



**BUSINESS OF THE CITY COUNCIL  
CITY OF MERCER ISLAND**

**AB 6382  
December 5, 2023  
Regular Business**

**AGENDA BILL INFORMATION**

<b>TITLE:</b>	AB 6382: 2024 Comprehensive Plan and Development Code Amendment Docket	<input checked="" type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution
<b>RECOMMENDED ACTION:</b>	Consider approval of Resolution No. 1655 setting the docket for 2024.	

<b>DEPARTMENT:</b>	Community Planning and Development
<b>STAFF:</b>	Jeff Thomas, Community Planning and Development Director Alison Van Gorp, Community Planning and Development Deputy Director
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	<ol style="list-style-type: none"> <li>1. Docket proposal submissions</li> <li>2. Planning Commission Staff Memo, dated November 15, 2023</li> <li>3. Planning Commission Recommendation and Preliminary Docket</li> <li>4. Resolution No. 1655</li> <li>5. Docket Progress Report</li> </ol>
<b>CITY COUNCIL PRIORITY:</b>	n/a

<b>AMOUNT OF EXPENDITURE</b>	\$ n/a
<b>AMOUNT BUDGETED</b>	\$ n/a
<b>APPROPRIATION REQUIRED</b>	\$ n/a

**EXECUTIVE SUMMARY**

The purpose of this agenda bill is to set the docket of proposed Comprehensive Plan and development code amendments for 2024 and possibly beyond depending on the number items docketed for further consideration. The docket is the City’s process for soliciting proposals for Comprehensive Plan and development code amendments each year.

- The public had the opportunity to submit docket proposals during the month of September.
- Eight proposals were received from the public, one was later withdrawn. Ten proposals were also submitted by the City.
- The Planning Commission reviewed proposals 1-10 and 12-17 and recommended that proposal numbers 7, 8, 9, 10, 14, 15, 16 be included on the 2024 docket.
- The City Council will consider the City’s capacity to review docketed items in the coming year, among other criteria, in deciding on which, if any, proposals are placed on the docket.
- Items placed on the 2024 docket will be added to the Community Planning and Development (CPD) work program for legislative review and consideration by staff, the Planning Commission, and the City Council.
- The City is under no obligation 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 full legislative review in the coming year. Amendments selected by the City Council for the 2024 docket are then added to the Community Planning and Development work program, typically for the next calendar year, or when time and resources permit.

### Docketing Process

Public notice of the opportunity to submit docket requests was provided in the Weekly Permit Bulletin and on the City website between August 7, 2023 and September 6, 2023, as well as on August 9 and September 6, 2023 in the Mercer Island Reporter. Eight code amendment proposals were received from the public; one of these proposals (Proposed Amendment 11) was later withdrawn (Exhibit 1). The City has also identified ten code amendments for consideration. All seventeen active proposals are summarized in the staff memo to the Planning Commission dated November 15, 2023 (Exhibit 2).

### Planning Commission Review & Recommendation

On [November 15](#) and [November 20](#), 2023, the Planning Commission reviewed the proposed amendments in the preliminary docket. After considerable discussion and deliberation, the Planning Commission made a motion related to each proposed amendment (see Exhibit 3). Taken together, the Planning Commission recommends that the City Council include preliminary docket proposals numbered 7, 8, 9, 10, 14, 15 and 16 in the 2024 docket (see Exhibit 3 for the full recommendation and the preliminary docket).

### 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 states (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:*
  - a. State law requires, or a decision of a court or administrative agency has directed, such a change; or*
  - b. All of the following criteria are met:*
    - i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;*
    - ii. 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;*
    - iii. 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 the items on the preliminary docket should be further analyzed and considered for legislative adoption by the Planning Commission, City Council, and community beginning in 2024. The City Council is under no obligation to legislatively adopt any item if it is placed on the 2024 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 Resolution No. 1655 (Exhibit 4).

Related to criterion (1)(b)(ii) above, 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 5 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 program.

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 2024 CPD work program includes following items; anything added to the docket for 2024 will need to be scheduled for review around or more likely after the below items. Therefore, it is possible one or more items which are docketed now will not receive legislative review until the fall of 2025, 2026 or even later.

1. **Periodic Update of the Comprehensive Plan:** work on the periodic update will continue through 2024, including significant work on the Parks Zone and Housing Element (due for completion by December 2024).
2. **Legislatively Mandated Residential Amendments (HB 1110, HB 1337):** the City must undertake several substantial code amendments to comply with recent housing-related legislation. The City will also undertake additional amendments related to the previously planned Residential Development Standards (RDS) code update. This work will begin as the periodic update of the Comprehensive Plan concludes in late 2024 and must be completed by June 30, 2025.

	2024				2025			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
1. Comprehensive Plan Periodic Update	■		■					
2. Residential Amendments (HB 1110, HB 1337)	■ <i>analysis, community engagement, scoping</i>			■			■	

■ Planning Commission Review

■ City Council Review

## NEXT STEPS

Once the docket is approved, staff will schedule each of the docketed items for Planning Commission and City Council legislative review in 2024 or beyond.

## RECOMMENDED ACTION

Consider approval of Resolution No. 1655 to include items [insert docket item # here] setting the docket of Comprehensive Plan and development code amendments for 2024.