

GMHB EXHIBIT 237



PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 24-10
May 15, 2024
Special Business

AGENDA BILL INFORMATION

TITLE:	PCB 24-10: Open Space Zone (Second Review)	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Approve the recommendation regarding the Open Space Zone development regulations, Zoning Map, and Land Use Map.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Recommendation
STAFF:	Jessi Bon, City Manager Carson Hornsby, Management Analyst Alison Van Gorp, Deputy CPD Director Merrill Thomas-Schadt, Sr. Management Analyst	
EXHIBITS:	1. Draft Zoning Map 2. Draft Open Space Development Regulations 3. Draft Land Use Map 4. Comment Matrix (to be added after comments are received on 5/13/24)	

EXECUTIVE SUMMARY

- 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.
- Creation of a new zone for parks and open space was added to the Comprehensive Plan periodic review scope of work by the City Council.
- 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 throughout March and April to provide input and develop the proposed amendments to Title 19 MICC, the Zoning Map, and Comprehensive Plan Land Use Map.
- Peter Struck, Chair of the PRC, and Geraldine Poor, Chair of the OSCT, attended the May 8, 2024, meeting to provide the PRC/OSCT recommendation to the Planning Commission.
- The Planning Commission will provide a final recommendation to the City Council in time for the Open Space Zone and amendments to the Zoning Map and Land Use Map to be included in the 2024 Comprehensive Plan Periodic Update.

BACKGROUND

The scope of work for the periodic update of the Comprehensive Plan, adopted by the City Council in 2022, included creation of a new Parks Zone. A preliminary Parks Zone draft was presented to the PRC and Planning Commission 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 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. 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.

On March 18, 2024, 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, which would create a new section of City Code (MICC 19.05). The draft Zoning Map is shown in Exhibit 1. If approved, this map will be included with the recommended code amendment and would replace the existing Zoning Map in Appendix D of Title 19 MICC. The draft code amendments, including the proposed Open Space development regulations (new section MICC 19.05) and amendments to MICC 19.16.010 Definitions and MICC 19.01.040 Zone Establishment, are provided in Exhibit 2.

City staff also prepared a draft amendment to the Comprehensive Plan Land Use Map to ensure it is consistent with the proposed changes shown on the draft Zoning Map. The proposed amendment moves several properties between the Open Space, Parks, and Residential land use designations to align with the classifications in the PROS Plan. A map depicting the proposed re-designations is provided in Exhibit 3. If approved, this map would replace the existing Land Use Map in the draft Land Use Element.

ISSUE/DISCUSSION

At the May 8, 2024 Planning Commission 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 ([PCB24-09](#)). The commission had an opportunity to ask questions at the meeting and was directed to submit further questions, comments or proposed amendments in writing by Monday, May 13, 2024. City staff will then prepare a matrix with the comments received and any staff responses (this Planning Commission Bill will be amended to add the comment matrix as Exhibit 4).

At the May 15, 2024 meeting the Planning Commission will review the items in the comment matrix, discuss any proposed amendments and approve a recommendation including the draft development regulations, Zoning Map, and Land Use Map. Once the Planning Commission recommendation is completed, staff will include these items with the public review draft of the Comprehensive Plan for consideration at the public hearing on June 26, 2024.

NEXT STEPS

At the May 15 meeting, the Planning Commission will make a recommendation on amendments to the Zoning Map, Open Space Zone development regulations, and Land Use Map. Staff will include the recommended items with the public review draft of the Comprehensive Plan for consideration at the June 26, 2024 public hearing.

The PRC will begin discussions on the Parks Zone later this year with the goal of providing a recommendation to the Planning Commission in 2025. The City plans to propose an item for the 2025 Annual Docket related to the adoption of the Parks Zone and the associated development regulations. This docket item will include both a Comprehensive Plan amendment and a code amendment.

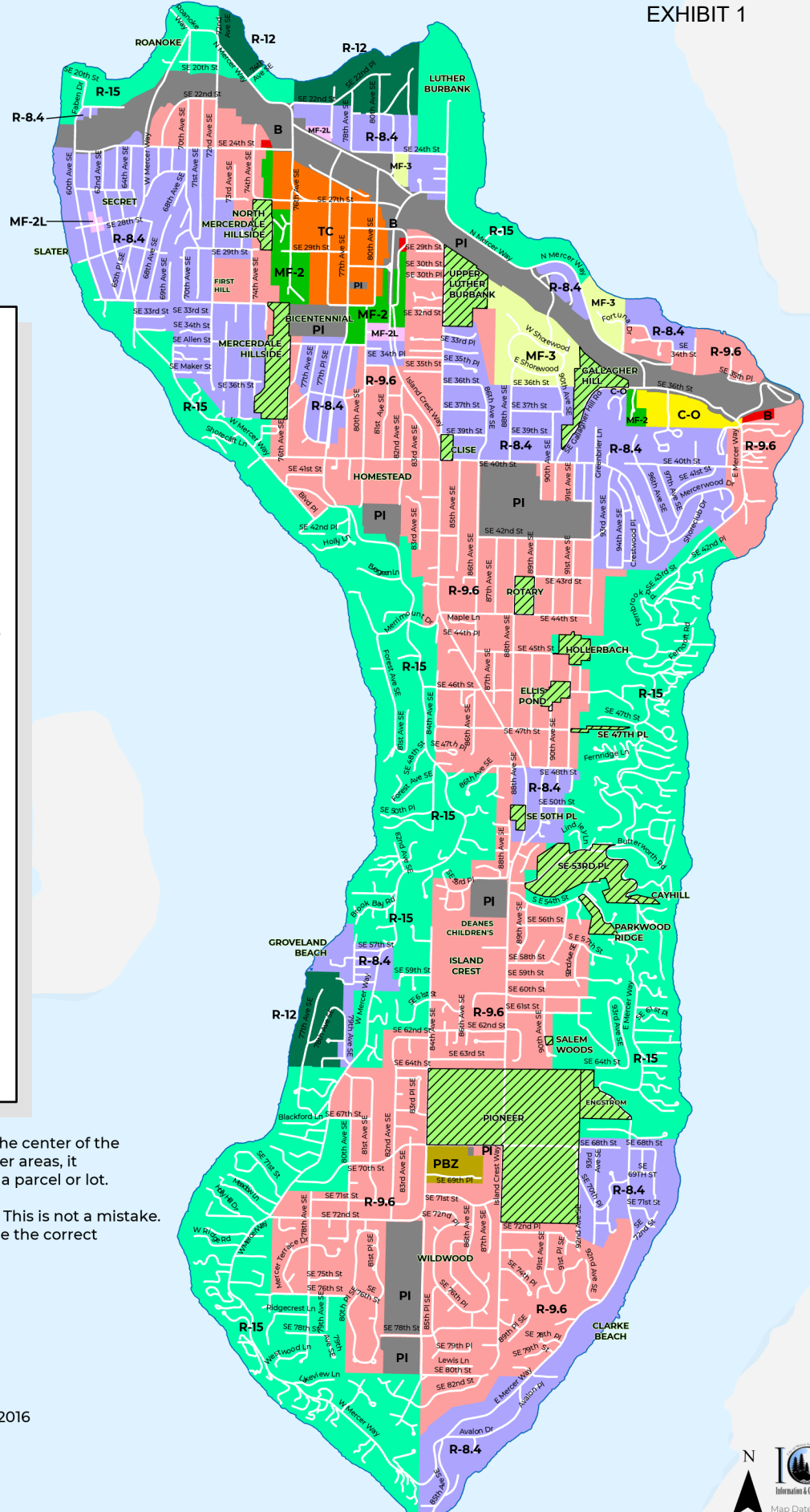
RECOMMENDED ACTION

Move to approve the recommendation regarding the Open Space Zone development regulations, Zoning Map, and Land Use Map.



CITY OF MERCER ISLAND ZONING MAP (PROPOSED)

EXHIBIT 1



	Open Space
	R-8.4 Residential 8,400 sq. ft. lot
	R-9.6 Residential 9,600 sq. ft. lot
	R-12 Residential 12,000 sq. ft. lot
	R-15 Residential 15,000 sq. ft. lot
	MF-2L Multi-Family, Limited Maximum density 26 units/acre
	MF-2 Multi-Family Maximum density 38 units/acre
	MF-3 Maximum density 26 units/acre
	B Business
	PBZ Planned Business Zone
	C-O Commercial Offices
	PI Public Institution
	TC Town Center
	Right-Of-Way Area

The zone boundaries generally coincide with the center of the public right of way and plat boundaries. In other areas, it coincides with lot-lines. In a few cases, it splits a parcel or lot.

In some areas, parcels are split into two zones. This is not a mistake. Please consult with a City planner to determine the correct designation for your property.

- Original map Adopted: Ord 99C-13
- Amended: Ord 00C-06
- Amended: Ord 05C-13
- Amended: Ord 13C-02
- Amended: Ord 14C-07
- Amended: Ord 14C-10
- Amended: DR16-01
- DSG Director's Memo, dated 06/10/2016
- Amended: Ord 17C-24
- Amended: Ord18C-14

DRAFT OPEN SPACE ZONE

MICC 19.05.XXX – Open Space Zone. [New Section]

- A. *Purpose.* The purpose of the Open Space Zone is to preserve, protect, restore, and enhance Open Space Lands, which provide habitat for native plants and animals and ecological services including stormwater management and carbon sequestration. Open Space Lands provide access to nature for passive recreation and relaxation and educational and stewardship opportunities.
- B. *Open Space Zone Designation Requirements.* In addition to the requirements established in Section [19.15.240 MICC](#), Open Space Lands must be owned, leased, or managed by the City of Mercer Island and fulfill the purpose provided in subsection (A) above to qualify for classification as Open Space Zone.
- C. *Uses Permitted.* The following land uses are permitted in the Open Space Zone. A use not permitted by this section is prohibited.
1. Trails.
 2. Passive recreational uses.
 3. Passive recreational amenities.
 4. Habitat restoration and enhancement.
 5. Temporary uses compatible with the purpose of the Open Space Zone, as authorized by the City Manager or designee.
 6. Wireless communications facilities. (Only if otherwise permitted by [MICC 19.06.040](#) and/or [MICC 19.06.070](#) and as subject to design and concealment standards as otherwise provided in the MICC).
 7. Utilities, only where necessary for public safety or protection of the natural environment and no reasonable alternative location exists. Utilities should be underground, if feasible.

MICC 19.05.XXX – Open Space Zone Development Standards. [New Section]

- A. *Applicability.* The provisions of this section shall apply to all development proposals in the Open Space zoning designation.
- B. *Setbacks.*
1. The following minimum setbacks apply:
 - a. Zero (0) feet if adjacent property is zoned PI, TC, PBZ, CO, or B; and
 - b. Twenty (20) feet if adjacent property is zoned R-8.4, R-9.6, R-12, R-15, MF-2L, MF-2, or MF-3.

EXHIBIT 2

2. Setbacks are measured from the adjacent property line or the edge of adjacent public rights-of-way.
3. The following developments are exempt from setback requirements: fences, gates, culverts, trails, landscaping, and furnishings.

C. *Restrooms.*

1. Restrooms are only permitted on properties larger than 100 acres. Restrooms shall not be larger than 300 square feet.

D. *Signs and Kiosks.*

1. Signs shall be governed by [MICC 19.12.080](#), except as follows:
 - a. No sign shall be larger than three square feet, other than at an entrance to Open Space Lands, where a sign shall not be larger than ten square feet in size.
 - b. Exterior lighted signs are prohibited.
 - c. Natural colors shall be required unless necessary for public health, safety, or maintenance.
2. The surface area of kiosks shall not exceed 15 square feet and kiosks shall not exceed ten feet in height; except, for Open Space Land larger than 100 acres, the surface area of kiosks shall not exceed 22 square feet and kiosks shall not exceed ten feet in height. Surface area shall be measured as the portion of the kiosk used/usable for providing information.

E. *Trail Standards.*

1. Trails shall not exceed eight feet in width.

MICC 19.16.010 – Definitions

...

Kiosk. A small structure in a public area used for providing information.

...

Natural Colors. Muted colors that are consistent with the natural landscape of Open Space lands.

...

Open Space Land(s). A parcel of land that is largely undeveloped and is suitable as a natural habitat.

...

EXHIBIT 2

Passive Recreational Amenities. Structures, furnishings, or developments that are specifically provided for passive recreational uses, such as signs, trails, restrooms, kiosks, benches, bike racks, etc.

Passive Recreational Uses. Passive recreational uses have a low impact on the facilities used, and include activities such as hiking, wildlife viewing, walking, jogging, or picnicking. Passive recreational uses place minimal stress on a site's resources; as a result, passive recreational uses are highly compatible with natural resource protection.

...

Temporary Structures, Uses, and Activities. A land use, structure, or activity that will only be in place for a limited period of time not to exceed 180 days in duration.

...

Trail. An off-street path for passive recreational uses.

...

MICC 19.01.040 – Zone Establishment

A. Zones.

Zone	Symbol
Single-Family	R-8.4
Single-Family	R-9.6
Single-Family	R-12
Single-Family	R-15
Multiple-Family	MF-2L
Multiple-Family	MF-2
Multiple-Family	MF-3
Business	B
Planned Business	PBZ
Commercial Offices	C-O
Public Institution	PI
<u>Open Space</u>	<u>OS</u>
Town Center	TC

B. The location and boundaries of the various zones of the city are shown and delineated on the city of Mercer Island Zoning Map which is included in appendix D of this development code and is incorporated herein by reference.

C. The location and boundaries of the various zones as hereafter determined by the city council shall be shown and delineated on zone maps covering portions of the city, each of which shall be a part of this Code either by adoption as a part hereof or by amendment hereto.










EXHIBIT 2

- D. Each zone map and all notations and other information shown therein shall become part of this Code.
- E. A zone map may be divided into parts and each part may, for purposes of identification, be subdivided into units. Such parts may be separately and successively adopted by means of an amendment of this Code and, as adopted, such zone map, or its parts, shall become a part of this Code.
- F. Changes in the boundaries of a zone shall be made by ordinance adopting an amended map, or part of said zone map.
- G. When uncertainty exists as to the boundaries of any zones shown on any zone map, the following rules shall apply:
1. Boundaries shown on a map as approximately following street lines or lot lines shall be construed as actually following such lines.
 2. Where a boundary between zones divides a lot into two or more pieces, the entire lot shall be deemed to be located in the first zone on the following list in which any part of the lot is located: R-15, R-12, R-9.6, R-8.4, MF-2L, MF-3, MF-2, OS, PI, PBZ, C-O, TC, and B. The location of the zone boundary shall be determined by use of the scale appearing on the zone map unless the location of the boundary is indicated by dimensions.
 3. Where property abuts Lake Washington, the land use classification of the upland property extends waterward across the abutting shorelands and beds to the line of navigability/inner harbor line as established in 1984 by the board of natural resources by Resolution No. 461.
 4. In case any uncertainty exists, the planning commission shall recommend and the city council shall determine the location of boundaries.
 5. Where a public street is officially vacated or abandoned, the land use classification applicable to the abutting property shall apply to such vacated or abandoned street. If a vacated street forms the boundary between two or more zones, the land use classifications of each abutting zone shall extend to the mid-point of the vacated street unless the planning commission recommends and the city council decides otherwise.
- H. Except as hereinafter provided:
1. No land, building, structure or premises shall be used for any purpose or in any manner other than a use listed in this Code, or amendments thereto, for the zone in which such land, building, structure or premises is located.
 2. No building or structure shall be erected nor shall any building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the requirements of this development code or amendments thereto.
 3. No yard or other open spaces provided about any building or structure, for the purpose of complying with the regulations of this Code or amendments thereto shall be considered as providing a yard or open space for any other building or structure.



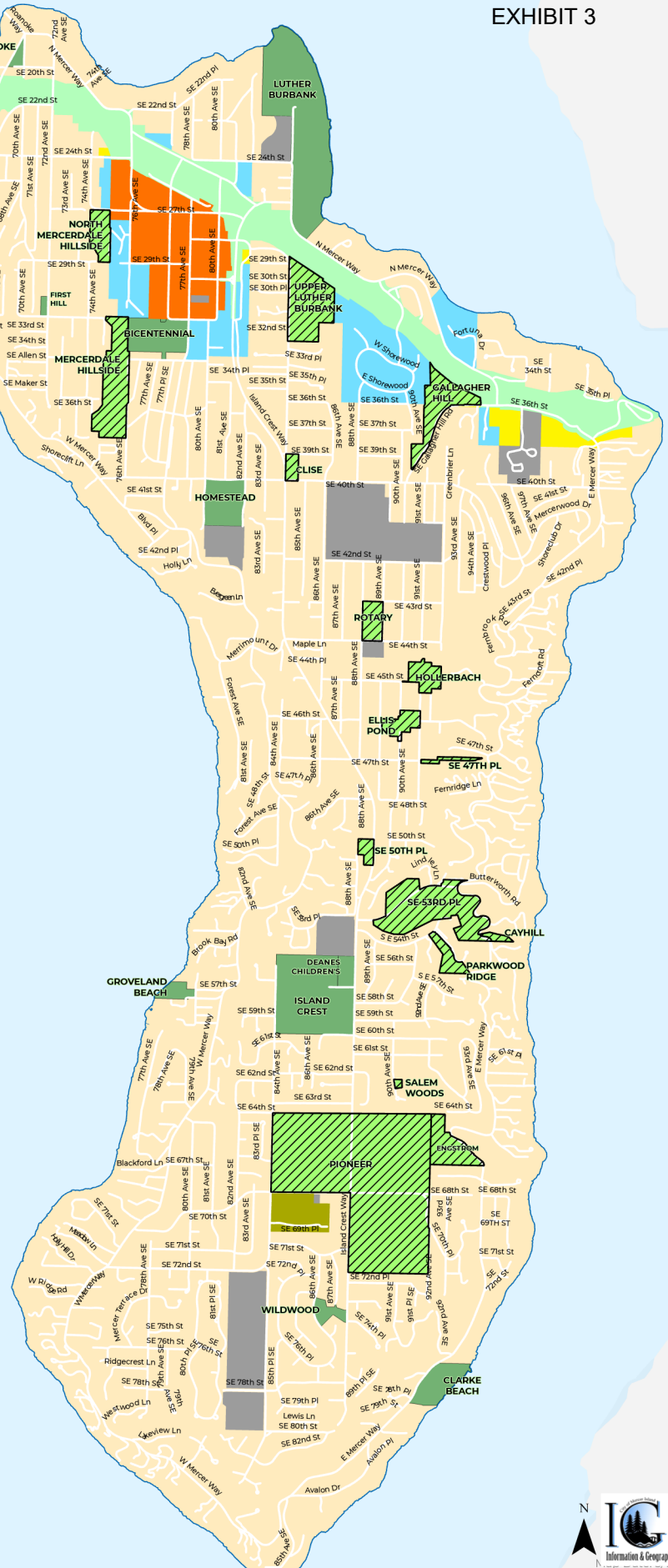
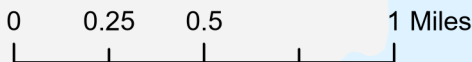
CITY OF MERCER ISLAND LAND USE (PROPOSED)

EXHIBIT 3

-  Open Space
-  Commercial Office
-  Linear Park (I-90)
-  Multifamily Residential (MF)
-  Neighborhood Business
-  Park
-  Public Facility
-  Single Family Residential (R)
-  Town Center (TC)

The Land Use Plan is intended to be a generalized depiction of land uses. The map is not a description of zoning boundaries nor should it be interpreted on a site specific basis.

The Mercer Island City limits delineates the communities' Urban Growth Area. The City limits are contiguous with the Mercer Island Lake Washington Shoreline.



Question and Comment Matrix

EXHIBIT 4

Draft Open Space Zone

May 15, 2024

#	Name	Section	Question/Comment	Staff Response
1	Adam Ragheb	Development Standards	B.1.a. - correct "CO" to "C-O"	Minor amendment – will be incorporated into updated draft for PC consideration.
2	Adam Ragheb	Development Standards	C.6 - to clarify intent and for those unaware of the distinction between small and macro facilities, suggest revising to read "Wireless facilities (Only if otherwise permitted by MICC 19.06.040 (macro) and/or MICC 19.06.070 (small) and as subject to design and concealment standards as otherwise provided in the MICC. Intent is to prohibit what is legal to prohibit, namely new [macro] WCFs)	Minor amendment – alternative wording recommendation as follows. <u>Staff recommendation:</u> Wireless communications facilities. (Only if otherwise permitted by MICC 19.06.040 – Wireless communications and/or MICC 19.06.070 – Small wireless facilities deployment and as subject to design and concealment standards as otherwise provided in the MICC).
3	Carolyn Boatsman	Inventory of Open Space Land	The addresses of the Merceddale and N Merceddale Hillside on the table (and probably in other City address files) are the same. I don't know if there is a justification for that. I would recommend separate addresses for the two parcels.	The correct addresses are listed below: <ul style="list-style-type: none"> • Merceddale Hillside: 3249 78th Ave SE • N Merceddale Hillside: 7415 SE 27th St
4	Carolyn Boatsman	Zoning Map	On the Zoning Map there is a P zone but in the draft Development Standards B.1.a. there is a PI zone. The latter is better, and hopefully is the correct abbreviation, as P doesn't inspire a recollection of what the zone is called.	PI is the correct abbreviation, and the map has been updated accordingly.
5	Adam Ragheb	Zoning Map	-Legend reads "P" for Public Institution zone - correct to "PI" -Correct south end fire station zone label from "P" to "PI" -Correct zone label for Island Park Elementary (west of SE 53rd PI Open Space) from "P" to "PI"	PI is the correct abbreviation, and the map has been updated accordingly.

Question and Comment Matrix
Draft Open Space Zone
May 15, 2024

EXHIBIT 4

6	Adam Ragheb	Zoning Map	Clarification requested: Clise, Hollerbach, Ellis Pond, and SE 50th St are all marked on Land Use as change to open space and are shown as zoned OS. Wildwood is shown on Land Use as change from open space to park, but is not color-coded as park - is the future intent for it to remain zoned residential (its current R-9.6) or as Park?	The intent is for the Wildwood property to be rezoned to Park when the Park Zone is created; however, in the interim, this property will remain in residential zoning.
5	Adam Ragheb	Land Use Map	-Please incorporate the six changes that were articulated in the document mark-ups as presented on 5/8	Staff have prepared an updated version of the map that incorporates the proposed designations.
6	Angela Battazzo	General Comments	<p>I do want to go on record furthering the issues that were hinted at during our last commission meeting, regarding the use of bicycles in open space and parks. I think we need language somewhere, clarifying what kind of recreation e-bikes and e-scooters are classified as, and we should have some policies that clarify where they are appropriate for use, and where they are not. I don't think it needs to be in the zone language, but perhaps? I defer to the City to debate that and make a suggestion to City Council. (Happy to have an opinion, but I don't have a strong one.)</p> <p>I think it's an important issue to capture somewhere— I just don't know where. What I don't want to see is park and open space users getting run over by e-machine users who can travel at unnaturally fast speeds... safety for all.</p>	Rules regarding bike use may be addressed in the parks code or by individual rules established for each park, trail, or open space facility. Use of e-scooters and e-bikes are not currently regulated in City Code, but it is a topic that has been flagged for future code work. The Bike and Pedestrian Plan update will help inform this work future code work.