



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6871
February 17, 2026
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 6871: Legislative Review Alternatives to Help City Meet GMHB Order Compliance Deadline (Ordinance No. 26C-03 First Reading)	<input checked="" type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Provide direction on the three alternatives presented to streamline the legislative review process to meet the July 31, 2026 GMHB Compliance Deadline.	

DEPARTMENT:	City Council
STAFF:	Jessi Bon, City Manager Kim Adams Pratt, Outside Land Use Counsel, Madrona Law
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 26C-03
CITY COUNCIL PRIORITY:	n/a

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

EXECUTIVE SUMMARY

At its January 16, 2026, Planning Session, the City Council directed the City Manager to present alternatives to streamline the legislative review process for comprehensive plan amendments. This direction is in response to the July 31, 2026 Growth Management Hearings Board (GMHB) Order compliance deadline.

- The City is under an order from the GMHB to bring the City's Comprehensive Plan into compliance with the Growth Management Act (GMA) by July 31, 2026. The background information on this matter is provided in the City Council packet materials from the January 16, 2026, Council Planning Session (see [AB 6838](#)).
- This agenda item is one of three being considered by the City Council at its February 17, 2026 City Council meeting related to the GMHB Order. The other two are as follows:
 - AB 6865: GMA Compliance Strategy
 - AB 6866: GMA Public Engagement Plan
- Compliance with the GMHB Order will require the City to amend its Comprehensive Plan, recently adopted in December 2024. The minimal procedural requirements for adopting comprehensive plan amendments under the GMA and chapter 35A.63 RCW are (1) a public hearing of the proposed amendments before the planning agency, followed by (2) a recommendation of the amendments by the planning agency.

- Currently, under Mercer Island City Code (“MICC”) 3.46.020, the role of the “planning agency” is delegated to the City’s Planning Commission, which holds public hearings and makes recommendations to the City Council on proposed comprehensive plan amendments.
- The process of reviewing Comprehensive plan amendments requires the Planning Commission to perform the procedural requirements described previously, and upon completion of those steps a recommendation is provided to the City Council for final review and adoption. Once review by the Planning Commission commences, the timeline for the Planning Commission to perform this work ranges from two to six months, depending on the scope of work.
- Alternative #1: To reduce the overall legislative review time, one alternative the City Manager evaluated is delegating the role of the “planning agency” to a Council Committee (instead of the Planning Commission).
- The new Council Committee would be established pursuant to Section 9 of the [City Council Rules of Procedure](#) with the responsibility to hold the required public hearings on proposed comprehensive plan amendments and to make recommendations to the entire Council. This approach would keep the work within the City Council and reduce the total legislative review time for comprehensive plan amendments. If the City Council desires to pursue this option, staff will need to receive that direction and return with the documents necessary to implement this procedural change.
- Alternative #2: If the City Council desires to maintain the current Planning Commission process to review comprehensive plan amendments, staff recommend the Council consider measures to ensure timely review and recommendation. This may include preparing hand-off instructions for the Planning Commission providing clear deadlines to return a recommendation to the City Council. Periodic joint meetings between the Planning Commission and the City Council may also be considered.
- Alternative #3: Another option the City Manager considered to lighten the anticipated workload of the Planning Commission is to amend the MICC to delegate site-specific re-zones to the City’s Hearing Examiner.
- This year the City will consider a site-specific rezone application, which is anticipated to come before the City Council and the Planning Commission at the same time the GMHB Order is being considered. A site-specific re-zone requires a quasi-judicial open record public hearing, review and preparation of recommendations to the City Council, all of which is currently performed by the Planning Commission. This site-specific re-zone is anticipated to be a significant body of work.
- The City Council has the option to amend the MICC to delegate to the City’s Hearing Examiner the authority to hold such hearings, and to review and make recommendations on site-specific rezones to the City Council.
- Using the Hearing Examiner for land-use quasi-judicial proceedings, including site-specific rezones, is generally agreed as best practices and recommended by organizations serving municipalities such as the Municipal Research and Services Center (MRSC), Association of Washington Cities (AWC) and Washington Cities Insurance Authority (WCIA).

BACKGROUND

The City is under an order from the Growth Management Hearings Board (GMHB) to bring the City’s comprehensive plan into compliance with the Growth Management Act (GMA) by July 31, 2026. The background information on this matter is provided in the City Council packet materials from the January 16, 2026 Council Planning Session (see [AB 6838](#)).

This agenda item is one of three being considered by the City Council at its February 17, 2026, City Council meeting related to the GMHB Order. The other two are as follows:

- AB 6865: GMA Compliance Strategy
- AB 6866: GMA Compliance Public Engagement Plan

ISSUE/DISCUSSION

The amount of work required to achieve compliance by July 31, 2026 (described in the aforementioned ABs) is significant and will require amendments to the City's Comprehensive Plan, which was most recently adopted in December 2024. The City's development regulations will also need to be amended.

Considering the substantial scope of work and the tight deadline for completing it, the City Council adopted a motion at its January 16, 2026 Planning Session directing the City Manager to prepare alternatives to streamline the legislative review process. Several alternatives were identified to address this directive and are further described below.

Alternative #1 – Formation of Council Committee to Serve as the “Planning Agency” for the City

The minimal procedural requirements for adopting comprehensive plan amendments under the GMA and chapter 35A.63 RCW include (1) a public hearing of the proposed amendments before the planning agency, followed by (2) a recommendation of the amendments by the planning agency to the City Council for legislative action.

Currently, under Mercer Island City Code (MICC) 3.46.020, the role of the “planning agency” is delegated to the City's Planning Commission, which holds public hearings and makes recommendations to the City Council on proposed comprehensive plan amendments

The process of reviewing Comprehensive plan amendments requires the Planning Commission to perform the procedural requirements described previously, and upon completion of those steps a recommendation is provided to the City Council for final review and adoption. Once review by the Planning Commission commences, the timeline for the Planning Commission to perform this work ranges from two to six months, depending on the scope of work.

The City Council has the option of delegating the role of “planning agency” to a new Council Committee comprised of three City Councilmembers. Under RCW 35A.63.010 and .020, the City Council may assign the “planning agency” duties to “any person, body, or organization designated by the [City Council] to perform a planning function or portion thereof for a municipality, and includes, without limitation, any commission, committee, department, or board together with its staff members, employees, agents, and consultants.” Under this scenario, a new Council Committee would be formed to conduct the required public hearings on the proposed comprehensive plan amendments and make recommendations to the entire City Council.

A Council Committee, established pursuant to Section 9 of the [City Council Rules of Procedure](#) to perform the functions required to adopt comprehensive plan amendments, would meet the statutory definition of a “planning agency.”

This approach would keep the work within the City Council and reduce the total legislative review time for the comprehensive plan amendments necessary to meet with the July 31, 2026 deadline to comply with the GMHB Order.

If the City Council desires to pursue this option, staff will need to receive that direction and return with the documents necessary to implement this procedural change.

Alternative #2: Set Planning Commission Review Schedule/Deadlines

If the City Council wishes to retain the current Planning Commission process for reviewing comprehensive plan amendments, staff recommend that the Council consider implementing measures to ensure a timely and predictable review schedule. This could include providing clear hand-off directions to the Planning Commission at the outset of the legislative review process, along with established timelines and expectations for when a recommendation must be returned to the City Council.

In addition, periodic joint meetings between the Planning Commission and the City Council may be beneficial to promote alignment on policy objectives, clarify expectations, and reduce the potential for rework or delay.

Alternative #3: Delegate Site Specific Re-Zone Requests to the Hearing Examiner

The City Manager also endeavored to review other work items the City Council and Planning Commission will be undertaking in the coming year to identify opportunities to reduce the workload.

This year the City will consider a site-specific rezone application, which is anticipated to come before the City Council and the Planning Commission at the same time the GMHB Order is being considered. A site-specific re-zone requires a quasi-judicial open record public hearing and review and preparation of recommendations to the City Council, all of which is currently performed by the Planning Commission. This site-specific re-zone is anticipated to be a significant body of work.

The City Council has the option to amend the MICC to delegate the authority to hold such hearings, and to review and make recommendations on site-specific rezones to the Hearing Examiner. Currently, all other quasi-judicial open record public hearings are performed by the Hearing Examiner.

Professional Hearing Examiners possess the training and qualifications to ensure that proper procedures are maintained throughout the hearing and to admit and handle evidence properly. They produce decisions that are more consistent with applicable code criteria and other laws, and they are more likely to be free from political influences – all of which results in better administrative records and more defensible decisions for the City.

Using the Hearing Examiner for land-use quasi-judicial proceedings, including site-specific rezones, is generally agreed and strongly recommended as best practices by organizations and agencies serving municipalities, such as the Municipal Research and Services Center (MRSC), Association of Washington Cities (AWC), and Washington Cities Insurance Authority (WCIA). Their recommendation is based on reducing liability and risk, as well as improving the consistency and quality of decisions.

If this alternative is considered, the City Council will continue to retain final decision-making authority on site-specific rezones, based on the recommendation of the Hearing Examiner and the record established during the open record hearing. A few examples of code cities that delegate site-specific rezones to their Hearing Examiners include Kirkland, Issaquah, Black Diamond, Burien, and Bremerton.

City Manager Recommendation

The City Manager recommendation is two-fold: (1) Approve Alternative #2 to ensure timely Planning Commission review by directing the City Manager to develop clear hand-off instructions and legislative review deadlines to be included in the comprehensive plan legislative review transmittal memo to the Planning Commission and, (2) Approve Alternative #3 to delegate site-specific rezones to the Hearing Examiner.

Should the City Council concur with this recommendation, Ordinance No. 26C-03 (Exhibit 1) implements Alternative #3 and is presented for a first reading.

NEXT STEPS

The staff will receive direction from the City Council and take the steps necessary to implement.

RECOMMENDED ACTION

Three Alternative Motions:

Alternative #1: Move to Direct the City Manager to return to the City Council with the documents needed to establish a City Council Committee to perform the “planning agency” duties as described in 35A.63 RCW.

Alternative #2: Direct the City Manager to develop clear hand-off instructions and legislative review deadlines to be included in the comprehensive plan legislative review transmittal memo to the Planning Commission.

Alternative #3: Schedule Ordinance No. 26C-03 for second reading and adoption at the next possible City Council Meeting.