

# City of Mercer Island

## OPEN SPACE CONSERVANCY TRUST BOARD

Thursday · May 17 · 2018  
Regular Meeting Agenda

7:00 pm Call to Order & Roll Call

7:05 pm Welcome Council Liaison Bruce Bassett

7:10 pm Public Appearances

7:40 pm Executive Session

Executive Session to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i) for approximately 15 minutes

7:55 pm Regular Business

1. CCMIP Request to Add Properties to Trust Paul West (30 min)
2. Next Meeting: July 19, 2018 Rory Westberg (5 min)

8:30 pm Adjournment (estimated)

### BOARD MEMBERS

Rory Westberg, *Chair*  
Robin Christy, *Vice Chair*  
Thomas Hildebrandt, *Secretary*  
Bruce Bassett, *Council Liaison*  
Marie Bender  
Craig Olson  
Geraldine Poor

### STAFF

Paul West, *Parks Operations Superintendent*  
Alaine Sommargren, *Natural Resources Manager*  
Kim Frappier, *Natural Resources Specialist*





**CITY OF MERCER ISLAND  
OPEN SPACE CONSERVANCY TRUST BOARD  
STAFF REPORT**

Action Item No. 1

May 17, 2018

Description:	CCMIP Request to Add Properties to the Trust
Exhibits:	<ol style="list-style-type: none"><li>1. CCMIP Request</li><li>2. Agenda Bill 4555</li><li>3. Resolution No. 1429</li><li>4. Mercer Island Comprehensive Plan Excerpt</li><li>5. Trees, Trails and Urban Forest Lands Budget Policy</li></ol>

### **SUMMARY**

Concerned Citizens for Mercer Island Parks (“[CCMIP](#)”) is a registered [political committee](#) with the State of Washington. It is dedicated to protecting parkland from development. It strongly opposes the MICA proposal at Mercerdale Park. Its request on January 18, 2018 asks the Open Space Conservancy Trust Board (“Board”) to recommend that City Council place Mercerdale Park and other parks and open spaces in the Trust. (Exhibit 1) CCMIP makes several points about the need to preserve open space in an urbanizing area and lists a number of benefits it anticipates by taking this action.

Staff recommends that the Board take no action on this request. Developed parks (as defined in the Parks and Recreation Plan) such as Mercerdale Park are not “open space” and therefore are not eligible to be Trust properties because they are outside the Trust’s purpose. Transferring additional open space properties to the Trust would yield little public benefit while burdening the Trust and the City with unnecessary process and expense. Existing open spaces not currently in the Trust are nevertheless protected and conserved through policies developed as part of the City’s planning and budget processes. These policies are subject to public review on a routine basis.

## INTRODUCTION

At the January 2018 Board meeting, the Board adopted its 2018 work plan as amended. One of the amendments was to discuss the CCMIP's request to add Mercerdale Park and other park properties to the Trust. This request was presented to the Board by representatives of CCMIP at the public appearances portion of the meeting. The Board requested that City staff provide an analysis of the request for the May 2018 meeting.

## BACKGROUND

The Trust was formed in an effort to protect Pioneer Park from repeated efforts to develop a golf course there. The Trust charter was written to allow it to receive other open space properties. Article I "Purposes of the Trust" from the Trust Ordinance reads as follows:

*This Trust is established for the purposes of:*

- a) Receiving and holding all Open Space Properties transferred to the Trust by the City Council, or by other governmental or private land owners with approval of the City Council, in perpetuity, or until such time as this Trust is terminated or any such Open Space Property is removed from this Trust by the occurrence of one or more conditions set forth in this Trust;*
- b) Protecting, maintaining and preserving the Open Space Trust Properties; and*
- c) Insuring that the development and use of the Open Space Properties are both consistent and compatible with the intent and purposes of this Trust and the guidelines and policies enacted pursuant to this Trust.*

*For the purposes of this Trust, "Open Space Property" means any undeveloped parcel of real property, although not necessarily completely natural and undisturbed, whose existing openness, natural conditions or present state of use, if retained, would maintain or enhance the present or potential conservation of natural or scenic resources of Mercer Island and which has been declared to Open Space Property by the City Council with the intent that any future use of the property be limited to passive and low impact forms of use such as walking, jogging, or picnicking. All improvements to and uses of the Open Space Property shall not change its character or impair any of its ecological, scenic, aesthetic or natural attributes. All improvements shall be limited to those actions which are both consistent and compatible with passive and low impact uses of the property.*

In 2011, the Trust received Engstrom Open Space as a second property after Pioneer Park. The Board requested that the City Council transfer the property in March of 2010. The City's justification for transferring the property was functional and the justification was narrowly constructed. Agenda Bill 4555 (Exhibit 2) and Resolution No. 1429 (Exhibit 3) described in detail how the Engstrom Open Space and Pioneer Park were inextricably linked as open space properties and good management of the properties warranted the transfer of Engstrom into the Trust. No other open space has been contemplated for transfer in the 26-year history of the Trust.

## ANALYSIS

### Notable Distinctions between Developed Parks and Open Space

There are notable distinctions between “parks” and “open space.” These two terms have different meanings from operational and legal perspectives. For the purposes of the Trust Ordinance, an “open space” means “any undeveloped parcel of real property.” The legal parcel is the entity of consideration. In the case of Mercerdale Park, the parcel would not be considered open space because the parcel contains a developed park landscape with significant infrastructure and hosts recreational programs and events such as Summer Celebration! and Mostly Music in the Park. It is intended for both passive and active uses. It does not fit the definition of open space at the parcel level. It does fit the definition of a “developed park” according to the 2014-2019 Parks and Recreation Plan:

*A ‘Developed Park’ is a park designed and built for active and passive uses. For the most part, these parks contain turf landscapes, but they may also contain patches of forest with a developed trail system. They may contain facilities designed for a particular “active use”, such as a sports field or a swimming beach. Some active uses are organized, such as sporting events while others are spontaneous, such as picnicking or Frisbee throwing. In either case, a space is occupied for a particular use for a period of time. Passive uses are activities that are transitory and unstructured. Examples are walking, bird watching, and photography. These are typically done by individuals or small groups.*



Figure 1: Blue outline indicates the parcel that is known as Mercerdale Park, a developed park.

From an operational perspective, open space can be a portion of a parcel with a significant native ecosystem. For this reason, the City's Open Space Program directs operations in open space portions of park parcels, as well as in exclusively open space parcels. In the case of Mercedale Park, the Open Space Program manages the western forested portion of the park known as the "Mercedale Hillside." (See Figure 1)

### **The Trust Was Not Established for Developed Park Properties**

As it is currently constituted, the Trust could not receive park properties. Its stated purpose is to receive open space parcels. Therefore, it could not receive park parcels that contain open space ecosystems such as Mercedale Park, Luther Burbank Park, Island Crest Park, Clarke Beach Park, and Homestead Park. Activities on these properties could not be limited to "passive and low impact forms of use such as walking, jogging, or picnicking."

### **There Is No Compelling Need for All Open Space Properties to Be Held in the Trust**

As it is currently constituted, the Trust could receive open space properties such as SE 53<sup>rd</sup> Open Space, Gallagher Hill Open Space, Mercedale Hillside, Parkwood Ridge Open Space and Hollerbach Open Space. This would add to the scope of the Trust and the workload of the Board. It would also change the way that the Parks and Recreation Department makes operational and planning decisions. Parks and Recreation currently brings operational issues to the Trust Board, such as restoration work plans, trails maintenance plans, tree management issues, bench and other furniture placement, signs, horse and dog issues as well as programs such as letterboxing and special events. Adding properties to the Trust's holdings would increase the volume of this routine business. Additional staff time would need to be allocated to cover this work. More properties might also lead to separate studies and policies being developed for Trust properties, as has been done for Pioneer Park. These would be additional services as well.

The cost of these changes needs to be weighed with the benefit of transferring properties. None are being considered for park development. Instead, the City has invested millions of dollars over the past fourteen years in caring for the native ecosystems found in these open space properties. The City Council adopted an updated Open Space Plan in 2014. With no development pressure on such properties and clear evidence of long-term investment in the ecological value of these properties, the additional layer of governance is not warranted.

### **Existing Mechanisms for Open Space Preservation**

There are other mechanisms that determine the future of open space properties. The Mercer Island Comprehensive Plan ("Plan") is the City's long-range planning document establishing goals and policies affecting changes to land uses, natural resource protection, and City facilities and services over the next twenty years. It is periodically updated through an extensive public review process including Planning Commission and public hearings. The Plan states as a community value:

Open space (trees and green spaces) preservation continues to be a primary activity for attaining the community's quality-of-life vision. City leaders will continue to search for effective new tools and standards to protect and enhance the environment. (I. Introduction)

The Plan contains a number of goals in its Land Use Chapter that govern the acquisition and preservation of open space (Exhibit 4).

Every two years, the City Council passes a budget that contains budget policies. Those budget policies articulate City priorities. One of the standing policies has been the Trees, Trails and

Urban Forest Lands Policy. This policy has supported continuing expenditures on the City's Open Space Program and Trails program, as well as other open space needs (Exhibit 5).

Every six years, the Parks and Recreation Department produces a Parks and Recreation Plan update, also known as a PROS (Parks, Recreation and Open Space) Plan. The PROS Plan evaluates demographic and recreational trends for the Island and develops a comprehensive look at the City's needs for facilities and programs, including open space. The PROS Plan proposes a set of projects and policies designed to meet the population's needs. It is developed with public input and vetted through public hearings. Goal 3 of the current PROS Plan states:

**Preserve natural and developed open space environments and trails for the benefit of all existing and future generations.**

The next update of the PROS Plan is scheduled to start in 2019 for the 2020-2025 time period.

There are other, site-specific mechanisms for preservation as well. Luther Burbank Park, Pioneer Park and Homestead Field have site-specific master plans that direct the development of those parks. Finally, several parks have deed restrictions that limit the ability of the City to develop them. Clise Park and SE 53<sup>rd</sup> Open Space are examples of such properties. Collectively, the City's Comprehensive Plan, Trees, Trails and Urban Forest Lands Policy as part of the budget policy, the PROS Plan and deed restrictions effectively ensure that the City's inventory of open space properties is preserved for the enjoyment of future generations.

## **RECOMMENDATION**

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*Receive report. Take no action on the CCMIP request to place Mercedale Park and other parks and open spaces in the Trust based on various protective measures for open space properties that are currently and effectively being utilized.*

## Open Space Conservancy Trust

### (Joint) Public Appearance by Robin Russell & Peter Struck

January 18, 2018

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Good Evening, my name is Peter Struck residing at 9130 SE 54<sup>th</sup> Street.

I'm Robin Russell residing at 7549 SE 29<sup>th</sup> Street, #403.

This evening we speak as representatives of the Concerned Citizens for Mercer Island Parks. As you are probably aware CCMIP has been active in protecting Mercerdale Park from private development these past few years. Parenthetically, this is not too dissimilar to the proposed private developments in Pioneer Park that led to the creation of the Trust!

To put your job in perspective, Theodore Roosevelt once said, "Of all the questions which can come before this nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us."

Essentially, what President Roosevelt stated so eloquently so many years, is the mission of the Trust as defined in Ordinance No. B-93. In that document, the City clearly outlines several themes that have stood the test of time. Those include:

- Open spaces are a valuable and irreplaceable resource
- They contribute to the well-being of its citizens
- They are necessary to protect the character of the Island

Indeed, citizen surveys conducted by the City over the past few years have placed the maintaining and use of parks and open space as a high priority.

CCMIP endorses the mission of the Trust, and this evening, we are introducing the idea of placing Mercerdale Park, and other parkland and open spaces under the jurisdiction of the Trust.

We understand that such a move would need the support and approval of the City Council, but we believe it's appropriate to start the discussion with the Trust – a public body entrusted with preservation of parks and open spaces.

As you are well aware, development of the Island, both residential and commercial space, continues unabated. As a local real estate agent commented to me recently, "we are building on lots that five or ten years ago, we considered unbuildable!" In addition, the City's Comprehensive Plan anticipates more density which places an even greater level of responsibility on all of us to preserve what limited open space we have.

As many of you are aware, Mercerdale Park and other Island parks have been under assault to be developed for a variety of purposes over the past 30 – 40 years. Using information from the City of Mercer Island Park & Recreation Plan, 2014 – 2019, we estimate about 25% of the City's current

472 acres of parkland and open space could have been developed or put under the control of private interests by now if the citizenry of Mercer Island had not been successful in defeating these invasions.

With the continued build-out of the Town Center, the Mercerdale Park site serves not only as a peaceful respite and green space, but a community gathering spot, as well as a buffer between residential and commercial neighborhoods. It's recently restored Native Garden by CCMIP volunteers (and with the City's help), it is now a learning environment in addition to being a showcase of native flora.

We believe now is the time to create a higher threshold to preserve our remaining open space by placing them in the Trust. We are not, however, suggesting that we follow the City of Seattle and create a separate Parks District.

The benefits of such action can include:

- Develop a better corporate governance model that facilitates a broader discussion of how to treat our parks and open space
- Preserve the idea of low impact and passive usage of our parks
- Increase the economic and environmental benefits of these lands
- Sustain the ability for every-day citizens, as well as park staff, to directly influence how our parks are maintained and used
- Enhance the ability to attract volunteer assistance (e.g. friends & neighbors)
- Facilitate designated fund-raising efforts that helps alleviate City financial challenges
- Ensure that parkland and open space, which together represent the City's single largest asset, receives the special community oversight that the Trust can provide

**In addition to the Parks & Rec staff, we believe the City Council will look to this body for input, and, on behalf of the 2,300 registered voters who signed petitions to place Mercer Island parks protection on the ballot, we ask that you put our request of placing Mercerdale Park and other parks and open spaces in the Trust to be part of your work plan and formal agenda for 2018.**

**We stand ready to assist in this discussion, and move the proposal forward as expeditiously as possible.**

**Thank you.**



**CITY OF MERCER ISLAND  
RESOLUTION NO. 1429**

**A RESOLUTION OF THE CITY OF MERCER ISLAND, WASHINGTON  
TRANSFERING MANAGEMENT AND GOVERNANCE OF THE ENGSTROM  
OPEN SPACE TO THE MERCER ISLAND OPEN SPACE CONSERVANCY  
TRUST.**

WHEREAS, the City of Mercer Island owns the Engstrom Open Space, an 8.5 acre forested property next to Pioneer Park; and

WHEREAS, the Mercer Island Open Space Conservancy Trust ("The Trust") was established by Mercer Island City Council Ordinance B-93 in 1992 to receive and hold open space properties from City Council; and,

WHEREAS, The Trust has successfully managed and governed Pioneer Park for 18 years, which has included the development and implementation of the Pioneer Park Master Plan, the development, implementation and updating of the Pioneer Park Forest Management Plan, and many other projects and programs to restore the forest and enhance recreation for the citizens of Mercer Island; and

WHEREAS, Engstrom Open Space is functionally part of the same ecosystem as Pioneer Park such that important natural resources and natural processes exist without regard to the boundary between the two properties; and

WHEREAS, joint management of the two properties would preserve and protect said natural resources and natural processes, as well as enhance recreational opportunities for the citizens of Mercer Island; and

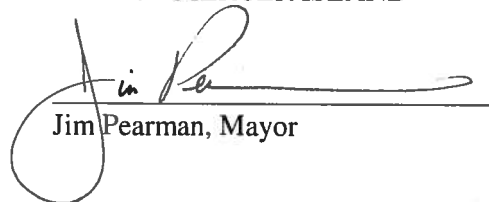
WHEREAS, the Trust Board recommended to the Mercer Island City Council that the Engstrom Open Space be transferred to the Trust, and the Mercer Island City Council reviewed the recommendation on July 19<sup>th</sup>, 2010 in open public meeting; and

WHEREAS, at that open public meeting on July 19<sup>th</sup>, 2010, the Mercer Island City Council voted to transfer management and governance of the Engstrom Open Space to the Mercer Island Opens Space Conservancy Trust.

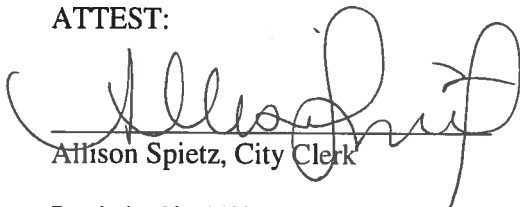
NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AS FOLLOWS: the City Manager is authorized and directed to transfer management and governance of the Engstrom Open Space to the Mercer Island Open Space Conservancy Trust to be held in trust in accordance with Mercer Island City Council Ordinance B-93.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS REGULAR MEETING ON THE 1ST DAY OF NOVEMBER, 2010.

CITY OF MERCER ISLAND

  
Jim Pearman, Mayor

ATTEST:

  
Allison Spietz, City Clerk



**BUSINESS OF THE CITY COUNCIL  
CITY OF MERCER ISLAND, WA**

**AB 4555  
July 19, 2010  
Regular Business**

<b>MANAGEMENT OF ENGSTROM OPEN SPACE</b>	<b>Proposed Council Action:</b> Direct staff to develop a resolution to transfer management of Engstrom Open Space to the Open Space Conservancy Trust.
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<b>DEPARTMENT OF</b>	Parks and Recreation (Paul West and Bruce Fletcher)
<b>COUNCIL LIAISON</b>	Dan Grausz
<b>EXHIBITS</b>	1. Engstrom Open Space Location Map
<b>APPROVED BY CITY MANAGER</b>	

<b>AMOUNT OF EXPENDITURE</b>	\$	n/a
<b>AMOUNT BUDGETED</b>	\$	n/a
<b>APPROPRIATION REQUIRED</b>	\$	n/a

**SUMMARY**

At the Planning Session in January 2010, the City Council asked staff to provide information about inclusion of new properties such as Engstrom Open Space into the Open Space Conservancy Trust ("Trust"). This request was prompted by the Open Space Conservancy Trust Board's recommendation to the City Council that Engstrom Open Space management be transferred to the Open Space Conservancy Trust.

Staff is seeking direction from the Council regarding:

1. The Council's desire to develop a resolution that would transfer management of Engstrom Open Space to the Trust.
2. Level of service for managing Engstrom Open Space.

**Background**

The Trust was created in February 1992 to:

- Receive and hold all Open Space Properties transferred to the Trust by the City Council, or by other governmental or private land owners with approval of the City Council;
- Protect, maintain and preserve the Open Space Properties; and
- Ensure that the development and use of the Open Space properties are both consistent and compatible with the intent and purposes of the Trust, and the guidelines and policies enacted pursuant to the Trust.

The parcels of real property known as Pioneer Park were transferred to the Trust as part of the creation of the Trust, with the intent that other open spaces should be considered for inclusion into the Trust. At the March 2010 meeting of the Open Space Conservancy Trust, the Members voted to recommend to the City Council that Engstrom Open Space be transferred to the Trust.

Engstrom Open Space was acquired by the City in two purchases from Ken and Margaret Quarles. The first purchase was the northernmost parcel in 2002, using matching Conservation Futures Tax funds. In 2006, the Quarles sold the other three parcels to the City at well below market value, essentially making a major gift to the City of 6.5 acres (Exhibit 1).

## **Ecosystem Discussion**

Engstrom Open Space is functionally part of the same ecosystem as Pioneer Park; activities on one property affect the other. Restoration of one property protects the other, and conversely, biological degradation of one property puts the other at risk for the same. Certain wildlife, such as bald eagles and pileated woodpeckers, depend on the aggregate of these two properties for their habitats.

In 2004, the City Council adopted the Open Space Vegetation Plan ("Plan") as a guide for restoration of the City's 300+ acres of open space. In the Plan, an analysis was done of the public benefits of open space on Mercer Island. Pioneer Park was found to be the highest value open space over a range of functions, such as storm water buffering, erosion control, recreation, habitat and aesthetics. This provided the rationale for continuing high levels of investment in its care and restoration. If this analysis were redone with Engstrom Open Space included in Pioneer Park, the combined property would likely score even higher in public benefits. That is because the addition of more trails, road frontage, drainage area, slope area, and habitat area boosts not only the aggregate benefit, but also the per acre benefit on which the analysis was based.

The underlying benefit model recognizes that "bigger and more diverse" is generally better when it comes to recreation, aesthetics and ecosystem function. More connected trails means more choices for walking, translating into more park users on a per acre basis than if the same lengths of trails were spread out among unconnected parks. More stream channel in one park means more drainage function and more habitat function than if the drainage was fragmented in several shorter sections. More habitat area means greater connectivity and diversity, and particularly accrues benefit to species that require minimum habitat areas to survive (e.g. pileated woodpecker). This is a simplification of the analysis, which also takes into account geographic diversity and accessibility. Nevertheless, in an urbanizing environment where fragmentation of parcels is the trend, aggregation generally accrues greater benefits on a per unit area basis.

In order for this benefit to be fully realized, the two properties would have to be managed to the same level of service. Currently, Pioneer Park receives the highest level of service because of its high public value. Engstrom Open Space was not included in the Plan because it was not City property at that time. It is currently being managed at a second level of service to maintain current ecological function over the long term. Staff has estimated an additional cost of \$6,200 per year or \$124,000 over 20 years for managing Engstrom Open Space at the same level as Pioneer Park.

## **Management of Property**

There are already restrictions on the use of the properties that make up the Engstrom Open Space. The part of Engstrom Open Space acquired with Conservation Futures Tax funds cannot be developed for any use other than passive open space, according to the conditions of that funding source. The part of Engstrom Open Space that the Quarles sold to the City in 2006 was acquired for the purpose of parks and recreation.

The Trust was formed to protect open space properties that were under threat of development, but Engstrom Open Space is not under threat of development. If it is not managed by the Trust, it would remain as open space and managed under the Plan as a second-tier open space property. This would provide services that maintain tree canopy and manage invasive levels to protect viable native plant communities.

The rationale for transferring management the Engstrom Open Space to the Trust is to extend a consistent framework over all the properties that function as one open space. Having the Trust manage the Engstrom

Open Space would provide consistent goals and objectives for both Engstrom Open Space and Pioneer Park. Preservation and restoration of the open space on both properties is mutually beneficial to each. An investment of public money to manage Engstrom Open Space would yield a greater public benefit than the same investment in the same size property that does not have the same geographic proximity to Pioneer Park. The benefits accrued to Engstrom Open Space from this investment also indirectly accrue to Pioneer Park. For example, if invasive plants are removed from Engstrom Open Space, it reduces the chance that Pioneer Park may become reinvaded by invasive plant propagules from Engstrom Open Space. If all trails are managed similarly, then park users are unlikely to venture into Engstrom Open Space and suddenly find a lower trail standard than the one for Pioneer Park.

### **Maintenance Costs**

Staff estimates an additional cost of \$6,200 per year or \$124,000 over 20 years, for managing Engstrom at the same level as Pioneer Park.

Open Space Vegetation Management is funded by a combination of REET2 and 2008 Parks Operations and Maintenance Levy funds. Parks and Recreation staff believe that the \$6,200 per year can be funded starting in 2013 with funding levels contained in the 2011-2016 Six-Year CIP Plan. Funding before 2013 is limited because of a shortage of REET2 revenues. For the first two years (2011-2012) of the Six-Year CIP Plan, open space vegetation work is reduced to a maintenance level only and then restored to current levels in the following four years.

## **RECOMMENDATION**

### *Open Space Conservancy Trust Board*

MOVE TO: Transfer management and governance of the Engstrom Open Space to the Mercer Island Open Space Conservancy Trust and increase maintenance services to the level of Pioneer Park.

### *Or Alternatively*

MOVE TO: Retain management and governance of Engstrom Open Space under the Parks and Recreation Department and the City Council and direct City staff to increase maintenance services to the level of Pioneer Park.

### *Or Alternatively*

MOVE TO: Maintain status quo as to management, governance and levels of maintenance service for Engstrom Open Space.

## **Mercer Island Comprehensive Plan Excerpt**

### **GOAL 19: Continue to maintain the Island's unique quality of life through open space preservation, park and trail development and well-designed public facilities.**

- 19.2 More specific policy direction for parks and open space shall be identified in the Parks and Recreation Plan and the Pedestrian and Bicycle Facility Plan. These plans shall be updated periodically to reflect changing needs in the community.
- 19.3 Acquisition, maintenance and access to public areas, preserved as natural open spaces or developed for recreational purposes, will continue to be an essential element for maintaining the community's character.
- 19.4 View preservation actions should be balanced with the efforts to preserve the community's natural vegetation and tree cover.
- 19.5 Future land use decisions should encourage the retention of private club recreational facilities as important community assets.
- 19.6 Provide recreation and leisure time programs and facilities that afford equal opportunities for use by all Mercer Island residents while considering the needs of non-Mercer Island residents.
- 19.7 Provide a system of attractive, safe, and functional parks, and park facilities.
- 19.8 Preserve natural and developed open space environments and trails for the benefit of all existing and future generations.
- 19.9 Provide a broad representation of public art through cooperation with the Mercer Island Arts Council.
- 19.10 Funding for existing facilities should be a top priority and should be provided at a level necessary to sustain and enhance parks, trails and open space consistent with the Parks and Recreation Plan, the Trails Plan and the Capital Facilities Element.
- 19.11 Promptly investigate open space acquisition opportunities as they become available.
- 19.12 Pursue state and federal grant funding for parks and open space improvements.
- 19.13 Pursue a trail lease agreement from the Washington State Department of Transportation to allow for the development of an I-90 Connector Trail to establish a pedestrian connection between Luther Burbank and Town Center.

## Trees, Trails, and Urban Forest Lands

### Background

The citizens of Mercer Island have long regarded trees and the wooded setting of the Island an important aspect of our community. The City has encouraged preservation and protection of steep slopes, watercourses, ravines and other environmentally sensitive areas on private and public lands. These areas help define the sylvan character of the Island.

For open spaces (defined here as all publicly owned open space, including street rights-of-way) to remain healthy and viable, programs must be developed and funded that ensure trees and other vegetation are preserved, invasive plants removed, re-vegetation of plants encouraged and when necessary, trees removed and replaced. In 2001-2002, the City began an active approach toward open space management. In Pioneer Park, a coordinated capital program of forest management and user improvements was undertaken. In November 2003, the City Council adopted the Pioneer Park Forest Management Plan, detailing how the forest can best be managed over time to reach identifiable goals and outcomes. In October 2004, the City Council adopted the Open Space Vegetation Plan to address the issues of invasive plants and canopy condition on other public open space properties. This plan was first implemented as a capital program in the 2005-2006 biennial budget and has continued through the current 2015-2016 biennial budget. Staff completed an update to the Open Space Plan in 2014, which will be used as a guideline for forest management practices on public open space properties for the next 10 years.

Conflicts have arisen for decades over tree cutting, property development and preservation of trees and vegetation. As economic forces push the Island toward final build out and redevelopment of smaller homes, the pressure is on the City to effectively define policies and procedures to manage all aspects of natural resources on the Island. A tree ordinance adopted by the City Council in early 2002 provides clear direction for the preservation and management of trees on both private and public property in the future.

### Comprehensive Planning

*“Open space (trees and green spaces) preservation continues to be a primary activity for attaining the community's quality-of-life vision. The search for effective new tools and standards to protect and enhance the environment will be an ongoing focus of City leaders. The community, through its ongoing consideration of public and private projects, will continue to seek ways of enhancing the Island's quality of life through open space preservation, pedestrian trails and well-designed and functional public and semi-public facilities.”*

Excerpts from the City Council Vision Statement.

As a mature community, Mercer Island has made substantial investments in public infrastructure over the last 30 years. Given proposed service levels and regulatory controls, additional investments may be required for open space acquisition, vegetation management and trail development.

Mercer Island has approximately 467 acres of City and State-owned parks and open space lands. This acreage comprises about 12% of the Island. Eight City parks are 10 acres or larger in size, of which two of these parks exceed 70 acres (Luther Burbank Park and Pioneer Park). On a per capita basis, Islanders enjoy an impressive 21 acres of publicly owned park and open space land per 1,000 people. This compares with neighboring jurisdictions as follows: Bellevue - 21.8 acres/1,000 pop.; Kent - 15.5 acres/1,000 pop.; Redmond, - 28.0 acres/1,000 pop.; Kirkland - 19.11 acres/1,000 pop. In addition to City park lands, approximately two-thirds of the Mercer Island School District grounds are available to

# Budget Policies

Island residents for various recreational uses. And, an additional 40 acres of private open space tracts are available for residents of certain subdivisions on the Island. Nearly 20% of the Island is public right away (ROW) which supports a large number of trails and substantial amount of tree canopy.

The 2013 Mercer Island Parks and Recreation Plan identifies several goals and objectives that pertain to trees and open space. These include:

**1) Provide a system of attractive, safe, and functional parks, and park facilities (partial list).**

- Develop park planning tools and implement long term park/open space management and park master plans;
- Retain publicly owned parks and open spaces in perpetuity;
- Encourage private sector participation in preserving open space and providing facilities for recreational and community enjoyment;
- Pursue improvements to developed and undeveloped street ends where appropriate and where public demand supports new access.

**2) Preserve natural and developed open space environments and trails for the benefit of all existing and future generations.**

- Promptly investigate open space acquisition opportunities as they become available;
- Pursue fee simple purchase, transfer of development rights, conservation easements or other preservation and land use mechanisms that would:
  - Enable acquisition of properties where development would create severe hazards to public health/safety;
  - Provide a buffer between incompatible land uses
  - Protect ravines and watercourse corridors
  - Preserve lands adjacent to or visually accessible from arterials
  - Expand existing parks and open spaces or add to an activity node
  - Parcel size should be one acre or larger
- Open space land should offer identifiable benefits to the community that extend beyond adjacent private properties;
- Property should not present conspicuous liability risk unless appropriate mitigation can be pursued;
- Provide trails that are safe and attractive for pedestrians, bicycles and equestrians and
  - Complete and expand the pedestrian, equestrian and bicycle circulation system by acquiring rights-of-way as necessary and appropriate for trails;
  - Increase the visibility and accessibility of the bicycle, pedestrian and equestrian circulation system;
  - Develop trail systems within existing open space properties to provide maintenance and recreational access;
  - Enable continuous linkages between employment, transit, schools, parks, neighborhoods, churches/synagogues and community facilities;

**3) Secure maintenance funding at a level necessary to sustain and enhance parks, trails and open space.**

- Develop and update long term plans for maintaining parks, trails and open space;
- Seek City funding appropriations, including Capital Improvement funds, external grants and gifts to support the City's adopted Level of Service Standards for parks and to implement approved park and forest management plans;

#### 4) Pursue state and federal grant funding for parks and open space improvements.

- Seek operations, maintenance and capital improvement grant funds to enhance parks, trails and open space areas.

### **Budget Polices for 2017-2018**

- Continue to implement Option 2 in the Open Space Vegetation Plan which provides Level B service (maintain existing functional value) for vegetation management on 15 open space sites. This would also continue the funding implementation of projects contained in the Pioneer Park Forest Management Plan.
- Continue to fund a half-time Arborist position for 2017-2018 to support Development Services land use and regulatory functions. Also continue the Parks Natural Resources Manager and a three – quarter time Parks Natural Resources Specialist positions that support tree and urban forest management in parks and open spaces. Additionally, this also provides staff support to the Open Space Conservancy Trust.
- Fund arborist services and related work for trees in the public right of way through the Maintenance Department budget.
- Continue tree care and management in rights of way, parks, open spaces and the Town Center at 2015-2016 levels. Fund contractual services for removal of identified tree liabilities in parks and other open spaces.
- Continue maintaining Right-of-Way trails in conjunction with park trails to provide consistent levels of service city-wide.
- Utilize King County Proposition I Levy funding for planning and constructing new trail connections consistent with adopted planning instruments (master plans, bike/ped plan, etc.)
- Maintain master planned capital improvements to Pioneer Park, including trail grooming, trail repair, and park furniture maintenance.
- Continue tree care and vegetation improvement projects in Luther Burbank Park consistent with ongoing levy and CIP funding support.
- Utilize public education programs wherever possible to enable property owners to implement best environmental practices on private open space properties.



# Budget Policies

## 2017-2018 Budget Impact

Expenditures	2015 Actual	2016 Forecast	2017 Budget	2018 Budget
<b>General Fund</b>				
Arborist - plan review and permitting	\$ 61,138	\$ 64,451	\$ 66,822	\$ 67,947
Parks Natural Resources Coordinator	81,894	74,353	80,137	82,234
Trails Maintenance	63,282	58,452	61,817	62,696
<b>Total General Fund</b>	<b>206,314</b>	<b>197,256</b>	<b>208,776</b>	<b>212,877</b>
<b>Street Fund</b>				
Urban Forest Management (Right-of-way)	114,656	115,926	186,808	187,834
<b>Capital Improvement Fund</b>				
Parks Open Space and Vegetation Management	406,747	527,253	444,000	466,000
<b>Total Expenditures</b>	<b>\$ 727,716</b>	<b>\$ 840,435</b>	<b>\$ 839,584</b>	<b>\$ 866,711</b>

**Questions Regarding a Proposal to Consider Adding Properties to**

**The Open Space Conservancy Trust**

**City of Mercer Island, WA**

**April, 2018**

**Prepared by Robin Russell & Peter Struck**

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**In anticipation of the next Board meeting of the Open Space Conservancy Trust (OSCT) on May 17<sup>th</sup>, 2018, and an expected study session to be held by City staff for the benefit of Board members and the community, we submit the following questions for consideration.**

- I. What is the process to add properties?
  - a. What would be a reasonable timeline for such a process?****
- II. Are there any reasons that all 472 acres of designated open space and parkland would not be eligible for inclusion in the trust?
  - a. If so, what are they?**
  - b. If not, what is preventing the community from adding them?****
- III. How do you assess the projected benefits to the community of adding properties vs. anticipated marginal costs?**
- IV. What should be the criteria for adding properties?
  - a. Operational Capacity**
  - b. "type of park"**
  - c. Competing uses "issue" & flexibility for future uses**
  - d. Legal issues (legacy constraints)**
  - e. "most threatened"****
- V. Is there more specific guidance to interpret "limited use" or "low impact" activities?**
- VI. How would you envision the Board's duties and responsibilities changing, if any?**
- VII. Is there a budgetary impact?**
- VIII. Do either the Bylaws or governing Ordinance need to be changed?
  - a. How is the most effective way to approach this issue?****

## Paul West

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**From:** lisabelden@aol.com  
**Sent:** Sunday, March 18, 2018 4:54 PM  
**To:** Paul West; Anna Ormsby; Alaine Sommargren; Bruce Fletcher; Council  
**Subject:** Off leash dog situation in NW quadrant getting out of control again

This past Saturday and Sunday, there were repeated episodes of off leash dogs trespassing into my next door neighbor's yard and my yard.

PLEASE STOP THE OFF LEASH DOG POLICY. IT DOESN'T WORK. THERE ARE TOO MANY OWNERS WHO HAVE NO CONTROL OVER THEIR DOGS, and THEY DON'T CARE WHAT THE RULES ARE.

Lisa Belden  
(206) 232-9764

## Paul West

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**From:** Rita Moore <rita.a.moore@gmail.com>  
**Sent:** Thursday, April 19, 2018 2:01 PM  
**To:** lisabelden@aol.com  
**Cc:** Paul West; Council\_Members; Council; Alaine Sommargren; Bruce Fletcher; Mercer Island Reporter  
**Subject:** Re: Continuing problems with off leash dogs in the NW quadrant of Pioneer Park

Lisa,

Thank you for your research on dogs in conservation areas. I agree with conclusion. I have also had people tell me they do not walk in the NW quadrant because of the dogs.

Dog owners are very adamant about allowing their dogs in parks and off leash. This is not a new problem. It has been a problem since I was on the Open Space Conservancy Trust quite a few years ago.

With all the support for dogs in the community, I think it would be difficult and cause an enormous uproar if we banned dogs from our open space parks. However, I think it is time to require that dogs be on a leash if they are in an open space area or in other parks. I know this will be inured by many dog owners unless there are adequate fines for dogs encountered off leash. Dogs provide great companionship for humans but they are still dogs. Our environment is more important than dogs rights to run off leash.

The current laws should be changed to require dogs to be on leash, not just under voice control. Dog owners are lucky to have 2 off leash areas in Luther Burbank Park.

Please understand I like dogs. My father raised German Shepherds and they were great friends and pets. They were also well trained in obedience, but they were not allowed off leash unless on our property.

Rita Moore

Rita A. Moore  
4509 Ferncroft Rd.  
Mercer Island, WA 98040  
cell: 206 679-3375

On Thu, Apr 19, 2018, 12:45 PM <[lisabelden@aol.com](mailto:lisabelden@aol.com)> wrote:

Dear Council members:

There are continuing problems with off leash dogs in the NW quadrant of Pioneer Park. There are dogs trespassing onto private property located near the Perimeter Trail in the NW quadrant. There are off leash dogs approaching other trail users uninvited. There are dogs going way off the established trail and into private yards and patios. There are out-of-control dogs running fast and rough-housing on the Perimeter Trail running into human users of the trail. There are off leash dogs hunting and killing protected wildlife.

A black dog with a pointy face and white stripe on its nose recently trespassed onto my property, chasing my cat which was in its own fenced backyard. This trespassing event was preceded by a Jack Russell terrier, Golden Retrievers, mixed breeds, Weimaraners, labs, lab mixes, English setters, and other dogs (and even their owners trespassing), AND MY BACKYARD IS GATED AND FENCED.

After I got the most recent black dog out of my yard, it ran into my next door neighbor's backyard which is not fenced. It knocked over one of my neighbor's bird feeders and then it came racing back along my fence line chasing a small reddish brown squirrel on the ground. I think it was a Douglas Squirrel. I think the dog killed the squirrel. This saddens me as the small squirrel had visited our yard frequently, and we loved to watch it. It may have been a nursing mother, or pregnant, as its teats were swollen.

**Douglas Squirrels are a "protected specie" under WAC 220-200-100.**

Off leash dogs have killed all the chipmunks that used to frequent the NW quadrant. Those may have been a protected specie too. **See** WAC 220-200-100 listing of protected species.

There may be only 4 or 5 grey squirrels left in the NW quadrant, and maybe now one lonely Douglas Squirrel bachelor with dead babies if their mother was killed.

Pioneer Park was set aside into conservancy for the purpose of protecting the woods and wildlife. Please read the ordinance that established the Open Space Conservancy Trust and put Pioneer Park into it. The NW quadrant was not put into conservancy to be a threat to neighboring homes and private property, or a threat to neighbor dogs and cats who are now not safe in their own yards. The NW quadrant was not put into conservancy to be a wildlife killing field for the entertainment of off-leash dogs and their owners who think it is fun for the dogs to "chase critters". It was set aside into conservancy for the purpose of protecting the wooded environment and wildlife. Please read the Trust Ordinance for Pioneer Park. That purpose is clearly stated.

You are not protecting the wooded environment and the park's wildlife when you allow off leash dogs to kill and harass wildlife and trample their habitat.

Today, there was a woman with two off leash Weimaraners in the NW quadrant. One was old; the other young and hunting for wildlife.

Have you ever seen what a Weimaraner will do to a squirrel or rabbit? I have. They tear the small animal apart and swallow them.

Bruce describes himself as an environmentalist. Yet he supports off leash dogs in the NW quadrant and they are killing a protected specie. Salim Nice is a member of Pioneer Park Unleashed. Where does he stand on dogs killing protected wildlife? Or Wendy Weiker, another member of Pioneer Park Unleashed. Where do you, Wendy, stand on off leash dogs killing protected wildlife in your own city park?

What are the rest of you doing about this?

**Paul, please bring this matter to the attention of the Open Space Conservancy Trust members. Their policy and the city's policy of allowing off leash dogs in the NW quadrant is violating not only the ordinance that put Pioneer Park into conservancy, but also Washington law (WAC 220-200-100) regarding protected species. While Washington's law may be aimed at human hunters, what's the difference between a person hunting a protected specie, and a group of persons letting off leash dogs do that?**

Please read Portland's position on the impacts of off leash dogs on wildlife and natural areas: <https://www.portlandoregon.gov/parks/article/91738>

See also Metro Parks report on those impacts at: <http://birddigiscoper.com/dogimrev.pdf>. **"The evidence that dogs negatively impact wildlife is overwhelming."**

Lisa Belden