



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 5785
December 1, 2020
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 5785: Comprehensive Plan and Code Amendment Docket	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Approve Resolution No. 1594 adopting the final docket of Comprehensive Plan and code amendments for 2021.	<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, Director and Alison Van Gorp, Deputy Director
COUNCIL LIAISON:	n/a
EXHIBITS:	<ol style="list-style-type: none">Proposed amendments submitted by community membersPreliminary DocketStaff Memo to the Planning CommissionResolution No. 1594
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 2021. 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 2021. 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.

2021 DOCKETING PROCESS

This year, public notice of the docketing period was issued in the City's permit bulletin on August 10, 2020 and in the newspaper on August 19, 2020. These published notices, however, inadvertently omitted the term "code amendment", indicating that only *comprehensive plan* amendments, not *code* amendments were being invited. Staff were alerted to this omission toward the end of September.

Given this error, the City Council passed Ordinance No. 20-15 extending the deadline for submitting comprehensive plan and code amendments proposals to November 2, 2020 (for 2020 only). The City received eleven proposed comprehensive plan and code amendments from the public by the November 2 deadline (see Exhibit 1). The City also initiated five Comprehensive Plan and code amendments. Altogether sixteen items were brought forward for consideration on the preliminary docket (see Exhibit 2). A summary of each proposal, along with context and staff comments is provided in the Staff Memo to the Planning Commission (see Exhibit 3).

DOCKETING CRITERIA

The City code (19.15.230(E) MICC) 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."*

STAFF RECOMMENDATION TO THE PLANNING COMMISSION

CPD staff recommended to the Planning Commission to docket the 5 staff generated amendments to the Comprehensive Plan and the development code. Staff also recommended to forgo further amendments to the Comprehensive Plan in 2020 based on criterion "ii" of the docketing criteria. Staffing reductions in June 2020 have reduced capacity for policy and legislative work, and the 2021 work plan for Community Planning

and Development (CPD) and the Planning Commission is robust, with the following tentatively scheduled items:

- Town Center Retail Analysis and potential code and Comprehensive Plan amendments
- Ongoing regional growth strategy and growth target review
- Sign code amendment
- Wireless/Small cell code amendment
- Transportation, Park and Fire Impact Fee rate studies and code amendments

While not all the items on this work plan require Planning Commission review, this work plan, nevertheless, represents a significant amount of CPD staff time, in support of Planning Commission, City Council and other processes. Following a review of the anticipated 2021 work plan, CPD staff concluded that there are insufficient staff resources to accommodate review of additional comprehensive plan or code amendments beyond those proposed by staff.

PLANNING COMMISSION REVIEW & RECOMMENDATION

On [November 12, 2020](#), the Planning Commission reviewed the proposed amendments in the preliminary docket, as well as the staff recommendation. After deliberation, the Planning Commission made the following recommendations:

1. Place Proposed Amendments #1-5 (the staff generated amendments) on the docket
2. Do not advance Proposed Amendments #6-8 and #10-16 to the docket
3. Retain Proposed Amendment #9 for consideration in 2021, if time/staff capacity becomes available

The Planning Commission supported the staff recommendation to recommend Proposed Amendments #1-5 for the final docket. The Commission agreed that these issues are important to address in 2021. The Commission also supported the staff recommendation to forgo recommending any additional items for the docket, either because the individual items were not necessary, or there was not adequate staff capacity, or both. Proposed Amendment #9, suggested by Commissioner Boatsman, concerns amending the nuisance code to regulate noise from commercial landscaping operations as well as spotlighting on residential properties. The Commission felt these ideas had merit and would like to see them considered when staff time allows. They recommended that this code amendment be pursued, should the staff have additional capacity after the docketed items have been addressed.

CITY COUNCIL ACTION

The City Council's role in the docketing process is described as follows:

"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. (MICC 19.15.230(D)(1)(d))."

Subsection E and the criteria for evaluating the proposed amendments are provided above under "Docketing Criteria". 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 2021. The City Council is under no obligation to approve a proposed amendment if it is placed on the final docket. The City Council should also carefully consider the workload generated by the items placed on the docket for staff, the Planning Commission, and the City Council itself. The City Council's decision related to the proposed

Senior Policy Analyst position in CPD (funded beginning in July 2021), will have a significant impact on the number of Comprehensive Plan and code amendments that can be processed in 2021.

NEXT STEPS

Staff will schedule each of the docketed items for Planning Commission and City Council review in 2021.

- Code amendments will be brought forward for legislative review by the Planning Commission and the City Council one by one, or in some cases in small groups of related amendments.
- Proposed changes to the Comprehensive Plan require SEPA environmental review, consideration of each item by the Planning Commission, City Council, and public hearing(s).

The docketing process for 2022 will begin in the third quarter of 2021.

RECOMMENDATION

Approve Resolution No. 1594 adopting the final docket of Comprehensive Plan and code amendments for 2021.

Or, alternatively,

Approve Resolution No. 1594 [as amended] adopting the final docket of Comprehensive Plan and code amendments for 2021.