

Note: Log #s 1-14 were submitted in response to Agenda Bill 6510, prior to the July 16, 2024 City Council briefing. These questions and answers were already provided to the City Council in advance of July 16. Questions from Log # CC-6 were submitted during the comment period following the City Council briefing. These more recent questions have a different numbering system applied, which refers to the Council comment/amendment matrix that will be included with Agenda Bill 6519.

Table 1. City Council Questions and Staff Answers.

Log #	Submitted By	Element	Question	Category	Staff Response
1	Craig Reynolds		I believe there is a typo in page 9 of exhibit 1.A, as the density numbers for medium-low density and very low density show as the same.		This will be addressed prior to the City Council's first reading.
2	Craig Reynolds		The goals in Section 5 of land use element have some parallel structure issues . Most goals describe actions, e.g. "create...." Or "encourage..." . But some describe statuses, e.g., "be..." or "have...". I am not sure which is more appropriate for a comp plan goal, but I would think consistency would be better.		In general, staff agrees that goals should state an aspiration or objective and the policies should articulate how the City will go about achieving the goal. In the case of the Land Use Element, the Council direction provided when setting the scope of working was to limit amendments to those necessary to remain consistent with the Growth Management Act (GMA) and changes made in other elements. With this narrow charge, some existing goals were left unchanged if they were consistent with GMA requirements or other amendments to the Comprehensive Plan.
3	Craig Reynolds		On a related note, I have always been under the impression that the subitems under each goal were supposed to be strategies to achieve those goals. True? It seems we are not consistently doing that in the land use element. Some "goals" read like strategies, and some "strategies" read like goals.		See Log # 2
4	Craig Reynolds		To what extent are we committed to executing a strategy if it does NOT use words like "consider", "explore", etc.		Policies should be regarded as the City committing to implement that policy with projects, programs, or development code provisions at some point during the life of the plan. The caveat that goes with this expectation is that the Comprehensive Plan considers a twenty-year timeframe, called a planning horizon. The City can plan to implement policies at any point during the planning horizon. The City Council decides whether or not to implement policies during the biennial budget process, assigning projects and programs to departmental work plans and allocating resources.
5	Craig Reynolds		Re 16.2 of land use element: Isn't this kind of like saying "follow the law"? Do we need to say this?		Land Use Element Policy 16.2 states: "Through zoning and land use regulations provide adequate development capacity to accommodate Mercer Island's projected share of the King County population growth over the next 20 years." The GMA requires that cities and counties allow sufficient capacity to accommodate its projected growth over a twenty-year time period (RCW 36.70A.115). The City is not explicitly required to have this policy. This policy comes from the existing Land Use Element and an amendment is not proposed in the Planning Commission recommended draft.
6	Craig Reynolds		Re 16.8 of land use element: Is this suggesting custom local fire codes? Can we do this?		Policy 16.8 states: "Evaluate locally adopted building and fire code regulations within existing discretion to encourage the preservation of existing homes." The City has some limited local discretion when adopting building and fire codes. This is why local jurisdictions adopt those building codes rather than having them set at the state or federal level. If desired, staff can provide more information to the City Council regarding the extent of that discretion and what provisions might further this strategy during implementation.

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7	Craig Reynolds		Re 19.1 of land use element: Do we have the power to designate “species of local concern”? What are the implications of this? When else have we done this, and for which species? What is the rationale for picking bald eagles?		Counties and cities can designate species of local concern when it establishes critical area regulations for protecting fish and wildlife habitat conservation areas (FWHCAs). A process to designate species of local concern is usually established by the critical areas ordinance for FWHCAs. The City has established FWHCA regulations in Mercer Island City Code (MICC 19.07.170 – Fish and wildlife habitat conservation areas). The City has not designated any species of local concern and the development code does not currently establish a process for designating a species of local concern.
8	Craig Reynolds		Re 26.1: Why would we need a climate element? Is this needed given that 26.2 incorporates the CAP? If we DO incorporate the CAP, can we update the CAP without it being considered a comp plan change?		The City is not required to adopt a climate element of the Comprehensive Plan during the current periodic review that must be completed by December 31, 2024. The legislature adopted House Bill 1181 during the 2023 legislative session. This bill requires counties and cities to adopt a climate change element in their comprehensive plans. This new element must be adopted by the Comprehensive Plan five year progress report required by GMA (RCW 36.70A.130(10)). The five-year progress report is a new GMA process and will take place in 2029. The required climate change element will be separate from the Climate Action Plan (CAP). As proposed, Policy 26.1 would set the stage for this climate element.
9	Craig Reynolds		More generally, do we need the climate change section at all other than 26.2 of land use element? Are things in this section consistent with the CAP?		See response to Log # 8. The entire Comprehensive Plan periodic review was reviewed for internal consistency to make sure that the proposed policies do not conflict. Identified gaps or inconsistencies were addressed by the Planning Commission during their deliberations from May 29 to June 12. Policies related to climate change were reviewed for consistency with the CAP (PCB 24-12).
10	Craig Reynolds		VII of land use element says CO will be primarily commercial office. Is this consistent with our plans to allow MF housing there?		The table in Section VII of the Land Use Element states: “The commercial office land use designation represents commercial areas within Mercer Island, located outside of the Town Center, where the land use will be predominantly commercial office. Complementary land uses (e.g., healthcare uses, schools, places of worship, etc.) are also generally supported within this land use designation.” In staff’s opinion, the statement in the table does not conflict with expanding the uses in the C-O zone to allow mixed-use or multifamily uses as proposed elsewhere in the Comprehensive Plan. The list of complementary land uses is nonexclusive and would not preclude multifamily or mixed-use land uses. In other words, the text only provides some examples but does not say these are the only complementary land uses.
11	Craig Reynolds		The “CIP Project Summary” on page 12 of exhibit 1A needs to be updated, doesn’t it?		Note: The CIP Project Summary is on page 12 of the Capital Facilities Element. The table was up to date at the time the Element was drafted, Public Works staff will be consulted to ensure that this table is current at the time the Plan is adopted.
12	Craig Reynolds		Similarly, do we need to update the “Mercer Island Employment by Industry 1 Sector, 2021.”?		Table 1 in the Economic Development Element is provided to add some context to the element and does not establish binding requirements, goals, or policies. The data in the table were the most recent available at the time the element was drafted. If desired, staff could update the table if there is a more recent data set available.
13	Craig Reynolds		Do you know why the PC decided to strike out goal 14.2 of the land use element?		This policy was struck from the Land Use Element because it is now addressed with more detail by several policies in the Economic Development Element. For example, Economic Development Element Policies 9.1, 9.2, 10.2, 11.1, 11.2, 11.3, and 12.2.

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14	Craig Reynolds		Please provide a BRIEF overview of the King County Public Benefit Rating System and the Transfer of Development Rights program		<p>The Public Benefit Rating System (PBRs) is a system of incentives whereby property taxes are reduced in exchange for property owners providing some kind of public benefit. From King County's website: "There are three current use taxation programs in King County that offer an incentive (a property tax reduction) to landowners to voluntarily preserve open space, farmland or forestland on their property. Once enrolled, a participating property is assessed at a "current use" value, which is lower than the "highest and best use" assessment value that would otherwise apply to the property. These programs encourage the conservation of natural resources in King County by conserving its land and water resources, which include important wildlife habitat, wetland and streams, working forests and productive farmlands."</p> <p>King County describes its Transfer of Development Rights (TDR) program on its website as follows: "The TDR Program is a voluntary, incentive-based, and market-driven approach to preserve land and steer development growth away from rural and resource lands into King County's Urban Area. The Program is based on free-market principles and prices that would motivate landowner and developer participation. Rural landowners realize economic return through the sale of development rights to private developers who are able to build more compactly in designated unincorporated urban areas and partner cities." In the King County TDR program 'partner cities' are those cities that participate in the program and receive the purchased development rights in specific zones. The City of Mercer Island does not participate in this program.</p>
CC-6	Lisa Anderl and Jake Jacobson	Land Use	LAND USE ELEMENT Section I Just a clarifying question – in the TOWN CENTER section, the last paragraph refers to "commercial uses" – is that what we said or did we say "retail"?	Question & Answer	The Town Center code section that was recently amended names specific commercial uses. The language in the Comprehensive Plan is more general. For reference, Mercer Island City Code (MICC) 19.11.020(B) – Land uses states: "Retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station uses, as defined by Section 19.16.010, are required along ground floor street frontages as shown on Figure 2." Figure two is the "pink lines" map.
CC-7	Lisa Anderl and Jake Jacobson	Land Use	Section II. AREAS OUTSIDE OF TOWN CENTER – please clarify what the edits in the last two paragraphs do? Is there a change in meaning from the older version and if so what is that change?	Question & Answer	<p>[Referenced text is at the bottom of page 8]</p> <p>The amendments to this section of the Comprehensive Plan are proposed to update the introductory text to reflect changes in regional and countywide plans. For example, King County categorizes the City of Mercer Island as a "High Capacity Transit community" in its current Countywide Planning Policies (CPPs) but it used to categorize the City as an "Urban Center". The Puget Sound Regional Council (PSRC) regional plan <i>Vision 2050</i> uses the same nomenclature.</p> <p>The introductory text of the Land Use Element provides the context in which the Comprehensive Plan update was adopted. This text is not binding in the same way a goal or policy can be.</p>
CC-10	Lisa Anderl and Jake Jacobson	Land Use	Goal 12.3 Figure TC-2 is now TC-1? Please explain the changes in the map from 2014 to current.	Question & Answer	Yes, TC-2 will become TC-1. The map change proposed would correct a scrivener's error. When the Comprehensive Plan was adopted previously, the wrong map was codified. This amendment would replace that map with the correct one that was initially adopted.

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CC-11	Lisa Anderl and Jake Jacobson	Land Use	Goal 13 is proposed to be renamed from Sustainability to Green Building. Green Building is already Goal 21, so maybe delete this goal altogether? If not, we propose above and beyond what is required by the existing construction code. It is not clear how the city could impose requirements that are not contained in the code.	Question & Answer	<p>This goal is specific to the Town Center whereas Goal 21 is Citywide.</p> <p>There are green building standards above and beyond the construction code (Title 17 MICC) that are applied to new development in the Town Center by the development code in Title 19 MICC. Specifically, MICC 19.11.050 – Green building standards states:</p> <p>“Any major new construction [in the Town Center] shall meet the LEED Gold standard. Projects that are primarily residential (at least 50 percent of the gross floor area is composed of residential uses) may instead meet the Built Green 4 Star standard. The applicant shall provide proof of LEED or Built Green certification within 180 days of issuance of a final certificate of occupancy, or such later date as may be allowed by the code official for good cause, by submitting a report analyzing the extent credits were earned toward such rating. Failure to submit a timely report regarding LEED or Built Green ratings by the date required is a violation of this Code.”</p>
CC-13	Lisa Anderl and Jake Jacobson	Land Use	Goal 15.2 delete “additional middle housing types” unless this change is required by state law.	Question & Answer	<p>The Growth Management Act (GMA) has recently been amended to require cities and counties to plan for middle housing (sometimes referred to in the GMA as moderate density). The amended requirements primarily apply to the Housing Element, which then require additional changes to the Land Use Element to remain consistent. That is the root of the proposed amendment for Land Use Policy 15.2.</p> <p>Some of the related GMA requirements:</p> <p>RCW 36.70A.070(2)(b), which states “[The comprehensive plan must include a housing element that] Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes;”</p> <p>RCW 36.70A.635 – Minimum residential density, which is also referred to as House Bill 1110, establishes requirements for cities to plan for middle housing types and amend their code to allow those uses by within six months of the Comprehensive Plan periodic review due date. The City of Mercer Island will be required to amend its development code to comply with RCW 36.70A.635 by June 30, 2025. RCW 36.70.636(2) states, “(2)(a) The department shall publish model middle housing ordinances no later than six months following July 23, 2023.</p> <p>(b) In any city subject to RCW 36.70A.635 that has not passed ordinances, regulations, or other official controls within the time frames provided under RCW 36.70A.635(1), the model ordinance supersedes, preempts, and invalidates local development regulations until the city takes all actions necessary to implement RCW 36.70A.635.”</p>

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CC-17	Lisa Anderl and Jake Jacobson	Land Use	Goal 19.11 – Please explain the programs referred to in that goal, and what specific things are intended to be accomplished.	Question & Answer	<p>The Public Benefit Rating System (PBRs) is a system of incentives whereby property taxes are reduced in exchange for property owners providing some kind of public benefit. From King County's website: "There are three current use taxation programs in King County that offer an incentive (a property tax reduction) to landowners to voluntarily preserve open space, farmland or forestland on their property. Once enrolled, a participating property is assessed at a "current use" value, which is lower than the "highest and best use" assessment value that would otherwise apply to the property. These programs encourage the conservation of natural resources in King County by conserving its land and water resources, which include important wildlife habitat, wetland and streams, working forests and productive farmlands."</p> <p>King County describes its Transfer of Development Rights (TDR) program on its website as follows: "The TDR Program is a voluntary, incentive-based, and market-driven approach to preserve land and steer development growth away from rural and resource lands into King County's Urban Area. The Program is based on free-market principles and prices that would motivate landowner and developer participation. Rural landowners realize economic return through the sale of development rights to private developers who are able to build more compactly in designated unincorporated urban areas and partner cities." In the King County TDR program 'partner cities' are those cities that participate in the program and receive the purchased development rights in specific zones. The City of Mercer Island does not participate in this program.</p>
CC-18	Lisa Anderl and Jake Jacobson	Land Use	Goal 20, Parks and Open Space Policies, is deleted in its entirety because the goals are either moved or addressed in the PROS plan. Are there any that are being deleted and not captured elsewhere? For example, where is Goal 20.9 going to be reflected?	Question & Answer	<p>In its review of the parks-related policies, staff found that the struck policies under Land Use Element Goal 20 were captured elsewhere in the Comprehensive Plan. Land Use Element Policy 20.9 is reflected in the Capital Facilities Element, which addresses funding for maintaining existing facilities, including parks. The Capital Facilities Element is linked with the Parks, Recreation, and Open Space (PROS) Plan to address the second half of Policy 20.9.</p>
CC-22	Lisa Anderl and Jake Jacobson	Land Use	Goals 29.2 – 29.4 need some explanation – I don't understand where these came from and why they're necessary.	Question & Answer	<p>Proposed policies 29.2 through 29.4 address the process by which the City will implement the Comprehensive Plan. Because the Comprehensive Plan spells out actions the City will take over the next 20 years, establishing an implementation process will help the City realize its plan. These policies formalize and slightly expand on the existing process for implementing the Comprehensive Plan. Adapting the existing implementation process for the Transportation and Capital Facilities elements to work for the Land Use Element.</p> <p>The same implementation process policies are proposed for the Housing and Economic Development elements. As drafted, the policies will maintain Council discretion to add or remove projects from City work plans each time the budget is set.</p> <p>The proposed policies would also establish a process to track the implementation of the Land Use Element over time so the City Council will know how and when the plan is getting implemented.</p>
CC-24	Lisa Anderl and Jake Jacobson	Land Use	Figure 1. Land Use – please provide a narrative summary of the changes and the rationale for those changes	Question & Answer	<p>The changes to Figure 1. Land Use are proposed to align the land use designations of open space on the land use map with PROS Plan maps. These changes also align with the proposed Open Space Zone code amendment the Planning Commission will hold a public hearing on in September, including updates to the Zoning Map. These maps should be consistent to ensure that the Comprehensive Plan is internally consistent.</p>

Log #	Submitted By	Element	Question	Category	Staff Response
CC-73	Craig Reynolds	Land Use	It seems there is a lot of data that is yet to be updated. I hope we get another shot at this once that data is supplied.	Question & Answer	Staff is in the process of gathering updated data from PSRC
CC-74	Craig Reynolds	Land Use	I do not think using 99.16 units per acre for TC is reasonable, as this is based on recent developments, as these were all in sections of TC with more allowed height than the TC average height.	Question & Answer	Staff is in the process of gathering updated data from PSRC
CC-105	Craig Reynolds	Utilities	“The City does not plan to implement an aquifer protection program because there are no known aquifers in the vicinity of Mercer Island that are utilized by the City or any other water supplier.” Where does our well draw water from, if not from an aquifer?	Question & Answer	Groundwater does come from an aquifer. The emergency well discussed elsewhere in the Utilities Element would draw from groundwater but only in emergencies. The municipal water supply is sourced from Seattle Public Utilities (SPU), which does not use groundwater.
CC-106	Craig Reynolds	Utilities	How is it that we have more water system customers (7,537) than sewer customers (7,403)? Hard to imagine one could have one but not the other. Septic systems?	Question & Answer	Some of the difference between water customers and sewer customers could be existing septic systems. It is also possible that some housing units (i.e., principal residence and ADU) have shared sewer connections and individual water connections.
CC-107	Craig Reynolds	Utilities	“To increase capacity, expansion of the existing Factoria Transfer Station began in late 2014 and is scheduled to open in late 2017.” Did it?	Question & Answer	Yes, construction of this station was completed in 2017. https://kingcounty.gov/en/legacy/depts/dnrp/solid-waste/facilities/factoria-replacement-project#project_schedule
CC-115	Craig Reynolds	Capital Facilities	Capital Facilities Element: Goal 1.12 references a “hazard mitigation plan”. May I see that please?	Question & Answer	The City adopted a Comprehensive Emergency Management Plan in 2018. In 2020, the City coordinated with King County to update the regional hazard mitigation plan. The regional hazard mitigation plan is posted on the King County website .
CC-116	Craig Reynolds	Capital Facilities	Capital Facilities Element: Where does the capital facilities element end? Looking at the July 16 agenda bill, it appears that “AB 6510 Exhibit 1A Page 121” may be the beginning of the economic development element, but I see no header to confirm.	Question & Answer	The Capital Facilities Element ends at page 120 of AB 6510 Exhibit 1A and the Economic Development Element begins on the following page.
CC-127	Lisa Anderl and Jake Jacobson	Transportation	Transportation Element Goal 3.1 What does “all communities” mean? We believe that MI is one community.	Question & Answer	All communities in this context means all communities within the larger Mercer Island community.
CC-131	Lisa Anderl and Jake Jacobson	Transportation	III. TRANSPORTATION SYSTEM – EXISTING CONDITIONS. Please provide the rationale for deleting the “Travel Patterns” section. It seems to still be relevant.	Question & Answer	The proposed amendments would strike out older data that is optional to include. The required information is the summary of the transportation system and existing conditions of those facilities.

Log #	Submitted By	Element	Question	Category	Staff Response
CC-137	Lisa Anderl and Jake Jacobson	Capital Facilities	Capital Facilities Element Page 2 – First full paragraph is not accurate re “100% of govt operations are powered by clean renewable energy”. There is no way to track where the energy comes from or how it was generated.	Question & Answer	The City participates in Puget Sound Energy's (PSE) Green Direct program . In 2016, the City signed a 20-year power purchase agreement with PSE to help fund development of the Skookumchuck Wind Facility. Located on private timber land near Centralia, Washington, the facility went online in November 2020 and hosts 38 turbines that generate a total of 137 Megawatts. Now the City's electricity usage is offset under this program. Though the City's electricity comes from renewable sources, the City still uses natural gas for heating some buildings.
CC-139	Lisa Anderl and Jake Jacobson	Capital Facilities	Capital Facilities Element Page 5 PUBLIC SCHOOLS – Please verify if this is current information on enrollment etc.	Question & Answer	Staff gathered this information from Mercer Island School District planning documents during the preparation of this draft.
CC-140	Lisa Anderl and Jake Jacobson	Capital Facilities	Capital Facilities Element Page 8 – delete the 2014 map?	Question & Answer	Yes, the proposal is to replace the older map with an updated version (see the clean version of the Capital Facilities Element for the updated map).
CC-141	Lisa Anderl and Jake Jacobson	Capital Facilities	Capital Facilities Element CIP Project Summary pages 14-17 – is this information current? It is not showing as edited from the prior comp plan. . .	Question & Answer	The CIP Project Summary was updated by Public Works staff when the proposed draft was prepared.
CC-150	Ted Weinberg	Transportation	Transportation Element. Page 9. Goal 11.2. Is this goal, requiring 3 off-street spaces per SF residence, compatible with recent state legislation?	Question & Answer	<p>This policy may prove challenging to implement given the recent changes in state law. The City may need to revisit this policy as it implements those changes following the Comprehensive Plan update. For example, Senate Bill 6510 enacted in 2024 places limits on the number of parking spaces that can be required for some residential development.</p> <p>If the City Council would like to amend this policy during the Comprehensive Plan periodic review, staff recommends the following amendment:</p> <p>Maintain the current minimum parking requirements of three off-street spaces for single family residences <u>consistent with state law</u>, but may consider future code amendments that allow for the reduction of one of <u>may consider reducing</u> the spaces provided that the quality of the environment and the single family neighborhood is maintained.</p>