



PLANNING COMMISSION

REGULAR HYBRID MEETING AGENDA

Wednesday, February 26, 2025 at 6:00 PM

PLANNING COMMISSIONERS

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

LOCATION

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

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

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

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

- 1) **Telephone:** Call 253.215.8782 and enter Webinar ID 840 2446 7796, Passcode 398647.
- 2) **Zoom:** Click this [Link](#) (Webinar ID 840 2446 7796, Passcode 398647)
- 3) **In person:** Mercer Island Community & Event Center | 8236 SE 24th Street, Mercer Island, WA 98040

CALL TO ORDER & ROLL CALL, 6 PM

PUBLIC APPEARANCES

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

REGULAR BUSINESS

1. Planning Commission Meeting Minutes

Recommended Action: Approve the January 22, 2025 Regular Meeting minutes.

2. PCB25-03: Planning Commission Work Plan

Recommended Action: Receive report; no action necessary.

3. PCB25-05: Permanent Regulations for Temporary Uses and Structures Including Outdoor Dining (First Reading)

Recommended Action: Receive report and provide comments on the draft regulations for temporary structures and uses.

4. PCB25-04: Planning Commission Bylaws Adoption (Second Reading)

Recommended Action: Adopt the Planning Commission Bylaws.

OTHER BUSINESS

5. Staff Report

ADJOURNMENT



PLANNING COMMISSION REGULAR MEETING MINUTES

Wednesday, January 22, 2025

CALL TO ORDER

The Planning Commission was called to order by Deputy City Clerk Deb Estrada at 6 pm.

Planning Commission was in recess from 6:00 to 6:10 pm.

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

Staff Participation:

Jeff Thomas, Director (remote)

Alison Van Gorp, Deputy CPD Director

Adam Zack, Principal Planner

Molly McGuire, Senior Planner

Andrea Larson, City Clerk

Deb Estrada, Deputy City Clerk

Raven Gillis, Recreation Specialist

APPEARANCES. There were no public appearances.

REGULAR BUSINESS

1. Parliamentary Procedure Training

Tisha Gieser, Registered Parliamentarian with Jurassic Parliament, discussed the following topics:

- Authority and Roles
- Opening the Meeting
- Motions and Amendments

Planning Commission was in recess from 7:05 to 7:10 pm.

- Meeting discussion, Point of Order, and Appeal
- Public Comment and Public Hearings
- City Advisory Committee Pitfalls

2. PCB25-01: Election of Officers

Deputy City Clerk Estrada opened the floor for nominations for Chair.

Commissioner Gibson nominated Commissioner Thompson for Chair. Thompson accepted the nomination.

There being no other nominations. Deputy City Clerk Estrada called for a motion.

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

Elect Dan Thompson as Chair

Approved 5-0

Deputy City Clerk Estrada opened the floor for nominations for Vice Chair.

Commissioner Akyuz nominated Commissioner Perez for Vice Chair. Perez accepted the nomination.

Commissioner Nice nominated Commissioner Gibson for Vice Chair. Gibson accepted the nomination.

There being no other nominations. Deputy City Clerk Estrada called for a vote.

Commissioner Perez received two votes in the affirmative.

Commissioner Gibson received three votes in the affirmative and was elected Vice Chair.

3. Planning Commission Meeting Minutes of November 25, 2024, Special Meeting:

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

Approve the minutes.

Approved 5-0

4. PCB 25-02: Planning Commission Bylaws - Discussion

Andrea Larson, City Clerk, gave a brief presentation outlining staff's proposed amendments to the Planning Commission Bylaws and responded to questions.

Commissioners have until February 7 to submit additional amendments for consideration. The amendments will be compiled and distributed to the Commission prior to the February 26 meeting.

OTHER BUSINESS

Staff introduced themselves.

5. Staff's Report – Adam Zack, Principal Planner, briefly introduced the upcoming Planning Commission schedule.

ADJOURNED - The meeting adjourned at 8:19 pm

Deborah Estrada, Deputy City Clerk



PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 25-03
February 26, 2025
Regular Business

AGENDA BILL INFORMATION

TITLE:	PCB 25-03: Planning Commission Work Plan	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Recommendation
RECOMMENDED ACTION:	Receive report; no action necessary.	
STAFF:	Adam Zack, Principal Planner	
EXHIBITS:	1. N/A	

EXECUTIVE SUMMARY

The purpose of this Planning Commission Bill (PCB) is to provide the Planning Commission with an overview of the following:

1. Process by which the Planning Commission is assigned work by the City Council, and
2. Upcoming projects the Planning Commission will consider.

BACKGROUND

The Mercer Island Planning Commission (PC) is established by [Chapter 3.46](#) Mercer Island City Code (MICC). The purpose, function, and jurisdiction of the Planning Commission is set in [MICC 3.46.020](#), which states:

The planning commission shall serve in an advisory capacity to the city council and have the following duties and responsibilities:

- A. Review and make recommendations on amendments to the comprehensive plan;
- B. Review and make recommendations on amendments to development regulations;
- C. Hold public hearings in the exercise of its duties and responsibilities;
- D. Such other duties as may be assigned by the city council or established by local ordinance or state statute; and
- E. When applicable, complete tasks in subsections A through D within the timeframe established by city council.

The majority of the PC work is making recommendations to the City Council regarding amendments to the Comprehensive Plan and development regulations. Projects to amend the development code or Comprehensive Plan are referred to as legislative projects. The PC must hold a public hearing prior to making recommendations to the City Council regarding legislative projects ([MICC 19.15.260](#)).

For more-complicated legislative projects such as the recently completed Comprehensive Plan periodic review, staff will ask the City Council to approve a project scope of work and schedule to establish a timeframe for PC review pursuant to [MICC 3.46.020\(E\)](#). The City Council-approved project scope and schedule will be provided to the PC at the beginning of the project.

COMPREHENSIVE PLAN

The Comprehensive Plan is a generalized coordinated policy statement of the City that is adopted pursuant to the [Growth Management Act \(GMA\)](#) ([RCW 36.70A.030\(8\)](#)). The Mercer Island Comprehensive Plan is divided

into the following topic-specific chapters called “elements”: Introduction, Land Use, Housing, Transportation, Capital Facilities, Utilities, Shoreline Master Program, Economic Development, and Parks and Open Space.

The Comprehensive Plan is implemented through City actions falling in three broad categories:

- Regulations that guide development to realize the goals of the Comprehensive Plan;
- Investments in capital facility and transportation improvements; and
- Initiate other projects or programs. An example of an “other program” is the City’s [sustainability programs](#).

The GMA allows cities and counties to amend comprehensive plans once per year, with some limited exceptions. The GMA also requires a periodic review of locally adopted comprehensive plans every ten years to ensure they remain consistent with the GMA ([RCW 36.70A.130](#)). The Mercer Island Comprehensive Plan was most recently reviewed for consistency with the GMA and updated on November 19, 2024 by [Ordinance No. 24C-16](#). The update took effect December 31, 2024. Cities in King County will be required to provide a 5-year implementation progress report to the WA Department of Commerce in 2029 ([RCW 36.70A.130\(9\)](#)). The next comprehensive plan periodic review will be due in 2034.

DEVELOPMENT CODE

The development code is established in [Title 19 MICC - Unified Land Development Code](#). The development code is one of the primary ways that the City implements the Comprehensive Plan. The development code establishes regulations that shape how development occurs using tools such as:

- Zoning;
- Land use regulations;
- Dimensional standards such as setbacks and maximum building height;
- Parking requirements;
- Critical areas regulations;
- Shoreline regulations; and
- Permit requirements.

The PC work plan for the next couple of years is expected to largely focus on development code amendments as the City works to comply with changes in state law and implement the recently updated Comprehensive Plan.

ADDING PROJECTS TO THE PC WORK PLAN

The City Council determines the PC work plan each year. The City Council adds projects to the PC work plan using one of the two following processes:

- The annual docket, and
- By motion at any time ([MICC 19.15.230\(C\)](#)).

Annual Docket

The City accepts applications for suggested development code or comprehensive plan amendments from the public, including individual members of the PC, City commissions, and City staff each year in a process called the annual docket. The annual docket process is established in [MICC 19.15.230 – Comprehensive plan amendments and docketing procedures](#). Applications are accepted September 1 through October 1 each year. Following the application period, staff prepares an initial list of the proposed amendments and presents the list to the PC. The PC then holds a public hearing and makes a recommendation to the City Council regarding which items to add to the work plan for the upcoming year. The City Council then considers the PC recommendation and decides which items to add to the work plan via the final docket. The annual docket

process is only a decision-making process for which legislative projects should be added to the work plan. No development code or comprehensive plan amendments are adopted during that process.

The annual docket is the primary way by which the PC can make recommendations regarding its future work plan. If, during its work, the PC would like to ask the City Council to consider legislative projects not on its work plan, the PC should submit a docket application during the application window and make a recommendation for the City Council to consider.

City Council Action

The City Council can add legislative projects to the PC work plan at any time during the year outside of the annual docket process. Docketing development code and comprehensive plan amendments more frequently than the annual docket is authorized by [MICC 19.15.230\(C\)\(3\)](#), which states:

C. *Frequency of amendments.* [...]

3. More frequent amendments may be allowed under the circumstances set forth within RCW 36.70A.130(2). Amendments processed outside of the annual amendment cycle under RCW 36.70A.130(2) may be initiated by action of the city council. The city council shall specify the scope of the amendment, identify the projected completion date, and identify and, if necessary, fund resources necessary to accomplish the work. Amendments allowed to be processed outside of the annual amendment cycle are not subject to the docketing process outlined within subsection D of this section.

Legislative projects added to the PC work plan during the year are often in response to new statewide legislation after the WA Legislature finishes its session every spring. For example, last spring the WA Legislature enacted Substitute [Senate Bill \(SB\) 6015](#), which adopted a new section of the GMA that established parameters for how cities and counties can regulate parking for residential development ([RCW 36.70A.622](#)). In response, the City Council adopted an interim ordinance to comply with the legislation before the June 4, 2024 deadline ([Ordinance No. 24C-08](#)). In so doing, the City Council added a legislative project to the PC work plan to develop permanent regulations to comply with SB 6015.

LEGISLATIVE REVIEW PROCESSES

The required review processes for amendments to the Comprehensive Plan and Title 19 MICC are established in [Chapter 19.15 MICC](#). That process requires the PC to hold a public hearing and make a recommendation to the City Council for any amendment to the Comprehensive Plan and Title 19 MICC.

Legislative Review Steps

Each legislative review will follow standard steps:

1. *Initial PC Briefing* – the PC will be introduced to the project. The initial briefing will often include the following information:
 - a. Project scope and schedule
 - b. Relevant Council direction
 - c. Staff analysis
 - d. Discussion topics for PC direction
2. *Second PC Briefing & Additional Discussion* – For less complicated projects, this step may be combined with the initial briefing. The second briefing and additional discussion will often include the following:
 - a. Staff generated draft amendments
 - b. Additional information to follow up from the initial briefing

3. *Required Notices* – legislative actions can require the following notices:
 - a. Public hearing notice must be published in the newspaper of record (the *Mercer Island Reporter*) and in the CPD Weekly Bulletin ([MICC 19.15.100](#) & [19.15.260](#));
 - b. A State Environmental Policy Act (SEPA) determination consistent with the requirements of [Chapter 19.21 MICC](#) must be published in the CPD Weekly Bulletin and in the SEPA Register maintained by the WA State Department of Ecology; and
 - c. The City must notify the WA Department of Commerce 60 days in advance of any amendment to the Comprehensive Plan or Title 19 MICC ([RCW 36.70A.106](#)).

4. *PC Public Hearing* – An open record pre-decision public hearing is required prior to the PC making a recommendation for development code amendments, Comprehensive Plan amendments, and the annual docket. The public hearing procedure is established in [MICC 19.15.140 – Open Record Public Hearing](#). The public hearing has six steps:
 - a. Staff presentation, including the submittal of any additional information or correspondence. Members of the hearing body may ask questions of staff.
 - b. Applicant and/or applicant representative's presentation. Members of the hearing body may ask questions of the applicant.
 - c. Testimony by the public. Questions directed to the staff, the applicant or members of the hearing body shall be posed by the chairperson at his/her discretion.
 - d. Rebuttal, response or clarifying statements by the applicant and/or the staff and/or the public.
 - e. The public comment portion of the hearing is closed, and the hearing body shall deliberate on the action before it. ([MICC 19.15.140](#))

5. *PC Deliberations and Recommendation* – Once the public hearing is closed, the PC enters deliberations regarding a recommendation to the City Council. The deliberations are typically held during the same meeting as the public hearing. If the PC requests, deliberations can be continued to a later meeting. When deliberations conclude, the PC votes on a final recommendation to the City Council. The staff then prepare the written recommendation for review and signature by the PC Chair.

6. *City Council Review and Decision* – The City Council will consider the PC recommendation at a public meeting. The City Council may adopt or reject the PC recommendation, or remand the matter back to the PC ([MICC 19.15.260\(B\)\(3\)](#)). The City Council has at least two touches on legislation, including a first and second reading of the ordinance.

Additional Project Steps

More complicated legislative actions will involve additional steps beyond the standard process laid out above. Typically, additional steps are planned to allow for additional public participation and/or to give the PC additional rounds of review. Public participation beyond the standard process often requires the dedication of additional resources such as staff time, use of City facilities, advertisements, and production of materials. Any public participation beyond the standard process will be scoped with the City Council at the beginning of the project to allow the Council a chance to review and authorize the use of resources.

UPCOMING PROJECTS AND 2025 WORK PLAN

Table 1, at the top of page 5, lists the projects planned for PC review in 2025. The order and timing of the legislative review of these items is approximate and subject to further revision as the year progresses. Topics for the September meeting will be assigned after the City Council provides additional direction anticipated

this spring, related to the 2025 WA state legislative session on other emergent issues. A summary of each project is provided following the table.

Table 1. Tentative* 2025 PC Work Plan.

Month	Topic	Year Docketed
March	Temporary Structures and Uses Public Hearing	2023
	New Dwellings in Existing Buildings (HB 1042) Work Session	2024
April	New Dwellings in Existing Buildings (HB 1042) Public Hearing	2024
	Downhill Façade Height Work Session	2023
May	Downhill Façade Height Public Hearing	2023
	Co-Living Housing (HB 1998) Work Session	2024
June	Co-Living Housing (HB 1998) Public Hearing	2024
	Parks Zone Work Session	2022
July	Parks Zone Public Hearing	2022
August	No meeting - Recess	
September	<i>Reserved</i>	
October	Annual Docket Work Session	N/A
November	Annual Docket Work Session	N/A
December	<i>Reserved</i>	

*This schedule is tentative pending further Council direction and potential statewide legislation.

TEMPORARY STRUCTURES AND USES

On August 4, 2020, the City enacted temporary regulations to allow existing outdoor seating areas to expand into available public and private space to allow more outdoor dining during the COVID-19 Pandemic. Those interim regulations established by [Ordinance No. 20C-17](#) were renewed several times in the years that followed (Ordinance Nos. [21C-03](#), [21C-16](#), [21C-25](#), [23C-09](#)).

In 2023, the City received two applications for proposed development code amendments related to temporary uses and structures during the annual docket. On December 5, 2023, the City Council approved [Resolution No. 1655](#), which added a project to develop permanent regulations to allow temporary uses and structures to the Community Planning and Development (CPD) and PC work plan.

In 2024, the City Council adopted Ordinance No. [24C-07](#), which established interim regulations for temporary uses and structures and enacted interim regulations to address outdoor dining, superseding Ordinance No. [23C-09](#). Ordinance No. [24C-07](#) will expire in June 2025. This legislative project will establish permanent regulations to replace the interim regulations in Ordinance No. [24C-07](#) prior to the expiration date.

Summary of Amendments Expected

This project is expected to result in the amendment of the following sections of the Mercer Island Comprehensive Plan or the development code established in [Title 19 Mercer Island City Code \(MICC\)](#):

Comprehensive Plan

- No amendments expected

Title 19 MICC

- [MICC 19.06.050 – Commerce on Public Property](#)
- [MICC 19.06.130 – Temporary Use Permits](#) [NEW SECTION established by Ord. No. 24C-07]
- [MICC 19.15.030 – Land Use Review Types](#)

The amendments made to Title 19 MICC will result in development standards and a permitting process for temporary uses and structures. The existing development code does not have clear standards and procedures for authorizing land uses that would not exceed 180 days.

NEW DWELLING UNITS IN EXISTING BUILDINGS (HB 1042)

In 2023, the WA State Legislature enacted [House Bill \(HB\) 1042](#), which established [RCW 35A.21.440 – New housing in existing buildings—Prohibitions on local regulation](#). This new section of the state law requires code cities in Washington to allow new dwelling units to be added to existing nonresidential buildings subject to specific conditions. Compliance with [RCW 35A.21.440](#) is required by June 30, 2025 ([RCW 35A.21.440\(1\)\(a\)](#)).

On December 5, 2023, the City Council approved [Resolution No. 1655](#), which added a project to comply with statewide legislation to the CPD and PC work plan. That docketed project has carried forward to the 2025 work plan.

Summary of Amendments Expected

This project is expected to result in the amendment of the following sections of the Mercer Island Comprehensive Plan or the development code established in Title 19 Mercer Island City Code (MICC):

Comprehensive Plan

- No amendments expected

Title 19 MICC

- [MICC 19.04.010 – Planned Business Zone – PBZ](#)
- [MICC 19.04.020 – Commercial Offices](#)
- [MICC 19.04.050 – Business – B](#)
- MICC 19.06.XXX – New Dwelling Units in Existing Buildings. [NEW SECTION]

The amendments made to Title 19 MICC will result in establishing new regulations for constructing new dwelling units in existing buildings to comply with state law.

DOWNHILL FAÇADE HEIGHT

The development standards for single-family zones (R-8.4, R-9.6, R-12, and R-15 zones) are established in [MICC 19.02.020 – Development standards](#). The building height limit in these zones is established in [MICC 19.02.020\(E\)](#), which states:

- 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.
 2. *Maximum building height on downhill building facade.* The maximum building facade height on the downhill side of a sloping lot shall not exceed 30 feet in height. The building facade 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.
[...]
 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.

The residential development standards currently contain two different standards regulating maximum allowed building height, one based on average building elevation ([MICC 19.02.020\(E\)\(1\)](#)) 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. ([MICC 19.02.020\(E\)\(2\)](#)).

The existing downhill façade height standard lacks clarity because there are several ways to determine where the wall façade 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, it can be challenging to make the same determination where the wall facade ends on proposed buildings with flat or shed roofs. This project will amend the development standards to clarify the measurement of the downhill facade height.

On December 5, 2023, the City Council approved [Resolution No. 1655](#), which added a project to amend the development regulations to clarify the downhill façade height measurement to the CPD and PC work plan.

Summary of Amendments Expected

This project is expected to result in the amendment of the following sections of the Mercer Island Comprehensive Plan or the development code established in Title 19 Mercer Island City Code (MICC):

Comprehensive Plan

- No amendments expected

Title 19 MICC

- [MICC 19.02.020\(E\) – Development Standards](#)

CO-LIVING HOUSING (HB 1998)

In 2024, the WA State Legislature enacted HB 1998 , which established [RCW 36.70A.535 – Co-Living Housing](#). This RCW section requires cities planning under the Washington State Growth Management Act (GMA) to allow co-living housing in all zones where multifamily housing is allowed. Compliance with RCW 36.70A.535 is required by December 31, 2025 (RCW 36.70A.535(9)(a)). Co-Living Housing is “a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. Local governments may use other names to refer to co-living housing including, but not limited to, congregate living facilities, single room

occupancy, rooming house, boarding house, lodging house, and residential suites [...] (RCW 36.70A.535(11)(a))”.

On December 5, 2023, the City Council approved [Resolution No. 1655](#), which added a project to comply with statewide legislation to the CPD and PC work plan. That docketed project has carried forward to the 2025 work plan.

Summary of Amendments Expected

This project is expected to result in the amendment of the following sections of the Mercer Island Comprehensive Plan or the development code established in Title 19 Mercer Island City Code (MICC):

Comprehensive Plan

- No amendments expected

Title 19 MICC

- MICC 19.06.XXX – Co-Living Housing. [NEW SECTION]
- MICC 19.16.010 – Definitions

The amendments made to Title 19 MICC will result in establishing new regulations for constructing new dwelling units in existing buildings to comply with state law.

PARKS ZONE

In 2022, the City Council approved a scope of work for the Comprehensive Plan periodic review with Resolution 1621. The approved scope of work included adoption of a parks zone during the periodic review. A Parks Zone would establish development regulations for City parks and open space. The Parks and Recreation Commission (PRC) began working on the draft Parks Zone in early 2024. Early in the process the PRC recommended dividing the work into two phases, adoption of an Open Space Zone and adoption of a Parks Zone. During the Comprehensive Plan periodic review, an Open Space zone regulating City-owned or managed open spaces was developed and adopted. The PRC has continued to work on the Parks Zone and will likely make a recommendation this spring. Because the Parks Zone would amend the development code in Title 19 MICC, the PC must hold a public hearing on the draft regulations and make a recommendation to the City Council.

The PC review is expected to be completed over the course of one work session and one public hearing (two meetings total) because the PRC has already spent several meetings considering their recommendation and taking public comment.

Summary of Amendments Expected

This project is expected to result in the amendment of the following sections of the Mercer Island Comprehensive Plan or the development code established in Title 19 Mercer Island City Code (MICC):

Comprehensive Plan

- No amendments expected

Title 19 MICC

- MICC 19.01.040 – Zone Establishment
- MICC 19.05.XXX – Parks Zone. [NEW SECTION]
- MICC 19.16.010 – Definitions
- Title 19 MICC, Appendix D – Zoning Map

The amendments made to Title 19 MICC will result in establishing a new zone and corresponding regulations for City parks.

ANNUAL DOCKET

The PC provides a recommendation to the City Council regarding which projects should be added to the CPD and PC work plan through the annual docket process. The PC reviews suggested amendments submitted during the application period and provides its recommendation to City Council by mid-November. A summary of the annual docket process is provided above.

NEXT STEPS

The PC will begin working on the projects summarized in this report.

RECOMMENDED ACTION

Receive report; no action necessary.



PCB 25-03

2025 Planning Commission Work Plan

Mercer Island Planning Commission
February 26, 2025
Adam Zack, Principal Planner
Community Planning and Development



Purpose



1. Provide an overview of the process by which the Planning Commission is assigned work, and
2. Go over upcoming projects.

BACKGROUND: PC Duties and Responsibilities

- The Planning Commission (PC) reviews and makes recommendations to the City Council regarding:
 - Amendments to the Comprehensive Plan, and
 - Amendments to the development regulations (Title 19 Mercer Island City Code (MICC)).
- The PC Work Plan is determined by the City Council



BACKGROUND: Comprehensive Plan

- A comprehensive plan is a city’s coordinated policy statement;
- Requirements for comprehensive plans are set at the state level by the WA Growth Management Act (GMA); and
- Under the GMA, the City can only amend the Comprehensive Plan once a year.



BACKGROUND: Development Regulations

- The development regulations implement the Comprehensive Plan;
- They are established in Title 19 Mercer Island City Code (MICC); and
- The City can amend the development regulations by ordinance at any time.



Adding Projects to the PC Work Plan

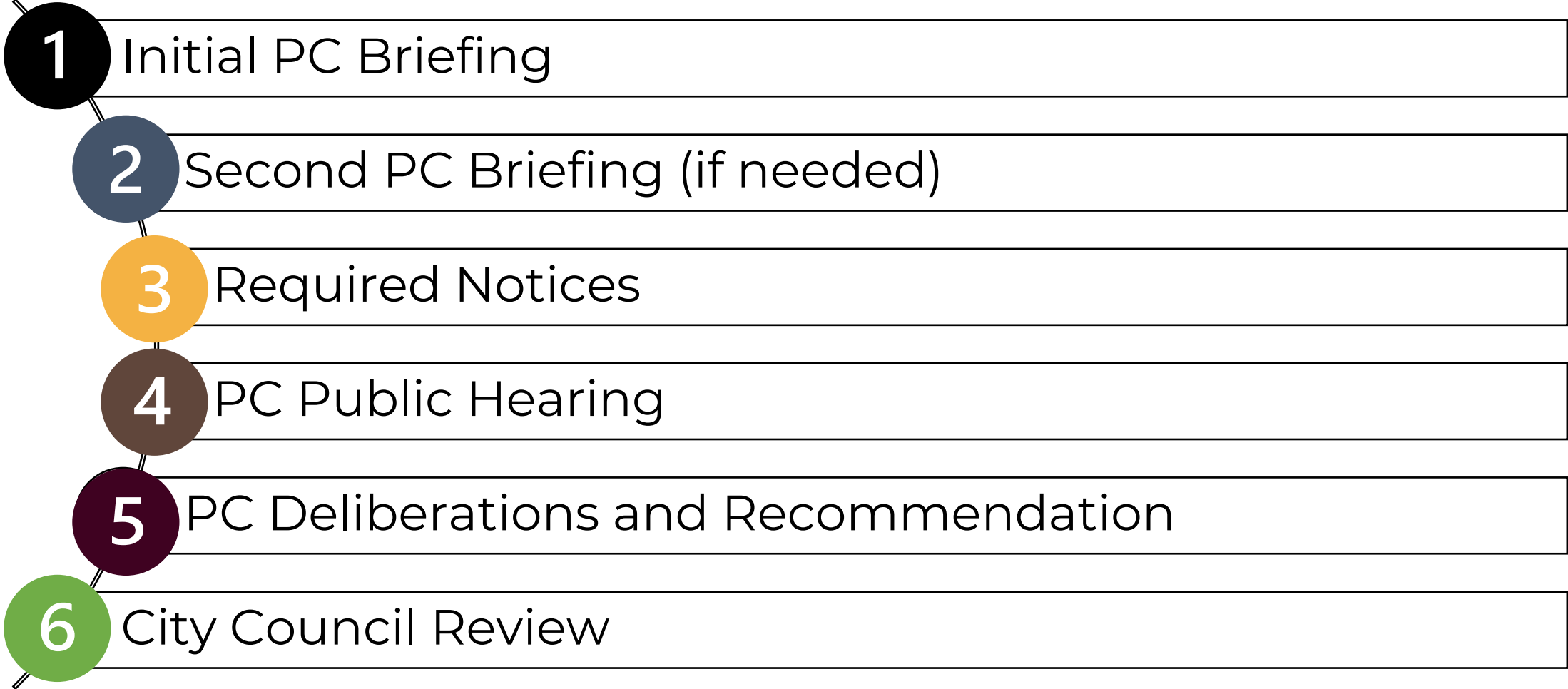
Annual Docket (Once a Year)

- 1. The public, PC, staff, and Council can propose amendments to the Comprehensive Plan or development regulations
- 2. Applications accepted 9/1-10/1 each year

By Council Action (Any Time)

- 1. The City Council can add projects at any time.
- 2. The City Council will include the scope schedule, and, if necessary, allocate necessary resources.
- 3. These projects are often in response to new statewide legislation after the WA Legislature finishes its session every spring

Legislative Review Process



Additional Project Steps

- More complicated projects will involve additional steps.
- Steps are typically added to:
 - Allow for additional public participation, or
 - Give the PC additional rounds of review.
- Additional steps are added during the scoping of the project with the City Council.



Tentative 2025 PC Work Plan

Month	Project
February	Temporary Structures and Uses Work Session
March	Temporary Structures and Uses Public Hearing New Dwellings in Existing Buildings (HB 1042) Work Session
April	New Dwellings in Existing Buildings (HB 1042) Public Hearing Downhill Façade Height Work Session
May	Downhill Façade Height Public Hearing Co-Living Housing (HB 1998) Work Session
June	Co-Living Housing (HB 1998) Public Hearing
July	<i>Reserved</i>
August	Recess
September	<i>Reserved</i>
October	Annual Docket
November	Annual Docket
December	<i>Reserved</i>

New Dwellings in Existing Buildings

- Development code amendments to comply with 2023 change in state law (RCW 35A.21.440 and House Bill 1042)
- Code Cities are required to allow the development of new dwelling units in existing buildings subject to specific conditions
- This project is expected to result in a new section of Chapter 19.06 MICC and some minor amendments to Chapter 19.04 MICC.
- PC initial briefing: March 26
- PC public hearing, deliberations and recommendation: April 23

Downhill Façade Height

- Docketed for 2024, to follow the Comprehensive Plan Periodic Review
- Project to clarify how downhill façade height is determined in single-family residential zones.
- This project will focus on MICC 19.02.020(E).
- PC initial briefing: April 23
- PC public hearing, deliberations and recommendation: May 28



Co-Living Housing

- Development code amendments to comply with 2024 change in state law (RCW 36.70A.535 and House Bill 1998). Cities planning under the GMA must allow, subject to conditions, co-living housing in all zones where multifamily residential uses are allowed.
- Co-Living Housing is “a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building (RCW 36.70A.535(11)(a)). [...]”
- This project is expected to result in a new section of Chapter 19.06 MICC and a handful of definitions added to Chapter 19.16 MICC.
- PC initial briefing: May 28
- PC public hearing, deliberations and recommendation: June 25

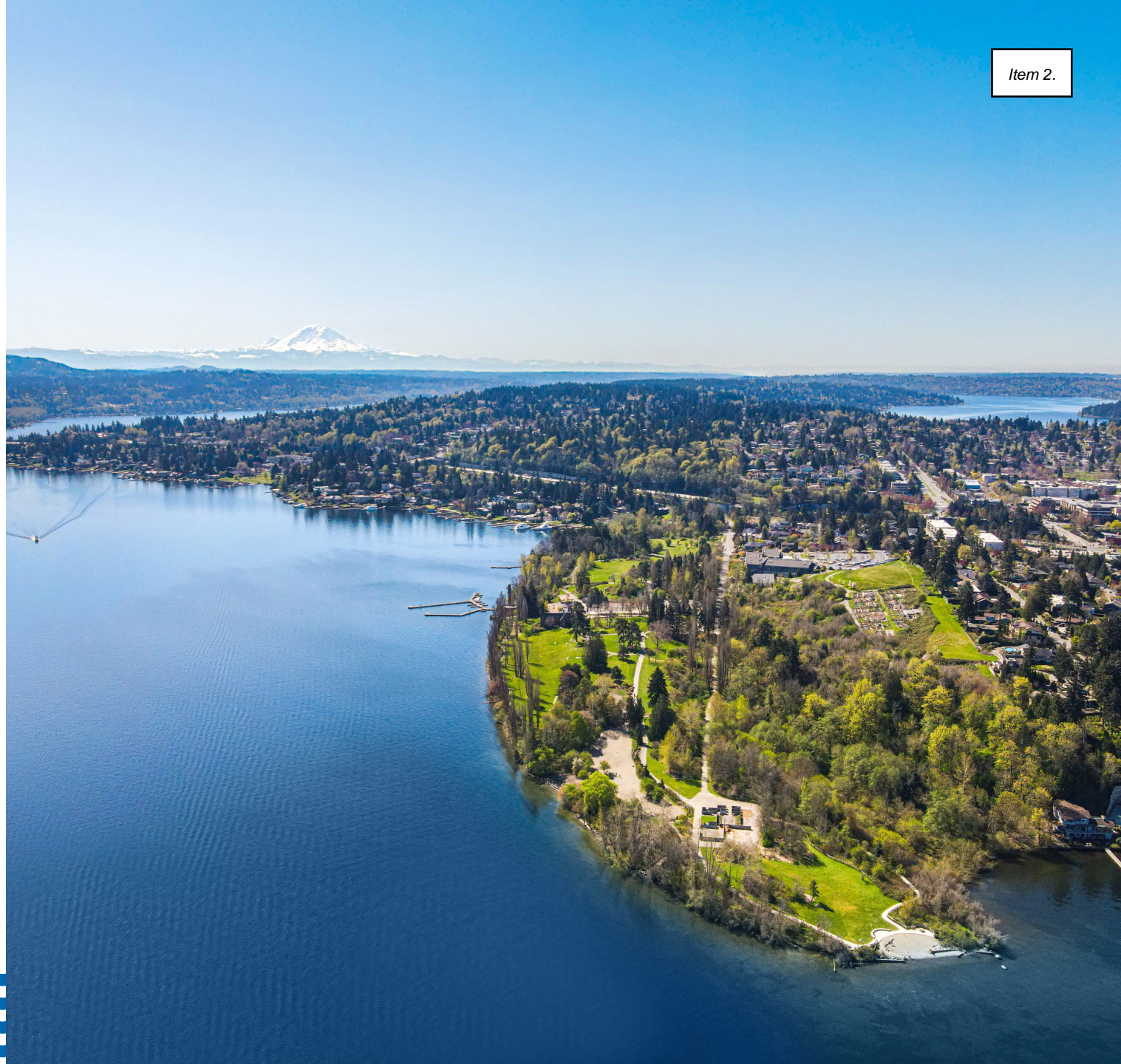
Annual Docket

- The PC makes a recommendation to the City Council regarding projects that should be added to the CPD and PC work plan
- Applications can be submitted by the public, City staff, and City boards and commissions (including the PC).
- PC initial briefing: October 29
- PC public hearing, deliberations and recommendation: November 19



Thank You

Item 2.





PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 25-05
February 26, 2025
Regular Business

AGENDA BILL INFORMATION

TITLE:	PCB 25-05: Review Permanent Regulations for Temporary Uses and Structures Including Outdoor Dining (First Reading).	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Recommendation
RECOMMENDED ACTION:	Receive report and provide comments on the draft regulations for temporary structures and uses.	

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

EXECUTIVE SUMMARY

The purpose of this agenda bill is to discuss the adoption of permanent regulations for temporary uses and structures in place of interim regulations which were originally adopted on June 4, 2024, under [Ordinance No. 24C-07](#) and are effective for one year.

- Temporary uses and structures are development or activities that take place on a property for a period of 180 days or less. They can include a wide range of development and activities from garage sales to outdoor festivals.
- Prior to 2024, the City did not have a permit process for temporary uses or structures and the development code lacked clarity about how such structures and uses were regulated. As a result, some temporary uses and structures were not allowed.
- At its December 5, 2023 meeting, the City Council docketed a project to develop regulations for temporary uses and structures when it approved [Resolution No. 1655](#).
- On June 4, 2024, the City Council adopted Ordinance 24C-07, which established the following:
 - Interim regulations and permitting procedures for temporary structures and uses, and
 - A work plan for developing permanent regulations for temporary structures and uses by the second quarter of 2025.
 - The interim regulations will expire in June 2025 unless the City adopts permanent regulations or renews the interim regulations.
- Staff prepared draft permanent regulations for temporary uses and structures for the Planning Commission to review and provide initial comments on (Exhibit 1).
- The draft regulations would establish:
 - Development standards for temporary uses and structures on real property not owned by the City of Mercer Island (“private property”);
 - Development regulations to continue a pandemic-era allowance for outdoor dining use within public rights of way and private parking spaces; and
 - A permitting process for temporary uses and structures.
- Staff requests that the Planning Commission provide comments on the draft permanent regulations for temporary uses and structures by March 14, 2025.
- A public hearing and second reading on the draft permanent regulations for temporary uses and structures is scheduled for March 26, 2025.

BACKGROUND

Temporary uses and structures are active or constructed on a short-term basis. Typically, temporary uses and structures are those developments that will be in place for no more than 180-days and which will not permanently alter a site. The [2021 Washington State Building Code](#) defines temporary structures as those that are erected for a period of less than 180 days. Temporary uses normally include a wide variety of uses, for example: garage sales, outdoor dining areas associated with a restaurant or bar, food trucks, tents for large events, seasonal enclosures for pools, or sport courts, etc.

On December 5, 2023, the City Council approved [Resolution No. 1655](#) setting the 2024 Docket, which added Comprehensive Plan and development regulation amendments to the City's Work Plan. Separate proposals submitted by both the City of Mercer Island and the Mercer Island Country Club to docket code amendments to establish temporary use and structure regulations were approved by City Council. After discussing the prioritization of the Mercer Island Country Club docketed item at its March 1, 2024, Planning Session, City Council directed staff to proceed with developing interim regulations to address both docketed items and renew the existing interim regulations for outdoor dining at its regular business meeting on April 2, 2024 (see [AB6441](#)).

Existing Regulations for Temporary Uses and Structures

Prior to the adoption of [Ordinance No. 24C-07](#), the Mercer Island City Code (MICC) did not include regulations and permitting processes for temporary uses and structures. Without established regulations, some temporary uses and structures were either subject to development standards intended for more intense permanent uses or prohibited. Many temporary uses and structures that would benefit Mercer Island residents are subject to existing land use regulations, including setbacks, lot coverage, building height, and design requirements. For example, prior to Ordinance No. 24C-07, a yard sale in the R-8.4 zone would be considered a "home business" subject to [MICC 19.02.010\(A\)\(5\)](#). The regulations for a home business establishes operation and parking requirements that would likely make a yard sale infeasible because they are designed to address a permanent home business such as a daycare. If a yard sale cannot meet the requirements of a home business established in MICC 19.02.010(A)(5), it would be out of compliance with the development code and could be subject to code enforcement.

Existing Regulations for Commerce on Public Property

Regulations for commerce on public property are established in [MICC 19.06.050 – Commerce on public property](#). This section allows business owners to use a portion of the right of way or public sidewalks for private commerce. Commerce on public property is permitted through Community Planning and Development with a right of way use permit or through Parks and Recreation with a special event permit depending on the location and scale of the proposed use or activity. Commerce on public property permits are generally applicable for the exchange of goods or services by any person(s), corporation, or company when the applicant business has an active business license for a location immediately adjacent to the public property location where the use will take place. Special event permits are applicable to more large-scale events that will take place on public property, such as a wedding ceremony or ticketed event in one of Mercer Island's parks.

During the COVID-19 Pandemic, the City adopted interim regulations for commerce on public property to allow businesses to utilize more outdoor spaces. The interim regulations amended MICC 19.05.060 to consider existing eating and drinking establishments that temporarily provide outdoor food and beverage service on adjacent public property to be considered temporary and may be approved without review or approval by the Design Commission. These amendments also clarified that non-temporary improvements must be consistent with the design requirements in the Town Center Plan.

ISSUE/DISCUSSION

Proposed Code Amendments

The draft regulations provided in Exhibit 1 were created to establish regulations and a permitting process for temporary uses and structures that would otherwise be prohibited or unregulated. These regulations would apply to temporary uses and structures on real property not owned by the City of Mercer Island, referred to as “private property”.

The proposed amendments establish regulations which would:

- Amend [MICC 19.06.050](#) to:
 - Provide clarification on the applicability of design requirements and review and approval by the Design Commission for commerce on public property;
 - Exclude temporary improvements from compliance with design requirements; and
 - Clarify that permit applications for existing eating and drinking establishments to temporarily provide outdoor food and beverage service on adjacent public property are considered temporary and may be approved by the code official without review or approval by the Design Commission.
- Establish a new code section MICC 19.06.130 – Temporary Use Permits, which would regulate temporary uses and structures on private property.
- Amend [MICC 19.15.030](#) Table A – Permit Review Types to establish “Temporary Use Permit” as a Type I land use review.

MICC 19.06.050 – Commerce on Public Property

The proposed amendments to [MICC 19.06.050](#) exclude temporary improvements from compliance with design requirements, and clarifies that permit applications for existing eating and drinking establishments that temporarily provide outdoor food and beverage service on adjacent public property are considered temporary and may be approved by the code official without review or approval by the Design Commission. The permitting process established in this section for private commerce on public property remains unchanged. Proposals for commerce on public property would require a right-of-way use permit or special event permit, as described above.

New Section: MICC 19.06.130 – Temporary Use Permits

The proposed new section for temporary use permits establishes the following:

- The purpose and applicability of the proposed regulations
- When a temporary use permit is required and who may apply for the temporary use permit
- The application process for temporary use permits
- Activities that are explicitly exempt from the requirement of a permit
- Criteria for approval of a temporary use permit
- Additional conditions for certain temporary uses and/or structures
- Time limitations
- Limitation on activity
- Standards for removal of the temporary use and/or structure
- Assurance device

These regulations were drafted after considering several neighboring cities’ existing temporary use standards, including the Cities of Kirkland, Renton, and Sammamish. These examples all contain similarities in the structure of the regulations, time limitations, exempt activities, and additional conditions.

Purpose and applicability. This section establishes the purpose of a temporary use permit, which is to authorize a use or structure on private property on a short-term basis. For purposes of this section,

temporary encampments are not considered temporary uses and are subject to the requirements contained in [MICC 19.06.090](#), Temporary encampment permit.

Permit required. This section establishes that a temporary use permit is required in accordance with the provisions of this chapter, except for those uses that are specifically exempt from the permit requirement. This section also establishes who may apply for the temporary use permit and clarifies that the temporary use or structure may be subject to additional permitting and review requirements within the MICC or public agencies.

Application. This section outlines the application process. Temporary use permits would be processed as a Type I land use review. Type I land use reviews are further discussed in the section below.

Exemptions. This section exempts specific activities from the permit requirements of this chapter but does not exclude these activities from compliance with other substantive requirements. Activities like garage, yard, and estate sales, rummage or outdoor sales at schools, churches, or other nonresidential institutional facilities, and construction-related activities would be exempt from obtaining a temporary use permit, but would still be subject to other requirements, such as safety and welfare, nuisance, hours of operation, and duration. While temporary use permits would be processed as a Type I land use review, which are relatively simple to process, the permit requirement could create an unnecessary barrier to the property owner for certain activities that are low impact in nature and provide community benefit.

Criteria for approval. This section establishes the criteria a temporary use permit application must satisfy for the code official to approve, or approve with conditions. The criteria were designed to ensure that temporary uses and structures are regulated so as not to adversely impact the community, but also to not inadvertently restrict uses that may benefit the community. Activities that are exempt from the permit requirement are not exempt from compliance with the criteria in this section. Should an activity be noncompliant with certain criteria, a code enforcement request could be made, and compliance would be investigated through this process.

Additional conditions for certain temporary uses/structures. This section was created to regulate certain uses that may have more impact on the community. Only certain uses would be subject to these conditions, in addition to the criteria for approval. Two uses are identified to require additional conditions: mobile food vendors and existing eating and drinking establishments that may temporarily utilize adjacent private parking areas for outdoor food and beverage services. These regulations were originally adopted as interim regulations in response to the COVID-19 Pandemic and reflect the now permanent rules for outdoor dining by the Washing State Liquor and Cannabis Board under [WAC 314-03-200](#).

Time limitation. This section establishes the maximum durations for which the code official may issue a temporary use or structure permit. The time limitations were drafted based on Section 108 in the International Construction Code and International Residential Code, which considers a structure to be temporary if it is constructed for less than 180 days. The temporary use regulations allow the code official to grant extensions if the applicant shows compliance with all conditions of the permit approval. If the structure is in place for over 180 days, it may be subject to certain additional construction standards. These time limitations are based on the type of temporary use or structure, ranging from a minimum of 30 days to a maximum of 180 days.

Limitation on activity. This section limits a property from being granted a temporary use permit within three months of the expiration of a previous temporary use permit.

Removal of a temporary use. This section requires the code official to establish a date by which the use or structure must be removed, and the action allowed to be taken by the city if the site has not been restored to the standards outlined.

Assurance device. This section allows the code official to require a financial guarantee pursuant to the requirements in [MICC 19.01.060](#) to assure compliance with the provisions of this title and the temporary use permit as approved.

MICC 19.15.030 Table A – Land Use Review Types

Under the proposed amendments to [MICC 19.15.030](#), Temporary Use Permits are proposed to be classified as a Type I land use review, as these land use reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues. Type I land use reviews are not subject to the noticing requirements that more substantial land use reviews, like major building permits or shoreline permits, are subject to.

As of the date of this PC bill, four temporary use permits have been approved under the regulations adopted in [Ordinance No. 24C-07](#). Three of these permits were temporary structures to cover outdoor sports facilities for use in inclement weather at different properties across the island, and one permit was for pre-packaged ice cream sales. These permits were processed as Type I land use reviews and received approvals within 2 weeks of the date of application. Applications for temporary use permits are required to receive a decision from the City in a maximum of 65 days, in accordance with application procedures in the Washington Administrative Code.

Feedback Requested

The Planning Commission are asked to consider the draft language and the implications that regulating temporary uses and structures on private property may have on the Mercer Island community.

The key points that the Planning Commission should consider are:

- The activities that are exempt from the permit requirement.
- The criteria for approval of a temporary use permit.
- The proposed additional conditions for more intense temporary uses.
- The time limitations that the various types of temporary uses are subject to.

Staff requests feedback on the proposed amendments from the Planning Commission no later than close of business on March 14. Questions, comments, and proposed amendments should be sent to Molly McGuire, molly.mcguire@mercerisland.gov. The Planning Commission can consider making amendments in response to comments during the deliberations following the public hearing on March 26, 2025.

NEXT STEPS

- March 14, 2025 – Planning Commission comments on the draft code amendment due to staff by 5:00pm.
- March 26, 2025 – Planning Commission public hearing, deliberations, and recommendation.
- April (meeting date TBD) – City Council briefing on PC recommendation and first reading of an ordinance to adopt permanent regulations for temporary structures and uses.
- May (meeting date TBD) – City Council second reading of an ordinance to adopt permanent regulations for temporary structures and uses.

RECOMMENDED ACTION

Receive report and provide comments on the draft regulations for temporary structures and uses.

MICC 19.06.050 – Commerce on Public Property.

- A. The purpose of this chapter is to allow for the safe, healthful and aesthetic use of public property for the benefit of private commerce.
- B. The provisions of this section shall apply only to public sidewalks, streets and rights-of-way within the Town Center zone.
- C. Any person(s), corporation, or company who wishes to use the public right-of-way for the exchange of goods or services shall apply for a private commerce on public property permit. Such permit shall be in the form specified by the code official and shall contain such information as deemed necessary by the code official.
- D. *Criteria for permit.* A private commerce on public property permit shall be reviewed based on the following criteria:
1. The applicant business has an active business license for a location immediately adjacent to the public property location where the request has been made.
 2. The location of the business activity does not create a safety hazard for motorists, bicyclists or pedestrians.
 - a. The business location maintains sufficient area for the free passage of pedestrians along sidewalks and access to other adjacent businesses.
 - b. The business location does not obstruct the views of motorists turning into or out of a street or parking lot.
 3. The business operation does not generate litter, noise or other nuisances that would be objectionable to the public or other businesses in the immediate area.
 - a. Adequate refuse containers shall be provided.
 - b. Hours of operations are sensitive to the surrounding neighborhood.
 - c. No music or sound is amplified.
 - d. The area can be maintained in a clean condition.
 - e. Physical improvements can be removed or secured when not in operation.
 4. The design for any non-temporary improvements is consistent with the design requirements for the Town Center plan.
 5. The location and design do not unreasonably obstruct the visibility of any adjacent businesses.

6. The location of a business engaged in the sale of alcoholic beverages is separated from the public space with a barrier, fence, landscaping or other demarcation.
- E. A permit to operate a private business on public property shall be reviewed and approved by the design commission; provided, that occasional, temporary business operations involving temporary structures and/or temporary right-of-way obstructions may be approved by the code official. ~~Permit applications from one or a group of existing eating and drinking establishments at Mercer Island to temporarily operate private business on public property during the effective period set forth in section 6 of Ordinance No. 21C-25 shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission.~~ Permit applications from existing eating and drinking establishments at Mercer Island to temporarily provide outdoor food and beverage service on public property adjacent to the eating and drinking establishment shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission.
- F. All permittees must comply with all applicable city, county, state and federal laws, including the International Fire Code.
- G. Permits for ongoing commercial use on public property shall be subject to renewal annually on the date of the original permit approval. Failure to submit a renewal request within 30 days of the annual renewal date shall result in the suspension of the permit.
- H. The revocation of a permit shall be governed by chapter 6.10 MICC.
- I. The provisions of this section shall not apply to the annual city-sponsored event known as "Summer Celebration."
- J. The code official may require a bond or assignment of funds as set out in MICC 19.01.060(C) to ensure that public property subject to commercial use under this section is restored to its former condition immediately following cessation of the commercial use.
- K. The code official may require evidence of insurance, indemnification or other measures deemed necessary and sufficient to limit the city's liability for the acts or omissions of persons, corporations, or companies seeking and obtaining permission to use public property for commercial purposes.

MICC 19.06.130 – Temporary Use Permits.

- A. *Purpose and applicability.* A temporary use permit authorizes a use or structure on private property on a short-term basis. Temporary encampments are not considered temporary uses for purposes of this section and are instead subject to the requirements contained within MICC 19.06.090.
- B. *Permit required.*

1. No temporary use or structure shall be permitted within the city except in accordance with the provisions of this chapter. A temporary use permit is required for temporary uses except those specifically exempted pursuant to MICC 19.06.130(D).
 2. The property owner or their authorized agent may apply for a temporary use permit on private property.
 3. Any temporary use or structure authorized by this chapter may be subject to other permitting and review requirements of the MICC and/or other public agencies.
- C. Application. The application for a temporary use permit shall be submitted on forms obtained from the Community Planning & Development Department, and consistent with MICC 19.15.060. The application shall contain all information deemed necessary by the code official to determine if the proposed permit or action will comply with the requirements of this section. The Community Planning & Development Department shall verify that the application is consistent with the requirements of this chapter, and that the application contains proof of a valid business license, if applicable. Temporary use applications shall be processed as a Type I land use review, pursuant to MICC 19.15.030 Land Use Review Types.
- D. Exemptions.
1. The following activities on private property are exempt from the permit requirements of this chapter, but shall comply with other substantive requirements of this chapter, unless specifically noted otherwise:
 - a. Garage sales, yard sales, and estate sales conducted by or on behalf of the occupant(s) of a residential dwelling. Tents or other temporary structures used in conjunction with any garage, yard, or estate sale shall not exceed 120 square feet in area;
 - b. Rummage and other outdoor sales sited at a school, church, or other nonresidential institutional facility;
 - c. Exemptions for Construction-Related Activities: The following uses and structures do not require a temporary use permit, provided they are associated with an approved land use application and/or construction permit:
 - i. Contractor's office, storage yard, and equipment parking and servicing on or near the site or in the vicinity of an active construction project.
 - ii. Sales/marketing trailers used for the purpose of real estate sales and/or rental information, located within the subdivision or development to which they pertain.
- E. Criteria for approval.
1. The code official, in consultation with appropriate City departments, shall review each application for a temporary use permit. The code official may approve, or condition and approve, an application for a temporary use permit if the application satisfies all of the following criteria:

- a. The temporary use will not be materially detrimental to the public health, safety or welfare, nor injurious to property or improvements in the vicinity of the temporary use;
 - b. The structure or use is located where there is safe ingress and egress from the street, including a clear sight area adjacent to the street;
 - c. Structures proposed for the temporary use comply with applicable provisions of the Building and Fire Codes;
 - d. Adequate parking is available to serve the temporary use, and if applicable, the temporary use does not occupy required off-street parking areas for adjacent or nearby uses;
 - e. Hours of operation of the temporary use are specified, and would not adversely impact surrounding uses;
 - f. The temporary use will not cause nuisance factors such as noise, light, or glare which would adversely impact surrounding land uses;
 - g. The temporary use will not include permanent fencing, walls, or other structures that would hinder removal of the structure from the site; and
 - h. The temporary use will comply with the applicable portions of MICC Title 19 including, but not limited to, Ch. 19.07, Environment, 19.10, Trees, 19.13, Shoreline Master Program, and 19.21, Environmental Procedures.
2. Except as otherwise provided above, the underlying development standards of the zoning designation applicable to the site on which the temporary use or structure is proposed do not apply.
- F. Additional conditions for certain temporary uses/structures. The following temporary uses and structures are permitted when authorized by the issuance of a temporary use permit when the applicable conditions set forth in this section and in MICC 19.06.130(E), Criteria for approval, have been met.
1. Mobile Food Vendors. Mobile food vendors shall comply with the following conditions:
 - a. The mobile food vendor shall obtain and keep the Eastside Fire and Rescue permit or approval and King County Health Department permit or approval on the mobile food vending facility at all times, and copies of these approvals shall be made available to the City upon the City's request.
 - b. The mobile food vendor must be located on a paved surface. If the mobile food vendor will be operating within a parking area, the mobile food vending facility may not protrude into the drive aisle, block fire lanes, or result in the site providing less than the required minimum number of parking stalls.

- c. A mobile food vendor shall not be parked in a location that will impede garbage collection.
 - d. A mobile food vendor must obtain permission from the property owner prior to operating.
 - e. The mobile food vendor must have fully functional wheels and be able to move immediately by being towed or driven without the removal of blocks or other structural devices.
2. Subject to approval by the code official, existing eating and drinking establishments may temporarily utilize private parking areas for outdoor food and beverage service, provided the private parking area is immediately adjacent to the eating and drinking establishment, and the following conditions are met:
- a. Use of any portion or percentage of private off-street parking areas for outdoor food and beverage service shall require the landlord's / property owner's approval. Nothing in this section compels a landlord or property owner to permit a tenant to expand its business to the exterior.
 - b. To the extent necessary to provide outdoor food and beverage service, minimum parking regulations normally applicable to eating and drinking establishments required in MICC 19.04.040 and MICC 19.11.130 are waived to enable such uses to serve patrons in adjoining parking spaces for the duration of the temporary use.
 - c. The use of outdoor food and beverage service shall not interfere with ADA accessible parking spaces or access to adjacent and surrounding businesses.
 - d. The temporary use shall obtain all necessary permits and/or authorizations required by the City and/or state and federal agencies.

G. Time limitation.

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

Table A. Table of Temporary Use and Structure Permit Duration

<u>Temporary Use or Structure</u>	<u>Maximum Duration</u>	<u>Applicable Development Standards</u>
<u>Temporary Uses or Structures (not including activities listed in MICC 19.06.130(D),</u>	<u>180 Days¹</u>	<u>MICC 19.06.130(E)</u>

<u>Exemptions and Mobile food vendors)</u>		
<u>Activities listed in MICC 19.06.130(D), Exemptions not related to another permit.</u>	<u>30 days of site occupation or operation in any calendar year, unless otherwise stated</u>	<u>MICC 19.06.130(D)</u>
<u>Activities listed in MICC 19.06.130(D), Exemptions related to another permit.</u>	<u>180 days of site occupation or operation in any calendar year, unless otherwise stated¹</u>	<u>MICC 19.06.130(D)</u>
<u>Mobile food vendors</u>	<u>30 days or as provided pursuant to the terms of the issued temporary use permit</u>	<u>MICC 19.06.130(F)(1)</u>

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

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

MICC 19.15.030 – Land Use Review Types.

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

- A. *Type I.* Type I reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues.
- B. *Type II.* Type II reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues. The difference between Type I and Type II review is that public notification shall be issued for Type II decisions.

- C. *Type III.* Type III reviews require the exercise of discretion about nontechnical issues.
- D. *Type IV.* Type IV reviews require discretion and may be actions of broad public interest. Decisions on Type IV reviews are only taken after an open record hearing.
- E. The types of land use approvals are listed in Table A of this section. The required public process for each type of land use approval are listed in Table B of this section.
- F. *Consolidated permit processing.* An application for a development proposal that involves the approval of two or more Type II, III and IV reviews may be processed and decided together, including any administrative appeals, using the highest numbered land use decision type applicable to the project application. Consolidated land use reviews shall be subject to the longest review time period identified in MICC 19.15.040.
1. The following permits and land use reviews are excluded from consolidated review and approval:
 - a. Building permits associated with the construction of one or more new single-family dwellings on lots resulting from the final plat approval of a short subdivision or long subdivision.
 - b. Building permits associated with shoreline conditional use permits and shoreline variance.
 - c. Project SEPA reviews.
 2. When a review is heard by multiple decision bodies, the higher decision body will make the final decision, and the lower decision body will review the project at a public meeting and issue a recommendation that will be reviewed by the higher decision body. The higher decision body will either adopt the recommendation as part of the permit conditions, will remand the recommendation back to the lower body for further consideration, will amend the recommendation, or will deny adoption of the recommendation and will adopt their own permit conditions. The hierarchy of decision bodies is as follows, from highest to lowest:
 - a. City council;
 - b. Hearing examiner;
 - c. Design commission.
- G. *Interior alterations exempt from site plan review.*
1. Applications for interior alterations are exempt from site plan review provided they meet the following criteria:
 - a. The proposed development does not result in additional sleeping quarters or bedrooms;

- b. The proposed development would not result in nonconformity with federal emergency management agency substantial improvement thresholds; or
 - c. The proposed development would not increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.
2. Applications for interior alterations are subject to review for consistency with any otherwise applicable building, plumbing, mechanical, or electrical codes.
- H. *Land use review types and review processing procedures.*

Table A. Land Use Review Type

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

PCB 25-05

Permanent Regulations for Temporary Uses and Structures on Private Property



Mercer Island Planning Commission
February 26, 2025

Molly McGuire, Senior Planner



Background

- Prior to Ordinance No. 24C-07 – the Mercer Island City Code (MICC) did not contain any regulations for temporary uses and structures
- December 2023 – the City Council approved the 2024 docket which included establishing temporary use and structure regulations
- June 2024 – the City Council adopted interim regulations for temporary uses and structures (including outdoor dining)
- June 17, 2025 – Ordinance No. 24C-07 expires

Purpose

- The draft regulations are a starting point for permanent regulations
- Planning Commission review and feedback is necessary for staff to be able to develop permanent regulations

**Temporary
Uses
and/or
Structures**



Garage/yard sales



Small stands



Markets or Festivals

Regulations for Temporary Uses and Structures

- Amend MICC 19.06.050, Commerce on public property
- Create MICC 19.06.130, Temporary uses and structures
- Amend MICC 19.15.030, Land use review types



Recommended Action

- Receive report and provide comments on the initial draft of regulations for temporary uses and structures

- Additional comments can be sent to molly.mcguire@mercerisland.gov prior to March 14, 2025



PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 25-04
February 26, 2025
Regular Business

AGENDA BILL INFORMATION

TITLE:	PCB 25-04: Planning Commission Bylaws Adoption	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Recommendation
RECOMMENDED ACTION:	Adopt the Planning Commission Bylaws.	

STAFF:	Andrea Larson, City Clerk
EXHIBITS:	<ol style="list-style-type: none"> 1. Planning Commission Bylaws 2. Planning Commission Bylaws - Proposed Amendments Matrix 3. Planning Commission Bylaws - Question and Answer Matrix

EXECUTIVE SUMMARY

The purpose of this agenda bill is to review the Planning Commission Bylaws (see Exhibit 1) and discuss any proposed amendments (see Exhibit 2).

BACKGROUND

In 2023, at the direction of the City Manager (see [PCB23-23](#)), the Planning Commission, and other City advisory boards and commissions, revised its bylaws to align with City Council Rules of Procedure as appropriate and to bring consistency across all City board and commission bylaws.

Staff presented revised Planning Commission bylaws at the January 22, 2025 meeting (see [PCB25-02](#)).

Planning Commissioners were invited to send in proposed amendments and questions on the bylaws by February 7, 2025. Proposed amendments (see Exhibit 2) and questions (see Exhibit 3) were received from Chair Dan Thompson and Commissioner Nazim Nice.

ISSUE/DISCUSSION

The City Council reconstituted the Planning Commission through [Ordinance No. 24C-06](#) on May 7, 2024. With the reconstitution, amendments are needed to the Planning Commission bylaws to bring them into compliance with [Mercer Island City Code \(MICC\) Chapter 3.46 – Planning Commission](#).

Attached as Exhibit 1 is a draft version of the Planning Commission Bylaws containing the proposed amendments from staff. Several amendments were made to sections that referenced MICC 3.46 to bring these sections into compliance.

Staff are also recommending additional amendments to the bylaws that address references to the Code of Ethics, Section 2.6 – Training and Section 6.6 – Prohibited Conduct. At its December 3, 2024 meeting (see [AB 6588](#)), City Council repealed Mercer Island City Code Chapter 2.60 Code of Ethics and opted to rely on state law to govern the conduct and ethics of officials, which includes all members of the City Council, City boards and commissions, and other City Council-appointed task groups or committees of the City of Mercer Island. In the future, City Council will revisit a presentation on ethics for boards and commissions. At that time, staff will propose an amendment to the bylaws to incorporate this training.

Additional Items for Planning Commission Consideration

Chair Thompson and Commissioner Nice submitted three proposed amendments to the bylaws for review and discussion by the Planning Commission (see Exhibit 2).

At the February 26 Meeting, the Planning Commission will review any proposed amendments and consider adopting the bylaws.

RECOMMENDED ACTION

Adopt the Planning Commission Bylaws.

MERCER ISLAND PLANNING COMMISSION BYLAWS



ADOPTED

~~December 6, 2023~~ [February 26, 2025](#)

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SECTION 1. PURPOSE – FUNCTION AND JURISDICTION

- 1.1** Pursuant to Mercer Island City Code (MICC) [3.46.020](#), the Planning Commission (Commission) shall serve in an advisory capacity to the City Council and have the following duties and responsibilities:
- A.** Review and make recommendations on amendments to the comprehensive plan;
 - B.** Review and make recommendations on amendments to development regulations;
 - C.** Hold public hearings in the exercise of its duties and responsibilities;
 - D.** Such other duties as may be assigned by the City Council or established by local ordinance or state statute.
 - E.** [When applicable, complete tasks in subsections A through D within the timeframe established by City Council.](#)
- 1.2** Pursuant to MICC [19.15.010\(C\)\(2\)](#), the role of the Planning Commission in administering the development code is governed by chapter 3.46 MICC (see Section 1.1). In general, the Planning Commission is the designated planning agency for the City (see RCW Chapter [35A.63](#)).

SECTION 2. MEMBERSHIP AND TRAINING

2.1 Qualifications.

- ~~A. Applicants who have an interest in environmental affairs, planning, land use, property development, and/or economic development as evidenced by training, experience, or actions will be given preference for appointment; however, a broad mix of occupational backgrounds is desired.~~
- ~~B. An intent of the appointment process shall be to evenly represent the areas of interest as stated above and reflect the City's diverse community. Appointed members shall represent the public interest and not specific interest groups.~~
- A. Paid Practitioner Non-Resident: An individual not affiliated with Mercer Island entities or interests with a minimum of five years of experience in land use planning in the State of Washington. Examples of qualifying positions include land use / municipal attorney, hearing examiner, urban planner, or architect, engineer or builder with land use experience. Demonstrated experience in public service, working with the Growth Management Act (GMA), Shoreline Management Act (SMA) and State Environmental Policy Act (SEPA) as well as the drafting of land use policies and codes preferred. This position will be compensated.
- B. Lay Person Resident: An individual with general interest in land use planning, environmental affairs, and/or economic development. Demonstrated experience in public service and land use planning preferred. Proof of Mercer Island residency required. This position will not be compensated.
- C. Paid Practitioner Resident: An individual with a minimum of three years of experience in land use planning in the State of Washington. Examples of qualifying positions include land use / municipal attorney, hearing examiner, urban planner, or architect, engineer or builder with land use experience. Demonstrated experience in public service, working with the Growth Management Act (GMA), Shoreline Management Act (SMA) and State Environmental Policy Act (SEPA) as well as the drafting of land use policies and codes preferred. Proof of Mercer Island residency required. This position will be compensated.

2.2 Members.

- A. Number.** The Planning Commission shall consist of ~~seven members, serving in nonpartisan positions.~~ five members, serving in nonpartisan positions. as follows:
- a. Two Paid Practitioner Non-Resident.
 - b. Two Lay Person Resident.
 - c. One Paid Practitioner Resident.

Notwithstanding the above, any vacancy may be filled by a resident lay person if unable to find a qualified paid practitioner. Additionally, the council should give preference to appointing resident paid practitioner applicants for any open Planning Commission positions.

- ~~B. Residency. City residency is required.~~

- EB.** **Terms.** The term of each member is four years and expires on May 31 of the last year of the term or until the member's successor is appointed. The year of expiration of the terms of the positions shall be staggered with the following groups of positions expiring in successive years: positions 1 and 2; positions 3 and 4; position 5, ~~positions 6 and 7.~~ Except, to stagger the expiration of the terms, the initial term for position 5 shall be two years, and for positions 3 and 4 they shall be three years – all expiring on May 31 after the second and third anniversaries of their initial appointments, respectively.
- DC.** **Term limits.** No member shall serve more than two consecutive terms. If a member is appointed to a vacancy with two or more years remaining on the term, that term will be deemed a full term. If a member is appointed to a vacancy with less than two years remaining in the term, that term will not count toward the two-consecutive-term limit.
- ED.** **Staff liaison.** The City Manager shall appoint a staff liaison to assist with support services for the Planning Commission. Such staff support shall include, but not be limited to, the development of work plans and schedules, guidelines and procedures, correspondence, and agenda preparation and distribution.

2.3 Appointment. Appointments to the Planning Commission will be made by a vote of the City Council during a ~~regularly~~-scheduled open City Council meeting. ~~Members shall serve without compensation.~~

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

2.5 Compensation. Paid practitioners shall be compensated five hundred dollars (\$500) per meeting of the Planning Commission attended (Regular or Special).

2.6~~2.5~~ **Training.**

~~**A.** **Code of Ethics.** All board and Commission members are required to attend a Code of Ethics training provided by the City Attorney's office, regarding MICC Chapter 2.60 and Chapter 42.23 RCW.~~

BA. **Open Government Trainings Act.** The Open Government Trainings Act enacted by the 2014 Legislature requires every member of a governing body subject to OPMA to receive in the fundamentals of the Open Public Meetings Act (OPMA), Public Records Act (PRA), and records retention requirements. Training must be completed no later than 90 days after assuming their duties. These trainings may

be completed before assuming office, and each member must take a refresher course at least every four years.

- EB.** **Violation of Open Government Trainings Act.** Those members that fail to complete the required training within 30 days' notice by the City Clerk will be referred to the Mayor and Deputy Mayor. Members found in violation of the OGTA may be removed for neglect of duty/just cause in accordance with Section 2.4 of the Bylaws and [MICC 3.46.030\(D\)](#).

SECTION 3. PLANNING COMMISSION ORGANIZATION

3.1 Election of Chair and Vice Chair. The Planning Commission shall elect a Chair and Vice Chair for a term of one year from among themselves at its June Planning Commission meeting, or as soon as possible thereafter, or upon vacancy or resignation of the Commissioner filling the Chair or Vice Chair position. The Staff Liaison shall conduct the elections for Chair as follows:

- A.** Any Commissioner may nominate a candidate for Chair; no second is needed.
- B.** Nominees may accept or decline the nomination.
- C.** If only one (1) nomination is made, it is appropriate to make a motion and obtain a second to instruct the Staff Liaison to cast a unanimous ballot for that nomination for Chair. Approval is by majority vote of Commissioners present.
- D.** If more than one (1) nomination is made, an open election is conducted by roll call vote.
- E.** To be elected, the nominee needs a majority vote of the Planning Commission.
- F.** Elections will continue until a Chair is elected by a majority vote of the Planning Commission.
- G.** The Staff Liaison shall declare the nominee receiving the majority vote as the new Chair.

This process is repeated for the election of the Vice Chair.

3.2 Duties of Officers.

A. Chair. The Chair serves as the Presiding Officer and acts as chair at all meetings of the Planning Commission. The Chair may participate in all deliberations of the Planning Commission in the same manner as any other member and is expected to vote in all proceedings unless recusing themselves. The Chair does not possess any power of veto.

In consultation with the Vice Chair, the Chair appoints Commissioners to serve as liaisons to ad hoc committees.

B. Vice Chair. The Vice Chair serves as the Presiding Officer in the absence of the Chair and assumes the responsibilities of the Chair when needed. If both the Chair and Vice Chair are absent, the Chair will appoint another Commissioner to serve as acting Chair. If the Chair fails to appoint an acting Chair, the Commissioners present shall elect one of its members to serve as Presiding Officer until the return of the Chair or Vice Chair.

C. Presiding Officer. The Presiding Officer shall:

1. Preserve order and decorum during Planning Commission meetings;
2. Observe and enforce these Rules;

3. Call the meeting to order;
4. Keep the meeting to its order of business; and,
5. Recognize Commissioners in the order in which they request the floor. The Presiding Officer, as a Commissioner, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Commissioners.

3.3 Filling a Planning Commission Vacancy. If a vacancy occurs in the office of Commissioner, the City Council will follow the procedures outlined in Section 8 within the [City Council Rules of Procedure](#).

SECTION 4. MEETINGS

Pursuant to [MICC 3.46.040](#), the planning commission shall not meet more than a total of 11 Regular meetings and up to 10 Special meetings each calendar year. The time and place of meetings and other rules and regulations shall be determined by the planning commission, which shall be on file with the City Clerk.~~the Planning Commission shall determine the time and place of its meetings and other rules and regulations, which shall be on file with the City Clerk.~~

4.1 General Meeting Guidelines.

- A. **Open Public Meeting Act.** All Planning Commission meetings shall comply with the requirements of the Open Meetings Act (chapter [42.30 RCW](#)). All regular meetings and special meetings of the Planning Commission shall be open to the public.
- B. **Meetings.** All meetings as described in Section 4.2 may be held in-person, remotely, or as a hybrid to the extent permitted by law.
- C. **Meeting Cancellation.** Any future Planning Commission meeting may be canceled by a majority vote of the Planning Commission. The Chair or Vice Chair may cancel a Planning Commission meeting for lack of agenda items, adverse weather conditions, or due to an emergency.
- D. **Quorum.** ~~Four~~Three members of the Planning Commission shall constitute a quorum and are necessary for the transaction of Commission business. In the absence of a quorum, the members present shall adjourn that meeting to a later date.
- E. **Minutes.** The Staff Liaison (or authorized designee) shall attend all regular and special Planning Commission meetings and keep an account of all proceedings of the Planning Commission (minutes) in accordance with the statutory requirements RCW [42.30.035](#). The minutes from previous meetings will be posted on the City website in draft format prior to Planning Commission meetings as part of the Planning Commission packet. Commissioners are encouraged to inform the Staff Liaison of any errors or proposed changes in advance of the meeting. If a Commissioner wishes to make any corrections (except scrivener) to the minutes, they must make a motion to revise the minutes. Any corrections to the minutes will be so noted and the draft minutes will be revised with the corrections. Once the Planning Commission has approved the minutes (as presented or revised), the final version of the minutes will be posted to the City's website and archived as the City's official record.
- F. **Planning Commission Meetings Code of Conduct.** The Planning Commission Meetings Code of Conduct is attached as [Appendix B](#) to these Rules, which outlines acceptable behavior while in a Planning Commission Meeting.
- G. **Attendance.** Attendance at regular and special meetings is expected of all Commission members.

1. **Absence.** Any member anticipating absence from a meeting should notify the Chair and staff liaison from the Community Planning and Development department.
 2. **Chronic Absences.** Chronic absences of any member may be referred by the Commission to the Mayor for a public hearing pursuant to Section 2.45 of these bylaws. "Chronic," for the purposes of this section, means 6 or more absences within a 12-month period.
- H. Remote Attendance.** Remote attendance by a Commissioner who is not able to physically be present, whether for all or part of a meeting, is allowed as needed subject to the following:
1. **Notice:** A Commissioner shall contact the Chair and the Staff Liaison at least one day prior to the meeting for which they will attend remotely or as soon as possible due to an emergency. After the Staff Liaison has called the roll at a meeting, the Chair shall indicate any Commissioner attending remotely, which will be noted in the minutes. If joining after roll call, the Staff Liaison shall note the time the Commissioner joined and, if before adjournment, when the Commissioner left in the minutes.
 2. **Remote Attendance Requirements:**
 - a. Remote attendance by a Commissioner shall be through the City's preferred teleconferencing platform.
 - b. A Commissioner's camera should be turned on when participating in the meeting.
 - c. A Commissioner attending remotely will be marked present, counting towards a quorum and can vote during the meeting as if they were physically present.
 - d. A Commissioner attending remotely must be able to hear public comment or testimony and staff's presentation in real time.
- I. Roll Call Voting.** All Planning Commission voting will be done by roll call. Once a motion is made, seconded, and discussion concluded, the Chair will ask the Staff Liaison to call the roll. The Staff Liaison calls the roll, and each Commissioner, as their name is called, answers "aye" or "nay," or "abstain" if they do not wish to vote, and the Clerk notes the answers. Commissioners shall refrain from additional comments about the motion or their vote when voting. If the vote count is not clear, the Staff Liaison reads the names of those who answered in the affirmative, the negative, and then those who answered "abstain." Afterwards, the Chair announces the result, and the vote is recorded in the minutes of the meeting.

4.2 Types of Meetings

All meetings of the Commission shall be conducted in accordance with these bylaws, Mercer Island City Code, and Washington state law. Where these bylaws fail to provide otherwise, the meetings shall be conducted in accordance with parliamentary rules and procedures in the most current edition of Robert's Rules of Order.

- A. Regular Meetings.** The Planning Commission's regular meetings will be held on the fourth Wednesday of each month at 6:00 P.M. in the Mercer Island Community & Event Center (8236 SE 24th Street, Mercer Island). Meetings will be held in a hybrid format including both in person and remote attendance using a videoconferencing platform. If any Wednesday on which a meeting is scheduled falls on a legal holiday, the meeting shall be held at 6:00 P.M., on the first business day following the holiday, or on another day designated by a majority vote of the Planning Commission.
- B. Special Meetings.** A special meeting is any Planning Commission meeting other than a regular Planning Commission meeting. Notice shall be given at least 24 hours in advance specifying the date, time, and place of the meeting and the business to be transacted. A special Commission meeting may be scheduled by the Chair, or in their absence, the Vice Chair, the Community Planning and Development Director, or the City Manager. Final disposition cannot be taken on any matter not included on the special meeting notice.

4.3 Order of Regular Planning Commission Meeting Agenda

- A. Call Meeting to Order & Roll Call.** The Chair calls the meeting to order. The Staff Liaison will take roll call and record names of those present and absent in the minutes.
- B. Appearances (Public Comment).** During the Appearances section of the regular meeting agenda, members of the audience are invited to address the Planning Commission regarding any matter, except items before the Planning Commission requiring a public hearing, any quasi-judicial matters, or campaign-related matters. Each person wishing to address the Planning Commission should register with the Staff Liaison by 4 P.M. on the day of the Planning Commission meeting. When the speaker's name is called, the speaker will give their name and City of residence for the record and shall limit their comments to three (3) minutes. No speaker may convey or donate time for speaking to another speaker. The Chair may allow speakers to comment on individual agenda items at times during any regularly scheduled Planning Commission meeting other than the regularly scheduled Appearances period.

All remarks will be addressed to the Planning Commission as a whole, and not to individual Commissioners or staff members. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Planning Commission, may be requested by the Chair to leave the meeting. Pursuant to state law, the Planning Commission

cannot accept comments on any campaign-related matters (elections for individual offices or ballot propositions).

The Staff Liaison will summarize all public comments in the minutes. Traditionally, the Planning Commission does not respond to comments made at a meeting; however, the Staff Liaison may follow up with the speaker as appropriate.

- C. Public Hearings.** The Commission recognizes that public hearings are intended to obtain public input on legislative recommendations. Public hearings are required when the Commission addresses such matters as comprehensive plan amendments and development code amendments.
- D. Special Business.** Special Business may include Chair and Vice Chair Elections, review of bylaws or other presentations to the Commission.
- E. Regular Business.** Regular Business items are all other regular Planning Commission business, including but not limited to staff presentations and reports requiring Planning Commission review including making recommendations to City Council.
- F. Other Business.**
 - 1. Staff Liaison's Report.** The Staff Liaison will discuss the meeting schedule and report on significant activities since the last meeting; provided, however, that Commissioners may not enter into debate or discussion on any item raised during the Staff Liaison's Report.
 - 2. Absences.** The Planning Commission will note upcoming Commissioner absences and make a motion to excuse or not excuse a Commissioner's absence.
- G. Adjournment.** With no further business to come before the Planning Commission, the Chair adjourns the meeting.

SECTION 5. AGENDA PREPARATION

- 5.1 Agenda Setting.** An agenda shall be prepared and distributed by the Community Planning and Development department to each member not less than 5 calendar days prior to the date of the meeting at which such agenda is to be considered. The agenda shall be accompanied with a complete copy of the unapproved minutes of the previous meeting, staff reports, and other materials as may pertain to the agenda.
- 5.2 Agenda Modification.** All meetings shall be conducted in accordance with the agenda. To the extent it does not violate public notice requirements, a Regular Agenda may be modified, supplemented, or revised at the beginning of the meeting by an affirmative vote of the majority of Commission members present. The Commission, by a majority vote, can add matters for discussion to a Special Meeting agenda; however, in accordance with the OPMA, final disposition cannot be taken on any matter not listed in the special meeting notice.
- 5.3 Agenda Materials.** All agenda materials will be posted to the City's website and a link to the online packet will be emailed to an established mailing list by 5:00 P.M. no later than the Friday prior to the meeting, in accordance with section 4.1. If the deadline cannot be met, the Planning Commission and the established mailing list will be notified of when it will be posted. Hard copies of agenda materials will be available for pick up at the Customer Service Counter upon Commissioner request, with 24 hours' notice.

SECTION 6. PLANNING COMMISSION PROTOCOLS

- 6.1 Governance and Procedures.** All Planning Commission discussion shall be governed by *Roberts Rules of Order, Newly Revised* and by these Bylaws. Examples of parliamentary rules and motions are shown in [Appendix A](#) to these Bylaws. In the event of a conflict, these Bylaws shall control. The Staff Liaison shall answer questions of a parliamentary nature that may arise during a Planning Commission meeting. The Staff Liaison shall decide all questions of interpretations of these Bylaws.
- 6.2 Appearances (Public Comment).** The Planning Commission agrees to adhere to the following protocols during Appearances:
- A. The Planning Commission shall listen attentively to the speaker's comments.
 - B. The Planning Commission shall avoid discourteous behavior such as lengthy or inappropriate sidebar discussions or nonverbal, disparaging actions.
 - C. The Planning Commission shall not engage in debate or discussion with any individual but may be recognized by the Chair to ask the speaker clarifying questions.
- 6.3 Discussion Protocols.** The Planning Commission agrees to adhere to the following protocols for Planning Commission discussion and debate:
- A. Be courteous and professional at all times.
 - B. Avoid discourteous behavior such as lengthy or inappropriate sidebar discussions or nonverbal disparaging actions when colleagues or staff are speaking.
 - C. Be recognized by the Chair before speaking.
 - D. Be respectful of staff.
 - E. Speak in turn after being recognized.
 - F. Do not personally criticize other Commissioners who vote against or disagree with you.
 - G. Do not be repetitive in your arguments or discussion.
 - H. Respect each other's differences, honor disagreements, vote and move on.
- 6.4 Recommendations.** The Planning Commission's goal is to provide a consensus recommendation to the City Council on legislative matters; in all cases, however, a majority vote is taken.
- A. To document the recommendations of the Commission, the Community Planning and Development department staff shall prepare a written statement or memorandum, including the facts and rationale for the final recommendations. This statement shall be approved and signed by the Chair.
 - B. A Commissioner is never required to state reasons for a dissenting vote; provided, however, that any member of the Commission shall have the right to state the reasons for their dissent from, or protest against, any action of the Commission. Such statement shall be made immediately after the roll call vote is taken. The

minutes will reflect the record of the vote in the following format: “Commissioner XX verbally stated their reasons for voting in the minority on this matter.” No other statement is proper or will be allowed to be recorded in the minutes of the meeting.

- C. The Chair has the responsibility to present the recommendations to the City Council on behalf of the Commission when requested by either the Planning Commission or City staff.
- D. Commissioners recognize that they are part of an advisory body. As such, when the Planning Commission has voted to recommend an agenda item, the members shall not contact staff to encourage actions inconsistent with such Planning Commission recommendation or take other action adversely impacting staff resources. This does not preclude a Commissioner from communicating as a private resident of the City to the City Council through regular public avenues.
- E. Commissioners, who voted on the prevailing side, may bring any approved recommendation up for reconsideration, only on the same day that the vote was taken, and immediately following Planning Commission review and approval of such agenda item, before the Planning Commission has moved on to other items. The Planning Commission’s goal is to make final recommendations and not to revisit or reconsider such decisions (see [Appendix A](#) for more details).

6.5 No Surprises Rule. Commissioners should use best efforts to contact the Staff Liaison to advise of emerging issues. Generally, Commissioners agree not to propose substantial amendments and/or revisions to any agenda item unless they provide each other and City staff at least ~~36~~⁴⁸ hours advance notice to review any written proposal. To provide staff the necessary preparation time, Commissioners will use best efforts to provide staff advance notice of any questions or concerns they may have regarding an agenda item prior to a public meeting.

6.6 Prohibited Conduct. ~~In addition to~~ Officials shall be subject to the requirements applicable under RCW Chapter 42.23, which establishes the minimum standards for officials. ~~officials shall be subject to the City’s Code of ethics as provided within MICC Ch. 2.60.~~

6.7 Appearance of Fairness. Commissioners shall comply with all applicable laws including without limitation the appearance of fairness doctrine (chapter [42.36 RCW](#)). The appearance of fairness doctrine prohibits ex parte (outside the hearing) communications with applicants, staff, and other opponents or proponents with respect to the proposal that is the subject of the quasi-judicial proceeding; prohibits a Commissioner from deciding on the matter in advance of the hearing; requires the hearing to be fair and impartial; and prohibits the participation of any Commissioner who has a conflict of interest or financial interest in the outcome of the hearing.

A Commissioner shall consult with the City Attorney to determine whether the Commissioner should recuse themselves from the hearing discussion and decision.

SECTION 7. AMENDMENTS TO BYLAWS

These bylaws may be amended by a majority vote (4 votes) of the entire membership of the Planning Commission.

Date Approved by Planning Commission

Planning Commission Chair

Attest:

Deputy City Clerk

Date filed with City Clerk

APPENDIX A PARLIAMENTARY RULES AND MOTIONS

1. Following the presentation of the item and questions of staff, a motion should be made before the Commission begins discussion to frame and guide the discussion.
2. If a motion does not receive a second, it dies and will not be included in the minutes. Motions that do not need a second, include: nominations, withdrawal of motion, request for a roll call vote, and point of order.
3. When making motions, be clear and concise and do not include arguments for the motion within the motion.
4. No comments may be made or heard until there is a second on the motion.
5. After a motion and second, the Chair will indicate the names of the Commissioners making the motion and second.
6. When the Commission concurs or agrees to an item that does not require a formal motion, the Chair will summarize the agreement at the conclusion of the discussion. Commissioners may object to such summary if any feel the summary does not reflect the Commission's consensus.
7. If the maker of a motion wishes to withdraw their motion, the Chair shall ask the Commission if there is any objection to the maker withdrawing their motion. If none, the motion is withdrawn. If there is objection, the Commission will vote whether the motion can be withdrawn. The text of the withdrawn motion and the fact of its withdrawal will not be included in the minutes.
8. A **motion to table** is undebatable and shall preclude all amendments or debates of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of future regular or special meetings at which time discussion will continue; and if an item is tabled, it cannot be reconsidered at the same meeting.
9. A **motion to postpone to a certain time** is debatable as to the reason for the postponement but not to the subject matter of the motion, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or to a time certain at a future regular or special Planning Commission meeting.
10. A **motion to postpone indefinitely** is debatable as to the reason for the postponement as well as to the subject matter of the motion; is not amendable and may be reconsidered at the same meeting only if it received an affirmative vote.
11. A **motion to call for the question** shall close debate on the main motion and is undebatable. This motion must receive a second and fails without a two-thirds' (2/3) vote; debate is reopened if the motion fails.
12. A **motion to amend** is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.

13. Motions that cannot be amended, include motion to adjourn, agenda order, point of order, reconsideration and take from the table. A motion to amend an amendment is not in order.
14. Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).
15. The motion maker, Chair, or Staff Liaison should repeat the motion prior to voting.
16. All votes of the Planning Commission will be conducted by roll call voting.
17. When voting, Commissioners will reply with “aye,” “nay,” or “abstain” and shall refrain from additional comments about the motion or their vote.
18. At the conclusion of any vote, the Chair will announce the results of the vote.
19. A motion that receives a tie vote is deemed to have failed.
20. When a question has been decided, any Commissioners who voted in the majority may move for reconsideration.
21. A **motion for reconsideration** can only be made by someone who voted on the prevailing side, and it must be made on the same day that the vote to be reconsidered was taken. All action that might come out of the original motion is stopped at the time that reconsider is made and seconded.

APPENDIX B PLANNING COMMISSION MEETING CODE OF CONDUCT

The Mercer Island Planning Commission welcomes the public to the Planning Commission meetings and dedicates time at these meetings to hear from the public on agenda items and other issues of concern.

It is important for all community members to feel welcome and safe during Planning Commission meetings. Audience members will be expected to treat all attendees with respect and civility.

1. **Appearances Ground Rules:**

Appearances is the time set aside for individuals to speak to the Planning Commission about any issue during a Planning Commission meeting. The ground rules are:

- A. Each person wishing to address the Planning Commission should register with the Staff Liaison by 4 P.M. on the day of the Planning Commission meeting.
- B. Please (1) speak audibly, (2) state your name and City of residence for the record, and (3) limit your comments to three minutes.
- C. Traditionally, the Planning Commission does not respond to comments made at the meeting, but may follow up, or have staff follow up, with the speaker if needed.
- D. Comments must be addressed to the entire Planning Commission, not to individual Commissioners, staff members, or the audience.
- E. Audience members shall refrain from applause, comments, or disapproval of individuals' comments.
- F. Any person who makes personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Planning Commission, may be requested to leave the meeting.
- G. The Planning Commission cannot accept comments on any campaign-related matters (elections for individual offices or ballot propositions).

2. **General Rules:**

- A. Please silence cell phones, computers, tablets, and cameras while in the Planning Commission meetings.
- B. Please limit conversations in the audience seating area. You may be asked to step into the lobby to continue a conversation.

APPENDIX C PLANNING COMMISSION-STAFF COMMUNICATION GUIDELINES

Governance of a City relies on the cooperative efforts of elected officials, who provide oversight and set goals, policy, and priorities, and City staff, which analyze problems and issues, make recommendations, and implement and administer the Planning Commission's policies and priorities consistent with the Planning Commission goals. The following are general guidelines to help facilitate effective communications between the Planning Commission and City staff.

1. Channel communications through the appropriate City staff.

While any staff member is available to answer Commissioner questions and requests for information, the Community Planning and Development (CPD) Staff Liaison is the primary information liaison between the Planning Commission and City staff. Questions of CPD staff should be directed to the Staff Liaison. When a Commissioner makes a request to a particular staff member, it is important to inform/copy the Staff Liaison. In addition, staff will inform/copy the Staff Liaison so that the Staff Liaison is aware of the Commissioner's requests and needs. Please be aware that as to matters subject to quasi-judicial actions by the Planning Commission, the Appearance of Fairness Doctrine may prohibit or restrict ex parte communications with Staff outside of Planning Commission meetings.

2. All Commissioners should have the same information with which to make decisions.

When one Commissioner has an information request, the response will be shared with all members of the Planning Commission so that each member may be equally informed.

3. Depend upon the staff to respond to concerns and complaints as fully and as expeditiously as practical.

A key value in the City's organizational culture is providing quality customer service. Rely on staff to solve customer problems and concerns.

4. Code Compliance Complaints.

The Community Planning and Development Code Compliance team answers questions and investigates complaints on a wide variety of issues, including zoning, building, and nuisance violations. If you have a complaint, please complete a Code Compliance Request Form, and fill it out as completely as possible.

Go to <https://www.mercerisland.gov/cpd/webform/code-compliance-request-form> to complete an online form or download or print the form and attach it to an email to codecompliance@mercergov.org. You may also come to City Hall to drop off or complete a paper copy. Using this form will give staff the information needed to review and process the complaint.

5. Complaints/Concerns Directed to Planning Commission.

Often the Planning Commission will receive customer letters or emails directly. Due to limited staff resources to handle the amount of correspondence, if a response is

warranted, appropriate or necessary the Staff Liaison or designee will direct the correspondence to the appropriate staff member. Correspondence related to matters outside of the purview of the Planning Commission will be directed to the appropriate staff by the Staff Liaison or designee. Commissioners should not respond to correspondence that is outside of the purview of the Planning Commission. On occasion, a letter or email is directed specifically to a Commissioner. The Commissioner should forward the correspondence to the Staff Liaison or designee to provide a response (if a response is warranted, appropriate, or necessary).

6. The Planning Commission provides recommendations – City staff is responsible for administrative functions and City operations.

The purpose of the Planning Commission is to serve in an advisory capacity to the City Council and have the following duties and responsibilities pursuant to Mercer Island City Code 3.46.020

- A. Review and make recommendations on amendments to the comprehensive plan;
- B. Review and make recommendations on amendments to development regulations;
- C. Hold public hearings in the exercise of its duties and responsibilities;
- D. Such other duties as may be assigned by the Planning Commission or established by local ordinance or state statute.
- ~~D.E.~~ When applicable, complete tasks in subsections A through D within the timeframe established by city council.

The primary functions of staff are to forward the Planning Commission recommendations to City Council and keep the Planning Commission informed. Staff is obligated to take guidance and direction only from the Staff Liaison, Department Director, or City Manager.

Individual Commissioners shall not knowingly or willfully interfere with the administration of City business including, but not limited to coercing, or influencing staff in the selection of personnel or consultants, the awarding of contracts, the processing of development applications, licenses, permits, or public records requests, and the interpretation and implementation of the Planning Commission policy.

7. To provide the Planning Commission with timely information, Commissioners should submit questions on agenda items to the Staff Liaison and Chair in advance of the Planning Commission meeting.

Commissioners are encouraged to submit their questions on agenda items to the Staff Liaison and Chair as far in advance of the meeting as possible so that staff can be prepared to respond before or at the Planning Commission meeting. Having a practice of “no surprises” between the Planning Commission and City staff and vice versa fosters a productive working relationship.

- 8. Respect the will of the “full” Planning Commission.**
City staff will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Commissioners. However, if a request reaches a certain degree of workload, it will need to come before the “full” Planning Commission. The Staff Liaison will consult with the Director and City Manager with the request to determine when it is appropriate to bring it before the full Planning Commission for discussion and recommendation.
- 9. Depend upon the staff to make independent and objective recommendations.**
Staff is expected to provide its best professional recommendations on issues, provide information about alternatives to staff recommendations, as appropriate, as well as pros and cons for recommendations and alternatives. Sometimes staff may make recommendations that may be unpopular with the public and/or Commissioners. When this occurs, please refrain from attacking the messenger. Staff respects the role of the Planning Commission in its advisory capacity to the City Council.
- 10. The Staff Liaison and staff will transmit Planning Commission recommendations to the City Council as accurately as possible.**
Staff will assist the Chair in preparing the written recommendation. The Chair will be provided the opportunity to address the City Council to verbally transmit the recommendation. Staff seek to accurately describe the Commission’s legislative review process and recommendation.
- 11. Refrain from publicly criticizing an individual employee. Criticism is differentiated from questioning facts or the opinion of staff.**
All critical comments about staff performance should be made only to the Staff Liaison or Director through private correspondence or conversation.
- 12. Seeking political support from staff is not appropriate.**
The City is a non-partisan local government. Neither the staff liaison nor any other person in the employ of the City shall take part in securing or contributing any money toward the nomination or election of any candidate for a municipal office. In addition, some professionals (e.g., Staff Liaison, the Chief of Administration, Chief of Operations, and City Clerk) have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.
- 13. Support life-family-work balance.**
In a 24-hour, mobile accessible world, expectations for staff to always be available can emerge. However, this expectation is unsustainable. Staff will respond to nonemergency emails or phone messages during business hours only.

APPENDIX D HOW DOES THE CITY USE NEXTDOOR.COM?

NextDoor is a nationwide platform designed to encourage civil neighbor-to-neighbor interaction and discourse online, focused on highly local topics. The City joined NextDoor in October 2014 and uses its account to make general announcements, advertise meetings, solicit public engagement, provide crime and storm updates, highlight achievements, and more. The platform does not function in the same manner as the City's other social media outlets (i.e., Facebook, X (formerly Twitter), Instagram). NextDoor is not a City-controlled page, but rather a private membership network that functions more like an online community bulletin board. The City merely has an official presence on the platform via its "Agency Account," but by design, NextDoor tightly limits Agency Accounts in important ways.

Most notably, the City can only see its own posts and replies to them, while ALL other neighbor-to-neighbor content is hidden. This is intended to prevent eavesdropping by the City on local discussions. The last name of anyone replying to a City post is just replaced with an initial and is not spelled out.

In addition, because the City is required to maintain public records of social media to comply with the Public Records Act, the City uses ArchiveSocial to backup Facebook, Instagram, X, YouTube, and other accounts to retrieve records if requested. Unfortunately, NextDoor does NOT allow access by automated archiving services. Instead, the City must execute a complicated manual export process that can be refined only by date range (not topic, or subject line, etc.). This lack of archiving access to NextDoor makes it extremely difficult and potentially risky for Commissioners and staff to post about City business or to reply to other posts, as they are unable to be captured in a manner that is suitable for responding to public records requests or in a manner that it can be deleted after meeting the required retention period.

If Commissioners post on NextDoor about official City business, they **must** capture the text of the original post and all comments. If they comment on a post, they must capture the original post, all comments before AND after their comment. The Staff Liaison can provide additional guidance regarding public records retention requirements for NextDoor posts/comments.

PCB25-04 Exhibit 2 Planning Commission Bylaws Proposed Amendments Matrix
February 26, 2025

	Received From	Section	Amendment	Staff Response
1	Thompson	4.2 A and 4.2 B	<p>Motion to Amend Sec. 4.2 A and B To Change the Start Time Of Meetings To 5 PM</p> <p>The language of Bylaw 4.2 A would be amended from "meeting shall be held at 6:00 P.M., on the first business day following the holiday, or on another day designated by a majority vote of the Planning Commission" to "meeting shall be held at 5:00 P.M., on the first business day following the holiday, or on another day designated by a majority vote of the Planning Commission".</p> <p>The language of Bylaw 4.2 B would be amended to add the language "all special meetings shall be held at 5:00 P.M. unless impractical".</p>	<p>Staff have no concerns about amending the start time of Regular Meetings if that is the will of the Commission.</p> <p>Staff have concerns with amending the language in Section 4.2 B Special Meetings. A Special Meeting can be called by the Planning Commission at any date or time provided proper notice is issued in accordance with the OPMA. This is consistency with the City Council Rules of Procedures and other boards and commission bylaws.</p>
2	Thompson	6.3 or Appendix	<p>Motion To Limit Discussion On Motions To 5 Minutes Per Commissioner and Motions To Amend Motions To 3 Minutes Per Commissioner.</p> <p>I am not quite sure where to include this motion in the Bylaws. Sec. 6.3 Discussion Protocols would seem the most logical, perhaps a new subsection 6.3 I. It could also be added to Appendix A PARLIAMENTARY RULES AND MOTIONS although the bylaws note the bylaws supersede Appendix A in case of a conflict.</p>	<p>Staff have no concerns with the intent of this amendment. Staff do, however, have concerns around the implementation of the proposed time limits. It may be impractical to time each comment on a motion. Additionally, depending on the meeting agenda and topic(s) at hand, either shorter or longer time limits may be desirable.</p> <p>As an alternative, staff would like to recommend the following:</p> <ul style="list-style-type: none"> - Amend 6.3 to add a new item reading "The Chair should establish a timeline for commission discussion at the start of an agenda item. Commissioners will seek to limit discussion to fit within the established timeline." <p>As an example, this would mean that the Chair might say something like this in a meeting, "We will begin this regular business item with a staff presentation on the draft XYZ code amendment. Following the staff presentation, we need to make a recommendation to the City Council on XYZ code amendment. I would like to set aside 30 minutes for discussion of this motion and any amending motions. Four amending motions have been submitted in advance, so to meet this timeframe, I will ask commissioners to keep their comments on each motion brief."</p> <p>Staff recommend if the Planning Commission wishes to proceed with such an amendment, it be added to Section 6.3 Discussion Protocols as a new item.</p>

PCB25-04 Exhibit 2 Planning Commission Bylaws Proposed Amendments Matrix
 February 26, 2025

Item 4.

	Received From	Section	Amendment	Staff Response
3	Nice	3.1	<p>3.1: Election of Chair and Vice Chair. This may be an item for discussion but also could be left as is. Given the Planning Commission was replaced by City Council and it did not coincide with the expiration of terms on May 31st, this means the current planning commission will elect a Chair and Vice Chair again in June of 2025 so the terms can then be 1 year and coincide with expiration of terms in the future. Or does the Commission want to specifically address this circumstance to clarify what should occur? For example, if the time until the next election in June is less than 6 months, the next election of Chair and/or Vice Chair shall occur the following June so that terms are never less than 12 months long.</p>	<p>Staff do not recommend an amendment to this section. The reconstitution of the Planning Commission was a unique circumstance as was the election of the Chair and Vice Chair in January. All City advisory board and commission terms expire on May 31 of the year the term expires, including the Planning Commission. Other advisory boards and commission bylaws dictate that the election of chair and vice chair occurs in June of each year. For consistency, staff recommend keeping this section as written.</p> <p>Furthermore, if it is the will of the Planning Commission to not hold an election in June 2025, six months after the January election, a simple motion is recommended rather than an amendment.</p>

	Received From	Section	Question	Staff Response
1	Thompson	1.1 E	<p>This is a new amendment to the bylaws. It states: "When applicable, complete tasks in subsections A through D within the timeframe established by City Council".</p> <p>Do the Bylaws really need this language?</p>	<p>This amendment is proposed to bring the bylaws into compliance with Mercer Island City Code (MICC) Chapter 3.46 – Planning Commission. This section is directly from MICC 3.46. Staff do not recommend striking this text.</p>
2	Thompson	4	<p>A new proposed amendment reads: "Pursuant to MICC 3.46.040, the planning commission shall not meet more than a total of 11 Regular meetings and up to 10 Special meetings each calendar year. The time and place of meetings and other rules and regulations shall be determined by the planning commission, which shall be on file with the City Clerk".</p> <p>I am not sure I understand this proposed amendment. I am hoping we don't meet 21 times in 2025.</p>	<p>This amendment is proposed to bring the bylaws into compliance with Mercer Island City Code (MICC) Chapter 3.46 – Planning Commission. The introduction paragraph of Section 4 – Meetings is a statement directly from MICC 3.46 that states how many Regular and Special meetings of the Planning Commission can be held each year. Staff do not recommend striking this text.</p> <p>To clarify, this amendment is intended to establish a maximum number of meetings, it is not intended to be a minimum. Typically, the Commission will complete its work within the regular monthly meetings. However, depending on the work plan established by the City Council and any additional deadlines established by the City Council, state legislature, or other bodies, more special meetings may be required from time to time. Furthermore, it is common that one or more regular meetings is rescheduled as a special meeting due to a holiday (e.g. the November and December meetings often fall near Thanksgiving, Hanukkah, and Christmas). Special meetings will be scheduled with input from the Commission.</p>
3	Nice	3.3	<p>3.3 Filling a Planning Commission Vacancy: at least in the copy I have, the <i>City Council Rules of Procedure</i> link did not work. It lead me to https://www.mercerisland.gov/404-error.</p>	<p>This is a scrivener's error and has been corrected. The document will be cleaned up for grammar, missed punctuation, broken links, etc. prior to publication.</p>
4	Nice	4.1.G.2	<p>4.1.G.2 : Chronic Absences. This references Section 2.5 Compensation. Should this reference 2.4 Removal instead?</p>	<p>The correct reference should be Section 2.4 Removal. This has been corrected in the February 26 draft bylaws.</p>