

**CITY OF MERCER ISLAND
ORDINANCE NO. 22C-05**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
AMENDING MERCER ISLAND CITY CODE 19.15.030 TO AMEND THE LAND
USE REVIEW TYPES FOR TWO LAND USE REVIEW ACTIONS; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the review types for land use review actions are established in MICC 19.15.030 Land use review types. MICC 19.15.030 was most recently amended by Ordinance 19C-21, Section 1; and

WHEREAS, the public can propose changes to the City Comprehensive Plan and Development Code through a process called the annual docket; and

WHEREAS, the annual docket process is established in MICC 19.15.230 Comprehensive plan amendments and docketing procedures; and

WHEREAS, the City accepts annual docket applications every year; and

WHEREAS, the City received an annual docket application in 2020 requesting development code amendments to change the land use review type for five land use review actions; and

WHEREAS, Resolution 1594 added this request to the 2021 CPD work program; and

WHEREAS, on December 15, 2021, the Planning Commission provided initial direction on the preferred approach to address the issues raised in the docket request; and

WHEREAS, on January 19, 2022, CPD issued a State Environmental Policy Act (SEPA) threshold determination of non-significance (DNS) consistent with the procedures established in Chapter 19.21 MICC and notified the Washington State Department of Commerce of the City's intent to adopt development code amendments; and

WHEREAS, on February 16, 2022, the Planning Commission held a duly advertised public hearing and made a recommendation to the City Council; and

WHEREAS, on May 3, 2022, the City Council was briefed on the Planning Commission recommendation and had their first reading of this ordinance; and

WHEREAS, on XXXXXX, 2022, the City Council had their second reading of this ordinance.

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

Section 1. MICC 19.15.030 Amended. MICC 19.15.030 is amended to change the land use review type for seasonal development limitation waivers and final short plats from Type I to Type II as provided in Exhibit A to this Ordinance. Exhibit A is incorporated herein by this reference as though set forth in full.

Section 2. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this Ordinance or its application to any other person, property, or circumstance.

Section 3. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force five days after the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS REGULAR MEETING ON XXXXXX, 2022.

ATTEST:

CITY OF MERCER ISLAND

Andrea Larson, City Clerk

Salim Nice, Mayor

APPROVED AS TO FORM

Bio Park, City Attorney

Date of publication: _____

MICC 19.15.030 Land Use Review Types.

[. . .]

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 • 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"> • 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) • Small wireless facility deployment • <u>Seasonal development limitation waiver</u> • <u>Final short plat</u> 	<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 • 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"> • 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) • 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)

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.

1
2 4 A public meeting is required.
3

4 5 Major single-family dwelling building permits are subject only to the notice of application process. A
5 notice of decision will be provided to parties of record.
6

7 6 Hearing examiner will forward a recommendation to the Washington State Department of Ecology
8 for Ecology's decision.
9

10 7 Parking modifications are issued pursuant to the provisions of MICC 19.11.130.
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