

**CITY OF MERCER ISLAND
ORDINANCE NO. 25C-14**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
AMENDING CHAPTER 3.34 OF THE MERCER ISLAND CITY CODE TO
DELEGATE DESIGN REVIEW AUTHORITY TO THE HEARING EXAMINER;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE.**

WHEREAS, in 2023 the Washington State legislature passed Engrossed Substitute House Bill (HB) 1293 (chapter 333, Laws of 2023) related to local design review, codified in the Revised Code of Washington (RCW) as section 36.70A.630; and

WHEREAS, RCW 36.70A.630(2) requires that locally adopted design standards must be clear and objective; and

WHEREAS, the City has established design standards in Title 19 Mercer Island City Code (MICC), the Unified Land Development Code; and

WHEREAS, the design standards in Title 19 MICC establish a design review process with design review authority assigned to a design commission; and

WHEREAS, the City has established a design commission in Chapter 3.34 of the MICC; and

WHEREAS, The Hearing Examiner is established in Chapter 3.40 of the MICC with the express function to conduct hearings and issue decisions upon applications as designated in the MICC; and

WHEREAS, by June 30, 2025, the City of Mercer Island will amend its design standards to comply with HB 1293 and RCW 36.70A.630; and

WHEREAS, amendments to comply with RCW 36.70A.630 will make the design review process objective in nature; and

WHEREAS, On June 3, 2025, the City Council directed staff to prepare an ordinance that would transfer design review authority from the design commission to the Hearing Examiner and dissolve the design commission with the same effective date as the ordinance to amend the design standards to comply with RCW 36.70A.630.

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

Section 1. Chapter 3.34 MICC Amended. Chapter 3.34 MICC, Design Commission, is amended as set forth in Exhibit A.

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 on June 30, 2025, provided five days have passed since the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS MEETING ON JUNE 17, 2025.

CITY OF MERCER ISLAND

Salim Nice, Mayor

Approved as to Form:

ATTEST:

Bio Park, City Attorney

Andrea Larson, City Clerk

Date of Publication:

**Exhibit A
To Ordinance No. 25C-14**

Chapter 3.34 MICC – Design Commission

3.34.005 – Hearing Examiner serving as Design Commission

A. The Hearing Examiner will serve as the Design Commission for all quasi-judicial functions assigned and delegated to the Design Commission in the Mercer Island City Code. All quasi-judicial functions and jurisdiction of the Design Commission are transferred and assigned to the Hearing Examiner, who will perform them with delegated authority from the City Council.

B. All other functions and jurisdiction of the Design Commission that are not quasi-judicial are assigned and delegated to the code official.

C. The membership of the Design Commission is otherwise dissolved.

~~3.34.010 Established.~~

~~There is established a design commission as provided for below and which shall have the further powers, duties and functions as provided in MICC 19.15.220.~~

~~3.34.020 Purpose—Function and jurisdiction.~~

~~As provided and further elaborated in MICC 19.15.220, no building permit or other required permit shall be issued by the city for any regulated improvement without prior approval of the design commission, and no significant changes shall be made in or to an architectural feature of any regulated improvement without the prior approval of the design commission.~~

~~3.34.030 Membership.~~

~~A. *Qualifications.*~~

- ~~1. *Specialists.* To achieve broad based representation, there shall be appointed at least one member from each of the following specialties: architecture, landscape architecture, urban planning, and civil engineering. To qualify for appointment, it shall be demonstrated that the applicant's primary work related experience has been in the particular field for which he/she is appointed. If no certified specialists seek or are available for appointment, persons who are knowledgeable in matters of design and aesthetic judgment by training, education, and/or experience shall be appointed.~~
- ~~2. *Lay members.* In addition to the members representing the specialties identified above, there shall be at least two lay members. One of the lay members must own property or a business within the city's business or commercial areas.~~
- ~~3. *Representation.* An intent of the appointment process shall be to evenly represent the areas of interest as stated above and reflect the city's diverse community. Appointed members shall represent the public interest and not specific interest groups.~~

~~B. *Members.*~~

- ~~1. *Number.* The design commission shall consist of seven members, serving in nonpartisan positions.~~

~~2. *Residency.* City residency is preferred, but not required. A nonresident member must own property that is situated in or a business whose principal office is located within the city's business or commercial areas during the nonresident member's term; if the nonresident member sells their property or business during their term, they must promptly resign (but in no event later than 30 days after the closing of such sale). At least five of the members shall be city residents.~~

~~3. *Term.* The term of each member is four years and expires on May 31 of the last year of the term or until the member's successor is appointed. The year of expiration of the terms of the positions shall be staggered with the following groups of positions expiring in successive years: positions 1 and 2; positions 3 and 4; position 5; positions 6 and 7.~~

~~4. *Term limits.* No member shall serve more than two consecutive terms. If a member is appointed to a vacancy with two or more years remaining on the term, that term will be deemed a full term. If a member is appointed to a vacancy with less than two years remaining in the term, that term will not count toward the two consecutive term limit.~~

~~5. *Staff liaison.* The city manager shall appoint a staff liaison to assist with support services for the design commission. Such staff support shall include, but not be limited to, the development of work plans and schedules, guidelines and procedures, correspondence, and agenda preparation and distribution.~~

~~C. *Appointment.* Appointments to the design commission will be made by a vote of the city council during a regularly scheduled meeting. Members shall serve without compensation.~~

~~D. *Removal.* Members may be removed by the mayor and deputy mayor, with the concurrence of the city council, for neglect of duty, conflict of interest, malfeasance in office, or other just cause, or for unexcused absences from more than three consecutive regular meetings. The decision of the city council shall be final and there shall be no appeal therefrom. Members finding themselves unable to regularly attend meetings are expected to resign and notify the chair and staff liaison.~~

3.34.040 Meetings—Organization.

The design commission shall determine the time and place of its meetings and other rules and regulations, which shall be on file with the city clerk.