



PARKS & RECREATION COMMISSION CITY OF MERCER ISLAND

PRC 25-02
February 6, 2025
Regular Business

AGENDA BILL INFORMATION

TITLE:	PRC 25-02: 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 development regulations.	

STAFF:	Jessi Bon, City Manager Carson Hornsby, Management Analyst II Alison Van Gorp, Deputy CPD Director Kellye Hilde, Deputy Public Works Director Ryan Daly, Recreation Manager Sam Harb, Parks Operations Manager Alaine Sommargren, Deputy Public Works Director
EXHIBITS:	1. Draft Parks Zone Development Regulations 2. Aubrey Davis Park Background Information

EXECUTIVE SUMMARY

The Parks Zone is a proposed new zoning district that will establish development 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 February 6, 2025, Parks and Recreation Commission (PRC) meeting, the PRC will review and provide feedback on the draft Parks Zone development regulations (see Exhibit 1), which were prepared by staff based on PRC input from the past three meetings.
- Summaries of the discussion and direction received during the January 9, 2025 PRC meeting are provided in the background section below.
- Staff and the PRC will continue to collaborate on the draft text for the new Parks Zone and finalize the PRC recommendation by April 2025.
- It is 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 the year.

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 and development regulations for the new zone. In January 2024, a preliminary draft of the Parks Zone development regulations was presented to the PRC and PC. Following community and commission feedback, the legislative review was paused, and the draft was 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 Open Space Conservancy Trust (OSCT) Board held several 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. The City Council adopted the [Open Space Zone](#) on November 4, 2024, with an effective date of December 31, 2024.

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

Establishment of the Parks Zone will require the following 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 adopt 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\(B\)\(3\)](#)).
- If the Comprehensive Plan requires an amendment for the Parks Zone, the City Council will consider the Parks Zone amendments with the City's annual comprehensive plan amendments, which are limited to once a year by the Growth Management Act ([RCW 36.70A.130\(2\)](#)).

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, code, and other work products should align with this policy framework, which includes development of the Parks Zone.

Development 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 development code, parks code, 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 applicable in areas other than the proposed new zone and its associated development regulations 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 development code, parks code, and park operating policies and procedures are summarized below.

Development Code

The Mercer Island Development Code is established in [MICC Title 19 - Unified Land Development Code](#). Title 19 classifies land within the City into zones and regulates land uses and development permitted within each zone. Title 19 zones and regulations work together with the rest of the MICC, Parks Code, and park operating policies. For example, if the Parks Zone includes cycling as a permitted use, the City may develop traffic rules or regulations separately for speed limits or designated cycling areas. Similarly, picnic shelters may be included as a permitted use in the Parks Zone, but Title 19 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](#)
- [Thursday, November 7, 2024](#)
- [Thursday, January 9, 2025](#)

Re-Cap of Direction Received at the January 9, 2025 PRC Meeting

Summaries of the discussion and direction received at the January 9, 2025 PRC meeting is provided in the sections below. The background information on each topic is included in the materials from the January 9 PRC meeting (see [PRC 25-01](#)).

Public Art

The PRC reached consensus on including art as an allowable use in the Parks Zone and concurred with the recommendation from the Arts Council not to include specific development regulations.

Staff and the PRC discussed the current review process for public art as stewarded by the Arts Council, which is separate from the City’s development code. The purpose, function, and jurisdiction of the Arts Council is established in [MICC 3.55.020](#), which specifies their responsibility to “establish guidelines for the commissioning, selection and placement of permanent or temporary works of art in the city.” The PRC expressed interest in identifying opportunities for collaboration with the Arts Council regarding art installations in parks and this recommendation will be included in the hand-off memo.

Park Critical Areas

The PRC had inquired about the possibility of split-zoning park properties so that critical areas in parks are included in the Open Space Zone (instead of the Parks Zone). The background information on park critical areas is included in the materials from the January 9 PRC meeting (see [PRC 25-01](#)).

The PRC discussed the matter and recommended that Island Crest Park be considered for subdivision, given that the critical areas lie on the edge of the park. The subdivision process would allow the park to be separated into two parcels and once complete, the active recreation areas would remain in the new Parks Zone and the critical and forested areas would be re-zoned to Open Space. The decision to subdivide and re-zone properties rests with the City Council and the recommendation to pursue this approach will be included in the PRC Hand-off memo. In the meantime, and as part of this initial phase of work, Island Crest Park will be included in the new Parks Zone.

Landings and Street Ends

The PRC discussed the landings and street ends and reached consensus that these properties should remain as ROW given their primary and essential use for utilities.

ISSUE/DISCUSSION

Draft Parks Zone Development Regulations

Staff have prepared an updated draft of the Parks Zone development regulations (see Exhibit 1). The draft development regulations were prepared based on feedback from the PRC over the past three meetings. The draft will continue to be refined as review and discussion continues.

Discussion items are listed below and further described in the following sections.

1. Information on Wireless Communications Facilities.
2. Other Discussion Items.
3. Analysis and background information on Aubrey Davis Park and its zoning designation as “Public Institution.” (see Exhibit 2)
4. Mercer Island Community and Event Center

1. Wireless Communications Facilities

Recommendation: The topic of regulating wireless communications facilities in parks was raised at previous PRC meetings. Staff recommend inclusion of development standards for wireless communications facilities in the Parks Zone similar to the development standards included in the Open Space Zone. The staff also recommend including in the transmittal memo to the Planning Commission and the City Council a statement advocating for limited siting of these facilities in parks, to the extent that City authority allows.

Background: Wireless communications facilities consist of infrastructure that transmits and receives data for wireless services, such as radio and satellite antennas and cell towers. Wireless communications facilities are regulated Citywide in [MICC 19.06.040](#) (macro wireless communications facilities), [MICC 19.06.070](#) (small

wireless facilities deployment), and [MICC 19.06.075](#) (small wireless facility deployments design and concealment standards).

Local regulation of wireless communications facilities is severely constrained by an intricate set of limitations contained both within federal and state law and by regulations and orders promulgated by the Federal Communications Commission (FCC). Any changes to how the City regulates wireless communications facilities should be addressed as a separate and holistic City-wide project due to the many complexities involved with these types of communications. Any change to the City's existing regulatory scheme with respect to wireless communications facility siting will require lengthy legal review and analysis, to ensure that any such regulations do not conflict with federal law/regulations and do not create any unintended consequences, such as creation of legal nonconforming uses for existing facilities.

Follow-up from January 9:

The PRC requested additional clarification on the proposed language for wireless communications facilities in the Parks Zone (Exhibit 1) compared to the adopted language in the Open Space Zone.

The Open Space Zone was adopted by the City Council last year (see [Ordinance No. 24C-15](#)) and included references to [MICC 19.06.040](#), [MICC 19.06.070](#), and noted wireless communications facilities are "...subject to design and concealment standards as otherwise provided in the MICC."

The proposed language in the Parks Zone also provides a direct reference to [MICC 19.06.075](#), which is the chapter that regulates design and concealment standards. This additional code reference was added at the recommendation of legal counsel given that regulations in this section address minimizing the impact and visibility of wireless communications facilities. Examples include prohibiting illumination of equipment unless necessary for security reasons, requiring colors to match with surrounding structures, and requiring utilization of the smallest equipment feasible. The reference to [MICC 19.06.075](#) was omitted from the Open Space Zone development regulations, but it can be added through a code amendment at a later date.

2. Other Discussion items

The draft Parks Zone development regulations (see Exhibit 1) include draft development standards that address a range of other matters, which are summarized below. Staff are seeking feedback from the PRC on these sections of the zoning code.

- **Setbacks:** The development standard language proposed for setbacks is taken from the Open Space Zone, however, there are a few additional structures in parks that are proposed to be exempt from setbacks in the Parks Zone including bollards, kiosks, and parking areas. Staff are seeking feedback from the PRC on the draft text.
- **Signs:** The development standard language proposed for signs was tailored to address park operation needs, the PRC will need to make a recommendation on the maximum size for signs. Staff are recommending 16 to 18 sq ft. based on current park operations.
 - i. Signs in the Open Space Zone are limited to a maximum size of 10 sq. ft.
 - ii. There are many signs in parks larger than 10 sq. ft. For example, the sign in the Bike Skills Area is 12 sq. ft. and the notice board at Mercedale Park is approximately 15 sq. ft.
- **Scoreboards:** Scoreboards likely fall under the definition of a "sign" in City Code and need to be referenced in the Parks Zone since scoreboards are present at athletic fields. The PRC will need to make a recommendation on the maximum size for scoreboards and identify any other regulations they wish to implement. Staff are recommending 200 to 220 sq. ft. as the maximum allowed size.
 - i. The largest scoreboard in the park system is 20 ft. x 10 ft.

- **Kiosks:** Kiosks are present in most parks and provide important information about park use. Kiosks are also used to promote upcoming events, volunteer work parties, and other community programs. The PRC will need to make a recommendation on the maximum size and height for kiosks. Staff are recommending 22 sq. ft as the maximum size and 10 ft. as the maximum height, consistent with the Open Space Zone.
 - i. Kiosks in the Open Space Zone are limited to 15 sq. ft. and 10 ft. in height with an exception for Pioneer Park, where kiosks are limited to 22 sq. ft. and 10 ft. in height.
 - ii. The Luther Burbank Park kiosk is the same model that is located at Pioneer Park. This model of kiosk is the largest in the park system other than the Mountains to Sound kiosk at Aubrey Davis Park, which is 8 ft. 8 in. wide and 4 ft. 5 in. in height.
- **Trails:** The language for trail standards is taken from the Open Space Zone. The PRC will be asked to make a recommendation on maximum trail width. Trail width examples are provided below.

Park	Trail Location/Description	Trail Width
Mercerdale	Perimeter asphalt and concrete	5.5-6.5 ft.
Homestead	Asphalt path by tennis courts	8.5 ft.
Groveland Beach	Asphalt path, access downhill	10.5 ft.
Luther Burbank	South Shoreline gravel trail	6.5-7 ft.
Luther Burbank	Gravel path connecting playgrounds	12 ft.
Luther Burbank	Boardwalk in north wetlands area	6 ft.
Luther Burbank	Meadow trail	10-18 ft.
Luther Burbank	Outside Luther Burbank Administrative Building	16 ft.

- **Buildings:** The park building development standards section is still in progress. The intent of this section is to allow for the larger buildings in Luther Burbank Park to continue to operate in a conforming status by identifying them by name in the Parks Zone with key details included such as size and height. This is consistent with the manner in which school buildings are addressed in the Public Institution Zone. Staff are still working to gather the information to populate the table in this section and expect to have that information at the March PRC meeting.

The PRC will be asked to make a recommendation on development standards for other buildings and structures in parks, which include restrooms, maintenance buildings, batting cages, etc. This discussion may be best suited for the March PRC meeting when all of the information is available on buildings.

- **Picnic Shelters:** The development standards for picnic shelters are currently proposed at a maximum height of 16 ft. and 1,200 sq. ft. of gross floor area. Staff are seeking feedback on these proposed regulations.
 - i. There are currently only two picnic shelters in the parks system (Aubrey Davis Park and Deane’s Children’s Park), but there is high demand for these facilities. The Luther Burbank Park Master Plan calls for the addition of a picnic shelter in the future. The shelter at Deane’s Children’s Park is in poor condition and anticipated for replacement.
 - ii. The picnic shelter at Aubrey Davis Park is 15 ft. tall, 36 ft. long, and 30 ft. wide (1,080 GFA).
 - iii. As picnic shelters are replaced, there is a desire to standardize them, meaning that new shelters will likely be designed and built to match the shelter at Aubrey Davis Park.

-
- Parking: The development standards for parking were drafted to address parking design, ingress and egress, and consideration of minimum parking requirements in situations where a proposed use is expected to create demand for parking beyond existing capacity. Staff are seeking feedback from the PRC on the proposed zoning code language.

The proposed language for minimum parking requirements for parks with athletic fields was included in an earlier draft of the ordinance but removed in this version (see Exhibit 1) due to the challenges with writing "one size fits all" parking regulations. For example, some parks are adjacent to other public facilities like schools, and those parking lots could be available (through mutual agreement with the Mercer Island School District) for shared parking. In addition, some parks have ample on-street parking to support overflow, others do not. It seems that parking regulations are best approached through site-specific planning decisions that factor in park amenities, use, peak use times, and other considerations.

- Impervious Surface: The development standards for impervious service are currently proposed to prohibit a "net new" increase in impervious surfaces parks system-wide with some exclusions.
 - i. Improvements identified in an approved Master Plan are exempt. This allows for the City to undertake a public process to evaluate the addition of a new park amenity. A new spray park, for example, would introduce new impervious service, but if approved via a Master Plan process, would be allowed.
 - ii. Improvements that meet the City's ADA Transition Plan requirements are proposed to be exempt as these improvements address accessibility requirements to meet federal ADA requirements. Accessible parking is included as part of this exemption.
 - iii. Emergency access is exempt to ensure that emergency responders have suitable access to respond to emergencies in parks.
 - iv. Public trails are excluded because any trail that has surfacing other than natural soil is considered impervious. Please note, trail width is proposed to be regulated in the "Trail Standards" section of the development standards.
 - v. Synthetic turf fields are excluded because they are artificial surfaces that contain synthetic, non-living elements. If synthetic turf fields are not exempted, the City will be unable to upgrade existing fields to synthetic turf as it has done in the past. Conversion of natural grass fields to synthetic turf fields increases field capacity and is a long-term strategy to address athletic field demands.
 - vi. Utilities are excluded because they are vital facilities that require impervious surfaces in their construction to operate effectively and efficiently. Many parks have water, sewer, drainage, and other utility systems that are installed in parks out of necessity.
- General Outdoor Lighting: The development standards for general outdoor lighting are currently proposed to minimize glare, sky glow, and light trespass onto neighboring properties. This section includes shielding and installation requirements as well as a number of exemptions for lighting that serves specific purposes or is required by state or federal law.
- Lighting for Outdoor Performance, Sport and Recreation Facilities, and Play Fields: The development standards for this section are currently proposed to meet the standards of the Illuminating Engineering Society of North America (IESNA), minimize illumination of surrounding areas, and require that lights be turned off when not in use.

3. Follow-up on Aubrey Davis Park Zoning Discussion

Staff and the PRC have held several discussions about Aubrey Davis Park and the applicable zoning. To reduce the length of this staff report, the background information on the formation of Aubrey Davis Park is included in Exhibit 2.

Recommendation: Aubrey Davis Park should remain in the Public Institution Zone.

The City is unable to impose Parks Zone development regulations on WSDOT ROW, including Aubrey Davis Park due to the current lease terms and WSDOT's preemptive authority over the state highway system. The City remains committed to maintaining a strong, collaborative relationship with WSDOT in managing the I-90 right-of-way and Aubrey Davis Park operations. This partnership is supported by a series of turnback agreements, leases, and, more recently, the **Aubrey Davis Park Master Plan**, all negotiated in good faith by both parties. A unilateral decision by the City to rezone the I-90 corridor would contradict this cooperative approach and could affect future negotiations regarding turnback agreements and leases. The update and renewal of these agreements are included in the City's 10-year work plan.

If the PRC is supportive of the staff recommendation, the PRC is encouraged to identify issues, concerns, and opportunities to be addressed in the updates and renegotiation of the existing agreements. These recommendations should be included in the hand-off memo to the Planning Commission and the City Council.

4. Mercer Island Community and Events Center (MICEC)

After the January 9 PRC meeting, a commissioner requested to have a conversation about the zoning of Mercer Island Community and Events Center (MICEC). The current zoning of MICEC is R-15.

The MICEC is a 42,755 square foot two-story facility that serves as a venue for special events of all types and sizes. The facility includes a full gymnasium, game room, dance room, fitness room, meeting rooms, catering kitchen, terrace, landing, lawn, art installations, annex facility, emergency generator, and over 220 parking spaces. In addition, the MICEC serves the following functions:

- Recreational and nonrecreational programs, activities, and events.
- Emergency Operations Center, shelter, and warming/cooling center.
- City Council, Board, and Commission meetings.
- Leased space for childcare services.
- City-wide meeting and office space.

Recommendation: Staff do not recommend including MICEC in the Parks Zone. The zoning study for the MICEC is planned for review as part of a larger project to evaluate zoning of City-owned facilities. This work will begin this year with review of the zoning on the back parcel of the City Hall Campus.

NEXT STEPS

PRC Meeting Schedule

The PRC will continue to provide input on the draft Parks Zone development regulations over the course of the next two 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, March 6, 2025

- Follow-up on discussion topics from the February 6 PRC meeting.
- Review Draft Parks Zone: full code review (continued).
- Test Fit Analysis – Review applicability of Draft Parks Zone to existing parks, identify non-conforming issues and discuss potential resolution.
- Revisions to Draft Parks Zone as necessary.
- Review first draft of hand-off memo to PC.

Thursday, April 3, 2025

- Finalize All Materials.
- Discussion: Next Steps (hand-off to PC, legislative review process, timeline of the Comprehensive Plan annual update and code amendment).

RECOMMENDED ACTION

Review and provide feedback on the draft Parks Zone development regulations.