



**PARKS AND RECREATION COMMISSION  
CITY OF MERCER ISLAND, WASHINGTON**

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DATE: **TBD**

TO: Planning Commission

FROM: Parks and Recreation Commission

Peter Struck, Chair

Paul Burstein, Vice Chair

Sara Marxen

Jodi McCarthy

Rory Westberg

Don Cohen

Ashley Hay

With Councilmember Reynolds attending as Council Liaison to the PRC.

SUBJECT: Draft Parks Zone Development Regulations and Zoning Map

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### Introduction

The Parks and Recreation Commission (PRC) is pleased to submit drafts of the Parks Zone development regulations and Zoning Map to the Planning Commission (PC) for consideration during the legislative review process. The Parks Zone is a proposed new zone that will establish specific land use regulations for most of the City's parks with the goal of preserving and maintaining parks on Mercer Island. This recommendation was prepared in alignment with the goals and objectives in the Parks, Recreation, and Open Space (PROS) Plan.

### Background

The City Council directed staff to develop a new Parks Zone to be included as part of the 2024 Comprehensive Plan Periodic Update. A preliminary Parks Zone draft was presented to the PRC and PC in January 2024. After receiving feedback from the commissions and the community, the City Manager directed staff to pause the legislative review process and return to the PRC for further discussion and review.

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 City-owned public park properties. The PRC, Open Space Conservancy Trust (OSCT) Board, and PC worked with staff to develop the Open Space Zone development regulations adopted alongside the 2024 Comprehensive Plan Periodic Update. The Open Space Zone was adopted by the City Council with [Ordinance No. 24C-15](#).

The PRC began developing the draft Parks Zone development regulations in November 2024 and finalized a recommendation at the **[TBD]** PRC meeting. A summary of the Parks Zone and the PRC's recommendations are provided below.

## **What is the proposed Parks Zone?**

The Parks Zone is a proposed new zoning code that will establish land use regulations for most City-owned and managed parks and ensure the land is managed in a manner appropriate for such properties, consistent with the PROS Plan, City code, master plans, forest management plans, and similar documents. The City stewards approximately 138 acres of park land that is proposed to be included in the Parks Zone.

## **Draft Parks Zone Development Regulations (Sections A-E)**

The Mercer Island Development Code ([MICC Title 19](#)) classifies land within the City into various zones and establishes development regulations for each zone. Each zoning district has its own development regulations that specify the permitted uses and development standards in the zone. A summary of the PRC's proposed draft of the Parks Zone development regulations is provided below.

### **Purpose (Section A)**

The proposed purpose statement of the Parks Zone is to preserve and maintain parks which provide green space and recreational, social, and conservation opportunities.

### **Designation Requirements (Section B)**

The designation requirements of a zone describe the criteria the land must meet to be included in the zone. The proposed Parks Zone designation requirements specify that land in the Parks Zone must be owned, leased, or managed by the City of Mercer Island and fulfill the purpose of the Parks Zone. This language is consistent with the designation requirements of the Open Space Zone.

### **Uses Permitted (Section C)**

The proposed permitted uses in the Parks Zone include recreational uses, recreational facilities, recreational amenities, park maintenance facilities, the Luther Burbank Administrative Building, Boiler Building, and Caretakers House, public art, trails, habitat restoration and enhancement, parking, temporary uses and structures, wireless communications facilities, and utilities. The permitted uses are summarized below.

#### Recreational Uses

Recreational uses include uses related to entertainment, athletics, ecology, and leisure. This recommendation is in alignment with the following PROS Plan Goal:

- Goal 5: Provide a variety of recreation programs, services, and facilities that promote the health and well-being of residents of all ages and abilities.

#### Recreational Facilities

Recreational facilities and recreational amenities are proposed to include developments that are specifically provided for recreational uses or to supplement recreational uses. Examples of recreational facilities include athletic fields, sport courts, and playgrounds. Examples of recreational amenities include picnic tables, benches, and barbecues. This recommendation is in alignment with the following PROS Plan Objective:

- Objective 2.5: Provide amenities at parks, trails, open space areas, and facilities where appropriate and when feasible to improve the user experience and access.

#### Park Maintenance Facilities

Park maintenance facilities are proposed as a permitted use and encompass structures that serve purposes related to park maintenance, operations, and storage. Examples include buildings and sheds. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 2.1: Maintain all parks and facilities in a manner that keeps them in a safe and attractive condition.

### Luther Burbank Buildings

The Luther Burbank Administrative Building, Boiler Building, and Caretakers House are specified in the list of permitted uses because they are unique and serve City government purposes broader than just parks and recreation. The intent is to allow these buildings to continue to operate and serve their existing City government uses without being rendered nonconforming by the Parks Zone development regulations.

### Public Art

Public art is proposed as a permitted use and includes art installations in public spaces for the purpose of community enjoyment and enrichment. Public art includes examples such as sculptures and murals. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 6.2: Support the priorities of the Mercer Island Arts Council and the goals and initiatives of the Comprehensive Arts & Culture Plan.
- Objective 6.3: Identify and implement opportunities for integrating arts and culture into parks and open space, including, where feasible and appropriate, through permanent and temporary public art installations, arts performance and events, interpretive strategies, and other dynamic expressions. Collaborate with diverse groups to ensure incorporation of art in public space occurs through a lens of diversity, equity, and inclusion.

### Trails

Trails are proposed as a permitted use and include off-street paths for passive recreational uses. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 4.1: Develop and implement a trail system hierarchy to accommodate different user types and experiences.

### Habitat Restoration and Enhancement

Habitat restoration and enhancement is proposed as a permitted use for the purpose of rehabilitating and restoring park land. Examples of typical habitat restoration work include planting of native plant species, eradication of invasive plant species, and removal of toxic substances from soil and water. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 3.1: Preserve and protect open space and park land areas with significant environmental features such as wetlands, forests, steep slopes, and plant and animal habitats from development impacts.
- Objective 3.6: Actively work to improve the condition of City-owned parks, trails, and open space areas through invasive species removal, planting of native species, and restoration of urban forests, creeks, wetlands, and other habitat areas. Anticipate climate trends and foster climate-resilient landscapes in parks and open space. Seek opportunities for community education on invasive species and their safe removal to help reduce their spread on Mercer Island. Maintain an Integrated Pest Management Program that maximizes ecological benefits while minimizing environmental, social, and economic impacts.

### Parking

Parking is proposed as a permitted use in the Parks Zone. Adequate parking capacity throughout the park system is necessary to accommodate a variety of park uses and maintain park accessibility. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 1.6: Design and maintain parks and facilities to offer universal accessibility for residents of all physical capabilities, skill levels, and ages as appropriate and in compliance with the Americans with Disabilities Act (ADA) Standards for Accessible Design. Seek opportunities to eliminate barriers at existing facilities and address goals identified in the Citywide ADA Transition Plan.

### Temporary Uses and Structures

Temporary uses and structures are proposed as a permitted use to address construction projects that require short-term staging. Short-term uses may also include small group recreational, restoration, or stewardship events. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 3.14: Continue to facilitate volunteer programs that enhance park improvement and restoration efforts, promote environmental education, support ongoing maintenance efforts, and engage the community in stewardship opportunities.
- Objective 8.9: Promote volunteerism to involve individuals, groups, organizations, and businesses in the development and stewardship of the park and recreation system.

### Wireless Communications Facilities

Wireless communication facilities will be allowed only as otherwise permitted in the MICC. This item was identified as a future work item for City Council consideration, which is further described in the “recommendations” section.

### Utilities

Utilities are included as a permitted use. Parks are not typically preferred locations for utilities, however, many of the City’s parks have utility facilities because feasible alternative locations for utilities are unavailable. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 3.11: Design and restore parks, trails, and open space to naturally capture and filter stormwater to improve water quality, increase water infiltration and recharge, and promote a healthy watershed and lake environment. Where feasible, coordinate park, trail, and open space projects with stormwater and utility projects for efficiency and to reduce environmental impacts.

### **Development Standards (Section D)**

The Parks Zone development standards establish regulations for improvement projects that occur on park land such as construction or rehabilitation of recreational facilities, amenities, trails, and other infrastructure. The proposed Parks Zone development standards are summarized in the sections below.

### Setbacks

The development regulations include proposed 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, OS, TC, PBZ, CO, or B. This language provides for setback protection focused on residential areas. Fences, gates, culverts, trails, landscaping, furnishings, bollards, signs, kiosks, parking areas, and utilities are proposed to be exempt from setback requirements.

### Signs, Scoreboards, and Kiosks

Signs are subject to the regulations in [MICC 19.12.080](#) with a few proposed exceptions. Signs are limited to 16 square feet of surface area, externally lit signs are prohibited except for park entry signs and signs required for public health, safety, or maintenance purposes, and natural colors are required unless necessary for public health, safety, or maintenance purposes. Scoreboards are limited to 250 square feet of surface area. Electronic and externally lit scoreboards are permitted. Kiosks are permitted and limited to 22 square feet of surface area and ten feet in height. Surface area is measured as the portion of the kiosk used for providing information.

### Trail Standards

The proposed trail standards in the Parks Zone are limited to regulating trail width, with the maximum trail width set at 12 feet. Based on staff input and recommendations, trail standards vary considerably based on the characteristics of the park (i.e. specific recreational or habitat needs) and therefore it is not possible to include more detailed trail standards in the development regulations without eliminating the flexibility needed to design

trails. Additional details on trail standards are provided in park master plans and may also be included in system-wide trail plans.

### Buildings

Building standards are proposed to establish all existing buildings in the Parks Zone as legally conforming and not subject to the standards for new buildings. Uses established in existing buildings prior to adoption of the Parks Zone, including uses not otherwise permitted in the Parks Zone, are proposed to be allowed to continue. This provision will allow the City government uses of the Luther Burbank Administrative Building, Boiler Building, and Caretakers house to continue.

New buildings in the Parks Zone are proposed to be categorized into the following types: restrooms, park maintenance facilities, recreation facilities, and multipurpose facilities. Restrooms, park maintenance facilities, and recreation facilities are proposed to be limited to 500 square feet in gross floor area. Multipurpose facilities, which combine two or more uses, are proposed to be limited to 3,500 square feet in gross floor area. For reference, the multipurpose building at Island Crest Park is just under 3,500 square feet. Picnic Shelters are proposed to be limited to 1,200 square feet in gross floor area and 16 feet in height.

### Parking

Parking areas in the Parks Zone are subject to the parking design standards in the City's development code. The parking standards are proposed to address ingress and egress in the interest of traffic control, public safety, and general welfare of park users. Parking proposals must demonstrate that the number of parking spaces proposed will accommodate the projected parking created by the proposed use.

### Impervious Surface

No net new impervious surface in the parks system is permitted unless it has been included in an adopted Park Master Plan (or similar planning document that includes a public process and City Council approval), the City of Mercer Island Americans with Disabilities Act (ADA) Plan, or specifically exempted. If the City acquires new park land, a separate process is proposed to determine the amenities and impervious surface coverage of the new park land. Proposed exemptions from the impervious surface standard include emergency vehicle lanes, ADA parking, public trails, playgrounds, synthetic turf athletic fields, small park amenities such as benches and picnic tables, emergency construction and maintenance, and utilities.

### Lighting

Lighting standards are proposed to minimize glare, sky glow, and light trespass onto neighboring properties, and require shielding of light fixtures with a few exemptions for specific types of lighting. In addition, specific lighting standards for outdoor performance, sport and recreation facilities, and play fields are proposed to meet the Illuminating Engineering Society of North America's (IESNA) published standards, specific shielding and angling requirements, and require that lights remain off when not in use.

### **Definitions (Section E)**

Definitions for key terms in the Mercer Island Unified Land Development Code are provided in [MICC 19.16.010](#). The proposed new definitions for key terms used in the Parks Zone are provided in the draft Parks Zone development regulations. The terms include athletic field, community garden, furnishings, light trespass, multipurpose facility, park, park maintenance, park maintenance facilities, playground, public art, recreational amenities, recreational facilities, recreational uses, and restroom.

## **Draft Zoning Map**

The Zoning Map in [MICC Title 19 Appendix D](#) shows how land within the City is divided into zones with specific uses. The new draft Zoning Map includes the proposed Parks Zone and the park properties that are recommended for inclusion in the new zone including Bicentennial Park, Clarke Beach Park, Deane's Children's Park, First Hill Park, Groveland Beach Park, Homestead Park, Island Crest Park, Luther Burbank Park, Mercedale Park, Roanoke Park, Rotary Park, SE 28th Street Mini Park, Secret Park, Slater Park, and Wildwood Park.

The properties that were considered but are not recommended for inclusion in the Parks Zone are summarized below.

### Aubrey Davis Park

Aubrey Davis Park was considered for inclusion in the Parks Zone. However, Aubrey Davis Park is owned by the Washington State Department of Transportation (WSDOT) and located in I-90 right-of-way (ROW). The City does not have the authority to impose development regulations on I-90 ROW due to WSDOT's preemptive authority over the state highway system. The I-90 ROW is zoned Public Institution, which does not include any development regulations that apply to I-90 ROW. Land is zoned based on its primary use, which in this case is transportation. With these considerations in mind, the Public Institution Zone is a suitable zone for the I-90 corridor.

The City's use of Aubrey Davis Park is regulated by several turnback agreements and airspace leases between WSDOT and the City, some of which are nearing their sunset date. Additionally, the [Aubrey Davis Park Master Plan](#) provides a long-term plan for park amenities and operations. The agreements and park master plan are the result of collaborative efforts between WSDOT and the City. A unilateral decision by the City to rezone the I-90 corridor may contradict this collaborative approach and may affect future negotiations regarding turnback agreements and airspace leases. For these reasons, Aubrey Davis Park is not recommended for inclusion in the Parks Zone. A recommendation to prioritize renegotiation of the agreements with WSDOT is provided in the "additional recommendations" section below.

### Landings and Street Ends

The landings and street ends are properties located in ROW areas that have a primary purpose of utilities and a secondary purpose of passive recreation. The landings and street ends have vital utility facilities that are part of the water, wastewater, and stormwater systems that serve Mercer Island. The PRC considered the landings and street ends for inclusion in the Parks Zone. However, it is a best practice to zone land based on its primary use, and the primary use of landings and street ends is utilities. Application of Parks Zone development regulations to landings and street ends may restrict the ability of staff and utility agencies to operate, maintain, and upgrade utility infrastructure on these properties. For these reasons, the landings and street ends are not recommended for inclusion in the Parks Zone.

### Mercer Island Community and Event Center (MICEC)

The MICEC serves a variety of recreational and non-recreational programs, activities, and events. The MICEC serves as the home of the City's emergency operations center, emergency shelter, and emergency warming and cooling center, and provides a physical location for City Council, Board, and Commission meetings. The facility also provides citywide office and meeting space and leased space for childcare services. The MICEC is not recommended for inclusion in the Parks Zone because it is a large multi-purpose facility that serves many City government uses in addition to recreation.

### **Additional Recommendations**

The PRC identified several additional recommendations for consideration by the City Council:

- The PRC is interested in exploring new opportunities for collaboration with the Arts Council and being involved in the review process for public art installations in parks. The PRC understands public art falls under the authority of the Arts Council and City Council, but would appreciate opportunities to provide input on new public art installations in the park system.
- The City Council should consider a subdivision of Island Crest Park, separating the forested and critical areas (e.g. Open Space areas) from the active use areas of the park. Upon completion of the subdivision, the Open Space areas of Island Crest Park should be re-zoned as Open Space.
- Similar to the Open Space Zone, siting of wireless communications facilities in parks should be limited to the extent allowed in the MICC.
- The WSDOT airspace leases that regulate the City's use of Aubrey Davis Park will expire in 2034. The City should prioritize renegotiation of these agreements with WSDOT and any other governing documents to preserve Aubrey Davis Park for years to come.

### **Conclusion**

Parks increase the quality of life on Mercer Island by preserving green spaces and providing recreational, social, and conservation opportunities. The City's parks warrant special zoning protections consistent with the proposed purpose of the Parks Zone and the goals and objectives identified in the PROS Plan. The PRC supports the proposed draft of the Parks Zone and looks forward to further discussion with the Planning Commission.