



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 6890
March 3, 2026
Consent Agenda**

AGENDA BILL INFORMATION

TITLE:	AB 6890: Legislative Review Alternatives to Help City Meet GMHB Order Compliance Deadline (Ordinance No. 26C-03 Second Reading)	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Adopt Ordinance No. 26C-03 delegating to the Hearing Examiner the authority to hold quasi-judicial open record public hearings, and to review and make recommendations on site-specific rezones to the City Council.	

DEPARTMENT:	City Council
STAFF:	Jessi Bon, City Manager Kim Adams Pratt, Outside Land Use Counsel, Madrona Law
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 26C-03
CITY COUNCIL PRIORITY:	n/a

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

EXECUTIVE SUMMARY

At its January 16, 2026 Planning Session, the City Council directed the City Manager to present alternatives to streamline the legislative review process for comprehensive plan amendments in light of the July 31, 2026 Growth Management Hearings Board (GMHB) Order compliance deadline. The City Manager presented at the February 17, 2026 City Council Meeting, three alternatives.

- Alternative #1: To reduce the overall legislative review time, one alternative the City Manager evaluated was to delegate the role of the “planning agency” to a Council Committee instead of the Planning Commission.
- Alternative #2: If the City Council desires to maintain the current Planning Commission process to review comprehensive plan amendments, Council could consider measures to ensure receiving timely review and recommendations from the Planning Commission. This could include preparing hand-off instructions for the Planning Commission providing clear deadlines to return a recommendation to the City Council. Periodic joint meetings between the Planning Commission and the City Council could also be considered.

- Alternative #3: Another option the City Manager considered was to lighten the anticipated workload of the Planning Commission by amending the Mercer Island City Code to delegate site-specific re-zones to the Hearing Examiner.
- The City Manager’s recommendation, which the City Council unanimously accepted, was two-fold. (1) to approve Alternative #2 to ensure timely Planning Commission review by directing the City Manager to develop clear hand-off instructions and legislative review deadlines to be included in the comprehensive plan legislative review transmittal memo to the Planning Commission; and (2) to approve Alternative #3 to delegate site-specific re-zones to the Hearing Examiner.
- Adoption of Ordinance No. 26C-03 effectuates Alternative #3 by delegating to the City’s Hearing Examiner the authority to hold quasi-judicial open record public hearings, and to review and make recommendations on site-specific re-zones to the City Council.

BACKGROUND

The City is under an order from the Growth Management Hearings Board (GMHB) to bring the City’s comprehensive plan into compliance with the Growth Management Act (GMA) by July 31, 2026. The background information on this matter is provided in the City Council packet materials from the January 16, 2026 Council Planning Session (see [AB 6838](#)).

At its January 16, 2026 Planning Session, the City Council directed the City Manager to present alternatives to streamline the legislative review process for comprehensive plan amendments to meet the compliance deadline. In response to the directive, three alternatives were presented by the City Manager at the February 17, 2026 City Council Meeting (see [AB 6871](#)), which in summary, were as follows:

- Alternative #1 – Formation of Council Committee to Serve as the “Planning Agency” for the City. To reduce the overall legislative review time, one alternative the City Manager evaluated was to delegate the role of the “planning agency” to a Council Committee instead of the Planning Commission.
- Alternative #2 – Set Planning Commission Review Schedule/Deadlines. If the City Council desires to maintain the current Planning Commission process to review comprehensive plan amendments, Council could consider measures to ensure receiving timely review and recommendations from the Planning Commission. This may include preparing hand-off instructions for the Planning Commission providing clear deadlines to return a recommendation to the City Council. In addition, periodic joint meetings between the Planning Commission and the City Council may be beneficial to promote alignment on policy objectives, clarify expectations, and reduce the potential for rework or delay.
- Alternative #3 – Delegate Site Specific Re-Zone Requests to the Hearing Examiner. Lighten the anticipated workload of the Planning Commission by amending the Mercer Island City Code (MICC) to delegate site-specific re-zones to the City’s Hearing Examiner.

Based on the City Manager’s two fold recommendation, the City Council unanimously voted (1) to approve Alternative #2 to ensure timely Planning Commission review by directing the City Manager to develop clear hand-off instructions and legislative review deadlines to be included in the comprehensive plan legislative review transmittal memo to the Planning Commission; and (2) to approve Alternative #3 to delegate site-specific re-zones to the Hearing Examiner.

ISSUE/DISCUSSION

Adoption of Ordinance No. 26C-03 effectuates Alternative #3 by delegating to the Hearing Examiner the authority to hold quasi-judicial open record public hearings, and to review and make recommendations on site-specific re-zones to the City Council.

This year the City will consider a site-specific re-zone application, which is anticipated to come before the City Council and the Planning Commission at the same time the GMHB Order is being considered. A site-specific re-zone requires a quasi-judicial open record public hearing and review and preparation of recommendations to the City Council, all of which are currently performed by the Planning Commission. By adopting Ordinance No. 26C-03, the authority to hold such hearings, and to review and make recommendations on site-specific re-zones will be delegated to the Hearing Examiner.

Professional Hearing Examiners possess the training and qualifications to ensure that proper procedures are maintained throughout the hearing and to admit and handle evidence properly. They produce decisions that are more consistent with applicable code criteria and other laws, and they are more likely to be free from political influences – all of which results in better administrative records and more defensible decisions for the City.

Using the Hearing Examiner for land-use quasi-judicial proceedings, including site-specific re-zones, is generally agreed and strongly recommended as best practices by organizations and agencies serving municipalities, such as the Municipal Research and Services Center, Association of Washington Cities, and Washington Cities Insurance Authority. Their recommendation is based on reducing liability and risk, as well as improving the consistency and quality of decisions.

The City Council will continue to retain final decision-making authority on site-specific re-zones, based on the recommendation of the Hearing Examiner and the record established during the open record hearing. A few examples of code cities that delegate site-specific re-zones to their Hearing Examiners include Kirkland, Issaquah, Black Diamond, Burien, and Bremerton.

NEXT STEPS

If Ordinance No. 26C-03 is adopted, staff will take appropriate steps to implement the changes to site specific re-zone review and decision-making procedures required by the ordinance.

RECOMMENDED ACTION

Adopt Ordinance No. 26C-03 delegating to the Hearing Examiner the authority to hold quasi-judicial open record public hearings, and to review and make recommendations on site-specific rezones to the City Council.