

**CITY OF MERCER ISLAND
ORDINANCE NO. 25C-28**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
AMENDING MERCER ISLAND CITY CODE 16.01.030 TO CONFORM
REGULATIONS ON DESIGNATING HISTORICAL BUILDINGS, STRUCTURES,
OR SITES WITH UPDATED STATE LAWS; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, on May 19, 2025, Governor Bob Ferguson signed into law Substitute House Bill (HB) 1576 an act relating to the designation of historic landmarks by cities; reenacting and amending RCW 43.21C.495; adding a new section to Chapter 35.21 RCW; and adding a new section to Chapter 35A.21 RCW; and

WHEREAS, HB 1576 established RCW 35A.21.450, which established limitations on historic landmark designations for code cities; and

WHEREAS, the City of Mercer Island is a code city and must comply with the requirements of RCW 35A.21.450; and

WHEREAS, the City has established standards for designating historical buildings, structures, or sites in title 16 Mercer Island City Code (MICC); and

WHEREAS, MICC 16.01.030 requires a building, structure, or site to be associated with historical events, associated with a person of historical significance, or embody the characteristics of a distinctive architectural type, style, or period, and have achieved significance within the past fifty years to be eligible for historical designation; and

WHEREAS, MICC 16.01.030 must be amended to require property owner consent for historic designation of a building structure or site less than 125 years old or not within a designated historical district; and

WHEREAS, on October 6, 2025, the City issued a State Environmental Policy Act (SEPA) determination of nonsignificance (DNS). The SEPA determination was posted in the Community Planning and Development Bulletin and posted to the statewide SEPA register under file number 202504151. The SEPA determination was issued consistent with the procedures established in Chapter 19.21 MICC; and

WHEREAS, On October 3, the City notified the WA Department of Commerce (Commerce) of the intent to adopt development code amendments. The notice was assigned submittal ID 2025-S-9957. The Commerce 60-day review period will conclude on December 2, 2025; and

WHEREAS, on October 20, 2025, the comment period on the SEPA determination closed and no comments on the DNS were received; and

WHEREAS, On November 18, 2025, the City Council held a first reading and public hearing on the proposed amendments to title 16 MICC.

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 findings and conclusions of the City Council for passing this ordinance.

Section 2. Amended. MICC 16.01.030 – Historical Designation Criteria is amended as follows:

MICC 16.01.030 – Historical Designation Criteria

A historic building, structure or site may qualify for a historical designation if it is more than 50 years old and satisfies one or more of the following criteria:

A. The building, structure, or site:

- 1.A. ~~It~~ is associated with events that have made a significant contribution to national, state or local history; ~~or~~
- 2.B. ~~It~~ is associated with the lives of persons significant in national, state or local history; or
- 3.C. ~~It~~ ~~e~~ Embodies the distinctive characteristics of a type, period, style or method of design, architecture or construction.

B. If the designation would restrict the use, alteration, or demolition of the property, the written consent of the owner of the property must be obtained before being designated as a historic landmark. Consent of the owner of the property is not needed to designate the building, structure, or site as a historic landmark if it meets the criteria below:

1. The building, structure, or site is within the boundaries of a historic district established through a local preservation ordinance, or;
2. The building, structure, or site is demonstrated to be at least 125 years old.

C. The following building, structures, and sites shall not be considered eligible for historic designation.

1. Cemeteries, birthplaces, or graves of historical figures;
2. structures located on properties owned by religious institutions or used for religious purposes;
3. structures that have been moved from the structure's original location, reconstructed historical buildings; and
4. structures and sites that have achieved significance within the past 50 years shall not be considered eligible for historical designation.

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 December 2, 2025.

CITY OF MERCER ISLAND

Salim Nice, Mayor

Approved as to Form:

ATTEST:

Bio Park, City Attorney

Andrea Larson, City Clerk

Date of Publication: