

**CITY OF MERCER ISLAND
ORDINANCE NO. 26-06**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
AMENDING TITLE 19 MICC TO COMPLY WITH UNIT LOT SUBDIVISION
REQUIREMENTS IN HB 5258 ON AN INTERIM BASIS; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations; and

WHEREAS, in 2023 the Washington State legislature passed Engrossed Second Substitute Senate Bill (E2SSB) 5258 (chapter 337, Laws of 2023) related to condominiums and townhomes, construction and sale, various provisions; and

WHEREAS, in passing E2SSB 5258 (chapter 337, Laws of 2023) the State legislature sought to increase the supply and affordability of condominium units and townhouses as an option for homeownership; and

WHEREAS, E2SSB 5258 (chapter 337, Laws of 2023), Section 11 amends the subdivision requirements codified in the Revised Code of Washington (RCW) section 58.17.060 to add a requirement that local jurisdictions allow unit lot subdivision; and

WHEREAS, adoption of the ordinance will bring the City of Mercer Island into compliance with RCW 58.17.060 and will serve the general welfare of the public;

WHEREAS, on March 4, 2025, the City Council adopted Ordinance No. 25C-06 for interim regulations to comply with SB 5258 for a period of one year, with an effective date of June 30, 2025; and

WHEREAS, the City is authorized under RCW 35A.63.220 and 36.70A.390 to renew interim zoning and official controls for an additional six-month period, provided a public hearing is held prior to renewal; and

WHEREAS, the adoption of permanent regulations is expected by the end of 2027; and

WHEREAS, the City is authorized under RCW 35A.63.220 and RCW 36.70A.390 to pass an interim zoning and official control ordinance, provided it holds a public hearing on the same within sixty days after passage if it has not previously held a public hearing on the proposed ordinance; and

WHEREAS, the City Council held a public hearing on June 2, 2026 regarding this interim zoning and official control ordinance; and

WHEREAS, this Ordinance, as an interim zoning and official control ordinance, is not subject to referendum;

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

- Section 1: Findings.** The findings adopted for Ordinance No. 25C-06 and the “Whereas Clauses” set forth in the recitals of this ordinance are hereby adopted as the findings of fact of the City Council for passing this ordinance.
- Section 2: Renewed.** The interim regulations adopted by Ordinance No. 25C-06 are renewed.
- Section 3: Duration of Interim Zoning and Official Controls.** The interim zoning and official controls renewed by this ordinance shall be effective for a period of six months, unless repealed, extended, or modified by the City Council.
- Section 4: 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 5: Effective Date.** This ordinance shall take effect and be in force on June 30, 2026, provided 5 days have passed since its passage and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AT ITS MEETING ON THE _____ DAY OF _____, 2026.

CITY OF MERCER ISLAND

Dave Rosenbaum, Mayor

Approved as to Form:

ATTEST:

Bio Park, City Attorney

Andrea Larson, City Clerk

Date of Publication: _____