



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE

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June 23, 2026

Alison Van Gorp
Deputy Director
City of Mercer Island/Community Planning & Development
9611 SE 36th Street
Mercer Island, WA 98040

Sent Via Electronic Mail: alison.vangorp@mercergov.org

Re: Submittal 2026-S-12847 Proposed Changes to Mercer Island's Comprehensive Plan and Development Codes to address the Growth Management Hearings Board (GMHB) Final Decision and Order (Case 25-3-0003).

Alison,

Thank you for the opportunity to comment on the proposed changes to Mercer Island's Comprehensive Plan and development regulations. Growth Management Services received the proposed amendments on May 5, 2026, and processed them with material identification number 2026-S-12847. We have reviewed your submittal using Commerce's [Periodic Update Checklist-Updated November 2025](#) and the [Expanded Housing Checklist](#).

We appreciate your continued coordination with our agency as you work to address the GMHB decision. The materials and methods you have developed to address the findings will provide helpful examples for other jurisdictions.

We encourage you and your community to consider the following recommendations as you finalize your drafts and present these amendments to your elected officials. Our review is focused on the comprehensive plan elements and development regulations listed below, and we have included some line items and corresponding citations from the [periodic update checklist](#) (in italics) as support for our comments and recommendations that follow.

1) Land Use Element

- a) *A future land use map showing city limits and UGA boundaries. [RCW 36.70A.070\(1\)](#) amended in 2023 and [RCW 36.70A.110\(6\)](#), [WAC 365-196-400\(2\)\(d\)](#), [WAC 365-196-405\(2\)\(i\)\(ii\)](#)*

Recommendation: The city of Mercer Island includes a future land use map in the land use element, however, the land use designation of “single-family residential” does not accurately match the allowed uses in this zone. For consistency with [RCW 36.70A.130\(1\)\(e\)](#) and [WAC 365-196-800](#), we recommend revising the designation of this land use zone to exclude the term “single family” to ensure consistency between the comprehensive plan and development regulations.

2) **Housing Development Regulations:**

- a) *Development regulations or permitting requirements for emergency shelters, transitional housing, emergency housing and permanent supportive housing (STEP) may not be more restrictive than those for other types of lodging or residential development. However, statute allows a set of additional permitted requirements for indoor emergency shelters and housing . [HB 2266 \(laws of 2026, section 2\)](#)*

Recommendation: The proposed provisions of Mercer Island City Code (MICC) 19.06.080(B) for “social service transitional housing” are inconsistent with recent updates to RCW 35A.21.430. This statute was updated in 2026 with [HB 2266](#) and became effective June 11, 2026. In RCW 35A.21.430 as updated, jurisdictions may not regulate permanent supportive housing (PSH) and transitional housing more restrictively than housing development and lodging in the same zone, but may add select restrictions for indoor emergency housing and shelter. Therefore, we recommend the city group transitional housing with PSH in the “special needs group housing” type rather than the “social service transitional housing” category, because the later category has additional conditions that may not be required of PSH and transitional housing.

3) **Capital Facilities and Utilities Element**

Suggestion: Any completed system plan updates, such as the 2026 Water System Plan, should be adopted by reference during a future annual amendment cycle.

Thank you again for the opportunity to comment. We appreciated all the work done to date and noted the effort put into engaging the community around compliance with the GMHB Final Decision. The project website, the community info session, document library and definitions provided clear access to materials and process. They are a good example for other jurisdictions to follow.

If you have any questions or need technical assistance, please contact me at jeff.aken@commerce.wa.gov or (360) 725-2869. Please note, notification and copies of

adopted plans shall be submitted to Commerce within ten days after final adoption ([RCW 36.70A.106\(2\)](#)).

Sincerely,

Jeff Aken

Jeff Aken
Senior Planner
Growth Management Services

cc:

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