

**CITY OF MERCER ISLAND
ORDINANCE NO. 24C-12**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
RENEWING THE INTERIM ZONING AND OFFICIAL CONTROLS ADOPTED IN
ORDINANCE NO. 23C-10; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City’s police power and is specifically authorized by RCW 35A.63.100; and

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations; and

WHEREAS, local project review processes are governed by Chapter 36.70B RCW; and

WHEREAS, the Washington State legislature recently passed SB 5290, which amends Chapter 36.70B RCW to set new requirements for the processing of project permit applications; and

WHEREAS, SB 5290 became effective on July 23, 2023, with the exception that Section 7 relating to maximum permit review times which is not effective until June 30, 2025; and

WHEREAS, the City Council has determined that to comply with SB 5290 and thoroughly analyze permanent regulations, interim development regulations adopted under the provisions of RCW 36.70A.390 are necessary to allow adequate time for the City to adopt permanent development regulations in compliance with SB 5290; and

WHEREAS, the City of Mercer Island adopted interim regulations on July 18, 2023 with Ordinance No. 23C-10 amending portions of the development code in Title 19 Mercer Island City Code (MICC) to comply with SB 5290; and

WHEREAS, the City must renew these interim regulations or adopt permanent regulations to remain in compliance with State law as amended by SB 5290; and

WHEREAS, the City is authorized under RCW 35A.63.220 and 36.70A.390 to renew interim zoning and official controls for an additional six-month period, provided a public hearing is held prior to renewal; and

WHEREAS, the City Council held a public hearing on July 2, 2024 thereon; and

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

Section 1: **Whereas Clauses Adopted.** The “Whereas Clauses” set forth in the recitals of this ordinance are hereby adopted as the findings and conclusions of the City Council for passing this ordinance.

Section 2: **Interim Zoning and Official Controls Renewed.** The interim zoning and official controls adopted in Ordinance No. 23C-10 are renewed.

Section 3: Duration of Interim Zoning and Official Controls. The interim zoning and official controls renewed by this ordinance shall be effective for a period of six months, unless repealed, extended, or modified by the City Council.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the amended code section.

Section 5: Effective Date. This ordinance shall take effect and be in force 5 days after its passage and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AT ITS MEETING ON JULY 2, 2024.

CITY OF MERCER ISLAND

Salim Nice, Mayor

Approved as to Form:

ATTEST:

Bio Park, City Attorney

Andrea Larson, City Clerk

Date of Publication: _____