



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6947
June 16, 2026
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 6947: GMA Compliance – Planning Commission Recommendation	☒ Discussion Only ☐ Action Needed: ☐ Motion ☐ Ordinance ☐ Resolution
RECOMMENDED ACTION:	Receive report. No action necessary.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Community Planning and Development Director Alison Van Gorp, Community Planning and Development Deputy Director Adam Zack, Principal Planner
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Planning Commission Recommendation
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda item is to present the Planning Commission recommendation for the Comprehensive Plan, Station Subarea Plan, and implementing development code amendments related to the City's Growth Management Act (GMA) compliance efforts (Exhibit 1). The Planning Commission completed its recommendation on June 10 after holding a public hearing.

- The City completed a periodic review and update of the Mercer Island Comprehensive Plan, which was adopted by the City Council on November 19, 2024 ([AB 6573](#)).
- The 2024 Comprehensive Plan was appealed to the GMHB on the grounds that the Comprehensive Plan did not adequately plan for and accommodate future affordable housing needs (GMHB case number 25-3-0003). On August 1, 2025, the GMHB issued a final decision and order (GMHB Order).
- The GMHB Order found that the City must make changes to its Comprehensive Plan to comply with the Washington State Growth Management Act (GMA).
- The City Council has provided directions for addressing compliance with the four issues in the GMHB Order at the following meetings:
 - [January 16, 2026](#) – [AB 6838](#)
 - [February 17, 2026](#) – [AB 6865](#), [AB 6866](#), and [AB 6871](#)
 - [March 17, 2026](#) – [AB 6888](#) and [AB 6894](#)

- [April 21, 2026](#) – [AB 6909](#) and [AB 6911](#)
- The City is required to update its Comprehensive Plan and adopt a Station Subarea Plan in order to comply with the GMHB Order.
- Development regulation amendments to implement the Comprehensive Plan and Station Subarea Plan need to be made concurrently with the Comprehensive Plan update.
- The Planning Commission was briefed and provided written comments on the proposed Comprehensive Plan amendments, Station Subarea Plan, and implementing development code amendments:
 - April 28 and May 6, 2026 – Station Subarea Plan
 - May 6, 2026 – Comprehensive Plan Land Use, Housing, and Economic Development elements;
 - May 13, 2026 – Implementing development code amendments; and
 - May 27, 2026 – Comprehensive Plan Transportation, Utilities, and Capital Facilities elements.
 - June 3, 2026 – Public Hearing Comprehensive Plan, Station Subarea Plan, and Implementing Development Code Amendments
 - June 10, 2026 – Public Hearing and Recommendation for the Comprehensive Plan, Station Subarea Plan, and Implementing Development Code Amendments
- On June 16, the Planning Commission recommendation will be presented to the City Council.

BACKGROUND

GROWTH MANAGEMENT HEARINGS BOARD FINAL DECISION AND ORDER

Cities and counties in Washington State are required to adopt a comprehensive plan under the GMA. The comprehensive plan is a statement of goals and policies that detail how a county or city will manage and accommodate future growth. The goals and policies of the comprehensive plan are implemented through capital investments, development regulations, and programs. The GMA requires cities and counties to periodically review and update their comprehensive plans on a ten-year cycle. Mercer Island most recently completed a periodic review and update of its Comprehensive Plan in 2024 (see [AB 6573](#)).

The 2024 adoption of the Mercer Island Comprehensive Plan periodic review and update was appealed to the GMHB on the grounds that the Comprehensive Plan did not adequately plan for and accommodate future affordable housing needs (GMHB case number 25-3-0003). On August 1, 2025, the GMHB issued a Final Decision and Order (GMHB Order) finding that the Housing Element of the Comprehensive Plan was noncompliant with some of the provisions of the GMA and remanded the Comprehensive Plan to the City for revision.

The Comprehensive Plan adopted in 2024 remains in effect during the remand, but the City must complete work to update the plan and comply with the timeline established by the GMHB Order (RCW 36.70A.300(3)(b)). The compliance timeline is one year from when the GMHB issued its decision; work must be completed by July 31, 2026. Failure to comply with the GMHB Order can result in sanctions against the City (RCW 36.70A.340).

The GMHB Order requires the City to address four issues:

1. Land Capacity: Analyze residential land capacity at each housing affordability level and close any identified gaps.
2. Adequate Provisions: Adopt incentives, mandatory provisions, and planned actions (“aka adequate provisions”) that will increase the supply of affordable housing.
3. Station Area Subarea Plan: Adopt a subarea plan for the area around the transit station.

4. Anti-Displacement Measures: Adopt anti-displacement measures to address the potential displacement that can occur with changes in zoning.

PLANNING COMMISSION PROCESS

The Planning Commission was initially briefed on the GMHB Order and the general steps needed to comply on March 25, 2026. Over the course of four meetings between April 21 to May 27, the Planning Commission was briefed on the draft of the Comprehensive Plan, Station Subarea Plan, and implementing development code amendments. The Planning Commission provided comments on each document following the briefing. Staff categorized the Planning Commission comments into four categories:

- **Non-Substantive** – These proposed amendments would change the language of the draft but do not substantively change the policy direction or the development regulations.
- **Substantive** – These proposed amendments would substantively change the policy direction or development regulations but are not expected to conflict with GMHB Order compliance.
- **Substantive – Staff Recommended Alternative** – These proposed substantive amendments have a staff recommended alternative that would clarify the proposal or better match the style of the Comprehensive Plan or Development Code.
- **Substantive Not Recommended** – These proposed amendments would substantively change the policy direction or development regulations and would conflict with GMHB Order compliance, or the proposed amendments are beyond the scope of the project

The Planning Commission held a public hearing on June 3. Following public testimony, the Planning Commission considered all of the Planning Commission-proposed amendments to the drafts and resolved them as follows:

- Incorporated all of the non-substantive amendments by motion;
- Incorporated one Substantive – adding a new Station Subarea Plan policy 7.4
- Requested staff clarification of the daylight plane standards in MICC 19.11.030 – Bulk Standards. The Planning Commission recommended draft of the implementing development code amendments incorporates the clarification provided.
- Took no further action on the other substantive amendments.

The public hearing was continued to the June 10 meeting. Following further public testimony, the Planning Commission approved the Comprehensive Plan, Station Subarea Plan, and implementing development code amendments as presented with one additional amendment to the daylight plane standard in MICC 19.11.030 (Exhibit 1). The Planning Commission amendment is discussed further below.

ISSUE/DISCUSSION

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended the draft of the Comprehensive Plan, Station Subarea Plan, and implementing development code amendments as presented on June 10 with PCB 26-08. The staff drafts of the Comprehensive Plan, Station Subarea Plan, and implementing development standards were amended by the following three motions the Planning Commission made after the public hearing:

- Incorporate the non-substantive amendments listed in PCB26-07 into the draft Comprehensive Plan, Station Subarea Plan, and Implementing Development Code Amendments;

- Request that staff make clarifying amendments to daylight plaining related to Development Code, Log 29; and
- Incorporate Subarea Plan Exhibit 4.b, Log 4, as recommended by staff.

Non-Substantive Amendments

The non-substantive amendments the Planning Commission incorporated were those amendments proposed by the Planning Commission that would not alter the policy direction or change the development regulations. Most of these amendments were housekeeping, copy editing, or minor wordsmithing.

Clarifying The Daylight Plane Standards

Staff drafted proposed amendments to MICC 19.11.030(A)(6) to clarify how the daylight plane standards would be applied to six to eight story buildings and to address the Planning Commission's June 3 motion regarding this section. The original draft amendment was presented to the Planning Commission on June 3. After discussion with the Planning Commission requested additional clarification to address whether the average daylight plane standard applied to all upper stories or only the first thirty feet of depth along building frontages. Staff provided the Planning Commission with clarifying edits to the daylight plane standard. The Planning Commission considered the staff recommended draft on June 10 and arrived at the following recommendation for the daylight plane standard in MICC 19.11.030(A)(6):

- The upper story stepback begins at 27 feet and continues to a maximum height of 53 feet (MICC 19.11.030(A)(6)(a));
- MICC 19.11.030(A)(6)(b) is clarified that the average daylight plane area applies to only the first 30 feet of depth as measured from the edge of the sidewalk abutting the building addressing one of the questions posed during discussion of this issue on June 3;
- The illustrations in MICC 19.11.030 – Figure 6 will be updated to reflect the recommended changes; and
- MICC 19.11.030 – Figure 7 is removed because its illustration is no longer accurate given how the standard has been amended and a replacement illustration is not necessary to illustrate application of the standards.

The Planning Commission recommended amendments are consistent with the assumptions for 6- to 8-story buildings used to update the Land Capacity Analysis.

Subarea Plan Policy 7.4

The Planning Commission recommendation includes a new policy 7.4 in the Station Subarea Plan from the version drafted by staff. The new policy provides direction related to adopting development and design standards during Phase 2. Because this policy only applies to Phase 2 it does not affect compliance with the GMHB Order during Phase 1. The new Policy 7.4 states:

“Adopt development and design standards during Phase 2 to increase compatibility in transition areas where high density residential uses are allowed adjacent to lower-density neighborhoods. These standards should include height step downs, protection of view, light, and privacy, preservation of tree canopy and natural buffers, and other compatibility considerations.”

NEXT STEPS

July 7, 2026 – City Council first reading of ordinances to accomplish the following:

1. Adopt changes to the Comprehensive Plan and establish a Station Subarea Plan, and
2. Amend the development code to implement the updated Comprehensive Plan and Station Subarea Plan.

July 21, 2026 – City Council second reading and adoption of the ordinances listed above.

July 31, 2026 – Compliance deadline for the GMHB Order

BACKGROUND MATERIALS AND REFERENCES

Background materials are provided on the [City's Let's Talk page](#). A summary of previous agenda materials is outlined below:

January 16, 2026

- [AB 6838](#): Compliance with [Growth Management Hearings Board Final Decision and Order](#) related to the City of Mercer Island Periodic Update to the Comprehensive Plan Overview of City Council Planning Session.

February 17, 2026

- [AB 6865](#): Compliance with Growth Management Hearings Board Final Decision and Order Related to the City of Mercer Island Periodic Update to the Comprehensive Plan
- [AB 6866](#): GMA Compliance Public Engagement Plan
- [AB 6871](#): Legislative Review Alternatives to Help City Meet GMHB Order Compliance Deadline (Ordinance No. 26C-03 First Reading)

March 3, 2026

- [AB 6893](#): Compliance with Growth Management Hearings Board Order – Follow-Up Discussion on Financing Affordable Housing
- [AB 6890](#): Legislative Review Alternatives to Help City Meet GMHB Order Compliance Deadline (Ordinance No. 26C-03 Second Reading)

March 17, 2026

- [AB 6888](#): Final Approval of the Modified Station Subarea Boundary
- [AB 6894](#): Update on the Growth Management Hearings Board Order – GMA Compliance Work Plan

March 25, 2026

- [PCB26-01](#): Briefing on the Growth Management Hearings Board Order and steps to achieve Growth Management Act compliance

April 21, 2026

- [AB 6909](#): GMA Compliance – Policy Direction on Development Code Amendments
- [AB 6911](#): GMA Compliance – Legislative Review Process

April 28, 2026

- [PCB26-02](#): Planning Commission Legislative Review Process
- [PCB26-03](#): Briefing on Station Subarea Plan Goals and Policies

May 6, 2026

- [PCB 26-04](#): Briefing on Comprehensive Plan Elements and Station Subarea Plan

May 13, 2026

- [PCB 26-05](#): Briefing on Development Code Amendments: land capacity: zoning map, Town Center boundary and subareas, height increases, permitted uses, design standards, and consistency

May 27, 2026

- [PCB 26-06](#): Briefing Comprehensive Plan Consistency Amendments – Transportation, Utilities, Capital Facilities Elements

June 2, 2026

- [AB 6938](#): Public Hearing of MICC Title 5 Amendments Anti-Displacement Measures (First Reading, Ord. No. 26C-07)

June 3, 2026

- [PCB 26-07](#): Public Hearing: Comprehensive Plan Update, Station Subarea Plan, and Implementing Development Code Amendments

June 10, 2026

- [PCB 26-08](#): Public Hearing (Continued): Comprehensive Plan Update, Station Subarea Plan, and Implementing Development Code Amendments

RECOMMENDED ACTION

Receive report. No action necessary.