



AB 6575
Public Hearing:
Ordinance 24C-17

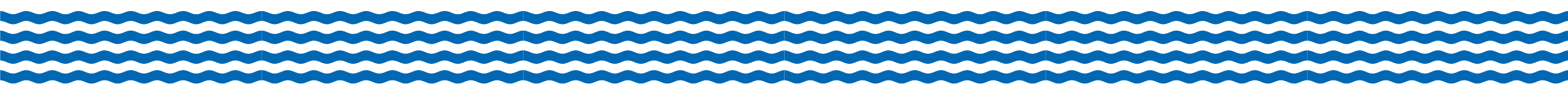
November 19, 2024
City Of Mercer Island City Council
Molly McGuire, Senior Planner
Department of Community Planning and
Development



Purpose

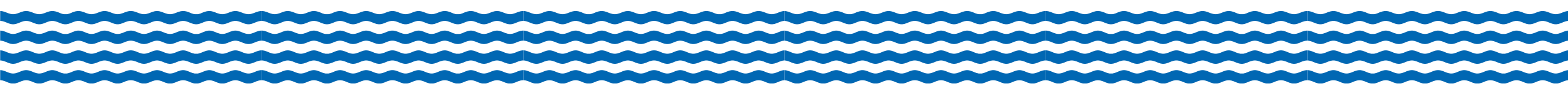
To hold the first reading of Ordinance No. 24C-17 for interim development regulations to:

- Comply with SB5290, including Section 7 which is effective January 1, 2025
- Amend Mercer Island City Code (MICC) sections 19.15.030, 19.15.040, 19.15.060, 19.15.070, and 19.16.010
- Adopt a Work Plan for establishing permanent regulations



Background

- July 18, 2023 – the City enacted interim regulations under Ordinance No. 23C-10 to ensure the MICC was consistent with the portions of SB 5290 that went into effect on July 23, 2023
 - July 2, 2024 – interim regulations were renewed for an additional 6 months and will expire on January 2, 2025
- The city must enact interim regulations that will repeal and replace the existing interim regulations to comply with the components of SB 5290 already in effect in addition to the portions of SB 5290 that will go into effect on January 1, 2025.

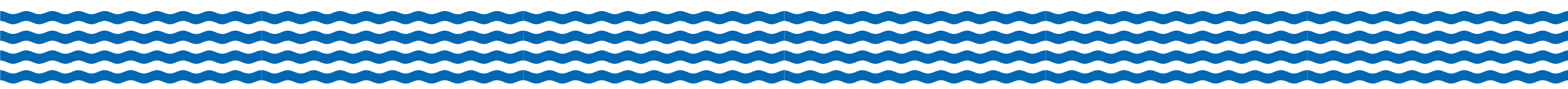


Previously Adopted Interim Regulations

(adopted July 18, 2023 and renewed July 2, 2024)

The MICC was amended to comply with the following sections of SB 5290, which are included again in Ordinance No. 24C-17, but remain unchanged from the existing interim regulations:

- Section 1 (RCW 36.70B.140) – Resulted in amendments to MICC 19.15.030 to exempt “interior alterations” from site plan review and MICC 19.16.010 to add a definition of “interior alterations”
- Section 5 (RCW 36.70B.020) – Amended RCW definition of “project permit” and “project permit application” which influences what types of review are subject to the determination of completeness standards and maximum review timelines (MORE ON THIS LATER)

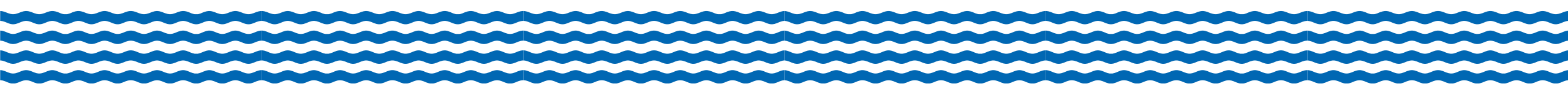


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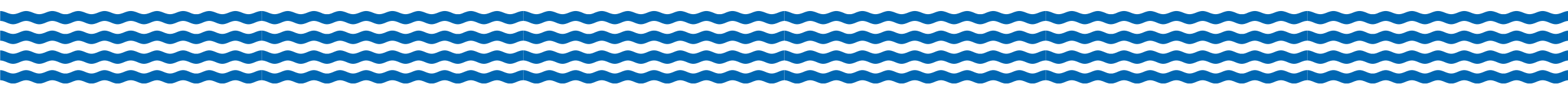
- Section 6 (RCW 36.70B.070) – Resulted in amendments to MICC 19.15.070 for clarifications to determination of completeness criteria



Project Permit Applications

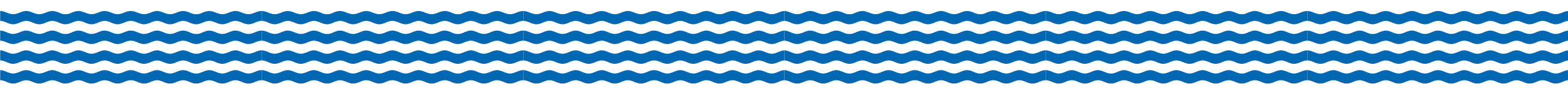
RCW 36.70B.020(4) was amended as follows:

“Project permit” or “project permit application” means any land use or environmental permit or license required from a local government for a project action, including but not limited to ~~building permits, subdivisions,~~ binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.



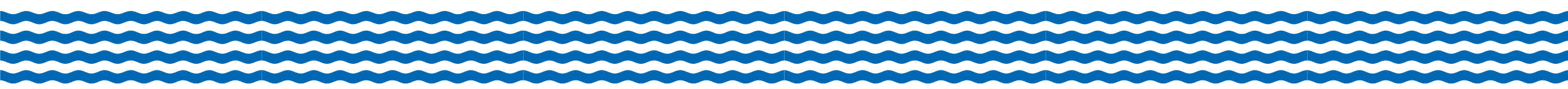
New Interim Regulations

The following slides explain the amendments required to the MICC to comply with Section 7 of SB 5290, which is effective January 1, 2025



MICC 19.15.030 Land use review types.

- The land use review types and review processing procedures tables in MICC 19.15.030 were amended to:
 - Reflect the requirement for a determination of completeness pursuant to MICC 19.15.070 for 38 of the 47 permit types (currently only required Type III and IV land use permits)
 - Remove the land use review types and review processing procedures tables and instead create four new tables, one for each land use review type, which establish specific review processing procedures for each permit
 - Existing footnotes are removed and integrated into the new tables where applicable
 - Reflect the applicable maximum review timelines established in the amended MICC 19.15.040
 - Remove “single-family” from “non-major single-family building permit” and “major single-family building permit” application



MICC 19.15.040 Review procedures.

- The review procedures in MICC 19.15.040 were amended to:
 - Establish maximum review timelines based on land use review type
 - Exempt 9 of the 47 permit types which do not meet the definition of “project permit application” from determination of completeness and maximum review timelines

Land Use Permit Type	Review Timeline
Type I & II	65 days
Type III	100 days
Type IV	170 days

1. Home businesses
2. Special needs group housing safety determination
3. Temporary commerce on public property
4. Transportation concurrency certificate
5. Final plat
6. Parking modification reviewed by the City Engineer
7. Final short plat
8. Development code interpretation
9. Comprehensive Plan, subarea plan, and development code amendments docketed through the process established in MICC 19.15.230

MICC 19.15.040 Review procedures.

- The review procedures in MICC 19.15.040 were amended to:
 - Establish penalty for exceeding maximum review timelines
 - Establish time periods which are not included in maximum review timelines

Land Use Permit Type	Review Timeline	Refund/Discount Timeline Threshold	Refund/Discount Percentage
Type I & II	65 days	66-78 days	10%
		79+ days	20%
Type III	100 days	101-120 days	10%
		121+ days	20%
Type IV	170 days	171-204 days	10%
		205+ days	20%

MICC 19.15.060 Application.

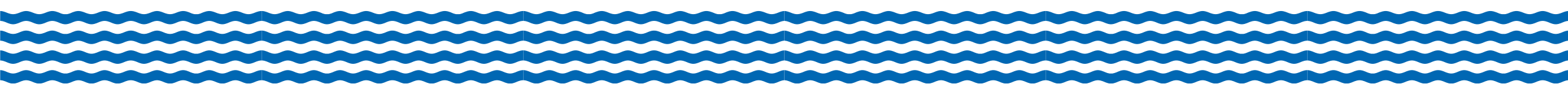
- The application requirements in MICC 19.15.060 were amended to:
 - Convert the list of the minimum requirements for a complete land use application to a table format detailing submittal materials required by permit type
 - Adds additional required submittal materials that will be required for a complete application

Table A. Required Submittals by Land Use Review Type				
"R" means Required "C" means When Required by Code Official "N/A" means Not Applicable				
Submittal ²	Land Use Review Type			
	Type I	Type II	Type III	Type IV
<u>Completed application form(s) provided by the City.</u>	R	R	R	R
<u>Any studies or reports required for the processing of the application. Required studies or reports shall be listed on the application form.¹</u>	R	R	R	R
<u>A list of any permits or land use reviews necessary for approval of the development proposal that have been obtained prior to filing the application or that are pending before the city or any other governmental entity.</u>	R	R	R	R
<u>If multiple land use reviews are required, the applicant may request a consolidated review of the land use applications with a consolidated review request form, unless the land use reviews are excluded from consolidated review pursuant to MICC 19.15.030(F).</u>	R	R	R	R
<u>A project narrative describing the proposal and how it is consistent with the Comprehensive Plan and meets all applicable standards in Title 19 MICC.</u>	R	R	R	R
<u>Code compliance matrix in a form acceptable by the code official.</u>	R	R	R	R
<u>A statement describing the proposed measures to ensure the proposal will comply with Chapter 19.10 MICC.³</u>	R	R	R	R

TABLE CONTINUES

MICC 19.15.070 Determination of completeness and letter of completion.

- The determination of completeness and letter of completion requirements in MICC 19.15.070 were amended to:
 - Establishes procedures for if an applicant is non-responsive for more than 60 days, the City may add an additional 30 days to the maximum review timeline

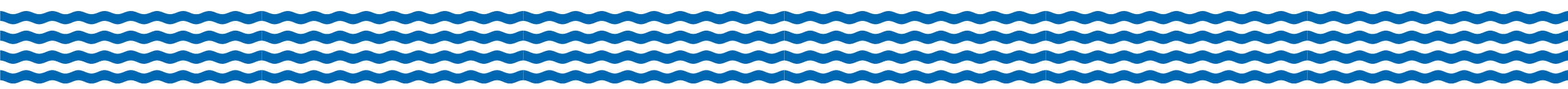


MICC 19.16.010 Definitions.

- MICC 19.16.010 Definition of “Major single-family dwelling building permit” was amended as follows:

Major ~~single-family dwelling~~ building permit: A building permit for:

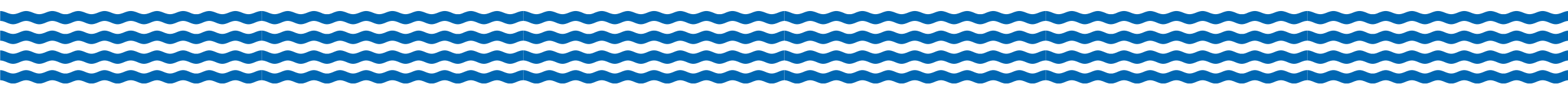
1. A new ~~single-family~~ dwelling on a vacant lot or as replacement of an existing or demolished building; or
2. Any change to a ~~single-family~~ dwelling that requires a building permit and results in any of the following;
 - a. An increase in the existing maximum building height above the highest point of the building, except for a reroof that increases the highest point of the building by 12 inches or less;
 - b. A reduction in any existing side yard;
 - c. An increase in the existing gross floor area of more than 500 square feet; or
 - d. An increase in the existing lot coverage of more than 100 square feet.



Ord. No. 24C-17 Work Plan

Tasks include:

1. Technical analysis, SEPA determination, feasibility of streamlining options, and staff recommendation
2. Planning Commission review including study session, public hearing, and recommendation
3. City Council review and approval of permanent code amendments



Next Steps

1. Second reading and adoption:
 - Schedule the second reading for Ordinance No. 24C-17 for December 3, 2024.
2. Develop permanent regulations:
 - After adoption of Ordinance No. 24C-17, a project to develop permanent regulations will be placed on the CPD work plan to be completed at a future time.

