

**CITY OF MERCER ISLAND
ORDINANCE NO. 26-02**

AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON, RENEWING INTERIM REGULATIONS ON DEFINITIONS RELATING TO EMERGENCY SHELTERS AND HOUSING, TRANSITIONAL HOUSING, AND PERMANENT SUPPORTIVE HOUSING ADOPTED BY ORDINANCE 24C-03; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations; and

WHEREAS, in 2021, the Washington State legislature passed E2SHB 1220, which, among other things, requires cities to allow indoor emergency shelters and housing, transitional housing, and permanent supportive housing in certain zones; and

WHEREAS, E2SHB 1220 provides, in part, that a city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed, and

WHEREAS, E2SHB 1220 further provides, in part, that a city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except if the city has adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit; and

WHEREAS, E2SHB 1220 allows cities to adopt reasonable occupancy, spacing, and intensity of use requirements on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety so long as those reasonable restrictions do not prohibit the number of units assigned to the city by the Washington State Department of Commerce ("Commerce"); and

WHEREAS, E2SHB 1220 included a September 30, 2021, deadline for cities to comply, and the City Council determined that to comply with the deadline and thoroughly analyze permanent regulations, interim development regulations adopted under the provisions of RCW 36.70A.390 are necessary to allow adequate time for the City to adopt permanent development regulations in compliance with E2SHB 1220; and

WHEREAS, on September 21, 2021, the City Council adopted Ordinance 21C-23 that established interim regulations relating to emergency shelters and housing, transitional housing, and permanent supportive housing; and

WHEREAS, the City Council has adopted ordinance 22C-14 on September 21 2022, Ordinance 23C-02 on March 21, 2023, and Ordinance 23C-11 on September 5, 2023 to renew the interim regulations established by Ordinance 21C-23 for additional six-month periods; and

WHEREAS, the City Council adopted Ordinance 24C-03 on April 2, 2024, reinstating the lapsed interim regulations established by Ordinance 21C-23 for one year; and

WHEREAS, the City Council adopted Ordinance 25C-05 on March 18, 2025 and Ordinance 25-15 on September 2, 2025, renewing the reinstated interim regulations established by 24C-03 for additional six month periods; and

WHEREAS, the City is authorized under RCW 35A.63.220 and 36.70A.390 to renew interim zoning and official controls for an additional six-month period, provided a public hearing is held prior to renewal; and

WHEREAS, the adoption of permanent regulations is expected by the end of 2027; and

WHEREAS, the City Council held a public hearing on March 3, 2026; and

WHEREAS, this Ordinance, as an interim zoning and official control ordinance, is not subject to referendum;

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

Section 1. Findings. The findings adopted for Ordinances No. 21C-23, 22C-14, 23C-02, 23C-11, 24C-03, 25C-05, 25-15 and the “Whereas Clauses” set forth in the recitals of this ordinance are hereby adopted as the findings of fact of the City Council for passing this ordinance.

Section 2. Renewed. The interim regulations adopted by Ordinance 24C-03, and renewed by 25C-05 and 25-15, are renewed again.

Section 3. Duration of Interim Zoning and Official Controls. The interim zoning and official controls renewed by this ordinance shall be effective for a period of six months, unless repealed, extended, or modified by 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. Effective Date. This ordinance shall take effect and be in force on April 2, 2026, provided 5 days have passed since its passage and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AT ITS MEETING ON THE _____ DAY OF _____ 2026.

CITY OF MERCER ISLAND

Dave Rosenbaum, Mayor

Approved as to Form:

ATTEST:

Bio Park, City Attorney

Andrea Larson, City Clerk

Date of Publication: