

**CITY OF MERCER ISLAND  
ORDINANCE NO. 22-17**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND AMENDING THE  
MERCER ISLAND COMPREHENSIVE PLAN LAND USE ELEMENT TO  
REMOVE FIGURE TC-1 RETAIL USE ADJACENT TO STREET FRONTAGES  
AND ASSOCIATED REFERENCE; PROVIDING FOR SEVERABILITY; AND  
ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, in compliance with the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, the City of Mercer Island adopted a Comprehensive Plan in 1994 and has amended the plan on several occasions since that time; and

**WHEREAS**, in accordance with RCW 36.70A.130, an adopted Comprehensive Plan is subject to continuing evaluation and review; and

**WHEREAS**, the Land Use Element of the Comprehensive Plan was most recently amended by Ordinance 21-26; and

**WHEREAS**, on June 2, 2020, the City adopted Ordinance No. 20-12 implementing a six-month moratorium pursuant to RCW 35A.63.220 and RCW 36.70A.390 on the submission of applications for any building permits or any other land use approvals for Major New Construction as defined in Mercer Island City Code (MICC) 19.16.010 for properties located within the Town Center (TC) zone at Mercer Island south of SE 29<sup>th</sup> Street; and

**WHEREAS**, on December 1, 2020, the City Council approved Resolution 1594 adding a Comprehensive Plan amendment related to the Town Center moratorium to the Community Planning and Development work plan; and

**WHEREAS**, on May 17, 2022, the City Council adopted Ordinance 22-03 extending the effective period of Ordinance No. 20-12 after holding a public hearing, to allow the City Council to continue to evaluate potential code amendments to exit the moratorium; and

**WHEREAS**, on June 21, 2022, the City Council adopted Ordinance No. 22C-09 approving amendments to MICC 19.11.020(B), including amending and renaming Figure 2. Retail Use Adjacent to Street Frontages; and

**WHEREAS**, Section V. of the Land Use Element of the Comprehensive Plan, Land Use Policies, Town Center, includes Figure TC-1. Retail Use Adjacent to Street Frontages; and

**WHEREAS**, to create consistency between the Comprehensive Plan and Ordinance No. 22C-09, Figure TC-1 must be removed from the Land Use Element of the Comprehensive Plan; and

**WHEREAS**, on August 30, 2022, state agencies received notice of Mercer Island's proposed Comprehensive Plan amendment; and

**WHEREAS**, on October 10, 2022, the City of Mercer Island issued SEPA Threshold Determinations (DNS) for the respective amendment; and

**WHEREAS**, on August 22, 2022, notice of a Planning Commission public hearing on September 28, 2022, was published in the Mercer Island Reporter; and

**WHEREAS**, on August 24, 2022, notice of a Planning Commission public hearing on September 28, 2022, was published in the Weekly Permit Bulletin; and

**WHEREAS**, the City of Mercer Island has met all applicable public notice requirements for said Comprehensive Plan amendment consistent with chapter 19.15 MICC in effect at the time notice was given; and

**WHEREAS**, the proposed Comprehensive Plan amendment meets the decision criteria established in MICC 19.15.230(F) because the amendment is consistent with the GMA, is consistent with the Comprehensive Plan, and addresses changing circumstances of the city as a whole given the changing nature of commercial development in Town Center that prompted the amendments made by Ordinance 22C-09; and

**WHEREAS**, on September 28, 2022, the Planning Commission held the required public hearing and recommended approval of the proposed Comprehensive Plan Amendment; and

**WHEREAS**, on October 18, 2022, the City Council held its first reading of this ordinance; and

**WHEREAS**, on November 1, 2022, the City Council held its second reading of this ordinance.

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: Comprehensive Plan Land Use Element Section V, Land Use Issues, Town Center, Goal 4.** Effective December 1, 2022, Section V of the Land Use Element of the Comprehensive Plan shall be amended as set forth in Exhibit A to this ordinance.

**Section 3: 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 4: 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 MEETING ON NOVEMBER 1, 2022.

CITY OF MERCER ISLAND

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Salim Nice, Mayor

ATTEST:

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Andrea Larson, City Clerk

APPROVED AS TO FORM

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Bio Park, City Attorney

Date of publication:

**EXHIBIT A**

**Land Use Element Section V., Land Use Policies, Town Center, is amended as follows:**

GOAL 4: Create an active, pedestrian-friendly, and accessible retail core.

4.1 Street-level retail, office, and service uses should reinforce the pedestrian-oriented circulation system.

4.2 Retail street frontages (Figure TC-1) should be the area where the majority of retail activity is focused. Retail shops and restaurants should be the dominant use, with personal services also encouraged to a more limited extent.

**Figure TC-1. Retail Use Adjacent to Street Frontages**

