

**CITY OF MERCER ISLAND  
ORDINANCE NO. 20-15**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,  
EXTENDING THE 2020 DEADLINE TO SUBMIT PROPOSED  
COMPREHENSIVE PLAN AND CODE AMENDMENTS; PROVIDING FOR A  
PUBLIC HEARING; DECLARING AN EMERGENCY; AND ESTABLISHING AN  
IMMEDIATE EFFECTIVE DATE.**

**WHEREAS**, each year the City is required to notice by September 1<sup>st</sup> its annual comprehensive plan and code amendment cycle for the following calendar year; and

**WHEREAS**, comprehensive plan and code amendment proposals from the public must be received by October 1<sup>st</sup> in order to be considered for the following year's comprehensive plan and code amendment process; and

**WHEREAS**, the notice that the City issued in 2020, which occurred by September 1<sup>st</sup>, notified the public that the City had to receive proposed amendments to the comprehensive plan by October 1<sup>st</sup>, without mentioning that proposed amendments to the development code were also being accepted until October 1<sup>st</sup>; and

**WHEREAS**, this error of omission by the City may have deterred the public from submitting proposed amendments, limiting the public's ability to participate fully in the City's comprehensive plan and code amendment process as set forth in the Growth Management Act; and

**WHEREAS**, deterring the public's ability to propose amendments to the comprehensive plan and development code would result in harm to public health, safety, property, and welfare in Mercer Island; and

**WHEREAS**, to prevent the potential harm to public health, safety, property, and welfare, the City Council concludes that the City immediately needs an extension of the October 1<sup>st</sup> deadline for accepting proposed amendments from the public; and

**WHEREAS**, the City is authorized under RCW 35A.63.220, 36.70A.390 to pass an interim zoning and official control ordinance for up to six months, provided it holds a public hearing on the same within sixty days after passage; and

**WHEREAS**, consistent with the provisions of RCW 35A.63.220 and RCW 36.70A.390, it is appropriate for the City Council to hold a public hearing and adopt additional findings of fact, if necessary, supporting and justifying the interim zoning and official control ordinance within at least sixty days of its passage; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1.     Whereas Clauses Adopted.** The "Whereas Clauses" set forth in the recital of this Ordinance are hereby adopted as the preliminary findings and conclusions of the City Council for passing this Ordinance.

- Section 2. Declaration of Emergency.** As set forth in the “Whereas Clauses” adopted in Section 1 of this Ordinance, the City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the City Council.
- Section 3. Deadline Extended.** The deadlines in MICC 19.15.230(D)(1) notwithstanding, the deadline in 2020 for the public to submit proposed amendments to the comprehensive plan and development code will be November 2, 2020. Proposed amendment requests received after November 2, 2020 will not be considered for 2021’s comprehensive plan and code amendment process, but will be held for the next eligible process. Soon after this Ordinance takes effect, the City will issue notice of this year’s extension to submit proposed comprehensive plan and code amendments.
- Section 4. Public Hearing.** Pursuant to RCW 35A.63.220 and RCW 36.70A.390, a public hearing shall be scheduled within 60 days of this Ordinance passage, in order to hear and consider the comments and testimony of those wishing to speak at such public hearing regarding the interim zoning and official controls approved by this Ordinance, and to consider adopting further findings of fact, if necessary.
- Section 5. Duration of Interim Zoning and Official Controls.** The interim zoning and official controls approved by this Ordinance shall become effective immediately, on the date hereof, and shall continue in effect for an initial period of six months, unless repealed, extended or modified by the City Council after subsequent public hearing(s), entry of appropriate findings of fact, and or development of a work plan for related studies pursuant to RCW 35A.63.220 and RCW 36.70A.390.
- Section 6. Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this Ordinance or its application to any other person, property or circumstance.
- Section 7. Effective Date.** This Ordinance, as a public emergency ordinance necessary for the protection of the public health, safety, property, and welfare, shall take effect immediately upon passage by a majority plus one of the whole membership of the City Council.

Passed at least by a majority plus one of the City Council of the City of Mercer Island, Washington, at its regular meeting on the 6<sup>th</sup> day of October 2020 and signed in authentication of its passage.

CITY OF MERCER ISLAND

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Benson Wong, Mayor

Approved as to Form:

ATTEST:

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Bio Park, City Attorney

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Deborah A. Estrada, City Clerk

Date of Publication: