
CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

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PLANNING COMMISSION

To: Planning Commission

From: Alison Van Gorp, CPD Deputy Director

Date: January 14, 2020

RE: ZTR21-001 Goldbach I Code Amendment (Comprehensive Plan Implementation)

SUMMARY

The proposed code amendment repeals MICC 19.15.230(I), removing from the city code direction on how the Comprehensive Plan is to be implemented. Instead, this will be governed by state statute.

BACKGROUND

Matthew Goldbach suggested through the annual docketing process and the City Council placed on the final docket a proposed code amendment repealing MICC 19.15.230(I), as outlined in Attachment 1. The effect of this code amendment is to remove reference to Comprehensive Plan implementation from the city code; these procedures would instead be governed by state regulations under the Growth Management Act (e.g. [Chapter 365-196 WAC](#)).

Mr. Goldbach stated in his docket application that this code amendment would remove the risk that the city code “might fail to comply with the GMA and might condone a future failure of the City to ensure that Comprehensive Plan policies are implemented by consistent development regulations”.

When the adoption of MICC 19.15.230(I) was appealed to the Growth Management Hearings Board (Board), the Board decided that the adoption of code by the City Council was legal. The Board, however, cautioned that even though the code is legal, implementation of the code in certain circumstances could result in a GMA violation.

The City agrees that state statute and regulations provide sufficient guidance to properly implement Comprehensive Plan amendments and to adopt consistent development regulations. Consequently, there is no need to keep MICC 19.15.230(I) in the city code in light of the Board’s caution.

The Mercer Island City Code specifies the following decision criteria for code amendments (MICC 19.15.250 (D)), which should be used to evaluate the proposed amendment:

Criteria. The [city](#) may approve or approve with modifications a proposal to amend this code only if:

1. The amendment is consistent with the comprehensive plan; and

2. The amendment bears a substantial relation to the public health, safety, or welfare;
and
3. The amendment is in the best interest of the community as a whole.

City staff believe this proposal meets all three criteria and recommend adopting the proposed amendment.

NEXT STEPS

Please review the attached proposed code amendment. At the January 20 meeting the Commission will discuss the proposal and provide feedback to staff on any revisions. A Public Hearing is scheduled during the Planning Commission's February 17 meeting. After hearing public comments on the proposal, the Commission should make a recommendation to the City Council.

ATTACHMENTS

1. Proposed amendment to MICC 19.15.230