



JOINT PARKS & RECREATION COMMISSION & OPEN SPACE CONSERVANCY TRUST SPECIAL HYBRID MEETING AGENDA THURSDAY, MARCH 21, 2024 AT 5:00 PM

PARKS & RECREATION COMMISSIONERS

Chair: Peter Struck

Vice Chair: Paul Burstein

Commissioners: Jodi McCarthy, Don Cohen
Sara Marxen, Rory Westberg, and Ashley Hay

OPEN SPACE CONSERVANCY TRUST MEMBERS

Chair: Geraldine Poor

Vice Chair: Hillary Ethe **Secretary:** Marie Bender

Trustees: Lisa Anderl, Thomas Hildebrandt,
Craig Olson, and Carol Lynn Berseth

LOCATION

MICEC – Slater Room Council Chambers
Mercer Island Community & Event Center | Slater Room | Zoom
8236 SE 24th Street | Mercer Island, WA 98040
(206) 275-7609 | www.mercerisland.gov

We strive to create an inclusive and accessible experience. Those requiring accommodation for meetings should notify the Staff Liaison's Office 3 days prior to the meeting at 206.275.7870 or by emailing ryan.daly@mercerisland.gov.

Registering to Speak: Individuals wishing to speak live during Appearances must register their request with the staff liaison by 4pm on the day of the Joint Commission meeting. Register at **206.275.7861** and leave a message or [email](#). Each speaker will be allowed three (3) minutes to speak.

If providing comments using Zoom, staff will permit temporary video access when it is your turn to speak. Please activate the video option on your phone or computer, ensure your room is well lit, and kindly ensure that your background is appropriate for all audience ages. Screen sharing will not be permitted.

Join by Telephone at 5:00 PM: Call **253.215.8782** and enter Webinar ID **834 7856 6926**, Passcode **684993**.

Join by Internet at 5:00 PM: To watch the meeting over the internet via your computer, follow these steps:

- 1) Click [this link](#)
- 2) If the Zoom app is not installed on your computer, you will be prompted to download it.
- 3) If prompted for Webinar ID, enter **834 7856 6926** and Passcode **684993**

Join in person at 5:00 PM: Mercer Island Community & Event Center,, Slater Room – 8236 SE 24th Street, Mercer Island

CALL MEETING TO ORDER & ROLL CALL, 5 PM

APPEARANCES

This is the opportunity for anyone to speak to the Commissioners and Trustees about issues of concern.

SPECIAL BUSINESS

1. **PRC 24-04:** Open Space Zone Discussion
Recommendation: None; discussion only

ADJOURNMENT



PARKS & RECREATION COMMISSION CITY OF MERCER ISLAND

PRC 24-04
March 21, 2024
Special Business

AGENDA BILL INFORMATION

| | | |
|----------------------------|---------------------------------------|--|
| TITLE: | PRC 24-04: Open Space Zone Discussion | <input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Recommendation |
| RECOMMENDED ACTION: | None; discussion only. | |

| | | |
|------------------|---|--|
| STAFF: | Jessi Bon, City Manager Carson Hornsby, Management Analyst Ryan Daly, Recreation Manager Merrill Thomas-Schadt, Senior Management Analyst Alaine Sommargren, Deputy Public Works Director Alison Van Gorp, Deputy CPD Director | |
| EXHIBITS: | 1. Inventory of Open Space | |

EXECUTIVE SUMMARY

This Joint Meeting with the Parks and Recreation Commission (PRC) and the Open Space Conservancy Trust (OSCT) will be held to continue discussions on the development of a new Parks Zone, with the focus of this meeting primarily on a new zone to address open space properties.

- The goal for tonight’s joint meeting of the PRC and OSCT is to host a workshop to discuss the zoning code framework for a new Open Space Zone. Staff will take the feedback from the discussion and use it to prepare a draft Open Space Zone for consideration at the next meeting.
- The City of Mercer Island is updating its Comprehensive Plan as part of the periodic review required by the Washington Growth Management Act (GMA). The City Council added the creation of a new Parks Zone to the 2024 Comprehensive Plan Periodic Update scope of work with Resolution No. 1621.
- A preliminary Parks Zone draft was presented to the PRC and Planning Commission in January 2024. After receiving feedback from the commissions and the community, the City Manager directed staff to pause the legislative review process and return to the PRC for further discussion and review.
- At the March 7 PRC meeting, staff presented background information, answered questions, and received feedback from the PRC and two members of the OSCT. The recommendation was to separate the zoning work into two distinct tracks: one for open space and one for all other park properties. This is consistent with the “tiered approach” that was discussed at prior meetings and in the initial conversations with the Planning Commission.
- The PRC and OSCT will collaboratively address development of the Open Space Zone with the goal of providing a recommendation to the Planning Commission on May 8, 2024.
- After the PRC and OSCT provide a recommendation on the Open Space Zone, the PRC will begin working on developing a Parks Zone to address all other park properties. That work is anticipated to run through the end of the year, and possibly continue into early 2025. Staff are currently anticipating the Parks Zone recommendation will be included in the 2025 Comprehensive Plan Annual Update.

BACKGROUND

Parks, Recreation, and Open Space (PROS) Plan

The PROS Plan is a six-year plan that anticipates the programming and capital infrastructure investments necessary to meet the community's needs for parks, recreation, open space, trails, arts, and cultural events. As directed by the City Council in September 2019, City staff, in collaboration with the PRC, began the process of updating the PROS Plan. The prior PROS Plan expired in 2019 and the decision was made to undertake a wholesale rewrite of the plan. Work was suspended on the PROS Plan update in April 2020 due to the COVID-19 Pandemic and then resumed at the end of 2020. After nearly three years of work, the City Council adopted the new [Parks, Recreation and Open Space \(PROS\) Plan](#) on March 1, 2022.

The PRC served as the lead advisory board on the PROS Plan update process with support provided by the Arts Council and the OSCT. The 2022 PROS Plan community engagement process included two statistically significant mail-in surveys with concurrent surveys available online, virtual open houses, a dedicated project webpage, and numerous board and commission meetings.

Chapter 4 of the PROS Plan establishes goals and objectives that serve as the policy framework for the provision of parks and recreation services in Mercer Island. Development of master plans, policies, codes, and other work products should align with this policy framework, which includes development of the Open Space Zone and Parks Zone.

2024 Comprehensive Plan Periodic Update

The City of Mercer Island is currently in the process of updating its Comprehensive Plan as part of the periodic review required by the Washington Growth Management Act (GMA). The City Council added creation of a new Parks Zone to the 2024 Comprehensive Plan Periodic Update scope of work with [Resolution No. 1621](#).

In addition, City Staff are recommending that the 2022 PROS Plan be incorporated into the 2024 Comprehensive Plan Periodic Update, substantially by reference, through the adoption of a Parks, Recreation, and Open Space Element (see City Council approved [Resolution No. 1621](#), Subtask Number PRO-1).

The 2024 Comprehensive Plan Periodic Update, including the Parks, Recreation, and Open Space Element, is expected to be adopted before the GMA deadline at the end of 2024.

Zoning Code and Legislative Review Process

Zoning is a method in which land is divided into "zones," each of which has a set of regulations describing allowable uses. For Mercer Island, specific zones are established in [Title 19.01.040 Mercer Island City Code \(MICC\)](#). Any amendment of Title 19 MICC must proceed through the legislative process established in [Chapter 19.15 MICC](#). This means the legislative review, gathering of public input, and recommendations provided to the City Council regarding zoning code follow a formal process facilitated by the Planning Commission.

The legislative process outlined in Chapter 19.15 MICC directs the following steps:

- An open record pre-decision hearing with the Planning Commission ([MICC 19.15.020](#)).
- The Planning Commission makes a written recommendation to the City Council following the public hearing ([MICC 19.15.260\(B\)\(2\)](#)); and
- The City Council considers the Planning Commission recommendation during a public meeting, deciding to adopt, reject, or amend the recommendation ([MICC 19.15.260\(B\)\(3\)](#)).

Individual Zones for Parks and Open Space

At the March 7 PRC meeting, staff presented background information, answered questions, and received feedback from the PRC and two members of the OSCT (see the [March 7 PRC meeting materials](#)). The PRC recommendation was to separate the zoning work into two distinct tracks: one for open space and one for all other park properties. This is consistent with the “tiered approach” that was discussed at prior meetings and in the initial conversations with the Planning Commission.

The zones for open space and parks will be new zoning classifications in MICC. The zones will establish separate land use regulations for open space and parks so the regulations can be specifically tailored to each zone.

The PRC will hold joint meetings with the OSCT through April 2024 to guide the development of the new Open Space Zone, with the goal of providing a recommendation to the Planning Commission by May 8, 2024. The Planning Commission will conduct a legislative review on the new proposed Open Space Zone and present a recommendation to the City Council in time for this work to be included in the 2024 Periodic Update to the Comprehensive Plan.

Upon completion of the work on the Open Space Zone, the PRC will then begin work on developing a Parks Zone to address all other park properties. That work is anticipated to run through the end of the year, and possibly continue into early 2025. Staff are currently anticipating the Parks Zone recommendation will be included in the 2025 Comprehensive Plan Annual Update.

Open Space Zone

What is Open Space? One definition of open space can be found in the OSCT formation documents ([Ord. B-93](#), [Ord. 96-002](#)):

For the purposes of this trust, “Open Space Property” means any undeveloped parcel of real property, although not necessarily completely natural and undisturbed, whose existing openness, natural conditions or present state of use, if retained, would maintain or enhance the present or potential conservation of natural or scenic resources of Mercer Island and which has been declared to be Open Space Property by the City Council with the intent that any future use of the property be limited to passive and low impact forms of use such as walking, jogging, or picnicking.

The PROS plan distinguishes open space from developed parks, which are used for active recreation and other highly managed landscapes. Open space is managed in its natural condition and access points for certain open spaces may or may not be available to the public. Open space includes wetlands, wildlife corridors, shorelines, rivers and streams, steep hillsides, and other natural or environmentally sensitive spaces. These lands provide ecosystem benefits, such as improved water quality, forest canopy, and wildlife habitat, and are primarily managed for their ecological function and natural resource value. Where appropriate, open spaces may provide areas for trail corridors and low-impact or passive activities, such as walking, nature observation, and fishing. They may also include interpretive signs, or artwork, along with modest support amenities such as parking or restrooms. Open space lands are primarily forested and may include stream corridors and steep slopes that cannot be developed for other land uses. Since 2004, the management of open space lands system wide has been guided by adopted vegetation management plans, which established long term goals prioritizing ecosystem processes/health over aesthetic values. Several open space areas throughout the City have no developed trails or site improvements and are managed exclusively for habitat or to preserve or enhance their ecosystem functions.

Chapter 4 of the [PROS Plan](#) establishes the goals for the City's parks and recreation system. Most of the objectives related to open space may be found under Goal #3 on pages 23-24:

Goal 3 – Environment & Sustainability: Provide a high quality, diversified open space system that preserves and enhances urban forests, critical habitat, and other environmental resources. Incorporate sustainability practices into operations, maintenance, and planning.

The PROS Plan goals and objectives provide policy guidelines for developing an Open Space Zone purpose statement, land use regulations, and development standards.

Open Space Properties

The City stewards nearly 218 acres of open space properties, which are listed in Exhibit 1. The staff recommendation is to proceed with development of the Open Space Zone to include these properties and address the other park properties (some of which include open space in addition to active park areas) as part of the subsequent work item.

ISSUE/DISCUSSION

The goal for tonight's joint meeting of the PRC and OSCT is to host a workshop to discuss the zoning code framework for a new Open Space Zone. Staff will take the feedback from the discussion and use it to prepare a draft Open Space Zone for consideration at the next meeting.

Open Space Zoning Code Discussion

Zoning codes in MICC have five general components, which are listed below along with questions to help frame the discussion.

1. Purpose Statement:
 - What is the intention or goal of the Open Space Zone?
 - Review PROS Plan goals and objectives (chapter 4).
2. Conditions required for land to be included within the zone:
 - What criteria is used to determine if land is included in the Open Space Zone?
 - Review PROS Plan classifications and inventory (Chapter 5).
 - Examples: wetlands, wildlife corridors, shorelines, rivers and streams, steep hillsides, and other natural or environmentally sensitive spaces.
3. Regulations that detail which uses are allowed within the zone:
 - What are the permitted uses in the Open Space Zone?
 - Examples: fish and wildlife habitat conservation, natural resource management, invasive species removal, planting of native species, walking, nature observation, and fishing.
4. Development standards to guide development within the zone:
 - What are the regulations for physical modification and structures in the Open Space Zone?
 - Examples: bathrooms, utility facilities, trash and recycling receptacles, parking, structure of trails (gravel, wood chips, raised boardwalks, etc.), and interpretive exhibits.
5. Definitions for key terms used in the zoning regulations:
 - What terms require further definition?
 - Are these terms used elsewhere in the code? And if yes, does the existing definition meet the needs of the new Open Space Zoning Code? If not, what revisions are proposed?

Staff are seeking consensus direction from the PRC and OSCT on the first four items described above to help inform development of the draft Open Space Zone. Staff will perform an analysis of terms that require new or revised definitions (Item #5) based on the draft Open Space Zone and will follow-up at the next meeting.

NEXT STEPS

The Open Space Zone is intended to be included as part of the 2024 Comprehensive Plan Periodic Update. The preliminary calendar for PRC review of the Open Space Zone is as follows, and is subject to change:

- PRC/OSCT Joint Meeting – April 4: Deliberate and review a draft of the Open Space Zone. Identify terms needing new or revised definitions.
- PRC/OSCT Joint Meeting – April 18: Finalize recommendation and memo to the Planning Commission.
- PRC/OSCT Meeting – May 2: Meeting reserved for follow-up work if necessary.
- PRC/PC Joint Meeting – May 8: The PRC and OSCT will present the recommended draft of the Open Space Zone to the Planning Commission.

Staff will engage with the Chairs of the PRC and OSCT to adjust the schedule as needed.

Once the work has concluded on the Open Space Zone, the PRC will then begin work on developing a Parks Zone to address all other park properties. That work is anticipated to run through the end of the year, and possibly continue into early 2025. Staff are currently anticipating the Parks Zone recommendation will be included in the 2025 Comprehensive Plan Annual Update.

RECOMMENDED ACTION

None; discussion only.

Inventory of City Open Space

March 21, 2024

Item 1.

| Name | Address | PROS Plan Classification | Ownership | Current Zoning | Acres | Primary Purpose | Notes |
|---|--|--------------------------|-----------|----------------|--------|----------------------------------|---|
| Cayhill Open Space | 5400 East Mercer Way | Open Space | City | R-15 | 1.08 | Green space | No amenities. |
| Clise Park | SE 40 th & ICW | Open Space | City | R-8.4 | 1.47 | Recreation (trails), green space | |
| Ellis Pond | 90 th Ave SE | Open Space | City | R-9.6 | 4.13 | Recreation (trails), green space | |
| Engstrom Open Space | E Mercer Way | Open Space | City | R-15 | 8.51 | Recreation (trails), green space | Owned by Open Space Conservancy Trust, managed by City. |
| Gallagher Hill | 3701 SE Gallagher Hill Rd | Open Space | City | MF-3 | 11.29 | Recreation (trails), green space | |
| Hollerbach Open Space | SE 45 th St & 91 st Ave SE | Open Space | City | R-15 | 5.23 | Green space | Easement at SE 45 th St. entrance. No amenities. |
| Mercerdale Hillside | 7415 SE 27 th St | Open Space | City | R-9.6 | 18.14 | Recreation (trails), green space | |
| N Mercerdale Hillside | 7415 SE 27 th St | Open Space | City | R-9.6 | 5.11 | Recreation (trails), green space | |
| Parkwood Ridge Open Space | 9165 Parkwood Ridge Rd | Open Space | City | R-15 | 3.79 | Recreation (trails), green space | |
| Pioneer Park | Island Crest Way & 68 th St | Open Space | City | R-9.6 | 113.67 | Recreation (trails), green space | Owned by Open Space Conservancy Trust, managed by City. |
| Salem Woods | 6300 90 th Ave SE | Open Space | City | R-9.6 | 0.32 | Green space | No amenities. |
| SE 47th St Open Space | 4701 E Mercer Way | Open Space | City | R-15 | 1.27 | Green space | No amenities. |
| SE 50th St Open Space | SE 50 th St & ICW | Open Space | City | R-8.4 | 1.78 | Green space | No amenities. |
| SE 53rd Pl Open Space | 9100 SE 53 rd Pl | Open Space | City | R-15 | 24.01 | Recreation (trails), green space | |
| Upper Luther Burbank Park | 84 th Ave SE & SE 33 rd St | Open Space | City | R-9.6 | 18.05 | Recreation (trails), green space | |



Item 1.

Open Space Zone Development Process

8 RC24-04 | March 21, 2024





Agenda

- 2024 Comprehensive Plan Periodic Update
- The Deliverable: A New Open Space Zone
- 2022 PROS Plan
- Open Space Properties
- Zoning Code Components
- Discussion

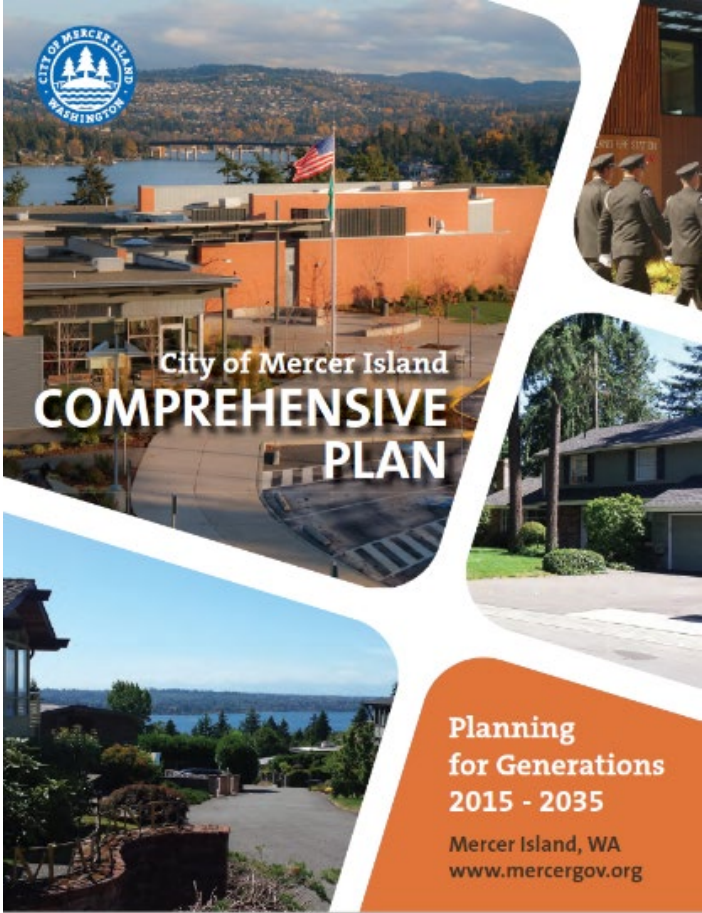


2024 Comprehensive Plan Periodic Update



2024 Comprehensive Plan Periodic Update

- City's statement of vision, goals, and policies for managing growth between 2024-2044.
- The Growth Management Act requires cities in King County to complete the comprehensive plan periodic review by December 31, 2024.
- The scope of work for the Comp Plan was set by the City Council in 2022 and supplemented in 2023 ([Resolution No. 1621](#) and [Resolution No. 1646](#)).
- The scope of work for the Comp Plan Periodic Update includes development of a new Parks and Recreation Element and a new Parks Zone.
- New zones require a specific legislative review process.





The Deliverable: A New Open Space Zone



Open Space Zone: Code and Comp Plan Amendments

- After an initial review process, the PRC recommended developing separate zones for parks and open space, beginning with the Open Space Zone in 2024.
- Development of a new Open Space Zone requires amendments to the **Mercer Island City Code (MICC)** and the **Mercer Island Comprehensive Plan**:
 - **Development Regulations** – MICC 19.01.040 amended to establish the new zone and MICC 19.16.010 amended to establish new definitions.
 - **Zoning Map** – amends the Zoning Map in MICC to show where the new zone applies.
 - **Land Use Map** – amends the Land Use Map, which is part of the Land Use Element of the Comprehensive Plan. The Comprehensive Plan provides the basis for zoning.



2022 PROS Plan



Parks, Recreation & Open Space Plan (2022)

- Six-year plan and vision for parks and recreation programming and capital infrastructure investments necessary to meet the community’s needs.
- Adopted after two+ years of extensive community engagement, two surveys, open houses, and meetings the Arts Council and the Open Space Conservancy Trust.
- The PROS Plan established goals and objectives (Chapter 4), which serve as the policy framework for the provision of parks and recreation services on Mercer Island.
- **Development of master plans, policies, codes, and other work products must align with this policy framework.**



PROS Plan – Goals (Chapter 4)

- 1. Planning, Acquisition & Access:** Provide a high quality, welcoming, and inclusive parks and recreation system that meets community needs now and in the future.
- 2. Maintenance & Operations:** Provide the Mercer Island community with safe, well-maintained parks and recreation facilities.
- 3. Environment & Sustainability:** Provide a high quality, diversified open space system that preserves and enhances urban forests, critical habitat, and other environmental resources. Incorporate sustainability practices into operations, maintenance, and planning.
- 4. Trails:** Develop and promote an interconnected community through safe, accessible, and attractive trails and pathways easily accessed by a variety of trail users.
- 5. Recreation Facilities & Programming:** Provide a variety of recreation programs, services, and facilities that promote the health and wellbeing of residents of all ages and abilities.
- 6. Arts & Culture:** Facilitate and promote comprehensive and engaging arts and culture experiences.
- 7. Community Engagement & Partnerships:** Encourage and support community engagement and pursue collaborative partnerships to strengthen and grow parks and recreation programs and services.
- 8. Administration & Fiscal Sustainability:** Provide leadership and sufficient resources to maintain and operate a welcoming, efficient, safe, and sustainable parks and recreation system.





Open Space Properties



Inventory of Open Space Properties (Exhibit 1)

| Name | Address | PROS Plan Classification | Ownership | Current Zoning | Acres | Primary Purpose | Notes |
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| Cayhill Open Space | 5400 East Mercer Way | Open Space | City | R-15 | 1.08 | Green space | No amenities. |
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Zoning Code Components



Zoning Code Components

1. Purpose Statement

- What is the intention or goal of the Open Space Zone?

2. Conditions required for land to be included within the zone

- What criteria is used to determine if land is included in the Open Space Zone?

3. Regulations that detail which uses are allowed within the zone

- What are the permitted uses of land in the Open Space Zone?

4. Development standards to guide development within the zone

- What are the regulations for physical modification and structures in the Open Space Zone?

5. Definitions for key terms used in the zoning regulations

- What terms require further definition?



Thank you.



Open Space Definition

Open Space Conservancy Trust formation documents
([Ord. B-93](#), [Ord. 96-002](#))

For the purposes of this trust, “Open Space Property” means any undeveloped parcel of real property, although not necessarily completely natural and undisturbed, whose existing openness, natural conditions or present state of use, if retained, would maintain or enhance the present or potential conservation of natural or scenic resources of Mercer Island and which has been declared to be Open Space Property by the City Council with the intent that any future use of the property be limited to passive and low impact forms of use such as walking, jogging, or picnicking.

Surface Definitions

Lot coverage, maximum: The maximum area of a residentially zoned lot that may be covered by a combination of buildings, including eaves and roof overhangs, and vehicular driving surfaces.

Surface Definitions

Hardscape: The solid, hard elements or structures that are incorporated into landscaping. The hardscape includes, but is not limited to, structures other than buildings, paved areas other than driving surfaces, stairs, walkways, decks, patios, and similar constructed elements. The hardscape within landscaping is usually made up of materials that include, but are not limited to, wood, stone, concrete, gravel, artificial turf, and permeable pavements or pavers, and similar materials. Hardscape does not include solid, hard elements or structures that are covered by a minimum of two feet of soil intended for softscape (for example, a septic tank or detention tank covered with at least two feet of soil and planted shrubs is not hardscape). Hardscape areas do not include driving surfaces or buildings.



Surface Definitions

Softscape: The living or unhardened elements that are incorporated into landscaping. The softscape generally includes plants, flower beds, tree retention areas, uncovered dirt, compost or mulched areas, wetlands, and wetland or watercourse buffers.

Surface Definitions

Impervious surfaces: Includes without limitation the following:

- 1. Buildings** — the footprint of the building and structures including all eaves;
- 2. Vehicular use** — driveways, streets, parking areas and other areas, whether constructed of gravel, pavers, pavement, concrete or other material, that can reasonably allow vehicular travel;
- 3. Sidewalks** — paved pedestrian walkways, sidewalks and bike paths;
- 4. Recreation facilities** — decks, patios, porches, tennis courts, sport courts, pools, hot tubs, and other similar recreational facilities;
- 5. Miscellaneous** — any other structure or hard surface which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, or causes water to run off the surface in greater quantities or at an increased rate of flow from present flow rate under natural conditions prior to development.