



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6578
December 3, 2024
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 6578: Interim Regulations Related to Permit Processing in Chapters 19.15 and 19.16 MICC (Second Reading Ordinance No. 24C-17).	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Complete a second reading and adopt Ordinance No. 24C-17.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Community Planning and Development Director Molly McGuire, Senior Planner
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 24C-17
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 conduct a second reading of and adopt Ordinance No. 24C-17 (Exhibit 1), which would establish interim regulations in Title 19 Mercer Island City Code (MICC) related to permit processing to comply with [Senate Bill 5290](#).

- [Senate Bill 5290](#) (SB 5290) amended [Chapter 36.70B RCW](#), which establishes the required processes for local project review, and required that cities and counties comply with all provisions of SB 5290 except Section 7, by July 23, 2023, the bill’s effective date.
- SB 5290 also included a new requirement for cities and counties to establish maximum permit review times, effective January 1, 2025.
- Interim regulations were adopted by [Ordinance No. 23C-10](#) at the July 18, 2023 City Council meeting and renewed for an additional 6 months at the July 2, 2024 meeting by [Ordinance No. 24C-12](#).
- The current interim regulations are set to expire on January 2, 2025.
- Ordinance No. 24C-17 would repeal Ordinance No. 24C-12 and replace these interim regulations with new interim regulations, including the same provisions of Ordinance No. 24C-12, plus additional provisions to comply with SB 5290 Section 7, which were not included in the original interim regulations due to the staggered effective date for Section 7.

- Adoption of Ordinance No. 24C-17 before the end of 2024 will avoid a lapse in regulations and will maintain compliance with Senate Bill 5290 as additional provisions of the legislation go into effect on January 1, 2025.
- City Council completed first reading of Ordinance No. 24C-17 on November 19, 2024 ([AB 6575](#)).

BACKGROUND

Senate Bill 5290 (SB 5290) was enacted by the Washington State legislature in 2023 and establishes new requirements for processing development permit applications.

Amendments to the land use review processing standards in Chapter 19.15 MICC were required to comply with SB 5290, sections 1, 5, and 6 by July 23, 2023. On July 18, 2023, the City enacted interim regulations under [Ordinance No. 23C-10](#) to ensure the MICC was consistent with Chapter 36.70B RCW as amended by SB 5290. On July 2, 2024, the City renewed the interim regulations for an additional six months under [Ordinance No. 24C-12](#) to allow the City additional time to review permanent amendments to comply with SB 5290, which will expire on January 2, 2025.

Section 7 of SB 5290 becomes effective on January 1, 2025 and requires additional amendments to Chapter 19.15 MICC. The City must repeal the existing interim regulations and adopt new regulations that also address Section 7 to comply with the components of SB 5290 that go into effect on January 1, 2025. Ordinance No. 24C-17 (Exhibit 1) would repeal Ordinance No. 24C-12 and replace these interim regulations with new interim regulations, including the same provisions of Ordinance No. 24C-12, plus additional provisions to comply with SB 5290 Section 7, which were not included in the original interim regulations due to the staggered effective date for Section 7. On November 19, 2024, City Council held the first reading of these proposed amendments. No changes were recommended during this first reading. A more detailed background of SB 5290 is available in [Agenda Bill 6575](#).

ISSUE/DISCUSSION

[Chapter 19.15 MICC](#) establishes the land use review processing standards in the City of Mercer Island. The standards in this chapter detail how a land use application must be reviewed for compliance with the Unified Land Development Code in [Title 19 MICC](#). This includes the requirements for submitting an application, the Code Official reviewing that application for completeness, and the applicable decision-making authority issuing a decision. The review procedures in Chapter 19.15 MICC ensure that each application is subject to consistent and predictable processes.

Staff completed an analysis of the MICC against the requirements of SB 5290 to determine which areas would need to be amended, and what those amendments would consist of. A complete analysis of SB 5290 and the recommended code amendments are contained in [Agenda Bill 6575](#). Ordinance No. 24C-17 (Exhibit 1) includes amendments to MICC 19.15.030 Land use review types, 19.15.040 Review procedures, 19.15.060 Application, 19.15.070 Determination of completeness and letter of completion, and 19.16.010 Definitions that would implement updates to these standards to comply with the requirements in SB 5290 for completeness requirements, permit review timelines, and refunds for exceeded review timelines.

NEXT STEPS

Upon adoption of the interim development regulations in Ordinance No. 24C-17, the development and adoption of permanent development regulations will be placed on the CPD work plan for completion at a

future time, currently anticipated to be in 2026 or later. Several CPD work plan commitments have already been made for 2025 including the renewal of several sets of interim regulations, addressing previously docketed items, as well as the development and execution of an affordable housing fee in-lieu-of program.

A comprehensive review and discussion of the long-term CPD work program will occur with the City Council at the conclusion of the 2025 state legislative session (Q2/Q3 2025). This will allow the City Council to review new state legislation requiring action by the City and to adjust the timeline and prioritize other work items accordingly.

RECOMMENDED ACTIONS

Adopt Ordinance No. 24C-17 establishing interim regulations in Title 19 Mercer Island City Code (MICC) related to permit processing to comply with Senate Bill 5290, with an effective date of January 1, 2025.