



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

**AB 6094
June 7, 2022
Consent Agenda**

AGENDA BILL INFORMATION

TITLE:	AB 6094: Development Code Amendment ZTR21-006 Land Use Review Types (Ord. No. 22C-05 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. 22C-05 regarding land use review types.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Interim CPD Director Alison Van Gorp, Deputy CPD Director Adam Zack, Senior Planner
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 22C-05
CITY COUNCIL PRIORITY:	n/a

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

EXECUTIVE SUMMARY

Ordinance No. 22C-05 will resolve zoning code amendment project ZTR21-006 and amend Mercer Island City Code (MICC) 19.15.030 to increase the review process and notification requirements for final short plats and seasonal development limitation waivers. This zoning code amendment was added to the Community Planning and Development (CPD) work program through the 2020 annual docket. Additional summary information includes:

- After holding a public hearing on February 16, 2022, The Planning Commission has recommended the proposed code amendment shown in the draft Ordinance No. 22C-05 (Exhibit 1).
- The proposed amendment will increase the review process for seasonal development limitation waivers and final short plats; amending MICC 19.15.030 Land use review types.
- After considering the proposal at a public hearing, the Planning Commission also recommended programmatic changes to increase the availability of permit information for the public. No additional action is required to implement the recommended programmatic changes.
- City Council had their first reading of Ordinance No. 22C-05 on May 3, 2022 ([AB 6074](#)).
- City Council set the second reading of Ordinance No. 22C-05 for June 7, 2022.

BACKGROUND

The proposed code amendment was brought forward by a resident as a part of the annual docket submittal process in the fall of 2020. The City Council added this proposal to the final docket and the CPD work program with the approval of [Resolution No. 1594](#) on December 1, 2020. The proposal was assigned file number ZTR21-006.

The Planning Commission first discussed and gave initial feedback regarding ZTR21-006 on December 15, 2021. Staff prepared a draft code amendment based on the initial feedback for the Planning Commission to consider after holding a public hearing. A State Environmental Policy Act (SEPA) determination of non-significance was issued on January 19, 2022, and the project was assigned SEPA register file number 202200262. The SEPA determination comment period was open from January 19 to February 2, 2022; no comments were received. The WA Department of Commerce was notified of the intent to adopt development code amendments on January 19, 2022. Notice of the Planning Commission public hearing was published in the *Mercer Island Reporter* on January 12, 2022, and in the CPD Weekly Permit Bulletin on January 24, 2022. The Planning Commission held a public hearing regarding ZTR21-006 and made a recommendation on February 16, 2022. The City Council held a first reading of Ordinance 22C-05 on May 3, 2022.

ISSUE/DISCUSSION

ORDINANCE NO. 22C-05 AMEND MICC 19.15.030 – LAND USE REVIEW TYPES

On February 16, the Planning Commission recommended amending the land use review types for seasonal development limitation waivers and final short plats from Type I to Type II, as shown in the draft Ordinance No. 22C-05 (Exhibit 1). Increasing the land use review type from Type I to Type II would require notices of decision for seasonal development limitation waivers and final short plats to be listed on the CPD Weekly Permit Bulletin.

Ordinance No. 22C-05 would amend MICC 19.15.030 Land use review types, Table A as follows (Exhibit 1).

MICC 19.15.030 - Land use review types, Table A.

Table A. Land Use Review Type			
Type I	Type II	Type III	Type IV
<ul style="list-style-type: none"> • Home business • Seasonal development limitation waiver • Nonmajor single-family dwelling building permits • Tree removal permit • Right-of-way permit • Special needs group housing safety determination 	<ul style="list-style-type: none"> • Modified wireless communication facilities (6409 per 47 CFR 1.40001) • Lot line revision • Setback deviations • Final plat ^{2,3} • Code official design review • Accessory dwelling unit • Parking modification ⁷ (reviewed by city engineer) 	<ul style="list-style-type: none"> • New and modified wireless (non-6409) eligible facility • SEPA threshold determination • Critical area review 2 • Public agency exception • Temporary encampment ⁴ • Short plat alteration and vacations • Preliminary short plat 	<ul style="list-style-type: none"> • Preliminary long plat approval • Conditional use permit • Variance • Critical areas reasonable use exception • Long plat alteration and vacations • Parking modifications ⁷ (reviewed by design commission)

<ul style="list-style-type: none"> • Tenant improvement/change of use • Shoreline exemption ¹ • Critical area review 1 • Final short plat • Temporary commerce on public property • Site development permits • Transportation concurrency certificate 	<ul style="list-style-type: none"> • Small wireless facility deployment • <u>Seasonal development limitation waiver</u> • <u>Final short plat</u> 	<ul style="list-style-type: none"> • Development code interpretations • Major single-family dwelling building permit ⁵ • Shoreline substantial development permit ¹ • Shoreline revision (substantial development) ¹ 	<ul style="list-style-type: none"> • Variance from short plat acreage limitation • Wireless communication facility height variance • Planned unit development • Design commission design review • Permanent commerce on public property • Shoreline conditional use permit (SCUP) ⁶ • Shoreline variance ⁶ • Shoreline revision (variance and SCUP)
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¹ Appeal will be heard by the shorelines hearings board.

² Decision is made by city council after discussion at a public meeting.

³ A notice of decision will be issued for a final long plat.

⁴ A public meeting is required.

⁵ Major single-family dwelling building permits are subject only to the notice of application process. A notice of decision will be provided to parties of record.

⁶ Hearing examiner will forward a recommendation to the Washington State Department of Ecology for Ecology's decision.

⁷ Parking modifications are issued pursuant to the provisions of MICC 19.11.130.

NEXT STEPS

Ordinance No. 22C-05 will be codified if adopted. Staff will proceed with making improvements to the permit bulletin and creation of a permit web map to implement the programmatic approach discussed in [AB 6074](#). This work will proceed over the next few months as IGS staff are able to make time to refine and finalize the prototype map between their other work priorities.

RECOMMENDED ACTION

Adopt Ordinance No. 22C-05 amending the land use review types for two land use review actions in MICC 19.15.030.