



**PARKS AND RECREATION COMMISSION
OPEN SPACE CONSERVANCY TRUST
CITY OF MERCER ISLAND, WASHINGTON**

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TO: Planning Commission

FROM: Parks and Recreation Commission

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SUBJECT: Draft Open Space Zone Code

Introduction

The Parks and Recreation Commission (PRC) and Open Space Conservancy Trust (OSCT) are pleased to submit a proposed draft of the Open Space Zone to the Planning Commission (PC) for consideration during the legislative review process. The Open Space Zone is a proposed new zoning classification that will establish specific land use regulations for the City’s Open Space Lands with the goal of preserving and protecting natural habitats and passive recreation areas 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 all other City-owned public

park properties. The PRC recommended prioritizing the development of the Open Space Zone this year in time for inclusion as part of the 2024 Comprehensive Plan Periodic Update. As a result, the OSCT was invited to hold joint meetings with the PRC to provide input on the development of the draft code.

What is the proposed Open Space Zone?

The Open Space Zone is a proposed new zoning code 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 PROS Plan, City code, master plans, forest management plans, and similar documents.

The City stewards 218 acres of Open Space Land that is proposed to be included within the new zone. This includes Pioneer Park and Engstrom Open Space, which are owned by the Open Space Conservancy Trust.

Many of the City's other park properties also include open space areas, including Luther Burbank Park, Island Crest Park, Groveland, and more. Those open space areas will not be included in the new Open Space Zone given the challenge of delineating the areas from the rest of the park under the timeline in which the work is being developed. These other park open space areas will be evaluated during the second phase of zoning work.

Draft Open Space Zone Recommendations

A summary of the PRC/OSCT recommendations on each of the zoning components is outlined below.

Purpose

The proposed purpose statement of the Open Space Zone is to preserve, protect, restore, and enhance Open Space Lands, which provide access to nature for passive recreation, relaxation, and educational and stewardship opportunities, habitat for native plants and animals, and ecological services including stormwater management and carbon sequestration.

Designation Requirements

The proposed designation requirements specify that land in the Open Space Zone must be owned, leased, or managed by the City of Mercer Island and fulfill the purpose of the Open Space Zone.

The PRC and OSCT discussed whether or not inclusion of privately owned open space was appropriate for this new zone. Given that the City Council did not include that in the scope of work, the new zone will only address publicly owned and managed properties. The City Council may wish to consider a future work item to evaluate inclusion of private properties, and that is included in the "recommendations" section below.

Uses Permitted

The proposed permitted uses in the draft code for Open Space Lands include passive recreational uses and related amenities such as limited public parking, temporary uses, public art, and habitat restoration. This recommendation is in alignment with the following PROS Plan Objective:

- 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.

Passive recreational amenities are proposed to include structures such as signs, trails, restrooms, kiosks, bike racks, and benches. The draft code limits these amenities to balance the goals of open space preservation and meeting the needs of patrons. 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.

The proposed public parking regulations provide for very limited parking space to increase access to Open Space Lands and avoid unauthorized parking in areas that harm the native vegetation. The proposed regulations will provide opportunities for residents to frequent Open Space Lands even if they do not live within walking distance of the property, or if they have other needs that limit their ability to walk to the property. Public parking is proposed to be regulated based on the size of the property, which is outlined in the development standards further described below. As proposed, only four Open Space Lands – Pioneer Park, Mercedale Hillside, SE 53rd Place, and Upper Luther Burbank – would be eligible for designated parking under the new zoning code. 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.
- Objective 3.2: Provide appropriate public access (e.g. trails, viewpoints, and wildlife viewing areas) within open space areas to support passive recreation, and parking, where appropriate and feasible. Provide environmental education opportunities in open space areas with creative and interactive interpretation strategies, such as hands-on displays, self-guided walks, and other engaging experiences.

Habitat restoration is included as an allowable use for the purpose of rehabilitating and restoring Open Space 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.

Temporary uses are included in the Open Space Zone to address construction projects that require short-term staging. Short-term uses may also include small group restoration and stewardship events. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 3.5: 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 3.14: 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.

Public art on Open Space Land is to be restricted to public-facing boundary paths and areas. It should be used sparingly and have minimal impact on the Open Space Land. It should follow the guidelines set forth by the Arts Council ([MICC 3.55.020](#)) and must utilize natural colors and materials. This recommendation is in alignment with the following PROS Plan Objective:

- Objective 6.3: Identify and implement opportunities for integrating arts and culture into parks and open space areas, 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.

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 below. Further, utilities will be allowed with limitations. Open Space Lands will not be preferred locations for utilities if there are feasible alternative locations available.

Development Standards

“Development standards” is terminology used in the Mercer Island City Code to describe improvement projects that occur within the zone. The use of this term does not mean private development.

Development standards are included in the new Open Space Land zone to establish regulations for improvement projects that occur on Open Space Lands. The most common type of improvement project is trail construction or trail rehabilitation.

The proposed draft code includes language proposing 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, TC, PBZ, CO, or B. This language would provide for setback protection focused on residential areas. Fences, gates, culverts, trails, landscaping, furnishings, and parking areas are proposed to be exempt from setback requirements.

Restrooms are proposed to be permitted on Open Space Lands larger than 100 acres, which only includes Pioneer Park. The proposed zone also regulates restroom size, limiting restrooms to 200 square feet and height not to exceed 17 feet tall. For context, these are the same dimensions of the restroom at Deane’s Children’s Park.

Limited public parking is included in the Open Space Zone for properties larger than 15 acres and is limited to no more than 1 space per 10 acres with no minimum number of parking spaces required. The use of such parking shall be for the sole purpose of meeting access needs for Open Space Land. The

provision of ADA compliant parking will have priority over other types of parking where parking is allowed.

Signs and kiosks are allowed and subject to the regulations in [MICC 19.12.080](#). Kiosks are proposed to be limited to ten square feet with a height of ten feet.

Trail development standards proposed in the Open Space Zone are limited to regulating trail width, with the maximum trail width set at eight feet. Trail standards vary considerably based on the characteristics of the property a specific trail will be located within (i.e. specific habitat needs) and therefore it is not possible to include more detailed trail standards in the zoning code without eliminating the flexibility needed to design trails. Additional details on trail standards are provided in the master plans for a particular Open Space Land and may also be included in system-wide trail plans.

Public Art is proposed to be permitted on Open Space Land larger than 15 acres with a limit of one art piece per property. Public art must be located at entrances or on the edge of Open Space Land. Public art must be culturally or historically relevant and composed of natural colors and materials consistent with Open Space Lands. Public Art is proposed to be limited to seven square feet and twelve feet in height.

Definitions

Proposed new definitions for key terms used in the Open Space Zone are identified in this section. The terms include Kiosk, Natural Colors, Open Space Lands, Passive Recreational Amenities, Passive Recreational Uses, Temporary Structures, Uses, and Activities, and Trail.

Additional Recommendations

The PRC and OSCT discussed development of the new Open Space Zone over the course of several meetings and identified the following items for future consideration by the City Council:

- Open Space Lands in multi-use parks should be evaluated for potential inclusion in the Open Space Zone during the second phase of zoning work.
- The City Council may wish to evaluate the inclusion of privately owned open space land in the Open Space Zone. This will require additional research to understand the properties that may be eligible for the zoning designation and public engagement with interested property owners.
- The City Council, when considering future updates to the City's Telecommunications code, should ensure that Open Space Land is designated as the lowest priority for siting of telecommunications facilities.
- The use of bicycles, including e-bikes and e-scooters presents environmental and safety risks for the City's Open Space Lands. The City Council should consider code and/or park policy updates to designate areas where this type of equipment may be used.

Conclusion

Open Space Lands increase the quality of life on Mercer Island by preserving natural habitats and offering passive recreation opportunities to residents. These areas warrant special zoning protections consistent with the proposed purpose of the Open Space Zone and the goals and objectives in the PROS Plan. The Parks and Recreation Commission and Open Space Conservancy Trust support the proposed draft of the Open Space Zone and look forward to further discussion with the Planning Commission.