for permit. A private commerce on public property permit shall be reviewed based on the following criteria:	N/A - the project does not propose commerce.	
1. The applicant business has an active business license for a location immediately adjacent to the public property location where the request has been made.	N/A - the project does not propose commerce.	
2. The location of the business activity does not create a safety hazard for motorists, bicyclists or pedestrians.	N/A - the project does not propose commerce.	
a. The business location maintains sufficient area for the free passage of pedestrians along sidewalks and access to other adjacent businesses.	N/A - the project does not propose commerce.	
b. The business location does not obstruct the views of motorists turning into or out of a street or parking lot.	N/A - the project does not propose commerce.	
3. The business operation does not generate litter, noise or other nuisances that would be objectionable to the public or other businesses in the immediate area.	N/A - the project does not propose commerce.	
a. Adequate refuse containers shall be provided.	N/A - the project does not propose commerce.	
b. Hours of operations are sensitive to the surrounding neighborhood.	N/A - the project does not propose commerce.	
c. No music or sound is amplified.	N/A - the project does not propose commerce.	
d. The area can be maintained in a clean condition.	N/A - the project does not propose commerce.	
e. Physical improvements can be removed or secured when not in operation.	N/A - the project does not propose commerce.	

4. The design for any non-temporary improvements is consistent with the design requirements for the Town Center plan.	N/A - the project does not propose commerce.	
5. The location and design do not unreasonably obstruct the visibility of any adjacent businesses.	N/A - the project does not propose commerce.	
6. The location of a business engaged in the sale of alcoholic beverages is separated from the public space with a barrier, fence, landscaping or other demarcation.	N/A - the project does not propose commerce.	
E. A permit to operate a private business on public property shall be reviewed and approved by the design commission; provided, that occasional, temporary business operations involving temporary structures and/or temporary right-of-way obstructions may be approved by the code official. Permit applications from one or a group of existing eating and drinking establishments at Mercer Island to temporarily operate private business on public property during the effective period set forth in section 6 of Ordinance No. 21C-25 shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission.	N/A - the project does not propose commerce.	
F. All permittees must comply with all applicable city, county, state and federal laws, including the International Fire Code.	N/A - the project does not propose commerce.	
G. Permits for ongoing commercial use on public property shall be subject to renewal annually on the date of the original permit approval. Failure to submit a renewal request within 30 days of the annual renewal date shall result in the suspension of the permit.	N/A - the project does not propose commerce.	
H. The revocation of a permit shall be governed by chapter 6.10 MICC.	N/A - the project does not propose commerce.	
I. The provisions of this section shall not apply to the annual city-sponsored event known as "Summer Celebration."	N/A - the project does not propose commerce.	
J. The code official may require a bond or assignment of funds as set out in MICC 19.01.060(C) to ensure that public property subject to commercial use under this section is restored to its former condition immediately following cessation of the commercial use.	N/A - the project does not propose commerce.	

<p>K. The code official may require evidence of insurance, indemnification or other measures deemed necessary and sufficient to limit the city's liability for the acts or omissions of persons, corporations, or companies seeking and obtaining permission to use public property for commercial purposes.</p>	<p>N/A - the project does not propose commerce.</p>	
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Mercer Island City Code Compliance Matrix

Mercer Island City Code (MICC) 19.06.060-Encroachment into Public Right of Way	How the proposed development meets the provisions of the MICC relative to Encroachment into Public Right of Way	City Review/Notes
A. An encroachment is any intrusion, irrespective of height or size, into a sidewalk, street, or other public right-of-way and includes, but is not limited to, fill material, retaining walls, rockeries, plants either deliberately planted or growing from adjacent property, or any other material or structures.	Noted	
B. An encroachment into a public right-of-way is not allowed without an encroachment agreement.	N/A - the applicant is not proposing encroachment into public right of way.	
C. A land owner seeking an encroachment agreement shall submit an application to the city engineer along with the applicable fee, and shall show the special topographical conditions which warrant an encroachment into the public right-of-way and show that there will be no interference with public use and enjoyment or access from such encroachment.	N/A - the applicant is not seeking encroachment.	
D. An encroachment agreement shall:		
1. Specify the type and location of materials, plants, or structures allowed in the right-of-way;	N/A - the applicant is not seeking encroachment.	
2. Specify the rights and responsibilities of the city and the adjacent land owner for maintenance and eventual removal of the encroachment;	N/A - the applicant is not seeking encroachment.	
3. Make provisions for reasonable public access, including view, to the right-of-way and to any adjacent public property;	N/A - the applicant is not seeking encroachment.	
4. Make provisions for future access to the right-of-way for utilities, drainage, vehicles, and pedestrians;	N/A - the applicant is not seeking encroachment.	
5. Protect the public health and safety;	N/A - the applicant is not seeking encroachment.	
6. State that the city shall be entitled to revoke an encroachment agreement at any time, with or without cause and without penalty or liability, and that the property owner shall return the property to the same or better condition than existed prior to the encroachment; and	N/A - the applicant is not seeking encroachment.	
7. Contain any other criteria deemed necessary by the city engineer.	N/A - the applicant is not seeking encroachment.	
E. An encroachment agreement does not constitute a surrender by the city of any property rights to the right-of-way.	N/A - the applicant is not seeking encroachment.	

F. An encroachment agreement runs with the land adjacent to and benefited from the encroachment and is not valid until recorded with the King County assessor's office.	N/A - the applicant is not seeking encroachment.	
G. Before a land owner may begin construction of the encroachments allowed under an encroachment agreement, that person shall obtain a right-of-way permit pursuant to MICC 19.09.060 after submitting an application to the city engineer along with the applicable fee.	N/A - the applicant is not seeking encroachment.	

Mercer Island City Code Compliance Matrix		
Mercer Island City Code (MICC) 19.06.070-Small wireless facilities deployment	How the proposed development meets the provisions of the MICC relative to small wireless facilities deployment	City Review/Notes
The following provisions establish standards for small wireless facilities deployments; provided, however, that any small wireless facilities or small wireless facilities network component which is not exempt from SEPA review shall also comply with chapter 19.21 MICC or as hereafter amended:	Noted.	
A. Small wireless facility approval required. Small wireless facilities are permitted in all zoning designations subject to a Type II land use review process pursuant to chapter 19.15 MICC. In addition to the small wireless facility approval, one or more right-of-way use permits may also be required for small wireless facility deployment.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
B. Previously approved small wireless facilities on existing or replacement utility poles. Eligible small wireless facilities permitted under the provisions of a franchise approval prior to the adoption of these standards shall be considered to have satisfied the design and concealment standards when installed and maintained in accordance with the franchise agreement.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
C. Hollow poles that can conceal equipment and appurtenances are required in undergrounded utility areas, if feasible, and preferred in all other portions of the city.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
D. Replacement pole—Street light standard. With the express permission of the city, a street light standard may be installed to support a new small wireless facility. The design of the street light standard shall be in accordance with the city requirements in effect at the time. Wherever feasible, all equipment and cabling shall be internal to the replacement street light standard, or concealed through the design and implementation of a concealment plan.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	

<p>E. Undergrounded utility areas. An applicant desiring to locate any aboveground infrastructure in an undergrounded utility area shall provide a separate, standalone pole. Pole design must be approved by the city pursuant to MICC 19.06.075. However, notwithstanding the above, all backhaul, electricity, cabling and components of small wireless facilities other than antenna(s) and the pole shall be located underground to the extent feasible and all wiring, cabling to the antenna(s) or other equipment that cannot be undergrounded shall be internal to the standalone pole or concealed through the design and implementation of a concealment plan. Further, notwithstanding any other provision in the MICC to the contrary, guy poles located within or adjacent to undergrounded utility areas shall not be used to support any small wireless facilities.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities). The project would be above ground.</p>	
<p>F. Notwithstanding any provision of MICC 19.15.030, there shall be no appeal to the hearing examiner of permits issued pursuant to this section, in order to comport with the permit processing timelines set forth in 47 CFR 1.6003 (or as hereafter amended). However, nothing in this section is intended to affect any potential right of any party to any applicable judicial appeal.</p>	<p>Noted.</p>	

Mercer Island City Code Compliance Matrix		
Mercer Island City Code (MICC) 19.06.075-Small wireless facilities deployment - Design and concealment standards	How the proposed development meets the provisions of the MICC relative to small wireless facilities deployment - Design and concealment standards	City Review/Notes
Small wireless facility deployments, whether permitted on the right-of-way pursuant to a franchise or in accordance with this chapter, shall conform to the design standards set forth in this section.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
A. Small wireless facility deployment design standards—General requirements. All small wireless facility deployments shall comply with the following provisions:	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
1. Ground-mounted equipment in the rights-of-way is prohibited unless such facilities are placed underground or the applicant can demonstrate that pole-mounted or undergrounded equipment is infeasible. If ground-mounted equipment is necessary, then the applicant shall submit a concealment plan pursuant to subsection (G) of this section. Generators located in the rights-of-way are prohibited, except in case of emergency or natural disaster.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
2. Noiseless small wireless facilities are required if feasible. If noiseless facilities are not feasible, then the facility with the lowest noise profile is required. In any event, no small wireless facility equipment shall be operated so as to produce noise in violation of chapter 8.24 MICC.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
3. Small wireless facilities are not permitted on traffic signal poles.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
4. Placement of replacement poles and new poles and any associated equipment shall comply with state and federal laws and regulations including the Americans with Disabilities Act (ADA), city construction and sidewalk standards, and shall maintain the path of travel in order to provide a clear and safe passage within the rights-of-way.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	

<p>5. Consistent with the provisions of subsection (4) above, replacement poles shall be located as near as possible to the existing pole subject to approval by the city engineer. The applicant must remove the abandoned pole promptly upon installation of the replacement pole and restore the right-of-way, including paving and/or sidewalks to provide clear and safe passage, at its sole cost and expense.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>6. Any signage on equipment enclosures shall be of the minimum size and number possible to achieve the intended purpose; provided, that signs are permitted as concealment element techniques where appropriate.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment plan.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>8. Side arm mounts for antennas or equipment are prohibited.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>9. A small wireless facility on a pole shall have the least possible visible impact by utilizing the smallest antenna(s) and equipment feasible.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>10. Antennas, equipment enclosures, and ancillary equipment, conduit, and cable shall be located within the building or pole to the maximum extent feasible.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>11. Antennas, equipment enclosures and ancillary equipment, conduit, and cable shall match the color and visual character of the building or pole upon which they are attached to the extent feasible.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>12. The city may consider the cumulative visual effects of small wireless facilities mounted on poles, together with existing utility equipment, within the rights-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the city. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the service provider.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	

<p>13. Any design criteria required to make a facility into a stealth facility (i.e., intended to make a facility look like something other than a wireless tower or base station) shall be considered concealment elements for the purposes of future eligible facilities requests.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>B. Small wireless facilities attached to nonwooden poles. Small wireless facilities attached to existing or replacement nonwooden light poles and other nonwooden poles in the right-of-way or poles outside of the right-of-way shall conform to the following design criteria in addition to the general requirements set forth in subsection (A) of this section:</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>1. Antennas and the associated equipment enclosures shall be sited and installed in a manner which minimizes the visual impact on the streetscape by either:</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>a. Fully concealing the antennas and associated equipment fully within the pole; or</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>b. Through a concealment plan which provides an equivalent or greater impact reduction pursuant to subsection (G) of this section.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>2. All conduit, cables, wires, and fiber must be routed internally in the light pole. Conduit, cables, wires, and fiber extending outside the pole to connect with externally mounted antennas or equipment shall be located within shrouds, canisters, or sleeves color matched with the support pole.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>3. An antenna on top of an existing pole may not extend more than six feet above the height of the existing pole and the diameter may not exceed 16 inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that they appear as a continuation of the original pole, including colored, powder coated, or other permanent coloration, to match the pole, and shall be shrouded or screened to blend with the pole. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole and shall color match the pole.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	

<p>4. In addition to the increased antenna height allowed in subsection (B)(3) of this section, the height of any replacement pole may not extend more than ten feet above the height of the existing pole or the minimum additional height necessary for adequate clearance from electrical wires, whichever is greater.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>5. Any replacement nonwooden pole shall substantially conform to the design of the pole it is replacing, or the applicable city pole design standards, if the pole to be replaced does not comply with the city pole design standards at time of application.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>6. The diameter of a replacement pole shall comply with applicable setback and sidewalk clearance requirements, ADA requirements, and if a replacement light standard then with the city's lighting requirements.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>7. For facilities collocated with nonwireless uses, the use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be promptly removed at the applicant's sole cost and expense, unless a permit is obtained pursuant to MICC 19.06.070, including new review under this section MICC 19.06.075.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>C. Wooden pole design standards. Small wireless facilities located on wooden poles shall conform to the following design criteria in addition to the general requirements set forth in subsection (A) of this section:</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that would exceed the height limits to qualify as a small wireless facility.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	

<p>2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole if such an extension would exceed the height limits to qualify as a small wireless facility. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>3. Replacement wooden poles may either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the city.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>4. Antennas, equipment enclosures, and all ancillary equipment, boxes, and conduit shall be colored, powder coated, or have other permanent coloration, to match the approximate color of the surface of the wooden pole on which they are attached.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>5. Panel antennas shall not be mounted on the side of a pole more than 12 inches from the surface of the wooden pole, measured from the exterior surface of the pole to the furthest extent of the panel antenna.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole; provided, that each antenna enclosure shall not be more than three cubic feet in volume, with a cumulative total antenna volume not to exceed 12 cubic feet.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	

<p>7. In addition to the increased antenna height allowed in subsection (C)(2) of this section, a canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection (C)(1) of this section. A canister antenna mounted on the top of a wooden pole shall be consistent with the volume limit contained in the definition of small wireless facilities. Any canister antenna shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side-mounted canister antenna, so long as the inside edge of the antenna is no more than 12 inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole that is colored to match the wooden pole.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>8. In addition to the increased antenna height allowed in subsection (C)(2) of this section, an omnidirectional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>9. All related equipment including but not limited to: ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner. Further, all related equipment must be painted or color matched to the wooden pole.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	

<p>10. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground-mounted pursuant to subsection (A) of this section. The equipment must be placed in the smallest enclosure possible for the intended purpose but in no event can wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing equipment on the structure, exceed 28 cubic feet in volume. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole if such banners or road signs are allowed by the pole owner.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>11. Notwithstanding the dimensional standards above, the size of any small wireless facility on the wooden pole shall be as small as feasible.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>12. For facilities collocated with nonwireless uses, the use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be promptly removed at the applicant's sole cost and expense, unless a permit is obtained pursuant to MICC 19.06.070, including new review under this section MICC 19.06.075.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>13. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored, powder coated, or have other permanent coloration, to match the pole. The number and size of conduits shall be minimized to the number necessary to accommodate the small wireless facility.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>D. Small wireless facilities attached to existing buildings. Small wireless facilities attached to existing buildings shall conform to the following design criteria:</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if they complement the architecture of the existing building.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building and any brackets must match the color of the building.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Such skirts or shrouds must also reasonably match the color of the building. Exposed cabling/wiring is prohibited.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
6. Small wireless facilities shall be painted, colored, and textured to match the adjacent building surfaces.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
E. Small wireless facilities mounted on cables strung between utility poles shall conform to the following standards:	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
1. Each strand-mounted facility shall not exceed three cubic feet in volume;	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
2. Only one strand-mounted facility is permitted per cable between any two existing poles;	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
3. The strand-mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than six feet from the pole unless a smaller distance is infeasible or a greater distance is required by the pole owner for safety clearance;	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
4. No strand-mounted device shall be located in or above the portion of the roadway open to vehicular traffic or over any pedestrian walkway;	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
5. Ground-mounted equipment to accommodate such strand-mounted facilities is not permitted, except when placed in preexisting equipment cabinets;	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
6. Pole-mounted equipment for strand-mounted facilities shall meet the requirements for pole-mounted small wireless facilities; and	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	

7. Such strand-mounted devices must be as small as possible and with the minimum exterior cabling or wires (other than the original strand) necessary to meet the technological needs of the facility.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
F. New poles in the rights-of-way for small wireless facilities.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
1. New poles within the rights-of-way are only permitted if the applicant can establish that:	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
a. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower, or on a site outside of the public rights-of-way such as a public park, public property, building, transmission tower or in or on a nonresidential use in a residential zone whether by roof or panel-mount or separate structure;	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
b. The proposed wireless communications facility receives approval for a concealment plan, as described in subsection (G) of this section;	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
c. The proposed wireless communications facility also complies with the Shoreline Master Program and SEPA, if applicable; and	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
d. No new poles shall be located in a critical area or associated buffer required by the city's critical areas ordinance, except when determined to be exempt pursuant to said ordinance.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
G. The concealment plan shall include the design of the screening, fencing, or other concealment technology for a pole or equipment structure, and all related transmission equipment or facilities associated with the proposed wireless communications facility, including but not limited to fiber and power connections.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	

<p>1. The concealment plan shall minimize the visual obtrusiveness of wireless communications facility installations to the extent feasible. The proposed pole or structure shall have similar designs to existing neighboring poles in the rights-of-way, including similar height, to the extent feasible, and similar coloration and shape. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color and texture—or the appearance thereof—as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wires are installed internally in the structure or otherwise integrated into the design of the structure. Use of a unified enclosure equal to or less than four cubic feet in volume may be permitted in meeting these criteria. This requirement shall be applied in a manner which does not dictate the technology employed by the service provider nor unreasonably impair the technological performance of the equipment chosen by the service provider.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>2. If the director has already approved a concealment plan either for the applicant or another wireless communications facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment plan, unless it can show that such concealment plan is not feasible, or that such deployment would undermine the generally applicable design standards.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>H. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts of the small wireless facility.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	

Mercer Island City Code Compliance Matrix

Mercer Island City Code (MICC) 19.06.080 - Siting of group housing.	How the proposed development meets the provisions of the MICC relative to siting of group housing.	City Review/Notes
A. Special needs group housing.	N/A - the project does not propose group housing.	
1. Permitted. Special needs group housing is permitted in all zones subject to the following conditions:	N/A - the project does not propose group housing.	
a. The facility shall meet all applicable Washington State licensing requirements.	N/A - the project does not propose group housing.	
b. The facility shall comply with all applicable construction codes set forth in MICC title 17, including maximum occupancy restrictions.	N/A - the project does not propose group housing.	
c. Operators of housing for persons with handicaps or with familial status within the meaning of the Federal Fair Housing Amendments Act (FHAA) may not accept individuals whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others.	N/A - the project does not propose group housing.	
The code official may require the operator of a special needs group home to deny housing to an individual if the police chief determines, based on the characteristics and relevant conduct of the individuals at issue, that such tenant is a direct threat to the health and safety of others, or that such individual's tenancy would result in substantial physical damage to the property of others. The police chief's determination may be appealed to the hearing examiner by the operator or tenant at issue under the appeal procedure set out in MICC 19.15.130.	N/A - the project does not propose group housing.	
2. Reasonable accommodation. Reasonable accommodations shall be made to handicapped persons, pursuant to the process provided in MICC 19.01.030, when such accommodations may be necessary to afford such persons equal opportunity to use and enjoy a dwelling, as required by the FHAA.	N/A - the project does not propose group housing.	
B. Social service transitional housing.	N/A - the project does not propose group housing.	
1. Permitted. Social service transitional housing is permitted in all zones when authorized by the issuance of a conditional use permit (CUP). Review of the conditional use permit application will be based upon the criteria set forth in MICC 19.15.100 and the supplemental criteria set forth in subsection (B)(3) of this section.	N/A - the project does not propose group housing.	

2. Exceptions.	N/A - the project does not propose group housing.	
a. If the police chief determines that the safety of the intended residents in a domestic violence shelter will be compromised by CUP public notice requirements, they may be waived.	N/A - the project does not propose group housing.	
b. A domestic violence shelter is not required to comply with subsection (B)(3)(c) of this section, which requires a 600-foot setback.	N/A - the project does not propose group housing.	
c. Social service transitional housing facilities that house persons with familial status and persons with handicaps within the meaning of the FHAA is permitted in all zones pursuant to subsection A of this section, and are not required to obtain a CUP.	N/A - the project does not propose group housing.	
3. Supplemental conditional use criteria.	N/A - the project does not propose group housing.	
a. A determination made by the police chief as to whether a tenant may be a threat to the health or safety of others or whether an individual's tenancy is likely to result in significant physical damage to the property of others, and, if so, whether conditions can be attached to satisfactorily control those risks.	N/A - the project does not propose group housing.	
b. The facility is at least 1,000 feet from any other facility under this classification.	N/A - the project does not propose group housing.	
c. The facility is at least 600 feet from the property line of educational or recreational facilities where children are known to congregate, including but not limited to any public park, the I-90 Trail, churches or synagogues, schools, licensed daycares, the Mercer Island Branch of the King County Library, public pools, the Mercerwood Shore Club, Mercer Island Beach Club, the Jewish Community Center, Mercer View Community Center, or the Boys and Girls Club.	N/A - the project does not propose group housing.	
d. The facility and program secures and maintains all licenses and/or approvals as required by the state or federal government.	N/A - the project does not propose group housing.	
e. The facility shall comply with all applicable construction codes set forth in MICC title 17, including maximum occupancy restrictions.	N/A - the project does not propose group housing.	
f. The program will be operated under the authority of a reputable governing board or social service or government agency or proprietor, to whom staff are responsible and who will be available to city officials, if necessary, to resolve concerns pertaining to the facility.	N/A - the project does not propose group housing.	

g. The facility shall operate under a written management plan, including a detailed description of staffing, supervision, and security arrangements appropriate to the type and number of clients and to its hours of operation, which shall be submitted to and approved by the city prior to the first occupancy by any person intended to be served by the facility.	N/A - the project does not propose group housing.	
h. The facility has adequate off-street parking. The code official may require the applicant to submit a traffic study.	N/A - the project does not propose group housing.	
i. The city shall determine the number of dwelling units or occupancy rooms or suites permitted in the proposed facility based on the following criteria:	N/A - the project does not propose group housing.	
i. The specific nature of the occupancy and the persons that will be housed in the proposed facility.	N/A - the project does not propose group housing.	
ii. The size of the dwelling units or occupancy rooms or suites and the specific configuration of the facilities within these units, rooms, or suites.	N/A - the project does not propose group housing.	
iii. The impacts on nearby residential uses of the proposed facility.	N/A - the project does not propose group housing.	
4. Appeal. The conditional use permit decision made under subsection B of this section may be appealed pursuant to MICC 19.15.130.	N/A - the project does not propose group housing.	
C. Rooming houses.	N/A - the project does not propose group housing.	
1. Permitted. Rooming houses are permitted in multifamily zones and in the Town Center unless:	N/A - the project does not propose group housing.	
a. The rooming house fails to comply with all applicable construction codes set forth in MICC title 17, including maximum occupancy restrictions;	N/A - the project does not propose group housing.	
b. The rooming house does not have adequate off-street parking, which will be determined by a traffic study that shall be promptly provided by the rooming house owner and/or operator if requested by the code official;	N/A - the project does not propose group housing.	
c. The police chief determines that any tenant is a threat to the health or safety of others; and	N/A - the project does not propose group housing.	
d. The code official determines that the rooming house creates any significant adverse impact affecting surrounding properties; and measures which may be required by the code official to be taken by the rooming house owner and/or operator to mitigate such impacts are not promptly taken or do not satisfactorily mitigate such impacts.	N/A - the project does not propose group housing.	

2. Appeal. Determinations made by the code official pursuant to subsection C of this section may be appealed pursuant to MICC 19.15.130.	Noted.	
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Mercer Island City Code Compliance Matrix		
Mercer Island City Code (MICC) 19.06.090 - Temporary encampment permit.	How the proposed development meets the provisions of the MICC relative to temporary encampment permit	City Review/Notes
A. General conditions. Temporary encampments are allowed only pursuant to a permit issued in accordance with the following conditions:	N/A - the project is not requesting temporary encampment.	
1. A temporary encampment shall be located at a place of worship. If the place of worship is not actively practicing on the site proposed for a temporary encampment, then the place of worship must comply with all other permit requirements for the underlying zone required for siting a new place of worship and temporary encampment.	N/A - the project is not requesting temporary encampment.	
2. Each lot occupied by a temporary encampment must provide or have available parking and vehicular maneuvering area.	N/A - the project is not requesting temporary encampment.	
3. The temporary encampment and the parking of any vehicles associated with a temporary encampment application shall not displace the host site's parking lot in such a way that the host site no longer meets the minimum or required parking of the principal use as required by code or previous approvals unless an alternative parking plan has been approved by the code official.	N/A - the project is not requesting temporary encampment.	
4. The temporary encampment shall be located within one-half mile of a public transit stop.	N/A - the project is not requesting temporary encampment.	
5. No temporary encampment shall operate within the city of Mercer Island for more than 90 consecutive days, except that the code official may allow up to five additional days to accommodate moving on a weekend.	N/A - the project is not requesting temporary encampment.	
6. The city shall not grant a permit for a temporary encampment that is proposed to commence on a lot or lots within one-half mile of any lot(s) that contained a temporary encampment within the last 18 months. For the purposes of this subsection, the 18 months shall be calculated from the last day of the prior temporary encampment within the one-half-mile radius. No more than one temporary encampment may be located in the city at any time.	N/A - the project is not requesting temporary encampment.	

<p>7. All temporary encampments shall obtain, prior to occupancy of the lots, all applicable city of Mercer Island permits, licenses and other approvals (i.e., business license, building permit, administrative approvals, etc.).</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>8. Each site occupied by a temporary encampment shall be left free of debris, litter, or other evidence of the temporary encampment upon completion of removal of the use.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>9. The applicant shall submit a complete application for a temporary encampment permit at least 75 days before any occupancy by the temporary encampment.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>10. The encampment shall be limited to a maximum of 100 persons. After the encampment reaches its 100-person capacity, any individual(s) who arrive after sundown (and meet all screening criteria) will be allowed to stay for one night, after which the individual(s) will not be permitted entry until a vacancy is available. Such occurrences shall be logged and reported to the code official on a weekly basis.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>11. Because of their temporary nature, temporary structures within temporary encampments shall not be required to meet the design review criteria of chapter 19.11 or 19.12 MICC. Any permanent structures, as determined by the code official, shall meet all applicable design review criteria and receive any necessary design review permits. All temporary structures for temporary encampments shall comply with the following design criteria:</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>a. Temporary encampment structures shall be located a minimum of 20 feet from any property line that abuts a residential property, unless otherwise approved by the code official. All other setbacks and yards applicable to permanent structures shall apply to temporary structures related to temporary encampments;</p>	<p>N/A - the project is not requesting temporary encampment.</p>	

<p>b. A six-foot-high sight-obscuring fence, vegetative screen or other visual buffering shall be provided between the temporary encampment and any abutting residential property and the right-of-way. The fence shall provide a privacy and a visual buffering among neighboring properties in a manner and material approved by the code official. The code official shall consider existing vegetation, fencing, topographic variations and other site conditions in determining compliance with this requirement; and</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>c. Exterior lighting must be directed downward, away from adjoining properties, and contained within the temporary encampment.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>12. No children under the age of 18 are allowed to stay overnight in a temporary encampment unless accompanied by a parent or legal guardian. If any other child under the age of 18 attempts to stay overnight at the temporary encampment, the temporary encampment managing organization shall immediately contact the Washington State Department of Social and Health Services Child Protective Services, or its successor.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>13. The temporary encampment shall comply with all applicable standards of the Seattle-King County health department, or its successor.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>14. The temporary encampment shall comply with all Washington State and city codes concerning, but not limited to, drinking water connections, human waste, solid waste disposal, electrical systems, cooking and food handling and fire-resistant materials. Servicing of portable toilets and trash dumpsters is prohibited between the hours of 10:00 p.m. and 7:00 a.m. on Mondays through Fridays, excluding legal holidays, and between the hours of 10:00 p.m. and 9:00 a.m. on Saturdays, Sundays, and legal holidays, except in the case of bona fide emergency or under permit from the code official in case of demonstrated necessity.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	

15. The temporary encampment shall permit regular inspections by the city, including the police department, and King County health department to check compliance with the standards for temporary encampments. The Mercer Island fire department shall do an initial fire inspection and safety meeting at the inception of the temporary encampment.	N/A - the project is not requesting temporary encampment.	
16. All temporary encampments shall have services, such as food, water, and waste disposal, provided by a temporary encampment sponsor and supervised by a temporary encampment managing organization.	N/A - the project is not requesting temporary encampment.	
17. The managing organization and temporary encampment sponsor shall sign a hold harmless agreement for the temporary encampment.	N/A - the project is not requesting temporary encampment.	
18. The temporary encampment managing organization shall maintain a resident log for all who are residing at the temporary encampment. Such log shall be kept on site at the temporary encampment. Prospective encampment residents shall provide a verifiable form of identification when signing the log.	N/A - the project is not requesting temporary encampment.	
19. The temporary encampment sponsor and encampment managing organization shall ensure enforcement of a code of conduct at the temporary encampment site. The code of conduct shall be in substantially the following form or address the following issues:	N/A - the project is not requesting temporary encampment.	
a. Possession or use of illegal drugs is not permitted;	N/A - the project is not requesting temporary encampment.	
b. No alcohol is permitted;	N/A - the project is not requesting temporary encampment.	
c. No weapons are permitted;	N/A - the project is not requesting temporary encampment.	
d. All knives over three and one-half inches must be turned in to the encampment managing organization for safekeeping;	N/A - the project is not requesting temporary encampment.	
e. No violence is permitted;	N/A - the project is not requesting temporary encampment.	
f. No open flames are permitted;	N/A - the project is not requesting temporary encampment.	
g. No trespassing into private property in the surrounding neighborhood is permitted;	N/A - the project is not requesting temporary encampment.	
h. No littering on the temporary encampment site or in the surrounding neighborhood is permitted; and	N/A - the project is not requesting temporary encampment.	
i. No convicted sex offender shall reside in the temporary encampment.	N/A - the project is not requesting temporary encampment.	
Nothing within this section shall prohibit the encampment sponsor or encampment managing organization from imposing and enforcing additional code of conduct conditions not otherwise inconsistent with this section.	N/A - the project is not requesting temporary encampment.	

<p>20. The temporary encampment managing organization shall obtain warrant and sex offender checks from the King County sheriff's office for all current camp residents within the seven days prior to moving to Mercer Island, as well as from all new residents checking into the temporary encampment. If said check reveals the subject is a sex offender or has an active warrant, the temporary encampment managing organization or sponsor shall immediately contact the city of Mercer Island police department. The temporary encampment sponsor shall be responsible for verifying that the warrant and sex offender checks occur, that the log of persons residing at the temporary encampment is kept and that verifiable forms of identification are being provided.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>21. Upon determination that there has been a violation of any condition of approval, the code official may give written notice to the permit holder describing the alleged violation. Within seven days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the seven-day period, the code official shall sustain or revoke the permit. When a temporary encampment permit is revoked, the code official shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a temporary encampment permit will be processed pursuant to RCW Chapter 36.70C. The availability of this procedure shall be in addition to the procedures set out in chapter 6.10 MICC.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>22. A designated smoking area shall be provided on site in the location which would result in the least impact on neighboring properties based on distance.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>23. The code official may require any other condition as necessary to mitigate impacts from temporary encampments.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>B. Permit application. The applicant for a temporary encampment shall submit all of the following, unless waived by the code official:</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>1. General application form;</p>	<p>N/A - the project is not requesting temporary encampment.</p>	

2. A site plan, which extends 50 feet beyond the proposed site's property boundaries, drawn to scale showing all of the following:	N/A - the project is not requesting temporary encampment.	
a. All existing structures;	N/A - the project is not requesting temporary encampment.	
b. Existing parking stalls;	N/A - the project is not requesting temporary encampment.	
c. Parking stalls proposed to be unavailable for parking vehicles during the temporary encampment;	N/A - the project is not requesting temporary encampment.	
d. All proposed temporary structures;	N/A - the project is not requesting temporary encampment.	
e. Proposed electrical and plumbing connections;	N/A - the project is not requesting temporary encampment.	
f. Location of trash receptacles, including trash dumpsters;	N/A - the project is not requesting temporary encampment.	
g. Location of toilets and other sanitary facilities;	N/A - the project is not requesting temporary encampment.	
h. Location and details of any proposed connection to wastewater, potable water, stormwater, electrical supply, or other public or private utility systems;	N/A - the project is not requesting temporary encampment.	
i. Proposed and existing ingress and egress;	N/A - the project is not requesting temporary encampment.	
j. Any permanent alterations on the lot to the site or structures; and	N/A - the project is not requesting temporary encampment.	
k. Designated smoking area;	N/A - the project is not requesting temporary encampment.	
3. Proposed fencing detail or typical section;	N/A - the project is not requesting temporary encampment.	
4. Written authorization from a temporary encampment sponsor on which the temporary encampment is located;	N/A - the project is not requesting temporary encampment.	
5. A hold harmless agreement, on a form approved by the city attorney, with a signature of the temporary encampment sponsor;	N/A - the project is not requesting temporary encampment.	
6. A copy of any agreements with other parties regarding use of parking, either on site or off site;	N/A - the project is not requesting temporary encampment.	
7. A copy of any agreement between the temporary encampment sponsor, temporary encampment managing organization, and any schools and/or child care services;	N/A - the project is not requesting temporary encampment.	
8. A copy of the code of conduct;	N/A - the project is not requesting temporary encampment.	
9. The applicant shall provide:	N/A - the project is not requesting temporary encampment.	
a. The date, time, and location of the required informal public meeting;	N/A - the project is not requesting temporary encampment.	
b. The name of persons representing the temporary encampment managing organization and sponsor at the informal public meeting;	N/A - the project is not requesting temporary encampment.	
c. A summary of comments provided; and	N/A - the project is not requesting temporary encampment.	
d. Copies of any documents submitted at the informal public meeting;	N/A - the project is not requesting temporary encampment.	
10. Any other information deemed necessary by the code official for the processing of a temporary encampment permit; and	N/A - the project is not requesting temporary encampment.	

11. All applicable application filing fees in an amount established by city ordinance or resolution.	N/A - the project is not requesting temporary encampment.	
C. Application process. A temporary encampment permit is an administrative action. In addition to the requirements for the processing of administrative actions specified in chapter 19.15 MICC, the following additional procedures shall apply:	N/A - the project is not requesting temporary encampment.	
1. Informal public meeting required. The code official shall require an applicant to conduct an informal public meeting to inform citizens about a proposed temporary encampment prior to submittal of an application. Notice of the informal public meeting shall be provided in the same manner as required for notice of the application, at least ten days prior to the informal public meeting. Prior to the informal public meeting, the temporary encampment sponsor and managing organization shall meet and confer with the Mercer Island police department regarding any proposed security measures. At the informal public meeting, a representative of the temporary encampment sponsor and managing organization shall present in writing and describe the proposed temporary encampment location, timing, site plan, code of conduct, encampment concerns, management security measures, and any input or comment received on the plan, including any comment or input from the Mercer Island police department, or comment or input from schools and/or child care services under subsection (C)(2) of this section. Copies of the agenda and other materials shall be provided by the applicant at the meeting. The meeting shall be conducted on the subject property whenever feasible.	N/A - the project is not requesting temporary encampment.	

<p>Z. Additional mailed notice. The requirements for mailing the notice of application set forth in chapter 19.15 MICC shall be expanded to include owners of real property within 600 feet of the lot(s) containing the proposed temporary encampment. Prior to any application for a temporary encampment permit, the temporary encampment sponsor, or temporary encampment managing organization, shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the lot(s) proposed to contain the temporary encampment, and shall meet and confer with the operators of any properly licensed child care service within 600 feet of the boundaries of the lot(s) proposed to contain the temporary encampment. The temporary encampment sponsor and the school administration and/or child care service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a temporary encampment within 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the code official for consideration, for inclusion within the temporary encampment permit. In the event the parties fail to agree on any conditions, either party may provide the code official with a written summary of the parties' discussions, which the code official may consider in evaluating whether the conditions for the temporary</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>D. Emergencies. The code official may waive these requirements when a catastrophic event necessitates the immediate establishment of a temporary encampment.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	

Mercer Island City Code Compliance Matrix		
Mercer Island City Code (MICC) 19.06.100 - Essential public facilities.	How the proposed development meets the provisions of the MICC relative to essential public facilities.	City Review/Notes
A. Purpose and applicability.		
1. This chapter establishes a process for identifying, siting and regulating essential public facilities (EPFs).	Noted.	
2. Nothing in this chapter 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 Management Act, RCW Chapter 36.70A, as now enacted or hereafter amended, and other applicable statutes and regulations.	Noted.	
3. This chapter 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.	Noted.	
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.	Noted.	
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.	Noted.	
d. Promote enhanced public participation that will produce EPF decisions consistent with community goals and the comprehensive plan.	Noted.	
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 Chapters 19.09 and 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.	The EPF applicant applied for pre-application meeting that was successfully held on November 19, 2024.	

<p>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.</p>	<p>The applicant presented a Public Participation Plan for the project as part of the pre-application materials. Local outreach efforts are being conducted prior to submittal of a conditional use permit application.</p>	
<p>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. Within the Town Center zone, an application for a conditional use permit shall follow the procedure and meet the criteria in chapter 19.15 MICC and MICC 19.15.040. In addition, regardless of the proposed location of the EPF, materials showing compliance with the following items must be submitted:</p>	<p>The Project is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities). An EPF requires a Conditional Use Permit in all zones (MICC 19.06.100(D)). The project is outside of the Town Center zone and is exempt from design review.</p>	
<p>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.</p>	<p>The City operates a water utility meter reading program that involves reading 82% of meters manually and reading the remaining 28% through a radio read system. Water metering information is used in the City's utility billing system, from which utility billing statements are generated.</p> <p>In 2018, the City began evaluating options to improve its water metering practices, which led to a comprehensive Water Meter Replacement Program (the Program). The Program includes implementation of an Advanced Metering Infrastructure (AMI) system to replace the 7,900 existing water meters with new smart meters, standardized in type and technology. This will enable a meter-reading approach that will best support reduced water loss and improved water resource management. The new meters will automatically transmit water usage data to the City on an hourly basis via data collection equipment placed at the proposed location.</p>	
<p>2. Consistency with applicant's plans. The proposal shall be consistent with the applicant's own long-range plans for facilities and operations.</p>	<p>The project is part of the implementation of the Program and will contribute to the goal of improved water resource management which is the overall long-range plan for facilities and operations.</p>	

<p>3. Consistency with Mercer Island Comprehensive Plan. The proposal shall be consistent with the Mercer Island Comprehensive Plan.</p>	<p>The Mercer Island Comprehensive Plan calls for the City to provide adequate water supply and improved water quality to the water service area now and in the future. The meter replacement program is a capital project designed to fulfill that requirement through implementing the City of Mercer Island's Comprehensive Plan, Chapter 6, Capital Facilities Goals and Policies, Goal 1 (1.1, 1.2, 1.3, 1.9, 1.15 and 1.18).</p>	
<p>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.</p>	<p>The site requirements that informed the location of the project was primarily based on the AMI system performance requirement (a certain percentage of meters must be read within a certain number of days). Sizing, topography, support facilities are all non-factors as the physical location of the equipment boxes is not a concern. There will be no future expansion needs.</p>	
<p>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 whether any alternative sites have been identified that meet the minimum site requirements of the facility.</p>	<p>Once the AMI performance system requirements were identified, the equipment system was designed to be configured for that specific location. Therefore, alternative site locations were not required to meet site selection requirements.</p>	
<p>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.</p>	<p>The proposal would not cause any permanent impacts to the natural or built environment, therefore, no mitigation is required.</p>	

<p>E. Design review required. In addition to conditional use permit approval, design review pursuant to chapter 19.15 MICC is required for any regulated improvements. Design review may be consolidated with the conditional use permit review pursuant to chapter 19.15 MICC.</p>	<p>The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.</p>	
<p>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.</p>	<p>Noted.</p>	

Mercer Island City Code Compliance Matrix		
Mercer Island City Code (MICC) 19.06.110 - Criteria for approval—Conditional use permits, variances, and setback deviations	How the proposed development meets the provisions of the MICC relative to small wireless facilities deployment	City Review/Notes
A. 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.	Noted.	
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;	The Project is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities). An EPF requires a Conditional Use Permit in all zones (MICC 19.06.100(D)).	
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;	The proposed location was identified due to its ability to capture transmissions from water meters across Mercer Island. The location is not within the Town Center Zone. The equipment is proposed for installation in the City right-of-way (ROW) near at the intersection of W. Mercer Way & SE 32nd St. Installation of the data box and antenna would be on a Puget Sound Energy-owned replacement pole at 47.581830, -122.248637	
c. The use is consistent with policies and provisions of the comprehensive plan; and	Applicable comprehensive plan policies include: Policies 2.1, 2.7 of the Utilities Element. These Water Utility Policies encourage cost-effective and reliable water supply. The project contributes to water conservation and efficiency by improving water metering practices. The project enables a meter-reading approach that will best support reduced water loss and improved water resource management.	

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.	Noted.	
3. Criteria for conditional use permits that also require design review and are located in Town Center. An applicant must demonstrate how the development proposal meets the following criteria:	N/A - the project is not located in Town Center and does not require design review.	
a. General criteria.		
i. The proposed use complies with all the applicable development and design provisions of this chapter.	N/A - the project is not located in Town Center and does not require design review.	
ii. The proposed use is consistent with the comprehensive plan.	N/A - the project is not located in Town Center and does not require design review.	
iii. The proposed use is harmonious and appropriate in design, character, and appearance with the existing or intended uses within the surrounding area.	N/A - the project is not located in Town Center and does not require design review.	
iv. The proposed use will not generate excessive fumes, odor, dust, light, radiation, or refuse that would be injurious to surrounding uses.	N/A - the project is not located in Town Center and does not require design review.	
v. The proposed use will not generate levels of noise that adversely impact the health, safety, or general welfare of surrounding uses.	N/A - the project is not located in Town Center and does not require design review.	
vi. The proposed use will be served by adequate public services, including streets, fire and public safety protection, water, sewer, and storm water control, and will not adversely impact the level of service standards for such facilities.	N/A - the project is not located in Town Center and does not require design review.	
vii. The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interest, health, safety, convenience, or welfare of the city.	N/A - the project is not located in Town Center and does not require design review.	
b. Additional criteria for approval of a conditional use for adult entertainment in Town Center.	N/A - the project is not located in Town Center and does not require design review.	

<p>i. The point of entry into the structure housing the adult entertainment use shall be located at least 100 feet, measured in a straight line, from the property line of: (a) any R-zoned property; (b) any public institution zoned property; (c) any property containing one or more of the following uses: residential uses including single- or multiple-family dwellings or residential care facilities; schools including public, private, primary or secondary, preschool, nursery school, or day care; recreational uses including publicly owned park or open space; commercial or noncommercial or private recreation facility; religious institutions; public institutions; or uses which cater primarily to minors.</p>	<p>N/A - the project is not located in Town Center and does not require design review.</p>	
<p>ii. No adult entertainment use shall be located closer than 400 feet to another adult entertainment use. Such distance shall be measured by following a straight line from the nearest point of entry into the proposed adult entertainment use to the nearest point of entry into another adult entertainment use.</p>	<p>N/A - the project is not located in Town Center and does not require design review.</p>	
<p>iii. The point of entry into an adult entertainment use shall not be located along 78th Avenue SE.</p>	<p>N/A - the project is not located in Town Center and does not require design review.</p>	
<p>iv. Signing shall be limited to words and letters only. Window or exterior displays of goods or services that depict, simulate, or are intended for use in connection with specified sexual activities as defined by Chapter 5.30 MICC are prohibited.</p>	<p>N/A - the project is not located in Town Center and does not require design review.</p>	
<p>4. 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.</p>	<p>N/A - the project is not located in Town Center and does not require design review.</p>	
<p>5. Change after conditional use permit granted.</p>		
<p>a. Change of ownership. Conditional use permits granted shall continue to be valid upon change of ownership of the site.</p>	<p>Noted.</p>	
<p>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.</p>	<p>Noted.</p>	

<p>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.</p>	<p>Noted.</p>	
<p>B. Variances.</p>		
<p>1. Purpose. An applicant or property owner may request a variance from any numeric standard, except for the standards contained within chapter 19.07 MICC. A variance shall be granted by the city only if the applicant can meet all criteria in subsections (B)(2)(a) through (B)(2)(h) of this section. A variance for increased lot coverage for a regulated improvement pursuant to subsection (B)(2)(i) of this section shall be granted by the city only if the applicant can meet criteria in subsections (B)(2)(a) through (B)(2)(i) of this section.</p>	<p>Noted, no variance is sought at this time.</p>	
<p>2. Criteria.</p>		
<p>a. The strict enforcement of the provisions of this title will create an unnecessary hardship to the property owner. For the purposes of this criterion, in the R-8.4, R-9.6, R-12, and R-15 zoning designations, an "unnecessary hardship" is limited to those circumstances where the adopted standards of this title prevent the construction of a single-family dwelling on a legally created, residentially zoned lot;</p>	<p>Noted, no variance is sought at this time.</p>	
<p>b. The variance is the minimum necessary to grant relief to the property owner;</p>	<p>Noted, no variance is sought at this time.</p>	
<p>c. No use variance shall be allowed;</p>	<p>Noted, no variance is sought at this time.</p>	
<p>d. There are special circumstances applicable to the particular lot such as the size, shape, topography, or location of the lot; or factors necessary for the successful installation of a solar energy system such as a particular orientation of a building for the purposes of providing solar access;</p>	<p>Noted, no variance is sought at this time.</p>	

<p>e. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated;</p>	<p>Noted, no variance is sought at this time.</p>	
<p>f. The granting of the variance will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property;</p>	<p>Noted, no variance is sought at this time.</p>	
<p>g. The variance is consistent with the policies and provisions of the comprehensive plan and the development code;</p>	<p>Noted, no variance is sought at this time.</p>	
<p>h. The basis for requesting the variance is not the direct result of a past action by the current or prior property owner; and</p>	<p>Noted, no variance is sought at this time.</p>	
<p>i. Public and private schools, religious institutions, private clubs and public facilities in single-family zones with slopes of less than 15 percent may request a variance to increase the impervious surface to a maximum 60 percent impervious surface and such variance application will be granted if the hearing examiner determines that the applicant has demonstrated that the following criteria are satisfied:</p>	<p>Noted, no variance is sought at this time.</p>	
<p>i. There will be no net loss of permeable surface from the existing permeable surface. No net loss will be determined by the code official and may be achieved by off-site mitigation and/or by reconstructing existing parking areas to allow storm water penetration. This replacement will be an exception to MICC 19.02.060(C)(2), prohibiting parking areas from being considered as permeable surfaces;</p>	<p>Noted, no variance is sought at this time.</p>	

<p>ii. All storm water discharged shall be mitigated consistent with the most recent Washington State Department of Ecology Stormwater Management Manual for Western Washington, including attenuation of flow and duration. Mitigation will be required for any and all new and replaced impervious surfaces. In designing such mitigation, the use of a continuous simulation hydrologic model such as KCRTS or WWHM shall be required; event based models will not be allowed. In addition, mitigation designs shall utilize flow control best management practices (BMPs) and low impact development (LID) techniques to infiltrate, disperse and retain storm water on site to mitigate the increased volume, flow and pollutant loading to the maximum extent feasible;</p>	<p>Noted, no variance is sought at this time.</p>	
<p>iii. The director must approve a storm drainage report submitted by the applicant and prepared by a licensed civil engineer assuring the city that city infrastructure, in concert with the project design, is adequate to accommodate storm drainage from the project site, or identifying appropriate improvements to public and/or private infrastructure to assure this condition is met, at the applicant's expense; and</p>	<p>Noted, no variance is sought at this time.</p>	
<p>iv. The variance may not be used with other provisions to exceed this maximum 60 percent impervious surface coverage.</p>	<p>Noted, no variance is sought at this time.</p>	
<p>3. Height variance for a wireless communication facility. If strict application of the provisions of MICC 19.06.040 would preclude an antenna from receiving or transmitting a usable signal, or, if the property owner believes that an alternative exists which is less burdensome to adjacent property owners, an application for a variance may be filed under the provisions of MICC 19.15.230(B). The code official may grant a height variance upon finding that the criteria in MICC 19.15.230(F) are met, and that one of the following criteria is also met:</p>	<p>Noted, no variance is sought at this time.</p>	
<p>a. Compliance with the above provisions would prevent the antenna from receiving or transmitting a usable signal; and the alternative proposed constitutes the minimum necessary to permit acquisition or transmission of a usable signal; or</p>	<p>Noted, no variance is sought at this time.</p>	

b. The alternative proposed has less impact on adjacent property owners than strict application of the above provisions; or	Noted, no variance is sought at this time.	
c. In Island Crest Park, if the parks director supports the variance because there will be a significant benefit to the park by either the retention of trees and/or vegetation or improvement of park uses.	Noted, no variance is sought at this time.	
4. The code official may grant a variance, with restrictions if deemed necessary, from the four-acre limitation for purpose of permitting short subdivision of property containing more than four acres into four or less lots when all of the following circumstances shall be found to apply:	Noted, no variance is sought at this time.	
a. That there are special circumstances applicable to the particular lot, such as type of ownership, restrictive covenants, physiographic conditions, location or surroundings, or other factors;	Noted, no variance is sought at this time.	
b. That the granting of the variance will not result in future uncoordinated development nor alter the character of the neighborhood; and	Noted, no variance is sought at this time.	
c. That granting the variance will not conflict with the general purposes and objectives of the comprehensive plan or the development code.	Noted, no variance is sought at this time.	
C. Setback deviations.		
1. Purpose. The purpose of a setback deviation is to increase protection of a critical area or critical area buffer. A setback deviation provides flexibility in designing a development proposal to allow for increased protection of critical areas or critical area buffer.	Noted, no setback deviation is being sought at this time.	
2. Criteria. A setback deviation shall be granted by the city only if the applicant demonstrates all of the following:	Noted, no setback deviation is being sought at this time.	
a. No use deviation shall be allowed;	Noted, no setback deviation is being sought at this time.	
b. The granting of the deviation will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated;	Noted, no setback deviation is being sought at this time.	
c. The granting of the deviation will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property;	Noted, no setback deviation is being sought at this time.	

d. The deviation is consistent with the policies and provisions of the comprehensive plan and the development code;	Noted, no setback deviation is being sought at this time.	
e. The basis for requesting the deviation is not the direct result of a past action by the current or prior property owner;	Noted, no setback deviation is being sought at this time.	
f. The setback deviation is associated with the approval of development of a single lot or subdivision that is constrained by critical areas or critical area buffers;	Noted, no setback deviation is being sought at this time.	
g. The building pad resulting from the proposed deviation will result in less impact to critical areas or critical area buffers; and	Noted, no setback deviation is being sought at this time.	
h. Yard setbacks shall not be reduced below the following minimums:	Noted, no setback deviation is being sought at this time.	
i. Front and rear setbacks may not be reduced to less than ten feet each;	Noted, no setback deviation is being sought at this time.	
ii. Side setbacks may not be reduced to less than five feet.	Noted, no setback deviation is being sought at this time.	

Mercer Island City Code Compliance Matrix

Mercer Island City Code (MICC) 19.06.120 - Criteria for approval—Design review.	How the proposed development meets the provisions of the MICC relative to small wireless facilities deployment	City Review/Notes
A. Intent and purpose. These regulations are intended to implement and further the comprehensive plan of the city and are adopted for the following purposes:	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
1. To promote the public health, safety and general welfare of the citizens of the city.	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
2. To recognize that land use regulations aimed at the orderliness of community growth, the protection and enhancement of property values, the minimization of discordant and unsightly surroundings, the avoidance of inappropriateness and poor quality of design and other environmental and aesthetic objectives provide not only for the health, safety and general welfare of the citizens, but also for their comfort and prosperity and the beauty and balance of the community, and, as such, are the proper and necessary concerns of local government.	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
3. To protect, preserve and enhance the social, cultural, economic, environmental, aesthetic, and natural values that have established the desirable quality and unique character of Mercer Island.	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
4. To promote and enhance construction and maintenance practices that will tend to promote visual quality throughout Mercer Island.	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
5. To recognize environmental and aesthetic design as an integral part of the planning process.	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
B. Criteria for design review decisions. Design objectives and standards for regulated improvements within the Town Center are set forth in chapter 19.11 MICC. Design objectives and standards for regulated improvements in all zones outside the Town Center are set forth in chapter 19.12 MICC. Following the applicable review process in chapter 19.15 MICC, the design commission or code official shall deny an application if it finds that all the following criteria have not been met, or approve an application, or approve it with conditions, based on finding that all the following criteria have been met:	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
1. The proposal conforms with the applicable design objectives and standards of the design requirements for the zone in which the improvement is located, provided further:	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	

a. In the Town Center, particular attention shall be given to whether:	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
i. The proposal meets the requirements for additional building height, if the proposal is for a building greater than two stories; and	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
ii. The proposal adheres to the required parking standards and a parking plan has been provided that demonstrates that the proposal meets the objectives of MICC 19.11.130.	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	

Mercer Island City Code Compliance Matrix

Mercer Island City Code (MICC) 19.07.100 - Mitigation sequencing	How the proposed development meets the provisions of the MICC relative to small wireless facilities deployment	City Review/Notes
A. Avoiding the impact altogether by not taking a certain action or parts of an action. The applicant shall consider reasonable, affirmative steps and make best efforts to avoid critical area impacts. However, avoidance shall not be construed to mean mand	The selection of the W. Mercer Way & SE 32nd St data collection device was selected following the propagation study. This site is ideal given its distance from other existing and proposed data collection device locations and its ability to access data	
B.Minimizing impacts by limiting the degree or magnitude of the action and its implementation, using a setback deviation pursuant to section 19.06.110(C), using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;	Ground disturbance will be minimized by staging all construction vehicles on the paved roadway. No setback deviation is being sought at this time.	
C.Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;	There will be no need to rectify critical area impacts, as all impacts can be avoided and minimized.	
D.Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;	There will be no need to reduce critical area impacts over time, as all impacts can be avoided and minimized.	
E.Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or	There will be no need to compensate for critical area impacts, as all impacts can be avoided and minimized.	
F.Monitoring the impact and taking appropriate corrective measures to maintain the integrity of compensating measures.	There will be no need to monitor the impact as all critical areas impacts can be avoided and minimized.	



Sensus USA
114 Northpark Blvd, Suite 10
Covington, LA 70433
Tel +1.985.773.1236

May 15, 2024

City of Mercer Island – Public Works

To Whom It May Concern:

The Sensus M400G2900 Base Station has been designed and certified to comply with all applicable U.S. Federal Communications Commission's Standards under CFR Chapter 47 Parts 2, 15, 24, 101 of the FCC Rules.

The FCC has issued Grants showing compliance based on certified testing of this equipment under FCCID: SDBM400G2900. A copy of that grant is attached to this submission.

The Sensus M400G2900 Base Station also is certified and granted for operation in Canada under Industry Canada ID IC:2220A-M400G2900 based on the same certified testing by an accredited testing facility.

The M400G2900 Base Station has a label attached to it, as required by law, showing the FCC ID and the required text to comply to their standards. A copy of that label is attached to this submission.

The M400G2900 Base Station is tested, granted by the FCC, and authorized by the FCC to be compliant with all applicable FCC Regulations.

I appreciate your assistance in this matter, kindly let me know if further information is needed to assist you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert J. Davis", is written over a light blue horizontal line.

Robert J. Davis
Principal RF Engineer - | [Sensus](#) | [Xylem](#)
O: +1.985.773.1246 | M: +1.662.617.3777 | F:985.773.1251
bob.davis@xylem.com
114 Northpark Blvd. | Suite 10 | Covington, LA. 70433



CITY USE ONLY		
PROJECT NO.	RECEIPT NO.	FEE
Date Received:		
Received By:		

SEPA REVIEW

The State Environmental Policy Act (SEPA), chapter [43.21C RCW](#), requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

REVIEW PROCESS – TYPE III LAND USE REVIEW

Type III reviews require the exercise of discretion about nontechnical issues. Type III reviews require a pre-application meeting, letter of complete application, notice of application mailing and posting, a 30-day public comment period, notice of decision, and the decision is made by the Code Official. Type III reviews do not require a public hearing.

SEPA reviews are also subject to the environmental procedures outlined in [MICC 19.21](#). When the city is the lead agency for a proposal, the responsible official shall supervise compliance with the threshold determination requirements and, if an EIS is necessary, shall supervise preparation of the EIS.

Upon the receipt of an application for a proposal, the receiving city department shall, and for city proposals, the initiating city department shall, determine whether the proposal is an action potentially subject to SEPA and, if so, whether it is categorically exempt. This determination shall be made based on the definition of action ([WAC 197-11-704](#)), and the process for determining categorical exemption ([WAC 197-11-305](#)). As required, city departments shall ensure that the total proposal is considered. If there is any question whether or not a proposal is exempt, then the responsible official shall be consulted.

PRE-APPLICATION MEETING

A Pre-Application Meeting is used to determine whether a land use project is ready for review, to review the land use application process, and to provide an opportunity for initial feedback on a proposed application. Some land use applications require a pre-application meeting – in particular: short and long subdivisions, lot line revisions, shoreline permits, variances, and critical area determinations. The City strongly recommends that all land use applications use the pre-application process to allow for feedback by City staff.

For more information on the Pre-Application Meeting process, please refer to the [Pre-Application Meeting Request Form](#).

FEES

Fees applicable to this project:

- SEPA Review
- Environmental Impact Statement

Refer to the City of Mercer Island [Fee Schedule](#) for current permit fees.

PROPERTY INFORMATION

Property Address: _____

Parcel Number(s): _____

Gross Lot Area(s): _____
 Net Lot Area(s): _____
 Zone: _____

Shoreline Environment Designation (if located within 200 feet of Lake Washington):
 Urban Residential
 Urban Park

CRITICAL AREAS ON PROPERTY

GEOLOGICALLY HAZARDOUS AREAS	WATERCOURSES	WETLANDS
<input type="checkbox"/> Potential Landslide Hazard	<input type="checkbox"/> Type F	<input type="checkbox"/> Category I
<input type="checkbox"/> Erosion Hazard	<input type="checkbox"/> Type Np	<input type="checkbox"/> Category II
<input type="checkbox"/> Seismic Hazard	<input type="checkbox"/> Type Ns	<input type="checkbox"/> Category III
<input type="checkbox"/> Steep Slope	<input type="checkbox"/> Piped	<input type="checkbox"/> Category IV
<input type="checkbox"/> None	<input type="checkbox"/> Unknown	<input type="checkbox"/> Unknown

SUBMITTAL CHECKLIST

In addition to the items listed below, the code official may require the submission of any documentation reasonably necessary for review and approval of the land use application. An applicant for a land use approval and/or development proposal shall demonstrate that the proposed development complies with the applicable regulations and decision criteria.

- 1. Development Application Form.** Provide a completed and signed [Development Application Form](#).
- 2. Pre-Application Meeting.** [Pre-Application Meetings](#) are required for Type III & IV Land Use Permit Applications.
- 3. Project Narrative.** The project narrative should describe the proposed development, including any anticipated phases.
- 4. Title Report.** Less than 30 days old.
- 5. Affidavit of Ownership.** An Affidavit of Ownership, signed before a notary.
- 6. Affidavit of Agent Authority.** An Affidavit of Agent Authority, signed before a notary, if applicable.
- 7. Development Plan Set.** Refer to the [Land Use Application Plan Set Guide](#) for preparing plans.
- 8. Concurrent Review Form.** Provide a completed [Concurrent Review Form](#) if the applicant wishes to request consolidated review for two or more land use applications. Refer to [MICC 19.15.030\(F\)](#) for land use application reviews that may be consolidated.
- 9. SEPA Checklist.**
- 10. Fees.** Payment of required fees.

I HEREBY CERTIFY THAT I HAVE READ THIS APPLICATION AND SUBMITTAL CHECKLIST AND ALL REQUIRED APPLICATION MATERIALS ARE INCLUDED IN MY APPLICATION SUBMITTAL, UNLESS WAIVED BY THE CODE OFFICIAL. ALL INFORMATION SUBMITTED IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I ACKNOWLEDGE THAT WILLFUL MISREPRESENTATION OF INFORMATION WILL TERMINATE THIS APPLICATION. I UNDERSTAND THAT MY SUBMITTAL WILL BE REVIEWED FOR COMPLETENESS AND, IF FOUND TO BE COMPLETE, WILL BE PROCESSED PURSUANT TO THE PROVISIONS OF CHAPTER 19.15 MICC.

Signature _____ Date _____

INSTRUCTIONS FOR APPLICANTS

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later. Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you. The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

USE OF CHECKLIST FOR NONPROJECT PROPOSALS

For nonproject proposals complete this checklist and the supplemental sheet for nonproject actions (Part D). The lead agency may exclude any question for the environmental elements (Part B) which they determine do not contribute meaningfully to the analysis of the proposal. For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

2. Name of applicant:

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansions, or further activity related to or connected with this proposal? If yes, explain:

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain:

10. List any government approvals or permits that will be needed for your proposal, if known:

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (check one):

Flat Rolling Hilly Steep slopes Mountainous Other

b. What is the steepest slope on the site (approximate percent slope)?

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

2. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, and industrial wood smoke) during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

3. Water

a. Surface:

i. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

ii. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

iii. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

iv. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

v. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

- vi. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

b. Ground

- i. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well? Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

- ii. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, [containing the following chemicals...]; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

c. Water runoff (including stormwater):

- i. Describe the source of runoff (including stormwater) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

- ii. Could waste materials enter ground or surface waters? If so, generally describe.

- d. Proposed measures to reduce or control surface, ground, runoff water, and drainage pattern impacts, if any:

4. Plants

- a. Check types of vegetation found on the site
- Deciduous tree: Alder, Maple, Aspen, other
 - Evergreen tree: Fir, Cedar, Pine, other
 - Shrubs
 - Grass

- Pasture
- Crop or grain
- Wet soil plants: Cattail, buttercup, bulrush, skunk cabbage, other
- Water plants: Water lily, eelgrass, milfoil, other
- Other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

e. List all noxious weeds and invasive species known to be on or near the site.

5. Animals

a. State any birds and animals which have been observed on or near the site or are known to be on or near the site. Examples include:

Birds: hawk, heron, eagle, songbirds, other:

Mammals: deer, bear, elk, beaver, other:

Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

c. Is the site part of a migration route? If so, explain.

d. Proposed measure to preserve or enhance wildlife, if any:

-
-
- e. List any invasive animal species known to be on or near the site.
-
-

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
-
-

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
-
-

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:
-
-

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.
-
-

- i. Describe any known or possible contamination at the site from present or past uses.
-
-

- ii. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
-
-

- iii. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
-
-

iv. Describe special emergency services that might be required.

v. Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

i. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

ii. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

iii. Proposed measures to reduce or control noise impacts, if any:

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

c. Describe any structures on the site.

d. Will any structures be demolished? If so, what?

e. What is the current zoning classification of the site?

f. What is the current comprehensive plan designation of the site?

g. If applicable, what is the current shoreline master program designation of the site?

h. Has any part of the site been classified as an “environmentally sensitive” area? If so, specify.

i. Approximately how many people would reside or work in the completed project?

j. Approximately how many people would the completed project displace?

k. Proposed measures to avoid or reduce displacement impacts, if any:

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

- c. Proposed measures to reduce or control housing impacts, if any:

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas? What is the principal exterior material(s) proposed?

- b. What views in the immediate vicinity would be altered or obstructed?

- c. Proposed measures to reduce or control aesthetics impacts, if any:

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

- c. What existing off-site sources of light or glare may affect your proposal?

- d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

b. Would the proposed project displace any existing recreational uses? If so, describe.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

c. How many additional parking spaces would the completed project or nonproject proposal have? How many would the project or proposal eliminate?

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

h. Proposed measures to reduce or control transportation impacts, if any:

15. Public services

a. Would the project result in an increased need for public services (for example; fire protection, police protection, health care, schools, other)? If so, generally describe.

b. Proposed measures to reduce or control direct impacts on public services, if any.

16. Utilities

a. Check utilities currently available at the site:

- | | | | |
|--------------------------------------|---|--|---|
| Electricity <input type="checkbox"/> | Natural Gas <input type="checkbox"/> | Water <input type="checkbox"/> | Refuse Service <input type="checkbox"/> |
| Telephone <input type="checkbox"/> | Sanitary sewer <input type="checkbox"/> | Septic system <input type="checkbox"/> | Other <input type="checkbox"/> |

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

C. SIGNATURE

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the answers to the attached SEPA Checklist are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Date Submitted: _____

SEPA RULES

SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; productions, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

[Statutory Authority: RCW [43.21C.110](#), WSR 16-13-012 (Order 15-09), § 197-11-960, filed 6/2/16, effective 7/3/16. Statutory Authority: RCW [43.21C.110](#) and [43.21C.100](#) [43.21C.170]. WSR 14-09-026 (Order 13-01), § 197-11-960, filed 4/9/14, effective 5/10/14. Statutory Authority: RCW [43.21C.110](#), WSR 13-02-065 (Order 12-01), § 197-11-960, filed 12/28/12, effective 1/28/13; WSR 84-05-020 (Order DE 83-39), § 197-11-960, filed 2/10/84, effective 4/4/84.]