

**CITY OF MERCER ISLAND
ORDINANCE NO. 21C-05**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON
AMENDING SECTION 19.15.230 OF THE MERCER ISLAND CITY CODE TO
REPEAL SUBSECTION I, PROVIDING FOR SEVERABILITY, AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the Growth Management Hearings Board (Board) heard an appeal of the City Council of Mercer Island's adoption of MICC 19.15.230(I) related to implementation of Comprehensive Plan amendments and adoption of consistent development regulations; and

WHEREAS, the Board held that the adoption of MICC 19.15.230(I) was legal under the Growth Management Act (GMA), but cautioned that its implementation in certain circumstances could result in a GMA violation; and

WHEREAS, an interested person suggested a code amendment repealing MICC 19.15.230(I) in light of the Board's caution; and

WHEREAS, the Planning Commission on February 17, 2021 unanimously recommended that the City Council adopt a code amendment repealing MICC 19.15.230(I); and

WHEREAS, the City Council finds that state statute and regulations provide sufficient guidance to properly implement Comprehensive Plan amendments and to adopt consistent development regulations; and

WHEREAS, the City Council further finds that consequently, MICC 19.15.230(I) should be repealed;

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

Section 1: **Repealed.** Subsection (I) of MICC 19.15.230 is hereby repealed.

Section 2: **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 3: **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 regular meeting on the 4th day of May 2021 and signed in authentication of its passage.

CITY OF MERCER ISLAND

Benson Wong, Mayor

Approved as to Form:

ATTEST:

/s/ Bio Park, City Attorney 4/9/2021

Bio Park, City Attorney

Deborah Estrada, City Clerk

Date of Publication: _____