

**CITY OF MERCER ISLAND  
ORDINANCE NO. 19C-19**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND AMENDING MERCER ISLAND CITY CODE 19.05.010 TO REPEAL SUBSECTION B; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Mercer Island City Code (MICC) establishes development regulations that are intended to result in the implementation of the Mercer Island Comprehensive Plan pursuant to RCW 36.70A.040; and,

WHEREAS, the Mercer Island City Council adopted Ordinance No. 18-13 on November 20, 2018 amending the land use map designation of a certain City-owned property from “Linear Park / I-90” to “Town Center”; and,

WHEREAS, the Mercer Island City Council adopted Ordinance No. 18C-14 on November 20, 2018 amending the zoning map designation of the same City-owned property from “Public Institution” to “Town Center”; and,

WHEREAS, the Mercer Island City Council expressed the intent with the adoption of Ordinance No. 18C-14 to comply with chapter 36.70A RCW, which requires consistency between the Comprehensive Plan and Mercer Island City Code; and,

WHEREAS, MICC 19.05.010(B) contains a text description of the bounds of the Public Institution zoning designation, which created an inconsistency between the Comprehensive Plan and Mercer Island City Code; and,

WHEREAS, on August 5, 2019, the Growth Management Hearings Board issued a Final Decision and Order (Case No. 19-3-0003c) directing the City to correct the inconsistency between the adopted text contained in MICC 19.05.010(B), the zoning map, and the land use map; and,

WHEREAS, the Mercer Island Planning Commission held a public hearing on October 30, 2019 and considered public comment received prior to the close of the public hearing; and

WHEREAS, the Mercer Island Planning Commission recommended adoption of the proposed code amendment on October 30, 2019; and,

WHEREAS, a SEPA Determination of Non-Significance was issued by the City on October 14, 2019; and,

WHEREAS, the Washington Department of Commerce granted review of the proposed amendments to the development regulations on October 28, 2019;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1:** **Adoption of Amendment to Mercer Island City Code 19.05.010.** Subsection B of MICC 19.05.010 is hereby repealed as set forth in Attachment “A” to this ordinance.

**Section 2:** **Codification and Effective Date of the Regulations.** The City Council authorizes the Community Planning and Development Director and the City Clerk to correct errors in Attachment A, codify the regulatory provisions of the amendments into Title 19 of the Mercer Island City Code, and publish the amended code.

**Section 3:** **Interpretation.** The City Council authorizes the Community Planning and Development Director to adopt administrative rules, interpret, and administer the amended code as necessary to implement the legislative intent of the City Council.

**Section 4:** **Severability.** If any section, sentence, clause or phrase of this ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the amended code section.

**Section 5:** **Publication and Effective Date.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force five days after the date of publication.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on December 3, 2019 and signed in authentication of its passage.

CITY OF MERCER ISLAND

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Debbie Bertlin, Mayor

Approved as to Form:

ATTEST:

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Bio Park, Interim City Attorney

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Deborah Estrada, City Clerk

Date of Publication: \_\_\_\_\_