



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 6697**  
**June 3, 2025**  
**Public Hearing**

### AGENDA BILL INFORMATION

|                            |  |  |
|----------------------------|--|--|
| <b>TITLE:</b>              | AB 6697: Public Hearing on Interim Regulations related to Objective Design Review Standards (HB 1293) in Title 19 MICC (First Reading of Ordinance No. 25C-11) | <input type="checkbox"/> Discussion Only<br><input checked="" type="checkbox"/> Action Needed:<br><input checked="" type="checkbox"/> Motion<br><input checked="" type="checkbox"/> Ordinance<br><input type="checkbox"/> Resolution |
| <b>RECOMMENDED ACTION:</b> | Hold public hearing and schedule a second reading of Ordinance No. 25C-11 for June 17, 2025.   |  |

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|-------------------------------|---|
| <b>DEPARTMENT:</b>            | Community Planning and Development                        |
| <b>STAFF:</b>                 | Jeff Thomas, CPD Director<br>Adam Zack, Principal Planner |
| <b>COUNCIL LIAISON:</b>       | n/a   |
| <b>EXHIBITS:</b>              | 1. Ordinance No. 25C-11                                   |
| <b>CITY COUNCIL PRIORITY:</b> | n/a   |

|                               |        |
|-------------------------------|--------|
| <b>AMOUNT OF EXPENDITURE</b>  | \$ n/a |
| <b>AMOUNT BUDGETED</b>        | \$ n/a |
| <b>APPROPRIATION REQUIRED</b> | \$ n/a |

### EXECUTIVE SUMMARY

The purpose of this agenda bill is to complete a public hearing on Ordinance No. 25C-11. This ordinance would establish interim regulations and a work plan to prepare permanent development code amendments needed to comply with changes to state law enacted by House Bill 1193.

- 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) can 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.
- Staff identified the amendments necessary for compliance by the June 30 deadline and prepared the draft of Ordinance No. 25C-11 (Exhibit 1);
- Ordinance No. 25C-11 would adopt temporary regulations to comply with HB 1293, amending sections in Chapter 19.06, 19.11, 19.12, and 19.15 of the MICC to comply with HB 1293;

- At the June 3 meeting, City Council will hold a public hearing and may schedule a second reading and adoption on June 17, 2025; and
- Once the interim ordinance is adopted, the City will begin preparing permanent amendments to comply with HB 1293 based on the work plan in Ordinance No. 25C-11 Exhibit A.

## BACKGROUND

In 2023, the WA Legislature enacted House Bill (HB) 1293. This bill added a new section to the Growth Management Act (GMA) that establishes new requirements and restrictions governing how cities and counties planning under the GMA can 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.

Nearly all the design standards in Chapters 19.11 and 19.12 MICC are expected to need some amendment to comply because many provisions are flexible without setting at least one measurable criterion. Most of these flexible standards allow the Design Commission to determine design requirements on a case-by-case basis.

### House Bill 1293 and RCW 36.70A.630

In 2023, the WA Legislature enacted House Bill (HB) 1293. This bill added a new section to the Growth Management Act (GMA) that establishes new requirements and restrictions governing how cities and counties planning under the GMA can regulate building design. The new GMA section was codified as [RCW 36.70A.630 – Local Design Review – Requirements and Restrictions](#). The Mercer Island City Code (MICC) must be consistent with RCW 36.70A.630 by June 30, 2025 (RCW 36.70A.630(5)).

### Mercer Island Design Standards

In 1972, the City of Mercer Island adopted its first design standards, established a process for design review, and created the Design Commission (DC) to conduct some of the design review. That system of design standards and design review has been amended several times in the years since it was adopted but remains in effect. Much of the new development that occurs throughout the City, in both Town Center and other zones, is subject to some level of design review, excluding single-family dwellings and their accessory buildings, property owned by the City, and wireless communication facilities. The DC conducts design review for more complex proposals, including new buildings, additions, or exterior alterations to a building or site beyond a certain threshold. All other proposals, including all single-family homes, are subject to administrative design review conducted by the code official or designee. The City's design standards and review procedures are codified in Chapters [19.11](#), [19.12](#), and [19.15](#) MICC.

### Identified Compliance Issues

On April 15, staff briefed the City Council on the expected scope of changes to comply with HB 1293 and RCW 36.70A.630 ([AB 6664](#)). Staff identified the following categories of issues that need to be resolved to comply with the state law:

**Issue 1** – Compliance by June 30, 2025, Deadline

**Issue 2** – Clear and Objective Standards

**Issue 2.A** – “Should” Standards

**Issue 2.B** – Flexible Standards

**Issue 2.C – Combination of “Should” and Flexible Standards**  
**Issue 3 – Changes to Design Review Process**

The amendments proposed in Ordinance No. 25C-11 in Exhibit 1 are staff proposed amendments to address the compliance issues identified by staff. A full explanation of the compliance issues and examples of each was provided with [AB 6664](#).

**Two Phased Approach**

The City will comply with RCW 36.70A.630 in two phases. Phase one is the adoption of interim regulations to make temporary amendments to comply with the bill in advance of the June 30, 2025 deadline. Staff have drafted this interim ordinance and will incorporate the Council’s feedback prior to adoption. Phase two will be the adoption of permanent code amendments to comply with the requirements. Phase two is expected to begin in early 2026. The scope of work will include public outreach to gather input on the proposed amendments.

**Public Comment on Draft Code Amendments**

The draft code amendments to comply with HB 1293 were made available for public review on May 2, 2025 via the project [Let’s Talk page](#). As of May 22, no comments were received.

**ISSUE/DISCUSSION**

Ordinance No. 25C-11 would establish interim development regulations to comply with RCW 36.70A.630 by making the design standards clear and objective while also ensuring all design review processes only require a single public meeting. After receiving testimony during the public hearing, the City Council can amend the interim regulations to respond to comments, if needed. Any proposed amendments will need to be reviewed by the City Attorney prior to the second reading of Ordinance No. 25C-11 to ensure that those changes are consistent with the requirements of State Law.

The Exhibits of Ordinance No. 25C-11 are summarized below, each of the listed subsections include proposed amendments.

**Ordinance 25C-11 Exhibit A: Work Plan**

- Cities are required to establish a work plan for developing permanent amendments when adopting interim regulations
- The Work Plan in Ordinance 25C-11 Exhibit A expects the City to adopt permanent regulations by Q3 2026.
- Ordinance 25C-11 may need to be renewed if the City has not adopted permanent regulations before the interim regulations expire on June 30, 2026.

**Ordinance 25C-11 Exhibit B: Amendments to Chapter 19.06 MICC – General Regulations**

- MICC 19.06.120 to be struck because this section establishes criteria for approval of design review that are not necessary given the amendments made elsewhere.

#### **Ordinance 25C-11 Exhibit C: Amendments to Chapter 19.11 MICC – Town Center Development and Design Standards**

- MICC 19.11.010 – General, amended for consistency with other proposed changes
- MICC 19.11.020 – Land Uses, amendments to remove variable or subjective standards
- MICC 19.11.030 – Bulk Regulations, amendments to remove variable or subjective standards
- MICC 19.11.040 – Affordable Housing, amendments for clarity
- MICC 19.11.060 – Site Design, amendments to remove variable or subjective standards
- MICC 19.11.070 – Greenery and Outdoor Spaces, amendments to remove variable or subjective standards
- MICC 19.11.080 – Screening, amendments to remove variable or subjective standards and establish consistent screening standards in both Chapters 19.11 and 19.12 of the MICC
- MICC 19.11.090 – Lighting, amendments to remove variable or subjective standards
- MICC 19.11.100 – Building Design, amendments to remove variable or subjective standards
- MICC 19.11.110 – Materials and Color, amendments to remove variable or subjective standards
- MICC 19.11.120 – Street Standards, amendments to remove variable or subjective standards
- MICC 19.11.130 – Parking, Vehicular and Pedestrian Circulation, amendments to remove variable or subjective standards and clarify screening requirements consistent with changes proposed elsewhere
- MICC 19.11.140 – Signs, amendments to remove variable or subjective standards
- MICC 19.11.150 – Administration, amendments to remove the “shall/should” section

#### **Ordinance 25C-11 Exhibit D: Amendments to Chapter 19.12 MICC – Design Standards for Zones Outside Town Center**

- MICC 19.12.010 – General
- MICC 19.12.020 – Site features and context
- MICC 19.12.040 – Landscape design and outdoor spaces
- MICC 19.12.050 – Vehicular and pedestrian circulation
- MICC 19.12.060 – Screening of service and mechanical areas
- MICC 19.16.070 – Lighting
- MICC 19.12.080 – Signs

#### **Ordinance 25C-11 Exhibit E: Amendments to Chapter 19.15 MICC – Administration**

- MICC 19.15.060 – Application
- MICC 19.15.220 – Design review and the design commission

#### **Ordinance 25C-11 Exhibit F: Amendments to Chapter 19.16 MICC – Definitions**

- MICC 19.16.010 – Definitions

### **NEXT STEPS**

Complete a second reading and adopt Ordinance No. 25C-11. The City will then begin the process of adopting permanent regulations based on the work plan in Ordinance No. 25C-11 Exhibit A.

### **RECOMMENDED ACTION**

Conduct a public hearing and schedule a second reading of Ordinance No. 25C-11 for June 17, 2025.