



CITY OF MERCER ISLAND

CITY COUNCIL REGULAR HYBRID MEETING

Tuesday, December 05, 2023 at 5:00 PM

MERCER ISLAND CITY COUNCIL:

Mayor Salim Nice, Deputy Mayor David Rosenbaum,
Councilmembers: Lisa Anderl, Jake Jacobson,
Craig Reynolds, Wendy Weiker, and Ted Weinberg

LOCATION & CONTACT:

Mercer Island Community & Event Center and via Zoom
8236 SE 24th Street | Mercer Island, WA 98040
206.275.7793 | www.mercerisland.gov

We strive to create an inclusive and accessible experience. Those requiring accommodation for meetings should notify the City Clerk's Office 3 days prior to the meeting at 206.275.7793 or by emailing cityclerk@mercerisland.gov.

The hybrid meeting will be live streamed on the City Council's [YouTube Channel](#)

Registering to Speak for Appearances: Individuals wishing to speak live during Appearances (public comment period) or during the Public Comment period for Proposed Amendment No. 18 Docket item must register with the City Clerk at **206.275.7793** or cityclerk@mercerisland.gov before 4 PM on the day of the Council meeting.

Please reference "Appearances" or "Public Comment period for Proposed Amendment No.18 Docket item" on your correspondence and state if you would like to speak either in person at the Mercer Island Community & Even Center or remotely using Zoom. If providing your comments using Zoom, staff will be prepared to permit temporary video access when you enter the live Council meeting. Please remember to activate the video option on your phone or computer, ensure your room is well lit, and kindly ensure that your background is appropriate for all audience ages. Screen sharing will not be permitted, but documents may be emailed to council@mercerisland.gov.

Each speaker will be allowed three (3) minutes to speak. A timer will be visible to online to speakers, City Council, and meeting participants. Please be advised that there is a time delay between the Zoom broadcast and the YouTube or Channel 21 broadcast.

Join by Telephone at 5:00 PM (Appearances will start sometime after 5:00 PM): To listen to the meeting via telephone, please call **253.215.8782** and enter Webinar ID **831 4934 1250** and Password **730224** if prompted.

Join by Internet at 5:00 PM (Appearances will start sometime after 5:00 PM): To watch the meeting over the internet via your computer, follow these steps:

- 1) Click this [link](#)
- 2) If the Zoom app is not installed on your computer, you will be prompted to download it.
- 3) If prompted for Webinar ID, enter **831 4934 1250**; Enter Password **730224**
- 4) The City Clerk will call on you by name or refer to your email address when it is your turn to speak. Please confirm that your audio works prior to participating.

Join in person at Mercer Island Community & Even Center at 5:00 PM (Appearances will start sometime after 5:00 PM):
8236 SE 24th Street, Mercer Island, WA 98040

Submitting Written Comments: Email written comments to the City Council at council@mercerisland.gov.

MEETING AGENDA

CALL TO ORDER & ROLL CALL, 5:00 PM

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

SPECIAL BUSINESS

1. Fire Promotions Recognition
2. 2022 Community Member of the Year
3. Statement on Recent Antisemitism

CITY MANAGER REPORT

APPEARANCES

(This is the opportunity for anyone to speak to the City Council on any item, except items before the City Council requiring a public hearing, any quasi-judicial matters, or campaign-related matters)

CONSENT AGENDA

4. AB 6374: November 17, 2023 Payroll Certification

Recommended Action: Approve the November 17, 2023 Payroll Certification in the amount of \$996,791.39 and authorize the Mayor to sign the certification on behalf of the entire City Council.

5. Certification of Claims:

A. Check Register | 217738-217880 | 11/17/2023 | \$2,039,506.23

Recommended Action: Certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

6. City Council Meeting Minutes of November 21, 2023 Regular Hybrid Meeting

Recommended Action: Approve the minutes of the November 21, 2023 Regular Hybrid Meeting.

7. AB 6381: Island Private Meadows Long Plat - Final Plat Approval (SUB17-005)

Recommended Action: Approve Resolution No. 1654 authorizing the Mayor to sign the final plat for the Island Private Meadows Long Plat.

8. AB 6384: 2024 Fee Schedule Adoption

Recommended Action: Approve Resolution No. 1656 adopting the 2024 Fee Schedule.

9. AB 6390: 2022 Community Member of the Year, Proclamation No. 321

Recommended Action: Approve Proclamation No. 321 proclaiming Lola Deane as the 2022 Community Member of the Year.

REGULAR BUSINESS

10. AB 6383: 2023-2024 Mid-Biennial Budget Amendments

Recommended Action: Adopt Ordinance No. 23-20, amending the 2023-2024 Biennial Budget.

11. AB 6389: Review Proposed Amendment No. 18 – Land Use Map Amendment and Rezone of the Stroum Jewish Community Center (SJCC) Property for 2024 Docket (Including Public Comment Period on Proposed Amendment No. 18).

Recommended Action: City Council has three options for addressing this agenda item:

1. Adopt the findings, conclusions, and recommendation of the Planning Commission without edit. This option corresponds to Resolution Option (A) in the agenda packet.
2. Decline to place the proposal on the 2024 docket, adopting supporting findings and conclusions. This option corresponds to Resolution Option (B) in the agenda packet.
3. Place the proposal on the 2024 docket but adopting separate findings and conclusions than Planning Commission. This option corresponds to Resolution Option (C) in the agenda packet.

12. AB 6382: 2024 Comprehensive Plan and Development Code Amendment Docket

Recommended Action: Consider approval of Resolution No. 1655 to include items [insert docket item # here] setting the docket of Comprehensive Plan and development code amendments for 2024.

OTHER BUSINESS

13. Planning Schedule

14. Councilmember Absences & Reports

ADJOURNMENT



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6374
December 5, 2023
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 6374: November 17, 2023 Payroll Certification	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Approve the November 17, 2023 Payroll Certification in the amount of \$996,791.39.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

DEPARTMENT:	Administrative Services
STAFF:	Ali Spietz, Chief of Administration Nicole Vannatter, Human Resources Manager
COUNCIL LIAISON:	n/a
EXHIBITS:	1. November 17, 2023 Payroll Certification 2. FTE/LTE Counts
CITY COUNCIL PRIORITY:	n/a

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

EXECUTIVE SUMMARY

This agenda bill is to approve the payroll certification for the City of Mercer Island for the period from October 28, 2023 through November 10, 2023 in the amount of \$996,791.39 (see Exhibit 1).

BACKGROUND

[RCW 42.24.080](#) requires that all claims presented against the City by performing labor must be certified by the appropriate official to ensure that the labor was performed as described, and that the claims are just, due, and unpaid obligations against the City, before payment can be made. [RCW 42.24.180](#) allows the payment of claims to occur prior to City Council approval to expedite processing of the payment of claims, provided, however, that review and approval of the claims' documentation occurs at the next regularly scheduled public meeting. The Payroll Certification details the total payment to employees for labor performed and benefits payments made for each payroll. The City is on a bi-weekly payroll schedule with payments every other Friday.

ISSUE/DISCUSSION

Each payroll varies depending on several factors (i.e., number of employees, pay changes, leave cash outs, overtime, etc.). In addition to regular pay for employees, this payroll has variants that are outlined below.

Additional payments:

Description	Amount
Leave cash outs for current employees	\$5,483.72
Leave cash outs for terminated employees	\$0.00
Service and recognition awards	\$7,397.33
Overtime earnings (see chart for overtime hours by department).	\$58,455.05
Total	\$71,336.10

Overtime hours by department:

Department	Hours
Administrative Services	1.50
City Attorney's Office	
City Manager's Office	
Community Planning & Development	
Finance	2.50
Fire	417.00
Municipal Court	
Police	131.00
Public Works	177.50
Thrift Shop	
Youth & Family Services	1.00
Total Overtime Hours	730.50

NEXT STEPS

FTE/LTE COUNTS

The table in Exhibit 2 shows the budgeted versus actual counts for Full Time Equivalents (FTEs) and Limited Term Equivalents (LTEs) for the current payroll. Casual labor employees (temporary and seasonal) are not included in the counts.

Casual Labor

In addition to FTE and LTE employees, the City utilizes casual labor to address workload needs that exceed the capacity or expertise of the City's regular staff and that are time limited or seasonal. Casual labor is used primarily to address seasonal workload needs and short-term workload issues created by special projects or position vacancies. Compared to an LTE position, a casual labor position has limited benefits and is filled for a shorter period of time (1-3 months, 6 months, or 9 months). The departments/divisions that utilize casual labor the most are Parks Maintenance, Recreation, Public Works, and the Thrift Store.

RECOMMENDED ACTION

Approve the November 17, 2023 Payroll Certification in the amount of \$996,791.39 and authorize the Mayor to sign the certification on behalf of the entire City Council.

CITY OF MERCER ISLAND PAYROLL CERTIFICATION

Item 4.

PAYROLL PERIOD ENDING 11.10.2023

PAYROLL DATED 11.17.2023

Net Cash	\$	661,071.00
Net Voids/Manuals	\$	-
Net Total	\$	661,071.00
Federal Tax Deposit	\$	109,081.42
Social Security and Medicare Taxes	\$	56,829.42
Medicare Taxes Only (Fire Fighter Employees)	\$	2,658.78
State Tax (Oregon, Massachusetts and North Carolina)	\$	37.67
Family/Medical Leave Tax (Massachusetts)	\$	3.31
Public Employees' Retirement System (PERS Plan 2)	\$	31,501.16
Public Employees' Retirement System (PERS Plan 3)	\$	8,294.58
Public Employees' Retirement System (PERSJM)	\$	587.22
Public Safety Employees' Retirement System (PSERS)	\$	241.10
Law Enforcement Officers' & Fire Fighters' Retirement System (LEOFF Plan2)	\$	31,216.33
Regence & LEOFF Trust Medical Insurance Deductions	\$	13,598.70
Domestic Partner Medical Insurance Deductions	\$	1,947.50
Kaiser Medical Insurance Deductions	\$	1,384.25
Health Care - Flexible Spending Account Contributions	\$	1,818.09
Dependent Care - Flexible Spending Account Contributions	\$	1,153.86
ICMA Roth IRA Contributions	\$	666.23
ICMA 457 Deferred Compensation Contributions	\$	42,298.53
Fire Nationwide 457 Deferred Compensation Contributions	\$	11,407.30
Fire Nationwide Roth IRA Contributions	\$	956.49
ICMA 401K Deferred Compensation Contributions		
Garnishments (Chapter 13)	\$	572.00
Child Support Wage Garnishment	\$	706.03
Mercer Island Employee Association Dues	\$	242.50
AFSCME Union Dues	\$	2,902.25
Police Union Dues	\$	2,413.52
Fire Union Dues	\$	2,060.91
Fire Union Supplemental Dues	\$	162.00
Standard - Supplemental Life Insurance	\$	378.70
Unum - Long Term Care Insurance	\$	612.75
AFLAC - Supplemental Insurance Plans	\$	238.52
Coffee Club Dues	\$	-
Transportation - Flexible Spending Account Contributions	\$	50.00
Fire HRA-VEBA Contributions	\$	6,994.60
Miscellaneous	\$	-
GET		
Oregon Transit Tax and Oregon Benefit Tax	\$	-
Washington Long Term Care	\$	2,704.67
Tax & Benefit Obligations Total	\$	335,720.39

TOTAL GROSS PAYROLL	\$	996,791.39
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I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.



Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

FTE AND LTE COUNTS AS OF 11/10/2023

Full Time Equivalents (FTEs)	2023 Budgeted	2023 Actual
Administrative Services	15.00	14.00
City Attorney's Office	2.00	2.00
City Manager's Office	3.00	3.00
Community Planning & Development	18.00	18.00
Finance	9.00	7.50
Fire	31.50	29.50
Municipal Court	3.10	3.10
Police	37.50	37.50
Public Works	64.80	61.80
Recreation	10.25	9.50
Youth & Family Services	11.43	11.43
Thrift Shop	2.00	2.00
Total FTEs	207.58	199.33
Limited Term Equivalents (LTEs)	2023 Budgeted	2023 Actual
Administrative Services		1.00
City Manager's Office ¹	1.00	1.00
Community Planning & Development ²	1.00	1.00
Finance	1.00	1.50
Public Works ³	4.00	5.75
Youth & Family Services	3.03	3.83
Thrift Shop	7.50	6.50
Total LTEs	17.53	20.58
Total FTEs & LTEs	225.11	219.92

FTE Vacancies:


1.0 CIP Project Manager
 1.0 Custodian
 1.0 Deputy Fire Chief (contracted out)
 1.0 Financial Analyst
 1.0 Fire Chief (contracted out)
 1.0 HR Analyst
 1.0 Parks Maintenance Team Member
 0.75 Recreation Assistant
 0.5 Utility Billing Admin Assistant

Footnotes:

- ¹ 5/23/2023: Extend 1.0 LTE Management Analyst [AB 6255](#)
² 5/23/2023: New 1.0 LTE Assistant Planner [AB 6255](#)
³ 5/23/2023: New 1.0 LTE Support Services Foreman [AB 6255](#)

CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.



Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

<u>Report</u>	<u>Warrants</u>	<u>Date</u>	<u>Amount</u>
Check Register	217738-217880	11/17/2023	\$2,039,506.23
			\$2,039,506.23

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
Org Key: 001000 - General Fund-Admin Key				
P0119612	00217742	Amandla Project	Rental FA-7248 completed. Retu	500.00
P0119619	00217793	Open Doors Multicult Families	Rental FA-7022 completed. Retu	500.00
Org Key: 402000 - Water Fund-Admin Key				
	00217841	JOHNSON, JILL (ALLEN)	REFUND: OVERPMT ON 00518960002	1,652.05
	00217877	WEINER, IAN	REFUND: OVERPMT 006401555001	350.80
	00217847	KLEMPERER, JANET	REFUND: OVERPMT ON 003910550	165.52
	00217865	RITZMAN, GARY	REFUND: OVERPMT ON 00885650501	139.72
	00217832	EVANS, R BLAIR	REFUND: OVERPMT ON 007471260	39.78
Org Key: 814074 - Garnishments				
	00217825	CHAPTER 13 TRUSTEE	PR EARLY WARRANTS 11.17.2023	572.00
Org Key: 814075 - Mercer Island Emp Association				
	00217852	MI EMPLOYEES ASSOC	PR EARLY WARRANTS 11.17.2023	242.50
Org Key: 814076 - City & Counties Local 21M				
	00217878	WSCCCE AFSCME AFL-CIO	PR EARLY WARRANTS 11.17.2023	2,902.25
Org Key: 814077 - Police Association				
	00217862	POLICE ASSOCIATION	PR EARLY WARRANTS 11.17.2023	2,413.52
Org Key: AS1100 - Administrative Services				
P0119763	00217850	LIFTOFF LLC	Office 365 2 Project Licenses	240.00
P0119711	00217781	LANGUAGE LINE SERVICES	Phone Interpretation INV 11140	26.46
Org Key: CA1100 - Administration (CA)				
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	278.00
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	260.00
P0119780	00217873	VERIZON WIRELESS	VERIZON OCT 15. SWAN	93.15
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	30.00
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	19.96
Org Key: CM1100 - Administration (CM)				
P0119675	00217791	Northwest Studio	FACILITIES ASSESSMENT PROJECT	14,629.30
P0119704	00217760	ESSER, LUKE	September Lobbying Services IN	2,000.00
P0119603	00217830	DELL MARKETING L.P.	Dell Latitude 5540 Laptop	1,846.42
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	520.10
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	409.58
P0119784	00217873	VERIZON WIRELESS	VERIZON CHRIS RYAN NICOLE SEP	178.96
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	43.94
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	41.96
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	35.73
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	27.48
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	12.16
Org Key: CM1200 - City Clerk				
	00217871	US BANK CORP PAYMENT SYS	Travel Expense	223.72
P0119744	00217804	SOUND PUBLISHING INC	NTC 2740563 ORD 23C-15 10.11.2	70.01
Org Key: CM1400 - Communications				
	00217871	US BANK CORP PAYMENT SYS	Dues & Subscriptions	15.96
	00217871	US BANK CORP PAYMENT SYS	Dues & Subscriptions	5.95

Date: 11/20/23

Report Name: Accounts Payable Report by GL Key

CouncilAP5

21:21:08

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00217871	US BANK CORP PAYMENT SYS	Office Supplies	-661.49
<i>Org Key: CO6100 - City Council</i>				
	00217871	US BANK CORP PAYMENT SYS	Tuition & Registrations	75.00
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	10.04
<i>Org Key: CO6500 - Sister City Program</i>				
P0119706	00217788	MI SISTER CITY ASSOCIATION	2023 Exchange Transportation	4,499.50
<i>Org Key: CR1100 - Human Resources</i>				
P0119711	00217781	LANGUAGE LINE SERVICES	Document Translation INV 11140	3,242.30
	00217818	Amazon Capital Services Inc	6181625-2995455	549.40
	00217871	US BANK CORP PAYMENT SYS	Tuition & Registrations	428.67
	00217747	BEGANOVIC, MERSIHA	REIMB: MILEAGE-AWC MEMBER EXPO	273.14
	00217807	VANNATTER, NICOLE	REIMB: MILEAGE- AWC CONF.	273.14
	00217871	US BANK CORP PAYMENT SYS	Services-Testing/Recruitment	249.00
	00217871	US BANK CORP PAYMENT SYS	Services-Testing/Recruitment	249.00
	00217871	US BANK CORP PAYMENT SYS	Services-Testing/Recruitment	249.00
	00217871	US BANK CORP PAYMENT SYS	Services-Testing/Recruitment	169.00
	00217871	US BANK CORP PAYMENT SYS	Services-Testing/Recruitment	169.00
P0119703	00217796	PUBLIC SAFETY TESTING INC	2023 Q4 Fire Fees (pro-rated)	132.33
P0119705	00217792	OCCUPATIONAL HEALTH CTRS OF WA	DOT Physical INV 80971884	125.00
	00217871	US BANK CORP PAYMENT SYS	Professional Services	101.00
	00217871	US BANK CORP PAYMENT SYS	Wellness Program	80.00
	00217871	US BANK CORP PAYMENT SYS	Poker walk QFC food	55.68
	00217818	Amazon Capital Services Inc	2823204-2015409	54.54
	00217871	US BANK CORP PAYMENT SYS	Wellness Program	50.00
	00217871	US BANK CORP PAYMENT SYS	Wellness Program	50.00
	00217871	US BANK CORP PAYMENT SYS	Wellness Program	50.00
	00217871	US BANK CORP PAYMENT SYS	Wellness Program	50.00
	00217871	US BANK CORP PAYMENT SYS	Advertising	45.00
	00217818	Amazon Capital Services Inc	6176693-0442652	37.53
	00217871	US BANK CORP PAYMENT SYS	Wellness committee - Sept Wate	36.33
	00217818	Amazon Capital Services Inc	6176693-0442652	26.95
	00217871	US BANK CORP PAYMENT SYS	Wellness Program	25.00
	00217871	US BANK CORP PAYMENT SYS	Wellness Program	25.00
	00217818	Amazon Capital Services Inc	1350551-8421861	24.23
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	18.08
	00217818	Amazon Capital Services Inc	2823204-2015409	15.91
	00217818	Amazon Capital Services Inc	2823204-2015409	3.29
	00217871	US BANK CORP PAYMENT SYS	Travel Expense	-155.85
<i>Org Key: CT1100 - Municipal Court</i>				
P0119693	00217773	INTERCOM LANGUAGE SERVICES INC	Intercom Invoice #23-523	958.37
P0119756	00217840	INTERCOM LANGUAGE SERVICES INC	Intercom invoice #23-577	344.54
P0119678	00217755	DMCMA	2024 DMCMA Membership Applicat	250.00
P0119776	00217866	RUZUMNA, DAVID	Judge Pro Tem 11/13/23, 2.2 hr	110.00
P0119735	00217808	VERIZON WIRELESS	VERIZON SEP 24 - OCT 23 MUNICI	42.24
<i>Org Key: DS0000 - Development Services-Revenue</i>				
	00217754	DHUGGA, PARMINDER	REFUND: PERMIT#ZTR23-003	23,571.75
<i>Org Key: DS1100 - Administration (DS)</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0119707	00217871	US BANK CORP PAYMENT SYS	Community Lantern Project supp	2,167.87
	00217759	ESA	Peer Review, 2304-163	919.50
	00217871	US BANK CORP PAYMENT SYS	Tree Lighting/Firehouse Munch	600.00
	00217871	US BANK CORP PAYMENT SYS	Tree Lighting event	535.09
	00217871	US BANK CORP PAYMENT SYS	Pumpkin Walk supplies	305.74
	00217818	Amazon Capital Services Inc	1704014-9320222	304.63
	00217818	Amazon Capital Services Inc	3700776-9851453	176.39
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	110.00
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	43.50
	00217818	Amazon Capital Services Inc	1289005-0777037	36.08
	00217818	Amazon Capital Services Inc	2793181-9504258	26.21
Org Key: DS1200 - Bldg Plan Review & Inspection				
P0119713	00217810	WABO	T Judge Code Books	273.96
P0119712	00217810	WABO	Membership Renewal	105.00
Org Key: DS1300 - Land Use Planning Svc				
P0119740	00217765	Galt, John	Hearing Examiner Services APL2	93.75
Org Key: FN1100 - Administration (FN)				
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	54.10
P0119720	00217809	VERIZON WIRELESS	SEPT 24-OCT 23,23 FINANCE & YF	53.14
P0119720	00217809	VERIZON WIRELESS	SEPT 24-OCT 23,23 FINANCE & YF	47.24
P0119720	00217809	VERIZON WIRELESS	SEPT 24-OCT 23,23 FINANCE & YF	42.24
P0119720	00217809	VERIZON WIRELESS	SEPT 24-OCT 23,23 FINANCE & YF	42.23
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	15.42
Org Key: FN2100 - Data Processing				
	00217871	US BANK CORP PAYMENT SYS	Services - Software Maint/Supt	419.00
P0119739	00217786	METROPRESORT	OCT 2023 E-SERVICE PORTAL ADMI	100.00
Org Key: FN4501 - Utility Billing (Water)				
P0119796	00217851	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	80.91
P0119723	00217786	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	79.96
P0119739	00217786	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	79.24
P0119796	00217851	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	61.01
P0119723	00217786	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	60.48
P0119739	00217786	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	59.93
P0119720	00217809	VERIZON WIRELESS	SEPT 24-OCT 23,23 FINANCE & YF	47.24
P0119720	00217809	VERIZON WIRELESS	SEPT 24-OCT 23,23 FINANCE & YF	42.24
Org Key: FN4502 - Utility Billing (Sewer)				
P0119796	00217851	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	80.92
P0119723	00217786	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	79.97
P0119739	00217786	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	79.24
P0119796	00217851	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	61.01
P0119723	00217786	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	60.48
P0119739	00217786	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	59.94
Org Key: FN4503 - Utility Billing (Storm)				
P0119796	00217851	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	80.91
P0119723	00217786	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	79.97
P0119739	00217786	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	79.26

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0119796	00217851	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	61.00
P0119723	00217786	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	60.48
P0119739	00217786	METROPRESORT	OCT 2023 PRNT & MAILING OF UTI	59.94
Org Key: FR0000 - Fire-Revenue				
P0119421	00217828	Darling, Robert	Refund Transport Fee overpayme	797.25
Org Key: FR1100 - Administration (FR)				
P0119719	00217743	ASPECT SOFTWARE INC	Monthly telestaff fee	165.15
	00217871	US BANK CORP PAYMENT SYS	Postage	5.01
Org Key: FR1200 - Fire Marshal				
	00217871	US BANK CORP PAYMENT SYS	King County Fire Chiefs Associ	453.69
	00217771	HICKS, JEROMY	REIMB: PER DIEM-FIRE PREVENTIO	369.20
Org Key: FR2100 - Fire Operations				
P0116736	00217826	COMCAST	2023 Comcast Business - Fire	1,245.75
P0116736	00217826	COMCAST	2023 Comcast Business - Fire	1,245.75
P0116737	00217758	EPSCA	44 RADIOS FOR FIRE 2023	1,111.00
P0119785	00217873	VERIZON WIRELESS	VERIZON SEP 24 - OCT 23 FIRE	727.41
P0119804	00217848	KROESENS UNIFORM COMPANY	Daily uniforms	541.91
	00217785	MATHESON, SHAWN	REIMB:FOOD-10/23 BOTHOUSE FIRE	195.00
P0117114	00217750	COMCAST	MERCER ISLAND FIRE STATION	118.87
P0117114	00217750	COMCAST	MERCER ISLAND FIRE STATION	93.92
P0117114	00217750	COMCAST	MERCER ISLAND FIRE STATION	62.41
	00217818	Amazon Capital Services Inc	7886549-0481831	19.22
	00217818	Amazon Capital Services Inc	6584458-8129858	15.40
Org Key: FR2105 - Fire Mobile Integrated Health				
P0119786	00217873	VERIZON WIRELESS	MIH TABLET + STEWART	87.25
P0119779	00217873	VERIZON WIRELESS	MIH TABLET VERIZON +STEWART	87.21
P0119778	00217873	VERIZON WIRELESS	MIH TABLET VERIZON +STEWART	87.12
Org Key: FR2400 - Fire Suppression				
P0119717	00217782	LN CURTIS & SONS	Tech Rescue	115.73
Org Key: FR2500 - Fire Emergency Medical Svcs				
P0119718	00217740	AIRGAS USA LLC	Oxygen	30.06
P0119718	00217740	AIRGAS USA LLC	Oxygen tank rental	18.17
Org Key: FR4100 - Training				
	00217871	US BANK CORP PAYMENT SYS	Fire Service Instructor 1 - IF	450.00
	00217871	US BANK CORP PAYMENT SYS	Leadership in Supervision -Fr	400.00
	00217871	US BANK CORP PAYMENT SYS	Leadership in Supervision: Per	400.00
	00217871	US BANK CORP PAYMENT SYS	Leadership in Supervision: Sha	400.00
	00217871	US BANK CORP PAYMENT SYS	Lunch for promotional intervie	88.77
Org Key: GB0115 - Facilities Plan				
P0119742	00217791	Northwest Studio	Facilities Assessment Project	17,910.10
Org Key: GGM001 - General Government-Misc				
P0116736	00217826	COMCAST	2023 Comcast Business - City h	2,567.39
P0116736	00217826	COMCAST	2023 Comcast Business - City h	2,567.39
P0119797	00217821	BRINKS INC	OCT 2023 ARMOURED TRUCK DEPOSI	1,016.83

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0117114	00217750	COMCAST	CITY OF MERCER ISLAND	111.46
P0117114	00217750	COMCAST	MERCER ISLAND CITY HALL	11.43
Org Key: GGM004 - Gen Govt-Office Support				
P0119762	00217861	PITNEY BOWES INC	SEPT 3,2023-DEC 2,2023 POSTAGE	1,348.07
P0119709	00217795	PITNEY BOWES	Postage Machine Lease	1,236.90
P0119790	00217879	Xerox Financial Services	Copier Lease Fees Oct 2023 INV	1,196.64
P0119789	00217845	KELLEY IMAGING SYSTEMS	Copier Service Fees Oct 2023 I	1,026.96
P0119710	00217815	Xerox Financial Services	Copier Lease Fees Oct 2023 INV	857.69
P0119710	00217815	Xerox Financial Services	Copier Lease Fees Oct 2023 INV	284.06
	00217818	Amazon Capital Services Inc	1000948-3959430	66.80
	00217818	Amazon Capital Services Inc	0602730-4125829	53.39
Org Key: GGM005 - Genera Govt-L1 Retiree Costs				
	00217772	HILTNER, PETER	LEOFF1 Medicare Reimb	619.50
	00217753	DEEDS, EDWARD G	LEOFF1 Medicare Reimb	275.10
	00217746	BARNES, WILLIAM	LEOFF1 Medicare Reimb	271.10
	00217763	FORSMAN, LOWELL	LEOFF1 Medicare Reimb	271.10
	00217805	THOMPSON, JAMES	LEOFF1 Medicare Reimb	245.90
	00217801	SCHOENTRUP, WILLIAM	LEOFF1 Medicare Reimb	240.60
	00217738	ABBOTT, RICHARD	LEOFF1 Medicare Reimb	239.10
	00217767	GOODMAN, J C	LEOFF1 Medicare Reimb	236.30
	00217803	SMITH, RICHARD	LEOFF1 Medicare Reimb	219.60
	00217784	LYONS, STEVEN	LEOFF1 Medicare Reimb	211.80
	00217748	BOOTH, GLENDON D	LEOFF1 Medicare Reimb	210.60
	00217757	ELSOE, RONALD	LEOFF1 Medicare Reimb	208.30
	00217769	HAGSTROM, JAMES	LEOFF1 Medicare Reimb	204.50
	00217756	DOWD, PAUL	LEOFF1 Medicare Reimb	202.90
	00217739	ADAMS, RONALD E	LEOFF1 Medicare Reimb	201.40
	00217780	KUHN, DAVID	LEOFF1 Medicare Reimb	200.60
	00217745	AUGUSTSON, THOR	LEOFF1 Medicare Reimb	195.50
	00217783	LOISEAU, LERI M	LEOFF1 Medicare Reimb	195.50
	00217790	MYERS, JAMES S	LEOFF1 Medicare Reimb	179.80
	00217800	RUCKER, MANORD J	LEOFF1 Medicare Reimb	176.00
	00217774	JOHNSON, CURTIS	LEOFF1 Medicare Reimb	175.50
	00217812	WEGNER, KEN	LEOFF1 Medicare Reimb	170.10
	00217813	WHEELER, DENNIS	LEOFF1 Medicare Reimb	164.90
	00217797	RAMSAY, JON	LEOFF1 Medicare Reimb	136.20
	00217749	CARLSON, LARRY	REIMB: LEOFF MEDICARE NOV-23	82.40
Org Key: GGM100 - Emerg Incident Response				
	00217818	Amazon Capital Services Inc	6859213-7611427	122.45
	00217818	Amazon Capital Services Inc	4327300-8969817	110.78
	00217818	Amazon Capital Services Inc	2633652-8643435	51.13
	00217818	Amazon Capital Services Inc	4327300-8969817	51.13
	00217818	Amazon Capital Services Inc	4327300-8969817	51.13
	00217818	Amazon Capital Services Inc	4327300-8969817	37.94
	00217818	Amazon Capital Services Inc	6859213-7611427	24.01
	00217818	Amazon Capital Services Inc	4327300-8969817	18.71
	00217818	Amazon Capital Services Inc	1168749-4854611	3.81
Org Key: GGM606 - Excess Retirement-Fire				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00217746	BARNES, WILLIAM	LEOFF1 Excess Benefit	12,001.14
	00217751	COOPER, ROBERT	LEOFF1 Excess Benefit	11,952.82
	00217774	JOHNSON, CURTIS	LEOFF1 Excess Benefit	9,367.95
	00217801	SCHOENTRUP, WILLIAM	LEOFF1 Excess Benefit	6,814.26
	00217797	RAMSAY, JON	LEOFF1 Excess Benefit	6,038.93
Org Key: GT0170 - ARPA-Slater Rm Public Meetings				
	00217818	Amazon Capital Services Inc	0888058-3881866	56.08
	00217818	Amazon Capital Services Inc	0888058-3881866	50.62
Org Key: IGVO11 - Chamber of Commerce				
P0119708	00217787	MI CHAMBER OF COMMERCE	Q3 2023 Chamber Contract	5,400.00
Org Key: IS1100 - IGS Mapping				
P0119738	00217834	GIS INC A CONTINENTAL MAPPING	UPGRADE FROM ARCGIS 10.5.1 TO	1,875.00
P0119738	00217834	GIS INC A CONTINENTAL MAPPING	UPGRADE FROM ARCGIS 10.5.1 TO	1,875.00
	00217871	US BANK CORP PAYMENT SYS	Professional Services	250.00
	00217871	US BANK CORP PAYMENT SYS	Professional Services	25.00
Org Key: IS2100 - IGS Network Administration				
P0119715	00217849	LEPIDE USA INC	Lepide Software 3 yr term	15,764.96
P0119775	00217880	ZOOM VIDEO COMM.	Zoom Annual Subscription	7,038.55
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	2,788.08
P0117328	00217846	KING COUNTY FINANCE	I-NET MONTHLY SERVICES FROM	1,492.00
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	648.99
	00217871	US BANK CORP PAYMENT SYS	Computer Supplies	599.95
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	589.46
P0119721	00217809	VERIZON WIRELESS	SEPT 24-OCT 23, 23 IGS CELL PH	275.54
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	250.50
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	222.90
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	176.91
	00217818	Amazon Capital Services Inc	3385538-8279442	154.00
P0119757	00217867	Smarsh Inc.	Smarsh Additional Sept	146.11
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	136.70
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	129.63
	00217818	Amazon Capital Services Inc	0956264-3624254	120.00
P0119724	00217798	Ringsquared Telecom LLC	LONG DISTANCE CALLING OCT 2023	103.10
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	99.04
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	96.05
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	87.84
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	72.05
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	66.80
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	64.83
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	64.12
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	64.12
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	62.15
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	61.50
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	61.50
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	59.74
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	25.32
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	15.40
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	13.21

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	12.11
<i>Org Key: IS3101 - GIS Analyst Water Fund</i>				
P0119738	00217834	GIS INC A CONTINENTAL MAPPING	UPGRADE FROM ARCGIS 10.5.1 TO	1,875.00
P0119738	00217834	GIS INC A CONTINENTAL MAPPING	UPGRADE FROM ARCGIS 10.5.1 TO	1,875.00
	00217871	US BANK CORP PAYMENT SYS	Professional Services	250.00
	00217871	US BANK CORP PAYMENT SYS	Professional Services	25.00
<i>Org Key: IS3102 - GIS Analyst Sewer Fund</i>				
P0119738	00217834	GIS INC A CONTINENTAL MAPPING	UPGRADE FROM ARCGIS 10.5.1 TO	1,875.00
P0119738	00217834	GIS INC A CONTINENTAL MAPPING	UPGRADE FROM ARCGIS 10.5.1 TO	1,875.00
	00217871	US BANK CORP PAYMENT SYS	Professional Services	250.00
	00217871	US BANK CORP PAYMENT SYS	Professional Services	25.00
<i>Org Key: IS3103 - GIS Analyst Storm Fund</i>				
P0119738	00217834	GIS INC A CONTINENTAL MAPPING	UPGRADE FROM ARCGIS 10.5.1 TO	1,875.00
P0119738	00217834	GIS INC A CONTINENTAL MAPPING	UPGRADE FROM ARCGIS 10.5.1 TO	1,875.00
	00217871	US BANK CORP PAYMENT SYS	Professional Services	250.00
	00217871	US BANK CORP PAYMENT SYS	Professional Services	25.00
<i>Org Key: MT1500 - Urban Forest Mangement</i>				
P0119456	00217869	THOMAS J TREE	Mercer Island Unit Priced Arbo	5,925.92
<i>Org Key: MT2100 - Roadway Maintenance</i>				
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	3,027.81
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	1,678.08
P0119772	00217842	KC FINANCE	PROJECT # 1135624 RSD MI DSC T	550.80
P0119729	00217872	USABlueBook	11 - PROFLEX GLOVES	643.80
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	328.88
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	219.71
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	154.89
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	150.90
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	75.19
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	59.81
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	56.71
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	49.66
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	40.39
P0119720	00217809	VERIZON WIRELESS	SEPT 24-OCT 23,23 FINANCE & YF	40.01
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	28.77
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	20.00
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	11.07
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	11.06
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	10.43
<i>Org Key: MT2255 - Urban Forest Management (ROW)</i>				
P0119456	00217869	THOMAS J TREE	Mercer Island Unit Priced Arbo	5,045.04
P0119456	00217869	THOMAS J TREE	Mercer Island Unit Priced Arbo	1,941.94
<i>Org Key: MT2300 - Planter Bed Maintenance</i>				
P0119761	00217853	MI UTILITY BILLS	OCT 2023 PMT OF UTILITY BILLS	398.86
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	13.33
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	1.63

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
Org Key: MT3100 - Water Distribution				
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	4,894.51
P0119716	00217761	EUROFINS EATON ANALYTICAL, LLC	UCMR5 EPA CDX INVENTORY SAMPLE	675.00
P0119746	00217833	FERGUSON ENTERPRISES LLC	50' HEAVY DUTY PULLING CABLE	562.23
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	178.16
Org Key: MT3150 - Water Quality Event				
P0119760	00217820	AQUATIC INFORMATICS INC.	OCT 2023 TOKAY WEB TEST REPORT	323.00
P0119759	00217838	HOME DEPOT CREDIT SERVICE	SURE SOFT EXTRA COARSE 6 @	53.33
Org Key: MT3200 - Water Pumps				
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	195.66
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	59.74
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	59.74
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	58.97
Org Key: MT3300 - Water Associated Costs				
	00217871	US BANK CORP PAYMENT SYS	Registration for Allen Hunter	375.00
	00217871	US BANK CORP PAYMENT SYS	Registration for Casey Leyde t	375.00
	00217776	KELLEY, CHRIS M	REIMB: MILEAGE SR10592	21.88
	00217776	KELLEY, CHRIS M	REIMB: MILEAGE WO48722	21.87
Org Key: MT3400 - Sewer Collection				
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	1,363.71
P0119728	00217831	EJ USA INC	4" X 24" RINGS & COVER "SEWER"	1,269.61
Org Key: MT3500 - Sewer Pumps				
P0119773	00217824	CenturyLink	SEWER TELEMETRY NOV 4 - DEC 4,	2,633.43
P0119751	00217744	AT&T MOBILITY	PW AT&T OCT 2023	1,681.62
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	433.85
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	212.40
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	191.42
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	189.92
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	168.64
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	165.37
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	154.61
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	143.89
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	134.07
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	132.81
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	122.75
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	122.41
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	110.65
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	94.61
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	94.61
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	83.76
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	66.80
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	65.41
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	57.80
P0119761	00217853	MI UTILITY BILLS	OCT 2023 PMT OF UTILITY BILLS	46.45
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	32.06
Org Key: MT3600 - Sewer Associated Costs				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00217871	US BANK CORP PAYMENT SYS	See receipt confirmation numbe	382.90
	00217871	US BANK CORP PAYMENT SYS	See receipt confirmation numbe	191.45
	00217871	US BANK CORP PAYMENT SYS	See receipt confirmation numbe	191.45
	00217871	US BANK CORP PAYMENT SYS	See receipt confirmation numbe	191.45
	00217871	US BANK CORP PAYMENT SYS	Tuition & Registrations	160.00
	00217818	Amazon Capital Services Inc	7923348-1591434	45.06
	00217871	US BANK CORP PAYMENT SYS	See receipt confirmation numbe	-191.45
Org Key: MT3800 - Storm Drainage				
P0117844	00217856	Olson Brother's Pro-Vac LLC	STORMWATER VACTOR, JETTING, CC	15,278.80
P0119769	00217837	HERRERA ENVIRONMENTAL CONSULT	City of Mercer Island Stormwat	1,034.72
P0119697	00217766	GCP WW HOLDCO LLC	RAINGEAR & MISC. WORK CLOTHES	412.00
P0119697	00217766	GCP WW HOLDCO LLC	RAINGEAR & MISC. WORK CLOTHES	50.00
Org Key: MT4150 - Support Services - Clearing				
P0119737	00217873	VERIZON WIRELESS	VERIZON SEP 24 - OCT 23 PW	4,499.58
P0119767	00217874	WA AUDIOLOGY SERVICES INC	OSHA/MSHA Occupational Hearing	2,068.90
P0119696	00217741	ALTA Language Services, Inc.	AFSCME Foreign Language Testin	220.00
P0117114	00217750	COMCAST	CITY OF MERCER ISLAND	86.41
P0119787	00217873	VERIZON WIRELESS	VERIZON PARKS NOV 15, 2023	84.22
P0116737	00217758	EPSCA	1 RADIO FOR MAINTENANCE	25.25
Org Key: MT4200 - Building Services				
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	2,640.66
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	1,607.51
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	1,593.07
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	1,434.84
P0119761	00217853	MI UTILITY BILLS	OCT 2023 PMT OF UTILITY BILLS	750.41
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	270.58
P0119744	00217804	SOUND PUBLISHING INC	NTC 2740427 NOPH STORMWATER MG	86.34
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	44.37
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	36.23
	00217818	Amazon Capital Services Inc	5703115-0110640	16.93
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	16.59
	00217818	Amazon Capital Services Inc	1046880-9087420	11.09
Org Key: MT4270 - ARPA-Asbestos Response				
P0119742	00217791	Northwest Studio	City Hall Move Out INV 2304-04	11,564.75
P0119675	00217791	Northwest Studio	ASBESTOS ABATEMENT/SAFETY INV	8,478.50
P0119742	00217791	Northwest Studio	City Hall Winterization/	551.25
	00217818	Amazon Capital Services Inc	0631130-1706651	202.05
	00217818	Amazon Capital Services Inc	5167061-1348203	180.48
	00217818	Amazon Capital Services Inc	0631130-1706651	134.70
	00217818	Amazon Capital Services Inc	2316604-2594613	100.10
	00217818	Amazon Capital Services Inc	9895607-9374601	93.57
	00217818	Amazon Capital Services Inc	9895607-9374601	93.57
	00217818	Amazon Capital Services Inc	9895607-9374601	93.57
	00217818	Amazon Capital Services Inc	5153639-3583454	74.13
	00217818	Amazon Capital Services Inc	5153639-3583454	42.03
Org Key: MT4272 - ARPA-Police Iterim Site				
P0119742	00217791	Northwest Studio	Police Transition & Relocation	2,695.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
Org Key: MT4300 - Fleet Services				
P0119733	00217823	CALIBER - BELLEVUE	REPAIR WORK ON VEC. # FL-0476	3,633.63
P0119765	00217855	NAPA AUTO PARTS	REPAIR PARTS - OCT 2023	406.98
P0119765	00217855	NAPA AUTO PARTS	REPAIR PARTS - OCT 2023	285.08
P0119699	00217817	ALASKA RUBBER GROUP	HOSE ASSY/ROB ROOT FL-0318	198.28
P0119765	00217855	NAPA AUTO PARTS	REPAIR PARTS - OCT 2023	140.88
P0119765	00217855	NAPA AUTO PARTS	REPAIR PARTS - OCT 2023	127.94
P0119765	00217855	NAPA AUTO PARTS	REPAIR PARTS - OCT 2023	98.07
P0119765	00217855	NAPA AUTO PARTS	REPAIR PARTS - OCT 2023	90.80
	00217871	US BANK CORP PAYMENT SYS	Fuel: Vehicle 505, mileage 68	89.69
P0119765	00217855	NAPA AUTO PARTS	REPAIR PARTS - OCT 2023	85.69
P0119765	00217855	NAPA AUTO PARTS	REPAIR PARTS - OCT 2023	72.46
P0119765	00217855	NAPA AUTO PARTS	REPAIR PARTS - OCT 2023	69.07
P0119765	00217855	NAPA AUTO PARTS	REPAIR PARTS - OCT 2023	60.35
P0119765	00217855	NAPA AUTO PARTS	REPAIR PARTS - OCT 2023	49.74
P0119765	00217855	NAPA AUTO PARTS	REPAIR PARTS - OCT 2023	47.85
P0119765	00217855	NAPA AUTO PARTS	REPAIR PARTS - OCT 2023	47.65
P0119765	00217855	NAPA AUTO PARTS	REPAIR PARTS - OCT 2023	37.38
P0119765	00217855	NAPA AUTO PARTS	REPAIR PARTS - OCT 2023	27.53
P0119765	00217855	NAPA AUTO PARTS	REPAIR PARTS - OCT 2023	-84.78
Org Key: MT4420 - Transportation Planner Eng				
	00217818	Amazon Capital Services Inc	0703149-8214613	363.32
	00217816	YAMASHITA, M PATRICK	REIMB: LUNCH-ORIENTATION	35.02
Org Key: MT4450 - Cust Resp - Clearing Acct				
	00217776	KELLEY, CHRIS M	REIMB: MILEAGE SR10606	21.88
Org Key: MT4501 - Water Administration				
P0119722	00217802	SEATTLE PUBLIC UTILITIES	SEPT 2023 WATER PURCHASE	276,013.70
P0119726	00217775	KELLER ROHRBACK	MOUNTAIN SOUND TRANSIT Claim N	3,297.50
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	58.69
Org Key: MT4900 - Solid Waste & Sustainability				
P0119768	00217842	KC FINANCE	King County-Cities Climate	1,200.00
	00217871	US BANK CORP PAYMENT SYS	Professional Services	297.27
	00217871	US BANK CORP PAYMENT SYS	Professional Services	85.33
Org Key: MT4930 - ARPA-Eliminate Gas Blowers				
	00217871	US BANK CORP PAYMENT SYS	Small Tools & Equipment	2,014.82
Org Key: MT6100 - Park Maintenance				
P0119079	00217806	TOURNESOL SITEWORKS	2) TRANSIT COLLECTION BENCHES	2,904.99
P0119771	00217853	MI UTILITY BILLS	OCT 2023 PMT OF UTILITY BILLS	2,136.56
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	1,447.56
	00217871	US BANK CORP PAYMENT SYS	Fire extinguisher testing	592.38
	00217871	US BANK CORP PAYMENT SYS	Paint, stain and supplies	521.76
P0119787	00217873	VERIZON WIRELESS	VERIZON PARKS NOV 15, 2023	446.85
	00217871	US BANK CORP PAYMENT SYS	Floor mats	168.45
	00217818	Amazon Capital Services Inc	7259059-4193009	132.10
	00217871	US BANK CORP PAYMENT SYS	Graffiti remover	124.08
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	49.90

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PO #	Check #	Vendor:	Transaction Description	Check Amount
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	38.35
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	23.69
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	17.47
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	14.47
<i>Org Key: MT6200 - Athletic Field Maintenance</i>				
P0119771	00217853	MI UTILITY BILLS	OCT 2023 PMT OF UTILITY BILLS	1,281.74
P0119731	00217814	WRPA	Rob Peterburs: 2023 Fall Train	249.00
P0119787	00217873	VERIZON WIRELESS	VERIZON PARKS NOV 15, 2023	42.11
<i>Org Key: MT6500 - Luther Burbank Park Maint</i>				
P0119771	00217853	MI UTILITY BILLS	OCT 2023 PMT OF UTILITY BILLS	3,575.46
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	1,157.24
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	129.63
P0119787	00217873	VERIZON WIRELESS	VERIZON PARKS NOV 15, 2023	82.14
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	81.71
	00217871	US BANK CORP PAYMENT SYS	Fire extinguisher testing	53.93
<i>Org Key: MT6600 - Park Maint School Fields</i>				
P0119766	00217860	PIONEER MANUFACTURING COMPANY	JAYPRO SOCCER GOAL CLASSICS (T	4,399.60
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	248.42
	00217871	US BANK CORP PAYMENT SYS	Fire extinguisher testing	53.93
<i>Org Key: MT6800 - Trails Maintenance</i>				
	00217871	US BANK CORP PAYMENT SYS	Non-stick stair shingles for t	465.50
	00217871	US BANK CORP PAYMENT SYS	Trail non-skid shingle supplie	65.80
P0119787	00217873	VERIZON WIRELESS	VERIZON PARKS NOV 15, 2023	47.11
<i>Org Key: MT6900 - Aubrey Davis Park Maint</i>				
P0119771	00217853	MI UTILITY BILLS	OCT 2023 PMT OF UTILITY BILLS	23,116.78
P0119079	00217806	TOURNESOL SITEWORKS	2) TRANSIT COLLECTION BENCHES	2,904.99
P0119725	00217794	PAYBYPHONE TECHNOLOGIES INC	TRANSACTION FEE OCT 2023	253.90
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	53.49
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	50.82
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	47.83
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	23.50
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	20.93
<i>Org Key: PA0100 - Open Space Management</i>				
	00217868	Stone, Lizzy	REIMB: PER DIEM-WORLD FORUM UF	413.60
P0119727	00217814	WRPA	Briana Hooks: 2023 Fall Traini	249.00
P0119730	00217814	WRPA	Rebekah Graham: 2023 Fall Trai	249.00
	00217871	US BANK CORP PAYMENT SYS	Restoration flagging tape	139.64
	00217871	US BANK CORP PAYMENT SYS	First Aid supplies	73.80
	00217871	US BANK CORP PAYMENT SYS	Volunteer program supplies	64.21
P0119787	00217873	VERIZON WIRELESS	VERIZON PARKS NOV 15, 2023	47.16
	00217871	US BANK CORP PAYMENT SYS	Volunteer program supplies	9.38
<i>Org Key: PA0109 - Aubrey Davis Park Trail Safety</i>				
P0112473	00217778	KPG	Aubrey Davis Park Trail Safety	2,919.54
<i>Org Key: PA0122 - Luther Burbank Dock Repair & R</i>				
P0114806	00217777	KPFF CONSULTING ENGINEERS	Luther Burbank Park Final Desi	2,663.00

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PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: PA0124 - Luther Burbank Boiler Bldg Roo</i>				
P0119732	00217752	DAILY JOURNAL OF COMMERCE	BC:LUTHER BURBANK PARK	504.00
<i>Org Key: PA0129 - Pioneer Park/Engstrom OS Fores</i>				
	00217871	US BANK CORP PAYMENT SYS	Volunteer program supplies	64.22
	00217871	US BANK CORP PAYMENT SYS	forest steward training suppli	31.16
	00217871	US BANK CORP PAYMENT SYS	Forest Steward training suppli	13.46
<i>Org Key: PA0136 - Luther Burbank South Shoreline</i>				
	00217871	US BANK CORP PAYMENT SYS	Mulch binder for steep slope r	50.72
<i>Org Key: PA0165 - Bike Skills Area</i>				
P0118508	00217819	AMERICAN RAMP COMPANY	Mercer Island Bike Skills Area	226,468.39
P0118508	00217819	AMERICAN RAMP COMPANY	Mercer Island Bike Skills Area	76,031.61
<i>Org Key: PA122A - LB North Pier Renovation</i>				
P0114806	00217777	KPFF CONSULTING ENGINEERS	Luther Burbank Park Final Desi	1,352.50
<i>Org Key: PA122B - LB Shoreline Access Improvemen</i>				
P0114806	00217777	KPFF CONSULTING ENGINEERS	Luther Burbank Park Final Desi	2,130.00
<i>Org Key: PA122E - LB Docks - Project costs</i>				
P0114806	00217777	KPFF CONSULTING ENGINEERS	Luther Burbank Park Final Desi	1,392.50
<i>Org Key: PA122F - LB Art Design Docks-Waterfront</i>				
P0114806	00217777	KPFF CONSULTING ENGINEERS	Luther Burbank Park Final Desi	310.00
<i>Org Key: PO0000 - Police-Revenue</i>				
P0119537	00217876	WA STATE DOL	DATE RANGE05/04/2023 TO 10/02/	1,170.00
P0119747	00217811	WASHINGTON STATE PATROL	Background Checks	166.75
<i>Org Key: PO1100 - Administration (PO)</i>				
	00217871	US BANK CORP PAYMENT SYS	Office supplies for displaced	529.09
	00217871	US BANK CORP PAYMENT SYS	Office supplies for displaced	291.25
P0119736	00217808	VERIZON WIRELESS	VERIZON SEP 24- OCT 23 POLICE	282.34
P0119740	00217765	Galt, John	Hearing Examiner Services APL2	62.50
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	25.00
	00217871	US BANK CORP PAYMENT SYS	Return of non-functioning item	-328.39
<i>Org Key: PO1350 - Police Emergency Management</i>				
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	416.16
P0116737	00217758	EPSCA	13 RADIOS FOR EMERGENCY DEPT	328.25
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	200.00
P0119753	00217863	REMOTE SATELLITE SYSTEMS INT'L	EMAC Satellite Phone Service (69.95
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	23.10
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	21.55
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	1.00
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	-641.00
<i>Org Key: PO1650 - Regional Radio Operations</i>				
P0116737	00217758	EPSCA	60 RADIOS FOR POLICE DEPARTMEN	1,515.00
<i>Org Key: PO1800 - Contract Dispatch Police</i>				
P0119754	00217829	DATEC INC.	FZ-55 Spare Battery	142.03

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PO #	Check #	Vendor:	Transaction Description	Check Amount
Org Key: PO2100 - Patrol Division				
P0119748	00217779	KROESENS UNIFORM COMPANY	Uniform items/ballistic vests	2,018.08
P0119748	00217779	KROESENS UNIFORM COMPANY	Uniform items/ballistic vests	1,740.69
P0119748	00217779	KROESENS UNIFORM COMPANY	Uniform items/ballistic vests	1,611.86
P0119748	00217779	KROESENS UNIFORM COMPANY	Uniform items/ballistic vests	297.14
	00217818	Amazon Capital Services Inc	3652762-9492251	131.40
P0119748	00217779	KROESENS UNIFORM COMPANY	Uniform items/ballistic vests	120.99
P0119748	00217779	KROESENS UNIFORM COMPANY	Uniform items/ballistic vests	69.07
	00217818	Amazon Capital Services Inc	2143455-8219428	66.00
	00217818	Amazon Capital Services Inc	8571795-3582646	52.80
P0119748	00217779	KROESENS UNIFORM COMPANY	Uniform items/ballistic vests	42.40
P0119748	00217779	KROESENS UNIFORM COMPANY	Uniform items/ballistic vests	27.53
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	19.59
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	10.88
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	2.19
Org Key: PO2200 - Marine Patrol				
	00217818	Amazon Capital Services Inc	5118378-9611451	70.60
Org Key: PO4300 - Police Training				
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	342.54
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	342.54
Org Key: PR1100 - Administration (PR)				
P0119788	00217875	WA ST DEPT OF TRANS/T2	AA-1-10265 Remit Lease fees	2,842.40
	00217871	US BANK CORP PAYMENT SYS	Department marketing renewal	249.93
	00217871	US BANK CORP PAYMENT SYS	Department marketing renewal	119.40
	00217818	Amazon Capital Services Inc	5975515-5203411	60.18
	00217818	Amazon Capital Services Inc	9484803-6157836	53.94
	00217818	Amazon Capital Services Inc	4192356-3853823	49.42
	00217818	Amazon Capital Services Inc	9080565-0425843	39.54
	00217818	Amazon Capital Services Inc	6762100-1541029	39.12
	00217818	Amazon Capital Services Inc	1069313-0003459	36.32
	00217818	Amazon Capital Services Inc	1069313-0003459	30.82
	00217818	Amazon Capital Services Inc	9827934-3964248	30.78
	00217818	Amazon Capital Services Inc	9827934-3964248	30.78
	00217818	Amazon Capital Services Inc	6105583-9233847	28.28
	00217818	Amazon Capital Services Inc	9220058-3168216	26.41
	00217818	Amazon Capital Services Inc	9220058-3168216	11.00
	00217818	Amazon Capital Services Inc	6105583-9233847	6.26
P0119788	00217875	WA ST DEPT OF TRANS/T2	AA-1-10221 Amend 2	0.00
Org Key: PR2100 - Recreation Programs				
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	20.00
Org Key: PR2104 - Special Events				
	00217818	Amazon Capital Services Inc	6615507-8577809	285.73
	00217871	US BANK CORP PAYMENT SYS	Pumpkin Walk supplies	156.34
	00217818	Amazon Capital Services Inc	9476231-6024245	123.72
	00217818	Amazon Capital Services Inc	7264816-4067465	83.64
	00217818	Amazon Capital Services Inc	9864544-6036256	48.20
	00217818	Amazon Capital Services Inc	0221922-6716277	19.43

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PO #	Check #	Vendor:	Transaction Description	Check Amount
	00217818	Amazon Capital Services Inc	0221922-6716277	19.43
<i>Org Key: PR4100 - Community Center</i>				
P0119608	00217789	MORGAN SOUND INC	7/20/23, 8/1/23, and 9/8/23 se	1,238.62
P0119741	00217845	KELLEY IMAGING SYSTEMS	POLYPROPYLENE BANNER 3" CORE	783.44
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	696.80
	00217818	Amazon Capital Services Inc	6725363-1642654	660.54
	00217818	Amazon Capital Services Inc	1718053-4718602	660.54
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	590.36
P0117114	00217750	COMCAST	MERCER ISLAND COMMUNITY	322.10
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	284.37
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	271.68
	00217818	Amazon Capital Services Inc	5407179-8841031	176.78
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	116.14
	00217818	Amazon Capital Services Inc	8210275-0670626	78.16
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	64.12
	00217818	Amazon Capital Services Inc	5407179-8841031	58.96
	00217818	Amazon Capital Services Inc	0161784-9203444	57.10
	00217818	Amazon Capital Services Inc	5407179-8841031	45.50
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	44.56
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	33.76
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	29.97
	00217818	Amazon Capital Services Inc	0161784-9203444	22.01
	00217818	Amazon Capital Services Inc	0161784-9203444	19.26
	00217818	Amazon Capital Services Inc	5407179-8841031	18.72
	00217818	Amazon Capital Services Inc	0161784-9203444	14.29
<i>Org Key: PR5300 - Community Arts Support</i>				
	00217818	Amazon Capital Services Inc	2130662-5878620	159.55
	00217818	Amazon Capital Services Inc	0309399-2285876	152.34
	00217818	Amazon Capital Services Inc	0309399-2285876	101.56
<i>Org Key: PR5900 - Summer Celebration</i>				
P0119714	00217768	GREEN LATRINE	Summer Celebration 2023	3,560.00
P0119777	00217870	UNITED REPROGRAPHICS	DS COREX PRINT	83.79
<i>Org Key: SU0108 - Comprehensive Pipeline R&R Pro</i>				
P0119149	00217839	INSTA-PIPE INC	Basin 40 CIPP Sewer Lining Pro	703,288.98
<i>Org Key: SU0113 - SCADA System Replacement-Sewer</i>				
P0103284	00217822	BROWN AND CALDWELL CONSULTANTS	PH1 SCADA EQUIPMENT REPLACEMENT	23,299.50
<i>Org Key: VCP104 - CIP Streets Salaries</i>				
	00217871	US BANK CORP PAYMENT SYS	Tuition & Registrations	119.70
<i>Org Key: VCP343 - CIP Parks Salaries</i>				
	00217871	US BANK CORP PAYMENT SYS	Tuition & Registrations	119.70
<i>Org Key: VCP402 - CIP Water Salaries</i>				
	00217871	US BANK CORP PAYMENT SYS	Tuition & Registrations	119.70
	00217818	Amazon Capital Services Inc	2368629-7824227	17.59
<i>Org Key: VCP426 - CIP Sewer Salaries</i>				

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PO #	Check #	Vendor:	Transaction Description	Check Amount
	00217871	US BANK CORP PAYMENT SYS	Tuition & Registrations	119.70
<i>Org Key: VCP432 - CIP Storm Drainage Salaries</i>				
	00217871	US BANK CORP PAYMENT SYS	Tuition & Registrations	175.00
	00217871	US BANK CORP PAYMENT SYS	Tuition & Registrations	119.70
<i>Org Key: WU0100 - Emergency Water System Repairs</i>				
P0111663	00217864	RH2 ENGINEERING INC	RESERVOIR PUMP-MOTOR	21,734.58
P0118703	00217827	CONFLUENCE ENGINEERING GRP LLC	Water System Reliability Actio	5,910.00
P0111663	00217864	RH2 ENGINEERING INC	RESERVOIR PUMP-MOTOR	2,046.07
<i>Org Key: WU0102 - SCADA System Replacement-Water</i>				
P0103284	00217822	BROWN AND CALDWELL CONSULTANTS PH1	SCADA EQUIPMENT REPLACEMENT	4,752.42
<i>Org Key: WU0117 - Meter Replacement Implementati</i>				
P0115874	00217762	FERGUSON ENTERPRISES LLC	TRANSMITTERS	224,140.77
P0102980	00217836	HDR ENGINEERING INC	WATER METER REPLACEMENT	26,473.39
P0115874	00217762	FERGUSON ENTERPRISES LLC	ESTIMATED TAXES AT 10,1%	22,638.22
<i>Org Key: YF1100 - YFS General Services</i>				
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	1,939.71
	00217871	US BANK CORP PAYMENT SYS	Telehealth platform subscripti	1,213.31
P0119778	00217873	VERIZON WIRELESS	VERIZON 091523	1,075.16
P0119786	00217873	VERIZON WIRELESS	VERIZON YFS NOV 15 2023	902.04
P0119779	00217873	VERIZON WIRELESS	YFS VERIZON OCT 15	901.69
	00217871	US BANK CORP PAYMENT SYS	For Emergency Assistance Coord	802.50
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	129.86
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	100.00
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	100.00
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	100.00
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	61.10
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	20.00
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	9.24
	00217871	US BANK CORP PAYMENT SYS	therapy resource	5.35
<i>Org Key: YF1200 - Thrift Shop</i>				
	00217871	US BANK CORP PAYMENT SYS	PUGET SOUND ENERGY INC	648.23
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	404.20
	00217818	Amazon Capital Services Inc	1135782-3602655	348.31
	00217871	US BANK CORP PAYMENT SYS	CENTURYLINK LUMEN	194.50
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	169.83
	00217818	Amazon Capital Services Inc	0905771-8696206	143.12
	00217818	Amazon Capital Services Inc	3058923-7939420	85.80
	00217818	Amazon Capital Services Inc	0905771-8696206	59.89
	00217818	Amazon Capital Services Inc	2308143-2134609	47.34
P0119720	00217809	VERIZON WIRELESS	SEPT 24-OCT 23,23 FINANCE & YF	47.24
P0119720	00217809	VERIZON WIRELESS	SEPT 24-OCT 23,23 FINANCE & YF	42.25
P0119720	00217809	VERIZON WIRELESS	SEPT 24-OCT 23,23 FINANCE & YF	42.24
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	31.87
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	23.05
	00217818	Amazon Capital Services Inc	0905771-8696206	16.39
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	15.33

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PO #	Check #	Vendor:	Transaction Description	Check Amount
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	9.59
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	9.59
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	9.47
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	7.96
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	6.73
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	6.00
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	4.44
	00217871	US BANK CORP PAYMENT SYS	Operating Supplies	-35.62
Org Key: YF2100 - School/City Partnership				
	00217818	Amazon Capital Services Inc	0319237-7913830	56.22
Org Key: YF2600 - Family Assistance				
P0119800	00217859	PEBBLE @ MIPC, THE	Preschool scholarship for EA c	516.38
P0119800	00217859	PEBBLE @ MIPC, THE	Preschool scholarship for EA c	516.38
P0119749	00217843	KC HOUSING AUTHORITY	Rental assistance for EA clien	358.00
P0119750	00217844	KC HOUSING AUTHORITY	Rental assistance for EA clien	213.00
	00217871	US BANK CORP PAYMENT SYS	For Emergency Assistance clien	154.00
P0119801	00217835	Grace's Place	Rental assistance for EA clien	145.00
P0119803	00217858	PEBBLE @ MIPC, THE	Preschool scholarship for EA c	136.25
P0119803	00217858	PEBBLE @ MIPC, THE	Preschool scholarship for EA c	136.25
P0119802	00217857	PEBBLE @ MIPC, THE	Preschool scholarship for EA c	98.88
P0119802	00217857	PEBBLE @ MIPC, THE	Preschool scholarship for EA c	98.88
	00217871	US BANK CORP PAYMENT SYS	For Emergency Assistance clien	72.57
	00217871	US BANK CORP PAYMENT SYS	For Emergency Assistance clien	58.81
Org Key: YF2850 - Federal SPF Grant				
	00217764	FRANKLIN, DEREK	REIMB: PER DIEM WA PREVENTION	116.00
	00217770	HARNISH, CHRISTOPHER JAMES	REIMB: PER DIEM-WA PREVENTION	116.00
	00217799	RITTER, MICHELLE	REIMB: PER DIEM-WA PREVENTION	116.00
Total				<u>2,039,506.23</u>

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00217738	11/13/2023	ABBOTT, RICHARD LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	239.10
00217739	11/13/2023	ADAMS, RONALD E LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	201.40
00217740	11/13/2023	AIRGAS USA LLC Oxygen tank rental	P0119718	9143712949	11/01/2023	48.23
00217741	11/13/2023	ALTA Language Services, Inc. AFSCME Foreign Language Testin	P0119696	IS682068	10/31/2023	220.00
00217742	11/13/2023	Amandla Project Rental FA-7248 completed. Retu	P0119612	10202023-REFUND	10/20/2023	500.00
00217743	11/13/2023	ASPECT SOFTWARE INC Monthly telestaff fee	P0119719	ASI078195	11/05/2023	165.15
00217744	11/13/2023	AT&T MOBILITY PW AT&T OCT 2023	P0119751	3737X10132023	10/05/2023	1,681.62
00217745	11/13/2023	AUGUSTSON, THOR LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	195.50
00217746	11/13/2023	BARNES, WILLIAM LEOFF1 Medicare Reimb		NOV2023A	11/01/2023	12,272.24
00217747	11/13/2023	BEGANOVIC, MERSIHA REIMB: MILEAGE-AWC MEMBER EXPO		10312023	10/31/2023	273.14
00217748	11/13/2023	BOOTH, GLENDON D LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	210.60
00217749	11/13/2023	CARLSON, LARRY REIMB: LEOFF MEDICARE NOV-23		LEOFF NOV-23	11/08/2023	82.40
00217750	11/13/2023	COMCAST MERCER ISLAND FIRE STATION	P0117114	102523-112423	10/20/2023	806.60
00217751	11/13/2023	COOPER, ROBERT LEOFF1 Excess Benefit		NOV2023A	11/01/2023	11,952.82
00217752	11/13/2023	DAILY JOURNAL OF COMMERCE BC:LUTHER BURBANK PARK	P0119732	3393474	10/24/2023	504.00
00217753	11/13/2023	DEEDS, EDWARD G LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	275.10
00217754	11/13/2023	DHUGGA, PARMINDER REFUND: PERMIT#ZTR23-003		09292023	09/29/2023	23,571.75
00217755	11/13/2023	DMCMA 2024 DMCMA Membership Applicat	P0119678	2023-0260	10/30/2023	250.00
00217756	11/13/2023	DOWD, PAUL LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	202.90
00217757	11/13/2023	ELSOE, RONALD LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	208.30
00217758	11/13/2023	EPSCA 44 RADIOS FOR FIRE 2023	P0116737	11320	11/01/2023	2,979.50
00217759	11/13/2023	ESA Peer Review, 2304-163	P0119707	190040	11/02/2023	919.50
00217760	11/13/2023	ESSER, LUKE September Lobbying Services IN	P0119704	10272023	10/27/2023	2,000.00
00217761	11/13/2023	EUROFINS EATON ANALYTICAL, LLC UCMR5 EPA CDX INVENTORY SAMPLE	P0119716	3800035750	10/26/2023	675.00
00217762	11/13/2023	FERGUSON ENTERPRISES LLC TRANSMITTERS	P0115874	082623-093023	10/03/2023	246,778.99
00217763	11/13/2023	FORSMAN, LOWELL LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	271.10

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Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00217764	11/13/2023	FRANKLIN, DEREK REIMB: PER DIEM WA PREVENTION		10312023	10/31/2023	116.00
00217765	11/13/2023	Galt, John Hearing Examiner Services APL2	P0119740	3297	10/13/2023	156.25
00217766	11/13/2023	GCP WW HOLDCO LLC RAINGEAR & MISC. WORK CLOTHES	P0119697	INV2050002669	10/16/2023	462.00
00217767	11/13/2023	GOODMAN, J C LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	236.30
00217768	11/13/2023	GREEN LATRINE Summer Celebration 2023	P0119714	I34277	06/28/2023	3,560.00
00217769	11/13/2023	HAGSTROM, JAMES LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	204.50
00217770	11/13/2023	HARNISH, CHRISTOPHER JAMES REIMB: PER DIEM-WA PREVENTION		10312023	10/31/2023	116.00
00217771	11/13/2023	HICKS, JEROMY REIMB: PER DIEM-FIRE PREVENTIO		10252023	10/25/2023	369.20
00217772	11/13/2023	HILTNER, PETER LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	619.50
00217773	11/13/2023	INTERCOM LANGUAGE SERVICES INC Intercom Invoice #23-523	P0119693	23-523	10/31/2023	958.37
00217774	11/13/2023	JOHNSON, CURTIS LEOFF1 Medicare Reimb		NOV2023A	11/01/2023	9,543.45
00217775	11/13/2023	KELLER ROHRBACK MOUNTAIN SOUND TRANSIT Claim N	P0119726	194736	10/20/2023	3,297.50
00217776	11/13/2023	KELLEY, CHRIS M REIMB: MILEAGE SR10592		10262023	10/26/2023	65.63
00217777	11/13/2023	KPFF CONSULTING ENGINEERS Luther Burbank Park Final Desi	P0114806	492053	10/15/2023	7,848.00
00217778	11/13/2023	KPG Aubrey Davis Park Trail Safety	P0112473	201623	10/24/2023	2,919.54
00217779	11/13/2023	KROESENS UNIFORM COMPANY Uniform items/ballistic vests	P0119748	3538	11/06/2023	5,927.76
00217780	11/13/2023	KUHN, DAVID LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	200.60
00217781	11/13/2023	LANGUAGE LINE SERVICES Phone Interpretation INV 11140	P0119711	11140835	10/31/2023	3,268.76
00217782	11/13/2023	LN CURTIS & SONS Tech Rescue	P0119717	INV758763	10/25/2023	115.73
00217783	11/13/2023	LOISEAU, LERI M LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	195.50
00217784	11/13/2023	LYONS, STEVEN LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	211.80
00217785	11/13/2023	MATHESON, SHAWN REIMB:FOOD-10/23 BOTHOUSE FIRE		10242023	10/24/2023	195.00
00217786	11/13/2023	METROPRESORT OCT 2023 E-SERVICE PORTAL ADMI	P0119739	IN660520	11/07/2023	938.89
00217787	11/13/2023	MI CHAMBER OF COMMERCE Q3 2023 Chamber Contract	P0119708	1307	10/10/2023	5,400.00
00217788	11/13/2023	MI SISTER CITY ASSOCIATION 2023 Exchange Transportation	P0119706	1	10/24/2023	4,499.50
00217789	11/13/2023	MORGAN SOUND INC 7/20/23, 8/1/23, and 9/8/23 se	P0119608	MSI115361	10/16/2023	1,238.62

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00217790	11/13/2023	MYERS, JAMES S LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	179.80
00217791	11/13/2023	Northwest Studio FACILITIES ASSESSMENT PROJECT	P0119742	2304-04	09/26/2023	55,828.90
00217792	11/13/2023	OCCUPATIONAL HEALTH CTRS OF WA DOT Physical INV 80971884	P0119705	80971884	10/24/2023	125.00
00217793	11/13/2023	Open Doors Multicult Families Rental FA-7022 completed. Retu	P0119619	10232023-REFUND	10/23/2023	500.00
00217794	11/13/2023	PAYBYPHONE TECHNOLOGIES INC TRANSACTION FEE OCT 2023	P0119725	INVPBP-US406	10/31/2023	253.90
00217795	11/13/2023	PITNEY BOWES Postage Machine Lease	P0119709	3318258462	11/03/2023	1,236.90
00217796	11/13/2023	PUBLIC SAFETY TESTING INC 2023 Q4 Fire Fees (pro-rated)	P0119703	2023-1247	11/03/2023	132.33
00217797	11/13/2023	RAMSAY, JON LEOFF1 Medicare Reimb		NOV2023A	11/01/2023	6,175.13
00217798	11/13/2023	Ringsquared Telecom LLC LONG DISTANCE CALLING OCT 2023	P0119724	IN154568	11/03/2023	103.10
00217799	11/13/2023	RITTER, MICHELLE REIMB: PER DIEM-WA PREVENTION		10312023	10/31/2023	116.00
00217800	11/13/2023	RUCKER, MANORD J LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	176.00
00217801	11/13/2023	SCHOENTRUP, WILLIAM LEOFF1 Medicare Reimb		NOV2023A	11/01/2023	7,054.86
00217802	11/13/2023	SEATTLE PUBLIC UTILITIES SEPT 2023 WATER PURCHASE	P0119722	SEPT 2023-WATER	11/08/2023	276,013.70
00217803	11/13/2023	SMITH, RICHARD LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	219.60
00217804	11/13/2023	SOUND PUBLISHING INC NTC 2740563 ORD 23C-15 10.11.2	P0119744	8118028	10/31/2023	156.35
00217805	11/13/2023	THOMPSON, JAMES LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	245.90
00217806	11/13/2023	TOURNESOL SITEWORKS 2) TRANSIT COLLECTION BENCHES	P0119079	124539	10/05/2023	5,809.98
00217807	11/13/2023	VANNATTER, NICOLE REIMB: MILEAGE- AWC CONF.		11082023	11/08/2023	273.14
00217808	11/13/2023	VERIZON WIRELESS VERIZON SEP 24 - OCT 23 MUNICI	P0119736	9947560890	10/23/2023	324.58
00217809	11/13/2023	VERIZON WIRELESS SEPT 24-OCT 23,23 FINANCE & YF	P0119720	9947560897	10/23/2023	721.61
00217810	11/13/2023	WABO T Judge Code Books	P0119712	14599	11/01/2023	378.96
00217811	11/13/2023	WASHINGTON STATE PATROL Background Checks	P0119747	I23005906	05/01/2023	166.75
00217812	11/13/2023	WEGNER, KEN LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	170.10
00217813	11/13/2023	WHEELER, DENNIS LEOFF1 Medicare Reimb		NOV2023B	11/01/2023	164.90
00217814	11/13/2023	WRPA Rob Peterburs: 2023 Fall Train	P0119730	8982	10/16/2023	747.00
00217815	11/13/2023	Xerox Financial Services Copier Lease Fees Oct 2023 INV	P0119710	4989009	11/04/2023	1,141.75

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00217816	11/13/2023	YAMASHITA, M PATRICK REIMB: LUNCH-ORIENTATION		10302023	10/30/2023	35.02
00217817	11/17/2023	ALASKA RUBBER GROUP HOSE ASSY/ROB ROOT FL-0318	P0119699	R092395	11/03/2023	198.28
00217818	11/17/2023	Amazon Capital Services Inc 6176693-0442652		1FDH-JMWL-3Q6T	11/01/2023	8,188.23
00217819	11/17/2023	AMERICAN RAMP COMPANY Mercer Island Bike Skills Area	P0118508	8141	11/01/2023	302,500.00
00217820	11/17/2023	AQUATIC INFORMATICS INC. OCT 2023 TOKAY WEB TEST REPORT	P0119760	106648	11/07/2023	323.00
00217821	11/17/2023	BRINKS INC OCT 2023 ARMOURED TRUCK DEPOSI	P0119797	6071806	10/31/2023	1,016.83
00217822	11/17/2023	BROWN AND CALDWELL CONSULTANTS PH1 SCADA EQUIPMENT REPLACEMENT	SP0103284	14497254	10/11/2023	28,051.92
00217823	11/17/2023	CALIBER - BELLEVUE REPAIR WORK ON VEC. # FL-0476	P0119733	09142023	09/14/2023	3,633.63
00217824	11/17/2023	CenturyLink SEWER TELEMETRY NOV 4 - DEC 4,	P0119773	664310331	11/04/2023	2,633.43
00217825	11/17/2023	CHAPTER 13 TRUSTEE PR EARLY WARRANTS 11.17.2023		PR 11.17.2023	11/17/2023	572.00
00217826	11/17/2023	COMCAST 2023 Comcast Business - Fire	P0116736	184041233	10/01/2023	7,626.28
00217827	11/17/2023	CONFLUENCE ENGINEERING GRP LLC Water System Reliability Actio	P0118703	05-1023MIWSRAP	10/31/2023	5,910.00
00217828	11/17/2023	Darling, Robert Refund Transport Fee overpayme	P0119421	09282023	09/28/2023	797.25
00217829	11/17/2023	DATEC INC. FZ-55 Spare Battery	P0119754	21131	09/29/2023	142.03
00217830	11/17/2023	DELL MARKETING L.P. Dell Latitude 5540 Laptop	P0119603	10708540024	11/02/2023	1,846.42
00217831	11/17/2023	EJ USA INC 4" X 24" RINGS & COVER "SEWER"	P0119728	110230080190	10/25/2023	1,269.61
00217832	11/17/2023	EVANS, R BLAIR REFUND: OVERPMT ON 007471260		11072023	11/07/2023	39.78
00217833	11/17/2023	FERGUSON ENTERPRISES LLC 50' HEAVY DUTY PULLING CABLE	P0119746	0248602	10/17/2023	562.23
00217834	11/17/2023	GIS INC A CONTINENTAL MAPPING UPGRADE FROM ARCGIS 10.5.1 TO	P0119738	13968	11/03/2023	15,000.00
00217835	11/17/2023	Grace's Place Rental assistance for EA clien	P0119801	RENT-DEC 23	11/16/2023	145.00
00217836	11/17/2023	HDR ENGINEERING INC WATER METER REPLACEMENT PROGRA	P0102980	1200564183	10/13/2023	26,473.39
00217837	11/17/2023	HERRERA ENVIRONMENTAL CONSULT City of Mercer Island Stormwat	P0119769	54785	10/25/2023	1,034.72
00217838	11/17/2023	HOME DEPOT CREDIT SERVICE SURE SOFT EXTRA COARSE 6 @	P0119759	5512372	11/13/2023	53.33
00217839	11/17/2023	INSTA-PIPE INC Basin 40 CIPP Sewer Lining Pro	P0119149	100123-110223	11/06/2023	703,288.98
00217840	11/17/2023	INTERCOM LANGUAGE SERVICES INC Intercom invoice #23-577	P0119756	23-577	11/10/2023	344.54
00217841	11/17/2023	JOHNSON, JILL (ALLEN) REFUND: OVERPMT ON 00518960002		11072023	11/07/2023	1,652.05

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00217842	11/17/2023	KC FINANCE PROJECT # 1135624 RSD MI DSC T	P0119768	2151223	10/27/2023	1,750.80
00217843	11/17/2023	KC HOUSING AUTHORITY Rental assistance for EA clien	P0119749	2181 RENT-NOV 23	11/01/2023	358.00
00217844	11/17/2023	KC HOUSING AUTHORITY Rental assistance for EA clien	P0119750	3155 RENT-NOV 23	10/31/2023	213.00
00217845	11/17/2023	KELLEY IMAGING SYSTEMS Copier Service Fees Oct 2023 I	P0119741	IN1453055	10/19/2023	1,810.40
00217846	11/17/2023	KING COUNTY FINANCE I-NET MONTHLY SERVICES FROM	P0117328	11014106	10/31/2023	1,492.00
00217847	11/17/2023	KLEMPERER, JANET REFUND: OVERPMT ON 003910550		11072023	11/07/2023	165.52
00217848	11/17/2023	KROESENS UNIFORM COMPANY Daily uniforms	P0119804	2803	11/10/2023	541.91
00217849	11/17/2023	LEPIDE USA INC Lepide Software 3 yr term	P0119715	LEPIDE2022760	11/08/2023	15,764.96
00217850	11/17/2023	LIFTOFF LLC Office 365 2 Project Licenses	P0119763	7412ADD22	11/02/2023	240.00
00217851	11/17/2023	METROPRESORT OCT 2023 PRNT & MAILING OF UTI	P0119796	IN660700	11/09/2023	425.76
00217852	11/17/2023	MI EMPLOYEES ASSOC PR EARLY WARRANTS 11.17.2023		PR 11.17.2023	11/17/2023	242.50
00217853	11/17/2023	MI UTILITY BILLS OCT 2023 PMT OF UTILITY BILLS	P0119771	OCT 2023-WATER	10/31/2023	31,306.26
00217855	11/17/2023	NAPA AUTO PARTS REPAIR PARTS - OCT 2023	P0119765	0900-880528	10/30/2023	1,562.69
00217856	11/17/2023	Olson Brother's Pro-Vac LLC STORMWATER VACTOR, JETTING, CC	P0117844	10.01-10.14	10/09/2023	15,278.80
00217857	11/17/2023	PEBBLE @ MIPC, THE Preschool scholarship for EA c	P0119802	DEC 2023-A	12/01/2023	197.76
00217858	11/17/2023	PEBBLE @ MIPC, THE Preschool scholarship for EA c	P0119803	DEC 2023-B	12/01/2023	272.50
00217859	11/17/2023	PEBBLE @ MIPC, THE Preschool scholarship for EA c	P0119800	DEC 2023-C	12/01/2023	1,032.76
00217860	11/17/2023	PIONEER MANUFACTURING COMPANY JAYPRO SOCCER GOAL CLASSICS (T	P0119766	INV908073	10/27/2023	4,399.60
00217861	11/17/2023	PITNEY BOWES INC SEPT 3,2023-DEC 2,2023 POSTAGE	P0119762	3318258462	11/03/2023	1,348.07
00217862	11/17/2023	POLICE ASSOCIATION PR EARLY WARRANTS 11.17.2023		PR 11.17.2023	11/17/2023	2,413.52
00217863	11/17/2023	REMOTE SATELLITE SYSTEMS INT'L EMAC Satellite Phone Service (P0119753	00125573	11/09/2023	69.95
00217864	11/17/2023	RH2 ENGINEERING INC RESERVOIR PUMP-MOTOR ASSESMENT	P0111663	93264	11/03/2023	23,780.65
00217865	11/17/2023	RITZMAN, GARY REFUND: OVERPMT ON 00885650501		11072023	11/07/2023	139.72
00217866	11/17/2023	RUZUMNA, DAVID Judge Pro Tem 11/13/23, 2.2 hr	P0119776	11132023	11/13/2023	110.00
00217867	11/17/2023	Smarsh Inc. Smash Additional Sept	P0119757	INV-125124	09/30/2023	146.11
00217868	11/17/2023	Stone, Lizzy REIMB: PER DIEM-WORLD FORUM UF		11022023	11/02/2023	413.60

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00217869	11/17/2023	THOMAS J TREE Mercer Island Unit Priced Arbo	P0119456	1385	10/28/2023	12,912.90
00217870	11/17/2023	UNITED REPROGRAPHICS DS COREX PRINT	P0119777	9109500-IN	06/30/2023	83.79
00217871	11/17/2023	US BANK CORP PAYMENT SYS Operating Supplies		5539OCT23	10/06/2023	61,526.67
00217872	11/17/2023	USABlueBook 11 - PROFLEX GLOVES	P0119729	INV00176091	10/25/2023	643.80
00217873	11/17/2023	VERIZON WIRELESS VERIZON OCT 15. SWAN	P0119786	9947560896	10/23/2023	9,389.16
00217874	11/17/2023	WA AUDIOLOGY SERVICES INC OSHA/MSHA Occupational Hearing	P0119767	62513	11/06/2023	2,068.90
00217875	11/17/2023	WA ST DEPT OF TRANS/T2 AA-1-10265 Remit Lease fees	P0119788	OCT22-SEPT23	09/29/2023	2,842.40
00217876	11/17/2023	WA STATE DOL DATE RANGE05/04/2023 TO 10/02/	P0119537	COR050423-100223	10/02/2023	1,170.00
00217877	11/17/2023	WEINER, IAN REFUND: OVERPMT 006401555001		11072023	11/07/2023	350.80
00217878	11/17/2023	WSCCCE AFSCME AFL-CIO PR EARLY WARRANTS 11.17.2023		PR 11.17.2023	11/17/2023	2,902.25
00217879	11/17/2023	Xerox Financial Services Copier Lease Fees Oct 2023 INV	P0119790	5019499	11/11/2023	1,196.64
00217880	11/17/2023	ZOOM VIDEO COMM. Zoom Annual Subscription	P0119775	INV225168948	10/29/2023	7,038.55
					Total	<u>2,039,506.23</u>



CITY COUNCIL MINUTES REGULAR HYBRID MEETING NOVEMBER 21, 2023

Item 6.

CALL TO ORDER & ROLL CALL

Mayor Salim Nice called the Regular Hybrid Meeting to order at 5:01 pm from a remote location.

Mayor Salim Nice, Deputy Mayor Rosenbaum and Councilmembers Lisa Anderl, Jake Jacobson, Craig Reynolds, Wendy Weiker, and Ted Weinberg participated remotely using Zoom.

PLEDGE OF ALLEGIANCE

The City Council delivered the Pledge of Allegiance.

AGENDA APPROVAL

It was moved by Weiker; seconded by Reynolds to:

Approve the agenda as presented.

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

CITY MANAGER REPORT

City Manager Jessi Bon reported on the following items:

- **Accessing City Services:** Reminder how to access City Services through the Customer Service Team.
- **Update on City Hall Closure:** Slater Room renovation continues but will not be ready for the December 5 Meeting. Work continues to get the Municipal Court running to hold Court in January at the City of Newcastle.
- **Council, Boards & Commission Meetings:** Upcoming City Council meeting on December 5. Upcoming board and commission meetings: Parks & Recreation Commission on December 4.
- **City Services Updates:** Water System improvements continue in East Seattle neighborhood, update on the 4004 Island Crest Way parcel including landscaping and irrigation work that will happen throughout the remainder of the year, planting season is here the Natural Resources team are on track to plant over 1500 trees in the 2023-2024 planting season, Stormwater and ROW teams have rehabilitated several open conveyance stormwater channels, YFS Healthy Youth Initiative is launching a new social norms campaign this week to support efforts to reduce teen alcohol use.
- **Upcoming Events:** Jazzercise for YFS on Thanksgiving morning at 8am, Holiday Tree lot returns for four weekends this year beginning on November 25, Tree Lighting and Firehouse Munch on Friday, December 1.
- **News:** Bike Skills Area Grand Opening on November 15, congrats to the MIHS Marching Band performing in the Macy's Thanksgiving Day Parade, MIFD Food Drive collected \$3700 in gift cards and \$3400 in cash donations for the YFS food security program.

APPEARANCES

Will Orndorff, Mercer Island, spoke in support of Mercer Island Country Club's docket request.

CONSENT AGENDA

AB 6373: November 3, 2023 Payroll Certification

Recommended Action: Approve the November 3, 2023 Payroll Certification in the amount of \$1,031,180.55 and authorize the Mayor to sign the certification on behalf of the entire City Council.

Certification of Claims:

A. Check Register | 217694-217735 | 11/3/2023 | \$1,412,345.22

B. Check Register | 217736-217737 | 11/9/2023 | \$2,800.00

C. EFT Payments | October 2023 | \$2,699,125.32

Recommended Action: Certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

City Council Meeting Minutes of November 7, 2023 Regular Hybrid Meeting

Recommended Action: Approve the City Council Meeting minutes of the November 7, 2023 Regular Hybrid Meeting.

AB 6372: Basin 40 Cured-In-Place-Pipe (CIPP) Sewer Lining Project Phase 1 Closeout

Recommended Action: Accept the completed Basin 40 Cured-In-Place-Pipe (CIPP) Sewer Lining Project Phase 1 and authorize staff to close out the contract.

AB 6375: An Ordinance Amending MICC Ch. 9.50 (Second Reading Ord. No. 23C-16)

Recommended Action: Adopt Ordinance No. 23C-16, amending MICC Ch. 9.50, Revised Code of Washington State Statutes Incorporated by Reference.

AB 6376: Code Amendments Relating to City Fire Department (Second Reading Ord. No. 23C-17)

Recommended Action: Adopt Ordinance No. 23C-17, amending MICC Ch. 3.32 and 3.30 and Sections 4.40.100 and 3.36.030 relating to City Fire Department references.

AB 6379: 2022 Water System Improvements (Madrona Crest East) Project Closeout

Recommended Action: Accept the completed 2022 Water System Improvements (Madrona Crest East) Project and authorize staff to close out the contract.

Councilmember Jacobson pulled AB 6396: Town Center Parking Plan Adoption. Mayor Nice moved it to the first item of Regular Business

It was moved by Jacobson; seconded by Weiker to:

Approve the Consent Agenda as amended, and the recommended actions contained therein.

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

REGULAR BUSINESS

AB 6369: Town Center Parking Plan Adoption

Councilmember Jacobson spoke against adoption of the Town Center Parking Plan.

It was moved by Reynolds; seconded by Rosenbaum to:

Adopt the Town Center Parking Plan as presented in Exhibit 1 to AB 6369.

PASSED: 5-1-1

FOR: 5 (Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

AGAINST: 1 (Jacobson)

ABSTAIN: 1 (Anderl)

AB 6378: Sound Cities Association Voting Delegates for the Annual Meeting and Caucuses Meeting

Mayor Nice spoke about appointing voting delegates for two upcoming Sound Cities Association meetings: the Annual Meeting on December 6 and the Caucuses Meeting on December 13. Mayor Nice asked for volunteers to be the voting delegates.

It was moved by Rosenbaum; seconded by Reynolds to:

Appoint Councilmember Weinberg as the voting delegate at the Sound Cities Association Annual Meeting on December 6, 2023

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

It was moved by Rosenbaum; seconded by Anderl to:

Appoint Councilmember Jacobson as the voting delegate at the Sound Cities Association Caucuses Meeting on December 13, 2023.

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

AB 6377: 2023-2024 Mid-Biennial Budget Public Hearing and Budget Adjustment Recommendations

Mayor Nice opened the Public Hearing at 5:27 pm. There being no public comment, Mayor Nice closed the Public Hearing at 5:28 pm.

Finance Director Matt Mornick presented the Q3 2023 Financial status update, discussed budget versus actuals for the General Fund and the Utility Funds, spoke about General Fund revenues, and discussed that General Fund expenditures are on track with budget expectations.

Finance Director Mornick spoke about the Mid-Biennial Budget adjustments, discussed the capital funds that were repurposed due to the City Hall closure, and presented the operating budget adjustments. He discussed the development of a Municipal Facility Replacement Fund to set aside resources for short and long-term facility needs and presented the recommended use of the Opioid Settlement Funds to go to the Healthy Youth Initiative.

It was moved by Jacobson; seconded by Reynolds to:

Approve the following mid-biennial budget adjustments for inclusion in a budget amending ordinance for adoption on December 5:

1. **Reduce City Hall-related capital projects in the amount \$1.16 million**
2. **Appropriate \$300,000 for long-range facility planning**
3. **Appropriate \$300,000 for Police support facilities**
4. **Appropriate \$100,000 for public records management**
5. **Appropriate \$317,928 for WCIA liability insurance**
6. **Establish a new Municipal Facility Replacement Fund with a funding target of \$10 million**
7. **Authorize the transfer of \$579,808 of interest earnings from the General Fund to establish the new Municipal Facility Replacement Fund**
8. **Appropriate Mercer Island's share of Opioid settlement funds to Mercer Island's Healthy Youth Initiative program.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

Finance Director Mornick presented the 2024 Utility Rate adjustments and discussed how the adjustments will be included in the 2024 Master Fee Schedule update scheduled for December 5.

Utility Board Chair Tim O'Connell spoke about the Utility Boards recommendation on the 2024 Utility Rate adjustments. City Council thanked Utility Board Chair O'Connell for the work that the Utility Board does.

Finance Director Mornick presented the 2024 Property Tax levies that assume the 1% increase in 2023 for the Regular levy and the 2022 Parks Operations and Maintenance levy lid lift, discussed the declaration of intent to seek reimbursement, and spoke about the 20204 NORCOM budget.

It was moved by Rosenbaum; seconded by Reynolds to:

Adopt Ordinance No. 23-18, establishing the dollar amount and percentage increases of the regular

Property Tax levy and the levy lid lifts for fiscal year 2024.

PASSED: 7-0

FOR: 7 (Anderl, Jacobson Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

It was moved by Rosenbaum; seconded by Jacobson to:

Adopt Ordinance No. 23-19, appropriating funds and establishing the amount of Property Taxes to be levied for fiscal year 2024.

PASSED: 7-0

FOR: 7 (Anderl, Jacobson Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

It was moved by Rosenbaum; seconded by Jacobson to:

Adopt Resolution No. 1652, appointing the City Manager for the purpose of designating certain expenditures for reimbursement from bonds that may be authorized and approved by the City for issuance in the future.

PASSED: 7-0

FOR: 7 (Anderl, Jacobson Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

It was moved by Rosenbaum; seconded by Reynolds to:

Adopt Resolution No. 1653, approving NORCOM's 2024 budget allocation from the City of Mercer Island.

PASSED: 7-0

FOR: 7 (Anderl, Jacobson Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

OTHER BUSINESS**Planning Schedule**

City Manager Jessi Bon spoke about the December 5 and January 2, 2024 meetings.

Councilmember Absences and Reports

Councilmember Reynolds noted that the Bike Skills Area Opening was a great event and thanked staff and community volunteers.

Councilmember Weiker congratulated the MIHS Band on being the Macy's Thanksgiving Day Parade!

Councilmember Weinberg also congratulated the MIHS Band(Go, Islanders go!)

EXECUTIVE SESSION

At 6:14 pm, Mayor Nice convened an Executive Session via Microsoft Teams. The Executive Session was to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i) and to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price pursuant to RCW 42.30.110(1)(b).

Mayor Salim Nice, Deputy Mayor Rosenbaum and Councilmembers Lisa Anderl, Jake Jacobson, Craig Reynolds, Wendy Weiker, and Ted Weinberg participated via Microsoft Teams.

Mayor Nice adjourned the Executive Session at 8:28 pm.

ADJOURNMENT

The Regular Hybrid Council Meeting adjourned at 8:28 pm.

Attest:

 Salim Nice, Mayor

Andrea Larson, City Clerk



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6381
December 5, 2023
Consent Calendar

AGENDA BILL INFORMATION

TITLE:	AB 6381: Island Private Meadows Long Plat - Final Plat Approval (SUB17-005)	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Approve Resolution No. 1654 authorizing the Mayor to sign the final plat for the Island Private Meadows Long Plat.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Community Planning & Development Director Ryan Harriman, Planning Manager
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Island Private Meadows Long Plat – Final Plat 2. SUB17-015, CAO17-015, & SEP17-026 Hearing Examiner Findings, Conclusions, and Decision, dated December 13, 2018 3. SUB17-015 Staff Report, dated October 26, 2018 4. Resolution No. 1654 5. SUB17-015 Conditions Compliance Matrix
CITY COUNCIL PRIORITY:	n/a

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

EXECUTIVE SUMMARY

The purpose of this agenda bill is to seek final plat approval to create five residential building lots.

- All conditions of approval and improvements are either complete or financially guaranteed to be complete prior to July 9, 2024.
- No building permits shall be issued until all improvements are complete and approved by the City Engineer.
- Pursuant to [MICC 19.15.030](#), final plat approvals are made by Council after discussion at a public meeting.

BACKGROUND

The applicant is requesting final plat approval of the Island Private Meadows Long Plat (Exhibit 1); previously known as Mercertech International, LLC, located at 4320 and 4332 Island Crest Way, parcel #1824059031. The preliminary plat approval, issued by the Hearing Examiner on December 13, 2018 (Exhibit 2),

conditionally approved the creation of 5 lots from the underlying existing property. As part of the decision, the Hearing Examiner adopted the staff conclusions and recommended conditions of approval as provided in the staff report (Exhibit 3).

A subdivision is the division or platting of, or the act of division or platting of, land into two or more lots for the purpose of transfer of ownership, building development, or lease, whether immediate or future, and shall include all resubdivision of land.

- A short subdivision or short plat is a subdivision consisting of four or less lots on four or less acres and is processed administratively.
- Long subdivision or long plat is a subdivision consisting of five or more lots on any number of acres or any number of lots on more than four acres. The Hearing Examiner, after holding a public hearing, decides the outcome of the subdivision by either approving, denying, or approving it with conditions. The City Council reviews and approves the final plat.

Final plat approval means City approval of the document that graphically shows the lot lines, building pads, conditions, and other required information about the long plat or subdivision, which will govern future development of the subject property. This document is then recorded with King County, which effectively creates new lots. The substance of final plat review consists of confirming that all the conditions of preliminary plat approval have been met.

In this case, staff confirmed all conditions of preliminary plat approval were met, either by completion or financially guaranteed to be completed by July 9, 2024, therefore the final plat for the Island Private Meadows Long Plat is presented to City Council for approval of Resolution No. 1654 (Exhibit 4) authorizing the Mayor to sign.

ISSUE/DISCUSSION

A Conditions Compliance Matrix was completed by the applicant and reviewed by staff (Exhibit 5). The following is a snapshot of some of the conditions of approval, with the entirety of the conditions contained in Exhibit 5.

Site Improvements: Infrastructure improvements (including stormwater drainage systems, sewer, water mains, grading, fire hydrants, roadway improvements, and pedestrian paths) were required to be installed as conditions of preliminary plat approval. The required improvements were either installed or financially guaranteed to be installed after review and approval of Site Development Permit 2110-237.

The remaining infrastructure improvements were deferred in lieu of constructing the actual improvements to allow for final plat application. The deferment is necessary due to ownership changes, technical review requirements, material delays, and because the work requires specific weather conditions to be installed properly. A financial guarantee of \$1,136,397.64 was obtained by the City from the applicant to ensure this work is completed by July 9, 2024. All required improvements shall be installed and inspected, and the as-built drawings, detailing the installation of infrastructure and improvements, shall be reviewed, approved, and accepted by the City Engineer prior to the release of the financial guarantee on or before July 9, 2024.

Tree Replacement: The installation of the required replacement trees was financially guaranteed in lieu of installation. The financial guarantee is part of the \$1,136,397.64 filed with the City. Prior to July 9, 2024, the applicant shall install all required trees and have them inspected and approved by the City Arborist. As part of


the financial guarantee, the applicant ensures the trees will survive at least five years from the date of planting.

Impact Fees: Park and transportation impact fees are required to be paid when future building permits are issued for construction on the future lots, unless deferred pursuant to the applicable provisions of the Mercer Island City Code.

Building Permits: No building permits may be issued for newly created lots until all site improvements are completed and accepted by the City Engineer.

RECOMMENDED ACTION

Approve Resolution No. 1654 authorizing the Mayor to sign the final plat for the Island Private Meadows Long Plat.

<div><div>PLAT NO. SUB17-005</div><div>MERCER ISLAND, WASHINGTON</div></div>	<div><div>APPROVALS:</div><div>CITY OF MERCER ISLAND</div><div>EXAMINED AND APPROVED THIS ____ DAY OF _____, 20____</div><div>CITY ENGINEER _____</div><div>EXAMINED AND APPROVED THIS ____ DAY OF _____, 20____</div><div>CODE OFFICIAL _____</div><div>EXAMINED AND APPROVED THIS ____ DAY OF _____, 20____</div><div>MAYOR _____</div></div> <div><div>KING COUNTY DEPARTMENT OF ASSESSMENTS</div><div>EXAMINED AND APPROVED THIS ____ DAY OF _____, 20____</div><div>ASSESSOR _____</div><div>DEPUTY ASSESSOR _____</div><div>ACCOUNT NUMBER _____</div></div>	<div>RECORDING NO.</div> <div>VOL./PAGE</div>
<div><div>OWNER'S DECLARATION</div><div>KNOW ALL PERSONS BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE LAND HEREIN DESCRIBED, DO HEREBY MAKE A SUBDIVISION THEREOF PURSUANT TO RCW 58.17, AND DECLARE THIS DOCUMENT TO BE THE GRAPHIC REPRESENTATION OF THE SAME, AND THAT SAID SUBDIVISION IS MADE WITH THE FREE AND VOLUNTARY CONSENT OF THE OWNERS IN WITNESS WHEREOF WE HAVE SET OUR HANDS AND SEALS.</div><div>FURTHER, THE OWNERS OF THE LAND HEREBY SUBDIVIDED WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS, AND ANY PERSONS OR ENTITY SERVING TITLE FROM THE UNDERSIGNED AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF MERCER ISLAND, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENTS, CONSTRUCTION, OPERATION, OR MAINTENANCE OF STREET AND OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION.</div><div>FURTHER THE UNDERSIGNED OWNERS OF HE LAND HEREBY SUBDIVIDED AGREE FOR THEMSELVES, THEIR HEIRS AD ASSIGNS TO INDEMNIFY AND HOLD THE CITY OF MERCER ISLAND, AND ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY: (1) ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE OR SURFACE WATER FLOWS WITHIN THIS SUBDIVISION; OR (2) BY DESIGN, ESTABLISHMENT, OPERATION, OR MAINTENANCE OF THE STREET AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OR; (3) BY IMPROPER DESIGN, ESTABLISHMENT, OR CONSTRUCTION OR FAILURE TO OPERATE OR MAINTAIN THE STREET AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION.</div><div>IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS.</div><div><div>NAME _____</div><div>DATE _____</div><div>NAME _____</div><div>DATE _____</div></div><div><div>ADDRESSING:</div><div>LOT 1 - 4322 ISLAND CREST WAY</div><div>LOT 2 - 4324 ISLAND CREST WAY</div><div>LOT 3 - 4326 ISLAND CREST WAY</div><div>LOT 4 - 4328 ISLAND CREST WAY</div><div>LOT 5 - 4330 ISLAND CREST WAY</div></div><div><div>STATE OF _____)</div><div>) SS</div><div>COUNTY OF _____)</div><div>I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT CHARGER REAL ESTATE & DEVELOPEMNT INC. A WASHINGTON CORPORATION, SIGNED THIS DEDICATION AND ON OATH STATED THAT THEY ARE AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE GOVERNING PERSONS OF REAL ESTATE OF CHARGER REAL ESTATE & DEVELOPEMNT INC. A WASHINGTON CORPORATION, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.</div><div><div>NOTARY SEAL</div><div>DATED _____</div><div>SIGNATURE OF _____</div><div>NOTARY PUBLIC _____</div><div>PRINTED NAME OF _____</div><div>NOTARY PUBLIC _____</div><div>TITLE _____</div><div>MY APPOINTMENT EXPIRES _____</div></div></div><td><div><div>EXISTING LEGAL DESCRIPTION</div><div>(PER CHICAGO TITLE COMPANY OF WASHINGTON SUBDIVISION GUARANTEE NUMBER 0103029-06)(DEED 20220203000794) THE NORTH 250 FEET OF THE SOUTH 500 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON. EXCEPT THE WEST 40 FEET.</div><div>SPECIAL EXCEPTIONS:</div><div>1. RIGHT TO MAKE NECESSARY SLOPES FOR CUTS OR FILLS UPON PROPERTY HEREIN DESCRIBED AS GRANTED OR RESERVED IN DEED IN FAVOR OF: CITY OF MERCER ISLAND RECORDING DATE: AUGUST 23, 1961 RECORDING NO.: 5321386</div><div>2. ANY RIGHTS, INTERESTS, OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING MATTERS DISCLOSED BY SURVEY, RECORDING DATE: JANUARY 17, 2017 RECORDING NO.: 20170117900004 MATTERS SHOWN: AS DEPICTED ON SAID SURVEY</div></div><div><div>CONDITIONS OF APPROVAL</div><div>1. MAINTENANCE AND REPAIR OF THE PRIVATE SANITARY SEWER SYSTEM AND JOINT USE SIDE SEWERS (SEWER LINES FROM THE BUILDING TO THE PRIVATE SEWER MAIN), SHARED ROADS, ACCESS EASEMENTS, PUBLIC TRAIL, PRIVATE STORM DRAINAGE FACILITIES SHALL BE THE RESPONSIBILITY OF THE OWNERS OF EACH LOT SERVED (WITH THE EXCEPTION THAT OWNERS OF ANY LOT WHICH IS LOWER IN ELEVATION SHALL NOT BE RESPONSIBLE FOR THAT PORTION OF A PRIVATE SIDE SEWER ABOVE THEIR CONNECTION). IF MAINTENANCE AND REPAIR OF ANY FACILITIES ENUMERATED ABOVE ARE NOT PERFORMED TO THE SATISFACTION OF THE CITY ENGINEER, AFTER A TIMELY DEMAND HAS BEEN MADE FOR SUCH ACTION, THE CITY OR ITS AGENT SHALL HAVE THE RIGHT TO ENTER UPON THE PREMISES AND PERFORM THE NECESSARY MAINTENANCE AND REPAIR TO PROTECT THE SAFETY AND GENERAL WELFARE OF THE PUBLIC AND SHALL HAVE THE RIGHT TO CHARGE THE OWNER OF EACH LOT AN EQUAL SHARE OF THE TOTAL MAINTENANCE AND REPAIR COSTS. THE CITY OR THE OWNER OF ANY LOT WITHIN THIS PLAT SHALL HAVE THE RIGHT TO BRING ACTION IN SUPERIOR COURT TO REQUIRE ANY MAINTENANCE OR REPAIR AND TO RECOVER THE COSTS INCURRED IN MAKING OR EFFECTING REPAIRS TO IMPROVEMENTS.</div><div>2. PRIVATE STORMWATER FACILITIES SHALL BE INSPECTED AND MAINTAINED IN CONFORMANCE WITH MICC 15.09.070.</div><div>3. ALL STAGING FOR CONSTRUCTION SHALL OCCUR ON SITE AND SHALL NOT BE LOCATED IN THE PUBLIC RIGHT-OF-WAY.</div><div>4. NO PERMANENT LANDSCAPING, STRUCTURES, OR FENCES SHALL BE PLACED ON OR WITHIN PUBLIC UTILITY, STORM DRAINAGE, OR PEDESTRIAN PATH EASEMENTS OR ALONG PUBLIC SIDEWALK ON ISLAND CREST WAY WITHOUT THE WRITTEN APPROVAL OF THE CITY ENGINEER.</div><div>5. IF IN THE OPINION OF THE CITY ENGINEER, UTILITIES OR STORM DRAINAGE FACILITIES REQUIRE MAINTENANCE, REPAIR OR REPLACEMENT, THE CITY OR ITS AGENT SHALL HAVE THE RIGHT TO ENTER THOSE LOTS ADJOINING THE FACILITY FOR THE PURPOSE OF MAINTAINING, REPAIRING, RELOCATING OR REPLACING SAID FACILITIES.</div><div>6. INSTALLATION OF LANDSCAPING AND/OR STRUCTURES INCLUDING TREES, SHRUBS, ROCKS, BERMS, WALLS, GATES, AND OTHER IMPROVEMENTS ARE NOT ALLOWED WITHIN THE PUBLIC RIGHT-OF-WAY WITHOUT AN APPROVED ENCROACHMENT LICENSE AGREEMENT FROM THE CITY PRIOR TO THE WORK OCCURRING (MICC 19.06.060).</div><div>7. NO TREE IDENTIFIED FOR RETENTION MAY BE REMOVED UNLESS OTHERWISE APPROVED BY THE CITY ARBORIST.</div><div>8. NO CHANGE MAY BE MADE TO THE CONFIGURATION OR MAINTENANCE REQUIREMENTS OF TRACT A WITHOUT EXPRESS APPROVAL FROM THE CITY.</div><div>9. ALL AREAS OUTSIDE OF BUILDING FOOTPRINTS AND IMPERVIOUS SURFACES SHALL BE LANDSCAPED PRIOR TO FINAL INSPECTION OF BUILDING PERMITS ON EACH LOT. (MICC 19.07.060)(D)(1)(D))</div><div>10. SCHOOL, TRAFFIC AND PARK IMPACT FEES WILL BE DUE AT BUILDING PERMIT ISSUANCE OR MAY BE DEFERRED IN ACCORDANCE WITH MICC 19.17, 19.18, AND 19.19.</div><div>11. ALL BUILDING PERMITS ARE SUBJECT TO MEETING CURRENT FIRE CODE REQUIREMENTS AT THE TIME OF PERMIT SUBMITTAL. ACCESS SHALL BE PROVIDED AS OUTLINED IN THE INTERNATIONAL FIRE CODE APPENDIX D AND MICC 19.09.040. FIRE PLAN REVIEWS WILL BE CONDUCTED AT THE TIME OF BUILDING PERMIT SUBMITTAL AND MAY REQUIRE ADDITIONAL FIRE PROTECTION SYSTEMS AND/OR ADDITIONAL FIRE PREVENTION MEASURES FOR BUILDING APPROVAL.</div></div><div><div>VICINITY MAP</div><div>NO SCALE</div><div>NATIVE GROWTH PROTECTION</div><div>A NATIVE GROWTH PROTECTION EASEMENT AREA (NGPA) IS HEREBY ESTABLISHED AS SHOWN HEREIN.</div><div>THE NATIVE GROWTH PROTECTION EASEMENT IS AN EASEMENT FOR THE CRITICAL AREA IN CONFORMANCE WITH MIMC 19.07. OWNERSHIP OF LOTS 1-5, INCLUSIVE, INCLUDED AN EQUAL AND UNDIVIDED 1/5 RESPONSIBILITY FOR THE MAINTENANCE OF THE CRITIAL AREA.</div><div>NO TREE TRIMMING, TREE TOPPING, TREE CUTTING, TREE REMOVAL, SHRUB OR BRUSH-CUTTING OR REMOVAL OF NATIVE VEGETATION, APPLICATION OF PESTICIDES, HERBICIDES, OR FERTILIZERS; CONSTRUCTION; CLEARING; OR ALTERATION ACTIVITIES SHALL OCCUR WITHIN THE EASEMENT AREA WITHOUT PRIOR WRITTEN APPROVAL FROM THE CITY OF MERCER ISLAND. APPLICATION FOR SUCH WRITTEN APPROVAL SHALL BE MADE TO THE MERCER ISLAND DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT OR ITS SUCCESSOR AGENCY WHO MAY REQUIRE INSPECTION OF THE PREMISES BEFORE ISSUANCE OF THE WRITTEN APPROVAL AND FOLLOWING COMPLETION OF THE ACTIVITIES. ANY PERSON CONDUCTING OR AUTHORIZING SUCH ACTIVITY IN VIOLATION OF THIS PARAGRAPH OR THE TERMS OF ANY WRITTEN APPROVAL ISSUED PURSUANT HERETO, SHALL BE SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE CITY'S CODE. IN SUCH EVENT, THE MERCER ISLAND DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT MAY ALSO REQUIRE WITHIN THE AFFECTED AREA BY PLANTING REPLACEMENT TREES AND OTHER VEGETATION AS REQUIRED IN APPLICABLE SECTIONS OF THE CITY CODE. THE DEPARTMENT ALSO MAY REQUIRE THAT THE DAMAGED OR FALLEN VEGETATION BE REMOVED.</div><div>IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN CRITICAL AREAS AND THEIR BUFFERS BY REMOVING NON-NATIVE, INVASIVE, AND NOXIOUS PLANTS IN A MANNER THAT WILL NOT HARM CRITICAL AREAS OR THEIR BUFFERS AND IN ACCORDANCE WITH MERCER ISLAND CODE REQUIREMENTS FOR TREES AND OTHER VEGETATION WITHIN CRITICAL AREAS AND CRITICAL AREA BUFFERS.</div><div>THE CITY SHALL HAVE A LICENSE TO ENTER THE EASEMENT AREA (AND THE PROPERTY IF NECESSARY FOR ACCESS TO THE EASEMENT AREA) FOR THE PURPOSE OF MONITORING COMPLIANCE WITH THE TERMS OF THIS EASEMENT.</div><div>DEVELOPMENT OUTSIDE OF THIS NGPA MAY BE LIMITED BY CODIFIED STANDARDS, PERMIT CONDITIONS OR MOVEMENT OF THE CRITICAL AREA. EACH OF THE UNDERSIGNED OWNERS AGREE TO DEFEND, PAY AND SAVE HARMLESS THE CITY OF MERCER ISLAND, ITS OFFICERS, AGENTS, AND EMPLOYEES FROM ANY AND ALL CLAIMS OF EVERY NATURE WHATSOEVER, REAL OR IMAGINARY, WHICH MAY BE MADE AGAINST THE CITY, ITS OFFICERS, AGENTS OR EMPLOYEES FOR ANY DAMAGE TO PROPERTY OR INJURY TO ANY PERSON ARISING OUT OF THE EXISTENCE OF SAID NGPA OVER SAID OWNER'S PROPERTY OR THE ACTIONS OF THE UNDERSIGNED OWNERS IN CARRYING OUT THE RESPONSIBILITIES UNDER THIS AGREEMENT INCLUDING ALL COSTS AND EXPENSES, AND RECOVER ATTORNEYS' FEES AS MAY BE INCURRED BY THE CITY OF MERCER ISLAND IN DEFENSE THEREOF; EXCEPTING THEREFROM ONLY SUCH CLAIMS AS MAY ARISE SOLELY OUT OF THE NEGLIGENCE OF THE CITY OF MERCER ISLAND, ITS OFFICERS, AGENTS, OR EMPLOYEES.</div></div></td><td><div>PORTION OF</div><div>SW 1/4, NW 1/4, SECTION 18, T 24 N, R 05 E, W.M.</div></td></div>	<div><div>EXISTING LEGAL DESCRIPTION</div><div>(PER CHICAGO TITLE COMPANY OF WASHINGTON SUBDIVISION GUARANTEE NUMBER 0103029-06)(DEED 20220203000794) THE NORTH 250 FEET OF THE SOUTH 500 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON. 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THE CITY OR THE OWNER OF ANY LOT WITHIN THIS PLAT SHALL HAVE THE RIGHT TO BRING ACTION IN SUPERIOR COURT TO REQUIRE ANY MAINTENANCE OR REPAIR AND TO RECOVER THE COSTS INCURRED IN MAKING OR EFFECTING REPAIRS TO IMPROVEMENTS.</div><div>2. PRIVATE STORMWATER FACILITIES SHALL BE INSPECTED AND MAINTAINED IN CONFORMANCE WITH MICC 15.09.070.</div><div>3. ALL STAGING FOR CONSTRUCTION SHALL OCCUR ON SITE AND SHALL NOT BE LOCATED IN THE PUBLIC RIGHT-OF-WAY.</div><div>4. NO PERMANENT LANDSCAPING, STRUCTURES, OR FENCES SHALL BE PLACED ON OR WITHIN PUBLIC UTILITY, STORM DRAINAGE, OR PEDESTRIAN PATH EASEMENTS OR ALONG PUBLIC SIDEWALK ON ISLAND CREST WAY WITHOUT THE WRITTEN APPROVAL OF THE CITY ENGINEER.</div><div>5. IF IN THE OPINION OF THE CITY ENGINEER, UTILITIES OR STORM DRAINAGE FACILITIES REQUIRE MAINTENANCE, REPAIR OR REPLACEMENT, THE CITY OR ITS AGENT SHALL HAVE THE RIGHT TO ENTER THOSE LOTS ADJOINING THE FACILITY FOR THE PURPOSE OF MAINTAINING, REPAIRING, RELOCATING OR REPLACING SAID FACILITIES.</div><div>6. INSTALLATION OF LANDSCAPING AND/OR STRUCTURES INCLUDING TREES, SHRUBS, ROCKS, BERMS, WALLS, GATES, AND OTHER IMPROVEMENTS ARE NOT ALLOWED WITHIN THE PUBLIC RIGHT-OF-WAY WITHOUT AN APPROVED ENCROACHMENT LICENSE AGREEMENT FROM THE CITY PRIOR TO THE WORK OCCURRING (MICC 19.06.060).</div><div>7. NO TREE IDENTIFIED FOR RETENTION MAY BE REMOVED UNLESS OTHERWISE APPROVED BY THE CITY ARBORIST.</div><div>8. NO CHANGE MAY BE MADE TO THE CONFIGURATION OR MAINTENANCE REQUIREMENTS OF TRACT A WITHOUT EXPRESS APPROVAL FROM THE CITY.</div><div>9. ALL AREAS OUTSIDE OF BUILDING FOOTPRINTS AND IMPERVIOUS SURFACES SHALL BE LANDSCAPED PRIOR TO FINAL INSPECTION OF BUILDING PERMITS ON EACH LOT. (MICC 19.07.060)(D)(1)(D))</div><div>10. SCHOOL, TRAFFIC AND PARK IMPACT FEES WILL BE DUE AT BUILDING PERMIT ISSUANCE OR MAY BE DEFERRED IN ACCORDANCE WITH MICC 19.17, 19.18, AND 19.19.</div><div>11. ALL BUILDING PERMITS ARE SUBJECT TO MEETING CURRENT FIRE CODE REQUIREMENTS AT THE TIME OF PERMIT SUBMITTAL. ACCESS SHALL BE PROVIDED AS OUTLINED IN THE INTERNATIONAL FIRE CODE APPENDIX D AND MICC 19.09.040. FIRE PLAN REVIEWS WILL BE CONDUCTED AT THE TIME OF BUILDING PERMIT SUBMITTAL AND MAY REQUIRE ADDITIONAL FIRE PROTECTION SYSTEMS AND/OR ADDITIONAL FIRE PREVENTION MEASURES FOR BUILDING APPROVAL.</div></div> <div><div>VICINITY MAP</div><div>NO SCALE</div><div>NATIVE GROWTH PROTECTION</div><div>A NATIVE GROWTH PROTECTION EASEMENT AREA (NGPA) IS HEREBY ESTABLISHED AS SHOWN HEREIN.</div><div>THE NATIVE GROWTH PROTECTION EASEMENT IS AN EASEMENT FOR THE CRITICAL AREA IN CONFORMANCE WITH MIMC 19.07. OWNERSHIP OF LOTS 1-5, INCLUSIVE, INCLUDED AN EQUAL AND UNDIVIDED 1/5 RESPONSIBILITY FOR THE MAINTENANCE OF THE CRITIAL AREA.</div><div>NO TREE TRIMMING, TREE TOPPING, TREE CUTTING, TREE REMOVAL, SHRUB OR BRUSH-CUTTING OR REMOVAL OF NATIVE VEGETATION, APPLICATION OF PESTICIDES, HERBICIDES, OR FERTILIZERS; CONSTRUCTION; CLEARING; OR ALTERATION ACTIVITIES SHALL OCCUR WITHIN THE EASEMENT AREA WITHOUT PRIOR WRITTEN APPROVAL FROM THE CITY OF MERCER ISLAND. APPLICATION FOR SUCH WRITTEN APPROVAL SHALL BE MADE TO THE MERCER ISLAND DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT OR ITS SUCCESSOR AGENCY WHO MAY REQUIRE INSPECTION OF THE PREMISES BEFORE ISSUANCE OF THE WRITTEN APPROVAL AND FOLLOWING COMPLETION OF THE ACTIVITIES. ANY PERSON CONDUCTING OR AUTHORIZING SUCH ACTIVITY IN VIOLATION OF THIS PARAGRAPH OR THE TERMS OF ANY WRITTEN APPROVAL ISSUED PURSUANT HERETO, SHALL BE SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE CITY'S CODE. IN SUCH EVENT, THE MERCER ISLAND DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT MAY ALSO REQUIRE WITHIN THE AFFECTED AREA BY PLANTING REPLACEMENT TREES AND OTHER VEGETATION AS REQUIRED IN APPLICABLE SECTIONS OF THE CITY CODE. THE DEPARTMENT ALSO MAY REQUIRE THAT THE DAMAGED OR FALLEN VEGETATION BE REMOVED.</div><div>IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN CRITICAL AREAS AND THEIR BUFFERS BY REMOVING NON-NATIVE, INVASIVE, AND NOXIOUS PLANTS IN A MANNER THAT WILL NOT HARM CRITICAL AREAS OR THEIR BUFFERS AND IN ACCORDANCE WITH MERCER ISLAND CODE REQUIREMENTS FOR TREES AND OTHER VEGETATION WITHIN CRITICAL AREAS AND CRITICAL AREA BUFFERS.</div><div>THE CITY SHALL HAVE A LICENSE TO ENTER THE EASEMENT AREA (AND THE PROPERTY IF NECESSARY FOR ACCESS TO THE EASEMENT AREA) FOR THE PURPOSE OF MONITORING COMPLIANCE WITH THE TERMS OF THIS EASEMENT.</div><div>DEVELOPMENT OUTSIDE OF THIS NGPA MAY BE LIMITED BY CODIFIED STANDARDS, PERMIT CONDITIONS OR MOVEMENT OF THE CRITICAL AREA. EACH OF THE UNDERSIGNED OWNERS AGREE TO DEFEND, PAY AND SAVE HARMLESS THE CITY OF MERCER ISLAND, ITS OFFICERS, AGENTS, AND EMPLOYEES FROM ANY AND ALL CLAIMS OF EVERY NATURE WHATSOEVER, REAL OR IMAGINARY, WHICH MAY BE MADE AGAINST THE CITY, ITS OFFICERS, AGENTS OR EMPLOYEES FOR ANY DAMAGE TO PROPERTY OR INJURY TO ANY PERSON ARISING OUT OF THE EXISTENCE OF SAID NGPA OVER SAID OWNER'S PROPERTY OR THE ACTIONS OF THE UNDERSIGNED OWNERS IN CARRYING OUT THE RESPONSIBILITIES UNDER THIS AGREEMENT INCLUDING ALL COSTS AND EXPENSES, AND RECOVER ATTORNEYS' FEES AS MAY BE INCURRED BY THE CITY OF MERCER ISLAND IN DEFENSE THEREOF; EXCEPTING THEREFROM ONLY SUCH CLAIMS AS MAY ARISE SOLELY OUT OF THE NEGLIGENCE OF THE CITY OF MERCER ISLAND, ITS OFFICERS, AGENTS, OR EMPLOYEES.</div></div>	<div>PORTION OF</div> <div>SW 1/4, NW 1/4, SECTION 18, T 24 N, R 05 E, W.M.</div>
<div>RECORDER'S CERTIFICATE</div> <div>FILED FOR RECORD THIS DAY OF, 20____</div> <div>AT M IN BOOK OFAT PAGE.....AT</div> <div>THE REQUEST OF _____</div> <div>SURVEYOR'S NAME</div> <div>MANAGER</div> <div>SUPT. OF RECORDS</div>	<div>LAND SURVEYOR'S CERTIFICATE</div> <div>THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION IN CONFORMANCE WITH THE REQUIREMENTS OF THE APPROPRIATE STATE AND CITY STATUTE AND ORDINANCE IN AUGUST 2023</div> <div>John P. Christensen</div> <div>L.S. No. 42428</div> <div>11/20/23</div> <div>DATE</div>	<div>DAVID EVANS AND ASSOCIATES INC</div> <div>20300 Woodinville Snohomish Rd NE</div> <div>Suite A - Woodinville, WA 98072</div> <div>Phone: 425.415.2000</div> <div>JOHN P. CHRISTENSEN</div> <div>STATE OF WASHINGTON</div> <div>42428</div> <div>REGISTERED</div> <div>PROFESSIONAL LAND SURVEYOR</div> <div>11/20/2023</div> <div>ISLAND PRIVATE MEADOWS PLAT</div> <div>DWN. BY JPC</div> <div>CHKD. BY WB</div> <div>11/20/23</div> <div>SCALE</div> <div>JOB NO. CRED0000-0001</div> <div>SHEET 1 OF 4</div>



PLAT NO. SUB17-005

MERCER ISLAND, WASHINGTON

PROPOSED LEGAL DESCRIPTIONS

LOT 1:
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M.;

THENCE NORTH ALONG THE WEST SECTION LINE N 01°02'57" E 500.02 FEET.
THENCE S 88°24'39" E 40.00 FEET TO THE EASTERLY RIGHT OF WAY OF ISLAND CREST WAY AND THE TRUE POINT OF BEGINNING;
THENCE S 88°24'39" E 88.00 FEET;
THENCE S 01°02'57" W 45.25 FEET;
THENCE S 88°24'39" E 62.50 FEET;
THENCE S 82°46'25" E 141.92 FEET;
THENCE S 01°03'38" W 30.00 FEET;
THENCE N 77°13'50" W 144.10 FEET;
THENCE N 88°24'39" W 150.50 FEET TO THE EASTERLY RIGHT OF WAY OF ISLAND CREST WAY;
THENCE N 01°02'57" E 61.25 FEET TO THE POINT OF BEGINNING.

LOT 2:
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M.;

THENCE NORTH ALONG THE WEST SECTION LINE N 01°02'57" E 500.02 FEET.
THENCE S 88°24'39" E 40.00 FEET TO THE EASTERLY RIGHT OF WAY OF ISLAND CREST WAY;
THENCE S 88°24'39" E 88.00 FEET TO THE TRUE POINT OF BEGINNING;
THENCE S 88°24'39" E 203.62 FEET;
THENCE S 01°03'38" W 59.19 FEET;
THENCE N 82°46'25" W 141.92 FEET;
THENCE N 88°24'39" W 62.50 FEET;
THENCE N 01°02'57" E 45.25 FEET TO THE POINT OF BEGINNING.

LOT 3:
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M.;

THENCE NORTH ALONG THE WEST SECTION LINE N 01°02'57" E 500.02 FEET.
THENCE S 88°24'39" E 40.00 FEET TO THE EASTERLY RIGHT OF WAY OF ISLAND CREST WAY;
THENCE S 01°02'57" W 61.25 FEET TO THE TRUE POINT OF BEGINNING;
THENCE S 88°24'39" E 56.25 FEET;
THENCE S 01°02'57" W 176.76 FEET;
THENCE N 60°48'39" W 35.61 FEET;
THENCE N 88°24'39" W 24.85 FEET TO THE EASTERLY RIGHT OF WAY OF ISLAND CREST WAY;
THENCE N 01°02'57" E 160.26 FEET TO THE POINT OF BEGINNING.

LOT 4:
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M.;

THENCE NORTH ALONG THE WEST SECTION LINE N 01°02'57" E 500.02 FEET.
THENCE S 88°24'39" E 40.00 FEET TO THE EASTERLY RIGHT OF WAY OF ISLAND CREST WAY;
THENCE S 01°02'57" W 61.25 FEET;
THENCE S 88°24'39" E 56.25 FEET TO THE TRUE POINT OF BEGINNING;
THENCE S 88°24'39" E 54.25 FEET;
THENCE S 01°02'57" W 65.97 FEET;
THENCE S 01°10'06" E 122.84 FEET;
THENCE N 88°24'39" W 56.86 FEET;
THENCE N 01°02'57" E 188.76 FEET TO THE POINT OF BEGINNING.

LOT 5:
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M.;

THENCE NORTH ALONG THE WEST SECTION LINE N 01°02'57" E 250.01 FEET.
THENCE S 88°24'39" E 40.00 FEET TO THE EASTERLY RIGHT OF WAY OF ISLAND CREST WAY;
THENCE S 88°24'39" E 113.12 FEET TO THE TRUE POINT OF BEGINNING;
THENCE N 01°10'06" W 122.84 FEET;
THENCE N 01°02'57" E 65.97 FEET;
THENCE S 88°24'39" E 40.00 FEET;
THENCE S 77°13'50" E 144.10 FEET;
THENCE S 01°03'38" W 160.82 FEET;
THENCE N 88°24'39" W 178.46 FEET TO THE POINT OF BEGINNING.

TRACT A:
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M.;

THENCE NORTH ALONG THE WEST SECTION LINE N 01°02'57" E 250.01 FEET.
THENCE S 88°24'39" E 40.00 FEET TO THE EASTERLY RIGHT OF WAY OF ISLAND CREST WAY AND THE TRUE POINT OF BEGINNING;
THENCE N 01°02'57" E 28.50 FEET;
THENCE S 88°24'39" E 24.85 FEET;
THENCE S 60°48'39" E 35.61 FEET;
THENCE S 01°02'57" W 12.00 FEET;
THENCE N 88°24'39" W 56.25 FEET TO THE POINT OF BEGINNING.

RECORDING NO.

VOL./PAGE

PORTION OF

SW 1/4, NW 1/4, SECTION 18, T 24 N, R 05 E, W.M.

EASEMENT NOTES

1. DECLARANT HEREBY DECLARES, DEDICATES, AND ESTABLISHES TO AND FOR THE BENEFIT OF THE OWNERS OF LOTS 1-5 A PERPETUAL NON-EXCLUSIVE EASEMENT ON, OVER, AND ACROSS THE AREA MARKED ON THE PLAT AS THE "SHARED ACCESS EASEMENT" FOR THE PURPOSE OF VEHICULAR AND PEDESTRIAN ACCESS, SUBJECT TO THE TERMS AND CONDITIONS HEREIN. THE SHARED ACCESS EASEMENT IS SUBJECT TO USE IN COMMON WITH LOTS 1-5 AND MAY BE USED BY EACH PARTY'S RESPECTIVE FAMILY MEMBERS, CONTRACTORS, AGENTS, OCCUPANTS, AND GUESTS FOR THE FOREGOING PURPOSES. NEITHER OWNER SHALL USE THE EASEMENT FOR PARKING NOR SHALL THEY BLOCK, OBSTRUCT, OR OTHERWISE UNREASONABLY INTERFERE WITH THE OTHER'S USE OF SUCH EASEMENT. ALL USE OF THE SHARED ACCESS EASEMENT SHALL BE IN ACCORDANCE WITH ALL LAWS. THE OWNERS OF LOTS 1-5 MAY ESTABLISH MUTUALLY ACCEPTABLE RULES AND REGULATIONS REGARDING THEIR SHARED USE OF THIS EASEMENT. AS OF THE DATE HEREOF, THE SHARED ACCESS EASEMENT IS IMPROVED WITH A PAVED DRIVEWAY AND SIDEWALK. THE OWNERS OF LOTS 1-5 SHALL EQUALLY SHARE IN THE COST OF ALL NECESSARY MAINTENANCE, REPAIR, AND REPLACEMENT WORK FOR SUCH DRIVEWAY AND SIDEWALK; PROVIDED, HOWEVER, THAT IF EITHER OWNER EVER CONSTRUCTS SEPARATE ACCESS TO THEIR LOT AND/OR NO LONGER USES THIS EASEMENT, THE OTHER OWNER SHALL BE SOLELY RESPONSIBLE FOR ALL WORK RELATED TO THE DRIVEWAY; AND PROVIDED FURTHER THAT EACH OWNER SHALL BE SOLELY RESPONSIBLE FOR ALL DAMAGE TO THE DRIVEWAY IN EXCESS OF NORMAL WEAR AND TEAR AND ALL DAMAGE TO THE OTHER'S PROPERTY THAT SUCH OWNER CAUSES OR ALLOWS. THE OWNERS OF LOTS 1-5 MAY HEREAFTER MUTUALLY AGREE TO AMEND, MODIFY, OR TERMINATE THE SHARED ACCESS EASEMENT WITH APPROVAL OF THE CITY. THE SHARED ACCESS EASEMENT IS A PRIVATE EASEMENT AND NO RIGHTS TO THE PUBLIC ARE GRANTED HEREBY.

2. DECLARANT HEREBY DECLARES, DEDICATES, AND ESTABLISHES TO AND FOR THE BENEFIT OF THE OWNERS OF ALL LOTS WITHIN THIS PLAT A PERPETUAL NON-EXCLUSIVE EASEMENT ON, OVER, AND ACROSS THE AREA MARKED AS THE "SHARED UTILITY EASEMENT" FOR THE PURPOSE OF INSTALLING, MAINTAINING, REPAIRING, REPLACING AND REMOVING UTILITIES, SUBJECT TO THE TERMS AND CONDITIONS HEREIN. ALL CURRENTLY EXISTING UTILITIES SERVING ANY OF THE LOTS THAT ARE LOCATED WITHIN THIS EASEMENT MAY REMAIN IN THEIR CURRENT LOCATIONS. IF ANY OWNER WISHES TO INSTALL NEW UTILITIES OR NEW UTILITY LINES WITHIN THIS EASEMENT OR TO PERFORM ANY REPAIRS OR OTHER WORK TO ANY UTILITY, SUCH OWNER SHALL PROVIDE REASONABLE ADVANCE NOTICE TO ALL OTHER AFFECTED OWNERS AND SUCH OWNER SHALL BE SOLELY RESPONSIBLE FOR ALL COSTS OF SUCH WORK (UNLESS INSTALLED OR PERFORMED FOR MORE THAN ONE PARTY, IN WHICH CASE THE BENEFITED PARTIES SHALL REASONABLY SHARE SUCH COSTS). IN PERFORMING ANY WORK UNDER THIS EASEMENT, THE RESPONSIBLE OWNER SHALL NOT UNREASONABLY INTERFERE WITH ANY EXISTING UTILITIES OR THE USE AND ENJOYMENT OF THE OTHER LOTS AND THE RESPONSIBLE OWNER SHALL REASONABLY RESTORE THE PROPERTY DISTURBED BY SUCH WORK UPON COMPLETION OF THE SAME. EACH OWNER SHALL BE SOLELY RESPONSIBLE FOR ALL DAMAGE TO ANY UTILITIES OR PROPERTY OF ANY OTHER OWNER THAT SUCH OWNER CAUSES OR ALLOWS. ALL USE OF THIS EASEMENT AND UTILITIES THEREIN MUST BE MADE IN ACCORDANCE WITH ALL LAWS. THE SHARED UTILITY EASEMENT IS A PRIVATE EASEMENT AND NO RIGHTS TO THE PUBLIC ARE GRANTED HEREBY.

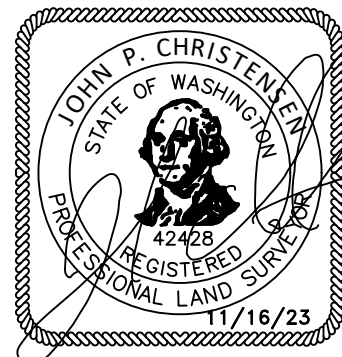
NOTES

1. TRACT A IS A RECREATION TRACT FOR THE BENEFIT OF LOTS 1-5, INCLUSIVE. OWNERSHIP OF LOTS 1-5, INCLUSIVE, INCLUDES AN EQUAL AND UNDIVIDED 1/5 OWNERSHIP IN THE TRACT. MAINTENANCE OF THE TRACT WILL BE SHARED EQUALLY.

THE ISLAND PRIVATE MEADOWS HOMEOWNERS ASSOCIATION WILL BE THE ACCOUNT OWNER OF THE IRRIGATION METER LOCATED ON TRACT A SERVICING THE PLAT.



DAVID EVANS
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ISLAND PRIVATE MEADOWS
PLAT

DWN. BY
JPC

DATE
11/16/23

JOB NO.
CRED0000-0001

CHKD. BY
WB

SCALE

SHEET

2 OF 4



PLAT NO. SUB17-005
MERCER ISLAND, WASHINGTON

RECORDING NO.	VOL./PAGE
PORTION OF SW 1/4, NW 1/4, SECTION 18, T 24 N, R 05 E, W.M.	

NEW EASEMENTS

1. SHARED ACCESS & UTILITY EASEMENT FOR LOT 1 – 5 LEGAL DESCRIPTION;

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, W. M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST OF SECTION 18
THENCE NORTH ALONG THE WEST SECTION LINE N 01°02'57" E 500.02 FEET.
THENCE S 88°24'39" E 40.00 FEET TO THE EASTERLY RIGHT OF WAY OF ISLAND CREST WAY;
THENCE S 01°02'57" W 23.05 FEET TO A POINT OF CURVATURE AND THE TRUE POINT OF BEGINNING;
THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, A DISTANCE OF 45.38 FEET, THROUGH A CENTRAL ANGLE OF 48°57'10", HAVING A RADIUS OF 53.13 FEET WHICH BEARS S 03°53'25" W, TO A POINT OF REVERSE CURVATURE;
THENCE ALONG A CURVE TO THE LEFT, A DISTANCE OF 35.32 FEET, THROUGH A CENTRAL ANGLE OF 87°30'08", HAVING A RADIUS OF 23.13 FEET;
THENCE N 01°02'57" E 46.77 FEET;
THENCE S 88°24'39" E 34.09 FEET;
THENCE S 01°02'57" W 37.29 FEET;
THENCE S 88°24'39" E 48.56 FEET;
THENCE S 01°02'57" W 42.00 FEET;
THENCE N 88°24'39" W 69.06 FEET TO A POINT OF CURVATURE;
THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, A DISTANCE OF 80.46 FEET, THROUGH CENTRAL ANGLE OF 79°18'55", HAVING A RADIUS OF 58.13 FEET WHICH BEARS N 26°44'24" W TO A POINT OF REVERSE CURVATURE;
THENCE ALONG A CURVE TO THE LEFT, A DISTANCE OF 13.91 FEET, THROUGH A CENTRAL ANGLE OF 43°57'48", HAVING A RADIUS OF 18.13 FEET, TO THE EASTERLY RIGHT OF WAY OF ISLAND CREST WAY;
THENCE N 01°02'57" E 35.10 FEET TO THE POINT OF BEGINNING.

EASEMENT 1) IS AN EASEMENT (PRIVATE STORM, SEWER, WATER AND INGRESS / EGRESS) FOR ACCESS AND UTILITIES FOR THE BENEFIT OF LOTS 1-5, INCLUSIVE. OWNERSHIP OF LOTS 1-5, INCLUSIVE, INCLUDES AN EQUAL AND UNDIVIDED 1/5 RESPONSIBILITY IN SAID EASEMENT. MAINTENANCE OF THE ACCESS ROAD AND ALL STORMWATER FACILITIES LOCATED IN THE EASEMENT WILL BE SHARED EQUALLY.

2. LOT 3 PRIVATE STORM DRAIN EASEMENT

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, W. M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M.;

THENCE ALONG THE WEST SECTION LINE N 01°02'57" E 500.02 FEET.

THENCE S 88°24'39" E 40.00 FEET TO THE EASTERLY RIGHT OF WAY MARGIN OF ISLAND CREST WAY;

THENCE S 01°02'57" E ALONG SAID RIGHT OF WAY MARGIN 68.18 FEET;

THENCE S 88°24'39" E 6.25 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING S 88°24'39" E A DISTANCE OF 8.56 TO A POINT ON A CURVE TO THE LEFT FROM WHICH THE CENTER BEARS N 48°02'19" E, 58.12 DISTANT; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 2°02'49" AND AN ARC LENGTH OF 2.08 FEET;

THENCE S 01°02'57" W 57.10 FEET TO THE BEGINNING OF A CURVE TO THE LEFT FROM WHICH THE CENTER BEARS SOUTH 07°43'47" W 25.00 FEET DISTANT; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°40'50" AND AN ARC LENGTH OF 2.92 FEET;

THENCE N 88°57'03" W 3.34 FEET TO THE BEGINNING OF A CURVE TO THE LEFT FROM WHICH THE CENTER BEARS S 17°30'25 W, 25.00 FEET DISTANT; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°53'16" AND AN ARC LENGTH OF 3.44 FEET;

THENCE S 63°18'52" W 7.51 FEET TO SAID EASTERLY RIGHT OF WAY MARGIN; THENCE N 01°02'57" E ALONG SAID MARGIN 11.30 FEET;

THENCE NORTH 63°18'52" E 7.06 FEET; THENCE N 01°02'57" E 46.67 FEET TO THE POINT OF BEGINNING.

EASEMENT 2) IS AN EASEMENT FOR PRIVATE STORM DRAIN FOR THE BENEFIT OF LOTS 1-5, INCLUSIVE. OWNERSHIP OF LOTS 1-5, INCLUSIVE, INCLUDES AN EQUAL AND UNDIVIDED 1/5 RESPONSIBILITY IN SAID EASEMENT. MAINTENANCE OF ALL STORMWATER FACILITIES LOCATED IN THE EASEMENT WILL BE SHARED EQUALLY.

NEW EASEMENTS

3. NATIVE GROWTH PROTECTION EASEMENT LEGAL DESCRIPTION;

LOT 1:
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M.;

THENCE NORTH ALONG THE WEST SECTION LINE N 01°02'57" E 500.02 FEET.
THENCE S 88°24'39" E 40.00 FEET TO THE EASTERLY RIGHT OF WAY OF ISLAND CREST WAY;
THENCE S 88°24'39" E 88.00 FEET;
THENCE S 01°02'57" E 45.25 FEET;
THENCE S 88°24'39" E 62.50 FEET TO THE TRUE POINT OF BEGINNING;
THENCE S 82°46'25" E 141.92 FEET
THENCE S 01°03'38" W 30.00 FEET;
THENCE N 77°13'50" W 144.10 FEET;
THENCE N 01°02'57" E 20.00 FEET TO THE POINT OF BEGINNING.

LOT 2:
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M.;

THENCE NORTH ALONG THE WEST SECTION LINE N 01°02'57" E 500.02 FEET.
THENCE S 88°24'39" E 40.00 FEET TO THE EASTERLY RIGHT OF WAY OF ISLAND CREST WAY;
THENCE S 88°24'39" E 120.00 FEET TO THE TRUE POINT OF BEGINNING;
THENCE S 88°24'39" E 130.00 FEET;
THENCE S 01°03'38" W 59.19 FEET;
THENCE N 85°17'07" W 130.00 FEET;
THENCE N 01°02'57" E 46.25 FEET TO THE POINT OF BEGINNING.

LOT 3:
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M.;

THENCE NORTH ALONG THE WEST SECTION LINE N 01°02'57" E 500.02 FEET.
THENCE S 88°24'39" E 40.00 FEET TO THE EASTERLY RIGHT OF WAY OF ISLAND CREST WAY;
THENCE S 01°02'57" W 120.00 FEET TO THE TRUE POINT OF BEGINNING;
THENCE S 88°24'29" E 56.25 FEET;
THENCE S 01°02'57" W 110.00 FEET
THENCE N 60°48'39" W 35.61 FEET;
THENCE N 88°24'39" W 24.85 FEET TO THE EASTERLY RIGHT OF WAY OF ISLAND CREST WAY;
THENCE N 01°02'57" E 90.00 FEET TO THE POINT OF BEGINNING.

LOT 4:
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M.;

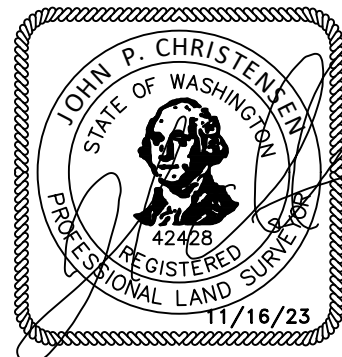
THENCE NORTH ALONG THE WEST SECTION LINE N 01°02'57" E 500.02 FEET.
THENCE S 88°24'39" E 40.00 FEET TO THE EASTERLY RIGHT OF WAY OF ISLAND CREST WAY;
THENCE S 01°02'57" W 61.25 FEET;
THENCE S 88°24'39" E 56.25 FEET;
THENCE S 01°02'57" W 65.97 FEET TO THE TRUE POINT OF BEGINNING;
THENCE S 88°24'39" E 56.25 FEET;
THENCE S 01°02'57" W 122.84 FEET;
THENCE N 88°24'39" W 56.86 FEET;
THENCE N 01°02'57" E 122.84 FEET TO THE POINT OF BEGINNING.

LOT 5:
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, W.M.;

THENCE NORTH ALONG THE WEST SECTION LINE N 01°02'57" E 250.01 FEET.
THENCE S 88°24'39" E 40.00 FEET TO THE EASTERLY RIGHT OF WAY OF ISLAND CREST WAY;
THENCE S 88°24'39" E 113.12 FEET TO THE TRUE POINT OF BEGINNING;
THENCE N 01°10'06" E 122.84 FEET;
THENCE S 88°24'39" E 40.00 FEET;
THENCE N 01°02'57" E 65.97 FEET
THENCE S 77°13'50" E 144.10 FEET;
THENCE S 01°03'38" W 160.82 FEET;
THENCE N 88°24'39" W 178.46 FEET TO THE POINT OF BEGINNING.



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ISLAND PRIVATE MEADOWS
PLAT

DWN. BY JPC	DATE 11/16/23	JOB NO. CRED0000-0001
CHKD. BY WB	SCALE	SHEET 3 OF 4



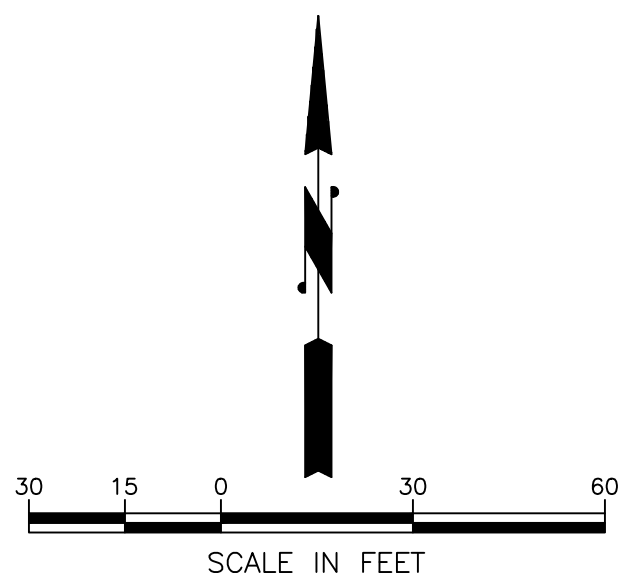
PLAT NO. SUB17-005

MERCER ISLAND, WASHINGTON

PORTION OF
SW 1/4, NW 1/4, SECTION 18, T 24 N, R 05 E, W.M.

RECORDING NO.

VOL./PAGE



SURVEY INFORMATION

HORIZONTAL DATUM: NAD 83/2011, WASHINGTON COORDINATE SYSTEM, NORTH ZONE, BASED ON GPS MEASUREMENTS USING THE WASHINGTON STATE REFERENCE NETWORK.

BASED ON CITY OF MERCER ISLAND CONTROL POINTS 4287 - 1/4" BRASS NAIL W/ PUNCH IN CONC AT NW CORNER INTX. MERRIMOUNT DR & ISLAND CREST WAY AND 3065 - 3/8" BRASS PLUG W/ PUNCH IN CONC AT INTX ISLAND CREST WAY & WOOBROOK LN.

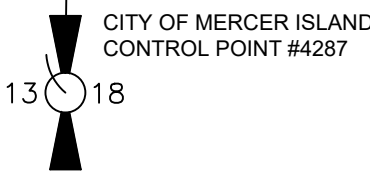
VERTICAL DATUM: NAVD 88, BASED ON GPS MEASUREMENTS USING THE WASHINGTON STATE REFERENCE NETWORK.

BASED ON CITY OF MERCER ISLAND CONTROL POINTS 4287 AND 3065.

BASIS OF BEARING: NORTH 01°02'57" EAST, BETWEEN THE NORTHWEST CORNER AND THE WEST QUARTER CORNER OF SECTION 18, TOWNSHIP 24 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.

THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF R.C.W. 58

- 811 DECIDUOUS TREE TO REMAIN
- 810 CONIFEROUS TREE TO REMAIN
- 794 DECIDUOUS TREE TO BE REMOVED FOR PLAT IMPROVEMENTS
- 795 CONIFEROUS TREE TO BE REMOVED FOR PLAT IMPROVEMENTS
- 820 DECIDUOUS TREE TO BE REMOVED FOR PERMITTING
- 734 CONIFEROUS TREE TO BE REMOVED FOR PERMITTING

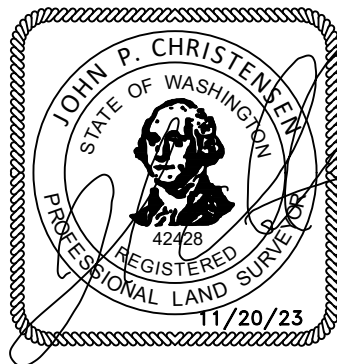


SURVEY INSTRUMENTATION:

THIS SURVEY WAS PERFORMED BY PLS, INC AND CHECKED BY DAVID EVANS AND ASSOCIATES BY FIELD TRAVERSE WITH THE FINAL RESULTS MEETING OR EXCEEDING THE CURRENT TRAVERSE STANDARDS CONTAINED IN W.A.C. 332-130-090.



DAVID EVANS AND ASSOCIATES INC
20300 Woodinville Snohomish Rd NE
Suite A - Woodinville, WA 98072
Phone: 425.415.2000



ISLAND PRIVATE MEADOWS PLAT

DWN. BY JPC	DATE 11/20/23	JOB NO. CRED0000-0001
CHKD. BY VWB	SCALE 1" = 30'	SHEET 4 OF 4

**CITY OF MERCER ISLAND
HEARING EXAMINER FINDINGS, CONCLUSION AND DECISION**

Applicant: Jason Taylor

File Nos: SUB17-015/CAO17-015/SEP17-026

Application: Preliminary Long Plat Approval

Staff Recommendation: Approve with conditions

Public Hearing: The Hearing Examiner held a public hearing on the application on November 27, 2018 in Mercer Island City Hall, 9611 SE 36th Street, Mercer Island, Washington. Represented at the hearing were the applicant, Jason Taylor, and the City's Development Services Group, by Robin Proebsting, Senior Planner. A list of those who testified at the hearing is included at the end of this recommendation. A verbatim recording of the hearing is available at the City Clerk's office. The Examiner reviewed the site on November 27, 2018.

For purposes of this recommendation, all section numbers refer to the Mercer Island Municipal Code ("MIMC" or "Code"). Having considered the evidence in the record and reviewed the site, the Hearing Examiner makes the following recommendation.

Findings of Fact

The Summary and Findings of Fact in the Staff Report (Sections I) are accurate and complete, and are therefore adopted by reference. The Hearing Examiner makes the following additional findings of fact:

1. Richard Karnes is a neighbor to the proposal, and he testified at the hearing. His home is located adjacent to the subject property to the east. Mr. Karnes testified that he is concerned that the proposal's application does not accurately represent two springs that originate on his property and flow onto the subject property. He was concerned that in the absence of this information the proposal would not be adequately prepared to handle on the ground conditions for storm water.
2. Lucas Vannice, the proposal's landscape architect and arborist, testified concerning the proposal's plans for wetland restoration and stormwater management, indicating that the proposal is to enhance current stormwater treatment conditions beyond what is currently at the site.

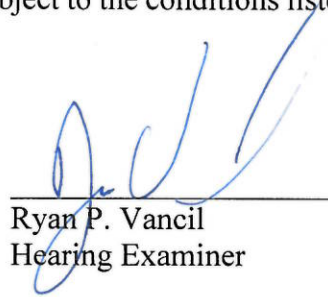
Conclusions

1. The Hearing Examiner has jurisdiction over this application pursuant to MICC 19.08.020(A).
2. The Conclusions in the Staff Report (Section II) are accurate and supported by the facts in the record and are therefore adopted by reference.

Decision

The long plat is hereby preliminarily **APPROVED** subject to the conditions listed in Section IV of the Staff Report.

Entered this 13th day of December, 2018.



Ryan P. Vancil
Hearing Examiner

Testimony: The following people provided testimony at the public hearing:

City of Mercer Island:	Robin Proebsting, Senior Planner, DSG
Applicant:	Jason Taylor Lucas Vannice
Public:	Richard Karnes

Exhibits: The Staff Report and associated exhibits were admitted at the hearing. In addition to the exhibits listed in the Staff Report for this application, the following exhibits were entered into the record:

10. Revised Project Narrative
11. Sign-In Sheet for Public Comment


**BEFORE THE HEARING EXAMINER
CITY OF MERCER ISLAND**

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Findings, Conclusions, and Decision** to each person listed below, or on the attached mailing list, in the matter of **Jason Taylor**, Hearing Examiner File: **SUB17-015/CAO17-015/SEP17-026** in the manner indicated.

Party	Method of Service
Robin Proebsting City of Mercer Island Development Services 9611 SE 36 th Street Mercer Island, WA 98040 robin.proebsting@mercergov.org	<input checked="" type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: December 13, 2018



 Alayna Johnson
 Legal Assistant


CITY OF MERCER ISLAND

 9611 SE 36th Street • Mercer Island, WA 98040-3732

(206) 275-7605 • FAX (206) 275-7726

www.mercergov.org
PRELIMINARY LONG PLAT APPROVAL
Staff Report
October 26, 2018

Project Numbers:	SUB17-015/CAO17-015/SEP17-026
Description:	The proposal is a request to subdivide the subject site into five residential lots and one private recreation tract. The proposed subdivision would contain an internal private street serving the five lots, which would range in size from 9,273 to 32,049 square feet. The site is encumbered by three Category III wetlands and Type 3 watercourse, which will be protected by use of a Native Growth Protection Easement. The applicant also proposes to reduce the buffers that apply to the on-site wetlands and watercourse.
Applicant:	Jayson Taylor
Owner:	Alan Chiu
Site Address:	4320 and 4332 Island Crest Way, Mercer Island WA 98040
Zoning:	R-9.6
Staff Recommendation:	Approve with conditions
Staff Contact:	Robin Proebsting, Senior Planner

I. FINDINGS OF FACT

Preliminary Long Plat Approval is listed in Mercer Island City Code ("MICC") 19.15.040 as a Type IV land use review, requiring review and a decision by the Hearing Examiner. The following is an analysis of the proposal against the applicable criteria for approval.

- 1. Site Description and History:** The subject site is located on Island Crest Way between SE 43rd and SE 44th St, and is approximately 1.67 acres in area, rectangular, and gently sloping downward from east to west. The site currently contains one single family residence and one accessory dwelling unit, which are proposed to be demolished prior to development of the future residences. The site is sparsely treed and contains three Category III wetlands connected by a Type 3 watercourse.

The site is the subject of an open code enforcement case (CE16-0014) for removing approximately ten trees and filling one of the wetlands on site with wood chips (Exhibit 6). Proposed restoration, together with proposed mitigation for the requested wetland and watercourse buffer reduction, are both analyzed and addressed separately in the Critical Areas Study submitted by the applicant (Exhibit 5d) and are incorporated into the subdivision design.

During review of the subdivision and critical areas determination applications, the City adopted Ord. 18C-08, which updated the City Code by modifying land use review and approval procedures. The adopted changes became effective on October 1, 2018. In order to remain consistent with all applicable codes, this staff report reviews documents compliance with procedural standards adopted under Ord. 18C-08 and zoning standards in place at the time the applicant submitted a complete application.

2. **MICC 19.08.020(E)(2):** Public notice of an application for a long subdivision shall be made in accordance with the procedures set forth in MICC 19.15.020 provided notice shall also be published in a newspaper of general circulation within the city.

Staff analysis: *Notice of application (Exhibit 4) was mailed to property owners within 300 feet, posted on the subject site published in the weekly DSG bulletin, and published in the Mercer Island Reporter, consistent with this code requirement.*

3. **MICC 19.08.020(F)(1):** All preliminary approvals or denials of long subdivisions or short subdivisions shall be accompanied by written findings of fact demonstrating that: a. The project does or does not make appropriate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; b. The public use and interest will or will not be served by approval of the project; and c. The project does or does not conform to applicable zoning and land use regulations.

Staff analysis: *The proposed subdivision has made appropriate provisions to address this code section as demonstrated by the analysis that follows in this staff report.*

Safe walking conditions to each of the schools serving the subject site have been demonstrated in Exhibit 5c).

The proposed subdivision conforms to zoning and land use regulations applicable to subdivisions; future development will be reviewed for zoning compliance at the time of permit application.

4. **MICC 19.08.020(F)(3):** a. At an open record hearing the hearing examiner shall review the proposed long subdivision for its conformance with the requirements of MICC 19.08.030, the comprehensive plan, and other applicable development standards. b. The hearing examiner shall make written findings of fact and conclusions.

Staff Analysis: *An open record hearing has been scheduled for November 27, 2018, consistent with this standard.*

5. **MICC 19.08.020(F)(4):** Conditions for Preliminary Approval. As a condition of preliminary approval of a project, the hearing examiner in the case of a long subdivision, or the code official in the case of a short subdivision, may require the installation of plat improvements as provided in MICC 19.08.040 which shall be conditions precedent to final approval of the subdivision.

Staff Analysis: *Plat improvements meeting the standards in MICC 19.08.040 are recommended, and recommended conditions of approval have been added to this staff report requiring installation of plat improvements prior to final plat approval. Plat improvements include a new internal private street, water and sewer lines, and storm drainage.*

6. **MICC 19.08.020(F)(5)(a):** Expiration of Approval: Once the preliminary plat for a long subdivision has been approved by the city, the applicant has five years to submit a final plat meeting all requirements of this chapter to the city council for approval.

Staff Analysis: *A recommended condition of approval has been added to this staff report requiring submittal of a final plat within five years of preliminary approval.*

7. **MICC 19.08.020(F)(6):** No construction of structures, utilities, storm drainage, grading, excavation, filling, or land clearing on any land within the proposed long subdivision, short subdivision, or lot line revision shall be allowed prior to preliminary approval of the application and until the applicant has secured the permits required under the Mercer Island City Code.

Staff Analysis: *A recommended condition of approval has been added to this staff report prohibiting construction prior to preliminary approval of this application and before the required permits have been secured.*

8. **MICC 19.08.030(A):** Compliance with Other Laws and Regulations. The proposed subdivision shall comply with arterial, capital facility, and land use elements of the comprehensive plan; all other chapters of the development code; the Shoreline Management Act; and other applicable legislation.

Staff Analysis: The applicant has documented compliance with the required elements of the comprehensive plan in Exhibit 5b. The preliminary plat has been reviewed for compliance with the applicable legislation, documented in items 9 through 43 below.

9. **MICC 19.08.030(B)(1):** The subdivision shall be reconciled as far as possible with current official plans for acquisition and development of arterial or other public streets, trails, public buildings, utilities, parks, playgrounds, and other public improvements.

Staff Analysis: *The current City of Mercer Island official plans for acquisition and development of arterial or other public streets, trails, public buildings, utilities, parks, playgrounds, and other public improvements do not designate any portion of the subject property for future development.*

10. **MICC 19.08.030(B)(2):** If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city shall adopt the designated name.

Staff Analysis: *The preliminary plat does not propose the dedication of a public park (Exhibit 2). This standard does not apply.*

11. **MICC 19.08.030(C)(1):** Where the project may adversely impact the health, safety, and welfare of, or inflict expense or damage upon, residents or property owners within or adjoining the project, other members of the public, the state, the city, or other municipal corporations due to flooding, drainage problems, critical slopes, unstable soils, traffic access, public safety problems, or other causes, the city council in the case of a long subdivision, or the code official in the case of a short subdivision or lot line revision, shall require the applicant to adequately control such hazards or give adequate security for damages that may result from the project, or both.

Staff Analysis:

- *Unstable soils and geologic hazards—The applicant has provided a letter from the project geotechnical engineer providing an analysis of site conditions and concluding that the subject site does not meet the definition of landslide hazard areas, but that the site does contain erosion hazard areas (Exhibit 5f). Recommendations for managing the erosion potential are included in the report, as is a statement of risk meeting the requirements of the City's critical areas code. A condition of approval has been added to this recommendation, requiring that future construction incorporate the project geotechnical engineer's recommendations.*
- *Drainage and stormwater control—conceptual stormwater design plans (Exhibits 2 and 5g) have demonstrated the ability of the proposed subdivision design to meet stormwater design standards at construction.*
- *Traffic access—preliminary traffic analysis (Exhibit 5e) has demonstrated that proposed subdivision design is feasible. A recommended condition of approval has been added to this staff report, requiring a final traffic memorandum documenting the trip generation and sight distance evaluation.*

- 12. MICC 19.08.030(C)(2):** If there are soils or drainage problems, the city engineer may require that a Washington registered civil engineer perform a geotechnical investigation of each lot in the project. The report shall recommend the corrective action likely to prevent damage to the areas where such soils or drainage problems exist. Storm water shall be managed in accordance with the criteria set out in MICC 15.09.030 and shall not increase likely damage to downstream or upstream facilities or properties.

Staff Analysis: *Recommendations for managing the erosion potential are included in Exhibit 5f, as is a statement of risk meeting the requirements of the City's critical areas code. A condition of approval has been added to this recommendation, requiring that future construction incorporate the project geotechnical engineer's recommendations. Conceptual stormwater design plans have demonstrated the ability of the proposed subdivision design to meet stormwater design standards (Exhibits 2 and 5g) and the City's senior development review engineer has recommended preliminary approval of the subdivision (Exhibit 9b). A recommended condition of approval has been added to this staff report requiring final stormwater design and installation of stormwater drainage improvements at Site Development Permit.*

- 13. MICC 19.08.030(C)(3):** Alternative tightline storm drains to Lake Washington shall not cause added impact to the properties, and the applicant shall submit supportive calculations for storm drainage detention.

Staff Analysis: *The application does not propose to construct a tightline system (Exhibit 2). A condition of approval has been added to this staff report, requiring the drainage system from the subject site to connect to the City drainage system and to provide stormwater drainage improvements that meet the applicable standards.*

- 14. MICC 19.08.030(D)(1):** The width and location of rights-of-way for major, secondary, and collector arterial streets shall be as set forth in the comprehensive arterial plan.

Staff Analysis: *No public rights-of-way are proposed to be dedicated as part of the proposed subdivision. This standard does not apply.*

MICC 19.08.030(D)(2): Public rights-of-way shall comply with the requirements set out in MICC 19.09.030.

Staff Analysis: No public rights-of-way are proposed to be dedicated as part of the proposed subdivision. This standard does not apply.

- 15. MICC 19.08.030(D)(3):** Private access roads shall meet the criteria set out in MICC 19.09.040.

Staff Analysis: Compliance with the standards in MICC 19.09.040 is addressed in items 30 through 36 of this staff report.

- 16. MICC 19.08.030(D)(4):** Streets of the proposed subdivision shall connect with existing improved public streets, or with existing improved private access roads subject to easements of way in favor of the land to be subdivided.

Staff Analysis: The proposed subdivision includes a private access road connecting to Island Crest Way, and existing improved public street (Exhibit 2, Sheet C9), consistent with this standard.

- 17. MICC 19.08.030(E)(1):** The area, width, and depth of each residential lot shall conform to the requirements for the zone in which the lot is located. Any lot which is located in two or more zones shall conform to the zoning requirements determined by the criteria set out in MICC 19.01.040(G)(2).

Staff Analysis: The subject property is contained entirely within the R-9.6 zone. The standards for lot area, width, and depth are contained in MICC 19.02.020. The standards for the R-9.6 zone are an area of at least 9,600 square feet, lot width of at least 75 feet and lot depth of at least 80 feet.

The applicant is proposing to utilize the Optional Standards for Development contained in MICC 19.08.030(G), which allows the minimum lot area, width and depth to be 75 percent of the dimension that otherwise would be required for the zone in which the subdivision is located. In the R-9.6 zone, this translates to an area of at least 7,200 square feet, lot width of at least 56.25 feet and lot depth of at least 60 feet.

As a result of the proposed subdivision, the resulting lots would have the following dimensions, which meet this standard (Exhibit 2, Sheet 4 of 4):

	Lot Area	Lot Width	Lot Depth
Lot 1	9,636 sq ft	88 ft	61.25 ft
Lot 2	10,197 sq ft	Approx. 56.5 ft	291.62 ft
Lot 3	9,273 sq ft	56.25 ft	Approx. 160 ft
Lot 4	10,400 sq ft	Approx. 56.25 ft	188 ft
Lot 5	32,049 sq ft	Approx. 180 ft	188 ft

- 18. MICC 19.08.030(E)(2):** Each side line of a lot shall be approximately perpendicular or radial to the center line of the street on which the lot fronts.

Staff analysis: All side lot lines are perpendicular to the private access road that the lots front (Exhibit 2).

- 19. MICC 19.08.030(F)(1):** Subdivisions abutting an arterial street as shown on the comprehensive arterial plan shall be oriented to require the rear or side portion of the lots to abut the arterial and provide for internal access streets.

Staff analysis: *The subject site abuts Island Crest Way, which is classified as a Secondary Arterial in the comprehensive plan at the location of the subject site. The two lots adjacent to Island Crest Way meet this standard by having their rear (Lot 1) and side (Lot 3) yards abutting Island Crest Way (Exhibit 2). The subdivision contains an internal access street, consistent with this code standard.*

- 20. MICC 19.08.030(F)(2):** Where critical areas meeting the criteria set out in Chapter 19.07 MICC are present within the subdivision, the code official or city council may: a. Require that certain portions of the long subdivision or short subdivision remain undeveloped with such restrictions shown on the official documents; b. Increase the usual building set-back requirements; and/or c. Require appropriate building techniques to reduce the impact of site development.

Staff analysis: *The site contains wetlands and a watercourse, which are critical areas meeting the criteria set out in Chapter 19.07. The applicant proposes to protect the critical areas and associated buffers by designating these areas as a Native Growth Protection Area (NGPA), in which certain activities are prohibited and maintenance is required by property owners. The recommended conditions of approval require the identification of a NGPA, or equivalent restriction approved by the City, on the face of the final plat.*

- 21. MICC 19.08.030(G)(1):** The use of the land in the long subdivision or short subdivision shall be one permitted in the zone in which the long subdivision or short subdivision is located.

Staff analysis: *The proposed subdivision would create five single family lots and a recreational tract (Exhibit 5a), which are allowed uses in the R-9.6 zone (MICC 19.02.010).*

- 22. MICC 19.08.030(G)(2):** The number of lots shall not exceed the number that would otherwise be permitted within the area being subdivided, excluding the shorelands part of any such lot and any part of such lot that is part of a street.

Staff analysis: *Five lots are proposed, and the area being subdivided is approximately 72,900 sq ft, which would allow seven lots of 9,600 sq ft to be created under R-9.6 zoning. The number of proposed lots therefore does not exceed the number that would otherwise be permitted.*

- 23. MICC 19.08.030(G)(3):** An area suitable for a private or public open space tract shall be set aside for such use.

Staff analysis: *The area to be designated as recreational space in Tract A is suitable for recreational uses and will include a landscaping to provide screening from Island Crest Way and a picnic table for recreational use (Exhibit 5a).*

- 24. MICC 19.08.030(G)(4):** The lots may be of different areas, but the minimum lot area, minimum lot width, and minimum lot depth shall each be at least 75 percent of that otherwise required in the zone in which the long subdivision or short subdivision is located. In no case shall the lot area be less than 75 percent of that otherwise required in the zone. Lot size averaging must be incorporated if lot width or depth requirements are 75 percent of the minimum that would otherwise be required for the zone without utilizing the optional development standards. Any designated open space or recreational tract shall not be considered a lot.

Staff analysis: *The lot dimensions conform to the standards in this code provision, as demonstrated in #17 above. The recreational tract is designated as Tract A on the preliminary plat and is not considered a lot.*

- 25. MICC 19.08.030(G)(5):** The ownership and use of any designated open space or recreational tract, if private, shall be shared by all property owners within the long subdivision or short subdivision. In addition, a right of entry shall be conveyed to the public to be exercised at the sole option of the city council if such area shall cease to be an open space or recreational tract.

Staff analysis: *The ownership of the recreational tract is proposed to be divided equally among the owners of lots 1-5, consistent with this standard (Exhibit 2, sheet 2 of 4).*

- 26. MICC 19.08.030(G)(6):** The open space or recreational tract must remain in its approved configuration and be maintained in accordance with approved plans. Any deviation from the foregoing conditions must receive expressed approval from the planning commission.

Staff analysis: *A recommended condition to appear on the face of the final plat has been added to this staff report, requiring express approval from the City if any change is proposed to the configuration or maintenance of the recreational tract.*

- 27. MICC 19.02.010(A):** Uses Permitted in Zones R-8.4, R-9.6, R-12, R-15. (1) Single-family dwelling [...] (3) Private recreation areas.

Staff analysis: *The proposed subdivision would create five single family lots and a recreational tract (Exhibit 5a), which are allowed uses in the R-9.6 zone.*

- 28. MICC 19.07.070(B)(2)(a):** The code official may allow the standard buffer width to be reduced to not less than the above listed minimum width in accordance with an approved critical area study when he/she determines that a smaller area is adequate to protect the watercourse, the impacts will be mitigated by using combinations of the below mitigation options, and the proposal will result in no net loss of watercourse and buffer functions. However, in no case shall a reduced buffer contain a steep slope.

Staff analysis: *The applicant has demonstrated that the proposed smaller buffer area is adequate to protect the watercourse, and with the recommendations of the City's consulting biologist, will result in no net loss of watercourse and associated buffer functions. In addition, impacts caused by the unauthorized tree removal and wetland filling, which was the subject of code enforcement case CE16-0014, have been adequately mitigated (Exhibits 5d and 9a). A condition of approval has been added to this staff report, requiring that mitigation performance standards be updated to require 30% cover of emergent plants by Year 3 and 60% cover by Year 5, based on the recommendation of the City's consulting biologist.*

- 29. MICC 19.07.080(C)(2):** The code official may allow the standard wetland buffer width to be reduced to not less than the minimum buffer width in accordance with an approved critical area study when he/she determines that a smaller area is adequate to protect the wetland functions, the impacts will be mitigated consistent with MICC 19.07.070(B)(2), and the proposal will result in no net loss of wetland and buffer functions.

Staff analysis: *The applicant has demonstrated that the smaller buffer area is adequate to protect the wetlands, and with the recommendations of the City's consulting biologist, will result in no net loss of wetland and associated buffer functions. In addition, impacts caused by the unauthorized*

tree removal and wetland filling, which was the subject of code enforcement case CE16-0014, have been adequately mitigated (Exhibits 5d and 9a). A condition of approval has been added to this staff report, requiring that mitigation performance standards be updated to require 30% cover of emergent plants by Year 3 and 60% cover by Year 5, based on the recommendation of the City's consulting biologist.

- 30. MICC 19.09.040(A):** The following are the minimum requirements for private access roads. To accommodate fire suppression and rescue activities, the Mercer Island fire chief may require that the widths of private access roads or the size of turn-arounds be increased or that turn-arounds be provided when not otherwise required by this section.

Staff analysis: *The Mercer Island Fire Dept. has not required an increase in width or turnarounds for the private access road.*

- 31. MICC 19.09.040(B):** All private access roads serving three or more single-family dwellings shall be at least 20 feet in width. All private access roads serving less than three single-family dwellings shall be at least 16 feet in width, with at least 12 feet of that width consisting of pavement and the balance consisting of well compacted shoulders.

Staff analysis: *The private access road serving the five proposed lots within the subdivision are proposed to be 20 feet in width, consistent with this standard (Exhibit 2, sheet C9).*

- 32. MICC 19.09.040(C):** All corners shall have a minimum inside turning radius of 28 feet.

Staff analysis: *The proposed private access road does not contain any corners (Exhibit 2, sheet C9). This standard does not apply.*

- 33. MICC 19.09.040(D):** All private access roads in excess of 150 feet in length, measured along the centerline of the access road from the edge of city street to the end of the access road, shall have a turnaround with an inside turning radius of 28 feet.

Staff analysis: *The private access road is less than 150 ft in length (Exhibit 2, sheet C9). This standard does not apply.*

- 34. MICC 19.09.040(E):** All cul-de-sacs shall be at least 70 feet in diameter; provided, cul-de-sacs providing access to three or more single-family dwellings shall be at least 90 feet in diameter.

Staff analysis: *The subdivision does not contain a cul-de-sac (Exhibit 2, sheet C9). This standard does not apply.*

- 35. MICC 19.09.040(F)(1):** No access road or driveway shall have a gradient of greater than 20 percent.

Staff analysis: *The steepest portion of the private access road is 15% grade (Exhibit 2, sheet C9). This standard is met.*

- 36. MICC 19.09.040(F)(2):** For all access roads and driveways with a gradient exceeding 15 percent, the road surface shall be cement concrete pavement with a brushed surface for traction. Access roads and driveways with gradients of 15 percent or less may have asphalt concrete surface.

Staff analysis: *The steepest portion of the private access road is 15% grade (Exhibit 2, sheet C9). Future road construction will be consistent with the applicable construction standards.*

- 37. MICC 19.09.090(A):** Designation. New subdivisions must designate a building pad for each lot as follows: 1. The applicant must determine the location of a building pad by considering vegetation, topography, critical areas, and the relationship of the proposed building pad to existing/proposed homes. Access to the building pad must be consistent with the standards for driveway access contained in MICC 19.09.040. 2. Building pads shall not be located within yard setbacks, rights-of-way and critical areas or its buffers; provided, however, building pads may be located within landslide hazard areas when all of the following are met: (a) a qualified professional determines that the criteria of MICC 19.07.060(D), Site Development, is satisfied; (b) building pads are sited to minimize impacts to the extent reasonably feasible; and (c) building pads are not located in steep slopes or within 10 feet from the top of a steep slope, unless such slopes, as determined by a qualified professional, consist of soil types determined not to be landslide prone.

Staff analysis: *Building pads have been designated that meet the above standards (Exhibit 2, Sheet 4 of 4)*

- 38. MICC 19.09.100:** The applicant must use reasonable best efforts to comply with the following preferred development practices: A. Use common access drives and utility corridors. B. Development, including roads, walkways and parking areas in critical areas, should be avoided, or if not avoided, adverse impacts to critical areas will be mitigated to the greatest extent reasonably feasible. C. Retaining walls should be used to maintain existing natural slopes in place of graded artificial slopes.

Staff analysis: *The subdivision design collocates utilities with the common access drive (Exhibit 2, Sheet C6 and C7). Development has been located outside of critical areas and reduced buffers, avoiding impacts to critical areas (Exhibit 2, Sheet 4 of 4). A retaining wall is proposed adjacent to the private access road to maintain existing natural slopes on the future lots while allowing the private access road to be at grades that meet the applicable standards (Exhibit 2, sheet C6). Each of these preferred practices has been used.*

- 39. MICC 19.10.020(B)(1):** A tree permit is required to cut any large tree as a result of construction work.

Staff analysis: *The City Arborist has found that provided recommended conditions of approval that ensure consistency with Chapter 19.10 MICC.*

- 40. MICC 19.10.040(B)(2):** When a tree permit is required to cut a tree on private property, the tree permit will be granted if it meets any of the following criteria: It is necessary to enable construction work on the property to proceed and the owner has used reasonable best efforts to design and locate any improvements and perform the construction work in a manner consistent with the purposes set forth in MICC 19.10.010

Staff analysis: *The City Arborist has found that the applicant has met the standard in MICC 19.10.040(B)(2) by using reasonable best efforts to locate improvements in a manner consistent with the purposes listed in MICC 19.10.010 (Exhibit 9c). The applicant has also documented that adequate limits of disturbance have been established by keeping tree protection outside of critical root zones field located using air-excavation. Building pads have been situated to allow retention of the highest quality trees on site (Exhibit 2, Sheet W4.0).*

- 41. MICC 19.17.070(A) and (D):** The city shall collect impact fees, based on the city's permit and impact fee schedule, from any applicant seeking a residential building permit from the city.[...] For building permits within new subdivisions approved under Chapter 19.08 MICC (Subdivisions), a

credit shall be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling unit is demolished. The credit shall apply to the first complete building permit application submitted to the city subsequent to demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of approval of the subdivision.

Staff analysis: *A recommended condition of approval has been added to this staff report and is recommended to be added to the face of the final plat, requiring that school impact fees shall be paid at the issuance of each building permit unless deferral of payment is sought pursuant to MICC 19.17.080. Impact fees are not subject to vesting and the amount paid will be the impact fee amount in effect at the time of payment.*

- 42. MICC 19.18.050(A) and (D):** The city shall collect impact fees, based on the city's permit and impact fee schedule, from any applicant seeking a residential building permit from the city. For building permits within new subdivisions approved under Chapter 19.08 MICC, Subdivisions, a credit shall be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling unit is demolished. The credit shall apply to the first complete building permit application submitted to the city subsequent to demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of approval of the subdivision.

Staff analysis: *A recommended condition of approval has been added to this staff report and is recommended to be added to the face of the final plat, requiring that school impact fees shall be paid at the issuance of each building permit, unless deferral of payment is sought pursuant to MICC 19.18.060. Impact fees are not subject to vesting and the amount paid will be the impact fee amount in effect at the time of payment.*

- 43. MICC 19.19.050(A) and (C):** The city shall collect impact fees, based on the city's permit and impact fee schedule, from any applicant seeking a building permit from the city. For building permits within new subdivisions approved under Chapter 19.08 MICC (Subdivisions), a credit shall be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling unit is demolished. The credit shall apply to the first complete building permit application submitted to the city subsequent to demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of approval of the subdivision.

Staff analysis: *A recommended condition of approval has been added to this staff report and is recommended to be added to the face of the final plat, requiring that school impact fees shall be paid at the issuance of each building permit, unless deferral of payment is sought pursuant to 19.19.060. Impact fees are not subject to vesting and the amount paid will be the impact fee amount in effect at the time of payment.*

- 44. Public comment:** Two public comment letters were received during review of this project covering the following topics (Exhibits 8a and 8b):

1. Clarity regarding access on the south end of the site.

Staff analysis: *There are currently two driveways close to each other along the southern property line of the subject site, with one driveway on the subject site, and the other driveway on the adjacent property to the south. There was a concern that removal of the existing southern driveway on the subject site would impact the driveway on the neighboring property.*

No off-site changes are proposed as part of this subdivision, including to the driveway on the neighboring property.

2. Concerns over drainage from the upslope property.

Staff analysis: *Past unauthorized placement of stones, logs, and plant materials had previously blocked the flow of water and caused backups on the upslope property. As part of the proposed mitigation plans recommended for approval, all unauthorized fill materials will be removed, addressing the cause of previous water backups. Additionally, the mitigation plan proposes to install native vegetation, which will encourage infiltration of runoff. Lastly, the wetlands, watercourse, and associated buffer are proposed to be protected by a Native Growth Protection Easement, will deter future unauthorized activities.*

45. SEPA Compliance

Staff analysis: *A Determination of Non-Significance was issued on Oct. 15, 2018 (Exhibit 7).*

II. CONCLUSIONS OF LAW

Based on the above Findings of Facts, the following Conclusions of Law have been made:

1. The proposed subdivision makes appropriate provisions for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school
2. The proposed short subdivision confirms to applicable zoning and land use regulations.
3. The public use and interest will be served by approval of the proposed short subdivision.

III. RECOMMENDATION

Based upon the above noted Findings of Fact and Conclusions of Law, short subdivision application SUB17-001, as depicted in Exhibit 7, is hereby preliminarily **APPROVED**. This decision is final, unless appealed in writing consistent with adopted appeal procedures, MICC 19.15.020(J), and all other applicable appeal regulations.

IV. RECOMMENDED CONDITIONS OF APPROVAL AND REGULATORY REQUIREMENTS

The following conditions of approval and regulatory requirements shall be binding on the “Applicant,” which shall include owner or owners of the property, heirs, assigns, and successors.

General:

1. The proposed subdivision shall comply with all applicable federal, state, and local laws.
2. A final plat that is substantially consistent with the preliminary plat drawings attached as Exhibit X) and meeting the requirements of MICC 19.08, shall be submitted within five years of preliminary approval for review and approval by the City of Mercer Island City Council.

3. No construction of structures, utilities, storm drainage, grading, excavation, filling, or land clearing on any land within the proposed long subdivision shall be allowed prior to preliminary approval of the application and until the applicant has secured the permits required under the Mercer Island City Code.

Planning:

4. Prior to issuance of the Site Development Permit, the applicant shall submit a bond quantity worksheet reflecting the expected cost of implanting the mitigation plan, including plant material, maintenance and monitoring costs.
5. Prior to the issuance of the Site Development Permit, the applicant shall revise the mitigation plan performance standards to require 30% cover of emergent plants by Year 3 and 60% cover by Year 5.
6. Prior to issuance of the Site Development Permit, the applicant shall post a financial guarantee in the amount on 125% of the total shown on the bond quantity worksheet.
7. Prior to issuance of the Site Development Permit, the applicant shall provide proposed easement language for the access easement shared by the proposed lots for review and approval by the City.
8. Prior to the recording of the final plat, the applicant shall identify the extent, limitations and terms of the proposed Native Growth Protection Easement, or equivalent restriction approved by the City, on the face of the final plat. Draft language shall be provided to the City for review and approval prior to final plat approval.
9. At building permit application, the applicant shall pay school impact fees based on the fee schedule in place at the time of application. A credit shall be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling unit is demolished. The credit shall apply to the first complete building permit application submitted to the city subsequent to demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of approval of the subdivision.
10. At building permit application, the applicant shall pay parks impact fees based on the fee schedule in place at the time of application. A credit shall be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling unit is demolished. The credit shall apply to the first complete building permit application submitted to the city subsequent to demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of approval of the subdivision.
11. At building permit application for the future residences, the applicant shall pay transportation impact fees based on the fee schedule in place at the time of application. A credit shall be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling unit is demolished. The credit shall apply to the first complete building permit application submitted to the city subsequent to demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of approval of the subdivision.
12. Prior to final inspection of plat improvements constructed under the Site Development Permit, the platlor shall stabilize all disturbed areas with erosion control measures acceptable to the City Engineer.

13. Prior to final inspection of plat improvements constructed under the Site Development Permit, all plantings as shown on the Mitigation and Restoration Plan prepared by The Watershed Company, dated April 18, 2018 shall be installed, inspected and approved by the City, and the platlor shall submit as-built plans to the City.

Trees:

14. Only trees needing to be removed for site development improvements may be removed at Site Development Permit issuance. Tree removal shall be consistent with the Tree Preservation Plan on sheet W4.0 or as otherwise approved in writing by the City Arborist.
15. Only trees needing to be removed for future house construction may be removed at building permit issuance. Tree removal shall be consistent with the Tree Preservation Plan on sheet W4.0 of the Long Plat Mitigation and Restoration Plan dated April 18, 2018 or as otherwise approved in writing by the City Arborist.
16. Prior to Site Development Permit issuance, tree protection fencing shall be installed consistent with Sheet C4 of the plan set prepared by CHS Engineers dated April 18, 2018.
17. Prior to recording of the final plat, the applicant shall include a sheet showing the locations and tree numbers of trees proposed for retention, consistent with the approved retention plan.

Civil Engineering:

18. Easements for shared access, utilities, and storm drainage facilities shall be depicted on the face of the final plat. Language which indicates joint rights and responsibilities of each lot with respect to all utilities and roadways shall be shown along with individual lot Joint Maintenance Easement Agreements (where applicable) for all shared usage and filed with the King County Recorder and noted on the final plat. The easement shall indicate whether it is public or private, existing or proposed.
19. Damage to adjacent properties or public rights-of-way resulting from construction (e.g. siltation, mud, runoff, roadway damage caused by construction equipment or hauling) shall be expeditiously mitigated and repaired by the contractor, at no expense to the City. Failure to mitigate and repair said damage, or to comply with the approved construction plans, the permits issued by the City, or the City requirement for corrective action may be cause for the issuance of a "Stop Work" order, foreclosure on the plat bond/security, and/or other measures deemed appropriate by the City Engineer or Code Official to ensure construction consistent with the approved plans and protection of public safety.
20. The final plat shall be prepared in conformance with Title 58 RCW and Surveys shall comply with Chapter 332-130 WAC. Submit using Mercer Island's datum and tie the plat to at least two City monuments.
21. A City of Mercer Island title block for approval signatures (City Engineer and the Mayor) shall be provided on the final plat along with the designated Long Plat number.
22. A final traffic memorandum documenting the trip generation and sight distance evaluation shall be submitted as a part of the Site Development Permit submittal package. All mitigation measures recommended in the memorandum shall be incorporated into the Site Development Permit.

23. Construction of all improvements for access, utilities, storm drainage, and site work shall comply with current City ordinances and the requirements of the City Engineer.
24. All utilities serving the plat shall be under grounded (MICC 19.08.040) and shall be designed and constructed in accordance with City of Mercer Island Ordinances.
25. Plat improvement plans prepared by a Washington State licensed engineer shall be submitted for review and approval by the City Engineer. The improvement plans shall include, at a minimum, the following:
 - a. Plat access road - Comply with the Fire Code requirements and standards contained in MICC 19.09.040. Site distance mitigation measures recommended by in the site distance evaluation.
 - b. Temporary Erosion Control measurements.
 - c. Grading Plan.
 - d. Water main, water meters, and appurtenances
 - i. Provide water services for each lot. Locate water meters outside of the future driveway areas and any paved areas.
 - ii. Abandon all existing water services currently serving the existing lot at the City water main.
 - e. Sanitary sewer and appurtenances
 - i. Provide sewer connections for each lot. Show the sanitary sewer stub outs.
 - ii. Abandon all existing side sewers at the City sewer main.
 - iii. The sanitary sewer system serving all lots will be a private sewer system.
 - f. Stormwater
 - i. Provide drainage improvements in compliance with MICC 15.09.
 - ii. Show the storm drainage stub outs for all lots.
 - iii. A Department of Ecology Construction General Permit is required for this project.
 - g. Dry utilities
 - i. Show the proposed dry (power, gas, etc.) utility corridor on the plan.
26. Right of Way Restoration
 - a. The existing driveway apron in the City Right of Way located at the south end of the property frontage must be remove.

- b. Roadway, sidewalk, and curb replacement limits shall be determined by the City Engineer and will likely include a full lane width grind and overlay of the existing roadway section on Island Crest Way and replacement of curb/gutter/sidewalk along the entire frontage of the property.
 - c. Clearing and grading within the City Right of Way to achieve clear sight lines for the proposed driveway must be reviewed as a part of the Site Development Permit. Trimming of tree branches shall only be performed under the direction of a certified arborist.
27. All plat improvements shall be completed prior to final plat approval or bonded and completed prior to issuance of building permits when allowed by the City Engineer. A survey grade as-built drawing in PDF format that shows all utilities and plat improvements shall be submitted to the City Engineer upon completion of the work.

The following notes shall be placed on the final plat:

1. Maintenance and repair of the private sanitary sewer system and joint use side sewers (sewer lines from the building to the private sewer main), shared roads, access easements, public trail, private storm drainage facilities shall be the responsibility of the owners of each lot served (with the exception that owners of any lot which is lower in elevation shall not be responsible for that portion of a private side sewer above their connection). If maintenance and repair of any facilities enumerated above are not performed to the satisfaction of the City Engineer, after a timely demand has been made for such action, the City or its agent shall have the right to enter upon the premises and perform the necessary maintenance and repair to protect the safety and general welfare of the public and shall have the right to charge the owner of each lot an equal share of the total maintenance and repair costs. The City or the owner of any lot within this plat shall have the right to bring action in Superior Court to require any maintenance or repair and to recover the costs incurred in making or effecting repairs to improvements.
2. Private stormwater facilities shall be inspected and maintained in conformance with MICC 15.09.070.
3. All staging for construction shall occur on site and shall not be located in the public right-of-way.
4. No permanent landscaping, structures, or fences shall be placed on or within public utility, storm drainage, or pedestrian path easements without the written approval of the City Engineer.
5. If in the opinion of the City Engineer, utilities or storm drainage facilities require maintenance, repair or replacement, the City or its agent shall have the right to enter those lots adjoining the facility for the purpose of maintaining, repairing, relocating or replacing said facilities.
6. Installation of landscaping and/or structures including trees, shrubs, rocks, berms, walls, gates, and other improvements are not allowed within the public right-of-way without an approved encroachment license agreement from the City prior to the work occurring (MICC 19.06.060).
7. No tree identified for retention may be removed unless otherwise approved by the City arborist.
8. All disturbed areas outside of building footprints and impervious surfaces on Lots 3 and 4 shall be landscaped.

9. No change may be made to the configuration or maintenance requirements of Tract A without express approval from the City.
10. All areas outside of building footprints and impervious surfaces shall be landscaped prior to final inspection of building permits on each lot. (MICC 19.07.060(D)(1)(d))
11. The applicant shall include a note addressing maintenance and ownership of Tract A
12. The applicant shall include a note addressing maintenance of the Native Growth Protection Easement.
13. School, traffic and park impact fees will be due at building permit issuance or may be deferred in accordance with MICC 19.17, 19.18, and 19.19.

Exhibit List:

1. Development Application signed Oct. 31, 2017
2. Plan Set prepared by CHS Engineers, dated April 18, 2018
3. Mercertech International LLC Long Plat Mitigation and Restoration Plan prepared by The Watershed Company, dated April 18, 2018
4. Notice of Application for project SUB17-015/CAO17-015/SEP17-026 dated Dec. 4, 2017
5. Technical Reports and Memos
 - a. Project Narrative prepared by Jayson Taylor, dated October 31, 2017
 - b. Response letter prepared by Jayson Taylor, dated April 25, 2018
 - c. Safe walking path to school exhibit prepared by Jayson Taylor, dated April 25, 2018
 - d. Critical Areas Study prepared by The Watershed Company, dated April 20, 2018
 - e. Trip Generation & Sight Distance Evaluation Memo prepared by Transportation Engineering Northwest, dated August 22, 2017
 - f. Geotechnical consultation letter prepared by Earth Solutions NW, LLC dated April 19, 2018
 - g. Meeting debrief and drainage memo prepared by CHS Engineers dated September 1, 2018
6. Notice of Correction issued by Jimmi Serfling, Code Compliance Officer (City of Mercer Island) dated August 10, 2016
7. SEPA Determination issued by Robin Proebsting, Senior Planner (City of Mercer Island) dated October 15, 2018
8. Comment Letters

a. Karnes

b. Singh

9. Review memos

a. ESA

b. Ruji Ding, Senior Development Review Engineer

c. John Kenney, City Arborist

**CITY OF MERCER ISLAND
RESOLUTION NO. 1654**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF MERCER ISLAND,
WASHINGTON GRANTING FINAL PLAT APPROVAL TO THE ISLAND
PRIVATE MEADOWS LONG PLAT SUB17-015.**

WHEREAS, the City Council has received a recommendation to approve the final Island Private Meadows Long Plat, a five-lot subdivision; and

WHEREAS, the City Council has reviewed the Island Private Meadows Long Plat and finds that it conforms to all terms of the preliminary plat approval and applicable land use laws and regulations; and

WHEREAS, the City Council desires to grant final approval to the (5-lot) Island Private Meadows Long Plat, SUB17-015;

NOW, THEREFORE, BE IT RESOLVED that the Mercer Island City Council hereby grants approval of the final Island Private Meadows Long Plat, referenced as application number SUB17-015, and depicted on Exhibit 1 of AB 6381, and authorizes the Mayor to sign the Island Private Meadows Long Plat on behalf of the City Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS REGULAR MEETING ON THE 5TH DAY OF DECEMBER 2023.

CITY OF MERCER ISLAND

Salim Nice, Mayor

ATTEST:

Andrea Larson City Clerk

Mercer Island City Code Criteria Compliance Matrix

Chapter 19.08 MICC Subdivisions

Project Name: Final Plat
City File Number: SUB17-015

Date: 10/12/2023

Directions: Please complete the code compliance matrix to identify conformity with city codes, standards, and policies. This will be required as part of the initial application. The code compliance matrix shall include specific details and examples about how the proposed development is consistent with Chapter 19.08 MICC. The applicant bears the burden of proof to ensure the application and associated materials are consistent with local laws, rules, and standards. The purpose of the code compliance matrix is to provide guidance to developers on the requirements for the development of property. This is a tool to ensure the proposed development is consistent with the requirements of Chapter 19.08 MICC, a guide and reference for developers to ensure all requirements are accounted for in application submittals, and a tool for staff to seamlessly review proposals and to enhance the quality and speed of the review process.

#	General	How the proposed development meets the provisions of the M.I.C.C.	City Review/Notes
1	The proposed subdivision shall comply with all applicable federal, state, and local laws.	<i>This final plat has been prepared in accordance with all standards and requirements of RCW 58.17, WAC 332-130, and MICC Title 19 as certified by a professional land surveyor licensed in the State of Washington on the face of the final plat drawings. This final plat complies with this condition.</i>	Complete
2	A final plat that is substantially consistent with the preliminary plat drawings attached as Exhibit X) and meeting the requirements of MICC 19.08, shall be submitted within five years of preliminary approval for review and approval by the City of Mercer Island City Council.	<i>The Mercer Island Hearing Examiner approved the preliminary subdivision on December 13, 2018. This final plat complies with this condition.</i>	Complete
3	No construction of structures, utilities, storm drainage, grading, excavation, filling, or land clearing on any land within the proposed long subdivision shall be allowed prior to preliminary approval of the application and until the applicant has secured the permits required under the Mercer Island City Code.	<i>The application received preliminary approval from the Mercer Island Hearing Examiner on December 13, 2018. All construction was started after issuance of Site Development Permit No. 2110-237 that was approved on 7/7/23. This final plat complies with this condition.</i>	Complete

#	Planning	How the proposed development meets the provisions of the M.I.C.C.	City Review/Notes
4	Prior to issuance of the Site Development Permit, the applicant shall submit a bond quantity worksheet reflecting the expected cost of implanting the mitigation plan, including plant material, maintenance, and monitoring costs.	<i>A Bond Quantity Worksheet, dated June 22, 2023, and a Permit Performance Bond, dated June 29, 2023, for \$1,136,397.64 was provided concurrent with the Site Development Permit: 2110-237. This final plat complies with this condition.</i>	Complete
5	Prior to the issuance of the Site Development Permit, the applicant shall revise the mitigation plan performance standards to require 30% cover of emergent plants by Year 3 and 60% cover by Year 5.	<i>This condition requires completion prior to issuance of the Site Development Permit. Site Development Permit No. 2110-237 was approved on 7/7/23 and provides evidence of compliance. This final plat complies with this condition.</i>	Complete. Applicant provided a financial guarantee covering the plat improvements.
6	Prior to issuance of the Site Development Permit, the applicant shall post a financial guarantee in the amount on 125% of the total shown on the bond quantity worksheet.	<i>This condition requires completion prior to issuance of the Site Development Permit. A Bond Quantity Worksheet, dated June 22, 2023, and a Permit Performance Bond, dated June 29, 2023, for \$1,136,397.64 was provided concurrent with the Site Development Permit: 2110-237. This final plat complies with this condition.</i>	Complete. Applicant provided a financial guarantee covering the plat improvements.
7	Prior to issuance of the Site Development Permit, the applicant shall provide proposed easement language for the access easement shared by the proposed lots for review and approval by the City.	<i>This condition requires completion prior to issuance of the Site Development Permit. Site Development Permit No. 2110-237 was approved on 7/7/23 and provides evidence of compliance. This easement language required by this condition is shown on page 2 of the final plat map. This final plat complies with this condition.</i>	Complete. Applicant provided a financial guarantee covering the plat improvements.
8	Prior to the recording of the final plat, the applicant shall identify the extent, limitations and terms of the proposed Native Growth Protection Easement, or equivalent restriction approved by the City, on the face of the final plat. Draft language shall be provided to the City for review and approval prior to final plat approval.	<i>This condition requires completion prior to issuance of the Site Development Permit. A Native Growth Protection easement has been provided on page 1 of the final plat. This final plat complies with this condition.</i>	Complete. Applicant provided a financial guarantee covering the plat improvements.

9	At building permit application, the applicant shall pay school impact fees based on the fee schedule in place at the time of application. A credit shall be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling unit is demolished. The credit shall apply to the first complete building permit application submitted to the city subsequent to demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of approval of the subdivision.	<i>This condition requires action at Building Permit approval. This final plat complies with this condition.</i>	Complete. Applicant provided financial guarantee covering the plat improvements.
10	At building permit application, the applicant shall pay parks impact fees based on the fee schedule in place at the time of application. A credit shall be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling unit is demolished. The credit shall apply to the first complete building permit application submitted to the city subsequent to demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of approval of the subdivision.	<i>This condition requires action at Building Permit approval. This final plat complies with this condition.</i>	Complete. Applicant provided a financial guarantee covering the plat improvements.
11	At building permit application for the future residences, the applicant shall pay transportation impact fees based on the fee schedule in place at the time of application. A credit shall be applied for any dwelling unit that exists on the land within the subdivision prior to the subdivision if the dwelling unit is demolished. The credit shall apply to the first complete building permit application submitted to the city subsequent to demolition of the existing dwelling unit, unless otherwise allocated by the applicant of the subdivision as part of approval of the subdivision.	<i>This condition requires action at Building Permit approval. This final plat complies with this condition.</i>	Complete. Applicant provided a financial guarantee covering the plat improvements.

12	Prior to final inspection of plat improvements constructed under the Site Development Permit, the platfor shall stabilize all disturbed areas with erosion control measures acceptable to the City Engineer.	<i>The plat improvements have not been completed for final inspection. However, the City of Mercer Island has issued a waiver for construction during the wet season. A condition of approval requires confirmation of installation of Temporary Erosion and Sedimentation Control Plan measures together with compliance with the approved NPDES Permit WAR312702. Additionally, the City Engineer has agreed that improvements must be completed and approved within one year of issuance of the site development permit 2110-237 per MICC 19.08.040(B). The permit was issued on July 10, 2023 so the one-year period ends on July 9, 2024. Use of Performance Bond #5070146 issued for the site development permit will be acceptable as the guarantee. This final plat complies with this condition.</i>	Complete. Applicant provided a financial guarantee covering the plat improvements.
13	Prior to final inspection of plat improvements constructed under the Site Development Permit, all plantings as shown on the Mitigation and Restoration Plan prepared by The Watershed Company, dated April 18, 2018 shall be installed, inspected, and approved by the City, and the platfor shall submit as-built plans to the City.	<i>This condition requires action at final inspection of the plat improvements. A Bond Quantity Worksheet, dated June 22, 2023, and a Permit Performance Bond, dated June 29, 2023, for \$1,136,397.64 was provided concurrent with the Site Development Permit: 2110-237 and includes the installation of plantings as shown on the Mitigation and Restoration Plan. The City Engineer has agreed that improvements must be completed and approved within one year of issuance of the site development permit 2110-237 per MICC 19.08.040(B). The permit was issued on July 10, 2023 so the one-year period ends on July 9, 2024. Use of Performance Bond #5070146 issued for the site development permit will be acceptable as the guarantee. This final plat complies with this condition.</i>	Complete. Applicant provided a financial guarantee covering the plat improvements.
#	Trees:	How the proposed development meets the provisions of the M.I.C.C.	City Review/Notes
14	Only trees needing to be removed for site development improvements may be removed at Site Development Permit issuance. Tree removal shall be consistent with the Tree Preservation Plan on sheet W4.0 or as otherwise approved in writing by the City Arborist.	<i>Mercer Island Permit No. 2201-24 was issued on 7/7/2023 for the removal of 19 trees and 81 replacement trees. This final plat complies with this condition.</i>	Complete. Applicant provided a financial guarantee covering the plat improvements.

15	Only trees needing to be removed for future house construction may be removed at building permit issuance. Tree removal shall be consistent with the Tree Preservation Plan on sheet W4.0 of the Long Plat Mitigation and Restoration Plan dated April 18, 2018 or as otherwise approved in writing by the City Arborist.	<i>This condition requires action at Building Permit approval. The final plat identifies trees to be removed during the construction of improvements and prior to building permit issuance. This final plat complies with this condition.</i>	Complete. Applicant provided financial guarantee covering the plat improvements.
16	Prior to Site Development Permit issuance, tree protection fencing shall be installed consistent with Sheet C4 of the plan set prepared by CHS Engineers dated April 18, 2018.	<i>This condition requires completion prior to issuance of the Site Development Permit. Site Development Permit No. 2110-237 was approved on 7/7/23 and provides evidence of compliance. This final plat complies with this condition.</i>	Complete. Applicant provided a financial guarantee covering the plat improvements.
17	Prior to recording of the final plat, the applicant shall include a sheet showing the locations and tree numbers of trees proposed for retention, consistent with the approved retention plan.	<i>The final plat identifies trees to be removed during the construction of improvements and prior to building permit issuance. This final plat complies with this condition.</i>	Complete
#	Civil Engineering	How the proposed development meets the provisions of the M.I.C.C.	City Review/Notes
18	Easements for shared access, utilities, and storm drainage facilities shall be depicted on the face of the final plat. Language which indicates joint rights and responsibilities of each lot with respect to all utilities and roadways shall be shown along with individual lot Joint Maintenance Easement Agreements (where applicable) for all shared usage and filed with the King County Recorder and noted on the final plat. The easement shall indicate whether it is public or private, existing, or proposed.	<i>This condition is shown on page 2 of the final plat map. This final plat complies with this condition.</i>	Complete

Item 7.

19	Damage to adjacent properties or public rights-of-way resulting from construction (e.g., siltation, mud, runoff, roadway damage caused by construction equipment or hauling) shall be expeditiously mitigated and repaired by the contractor, at no expense to the City. Failure to mitigate and repair said damage, or to comply with the approved construction plans, the permits issued by the City, or the City requirement for corrective action may be cause for the issuance of a "Stop Work" order, foreclosure on the plat bond/security, and/or other measures deemed appropriate by the City Engineer or Code Official to ensure construction consistent with the approved plans and protection of public safety.	<i>This condition requires a remedy as a result of damage to adjacent properties or public rights-of-way. To date no "Stop Work" order has been posted for work out of compliance with the City of Mercer Island Code. This final plat complies with this condition.</i>	Complete. Applicant provided a financial guarantee covering the plat improvements.
20	The final plat shall be prepared in conformance with Title 58 RCW and Surveys shall comply with Chapter 332-130 WAC. Submit using Mercer Island's datum and tie the plat to at least two City monuments.	<i>This final plat has been prepared in accordance with all standards and requirements of RCW 58.17, as certified by a professional land surveyor licensed in the State of Washington on the face of the final plat drawings. This final plat complies with this condition.</i>	Complete. Applicant provided a financial guarantee covering the plat improvements.
21	A City of Mercer Island title block for approval signatures (City Engineer and the Mayor) shall be provided on the final plat along with the designated Long Plat number.	<i>The City of Mercer Island title block for approval signatures of the City Engineer and Code Official have been added to sheet 1 of the final plat. An additional signature block for the Mayor has also been provided on page 1. This final plat complies with this condition.</i>	Complete. Applicant provided a financial guarantee covering the plat improvements.
22	A final traffic memorandum documenting the trip generation and sight distance evaluation shall be submitted as a part of the Site Development Permit submittal package. All mitigation measures recommended in the memorandum shall be incorporated into the Site Development Permit.	<i>This condition requires completion prior to issuance of the Site Development Permit. Site Development Permit No. 2110-237 was approved on 7/7/23 and provides evidence of compliance. This final plat complies with this condition.</i>	Complete. Applicant provided a financial guarantee covering the plat improvements.

23	Construction of all improvements for access, utilities, storm drainage, and site work shall comply with current City ordinances and the requirements of the City Engineer.	<i>The plat improvement plans were reviewed for code compliance and approved on July 5, 2023. The City Engineer has agreed that improvements must be completed and approved within one year of issuance of the site development permit 2110-237 per MICC 19.08.040(B). The permit was issued on July 10, 2023 so the one-year period ends on July 9, 2024. Use of Performance Bond #5070146 issued for the site development permit will be acceptable as the guarantee. This final plat complies with this condition.</i>	Complete. Applicant provided financial guarantee covering the plat improvements.
24	All utilities serving the plat shall be under grounded (MICC 19.08.040) and shall be designed and constructed in accordance with City of Mercer Island Ordinances.	<i>Site Development Permit No. 2110-237 was approved on 7/7/23 and provides evidence of compliance. The utilities serving the plat were designed and installed per the approved Site Development Permit and in accordance with the City of Mercer Island Ordinances. This final plat complies with this condition.</i>	Complete. Applicant provided a financial guarantee covering the plat improvements.
25	<p>Plat improvement plans prepared by a Washington State licensed engineer shall be submitted for review and approval by the City Engineer. The improvement plans shall include, at a minimum, the following:</p> <ul style="list-style-type: none"> a. Plat access road - Comply with the Fire Code requirements and standards contained in MICC 19.09.040. Site distance mitigation measures recommended by in the site distance evaluation. b. Temporary Erosion Control measurements. c. Grading Plan. d. Water main, water meters, and appurtenances <ul style="list-style-type: none"> i. Provide water services for each lot. Locate water meters outside of the future driveway areas and any paved areas. ii. Abandon all existing water services currently serving the existing lot at the City water main. e. Sanitary sewer and appurtenances <ul style="list-style-type: none"> i. Provide sewer connections for each lot. Show the sanitary sewer stub outs. ii. Abandon all existing side sewers at the City sewer main. iii. The sanitary sewer system serving all lots will be a private sewer system. 	<i>The plat improvement plans were reviewed for code compliance and approved on July 5, 2023. The City Engineer has agreed that improvements must be completed and approved within one year of issuance of the site development permit 2110-237 per MICC 19.08.040(B). The permit was issued on July 10, 2023 so the one-year period ends on July 9, 2024. Use of Performance Bond #5070146 issued for the site development permit will be acceptable as the guarantee. This final plat complies with this condition.</i>	Complete. Applicant provided a financial guarantee covering the plat improvements.

	<p>f. Stormwater</p> <ul style="list-style-type: none"> i. Provide drainage improvements in compliance with MICC 15.09. ii. Show the storm drainage stub outs for all lots. iii. A Department of Ecology Construction General Permit is required for this project. <p>g. Dry utilities</p> <ul style="list-style-type: none"> i. Show the proposed dry (power, gas, etc.) utility corridor on the plan. 		
26	<p>Right of Way Restoration</p> <ul style="list-style-type: none"> a. The existing driveway apron in the City Right of Way located at the south end of the property frontage must be removed. b. Roadway, sidewalk, and curb replacement limits shall be determined by the City Engineer and will likely include a full lane width grind and overlay of the existing roadway section on Island Crest Way and replacement of curb/gutter/sidewalk along the entire frontage of the property. c. Clearing and grading within the City Right of Way to achieve clear sight lines for the proposed driveway must be reviewed as a part of the Site Development Permit. Trimming of tree branches shall only be performed under the direction of a certified arborist. 	<p><i>The plat improvement plans were reviewed for code compliance and approved on July 5, 2023. The City Engineer has agreed that improvements must be completed and approved within one year of issuance of the site development permit 2110-237 per MICC 19.08.040(B). The permit was issued on July 10, 2023 so the one-year period ends on July 9, 2024. Use of Performance Bond #5070146 issued for the site development permit will be acceptable as the guarantee. This final plat complies with this condition.</i></p>	<p>Complete. Applicant provided a financial guarantee covering the plat improvements.</p>
27	<p>All plat improvements shall be completed prior to final plat approval or bonded and completed prior to issuance of building permits when allowed by the City Engineer. A survey grade as-built drawing in PDF format that shows all utilities and plat improvements shall be submitted to the City Engineer upon completion of the work.</p>	<p><i>The plat improvement plans were reviewed for code compliance and approved on July 5, 2023. The City Engineer has agreed that improvements must be completed and approved within one year of issuance of the site development permit 2110-237 per MICC 19.08.040(B). The permit was issued on July 10, 2023 so the one-year period ends on July 9, 2024. Use of Performance Bond #5070146 issued for the site development permit will be acceptable as the guarantee. This final plat complies with this condition.</i></p>	<p>Complete. Applicant provided a financial guarantee covering the plat improvements.</p>

#	The following notes shall be placed on the final plat		
1	Maintenance and repair of the private sanitary sewer system and joint use side sewers (sewer lines from the building to the private sewer main), shared roads, access easements, public trail, private storm drainage facilities shall be the responsibility of the owners of each lot served (with the exception that owners of any lot which is lower in elevation shall not be responsible for that portion of a private side sewer above their connection). If maintenance and repair of any facilities enumerated above are not performed to the satisfaction of the City Engineer, after a timely demand has been made for such action, the City or its agent shall have the right to enter upon the premises and perform the necessary maintenance and repair to protect the safety and general welfare of the public and shall have the right to charge the owner of each lot an equal share of the total maintenance and repair costs. The City or the owner of any lot within this plat shall have the right to bring action in Superior Court to require any maintenance or repair and to recover the costs incurred in making or effecting repairs to improvements.	<i>This condition of approval has been shown on sheet 1 of the final plat. This final plat complies with this condition.</i>	Complete
2	Private stormwater facilities shall be inspected and maintained in conformance with MICC 15.09.070.	<i>This condition of approval has been shown on sheet 1 of the final plat. This final plat complies with this condition.</i>	Complete
3	All staging for construction shall occur on site and shall not be located in the public right-of-way.	<i>This condition of approval has been shown on sheet 1 of the final plat. This final plat complies with this condition.</i>	Complete
4	No permanent landscaping, structures, or fences shall be placed on or within public utility, storm drainage, or pedestrian path easements without the written approval of the City Engineer.	<i>This condition of approval has been shown on sheet 1 of the final plat. This final plat complies with this condition.</i>	Complete
5	If in the opinion of the City Engineer, utilities or storm drainage facilities require maintenance, repair or replacement, the City or its agent shall have the right to enter those lots adjoining the facility for the purpose of maintaining, repairing, relocating, or replacing said facilities.	<i>This condition of approval has been shown on sheet 1 of the final plat. This final plat complies with this condition.</i>	Complete
6	Installation of landscaping and/or structures including trees, shrubs, rocks, berms, walls, gates, and other improvements are not allowed within the public right-of-way without an approved encroachment license agreement from the City prior to the work occurring (MICC 19.06.060).	<i>This condition of approval has been shown on sheet 1 of the final plat. This final plat complies with this condition.</i>	Complete
7	No tree identified for retention may be removed unless otherwise approved by the City arborist.	<i>This condition of approval has been shown on sheet 1 of the final plat. This final plat complies with this condition.</i>	Complete
8	All disturbed areas outside of building footprints and impervious surfaces on Lots 3 and 4 shall be landscaped.	<i>This condition of approval has been shown on sheet 1 of the final plat. This final plat complies with this condition.</i>	Complete
9	No change may be made to the configuration or maintenance requirements of Tract A without express approval from the City.	<i>This condition of approval has been shown on sheet 1 of the final plat. This final plat complies with this condition.</i>	Complete

10	All areas outside of building footprints and impervious surfaces shall be landscaped prior to final inspection of building permits on each lot. (MICC 19.07.060(D)(1)(d))	<i>This condition of approval has been shown on sheet 1 of the final plat. This final plat complies with this condition.</i>	Complete
11	The applicant shall include a note addressing maintenance and ownership of Tract A	<i>This condition of approval has been shown on sheet 1 of the final plat. This final plat complies with this condition.</i>	Complete
12	The applicant shall include a note addressing maintenance of the Native Growth Protection Easement.	<i>This condition of approval has been shown on sheet 1 of the final plat. This final plat complies with this condition.</i>	Complete
13	School, traffic, and park impact fees will be due at building permit issuance or may be deferred in accordance with MICC 19.17, 19.18, and 19.19.	<i>This condition of approval has been shown on sheet 1 of the final plat. This final plat complies with this condition.</i>	Complete

Item 7.



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6384
December 5, 2023
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 6384: 2024 Fee Schedule Adoption	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Approve Resolution No. 1656 adopting the 2024 Fee Schedule.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution

DEPARTMENT:	Administrative Services
STAFF:	Ali Spietz, Chief of Administration
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Resolution No. 1656, including Exhibit A - 2024 Fee Schedule
CITY COUNCIL PRIORITY:	n/a

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

EXECUTIVE SUMMARY

The purpose of this agenda bill is for the City Council to update the City's fee schedule for 2024.

- In November 2022, the City Council passed [Resolution No. 1635](#) establishing and adopting the 2023 Fee Schedule ([AB 6179](#)).
- The fee schedule centralized the City's various fees in one document to be updated at least annually as part of the biennial budget adoption or mid-biennial budget review.
- The annual review of the fee schedule ensures that departments are evaluating fees for service regularly and on the same timeline. This is an established best practice outlined in the City's Financial Management Policies.
- In addition, to the current fee schedule, past fee schedules will be available for residents to access on the City's website.

BACKGROUND

Last year the City Council established a Citywide fee schedule to bring all set and published fees into one location to make it easier for the public to locate specific fees. The fees included in the schedule are either set by Mercer Island City Code, resolutions of the City Council, administratively by departments, or by an outside agency with which the City contracts. In addition, fees are calculated and adjusted in varying ways. For example, development services fees are tied to annual inflationary factors, utility rate adjustments are

derived from rate modeling and capital construction needs, and recreation fees are tied to market demands.

This centralized fee schedule benefits residents by providing simple, transparent access to City fees and benefits City staff by creating a process for annual review of all fees by staff and the City Manager. Every fall, each department will review and adjust, if necessary, the fees related to their work to be reflected in fee schedule.

ISSUE/DISCUSSION

The 2024 Fee Schedule was updated through outreach to individual City departments requesting any fee changes for the next year. The following fees are included in the 2024 Fee Schedule: animal and business licenses, copy, parking, court, police, parks and recreation, development and construction permit, and miscellaneous fees, taxes, and utility rates. Fee determinations vary by department:

- Fees related to business licenses, parking permits, and copies are set by the City Council.
- Community Planning and Development fees are adjusted annually based on the estimated annual growth in personnel costs for CPD staff.
- Recreation fees are determined using cost recovery tiers and market- and competitor-based rates as adopted by Council in July 2021 (Reset Strategy).
- Utility rates are established annually by the City Council based on recommendations from the Utility Board.
- Third party servicers set costs for the fees related to animal licensing, boater education, and business license processing.

Below are the sections that have changes for 2024:

7. PARKS AND RECREATION FEES

Meeting Room Rentals

Damage deposit reduced to \$60 from \$100

Removed fees for food/beverage, alcohol, media equipment

Mercer Room Rentals

Damage deposit set at \$500

Full room (3 sections) hourly; 3-hr. minimum increased to \$180 from \$170

Partial room (2 sections) hourly; 3-hr. minimum increased to \$150 from \$140

Combined food/beverage with alcohol, increased to \$200 from \$100 each

Mercer Room Rental Packages

Damage deposit set at \$500

Weekend (Saturday – Sunday; includes 10 hours) increased to \$3,700 from \$3,500

Weekday (Monday – Friday; includes 10 hours) increased to \$2,600 from \$2,500

Additional Room Rentals

Catering Kitchen hourly increased to \$100 from \$60

Food Truck per truck reduced to \$100 from \$200

Outdoor Lawn hourly increased to \$60 from \$55

Game Room hourly increased to \$100 from \$75

Gymnasium and Dance Room Rentals

Full Gym hourly increased to \$130 from \$120

Extended Building Hours

Hourly in addition to rental fee increased to \$60 from \$55

MICEC Fitness Room and Drop-In Activities

Daily drop-in Non-Resident rate increased to \$7 from \$6

25-Punch Pass Non-Resident rate increased to \$115 from \$100

Athletic Field Fees

Tennis/Pickleball Court hourly increased to \$25 from \$20

Batting Cage hourly increased to \$25 from \$20

Staffing Rates

Mercer Island Police Officer (off-duty) hourly (3 hour minimum) changed to "Varies" from \$58

Miscellaneous Park Fees

Park Asset Park Bench Donation Fee changed to "Dependent on asset donated" from \$3,500

8. DEVELOPMENT AND CONSTRUCTION PERMIT FEES

- 6.5% increase to fees and valuations
- 4% increase to impact fees (ENR CCI)
- Adjusted "Planner Meeting" language to include meetings with any staff in the Meetings Section.
- The minimum fee for "Design Review – Signs" has been re-aligned with the average hours required for sign review.
- The Legislative Section has been adjusted to distinguish the Docket Application Fee from the fee for Review of Docketed Items.
- Hourly fees for Wildland Urban Interface review added for both CPD and Fire.
- Hourly fees for Vacations and Easement Extinguishment have been specified in the Engineering Section.
- Fire fees have been adjusted to eliminate rounding errors.

9. TAXES, B. UTILITY TAXES

The utility tax rates for Water, Sewer and Stormwater have decreased to 5.3% per [Ordinance No. 23C-03](#).

10. UTILITY RATES

Every fall, Public Works and Finance staff meet with the Utility Board to review annual rate adjustments for the water, sewer, storm water, and emergency medical service (EMS) utilities. The table below outlines rate adjustments for an average single-family residence that the Utility Board unanimously approved for City Council consideration. The Utility Rates section of the fee schedule has been updated to reflect the increases in the rates.

Bi-Monthly Utility Rates <i>Single-Family Residence</i>		2023 Adopted	2024 Proposed	2024 \$ Change % Change	
City	Water	\$131.93	\$142.48	\$10.55	8.0%
City	Sewer Maintenance	65.49	68.44	2.95	4.5%
County	Sewer Treatment	104.22	110.22	6.00	5.8%
City	Storm Water	42.99	46.43	3.44	8.0%
City	EMS	10.49	11.54	1.05	10.0%
Total Increase		\$355	\$379	\$24	

11. MISCELLANEOUS FEES

The Ambulance Transport fee is increasing to \$1,098.14 from \$1,066.16 and the milage fee is increasing to \$18.08/mile from \$17.55/mile per the escalator in [Resolution No. 1599](#), which states the fees will be increased by the “annual inflator tied to Medical Care CPI or 3.0%, whichever is greater.” The first half of Medical care CPI for 2023 went up 1.5%, thus the fees are increased by 3%.

NEXT STEPS

Following the adoption of the 2024 Fee Schedule by the City Council, staff will finalize the document for publication on the City’s website on January 1, 2024.

RECOMMENDED ACTION

Approve Resolution No. 1656 adopting the 2024 Fee Schedule.

**CITY OF MERCER ISLAND
RESOLUTION NO. 1656**

**A RESOLUTION OF THE CITY OF MERCER ISLAND, WASHINGTON
ESTABLISHING THE CITY'S FEE SCHEDULE EFFECTIVE JANUARY 1, 2024
AND REPLACING CERTAIN RATES, FEES, AND CHARGES PREVIOUSLY
ADOPTED**

WHEREAS, fees are charged for services provided by departments of the City of Mercer Island; and

WHEREAS, City staff have collected various fees and centralized the location of the City's public fees in a Fee Schedule; and

WHEREAS, staff have reviewed and identified updates to certain fees for services provided by the City of Mercer Island in 2024; and

WHEREAS, this fee schedule will be updated annually to reflect true cost of service changes to each fee as needed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AS FOLLOWS:

Effective on and after January 1, 2024, Exhibit A of this Resolution entitled "2024 Fee Schedule" is adopted as the fee schedule for the City of Mercer Island. All previously adopted rates, fees, and charges, including but not limited to those in the "2023 Fee Schedule," which are now included in the "2024 Fee Schedule," are replaced by the rates, fees, and charges in the "2024 Fee Schedule" on the aforementioned effective date. The "2024 Fee Schedule" shall continue to be effective until a new fee schedule for the City is adopted and becomes effective. Nothing contained in this Resolution shall affect the amount of collection of rates, fees, and charges established prior to January 1, 2024.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS MEETING ON THE 5TH DAY OF DECEMBER 2023.

CITY OF MERCER ISLAND

Salim Nice, Mayor

ATTEST:

Andrea Larson, City Clerk



2024 FEE SCHEDULE

AS OF JANUARY 1, 2024

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1. ANIMAL LICENSES

([MICC 7.04.040](#))

Mercer Island is a member of Regional Animal Services of King County (RASKC); the following fees represent services offered by RASKC to City of Mercer Island residents. Please visit [RASKC's website](#) to access the following animal licensing services.

ANIMAL LICENSE (JUVENILE), ANNUAL Under six months of age, license expires after 6 months	\$15.00
ANIMAL LICENSE, (ALTERED – SPAY/NEUTER), ANNUAL Proof of alteration required	\$30.00
ANIMAL LICENSE, (NOT SPAYED/NEUTERED), ANNUAL Eligible for spay/neuter voucher	\$60.00
ANIMAL LICENSE, SENIOR DISCOUNT (ALTERED PETS ONLY), ANNUAL Proof required that owner is 65 or older. Proof required that pet is spayed or neutered	\$15.00
ANIMAL LICENSE, TAG REPLACEMENT For lost, unexpired tag	\$5.00
DANGEROUS DOG REGISTRATION FEE [MICC 7.04.130 (c)]	\$250.00

LATE FEES

ANIMAL LICENSE, (45 – 90 days past expiration)	\$15.00
ANIMAL LICENSE, (91 – 135 days past expiration)	\$20.00
ANIMAL LICENSE, (136 – 364 days past expiration)	\$30.00
ANIMAL LICENSE, (365+ days past expiration)	\$30 + prior year's license fee

2. BUSINESS LICENSES

([MICC Title 5](#))

BUSINESS LICENSE – MERCER ISLAND \$30.00

See [the Department of Revenue website](#) for additional processing fees

BUSINESS LICENSE – ANNUAL RENEWAL \$30.00

See [the Department of Revenue website](#) for additional processing fees

SOLICITOR LICENSE \$30.00

ADULT CABARET AND ADULT ENTERTAINMENT

([MICC 5.30.050](#))

ENTERTAINER'S LICENSE \$100.00

LICENSE FEE (ANNUAL) \$700.00

MANAGER'S LICENSE \$100.00

ADULT AND REGULATED TEEN DANCES

([MICC 5.18.100](#))

LICENSE FEE \$25.00

AMUSEMENT CENTERS AND AMUSEMENT DEVICES

([Chapter 5.02 MICC](#))

DEVICE (EACH) \$50.00

LICENSE (ANNUAL) \$300.00

OPERATOR'S LICENSE \$200.00

MASSAGE PARLORS AND BATHHOUSES

([MICC 5.08.050](#))

LICENSE FEE \$500.00

PERMIT FEE \$25.00

PRIVATE SECURITY AGENCIES

([Chapter 5.12 MICC](#))

EMPLOYEE REGISTRATION FEE \$25.00

LICENSE FEE \$250.00

TOW TRUCKS

([MICC 5.20.060](#))

LICENSE FEE (ANNUAL) \$25.00

3. COPY FEES

([MICC 2.14.070](#))

A. PUBLIC RECORDS FEES

INSPECTION OF RECORDS Inspection of records on the City's website or by appointment at the City.	No Fee
PHOTOCOPIES (11" x 17" or smaller, double-sided, or single-sided)	\$0.15 per page
PRINTED COPIES OF ELECTRONIC RECORDS	\$0.15 per page
SCANNING PAPER RECORDS	\$0.10 per page
E-FILES OR ATTACHMENTS FOR ELECTRONIC DELIVERY (PER 4 FILES)	\$0.05
TRANSMISSION OF RECORDS IN E-FORMAT (PER GB)	\$0.10
DIGITAL STORAGE MEDIA OR DEVICE PROVIDED BY AGENCY	Actual Cost
MAILING PHYSICAL RECORDS OR STORAGE DEVICES Of postage and container/envelope	Actual cost
CLERK CERTIFICATION	\$1.00 per document

For large requests, the City may take one or more of the following actions: require a deposit of 10 percent of the estimated copying costs before making copies; provide copies in installments; or require payment before providing further installments.

B. PRE-MADE MAPS, CUSTOM MAPS, AND GIS DATASET QUERIES

The prices listed below include applicable taxes and are subject to change. Any custom mapping, ordering of pre-made maps, or data for later pickup MUST be pre-paid.

Commonly requested maps are available for download in a PDF format from the City website. Other pre-made maps are also available in PDF format. There is no charge for electronic copies (unless it is a custom map request, then the rate will be charged according to the custom map pricing).

PAPER SIZE	REGULAR BOND PAPER	WATERPROOF PAPER
8.5" x 11" (ANSI A)	NO CHARGE	NOT AVAILABLE
11" x 17" (ANSI B)	NO CHARGE	NOT AVAILABLE
17" x 22" (ANSI C)	\$5.00	\$10.00
18" x 24" (ARCH C)	\$7.00	\$14.00
24" x 36" (ARCH D)	\$14.00	\$28.00
28" x 40"	\$18.00	\$36.00
36" x 48" (ARCH E)	\$28.00	\$56.00
36" x 60"	\$35.00	\$70.00

CUSTOM MAPS:

Custom maps will only be created using existing City GIS data. The City will not create custom maps that require data from outside organizations or require the creation of new data. The price for custom maps is **\$50.00/hour with a 15-minute minimum**.

0 to 15 minutes:	\$12.50
16 to 30 minutes:	\$25.00
Up to 45 minutes:	\$37.50
60 minutes:	\$50.00

CUSTOM DATA SET QUERIES:

Custom data request is defined as any existing City GIS Data. The City will not compile data from outside organizations or create new data. The price for custom data requests is **\$50.00/hour with a 1-hour minimum**. If a map is also requested at the same time and all work can be completed within one hour, only \$50.00 will be charged.

MAP AND DATA DELIVERY:

- Electronic maps- delivered via email or through the City's FTP site
- Printed maps- customer pick-up at Mercer Island City Hall. The City will not be shipping any printed maps.
- Custom data- delivered via email or through the City's FTP site.

To request pre-made maps, custom maps, and GIS dataset queries, send an inquiry to GISAdmin@mercerisland.gov.

4. PARKING FEES

[[MICC 10.74.020\(D\)](#)]

Note the following permit fees are per vehicle per year.

TOWN CENTER PARKING PERMIT	\$5.00 per vehicle
RESTRICTED PARKING DISTRICT* PERMIT	\$5.00 per vehicle
RESTRICTED PARKING DISTRICT* PERMIT (GUEST)	\$10.00 per vehicle
TEMPORARY CONTRACTOR PARKING PERMIT	\$10.00 per vehicle

* Restricted Parking District: This permit is for a Mercer Island resident whose home address is within the boundaries of the North Mercer Restricted Parking District. This permit shall also grant the privileges of a Town Center parking permit. Please see [MICC 10.74.030\(A\)](#) for the full text code regarding the RPD restrictions.

Parking Penalties

[[MICC 10.74.020\(D\)](#)]

PARKING IN PERMIT-RESTRICTED AREA WITHOUT A VALID PERMIT	\$35.00 Penalty
TRANSFER/UNAUTHORIZED USE OF PARKING PERMIT	\$250.00 Penalty

5. COURT FEES

COURT RECORDS REQUESTS

NON-CERTIFIED DOCUMENTS	\$1.00 for each 5 pages
CERTIFIED DOCUMENTS	\$5.00
AUDIO CD	\$10.00

COURT FEES

MUNICIPAL COURT MARRIAGE CEREMONY	\$150.00 - \$250.00
MARRIAGE CEREMONY, COURT-PROVIDED WITNESS A minimum of 2 witnesses are required	\$25.00 per witness
CONTESTED HEARING FEES	Varies, see form
MITIGATION FEES	Varies, see form
PROOF OF INSURANCE* When insured but not carrying proof of insurance at time of traffic stop	Penalty reduced to \$25

*Within 15 days of the violation, the ticket will be dismissed with a \$25.00 administrative fee if proof of insurance at the time of the incident is shown to the court. If there is an additional violation on the ticket, you are responsible for the penalty amount associated with that violation.

6. POLICE FEES

CONCEALED PISTOL LICENSE (ORIGINAL)	\$49.25
CONCEALED PISTOL LICENSE (RENEWAL)	\$32.00
CONCEALED PISTOL LICENSE (LATE)	\$42.00
CONCEALED PISTOL LICENSE (REPLACEMENT)	\$10.00
FINGERPRINTING	Service currently unavailable
MANDATORY BOATER EDUCATION FEES	Varies, see website

All boaters in Washington State age 50 and under are required to take or have taken a National Association of State Boating Law Administrators (NASBLA) and Washington State approved boating education course to operate a boat with a motor rated over 15 horsepower. Click [here](#) to access qualifying courses.

FALSE ALARMS

([MICC 8.10.050](#))

FALSE ALARM DISPATCH (FIRST)	Warning Letter Only
FALSE ALARM DISPATCH (SECOND)	\$75.00
FALSE ALARM DISPATCH (THIRD)	\$100.00
FALSE ALARM DISPATCH (FOURTH)	\$125.00
FALSE ALARM DISPATCH (FIFTH +)	\$150.00

7. PARKS AND RECREATION FEES

Additional information can be found at: www.mercerisland.gov/parksrec

A. MERCER ISLAND COMMUNITY & EVENT CENTER (MICEC) RENTAL FEES AND CHARGES

Meeting Room Rentals

Hourly rental fee	\$60
Damage deposit	\$60
Staff setup/Breakdown/Clean-up	\$75

Mercer Room Rentals (Monday-Thursday)

Damage deposit	\$500
Full room (3 sections) hourly; 3-hr. minimum	\$180
Partial room (2 sections) hourly; 3-hr. minimum	\$150
Staff setup/Breakdown/Clean-up	\$300
Food/beverage/alcohol	\$200

Mercer Room Rental Packages

Damage deposit	\$500
Weekend (Saturday – Sunday; includes 10 hours)	\$3,700
Weekday (Monday – Friday; includes 10 hours)	\$2,600

Additional Room Rentals

Catering Kitchen hourly	\$100
Outdoor Terrace hourly	\$100
Landing hourly	\$100
Food Truck per truck	\$100
Outdoor Lawn hourly	\$60
Game Room hourly	\$100

Gymnasium and Dance Room Rentals

Dance Room	\$75
Half Gym hourly	\$75
Full Gym hourly	\$130
Gym (non-athletic full gym; 10 hours)	\$6,000
Gym Deposit (non-athletic)	\$1,000

Extended Building Hours

Hourly in addition to rental fee	\$60
Parking Lot (non-community center events – per day rates)	
Spot Rental (Tier 1 – 70 spots)	\$350
Spot Rental (Tier 2 – 66 spots)	\$330
Spot Rental (Tier 3 – 50 spots)	\$250
Spot Rental (Tier 4 – 25 spots)	\$125
Full Parking Lot Rental (Tier 1, 2, 3, 4 – 211 spots)	\$1,500

B. RECREATION PROGRAMS & EVENT FEES AND CHARGES

Recreation Programs & Events: visit www.mercerisland.gov/parksrec

Boat Launch Parking

Daily pass	\$15
Monthly pass	\$55
Annual pass	\$120

MICEC Fitness Room and Drop-In Activities

Daily drop-in	
Resident	\$5
Non-Resident	\$7
25-Punch Pass	
Resident	\$80
Non-Resident	\$115

C. OUTDOOR FACILITY RENTAL FEES AND CHARGES**Picnic Area Reservations**

Full day	\$175
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P-Patch Garden Fees

10 x 40 Plot	\$75
10 x 20 Plot	\$60

Athletic Fields

Grass/Dirt fields hourly	\$25
Synthetic Turf Infields hourly	\$40
Full Synthetic Turf/Lit Fields hourly	\$70
Track hourly	\$40

Additional Athletic Field Fees

Field lights hourly	\$20
Baseball/Softball game prep	\$45
Tennis/Pickleball Court hourly	\$25
Batting Cage hourly	\$25
Concession Stand daily	\$100
Athletic Field Storage (per usage)	\$150

Fitness Classes/Outdoor Personal

Application fee	\$75
Monthly fee	\$110

Mercerdale Sign Board

Weekly fee	\$50
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D. SPECIAL EVENT PERMITS

Applications for Special Event Permits require City-wide staff review and are subject to additional insurance requirements. Please allow a minimum of 45 days for review. See [Special Events Guide for more information.](#)

Application fee \$50

Level 1 Event \$125

- Attendance at any one time estimated between 50-100 people;
- Held within existing venue/use area typically used for group gatherings, etc.; and
- Does not impact or interfere with standard, ordinary, and normal use of either public property or normal vehicle and pedestrian traffic in the vicinity of the event; and
- Does not require changes to safety or maintenance operations beyond normal levels; and
- No attendance or participation fees are charged; and
- Does not occur at Calkins Point or the Greta Hackett Sculpture Park; and
- No other permits are required.
- Administration Coordination shall be Division Review only.

Level 2 Event \$380 - \$620

- Attendance at any one time estimated between 50-250 people;
- Held within existing venue/use area typically used for group gatherings, etc.; and/or
- May impact or interfere with standard, ordinary and normal use of either public property or normal vehicle and pedestrian traffic in the vicinity of the event; and/or
- Does not require changes to safety or maintenance operations beyond normal levels.
- Mercerdale Park can only be used for Level 2 events of fewer than 100 people that do not require electrical service, that do not involve food trucks, and that do not require any additional permits.
- Does not occur at Calkins Point or the Greta Hackett Sculpture Park.
- Administration Coordination shall be either Division Review or Low-impact Committee Review.

Level 3 Event

\$820 - \$1,240

- Wedding ceremonies, regional sports tournaments (with event elements such as food trucks, amplified sound, and opening ceremonies), limited-scope and single-faceted events open to the public (that are not a Level 3 event); OR
- Attendance at any one time estimated between 251-600 people; and/or
- Held within existing venue/use area, but may include street, parking, or additional facility impacts; and/or
- May require operational changes to safety or maintenance - additional restrooms, deliveries, vehicle access, exclusive use of park space; and/or
- Calkins Point can only be used for a Level 3 event if attendance is fewer than 200 people.
- Administration Coordination shall be either Low-impact or High-impact Committee Review.

Level 4 Event

\$1,540

- Parades, timed competitions, in-water events, festival-style events open to the public, or event of any type that involves use of multiple City parks or public spaces; OR
- Attendance at any one time estimated between 601 - 5,000 people over a single day or multiple occurrences; and/or
- Has moderate to major impacts to surrounding areas (streets, neighborhoods, business district, other park amenities, etc.) and/or cannot be held within existing venue; and/or
- May impact or interfere with standard, ordinary and normal use of either public property or normal vehicle and pedestrian traffic in the vicinity of the event; and/or
- Has moderate to major impacts to safety or maintenance operations, including temporary or long-term road closures, offsite parking impacts, traffic and security control, additional restrooms, deliveries, vehicle access, and exclusive use of park space; and/or
- Administration Coordination shall be High-impact Committee Review.

E. SPECIAL USE PERMITS

Parking space or lot use (Excluding MICEC)

Please call

Photography (personal use) per session/per year

\$25/300

Commercial photography per session/per year

\$50/500

Advertising or for-profit photography or filming

Please call

*Additional fees may apply. See [special events guide](#).**Administrative Fee**

Per booking and program registration fee to cover technology replacement costs

\$4

Staffing Rates

Parks Maintenance staff member hourly	\$55 - \$75
MICEC custodial hourly	\$50
Mercer Island Police Officer (off-duty) hourly (3 hour minimum)	Varies
Mercer Island Fire Department Aid Car Unit	Varies

Miscellaneous Park Fees

Park Asset Donation Fee	Dependent on asset donated
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F. SPECIAL EVENTS IN PIONEER PARK AND ENGSTROM OPEN SPACE

Open Space Conservancy Trust owns Pioneer Park and Engstrom Open Space for the purpose of preserving and protecting them as natural ecosystems. Special events in Pioneer Park and Engstrom Open Space may cause long-term or cumulative damage to the ecosystem when heavy trail use or off-trail use occurs, either as part of the event or incidental to the event. The goal of this policy is to prevent damage to the ecological resources contained within these properties.

At the same time, the Trust seeks to encourage the use of its properties by the citizens of Mercer Island. The City of Mercer Island Parks and Recreation Department acts on behalf of the Trust. The purpose of this policy is to provide policy direction to the Parks and Recreation Department when special events in Trust properties are being proposed. This policy provides Parks and Recreation staff guidance to allow the public reasonable access to the Trust properties for special events while regulating special event activities to prevent damage. This policy is supplemental to the Parks and Recreation Special Events Policy for events that occur in Pioneer Park and Engstrom Open Space only. Please note that the off-trail use of Pioneer Park is prohibited except for approved educational, scientific or forest health activities.

The following are criteria that are used to determine what conditions or restrictions may be placed on special events in Pioneer Park and Engstrom Open Space.

1. If any of the following are expected, then the event requires a Special Event application, review, and permit:
 - a. The group size is more than 50 people
 - b. The event is timed or competitive
 - c. The event involves trail use other than walking
 - d. The group will occupy a fixed portion of the park for more than 10 minutes
 - e. The group will block any trail or inhibit the safe passage of park users
 - f. Off trail use (limited to educational and scientific work)
2. Special Event applications that are located in Pioneer Park and/or Engstrom Open Space may be subject to the following reviews:

- a. Review by the Parks Operations Manager, Natural Resources Project Manager, or designee.
 - b. Supplemental information, including maps and details showing environmental protection measures the applicant is proposing. Examples of such submittals can be provided by Parks and Recreation staff.
 - c. A presentation to the Open Space Conservancy Trust at one of its regular bimonthly meetings.
3. The City of Mercer Island Parks and Recreation Department reserves the right to deny a special event application if it determines that an event will negatively impact Pioneer Park and/or Engstrom Open Space. This includes poor performance or unpaid damage claims on previous special events. The applicant may request that the Open Space Conservancy Trust review the determination of Parks and Recreation staff.
 4. Special events may be subject to the following conditions:
 - a. Temporary environmental protection features, such as fencing, plywood, ground covering, erosion control fabric, etc.
 - b. Site monitors at areas expected to be impacted to prevent off-trail use. The applicant may propose to provide site monitors, but Parks and Recreation reserve the right to require its own staff or paid independent staff to provide monitoring. Parks and Recreation staff cost \$55-75/hour with a 3-hour minimum.
 - c. Damage deposit proportional to the size of the group and the duration of activity, as follows:

Event Length	Number of participants			
	50-99	100-149	150-199	200-249
1 hour	\$500	\$1,000	\$1,500	\$2,000
2 hours	\$600	\$1,200	\$1,800	\$2,400
3 hours	\$700	\$1,400	\$2,100	\$2,800
4 hours	\$800	\$1,600	\$2,400	\$3,200

Any numbers or times in excess of what is listed will be calculated proportionally. the fee schedule may be adjusted to keep pace with inflation and cost increases.

- d. Any damage that occurs that is not covered by the damage deposit will be charged to the event organizer.
 - e. Restoration plan – a schematic repair plan for anticipated impacts, including trail damage, vegetation damage, soil erosion and soil compaction.
5. Areas of concern:
 - a. **The ravine in the northeast quadrant.** This terrain is steep and erodible. The trails are single track for the most part. Passing is difficult without going off-trail. Going off trail is likely to cause erosion and plant damage.

Large and competitive events are expected to have high impact. Monitoring is typically required for events in this area.

- b. **The southeast quadrant.** These trails are shared by horseback riders. Passing equestrians is difficult without going off trail. Coordination with the Saddle Club is required.
- c. **Secondary trails, all quadrants.** Secondary trails are single track trails for the most part. Passing is difficult without going off-trail. Some trails are poorly drained, and users tend to walk on the edges, which causes widening. Best used in the dry season for large group events. Monitoring may be required.
- d. **Picnic area across from shopping center.** This is a popular entry point to the park and can get consistent traffic from park users throughout the course of an event. Timed or competitive events may need monitoring and/or signage to alert park users to the event. Blocking access to this area is not permitted.

8. DEVELOPMENT AND CONSTRUCTION PERMIT FEES

(Resolution No. 1656, Effective January 1, 2024)

Consistent with the authority set forth in titles 17 and 19 of the Mercer Island City Code for the establishment and collection of development and construction fees, the following Development and Construction Permit Fee Schedule, including the Building Permit Calculation Table, (and otherwise established by Resolution No. 1614), are here by amended for 2024.

2024 Hourly Staff Rate for All Review Disciplines: \$169.00

Fee Name	Minimum Hours	Additional Fees	2024
A. MEETINGS			
Planner Meeting/Meeting with Staff	0.5	Hourly Staff Rate If Min. Exceeded	Varies
Pre-application Meeting Type 1 (Up to 2 reviewers)	6		\$1,014
Pre-application Meeting Type 2 (More than 2 reviewers)	12		\$2,028
B. LAND USE AND PLANNING FEES			
Appeals (Fee Refunded If Appeal Is Granted)			
Appeal - includes Building, Land Use, Right of Way, Code Compliance, Code Interpretation	10	Hourly Staff Rate If Min. Exceeded, Plus Actual Costs of File Preparation & Transcripts	\$1,690
Critical Areas			
Critical Area Review Type 1	8	Hourly Staff Rate If Min. Exceeded, Plus Actual Cost of Peer Review	\$1,352
Critical Area Review Type 2	20		\$3,380
Design Review			
Design Review - Signs - Code Official	5	Hourly Staff Rate If Min. Exceeded	\$845
Design Review - Code Official	25		\$4,225
Design Commission Study Session	40		\$6,760
Design Commission Review - Exterior Alteration	95		\$16,055
Design Commission Review - Major New Construction	155		\$26,195

Fee Name	Minimum Hours	Additional Fees	2024
Deviations			
Deviation to Antenna Standards - Code Official	10	Hourly Staff Rate If Min. Exceeded	\$1,690
Deviation to Antenna Standards - Design Commission	25		\$4,225
Public Agency Exception - 115-hour minimum	115	Hourly Staff Rate If Min. Exceeded, Plus Actual Cost of Peer Review	\$19,435
Reasonable Use Exception - 115-hour minimum	115		\$19,435
Variance	65	Hourly Staff Rate If Min. Exceeded	\$10,985
Wet Season Construction Approval	N/A	N/A	\$1,521
Environmental Review (SEPA)			
SEPA Review	8	Hourly Staff Rate If Min. Exceeded	\$1,352
Environmental Impact Statement	120		\$20,280
Comprehensive Plan and Development Code Docket Requests			
Docket Application	15	Hourly Staff Rate If Min. Exceeded	\$2,535
Legislative Review (If Docketed)			
Comprehensive Plan Amendment	150	Hourly Staff Rate If Min. Exceeded	\$25,350
Code Amendment	150	Hourly Staff Rate If Min. Exceeded	\$25,350
Rezone	105	Hourly Staff Rate If Min. Exceeded	\$17,745
Other Land Use			
Accessory Dwelling Unit (ADU)	4	Hourly Staff Rate If Min. Exceeded	\$676
Code Interpretation Request	20		\$3,380
Conditional Use Permit (CUP)	105		\$17,745
Hearing Examiner Services	N/A	Plus Actual Additional Cost	\$3,380
Noise Exception Type I - IV	10	Hourly Staff Rate If Min. Exceeded	\$1,690
Other Permit / Services Not Listed	1		\$169
Public Notice Sign Fee (per sign)	N/A	N/A	\$62
Transportation Concurrency	1	Hourly Staff Rate If Min. Exceeded	\$169

FEE NAME	Minimum Hours	Additional Fees	2024
Shoreline Management			
Shoreline Exemption	6	Hourly Staff Rate If Min. Exceeded	\$1,014
Shoreline Substantial Development Permit	60		\$10,140
Shoreline Variance	80		\$13,520
Shoreline Conditional Use Permit	80		\$13,520
Shoreline Permit Revision	6		\$1,014
Subdivision			
Long Plat- Preliminary	200	Hourly Staff Rate If Min. Exceeded	\$33,800
Long Plat - Final	80		\$13,520
Long Plat - Alteration	200		\$33,800
Subdivision (continued)			
Lot Line Revision	8	Hourly Staff Rate If Min. Exceeded	\$1,352
Short Plat - Preliminary	100		\$16,900
Short Plat - Alteration	10		\$1,690
Short Plat - Final Plat	40		\$6,760
Wireless Communication Facilities			
New Wireless Communication Facility	50	Hourly Staff Rate If Min. Exceeded	\$8,450
New Wireless Communication Facility - 6409 Exempt	8		\$1,352
New Small Cell Deployment	2		\$338
Height Variance	65		\$10,985
Fire Review Fees Associated with Land Use Applications			
Fire Review of Land Use Applications	1.25	Hourly Staff Rate If Min. Exceeded	\$211
C. AFFORDABLE HOUSING			
Annual Fee for Monitoring Affordable Housing Units (per unit)			\$53

D. IMPACT FEES			
Type	Basis of Fee	Fee	
School Impact Fees			
Single Family	School impact fees reduced to zero by MISD 8/2020	\$0	
Multi Family		\$0	
Transportation Impact Fees			
Single Family 1-2 dwellings, per dwelling unit	2022 Transportation Impact Fee Rate Study (Fehr and Peers)	\$4,319.12	
Multi Family, per dwelling unit		\$1,930.24	
Senior Housing, per dwelling unit		\$1,286.48	
Care Facility, per dwelling		\$965.12	
Lodging, per guest room		\$2,711.28	
Commercial Services, per square foot of gross floor area		\$8.09	
Auto Service Center, per square foot of gross floor area		\$9.46	
Bank, per square foot of gross floor area		\$62.74	
School, per student		\$643.76	
Daycare, per square foot of gross floor area		\$5.11	
Institutional, per square foot of gross floor area		\$3.12	
Light Industry/Industrial Park per square foot of gross floor area		\$2.30	
Warehousing/Storage, per square foot of gross floor area		\$0.83	
Restaurant, per square foot of gross floor area*		\$20.07	
Quick Restaurant/Coffee Shop, per square foot of gross floor area*		\$72.02	
General Retail, per square foot of gross floor area*		\$24.90	
Supermarket, per square foot of gross floor area*		\$31.25	
Gas Station, per pump		\$37,239.28	
Administrative Office, per square foot of gross floor area		\$6.61	
Medical/ Dental Office, per square foot of gross floor area		\$18.05	
Recreation, per square foot of gross floor area		\$0.21	
*These retail and restaurant uses are exempt from paying impact fees; City pays Transportation Impact Fee Fund.			
Park Impact Fees			
Single Family	2022 Parks Impact Fee Rate Study (BERK)	\$6,315.92	
Multi Family		\$3,933.28	

E. BUILDING PERMIT FEES

Construction Permit Fee Calculation Table

- The Building Permit Fee is based on the Project Valuation as set forth in the table below. Final fee calculations rounded to the nearest cent.
- The Plan Check Fee is 70% of the Building Permit Fee. Additional fee will be charged at the hourly rate if more than 3 rounds of plan review are required.
- The "Combination Permit" Fee for Mechanical, Electrical and Plumbing Inspection is 31% of the Building Permit Fee. If separate permits - 10% Mechanical, 11% Electrical, 10% Plumbing
- Consistent with the authority set forth in titles 17 and 19 of the Mercer Island City Code for the establishment and collection of development and construction fees, Appendix A to this Fee Schedule amends the Building Valuation Data Table otherwise established by Resolution No. 1615.

Project Valuation	Building Permit Fee
\$1 - \$500.99	\$37.58
\$501 - \$2000.99	\$39.15 for the first \$500 plus \$4.60 for each additional \$100
\$2,001 - \$25,000.99	\$111.48 for the first \$2,000 plus \$21.80 for each additional \$1,000
\$25,001 - \$50,000.99	\$630.36 for the first \$25,000 plus \$15.83 for each additional \$1,000
\$50,001 - \$100,000.99	\$1023.65 for the first \$50,000 plus \$10.95 for each additional \$1,000
\$100,001 - \$500,000.99	\$1599.26 for the first \$100,000 plus \$8.78 for each additional \$1,000
\$500,001 - \$1,000,000.99	\$5203.82 for the first \$500,000 plus \$7.32 for each additional \$1,000
\$1,000,001 - \$999,999,999.99	\$9026.26 for the first \$1,000,000 plus \$5.72 for each additional \$1,000

This chart is used only to calculate the Building Permit, Plan Check, and Combination Permit portions of the overall fees required to issue a permit. Additional plan review and permit fees may apply.

Additional Review Fees	Minimum Hours	Additional Fees	2024
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F. ADDITIONAL BUILDING PERMIT FEES

Arborist

Arborist review of Construction Permit	N/A	N/A	\$400
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Building

Building Plan Revisions	2	Hourly Staff Rate If Min. Exceeded	\$338
Plan Review (not otherwise specified, hourly)	1		\$169
Inspections (not otherwise specified, hourly)	1		\$169
Inspections Outside Normal Business Hours	2		\$507
Re-Inspection (Assessed Under Provisions of Section 305.8)	1		\$169
Partial Inspections	N/A	N/A	\$85

Additional Review Fees	Minimum Hours	Additional Fees	2024
Energy Compliance			
State Energy Compliance - Residential New	N/A	N/A	\$486
State Energy Compliance - Residential Alteration			\$245
State Energy Compliance - Non-Residential New			\$1,804
State Energy Compliance - Non-Residential Alteration			\$245
Engineering			
Engineering Review of Construction permit (hourly)	1	Hourly Staff Rate If Min. Exceeded	\$169
Fire Protection Review - Building Permits			
Residential Remodels & Substantial Alt Review	N/A	N/A	\$169
New Single Family Review < 10,000 SF			\$169
New Single Family Review > 10,000 SF			\$820
Non Single Family Review < 3,000 SF			\$169
Non Single Family Review < 5,000 SF			\$327
Non Single Family Review 5,000 - 50,000 SF			\$3,279
Non Single Family Review 50,000 SF +			\$6,558
Non Single Family Tenant Improvement			\$169
Additional Fire Protection Plan Review (hourly)	1	Hourly Staff Rate If Min. Exceeded	\$169
Fire Code Alternate	N/A	N/A	\$654
WUI Fire Review and Inspection (hourly)	.5	Hourly Staff Rate If Min. Exceeded	\$84.50
Geotechnical			
Single Family	N/A	Plus Actual Cost of Peer Review	\$648
Multi-Family / Commercial	N/A	Plus Actual Cost of Peer Review	\$1,294
Intake Screening			
Intake Screening	N/A	N/A	\$847
Impact Fee Administration			
Impact Fee Deferral Review (School, Park, Transportation)	N/A	N/A	\$82
Re-roofing Single Family Residential			
Re-Roofing of Single Family Residences (except with same roofing system or masonry tile**)	N/A	N/A	\$200

Additional Review Fees	Minimum Hours	Additional Fees	2024
Special Foundations / Shoring			
Single Family	N/A	N/A	\$970
Multi-family/Commercial			\$1,456
Stop Work Fee			
Stop Work Fee	Double the applicable permit fee		Varies
Temporary Certificate of Occupancy			
Single Family	N/A	N/A	\$648
Multi-family/Commercial			\$5,819
Additional Review / Inspections (hourly rate)	1	Hourly Staff Rate If Min. Exceeded	\$169
Wildland Urban Interface			
WUI CPD Review and Inspection (hourly)	1.5	Hourly Staff Rate If Min. Exceeded	\$253.50
G. DEMOLITION PERMITS			
Demolition			
Demolition - Single Family	N/A	N/A	\$403
Demolition - Non Single Family			\$704
Demolition - Soft/ Partial			\$201
Plan Review and Inspections (not otherwise specified)	1	Hourly Staff Rate If Min. Exceeded	\$169
H. ENGINEERING			
Engineering Review and Inspection			
Engineering Review	1	Hourly Staff Rate If Min. Exceeded	\$169
Storm Drainage Review and Inspection (hourly rate)	2		\$338
Plat Improvement/Site Development Permit Review and Inspection (hourly rate)	10		\$1690
Street Vacation Review (hourly rate)	10	Hourly Staff Rate If Min. Exceeded	\$1690
Easement Extinguishment Review (hourly rate)	5		\$845

Additional Review Fees	Minimum Hours	Additional Fees	2024
Side Sewer			
Side Sewer Revision/Modification/Repair	N/A	N/A	\$321
Side Sewer Disconnect			\$321
Side Sewer Connection			\$321
Side Sewer Stub Out to Property Line Only			\$321
Additional Review / Inspections (hourly rate)	1	Hourly Staff Rate If Min. Exceeded	\$169
Water Service			
Water Service Order (Permit Processing Fee Only). Water Connection charges and Water Service Installation charges are not included.	N/A	N/A	\$1,475
Water Meter Setter / Service Line Only			\$1,475
Water Service Abandonment			\$492
Additional Review / Inspections (hourly rate)	1	Hourly Staff Rate If Min. Exceeded	\$169
I. FIRE PERMITS			
Mobile Food Truck and Outdoor Cooking			
Annual Permit Fee w/ Regional Inspection	N/A	N/A	\$53
Annual Permit w/o Current Regional Inspection (Inspection to be Completed)			\$138
Operational Permits			
Operational Permits (hourly rate)	1	Hourly Staff Rate If Min. Exceeded	\$169
Fire Protection Permits			
Access Gate (combo permit - includes low voltage electrical inspection fee)	N/A	N/A	\$371
Commercial Solar Photovoltaic Power Systems 105.7.13			\$540
Emergency Responder Radio Coverage 105.7.5			\$709
Fire Alarm Commercial: NFPA 72 Low Voltage System (combo permit - includes one hour of electrical inspection)			\$1,807.50
Fire Alarm Communicator - AES Radio Transmitter (combo permit - includes low voltage electrical inspection fee)	N/A	N/A	\$371
Fire Alarm Residential: NFPA 72 Low Voltage System (combo permit -includes low voltage electrical inspection fee)			\$540
Fire Alarm Tenant Improvement: Low Voltage Fire Alarm System (combo permit - includes low voltage electrical inspection fee)			\$962.50

Additional Review Fees	Minimum Hours	Additional Fees	2024
Fire Protection Permits (continued)			
Fire Alarm Tenant Improvement Residential or Commercial, less than 5 devices: Low Voltage Fire Alarm System (combo permit - includes low voltage electrical inspection fee)	N/A	N/A	\$455.50
Fire Code Alternate			\$654
Fire Hydrant			\$760.50
Fire Pump (combo permit - includes low voltage electrical inspection fee)			\$1,047
Fire Sprinkler Commercial: NFPA 13 - Per Riser			\$1,890
Fire Sprinkler System 13D Tank and Pump			\$1,047
Fire Sprinkler Residential (includes backflow inspection fee)			\$960.50
Fire Sprinkler TI OTC- Under 25 Heads			\$422.50
Fire Sprinkler TI - Commercial and Residential Over 25 heads			\$760.50
Fuel Cell Power Systems 105.7.10			Hourly Rate
Fuel Tanks - UST Residential Fuel Oil Removal			\$200
Hazardous Materials 105.7.9			\$422.50
Industrial Ovens 105.7.10			\$455.50
Kitchen Hood - Extinguishing System (combo permit - includes low voltage electrical inspection fee)			\$624.50
LP Gas Construction Permit			\$422.50
Smoke Control Systems 105.7.14			\$760.50
Special Fire Extinguishing System (combo permit - includes low voltage electrical inspection fee)			\$962.50
Standpipe Commercial			\$1,774.50
Underground Fire Main - NFPA 24 Sprinkler Supply Line			\$1,605.50
Wood/Pellet Stove			Hourly Rate
Fire Protection Plan Review and Inspection	1	Hourly Staff Rate If Min. Exceeded	\$169
J. GRADING PERMITS			
Grading and Land Clearing Permits			
Land Clearing	N/A	N/A	\$200
Grading: 50-100 cubic yards			\$268
Grading: 101-1,000 cubic yards			\$380
Grading: 1,001-5,000 cubic yards			\$497
Grading: 5,001-10,000 cubic yards			\$656
Grading: 10,000+ cubic yards			\$810
Additional Review / Inspections	1	Hourly Staff Rate If Min. Exceeded	\$169

Additional Review Fees	Minimum Hours	Additional Fees	2024
K. RIGHT OF WAY USE PERMITS			
Right of Way Use Permits			
Right of Way Encroachment Agreement (requires separate ROW Use Permit and Inspection)	N/A	N/A	\$722
Miscellaneous ROW Use			\$241
Type A - Underground Improvements in Unpaved Area			\$321
Type B - Surface Improvements			\$481
Type C - Underground Improvements in Paved Area			\$722
Plan Review and Inspections (not otherwise specified, hourly)	1	Hourly Staff Rate If Min. Exceeded	\$169
L. TREE PERMITS			
Single Family Tree Removal: 1 - 3 trees	N/A	Plus Cost of Geotechnical Review if Required	\$200
Single Family Tree Removal: 4 - 10 trees			\$503
Single Family Tree Removal: More than 10 trees			\$1,404
Non Single Family Tree Removal			\$1,404
Non-Development Tree Removal outside a Critical Area			\$164
Non-Development Tree Removal within a Critical Area 1 - 3 Trees			\$492
Non-Development Tree Removal within a Critical Area 4 - 10 Trees			\$656
Non-Development Tree Removal within a Critical Area More than 10 Trees			\$656
Right of Way Tree Pruning			\$246
Tree Protection Only			\$200
Fee in Lieu of Planting Replacement Trees (per tree)			\$1,037
Additional Review / Inspections	1	Hourly Staff Rate If Min. Exceeded	\$169
M. ELECTRICAL, MECHANICAL, AND PLUMBING PERMITS			
Combination permits are issued for electrical, mechanical, or plumbing work associated with a building permit unless the work is deemed minor in nature. (See "Combination Permit Fee" on the Construction Permit Fee Calculation Table). Unit fees listed below apply when there is no associated building permit. The following minimum fees will apply, unless the issuance, plan review and unit fees exceed the minimum fee. When the minimum fee is exceeded, the permit will be charged based on the sum of the applicable issuance, plan review and unit fees.			
Minimum Permit Fees			
Minimum Permit Fee	N/A	N/A	\$200

Additional Review Fees	Minimum Hours	Additional Fees	2024
Minimum Permit Fee Exceptions			
Temporary Power Service	N/A	N/A	\$112
Water Heater Exchange (no new gas piping)			\$112
Water Supply Piping			\$112
Repair of existing plumbing, water service, gas piping			\$112
Forced Air Exchange - same type			\$112
Decommission Backflow Device			\$112
Inspection Fees			
Inspections (not otherwise specified, hourly)	1	Hourly Staff Rate If Min. Exceeded	\$169
Inspections Outside Normal Business Hours	2		\$507
Re-Inspection (Assessed Under Provisions of Section 305.8)	1		\$169
Partial Inspections	N/A	N/A	\$85
Electrical Permit Fees			
Minimum Permit Fee	N/A	N/A	\$200
Permit Issuance Fee			\$44
Supplemental Permit Issuance Fee			\$31
Electrical Plan Review (hourly)			\$169
Electrical Unit Fees - As Listed Below			
Busways			
For trolley and plug-in type busways	N/A	N/A	\$14
Carnivals and Circuses			
For electrical generators and electrically driven motors	N/A	N/A	\$43
For mechanical driven rides and walk-through attractions			\$14
For a system of area and booth lighting			\$14
Lighting Fixtures			
First 20 fixtures, each	N/A	N/A	\$2
Additional fixtures, each			\$1
For pole or platform-mounted lighting fixtures			\$2
For theatrical-type lighting fixtures			\$2
Miscellaneous Apparatus, Conduits and Conductors			
For electrical apparatus, conduits, and conductors for which a permit is required but for which no fee is herein set forth	N/A	N/A	\$33
Non-Residential Appliances			
For non-residential appliances and self-contained factory-wired non-residential appliances	N/A	N/A	\$9

Additional Review Fees		Minimum Hours	Additional Fees	2024
Power Apparatus				
Up to and including 1	N/A	N/A		\$9
Over 1 and not over 10, each				\$22
Over 10 and not over 50, each				\$44
Over 50 and not over 100, each				\$89
Over 100....				\$134
Private Swimming Pools				
New private, in-ground swimming pools	N/A	N/A		\$89
Receptacle, Switch and Light Outlets				
First 20 fixtures, each	N/A	N/A		\$2
Additional fixtures, each				\$1
Residential Appliances				
For fixed residential appliances	N/A	N/A		\$9
Services				
For services of 600 volts and not over 200 amperes	N/A	N/A		\$55
For services of 600 volts and over 200 amperes to 1,000 amperes				\$112
For services over 600 volts or over 1,000 amperes in rating				\$225
Upgrade Panel 50 400 amp or less (per panel)				\$201
Low Voltage Electric (per type) includes 2 inspections, hourly inspection rate applies thereafter				\$33
Signs, Outline Lighting and Marquees				
Supplied from one branch circuit	N/A	N/A		\$44
For additional branch circuits, each				\$9
Temporary Power Service				
Temporary Power Service	N/A	N/A		\$42
Mechanical Permit Fees				
Minimum Permit Fee	N/A	N/A		\$200
Permit Issuance Fee				\$44
Supplemental Permit Issuance Fee				\$31
Mechanical Plan Review	1	Hourly Staff Rate If Min. Exceeded		\$169
Mechanical Unit Fees - As Listed Below				
Air Handlers				
For each air-handling unit to and including 10,000 cubic feet per minute (cfm), including ducts attached thereto	N/A	N/A		\$19
For each air-handling unit over 10,000 cfm				\$33

Additional Review Fees	Minimum Hours	Additional Fees	2024
Appliance Vents			
For installation, relocation or replacement of each appliance vent installed and not included in appliance permit	N/A	N/A	\$13
Boilers, Compressors and Absorption Systems			
For the installation or relocation of each boiler or compressor to and including 3 horsepower, or each absorption system to and including 100,000 Btu/h	N/A	N/A	\$27
For the installation or relocation of each boiler or compressor over 3 horsepower to and including 15 horsepower, or each absorption system over 100,000 Btu/h to and including 500,000 Btu/h			\$49
For the installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower, or each absorption system to over 500,000 Btu/h to and including 1,000,000 Btu/h			\$68
For the installation or relocation of each boiler or compressor over 30 horsepower to and including 50 horsepower, or each absorption system to over 1,000,000 Btu/h to and including 1,750,000 Btu/h			\$100
For the installation or relocation of each boiler or compressor over 15 horsepower to and including 50 horsepower, or each absorption system to over 1,750,000.			\$167
Evaporation Coolers			
For each evaporative cooler other than portable type	N/A	N/A	\$19
Furnaces			
For installation or relocation of each forced-air or gravity type furnace or burner, including ducts and vents attached to such appliance up to and including 100,000 Btu/h	N/A	N/A	\$27
For installation or relocation of each forced-air or gravity type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h			\$33
For installation or location of each floor furnace, including vent			\$27
For installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater			\$27

Additional Review Fees	Minimum Hours	Additional Fees	2024
Miscellaneous			
For each appliance or piece of equipment regulated by the International Mechanical Code but not classed in other appliance categories, or for which no other fee is listed in the table	N/A	N/A	\$19
Exchange of Existing HVAC System for Single Family Residences (includes thermostat)			\$112
Repairs or Additions			
For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system.	N/A	N/A	\$22
Ventilation and Exhaust			
For each ventilation fan connected to a single duct	N/A	N/A	\$44
For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit			\$44
For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood			\$44
Plumbing Permits			
Minimum Permit Fee	N/A	N/A	\$200
For issuing each permit			\$44
For issuing each supplemental permit			\$31
Plumbing Plan Review (hourly)			\$169
Plumbing Unit Fees - as Listed Below			
Fixtures & Vents			
Each plumbing fixture or trap or set of fixtures	N/A	N/A	\$18
For repair or alteration of drainage or vent piping, each fixture			\$9
Gas Piping			
For each gas piping system	N/A	N/A	\$12
For each additional outlet over five			\$2
Lawn Sprinklers, Vacuum Breakers & Backflow			
Backflow Prevention Inspection (Fire and Irrigation)	N/A	N/A	\$200
For each lawn sprinkler system			\$27
For atmospheric-type vacuum breakers or backflow protection devices 1 - 5			\$22
Over 5 devices			\$4
For each backflow protection device other than atmospheric type vacuum breakers, 2 inches and smaller			\$22
Over 2 inches			\$43

Additional Review Fees	Minimum Hours	Additional Fees	2024
Miscellaneous			
For each appliance or piece of equipment not regulated by the Uniform Plumbing Code not listed in this table	N/A	N/A	\$18
Sewers, Disposal Systems, Interceptors			
For each building sewer	N/A	N/A	\$42
For each cesspool			\$68
For each private sewage disposal system			\$134
For each industrial waste pretreatment interceptor			\$36
Rainwater systems - per drain			\$18
Swimming Pools			
Public pool, each	N/A	N/A	\$165
Public spa, each			\$110
Private pool, each			\$110
Private spa, each			\$54
Water Piping and Water Heaters			
For installation, alteration or repair of water piping or water treating equipment	N/A	N/A	\$9
For each water heater			\$22

9. TAXES

A. BUSINESS & OCCUPATION (B&O) TAX

([MICC Chapter 4.10](#))

Returns are due annually each April 15 following the tax year. Per RCW 35.21.710 the rate is not to exceed two-tenths of one percent (.2%) on the gross income of persons doing business within the city. **The current City rate is one-tenth of one percent (.1%); on gross revenue generated on Mercer Island exceeding \$150,000.00 (the gross revenue threshold is \$37,500.00 for quarterly filers); a minimum payment of \$20.00 is required if the net taxable revenue is greater than zero.**

B. UTILITY TAXES

([MICC Chapter 4.12](#))

Utility taxes are levied on the gross operating revenues earned by private utilities from operations within the City of Mercer Island boundaries or on the City's own utilities (water, sewer, and stormwater). Private utilities that the City taxes include electric, natural gas, solid waste, telephone, and cable television.

State law limits the rate of utility tax on telephone, cellular telephone, pager services, and natural gas to 6% unless voters approve a higher rate. Cable TV must not be taxed at a rate substantially different than other utilities. There are no restrictions on the tax rate for water, sewer, stormwater, or solid waste. Utility taxes are levied on the gross operating revenues of the utility provider.

Utility Tax Rate on Gross Revenue (Effective January 1, 2020)	
Cable	7%
Telephone	6%
Cellular Phone	6%
Natural Gas	6%
Electric	6%
Solid Waste	7%
Stormwater	5.3%
Water	5.3%
Sewer	5.3%

10. UTILITY RATES

A. WATER USAGE AND FIRE SERVICE

(Resolution No. 1656, Effective January 1, 2024)

1. CLASSIFICATIONS OF WATER USERS EFFECTIVE JANUARY 1, 2024

The following classifications of users are hereby adopted by the City for the City water system effective January 1, 2024, and thereafter.

- a. Single Family. "Single Family" shall mean a residential structure or dwelling as defined in the City of Mercer Island Zoning Code, capable of being conveyed by separate title, served by a single domestic water meter. Provided, that where prior to December 1, 1980, more than one single family dwelling was served through a single common water meter, such service shall be allowed to continue under the "Single Family" classification until such time as the property or properties are subdivided into separate parcels, or when a higher demand for water service, as determined by the City, is required by a change in use or zoning.
- b. Low Income. "Low Income" shall mean a person who shows satisfactory proof that he or she is living in a single family residence and has a maximum annual income of not more than seventy percent (70%) of the Washington State median income as applicable for the number of individuals in the household as computed annually by the State or City. Applicants shall provide such data as to verify eligibility, upon forms provided by and in the manner determined by the City of Mercer Island.
- c. Multi-Family. "Multi-Family" shall mean a residential structure or facility designed and/or used to house two or more families living independently of each other, including but not limited to, duplexes, triplexes, apartment buildings and condominiums, but shall not include hotels and motels.
- d. Commercial. "Commercial" shall mean a structure or facility designed and/or used to conduct business and commerce, including but not limited to, motels, hotels, professional, private schools, industrial, churches and all other commercial/business users.
- e. Public. "Public" shall mean structures and facilities used by governmental entities including the state, county, City of Mercer Island, and other municipal corporations of the state and public schools of the Mercer Island School District.
- f. Irrigation. "Irrigation" shall mean all meters used for the purpose of watering shrubbery, lawns, flower beds, gardens, ornamentals and the like.

2. WATER SERVICE RATES AND CHARGES

The bi-monthly rates for metered water supplied by the City of Mercer Island for each one hundred (100) cubic feet of water consumed are set forth below:

Residential Bimonthly Water Rates					
	Fixed Charge	Volume Charge			
Class	Per Meter Equivalent*	Block 1	Block 2	Block 3	Block 4
		(0–10 ccf)	(11–20 ccf)	(21–30 ccf)	(31+ ccf)
Single Family Residential	\$47.63	\$5.66	\$9.57	\$11.49	\$15.45
Low-Income Residential	\$47.63	\$1.42	\$2.39	\$2.87	\$3.86
Conservation Surcharge**				\$0.10	\$0.30
	Fixed Charge	Volume Charge			
Class	Per Meter Equivalent*	All Use (0–99+ ccf)			
Multi-Family Residential	\$47.63	\$8.39			

* Meter Equivalents are summarized in a following table. The total meter equivalent charge is based on the meter size and is calculated by multiplying the meter equivalents by the per meter equivalent rate.

** A surcharge of \$0.10 per ccf for single family residential bimonthly usage between and including 21 and 30 ccf, and \$0.30 per ccf for bimonthly usage in excess of 30 ccf, shall be included in the rates as an incentive to conserve and may be used to fund conservation education. This surcharge shall apply on consumption of water from June 1 through September 30.

Non-Residential Bimonthly Water Rates			
	Fixed Charge	Volume Charge	
Class	Per Meter Equivalent*	Winter** (All Usage)	Summer** (All Usage)
Commercial/Public	\$47.63	\$5.21	\$12.94
Irrigation	\$47.63	\$7.79	\$16.37

* Meter Equivalents are summarized in a following table. The total meter equivalent charge is based on the meter size and is calculated by multiplying the meter equivalents by the per meter equivalent rate.

** Seasons: Summer is June 1 through September 30; October 1 through May 31 is winter.

Table of Meter Equivalents and Fixed Charges		
Meter Size	Meter Equivalent	Fixed Charge
3/4 inch or Smaller	1.0	\$47.63
1 inch	2.5	\$119.08
1 - 1/2 inch	5.0	\$238.15
2 inch	8.0	\$381.04
3 inch	16.0	\$762.08
4 inch	25.0	\$1,190.75
6 inch	50.0	\$2,381.50

3. FIRE SERVICE RATES

There is hereby established a schedule of rates for fire service which are the minimum monthly service charges for fire protection purposes exclusively for any two months, or fractional part thereof, as follows:

Service Connection	Rate
2 inch	\$44.71
3 inch	\$44.71
4 inch	\$56.45
5 inch	\$56.45
8 inch	\$80.04

4. RATES FOR UNAUTHORIZED USE

Water taken through unauthorized connections to the City water system shall be charged at double the rates set forth above based on the applicable "Classification of User" from the date of the commencement of such unauthorized use.

5. SPECIAL SERVICE CHARGES

There is hereby established a schedule of service charges to recover operating costs incurred in establishing new accounts, changes in occupancy, special service requests by customers, delinquent account collections and processing of NSF checks as follows:

Service Charge	Fee
New water set-up fee (meter reading)	\$40.00
Water shut-off, requested by user, during normal working hours	\$30.00
Water shut-off, requested by user, after hours	\$170.00
Non-payment door hanger notification (each occurrence)	\$25.00
Non-payment water turn on/turn off, normal working hours	\$80.00
Non-payment water turn on/turn off, after hours	\$195.00
Locked water meter due to theft	\$250.00
Non-sufficient funds (check handling fee)	\$40.00

6. METER INSTALLATION CHARGES

There is hereby established a schedule of meter installation charges for connection of new meters to the City water system, and for changes to water service where the previous type of use has been changed or increased as follows: For meters of all sizes, the charge will be based on the actual cost of installation. A deposit is required, based on the estimated cost, and is collected at the time of permitting the work.

7. CONNECTION CHARGES

There is hereby established a schedule of connection charges for the installation of water service to property not previously served or for the installation of water service for an additional type of use and/or increase in meter size as follows:

Meter Size	Connection Charge
3/4 inch or smaller	\$3,106
1 inch	\$7,765
1 – 1/2 inch	\$15,530
2 inch	\$24,848
3 inch	\$49,696
4 inch	\$77,650
6 inch	\$155,300

Connection charges are studied periodically and adjusted for inflation in years between studies. The inflation factor applied is CPI-W First Half for Seattle-Tacoma-Bellevue.

For meter upsizes, the difference in the connection charge between the new meter size and the old meter size will be charged.

The provisions of this section shall not be construed to apply to additional water service for fire protection purposes.

B. SEWER SERVICES

(Resolution No. 1656, Effective January 1, 2024)

1. CLASSIFICATIONS OF SEWER USERS EFFECTIVE JANUARY 1, 2024

The following classifications of users are hereby adopted by the City for the City sewer system effective January 1, 2024, and thereafter.

- a. Single Family. "Single Family" shall mean a residential structure or dwelling as defined in the City of Mercer Island Zoning Code, capable of being conveyed by separate title, served by a single domestic water meter.
- b. Low Income. "Low Income" shall mean a person who shows satisfactory proof that he or she is living in a single-family residence and has a maximum annual income of not more than seventy percent (70%) of the Washington State median income as applicable for the number of individuals in the household as computed annually by the State or City. Applicants shall provide such data as to verify eligibility, upon forms provided by and in the manner determined by the City of Mercer Island.
- c. Multi-Family. "Multi-Family" shall mean a residential structure or facility designed and/or used to house two or more families living independently of each other, including but not limited to, duplexes, triplexes, apartment buildings and condominiums, but shall not include hotels and motels.
- d. Commercial. "Commercial" shall mean a structure or facility designed and/or used to conduct business and commerce, including but not limited to, motels, hotels, professional, private schools, industrial, churches and all other commercial/business users.
- e. Public. "Public" shall mean structures and facilities used by governmental entities including the state, county, City of Mercer Island, and other municipal corporations of the state and public schools of the Mercer Island School District.

2. SEWERAGE DISPOSAL SERVICES RATES

The bi-monthly rates and charges for sewerage disposal services are set forth below:

Single Family Bimonthly Sewer Rates				
Class	King County Fixed Charge	City Sewer Line Maintenance		
	King County Sewage Treatment	Fixed Charges		Volume Charge
		Billing Cost	Base Charge (for first 600 cf of AVERAGE Winter Water Use)	Per 100 cf of AVERAGE Winter Water Use beyond first 600 cf
Single Family Residential	\$110.22	\$11.17	\$57.24	\$9.54
Low-Income Residential	\$110.22	\$11.17	\$14.34	\$2.39

Average winter water usage is based on the most current 4 months of winter water usage data available in the billing system. Calculation of the winter water average is based on usage as shown on the January and March bills or February and April bills depending on the billing/reading cycle. Calculation of sewer charges using the winter average is in effect for the following 12 months, until the next winter's water consumption data is available.

In the case of single family property, where there is no method of accurately calculating the average winter water usage because no water was used during the winter months, or any part thereof, or because the property is not connected to the sanitary sewer system, or for any other reason approved by the Deputy Finance Director or the Finance Director, the sewer volume charge herein will be the Island-wide bi-monthly average winter water use.

Newly constructed single family properties shall be charged a sewer volume charge based on the per unit Island-wide average water usage for single family properties. Newly constructed multi-family and commercial properties shall be charged a sewer volume charge based on their actual water usage.

The King County rate for multi-family and commercial is derived by dividing King County's monthly rate (\$55.11) by King County's residential customer equivalency usage value of 750 cubic feet. The bi-monthly rates and charges for multi-family and commercial sewerage disposal services are set forth below:

Multi-Family and Commercial Bimonthly Sewer Rates			
	King County	City Sewer Line Maintenance	
Class	Sewage Treatment (Per 100 cf of ACTUAL Water Use)	Billing Cost	Volume Charge Per 100 cf of ACTUAL Water Use
Multi-Family Residential	\$7.35	\$11.17	\$9.54
Commercial / Public	\$7.35	\$11.17	\$9.54

3. SEWER CONNECTION CHARGES

Connection charges are studied periodically and adjusted for inflation in years between studies. The inflation factor applied is CPI-W First Half for Seattle-Tacoma-Bellevue.

All connection charges shall be due and payable at the time the connection service is requested and shall be delinquent if unpaid at the time the connection service is actually made. In the event of delinquency, the connection charges shall be double the amount set forth above.

Connection Charges	
All Classifications of Users	\$2,722 per King County residential customer equivalent (RCE)

C. STORM AND SURFACE WATER SERVICES

(Resolution No. 1656, Effective January 1, 2024)

1. CLASSIFICATIONS OF STORM AND SURFACE WATER USERS

The following classifications of users are hereby adopted by the City for the City storm and surface water system effective January 1, 2024, and thereafter.

- a. Single Family. "Single Family" shall mean a residential structure or dwelling as defined in the City of Mercer Island Zoning Code, capable of being conveyed by separate title, served by a single domestic water meter.
- b. Low Income. "Low Income" shall mean a person who shows satisfactory proof that he or she is living in a single-family residence and has a maximum annual income of not more than seventy percent (70%) of the Washington State median income as applicable for the number of individuals in the household as computed annually by the State or City. Applicants shall provide such data as to verify eligibility, upon forms provided by and in the manner determined by the City of Mercer Island.
- c. Multi-Family. "Multi-Family" shall mean a residential structure or facility designed and/or used to house two or more families living independently of each other, including but not limited to, duplexes, triplexes, apartment buildings and condominiums, but shall not include hotels and motels.
- d. Commercial. "Commercial" shall mean a structure or facility designed and/or used to conduct business and commerce, including but not limited to, motels, hotels, professional, private schools, industrial, churches and all other commercial/business users.
- e. Public. "Public" shall mean structures and facilities used by governmental entities including the state, county, City of Mercer Island, and other municipal corporations of the state and public schools of the Mercer Island School District.

2. STORM AND SURFACE WATER SERVICES RATES

The bi-monthly rates (per equivalent service unit) for storm and surface water services are set forth below:

Bi-monthly Storm and Surface Water Rates	
Classification of User	Rate
Single Family Residential	\$46.43
Low Income Residential	\$11.61
Multi-Family Residential*	\$46.43
Commercial/Public*	\$46.43

* For Multi-Family Residential, Commercial or Public property in the City, the number of equivalent service units is determined by dividing the total square feet of impervious surface for each account (which includes roof tops, pavement, and trafficked gravel) by the average square footage of impervious surface for single family residential accounts (3,471 square feet is the average).

D. EMERGENCY MEDICAL AND AMBULANCE SERVICES (EMS)

(Resolution No. 1656, Effective January 1, 2024)

1. CLASSIFICATIONS OF EMERGENCY MEDICAL AND AMBULANCE SERVICES USERS

The following classifications of users are hereby adopted by the City for emergency medical and ambulance services effective January 1, 2024, and thereafter.

- a. Single Family. "Single Family" shall mean a residential structure or dwelling as defined in the City of Mercer Island Zoning Code, capable of being conveyed by separate title, served by a single domestic water meter.
- b. Low Income. "Low Income" shall mean a person who shows satisfactory proof that he or she is living in a single-family residence and has a maximum annual income of not more than seventy percent (70%) of the Washington State median income as applicable for the number of individuals in the household as computed annually by the State or City. Applicants shall provide such data as to verify eligibility, upon forms provided by and in the manner determined by the City of Mercer Island.
- c. Multi-Family. "Multi-Family" shall mean a residential structure or facility designed and/or used to house two or more families living independently of each other, including but not limited to, duplexes, triplexes, apartment buildings and condominiums, but shall not include hotels and motels.
- d. Commercial. "Commercial" shall mean a structure or facility designed and/or used to conduct business and commerce, including but not limited to, motels, hotels, professional, private schools, industrial, churches and all other commercial/business users.
- e. Public. "Public" shall mean structures and facilities used by governmental entities including the state, county, City of Mercer Island, and other municipal corporations of the state and public schools of the Mercer Island School District.
- f. Residential Board & Care and 24-Hour Care. "Residential Board & Care" or "24-Hour Care" users are based on the fire property classification.

2. EMS RATES

The bi-monthly services fees per equivalent service unit (ESU) for emergency medical and ambulance services are set forth below:

Customer Class	ESU	Bi-Monthly
Single Family Residential	1	\$11.54
Multi-Family Residential	Per # of Equivalent Living Units (# of Apartment or Condos)	\$11.54
Commercial	1	\$11.54
Public	1	\$11.54
Residential Board & Care	Per # of Equivalent Living Units (# of available beds)	\$11.54
24-Hour Nursing	Per # of Equivalent Living Units (# of available beds)	\$11.54

11. MISCELLANEOUS FEES

AMBULANCE TRANSPORT (Resolution No. 1599)	\$1,098.14 + \$18.08/mile
CABLE TV FRANCHISE FEE (Ordinance No. 05-07 [Section 7.01])	5% of Gross Revenue
CABLE TV FRANCHISE FEE – PENALTY (Ordinance No. 05-07 [Section 7.01])	12% Interest Rate per Annum
DISHONORED (NSF) CHECK CHARGE (MICC 4.10.120(F))	\$40.00
TRANSPORTATION BENEFIT DISTRICT VEHICLE LICENSE FEE (MICC 3.26.050 & MITBD Ord No. 1)	\$20.00

APPENDIX A

2024 MERCER ISLAND BUILDING VALUATION DATA TABLE

The unit costs below are intended to provide guidance in determining project valuations as set forth in Mercer Island City Code Chapter 17.14.010, Section 109.4 and shall include architectural, structural, electrical, plumbing, and mechanical work, except as specifically listed below. The unit costs also include the contractor's profit, which should not be omitted.

Project valuations provided by the permit applicant will be validated against this table. To use this table to calculate the valuation for residential construction, multiply the cost per square foot for dwellings (Item 8) by the floor area; include private garages (Item 18) and porches (Item 7). If air conditioning or fire sprinkler systems (Equipment) will be installed, include the valuation for these systems.

Occupancy & Type / Building Valuation per Square Foot

1. APARTMENT HOUSES	
Type I or II F.R.*	\$160.60
(Good)	\$197.82
Type V—Masonry (or Type III)	\$130.99
(Good)	\$160.60
Type V—Wood Frame	\$115.48
(Good)	\$148.47
Type I—Basement Garage	\$67.82
2. AUDITORIUMS	
Type I or II F.R.	\$189.79
Type II—1-Hour	\$137.48
Type II—N	\$130.00
Type III—1-Hour	\$144.38
Type III—N	\$137.19
Type V—1-Hour	\$138.04
Type V—N	\$129.02
3. BANKS	
Type I or II F.R.*	\$268.18
Type II—1-Hour	\$197.68
Type II—N	\$191.20
Type III—1-Hour	\$218.13
Type III—N	\$210.23
Type V—1-Hour	\$197.68
Type V—N	\$189.22

4. BOWLING ALLEYS	
Type II—1-Hour	\$92.50
Type II—N	\$86.15
Type III—1-Hour	\$100.53
Type III—N	\$93.91
Type V—1-Hour	\$67.82
5. CHURCHES	
Type I or II F.R.	\$179.63
Type II—1-Hour	\$134.94
Type II—N	\$128.17
Type III—1-Hour	\$146.78
Type III—N	\$140.15
Type V—1-Hour	\$137.19
Type V—N	\$129.02
6. CONVALESCENT HOSPITALS	
Type I or II F.R.*	\$252.11
Type II—1-Hour	\$174.84
Type III—1-Hour	\$179.21
Type V—1-Hour	\$169.06
7. DECKS AND PORCHES	
Decks and Porches	\$43.99

8. DWELLINGS	
Type V—Masonry	
(Good)	\$209.91
(Very Good)	\$268.22
(Very Good - Custom)	\$326.52
(Luxury)	\$443.14
Type V—Wood Frame	
(Good)	\$209.91
(Very Good)	\$268.22
(Very Good - Custom)	\$326.52
(Luxury)	\$443.14
Semi-Finished	
(Average)	\$36.38
(Good)	\$42.02
Basements— Unfinished	
(Average)	\$26.37
(Good)	\$32.15
9. FIRE STATIONS	
Type I or II F.R.	\$207.13
Type II—1-Hour	\$136.21
Type II—N	\$128.59
Type III—1-Hour	\$149.18
Type III—N	\$142.83
Type V—1-Hour	\$140.01
Type V—N	\$132.68
10. HOMES FOR THE ELDERLY	
Type I or II F.R.	\$187.81
Type II—1-Hour	\$152.42
Type II—N	\$145.94
Type III—1-Hour	\$158.77
Type III—N	\$152.28
Type V—1-Hour	\$153.27
Type V—N	\$148.05
11. HOSPITALS	
Type I or II F.R.*	\$295.54
Type III—1-Hour	\$244.49
Type V—1-Hour	\$233.36

12. HOTELS AND MOTELS	
Type I or II F.R.*	\$182.88
Type III—1-Hour	\$158.34
Type III—N	\$151.01
Type V—1-Hour	\$137.90
Type V—N	\$135.22
13. INDUSTRIAL PLANTS	
Type I or II F.R.	\$103.07
Type II—1-Hour	\$71.77
Type II—N	\$65.85
Type III—1-Hour	\$78.96
Type III—N	\$74.45
Tilt-up	\$54.29
Type V—1-Hour	\$74.45
Type V—N	\$68.10
14. JAILS	
Type I or II F.R.	\$288.06
Type III—1-Hour	\$263.39
Type V—1-Hour	\$197.68
15. LIBRARIES	
Type I or II F.R.	\$210.80
Type II—1-Hour	\$154.25
Type II—N	\$146.78
Type III—1-Hour	\$162.86
Type III—N	\$154.68
Type V—1-Hour	\$152.99
Type V—N	\$146.78
16. MEDICAL OFFICES	
Type I or II F.R.*	\$216.44
Type II—1-Hour	\$166.80
Type II—N	\$158.63
Type III—1-Hour	\$181.04
Type III—N	\$168.50
Type V—1-Hour	\$163.28
Type V—N	\$157.64

17. OFFICES**	
Type I or II F.R.*	\$193.45
Type II—1-Hour	\$129.44
Type II—N	\$123.23
Type III—1-Hour	\$139.59
Type III—N	\$133.67
Type V—1-Hour	\$130.85
Type V—N	\$123.23
18. PRIVATE GARAGES	
Wood Frame	\$43.99
Masonry	\$49.49
Open Carports	\$30.03
19. PUBLIC BUILDINGS	
Type I or II F.R.*	\$223.49
Type II—1-Hour	\$181.04
Type II—N	\$173.15
Type III—1-Hour	\$187.95
Type III—N	\$181.47
Type V—1-Hour	\$171.88
Type V—N	\$165.96
20. PUBLIC GARAGES	
Type I or II F.R.*	\$88.55
Type I or II Open Parking*	\$66.41
Type II—N	\$50.62
Type III—1-Hour	\$66.83
Type III—N	\$59.64
Type V—1-Hour	\$61.05
21. RESTAURANTS	
Type III—1-Hour	\$176.25
Type III—N	\$170.47
Type V—1-Hour	\$161.45
Type V—N	\$155.24
22. SCHOOLS	
Type I or II F.R.	\$201.35
Type II—1-Hour	\$137.48
Type III—1-Hour	\$147.06
Type III—N	\$141.42
Type V—1-Hour	\$137.76
Type V—N	\$131.41

23. SERVICE STATIONS	
Type II—N	\$121.68
Type III—1-Hour	\$126.90
Type V—1-Hour	\$108.15
Canopies	\$50.62
24. STORES	
Type I or II F.R.*	\$149.18
Type II—1-Hour	\$91.23
Type II—N	\$89.39
Type III—1-Hour	\$110.83
Type III—N	\$104.06
Type V—1-Hour	\$93.48
Type V—N	\$86.29
25. THEATERS	
Type I or II F.R.	\$198.81
Type III—1-Hour	\$144.81
Type III—N	\$137.90
Type V—1-Hour	\$136.21
Type V—N	\$129.02
26. WAREHOUSES***	
Type I or II F.R.	\$89.54
Type II or V—1-Hour	\$53.02
Type II or V—N	\$49.63
Type III—1-Hour	\$60.07
Type III—N	\$57.25
EQUIPMENT	
AIR CONDITIONING:	
Commercial	\$7.61
Residential	\$6.49
SPRINKLER SYSTEMS	\$4.65

*Add 0.5% to total cost for each story over three.

**Deduct 20 % for shell-only buildings.

***Deduct 11% for mini warehouses

This building valuation information is intended for informational use only and cannot be used as a substitute for the Mercer Island City Code.



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 3690
December 5, 2023
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 6390: 2022 Community Member of the Year, Proclamation No. 321	<input type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Approve Proclamation No. 321 proclaiming Lola Deane as the 2022 Community Member of the Year.	

DEPARTMENT:	City Council
STAFF:	Salim Nice, Mayor Andrea Larson, City Clerk
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Proclamation No. 321
CITY COUNCIL PRIORITY:	n/a

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

EXECUTIVE SUMMARY

The purpose of this agenda bill is to proclaim Lola Deane as the 2022 Community Member of the Year (see Exhibit 1).

BACKGROUND

The Community Member of the Year is an annual tradition of the Mercer Island City Council to recognize an individual or group ("honoree") for their contributions to making the Mercer Island community a great place to live and work.

The honoree is selected based on the following criteria:

- Significant service accomplishments within the past year
- The quality, scale, and duration of the benefits to the community resulting from the accomplishments
- The amount of time and energy devoted to the community beyond the scope of normal responsibilities
- The nature of the challenges faced and overcome by the honoree

The extent of previous recognition received by the honoree (e.g., the nominee is an "unsung hero").

ISSUE/DISCUSSION

At the May 23, 2023 City Council Mid-Year Planning Session, the City Council selected Lola Deane as the 2022 Community Member of the Year.

Lola has long been involved in the Mercer Island community; she was a Mercer Island resident from 1957-1985. During that time, she was the original owner of Island Books, she helped found the Mercer Island Community Fund, she helped launch Mercer Island Youth and Family Services, and with her husband was active in the development of Dragon Park, which was later renamed Deane's Children's Park. Lola returned to Mercer Island in 2019. Having a lifelong passion for volunteering she now volunteers for the Mercer Island Thrift Shop three days a week.

Lola will be honored at the December 5, 2023 City Council meeting as the 2022 Community Member of the year (see Proclamation No. 321 – Exhibit 1) and presented with a plaque from the Council.

The past recipients of the Community Member of the Year award are listed on the City's website at www.mercerisland.gov/CommunityMember.

RECOMMENDED ACTION

Approve Proclamation No. 321 proclaiming Lola Deane as the 2022 Community Member of the Year.



City of Mercer Island, Washington

Proclamation

WHEREAS, in 1990, the City Council began recognizing outstanding contributions of Mercer Island community members and the City has continued this tradition for more than 30 years.

At the May 23, 2023, City Council Mid-Year Planning Session, the City Council selected Lola Deane as the 2022 Community Member of the Year for her contributions to the Mercer Island community.

Lola Deane has a long history of community involvement on Mercer Island.

Lola was active in the development of Dragon Park, which was later renamed Deane's Children's Park.

Lola helped found the Mercer Island Community Fund and was active in the launch of Mercer Island Youth and Family Services, and other youth and civic activities.

Lola continues to give back to the Mercer Island Community by volunteering three days a week at the Mercer Island Thrift Shop helping with books.

Through Lola's lifelong passion for volunteering and contributions, her impact to the Mercer Island community is deep and lasting.

NOW, THEREFORE, I, Salim Nice, Mayor of the City of Mercer Island, do hereby proclaim Lola Deane as the

2022 COMMUNITY MEMBER OF THE YEAR

APPROVED, this 5th day of December 2023

Mayor Salim Nice

Proclamation No. 321



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6383
December 5, 2023
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 6383: 2023-2024 Mid-Biennial Budget Amendments	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Adopt Ordinance No. 23-20 to amend the 2023-2024 biennial budget.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

DEPARTMENT:	Finance
STAFF:	Matthew Mornick, Finance Director
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 23-20, 2023-2024 Mid-biennial Budget Amendments
CITY COUNCIL PRIORITY:	4. Focus efforts and actions to be an environmentally and fiscally sustainable, connected, and diverse community.

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

EXECUTIVE SUMMARY

The agenda bill outlines changes to the 2023-2024 biennial budget resulting from prior City Council decisions and feedback received during the mid-biennial budget review (Exhibit 1).

BACKGROUND

Per State law, the City Council is required to conduct a mid-biennial review of the City's adopted budget before the end of the first year of the fiscal biennium (RCW 35.34.130). The mid-biennial budget process commenced on October 17, 2023 ([AB 6357](#)) when staff presented revenue projections for the General Fund, the Youth and Family Services (YFS) Fund, and real estate excise tax (REET) revenues.

At the November 7, 2023 City Council meeting, staff shared background on upcoming investments for the City's water distribution system, the financing strategy to use bond proceeds to help pay for these capital investments, and how declaring the intent to seek reimbursement creates a more favorable timeframe to spend bond proceeds ([AB 6370](#)).

The City Council received the third quarter financial status update on November 21, 2023 and adopted the 2024 property tax levy ordinances, [Resolution No. 1652](#) designating the City Manager as the official

responsible for issuing statements of official intent, and [Resolution No. 1653](#) approving the City's 2024 budget allocation for Northeast King County Regional Public Safety Communication Agency's (NORCOM).

The City Council also reviewed and provided direction to include the following mid-biennial budget adjustments in the budget amendment ordinance for adoption on December 5, 2023, as follows:

- Reducing City Hall-related capital projects in the amount of \$1.16 million.
- Appropriating \$300,000 for long-range facility planning.
- Appropriating \$300,000 for Police support facilities.
- Appropriating \$100,000 for public records management.
- Appropriating \$317,928 for WCIA liability insurance.
- Creating a new Municipal Facility Replacement Fund with a funding target of \$10 million.
- Authorizing the transfer of \$579,808 of interest earnings from the General Fund to establish the new Municipal Facility Replacement Fund.
- Appropriating Mercer Island's share of Opioid settlement funds to Mercer Island's Healthy Youth Initiative program.

Ordinance No. 23-20 (Exhibit 1) also includes budget adjustments resulting from the Interlocal Agreement for Fire and Emergency Medical Services with Eastside Fire & Rescue ([AB 6307](#)) and the Memorandum of Understanding with IAFF Local 1762 related to the regionalization of Fire and Emergency Medical Services ([AB 6312](#)).

RECOMMENDED ACTION

Adopt Ordinance No. 23-20, amending the 2023-2024 Biennial Budget.

**CITY OF MERCER ISLAND
ORDINANCE NO. 23-20**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
INCORPORATING CERTAIN BUDGET REVISIONS TO THE 2023-2024
BIENNIAL BUDGET AND AMENDING ORDINANCE NO 22-23, 23-05, 23-06
AND 23-12**

(BUDGET AMENDMENT NO. 4)

WHEREAS, the City Council adopted the 2023-2024 Budget by Ordinance No. 22-23 on December 6, 2022, representing the total for the biennium of estimated resources and expenditures for each of the separate funds of the City; and

WHEREAS, budget adjustments are needed that have been previously approved by the City Council, as noted in the following table;

Fund	Department	Description	Agenda Bill	Budget Year	Expenditure Adjustment	Revenue Adj / Funding Source
General	Fire	Transition and impact bargaining costs	AB 6307	2023	\$ 486,921	Unappropriated Fund Balance
				2024	\$ 717,903	
	Non-Departmental	Liability insurance premium increase	AB 6377	2024	\$ 317,928	
	Non-Departmental	Interfund transfer to move opioid settlement restricted dollars to YFS Fund	AB 6377	2023	\$ 42,447	Opioid settlement revenue
	Non-Departmental	Interfund transfer to establish new Municipal Facility Replacement Fund	AB 6377	2023	\$ 579,808	Interest earnings
Youth & Family Services	YFS	Continuation of second Counselor at Islander Middle School	AB 6337	2024	\$ 100,000	MIYFS Foundation support
	YFS	Health Youth Initiative program	AB 6377	2024	\$ 42,447	Transfer from General Fund - Opioid Settlement

Continued:

Fund	Department	Description	Agenda Bill	Budget Year	Expenditure Adjustment	Revenue Adj / Funding Source
ARPA	Municipal Court	Facility lease with the City of Newcastle	AB 6362	2023	\$ 163,000	ARPA SLFR Revenue
	Non-Departmental	AV upgrades for MICEC Slater room for public meetings	AB 6335	2023	\$ 82,000	
	Non-Departmental	Public records 1.0 LTE support	AB 6377	2024	\$ 100,000	
	Police	Police support facilities	AB 6377	2024	\$ 300,000	
	Public Works	Eliminate project budget for City Hall safety improvements	AB 6377	2023	\$ (250,000)	
	Public Works	Interfund transfer to CIP Fund for facility capital program.	AB 6377	2023	\$ (760,000)	ARPA transfer to CIP Fund
				2024	\$ 150,000	
Capital Improvement	Public Works	Reduce capital program budget due to closure of City Hall	AB 6377	2023	\$ (760,000)	Transfer from ARPA Fund
				2024	\$ (150,000)	
	Public Works	Facilities planning	AB 6377	2024	\$ 300,000	
	Fire	Annual capital facilities charge per ILA with Eastside Fire & Rescue	AB6307	2024	\$ 30,000	Unappropriated Fund Balance

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

Section 1. Amending the 2023-2024 Budget

The 2023-2024 Budget for the City of Mercer Island, as adopted in Ordinance No. 22-23 and amended by Ordinances 23-05, 23-06 and 23-12 is hereby amended to incorporate increases in resources and expenditures in the following funds for the 2023-2024 biennium:

Fund	Fund Name	Resources	Expenditures
001	General Fund	\$ 2,145,007	\$ 2,145,007
160	Youth & Family Services	\$ 142,447	\$ 142,447
170	ARPA Fund	\$ (215,000)	\$ (215,000)
343	Capital Improvement	\$ (580,000)	\$ (580,000)
Total		\$ 1,492,454	\$ 1,492,454

Section 2. Amending Previously Adopted Budget Ordinances

City Ordinance 22-23, 23-05, 23-06 and 23-12, as previously adopted and as hereby amended, is hereby ratified, confirmed, and continued in full force and effect.

Section 3. Effective Date

This Ordinance shall take effect and be in force 5 days after passage and publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS MEETING ON THE 5TH DAY OF DECEMBER 2023.

CITY OF MERCER ISLAND

Salim Nice, Mayor

ATTEST:

Andrea Larson, City Clerk

APPROVED AS TO FORM:

Bio Park, City Attorney

Date of Publication: _____



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6389
December 5, 2023
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 6389: Review Proposed Amendment No. 18 – Land Use Map Amendment and Rezone of the Stroum Jewish Community Center (SJCC) Property for 2024 Docket (Including Public Comment Period on Proposed Amendment No. 18).	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution
RECOMMENDED ACTION:	Consider approval of Resolution No. 1657 regarding Proposed Amendment No. 18's inclusion on the 2024 docket.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Community Planning and Development Director Alison Van Gorp, Community Planning and Development Deputy Director
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Planning Commission Staff Memo, dated November 15, 2023 2. Planning Commission Recommendation 3. Resolution No. 1657 – Options (A), (B) and (C)
CITY COUNCIL PRIORITY:	n/a

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

EXECUTIVE SUMMARY

The purpose of this agenda bill is to make a determination on whether to add Proposed Amendment No. 18 to the docket of proposed Comprehensive Plan and development code amendments for 2024. The docket is the City's process for soliciting proposals for Comprehensive Plan and development code amendments each year.

- The public had the opportunity to submit docket proposals during the month of September.
- The SJCC submitted a proposal (Proposed Amendment No. 18) to redesignate and rezone the SJCC property to Commercial-Office.
- The Planning Commission reviewed Proposed Amendment No. 18 and recommended it be included on the 2024 docket.
- The City Council will consider the City's capacity to review docketed items in the coming year, among other criteria, in deciding on which, if any, proposals are placed on the docket.

- Items placed on the 2024 docket will be added to the Community Planning and Development (CPD) work program for legislative review and consideration by staff, the Planning Commission, and the City Council.
- Proposed Amendment No. 18 is a request for a site-specific rezone. Washington Courts have held that site-specific rezones are quasi-judicial.

BACKGROUND

The City provides an annual opportunity to propose amendments to the Comprehensive Plan and development regulations. Amendment proposals are invited each year during the month of September as described in [MICC 19.15.230\(D\)\(1\)](#). The proposed amendments are compiled, along with the City's proposed amendments, into a docket. The docket is preliminarily reviewed by the Planning Commission and City Council for a determination on which, if any, proposed amendments will be advanced for full review in the coming year. Amendments selected by the City Council for the 2024 docket are then added to the Community Planning and Development work program, typically for the next calendar year, or when time and resources permit.

Docketing Process

Public notice of the opportunity to submit docket requests was provided in the permit bulletin and on the City website between August 7, 2023 and September 6, 2023, as well as on August 9 and September 6, 2023 in the Mercer Island Reporter. Only Proposed Amendment No. 18 will be considered as a part of this agenda bill given its quasi-judicial nature. The docket application submitted by the SJCC for Proposed Amendment No. 18 is included in Exhibit 1.

Docketing Criteria

The City Council's role in the docketing process is described as follows in [MICC 19.15.230\(D\)\(1\)\(d\)](#):

"The city council shall review the preliminary docket at a public meeting. By December 31, the city council shall establish the final docket based on the criteria in subsection E of this section. Once approved, the final docket defines the work plan and resource needs for the following year's comprehensive plan and code amendments."

The [MICC 19.15.230\(E\)](#) provides that Comprehensive Plan and code amendments shall only be placed on the final docket if the proposed amendment will meet the specified criteria:

"E. Docketing Criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

- 1. The request has been filed in a timely manner, and either:*
 - a. State law requires, or a decision of a court or administrative agency has directed, such a change; or*
 - b. All of the following criteria are met:*
 - i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;*
 - ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;*
 - iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;*
 - iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and*

- v. *The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment."*

Planning Commission Review & Recommendation

On [November 15](#), 2023, the Planning Commission reviewed Proposed Amendment No. 18. Proposed Amendment No. 18 is quasi-judicial in nature (i.e., it pertains to rezoning a specific property), and was reviewed separately from the other docket proposals, utilizing special procedures required for quasi-judicial proceedings. These procedures included: taking the item separately, holding a public comment period separate from general public appearances, and asking the commissioners to limit their consideration of this matter to the information that was on the record and included in the agenda packet or provided during the public meeting. This process was intended to create a separate and distinct record for this matter so that the Planning Commission could consider the proposal in a fair and unbiased fashion. The public record included the staff memo dated November 15, 2023, including docket request form submitted by the SJCC (Exhibit 1). Over [300 written public comments](#) were also entered into the record in advance of the November 15, 2023 public meeting.

The review procedures also included asking each commissioner to respond to a series of questions related to the Appearance of Fairness. No commissioners identified any potential bias or conflict worthy of recusing themselves from this proceeding and all affirmed they could adjudge the proposal in a fair and unbiased manner. Commissioners [Battazzo](#) and [Raisys](#) provided written statements to disclose potential appearances of conflict under the City's Code of Ethics. The public was provided with an opportunity to raise challenges to the participation of any Commissioner; none were raised.

The Planning Commission was directed to make their recommendation based solely upon the information in the record and the docketing criteria in MICC 19.15.230(E). After considerable discussion and deliberation, the Planning Commission made a motion related to each of the docketing criteria. The Planning Commission found that all the docketing criteria were satisfied (see Exhibit 2). The Commission voted 6-0-1 vote (Raisys abstaining) to recommend that the City Council include Proposed Amendment No. 18 in the 2024 docket.

ISSUE/DISCUSSION

The threshold question for the City Council is whether Proposed Amendment No. 18 should be placed on the 2024 docket. The Proposal should be reviewed based solely upon the information in the public record and the criteria in MICC 19.15.230(E), provided above. If all the criteria are met, Proposed Amendment No. 18 will be added to the 2024 docket. Otherwise, it will not. The public record includes the following:

- Planning Commission [agenda packet](#) for November 15, 2023, including the [staff report](#), the [docket request](#) submitted by the SJCC, and the disclosures submitted by Commissioners [Battazzo](#) and [Raisys](#),
- The [minutes](#) and [video recording](#) of the Planning Commission November 15, 2023 public meeting,
- All of the public comments pertaining to this Proposal received both prior to the November 15 Planning Commission meeting and those received since (available on the [Let's Talk Annual Docket](#) page, see the Document Library, comments received through December 5 at 5pm will be added to Let's Talk), and
- The recommendation of the Planning Commission to the City Council (Exhibit 2).

After deliberations, the City Council should approve Resolution No. 1657 memorializing its decision (Exhibit 3). Three alternatives for Resolution No. 1657 have been provided to Council:

- A. Adopting the Planning Commission recommendation and its findings; or
- B. Not adding Proposed Amendment No. 18 on the 2024 docket and making findings in support of the decision; or
- C. Adding Proposed Amendment No. 18 to the 2024 docket with findings different from those of the Planning Commission in support of the decision.

Related to docketing criterion 19.15.230(E)(1)(b)(ii), the City Council should carefully consider the City's capacity to review docketed items in the coming year, including the workload generated by the items placed on the docket for staff, the Planning Commission, and the City Council itself. Each item that is docketed requires substantial staff work, including research and analysis, preparation of staff reports, public notice, SEPA analysis and documentation, and notification to state agencies. In addition, the Planning Commission typically discusses each item 2-3 times at a minimum, including a work session, a public hearing, and deliberations/decision. Then, the City Council holds a minimum of two readings for each proposed amendment.

To better understand the legislative review process and typical timelines, see AB 6382, Exhibit 5 for a progress report on items proposed for the docket since 2020. In recent years, the City has often not completed legislative review of all the docketed items during the year in which they were docketed. Typically, one or more items have been carried over to the following year's work program.

The Planning Commission schedule includes 11 regularly scheduled meetings each year. Thus, there is a limit to the number of items that the Planning Commission can review in a year, based on simple time constraints. Additionally, the City Council should consider its capacity for review of recommended amendments, as well as the community's capacity to digest the proposals.

The 2024 CPD work program includes following items; anything added to the docket for 2024 will need to be scheduled for review around these existing items:

1. **Periodic Update of the Comprehensive Plan:** Work on the periodic update will continue through 2024, including significant work on the Parks Zone and Housing Element (due for completion by December 2024).
2. **Legislatively Mandated Residential Amendments (HB 1110, HB 1337):** The City must undertake several substantial code amendments to comply with recent housing-related legislation. The City will also undertake additional amendments related to the previously planned Residential Development Standards (RDS) code update. This work will begin as the periodic update of the Comprehensive Plan concludes in late 2024 and must be completed by June 30, 2025.

	2024				2025			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
1. Comprehensive Plan Periodic Update								
2. Residential Amendments (HB 1110, HB 1337)								



Planning Commission Review



City Council Review

NEXT STEPS

Once the 2024 docket is approved, staff will schedule each of the docketed items for Planning Commission and City Council legislative review in 2024 or beyond.

RECOMMENDED ACTION

City Council has three options for addressing this agenda item:

- 1) Adopt the findings, conclusions, and recommendation of the Planning Commission without edit. This option corresponds to Resolution Option (A) in the agenda packet.
- 2) Decline to place the proposal on the 2024 docket, adopting supporting findings and conclusions. This option corresponds to Resolution Option (B) in the agenda packet.
- 3) Place the proposal on the 2024 docket but adopting separate findings and conclusions than Planning Commission. This option corresponds to Resolution Option (C) in the agenda packet.



To: Planning Commission
From: Alison Van Gorp
Date: November 15, 2023
RE: 2024 Annual Docket – Proposed Amendment 18

EXECUTIVE SUMMARY

The City provides an annual opportunity for the public to propose amendments to the Comprehensive Plan and development regulations. The proposed amendments are compiled, along with the City's proposed amendments, on a docket. The docket is preliminarily reviewed by the Planning Commission and City Council for a determination on which, if any, proposed amendments will be advanced for full review in the coming year. Amendments selected by the City Council for the "final docket" are then put on the Community Planning and Development (CPD) work program, typically for the next calendar year or when time and resources permit. This memo outlines the process for evaluating Proposed Amendment 18, which was applied for by the Stroum Jewish Community Center and concerns redesignating/rezoning their property to Commercial Office.

BACKGROUND

Docket Process

The Mercer Island City Code (MICC) describes the formal process for soliciting and reviewing docket proposals in section 19.15.230 MICC:

"D. Docketing of Proposed Amendments. For purpose of this section, docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan in a manner that will ensure such suggested changes will be considered by the city and will be available for review by the public. The following process will be used to create the docket:

- 1. Preliminary Docket Review. By September 1, the city will issue notice of the annual comprehensive plan amendment cycle for the following calendar year. The amendment request deadline is October 1. Proposed amendment requests received after October 1 will not be considered for the following year's comprehensive plan amendment process but will be held for the next eligible comprehensive plan amendment process.*
 - a. The code official shall compile and maintain for public review a list of suggested amendments and identified deficiencies as received throughout the year.*
 - b. The code official shall review all complete and timely filed applications proposing amendments to the comprehensive plan or code and place these applications and suggestions on the preliminary docket along with other city-initiated amendments to the comprehensive plan or code.*
 - c. The planning commission shall review the preliminary docket at a public meeting and make a recommendation on the preliminary docket to the city council each year.*
 - d. The city council shall review the preliminary docket at a public meeting.*

By December 31, the city council shall establish the final docket based on the criteria in subsection E of this section. Once approved, the final docket defines the work plan and resource needs for the following year's comprehensive plan and code amendments."

Public notice of the opportunity to submit docket requests was provided in the permit bulletin and on the City website between August 7, 2023 and September 6, 2023, as well as on August 9 and September 6, 2023 in the Mercer Island Reporter. Only Proposed Amendment 18 will be considered as a part of this staff memo and the docket application submitted by the Stroum Jewish Community Center for this proposed amendment is included in Attachment 1. Public comment on the proposal is included in Attachment 2.

Docketing Criteria

The City Code prescribes that proposed comprehensive plan and development code amendments should only be recommended for the final docket if the amendment will meet the criteria in MICC 19.15.230(E):

"E. Docketing Criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

1. The request has been filed in a timely manner, and either:

a. State law requires, or a decision of a court or administrative agency has directed, such a change; or

b. All of the following criteria are met:

i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;

ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;

iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;

iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and

v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment."

CPD Work Plan

The docketing criteria, shown above, include a requirement that the City "can provide resources, including staff and budget, necessary to review the proposal". As has been the case in the last several years, City staff capacity for legislative review is limited. In addition, the existing CPD work plan already includes several major work items that will continue in 2024, summarized below. Any work items added to the docket will need to be additive to the items already on the work plan:.

1. **Periodic Update of the Comprehensive Plan:** work on the periodic update will continue through 2024, including significant work on the Parks Zone and Housing Element (due for completion by December 2024).
2. **Legislatively Mandated Residential Amendments (HB 1110, HB 1337):** the City must undertake several substantial code amendments to comply with recent housing-related legislation. The City will also undertake additional amendments related to the previously panned Residential Development Standards (RDS) code update. This work will begin as the periodic update of the Comprehensive Plan concludes in late 2024 and must be completed by June 30, 2025.

The existing work plan items represent a significant amount of CPD staff time, as well as a significant portion of the available Planning Commission, City Council and community bandwidth. Staff anticipate the periodic update of the Comprehensive Plan will require all of the time available at the Planning Commission's monthly meetings through mid-2024 and will likely also require additional special meetings. The City Council will then begin their review, which will also require several meetings. The Planning Commission will need to begin review of the legislatively-mandated residential code amendments in the last quarter of 2024.

As such, time available for review and consideration of additional docket items will be extremely limited. Each item added to the final docket typically requires at least three touches by the Planning Commission and two by the City Council, a process that usually takes 6 months or more to complete. Thus, if new items are added to the docket and CPD work plan for consideration in 2024, it is very likely that they would need to be carried over into 2025 or beyond.

ISSUE/DISCUSSION

REVIEW AND RECOMMENDATION

Proposed Amendment 18 is quasi-judicial in nature (i.e. it pertains to rezoning a specific property), and will need to be reviewed separately from the other docket proposals, utilizing special procedures as recommended by the City Attorney's Office (more details provided below). Thus, the review process will be bifurcated to enable Proposed Amendment 18 to be reviewed via this separate/special process, followed by review of the remaining proposed amendments through the more typical process.

The Planning Commission will need to review the Proposed Amendment 18 and make a recommendation to the City Council on whether it should be included in the final docket. The Planning Commission should consider the criteria from MICC 19.15.230 (E), provided above, to determine whether to recommend adding a project to the final docket. The decision must be based on the docketing criteria – this is a decision on whether the proposal meets the criteria and can, therefore, be placed on the docket and advanced for future legislative review. It is not a decision on the merits of the proposal. Please carefully consider the workload for CPD staff and the Planning Commission related to the recommended items, especially in light of existing work plan items already planned for 2024 (discussed above).

Quasi-Judicial Proceedings

As outlined in the meeting agenda, a "special business" item has been placed at the start of the meeting. During this time, the Commission will review Proposed Amendment 18 following a quasi-judicial process. This process is intended to create a separate and distinct record for this matter so that the Planning Commission can consider the proposal in a fair and unbiased fashion. The decision being made is whether to docket the proposed amendments for further consideration and legislative review in the future. The Commission should limit their consideration of this matter to the information that is on the record, including the written public comments attached to this memo and those received during the public comment period during the November 15 meeting and to the criteria for docketing proposals.

These proceedings will begin with a series of questions on the appearance of fairness directed to each commissioner. After the appearance of fairness questions are completed, the public will have the opportunity to challenge any of the responses from Commissioners in regards to the appearance of fairness. Commissioners may respond to any challenges and then would need to make their own decision as to whether or not to recuse themselves from these proceedings.

After the appearance of fairness process concludes, public comment on the proposal will be heard. In addition to the live comments, any written comments received after the publication of the agenda packet will need to be read into the record by City staff. The proposal proponents will then have 3 minutes to speak to the proposal, followed by 3 minutes for a presentation by City staff. Each party may take an additional minute to rebut the remarks of the other party. After the remarks and any rebuttals, the Planning Commission will move into deliberations on the proposal. Motions will be needed to adopt findings on whether the proposal meets each of the docketing criteria in MICC 19.15.230(E). Finally, the Commission will need to make a motion on whether to recommend the City Council include Proposed Amendment 18 in the final docket.

PROPOSED AMENDMENT 18

Proposed By: Stroum Jewish Community Center

Comprehensive Plan or Code Section: Comprehensive Plan Land Use Map, Zoning Map

Proposal Summary: These amendments will redesignate the SJCC's property as Commercial-Office on the Comprehensive Plan Land Use Map and the Zoning Map.

Staff Comments: The property proposed to be redesignated/rezoned is adjacent to the existing Commercial-Office zone. Approving these amendments could allow more intense development on the subject property, under the development regulations that pertain to commercial development in MICC 19.04 and 19.12.

Docketing Criteria:

1. **The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;**
The proposed amendment meets this criterion. A Land Use Map amendment and Zoning map amendment are appropriately addressed through amendments to the Comprehensive Plan and development code, respectively.
2. **The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;**
The proposed amendment is a low priority for staff/budget resources. This is a large project and will require considerable time for review. Given the existing commitments of staff time in the CPD work plan, if this proposal is docketed, it is unlikely to be able to be completed in 2024 and it may need to be carried over to a future year for review.
3. **The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;**
The proposed amendment does not raise policy or land use issues that are related to an ongoing work program approved by the city council.
4. **The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision;**
Relevant goals and policies from the current Comprehensive Plan include:
 - GOAL 17: With the exception of allowing residential development, commercial designations and permitted uses under current zoning will not change.

- Policy 17.4: Social and recreation clubs, schools, and religious institutions are predominantly located in single family residential areas of the Island. Development regulation should reflect the desire to retain viable and healthy social, recreational, educational, and religious organizations as community assets which are essential for the mental, physical and spiritual health of Mercer Island.

The Comprehensive Plan discourages changes to commercial land use designations. However, it also encourages development regulations that support retention of “viable and healthy social, recreational, educational and religious organizations” as an essential component of Mercer Island.

5. **The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.**

The City Council has not considered the essential elements/proposed outcome of this proposal in the last three years.

NEXT STEPS

The City Council will review the Planning Commission and staff recommendations at the December 5, 2023 meeting. At that time the Council will set the final docket for 2024.

ATTACHMENTS

1. Docket Application filed by the Stroum Jewish Community Center
2. Written public comments (forthcoming)

COMMUNITY PLANNING & DEVELOPMENT

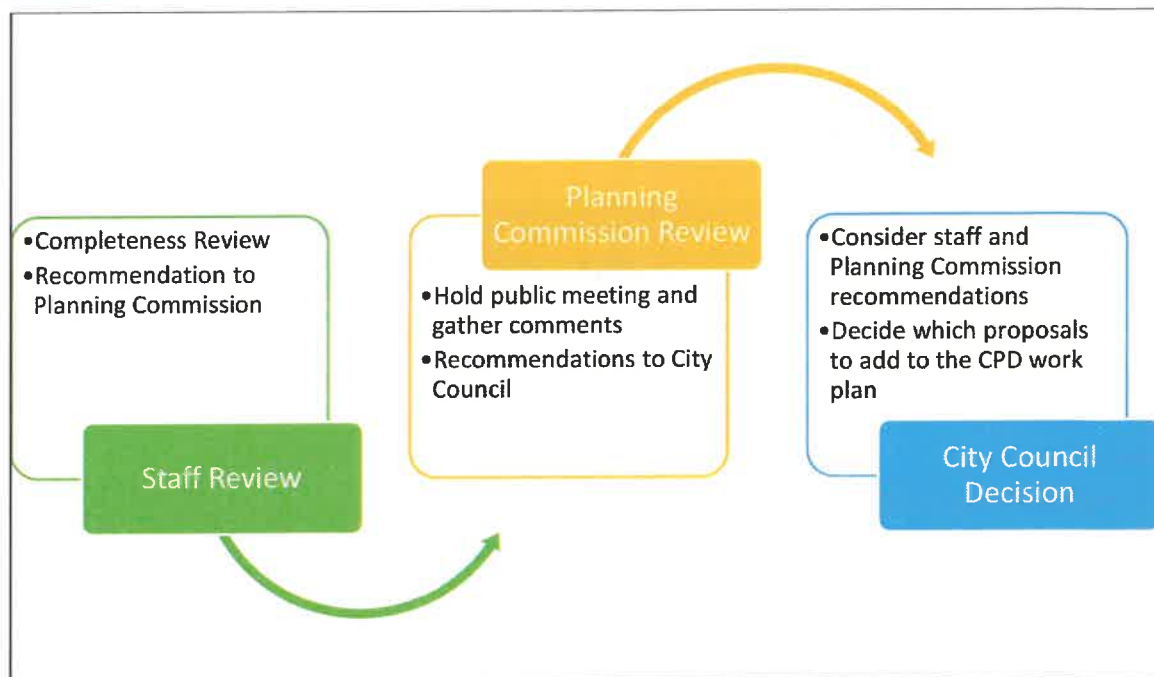
9611 SE 36TH STREET | MERCER ISLAND, WA 98040
 PHONE: 206.275.7605 | www.mercerisland.gov/cpd



2024 DOCKET REQUEST FORM

APPLICATION REVIEW PROCESS

Docket requests are the first step in the process of amending the City's Comprehensive Plan or development regulations. The Mercer Island City Code (MICC) describes the process for these amendments in MICC [19.15.230-.260](#). The illustration below summarizes the annual docket process.



Staff review all docket requests for timeliness and completeness and will use the information provided in the application form to present a request to the Mercer Island Planning Commission and City Council. The Planning Commission will review the docket requests and make a recommendation to the City Council regarding which docket items to add to the final docket.

The City Council has decision-making authority over all annual docket proposals. The City Council determines whether to add a proposal to the final docket. Items added to the final docket will be incorporated in the Community Planning and Development work plan for the upcoming year. Docket requests are evaluated based on alignment with the current City work plan, current policies, programmatic priorities, staff capacity, and budget to complete the legislative process for the request in the following year. The City Council will approve the final docket by December 31 each year. Items placed on the final docket will be scheduled for legislative review by the Planning Commission and City Council in the following year.

DOCKET REQUEST FORM

The following information is required. Failure to complete this form may result in the application being incomplete. Incomplete applications will not be considered during the annual docket process.

APPLICANT INFORMATION

Name: Stroum Jewish Community Center, c/o Amy Lavin
 Address: 3801 East Mercer Way, Mercer Island, WA 98040
 Phone: 206-275-7115
 Email: amyl@sjcc.org

AGENT/CONSULTANT/ATTORNEY

Complete this section if the primary contact is different from the applicant.

Name: Jessica Clawson
 Address: 8475 SE 45th Street, Mercer Island WA 98040
 Phone: 206-812-3378
 Email: jessie@mhseattle.com

REQUEST INFORMATION

Important: A separate Docket Request Form must be completed for each docket item requested.

Is this request related to a specific property or zone? Yes ☒ No ☐

If yes, please complete the following information:

Property Owner Name: Stroum Jewish Community Center
 Address: 3801 East Mercer Way, Mercer Island, WA 98040
 County Assessor's Parcel No.: 2655500137, 2655500136, 2655500132, portion of 2655500115
 Parcel Size (sq. ft.): Appx 381,468 s.f.

If the application is submitted by an agent/consultant/attorney, please attach a signed letter of consent from all owners of the affected property demonstrating that the application is submitted with consent. Is this request for a Comprehensive Plan amendment or a development code amendment?

Comprehensive Plan Amendment ☒ Development code Amendment ☒

Is this submission a **suggestion** for a Comprehensive Plan or Development Code amendment, or is this an **application** for a specific amendment? (Check one box below.)

Note: Applications are subject to [applicable permit fees](#).

Suggestion ☐ Application ☒

DOCKET REQUEST NARRATIVE – REQUIRED FOR ALL APPLICATIONS

Please attach a separate narrative responding to all five (5) questions outlined below. Attach additional sheets, supporting maps, or graphics as necessary. Answer each question separately and reference the question number in your answer.

The application will be considered incomplete without a narrative answering all five questions.

1. Please provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish.
 - a. Indicate the specific Comprehensive Plan Elements, maps, goals or policies or the specific sections of the development code you propose to amend.
 - b. If the proposal would amend existing Comprehensive Plan or development code text, please provide the proposal in underline/strikeout format with text to be added indicated by underlining and text to be deleted indicated with ~~strikeouts~~.
 - c. If a map amendment is proposed, please provide a map that clearly outlines the areas proposed to be changed.
2. How does the proposal benefit the community or the environment?
3. Explain how the request relates to the applicable decision criteria (MICC 19.15.250(D) for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments, see below).
4. For Comprehensive plan amendments: Is the proposal consistent the Growth Management Act and King County Countywide Planning Policies?
5. For development code amendments: How does the proposal align with the goals of the City's Comprehensive Plan?

Please sign and date below acknowledging application requirements.

Signature: _____

Date: _____

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Please attach a separate narrative
responding to the above questions.

DOCKETING CRITERIA

MICC 19.15.230(E) Docketing criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

1. The request has been filed in a timely manner, and either:
 - a. State law requires, or a decision of a court or administrative agency has directed, such a change; or
 - b. All of the following criteria are met:
 - i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;
 - ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;
 - iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;
 - iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and
 - v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

COMPREHENSIVE PLAN DECISION CRITERIA

MICC 19.15.230(F) Decision criteria. Decisions to amend the comprehensive plan shall be based on the criteria specified below. An applicant for a comprehensive plan amendment proposal shall have the burden of demonstrating that the proposed amendment complies with the applicable regulations and decision criteria.

1. The amendment is consistent with the Growth Management Act, the countywide planning policies, and the other provisions of the comprehensive plan and city policies; and:
 - a. There exists obvious technical error in the information contained in the comprehensive plan; or
 - b. The amendment addresses changing circumstances of the city as a whole.
2. If the amendment is directed at a specific property, the following additional findings shall be determined:
 - a. The amendment is compatible with the adjacent land use and development pattern;
 - b. The property is suitable for development in conformance with the standards under the potential zoning; and
 - c. The amendment will benefit the community as a whole and will not adversely affect community facilities or the public health, safety, and general welfare.

DEVELOPMENT CODE AMENDMENT DECISION CRITERIA

MICC 19.15.250(D) Criteria. The city may approve or approve with modifications a proposal to amend this Code only if:

1. The amendment is consistent with the comprehensive plan; and
2. The amendment bears a substantial relation to the public health, safety, or welfare; and
3. The amendment is in the best interest of the community as a whole.

Stroum Jewish Community Center
3801 E Mercer Way
Mercer Island, WA 98040

September 27, 2023

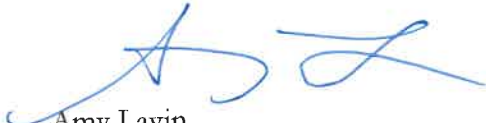
Jeff Thomas
Director, Community Planning & Development
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

Dear Director Thomas,

I write to let you know that Jessica M. Clawson, an Attorney with McCullough Hill PLLC, has the consent of the owners and leadership of the Stroum Jewish Community Center to submit the enclosed comprehensive plan and zoning map amendment application for the SJCC property.

Please do not hesitate to contact me if you have any questions about the application Jessica will submit with the consent of SJCC's owners and leadership.

Thank you,



Amy Lavin
Executive Director
Stroum Jewish Community Center

2023 Stroum Jewish Community Center Comprehensive Plan Map Amendment

Thank you for your consideration of our Comprehensive Plan Map Amendment. Answers to the various application and code criteria are in bold below.

1. Please provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish.

The proposed Comprehensive Plan Amendment redesignates Parcels 2655500137, 2655500136, 2655500132, and a small portion of 2655500115 from Single Family to Commercial Office on the Comprehensive Plan's Future Land Use Map.

The proposed map change will facilitate a rezone to Commercial Office, which will allow for a rebuild/renovation of the Stroum Jewish Community Center ("SJCC"). Under the current single-family designation, rebuilding and renovation is not possible, and variances necessary for the rebuild/renovation are not available under the current single family code provisions.

The SJCC has been intently pursuing the ability renovate our aging facilities for over six years. In this timeframe, we've taken many opportunities to share the hopes we have for a re-envisioned facility with our members, our neighbors, and the broader Mercer Island community.

Through multiple SJCC open houses, community meetings and even through public testimony provided during 2018-2019 council consideration of a broader Mercer Island initiative, we shared our priorities, and also learned what the community and our neighbors care about the most:

- **Facilitating better traffic flow and provide enough safe parking so there is less impact on our neighbors;**
- **Designing our use of space to ensure less noise or light impact, and minimize visibility impact;**
- **Supplementing foliage and trees to enhance the buffer between our facilities and our neighbors; and**
- **Ensuring that any changes to the SJCC property through zoning don't have secondary impact on other Mercer Island community facilities or neighborhoods.**

With these guiding principles, the SJCC revised our designs to reflect what was learned from our engagement with the community and hosted a series of community conversations to share, discuss, and receive additional input from SJCC members, community organizations, the community at large, and our neighbors. In the last two years, this outreach included organized community conversations with immediate neighbors and organization stakeholders, meetings with similarly situated Mercer Island community organizations, and regular written and verbal communication with interested community members.

On September 7, 2023, the SJCC hosted an open house where our revised design was presented and discussed, followed by questions and answers. Similar to prior initiatives, an

invitation was mailed to all addresses within 1000' radius of the SJCC, emailed to SJCC members, SJCC participants and users, and other Mercer Island community facilities, and was promoted widely on SJCC assets. The SJCC hosted approximately 100 attendees at this open house, and we were pleased to see our revised designs, which are the direct benefit of so much engagement and feedback over the last six years, being received so well by the community and our neighbors.

- a. Indicate the specific Comprehensive Plan Elements, maps, goals or policies or the specific sections of the development code you propose to amend.

Please see Exhibit A. The Comprehensive Plan's Future Land Use Map would be amended per the exhibit.

- b. If the proposal would amend existing Comprehensive Plan or development code text, please provide the proposal in underline/strikeout format with text to be added indicated by underlining and text to be deleted indicated with strikeouts.

The proposal does not amend Comprehensive Plan or development code text. It only changes the maps.

- c. If a map amendment is proposed, please provide a map that clearly outlines the areas proposed to be changed.

Please see Exhibit A.

2. How does the proposal benefit the community or the environment?

The proposal benefits the community and the environment in several ways.

Community Benefits

Please see Exhibit B.

Environmental Benefits

Please see Exhibit C.

3. Explain how the request relates to the applicable decision criteria (MICC 19.15.250(D) for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments, see below).

The proposal meets both the docketing criteria and the decision criteria, as follows:

E. Docketing criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

1. The request has been filed in a timely manner, and either:

Yes. The request was filed prior to October 1, 2023.

- a. State law requires, or a decision of a court or administrative agency has directed, such a change; or

Not applicable.

b. All of the following criteria are met:

- i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;

Yes. The proposed amendment is a change to the Comprehensive Plan's Future Land Use Map, which is a change that can only be addressed through the Comprehensive Plan.

- ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;

Yes. The proposal is occurring during the City's annual docketing cycle, which we presume is adequately staffed and resourced by the City. A simple map change should not require significant resources; any actual development on the site will require project specific environmental review and study, which costs would be borne by the applicant.

- iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;

No. The proposal does not raise larger policy or land use issues more appropriately addressed by an ongoing work program item. This proposal avoids any larger redesignation of similarly situated schools and institutions and focuses only on the JCC site. There is no current work program approved by the City Council that addresses redesignation of the SJCC to conform to the historic use of the property.

- iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and

Yes. The proposal serves the public interest and implements the following specific goals and vision of the city (responses to policies, where appropriate, in italics):

- **Residential Community.** Mercer Island is principally a single-family residential community supported by healthy schools, religious institutions, and recreational clubs. (Comp. Plan, Community Values). *The proposal will allow the JCC, which is both a school and a recreational club open to all, to continue to serve Mercer Island.*
- **Education is the Key.** The community and its public and private institutions are committed to provide excellence in Education (Comp Plan, Community Values). *The proposal allows the SJCC's Early Childhood School to continue its excellent education of hundreds of young children on Mercer Island.*
- **Community Services.** Mercer Island will continue to provide a wide range of education, cultural, and municipal services for the community's varied population.

Balanced and flexible programs will be necessary to meet the community's evolving needs in education, recreation, and cultural enjoyment. The community will maintain its broad range of quality basic services, including public safety, human services, physical development and utilities. At the same time, community leaders recognize that delivery of these services will take place in an arena of limited resources and heightened competition for tax revenues (Comp Plan, Values Manifested). *The SJCC provides a community center and educational, recreational, and cultural opportunities that are privately funded and do not burden the City's budget.*

- **Residential Land Use.** Civic, recreation, and religious organizations are important and integral elements of the community character and fabric. Their contribution and importance to the established community character should be reflected and respected in land use permit processes. (Comp Plan, Values Manifested). *Unfortunately, the single-family zoning has been interpreted by the City to not allow for the variances that would be necessary to rebuild and reconfigure the SJCC that would benefit the community. We are hopeful that this request for redesignation is respectfully considered and approved, so that we can build under the current CO zoning rules and do not require extensive or complicated workarounds.*
- **Commercial Office and PBZ zones** must serve the needs of the local population while remaining compatible with the overall residential character of the community. (Comp Plan, Land Use Issues, Outside the Town Center). *The Commercial Office zone, as developed in the future by the SJCC, will remain compatible and increase compatibility with the overall residential character of the community. First, nothing will be built on the site that is not the SJCC, and we have shared our draft plans with the community. Second, these plans improve on many of the required minimum development standards—better setbacks than required, less height than allowed, etc. Finally, the proposal is adjacent to CO designations and extends them southward. The strip of single-family homes to our west is owned by the French American School of Puget Sound.*
- **Goal 15.1.** Existing land use policies, which strongly support the preservation of existing conditions in the single-family residential zones, will continue to apply. Changes to the zoning code or development standards will be accomplished through code amendments. (Comp Plan, Land Use Goals). *This goal is met. The existing condition in this single-family zone that has existed for 54 years (pre-dating many of the homes that now exist next to the SJCC) will be maintained. This map change simply changes the map to fit the use that has been here for 54 years.*
- **Goal 15.4.** Compatible permitted uses such as education, recreation, open spaces, government social services and religious activities will be encouraged. *The proposed amendment maintains the SJCC which provides education, art, culture, and recreation, and are a permitted uses in the CO zone.*
- **Goal 17.4.** Social and recreation clubs, schools, and religious institutions are predominantly located in single family residential areas of the Island. Development regulation should reflect the desire to retain viable and healthy social, recreational, educational, and religious organizations as community assets which are essential for the mental, physical and spiritual health of Mercer Island. *As the City is aware, the current single-family zone has been amended and*

development standards interpreted in a way that does not allow the maintenance of viable and healthy organizations. Further, the remodeling criteria make it impossible to maintain a nonconforming status and make upgrades to facilities that are necessary when a facility is well beyond its useful life, particularly given the concrete construction methods that were used in 1969. As such, the redesignation to the CO zone is necessary to be consistent with this Goal and retain a viable and healthy SJCC on Mercer Island.

- **Goal 21.** Promote the use of green building methods, design standards, and materials...to reduce impacts on the built and natural environment and to improve the quality of life. Green building should result in demonstrable benefits, through the use of programs such as, but not limited to, Built Green, LEED+, The Living Building Challenge, Passive House, Salmon Safe, or other similar regional and recognized green building programs. *The new SJCC will be much more environmentally friendly than the current 54-year-old structure.*
- **Goal 23.** Support the arts on Mercer Island. *The SJCC holds regular arts events, including the Seattle Jewish Film Festival. The arts are deeply important to the SJCC and the SJCC's auditorium, which would remain under the proposal, is one of only two large gathering spaces on the island for arts-related events. See Exhibit B.*
- **Goal 25.** Preserve Mercer Island's Heritage. *The SJCC is a piece of Mercer Island's history.*
<https://www.historylink.org/File/104#:~:text=In%20Seattle%2C%20the%20Jewish%20Community,Davis%20and%20secretary%20Harry%20Ash>. *Allowing for the redesignation of the property will allow the SJCC to remain on the island and thrive for another 60 years.*
- **Land Use Designations—CO.** The commercial office land use designation represents commercial areas within Mercer Island, located outside of Town Center, where the land use will be predominantly commercial office. Complementary land uses (e.g., healthcare uses, schools, places of worship, etc.) are also generally supported within this land use designation. *The CO designation reflects the use of the SJCC property, which has not been in single family residential use for over 54 years. A CO designation is a much more appropriate reflection of reality.*
- **Transportation Goal 6.1:** Ensure compatibility between transportation facilities and services and adjacent land uses, evaluating aspects such as: potential impacts of transportation on adjacent land use; potential impacts of land development and activities on transportation facilities and services; and need for buffering and/or landscaping alongside transportation facilities. *The while the designation of the property will change, the use will not change. The project-specific transportation review for the SJCC project will analyze at a project-level transportation impacts that may be mitigated via trip reduction and physical improvements.*
- **Transportation Goal 9.2.** Address parking overflow impacts on neighborhoods caused by major traffic generators such as schools, businesses, parks, and multifamily developments. *The SJCC proposal would add many more parking stalls which will reduce parking impacts to the neighborhood.*

v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

The proposal has not been considered by the city council in the last three years.

F. *Decision criteria.* Decisions to amend the comprehensive plan shall be based on the criteria specified below. An applicant for a comprehensive plan amendment proposal shall have the burden of demonstrating that the proposed amendment complies with the applicable regulations and decision criteria.

1. The amendment is consistent with the Growth Management Act, the countywide planning policies, and the other provisions of the comprehensive plan and city policies; and:

Yes. The proposal is consistent with GMA, King County's CPPs, and other provisions of the Mercer Island Comprehensive Plan.

Compliance with GMA.

WAC 365-196-405(1)(2) requires the City to designate the general location of the uses of land...for commerce (and) recreation. *The SJCC has not been in single family use for 60 years. It is consistent with GMA to designate the SJCC as CO which is consistent with its current use.*

WAC 365-196-405(2)(b) requires the City to identify existing general distribution and location of various land uses, the appropriate acreage, and general range of density or intensity of existing uses. *Again, the SJCC has not been in single family use for 60 years. It is appropriate for the City to identify and change the designation of the property to CO, consistent with GMA. It would be inappropriate for the City to include the SJCC in its buildable lands / housing needs assessment as single-family property, as it has not been in single family use for 60 years and is not "buildable land" for residential use.*

Compliance with King County CPPs.

The CPPs can be found [here](#). The following goals/policies support the proposed amendment:

- **Communities across King County are welcoming places where every person can thrive. (Vision for King County 2050).** *The SJCC welcomes all people.*
- **FW-6. Enable culturally and linguistically appropriate equitable access to programs and services and help connect residents to service options, particularly for those most disproportionately cost-burdened or historically excluded.** *The SJCC seeks to be the Puget Sound's most open and welcoming community-center Jewish organization. Through its programs the SJCC connects Jewish and non-*

Jewish people to culture, recreation, education, and arts, and through philanthropic support ensures this connection is affordable to anyone who seeks it.

- **EN-6.** Locate development and supportive infrastructure in a manner that minimizes impacts to natural features. *This is an infill development which will actually decrease impact to surrounding natural features after redevelopment.*
- **CDP-40.** Plan for neighborhoods or subareas to encourage infill and redevelopment, reuse of existing buildings and underutilized lands, and provision of adequate public spaces, in a manner that enhances public health, existing community character, and mix of uses. *This change will facilitate the rebuilding and renovation of an existing building, and one of the SJCC's missions is to support a healthy community.*
- **EC-14.** Celebrate the cultural diversity of local communities as a means to enhance social capital, neighborhood cohesion, the county's global relationships, and support for cultural and arts institutions. *The SJCC is the only Jewish community center in Washington state. The SJCC hosts many global-related programs and is an incredible social and cultural resource for Mercer Island, and the broader region.*
- **EC-26.** Encourage commercial and mixed-use development that provides a range of job opportunities throughout the county to create a closer balance between the location of jobs and housing. *The SJCC is one of the Island's largest employers. Keeping jobs on the Island is important.*
- **PF-19.** Locate schools, institutions, and other community facilities and services that primarily serve urban populations within the UGA, where they are accessible to the communities they serve. If possible, locate these facilities in places that are well served by transit and pedestrian and bicycle networks. *The SJCC is reachable by the I-90 bike trail, as well as the East Mercer Way bike trail. It is very accessible to all on the island, and also to those coming off of I-90 without creating a bunch of cut-through traffic on the Island.*

Compliance with Mercer Island Comprehensive Plan.

See above.

- a. There exists obvious technical error in the information contained in the comprehensive plan; or

Not applicable.

- b. The amendment addresses changing circumstances of the city as a whole.

The SJCC has been in existence in this location for 54 years. The building is past its useful life and needs significant rebuilding and replacement. In 2017, the City of Mercer Island amended its single-family code provisions to prohibit “mega-houses.” In doing so, the City passed regulations that create maximum size of use limitations that rendered the SJCC nonconforming to several code provisions meant to apply to single-family homes. In 2021, the SJCC filed an interpretation request with the City to determine whether a rebuild of the SJCC could obtain variances from the single-family regulations, which

would have capped a new building at those square footage limitations meant to apply to single-family homes. On November 21, 2022, the City issued Development Code Interpretation 22-004 that stated non-residential uses could not seek variances from the relevant single-family regulations in any area beyond impervious surface. The impact of the interpretation is that the SJCC cannot renovate/rebuild in its current single-family zone due to the City's stringent nonconforming provisions and impracticable renovation restrictions. In order to renovate/rebuild to stay on Mercer Island and continue to serve the community on the Island, the comprehensive plan map and zone designation of the SJCC's parcels must be changed from SF/R-8.4 to Commercial Office.

2. If the amendment is directed at a specific property, the following additional findings shall be determined:

a. The amendment is compatible with the adjacent land use and development pattern;

Yes. The proposal would change the subject parcels to CO. There is adjacent CO land to the north of the parcel, public facilities/CO land to the west of the parcel, and CO/B land to the east of the parcel. To the south of the parcel is designated single family; the development standards of the CO zone, as well as SEPA review, can mitigate any potential incompatibilities of a future project on single family adjacencies.

c. The property is suitable for development in conformance with the standards under the potential zoning; and

Yes. The proposed rebuild/renovation of the SJCC can meet the CO zone requirements. In many areas it performs better than the CO development standards would require—it increases setbacks beyond requirements and is developed to a lower height than allowed by the CO zone.

d. The amendment will benefit the community as a whole and will not adversely affect community facilities or the public health, safety, and general welfare.

The amendment would retain the SJCC on Mercer Island. The SJCC is a benefit to all residents of Mercer Island. Please see Exhibit B for a benefits statement.

The change from single family to CO would not impact community facilities. Instead, it would benefit community facilities by maintaining a community facility on the Island, which in turn reduces pressure on the City pool, the City Community Center, and all other childcare and educational facilities. Further it assures the SJCC can continue enriching the lives of thousands of Mercer Island residents every year.

The change from single family to CO would not impact public health, safety, and general welfare. Instead, retaining the SJCC in this location will benefit public health, safety and general welfare. Any potential impacts of the future SJCC project can be mitigated by application of the CO zone standards and SEPA mitigation. Please see Exhibit C regarding environmental benefits associated with the redesignation.

4. For Comprehensive plan amendments: Is the proposal consistent with the Growth Management Act and King County Countywide Planning Policies?

Yes. Please see above.

5. For development code amendments: How does the proposal align with the goals of the City's Comprehensive Plan?

The proposal is aligned with the goals of the City's Comprehensive Plan. Please see above.

Exhibit A Comp plan change map

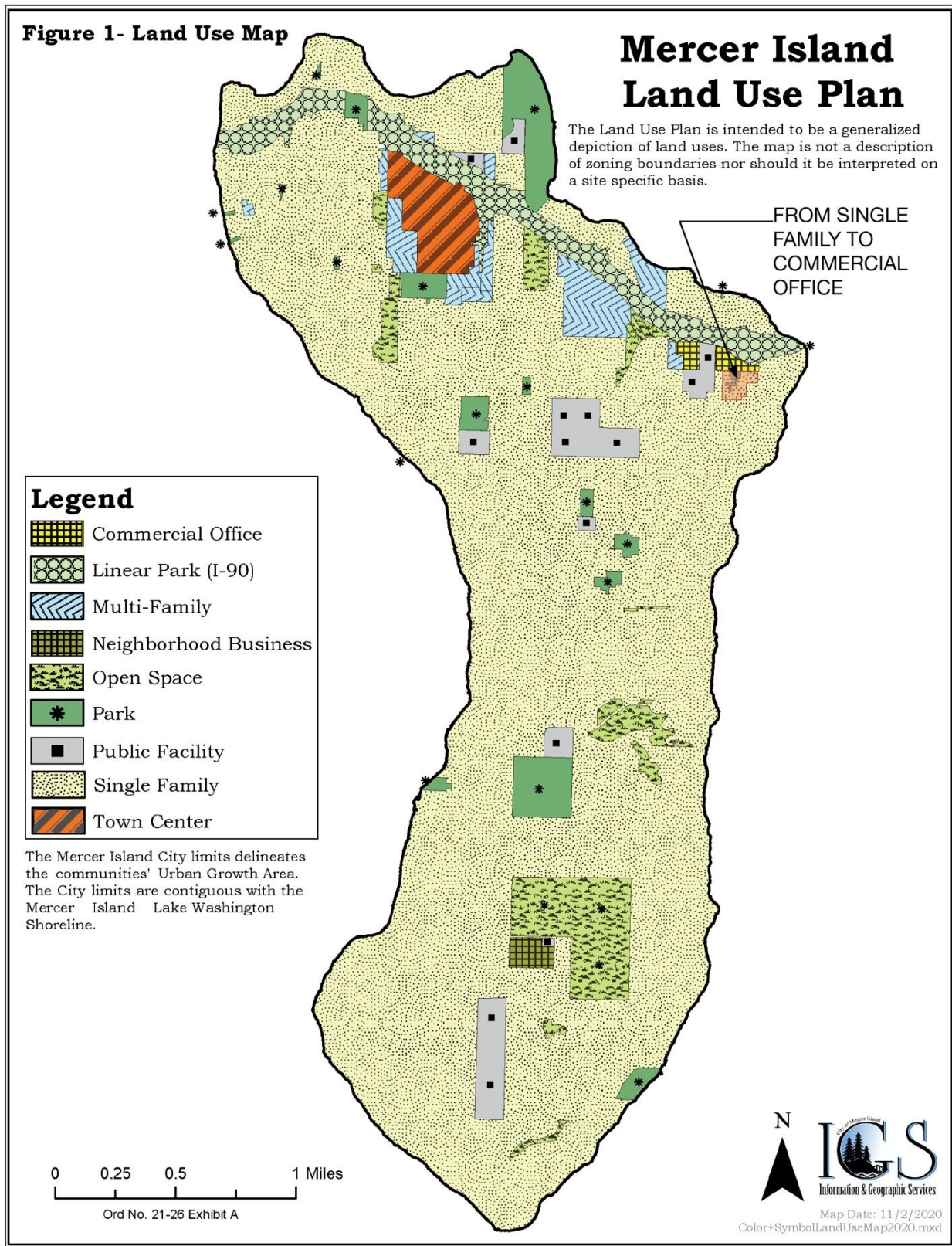


Exhibit B

Benefits of the Comprehensive Plan Map Change

There are several benefits to the Comprehensive Plan map change:

The Stroum Jewish Community Center has served Mercer Island residents since opening in 1969. For nearly 55 years, “the J” has welcomed people of every age, culture, and religion to build and amplify profound connection; creating and fortifying community that contributes significantly to the communal fabric of Mercer Island. Today the SJCC reaches nearly 3,000 Mercer Island households throughout the year. On any given day, the J welcomes hundreds of Mercer Island residents, providing year-round early childhood education to over 200 children, afterschool care and recreational programming to dozens of middle schoolers, summer camp to ~450 Mercer Island children, and a series of character-building and fitness offerings for teenagers and young adults. For adults, the SJCC presents daily recreation programs for hundreds exercising individually or in group classes, including about 30 seniors who exercise in AquaFit or Rock Steady Boxing¹, building muscle strength and friendships that endure challenges facing mature adults. Added to that, the J has a community garden, teaches and hosts mahjong and bridge, organizes communal hikes, and provides a series of cultural arts programs in Mercer Island’s only functioning performing arts hall outside of the school district. With 30+ programs a year, SJCC brings feature films, dance, live music, culinary arts programs, and special topics to the entire community on Mercer Island. The SJCC ensures, through private financial support, that these programs are available to everyone, regardless of one’s ability to pay.

As one of the longest-standing institutions on Mercer Island, the SJCC has helped connect and welcome generations of MI families, assuring MI residents—whether they are new or returning to their hometown—feel welcome and supported along life’s journey.

The SJCC has also been one of Mercer Island’s largest employers, with nearly 140 year-round employees and over 215 summer employees. For many, the J is the first job they have, building responsibility and leadership skills, lifesaving skills like CPR, and a sense of purpose and community.

In addition to the Mercer Island residents involved with the SJCC, the J brings people from around the Greater Seattle area that often, in addition to engaging with the J, will spend time and resources on Mercer Island for coffee, grocery shopping, dining, dry cleaning, and shopping at Island Books, Terra Bella, and more.

The J’s vision is to be the Puget Sound’s most open and welcoming community-centered Jewish organization. We lead with community in everything we do, and believe that many of the tightly woven MI bonds have started and been sustained through connections at the Stroum JCC. As a private organization, funded through programming fees and substantial private philanthropy, we are the only private organization on Mercer Island that makes it possible for anyone to

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participate in our activities and programs, regardless of income, race/ethnicity, orientation, religion, or residence. With the increasing pressure of the cost of living on MI, the J remains accessible, welcoming, and community-oriented for everyone and anyone.

A departure from Mercer Island driven by an inability to rebuild facilities would leave a vacuum. People of all ages will have fewer programs to choose from and fewer affordable options for fitness, enrichment, education, entertainment, gardening, and more. With the adoption of HB110 in the State legislature in 2023, the land on which The J is built—nearly eight and a half acres of residential property—could be converted into a housing development of approximately three dozen homes, 50 or more duplexes, and potentially, over 125 quadplexes with one (1) in four (4) being developed as affordable housing. An updated SJCC, on the other hand, would provide more certainty for neighbors and MI, while also mitigating lighting, traffic, and noise issues. ADA accessibility would also ensure people of all capabilities could safely and comfortably navigate the property and facility, and modern technology would assure the J is more environmentally sustainable. With sophisticated landscaping, the J would offer more attractive and low impact vegetation, better integrating the SJCC in its surroundings.

In summary, the SJCC has been a Mercer Island mainstay for over 50 years. Hundreds of families rely on the SJCC for child development and childcare, character development, jobs, personal and professional enrichment, friendship in times of strength and strife, and the confidence knowing that they belong at the J, a place where everyone is welcome. A City Council decision to rezone the SJCC's residentially zoned properties to Commercial Office zoning would bring comfort to everyone directly and indirectly touched by the J and certainty to the surrounding neighborhood, knowing the J would continue to serve as a place that offers convenient opportunity for profound Islander connections for every generation.

Exhibit C

Environmental Benefits of the Comprehensive Plan Map Change

There are several benefits to the Comprehensive Plan Map change:

- The Comprehensive Plan Map change will align long-standing and ongoing operations with the City's Comprehensive Plan Map and facilitate the rebuild/renovation of the SJCC. This will result in the following environmental benefits from the current SJCC:
 - A building that is compliant with current energy and environmental codes. The building was constructed in 1969. A new building would use far less energy and would use sustainable building materials and techniques, including high efficiency mechanical and electrical systems.
 - A site that is compliant with current stormwater codes. Currently the parking lot sheet flows into the stormwater system. Low impact design and compliance with the current stormwater manual would be required of a new SJCC.
 - A building with sufficient parking capacity and traffic flow. Currently the parking for the SJCC and traffic flow can be congested. The new SJCC would include a one-story tall parking garage that is mostly buried underground to mitigate visual impacts, which would add parking stalls the building needs for adequate parking capacity. The rearrangement of the site would also allow for sufficient room for traffic queuing during busy pick-up and drop-off times, reducing current traffic issues in the area.
 - A large setback buffer from the single-family properties to the south is proposed in the new building. This will reduce noise and light impacts from the current SJCC.
 - No parking lights on the south side of the property near single family residents. Currently light from parking lights may spill into neighboring houses and properties. All new lights would be placed to eliminate light spillage, and any required light fixtures would be cut-off to shield light.

2023 Stroum Jewish Community Center Zoning Map Amendment

Thank you for your consideration of our Zoning Map Amendment. Answers to the various application and code criteria are in bold below.

1. Please provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish.

The proposed Comprehensive Plan Amendment redesignates Parcels 2655500137, 2655500136, 2655500132 from R 8.4 to Commercial Office, and a small portion of 2655500115 from R 9.6 to Commercial Office on the City's Official Zoning Map.

The proposed map change will allow for a rebuild/renovation of the Stroum Jewish Community Center ("SJCC"). Under the current single-family zone, rebuilding and renovation is not possible, and variances necessary for the rebuild/renovation are not available under the current single family code provisions.

The SJCC has been intently pursuing the ability to rebuild and renovate our aging facilities for over six years. In this timeframe, we've taken many opportunities to share the hopes we have for a re-envisioned facility with our members, our neighbors, and the broader Mercer Island community.

Through multiple SJCC open houses, community meetings and even through public testimony provided during 2018-2019 council consideration of a broader Mercer Island initiative, we shared our priorities, and also learned what the community and our neighbors care about the most:

- Facilitating better traffic flow and providing enough safe parking so there is less impact on our neighbors;**
- Designing our use of space to ensure less noise or light impact, and minimize visibility impact;**
- Supplementing foliage and trees to enhance the buffer between our facilities and our neighbors; and**
- Ensuring that any changes to the SJCC property through zoning don't have secondary impacts on other Mercer Island community facilities or neighborhoods.**

With these guiding principles, the SJCC revised our designs to reflect what was learned from our engagement with the community and hosted a series of community conversations to share, discuss, and receive additional input from SJCC members, community organizations, the community at large, and our neighbors. In the last two years, this outreach included organized community conversations with immediate neighbors and organization stakeholders, meetings with similarly-situated Mercer Island community organizations, and regular written and verbal communication with interested community members.

On September 7, 2023, the SJCC hosted an open house where our revised design was presented and discussed, followed by questions and answers. Similar to prior initiatives, an invitation was mailed to all addresses within a 1,000-foot radius of the SJCC, emailed to

SJCC members, SJCC participants and users, and other Mercer Island community facilities, and was promoted widely on SJCC assets. The SJCC hosted approximately 100 attendees at this open house, and we were pleased to see our revised designs, which are the direct benefit of so much engagement and feedback over the last six years, being received so well by the community and our neighbors.

- a. Indicate the specific Comprehensive Plan Elements, maps, goals or policies or the specific sections of the development code you propose to amend.

Please see Exhibit A. The City's Zoning Map would be amended per the exhibit.

- b. If the proposal would amend existing Comprehensive Plan or development code text, please provide the proposal in underline/strikeout format with text to be added indicated by underlining and text to be deleted indicated with strikeouts.

The proposal does not amend Comprehensive Plan or development code text. It only changes the maps.

- c. If a map amendment is proposed, please provide a map that clearly outlines the areas proposed to be changed.

Please see Exhibit A.

2. How does the proposal benefit the community or the environment?

The proposal benefits the community and the environment in several ways.

Community Benefits

Please see Exhibit B.

Environmental Benefits

Please see Exhibit C.

3. Explain how the request relates to the applicable decision criteria (MICC 19.15.240 for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments).

The proposal meets both the docketing criteria and the decision criteria, as follows:

19.15.230.E. *Docketing criteria.* The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

1. The request has been filed in a timely manner, and either:

Yes. The request was filed prior to October 1, 2023.

- a. State law requires, or a decision of a court or administrative agency has directed, such a change; or

Not applicable.

b. All of the following criteria are met:

i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;

Yes. The proposed amendment is a change to the City's Zoning Map, which is a change that can only be addressed through a change of the zoning map.

ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;

Yes. The proposal is occurring during the City's annual docketing cycle, which we presume is adequately staffed and resourced by the City. A simple map change should not require significant resources; any actual development on the site will require project specific environmental review and study, which costs would be borne by the applicant.

iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;

No. The proposal does not raise larger policy or land use issues more appropriately addressed by an ongoing work program item. This proposal avoids any larger rezone of similarly situated schools and institutions and focuses only on the SJCC site. There is no current work program approved by the City Council that addresses rezone of the SJCC to conform to the historic use of the property.

iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and

Yes. The proposal serves the public interest and implements the following specific goals and vision of the city (responses to policies, where appropriate, in italics):

- **Residential Community.** Mercer Island is principally a single-family residential community supported by healthy schools, religious institutions, and recreational clubs. (Comp. Plan, Community Values). *The proposal will allow the JCC, which is both a school and a recreational club open to all, to continue to serve Mercer Island.*
- **Education is the Key.** The community and its public and private institutions are committed to provide excellence in Education (Comp Plan, Community Values). *The proposal allows the SJCC's Early Childhood School to continue its excellent education of hundreds of young children on Mercer Island.*
- **Community Services.** Mercer Island will continue to provide a wide range of education, cultural, and municipal services for the community's varied population. Balanced and flexible programs will be necessary to meet the community's evolving needs in education, recreation, and cultural enjoyment. The community will maintain its broad range of quality basic services, including public safety,

human services, physical development and utilities. At the same time, community leaders recognize that delivery of these services will take place in an arena of limited resources and heightened competition for tax revenues (Comp Plan, Values Manifested). *The SJCC provides a community center and educational, recreational, and cultural opportunities that are privately funded and do not burden the City's budget.*

- **Residential Land Use.** Civic, recreation, and religious organizations are important and integral elements of the community character and fabric. Their contribution and importance to the established community character should be reflected and respected in land use permit processes. (Comp Plan, Values Manifested). *Unfortunately, the single-family zoning has been interpreted by the City to not allow for the variances that would be necessary to rebuild and reconfigure the SJCC that would benefit the community. We are hopeful that this request for rezone is respectfully considered and approved, so that we can build under the current CO zoning rules and do not require extensive or complicated workarounds.*
- **Commercial Office and PBZ zones** must serve the needs of the local population while remaining compatible with the overall residential character of the community. (Comp Plan, Land Use Issues, Outside the Town Center). *The Commercial Office zone, as developed in the future by the SJCC, will remain compatible and increase compatibility with the overall residential character of the community. First, nothing will be built on the site that is not the SJCC, and we have shared our draft plans with the community. Second, these plans improve on many of the required minimum development standards—better setbacks than required, less height than allowed, etc. Finally, the proposal is adjacent to CO or Public zones and extends them southward. The strip of single-family homes to our west is owned by the French American School of Puget Sound.*
- **Goal 15.1.** Existing land use policies, which strongly support the preservation of existing conditions in the single-family residential zones, will continue to apply. Changes to the zoning code or development standards will be accomplished through code amendments. (Comp Plan, Land Use Goals). *This goal is met. The existing condition in this single-family zone that has existed for 54 years (pre-dating many of the homes that now exist next to the SJCC) will be maintained. This map change simply changes the map to fit the use that has been here for 54 years.*
- **Goal 15.4.** Compatible permitted uses such as education, recreation, open spaces, government social services and religious activities will be encouraged. *The proposed amendment maintains the SJCC which provides education, art, culture, and recreation, and are a permitted uses in the CO zone.*
- **Goal 17.4.** Social and recreation clubs, schools, and religious institutions are predominantly located in single family residential areas of the Island. Development regulation should reflect the desire to retain viable and healthy social, recreational, educational, and religious organizations as community assets which are essential for the mental, physical and spiritual health of Mercer Island. *As the City is aware, the current single-family zone has been amended and development standards interpreted in a way that does not allow the maintenance of viable and healthy organizations. Further, the remodeling criteria make it impossible to maintain a nonconforming status and make upgrades to facilities that are*

necessary when a facility is well beyond its useful life, particularly given the concrete construction methods that were used in 1969. As such, the redesignation to the CO zone is necessary to be consistent with this Goal and retain a viable and healthy SJCC on Mercer Island.

- **Goal 21.** Promote the use of green building methods, design standards, and materials...to reduce impacts on the built and natural environment and to improve the quality of life. Green building should result in demonstrable benefits, through the use of programs such as, but not limited to, Built Green, LEED, The Living Building Challenge, Passive House, Salmon Safe, or other similar regional and recognized green building programs. *The new SJCC will be much more environmentally friendly than the current 54-year-old structure.*
- **Goal 23.** Support the arts on Mercer Island. *The SJCC holds regular arts events, including the Seattle Jewish Film Festival. The arts are deeply important to the SJCC and the SJCC's auditorium, which would remain under the proposal, is one of only two large gathering spaces on the island for arts-related events. See Exhibit B.*
- **Goal 25.** Preserve Mercer Island's Heritage. *The SJCC is a piece of Mercer Island's history.*
<https://www.historylink.org/File/104#:~:text=In%20Seattle%2C%20the%20Jewish%20Community,Davis%20and%20secretary%20Harry%20Ash.> *Allowing for the redesignation of the property will allow the SJCC to remain on the island and thrive for another 60 years.*
- **Land Use Designations—CO.** The commercial office land use designation represents commercial areas within Mercer Island, located outside of Town Center, where the land use will be predominantly commercial office. Complementary land uses (e.g., healthcare uses, schools, places of worship, etc.) are also generally supported within this land use designation. *The CO zone reflects the use of the SJCC property, which has not been in single family residential use for over 54 years. A CO zone is a much more appropriate reflection of reality.*
- **Transportation Goal 6.1:** Ensure compatibility between transportation facilities and services and adjacent land uses, evaluating aspects such as: potential impacts of transportation on adjacent land use; potential impacts of land development and activities on transportation facilities and services; and need for buffering and/or landscaping alongside transportation facilities. *While the zone of the property will change, the use will not change. The project-specific transportation review for the SJCC project will analyze at a project-level transportation impacts that may be mitigated via trip reduction and physical improvements.*
- **Transportation Goal 9.2.** Address parking overflow impacts on neighborhoods caused by major traffic generators such as schools, businesses, parks, and multifamily developments. *The SJCC proposal would add many more parking stalls which will reduce parking impacts to the neighborhood.*

v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

The proposal has not been considered by the city council in the last three years.

19.15.250.C. *Rezone approval criteria.* Decisions to reclassify property shall be consistent with the criteria specified below, stated in MICC 19.15.240.C.

1. The amendment is consistent with policies and provisions of the Mercer Island comprehensive plan.

Yes. The proposal is consistent with the policies and provisions of the Mercer Island Comprehensive Plan, as outlined above.

2. The proposed reclassification is consistent with the purpose of the Mercer Island development code as set forth in MICC 19.01.010.

MICC 19.01.010: The general purpose of this Code is to protect and promote health, safety, and the general welfare through the regulation of development within the city of Mercer Island.

To that end, this Code classifies the land within the city into various zones and establishes the use of land and nature of buildings within those zones; controls the form of plats and subdivisions; regulates the construction of commercial and residential structures; and protects critical and sensitive areas within the city.

The provisions of this Code are designed to consider light, air and access; to conserve and protect natural beauty and other natural resources; to provide coordinated development; to avoid traffic congestion; to prevent overcrowding of land; to facilitate adequate provisions for transportation, water, sewage, schools, parks and other public requirements; and to encourage the use of solar energy practices.

This Code is to be interpreted as a whole, in view of the purpose set out in this section.

If the general purpose of this development code conflicts with the specific purpose of any chapter of this development code, the specific purpose shall control.

Yes. The proposed reclassification would protect and promote and improve the health, safety and general welfare of Mercer Island. See Exhibit B. The reclassification would extend the CO zone.

3. The proposed reclassification is an extension of an existing zone, or a logical transition between zones;

Yes. The proposal would change the subject parcels to CO. There is adjacent CO land to the north of the parcel, and this boundary would be extended to the south to include the subject parcels. The provisions of the CO zone create appropriate transitions between zones.

4. The proposed reclassification does not constitute an illegal site-specific rezone;

The proposed reclassification does not constitute an illegal site-specific rezone, often known as an “illegal spot zone.”

Washington law has established several criteria for when an illegal spot zone may be found to exist, none of which are met by the current proposal:

1. A smaller area is singled out of a larger area and given some special treatment. **No. The proposal extends the CO zone and does not change the specific CO zone criteria.**

2. The classification or use allowed in the smaller area is totally different from and inconsistent with the classification of surrounding land so as to disturb the tenor of the neighborhood and create an inconsistency or conflict of use with the uses allowed in the surrounding area. **No. The SJCC use is already established on the site and will continue. The extension of the CO zone over the site simply allows for the rebuilding of the SJCC under the code. The CO zone’s setbacks and development regulations ensure there is no inconsistency or conflict of use with the single family uses already adjacent to the SJCC.**

3. The action necessary to create the smaller area is taken for the private gain of one person or group of persons rather than for the general welfare of the community as a whole. **No. See above. The SJCC benefits the welfare of the community as a whole.**

4. The action taken is not in accordance with the comprehensive plan. **We agree that the comprehensive plan would need to be amended (either concurrently or prior to the rezone being adopted) in order for the rezone to occur. We have submitted a comprehensive plan amendment application concurrently with this rezone application for the city’s consideration.**

McNaughton v. Boeing, 68 Wn.2d 659, P.2d 778 (1966). In addition, the *McNaughton* case also determined that a City may impose conditions, either unilaterally or by contract in connection with a zoning amendment

5. The proposed reclassification is compatible with surrounding zones and land uses;

Yes. The CO zone is compatible and allows for compatible uses with the B, CO, P, and R 8.6 and R-9.6 zones, all adjacent or nearby the site. The CO zone includes development regulations ensuring compatibility, including limitation of uses, increased setbacks, and height limits.

6. The proposed reclassification does not adversely affect public health, safety, and welfare; and

The proposed reclassification will not adversely impact the public health, safety or welfare. See Exhibit B.

7. If a comprehensive plan amendment is required in order to satisfy subsection C1 of this section, approval of the comprehensive plan amendment is required prior to or concurrent with the granting of an approval of the rezone.

Agreed. The rezone would not occur unless and until the comprehensive plan map amendment redesignating the property to CO is adopted.

19.15.250.D. *Development code amendment decision criteria.* The city may approve or approve with modifications a proposal to amend this code only if:

1. The amendment is consistent with the comprehensive plan; and

Yes. See above. The zoning map change is consistent with the comprehensive plan.

2. The amendment bears a substantial relation to the public health, safety, or welfare; and

Yes. See above. The amendment benefits public health, safety, and welfare.

3. The amendment is in the best interest of the community as a whole.

Yes. See Exhibit B as well as the application above. A rezone of property allowing the SJCC to be renovated would allow the SJCC to remain on Mercer Island, which is beneficial of the Mercer Island community as a whole.

Exhibit A Zoning Map Change

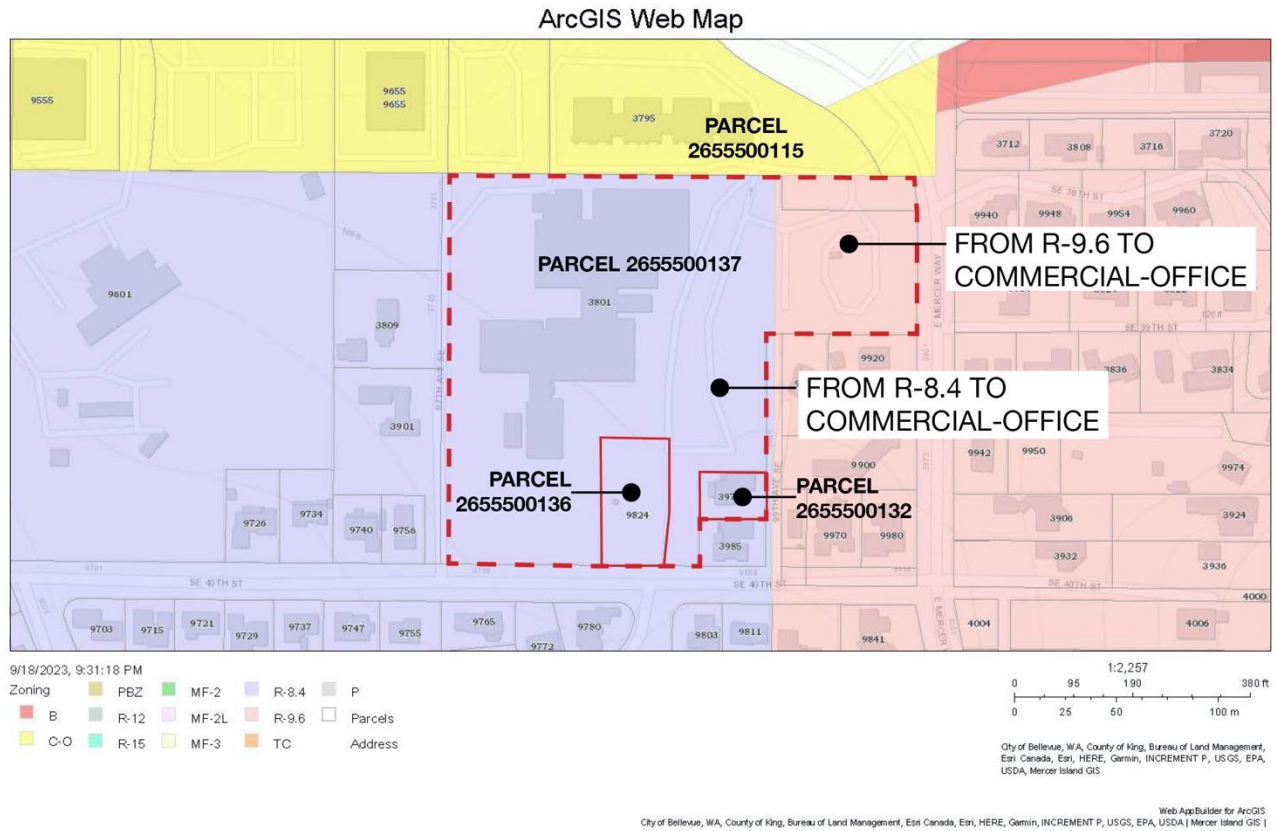


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anyone to participate in their activities and programs, regardless of income, race/ethnicity, orientation, religion, or residence. With the increasing pressure of the cost of living on MI, the J remains accessible, welcoming, and community-oriented for everyone and anyone.

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In summary, the SJCC has been a Mercer Island mainstay for over 50 years. Hundreds of families rely on the SJCC for child development and childcare, character development, jobs, personal and professional enrichment, friendship in times of strength and strife, and the confidence knowing that they belong at the J, a place where everyone is welcome. A City Council decision to rezone the SJCC's residentially zoned properties to Commercial Office zoning would bring comfort to everyone directly and indirectly touched by the J and the surrounding neighborhood, providing the certainty of knowing the J would continue to serve as a place that offers convenient opportunity for profound Islander connections for every generation.

Exhibit C

Environmental Benefits of the Zoning Map Change

There are several benefits to the Zoning Map change:

- The Zoning Map change will align long-standing and ongoing operations with the City's Zoning Map and facilitate the rebuild/renovation of the SJCC. This will result in the following environmental benefits from the current SJCC:
 - A building that is compliant with current energy and environmental codes. The buildings were constructed in 1969 and 1980. A new and renovated building would use far less energy and would use sustainable building materials and techniques, including high efficiency mechanical and electrical systems.
 - A site that is compliant with current stormwater codes. Currently the parking lot sheet flows into the stormwater system. Low impact design and compliance with the current stormwater manual would be required of a new SJCC.
 - A building with sufficient parking capacity and traffic flow. Currently the parking for the SJCC and traffic flow can be congested. The new SJCC would include a one-story tall parking garage that is mostly buried underground to mitigate visual impacts, which would add parking stalls the building needs for adequate parking capacity. The rearrangement of the site would also allow for sufficient room for traffic queuing during busy pick-up and drop-off times, reducing current traffic issues in the area.
 - A large setback buffer from the single-family properties to the south. The proposed setbacks will reduce noise and light impacts from the current SJCC.
 - No parking lights on the south side of the property near single family residents. Currently light from parking lights may spill into neighboring houses and properties. All new lights would be placed to eliminate light spillage, and any required light fixtures would be cut-off to shield light.

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercergov.org



PLANNING COMMISSION

To: City Council
From: Mike Murphy, Planning Commission Chair
Date: November 15, 2023
RE: 2024 Docket Recommendation – Proposed Amendment 18
ATTACHMENTS:

On behalf of the Planning Commission, I am pleased to present this recommendation for the 2024 Docket.

The City opened the annual docket submittal process during the month of September 2023, and received a submission from the Stroum Jewish Community Center. The Planning Commission reviewed the submitted docket request at a special meeting on November 15, 2023. The request, Proposed Amendment 18, includes a proposal for a site-specific amendment to the land use designation and a rezone. The site-specific nature of this request necessitated a separate, quasi-judicial review process for this item. As such, it was reviewed first under special business.

The proceedings began with the Assistant City Attorney asking Appearance of Fairness questions of each commissioner to establish if any bias or conflicts of interest were present. None of the Commissioners identified anything that would bias their decision. Commissioners Raisys and Battazzo submitted written statements to the record identifying relationships that could constitute an appearance of conflict, which were verified as being entered into the record by the Deputy City Clerk. All Commissioners affirmatively confirmed they could review and adjudge the proposal in a fair, objective, and unbiased manner. All participants at the public meeting were provided the opportunity to raise a challenge to the participation of any Commissioner based on appearance of fairness concerns and no challenges were raised.

The Planning Commission received for review nearly 200 written public comments that were submitted to the Planning Commission and more than 100 that were submitted to the City Council in advance of the public meeting. At the meeting, 22 people provided public comment in favor of docketing the proposal and 3 people provided comment in opposition. The proponent of the docket proposal spoke briefly to the merits of placing their proposal on the final docket, followed by a presentation from the City staff, followed by a brief rebuttal by the proponent of the docket proposal.

In addition to the public comment and presentations, the Planning Commission considered the materials submitted by the applicant as well as the staff memo dated November 15, 2023. In making its recommendation, the Planning Commission considered the docketing criteria contained in MICC 19.15.230(E). The Commission adopted the following findings in relation to the docketing criteria.

1. The proposal satisfied docketing criteria 1, 3 and 5

The Commission concurred with the staff analysis that the Comprehensive Plan and development code are the appropriate places to address the proposed redesignation and rezone, the proposal is not a part of an ongoing work program approved by the City Council, and the proposal has not been considered by the City Council in the last three years. The motion was approved 7-0.

2. The proposal satisfied docketing criterion 2

The Commission discussed in depth whether the City has, or the applicant could provide, the resources (including staff and budget) necessary to complete the review of this proposal. Some commissioners did not concur with the staff analysis that this proposal is a low priority based on available City resources, and felt it should have been prioritized higher. One Commissioner noted that resource allocation is an item reserved for the Council and that when Council considers the item, it can also consider whether it can allocate the sufficient resources for the docket proposal. Several Commissioners felt this proposal had some urgency and should be scheduled for review in 2024. It was also discussed that the applicant would contribute some level of resources to this review, in the form of permit fees paid to the City, as well as technical work such as SEPA review and traffic analysis. The motion was approved 6-0-1 (Raisys abstaining).

3. The proposal satisfied docketing criterion 4

The commission discussed this criterion in detail as well. It was mentioned that the language of this criterion refers to “specifically identified goals of the Comprehensive Plan” and not something broader that would indicate consistency with the Comprehensive Plan as a whole. There was discussion amongst the Commissioners of how to balance and weigh competing goals within the Comprehensive Plan. A commissioner stated that the proposal implements Comprehensive Plan Policy 17.4 by helping to retain an important cultural institution on the Island. Other commissioners concurred with this conclusion. The motion was approved 7-0.

After considerable discussion and deliberation, the Planning Commission approved the recommendation by a 6-0-1 vote (Raisys abstaining): **The Planning Commission recommends to the City Council that Proposed Amendment 18 be docketed for the 2024 work plan.**

Michael J. Murphy 11/28/23
Mike Murphy Date
Planning Commission Chair
City of Mercer Island

**CITY OF MERCER ISLAND
RESOLUTION NO. 1657**

**A RESOLUTION OF THE CITY OF MERCER ISLAND, WASHINGTON,
REGARDING THE CITY'S 2024 COMPREHENSIVE PLAN AND DEVELOPMENT
REGULATION AMENDMENT DOCKET PROPOSAL NO. 18**

WHEREAS, the City of Mercer Island is required to plan under the Growth Management Act of 1990, as amended, including adopting and regularly updating and amending its Comprehensive Plan and development regulations; and

WHEREAS, the Growth Management Act allows the City to amend the Comprehensive Plan on an annual basis; and

WHEREAS, public notice was provided on August 9, 2023 and September 6, 2023 of the opportunity to propose Comprehensive Plan and development regulation amendments by October 1, 2023, for consideration in 2024; and

WHEREAS, on November 15, 2023, the City of Mercer Island Planning Commission held a public meeting and made a recommendation to the Mercer Island City Council to place Docket Proposal No. 18 on the final docket of Comprehensive Plan and development regulation amendments to be considered in 2024; and

WHEREAS, on December 5, 2023, the Mercer Island City Council held a public meeting to consider the final docket of amendments to be considered in 2024 and the Planning Commission's recommendations for same;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AS FOLLOWS:

Section 1. The City Council formally adopts the findings, conclusions, and recommendation of the Planning Commission attached hereto as Exhibit A.

Section 2. The City Council places Docket Proposal No. 18 on the 2024 final docket.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON,
AT ITS MEETING ON THE 5TH DAY OF DECEMBER 2023.

CITY OF MERCER ISLAND

Salim Nice, Mayor

ATTEST:

Andrea Larson, City Clerk

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

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PLANNING COMMISSION

To: City Council
From: Mike Murphy, Planning Commission Chair
Date: November 15, 2023
RE: 2024 Docket Recommendation – Proposed Amendment 18
ATTACHMENTS:

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The proceedings began with the Assistant City Attorney asking Appearance of Fairness questions of each commissioner to establish if any bias or conflicts of interest were present. None of the Commissioners identified anything that would bias their decision. Commissioners Raisys and Battazzo submitted written statements to the record identifying relationships that could constitute an appearance of conflict, which were verified as being entered into the record by the Deputy City Clerk. All Commissioners affirmatively confirmed they could review and adjudge the proposal in a fair, objective, and unbiased manner. All participants at the public meeting were provided the opportunity to raise a challenge to the participation of any Commissioner based on appearance of fairness concerns and no challenges were raised.

The Planning Commission received for review nearly 200 written public comments that were submitted to the Planning Commission and more than 100 that were submitted to the City Council in advance of the public meeting. At the meeting, 22 people provided public comment in favor of docketing the proposal and 3 people provided comment in opposition. The proponent of the docket proposal spoke briefly to the merits of placing their proposal on the final docket, followed by a presentation from the City staff, followed by a brief rebuttal by the proponent of the docket proposal.

In addition to the public comment and presentations, the Planning Commission considered the materials submitted by the applicant as well as the staff memo dated November 15, 2023. In making its recommendation, the Planning Commission considered the docketing criteria contained in MICC 19.15.230(E). The Commission adopted the following findings in relation to the docketing criteria.

1. The proposal satisfied docketing criteria 1, 3 and 5

The Commission concurred with the staff analysis that the Comprehensive Plan and development code are the appropriate places to address the proposed redesignation and rezone, the proposal is not a part of an ongoing work program approved by the City Council, and the proposal has not been considered by the City Council in the last three years. The motion was approved 7-0.

2. The proposal satisfied docketing criterion 2

The Commission discussed in depth whether the City has, or the applicant could provide, the resources (including staff and budget) necessary to complete the review of this proposal. Some commissioners did not concur with the staff analysis that this proposal is a low priority based on available City resources, and felt it should have been prioritized higher. One Commissioner noted that resource allocation is an item reserved for the Council and that when Council considers the item, it can also consider whether it can allocate the sufficient resources for the docket proposal. Several Commissioners felt this proposal had some urgency and should be scheduled for review in 2024. It was also discussed that the applicant would contribute some level of resources to this review, in the form of permit fees paid to the City, as well as technical work such as SEPA review and traffic analysis. The motion was approved 6-0-1 (Raisys abstaining).

3. The proposal satisfied docketing criterion 4

The commission discussed this criterion in detail as well. It was mentioned that the language of this criterion refers to “specifically identified goals of the Comprehensive Plan” and not something broader that would indicate consistency with the Comprehensive Plan as a whole. There was discussion amongst the Commissioners of how to balance and weigh competing goals within the Comprehensive Plan. A commissioner stated that the proposal implements Comprehensive Plan Policy 17.4 by helping to retain an important cultural institution on the Island. Other commissioners concurred with this conclusion. The motion was approved 7-0.

After considerable discussion and deliberation, the Planning Commission approved the recommendation by a 6-0-1 vote (Raisys abstaining): **The Planning Commission recommends to the City Council that Proposed Amendment 18 be docketed for the 2024 work plan.**

Michael J. Murphy 11/28/23
 Mike Murphy Date
 Planning Commission Chair
 City of Mercer Island

**CITY OF MERCER ISLAND
RESOLUTION NO. 1657**

**A RESOLUTION OF THE CITY OF MERCER ISLAND, WASHINGTON,
REGARDING THE CITY'S 2024 COMPREHENSIVE PLAN AND DEVELOPMENT
REGULATION AMENDMENT DOCKET PROPOSAL NO. 18**

WHEREAS, the City of Mercer Island is required to plan under the Growth Management Act of 1990, as amended, including adopting and regularly updating and amending its Comprehensive Plan and development regulations; and

WHEREAS, the Growth Management Act allows the City to amend the Comprehensive Plan on an annual basis; and

WHEREAS, public notice was provided on August 9, 2023 and September 6, 2023, of the opportunity to propose Comprehensive Plan and development regulation amendments by October 1, 2023, for consideration in 2024; and

WHEREAS, on November 15, 2023, the City of Mercer Island Planning Commission held a public meeting and made a recommendation to the Mercer Island City Council to place Docket Proposal No. 18 on the final docket of Comprehensive Plan and development regulation amendments to be considered in 2024; and

WHEREAS, on December 5, 2023, the Mercer Island City Council held a public meeting to consider the final docket of amendments to be considered in 2024 and the Planning Commission's recommendations regarding same; and

WHEREAS, the criteria contained in MICC 19.15.230(E)(1)(b)(i) has been (met/not met) because _____; and

WHEREAS, the criteria contained in MICC 19.15.230(E)(1)(b)(ii) has been (met/not met) because _____; and

WHEREAS, the criteria contained in MICC 19.15.230(E)(1)(b)(iii) has been (met/not met) because _____; and

WHEREAS, the criteria contained in MICC 19.15.230(E)(1)(b)(iv) has been (met/not met) because _____; and

WHEREAS, the criteria contained in MICC 19.15.230(E)(1)(b)(v) has been (met/not met) because _____;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AS FOLLOWS:

Section 1. The WHEREAS clauses above are hereby adopted as findings and conclusions.

Section 2. The City Council declines to place Docket Proposal No. 18 on the 2024 final docket.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON,
AT ITS MEETING ON THE 5TH DAY OF DECEMBER 2023.

CITY OF MERCER ISLAND

Salim Nice, Mayor

ATTEST:

Andrea Larson, City Clerk

**CITY OF MERCER ISLAND
RESOLUTION NO. 1657**

**A RESOLUTION OF THE CITY OF MERCER ISLAND, WASHINGTON,
REGARDING THE CITY'S 2024 COMPREHENSIVE PLAN AND DEVELOPMENT
REGULATION AMENDMENT DOCKET PROPOSAL NO. 18**

WHEREAS, the City of Mercer Island is required to plan under the Growth Management Act of 1990, as amended, including adopting and regularly updating and amending its Comprehensive Plan and development regulations; and

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WHEREAS, public notice was provided on August 9, 2023 and September 6, 2023, of the opportunity to propose Comprehensive Plan and development regulation amendments by October 1, 2023, for consideration in 2024; and

WHEREAS, on November 15, 2023, the City of Mercer Island Planning Commission held a public meeting and made a recommendation to the Mercer Island City Council to place Docket Proposal No. 18 on the final docket of Comprehensive Plan and development regulation amendments to be considered in 2024; and

WHEREAS, on December 5, 2023, the Mercer Island City Council held a public meeting to consider the final docket of amendments to be considered in 2024 and the Planning Commission's recommendations for same; and

WHEREAS, the criteria contained in MICC 19.15.230(E)(1)(b)(i) has been (met/not met) because _____; and

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WHEREAS, the criteria contained in MICC 19.15.230(E)(1)(b)(v) has been (met/not met) because _____;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AS FOLLOWS:

Section 1. The WHEREAS clauses above are hereby adopted as findings and conclusions.

Section 2. The City Council places Docket Proposal No. 18 on the 2024 final docket.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON,
AT ITS MEETING ON THE 5TH DAY OF DECEMBER 2023.

CITY OF MERCER ISLAND

Salim Nice, Mayor

ATTEST:

Andrea Larson, City Clerk

AB 6389: Review Proposed Amendment 18



Item 11.

2024 Annual Docket

- The docket is the annual opportunity for the public to propose Comprehensive Plan and development code amendments
- A docket request from the SJCC was received timely by the October 1 deadline
- The request is to amend the Comprehensive Plan Land Use Map and Zoning Map to redesignate the SJCC's residential property to Commercial-Office.
- Tonight, City Council will review the Planning Commission recommendation and determine whether to place the proposal on the 2024 docket
- This decision should be based solely on the information in the public record and the criteria in the City Code

Docketing Criteria

MICC 19.15.230(E)(1)(b) All of the following criteria are met:

- i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;
- ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;
- iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;
- iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and
- v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

Resources and Capacity

- Work plan items for 2024:
 - **Comprehensive Plan Periodic Update**
 - Substantial work remains, including initial review of the Parks Zone and the Housing Element, as well as public engagement and legislative review of the full Draft Comp Plan Amendment
 - *State deadline for completion: December 31, 2024*
 - **Legislatively Mandated Residential Amendments (HB 1110, HB 1337)**
 - City must undertake several substantial code amendments to comply with recent housing-related legislation. The City will also undertake additional amendments related to the previously planned Residential Development Standards (RDS) code update.
 - *State deadline for completion: June 30, 2025*
- Items added to the docket will remain on the docket until a decision is made
 - If docketed items are not reviewed in the year they are initially docketed, they carry over to future year(s) until review is completed

Planning Commission Recommendation

- The Planning Commission found that all of the five docketing criteria were met and recommended docketing the proposal.

Land Use Map Amendment Expansion

MICC 19.15.230(H):

H. Expansion of land use map amendment. The city may propose to expand the geographic scope of an amendment to the comprehensive plan land use map to allow for consideration of adjacent property, similarly situated property, or area-wide impacts. The following criteria shall be used in determining whether to expand the geographic scope of a proposed land use map amendment:

1. The effect of the proposed amendment on the surrounding area or city;
2. The effect of the proposed amendment on the land use and circulation pattern of the surrounding area or city; and
3. The effect of the proposed amendment on the future development of the surrounding area or city.



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6382
December 5, 2023
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 6382: 2024 Comprehensive Plan and Development Code Amendment Docket	<input checked="" type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution
RECOMMENDED ACTION:	Consider approval of Resolution No. 1655 setting the docket for 2024.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Community Planning and Development Director Alison Van Gorp, Community Planning and Development Deputy Director
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Docket proposal submissions 2. Planning Commission Staff Memo, dated November 15, 2023 3. Planning Commission Recommendation and Preliminary Docket 4. Resolution No. 1655 5. Docket Progress Report
CITY COUNCIL PRIORITY:	n/a

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

EXECUTIVE SUMMARY

The purpose of this agenda bill is to set the docket of proposed Comprehensive Plan and development code amendments for 2024 and possibly beyond depending on the number items docketed for further consideration. The docket is the City's process for soliciting proposals for Comprehensive Plan and development code amendments each year.

- The public had the opportunity to submit docket proposals during the month of September.
- Eight proposals were received from the public, one was later withdrawn. Ten proposals were also submitted by the City.
- The Planning Commission reviewed proposals 1-10 and 12-17 and recommended that proposal numbers 7, 8, 9, 10, 14, 15, 16 be included on the 2024 docket.
- The City Council will consider the City's capacity to review docketed items in the coming year, among other criteria, in deciding on which, if any, proposals are placed on the docket.
- Items placed on the 2024 docket will be added to the Community Planning and Development (CPD) work program for legislative review and consideration by staff, the Planning Commission, and the City Council.
- The City is under no obligation to legislatively adopt any item which is added to the docket.

BACKGROUND

The City provides an annual opportunity to propose amendments to the Comprehensive Plan and development regulations. Amendment proposals are invited each year during the month of September as described in [MICC 19.15.230\(D\)\(1\)](#). The proposed amendments are compiled, along with the City's proposed amendments, into a docket. The docket is preliminarily reviewed by the Planning Commission and City Council for a determination on which, if any, proposed amendments will be advanced for full legislative review in the coming year. Amendments selected by the City Council for the 2024 docket are then added to the Community Planning and Development work program, typically for the next calendar year, or when time and resources permit.

Docketing Process

Public notice of the opportunity to submit docket requests was provided in the Weekly Permit Bulletin and on the City website between August 7, 2023 and September 6, 2023, as well as on August 9 and September 6, 2023 in the Mercer Island Reporter. Eight code amendment proposals were received from the public; one of these proposals (Proposed Amendment 11) was later withdrawn (Exhibit 1). The City has also identified ten code amendments for consideration. All seventeen active proposals are summarized in the staff memo to the Planning Commission dated November 15, 2023 (Exhibit 2).

Planning Commission Review & Recommendation

On [November 15](#) and [November 20](#), 2023, the Planning Commission reviewed the proposed amendments in the preliminary docket. After considerable discussion and deliberation, the Planning Commission made a motion related to each proposed amendment (see Exhibit 3). Taken together, the Planning Commission recommends that the City Council include preliminary docket proposals numbered 7, 8, 9, 10, 14, 15 and 16 in the 2024 docket (see Exhibit 3 for the full recommendation and the preliminary docket).

Docketing Criteria

The City Council's role in the docketing process is described as follows in MICC 19.15.230(D)(1)(d):

"The city council shall review the preliminary docket at a public meeting. By December 31, the city council shall establish the final docket based on the criteria in subsection E of this section. Once approved, the final docket defines the work plan and resource needs for the following year's comprehensive plan and code amendments."

The MICC states (19.15.230(E)) states that Comprehensive Plan and code amendments should only be placed on the final docket if the proposed amendment will meet the specified criteria:

"E. Docketing Criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

- 1. The request has been filed in a timely manner, and either:*
 - a. State law requires, or a decision of a court or administrative agency has directed, such a change; or*
 - b. All of the following criteria are met:*
 - i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;*
 - ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;*
 - iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;*

- iv. *The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and*
- v. *The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment."*

ISSUE/DISCUSSION

The threshold question for the City Council is whether the items on the preliminary docket should be further analyzed and considered for legislative adoption by the Planning Commission, City Council, and community beginning in 2024. The City Council is under no obligation to legislatively adopt any item if it is placed on the 2024 docket. Each proposal should be reviewed based upon the criteria in MICC 19.15.230(E), provided above. After deliberations, the City Council sets the docket by approving Resolution No. 1655 (Exhibit 4).

Related to criterion (1)(b)(ii) above, the City Council should carefully consider the City's capacity to review docketed items in the coming year, including the workload generated by the items placed on the docket for staff, the Planning Commission, and the City Council itself. Each item that is docketed requires substantial staff work, including research and analysis, preparation of staff reports, public notice, SEPA analysis and documentation, and notification to state agencies. In addition, the Planning Commission typically discusses each item 2-3 times at a minimum, including a work session, a public hearing, and deliberations/decision. Then, the City Council holds a minimum of two readings for each proposed amendment.

To better understand the legislative review process and typical timelines, see Exhibit 5 for a progress report on items proposed for the docket since 2020. In recent years, the City has often not completed legislative review of all the docketed items during the year in which they were docketed. Typically, one or more items have been carried over to the following year's work program.

The Planning Commission schedule includes 11 regularly scheduled meetings each year. Thus, there is a limit to the number of items that the Planning Commission can review in a year, based on simple time constraints. Additionally, the City Council should consider its capacity for review of recommended amendments, as well as the community's capacity to digest the proposals.

The 2024 CPD work program includes following items; anything added to the docket for 2024 will need to be scheduled for review around or more likely after the below items. Therefore, it is possible one or more items which are docketed now will not receive legislative review until the fall of 2025, 2026 or even later.

1. **Periodic Update of the Comprehensive Plan:** work on the periodic update will continue through 2024, including significant work on the Parks Zone and Housing Element (due for completion by December 2024).
2. **Legislatively Mandated Residential Amendments (HB 1110, HB 1337):** the City must undertake several substantial code amendments to comply with recent housing-related legislation. The City will also undertake additional amendments related to the previously planned Residential Development Standards (RDS) code update. This work will begin as the periodic update of the Comprehensive Plan concludes in late 2024 and must be completed by June 30, 2025.

	2024				2025			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
1. Comprehensive Plan Periodic Update								
2. Residential Amendments (HB 1110, HB 1337)	<i>analysis, community engagement, scoping</i>							



Planning Commission Review



City Council Review

NEXT STEPS

Once the docket is approved, staff will schedule each of the docketed items for Planning Commission and City Council legislative review in 2024 or beyond.

RECOMMENDED ACTION

Consider approval of Resolution No. 1655 to include items [insert docket item # here] setting the docket of Comprehensive Plan and development code amendments for 2024.

DOCKET REQUEST FORM

The following information is required to be included. Failure to complete this form may result in the application being incomplete. Incomplete applications will not be considered during the annual docket process.

APPLICANT INFORMATION

Name: Daniel Thompson

Address: 7265 N. Mercer Way, Mercer Island, WA 98040

Phone: (206) 622-0670

Email: danielphompson@hotmail.com

AGENT/CONSULTANT/ATTORNEY: (COMPLETE IF PRIMARY CONTACT IS DIFFERENT FROM APPLICANT)

Name: _____

Address: _____

Phone: _____

Email: _____

REQUEST INFORMATION

Please complete a separate Docket Request Form for each item you are requesting to be added to the Docket.

Is this request related to a specific property or zone?

Yes ☐

No ☒

If yes, please complete the following information:

Property Owner: _____

Address: _____

County Assessors Parcel No.: _____

Parcel Size (sq. ft.): _____

If the application is submitted by an agent/consultant/attorney, please demonstrate that the application has been submitted with the consent of all owners of the affected property. For example, attach a signed letter providing consent.

Is this request for a Comprehensive Plan amendment or a development code amendment?

Comprehensive Plan amendment ☐

Development code amendment ☒

Would you like to submit a suggestion for a comprehensive plan or development code amendment, or is this an application for a specific amendment (check boxes)? Please note: applications are subject to applicable permit fees.

Suggestion ☒

Application ☐

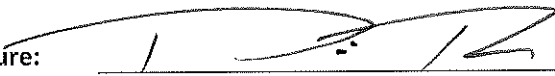
08/2022

DOCKET REQUEST NARRATIVE – REQUIRED FOR ALL APPLICATIONS

Please attach a narrative responding to the following questions. Attach any additional sheets, supporting maps or graphics. Answer each question separately and reference the question number in your answer. **The application will be considered incomplete without a narrative answering all of the following questions.**

1. Please provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish.
 - a. Indicate the specific Comprehensive Plan Elements, maps, goals or policies or the specific sections of the development code you propose to amend.
 - b. If the proposal would amend existing Comprehensive Plan or development code text, please provide the proposal in underline/strikeout format with text to be added indicated by underlining and text to be deleted indicated with ~~strikeouts~~.
 - c. If a map amendment is proposed, please provide a map that clearly outlines the areas proposed to be changed.
2. How does the proposal benefit the community or the environment?
3. Explain how the request relates to the applicable decision criteria (MICC 19.15.250(D) for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments, see below).
4. For Comprehensive plan amendments: Is the proposal consistent the Growth Management Act and King County Countywide Planning Policies?
5. For development code amendments: how does the proposal align with the goals of the City's Comprehensive Plan?

Signature:



Date:

9-30-2022

I**SUGGESTION FOR RESIDENTIAL CODE AMENDMENT**

MICC 19.02.020 Residential Development Standards

MICC 19.02.020(D)(2)(a) Gross Floor Area

Suggested Code Amendment:

I suggest MICC 19.02.020(D)(2)(a) be amended to reduce ceiling height from 12 feet to 10 feet before it is counted as clerestory space at 150% of GFA.

Analysis:

The Citizens and Council spent approximately three years rewriting the Residential Development Code. A primary motivation in the rewrite was to deal with citizen concern over “massing”, or what citizens considered out-of-scale residential development, which the Planning Commission addressed as Gross Floor Area to Lot Area Ratio (GFAR).

One of the factors that increased GFAR and led to the code rewrite was Administrative Interpretation 13-01 that allowed all clerestory space to be counted as 100% GFA.

Massing is a three-dimensional concept based on the exterior volume of the house. Whether interior space is counted as GFA or not, it is a reality in the exterior volume, or massing, of the house. GFA, meanwhile, is a two-dimensional term subject to exemption.

Ten-foot ceiling height is the industry standard for a maximum non-cathedral ceiling. The Planning Commission never recommended a 12-foot ceiling height in its recommendation to the Council, but recommended 10 feet. 12 feet was the sudden recommendation of former council member Dan Grausz at the Council’s final adoption hearing for the new Residential Development Code.

A ceiling height of 12 feet, before counting as clerestory space, allows each floor of a two-story house to increase its interior and exterior volume by 20%, directly contrary to the goals of the RDS. Furthermore, it creates a much greater need for heating and cooling, and is contrary to the purposes of green building standards.

DOCKET REQUEST FORM

The following information is required to be included. Failure to complete this form may result in the application being incomplete. Incomplete applications will not be considered during the annual docket process.

APPLICANT INFORMATION

Name: Daniel Thompson

Address: 7265 N. Mercer Way, Mercer Island, WA 98040

Phone: (206) 622-0670

Email: danielphompson@hotmail.com

AGENT/CONSULTANT/ATTORNEY: (COMPLETE IF PRIMARY CONTACT IS DIFFERENT FROM APPLICANT)

Name: _____

Address: _____

Phone: _____

Email: _____

REQUEST INFORMATION

Please complete a separate Docket Request Form for each item you are requesting to be added to the Docket.

Is this request related to a specific property or zone?

Yes ☐

No ☒

If yes, please complete the following information:

Property Owner: _____

Address: _____

County Assessors Parcel No.: _____

Parcel Size (sq. ft.): _____

If the application is submitted by an agent/consultant/attorney, please demonstrate that the application has been submitted with the consent of all owners of the affected property. For example, attach a signed letter providing consent.

Is this request for a Comprehensive Plan amendment or a development code amendment?

Comprehensive Plan amendment ☐

Development code amendment ☒

Would you like to submit a suggestion for a comprehensive plan or development code amendment, or is this an application for a specific amendment (check boxes)? Please note: applications are subject to applicable permit fees.

Suggestion ☒

Application ☐

DOCKET REQUEST NARRATIVE – REQUIRED FOR ALL APPLICATIONS

Please attach a narrative responding to the following questions. Attach any additional sheets, supporting maps or graphics. Answer each question separately and reference the question number in your answer. **The application will be considered incomplete without a narrative answering all of the following questions.**

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2. How does the proposal benefit the community or the environment?
3. Explain how the request relates to the applicable decision criteria (MICC 19.15.250(D) for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments, see below).
4. For Comprehensive plan amendments: Is the proposal consistent the Growth Management Act and King County Countywide Planning Policies?
5. For development code amendments: how does the proposal align with the goals of the City's Comprehensive Plan?

Signature:



Date:

9-30-2022

II

SUGGESTION FOR RESIDENTIAL CODE AMENDMENT

MICC 19.02.020 Residential Development Standards

MICC 19.02.020(D)(2) Gross Floor Area

MICC 19.16.010(G)(2)(b) Gross Floor Area Exemption for Covered Decks on the First Level

Suggested Code Amendment:

I suggest MICC 19.02.020(D)(2) be amended to include exterior covered decks in the definition of Gross Floor Area, which presently only references exterior walls even though covered decks on levels above the first level are counted towards the GFA limit.

I further suggest that MICC 19.02.020(D)(2) and 19.16.010(G)(2)(b) be amended to include covered porches on the first level in the calculation of Gross Floor Area.

Analysis:

The Citizens and Council spent approximately three years rewriting the Residential Development Code. A primary motivation in the rewrite was to deal with citizen concern over “massing”, or what citizens considered out of scale residential development, which the Planning Commission addressed as Gross Floor Area to Lot Area Ratio (GFAR).

One of the main actions in the new Residential Development Code was to remove discretion from the City Planning Department (Development Services Group at that time, now Community Planning Department), especially when it came to deviations and variances. Unfortunately, that led the prior director to simply amend the entire code when attempting to address a request from a citizen for relief from the Code.

One of these Amendments was to exempt covered decks on the first level from the GFA limits because the applicant wished to have a covered barbecue area. Instead, the code amendment exempts all covered decks on the first level from the GFA limit.

There is very little difference in massing between a deck with a railing and roof from a room. The only difference is a window. Exempting first level decks from GFA limits greatly expands the massing of the house.

To be fair to Evan Maxim, amending this definition to limit its scope was on his agenda before his departure.

A homeowner already has the benefit of an 18-inch eave that is exempt from the GFA limit. At most, any barbecue area that needed to be sheltered from the elements would be 5'x 5', or 25 square feet. I suggest that covered decks on the first level be counted in their entirety towards the GFA limit, or in the alternative a 25-foot exemption be allowed for a barbecue area.

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No ☒

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Comprehensive Plan amendment ☐

Development code amendment ☒

Would you like to submit a suggestion for a comprehensive plan or development code amendment, or is this an application for a specific amendment (check boxes)? Please note: applications are subject to applicable permit fees.

Suggestion ☒

Application ☐

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Date:

9-30-2022

III

SUGGESTION FOR RESIDENTIAL CODE AMENDMENT

MICC 19.02.020 Residential Development Standards

MICC 19.02.020(c)(2)(a)(iii) Yards for Waterfront Lots

MICC 19.02.040(D)(1) Garages and Carports/Yard Intrusion

Suggested Code Amendment:

I suggest MICC 19.02.040(D)(1) be eliminated. In the alternative, I suggest that MICC 19.02.040(D)(1) not be applicable to a waterfront lot if the waterfront lot has switched its front and rear yards subject to MICC 19.02.020(c)(2)(a)(iii).

Analysis:

MICC 19.02.020(c)(2)(a)(iii) allows a waterfront lot to switch its front and rear yard because the Department of Ecology requires a 25-foot buffer between the structure and the ordinary high water mark.

However, MICC 19.02.040(D)(1) allows garages and carports to be built within 10 feet of the property line of the *front* yard if there is more than 4 vertical feet difference as measured between the bottom wall of the building and ground elevation of the front yard property line where such property is closest to the building.

Ideally, 19.02.040(D)(1) should be eliminated. It is a building or structure above the ground level that extends into the yard setback. However, in the alternative, 19.02.040(D)(1) should not be available to waterfront lots that have flipped their front and rear yards pursuant to 19.02.020(c)(2)(a)(iii) because essentially it reduces the yard between the upper house to 10 feet. The effect of this provision can easily be seen as one takes a boat around Lake Washington. The waterfront house and the house directly behind look as though they are one contiguous property.

DOCKET REQUEST FORM

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No ☒

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Development code amendment ☒

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Suggestion ☒

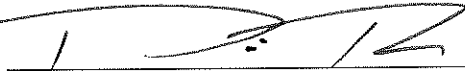
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Signature:



Date:

9-30-2022

IV

SUGGESTION FOR RESIDENTIAL CODE AMENDMENT

MICC 19.02.020 Residential Development Standards

MICC 19.02.020(D)(3)(b) Gross Floor Area Incentives for ADU's

Suggested Code Amendment:

I suggest limiting the Gross Floor Area Incentives for ADU's in MICC 19.02.020(D)(3)(b) to lots 8,400 square feet or smaller.

Analysis:

One of the primary purposes of the rewrite of the Residential Development Code was to address the massing and out of scale development in the smaller lot neighborhoods, with lots 8,400 square feet and less. MICC 19.02.020(D)(3)(b) allows a lot 10,000 square feet or less to have up to 5% additional Gross Floor Area for an ADU. (19.02.020(D)(3)(a) already allows a lot 7,500 sf lot or below an additional 5% GFA or 3,000 sf for either an ADU or the main house.)

A 10,000-square foot lot that can have a 4,000-square foot house does not need an additional 5% Gross Floor Area for an ADU. The primary tool used by the Planning Commission to reduce massing and out-of-scale residential development was to reduce GFAR from 45% to 40%, except this provision is directly contrary to that goal.

MICC 19.02.020(D)(3)(b) should be amended to limit the 5% additional GFA to lots 8,400 square feet and less.

DOCKET REQUEST FORM

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APPLICANT INFORMATION

Name: Daniel Thompson

Address: 7265 N. Mercer Way, Mercer Island, WA 98040

Phone: (206) 622-0670

Email: danielphompson@hotmail.com

AGENT/CONSULTANT/ATTORNEY: (COMPLETE IF PRIMARY CONTACT IS DIFFERENT FROM APPLICANT)

Name: _____

Address: _____

Phone: _____

Email: _____

REQUEST INFORMATION

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Yes ☐

No ☒

If yes, please complete the following information:

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Address: _____

County Assessors Parcel No.: _____

Parcel Size (sq. ft.): _____

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Comprehensive Plan amendment ☐

Development code amendment ☒

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Suggestion ☒

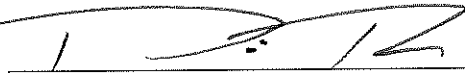
Application ☐

DOCKET REQUEST NARRATIVE – REQUIRED FOR ALL APPLICATIONS

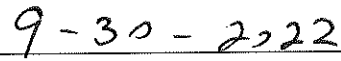
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5. For development code amendments: how does the proposal align with the goals of the City's Comprehensive Plan?

Signature:



Date:



V

SUGGESTION FOR RESIDENTIAL CODE AMENDMENT

MICC 19.02.020 Residential Development Standards

MICC 19.02.020(G)(2)(a) and (b) Parking Requirements

Suggested Code Amendment:

I suggest that MICC 19.02.020(G)(2)(a) and (b) be amended to reduce house GFA from 3,000 sf to 2,000 sf in order to reduce covered parking spaces to one covered and one uncovered space.

Analysis:

During the Residential Development Code rewrite, parking requirements for residential houses were reduced based upon the square footage of the house pursuant to MICC 19.02.020(G)(2)(a) and (b). This was a very contentious amendment. Ironically, many builders are hesitant to not build a 3-car garage on Mercer Island since many of their first-time home buyers come from off-island to the east, where a 3-car garage is common.

A 3,000 sf home is quite large. For example, I have raised two children in a 2,700 sf house with a 3-car garage on Mercer Island. A 3,000 sf house can accommodate a two-covered garage space.

Ancillary issues from reducing parking requirements for houses 3,000 feet and below that were not well-discussed during the Residential Code rewrite include:

1. Mercer Island effectively has no intra-island transit. The 201 that circled the Mercers was eliminated because of low ridership, in part because it is very difficult for citizens to even get up their steep drives to one of the Mercers, and the 201 was very slow.
2. One covered garage space is usually required for the three different bins – garbage, recycle, and yard waste – plus storage of bikes, skis, tools, and other personal equipment. For the first 16 years I lived in a small house on First Hill with a one-car garage, which effectively was a zero-car garage since there was too much stuff in the garage to park a car in it. This effectively moves either cars, or items such as garbage bins, out into the yard and street.

3. Since Mercer Island residential neighborhoods have few sidewalks, cars parked along the street push kids walking to the school bus out into the middle of the road. This is especially problematic when it is dark.
4. Overflow street parking in the residential neighborhoods makes dedicated bike paths almost impossible, including on the Mercers. Not unlike the Town Center that only requires one parking stall per unit, reducing parking requirements simply subsidizes builders by shifting parking from onsite to the street.

The original intent was to ameliorate the reduction in GFAR limits in the new code. A resident would convert one parking space to living area. However, a 3,000 sf house simply does not need this incentive, and the GFA necessary to qualify for reduced parking should be reduced from 3,000 sf to 2,000 sf.

DOCKET REQUEST FORM

The following information is required. Failure to complete this form may result in the application being incomplete. Incomplete applications will not be considered during the annual docket process.

APPLICANT INFORMATION

Name: Matthew Goldbach

Address: 9980 SE 40th St, Mercer Island, WA 98040

Phone: 954-806-2489

Email: blkship@yahoo.com

AGENT/CONSULTANT/ATTORNEY

Complete this section if the primary contact is different from the applicant.

Name: _____

Address: _____

Phone: _____

Email: _____

REQUEST INFORMATION

Important: A separate Docket Request Form must be completed for each docket item requested.

Is this request related to a specific property or zone?

Yes ☐

No ☒

If yes, please complete the following information:

Property Owner Name: _____

Address: _____

County Assessor's Parcel No.: _____

Parcel Size (sq. ft.): _____

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Is this request for a Comprehensive Plan amendment or a development code amendment?

Comprehensive Plan Amendment ☐

Development code Amendment ☒

Is this submission a suggestion for a Comprehensive Plan or Development Code amendment, or is this an application for a specific amendment? (Check one box below.)

Note: Applications are subject to [applicable permit fees](#).

Suggestion ☒

Application ☐

DOCKET REQUEST NARRATIVE – REQUIRED FOR ALL APPLICATIONS

Please attach a separate narrative responding to all five (5) questions outlined below. Attach additional sheets, supporting maps, or graphics as necessary. Answer each question separately and reference the question number in your answer.

The application will be considered incomplete without a narrative answering all five questions.

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5. For development code amendments: How does the proposal align with the goals of the City's Comprehensive Plan?

Please sign and date below acknowledging application requirements.

Signature:



Date:

Sept. 28 2023

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Please attach a separate narrative
responding to the above questions.

SUGGESTION FOR RESIDENTIAL CODE AMENDMENT

MICC 19.15.240 Reclassification of Properties (Rezones)

MICC 19.15.240(C) Criteria

Suggested Code Amendment:

I suggest MICC 19.15.240(C) be amended to prohibit single-family, residentially-zoned property as delineated in Appendix D - Zoning Map from being rezoned to any other zone.

MICC 19.15.240(C) will then read with the suggested amendment **Subsection 8** as follows:

19.15.240 - Reclassification of property (rezones).

- A. Purpose. The purpose of this section is to establish the process and criteria for a rezone of property from one zoning designation to another.
- B. Process. A rezone shall be considered as provided in MICC 19.15.260.
- C. Criteria. The city council may approve a rezone only if all of the following criteria are met:
 - 1. The proposed reclassification is consistent with the policies and provisions of the Mercer Island comprehensive plan;
 - 2. The proposed reclassification is consistent with the purpose of the Mercer Island development code as set forth in MICC 19.01.010;
 - 3. The proposed reclassification is an extension of an existing zone, or a logical transition between zones;
 - 4. The proposed reclassification does not constitute an illegal site-specific rezone;
 - 5. The proposed reclassification is compatible with surrounding zones and land uses;
 - 6. The proposed reclassification does not adversely affect public health, safety and welfare; and
 - 7. If a comprehensive plan amendment is required in order to satisfy subsection (C)(1) of this section, approval of the comprehensive plan amendment is required prior to or concurrent with the granting of an approval of the rezone.
 - 8. **"No single-family, residentially-zoned property as delineated in Appendix D – Zoning Map – MICC 19.02.010 may be rezoned to any other zone."**

D. Map change. Following approval of a rezone, the city shall amend the zoning map to reflect the change in zoning designation. The city shall also indicate on the zoning map the number of the ordinance adopting the rezone.

(Ord. 18C-08 § 1 (Att. A))

ANALYSIS:

A. The Mercer Island Comprehensive Plan Supports Preserving Single-Family Residential Zoned Properties.

Attached as Exhibit 1 to this suggested amendment is Appendix D – Zoning Map.

The following Comprehensive Policy directions provided by the Mercer Island Comprehensive Plan are from the City of Mercer Island Community Planning and Development Code Interpretation 22-004 dated November 21, 2022 regarding Variances for Non-Residential Structures in Residential Zones, which is attached as Exhibit 2:

E. (4) Policy direction provided by the Mercer Island comprehensive plan;

Analysis: Review of the Comprehensive Plan results in the following findings:

- (1) The Comprehensive Plan envisions Mercer Island as a residential community:**
 - (a) "Mercer Island prides itself on being a residential community. As such, most of the Island's approximately 6.2 square miles of land area is developed with single family homes." [Land Use Element, Introduction]**
 - (b) "Single family residential zoning accounts for 88 percent of the Island's land use. There are 3,534 acres zoned for single family residential development. This compares to 77 acres in the Town Center zones, 19 acres for Commercial Office zone, and 103 acres in multi-family zones (Table 2). City Hall is located in a Commercial Office zone, while other key civic buildings such as the Post Office and the Main Fire Station are located in the Town Center and City Hall. Many of the remaining public buildings, schools, recreational facilities and places of religious worship are located in residential or public zones." [Land Use Element, II Existing Conditions and Trends, Areas outside the Town Center]**

(c) "OUTSIDE THE TOWN CENTER (1) The community needs to accommodate two important planning values - maintaining the existing single family residential character of the Island, while at the same time planning for population and housing growth." [Land Use Element, IV. Land Use Issues, Outside the Town Center (1)]

(2) A primary component of the housing element is the City's desire to protect single-family residential neighborhoods through development regulations and other City codes which restrict the bulk and scale of buildings, control noise and nuisances, minimize the impact of non-residential uses and help preserve the natural environment. City code provisions were specifically designed to protect residential areas from incompatible uses and promote bulk and scale consistent with the existing neighborhood character. This includes limiting the size and scope of nonresidential uses to be consistent with existing neighborhood character.

(a) "Housing Element

III. Neighborhood Quality

Mercer Island single family neighborhoods pride themselves on their narrow, quiet streets and dense plantings. The City protects these neighborhoods through development regulations and other City codes which restrict the bulk and scale of buildings, control noise and nuisances, minimize the impact of non-residential uses and help preserve the natural environment. Parks, open spaces and trails also contribute to the neighborhood quality." [Housing Element, III. Neighborhood Quality]

b) "GOAL 1:

Ensure that single family and multi-family neighborhoods provide safe and attractive living environments, and are compatible in quality, design and intensity with surrounding land uses, traffic patterns, public facilities and sensitive environmental features.

1.1 Ensure that zoning and City code provisions protect residential areas from incompatible uses and promote bulk and scale consistent with the existing neighborhood character." [Housing Element, III. Neighborhood Quality, Goal 1.1]

- (3) The Comprehensive Plan evidences an intent to retain certain non-residential structures located in residential zones. However, the Comprehensive Plan is silent on whether such structures would be eligible for variances from otherwise applicable numerical standards.

(a) "GOAL 17:

With the exception of allowing residential development, commercial designations and permitted uses under current zoning will not change.

17.4 Social and recreation clubs, schools, and religious institutions are predominantly located in single family residential areas of the Island. Development regulation should reflect the desire to retain viable and healthy social, recreational, educational, and religious organizations as community assets which are essential for the mental, physical and spiritual health of Mercer Island." [Land Use Elements, IV Land Use Issues Outside the Town Center]

- (4) The Comprehensive Plan also evidences an intent to preserve existing conditions and to generally permit changes only through amendments to the development code, rather than through granting numerous of variances to that development code. At the same time, there is also recognition that some non-residential structures and uses are compatible with residential zones.

(a) "GOAL 15: -

Mercer Island should remain principally a low density, single family residential community.

15.1 Existing land use policies, which strongly support the preservation of existing conditions in the single family residential zones, will continue to apply. Changes to the zoning code or development standards will be accomplished through code amendments.

15.2 Residential densities in single family areas will generally continue to occur at three to five units per acre, commensurate with current zoning. However, some adjustments may be made to allow the development of innovative housing types, such as accessory dwelling units and compact courtyard homes at slightly higher densities as outlined in the Housing Element.

...

15.4 As a primarily single family residential community with a high percentage of developed land, the community cannot provide for all types of land uses. Certain activities will be considered incompatible with present uses. Incompatible uses include landfills, correctional facilities, zoos and airports. Compatible permitted uses such as education, recreation, open spaces, government social services and religious activities will be encouraged." [Land Use Elements, IV Land Use Issues Outside the Town Center].

Pages 4 – 6

B. The Region Is Facing A Housing Shortage.

Attached as Exhibit 3 are public announcements by Governor Inslee encouraging the Legislature to "go big" to meet the scale of the housing crisis, and the enormous investments the state and county are making to scale-up construction of housing.

Attached as Exhibit 4 are pages from the PSRC's 2050 Vision Statement on Housing noting:

"Housing is a basic need for every individual. Yet, residents in many communities in the region are facing an unprecedented challenge in finding and keeping a home that they can afford. The central Puget Sound region is expected to grow by an additional 1.8 million residents and 830,000 households by the year 2050. Simply put, the region needs more housing of varied types in all communities. Meeting the housing needs of all households at a range of income levels is integral to promoting health and well-being and creating a region that is livable for all residents, economically prosperous, and environmentally sustainable."

PSRC 2050 Vision Statement, p.82

Currently Mercer Island has a housing allocation of approximately 1,200 units left to permit pursuant to the GMPC's housing allocations. In 2023, the Legislature adopted HB 1110 that requires every residential lot on Mercer Island to allow two separate housing units, and four housing units per lot without parking mandates within a quarter of a mile of the light rail station, including the residential neighborhood to the north.

It would be contrary to state, county and city policies for Mercer Island to now allow single-family residential zoned properties to be rezoned to a different non-housing zone, and would shift Mercer Island's housing allocation burden to the other residential zones and property.

C. The Conditional Use Permit Process Allows A Fair And Equitable Non-Conforming Use In A Single-Family Residential Zone.

The Conditional Use Permit (CUP) process MICC 19.06.110 allows an organization to obtain a non-conforming use in the single-family home residential zone, and allows that non-conforming CUP to combine residential properties and eliminate the side-yard setbacks between the properties.

At the same time, the Conditional Use Permit process MICC 19.06.110(a) and (b) protects the surrounding single-family home residential zones and requires that the scale of the development, in consideration of the privilege of a non-conforming use, is consistent with all properties in the single-family home residential zone.

The mere existence of MICC 19.06.110 highlights that the restrictions on conditional uses in the single-family home residential zone is not consistent with a different zone with different regulatory limits in the single-family residential zone.

D. To Allow One Property Owner Or Conditional Use Permit To Rezone Single-Family Zoned Residential Properties To Another Zone Will Allow All Property Owners The Same Right.

MICC 19.15.240(C)(4) specifically states the "proposed reclassification does not constitute an illegal site-specific rezone." If the Council allows single-family residential zoned properties to be rezoned contrary to state, county and city policies preserving and expanding housing, that would require the Council to allow **any** single-family home residential property owner to request the same change in zoning or upzone. If the requested rezone is site specific, it violates MICC 19.15.240(4)(C). If it is not site specific, it effectively eliminates the single-family residential zone.

The Council cannot favor one property owner or CUP over another, otherwise it would be an illegal spot zone. Such a huge change in zoning and policy would effectively abrogate the policies towards preserving single-family home residential zoning on Mercer Island contrary to The Comprehensive Plan.

Exhibit 1

Appendix D - ZONING MAP

View city of Mercer Island Zoning Map.

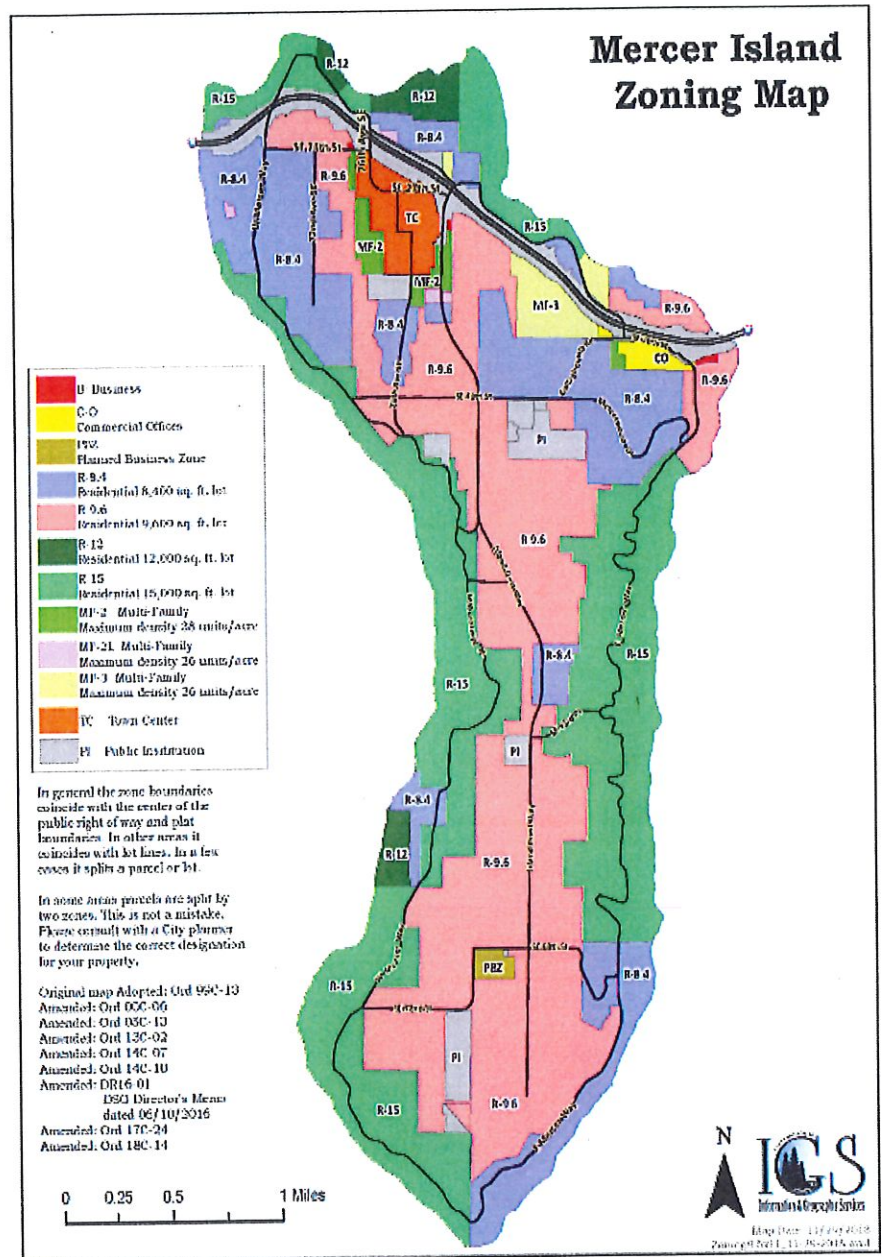


Exhibit 2

Development Code Interpretation 22-004

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



TO: CPD Staff

FROM: Jeff Thomas, Interim CPD Director

DATE: November 21, 2022

RE: Variances for Non-Residential Structures in Residential Zones

A. MICC SECTION(S) INTERPRETED
MICC 19.06.110(B)

B. AUTHORITY

This development code interpretation is issued under the authority of sections 19.15.030 and 19.15.160 of the Mercer Island City Code (MICC).

C. ISSUE

MICC 19.06.110(B), *Variances*, imposes a hardship criterion that requires applicants requesting variances in residential zones to demonstrate that strict enforcement of Title 19 MICC will prevent the construction of a single-family dwelling on a legally created residentially zoned lot. MICC 19.06.110(B)(2)(a).

Can the City grant a variance from numeric standards for a non-residential structure sited in a residential zone, if under MICC 19.06.110(B)(1), all criteria in subsection(B)(2)(a) through (B)(2)(h) must be met, and that for a variance to lot coverage standards, the criteria in subsection (B)(2)(a) through (B)(2)(i) must be met?

D. BACKGROUND

The hardship criterion contained in MICC 19.06.110(B)(2)(a) was adopted by Ordinance No. 17C-15 on September 19, 2017. The criterion contained in MICC 19.06.110(B)(2)(i), relating to variances as to lot coverage for specific non-residential structures, existed in the MICC prior to the adoption of Ordinance No. 17C-15. However, that language was moved to MICC 19.06.110(B)(2)(i) within Ordinance No. 17C-15 to consolidate criteria relating to variances.

E. FINDINGS

1. Per MICC 19.15.160, the Code Official may issue a written interpretation of the meaning or application of provisions of the development code.¹
2. This written interpretation is intended to interpret the scope of the hardship criteria as applied to non-residential structures in residential zones.
3. MICC 19.06.110(B)(1)(a) could be read to foreclose variances from numeric standards for non-residential structures in residential zones because the hardship criterion limits the application of variances to instances where strict application of Title 19 would prohibit construction of one single family residence on a legally created residential lot. The applicant or property owner of a non-residential structure would not be able to demonstrate an unnecessary hardship because there are no circumstances where the adopted standards of Title 19 MICC are preventing construction of a single-family dwelling; rather the applicant or property owner is seeking a variance for a non-residential structure. It is not Title 19 that would preclude the construction of a residential structure, but rather the choice of the applicant or property owner. However, MICC 19.06.110(B)(2)(i) explicitly affords the applicant or property owner of a non-residential structure the opportunity for a variance from impervious surface standards for particular types of non-residential structures.
4. This apparent conflict within MICC 19.06.110(B) requires interpretation to administer.
5. A plain reading of MICC 19.06.110(B), giving meaning to all of the text within that section, results in the following conclusions:
 - a. Non-residential structures in residential zones are generally precluded from receiving variances from numeric standards of Title 19, because they cannot meet the hardship criterion—to wit, they cannot demonstrate that Title 19 prevents the construction of a single-family dwelling on a legally created residential lot.
 - b. The one exception is that certain enumerated non-residential structures (public and private schools, religious institutions, private clubs, and public facilities) within residential zones with slopes of less than 15 percent *can* receive a variance to increase impervious surface to a maximum of 60 percent if the Hearing Examiner determines the applicant has demonstrated satisfaction of the criteria contained within MICC 19.06.110(B)(2)(i)(i-iv).
 - c. Further, an applicant or property owner would also be required to demonstrate the other criteria outlined in subsection (B)(2)(a) through (B)(2)(i), with the exception of being able to demonstrate inability to construct a single-family residence on a legally created residential lot. The applicant or property owner would still have to demonstrate an unnecessary hardship to the property owner, because the first sentence of MICC 19.06.110(B)(2)(a) requires proof that “[t]he strict enforcement of the provisions of this title will create an unnecessary hardship to the property owner.”
6. As discussed further below, the legislative history relating to Ordinance No. 17C-15 supports this conclusion. During the process of adopting Ordinance No. 17C-15, discussion between the City Council and the City’s then Community Planning and Development (CPD) Director reflected an intent to greatly reduce the number of variances granted, which was the impetus behind adding the hardship criterion now contained in MICC 19.06.110(B)(2)(a).
7. In issuing an interpretation, the Code Official is directed to consider eight factors specified in MICC 19.15.160(A). These factors are:

(1.) The plain language of the code section in question;

Analysis: A reading of the plain language of MICC 19.06.110 results in the following findings:

¹ Under the MICC, variances are granted by the Hearing Examiner. MICC 19.15.030 and Tables A-B.

- i. MICC 19.06.110(B), *Variances*, imposes a hardship criterion; an applicant or owner applying for variance must show that strict enforcement of Title 19 will create an unnecessary hardship to the property owner. MICC 19.06.110(B)(2)(a). For properties in residential zones, "unnecessary hardship" is limited to those circumstances where the adopted standards of Title 19 MICC prevent the construction of a single-family dwelling on a legally created residential zoned lot. *Id.*
- ii. However, MICC 19.06.110(B)(2) also includes a criterion for variances to impervious surface standards for "[p]ublic and private schools, religious institutions, private clubs and public facilities in single-family zones with slopes of less than 15 percent." MICC 19.06.110(B)(2)(i).
- iii. MICC 19.06.110(B)(1) further provides: "[a] variance shall be granted by the city only if the applicant can meet all criteria in subsections (B)(2)(a) through (B)(2)(h) of this section. A variance for increased lot coverage for a regulated improvement pursuant to subsection (B)(2)(i) of this section shall be granted by the city only if the applicant can meet criteria in subsections (B)(2)(a) through (B)(2)(i) of this section."

(2.) Purpose and intent statement of the chapters in question;

Analysis: Chapter 19.06 MICC does not contain a general purpose statement; however, MICC 19.06.110(B)(1) provides a purpose statement for the MICC section in question: "*Purpose.* An applicant or property owner may request a variance from any numeric standard, except for the standards contained within chapter 19.07 MICC. A variance shall be granted by the city only if the applicant can meet all criteria in subsections (B)(2)(a) through (B)(2)(h) of this section. A variance for increased lot coverage for a regulated improvement pursuant to subsection (B)(2)(i) of this section shall be granted by the city only if the applicant can meet criteria in subsections (B)(2)(a) through (B)(2)(i) of this section."

(3.) Legislative intent of the city council provided with the adoption of the code sections in question;

Analysis: Review of the legislative history of MICC 19.06.110(B) results in the following findings:

- i. On September 19, 2017, the Mercer Island City Council adopted Ordinance No. 17C-15, adding the unnecessary hardship criterion currently contained in MICC 19.06.110(B)(2)(a).
- ii. The minutes from the relevant City Council meetings indicate the following:
The July 5, 2017 minutes contains the following discussion:

Variance Criteria:

- Planning Commission Recommendation: prohibit / limit variances to GFA, minimum lot size, height, fence height and staff does not recommend adopting this amendment
- Alternative: Limit variance approvals to those circumstances where a house could not otherwise be built on a legal, residential lot and remove ambiguous language regarding groundcover, trees, physical condition of the lot from "d."

Council Direction: Staff propose a solution for "flag lots." Support alternative to limit variance approvals to those circumstances where a house could not otherwise be built on a legal, residential lot and remove ambiguous language regarding groundcover, trees, physical condition of the lot from "d."

- iii. The packet from the July 5, 2017, reading of the later adopted ordinance included the following discussion of the options before City Council with respect to the hardship criterion ultimately added to MICC 19.06.110(B)(2)(a):

Variance Criteria				
17	Page 71 – Variances	Allow for an application for a variance to any numeric standard, except for the standards in Chapter 19.07.	Prohibit the application for a variance to minimum lot area requirements, gross floor area, building height, or lot coverage.	Dan Grausz
				Staff does not recommend adopting this amendment. There are some circumstances where allowing for a variance to these standards is appropriate to avoid a regulatory takings. The variance criteria have been revised to limit variances to only those circumstances where a variance is warranted.
Draft Page #	Planning Commission Recommendation	Proposed Amendment	Source	Staff Recommendation / Rationale
		Alternatively, limit variance approvals to those situations where a property owner cannot both comply with existing standards and build a home on a legally created residential lot.		Staff recommends further revising the criteria for approval. In particular, staff recommends limiting variances to situations where a property owner cannot comply with all of the development standards and build a new single family home. This item was discussed by the Planning Commission.

- iv. The discussion between the then CPD Director and City Council regarding the hardship criterion further indicates the intent of restricting variances in residential zones only to those instances where a variance is necessary to permit the construction of a single-family residence on a legally created residential lot.
- v. The Code Official is unaware of any discussion by City Council or other materials regarding the resulting conflict between the language in MICC 19.06.110(B)(2)(a) and the language in MICC 19.06.110(B)(2)(i).

(4.) Policy direction provided by the Mercer Island comprehensive plan;

Analysis: Review of the Comprehensive Plan results in the following findings:

- (1) The Comprehensive Plan envisions Mercer Island as a residential community:
- "Mercer Island prides itself on being a residential community. As such, most of the Island's approximately 6.2 square miles of land area is developed with single family homes." [Land Use Element, Introduction]
 - "Single family residential zoning accounts for 88 percent of the Island's land use. There are 3,534 acres zoned for single family residential development. This compares to 77 acres in the Town Center zones, 19 acres for Commercial Office zone, and 103 acres in multi-family zones (Table 2). City Hall is located in a Commercial Office zone, while other key civic buildings such as the Post Office and the Main Fire Station are located in the Town Center and City Hall. Many of the remaining public buildings, schools, recreational facilities and places of religious worship are located in residential or public zones." [Land Use Element, II Existing Conditions and Trends, Areas outside the Town Center]
 - "OUTSIDE THE TOWN CENTER (1) The community needs to accommodate two important planning values — maintaining the existing single family residential character of the Island, while at the same time planning for

population and housing growth.” [Land Use Element, IV. Land Use Issues, Outside the Town Center (1)]

- (2) A primary component of the housing element is the City’s desire to protect single-family residential neighborhoods through development regulations and other City codes which restrict the bulk and scale of buildings, control noise and nuisances, minimize the impact of non-residential uses and help preserve the natural environment. City code provisions were specifically designed to protect residential areas from incompatible uses and promote bulk and scale consistent with the existing neighborhood character. This includes limiting the size and scope of nonresidential uses to be consistent with existing neighborhood character.

(a) “Housing Element

III. Neighborhood Quality

Mercer Island single family neighborhoods pride themselves on their narrow, quiet streets and dense plantings. The City protects these neighborhoods through development regulations and other City codes which restrict the bulk and scale of buildings, control noise and nuisances, minimize the impact of non-residential uses and help preserve the natural environment. Parks, open spaces and trails also contribute to the neighborhood quality.” [Housing Element, III. Neighborhood Quality]

(b) “GOAL 1: -

Ensure that single family and multi-family neighborhoods provide safe and attractive living environments, and are compatible in quality, design and intensity with surrounding land uses, traffic patterns, public facilities and sensitive environmental features.

1.1 Ensure that zoning and City code provisions protect residential areas from incompatible uses and promote bulk and scale consistent with the existing neighborhood character.” [Housing Element, III. Neighborhood Quality, Goal 1.1]

- (3) The Comprehensive Plan evidences an intent to retain certain non-residential structures located in residential zones. However, the Comprehensive Plan is silent on whether such structures would be eligible for variances from otherwise applicable numerical standards.

(a) “GOAL 17: -

With the exception of allowing residential development, commercial designations and permitted uses under current zoning will not change.

17.4 Social and recreation clubs, schools, and religious institutions are predominantly located in single family residential areas of the Island. Development regulation should reflect the desire to retain viable and healthy social, recreational, educational, and religious organizations as community assets which are essential for the mental, physical and spiritual health of Mercer Island.” [Land Use Elements, IV Land Use Issues Outside the Town Center]

- (4) The Comprehensive Plan also evidences an intent to preserve existing conditions and to generally permit changes only through amendments to the development code, rather than through granting numerous of variances to that development code. At the same

time, there is also recognition that some non-residential structures and uses are compatible with residential zones.

(a) "GOAL 15: -

Mercer Island should remain principally a low density, single family residential community.

15.1 Existing land use policies, which strongly support the preservation of existing conditions in the single family residential zones, will continue to apply. Changes to the zoning code or development standards will be accomplished through code amendments.

15.2 Residential densities in single family areas will generally continue to occur at three to five units per acre, commensurate with current zoning. However, some adjustments may be made to allow the development of innovative housing types, such as accessory dwelling units and compact courtyard homes at slightly higher densities as outlined in the Housing Element.

...

15.4 As a primarily single family residential community with a high percentage of developed land, the community cannot provide for all types of land uses.

Certain activities will be considered incompatible with present uses.

Incompatible uses include landfills, correctional facilities, zoos and airports.

Compatible permitted uses such as education, recreation, open spaces, government social services and religious activities will be encouraged." [Land Use Elements, IV Land Use Issues Outside the Town Center].

(5.) Relevant judicial decisions;

Analysis: The Code Official is unaware of any relevant judicial decisions related to this issue. However, the Code Official is aware of several cases regarding code interpretation. Municipal ordinances are subject to the same rules of statutory interpretation as are statutory enactments. *Hassan v. GCA Production Services, Inc.*, 17 Wn.App. 625, 637, 487 P.3d 203 (2021). Additionally, the goal of code interpretation is to give effect to the intentions of the drafters. *Jametsky v. Olsen*, 179 Wash. 2d 756, 762, 317 P.3d 1003, 1006 (2014). Absurd results are to be avoided in construing ambiguous language, although the principle is to be used sparingly. *Seattle Hous. Auth. v. City of Seattle*, 3 Wash. App. 2d 532, 538–39, 416 P.3d 1280, 1283 (2018); *Samish Indian Nation v. Wash. Dep't of Licensing*, 14 Wash.App.2d 437, 444, 471 P.3d 261 (2020). Further, when possible, legislation must be construed so that no clause, sentence, or word is rendered superfluous, void, or insignificant. *Coates v. City of Tacoma*, 11 Wash. App. 2d 688, 695, 457 P.3d 1160, 1164 (2019).

(6.) Consistency with other regulatory requirements governing the same or similar situation;

Analysis: The Code Official is unaware of other regulatory requirements governing the same or similar situations.

(7.) The expected result or effect of the interpretation; and

Analysis: The interpretation will result in clarifying the position of the Code Official in that the MICC prohibits variances from numerical standards for non-residential structures in residential zones, with the sole exception of the specific types of non-residential structures enumerated in MICC 19.06.110(B)(2)(i) from impervious surface standards.

(8.) Previous implementation of the regulatory requirements governing the situation.

Analysis: The Code Official is unaware of any previous implementation of regulatory requirements relating to variances for non-residential structures within residential zones since the addition of the hardship criterion in September 2017.

F. CONCLUSIONS

1. MICC 19.06.110(B) contains conflicting language as to variances for non-residential structures in residential zones. Reconciling this conflict, the Code Official makes the following interpretations:
 - a. The specifically enumerated non-residential structures listed in MICC 19.06.110 (B)(2)(i) are eligible to receive a variance from impervious surface standards if:
 - i. The Hearing Examiner finds that the criteria contained within MICC 19.06.110(B)(2)(i)(i-iv) have been satisfied, and
 - ii. The Hearing Examiner finds compliance with the other criteria enumerated in subsection (B)(2)(a) through (i), including demonstrating an unnecessary hardship, per subsection (B)(2)(a), but disregarding the second sentence of (B)(2)(a) due to the conflict with subsection (B)(2)(i).
 - b. The MICC prohibits other variances from numerical standards for non-residential structures in residential zones.
2. Both conclusions enumerated above are based upon the following:
 - a. It is apparent from the relevant legislative history that City Council's stated intent was to restrict variances in residential zones only to those circumstances in which construction of a single-family residence upon a legally created residential lot would be prohibited. The Code Official did not find any evidence that City Council was aware of the conflict between MICC 19.06.110(B)(2)(a) and (B)(2)(i).

Because the language regarding variances from impervious surface standards for certain specified non-residential structures in residential zones was also reorganized by City Council to MICC 19.06.110(B) contemporaneously with the creation of the hardship criterion, it is the position of the Code Official that the language in MICC 19.06.110(B)(2)(i) must be also given effect as a narrow exception to the prohibition against variances for non-residential structures in residential zones as put forth in MICC 19.06.110(B)(2)(a). This conclusion is necessary in order to give the fullest effect to the legislative enactment of the City Council.

- b. Utilizing statutory interpretation principles, the Code Official is required to construe the MICC to give the fullest effect to the legislative intent of the City Council, to utilize the principles of avoiding absurd results (but in a sparing manner), and to avoid making code language superfluous, void, or insignificant. Other than variances from impervious surface standards, no other variances for non-residential structures within residential zones are listed in MICC 19.06.110(B)(2).
- c. There is nothing in the City's Comprehensive Plan to contradict the conclusions of the Code Official. The Comprehensive Plan prioritizes residential uses while also recognizing certain non-residential uses within residential zones. The interpretation of the Code Official does not prohibit the siting of non-residential structures in residential zones where otherwise permitted, but it does limit the type of variances available for such structures.

G. INTERPRETATION

The specifically enumerated non-residential structures listed in MICC 19.06.110 (B)(2)(i) are eligible to receive a variance from impervious surface standards if the Hearing Examiner determines the application has demonstrated satisfaction of the criteria contained within MICC 19.06.110(B)(2)(i)(i-iv) and the applicant or property owner demonstrates compliance with the other criteria enumerated in subsection (B)(2)(a) through (i), including demonstrating an unnecessary hardship, per subsection (B)(2)(a), but disregarding the conflicting second sentence of (B)(2)(a).

Having not been expressly included in MICC 19.06.110(B)(2), the position of the Code Official is that all other variances from numerical standards for non-residential structures in residential zones are prohibited by MICC 19.06.110(B)(2)(a).

L

Exhibit 3

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/ Washington "goes big" on housing in 2023

Washington "goes big" on housing in 2023

May 08, 2023



Gov. Jay Inslee signs legislation to help overcome racist real estate covenants that pervaded until the 1960s and caused intergenerational harm.

From Vancouver to Bellingham and Pullman to La Push, the cost of housing has soared. In the last decade, one million new residents arrived while only one-quarter as many homes went up. When demand exceeds supply, prices rise. Rise they have.

Rents are up. Prices are up. Accordingly, homelessness is up. And too many families are just a paycheck away from trouble.

To begin the 2023 legislative session, Gov. Jay Inslee encouraged the Legislature to "go big" to meet the scale of the housing crisis. On Monday, the governor and lawmakers gathered to sign a slate of housing-related bills to clear obstacles to housing construction and right historic wrongs related to housing discrimination.

At a later date, the governor will sign a budget that allocates more than \$1 billion over the next biennium to address homelessness and affordable housing.

[Read the rest of the story on Gov. Inslee's Medium page.](#)

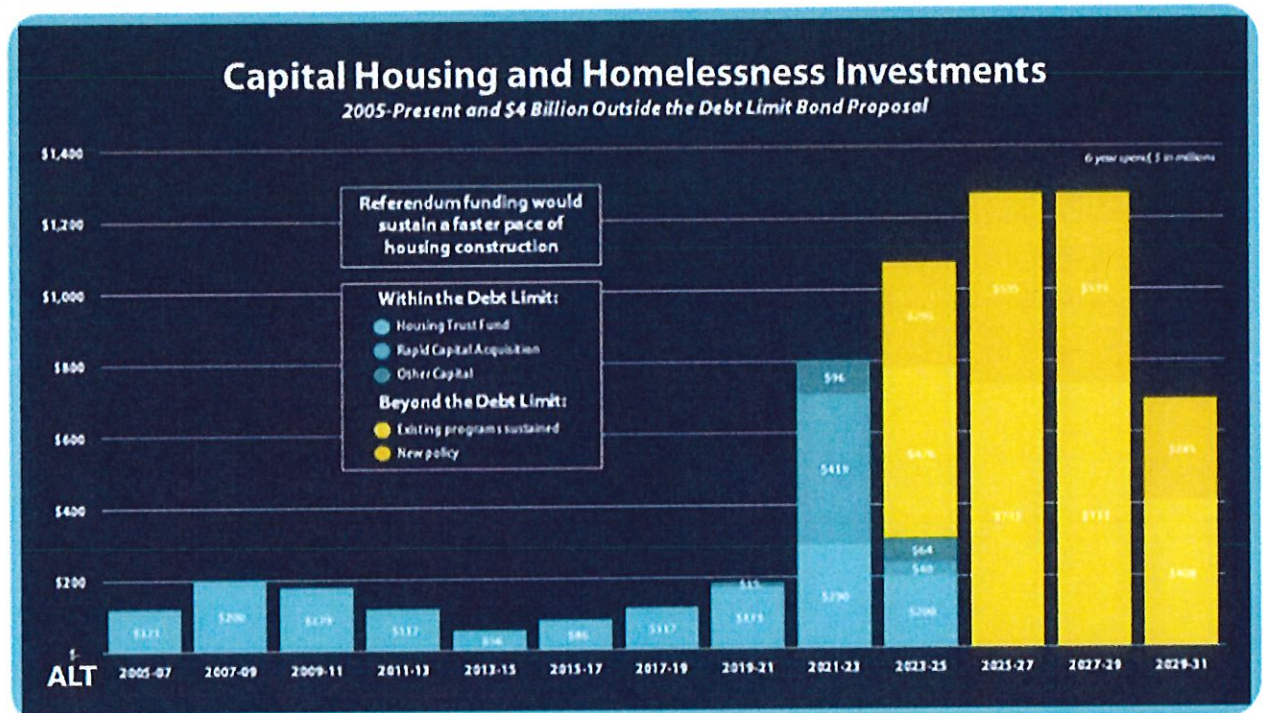
← Post



Governor Jay Inslee

@GovInslee

In the past two years we were able to make historic investments to scale up and speed up construction of housing and shelters. The problem is growing, not shrinking, so our response must match the moment. (2/3)



5:26 PM · Mar 20, 2023 · 12.7K Views

Exhibit 4



Housing

GOAL: *The region preserves, improves, and expands its housing stock to provide a range of affordable, accessible, healthy, and safe housing choices to every resident. The region continues to promote fair and equal access to housing for all people.*

Housing is a basic need for every individual. Yet, residents in many communities in the region are facing an unprecedented challenge in finding and keeping a home that they can afford. The central Puget Sound region is expected to grow by an additional 1.8 million residents and 830,000 households by the year 2050. Simply put, the region needs more housing of varied types in all communities. Meeting the housing needs of all households at a range of income levels is integral to promoting health and well-being and creating a region that is livable for all residents, economically prosperous, and environmentally sustainable.

Housing affordability continues to be a major challenge for the region. The housing market has experienced great highs and lows that have benefitted some and created and exacerbated hardship and inequalities for others. Following the precipitous drop in housing prices and foreclosures of the recession, the region's economic upswing and strong job growth in the 2010s have fueled dramatic increases in rents and home prices. Despite job losses due to the COVID-19 pandemic and the resulting financial

impact on many households, home prices have continued to increase in the region. Some may have been able to take advantage of historically low mortgage interest rates or lower rents, while others are in a challenging position due to loss of income and face the potential of eviction or foreclosure. A potentially imbalanced recovery may further the threat of displacement of low-income households and people of color. As a result, housing costs are a greater burden for many households today than a decade ago, leaving less for other basic needs and amenities. Renters, and renters of color in particular, face a considerable shortage of affordable housing opportunities. And these households are often the most at risk of losing their housing and experiencing homelessness.

A primary goal of the Growth Management Act is to make housing affordable to "all economic segments of the population, providing a variety of residential densities and housing types and encouraging preservation of existing housing stock. Local governments are required to plan for housing that meets the varied needs of their diverse communities and residents and to ensure



they are providing sufficient residential zoned land capacity for housing to accommodate 20-year growth targets.

VISION 2050's housing policies respond to the urgency of changing demographics and the need to increase and diversify the region's housing supply. They identify coordinated strategies, policies, and actions to ensure that the region's housing needs are met.

A Regional Challenge

The complexity of addressing the full range of housing needs and challenges requires a coordinated regional-local approach. A coordinated, regionwide effort to build and preserve housing accessible to all residents is not just about housing. It is also about building healthy, complete, and welcoming communities where all families and people, regardless of income, race, family size or need, are able to live near good schools, transit, employment opportunities, and open space.

Through the Regional Growth Strategy, the region has articulated a preferred pattern of urbanization that will help direct new housing development to the urban growth area and designated growth centers while preserving industrial lands. Focusing housing in urban areas, specifically centers and station areas, supports and leverages the region's ongoing prioritization of infrastructure investment in central urban places. To assist counties and cities, PSRC serves as a forum for setting regional priorities and facilitating coordination among its member jurisdictions and housing interest groups.

Through data, guidance, and technical assistance, PSRC encourages jurisdictions to adopt best housing practices and establish coordinated local housing and affordable housing targets. PSRC supports jurisdictions in their development of effective local housing elements, strategies, and implementation plans. Housing data and information tracking the success of various housing efforts are monitored and reported regionally at PSRC.

The Need for Local Action

Local governments play a critical role in housing, including its production and preservation. Local governments possess regulatory control over land use and development. They are key players, both individually and in cooperation with other housing interests, in stimulating various types of development activity through zoning, incentives, and funding, streamlined development review and permitting processes.

Local Housing Responsibilities Under the Growth Management Act

Local housing elements should ensure the vitality and character of established residential neighborhoods and include the following components:

1. an inventory and analysis of existing and projected housing needs,
2. goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing,
3. identification of sufficient land for a range of housing types to match community needs, and
4. adequate provisions for the needs of all economic segments of the community. (RCW 36.70A.070)

There are numerous tools and strategies available to local governments to encourage housing diversity and promote affordable housing. Many of these tools can be applied in a manner that is tailored to and respectful of local market conditions, community characteristics, and the vision for growth embodied in local comprehensive plans. Since VISION 2040 was adopted in 2008, housing planning and implementation has advanced through the ongoing work of state, regional, and local agencies and organizations. These efforts have yielded new resources, promoted best practices, established community-based housing strategies, and coordinated efforts across multiple jurisdictions.

Housing Choices to Reflect Changing Demographics

The characteristics of the region's households have been changing over time and will continue to do so. The size of the average household has been decreasing. Fewer people are living in family households with two parents and children. More households are comprised of singles, couples without children, or single-parent families. Many households have two or more workers. The region's population is becoming far more racially and ethnically diverse. As the population ages and new generations enter the housing market, there will be demands and preferences for new and different types of housing. While the region has a changing population with a wide range of housing needs, the vast majority of owner-occupied homes are larger single-family homes. Moderate density housing, ranging from duplexes to townhomes to garden apartments, bridge a gap between single-family housing and more intense multifamily and commercial areas and provide opportunities for housing types that are inclusive to people of different ages, life stages, and income ranges. Regional and local tools can help to promote and incentivize the development and preservation of more moderate density housing to give people greater housing choices, and produce urban densities that support walkable communities, local retail and commercial services, and efficient public transit.

Affordability

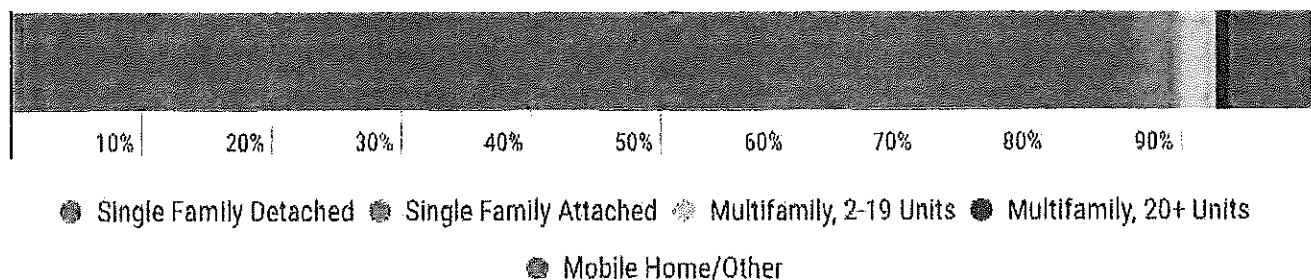
The region continues to experience an affordability crisis. Rising housing costs can be particularly devastating for low-income renters, particularly renters of color, many who

pay more than 50% of their income on housing. Many middle- and lower-income households struggle to find housing that fits their income in an increasingly competitive and expensive housing market due, in part, to zoning practices that have prevented the development of more affordable, smaller homes, and apartments. Home ownership may seem like less of a reality for potential first-time buyers as home prices continue to climb. This is especially true for people of color, who have been historically excluded from homeownership opportunities.

The central Puget Sound region's housing landscape reflects more than market forces and conditions. It is also the product of decades of public policies and private practices that, throughout the 20th century, often excluded lower income households and immigrant communities, and prevented people of color from accessing housing and living in certain areas. Past and current housing practices have perpetuated substantial inequities in wealth, ownership, and opportunity, and they continue to create barriers to rectifying these conditions. Regional housing work is approached with an awareness of this legacy and of the comprehensive work needed to redress it.

Low- to middle-wage workers — such as teachers, health care professionals, retail workers, administrative personnel, police officers, and firefighters — who are essential to the economic and social vitality of a community, often cannot afford to live in the places where they work. As affordable housing options become scarce, households are forced to move farther from their jobs and communities, resulting in increased traffic congestion and transportation costs and fragmentation of communities. This spatial mismatch also leads to an inability of certain segments of the labor market to fill positions.

Figure 27 – Ownership Housing Stock by Housing Type, Central Puget Sound Region



Source: 2017 American Community Survey

Common Housing Terms

Affordable Housing is commonly defined in terms of housing costs as a percentage of household income. Housing is considered unaffordable when a household's monthly housing costs exceed a certain threshold – most commonly 30% of gross income – thereby reducing the budget available for basic necessities.

Housing Affordability refers to the balance (or imbalance) between incomes and housing costs within a community or region. A common measurement compares the number of households in certain income categories to the number of units in the market that are affordable at 30% of gross income.

Providing housing affordable to households earning different incomes requires different approaches. To craft effective strategies, it is imperative to understand the types and cost of housing needed in a community relative to the supply of housing available to households at each income level. Over one-third of households in the region earn less than 80% area median income (AMI). Ideally, the supply of housing affordable to moderate and low-income households should mirror the number of households at those income levels. The current distribution of households in the region is:

- 15% of households earn 50-80% AMI (Moderate Income)
- 9% of households earn 30-50% AMI (Low Income)
- 11% of households earn less than 30% AMI (Very Low Income)

Providing affordable units for very low-income residents and providing housing options for residents experiencing homelessness cannot be fully addressed by the private market alone. Public intervention is necessary to ensure housing units

Figure 28 – Lower Housing Costs Require Greater Public Intervention

0–30% AMI Rental:	30–50% AMI Rental:	50–80% AMI Rental:	80–125% AMI Rental or Home Ownership:	Above 125% AMI Market Rent and Home Ownership
public support needed in all markets	public support needed in most markets	incentives needed in many markets Home Ownership: subsidy or incentives needed in many markets	incentives or zoning flexibility needed in some markets	

Anticipated Households in the Region in 2050

274,000 11%	222,000 9%	355,000 15%	558,000 23%	1,012,000 42%
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are affordable to households at the lowest income levels now and in the future.

While the current housing production rate in 2017 meets the average annual need in the region, the market has yet to make up for the slow growth in the years directly following the recession resulting in a supply and demand imbalance. Increasing the supply of housing throughout the region and providing a variety of housing types and densities for both renters and owners will help the region meet its housing goals. Special emphasis is placed on providing affordable housing for low-, moderate-, and middle-income households across the region, with a focus on promoting housing opportunities near transit, and appropriate housing for special needs populations. VISION 2050 also encourages more homeownership opportunities for low-income, moderate-income, and middle-income households and acknowledges historic and current inequities in access to homeownership opportunities for people of color and how this

long history of exclusion and discrimination has prevented communities of color from accessing housing, ownership, and opportunity.

Focusing Housing Near Transit Options

Within the central Puget Sound region, jurisdictions are planning for housing and job growth in places designated for higher densities, a mix of land uses, and transportation choices. Communities across the region are realizing these aims by encouraging infill, redevelopment, and more compact development, especially in designated regional growth centers and around transit stations. However, rents and home prices are rising quickly, making it often challenging to find affordable housing close to jobs.

The region's continuing expansion of high-capacity transit provides one of the best opportunities to expand accessible housing options to a wider range of incomes. Promoting or



requiring affordable housing in walking distance — about $\frac{1}{4}$ to $\frac{1}{2}$ mile—from high-capacity transit stations and in regional growth centers can help to ensure all residents have opportunities to live in accessible and connected communities. Such housing will be particularly valuable to low-income households, who are the most dependent on transit and are at risk for displacement as housing costs rise.

Displacement and Community Stability

Displacement occurs when housing or neighborhood conditions force residents to move. Displacement can be physical, when building conditions deteriorate or are taken off the market for renovation or demolition, or economic, as costs rise. Many communities in the central Puget Sound region, like the Central District in Seattle and the Hilltop neighborhood in Tacoma, have documented displacement. Once physical and economic displacement occur, the social and cultural composition of the neighborhood will be disrupted, thus affecting the cohesion and stability of a community and the well-being of local residents and businesses.

Several key factors can drive displacement: proximity to rail stations, proximity to job centers, historic housing stock, and location in a strong real estate market. Displacement is a regional concern as it is inherently linked to shifts in the regional housing and job market. Many of these factors put communities of color and neighborhoods with high concentrations of renters at a higher risk of displacement.

Regional growth centers and communities near transit are home to more people of color and higher concentrations of poverty than the region as a whole. As these central places connected by transit continue to grow and develop, residents and businesses who contribute to these communities should have the option to remain and thrive and take advantage of new amenities and services.

Jobs-Housing Balance

Jobs-housing balance is a planning concept which advocates that housing and employment be close together, with an emphasis on matching housing options with nearby jobs, to reduce the length of commute travel and number of vehicle trips. A lack of housing, especially affordable housing close to job centers, will continue to push demand for affordable homes to more distant areas, increasing commute times and the percentage of household income spent on transportation costs. Housing policies encourage adding housing opportunities to job-rich places. It is imperative that there are a variety of housing choices available to a variety of incomes in proximity to job centers to provide opportunities for residents to live close to where they work regardless of their income. Policies in the Economy chapter promote economic development to bring jobs to all four counties. Policies are also located in the Regional Growth Strategy chapter related to balancing jobs and housing growth.



Point Ruston

Housing POLICIES

MPP-H-1

Plan for housing supply, forms, and densities to meet the region's current and projected needs consistent with the Regional Growth Strategy and to make significant progress towards jobs/housing balance.

MPP-H-2

Provide a range of housing types and choices to meet the housing needs of all income levels and demographic groups within the region.

MPP-H-3

Achieve and sustain – through preservation, rehabilitation, and new development – a sufficient supply of housing to meet the needs of low-income, moderate-income, middle-income, and special needs individuals and households that is equitably and rationally distributed throughout the region.

MPP-H-4

Address the need for housing affordable to low- and very low-income households, recognizing that these critical needs will require significant public intervention through funding, collaboration, and jurisdictional action.

MPP-H-5

Promote homeownership opportunities for low-income, moderate-income, and middle-income families and individuals while recognizing historic inequities in access to homeownership opportunities for communities of color.

MPP-H-6

Develop and provide a range of housing choices for workers at all income levels throughout the region that is accessible to job centers and attainable to workers at anticipated wages.

MPP-H-7

Expand the supply and range of housing at densities to maximize the benefits of transit investments, including affordable units, in growth centers and station areas throughout the region.

MPP-H-8

Promote the development and preservation of long-term affordable housing options in walking distance to transit by implementing zoning, regulations, and incentives.

MPP-H-9

Expand housing capacity for moderate density housing to bridge the gap between single-family and more intensive multifamily development and provide opportunities for more affordable ownership and rental housing that allows more people to live in neighborhoods across the region.

MPP-H-10

Encourage jurisdictions to review and streamline development standards and regulations to advance their public benefit, provide flexibility, and minimize additional costs to housing.

MPP-H-11

Encourage interjurisdictional cooperative efforts and public-private partnerships to advance the provision of affordable and special needs housing.

MPP-H-12

Identify potential physical, economic, and cultural displacement of low-income households and marginalized populations that may result from planning, public investments, private redevelopment, and market pressure. Use a range of strategies to mitigate displacement impacts to the extent feasible.

Housing ACTIONS

REGIONAL ACTIONS

H-Action-1

Regional Housing Strategy: PSRC, together with its member jurisdictions, state agencies, housing interest groups, housing professionals, advocacy and community groups, and other stakeholders will develop a comprehensive regional housing strategy to support the 2024 local comprehensive plan update. The housing strategy will provide the framework for regional housing assistance (see H-Action-2, below) and shall include the following components:

- In the near term, a regional housing needs assessment to identify current and future housing needs to support the regional vision and to make significant progress towards jobs/housing balance and quantify the need for affordable housing that will eliminate cost burden and racial disproportionality in cost burden for all economic segments of the population, including those earning at or below 80 percent of Area Median Income throughout the region. This will provide necessary structure and focus to regional affordable housing discussions
- Strategies and best practices to promote and accelerate: housing supply, the preservation and expansion of market rate and subsidized affordable housing, housing in centers and in proximity to transit, jobs-housing balance, and the development of moderate-density housing options
- Coordination with other regional and local housing efforts

H-Action-2

Regional Housing Assistance: PSRC, in coordination with subregional, county, and local housing efforts, will assist implementation of regional housing policy and local jurisdiction and agency work. Assistance shall include the following components:

- Guidance for developing local housing targets (including affordable housing targets), model housing policies, and best housing practices
- Technical assistance, including new and strengthened tools, to support local jurisdictions in developing effective housing strategies, action plans, and programs
- Collection and analysis of regional housing data, including types and uses of housing and effectiveness of zoning, regulations, and incentives to achieve desired outcomes

- Technical assistance in support of effective local actions to address displacement, including data on displacement risk and a toolbox of local policies and actions

H-Action-3

State Support and Coordination: PSRC will monitor and support as appropriate members' efforts to seek new funding and legislative support for housing; and will coordinate with state agencies to implement regional housing policy.

LOCAL ACTIONS

H-Action-4

Local Housing Needs: Counties and cities will conduct a housing needs analysis and evaluate the effectiveness of local housing policies and strategies to achieve housing targets and affordability goals to support updates to local comprehensive plans. Analysis of housing opportunities with access to jobs and transportation options will aid review of total household costs.

H-Action-5

Affordable Housing Incentives: As counties and cities plan for and create additional housing capacity consistent with the Regional Growth Strategy, evaluate and adopt techniques such as inclusionary or incentive zoning to provide affordability.

H-Action-6

Displacement: Metropolitan Cities, Core Cities, and High Capacity Transit Communities will develop and implement strategies to address displacement in conjunction with the populations identified of being at risk of displacement including residents and neighborhood-based small business owners.

H-Action-7

Housing Choice: Counties and cities will update regulations and strategies to reduce barriers to the development and preservation of moderate density housing to address the need for housing between single-family and more intensive multifamily development, consistent with the Regional Growth Strategy.

H-Action-8

Housing Production: Counties and cities will review and amend, where appropriate and consistent with the Regional Growth Strategy, development standards and regulations to reduce barriers to the development of housing by providing flexibility and minimizing additional costs.

DOCKET REQUEST FORM

The following information is required. Failure to complete this form may result in the application being incomplete. Incomplete applications will not be considered during the annual docket process.

APPLICANT INFORMATION

Name: Matthew Goldbach

Address: 9980 SE 40th St, Mercer Island, WA 98040

Phone: 954-806-2489

Email: blkship@yahoo.com

AGENT/CONSULTANT/ATTORNEY

Complete this section if the primary contact is different from the applicant.

Name: _____

Address: _____

Phone: _____

Email: _____

REQUEST INFORMATION

Important: A separate Docket Request Form must be completed for each docket item requested.

Is this request related to a specific property or zone?

Yes ☐

No ☒

If yes, please complete the following information:

Property Owner Name: _____

Address: _____

County Assessor's Parcel No.: _____

Parcel Size (sq. ft.): _____

If the application is submitted by an agent/consultant/attorney, please attach a signed letter of consent from all owners of the affected property demonstrating that the application is submitted with consent.

Is this request for a Comprehensive Plan amendment or a development code amendment?

Comprehensive Plan Amendment ☐

Development code Amendment ☒

Is this submission a suggestion for a Comprehensive Plan or Development Code amendment, or is this an application for a specific amendment? (Check one box below.)

Note: Applications are subject to [applicable permit fees](#).

Suggestion ☒

Application ☐

DOCKET REQUEST NARRATIVE – REQUIRED FOR ALL APPLICATIONS

Please attach a separate narrative responding to all five (5) questions outlined below. Attach additional sheets, supporting maps, or graphics as necessary. Answer each question separately and reference the question number in your answer.

The application will be considered incomplete without a narrative answering all five questions.

1. Please provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish.
 - a. Indicate the specific Comprehensive Plan Elements, maps, goals or policies or the specific sections of the development code you propose to amend.
 - b. If the proposal would amend existing Comprehensive Plan or development code text, please provide the proposal in underline/strikeout format with text to be added indicated by underlining and text to be deleted indicated with ~~strikeouts~~.
 - c. If a map amendment is proposed, please provide a map that clearly outlines the areas proposed to be changed.
2. How does the proposal benefit the community or the environment?
3. Explain how the request relates to the applicable decision criteria (MICC 19.15.250(D) for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments, see below).
4. For Comprehensive plan amendments: Is the proposal consistent the Growth Management Act and King County Countywide Planning Policies?
5. For development code amendments: How does the proposal align with the goals of the City's Comprehensive Plan?

Please sign and date below acknowledging application requirements.

Signature: _____

Date: _____

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Please attach a separate narrative
responding to the above questions.

SUGGESTION FOR RESIDENTIAL CODE AMENDMENT

MICC 19.15.240 Reclassification of Properties (Rezones)

MICC 19.15.240(C) Criteria

Suggested Code Amendment:

I suggest MICC 19.15.240(C) be amended to prohibit a non-residential structure or use in the single-family residential zone, including a Conditional Use Permit, from requesting or obtaining a rezone or reclassification of any single-family residential zoned properties.

MICC 19.240(C) will then read with the suggested amendment **Subsection 8** as follows:

19.15.240 - Reclassification of property (rezones).

- A. Purpose. The purpose of this section is to establish the process and criteria for a rezone of property from one zoning designation to another.
- B. Process. A rezone shall be considered as provided in MICC 19.15.260.
- C. Criteria. The city council may approve a rezone only if all of the following criteria are met:
 - 1. The proposed reclassification is consistent with the policies and provisions of the Mercer Island comprehensive plan;
 - 2. The proposed reclassification is consistent with the purpose of the Mercer Island development code as set forth in MICC 19.01.010;
 - 3. The proposed reclassification is an extension of an existing zone, or a logical transition between zones;
 - 4. The proposed reclassification does not constitute an illegal site-specific rezone;
 - 5. The proposed reclassification is compatible with surrounding zones and land uses;
 - 6. The proposed reclassification does not adversely affect public health, safety and welfare; and
 - 7. If a comprehensive plan amendment is required in order to satisfy subsection (C)(1) of this section, approval of the comprehensive plan amendment is required prior to or concurrent with the granting of an approval of the rezone.
 - 8. **"A non-residential structure or use in the single-family residential zone, including a Conditional Use Permit (CUP), is prohibited from requesting or obtaining a rezone or reclassification of single-family residential zoned properties."**

D. Map change. Following approval of a rezone, the city shall amend the zoning map to reflect the change in zoning designation. The city shall also indicate on the zoning map the number of the ordinance adopting the rezone.

(Ord. 18C-08 § 1 (Att. A))

ANALYSIS:

A. The Mercer Island Comprehensive Plan Supports Preserving Single-Family Residential Zoned Properties.

Attached as Exhibit 1 to this suggested amendment is Appendix D – Zoning Map.

The following Comprehensive Policy directions provided by the Mercer Island Comprehensive Plan are from the City of Mercer Island Community Planning and Development Code Interpretation 22-004 dated November 21, 2022 regarding Variances for Non-Residential Structures in Residential Zones, which is attached as Exhibit 2:

E. (4) Policy direction provided by the Mercer Island comprehensive plan;

Analysis: Review of the Comprehensive Plan results in the following findings:

- (1) The Comprehensive Plan envisions Mercer Island as a residential community:**
 - (a) "Mercer Island prides itself on being a residential community. As such, most of the Island's approximately 6.2 square miles of land area is developed with single family homes." [Land Use Element, Introduction]**
 - (b) "Single family residential zoning accounts for 88 percent of the Island's land use. There are 3,534 acres zoned for single family residential development. This compares to 77 acres in the Town Center zones, 19 acres for Commercial Office zone, and 103 acres in multi-family zones (Table 2). City Hall is located in a Commercial Office zone, while other key civic buildings such as the Post Office and the Main Fire Station are located in the Town Center and City Hall. Many of the remaining public buildings, schools, recreational facilities and places of religious worship are located in residential or public zones." [Land Use Element, II Existing Conditions and Trends, Areas outside the Town Center]**

(c) "OUTSIDE THE TOWN CENTER (1) The community needs to accommodate two important planning values - maintaining the existing single family residential character of the Island, while at the same time planning for population and housing growth." [Land Use Element, IV. Land Use Issues, Outside the Town Center (1)]

(2) A primary component of the housing element is the City's desire to protect single-family residential neighborhoods through development regulations and other City codes which restrict the bulk and scale of buildings, control noise and nuisances, minimize the impact of non-residential uses and help preserve the natural environment. City code provisions were specifically designed to protect residential areas from incompatible uses and promote bulk and scale consistent with the existing neighborhood character. This includes limiting the size and scope of nonresidential uses to be consistent with existing neighborhood character.

(a) "Housing Element

III. Neighborhood Quality

Mercer Island single family neighborhoods pride themselves on their narrow, quiet streets and dense plantings. The City protects these neighborhoods through development regulations and other City codes which restrict the bulk and scale of buildings, control noise and nuisances, minimize the impact of non-residential uses and help preserve the natural environment. Parks, open spaces and trails also contribute to the neighborhood quality." [Housing Element, III. Neighborhood Quality]

b) "GOAL 1:

Ensure that single family and multi-family neighborhoods provide safe and attractive living environments, and are compatible in quality, design and intensity with surrounding land uses, traffic patterns, public facilities and sensitive environmental features.

1.1 Ensure that zoning and City code provisions protect residential areas from incompatible uses and promote bulk and scale consistent with the existing neighborhood character." [Housing Element, III. Neighborhood Quality, Goal 1.1]

- (3) The Comprehensive Plan evidences an intent to retain certain non-residential structures located in residential zones. However, the Comprehensive Plan is silent on whether such structures would be eligible for variances from otherwise applicable numerical standards.

(a) "GOAL 17:

With the exception of allowing residential development, commercial designations and permitted uses under current zoning will not change.

17.4 Social and recreation clubs, schools, and religious institutions are predominantly located in single family residential areas of the Island. Development regulation should reflect the desire to retain viable and healthy social, recreational, educational, and religious organizations as community assets which are essential for the mental, physical and spiritual health of Mercer Island." [Land Use Elements, IV Land Use Issues Outside the Town Center]

- (4) The Comprehensive Plan also evidences an intent to preserve existing conditions and to generally permit changes only through amendments to the development code, rather than through granting numerous of variances to that development code. At the same time, there is also recognition that some non-residential structures and uses are compatible with residential zones.

(a) "GOAL 15: -

Mercer Island should remain principally a low density, single family residential community.

15.1 Existing land use policies, which strongly support the preservation of existing conditions in the single family residential zones, will continue to apply. Changes to the zoning code or development standards will be accomplished through code amendments.

15.2 Residential densities in single family areas will generally continue to occur at three to five units per acre, commensurate with current zoning. However, some adjustments may be made to allow the development of innovative housing types, such as accessory dwelling units and compact courtyard homes at slightly higher densities as outlined in the Housing Element.

...

15.4 As a primarily single family residential community with a high percentage of developed land, the community cannot provide for all types of land uses. Certain activities will be considered incompatible with present uses. Incompatible uses include landfills, correctional facilities, zoos and airports. Compatible permitted uses such as education, recreation, open spaces, government social services and religious activities will be encouraged." [Land Use Elements, IV Land Use Issues Outside the Town Center].

Pages 4 – 6

B. The Region Is Facing A Housing Shortage.

Attached as Exhibit 3 are public announcements by Governor Inslee encouraging the Legislature to “go big” to meet the scale of the housing crisis, and the enormous investments the state and county are making to scale-up construction of housing.

Attached as Exhibit 4 are pages from the PSRC’s 2050 Vision Statement on Housing noting:

“Housing is a basic need for every individual. Yet, residents in many communities in the region are facing an unprecedented challenge in finding and keeping a home that they can afford. The central Puget Sound region is expected to grow by an additional 1.8 million residents and 830,000 households by the year 2050. Simply put, the region needs more housing of varied types in all communities. Meeting the housing needs of all households at a range of income levels is integral to promoting health and well-being and creating a region that is livable for all residents, economically prosperous, and environmentally sustainable.”

PSRC 2050 Vision Statement, p.182

Currently Mercer Island has a housing allocation of approximately 1,200 units left to permit pursuant to the GMPC’s housing allocations. In 2023, the Legislature adopted HB 1110 that requires every residential lot on Mercer Island to allow two separate housing units, and four housing units per lot without parking mandates within a quarter of a mile of the light rail station, including the residential neighborhood to the north.

It would be contrary to state, county and city policies for Mercer Island to now allow single-family residential zoned properties to be rezoned to a different non-housing zone, and would shift Mercer Island's housing allocation burden to the other residential zones and property.

C. The Conditional Use Permit Process Allows A Fair And Equitable Non-Conforming Use In A Single-Family Residential Zone.

The Conditional Use Permit (CUP) process MICC 19.06.110 allows an organization to obtain a non-conforming use in the single-family home residential zone, and allows that non-conforming CUP to combine residential properties and eliminate the side-yard setbacks between the properties.

At the same time, the Conditional Use Permit process MICC 19.06.110(a) and (b) protects the surrounding single-family home residential zones and requires that the scale of the development, in consideration of the privilege of a non-conforming use, is consistent with all properties in the single-family home residential zone.

The mere existence of MICC 19.06.110 highlights that the restrictions on conditional uses in the single-family home residential zone is not consistent with a different zone with different regulatory limits in the single-family residential zone.

D. To Allow One Property Owner Or Conditional Use Permit To Rezone Single-Family Zoned Residential Properties To Another Zone Will Allow All Property Owners The Same Right.

MICC 19.15.240(C)(4) specifically states the "proposed reclassification does not constitute an illegal site-specific rezone." If the Council allows single-family residential zoned properties to be rezoned contrary to state, county and city policies preserving and expanding housing, that would require the Council to allow **any** single-family home residential property owner to request the same change in zoning or upzone. If the requested rezone is site specific, it violates MICC 19.15.240(4)(C). If it is not site specific, it effectively eliminates the single-family residential zone.

The Council cannot favor one property owner or CUP over another, otherwise it would be an illegal spot zone. Such a huge change in zoning and policy would effectively abrogate the policies towards preserving single-family home residential zoning on Mercer Island contrary to The Comprehensive Plan.

- E. Can A Specifically Enumerated Non-Residential Structure Listed in MICC.19.06.110(B)(2)(i) That Are Prohibited From Receiving a Variance Other Than From The Impervious Surface Standards Be Prohibited From Requesting A Rezone Or Reclassification Of The Single-Family Residential Zone Property Included In The CUP?

HISTORY OF THE CUP'S EFFORTS TO OBTAIN INCREASED REGULATORY LIMITS.

1) COMMUNITY FACILITIES ZONE

In 2018, the JCC applied to amend the City's Comprehensive Plan to create a Community Facilities Zone with different regulatory limits for CUPs in a single-family home residential zone without concurrent development regulations. Various citizens and groups appealed the lack of concurrent development regulations to the Growth Management Hearings Board which agreed with the Appellants and remanded the matter back to the City with directions to draft and adopt the concurrent development regulations. This holding was later codified in MICC. 19.15.240(C)(7).

Upon remand, the Council determined that allowing CUPs' different regulatory limits in a different zone in a single-family home residential zone was unwise and unworkable, and instead repealed the Community Facilities Zone.

2) THE HILL AMENDMENTS

Subsequently, the Applicant, JCC filed a series of proposed site specific development code amendments to allow regulatory limits for the JCC greater than those allowed a CUP in the single-family home residential zone. These Amendments were then voluntarily withdrawn by the Applicant when it became apparent:

- 1) They were a spot zone in violation of MICC 19.15.240(C)(4);
- 2) The Council would not approve the Hill Amendments because they were contrary to The Comprehensive Plan, City Policies, MICC, and citizen opinion.

3) APPLICATION FOR VARIANCES

Subsequently, the JCC applied for various variances to the regulatory limits applicable to the single-family home residential properties in its CUP. In response, CPD Director Jeff Thomas issued Development Code Interpretation 22-004 that found that based on the City's Development Codes and Comprehensive Plan a CUP was prohibited from obtaining any variance other than impervious surface limits from the numerical standards pursuant to MICC 19.06.110(B)(2)(a).

The Applicant JCC then appealed Interpretation 22-004 to the Hearing Examiner. On the eve of the hearing, the Applicant JCC voluntarily withdrew its appeal, and conceded that Interpretation 22-004 was a correct interpretation of Mercer Island's Development Code that prohibits a CUP from requesting or obtaining variances from the single-family home residential development regulatory limits.

Based on the history and Administrative Interpretation 22-004, it would be inconsistent for the Council to allow single-family residential zoned properties in a CUP to be rezoned, especially to CO (Commercial Office), when these same CUPs are prohibited from obtaining variances for regulatory limits other than impervious surface limits.

Furthermore, pursuant to MICC 19.15.240(C)(4), the Council would have to allow **ALL** CUPs throughout the island the same right to rezone single-family residential zoned properties in their CUPs to CO or another zone, which is directly contrary to the Mercer Island Comprehensive Plan, AI 22-004, the provisions in MICC 19.06.110(a) and (b) regulating CUPs in the single-family residential zone, and the history of the JCC property and its attempts to obtain preferential regulatory limits for its single-family residentially zoned properties.

Therefore, MICC 19.15.240(C) should be amended to clarify that a non-residential structure or CUP in the single-family residential zone may not rezone its single-family residential zoned properties in the CUP.

Exhibit 1

Appendix D - ZONING MAP

View city of Mercer Island Zoning Map.

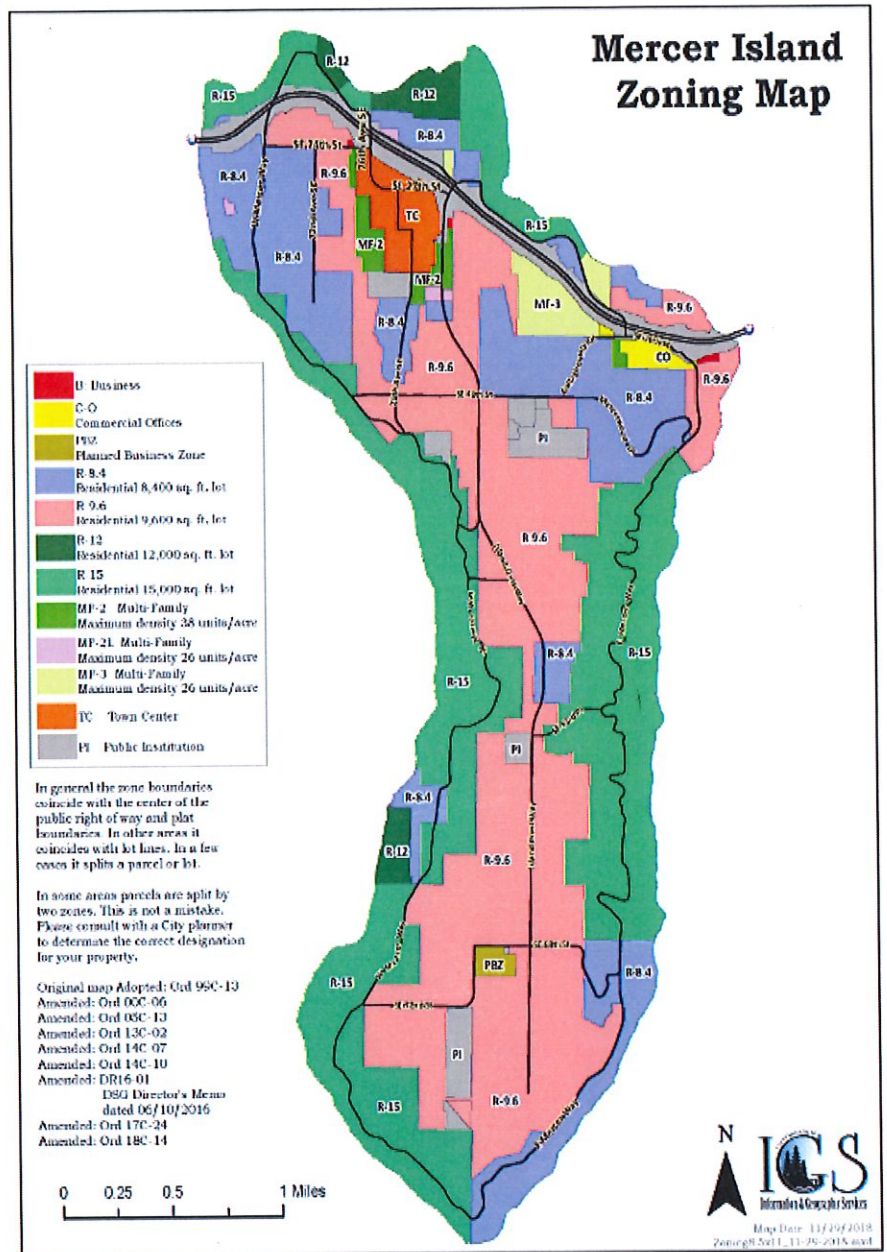


Exhibit 2

Development Code Interpretation 22-004

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



TO: CPD Staff

FROM: Jeff Thomas, Interim CPD Director

DATE: November 21, 2022

RE: Variances for Non-Residential Structures in Residential Zones

A. MICC SECTION(S) INTERPRETED

MICC 19.06.110(B)

B. AUTHORITY

This development code interpretation is issued under the authority of sections 19.15.030 and 19.15.160 of the Mercer Island City Code (MICC).

C. ISSUE

MICC 19.06.110(B), *Variances*, imposes a hardship criterion that requires applicants requesting variances in residential zones to demonstrate that strict enforcement of Title 19 MICC will prevent the construction of a single-family dwelling on a legally created residentially zoned lot. MICC 19.06.110(B)(2)(a).

Can the City grant a variance from numeric standards for a non-residential structure sited in a residential zone, if under MICC 19.06.110(B)(1), all criteria in subsection(B)(2)(a) through (B)(2)(h) must be met, and that for a variance to lot coverage standards, the criteria in subsection (B)(2)(a) through (B)(2)(i) must be met?

D. BACKGROUND

The hardship criterion contained in MICC 19.06.110(B)(2)(a) was adopted by Ordinance No. 17C-15 on September 19, 2017. The criterion contained in MICC 19.06.110(B)(2)(i), relating to variances as to lot coverage for specific non-residential structures, existed in the MICC prior to the adoption of Ordinance No. 17C-15. However, that language was moved to MICC 19.06.110(B)(2)(i) within Ordinance No. 17C-15 to consolidate criteria relating to variances.

E. FINDINGS

1. Per MICC 19.15.160, the Code Official may issue a written interpretation of the meaning or application of provisions of the development code.¹
2. This written interpretation is intended to interpret the scope of the hardship criteria as applied to non-residential structures in residential zones.
3. MICC 19.06.110(B)(1)(a) could be read to foreclose variances from numeric standards for non-residential structures in residential zones because the hardship criterion limits the application of variances to instances where strict application of Title 19 would prohibit construction of one single family residence on a legally created residential lot. The applicant or property owner of a non-residential structure would not be able to demonstrate an unnecessary hardship because there are no circumstances where the adopted standards of Title 19 MICC are preventing construction of a single-family dwelling; rather the applicant or property owner is seeking a variance for a non-residential structure. It is not Title 19 that would preclude the construction of a residential structure, but rather the choice of the applicant or property owner. However, MICC 19.06.110(B)(2)(i) explicitly affords the applicant or property owner of a non-residential structure the opportunity for a variance from impervious surface standards for particular types of non-residential structures.
4. This apparent conflict within MICC 19.06.110(B) requires interpretation to administer.
5. A plain reading of MICC 19.06.110(B), giving meaning to all of the text within that section, results in the following conclusions:
 - a. Non-residential structures in residential zones are generally precluded from receiving variances from numeric standards of Title 19, because they cannot meet the hardship criterion—to wit, they cannot demonstrate that Title 19 prevents the construction of a single-family dwelling on a legally created residential lot.
 - b. The one exception is that certain enumerated non-residential structures (public and private schools, religious institutions, private clubs, and public facilities) within residential zones with slopes of less than 15 percent *can* receive a variance to increase impervious surface to a maximum of 60 percent if the Hearing Examiner determines the applicant has demonstrated satisfaction of the criteria contained within MICC 19.06.110(B)(2)(i)(i-iv).
 - c. Further, an applicant or property owner would also be required to demonstrate the other criteria outlined in subsection (B)(2)(a) through (B)(2)(i), with the exception of being able to demonstrate inability to construct a single-family residence on a legally created residential lot. The applicant or property owner would still have to demonstrate an unnecessary hardship to the property owner, because the first sentence of MICC 19.06.110(B)(2)(a) requires proof that “[t]he strict enforcement of the provisions of this title will create an unnecessary hardship to the property owner.”
6. As discussed further below, the legislative history relating to Ordinance No. 17C-15 supports this conclusion. During the process of adopting Ordinance No. 17C-15, discussion between the City Council and the City’s then Community Planning and Development (CPD) Director reflected an intent to greatly reduce the number of variances granted, which was the impetus behind adding the hardship criterion now contained in MICC 19.06.110(B)(2)(a).
7. In issuing an interpretation, the Code Official is directed to consider eight factors specified in MICC 19.15.160(A). These factors are:

(1.) The plain language of the code section in question;

Analysis: A reading of the plain language of MICC 19.06.110 results in the following findings:

¹ Under the MICC, variances are granted by the Hearing Examiner. MICC 19.15.030 and Tables A-B.

- i. MICC 19.06.110(B), *Variances*, imposes a hardship criterion; an applicant or owner applying for variance must show that strict enforcement of Title 19 will create an unnecessary hardship to the property owner. MICC 19.06.110(B)(2)(a). For properties in residential zones, "unnecessary hardship" is limited to those circumstances where the adopted standards of Title 19 MICC prevent the construction of a single-family dwelling on a legally created residential zoned lot. *Id.*
- ii. However, MICC 19.06.110(B)(2) also includes a criterion for variances to impervious surface standards for "[p]ublic and private schools, religious institutions, private clubs and public facilities in single-family zones with slopes of less than 15 percent." MICC 19.06.110(B)(2)(i).
- iii. MICC 19.06.110(B)(1) further provides: "[a] variance shall be granted by the city only if the applicant can meet all criteria in subsections (B)(2)(a) through (B)(2)(h) of this section. A variance for increased lot coverage for a regulated improvement pursuant to subsection (B)(2)(i) of this section shall be granted by the city only if the applicant can meet criteria in subsections (B)(2)(a) through (B)(2)(i) of this section."

(2.) Purpose and intent statement of the chapters in question;

Analysis: Chapter 19.06 MICC does not contain a general purpose statement; however, MICC 19.06.110(B)(1) provides a purpose statement for the MICC section in question: "*Purpose.* An applicant or property owner may request a variance from any numeric standard, except for the standards contained within chapter 19.07 MICC. A variance shall be granted by the city only if the applicant can meet all criteria in subsections (B)(2)(a) through (B)(2)(h) of this section. A variance for increased lot coverage for a regulated improvement pursuant to subsection (B)(2)(i) of this section shall be granted by the city only if the applicant can meet criteria in subsections (B)(2)(a) through (B)(2)(i) of this section."

(3.) Legislative intent of the city council provided with the adoption of the code sections in question;

Analysis: Review of the legislative history of MICC 19.06.110(B) results in the following findings:

- i. On September 19, 2017, the Mercer Island City Council adopted Ordinance No. 17C-15, adding the unnecessary hardship criterion currently contained in MICC 19.06.110(B)(2)(a).
- ii. The minutes from the relevant City Council meetings indicate the following:
The July 5, 2017 minutes contains the following discussion:

Variance Criteria:

- Planning Commission Recommendation: prohibit / limit variances to GFA, minimum lot size, height, fence height and staff does not recommend adopting this amendment
- Alternative: Limit variance approvals to those circumstances where a house could not otherwise be built on a legal, residential lot and remove ambiguous language regarding groundcover, trees, physical condition of the lot from "d."

Council Direction: Staff propose a solution for "flag lots." Support alternative to limit variance approvals to those circumstances where a house could not otherwise be built on a legal, residential lot and remove ambiguous language regarding groundcover, trees, physical condition of the lot from "d."

- iii. The packet from the July 5, 2017, reading of the later adopted ordinance included the following discussion of the options before City Council with respect to the hardship criterion ultimately added to MICC 19.06.110(B)(2)(a):

Variance Criteria					
17	Page 71 – Variances	Allow for an application for a variance to any numeric standard, except for the standards in Chapter 19.07.	Prohibit the application for a variance to minimum lot area requirements, gross floor area, building height, or lot coverage.	Dan Grausz	Staff does not recommend adopting this amendment. There are some circumstances where allowing for a variance to these standards is appropriate to avoid a regulatory takings. The variance criteria have been revised to limit variances to only those circumstances where a variance is warranted.
Draft Page #	Planning Commission Recommendation	Proposed Amendment	Source	Staff Recommendation / Rationale	
		Alternatively, limit variance approvals to those situations where a property owner cannot both comply with existing standards and build a home on a legally created residential lot.		Staff recommends further revising the criteria for approval. In particular, staff recommends limiting variances to situations where a property owner cannot comply with all of the development standards and build a new single family home. This item was discussed by the Planning Commission.	

- iv. The discussion between the then CPD Director and City Council regarding the hardship criterion further indicates the intent of restricting variances in residential zones only to those instances where a variance is necessary to permit the construction of a single-family residence on a legally created residential lot.
- v. The Code Official is unaware of any discussion by City Council or other materials regarding the resulting conflict between the language in MICC 19.06.110(B)(2)(a) and the language in MICC 19.06.110(B)(2)(i).

(4.) Policy direction provided by the Mercer Island comprehensive plan;

Analysis: Review of the Comprehensive Plan results in the following findings:

- (1) The Comprehensive Plan envisions Mercer Island as a residential community:
- "Mercer Island prides itself on being a residential community. As such, most of the Island's approximately 6.2 square miles of land area is developed with single family homes." [Land Use Element, Introduction]
 - "Single family residential zoning accounts for 88 percent of the Island's land use. There are 3,534 acres zoned for single family residential development. This compares to 77 acres in the Town Center zones, 19 acres for Commercial Office zone, and 103 acres in multi-family zones (Table 2). City Hall is located in a Commercial Office zone, while other key civic buildings such as the Post Office and the Main Fire Station are located in the Town Center and City Hall. Many of the remaining public buildings, schools, recreational facilities and places of religious worship are located in residential or public zones." [Land Use Element, II Existing Conditions and Trends, Areas outside the Town Center]
 - "OUTSIDE THE TOWN CENTER (1) The community needs to accommodate two important planning values — maintaining the existing single family residential character of the Island, while at the same time planning for

population and housing growth.” [Land Use Element, IV. Land Use Issues, Outside the Town Center (1)]

- (2) A primary component of the housing element is the City’s desire to protect single-family residential neighborhoods through development regulations and other City codes which restrict the bulk and scale of buildings, control noise and nuisances, minimize the impact of non-residential uses and help preserve the natural environment. City code provisions were specifically designed to protect residential areas from incompatible uses and promote bulk and scale consistent with the existing neighborhood character. This includes limiting the size and scope of nonresidential uses to be consistent with existing neighborhood character.

(a) “Housing Element

III. Neighborhood Quality

Mercer Island single family neighborhoods pride themselves on their narrow, quiet streets and dense plantings. The City protects these neighborhoods through development regulations and other City codes which restrict the bulk and scale of buildings, control noise and nuisances, minimize the impact of non-residential uses and help preserve the natural environment. Parks, open spaces and trails also contribute to the neighborhood quality.” [Housing Element, III. Neighborhood Quality]

(b) “GOAL 1: -

Ensure that single family and multi-family neighborhoods provide safe and attractive living environments, and are compatible in quality, design and intensity with surrounding land uses, traffic patterns, public facilities and sensitive environmental features.

- 1.1 Ensure that zoning and City code provisions protect residential areas from incompatible uses and promote bulk and scale consistent with the existing neighborhood character.” [Housing Element, III. Neighborhood Quality, Goal 1.1]

- (3) The Comprehensive Plan evidences an intent to retain certain non-residential structures located in residential zones. However, the Comprehensive Plan is silent on whether such structures would be eligible for variances from otherwise applicable numerical standards.

(a) “GOAL 17: -

With the exception of allowing residential development, commercial designations and permitted uses under current zoning will not change.

17.4 Social and recreation clubs, schools, and religious institutions are predominantly located in single family residential areas of the Island. Development regulation should reflect the desire to retain viable and healthy social, recreational, educational, and religious organizations as community assets which are essential for the mental, physical and spiritual health of Mercer Island.” [Land Use Elements, IV Land Use Issues Outside the Town Center]

- (4) The Comprehensive Plan also evidences an intent to preserve existing conditions and to generally permit changes only through amendments to the development code, rather than through granting numerous of variances to that development code. At the same

time, there is also recognition that some non-residential structures and uses are compatible with residential zones.

(a) "GOAL 15: -

Mercer Island should remain principally a low density, single family residential community.

15.1 Existing land use policies, which strongly support the preservation of existing conditions in the single family residential zones, will continue to apply. Changes to the zoning code or development standards will be accomplished through code amendments.

15.2 Residential densities in single family areas will generally continue to occur at three to five units per acre, commensurate with current zoning. However, some adjustments may be made to allow the development of innovative housing types, such as accessory dwelling units and compact courtyard homes at slightly higher densities as outlined in the Housing Element.

...

15.4 As a primarily single family residential community with a high percentage of developed land, the community cannot provide for all types of land uses. Certain activities will be considered incompatible with present uses. Incompatible uses include landfills, correctional facilities, zoos and airports. Compatible permitted uses such as education, recreation, open spaces, government social services and religious activities will be encouraged." [Land Use Elements, IV Land Use Issues Outside the Town Center].

(5.) Relevant judicial decisions;

Analysis: The Code Official is unaware of any relevant judicial decisions related to this issue. However, the Code Official is aware of several cases regarding code interpretation. Municipal ordinances are subject to the same rules of statutory interpretation as are statutory enactments. *Hassan v. GCA Production Services, Inc.*, 17 Wn.App. 625, 637, 487 P.3d 203 (2021). Additionally, the goal of code interpretation is to give effect to the intentions of the drafters. *Jametsky v. Olsen*, 179 Wash. 2d 756, 762, 317 P.3d 1003, 1006 (2014). Absurd results are to be avoided in construing ambiguous language, although the principle is to be used sparingly. *Seattle Hous. Auth. v. City of Seattle*, 3 Wash. App. 2d 532, 538–39, 416 P.3d 1280, 1283 (2018); *Samish Indian Nation v. Wash. Dep't of Licensing*, 14 Wash.App.2d 437, 444, 471 P.3d 261 (2020). Further, when possible, legislation must be construed so that no clause, sentence, or word is rendered superfluous, void, or insignificant. *Coates v. City of Tacoma*, 11 Wash. App. 2d 688, 695, 457 P.3d 1160, 1164 (2019).

(6.) Consistency with other regulatory requirements governing the same or similar situation;

Analysis: The Code Official is unaware of other regulatory requirements governing the same or similar situations.

(7.) The expected result or effect of the interpretation; and

Analysis: The interpretation will result in clarifying the position of the Code Official in that the MICC prohibits variances from numerical standards for non-residential structures in residential zones, with the sole exception of the specific types of non-residential structures enumerated in MICC 19.06.110(B)(2)(i) from impervious surface standards.

(8.) Previous implementation of the regulatory requirements governing the situation.

Analysis: The Code Official is unaware of any previous implementation of regulatory requirements relating to variances for non-residential structures within residential zones since the addition of the hardship criterion in September 2017.

F. CONCLUSIONS

1. MICC 19.06.110(B) contains conflicting language as to variances for non-residential structures in residential zones. Reconciling this conflict, the Code Official makes the following interpretations:
 - a. The specifically enumerated non-residential structures listed in MICC 19.06.110 (B)(2)(i) are eligible to receive a variance from impervious surface standards if:
 - i. The Hearing Examiner finds that the criteria contained within MICC 19.06.110(B)(2)(i)(i-iv) have been satisfied, and
 - ii. The Hearing Examiner finds compliance with the other criteria enumerated in subsection (B)(2)(a) through (i), including demonstrating an unnecessary hardship, per subsection (B)(2)(a), but disregarding the second sentence of (B)(2)(a) due to the conflict with subsection (B)(2)(i).
 - b. The MICC prohibits other variances from numerical standards for non-residential structures in residential zones.
2. Both conclusions enumerated above are based upon the following:
 - a. It is apparent from the relevant legislative history that City Council's stated intent was to restrict variances in residential zones only to those circumstances in which construction of a single-family residence upon a legally created residential lot would be prohibited. The Code Official did not find any evidence that City Council was aware of the conflict between MICC 19.06.110(B)(2)(a) and (B)(2)(i).

Because the language regarding variances from impervious surface standards for certain specified non-residential structures in residential zones was also reorganized by City Council to MICC 19.06.110(B) contemporaneously with the creation of the hardship criterion, it is the position of the Code Official that the language in MICC 19.06.110(B)(2)(i) must be also given effect as a narrow exception to the prohibition against variances for non-residential structures in residential zones as put forth in MICC 19.06.110(B)(2)(a). This conclusion is necessary in order to give the fullest effect to the legislative enactment of the City Council.

- b. Utilizing statutory interpretation principles, the Code Official is required to construe the MICC to give the fullest effect to the legislative intent of the City Council, to utilize the principles of avoiding absurd results (but in a sparing manner), and to avoid making code language superfluous, void, or insignificant. Other than variances from impervious surface standards, no other variances for non-residential structures within residential zones are listed in MICC 19.06.110(B)(2).
- c. There is nothing in the City's Comprehensive Plan to contradict the conclusions of the Code Official. The Comprehensive Plan prioritizes residential uses while also recognizing certain non-residential uses within residential zones. The interpretation of the Code Official does not prohibit the siting of non-residential structures in residential zones where otherwise permitted, but it does limit the type of variances available for such structures.

G. INTERPRETATION

The specifically enumerated non-residential structures listed in MICC 19.06.110 (B)(2)(i) are eligible to receive a variance from impervious surface standards if the Hearing Examiner determines the application has demonstrated satisfaction of the criteria contained within MICC 19.06.110(B)(2)(i)(i-iv) and the applicant or property owner demonstrates compliance with the other criteria enumerated in subsection (B)(2)(a) through (i), including demonstrating an unnecessary hardship, per subsection (B)(2)(a), but disregarding the conflicting second sentence of (B)(2)(a).

Having not been expressly included in MICC 19.06.110(B)(2), the position of the Code Official is that all other variances from numerical standards for non-residential structures in residential zones are prohibited by MICC 19.06.110(B)(2)(a).

Exhibit 3

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/ Washington "goes big" on housing in 2023

Washington "goes big" on housing in 2023

May 08, 2023



Gov. Jay Inslee signs legislation to help overcome racist real estate covenants that pervaded until the 1960s and caused intergenerational harm.

From Vancouver to Bellingham and Pullman to La Push, the cost of housing has soared. In the last decade, one million new residents arrived while only one-quarter as many homes went up. When demand exceeds supply, prices rise. Rise they have.

Rents are up. Prices are up. Accordingly, homelessness is up. And too many families are just a paycheck away from trouble.

To begin the 2023 legislative session, Gov. Jay Inslee encouraged the Legislature to "go big" to meet the scale of the housing crisis. On Monday, the governor and lawmakers gathered to sign a slate of housing-related bills to clear obstacles to housing construction and right historic wrongs related to housing discrimination.

At a later date, the governor will sign a budget that allocates more than \$1 billion over the next biennium to address homelessness and affordable housing.

Read the rest of the story on Gov. Inslee's Medium page.

← Post

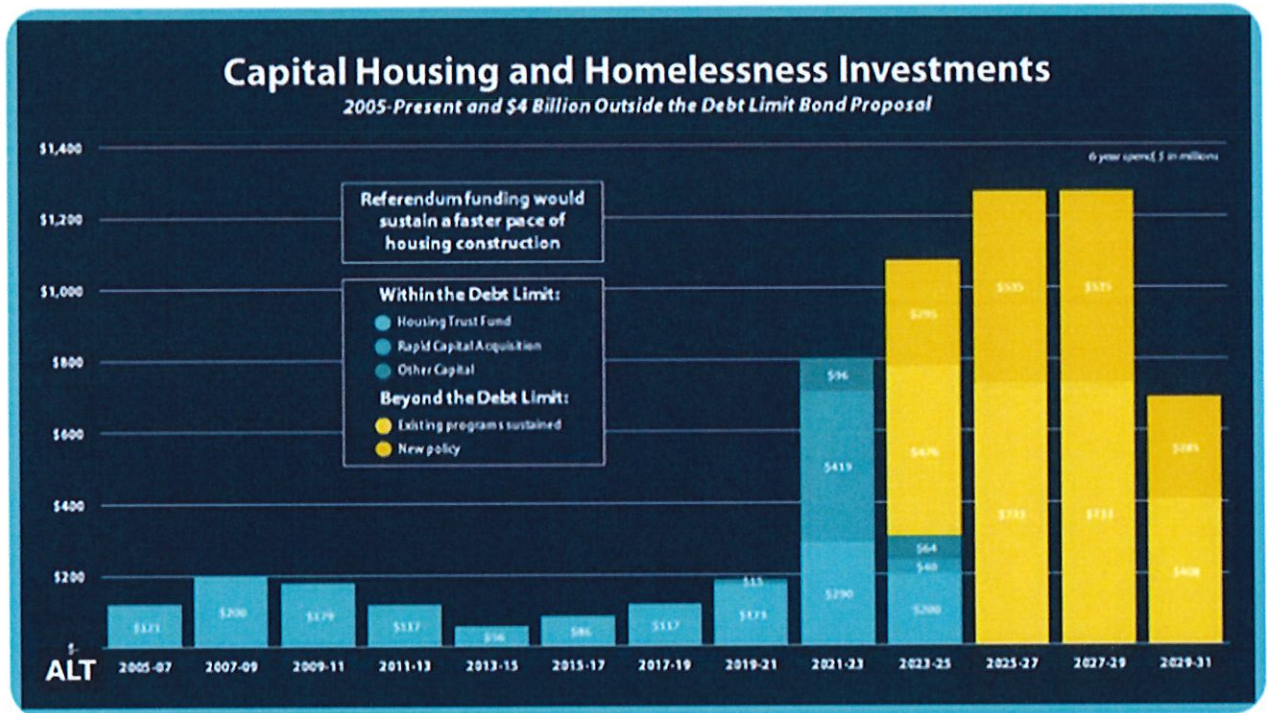


Governor Jay Inslee ✓

@GovInslee

...

In the past two years we were able to make historic investments to scale up and speed up construction of housing and shelters. The problem is growing, not shrinking, so our response must match the moment. (2/3)



5:26 PM · Mar 20, 2023 · 12.7K Views

Exhibit 4



Housing

GOAL: *The region preserves, improves, and expands its housing stock to provide a range of affordable, accessible, healthy, and safe housing choices to every resident. The region continues to promote fair and equal access to housing for all people.*

Housing is a basic need for every individual. Yet, residents in many communities in the region are facing an unprecedented challenge in finding and keeping a home that they can afford. The central Puget Sound region is expected to grow by an additional 1.8 million residents and 830,000 households by the year 2050. Simply put, the region needs more housing of varied types in all communities. Meeting the housing needs of all households at a range of income levels is integral to promoting health and well-being and creating a region that is livable for all residents, economically prosperous, and environmentally sustainable.

Housing affordability continues to be a major challenge for the region. The housing market has experienced great highs and lows that have benefitted some and created and exacerbated hardship and inequalities for others. Following the precipitous drop in housing prices and foreclosures of the recession, the region's economic upswing and strong job growth in the 2010s have fueled dramatic increases in rents and home prices. Despite job losses due to the COVID-19 pandemic and the resulting financial

impact on many households, home prices have continued to increase in the region. Some may have been able to take advantage of historically low mortgage interest rates or lower rents, while others are in a challenging position due to loss of income and face the potential of eviction or foreclosure. A potentially imbalanced recovery may further the threat of displacement of low-income households and people of color. As a result, housing costs are a greater burden for many households today than a decade ago, leaving less for other basic needs and amenities. Renters, and renters of color in particular, face a considerable shortage of affordable housing opportunities. And these households are often the most at risk of losing their housing and experiencing homelessness.

A primary goal of the Growth Management Act is to make housing affordable to "all economic segments of the population, providing a variety of residential densities and housing types and encouraging preservation of existing housing stock. Local governments are required to plan for housing that meets the varied needs of their diverse communities and residents and to ensure



they are providing sufficient residential zoned land capacity for housing to accommodate 20-year growth targets.

VISION 2050's housing policies respond to the urgency of changing demographics and the need to increase and diversify the region's housing supply. They identify coordinated strategies, policies, and actions to ensure that the region's housing needs are met.

A Regional Challenge

The complexity of addressing the full range of housing needs and challenges requires a coordinated regional-local approach. A coordinated, regionwide effort to build and preserve housing accessible to all residents is not just about housing. It is also about building healthy, complete, and welcoming communities where all families and people, regardless of income, race, family size or need, are able to live near good schools, transit, employment opportunities, and open space.

Through the Regional Growth Strategy, the region has articulated a preferred pattern of urbanization that will help direct new housing development to the urban growth area and designated growth centers while preserving industrial lands. Focusing housing in urban areas, specifically centers and station areas, supports and leverages the region's ongoing prioritization of infrastructure investment in central urban places. To assist counties and cities, PSRC serves as a forum for setting regional priorities and facilitating coordination among its member jurisdictions and housing interest groups.

Through data, guidance, and technical assistance, PSRC encourages jurisdictions to adopt best housing practices and establish coordinated local housing and affordable housing targets. PSRC supports jurisdictions in their development of effective local housing elements, strategies, and implementation plans. Housing data and information tracking the success of various housing efforts are monitored and reported regionally at PSRC.

The Need for Local Action

Local governments play a critical role in housing, including its production and preservation. Local governments possess regulatory control over land use and development. They are key players, both individually and in cooperation with other housing interests, in stimulating various types of development activity through zoning, incentives, and funding, streamlined development review and permitting processes.

Local Housing Responsibilities Under the Growth Management Act

Local housing elements should ensure the vitality and character of established residential neighborhoods and include the following components:

1. an inventory and analysis of existing and projected housing needs,
2. goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing,
3. identification of sufficient land for a range of housing types to match community needs, and
4. adequate provisions for the needs of all economic segments of the community. (RCW 36.70A.070)

There are numerous tools and strategies available to local governments to encourage housing diversity and promote affordable housing. Many of these tools can be applied in a manner that is tailored to and respectful of local market conditions, community characteristics, and the vision for growth embodied in local comprehensive plans. Since VISION 2040 was adopted in 2008, housing planning and implementation has advanced through the ongoing work of state, regional, and local agencies and organizations. These efforts have yielded new resources, promoted best practices, established community-based housing strategies, and coordinated efforts across multiple jurisdictions.

Housing Choices to Reflect Changing Demographics

The characteristics of the region's households have been changing over time and will continue to do so. The size of the average household has been decreasing. Fewer people are living in family households with two parents and children. More households are comprised of singles, couples without children, or single-parent families. Many households have two or more workers. The region's population is becoming far more racially and ethnically diverse. As the population ages and new generations enter the housing market, there will be demands and preferences for new and different types of housing. While the region has a changing population with a wide range of housing needs, the vast majority of owner-occupied homes are larger single-family homes. Moderate density housing, ranging from duplexes to townhomes to garden apartments, bridge a gap between single-family housing and more intense multifamily and commercial areas and provide opportunities for housing types that are inclusive to people of different ages, life stages, and income ranges. Regional and local tools can help to promote and incentivize the development and preservation of more moderate density housing to give people greater housing choices, and produce urban densities that support walkable communities, local retail and commercial services, and efficient public transit.

Affordability

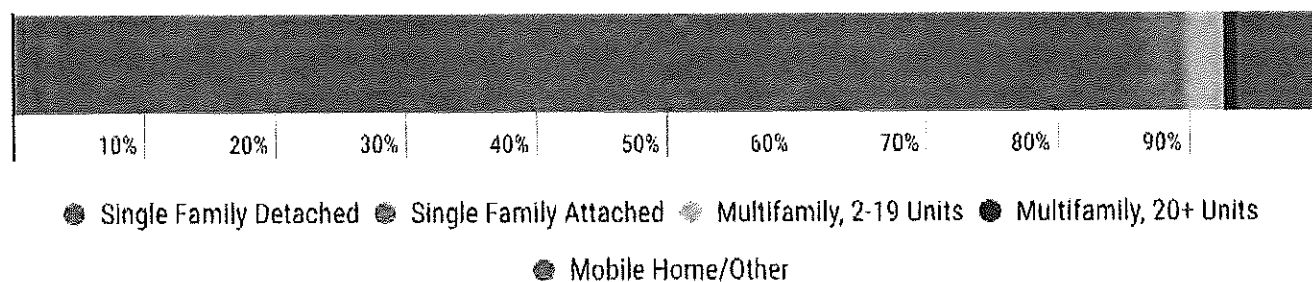
The region continues to experience an affordability crisis. Rising housing costs can be particularly devastating for low-income renters, particularly renters of color, many who

pay more than 50% of their income on housing. Many middle- and lower-income households struggle to find housing that fits their income in an increasingly competitive and expensive housing market due, in part, to zoning practices that have prevented the development of more affordable, smaller homes, and apartments. Home ownership may seem like less of a reality for potential first-time buyers as home prices continue to climb. This is especially true for people of color, who have been historically excluded from homeownership opportunities.

The central Puget Sound region's housing landscape reflects more than market forces and conditions. It is also the product of decades of public policies and private practices that, throughout the 20th century, often excluded lower income households and immigrant communities, and prevented people of color from accessing housing and living in certain areas. Past and current housing practices have perpetuated substantial inequities in wealth, ownership, and opportunity, and they continue to create barriers to rectifying these conditions. Regional housing work is approached with an awareness of this legacy and of the comprehensive work needed to redress it.

Low- to middle-wage workers – such as teachers, health care professionals, retail workers, administrative personnel, police officers, and firefighters – who are essential to the economic and social vitality of a community, often cannot afford to live in the places where they work. As affordable housing options become scarce, households are forced to move farther from their jobs and communities, resulting in increased traffic congestion and transportation costs and fragmentation of communities. This spatial mismatch also leads to an inability of certain segments of the labor market to fill positions.

Figure 27 – Ownership Housing Stock by Housing Type, Central Puget Sound Region



Source: 2017 American Community Survey

Common Housing Terms

Affordable Housing is commonly defined in terms of housing costs as a percentage of household income. Housing is considered unaffordable when a household's monthly housing costs exceed a certain threshold – most commonly 30% of gross income – thereby reducing the budget available for basic necessities.

Housing Affordability refers to the balance (or imbalance) between incomes and housing costs within a community or region. A common measurement compares the number of households in certain income categories to the number of units in the market that are affordable at 30% of gross income.

Providing housing affordable to households earning different incomes requires different approaches. To craft effective strategies, it is imperative to understand the types and cost of housing needed in a community relative to the supply of housing available to households at each income level. Over one-third of households in the region earn less than 80% area median income (AMI). Ideally, the supply of housing affordable to moderate and low-income households should mirror the number of households at those income levels. The current distribution of households in the region is:

- 15% of households earn 50-80% AMI (Moderate Income)
- 9% of households earn 30-50% AMI (Low Income)
- 11% of households earn less than 30% AMI (Very Low Income)

Providing affordable units for very low-income residents and providing housing options for residents experiencing homelessness cannot be fully addressed by the private market alone. Public intervention is necessary to ensure housing units

Figure 28 – Lower Housing Costs Require Greater Public Intervention

0–30% AMI Rental:	30–50% AMI Rental:	50–80% AMI Rental:	80–125% AMI Rental or Home Ownership:	Above 125% AMI Market Rent and Home Ownership
public support needed in all markets	public support needed in most markets	incentives needed in many markets Home Ownership: subsidy or incentives needed in many markets	incentives or zoning flexibility needed in some markets	

Anticipated Households in the Region in 2050

274,000 11%	222,000 9%	355,000 15%	558,000 23%	1,012,000 42%
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AMI: Area Median Income.

Source: 2016 ACS 1-Year PUMS

are affordable to households at the lowest income levels now and in the future.

While the current housing production rate in 2017 meets the average annual need in the region, the market has yet to make up for the slow growth in the years directly following the recession resulting in a supply and demand imbalance. Increasing the supply of housing throughout the region and providing a variety of housing types and densities for both renters and owners will help the region meet its housing goals. Special emphasis is placed on providing affordable housing for low-, moderate-, and middle-income households across the region, with a focus on promoting housing opportunities near transit, and appropriate housing for special needs populations. VISION 2050 also encourages more homeownership opportunities for low-income, moderate-income, and middle-income households and acknowledges historic and current inequities in access to homeownership opportunities for people of color and how this

long history of exclusion and discrimination has prevented communities of color from accessing housing, ownership, and opportunity.

Focusing Housing Near Transit Options

Within the central Puget Sound region, jurisdictions are planning for housing and job growth in places designated for higher densities, a mix of land uses, and transportation choices. Communities across the region are realizing these aims by encouraging infill, redevelopment, and more compact development, especially in designated regional growth centers and around transit stations. However, rents and home prices are rising quickly, making it often challenging to find affordable housing close to jobs.

The region's continuing expansion of high-capacity transit provides one of the best opportunities to expand accessible housing options to a wider range of incomes. Promoting or



requiring affordable housing in walking distance — about $\frac{1}{4}$ to $\frac{1}{2}$ mile—from high-capacity transit stations and in regional growth centers can help to ensure all residents have opportunities to live in accessible and connected communities. Such housing will be particularly valuable to low-income households, who are the most dependent on transit and are at risk for displacement as housing costs rise.

Displacement and Community Stability

Displacement occurs when housing or neighborhood conditions force residents to move. Displacement can be physical, when building conditions deteriorate or are taken off the market for renovation or demolition, or economic, as costs rise. Many communities in the central Puget Sound region, like the Central District in Seattle and the Hilltop neighborhood in Tacoma, have documented displacement. Once physical and economic displacement occur, the social and cultural composition of the neighborhood will be disrupted, thus affecting the cohesion and stability of a community and the well-being of local residents and businesses.

Several key factors can drive displacement: proximity to rail stations, proximity to job centers, historic housing stock, and location in a strong real estate market. Displacement is a regional concern as it is inherently linked to shifts in the regional housing and job market. Many of these factors put communities of color and neighborhoods with high concentrations of renters at a higher risk of displacement.

Regional growth centers and communities near transit are home to more people of color and higher concentrations of poverty than the region as a whole. As these central places connected by transit continue to grow and develop, residents and businesses who contribute to these communities should have the option to remain and thrive and take advantage of new amenities and services.

Jobs-Housing Balance

Jobs-housing balance is a planning concept which advocates that housing and employment be close together, with an emphasis on matching housing options with nearby jobs, to reduce the length of commute travel and number of vehicle trips. A lack of housing, especially affordable housing close to job centers, will continue to push demand for affordable homes to more distant areas, increasing commute times and the percentage of household income spent on transportation costs. Housing policies encourage adding housing opportunities to job-rich places. It is imperative that there are a variety of housing choices available to a variety of incomes in proximity to job centers to provide opportunities for residents to live close to where they work regardless of their income. Policies in the Economy chapter promote economic development to bring jobs to all four counties. Policies are also located in the Regional Growth Strategy chapter related to balancing jobs and housing growth.



Housing POLICIES

MPP-H-1

Plan for housing supply, forms, and densities to meet the region's current and projected needs consistent with the Regional Growth Strategy and to make significant progress towards jobs/housing balance.

MPP-H-2

Provide a range of housing types and choices to meet the housing needs of all income levels and demographic groups within the region.

MPP-H-3

Achieve and sustain – through preservation, rehabilitation, and new development – a sufficient supply of housing to meet the needs of low-income, moderate-income, middle-income, and special needs individuals and households that is equitably and rationally distributed throughout the region.

MPP-H-4

Address the need for housing affordable to low- and very low-income households, recognizing that these critical needs will require significant public intervention through funding, collaboration, and jurisdictional action.

MPP-H-5

Promote homeownership opportunities for low-income, moderate-income, and middle-income families and individuals while recognizing historic inequities in access to homeownership opportunities for communities of color.

MPP-H-6

Develop and provide a range of housing choices for workers at all income levels throughout the region that is accessible to job centers and attainable to workers at anticipated wages.

MPP-H-7

Expand the supply and range of housing at densities to maximize the benefits of transit investments, including affordable units, in growth centers and station areas throughout the region.

MPP-H-8

Promote the development and preservation of long-term affordable housing options in walking distance to transit by implementing zoning, regulations, and incentives.

MPP-H-9

Expand housing capacity for moderate density housing to bridge the gap between single-family and more intensive multifamily development and provide opportunities for more affordable ownership and rental housing that allows more people to live in neighborhoods across the region.

MPP-H-10

Encourage jurisdictions to review and streamline development standards and regulations to advance their public benefit, provide flexibility, and minimize additional costs to housing.

MPP-H-11

Encourage interjurisdictional cooperative efforts and public-private partnerships to advance the provision of affordable and special needs housing.

MPP-H-12

Identify potential physical, economic, and cultural displacement of low-income households and marginalized populations that may result from planning, public investments, private redevelopment, and market pressure. Use a range of strategies to mitigate displacement impacts to the extent feasible.

Housing ACTIONS

REGIONAL ACTIONS

H-Action-1

Regional Housing Strategy: PSRC, together with its member jurisdictions, state agencies, housing interest groups, housing professionals, advocacy and community groups, and other stakeholders will develop a comprehensive regional housing strategy to support the 2024 local comprehensive plan update. The housing strategy will provide the framework for regional housing assistance (see H-Action-2, below) and shall include the following components:

- In the near term, a regional housing needs assessment to identify current and future housing needs to support the regional vision and to make significant progress towards jobs/housing balance and quantify the need for affordable housing that will eliminate cost burden and racial disproportionality in cost burden for all economic segments of the population, including those earning at or below 80 percent of Area Median Income throughout the region. This will provide necessary structure and focus to regional affordable housing discussions
- Strategies and best practices to promote and accelerate: housing supply, the preservation and expansion of market rate and subsidized affordable housing, housing in centers and in proximity to transit, jobs-housing balance, and the development of moderate-density housing options
- Coordination with other regional and local housing efforts

H-Action-2

Regional Housing Assistance: PSRC, in coordination with subregional, county, and local housing efforts, will assist implementation of regional housing policy and local jurisdiction and agency work. Assistance shall include the following components:

- Guidance for developing local housing targets (including affordable housing targets), model housing policies, and best housing practices
- Technical assistance, including new and strengthened tools, to support local jurisdictions in developing effective housing strategies, action plans, and programs
- Collection and analysis of regional housing data, including types and uses of housing and effectiveness of zoning, regulations, and incentives to achieve desired outcomes

- Technical assistance in support of effective local actions to address displacement, including data on displacement risk and a toolbox of local policies and actions

H-Action-3

State Support and Coordination: PSRC will monitor and support as appropriate members' efforts to seek new funding and legislative support for housing; and will coordinate with state agencies to implement regional housing policy.

LOCAL ACTIONS

H-Action-4

Local Housing Needs: Counties and cities will conduct a housing needs analysis and evaluate the effectiveness of local housing policies and strategies to achieve housing targets and affordability goals to support updates to local comprehensive plans. Analysis of housing opportunities with access to jobs and transportation options will aid review of total household costs.

H-Action-5

Affordable Housing Incentives: As counties and cities plan for and create additional housing capacity consistent with the Regional Growth Strategy, evaluate and adopt techniques such as inclusionary or incentive zoning to provide affordability.

H-Action-6

Displacement: Metropolitan Cities, Core Cities, and High Capacity Transit Communities will develop and implement strategies to address displacement in conjunction with the populations identified of being at risk of displacement including residents and neighborhood-based small business owners.

H-Action-7

Housing Choice: Counties and cities will update regulations and strategies to reduce barriers to the development and preservation of moderate density housing to address the need for housing between single-family and more intensive multifamily development, consistent with the Regional Growth Strategy.

H-Action-8

Housing Production: Counties and cities will review and amend, where appropriate and consistent with the Regional Growth Strategy, development standards and regulations to reduce barriers to the development of housing by providing flexibility and minimizing additional costs.



COMMUNITY PLANNING & DEVELOPMENT

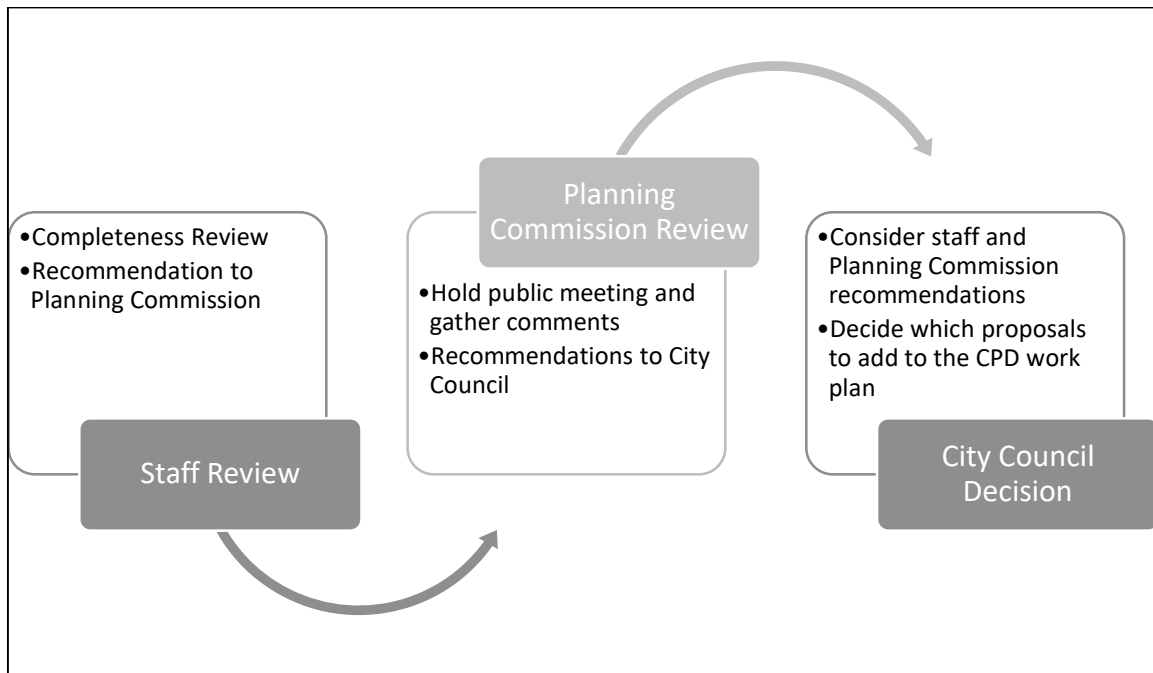
9611 SE 36TH STREET | MERCER ISLAND, WA 98040
PHONE: 206.275.7605 | www.mercerisland.gov/cpd



2024 DOCKET REQUEST FORM

APPLICATION REVIEW PROCESS

Docket requests are the first step in the process of amending the City's Comprehensive Plan or development regulations. The Mercer Island City Code (MICC) describes the process for these amendments in MICC [19.15.230-.260](#). The illustration below summarizes the annual docket process.



Staff review all docket requests for timeliness and completeness and will use the information provided in the application form to present a request to the Mercer Island Planning Commission and City Council. The Planning Commission will review the docket requests and make a recommendation to the City Council regarding which docket items to add to the final docket.

The City Council has decision-making authority over all annual docket proposals. The City Council determines whether to add a proposal to the final docket. Items added to the final docket will be incorporated in the Community Planning and Development work plan for the upcoming year. Docket requests are evaluated based on alignment with the current City work plan, current policies, programmatic priorities, staff capacity, and budget to complete the legislative process for the request in the following year. The City Council will approve the final docket by December 31 each year. Items placed on the final docket will be scheduled for legislative review by the Planning Commission and City Council in the following year.

DOCKET REQUEST FORM

The following information is required. Failure to complete this form may result in the application being incomplete. Incomplete applications will not be considered during the annual docket process.

APPLICANT INFORMATION

Name: Regan McClellan AIA

Address: 3309 Wallingford Ave N

Phone: 206-728-0480

Email: regan@mccarch.com

AGENT/CONSULTANT/ATTORNEY

Complete this section if the primary contact is different from the applicant.

Name: _____

Address: _____

Phone: _____

Email: _____

REQUEST INFORMATION

Important: A separate Docket Request Form must be completed for each docket item requested.

Is this request related to a specific property or zone?

Yes ☐

No ☒

If yes, please complete the following information:

Property Owner Name: _____

Address: _____

County Assessor's Parcel No.: _____

Parcel Size (sq. ft.): _____

If the application is submitted by an agent/consultant/attorney, please attach a signed letter of consent from all owners of the affected property demonstrating that the application is submitted with consent.

Is this request for a Comprehensive Plan amendment or a development code amendment?

Comprehensive Plan Amendment ☐

Development code Amendment ☒

Is this submission a **suggestion** for a Comprehensive Plan or Development Code amendment, or is this an **application** for a specific amendment? (Check one box below.)

Note: Applications are subject to applicable permit fees.

Suggestion ☒

Application ☐

DOCKET REQUEST NARRATIVE – REQUIRED FOR ALL APPLICATIONS

Please attach a separate narrative responding to all five (5) questions outlined below. Attach additional sheets, supporting maps, or graphics as necessary. Answer each question separately and reference the question number in your answer.

The application will be considered incomplete without a narrative answering all five questions.

1. Please provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish.
 - a. Indicate the specific Comprehensive Plan Elements, maps, goals or policies or the specific sections of the development code you propose to amend.
 - b. If the proposal would amend existing Comprehensive Plan or development code text, please provide the proposal in underline/strikeout format with text to be added indicated by underlining and text to be deleted indicated with ~~strikeouts~~.
 - c. If a map amendment is proposed, please provide a map that clearly outlines the areas proposed to be changed.
2. How does the proposal benefit the community or the environment?
3. Explain how the request relates to the applicable decision criteria (MICC 19.15.250(D) for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments, see below).
4. For Comprehensive plan amendments: Is the proposal consistent the Growth Management Act and King County Countywide Planning Policies?
5. For development code amendments: How does the proposal align with the goals of the City's Comprehensive Plan?

Please sign and date below acknowledging application requirements.

Signature: Regan McClellan Digitally signed by Regan McClellan
DN: CN=Regan McClellan, E=regan@mccarch.com
Reason: I am approving this document
Location: seattle
Date: 2023.09.25 14:03:37-07'00'
Foxit PDF Editor Version: 12.1.3 Date: 9/25/2023

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Please attach a separate narrative
responding to the above questions.

DOCKETING CRITERIA

MICC 19.15.230(E) Docketing criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

1. The request has been filed in a timely manner, and either:
 - a. State law requires, or a decision of a court or administrative agency has directed, such a change; or
 - b. All of the following criteria are met:
 - i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;
 - ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;
 - iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;
 - iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and
 - v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

COMPREHENSIVE PLAN DECISION CRITERIA

MICC 19.15.230(F) Decision criteria. Decisions to amend the comprehensive plan shall be based on the criteria specified below. An applicant for a comprehensive plan amendment proposal shall have the burden of demonstrating that the proposed amendment complies with the applicable regulations and decision criteria.

1. The amendment is consistent with the Growth Management Act, the countywide planning policies, and the other provisions of the comprehensive plan and city policies; and:
 - a. There exists obvious technical error in the information contained in the comprehensive plan; or
 - b. The amendment addresses changing circumstances of the city as a whole.
2. If the amendment is directed at a specific property, the following additional findings shall be determined:
 - a. The amendment is compatible with the adjacent land use and development pattern;
 - b. The property is suitable for development in conformance with the standards under the potential zoning; and
 - c. The amendment will benefit the community as a whole and will not adversely affect community facilities or the public health, safety, and general welfare.

DEVELOPMENT CODE AMENDMENT DECISION CRITERIA

MICC 19.15.250(D) Criteria. The city may approve or approve with modifications a proposal to amend this Code only if:

1. The amendment is consistent with the comprehensive plan; and
2. The amendment bears a substantial relation to the public health, safety, or welfare; and
3. The amendment is in the best interest of the community as a whole.

Docket Request Narrative

1. The proposed amendment is to clarify the residential height limit standard for homes on sloped lots by clarifying the definition of the term “Façade” consistent with historical practice. The term *Façade* should acknowledge, consistent with historical practice, that a building face can be articulated/divided into multiple *façades* and those *façades* each have their own relationship to grade. The relevant Code sections with the proposed amendment are as follows:

MICC 19.16.010 - Definitions

Façade: Any exterior wall of a structure, including projections from and attachments to the wall. Projections and attachments include balconies, decks, porches, chimneys, unenclosed corridors and similar projections.

MICC 19.02.020.E *Building Height Limit*

1. *Maximum building height*. No building shall exceed 30 feet in height above the **average building elevation to the highest point of the roof**. (emphasis added)
2. *Maximum building height on downhill building façade*. The maximum building *façade* height on the downhill side of a sloping lot shall not exceed 30 feet in height. The building *façade* height shall be measured from the existing grade or finished grade, whichever is lower, at the furthest downhill extent of the proposed building, to the top of the exterior wall facade supporting the roof framing, rafters, trusses, etc. A building face can be articulated/divided into multiple *façades*. Those *façades* each have their own relationship to grade, and shall be treated as separate walls for determining maximum building *façade* height on the downhill side of a sloping lot.

....

4. The formula for calculating average building elevation is as follows:

Formula: Average Building Elevation = (Weighted Sum of the Mid-point Elevations) ÷ (Total Length of Wall Segments)

Where: Weighted Sum of the Mid-point Elevations = The sum of:
((Mid-point Elevation of Each Individual Wall Segment) × (Length of Each Individual Wall Segment))

For example for a house with ten wall segments:

$$(A \times a) + (B \times b) + (C \times c) + (D \times d) + (E \times e) + (F \times f) + (G \times g) + (H \times h) + (I \times i) + (J \times j)$$

$$a + b + c + d + e + f + g + h + i + j$$

Where: A, B, C, D... = The existing or finished ground elevation, whichever is lower, at midpoint of wall segment.

And: a, b, c, d... = The length of wall segment measured on outside of wall.

2. The “Downhill Building Façade” standard was adopted in 2017. Ord. 17C-15 § 1 (Att. A). Since 2017, the standard has been interpreted to allow a significant break in the plane of the façade to create two or more façades. This allowed the architect to reduce the apparent scale and size of the downhill façade and comply with the code. This is interpretation in March of 2021 by Lauren Anderson, Planner:

The code states that it is the furthest downhill wall façade that is limited to a maximum of 30 feet. Thank you for providing the helpful diagram attached. From looking at your diagram, the furthest downhill wall façade would be the basement only since the main and upper level are setback and are structurally separate walls. However, if the main and upper floor weren’t setback and were structurally one wall, then the maximum downhill height would be measured to the upper floor.

Appendix A: Mercer Island Planner Email; email and diagram that was referenced above.

The historical interpretation is consistent with the definition of façade in Section 19.16.010, above. That definition refers to “**Any** exterior wall of a structure,” thus recognizing the ability to allow a break in the plane to create two or more façades.

Significantly, the historical interpretation allows the ABE height limit in subsection E.4 to coexist with E.2. If the façade is interpreted as the aggregate of all the faces of the downhill slope side, then it obviates the ABE height limit. There is no condition in which the downhill slope definition would not determine height limit. The obvious intent of the ABE is to allow for the variations of grade that can be found on most building lots on Mercer Island.

This proposal benefits the community of property owners on Mercer Island in allowing reasonable development of sloped lots. The vast majority of high value properties on Mercer Island are located on a considerable slope, i.e. and property waterward of North, West, or East Mercer Way. This proposed amendment would ensure, consistent with historical practice, that a 3-story home is allowed on sloped lots. The current interpretation makes it extremely difficult to provide a 3-story home with reasonable ceiling heights. This is a hardship not borne by a property owner on a mostly flat lot.

Unfortunately, the Interim DPD Director recently reversed the established interpretation and eliminated the concept that the facade can be articulated to reduce the apparent size. As explained above, if the façade includes the aggregate of all the faces of the downhill slope, reasonable development of sloped lots becomes much more difficult. This is coming at a time when we are being more than encouraged to create more housing to help meet a nationwide housing shortage and help mitigate the meteoric rise in housing costs. As noted above, not

maintaining the historical interpretation obviates the ABE height limit. This would render the ABE provisions meaningless, which is not proper.

3. This request is appropriate to the Docket Process as a Code Amendment.
4. The request meets the criteria of MICC 19.15.250(D):
 - a) Presents a matter appropriately addressed through the code.
 - b) The scope of the request can be easily provided by the city.
 - c) This does not raise land issues more appropriately addressed by any ongoing item by the city council.
 - d) This will serve the public's interest, i.e. and landowner interested in developing their residential property and ensuring that sloped lots that are otherwise developable can in fact be reasonably developed.
 - e) This has not been considered by the city council
4. This proposal does not seek to amend the Comprehensive Plan.
5. The proposal aligns with the goals of the City's Comprehensive Plan in providing reasonable development of residential property while maintaining aesthetic goals.



Chris Tellone <chris@mccarch.com>

Fwd: 4045 W Mercer Way - Max Building Height

Joey Pasquinelli <joey@mccarch.com>
To: Chris Tellone <chris@mccarch.com>

Wed, Feb 22, 2023 at 10:27 AM

See below

Joey Pasquinelli, RA
joey@mccarch.com
McClellan Architects
3309 Wallingford Avenue North
Seattle WA, 98103

Ph: 206-728-0480
www.mccarch.com

----- Forwarded message -----

From: **Lauren Anderson** <Lauren.Anderson@mercergov.org>
Date: Wed, Mar 24, 2021 at 1:24 PM
Subject: RE: 4045 W Mercer Way - Max Building Height
To: Joey Pasquinelli <joey@mccarch.com>
Cc: Regan McClellan <regan@mccarch.com>, LandUse Planning <landuse.planning@mercergov.org>

Joey,

The code states that it is the furthest downhill wall façade that is limited to a maximum of 30 feet. Thank you for providing the helpful diagram attached. From looking at your diagram, the furthest downhill wall façade would be the basement only since the main and upper level are setback and are structurally separate walls. However, if the main and upper floor weren't setback and were structurally one wall, then the maximum downhill height would be measured to the upper floor.

Sincerely,

Lauren Anderson

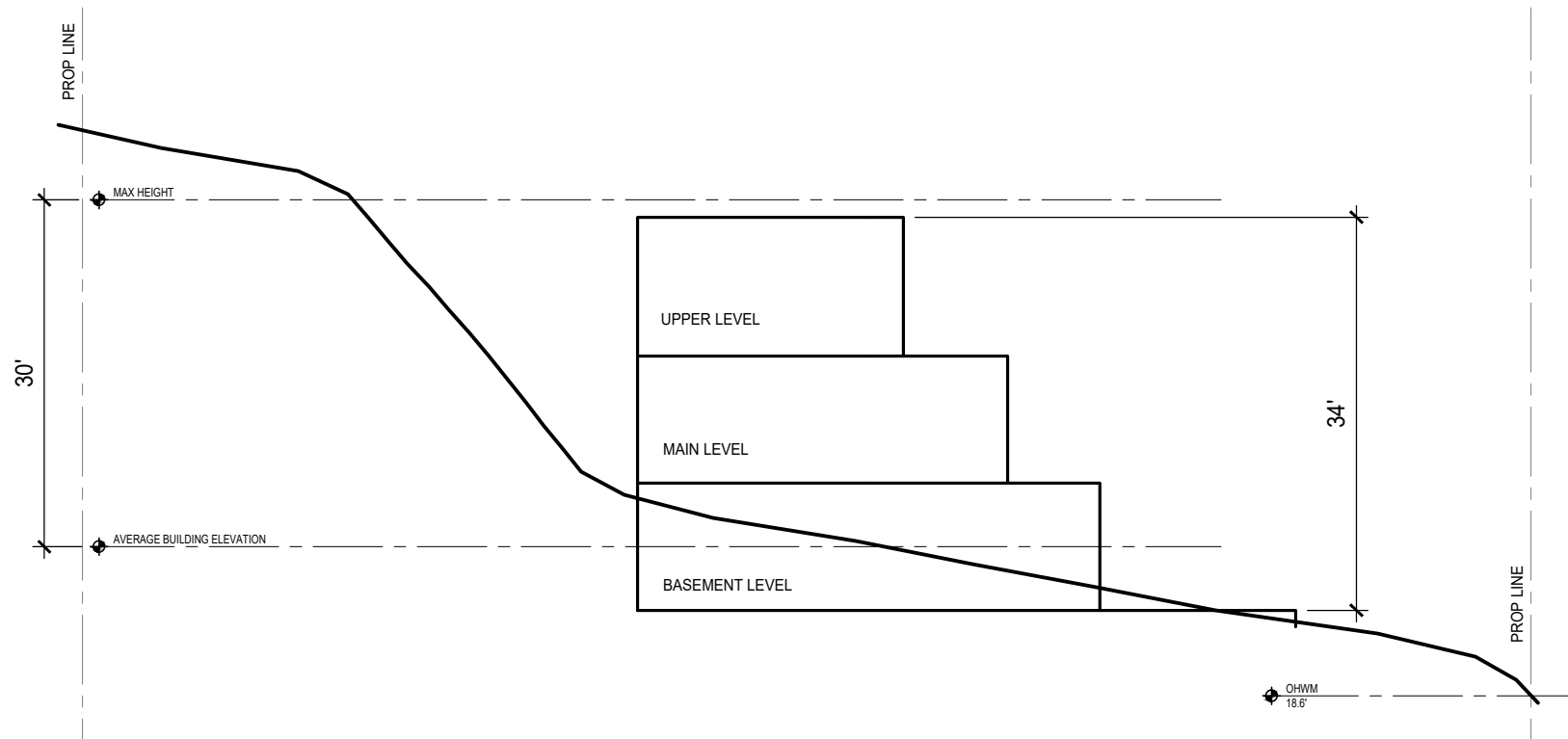
Planner

City of Mercer Island- Community Planning & Development
206.275.7704 | mercerisland.gov/cpd

Due to the COVID-19 outbreak, Community Planning and Development has modified our operations. City Hall and the Permit Center are closed to the public. There is no "walk in" permit service; staff are working remotely and services are being continued via remote operations. More information is available on the City's website: mercerisland.gov/cpd. Please contact us by phone for general customer support at 206-275-7626.

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW).

[Quoted text hidden]



COMMUNITY PLANNING & DEVELOPMENT

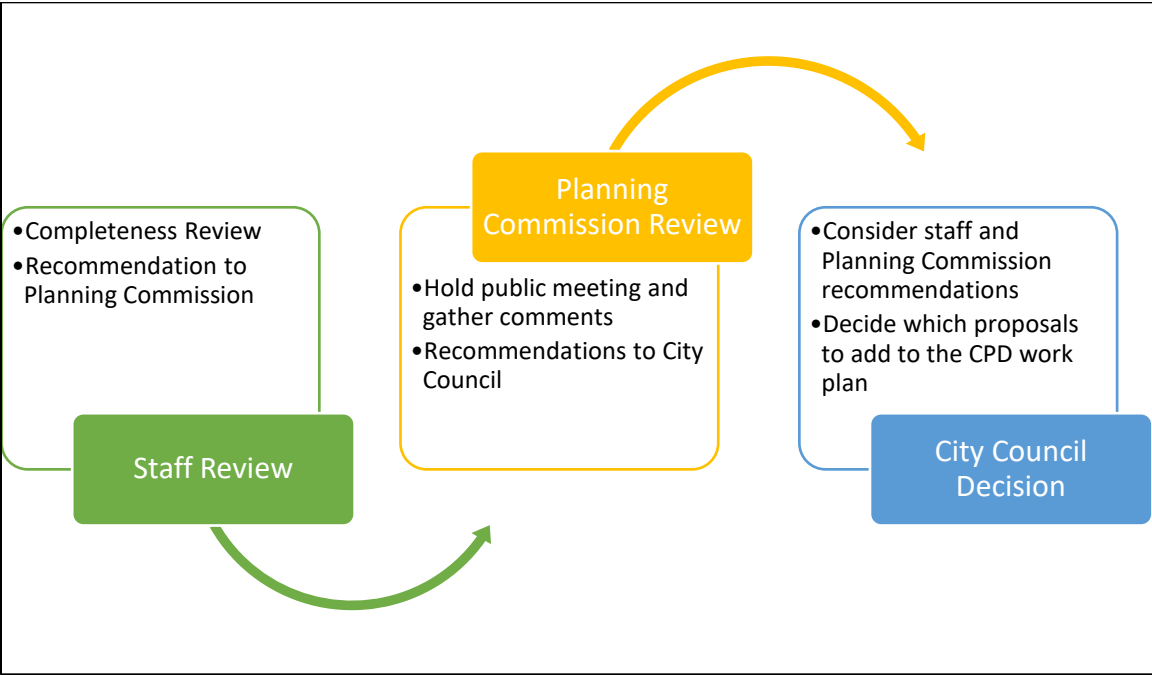
9611 SE 36TH STREET | MERCER ISLAND, WA 98040
PHONE: 206.275.7605 | www.mercerisland.gov/cpd



2024 DOCKET REQUEST FORM

APPLICATION REVIEW PROCESS

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DOCKET REQUEST FORM

The following information is required. Failure to complete this form may result in the application being incomplete. Incomplete applications will not be considered during the annual docket process.

APPLICANT INFORMATION

Name: Mercer Island Country Club

Address: 8700 S.E. 71st Street, Mercer Island, WA 98040

Phone: (206)232-5600

Email: dpnordale@gmail.com

AGENT/CONSULTANT/ATTORNEY

Complete this section if the primary contact is different from the applicant.

Name: Abigail Pearl DeWeese and Rachel Mazur (Hillis, Clark, Martin & Peterson P.S.)

Address: 999 3rd Avenue, Suite 4600, Seattle, WA 98104

Phone: (206)470-7651

Email: abigail.deweese@hcmp.com; rachel.mazur@hcmp.com

REQUEST INFORMATION

Important: A separate Docket Request Form must be completed for each docket item requested.

Is this request related to a specific property or zone?

Yes ☒

No ☐

If yes, please complete the following information:

Property Owner Name: Mercer Island Country Club

Address: 8700 SE 71st Street, Mercer Island, WA 98040

County Assessor's Parcel No.: 545110-0575

Parcel Size (sq. ft.): 242,480 sq. ft.

If the application is submitted by an agent/consultant/attorney, please attach a signed letter of consent from all owners of the affected property demonstrating that the application is submitted with consent.

Is this request for a Comprehensive Plan amendment or a development code amendment?

Comprehensive Plan Amendment ☐

Development code Amendment ☒

Is this submission a **suggestion** for a Comprehensive Plan or Development Code amendment, or is this an **application** for a specific amendment? (Check one box below.)

Note: Applications are subject to [applicable permit fees](#).

Suggestion ☐

Application ☒

DOCKET REQUEST NARRATIVE – REQUIRED FOR ALL APPLICATIONS

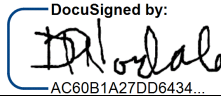
Please attach a separate narrative responding to all five (5) questions outlined below. Attach additional sheets, supporting maps, or graphics as necessary. Answer each question separately and reference the question number in your answer.

The application will be considered incomplete without a narrative answering all five questions.

1. Please provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish.
 - a. Indicate the specific Comprehensive Plan Elements, maps, goals or policies or the specific sections of the development code you propose to amend.
 - b. If the proposal would amend existing Comprehensive Plan or development code text, please provide the proposal in underline/strikeout format with text to be added indicated by underlining and text to be deleted indicated with ~~strikeouts~~.
 - c. If a map amendment is proposed, please provide a map that clearly outlines the areas proposed to be changed.
2. How does the proposal benefit the community or the environment?
3. Explain how the request relates to the applicable decision criteria (MICC 19.15.250(D) for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments, see below).
4. For Comprehensive plan amendments: Is the proposal consistent the Growth Management Act and King County Countywide Planning Policies?
5. For development code amendments: How does the proposal align with the goals of the City's Comprehensive Plan?

Please sign and date below acknowledging application requirements.

Signature:

DocuSigned by:

 AC60B1A27DD6434...

Date:

9/27/2023

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Please attach a separate narrative
responding to the above questions.

DOCKETING CRITERIA

[MICC 19.15.230\(E\) Docketing criteria](#). The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

1. The request has been filed in a timely manner, and either:
 - a. State law requires, or a decision of a court or administrative agency has directed, such a change; or
 - b. All of the following criteria are met:
 - i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;
 - ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;
 - iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;
 - iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and
 - v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

COMPREHENSIVE PLAN DECISION CRITERIA

[MICC 19.15.230\(F\) Decision criteria](#). Decisions to amend the comprehensive plan shall be based on the criteria specified below. An applicant for a comprehensive plan amendment proposal shall have the burden of demonstrating that the proposed amendment complies with the applicable regulations and decision criteria.

1. The amendment is consistent with the Growth Management Act, the countywide planning policies, and the other provisions of the comprehensive plan and city policies; and:
 - a. There exists obvious technical error in the information contained in the comprehensive plan; or
 - b. The amendment addresses changing circumstances of the city as a whole.
2. If the amendment is directed at a specific property, the following additional findings shall be determined:
 - a. The amendment is compatible with the adjacent land use and development pattern;
 - b. The property is suitable for development in conformance with the standards under the potential zoning; and
 - c. The amendment will benefit the community as a whole and will not adversely affect community facilities or the public health, safety, and general welfare.

DEVELOPMENT CODE AMENDMENT DECISION CRITERIA

[MICC 19.15.250\(D\) Criteria](#). The city may approve or approve with modifications a proposal to amend this Code only if:

1. The amendment is consistent with the comprehensive plan; and
2. The amendment bears a substantial relation to the public health, safety, or welfare; and
3. The amendment is in the best interest of the community as a whole.

Mercer Island Country Club

Docket Request Narrative

September 28, 2023

- 1. Please provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish.**

Applicant Introduction

The Mercer Island Country Club (the “Club”) is a member-owned non-profit organization that operates a tennis, swim, and fitness facility at 8700 SE 71st Street.

Envisioned back in the early-1960’s, the original club facilities completed in 1967 consisted of a swimming pool and eight outdoor tennis courts. It has since grown incrementally to an approximately 72,000 square foot facility, housing 7 indoor tennis courts, a seasonally covered pool, a 6,000 square foot fitness facility, accompanying locker rooms, and social spaces.

The Club is run by a volunteer Board of Trustees comprised entirely of member-owners. The overwhelming majority of the current 861 member families, representing more than 3,200 individuals, are Mercer Island residents, and the Board is tasked to keep costs, and by extension dues and fees, controlled to promote membership accessibility to as many Islanders and their families as possible.

The Club is a cherished community, recreational, and gathering space within a residential setting. The Club pre-dates the Conditional Use Permit (“CUP”) process and most versions of the Mercer Island development code, yet, since inception, it has existed within single family residential zoning, in harmony with neighbors, while receiving entitlements for reasonable changes to adapt to changing member needs. The Club is grateful for collaboration between Club members, city staff, City Council, Planning Commissioners, Design Commissioners, neighbors, and the broader community over the past six decades.

Proposed Amendment Introduction

In order to better serve its members, and in particular the demand for youth participation in junior tennis programs, the Club proposes to cover its four northern, outdoor tennis courts seasonally with an air-supported temporary structure (colloquially, a “bubble”). This will add an additional four USTA conforming courts to the community during the rainy season. These four tennis courts were covered with an air-supported structure years ago, and the Club would like to return to that historic precedent. The temporary seasonal structure will house the Club’s junior tennis training program, which makes available exercise and sporting opportunities to Mercer Island youth, almost equally split between girls and boys. The Club’s youth program has served approximately 2,000 youth over the last decade and, if allowed the covered court space in question, is poised to serve even more in the coming decade. Please note that there is no membership expansion proposed as part of this project; rather, the Club seeks to increase the use of the courts during the winter months to better serve its existing members and its junior tennis training program in particular.

The Club is in a R 9.6 residential zone, which unfortunately sets development standards for residential uses and does not set separate standards for private clubs and other kinds of neighborhood institutions that are unlike single family homes but exist in residential zones. Because of its location and history, the Club is already nonconforming to several development standards, including height, gross floor area, and setbacks. The proposed temporary seasonal structure would increase these nonconformities and conflict with other standards.

The Club has discussed the proposal with City staff for several years, and they have instructed the only way to construct the structure within the limits of the current Mercer Island City Code ("MICC") in light of these conflicts is to seek three different variance approvals from the City's Hearing Examiner. Staff have advised they will recommend the Hearing Examiner to rule against approval of the variances because they would not be for a residential use. **Although it is still possible to seek approval of the variances, a more straightforward solution is to change the Code to allow temporary structures through a long-term temporary use or structure permit as outlined in this Docket Request. Therefore, the proposed amendment is intended to allow the temporary seasonal structure over the Club's four northern tennis courts and avoid the need for any variance approvals. This proposal would support recreational opportunities for Islander youth.**

- a. **Indicate the specific Comprehensive Plan Elements, maps, goals or policies or the specific sections of the development code you propose to amend.**

The Club's proposal would amend MICC Chapter 19.06 to create a new section 19.06.130 - "Temporary Use or Structure Permits." The proposal would also amend MICC 19.15.030 Table A to conform to the new section.

- b. **If the proposal would amend existing Comprehensive Plan or development code text, please provide the proposal in underline/strikeout format with text to be added indicated by underlining and texts to be deleted indicated with ~~strikeouts~~.**

The proposal would amend MICC Chapter 19.06 to create a new Section 19.06.130 which would read as follows:

19.06.130 – Temporary Use or Structure Permits

- A. Scope. This Section 19.06.130 establishes the procedure and criteria that the city will use in deciding upon an application for a Temporary Use or Structure Permit.
- B. Applicability. This Section applies to each application for a Temporary Use or Structure Permit located on private property.
- C. Purpose. A Temporary Use or Structure Permit is a mechanism by which the city may permit a use or structure to locate within the city on an interim basis without requiring full compliance with the development standards of the zoning district or by which the city may permit seasonal or transient uses or structures not otherwise permitted.
- D. Applicable procedure.
 - 1. The director of Community Planning and Development ("director") shall, in consultation with the Public Works Department, the Fire Department, and the

Police Department as appropriate, review and decide upon each application for a Temporary Use or Structure Permit as a Type I decision.

2. The Temporary Use or Structure Permit decision may be appealed pursuant to MICC 19.15.130.
- E. Who may apply. The property owner may apply for a Temporary Use or Structure Permit on private property.
- F. Decision criteria. The director may approve or modify and approve an application for a Temporary Use or Structure Permit if:
1. The temporary use or structure will not be materially detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the immediate vicinity of the temporary use or structure; and
 2. The temporary use or structure is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use or structure; and
 3. Adequate parking is provided to serve the temporary use or structure, or if the permit is for a temporary structure serving existing uses, parking is already provided onsite; and
 4. Hours of operation of the temporary use or structure are specified; and
 5. The temporary use or structure will not cause noise, light, or glare which adversely impacts surrounding uses.
- G. Time limitation. A Temporary Use or Structure Permit is valid for up to 8 months from the effective date of the permit. The director may establish a shorter time frame. For temporary structures intended for use on an annual basis to serve athletic pursuits in locations where seasonal athletic facility temporary structures previously existed, the director's approval may allow the temporary use or structure annually for up to 8 months per year for a term of 20 years.
- H. Removal or abatement of temporary use.
1. The director shall establish, as a condition of each Temporary Use or Structure Permit, a time within which the use or structure and all physical evidence of the use or structure must be removed.
 2. If the applicant has not removed the use as required by the Temporary Use or Structure Permit, the city may abate the use or structure as provided in this subsection. Prior to the approval of a Temporary Use or Structure Permit, the applicant shall submit to the director an irrevocable, signed statement granting the city permission to summarily abate the temporary use, and all physical evidence of that use if it has not been removed as required by the terms of the Permit. The statement shall also indicate that the applicant will reimburse the city for any expenses incurred in abating a temporary use.

The proposal would also include a conformance amendment to MICC 19.15.030, Table A to include the text below under the “Type I” column:

- Temporary use or structure permit

- c. **If a map amendment is proposed, please provide a map that clearly outlines the areas proposed to be changed.**

No map amendment is proposed.

2. How does the proposal benefit the community or the environment?

As a threshold matter, the Club’s proposed Code Amendment bears a substantial relation to the public health, safety, or welfare (MICC CRITERIA 19.15.250(D)(2)).

The Code Amendment empowers installation of a seasonal structure on the Mercer Island Country Club property. This increases access to and the utility of existing tennis courts in fall, winter, and early spring months with inclement weather and positively impacts public health, safety, and welfare.

Specifically, the Code Amendment supports public health, safety, and welfare by providing increased opportunities for physical activity on the Island during the rainy season. The average temperatures on Mercer Island between November and March range between 38.8 degrees and 43.8 degrees Fahrenheit. This time of year is also the rainiest, with 11-13 rainy days per month from November through March. The temporary seasonal structure will facilitate tennis during these months, in accordance with the U.S. Department of Health and Human Services health guidelines that “[r]egular physical activity is one of the most important things people can do to improve their health.”

The Code Amendment is in the best interest of the community as a whole (MICC CRITERIA 19.15.250(D)(3)).

The Code Amendment is in the best interests of the community. The Code Amendment will allow Mercer Island Country Club to operate its tennis court facilities more efficiently during the winter months. The summer program supports nearly 300 more kids than the current rainy-season program. Installing a bubble over half of the eight outdoor tennis courts will allow year-round play for more Mercer Island youth. At present, junior members of the Club are not afforded the same opportunities due to the seasonal limitations of outdoor courts. The Club does not have capacity to support weekend junior team practices, meet private and group lesson demand for juniors, nor host a USTA junior tournament. Allowing greater access to tennis during the winter months for our youth is in the best interest of the entire Mercer Island community—physical exercise and developing social skills like teamwork, collaboration, and sportsmanship are important now, perhaps more than ever, as we continue to emerge from the COVID-19 pandemic. The seasonal covering of these courts will also increase fall and winter access to pickleball courts to meet the demand for the fastest growing sport in the US.

- 3. Explain how the request relates to the applicable decision criteria (MICC 19.15.250(D) for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments).**

Under MICC 19.15.250(D), the city may approve or approve with modifications a proposal to amend the Code only if:

1. "The amendment is consistent with the comprehensive plan; and"

Please see Question #5 of this Docket Request Narrative for explanation of comprehensive plan consistency.

2. "The amendment bears a substantial relation to the public health, safety, or welfare; and"

Please see Question #2 of this Docket Request Narrative for explanation of the relationship to public health, safety, and welfare.

3. "The amendment is in the best interest of the community as a whole."

Please see Question #2 of this Docket Request Narrative for explanation of how this amendment would serve the interests of the community.

4. For Comprehensive Plan amendments: Is the proposal consistent with the Growth Management Act and King County Countrywide Planning Policies?

Not applicable. This proposal does not involve a Comprehensive Plan amendment.

5. For development code amendments: How does the proposal align with the goals of the City's Comprehensive Plan?

Mercer Island's Comprehensive Plan reflects its intrinsic values. The Code Amendment is directly consistent with several specific Comprehensive Plan Goals and Policies.

The Code Amendment squarely aligns with one of the stated goals listed in the Comprehensive Plan's Land Use Element. Goal 17.4 states:

"Social and recreation clubs, schools, and religious institutions are predominantly located in single family residential areas of the Island. Development regulation should reflect the desire to retain viable and healthy social, recreational, educational, and religious organizations as community assets which are essential for the mental, physical and spiritual health of Mercer Island." (Emphasis added).

The Code Amendment implements this Goal by directly contributing to the overall viability and health of the Mercer Island Country Club, a recognized community asset furthering the physical health of Islanders. It allows for optimization of tennis facilities during winter months to provide increased opportunities to play tennis through the temporary use of a bubble structure. As the Comprehensive Plan accurately identifies, recreation clubs are essential for the mental, physical, and spiritual health of Mercer Island. This modest amendment to the Code will allow a recreational club on the Island to retain its viability and health, and meet the needs of the community by allowing them to serve the demand for year-round youth recreational activities.

The Code Amendment also carries out the Comprehensive Plan's Land Use Goals for residential zones. Goal 15 recognizes "Mercer Island should remain principally a low density, single family residential

community” and implementing Policy 15.4 advises “[c]ompatible permitted uses such as education, **recreation**, open spaces, government social services and religious activities **will be encouraged**.” The Comprehensive Plan recognizes that recreational opportunities are consistent and compatible with a vibrant single family residential community. The Code Amendment supports and encourages recreational uses year-round in furtherance of this Goal and Policy.

The Code Amendment also advances Natural Environment Goal 18.8, namely, that “[t]he City’s development regulations should encourage long term sustainable stewardship of the natural environment. Examples include preservation and enhancement of native vegetation, tree retention, and rain gardens.” Here, the allowance of a temporary recreational accessory structure will not increase impervious surface coverage due to its temporary nature atop an existing tennis courts. Installation of this temporary structure provides a sustainable option in terms of native vegetation and tree retention because it does not expand the floorplan of permanent, structured recreational facilities.

DOCKET REQUEST FORM

The following information is required to be included. Failure to complete this form may result in the application being incomplete. Incomplete applications will not be considered during the annual docket process.

APPLICANT INFORMATION

Name: Michael J. Murphy

Address: 2711 64th Ave. SE, Mercer Island, WA 98040

Phone: 206.618.7200

Email: murpm@comcast.net

AGENT/CONSULTANT/ATTORNEY: (COMPLETE IF PRIMARY CONTACT IS DIFFERENT FROM APPLICANT)

Name: N/A

Address: _____

Phone: _____

Email: _____

REQUEST INFORMATION

Please complete a separate Docket Request Form for each item you are requesting to be added to the Docket.

Is this request related to a specific property or zone?

Yes ☐

No ☒

If yes, please complete the following information:

Property Owner: _____

Address: _____

County Assessors Parcel No.: _____

Parcel Size (sq. ft.): _____

If the application is submitted by an agent/consultant/attorney, please demonstrate that the application has been submitted with the consent of all owners of the affected property. For example, attach a signed letter providing consent.

Is this request for a Comprehensive Plan amendment or a development code amendment?

Comprehensive Plan amendment ☐

Development code amendment ☒

Would you like to submit a suggestion for a comprehensive plan or development code amendment, or is this an application for a specific amendment (check boxes)? Please note: applications are subject to [applicable permit fees](#).

Suggestion ☒

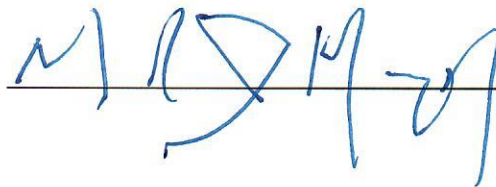
Application ☐

DOCKET REQUEST NARRATIVE – REQUIRED FOR ALL APPLICATIONS

Please attach a narrative responding to the following questions. Attach any additional sheets, supporting maps or graphics. Answer each question separately and reference the question number in your answer. **The application will be considered incomplete without a narrative answering all of the following questions.**

1. Please provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish.
 - a. Indicate the specific Comprehensive Plan Elements, maps, goals or policies or the specific sections of the development code you propose to amend.
 - b. If the proposal would amend existing Comprehensive Plan or development code text, please provide the proposal in underline/strikeout format with text to be added indicated by underlining and text to be deleted indicated with ~~strikeouts~~.
 - c. If a map amendment is proposed, please provide a map that clearly outlines the areas proposed to be changed.
2. How does the proposal benefit the community or the environment?
3. Explain how the request relates to the applicable decision criteria (MICC 19.15.250(D) for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments, see below).
4. For Comprehensive plan amendments: Is the proposal consistent the Growth Management Act and King County Countywide Planning Policies?
5. For development code amendments: how does the proposal align with the goals of the City's Comprehensive Plan?

Signature:



Date:

9/27/23

Docket Request Narrative

1. Proposal: Modify MICC 19.07.180.C(6) (“Piped Watercourse Setbacks”) to create more realistic and reasonable setbacks for property owners and to establish an additional limited exception for existing homes. As a Code change, it is appropriately addressed through a Code amendment per MICC 19.15.230(E)(1)(b)(i).

MICC 19.16.010

Definitions

Watercourses: A course or route, formed by nature and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. This definition does not include irrigation and drainage ditches, grass-lined swales, canals, storm water runoff devices, or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction.

Watercourses shall be classified according to the following types:

1. Type S, which include all waters, within their bankfull width, as inventoried as “shorelines of the state,” which are regulated by the city’s Shoreline Master Program pursuant to Chapter 90.58 RCW.
2. Type F, which include segments of natural waters other than Type S waters, which are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of one-half acre or greater at seasonal low water and which in any case contain fish habitat.
3. Type Np, which include all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are flowing waters that do not go dry any time of a year of normal rainfall and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow.
4. Type Ns, which include all segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np water. Ns waters must be physically connected by an aboveground channel system to Type S, F, or Np waters.
5. Piped watercourses, which are pipes or other conveyances through which surface waters, with some regularity (annually in the rainy season), naturally and normally flow in draining from higher to lower lands. This definition does not include irrigation and drainage ditches, grass-lined swales, canals, storm water runoff devices, or other courses unless they are used by fish or to convey waters that were naturally occurring prior to construction.

19.07.180 Watercourses.

....

C. Development Standards – Buffers.

....

6. Piped Watercourse Setbacks.

a. The intent of applying setbacks to piped watercourses is to preserve the opportunity to daylight watercourses that were previously piped, to provide incentives to property owners to daylight and enhance previously piped watercourses, and to allow flexibility for development where daylighting piped watercourses is demonstrated to be infeasible.

b. Setbacks shall be established ~~45-10~~ feet from the centerline of piped watercourses.

c. Piped watercourses setback widths shall be reduced to a ~~17.5~~ 5-foot buffer when the portion of the piped watercourse on the applicant's property is daylighted and where the watercourse has been restored to an open channel, provided a restoration plan demonstrates:

i. The watercourse channel will be stable and is not expected to cause safety risks or environmental damage; and

ii. No additional impact nor encumbrance by watercourse buffer or critical area setback is added to properties neighboring the applicant(s) property.

d. Piped watercourse setback widths shall be reduced to: ~~(i) 10 feet on lots with a lot width of 50 feet or more, and (ii)~~ five feet on lots with a width of less than 50 feet, when daylighting is determined by qualified professional(s) to result in one or more of the following outcomes:

i. Increased risk of landslide or other potential hazard that cannot be mitigated;

ii. Increased risk of environmental damage (e.g., erosion, diminished water quality) that cannot be mitigated;

iii. The inability of a legally established existing lot to meet the vehicular access requirements of this title;

e. Piped watercourse setback shall not apply when:

i. The owners of a legally established existing lot with an existing residence are unable to make otherwise lawful improvements within the existing building footprint or within five (5) feet of the existing building footprint; or

ii. The owners' inability of a legally established existing lot are unable to meet the building pad standards in MICC 19.09.090.

f. Nothing contained in this Section 6 shall alter or affect any restrictions contained in recorded easements for storm mains located on private property.

g. Nothing contained in this Section 6 shall entitle a property owner to construct or install a new vertical structure over an existing storm main.

Narrative Justification:

The proposed amendments are intended to reduce an onerous and probably unintended burden on over a hundred MI homeowners who are unaware of the fact that they are prevented from making even modest improvements or additions to their homes because they are within 45 feet of a storm main. The amendments are also intended to make the MI Code more consistent with state law and our peer jurisdictions that do not impose a 45-foot setback for storm mains.

The provisions regarding “Piped Watercourses” were added to our code in 2019 under Ord. 19C-05. They appear to have been prompted by the notion that they would create an incentive for homeowners to “daylight” storm mains on their property and create more natural like streams. *See* 19.07.180(6)(a). This was a well-intentioned experiment, but the consequences of it were not fully evaluated.

The existing provisions create a 45-foot “setback” on both sides of many storm mains as the City staff and consultants have interpreted it. A review of the City’s GIS mapping that accompanies this proposal reveals that many of these 90-foot setbacks cover large swaths of existing lots and include numerous existing homes. Because it is a “setback,” it prevents the homeowner from doing any improvements within the setback area, thus placing large portions of many Mercer Island lots off limits for improvement. This prevents MI residents from updating existing homes to make them serviceable for decades to come, or allow older residents to age in place. Most people do not even know that they have this burden, until they apply for a permit for even a simple remodel or addition. Unlike side yard setbacks, which total 15’ from the boundary, these “Piped Watercourse” setbacks, can extend as much as 45 feet into a lot from a neighboring lot, or can cover much of a lot if the storm line is on the property, rendering that area unusable by the homeowner for an improvement that would otherwise be Code compliant. This amounts to a massive taking of property rights from many of our neighbors with little corresponding benefit because most of these “Piped Watercourses” will never be daylighted given their location and function.

Further, the way the provisions were drafted, there is really no incentive to “daylight” the storm main. Daylighting the storm main can reduce the “Piped Watercourse” setback to 15 feet, but only if the homeowner demonstrates that “[t]he watercourse channel will be stable and is not expected to cause safety risks or environmental damage; *and* ... No additional impact nor encumbrance by watercourse buffer or critical area setback is added to properties neighboring the applicant(s) property.” When you “daylight” a storm main, however, you create a “stream” which has a 60 foot buffer under the Code. Given the dimensions of most MI lot, that 60-foot buffer will almost certainly encroach on a neighbor’s lot. Thus, the provision is self-defeating. Otherwise, you can only reduce the “setback” if you can prove daylighting the pipe will create landslides, other unmitigable environmental damage, prevent driveway access to a legal lot, or prevent you from having a minimum building pad (for an undeveloped lot). These are extremely limited exceptions.

The subject provisions are not consistent with the Comprehensive Plan. That document says nothing about identifying and restoring pre-existing natural drainage ways as a public

benefit. It certainly does not suggest to MI residents that the burden of such a policy will fall on only some of the residents who happen to live on or near a storm main. The City can certainly incentivize daylighting actual natural drainage ways, but one would expect a process and plan to identify candidates for such restoration and some form of public assessment and expenditure if this is a public good. Simply classifying virtually every storm main that is not in an arterial or primary roadway as a “Piped Watercourse” does not further the putative goal. It is bad public policy to take large swaths of property from residents to try and manufacture incentives. The Code establishes no plan or even studies to identify possible candidates for “restoration.” Accordingly, this proposal does not conflict with the Comprehensive Plan per MICC 19.15.230(E)(1)(b)(iv).

Last year I proposed to eliminate the piped watercourse setback entirely. The proposal was not included in the 2023 Work Plan, and there is no reason to believe that this issue is part of any other work program approved by the City Council. Thus, the criteria of MICC 19.15.230(E)(1)(b)(iii) & (v) are met.

At the Council level there was apparently confusion about the 2022 proposal, and perhaps concern that it was asking for too much. This proposal, by contrast, retains the “Piped Watercourse” setback concept, and simply seeks to establish more reasonable setback distances, thereby preserving a more realistic corridor for future daylighting in this urban environment. Reducing the setbacks to a more reasonable width and allowing one additional exception for existing homes will not impair the structure, function, or ecological benefits of our existing storm water system. Modifying these provisions will not affect the volume of storm run-off or water quality. Nor will it allow anyone to damage existing streams or storm mains, or to do anything that will increase turbidity in run-off. There will be no effect on existing streams or storm mains. Thus, this proposal does not adversely affect any other Codes or impair policies of the Comprehensive Plan. MICC 19.15.230(E)(1)(b)(iv). The modification of these provisions, however, will allow our neighbors to reasonably utilize their property, and to permit normal improvements and additions on their lots that otherwise comply with the Development Code, an objective that is entirely consistent with the Comprehensive Plan.

Finally, it is important to note that the existing provisions are not consistent with State stream typing, and I could find no other local jurisdictions that have similar Code language or try to equate storm mains with streams.

2. The foregoing narrative addresses the three decision criteria in MICC 19.15.250(D). As discussed above, the proposal is consistent with the Comprehensive Plan in multiple ways. The proposal bears a substantial relation to the public welfare by reducing unreasonable restrictions on the improvement of property. And it is in the best interest of the community and especially the affected homeowners to reduce those unreasonable restrictions.
3. The 2022 Docket Request:

In the 2022 docketing process, the staff report recommended that the Planning Commission and City Council not include in the 2023 Work Plan my 2022 proposal to eliminate the entire provision regarding “Piped Watercourses.” This proposal, by contrast, is much more

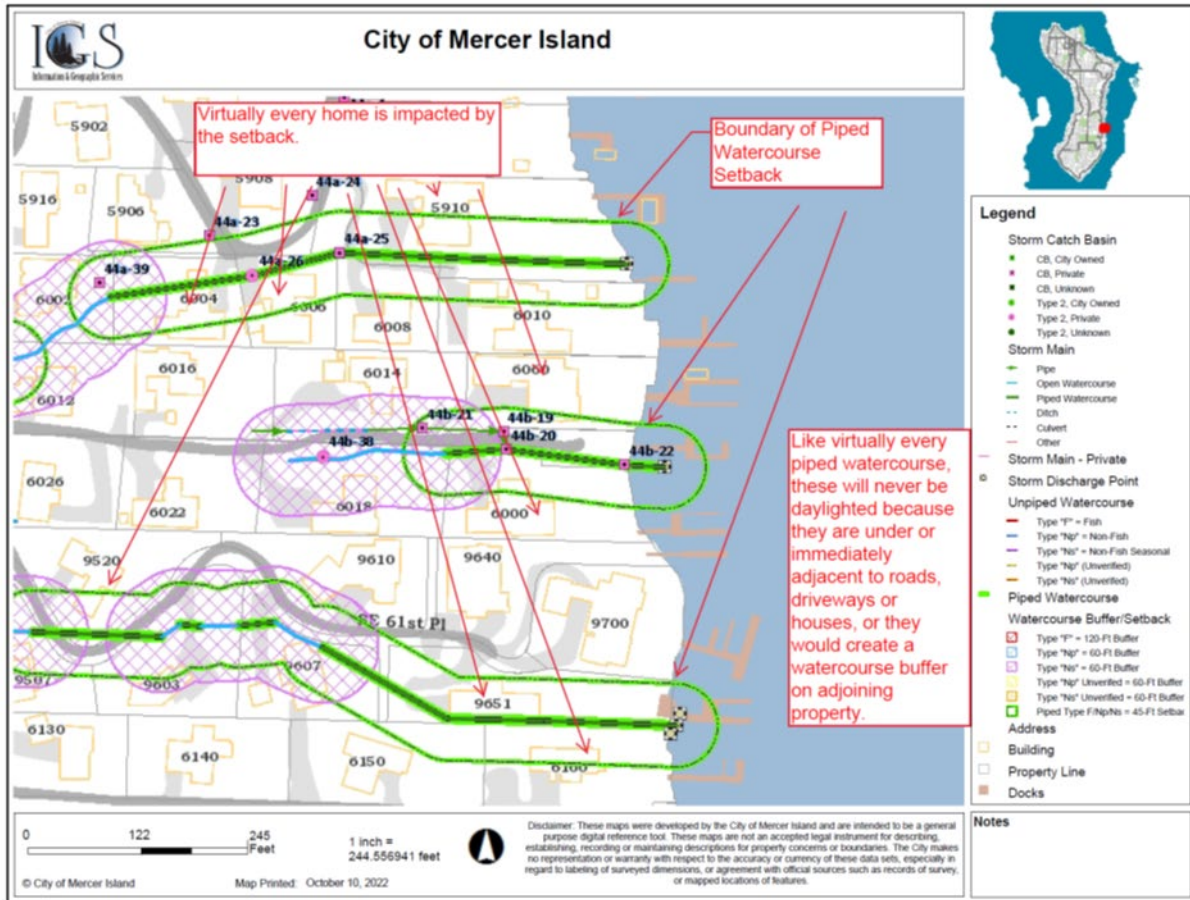
limited. As explained above, it seeks to make the setbacks more reasonable and realistic, and establishes an additional exception for existing homes. I am concerned, however, that the 2023 staff report may take a similar approach as last year. Accordingly, I submit the following comments regarding the 2022 staff report as they apply here:

- First, the 2022 staff report stated that my characterization of “piped watercourses” as “storm mains is incorrect.” That assertion was not correct. The City’s own GIS map legend clearly identified piped watercourses as a Storm Main.



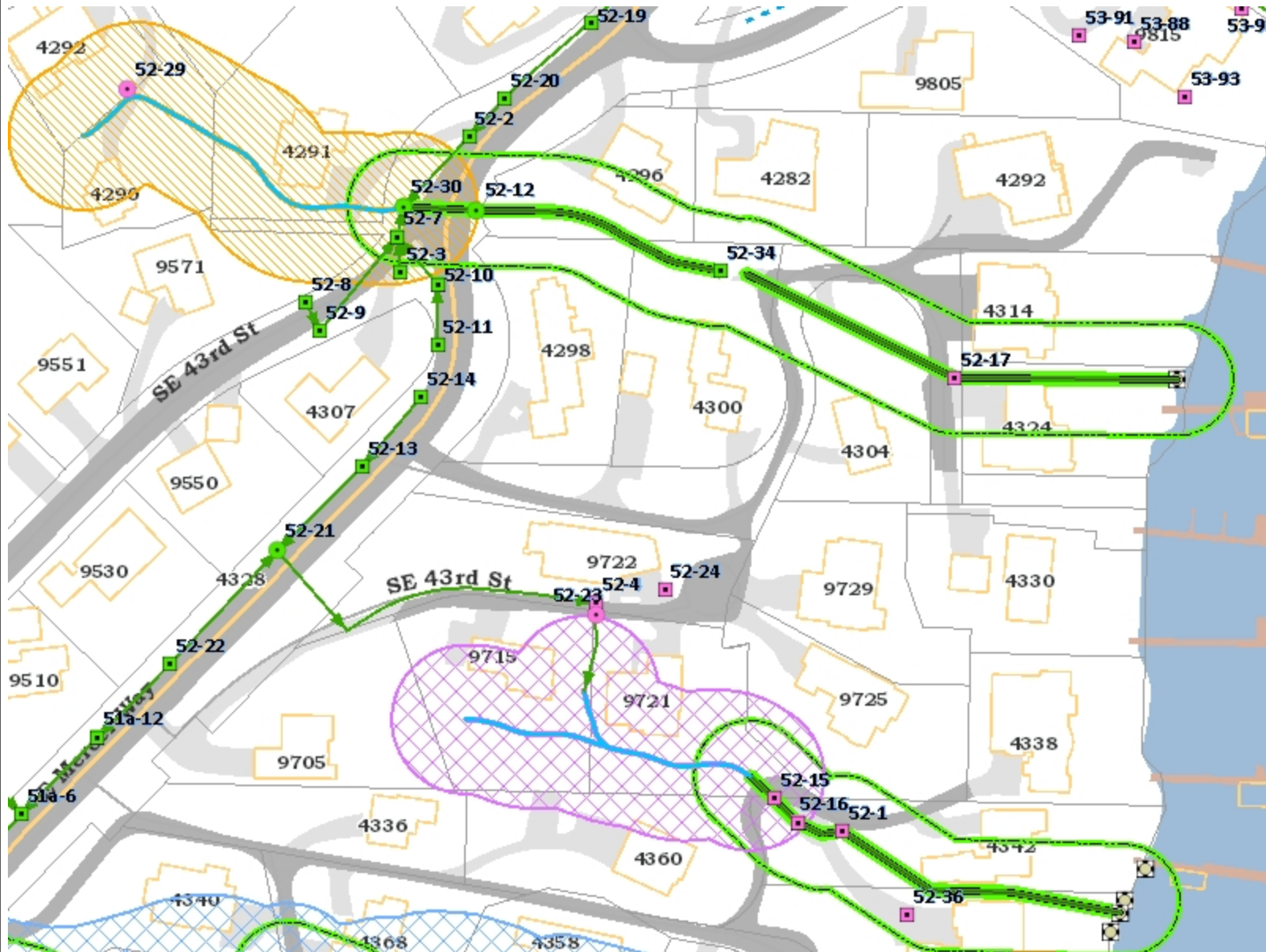
And in practice they clearly are just that, as demonstrated by the 31 maps accompanying this Docket Request.

- The 2022 Staff Report stated said that “[s]torm mains are pipes *typically* installed in the public right-of-way.” Even a cursory review of the 31 maps shows that many city storm mains cross private property. An example is below. Moreover, even if that statement were true, it does not mitigate the impact of a 45-foot setback that encompasses a large portion of affected lots and homes.



- The 2022 Staff Report correctly observed that some drainage courses move between open stream beds (often, if not mostly, man-made ditches) and pipes as they proceed along their course. That is what the 31 maps show. But more importantly, the 31 maps reveal that most of those piped sections will never be daylighted, unless we start removing private roads, driveways, homes, and neighborhoods. That undeniable fact strongly favors the proposed changes.
- As Chair of the Planning Commission, I realize that staff has a lot on their plate this coming year, and I have no desire to unnecessarily add to that burden. But the plea of insufficient resources has become the norm, not the exception. The limited and reasonable changes proposed here do not require weeks of work for staff, thus it does not run afoul of MICC 19.15.230(E)(1)B(ii).
 - Neither our neighboring jurisdictions nor Ecology treat “Piped Watercourses” as critical areas in this way. That can be verified in a few hours.
 - This proposal does not involve a change to the Shoreline Master Plan, or implicate state regulated critical areas either. In fact, the Growth Management Hearings Board ruled back in 1993 that Mercer Island’s inclusion of “Piped Watercourses” in its Critical Areas Code was not in compliance with the Growth Management Act. Why it is still in the Code is a mystery.

- It is true that the City would have to do the normal notice and reading process for any Code amendment, but if that alone is too onerous, why do we go through the State Law mandated docketing process every fall if we are not actually giving citizens the right to propose Code amendments and have them fairly considered? It would take minimal effort to notice these provisions.
- Finally, the suggestion in 2022 that this proposal is “low priority” raises the question of priority for whom? It is not low priority for the numerous affected property owners.



Legend

Storm Catch Basin

- CB, City Owned
- CB, Private
- CB, Unknown
- Type 2, City Owned
- Type 2, Private
- Type 2, Unknown

Storm Main

- Pipe
- Open Watercourse
- Piped Watercourse
- Ditch
- Culvert
- Other

Storm Main - Private

Storm Discharge Point

Unpiped Watercourse

- Type "F" = Fish
- Type "Np" = Non-Fish
- Type "Ns" = Non-Fish Seasonal
- Type "Np" (Unverified)
- Type "Ns" (Unverified)

Piped Watercourse

Watercourse Buffer/Setback

- Type "F" = 120-Ft Buffer
- Type "Np" = 60-Ft Buffer
- Type "Ns" = 60-Ft Buffer
- Type "Np" Unverified = 60-Ft Buffer
- Type "Ns" Unverified = 60-Ft Buffer
- Piped Type F/Np/Ns = 45-Ft Setback

Address

- Building
- Property Line
- Docks

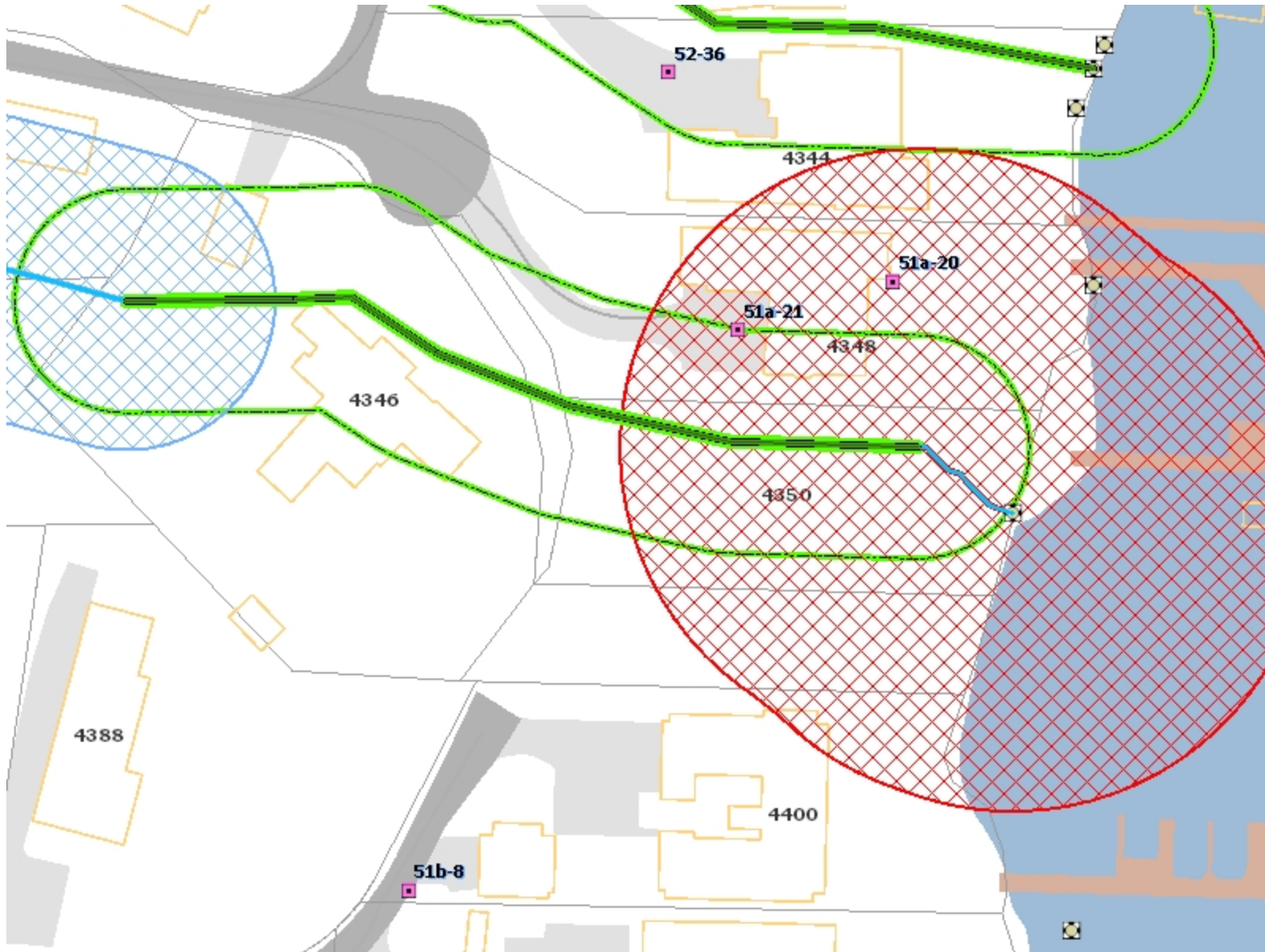
0 122 245 Feet

1 inch =
244.556941 feet



Disclaimer: These maps were developed by the City of Mercer Island and are intended to be a general purpose digital reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property concerns or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of these data sets, especially in regard to labeling of surveyed dimensions, or agreement with official sources such as records of survey, or mapped locations of features.

Notes



Legend

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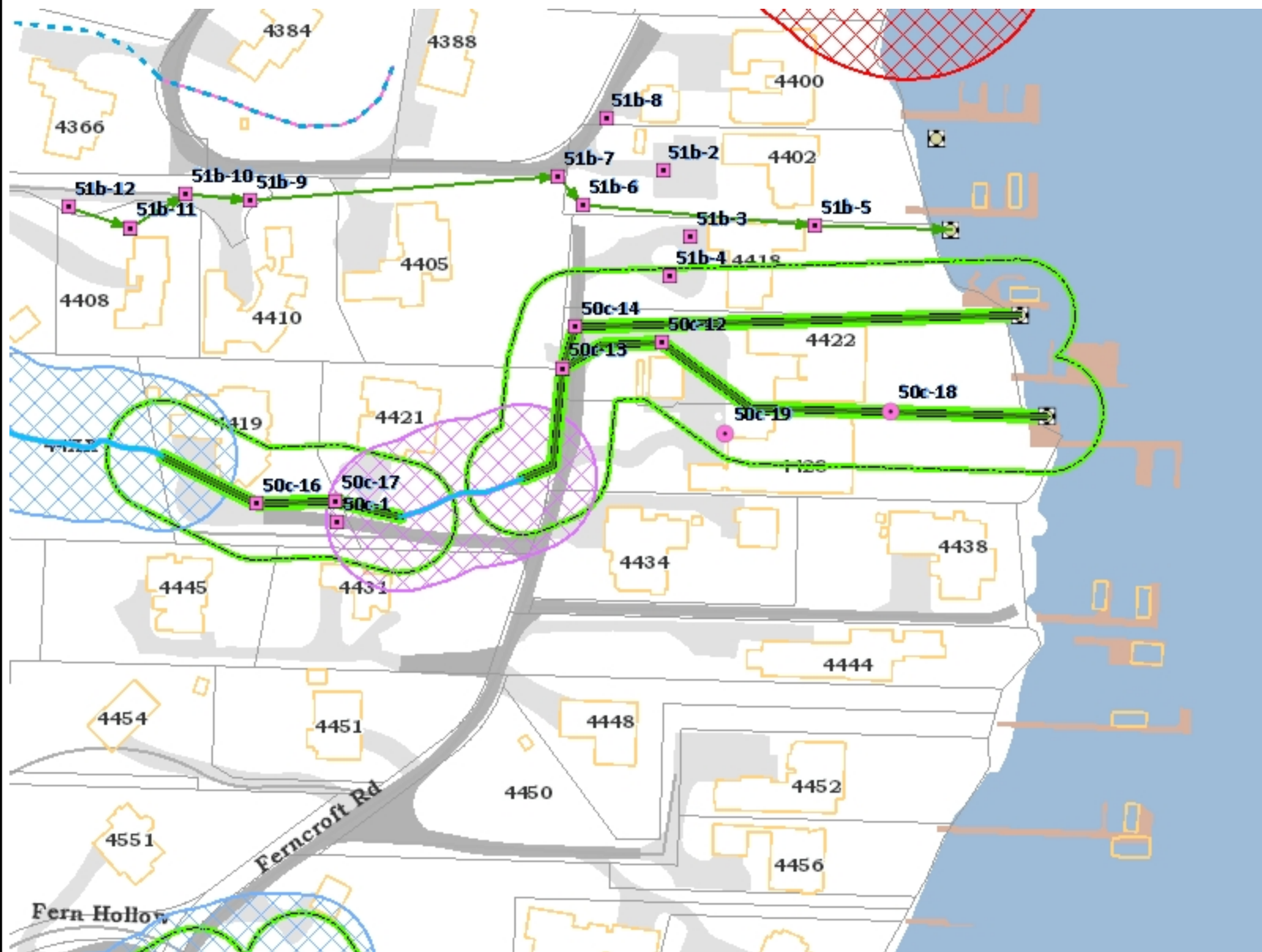
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Notes



-  Building
-  Property Line
-  Docks

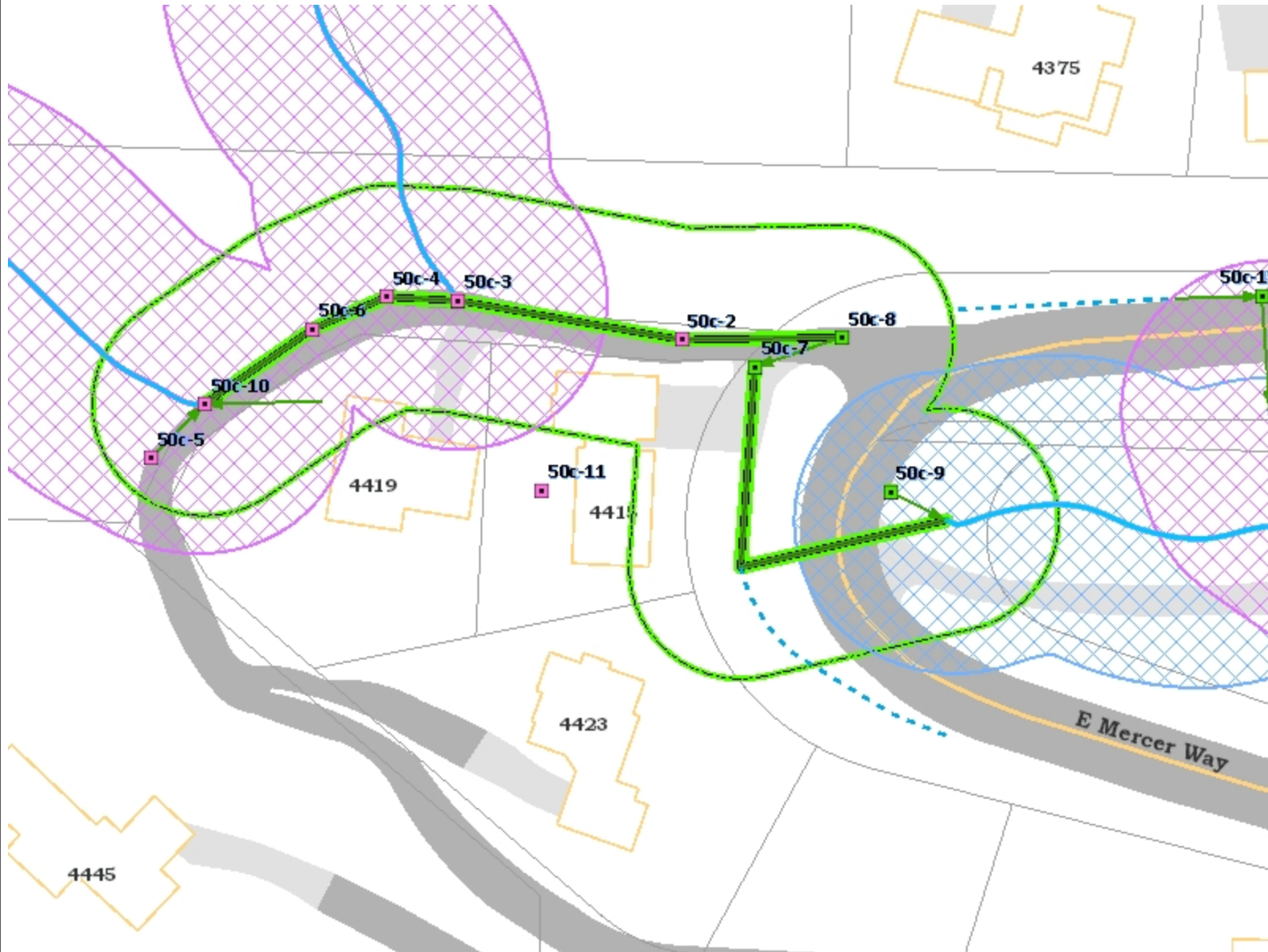
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AB 6382 | Exhibit 1 | Page 120^{or more}



Legend

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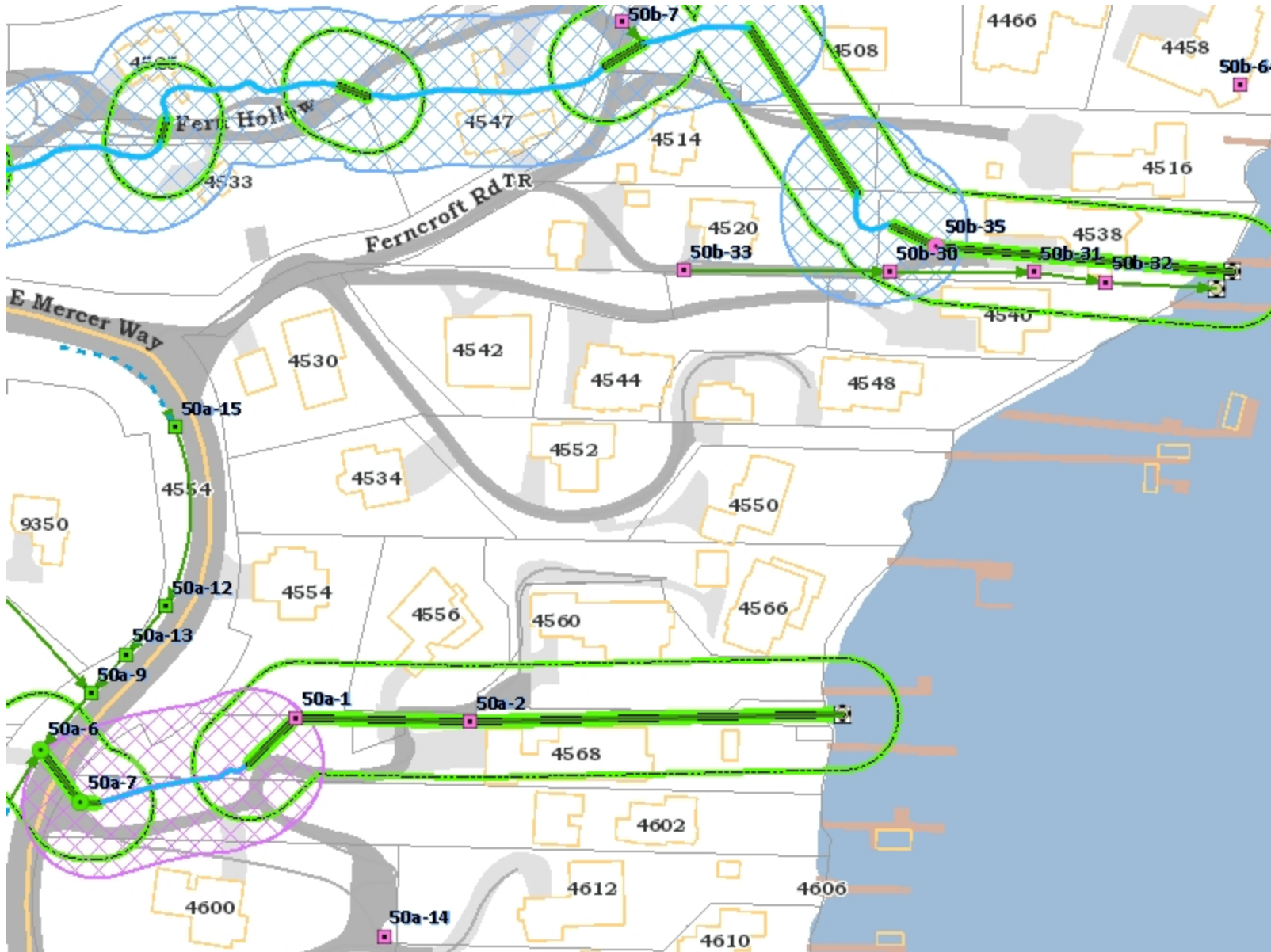


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Notes



Item 12.



Legend

Storm Catch Basin

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- Type 2, Unknown

Storm Main

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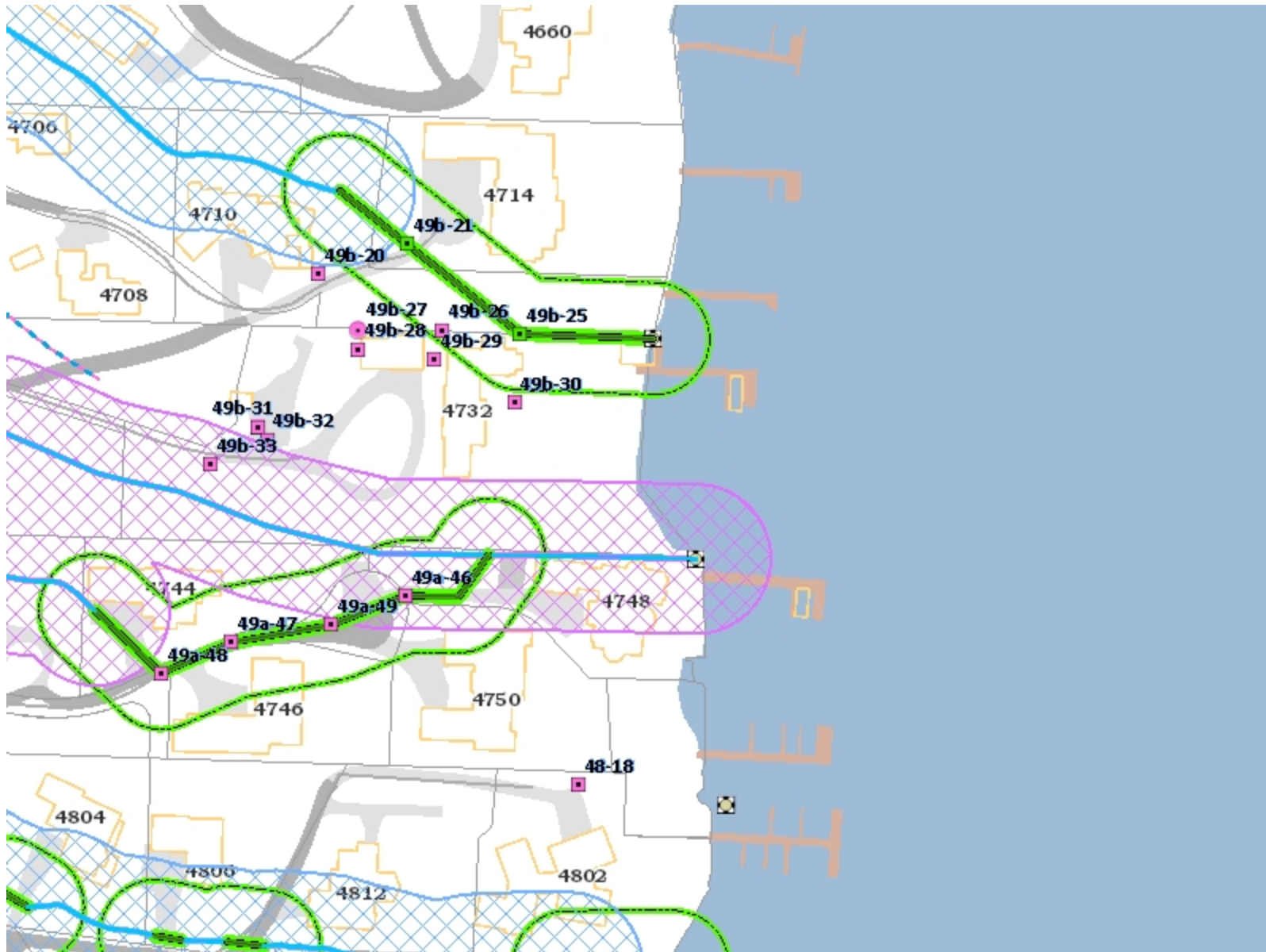


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Notes



Item 12.



Legend

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- Type "Ns" (Unverified)

Piped Watercourse

Watercourse Buffer/Setback

- Type "F" = 120-Ft Buffer
- Type "Np" = 60-Ft Buffer
- Type "Ns" = 60-Ft Buffer
- Type "Np" Unverified = 60-Ft Buffer
- Type "Ns" Unverified = 60-Ft Buffer
- Piped Type F/Np/Ns = 45-Ft Setback

Address

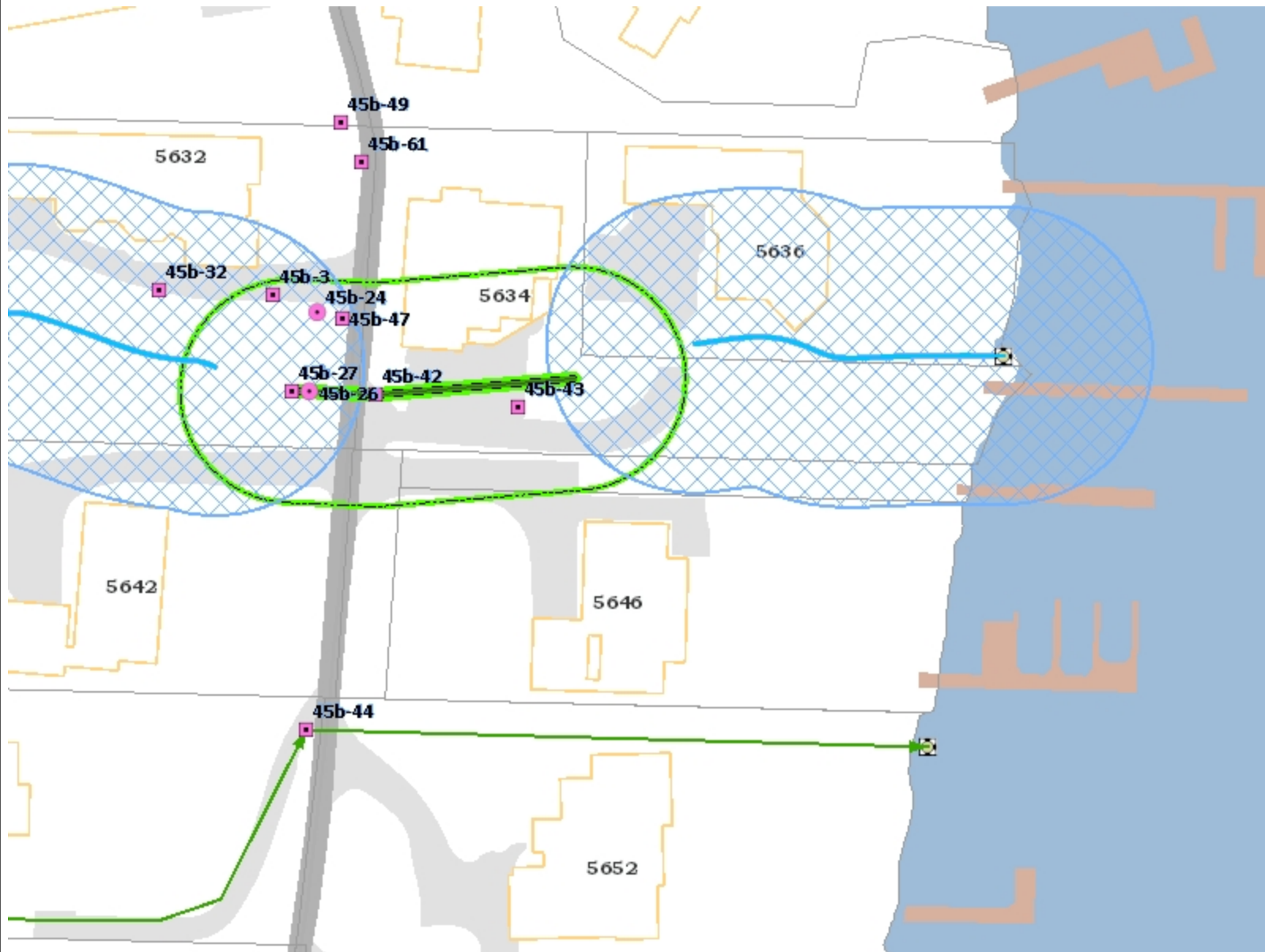
- Building
- Property Line
- Docks

0 122 245 Feet

1 inch =
244.556941 feet



Notes



Legend

Storm Catch Basin

- CB, City Owned
- CB, Private
- CB, Unknown
- Type 2, City Owned
- Type 2, Private
- Type 2, Unknown

Storm Main

- Pipe
- Open Watercourse
- Piped Watercourse
- - Ditch
- - Culvert
- - Other

Storm Main - Private

Storm Discharge Point

Unpiped Watercourse

- Type "F" = Fish
- Type "Np" = Non-Fish
- Type "Ns" = Non-Fish Seasonal
- Type "Np" (Unverified)
- Type "Ns" (Unverified)

Piped Watercourse

Watercourse Buffer/Setback

- Type "F" = 120-Ft Buffer
- Type "Np" = 60-Ft Buffer
- Type "Ns" = 60-Ft Buffer
- Type "Np" Unverified = 60-Ft Buffer
- Type "Ns" Unverified = 60-Ft Buffer
- Piped Type F/Np/Ns = 45-Ft Setback

Address

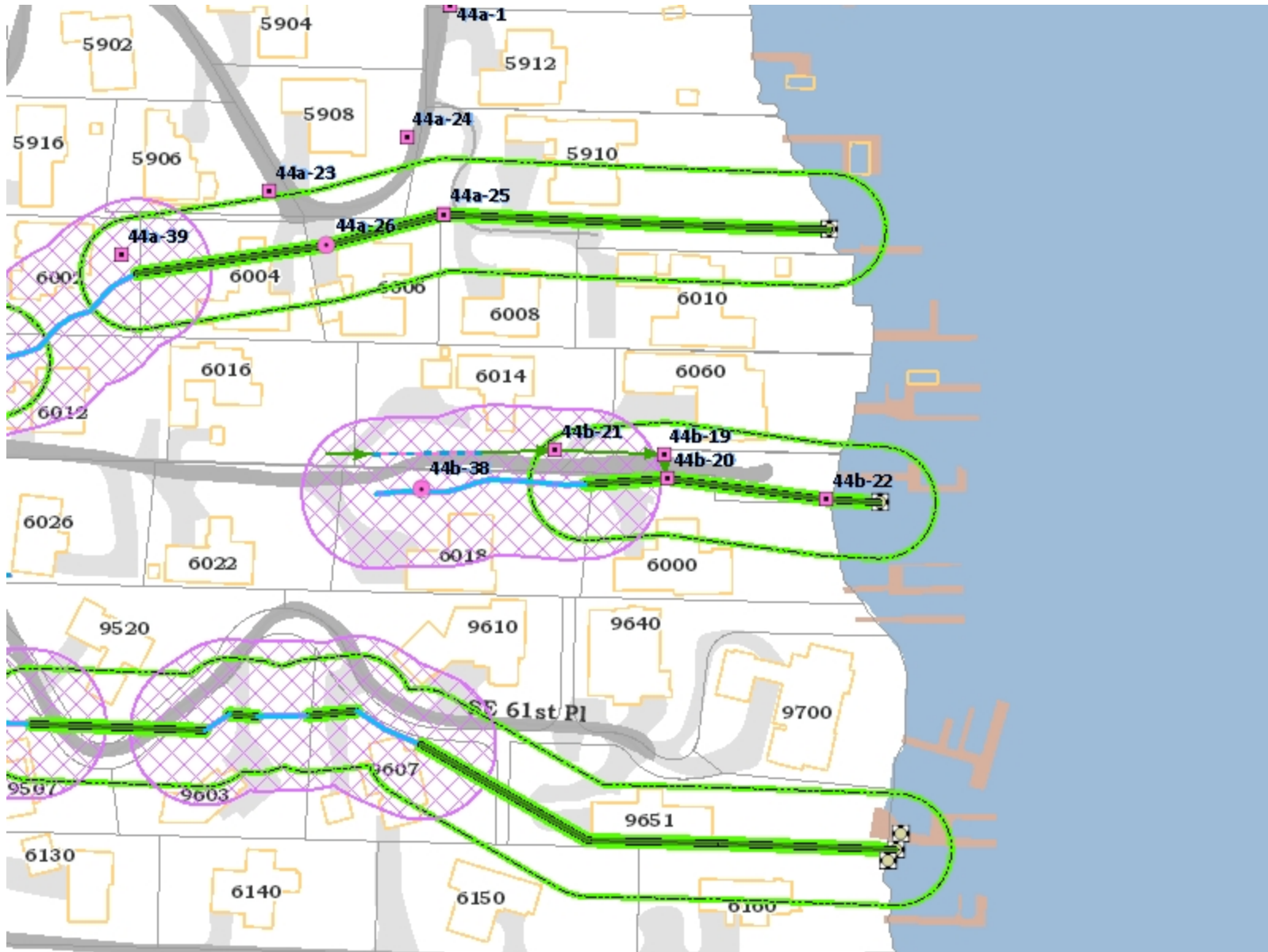
- Building
- Property Line
- Docks

0 61 122 Feet

1 inch =
122.2784705 feet



Notes



Legend

Storm Catch Basin

- CB, City Owned
- CB, Private
- CB, Unknown
- Type 2, City Owned
- Type 2, Private
- Type 2, Unknown

Storm Main

- Pipe
- Open Watercourse
- Piped Watercourse
- - Ditch
- - Culvert
- - Other

Storm Main - Private

Storm Discharge Point

Unpiped Watercourse

- Type "F" = Fish
- Type "Np" = Non-Fish
- Type "Ns" = Non-Fish Seasonal
- Type "Np" (Unverified)
- Type "Ns" (Unverified)

Piped Watercourse

Watercourse Buffer/Setback

- ▣ Type "F" = 120-Ft Buffer
- ▣ Type "Np" = 60-Ft Buffer
- ▣ Type "Ns" = 60-Ft Buffer
- ▣ Type "Np" Unverified = 60-Ft Buffer
- ▣ Type "Ns" Unverified = 60-Ft Buffer
- ▣ Piped Type F/Np/Ns = 45-Ft Setback

Address

- Building
- Property Line
- Docks

0 122 245 Feet

1 inch =
244.556941 feet

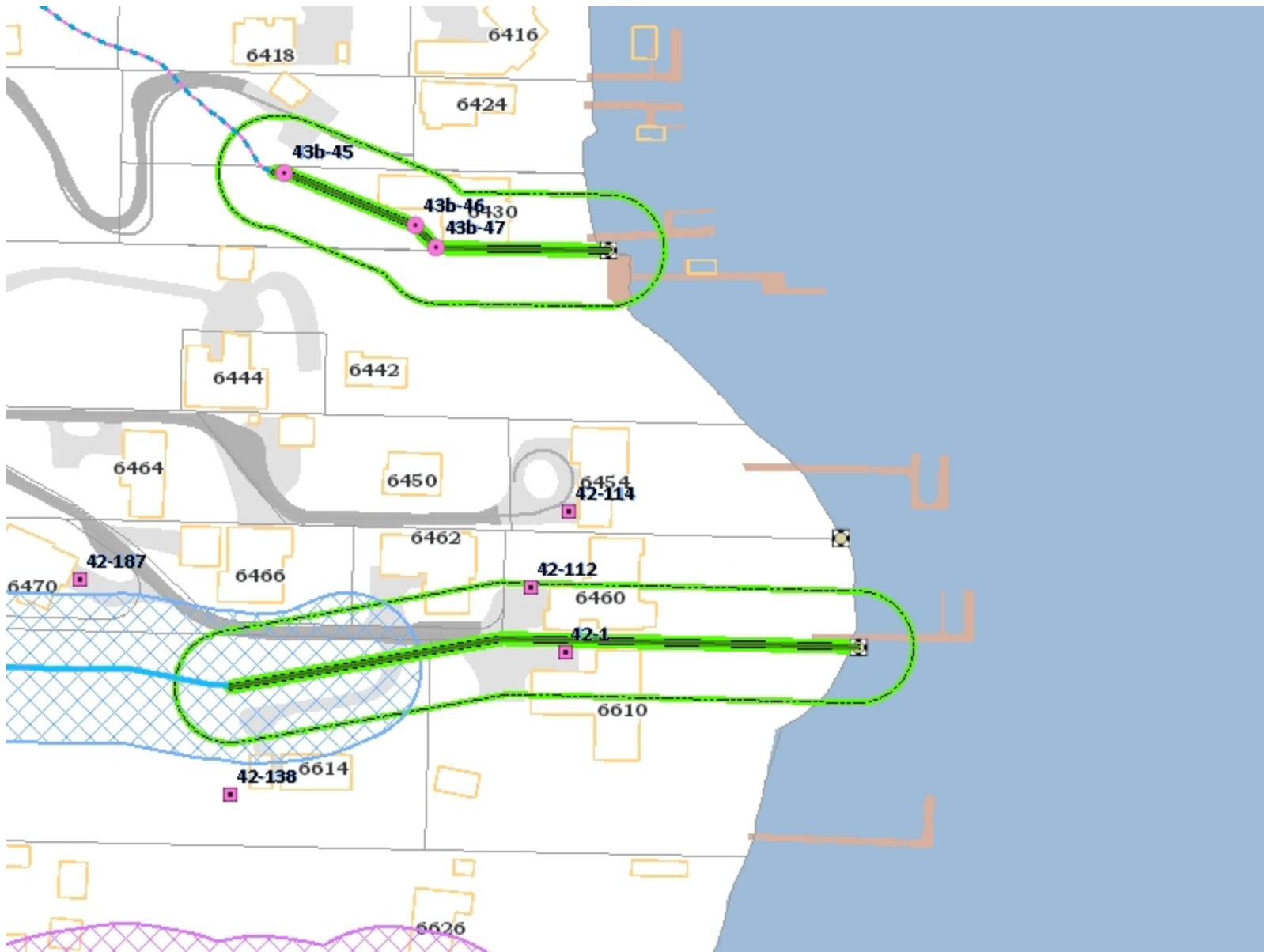


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Notes



Item 12.



Legend

Storm Catch Basin

- CB, City Owned
- CB, Private
- CB, Unknown
- Type 2, City Owned
- Type 2, Private
- Type 2, Unknown

Storm Main

- Pipe
- Open Watercourse
- Piped Watercourse
- - Ditch
- - Culvert
- - Other

Storm Main - Private

Storm Discharge Point

Unpiped Watercourse

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Piped Watercourse

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- Type "Np" Unverified = 60-Ft Buffer
- Type "Ns" Unverified = 60-Ft Buffer
- Piped Type F/Np/Ns = 45-Ft Setback

Address

- Building
- Property Line
- Docks

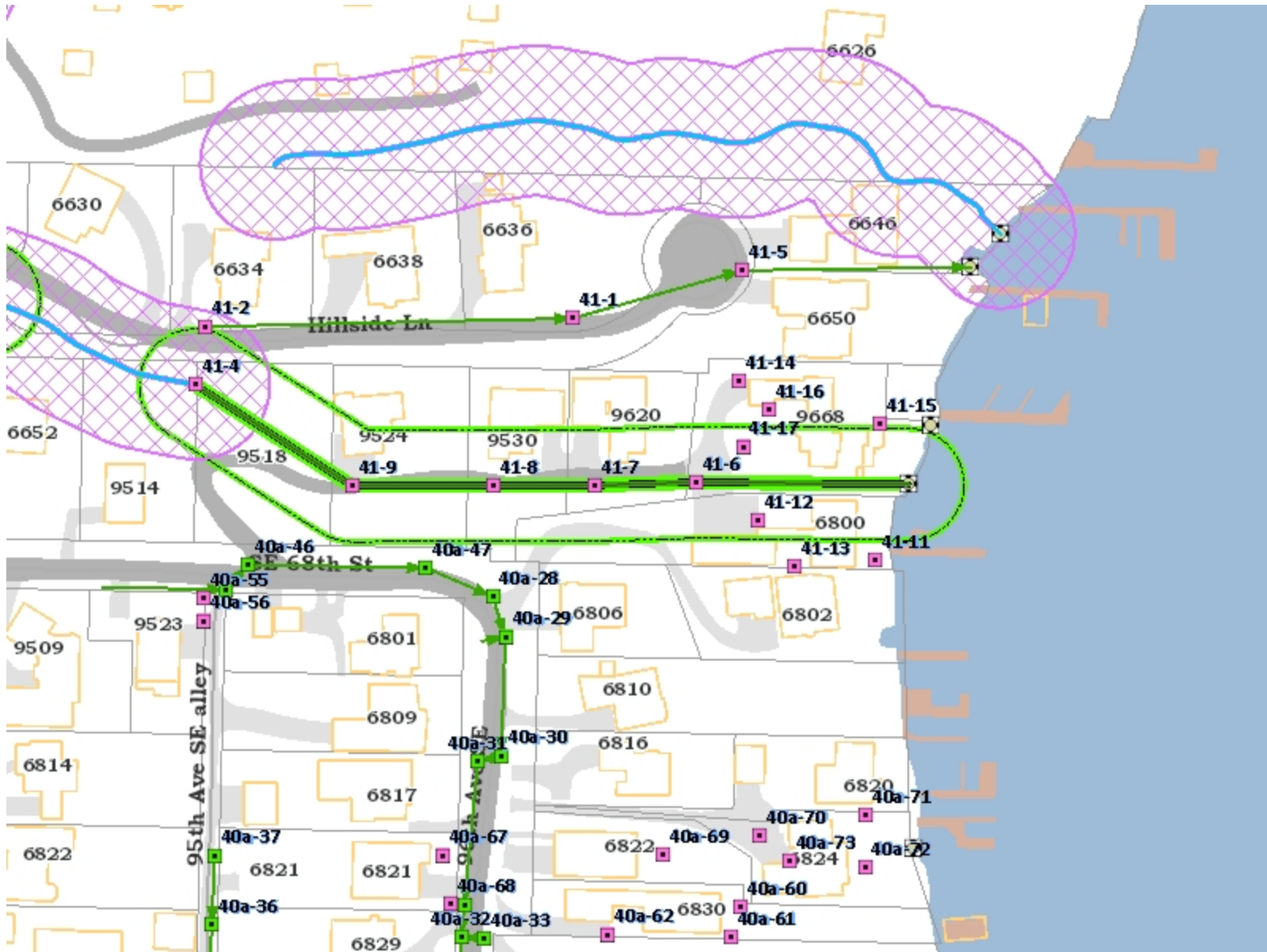
0 122 245 Feet

1 inch =
244.556941 feet



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Notes



Legend

Storm Catch Basin

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- Type 2, Unknown

Storm Main

- Pipe
- Open Watercourse
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- - Culvert
- - Other

Storm Main - Private

Storm Discharge Point

Unpiped Watercourse

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Piped Watercourse

Watercourse Buffer/Setback

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Address

- Building
- Property Line
- Docks

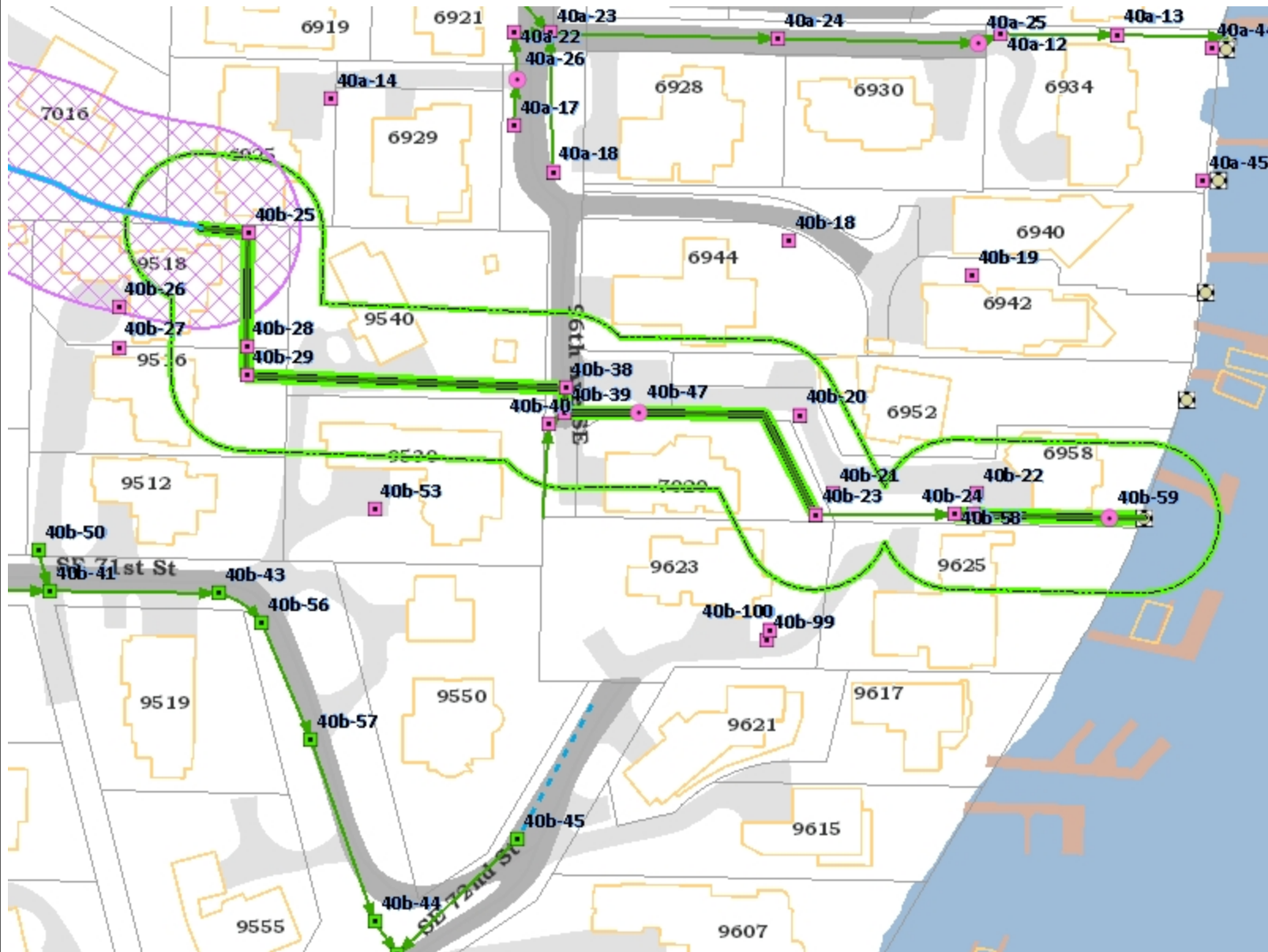
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Legend

Storm Catch Basin

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Storm Main

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- - Culvert
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— Storm Main - Private

⊠ Storm Discharge Point

Unpiped Watercourse

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— Piped Watercourse

Watercourse Buffer/Setback

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- ⊠ Type "Np" Unverified = 60-Ft Buffer
- ⊠ Type "Ns" Unverified = 60-Ft Buffer
- ⊠ Piped Type F/Np/Ns = 45-Ft Setback

Address

- Building
- Property Line
- Docks

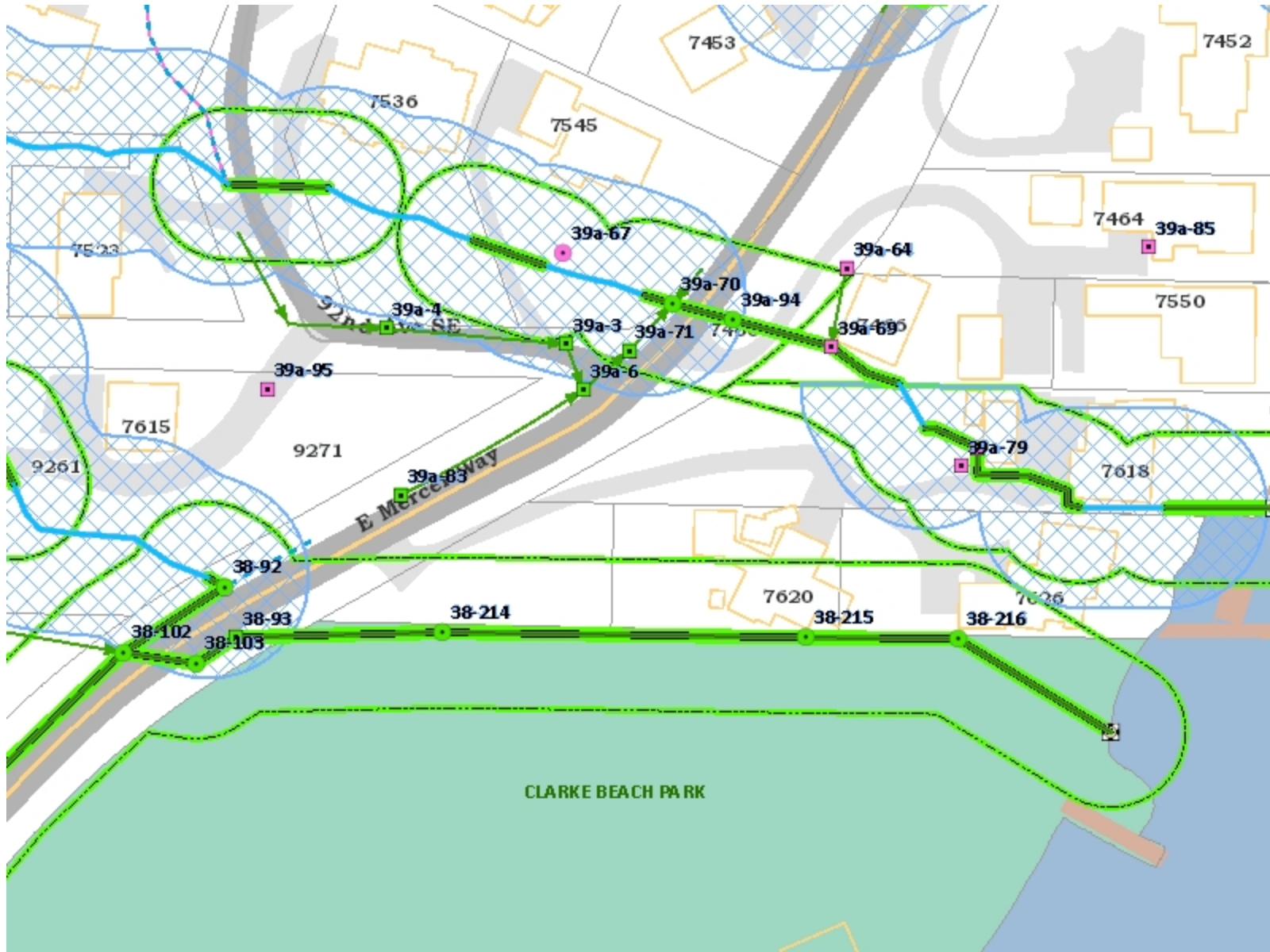
0 91 182 Feet

1 inch =
181.914282 feet



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Storm Main - Private

Storm Discharge Point

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Address

- Building
- Property Line
- Docks

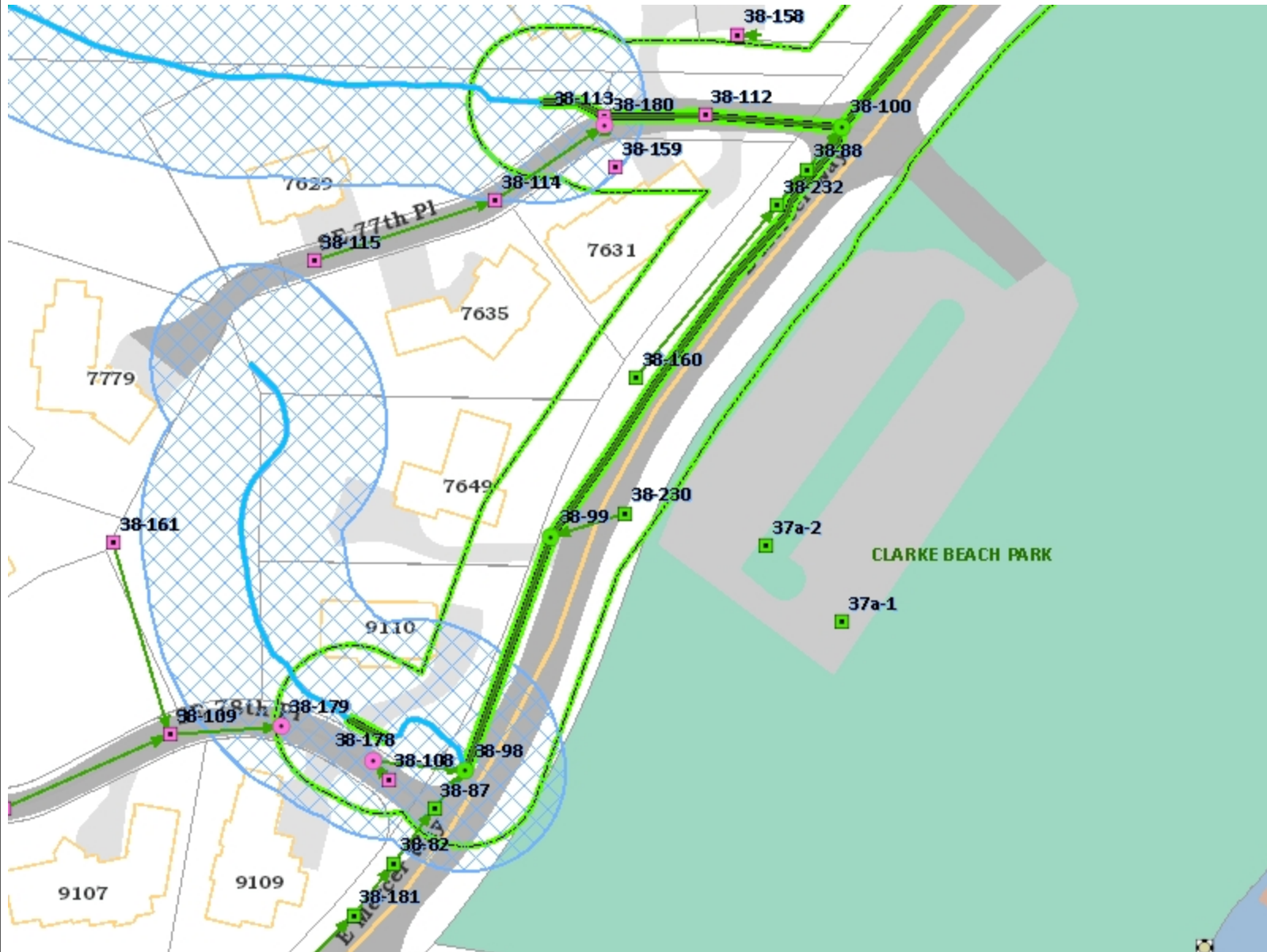
0 91 182 Feet

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Legend

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Storm Main

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- - Culvert
- - Other

Storm Main - Private

Storm Discharge Point

Unpiped Watercourse

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Piped Watercourse

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- Type "Ns" Unverified = 60-Ft Buffer
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Address

- Building
- Property Line
- Docks

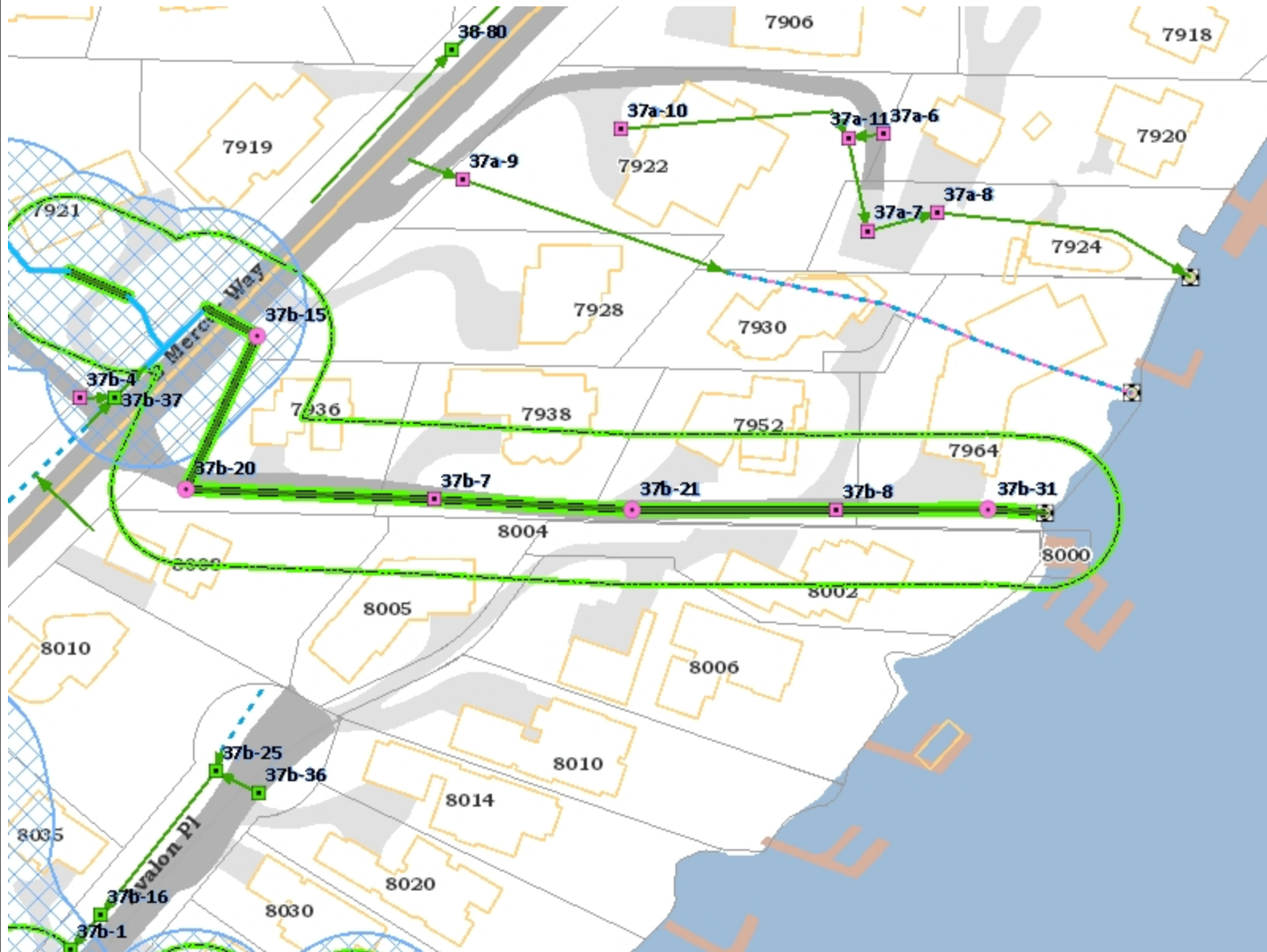
0 91 182 Feet

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Legend

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- Culvert
- Other

Storm Main - Private

Storm Discharge Point

Unpiped Watercourse

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- Type "Ns" Unverified = 60-Ft Buffer
- Piped Type F/Np/Ns = 45-Ft Setback

Address

- Building
- Property Line
- Docks

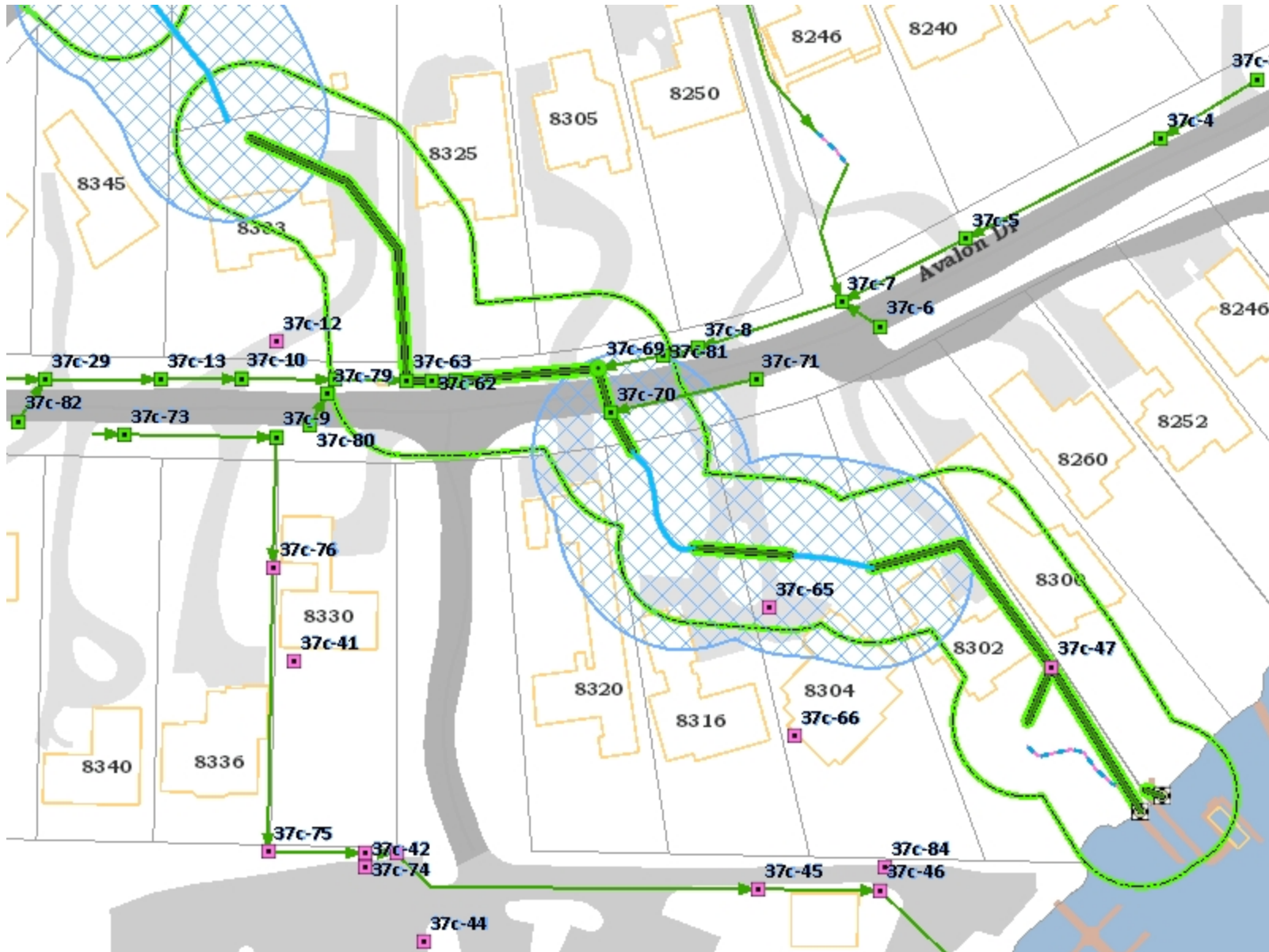
0 91 182 Feet

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Storm Main - Private

Storm Discharge Point

Unpiped Watercourse

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- Type "Ns" = Non-Fish Seasonal
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- Type "Ns" (Unverified)

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- Type "Np" Unverified = 60-Ft Buffer
- Type "Ns" Unverified = 60-Ft Buffer
- Piped Type F/Np/Ns = 45-Ft Setback

Address

- Building
- Property Line
- Docks

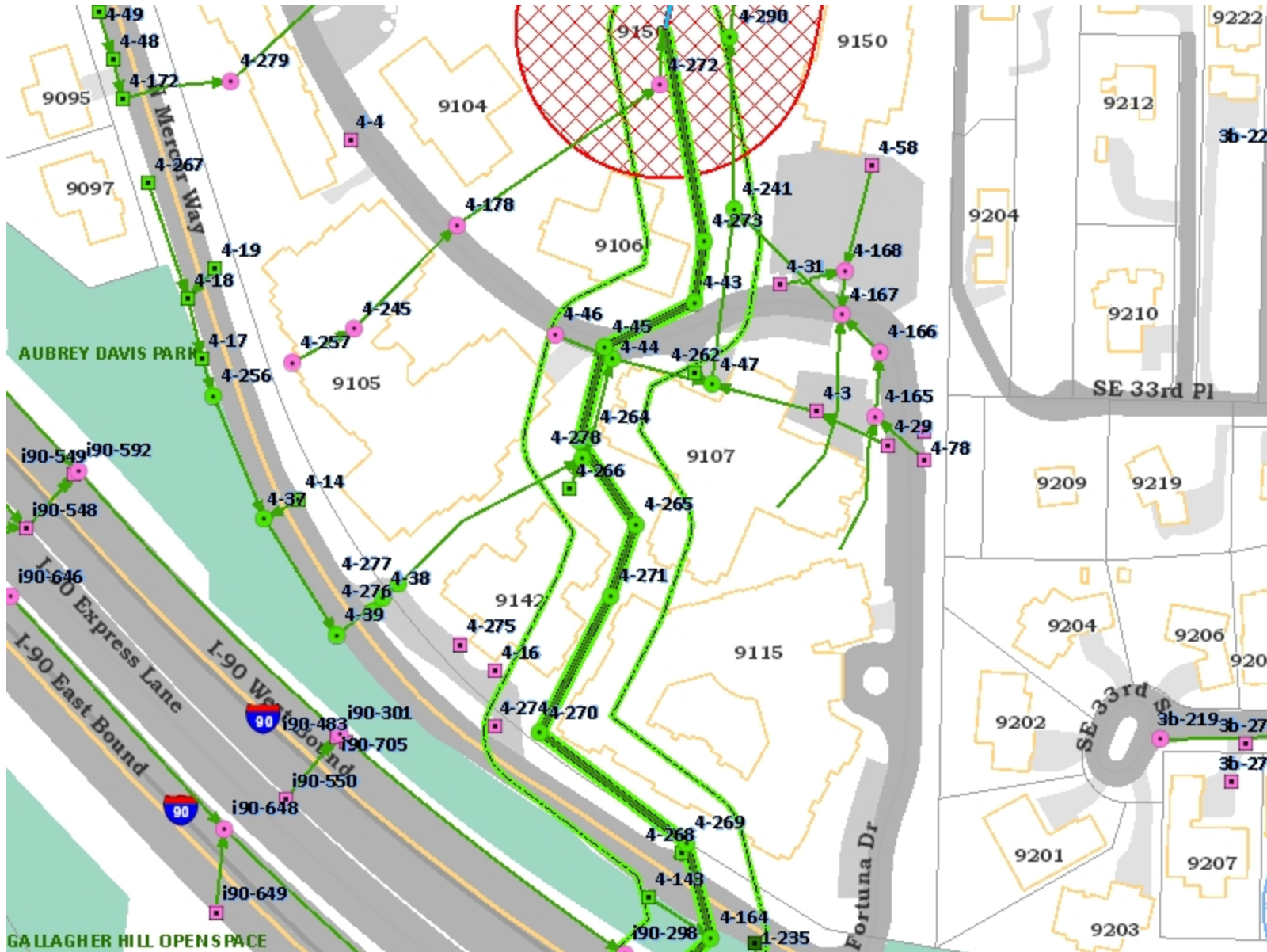
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Legend

Storm Catch Basin

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- CB, Private
- CB, Unknown
- Type 2, City Owned
- Type 2, Private
- Type 2, Unknown

Storm Main

- Pipe
- Open Watercourse
- Piped Watercourse
- Ditch
- Culvert
- Other

Storm Main - Private

Storm Discharge Point

Unpiped Watercourse

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- Type "Ns" (Unverified)

Piped Watercourse

Watercourse Buffer/Setback

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- ▤ Type "Np" = 60-Ft Buffer
- ▤ Type "Ns" = 60-Ft Buffer
- ▤ Type "Np" Unverified = 60-Ft Buffer
- ▤ Type "Ns" Unverified = 60-Ft Buffer
- ▤ Piped Type F/Np/Ns = 45-Ft Setback

Address

- Building
- Property Line
- Docks

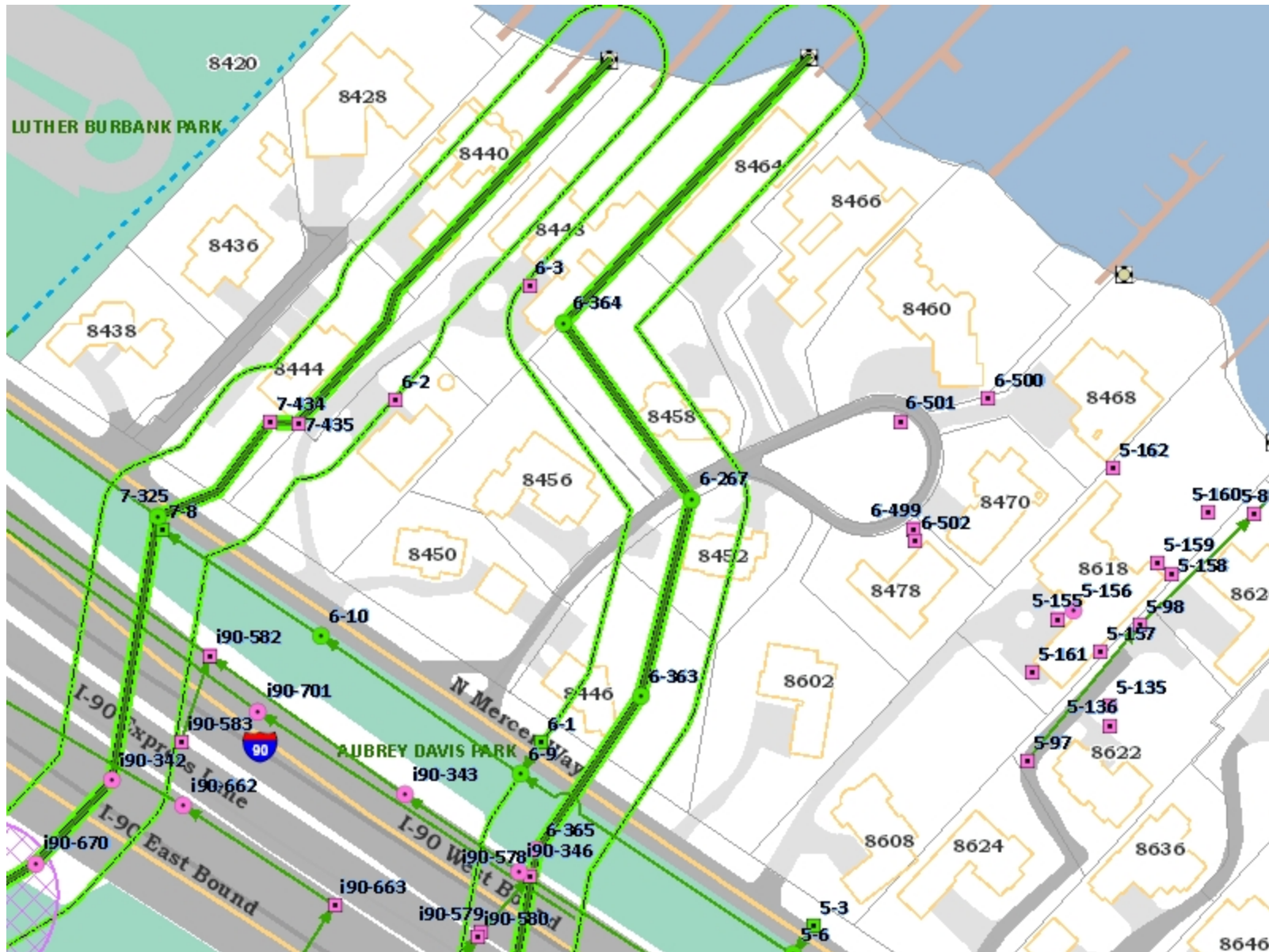
0 122 245 Feet

1 inch =
244.556941 feet



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Notes



Legend

Storm Catch Basin

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- CB, Private
- CB, Unknown
- Type 2, City Owned
- Type 2, Private
- Type 2, Unknown

Storm Main

- Pipe
- Open Watercourse
- Piped Watercourse
- - Ditch
- - Culvert
- - Other

Storm Main - Private

Storm Discharge Point

Unpiped Watercourse

- Type "F" = Fish
- Type "Np" = Non-Fish
- Type "Ns" = Non-Fish Seasonal
- Type "Np" (Unverified)
- Type "Ns" (Unverified)

Piped Watercourse

Watercourse Buffer/Setback

- Type "F" = 120-Ft Buffer
- Type "Np" = 60-Ft Buffer
- Type "Ns" = 60-Ft Buffer
- Type "Np" Unverified = 60-Ft Buffer
- Type "Ns" Unverified = 60-Ft Buffer
- Piped Type F/Np/Ns = 45-Ft Setback

Address

- Building
- Property Line
- Docks

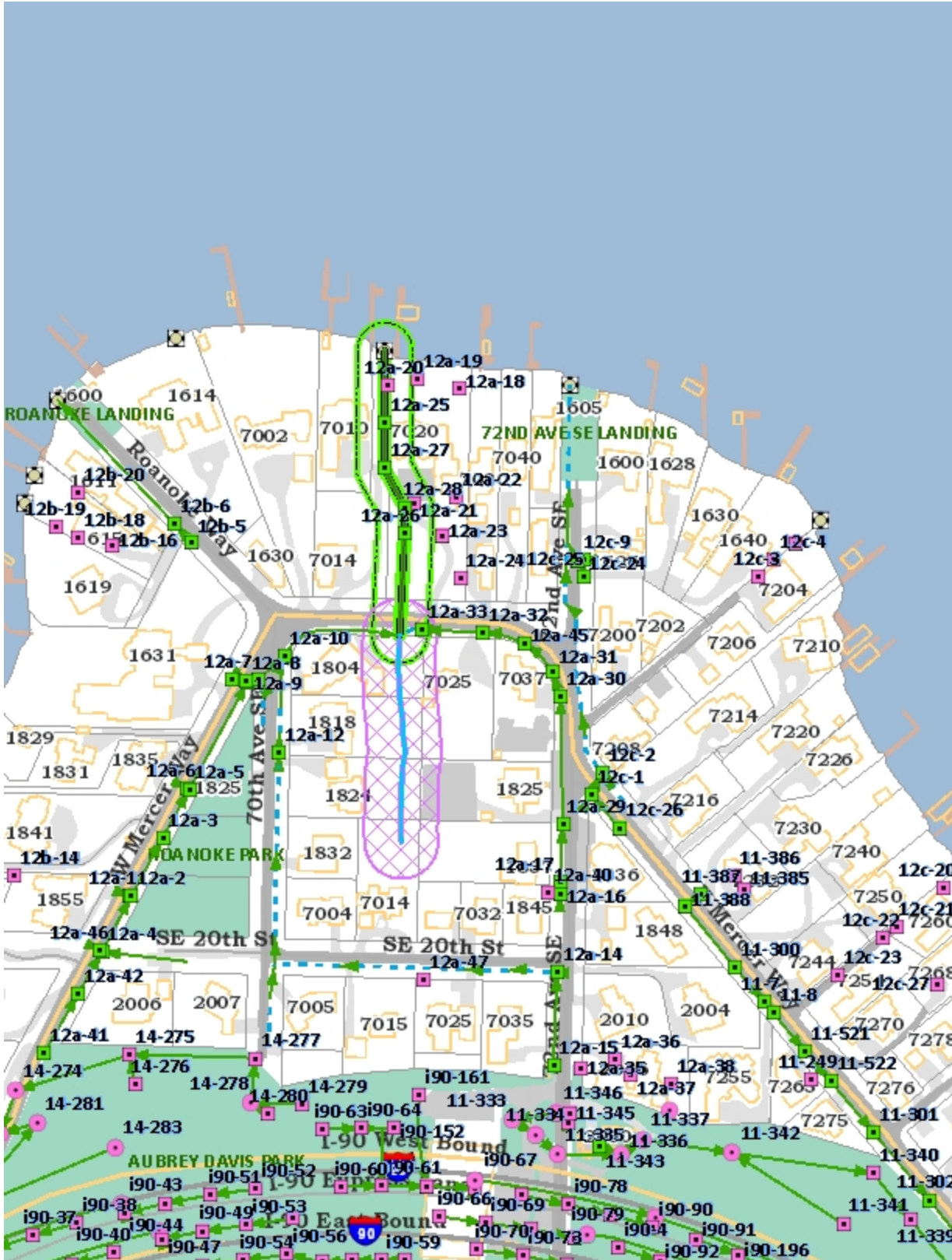
0 122 245 Feet

1 inch =
244.556941 feet



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Notes



Legend

Storm Catch Basin

- CB, City Owned
- CB, Private
- CB, Unknown
- Type 2, City Owned
- Type 2, Private
- Type 2, Unknown

Storm Main

- Pipe
- Open Watercourse
- Piped Watercourse
- Ditch
- Culvert
- Other

Storm Main - Private

Storm Discharge Point

Unpiped Watercourse

- Type "F" = Fish
- Type "Np" = Non-Fish
- Type "Ns" = Non-Fish
- Type "Np" (Unverified)
- Type "Ns" (Unverified)

Piped Watercourse

- Type "F" = 120-Ft Buffer
- Type "Np" = 60-Ft Buffer
- Type "Ns" = 60-Ft Buffer
- Type "Np" Unverified =
- Type "Ns" Unverified =
- Piped Type F/Np/Ns =

Address

- Building
- Property Line
- Docks
- Freeway
- Major Street
- Street
- Paved Driveway
- Paved Road
- Paved Parking Area
- Parks

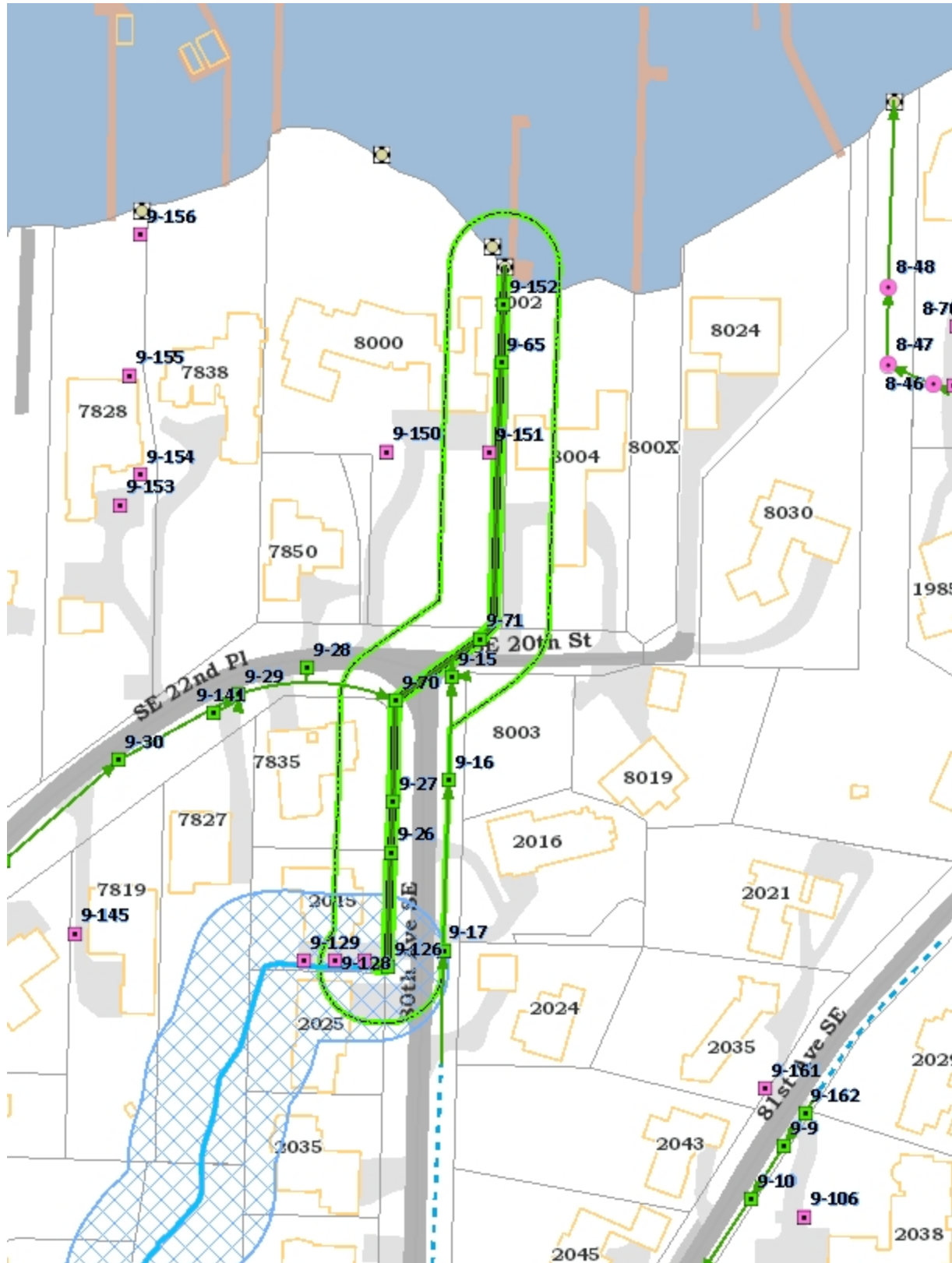
1:2,935



0.1 0 0.04 0.1 Miles







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Notes









Legend

Storm Catch Basin






-  CB, City Owned
-  CB, Private
-  CB, Unknown
-  Type 2, City Owned
-  Type 2, Private
-  Type 2, Unknown

Storm Main







-  Pipe
-  Open Watercourse
-  Piped Watercourse
-  Ditch
-  Culvert
-  Other

Storm Main - Private











Storm Discharge Poir

- ## Unpiped Watercourse
- | | |
|---|------------------------|
|  | Type "F" = Fish |
|  | Type "Np" = Non-Fish |
|  | Type "Ns" = Non-Fish |
|  | Type "Np" (Unverified) |
|  | Type "Ns" (Unverified) |

Piped Watercourse

- ### Watercourse Buffer/S
- | | |
|---|--------------------------|
|  | Type "F" = 120-Ft Buffer |
|  | Type "Np" = 60-Ft Buffer |
|  | Type "Ns" = 60-Ft Buffer |
|  | Type "Np" Unverified = |
|  | Type "Ns" Unverified = |
|  | Piped Type F/Np/Ns = |

Address

-  Building
-  Property Line
-  Docks
-  Freeway
-  Major Street
-  Street
-  Paved Driveway
-  Paved Road
-  Paved Parking Area
-  Parks

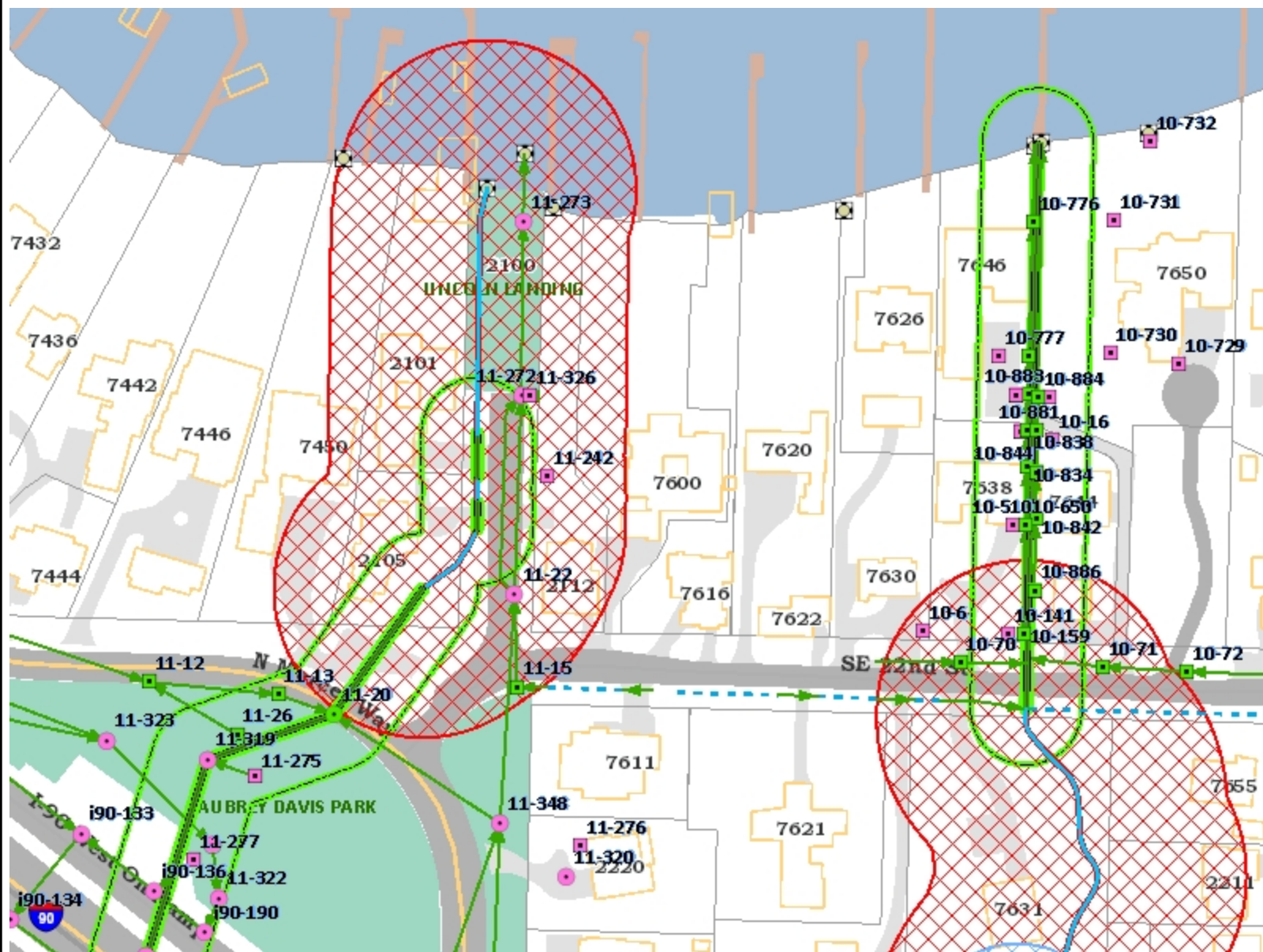
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Notes

0.0 0 0.02 0.0 Miles

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Legend

Storm Catch Basin

-  CB, City Owned
-  CB, Private
-  CB, Unknown
-  Type 2, City Owned
-  Type 2, Private
-  Type 2, Unknown



Storm Main

-  Pipe
-  Open Watercourse
-  Piped Watercourse
-  Ditch
- Culvert
-  Other







Storm Main - Private

 Storm Discharge Point

Unpiped Watercourse

- Type "F" = Fish
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- Type "Ns" (Unverified)

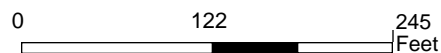
Piped Watercourse

- ### Watercourse Buffer/Setback
- | | |
|---|-------------------------------------|
|  | Type "F" = 120-Ft Buffer |
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|  | Type "Ns" = 60-Ft Buffer |
|  | Type "Np" Unverified = 60-Ft Buffer |
|  | Type "Ns" Unverified = 60-Ft Buffer |
|  | Piped Type F/Np/Ns = 45-Ft Setback |

Address

- Building
Property Line
Docks

Notes

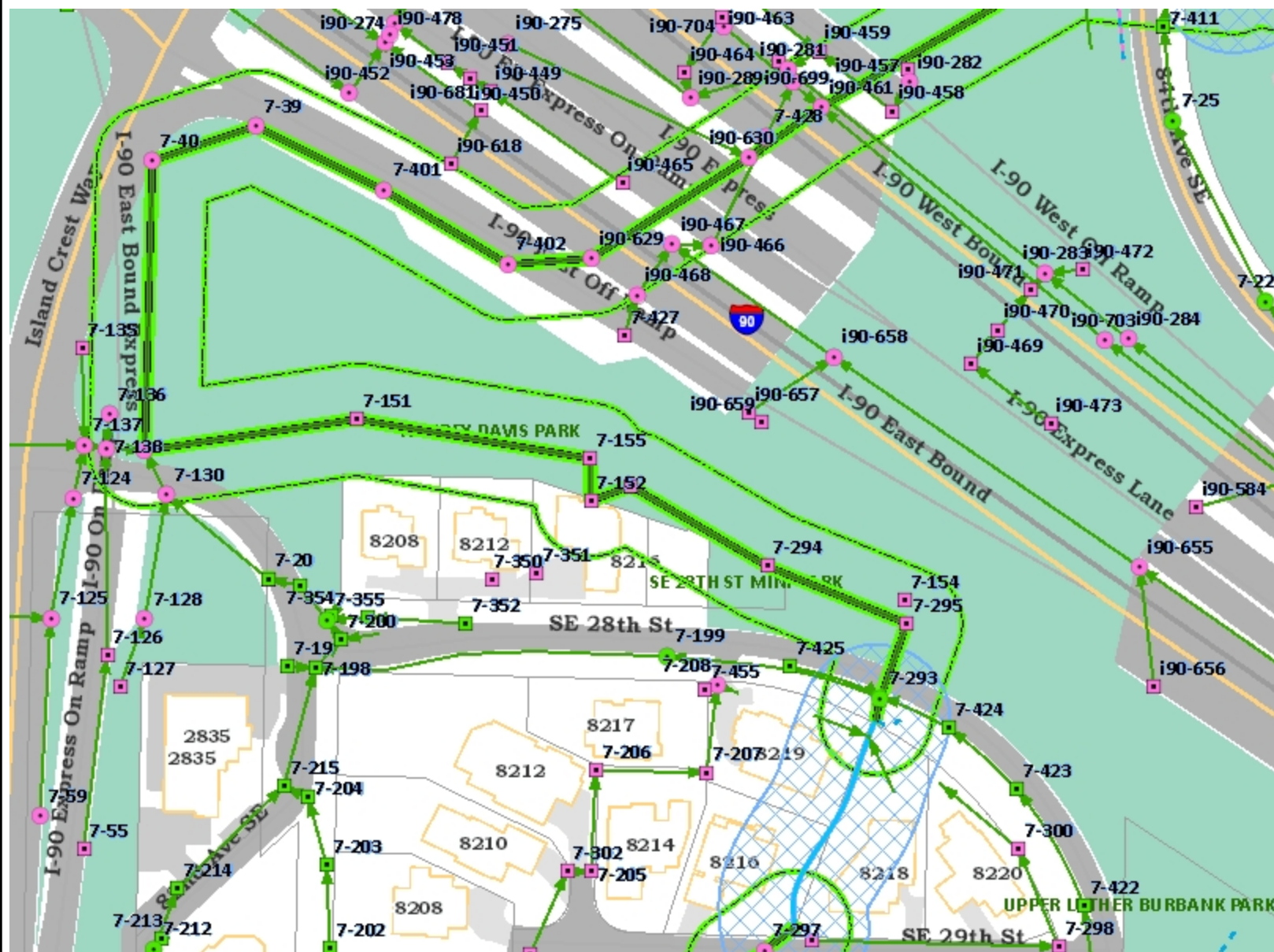


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Legend

Storm Catch Basin

- CB, City Owned
CB, Private
CB, Unknown
Type 2, City Owned
Type 2, Private
Type 2, Unknown

Storm Main

- Pipe
Open Watercourse
Piped Watercourse
Ditch
Culvert
Other







- Storm Main - Private

- Storm Discharge Point

Unpiped Watercourse

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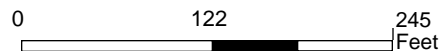
Piped Watercourse

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- Building
Property Line
Docks

Notes



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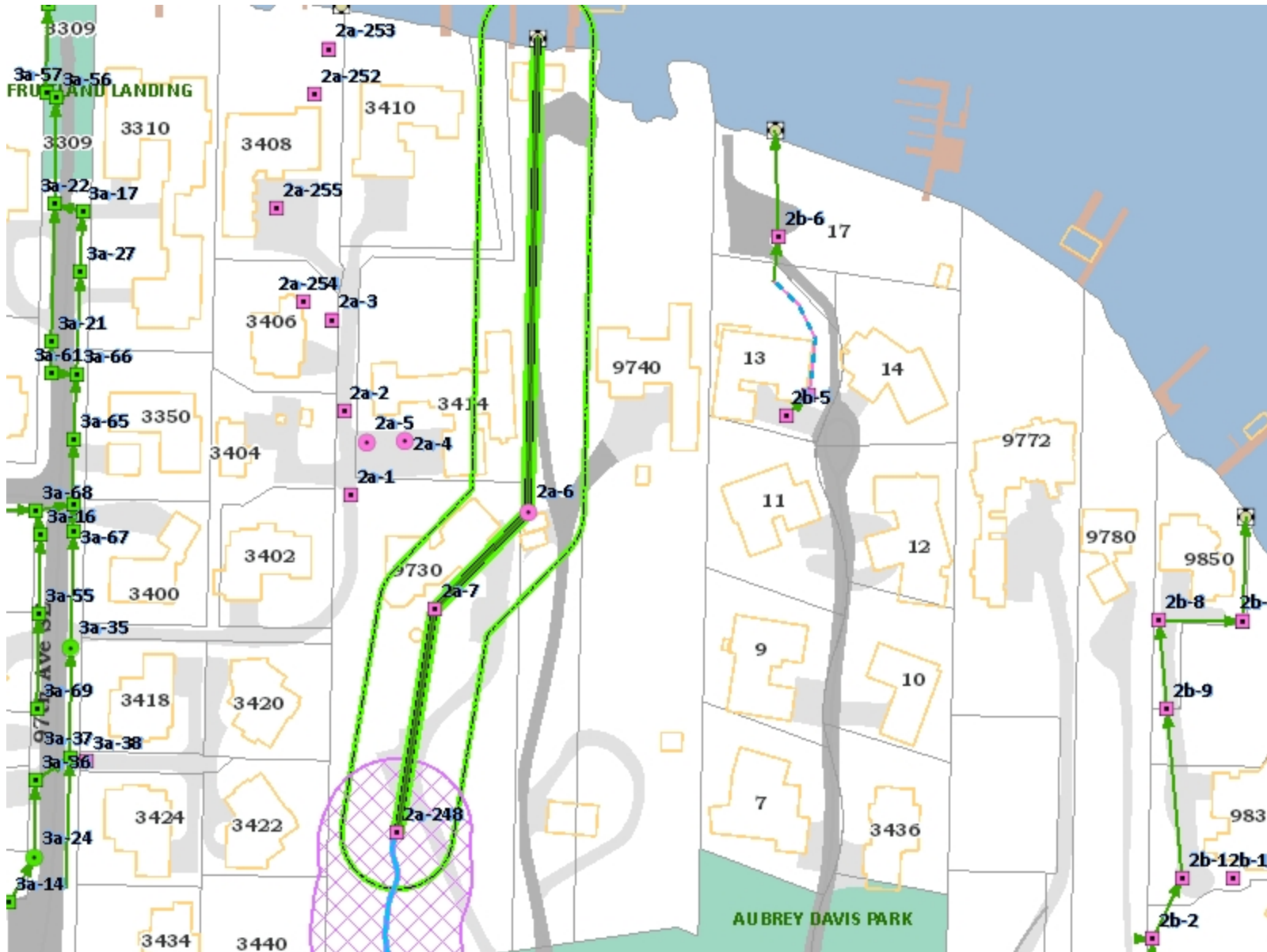


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Item 12.



Legend

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Storm Main

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- Type "Ns" = Non-Fish Seasonal
- Type "Np" (Unverified)
- Type "Ns" (Unverified)

— Piped Watercourse

Watercourse Buffer/Setback

- ⊠ Type "F" = 120-Ft Buffer
- ⊠ Type "Np" = 60-Ft Buffer
- ⊠ Type "Ns" = 60-Ft Buffer
- ⊠ Type "Np" Unverified = 60-Ft Buffer
- ⊠ Type "Ns" Unverified = 60-Ft Buffer
- ⊠ Piped Type F/Np/Ns = 45-Ft Setback

Address

- Building
- Property Line
- Docks

0 122 245 Feet

1 inch =
244.556941 feet



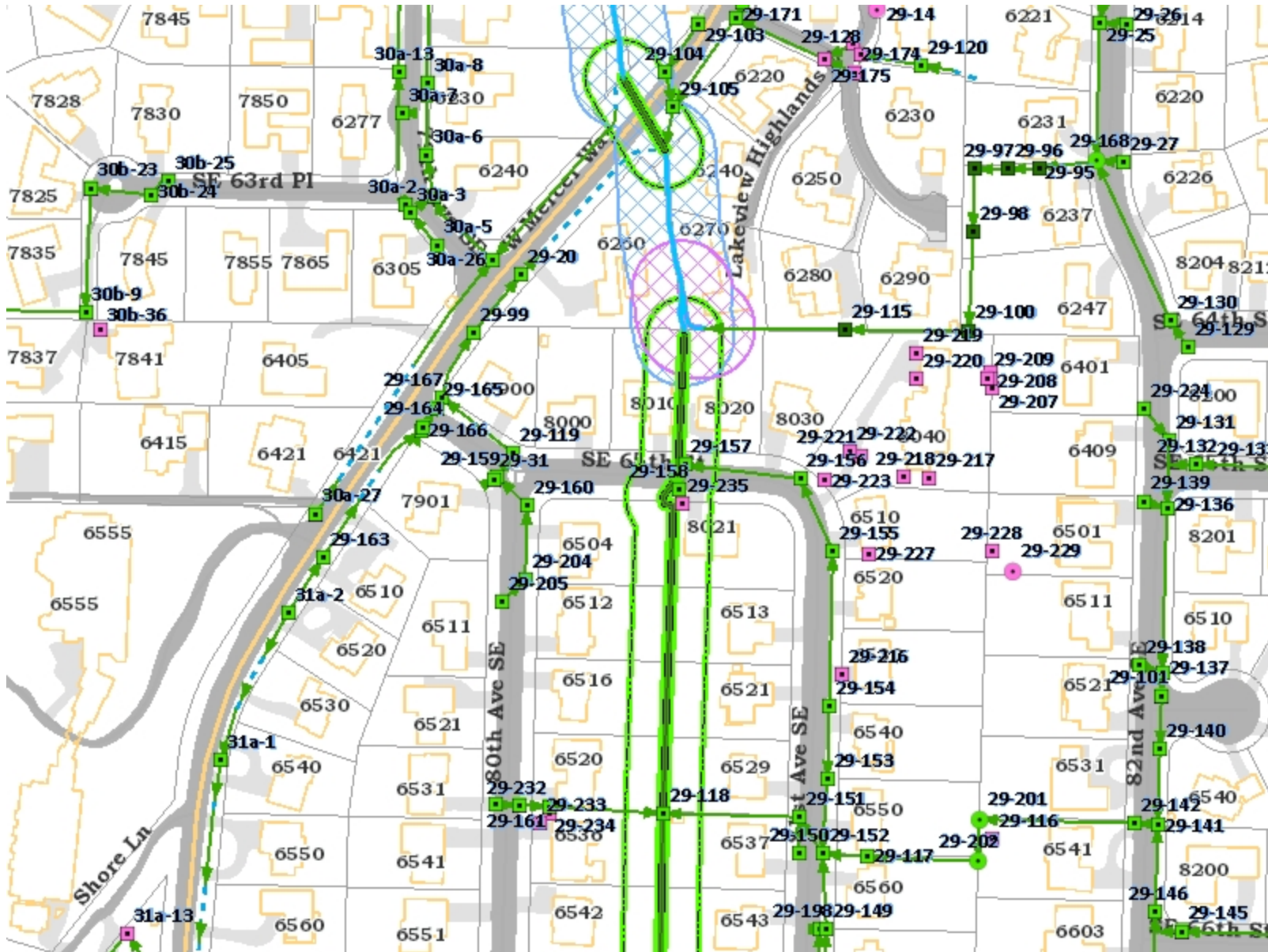
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326 Mercer Island

Map Printed: October 10, 2022

Notes



Legend

Storm Catch Basin

- CB, City Owned
- CB, Private
- CB, Unknown
- Type 2, City Owned
- Type 2, Private
- Type 2, Unknown

Storm Main

- Pipe
- Open Watercourse
- Piped Watercourse
- Ditch
- Culvert
- Other

Storm Main - Private

Storm Discharge Point

Unpiped Watercourse

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Address

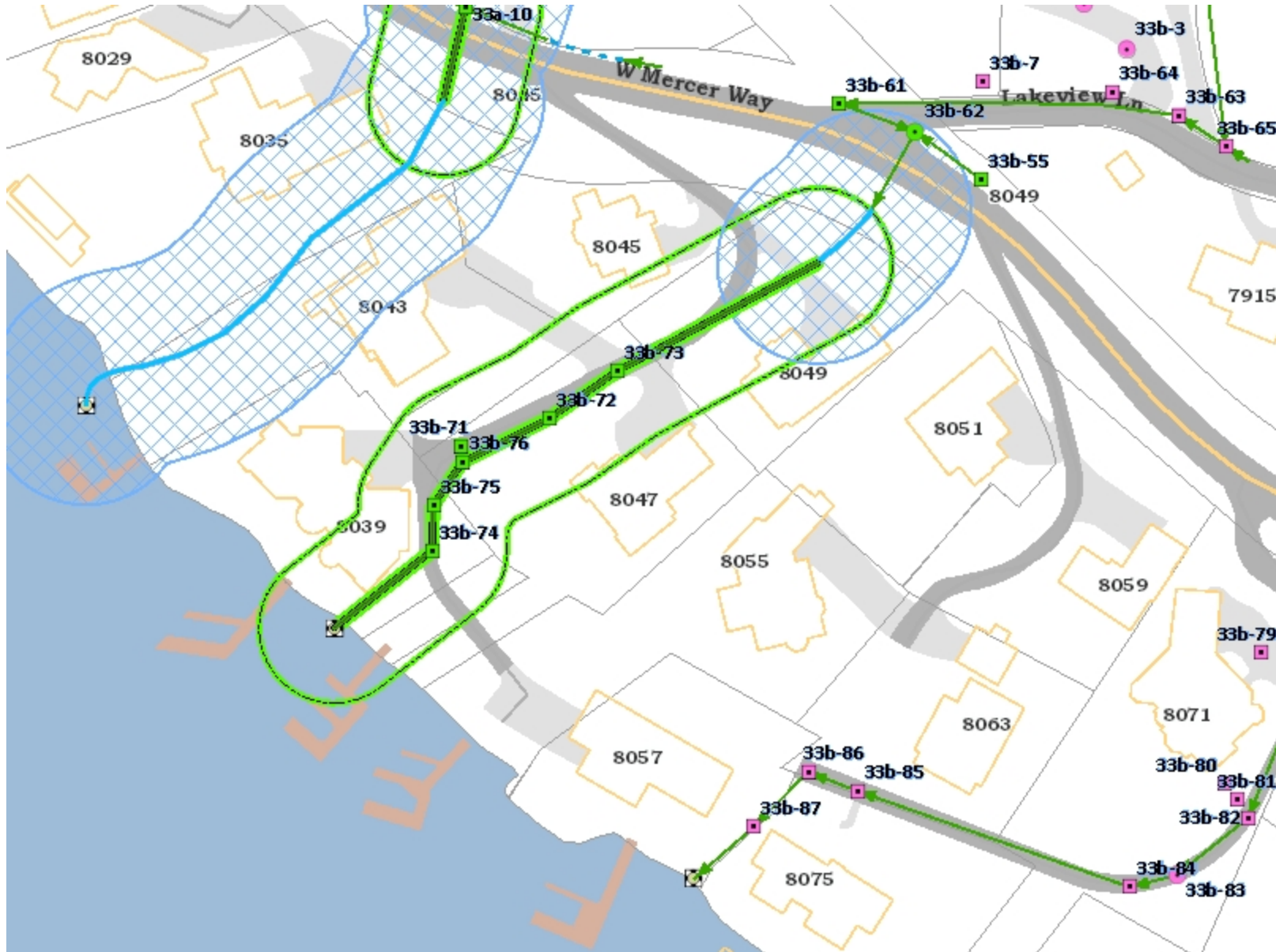
- Building
- Property Line
- Docks

0 182 364
Feet

1 inch =
363.82856383333
feet



Notes



Legend

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Address

- Building
- Property Line
- Docks

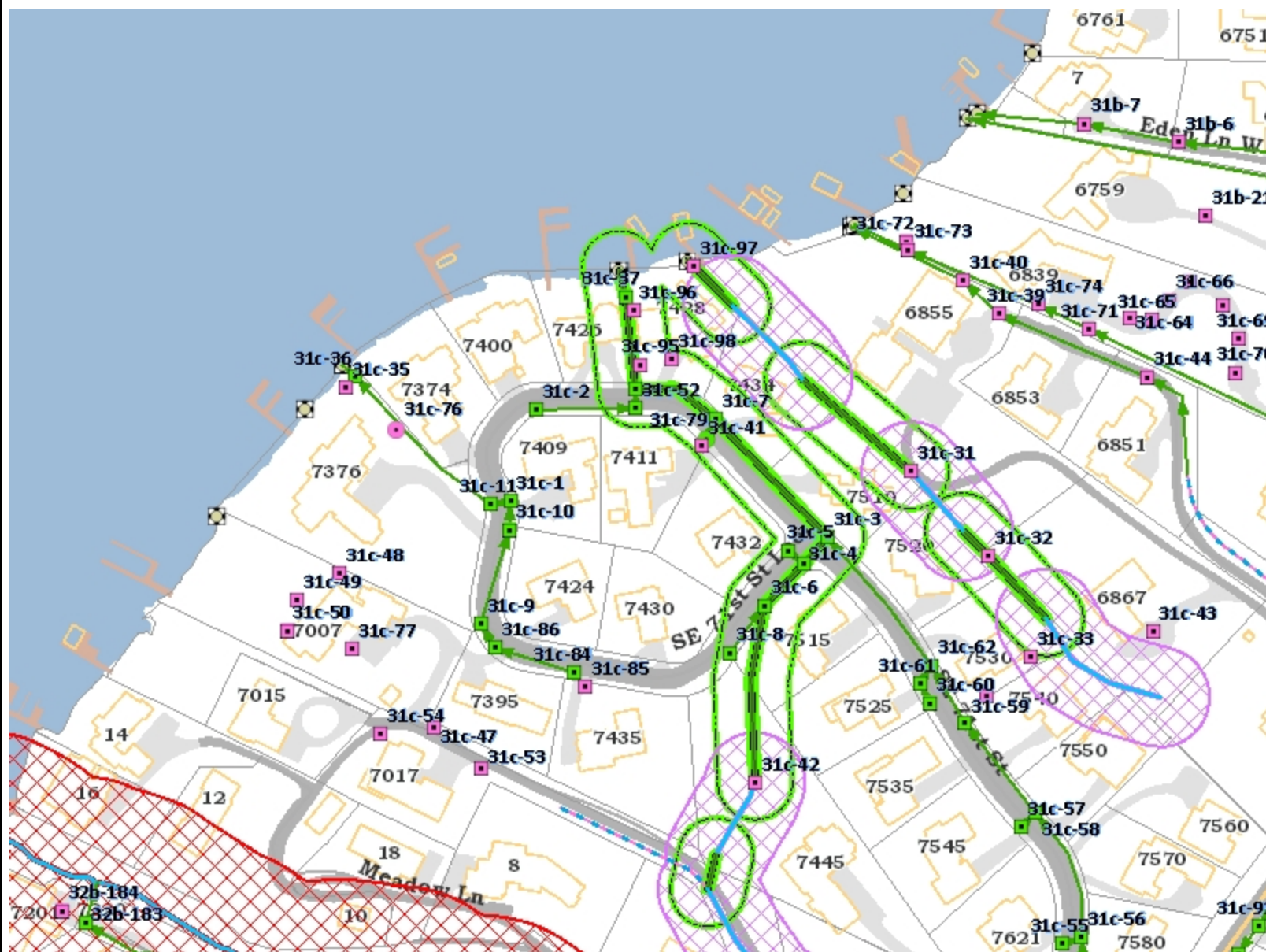
0 91 182 Feet

1 inch =
181.914282 feet



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Property Line
Docks

Notes

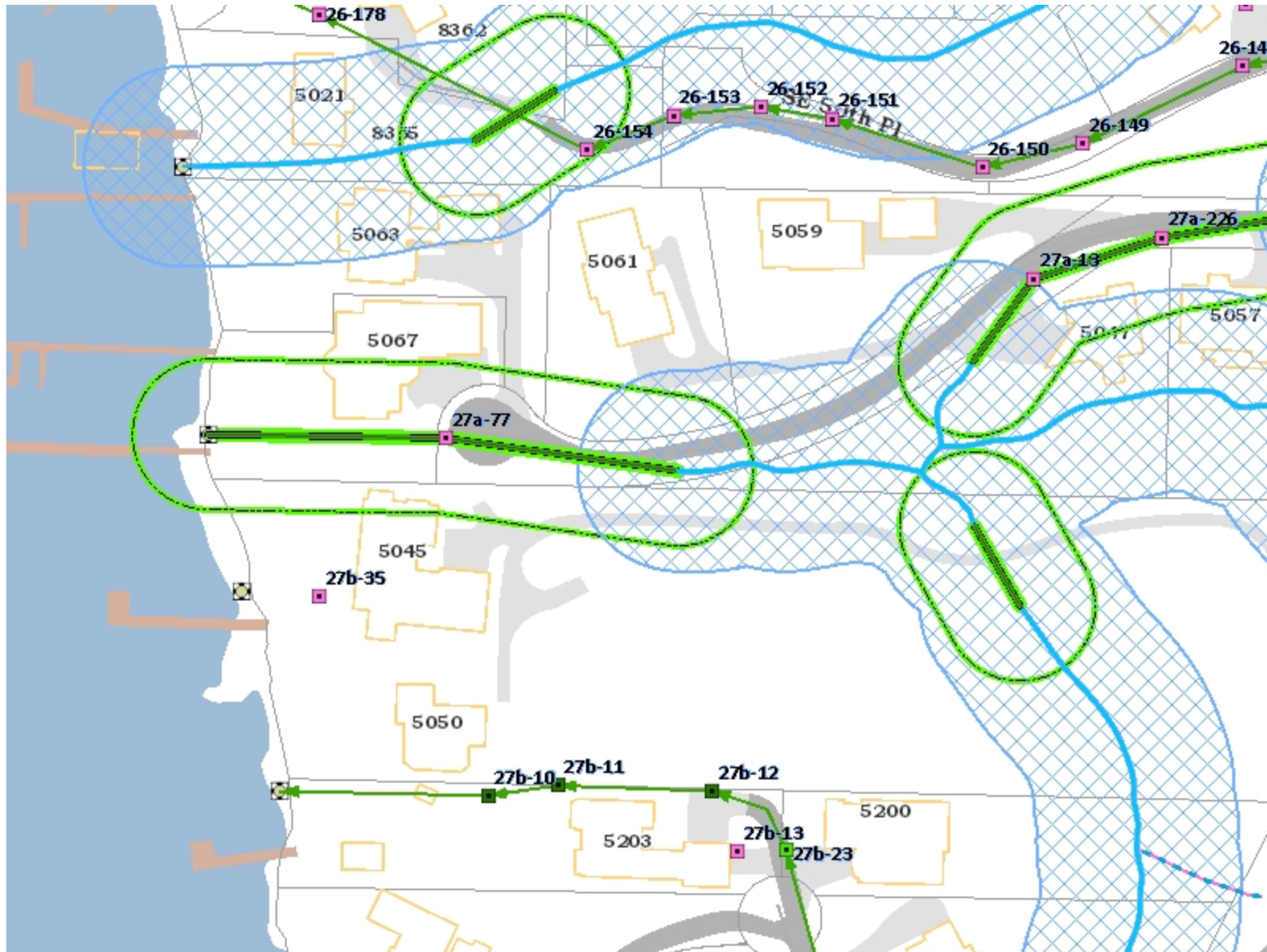
A horizontal number line is shown with tick marks at 0, 182, and 364. The word "Feet" is written below the 364 tick mark. The segment of the number line between 182 and 364 is shaded in black.

1 inch =
363.828563833333
feet



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Legend

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- Docks

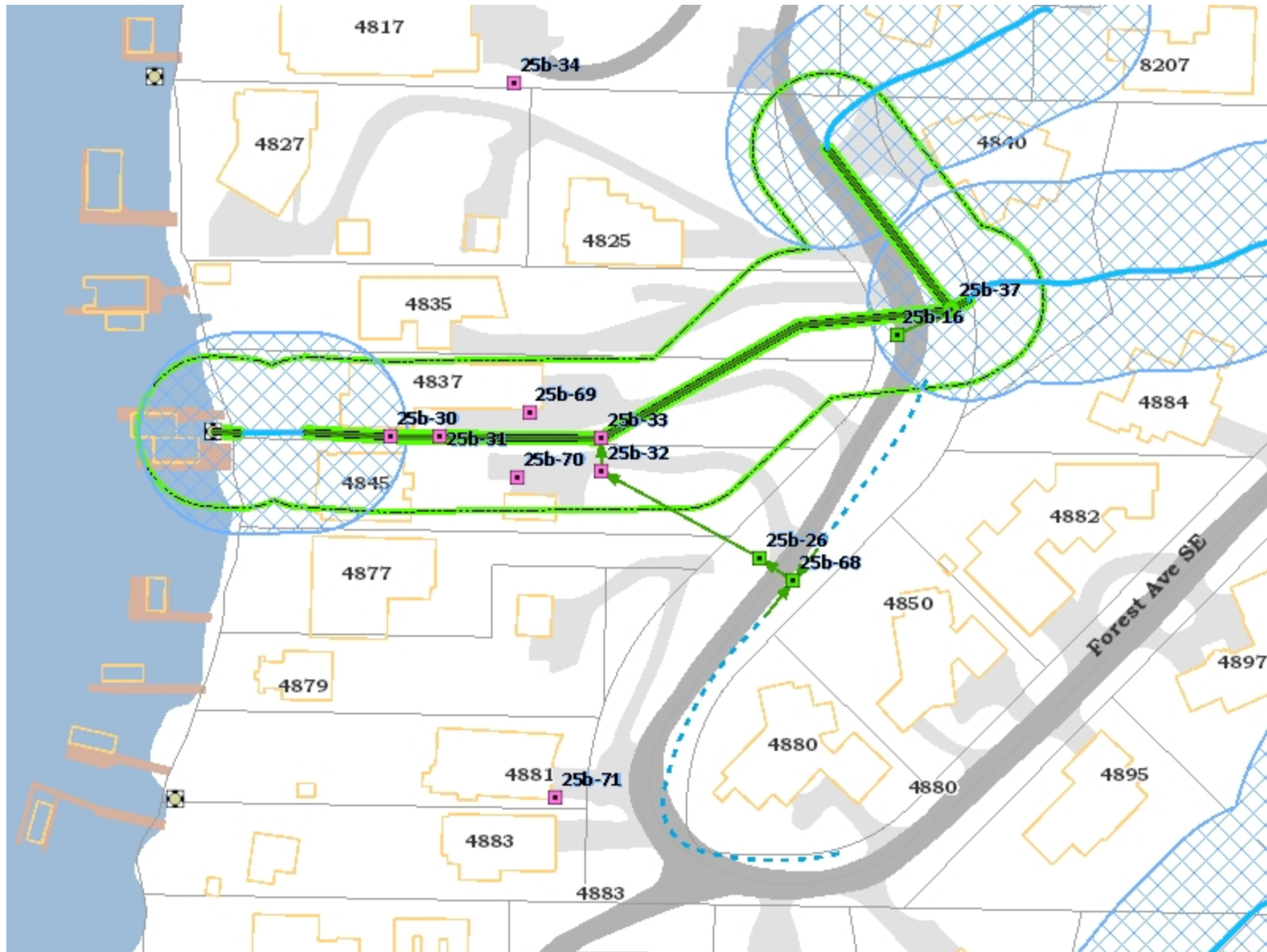
0 91 182 Feet

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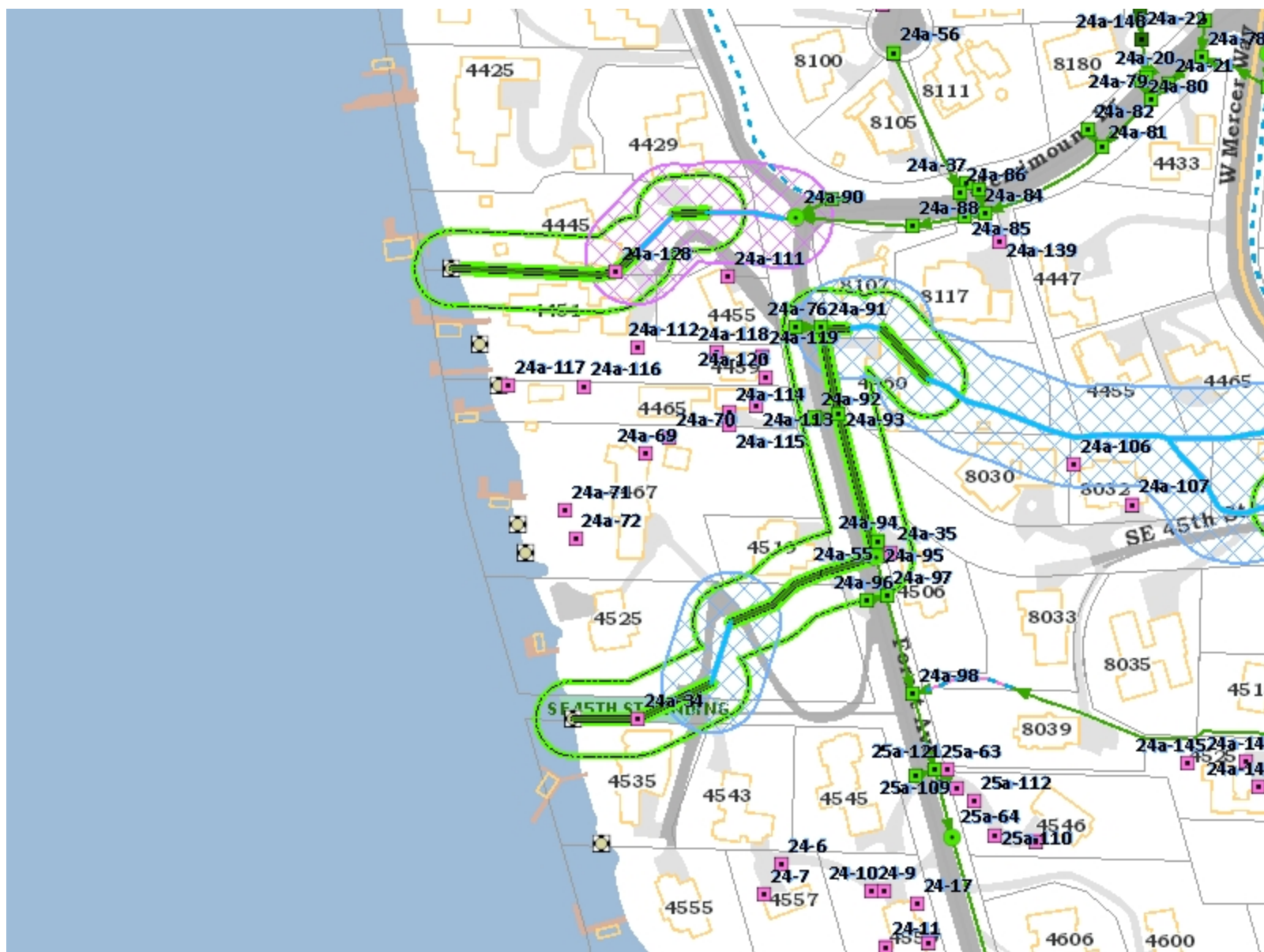
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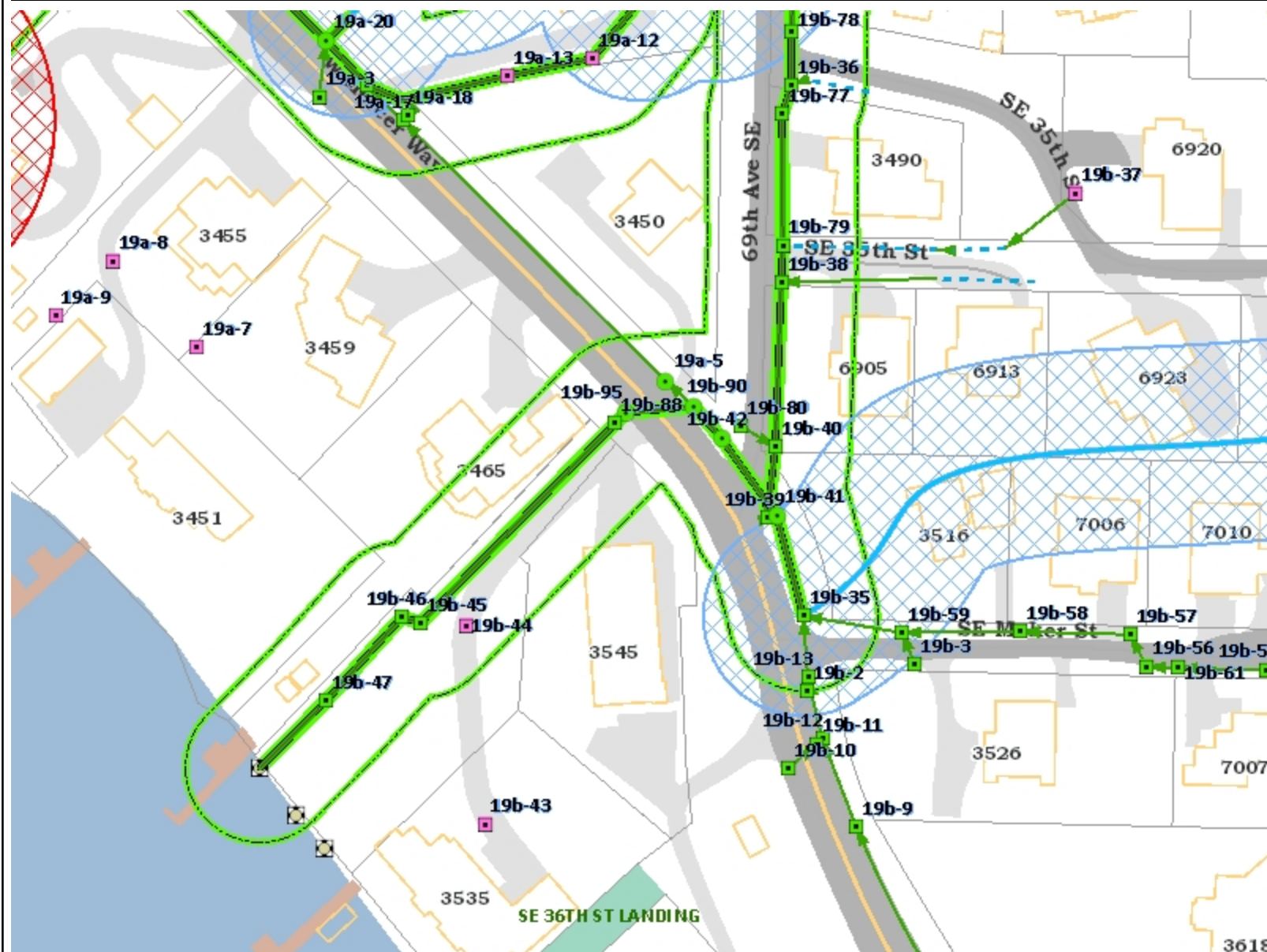
1 inch =
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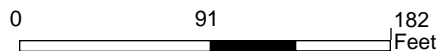
Notes



Legend

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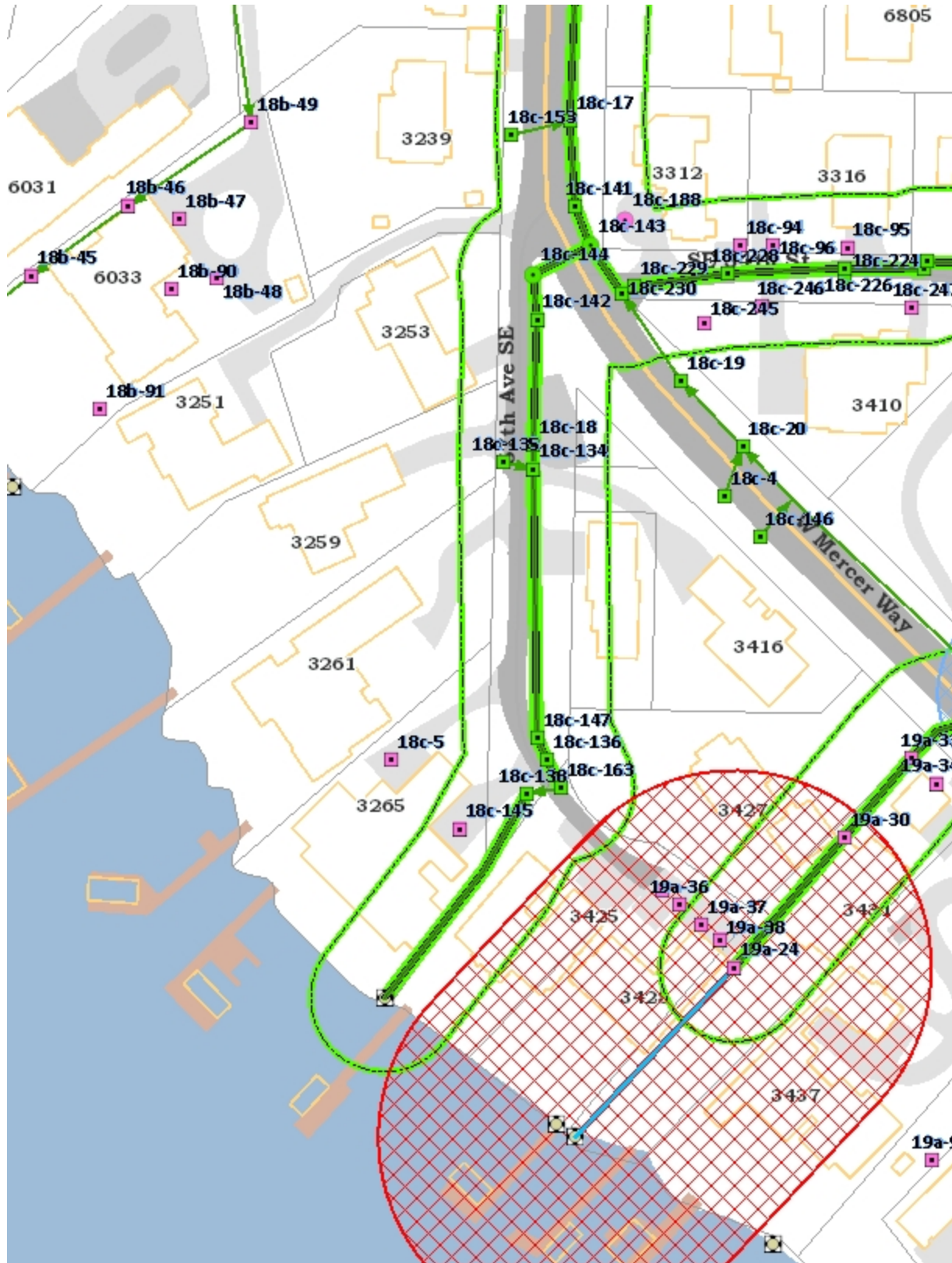
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- Storm Main - Private

Storm Discharge Poir











- ## Unpiped Watercourse
- | | |
|---|------------------------|
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| | Type "Ns" = Non-Fish ! |
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- Piped Watercourse

Watercourse Buffer/S

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-  Type "Ns" Unverified =
-  Piped Type F/Np/Ns =

Address

-  Building
-  Property Line
-  Docks
-  Freeway
-  Major Street
-  Street
-  Paved Driveway
-  Paved Road
-  Paved Parking Area
-  Parks

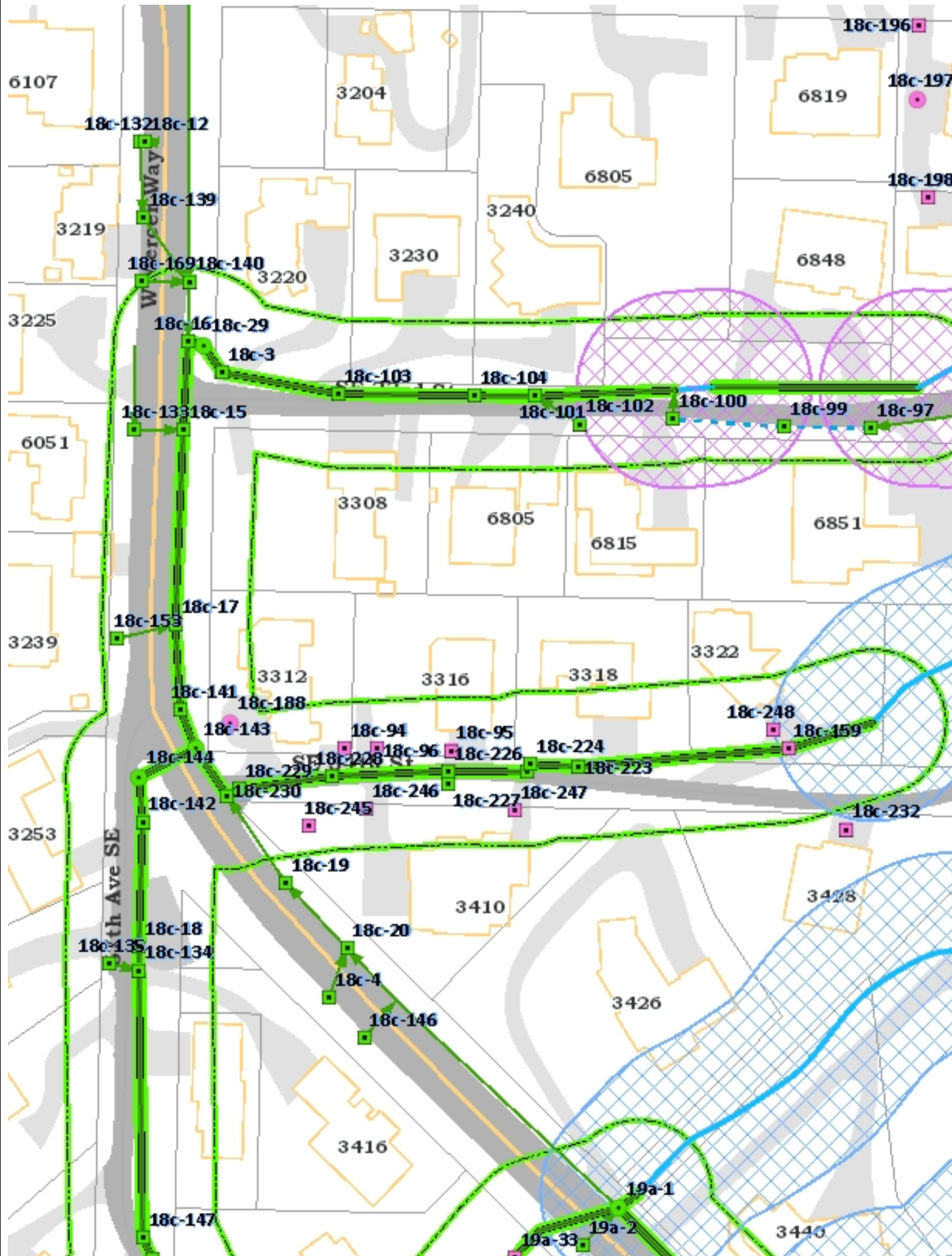
1: 1,091



Notes

0.0 0 0.01 0.0 Miles







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Legend

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-  Other

Storm Main - Private

- Storm Discharge Poir











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Piped Watercourse

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Address

-  Building
-  Property Line
-  Docks
-  Freeway
-  Major Street
-  Street
-  Paved Driveway
-  Paved Road
-  Paved Parking Area
-  Parks

1: 1,091



Notes

0.0 0 0.01 0.0 Miles

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CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

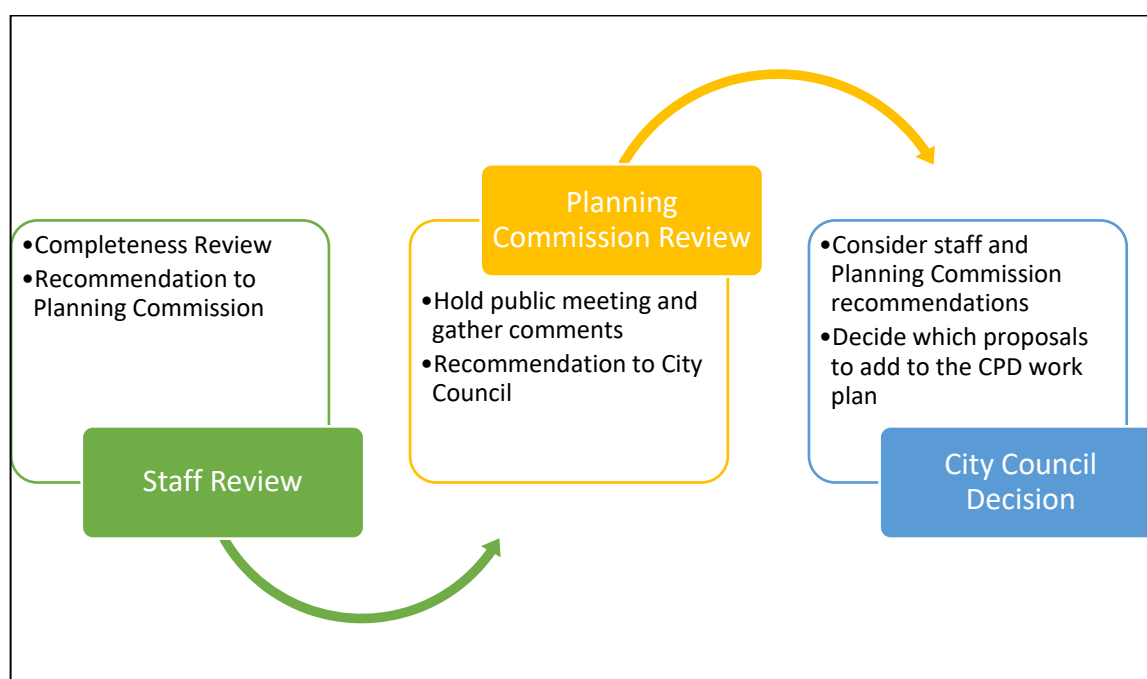
PHONE: 206.275.7605 | www.mercerisland.gov



DOCKET REQUEST FORM

APPLICATION REVIEW PROCESS

Docket Requests are the first step in the process of amending the City's Comprehensive Plan or development regulations. The Mercer Island City Code (MICC) describes the process for these amendments in MICC [19.15.230-.260](#). Figure 1 summarizes the annual docket process.



Staff review all docket requests for timeliness and completeness and will use the information provided in the application form to present your request to the Mercer Island Planning Commission and City Council. The Planning Commission will review the docket requests and make a recommendation to the City Council regarding which docket items to add to the final docket.

The City Council has decision-making authority over all annual docket proposals. The City Council determines whether to add a proposal to the final docket. Items added to the final docket will be incorporated in the Community Planning and Development work plan for the upcoming year. Docket requests are evaluated based on alignment with the current City work plan, current policies, programmatic priorities, staff capacity, and budget to complete of the legislative process for the request in the following year. The City Council will approve the final docket by December 31 each year. Items placed on the final docket will be scheduled for legislative review by the Planning Commission and City Council in the following year.

DOCKET REQUEST FORM

The following information is required to be included. Failure to complete this form may result in the application being incomplete. Incomplete applications will not be considered during the annual docket process.

APPLICANT INFORMATION

Name: Michael J. Murphy

Address: 2711 64th Ave. SE, Mercer Island, WA 98040

Phone: 206.618.7200

Email: murpm@comcast.net

AGENT/CONSULTANT/ATTORNEY: (COMPLETE IF PRIMARY CONTACT IS DIFFERENT FROM APPLICANT)

Name: N/A

Address: _____

Phone: _____

Email: _____

REQUEST INFORMATION

Please complete a separate Docket Request Form for each item you are requesting to be added to the Docket.

Is this request related to a specific property or zone?

Yes ☐

No ☒

If yes, please complete the following information:

Property Owner: _____

Address: _____

County Assessors Parcel No.: _____

Parcel Size (sq. ft.): _____

If the application is submitted by an agent/consultant/attorney, please demonstrate that the application has been submitted with the consent of all owners of the affected property. For example, attach a signed letter providing consent.

Is this request for a Comprehensive Plan amendment or a development code amendment?

Comprehensive Plan amendment ☐

Development code amendment ☒

Would you like to submit a suggestion for a comprehensive plan or development code amendment, or is this an application for a specific amendment (check boxes)? Please note: applications are subject to [applicable permit fees](#).

Suggestion ☒

Application ☐

DOCKET REQUEST NARRATIVE – REQUIRED FOR ALL APPLICATIONS

Please attach a narrative responding to the following questions. Attach any additional sheets, supporting maps or graphics. Answer each question separately and reference the question number in your answer. **The application will be considered incomplete without a narrative answering all of the following questions.**

1. Please provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish.
 - a. Indicate the specific Comprehensive Plan Elements, maps, goals or policies or the specific sections of the development code you propose to amend.
 - b. If the proposal would amend existing Comprehensive Plan or development code text, please provide the proposal in underline/strikeout format with text to be added indicated by underlining and text to be deleted indicated with ~~strikeouts~~.
 - c. If a map amendment is proposed, please provide a map that clearly outlines the areas proposed to be changed.
2. How does the proposal benefit the community or the environment?
3. Explain how the request relates to the applicable decision criteria (MICC 19.15.250(D) for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments, see below).
4. For Comprehensive plan amendments: Is the proposal consistent the Growth Management Act and King County Countywide Planning Policies?
5. For development code amendments: how does the proposal align with the goals of the City's Comprehensive Plan?

Signature: _____

Date: 9/30/2023

DOCKETING CRITERIA (MICC 19.15.230 (E)):

Docketing criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

1. The request has been filed in a timely manner, and either:
 - a. State law requires, or a decision of a court or administrative agency has directed, such a change; or
 - b. All of the following criteria are met:
 - i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;
 - ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;
 - iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;
 - iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and
 - v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

COMPREHENSIVE PLAN DECISION CRITERIA (MICC 19.15.230 (F)):

Decision criteria. Decisions to amend the comprehensive plan shall be based on the criteria specified below. An applicant for a comprehensive plan amendment proposal shall have the burden of demonstrating that the proposed amendment complies with the applicable regulations and decision criteria.

1. The amendment is consistent with the Growth Management Act, the countywide planning policies, and the other provisions of the comprehensive plan and city policies; and:
 - a. There exists obvious technical error in the information contained in the comprehensive plan; or
 - b. The amendment addresses changing circumstances of the city as a whole.
2. If the amendment is directed at a specific property, the following additional findings shall be determined:
 - a. The amendment is compatible with the adjacent land use and development pattern;
 - b. The property is suitable for development in conformance with the standards under the potential zoning; and
 - c. The amendment will benefit the community as a whole and will not adversely affect community facilities or the public health, safety, and general welfare.

DEVELOPMENT CODE AMENDMENT DECISION CRITERIA (MICC 19.15.250 (D)):

Criteria. The city may approve or approve with modifications a proposal to amend this Code only if:

1. The amendment is consistent with the comprehensive plan; and
2. The amendment bears a substantial relation to the public health, safety, or welfare; and
3. The amendment is in the best interest of the community as a whole.

Suggestion for Residential Code Amendment

MICC 19.02.020 Residential Development Standards

MICC 19.02.020(G)(2)(c) Parking Requirements (proposing a new item (c))

Suggested Code Amendment:

I suggest adding a new Residential Development Standards Section 19.02.020(G)(2)(c) - Parking Requirements. It would require that "each residential dwelling unit outside of the Town Center with a gross floor area of less than 3,000 sqft shall have at least two parking spaces sufficient in size to park a passenger automobile and charge it; provided, at least two of the stalls shall be a covered stall. Any residential dwelling unit with a gross floor area of 3,000 sqft or more shall be treated the same as a single family residence and subject to the requirements of 19.02.020(G)(2)(a)."

If MICC 19.02.020(G)(2)(a) and (b) are reduced from 3,000 sqft GFA to 2,000 sqft GFA per a Docket proposal from last year, then it would be reasonable and prudent to also reduce the proposed (G)(2)(c) threshold to 2,000 sqft GFA.

Docket Request Narrative:

The intent of this code amendment is to ensure that newer development on Mercer Island is capable of supporting off-street EV use and charging. Current parking requirements (2)(a) and (2)(b) refer only to single-family dwellings, so small multifamily dwellings or other non-single-family dwellings in my understanding have no current parking requirements outside of Town Center. I do not wish to burden any future apartment development in the Town Center, nor come into conflict with MICC 19.11.130(B)(1)(a), hence the exclusion of the Town Center area.

Supporting EV use and charging is well within the goals of the Comprehensive Plan as it benefits the environment by encouraging people to use EVs which are less-polluting than fossil-fuel powered vehicles. Off-street, or curbside EV charging generally falls on municipalities to install and maintain and thus those costs would be passed on to all residents – the community benefits from off-street EV charging because it does not add additional costs to the city. The community also benefits from off-street EV charging because less cars on the sides of the street is safer for vehicle drivers or passengers, pedestrians, bicyclists, and other non-automobile users of the streets. This is a significant safety issue as many Mercer Island residential neighborhoods do not have sidewalks, many streets are narrow, winding, have significant flora along their edges, have no painted lines, have no curbs, or are steep; thus I am confident that an empirical study would clearly demonstrate that not enacting these parking requirements would be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists.

MI Can and multiple parts of the Comprehensive Plan address reductions in greenhouse gases and promotion of EV use. Additionally, revisions to the Comprehensive Plan articulate that too much on-street parking can cause risk to pedestrians, cyclists, and other non-automobile users of the streets.

It is well documented that on-street/curbside EV charging can be expensive, unreliable and inconvenient. Additionally, the infrastructure needs then inevitably fall on the municipalities. To ensure that EVs park in

a potential on-street EV spot, a parking enforcement or registration program would have to be grown, also coming at a cost to the city.

Some neighborhoods do not have electrical poles on which to install curbside EV chargers. Those chargers would then have to be installed at ground level and would be prone to copper thieves, a well-documented occurrence nearby in Seattle.

This is also a time-sensitive matter - as new, smaller residential units are constructed, we run the risk of builders building the minimum necessary to close the sale. Only after inhabiting a dwelling unit would a resident observe the significant downsides of curbside EV charging compared to off-street charging. This will work against EV adoption (and thus against the city's goal of encouraging greener transportation) or would require expensive retrofit to dwellings which would cause financial strain to new residents or drive them to not purchase an EV and instead purchase a fossil-fueled vehicle.

This proposal satisfies the five decision criteria in MICC 19.15.250(D) as summarized below:

- i. Parking is mentioned in the Comprehensive Plan and City Codes, thus this concern is appropriately addressed through comp plan and/or code revisions too.
- ii. This is a simple code revision (addition) and I am happy to assist if/as needed.
- iii. I am not aware of an ongoing work plan related to on-street parking outside of the City Center
- iv. Supports MI Can's vision of reducing carbon footprint. Also, various elements of the Comprehensive Plan encourage the use of EVs or reduction of greenhouse gas emissions and
- v. This is a new proposal based on new state laws and recent/pending revisions to as well as existing goals of the Comprehensive Plan

Please support this common-sense code addition. It will encourage and facilitate the use of EVs on Mercer Island and is thus environmentally friendly. It will avoid the City having to install and maintain curbside EV charging which benefits all residents by not adding additional work and cost to the city. Finally, it will make the streets safer for pedestrians, cyclists, and all other non-motorized users of our mostly-sidewalkless streets. These are all in the best interests of the Mercer Island community as a whole, will help improve public health and safety, and is consistent with the Comprehensive Plan. Thank you for your time and consideration.

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

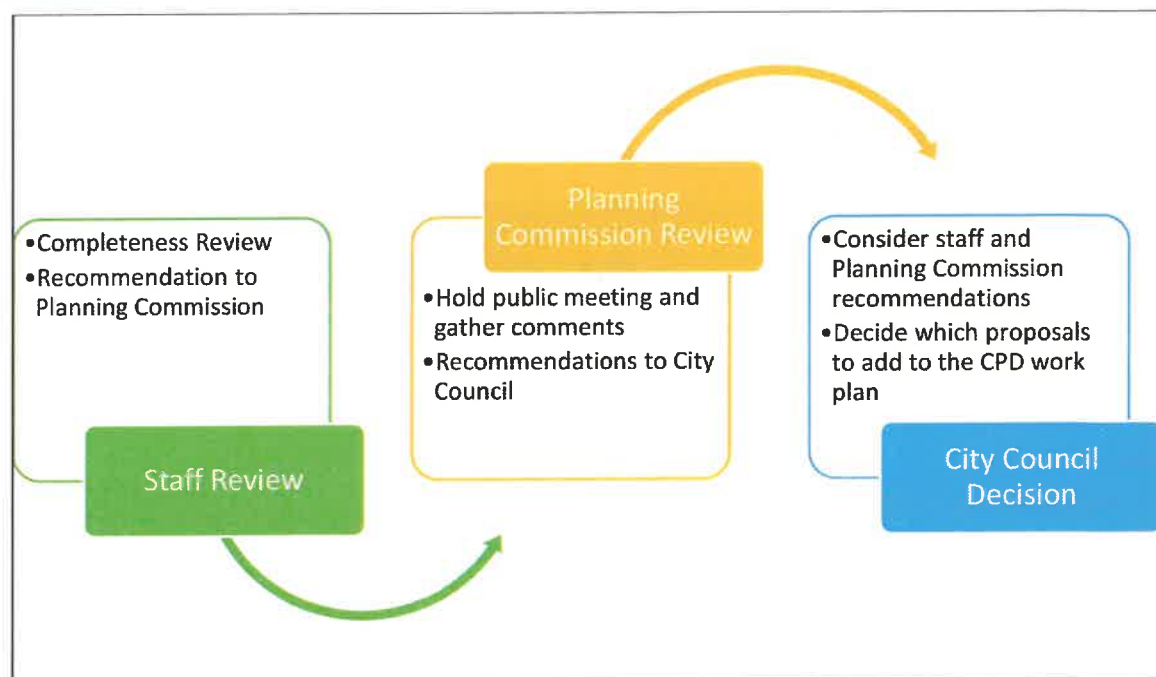
PHONE: 206.275.7605 | www.mercerisland.gov/cpd



2024 DOCKET REQUEST FORM

APPLICATION REVIEW PROCESS

Docket requests are the first step in the process of amending the City's Comprehensive Plan or development regulations. The Mercer Island City Code (MICC) describes the process for these amendments in MICC [19.15.230-.260](#). The illustration below summarizes the annual docket process.



Staff review all docket requests for timeliness and completeness and will use the information provided in the application form to present a request to the Mercer Island Planning Commission and City Council. The Planning Commission will review the docket requests and make a recommendation to the City Council regarding which docket items to add to the final docket.

The City Council has decision-making authority over all annual docket proposals. The City Council determines whether to add a proposal to the final docket. Items added to the final docket will be incorporated in the Community Planning and Development work plan for the upcoming year. Docket requests are evaluated based on alignment with the current City work plan, current policies, programmatic priorities, staff capacity, and budget to complete the legislative process for the request in the following year. The City Council will approve the final docket by December 31 each year. Items placed on the final docket will be scheduled for legislative review by the Planning Commission and City Council in the following year.

DOCKET REQUEST FORM

The following information is required. Failure to complete this form may result in the application being incomplete. Incomplete applications will not be considered during the annual docket process.

APPLICANT INFORMATION

Name: Stroum Jewish Community Center, c/o Amy Lavin
 Address: 3801 East Mercer Way, Mercer Island, WA 98040
 Phone: 206-275-7115
 Email: amyl@sjcc.org

AGENT/CONSULTANT/ATTORNEY

Complete this section if the primary contact is different from the applicant.

Name: Jessica Clawson
 Address: 8475 SE 45th Street, Mercer Island WA 98040
 Phone: 206-812-3378
 Email: jessie@mhseattle.com

REQUEST INFORMATION

Important: A separate Docket Request Form must be completed for each docket item requested.

Is this request related to a specific property or zone? Yes ☒ No ☐

If yes, please complete the following information:

Property Owner Name: Stroum Jewish Community Center
 Address: 3801 East Mercer Way, Mercer Island, WA 98040
 County Assessor's Parcel No.: 2655500137, 2655500136, 2655500132, portion of 2655500115
 Parcel Size (sq. ft.): Appx 381,468 s.f.

If the application is submitted by an agent/consultant/attorney, please attach a signed letter of consent from all owners of the affected property demonstrating that the application is submitted with consent. Is this request for a Comprehensive Plan amendment or a development code amendment?

Comprehensive Plan Amendment ☒ Development code Amendment ☒

Is this submission a **suggestion** for a Comprehensive Plan or Development Code amendment, or is this an **application** for a specific amendment? (Check one box below.)

Note: Applications are subject to [applicable permit fees](#).

Suggestion ☐ Application ☒

DOCKET REQUEST NARRATIVE – REQUIRED FOR ALL APPLICATIONS

Please attach a separate narrative responding to all five (5) questions outlined below. Attach additional sheets, supporting maps, or graphics as necessary. Answer each question separately and reference the question number in your answer.

The application will be considered incomplete without a narrative answering all five questions.

1. Please provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish.
 - a. Indicate the specific Comprehensive Plan Elements, maps, goals or policies or the specific sections of the development code you propose to amend.
 - b. If the proposal would amend existing Comprehensive Plan or development code text, please provide the proposal in underline/strikeout format with text to be added indicated by underlining and text to be deleted indicated with ~~strikeouts~~.
 - c. If a map amendment is proposed, please provide a map that clearly outlines the areas proposed to be changed.
2. How does the proposal benefit the community or the environment?
3. Explain how the request relates to the applicable decision criteria (MICC 19.15.250(D) for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments, see below).
4. For Comprehensive plan amendments: Is the proposal consistent the Growth Management Act and King County Countywide Planning Policies?
5. For development code amendments: How does the proposal align with the goals of the City's Comprehensive Plan?

Please sign and date below acknowledging application requirements.

Signature: _____

Date: _____

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Please attach a separate narrative
responding to the above questions.

DOCKETING CRITERIA

MICC 19.15.230(E) Docketing criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

1. The request has been filed in a timely manner, and either:
 - a. State law requires, or a decision of a court or administrative agency has directed, such a change; or
 - b. All of the following criteria are met:
 - i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;
 - ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;
 - iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;
 - iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and
 - v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

COMPREHENSIVE PLAN DECISION CRITERIA

MICC 19.15.230(F) Decision criteria. Decisions to amend the comprehensive plan shall be based on the criteria specified below. An applicant for a comprehensive plan amendment proposal shall have the burden of demonstrating that the proposed amendment complies with the applicable regulations and decision criteria.

1. The amendment is consistent with the Growth Management Act, the countywide planning policies, and the other provisions of the comprehensive plan and city policies; and:
 - a. There exists obvious technical error in the information contained in the comprehensive plan; or
 - b. The amendment addresses changing circumstances of the city as a whole.
2. If the amendment is directed at a specific property, the following additional findings shall be determined:
 - a. The amendment is compatible with the adjacent land use and development pattern;
 - b. The property is suitable for development in conformance with the standards under the potential zoning; and
 - c. The amendment will benefit the community as a whole and will not adversely affect community facilities or the public health, safety, and general welfare.

DEVELOPMENT CODE AMENDMENT DECISION CRITERIA

MICC 19.15.250(D) Criteria. The city may approve or approve with modifications a proposal to amend this Code only if:

1. The amendment is consistent with the comprehensive plan; and
2. The amendment bears a substantial relation to the public health, safety, or welfare; and
3. The amendment is in the best interest of the community as a whole.

Stroum Jewish Community Center
3801 E Mercer Way
Mercer Island, WA 98040

September 27, 2023

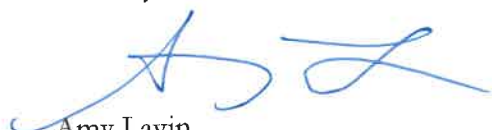
Jeff Thomas
Director, Community Planning & Development
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040

Dear Director Thomas,

I write to let you know that Jessica M. Clawson, an Attorney with McCullough Hill PLLC, has the consent of the owners and leadership of the Stroum Jewish Community Center to submit the enclosed comprehensive plan and zoning map amendment application for the SJCC property.

Please do not hesitate to contact me if you have any questions about the application Jessica will submit with the consent of SJCC's owners and leadership.

Thank you,



Amy Lavin
Executive Director
Stroum Jewish Community Center

2023 Stroum Jewish Community Center Comprehensive Plan Map Amendment

Thank you for your consideration of our Comprehensive Plan Map Amendment. Answers to the various application and code criteria are in bold below.

1. Please provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish.

The proposed Comprehensive Plan Amendment redesignates Parcels 2655500137, 2655500136, 2655500132, and a small portion of 2655500115 from Single Family to Commercial Office on the Comprehensive Plan's Future Land Use Map.

The proposed map change will facilitate a rezone to Commercial Office, which will allow for a rebuild/renovation of the Stroum Jewish Community Center ("SJCC"). Under the current single-family designation, rebuilding and renovation is not possible, and variances necessary for the rebuild/renovation are not available under the current single family code provisions.

The SJCC has been intently pursuing the ability renovate our aging facilities for over six years. In this timeframe, we've taken many opportunities to share the hopes we have for a re-envisioned facility with our members, our neighbors, and the broader Mercer Island community.

Through multiple SJCC open houses, community meetings and even through public testimony provided during 2018-2019 council consideration of a broader Mercer Island initiative, we shared our priorities, and also learned what the community and our neighbors care about the most:

- Facilitating better traffic flow and provide enough safe parking so there is less impact on our neighbors;**
- Designing our use of space to ensure less noise or light impact, and minimize visibility impact;**
- Supplementing foliage and trees to enhance the buffer between our facilities and our neighbors; and**
- Ensuring that any changes to the SJCC property through zoning don't have secondary impact on other Mercer Island community facilities or neighborhoods.**

With these guiding principles, the SJCC revised our designs to reflect what was learned from our engagement with the community and hosted a series of community conversations to share, discuss, and receive additional input from SJCC members, community organizations, the community at large, and our neighbors. In the last two years, this outreach included organized community conversations with immediate neighbors and organization stakeholders, meetings with similarly situated Mercer Island community organizations, and regular written and verbal communication with interested community members.

On September 7, 2023, the SJCC hosted an open house where our revised design was presented and discussed, followed by questions and answers. Similar to prior initiatives, an

invitation was mailed to all addresses within 1000' radius of the SJCC, emailed to SJCC members, SJCC participants and users, and other Mercer Island community facilities, and was promoted widely on SJCC assets. The SJCC hosted approximately 100 attendees at this open house, and we were pleased to see our revised designs, which are the direct benefit of so much engagement and feedback over the last six years, being received so well by the community and our neighbors.

- a. Indicate the specific Comprehensive Plan Elements, maps, goals or policies or the specific sections of the development code you propose to amend.

Please see Exhibit A. The Comprehensive Plan's Future Land Use Map would be amended per the exhibit.

- b. If the proposal would amend existing Comprehensive Plan or development code text, please provide the proposal in underline/strikeout format with text to be added indicated by underlining and text to be deleted indicated with strikeouts.

The proposal does not amend Comprehensive Plan or development code text. It only changes the maps.

- c. If a map amendment is proposed, please provide a map that clearly outlines the areas proposed to be changed.

Please see Exhibit A.

2. How does the proposal benefit the community or the environment?

The proposal benefits the community and the environment in several ways.

Community Benefits

Please see Exhibit B.

Environmental Benefits

Please see Exhibit C.

3. Explain how the request relates to the applicable decision criteria (MICC 19.15.250(D) for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments, see below).

The proposal meets both the docketing criteria and the decision criteria, as follows:

E. Docketing criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

1. The request has been filed in a timely manner, and either:

Yes. The request was filed prior to October 1, 2023.

- a. State law requires, or a decision of a court or administrative agency has directed, such a change; or

Not applicable.

b. All of the following criteria are met:

- i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;

Yes. The proposed amendment is a change to the Comprehensive Plan's Future Land Use Map, which is a change that can only be addressed through the Comprehensive Plan.

- ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;

Yes. The proposal is occurring during the City's annual docketing cycle, which we presume is adequately staffed and resourced by the City. A simple map change should not require significant resources; any actual development on the site will require project specific environmental review and study, which costs would be borne by the applicant.

- iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;

No. The proposal does not raise larger policy or land use issues more appropriately addressed by an ongoing work program item. This proposal avoids any larger redesignation of similarly situated schools and institutions and focuses only on the JCC site. There is no current work program approved by the City Council that addresses redesignation of the SJCC to conform to the historic use of the property.

- iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and

Yes. The proposal serves the public interest and implements the following specific goals and vision of the city (responses to policies, where appropriate, in italics):

- **Residential Community.** Mercer Island is principally a single-family residential community supported by healthy schools, religious institutions, and recreational clubs. (Comp. Plan, Community Values). *The proposal will allow the JCC, which is both a school and a recreational club open to all, to continue to serve Mercer Island.*
- **Education is the Key.** The community and its public and private institutions are committed to provide excellence in Education (Comp Plan, Community Values). *The proposal allows the SJCC's Early Childhood School to continue its excellent education of hundreds of young children on Mercer Island.*
- **Community Services.** Mercer Island will continue to provide a wide range of education, cultural, and municipal services for the community's varied population.

Balanced and flexible programs will be necessary to meet the community's evolving needs in education, recreation, and cultural enjoyment. The community will maintain its broad range of quality basic services, including public safety, human services, physical development and utilities. At the same time, community leaders recognize that delivery of these services will take place in an arena of limited resources and heightened competition for tax revenues (Comp Plan, Values Manifested). *The SJCC provides a community center and educational, recreational, and cultural opportunities that are privately funded and do not burden the City's budget.*

- **Residential Land Use.** Civic, recreation, and religious organizations are important and integral elements of the community character and fabric. Their contribution and importance to the established community character should be reflected and respected in land use permit processes. (Comp Plan, Values Manifested). *Unfortunately, the single-family zoning has been interpreted by the City to not allow for the variances that would be necessary to rebuild and reconfigure the SJCC that would benefit the community. We are hopeful that this request for redesignation is respectfully considered and approved, so that we can build under the current CO zoning rules and do not require extensive or complicated workarounds.*
- **Commercial Office and PBZ zones** must serve the needs of the local population while remaining compatible with the overall residential character of the community. (Comp Plan, Land Use Issues, Outside the Town Center). *The Commercial Office zone, as developed in the future by the SJCC, will remain compatible and increase compatibility with the overall residential character of the community. First, nothing will be built on the site that is not the SJCC, and we have shared our draft plans with the community. Second, these plans improve on many of the required minimum development standards—better setbacks than required, less height than allowed, etc. Finally, the proposal is adjacent to CO designations and extends them southward. The strip of single-family homes to our west is owned by the French American School of Puget Sound.*
- **Goal 15.1.** Existing land use policies, which strongly support the preservation of existing conditions in the single-family residential zones, will continue to apply. Changes to the zoning code or development standards will be accomplished through code amendments. (Comp Plan, Land Use Goals). *This goal is met. The existing condition in this single-family zone that has existed for 54 years (pre-dating many of the homes that now exist next to the SJCC) will be maintained. This map change simply changes the map to fit the use that has been here for 54 years.*
- **Goal 15.4.** Compatible permitted uses such as education, recreation, open spaces, government social services and religious activities will be encouraged. *The proposed amendment maintains the SJCC which provides education, art, culture, and recreation, and are a permitted uses in the CO zone.*
- **Goal 17.4.** Social and recreation clubs, schools, and religious institutions are predominantly located in single family residential areas of the Island. Development regulation should reflect the desire to retain viable and healthy social, recreational, educational, and religious organizations as community assets which are essential for the mental, physical and spiritual health of Mercer Island. *As the City is aware, the current single-family zone has been amended and*

development standards interpreted in a way that does not allow the maintenance of viable and healthy organizations. Further, the remodeling criteria make it impossible to maintain a nonconforming status and make upgrades to facilities that are necessary when a facility is well beyond its useful life, particularly given the concrete construction methods that were used in 1969. As such, the redesignation to the CO zone is necessary to be consistent with this Goal and retain a viable and healthy SJCC on Mercer Island.

- **Goal 21.** Promote the use of green building methods, design standards, and materials...to reduce impacts on the built and natural environment and to improve the quality of life. Green building should result in demonstrable benefits, through the use of programs such as, but not limited to, Built Green, LEED+, The Living Building Challenge, Passive House, Salmon Safe, or other similar regional and recognized green building programs. *The new SJCC will be much more environmentally friendly than the current 54-year-old structure.*
- **Goal 23.** Support the arts on Mercer Island. *The SJCC holds regular arts events, including the Seattle Jewish Film Festival. The arts are deeply important to the SJCC and the SJCC's auditorium, which would remain under the proposal, is one of only two large gathering spaces on the island for arts-related events. See Exhibit B.*
- **Goal 25.** Preserve Mercer Island's Heritage. *The SJCC is a piece of Mercer Island's history.*
<https://www.historylink.org/File/104#:~:text=In%20Seattle%2C%20the%20Jewish%20Community,Davis%20and%20secretary%20Harry%20Ash>. *Allowing for the redesignation of the property will allow the SJCC to remain on the island and thrive for another 60 years.*
- **Land Use Designations—CO.** The commercial office land use designation represents commercial areas within Mercer Island, located outside of Town Center, where the land use will be predominantly commercial office. Complementary land uses (e.g., healthcare uses, schools, places of worship, etc.) are also generally supported within this land use designation. *The CO designation reflects the use of the SJCC property, which has not been in single family residential use for over 54 years. A CO designation is a much more appropriate reflection of reality.*
- **Transportation Goal 6.1:** Ensure compatibility between transportation facilities and services and adjacent land uses, evaluating aspects such as: potential impacts of transportation on adjacent land use; potential impacts of land development and activities on transportation facilities and services; and need for buffering and/or landscaping alongside transportation facilities. *The while the designation of the property will change, the use will not change. The project-specific transportation review for the SJCC project will analyze at a project-level transportation impacts that may be mitigated via trip reduction and physical improvements.*
- **Transportation Goal 9.2.** Address parking overflow impacts on neighborhoods caused by major traffic generators such as schools, businesses, parks, and multifamily developments. *The SJCC proposal would add many more parking stalls which will reduce parking impacts to the neighborhood.*

v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

The proposal has not been considered by the city council in the last three years.

F. *Decision criteria.* Decisions to amend the comprehensive plan shall be based on the criteria specified below. An applicant for a comprehensive plan amendment proposal shall have the burden of demonstrating that the proposed amendment complies with the applicable regulations and decision criteria.

1. The amendment is consistent with the Growth Management Act, the countywide planning policies, and the other provisions of the comprehensive plan and city policies; and:

Yes. The proposal is consistent with GMA, King County's CPPs, and other provisions of the Mercer Island Comprehensive Plan.

Compliance with GMA.

WAC 365-196-405(1)(2) requires the City to designate the general location of the uses of land...for commerce (and) recreation. *The SJCC has not been in single family use for 60 years. It is consistent with GMA to designate the SJCC as CO which is consistent with its current use.*

WAC 365-196-405(2)(b) requires the City to identify existing general distribution and location of various land uses, the appropriate acreage, and general range of density or intensity of existing uses. *Again, the SJCC has not been in single family use for 60 years. It is appropriate for the City to identify and change the designation of the property to CO, consistent with GMA. It would be inappropriate for the City to include the SJCC in its buildable lands / housing needs assessment as single-family property, as it has not been in single family use for 60 years and is not "buildable land" for residential use.*

Compliance with King County CPPs.

The CPPs can be found [here](#). The following goals/policies support the proposed amendment:

- **Communities across King County are welcoming places where every person can thrive. (Vision for King County 2050). *The SJCC welcomes all people.***
- **FW-6. Enable culturally and linguistically appropriate equitable access to programs and services and help connect residents to service options, particularly for those most disproportionately cost-burdened or historically excluded. *The SJCC seeks to be the Puget Sound's most open and welcoming community-center Jewish organization. Through its programs the SJCC connects Jewish and non-***

Jewish people to culture, recreation, education, and arts, and through philanthropic support ensures this connection is affordable to anyone who seeks it.

- **EN-6.** Locate development and supportive infrastructure in a manner that minimizes impacts to natural features. *This is an infill development which will actually decrease impact to surrounding natural features after redevelopment.*
- **CDP-40.** Plan for neighborhoods or subareas to encourage infill and redevelopment, reuse of existing buildings and underutilized lands, and provision of adequate public spaces, in a manner that enhances public health, existing community character, and mix of uses. *This change will facilitate the rebuilding and renovation of an existing building, and one of the SJCC's missions is to support a healthy community.*
- **EC-14.** Celebrate the cultural diversity of local communities as a means to enhance social capital, neighborhood cohesion, the county's global relationships, and support for cultural and arts institutions. *The SJCC is the only Jewish community center in Washington state. The SJCC hosts many global-related programs and is an incredible social and cultural resource for Mercer Island, and the broader region.*
- **EC-26.** Encourage commercial and mixed-use development that provides a range of job opportunities throughout the county to create a closer balance between the location of jobs and housing. *The SJCC is one of the Island's largest employers. Keeping jobs on the Island is important.*
- **PF-19.** Locate schools, institutions, and other community facilities and services that primarily serve urban populations within the UGA, where they are accessible to the communities they serve. If possible, locate these facilities in places that are well served by transit and pedestrian and bicycle networks. *The SJCC is reachable by the I-90 bike trail, as well as the East Mercer Way bike trail. It is very accessible to all on the island, and also to those coming off of I-90 without creating a bunch of cut-through traffic on the Island.*

Compliance with Mercer Island Comprehensive Plan.

See above.

- a. There exists obvious technical error in the information contained in the comprehensive plan; or

Not applicable.

- b. The amendment addresses changing circumstances of the city as a whole.

The SJCC has been in existence in this location for 54 years. The building is past its useful life and needs significant rebuilding and replacement. In 2017, the City of Mercer Island amended its single-family code provisions to prohibit “mega-houses.” In doing so, the City passed regulations that create maximum size of use limitations that rendered the SJCC nonconforming to several code provisions meant to apply to single-family homes. In 2021, the SJCC filed an interpretation request with the City to determine whether a rebuild of the SJCC could obtain variances from the single-family regulations, which

would have capped a new building at those square footage limitations meant to apply to single-family homes. On November 21, 2022, the City issued Development Code Interpretation 22-004 that stated non-residential uses could not seek variances from the relevant single-family regulations in any area beyond impervious surface. The impact of the interpretation is that the SJCC cannot renovate/rebuild in its current single-family zone due to the City's stringent nonconforming provisions and impracticable renovation restrictions. In order to renovate/rebuild to stay on Mercer Island and continue to serve the community on the Island, the comprehensive plan map and zone designation of the SJCC's parcels must be changed from SF/R-8.4 to Commercial Office.

2. If the amendment is directed at a specific property, the following additional findings shall be determined:

a. The amendment is compatible with the adjacent land use and development pattern;

Yes. The proposal would change the subject parcels to CO. There is adjacent CO land to the north of the parcel, public facilities/CO land to the west of the parcel, and CO/B land to the east of the parcel. To the south of the parcel is designated single family; the development standards of the CO zone, as well as SEPA review, can mitigate any potential incompatibilities of a future project on single family adjacencies.

c. The property is suitable for development in conformance with the standards under the potential zoning; and

Yes. The proposed rebuild/renovation of the SJCC can meet the CO zone requirements. In many areas it performs better than the CO development standards would require—it increases setbacks beyond requirements and is developed to a lower height than allowed by the CO zone.

d. The amendment will benefit the community as a whole and will not adversely affect community facilities or the public health, safety, and general welfare.

The amendment would retain the SJCC on Mercer Island. The SJCC is a benefit to all residents of Mercer Island. Please see Exhibit B for a benefits statement.

The change from single family to CO would not impact community facilities. Instead, it would benefit community facilities by maintaining a community facility on the Island, which in turn reduces pressure on the City pool, the City Community Center, and all other childcare and educational facilities. Further it assures the SJCC can continue enriching the lives of thousands of Mercer Island residents every year.

The change from single family to CO would not impact public health, safety, and general welfare. Instead, retaining the SJCC in this location will benefit public health, safety and general welfare. Any potential impacts of the future SJCC project can be mitigated by application of the CO zone standards and SEPA mitigation. Please see Exhibit C regarding environmental benefits associated with the redesignation.

4. For Comprehensive plan amendments: Is the proposal consistent with the Growth Management Act and King County Countywide Planning Policies?

Yes. Please see above.

5. For development code amendments: How does the proposal align with the goals of the City's Comprehensive Plan?

The proposal is aligned with the goals of the City's Comprehensive Plan. Please see above.

Exhibit A Comp plan change map

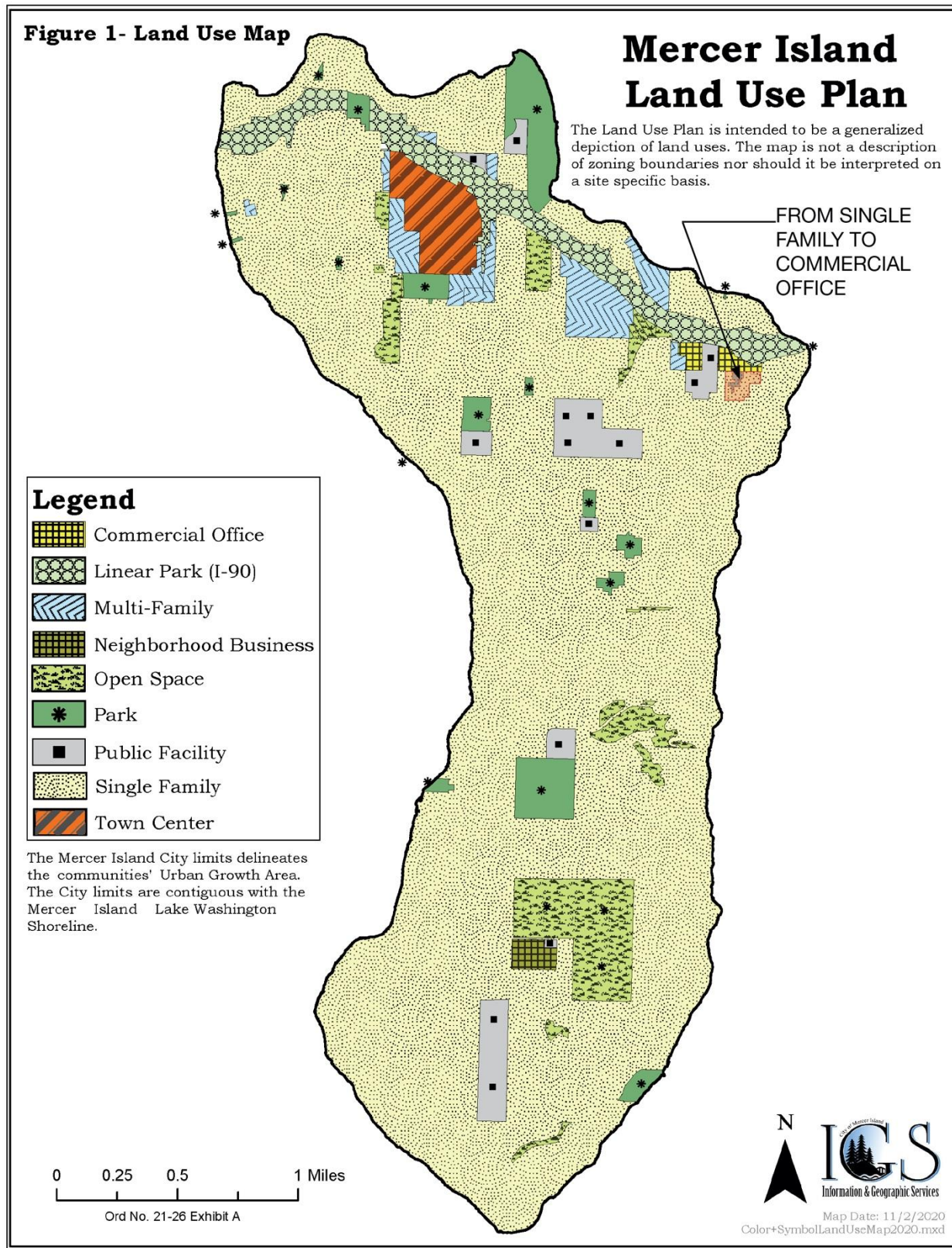


Exhibit B

Benefits of the Comprehensive Plan Map Change

There are several benefits to the Comprehensive Plan map change:

The Stroum Jewish Community Center has served Mercer Island residents since opening in 1969. For nearly 55 years, “the J” has welcomed people of every age, culture, and religion to build and amplify profound connection; creating and fortifying community that contributes significantly to the communal fabric of Mercer Island. Today the SJCC reaches nearly 3,000 Mercer Island households throughout the year. On any given day, the J welcomes hundreds of Mercer Island residents, providing year-round early childhood education to over 200 children, afterschool care and recreational programming to dozens of middle schoolers, summer camp to ~450 Mercer Island children, and a series of character-building and fitness offerings for teenagers and young adults. For adults, the SJCC presents daily recreation programs for hundreds exercising individually or in group classes, including about 30 seniors who exercise in AquaFit or Rock Steady Boxing¹, building muscle strength and friendships that endure challenges facing mature adults. Added to that, the J has a community garden, teaches and hosts mahjong and bridge, organizes communal hikes, and provides a series of cultural arts programs in Mercer Island’s only functioning performing arts hall outside of the school district. With 30+ programs a year, SJCC brings feature films, dance, live music, culinary arts programs, and special topics to the entire community on Mercer Island. The SJCC ensures, through private financial support, that these programs are available to everyone, regardless of one’s ability to pay.

As one of the longest-standing institutions on Mercer Island, the SJCC has helped connect and welcome generations of MI families, assuring MI residents—whether they are new or returning to their hometown—feel welcome and supported along life’s journey.

The SJCC has also been one of Mercer Island’s largest employers, with nearly 140 year-round employees and over 215 summer employees. For many, the J is the first job they have, building responsibility and leadership skills, lifesaving skills like CPR, and a sense of purpose and community.

In addition to the Mercer Island residents involved with the SJCC, the J brings people from around the Greater Seattle area that often, in addition to engaging with the J, will spend time and resources on Mercer Island for coffee, grocery shopping, dining, dry cleaning, and shopping at Island Books, Terra Bella, and more.

The J’s vision is to be the Puget Sound’s most open and welcoming community-centered Jewish organization. We lead with community in everything we do, and believe that many of the tightly woven MI bonds have started and been sustained through connections at the Stroum JCC. As a private organization, funded through programming fees and substantial private philanthropy, we are the only private organization on Mercer Island that makes it possible for anyone to

¹ Rock Steady Boxing is supported by the King County Get Active/Stay Active program, and serves people living with Parkinson’s disease.

participate in our activities and programs, regardless of income, race/ethnicity, orientation, religion, or residence. With the increasing pressure of the cost of living on MI, the J remains accessible, welcoming, and community-oriented for everyone and anyone.

A departure from Mercer Island driven by an inability to rebuild facilities would leave a vacuum. People of all ages will have fewer programs to choose from and fewer affordable options for fitness, enrichment, education, entertainment, gardening, and more. With the adoption of HB110 in the State legislature in 2023, the land on which The J is built—nearly eight and a half acres of residential property—could be converted into a housing development of approximately three dozen homes, 50 or more duplexes, and potentially, over 125 quadplexes with one (1) in four (4) being developed as affordable housing. An updated SJCC, on the other hand, would provide more certainty for neighbors and MI, while also mitigating lighting, traffic, and noise issues. ADA accessibility would also ensure people of all capabilities could safely and comfortably navigate the property and facility, and modern technology would assure the J is more environmentally sustainable. With sophisticated landscaping, the J would offer more attractive and low impact vegetation, better integrating the SJCC in its surroundings.

In summary, the SJCC has been a Mercer Island mainstay for over 50 years. Hundreds of families rely on the SJCC for child development and childcare, character development, jobs, personal and professional enrichment, friendship in times of strength and strife, and the confidence knowing that they belong at the J, a place where everyone is welcome. A City Council decision to rezone the SJCC's residentially zoned properties to Commercial Office zoning would bring comfort to everyone directly and indirectly touched by the J and certainty to the surrounding neighborhood, knowing the J would continue to serve as a place that offers convenient opportunity for profound Islander connections for every generation.

Exhibit C

Environmental Benefits of the Comprehensive Plan Map Change

There are several benefits to the Comprehensive Plan Map change:

- The Comprehensive Plan Map change will align long-standing and ongoing operations with the City's Comprehensive Plan Map and facilitate the rebuild/renovation of the SJCC. This will result in the following environmental benefits from the current SJCC:
 - A building that is compliant with current energy and environmental codes. The building was constructed in 1969. A new building would use far less energy and would use sustainable building materials and techniques, including high efficiency mechanical and electrical systems.
 - A site that is compliant with current stormwater codes. Currently the parking lot sheet flows into the stormwater system. Low impact design and compliance with the current stormwater manual would be required of a new SJCC.
 - A building with sufficient parking capacity and traffic flow. Currently the parking for the SJCC and traffic flow can be congested. The new SJCC would include a one-story tall parking garage that is mostly buried underground to mitigate visual impacts, which would add parking stalls the building needs for adequate parking capacity. The rearrangement of the site would also allow for sufficient room for traffic queuing during busy pick-up and drop-off times, reducing current traffic issues in the area.
 - A large setback buffer from the single-family properties to the south is proposed in the new building. This will reduce noise and light impacts from the current SJCC.
 - No parking lights on the south side of the property near single family residents. Currently light from parking lights may spill into neighboring houses and properties. All new lights would be placed to eliminate light spillage, and any required light fixtures would be cut-off to shield light.

2023 Stroum Jewish Community Center Zoning Map Amendment

Thank you for your consideration of our Zoning Map Amendment. Answers to the various application and code criteria are in bold below.

1. Please provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish.

The proposed Comprehensive Plan Amendment redesignates Parcels 2655500137, 2655500136, 2655500132 from R 8.4 to Commercial Office, and a small portion of 2655500115 from R 9.6 to Commercial Office on the City's Official Zoning Map.

The proposed map change will allow for a rebuild/renovation of the Stroum Jewish Community Center ("SJCC"). Under the current single-family zone, rebuilding and renovation is not possible, and variances necessary for the rebuild/renovation are not available under the current single family code provisions.

The SJCC has been intently pursuing the ability to rebuild and renovate our aging facilities for over six years. In this timeframe, we've taken many opportunities to share the hopes we have for a re-envisioned facility with our members, our neighbors, and the broader Mercer Island community.

Through multiple SJCC open houses, community meetings and even through public testimony provided during 2018-2019 council consideration of a broader Mercer Island initiative, we shared our priorities, and also learned what the community and our neighbors care about the most:

- Facilitating better traffic flow and providing enough safe parking so there is less impact on our neighbors;**
- Designing our use of space to ensure less noise or light impact, and minimize visibility impact;**
- Supplementing foliage and trees to enhance the buffer between our facilities and our neighbors; and**
- Ensuring that any changes to the SJCC property through zoning don't have secondary impacts on other Mercer Island community facilities or neighborhoods.**

With these guiding principles, the SJCC revised our designs to reflect what was learned from our engagement with the community and hosted a series of community conversations to share, discuss, and receive additional input from SJCC members, community organizations, the community at large, and our neighbors. In the last two years, this outreach included organized community conversations with immediate neighbors and organization stakeholders, meetings with similarly-situated Mercer Island community organizations, and regular written and verbal communication with interested community members.

On September 7, 2023, the SJCC hosted an open house where our revised design was presented and discussed, followed by questions and answers. Similar to prior initiatives, an invitation was mailed to all addresses within a 1,000-foot radius of the SJCC, emailed to

SJCC members, SJCC participants and users, and other Mercer Island community facilities, and was promoted widely on SJCC assets. The SJCC hosted approximately 100 attendees at this open house, and we were pleased to see our revised designs, which are the direct benefit of so much engagement and feedback over the last six years, being received so well by the community and our neighbors.

- a. Indicate the specific Comprehensive Plan Elements, maps, goals or policies or the specific sections of the development code you propose to amend.

Please see Exhibit A. The City's Zoning Map would be amended per the exhibit.

- b. If the proposal would amend existing Comprehensive Plan or development code text, please provide the proposal in underline/strikeout format with text to be added indicated by underlining and text to be deleted indicated with strikeouts.

The proposal does not amend Comprehensive Plan or development code text. It only changes the maps.

- c. If a map amendment is proposed, please provide a map that clearly outlines the areas proposed to be changed.

Please see Exhibit A.

2. How does the proposal benefit the community or the environment?

The proposal benefits the community and the environment in several ways.

Community Benefits

Please see Exhibit B.

Environmental Benefits

Please see Exhibit C.

3. Explain how the request relates to the applicable decision criteria (MICC 19.15.240 for code amendments, and MICC 19.15.230(F) for Comprehensive Plan amendments).

The proposal meets both the docketing criteria and the decision criteria, as follows:

19.15.230.E. *Docketing criteria.* The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

1. The request has been filed in a timely manner, and either:

Yes. The request was filed prior to October 1, 2023.

- a. State law requires, or a decision of a court or administrative agency has directed, such a change; or

Not applicable.

b. All of the following criteria are met:

i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;

Yes. The proposed amendment is a change to the City's Zoning Map, which is a change that can only be addressed through a change of the zoning map.

ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;

Yes. The proposal is occurring during the City's annual docketing cycle, which we presume is adequately staffed and resourced by the City. A simple map change should not require significant resources; any actual development on the site will require project specific environmental review and study, which costs would be borne by the applicant.

iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;

No. The proposal does not raise larger policy or land use issues more appropriately addressed by an ongoing work program item. This proposal avoids any larger rezone of similarly situated schools and institutions and focuses only on the SJCC site. There is no current work program approved by the City Council that addresses rezone of the SJCC to conform to the historic use of the property.

iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and

Yes. The proposal serves the public interest and implements the following specific goals and vision of the city (responses to policies, where appropriate, in italics):

- **Residential Community.** Mercer Island is principally a single-family residential community supported by healthy schools, religious institutions, and recreational clubs. (Comp. Plan, Community Values). *The proposal will allow the JCC, which is both a school and a recreational club open to all, to continue to serve Mercer Island.*
- **Education is the Key.** The community and its public and private institutions are committed to provide excellence in Education (Comp Plan, Community Values). *The proposal allows the SJCC's Early Childhood School to continue its excellent education of hundreds of young children on Mercer Island.*
- **Community Services.** Mercer Island will continue to provide a wide range of education, cultural, and municipal services for the community's varied population. Balanced and flexible programs will be necessary to meet the community's evolving needs in education, recreation, and cultural enjoyment. The community will maintain its broad range of quality basic services, including public safety,

human services, physical development and utilities. At the same time, community leaders recognize that delivery of these services will take place in an arena of limited resources and heightened competition for tax revenues (Comp Plan, Values Manifested). *The SJCC provides a community center and educational, recreational, and cultural opportunities that are privately funded and do not burden the City's budget.*

- **Residential Land Use.** Civic, recreation, and religious organizations are important and integral elements of the community character and fabric. Their contribution and importance to the established community character should be reflected and respected in land use permit processes. (Comp Plan, Values Manifested). *Unfortunately, the single-family zoning has been interpreted by the City to not allow for the variances that would be necessary to rebuild and reconfigure the SJCC that would benefit the community. We are hopeful that this request for rezone is respectfully considered and approved, so that we can build under the current CO zoning rules and do not require extensive or complicated workarounds.*
- **Commercial Office and PBZ zones** must serve the needs of the local population while remaining compatible with the overall residential character of the community. (Comp Plan, Land Use Issues, Outside the Town Center). *The Commercial Office zone, as developed in the future by the SJCC, will remain compatible and increase compatibility with the overall residential character of the community. First, nothing will be built on the site that is not the SJCC, and we have shared our draft plans with the community. Second, these plans improve on many of the required minimum development standards—better setbacks than required, less height than allowed, etc. Finally, the proposal is adjacent to CO or Public zones and extends them southward. The strip of single-family homes to our west is owned by the French American School of Puget Sound.*
- **Goal 15.1.** Existing land use policies, which strongly support the preservation of existing conditions in the single-family residential zones, will continue to apply. Changes to the zoning code or development standards will be accomplished through code amendments. (Comp Plan, Land Use Goals). *This goal is met. The existing condition in this single-family zone that has existed for 54 years (pre-dating many of the homes that now exist next to the SJCC) will be maintained. This map change simply changes the map to fit the use that has been here for 54 years.*
- **Goal 15.4.** Compatible permitted uses such as education, recreation, open spaces, government social services and religious activities will be encouraged. *The proposed amendment maintains the SJCC which provides education, art, culture, and recreation, and are a permitted uses in the CO zone.*
- **Goal 17.4.** Social and recreation clubs, schools, and religious institutions are predominantly located in single family residential areas of the Island. Development regulation should reflect the desire to retain viable and healthy social, recreational, educational, and religious organizations as community assets which are essential for the mental, physical and spiritual health of Mercer Island. *As the City is aware, the current single-family zone has been amended and development standards interpreted in a way that does not allow the maintenance of viable and healthy organizations. Further, the remodeling criteria make it impossible to maintain a nonconforming status and make upgrades to facilities that are*

necessary when a facility is well beyond its useful life, particularly given the concrete construction methods that were used in 1969. As such, the redesignation to the CO zone is necessary to be consistent with this Goal and retain a viable and healthy SJCC on Mercer Island.

- **Goal 21.** Promote the use of green building methods, design standards, and materials...to reduce impacts on the built and natural environment and to improve the quality of life. Green building should result in demonstrable benefits, through the use of programs such as, but not limited to, Built Green, LEED, The Living Building Challenge, Passive House, Salmon Safe, or other similar regional and recognized green building programs. *The new SJCC will be much more environmentally friendly than the current 54-year-old structure.*
- **Goal 23.** Support the arts on Mercer Island. *The SJCC holds regular arts events, including the Seattle Jewish Film Festival. The arts are deeply important to the SJCC and the SJCC's auditorium, which would remain under the proposal, is one of only two large gathering spaces on the island for arts-related events. See Exhibit B.*
- **Goal 25.** Preserve Mercer Island's Heritage. *The SJCC is a piece of Mercer Island's history.*
<https://www.historylink.org/File/104#:~:text=In%20Seattle%2C%20the%20Jewish%20Community,Davis%20and%20secretary%20Harry%20Ash.> *Allowing for the redesignation of the property will allow the SJCC to remain on the island and thrive for another 60 years.*
- **Land Use Designations—CO.** The commercial office land use designation represents commercial areas within Mercer Island, located outside of Town Center, where the land use will be predominantly commercial office. Complementary land uses (e.g., healthcare uses, schools, places of worship, etc.) are also generally supported within this land use designation. *The CO zone reflects the use of the SJCC property, which has not been in single family residential use for over 54 years. A CO zone is a much more appropriate reflection of reality.*
- **Transportation Goal 6.1:** Ensure compatibility between transportation facilities and services and adjacent land uses, evaluating aspects such as: potential impacts of transportation on adjacent land use; potential impacts of land development and activities on transportation facilities and services; and need for buffering and/or landscaping alongside transportation facilities. *While the zone of the property will change, the use will not change. The project-specific transportation review for the SJCC project will analyze at a project-level transportation impacts that may be mitigated via trip reduction and physical improvements.*
- **Transportation Goal 9.2.** Address parking overflow impacts on neighborhoods caused by major traffic generators such as schools, businesses, parks, and multifamily developments. *The SJCC proposal would add many more parking stalls which will reduce parking impacts to the neighborhood.*

v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

The proposal has not been considered by the city council in the last three years.

19.15.250.C. *Rezone approval criteria.* Decisions to reclassify property shall be consistent with the criteria specified below, stated in MICC 19.15.240.C.

1. The amendment is consistent with policies and provisions of the Mercer Island comprehensive plan.

Yes. The proposal is consistent with the policies and provisions of the Mercer Island Comprehensive Plan, as outlined above.

2. The proposed reclassification is consistent with the purpose of the Mercer Island development code as set forth in MICC 19.01.010.

MICC 19.01.010: The general purpose of this Code is to protect and promote health, safety, and the general welfare through the regulation of development within the city of Mercer Island.

To that end, this Code classifies the land within the city into various zones and establishes the use of land and nature of buildings within those zones; controls the form of plats and subdivisions; regulates the construction of commercial and residential structures; and protects critical and sensitive areas within the city.

The provisions of this Code are designed to consider light, air and access; to conserve and protect natural beauty and other natural resources; to provide coordinated development; to avoid traffic congestion; to prevent overcrowding of land; to facilitate adequate provisions for transportation, water, sewage, schools, parks and other public requirements; and to encourage the use of solar energy practices.

This Code is to be interpreted as a whole, in view of the purpose set out in this section.

If the general purpose of this development code conflicts with the specific purpose of any chapter of this development code, the specific purpose shall control.

Yes. The proposed reclassification would protect and promote and improve the health, safety and general welfare of Mercer Island. See Exhibit B. The reclassification would extend the CO zone.

3. The proposed reclassification is an extension of an existing zone, or a logical transition between zones;

Yes. The proposal would change the subject parcels to CO. There is adjacent CO land to the north of the parcel, and this boundary would be extended to the south to include the subject parcels. The provisions of the CO zone create appropriate transitions between zones.

4. The proposed reclassification does not constitute an illegal site-specific rezone;

The proposed reclassification does not constitute an illegal site-specific rezone, often known as an “illegal spot zone.”

Washington law has established several criteria for when an illegal spot zone may be found to exist, none of which are met by the current proposal:

1. A smaller area is singled out of a larger area and given some special treatment. **No. The proposal extends the CO zone and does not change the specific CO zone criteria.**

2. The classification or use allowed in the smaller area is totally different from and inconsistent with the classification of surrounding land so as to disturb the tenor of the neighborhood and create an inconsistency or conflict of use with the uses allowed in the surrounding area. **No. The SJCC use is already established on the site and will continue. The extension of the CO zone over the site simply allows for the rebuilding of the SJCC under the code. The CO zone’s setbacks and development regulations ensure there is no inconsistency or conflict of use with the single family uses already adjacent to the SJCC.**

3. The action necessary to create the smaller area is taken for the private gain of one person or group of persons rather than for the general welfare of the community as a whole. **No. See above. The SJCC benefits the welfare of the community as a whole.**

4. The action taken is not in accordance with the comprehensive plan. **We agree that the comprehensive plan would need to be amended (either concurrently or prior to the rezone being adopted) in order for the rezone to occur. We have submitted a comprehensive plan amendment application concurrently with this rezone application for the city’s consideration.**

McNaughton v. Boeing, 68 Wn.2d 659, P.2d 778 (1966). In addition, the *McNaughton* case also determined that a City may impose conditions, either unilaterally or by contract in connection with a zoning amendment

5. The proposed reclassification is compatible with surrounding zones and land uses;

Yes. The CO zone is compatible and allows for compatible uses with the B, CO, P, and R 8.6 and R-9.6 zones, all adjacent or nearby the site. The CO zone includes development regulations ensuring compatibility, including limitation of uses, increased setbacks, and height limits.

6. The proposed reclassification does not adversely affect public health, safety, and welfare; and

The proposed reclassification will not adversely impact the public health, safety or welfare. See Exhibit B.

7. If a comprehensive plan amendment is required in order to satisfy subsection C1 of this section, approval of the comprehensive plan amendment is required prior to or concurrent with the granting of an approval of the rezone.

Agreed. The rezone would not occur unless and until the comprehensive plan map amendment redesignating the property to CO is adopted.

19.15.250.D. *Development code amendment decision criteria.* The city may approve or approve with modifications a proposal to amend this code only if:

1. The amendment is consistent with the comprehensive plan; and

Yes. See above. The zoning map change is consistent with the comprehensive plan.

2. The amendment bears a substantial relation to the public health, safety, or welfare; and

Yes. See above. The amendment benefits public health, safety, and welfare.

3. The amendment is in the best interest of the community as a whole.

Yes. See Exhibit B as well as the application above. A rezone of property allowing the SJCC to be renovated would allow the SJCC to remain on Mercer Island, which is beneficial of the Mercer Island community as a whole.

Exhibit A Zoning Map Change

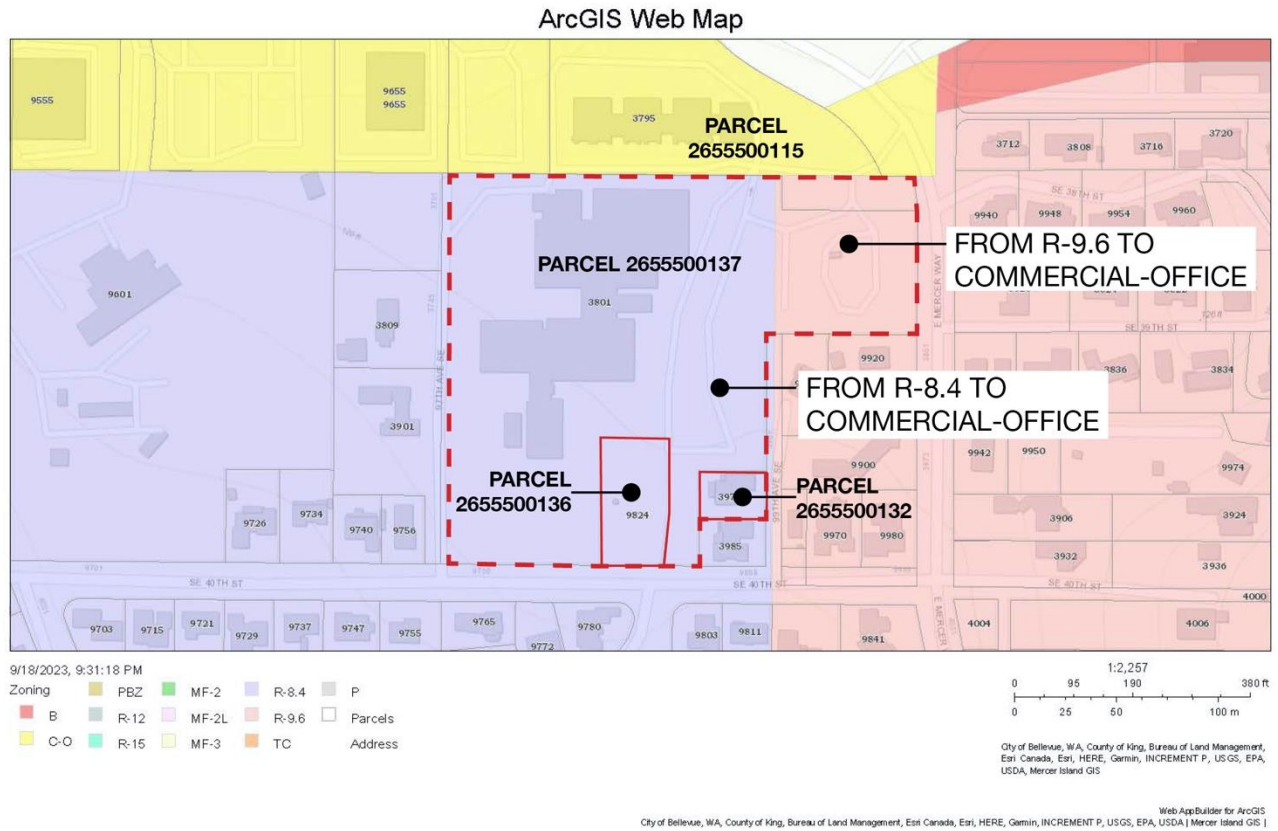


Exhibit B

Benefits of the Zoning Map Change

There are several benefits to the Zoning Map change:

The Stroum Jewish Community Center has served Mercer Island residents since opening in 1969. For nearly 55 years, “the J” has welcomed people of every age, culture, and religion to build and amplify profound connection; creating and fortifying community that contributes significantly to the communal fabric of Mercer Island. Today the SJCC reaches nearly 3,000 Mercer Island households throughout the year. On any given day, the J welcomes hundreds of Mercer Island residents, providing year-round early childhood education to over 200 children, afterschool care and recreational programming to dozens of middle schoolers, summer camp to ~450 Mercer Island children, and a series of character-building and fitness offerings for teenagers and young adults. For adults, the SJCC presents daily recreation programs for hundreds exercising individually or in group classes, including about 30 seniors who exercise in AquaFit or Rock Steady Boxing¹, building muscle strength and friendships that endure challenges facing mature adults. Added to that, the J has a community garden, teaches and hosts mahjong and bridge, organizes communal hikes, and provides a series of cultural arts programs in Mercer Island’s only functioning performing arts hall outside of the school district. With 30+ programs a year, SJCC brings feature films, dance, live music, culinary arts programs, and special topics to the entire community on Mercer Island. The SJCC ensures, through private financial support, that these programs are available to everyone, regardless of one’s ability to pay.

As one of the longest-standing institutions on Mercer Island, the SJCC has helped connect and welcome generations of MI families, assuring MI residents—whether they are new or returning to their hometown—feel welcome and supported along life’s journey.

The SJCC has also been one of Mercer Island’s largest employers, with nearly 140 year-round employees and over 215 summer employees. For many, the J is the first job they have, building responsibility and leadership skills, lifesaving skills like CPR, and a sense of purpose and community.

In addition to the Mercer Island residents involved with the SJCC, the J brings people from around the Greater Seattle area that often, in addition to engaging with the J, will spend time and resources on Mercer Island for coffee, grocery shopping, dining, dry cleaning, and shopping at Island Books, Terra Bella, and more.

The J’s vision is to be the Puget Sound’s most open and welcoming community-centered Jewish organization. SJCC leads with community in everything they do, and believes that many of the tightly woven MI bonds have started and been sustained through connections at the Stroum JCC. As a private organization, funded through programming fees and substantial private philanthropy, SJCC is the only private organization on Mercer Island that makes it possible for

¹ Rock Steady Boxing is supported by the King County Get Active/Stay Active program and serves people living with Parkinson’s disease.

anyone to participate in their activities and programs, regardless of income, race/ethnicity, orientation, religion, or residence. With the increasing pressure of the cost of living on MI, the J remains accessible, welcoming, and community-oriented for everyone and anyone.

A departure from Mercer Island, driven by an inability to rebuild facilities, would leave a vacuum. People of all ages would have fewer programs to choose from and fewer affordable options for fitness, enrichment, education, entertainment, gardening, and more. With the adoption of HB110 in the State legislature in 2023, the land on which The J is built—nearly eight and a half acres of residential property—could be converted into a housing development of approximately three dozen homes, 50 or more duplexes, and potentially, over 125 quadplexes with one (1) in four (4) being developed as affordable housing. An updated SJCC, on the other hand, would provide more certainty for neighbors and MI, while also mitigating lighting, traffic, and noise issues. Improved ADA accessibility would ensure people of all capabilities could safely and comfortably navigate the property and facility, and modern technology would assure the J is more environmentally sustainable. With sophisticated landscaping, the J would offer more attractive and low impact vegetation, better integrating the SJCC in its surroundings.

In summary, the SJCC has been a Mercer Island mainstay for over 50 years. Hundreds of families rely on the SJCC for child development and childcare, character development, jobs, personal and professional enrichment, friendship in times of strength and strife, and the confidence knowing that they belong at the J, a place where everyone is welcome. A City Council decision to rezone the SJCC's residentially zoned properties to Commercial Office zoning would bring comfort to everyone directly and indirectly touched by the J and the surrounding neighborhood, providing the certainty of knowing the J would continue to serve as a place that offers convenient opportunity for profound Islander connections for every generation.

Exhibit C

Environmental Benefits of the Zoning Map Change

There are several benefits to the Zoning Map change:

- The Zoning Map change will align long-standing and ongoing operations with the City's Zoning Map and facilitate the rebuild/renovation of the SJCC. This will result in the following environmental benefits from the current SJCC:
 - A building that is compliant with current energy and environmental codes. The buildings were constructed in 1969 and 1980. A new and renovated building would use far less energy and would use sustainable building materials and techniques, including high efficiency mechanical and electrical systems.
 - A site that is compliant with current stormwater codes. Currently the parking lot sheet flows into the stormwater system. Low impact design and compliance with the current stormwater manual would be required of a new SJCC.
 - A building with sufficient parking capacity and traffic flow. Currently the parking for the SJCC and traffic flow can be congested. The new SJCC would include a one-story tall parking garage that is mostly buried underground to mitigate visual impacts, which would add parking stalls the building needs for adequate parking capacity. The rearrangement of the site would also allow for sufficient room for traffic queuing during busy pick-up and drop-off times, reducing current traffic issues in the area.
 - A large setback buffer from the single-family properties to the south. The proposed setbacks will reduce noise and light impacts from the current SJCC.
 - No parking lights on the south side of the property near single family residents. Currently light from parking lights may spill into neighboring houses and properties. All new lights would be placed to eliminate light spillage, and any required light fixtures would be cut-off to shield light.



To: Planning Commission
From: Alison Van Gorp
Date: November 15, 2023
RE: 2024 Annual Docket

EXECUTIVE SUMMARY

The City provides an annual opportunity for the public to propose amendments to the Comprehensive Plan and development regulations. The proposed amendments are compiled, along with the City's proposed amendments, on a docket. The docket is preliminarily reviewed by the Planning Commission and City Council for a determination on which, if any, proposed amendments will be advanced for full review in the coming year. Amendments selected by the City Council for the "final docket" are then put on the Community Planning and Development (CPD) work program, typically for the next calendar year or when time and resources permit. This memo outlines the process for reviewing proposed amendments 1-10 and 12-17.

BACKGROUND

Docket Process

The Mercer Island City Code (MICC) describes the formal process for soliciting and reviewing docket proposals in section 19.15.230 MICC:

"D. Docketing of Proposed Amendments. For purpose of this section, docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan in a manner that will ensure such suggested changes will be considered by the city and will be available for review by the public. The following process will be used to create the docket:

1. Preliminary Docket Review. By September 1, the city will issue notice of the annual comprehensive plan amendment cycle for the following calendar year. The amendment request deadline is October 1. Proposed amendment requests received after October 1 will not be considered for the following year's comprehensive plan amendment process but will be held for the next eligible comprehensive plan amendment process.

a. The code official shall compile and maintain for public review a list of suggested amendments and identified deficiencies as received throughout the year.

b. The code official shall review all complete and timely filed applications proposing amendments to the comprehensive plan or code and place these applications and suggestions on the preliminary docket along with other city-initiated amendments to the comprehensive plan or code.

c. The planning commission shall review the preliminary docket at a public meeting and make a recommendation on the preliminary docket to the city council each year.

d. The city council shall review the preliminary docket at a public meeting. By December 31, the city council shall establish the final docket based on

the criteria in subsection E of this section. Once approved, the final docket defines the work plan and resource needs for the following year's comprehensive plan and code amendments."

Public notice of the opportunity to submit docket requests was provided in the permit bulletin and on the City website between August 7, 2023 and September 6, 2023, as well as on August 9 and September 6, 2023 in the Mercer Island Reporter. Eight code amendment proposals were received from the public. One of these proposals (Proposed Amendment 11) was later withdrawn. The City has also identified ten code amendments for consideration. All seventeen active proposals are summarized in Attachment 1 and described below; the original submissions from community members are included in Attachments 2 and 3.

Docketing Criteria

The City Code prescribes that proposed comprehensive plan and development code amendments should only be recommended for the final docket if the amendment will meet the criteria in MICC 19.15.230(E):

"E. Docketing Criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:

- 1. The request has been filed in a timely manner, and either:*
 - a. State law requires, or a decision of a court or administrative agency has directed, such a change; or*
 - b. All of the following criteria are met:*
 - i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;*
 - ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;*
 - iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;*
 - iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and*
 - v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment."*

Staff analysis of the docketing criteria for each proposed amendment is included in Attachment 3.

CPD Work Plan

The docketing criteria, shown above, include a requirement that the City "can provide resources, including staff and budget, necessary to review the proposal". As has been the case in the last several years, City staff capacity for legislative review is limited. In addition, the existing CPD work plan already includes several major work items that will continue in 2024, summarized below. Any work items added to the docket will need to be additive to the items already on the work plan.

1. **Periodic Update of the Comprehensive Plan:** work on the periodic update will continue through 2024, including significant work on the Parks Zone and Housing Element (due for completion by December 2024).
2. **Legislatively Mandated Residential Amendments (HB 1110, HB 1337):** the City must undertake several substantial code amendments to comply with recent housing-related legislation. The City will also undertake additional amendments related to the previously panned Residential Development Standards (RDS) code update. This work will begin as the periodic update of the Comprehensive Plan concludes in late 2024 and must be completed by June 30, 2025.

The existing work plan items represent a significant amount of CPD staff time, as well as a significant portion of the available Planning Commission, City Council and community bandwidth. Staff anticipate the periodic update of the Comprehensive Plan will require all of the time available at the Planning Commission's monthly meetings through mid-2024 and will likely also require additional special meetings. The City Council will then begin their review, which will also require several meetings. The Planning Commission will need to begin review of the legislatively mandated residential code amendments in the last quarter of 2024.

As such, time available for review and consideration of additional docket items will be extremely limited. Each item added to the final docket typically requires at least three touches by the Planning Commission and two by the City Council, a process that usually takes 6 months or more to complete. Thus, if new items are added to the docket and CPD work plan for consideration in 2024, it is very likely that they would need to be carried over into 2025 or beyond. Progress toward items proposed for the docket over the last three years is summarized in Attachment 5, which can help provide context in terms of the number of amendments that have been reviewed annually in recent years.

ISSUE/DISCUSSION

REVIEW AND RECOMMENDATION

The Planning Commission will need to review each docket proposal and prepare a recommendation to the City Council on the docket proposals that should be included in the final docket. The Planning Commission should consider the criteria from MICC 19.15.230 (E), provided above, to determine whether to recommend adding a project to the final docket. The decision here must be based on the docketing criteria – this is a decision on whether the proposal meets the criteria and can, therefore, be placed on the docket and advanced for future legislative review. It is not a decision on the merits of the proposal. Please carefully consider the workload for CPD staff and the Planning Commission related to the recommended items, especially in light of existing work plan items already planned for 2024 (discussed above).

One of the proposed amendments, Proposed Amendment 18, is quasi-judicial in nature (i.e. it pertains to rezoning a property), and will need to be reviewed separately, utilizing special procedures as recommended by the City Attorney's Office. Thus, the review process will be bifurcated to enable Proposed Amendment 18 to be reviewed first, followed by review of the remaining proposed amendments through the more typical process. This staff memo is focused on the review of Proposed Amendments 1-10 and 11-17.

The review of the proposed amendments will begin with the opportunity for the proponents of each of the remaining proposals to speak to their proposals (up to 3 minutes per proposal), followed by a staff presentation on the proposed amendments (up to 3 minutes each). The Commission will then review each of the proposed amendments, considering the decision criteria and any public comments. The Commission should make a motion and call a vote on each proposal, recommending whether to include it in the final docket.

PROPOSED AMENDMENTS

The proposed amendments are summarized in Attachment 1 and are also described below. The amendment proposals submitted by community members are included in Attachments 2 and 3. Attachment 4 provides an

analysis of each proposed amendment in relation to the docketing criteria in MICC 19.15.230(E). It provides an assessment of whether each criterion *could* be met by each of the proposed amendments. That is to say, the matrix indicates whether the staff believe a case can be made that the criterion is met, and the Planning Commission will need to make a final determination on whether they find that the criterion has indeed been met. Attachment 4 and the staff comments below also include a rough prioritization of the proposed amendments. These prioritization ratings are not intended to reflect on the quality or merits of the proposal. Rather, the ratings are intended to evaluate the importance of reviewing the proposed amendment in the coming year relative to the staff resources that are available to do this work. In determining this prioritization, staff considered whether foregoing the amendment in 2024 would leave the city open to legal or financial risk, lost opportunities or other negative consequences. Staff also considered whether there were any other compelling reasons that an amendment should be considered in the very near term.

Proposed Amendment 1

Proposed By: City of Mercer Island/Daniel Thompson

Comprehensive Plan or Code Section: Residential Development Standards (MICC 19.02.020(D)(2)(a) Gross Floor Area)

Proposal Summary: This amendment would reduce ceiling height from 12 feet to 10 feet before it is counted as clerestory space at 150% of gross floor area (GFA).

Staff Comments: See attached application for more details. The applicant submitted this proposal during the 2020, 2021 and 2022 Annual Docket processes. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City's residential development standards. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

Priority Level: Moderate priority.

Proposed Amendment 2

Proposed By: City of Mercer Island/Daniel Thompson

Comprehensive Plan or Code Section: Residential Development Standards (MICC 19.02.020(D)(2)(a) Gross Floor Area)

Proposal Summary: This amendment would include exterior covered decks in the definition of GFA and include covered porches on the first level in the calculation of GFA.

Staff Comments: See attached application for more details. The applicant submitted this proposal during the 2020, 2021 and 2022 Annual Docket processes. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City's residential development standards. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

Priority Level: Moderate priority.

Proposed Amendment 3

Proposed By: City of Mercer Island/Daniel Thompson

Comprehensive Plan or Code Section: Residential Development Standards (MICC 19.02.040(D)(1) Garages and Carports)

Proposal Summary: This amendment would either eliminate the ability to build garages and carports within 10 feet of the property line of the front yard, or, alternatively, would eliminate this option for waterfront lots that have flipped their front and back yards per MICC 19.02.020(c)(2)(a)(iii).

Staff Comments: See attached application for more details. The applicant submitted this proposal during the 2020, 2021 and 2022 Annual Docket processes. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City's residential development standards. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

Priority Level: Moderate priority.

Proposed Amendment 4

Proposed By: City of Mercer Island/Daniel Thompson

Comprehensive Plan or Code Section: Residential Development Standards (MICC 19.02.020(D)(3)(b) Gross Floor Area Incentives for ADUs)

Proposal Summary: This amendment would limit the GFA incentives for ADUs to lots 8,400 square feet or smaller.

Staff Comments: See attached application for more details. The applicant submitted this proposal during the 2020, 2021 and 2022 Annual Docket processes. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City's residential development standards. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

Priority Level: Moderate priority.

Proposed Amendment 5

Proposed By: City of Mercer Island/Daniel Thompson

Comprehensive Plan or Code Section: Residential Development Standards (MICC 19.02.020(G)(2)(a) and (b) Parking Requirements)

Proposal Summary: This amendment would reduce the threshold for requiring only 2 parking spaces (1 covered and 1 uncovered) from 3,000 square feet to 2,000 square feet.

Staff Comments: See attached application for more details. The applicant submitted this proposal during the 2020, 2021 and 2022 Annual Docket processes. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City's residential development standards. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

Priority Level: Moderate priority.

Proposed Amendment 6

Proposed By: City of Mercer Island

Comprehensive Plan or Code Section: MICC 19.02.020(E)(2) Maximum Downhill Facade Height

Proposal Summary: This item will amend standards related to the calculation of downhill façade height.

Staff Comments: City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

The residential development standards currently contain two different standards regulating maximum allowed building height, one based on Average Building Elevation (ABE) and one based the height of a downhill building facade measured from the lower of existing or finished grade, to the top of the downhill facing wall facade supporting the roof framing, rafters, trusses, etc. The proposed amendment would clarify the measurement of the downhill facade height standard by allowing the height of a building on the downhill side of a sloping lot to be measured from the lower of existing or finished grade at the furthest downhill extent of the building to the highest point on the roof.

Measuring downhill facade height from the lower of existing or finished grade to the top of the wall facade supporting the roof framing, rafters, trusses, etc. creates a lot of variability in determining where the wall facade supports the roof framing. This standard can be clearly applied to gable roofs, for example, where the top of the wall facade is clearly visible; however, staff have seen an increase in uncertainty regarding how to determine where the wall facade ends on proposed buildings with flat or shed roofs. Amending the maximum downhill facade height to be measured from the lower of existing or finished grade at the furthest downhill extent to the highest point of the roof allows for a clear enforcement of the maximum downhill facade height standard. The highest point of the roof is a generally clear point on elevation drawings, versus the top of the wall facade supporting the roof framing.

Priority Level: Moderate Priority. Staff spend significant resources with applicants on building permits to determine downhill facade height, which increases the time the permit spends in permit review before issuance. Clarifying this standard will allow staff to issue building permits more efficiently.

Proposed Amendment 7

Proposed By: City of Mercer Island

Comprehensive Plan or Code Section: MICC 19.11 Town Center Development and Design Standards, possibly other sections of the development code

Proposal Summary: This proposal would add a “Government Services” use to the Town Center and provide necessary code changes in the form of standards and/or allowances for such including, but not limited to MICC 19.11.020 – Land Uses and 19.11.030 – Bulk Regulations. Examples of code changes which may be considered for a “Government Services” use include requirements for ground floor street frontage uses as well as maximum building height.

Staff Comments: City Council directed staff to develop and submit a docket proposal to address this matter related to maximum building height at its May 2023 Planning Session. However, with evolving circumstances

regarding the current Mercer Island City Hall, it has become apparent the matter should be considered in a more wholistic manner. Government services are already defined in MICC Chapter 19.16.

Priority Level: High. Mercer Island City Hall has been permanently closed due to asbestos contamination. The City is commencing the planning work to replace City Hall and would like to include Town Center as an one of the locations under consideration. Current Town Center code will limit this development potential.

The City Council has also identified implementing an economic development program as a priority, and this code amendment supports that goal and aligns with other economic development activities focused on the Town Center. Waiting to address this issue in the future could result in significant missed opportunities for further Town Center development for government facilities.

Proposed Amendment 8

Proposed By: City of Mercer Island

Comprehensive Plan or Code Section: Amendments to Chapters 19.11, 19.12, 19.15, 19.16, 19.21 of the Mercer Island City Code (MICC)

Proposal Summary: This item will amend the administrative code to implement new permit timelines and to correct errors and improve clarity and consistency. Code sections pertaining to design standards and design review will be amended to implement clear and objective review standards. Amendments to SEPA requirements will also be considered.

Staff Comments: This item is responsive to the 2023 State legislative session. The City has until June 30, 2025 to fully implement HB 1293 and SB 5290. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

SB 5290 establishes permit review timelines, requires partial refunds of permitting fees if jurisdictions do not meet specified timelines and provides additional resources to local governments to be used on supplementing permit review staff and updating permitting systems.

In July 2023, the Council adopted interim regulations, Ordinance No. 23C-10, to satisfy the 90-day implementation deadline for a small portion of the requirements in SB 5290. With the fully implemented update required to be completed by June 30, 2025, the City must begin working on permanent regulations as well as additional code amendments to fully comply with SB 5290.

HB 1293 aims to accelerate the permitting and design review process for development by requiring “only clear and objective design review standards,” which are defined as ascertainable standards that do not result in a reduction of density. This legislation will require substantial amendments to the City’s design standards for the Town Center and other non-single-family development.

SB 5412 was also adopted in 2023 and allows cities the option to categorically exempt certain proposed housing projects from State Environmental Policy Act (“SEPA”) review. Specifically, cities may categorically exempt residential development projects within incorporated Urban Growth Areas (UGAs) and middle housing projects within unincorporated UGAs from environmental review. The City will consider whether to enact such categorical exemptions as a part of this docket item.

Finally, as a part of this docket item additional work would also be done in the administrative code sections to correct errors as well as improve clarity and consistency.

Priority Level: High priority. The City has until June 30, 2025 to fully implement HB 1293 and SB 5290.

Proposed Amendment 9

Proposed By: City of Mercer Island

Comprehensive Plan or Code Section: Amendments to Chapters 19.01, 19.02, 19.03, 19.04, 19.05, 19.08, 19.11, 19.12, 19.15, 19.16, Unified Land Development Appendices in the Mercer Island City Code.

Proposal Summary: This item will amend code sections related to residential development, including amendments related to middle housing, accessory dwelling units (ADUs), conversion of existing commercial or mixed use spaces to residential use, and other changes resulting from the Residential Development Standards (RDS) analysis.

Staff Comments: This item is responsive to the 2023 State legislative session. The City has until June 30, 2025 to fully implement HB 1110, HB 1337 and HB 1042. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

HB 1110 requires the City to allow two dwelling units per residential lot, unless the zone allows greater density. Additionally, four units per lot must be allowed within a quarter mile walking distance from the light rail station and on any residential lot provided one of the units is affordable housing. Another feature of HB 1110 is that within single-family zones, cities must allow six of the nine middle housing types defined in the bill, including: duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing. The legislation also limits the ability to regulate design and parking requirements for middle housing.

HB 1337 requires the city to amend the ADU code. Notably, the City must allow two attached or detached ADUs per lot, the owner occupancy requirement must be removed, the maximum gross floor area for ADUs must be increased to 1,000 square feet among other requirements related to design and parking standards. In addition, the City may not prohibit the sale of ADUs as condominium units.

HB 1042 requires the City to allow the conversion of existing commercial or mixed use space to residential uses. It also limits the ability of the City to regulate nonconforming uses or structures when space is converted from commercial to residential. HB 1042 specifically prohibits the City from denying such a conversion based on nonconformity to parking requirements.

In addition to the code amendments needed to comply with the legislation summarized above, additional work would also be done to implement directed changes resulting from the Residential Development Standards (RDS) analysis.

Priority Level: High priority. The City has until June 30, 2025 to fully implement HB 1110, HB 1337 and HB 1042.

Proposed Amendment 10

Proposed By: City of Mercer Island

Comprehensive Plan or Code Section: Amendments to Chapters 19.02, 19.03, 19.04, 19.05, 19.06, 19.15 and 19.16 in the Mercer Island City Code.

Proposal Summary: This amendment will add a code section regulating temporary uses and amend several code sections to allow temporary uses in zones throughout the city. Existing provisions related to commerce on public property and right of way use would be repealed.

Staff Comments: City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

Temporary uses could include many different activities, from outdoor dining adjacent to restaurants/cafes, to large tents for events like weddings or reunions, the farmer's market, Summer Celebration vendor booths, Christmas tree sales, produce stands, food trucks or even garage sales.

In 2020, the City adopted Ordinance 20C-17, which established temporary regulations for commerce on public property to allow for outdoor dining during the COVID-19 pandemic. These temporary regulations have been renewed several times but will eventually expire. Permanent amendments to regulations for outdoor dining, temporary uses, and commerce on public property are needed for outdoor dining to continue as an allowed use. Additionally, many other temporary uses are not currently adequately addressed in the City code.

The proposed amendment would benefit the public welfare by ensuring that temporary uses are regulated to allow socially beneficial temporary uses such as rummage sales for community organizations while placing parameters on other more intense temporary uses such as festivals. Reasonable regulations for temporary uses that would allow low-impact uses and establish limits on larger-scale temporary uses would serve the public interest. Many temporary uses are commonly allowed in cities and a blanket prohibition can be unnecessarily restrictive.

Priority Level: Moderate priority. The City Council has identified implementing an economic development program as a priority, and this code amendment supports that goal and aligns with efforts to support local business and community events. Waiting to address this issue in the future could result in missed opportunities and negatively impact local businesses.

Proposed Amendment 11

[Proposal Withdrawn]

Proposed Amendment 12

Proposed By: Mathew Goldbach

Comprehensive Plan or Code Section: MICC 19.15.240 Reclassification of Property (Rezoning)

Proposal Summary: This amendment will prohibit rezoning of single-family residential zoned property.

Staff Comments: This amendment seeks to constrain the City's ability to rezone residential property. If docketed, Staff would recommend study on the appropriate method for achieving the goals of this proposal.

Priority Level: Low priority. Given the existing commitments of staff time in the CPD work plan, if this proposal is docketed, it may need to be carried over to a future year for review.

Proposed Amendment 13

Proposed By: Mathew Goldbach

Comprehensive Plan or Code Section: MICC 19.15.240 Reclassification of Property (Rezoning)

Proposal Summary: This amendment will prohibit a non-residential structure/use from requesting or obtaining a rezone or reclassification of single-family residential zoned properties.

Staff Comments: This proposed amendment seeks to constrain the City's ability to rezone single-family residential properties with non-residential uses. If docketed, Staff would recommend study on the appropriate method for achieving the goals of this proposal..

Priority Level: Low priority. Given the existing commitments of staff time in the CPD work plan, if this proposal is docketed, it may need to be carried over to a future year for review.

Proposed Amendment 14

Proposed By: Regan McClellan

Comprehensive Plan or Code Section: MICC 19.02.020(E) Building Height Limit and 19.16.010 Definitions

Proposal Summary: This amendment will add a provision related to the calculation of downhill building façade height to clarify that a building face can include multiple facades that should each be treated separately in determining maximum building height on the downhill side of a sloping lot.

Staff Comments: This proposal addresses the same issue identified by the City in Proposed Amendment 6.

Priority Level: Low priority. Given the existing commitments of staff time in the CPD work plan, if this proposal is docketed, it may need to be carried over to a future year for review.

Proposed Amendment 15

Proposed By: Mercer Island Country Club

Comprehensive Plan or Code Section: MICC 19.06 and 19.15.030

Proposal Summary: This amendment will add a new code section with provisions for temporary use or structure permits and designate these permits as a Type I land use review.

Staff Comments: This proposal touches on an issue also identified by the City as a part of Proposed Amendment 10 (i.e. the current code does not include temporary use provisions outside the Town Center). However, this proposal has a smaller scope and identifies specific code provisions related to the applicant's needs.

Priority Level: Low priority. This is a large project and will require considerable time for review. Given the existing commitments of staff time in the CPD work plan, if this proposal is docketed, it may need to be carried over to a future year for review.

Proposed Amendment 16

Proposed By: Michael Murphy

Comprehensive Plan or Code Section: MICC 19.07.180 Watercourses

Proposal Summary: This amendment will reduce setbacks from piped watercourses and add a limited exception to piped watercourse setbacks for existing homes.

Staff Comments: The current provisions for setbacks from piped watercourses were adopted as a part of the Critical Areas Code Amendment in 2021 and are based on Best Available Science (BAS) as required by the Shoreline Management Act. Considering an amendment to these provisions would require the City to conduct

a new/supplementary BAS review to determine if new research is available to support an amendment. Since this would be an amendment of the critical areas code and shoreline master program, it would also require review by the Department of Ecology, which is a more lengthy review process than for standard code amendments.

Priority Level: Low priority. This is a large project and will require considerable time for review. Given the existing commitments of staff time in the CPD work plan, if this proposal is docketed, it may need to be carried over to a future year for review.

Proposed Amendment 17

Proposed By: Adam Ragheb

Comprehensive Plan or Code Section: MICC 19.02.020(G)(2)(c) - Parking Requirements

Proposal Summary: This amendment will require each non-single family residential dwelling unit outside town center with a GFA less than 3000 sq ft to provide 2 covered parking spaces sufficient in size to park a passenger automobile and charge it.

Staff Comments: Recent state legislation will require the City to amend the residential development standards in MICC 19.02 to allow middle housing types including duplexes, triplexes, townhomes, etc. by June 30, 2025. As a part of that required code amendment, the City is planning to undertake a thorough analysis of the residential development standards and will propose a comprehensive set of amendments intended to address existing issues and integrate these new housing types into the existing requirements. This type of proposal can be most appropriately considered as a part of that comprehensive effort.

Priority Level: Low priority. Given the existing commitments of staff time in the CPD work plan, if this proposal is docketed, it may need to be carried over to a future year for review.

NEXT STEPS

The City Council will review the Planning Commission and staff recommendations at the December 5, 2023 meeting. At that time the Council will set the final docket for 2024.

ATTACHMENTS

1. Summary of Docket Proposals
2. Docket Applications related to Proposed Amendments 1-5
3. Docket Applications related to Proposed Amendments 12-17
4. Docketing Criteria Analysis
5. Docket Progress Tracker

Docket Proposal Summary

Item No.	Proposed By	Potentially Affected Section, Goal or Policy	Summary of Proposal
1	City of Mercer Island/ Daniel Thompson	MICC 19.02.020(D)(2)(a) Gross Floor Area	This amendment would reduce ceiling height from 12 feet to 10 feet before it is counted as clerestory space at 150% of gross floor area (GFA).
2	City of Mercer Island/ Daniel Thompson	MICC 19.02.020(D)(2) and 19.02.020(G)(2)	This amendment would include exterior covered decks in the definition of GFA and include covered porches on the first level in the calculation of GFA.
3	City of Mercer Island/ Daniel Thompson	MICC 19.02.040(D)(1) Garages and Carports	This amendment would either eliminate the ability to build garages and carports within 10 feet of the property line of the front yard, or, alternatively, eliminate this option for waterfront lots that have flipped their front and back yards per MICC 19.02.020(c)(2)(a)(iii).
4	City of Mercer Island/ Daniel Thompson	MICC 19.02.020(D)(3)(b) Gross Floor Area Incentives for ADUs	This amendment would limit the GFA incentives for ADUs to lots 8,400 square feet or smaller.
5	City of Mercer Island/ Daniel Thompson	MICC 19.02.020(G)(2)(a) and (b) Parking Requirements	This amendment would reduce the threshold for requiring only 2 parking spaces (1 covered and 1 uncovered) from 3,000 square feet to 2,000 square feet.
6	City of Mercer Island	MICC 19.02.020(E) Building Height Limit	This item will amend standards related to the calculation of downhill façade height to clarify how the maximum building height is calculated on the downhill side of a sloping lot, regardless of roof style.
7	City of Mercer Island	MICC 19.11.030 Bulk Regulations, possibly other sections of the development code	The Town Center code currently limits commercial/non-residential buildings to 2 stories/27 feet in height. This amendment would add a height standard or allowance for a “government services” use and for structures to be primarily used for such to build to the maximum allowable building height for the TC zone in which it is located.
8	City of Mercer Island	MICC 19.11, 19.12, 19.15, 19.16, 19.21	This item is responsive to the 2023 State legislative session, including SB 5290, HB 1293 and SB5412. This item will amend the administrative code to implement new permit timelines and to correct errors and improve clarity and consistency. Code sections pertaining to design standards and design review will be amended to implement clear and objective review standards. Amendments to SEPA requirements will also be considered.

9	City of Mercer Island	MICC 19.01, 19.02, 19.03, 19.04, 19.05, 19.08, 19.11, 19.12, 19.15, 19.16, Unified Land Development Appendices	This item is responsive to the 2023 State legislative session, including HB 1110, HB 1337 and HB 1042. This item will amend code sections related to residential development, including amendments related to middle housing, accessory dwelling units (ADUs), conversion of existing commercial or mixed use spaces to residential use, and other changes resulting from the Residential Development Standards (RDS) analysis.
10	City of Mercer Island	MICC 19.02, 19.03, 19.04, 19.05, 19.06, 19.15 and 19.16	This amendment will add a code section regulating temporary uses on private property and in the right of way and amend several code sections to allow temporary uses in zones throughout the city. Existing provisions related to commerce on public property and right of way use would be repealed.
11	Charger Real Estate & Development Inc.	MICC 19.15.150(C)(1)	This amendment will align the City code with RCW 58.17.140.3 regarding the timing of final plat approval. It will also provide an extension to the final plat approval timeline for preliminary plats that were impacted by the Pandemic.
12	Mathew Goldbach	MICC 19.15.240 Reclassification of Property (Rezoning)	This amendment will prohibit rezoning of single-family residential zoned property.
13	Mathew Goldbach	MICC 19.15.240 Reclassification of Property (Rezoning)	This amendment will prohibit a non-residential structure/use from requesting or obtaining a rezone or reclassification of single-family residential zoned properties.
14	Regan McClellan	MICC 19.02.020(E) Building Height Limit and 19.16.010 Definitions	This amendment will add a provision related to the calculation of downhill building façade height to clarify that a building face can include multiple facades that should each be treated separately in determining maximum building height on the downhill side of a sloping lot.
15	Mercer Island Country Club	MICC 19.06 and 19.15.030	This amendment will add a new code section with provisions for temporary use or structure permits and designate these permits as a Type I land use review.
16	Michael Murphy	MICC 19.07.180 Watercourses	This amendment will reduce setbacks from piped watercourses and add a limited exception to piped watercourse setbacks for existing homes.
17	Adam Ragheb	MICC 19.02.020(G)(2)(c) – Parking Requirements	This amendment will require each residential dwelling unit outside town center with a GFA less than 3000 sq ft to provide 2 parking spaces sufficient in size to park a passenger automobile and charge it.
18	Stroum Jewish Community Center	Comprehensive Plan Land Use Map, Zoning Map	These amendments will redesignate the SJCC's property as Commercial Office on the Comprehensive Plan Land Use Map and the Zoning Map.

Proposed Amend. No.	Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
1	✓	■	✓	✓	✓
2	✓	■	✓	✓	✓
3	✓	■	✓	✓	✓
4	✓	■	✓	✓	✓
5	✓	■	✓	✓	✓
6	✓	■	✓	✓	✓
7	✓	■	✓	✓	✓
8	✓	↑	✓	✓	✓
9	✓	↑	✓	✓	✓
10	✓	■	✓	✓	✓
11	P R O P O S A L W I T H D R A W N				
12	?	↓	✓	✓	✓
13	?	↓	✓	✓	✓
14	✓	↓	✓	✓	✓
15	✓	↓	✓	✓	✓
16	✓	↓	✓	✓	✓
17	✓	↓	✓	✓	✓

✓	The proposal could meet this criterion	?	It is unclear or debatable whether the proposal could meet this criterion	✗	The proposal cannot meet this criterion
↑	The proposal is a high priority for staff/budget resources	■	The proposal is a moderate priority for staff/budget resources	↓	The proposal is a low priority for staff/budget resources

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

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PLANNING COMMISSION

To: City Council

From: Mike Murphy, Planning Commission Chair

Date: November 20, 2023

RE: 2024 Docket Recommendation – Proposed Amendments 1-10 and 12-17

ATTACHMENTS: A. 2024 Docket Recommendation Summary

On behalf of the Planning Commission, I am pleased to present this recommendation for the 2024 Docket.

The City opened the annual docket submittal process during the month of September 2023, and received eight submissions from the public. The City also brought forward 10 proposed code amendments for consideration, which are summarized in the Staff Memo to the Planning Commission, dated November 15, 2023. The Planning Commission reviewed these docket requests at a special meeting on November 15, 2023 and at a second special meeting on November 20, 2023.

The Planning Commission received for review 242 written public comments to Proposed Amendment 15 (proposed by the Mercer Island Country Club). At the November 15 and 20 meetings, 3 people provided public comments in favor of docketing this proposal. A public comment at the November 15 meeting addressed several proposed amendments. A public comment in opposition to docketing Proposed Amendment 6 and in favor of docketing Proposed Amendment 14 was also provided at the November 20 meeting. The proponents of each docket proposal spoke briefly to the merits of placing their proposals on the 2024 annual docket, and City staff provided a brief presentation covering each of the City and public proposals.

In addition to the public comment and presentations, the Planning Commission considered the materials submitted by the applicants as well as the staff memo dated November 15, 2023. In making its recommendation, the Planning Commission considered the docketing criteria contained in MICC 19.15.230(E). After considerable discussion and deliberation, the Planning Commission approved the following recommendations for the 2024 annual docket (also summarized in Attachment C).

- **Proposed Amendments 1-5:**

Recommendation: Do not add to the docket (motion to add to the docket failed 4-3).

Rationale: Commissioners expressed concern regarding the priority of these items, and concluded these were best considered within the RDS review and/or with the legislatively mandated changes.

- **Proposed Amendment 6:**

Recommendation: Do not add to the docket (motion to add to the docket failed 1-6).

Rationale: See below re #14. Concern was expressed about the impact of #6 on SF design and effective land use given that most SF applications involve sloped lots. There was also concern that if #6 and #14 were both recommended, they may not be given equal treatment, especially given the relative priority designations given to #6 and #14.

- **Proposed Amendment 7:**

Recommendation: Add to the docket (motion to add to the docket approved 7-0).

Rationale: The Commission concurred with the staff recommendation.

- **Proposed Amendments 8 and 9:**

Recommendation: Add to the docket (motion to add to the docket approved 7-0).

Rationale: The Commission concurred with staff that these are required to be docketed by the recent state legislation.

- **Proposed Amendment 10 and 15:**

Recommendation: Add both to the docket (motion to add both to the docket approved 6-0-1, Goelz abstaining).

Rationale: The Commissioners wanted to make sure that the MICC proposal (#15), was given full consideration along with City Council directed proposal (#10) because the MICC proposal has specific requirements different from typical temporary uses.

- **Proposed Amendment 12:**

Recommendation: Do not add to the docket (motion to NOT add to the docket approved 5-2).

Rationale: Commissioners expressed concern that this proposal could violate the new state housing legislation, is low priority, failed to identify comp plan policies it furthers, and was inconsistent with the recommendation for Docket Item #18.

- **Proposed Amendment 13:**

Recommendation: Do not add to the docket (motion to NOT add to the docket approved 6-1).

Rationale: Commissioners expressed concern that this proposal was unclear, confused uses with zoning designations, and was low priority.

- **Proposed Amendment 14:**

Recommendation: Add to the docket (motion to add to the docket approved 5-2).

Rationale: See #6, above. The Commission concluded that this was the better proposal to address clarifying the issue of building height limits on sloped lots. Commissioners expressed

the view that a recent code interpretation that changed decades of practice on MI justifies more immediate attention and public process because the Commission was informed that this issue affects a large share of the SF home applications.

- **Proposed Amendment 16:**


Recommendation: Add to the docket (motion to add to the docket approved 6-1).

Rationale: Commissioners acknowledged that this item is a more targeted proposal than the one recommended for inclusion by the Planning Commission last year and is not being considered under any work plan and is not part of the RDS review because it's a critical areas issue. Staff also corrected its report to delete the reference to Department of Ecology review because there is no change to the SMP. This proposal would be required to review Best Available Science (BAS) under the Growth Management Act, but it was noted that the BAS report for the Code changes that included adoption of the 45' setback stated that "Current BAS does not provide regulatory recommendations for piped watercourses."

- **Proposed Amendment 17:**

Recommendation: Do not add to the docket (motion to add to the docket failed 2-5).

Rationale: Concern was expressed regarding its applicability to ADUs, and the potentially excessive burden on MF housing. Commissioners also observed that this would likely be considered with the legislatively mandated changes.

 Mike Murphy Planning Commission Chair City of Mercer Island	11/28/23 _____ Date
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Planning Commission Recommendation – 2024 Docket

Item No.	Proposed By	Potentially Affected Section, Goal or Policy	Summary of Proposal	PC Recommendation
1	City of Mercer Island/ Daniel Thompson	MICC 19.02.020(D)(2)(a) Gross Floor Area	This amendment would reduce ceiling height from 12 feet to 10 feet before it is counted as clerestory space at 150% of gross floor area (GFA).	Do Not Docket
2	City of Mercer Island/ Daniel Thompson	MICC 19.02.020(D)(2) and 19.02.020(G)(2)	This amendment would include exterior covered decks in the definition of GFA and include covered porches on the first level in the calculation of GFA.	Do Not Docket
3	City of Mercer Island/ Daniel Thompson	MICC 19.02.040(D)(1) Garages and Carports	This amendment would either eliminate the ability to build garages and carports within 10 feet of the property line of the front yard, or, alternatively, eliminate this option for waterfront lots that have flipped their front and back yards per MICC 19.02.020(c)(2)(a)(iii).	Do Not Docket
4	City of Mercer Island/ Daniel Thompson	MICC 19.02.020(D)(3)(b) Gross Floor Area Incentives for ADUs	This amendment would limit the GFA incentives for ADUs to lots 8,400 square feet or smaller.	Do Not Docket
5	City of Mercer Island/ Daniel Thompson	MICC 19.02.020(G)(2)(a) and (b) Parking Requirements	This amendment would reduce the threshold for requiring only 2 parking spaces (1 covered and 1 uncovered) from 3,000 square feet to 2,000 square feet.	Do Not Docket
6	City of Mercer Island	MICC 19.02.020(E) Building Height Limit	This item will amend standards related to the calculation of downhill façade height to clarify how the maximum building height is calculated on the downhill side of a sloping lot, regardless of roof style.	Do Not Docket
7	City of Mercer Island	MICC 19.11.030 Bulk Regulations, possibly other sections of the development code	The Town Center code currently limits commercial/non-residential buildings to 2 stories/27 feet in height. This amendment would add a height standard or allowance for a “government services” use and for structures to be primarily used for such to build to the maximum allowable building height for the TC zone in which it is located.	Docket
8	City of Mercer Island	MICC 19.11, 19.12, 19.15, 19.16, 19.21	This item is responsive to the 2023 State legislative session, including SB 5290, HB 1293 and SB5412. This item will amend the administrative code to implement new permit timelines and to correct errors and improve clarity and consistency. Code sections pertaining to design standards and	Docket

			design review will be amended to implement clear and objective review standards. Amendments to SEPA requirements will also be considered.	
9	City of Mercer Island	MICC 19.01, 19.02, 19.03, 19.04, 19.05, 19.08, 19.11, 19.12, 19.15, 19.16, Unified Land Development Appendices	This item is responsive to the 2023 State legislative session, including HB 1110, HB 1337 and HB 1042. This item will amend code sections related to residential development, including amendments related to middle housing, accessory dwelling units (ADUs), conversion of existing commercial or mixed use spaces to residential use, and other changes resulting from the Residential Development Standards (RDS) analysis.	Docket
10	City of Mercer Island	MICC 19.02, 19.03, 19.04, 19.05, 19.06, 19.15 and 19.16	This amendment will add a code section regulating temporary uses on private property and in the right of way and amend several code sections to allow temporary uses in zones throughout the city. Existing provisions related to commerce on public property and right of way use would be repealed.	Docket
11	PROPOSAL WITHDRAWN			
12	Mathew Goldbach	MICC 19.15.240 Reclassification of Property (Rezoning)	This amendment will prohibit rezoning of single-family residential zoned property.	Do Not Docket
13	Mathew Goldbach	MICC 19.15.240 Reclassification of Property (Rezoning)	This amendment will prohibit a non-residential structure/use from requesting or obtaining a rezone or reclassification of single-family residential zoned properties.	Do Not Docket
14	Regan McClellan	MICC 19.02.020(E) Building Height Limit and 19.16.010 Definitions	This amendment will add a provision related to the calculation of downhill building façade height to clarify that a building face can include multiple facades that should each be treated separately in determining maximum building height on the downhill side of a sloping lot.	Docket
15	Mercer Island Country Club	MICC 19.06 and 19.15.030	This amendment will add a new code section with provisions for temporary use or structure permits and designate these permits as a Type I land use review.	Docket
16	Michael Murphy	MICC 19.07.180 Watercourses	This amendment will reduce setbacks from piped watercourses and add a limited exception to piped watercourse setbacks for existing homes.	Docket
17	Adam Ragheb	MICC 19.02.020(G)(2)(c) – Parking Requirements	This amendment will require each residential dwelling unit outside town center with a GFA less than 3000 sq ft to provide 2 parking spaces sufficient in size to park a passenger automobile and charge it.	Do Not Docket

**CITY OF MERCER ISLAND
RESOLUTION NO. 1655**

**A RESOLUTION OF THE CITY OF MERCER ISLAND, WASHINGTON, ADDING
COMPREHENSIVE PLAN AND DEVELOPMENT REGULATION AMENDMENTS TO
THE CITY'S 2024 DOCKET**

WHEREAS, the City of Mercer Island is required to plan under the Growth Management Act of 1990, as amended, including adopting and regularly updating and amending its Comprehensive Plan and development regulations; and

WHEREAS, the Growth Management Act allows the City to amend the Comprehensive Plan on an annual basis; and

WHEREAS, public notice of the opportunity to propose Comprehensive Plan and development regulation amendments for consideration in 2024 was provided on August 9, 2023 and September 6, 2023; and

WHEREAS, on November 15, 2023, and November 20, 2023, the City of Mercer Island Planning Commission held public meetings and made a recommendation to the Mercer Island City Council on a preliminary docket of Comprehensive Plan and development regulation amendments to be considered in 2024; and

WHEREAS, on December 5, 2023, the Mercer Island City Council held a public meeting to consider the Planning Commission's recommended final docket of amendments to be considered in 2024;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AS FOLLOWS:

The City Council directs the Planning Commission to analyze, study, and make recommendations to the City Council on the proposed Comprehensive Plan and development regulation amendments listed on the attached docket for 2024 (Exhibit A to this Resolution).

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS MEETING ON THE 5TH DAY OF DECEMBER 2023.

CITY OF MERCER ISLAND

Salim Nice, Mayor

ATTEST:

Andrea Larson, City Clerk

2024 Docket

Item No.	Proposed By	Potentially Affected Section, Goal or Policy	Summary of Proposal	Planning Commission Recommendation	City Council Decision
1	City of Mercer Island/ Daniel Thompson	MICC 19.02.020(D)(2)(a) Gross Floor Area	This amendment would reduce ceiling height from 12 feet to 10 feet before it is counted as clerestory space at 150% of gross floor area (GFA).	Do Not Docket	
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8	City of Mercer Island	MICC 19.11, 19.12, 19.15, 19.16, 19.21	This item is responsive to the 2023 State legislative session, including SB 5290, HB 1293 and SB5412. This item will amend the administrative code to implement new permit timelines and to correct errors and improve clarity and consistency. Code sections pertaining to design standards and design review will be amended to implement clear and objective review standards. Amendments to SEPA requirements will also be considered.	Docket	
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COMPREHENSIVE PLAN AND DEVELOPMENT CODE DOCKET - PROGRESS REPORT

			PC Recommendation	CC Decision	AB	Ord No.	Notes
2020 PROPOSALS (2021 Docket) - Adopted 12/01/2020							
20-1	CPA21-001	Correct Comp Plan Land Use Map	Y	Y	5971	21-26	Complete, review of 20-1 and 20-8 was consolidated under CPA21-001
20-2	ZTR21-004	Town Center Commercial	Y	Y	6102	22C-09	Complete
	CPA22-001				6172	22C-17	Complete
20-3	ZTR21-007	Transportation Impact Fee Rate Update	Y	Y	6092	22C-06	Complete
	ZTR21-008	Park Impact Fee Rate Update			6093	22C-07	Complete
20-4	ZTR19-003	Sign Regulations	Y	Y	5952	21C-21	Complete
20-5	ZTR19-004	Wireless/Small Cell Regulations	Y	Y	5929	21C-17	Complete
20-6	ZTR21-001	Implementation of Comp Plan Amendments	N	Y	5866	21C-05	Complete
20-7	ZTR21-002	Conditional Use Permit Regulations	N	Y	5867	21C-06	Complete
20-8	CPA21-001	Correct Comp Plan Land Use Map	N	Y	5971	21-26	Complete, review of 20-1 and 20-8 was consolidated under CPA21-001
20-9	ZTR21-005	Noise and Lighting	C	Y	6019	-	CC first reading completed, elected not to take further action
20-10		Prioritization of the use of public ROW	N	N	-	-	
20-11		RDS: GFA for Clerestory Space *	N	N	-	-	
20-12		RDS: GFA for covered porches and decks *	N	N	-	-	
20-13		RDS: Garages within 10 ft of front property line *	N	N	-	-	
20-14		RDS: GFA for ADUs on small lots *	N	N	-	-	
20-15	ZTR21-006	Land Use Review Types and Noticing *	N	Y	6074	22C-05	Complete
20-16		RDS: parking requirements for smaller homes *	N	N	-	-	
2021 PROPOSALS (2022 Docket) - Adopted 12/07/2021							
21-1		Increase Tree Retention to 50%	Y	N	-	-	
21-2		New Impact Fee for Ped/Bike	N	N	-	-	
21-3		Recategorize Intersections in Transportation Element	Y	N	-	-	
21-4	ZTR22-001	Amend Business Zone to Allow Schools	Y	Y	6270	23C-08	Complete
21-5		Allow additions to nonconforming homes in critical areas	C	N	-	-	
21-6		Require Electric Heating	C	N	-	-	
21-7		RDS: GFA for Clerestory Space *	N	N	-	-	

21-8		RDS: GFA for covered porches and decks *	N	N	-	-	
21-9		RDS: Garages within 10 ft of front property line *	N	N	-	-	
21-10		RDS: GFA for ADUs on small lots *	N	N	-	-	
21-11		Land Use Review Types and Noticing *	N	N	-	-	Docketed in 2020, see ZTR21-006
21-12		RDS: parking requirements for smaller homes *	N	N	-	-	
21-13		Bike/Ped Plan Update Schedule	Y	N	-	-	
21-14	ZTR21-003	Remove Occupancy Limitations	Y	Y	6146	22C-11	Complete
21-15	ZTR21-003	Allow 8 people in Adult Family Homes	Y	Y	6146	22C-12	Complete
21-16	ZTR22-003	Transitional and Permanent Supportive Housing	Y	Y	(tbd)	(tbd)	Interim regulations renewed by Ord. No. 23C-11

2022 PROPOSALS (2023 Docket) - Adopted 12/6/2022

22-1	ZTR23-001	Allow SCUPs for Marina and Swim Facilities	Y	Y	6340	23C-15	City review is complete, awaiting Dept. of Ecology approval
22-2		RDS: GFA for Clerestory Space **	Y	N			
22-3		RDS: GFA for covered porches and decks **	Y	N			
22-4		RDS: Garages within 10 ft of front property line **	N	N			
22-5		RDS: GFA for ADUs on small lots **	Y	N			
22-6		RDS: parking requirements for smaller homes **	Y	N			
22-7		Repeal Piped Watersource Regulations	Y	N			
22-8		Amend Docketing Criteria	Y	N			
22-9		Town Center Commercial Height Limit	-	-	-	-	withdrawn prior to PC consideration
22-10		Administrative Code Corrections	-	-	-	-	withdrawn prior to PC consideration
22-11		Update Legal Lot Provisions	-	-	-	-	withdrawn prior to PC consideration
22-12		Temporary Use Regulations	-	-	-	-	withdrawn prior to PC consideration

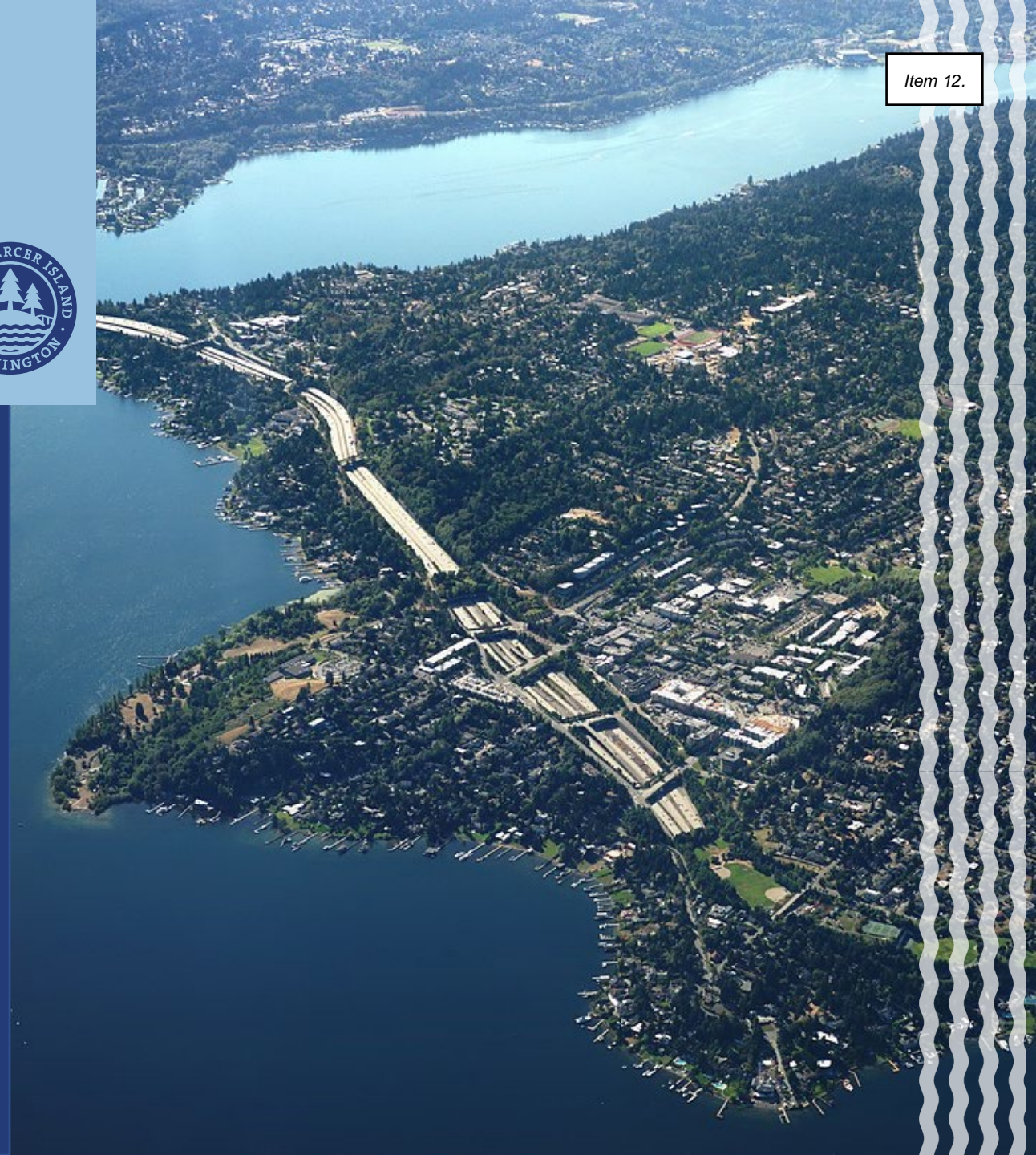
- * Docket proposal in 2020 & 2021
 ** Docket proposal in 2020, 2021, & 2022
 Y Yes
 N No
 C Consider

AB 6382: 2024 Annual Docket

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Item 12.



2024 Annual Docket

- The docket is the annual opportunity for the public to propose Comprehensive Plan and development code amendments
- 7 proposals were received from the public by the October 1 deadline (1 was later withdrawn). 10 proposals were also submitted by the City.
- Tonight, City Council will review the Planning Commission recommendations and determine which items to place on the 2024 docket
- The items placed on the docket will be added to the CPD work plan for legislative review

Docketing Criteria

MICC 19.15.230(E)(1)(b) All of the following criteria are met:

- i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;
- ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;
- iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;
- iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and
- v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

Resources and Capacity

- Work plan items for 2024:
 - **Comprehensive Plan Periodic Update**
 - Substantial work remains, including initial review of the Parks Zone and the Housing Element, as well as public engagement and legislative review of the full Draft Comp Plan Amendment
 - *State deadline for completion: December 31, 2024*
 - **Legislatively Mandated Residential Amendments (HB 1110, HB 1337)**
 - City must undertake several substantial code amendments to comply with recent housing-related legislation. The City will also undertake additional amendments related to the previously planned Residential Development Standards (RDS) code update.
 - *State deadline for completion: June 30, 2025*
- Items added to the docket will remain on the docket until a decision is made
 - If docketed items are not reviewed in the year they are initially docketed, they carry over to future year(s) until review is completed

Docket Proposal Summary

Item 12.

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Planning Commission Recommendation

- The Planning Commission recommended docketing proposed amendments 7, 8, 9, 10, 14, 15 and 16.

Proposed Motion

- Approve Resolution No. 1655 to include items [insert docket item # here] setting the docket of Comprehensive Plan and development code amendments for 2024.

Proposed Amendment 1

Proposed By: City of Mercer Island/Daniel Thompson

Comprehensive Plan or Code Section:

Residential Development Standards (MICC 19.02.020(D)(2)(a) Gross Floor Area)

Proposal Summary:

This amendment would reduce ceiling height from 12 feet to 10 feet before it is counted as clerestory space at 150% of gross floor area (GFA).

Staff Comments: The applicant submitted this proposal during the 2020, 2021 and 2022 Annual Docket processes. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City's residential development standards. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	—	✓	✓	✓

Proposed Amendment 2

Proposed By: City of Mercer Island/Daniel Thompson

Comprehensive Plan or Code Section:

Residential Development Standards (MICC 19.02.020(D)(2)(a) Gross Floor Area)

Proposal Summary:

This amendment would include exterior covered decks in the definition of GFA and include covered porches on the first level in the calculation of GFA.

Staff Comments: The applicant submitted this proposal during the 2020, 2021 and 2022 Annual Docket processes. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City's residential development standards. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session

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✓	—	✓	✓	✓

Proposed Amendment 3

Proposed By: City of Mercer Island/Daniel Thompson

Comprehensive Plan or Code Section:

Residential Development Standards (MICC 19.02.040(D)(1) Garages and Carports)

Proposal Summary:

This amendment would either eliminate the ability to build garages and carports within 10 feet of the property line of the front yard, or, alternatively, would eliminate this option for waterfront lots that have flipped their front and back yards per MICC 19.02.020(c)(2)(a)(iii).

Staff Comments: The applicant submitted this proposal during the 2020, 2021 and 2022 Annual Docket processes. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City's residential development standards. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session

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✓	■	✓	✓	✓

Proposed Amendment 4

Proposed By: City of Mercer Island/Daniel Thompson

Comprehensive Plan or Code Section:

Residential Development Standards (MICC 19.02.020(D)(3)(b) Gross Floor Area Incentives for ADUs)

Proposal Summary:

This amendment would limit the GFA incentives for ADUs to lots 8,400 square feet or smaller.

Staff Comments: The applicant submitted this proposal during the 2020, 2021 and 2022 Annual Docket processes. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City's residential development standards. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session

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✓	—	✓	✓	✓

Proposed Amendment 5

Proposed By: City of Mercer Island/Daniel Thompson

Comprehensive Plan or Code Section:

Residential Development Standards (MICC 19.02.020(G)(2)(a) and (b) Parking Requirements))

Proposal Summary:

This amendment would reduce the threshold for requiring only 2 parking spaces (1 covered and 1 uncovered) from 3,000 square feet to 2,000 square feet.

Staff Comments: The applicant submitted this proposal during the 2020, 2021 and 2022 Annual Docket processes. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City's residential development standards. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session

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✓	—	✓	✓	✓

Proposed Amendment 6

Proposed By: City of Mercer Island

Comprehensive Plan or Code Section: MICC 19.02.020(E)(2) Maximum Downhill Facade Height

Proposal Summary: This item will amend standards related to the calculation of downhill façade height.

Staff Comments:

City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

The residential development standards currently contain two different standards regulating maximum allowed building height, one based on Average Building Elevation (ABE) and one based the height of a downhill building facade measured from the lower of existing or finished grade, to the top of the downhill facing wall facade supporting the roof framing, rafters, trusses, etc. The proposed amendment would clarify the measurement of the downhill facade height standard by allowing the height of a building on the downhill side of a sloping lot to be measured from the lower of existing or finished grade at the furthest downhill extent of the building to the highest point on the roof.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	—	✓	✓	✓

Proposed Amendment 7

Proposed By: City of Mercer Island

Comprehensive Plan or Code Section: MICC 19.11 Town Center Development and Design Standards, possibly other sections of the development code

Proposal Summary: This proposal would add a “Government Services” use to the Town Center and provide necessary code changes in the form of standards and/or allowances for such including, but not limited to MICC 19.11.020 – Land Uses and 19.11.030 – Bulk Regulations. Examples of code changes which may be considered for a “Government Services” use include requirements for ground floor street frontage uses as well as maximum building height.

Staff Comments:

City Council directed staff to develop and submit a docket proposal to address this matter related to maximum building height at its May 2023 Planning Session. However, with evolving circumstances regarding the current Mercer Island City Hall, it has become apparent the matter should be considered in a more wholistic manner. Government services are already defined in MICC Chapter 19.16.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	✗	✓	✓	✓

Proposed Amendment 8

Proposed By: City of Mercer Island

Comprehensive Plan or Code Section: Amendments to Chapters 19.11, 19.12, 19.15, 19.16, 19.21 of the Mercer Island City Code (MICC)

Proposal Summary: This item will amend the administrative code to implement new permit timelines and to correct errors and improve clarity and consistency. Code sections pertaining to design standards and design review will be amended to implement clear and objective review standards. Amendments to SEPA requirements will also be considered.

Staff Comments:

This item is responsive to the 2023 State legislative session. The City has until June 30, 2025 to fully implement HB 1293 and SB 5290. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	↑	✓	✓	✓

Proposed Amendment 9

Proposed By: City of Mercer Island

Comprehensive Plan or Code Section: Amendments to Chapters 19.01, 19.02, 19.03, 19.04, 19.05, 19.08, 19.11, 19.12, 19.15, 19.16, Unified Land Development Appendices in the Mercer Island City Code.

Proposal Summary: This item will amend code sections related to residential development, including amendments related to middle housing, accessory dwelling units (ADUs), conversion of existing commercial or mixed use spaces to residential use, and other changes resulting from the Residential Development Standards (RDS) analysis.

Staff Comments:

This item is responsive to the 2023 State legislative session. The City has until June 30, 2025 to fully implement HB 1110, HB 1337 and HB 1042. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	↑	✓	✓	✓

Proposed Amendment 10

Proposed By: City of Mercer Island

Comprehensive Plan or Code Section: Amendments to Chapters 19.02, 19.03, 19.04, 19.05, 19.06, 19.15 and 19.16 in the Mercer Island City Code.

Proposal Summary: This amendment will add a code section regulating temporary uses and amend several code sections to allow temporary uses in zones throughout the city. Existing provisions related to commerce on public property and right of way use would be repealed.

Staff Comments:

City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

Temporary uses could include many different activities, from outdoor dining adjacent to restaurants/cafes, to large tents for events like weddings or reunions, the farmer's market, Summer Celebration vendor booths, Christmas tree sales, produce stands, food trucks or even garage sales. In 2020, the City adopted temporary regulations for commerce on public property to allow for outdoor dining during the COVID-19 pandemic. Permanent amendments to regulations for outdoor dining, temporary uses, and commerce on public property are needed for outdoor dining to continue as an allowed use. Additionally, many other temporary uses are not currently adequately addressed in the City code.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	—	✓	✓	✓

Proposed Amendment 12

Proposed By: Mathew Goldbach

Comprehensive Plan or Code Section: MICC 19.15.240 Reclassification of Property (Rezoning)

Proposal Summary: This amendment will prohibit rezoning of single-family residential zoned property.

Staff Comments:

This amendment seeks to constrain the City's ability to rezone residential property. If docketed, Staff would recommend study on the appropriate method for achieving the goals of this proposal.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
?	↓	✓	✓	✓

Proposed Amendment 13

Proposed By: Mathew Goldbach

Comprehensive Plan or Code Section: MICC 19.15.240 Reclassification of Property (Rezoning)

Proposal Summary: This amendment will prohibit a non-residential structure/use from requesting or obtaining a rezone or reclassification of single-family residential zoned properties.

Staff Comments:

This amendment seeks to constrain the City's ability to rezone residential property. If docketed, Staff would recommend study on the appropriate method for achieving the goals of this proposal.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
?	↓	✓	✓	✓

Proposed Amendment 14

Proposed By: Regan McClellan

Comprehensive Plan or Code Section: MICC 19.02.020(E) Building Height Limit and 19.16.010 Definitions

Proposal Summary: This amendment will add a provision related to the calculation of downhill building façade height to clarify that a building face can include multiple facades that should each be treated separately in determining maximum building height on the downhill side of a sloping lot.

Staff Comments:

This proposal addresses the same issue identified by the City in Proposed Amendment 6.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	↓	✓	✓	✓

Proposed Amendment 15

Proposed By: Mercer Island Country Club

Comprehensive Plan or Code Section: MICC 19.06 and 19.15.030

Proposal Summary: This amendment will add a new code section with provisions for temporary use or structure permits and designate these permits as a Type I land use review.

Staff Comments:

This proposal touches on an issue also identified by the City as a part of Proposed Amendment 10 (i.e. the current code does not include temporary use provisions outside the Town Center). However, this proposal has a smaller scope and identifies specific code provisions related to the applicant's needs.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	↓	✓	✓	✓

Proposed Amendment 16

Proposed By: Michael Murphy

Comprehensive Plan or Code Section: MICC 19.07.180 Watercourses

Proposal Summary: This amendment will reduce setbacks from piped watercourses and add a limited exception to piped watercourse setbacks for existing homes.

Staff Comments: The current provisions for setbacks from piped watercourses were adopted as a part of the Critical Areas Code Amendment in 2021 and are based on Best Available Science (BAS) as required by the Growth ~~Shoreline~~ Management Act (RCW 36.70A.172). Considering an amendment to these provisions would require the City to conduct a new/supplementary BAS review to determine if new research is available to support an amendment. Since this would be an amendment of the critical areas code and shoreline master program, it would also require review by Commerce and Ecology, which is a more lengthy review process than for standard code amendments.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	↓	✓	✓	✓

Proposed Amendment 17

Proposed By: Adam Ragheb

Comprehensive Plan or Code Section: MICC 19.02.020(G)(2)(c) - Parking Requirements

Proposal Summary: This amendment will require each non-single family residential dwelling unit outside town center with a GFA less than 3000 sq ft to provide 2 covered parking spaces sufficient in size to park a passenger automobile and charge it.

Staff Comments: Recent state legislation will require the City to amend the residential development standards in MICC 19.02 to allow middle housing types including duplexes, triplexes, townhomes, etc. by June 30, 2025. As a part of that required code amendment, the City is planning to undertake a thorough analysis of the residential development standards and will propose a comprehensive set of amendments intended to address existing issues and integrate these new housing types into the existing requirements. This type of proposal can be most appropriately considered as a part of that comprehensive effort.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	↓	✓	✓	✓



2023 PLANNING SCHEDULE

Item 13.

Please email the City Manager & City Clerk when an agenda item is added, moved, or removed.

Items are not listed in any particular order. Agenda items & meeting dates are subject to change.

DECEMBER 19, 2023 (POTENTIALLY CANCELED)			DD 12/8	FN 12/11	CA 12/11	Clerk 12/12	CM 12/12
ABSENCES:							
ITEM TYPE TIME TOPIC					STAFF		
STUDY SESSION							
SPECIAL BUSINESS							
CONSENT AGENDA							
REGULAR BUSINESS							
EXECUTIVE SESSION							

2024 PLANNING SCHEDULE

JANUARY 2, 2024			DD 12/13	FN 12/14	CA 12/14	Clerk 12/15	CM 12/15
ABSENCES:							
ITEM TYPE TIME TOPIC					STAFF		
SPECIAL BUSINESS							
15	AB 6386: Councilmember Oath of Office and Mayor and Deputy Mayor Elections				Ali Spietz/Andrea Larson		
STUDY SESSION							
45	AB 6385: 2024 Comprehensive Plan Periodic Update, Housing Element – HB 1220 Implementation				Jeff Thomas/Adam Zack		
CONSENT AGENDA							
--	AB 6387: December 1, 2023 Payroll Certification				Ali Spietz/Nicole Vannatter		
--	AB 6388: December 15, 2023 Payroll Certification				Ali Spietz/Nicole Vannatter		
--	AB 6380: Luther Burbank Boiler Building Phase 1 Bid Award				Jason Kintner/Clint Morris/Paul West/Sarah Blugas		
REGULAR BUSINESS							

EXECUTIVE SESSION**JANUARY 16, 2024**

ABSENCES:

DD
1/5**FN**
1/8**CA**
1/8**Clerk**
1/9**CM**
1/9**ITEM TYPE | TIME | TOPIC****STAFF****STUDY SESSION**

45 AB xxxx: Geographic Information Systems (GIS) Products Demo

Ali Spietz/Leah Llamas

SPECIAL BUSINESS**CONSENT AGENDA**

-- AB xxxx: December 29, 2023 Payroll Certification

Ali Spietz/Nicole Vannatter

-- AB xxxx: Lincoln Landing Watercourse Improvements Project Closeout

Jason Kintner/Clint
Morris/Paul West-- AB xxxx: 2024 Comprehensive Plan Periodic Update, Housing Element – Affordable
Housing Target and Policy Direction

Jeff Thomas/Adam Zack

-- AB xxxx: West Mercer Way Roadside Shoulders - Ph 4 (8100 WMW - 8400 EMW) Bid
AwardJason Kintner/Clint Morris/Ian
Powell**REGULAR BUSINESS**

15 AB xxxx: Park Area Naming Policy

Jason Kintner/Ryan Daly

15 AB xxxx: Sponsorship Policy

Jason Kintner/Ryan Daly/Katie
Herzog

15 AB xxxx: Parks Levy Annual Progress Report

Jason Kintner/Robbie
Cunningham Adams**EXECUTIVE SESSION****FEBRUARY 6, 2024**

ABSENCES:

DD
1/26**FN**
1/29**CA**
1/29**Clerk**
1/30**CM**
1/30**ITEM TYPE | TIME | TOPIC****STAFF****STUDY SESSION****SPECIAL BUSINESS****CONSENT AGENDA**

-- AB xxxx: Sunset Hwy/77th Ave SE Improvements Project Closeout

Jason Kintner /Clint Morris

REGULAR BUSINESS**EXECUTIVE SESSION****FEBRUARY 20, 2024**

ABSENCES:

DD
2/9FN
2/12CA
2/12Clerk
2/13CM
2/13**ITEM TYPE | TIME | TOPIC****STAFF****STUDY SESSION****SPECIAL BUSINESS****CONSENT AGENDA**

-- AB xxxx: Rare Disease Day Proclamation No. xxx

Mayor /Andrea Larson

-- AB xxxx: Basin 61 Sewer Upsizing Bid Award

Jason Kintner/Clint
Morris/Chris Marks**REGULAR BUSINESS****EXECUTIVE SESSION****MARCH 5, 2024**

ABSENCES:

DD
2/23FN
2/26CA
2/26Clerk
2/27CM
2/27**ITEM TYPE | TIME | TOPIC****STAFF****STUDY SESSION****SPECIAL BUSINESS****CONSENT AGENDA**AB xxxx Open Space Conservancy Trust 2022 Annual Report to City Council and 2023 Work
PlanJason Kintner/Alaine
Sommargren/Sam Harb

REGULAR BUSINESS**EXECUTIVE SESSION****MARCH 19, 2024**

ABSENCES:

DD
2/8FN
2/11CA
2/11Clerk
2/12CM
2/12**ITEM TYPE | TIME | TOPIC****STAFF****STUDY SESSION**

60 AB xxxx: Draft Water System Reliability Action Plan Discussion

Jason Kintner/Alaine
Sommargren**SPECIAL BUSINESS****CONSENT AGENDA****REGULAR BUSINESS**

30 Financial Management Software Implementation Update

Matt Mornick/Gracie Liu

Sustainability Work Program Update

Jason Kintner/Alaine
Sommargren/Alanna
DeRogatis**EXECUTIVE SESSION****APRIL 2, 2024**

ABSENCES:

DD
3/22FN
3/25CA
3/25Clerk
3/26CM
3/26**ITEM TYPE | TIME | TOPIC****STAFF****STUDY SESSION**

SPECIAL BUSINESS**CONSENT AGENDA**

--	AB xxxx: Autism Acceptance Month, Proclamation No. xxx	Mayor / Andrea Larson
--	AB xxxx: Sexual Assault Awareness Month, Proclamation No. xxx	Mayor /Andrea Larson

REGULAR BUSINESS**EXECUTIVE SESSION****APRIL 16, 2024**

ABSENCES:

DD**4/5****FN****4/8****CA****4/8****Clerk****4/9****CM****4/9****ITEM TYPE | TIME | TOPIC****STAFF****STUDY SESSION****SPECIAL BUSINESS****CONSENT AGENDA**

--	AB xxxx: Earth Day Proclamation No. xxx	Jason Kintner
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REGULAR BUSINESS

30	AB xxxx: Water System Reliability Action Plan Adoption (Resolution No. xxx)	Jason Kintner/Alaine Sommargren
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EXECUTIVE SESSION**MAY 7, 2024**

ABSENCES:

DD**4/26****FN****4/29****CA****4/29****Clerk****4/30****CM****4/30**

ITEM TYPE TIME TOPIC		STAFF
STUDY SESSION		
SPECIAL BUSINESS		
CONSENT AGENDA		
--	AB xxxx: Affordable Housing Week, Proclamation No. xxx	Mayor /Andrea Larson/Alison Van Gorp
REGULAR BUSINESS		
EXECUTIVE SESSION		