



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

**AB 6198
December 6, 2022
Regular Business**

AGENDA BILL INFORMATION

TITLE:	AB 6198: 2023 Comprehensive Plan and Development Code Amendment Docket	<input checked="" type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution
RECOMMENDED ACTION:	Approve Resolution No. 1641 setting the final docket for 2023.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Interim CPD Director Alison Van Gorp, Deputy CPD Director
COUNCIL LIAISON:	n/a
EXHIBITS:	<ol style="list-style-type: none"> 1. Docket proposal submissions 2. Planning Commission Staff Memo, dated October 26, 2022 3. Planning Commission Recommendation and Preliminary Docket 4. Resolution No. 1641 5. Docket Progress Report
CITY COUNCIL PRIORITY:	n/a

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

EXECUTIVE SUMMARY

The purpose of this agenda bill is to set the final docket of proposed Comprehensive Plan and development code amendments for 2023. The docket is the City’s process for soliciting proposals for Comprehensive Plan and development code amendments each year.

- The public had the opportunity to submit docket proposals during the month of September.
- Eight proposals were received and reviewed by the Planning Commission.
- The Planning Commission recommended that proposal numbers 1, 2, 3, 5, 6, 7 and 8 be included on the final docket.
- The City Council will consider the City’s capacity to review docketed items in the coming year, among other criteria, in deciding on which, if any, proposals are placed on the final docket.
- Items placed on the final docket will be added to the Community Planning and Development (CPD) work program for legislative review and consideration by staff, the Planning Commission, and the City Council.
- The City is under no obligation to legislatively adopt any item which is added to the final docket.

BACKGROUND

The City provides an annual opportunity to propose amendments to the Comprehensive Plan and development regulations. Amendment proposals are invited each year during the month of September as described in [MICC 19.15.230\(D\)\(1\)](#). The proposed amendments are compiled, along with the City's proposed amendments, into a docket. The docket is preliminarily reviewed by the Planning Commission and City Council for a determination on which, if any, proposed amendments will be advanced for full legislative review in the coming year. Amendments selected by the City Council for the "final docket" are then added to the Community Planning and Development work program, typically for the next calendar year when time and resources permit.

Docketing Process

Public notice of the opportunity to submit docket requests was provided on August 22, 2022 in the permit bulletin and on the City website, as well as on August 24, 2022 in the Mercer Island Reporter. Eight code amendment requests were received from the public (Exhibit 1). City staff initially proposed four additional code amendments, but they were later withdrawn due to emerging information on the scope of the 2024 periodic update to the Comprehensive Plan. All eight of the public proposals are summarized in the staff memo provided to the Planning Commission on October 22, 2022 and updated on October 26, 2022 (Exhibit 2). The memo also includes comments and an assessment of the priority level of each proposal.

Planning Commission Review & Recommendation

On [October 26, 2022](#), the Planning Commission reviewed the proposed amendments in the preliminary docket. After considerable discussion and deliberation, the Planning Commission made a motion related to each proposed amendment. While the support for each amendment was variable (see Exhibit 3 for meeting minutes), the Planning Commission approved the following recommendation by a unanimous vote. The Planning Commission recommends that the City Council include preliminary docket proposals numbered 1, 2, 3, 5, 6, 7 and 8 in the final docket (see Exhibit 3 for the full recommendation and the preliminary docket).

Docketing Criteria

The City Council's role in the docketing process is described as follows in MICC 19.15.230(D)(1)(d):

"The city council shall review the preliminary docket at a public meeting. By December 31, the city council shall establish the final docket based on the criteria in subsection E of this section. Once approved, the final docket defines the work plan and resource needs for the following year's comprehensive plan and code amendments."

The MICC states (19.15.230(E)) states that Comprehensive Plan and code amendments should only be placed on the final docket if the proposed amendment will meet the specified criteria:

"E. Docketing Criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

- 1. The request has been filed in a timely manner, and either:*
 - a. State law requires, or a decision of a court or administrative agency has directed, such a change; or*
 - b. All of the following criteria are met:*
 - i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;*
 - ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;*

- iii. *The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;*
- iv. *The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and*
- v. *The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment."*

ISSUE/DISCUSSION

The threshold question for the City Council is whether the items on the preliminary docket should be further analyzed and considered for legislative adoption by the Planning Commission, City Council, and community beginning in 2023. The City Council is under no obligation to legislatively adopt any item if it is placed on the final docket. Each proposal should be reviewed based upon the criteria in MICC 19.15.230(E), provided above. After deliberations, the City Council sets the final docket by approving Resolution No. 1641 (Exhibit 4).

Related to criterion (1)(b)(ii) above, the City Council should carefully consider the City's capacity to review docketed items in the coming year, including the workload generated by the items placed on the docket for staff, the Planning Commission, and the City Council itself. Each item that is docketed requires substantial staff work, including research and analysis, preparation of staff reports, public notice, SEPA analysis and documentation, and notification to state agencies. In addition, the Planning Commission typically discusses each item 2-3 times at a minimum, including a work session, a public hearing, and deliberations/decision. Then, the City Council holds a minimum of two readings for each proposed amendment.

To better understand the legislative review process and typical timelines, see Exhibit 5 for a progress report on items proposed for the docket in 2020 and 2021. In recent years, the City has not completed legislative review of all the docketed items during the year in which they were docketed. Typically, two or more items have been carried over to the following year's work program.

The Planning Commission schedule includes 12 regularly scheduled meetings each year. Thus, there is a limit to the number of items that the Planning Commission can review in a year, based on simple time constraints. Additionally, the City Council should consider its capacity for review of recommended amendments, as well as the community's capacity to digest the proposals.

The 2023 CPD work program includes following items; anything added to the docket for 2023 will need to be scheduled for review around these existing items:

- 1) Continuing the required periodic update to the Comprehensive Plan due for completion by December 2024. Significant work will be required on the Housing Element as well as a new Economic Development Element.
- 2) Completion of the Residential Development Standards analysis which may result in docketing Comprehensive Plan and/or development code amendments for legislative review in 2024.
- 3) Continuing work on items docketed in 2022:
 - a) Amend the Business Zone to allow schools; and
 - b) Amend the development code to comply with E2SHB 1220 related to Transitional and Supportive Housing.

	2023				2024			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
CARRYOVER ITEMS								
Comprehensive Plan Periodic Update	Planning Commission Review						City Council Review	
Residential Development Standards Analysis	analysis, community engagement, scoping			City Council Review				
Amend Business Zone to Allow Schools		City Council Review						
Transitional and Permanent Supportive Housing		City Council Review		must be completed by mid-September				
NEW ITEMS								
2023 Docket					work will begin mid-2023 on newly docketed items			

Planning Commission Review
 City Council Review

NEXT STEPS

Once the final docket is approved, staff will schedule each of the docketed items for Planning Commission and City Council legislative review in 2023 or beyond.

RECOMMENDED ACTION

Approve Resolution No. 1641 to include items [insert docket item # here] setting the final docket of Comprehensive Plan and development code amendments for 2023.