



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 5994
December 7, 2021
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 5994: 2022 Comprehensive Plan and Development Code Amendment Docket	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Adopt Resolution No. 1615 setting the final docket for 2022.	<input checked="" type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Interim CPD Director Alison Van Gorp, Deputy CPD Director
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Docket request submissions 2. Preliminary Docket 3. Staff memo to Planning Commission 4. Planning Commission Recommendation 5. Resolution No. 1615
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE \$ n/a

AMOUNT BUDGETED \$ n/a

APPROPRIATION REQUIRED \$ n/a

SUMMARY

The purpose of this agenda bill is to adopt the final docket of proposed Comprehensive Plan and code amendments for 2022. Items placed on the final docket will be added to the work plan for further consideration by staff, the Planning Commission, and the City Council in 2022. The City is under no obligation to approve proposed amendments that are added to the final docket.

BACKGROUND

The City has an annual opportunity for the public to propose amendments to the Comprehensive Plan and development regulations. Amendment proposals are invited each year 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 City Council for a determination on which, if any, proposed amendments will be advanced for full review in the coming year. Amendments selected by the City Council for the "final docket" are then put on the Community Planning and Development (CPD) work program for the next calendar year.

2022 DOCKETING PROCESS

Public notice of the opportunity to submit docket requests was provided on August 9, 2021 in the permit bulletin and on the City website, as well as on August 11, 2021 in the Mercer Island Reporter. Thirteen comprehensive plan and code amendment requests were received from the public (Exhibit 1). CPD staff have also identified three code amendments for consideration. All sixteen proposals are summarized in table format as the preliminary docket in Exhibit 2 and briefly described in Exhibit 3.

It should be noted that one docket request (item number 5 on the preliminary docket) was received after the deadline of October 1. City Code ([MICC 19.15.230\(D\)\(1\)](#)) states that “[p]roposed amendment requests received after October 1 will not be considered for the following year’s comprehensive plan and code amendment process but will be held for the next eligible comprehensive plan and code amendment process.” In addition, one docket request (item number 6 on the preliminary docket) pertains to amendments that would best be made in the building code (Title 17 in the MICC). Only proposed amendments to the comprehensive plan and the development code (Title 19 of the MICC) are eligible for docketing. Finally, one docket request (item number 11 on the preliminary docket) was already added to the 2021 docket and Planning Commission review is planned to begin on December 15, 2021. There is no need to add this item to the docket again.

PLANNING COMMISSION REVIEW & RECOMMENDATION

On [October 27, 2021](#), the Planning Commission reviewed the proposed amendments in the preliminary docket. After deliberation, the Planning Commission voted 5-2 to approve the following 2-part recommendation (see Exhibit 4 for the full recommendation). The Planning Commission recommends that:

1. The City Council should add to the final docket the submissions numbered 1, 3, 4, 13, 14, 15, and 16 on the preliminary docket.
2. The City Council should also consider further review of the concepts included in the submissions numbered 5 and 6 on the preliminary docket. While these submissions are not eligible to be added to the final docket due to either the timing of the submission or the content of the proposed amendment, the Commission felt that the proposals have merit, and the Council should consider placing them on the City’s work plan through other avenues.

DOCKETING CRITERIA

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.”

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."*

CITY COUNCIL ACTION

The threshold question for the City Council is whether the items on the preliminary docket should be further analyzed and considered by the Planning Commission, City Council, and community in 2022. The City Council is under no obligation to approve a proposed amendment if it is placed on the final docket.

Related to criterion (1)(b)(ii) above, the City Council should carefully consider the City's capacity to review docketed items in the coming year, including the workload generated by the items placed on the docket for staff, the Planning Commission, and the City Council itself.

Each item that is docketed requires substantial staff work, including research and analysis, preparation of staff reports, public notice, SEPA analysis and documentation and providing notification to state agencies. In addition, the Planning Commission typically discusses each item 2-3 times at a minimum, including a work session, a public hearing and deliberations/decision. To provide some additional context, the Planning Commission schedule includes up to 21 regularly scheduled meetings. Thus, there is a limit to the number of items that the commission can review in a year, based on simple time constraints. Also, to be considered is the City Council's capacity for review of recommended amendments, as well as the community's capacity to digest the proposals.

Even before considering any newly docketed items, the 2022 CPD work plan is already quite large, and includes the following items:

- 1) Continuing work on items docketed in 2021:
 - a) Transportation and Park Impact Fee rate studies and code amendments
 - b) Proposed amendment related to lighting and noise concerns
 - c) Proposed amendment related to permit types and noticing requirements
 - d) Amendments to the Town Center retail requirements and dimensional standards (tentative – based on action or direction at the December 7 City Council meeting)

- 2) Commencing the required periodic update to the Comprehensive Plan due for completion by June 2024. Significant work will be required on the Housing Element as well as a new Economic Development Element.
- 3) Completion of the Town Center Parking Study which may result in Comprehensive Plan and/or code amendments.
- 4) Completion of the Residential Development Standards analysis which may result in Comprehensive Plan and/or code amendments.

This work plan represents a significant amount of CPD staff time as well as Planning Commission, City Council, and public review. Staff anticipate that Planning Commission participation in the periodic comprehensive plan update will on its own require several meetings at a minimum, and will be a large focus of the commission's work in the second half of 2022.

NEXT STEPS

Once the final docket is approved, staff will schedule each of the docketed items for Planning Commission and City Council review in 2022 or beyond.

RECOMMENDED ACTION

Approve Resolution No. 1615 adopting the final docket of comprehensive plan and development code amendments for 2022.

Or, alternatively,

Approve Resolution No. 1615 [as amended] adopting the final docket of comprehensive plan and development code amendments for 2022.