



**CITY OF MERCER ISLAND
ORDINANCE NO. 05C-05**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON
ADOPTING BY REFERENCE AMENDMENTS TO THE COMPREHENSIVE
PLAN, INCLUDING AMENDMENTS TO THE INTRODUCTION, LAND USE,
HOUSING, TRANSPORTATION, CAPITAL FACILITIES AND UTILITIES
ELEMENTS AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, in compliance with the Washington State Growth Management Act, Chapter 36.70A RCW, the City of Mercer Island adopted a Comprehensive Plan in 1994 and has amended the plan on several occasions since that time; and

WHEREAS, in accordance with RCW 36.70A.130, an adopted Comprehensive Plan shall be subject to continuing evaluation and review, and amendments to the Comprehensive Plan shall be considered no more frequently than once every year; and

WHEREAS, the schedule established by the Growth Management Act in RCW 36.70A.130(4) mandates each city in Washington to take action to review and, if necessary, revise its comprehensive plan to ensure compliance with the Growth Management Act; and

WHEREAS, in compliance with the Growth Management Act (36.70A.215), the City of Mercer Island, through the 2002 King County Buildable Lands Evaluation Report, has determined the actual density of housing development, and has determined that density to be consistent with the City's Comprehensive Plan; and

WHEREAS, the public review process for the proposed amendments included at least nine public meetings in front of the Mercer Island Planning Commission between May 5, 2004 and August 18, 2004, public hearings in front of the Mercer Island City Council on February 22, 2005 and March 7, 2005, a public meeting with opportunity for public comment at the April 18, 2005 and July 5, 2005 Regular City Council Meetings; and

WHEREAS, the public review process for the proposed amendments also included five meetings in June and July of 2004 of the Critical Areas Policy and Regulation Stakeholders Forum, an ad hoc task force composed of development interests, elected and appointed officials, conservation interests and citizens, where environmental policies were reviewed and recommendations for revisions were made; and

WHEREAS, a public notice was published in the Mercer Island Reporter on August 4, 2004, August 11, 2004 and August 18, 2004 giving notice of the Planning Commission public meeting and encouraging public participation;

WHEREAS, a public notice was published in the Mercer Island Reporter on February 16, 2005 giving notice of the City Council public hearings on the Comprehensive Plan Update and encouraging public participation, thus fulfilling all public noticing requirements; and

WHEREAS, the City also sought community participation in the Comprehensive Plan update by contacting the Mercer Island Reporter and urging them to print several articles on the 2004 Comprehensive Plan Update; and

WHEREAS, the City also sought input from the Mercer Island Chamber of Commerce; and

WHEREAS, the City also encouraged public participation and provided information on the Comprehensive Plan update on its website (<http://www.mercer-island.wa.us>); and

WHEREAS, as a result of the City's efforts, the public has had extensive opportunities to participate throughout the Comprehensive Plan amendment process and all persons desiring to comment on the proposal were given a full and complete opportunity to be heard; and

WHEREAS, the City has updated the Comprehensive Plan to insure compliance with changes to the Growth Management Act; to insure compliance with the King County Countywide Planning Policies; to fully reflect the issues and opportunities facing Mercer Island; and to revise policies and other language in the plan to update information, improve readability, and eliminate redundancy; and

WHEREAS, the City intends to adopt future amendments to its Critical Lands regulations (MICC Chapter 19.07) in 2005 to include Best Available Science and better reflect local conditions and opportunities in accordance with the Growth Management Act; and

WHEREAS, state agencies received 60 day notice of Mercer Island's proposed Comprehensive Plan amendments on August 5, 2004 and no formal comments were received; and

WHEREAS, a State Environmental Policy Act Checklist was prepared and a Determination of Nonsignificance was issued on August 4, 2004 for the proposed Comprehensive Plan Amendments; and NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON DOES ORDAIN A FOLLOWS:

Section 1: Findings, Analysis and Conclusions. After reviewing the record and considering the arguments and evidence in the record and at public meetings, the City Council

hereby adopts the findings, analysis and conclusions contained in the City Council staff report dated May 2, 2005.

Section 2: Revision of Sections of Existing Comprehensive Plan Elements. The Mercer Island Comprehensive Plan is hereby amended to revise the text, policies and other provisions of the following sections of the Plan contained in Exhibit 1, incorporated herein by this reference as if set forth in full: Introduction, Land Use, Housing, Transportation, Capital Facilities, and Utilities Elements.

Section 3: Repeal of Comprehensive Plan Appendices. The Mercer Island Comprehensive Plan is hereby amended to repeal the following appendices that are outdated, redundant or otherwise unnecessary: Appendix A – Commute Trip Reduction Program, Appendix B – Street Improvement and Maintenance Guideline, Appendix C – Street Design Standards, Appendix D – Neighborhood Street Policy, Appendix E – Service Development Needs Assessment, and Appendix G – Mercer Island Human Services Strategic Plan 1999-2000.

Section 4: Adoption of New Comprehensive Appendices. The Mercer Island Comprehensive Plan is hereby amended to adopt a new updated Appendix A – Commute Trip Reduction Program. In addition, the previous Appendix F has been labeled as Appendix B and a placeholder has been retained for a new Appendix C – Mercer Island Human Services Strategic Plan.

Section 5: Amendments to Replace and Supersede. The Mercer Island Comprehensive Plan is amended by these changes and all such changes are intended to replace and supersede all sections of the Comprehensive Plan that are or may be inconsistent with the amendments contained herein.

Section 6: Transmittal to State. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington Department of Community, Trade and Economic Development as required by law.

Section 7: Preparation of Final Comprehensive Plan Document. City Staff are hereby directed to complete preparation of the final Comprehensive Plan document, including correction of any typographical edits, and inclusion of appropriate graphics and illustrations.

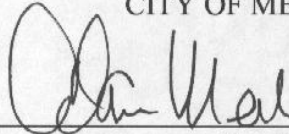
Section 8: Severability/Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses or phrases were unconstitutional or invalid.

Section 9: Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 10: Effective Date. This Ordinance shall take effect and be in force thirty (30) days after its passage and publication.

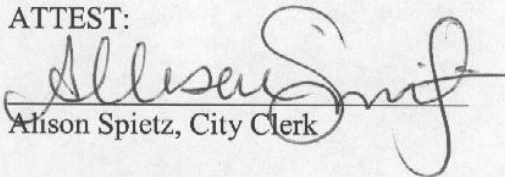
Passed by the City Council of the City of Mercer Island, Washington at its regular meeting on the 5th of July 2005, and signed in authentication of its passage.

CITY OF MERCER ISLAND



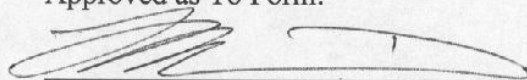
Alan R. Merkle, Mayor

ATTEST:



Alison Spietz, City Clerk

Approved as To Form:



Londi Lindell, City Attorney

Date of Publication: 7/20/05