



JOINT OPEN SPACE CONSERVANCY TRUST & PARKS & RECREATION COMMISSION

Hybrid Meeting Agenda

Thursday, April 18, 2024 at 5:00 PM

PARKS & RECREATION COMMISSIONERS

Chair: Peter Struck
Vice Chair: Paul Burstein
Commissioners: Jodi McCarthy, Don Cohen
Sara Marxen, Rory Westberg, and Ashley Hay

OPEN SPACE CONSERVANCY TRUST MEMBERS

Chair: Geraldine Poor
Vice Chair: Hillary Ethe **Secretary:** Marie Bender
Trustees: Jake Jacobson, Thomas Hildebrandt,
Craig Olson, and Carol Lynn Berseth

LOCATION

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

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

Registering to Speak: Individuals wishing to speak live during Public Appearances (public comment period) must register with the staff liaison at (206) 275-7861 or [email](mailto:ryan.daly@mercerisland.gov) by 4pm on the day of the Commission meeting. Each speaker will be allowed three (3) minutes to speak.

Join the meeting at 5:00 pm (Public Appearances will start sometime after 5:00 PM) by:

- 1) **Telephone:** Call 253.215.8782 and enter Webinar ID **834 7856 6926**, Passcode **684993**.
- 2) **Zoom:** Click [this link](#) Webinar ID **834 7856 6926**, Passcode **684993**.
- 3) **In person:** Mercer Island Community & Event Center – Slater Room Council Chambers at 8236 SE 24th Street, Mercer Island, WA 98040

CALL MEETING TO ORDER & ROLL CALL, 5 PM

APPEARANCES

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

SPECIAL BUSINESS

1. PRC 24-06: Open Space Zone

Recommendation: Move to approve the draft Open Space Zone and the Hand-Off Memo and authorize the Chairs of the Parks and Recreation Commission and the Open Space Conservancy Trust to present the recommendation to the Planning Commission.

ADJOURNMENT



PARKS & RECREATION COMMISSION CITY OF MERCER ISLAND

PRC 24-06
April 18, 2024
Special Business

AGENDA BILL INFORMATION

TITLE:	PRC 24-06: Open Space Zone	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Recommendation
RECOMMENDED ACTION:	Move to approve the draft Open Space Zone and the Hand-Off Memo and authorize the Chairs of the Parks and Recreation Commission and the Open Space Conservancy Trust to present the recommendation to the Planning Commission.	
STAFF:	Jessi Bon, City Manager Carson Hornsby, Management Analyst Ryan Daly, Recreation Manager Merrill Thomas-Schadt, Senior Management Analyst Alaine Sommargren, Deputy Public Works Director Alison Van Gorp, Deputy CPD Director	
EXHIBITS:	1. Inventory of Open Space Land 2. Draft Open Space Zoning Code (Redlined) 3. Draft Open Space Zoning Code (Clean) 4. Hand-Off Memo	

EXECUTIVE SUMMARY

This Joint Meeting of the Parks and Recreation Commission (PRC) and the Open Space Conservancy Trust (OSCT) will be held to finalize and approve the proposed draft of the Open Space Zone for submission to the Planning Commission.

- The PRC and OSCT held a workshop on the Open Space Zone at the joint meeting on March 21 and provided feedback on an initial draft of the Open Space Zone at the joint meeting on April 4.
- The PRC and OSCT will present their recommendation to the Planning Commission on May 8, 2024.
- The Planning Commission will then commence the legislative review process with the goal of completing their work in time for the Open Space Zone to be included as part of the 2024 Comprehensive Plan Periodic Update.
- After the PRC and OSCT provide a recommendation on the Open Space Zone, the PRC will then begin working on developing a Parks Zone to address other park properties. That work is anticipated to run through the end of the year, and possibly continue into early 2025. Staff are currently anticipating the Parks Zone recommendation will be included in the 2025 Comprehensive Plan Annual Update.

BACKGROUND

Parks, Recreation, and Open Space (PROS) Plan

The PROS Plan is a six-year plan that anticipates the programming and capital infrastructure investments necessary to meet the community’s needs for parks, recreation, open space, trails, arts, and cultural events. The City Council adopted the [Parks, Recreation and Open Space \(PROS\) Plan](#) in 2022 after a three-year development process in collaboration with the PRC, OSCT, and Arts Council. The community engagement

process included two statistically significant mail-in surveys with concurrent surveys available online, virtual open houses, a dedicated project webpage, and numerous board and commission meetings.

The 2022 PROS Plan goals and objectives serve as the policy framework for the provision of parks and recreation services in Mercer Island. Development of master plans, policies, codes, and other work products must align with this policy framework, which includes development of the Open Space Zone and Parks Zone.

2024 Comprehensive Plan Periodic Update

The City of Mercer Island is currently in the process of updating its Comprehensive Plan as part of the periodic review required by the Washington Growth Management Act (GMA). The City Council added creation of a new Parks Zone to the 2024 Comprehensive Plan Periodic Update scope of work with [Resolution No. 1621](#). City Staff are recommending the 2022 PROS Plan be incorporated into the 2024 Comprehensive Plan Periodic Update, substantially by reference, through the adoption of a Parks, Recreation, and Open Space Element (see City Council approved [Resolution No. 1621](#), Subtask Number PRO-1). The 2024 Comprehensive Plan Periodic Update, including the Parks, Recreation, and Open Space Element, is expected to be adopted before the GMA deadline at the end of 2024.

Zoning Code and Legislative Review Process

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

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

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

Individual Zones for Parks and Open Space

At the [March 7 PRC meeting](#), staff presented background information, answered questions, and received feedback from the PRC and two members of the OSCT. The PRC recommendation was to separate the zoning work into two distinct tracks: one for open space and one for other park properties. The zones for open space and parks will be new zoning classifications in MICC and will establish separate land use regulations for open space and parks. The PRC and OSCT held a workshop discussion on the components of the Open Space Zone at the [March 21 joint meeting](#) and provided feedback to staff on an initial draft of the Open Space Zone at the [April 4 joint meeting](#).

The PRC and OSCT will provide a recommendation to the Planning Commission on May 8. The Planning Commission will conduct a legislative review on the proposed Open Space Zone and present a recommendation to the City Council in time for this work to be included in the 2024 Periodic Update to the Comprehensive Plan.

Upon completion of the work on the Open Space Zone, the PRC will then begin work on developing a Parks Zone to address other park properties. That work is anticipated to run through the end of the year, and

possibly continue into early 2025. Staff are currently anticipating the Parks Zone recommendation will be included in the 2025 Comprehensive Plan Annual Update.

Open Space Land

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

ISSUE/DISCUSSION

The goal for tonight's joint meeting of the PRC and OSCT is to finalize and approve the draft of the Open Space Zone (Exhibits 2 and 3) and the hand-off memo to the Planning Commission (Exhibit 4). The PRC and OSCT will present their recommendation to the Planning Commission on May 8.

Draft Open Space Zone (Exhibits 2 and 3)

City staff made live edits to the initial draft of the Open Space Zone during the discussion at the April 4 PRC/OSCT joint meeting. In addition, City staff added sections missing from the initial draft based on feedback gathered during the discussion and input from City Staff with subject matter expertise. A redlined version of the draft code is provided in Exhibit 2 and a clean version of the draft code is provided in Exhibit 3. The new sections are summarized below.

Signs and Kiosks

Signs are proposed to be governed by the City's existing sign code, [MICC 19.12.080](#). The existing sign code regulates all signs in the City except for signs within Town Center, which are regulated by [MICC 19.11.140](#). The existing sign code was implemented as a result of a long and detailed legal review process, and it already includes many of the regulations and restrictions discussed by the PRC and OSCT. For example, directional signs must be minimum in nature and are restricted in size. Further, flashing, moving, animated, neon, and internally lit signs are generally prohibited. Accordingly, the staff recommendation is for the existing sign code to regulate signs on Open Space Land to avoid duplicating existing code and to ensure signs are regulated consistently throughout the City.

Kiosks are proposed to be limited to ten square feet with a height of ten feet. This is the approximate size of the largest kiosks that currently exist on Open Space Land.

Trail Standards

Trails are proposed to be limited to eight feet in width. The PRC and OSCT discussed many other preferences and guidelines, such as use of softscape materials over hardscape materials and use of materials that are the least impactful on the natural landscape. Given the wide variety of field conditions on the City's Open Space Lands, City staff recommend that detailed trail construction guidelines be identified in site-specific master plans or a system-wide trail standard plan.

Public Art

Public Art is proposed to be permitted on Open Space Land larger than 15 acres with a limit of one art piece per property. Public art must be located at entrances or on the edge of Open Space Land. Public art must be culturally or historically relevant and composed of natural colors and materials consistent with Open Space Lands. Public Art is proposed to be limited to seven square feet and twelve feet in height. This is the approximate size of the mythical bird in Pioneer Park, which is the largest existing art piece located on Open Space Land.

Follow-Up from the April 4 Joint Meeting

Setbacks

The PRC and OSCT held a discussion on the list of setback exemptions and requested additional information on trails and parking areas. Staff conducted field visits and verified that several Open Space Lands include trails that sit within 20 feet of the property line. Pioneer Park, Engstrom Open Space, Mercedale Hillside, are several examples. The staff recommendation is to include trails as exempt from setbacks to avoid rendering existing trails as non-conforming and to preserve natural habitats in the core of Open Space Lands.

Existing public parking areas are mostly located in the right-of-way but there are some examples of parking and driving areas located just within the property lines of Open Space Lands (see the list of parking areas below for more information). The staff recommendation is to include public parking as exempt from setbacks to keep parking areas close to the property lines and away from the core of Open Space Lands. Additionally, furnishings including bike racks, kiosks, and signs have been added to the list of setback exemptions as they too often sit on the property line inside the 20-foot setback and away from natural habitats in the core of Open Space Lands.

Parking

The PRC and OSCT requested examples of existing public parking areas on or near Open Space Lands. City staff composed the list below to provide additional context to the discussion:

- Pioneer Park: Parking access is available along SE 68th street, Island Crest Way, and 84th Ave SE. There are approximately 34 parallel parking spaces available in the gravel edge right-of-way along Pioneer Park. Four of these spaces encroach onto Open Space Land. Between 2021-2022 the OSCT and staff reclaimed approximately twelve parking spaces for forest restoration along the east side of 84th Avenue along Pioneer Park. This did not eliminate public parking as the road was wide enough to allow on-street parking.
- Mercedale Hillside: Right-of-way gravel edge parking is available along 76th Ave near the SE corner of the property. There are approximately 22 spaces.
- Clise Park: Four parking spaces are available on the north side right-of-way gravel edge.
- Gallagher Hill Open Space: A shoulder that is mostly paved along Gallagher Hill Road is available for bikers and pedestrians. There is one gravel pullout with three parking spaces in an area consisting of right-of-way and open space property.
- North Mercedale Hillside: Five paved parking spaces are available along the road on the east side of the property. This area of Open Space Land is asphalt with a turn-around area. The north side of North Mercedale Hillside along SE 27th previously provided a right-of-way gravel shoulder parking area. However, this area was closed due to safety concerns regarding the narrow road.
- Engstrom Open Space: Four parking spaces are available along East Mercer Way on the right-of-way gravel edge.
- SE 53rd Place Open Space: 17 parking spaces are available along the right-of-way gravel edge along SE 53rd PL.
- Parkwood Ridge Open Space: One right-of-way parking space is available on the gravel edge along East Mercer Way. General street cul-de-sac parking is available in the neighborhood at the top of the hill.
- Ellis Pond: Limited street parking is available.

Hand-Off Memo (Exhibit 4)

The Chairs of the PRC and OSCT worked with City staff to compose a memo to the Planning Commission summarizing the draft Open Space Zone and the recommendations of the PRC and OSCT. The memo includes explanations and background information about the draft code development process that will provide context to the Planning Commission during the legislative review process.

NEXT STEPS

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

- PRC/OSCT Joint Meeting – May 2: Meeting reserved for follow-up work if necessary.
- PRC/OSCT/PC Joint Meeting – May 8: The PRC and OSCT will present the recommended draft of the Open Space Zone to the Planning Commission.

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

RECOMMENDED ACTION

Note: The PRC and OSCT must take separate votes on each item. The two motions are recommended below.

Motion #1: Move to approve the Open Space Zone in substantially the form provided and submit to the Planning Commission for consideration during the legislative review process.

Motion #2: Move to approve the Hand-Off Memo and authorize the Chairs of the PRC and OSCT to present the recommendation to the Planning Commission.

Inventory of Open Space Land

April 18, 2024

Item 1.

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

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.
 5. Limited public parking.
 6. Temporary uses compatible with the purpose of the Open Space Zone, as authorized by the City Manager or designee.
 7. Public art.
 8. 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).
 9. 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, furnishings, and parking areas.
- C. *Restrooms.*
1. Restrooms are only permitted on properties larger than 100 acres. Restrooms shall not be larger than 200 square feet and have a height not to exceed 17 feet tall.
- D. *Parking.* The following parking requirements apply to all land uses in the Open Space Zone.
1. *Minimum/Maximum parking requirements.* Parking shall be prohibited for open space land(s) smaller than 15 acres in size. For open space land(s) exceeding 15 acres in size, parking shall be limited to no more than 1 space per 10 acres. There shall be no minimum number of parking spaces required. Use of such parking shall be restricted to accommodate users of the open space land(s). ADA compliant parking shall have priority over other types of parking where parking is allowed and shall meet applicable ADA requirements for accessible parking spaces.
 2. *Design.* Parking lot design must be approved by the city engineer.
 3. *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.
 4. *Screening.* A landscaped area at least ten feet wide must provide a visual barrier between parking areas and adjacent properties zoned R8.4, 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.

E. Signs and kiosks.

- 1. Signs shall be governed by MICC 19.12.080.
- 2. Kiosks shall not exceed ten square feet and shall not exceed ten feet in height.

F. Trail Standards.

- 1. Trails shall not exceed eight feet in width.

G. Public Art.

- 1. Public Art shall be limited to placement at Open Space Lands larger than 15 acres. No more than one art piece is allowed.
- 2. Art pieces must be placed at the entrance or edge of Open Space Lands.
- 3. Public art must be culturally or historically relevant to the Open Space Land.
- 4. Natural colors and materials shall be required.
- 5. Public art shall not exceed seven square feet and shall not exceed twelve feet in height.

MICC 19.16.010 – Definitions

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

...

Natural Colors. Colors that are consistent with the natural landscape of Open Space lands, including but not limited to forest green and brown.

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.

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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.

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Trail. An off-street path for passive recreational uses.

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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, PI, P, 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.

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.
 5. Limited public parking.
 6. Temporary uses compatible with the purpose of the Open Space Zone, as authorized by the City Manager or designee.
 7. Public art.
 8. 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).
 9. 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, furnishings, and parking areas.
- C. *Restrooms.*
1. Restrooms are only permitted on properties larger than 100 acres. Restrooms shall not be larger than 200 square feet and have a height not to exceed 17 feet tall.
- D. *Parking.* The following parking requirements apply to all land uses in the Open Space Zone.
1. *Minimum/Maximum parking requirements.* Parking shall be prohibited for open space land(s) smaller than 15 acres in size. For open space land(s) exceeding 15 acres in size, parking shall be limited to no more than 1 space per 10 acres. There shall be no minimum number of parking spaces required. Use of such parking shall be restricted to accommodate users of the open space land(s). ADA compliant parking shall have priority over other types of parking where parking is allowed and shall meet applicable ADA requirements for accessible parking spaces.
 2. *Design.* Parking lot design must be approved by the city engineer.
 3. *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.
 4. *Screening.* A landscaped area at least ten feet wide must provide a visual barrier between parking areas and adjacent properties zoned R8.4, 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.

E. *Signs and kiosks.*

- 1. Signs shall be governed by [MICC 19.12.080](#).
- 2. Kiosks shall not exceed ten square feet and shall not exceed ten feet in height.

F. *Trail Standards.*

- 1. Trails shall not exceed eight feet in width.

G. *Public Art.*

- 1. Public Art shall be limited to placement at Open Space Lands larger than 15 acres. No more than one art piece is allowed.
- 2. Art pieces must be placed at the entrance or edge of Open Space Lands.
- 3. Public art must be culturally or historically relevant to the Open Space Land.
- 4. Natural colors and materials shall be required.
- 5. Public art shall not exceed seven square feet and shall not exceed twelve feet in height.

MICC 19.16.010 – Definitions

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

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Natural Colors. Colors that are consistent with the natural landscape of Open Space lands, including but not limited to forest green and brown.

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, PI, P, 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.



**PARKS AND RECREATION COMMISSION
OPEN SPACE CONSERVANCY TRUST
CITY OF MERCER ISLAND, WASHINGTON**
2040 84th Ave SE | Mercer Island, WA 98040-3732
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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
Craig Reynolds, Council Liaison

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 all 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 Open Space Conservancy Trust.

Many of the City's other park properties also include open space areas, including Luther Burbank Park, Island Crest Park, Groveland, and more. Those open space areas will not be included in the new Open Space Zone given the challenge of delineating the areas from the rest of the park under the timeline in which the work is being developed. These other park open space areas 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 code for Open Space Lands include passive recreational uses and related amenities such as limited public parking, temporary uses, public art, and habitat restoration. 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 structures 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.

The proposed public parking regulations provide for very limited parking space to increase access to Open Space Lands and avoid unauthorized parking in areas that harm the native vegetation. The proposed regulations will provide opportunities for residents to frequent Open Space Lands even if they do not live within walking distance of the property, or if they have other needs that limit their ability to walk to the property. Public parking is proposed to be regulated based on the size of the property, which is outlined in the development standards further described below. As proposed, only four Open Space Lands – Pioneer Park, Mercedale Hillside, SE 53rd Place, and Upper Luther Burbank – would be eligible for designated parking under the new zoning code. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 1.6: Design and maintain parks and facilities to offer universal accessibility for residents of all physical capabilities, skill levels, and ages as appropriate and in compliance with the Americans with Disabilities Act (ADA) Standards for Accessible Design. Seek opportunities to eliminate barriers at existing facilities and address goals identified in the Citywide ADA Transition Plan.
- Objective 3.2: Provide appropriate public access (e.g. trails, viewpoints, and wildlife viewing areas) within open space areas to support passive recreation, and parking, where appropriate and feasible. Provide environmental education opportunities in open space areas with creative and interactive interpretation strategies, such as hands-on displays, self-guided walks, and other engaging experiences.

Habitat restoration 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.

Public art on Open Space Land is to be restricted to public-facing boundary paths and areas. It should be used sparingly and have minimal impact on the Open Space Land. It should follow the guidelines set forth by the Arts Council ([MICC 3.55.020](#)) and must utilize natural colors and materials. This recommendation is in alignment with the following PROS Plan Objective:

- Objective 6.3: Identify and implement opportunities for integrating arts and culture into parks and open space areas, including, where feasible and appropriate, through permanent and temporary public art installations, arts performance and events, interpretive strategies, and other dynamic expressions. Collaborate with diverse groups to ensure incorporation of art in public space occurs through a lens of diversity, equity, and inclusion.

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. Further, 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 new Open Space Land 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 proposed 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, furnishings, and parking areas 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 200 square feet and height not to exceed 17 feet tall. For context, these are the same dimensions of the restroom at Deane’s Children’s Park.

Limited public parking is included in the Open Space Zone for properties larger than 15 acres and is limited to no more than 1 space per 10 acres with no minimum number of parking spaces required. The use of such parking shall be for the sole purpose of meeting access needs for Open Space Land. The

provision of ADA compliant parking will have priority over other types of parking where parking is allowed.

Signs and kiosks are allowed and subject to the regulations in [MICC 19.12.080](#). Kiosks are proposed to be limited to ten square feet with a height of ten feet.

Trail development standards proposed in the Open Space Zone are limited to regulating trail width, with the maximum trail width set at eight feet. 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.

Public Art is proposed to be permitted on Open Space Land larger than 15 acres with a limit of one art piece per property. Public art must be located at entrances or on the edge of Open Space Land. Public art must be culturally or historically relevant and composed of natural colors and materials consistent with Open Space Lands. Public Art is proposed to be limited to seven square feet and twelve feet in height.

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.

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.

Question and Comment Matrix
Draft Open Space Zone
April 18, 2024

#	Name	Section	Question/Comment	Staff Response
1	Peter Struck	Parking	<p>[Question] First, only 4 Open Space parcels* qualify for parking based on the proposed minimum size requirement of 15 acres, and then 3 of the 4 parcels would only qualify for 1 or 2 spaces. According to the staff memo, 3 of the parcels have current right of way parking that well exceeds that number (note: no info on Upper LB).</p> <ul style="list-style-type: none"> • Q#1 - Is City staff aware of parking congestion or problems reported on a consistent basis at any of the 4 parcels? • Q#2 - Do any of the current OSCT governance documents permit parking within park boundaries (excluding right of way), and if so, what is permitted? • Q#3 - Does the PROS Plan provide any guidance? • The 4 parcels are: Pioneer Park (114 acres), SE 53rd OS (24), Mercerdale Hillside (18) and Upper Luther Burbank (18) 	<p>Q#1: Staff has not observed issues with inadequate parking at Pioneer Park, SE 53rd OS or Mercerdale Hillside. Currently, there's an area used for parking at the north end of Upper Luther Burbank Park along 84th – space for approx. 4 cars. However, this area is not often at capacity, since visitors to the open space tend to park on the west side of 84th in the ROW, in order to enter the park through the central trail.</p> <p>Q#2: Parking is referenced in the Pioneer Park Master Plan and the PP Forest Management Plan. It is not referenced in OSCT bylaws or ordinances which established the Trust. The Master Plan gives recommendations for future parking changes, emphasizing the desire to minimize the visual impact of parking and avoid the concentration of parking into formal parking areas. In general, consensus was to look at slightly expanding/better organizing existing gravel parking areas in the Right of Way with a focus on ADA parking spaces along 84th Ave SE. There is no mention of parking within the park boundaries.</p>

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				Q#3: The PROS Plan notes that parking on the shoulder of roads could become a hindrance and suggests in the Future Workplan Items section exploring options for more formalized parking at trailheads for safety and to minimize environmental impacts of encroachment toward the park space.
2	Tom Hildebrandt	Parking	[Comment] Given that there is adequate parking in adjacent rights-of-way, my position is that parking should be generally excluded from Open Space lands. Existing minor encroachments should be countenanced where necessary, but an effort should be made to prevent further encroachments and eventually reclaim the full extent of the open spaces. Priority should be given to areas where environmental damage is evident or likely.	N/A
3	Tom Hildebrandt	Parking	[Comment] The survey of existing parking near open spaces shows that there is generally sufficient parking within the adjacent right-of-way. The recommended restrictions on parking within Open Space (Section D) would still allow up to a dozen parking spaces within Pioneer Park. I think this runs counter to the intent of Open Space as "largely undeveloped lands". My vote would be to disallow parking entirely. However, this would be with the understanding that parking -- even including paved parking areas -- would be allowed within adjacent rights-of-way.	N/A

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4	Ashley Hay	Parking	<p>[Question] If we specify a certain number of parking spots, as is currently drafted, what becomes of the currently available parking? Would that still exist, so that we essentially have a blend of "formal" and "informal" parking? (I'm sure there's a better term for that but it's not coming to mind at the moment ... approved vs. unapproved parking?) I'm sure you catch my drift. In other words, are we trading the current situation for a more formalized (and also far more limited) parking scenario?</p>	<p>If currently available parking does not comply with adopted regulations, it will become legal non-conforming. There are no plans to remove existing parking options. There are no plans to implement formal parking areas immediately upon approval of the zoning code. Even if parking is included as a permitted use, staff would still undergo a planning process to design and implement parking as needed based on the provisions of the code, and would need to evaluate options at that juncture.</p>
5	Ashley Hay	Parking	<p>[Question] MICC 19.05.XXX – Open space zone development standards. [New Section], D. 2. reads: "2. Design. Parking lot design must be approved by the city engineer." The term "parking lot" does not seem appropriate for the very limited parking being proposed. Can we remove "lot" from this document?</p>	<p>"Parking area" may be a more fitting description. Staff support making this revision.</p>
6	Ashley Hay	Parking	<p>[Question] There seems to be consensus that the community is very opposed to paving open spaces ... if Parking does become an approved use in this Open Space Zone, can and should we specify what type of parking it will be? Paved/lined parking spaces vs. gravel parking vs. other options? Just a thought. This may or may not be appropriate in the development standards, maybe this is more of a procedural issue.</p>	<p>Parking area conditions for each open space would need to be evaluated on a case-by-case basis similar to trails. City staff agrees that pavement is not the first choice of surface for parking – the preference is to use materials that have the least impact on open spaces. However, ADA standards indicate that parking spots and adjacent accessible areas be firm, stable and slip resistant, which may require paved surfaces.</p>

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7	Ashley Hay	Restrooms	<p>[Question] Comment regarding restroom - a question came up in the previous meeting regarding size ... the draft states not to exceed 200 sq ft and 17 feet high (the measurements of current Deane's restroom) - is this reasonable given current building standards? i.e. If most restrooms of this nature are typically 18 feet high these days (or 16 or 14), I would hate to box ourselves into that height of 17 feet.</p>	<p>It's a good question about whether or not this is a reasonable standard. If a restroom was procured for Pioneer Park, we could have it custom built to meet these specifications. If the PRC/OSCT support this recommendation, we'd suggest removing the height limit and keeping the 200 square foot size limit.</p>
8	Don Cohen	Signs and Kiosks	<p>[Comment] Open Space Development Standards, Section E-1— SIGNS. I'm not convinced yet that MICC 19.12.080 would work adequately with Open Spaces. I see a few references to parks and recreation facilities, etc. in that current Code section, but it is primarily related to developed areas and/or buildings. I keep thinking that open space land is fundamentally different from other city property and that, despite staff's desire to have a "one size fits all" sign standard, that may not be the best way to go to protect these very sensitive areas.</p> <ul style="list-style-type: none"> a) For example, exterior lighting on signs is permissible under the current Code. Personally, I do not think exterior lighting should be permissible in the Open Space Zone for a variety of reasons we've discussed previously. b) Under the current Code, I do see that directional signs are limited to 3 square feet in size, but other freestanding ground signs can be 25 square feet. What kinds of large signs in open spaces might this authorize? 	<p>The strong preference of the City's Community Development Director is for all sign related regulations to be in one portion of the code. The idea of deferring to the City-wide sign code is not to allow all potentially available signs in open spaces, but as a way to ensure sign regulations City-wide are addressed and implemented on a holistic and consistent basis.</p> <p>City Staff are not anticipating placing exterior illuminated signs within open space areas, even if technically allowable.</p> <p>See next section for staff follow-up on a proposed code revision.</p>

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			<p>c) I also see that directional signs under the current Code are to be limited in number to, among other things, avoid a cluttered appearance, but again, what about other signs in open spaces?</p> <p>d) Maybe I'm missing it, but I don't offhand see in the current Code anything that would require low impact colors, materials, and style, other than with respect to a building or complex. The Open Space Conservancy Trust has these kinds of standards, as I recall.</p>	
9	Don Cohen	Signs and Kiosks	<p>[Comment] Revise Open Space Zone Development Standard E-1 on page 3 to read:</p> <p>1. Signs shall be governed by MICC 19.12.080, except as follows:</p> <ul style="list-style-type: none">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 _____ square feet. [Question on maximum size at entrances: twenty-five square feet? Whatever the size of a standard entrance sign is—e.g., at Pioneer Park].b. Exterior lighted signs are prohibited.c. Natural colors and materials shall be required unless public health or safety, or maintenance or durability considerations, clearly demand otherwise.d. Signs of any type shall be used sparingly to avoid a cluttered appearance and not detract from the purposes and experience of the Open Space Zone.	<p>City staff is working on a proposed code revision for consideration by the PRC/OSCT that is similar to what Commission Cohen is proposing.</p>

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10	Tom Hildebrandt	Signs and Kiosks	[Comment] In MICC 19.06.020.A.1, note that signs may not be placed on public property except within public rights-of-way. Ownership by the City would prohibit individuals posting signs within Open Space lands.	Correct. Current code already prohibits individuals posting signs within open space lands.
11	Don Cohen	Trail Standards	[Comment] Open Space Development Standards, Section F – TRAIL STANDARDS. I would like to have additional discussion of why only trail width should be regulated in the Open Space Zone. I did hear staff’s rationale for that, but I guess I still think some limitations on general types of materials, colors, etc. should be considered further.	<p>Construction and design decisions are based on unique field conditions at each property. We attempted to draft some additional code language to further inform trail standards, but quickly failed. There is considerable variation in how trails are built in open space areas, as was noted in the prior presentation. The City Code does not allow for variances to the zoning code, so we are locked into what is included here.</p> <p>If trail standards are a high priority, the PRC/OSCT should make sure that is called out in the hand-off memo as a high priority work item for the City Council to consider.</p>
12	Tom Hildebrandt	Trail Standards	[Comment] Attendees should have received a copy of the Pioneer Park Final Master Plan (2001), in which trail standards are discussed in some detail. I would recommend using this as the basis for a separate "Trail Construction and Maintenance Guidelines" to be developed by the P&R department and approved by the PRC and OSCT. The existing guidelines could be used for now, and review/revision/approval of this document scheduled for a future set of meetings.	The City will soon be undertaking a process to update the Pedestrian and Bicycle Facilities Plan. We will consider developing comprehensive trail standards as part of that plan. Individual park master plans provide another opportunity to develop site specific trail standards.

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13	Tom Hildebrandt	Trail Standards	[Comment] I recommend referring to an external "Trail Guidelines" document, using the specifications from the 2001 Pioneer Park Master Plan as a basis. The guidelines should give the P&R Department considerable leeway in the actual construction methods and materials used.	See previous staff comment.
14	General Question from last PRC/OSCT Meeting	Public Art (Info)	What art pieces are currently located in open space areas?	<p>Currently one piece of the City's Public Art Collection (Mythical Bird) is sited within an Open Space property (Pioneer Park). An additional piece (Flocks) is located below Gallagher Hill Open Space within the Right of Way/Aubrey Davis Park.</p> <p>Other installations or features with artistic elements include (and are not included in the Public Art Collection) are:</p> <ul style="list-style-type: none"> • Peace Pole (Pioneer Park) <p>Various benches or features with adornments or artistic features memorial plaques (small bird figure in Pioneer) are also included throughout the open space system, but not well inventoried.</p>
15	Don Cohen	Public Art	Open Space Zone, Section C-7—PUBLIC ART. I would like to have more discussion on the 18th about whether Public Art should be permitted in Open Spaces at all. The vote was a close split the last time, but several participants on the 18th were not able to attend on the 4th and may have some views. Personally, I remain in favor of not permitting public art in the Open Space zone. If it is included, I would suggest	Limited public art could be a possibility as we have used "limited" to describe the public parking in the permitted use section. Staff support the addition of this term.

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			some limiting term with the reference to public art. I know that when someone keeps reading, they will see the limitations, but, given that there are limitations in Section C stated for public parking, Temporary uses, wireless facilities, and utilities, I think something should be added to avoid confusion—perhaps inserting “limited” before “Public Art” or alternatively have it read “Public Art (with limitations)” or words to that effect.	
16	Don Cohen	Public Art	[Comment] Open Space Zone Development Standards, Section G-1—PUBLIC ART See above comment on whether public art should be a permitted use at all. If it is, for clarity and consistent with the hand-off memo, insert “per property” at the end.	
17	Tom Hildebrandt	Public Art	[Comment] Permitted uses of Open Space do not necessarily need to reflect the status quo. Rather, they should reflect the ultimate goal. If the consensus is to prohibit public art within the OS zone, existing public art installations such as the Mythical Bird and Peace Pole could still be grandfathered in as nonconforming uses. In any case, I would not advocate for their removal.	Confirming that existing public art will become non-conforming if art is not allowed in open spaces.
18	Tom Hildebrandt	Public Art	[Comment] I also consider art installations to be contrary to the goal of having Open Space be "largely undeveloped". My vote would still be to disallow such installations entirely. It should be noted that MICC 19.06.060 allows encroachments into the public right-of-way subject to an Encroachment Agreement. The City can certainly agree to allow public art as an encroachment in the adjacent right-of-way. That would answer the purpose of allowing public	Confirming that existing public art will become non-conforming if art is not allowed in open spaces.

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			<p>art at open spaces without compromising the habitat within the Open Space proper.</p> <p>Existing non-conforming art installations should be grandfathered in.</p>	
19	Paul Burstein	Public Art	<p>[Question] “Public Art is proposed to be permitted on Open Space Land larger than 15 acres with a limit of one art piece per property.”</p> <ul style="list-style-type: none"> • There are currently 3 pieces that I’m aware of within Pioneer Park, northwest quadrant. There is a Rotary Peace obelisk, the mythical bird, and a small bird on the top rail of a bench. In this proposal would two be declared nonconforming, or would two need to be removed? • Secondly, are the three quadrants of Pioneer Park considered as one Open Space Land or each their own entity for purposes of such limits? For example, NW quadrant, NE quadrant, and SE quadrant? This is also relevant to the Zone Establishment, Section 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.” • Rather than limiting to one piece, it should conform to the existing MICC 3.55.020 for the Arts Council and approved by the City Council. 	<p>Confirming that existing public art will become non-conforming if art is not allowed in open spaces.</p> <p>Pioneer Park is considered one property.</p>

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20	Paul Burstein	Public Art	<p>[Comment] “Public art must be culturally or historically relevant to the Open Space Land”</p> <ul style="list-style-type: none"> • This should be amended to include “celebrating the nature with the Open Space Land”. 	<p>City staff are open to suggestions about how to describe what public art is appropriate in open spaces.</p>
21	Paul Burstein	Public Art	<p>[Question] “Natural colors and materials shall be required.”</p> <ul style="list-style-type: none"> • Same as in Section 1 above, if accepted, would one of the existing pieces be considered nonconforming? The bird, as an example is not a natural color or material. • There may be pieces considered art that are not necessarily a natural color or material. A decorative metal bike rack is a possible example. 	<p>Confirming that existing public art will become non-conforming if art is not allowed in open spaces.</p>
22	Paul Burstein	Definitions	<p>[Question] “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,” in conjunction with the definition of a trail: “An off-street path for passive recreational uses.”</p> <ul style="list-style-type: none"> • Is this list meant to be all inclusive? We did discuss this at the last joint meeting and should be clarified again. In this case, does this mean anything with wheels except for ADA purposes would be forbidden within the zone? Like bicycles, tricycles, etc? Noted in Hand Off Memo encouraging the City Council to update code and park policies. We also discussed horse riding on the designated trail in the NW quadrant and throughout the SE quadrant. 	<p>The list is not meant to be all inclusive. The examples listed provide a general description of activities that are permissible. Bicycles were not included in the list because not all open spaces would allow bicycles. Rules of individual open spaces may specify additional allowed uses.</p>

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23	Ashley Hay	Public Art	<p>[Comment] Similar comment regarding art - the measurements for art (nothing bigger than the bird statue) are very limiting. If we're allowing art, it seems that there should be some flexibility. Same comment regarding it MUST be culturally or historically relevant. Blending in with the natural environment seems reasonable, but not exceeding the size of the bird and requiring cultural or historical relevancy is extremely prescriptive. Thinking of the display of birds near Gallagher open space ... this is a very tasteful natural display and each bird is small, but collectively, the art takes up a fairly large area. With the drafted guidelines, would something like this be prohibited? And would natural pieces of art (something depicting a sun or mountains or water, etc.) be prohibited because it lacks historical or cultural relevance?</p>	<p>City staff are open to suggestions on how to regulate public art pieces. Staff attempted to draft the code to limit size and type of public art as a middle ground between those who do and do not support public art in open spaces.</p>
24	Tom Hildebrandt	Zone Establishment	<p>[Comment] G.2. I commented earlier that the newly established OS zone should be a catch-all if no other zone designation applies. As such, it should be added to the end of the list, "... C-O, TC, B, and OS."</p>	<p>There are no areas on the island that do not have a zoning designation.</p>
25	Don Cohen	Memo	<p>[Comment] Page 2, 3rd full paragraph regarding "other park properties" – I would suggest revising the second sentence to read something like this: "Some felt those areas should be addressed now, but staff provided input and recommendations regarding the challenge of delineating the open space area from the rest of the park under the timeline in which is work is being developed, so those open space areas are not included in the new Open Space Zone at this point."</p>	<p>Suggestion will be included as part of discussion with PRC/OSCT.</p>

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26	Don Cohen	Memo	[Comment] Page 3, first line –Consider revising the word “structures” as confusing to the reader with respect to trails. Maybe use something like “structures and other amenities and furnishings such as ...”	Suggestion will be included as part of discussion with PRC/OSCT.
27	Don Cohen	Memo	[Comment] Page 4, in the paragraph right before Development Standards, consider starting a new paragraph with the two sentences about Utilities so it isn’t lost within the wireless material.	Suggestion will be included as part of discussion with PRC/OSCT.
28	Don Cohen	Memo	[Comment] Page 4, In the 3rd paragraph under Development Standards, 4th line, after the word “furnishings”, consider adding some words, maybe in a parenthetical, giving a few examples of what “furnishings” refers to.	Suggestion will be included as part of discussion with PRC/OSCT.
29	Don Cohen	Memo	[Comment] Page 5, first full paragraph. See comments above re signs.	Suggestion will be included as part of discussion with PRC/OSCT.
30	Don Cohen	Memo	[Comment] Page 5, 2nd full paragraph. See comments above re trails. If trails remain regulated only as to width, consider inserting at the beginning of the second sentence something like “Based on staff input and recommendation, ...”	Suggestion will be included as part of discussion with PRC/OSCT.
31	Don Cohen	Memo	[Comment] Page 5, 3rd full paragraph—See comments above re Public Art. Depending on the discussion on April 18, consider inserting a comment on the difference of opinion on this issue. <ul style="list-style-type: none"> a. In the first line of the 3rd full paragraph, after “15 acres”, consider inserting “(presently Pioneer Park, Upper Luther Burbank, Mercedale Hillside, and SE 53rd Place Open Space)” to provide context. 	Suggestion will be included as part of discussion with PRC/OSCT.

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32	Tom Hildebrandt	Memo	<p>[Comment] In the hand-off memo, I'd like to include the recommendation that certain disused rights-of-way be converted into open-space proper, consistent with the goals of setting aside open space for environmental preservation and public enjoyment. In reviewing the King County parcel maps, I noticed that Ellis Pond is transected by two intersecting public rights-of-way. Converting those ways into proper Open Space would disallow parking and posting signage (e.g.) within that environmentally sensitive area.</p> <p>I would recommend that City staff develop a list of the lands to be converted including legal descriptions, so that the alterations can be recorded with the County Clerk.</p>	<p>Suggestion will be included as part of discussion with PRC/OSCT.</p> <p>Just a footnote to indicate that not all ROW can or should be converted to open space. Many ROW designations are in place due to underground utilities or for other reasons.</p>
33	Tom Hildebrandt	Memo	<p>Additional Recommendations: Evaluate disused public rights-of-way within or adjacent to the inventoried Open Spaces, and consider including them within the newly-created Open Space zone.</p>	<p>Suggestion will be included as part of discussion with PRC/OSCT.</p>