



PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 25-03
February 26, 2025
Regular Business

AGENDA BILL INFORMATION

TITLE:	PCB 25-03: Planning Commission Work Plan	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Recommendation
RECOMMENDED ACTION:	Receive report; no action necessary.	

STAFF:	Adam Zack, Principal Planner
EXHIBITS:	1. N/A

EXECUTIVE SUMMARY

The purpose of this Planning Commission Bill (PCB) is to provide the Planning Commission with an overview of the following:

1. Process by which the Planning Commission is assigned work by the City Council, and
2. Upcoming projects the Planning Commission will consider.

BACKGROUND

The Mercer Island Planning Commission (PC) is established by [Chapter 3.46](#) Mercer Island City Code (MICC). The purpose, function, and jurisdiction of the Planning Commission is set in [MICC 3.46.020](#), which states:

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.

The majority of the PC work is making recommendations to the City Council regarding amendments to the Comprehensive Plan and development regulations. Projects to amend the development code or Comprehensive Plan are referred to as legislative projects. The PC must hold a public hearing prior to making recommendations to the City Council regarding legislative projects ([MICC 19.15.260](#)).

For more-complicated legislative projects such as the recently completed Comprehensive Plan periodic review, staff will ask the City Council to approve a project scope of work and schedule to establish a timeframe for PC review pursuant to [MICC 3.46.020\(E\)](#). The City Council-approved project scope and schedule will be provided to the PC at the beginning of the project.

COMPREHENSIVE PLAN

The Comprehensive Plan is a generalized coordinated policy statement of the City that is adopted pursuant to the [Growth Management Act \(GMA\)](#) ([RCW 36.70A.030\(8\)](#)). The Mercer Island Comprehensive Plan is divided

into the following topic-specific chapters called “elements”: Introduction, Land Use, Housing, Transportation, Capital Facilities, Utilities, Shoreline Master Program, Economic Development, and Parks and Open Space.

The Comprehensive Plan is implemented through City actions falling in three broad categories:

- Regulations that guide development to realize the goals of the Comprehensive Plan;
- Investments in capital facility and transportation improvements; and
- Initiate other projects or programs. An example of an “other program” is the City’s [sustainability programs](#).

The GMA allows cities and counties to amend comprehensive plans once per year, with some limited exceptions. The GMA also requires a periodic review of locally adopted comprehensive plans every ten years to ensure they remain consistent with the GMA ([RCW 36.70A.130](#)). The Mercer Island Comprehensive Plan was most recently reviewed for consistency with the GMA and updated on November 19, 2024 by [Ordinance No. 24C-16](#). The update took effect December 31, 2024. Cities in King County will be required to provide a 5-year implementation progress report to the WA Department of Commerce in 2029 ([RCW 36.70A.130\(9\)](#)). The next comprehensive plan periodic review will be due in 2034.

DEVELOPMENT CODE

The development code is established in [Title 19 MICC - Unified Land Development Code](#). The development code is one of the primary ways that the City implements the Comprehensive Plan. The development code establishes regulations that shape how development occurs using tools such as:

- Zoning;
- Land use regulations;
- Dimensional standards such as setbacks and maximum building height;
- Parking requirements;
- Critical areas regulations;
- Shoreline regulations; and
- Permit requirements.

The PC work plan for the next couple of years is expected to largely focus on development code amendments as the City works to comply with changes in state law and implement the recently updated Comprehensive Plan.

ADDING PROJECTS TO THE PC WORK PLAN

The City Council determines the PC work plan each year. The City Council adds projects to the PC work plan using one of the two following processes:

- The annual docket, and
- By motion at any time ([MICC 19.15.230\(C\)](#)).

Annual Docket

The City accepts applications for suggested development code or comprehensive plan amendments from the public, including individual members of the PC, City commissions, and City staff each year in a process called the annual docket. The annual docket process is established in [MICC 19.15.230 – Comprehensive plan amendments and docketing procedures](#). Applications are accepted September 1 through October 1 each year. Following the application period, staff prepares an initial list of the proposed amendments and presents the list to the PC. The PC then holds a public hearing and makes a recommendation to the City Council regarding which items to add to the work plan for the upcoming year. The City Council then considers the PC recommendation and decides which items to add to the work plan via the final docket. The annual docket

process is only a decision-making process for which legislative projects should be added to the work plan. No development code or comprehensive plan amendments are adopted during that process.

The annual docket is the primary way by which the PC can make recommendations regarding its future work plan. If, during its work, the PC would like to ask the City Council to consider legislative projects not on its work plan, the PC should submit a docket application during the application window and make a recommendation for the City Council to consider.

City Council Action

The City Council can add legislative projects to the PC work plan at any time during the year outside of the annual docket process. Docketing development code and comprehensive plan amendments more frequently than the annual docket is authorized by [MICC 19.15.230\(C\)\(3\)](#), which states:

C. *Frequency of amendments.* [...]

3. More frequent amendments may be allowed under the circumstances set forth within RCW 36.70A.130(2). Amendments processed outside of the annual amendment cycle under RCW 36.70A.130(2) may be initiated by action of the city council. The city council shall specify the scope of the amendment, identify the projected completion date, and identify and, if necessary, fund resources necessary to accomplish the work. Amendments allowed to be processed outside of the annual amendment cycle are not subject to the docketing process outlined within subsection D of this section.

Legislative projects added to the PC work plan during the year are often in response to new statewide legislation after the WA Legislature finishes its session every spring. For example, last spring the WA Legislature enacted Substitute [Senate Bill \(SB\) 6015](#), which adopted a new section of the GMA that established parameters for how cities and counties can regulate parking for residential development ([RCW 36.70A.622](#)). In response, the City Council adopted an interim ordinance to comply with the legislation before the June 4, 2024 deadline ([Ordinance No. 24C-08](#)). In so doing, the City Council added a legislative project to the PC work plan to develop permanent regulations to comply with SB 6015.

LEGISLATIVE REVIEW PROCESSES

The required review processes for amendments to the Comprehensive Plan and Title 19 MICC are established in [Chapter 19.15 MICC](#). That process requires the PC to hold a public hearing and make a recommendation to the City Council for any amendment to the Comprehensive Plan and Title 19 MICC.

Legislative Review Steps

Each legislative review will follow standard steps:

1. *Initial PC Briefing* – the PC will be introduced to the project. The initial briefing will often include the following information:
 - a. Project scope and schedule
 - b. Relevant Council direction
 - c. Staff analysis
 - d. Discussion topics for PC direction
2. *Second PC Briefing & Additional Discussion* – For less complicated projects, this step may be combined with the initial briefing. The second briefing and additional discussion will often include the following:
 - a. Staff generated draft amendments
 - b. Additional information to follow up from the initial briefing

3. *Required Notices* – legislative actions can require the following notices:
 - a. Public hearing notice must be published in the newspaper of record (the *Mercer Island Reporter*) and in the CPD Weekly Bulletin ([MICC 19.15.100](#) & [19.15.260](#));
 - b. A State Environmental Policy Act (SEPA) determination consistent with the requirements of [Chapter 19.21 MICC](#) must be published in the CPD Weekly Bulletin and in the SEPA Register maintained by the WA State Department of Ecology; and
 - c. The City must notify the WA Department of Commerce 60 days in advance of any amendment to the Comprehensive Plan or Title 19 MICC ([RCW 36.70A.106](#)).

4. *PC Public Hearing* – An open record pre-decision public hearing is required prior to the PC making a recommendation for development code amendments, Comprehensive Plan amendments, and the annual docket. The public hearing procedure is established in [MICC 19.15.140 – Open Record Public Hearing](#). The public hearing has six steps:
 - a. Staff presentation, including the submittal of any additional information or correspondence. Members of the hearing body may ask questions of staff.
 - b. Applicant and/or applicant representative's presentation. Members of the hearing body may ask questions of the applicant.
 - c. Testimony by the public. Questions directed to the staff, the applicant or members of the hearing body shall be posed by the chairperson at his/her discretion.
 - d. Rebuttal, response or clarifying statements by the applicant and/or the staff and/or the public.
 - e. The public comment portion of the hearing is closed, and the hearing body shall deliberate on the action before it. ([MICC 19.15.140](#))

5. *PC Deliberations and Recommendation* – Once the public hearing is closed, the PC enters deliberations regarding a recommendation to the City Council. The deliberations are typically held during the same meeting as the public hearing. If the PC requests, deliberations can be continued to a later meeting. When deliberations conclude, the PC votes on a final recommendation to the City Council. The staff then prepare the written recommendation for review and signature by the PC Chair.

6. *City Council Review and Decision* – The City Council will consider the PC recommendation at a public meeting. The City Council may adopt or reject the PC recommendation, or remand the matter back to the PC ([MICC 19.15.260\(B\)\(3\)](#)). The City Council has at least two touches on legislation, including a first and second reading of the ordinance.

Additional Project Steps

More complicated legislative actions will involve additional steps beyond the standard process laid out above. Typically, additional steps are planned to allow for additional public participation and/or to give the PC additional rounds of review. Public participation beyond the standard process often requires the dedication of additional resources such as staff time, use of City facilities, advertisements, and production of materials. Any public participation beyond the standard process will be scoped with the City Council at the beginning of the project to allow the Council a chance to review and authorize the use of resources.

UPCOMING PROJECTS AND 2025 WORK PLAN

Table 1, at the top of page 5, lists the projects planned for PC review in 2025. The order and timing of the legislative review of these items is approximate and subject to further revision as the year progresses. Topics for the September meeting will be assigned after the City Council provides additional direction anticipated

this spring, related to the 2025 WA state legislative session on other emergent issues. A summary of each project is provided following the table.

Table 1. Tentative* 2025 PC Work Plan.

Month	Topic	Year Docketed
March	Temporary Structures and Uses Public Hearing	2023
	New Dwellings in Existing Buildings (HB 1042) Work Session	2024
April	New Dwellings in Existing Buildings (HB 1042) Public Hearing	2024
	Downhill Façade Height Work Session	2023
May	Downhill Façade Height Public Hearing	2023
	Co-Living Housing (HB 1998) Work Session	2024
June	Co-Living Housing (HB 1998) Public Hearing	2024
	Parks Zone Work Session	2022
July	Parks Zone Public Hearing	2022
August	No meeting - Recess	
September	<i>Reserved</i>	
October	Annual Docket Work Session	N/A
November	Annual Docket Work Session	N/A
December	<i>Reserved</i>	

*This schedule is tentative pending further Council direction and potential statewide legislation.

TEMPORARY STRUCTURES AND USES

On August 4, 2020, the City enacted temporary regulations to allow existing outdoor seating areas to expand into available public and private space to allow more outdoor dining during the COVID-19 Pandemic. Those interim regulations established by [Ordinance No. 20C-17](#) were renewed several times in the years that followed (Ordinance Nos. [21C-03](#), [21C-16](#), [21C-25](#), [23C-09](#)).

In 2023, the City received two applications for proposed development code amendments related to temporary uses and structures during the annual docket. On December 5, 2023, the City Council approved [Resolution No. 1655](#), which added a project to develop permanent regulations to allow temporary uses and structures to the Community Planning and Development (CPD) and PC work plan.

In 2024, the City Council adopted Ordinance No. [24C-07](#), which established interim regulations for temporary uses and structures and enacted interim regulations to address outdoor dining, superseding Ordinance No. [23C-09](#). Ordinance No. [24C-07](#) will expire in June 2025. This legislative project will establish permanent regulations to replace the interim regulations in Ordinance No. [24C-07](#) prior to the expiration date.

Summary of Amendments Expected

This project is expected to result in the amendment of the following sections of the Mercer Island Comprehensive Plan or the development code established in [Title 19 Mercer Island City Code \(MICC\)](#):

Comprehensive Plan

- No amendments expected

Title 19 MICC

- [MICC 19.06.050 – Commerce on Public Property](#)
- [MICC 19.06.130 – Temporary Use Permits](#) [NEW SECTION established by Ord. No. 24C-07]
- [MICC 19.15.030 – Land Use Review Types](#)

The amendments made to Title 19 MICC will result in development standards and a permitting process for temporary uses and structures. The existing development code does not have clear standards and procedures for authorizing land uses that would not exceed 180 days.

NEW DWELLING UNITS IN EXISTING BUILDINGS (HB 1042)

In 2023, the WA State Legislature enacted [House Bill \(HB\) 1042](#), which established [RCW 35A.21.440 – New housing in existing buildings—Prohibitions on local regulation](#). This new section of the state law requires code cities in Washington to allow new dwelling units to be added to existing nonresidential buildings subject to specific conditions. Compliance with [RCW 35A.21.440](#) is required by June 30, 2025 ([RCW 35A.21.440\(1\)\(a\)](#)).

On December 5, 2023, the City Council approved [Resolution No. 1655](#), which added a project to comply with statewide legislation to the CPD and PC work plan. That docketed project has carried forward to the 2025 work plan.

Summary of Amendments Expected

This project is expected to result in the amendment of the following sections of the Mercer Island Comprehensive Plan or the development code established in Title 19 Mercer Island City Code (MICC):

Comprehensive Plan

- No amendments expected

Title 19 MICC

- [MICC 19.04.010 – Planned Business Zone – PBZ](#)
- [MICC 19.04.020 – Commercial Offices](#)
- [MICC 19.04.050 – Business – B](#)
- MICC 19.06.XXX – New Dwelling Units in Existing Buildings. [NEW SECTION]

The amendments made to Title 19 MICC will result in establishing new regulations for constructing new dwelling units in existing buildings to comply with state law.

DOWNHILL FAÇADE HEIGHT

The development standards for single-family zones (R-8.4, R-9.6, R-12, and R-15 zones) are established in [MICC 19.02.020 – Development standards](#). The building height limit in these zones is established in [MICC 19.02.020\(E\)](#), which states:

E. *Building height limit.*

1. *Maximum building height.* No building shall exceed 30 feet in height above the average building elevation to the highest point of the roof.
2. *Maximum building height on downhill building facade.* The maximum building facade height on the downhill side of a sloping lot shall not exceed 30 feet in height. The building facade height shall be measured from the existing grade or finished grade, whichever is lower, at the furthest downhill extent of the proposed building, to the top of the exterior wall facade supporting the roof framing, rafters, trusses, etc.
[...]
4. The formula for calculating average building elevation is as follows:

Formula: Average Building Elevation = (Weighted Sum of the Mid-point Elevations) ÷ (Total Length of Wall Segments)

Where: Weighted Sum of the Mid-point Elevations = The sum of: ((Mid-point Elevation of Each Individual Wall Segment) × (Length of Each Individual Wall Segment))

For example for a house with ten wall segments:

$(A \times a) + (B \times b) + (C \times c) + (D \times d) + (E \times e) + (F \times f) + (G \times g) + (H \times h) + (I \times i) + (J \times j)$

$a + b + c + d + e + f + g + h + i + j$

Where: A, B, C, D... = The existing or finished ground elevation, whichever is lower, at midpoint of wall segment.

And: a, b, c, d... = The length of wall segment measured on outside of wall.

The residential development standards currently contain two different standards regulating maximum allowed building height, one based on average building elevation ([MICC 19.02.020\(E\)\(1\)](#)) and one based the height of a downhill building facade measured from the lower of existing or finished grade, to the top of the downhill facing wall facade supporting the roof framing, rafters, trusses, etc. ([MICC 19.02.020\(E\)\(2\)](#)).

The existing downhill façade height standard lacks clarity because there are several ways to determine where the wall façade supports the roof framing. This standard can be clearly applied to gable roofs, for example, where the top of the wall facade is clearly visible, however, it can be challenging to make the same determination where the wall facade ends on proposed buildings with flat or shed roofs. This project will amend the development standards to clarify the measurement of the downhill facade height.

On December 5, 2023, the City Council approved [Resolution No. 1655](#), which added a project to amend the development regulations to clarify the downhill façade height measurement to the CPD and PC work plan.

Summary of Amendments Expected

This project is expected to result in the amendment of the following sections of the Mercer Island Comprehensive Plan or the development code established in Title 19 Mercer Island City Code (MICC):

Comprehensive Plan

- No amendments expected

Title 19 MICC

- [MICC 19.02.020\(E\) – Development Standards](#)

CO-LIVING HOUSING (HB 1998)

In 2024, the WA State Legislature enacted HB 1998, which established [RCW 36.70A.535 – Co-Living Housing](#). This RCW section requires cities planning under the Washington State Growth Management Act (GMA) to allow co-living housing in all zones where multifamily housing is allowed. Compliance with RCW 36.70A.535 is required by December 31, 2025 (RCW 36.70A.535(9)(a)). Co-Living Housing is “a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. Local governments may use other names to refer to co-living housing including, but not limited to, congregate living facilities, single room

occupancy, rooming house, boarding house, lodging house, and residential suites [...] (RCW 36.70A.535(11)(a))”.

On December 5, 2023, the City Council approved [Resolution No. 1655](#), which added a project to comply with statewide legislation to the CPD and PC work plan. That docketed project has carried forward to the 2025 work plan.

Summary of Amendments Expected

This project is expected to result in the amendment of the following sections of the Mercer Island Comprehensive Plan or the development code established in Title 19 Mercer Island City Code (MICC):

Comprehensive Plan

- No amendments expected

Title 19 MICC

- MICC 19.06.XXX – Co-Living Housing. [NEW SECTION]
- MICC 19.16.010 – Definitions

The amendments made to Title 19 MICC will result in establishing new regulations for constructing new dwelling units in existing buildings to comply with state law.

PARKS ZONE

In 2022, the City Council approved a scope of work for the Comprehensive Plan periodic review with Resolution 1621. The approved scope of work included adoption of a parks zone during the periodic review. A Parks Zone would establish development regulations for City parks and open space. The Parks and Recreation Commission (PRC) began working on the draft Parks Zone in early 2024. Early in the process the PRC recommended dividing the work into two phases, adoption of an Open Space Zone and adoption of a Parks Zone. During the Comprehensive Plan periodic review, an Open Space zone regulating City-owned or managed open spaces was developed and adopted. The PRC has continued to work on the Parks Zone and will likely make a recommendation this spring. Because the Parks Zone would amend the development code in Title 19 MICC, the PC must hold a public hearing on the draft regulations and make a recommendation to the City Council.

The PC review is expected to be completed over the course of one work session and one public hearing (two meetings total) because the PRC has already spent several meetings considering their recommendation and taking public comment.

Summary of Amendments Expected

This project is expected to result in the amendment of the following sections of the Mercer Island Comprehensive Plan or the development code established in Title 19 Mercer Island City Code (MICC):

Comprehensive Plan

- No amendments expected

Title 19 MICC

- MICC 19.01.040 – Zone Establishment
- MICC 19.05.XXX – Parks Zone. [NEW SECTION]
- MICC 19.16.010 – Definitions
- Title 19 MICC, Appendix D – Zoning Map

The amendments made to Title 19 MICC will result in establishing a new zone and corresponding regulations for City parks.

ANNUAL DOCKET

The PC provides a recommendation to the City Council regarding which projects should be added to the CPD and PC work plan through the annual docket process. The PC reviews suggested amendments submitted during the application period and provides its recommendation to City Council by mid-November. A summary of the annual docket process is provided above.

NEXT STEPS

The PC will begin working on the projects summarized in this report.

RECOMMENDED ACTION

Receive report; no action necessary.