



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

**AB 6577
December 3, 2024
Regular Business**

AGENDA BILL INFORMATION

TITLE:	AB 6577: 2025 Annual Comprehensive Plan and Development Code Amendments 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:	Set the 2025 Comprehensive Plan and Development Code Amendments Docket by approving Resolution No. 1664 and populating it with any proposal(s) the City Council decides to include in the future CPD work plan.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Community Planning and Development Director Alison Van Gorp, Community Planning and Development Deputy Director Molly McGuire, Senior Planner
COUNCIL LIAISON:	n/a
EXHIBITS:	<ol style="list-style-type: none"> 1. Docket Proposal Submissions 2. Planning Commission Recommendation and Preliminary Docket 3. Resolution No. 1664 4. 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 docket of proposed Comprehensive Plan and development code amendments for 2025 which will be included in the future Community Planning and Development (CPD) work plan. 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 in September.
- Fifteen proposals were received from the public.
- The Planning Commission reviewed proposals 1-15 and recommended that proposals 1, 8, and 15 be added to the 2025 Annual Docket. The recommendation includes a suggestion to consolidate the review of proposals 8 and 15, given their similarities.
- 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 docket.

- Items placed on the 2025 Annual Docket will be added to the future CPD work plan for legislative review and consideration by staff, the Planning Commission, and the City Council.
- The City is under no obligation to docket any item, nor is it obligated to legislatively adopt any item which is added to the 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 future full legislative review. Amendments selected by the City Council for the 2025 docket are then added to the future CPD work plan, typically for the next calendar year, or as is the currently the case, when time and resources permit in the future.

Docketing Process

Public notice of the opportunity to submit docket requests was provided in the Weekly Permit Bulletin and on the City website between August 5, 2024 and September 2, 2024, as well as on August 7 and September 4, 2024, in the Mercer Island Reporter. Fifteen proposals were received from the public (Exhibit 1), which are summarized in the staff memo to the Planning Commission [PCB24-18](#), dated October 23, 2024.

Planning Commission Review & Recommendation

On October 23, 2024, 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 (Exhibit 2). At this meeting, the Planning Commission passed individual motions on each docket item, which were reflected in the record as the recommendation from the Planning Commission. However, a motion summarizing the Planning Commission's recommendation on the docket was not made. For consistency with past practices, the Planning Commission reconvened a Special Meeting on November 25, 2024 to address the summary motion. The summary motion reads as follows, "per the action taken at the October 23, 2024, Planning Commission meeting, the Planning Commission authorizes staff to prepare a summary recommendation that Docket Proposal Nos 1, 8, and 15 be included in the final 2025 Docket for City Council consideration." Exhibit 2 includes the Planning Commission's recommendation on each proposal on 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 any item(s) proposed for the 2025 docket should be further analyzed and considered for legislative adoption by the City staff, Planning Commission, and City Council. The City Council is under no obligation to legislatively adopt any item if it is placed on the 2025 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 docket by approving Resolution No. 1664 (Exhibit 3).

Related to criterion (1)(b)(ii) at the bottom of page 2, 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 4 for a progress report on items proposed for the docket since 2020. In recent years, the City has often not completed legislative review of all the docketed items during the year in which they were docketed. Typically, one or more items have been carried over to the following year's work plan.

The Planning Commission schedule includes 11 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 2025 CPD work plan includes the following items; anything added to the docket for 2025 will need to be scheduled for review as a City Council priority or after the below items. Therefore, it is probable that any item docketed for 2025 will not receive legislative review until 2027 or later.

1. **Outstanding 2024 Annual Docket Items:** The City has several items that were included in the 2024 Annual Docket that have not yet received legislative review (see Exhibit 2). These items will remain in

the CPD work plan and work is expected to commence as resources allow. The following items should be addressed prior to any new items added to the 2025 Annual Docket:

- a. **Docket Reference No. 23-7:** Amend MICC 19.11 Town Center Development and Design Standards to add a “Government Services” use and the related development standards, initiated by the City of Mercer Island.
 - b. **Docket Reference No. 23-8:** Amend several chapters in Title 19 MICC in response to new requirements from the 2023 state legislative session. This includes amendments to the administrative code to implement new permit timelines (to comply with SB 5290), design standards and design review procedures to implement clear and objective review standards (to comply with HB 1293) and SEPA requirements will also be considered (per SB 5412), initiated by the City of Mercer Island.
 - c. **Docket Reference No. 23-9:** Amend several chapters in Title 19 MICC in response to housing-related legislation including HB 1110, HB 1337 and HB 1042, initiated by the City of Mercer Island. This work will begin as the periodic update of the Comprehensive Plan concludes in late 2024 and must be completed by June 30, 2025.
 - d. **Docket Reference No. 23-14:** Amend MICC 19.02.020(E) Building Height Limit and MICC 19.16.010 Definitions to add a provision related to the calculation of maximum downhill building façade height, initiated by Regan McClellan.
 - e. **Docket Reference No. 23-18:** Redesignate the Stroum Jewish Community Center and Mercer Island Country Club properties as Commercial Office on the Comprehensive Plan Land Use Map and rezone the JCC property to Commercial-Office, initiated by the Stroum Jewish Community Center.
2. **Interim Regulations:** The City has several interim regulations that will expire in 2025. These interim regulations will need to be renewed or replaced with permanent regulations prior to expiration. The current interim regulations that will need to be addressed in 2025 are:
- a. **Proposed Ordinance No. 24C-17** - Interim Regulations Related to Permit Processing in Chapters 19.15 and 19.16 MICC: First reading is scheduled for November 19, 2024, and second reading is scheduled for December 3, 2024. If adopted at the December 3, 2024 City Council Meeting, permanent regulations to replace these interim regulations would need to be adopted prior to December 15, 2025.
 - b. **[Ordinance No. 24C-03](#)** - Interim Regulations Related to Emergency Shelters and Housing, Transitional Housing, and Permanent Supportive Housing in MICC 19.16.010: These interim regulations will expire on April 1, 2025, and will need to be renewed or replaced prior to March 31, 2025.
 - c. **[Ordinance No. 24C-08](#)** - Emergency Ordinance to Adopt Interim Residential Parking Regulations Responsive to SB 6015: These interim regulations will expire on June 3, 2025, and will need to be renewed or replaced prior to June 2, 2025.
 - d. **[Ordinance No. 24C-07](#)** - Interim Regulations in MICC Title 19 for Temporary Uses (Outdoor Dining) and Structures: These interim regulations will expire on June 3, 2025, and will need to be renewed or replaced prior to June 2, 2025.

The existing CPD work plan is currently lengthy and represents a significant amount of CPD staff time, as well as a significant portion of the available Planning Commission, City Council, and community bandwidth.

NEXT STEPS

Any items placed on the 2025 docket will be added to the CPD work program for future Planning Commission and City Council legislative review.

RECOMMENDED ACTION

Approve Resolution No. 1664 setting the 2025 Docket with [the following proposals [insert proposal numbers) / no proposals] added to the future CPD work program.