



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6698
June 3, 2025
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 6698: Briefing on Design Review Alternatives	<input checked="" type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Receive report. No action necessary.	<input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

DEPARTMENT:	Community Planning and Development
STAFF:	Jessi Bon, City Manager Jeff Thomas, Community Planning and Development Director Adam Zack, Principal Planner
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Design Review Decision Maker Comparison
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 item is to brief the City Council on the future work of the Design Commission and to discuss potential alternatives for the design review process as it relates to the code changes outlined in AB 6697/Ordinance No. 25C-11, which is also on the June 3 agenda.

- In 2023, the WA State Legislature enacted House Bill (HB) 1293 which limits how cities and counties planning under the WA Growth Management Act (GMA) regulate building design.
- HB 1293 established [RCW 36.70A.630 – Local design review—Requirements and restrictions](#), which requires:
 - Local design standards must be clear and objective (RCW 36.70A.630(2)), and
 - No design review process can require more than one public meeting (RCW 36.70A.630(4)).
- Mercer Island will need to amend multiple sections in Chapters 19.11, 19.12, and 19.15 of the Mercer Island City Code (MICC) to comply with these requirements.
- Cities and counties must comply with RCW 36.70A.630 within six months of the completion of the comprehensive plan periodic review. For Mercer Island, this compliance deadline is June 30, 2025.
- On June 3, 2025, the City Council will hold a public hearing on interim Ordinance No. 25C-11, which would amend the development regulations to comply with HB 1293 and RCW 36.70A.630.

- Ordinance No. 25C-11 is expected to considerably reduce the Design Commission role in the design review process.
- Six examples of how Ordinance No. 25C-11 is expected to change the design review process are provided in Exhibit 1.
- Given the reduction in the scope of work for the Design Commission, the City Council may wish to consider alternatives to the design review process including use of the Hearing Examiner and/or the staff.
- Also note that the seven-member Design Commission currently has two vacancies and no applications were received during the last recruitment process.

BACKGROUND

In 2023, the Washington State Legislature enacted House Bill (HB) 1293, which added a section to the Growth Management Act (GMA). This legislation establishes new requirements and limitations on how cities and counties planning under the GMA may regulate building design. The City has established design standards and review procedures in Chapters 19.11, 19.12, and 19.15 Mercer Island City Code (MICC). The main requirement from HB 1293 is that (1) local design review standards must be clear and objective and (2) the standards may not reduce development intensity below the level generally allowed by the zoning designation (RCW 36.70A.630(2)). The City must update its design standards to comply with HB 1293 by June 30, 2025.

Land Use Review Authority

The Mercer Island City Code (MICC) grants authority for land use review to the following depending on the specific item: (1) the Code Official, (2) the Hearing Examiner, or (3) the Design Commission. In addition, the City Council is the final decision maker for final plat approvals. The WA Department of Ecology is the only other decision maker the MICC authorizes for land use reviews. Ecology is the final decision maker for shoreline conditional use permits, shoreline variances, and related revisions.

Code Official

The Code Official is the review authority for all Type I, II, and III land use reviews except for final plats (MICC 19.15.030). The Code Official is defined in [MICC 19.16.010](#) as, “The director of the community planning and development department for the city of Mercer Island or a duly authorized designee.” Code Official land use review is conducted administratively and does not include a pre-decision public hearing.

Hearing Examiner

The Hearing Examiner is an independent decision maker cities and counties hire to handle quasi-judicial hearings. Mercer Island has a Hearing Examiner under contract to conduct hearings and issue decisions on many Type IV land use reviews (MICC 19.15.030). Matters that go before the Hearing Examiner all require a pre-decision public hearing. The public hearing is an opportunity for interested parties to comment on a proposal prior to a decision being made. The Hearing Examiner can address public comments made during the comment period or public hearing by adjusting the conditions of approval.

Design Commission

The Design Commission is established by [MICC 3.24.010 – Established](#). The number of commissioners and qualifications for membership are established in [MICC 3.24.030 – Membership](#). The Design Commission is comprised of seven members, five members working in the following fields: architecture, landscape architecture, urban planning, and civil engineering (MICC 3.24.030(A)(1)). The other two members can be lay

people, but one such lay member must own property or a business within the City’s business areas (MICC 3.24.030(A)(2)).

The powers and functions of the Design Commission are established in [MICC 19.15.220 – Design Review And The Design Commission](#) and the main purpose is to conduct design review (MICC 19.15.220(B)). The Design Commission is authorized to provide recommendations to the City Council on the design of capital investments and currently serves as the body that hears appeals of administrative design review (MICC 19.15.220(B)(6)(c)).

The Design Commission is expected to have significantly less discretion during design review once the City Code is updated and revised to address new State legislation requiring design standards to be “clear and objective.”

In Exhibit 1, staff have provided six examples of amendments from Ordinance No. 25C-11 (see Agenda Bill 6697 from the June 3 Meeting) that will change how the Design Commission reviews projects. These six examples illustrate that the degree of discretion afforded to the Design Commission will be reduced once the City has complied with HB 1293 and RCW 36.70A.630.

ISSUE/DISCUSSION

Given the statutory changes introduced by HB 1293, the City Council may wish to consider sunsetting the Design Commission because the core function of the Commission—conducting discretionary design review—will be significantly constrained. Once the City’s design standards are revised to be “clear and objective,” as required by state law, the Commission’s role will shift from evaluating subjective design elements to applying narrowly defined standards with little room for interpretation. This fundamental change reduces the need for a commission to conduct detailed permit review. Additionally, the Design Commission oversees appeals of administrative design review decisions, but has not heard an appeal since 2020.

In light of these changes, the Council may wish to consider code changes to assign design review authority to the Code Official and/or the Hearing Examiner. Table 1 summarizes some high-level considerations for assigning design review authority to the Code Official, Hearing Examiner or Design Commission.

Table 1. High-Level Considerations for Assigning Design Review Authority.

Code Official	<ul style="list-style-type: none">• Assigning design review to the Code Official would reduce the required permit review time because a pre-decision public hearing would not be required. A drawback of removing the public hearing from the review process is that the community would have less opportunity to comment on proposals in advance of the final decision.• Like the Hearing Examiner, the Code Official is an experienced land use professional skilled in issuing legally defensible permit decisions.
Hearing Examiner	<ul style="list-style-type: none">• The Hearing Examiner review process is like the existing Design Commission review process in that it includes a pre-decision public hearing, giving the public the opportunity to comment on proposals in advance of a decision.• The Hearing Examiner is an experienced land use professional that would not require additional training to issue legally defensible permit decisions.
Design Commission	<ul style="list-style-type: none">• Maintaining the Design Commission for design review would preserve the existing process as it exists today.

	<ul style="list-style-type: none">• If the Design Commission remains, the City would need to provide additional training so that the Commission understands its new role and the limits of its authority under the newly revised code.
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NEXT STEPS

Staff are seeking City Council direction as to the preferences and next steps and will prepare a follow-up agenda item based on the discussion.

RECOMMENDED ACTION

Receive report, no action necessary.