

**CITY OF MERCER ISLAND
ORDINANCE NO. 24C-06**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
AMENDING CHAPTER 3.46 OF THE MERCER ISLAND CITY CODE ON
PLANNING COMMISSION; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, chapter 3.46 of the Mercer Island City Code (MICC) establishes a Planning Commission, and describes its purpose and membership; and

WHEREAS, the City may, under chapter 35A.63 RCW, provide by ordinance for the Planning Commission's membership, organization, and expenses; and

WHEREAS, the City Council finds it is in the best interest of the City to amend the membership, organization, and expenses of the Planning Commission in chapter 3.45 MICC;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Amended. Effective June 1, 2024, MICC 3.46.030(B)(1) and (3) shall be amended as follows:

MICC 3.46.030(B)(1):

Number. *The planning commission shall consist of ~~seven~~ five members, serving in nonpartisan positions.*

MICC 3.46.030(B)(3):

Terms. *The term of each member is four years and expires on May 31 of the last year of the term or until the member's successor is appointed. The year of expiration of the terms of the positions shall be staggered with the following groups of positions expiring in successive years: positions 1 and 2; ~~positions 3 and 4~~; position 5; positions 6 and 7.*

Section 2. Further Amended. Effective January 15, 2025, chapter 3.46 MICC shall be amended as set forth in Exhibit A of this ordinance.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the amended code section.

Section 4. Effective Date. This ordinance shall take effect and be in force 5 days after its passage and publication.

PASSED by the City Council of the City of Mercer Island, Washington at its meeting on the ____ day of _____ 2024 and signed in authentication of its passage.

CITY OF MERCER ISLAND

Salim Nice, Mayor

Approved as to Form:

ATTEST:

Bio Park, City Attorney

Andrea Larson, City Clerk

Date of Publication: _____

Exhibit A
(AB6454x1a)

Chapter 3.46 - PLANNING COMMISSION

3.46.010 - Established.

There is established pursuant to chapter 35A.63 RCW a commission to be known as the "planning commission."

3.46.020 - Purpose—Function and jurisdiction.

The planning commission shall serve in an advisory capacity to the city council and have the following duties and responsibilities:

- A. Review and make recommendations on amendments to the comprehensive plan;
- B. Review and make recommendations on amendments to development regulations;
- C. Hold public hearings in the exercise of its duties and responsibilities;
- D. Such other duties as may be assigned by the city council or established by local ordinance or state statute; and

E. When applicable, complete tasks in subsections A through D within the timeframe established by city council.

3.46.030 - Membership.

A. *Qualifications.*

1. Paid Practitioner Non-Resident: An individual not affiliated with Mercer Island entities or interests with a minimum of five years of experience in land use planning as well as five years of such experience in the State of Washington. Examples of qualifying positions include land use / municipal attorney, hearing examiner, urban planner, or architect, engineer or builder with land use experience. Demonstrated experience in public service, working with the Growth Management Act (GMA), Shoreline Management Act (SMA) and State Environmental Policy Act (SEPA) as well as the drafting of land use policies and codes preferred. This position will be compensated.
2. Lay Person Resident: An individual with general interest in land use planning, environmental affairs, and/or economic development. Demonstrated experience in public service and land use planning preferred. Proof of Mercer Island residency required. This position will not be compensated.
3. Paid Practitioner Resident: An individual with a minimum of **three** years of experience in land use planning as well as **three** years of such experience in the State of Washington. Examples of qualifying positions include land use / municipal attorney, hearing examiner, urban planner, or architect, engineer or builder with land use experience. Demonstrated experience in public service, working with the Growth Management Act (GMA), Shoreline Management Act (SMA) and State Environmental Policy Act (SEPA) as well as the drafting of land use policies and

codes preferred. Proof of Mercer Island residency required. This position will be compensated.

- ~~1. Applicants who have an interest in environmental affairs, planning, land use, property development, and/or economic development as evidenced by training, experience, or actions will be given preference for appointment; however, a broad mix of occupational backgrounds is desired.~~
- ~~2. An intent of the appointment process shall be to evenly represent the areas of interest as stated above and reflect the city's diverse community. Appointed members shall represent the public interest and not specific interest groups.~~

B. Members.

1. *Number.* The planning commission shall consist of five members, serving in nonpartisan positions: as follows:
 - a. Two Paid Practitioner Non-Resident.
 - b. Two Lay Person Resident.
 - c. One Paid Practitioner Resident.
- ~~2. *Residency.* City residency is required.~~
- ~~3. *Terms.* The term of each member is four years and expires on May 31 of the last year of the term or until the member's successor is appointed. The year of expiration of the terms of the positions shall be staggered with the following groups of positions expiring in successive years: positions 1 and 2; positions 3 and 4-5; positions ~~5-6 and 7~~. Except, to stagger the expiration of the terms, the initial term for position 5 shall be two years, and for positions 3 and 4 they shall be three years – all expiring on May 31 after the second and third anniversaries of their initial appointments, respectively.~~
- ~~4. *Term limits.* No member shall serve more than two consecutive terms. If a member is appointed to a vacancy with two or more years remaining on the term, that term will be deemed a full term. If a member is appointed to a vacancy with less than two years remaining in the term, that term will not count toward the two-consecutive-term limit.~~
- ~~5. *Staff liaison.* The city manager shall appoint a staff liaison to assist with support services for the planning commission. Such staff support shall include, but not be limited to, the development of work plans and schedules, guidelines and procedures, correspondence, and agenda preparation and distribution.~~

- C. Appointment.** Appointments to the planning commission will be made by a vote of the city council during a regularly scheduled open meeting. ~~Members shall serve without compensation.~~

D. *Removal.* Members may be removed by the mayor and deputy mayor, with the concurrence of the city council, for neglect of duty, conflict of interest, malfeasance in office, or other just cause, or for unexcused absences from more than three consecutive regular meetings. The decision of the city council shall be final and there shall be no appeal therefrom. Members finding themselves unable to regularly attend meetings are expected to resign and notify the chair and staff liaison.

E. *Compensation.* Paid practitioners shall be compensated five hundred dollars (\$500) per meeting of the planning commission (Regular or Special).

3.46.040 - Meetings—Organization.

~~The planning commission shall not meet more than a total of 11 Regular meetings and up to 10 Special meetings each calendar year. The time and place of meetings and other rules and regulations shall be determined by the planning commission, which shall be on file with the City Clerk. The planning commission shall determine the time and place of its meetings and other rules and regulations, which shall be on file with the city clerk.~~

3.46.050 - Reserved.

Editor's note— Ord. 19C-01 repealed § 3.46.050 which pertained to the instruction of members.

3.46.060 - Reserved.

Editor's note— Ord. 19C-01 repealed § 3.46.060 which pertained to vacancy filling for unexpired terms.

3.46.070 - Reserved.

Editor's note— Ord. 19C-01 repealed § 3.46.070 which pertained to removal and vacancies on the planning commission.

3.46.080 - Reserved.

Editor's note— Ord. 19C-01 repealed § 3.46.080 which pertained to comprehensive plan responsibilities.