



PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 24-17
September 25, 2024
Public Hearing

AGENDA BILL INFORMATION

TITLE:	PCB 24-17: Public Hearing: Recommendation on Open Space Zone Code Amendment	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Recommendation
RECOMMENDED ACTION:	Approve the recommendation regarding the Open Space Zone amendment to the MICC and Zoning Map.	

STAFF:	Alison Van Gorp, Deputy CPD Director Carson Hornsby, Management Analyst II
EXHIBITS:	1. Draft Open Space Development Regulations 2. Draft Zoning Map

EXECUTIVE SUMMARY

- Creation of a new Parks Zone was added to the 2024 Comprehensive Plan periodic review scope of work by the City Council in 2022. This 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 Open Space Zone was developed first to be included in the 2024 Comprehensive Plan Periodic Update. The Washington State Growth Management Act (GMA) requires cities in King County to complete a periodic review of their comprehensive plans by December 31, 2024.
- The Open Space Zone is a proposed new zone that 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.
- Creation of a new zone requires amendments to [Title 19 Mercer Island City Code \(MICC\)](#), the [Zoning Map](#), and the [Comprehensive Plan Land Use Map](#).
- The Parks and Recreation Commission (PRC) and Open Space Conservancy Trust (OSCT) held several joint meetings in spring 2024 to provide input and develop the proposed amendments to Title 19 MICC, the Zoning Map, and the Comprehensive Plan Land Use Map.
- At its [May 29, 2024](#) Special Meeting, the PC held a public hearing regarding the update to the Comprehensive Plan and Land Use Map amendment and approved a recommendation that was submitted to City Council on July 16 ([AB 6510](#)).
- The PC will hold a public hearing for the amendment to MICC and Zoning Map on September 25, 2024, and consider approving a recommendation to the City Council. The City Council is scheduled to review the PC Open Space Zone recommendations regarding both the code amendment and Comprehensive Plan amendment in Q4 2024.

BACKGROUND

Parks Zone and Open Space Zone

The scope of work for the Comprehensive Plan periodic review, adopted by the City Council in 2022, included creation of a new Parks Zone. A preliminary Parks Zone draft was presented to the PRC ([PRC 24-01](#)) and Planning Commission ([PCB 24-01](#)) in January 2024. After receiving feedback from the commissions and residents, the City Manager directed staff to pause the legislative review process and return to the PRC for further discussion.

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 other City-owned public park properties. The PRC recommended prioritizing the development of the Open Space Zone to be included as part of the 2024 Comprehensive Plan Periodic Update. The OSCT board was invited to hold joint meetings with the PRC to provide input on the proposed Open Space Zone and the associated development regulations.

At the March 21, 2024, joint PRC/OSCT meeting, the PRC and OSCT each voted to approve a joint recommendation to the Planning Commission on the Open Space Zone and the associated development regulations.

At the May 8, 2024 PC meeting, City staff and the PRC and OSCT Chairs presented the [PRC/OSCT recommendations](#) and the draft development regulations, Zoning map, and Land Use Map to the Planning Commission ([PCB 24-09](#)). The PC had the opportunity to ask questions about the recommended draft, and commissioners were asked to submit written comments to staff following the meeting.

At the May 15, 2024 PC meeting, the PC reviewed the proposed amendments to the development regulations, Zoning Map and Land Use map ([PCB 24-10](#)). Written comments received prior to the meeting were discussed and a couple minor amendments were made by the PC. The PC approved a recommendation for amendments to the development regulations, Zoning Map and Land Use Map.

The Land Use Map recommended by the PC 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. However, the development regulations and Zoning Map amendments have not yet received a public hearing.

Zoning Code and the Legislative Review Process

The Mercer Island zoning code is 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](#). The PC follows a formal process to facilitate legislative review, gather public input, and provide a recommendation to the City Council.

The legislative review process includes the following steps:

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

ISSUE/DISCUSSION

While the Planning Commission conducted a full review of the draft Open Space Zone amendments in May, the amendments to the development regulations and Zoning Map require a public hearing and written recommendation to the City Council before proceeding to final City Council consideration.

The proposed Open Space Zone amendments to the development regulations include a new section of City Code (MICC 19.05) establishing the development standards for Open Space Lands as well as amendments to MICC 19.16.010 Definitions, MICC 19.01.040 Zone Establishment and the Zoning Map in Appendix D of Title 19 MICC. The amendments to the development regulations, including minor amendments approved by the PC on May 15, 2024 are provided in Exhibit 1. The draft Zoning Map is provided in Exhibit 2. If approved, the Zoning Map will be included with the recommended code amendment and would replace the [existing Zoning Map](#) in Appendix D of Title 19 MICC.

NEXT STEPS

If the Planning Commission approves a recommendation, the City Council is scheduled to review the PC Open Space Zone recommendations regarding both the code amendment and Comprehensive Plan amendment in Q4 2024.

The PRC will begin discussions on the Parks Zone in October 2024 with the goal of providing a recommendation to the PC in 2025.

RECOMMENDED ACTION

Hold public hearing and approve the recommendation regarding the Open Space Zone amendment to the MICC and Zoning Map.