



Evan Wehr <evan@eccodesigninc.com>

Fw: SHL24-028 Permit Cancellation

1 message

Al Wallace <awallace@mhseattle.com>

Fri, Aug 29, 2025 at 11:37 AM

To: Troy Hussing <troy@eccodesigninc.com>, Evan Wehr <evan@eccodesigninc.com>

Troy and Evan - good news from the Assistant City Attorney per her call to me this morning. See below confirming email I sent at her request. You can use a copy of the email when filing the re-application.

I surmise our argument the fee code and City resolution saying nothing about fees not being non-refundable won the day. Eileen said that may be changing, so recommend not going down this road again at MI. A simple email requesting more time to reply to a correction notice should suffice.

Cheers - al

Alan Wallace

McCullough Hill PLLC

701 Fifth Avenue, Suite 6600

Seattle, Washington 98104

Office: (206) 812-3388

Direct: (206) 812-6949

awallace@mhseattle.comwww.mhseattle.com

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From: Al Wallace <awallace@mhseattle.com>**Sent:** Friday, August 29, 2025 11:32 AM**To:** Eileen Keiffer <eileen@madronalaw.com>**Cc:** 'bio.park@mercerisland.gov' <bio.park@mercerisland.gov>; Mary Swan <mary.swan@mercerisland.gov>**Subject:** Re: SHL24-028 Permit Cancellation

Hi Eileen,

Confirming our discussion of this morning.

City Community Development Director Jeff Thomas agrees that the shoreline permit application fee balance will be applied to re-application for the same permit if filed within 12 months of the City's permit cancellation.

Thanks, and have a nice holiday weekend.

Al

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From: Al Wallace <awallace@mhseattle.com>

Sent: Friday, August 22, 2025 3:12 PM

To: Eileen Keiffer <eileen@madronalaw.com>

Cc: 'bio.park@mercerisland.gov' <bio.park@mercerisland.gov>; Mary Swan <mary.swan@mercerisland.gov>

Subject: Re: SHL24-028 Permit Cancellation

Thank you, Eileen. I look forward to hearing from you.

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From: Eileen Keiffer <eileen@madronalaw.com>

Sent: Friday, August 22, 2025 10:26 AM

To: Al Wallace <awallace@mhseattle.com>

Cc: 'bio.park@mercerisland.gov' <bio.park@mercerisland.gov>; Mary Swan <mary.swan@mercerisland.gov>

Subject: RE: SHL24-028 Permit Cancellation

Hello Al,

My apologies for the delay in response. I have reviewed your email and will discuss with City Staff (I have a key staff member out until mid-next week—I will visit with them on this matter when they return). I will provide a response to you once I have been able to have that conversation.

Thanks,

Eileen M. Keiffer, Member



14205 SE 36th Street

Suite 100, PMB 440

Bellevue, Washington 98006

Tel: (425) 201-5111, Ext. 1

Eileen@MadronaLaw.com

www.MadronaLaw.com

From: Al Wallace <awallace@mhseattle.com>

Sent: Wednesday, August 20, 2025 4:18 PM

To: Eileen Keiffer <eileen@madronalaw.com>

Subject: Fw: SHL24-028 Permit Cancellation

Good afternoon Eileen,

Left a voice mail a short while earlier.

I'd appreciate a few minutes of your time to discuss the Community Development Director's statement that City permit application fees are "non-refundable." See email attached above. As you might expect, there is nothing in the City Fee Schedule, City Council Resolution No. 1668 enacting the 2025 Fee Schedule, nor in MICC Titles 17 and 19 specifying that application fees are "non-refundable."

In this instance, the City's shoreline substantial development application fee is a robust \$10,560 plus staff's standard hourly fee of \$171/hour if exceeding 60 hours. Per the emails below, the City's Permit Coordinator confirms that staff only spent 7.1 hours on application SHL24-028 prior to cancelling. This number of staff hours multiplied by the \$171 hourly rate yields an actual cost to the City of \$1,214.10 for processing costs prior to City cancellation. ECCO Design's shoreline permit coordinator Evan Wehr failed to respond within 60 days due to the press of other work. Note that Evan has been administering shoreline permits in the City of Mercer Island for 20-plus years. This is the first time he has seen the City cancel a shoreline permit application.

As you know, RCW 82.02.020 bars cities from imposing any tax, fee or charge upon development, *except* for reasonable fees to cover city costs of "processing applications." Here, the Permit Coordinator's email below confirms the City's staff time prior to cancellation was 7.1 hours. The City's Fee Schedule predicates the shoreline substantial development fee upon a minimum of 60 staff hours to complete a permit decision.

ECCO Design will file a new application as directed. But respectfully requests the balance of the previously submitted fee not expended by staff time be refunded, or made applicable to the re-application. This follows standard practice of other municipal permitting departments recognizing need to comply with RCW 82.02.020's bar to fees on development, excepting only those fees necessary to cover actual costs.

Please appreciate that ECCO Design is a small firm, so this issue is of real importance to them.

Again, I welcome your call to discuss. I am generally in the office M-F, albeit out this Friday. Thanks for your time and attention to this matter.

-Alan

Alan Wallace

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Seattle, Washington 98104
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www.mhseattle.com

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----- Forwarded message -----

From: **Holly Mercier** <holly.mercier@mercergov.org>
Date: Wed, Jun 4, 2025 at 2:26 PM
Subject: RE: SHL24-028 Permit Cancellation
To: Evan Wehr <evan@eccodesigninc.com>

Hi Evan,

Staff have logged 7.15 hours to this application.

Thanks,
Holly

From: Evan Wehr <evan@eccodesigninc.com>
Sent: Tuesday, June 3, 2025 2:16 PM

To: Holly Mercier <holly.mercier@mercergov.org>

Subject: Re: SHL24-028 Permit Cancellation

Hi Holly,

Could you please let me know how many hours the city spent on this application to date?

Thank you,

Evan

Evan Wehr

(c) 509-969-1994 (current best contact)

(o) 206-706-3937

ecco design inc.

[7413 Greenwood Ave N.](#)

[Seattle, WA 98103](#)

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