



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

**AB 5645
December 10, 2019
Regular Business**

AGENDA BILL INFORMATION

TITLE:	AB 5645: 2020 Comprehensive Plan Amendment Docket	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution
RECOMMENDED ACTION:	Receive Planning Commission’s recommended 2020 Comprehensive Plan Docket and approve Resolution No. 1569 establishing the 2020 Comprehensive Plan amendment final docket.	

DEPARTMENT OF:	Community Planning and Development	Evan Maxim, Director
COUNCIL LIAISON:	n/a	
EXHIBITS:	1. Resolution No. 1569	
CITY COUNCIL PRIORITY:	n/a	

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

SUMMARY

BACKGROUND

Mercer Island City Code (“MICC”) Section 19.15.230(D) establishes a docketing process for the development of a Comprehensive Plan amendment “work program” for the following year. The docketing process requires that the Planning Commission review the preliminary docket of proposed Comprehensive Plan amendments and make a recommendation to the City Council as to which proposed amendments should be further analyzed and acted upon in 2020.

2020 DOCKETING PROCESS

Public notice was provided on August 21, 2019 and August 28, 2019 in the MI Reporter and the Weekly Bulletin. The City did not receive any proposed comprehensive plan amendments from the public. Comprehensive plan amendments should only be placed on the docket if the amendment will meet the following 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;*
 - 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."*

STAFF RECOMMENDATION TO THE PLANNING COMMISSION

CPD staff recommended to the Planning Commission to forgo amendments to the Comprehensive Plan in 2020 based on criterion "ii" of the docketing criteria. The current 2020 work plan for Community Planning and Development (CPD) and the Planning Commission is robust, with the following scheduled items:

- Community Facility code amendments;
- Sign code amendments;
- Small cell code amendments;
- Transportation Impact Fee code amendments;
- Ongoing regional growth strategy and growth target review;
- Review / report on the 2017 Residential Development Standards code amendments; and,
- Regular minor code amendment review.

In addition, there is non-Planning Commission-related work planned for 2020, that will require a significant amount of staff time, such as the departmental organizational assessment and upcoming commercial development projects. Following a review of the current 2020 work plan, CPD staff concluded that there is insufficient staff resources to accommodate review of the Planning Commission's proposed comprehensive plan amendments.

PLANNING COMMISSION REVIEW & RECOMMENDATION

On October 16, 2019, the Planning Commission reviewed the staff recommendation to forgo amendments in 2020 and discussed Planning Commission-identified amendments to the Comprehensive Plan. After deliberation, the Planning Commission made the following recommendations:

1. The City Council delay the "review and report back on the 2017 Residential Development Standards code amendments" until 2021.
2. Place two subjects on the Comprehensive Plan amendment docket: 1) economic development, and 2) authorizing the planting of trees in the public right-of-way and pass Resolution No. 1569 (see Exhibit 1), establishing a final docket of Comprehensive Plan amendments for 2020.

CITY COUNCIL ACTION

The City Council's role in the docketing process is described as follows:

“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 amendments. (MICC 19.15.230(D)(1)(d)).”

The threshold question for the City Council is whether the items on the preliminary docket should be further analyzed and considered by the Planning Commission, City Council, and community in 2020. The City Council is under no obligation to approve a proposed amendment just because it is on the final docket.

The decision to amend the Comprehensive Plan will come later in 2020 after SEPA environmental review, consideration of each item by the Planning Commission and City Council, and public hearing(s).

RECOMMENDATION

The Planning Commission recommends that the City Council:

1. Approve Resolution No. 1569 establishing the 2020 Comprehensive Plan amendment final docket;
and
2. Direct Community Planning and Development staff to delay the “review and report back on the 2017 Residential Development Standards code amendment” until 2021.