

**CITY OF MERCER ISLAND
ORDINANCE NO. 26-05**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
AMENDING TITLE 19 MICC TO COMPLY WITH HB 1110 AND HB 1337 ON AN
INTERIM BASIS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE.**

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations; and

WHEREAS, in 2023 the Washington State legislature passed Engrossed House Bill (EHB) 1337 (chapter 334, Laws of 2023) related to accessory dwelling units (ADUs), codified in the Revised Code of Washington (RCW) sections 36.70A.680, .681 and .696; and

WHEREAS, in passing E2SHB 1337 (chapter 334, Laws of 2023) the State legislature found that Washington state is experiencing a housing affordability crisis and many communities across the state are in need of more housing for renters across the income spectrum; and

WHEREAS, the State legislature further found that many cities dedicate the majority of residentially zoned land to single detached houses that are increasingly financially out of reach for many households and, due to their smaller size, accessory dwelling units can provide a more affordable housing option in those single-family zones; and

WHEREAS, in 2023 the Washington State legislature passed Engrossed Substitute House Bill (E2SHB) 1110 (chapter 332, Laws of 2023) related to middle housing, codified in the RCW 36.70A.635 through .638; and

WHEREAS, in passing E2SHB 1110 (chapter 332, Laws of 2023) the State legislature found that there is continued need for the development of housing at all income levels, including middle housing that will provide a wider variety of housing options and configurations to allow Washingtonians to live near where they work and that homes developed at higher densities are more affordable by design for Washington residents both in their construction and reduced household energy and transportation costs; and

WHEREAS, in 2024 the Washington State legislature passed Engrossed Substitute House Bill (ESHB) 2321 (chapter 152, Laws of 2024), which modified certain middle housing requirements in RCW 36.70A.635, as well as amended definitions in RCW 36.70A.030; and

WHEREAS, on November 19, 2024, the Mercer Island City council passed Ordinance No. 24C-16 incorporating middle housing and accessory dwelling unit policies into the Housing Element of the Comprehensive Plan as required by House Bill 1220 (chapter 254, Laws of 2021); and

WHEREAS, adoption of the ordinance will bring the City of Mercer Island into compliance with RCW 36.70A.635 through .638 and .680, .681 and .696 and will serve the general welfare of the public; and

WHEREAS, on March 4, 2025, the City Council adopted Ordinance No. 25C-02 for interim regulations to comply with HB 1110 and HB 1337 for a period of one year, with an effective date of June 30, 2025; and

WHEREAS, the City is authorized under RCW 35A.63.220 and 36.70A.390 to renew interim zoning and official controls for an additional six-month period, provided a public hearing is held prior to renewal; and

WHEREAS, the adoption of permanent regulations is expected by the end of 2027; and

WHEREAS, the City is authorized under RCW 35A.63.220 and RCW 36.70A.390 to pass an interim zoning and official control ordinance, provided it holds a public hearing on the same within sixty days after passage if it has not previously held a public hearing on the proposed ordinance; and

WHEREAS, the City Council held a public hearing on June 2, 2026 regarding this interim zoning and official control ordinance; and

WHEREAS, this Ordinance, as an interim zoning and official control ordinance, is not subject to referendum;

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

Section 1: Findings. The findings adopted for Ordinance No. 25C-02 and the “Whereas Clauses” set forth in the recitals of this ordinance are hereby adopted as the findings of fact of the City Council for passing this ordinance.

Section 2: Renewed. The interim regulations adopted by Ordinance No. 25C-02 are renewed.

Section 3: Duration of Interim Zoning and Official Controls. The interim zoning and official controls renewed by this ordinance shall be effective for a period of six months, unless repealed, extended, or modified by the City Council.

Section 4: 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 5: Effective Date. This ordinance shall take effect and be in force on June 30, 2026, provided 5 days have passed since its passage and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AT ITS MEETING ON THE _____ DAY OF _____, 2026.

CITY OF MERCER ISLAND

Dave Rosenbaum, Mayor

Approved as to Form:

ATTEST:

Bio Park, City Attorney

Andrea Larson, City Clerk

Date of Publication: _____