



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5852**  
**April 20, 2021**  
**Regular Business**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5852: Development Code Amendment ZTR21-002 Conditional Use Permit Applicability	<input type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Review Ordinance No. 21C-06 and set second reading for May 4, 2021.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	Community Planning and Development
<b>STAFF:</b>	Jeff Thomas, Director and Alison Van Gorp, Deputy Director
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	1. Planning Commission Staff Reports, dated January 20, February 17 & March 20 2. Planning Commission Recommendation, dated April 6 3. Ordinance No. 21C-06
<b>CITY COUNCIL PRIORITY:</b>	n/a

<b>AMOUNT OF EXPENDITURE</b>	\$ n/a
<b>AMOUNT BUDGETED</b>	\$ n/a
<b>APPROPRIATION REQUIRED</b>	\$ n/a

### SUMMARY

The Planning Commission recommends approving the proposed code amendment to provide additional clarity in city code on the applicability of Conditional Use Permits (CUP). No amendment to the Comprehensive Plan is required prior to adoption of this proposed code amendment.

### BACKGROUND

This code amendment was suggested by an interested person as a part of the annual docket submittal process in the fall of 2020, and the City Council later added it to the final docket. The proposed code amendment amends [MICC 19.06.110\(A\)\(5\)](#), creating a new subsection (c) and adding clarity on the applicability of Conditional Use Permits (CUPs). The amendment provides that a CUP is only applicable to the property for which it is granted. The uses permitted under a CUP cannot be extended beyond the property for which the CUP was granted unless the conditionally approved uses are already allowed on the adjoining or added property, or a new CUP is granted for the adjoining or added property.

City staff followed the procedures in MICC [19.15.230](#) and [19.15.260](#) related to the review of code amendment proposals that have been placed on the final docket by the City Council. On January 15, 2021, public notice was provided for the public hearing scheduled on February 17, 2021. Public notice was provided

in the newspaper and the weekly permit bulletin. A SEPA determination of non-significance was issued by staff on February 12, 2021. City staff prepared staff reports in advance of each Planning Commission meeting summarizing the proposal and providing a staff recommendation (see Exhibit 1).

On January 20, 2021, the Planning Commission reviewed the proposed code amendment during a public meeting. Based on the staff recommendation, the Commission requested further revisions to the amendment to provide additional clarity and to remove ambiguity in the implementation of the amendment. On February 17, 2021, the Planning Commission held a public hearing on the revised amendment. Following the hearing, the Planning Commission requested further revisions to the proposed amendment and asked to schedule another review of the amendment. The Planning Commission held their final review of the proposed amendment on March 17, 2021 and by a unanimous vote recommended the City Council approve the proposed amendment. The Planning Commission's recommendation is Exhibit 2. The recommended code amendment is included in Ordinance No. 21C-06 (Exhibit 3).

#### **NEXT STEPS**

The City Council should review the proposed code amendment at the April 20 meeting and schedule the second reading and adoption for May 4. If approved on May 4, the code amendment would take effect 5 days after publication by the City Clerk.

#### **RECOMMENDATION**

Review Ordinance No. 21C-06 and set second reading and adoption on May 4, 2021.