



PLANNING COMMISSION

SPECIAL HYBRID MEETING AGENDA

Wednesday, May 8, 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

Luther Burbank Room, 104

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 cityclerk@mercerisland.gov.

Individuals wishing to speak live during Public Appearances (public comment period) must register with the Deputy City Clerk at (206) 858-3150 or cityclerk@mercerisland.gov by 4pm on the day of the Planning Commission meeting. Each speaker will be allowed three (3) minutes to speak.

Join the meeting at 6:00 pm (Public Appearances will start sometime after 6:00 PM) by:

- 1) **Telephone:** Call 253.215.8782 and enter Webinar ID 865 8987 3191, Passcode 442620.
- 2) **Zoom:** Click this [Link](#) Webinar ID 865 8987 3191, Passcode 442620
- 3) **In person:** Mercer Island Community & Event Center – Room 104 at 8236 SE 24th Street, Mercer Island, WA 98040

CALL TO ORDER & ROLL CALL, 6 PM

PUBLIC APPEARANCES

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

SPECIAL BUSINESS

1. **Planning Commission Meeting Minutes** of the April 17, 2024 Special Meeting.
Recommended Action: Approve minutes.
2. **PCB24-09: Open Space Zone**
Recommended Action: Receive Report. No action necessary.

OTHER BUSINESS

3. **Deputy Director's Report**
4. **Planned Absences for Future Meetings**

ADJOURNMENT



PLANNING COMMISSION SPECIAL MEETING MINUTES

Wednesday, April 17, 2024

Item 1.

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, and Victor Raisys, were present remotely. Adam Ragheb was absent.

Staff Remote Participation:

Alison Van Gorp, Deputy CPD Director

Adam Zack, Senior Planner

APPEARANCES

There were no public appearances.

REGULAR BUSINESS

1. Planning Commission Meeting Minutes:

A. March 27, 2024 Special Meeting

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

Approve the minutes.

Approved 6-0

2. PCB 24-07: Comprehensive Plan Periodic Review – Parks and Climate Amendments Second Brief

Alison Van Gorp, Deputy Director, reviewed the parks and climate change related amendments proposed by staff and sought consensus or direction as required.

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

Adopt the minor amendments to the parks policies as proposed by staff and amended

Approved 6-0

There was consensus to approve the major amendments to the parks policies as presented in PCB24-07, Table 1.

There was consensus to make the minor climate amendments as presented in PCB24-07, Table 2.

There was consensus to make the major climate amendments as presented in PCB24-07, Table 2.

There was consensus to add a new Policy 27.6.4, as proposed by Commissioner Goelz, which states:

“Reducing greenhouse gas emissions from the construction, heating, and cooling of residential structures by encouraging smaller single family residential housing units, moderate density housing (including duplexes and triplexes), and the use of green building materials and techniques;”

A motion was made by Akyuz; seconded by Battazzo to

Amend proposed Land Use Element Policy 17.3 to strike “minimize”, add the word “consider”, and strike the phrase “, especially residential zones.”

There was consensus to move forward with the Parks and Open Space Element as presented.

3. PCB 24-08: Comprehensive Plan Periodic Review – Community Workshop Preparation

Adam Zack, Senior Planner, briefed the Planning Commission on the upcoming May 1, Comprehensive Plan Periodic Review Open House. The Open House will take place from 6:00 to 8:00 PM at the Mercer Island Community and Events Center. The public was encouraged to attend and provide input.

OTHER BUSINESS

4. Deputy Director's Report – Deputy Director Alison Van Gorp provided an overview of the upcoming meetings in May.

5. Planned Absences for Future Meetings.
May 1-26 – Goelz

ADJOURNED - The meeting adjourned at 9:06 pm

Deborah Estrada, Deputy City Clerk

DRAFT



PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 24-09
May 8, 2024
Special Business

Item 2.

AGENDA BILL INFORMATION

| | | |
|----------------------------|---|---|
| TITLE: | PCB 24-09: Open Space Zone | <input checked="" type="checkbox"/> Discussion Only |
| RECOMMENDED ACTION: | Receive Report. No action necessary. | <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Recommendation |
| STAFF: | Jessi Bon, City Manager Carson Hornsby, Management Analyst Ryan Daly, Recreation Manager Alison Van Gorp, Deputy CPD Director | |
| EXHIBITS: | 1. Inventory of Open Space Land 2. PRC and OSCT Recommendations 3. Draft Zoning Map 4. Draft Open Space Development Regulations 5. Draft Land Use Map | |

EXECUTIVE SUMMARY

- 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 zone for parks and open space was added to the Comprehensive Plan periodic review scope of work by the City Council;
- The Open Space Zone is a proposed new zone that will establish land use regulations for City-owned and managed Open Space Lands and ensure the land is managed in a manner appropriate for such properties, consistent with the Parks, Recreation, and Open Space (PROS) Plan, City code, master plans, forest management plans, and similar documents.
- Creating a new zone requires amendments to [Title 19 Mercer Island City Code \(MICC\)](#), the [Zoning Map](#), and [Comprehensive Plan Land Use Map](#);
- The Parks and Recreation Commission (PRC) and Open Space Conservancy Trust (OSCT) held several joint meetings throughout March and April to provide input and develop the proposed amendments to Title 19 MICC, the Zoning Map, and Comprehensive Plan Land Use Map.
- Peter Struck, Chair of the PRC, and Geraldine Poor, Chair of the OSCT, will attend the May 8, 2024 meeting to provide the PRC/OSCT recommendation to the Planning Commission.
- The Planning Commission will begin legislative review of the proposed Open Space Zone and provide a final recommendation to the City Council in time for the new zone to be included in the 2024 Comprehensive Plan Periodic Update.

BACKGROUND

The scope of work for the periodic update of the Comprehensive Plan, adopted by the City Council in 2022, included creation of a new Parks Zone. 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.

The PRC revisited the Parks Zone in March 2024 and provided a recommendation to staff to separate the Parks Zone planning work into two phases: the first phase to develop a new zone for City-owned public Open Space Lands, and the second phase to develop a new zone for other City-owned public park properties. The PRC recommended prioritizing the development of the Open Space Zone this year in time for inclusion as part of the 2024 Comprehensive Plan Periodic Update. The PRC will then undertake development of a proposed Parks Zone beginning later in 2024, with a recommendation to the Planning Commission targeted for 2025. The OSCT board was invited to hold joint meetings with the PRC to provide input on the proposed Open Space Zone code and the associated development regulations. Links to the materials for the meetings of the PRC and OSCT are provided below:

- [March 7 PRC meeting](#)
- [March 21 PRC/OSCT joint meeting](#)
- [April 4 PRC/OSCT joint meeting](#)
- [April 18 PRC/OSCT joint meeting](#)
- [Staff presentations](#)

The PROS Plan includes a classification of city-owned Parks and Open space lands. The PROS Plan classifications were used to determine which properties will be included in the Open Space Zone and which will be included in the Parks Zone. An inventory of City-owned Open Space Land is provided in Exhibit 1. City staff also identified that the existing land use designations included in the Land Use Map in the Land Use Element of the Comprehensive Plan do not completely align with the PROS Plan classifications. Thus, minor amendments to the Land Use Map will also be required to maintain consistency with the PROS Plan and the new Open Space Zone.

PRC and OSCT

The PRC was created by the City Council in 2019 by [Ordinance 19C-01](#). The PRC purpose, function, and jurisdiction are established in [MICC 3.53.010](#) and include:

- Developing the parks, recreation and open space (PROS) plan as a component of the city's comprehensive plan and provide recommendations on periodic updates to the plan as directed by the city council;
- Provide a forum for the community to express their views on parks and recreation programs, services, and facilities; and
- Advise and prepare recommendations on master plans for parks, trails, open space areas, and other recreation facilities and advise on the acquisition of park property.

The OSCT was established by [Ordinance B-93](#) on February 10, 1992. Ordinance B-93 was amended by [Ordinance 96-002](#) on May 6, 1996. The OSCT purpose when it was established was threefold:

- Receiving and holding all open space properties transferred to the OSCT by the City Council or other landowners;
- Protecting, maintaining, and preserving open space properties; and
- Ensuring the development and use of its held open space properties are consistent with the intent and purposes of the trust.

ISSUE/DISCUSSION

On March 18, 2024, the PRC and OSCT each voted to approve a joint recommendation to the Planning Commission on the Open Space Zone and the associated development regulations, which would create a new section of City Code (MICC 19.05). The PRC and OSCT recommendations to the Planning Commission are provided in Exhibit 2. The draft Zoning Map is shown in Exhibit 3. If approved, this map will be included with the recommended code amendment and would replace the existing Zoning Map in Appendix D of Title 19 MICC. The draft code amendments, including the proposed Open Space development regulations (new

section MICC 19.05) and amendments to MICC 19.16.010 Definitions and MICC 19.01.040 Zone Establishment, are provided in Exhibit 4.

City staff have also prepared a draft amendment to the Comprehensive Plan Land Use Map to ensure it is consistent with the proposed changes shown on the draft Zoning Map. The proposed amendment moves several properties between the Open Space, Parks and Residential land use designations to align with the classifications in the PROS Plan. The following properties are proposed for new designations, as described below:

- Hollerbach Open Space will be changed from Park to Open Space.
- SE 50th Street Open Space and Salem Woods will be changed from Residential to Open Space.
- Wildwood Park will be changed from Open Space to Park.
- A private/community tract listed as Open Space on the south end of the Island will be changed to Residential.

A map depicting the proposed re-designations is provided in Exhibit 5. If approved, this map would replace the existing Land Use Map in the draft Land Use Element.

NEXT STEPS

At the May 8 meeting, the Planning Commission will receive a presentation of the PRC and OSCT recommendations and have the opportunity to ask questions of Parks and Recreation staff as well as the PRC and OSCT chairs. Following the meeting, commissioners can provide written comments to staff by 9:00 am on Monday, May 13, 2024. Please address comments to Carson Hornsby at carson.hornsby@mercerisland.gov. The comments received will be compiled into a matrix for review and consideration at the May 15, 2024 meeting. The Commission should plan to make a recommendation on amendments to the Zoning Map, development regulations and the Land Use Map at the May 15 meeting.

The PRC will begin discussions on the Parks Zone later this year with the goal of providing a recommendation to the Planning Commission in 2025. The City plans to propose an item for the 2025 Annual Docket related to the adoption of the Parks Zone and the associated development regulations. This docket item will include both a Comprehensive Plan amendment and a code amendment.

RECOMMENDED ACTION

Receive Report. No action necessary.

**City of Mercer Island
2024 Inventory of Open Space Land**

| 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 27th 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 | |



**PARKS AND RECREATION COMMISSION
OPEN SPACE CONSERVANCY TRUST
CITY OF MERCER ISLAND, WASHINGTON**

2040 84th Ave SE | Mercer Island, WA 98040-3732
(206) 275-7793 | www.mercergov.org

DATE: May 8, 2024

TO: Planning Commission

FROM: Parks and Recreation Commission

Peter Struck, Chair

Paul Burstein, Vice Chair

Sara Marxen

Jodi McCarthy

Rory Westberg

Don Cohen

Ashley Hay

With Councilmember Reynolds attending as Council Liaison to the PRC.

Open Space Conservancy Trust

Geraldine Poor, Chair

Hillary Ethe, Vice Chair

Marie Bender, Secretary

Jake Jacobson, Councilmember

Craig Olson

Thomas Hildebrandt

Carol Lynn Berseth

SUBJECT: Draft Open Space Zone Code

Introduction

The Parks and Recreation Commission (PRC) and Open Space Conservancy Trust (OSCT) are pleased to submit a proposed draft of the Open Space Zone to the Planning Commission (PC) for consideration during the legislative review process. The Open Space Zone is a proposed new zoning classification that will establish specific land use regulations for the City's Open Space Lands with the goal of preserving and protecting natural habitats and passive recreation areas on Mercer Island. This recommendation was prepared in alignment with the goals and objectives in the Parks, Recreation, and Open Space (PROS) Plan.

Background

The City Council directed staff to develop a new Parks Zone to be included as part of the 2024 Comprehensive Plan Periodic Update. A preliminary Parks Zone draft was presented to the PRC and PC 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.

The PRC revisited the Parks Zone in March 2024 and provided a recommendation to staff to separate the Parks Zone planning work into two phases: the first phase to develop a new zone for City-owned public Open Space Lands and the second phase to develop a new zone for other City-owned public park properties. The PRC recommended prioritizing the development of the Open Space Zone this year in time for inclusion as part of the 2024 Comprehensive Plan Periodic Update. As a result, the OSCT was invited to hold joint meetings with the PRC to provide input on the development of the draft code.

What is the proposed Open Space Zone?

The Open Space Zone is a proposed new zoning code that will establish land use regulations for City-owned and managed Open Space Lands and ensure the land is managed in a manner appropriate for such properties, consistent with the PROS Plan, City code, master plans, forest management plans, and similar documents.

The City stewards 218 acres of Open Space Land that is proposed to be included within the new zone. This includes Pioneer Park and Engstrom Open Space, which are owned by the OSCT.

Many of the City's other park properties also include open space areas, including Luther Burbank Park, Island Crest Park, Groveland Beach Park, and more. Some commissioners and trustees felt those areas should be addressed now, but staff provided input regarding the challenge of delineating the open space area from the rest of the park under the timeline of the 2024 Comprehensive Plan Periodic Update process. The open space areas within other park properties are not included in the new Open Space Zone and will be evaluated during the second phase of zoning work.

Draft Open Space Zone Recommendations

A summary of the PRC/OSCT recommendations on each of the zoning components is outlined below.

Purpose

The proposed purpose statement of the Open Space Zone is to preserve, protect, restore, and enhance Open Space Lands, which provide access to nature for passive recreation, relaxation, and educational and stewardship opportunities, habitat for native plants and animals, and ecological services including stormwater management and carbon sequestration.

Designation Requirements

The proposed designation requirements specify that land in the Open Space Zone must be owned, leased, or managed by the City of Mercer Island and fulfill the purpose of the Open Space Zone.

The PRC and OSCT discussed whether or not inclusion of privately owned open space was appropriate for this new zone. Given that the City Council did not include that in the scope of work, the new zone will only address publicly owned and managed properties. The City Council may wish to consider a future work item to evaluate inclusion of private properties, and that is included in the "recommendations" section below.

Uses Permitted

The proposed permitted uses in the draft zoning code for Open Space Lands include passive recreational uses and related amenities such as temporary uses and habitat restoration and enhancement. This recommendation is in alignment with the following PROS Plan Objective:

- Objective 3.1: Preserve and protect open space and park land areas with significant environmental features such as wetlands, forests, steep slopes, and plant and animal habitats from development impacts.

Passive recreational amenities are proposed to include elements such as signs, trails, restrooms, kiosks, bike racks, and benches. The draft code limits these amenities to balance the goals of open space preservation and meeting the needs of patrons. This recommendation is in alignment with the following PROS Plan Objective:

- Objective 2.5: Provide amenities at parks, trails, open space areas, and facilities where appropriate and when feasible to improve the user experience and access.

Habitat restoration and enhancement is included as an allowable use for the purpose of rehabilitating and restoring Open Space Land. Examples of typical habitat restoration work include planting of native plant species, eradication of invasive plant species, and removal of toxic substances from soil and water. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 3.1: Preserve and protect open space and park land areas with significant environmental features such as wetlands, forests, steep slopes, and plant and animal habitats from development impacts.
- Objective 3.6: Actively work to improve the condition of City-owned parks, trails, and open space areas through invasive species removal, planting of native species, and restoration of urban forests, creeks, wetlands, and other habitat areas. Anticipate climate trends and foster climate-resilient landscapes in parks and open space. Seek opportunities for community education on invasive species and their safe removal to help reduce their spread on Mercer Island. Maintain an Integrated Pest Management Program that maximizes ecological benefits while minimizing environmental, social, and economic impacts.

Temporary uses are included in the Open Space Zone to address construction projects that require short-term staging. Short-term uses may also include small group restoration and stewardship events. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 3.5: Continue to support the Open Space Conservancy Trust and the planning, development, and management of Pioneer Park and Engstrom Open Space. Promote Pioneer Park as a demonstration site for best practices in forest management and environmental education.
- Objective 3.14: Continue to facilitate volunteer programs that enhance park improvement and restoration efforts, promote environmental education, support ongoing maintenance efforts, and engage the community in stewardship opportunities.
- Objective 8.9: Promote volunteerism to involve individuals, groups, organizations, and businesses in the development and stewardship of the park and recreation system.

Wireless communication facilities will be allowed only as otherwise permitted in the MICC. This item was identified as a future work item for City Council consideration, which is further described in the “recommendations” section below.

Utilities will be allowed with limitations. Open Space Lands will not be preferred locations for utilities if there are feasible alternative locations available.

Development Standards

“Development standards” is terminology used in the Mercer Island City Code to describe improvement projects that occur within the zone. The use of this term does not mean private development.

Development standards are included in the Open Space Zone to establish regulations for improvement projects that occur on Open Space Lands. The most common type of improvement project is trail construction or trail rehabilitation.

The draft code includes language proposing setbacks at twenty (20) feet if the adjacent property is zoned R-8.4, R-9.6, R-12, R-15, MF-2L, MF-2, or MF-3, and zero (0) feet if the adjacent property is zoned PI, TC, PBZ, CO, or B. This language would provide for setback protection focused on residential areas. Fences, gates, culverts, trails, landscaping, and furnishings (e.g. picnic tables and bike racks) are proposed to be exempt from setback requirements.

Restrooms are proposed to be permitted on Open Space Lands larger than 100 acres, which only includes Pioneer Park. The proposed zone also regulates restroom size, limiting restrooms to 300 square feet.

Signs are permitted and subject to the regulations in [MICC 19.12.080](#) with a few exceptions. Interior signs are limited to three square feet, entrance signs are limited to ten square feet, and exterior lighted signs are prohibited. Kiosks are permitted and limited to 15 square feet in surface area and ten feet in height; except, for Open Space Land larger than 100 acres, kiosks shall be limited to 22 square feet in surface area and ten feet in height. Surface area is measured as the portion of the kiosk used/usable for providing information.

Trail development standards proposed in the Open Space Zone are limited to regulating trail width, with the maximum trail width set at eight feet. Based on staff input and recommendations, trail standards vary considerably based on the characteristics of the property a specific trail will be located within (i.e. specific habitat needs) and therefore it is not possible to include more detailed trail standards in the zoning code without eliminating the flexibility needed to design trails. Additional details on trail standards are provided in the master plans for a particular Open Space Land and may also be included in system-wide trail plans.

Definitions

Proposed new definitions for key terms used in the Open Space Zone are identified in this section. The terms include Kiosk, Natural Colors, Open Space Lands, Passive Recreational Amenities, Passive Recreational Uses, Temporary Structures, Uses, and Activities, and Trail.

Additional Recommendations

The PRC and OSCT discussed development of the new Open Space Zone over the course of several meetings and identified the following items for future consideration by the City Council:

- Open Space Lands in multi-use parks should be evaluated for potential inclusion in the Open Space Zone during the second phase of zoning work.
- The City Council may wish to evaluate the inclusion of privately owned Open Space Land in the Open Space Zone. This will require additional research to understand the properties that may be eligible for the zoning designation and public engagement with interested property owners.

- The City Council, when considering future updates to the City's Telecommunications code, should ensure that Open Space Land is designated as the lowest priority for siting of telecommunications facilities.
- The use of bicycles, including e-bikes and e-scooters presents environmental and safety risks for the City's Open Space Lands. The City Council should consider code and/or park policy updates to designate areas where this type of equipment may be used.
- The City Council may wish to consider vacating unused right-of-way to Open Space Zone in situations where unused right-of-way is adjacent to or intersects Open Space Land. One such example is Ellis Pond, where the property is intersected by two right-of-way areas.

Conclusion

Open Space Lands increase the quality of life on Mercer Island by preserving natural habitats and offering passive recreation opportunities to residents. These areas warrant special zoning protections consistent with the proposed purpose of the Open Space Zone and the goals and objectives in the PROS Plan. The Parks and Recreation Commission and Open Space Conservancy Trust support the proposed draft of the Open Space Zone and look forward to further discussion with the Planning Commission.



CITY OF MERCER ISLAND ZONING MAP (PROPOSAL) Item 2.



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

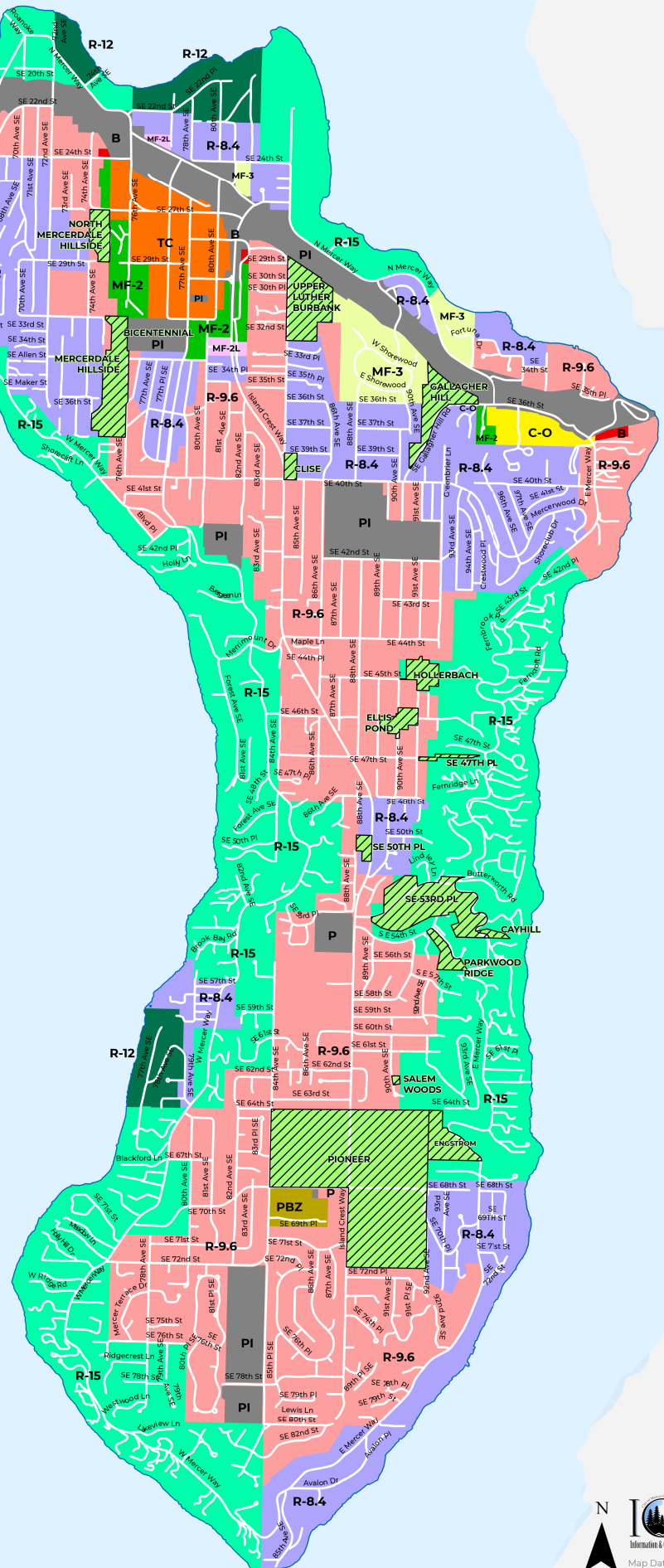
Amended: Ord 14C-10

Amended: DR16-01

DSG Director's Memo, dated 06/10/2016

Amended: Ord 17C-24

Amended: Ord18C-14



DRAFT OPEN SPACE ZONE

MICC 19.05.XXX – Open Space Zone. [New Section]

- A. *Purpose.* The purpose of the Open Space Zone is to preserve, protect, restore, and enhance Open Space Lands, which provide habitat for native plants and animals and ecological services including stormwater management and carbon sequestration. Open Space Lands provide access to nature for passive recreation and relaxation and educational and stewardship opportunities.
- B. *Open Space Zone Designation Requirements.* In addition to the requirements established in Section [19.15.240 MICC](#), Open Space Lands must be owned, leased, or managed by the City of Mercer Island and fulfill the purpose provided in subsection (A) above to qualify for classification as Open Space Zone.
- C. *Uses Permitted.* The following land uses are permitted in the Open Space Zone. A use not permitted by this section is prohibited.
 - 1. Trails.
 - 2. Passive recreational uses.
 - 3. Passive recreational amenities.
 - 4. Habitat restoration and enhancement.
 - 5. Temporary uses compatible with the purpose of the Open Space Zone, as authorized by the City Manager or designee.
 - 6. Wireless communications facilities. (Only if otherwise permitted by [MICC 19.06.040](#) and/or [MICC 19.06.070](#) and as subject to design and concealment standards as otherwise provided in the MICC).
 - 7. Utilities, only where necessary for public safety or protection of the natural environment and no reasonable alternative location exists. Utilities should be underground, if feasible.

MICC 19.05.XXX – Open Space Zone Development Standards. [New Section]

- A. *Applicability.* The provisions of this section shall apply to all development proposals in the Open Space zoning designation.
- B. *Setbacks.*
 - 1. The following minimum setbacks apply:
 - a. Zero (0) feet if adjacent property is zoned PI, TC, PBZ, CO, or B; and
 - 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: fences, gates, culverts, trails, landscaping, and furnishings.

C. *Restrooms.*

1. Restrooms are only permitted on properties larger than 100 acres. Restrooms shall not be larger than 300 square feet.

D. *Signs and Kiosks.*

1. Signs shall be governed by [MICC 19.12.080](#), except as follows:
 - a. No sign shall be larger than three square feet, other than at an entrance to Open Space Lands, where a sign shall not be larger than ten square feet in size.
 - b. Exterior lighted signs are prohibited.
 - c. Natural colors shall be required unless necessary for public health, safety, or maintenance.
2. The surface area of kiosks shall not exceed 15 square feet and kiosks shall not exceed ten feet in height; except, for Open Space Land larger than 100 acres, the surface area of kiosks shall not exceed 22 square feet and kiosks shall not exceed ten feet in height. Surface area shall be measured as the portion of the kiosk used/usable for providing information.

E. *Trail Standards.*

1. Trails shall not exceed eight feet in width.

MICC 19.16.010 – Definitions

...

Kiosk. A small structure in a public area used for providing information.

...

Natural Colors. Muted colors that are consistent with the natural landscape of Open Space lands.

...

Open Space Land(s). A parcel of land that is largely undeveloped and is suitable as a natural habitat.

...

Passive Recreational Amenities. Structures, furnishings, or developments that are specifically provided for passive recreational uses, such as signs, trails, restrooms, kiosks, benches, bike racks, etc.

Passive Recreational Uses. Passive recreational uses have a low impact on the facilities used, and include activities such as hiking, wildlife viewing, walking, jogging, or picnicking. Passive recreational uses place minimal stress on a site's resources; as a result, passive recreational uses are highly compatible with natural resource protection.

...

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 path for passive recreational uses.

...

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>Open Space</u> | <u>OS</u> |
| Town Center | TC |

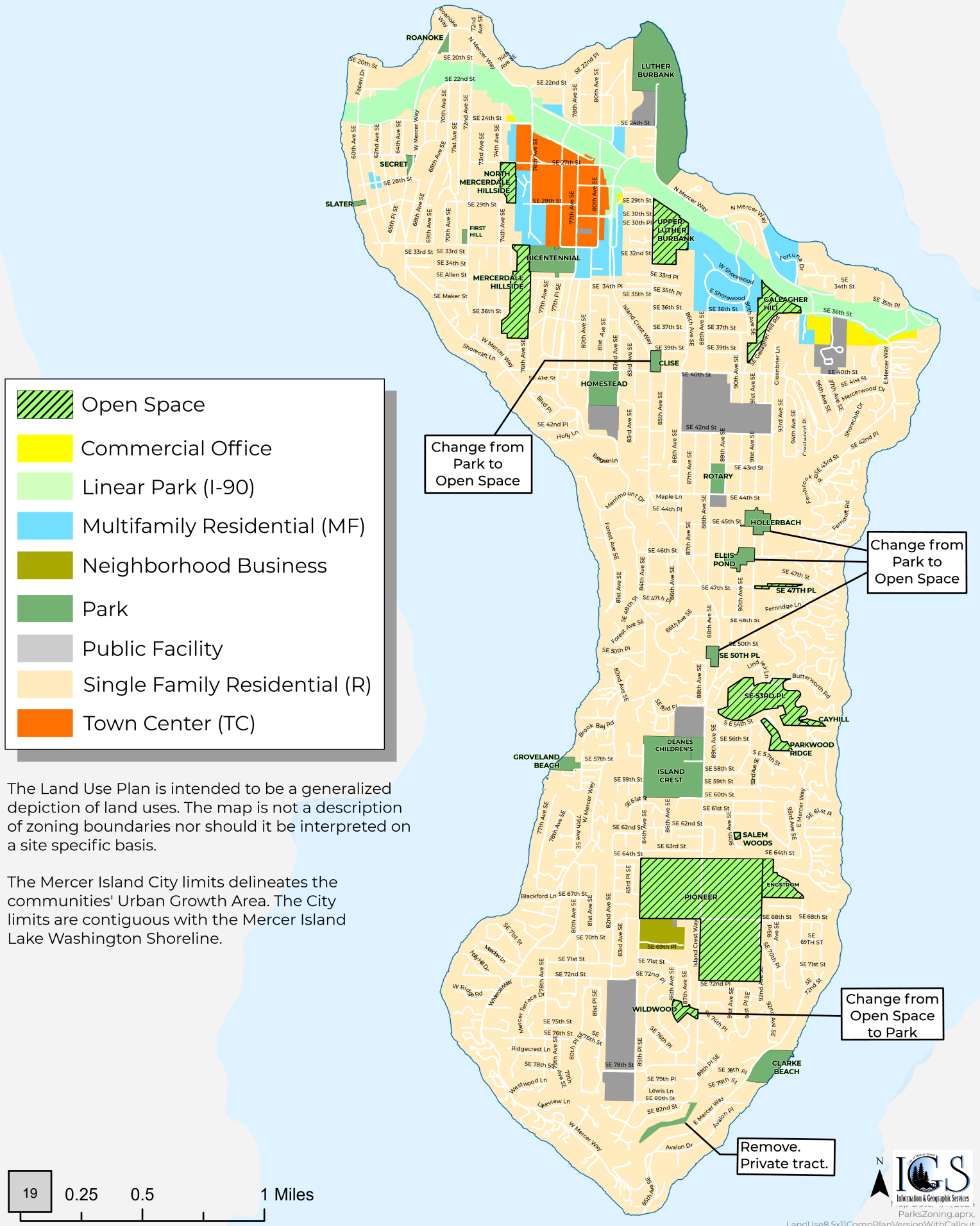
- B. The location and boundaries of the various zones of the city are shown and delineated on the city of Mercer Island Zoning Map which is included in appendix D of this development code and is incorporated herein by reference.
- C. The location and boundaries of the various zones as hereafter determined by the city council shall be shown and delineated on zone maps covering portions of the city, each of which 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 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.
 - 2. Where a boundary between zones divides a lot into two or more pieces, the entire lot shall be deemed to be located in the first zone on the following list in which any part of the lot is located: R-15, R-12, R-9.6, R-8.4, MF-2L, MF-3, MF-2, OS, PI, PBZ, C-O, TC, and B. The location of the zone boundary shall be determined by use of the scale appearing on the zone map unless the location of the boundary is indicated by dimensions.
 - 3. Where property abuts Lake Washington, the land use classification of the upland property extends waterward across the abutting shorelands and beds to the line of navigability/inner harbor line as established in 1984 by the board of natural resources by Resolution No. 461.
 - 4. In case any uncertainty exists, the planning commission shall recommend and the city council shall determine the location of boundaries.
 - 5. Where a public street is officially vacated or abandoned, the land use classification applicable to the abutting property shall apply to such vacated or abandoned street. If a vacated street forms the boundary between two or more zones, the land use classifications of each abutting zone shall extend to the mid-point of the vacated street unless the planning commission recommends and the city council decides otherwise.
- H. Except as hereinafter provided:
 - 1. No land, building, structure or premises shall be used for any purpose or in any manner other than a use listed in this Code, or amendments thereto, for the zone in which such land, building, structure or premises is located.
 - 2. No building or structure shall be erected nor shall any building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the requirements of this development code or amendments thereto.
 - 3. No yard or other open spaces provided about any building or structure, for the purpose of complying with the regulations of this Code or amendments thereto shall be considered as providing a yard or open space for any other building or structure.



CITY OF MERCER ISLAND LAND USE (PROPOS)

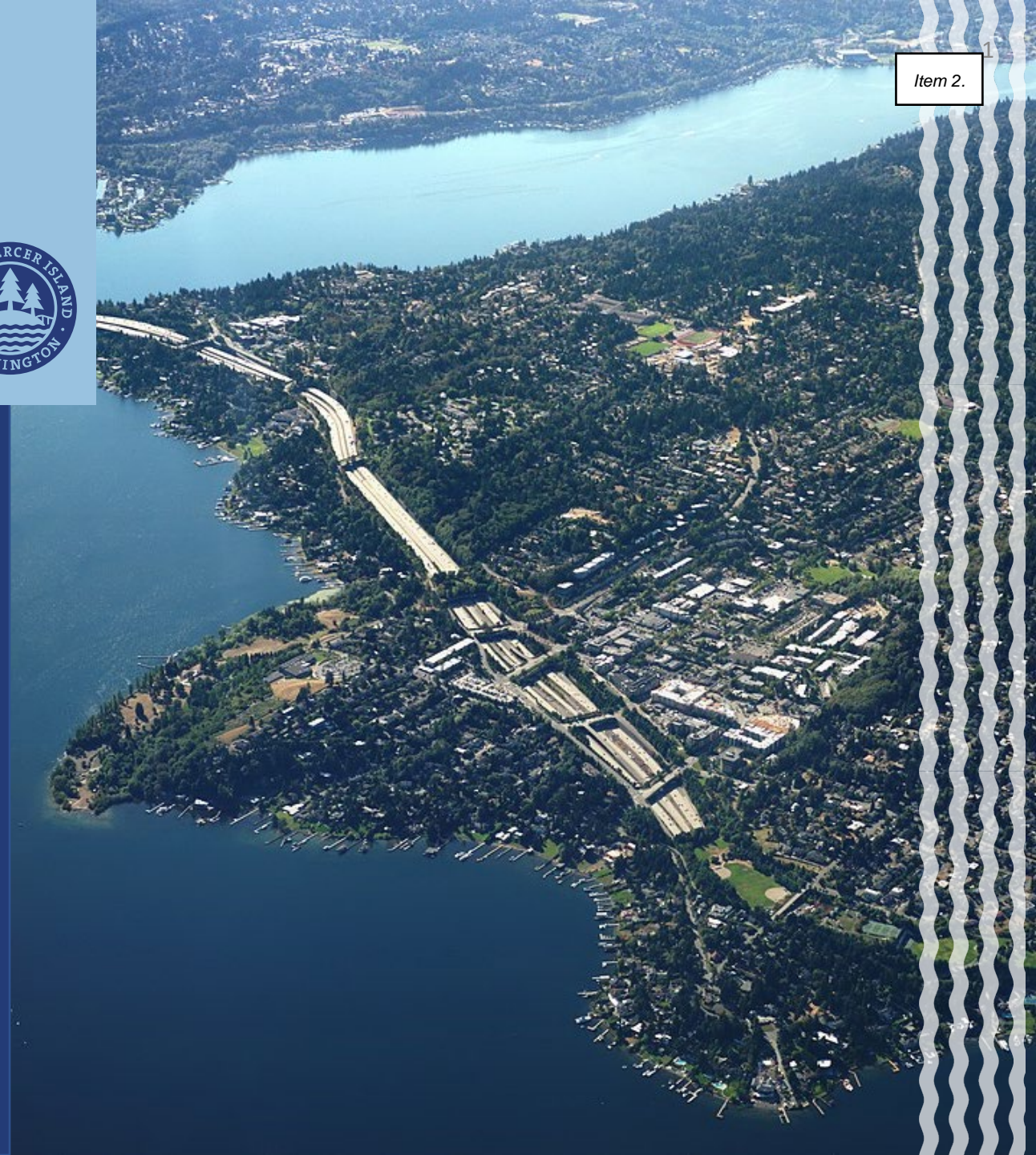
Item 2.





PCB 24-09 Open Space Zone

Planning Commission Special Meeting
May 8, 2024





Agenda

- Background
- Overview of the proposed Open Space Zone
- Next Steps
- Discussion

Background

- The scope of work for the periodic update of the Comprehensive Plan, adopted by the City Council in 2022, included creation of a new Parks Zone.
- A preliminary Parks Zone draft was presented to the Parks and Recreation Commission (PRC) and the Planning Commission (PC) 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.

Background

- The PRC revisited the Parks Zone in March 2024 and provided a recommendation to staff to separate the Parks Zone planning work into two phases: the first phase to develop a new zone for City-owned public Open Space Lands, and the second phase to develop a new zone for other City-owned public park properties.
- The PRC recommended prioritizing the development of the Open Space Zone this year in time for inclusion as part of the 2024 Comprehensive Plan Periodic Update.
- The PRC will then undertake development of a proposed Parks Zone beginning later in 2024, with a final recommendation anticipated in 2025.

Background

- The Open Space Conservancy Trust (OSCT) was invited to hold joint meetings with the PRC to provide input on the proposed Open Space Zone and the associated development regulations.
- The PRC and OSCT held four meetings in March and April to develop the new zone.

Background

- The PRC and OSCT each voted to approve the joint recommendation on the new Open Space Zone. Your packet includes the following:
 - Exhibit 1: Inventory of Open Space Land
 - Exhibit 2: PRC and OSCT Recommendation
 - Exhibit 3: Draft Zoning Map Amendment
 - Exhibit 4: Draft Open Space Development Regulations
 - Exhibit 5: Draft Land Use Map Amendment

Tonight's Meeting

- Staff will run through a few more slides introducing the proposed Open Space Zone.
- At the conclusion, **Parks and Recreation Commission Chair Peter Struck** and **Open Space Conservancy Trust Chair Geraldine Poor** are here to discuss the recommendation and answer any questions you have.
- Thank you to the PRC and the OSCT for the thorough and thoughtful work.



Open Space Zone



Overview of Proposed Open Space Zone

- The Open Space Zone is a proposed new zone that will establish land use regulations for City-owned and managed Open Space Lands and ensure the land is managed in a manner appropriate for such properties, consistent with the Parks, Recreation, and Open Space (PROS) Plan, City code, master plans, forest management plans, and similar documents.

Inventory of Open Space Land

| 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 | |

Purpose Statement

The purpose of the Open Space Zone is to preserve, protect, restore, and enhance Open Space Lands, which provide habitat for native plants and animals and ecological services including stormwater management and carbon sequestration. Open Space Lands provide access to nature for passive recreation and relaxation and educational and stewardship opportunities.



Designation Requirements

Open Space Lands must be owned, leased, or managed by the City of Mercer Island and fulfill the purpose statement to qualify for classification as Open Space Zone.



Uses Permitted

1. Trails.
2. Passive recreational uses.
3. Passive recreational amenities.
4. Habitat restoration and enhancement.
5. Temporary uses compatible with the purpose of the Open Space Zone, as authorized by the City Manager or designee.
6. Wireless communications facilities. (Only if otherwise permitted by [MICC 19.06.040](#) and/or [MICC 19.06.070](#) and as subject to design and concealment standards as otherwise provided in the MICC).
7. Utilities, only where necessary for public safety or protection of the natural environment and no reasonable alternative location exists. Utilities should be underground, if feasible.

Development Standards

Setbacks

- Zero (0) feet if adjacent property is zoned PI, TC, PBZ, CO, or 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.
- Exemptions: fences, gates, culverts, trails, landscaping, and furnishings.

Restrooms

- Restrooms are only permitted on properties larger than 100 acres and are limited to 300 square feet.



Development Standards

Signs and Kiosks

- Signs are governed by MICC 19.12.080, except as follows:
 - Interior signs are limited to three square feet and entrance signs are limited to ten square feet of surface area.
 - Exterior lighted signs are prohibited.
 - Natural colors are required unless necessary for public health, safety, or maintenance.
- Kiosks are limited to 15 square feet of surface area and ten feet in height.
- On Open Space Land larger than 100 acres, kiosks are limited to 22 square feet of surface area and ten feet in height.

Trail Standards

- Trails are limited to eight feet in width.



Definitions

- ***Kiosk.*** A small structure in a public area used for providing information.
- ***Natural Colors.*** Muted colors that are consistent with the natural landscape of Open Space lands.
- ***Open Space Land(s).*** A parcel of land that is largely undeveloped and is suitable as a natural habitat.
- ***Passive Recreational Amenities.*** Structures, furnishings, or developments that are specifically provided for passive recreational uses, such as signs, trails, restrooms, kiosks, benches, bike racks, etc.
- ***Passive Recreational Uses.*** Passive recreational uses have a low impact on the facilities used, and include activities such as hiking, wildlife viewing, walking, jogging, or picnicking. Passive recreational uses place minimal stress on a site's resources; as a result, passive recreational uses are highly compatible with natural resource protection.
- ***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 path for passive recreational uses.



Next Steps



Next Steps

- Send written comments to carson.hornsby@mercerisland.gov by 9:00 am on Monday, May 13, 2024.
- Comments will be compiled into a matrix for review at the May 15 meeting.
- The Commission should plan to make a recommendation on amendments to the Zoning Map, development regulations, and Land Use Map at the May 15 meeting.

Parks Zone

- The PRC will begin discussions on the Parks Zone later this year with the goal of providing a recommendation to the Planning Commission in 2025.
- The City plans to propose an item for the 2025 Annual Docket related to the adoption of the Parks Zone and the associated development regulations. This docket item will include both a Comprehensive Plan amendment and a code amendment.



Discussion

