



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 6259
May 23, 2023
Regular Business**

AGENDA BILL INFORMATION

TITLE:	AB 6259: 2024 Comprehensive Plan and Development Code Amendments Docket Preview	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Receive report and provide feedback on possible City initiated items for 2024 Comprehensive Plan and development code amendments docket consideration.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, CPD Director
COUNCIL LIAISON:	n/a
EXHIBITS:	1. 2024 Docket Preview Summary 2. Docket Progress Report (2020 – Present)
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda bill is to preview possible City initiated items for 2024 docket consideration.

- The docket is the City’s annual process for soliciting proposals for Comprehensive Plan and development code amendments each year.
- The docket process for 2024 commences in August with notification sent to the community inviting docket proposals. Proposals are due to the City by October 1.
- In late October, the Planning Commission reviews and makes docket recommendations to the City Council.
- The City Council reviews the Planning Commission recommendation and makes a final decision on the docket in December.
- Items approved by the City Council for the docket are added to the Community Planning and Development (CPD) work program for legislative review, which includes consideration by the Planning Commission and final review and disposition by the City Council.
- The City Council has no obligation to approve or adopt an item that is added to the docket.
- There are nine possible City initiated items to preview for the 2024 docket, of which five have been previously considered and two are in direct response to the 2023 State legislative session (see Exhibit 1).

BACKGROUND

The City provides an annual opportunity to propose amendments to the Comprehensive Plan and development regulations. Amendment proposals are solicited each year from the community during the month of September as described in [MICC 19.15.230\(D\)\(1\)](#). The proposed amendments are compiled, along with the City's proposed amendments, into a docket. The docket is preliminarily reviewed by the Planning Commission and then by the City Council for a determination on which, if any, proposed amendments will be advanced for full legislative review. Docket proposals selected by the City Council for the "final docket" are approved by resolution and added to the CPD work program for legislative review, which typically occurs during the following year and as time and resources permit.

City Council Role

The City Council's role in the docketing process is described as follows in MICC 19.15.230(D)(1)(d):

"The city council shall review the preliminary docket at a public meeting. By December 31, the city council shall establish the final docket based on the criteria in subsection E of this section. Once approved, the final docket defines the work plan and resource needs for the following year's comprehensive plan and code amendments."

Docketing Criteria

The MICC states (19.15.230(E)) states that Comprehensive Plan and code amendments should only be placed on the final docket if the proposed amendment will meet the specified criteria:

"E. Docketing Criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

- 1. The request has been filed in a timely manner, and either:*
 - a. State law requires, or a decision of a court or administrative agency has directed, such a change; or*
 - 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."*

Tracking Docket Progress

Since 2020, the City has tracked the outcome of every docket request submitted whether a request was placed on a final docket or not (Exhibit 2). This docket progress report assists in not only managing the current work program, but also serves as a complete inventory for future reference.

ISSUE/DISCUSSION

There are a total of nine possible City initiated items to preview for the 2024 docket. A table summary of these items is provided (Exhibit 1) and further summarized below.

Items 1 through 5: These items all involve existing residential development standards in Mercer Island City Code (MICC) 19.02 and have all been submitted for docket consideration each of the past three years. As part of the City Council's approval of the final docket for 2023, City Council directed staff to include these items in the broader Residential Development Standards (RDS) analysis, work that was originally anticipated to commence in 2023.

Due to the projected significant impact of the 2023 State legislative session on residential development standards in Title 19, staff are proposing to docket these five items separately from the broader item 9 below which will expedite legislative review rather than leave combined with the RDS analysis and wait until late 2024 / early 2025 to commence legislative review.

Item 6 – Residential Development Standards – MICC 19.02.020 (E)(1) and (2): This item also involves an existing residential development standard, but unlike the first five items it has not been previously submitted for docket consideration. This item would eliminate the current provision for measuring downslope building height and clarify how overall building height is measured. The words “downhill” and “façade” have been particularly problematic in administering MICC 19.02.020(E)(2). By eliminating these words and focusing only on building height from both the lowest and average elevations to the highest point on the roof, clarity and certainty in this code will be achieved for both customers and staff alike.

Similar to item 5 above, staff are proposing to docket this item separately from the broader item 9 below.

Item 7 – Town Center Development Standards – MICC 19.11: This item involves adding a Town Center development standard for a “government services” use and provides an allowance for structures to be primarily used for such to build to the maximum allowable building height for the TC zone in which it is located, rather than the current 2 stories / 27 feet limit. Government services are already defined in MICC 19.16. Currently, structures without residential components must comply with this limit. Depending on the specific TC zone, government services buildings could be up to 39, 51, or 63 feet in height.

Item 8 – 2023 State Legislative Session Responses (HB 1293, SB 5290, SB 5412) – MICC 19.11, 19.12, 19.15, 19.16, 19.21: This item is responsive to the 2023 State legislative session, specifically for enacted bills which have an implementation deadline 90 days after the end of the legislative session. To meet the 90-day implementation deadline, interim regulations will need to be adopted in July 2023. This item will also be docketed this fall to commence work on permanent regulations. Additional work would also be done in the administrative code sections to correct errors as well as improve clarity and consistency.

Item 9 – 2023 State Legislative Session Responses (HB 1042, HB 1110, HB 1337) – MICC 19.01, 19.02, 19.03, 19.04, 19.05, 19.08, 19.11, 19.12, 19.15, 19.16, Unified Land Development Appendices): This item is responsive to the 2023 State legislative session, specifically for enacted bills which have an implementation deadline of 6 months after the Comprehensive Plan Periodic Update deadline (June 30, 2025). Additional work would also be done to implement directed changes in MICC 19.02 and 19.16 from the Residential Development Standards (RDS) analysis. Should this item be docketed for 2024, it is anticipated legislative review will commence in late 2024 / early 2025.

NEXT STEPS

Based on the feedback received from the City Council, staff will refine and finalize City initiated items for 2024 docket consideration.

RECOMMENDED ACTION

Receive report and provide feedback on possible City initiated items for 2024 Comprehensive Plan and development code amendments docket consideration.