



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 5710
June 16, 2020
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 5710 Shoreline Master Program Update 2019-2020	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Adopt Ord. No. 20C-13 amending MICC 19.13.050(F)(2) as recommended by the Department of Ecology for approval of the proposed Shoreline Master Program.	<input checked="" type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

DEPARTMENT:	Community Planning and Development
STAFF:	Robin Proebsting, Senior Planner
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Conditional Approval from Dept. of Ecology, dated May 26, 2020 with Attachments A and B 2. Ordinance No. 20C-13 3. Cumulative Impact Analysis 4. Public Comment
CITY COUNCIL PRIORITY:	n/a

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

SUMMARY

The City received Conditional Approval of its Shoreline Master Program (SMP) update from the Department of Ecology (see Exhibit 1 with Attachments A and B), a key step toward final adoption of the updated SMP originally approved by the City Council in June 2019 ([AB 5580](#)). The SMP will take full effect once the City Council and Department of Ecology approve the same version of the SMP. Now that the City has received Conditional Approval from the Department of Ecology, the City Council may now choose to either: 1) accept the conditions from the Department of Ecology and adopt the updated SMP by ordinance, or 2) make further changes to the SMP and resubmit this draft to the Department of Ecology for review.

BACKGROUND

The City Council originally reviewed the Planning Commission's recommended update to the SMP in June 2019. In response to public comment, the City Council incorporated amended language to reduce the requirements triggered when only decking repair (and no structural repairs) of piers is proposed, into Ord. 19C-06 (see Exhibit 2).

The proposed amendments to the SMP required the City to engage with its consultant to develop a supporting Cumulative Impact Analysis (Exhibit 3), which evaluated the expected environmental impact of the proposed code changes. City staff, Department of Ecology staff, and the City's consultant spent a significant amount of time over the past year preparing and reviewing the Cumulative Impact Analysis to ensure it sufficiently supported the amended SMP language adopted by the City Council.

As part of this review process, City staff drafted non-substantive amendments to the SMP language to improve clarity. These changes include:

- Using the term "framing elements" instead of "structural elements;"
- Clarifying that when more than 50% of exterior surface areas are proposed to be repaired or replaced, 100% of decking must be replaced with materials that allow for 40% light-transmittance; and,
- Clarifying that any decking removed as part of a repair must be replaced with decking materials that allow 40% light transmittance.

These draft amendments were shared with the Department of Ecology and are reflected in the Department of Ecology conditional approval. A copy of these draft amendments were also shared with the members of the public who originally commented in June 2019; two emails were sent to the City Council expressing support for the amendment (Exhibits 3a and 3b).

Staff recommends that the City Council take action to concur with the Department of Ecology's Conditional Approval by adopting Ordinance No. 20C-13.

RECOMMENDATION

1. Suspend the City Council Rule of Procedure 6.3, requiring a second reading for an ordinance.
2. Adopt Ordinance No. 20C-13 amending MICC 19.13.050(F)(2) in Exhibit A to Ordinance No. 19C-06 as recommended by the Department of Ecology for approval of the proposed Shoreline Master Program.