



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

**AB 6558
November 4, 2024
Consent Agenda**

AGENDA BILL INFORMATION

TITLE:	AB 6558: Second Reading of Ordinance No. 24C-15 Open Space Zone Code Amendment	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Adopt Ordinance No. 24C-15 establishing the Open Space Zone and the associated development regulations.	

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
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 conduct the second reading and adoption of 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, effective December 31, 2024. Ordinance No. 24C-15 contains the amendments approved by the City Council at the October 15, 2024, City Council meeting.

- 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. Staff collaborated with the Parks and Recreation Commission (PRC), Open Space Conservancy Trust (OSCT) Board, and Planning Commission (PC) to develop the proposed zone.
- 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.

BACKGROUND

The scope of work for the 2024 Comprehensive Plan periodic review, adopted by the City Council in 2022, included creation of a new Parks Zone. The PRC 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 and OSCT Board held several joint meetings to provide input on the proposed Open Space Zone and the associated development regulations, including amendments to Title 19 MICC, the Zoning Map, and the Comprehensive Plan Land Use Map.

At the May 8, 2024 PC meeting, the PRC and OSCT Chairs presented the [PRC/OSCT recommendations](#) and the draft development regulations, Zoning map, and Land Use Map to the PC ([PCB 24-09](#)).

At the May 15, 2024 PC meeting, the PC reviewed the draft development regulations, Zoning Map, and Land Use Map ([PCB 24-10](#)). The PC approved a recommendation on the draft Land Use Map which 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 code amendments ([PCB 24-17](#)) and approved a recommendation to the City Council. The City Council reviewed the PC recommendation at the October 15 City Council meeting, conducted the first reading of Ordinance 24C-15 ([AB 6551](#)), and approved two amendments to the ordinance.

ISSUE/DISCUSSION

Ordinance No. 24C-15

If approved, Ordinance No. 24C-15 (Exhibit 1) will implement the Open Space Zone, effective December 31, 2024, 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.

Ordinance Amendments

The City Council approved two amendments to the proposed definitions at the October 15, 2024, City Council meeting. These amendments have been incorporated into Ordinance No. 24C-15 (Exhibit 1) in addition to small changes to finalize the Zoning Map.

- Revisions to the following definitions in MICC 19.16.010:
 - *Passive Recreational Uses*. Passive recreational uses have a low impact on the natural and built environment, ~~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.~~

- *Trail*. An off-street path for passive recreational uses. Trails may include structural components such as boardwalks, bridges, and stairs.
- Revisions to the Zoning Map in MICC Chapter 19 Appendix D:
 - “(Proposed)” removed from the title.
 - “Amended: Ord 24C-15” added to the list of amendments on the bottom left.
 - Additional labels added to existing zones for clarity.

RECOMMENDED ACTION

Adopt Ordinance No. 24C-15 establishing the Open Space Zone and the associated development regulations with an effective date of December 31, 2024.