
CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

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PLANNING COMMISSION

To: Planning Commission

From: Alison Van Gorp, CPD Deputy Director

Date: January 14, 2020

RE: ZTR21-002 Goldbach II Code Amendment (CUP Applicability)

SUMMARY

The proposed code amendment amends MICC 19.06.110(A)(5), creating a new subsection (c) and adding clarity on the applicability of Conditional Use Permits (CUPs).

BACKGROUND

Matthew Goldbach suggested through the annual docketing process and the City Council placed on the final docket a proposed code amendment to MICC 19.06.110(A)(5) adding a new subsection (c), as outlined in Attachment 1. This amendment would provide additional clarity around the applicability of CUPs. The new subsection would spell out that a CUP is only applicable to the property for which it is granted. Any expansion of a conditional use beyond this property to contiguous or non-contiguous properties would require a new CUP.

Beyond providing additional clarity, this amendment would have no further effect because the City's application and approval procedures already make it clear that a CUP is only applicable to the property for which it was originally granted. Under MICC 19.15.060, the City's Code official has authority to require "all information deemed necessary by the code official..." as a part of applications for development approval. The City's application form requires the applicant to provide a Tax Parcel Number. Additionally, MICC 19.15.060 (A)(2) requires a site plan at application submittal and MICC 19.15.060(A)(7) requires a legal description of the site. This information already serves to create an administrative record establishing the boundaries of the property to which a CUP, if granted, will apply.

The Mercer Island City Code specifies the following decision criteria for code amendments (MICC 19.15.250 (D)), which should be used to evaluate the proposed amendment:

Criteria. The [city](#) may approve or approve with modifications a proposal to amend this code only if:

1. The amendment is consistent with the comprehensive plan; and
2. The amendment bears a substantial relation to the public health, safety, or welfare; and

3. The amendment is in the best interest of the community as a whole.

City staff believe this proposal meets all three criteria. The draft amendment included in Attachment 1 was drafted by Mr. Goldbach. Staff recommend adoption of the amendment; however, staff also recommend that the commission consider revisions to the amendment for clarity and to avoid any ambiguity in implementation. Staff will be prepared to discuss this recommendation in more detail at the January 20 Planning Commission meeting.

NEXT STEPS

Please review the attached proposed code amendment. At the January 20 meeting the Commission will discuss the proposal and provide feedback to staff on any revisions. A Public Hearing is scheduled during the Planning Commission's February 17 meeting. After hearing public comments on the proposal, the Commission should make a recommendation to the City Council.

ATTACHMENTS

1. Proposed amendment to MICC 19.06.110(A)(5)