

**File a Formal Complaint - Dan Grausz**

The Concerned Citizens for Mercer Island Parks was formed in 2015 to take positions for and against candidates for the Mercer Island City Council. In that connection, they placed a large 8-page insert into the Mercer Island Reporter and, in addition, distributed that same insert to thousands of Mercer Island homes. Their latest effort is to promote a "Protect our Parks" voter initiative. Once again, they have placed a large 8-page insert into the Mercer Island Reporter (March 30, 2016 edition), are distributing additional copies of that insert to individuals and printing and circulating petitions. These efforts must have cost thousands of dollars. Yet, they do not appear to have filed any C3 or C4 reports with the Commission. Copies of the 2015 and 2016 inserts are attached. Appropriate action should be taken against them for failure to file the required C3 and C4 reports.

**Mercer Island City Council**

# **Voters Guide**

**November 3, 2015 Election**

**Dear Mercer Island Voter:**

**This is the Concerned Citizens for Mercer Island Parks (CCMIP) Voters Guide. CCMIP is an Island group dedicated to preserving and protecting our precious parkland. We believe that an advisory vote should be required before selling, leasing, or putting major construction in a park.**

**All nine candidates for City Council answered eight questions concerning individual Island parks and Island parkland in general.**

**Based on candidate answers to our questions, CCMIP endorses the following candidates:**

- **Dave Wisenteiner for City Council Position #1**
- **Salim Nice for City Council Position #3**
- **Thomas Acker for City Council Position #5**
- **Traci Granbois for City Council Position #7**

**In the following pages, we have presented candidate answers to our questions so you can decide for yourself. At the end, we provide analysis of the questions and candidate answers.**

**Please vote and become more involved in our local government.**

**Sharon H. Smith, CCMIP Voters Guide Chair**

## Mercer Island City Council Position #1

### Dave Wisenteiner

### Jane Meyer Brahm

<p><b><u>Mercerdale Park</u></b> - Do you favor maintaining Mercerdale Park as an open and green park, or do you favor constructing buildings, such as the proposed 38,000 square foot arts center on one acre of Mercerdale Park?</p>	
<p><b><u>Wisenteiner</u></b>- I would like to see all of our parks remain parks without encroachment. The decision to prioritize one non-profit over another to be the beneficiary of public assets seems like an issue for the voters and not 7 residents alone.</p>	<p><b><u>Brahm</u></b>- I would consider allowing a structure to be built on Mercerdale as long as its footprint is entirely outside the paved path, it takes up as little space additional to the Recycle Center as possible, and it blends visually with the wooded hillside adjoining it.</p>
<p><b><u>Voter approval</u></b>- Concerned Citizens for Mercer Island Parks is conducting a petition drive to get the Mercer Island City Council to hold an advisory vote before selling, leasing, or approving major construction in a park. Would you favor such an advisory vote? Why or why not?</p>	
<p><b><u>Wisenteiner</u></b>- I have said publically; I would absolutely support an advisory vote on this issue. It is the public's money, it is the public's park, it is the public's decision. My opponent Jane Brahm said during the debate at the Beach Club that she would not support an advisory vote.</p>	<p><b><u>Brahm</u></b>- In representative government, I believe cities should hold advisory votes very rarely. Before I could support any such advisory vote, I would need to know the specific details of any such proposals.</p>
<p><b><u>Kite Hill</u></b>- In 2006, as part of a public process that master-planned Luther Burbank Park and the vicinity, the City Council designated Kite Hill next to the Community Center as "open space "parkland. Late last year, the City Council tried to put a parking garage on Kite Hill. Should the City Council respect the results of that public master-planning process?</p>	
<p><b><u>Wisenteiner</u></b>- Most people feel that paving parks is a crazy idea. Parkland is parkland period, the city can't look at it as an asset to be traded, transformed and bargained. Unless we are excellent financial stewards, we will have fewer resources to manage those parks that's why this election is important.</p>	<p><b><u>Brahm</u></b>- As due diligence to consider any and all possible locations for additional commuter parking, the City allowed Sound Transit to study Kite Hill as a site for a parking lot. The Council did not "try to put a parking garage" there. I believe it's good government to examine all possibilities.</p>
<p><b><u>Clarke Beach</u></b>- Our City Council has agreed to sell part of Clarke Beach to an encroaching neighbor. Should the City Council have entered into this agreement to sell public parkland? Why or why not?</p>	
<p><b><u>Wisenteiner</u></b>- I am not as familiar with this case as I could be so I probably can't comment since I am not familiar with the details or circumstances surrounding the decision. On face value it seems really strange that we would sell public land to any private party.</p>	<p><b><u>Brahm</u></b>- Initially I was against the sale, but when I understood the complexities of this case, and that the encroachment occurred years ago by a previous owner, I changed my mind. Upon the advice of the city attorney, I reluctantly approved the sale. Under the circumstances, it was right for Islanders.</p>
<p><b><u>Pioneer Park</u></b>- Pioneer Park is in a Trust, but under the trust ordinance, if 5 of 7 Councilmembers and 5 of 7 Council-appointed Trustees agree, all or part of Pioneer Park can be removed from the Trust and sold, leased, or built upon as the City Council directs. What additional measures, if any, would you propose or accept to protect Pioneer Park from development?</p>	
<p><b><u>Wisenteiner</u></b>- Because we have seen some inconsistency in the security of park status, we could make those decisions more representative. If the trustees were not appointed by the council but elected by some other manner a runaway council with a closely held trustee group could not make a decision en mass.</p>	<p><b><u>Brahm</u></b>- I believe Pioneer Park is adequately protected from development. The Open Space Conservancy Trust is still unique in the state of Washington. I would recommend against changes to the trust that could possibly provoke legal challenges to the trust itself.</p>
<p><b><u>Luther Burbank Park</u></b>- In 1968, King County voters approved "Forward Thrust" bonds to purchase Luther Burbank Park to protect it from increased development that comes from increasing population. Since the park was transferred to Mercer Island, the City Council has tried to locate a restaurant, marina, and housing development in the park. Should Luther Burbank Park be protected from development? If so, how? Or should the City Council be free to develop Luther Burbank Park as it directs?</p>	
<p><b><u>Wisenteiner</u></b>- It is either park land or it is not, to me there is not much middle ground. It strikes me that in past attempts to change the status of the park, some councils or some council members see the parkland designation as a "suggestion." I think differently.</p>	<p><b><u>Brahm</u></b>- The Luther Burbank Park Master Plan is a living document that protects and guides the future of the park. The Friends of Luther Burbank Park is a group of volunteers dedicated to protect and maintain the park. The City could place some of the park into the Open Space Conservancy Trust.</p>
<p><b><u>Re-purposing parkland</u></b>- Recent years have seen increased pressure to re-purpose parkland because we already own it, so it's "free." That reasoning was unsuccessfully used in the 1987 attempt to site City Hall on "free" Mercerdale Park land instead of on the current, purchased site. Do you believe our parkland is irreplaceable and is more precious because of increasing population, or do you believe that we should create a precedent of offering free parkland to what the City Council deems a worthy cause?</p>	
<p><b><u>Wisenteiner</u></b>- Parkland is not an asset to be bartered, traded or sold. It is an asset for residents to enjoy areas both developed (with mowed lawns and playscapes and dog parks) and undeveloped (with slugs and roots and raccoons).</p>	<p><b><u>Brahm</u></b>- The Island's parks and open spaces are an irreplaceable resource. Parkland and open space need to be considered system-wide as a benefit to the entire community, for a broad range of recreational activities and purposes as well as passive uses.</p>
<p><b><u>Keeping Word</u></b>- In a previous election, a candidate was asked whether he favored an open and green Mercerdale Park or favored constructing buildings there. He responded, "I favor maintaining Mercerdale Park as it currently is," but now he is advocating building an arts center in Mercerdale. What assurances can you give that if you make a commitment in this election campaign that you will keep your word?</p>	
<p><b><u>Wisenteiner</u></b>- We either do what we say or we don't. I think my reputation is well established in the business and charitable communities. I have watched current council members explain how they voted one way when the facts on video tape and in the voting record clearly show otherwise.</p>	<p><b><u>Brahm</u></b>- I can only say that I stand on my personal integrity.</p>

## Mercer Island City Council Position #3

### Salim Nice

### Wendy Weiker

**Mercerdale Park** - Do you favor maintaining Mercerdale Park as an open and green park, or do you favor constructing buildings, such as the proposed 38,000 square foot arts center on one acre of Mercerdale Park?

**Nice**- Maintaining our parks and open space is critical. Parks are one of the most valuable resources we have. MI parks in 2015 were valued at \$312,093,114. Given the lack of practically available additional land and potentially growing population, I do not support development in any of our parks.

**Weiker**- I support preserving and enhancing parkland and believe that Mercerdale's now-closed recycling center could benefit from being repurposed into an arts center. It's reasonable to consider that a public-private partnership could be created that minimizes financial risk to the city and optimizes economic development activity for our evolving Town Center.

**Voter approval**- Concerned Citizens for Mercer Island Parks is conducting a petition drive to get the Mercer Island City Council to hold an advisory vote before selling, leasing, or approving major construction in a park. Would you favor such an advisory vote? Why or why not?

**Nice**- Yes. Key issues with long-term potentially irreversible consequences need wide citizen input and support. Parks and open space are an important part of the charm and character on MI. The benefit to the community of an advisory vote in these circumstances outweighs the additional resources/time that may be needed.

**Weiker**- I believe special elections can be expensive, divisive, and potentially create an environment in which Councilmembers are not able to effectively do the job that they are elected to do.

**Kite Hill**- In 2006, as part of a public process that master-planned Luther Burbank Park and the vicinity, the City Council designated Kite Hill next to the Community Center as "open space" parkland. Late last year, the City Council tried to put a parking garage on Kite Hill. Should the City Council respect the results of that public master-planning process?

**Nice**- Yes, the council should honor protection of "Kite Hill". That "open space" designation was part of a broader process considering public hearings, group discussions, workshops, and Town Hall and City Council meetings to solicit community input. Hence, the LBP public-master-planning process for the protection of "Kite Hill" should be respected.

**Weiker**- I support the Council's responsiveness to clear citizen input that Kite Hill remain open space.

**Clarke Beach**- Our City Council has agreed to sell part of Clarke Beach to an encroaching neighbor. Should the City Council have entered into this agreement to sell public parkland? Why or why not?

**Nice**- No, the Council should not be agreeing to sell any part of the Clarke Beach. While the history of this encroachment is unfortunate, that is not adequate reason to be selling any part of the Park, let alone an area with intrinsic value to citizens, and potential scenic vistas.

**Weiker**- Despite the unintentional encroachment and sale proceeds going to other MI parkland acquisition, Council should have required the property owners to restore the original parkland. Given limited enforcement capacity for our park boundaries, this sale sets an unfortunate precedent for how future park encroachment situations may be handled.

**Pioneer Park**- Pioneer Park is in a Trust, but under the trust ordinance, if 5 of 7 Councilmembers and 5 of 7 Council-appointed Trustees agree, all or part of Pioneer Park can be removed from the Trust and sold, leased, or built upon as the City Council directs. What additional measures, if any, would you propose or accept to protect Pioneer Park from development?

**Nice**- I cannot imagine a circumstance where I would ever vote to divest or degrade Pioneer Park. Further, in addition to the 5 of 7 Councilmember -Trustee requirement, a public vote should be taken. Following the vote, there should be an adequate deliberation period for final community input, before a decision.

**Weiker**- I fully support keeping Pioneer Park permanently protected in the MI Conservancy Trust. I think the Open Space Trust Board responsibilities could be expanded from simply Pioneer Park oversight to include overall MI park system management, enhanced program recommendations, and a more comprehensive advisory role to Council.

**Luther Burbank Park**- In 1968, King County voters approved "Forward Thrust" bonds to purchase Luther Burbank Park to protect it from increased development that comes from increasing population. Since the park was transferred to Mercer Island, the City Council has tried to locate a restaurant, marina, and housing development in the park. Should Luther Burbank Park be protected from development? If so, how? Or should the City Council be free to develop Luther Burbank Park as it directs?

**Nice**- Luther Burbank Park should be protected from development. The LBP Community-Design Guidelines, Master-Plan Map, and Vision Statement are at odds with purposing any area, or use of LBP, for non-park related uses. While other uses have been proposed, any change now should require substantive public input and a public vote.

**Weiker**- I support the variety of recreation activities currently available at Luther Burbank Park and as envisioned in the 2006 Master Plan that identifies possible enhancements to existing park areas and features. I think our boathouse offers a unique opportunity to consider improved summer boating programs for the public.

**Re-purposing parkland**- Recent years have seen increased pressure to re-purpose parkland because we already own it, so it's "free." That reasoning was unsuccessfully used in the 1987 attempt to site City Hall on "free" Mercerdale Park land instead of on the current, purchased site. Do you believe our parkland is irreplaceable and is more precious because of increasing population, or do you believe that we should create a precedent of offering free parkland to what the City Council deems a worthy cause?

**Nice**- Parkland is parkland, and it needs to remain so, in perpetuity. There is no other single resource more valuable to Islanders than our Parks. The Council does not own our parks, we do. Accordingly, the Council has no inherent right, authority, or obligation, to repurpose our parks.

**Weiker**- Parks are a precious, valuable, finite public resource. I support thorough public engagement and economic analysis when Council must decide how to maximize park use for Islander benefit. Utilizing a Parks Board to counsel on parks management and specific project proposals could be a valuable tool in this process.

**Keeping Word**- In a previous election, a candidate was asked whether he favored an open and green Mercerdale Park or favored constructing buildings there. He responded, "I favor maintaining Mercerdale Park as it currently is," but now he is advocating building an arts center in Mercerdale. What assurances can you give that if you make a commitment in this election campaign that you will keep your word?

**Nice**- I have, and always will keep my word. If facts and data along with widespread public input show the need for change, I can and will respond. However even in that circumstance, I will always tell the whole truth, be fair and open, and keep my word.

**Weiker**- If I am elected to Council, I will represent Islanders. I will analyze data, consult subject matter experts, and seek a variety of perspectives on issues so that I can make fully-informed decisions at that point in time that I think will most benefit our community.

## Mercer Island City Council Position #4

# Jeff Sanderson

# Unopposed

**Mercerdale Park** - Do you favor maintaining Mercerdale Park as an open and green park, or do you favor constructing buildings, such as the proposed 38,000 square foot arts center on one acre of Mercerdale Park?

**Sanderson:** Mercerdale is vital to the TC. We should enhance Mercerdale through pathways, seating, and planting. MICA has a number of hurdles ahead of it: raising money, parking, and clear financials. I support YTN, like the design. MICA would enhance Mercerdale if they meet those hurdles. No other buildings ever.

**Unopposed**

**Voter approval**- Concerned Citizens for Mercer Island Parks is conducting a petition drive to get the Mercer Island City Council to hold an advisory vote before selling, leasing, or approving major construction in a park. Would you favor such an advisory vote? Why or why not?

**Sanderson:** Specifically on the MICA issue, I support going to the citizens on this (and a number of other important issues), and abiding by their responses. I would like to see CCMIP's alternate proposals for the transfer site portion of the park as a comparison.

**Unopposed**

**Kite Hill**- In 2006, as part of a public process that master-planned Luther Burbank Park and the vicinity, the City Council designated Kite Hill next to the Community Center as "open space" parkland. Late last year, the City Council tried to put a parking garage on Kite Hill. Should the City Council respect the results of that public master-planning process?

**Sanderson:** I do. The process here was awkward. If the city is attempting to solve a problem, such as parking, significant public input and a range of solutions should be solicited and discussed, rather than having a proposal laid out as a *fait accompli*, a method guaranteed to generate opposition.

**Unopposed**

**Clarke Beach**- Our City Council has agreed to sell part of Clarke Beach to an encroaching neighbor. Should the City Council have entered into this agreement to sell public parkland? Why or why not?

**Sanderson:** This was before my time, and I've not studied it. As a general principle, any possible sale of public parkland should go through an extensive, open process. The primary goal always should be to preserve and enhance the parkland we have today. Any other proposals have a very high hurdle.

**Unopposed**

**Pioneer Park**- Pioneer Park is in a Trust, but under the trust ordinance, if 5 of 7 Councilmembers and 5 of 7 Council-appointed Trustees agree, all or part of Pioneer Park can be removed from the Trust and sold, leased, or built upon as the City Council directs. What additional measures, if any, would you propose or accept to protect Pioneer Park from development?

**Sanderson:** This feels like a very high hurdle to begin with, and must have been put in place for this reason. I am open to further suggestions of measures if any proposal (of which I hope there isn't one) comes forward that involves Pioneer Park, an MI treasure.

**Unopposed**

**Luther Burbank Park**- In 1968, King County voters approved "Forward Thrust" bonds to purchase Luther Burbank Park to protect it from increased development that comes from increasing population. Since the park was transferred to Mercer Island, the City Council has tried to locate a restaurant, marina, and housing development in the park. Should Luther Burbank Park be protected from development? If so, how? Or should the City Council be free to develop Luther Burbank Park as it directs?

**Sanderson:** As with Mercerdale, there are a number of improvements (such as shoreline integrity) that we should look at. The City Council should absolutely act in concert with (and directed by) the citizens in determining desired enhancements. As with Pioneer Park, the hurdle to doing anything must be very high.

**Unopposed**

**Re-purposing parkland**- Recent years have seen increased pressure to re-purpose parkland because we already own it, so it's "free." That reasoning was unsuccessfully used in the 1987 attempt to site City Hall on "free" Mercerdale Park land instead of on the current, purchased site. Do you believe our parkland is irreplaceable and is more precious because of increasing population, or do you believe that we should create a precedent of offering free parkland to what the City Council deems a worthy cause?

**Sanderson:** As with the previous specific-issue questions, there needs to be an extremely high hurdle to reduce our precious stock of parkland, by which I mean the broadest range of natural wonders on MI, from parks to ponds, ravines, and other marsh or wetlands that may be targeted for residential development.

**Unopposed**

**Keeping Word**- In a previous election, a candidate was asked whether he favored an open and green Mercerdale Park or favored constructing buildings there. He responded, "I favor maintaining Mercerdale Park as it currently is," but now he is advocating building an arts center in Mercerdale. What assurances can you give that if you make a commitment in this election campaign that you will keep your word?

**Sanderson:** My word is sacred to me. In this survey I didn't always take positions 100% of the time where I believe CCMIP stands, so I'm being straightforward. The position I'm running for has a 2-year term only (Tana Senn uncompleted term), so I will be judged on my record quickly.

**Unopposed**

## Mercer Island City Council Position #5

### Thomas Acker

### Bruce Bassett

**Mercerdale Park** - Do you favor maintaining Mercerdale Park as an open and green park, or do you favor constructing buildings, such as the proposed 38,000 square foot arts center on one acre of Mercerdale Park?

**Acker**- I support the protection of parks, public property sustainment and open spaces. Any changes from their original purposes should be left up to the community. As I've said all along, I support MICA and believe the MICA location would be much better located at the proposed location of the Hines development.

**Bassett**- The dilapidated recycling center and much abused native garden area could provide greater community benefit as a performing art center. Bicentennial Park is a public hardscape today and would remain so in the MICA vision.

**Voter approval**- Concerned Citizens for Mercer Island Parks is conducting a petition drive to get the Mercer Island City Council to hold an advisory vote before selling, leasing, or approving major construction in a park. Would you favor such an advisory vote? Why or why not?

**Acker**- If the public wants a vote and the petition process is successful, I would support a vote.

**Bassett**- Public engagement makes our community strong and a petition drive is a fine form of public engagement. If the petition drive is successful (15% of registered voters signing, per MICC 2.24.100), I will embrace a public vote.

**Kite Hill**- In 2006, as part of a public process that master-planned Luther Burbank Park and the vicinity, the City Council designated Kite Hill next to the Community Center as "open space" parkland. Late last year, the City Council tried to put a parking garage on Kite Hill. Should the City Council respect the results of that public master-planning process?

**Acker**- Yes. I've consistently messaged publicly and privately that the Master Plan should be honored and executed.

**Bassett**- There is an existing inconsistency between the Luther Burbank Master Plan, which treats 'Kite Hill' as part of the park, and the Comprehensive Plan map, which does not. I support changing the map to include 'Kite Hill' in the park.

**Clarke Beach**- Our City Council has agreed to sell part of Clarke Beach to an encroaching neighbor. Should the City Council have entered into this agreement to sell public parkland? Why or why not?

**Acker**- I do not know enough about this issue to provide a comprehensive response but my position has always been public land should not be sold unless there is an extraordinary benefit to the community.

**Bassett**- City staff carefully evaluated our options and determined that it made no sense to require the current homeowner to correct the encroachment created by a former owner—better to correct and simplify the zig-zag property line. Sale price was set based on expert advice.

**Pioneer Park**- Pioneer Park is in a Trust, but under the trust ordinance, if 5 of 7 Councilmembers and 5 of 7 Council-appointed Trustees agree, all or part of Pioneer Park can be removed from the Trust and sold, leased, or built upon as the City Council directs. What additional measures, if any, would you propose or accept to protect Pioneer Park from development?

**Acker**- Add an addendum to the trust that requires a public vote for any development.

**Bassett**- I would be open to suggestions for strengthening protection for Pioneer Park. The Open Space Conservancy Trust was created specifically to protect the park and I am fully supportive of its mission.

**Luther Burbank Park**- In 1968, King County voters approved "Forward Thrust" bonds to purchase Luther Burbank Park to protect it from increased development that comes from increasing population. Since the park was transferred to Mercer Island, the City Council has tried to locate a restaurant, marina, and housing development in the park. Should Luther Burbank Park be protected from development? If so, how? Or should the City Council be free to develop Luther Burbank Park as it directs?

**Acker**- Luther Burbank is one of the largest draws to Mercer Island. Any changes at all should be very thoughtfully assessed. In order to protect the park, the creation of a land trust with an addendum that requires a public vote for any development would resolve the issue.

**Bassett**- The development ideas mentioned in this question were floated before the Luther Burbank master plan was constructed. The Master Plan governs future development. Recent community support for 'Kite Hill' (which is in the Master Plan but outside the park property), reaffirms public support for the Master Plan.

**Re-purposing parkland**- Recent years have seen increased pressure to re-purpose parkland because we already own it, so it's "free." That reasoning was unsuccessfully used in the 1987 attempt to site City Hall on "free" Mercerdale Park land instead of on the current, purchased site. Do you believe our parkland is irreplaceable and is more precious because of increasing population, or do you believe that we should create a precedent of offering free parkland to what the City Council deems a worthy cause?

**Acker**- Consistent with statement above, I believe Public Land should not be given away or sold.

**Bassett**- Parks are precious. So are tax payer dollars. The City Council must always balance competing demands on scarce resources. I would welcome and support a publicly led initiative to raise money to acquire additional parkland and open space.

**Keeping Word**- In a previous election, a candidate was asked whether he favored an open and green Mercerdale Park or favored constructing buildings there. He responded, "I favor maintaining Mercerdale Park as it currently is," but now he is advocating building an arts center in Mercerdale. What assurances can you give that if you make a commitment in this election campaign that you will keep your word?

**Acker**- The provisions discussed above cover this question.

**Bassett**- "...the facts can change, but my opinion will never change, no matter what the facts are." — Stephen Colbert. New facts: YTN has lost its home. The recycling center is abandoned. MICA presents a synergistic opportunity. Our community is best served by leaders with open minds.

## Mercer Island City Council Position #7

### Debbie Bertlin

### Traci Granbois

**Mercerdale Park** - Do you favor maintaining Mercerdale Park as an open and green park, or do you favor constructing buildings, such as the proposed 38,000 square foot arts center on one acre of Mercerdale Park?

**Bertlin**- A community arts center to replace the existing recycling center at Mercerdale would further enhance the park's historic role as the heart of our community by serving new and existing Island arts groups, supporting the Farmers' Market, rejuvenating an underused portion of the park, and spurring town center economic development.

**Granbois**- Undeveloped land on Mercer Island is limited and we cannot make more. We have limited amounts of open space and our existing parks must be fiercely protected. I believe large decisions, such as selling, leasing, or approving major construction in a park, should go to the public for a vote.

**Voter approval**- Concerned Citizens for Mercer Island Parks is conducting a petition drive to get the Mercer Island City Council to hold an advisory vote before selling, leasing, or approving major construction in a park. Would you favor such an advisory vote? Why or why not?

**Bertlin**- The community's voice will be expressed through its donations to the center's capital and operational funds, by businesses supporting the center's parking needs, and through the City and MICA's public vetting processes. An advisory vote at this time would not provide sufficient clarity and be a substantial expense.

**Granbois**- City council members are tasked with representing the best interests of their constituents. I believe in representative government but that is not an absolute. Principally, I believe large decisions should go to the public for a vote, such as selling, leasing, or approving major construction in a park.

**Kite Hill**- In 2006, as part of a public process that master-planned Luther Burbank Park and the vicinity, the City Council designated Kite Hill next to the Community Center as "open space" parkland. Late last year, the City Council tried to put a parking garage on Kite Hill. Should the City Council respect the results of that public master-planning process?

**Bertlin**- I quickly and decisively rejected Sound Transit's proposal based on the community's clear opposition. Going forward it is important that Kite Hill's designation within the park masterplan be documented as within the park.

**Granbois** Following the rule of law is paramount for the equitable operation of government. Laws can be changed but the proper procedures must be followed. Yes, the City Council should respect the results of the master-planning process.

**Clarke Beach**- Our City Council has agreed to sell part of Clarke Beach to an encroaching neighbor. Should the City Council have entered into this agreement to sell public parkland? Why or why not?

**Bertlin**- Selling any amount of Island parkland is never desirable. In this difficult case, re-incorporating the 2,800 square foot parcel would have been relatively expensive, penalized an unknowing homeowner, yet should have been assessed at a higher value. The sale proceeds will be applied toward acquiring new land/access for the community.

**Granbois**- Prospective purchasers have a duty to survey land before purchase. Here, purchasers are third owners of property redeveloped in 2006 - City did not discover encroachment for 8 years. Per P&R director Fletcher, removal of the encroachment would destabilize hillside.

**Pioneer Park**- Pioneer Park is in a Trust, but under the trust ordinance, if 5 of 7 Councilmembers and 5 of 7 Council-appointed Trustees agree, all or part of Pioneer Park can be removed from the Trust and sold, leased, or built upon as the City Council directs. What additional measures, if any, would you propose or accept to protect Pioneer Park from development?

**Bertlin**- As former Chair of the Conservancy Trust, my record is clear - I deeply value Pioneer Park in its current state. Changing the Park's zoning from "residential" to "park", might provide an additional layer of protection and ensure higher levels of community input were any changes to be proposed.

**Granbois**. Add a provision to the trust which would require a vote of Mercer Island residents before Pioneer Park can be sold, leased, or built upon.

**Luther Burbank Park**- In 1968, King County voters approved "Forward Thrust" bonds to purchase Luther Burbank Park to protect it from increased development that comes from increasing population. Since the park was transferred to Mercer Island, the City Council has tried to locate a restaurant, marina, and housing development in the park. Should Luther Burbank Park be protected from development? If so, how? Or should the City Council be free to develop Luther Burbank Park as it directs?

**Bertlin**- The Luther Burbank masterplan is a fantastic representation of community effort and consensus. I believe the masterplan should be respected by Council and clear process and procedure defined and codified should any group or Council chose to initiate any change.

**Granbois** Transfer Luther Burbank Park into a trust with provisions requiring a public vote before it can be sold, leased, or built upon.

**Re-purposing parkland**- Recent years have seen increased pressure to re-purpose parkland because we already own it, so it's "free." That reasoning was unsuccessfully used in the 1987 attempt to site City Hall on "free" Mercerdale Park land instead of on the current, purchased site. Do you believe our parkland is irreplaceable and is more precious because of increasing population, or do you believe that we should create a precedent of offering free parkland to what the City Council deems a worthy cause?

**Bertlin**- The Island's many parks and open spaces are treasures and must be preserved and at times, enhanced to better serve the full community's interests and needs. Any change to parkland usage that is significant must come after Island-wide discussion and serve the interests of the majority of residents.

**Granbois**- As an Island, we are unique in the fact that we cannot create any more land, i.e., expand our boundaries. Our parkland is irreplaceable and precious, irrespective of population increase or decrease.

**Keeping Word**- In a previous election, a candidate was asked whether he favored an open and green Mercerdale Park or favored constructing buildings there. He responded, "I favor maintaining Mercerdale Park as it currently is," but now he is advocating building an arts center in Mercerdale. What assurances can you give that if you make a commitment in this election campaign that you will keep your word?

**Bertlin**- I will continue to actively engage with all Islanders in order to understand and represent the majority's interests. As proven in cases such as the proposed KCLS Library renovation, I will work diligently and respectfully to secure solutions that reflect the preference of the majority of Islanders.

**Granbois**- Mercerdale Park is our gem in the Town Center. If it is going to change from open and green park land, Mercerdale Park's fate should be decided by the residents of Mercer Island by a vote.

# CCMIP Analysis of the Eight Questions & Candidate Answers

**Mercerdale Park:** For over 35 years various groups have been trying to get the City Council to allow the construction of buildings in Mercerdale Park. The late 1970s and early 1980s produced a massive Civic Center Plan with little Islander support. In a 1987 advisory vote, Islanders rejected building City Hall in Mercerdale Park. Proponents and opponents of the City Hall plan agreed that the will of the voters was to keep Mercerdale Park open and green. In a 1997 petition drive, Islanders rejected building the new fire station in Mercerdale Park. Wisenteiner, Nice, Sanderson, Acker, and Granbois support a public vote before allowing building in the park. Brahm, Weiker, Bassett and Bertlin would allow building in the park without a public vote. Under the provisions of the Mercerdale Park deed, the school district was responsible for removing the recycling center when it was no longer used and restoring the park. The proposed arts facility (MICA) in the park is 38,000 square feet, takes up almost an acre and will pay rent of \$1 per year for parkland valued at around \$15 million.

**Voter Approval:** Over the years various special interest groups have approached our City Council with plans to build in our parks – (1) a golf course in Pioneer Park; (2) a Civic Center, City Hall, and a fire station in Mercerdale Park; (3) a marina and restaurant in Luther Bank Park; (4) a housing development in Upper Luther Burbank Park, etc. We believe our parks are precious enough that Islanders should make that decision, not special interest groups working with the City Council. Wisenteiner, Nice, Sanderson, Acker, and Granbois agree. Those candidates who insist this should be a City Council decision alone (Brahm, Weiker, Bassett, Bertlin) must explain why the golf course in Pioneer Park and City Hall in Mercerdale Park are good alternatives, because those City Council projects were supported by the Council majority and would have happened without an advisory vote.

**Kite Hill:** In 2006, Kite Hill was designated as open space in the public, master planning process for Luther Burbank Park and surrounding land. Late in 2014, the City Council announced a joint project with Sound Transit to build a parking lot on Kite Hill. Bassett and Bertlin supported that initial Sound Transit effort, which produced a public backlash. All candidates but one now agree Kite Hill should be respected as open space. Brahm claims it was “good government” to consider Kite Hill for a parking garage.

**Clarke Beach:** Many years ago, the property that abuts Clarke Beach to the south was redeveloped to encroach on the park. The City discovered the encroachment in 2009 when the property had a new owner. Instead of requiring the encroaching property owner to restore the park property, the City Council agreed to sell about 2500 square feet of Clarke Beach for \$11 per square foot. Before this, the City had never sold parkland to an encroaching neighbor. The City Council has never explained why the encroaching property owner was given such a gift, escaping the responsibility of removing the encroachment and acquiring the parkland at such a low price. Nice and Weiker oppose the sale. As members of the City Council, Brahm, Bassett, and Bertlin favored the sale. Granbois appears to favor the deal. The other candidates say they don’t know enough about it.

**Pioneer Park:** Many Islanders believe Pioneer Park is in a Trust and so is protected, but it isn’t protected. If a super-majority of the City Council and the Council-appointed Trustees agree, part or all of the park can be taken out of the Trust and disposed of as the City Council pleases. Nice, Acker, and Granbois support protecting Pioneer Park by requiring an advisory vote of Islanders before parkland could be taken out of the Trust. Wisenteiner would require Trustees to be elected. Weiker, Sanderson, Bassett, and Bertlin are open to unspecified additional protections, but apparently not a vote. Brahm wouldn’t support any additional protection.

**Luther Burbank Park:** The City Council on its own initiative has tried to put a marina and restaurant in Luther Burbank Park and a housing development in Upper Luther Burbank Park, the forested part south of I-90. In promoting the housing development, the City Manager said, “Free land drives the project.” In response to a public backlash, the City Council went through a public master-planning process. But the City Council created the master plan and the City Council can amend the master plan as it pleases. Nice, Brahm, Acker, and Granbois believe the park should be protected by a public vote, by putting the park in a Trust, or by both. Wisenteiner says it should be protected as a park. Weiker, Bassett, and Bertlin are satisfied with a master plan that the City Council can change.

**Re-purposing parkland:** Recent years have seen increasing pressure to convert parkland to other purposes. Special interests approach City Councilmembers quietly and seek to use parkland for their own purposes. Wisenteiner, Nice, Sanderson, Acker, and Granbois favor keeping parks as parks. Brahm, Weiker, Bassett, and Bertlin appear open to re-purposing parkland based on “benefit to the entire community,” “through public engagement and economic analysis,” “balancing competing demands,” and “after Island-wide discussion.”

**Keeping Word:** A current Mercer Island councilmember promised to maintain Mercerdale Park as it is, an open and green park. However, he isn’t keeping that promise and is promoting building an arts facility in the park. If candidates don’t feel constrained by the commitment they make in the campaign, what assurance do we have that we can count on anything they say? Wisenteiner, Nice, and Sanderson pledged to keep their word. Brahm, Weiker, Bassett, and Bertlin did not pledge to keep their word. Two candidates (Acker, Granbois) misread the question as simply about Mercerdale Park.

**Please  
Be  
Sure  
To  
Vote**

**November 3, 2015**

**Concerned Citizens for Mercer Island Parks**

**[www.protectMiparks.org](http://www.protectMiparks.org)**

**Email: [protectMiparks@gmail.com](mailto:protectMiparks@gmail.com)**

# No-Net-Loss of Parkland



**Let Voters Decide**



**Sign the Petition to Protect Our Parks**

**Dear Mercer Island Neighbors,**

We urge you to sign the Protect Our Parks petition and let Islanders decide to protect parks now and for future generations.

Over the years, many attempts have been made by the City Council to convert parks and open space to non-park uses. In each case, Islanders have stepped up to protect the parks and none of these conversion attempts have succeeded. If these attempts at conversion had succeeded, now we would have considerably less parkland and open space. The City does NOT have regulations in place to protect all our parks.

As the Island has become more built out, the pressure to convert parks and open space to non-park uses has increased because our City Council considers parks and open space to be "free land." The no-net-loss principle eliminates the "free land" incentive to convert parks and open space to non-park uses because converted parkland must be replaced. In adopting its Shoreline Management Program in 2013, the City Council accepted the no-net-loss principle for protecting shoreline ecological function. Our parks need the same protection.

Attempts to convert parkland to non-park uses will only accelerate. We urge Islanders to sign the petition to put the no-net-loss of parkland initiative on the ballot.

Sincerely,

**Concerned Citizens for Mercer Island Parks**

Paid for by Concerned Citizens for Mercer Island Parks (CCMIP)

P.O. Box 1337, Mercer Island, WA 98040

Tel: (206) 948-4039, e-mail: [protectmiparks@gmail.com](mailto:protectmiparks@gmail.com), website: [protectmiparks.org](http://protectmiparks.org)

## **The Initiative DOES preserve parkland from being reduced.**

IF the City converts parkland to a non-park use, it must be replaced with parkland of equivalent or better size, value, and usefulness in the same vicinity. The Initiative ensures that parkland will continue to be for the public benefit and enjoyment of all, now and for future generations.

Building on our parkland is irreversible. We must assure that the amount of Mercer Island parkland is never reduced. Our parks were protected for us by previous generations. Now it is our responsibility to protect our parks for future generations.

## **The Initiative DOES ensure that parkland is for the public benefit and enjoyment of all people.**

The essence of allowable park uses is that parks are readily available and open to everybody. Everyone will still be able to enjoy all of the activities we currently enjoy in our parks—playing, walking, running, hiking, dog walking, sports, games, Summer Celebration!, Mostly Music in the Park, Shakespeare in the Park, etc.—all for free. The City's Parks Department has the oversight of uses in all of our parks.

## **The Initiative DOES NOT restrict activities in our parkland.**

Regrettably, the opponents of this Protect Our Parks Initiative have spread incorrect information to Islanders. We urge Islanders to read the initiative. By law, the Initiative Statement at the top of the petition was written by Mercer Island's City Attorney to explain in plain language the purpose of the Initiative.

The essence of the initiative is: IF the City decides to convert a parkland to a non-park use, THEN a new "no-net-loss" rule would apply -- the City would be required to: 1) hold a public hearing, 2) adopt an ordinance stating the necessity for the conversion, and 3) replace the converted land, resulting in no-net-loss of parkland.

The Protect Our Parks Initiative does NOT restrict activities in our parks and open space. Rather, the Initiative assures Islanders that IF parkland is converted to a non-park use, an equivalent piece of parkland must replace the converted parkland.

## **The Initiative process is direct democracy.**

An initiative is an ordinance (law) passed by the people instead of being passed by the City Council. If enough signatures of registered voters are gathered on initiative petitions, then the ordinance is placed on the ballot. If the ordinance is supported by more than 50% of the voters, the ordinance goes into effect. The Washington State Constitution, Article II, Section 1, reserves to the people the power of initiative.

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Tel: (206) 948-4039, e-mail: [protectmiparks@gmail.com](mailto:protectmiparks@gmail.com), website: [protectmiparks.org](http://protectmiparks.org)

**NOW is the time to protect all our parks and open space.  
Please sign the petition to give Islanders the right to vote  
on legislation that protects all our parks.**

**What follows are some examples  
of the many City Council attempts to convert parkland to non-park uses:**

**Pioneer Park:** In 1969, the City Council decided to turn Pioneer Park into a golf course, but, because of public opposition, the project was placed on the ballot and Islanders voted it down. In 1992, under public pressure, the City Council created the Open Space Conservancy Trust to protect the park. What most Islanders don't know, however, is that a letter opinion from the WA Attorney General's Office claims that the Trust is illegal. The Protect Our Parks Initiative would provide protection **in addition to** the Trust.

**Luther Burbank Park:** At its 2002 retreat, which was audio-taped by a citizen, the City Council agreed to pursue a marina and restaurant in Luther Burbank. Under public pressure that led directly to the Luther Burbank Park Master Plan, the City Council dropped the development, but it could come back. The Protect Our Parks Initiative would provide protection for Luther Burbank Park in line with the Luther Burbank Park Master Plan.

**Upper Luther Burbank Park:** At that same retreat, our Council favored putting a housing development in Luther Burbank Park south of I-90. Later, the City Council rejected a motion to take Upper Luther Burbank Park off the table for a housing development, so staff can continue to consider the "free land" of Luther Burbank for a housing development. The Protect Our Parks Initiative would protect Upper Luther Burbank Park.

**Clarke Beach:** In 2009, the City discovered that the redevelopment of a neighboring property encroached on Clarke Beach. Instead of requiring that the encroachment be removed, the City agreed to sell 2500 square feet to the encroaching property at the fire sale price of \$11 per square foot. The Protect Our Parks Initiative would require that the City receive equivalent land for the piece that is sold. This parkland sale has not been completed.

**Mercerdale Park:** Mercerdale Park has been the most actively sought "free land" in the park system. Proposed projects include: (a) a Civic Center including a library, community center, performing and visual arts facility, fire and police stations and affordable housing; (b) City Hall; (c) a fire station; (d) a community center; (e) a regional performing arts facility; (f) and a fourth elementary school. The Protect Our Parks Initiative would NOT stop these projects if they are found to be necessary, but, rather the Initiative would require that equivalent land be provided in exchange to preserve our children's heritage of parkland passed to future generations.

**Kite Hill Open Space:** In 2014, the City Council encouraged a Sound Transit proposal to build a parking garage on the Kite Hill Open Space near the community center. The parking garage would have brought Bellevue commuters to the Island when a Bellevue park and ride is demolished and rebuilt. The City Council claimed that Kite Hill was not open space, but Islanders produced city documents that showed it was. The Protect Our Parks Initiative would prevent treating Kite Hill as "free land."

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# Which community do you prefer?

A community with parkland for all?

OR

A community where parkland is reduced?

Mercerdale Park



Luther Burbank Park



Pioneer Park



Civic Center

Community Center

Elementary school

Fire Station

City Hall

Marina and restaurant

Housing (Upper Luther Burbank)

Parking garage (Kite Hill, near Luther Burbank)

Golf course

## HOW YOU CAN HELP PROTECT OUR PARKS:

- 1) **IF YOU ARE A REGISTERED MI VOTER:** Please sign the enclosed petition, print your name **VERY** legibly, add your address followed by 98040, and the date.
- 2) In addition, please ask your friends, neighbors, book group members, colleagues, sports teams' members, etc. **WHO ARE REGISTERED MI VOTERS** to sign the petition, too.
- 3) **Mail the petition to:**  
Concerned Citizens for MI Parks  
PO Box 1337  
Mercer Island, WA 98040
- 4) **If you can, please enclose a donation to help us with printing and publicity expenses.** Make checks payable to: "CCMIP" and enclose them with your signed petition.
- 5) **Call or email us to volunteer to help collect signatures with us at Island events, or in your neighborhood.** Call us at (206) 948-4039 or e-mail us at: [protectmiparks@gmail.com](mailto:protectmiparks@gmail.com) to volunteer.

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**PROTECT OUR PARKS  
SAFEGUARD MERCER ISLAND'S LEGACY OF PARKLAND  
SECURE OUR CHILDREN'S HERITAGE**

Please return signed petitions to or contact us at:  
Concerned Citizens for Mercer Island Parks (CCMIP)  
Protect Our Parks Initiative

P.O. Box 1337, Mercer Island, WA 98040  
Tel.: (206) 948-4039, e-mail: protectmiparks@gmail.com, website: protectmiparks.org

**INITIATIVE PETITION FOR SUBMISSION TO THE MERCER ISLAND CITY COUNCIL.** To the City Council of the City of Mercer Island, Wa, the undersigned registered voters of the City of Mercer Island, State of Washington, propose and ask for enactment as an ordinance of the attached measure known as **Protect Our Parks Initiative** and further request that, unless passed by the City Council, the proposed ordinance be submitted to a vote of the people.

**INITIATIVE STATEMENT.** Initiative Measure No. \_\_\_ would limit changes in use of existing City of Mercer Island parkland and open space. This initiative would require that City parkland and open space may be sold, leased, transferred or changed to non-parkland use only after the City Council holds a public hearing and enacts an ordinance finding the change in use necessary. This initiative also requires replacement of affected parkland and open space with land of equal or better value in the same vicinity to achieve "no net loss" of such property. The initiative would designate the properties that comprise the City's current park and open space system, specify non-parkland uses and provide judicial review of Council action authorizing changes of use. Should this measure be enacted into law? Yes . . . .  No ....

A full, true and correct copy of which is included herein, and we petition the Council to enact said measure as an ordinance, and, if not enacted within 30 days from the time of receipt thereof by the City Council, then to be submitted to the qualified electors of the City of Mercer Island for approval or rejection at the next regular election; and each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the City of Mercer Island, State of Washington, and my residence is correctly stated.

**INTENT.** This measure calls for all lands held now or in the future by the City of Mercer Island for park and recreation purposes, whether designated as park or open space, to be preserved for such use in the future unless certain conditions are met. The parkland shall not be sold, leased, transferred, or changed from parkland use to another use unless all of the conditions below are met.

- The City Council holds a public hearing regarding the necessity of the transaction; and
- The City Council enacts an ordinance finding that the transaction is necessary because there is no reasonable and practical alternative; and
- The City receives land of equivalent or better size, value, location and usefulness in the same vicinity, serving the same park purposes, in exchange.

**WARNING:** Any person who signs this petition with any other than their true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he/she is not a legal voter, or signs a petition when he/she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor. Each signatory shall be executed in ink or indelible pencil and shall be followed by the printed name of the signer, the date of the signing and the address of the signer as follows: Petitioner's Signature, Printed Name, Residence Address and Date (City Municipal Code 2.24.100).

**Only registered Mercer Island voters can sign this initiative.**

No.	Petitioner's Signature	Printed Name	Residence Address	Date Signed
1.				
2.				
3.				
4.				

6.					
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20.					

**Before you drop off or mail your petition, please print and sign your name here. Please drop off or mail this initiative by May 30, 2016. THANK YOU!**  
**PRINT (FIRST NAME) (LAST NAME) I,** \_\_\_\_\_, swear or affirm under penalty of law that I  
circulated this sheet of the foregoing petition, and that, to the best of my knowledge, each signature herein is a genuine signature of the person whose name it purports to be and  
that the statements herein is true as I believe. **There are** \_\_\_\_\_ **(number of signatures) on this petition.** Signature \_\_\_\_\_ Date: \_\_\_\_\_

## CITY OF MERCER ISLAND

### ORDINANCE

AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON AMENDING MERCER ISLAND CITY CODE TITLE 19 - UNIFIED LAND DEVELOPMENT CODE ADDING A NEW CHAPTER 19.20 TITLED "PARKLAND (PARKS & OPEN SPACE) PROTECTION" TO REQUIRE PRESERVATION OF ALL PARKLAND HELD BY THE CITY OF MERCER ISLAND STIPULATING THAT SUCH LANDS MAY ONLY BE SOLD, LEASED, TRANSFERRED OR CHANGED FROM PARK USE TO NON-PARK USE AFTER A PUBLIC HEARING AND THE ENACTMENT OF AN ORDINANCE FINDING THAT SUCH ACTION IS NECESSARY, AND PROVIDING REPLACEMENT PARKLAND WITH A SIMULTANEOUS EXCHANGE OF LAND OF EQUAL OR BETTER VALUE, AND IN THE SAME VICINITY.

**WHEREAS**, as Mercer Island population increases, there is increasing pressure to convert our precious parkland to non-park uses; and **WHEREAS**, the Washington State Legislature protected city parkland purchased with state funds with a "no net loss" policy requiring that such parkland cannot be converted to a non-parkland use unless equivalent land is received in exchange with equivalent or better value; and **WHEREAS**, some Mercer Island parks are protected by a "no net loss" policy that requires replacement of equivalent parkland if existing parkland is converted to another use; and **WHEREAS**, in 1967, the Washington State Legislature protected county parks with a "no net loss" policy by enacting RCW 36.89.050 finding that parks and open space may be transferred to cities subject to the condition that they cannot be converted to a non-parkland use unless equivalent lands are provided in exchange; and **WHEREAS**, in 1967, King County protected county parkland with a "no net loss" policy by enacting Resolution No. 34571 requiring that parkland purchased with Forward Thrust Bond funds cannot be converted to a different use unless other equivalent lands... shall be received in exchange thereof; and **WHEREAS**, in 1997, the Seattle City Council enacted Ordinance 118477 adopting a citizen-generated Initiative 42 providing that parkland can only be changed from a parkland use after a public hearing; after adoption of an ordinance finding the conversion is necessary, and only if the city receives equivalent replacement parkland; and **WHEREAS**, in 2013, the Mercer Island City Council recognized the policy of "no net loss" of natural resources by adopting a Shoreline Master Program requiring "no net loss" of shoreline ecological function; and **WHEREAS**, the citizens of Mercer Island desire to extend the policy of "no net loss" to protect all our parkland, safeguard Mercer Island's legacy of parkland, and secure our children's heritage; and **WHEREAS**, the City established an Open Space Conservancy Trust in 1992 to preserve and maintain, protect and preserve open space on Mercer Island; and **WHEREAS**, the City of Mercer Island City Code (MICC) contains Title 19, the Unified Land Development Code (ULDC) adopted on November 15, 1999 as Ordinance No. 99C-13; and **WHEREAS**, ULDC is being amended to add a new Chapter 19.20 "Parkland (Parks & Open Space) Protection"; and **WHEREAS**, citizens of Mercer Island have initiated an ordinance to provide for "no net loss" of parkland consistent with city code MICC 2.24 and state statutes RCW 35A.11; and **WHEREAS**, that ordinance having received a sufficient number of signatures was passed as provided by MICC 2.24 and RCW 35A.11

**NOW THEREFORE, THE QUALIFIED ELECTORS OF THE CITY OF MERCER ISLAND, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1: Adoption of Parkland Protection. A new Chapter 19.20 "Parkland (Parks & Open Space) Protection" is added to the Mercer Island City Code, Title 19, Unified Land Development Code, hereby adopted as follows:**

**NEW SECTION 19.20.010 – Purpose.** The purpose of this chapter is to protect parkland and nothing in this chapter shall be construed as decreasing parkland protection that already exists or that shall be adopted in the future. These regulations are adopted for the following specific purposes, which shall be considered in the administration of this chapter: A. To promote the public health, safety, and general welfare of the citizens of Mercer Island. B. To preserve and enhance the Island's physical and aesthetic character by preventing the indiscriminate loss of parks and open space. C. To establish the principle of "no net loss" for the City's parks and open space. D. To implement the City's Comprehensive Plan, Parks and Open Space Policies Goal 11 to "continue to maintain the Island's unique quality of life through open space preservation, parks and trail development and well-designed public facilities." E. To implement the City's Comprehensive Plan commitment to citizen participation.

**NEW SECTION 19.20.020 – Applicability.** All parkland held now and in the future by the City of Mercer Island shall be preserved for such use, and no such parkland shall be sold, leased, transferred, or changed from parkland use to another usage unless the City Council shall first hold a public hearing regarding the necessity of such a change of use, enact an ordinance finding that the change of use is necessary because there is no reasonable and practical alternative, and on or before the change of use receive in exchange land of

**NEW SECTION 19.20.030 – Designated Parkland.** The following are the common names for the minimum number of properties that make up Mercer Island parkland with boundaries generally delineated by Mercer Island's Parks and Recreation Plan 2014-2019, Appendix 1: (a) Bicentennial Park, (b) Clarke Beach, (c) Clise Park, (d) Ellis Pond, (e) First Hill Park, (f) Groveland Park, (g) Holerbach Park, (h) Homestead Field, (i) Island Crest Park, (j) Deane's Children's Park, (k) Park on the Lid, (l) Luther Burbank Park, (m) Mercerdale Park, (n) Mercerdale Hillside, (o) Pioneer Park, (p) Roanoke Park, (q) Rotary Park, (r) Secret Park, (s) Skateboard Park, (t) Slater Park, (u) South Mercer Playfields, (v) Wildwood Park, (w) 53<sup>rd</sup> Street open space, (x) the West Hill or Kite Hill portion of the Community Center, (y) the Engstrom Open Space, (z) all currently undesignated parks and open space, and (aa) all developed and undeveloped street ends that abut Lake Washington. Parkland acquired by the City in the future is also subject to this Chapter.

**NEW SECTION 19.20.040 – Non-parkland Uses.** The following uses are not parkland uses: (a) community center, (b) performing arts center, (c) recycling center, (d) swimming pools, (e) housing, (f) city administrative offices, (g) parking garages, (h) transportation facilities, and (i) buildings larger than one thousand square feet. The following are allowed in parklands (a) restrooms, (b) docks, (c) permanent play equipment, (c) playfields, (e) artificial turf, (f) forested areas, (g) and underground utilities.

**NEW SECTION 19.20.050 – Judicial Review.** A. Within 30 days of the effective date of an ordinance or other City action changing the use of parkland to non-parkland purposes, any person may seek review in King County Superior Court. "Other City action" includes any action changing the use of parkland to non-parkland purposes without following the requirements by this Chapter, including but not limited to accepting applications for permits or approvals or issuing permits or approvals. Judicial review of City actions under Chapter 19.20 shall be de novo. The Superior Court shall invalidate the proposed parkland change of use if it is not necessary or if the proposed replacement land is not equivalent or better than the converted parkland. The burden of proof shall be on the City to show that the change of use is necessary and that the exchanged land is equivalent or better than the converted parkland. Courts shall take into account the policy of this chapter that parkland should be preserved and that if parkland is converted to non-parkland use, then there shall be no net loss of parkland with equivalent or better land provided. B. Within twenty days of service of the notice of appeal, the City, at its sole expense, shall file the complete record of the action appealed, including transcripts of the evidence and the papers and exhibits relating to the action for which a complaint has been filed. C. Any person who prevails against the City in any action in the courts seeking to protect parkland as provided in this Chapter shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. If the City prevails, the City shall not be awarded costs, attorney fees, or expenses of any kind. A City Council decision not to change the use of parkland is not appealable.

**Section 2: Severability/Validity and Captions.** The provisions of this ordinance are declared separate and severable. If any section, subsection, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. Captions provided are not substantive. The City Clerk may renumber or format this chapter, this ordinance, or these sections for proper codification in Mercer Island City Code, without changing substance.

**Section 3: Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

**Section 4: Effective date.** If a majority of the number of votes cast favor this ordinance, it shall become effective immediately. In the event, the City sells, leases, transfers, or changes parkland to a non-park use after the filing of the initiative petition for this ordinance and before the ordinance takes effect, the City must purchase or receive land that is equivalent or better than the converted parkland of the same size, value, and usefulness, in the same vicinity.

**We Need Help! 3,000 valid signatures are needed to place the initiative on the November 8, 2016 ballot!**

**Volunteers and donations are needed! If you would like to help us, please provide us your name/email/phone below:**

Please send donations by separate envelope to the address provided on this petition.

Please make checks payable to "Concerned Citizens for Mercer Island Parks" or to "CCMIP."

THANK YOU!