



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6816
November 18, 2025
Regular Business

AGENDA BILL INFORMATION

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| TITLE: | AB 6816: 2026 Annual Comprehensive Plan and Development Code Amendments Docket | <input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution |
| RECOMMENDED ACTION: | Accept and adopt the Planning Commission's recommendation to docket no Comprehensive Plan or Development Code amendment proposals received for 2026. | |

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| DEPARTMENT: | Community Planning and Development |
| STAFF: | Jeff Thomas, Community Planning and Development Director Alison Van Gorp, Community Planning and Development Deputy Director Molly McGuire, Senior Planner |
| COUNCIL LIAISON: | n/a |
| EXHIBITS: | 1. Docket Proposal Submissions 2. Planning Commission Recommendation and Docket Proposal Summary 3. Docket Progress Report |
| CITY COUNCIL PRIORITY: | n/a |

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| AMOUNT OF EXPENDITURE | \$ n/a |
| AMOUNT BUDGETED | \$ n/a |
| APPROPRIATION REQUIRED | \$ n/a |

EXECUTIVE SUMMARY

The purpose of this agenda bill is to set the docket of proposed Comprehensive Plan and development code amendments for 2026 which will be included in the future Community Planning and Development (CPD) work plan. The docket is the City's process for soliciting proposals for Comprehensive Plan and development code amendments each year.

- Applications for the 2026 Annual Docket of proposed Comprehensive Plan and development code amendments are accepted September 1 through October 1.
- Nine proposals were received by the October 1 deadline.
- The Planning Commission reviewed the proposals and recommended that no proposals be added to the 2026 Annual Docket.
- The City Council will consider the City's capacity to review proposed docket items in the coming year, along with other evaluation criteria, when deciding which proposals, if any, to include on the docket.
- Items placed on the 2026 Annual Docket will be added to the future CPD work plan for legislative review and consideration by staff, the Planning Commission, and the City Council.

- The City is under no obligation to docket any item, nor is it obligated to legislatively adopt any item which is added to the docket.

BACKGROUND

The City provides an annual opportunity to propose amendments to the Comprehensive Plan and development regulations. Amendment proposals are invited each year during the month of September as described in [MICC 19.15.230\(D\)\(1\)](#). The proposed amendments are compiled, along with the City's proposed amendments, into a docket. The docket is preliminarily reviewed by the Planning Commission and City Council for a determination on which, if any, proposed amendments will be advanced for future full legislative review. Amendments selected by the City Council for the 2025 docket are then added to the future CPD work plan, typically for the next calendar year, or as is the currently the case, when time and resources permit in the future.

Docketing Process

Public notice of the opportunity to submit docket requests was provided in the permit bulletin and on the City website between August 4 and September 1, 2025, as well as on August 6 and September 3, 2025 in the Mercer Island Reporter. Nine proposals were received from the public (Exhibit 1), which are summarized in the staff memo to the Planning Commission [PCB25-19](#), dated October 22, 2025.

Planning Commission Review & Recommendation

On October 22, 2025, the Planning Commission reviewed the proposed amendments in the preliminary docket. At this meeting, after considerable discussion and deliberation, the Planning Commission passed individual motions on each docket item, which were reflected in the record as the recommendation from the Planning Commission and summarized in Exhibit 2.

Docketing Criteria

The City Council's role in the docketing process is described as follows in [MICC 19.15.230\(D\)\(1\)\(d\)](#):

"The city council shall review the preliminary docket at a public meeting. By December 31, the city council shall establish the final docket based on the criteria in subsection E of this section. Once approved, the final docket defines the work plan and resource needs for the following year's comprehensive plan and code amendments."

The MICC 19.15.230(E) states that Comprehensive Plan and code amendments should only be placed on the final docket if the proposed amendment will meet the specified criteria:

"E. Docketing Criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

1. *The request has been filed in a timely manner, and either:*
 - State law requires, or a decision of a court or administrative agency has directed, such a change; or*
 - All of the following criteria are met:*
 - The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;*
 - The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;*
 - The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;*

- iv. *The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and*
- v. *The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment."*

ISSUE/DISCUSSION

The threshold question for the City Council is whether any item(s) proposed for the 2026 docket should be further analyzed and considered for legislative adoption by the City staff, Planning Commission, and City Council. The City Council is under no obligation to legislatively adopt any item if it is placed on the 2026 docket. Each proposal should be reviewed based upon the criteria in MICC 19.15.230(E), provided above. After deliberations, the City Council sets the docket by approving a resolution or taking no action if no items are added to the docket.

Related to criterion (1)(b)(ii) at the bottom of page 2, the City Council should carefully consider the City's capacity to review docketed items in the coming year, including the workload generated by the items placed on the docket for staff, the Planning Commission, and the City Council itself. Each item that is docketed requires substantial staff work, including research and analysis, preparation of staff reports, public notice, SEPA analysis and documentation, and notification to state agencies. In addition, the Planning Commission typically discusses each item 2-3 times at a minimum, including a work session, a public hearing, and deliberations/decision. Then, the City Council holds a minimum of two readings for each proposed amendment.

To better understand the legislative review process and typical timelines, see Exhibit 3 for a progress report on items proposed for the docket since 2020. In recent years, the City has often not completed legislative review of all the docketed items during the year in which they were docketed. Typically, one or more items have been carried over to the following year's work plan.

The Planning Commission schedule includes 11 regularly scheduled meetings each year. Thus, there is a limit to the number of items that the Planning Commission can review in a year, based on simple time constraints. Additionally, the City Council should consider its capacity for review of recommended amendments, as well as the community's capacity to digest the proposals.

The 2026 CPD work plan includes the following items; anything added to the docket for 2026 will need to be scheduled for review as a City Council priority or after the below items are completed. Therefore, it is probable that any item docketed for 2026 will not receive legislative review until 2029 or later.

1. **Outstanding 2024 Annual Docket Items:** The City has several items that were included in the 2024 Annual Docket that have not yet received legislative review (see Exhibit 4). These items will remain in the CPD work plan and work is expected to commence as resources allow. The following items should be addressed prior to any new items added to the 2026 Annual Docket:
 - a. Docket Reference No. 23-7: Amend MICC 19.11 Town Center Development and Design Standards to add a "Government Services" use and the related development standards, initiated by the City of Mercer Island.
 - b. Docket Reference No. 23-9: Amend several chapters in Title 19 MICC in response to housing-related legislation including HB 1110, HB 1337 and HB 1042, initiated by the City of Mercer Island. Interim regulations have been adopted by City Council under [Ord No. 25C-02](#). These

interim regulations will expire on June 30, 2026 and permanent regulations will need to be adopted, or the interim regulations will need to be renewed prior to this date to avoid a lapse in compliance.

- c. Docket Reference No. 23-14: Amend MICC 19.02.020(E) Building Height Limit and MICC 19.16.010 Definitions to add a provision related to the calculation of maximum downhill building façade height, initiated by both the City and Regan McClellan.
- d. Docket Reference No. 23-18: Redesignate the Stroum Jewish Community Center and Mercer Island Country Club properties as Commercial Office on the Comprehensive Plan Land Use Map and rezone the JCC property to Commercial-Office, initiated by the Stroum Jewish Community Center.

2. **Outstanding 2025 Annual Docket Items:** The City has three items that were included in the 2025 Annual Docket that have not yet received legislative review (see Exhibit 4). These items will remain in the CPD work plan and work is expected to commence as resources allow. The following items should be addressed prior to any new items added to the 2026 Annual Docket.

- a. Docket Reference No. 24-1: Amend MICC 19.01.050 Nonconforming structures, sites, lots, and uses and MICC 19.16.010 Definitions to exclude “exterior alteration” of non-single-family nonconforming structures outside of the Town Center from the determination of nonconforming status during a remodel and add the definition of “enlargement” to the definitions section.
- b. Docket Reference No. 24-8: Add a new chapter to Title 19 MICC for a “Private Hedge Code”, which would provide a voluntary mechanism for the resolution of disputes involving the height of hedges, initiated by Jeff Haley. *See also Docket Reference No. 24-15.*
- c. Docket Reference No. 24-15: Amend MICC 19.02.020(C)(3) Intrusions into required yards and MICC 19.02.050 Fences, retaining walls, and rockeries to limit the height of hedges to 12 feet within side yard setbacks unless mutually agreed upon by adjoining property owners. *See also Docket Reference No. 24-8.*

3. **Interim Regulations:** The City has several interim regulations that will expire in 2025. These interim regulations will need to be renewed or replaced with permanent regulations prior to expiration. The current interim regulations that will need to be addressed in 2026 are:

- a. [Ordinance No. 24C-03](#) Interim Regulations Related to Emergency Shelters and Housing, Transitional Housing, and Permanent Supportive Housing in MICC 19.16.010. These interim regulations were most recently renewed by [Ordinance No. 25-15](#) on September 2, 2025 with an effective date of October 1, 2025. These interim regulations will expire on April 1, 2026 and will need to be renewed or replaced with permanent regulations prior to March 31, 2026.
- b. [Ordinance No. 25C-02](#) Interim Regulations Related to Middle Housing and Accessory Dwelling Units. These interim regulations will expire on June 30, 2026 and will need to be renewed or replaced with permanent regulations prior to June 29, 2026.
- c. [Ordinance No. 25C-06](#) Interim Regulations Related to Unit Lot Subdivisions. These interim regulations will expire on June 30, 2026 and will need to be renewed or replaced with permanent regulations prior to June 29, 2026.

4. **Other Outstanding Items:** The City has several items that will need to be addressed, beginning in 2026 and are expected to continue into 2027 and beyond.

- a. Growth Management Hearings Board [Final Decision and Order](#): On November 19, 2024, the City adopted the 2044 Comprehensive Plan Periodic Update. An appeal of the

Comprehensive Plan was subsequently filed, and the Growth Management Hearings Board issued a Final Decision and Order on August 1, 2025. Compliance with the Final Decision and Order must be completed by July 31, 2026 and will require significant updates to the Housing Element and development regulations.

- b. State Legislative updates: Several bills passed the legislature in 2025 that will require Mercer Island to make development code amendments with due dates between 2026 and 2029. These include [HB 1757](#) (existing buildings used for residential purposes), [HB 1096](#) (lot splitting), [SB 5509](#) (childcare in all zones except industrial), [HB 1491](#) (transit oriented development).
- c. Shoreline Master Program Periodic Update: The state Shoreline Management Act requires that counties, cities, and towns periodically review their comprehensively updated shoreline master program (SMP) every ten years. The Mercer Island SMP was adopted in 2015. Pursuant to Revised Code of Washington (RCW) [90.58.080](#), the City of Mercer Island is required to take action to review, and if necessary, revise the SMP on or before June 30, 2029 and every 10 years thereafter. Staff expect to start this review process at the end of 2026 following the Growth Management Hearings Board Final Decision compliance. Review is expected to continue through 2027 and beyond.

The existing CPD work plan is currently lengthy and represents a significant amount of CPD staff time, as well as a significant portion of the available Planning Commission, City Council, and community bandwidth. Given the existing commitments of staff time in the current CPD work plan, staff do not recommend adding any items to the 2026 Annual Docket, consistent with the Planning Commission recommendation in Exhibit 2. A resolution is not required if no items are added to the docket.

NEXT STEPS

Staff will continue to work through the items currently on the CPD Work Plan. If the City Council chooses not to add any items to the 2026 Annual Docket, no further steps are required to be taken.

RECOMMENDED ACTION

Accept and adopt the Planning Commission's recommendation to docket no Comprehensive Plan or Development Code amendment proposal received for 2026.