



2025 Annual Docket

Review Proposed Amendments 1 - 15

PCB 24-18

Planning Commission | October 23, 2024

2025 Annual Docket

- The docket is the annual opportunity for the public to propose Comprehensive Plan and development code amendments
- Tonight, the Planning Commission will conduct a preliminary review of the proposed items and make a recommendation to the City Council
- The City Council will determine which items are placed on the final docket and added to the CPD work plan for 2025



Docketing Procedure

MICC 19.15.230(B)

- Amendment requests may be submitted by the public, city manager, city department directors or by majority vote of the city council, planning commission or other city board or commission.
- Proposed amendments submitted by the public shall be accompanied by application forms.

MICC 19.15.230(D)

- Public notice provided by September 1
- Amendment request deadline October 1
- Planning Commission review and recommendation
- City Council review – establish final docket by December 31
- Final docket determines the work plan and resource needs for comprehensive plan and code amendments



Docketing Criteria

MICC 19.15.230(E)(1)(b) All of the following criteria are met:

- i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;
- ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;
- iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;
- iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and
- v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.



Staff and Commission Capacity

- Existing work plan items for 2025:

- 1. Outstanding 2024 Annual Docket Items**

Several items included in the 2024 Annual Docket have not yet received legislative review. These items will remain in the CPD work plan and work is expected to commence as resources allow. *Due for Completion: 2025 – 2026*

- 23-7: Add Government Services use to the Town Center
- 23-8: Legislative requirements – SB 5290, HB 1293, and SB 5412
- 23-9: Legislative requirements – HB 1110, HB 13337 and HB 1042
- 23-14: Clarify calculation of downhill building façade height
- 23-18: Redesignate SJCC and MICC as Commercial Office, rezone SJCC to C-O



Staff and Commission Capacity

- Existing work plan items for 2025:

2. Interim Regulations

The City has several interim regulations that will expire in 2025, which will need to be renewed or replaced with permanent regulations prior to expiration. *Due for Completion: 2025*

- Permit processing (SB 5290)
- STEP Housing (HB 1220)
- Residential Parking (SB 6015)
- Temporary Uses and Structures

Note: Items added to the docket will remain on the docket until a decision is made

- If docketed items are not reviewed in the year they are initially docketed, they carry over to future year(s) until review is completed.



Decision Process

- Consider each proposed amendment one-by-one
 - Discuss whether docketing criteria are met
 - Motion and roll call vote required to finalize the recommendation



Docket Proposal Summary

Item No.	Proposed By	Potentially Affected Section, Goal or Policy	Summary of Proposal	Proposed Amend. No.	Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program item	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
7	Daniel Grove	MICC 19.16.010 Definitions and MICC 19.02.020(E) Building height	This amendment would define "façade" and amend the maximum downhill façade height to include the ability for a building face to be articulated or						
8	Jeff H	MICC 19.01.050 Nonconforming structures, sites, lots, and uses and MICC 19.16.010 Definitions	This amendment would exclude "exterior alteration" of non-single-family nonconforming structures outside of the Town Center from the determination of nonconforming status during a remodel and add the definition of "enlar						
9	Adam	Mercer Island 2044 Comprehensive Plan	Comm Comp Plan a Counc	1	✓	↓	✓	✓	✓
		MICC 19.15.240(C) Criteria for reclassification of properties (rezones)	This a from t sugge to doc Annuc	2	?	↓	✗	✓	✓
				3	?	↓	✓	✓	✓
				4	?	↓	✓	✓	✓
10	Danie	MICC 19.15.240(C) Criteria for reclassification of properties (rezones)	This a single- reque reside sugge to doc Annuc	5	?	↓	✓	✓	✓
				6	✓	↓	✓	✓	✓
				7	✓	—	✗	✓	✓
11	Danie			8	?	↓	✓	✓	✓
				9	✓	↓	✓	✓	✓
		MICC 19.06.110(A)(5) Change after conditional use permit granted	This a a char prope TC, CC	10	✓	—	✓	✓	✓
				11	✓	—	✓	✓	✓
12	Danie	MICC 19.15.240(C) Criteria for reclassification of properties (rezones)	This a reclas	12	✓	—	✓	✓	✓
				13	✓	—	✓	✓	✓
				14	✓	—	✓	✓	✓
				15	✓	↓	✓	✓	✓
			recommended not to add it to the 2024 A	✓	The proposal could meet this criterion	?	It is unclear or debatable whether the proposal could meet this criterion	✗	The proposal does not meet this criterion
				↑	The proposal is a high priority for staff/budget resources	—	The proposal is a moderate priority for staff/budget resources	↓	The proposal is a low priority for staff/budget resources



Proposed Amendment 1






Proposed By: Jessica Clawson

Comprehensive Plan or Code Section: MICC 19.01.050(D)(3)(b), Intentional exterior alteration of enlargement of nonconforming structures other than single-family or in Town Center and MICC 19.16.010, Definitions.

Proposal Summary: This amendment would exclude “exterior alteration” of non-single-family nonconforming structures outside of the Town Center from the determination of nonconforming status during a remodel and add the definition of “enlargement” to the definitions section.

Staff Comments: The proposed amendment would allow exterior alterations without enlargements to take place without contributing toward the 50 percent threshold of the structure’s King County assessed value, allowing existing nonconforming non-single-family structures to make necessary updates and remodel without losing their nonconforming status and being subject to the potentially restrictive standards in zones outside of the Town Center. The proposed amendment also adds a definition of “enlargement” to the definitions section, which currently does not exist.

Docketing Criteria:

Proposed Amend. No.	Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program item	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
1					

Proposed Amendment 2

Exhibit 2, Page 25

Proposed By: Sarah Fletcher

Comprehensive Plan or Code Section: Open Space and Housing elements of the draft Mercer Island 2024-2044 Comprehensive Plan.

Proposal Summary: The proposal consists of various comments on the Open Space and Housing elements of the draft 2024-2044 Comprehensive Plan.

Staff Comments: Following review of the proposal, staff believe that a docket request is not the correct process for City Council to consider the submitted comments and concerns regarding the draft 2024-2044 Comprehensive Plan. The issues raised in the proposal are already under consideration by the City Council and the proposal is ineligible for the final docket per MICC 19.15.230(E)(1)(b) criterion three.

Docketing Criteria:

Proposed Amend. No.	Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program item	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
2	?	↓	×	✓	✓

Proposed Amendment 3

Exhibit 2, Page 40

Proposed By: Matthew Goldbach

Comprehensive Plan or Code Section: MICC 19.15.240(C), Criteria for reclassification of properties (rezones).

Proposal Summary: This amendment would prohibit single-family, residentially zoned property from being rezoned to any other zone.

Staff Comments: This amendment seeks to constrain the City’s ability to rezone residential property. If docketed, Staff recommends a study on the appropriate method for achieving the goals of this proposal. This proposal has been previously suggested for the docket. In 2023, the Planning Commission recommended not to docket this proposal, and the City Council elected not to add it to the 2024 Annual Docket.

Docketing Criteria:

Proposed Amend. No.	Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program item	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
3	?	↓	✓	✓	✓

Proposed Amendment 4

Exhibit 2, Page 73

Proposed By: Matthew Goldbach

Comprehensive Plan or Code Section: MICC 19.15.240(C), Criteria for reclassification of properties (rezones).

Proposal Summary: This amendment would prohibit a non-residential structure or use in the single-family residential zones, including a Conditional Use Permit, from requesting or obtaining a rezone or reclassification of any single-family residentially zoned properties.

Staff Comments: This amendment seeks to constrain the City’s ability to rezone single-family residential properties with non-residential uses. If docketed, staff recommends a study on the appropriate method for achieving the goals of this proposal. This proposal has been previously suggested for the docket. In 2023, the Planning Commission recommended not to docket this proposal, and the City Council elected not to add it to the 2024 Annual Docket.

Docketing Criteria:

Proposed Amend. No.	Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program item	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
4	?	↓	✓	✓	✓

Proposed Amendment 5

Exhibit 2, Page 108

Proposed By: Matthew Goldbach

Comprehensive Plan or Code Section: MICC 19.06.110(A)(5), Change after conditional use permit granted.

Proposal Summary: This amendment would add a section to the Conditional Use Permit criteria for a change after a CUP is granted that states that no CUP on a residential property shall be used for any use or purpose by a separate property zoned TC, CO, B, or PBZ.

Staff Comments: This amendment seeks to constrain the City’s ability to approve a CUP to allow uses on a residentially-zoned property to support an allowed use on an adjacent property zoned TC, CO, B, or PBZ (e.g. parking or playgrounds). If docketed, staff recommends a study on the appropriate method for achieving the goals of this proposal.

Docketing Criteria:

Proposed Amend. No.	Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program item	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
5	?	↓	✓	✓	✓

Proposed Amendment 6

Exhibit 2, Page 111

Proposed By: Matthew Goldbach

Comprehensive Plan or Code Section: MICC 19.15.240(C), Criteria for reclassification of properties (rezones).

Proposal Summary: This amendment would provide more definition to what does and does not constitute an illegal, site-specific rezone.

Staff Comments: This amendment provides that a reclassification is not an illegal, site-specific rezone if the applicant demonstrates that conditions have substantially changed since original zone adoption and that the rezone bears a substantial relationship to the public health, safety, morals or welfare. Staff note that the proposal does not define an illegal, site-specific rezone. Rather, it provides some broad definitions of the conditions under which a rezone is acceptable. If docketed, staff recommends a study on the appropriate method for achieving the goals of this proposal.

Docketing Criteria:

Proposed Amend. No.	Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program item	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
6	✓	↓	✓	✓	✓

Proposed Amendment 7

Exhibit 2, Page 122

Proposed By: Daniel Grove

Comprehensive Plan or Code Section: MICC 19.16.010, Definitions and MICC 19.02.020(E), Building height limit.

Proposal Summary: This amendment would define “façade” and amend the maximum downhill façade height to include the ability for a building face to be articulated or divided into multiple facades.

Staff Comments: Amendments to the maximum downhill façade height were included in the 2024 Annual Docket. These changes remain in the existing CPD work plan and work is expected to commence as resources allow. The issues raised in the proposal are already under consideration by the City and the proposal is ineligible for the final docket per MICC 19.15.230(E)(1)(b) criterion three.

Docketing Criteria:

Proposed Amend. No.	Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program item	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
7	✓	—	✗	✓	✓

Proposed Amendment 8

Exhibit 2, Page 126

Proposed By: Jeff Haley

Comprehensive Plan or Code Section: Title 19 MICC, Unified Land Development Code.

Proposal Summary: This amendment would add a new chapter to Title 19 MICC for a Private Hedge Code. The proposed amendment would provide a voluntary mechanism for the resolution of disputes involving the height of hedges.

Staff Comments: This amendment seeks to provide the City with standards for resolving disputes regarding private hedges. It is unclear whether the development code is the appropriate mechanism for regulating hedge height as a nuisance and establishing a process for resolving disputes between property owners. If docketed, staff recommends a study on the appropriate method for achieving the goals of this proposal.

Docketing Criteria:

Proposed Amend. No.	Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program item	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
8	?	↓	✓	✓	✓

Proposed Amendment 9

Exhibit 2, Page 167

Proposed By: Adam Ragheb

Comprehensive Plan or Code Section: MICC 19.02.020(G)(2), Parking required.

Proposal Summary: This amendment would require that each residential dwelling unit in a residential zone, with a GFA of less than 3,000 square feet, shall have at least two parking spaces. Any residential unit with a GFA of more than 3,000 square feet shall be treated the same as a single-family residence and subject to existing requirements in MICC 19.02.020(G)(2)(a).

Staff Comments: Recent state legislation will require the City to amend the residential development standards in MICC 19.02 to allow middle housing types including duplexes, triplexes, townhomes, etc. by June 30, 2025. One of the provisions of this legislation limits the amount of parking jurisdictions may require for middle housing in certain locations and on certain lot sizes. This proposal is likely not in compliance with these legislative requirements. If docketed, staff recommends a study on the appropriate method for achieving the goals of this proposal. A similar proposal has previously been suggested for the docket. In 2023, the Planning Commission recommended not to docket this proposal, and the City Council elected not to add it to the 2024 Annual Docket.

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9	✓	↓	✓	✓	✓

Proposed Amendment 10

Exhibit 2, Page 174

Proposed By: Daniel Thompson

Comprehensive Plan or Code Section: MICC 19.02.020(D)(2)(a), Gross Floor Area.

Proposal Summary: This amendment would reduce ceiling height from 12 feet to 10 feet before it is counted as clerestory space at 150% of gross floor area (GFA).

Staff Comments: The applicant submitted this proposal during the 2020, 2021, 2022, and 2023 Annual Docket process. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City's residential development standards. The City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session. In 2023, the Planning Commission recommended not to docket this proposal, and the City Council elected not to add it to the 2024 Annual Docket.

Docketing Criteria:

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10	✓	■	✓	✓	✓

Proposed Amendment 11

Exhibit 2, Page 178

Proposed By: Daniel Thompson

Comprehensive Plan or Code Section: MICC 19.02.020(D)(2), Gross Floor Area calculation.

Proposal Summary: This amendment would include exterior covered decks in the definition of GFA and include covered porches on the first level in the calculation of GFA.

Staff Comments: The applicant submitted this proposal during the 2020, 2021, 2022, and 2023 Annual Docket process. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City's residential development standards. The City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session. In 2023, the Planning Commission recommended not to docket this proposal, and the City Council elected not to add it to the 2024 Annual Docket.

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11	✓	■	✓	✓	✓

Proposed Amendment 12

Exhibit 2, Page 182

Proposed By: Daniel Thompson

Comprehensive Plan or Code Section: MICC 19.02.040(D)(1), Garages and carports.

Proposal Summary: This amendment would either eliminate the ability to build garages and carports within 10 feet of the property line of the front yard, or, alternatively, would eliminate this option for waterfront lots that have flipped their front and back yards per MICC 19.02.020(C)(2)(a)(iii).

Staff Comments: The applicant submitted this proposal during the 2020, 2021, 2022, and 2023 Annual Docket process. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City's residential development standards. The City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session. In 2023, the Planning Commission recommended not to docket this proposal, and the City Council elected not to add it to the 2024 Annual Docket.

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12	✓	■	✓	✓	✓

Proposed Amendment 13

Exhibit 2, Page 185

Proposed By: Daniel Thompson

Comprehensive Plan or Code Section: MICC 19.02.020(D)(3)(b), Gross floor area incentives for ADUs.

Proposal Summary: This amendment would limit the GFA incentives for ADUs to lots 8,400 square feet or smaller.

Staff Comments: The applicant submitted this proposal during the 2020, 2021, 2022, and 2023 Annual Docket process. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City's residential development standards. The City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session. In 2023, the Planning Commission recommended not to docket this proposal, and the City Council elected not to add it to the 2024 Annual Docket.

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13	✓	—	✓	✓	✓

Proposed Amendment 14

Exhibit 2, Page 188

Proposed By: Daniel Thompson

Comprehensive Plan or Code Section: MICC 19.02.020(G)(2)(a) and (b), Parking requirements.

Proposal Summary: This amendment would reduce the threshold for requiring only 2 parking spaces from 3,000 square feet to 2,000 square feet.

Staff Comments: The applicant submitted similar proposals during the 2020, 2021, 2022, and 2023 Annual Docket process. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City's residential development standards. The City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session. In 2023, the Planning Commission recommended not to docket this proposal, and the City Council elected not to add it to the 2024 Annual Docket.

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14	✓	—	✓	✓	✓

Proposed Amendment 15

Exhibit 2, Page 196

Proposed By: Joe White

Comprehensive Plan or Code Section: MICC 19.02.020(3), Intrusions into required yards and MICC 19.02.050, Fences, retaining walls, and rockeries.

Proposal Summary: This amendment would limit the height of hedges to 12 feet within side yard setbacks unless mutually agreed upon by adjoining property owners.

Staff Comments: This amendment is similar to Proposed Amendment 8; however, it would not be a voluntary mechanism and would not be used to resolve disputes between property owners. This amendment sets standards for hedge heights within side yard setbacks that may be exceeded when mutually agreed upon by adjoining property owners. If docketed, staff recommends a study on the appropriate method for achieving the goals of this proposal.

Docketing Criteria:

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15	✓	↓	✓	✓	✓

Decision Process

- Consider each proposed amendment one-by-one
 - Discuss whether docketing criteria are met
 - Motion and roll call vote on whether to docket each proposal



Deputy Director's Report

Q4 Planning Schedule

- November 19: City Council approves Final Docket
- November and December PC meetings will likely be canceled as staff focus on completing the adoption of the periodic update to the Comprehensive Plan and related code amendments with the City Council.
- New Planning Commissioners to be appointed by City Council on November 4 with service beginning in January 2025
- 2025 Work Plan TBD based on final docket



**Thank you for your
service on the
Planning Commission!**