



ZTR21-006

Land Use Review Types

Mercer Island City Code (MICC) 19.15.030 Land use review types.

City of Mercer Island Planning Commission

December 15, 2021

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Department of Community Planning and Development

Purpose

- To brief the Planning Commission on the staff recommendation regarding ZTR21-006.
- The zoning code amendment was proposed in a Docket Request dated November 2, 2020.
- Only the proposed amendment to MICC 19.15.030 was added to the final docket by the City Council.



Feedback Requested:

Planning Commission preferred alternative for
ZTR21-006.



Alternatives

- A. Amend MICC 19.15.030 as proposed;
- B. Amend MICC 19.15.030 to change the land use review type for some but not all of the land use review actions; and
- C. Do not amend MICC 19.15.030 (**Staff Recommended**).



ZTR21-006

Docket request for amendment of MICC 19.15.030 to alter the land use review types for the following land use review actions:

- Seasonal Development Limitation Waivers;
- Tree Removal Permits;
- Final Short Plants;
- Lot Line Revisions; and
- Setback Deviations.



Background

Land Use Review Types I and II

- Type I: Administrative review based on nondiscretionary standards. No public notice required, and
- Type II: Administrative review based on nondiscretionary standards. Public Notice Required: publish application on the weekly CPD permit bulletin.



Background

Land Use Review Types III and IV

- Type III: Administrative review with some exercise of discretion about nontechnical issues. Process and Public Notice Required:
 - Preapplication meeting;
 - Letter of completion within 28 days of application;
 - Notice of application posted on site and mailed to neighboring property owners;
 - 30-day public comment period; and
 - Notice of decision sent to parties of interest.
- Type IV: Hearing Examiner/Design Commission review requiring discretion and may be actions of broad public interest. Public Notice Required: Type III plus a public hearing.



Seasonal Development Limitation Waivers (SDLWs)

- Authorization to conduct work in a geologically hazardous area between October 1 and April 1.
- **Current:** Type I, no notice required
- **Proposed:** Increase to Type II, public notice to CPD weekly permit bulletin



Tree Removal Permit

- Required for any nonexempt tree removal
- **Current:** Type I, no notice required
- **Proposed:** Increase to Type II, public notice to CPD weekly permit bulletin



Final Short Plat

- Final approval of a short plat. This is granted after preliminary approval is granted as a Type III action.
- **Current:** Type I, no notice required
- **Proposed:** Increase to Type II, public notice to CPD weekly permit bulletin



Lot Line Revision

- Adjustment of boundary lines between existing lots that does not create any additional lots, and which does not make existing lots nonconforming.
- **Current:** Type II, public notice to CPD weekly permit bulletin
- **Proposed:** Increase to Type III, process and public notice added:
 - Preapplication meeting;
 - Letter of completion within 28 days of application;
 - Notice of application posted on site and mailed to neighboring property owners;
 - 30-day public comment period; and
 - Notice of decision sent to parties of interest.



Setback Deviation

- Provide flexibility in designing a development proposal to allow for increased protection of critical areas or critical area buffer (MICC 19.06.110(C)(1)).
- **Current:** Type II, public notice to CPD weekly permit bulletin
- **Proposed:** Increase to Type III, process and public notice added:
 - Preapplication meeting;
 - Letter of completion within 28 days of application;
 - Notice of application posted on site and mailed to neighboring property owners;
 - 30-day public comment period; and
 - Notice of decision sent to parties of interest.



Alternatives

- A. Amend MICC 19.15.030 as proposed;
- B. Amend MICC 19.15.030 to change the land use review type for some but not all of the land use review actions; and
- C. Do not amend MICC 19.15.030 (**Staff Recommended**).



Staff Recommendation

Alternative C: Do not amend MICC 19.15.030

- MICC 19.15.030 correctly types the five land use review actions
- Level of review and notice required in MICC 19.15.030 is appropriate for each land use review action
- Adding public comment periods to decisions where the City has limited discretion would have negative impacts to public trust



Next Steps

- Tonight: initial direction from the PC.
- If PC wants to consider changes to MICC 19.15.030, code amendments will be drafted and brought back for further review.
- PC public hearing expected at the February meeting.



Questions?

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