



PARKS & RECREATION COMMISSION CITY OF MERCER ISLAND

PRC 24-06
April 18, 2024
Special Business

AGENDA BILL INFORMATION

TITLE:	PRC 24-06: Open Space Zone	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Recommendation
RECOMMENDED ACTION:	Move to approve the draft Open Space Zone and the Hand-Off Memo and authorize the Chairs of the Parks and Recreation Commission and the Open Space Conservancy Trust to present the recommendation to the Planning Commission.	
STAFF:	Jessi Bon, City Manager Carson Hornsby, Management Analyst Ryan Daly, Recreation Manager Merrill Thomas-Schadt, Senior Management Analyst Alaine Sommargren, Deputy Public Works Director Alison Van Gorp, Deputy CPD Director	
EXHIBITS:	1. Inventory of Open Space Land 2. Draft Open Space Zoning Code (Redlined) 3. Draft Open Space Zoning Code (Clean) 4. Hand-Off Memo	

EXECUTIVE SUMMARY

This Joint Meeting of the Parks and Recreation Commission (PRC) and the Open Space Conservancy Trust (OSCT) will be held to finalize and approve the proposed draft of the Open Space Zone for submission to the Planning Commission.

- The PRC and OSCT held a workshop on the Open Space Zone at the joint meeting on March 21 and provided feedback on an initial draft of the Open Space Zone at the joint meeting on April 4.
- The PRC and OSCT will present their recommendation to the Planning Commission on May 8, 2024.
- The Planning Commission will then commence the legislative review process with the goal of completing their work in time for the Open Space Zone to be included as part of the 2024 Comprehensive Plan Periodic Update.
- After the PRC and OSCT provide a recommendation on the Open Space Zone, the PRC will then begin working on developing a Parks Zone to address other park properties. That work is anticipated to run through the end of the year, and possibly continue into early 2025. Staff are currently anticipating the Parks Zone recommendation will be included in the 2025 Comprehensive Plan Annual Update.

BACKGROUND

Parks, Recreation, and Open Space (PROS) Plan

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. The City Council adopted the [Parks, Recreation and Open Space \(PROS\) Plan](#) in 2022 after a three-year development process in collaboration with the PRC, OSCT, and Arts Council. The community engagement

process included two statistically significant mail-in surveys with concurrent surveys available online, virtual open houses, a dedicated project webpage, and numerous board and commission meetings.

The 2022 PROS Plan goals and objectives 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 must align with this policy framework, which includes development of the Open Space Zone and Parks Zone.

2024 Comprehensive Plan Periodic 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](#). City Staff are recommending the 2022 PROS Plan be incorporated into the 2024 Comprehensive Plan Periodic Update, 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 Periodic Update, including the Parks, Recreation, and Open Space Element, is expected to be adopted before the GMA deadline at the end of 2024.

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 the legislative review, gathering of public input, and recommendations provided to the City Council regarding zoning code follow 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\(B\)\(3\)](#)).

Individual Zones for Parks and Open Space

At the [March 7 PRC meeting](#), staff presented background information, answered questions, and received feedback from the PRC and two members of the OSCT. The PRC recommendation was to separate the zoning work into two distinct tracks: one for open space and one for other park properties. The zones for open space and parks will be new zoning classifications in MICC and will establish separate land use regulations for open space and parks. The PRC and OSCT held a workshop discussion on the components of the Open Space Zone at the [March 21 joint meeting](#) and provided feedback to staff on an initial draft of the Open Space Zone at the [April 4 joint meeting](#).

The PRC and OSCT will provide a recommendation to the Planning Commission on May 8. The Planning Commission will conduct a legislative review on the proposed Open Space Zone and present a recommendation to the City Council in time for this work to be included in the 2024 Periodic Update to the Comprehensive Plan.

Upon completion of the work on the Open Space Zone, the PRC will then begin work on developing a Parks Zone to address other park properties. That work is anticipated to run through the end of the year, and

possibly continue into early 2025. Staff are currently anticipating the Parks Zone recommendation will be included in the 2025 Comprehensive Plan Annual Update.

Open Space Land

The City stewards 218 acres of Open Space Land (see Exhibit 1). The staff recommendation is to proceed with developing the Open Space Zone to include these properties and to address the City's other park properties (some of which include open space in addition to active park areas) as part of the subsequent work item.

ISSUE/DISCUSSION

The goal for tonight's joint meeting of the PRC and OSCT is to finalize and approve the draft of the Open Space Zone (Exhibits 2 and 3) and the hand-off memo to the Planning Commission (Exhibit 4). The PRC and OSCT will present their recommendation to the Planning Commission on May 8.

Draft Open Space Zone (Exhibits 2 and 3)

City staff made live edits to the initial draft of the Open Space Zone during the discussion at the April 4 PRC/OSCT joint meeting. In addition, City staff added sections missing from the initial draft based on feedback gathered during the discussion and input from City Staff with subject matter expertise. A redlined version of the draft code is provided in Exhibit 2 and a clean version of the draft code is provided in Exhibit 3. The new sections are summarized below.

Signs and Kiosks

Signs are proposed to be governed by the City's existing sign code, [MICC 19.12.080](#). The existing sign code regulates all signs in the City except for signs within Town Center, which are regulated by [MICC 19.11.140](#). The existing sign code was implemented as a result of a long and detailed legal review process, and it already includes many of the regulations and restrictions discussed by the PRC and OSCT. For example, directional signs must be minimum in nature and are restricted in size. Further, flashing, moving, animated, neon, and internally lit signs are generally prohibited. Accordingly, the staff recommendation is for the existing sign code to regulate signs on Open Space Land to avoid duplicating existing code and to ensure signs are regulated consistently throughout the City.

Kiosks are proposed to be limited to ten square feet with a height of ten feet. This is the approximate size of the largest kiosks that currently exist on Open Space Land.

Trail Standards

Trails are proposed to be limited to eight feet in width. The PRC and OSCT discussed many other preferences and guidelines, such as use of softscape materials over hardscape materials and use of materials that are the least impactful on the natural landscape. Given the wide variety of field conditions on the City's Open Space Lands, City staff recommend that detailed trail construction guidelines be identified in site-specific master plans or a system-wide trail standard plan.

Public Art

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. This is the approximate size of the mythical bird in Pioneer Park, which is the largest existing art piece located on Open Space Land.

Follow-Up from the April 4 Joint Meeting

Setbacks

The PRC and OSCT held a discussion on the list of setback exemptions and requested additional information on trails and parking areas. Staff conducted field visits and verified that several Open Space Lands include trails that sit within 20 feet of the property line. Pioneer Park, Engstrom Open Space, Mercedale Hillside, are several examples. The staff recommendation is to include trails as exempt from setbacks to avoid rendering existing trails as non-conforming and to preserve natural habitats in the core of Open Space Lands.

Existing public parking areas are mostly located in the right-of-way but there are some examples of parking and driving areas located just within the property lines of Open Space Lands (see the list of parking areas below for more information). The staff recommendation is to include public parking as exempt from setbacks to keep parking areas close to the property lines and away from the core of Open Space Lands. Additionally, furnishings including bike racks, kiosks, and signs have been added to the list of setback exemptions as they too often sit on the property line inside the 20-foot setback and away from natural habitats in the core of Open Space Lands.

Parking

The PRC and OSCT requested examples of existing public parking areas on or near Open Space Lands. City staff composed the list below to provide additional context to the discussion:

- Pioneer Park: Parking access is available along SE 68th street, Island Crest Way, and 84th Ave SE. There are approximately 34 parallel parking spaces available in the gravel edge right-of-way along Pioneer Park. Four of these spaces encroach onto Open Space Land. Between 2021-2022 the OSCT and staff reclaimed approximately twelve parking spaces for forest restoration along the east side of 84th Avenue along Pioneer Park. This did not eliminate public parking as the road was wide enough to allow on-street parking.
- Mercedale Hillside: Right-of-way gravel edge parking is available along 76th Ave near the SE corner of the property. There are approximately 22 spaces.
- Clise Park: Four parking spaces are available on the north side right-of-way gravel edge.
- Gallagher Hill Open Space: A shoulder that is mostly paved along Gallagher Hill Road is available for bikers and pedestrians. There is one gravel pullout with three parking spaces in an area consisting of right-of-way and open space property.
- North Mercedale Hillside: Five paved parking spaces are available along the road on the east side of the property. This area of Open Space Land is asphalt with a turn-around area. The north side of North Mercedale Hillside along SE 27th previously provided a right-of-way gravel shoulder parking area. However, this area was closed due to safety concerns regarding the narrow road.
- Engstrom Open Space: Four parking spaces are available along East Mercer Way on the right-of-way gravel edge.
- SE 53rd Place Open Space: 17 parking spaces are available along the right-of-way gravel edge along SE 53rd PL.
- Parkwood Ridge Open Space: One right-of-way parking space is available on the gravel edge along East Mercer Way. General street cul-de-sac parking is available in the neighborhood at the top of the hill.
- Ellis Pond: Limited street parking is available.

Hand-Off Memo (Exhibit 4)

The Chairs of the PRC and OSCT worked with City staff to compose a memo to the Planning Commission summarizing the draft Open Space Zone and the recommendations of the PRC and OSCT. The memo includes explanations and background information about the draft code development process that will provide context to the Planning Commission during the legislative review process.

NEXT STEPS

The Open Space Zone is intended to be included as part of the 2024 Comprehensive Plan Periodic Update. The calendar for PRC and OSCT review of the Open Space Zone is as follows, and is subject to change:

- PRC/OSCT Joint Meeting – May 2: Meeting reserved for follow-up work if necessary.
- PRC/OSCT/PC Joint Meeting – May 8: The PRC and OSCT will present the recommended draft of the Open Space Zone to the Planning Commission.

Once the work has concluded on the Open Space Zone, the PRC will then begin work on developing a Parks Zone to address all other park properties. That work is anticipated to run through the end of the year, and possibly continue into early 2025. Staff are currently anticipating the Parks Zone recommendation will be included in the 2025 Comprehensive Plan Annual Update.

RECOMMENDED ACTION

Note: The PRC and OSCT must take separate votes on each item. The two motions are recommended below.

Motion #1: Move to approve the Open Space Zone in substantially the form provided and submit to the Planning Commission for consideration during the legislative review process.

Motion #2: Move to approve the Hand-Off Memo and authorize the Chairs of the PRC and OSCT to present the recommendation to the Planning Commission.