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# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

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## PLANNING COMMISSION

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**TO:** Planning Commission

**FROM:** Alison Van Gorp, CPD Deputy Director  
Adam Zack, Senior Planner

**CC:** Patrick Yamashita, City Engineer/Deputy Public Works Director  
Alaine Sommargren, Deputy Public Works Director

**DATE:** January 18, 2023

**SUBJECT:** Comprehensive Plan Update  
Capital Facilities Element – Second Draft  
Utilities Element – Second Draft

**Attachments**

- A. Second Draft Capital Facilities Element
- B. Second Draft Utilities Element
- C. Capital Facilities Element Comments
- D. Utilities Element Comments

### PURPOSE

To get the Planning Commission’s comments on the second drafts of the Capital Facilities Element (Attachment A) and the Utilities Element of the Comprehensive Plan (Attachment B).

Once the Planning Commission has provided input on the attached drafts, this round of review will conclude. The Planning Commission will have a few more touches on the Capital Facilities and Utilities elements later in the update process, as spelled out in the ‘Next Steps’ section of this memo.

### PUBLIC COMMENTS

Members of the public may submit written comments or questions on the Capital Facilities and Utilities elements to [comp.plan@mercerisland.gov](mailto:comp.plan@mercerisland.gov). Public comments received before January 23 will be provided to the Planning Commission at their January meeting.

### BACKGROUND

The Planning Commission was briefed on the first drafts of the Capital Facilities and Utilities elements on December 14, 2022. The Planning Commission was asked to provide written comments on these two elements by January 13, 2023. One comment letter on the first draft of the Capital Facilities Element was received (Attachment C). Two comment letters on the first draft of the Utilities Element were received (Attachment D).

## FEEDBACK REQUESTED: CAPITAL FACILITIES

Comments on the first draft of the Capital Facilities Element proposed one change to Policy 1.4. Please review the alternatives listed below in advance to be prepared to provide comments at the meeting.

### Policy 1.4, pg. 30

A comment from Commissioner Ragheb proposed an alternative for Policy 1.4. Policy 1.4 was proposed in the first draft as a new policy in response to changes in the Countywide Planning Policies (CPPs). Commissioner Ragheb's proposed alternative would not change the meaning, intent, or implementation of the policy.

#### Originally Proposed Policy 1.4:

1.4 Provide affordable and equitable access to public services to all communities, especially the historically underserved.

#### Proposed Alternative Policy 1.4:

1.4 The City should provide affordable and equitable access to public services to all communities, especially the historically underserved.

**Decision Point:** The Planning Commission can (1) approve the originally proposed Policy 1.4; (2) approve the proposed alternative, or (3) propose an additional alternative. The intent of Policy 1.4 should be maintained to ensure that the Capital Facilities Element remains consistent with updates to the CPPs.

### Comment on Paragraph on Page 2, Lines 38 – 42

Commissioner Ragheb has proposed removing the following paragraph from Page 2 of the Capital Facilities Element:

The subset of sustainability work involving GHG emissions and resilience has never been more urgent in Pacific Northwest communities, as we begin to experience the economic and health impacts of changes to our global climate patterns locally. This includes rising average temperatures, changes in rainfall timing and river volumes, and reduced snowpack. Recent extreme heat events and wildfire smoke incidents have underscored this reality for many residents.

Staff drafted this paragraph for the first draft of Capital Facilities Element to provide background information on the climate change and greenhouse gas reduction work conducted as part of the Climate Action Plan drafting process. Commissioner Ragheb's comment on this paragraph is:

Suggest removing this entire paragraph. Let's keep this document objective and apolitical. We need to reduce GHG emissions because the City has committed to it - this paragraph may turn people away from the goals if they see things differently. While I agree that reducing GHG emissions is a good thing to pursue, this paragraph opens it up for debate - someone could argue that because 2023 snowpack in California after the Jan '23 storms is likely above average that we have less of a problem than in 2022...best to leave this objective statement out.

The climate change and greenhouse gas impacts listed in the paragraph as drafted are provided generally rather than a specific reference to an area's snowpack. In general, increased temperatures and changing

weather patterns resulting from climate change are accepted contributors to declining snowpack levels. According to the Environmental Protection Agency (EPA), snowpack has decreased in the 29 years between 1982 and 2021 as a result of warming temperatures and decreased precipitation, both of which are tied to climate change and greenhouse gas emissions (Source: <https://www.epa.gov/climate-indicators/climate-change-indicators-snowpack#:~:text=From%201982%20to%202021%2C%20the,about%2018%20days%2C%20on%20average.>).

**Staff Response:** In general, the Comprehensive Plan text should be apolitical. The Planning Commission can opt to remove the paragraph highlighted by Commissioner Ragheb’s comment, or to revise it. As drafted, the subject paragraph highlights the reasons for urgency in climate change planning while pointing to well-documented impacts.

**Decision Point:** The Planning Commission can (1) keep the paragraph as drafted; (2) propose an alternative; or (3) delete the subject paragraph.

#### **FEEDBACK REQUESTED: UTILITIES**

Comments on the first draft of the Utilities Element highlighted several issues. Staff is requesting Planning Commission input to resolve the issues listed below. Please review the alternatives listed in advance to be prepared to provide comments at the meeting.

#### **Add New Policy 4.2, pg. 8**

Commissioner Boatsman proposed a new Policy 4.2. The proposed policy would direct the City to collaborate with regional stakeholders and nearby jurisdictions to develop and implement a watershed-level water quality plan. The proposed policy does not specify what form this would take and the City would be able to determine that once a project to implement this policy was added to a departmental work plan.

#### **Proposed New Policy 4.2:**

Collaborate with King County, cities, tribes, environmental advocates, and community-based organizations, guided by current, best available science, to develop and implement continuous water quality improvement at the watershed level.

**Issue Discussion:** The proposed policy would obligate the City to undertake a new planning project related to stormwater. The City already maintains a Stormwater Management Program Plan (SWMPP) that directs City actions for addressing stormwater within its jurisdiction. On the watershed level, King County maintains a SWMPP for addressing runoff throughout the County. The City’s SWMPP must be consistent with the County’s plan. Consistency between city and county SWMPPs is ensured by requiring that both be consistent with the Department of Ecology’s Stormwater Management Manual for Western Washington. Under the Stormwater Management Manual for Western Washington, counties are the level of local government that plans for and addresses stormwater at the watershed level. The proposed policy could direct the City to undertake a project the County already addresses through its SWMPP update process.

The proposed policy 4.2 would create a policy directive for a new City action. This proposed policy is beyond the scope of the Utilities Element update established by the City Council with Resolution 1621. The City Council direction for updating the Utilities Element was to only make those amendments required to maintain consistency with the GMA and address recent changes in other planning documents.

**Decision Point:** The Planning Commission can (1) approve the proposed Policy 4.2; (2) propose an alternative; or (3) make no change. No change would not add an additional policy to the Utilities Element.

**Staff Recommendation:** Staff recommends no change. Adding the proposed policy would create a directive for a new City program related to stormwater management, which is beyond the task assigned to the Planning Commission by the City Council. Furthermore, planning for stormwater runoff at the watershed level is already done at the county level. Because the City's SWMPP is consistent with the King County SWMPP and the Department of Ecology's Stormwater Management Manual for Western Washington, the City SWMPP is managing stormwater runoff as planned for the watershed level.

### **Add New Policy 4.3, pg. 8**

Commissioner Boatsman proposed a new Policy 4.3. The proposed policy would direct the City to implement programs and projects to reduce nonpoint source pollution from existing development. Nonpoint source pollution is water pollution that results from water moving over or through the ground. The U.S. Environmental Protection Agency defines nonpoint source pollution as any source of pollution that does not meet the definition of point-source in section 502(14) of the Clean Water Act:

The term "point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural storm water discharges and return flows from irrigated agriculture. (Source: <https://www.epa.gov/nps/basic-information-about-nonpoint-source-nps-pollution>)

#### **Proposed New Policy 4.3:**

Implement programs and projects to reduce nonpoint source pollution from existing development.

**Issue Discussion:** The proposed Policy 4.3 would direct the City to undertake new projects or programs specifically directed at existing development. Most stormwater requirements are directed at new development, requiring runoff management both during and after construction. As noted in the discussion of policy 4.2 above, the City already handles stormwater management within a county- and state-wide system through its SWMPP. This does not necessarily address existing development on a specific site that was completed prior to the adoption of stormwater regulations until the site is re-developed to an extent that new stormwater management measures are required. On the other hand, stormwater in the City is managed and treated before it is discharged into Lake Washington. More information about stormwater treatment can be found on the City's Stormwater Utility page at:

<https://www.mercerisland.gov/publicworks/page/stormwater-utility>

The policy as proposed would obligate the City to undertake this program in the future. Creating a new City program would likely require additional resources, allocating budget for the program, reassigning staff from other programs, and possibly hiring new staff. This type of program is also likely to involve some initial research and field work to identify nonpoint source pollution and develop approaches to address it.

The proposed policy 4.3 would create a policy directive for a new City action. This proposed policy is beyond the scope of the Utilities Element update established by the City Council with Resolution 1621. The City Council direction for updating the Utilities Element was to only make those amendments required to maintain consistency with the GMA and address recent changes in other planning documents.

**Decision Point:** The Planning Commission can (1) approve the proposed Policy 4.3; (2) propose an alternative; or (3) make no change. No change would not add an additional policy to the Utilities Element.

**Staff Recommendation:** Staff recommends no change. There is merit to addressing stormwater runoff from existing development, however, adding the proposed policy would create a directive for a new City program or project related to stormwater management for existing development, which is beyond the task assigned to the Planning Commission by the City Council. A project or program addressing nonpoint source pollution from existing development is likely to be a significant commitment of City resources to provide the staffing and enact legislative changes needed to address the proposed policy. Direction to create such a policy directive should be provided by the City Council before such a policy is added to the Comprehensive Plan.

### **Add New Policy 5.10, pg. 11**

Commissioner Boatsman proposed a new Policy 5.10. The proposed policy is directed at solid waste service providers.

#### **Proposed New Policy 5.10:**

Ensure that providers of solid waste, recycling, and compost collection services comply with City regulations. Assist residents with concerns about these services, when possible.

**Issue Discussion:** The first sentence in the proposed Policy 5.10 would direct the City to enforce its regulations. The second sentence would direct the City to assist residents with concerns about solid waste providers. Both of these functions are already part of the City's code enforcement program. The Code Enforcement Officer is empowered to enforce the City's development regulations. The City's code enforcement program is complaint-based, meaning that the process is structured around assisting residents if/when they have a complaint that the code might have been violated.

**Decision Point:** The Planning Commission can (1) approve the proposed Policy 5.10; (2) propose an alternative; or (3) make no change. No change would not add an additional policy to the Utilities Element.

**Staff Recommendation:** Staff recommends no change. The City's code enforcement program is established by [Title 6 Mercer Island City Code \(MICC\)](#). Enforcement provisions and directions are better suited to be established in that title of the MICC than in the Utilities Element of the Comprehensive Plan. Adding the policy as proposed is also beyond the scope of the Comprehensive Plan update as established by the City Council with Resolution 1621.

### **Amend Policy 8.8, pg. 16**

Commissioner Boatsman proposed an amendment of proposed Policy 8.8. The proposed policy is directed at wireless communications facilities (WCFs). Policy 8.8 was proposed in the first draft of the Utilities Element to reflect the amendments to WCF regulations made since the Utilities Element was last updated.

#### **Proposed Amendment of Policy 8.8:**

Establish WCF regulations to minimize noise and visual impacts and ~~or~~ mitigate aesthetic or off-site impacts.

#### **Policy 8.8 from the First Draft of the Utilities Element:**

Establish WCF regulations to minimize or mitigate aesthetic or off-site impacts.

**Issue Discussion:** The proposed amendment of Policy 8.8 would not change the meaning, intent, or implementation of the policy. Noise and visual impacts are included in aesthetic or off-site impacts.

**Decision Point:** The Planning Commission can (1) approve the originally proposed Policy 8.8; (2) approve the proposed alternative, or (3) propose an additional alternative. The intent of Policy 8.8 should be maintained to ensure that the Utilities Element is consistent with recent planning for WCFs.

#### **WRAPPING UP REVIEW**

Once the Planning Commission has given feedback on all the alternatives this round of review of the element will conclude. Please note that the Planning Commission will have several additional rounds of review of the element later in the update process, as outlined under the next steps below.

#### **NEXT STEPS**

1. Summer 2023 – A Community Open House will be held to gather public input on the overall comprehensive plan update. Following the Open House, the Planning Commission will have the opportunity for another “touch” on the Capital Facilities and Utilities elements during a comprehensive plan update “tune up” meeting .
2. Fall 2023 - After the “tune up” meeting, the Planning Commission will hold a public hearing on the overall comprehensive plan update. This will include a review of the Capital Facilities and Utilities elements before making a recommendation to the City Council.