



PLANNING COMMISSION REGULAR HYBRID MEETING AGENDA

Wednesday, January 24, 2024 at 6:00 PM

PLANNING COMMISSIONERS

Chair: Michael Murphy

Vice Chair: Adam Ragheb

Commissioners: Kate Akyuz, Angela Battazzo,
Carolyn Boatsman, Chris Goelz, and Victor Raisys

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) 275-7791 or by emailing deborah.estrada@mercerisland.gov.

Registering to Speak: Individuals wishing to speak live during appearances, must register with the Deputy City Clerk by 4pm on the day of the Planning Commission meeting. Register at (206) 275-7791 or email deborah.estrada@mercerisland.gov. 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, but documents may be emailed to planning.commission@mercergov.org.

Join by Telephone at 6:00 pm: Call **253.215.8782** and enter **Webinar ID 829 5522 3210, Passcode 682113**.

Join by Internet at 6:00 pm:

- 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 **829 5522 3210, Passcode 682113**

Join in person at 6:00 pm: Mercer Island Community & Event Center – 8236 SE 24th Street, Mercer Island

CALL TO ORDER & ROLL CALL, 6 PM

PUBLIC APPEARANCES

This is the opportunity for anyone to speak to the Commission about issues of concern.

REGULAR BUSINESS

1. Planning Commission Meeting Minutes for December 6, 2023.

Recommended Action: Approve minutes.

2. PCB24-01: Comprehensive Plan Update: Parks Zone - First Review

Recommended Action: Consider Parks and Recreation Commission input, indicating which comments should be incorporated into the second review.

OTHER BUSINESS

3. Deputy Director's Report:

- A. Meeting Schedule:
 - i. February 28, 2024 Regular Meeting
 - ii. March 27, 2024 Regular Meeting

4. Planned Absences for Future Meetings

ADJOURNMENT



PLANNING COMMISSION SPECIAL HYBRID MEETING MINUTES

Wednesday, December 6, 2023

CALL TO ORDER

The Planning Commission was called to order by Chair Murphy at 6:00 pm.

Chair Michael Murphy and Commissioners Kate Akyuz, Angela Battazzo, Carolyn Boatsman, Chris Goelz, Victor Raisys, and Adam Ragheb were present remotely.

Staff Remote Participation:

Alison Van Gorp, Deputy CPD Director
Adam Zack, Senior Planner
Deb Estrada, Deputy City Clerk
Andrea Larson, City Clerk

APPEARANCES - There were no appearances.

REGULAR BUSINESS

1. Planning Commission Meeting Minutes for November 20, 2023:

A motion was made by Ragheb; seconded by Boatsman to:

Approve the November 20, 2023, minutes.

Approved 7-0

2. Comprehensive Plan Periodic Review - Housing Element and Recent Statewide Legislation

Laura Hodgson, Senior Planner, with the Washington State Department of Commerce, provided a brief presentation and respond to questions from Commissioners.

3. Comprehensive Plan Periodic Review – Upcoming Schedule

Adam Zack, Senior Planner, reviewed the 2024 Comprehensive Plan Periodic Review schedule, explaining that its completion is due by December 31, 2024.

4. Planning Commission Bylaws (Second Reading)

Alison Van Gorp, Deputy Director, Andrea Larson, City Clerk, and Deborah Estrada, Deputy City Clerk, responded to questions regarding the Planning Commission's Bylaws.

A motion was made by Battazzo; seconded by Raisys to:

Adopt the bylaws as presented.

Failed 4-3

A motion was made by Boatsman; seconded by Ragheb to:

Replace Section 6.5 and Appendix C.7 with "Timely Communication. Commissioners should contact staff as far in advance of a meeting as possible to ask questions or to request information not already included in the packet. Commissioners are encouraged to provide substantial amendments to Commissioners and staff prior to 48 hours before the meeting."

Failed 5-2

A motion was made by Boatsman; seconded by Ragheb to:

Appendix C.10 be amended to add a sentence to the end of the paragraph stating, "Staff will provide a copy of the transmittal to Planning Commissioners when it is transmitted to City Council."

Approved 4-3

A motion was made by Ragheb; seconded by Boatsman to:

Amend Section 6.4 B as follows:

Such statement shall be noted made immediately after the roll call vote is taken. ~~in~~ The minutes will reflect along with the record of the vote in the following format: "Commissioner XX verbally stated their reasons for voting in the minority on this matter."

Approved 7-0

A motion was made by Ragheb; seconded by Boatsman to:

This does not preclude a Commissioner from Communicating as a private resident of the City to the City Council through regular public avenues.

Approved 7-0

A motion was made by Boatsman; seconded by Ragheb to:

Adopt the bylaws as amended.

Approved 6-1

OTHER BUSINESS

5. Deputy Director's Report

Deputy Director Van Gorp gave a brief update on the meeting schedule and subject matter.

6. Planned Absences for Future Meetings.

ADJOURNED - The meeting adjourned at 8:40 pm

Deborah Estrada, MMC, Deputy City Clerk



PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 24 - 01
January 24, 2024
Regular Business

AGENDA BILL INFORMATION

TITLE:	PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review	X Discussion Only <input type="checkbox"/> Action Needed:
RECOMMENDED ACTION:	Consider Parks and Recreation Commission input, indicating which comments should be incorporated into the second review.	<input type="checkbox"/> Motion <input type="checkbox"/> Recommendation

STAFF:	Adam Zack, Senior Planner
EXHIBITS:	<ol style="list-style-type: none"> 1. Draft Parks Zone Development Regulations 2. Draft Zoning Map 3. Draft Comprehensive Plan Land Use Map 4. Parks and Recreation Commission Input Summary.

EXECUTIVE SUMMARY

This is the first draft of a Parks Zone presented to the Planning Commission. Please submit comments on the draft to [Adam Zack](#), Senior Planner, by 4:00 PM on January 31.

- The Washington State Growth Management Act (GMA) requires cities in King County to complete a periodic review of the comprehensive plans by December 31, 2024;
- Creating a new Parks Zone was added to the Comprehensive Plan periodic review scope of work by the City Council;
- Creating a new zone requires amendments to [Title 19 Mercer Island City Code \(MICC\)](#), the [Zoning Map](#), and [Comprehensive Plan Land Use Map](#);
- The initial draft Parks Zone Regulations, Zoning Map, and Land Use Map were prepared by City staff (Exhibits 1, 2, and 3);
- The initial drafts were presented to the Parks and Recreation Commission (PRC) at its January 4, 2024 meeting;
- The PRC provided high-level input on the initial draft (Exhibit 4);
- On January 24, the Planning Commission will determine which of the PRC comments to incorporate into the next draft; and
- The Planning Commission will consider the written comments submitted by the January 31 deadline at its February meeting.

BACKGROUND

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 creation of a new Parks Zone to the 2024 Comprehensive Plan Periodic Update scope of work with [Resolution No. 1621](#). This update, including the new Parks Zone, is expected to be adopted before the GMA deadline at the end of 2024.

WHAT IS THE PARKS ZONE?

The Parks Zone would be a new zoning district in the City. This zone would establish specific land use regulations for development within the zone. As drafted, only city-owned, -leased, or -managed land would be eligible for designation under the Parks Zone. The intent of regulating land use in these designated parks

is to ensure that parks are developed with recreational land uses in a manner consistent with City plans, including the Parks, Recreation, and Open Space (PROS) Plan.

Draft Development Regulations (Exhibit 1)

The proposed Parks Zone development regulations would perform several important functions. The Parks Zone purpose articulates why the zone is being established. The zoning designation criteria would determine what conditions are required for land to be zoned parks. Lands must meet the designation criteria to be consistent with the Comprehensive Plan, satisfy the City Code as established in Title 19 MICC. The land use regulations detail which uses are allowed. Development standards guide development so that it occurs in a manner consistent with City plans. Finally, definitions describe the key terms used in the zoning regulations. Together, the regulations in the draft provided would regulate new development within the boundaries of the Parks Zone.

MICC 19.01.040 – Zone Establishment

Zones in the City are established by [MICC 19.01.040 – Zone establishment](#). This existing section of the City Code must be amended to create a new zone in the City. The proposed amendments to MICC 19.01.040 shown in Exhibit 1 would establish a new zone in the City and make a few minor clarifying edits to the existing text of MICC 19.01.040.

Parks Zone Purpose

The first proposed section of the development regulations articulates the purpose for the Parks Zone. This is a standard approach in most of the other city code examples and is typical of other zones in Mercer Island. Most of the examples highlight that this zone is intended to establish regulations for parks because their intended land uses substantially differ from residential and commercial areas. While important, many of the secondary functions of parks as open space or providing ecosystem services are often filtered through a recreational lens. The principal focus of parks zones is the facilitation and continuation of recreational uses of publicly owned park lands. The proposed zone purpose is:

- A. Purpose. The purpose of the Parks Zone (P) is to accomplish all of the following:
 1. Implement the Comprehensive Plan and other applicable plans by designating areas that conserve and preserve a variety of park and open space lands in the City;
 2. Regulate the land uses permitted within publicly owned parks in the City; and
 3. Preserve urban forests, critical habitat, environmental resources, and maintain access to recreational opportunities.

Parks Zone Designation Requirements

Zoning designation requirements detail what criteria must be met for lands to be designated under the Parks Zone. The criteria established here would be in addition to other requirements already established in Title 19 MICC such as [MICC 19.15.240 – Reclassification of property \(rezones\)](#) and [MICC 19.15.260 – Review procedures for comprehensive plan amendments, reclassification of property, and code amendments](#). The proposed draft would establish the following designation requirements.

- B. Parks Zone Designation Requirements. In addition to the requirements established in Chapter 19.15 MICC, lands must meet the following designation requirements to qualify for classification as Parks Zone.
 1. The City Council must adopt findings that the proposed classification will be consistent with the purpose of the Parks Zone, and
 2. The land must be owned, leased, or may be managed by the City of Mercer Island.

Permitted Land Uses

The list of allowed uses in the proposed regulations detail what uses would be permitted in the Parks Zone. The list of permitted uses should be broad enough to ensure that the City can develop its parkland to realize the PROS Plan while being narrow enough to preserve parks from being developed with incompatible uses. The Parks Zone would only be applied to City-owned or -managed lands, meaning that any project to develop a park with one of these land uses would go through the City's planning processes prior to the permitting process. These other processes include approval of the budget, listing the project on the capital improvement plan, and design review.

The following land uses are proposed to be allowed in the Parks Zone; any use not listed in the regulations would be prohibited:

- Recreational uses.
- Recreational facilities.
- Agricultural activities for educational or recreational purposes, such as community gardens.
- Government offices and government services.
- Public parking, parking structures, and underground parking.
- Temporary uses and structures, including farmer's markets and special events, authorized by the City Manager or designee.
- Transit stops.
- Public art.
- Signs.
- Wireless communications facilities.
- Utilities. Utilities must be placed underground whenever feasible.

Development Standards

Development in the Parks Zone would be required to conform to the development standards established for the zone. Development standards help ensure that allowed land uses do not impact neighboring land uses. Development standards include parking requirements, setbacks, height limits, and maximum impervious surfaces. The proposed development standards are primarily focused on ensuring park development occurs consistent with the Comprehensive Plan and PROS Plan. Table 1, at the top of page 4, summarizes the proposed development standards. The full text of the proposed development standards can be found on page 3, line 37 of Exhibit 1.

Table 1. Summary of Proposed Parks Zone Development Standards.

Topic	Proposed Standard Summary
Setbacks	<ul style="list-style-type: none"> • No setback required between Parks Zone and institutional, commercial, and mixed-use zones; • 20 feet between Parks Zone and residential zones; and • The following developments are exempt from setback requirements: picnic tables, fences, gates, culverts, trails, landscaping, and parking areas.
Building Height	35-foot maximum, approximately three stories. This is the maximum for most zones outside of Town Center.
Impervious Surfaces	<ul style="list-style-type: none"> • No net new impervious surfaces unless authorized by an adopted City plan, and • Emergency vehicle lanes, public trails, and synthetic turf athletic fields are exempt.
Parking	<ul style="list-style-type: none"> • No minimum number of parking spaces, City Engineer can determine the necessary number of parking spaces; • Screening required between parking areas and residential zones; and • Note: impervious surface requirement would limit the amount of new parking that could be created unless it was shown on an adopted City plan.
Lighting	New lighting must be shielded and directed downwards, consistent with International Dark Sky Association recommendations to minimize lighting impacts to neighboring properties and the night sky.

Definitions

An important component of the development regulations are the definitions. The definitions are established in [Chapter 19.16 MICC](#). Definitions provide a precise meaning for a word or phrase used in the development code that may be subject to different interpretations. There are new terms and phrases in the proposed Parks Zone regulations that are not currently defined in Chapter 19.16 MICC. Definitions for the following uses would be established with the new parks zone: agricultural activities, farmer’s market, government offices, park, recreational facility, recreational uses, trail, transit facility, transit stop, and temporary structures, uses, and activities. These definitions can be found in Exhibit 1.

Draft Zoning Map (Exhibit 2)

The boundaries of Mercer Island zones are established in [Title 19 MICC, Appendix D](#). The Mercer Island Zoning Map shows where zone-specific development regulations apply. To establish a new zone, the existing Zoning Map would need to be amended to show the boundaries of the zone.

Rights of way including street ends and Aubrey Davis Park are generally not proposed to be designated as Parks Zone on the draft Zoning Map. Rights of way are lands reserved for specific public purposes and subject to their own set of requirements in local and state law. Street ends are places where the City rights of way end at the shore of Lake Washington. Aubrey Davis Park is within the WA Department of Transportation (WSDOT) right of way. The City manages the park area that sits on top of the interstate freeway, which is owned by WSDOT. The City has limited options for regulating the use of WSDOT rights of way because any development activity within the state right of way is subject to WSDOT requirements, which can supersede local zoning controls.

Draft Comprehensive Plan Land Use Map (Exhibit 3)

The Comprehensive Plan Land Use Map established in the Land Use Element provides the generalized location for future land uses based on City policies. The land use designations shown on the Comprehensive Plan Land Use Map underpin the zoning designations established on the Zoning Map. The draft Land Use Map also excludes rights of way.

Parks and Recreation Commission (PRC) Input Summary (Exhibit 4)

On January 4, 2024, the PRC provided input for the Planning Commission to consider as it undertakes the legislative review of the Parks Zone. The PRC agreed to its input by consensus. The PRC input is provided in Exhibit 4. [A recording of the PRC meeting is available online.](#)

DISCUSSION

Please come to the meeting on January 24 prepared to respond to the PRC input. The PRC provided 16 comments. For each of the PRC comments, staff requests that the Planning Commission indicate which comments it recommends be incorporated into the next draft of the Parks Zone.

PLANNING COMMISSION COMMENTS

Please submit written questions and comments on the draft Parks Zone regulations to Adam Zack, Senior Planner, (Adam.Zack@mercerisland.gov) by **4:00 PM on January 31 for inclusion in the February packet.** Comments received after 4:00 PM on January 31 will not be included in the next Planning Commission packet.

NEXT STEPS

The Planning Commission review process to get the Parks Zone to the public review draft stage will be:

JANUARY 24	Consider PRC input
JANUARY 31	Initial Planning Commission comment period ends
FEBRUARY 28	Consider the Planning Commission comments
MARCH TBD	Review the updated draft that incorporates Planning Commission comments and arrive at a public review draft

Once the Planning Commission arrives at a public review draft of the Parks Zone, there will be more review as part of the Comprehensive Plan update:

- **April/May** - The City will hold an open house on the Comprehensive Plan update to gather public input.
- **May** - After the open house, the Planning Commission will hold a Comprehensive Plan update, “tune up” meeting to respond to public input gathered.
- **May/June** - The Planning Commission will hold a public hearing on the Comprehensive Plan update to gather additional public input.
- **June** - The Planning Commission can respond to input from the public hearing by amending the drafts prior to making a recommendation to the City Council.

DRAFT PARKS ZONE

MICC 19.01.040 – Zone Establishment

A. Zones.

Zone	Symbol
Single-Family	R-8.4
Single-Family	R-9.6
Single-Family	R-12
Single-Family	R-15
Multiple-Family	MF-2L
Multiple-Family	MF-2
Multiple-Family	MF-3
Business	B
Planned Business	PBZ
Commercial Offices	C-O
Public Institution	PI
<u>Parks</u>	<u>P</u>
Town Center	TC

B. The location and boundaries of the various zones of the city are shown and delineated on the city of Mercer Island Zoning Map which is ~~set out~~included in appendix D of this development code and is incorporated herein by reference.

C. The location and boundaries of the various zones as hereafter determined by the city council shall be shown and delineated on zone maps covering portions of the city, each of which ~~maps~~ shall be a part of this ~~code~~ either by adoption as a part hereof or by amendment hereto.

D. Each zone map and all notations and other information shown ~~thereon~~therein shall become part of this ~~code~~.

E. A zone map may be divided into parts and each part may, for purposes of identification, be subdivided into units. Such parts may be separately and successively adopted by means of an amendment of this ~~code~~ and, as adopted, such zone map, or its parts, shall become a part of this ~~code~~.

F. Changes in the boundaries of a zone shall be made by ordinance adopting an amended map, or part of said zone map.

G. When uncertainty exists as to the boundaries of any zones shown on any zone map, the following rules shall apply:

1. Boundaries shown on a map as approximately following street lines or lot lines shall be construed as actually following such lines.

- 1 2. Where a boundary between zones divides a lot into two or more pieces, the entire lot
2 shall be deemed to be located in the first zone on the following list in which any part of
3 the lot is located: R-15, R-12, R-9.6, R-8.4, MF-2L, MF-3, MF-2, PI, P, PBZ, C-O, TC, and B.
4 The location of the zone boundary shall be determined by use of the scale appearing on
5 the zone map unless the location of the boundary is indicated by dimensions.
6
7 3. Where property abuts Lake Washington, the land use classification of the upland property
8 extends waterward across the abutting shorelands and beds to the line of
9 navigability/inner harbor line as established in 1984 by the board of natural resources by
10 Resolution No. 461.
11
12 4. In case any uncertainty exists, the planning commission shall recommend and the city
13 council shall determine the location of boundaries.
14
15 5. Where a public street is officially vacated or abandoned, the land use classification
16 applicable to the abutting property shall apply to such vacated or abandoned street. If a
17 vacated street forms the boundary between two or more zones, the land use
18 classifications of each abutting zone shall extend to the mid-point of the vacated street
19 unless the planning commission recommends and the city council decides otherwise.
20
21 H. Except as hereinafter provided:
22
23 1. No land, building, structure or premises shall be used for any purpose or in any manner
24 other than a use listed in this Code, or amendments thereto, for the zone in which such
25 land, building, structure or premises is located.
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27 2. No building or structure shall be erected nor shall any building or structure be moved,
28 altered, enlarged or rebuilt, nor shall any open spaces surrounding any building or
29 structure be encroached upon or reduced in any manner, except in conformity with the
30 requirements of this development code or amendments thereto.
31
32 3. No yard or other open spaces provided ~~about~~ about which ~~about~~ any building or structure, for the
33 purpose of complying with the regulations of this Code or amendments thereto shall be
34 considered as providing a yard or open space for any other building or structure.
35

36 **MICC 19.05.XXX – Parks Zone. [New Section]**
37

- 38 A. *Purpose.* The purpose of the Parks Zone (P) is to accomplish all of the following:
39
40 1. Implement the Comprehensive Plan and other applicable plans by designating areas that
41 conserve and preserve a variety of park and open space lands in the City;
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43 2. Regulate the land uses permitted within publicly owned parks in the City; and
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45 3. Preserve urban forests, critical habitat, environmental resources, and maintain access to
46 recreational opportunities.
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- 1 B. *Parks Zone Designation Requirements.* In addition to the requirements established in Chapter
 2 19.15 MICC, lands must meet the following designation requirements to qualify for classification
 3 as Parks Zone.
 4
- 5 1. The City Council must adopt findings that the proposed classification will be consistent
 6 with the purpose of the Parks Zone, and
 7
 - 8 2. The land must be owned, leased, or may be managed by the City of Mercer Island.
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- 10 C. *Uses Permitted.* The following land uses are permitted in the Parks Zone. A use not permitted by
 11 this section is prohibited.
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- 13 1. Recreational uses.
 - 14 2. Recreational facilities.
 - 15 3. Agricultural activities for educational or recreational purposes, such as community
 16 gardens.
 - 17 4. Government offices and government services.
 - 18 5. Public parking, parking structures, and underground parking.
 - 19 6. Temporary uses and structures, including farmer's markets and special events, authorized
 20 by the City Manager or designee.
 - 21 7. Transit stops.
 - 22 8. Public art.
 - 23 9. Signs.
 - 24 10. Wireless communications facilities.
 - 25 11. Utilities. Utilities must be placed underground whenever feasible.

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 37 **MICC 19.05.XXX – Parks Zone development Standards. [New Section]**
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- 39 A. *Applicability.* The provisions of this section shall apply to all development proposals in the Parks
 40 zoning designation.
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- 42 B. *Setbacks.*
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- 44 1. The following minimum setbacks apply:
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 - 46 a. Zero (0) feet if adjacent property is zoned PI, P, TC, PBZ, CO, or B; and
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b. Twenty (20) feet if adjacent property is zoned R-8.4, R-9.6, R-12, R-15, MF-2L, MF-2, or MF-3.

2. Setbacks are measured from the adjacent property line or the edge of adjacent public rights-of-way.

3. The following developments are exempt from setback requirements: picnic tables, fences, gates, culverts, trails, landscaping, and parking areas.

C. *Maximum Building Height.* No building shall exceed thirty-five (35) feet in height. Flagpoles, antennas, chimneys, mechanical equipment, and rooftop appurtenances do not count toward building height in the Parks Zone.

D. *Impervious surface.* No net new impervious surface is permitted unless it has been authorized by an adopted Park Master Plan, the City of Mercer Island ADA Plan or specifically exempted by this section, provided that stormwater and other applicable requirements are met. The following uses are exempt:

- 1. Emergency vehicle lanes not available for public use;
- 2. Public trails; and
- 3. Synthetic turf athletic fields.

E. *Parking.* The following parking requirements apply to all land uses in the Parks Zone.

- 1. *Design.* Parking lot design must conform to the diagrams included in appendix A of this development code, unless alternative design standards are approved by the city engineer.
- 2. *Ingress and egress.* The city engineer shall have the authority to condition future development permit approvals to fix the location and width of vehicular ingress or egress to and from the subject property and alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.
- 3. *Screening.* A landscaped area at least ten feet wide must provide a visual barrier between parking areas and adjacent properties zoned R-8.4, R-9.6, R-12, R-15, MF-2L, MF-2, or MF-3. The screening shall be composed of a combination of trees, bushes, and groundcover that will produce an eight-foot-tall visual barrier in all seasons within three years of planting. A minimum of one tree for every 20 feet of landscape perimeter length must be provided.
- 4. *Minimum parking requirements.* There is no minimum number of parking spaces required in the Parks Zone. The proposal must demonstrate to the satisfaction of the city engineer that the number of parking spaces proposed will accommodate the projected parking created by the proposed use. The city engineer may condition approval to require a minimum number of parking spaces if the proposed use is expected to create demand for additional parking spaces beyond existing and proposed onsite parking facilities.

1 F. *Lighting.* All exterior lighting must be designed to minimize light trespass onto neighboring
2 properties. Fixtures must be shielded and directed no more than forty-five (45) degrees above
3 straight down, which is half-way between perpendicular and parallel to the adjacent grade.
4 Shielded means the lighting fixture has a solid opaque barrier at the top of the fixture in which
5 the bulb is located and the fixture is angled so the bulb does not extend below the barrier. The
6 following lighting types are exempt from this requirement:

- 7
- 8 1. Lighting within a public right-of-way or easement for the purpose of illuminating roads,
9 trails, and pedestrian ways;
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- 11 2. Repair of lighting fixtures existing prior to the effective date of this ordinance;
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- 13 3. Emergency lighting;
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- 15 4. Pathway and landscaping lighting fixtures producing less than 200 lumens;
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- 17 5. Temporary seasonal lighting; and
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- 19 6. Lighting required by state or federal law.
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22 **MICC 19.16.010 – Definitions**

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24 [...]

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26 *Agricultural Activities.* The production of plants, animals, or their products, including but not limited to
27 gardening, and fruit production. [...]

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29 *Farmer’s Market.* An occasional or periodic market held in an open area or in a structure where groups or
30 individual vendors offer for sale to the public items such as fresh produce, seasonal fruits, fresh
31 flowers, arts and crafts, and food and beverages dispensed from booths located on-site.

32 [...]

33
34 *Government Offices.* A building or structure owned, operated, or occupied by a governmental
35 agency to provide a governmental service to the public. [...]

36
37 *Park.* Any public or private land available for recreational, environmental, educational, or cultural uses.
38 [...]

39
40 *Recreational Facility.* Structures, pieces of equipment, or developments that are specifically provided for
41 recreational uses. Recreational facility includes both indoor and outdoor facilities for public or
42 private recreational use. [...]

43
44 *Recreational Uses.* A land use that provides opportunity for amusement, entertainment, athletic,
45 environmental, and/or other leisure-time activities.

46 [...]

47

- 1 Temporary Structures, Uses, and Activities. A land use, structure, or activity that will only be in place for
- 2 a limited period of time not to exceed 180 days in duration. [...]
- 3
- 4 Trail. An off-street pedestrian, bicycle, or multi-use path. [...]
- 5
- 6 Transit Stop. A transit facility located at selected points along transit routes for passenger pickup, drop
- 7 off, or transfer, but excluding areas for vehicle repair or storage, parking lots, transfer stations,
- 8 and park-and-ride stations. [...]
- 9
- 10

DRAFT



CITY OF MERCER ISLAND ZONING

DRAFT

Version: 12/28/2023

EXHIBIT 2

	P (DRAFT) Park
	R-8.4 Residential 8,400 sq. ft. lot
	R-9.6 Residential 9,600 sq. ft. lot
	R-12 Residential 12,000 sq. ft. lot
	R-15 Residential 15,000 sq. ft. lot
	MF-2L Multi-Family, Limited Maximum density 26 units/acre
	MF-2 Multi-Family Maximum density 38 units/acre
	MF-3 Maximum density 26 units/acre
	B Business
	PBZ Planned Business Zone
	C-O Commercial Offices
	P Public Institution
	TC Town Center

The zone boundaries generally coincide with the center of the public right of way and plat boundaries. In other areas, it coincides with lot-lines. In a few cases, it splits a parcel or lot.

In some areas, parcels are split into two zones. This is not a mistake. Please consult with a City planner to determine the correct designation for your property.

- Original map Adopted: Ord 99C-13
- Amended: Ord 00C-06
- Amended: Ord 05C-13
- Amended: Ord 13C-02
- Amended: Ord 14C-07
- Amended: Ord 14C-10
- Amended: DR16-01
DSG Director's Memo, dated 06/10/2016
- Amended: Ord 17C-24
- Amended: Ord18C-14

The parcel layer is provided for general reference only.

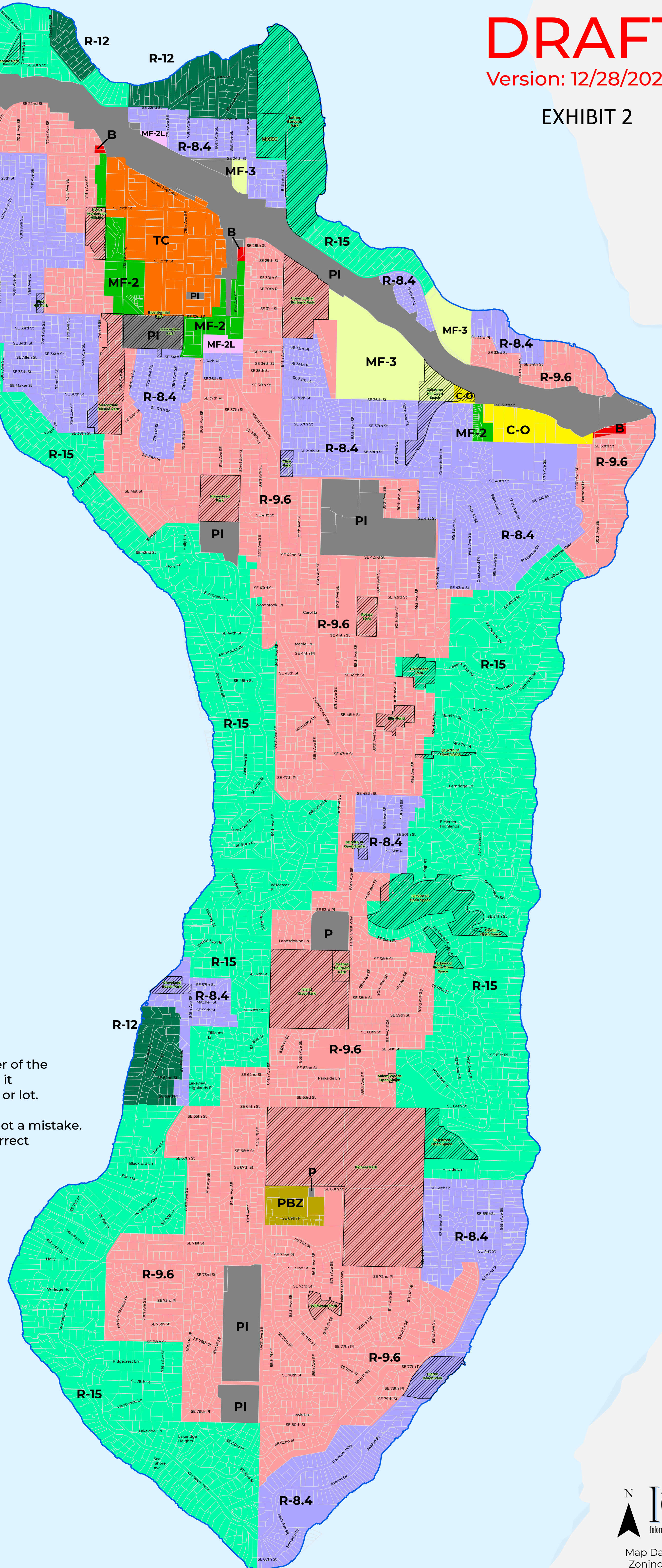
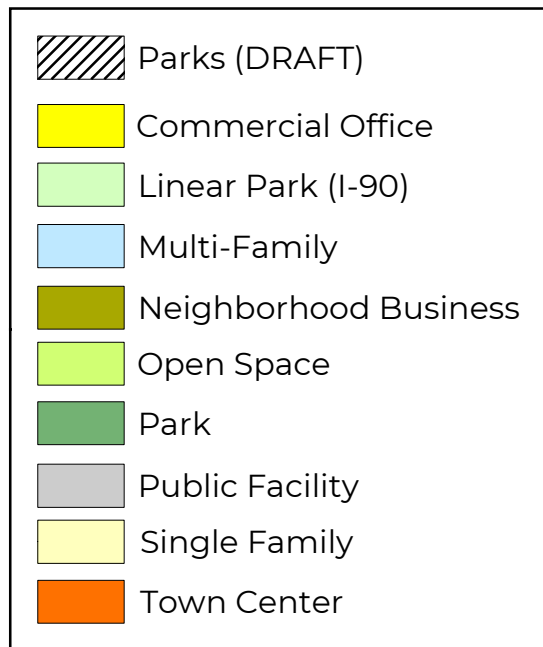


Figure 1 - Land Use Map

DRAFT

Version: 04/12/2023

EXHIBIT 3



The Land Use Plan is intended to be a generalized depiction of land uses. The map is not a description of zoning boundaries nor should it be interpreted on a site specific basis.

The Mercer Island City limits delineates the communities' Urban Growth Area. The City limits are contiguous with the Mercer Island Lake Washington Shoreline.

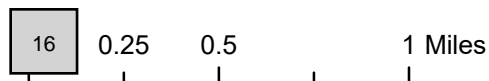


Table 1. Parks and Recreation Commission Input.

Log #	PRC Input	Notes
1	Consider strengthening the statements regarding recreation to include active and passive recreation.	The American Planning Association (APA) Planner’s Dictionary provides the following definition for passive recreation: “Those recreational pursuits which can be carried out with little alteration or disruption to the area in which they are performed. Such uses include but are not limited to hiking and picnicking. (APA Planner Advisory Service 521-522)”
2	The Parks Zone should be differentiated from other zones by an emphasis on recreation.	
3	Consider separating recreation from the other concepts in #3.	
4	Consider adding conditions to recreational uses/facilities to clarify what constitutes that use. Possibly drop ‘private’ from the definition of recreational facilities.	<p>The proposed definition for recreational uses is, “A land use that provides opportunity for amusement, entertainment, athletic, environmental, and/or other leisure-time activities.” The proposed definition for recreational facilities is, “Structures, pieces of equipment, or developments that are specifically provided for recreational uses. Recreational facility includes both indoor and outdoor facilities for public or private recreational use.”</p> <p>The definitions established in Chapter 19.16 MICC apply to the entire development code, not just the Parks Zone. If the definition of recreational facilities is narrowed to only include public uses it might need to be amended if this use were allowed in other zones in the future. Narrowing the definition is unlikely to make a difference in the types of facilities that would be developed in public parks because there are other requirements that affect the use of public land for private purposes.</p>

Log #	PRC Input	Notes
5	Consider narrowing government offices and services to only 'park-related'.	Government services is defined in MICC 19.16.010 as, "Services provided by the city, King County, the state of Washington, or the federal government including, but not limited to, fire protection, police and public safety activities, courts, administrative offices, and equipment maintenance facilities." The Parks Zone draft proposes following definition of government offices: "A building or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public." There are currently government offices and services located in City Parks. This primarily includes the offices at the Mercer Island Community and Events Center (MICEC) and the Luther Burbank Administrative Building. A significant portion of this office space is currently used for non-parks purposes, including the entire Youth and Family Services Department. Requiring government offices and services to be park related would likely render existing City operations nonconforming. Nonconforming uses must comply with MICC 19.01.050 – Nonconforming structures, sites, lots and uses in addition to other development standards. This would significantly limit the City's options for maintaining its non-park offices and services in the Parks Zone.
6	Consider revising public parking to simply state "public parking" and linking parking with recreational uses.	<p>Parking is defined in Mercer Island City Code (MICC) 19.16.010 – Definitions as follows: "A public or private area, under, within or outside a building or structure, designed and used for parking motor vehicles including parking lots, garages, and driveways. For the purposes of this definition only:</p> <ol style="list-style-type: none"> 1. Parking structure shall mean a building or structure consisting of more than one level and used for the temporary parking and storage of motor vehicles. 2. Underground parking shall mean the location of that portion of the parking structure located below the existing grade of the ground abutting the structure." <p>Amending the listed allowed use to just state "public parking" would not significantly change what is allowed.</p>
7	The PRC is concerned about transit stops in public parks. Consider limiting transit stops to only temporary stops.	The following definition for transit stops is proposed in the draft Parks Zone regulations: "A transit facility located at selected points along transit routes for passenger pickup, drop off, or transfer, but excluding areas for vehicle repair or storage, parking lots, transfer stations, and park-and-ride stations."
8	Consider limiting allowed signs to only those related to recreational uses.	Restricting signs to only those related to recreational uses could present challenges when the City needs to post other signs related to managing its parks. More than recreational activities take place in City parks, it is reasonable to expect that some of those nonrecreational uses will require signs. For example, habitat restoration is not a recreational use but would likely require signs throughout the project. It is likely that restricting signs to only those related to recreational uses would make some parks projects more difficult.

Log #	PRC Input	Notes										
9	<p>The PRC was concerned about allowing large wireless communications facilities (WCFs). Consider only allowing the WCFs required by law.</p>	<p>Federal laws and rules affect how the City can regulate WCFs. On their website, the Municipal Research Service Center (MRSC) provides an overview of what local governments must consider when regulating several different types of communications facilities. The federal Middle Class Tax Relief and Jobs Creation Act of 2012 and several Federal Communications Commission (FCC) rules limit the options cities have when regulating WCFs. The FCC has established constraints on the types of development regulations cities can impose.</p> <p>Development standards for communications facilities are established in Chapter 19.06 MICC. The City allows WCFs in every zone. The existing WCF regulations comply with federal and state requirements. Allowing WCFs subject to the existing development standards in Chapter 19.06 MICC is the simplest way to ensure that the Parks Zone is consistent with state and federal law.</p>										
10	<p>Consider adding “Natural systems improvements, habitat restoration, open space, and passive recreation” to the list of allowed uses.</p>	<p>The proposed uses listed in the PRC suggestion would ensure that standalone environmental improvements would be allowed. These uses would likely have little to no impact on neighboring developments.</p>										
11	<p>Consider reducing the maximum building height.</p>	<p>The proposed development standards would establish a maximum building height of 36 feet or three stories. Most of the zones outside Town Center have a maximum building height that allows for roughly three stories. The table below summarizes the maximum building heights allowed in all zones.</p> <table border="1" data-bbox="443 954 1295 1141"> <thead> <tr> <th data-bbox="443 954 688 992">Max. Height</th> <th data-bbox="688 954 1295 992">Zones</th> </tr> </thead> <tbody> <tr> <td data-bbox="443 992 688 1029">>36 feet</td> <td data-bbox="688 992 1295 1029">TC-3, TCMF-3, TC-4, TCMF-4, TC-4 Plus, TC-5</td> </tr> <tr> <td data-bbox="443 1029 688 1066">36 feet (3 stories)</td> <td data-bbox="688 1029 1295 1066">MF-2, MF-3, PBZ, C-O, B, P-I</td> </tr> <tr> <td data-bbox="443 1066 688 1104">30 feet</td> <td data-bbox="688 1066 1295 1104">R-15, R-12, R-9.6, R-8.4,</td> </tr> <tr> <td data-bbox="443 1104 688 1141">24 feet</td> <td data-bbox="688 1104 1295 1141">MF-2L</td> </tr> </tbody> </table> <p>When setting a maximum building height, the scale of existing buildings such as the Luther Burbank Administrative building, the Mercer Island Community and Events Center (MICEC), and light poles that illuminate play fields should be considered. If the maximum building height is set lower than existing buildings, those buildings would become nonconforming to the height standard. Nonconforming development is regulated by MICC 19.01.050 - Nonconforming structures, sites, lots and uses. In general, regulations are designed so that nonconforming structures are eventually replaced by conforming development. There is a process by which the City could apply for a variance from its own height standard, but the variance process is intended to address unique situations where a development standard creates a hardship rather than as a planned part of permitting development that would normally be expected within a zone. The Parks Zone regulations should avoid creating a situation where existing recreational facilities are rendered nonconforming and expected development in the zone would also require a variance.</p>	Max. Height	Zones	>36 feet	TC-3, TCMF-3, TC-4, TCMF-4, TC-4 Plus, TC-5	36 feet (3 stories)	MF-2, MF-3, PBZ, C-O, B, P-I	30 feet	R-15, R-12, R-9.6, R-8.4,	24 feet	MF-2L
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Log #	PRC Input	Notes
12	<p>Find a process to add flexibility to the maximum impervious surfaces standard while maintaining a high bar for increasing total impervious surfaces. Possibly require Council approval for any increase to impervious surfaces.</p>	<p>Adding a City Council process for allowing additional impervious surfaces would be an unusual approach to permitting new development. Requiring City Council approval is typically reserved for highly complicated development that is difficult to site such as Essential Public Facilities (MICC 19.06.100 – Essential Public Facilities). Staff would need to develop a proposed process for requiring City Council approval if the Planning Commission decides to add this process.</p> <p>Identifying an appropriate impervious surfaces standard requires balancing the tradeoffs between managing stormwater runoff to reduce environmental impacts and the need for new parks amenities that generate new impervious surfaces which can include accessibility improvements, turf fields, playgrounds and trails. Because so many types of development include impervious surfaces, capping impervious surfaces at existing levels as proposed (no net new impervious surfaces) can limit what the City is able to develop in its parks without adopting a master plan. Note: any new development is reviewed for compliance with the City’s stormwater standards established in Title 15 MICC.</p> <p>The following approaches would add flexibility using, note some of these approaches can be combined:</p> <p>Expand the list of exempt uses or developments. The first draft Parks Zone development standards exempts Emergency vehicle lanes not available for public use, public trails, and synthetic turf athletic fields from the no net new impervious surfaces standard. Other developments such as playgrounds could be added to the exemption list. This approach is well suited if there are specific developments that need to be exempted. If the Planning Commission pursues this approach, staff can prepare a list of uses for consideration with the next draft of the Parks Zone.</p> <p>Cap impervious surfaces as a percent of the total lot size. Many zones have an impervious surfaces cap set relative to the total lot size. An example of this type of standard is the maximum impervious surfaces standard for schools in the Public-Institutional Zone (PI) established in MICC 19.05.010(F)(2), which states: “Maximum allowable coverage with impervious surface is 55 percent for elementary and middle schools and 63 percent for the high school mega-block. [...]” The advantage of setting the impervious surfaces maximum at a percentage of the total lot size is that it is a clear and measurable standard. The percentage for this type of standard would likely be difficult to set for the Parks Zone because parks properties have a wide range of sizes and uses.</p> <p>Exempt smaller projects provided they fall below a certain threshold. Rather than exempting specific types of development, the City could exempt any development from the no net new impervious surfaces standard provided it falls below a specific threshold. For example, a development could be exempt from the standard provided it doesn’t increase impervious surfaces by more than a set percentage of existing impervious surfaces. This type of exemption is typically combined with a ‘not-to-exceed’ maximum, typically a percentage of the total lot size to ensure that a combination of smaller exempt projects do not end up covering the entire lot.</p>

Log #	PRC Input	Notes
13	Consider ways to reduce the impact of lighting on site.	Onsite lighting impacts are typically managed through project design rather than development standards. Any proposed lighting would be subject to the City’s capital improvement project design process which would include a public review of proposed designs. This can include consideration of onsite lighting impacts without requiring a development standard. Given that City projects already go through a public design review process, establishing standards to mitigate onsite impacts might not be necessary.
14	Consider adding design standards to the Parks zone.	Design standards for zones outside of Town Center are established in Chapter 19.12 MICC . Projects on city owned lands are exempted from the design standards (see definition of “regulated improvements” in MICC 19.16.010). City projects are exempted from design standards because the City already undertakes public review of design for many capital improvement projects. Given that City projects already go through a public design review process, requiring the design review process would likely be redundant.
15	Consider establishing a maximum amount of development allowed such as a maximum developable area per lot/park.	Parks vary in scale and uses, making a maximum developable area difficult to set. Setting this type of standard would require a determination of the appropriate developable area and would run the risk of a one-size-fits-all standard Given that the City is the only entity that will develop parks and the City has existing processes to determine which projects it will undertake in its parks, this type of standard might be unnecessarily restrictive.
16	Consider how this zone relates to the Open Space Conservancy Trust.	<p>The Mercer Island Open Space Conservancy Trust (OSCT) is a board of volunteer residents appointed by the City Council to oversee open space properties placed in the trust as passive, low-impact recreational open space (park). The Trust manages these properties to protect, maintain and preserve them as natural, scenic and recreational resources, maintaining all their ecological, scenic, aesthetic, scientific, and educational attributes for the current and future residents of Mercer Island in perpetuity.</p> <p>The OSCT was established by ordinance on February 10, 1992 (amended May 6, 1996). Open space is defined by the ordinance as a property of potential natural or scenic resources that has been reserved by the Mercer Island City Council for passive and low impact forms of use, such as walking, jogging, and picnicking. Currently the Trust owns and oversees the management of Pioneer Park and Engstrom Open Space.</p> <p>More information on the OSCT is provided on the City’s website: https://www.mercerisland.gov/bc-openspaceconservancytrust</p> <p>The proposed Parks Zone is not expected to affect the OSCT’s work.</p>



Comprehensive Plan Periodic Review

Parks Zone

Planning Commission
January 24, 2024

Adam Zack, Senior Planner
Community Planning and Development

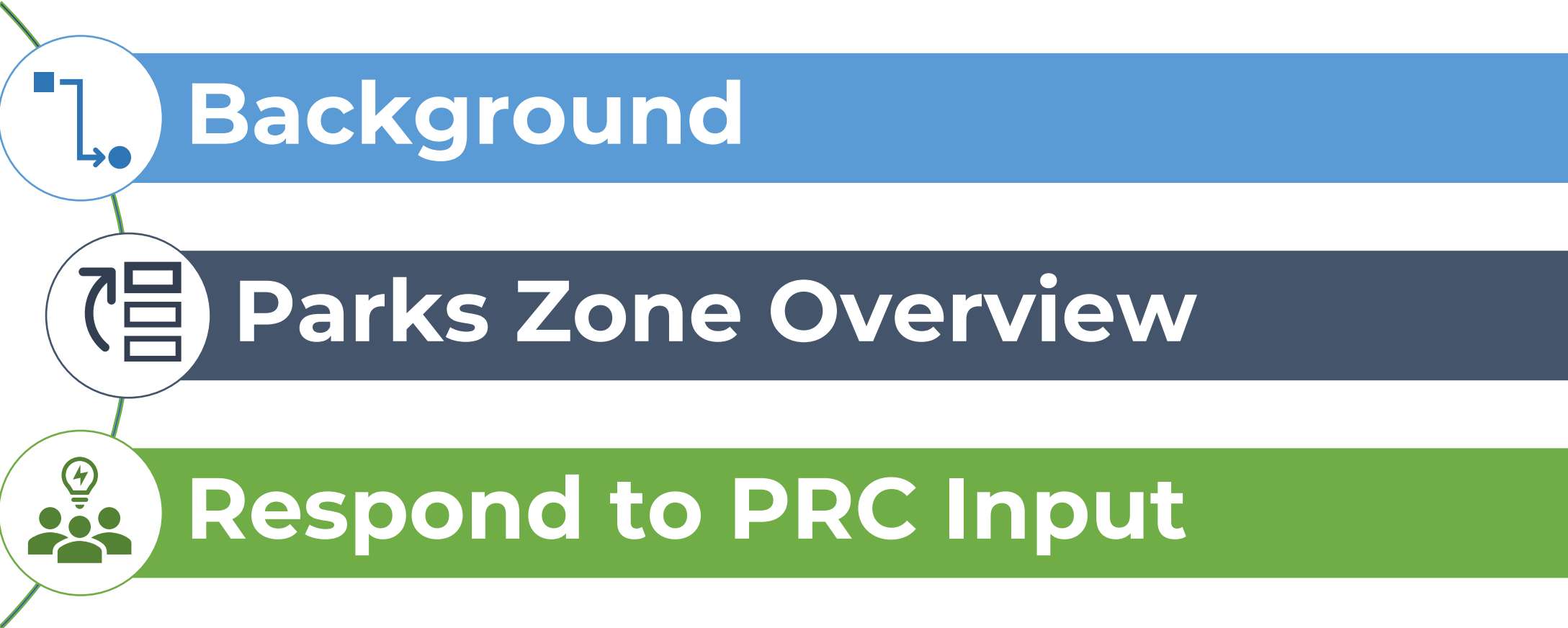


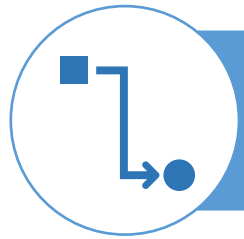
Purpose

To provide the Planning Commission (PC) with an introduction to the initial parks zone draft and receive PC responses to the Parks and Recreation Commission (PRC) input.



Agenda



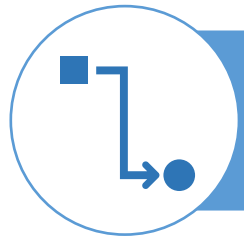


Background

WHAT IS THE PARKS ZONE?

- New zone to regulate development in City parks.
- Will be adopted during the Comprehensive Plan Update per City Council direction.
- Would apply to City-owned, -leased, or -managed parks.
- Ensure that park development is consistent with the adopted PROS Plan.

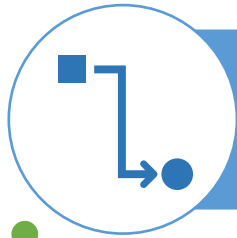




Background

- The GMA requires cities in King County to complete the comprehensive plan periodic review by December 31, 2024.
- The periodic review scope of work set by Council in 2022 and supplemented in 2023 ([Resolution No. 1621](#) and [Resolution No. 1646](#)).
- Drafting a new Parks Zone was included in this scope of work.
- The Parks Zone will be adopted in Title 19 Mercer Island City Code (MICC), which requires a specific legislative review process.





Process



Project Begins



PC review



Comprehensive Plan Periodic Review Open House



Public Hearing and Recommendation



- Scope of Work
- Staff Prepares Initial Draft
- Parks and Recreation Commission Input

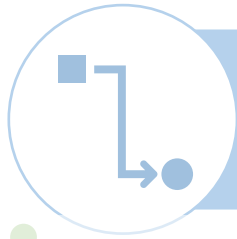
Several meetings to prepare a Public Review Draft

PC responds to comments

PC Makes Recommendation to Council

Periodic Review Concludes





Process



Project Begins

- Scope of Work
- Staff Prepares Initial Draft
- Parks and Recreation Commission Input



PC review

Several meetings to prepare a Public Review Draft

We are here



Comprehensive Plan Periodic Review Open House



Public Hearing and Recommendation

PC Makes Recommendation to Council



City Council Review and Adoption

Periodic Review Concludes





Parks Zone Overview

Development Regulations

- Two New Code Sections
- Amendments to MICC 19.01.040
- New Definitions

Zoning Map

- Shows where Parks Zone development regulations would apply
- Does not include street ends, 'landings', and Aubrey Davis Park

Land Use Map

- Part of the Land Use Element of the Comprehensive Plan
- Establishes the generalized location of future land uses based on the policies of the Comprehensive Plan
- Forms the basis for zoning





Parks Zone Overview

- 1 Zone establishment (amending MICC 19.01.040)
- 2 Zone purpose and designation criteria
- 3 Permitted land uses
- 4 Development standards
- 5 Definitions (amending MICC 19.16.010)





Parks Zone Overview

1 Zone establishment (amending MICC 19.01.040)

- MICC 19.01.040 must be amended to create a new zone.
- Proposed amendments are limited to those required to establish the zone and minor edits for clarity.





Parks Zone Overview

2 Zone purpose and designation criteria

Purpose

- Establish regulations for parks because their intended land uses substantially differ from other zones.
- Focus is the facilitation and continuation of recreational uses of publicly owned park lands.

Designation Criteria

- Set the rules for when lands may be zoned Parks.
- Lands must be City-owned, -leased, or -managed.
- Council must make findings that zoning is consistent with the purpose.



Parks Zone Overview

3 Permitted land uses

The list of permitted uses should be:

Broad enough to ensure that the City can develop its park land to realize the PROS Plan, and

Narrow enough to preserve parks from being developed with incompatible uses.

Any allowed land uses would go through the City's planning processes including approval of the budget, listing the project on the capital improvement plan, and design review.





Parks Zone Overview

3 Permitted land uses

- Recreational uses.
- Recreational facilities.
- Agricultural activities.
- Government offices and government services.
- Public parking, parking structures, and underground parking.
- Temporary uses and structures.
- Transit stops.
- Public art.
- Signs.
- Wireless communications facilities.
- Utilities. Utilities must be placed underground whenever feasible.



Parks Zone Overview

4 Development Standards

- Development standards include parking requirements, setbacks, height limits, and maximum impervious surfaces. Intended to help reduce the impact of allowed uses on neighboring land uses, and vice versa.
- Standards are focused on ensuring park development occurs consistent with the Comprehensive Plan and PROS Plan.
- The full text of the proposed development standards can be found on page 3, line 37 of Exhibit 1.





Parks Zone Overview

4 Development Standards

Topic	Proposed Standard Summary
Setbacks	<ul style="list-style-type: none">• No setback required between Parks Zone and institutional, commercial, and mixed-use zones;• 20 feet between Parks Zone and residential zones; and• The following developments are exempt from setback requirements: picnic tables, fences, gates, culverts, trails, landscaping, and parking areas.
Building Height	35-foot maximum, approximately three stories. This is the maximum for most zones outside of Town Center.
Impervious Surfaces	<ul style="list-style-type: none">• No net new impervious surfaces unless authorized by an adopted Park Master Plan, ADA Plan, and• Emergency vehicle lanes, trails, and synthetic turf athletic fields are exempt.



Parks Zone Overview

4 Development Standards

Topic	Proposed Standard Summary
Parking	<ul style="list-style-type: none">• No minimum number of parking spaces, City Engineer can determine the necessary number of parking spaces;• Screening required between parking areas and residential zones; and• Note: impervious surface requirement would limit the amount of new parking that could be created unless it was shown on an adopted City plan.
Lighting	New lighting must be shielded and directed downwards, consistent with International Dark Sky Association recommendations to minimize lighting impacts to neighboring properties and the night sky.



Parks Zone Overview

5 Definitions (amending MICC 19.16.010)

New Definitions for the Following Terms:

- Agricultural Activities
- Farmer’s Market
- Government Offices
- Park
- Recreational Facility
- Recreational Uses
- Temporary Structures, Uses, and Activities
- Trail
- Transit Stop





Respond to PRC Input

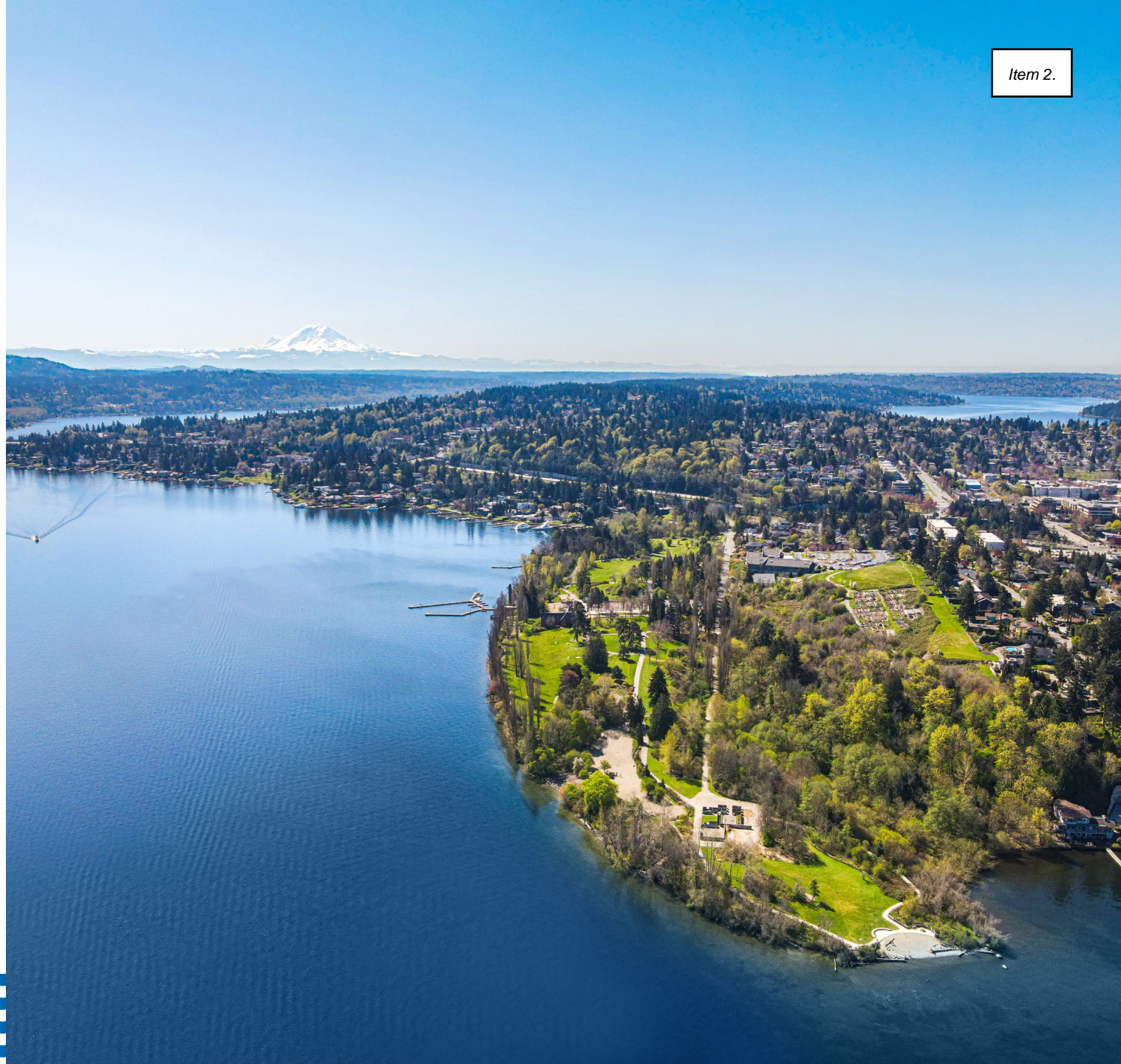
- PRC provided 16 high-level comments.
- Staff is looking for PC consensus on each (whether to incorporate the change into the next draft).
- If desired, consensus can be reached at the February meeting.
- **The PC must resolve all comments on the first draft by the end of the February meeting.**

Next Steps

- Planning Commissioner comments due by **4:00 PM on January 31.**
- Joint PRC and PC work session.
- PC will resolve comments from individual commissioners on **February 28.**



Questions?



Additional Reference





Parks Zone Overview

4 Development Standards

Nonconforming Use: The use of a structure, site or of land that lawfully existed prior to September 26, 1960, or conformed to the applicable code requirements in effect at the time it was commenced but no longer conforms to the current regulations of the zone in which it is situated due to subsequent changes in code requirements. [[MICC 19.16.010](#)]

Regulated by [MICC 19.01.050 – Nonconforming structures, sites, lots, and uses](#).

In general, redevelopment of a nonconforming structure and use is more difficult than redeveloping a conforming use.





Definitions (Proposed)

Agricultural Activities. The production of plants, animals, or their products, including but not limited to gardening, and fruit production.

Farmer's Market. An occasional or periodic market held in an open area or in a structure where groups or individual vendors offer for sale to the public items such as fresh produce, seasonal fruits, fresh flowers, arts and crafts, and food and beverages dispensed from booths located on-site.

Government Offices. A building or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public.



Definitions (Proposed)

Park. Any public or private land available for recreational, environmental, educational, or cultural uses.

Recreational Facility. Structures, pieces of equipment, or developments that are specifically provided for recreational uses. Recreational facility includes both indoor and outdoor facilities for public or private recreational use.

Recreational Uses. A land use that provides opportunity for amusement, entertainment, athletic, environmental, and/or other leisure-time activities.





Definitions (Proposed)

Temporary Structures, Uses, and Activities. A land use, structure, or activity that will only be in place for a limited period of time not to exceed 180 days in duration.

Trail. An off-street pedestrian, bicycle, or multi-use path.

Transit Stop. A transit facility located at selected points along transit routes for passenger pickup, drop off, or transfer, but excluding areas for vehicle repair or storage, parking lots, transfer stations, and park-and-ride stations.





Definitions (Existing)

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.





Definitions (Existing)

Government services: Services provided by the city, King County, the state of Washington, or the federal government including, but not limited to, fire protection, police and public safety activities, courts, administrative offices, and equipment maintenance facilities.

Parking: A public or private area, under, within or outside a building or structure, designed and used for parking motor vehicles including parking lots, garages, and driveways. For the purposes of this definition only:

1. Parking structure shall mean a building or structure consisting of more than one level and used for the temporary parking and storage of motor vehicles.
2. Underground parking shall mean the location of that portion of the parking structure located below the existing grade of the ground abutting the structure.





Definitions (Existing)

Sign: Any series of letters, figures, design symbols, lights, structure, billboard, trademark or device intended or used to attract attention to any activity, service, place, subject, person, firm, corporation, or thing. Excluded are official traffic signs or signals, public notices, and governmental flags.

Utilities: Facilities providing infrastructure services by a public utility or private utility regulated by the state through fixed wires, pipes, or lines. Such facilities may include water, sewer, storm water facilities (lines, ditches, swales and outfalls) and private utilities such as natural gas lines, telecommunication lines, cable communication lines, electrical lines and other appurtenances associated with these utilities. "Utilities" does not include wireless communication facilities, but do include small wireless facilities.

Wireless communications facility (WCF): Any unstaffed facility for the transmission and/or reception of radio frequency signals usually consisting of antennas, an equipment cabinet, transmission cables, and a support structure to achieve the necessary elevation.

