



**PARKS & RECREATION COMMISSION
CITY OF MERCER ISLAND**

**PRC 24-05
April 4, 2024
Special Business**

AGENDA BILL INFORMATION

TITLE:	PRC 24-05: Open Space Zone Discussion	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Recommendation
RECOMMENDED ACTION:	None; discussion only.	

STAFF:	Jessi Bon, City Manager Carson Hornsby, Management Analyst Ryan Daly, Recreation Manager Merrill Thomas-Schadt, Senior Management Analyst Alaine Sommargren, Deputy Public Works Director Alison Van Gorp, Deputy CPD Director
EXHIBITS:	1. Draft Open Space Zone 2. Inventory of Open Space

EXECUTIVE SUMMARY

This Joint Meeting with the Parks and Recreation Commission (PRC) and the Open Space Conservancy Trust (OSCT) will be held to continue discussions on the development of a new Open Space Zone.

- The PRC and OSCT held a workshop on the Open Space Zone at their joint meeting on March 21. Staff used feedback from the workshop to develop an initial draft of the Open Space Zone (Exhibit 1) for further discussion at the April 4 Joint Meeting.
- The following questions were developed to guide the discussion:
 - Does the draft purpose statement cover the major themes identified at the last meeting?
 - Are there any designation requirements or permitted uses that require more discussion or are missing from the draft?
 - Do the draft development standards appropriately balance open space preservation with permitted development of low impact passive recreational amenities?
 - Do the draft definitions adequately describe the key terms used in the code?
 - Are additional draft definitions necessary?
- The PRC and OSCT will continue to discuss development of the Open Space Zone with the goal of providing a 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 all other park properties. That work is anticipated to run through the end of the year, and possibly continue into early 2025. Staff are currently anticipating the Parks Zone recommendation will be included in the 2025 Comprehensive Plan Annual Update.

BACKGROUND

Parks, Recreation, and Open Space (PROS) Plan

The PROS Plan is a six-year plan that anticipates the programming and capital infrastructure investments necessary to meet the community's needs for parks, recreation, open space, trails, arts, and cultural events. 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 (see the [March 7 PRC meeting materials](#)). The PRC recommendation was to separate the zoning work into two distinct tracks: one for open space and one for all other park properties. 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.

At the March 21 PRC and OSCT Joint Meeting, a workshop discussion was held to discuss the various components of the Open Space Zone code.

The PRC and OSCT will hold joint meetings through April 2024 to continue to guide the development of the Open Space Zone, with the goal of providing a recommendation to the Planning Commission by May 8, 2024.

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

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

Open Space Properties

The City stewards nearly 218 acres of open space properties, which are listed in Exhibit 2. The staff recommendation is to proceed with development of the Open Space Zone to include these properties and address the other park properties (some of which include open space in addition to active park areas) as part of the subsequent work item.

ISSUE/DISCUSSION

The goal for tonight's joint meeting of the PRC and OSCT is to review the initial draft of the Open Space Zone (Exhibit 1). Staff will take the feedback from the discussion and continue to refine the draft for further review at the next meeting.

Draft Open Space Zone (Exhibit 1)

Purpose

The major themes discussed by the PRC and OSCT on March 21 included: preservation and protection of open space lands, conservation and restoration of wildlife habitat, provision of education and stewardship opportunities, and access to nature for passive recreation purposes. Staff drafted a purpose statement for the Open Space Zone with the intent to capture these goals for review and comment by the PRC and OSCT.

Designation Requirements

The draft designation requirements outline the desire to include land in the Open Space Zone that is undeveloped, consists of natural landscape features, and provides ecological, aesthetic, passive recreational and/or educational benefits to the City and its residents. The land does not necessarily need to be in a completely undeveloped state to be included in the zone, but it must have the potential to be restored to a largely undeveloped state.

Staff proposes language establishing that land in the Open Space Zone must be owned, leased, or managed by the City, as other properties that are privately owned fall outside the scope of the project to zone city owned land. Rezoning of privately owned land should be addressed in a separate project with input and participation from private landowners who desire to rezone their land.

Uses Permitted

The uses permitted in the draft code include the topics discussed at the last meeting, specifically passive recreational uses and other amenities such as public parking, temporary uses, public art, and habitat restoration. Wireless communication facilities and utilities are allowed with limitations further defined in the development standards and definitions sections.

Passive recreational amenities include structures such as signs, trails, restrooms, kiosks, and benches. The development of these amenities is drafted to be very limited to balance the goals of open space preservation and meeting the needs of patrons. For example, signs and kiosks are necessary to provide information and directions to trail users, and benches and picnic tables provide rest stops for patrons. Limited restroom access may be necessary to consider in the City's larger open spaces such as Pioneer Park.

Public parking provides opportunities for residents to frequent open spaces 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 (i.e. mobility constraints, small children, etc.). Limited but adequate parking space is necessary to avoid patrons parking in the street or in unauthorized areas that harm the native vegetation. Parking is intended to be regulated based on the size of the property (see development standards).

Temporary uses consist of small group events that have a purpose related to passive recreation, education, or stewardship, and may include temporary staging of equipment or amenities.

Public art was one of the topics that received mixed feedback from the PRC and OSCT. Staff included public art as a permitted use with the intention of having further discussion on the topic. Public art in open spaces allows for exhibits that are relevant to the history or cultural background of the land. Public art is intended to be inobtrusive to the natural landscape.

Wireless communications facilities have been addressed by providing draft language referencing the portions of the MICC that regulate wireless communications facilities City-wide, in keeping with Staff's recommendation that any changes to the City-wide wireless communication regulations be taken as a separate, City-wide project.

Utilities include facilities such as water and sewer infrastructure and manhole access. Examples of utilities currently located within open spaces include sewer conveyance pipes and manhole access in the northeast quadrant of Pioneer Park and north portion of Engstrom Open Space, a water main that runs through Mercerdale Hillside along the north edge, and stormwater conveyance pipes in Upper Luther Burbank Park. Most open spaces are not ideal locations for utility facilities, and it is the intention of staff to include utilities as a permitted use with a very high necessity threshold.

Habitat restoration involves rehabilitation of open spaces to recreate a functioning ecosystem. Examples of habitat restoration include planting of native plant species, eradication of invasive plant species, and removal of toxic substances from soil and water. Habitat restoration efforts may be necessary in certain cases to preserve and enhance the health of ecosystems in open spaces.

Development Standards

Staff have also drafted some basic development standards as a starting place for further discussion and refinement by the PRC and OSCT.

For example, 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, P, TC, PBZ, CO, or B. This language would provide for setback protection focused on residential areas. Picnic tables, fences, gates, culverts, trails, landscaping, and parking areas are proposed to be exempt from setback requirements.

Restrooms are proposed to be permitted on open space properties larger than 100 acres, which only includes Pioneer Park. The draft also includes proposed size restrictions, with restroom size not to exceed 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.

Parking is proposed to be prohibited for open space properties smaller than 15 acres in size. For open space properties exceeding 15 acres in size, parking is proposed to be limited to no more than 1 space per 10 acres, with no minimum number of parking spaces required. Use of such parking shall be restricted to accommodate users of the open space. The provision of ADA compliant parking would have priority over other types of parking where parking is allowed. These standards are intended to limit parking based on size of the property and prioritize ADA access.

Development standards for signs, kiosks, and trail standards will be drafted based on further input from the PRC and OSCT.

Definitions

Proposed new definitions for key terms used in the Open Space Zone are identified in this section. The terms include kiosk, open space lands, passive recreational amenities, passive recreational uses, temporary uses, and trail. Staff have proposed draft definitions based on themes discussed at the last meeting. Additional definitions may be identified based on the further development of the code at the April 4 meeting.

Discussion

- Does the draft purpose statement cover the major themes identified at the last meeting?
- Are there any designation requirements or permitted uses that require more discussion or are missing from the draft?
- Do the draft development standards appropriately balance open space preservation with permitted development of low impact passive recreational amenities?
- Do the draft definitions adequately describe the key terms used in the code?
- Are additional draft definitions necessary?

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 – April 18: Finalize recommendation and memo to the Planning Commission.
- 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.

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

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

RECOMMENDED ACTION

None; discussion only.