

GMHB EXHIBIT 258



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.

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 – 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).
 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, C-O, 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 1

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

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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 1

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.

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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.

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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.

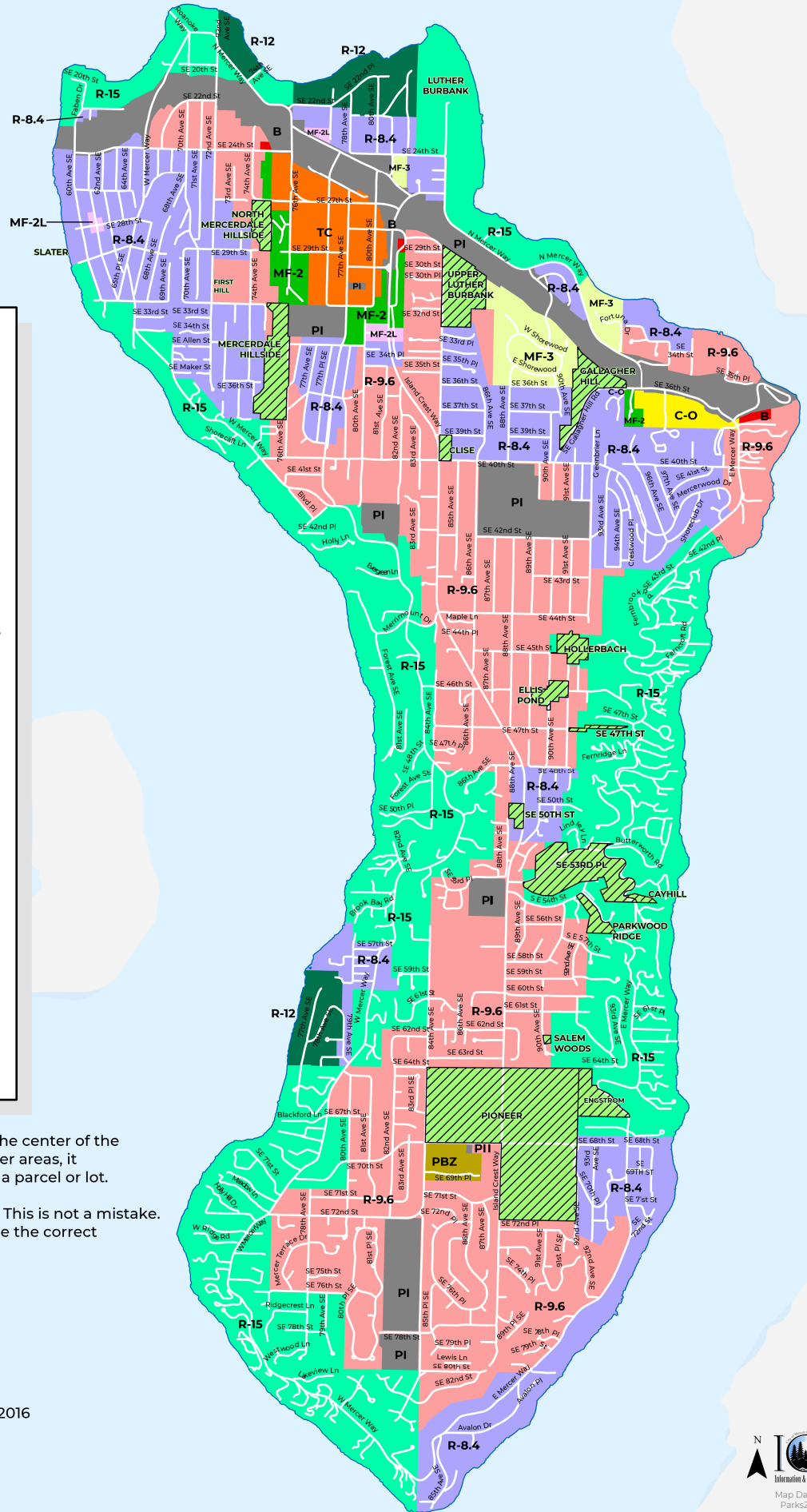
C. The location and boundaries of the various zones as hereafter determined by the city council shall be shown and delineated on zone maps covering portions of the city, each of which shall be a part of this Code either by adoption as a part hereof or by amendment hereto.

EXHIBIT 1

- 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 ZONING MAP (PROPOSED)



	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

