



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

**PRC 24-13
November 7, 2024
Regular Business**

AGENDA BILL INFORMATION

TITLE:	PRC 24-13: Parks Zone Development Discussion	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Recommendation
RECOMMENDED ACTION:	Review and provide feedback on the draft Parks Zone purpose, designation requirements, uses permitted, and definitions. Discussion and idea sharing on the Parks Zone development standards.	

STAFF:	Jessi Bon, City Manager Carson Hornsby, Management Analyst II Alison Van Gorp, Deputy CPD Director Ryan Daly, Recreation Manager Sam Harb, Parks Operations Manager Alaine Sommargren, Deputy Public Works Director
EXHIBITS:	1. Draft Parks Zone 2. Ordinance No. 24C-15 (Open Space Zone development regulations)

EXECUTIVE SUMMARY

The Parks Zone is a proposed new zoning district that will establish regulations for most City-owned and/or managed parks. The purpose of the new zone is to ensure park lands are preserved and managed appropriately, in alignment with the Parks, Recreation, and Open Space (PROS) Plan, City code, master plans, and similar guiding documents.

- During the November 7, 2024, Parks and Recreation Commission (PRC) meeting, the PRC will review and provide feedback on the draft of the Parks Zone purpose statement, designation requirements, uses permitted, and definitions (see Exhibit 1). The PRC will also begin discussions on the Parks Zone development standards (details about these topics are provided in the Issue/Discussion section below).
- Crafting regulations that balance the built environment with the preservation and protection of parks will be particularly complex given the unique features in the park system. For now, staff suggests setting aside the specific nuances of each individual park and focusing on drafting code language that aligns with stewardship and management plans, preservation goals, community feedback and desires, best practices, current and future uses, and other practical considerations.
- Over the course of several meetings, staff and the PRC will collaborate on the draft text for the new Parks Zone, ensuring it meets all regulatory requirements. This work is anticipated to continue through March 2025.
- It is currently anticipated that the PRC will hand-off a recommendation to the Planning Commission (PC) in Q2 2025 and the City Council will undertake review and adoption of the new Parks Zone by the end of 2025.

BACKGROUND

Parks Zone/Open Space Zone Background

The scope of work for the 2024 Comprehensive Plan Periodic Update, adopted by the City Council in 2022 with [Resolution No. 1621](#), included the creation of a new Parks Zone. In January 2024, a preliminary Parks Zone draft was presented to the PRC and PC. Following community and commission feedback, the legislative review was paused, and the draft returned to the PRC for further review. In March 2024, the PRC recommended dividing the Parks Zone planning into two phases: creating a zone for City-owned Open Space Lands and another for public park properties.

The PRC and OSCT Board then held joint meetings to develop legislation for the Open Space Zone. On May 8, 2024, PRC and OSCT Chairs presented a joint recommendation to the PC, which completed its review in June 2024 as part of the Comprehensive Plan Update. On September 25, 2024, the PC approved a recommendation for the Open Space Zone code amendment, with City Council review of these recommendations currently underway.

Now that the PRC's first phase of work is complete on the Open Space Zone, the PRC is shifting focus to the development of the new Parks Zone with the goal of presenting a recommendation to the PC in Q2 2025.

Establishment of the Parks Zone will require amendments to the MICC and Comprehensive Plan:

- Development Regulations – create a new subsection or subsection(s) under MICC 19.05, amend [MICC 19.01.040](#) to establish the Parks Zone, and amend [MICC 19.16.010](#) to establish new definitions (as needed).
- Zoning Map – amend the Zoning Map in the MICC to reflect where the Parks Zone applies.
- Land Use Designations – amend the Land Use Designation table in the Land Use Element of the Comprehensive Plan (if needed).

Legislative Review Process

Once the PRC makes its recommendation to the PC, the PC will commence the formal legislative review process to gather public input and provide a recommendation to the City Council, as established in [Chapter 19.15 MICC](#).

The legislative review process includes the following steps:

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

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](#) on March 1, 2022.

The PRC served as the lead advisory board on the PROS Plan update with support provided by the Arts Council and OSCT. The 2022 PROS Plan 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.

Chapter 4 of the PROS Plan establishes goals and objectives that serve as the policy framework for the provision of parks and recreation services by the City of Mercer Island. Development of master plans, policies, codes, and other work products should align with this policy framework, which includes development of the Parks Zone.

Zoning Code, Parks Code, and Park Operating Policies

As the PRC provides input on the draft Parks Zone development regulations, staff recommend commissioners consider the various tools used by the City to regulate development, operations, and allowed uses and activities in parks. The City's zoning code, park rules, and park operating policies and procedures each have a distinct purpose and consist of specific types of rules and regulations regarding parks. Rules and regulations that are recorded in areas other than the proposed new zone are outside the scope of the Parks Zone project. However, the PRC may wish to provide recommendations to the City Council to address other items in future work plans. The purpose and type of regulations included in the zoning code, park rules, and park operating policies and procedures are summarized below.

Zoning Code

The Mercer Island Zoning Code is established in [MICC Title 19 - Unified Land Development Code](#). The Zoning Code classifies land within the City into zones and regulates land uses and development permitted within each zone. The Zoning Code plays a role in the establishment of other of other regulations, however, the Zoning Code is not the appropriate place for the City to codify other rules that regulate permitted uses in the Zoning Code. For example, if the Parks Zone includes cycling as a permitted use, the City may develop rules or regulations separately from the Zoning Code for speed limits or designated cycling areas. Similarly, picnic shelters may be included as a permitted use in the Parks Zone, but the Zoning Code would not include policies or rules regarding shelter use, rentals, or maintenance.

Parks Code

The Mercer Island Parks Code (aka "Parks Rules") is established in [MICC Chapter 9.30 - Park Rules](#). The Parks Code is part of the Criminal Code, which is a collection of laws that define crimes and their punishments within the City's jurisdiction. The Parks Code consists of laws that apply to the City's public parks and are enforced by the Mercer Island Police Department. The Parks Code is where unlawful acts are codified, such as building fires in undesignated areas (MICC 9.30.170), posting unauthorized signs and posters (MICC 9.30.040), and riding horses in undesignated areas (MICC 9.30.060). The Parks Code is on the City's work plan to be updated in 2025-2026. Staff will assist the PRC in identifying and logging items for follow-up that are best suited for consideration as part of the Parks Code update.

Park Operating Policies and Procedures

Operating policies and procedures are established to guide citywide operations, including the City's parks and recreation facilities and programs. Operating policies and procedures include operational processes, activities, tasks, decision-making structures, levels of delegation, and responsibilities of staff. Some operating policies and procedures are intended for internal use, such as roles and responsibilities of parks and recreation staff or equipment repair and maintenance schedules. Some operating policies and procedures are public facing, such as facility rental or recreation program policies. Examples of operating policies and procedures can be found on the [Parks Information & Policies webpage](#).

Parks Zone Materials from Prior PRC Meetings

- [Tuesday, October 8, 2024](#)

ISSUE/DISCUSSION

Parks Zone – Purpose Statement, Designation Requirements, Uses Permitted, and Definitions

At the November 7, 2024, PRC meeting, the commission will continue discussing the development of the Parks Zone. This will include reviewing the draft purpose statement, designation requirements, uses permitted, and definitions, which were drafted by staff based on the feedback provided at the October 8, 2024, PRC meeting (see Exhibit 1). Staff are seeking feedback on this draft text and will prepare revisions based on direction provided by the PRC.

Buildings

The staff have been working with legal counsel to address the existing buildings in parks, notably, the three buildings in Luther Burbank Park (the Administration Building, the Boiler Building, and the Caretaker's House). These buildings are anticipated to continue to operate for several decades to meet citywide needs and preferably will operate as "conforming" buildings. The term "conforming" means that the structure and associated uses align with the zoning code and do not require special exceptions or variations to be legally established or maintained.

Staff are working with the legal team on the best approach to "carve" these buildings out in the new Parks Zone, which will allow them to operate in a conforming status within the existing footprint. The PRC will note that these three buildings have been identified in the "Uses Permitted" section of the draft Parks Zone in Exhibit 1. Staff are still working on the accompanying development standards for these buildings and will present that recommendation to the PRC at the next meeting.

Note, while this practice of "carving out" specific facilities in a zoning code is not a standard practice, there is precedent for this in the Mercer Island Zoning Code (see Public Institution Zone - [MICC 19.05.010](#)) as this is how the unique needs of each public school facility were addressed.

Parks Zone – Development Standards

The PRC will also begin discussing the Parks Zone development standards (setbacks, signs and kiosks, trail standards, public art, lighting, and parking). The framework for this discussion is provided below.

Zoning Code Framework

Zoning in the MICC generally consists of the five components summarized below, which were used to guide the development of the draft Open Space Zone and also serve as the framework for the development of the draft Parks Zone.

1. Purpose (initial draft text prepared – see Exhibit 1)
 - What is the goal of the Parks Zone?
 - Review PROS Plan goals and objectives (Chapter 4).
2. Designation Requirements (initial draft text prepared – see Exhibit 1)
 - What criteria is used to determine if land is included in the Parks Zone?
 - Review PROS Plan classifications and inventory (Chapter 5).
3. Uses Permitted (initial draft text prepared – see Exhibit 1)
 - What are the allowed uses in the Parks Zone?
4. Development Standards (Begin discussion - see additional information below.)
 - What are the regulations for physical modification and structures in the Parks Zone?

5. Definitions (initial draft text prepared – see Exhibit 1)

- What terms require further definition?
- Are the terms used elsewhere in the code? If yes, do the existing definitions meet the needs of the Parks Zone? If not, what revisions are proposed?
- Staff will develop a definitions list for key terms based on the draft code.

Development Standards

Staff have compiled a list of topics for discussion related to the draft Parks Zone development standards. The full list is below along with more information about six topics for discussion at the November 7, 2024, PRC meeting including setbacks, signs and kiosks, trail standards, public art, lighting, and parking. Staff will draft these sections of code based on input from the PRC. Topics that are not covered at the November 7, 2024, meeting will be addressed in subsequent meetings.

- Setbacks
- Signs and Kiosks
- Trail Standards
- Recreational Facilities
- Public Art
- Parking
- Park Buildings and Structures
- Impervious Surface
- Lighting

Setbacks

Setbacks are the minimum distance that a given development must be from the property lines. Setbacks may be different for different types of development and depending on the zoning of adjacent properties. Specific types of development may also be exempt from setback regulations depending on the primary needs and uses of the property.

- How many feet should development be set back from the property line when the adjacent zone is residential or multifamily?
- What types of development should be exempt from setback regulations in the Parks Zone?

In the Open Space Zone, zero feet setbacks are allowed if adjacent to property that is zoned PI, TC, PBZ, C-O or B (see Exhibit 2). In addition, fences, gates, culverts, trails, landscaping, and furnishings were exempted from the setback requirements.

Signs and Kiosks

Signs and kiosks are used to provide information to park users. Signs and kiosks include a variety of content related to park rules, maps, wayfinding, health and safety, and interpretive information. Regulations and design standards for signs are established in the citywide sign code ([MICC 19.12.080](#)).

- Does the citywide sign code satisfy the needs of the Parks Zone?
- Should the height and/or surface area of kiosks and signs be regulated in the Parks Zone?

In the Open Space Zone, size limits were placed on signage (see Exhibit 2). In addition, lit signs are prohibited in the Open Space Zone and natural colors are required except when necessary to meet public health, safety, or maintenance requirements.

Trail Standards

Trail standards outline regulations related to the design and development of trails. Similar to the City's Open Space Lands, the park system includes a variety of trail uses that are unique to each park. In addition, the City employs a variety of trail design and construction standards throughout the park system to meet the specific needs of each park. For example, Luther Burbank Park has a raised boardwalk through a wetland area, paved trails for multi-purpose uses, and dirt and gravel trails that are primarily used for walking and jogging.

- What trail standards are appropriate to include in the Parks Zone?
- What trail standards are better suited for the Pedestrian and Bike Plan (update will begin in 2026) or site-specific master plans?

In the Open Space Zone, trail width is limited to eight feet (see Exhibit 2). No other development standards for trails were included in the Open Space Zone.

Trail width in parks has been a topic of considerable debate over the years, primarily related to concerns over widening trails and increasing impervious surface. This topic was also discussed at great length during the PROS Plan update process (see PROS Plan Goal 4 "Trails," page 25, and Chapter 8 "Trails & Pathways," page 84 to 95). The PROS Plan did not specify preferred trail widths or surfacing materials given the wide variety of trail types in the Mercer Island parks system.

Public Art

Public art installations are incorporated into the City's park system for the purpose of community enjoyment and enrichment, and typically embody public or universal concepts as opposed to commercial, partisan, or personal interests. The [Arts Council](#) serves as the City's advisory body for arts and culture, which includes establishing guidelines for the commissioning, selection, and placement of permanent and temporary works of art in the City. The [Public Art webpage](#) on the City website has more information about the City's public art collection, including a link to the [Public Art Story Map](#) with photos and details about each work of art.

- What development standards related to art should be included in the new Parks Zone?

Note, the Open Space Zone does not allow for public art installations (see Exhibit 2).

When considering development standards related to art in the Parks Zone, keep in mind that including size limitations may be challenging. Traditional art installations in the Mercer Island parks system include items such as murals. Staff are seeking an opportunity to engage with the Arts Council on the draft Parks Zone as it relates to art installations.

Lighting

Regulations for exterior lighting are typically adopted to minimize light pollution as well as light trespass onto neighboring properties while accommodating permitted land uses. Lighting regulations may cover types of lighting, light placement and/or directional requirements, and light shielding requirements. Some types of exterior lighting may be exempt from lighting regulations such as lighting within a public right-of-way or easement for the purpose of illuminating roads and trails, emergency lighting, or other lighting required by state or federal law. Lighting regulations for all zones except Town Center are established in [MICC 19.12.070](#), however, this chapter does not apply to property owned or controlled by the City.

- Are lighting development standards desired for parks?

Note, the Open Space Zone does not include lighting standards (see Exhibit 2).

Parking

Parking areas are provided at most of the City's parks to accommodate park users who travel to and from parks in vehicles. Provision of adequate parking is an important consideration to encourage use of public land while discouraging parking of vehicles in the street, within the right-of-way, or on private land. The City must comply with the Americans with Disabilities Act (ADA), which requires parking lots to provide accessible parking spaces with specific features that make it easier for people with disabilities to access parks.

- Does [MICC Title 19 Appendix A – Parking Lot Dimensions](#) satisfy parking design standards for the Parks Zone?
- Should the Parks Zone development standards include minimum and/or maximum parking requirements?
- Are there other standards related to parking that belong in the Parks Zone?

Staff will incorporate the feedback from the development standards discussion and prepare an initial draft for PRC consideration at the next meeting.

NEXT STEPS

The PRC will continue to provide input on the draft Parks Zone over the course of several meetings. It is currently anticipated that the PRC will provide a recommendation on the draft Parks Zone to the PC in Q2 2025. The PC will then conduct the legislative review process and provide a final recommendation to the City Council regarding amendments to the Comprehensive Plan and MICC. The anticipated PRC meeting schedule for this work is provided below.

- Thursday, November 7, 2024
 - Review Draft Text: Purpose Statement, Designation Requirements, Uses Permitted, and Definitions
 - Discussion and Idea Sharing: Development Standards
- Thursday, December 5, 2024*
 - Continue discussion on Development Standards and Review Draft Text
 - Discussion and Review: Definitions

*Note: This meeting date conflicts with a Recreation event. The meeting will either be rescheduled for later in December, or the discussion topics will be moved to the January 2025 meeting.

- Thursday, January 2, 2025**
 - Review Draft Text: Full Code Review
 - Test Fit Analysis – Review Applicability of Draft Parks Zone to Existing Parks

**Note: This meeting date is close to the New Year's Holiday. The meeting will likely be rescheduled for later in January.

- January 2025 - Potential Joint Meeting with City Council (tentative)
- Thursday, February 6, 2025
 - Follow-up Discussion on Test-Fit Analysis and Feedback from City Council (tentative), revisions to draft Parks Zone if necessary
 - Review draft Hand-Off Memo to PC

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- Thursday, March 6, 2025
 - Finalize All Materials
 - Discussion: Next Steps (hand-off to PC, legislative review process, timelines of the Comprehensive Plan annual update and code amendment)

RECOMMENDED ACTION

Review and provide feedback on the draft Parks Zone purpose, designation requirements, uses permitted, and definitions. Discussion and idea sharing on the Parks Zone development standards.