
PLANNING COMMISSION

Special Meeting Agenda

Council Chambers- Mercer Island City Hall
9611 SE 36TH STREET | MERCER ISLAND, WA 98040
PHONE: 206.275.7605 | www.mercergov.org



Wednesday, May 29, 2019

	CALL TO ORDER & ROLL CALL	6:00 PM
	APPEARANCES	6:05 PM
Planning Commissioners	APPROVAL OF MINUTES	
Carolyn Boatsman	May 1, 2019	
Tiffin Goodman, Vice Chair	REGULAR BUSINESS	6:15 PM
Daniel Hubbell, Chair	Agenda Item #1: Summer 2019 Minor Code Amendments	
Jennifer Mechem	Introduction of the minor code amendments and preliminary staff recommendations.	
Lucia Pirzio-Biroli	Staff Person: Andrew Leon	
Craig Reynolds	Agenda Item #2: Critical Areas Follow-up Recommendations	
Ted Weinberg	Review of draft memo related to follow up recommendations from the Planning Commission related to the Critical Areas regulations.	
	Staff Person: Evan Maxim	
	Agenda Item #3: 2019 Comprehensive Plan Amendments	
	Review and discussion regarding the 2019 Comprehensive Plan Amendments.	
	Staff Person: Robin Proebsting	
	OTHER BUSINESS	
	Directors Report	
	Planned Absences for Future Meetings	
	Next Regularly Scheduled Meeting: June 5, 2019	
	ADJOURN	8:00 PM

PLANNING COMMISSION

MEETING MINUTES



Wednesday, May 1, 2019

CALL TO ORDER

The Planning Commission was called to order by Chair Hubbell at 7:04pm in the City Hall Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

ROLL CALL

Chair Daniel Hubbell, Vice Chair Tiffin Goodman, Commissioners, Carolyn Boatsman, Jennifer Mechem (arrived at 7:07 pm), Lucia Pirzio-Biroli, Craig Reynolds, and Ted Weinberg were present.

STAFF PRESENT

Evan Maxim, CPD Director, Andrea Larson, Senior Administrative Assistant, Robin Proebsting, Senior Planner, and Bio Park, Assistant City Attorney were present.

MEETING MINUTES APPROVAL

It was moved by Reynolds; seconded by Prizio-Biroli to:

Approved the April 3, 2019 minutes

Passed as amended 7-0,

APPEARANCES

Jonathan Harrington 9514 SE 68th St. He spoke to the topic of getting the city and staff to reduce the carbon footprint and verify greenhouse emissions and ability to analyze them and reduce emissions not just make policy. Hoping for the City to put more emphasis on the quantification piece.

Matt Goldbach, 9980 SE 40th St. He spoke to his dislike of the change in the Planning Commission minutes. He also spoke regarding the subcommittee meetings regarding the Community Facilities and how they have not been transparent.

OTHER BUSINESS

Evan Maxim, CPD Director, provided an update on the Planning Schedule regarding Community Facilities update.

REGULAR BUSINESS

Agenda Item #1: 2019 Comprehensive Plan Amendments.

Robin Proebsting, Senior Planner, provided a presentation on the introduction regarding the 2019 Comprehensive Plan Amendments.

The Commission discussed the amendments and answered the questions posed by staff.

The Commission suggest looking at the policies related to prevention and reduction in year and introduce policies related to mitigation related to Item 2 on the 2019 Comprehensive Plan updates.

The Commission provided feedback on the remaining 2019 Comprehensive Plan updates.

Agenda Item #2: Critical Areas Accompany Recommendations

Evan Maxim, CPD Director, provided a brief presentation on possibly having additional accompanied recommendations for the Critical Areas and Shoreline Master Program code amendments.

The Commission discussed the recommendations.

PLANNED ABSENCES FOR FUTURE MEETINGS

Commissioner Reynolds will be absent on May 15, 2019.

OTHER BUSINESS

Evan Maxim, CPD Director, discussed the Planning Commission bylaws and meeting start times.

ANNOUNCEMENTS AND COMMUNICATIONS

The next Planning Commission meeting is on May 29, 2019 at 6:00PM.

ADJOURNMENT

The meeting was adjourned at 9:36pm



DEVELOPMENT SERVICES GROUP

9611 SE 36TH ST., MERCER ISLAND, WA 98040

(206) 275-7605

TO: Planning Commission

FROM: Andrew Leon, Planner

DATE: May 29, 2019

RE: **ZTR19-001 – 2019 Minor Code Amendments – Narrative**

Summary

The proposed amendments to the Mercer Island City Code (MICC) are intended to clean up the code in the following ways:

1. Improve consistency between different sections of the code.
2. Improve clarity of City regulations.
3. Correct errors in typography and wording.
4. Correct an error to the City zoning map.

Following adoption of the Residential Development Standards, the City Council directed staff to periodically review the MICC to ensure that it is consistent and free of errors. The currently proposed amendment is necessary to ensure that this objective is met. The proposed amendment consists of clarifying language in existing code, as well as ensuring that the code is consistent with the definitions found in MICC 19.16.

Staff has identified code sections that will require amendment. The code sections proposed for amendment at this time are simple in scale and involve minor edits to the code to improve consistency and correct errors, as seen in attachment A. More complex code amendments will be addressed at a later date as the part of larger code update processes (i.e. Town Center, Sign Code, etc.).

Background

Ordinance 17C-15, adopted on September 19, 2017 and implemented on November 1, 2017, set forth new residential development standards within the City of Mercer Island’s single-family residential zones. The changes to the residential development standards created conflicts with other sections of the code, especially the definitions found in Chapter 19.16, which prompted the first round of code clean up reviewed by the Planning Commission in early 2018. The current proposed list of amendments continues to address conflicts created by the adoption of Ordinance 17C-15, and addresses other code issued identified during normal day-to-day project or permit review. Staff will continue to maintain the

code and address other issues with the code on a regular basis.

In addition to code inconsistencies created by the adoption of Ordinance 17C-15, staff has identified other sections of code in need of amendment. Most of these code sections can be found in the Single-Family Residential Development Standards of Chapter 19.02 MICC, the Multi-Family Residential Development Standards of Chapter 19.03 MICC, the Property Development Standards of Chapter 19.09 MICC, the Procedural Code of Chapter 19.15 MICC, as well as in the Definitions of Chapter 19.16. The identified sections in the Shoreline Master Program and Town Center code will be addressed when those codes are next updated.

Staff intends to prepare draft language for review by the Planning Commission that will correct or clarify several code sections. Staff is also seeking additional guidance from the Planning Commission regarding the desired scope of this proposed amendment.

Next Steps

At the May 29th meeting, staff will provide a brief overview of the amendments, answer questions the Planning Commission may have, and seek input. Staff will request the Commissioners' input on the following:

1. Additional information that the Planning Commission anticipates needing; and
2. Direction regarding the proposed amendments.

Based upon the provided direction and discussion tonight staff anticipates returning to the Planning Commission for further review in June 2019.

We welcome questions you may have at this stage of the process, as well as topics that you would like covered during the May 29th meeting. If you provide questions in advance, staff will attempt to address them at the meeting. We can be reached at:

Andrew Leon: andrew.leon@mercergov.org or 206-275-7720.

Attachments:

- A. Proposed Code Changes

Proposed Code Changes:

A. MICC 19.02.020(C)(1)(c)(ii)((b)):

Current Text:	The minimum side yard depth abutting a street is five feet.
Proposed Change:	Staff proposes to amend this section to match the minimum side yard depth as found in MICC 19.02.020(C)(1)(c)(i)((a)). This would allow the minimum side yard depth to be 5 feet or 33% of the total side yard depth, whichever is greater.
Basis for Change:	Under MICC 19.02.020(C)(1)(c)(i)((a)), the minimum allowed side yard depth is 5 feet or 33% of the total side yard depth, whichever is less. This creates a conflict whenever a lot has a side yard abutting a street and requires a total side yard depth greater than 15 feet.

B. MICC 19.02.020(C)(3)(a)(ii):

Current Text:	No penetration shall be allowed into the minimum side yard setback abutting an interior lot line except where an existing flat-roofed house has been built into the interior side yard setback line and the roof is changed to a pitched roof with a minimum pitch of 4:12, the eaves may penetrate up to 18 inches into the side yard setback.
Proposed Change:	Staff proposes to change the second instance of the word “minimum” to “minimal.”
Basis for Change:	The intent of this code section is to allow homeowners the flexibility to remodel their houses. The nonconforming code of MICC 19.01.050 generally limits the degree to which a nonconforming structure can be modified. Amending the code to allow a property owner to convert a nonconforming house’s roof from a flat roof to a sloped roof, while limiting the height of the resulting roof, will bring the standard more in line with the standards to alter nonconforming structures under MICC 19.01.050.

C. MICC 19.02.020(C)(3)(b):

Current Text:	Hardscape and driveways not more than 30 inches above existing grade or finished grade, whichever is lower, may be located in any required yard.
Proposed Change:	Staff proposes to allow driveways greater than 30 inches above existing or finished grade, whichever is lower, in required yard setbacks.
Basis for Change:	There are some sites within the City of Mercer Island that are difficult to develop due to steep slopes. The driveway often has to be graded into these slope, which raises one side of the driveway more than 30 inches above the lower of existing and finished grade.

D. MICC 19.03.010(E):

Current Text:	Building Height Limit. 1. MF-2L: No building shall exceed 24 feet or two stories in height (excluding daylight basements), whichever is less, except appurtenances may extend to a maximum of five feet above the height allowed for the main structure. 2. MF-2, MF-3: No building shall exceed 36 feet or three stories in height, whichever is less, except appurtenances may extend to a maximum of five feet above the height allowed for the main structure.
Proposed Change:	Staff proposes to specify where the building height is measured from.
Basis for Change:	The current code lacks clarity about the point from which the building height should be measured in multi-family residential zones. Other sections of the code provide more clarity about how to measure the height of buildings: <ul style="list-style-type: none">• Measured from the Average Building Elevation in the single-family residential zones.• Measured from the base of the building façade to the highest point of the roof structure excluding appurtenances in the Town Center.

E. MICC 19.09.100(B):

Current Text:	Development, including roads, walkways and parking areas in critical areas, should be avoided, or if not avoided, adverse impacts to critical areas will be mitigated to the greatest extent reasonably feasible.
Proposed Change:	Staff proposes to amend this section to read “Development, including roads, walkways and parking areas, in critical areas should be avoided...”
Basis for Change:	The way the code currently reads suggests that development should be avoided. The intent of this code section is to encourage development to occur in a manner that avoids impacts to critical areas, or at least that impacts to critical areas be reasonably mitigated.

F. MICC 19.15.030, Table A:

Current Text:	<i>“Parking variances (reviewed by city engineer)” is listed under Type II reviews. “Parking variances (reviewed by design commission)” is listed under Type IV reviews.</i>
Proposed Change:	Staff proposes to change “Parking variance” to “Parking modification.”
Basis for Change:	A description of parking variances referenced in Table A of MICC 19.15.030 are located in MICC 19.11.130(B)(1)(d) and (e). Based on this description, parking variances are not similar to other types of variances (variances (MICC 19.06.110(B)); shoreline variances (MICC 19.07.110(F)(6))). Staff proposes to change the name of this land use action to “parking modification” to differentiate it from other types of variances.

G. MICC 19.15.110(C)(2):

Current Text:	<p>A. Request Authorized. The official or entity reviewing a development proposal may request additional information or studies if:</p> <ol style="list-style-type: none"> 1. New or additional information is required to complete a land use review and issue a decision; 2. Substantial changes in the development proposal are proposed by the applicant; or 3. The official or entity reviewing the development proposal determines additional information is required prior to issuance of a decision. <p>B. Deadline for Response. The official or entity requesting information shall establish a time limit for the applicant to respond. The time limit for an applicant to respond to a request for information shall not be less than 30 days, provided an extension to the applicant’s time limit to respond may be authorized pursuant to subsection C of this section. If responses are not received within the established time limit and no extension has been authorized, the code official may cancel the land use review for inactivity.</p> <p>C. Deadline Extension. Applicants may request an extension to provide requested materials. Extension requests shall be in writing, shall include a basis for the extension and shall be submitted in writing prior to expiration of the time limit. The code official is authorized to extend the time limit in writing. There is no limit to the number of extensions an applicant may be granted, however, the total time limit for a response shall not exceed 180 days unless there is an extenuating circumstance. An extenuating circumstance must be unexpected and beyond the control of the applicant.</p>
Proposed Change:	Staff proposes to create a limit to the number of requests for information that can be sent without receiving useful information for permit review.
Basis for Change:	The current code does not have a limit to the number of requests for information that can be made for an application. This can cause a never ending cycle where staff requests information and the applicant provides incorrect information.

H. MICC 19.15.220(C)(1)(c)(ii):

Current Text:	All other development proposals requiring design review and not requiring design commission review under subsection A of this section shall be reviewed by the code official. The code official shall have the authority to determine that an application normally reviewed by code official shall require design commission review and approval, based on factors such as the scope, location, context, and visibility of the proposed change or modification; and
Proposed Change:	Staff proposes to change “Subsection A of this section” to “MICC 19.15.220(C)(1)(c)(i).”
Basis for Change:	This section of code incorrectly references MICC 19.15.220(A), which provides the Rules and Records for the Design Commission. The correct code citation is MICC 19.15.220(C)(1)(c)(ii), which lists the types of development proposals that require design review.

I. MICC 19.16.010(I):

Current Text:	<i>There is no code section for this proposed amendment.</i>
Proposed Change:	Staff proposes to add a definition for Irregular Lot.
Basis for Change:	Irregular lots are referenced in MICC 19.02.020(C)(2)(b) and in MICC 19.07.110(F)(6)(b)(ii), but there is no definition for irregular lots in the MICC. This has led to confusion on how these standards are applied.

J. MICC 19.16.010(L):

Current Text:	Lot Coverage Maximum: The maximum area of a residentially zoned lot that may be covered by a combination of buildings and vehicular driving surfaces.
Proposed Change:	Staff proposes to clarify that all area under the roof of a house is included in maximum lot coverage.
Basis for Change:	The current definition for maximum lot coverage states that the area covered by buildings is included in lot coverage, but lacks clarity about whether the area outside the building footprint that is covered by a roof or eaves would be included in the maximum lot coverage.

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PLANNING COMMISSION

To: City Council

From: Planning Commission

Date: May 29, 2019

RE: Planning Commission Recommendation re: Implementation of the Critical Areas Code

SUMMARY

On April 3, 2019 the Planning Commission recommended that the City Council adopt amendments to the Critical Areas code and Shoreline Master Program. Following transmittal of the Planning Commission Recommendation, the Planning Commission identified several additional recommendations to transmit to the City Council. These additional recommendations do not require amendments to the Critical Areas code and Shoreline Master Program; instead they focus on additional workplan items for the City to implement.

PLANNING COMMISSION RECOMMENDATION

Following discussion on May 29, 2019, the Planning Commission recommends that the City Council provide the following direction to the City Manager:

1. Conduct a one-time assessment by a qualified professional to map habitats and relative likelihood of species protected by Critical Areas code.
2. Study and report on methods to connect Biodiversity Areas by the use of green corridors, including the strategic placement of roadside trails and vegetation in rights-of-way.
3. Determine if there are outdated terms in the existing code. For example, a number of tree-pruning techniques are spelled out in definitions that might be preempted by our reference to following ISA standards. Some of these terms start with the term "crown", which may now be outdated. Terms such as "critical tree area" and "Steep slope hazard" are used but are not defined by the code. Lastly, there are references throughout the City Code to "noxious weeds"; standards pertaining to the installation, maintenance and removal of these plants should be reviewed for consistency.

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PLANNING COMMISSION

To: Planning Commission

From: Robin Proebsting, Senior Planner

Date: May 23, 2019

RE: Comprehensive Plan Amendments 2019

SUMMARY

This memo provides follow up information on the Planning Commission's May 1, 2019 discussion on the 2019 Comprehensive Plan Amendment docket. At its May 29, 2019 meeting, the Commission will further develop and refine the policies that will make up its recommendation for the 2019 docket.

BACKGROUND

At the Planning Commission's May 1, 2019 meeting, the Commission provided staff with guidance for drafting comprehensive plan goals and policies for items on the 2019 Preliminary Comprehensive Plan Docket. Staff have used this guidance to draft a range of high-level potential comprehensive plan policies for the Planning Commission to choose from, located in Exhibit 1.

Staff hope to develop the Planning Commission's recommendation out of review and refinement of a selection of these draft policies. Note that the 2019 comprehensive plan amendment need not consist solely of adding policies to the City's comprehensive plan. Since comprehensive plans are required by the Growth Management Act to be internally consistent, the addition of policies may necessitate the removal or modification of existing policies in order to maintain internal consistency. As you consider possible additional policies, please also refer to the existing comprehensive plan and look for potential tensions or conflicts with existing policies.

To begin development of the Planning Commission's recommended comprehensive plan amendment, staff request that Planning Commissioners review Exhibit 1 and provide feedback on the following:

- Which draft policies should be kept and developed further? Which should be discarded?
- Which existing policies should be modified?
- What are some additional policy concepts not listed in Exhibit 1 that the Commission would like to add?

NEXT STEPS

Please come to the May 29, 2019 meeting prepared to discuss and reach consensus on which draft policies the Commission would like to select for future development/refinement. Where the Planning Commission sees potential conflicts with proposed policies and existing policies, please have some solutions for resolving the conflict. Lastly, if there are any information requests of staff, please alert me to these either before or during the May 29, 2019 meeting.

Please do not hesitate to contact me with any questions. I can be reached at 206-275-7717 and robin.proebsting@mercergov.org.

EXHIBITS

1. Draft Comprehensive Plan Policies for 2019 Preliminary Comprehensive Plan Docket

Draft comprehensive plan goals and policies based on May 1, 2019 Planning Commission input

Item No. 2

1. The City aims to reduce its overall carbon footprint.
2. Total City GHG missions should be X% below [base year] emissions by [target year]
3. Improvements to the City's transportation system should enable and encourage active transportation.
4. The City encourages carbon sequestration through an increase in tree canopy and increased vegetation coverage.
5. Land use patterns should encourage a diversity of land uses that allow people to shop, recreate, and meet their needs without needing to use a personal vehicle.
6. Residential densities should be higher near transit or non-motorized transportation facilities
7. Residential zoning standards should encourage smaller dwelling unit sizes in order to reduce energy consumption needs.
8. Residential building codes should aim to achieve net zero GHG emissions.
9. Energy-saving retrofits of existing homes should be encouraged and incentivized by the City.
10. Solid waste disposed of via landfill or incinerator should be eliminated in favor of recycling, reuse, and organics composting.

Item No. 4

1. The City should establish transportation Levels of Service for pedestrian, bicycle, and transit transportation modes.
2. The City strives to build community through the one-on-one personal interactions facilitated by active transportation.
3. The City should have a complete, connected active transportation system allowing any part of the Island to be accessed by any other using only active transportation.
4. Active transportation levels of service should be higher in the mile radii around transit stops.
5. Areas near schools and commercial areas should have higher multi-modal levels of service.

6. Transportation policies should increase the proportion of trips using active transportation modes.