



PARKS & RECREATION COMMISSION CITY OF MERCER ISLAND

PRC 24-03
March 7, 2024
Regular Business

AGENDA BILL INFORMATION

TITLE:	PRC 24-001: Parks Zone Discussion	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Recommendation
RECOMMENDED ACTION:	None; discussion only.	

STAFF:	Jessi Bon, City Manager Carson Hornsby, Management Analyst Ryan Daly, Recreation Manager Merrill Thomas-Schadt, Senior Management Analyst	
EXHIBITS:	1. Inventory of City Parks 2. Zoning Map 3. Parks Zone Commissioner Comment Matrix 4. Parks Zone Commissioner Q/A Matrix	

EXECUTIVE SUMMARY

- The City of Mercer Island is updating its Comprehensive Plan as part of the periodic review required by the Washington Growth Management Act (GMA). The City Council added the creation of a new Parks Zone to the 2024 Comprehensive Plan Periodic Update scope of work with Resolution No. 1621.
- A preliminary draft of the new Parks Zone was presented to the Parks and Recreation Commission on January 4, 2024, and to the Planning Commission on January 24, 2024.
- After receiving extensive feedback from both commissions and the community, the City Manager has directed staff to pause the legislative review process and return the draft Parks Zone to the Parks and Recreation Commission for review, comment, and revision.
- The goals of tonight’s meeting are to review questions on the project, establish the framework to re-approach the creation of the Parks Zone, identify areas requiring more research and follow-up, and discuss key issues, areas of consensus, and public engagement opportunities.
- The Parks and Recreation Commission will help shape the Parks Zone draft and provide a recommendation to the Planning Commission and the City Council.
- The Parks Zone project is still intended to be completed this year and included as part of the 2024 Comprehensive Plan update as directed by the City Council.

BACKGROUND

PROS Plan Background

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. As directed by the City Council in September 2019, City staff, in collaboration with the Parks & Recreation Commission, began the process of updating the PROS Plan. The prior PROS Plan expired in 2019 and the decision was made to undertake a wholesale rewrite of the plan. Work was suspended on the PROS Plan update in April 2020 due to the COVID-19 Pandemic and then resumed at the end of 2020.

After nearly three years of work, the City Council adopted the new [Parks, Recreation and Open Space \(PROS\) Plan](#) on March 1, 2022.

PROS Plan Community Engagement

The Parks & Recreation Commission served as the lead advisory board on the PROS Plan update process with support provided by the Arts Council and the Open Space Conservancy Trust. The 2022 PROS Plan included an extensive community engagement process, some of the highlights are summarized below:

- Two statistically significant mail-in surveys were sent to Mercer Island residents with concurrent versions available to the public online (February 2020 and August 2021).
- Two virtual open houses were held that included project presentations, live polling, and facilitated discussions in breakout groups (March 2021 and September 2021).
- A project webpage was maintained throughout the planning process to provide access to key dates and milestones, background data, and draft materials.
- Numerous meetings of the Parks & Recreation Commission, Arts Council, and the Open Space Conservancy Trust Board were held, dedicated to the development of the PROS Plan.

PROS Plan Guiding Policies Related to Park Preservation

Listed below are some of the 2022 PROS Plan objectives related to stewardship of public park land and open space areas:

- Objective 1.1 (see page 20): Retain publicly owned parks and open spaces in perpetuity. Actively pursue options to permanently protect parks and open space through conservation easements, zoning changes, or other strategies. Evaluate the transfer of some or all open space to the Open Space Conservancy Trust
- Objective 1.4 (see page 20): Identify and prioritize the need for master plans to guide all significant park development projects, achieve cohesive designs, and ensure project phasing is efficient and in alignment with community needs and priorities. Utilize management plans or other adopted strategies to guide the stewardship and maintenance of parks, open space, and trails.
- Objective 1.8 (see page 20): Pursue and implement strategies to maximize use of existing park and recreation assets.
- Objective 3.1 (see page 23): 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 3.5 (see page 23): Continue to support the Open Space Conservancy Trust and the planning, development, and management of Pioneer Park and Engstrom Open Space. Promote Pioneer Park as a demonstration site for best practices in forest management and environmental education.
- Objective 3.12 (see page 24): Steward waterfront and shoreline properties with the goal of protecting and enhancing critical shoreline habitat while preserving safe water access for recreational use.

Taken together, all the goals and objectives included in Chapter 4 of the PROS Plan serve as the policy framework for the provision of parks and recreation services in Mercer Island. Development of master plans, policies, codes, and other work products should align with this policy framework.

2024 Comprehensive Plan Update

The City of Mercer Island is currently in the process of updating its Comprehensive Plan as part of the periodic review required by the Washington Growth Management Act (GMA). The City Council added creation of a new Parks Zone to the 2024 Comprehensive Plan Periodic Update scope of work with [Resolution No. 1621](#).

In addition, City Staff are recommending that the 2022 PROS Plan be incorporated into the 2024 Comprehensive Plan substantially by reference through the adoption of a Parks, Recreation, and Open Space Element, see City Council approved [Resolution No. 1621](#), Subtask Number PRO-1.

The 2024 Comprehensive Plan Update, including the new Parks Zone and the Parks, Recreation, and Open Space Element, is expected to be adopted before the GMA deadline at the end of 2024.

New Parks Zone

The Parks Zone would be a new zoning classification in the City. This zone would establish specific land use regulations for development within the zone. The intent of regulating land use in these designated parks is to ensure that parks are developed and operated in a manner consistent with City plans, including the Parks, Recreation, and Open Space (PROS) Plan, and City code.

The proposed Parks Zone development regulations would perform several important functions. The Parks Zone purpose would articulate why the zone is being established. The zoning designation criteria would determine what conditions are required for land to be included within the Parks Zone. The land use regulations would detail which uses are allowed within the Parks Zone. Development standards would guide development within the parks zone. Finally, definitions will describe the key terms used in the zoning regulations.

See the Inventory of City Parks (Exhibit 1) and the Zoning Map (Exhibit 2) for more information about park properties and boundaries.

Zoning Code and Legislative Review Process

Zoning is a method in which land is divided into “zones,” each of which has a set of regulations describing allowable uses. For Mercer Island, specific zones are established in [Title 19.01.040 Mercer Island City Code \(MICC\)](#). Any amendment of Title 19 MICC must proceed through the legislative process established in [Chapter 19.15 MICC](#). This means that the legislative review, gathering of public input, and making a recommendation to the City Council regarding the parks zone follows a formal process facilitated by the Planning Commission.

The legislative process outlined in Chapter 19.15 MICC directs the following steps:

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

City Manager Pausing Planning Commission Legislative Review Process

A preliminary draft of the Parks Zone was presented to the Parks and Recreation Commission on [January 4, 2024](#), and to the Planning Commission on [January 24, 2024](#).

After receiving extensive feedback from both commissions and the community, the City Manager directed staff to pause the legislative review process and return the draft Parks Zone to the Parks and Recreation Commission for review, comment, and revision. A Joint Meeting was held with the Parks and Recreation Commission and the Planning Commission on [February 8, 2024](#) to discuss the change in direction.

Aubrey Davis Park, I-90 Right of Way, and the Public Institution Zone

Aubrey Davis Park (formerly "The Lid Park") was built in 1992 to mitigate impacts from reconstruction of Interstate 90. Today, it encompasses 90+ acres and a 2.8-mile long recreation and transportation corridor. The park includes the Park on the Lid, the Mountains to Sound Trail, the Boat Launch, and the Greta Hackett Outdoor Sculpture Gallery.

Aubrey Davis Park is extremely unique in comparison to Mercer Island's other parks because it is located within airspace of I-90 right of way owned by the Washington State Department of Transportation (WSDOT). The City of Mercer Island and WSDOT executed a series of turnback and landscape maintenance agreements in the late 1980s to permit the construction and use of recreational facilities within WSDOT right of way and transfer maintenance responsibilities of the premises, including Aubrey Davis Park, over to the City. As a result of the turnback agreements, WSDOT and the City executed airspace leases of I-90 right of way with a 40-year term in the early 1990s to permit specific uses of the lid and the east channel boat launch. The permitted uses of the premises under these agreements include landscaping and maintenance, approved concessions, special events, waterfront access, and use of sports and recreation facilities.

The I-90 corridor, which includes Aubrey Davis Park, is currently zoned as "Public Institution" ([MICC 19.05.010](#)). The Public Institution land use classification is a special purpose zone that permits land use for government services, public schools, public parks, transit facilities, hazardous waste treatment and storage facilities, and wireless communications facilities. The current I-90 corridor was unclassified in the zoning code until 1987, when the City zoned the land as Public Institution with a series of ordinances amending the comprehensive plan and zoning code shortly before the construction of the "new" I-90.

The City must comply with the numerous prior agreements with WSDOT memorialized within the turnback and landscape maintenance agreements and airspace leases with WSDOT that permit the City to maintain Aubrey Davis Park and other recreational facilities within WSDOT right of way. Considering the complex overlay of the various agreements between WSDOT and the City governing the use and maintenance of Aubrey Davis Park, it is not desirable to include Aubrey Davis Park within the Parks Zone.

Telecommunications Code and Infrastructure

In previous discussions of the proposed Parks Zone, concerns were raised regarding limiting or restricting the use of parks from housing wireless communication facilities (such as antennas). As an initial matter, regulation of such facilities is addressed City wide within [MICC 19.06.040](#) for macro wireless facilities and [MICC 19.06.070](#) for small wireless facilities. Local zoning regulation of wireless communication 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 Mercer Island regulates wireless communications facilities should be addressed as a separate and holistic City-wide project, due to the many complexities involved with regulating wireless communications facilities. Any change to the City's existing regulatory scheme with respect to wireless facility siting will require lengthy legal review and analysis, to ensure both 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.

Codes and Regulations that Apply to City Parks

In addition to the zoning and telecommunications codes, there are several other City-wide codes and regulations that apply to parks. These codes and regulations are important to note in order to avoid creating conflicts with other codes or duplicating regulations within the new Parks Zone. A summary of the codes and regulations that apply to parks is listed below:

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- [Stormwater Management Program \(MICC 15.09\)](#): Establishes regulations for the City’s surface and storm water management system including outlining responsibilities for planning; requirements for new development and redevelopment; design, construction, maintenance, administration, operation, and improvement of the storm and surface water system; as well as establishing standards for design, construction, and maintenance of improvements and related activities on public and private property where these may affect storm and surface water and/or water quality.
 - [Tree Code \(MICC 19.10\)](#): Establishes building and site design standards and procedures, a tree removal permit system, and a tree replacement requirement to regulate tree removal and prioritize the retention of trees on Mercer Island.
 - [Shoreline Master Program \(MICC 19.13\)](#): Establishes land-use policies and regulations that guide uses, activities, and development along the shoreline of the City. The program achieves Washington State mandates outlined in [RCW 90.58](#) and adopts property development standards within the shorelands to protect the health, safety, welfare, values, and property interests of the city of Mercer Island and its residents.
 - [Construction Code \(MICC 17.01\)](#): Establishes minimum performance standards and requirements for construction and construction materials, consistent with accepted modern standards of engineering, fire, and life safety.
 - [Environment \(Critical Areas Code\) \(MICC 19.07\)](#): Establishes regulations to implement goals of the Growth Management Act, maintain critical areas and enhance the quality of habitat to support the sustenance of native plants and animals, maintain and improve the ecological health of wetlands and watercourses, protect fish and wildlife habitat conservation areas, and minimize negative impacts from the built environment.

Feedback and Engagement

City staff have compiled comments and questions from Planning Commission and Parks and Recreation Commission members (see Exhibits 3 and 4). Staff have provided responses to questions and will keep comments and feedback on record for reference. These documents are intended to be “living documents,” with questions and responses added and shared during the draft and review process.

The City is maintaining a [Let’s Talk page](#) to provide background information, project materials including draft documents, maps and other visuals, and a clear timeline of the process. This page is a resource for the public to ask questions and for City staff to provide answers. The Let’s Talk page will be maintained for the duration of the project. Community members are invited to provide public comment at Parks and Recreation Commission meetings either virtually or in person at the MICEC.

Open Space Conservancy Trust

The Mercer Island Open Space Conservancy Trust (OSCT) is a board of volunteer citizens appointed by the City Council to oversee open space properties placed in the trust as passive, low-impact recreational open space. The OSCT, which was established in 1992, manages open space properties to protect, maintain, and preserve them as natural, scenic, and recreational resources. Currently the Trust owns and oversees the management of Pioneer Park and Engstrom Open Space.

Two members of the OSCT will participate in the PRC Parks Zone deliberation process. This team-oriented approach will allow the PRC to draw upon the knowledge and expertise of the OSCT regarding open space properties and incorporate their feedback into the recommendation to the Planning Commission.

ISSUE/DISCUSSION

The goal for tonight's meeting is to share background information, review questions on the project to date, and establish the framework to re-approach the creation of the Parks Zone. City staff will lead a discussion about key issues, identify areas of consensus and topics requiring more research and follow-up, and discuss public engagement opportunities.

Suggested topics to facilitate the PRC discussion:

- Review background information and address questions the PRC has about the materials presented.
- Review staff report exhibits:
 - Inventory of City Parks (Exhibit 1): information about each park including name, address, PROS Plan classification, ownership, current zoning, primary purpose, and notes.
 - Comprehensive Plan Land Use Map (Exhibit 2): boundaries and zoning of all parks.
 - Commissioner Comment Matrix (Exhibit 3): record of commissioner comments.
 - Commissioner Q/A Matrix (Exhibit 4): staff responses to commissioner questions.
- Review the components of a zoning code and discuss the preferred approach to developing each component:
 - Purpose Statement
 - Conditions required for land to be included within the zone
 - Regulations that detail which uses are allowed within the zone
 - Development standards to guide development within the zone
 - Definitions that describe the key terms used in the zoning regulations
- Discuss community outreach opportunities.
- Review and discuss objectives for the March 21, 2024 PRC meeting.

NEXT STEPS

The Parks Zone project is intended to be completed this year and included as part of the 2024 Comprehensive Plan update as directed by the City Council. The preliminary calendar for the PRC review of the Parks Zone is as follows, and is subject to change based on PRC feedback:

- PRC Meeting – March 21: Deliberate and review the revised draft of the Parks Zone code and identify areas of consensus and items needing further research and revision.
- PRC Meeting – April 4: Deliberate and review the revised draft of the Parks Zone code.
- PRC Meeting – April 18: Finalize PRC recommendation and memo to the Planning Commission.
- PRC Meeting – May 2: Meeting reserved for follow-up work if necessary.
- PRC/PC Joint Meeting – May 8: PRC will present their recommended draft of the Parks Zone code to the Planning Commission.

Staff will engage with the Chairs of the Parks and Recreation Commission and the Planning Commission over the next several months and will adjust the schedule as needed.

RECOMMENDED ACTION

None; discussion only.