



PLANNING COMMISSION REGULAR HYBRID MEETING AGENDA

Wednesday, July 23, 2025 at 6:00 PM

PLANNING COMMISSIONERS

Chair: Dan Thompson
Vice Chair: JB Gibson
Commissioners: Kate Akyuz,
Nazim Nice, and Anthony Perez

LOCATION

Mercer Island Community & Event Center and Zoom
8236 SE 24th Street | Mercer Island, WA 98040
(206) 275-7706 | www.mercerisland.gov

We strive to create an inclusive and accessible experience. Those requiring accommodation for Planning Commission meetings should notify the Deputy City Clerk's Office 3 days prior to the meeting at (206) 275-7793 or by emailing cityclerk@mercerisland.gov.

Individuals wishing to speak live during Public Appearances (public comment period) must register with the Deputy City Clerk at (206) 275-7791 or cityclerk@mercerisland.gov by 4pm on the day of the Planning Commission meeting. Each speaker will be allowed three (3) minutes to speak.

Join the meeting at 6:00 pm (Public Appearances will start sometime after 6:00 PM) by:

- 1) **Telephone:** Call 253.215.8782 and enter Webinar ID **820 1413 6886**, Passcode **064604**.
- 2) **Zoom:** Click this [Link](#) (Webinar ID **820 1413 6886**, Passcode **064604**)
- 3) **In person:** Mercer Island Community & Event Center | 8236 SE 24th Street, Mercer Island, WA 98040

CALL TO ORDER & ROLL CALL, 6 PM

PUBLIC APPEARANCES

This is the opportunity for anyone to speak to the Commission about issues of concern. Please limit your comments to three minutes.

REGULAR BUSINESS

1. Planning Commission Meeting Minutes

Recommended Action: Approve the June 10, 2025 Special Meeting minutes.

2. PCB25-13: Permanent Regulations for Temporary Uses and Structures Including Outdoor Dining (Third Reading)

Recommended Action: Recommend amendments and/or adoption of the proposed permanent regulations related to temporary uses and structures (see agenda bill for more information).

3. PCB25-14: Study Session – Omnibus Ordinance Related to Permanent Regulations for Housing Production and Permit Streamlining

Recommended Action: Complete a Study Session. No Planning Commission action required.

OTHER BUSINESS

4. Staff Report

ADJOURNMENT



PLANNING COMMISSION SPECIAL MEETING MINUTES

Tuesday, June 10, 2025

Item 1.

CALL TO ORDER

The Planning Commission was called to order by Chair Thompson at 6:02 pm.

Planning Commissioners Kate Akyuz, JB Gibson, Anthony Perez, and Dan Thompson were present.

Commissioner Nazim Nice was absent.

Staff Participation:

Jeff Thomas, Director (Remote)

Alison Van Gorp, Deputy CPD Director

Molly McGuire, Senior Planner

Carson Hornsby, Management Analyst

Kim Adams-Pratt, Contract Legal Counsel

Deb Estrada, Deputy City Clerk

PUBLIC APPEARANCES – There were no public appearances.

REGULAR BUSINESS

1. Planning Commission Meeting Minutes of May 28, 2025, Regular Meeting:

A motion was made by Gibson; seconded by Perez to:

Approve the minutes.

Passed 4-0

2. PCB25-12: Public Hearing on Permanent Regulations for Temporary Uses and Structures Including Outdoor Dining (Second Reading)

The public hearing was opened at 6:07 PM

There being no public comments, the public hearing was closed at 6:07 PM

Motion by Akyuz; seconded by Gibson to:

Recommend that the City Council adopt the proposed amendments to MICC 19.06.050 – Commerce on public property as amended; proposed new section MICC 19.06.130 – Temporary use permits as amended; and proposed amendments to MICC 19.15.030 – Land use review types as amended.

Motion by Gibson; seconded by Akyuz to:

Approve the minor amendments 1, 10, 17, 21, 22, & 24

Passed 4-0

Passed 4-0

Motion by Akyuz; seconded by Gibson to

[LOG 2b]

A. The purpose of this chapter is to allow for the safe, healthful and aesthetic use of public property for the benefit of private commerce. The provisions of this chapter do not exempt proposed activities from compliance with other titles of the Mercer Island City Code.

Passed 4-0

Motion by Akyuz; seconded by Perez to

[LOG 3b]

B. The provisions of this section shall apply only to public sidewalks, streets and rights-of-way within the Town Center zone, Planned Business Zone, and Commercial Office zone.

Passed 4-0

Motion by Perez; seconded by Akyuz to

[LOG 6b]

2. The location of the private commerce on public property business activity does not create a safety, noise, or environmental hazard for motorists, bicyclists or pedestrians

Passed 4-0

Motion by Akyuz; seconded by Perez to

[LOG 7c]

a. The business private commerce on public property location maintains sufficient area for the free passage of pedestrians per ADA standards, along sidewalks and access to other adjacent businesses.

Passed 4-0

Motion by Thompson; seconded by Gibson to

[LOG 6a]

b. The business private commerce on public property location does not obstruct the views of motorists turning into or out of a street or parking lot.

Passed 4-0

Motion by Thompson; seconded by Perez to

[LOG 11a]

6. The location of a private commerce on public property business engaged in the sale of alcoholic beverages is separated from the public space with a barrier, fence, landscaping or other demarcation.

Passed 4-0

Motion by Gibson; seconded by Akyuz to

[LOG 12b]

L. A commerce on public property authorization does not constitute a surrender by the city of any property rights to the right-of-way. Additionally:

1. The City Engineer may require removal of improvements associated with commerce on public property if it is determined to create a hazard or as required to perform scheduled or ongoing maintenance, public works projects, emergency operations, or other municipal activities.

Passed 4-0

Motion by Gibson; seconded by Perez to

[LOG 13b]

8. The total number of public parking stalls occupied by the commerce on public property activity may not exceed two public parking stalls immediately adjacent to the business associated with the activity.

Passed 4-0

Motion by Gibson; seconded by Akyuz to

[LOG 14b]

L.* Temporary uses and structures associated with commerce on public property operating for seven calendar days or less in any given 90-calendar day period do not require a permit. Nothing in this section exempts commerce on public property activities from compliance with the criteria in MICC 19.06.050(D), Criteria for permit.

Passed 4-0

Motion by Thompson; seconded by Akyuz to:

[LOG 15d]

The provisions of this section shall not apply to the annual event known as the “Mercer Island Farmers Market,” or the annual city sponsored event known as “Summer Celebration”.

Motion by Akyuz; seconded by Thompson to amend the motion:

The provisions of this section shall not apply to the annual event known as the “Mercer Island Farmer’s Market,” or the annual city sponsored event known as “Summer Celebration” or other events sponsored fully or in part by the City.

Passed 4-0

Motion Passed as Amended 4-0

Motion by Akyuz; seconded by Gibson to:

Table the main Motion to July 23 Meeting

“Recommend that the City Council adopt the proposed amendments to MICC 19.06.050 – Commerce on public property as amended; proposed new section MICC 19.06.130 – Temporary use permits as amended; and proposed amendments to MICC 19.15.030 – Land use review types as amended.”

Passed 4-0

(10 minute recess 8:40 to 8:50)

3. PCB25-11: Park Zone Code Amendment

Carson Hornsby, Management Analyst, briefly summarized the Park Zone Code Amendment process to date.

Motion by Gibson; seconded by Akyuz to:

Recommend that the City Council adopt the proposed new section MICC 19.05.050 – Parks Zone; new section MICC 19.05.060 – Parks Zone Development Standards; and proposed amendments to MICC 19.16.010 – Definitions and MICC 19.01.040 – Zone Establishment.”

Motion by Akyuz; seconded by Gibson to amend purpose statement to read:

A. Purpose. The purpose of the Parks Zone is to preserve and maintain parks which provide green space, shoreline access, recreation and conservation opportunities, and social spaces for individuals and gatherings.

Passed 4-0

Motion by Gibson; and duly seconded to amend uses permitted to:

Add multipurpose facilities [as written]

Passed 4-0

Motion by Thompson; seconded by Perez to amend B3 as follows:

3. The following developments are exempt from setback requirements: fences, gates, culverts, landscaping, furnishings, bollards, signs, kiosks, parking areas, and utilities, except as follows:
- a. Parking areas located adjacent to property that is zoned R-8.4; R-9.6; R-12; or R-15 require a 20-foot setback.

Passed 4-0

Motion by Gibson; seconded by Thompson to adopt as written:

D. Trail Standards.

1. Trails shall be constructed with a maximum width of 12 feet.
- a. Trail width shall be inclusive of hardscape materials used to create a smooth surface for walking, biking or other recreational activities such as concrete, asphalt and crushed gravel.
- b. Softscape materials such as grass, vegetation, and mulch will not be included in the trail width.

Motion by Akyuz; seconded by Perez to:

Amend Trail Standards, Section 1, to add bullet c. as follows:

Trails located in Aubrey Davis Park are exempt from this trail standard.

Failed 2-2

Failed 2-2

Motion by Akyuz; seconded by Perez to:

add “such as the PROS Plan and Capital Improvement Program” after City Council approval under G(1). Impervious Surface, Section 1

Passed 4-0

Motion by Akyuz; seconded by Gibson:

Add exemption for temporary structures under G. Impervious Surface, Section 1

Passed 3-1 (Thompson)

Motion by Perez; seconded by Akyuz to:

Adopt Section H (1), (2), and (3) as presented by staff

Passed 4-0

Motion by Akyuz; seconded by Perez to:

Include the term “shell houses” after “piers”

Passed 4-0

Motion by Akyuz; seconded by Perez to:

Amend definition for recreational uses to include “water-dependent recreation” after “play equipment,”

Passed 4-0

Main motion passed as amended 4-0

Motion by Thompson; seconded by Gibson to:

Write a letter to WSDOT regarding AD Park, explaining the different uses and regulatory limits in the P1 zone

Passed 3-1 (Perez)

Motion by Gibson; seconded by Thompson to:

That the Planning Commission endorse the PRC's recommendation to engage with the Arts Council for future art installations within the Parks Zone.

Passed 3-1 (Akyuz)

Item 1.

OTHER BUSINESS

4. Staff Report

Deputy Director Alison Van Gorp reported that the next meeting is July 23, and the topics will address temporary uses and structures, and permanent regulations for housing production and permit streamlining.

ADJOURNED - The meeting adjourned at 9:50 pm

Deborah Estrada, Deputy City Clerk

DRAFT



PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 25-13
July 23, 2025
Regular Business

AGENDA BILL INFORMATION

TITLE:	PCB 25-13: Permanent Regulations for Temporary Uses and Structures Including Outdoor Dining (Third Reading).	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Recommendation
RECOMMENDED ACTION:	Recommend amendments and/or adoption of the proposed permanent regulations related to temporary uses and structures.	

STAFF:	Molly McGuire, Senior Planner
EXHIBITS:	1. Draft Permanent Regulations for Temporary Uses and Structures

EXECUTIVE SUMMARY

The purpose of this agenda bill is to recommend the adoption of permanent regulations for temporary uses and structures in place of interim regulations which were originally adopted on June 4, 2024, under [Ordinance No. 24C-07](#) and renewed for an additional 6-months on May 20, 2025 under [Ordinance No. 25C-07](#).

- Temporary uses and structures are development or activities that take place on a property for a limited duration. They can include a wide range of development and activities from garage sales to outdoor festivals.
- Prior to 2024, the City did not have a permit process for temporary uses or structures and the development code lacked clarity about how such structures and uses were regulated. As a result, some temporary uses and structures were not allowed.
- At its December 5, 2023 meeting, the City Council docketed a project to develop regulations for temporary uses and structures when it approved [Resolution No. 1655](#).
- On June 4, 2024, the City Council adopted Ordinance No. 24C-07, which established the following:
 - Interim regulations and permitting procedures for temporary structures and uses, and
 - A work plan for developing permanent regulations for temporary structures and uses by the second quarter of 2025.
 - The interim regulations will expire in June 2025 unless the City adopts permanent regulations or renews the interim regulations.
- Staff prepared an initial draft of permanent regulations for temporary uses and structures for the Planning Commission to review and provide initial comments on.
- The draft regulations would establish:
 - Development standards for temporary uses and structures on real property not owned by the City of Mercer Island ("private property");
 - Development regulations to continue a pandemic-era allowance for outdoor dining use within public rights of way and private parking spaces; and
 - A permitting process for temporary uses and structures.
- On February 26, 2025, the Planning Commission held a first reading of the draft permanent regulations and provided initial feedback to staff.

- The Planning Commission provided comments and proposed amendments to the draft regulations, which were compiled and categorized by staff and can be found in [PCB25-12](#).
- On June 10, 2025, the Planning Commission held a public hearing to discuss the proposed amendments and draft regulations and directed staff to draft additional amendments.
- Staff updated the draft regulations to incorporate the Planning Commission input provided on June 10, 2025 (Exhibit 1).
- The Planning Commission should review the updated draft regulations and arrive at a recommendation during its meeting on July 23, 2025.

BACKGROUND

In 2023, the City Council approved [Resolution No. 1655](#) setting the 2024 Docket, which added Comprehensive Plan and development regulation amendments to the City's Work Plan. City Council directed staff to proceed with developing interim regulations to address two docketed items related to temporary uses and structures and renew the existing interim regulations for outdoor dining. More information on the background of the interim regulations is provided in [PCB25-05](#), from the February 26, 2025 Planning Commission meeting.

The Planning Commission held a regular meeting on February 26, 2025, where it had the first reading of the draft regulations for temporary uses and structures. The Commission provided initial feedback on the draft regulations and asked staff questions related to various topics. Staff requested that the Planning Commissioners provide comments, amendments, and questions and established a deadline for these materials to be submitted, prior to the previously scheduled March 26, 2025, public hearing. The March 26, 2025, public hearing was canceled and rescheduled for June 10, 2025.

Planning Commission Feedback

During the June 10, 2025 public hearing, the Planning Commission made motions to recommend the following Log Numbers be incorporated into the draft of code amendments:

1, 2b, 3b, 6a, 6b, 7c, 10, 11a, 12b, 13b, 14b, 15d (as amended), 17, 21, 22, and 24.

These amendments are shown in strikethrough/underline format in Exhibit 1. Details of these amendments can be found in [PCB25-12](#).

Buckets

The Planning Commission also provided the following feedback on each of the three "Buckets" presented by staff at the June 10 public hearing. This feedback is summarized below:

Bucket 1 – Exemptions. Bucket 1 determined what temporary uses require a temporary use permit and what types do not require an additional land use authorization. Bucket 1 addressed proposed Log Nos. 19, 20, 21, 22, 23, 42, and 43.

Planning Commission Feedback on Bucket 1. The Planning Commission directed staff to draft regulations that address the following:

- Exemptions for uses which comply with the development regulations of the underlying zone may be allowed for a period of seven days over any given 90-day period.
- Exemptions for uses which do not comply with the development regulations of the underlying zone may be allowed for a term of less than 48 hours.
- No restrictions should be imposed on the size of tents associated with garage sales, yard sales, and estate sales.

Bucket 2 – Normal Temporary Uses. Bucket 2 determined which will be “normal” and which temporary uses that require a permit will be a “deviation”. Deviations are further addressed in Bucket 3. Bucket 2 addressed proposed Log Nos. 18, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 44, and 45.

Planning Commission Feedback on Bucket 2. The Planning Commission directed staff to draft regulations that address the following:

- Temporary use permits (permits for “normal” temporary uses) should follow the Type II land use review process.
- Temporary use permits should be valid for five years and eligible for renewal up to four times (expire after 20 years).
- “Normal” temporary uses must meet the development standards in the underlying zone. Those that do not meet the development standards would only be allowed for less than 48 hours or through the approval of a deviation.
- No additional criteria for approval over and above the criteria established for “normal” temporary uses is necessary.

Bucket 3 – Temporary Use Deviations. Bucket 3 determined the process and criteria by which temporary uses cannot meet the “normal” standards may be authorized. This is the process by which unusual or exceptional uses may be permitted. This will be referred to as a “temporary use deviation”. Bucket 3 addressed proposed Log Nos. 24, 25, 26, 27, 28, 29, 30, 34, 40, 41, 45, and 48.

Planning Commission Feedback on Bucket 3. The Planning Commission directed staff to draft regulations that address the following:

- Temporary use deviations should be processed as a Type III land use review.
- Temporary use deviations should be valid for five years and eligible for renewal up to four times (expire after 20 years).
- The renewal process should be an abbreviated process through a Type II land use review.
- Draft criteria that address screening, setbacks, building height, and public benefit.

ISSUE/DISCUSSION

PROPOSED CODE AMENDMENTS

The draft regulations provided in Exhibit 1 were created in response to the Planning Commission’s direction at the June 10, 2025 public hearing. These amendments are considered “substantive” and require the Planning Commission’s review. The substantive amendments were sorted into two categories.

Category A – As outlined above, the Planning Commission provided direction for staff to draft amendments to respond to three topics: exemptions, “normal” temporary uses, and temporary use “deviations”. Staff has incorporated these amendments into the draft and grouped them under the heading of Category A. This category is sorted into three subsections that align with the three buckets presented at the June 10, 2025 public hearing.

- A1. Amendments in response to the feedback provided for Bucket 1, exemptions.
- A2. Amendments in response to the feedback provided for Bucket 2, “normal” temporary uses.
- A3. Amendments in response to the feedback provided for Bucket 3, temporary use “deviations”.

Summary of Amendments in Subsection A1 – Exemptions

Subsection A1 includes amendments in response to the Planning Commission’s feedback related to “exemptions”. MICC 19.06.130(D) was restructured to include the applicability of the Exemptions section, and

two provisions were added to address the time limitations for temporary uses and structures which do and do not meet the development standards of the underlying zone. Any temporary use or structure which does not meet the development standards of the underlying zone may be allowed for up to 48 hours, while any temporary use or structure that meets the development standards of the underlying zone may be allowed for up to seven days over any given 90-day period, without requiring a land use permit. All temporary uses and structures, regardless of whether a land use permit is required, are still subject to the criteria for approval in MICC 19.06.130(E), which would be enforced through the City's standard code enforcement process.

Summary of Amendments in Subsection A2 – “Normal” Temporary Uses

Subsection A2 includes amendments in response to the Planning Commission's feedback related to “normal” temporary uses, or those temporary uses and structures which require a temporary use permit subject to the criteria listed in MICC 19.06.130(E).

These temporary uses and structures permit would be subject to the Type II land use review process, and permits would be valid for five years. The Planning Commission requested that staff incorporate a renewal process for these types of permits, and the renewals should also be subject to the Type II land use review process. Rather than create a separate renewal process that would be substantially the same as the original permit application, the proposed draft simply requires a new application every five years. Unless the proposal has changed, the applicant can submit the same application materials every five years to renew the temporary use permit.

Summary of Amendments in Subsection A3 – Temporary Use “Deviations”

Subsection A3 includes amendments in response to the Planning Commission's feedback related to temporary structure “deviations”. The updated draft proposes the following requirements for Temporary structure deviations:

- They must meet all of the criteria for approval in subsection (E) and (F).
- They will be processed as a Type III land use review.
- They include an option for an abbreviated renewal process every five years, over a 20-year period.
- The criteria for approval addresses screening, setbacks, building height, and public benefit. The screening requirement includes the following considerations:
 - The proposed screening requirement would only be required for those temporary structure deviations that would be in operation for more than 30 days.
 - The staff recommendation is for the required screening to be temporary because the use or structure it would screen would also be temporary. Requiring permanent screening, such as landscaping, for temporary uses could run the risk of the requirement being out of proportion with the proposed development.
 - The terminology used in the proposed screening standard is also intentionally broad to allow the applicant to be able to propose temporary sight-obscuring screening that makes sense for the use, site, and budget for the temporary structure.

Category B – Amendments recommended or initiated by staff. Staff propose the amendments in Category B to maintain consistency after addressing the Planning Commission input in Category A. Category B includes eight amendments, which are included in Exhibit 1 and summarized below. During the July 23 meeting, staff will walk the Planning Commission through the eight amendments in Category B. The Planning Commission can then make a motion to address all of Category B at once. If the Planning Commission would like to discuss any one of the amendments in Category B further, they can use the following reference numbers:

- B1. Adds “structures” to the title and permit requirements in MICC 19.06.130(B)(1) to clarify that this chapter is for both temporary uses and structures.
- B2. Establishes a term limit for garage, yard, estate, rummage, and other outdoor sales of 30 days in a calendar year in MICC 19.06.130(D)(3) and (4). Also changes the term “church” to “place of worship” for consistency with existing definitions.

- B3. An amendment to MICC 19.06.130(D)(5)(a) by Commissioner Nice for construction-related activities, which was originally Log 20 and pulled from the “minor” amendments category during the June 10 hearing due to last minute amendments and a desire for further discussion. The amendment includes establishing a specific size limitation for contractor’s offices, adds “equipment” to clarify the applicability of “servicing” and sets a duration that is only intended for the equipment servicing. Staff amended a portion of the original amendment to call out the specific zones, instead of using the general “R zone” term. This item also includes an amendment to MICC 19.06.130(D)(5)(b) to add “equipment” for consistency.
- B4. Adds three additional criteria to MICC 19.06.130(E)(1) for criteria for approval. These criteria were originally included in the additional approval criteria for mobile food vendors and outdoor dining. These uses have since been included in the “normal” temporary uses category. The three criteria related to additional permits and approval from other agencies and parking are recommended to be included in the general criteria for approval section for all temporary uses.
- B5. An amendment to MICC 19.06.130(E)(1)(i) by Commissioner Nice for mechanical equipment, which was originally Log 29b. Staff recommend including this amendment for the setbacks established for mechanical equipment abutting properties within the single-family zone.
- B6. Establishes a time limitation in MICC 19.06.130(G) and (H) for all temporary uses and structures. This amendment also includes an option for extension by the code official.
- B7. Removes reference to the Design Commission in MICC 19.06.050(E), which has been dissolved.
- B8. Amends MICC 19.15.030(H) Table A to include the permit types as established in Bucket A and shown in Exhibit 1.

NEXT STEPS

A City Council briefing on the PC recommendation and first and second reading of an ordinance to adopt permanent regulations for temporary structures and uses will be scheduled this fall, after the conclusion of the August legislative recess.

RECOMMENDED ACTION

Staff recommend the following motions. The secondary motions should be resolved before completing the Planning Commission recommendation by voting on the main motion.

Main Motion: “Move to recommend that the City Council adopt the proposed amendments to MICC 19.06.050 – Commerce on public property as amended; proposed new section MICC 19.06.130 – Temporary use permits as amended; and proposed amendments to MICC 19.15.030 – Land use review types as amended.”

Note: this motion was made on June 10, 2025 and tabled for discussion on July 23, 2025. The Planning Commission can begin making amendments by motion as it sees fit.

Secondary Motion – Category A: “Move to approve the amendments listed under Category A as presented in PCB 25-13.”

Secondary Motion – Category B: “Move to approve the amendments listed under Category B as presented in PCB 25-13.”

[LOG 1]**MICC 19.06.050 – Commerce and Temporary Structures on Public Property.**

Category

[LOG 2b]

- A. The purpose of this chapter is to allow for the safe, healthful and aesthetic use of public property for the benefit of private commerce. The provisions of this chapter do not exempt proposed activities from compliance with other titles of the Mercer Island City Code.

[LOG 3b]

- B. The provisions of this section shall apply only to public sidewalks, streets and rights-of-way within the Town Center zone, Planned Business Zone, and Commercial Office zone.

[LOG 14b]

- C. Any person(s), corporation, or company who wishes to use the public right-of-way for the exchange of goods or service shall apply for a private commerce on public property permit, except as provided below. Such permit shall be in the form specified by the code official and shall contain such information as deemed necessary by the code official.

1. Temporary uses and structures associated with commerce on public property operating for seven calendar days or less in any given 90-calendar day period do not require a permit. Nothing in this section exempts commerce on public property activities from compliance with the criteria in MICC 19.06.050(D), Criteria for permit.

- D. *Criteria for permit.* A private commerce on public property permit shall be reviewed based on the following criteria:

1. The applicant business has an active business license for a location immediately adjacent to the public property location where the request has been made.

[LOG 6b]

2. The location of the private commerce on public property business activity does not create a safety, noise, or environmental hazard for motorists, bicyclists or pedestrians

[LOG 7c]

- a. The business private commerce on public property location maintains sufficient area for the free passage of pedestrians per ADA standards, along sidewalks and access to other adjacent businesses.

[LOG 6a]

- b. The business private commerce on public property location does not obstruct the views of motorists turning into or out of a street or parking lot.
- 3. The business operation does not generate litter, noise or other nuisances that would be objectionable to the public or other businesses in the immediate area.
 - a. Adequate refuse containers shall be provided.
 - b. Hours of operations are sensitive to the surrounding neighborhood.
 - c. No music or sound is amplified.
 - d. The area can be maintained in a clean condition.
 - e. Physical improvements can be removed or secured when not in operation.
- [LOG 10]**
 - ~~4. The design for any non-temporary improvements is consistent with the design requirements for the Town Center plan.~~
 - 45. The location and design do not unreasonably obstruct the visibility of any adjacent businesses.
- [LOG 11a]**
 - 56. The location of a private commerce on public property business engaged in the sale of alcoholic beverages is separated from the public space with a barrier, fence, landscaping or other demarcation.
 - 6. The total number of public parking stalls occupied by the commerce on public property activity may not exceed two public parking stalls immediately adjacent to the business associated with the activity.
- E. A permit to operate a private business on public property shall be reviewed and approved by the design commission; provided, that occasional, temporary business operations involving temporary structures and/or temporary right-of-way obstructions may be approved by the code official. ~~Permit applications from one or a group of existing eating and drinking establishments at Mercer Island to temporarily operate private business on public property during the effective period set forth in section 6 of Ordinance No. 21C-25 shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission.~~ Permit applications from existing eating and drinking establishments at Mercer Island to temporarily provide outdoor food and beverage service on public property adjacent to the eating and drinking establishment shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission.

B7

- F. All permittees must comply with all applicable city, county, state and federal laws, including the International Fire Code.
- G. Permits for ongoing commercial use on public property shall be subject to renewal annually on the date of the original permit approval. Failure to submit a renewal request within 30 days of the annual renewal date shall result in the suspension of the permit.
- H. The revocation of a permit shall be governed by chapter 6.10 MICC.

[LOG 15d]

- I. The provisions of this section shall not apply to the annual event known as the “Mercer Island Farmers Market,” or the annual city sponsored event known as “Summer Celebration” or other events sponsored fully or in part by the City.
- J. The code official may require a bond or assignment of funds as set out in MICC 19.01.060(C) to ensure that public property subject to commercial use under this section is restored to its former condition immediately following cessation of the commercial use.
- K. The code official may require evidence of insurance, indemnification or other measures deemed necessary and sufficient to limit the city's liability for the acts or omissions of persons, corporations, or companies seeking and obtaining permission to use public property for commercial purposes.
- L. A commerce on public property authorization does not constitute a surrender by the city of any property rights to the right-of-way. Additionally:
 - 1. The City Engineer may require removal of improvements associated with commerce on public property if it is determined to create a hazard or as required to perform scheduled or ongoing maintenance, public works projects, emergency operations, or other municipal activities.

MICC 19.06.130 – Temporary Use and Structure Permits.

- A. *Purpose and applicability.* A temporary use permit authorizes a use or conforming structure on private property on a short-term basis. Temporary encampments are not considered temporary uses for purposes of this section and are instead subject to the requirements contained within MICC 19.06.090.
- B. *Permit required.*
 - 1. No temporary use or structure shall be permitted within the city except in accordance with the provisions of this chapter. A temporary use permit is required for temporary uses and structures except those specifically exempted pursuant to MICC 19.06.130(D).

2. The property owner or their authorized agent may apply for a temporary use permit on private property.
 3. Any temporary use or structure authorized by this chapter may be subject to other permitting and review requirements of the MICC and/or other public agencies.
- C. *Application.* ~~The a~~Applications for a temporary use permits, temporary structure deviation permits, and renewal of temporary structure deviation permits shall be submitted on forms obtained from the Community Planning & Development Department, and consistent with MICC 19.15.060. The application shall contain all information deemed necessary by the code official to determine if the proposed permit or action will comply with the requirements of this section. The Community Planning & Development Department shall verify that the application is consistent with the requirements of this chapter, and that the application contains proof of a valid business license, if applicable.
1. Temporary use permit applications shall be processed as a Type II land use review, pursuant to MICC 19.15.030 Land Use Review Types, and are subject to MICC 19.06.130(E), Criteria for approval. Temporary use permit approvals shall be valid for five years.
 2. Temporary structure deviation permit applications shall be processed as a Type III land use review, pursuant to MICC 19.15.030 Land Use Review Types, and are subject to MICC 19.06.130(E), Criteria for approval and MICC 19.06.130(F), Temporary structure deviation criteria. Temporary structure deviation permit approvals shall be valid for five years, with the option for renewal.
 3. Applications for renewal of temporary structure deviation permits shall be processed as a Type II land use review, pursuant to MICC 19.15.030 Land Use Review Types, and subject to the following criteria:
 - a. Temporary structure deviation permits shall not be eligible for renewal 20 years after the date of original approval. After 20 years, a new temporary structure deviation permit is required.
 - b. Documentation must be provided that all conditions of permit approval have been met.
 - c. No changes to the use, structure, or associated deviation have been made.
 - d. A complete application must be submitted to the Community Planning & Development Department at least 90 days prior to expiration.
 - e. Renewals shall be valid for five years.

D. Exemptions. The following temporary uses and structures are exempt from the permit requirements of this chapter but shall comply with other substantive requirements of this chapter unless specifically noted otherwise:

A1

~~1. The following activities on private property are exempt from the permit requirements of this chapter, but shall comply with other substantive requirements of this chapter, unless specifically noted otherwise:~~

1. Any temporary use or structure that can meet the development standards of the underlying zone applicable to the site on which the temporary use or structure is located may be allowed provided the term does not exceed seven days within any given 90-day period;

2. Any temporary use or structure that cannot meet the development standards of the underlying zone applicable to site on which the temporary use or structure is located may be allowed with a maximum duration of 48 hours;

3. Garage sales, yard sales, and estate sales conducted by or on behalf of the occupant(s) of a residential dwelling, provided the use does not exceed 30 days in a calendar year;

B2

4. Rummage and other outdoor sales sited at a school, church, place of worship, or other nonresidential institutional facility, provided the use does not exceed 30 days in a calendar year;

5. Exemptions for Construction-Related Activities: The following uses and structures do not require a temporary use permit, provided they are associated with an approved land use application and/or construction permit:

a. When located in the [R-8.4, R-9.6, R-12, and/or R-15 zones], a single contractor's office under 400 square feet, storage yard, and equipment parking and equipment servicing (not to exceed 8 hours in duration) on or near the site or in the vicinity of an active construction project.

B3

b. In all other zones, a contractor's office, storage yard, and equipment parking and equipment servicing on or near the site or in the vicinity of an active construction project.

c. Sales/marketing trailers used for the purpose of real estate sales and/or rental information, located within the subdivision or development to which they pertain.

E. *Criteria for approval.*

1. The code official, in consultation with appropriate City departments, shall review each application for a temporary use permit. The code official may approve, or condition and approve, an application for a temporary use permit if the application satisfies all of the following criteria:
 - a. The temporary use will not be ~~materially~~ detrimental to the public health, safety or welfare, nor injurious to property or improvements in the vicinity of the temporary use;
 - b. Structures proposed for the temporary use comply with applicable provisions of the Building and Fire Codes;
 - c. [The temporary use shall obtain all necessary permits and/or authorizations required by the City and/or state and federal agencies;](#)
 - d. The structure or use is located where there is safe ingress and egress from the street, including a clear sight area adjacent to the street;
 - e. Adequate parking is available to serve the temporary use, and if applicable, the temporary use does not occupy required off-street parking areas for adjacent or nearby uses;
 - f. [Use of any portion or percentage of private off-street parking areas for outdoor food and beverage service shall require the landlord's / property owner's approval. Nothing in this section compels a landlord or property owner to permit a tenant to expand its business to the exterior;](#)
 - g. [The use or structure shall not interfere with ADA accessible parking spaces or access to adjacent and surrounding businesses;](#)
 - h. Hours of operation of the temporary use are specified, and would not adversely impact surrounding uses;
 - i. The temporary use will not cause nuisance factors such as noise, light, or glare which would adversely impact surrounding land uses. [Any mechanical equipment shall not exceed the maximum permissible noise levels set forth in WAC 173-60-040, which is hereby incorporated as though fully set forth herein. Any such equipment shall not be located within 5 feet of any lot line abutting properties within the R-8.4, R-9.6, R-12, and R-15 zones;](#)
 - j. The temporary use will not include permanent fencing, walls, or other structures that would hinder removal of the structure from the site; and

- k. The temporary use will comply with the applicable portions of MICC Title 19 including, but not limited to, Ch. 19.07, Environment, 19.10, Trees, 19.13, Shoreline Master Program, and 19.21, Environmental Procedures.

F. *Temporary structure deviation criteria.* Temporary structures which cannot meet the development standards of the underlying zone applicable to the site on which the temporary structure is located, and require a temporary use permit, may apply for a temporary structure deviation. The code official may approve, or condition and approve, an application for a temporary structure deviation subject to the following criteria:

A3

1. The proposed use is allowed in the underlying zone.
2. The existing use provides significant public benefit. Significant public benefit can be demonstrated by meeting one of the following conditions:
 - a. The temporary use or structure is owned or operated by the City of Mercer Island;
 - b. The temporary use or structure is owned or operated by an organization or corporation serving at least 50 people; or
 - c. The temporary use or structure is open to the general public and access is not limited to membership in an organization.
3. Temporary structures may exceed the maximum building height allowed in the underlying zone by the lesser of 35 percent or 20 feet.
4. Yard setbacks may be reduced to zero feet. However, for temporary structures that exceed the maximum building height allowed in the underlying zoning designation, yard setbacks may not be reduced below the following:
 - a. Front setbacks may not be reduced to less than 10 feet;
 - b. Side and rear setbacks may not be reduced to less than four feet each.
5. For temporary structures that do not meet the development standards in the underlying zone and will be erected for more than 30 consecutive days, temporary site obscuring screening shall be provided from adjacent residentially zoned properties and public right-of-way.
6. A temporary structure deviation does not allow a deviation from the applicable provisions in MICC Chapters 19.07 Environment, 19.10 Trees, 19.13 Shoreline Master Program, and 19.21 Environmental Procedures.

G. *Time limitation.* Temporary uses or structures may operate for a total of 180 days per calendar year. The code official may grant an extension not to exceed 30 days per calendar year.

B6

1. Extensions may be requested, in writing, at the time of application, or at least one week prior to the end of the time limit stated on the temporary use permit, provided all conditions of permit approval have been met.

1. The code official may issue a temporary use or structure permit up to the durations set forth in Table A, Table of Temporary Use and Structure Permit Duration.

Table A. Table of Temporary Use and Structure Permit Duration

Temporary Use or Structure	Maximum Duration	Applicable Development Standards
Temporary Uses or Structures (not including activities listed in MICC 19.06.130(D), Exemptions)	180 Days¹	MICC 19.06.130(E)
Activities listed in MICC 19.06.130(D), Exemptions not related to another permit.	30 days of site occupation or operation in any calendar year, unless otherwise stated	MICC 19.06.130(D)
Activities listed in MICC 19.06.130(D), Exemptions related to another permit.	180 days of site occupation or operation in any calendar year¹	MICC 19.06.130(D)
Mobile food vendors	30 days or as provided pursuant to the terms of the issued temporary use permit	MICC 19.06.130(F)(1)

¹~~The code official may grant an extension not to exceed 30 days in total, upon the applicant showing compliance with all conditions of permit approval. If a request for an extension is not received in writing at least one week prior to the end of the time limit stated on the temporary use permit, the temporary use permit shall expire and the use or structure shall be timely removed pursuant to MICC 19.06.130(I).~~

H. *Limitation on activity.* A property will not be granted a temporary use permit for a temporary use or structure for a minimum of three months after the expiration of a previous temporary use or structure permit except pursuant to a renewal authorized by this section.

- I. *Removal of a temporary use.* The code official shall establish, as a condition of each temporary use permit, a date by which the use/structure and all physical evidence of the use/structure must be removed. The site occupied by the temporary use or structure shall be restored to the original or better condition upon the removal of the use or structure. If the permittee has not removed the use/structure as required by the temporary use permit, the city may take any and all enforcement actions permitted by law, including, but not limited to abatement pursuant to MICC Title 6.
- J. *Assurance device.* The code official may require a financial guarantee pursuant to the requirements in MICC 19.01.060, in a form acceptable to the finance department, to assure compliance with the provisions of this title and the temporary use permit as approved.

MICC 19.15.030 – Land Use Review Types.

There are four categories of land use review that occur under the provisions of the development code.

- A. *Type I.* Type I reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues.
- B. *Type II.* Type II reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues. The difference between Type I and Type II review is that public notification shall be issued for Type II decisions.
- C. *Type III.* Type III reviews require the exercise of discretion about nontechnical issues.
- D. *Type IV.* Type IV reviews require discretion and may be actions of broad public interest. Decisions on Type IV reviews are only taken after an open record hearing.
- E. The types of land use approvals are listed in Table A of this section. The required public process for each type of land use approval are listed in Table B of this section.
- F. *Consolidated permit processing.* An application for a development proposal that involves the approval of two or more Type II, III and IV reviews may be processed and decided together, including any administrative appeals, using the highest numbered land use decision type applicable to the project application. Consolidated land use reviews shall be subject to the longest review time period identified in MICC 19.15.040.
 - 1. The following permits and land use reviews are excluded from consolidated review and approval:
 - a. Building permits associated with the construction of one or more new single-family dwellings on lots resulting from the final plat approval of a short subdivision or long subdivision.

- b. Building permits associated with shoreline conditional use permits and shoreline variance.
 - c. Project SEPA reviews.
 - 2. When a review is heard by multiple decision bodies, the higher decision body will make the final decision, and the lower decision body will review the project at a public meeting and issue a recommendation that will be reviewed by the higher decision body. The higher decision body will either adopt the recommendation as part of the permit conditions, will remand the recommendation back to the lower body for further consideration, will amend the recommendation, or will deny adoption of the recommendation and will adopt their own permit conditions. The hierarchy of decision bodies is as follows, from highest to lowest:
 - a. City council;
 - b. Hearing examiner;
 - c. Design commission.
- G. *Interior alterations exempt from site plan review.*
 - 1. Applications for interior alterations are exempt from site plan review provided they meet the following criteria:
 - a. The proposed development does not result in additional sleeping quarters or bedrooms;
 - b. The proposed development would not result in nonconformity with federal emergency management agency substantial improvement thresholds; or
 - c. The proposed development would not increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.
 - 2. Applications for interior alterations are subject to review for consistency with any otherwise applicable building, plumbing, mechanical, or electrical codes.
- H. *Land use review types and review processing procedures.*

B8

Table A. Land Use Review Type

Type I	Type II	Type III	Type IV
<ul style="list-style-type: none"> • Home business • Nonmajor single-family dwelling building permits • Tree removal permit • Right-of-way permit • Special needs group housing safety determination • Tenant improvement/change of use • Shoreline exemption ¹ • Critical area review ¹ • Temporary commerce on public property • Site development permits • Transportation concurrency certificate 	<ul style="list-style-type: none"> • Modified wireless communication facilities (6409 per 47 CFR 1.40001) • Lot line revision • Setback deviations • Final plat ^{2,3} • Code official design review • Accessory dwelling unit • Parking modification ⁷ (reviewed by city engineer) • Small wireless facility deployment • Seasonal development limitation waiver • Final short plat • <u>Temporary use permit</u> • <u>Temporary structure deviation renewal</u> 	<ul style="list-style-type: none"> • New and modified wireless (non-6409) eligible facility • SEPA threshold determination • Critical area review 2 • Public agency exception • Temporary encampment ⁴ • Short plat alteration and vacations • Preliminary short plat • Development code interpretations • Major single-family dwelling building permit ⁵ • Shoreline substantial development permit ¹ • Shoreline revision (substantial development) ¹ 	<ul style="list-style-type: none"> • Preliminary long plat approval • Conditional use permit • Variance • Critical areas reasonable use exception • Long plat alteration and vacations • Parking modifications ⁷ (reviewed by design commission) • Variance from short plat acreage limitation • Wireless communication facility height variance • Planned unit development • Design commission design review • Permanent commerce on public property • Shoreline conditional use permit (SCUP) ⁶ • Shoreline variance ⁶ • Shoreline revision (variance and SCUP) • <u>Temporary structure deviation</u>



PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 25-14
July 23, 2025
Regular Business

AGENDA BILL INFORMATION

TITLE:	PCB 25-14: Study Session – Omnibus Ordinance Related to Permanent Regulations for Housing Production and Permit Streamlining	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Recommendation
RECOMMENDED ACTION:	Complete a Study Session. No Planning Commission action required.	

STAFF:	Adam Zack, Principal Planner
EXHIBITS:	1. Omnibus Ordinance Scope of Work

EXECUTIVE SUMMARY

The purpose of this agenda bill is to brief the Planning Commission on the expected development code amendments that will be included in an omnibus ordinance to streamline regulations for residential development. The Council-approved scope of work, provided in Exhibit 1, directs a project in which the Planning Commission legislative review of the omnibus ordinance would conclude by the end of October with a target to adopt the omnibus ordinance before the end of 2025.

- In the last few years, the WA Legislature has adopted many bills that require amendments to the Mercer Island City Code (MICC).
- Compliance with the updated state laws, combined with the state-required update to the Comprehensive Plan, required code amendments at a rapid pace.
- To keep pace with the changes in the state law, the City has adopted a series of interim ordinances between 2021 and 2025.
- Interim ordinances establish temporary regulations that eventually expire unless they are renewed or replaced by permanent regulations.
- Given the breadth of amendments required to replace the interim ordinances, the City Council approved a scope of work for a project to adopt an omnibus ordinance related to permanent regulations for housing production and permit streamlining (Exhibit 1).
- The Council-approved scope of work directs the Planning Commission to complete review of this omnibus ordinance by the end of October to allow the Council to adopt the ordinance before the end of the year.

BACKGROUND

Beginning in 2021, the WA State Legislature enacted a series of bills that required local jurisdictions to amend their development codes to comply. During this period the City was also required to update its Comprehensive Plan. To comply with new legislation, meet its comprehensive plan update deadline, and maintain consistency with state law, the City enacted a series of interim ordinances that temporarily amended the MICC. The interim ordinances must be either renewed every 6-12 months or replaced by permanent regulations to maintain compliance with state law.

OMNIBUS ORDINANCE

Rather than prepare several ordinances to adopt permanent regulations to replace each interim ordinance, the City will adopt one omnibus ordinance to replace them all at once. An omnibus ordinance is the most efficient way to adopt permanent regulations because many of the interim ordinances overlap, with more than one ordinance amending the same development code section. Table 1 lists the compliance topics, including relevant statewide legislation, that will be addressed by the omnibus ordinance.

TABLE 1. COMPLIANCE TOPICS TO BE ADDRESSED BY THE OMNIBUS ORDINANCE

Topic	Description	MICC Chapters Affected	RCW Reference	Interim Ordinance #
HB 1220	Affordable and emergency housing.	19.02, 19.11	36.70A.070	25C-05
SB 6015	Residential parking requirements	19.02, 19.03, 19.11, 19.12	36.70A.622	25C-08
HB 1293	Clear and objective design standards	19.03, 19.06, 19.11, 19.12, 19.15, 19.16	36.70A.630	25C-11
Design Commission (DC)	Remove references to Design Commission review ¹	19.01, 19.02, 19.03, 19.04, 19.05, 19.06, 19.10, 19.11, 19.12, 19.15, 19.16, App. C	N/A	25C-14 ²
SB 5290	Permit review timelines	19.15, 19.16	36.70B.080	24C-17
HB 1998	Co-Living Housing	19.06, 19.11, 19.16	36.70A.535	N/A
Comp Plan Implementation	In 2024, the City Council updated the Comprehensive Plan and made implementing amendments to the Town Center development code.	19.11	36.70A.130	24C-18

Notes:

1. In 2025, the City Council dissolved the Design Commission and reassigned design review to the Hearing Examiner. Though no further code amendments are required to implement that action, minor code amendments to remove reference to the DC will ensure the code remains consistent as the design standards are amended to address HB 1293.
2. Ordinance 25C-14 was a permanent amendment to reassign design review to the Hearing Examiner and dissolve the Design Commission concurrent with the adoption of Ordinance No. 25C-11. While additional amendments to assign design review to the Hearing Examiner are not required, there are references to the design commission throughout Title 19 of the MICC that can be removed. Amending or removing these references will clarify for applicants and other code uses who the official responsible for review is.

The omnibus ordinance will not include regulations for middle housing, ADUs, and unit lot subdivision. Given the expected public interest in these amendments and that they largely affect single-family zones, staff will prepare a separate scope of work, schedule, and public participation plan for these amendments. This will allow for additional public outreach without delaying the adoption of an omnibus ordinance addressing all other interim ordinances.

SCOPE OF WORK AND SCHEDULE

On July 15, the City Council approved a scope of work to adopt an omnibus ordinance related to permanent regulations for housing production and permit streamlining (Exhibit 1). The omnibus ordinance would replace nearly all of the interim ordinances the City has adopted and is expected to amend almost every chapter of the development code in [Title 19 MICC](#). The scope of work gives the Planning Commission (PC) clear directions from the City Council – begin working on the omnibus ordinance in July and complete a recommendation for the City

Council no later than the end of October. The scope also gives the public a clear schedule for when they can provide comments on the proposed amendments. The Council-directed PC schedule is outlined below:

Planning Commission Meeting	Scope of Work
July 23	Study Session going over Council directed scope and summarizing the following seven issues: (1) HB 1220, (2) SB 6015, (3) HB 1293, (4) Dissolving the Design Commission, (5) SB 5290, (6) HB 1998, and (7) Comprehensive Plan Implementation.
August 11	Public release of code amendment package with 30-day comment period
September 10	Briefing on code amendments by chapter
September 24	Public hearing on code amendments
October 8 (If Necessary)	Study Session on PC recommendation
October 22 (If Necessary)	Study Session on PC recommendation The PC must arrive at a recommendation no later than October 22.

HB 1220 – AFFORDABLE AND EMERGENCY HOUSING

Adopted in 2021, HB 1220 made significant changes to how cities and counties must plan for housing under the Growth Management Act (GMA). HB 1220 also established [RCW 35A.21.430 – Transitional housing, permanent supportive housing, indoor emergency housing, and indoor emergency shelters](#), which specifies how code cities may regulate certain housing types. The majority of changes precipitated by HB 1220 were resolved during the Comprehensive Plan periodic review the City completed in 2024. The City still needs, however, to make a handful of permanent code amendments to regulations for shelters, temporary housing, emergency housing, and permanent supportive housing (STEP housing) in response to RCW 35A.21.430, which states:

A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each code city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

The City has complied with the statutory STEP housing requirements since 2021 by adopting interim ordinances. Most recently, STEP housing requirements were addressed by [Ordinance No. 24C-03](#). Consistent with the statute, the interim regulations:

- Amended the definition of “social service transitional housing” to include the state definition of “emergency housing” and “transitional housing”.
- Amended the definition of “special needs group housing” to include “permanent supportive housing”.
- Amending the definition meets the requirement to allow the STEP housing consistent with the state law because both “social service transitional housing” and “special needs group housing” are uses that are already allowed subject to conditions in residential zones and zones where hotels are allowed.

During the Comprehensive Plan periodic review, the City's land capacity analysis found that the spacing requirement in MICC 19.06.080(B)(3)(c) requiring social service transitional housing facilities to be at least 600 feet from facilities such as churches, synagogues, parks, and schools, must be amended to provide adequate capacity for the City's allocated emergency housing needs. Amendments to comply with the statutory requirements in RCW 35A.21.430 and the GMA will include those amendments made by [Ordinance No. 25C-05](#) and changes to incorporate guidance from the WA State Department of Commerce for STEP housing.

SUMMARY OF AMENDMENTS EXPECTED

The omnibus ordinance is expected to make the amendments to the definitions of "social service transitional housing" and "special needs group housing" enacted by Ordinance No. 25C-05 permanent. The ordinance will also include removal of the spacing requirements in MICC 19.06.080(B)(3)(c).

Development Code Sections

- MICC 19.06.080 – Siting of Group Housing.
- MICC 19.16.010 – Definitions

SB 6015 – RESIDENTIAL PARKING REQUIREMENTS

Senate Bill (SB) 6015 established [RCW 36.70A.622](#), which makes significant changes to how cities are allowed to regulate parking for residential development. Parking standards for residential development are established in MICC [19.02.020](#), MICC [19.03.020](#), MICC [19.11.130](#), MICC [19.12.050](#), and Appendix A of the Unified Land Development Code Appendices. Amendments to residential parking standards in the MICC are necessary to comply with SB 6015. In detail, SB 6015 establishes the following requirements for cities and counties planning under the GMA:

- Garages and carports may not be required for residential development; parking spaces that count towards minimum parking requirements may be enclosed or unenclosed (RCW 36.70A.622(1)(a));
- Parking spaces, in tandem, count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet, with any necessary provisions for turning radius (RCW 36.70A.622(1)(c));
- The existence of non-conforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting the use of existing space in the parking area to meet local parking standards (RCW 36.70A.622(1)(d));
- Parking spaces may not be required to exceed 8 feet by 20 feet, except for parking designed under the requirements of the Americans with Disabilities Act (ADA) (RCW 36.70A.622(1)(e));
- Parking spaces that consist of grass block pavers may count towards minimum parking regulations (RCW 36.70A.622(1)(g));
- Existing parking spaces that do not conform to these requirements are not required to be modified or resized, except for compliance with the ADA (RCW 36.70A.622(2));
- Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations (RCW 36.70A.622(2)); and
- Any county planning under the GMA, and any city within the county with a population greater than 6,000, may not require off-street parking as a condition of permitting a residential project if compliance with tree retention would otherwise make proposed residential development or redevelopment infeasible (RCW 36.70A.622(1)(f)).

SUMMARY OF AMENDMENTS EXPECTED

The City must amend the parking requirements in all zones that allow residential uses to maintain compliance with SB 6015.

Development Code Sections

- MICC 19.02.020 – Development standards
- MICC 19.03.020 – Parking requirements
- MICC 19.11.130 – Parking, vehicular and pedestrian circulation
- MICC 19.12.050 – Vehicular and pedestrian circulation
- MICC Appendix A – Parking lot dimensions

HB 1293 – CLEAR AND OBJECTIVE DESIGN STANDARDS

In 2023, the WA Legislature enacted House Bill (HB) 1293. This bill added a new section to the Growth Management Act (GMA) that establishes requirements and restrictions governing how cities and counties can regulate building design. The City has established design standards and review procedures in Chapters 19.11, 19.12, and 19.15 MICC. The main requirements from HB 1293 are that (1) local design review standards must be clear and objective and (2) the standards may not reduce development intensity below the level generally allowed by the zoning designation (RCW 36.70A.630(2)). The City adopted interim Ordinance No. 25C-11 to update its design standards to comply with HB 1293 on June 17, 2025.

Nearly all the design standards in Chapters 19.11 and 19.12 MICC need an amendment to comply because many provisions are flexible rather than clear and objective. The majority of these flexible standards allow the Design Commission to determine design requirements on a case-by-case basis.

House Bill 1293 and RCW 36.70A.630

In 2023, the WA Legislature enacted House Bill (HB) 1293. This bill added a new section to the Growth Management Act (GMA) that establishes new requirements and restrictions governing how cities and counties planning under the GMA can regulate building design. The new GMA section was codified as [RCW 36.70A.630 – Local Design Review – Requirements and Restrictions](#). The Mercer Island City Code (MICC) must be consistent with RCW 36.70A.630 by June 30, 2025 (RCW 36.70A.630(5)).

Mercer Island Design Standards

In 1972, the City of Mercer Island adopted its first design standards, established a design review process, and created the Design Commission (DC) to conduct some of the design review. That system of design standards and design review has been amended several times in the years since it was adopted but remains in effect.

Much of the new development that occurs throughout the City, in Town Center and other zones, is subject to some level of design review, excluding single-family dwellings and their accessory buildings, property owned by the City, and wireless communication facilities. The Hearing Examiner conducts design review for more complex proposals, including new buildings, additions, or exterior alterations to a building or site beyond a certain threshold. All other proposals are subject to an administrative design review conducted by the code official or designee. The City's design standards and review procedures are codified in Chapters [19.11](#), [19.12](#), and [19.15](#) MICC.

SUMMARY OF AMENDMENTS EXPECTED

The City Council adopted interim [Ordinance No. 25C-11](#) on June 17, 2025. This interim ordinance amended the Mercer Island design standards in Chapters 19.11 and 19.12 of the MICC to comply. The omnibus ordinance will incorporate the permanent provisions of Ordinance No. 25C-11, along with additional amendments to ensure consistency with other required changes.

Development Code Sections

- MICC 19.11.010 – General
- MICC 19.11.020 – Land Uses
- MICC 19.11.030 – Bulk Regulations
- MICC 19.11.040 – Affordable Housing
- MICC 19.11.060 – Site Design

- MICC 19.11.070 – Greenery and Outdoor Spaces
- MICC 19.11.080 – Screening
- MICC 19.11.090 – Lighting
- MICC 19.11.100 – Building Design
- MICC 19.11.110 – Materials and Color
- MICC 19.11.120 – Street Standards
- MICC 19.11.130 – Parking, Vehicular and Pedestrian Circulation
- MICC 19.11.140 – Signs
- MICC 19.11.150 – Administration
- MICC 19.12.010 – General
- MICC 19.12.020 – Site features and context
- MICC 19.12.030 – Building design and visual interest
- MICC 19.12.040 – Landscape design and outdoor spaces
- MICC 19.12.050 – Vehicular and pedestrian circulation
- MICC 19.12.060 – Screening of service and mechanical areas
- MICC 19.12.070 – Lighting
- MICC 19.12.080 – Signs
- MICC 19.15.060 – Application
- MICC 19.15.220 – Design review and the design commission
- MICC 19.16.010 – Definitions

DISSOLVING THE DESIGN COMMISSION

When the City Council adopted Ordinance No. 25C-11 to comply with HB 1293, they also adopted [Ordinance No. 25C-14](#). This ordinance dissolved the Design Commission and reassigned quasi-judicial design review authority to the Hearing Examiner. Ordinance No. 25C-14 was drafted in a way that dissolved the Design Commission without requiring immediate changes to Title 19 MICC. The omnibus ordinance, however, will include amendments to remove references to the design commission throughout the development standards to reflect the updated decision-making authority structure established by Ordinance No. 25C-14.

SUMMARY OF AMENDMENTS EXPECTED

References to the Design Commission throughout Title 19 MICC will be struck or amended to clarify that the Hearing Examiner or code official is the decision-making authority, consistent with Ordinance No. 25C-14.

Development Code Sections

- MICC 19.01.050 – Nonconforming structures, sites, lots, and uses
- MICC 19.02.010 – Single-family
- MICC 19.03.010 – Multiple-family
- MICC 19.03.020 – Parking requirements
- MICC 19.04.010 – Planned business zone – PBZ
- MICC 19.04.020 – Commercial offices
- MICC 19.04.040 – Parking requirements
- MICC 19.05.010 – Public institution – PI
- MICC 19.06.030 – Antennas
- MICC 19.10.060 – Tree removal – Associated with a development proposal
- MICC 19.15.030 – Land use review types
- MICC 19.15.060 – Application
- MICC 19.15.220 – Design review and the design commission
- Appendix C – Design Guidelines of the Mercer Island Design Commission

SB 5290 – PERMIT REVIEW TIMELINES

In 2023, the WA State Legislature enacted SB 5290, which amended sections in Chapter 36.70B RCW. [Chapter 36.70B Revised Code of Washington](#) (RCW), Local Project Review, establishes the standards for processing land use permits for all cities and counties in Washington. SB 5290 requires cities to establish specific permit review procedures and timelines. The procedures standardize what must be submitted with an application and when certain reviews must be concluded. The City Council adopted interim [Ordinance No. 24C-17](#) to comply with SB 5290. SB 5290 requires the following:

- Interior alterations must be exempt from site plan review;
- Determinations of completeness must be provided for specific types of project permit applications;
- Set timelines for issuing determinations of completeness and permit decisions must be implemented; and
- Cities must refund or discount permit fees if review takes longer than the state-mandated review timelines.

SUMMARY OF AMENDMENTS EXPECTED

The omnibus ordinance would make the code amendments in Ordinance No. 24C-17 permanent. These changes will primarily affect Chapter 19.15 MICC.

Development Code Sections

- MICC 19.15.030 – Land use review types
- MICC 19.15.040 – Review procedures
- MICC 19.15.060 – Application
- MICC 19.15.070 – Determination of completeness
- MICC 19.16.010 – Definitions

HB 1998 – CO-LIVING HOUSING

In 2024, the WA State Legislature enacted House Bill 1998 (HB 1998). This bill enacted RCW 36.70A.535 – Co-living Housing. This state law requires that cities planning under the Growth Management Act (GMA) allow co-living housing in all zones where multifamily residential uses are allowed subject to specific conditions. Mercer Island must update its code to comply with these changes by December 31, 2025 (RCW 36.70A.535(9)(a)). If the City does not amend the development code to comply with HB 1042 the state law supersedes local regulations (RCW 35A.21.440(1)(b)).

Co-living housing is “a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. Local governments may use other names to refer to co-living housing including, but not limited to, congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, and residential suites.” ([RCW 36.70A.535\(11\)\(a\)](#)). Mercer Island currently regulates “rooming houses”, which have nearly the same definition. The regulations for “rooming houses” will be updated to account for the requirements of RCW 36.70A.535.

RCW 36.70A.535 requires the following:

- Cities planning under the GMA must allow co-living housing in all mixed-use and multifamily zones;
- Cities cannot require the following in co-living housing:
 - Room or unit sizes larger than the minimums set in the building code;
 - A mix of unit sizes or number of bedrooms;
 - A mix of non-residential uses;
 - Any parking within one half mile walking distance of a major transit stop;
 - Parking to be provided at a rate greater than 0.25 spaces per sleeping unit;
 - Any development standards more restrictive than those required for multifamily residential uses in the subject zone; and
 - Additional review, public meetings, or public notice beyond that required for residential uses in the subject zone;
- Co-living housing cannot be excluded from affordable housing incentive programs;
- Sleeping units within co-living housing may not count for more than 0.25 dwelling units for the purpose of calculating maximum density;

- Sleeping units cannot count as more than one half a dwelling unit for the purpose of utility connection fees; and
- Cities must comply by December 31, 2025.

SUMMARY OF AMENDMENTS EXPECTED

This project is expected to result in the amendment of the following sections of Title 19 Mercer Island City Code (MICC):

Development Code Sections

- MICC 19.06.080 – Siting of Group Housing.
- MICC 19.11.020 – Land Uses
- MICC 19.16.010 – Definitions

COMPREHENSIVE PLAN IMPLEMENTATION

Under the GMA, the City was required to update its Comprehensive Plan in 2024 (RCW 36.70A.130). When the Comprehensive Plan was updated, there were corresponding code amendments required to implement the updated policies. On December 3, 2024, the City Council adopted interim [Ordinance No. 24C-18](#) to amend the development code concurrently with the Comprehensive Plan update to maintain consistency between the plan and the code. The interim regulations increased the maximum building height in three subareas of the Town Center to ensure that the Comprehensive Plan allows sufficient development capacity to accommodate its allocated housing needs as required by the GMA (RCW 36.70A.115).

SUMMARY OF AMENDMENTS EXPECTED

The Comprehensive Plan implementation amendments will affect several sections in Chapter 19.11 MICC to increase the maximum building height in the TC-5, TC-4, and TC-4 Plus subareas and amend the affordable housing height bonus. These changes will ensure the development code remains consistent with the updated Comprehensive Plan.

Development Code Sections

- MICC 19.11.015 – Town Center subareas
- MICC 19.11.020 – Land uses
- MICC 19.11.030 – Bulk regulations
- MICC 19.11.040 – Affordable housing
- MICC 19.11.060 – Site design
- MICC 19.11.100 – Building design

ISSUE/DISCUSSION

The City Council approved a scope and schedule for legislative review of this project on July 15, 2025 (Exhibit 1). Per the scope and schedule approved by the City Council, the PC must complete its deliberations and make its recommendation by October 22, 2025. An initial draft of the code amendments to be included in the omnibus ordinance will be made public in August. The PC comment period on the initial draft will be open from August 11 to September 17. Staff will brief the PC on the initial draft, walking through the sections to be amended during a briefing on September 10. Following the PC comment period, the public hearing will be held on September 24. The PC will begin considering its recommendation after the public hearing. Deliberations may continue to October 8 and 22 if needed.

The Council-directed scope and schedule for reviewing the omnibus ordinance reflects the following key points: (1) the ordinance will establish permanent amendments to replace interim regulations that have already been on the books, (2) the regulations in the interim ordinances are the preferred approach to achieving compliance with

the state law, and (3) any staff recommended amendments that are not included in the existing interim ordinances will be proposed to maintain consistency with statewide requirements. Accordingly, the PC Study Sessions will focus on completing a review of the proposed amendments without creating new policy direction or adding requirements over and above what has been included in the interim ordinances already adopted. The City Council direction is to undertake a project to review permanent regulations that would make one-to-one permanent replacements for the existing interim ordinances rather than a full reworking of each affected code section.

SUBSTANTIVE AND NONSUBSTANTIVE PC COMMENTS

In general, staff will divide PC comments into two buckets: non-substantive and substantive.

Non-Substantive Comments

Non-substantive comments would not alter the substance of the code provision or establish a new requirement. These are often referred to as ‘word smithing’ amendments and can also include grammatical corrections. The staff recommendation for non-substantive comments will be to make these amendments in a block with a single motion. In places where non-substantive comments overlap, the PC can ask staff to resolve the overlap in the non-substantive comments motion.

Substantive Comments

Comments sorted into this bucket will be those that suggest changes to the code that would alter the substance of an existing code provision or add a new code requirement that does not currently exist. Because of the breadth of amendments in the omnibus ordinance and the timeline established by the City Council approved scope of work, staff recommends against the addition of substantive comments to the omnibus ordinance unless they are proposed in response to public comments or necessary to comply with the pertinent state law.

Given the breadth of changes necessary and the scope of work approved by the City Council, the legislative review will need to stay focused on those amendments necessary to address the seven topics discussed above rather than considering new regulatory requirements. To stay on schedule for the omnibus ordinance, staff recommend the PC create a parking lot to place any substantive comments that are proposed during the review of the omnibus ordinance. Rather than discard substantive comments that propose new ideas or delay the omnibus ordinance to debate amendments that go above and beyond what is required to resolve the seven issues discussed above, the parking lot can gather those ideas for the PC to consider during the next annual docket process. Through a separate process next year, the PC can consider the proposed substantive code amendments and decide which it would like to formally propose through the docket.

NEXT STEPS

August 11 – Code amendments become publicly available

September 10 – PC Code Amendment briefing

September 17 - PC Comments Due

September 24 - PC Public Hearing

October 8 (If Necessary) - PC Study Session

October 22 (If Necessary) - PC Study Session (Note: the PC must complete its recommendation by this date)

RECOMMENDED ACTION

Complete a Study Session. No Planning Commission action required.

Housing Production and Permit Streamlining Omnibus Ordinance

Legislative Review

PROJECT DESCRIPTION

This project will encompass the legislative review of an omnibus ordinance to replace nearly all interim ordinances currently amending Title 19 of the Mercer Island City Code (MICC). The interim ordinances pertaining to middle housing, accessory dwelling units (ADUs), and unit lot subdivision (ULS) will not be replaced with permanent amendments during this project.

PROJECT QUICK FACTS	
Approximate Start Date:	July 23, 2025
Approximate End Date:	December 31, 2025
Project Manager:	Adam Zack, Principal Planner
Consultants:	N/A
Related Budget Codes:	N/A
Estimated Number of Planning Commission Meetings:	5
Estimated Number of Council Touches:	2

BACKGROUND

Beginning in 2020, the WA State Legislature enacted a series of bills focused on housing production and permit streamlining that required local jurisdictions to amend their development codes to comply. During this period the City was also required to update its Comprehensive Plan. To comply with new legislation, meet its comprehensive plan update deadline, and maintain consistency with state law, the City enacted a series of interim ordinances that temporarily amended the MICC. The interim ordinances must be either renewed every 6-12 months or replaced by permanent regulations to maintain compliance with state law.

Approach: Omnibus Ordinance

Rather than prepare a series of several individual ordinances to adopt permanent regulations to replace each interim ordinance, the City can adopt one omnibus ordinance to replace them all at once. An omnibus ordinance is the most efficient way to adopt permanent regulations because many of the interim ordinances overlap, with more than one ordinance amending the same development code section. Table 1 lists the statewide legislation compliance that will be addressed by the omnibus ordinance.

Table 1. Compliance Topics to be Addressed by the Omnibus Ordinance.

Topic	Description	MICC Chapters Affected	RCW Reference	Interim Ordinance #
HB 1220	Affordable and emergency housing.	19.02, 19.11	36.70A.070	25C-05
HB 6015	Residential parking requirements	19.02, 19.03, 19.11, 19.12	36.70A.622	25C-08
HB 1293	Clear and objective design standards	19.03, 19.06, 19.11, 19.12, 19.15, 19.16	36.70A.630	25C-11
SB 5290	Permit review timelines	19.15	36.70B.080	24C-17
HB 1998	Co-Living Housing	19.06, 19.11, 19.16	36.70A.535	N/A
Design Commission (DC)	Remove references to Design Commission review ¹	19.01, 19.02, 19.03, 19.04, 19.05, 19.06, 19.10, 19.11, 19.12, 19.15, 19.16, App. C	N/A	25C-14 ²
Comprehensive Plan Implementation	In 2024, the City Council updated the Comprehensive Plan and made implementing amendments to the Town Center development code.	19.11	36.70A.130	24C-18

Notes:

1. In 2025, the City Council dissolved the Design Commission and reassigned design review to the Hearing Examiner. Though no further code amendments are required to implement that action, minor code amendments to remove reference to the DC will ensure the code remains consistent as the design standards are amended to address HB 1293.
2. Ordinance 25C-14 was a permanent amendment to reassign design review to the Hearing Examiner and dissolve the Design Commission concurrent with the adoption of Ordinance No. 25C-11. While additional amendments to assign design review to the Hearing Examiner are not required, there are references to the design commission throughout Title 19 of the MICC that can be removed. Amending or removing these references will clarify for applicants and other code users who the official responsible for review is.

The omnibus ordinance will not include regulations for middle housing, ADUs, and unit lot subdivision. Given the expected public interest in these amendments and that they largely affect single-family zones, staff will prepare a separate scope of work, schedule, and public participation plan for these amendments. This will allow for additional public outreach without delaying the adoption of an omnibus ordinance addressing all other interim ordinances.

The omnibus ordinance will not include amendments to comply with state legislation adopted in 2025. Staff have not yet had the capacity to conduct a full analysis of the new requirements, and deadlines for compliance with these new requirements range from 2026 to 2029 or beyond. Since there is still ample time for compliance with these requirements they will be addressed through separate amendments in the future.

Summary of Amendments Expected

Table 2 lists the chapters of Title 19 MICC that are expected to be amended during this project and the topic that amendment is expected to address.

Table 2. MICC Chapters Expected to be Amended by This Project.

Chapter	Topic Addressed
19.01	DC
19.02	DC, House Bill (HB) 1220, HB 6015
19.03	HB 6015, DC
19.04	DC
19.05	DC
19.06	HB 1293, DC, HB 1220, HB 1998
19.10	DC
19.11	DC, HB 1293, HB 1220, Comp Plan Implementation, HB 6015, HB 1998
19.12	DC, HB 1293, HB 6015
19.15	SB 5290, DC, HB 1293, consistency with other changes
19.16	Consistency with other changes
Appendix C	DC

PUBLIC PARTICIPATION

The project will utilize the standard public participation required for every code amendment as established in Title 19 MICC. The standard public participation process includes the following public participation steps

- SEPA Comment Period
- Public access at six Planning Commission meetings
- Public hearing notice and public comment period at least 30 days prior to the Planning Commission public hearing.
- Public hearing on September 24, 2025, Planning Commission meeting
- Public access on November 7, 2025, Council first reading
- Public access on November 14, 2025, Council first reading

PUBLIC MEETINGS

The project is expected to be completed by December 31, 2025. The Planning Commission review will begin in July 2025 and conclude with its recommendation in October. The City Council is expected to hold its first and second readings in November. The omnibus ordinance will have a December 31, 2025, effective date. The project master schedule is provided in Table 3.

Table 3. Project Master Schedule.

Task #	Description	2025					
		J	A	S	O	N	D
1	July 15 – City Council direction on scope of work	J	A	S	O	N	D
2	July 23 – Planning Commission work session going over Council directed scope and summarizing the seven issues: (1) HB 6015, (2) HB 1293, (3) HB 1220, (4) SB 5290, (5) HB 1998, (6) Comprehensive Plan implementation, and (7) DC (see Table 2).	J	A	S	O	N	D
3	August 11 – Public release of code amendment package with 30-day comment period	J	A	S	O	N	D
4	September 10 – Planning Commission briefing on code amendments	J	A	S	O	N	D
5	September 24 – Planning Commission public hearing on code amendments	J	A	S	O	N	D
6	October 8 – Planning Commission work Session and recommendation	J	A	S	O	N	D
7	October 22 – Planning Commission work session and recommendation	J	A	S	O	N	D
8	November 4 – City Council first reading of omnibus ordinance	J	A	S	O	N	D
9	November 18 – City Council second reading and adoption of omnibus Ordinance	J	A	S	O	N	D
10	December 31 – Omnibus Ordinance Effective Date	J	A	S	O	N	D