



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 6551
October 15, 2024
Regular Business**

AGENDA BILL INFORMATION

TITLE:	AB 6551: First Reading of Ordinance No. 24C-15 Open Space Zone Code Amendment	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Schedule Ordinance No. 24C-15 for second reading.	

DEPARTMENT:	City Manager
STAFF:	Jessi Bon, City Manager Alison Van Gorp, Deputy CPD Director Carson Hornsby, Management Analyst II
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 24C-15 2. Planning Commission Recommendation - ZTR24-002 Open Space Zone Code Amendment
CITY COUNCIL PRIORITY:	2. Sustain and enhance our natural environment, especially parks and open spaces, to benefit this generation and others that follow.

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda bill is to present Ordinance No. 24C-15 (Exhibit 1) to amend the Mercer Island City Code (MICC) to establish the Open Space Zone development regulations and Zoning Map.

- Creation of a new Parks Zone was added to the 2024 Comprehensive Plan Periodic Review scope of work by the City Council in 2022 with [Resolution No. 1621](#). Creation of a new zone requires amendments to MICC Title 19, the Zoning Map, and the Comprehensive Plan Land Use Map.
- The Parks Zone work item was later split into two zones: one for City-owned and managed Open Space Lands and a second for City-owned and managed Park properties.
- The draft Open Space Zone was developed first to be included in the 2024 Comprehensive Plan Periodic Update. If approved, the proposed Open Space Zone will establish land use regulations for City-owned and managed Open Space Lands and ensure the land is managed in a manner appropriate for such properties, consistent with the Parks, Recreation, and Open Space (PROS) Plan, City code, master plans, forest management plans, and similar documents.
- The Parks and Recreation Commission (PRC) and Open Space Conservancy Trust (OSCT) Board held several joint meetings in Spring 2024 to provide input and develop the proposed amendments to Title 19 MICC, the Zoning Map, and the Comprehensive Plan Land Use Map.

- At its May 29, 2024 Special Meeting, the Planning Commission (PC) held a public hearing regarding the update to the Comprehensive Plan and Land Use Map amendment and approved a recommendation that was provided to the City Council on July 16 ([AB 6510](#)).
- At its September 25 Meeting, the PC held a public hearing regarding the amendment to the development regulations and Zoning Map ([PCB 24-17](#)), and approved a recommendation to the City Council.

BACKGROUND

The scope of work for the Comprehensive Plan periodic review, adopted by the City Council in 2022, included creation of a new Parks Zone. A preliminary Parks Zone draft was presented to the PRC ([PRC 24-01](#)) and Planning Commission ([PCB 24-01](#)) in January 2024. After receiving feedback from the commissions and community, the City Manager directed staff to pause the legislative review process and return to the PRC for further discussion.

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

At the March 21, 2024, joint PRC/OSCT meeting, the PRC and OSCT each voted to approve a joint recommendation to the Planning Commission (PC) on the Open Space Zone and the associated development regulations.

At the May 8, 2024 PC meeting, City staff and the PRC and OSCT Chairs presented the [PRC/OSCT recommendations](#) and the draft development regulations, Zoning map, and Land Use Map to the Planning Commission ([PCB 24-09](#)). The PC had the opportunity to ask questions about the recommended draft, and commissioners were asked to submit written comments to staff following the meeting.

At the May 15, 2024 PC meeting, the PC reviewed the proposed amendments to the development regulations, Zoning Map and Land Use map ([PCB 24-10](#)). Written comments received prior to the meeting were discussed and a couple minor amendments were made by the PC. The PC approved a recommendation for amendments to the development regulations, Zoning Map and Land Use Map. The Land Use Map recommended by the PC was included in the draft Comprehensive Plan amendments considered during a public hearing on May 29, 2024. The PC approved a recommendation to the City Council including the amendments to the Land Use Map on June 12, 2024 ([AB 6510](#)).

On September 25, 2024, the PC held a public hearing on the Open Space Zone development regulations and Zoning Map amendments and approved a recommendation to the City Council (Exhibit 2). One person provided public comment during the hearing. Notice of the Planning Commission public hearing was published in the *Mercer Island Reporter* on August 21, 2024. The WA Department of Commerce was notified of the intent to adopt development code amendments on August 7, 2024. A State Environmental Policy Act (SEPA) determination of non-significance was issued on August 7, 2024, and the project was assigned SEPA register file number 202403416. The SEPA determination comment period was open from August 7 to 26, 2024; no comments were received.

ISSUE/DISCUSSION

Planning Commission Recommendation

On September 25, 2024, the Planning Commission approved a recommendation on amendments to the development regulations and Zoning Map to create the Open Space Zone (Exhibit 2). The commission also identified scrivener's errors that have been corrected in Ordinance No. 24C-15 (Exhibit 1).

Ordinance No. 24C-15

Ordinance No. 24C-15 will implement the Open Space Zone by creating new sections of City Code (MICC 19.05.030 Open Space – OS and MICC 19.05.040 Open Space Development Standards), amending MICC 19.16.010 Definitions and MICC 19.01.040 Zone Establishment, and repealing and replacing MICC Chapter 19 Appendix D – Zoning Map. These code amendments align with amendments to the Land Use Map currently under consideration by the City Council as a part of the Comprehensive Plan Periodic Update. The proposed amendments to the development code and Zoning Map must be adopted concurrently with the Comprehensive Plan to ensure the code remains consistent with the Comprehensive Plan without any gaps in timing.

NEXT STEPS

Once the City Council completes deliberations on the Open Space Zone code amendment, Ordinance No. 24C-15 will be scheduled for final review and adoption with the same effective date as the Comprehensive Plan Periodic Update, December 31, 2024.

The PRC began working on development of the Parks Zone at their October 8 meeting. It is anticipated the PRC will provide a recommendation on the Parks Zone development regulations to the Planning Commission in spring 2025.

RECOMMENDED ACTION

Schedule Ordinance No. 24C-15 for second reading on November 4, 2024 with an effective date of December 31, 2024.