



CITY OF MERCER ISLAND

CITY COUNCIL MEETING AGENDA

Monday
May 15, 2017
5:00 PM

Mayor Bruce Bassett
Deputy Mayor Debbie Bertlin
Councilmembers Dan Grausz, Jeff Sanderson,
Wendy Weiker, David Wisenteiner
and Benson Wong
Contact: 206.275.7793, council@mercergov.org
www.mercergov.org/council

All meetings are held in the City Hall Council Chambers at
9611 SE 36th Street, Mercer Island, WA unless otherwise noticed

“Appearances” is the time set aside for members of the public to speak to the City Council about any issues of concern. If you wish to speak, please consider the following points:
(1) speak audibly into the podium microphone, (2) state your name and address for the record, and (3) limit your comments to three minutes.
Please note: the Council does not usually respond to comments during the meeting.

REGULAR MEETING

CALL TO ORDER & ROLL CALL, 5:00 PM

AGENDA APPROVAL

EXECUTIVE SESSION

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(I) for 60 minutes.

SPECIAL BUSINESS, 6:00 PM

- (1) Safe Boating and Paddling Week Proclamation
Public Works Week Proclamation

CITY MANAGER REPORT

APPEARANCES

CONSENT CALENDAR

- (2) Payables: \$559,652.57 (05/04/2017)
Payroll: \$852,539.65 (05/12/2017)
Minutes: May 1, 2017 Regular Meeting Minutes and May 4, 2017 Special Meeting Minutes
AB 5291 Island Crest Way Resurfacing Phase 2 Project Close Out
AB 5302 First Quarter 2017 Financial Status Report

REGULAR BUSINESS

- (3) AB 5301 I-90 Loss of Mobility Status Report
- (4) AB 5303 Public Hearing and Approval of a Public Benefit Rating System Application for Pioneer Park Youth Club.
- (5) AB 5299 Public Hearing for Interim Zoning Ordinance Allowing Light Rail Facilities as a Permitted Use Within the I-90 Center Roadway Portion of the Public Institution Zone

Continued on back...

- (6) AB 5294 Public Hearing and Preview of the 6-Year Transportation Improvement Program
- (7) AB 5300 Initiate Street Vacation Process for a Portion of Freeman Avenue
- (8) AB 5298 Appeals and Review Processes Code Amendments (2nd Reading & Adoption)

OTHER BUSINESS

Councilmember Absences

Planning Schedule

Board Appointments

Councilmember Reports

ADJOURNMENT



The City of Mercer Island, Washington

Proclamation

WHEREAS, on average, 700 people die each year in boating related accidents in the U.S., with the vast majority of those accidents caused by human error and poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, the City of Mercer Island is completely surrounded by Lake Washington; and

WHEREAS, a large number of Mercer Island's residents of all ages engage in recreational boating; and

WHEREAS, the mission of United States Coast Guard Auxiliary is to promote and improve recreational boating safety by teaching boating safety courses and conducting vessel safety checks;

NOW, THEREFORE, I, Mayor Bruce Bassett do hereby proclaim May 20-26, 2017, as

SAFE BOATING & PADDLING WEEK

and encourage all of Mercer Island's residents to dedicate themselves to learning about and practicing safe boating, including wearing life jackets.

APPROVED, May 15, 2017

Bruce Bassett, Mayor



The City of Mercer Island, Washington

Proclamation

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and the public health, high quality of life, and well-being of the people of Mercer Island; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals - engineers, managers and employees from state and local governments and the private sector - responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and the other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for citizens, civic leaders and children of the United States of America to gain knowledge of, maintain a progressive interest in, and understand the importance of public works and public works programs in their respective communities; and

WHEREAS, the American Public Works Association has celebrated the annual National Public Works Week since 1960;

NOW, THEREFORE, I, Mayor Bruce Bassett, on behalf of the Mercer Island City Council, do hereby designate the week of May 21-27, 2017, as

PUBLIC WORKS WEEK

in Mercer Island, and I encourage citizens to join me in honoring our Public Works Department professionals, engineers, managers, and employees, and in recognizing the substantial contributions they have made to our health, safety, welfare, and quality of life.

APPROVED, May 15, 2017

Bruce Bassett, Mayor

CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Charles L. Corder

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

<u>Report</u>	<u>Warrants</u>	<u>Date</u>	<u>Amount</u>
Check Register	186829-186913	5/04/2017	\$ 559,652.57
			\$ 559,652.57

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00186829	05/03/2017	AWC MAY 2017		OH008107	05/03/2017	335.50
00186830	05/03/2017	E ALLEN WALKER ATTY AT LAW FINAL SETTLEMENT NEGOTIATIONS		OH008106	05/01/2017	24,242.25
00186831	05/03/2017	PACIFIC MODULAR THRESHOLD FOR CCMV DOOR		3123	01/27/2017	293.46
00186832	05/03/2017	POT O' GOLD INC Coffee Supplies	P0094884	0101343/0102020	08/17/2017	762.94
00186833	05/03/2017	SEATTLE RESTAURANT STORE New freezer for catering kitch	P0094920	OH008105	04/26/2017	3,934.97
00186834	05/04/2017	ABRA AUTO BODY & GLASS - FL-0459 AUTO BODY REPAIR	P94678	13089	04/12/2017	737.59
00186835	05/04/2017	ADVANCED ENVIRONMENTAL OIL SPILL KITS	P0094823	19846	04/17/2017	784.02
00186836	05/04/2017	ALPINE PRODUCTS INC TRAFFIC PAINT & TUFF POSTS	P0094843	TM165761/164434	04/14/2017	371.45
00186837	05/04/2017	ANDERSON, PETER WSDA PESTICIDE LISCENCE		OH008113	04/17/2017	33.00
00186838	05/04/2017	AS YOU WISH ELECTRIC PERMIT REFUND		1703279	04/21/2017	96.80
00186839	05/04/2017	BARNETT, JASON MILEAGE EXPENSE		OH008112	04/27/2017	74.37
00186840	05/04/2017	BECKWITH CONSULTING GROUP ECONOMIC DEVELOPMENT GRANT	P93486	#1	04/01/2017	10,500.00
00186841	05/04/2017	BEST PARKING LOT CLEANING INC INV V155751 CCTV STORM	P0094864	201718	04/12/2017	26,439.68
00186842	05/04/2017	BIOBAG AMERICAS INC Sustainability Promotion Suppl	P0094845	448144	04/13/2017	248.02
00186843	05/04/2017	CASCADE ENGINEERING SERV INC Radar calibration PL33121	P0094943	ML17041413410	04/14/2017	85.00
00186844	05/04/2017	CEDAR GROVE COMPOSTING INC LANDSCAPE MULCH (30 YDS)	P0094819	0000329061	04/14/2017	1,173.16
00186845	05/04/2017	CEDAR RIVER WATERSHED EDU CTR Supervisors Retreat	P0094898	5504413	04/10/2017	225.00
00186846	05/04/2017	CENTURYLINK PHONE USE APRIL 2017		OH008109	04/20/2017	3,346.22
00186847	05/04/2017	CESSCO INVENTORY PURCHASES	P0094911	6665/66/79	04/17/2017	661.30
00186848	05/04/2017	CINTAS CORPORATION #460 2017 Rug cleaning services for	P93815	460103651/460101	04/06/2017	99.00
00186849	05/04/2017	COLLER INDUSTRIES INC Name plates for CM, CA, HR, DS	P0094869	501972A	04/14/2017	507.47
00186850	05/04/2017	COMCAST Internet Charges/Fire	P0094934	OH008130	04/18/2017	168.75
00186851	05/04/2017	CORRECTIONAL INDUSTRIES ACCTG Apparel Order	P0094832	T054258	04/17/2017	1,486.46
00186852	05/04/2017	DANIEL, KAMARIA MI-TV Council Broadcast 03/20/	P0094941	002	04/26/2017	1,380.00
00186853	05/04/2017	DEPARTMENT OF HEALTH WATERWORKS OPERATOR CERTIFICAT	P0094861	OH008131	04/21/2017	87.00
00186854	05/04/2017	DERR, TIMOTHY REPLACE WARRANT 186754		OH008101CORR	04/27/2017	127.80

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00186855	05/04/2017	EDUCATION & TRAINING SERVICES TRAINING BMCDANIEL	P0094846	OH008132	04/20/2017	499.00
00186856	05/04/2017	ELECTRIC CITY PERMIT REFUND		1701115	04/21/2017	96.80
00186857	05/04/2017	EPSCA MONTHLY RADIO ACCESS FEES 44 R	P93437	8901	04/01/2017	1,382.30
00186858	05/04/2017	FASTSIGNS BELLEVUE "PATHWAY FOR EMERGENCY USE ONL	P0094894	B88134	04/19/2017	110.00
00186859	05/04/2017	FERGUSON ENTERPRISES INC 3096+ TOUCHREADER FOR SENSUS M	P0094890	0548187	04/13/2017	534.39
00186860	05/04/2017	FRANKLIN, DEREK YFS/HYI FILMING DAY EXPENSES		OH008114	05/01/2017	71.60
00186861	05/04/2017	FRANKLIN, JENNIFER D TRAINING EXPENSES		OH008117	04/19/2017	126.09
00186862	05/04/2017	GIULIANI, DAVID HAM RADIO LICENSE FRAME		OH008118	04/25/2017	44.16
00186863	05/04/2017	GOLDER ASSOCIATES INC INV 476521 2017 SOIL REMEDIATI	P0094782	476521	03/24/2017	3,337.23
00186864	05/04/2017	GRAINGER INVENTORY PURCHASES	P0094844	9420264120	04/19/2017	1,090.14
00186865	05/04/2017	GRANGE SUPPLY INC PROPANE	P0094875	680614	04/24/2017	46.00
00186866	05/04/2017	GREENWOOD HEATING & A/C PERMIT REFUND		1703199	04/21/2017	96.80
00186867	05/04/2017	H D FOWLER 1" X 24" & 36" BRASS NIPPLES	P0094889	I4467826/4469927	04/10/2017	2,786.57
00186868	05/04/2017	HARB, SAM MILEAGE EXPENSE		OH008110	04/14/2017	26.11
00186869	05/04/2017	HARRIGAN LEYH FARMER & Professional Services - Invoic	P0094949	#8	04/07/2017	333,019.43
00186870	05/04/2017	HAWLEY, C J MIPD GAS EXPENSES		OH008121	04/26/2017	243.70
00186871	05/04/2017	HOLMES, EDWARD J REPLACE WARRANT 186754		OH008100CORR	04/27/2017	240.80
00186872	05/04/2017	HONEYWELL, MATTHEW V Professional Services - Invoic	P0094903	972	04/25/2017	300.00
00186873	05/04/2017	HORIZON INVENTORY PURCHASES	P0094891	3M226061	04/18/2017	6,639.46
00186874	05/04/2017	HUYNH, JASON MILEAGE EXPENSE		OH008111	04/27/2017	74.37
00186875	05/04/2017	IAFC MEMBERSHIP 2017 Dues	P0094930	OH008134	04/28/2017	304.00
00186876	05/04/2017	INTERCOM LANGUAGE SERVICES INC Interpreting Services, #17-106	P0094955	17106	04/21/2017	480.00
00186877	05/04/2017	JOHNSON, JENNIFER LMHC APPLICATION FEE		OH008115	04/07/2017	191.00
00186878	05/04/2017	JOKINEN, DAVID R PHONE CASE AND REPAIR		OH008116	05/01/2017	159.49
00186879	05/04/2017	KELLEY IMAGING SYSTEMS COLOR INK JET OPAUQE BOND, YEL	P0094940	IN251119	04/10/2017	1,070.17
00186880	05/04/2017	KING COUNTY FINANCE Transit Service - per agreeme	P0094939	2086700	04/18/2017	58,488.00

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00186881	05/04/2017	KING COUNTY FINANCE INV 83340-83340 SIGNAL SERVICE	P0094855	8334083340	03/31/2017	252.22
00186882	05/04/2017	KPG TRAFFIC ENGINEERING	P93900	315617	04/05/2017	6,017.49
00186883	05/04/2017	KRAZAN & ASSOCIATES INC WMW ROADSIDE SHOULDER IMPROVEM	P0094847	I6084995832	02/28/2017	1,670.00
00186884	05/04/2017	KROESENS UNIFORM COMPANY Exterior Carrier for Commander	P0094927	43630/43644	04/10/2017	1,323.30
00186885	05/04/2017	LANDER ELECTRIC SERVICE LLC PERMIT REFUND		1704011	04/21/2017	96.80
00186886	05/04/2017	MI CHAMBER OF COMMERCE MONTHLY BILLING FOR SERVICES	P93435	OH008136	04/24/2017	1,200.00
00186887	05/04/2017	MI SCHOOL DISTRICT #400 INV 2017-310 MARCH FUEL	P0094866	2017310	04/13/2017	692.70
00186888	05/04/2017	MI UTILITY BILLS PAYMENT OF UTILITY BILLS FOR W	P0094910	OH008135	04/26/2017	4,604.12
00186889	05/04/2017	MORGAN SOUND INC BluRay repair and service	P0094945	MSI090259	04/19/2017	804.65
00186890	05/04/2017	NAPA AUTO PARTS 2017 FLEET REPAIR PARTS AND	P93483	OH008137	03/31/2017	778.14
00186891	05/04/2017	NEOZYME INTERNATIONAL INC INVENTORY PURCHASES	P0094897	10329	04/13/2017	651.00
00186892	05/04/2017	NETWORK COMPUTING ARCHITECTS Core Firewall Replacement	P94588	50335	04/17/2017	11,554.61
00186893	05/04/2017	NEW FINISHES INC SAND BLAST & REPAINT PARK BENC	P0094914	14108	04/13/2017	247.73
00186894	05/04/2017	OCCMA OCCMA Bus Transportation (Unde	P0094877	2437	04/18/2017	20.00
00186895	05/04/2017	ON-TARGET SOLUTIONS GROUP INC Training for Sgt. Magnan and S	P0094924	281	02/05/2017	1,050.00
00186896	05/04/2017	OVERLAKE OIL INV 183183 2017 UNLEADED AND	P93482	0182961IN	04/12/2017	4,913.64
00186897	05/04/2017	PACIFIC AIR CONTROL INC REPLACE PRESSURE REGULATING VA	P0094888	2103	03/31/2017	505.85
00186898	05/04/2017	PACIFIC SAFETY SUPPLY INC ROLL UP SIGNS (2-WORKERS AHEAD	P0094858	717106	04/17/2017	1,352.25
00186899	05/04/2017	PAPE MACHINERY INC PARTS INVENTORY	P0094848	10361556	04/04/2017	152.39
00186900	05/04/2017	POSTMA, SYDNEY OVERPAYMENT REFUND		OH008124	04/19/2017	350.94
00186901	05/04/2017	PRAXAIR DISTRIBUTION INC INV 76835902 2017 ANNUAL ACETY	P94560	76835902	03/31/2017	46.90
00186902	05/04/2017	PREMIER MECHANICAL & ELECTRIC PERMIT REFUND		1703287	04/21/2017	178.72
00186903	05/04/2017	PROJECT A INC VOICE/SVP web page form	P0094758	17797	04/13/2017	95.00
00186904	05/04/2017	PUGET SOUND ENERGY ENERGY USE APRIL 2017		OH008108	04/24/2017	28,025.29
00186905	05/04/2017	ROESSLER, MICHAEL MI HALF MARATHON EXPENSES		OH008120	04/19/2017	207.65
00186906	05/04/2017	SCHMALHOFER, GEORGE F PER DIEM REIMB		OH008123	04/25/2017	1,013.73

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00186907	05/04/2017	SERFLING, JIMMI L ISA MEMBERSHIP DUES		OH008133	04/03/2017	317.19
00186908	05/04/2017	SITEONE LANDSCAPE SUPPLY LLC RAINMASTER ANTENNA	P0094733	79760129	04/05/2017	536.23
00186909	05/04/2017	SOUND SAFETY PRODUCTS MISC. WORK CLOTHES	P0094793	220345	04/13/2017	197.96
00186910	05/04/2017	TEC EQUIPMENT INC Misc. Apparatus Parts	P0094838	4603/7608	04/04/2017	28.45
00186911	05/04/2017	THIEME, DANIEL OVERPAYMENT REFUND 5922 83RD P		OH008125	04/14/2017	755.02
00186912	05/04/2017	THOMPSON & ASSOCIATES INC OVERPAYMENT REFUND 2016 B&O		OH008126	04/24/2017	260.13
00186913	05/04/2017	TIERNEY & BLAKNEY PC OVERPAYMENT REFUND 1ST QTR B&O		OH008127	04/24/2017	93.65
					Total	<u>559,652.57</u>

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: 117000 - Beautification-Admin Key</i>				
	00186912	THOMPSON & ASSOCIATES INC	OVERPAYMENT REFUND 2016 B&O	260.13
	00186913	TIERNEY & BLAKNEY PC	OVERPAYMENT REFUND 1ST QTR B&O	93.65
<i>Org Key: 402000 - Water Fund-Admin Key</i>				
	00186911	THIEME, DANIEL	OVERPAYMENT REFUND 5922 83RD P	755.02
P0094897	00186891	NEOZYME INTERNATIONAL INC	INVENTORY PURCHASES	651.00
P0094860	00186864	GRAINGER	INVENTORY PURCHASES	617.39
P0094891	00186873	HORIZON	INVENTORY PURCHASES	502.54
P0094801	00186864	GRAINGER	INVENTORY PURCHASES	427.25
	00186900	POSTMA, SYDNEY	OVERPAYMENT REFUND	350.94
P0094911	00186847	CESSCO	INVENTORY PURCHASES	102.96
<i>Org Key: 814083 - Vol Life Ins - States West Lif</i>				
	00186829	AWC	MAY 2017	335.50
<i>Org Key: CA1200 - Prosecution & Criminal Mngmnt</i>				
P0094903	00186872	HONEYWELL, MATTHEW V	Professional Services - Invoic	300.00
<i>Org Key: CM1100 - Administration (CM)</i>				
P0094877	00186894	OCCMA	OCCMA Bus Transportation (Unde	20.00
<i>Org Key: CM11SP - Special Projects-City Mgr</i>				
P0094949	00186869	HARRIGAN LEYH FARMER &	Professional Services - Invoic	333,019.43
<i>Org Key: CM1300 - Sustainability</i>				
P0094845	00186842	BIOBAG AMERICAS INC	Sustainability Promotion Suppl	248.02
<i>Org Key: CO6100 - City Council</i>				
P0094941	00186852	DANIEL, KAMARIA	MI-TV Council Broadcast 04/17/	390.00
P0094941	00186852	DANIEL, KAMARIA	MI-TV Council Broadcast 03/20/	360.00
P0094941	00186852	DANIEL, KAMARIA	MI-TV Council Broadcast 04/03/	360.00
P0094941	00186852	DANIEL, KAMARIA	MI-TV MISD Broadcast 03/30/17	270.00
<i>Org Key: CT1100 - Municipal Court</i>				
P0094955	00186876	INTERCOM LANGUAGE SERVICES INC	Interpreting Services, #17-106	480.00
<i>Org Key: DS0000 - Development Services-Revenue</i>				
	00186902	PREMIER MECHANICAL & ELECTRIC	PERMIT REFUND	178.72
	00186838	AS YOU WISH ELECTRIC	PERMIT REFUND	96.80
	00186856	ELECTRIC CITY	PERMIT REFUND	96.80
	00186866	GREENWOOD HEATING & A/C	PERMIT REFUND	96.80
	00186885	LANDER ELECTRIC SERVICE LLC	PERMIT REFUND	96.80
<i>Org Key: DS1100 - Administration (DS)</i>				
	00186907	SERFLING, JIMMI L	ISA MEMBERSHIP DUES	185.00
	00186907	SERFLING, JIMMI L	ISA MEMBERSHIP DUES	132.19
<i>Org Key: FNBE01 - Financial Services</i>				
P93435	00186886	MI CHAMBER OF COMMERCE	MONTHLY BILLING FOR SERVICES	1,200.00
<i>Org Key: FR1100 - Administration (FR)</i>				
P0094930	00186875	IAFC MEMBERSHIP	2017 Dues	304.00
	00186846	CENTURYLINK	PHONE USE APRIL 2017	303.45

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0094934	00186850	COMCAST	Internet Charges/Fire	106.35
P0094935	00186850	COMCAST	Internet Charges/Fire	62.40
<i>Org Key: FR2100 - Fire Operations</i>				
P93437	00186857	EPSCA	MONTHLY RADIO ACCESS FEES 44 R	528.88
P0094838	00186910	TEC EQUIPMENT INC	Misc. Apparatus Parts	28.45
<i>Org Key: GGM001 - General Government-Misc</i>				
	00186830	E ALLEN WALKER ATTY AT LAW	FINAL SETTLEMENT NEGOTIATIONS	24,242.25
P0094884	00186832	POT O' GOLD INC	Coffee Supplies	735.44
P0094869	00186849	COLLER INDUSTRIES INC	Name plates for CM, CA, HR, DS	507.47
P0094884	00186832	POT O' GOLD INC	Water cooler	27.50
<i>Org Key: GGM004 - Gen Govt-Office Support</i>				
P0094942	00186879	KELLEY IMAGING SYSTEMS	COLOR INK JET OPAQUE BOND, YEL	610.35
P0094940	00186879	KELLEY IMAGING SYSTEMS	COLOR INK JET OPAQUE BOND	459.82
<i>Org Key: IS2100 - IGS Network Administration</i>				
	00186846	CENTURYLINK	PHONE USE APRIL 2017	2,080.82
<i>Org Key: MT2100 - Roadway Maintenance</i>				
P0094911	00186847	CESSCO	REPAIR CHAINSAW	492.67
	00186904	PUGET SOUND ENERGY	ENERGY USE APRIL 2017	289.94
P0094855	00186881	KING COUNTY FINANCE	INV 83340-83340 SIGNAL SERVICE	252.22
P0094858	00186898	PACIFIC SAFETY SUPPLY INC	ROLL UP SIGNS (2-WORKERS AHEAD	275.22
P0094894	00186858	FASTSIGNS BELLEVUE	"PATHWAY FOR EMERGENCY USE	110.00
<i>Org Key: MT2300 - Planter Bed Maintenance</i>				
	00186904	PUGET SOUND ENERGY	ENERGY USE APRIL 2017	13.05
<i>Org Key: MT2500 - ROW Administration</i>				
	00186839	BARNETT, JASON	MILEAGE EXPENSE	74.37
	00186874	HUYNH, JASON	MILEAGE EXPENSE	74.37
<i>Org Key: MT3100 - Water Distribution</i>				
P0094858	00186898	PACIFIC SAFETY SUPPLY INC	ROLL UP SIGNS (2-LANE CLOSED A	538.03
P0094858	00186898	PACIFIC SAFETY SUPPLY INC	FOLDING SIGN STANDS	539.00
P0094890	00186859	FERGUSON ENTERPRISES INC	3096+ TOUCHREADER FOR SENSUS M	534.39
P0094896	00186867	H D FOWLER	1" X 24" & 36" BRASS NIPPLES	386.80
<i>Org Key: MT3120 - Hydrant Maintenance</i>				
P0094896	00186867	H D FOWLER	HYDRANT EXTENSION & TRAFFIC RE	1,019.58
<i>Org Key: MT3200 - Water Pumps</i>				
	00186904	PUGET SOUND ENERGY	ENERGY USE APRIL 2017	2,379.31
<i>Org Key: MT3300 - Water Associated Costs</i>				
P0094846	00186855	EDUCATION & TRAINING SERVICES	TRAINING BMCDANIEL	499.00
P0094793	00186909	SOUND SAFETY PRODUCTS	MISC. WORK CLOTHES	197.96
P0094861	00186853	DEPARTMENT OF HEALTH	WATERWORKS OPERATOR	87.00
	00186868	HARB, SAM	MILEAGE EXPENSE	26.11
<i>Org Key: MT3400 - Sewer Collection</i>				
P0094893	00186867	H D FOWLER	ALL THREAD ROD & COUPLINGS	55.66

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: MT3500 - Sewer Pumps</i>				
	00186904	PUGET SOUND ENERGY	ENERGY USE APRIL 2017	3,226.02
	00186846	CENTURYLINK	PHONE USE APRIL 2017	505.01
P0094892	00186867	H D FOWLER	FAST PATCH	229.42
<i>Org Key: MT3800 - Storm Drainage</i>				
P0094864	00186841	BEST PARKING LOT CLEANING INC	INV 2017-18 ON CALL	24,003.18
P0094853	00186841	BEST PARKING LOT CLEANING INC	INV V155751 CCTV STORM	2,436.50
P0094889	00186867	H D FOWLER	CHANNEL DRAIN & FITTINGS	1,095.11
P0094823	00186835	ADVANCED ENVIRONMENTAL	OIL SPILL KITS	392.01
<i>Org Key: MT4150 - Support Services - Clearing</i>				
P93437	00186857	EPSCA	MONTHLY RADIO ACCESS FEES 1 RA	12.02
<i>Org Key: MT4200 - Building Services</i>				
	00186904	PUGET SOUND ENERGY	ENERGY USE APRIL 2017	5,185.84
	00186904	PUGET SOUND ENERGY	ENERGY USE APRIL 2017	4,968.19
P0094888	00186897	PACIFIC AIR CONTROL INC	REPLACE PRESSURE REGULATING VA	505.85
<i>Org Key: MT4300 - Fleet Services</i>				
P93482	00186896	OVERLAKE OIL	INV 183183 2017 UNLEADED AND	2,822.60
P93482	00186896	OVERLAKE OIL	INV 183183 2017 UNLEADED AND	2,091.04
P93483	00186890	NAPA AUTO PARTS	2017 FLEET REPAIR PARTS AND	778.14
P94678	00186834	ABRA AUTO BODY & GLASS -	FL-0459 AUTO BODY REPAIR	737.59
P0094866	00186887	MI SCHOOL DISTRICT #400	INV 2017-310 MARCH FUEL	692.70
P0094848	00186899	PAPE MACHINERY INC	PARTS INVENTORY	152.39
P94560	00186901	PRAXAIR DISTRIBUTION INC	INV 76835902 2017 ANNUAL ACETY	46.90
<i>Org Key: MT4501 - Water Administration</i>				
	00186846	CENTURYLINK	PHONE USE APRIL 2017	53.73
<i>Org Key: MTBE01 - Maint of Medians & Planters</i>				
P93486	00186840	BECKWITH CONSULTING GROUP	ECONOMIC DEVELOPMENT GRANT	10,500.00
P0094912	00186873	HORIZON	IRRIGATION CONTROLLERS AND FIT	5,830.93
	00186904	PUGET SOUND ENERGY	ENERGY USE APRIL 2017	818.88
<i>Org Key: PO1100 - Administration (PO)</i>				
	00186871	HOLMES, EDWARD J	REPLACE WARRANT 186754	240.80
P0094898	00186845	CEDAR RIVER WATERSHED EDU CTR	Supervisors Retreat	225.00
<i>Org Key: PO1350 - Police Emergency Management</i>				
	00186906	SCHMALHOFER, GEORGE F	TRAINING EXPENSES	772.23
P93437	00186857	EPSCA	MONTHLY RADIO ACCESS FEES 13 R	685.14
	00186906	SCHMALHOFER, GEORGE F	PER DIEM REIMB	241.50
	00186905	ROESSLER, MICHAEL	MI HALF MARATHON EXPENSES	207.65
	00186861	FRANKLIN, JENNIFER D	TRAINING EXPENSES	126.09
	00186862	GIULIANI, DAVID	HAM RADIO LICENSE FRAME	44.16
<i>Org Key: PO1650 - Regional Radio Operations</i>				
P93437	00186857	EPSCA	MONTHLY RADIO ACCESS FEES 57 R	156.26
<i>Org Key: PO2100 - Patrol Division</i>				
P0094927	00186884	KROESENS UNIFORM COMPANY	Sew On Velcro Badge Patches	1,126.40
P0094899	00186884	KROESENS UNIFORM COMPANY	Exterior Carrier for Commander	196.90

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00186878	JOKINEN, DAVID R	PHONE CASE AND REPAIR	159.49
P0094943	00186843	CASCADE ENGINEERING SERV INC	Radar calibration PL33121	85.00
<i>Org Key: PO2200 - Marine Patrol</i>				
	00186854	DERR, TIMOTHY	REPLACE WARRANT 186754	127.80
<i>Org Key: PO4300 - Police Training</i>				
P0094924	00186895	ON-TARGET SOLUTIONS GROUP INC	Training for Sgt. Magnan and S	1,050.00
	00186870	HAWLEY, C J	PER DIEM REIMB	155.50
	00186870	HAWLEY, C J	MIPD GAS EXPENSES	88.20
<i>Org Key: PR1100 - Administration (PR)</i>				
P0094832	00186851	CORRECTIONAL INDUSTRIES ACCTG	Apparel Order	191.40
<i>Org Key: PR1500 - Urban Forest Management</i>				
P0094832	00186851	CORRECTIONAL INDUSTRIES ACCTG	Apparel Order.	81.40
<i>Org Key: PR4100 - Community Center</i>				
	00186904	PUGET SOUND ENERGY	ENERGY USE APRIL 2017	6,052.67
P0094945	00186889	MORGAN SOUND INC	BluRay repair and service	804.65
P0094832	00186851	CORRECTIONAL INDUSTRIES ACCTG	Apparel Order	193.40
	00186846	CENTURYLINK	PHONE USE APRIL 2017	51.36
<i>Org Key: PR6100 - Park Maintenance</i>				
	00186904	PUGET SOUND ENERGY	ENERGY USE APRIL 2017	2,688.50
P0094910	00186888	MI UTILITY BILLS	PAYMENT OF UTILITY BILLS FOR W	1,165.18
P0094823	00186835	ADVANCED ENVIRONMENTAL	OIL SPILL KITS	392.01
P0094819	00186844	CEDAR GROVE COMPOSTING INC	LANDSCAPE MULCH (30 YDS)	293.30
P0094832	00186851	CORRECTIONAL INDUSTRIES ACCTG	Apparel Order	258.50
P0094911	00186847	CESSCO	SHARPEN MOWER BLADES	65.67
<i>Org Key: PR6200 - Athletic Field Maintenance</i>				
P0094910	00186888	MI UTILITY BILLS	PAYMENT OF UTILITY BILLS FOR W	704.19
P0094832	00186851	CORRECTIONAL INDUSTRIES ACCTG	Apparel Order	259.06
	00186846	CENTURYLINK	PHONE USE APRIL 2017	90.37
P0094844	00186864	GRAINGER	CABLE TIES	45.50
<i>Org Key: PR6500 - Luther Burbank Park Maint.</i>				
P0094910	00186888	MI UTILITY BILLS	PAYMENT OF UTILITY BILLS FOR W	2,212.24
	00186904	PUGET SOUND ENERGY	ENERGY USE APRIL 2017	1,142.32
	00186846	CENTURYLINK	PHONE USE APRIL 2017	261.48
P0094914	00186893	NEW FINISHES INC	SAND BLAST & REPAINT PARK BENC	247.73
P93815	00186848	CINTAS CORPORATION #460	2017 Rug cleaning services for	99.00
P0094875	00186865	GRANGE SUPPLY INC	PROPANE	46.00
<i>Org Key: PR6600 - Park Maint-School Related</i>				
P0094819	00186844	CEDAR GROVE COMPOSTING INC	LANDSCAPE MULCH (30 YDS)	586.56
	00186904	PUGET SOUND ENERGY	ENERGY USE APRIL 2017	500.16
P0094832	00186851	CORRECTIONAL INDUSTRIES ACCTG	Apparel Order	258.50
<i>Org Key: PR6700 - I90 Park Maintenance</i>				
P0094910	00186888	MI UTILITY BILLS	PAYMENT OF UTILITY BILLS FOR W	522.51
P0094733	00186908	SITEONE LANDSCAPE SUPPLY LLC	REPAIR RAINMASTER	475.73
P0094891	00186873	HORIZON	HERBICIDE & SPREADER	305.99

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0094819	00186844	CEDAR GROVE COMPOSTING INC	LANDSCAPE MULCH (30 YDS)	293.30
	00186904	PUGET SOUND ENERGY	ENERGY USE APRIL 2017	248.61
P0094733	00186908	SITEONE LANDSCAPE SUPPLY LLC	RAINMASTER ANTENNA	60.50
<i>Org Key: PR6800 - Trails Maintenance</i>				
P0094832	00186851	CORRECTIONAL INDUSTRIES ACCTG	Apparel Order	81.40
<i>Org Key: VCP105 - Transit Funding Placeholder</i>				
P0094939	00186880	KING COUNTY FINANCE	Transit Service - per agreeme	58,488.00
<i>Org Key: WG105R - Community Center Bldg Repairs</i>				
	00186831	PACIFIC MODULAR	THRESHOLD FOR CCMV DOOR	293.46
<i>Org Key: WG110T - Computer Equip Replacements</i>				
P94588	00186892	NETWORK COMPUTING ARCHITECTS	Core Firewall Replacement	9,123.66
P94588	00186892	NETWORK COMPUTING ARCHITECTS	Four port 10GB SFP+ Module	1,052.24
P94588	00186892	NETWORK COMPUTING ARCHITECTS	Eight port 1GB SFP Fiber Modul	929.64
P94588	00186892	NETWORK COMPUTING ARCHITECTS	10Gb Optical Module SFP+	334.42
P94588	00186892	NETWORK COMPUTING ARCHITECTS	1Gb Optical Module SFP	114.65
<i>Org Key: WG141E - MICEC Equipment Replacement</i>				
P0094920	00186833	SEATTLE RESTAURANT STORE	New freezer for catering kitch	3,934.97
<i>Org Key: WG550R - Fuel Clean Up</i>				
P0094782	00186863	GOLDER ASSOCIATES INC	INV 476521 2017 SOIL REMEDIATI	3,337.23
<i>Org Key: WP122R - Vegetation Management</i>				
P0094832	00186851	CORRECTIONAL INDUSTRIES ACCTG	Apparel Order	162.80
	00186837	ANDERSON, PETER	WSDA PESTICIDE LISCENCE	33.00
<i>Org Key: WR111R - Pavement Markings</i>				
P0094843	00186836	ALPINE PRODUCTS INC	TRAFFIC PAINT & TUFF POSTS	605.39
<i>Org Key: WR517R - SE 40th (E of ICW) (W Leg)</i>				
P93900	00186882	KPG	TRAFFIC ENGINEERING	6,017.49
<i>Org Key: XP520R - Recreational Trail Connections</i>				
P0094843	00186836	ALPINE PRODUCTS INC	CREDIT-RETURNED PROPANE TORCH	-233.94
<i>Org Key: XR543C - WMW Shoulders (7400-8000 Blk)</i>				
P0094847	00186883	KRAZAN & ASSOCIATES INC	WMW ROADSIDE SHOULDER	1,670.00
<i>Org Key: YF1100 - YFS General Services</i>				
	00186877	JOHNSON, JENNIFER	LMHC APPLICATION FEE	191.00
	00186860	FRANKLIN, DEREK	YFS/HYI FILMING DAY EXPENSES	71.60
<i>Org Key: YF1200 - Thrift Shop</i>				
	00186904	PUGET SOUND ENERGY	ENERGY USE APRIL 2017	511.80
<i>Org Key: YF2300 - VOICE Program</i>				
P0094758	00186903	PROJECT A INC	VOICE/SVP web page form	95.00
Total				<u>559,652.57</u>



CITY OF MERCER ISLAND CERTIFICATION OF PAYROLL

PAYROLL PERIOD ENDING **5.5.17**
PAYROLL DATED **5.12.17**

Net Cash	\$	521,344.50
Net Voids/Manuals	\$	31,089.23
Net Total	\$	552,433.73
Federal Tax Deposit - Key Bank	\$	105,760.17
Social Security and Medicare Taxes	\$	49,405.07
Medicare Taxes Only (Fire Fighter Employees)	\$	2,243.02
Public Employees Retirement System 1 (PERS 1)	\$	-
Public Employees Retirement System 2 (PERS 2)	\$	23,513.29
Public Employees Retirement System 3 (PERS 3)	\$	6,621.17
Public Employees Retirement System (PERSJM)	\$	616.04
Public Safety Employees Retirement System (PSERS)	\$	179.18
Law Enforc. & Fire fighters System 2 (LEOFF 2)	\$	26,438.34
Regence & LEOFF Trust - Medical Insurance	\$	14,950.69
Domestic Partner/Overage Dependant - Insurance	\$	1,269.89
Group Health Medical Insurance	\$	1,027.99
Health Care - Flexible Spending Accounts	\$	2,573.51
Dependent Care - Flexible Spending Accounts	\$	1,974.55
United Way	\$	230.00
ICMA Deferred Compensation	\$	38,913.71
Fire 457 Nationwide	\$	12,881.49
Roth - ICMA	\$	50.00
Roth - Nationwide	\$	620.00
401K Deferred Comp	\$	166.78
Garnishments (Chapter 13)	\$	1,331.00
Child Support	\$	852.57
Mercer Island Employee Associationa	\$	148.75
Cities & Towns/AFSCME Union Dues	\$	-
Police Union Dues	\$	-
Fire Union Dues	\$	1,870.34
Fire Union - Supplemental Dues	\$	155.00
Standard - Supplemental Life Insurance	\$	-
Unum - Long Term Care Insurance	\$	944.30
AFLAC - Supplemental Insurance Plans	\$	871.81
Coffee Fund	\$	66.00
Transportation	\$	105.00
HRA - VEBA	\$	4,326.26
Miscellaneous	\$	-
Tax & Benefit Obligations Total	\$	300,105.92

TOTAL GROSS PAYROLL	\$ 852,539.65
----------------------------	----------------------

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Charles L. Corder

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date



CITY COUNCIL MINUTES REGULAR MEETING MAY 1, 2017

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 5:01 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Wendy Weiker (arrived at 5:03 pm), Jeff Sanderson, David Wisenteiner, Dan Grausz and Benson Wong were present.

AGENDA APPROVAL

It was moved by Bertlin; seconded by Wong to:

Approve the agenda as presented.

Passed 6-0

FOR: 6 (Bassett, Bertlin, Grausz, Sanderson, Wisenteiner, Wong)

ABSENT: 1 (Weiker)

EXECUTIVE SESSION

At 5:04 pm, Mayor Bassett convened an Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 60 minutes.

At 6:04 pm, Mayor Bassett suspended the Executive Session and the Regular Meeting reconvened.

STUDY SESSION

AB 5269 City Council Rules of Procedures Amendments

Assistant City Manager Kirsten Taylor, Police Chief Ed Holmes and City Clerk Ali Spietz provided an overview of proposed changes to the City Council Rules of Procedures. Ms. Taylor noted that at the January 2016 City Council Planning Session, a Council Effectiveness Subcommittee ("Subcommittee") was formed to review and propose amendments to the Rules. Councilmembers Grausz, Weiker, and Wisenteiner, along with staff representatives Assistant City Manager Taylor and Police Chief Holmes were assigned to the subcommittee. The subcommittee discussions included topics identified by the full Council and updates suggested by the City's staff Leadership Team. Ms. Taylor noted that the proposed updates were either policy recommendations, simple non-policy updates and new language proposed by staff to further clarify Council meeting guidelines or other procedures.

The Council reviewed and discussed eight policy recommendations and directed staff to memorialize the following changes in the rules:

- Change the regular Council meeting day from the first and third Mondays of the month to the first and third Tuesdays of the month, beginning September 2017
- Eliminate the hour of adjournment rule
- Add a City Manager Report to each Council meeting before Appearances
- Add the Appearances follow-up procedure to have the City Manager direct staff to follow up with speakers as appropriate
- Discontinue paper agenda packets delivery and give Councilmembers 24/7 access to pick up their packets at City Hall.

Council asked staff to return with a proposal for handling Councilmember absences and determining excused

versus unexcused absences. Ms. Taylor noted that staff will update the rules to reflect the Council's desired actions and bring the amended Rules back for adoption on the Consent Calendar in the next few months.

SPECIAL BUSINESS

Affordable Housing Week Proclamation

Mayor Bassett proclaimed May 15 – 22, 2017 as Affordable Housing Week. He noted that the City of Mercer Island recommits itself to ensuring that our community thrives with opportunity, and that all people in it live with dignity in safe, healthy, and affordable homes. Geoff Spelman from Housing Development Consortium of Seattle received the proclamation and briefing spoke about the need for awareness in the community.

APPEARANCES

Bart Dawson, 8812 SE 77th Pl, spoke about two options listed in Sound Transit's supplemental impact statement. Requested Council reject 80th Ave lid option and accept the 77th Ave traffic circle option.

Daniel Thompson, 7265 N Mercer Way, spoke about need for public notice on building permits. Expressed concern with language that defines who is able to file an administrative appeal. Recommended that SEPA appeals get sent to the Seattle hearing examiner instead of the Planning Commission.

Janet Prichard, Republic Services, praised the efforts of Mercer Island Fire Fighters when the cargo in a garbage truck caught fire. Fire Chief Steve Heitman spoke briefly about the incident and praised the actions of both the fire personnel on the scene as well as public works staff that came to help with the aftermath cleanup.

Tom Acker, 74th Ave SE, spoke in support of the notice of application on certain land use actions. Praised Council's efforts in negotiating with Sound Transit, and asked that they consider all mitigation options.

CONSENT CALENDAR

Payables: \$184,130.47 (04/13/2017), \$1,018,977.65 (04/24/2017), \$183,564.61 (04/27/2017)

Recommendation: Certify that the materials or services hereinbefore specified have been received and that all warrant numbers listed are approved for payment.

Payroll: \$786,924.78 (04/28/2017)

Recommendation: Certify that the materials or services specified have been received and that all fund warrants are approved for payment.

Minutes: Special Meeting Minutes of April 13, 2017, Regular Meeting Minutes of April 17, 2017, Special Joint Meeting Minutes of April 20, 2017 (5:00 pm), Special Meeting Minutes of April 20, 2017 (7:00 pm), Special Meeting Minutes of April 24, 2017 (8:00 am), and Special Meeting Minutes of April 24, 2017 (5:30 pm)

Recommendation: Adopt the April 13, 2017 Special Meeting Minutes, April 20, 2017 (5:00 pm) Special Joint Meeting Minutes, April 20, 2017 (7:00 pm) Special Meeting Minutes, April 24, 2017 (8:00 am) Special Meeting Minutes, April 24, 2017 (5:30 pm) Special Meeting Minutes as written. Adopt April 17, 2017 Regular Meeting Minutes as amended.

AB 5290 Adoption of 2017-2018 City Council Goals and Work Plan

Recommendation: Adopt the 2017-2018 City Council Goals and Work Plan as presented in Exhibit 1.

It was moved by Sanderson; seconded by Bertlin to:

Approve the Consent Calendar and recommendations therein.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

REGULAR BUSINESS

AB 5292 I-90 Loss of Mobility Status Report

City Manager Julie Underwood provided an update on the City's ongoing litigation regarding the East Link Light Rail project. She advised that in a hearing on April 21, the judge ruled in favor of Sound Transit, granting the motion for a preliminary injunction and application for statutory writ and ordered the City to process the building permit for the station. In a special meeting on April 24, the Council voted unanimously to appeal the ruling by King County Superior Court Judge Beth Andrus and seek direct review by the State Supreme Court.

On April 24, Deputy Mayor Bertlin and Councilmembers Grausz and Sanderson met with Sound Transit Board representatives to discuss negotiating an agreement that includes project mitigation. The parties' first meeting focused on exploratory discussions to learn what is important to each party. The discussion resulted in Sound Transit passing a motion to broaden the authority of their negotiation representatives to allow their board members to discuss a global settlement. The deadline that Sound Transit has set for negotiations is May 25.

Staff is currently working with Representative Clibborn and Secretary Millar on drafting two letters to the USDOT explaining the need for an exception to the August 5, 2016 Federal Highway Administration ruling limiting Island Crest Way westbound on-ramp to HOVs. This exception would ensure I-90 access from Island Crest Way for single occupant vehicles.

Sound Transit has agreed to install temporary intersection improvements prior to the center roadway closure. These include temporary traffic signals at 77th Ave SE/North Mercer Way, and the North Mercer Way westbound onramp to I-90 (along with other ramp improvements). Island Crest Way will be restriped to gain longer left turn lanes between SE 27th Street and North Mercer Way. Sound Transit will also install traffic cameras at SE 27th St. and Island Crest Way, SE 27th St. and 80th Ave SE, North Mercer Way and 80th Ave SE, and North Mercer Way and Island Crest Way to improve WSDOT ability to manage signals.

Staff is working with Sound Transit to get them to come to Mercer Island and hold a community meeting to communicate to citizens what can be expected with the closure of the center roadway and construction of the new light rail station.

AB 5289 Public Hearing: Temporary Increase in Utility Tax Rate on Water, Sewer, and Storm Water Utilities

Finance Director Chip Corder presented two funding source options for financing I-90 litigation and other related costs.

Mayor Bassett opened the public hearing at 7:46 pm.

Dan Thompson, 7265 N Mercer Way, spoke in support of this temporary tax increase to fund I-90 litigation. Requested Council also consider a \$20 car tab fee to help pay for experts and studies.

John Tiscornia, 5646 East Mercer Way, praised Council's efforts regarding I-90 litigation. Requested Council look at organizations that may be negatively impacted financially by Mercer Island's mobility being limited, and get those organizations behind our cause.

Tom Acker, 74th Ave SE, spoke in support of the temporary tax increase as well as instituting a car tab fee.

Bart Dawson, 8812 SE 77th Pl, spoke in support of the tax increase.

Mayor Bassett closed the public hearing at 7:54 pm.

Finance Director Chip Corder advised that the staff recommendation is option 2 so that the contingency fund can be replenished as soon as possible.

It was moved by Grausz; seconded by Weiker to:

Suspend the City Council Rule of Procedure 5.2, requiring a second reading for an ordinance.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

It was moved by Wisenteiner seconded by Grausz to:

Set Ordinance No. 17C-11 (Option 2), which temporarily increases the utility tax rate on water, sewer, and stormwater utilities from 5.3 percent to 8.0 percent for an 18-month period effective July 1, 2017 through December 31, 2018.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

It was moved by Bertlin; seconded by Grausz to:

Transfer \$700,000 from the Contingency Fund to the General Fund, appropriating \$700,000 for I-90 litigation and other related costs, and reimburse the Contingency Fund through the approved temporary increase in the utility tax rate on the City's water, sewer, and storm water utilities.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

AB 5293 Appeals and Review Processes Code Amendments (1st Reading)

DSG Director Scott Greenberg provided a brief presentation on the proposed establishment of procedures for the review and appeal of various permits and approvals. He noted the benefits of having a professionally trained hearing examiner who is free from political influences conduct appeal hearings, as they are trained to make objective quasi-judicial decisions that are supported by adequate record. It can also potentially reduce local government liability exposure by creating a more consistent and legally sustainable quasi-judicial decision. This would also free up the Planning Commission to concentrate on policy-making discussions.

Staff and Council agreed with the changes recommended in section 1 & 4.

In Section 10, Council requested that staff come back with language that will ensure the City code allows staff to have discretion in the places where the word "may" is used as is the Council's intent.

For item 3 in Section 10, Council and staff agreed that code interpretations should be changed from ministerial to administrative actions. Which would require staff to issue a notice of application before the interpretation is issued and then a notice of decision after the interpretation is issued.

Discussion took place regarding item 4 in Section 10. The Council consensus was to remand the building permit appeal issue to the Planning Commission for further review.

Discussion took place regarding requiring a notice for certain single-family building permits. The Council consensus was to require a notice of application.

Discussion took place regarding 19.15.010(E) as it pertains to SEPA threshold determinations. The Council consensus was to preserve administrative remedy and have these appeals sent to the hearing examiner prior to going to superior court.

It was moved by Wong; seconded by Bertlin to:

Set Ordinance No. 17C-12 for second reading and adoption on May 15, 2017.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

AB 5296 Fourth Quarter 2016 Financial Status Report & Budget Adjustments

Finance Director Chip Corder presented a brief presentation on needed budget adjustments.

It was moved by Weiker; seconded by Wisenteiner to:

1. Suspend the City Council Rules of Procedure 5.2 requiring a second reading for an ordinance.

Passed 5-0

FOR: 5 (Bassett, Sanderson, Weiker, Wisenteiner, Wong)

NO VOTE: 2 (Grausz, Bertlin)

It was moved by Wisenteiner; seconded by Weiker to:

2. Adopt Ordinance No. 17-13, amending the 2017-2018 Budget.

Passed 6-0

FOR: 6 (Bassett, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

NO VOTE: 1 (Bertlin)

OTHER BUSINESS

Councilmember Absences

There were no absences.

Planning Schedule

Mayor Bassett advised that there are three Councilmembers who are expected to be absent at the July 10 meeting. He requested staff consider moving the meeting to either July 5 or June 26.

City Manager Underwood noted the Special Meeting with Planning Commission from 6 to 9pm on May 8th for a study session regarding residential development standards code amendments.

Board Appointments

There were no appointments.

Councilmember Reports

There were no reports.

EXECUTIVE SESSION (continued)

At 10:04 pm, Mayor Bassett resumed the Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes.

At 10:30 pm, Mayor Bassett extended the Executive Session for 30 minutes.

At 10:55 pm, Mayor Bassett adjourned the Executive Session.

ADJOURNMENT

The Regular Meeting adjourned at 10:55 pm

Attest:

Bruce Bassett, Mayor

Ellie Hooman, Deputy City Clerk



**CITY COUNCIL MINUTES
SPECIAL MEETING
MAY 4, 2017**

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the Special Meeting to order at 4:01 pm at City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin (Participated by phone until in person arrival at 4:10 pm), and Councilmembers Dan Grausz was present. Councilmembers Jeff Sanderson, Benson Wong, and Wendy Weiker participated by phone. Councilmember David Wisenteiner was absent.

SPECIAL BUSINESS

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for two hours.

At 4:02 pm, Mayor Bassett convened the Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for two hours.

At 5:14 pm, Mayor Bassett adjourned the Executive Session.

ADJOURNMENT

The Special Meeting adjourned at 5:14 pm.

Bruce Bassett, Mayor

Attest:

Ellie Hooman, Deputy City Clerk



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

**AB 5291
May 15, 2017
Consent Calendar**

**ISLAND CREST WAY RESURFACING PHASE 2
PROJECT CLOSE OUT**

Proposed Council Action:
Accept the completed project.

DEPARTMENT OF	Public Works (Clint Morris)
COUNCIL LIAISON	n/a
EXHIBITS	1. Project Location Map
2017-2018 CITY COUNCIL GOAL	n/a
APPROVED BY CITY MANAGER	<i>Kirsten Taylor</i>

AMOUNT OF EXPENDITURE	\$	995,458
AMOUNT BUDGETED	\$	1,259,341
APPROPRIATION REQUIRED	\$	0

SUMMARY

The Island Crest Way Resurfacing Phase 2 project repaired and resurfaced this four lane arterial from SE 40th Street to Merrimount Drive in the summer of 2016. This half-mile long section of roadway is part of the Island’s principal north-south travel route and was last resurfaced in 1991. In 2012, the Island Crest Way Resurfacing Phase 1 project was constructed from Merrimount Drive to SE 53rd Place. In 2015, a new water main was installed in Island Crest Way from SE 40th Street to the 4300 block.

Design work on the Phase 2 project began in February 2016 and final plans and specifications were completed in May. Two construction bids for the project were received and opened on June 7, 2016. On June 20, 2016, the City Council awarded the construction contract to Lakeridge Paving Company in the amount of \$913,830 and set the project’s total budget to \$1,259,341 (AB 5195).

Major elements of this capital project included: repairs to the roadway’s storm drainage system, repair of damaged curbing and failed pavement areas, grinding of the entire roadway to remove the paving lift placed in 1991, resurfacing of the roadway with a 3” hot mix asphalt (HMA) overlay, adjustment of utility castings to roadway grade, and new pavement markings. The roadway’s width, lane configuration, and intersection layouts remained unchanged with the exception of one minor alteration just north of Merrimount Drive. The northbound curb lane in this area was widened by several feet to better accommodate large vehicles. Additionally, SE 42nd Street received an asphalt overlay from Island Crest Way west for one block to 83rd Avenue and from Island Crest Way east for one block to 85th Avenue.

Pedestrian improvements on Island Crest Way consisted of replacing numerous areas of asphalt sidewalks (built in 1991) to correct problems with tree root damage, uneven surfaces, poor drainage, or insufficient width. In addition, a new asphalt walkway was constructed along the south side of SE 42nd Street from Island Crest Way east to 85th Avenue to complete a gap in the pedestrian route between the Island Crest Way corridor and the School District “mega block” east of 86th Avenue.

Construction activities began in mid-July with drainage, curbing, and sidewalk work, and by the end of August the asphalt paving on Island Crest Way was complete. Pavement markings, utility adjustments, and final cleanup were finished by the end of September.

The total cost of the completed project was \$995,458, which is 21% less than the amount budgeted at the time of contract award. Substantial savings were seen in two areas of the construction process. First, the temporary traffic control measures needed during the project were much less than originally planned, resulting in a savings of over \$58,000. Secondly, the grading work required for the concrete repairs and sidewalk replacements was much less than planned, resulting in a savings of over \$59,000. In addition, there were no problems encountered during construction that required contingency funds. Project design, inspection services, and contract administration/management costs were all less than anticipated. Actual expenses for the project compared to budgeted amounts are shown in the following table. The \$263,883 of unspent budget from the project will remain in the Street Fund.

ISLAND CREST WAY RESURFACING PHASE 2 PROJECT COSTS		
Description	Approved Project Budget	Actual Expenditures
Construction Contract Phase 2 - SE 40th Street to Merrimount Drive	\$913,830	\$790,222
Construction Contingency @ 10%	\$91,383	\$0
Project Design	\$109,725	\$99,293
Inspection Services	\$80,765	\$73,008
Contract Administration / Project Management	\$54,500	\$23,797
1% for the Arts	\$9,138	\$9,138
Total Project Budget and Cost	\$1,259,341	\$995,458

RECOMMENDATION

Street Engineer

MOVE TO: Accept the completed Island Crest Way Resurfacing Phase 2 project and authorize staff to close out the contract.



CITY OF MERCER ISLAND

ISLAND CREST WAY

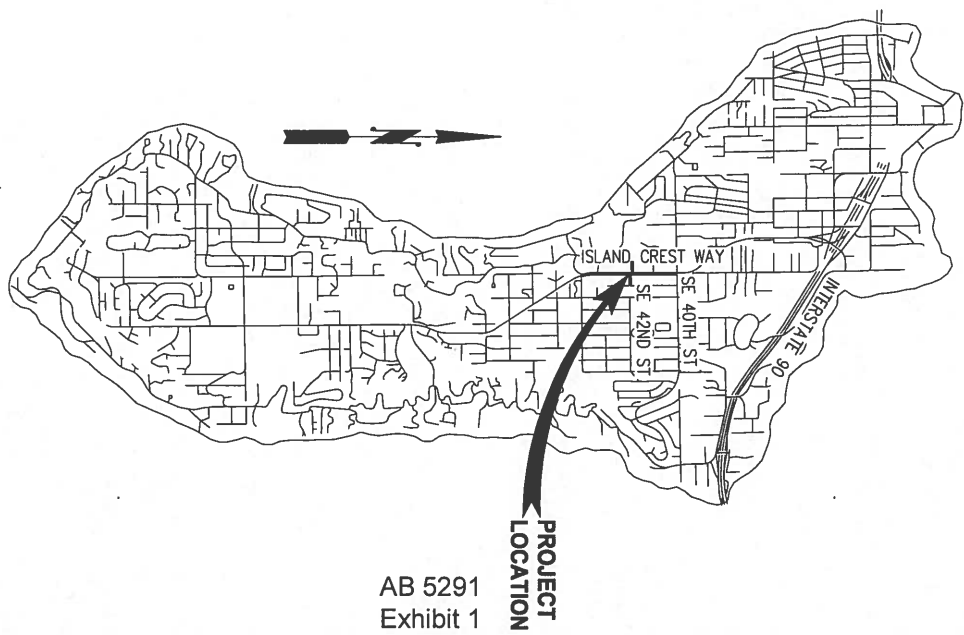
RESURFACING PHASE 2

MAY 2016

PROJECT NUMBER: WR120S

SCHEDULE OF DRAWINGS

SHEET	DRAWINGS
1	COVER
2	SURVEY CONTROL
3	TYPICAL SECTIONS
4-7	DETAILS
8-12	SITE PREPARATION PLAN
13-17	ROADWAY PLAN
18	CURB DETAILS
19-22	DRIVEWAY PLAN & PROFILE



CALL 2 DAYS
BEFORE YOU DIG
1-800-424-5656

BID
DOCUMENTS



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

**AB 5302
May 15, 2017
Consent Calendar**

FIRST QUARTER 2017 FINANCIAL STATUS REPORT	Proposed Council Action: Receive report.
---	--

DEPARTMENT OF	Finance (Chip Corder)
COUNCIL LIAISON	n/a
EXHIBITS	1. First Quarter 2017 Financial Status Report
2017-2018 CITY COUNCIL GOAL	n/a
APPROVED BY CITY MANAGER	<i>Kristen Taylor</i>

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

The First Quarter 2017 Financial Status Report, which focuses on the General Fund and real estate excise tax (REET), is attached as Exhibit 1. Because most of the maintenance and capital project activity accounted for in other funds does not ramp up until spring, there is nothing of financial significance to report in these funds, with the exception of REET. There are no budget adjustments requiring Council action.

The key takeaway items from the First Quarter 2017 Financial Status Report include the following:

- Comparing 2017 to 2016, total actual revenues are up \$304,176, or 5.8 percent, through the first quarter primarily due to the net effect of the following:
 - \$168,060 in Criminal Justice Fund revenues, which have been combined with the General Fund beginning in 2017;
 - \$140,532, or 15.7 percent, increase in property tax;
 - \$97,629, or 8.6 percent, increase in utility taxes;
 - \$94,122, or 87.8 percent, increase in miscellaneous general government revenues;
 - \$20,702, or 1.9 percent decrease in sales tax;
 - \$26,742, or 9.2 percent, decrease in recreation program fees; and
 - \$142,359, or 13.9 percent, decrease in licenses, permits, and zoning fees.

Excluding all Criminal Justice Fund revenues from 2017, total actual revenues are up only \$136,116, or 2.6 percent.

- The 15.7 percent increase in property tax is temporary and will normalize after the property tax distributions in April/May 2017.

- The 8.6 percent increase in utility taxes is primarily due to the following, which comprise 67 percent of the City's total utility tax receipts:
 - 14.8 percent increase in electric/gas utility tax due to a colder winter than 2016; and
 - 4.6 percent increase in water, sewer, and storm water utility tax due to a 5.3 percent overall increase in the City's 2017 utility rates.
- The 1.9 percent decrease in sales tax is primarily driven by the "construction" and "all other" sectors, which were down 8.3 percent and 23.1 percent respectively. Together, these two sectors comprise 54.5 percent of the City's total sales tax receipts. The 8.3 percent decrease in the "construction" sector was expected given that:
 - 2015-2016 represented a record high level of development activity on the Island, in terms of building permits issued, total building valuation, construction sales tax, and development revenues;
 - The Council adopted new building height restrictions in the Town Center in 2016, making redevelopment less financially viable, except in the north end; and
 - The number of major projects in the development pipeline, as captured by pre-application meetings with DSG, was significantly down in the second half of 2016.
- The 13.9 percent decrease in license, permits, and zoning fees is due to the same reasons noted above for the 8.3 percent decrease in construction sales tax. Development activity for the first quarter of 2017 is summarized below, including and excluding an anomalous increase of 31 building permits for re-roofs at Shorewood Apartments:
 - Including 31 building permits for re-roofs at Shorewood Apartments:
 - Total number of building permits issued: Up 30.2 percent
 - Total building valuation: Down 2.8 percent
 - Excluding 31 building permits for re-roofs at Shorewood Apartments:
 - Total number of building permits issued: Down 5.8 percent
 - Total building valuation: Down 4.0 percent
- For the first quarter of the year, total actual expenditures are 26.2 percent of budget in 2017 versus 24.5 percent of budget in 2016. This modest overage relative to the 25 percent expenditure budget threshold is primarily due to there being 7 bi-weekly payroll periods through March 31, 2017 versus 6 bi-weekly payroll periods through March 31, 2016.
- REET is up \$216,748, or 47.3 percent, in 2017 compared to 2016 for the first quarter of the year due to a 20.8 percent increase in the number of property sales, with five sales over \$5.0 million (versus no sales over \$5.0 million in the first quarter of 2016).

RECOMMENDATION

Finance Director

No Council action needed. Receive report.

City of Mercer Island
FINANCIAL STATUS REPORT
First Quarter 2017

FOREWORD

The Financial Status Report provides a summary budget to actual comparison of revenues and expenditures for the General Fund (four times a year) and all other funds (twice a year) through the end of the most recently completed fiscal quarter. Revenue and expenditure comparisons are also made to the same period in the prior year. In addition, a comprehensive progress update on the City's Capital Improvement Program (CIP) is included twice a year in the second and fourth quarter reports. A separate fund balance analysis for every fund is included annually in the fourth quarter report as well. Finally, if needed, budget adjustments are identified in a separate section of this report, along with a budget amending ordinance.

This report is comprised of the following three sections:

- General Fund
- Real Estate Excise Tax (REET)
- Budget Adjustments

It should be noted that, where significant, revenues are recognized when earned, regardless of when cash is received, and expenditures are recognized when a liability has been incurred or when resources have been transferred to another fund. Also, in the case of the General Fund, the budgeted beginning fund balance, which corresponds to the Council-approved "cash carryover" of net excess resources from a prior year, is separately identified.

GENERAL FUND

The General Fund ended the first quarter of 2017 with total revenues slightly above (18.7 percent) the 18 percent revenue budget target and total expenditures modestly above (26.2 percent) the 25 percent expenditure budget threshold. Total resources trailed total expenditures by \$1.63 million through March 31, 2017; however, this is normal and is directly related to the timing of property tax receipts. This temporary deficit position will be completely erased in April/May 2017.

Revenues

Comparing total actual to total budgeted revenues through the first quarter of the year, the General Fund is 18.7 percent of budget in 2017 versus 19.0 percent of budget in 2016. This is slightly above the 18 percent revenue budget target primarily due to the net effect of the following: 1) stronger than projected utility tax growth; 2) stronger than projected miscellaneous general government revenue growth; and 3) a modest decline in sales tax. See table below.

**GENERAL FUND: Revenues
Through March 31, 2016 and 2017**

Revenue Category	Actual			Budget		% of Budget	
	3/31/16	3/31/17	% Chg	2016	2017	2016	2017
Property Tax	892,665	1,033,197	15.7%	11,585,339	11,873,878	7.7%	8.7%
Sales Tax (City, 0.85%)	1,068,256	1,047,554	-1.9%	3,731,000	4,521,000	28.6%	23.2%
Utility Taxes	1,139,899	1,237,528	8.6%	4,632,350	4,164,200	24.6%	29.7%
Licenses, Permits & Zoning Fees	1,025,334	882,975	-13.9%	2,836,500	3,491,500	36.1%	25.3%
Recreation Program Fees	290,352	263,610	-9.2%	1,639,095	1,630,318	17.7%	16.2%
EMS Levy & Charge for Service	317,883	320,273	0.8%	1,279,507	1,290,369	24.8%	24.8%
Sales Tax (Criminal Justice, 0.1%)	-	157,948	N/A	-	662,000	N/A	23.9%
Intergovernmental Revenues	111,841	91,024	-18.6%	509,600	581,113	21.9%	15.7%
Utilities Overhead	110,048	113,043	2.7%	440,193	452,172	25.0%	25.0%
Court Fines	103,607	112,068	8.2%	400,000	415,000	25.9%	27.0%
CIP Administration	59,399	67,229	13.2%	237,595	268,915	25.0%	25.0%
Misc General Government	107,240	201,362	87.8%	237,960	224,700	45.1%	89.6%
Investment Interest	1,220	4,109	236.8%	3,100	6,000	39.4%	68.5%
Total Revenues	5,227,744	5,531,920	5.8%	27,532,239	29,581,165	19.0%	18.7%
Beginning Fund Balance	743,333	694,560	N/A	743,333	694,560	N/A	100.0%
Transfer from Other Funds	-	-	N/A	-	-	N/A	N/A
Total Resources	5,971,077	6,226,480	4.3%	28,275,572	30,275,725	21.1%	20.6%

Comparing 2017 to 2016, total actual revenues are up \$304,176, or 5.8 percent, through the first quarter of the year primarily due to the net effect of the following:

- \$168,060 in Criminal Justice Fund revenues, which have been combined with the General Fund beginning in 2017;
- \$140,532, or 15.7 percent, increase in property tax;
- \$97,629, or 8.6 percent, increase in utility taxes;
- \$94,122, or 87.8 percent, increase in miscellaneous general government revenues;

- \$20,702, or 1.9 percent, decrease in sales tax;
- \$26,742, or 9.2 percent, decrease in recreation program fees; and
- \$142,359, or 13.9 percent, decrease in licenses, permits, and zoning fees.

Excluding all Criminal Justice Fund revenues from 2017, total actual revenues are up only \$136,116, or 2.6 percent.

A more in-depth analysis is provided for the following revenues:

- **Property tax is 8.7 percent of budget in 2017 compared to 7.7 percent of budget in 2016.** This is normal, reflecting King County's practice of distributing property taxes to cities primarily in April/May and October/November. Relative to 2016, actual revenue is up \$140,532, or 15.7 percent, in 2017. This increase is temporary and will normalize after the property tax distributions in April/May.
- **Sales tax (City, 0.85%) is 23.2 percent of budget in 2017 compared to 28.6 percent of budget in 2016.** Relative to 2016, actual revenue is down \$20,702, or 1.9 percent, in 2017. The following two tables compare sales tax revenue, which is broken down by business sector, through the first quarter of the year for 2015-2017, including and excluding significant one-time receipts.

2015-2017 Sales Tax Revenue (Including Significant One-Time Receipts)

Business Sector	Revenue (Jan-Mar)			% Change		% of Total		
	2015	2016	2017	2016	2017	2015	2016	2017
Construction	383,540	539,210	494,543	40.6%	-8.3%	37.5%	50.5%	47.2%
Retail & Wholesale Trade	259,347	243,850	283,025	-6.0%	16.1%	25.4%	22.8%	27.0%
Food Services	48,187	50,284	51,492	4.4%	2.4%	4.7%	4.7%	4.9%
Admin & Support Services	42,583	43,776	48,143	2.8%	10.0%	4.2%	4.1%	4.6%
Telecommunications	40,595	32,724	38,490	-19.4%	17.6%	4.0%	3.1%	3.7%
Prof, Scientific & Tech Services	29,191	27,631	28,285	-5.3%	2.4%	2.9%	2.6%	2.7%
Finance/Insurance/Real Estate	27,325	30,844	26,744	12.9%	-13.3%	2.7%	2.9%	2.6%
All Other Sectors	190,989	99,937	76,832	-47.7%	-23.1%	18.7%	9.4%	7.3%
Total	1,021,757	1,068,256	1,047,554	4.6%	-1.9%	100.0%	100.0%	100.0%

2015-2017 Sales Tax Revenue (Excluding Significant One-Time Receipts)

Business Sector	Revenue (Jan-Mar)			% Change		% of Total		
	2015	2016	2017	2016	2017	2015	2016	2017
Construction	383,540	539,210	494,543	40.6%	-8.3%	42.0%	50.5%	47.2%
Retail & Wholesale Trade	259,347	243,850	283,025	-6.0%	16.1%	28.4%	22.8%	27.0%
Food Services	48,187	50,284	51,492	4.4%	2.4%	5.3%	4.7%	4.9%
Admin & Support Services	42,583	43,776	48,143	2.8%	10.0%	4.7%	4.1%	4.6%
Telecommunications	40,595	32,724	38,490	-19.4%	17.6%	4.4%	3.1%	3.7%
Prof, Scientific & Tech Services	29,191	27,631	28,285	-5.3%	2.4%	3.2%	2.6%	2.7%
Finance/Insurance/Real Estate	27,325	30,844	26,744	12.9%	-13.3%	3.0%	2.9%	2.6%
All Other Sectors	81,594	99,937	76,832	22.5%	-23.1%	8.9%	9.4%	7.3%
Total	912,362	1,068,256	1,047,554	17.1%	-1.9%	100.0%	100.0%	100.0%

The overall decrease of 1.9 percent is primarily driven by the “construction” and “all other” sectors, which were down 8.3 percent and 23.1 percent respectively. Together, these two sectors comprise 54.5 percent of the City’s total sales tax receipts. **The 8.3 percent decrease in the “construction” sector was expected given that: 1) 2015-2016 represented a record high level of development activity on the Island, in terms of building permits issued, total building valuation, construction sales tax, and development revenues; 2) the Council adopted new building height restrictions in the Town Center in 2016, making redevelopment less financially viable, except in the north end; and 3) the number of major projects in the development pipeline, as captured by pre-application meetings with DSG, was significantly down in the second half of 2016.**

- **Utility taxes are 29.7 percent of budget in 2017 compared to 24.6 percent of budget in 2016.** The table below compares utility tax revenues, which are broken down by type of utility, through the first quarter of the year for 2015-2017.

2015-2017 B&O Tax Revenue

Utility Tax	Revenue (Jan-Mar)			% Change	
	2015	2016	2017	2016	2017
Electric/Gas	495,667	527,790	606,006	6.5%	14.8%
Water, Sewer & Storm Water	202,728	213,678	223,557	5.4%	4.6%
Cable TV	172,785	175,154	177,898	1.4%	1.6%
Cellular	123,330	102,774	103,471	-16.7%	0.7%
Garbage	65,233	66,459	71,531	1.9%	7.6%
Long Distance	28,751	32,580	34,966	13.3%	7.3%
Telephone	23,068	21,464	20,098	-7.0%	-6.4%
Total	1,111,561	1,139,899	1,237,528	2.5%	8.6%

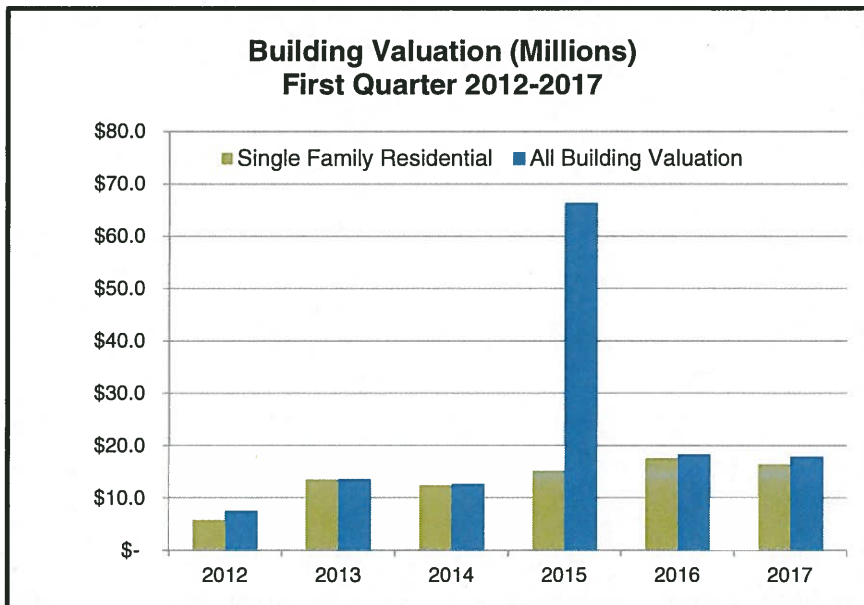
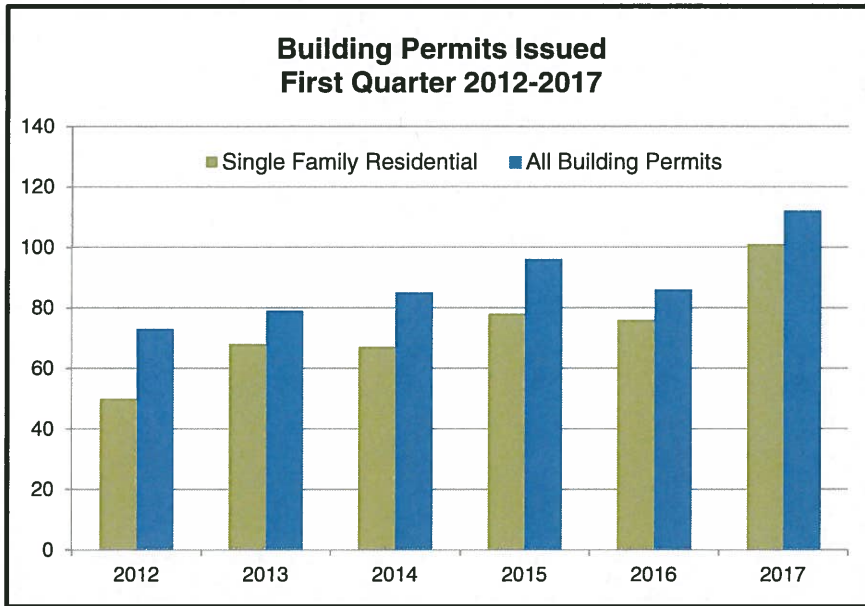
Relative to 2016, actual revenues are up \$97,629, or 8.6 percent, in 2017 primarily due to the following, which comprise 67.0 percent of the City’s total utility tax receipts:

1) 14.8 percent increase in electric/gas utility tax; and 2) 4.6 percent increase in water, sewer, and storm water utility tax. The electric/gas utility tax increase is due to a colder winter than 2016. The water, sewer, and storm water utility tax increase is driven by a 5.3 percent overall increase in the City’s 2017 utility rates.

- **Licenses, permits, and zoning fees are 25.3 percent of budget in 2017 compared to 36.1 percent of budget in 2016.** Relative to 2016, actual revenues are down \$142,359, or 13.9 percent, in 2017. This revenue category consists of all fees related to development, business licensing, and a cable franchise. Across all building permit types (i.e. single family residential, multi-family residential, commercial, mixed use, and public) in the first quarter of 2017, the total number of building permits issued is up 30.2 percent, and the total building valuation is down 2.8 percent. Looking at single family residential development only in the first quarter of 2017, the total number of building permits issued is up 32.9 percent, and the total building valuation is down 6.3 percent. **The dramatic increases in the total number of building permits issued for all building permit types and for single family residential development only are directly related to an anomalous increase of 31 building permits issued to Shorewood Apartments for re-roofs.** Excluding these 31 building permits, the total number of building permits

issued is down 5.8 percent for all building permit types and down 7.9 percent for single family residential development only.

The following two graphs show the total number of building permits issued and the total building valuation for single family residential versus all building permit types for the first quarter of 2012-2017.



Finally, cable franchise fees are up 1.6 percent in 2017 compared to the prior year (\$127,070 in 2017 vs. \$125,110 in 2016).

- **Recreation program fees are only 16.2 percent of budget in 2017 compared to 17.7 percent of budget in 2016.** This is typical for this revenue category at this point in the year and is directly related to class registrations. Relative to 2016, actual revenue is down \$26,742, or 9.2 percent, in 2017. This negative swing is temporary and will normalize by the end of June.
- **Intergovernmental revenues are only 15.7 percent of budget in 2017 compared to 21.9 percent of budget in 2016.** This is typical for this revenue category at this point in the year. The major revenue sources in 2017 include the liquor excise tax and liquor profits that are shared by the state, vessel registration fees that are received from the state through King County, and contract revenue for marine patrol services provided to the cities of Bellevue and Renton. The vessel registration fees and the marine patrol contract revenue, which comprise 29 percent of what is budgeted in this category, will not be received, or otherwise recognized, until December 2017. Prior to 2017, the City received contract revenue from King County for Zone One emergency management coordination services that were provided over a three year period from July 1, 2013 through June 30, 2016. As a result, actual revenues are down \$20,817, or 18.6 percent, in the first quarter of 2017 relative to the same period in 2016.

All other revenues are either within expected norms through the first quarter of the year or too insignificant to highlight.

Expenditures

Comparing total actual to total budgeted expenditures through the first quarter of the year, the General Fund is 26.2 percent of budget in 2017 versus 24.5 percent of budget in 2016. This modest overage relative to the 25 percent expenditure budget threshold is primarily due to there being 7 bi-weekly payroll periods through March 31, 2017 versus 6 bi-weekly payroll periods through March 31, 2016. The following two tables compare actual to budgeted expenditures, first by category and then by department through March 31, 2016 and 2017.

**GENERAL FUND: Expenditures by Category
Through March 31, 2016 and 2017**

Expenditure Category	Actual			Budget		% of Budget	
	3/31/16	3/31/17	% Chg	2016	2017	2016	2017
Salaries	3,374,247	4,176,488	23.8%	15,159,565	15,542,163	22.3%	26.9%
Benefits	1,336,236	1,358,469	1.7%	5,410,848	5,728,584	24.7%	23.7%
Contractual Services	344,859	477,029	38.3%	1,987,307	2,399,726	17.4%	19.9%
Equipment Rental	343,193	351,088	2.3%	1,402,573	1,429,185	24.5%	24.6%
Intergovernmental Services	429,934	273,192	-36.5%	844,186	1,111,598	50.9%	24.6%
Supplies	131,583	153,059	16.3%	750,185	767,905	17.5%	19.9%
Utilities	90,471	87,792	-3.0%	586,699	625,404	15.4%	14.0%
Insurance	508,011	593,918	16.9%	467,433	601,150	108.7%	98.8%
Other Services & Charges	67,754	59,668	-11.9%	357,688	372,546	18.9%	16.0%
Phone, Postage & Advertising	23,768	18,542	-22.0%	121,625	124,500	19.5%	14.9%
Jail	6,336	5,333	-15.8%	90,850	90,850	7.0%	5.9%
Interfund Transfers:							
To Youth & Family Services Fund	100,000	148,208	48.2%	400,000	592,831	25.0%	25.0%
To Technology & Equipment Fund	85,500	85,500	0.0%	342,000	342,000	25.0%	25.0%
To Water Fund	21,374	22,688	6.1%	113,350	139,000	18.9%	16.3%
To Non-Voted Bond Fund	-	-	N/A	93,911	96,999	0.0%	0.0%
To Street Fund	-	50,000	N/A	-	50,000	N/A	100.0%
To Beautification Fund	42,900	-	N/A	42,900	-	N/A	N/A
To Equipment Rental Fund	3,750	-	-100.0%	15,000	21,000	25.0%	0.0%
Total Expenditures	6,909,916	7,860,974	13.8%	28,186,120	30,035,441	24.5%	26.2%

**GENERAL FUND: Expenditures by Department
Through March 31, 2016 and 2017**

Department	Actual			Budget		% of Budget	
	3/31/16	3/31/17	% Chg	2016	2017	2016	2017
Police	1,573,027	1,769,991	12.5%	6,217,260	6,803,565	25.3%	26.0%
Fire	1,497,579	1,589,461	6.1%	6,138,604	6,232,801	24.4%	25.5%
Parks & Recreation	916,004	1,076,195	17.5%	4,832,280	5,026,281	19.0%	21.4%
Development Services	651,541	778,746	19.5%	2,889,578	3,275,986	22.5%	23.8%
Non-Departmental	1,060,617	1,134,550	7.0%	2,793,694	2,864,434	38.0%	39.6%
Public Works	342,535	353,691	3.3%	1,671,209	1,669,620	20.5%	21.2%
City Manager's Office	284,608	447,042	57.1%	1,140,728	1,423,013	24.9%	31.4%
Finance	196,619	223,744	13.8%	833,609	896,465	23.6%	25.0%
City Attorney's Office	143,491	186,508	30.0%	624,834	716,837	23.0%	26.0%
Human Resources	146,513	173,639	18.5%	568,649	587,098	25.8%	29.6%
Municipal Court	89,203	111,836	25.4%	429,810	479,586	20.8%	23.3%
City Council	8,179	15,571	90.4%	45,865	59,755	17.8%	26.1%
Total Expenditures	6,909,916	7,860,974	13.8%	28,186,120	30,035,441	24.5%	26.2%

In reviewing **expenditures by category**, the following are noteworthy:

- **Salaries, which total 52 percent of the 2017 General Fund budget, are 26.9 percent of budget in 2017 compared to 22.3 percent of budget in 2016.** This modest overage relative to the 25 percent expenditure budget threshold is due to the bi-weekly payroll issue noted above. Relative to 2016, actual expenditures are up \$802,241, or 23.8 percent, in 2017 due to the following: 1) 7 bi-weekly payrolls in the first quarter of 2017 versus 6 bi-weekly payrolls in the first quarter of 2016; 2) combining the Criminal Justice Fund with the General Fund beginning in 2017, which added two "Hire Ahead" Patrol Officers, a School Resource Officer, and a Police Support Officer to the General Fund; 3) cost of living allowances for all employees; and 4) step increases for represented employees.
- **Benefits, which total 19 percent of the 2017 General Fund budget, are 23.7 percent of budget in 2017 compared to 24.7 percent of budget in 2016.** Relative to 2016, actual expenditures are up only \$22,233, or 1.7 percent, in 2017 primarily due to three new provisions in the 2015-2016 firefighter labor contract, which significantly impacted 2016 benefit costs. First, an early retirement incentive was paid to three long-term firefighters in the first quarter of 2016, enabling the City to hire 3 entry-level firefighters and to secure significant salary savings. Second, a sick leave incentive program was instituted as a trial, rewarding firefighters with minimal sick leave usage with a financial contribution to their health retirement accounts. This program has helped the City better manage firefighter overtime costs. Third, firefighters were allowed to contribute a portion of earned overtime to their health retirement accounts, resulting in state retirement contribution and Medicare savings for the City. The increased benefit costs from these three contract provisions were offset by firefighter salary and overtime savings in 2016. Neither the early retirement incentive nor the contribution of earned overtime to health retirement accounts was included in the 2017-2018 firefighter labor contract.
- **Contractual services, which total 8 percent of the 2017 General Fund budget, are 19.9 percent of budget in 2017 compared to 17.4 percent of budget in 2016.** This underage relative to the 25 percent expenditure budget threshold is typical, with contractual services occurring mostly in the second and third quarters of the year. This expenditure category includes outside legal counsel, software support, development and engineering support, recreation instructors, repairs and maintenance, and other professional services. Relative to 2016, actual expenditures are up \$132,170, or 38.3 percent, in 2017 primarily due to I-90/light rail litigation and other related costs.
- **Intergovernmental services, which total 4 percent of the 2017 General Fund budget, are 24.6 percent of budget in 2017 compared to 50.9 percent of budget in 2016.** Relative to 2016, actual expenditures are down \$156,742, or 36.5 percent, in 2017 primarily due to an early payment to NORCOM for police and fire dispatch services for the second quarter of 2016. For the first quarter of 2017, actual expenditures relative to budget are on target.
- **Insurance, which totals 2 percent of the 2017 General Fund budget, is 98.8 percent of budget in 2017 compared to 108.7 percent of budget in 2016.** The City pays its annual insurance assessment to the Washington Cities Insurance Authority (WCIA) in the first quarter of each year. Relative to 2016, actual expenditures are up \$85,907, or

16.9 percent, in 2017 based on a significant increase in the City's claims experience and the total number of worker hours over the past five years.

In reviewing **expenditures by department**, the following are noteworthy:

- **Non-Departmental is 39.6 percent of budget in 2017 compared to 38.0 percent of budget in 2016.** This overage relative to the 25 percent expenditure budget threshold is typical and is due to the annual insurance payment to WCIA in the first quarter of the year.
- **City Manager's Office is 31.4 percent of budget in 2017 compared to 24.9 percent of budget in 2016.** This overage relative to the 25 percent expenditure budget threshold is due to I-90/light rail litigation and other related costs, which originally had a \$400,000 budget. A \$600,000 budget adjustment for these costs was formally approved by the Council at its May 1, 2017 meeting as part of the 2016 Year-End Financial Status Report agenda bill.

All other expenditures are either within expected norms through the first quarter of the year or too insignificant to highlight.

REAL ESTATE EXCISE TAX

Real estate excise tax (REET) is the 0.5 percent tax paid by the seller in property transactions, and its use is restricted by state law for specific capital purposes. REET 1 (the 1st quarter of 1.0 percent of the sales price) may be used for streets, parks, facilities, or utilities. REET 2 (the 2nd quarter of 1.0 percent of the sales price) may be used for the same capital purposes as REET 1, except for facilities, which are specifically prohibited. Neither REET 1 nor REET 2 may be used for equipment or technology.

Through the first quarter of the year, REET is 21.3 percent of budget in 2017 compared to 14.6 percent of budget in 2016, as shown in the table below. The historical target range is 15.0-18.0 percent of budget. Relative to 2016, actual revenue is up \$216,748, or 47.3 percent, in 2017.

REET Revenue: Actual vs. Budget Through March 31, 2016 and 2017

Actual			Budget		% of Budget	
3/31/16	3/31/17	% Change	2016	2017	2016	2017
\$457,889	\$674,637	47.3%	\$3,147,000	\$3,165,000	14.6%	21.3%

The primary driver behind the 47.3 percent revenue increase is the number property sales, which are up 20.8 percent in the first quarter of 2017, as shown in the table below. Of particular note, there are five sales over \$5.0 million in the first quarter of 2017 versus no sales over \$5.0 million in first quarter of 2016. The average sales price is \$1.26 million in 2017.

Home Sale Statistics Through March 31, 2016 and 2017

Number of Sales			Average Sales Price		
3/31/16	3/31/17	% Change	3/31/16	3/31/17	% Change
72	87	20.8%	\$1,267,127	\$1,262,168	-0.4%

Please note that the average sales price encompasses all property sales—namely, land, single family residential homes, condominiums, businesses, and below market property sales from one family member to another.

In the following table, REET is broken down according to property sales (i.e. ≤\$5.0 million and >\$5.0 million) for the period 2007-2016. Also, the average property sales price and the number of sales are identified for those properties that sold for \$5.0 million or less.

**2007-2016 REET Revenue (Dollars in Thousands)
Property Sales ≤\$5.0M and >\$5.0M**

Property Sale Breakdown	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Avg
Property Sales ≤\$5.0M:											
Average Sales Price	\$1,072	\$1,237	\$854	\$994	\$916	\$899	\$1,046	\$1,119	\$1,182	\$1,318	\$1,064
% Change in Avg Sales Price	11.4%	15.4%	-30.9%	16.3%	-7.8%	-1.9%	16.4%	7.0%	5.6%	11.5%	4.3%
Number of Property Sales	429	260	267	318	367	418	492	493	499	454	400
REET Revenue	\$2,277	\$1,592	\$1,129	\$1,565	\$1,665	\$1,860	\$2,548	\$2,742	\$2,919	\$2,955	\$2,125
Property Sales >\$5.0M:											
Number of Property Sales	14	5	3	3	5	6	2	9	10	7	6
REET Revenue	\$653	\$755	\$129	\$642	\$162	\$300	\$57	\$527	\$350	\$746	\$432
Total REET Revenue	\$2,930	\$2,347	\$1,258	\$2,207	\$1,827	\$2,160	\$2,605	\$3,269	\$3,269	\$3,701	\$2,557

During this ten year period, the average sales price is \$1.06 million, and the average annual number of sales is 400 for properties that sold for \$5.0 million or less.

Based on receipts through the first quarter of 2017, staff believes the 2017 REET forecast of \$3.17 million is still solid. Looking forward, the 2017 REET forecast will be reviewed again and adjusted, if necessary, as part of the Second Quarter 2017 Financial Status Report, which will be presented to the Council on September 5, 2017.

BUDGET ADJUSTMENTS

In the interest of administrative ease, a budget amending ordinance is prepared and submitted to the Council quarterly, if needed, along with the Financial Status Report. Budget adjustments are divided into three groups: 1) those previously approved by the Council but not formally adopted via a budget amending ordinance; 2) new requests; and 3) carryover requests. The second category typically consists of financial housekeeping items, minor requests, and unanticipated expenditures that the City had to incur and was unable to absorb within the authorized budget. The third category requires Council action only when unspent budget is being moved from the prior biennium to the current biennium. No Council action is needed when budget is moved within the biennium and within the same fund.

There are no budget adjustments requiring Council action. Two summary listings of the originally adopted 2017-2018 Budget (expenditures only), broken down by year, and all subsequent adjustments are presented on the following two pages.

**2017 Budget Adjustment Summary
Expenditures by Fund**

Fund Type / Fund Name	Original 2017 Budget	2017 Budget Adjustments				Amended 2017 Budget
		Q4 2016 FSR, 5/1/2017				
General Purpose Funds:						
General	29,436,000	1,316,396				30,752,396
Self-Insurance	10,000					10,000
Youth Services Endowment	500					500
Special Revenue Funds:						
Street*	2,728,368	778,146				3,506,514
Transportation Benefit District	350,000					350,000
Criminal Justice	599,441	501,173				1,100,614
Beautification	966,829	229,930				1,196,759
Contingency	-					-
1% for the Arts	15,000	24,914				39,914
Youth & Family Services	2,748,719	6,000				2,754,719
Debt Service Funds:						
Bond Redemption (Voted)	-					-
Bond Redemption (Non-Voted)	1,011,099					1,011,099
Capital Projects Funds:						
Capital Improvement*	4,706,243	1,115,172				5,821,415
Technology & Equipment*	731,000	129,136				860,136
Fire Station 92 Construction*	-	366,195				366,195
Capital Reserve*	-					-
Enterprise Funds:						
Water*	7,317,818	702,295				8,020,113
Sewer*	9,271,431	431,750				9,703,181
Storm Water*	2,574,312	400,854				2,975,166
Internal Service Funds:						
Equipment Rental*	1,658,766	198,002				1,856,768
Computer Equipment*	975,926					975,926
Trust Funds:						
Firemen's Pension	97,000					97,000
Total	65,198,452	6,199,963	-	-	-	71,398,415

* Capital Improvement Program (CIP) projects are budgeted and accounted for in these funds.

**2018 Budget Adjustment Summary
Expenditures by Fund**

Fund Type / Fund Name	Original 2018 Budget	2018 Budget Adjustments				Amended 2018 Budget
		Q4 2016 FSR, 5/1/2017				
General Purpose Funds:						
General	29,413,162	1,479,003				30,892,165
Self-Insurance	10,000					10,000
Youth Services Endowment	500					500
Special Revenue Funds:						
Street*	3,455,837					3,455,837
Transportation Benefit District	350,000					350,000
Criminal Justice	622,722	(622,722)				-
Beautification	939,900					939,900
Contingency	-					-
1% for the Arts	15,000					15,000
Youth & Family Services	2,444,250	343,886				2,788,136
Debt Service Funds:						
Bond Redemption (Voted)	-					-
Bond Redemption (Non-Voted)	847,159					847,159
Capital Projects Funds:						
Capital Improvement*	3,459,461					3,459,461
Technology & Equipment*	732,000					732,000
Fire Station 92 Construction*	-					-
Capital Reserve*	-					-
Enterprise Funds:						
Water*	7,246,078					7,246,078
Sewer*	9,079,675					9,079,675
Storm Water*	1,934,956					1,934,956
Internal Service Funds:						
Equipment Rental*	2,139,515					2,139,515
Computer Equipment**	1,063,193					1,063,193
Trust Funds:						
Firemen's Pension	103,000					103,000
Total	63,856,408	1,200,167	-	-	-	65,056,575

* Capital Improvement Program (CIP) projects are budgeted and accounted for in these funds.



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

**AB 5301
May 15, 2017
Regular Business**

I-90 LOSS OF MOBILITY STATUS REPORT

Proposed Council Action:

No action necessary. Receive report.

DEPARTMENT OF

City Manager (Julie Underwood)

COUNCIL LIAISON

n/a

EXHIBITS

1. USDOT letter request to "grandfather" use of Island Crest Way westbound access to I-90 for SOVs
2. Maps of East Link Temporary Traffic Mitigation Projects
3. BERK Consultants: Access to Transit and Commuter Parking Study
4. 4-page mailer regarding an I-90 update and notice of traffic improvements

2017-2018 CITY COUNCIL GOAL

1. I-90 Access and Mobility/Prepare for Light Rail

APPROVED BY CITY MANAGER

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

Litigation Update

City's Lawsuit Against Sound Transit and WSDOT

An evidentiary hearing on the City's motion for a preliminary injunction is tentatively scheduled for May 31, 2017 and is based primarily on the City's breach of contract claim, which seeks to temporarily halt the closure of the I-90 center roadway until the parties reach agreement on appropriate mitigation to offset traffic and safety impacts of the East Link Light Rail project.

Sound Transit's Lawsuit Against the City

In this counterclaim, King County Superior Court Judge Andrus ruled that State law does not allow the City to address adverse impacts that occur outside its shoreline jurisdiction using the Shoreline Substantial Development Permit (SSDP) and thus prohibited the City from rescinding the SSDP on that basis. The City appealed the decision to the Washington State Supreme Court. They granted accelerated review of the City's motion, but have yet to decide if they will take the appeal. We recently learned that the Washington State Supreme Court will hear the City's motion for discretionary review and will decide on June 1, 2017 whether to accept direct, discretionary review of the City's SSDP appeal.

WSDOT's and Sound Transit's Lawsuit Against the City

In this counterclaim, King County Superior Court Judge Andrus ruled that State law does not allow the City to invoke its land use authority pursuant to Title 19 of the Mercer Island City Code as to WSDOT I-90 Right of Way and the East Link Light Rail project and ordered the City to process the Mercer Island Station building permit consistent with standard processes for projects of this size and complexity. The City appealed the decision on the building permit to the Washington State Supreme Court. They granted accelerated review of the City's motion, but have yet to decide if they will take the appeal. We recently learned that the Washington State Supreme Court will hear the City's motion for discretionary review and will decide on June 1, 2017 whether to accept direct, discretionary review of the City's building permit appeal.

On-Going Negotiations

On a parallel track with litigation, the City is actively pursuing the possibility of a negotiated solution. City Council representatives (Deputy Mayor Bertlin and Councilmembers Grausz and Sanderson) met again on May 5 and May 11 with representatives of the Sound Transit Board (Board Chair Dave Somers-Snohomish County Executive and Co-Chairs John Marchione-Redmond Mayor and Marilyn Strickland-Tacoma Mayor). The discussions continued to explore solutions. Parties are scheduling future meetings, dates to be determined.

It is important to note that should an agreement between Sound Transit and the City be reached, it would be reviewed, discussed, and approved by the Council in open session at a Regular City Council Meeting. The community would have an opportunity to review the agreement. The community provided input on mitigation and priorities through the 2015 listening tours. Likewise, the Council has received mitigation recommendations from Vision Mercer Island and from the 2,600+ petitioners. This feedback, along with input from hundreds of community members during outreach events and via email input is guiding the negotiations.

Support for Island Crest Way (ICW) On-ramp Access for Single Occupant Vehicles (SOVs)

The most significant threat to our quality of life is the restriction of SOVs on the Island Crest Way westbound on-ramp to Interstate 90 (I-90). The City's traffic analysis shows that traffic diversion would result in more accidents, overwhelm our intersections, affect transit reliability, and increase travel times.

With the help of United States Congressman Adam Smith and State Representative Judy Clibborn, we have gained the support of WSDOT to work cooperatively to seek the support of the U.S. Department of Transportation (USDOT) to "grandfather" the Island Crest Way on-ramp to I-90 for SOVs. We are continuing to gather support for the USDOT letter request from the signatories of the 1976 Memorandum Agreement and 2004 Amendment. At the time of this writing, the attached letter identifies who supports this request to USDOT (Exhibit 1). It is critical to have the support of regional elected officials when working with USDOT.

East Link Traffic Mitigation Projects

To prepare for the I-90 center roadway closing in June 2017, Sound Transit and WSDOT will improve four intersections on Mercer Island (Exhibit 2 includes maps of the impacted areas and all planned work on Mercer Island):

- 77th Avenue SE & N Mercer Way – Temporary Traffic Signal at 77th and North Mercer Way
- 76th Avenue SE on-ramp and N. Mercer Way intersection – Addition of temporary signal, modification of westbound striping at ramp to create a bus bypass and modification of trail connection (at the request of the City)
- Island Crest Way between the I-90 on-and off-ramps – Restriping of Island Crest Way at the I-90 ramps to improve travel times in the morning commute

- 80th Avenue SE & N Mercer Way, Island Crest Way & N Mercer Way, and Island Crest Way & SE 27th St intersections – Installing four surveillance cameras to communicate information back to WSDOT Traffic Management Center

The above temporary traffic improvements were identified by Sound Transit and WSDOT in the East Link Extension 2017 SEPA Addendum.

Crews will be restriping lanes, installing traffic signals and traffic cameras, and converting existing ramps for metering. Temporary parking restrictions will be in place 24 hours before work begins near work areas. Crews will work in the existing right-of-way with traffic control in place and will complete their work in a compressed schedule to minimize local traffic impacts. Sound Transit is working with the City to acquire the necessary permits to install the improvements.

Mercer Island Station Design

We have received questions from residents about the Mercer Island Station Design. The Mercer Island Advisory Group (MIAG) and the Design Commission reviewed the station designs at various stages of planning. The MIAG was comprised of three City Councilmembers, three Design Commission members, and three Arts Council members.

The community gave input to early Sound Transit design drawings at the 30% and 60% design phase community open houses. The MIAG first met in 2014 to respond to Sound Transit station 60% design phase drawings. They convened again in late October 2016 where Sound Transit presented a draft of its near-final station design to the MIAG for feedback. Based on previous MIAG input, and public comment, revisions to the near-final design include:

- Changes to the entrances at both 77th Avenue SE and 80th Avenue SE
- Changes to the color of the ventilation stacks
- Extended canopy over the station platform
- Station landscaping
- Screening and landscaping for support structures

On December 6, 2016, Sound Transit released its final design (90% design) to the public in a 9-minute online narrated presentation – it can be found at www.mercergov.org/MIStation.

Access to Transit and Commuter Parking Study

In preparation for the East Link Project, the City commissioned a parking study, which was completed by BERK Consulting (Exhibit 3). The study assessed future demand for commuter parking and current constraints to access to transit. By 2030, the City projects parking demand at approximately 1,000 parking spaces.

Communications

Last week the City's Communications Manager, Ross Freeman, began outreach regarding the Sound Transit traffic measures, identifying resources for commuters, and information about the South Bellevue Park & Ride closure (May 30). It began with a story in Wednesday's MI-Weekly, with a tie-in on the City Facebook. It was then posted on Next Door. Early this week, a news release was posted to capture residents who only subscribe/visit the City's website newsfeed. News link: www.mercergov.org/News.asp?NewsID=2174

The City has developed a four-page I-90 mailer with recent history, Sound Transit's temporary traffic control measures, and commuter resources that will be delivered to every Island address (Exhibit 4). Once we know the mailing arrival date, we will promote it with a Facebook video, and print/online ads in the MI-Reporter.

In consultation with the Police Department, we are developing a simple 2-page handout that MIPD patrol officers can provide to confused commuters once the June 3 transition date is upon us. The same flyer will be modified for use by front counter staff at City Hall who are already fielding questions from residents who are just beginning to pay attention to the issue.

Finally, WSDOT has agreed to arrange for a few mobile electronic reader boards at some of the customary key locations on the Island, announcing the June 3 Express Lanes closure, and will also use its overhead readerboard displays on I-90.

Community Outreach

Neighborhood Parking Impacts

The City is concerned about the closure of South Bellevue Park and Ride and the impact that will have on the Island. Mercer Island's Park and Ride is already at capacity; it is filled by 7:30 am and fifty percent (50%) by off island commuters. Staff will be meeting with neighborhood representatives from the neighborhood adjacent to the Mercer Island Park and Ride. We are planning and preparing for the South Bellevue Park and Ride closure and wanted to work with residents to identify concerns and remedies. In addition, staff has reached out to the Chamber of Commerce to get their assistance working with the Town Center business community. Again, we want to be prepared for the potential of spillover commuter parking.

Citizen "Advisors" to Discuss Mitigation

The City Manager and staff will be hosting another citizen "advisors" meeting to review and discuss proposed mitigation measures.

Sound Transit Community Meeting--Meet the Contractor

Sound Transit staff has informed City staff that they are planning to host a "Meet the Contractor" meeting, but the date has not been finalized. They will be notifying the public via direct mail when they have set that date.

RECOMMENDATION

City Manager

No action necessary. Receive report.



May 10, 2017

The Honorable Elaine Chao
U.S. Secretary of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590



Dear Secretary Chao:

The United States Department of Transportation is an important partner in Washington State's efforts to develop and maintain the critical infrastructure needed to support our growing population and economy. The Central Puget Sound region, one of the fastest growing regions in the country, has started construction of East Link, a critical transportation link between the economic and population centers of Seattle, Bellevue and Redmond. The issue of access to Interstate 90 for the City of Mercer Island, however, requires your attention.

For the past several months, the State of Washington, local governments and federal, state and local elected officials have been addressing the issues that have arisen following receipt of the August 5, 2016 letter from the Federal Highway Administration (FHWA) regarding I-90 High Occupancy Vehicle Operations (HOV) on Mercer Island. As noted in that letter, the FHWA is "eager to find a solution that works for all users of the I-90 roadway and upcoming East Link Light Rail line." The signatories on this letter respectfully ask for your approval to allow single occupancy vehicle (SOV) traffic to use the Island Crest Way ramp to access westbound I-90 and then merge into the general purpose lanes, with adequate controls in place to minimize the impact to regional HOV operations.

Mercer Island's overall road plan has been developed over many decades and relies on Island Crest Way as the primary north-south arterial. Locals are understandably concerned that limiting this ramp to HOV-only traffic will potentially increase traffic on some roadways that are currently relatively low volume and that carry a mix of vehicle, pedestrian and bicycle traffic, including through one elementary school walk zone.

We supplement those local concerns with the summary results of the Washington State Department of Transportation's (WSDOT) latest analysis. That work analyzed four access options, which included a review of an access option whereby SOV traffic is allowed to use the Island Crest Way ramp to enter the westbound I-90 HOV lane, and then merge out of the lane further downstream. This option potentially would result in better Transit/HOV travel time within the HOV lane than an option where Island Crest Way SOV traffic was allowed to travel within the HOV lane into Seattle. The analysis conclusion did acknowledge this option increased risk and potential for

increased crashes in the vicinity of the ramp merge and within the merge area. To reduce these operational and safety concerns, WSDOT would control the ramp access by metering at a restricted rate, and would establish the merge area where SOV traffic can best merge out of the HOV lane. WSDOT would monitor the operation and safety performance, and make further changes if necessary to ensure safety and HOV performance expectations are met.

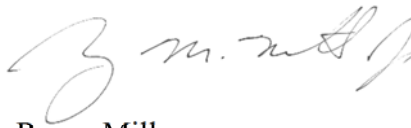
Finally, we note a nearby precedent for allowing SOV traffic to travel for a short distance within the northbound I-5 HOV lane approaching Exit 162 where SOV traffic must enter the HOV lane to access the left-side SOV ramp. Our research revealed another exception in California where SOV traffic is allowed to enter eastbound I-80 (milepost 148 vic.) from a left-side ramp and pass through a mainline HOV lane to enter the general purpose lanes. This ramp originates from a light rail station.

We would appreciate your consideration for allowing SOV traffic to access I-90 via the Island Crest Way ramp, with the requirement to merge out of the HOV lane a short distance downstream where the roadway features are more conducive. Thank you in advance for your timely consideration.

Sincerely,



Jay Inslee
Governor, State of Washington



Roger Millar
Secretary, WSDOT



Lisa Wellman
Senator, State of Washington



Judy Clibborn
Representative, State of Washington



Tana Senn
Representative, State of Washington



Dow Constantine
Executive, King County



Peter Rogoff
CEO, Sound Transit



Bruce Bassett
Mayor, City of Mercer Island

2017 Traffic Improvements for Mercer Island



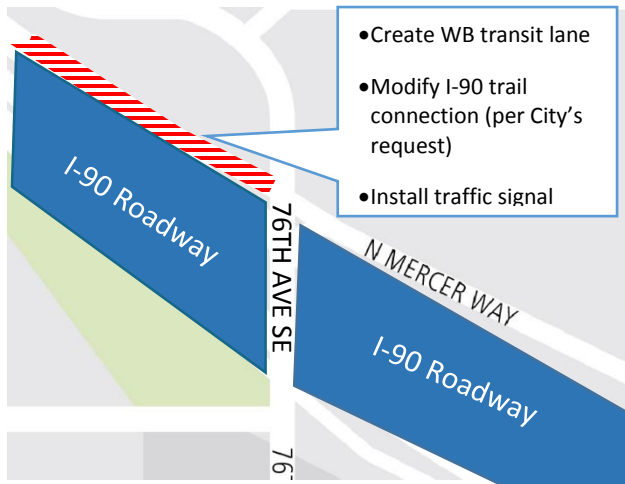
77th Ave SE & N. Mercer



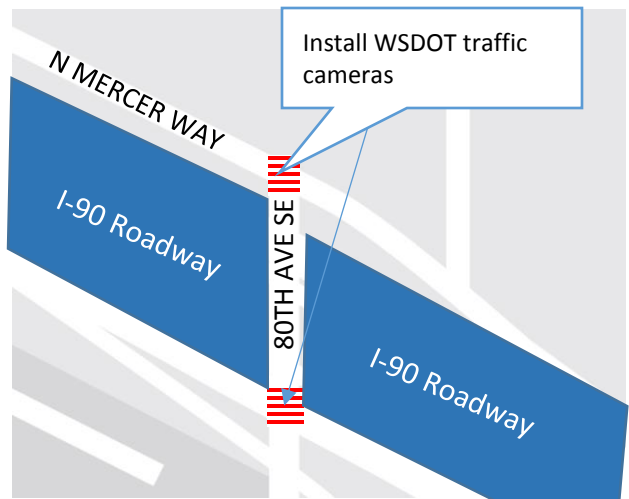
Island Crest Way



76th on-ramp and N. Mercer Way



80th Ave SE



Access to Transit and Commuter Parking Study

City of Mercer Island

Background

The City of Mercer Island has a park and ride facility owned by Sound Transit (ST) with 447 parking stalls along I-90, adjacent to the City's Town Center (See Exhibit 1). The ST Mercer Island Park and Ride is operating at full capacity with about half of the parking stalls used by Mercer Island residents and half by non-residents (Sound Transit, 2015). The East Link light rail extension will provide service from Seattle to Redmond with a station on Mercer Island. Construction is scheduled to begin in the summer of 2017 and will create short- and long-term impacts for Mercer Island. The high occupancy vehicle (HOV) express lanes will be eliminated in June 2017 to accommodate light rail, and single-occupancy vehicle (SOV) access to the new HOV lanes on I-90 for Mercer Island residents may be restricted. In addition, local access changes to I-90 are likely to cause increased traffic congestion in and around the Town Center. Sound Transit currently has no plans to increase commuter parking at the future Mercer Island station.

Mercer Island has limited on-island bus service and four other park and ride lots in the southern part of the island with bus service. However, constraints from limited on-island bus service, low-density land use patterns that limit walking and biking options, and a lack of commuter parking for residents in the Town Center all contribute to limited transit access for residents.

To plan for the short- and long-term impacts from new light rail service, the City is assessing future demand for commuter parking and current constraints on access to transit. They will also identify strategies to improve access to transit for Mercer Island residents and minimize traffic and parking impacts from changes to I-90 access and new light rail service.

Exhibit 1. Study Area Context



Source: BERK, 2017; Google Earth, 2017

Study Objectives

The objectives of this study are to:

1. Forecast demand for commuter parking for Mercer Island residents to 2030 based on future growth in population and off-island transit accessible jobs.
2. Assess the capacity of the existing park-and-ride facilities and other transit access methods to accommodate new growth through 2030.
3. Identify strategies to improve access to transit for Mercer Island residents in light of expected increased transit ridership and growth in off-island transit accessible jobs.
4. Assess the potential impact to Mercer Island from the closure of the South Bellevue Park-and-Ride during construction of the East Link light rail system.
5. Identify parking and traffic mitigation strategies to address changes to the transportation and parking systems as a result of East Link construction and future operations.

Sound Transit Mercer Island Park and Ride

The ST Mercer Island Park and Ride has 447 stalls and is operating at capacity. Occupancy levels are currently above projections from the East Link Light Rail Environmental Impact Statement (EIS) finalized in 2011. The EIS estimated demand at the ST Mercer Island Park and Ride to be 390 vehicles by 2020 and 460 vehicles by 2030. Parking expansion at the ST Mercer Island Park and Ride was not recommended in the EIS. Sound Transit vehicle occupancy counts at the ST Mercer Island Park and Ride from 2015 show the facility is at capacity, which is 13% above the 2020 estimate in the EIS (Sound Transit, 2011) (See Exhibit 2).

Exhibit 2. ST Mercer Island Park and Ride: Estimated Demand and Current Occupancy

Facility Capacity	2020 Sound Transit Demand Estimate	2030 Sound Transit Demand Estimate	2015 Facility Occupancy	2015 Facility Occupancy as a % of 2020 ST Demand Estimate
447 stalls	390 vehicles	460 vehicles	447 vehicles	113%

Source: Sound Transit, 2015

Sound Transit conducted a license plate survey in 2014 and 2015 at the ST Mercer Island Park and Ride to determine occupancy and driver origin using addresses where parked vehicles are registered. As shown in Exhibit 3, in 2014 the portion of vehicles observed and mapped that are registered to a Mercer Island address was 53% and in 2015 it declined to 46% (Sound Transit, 2014 and 2015).

Exhibit 3. ST Mercer Island Park and Ride: Vehicle License Survey Findings

Finding	2014	2015	Notes
Total Capacity	447	447	
WA registered vehicles surveyed	419	423	
Number of vehicle owner addresses successfully geocoded (mapped)	401	400	A portion of addresses associated with registered WA license plates could not be successfully associated with mapped location.
Mercer Island address	212	183	Number of vehicles registered to a Mercer Island address.
Percent Mercer Island addresses	53%	46%	Percentage of all geocoded (mapped) vehicles associated with Mercer Island address.
Estimated Mercer Island commuter usage	236	205	BERK calculation. This assumes 100% of park and ride capacity is used and that vehicles not geocoded are just as likely to be associated with Mercer Island residents as vehicles that are geocoded.

Source: Sound Transit, 2015; BERK, 2017.

Other Mercer Island Park and Ride Facilities

King County Metro operates four additional park and ride facilities south of I-90. The facilities include those shown in Exhibit 4.

Exhibit 4. King County Metro Mercer Island Park and Ride Facilities

Facility	Area	Metro Routes	Parking Stalls	2015 Q3 Utilization	2016 Q3 Utilization	2016 Q3 Vacant Stalls
Congregational Church of Mercer Island	Middle of Island	204, 630	28	18%	14%	24
Mercer Island Presbyterian Church	North Island	204, 630	30	50%	77%	7
Mercer Island United Methodist Church	North Island	630	18	72%	106%	0
QFC Village Park & Ride	South Island Village	201, 204	17	52%	57%	5
Total:			93		Total:	36

Source: King County Metro, 2017

Mercer Island Commuter Parking Permit Program

The City of Mercer Island has a Town Center Permit Parking Program that allows permit holders to park on-street all day in designated locations (See Exhibit 5). As of early 2016, the City has issued approximately 269 permits. The number of on-street parking stalls available for permit parking is approximately 93 (BERK, 2016). On-street parking counts from February 2016 for the Town Center Parking study indicate that not all permit parking stalls are utilized. In addition, there is unrestricted parking on SE 29th Street and along 76th Avenue SE that could be used for commuter parking since there are no time limits. The City is exploring eliminating on-street commuter parking to increase short-term visitor/retail parking in the Town Center. Therefore, the Town Center commuter parking program was not included in the projection of future commuter parking demand for residents.

Exhibit 5. Town Center Permit Program



Source: City of Mercer Island, 2016

South Bellevue Park and Ride Closure

The South Bellevue Park and Ride will close for East Link construction in June of 2017 for approximately five years. The facility has 520 parking stalls. Sound Transit has leased 250 parking stalls at new interim park and ride lots and has new leases at three existing facilities for an additional 100 stalls, for a total of 350 stalls. Sound Transit has also identified available capacity at existing facilities of approximately 850 parking stalls (Bellevue Reporter, 2017). The combination of new park and ride facilities and capacity at existing facilities is 1,200 parking stalls.

According to Sound Transit ridership data, an average of 576 boardings occur at the South Bellevue Park and Ride on Route 550 during the morning commute period. This route provides direct service to

Downtown Seattle via I-90 and Mercer Island. None of the replacement park and ride facilities provide direct service to Downtown Seattle. It is impossible to determine exactly how many of the riders on Route 550 park at the South Bellevue Park and Ride, but it is likely that a significant percentage of the 520 vehicle stalls are currently used by riders heading to Downtown Seattle.¹ Furthermore, none of the replacement park and ride facilities are served by Route 550 or any route headed to Downtown Seattle. To avoid the need for an additional transfer, many commuters may choose to park at the ST Mercer Island Park and Ride during the closure. Given that the ST Mercer Island Park and Ride operates on a first come/first serve basis and parking is free, there is potential that additional demand from off-island commuters will result in displacing current Mercer Island resident park and ride users.

Mercer Island Transit Service

Mercer Island is served by several bus routes operated by both Sound Transit and King County Metro (See Appendix A for a detailed summary of transit routes and service). On-island service is limited to King County Metro routes 201 and 204 that provide regular weekday service along W Mercer Way, E Mercer Way, and Island Crest Way, connecting the park and ride facilities to the ST Mercer Island Park and Ride along I-90 that has additional route connections.

¹ For comparison, only 49 riders board the 550 in the opposite direction toward Downtown Bellevue during the same period.

Exhibit 6. King County Metro Routes 201 and 204



Source: King County Metro, 2017

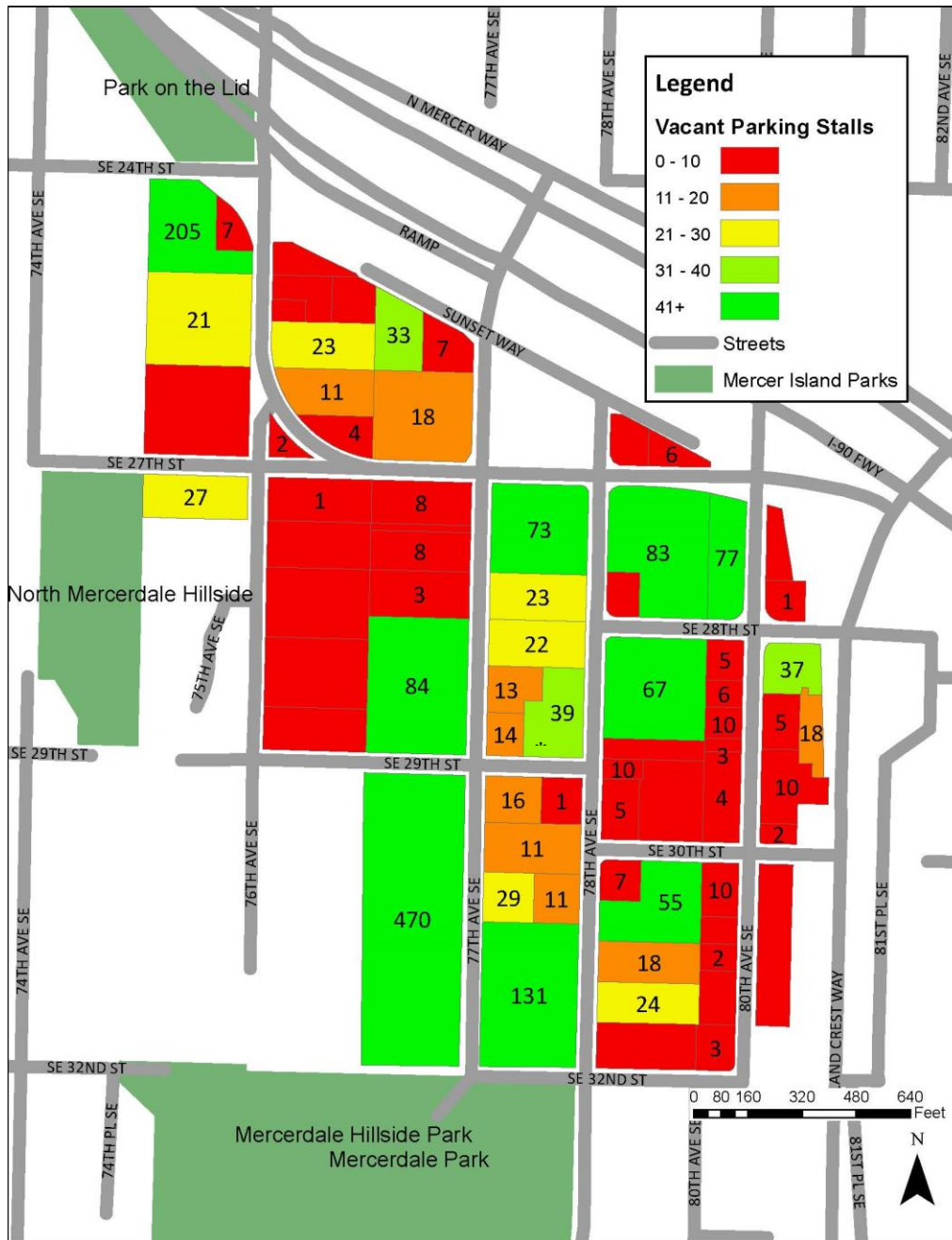
Mercer Island Town Center Parking Study

The City of Mercer Island completed a parking study of on- and off-street non-residential parking facilities in the Town Center in the spring of 2016. In addition, targeted counts were conducted at a few multi-family residential properties. The study included on- and off-street parking counts over two days in February 2016. The parking counts showed significant underutilized parking in many off-street facilities. Underutilized facilities present an opportunity to accommodate commuter parking for Mercer Island residents with existing facilities. Existing underutilized facilities also have the potential to provide additional parking revenue for business and property owners.

For the Town Center parking study, peak off-street parking utilization occurred between 12pm and 3pm

on February 3, 2016. At peak occupancy, approximately 1,800 parking stalls were available (See Exhibit 7 for the location of commuter parking opportunities). None of the off-street parking facilities in Exhibit 7 are currently available for public or commuter parking as they are privately owned and managed to support on-site parking demand such as for office and retail uses. However, if even a small portion of these stalls could be made available to commuter parking it could have a significant impact on transit access for Mercer Island residents. Using these facilities for commuter parking will require cooperation and coordination between the City, transit agencies, and private property owners.

Exhibit 7. Parking Opportunity Map: Vacant Off-Street Parking at Peak Utilization, February 3, 2016, 12-3pm



Source: BERK, 2016; Kimley-Horn, 2016

Notes: The numbers indicate the number of vacant parking stalls. *Parking counts were conducted prior to the opening of the New Seasons market and do not reflect current utilization.

Long-Term Forecast for Mercer Island Resident Commuter Parking Demand

To forecast potential commuter parking demand, BERK analyzed data about Mercer Island residents and their current transit usage (see Exhibit 8). Based on the latest Census data and analysis of Metro ridership data, 749 individuals are estimated to use transit to commute daily from Mercer Island to jobs located elsewhere. To identify the total pool of workers whose job locations are easily accessible by transit, BERK analyzed all bus routes that depart from Mercer Island to locations off-island as well as the job locations of working Mercer Island residents. In 2014, there were 2,093 Mercer Island residents working off-island with jobs that were within 1/4 mile of a bus stop served directly by a bus route departing ST Mercer Island Park and Ride. Therefore, BERK estimates that about 36% of residents working off-island with jobs that are most accessible via transit are selecting to ride transit today.

Exhibit 8. Baseline Transit Usage Among Mercer Island Residents

Measure		Data Source
Total Households in Mercer Island	9,583	American Community Survey 2011-2015 5-Year Estimates
Total Workers who live in Mercer Island	10,428	American Community Survey 2011-2015 5-Year Estimates
Workers per household	1.09	BERK calculation
Workers who commute by transit	769	American Community Survey 2011-2015 5-Year Estimates
Job is located in Mercer Island ²	20	BERK analysis of King County Metro ridership data, 2016
Job is located outside Mercer Island	749	BERK calculation
Percentage of workers who commute to jobs off-island via transit	7%	BERK calculation
Mercer Island residents with transit accessible jobs outside of Mercer Island ³	2,093	BERK analysis of 2014 employment data from U.S. Census Bureau, Center for Economic Studies
Percentage of workers with transit accessible jobs who commute by transit	36%	BERK calculation

² Number of morning peak period alightings on all Mercer Island bus routes, excluding alightings at the ST Mercer Island Park and Ride and High School. Assumes all alightings at the High School are students, not workers.

³ BERK identified all off-island jobs located within 1/4 mile of a bus stop served by bus lines that serve the ST Mercer Island Park and Ride.

Exhibit 9 breaks down Mercer Island transit commuters into groups based on an analysis of data about Metro bus ridership during the morning peak period as well as park and ride usage. A small number of total transit commuters appear to be using local Metro bus service on Mercer Island. BERK estimates that only 20 people ride the bus to jobs located in Mercer Island and an additional 33 ride the bus to the ST Mercer Island Park and Ride, the transfer point for nearly all off-island bus routes. Metro Route 630, is a “Community Shuttle” with peak hour service from three of the Metro park and rides to downtown Seattle and First Hill. Metro ridership data indicates daily ridership on this route is 140. Assuming all riders use the shuttle in both directions, an estimated 70 transit commuters take Route 630 each day. While some of these commuters may use the ST Mercer Island Park and Ride, analysis of Metro park and ride utilization data indicates that it is likely most do not.⁴

According to data from a 2015 Sound Transit vehicle license plate survey, 205 Mercer Island residents park their vehicles at the ST Mercer Island Park and Ride (see Exhibit 3 for details). A survey of Puget Sound area park and rides users conducted by WSDOT found that 6% of parked vehicles at park and rides included carpools. Assuming six percent of vehicles at the ST Mercer Island Park and Ride are carpools, this may account for an additional 217 transit commuters. Town Center on-street commuter parking permit users could account for up to an additional 99 transit riders. This leaves 330 transit commuters who use some other mode of access. These modes may include some combination of the following:

- Spill-over street parking on unrestricted blocks in the Town Center within walking distance of the ST Mercer Island Park and Ride
- More residents carpool to the ST Mercer Island Park and Ride than BERK estimates
- Kiss and Ride (drop offs at the ST Mercer Island Park and Ride)
- Commuters taking ridesharing services, such as Uber or Lyft, to the ST Mercer Island Park and Ride
- Commuters walking and biking to the ST Mercer Island Park and Ride

⁴ Metro park and ride utilization data indicates that 58 vehicles were parked in the Metro park and ride lots on Mercer Island (excluding ST Mercer Island Park and Ride) in 2016. These vehicles likely account for most of the shuttle ridership, assuming a small share of carpool vehicles and walkers.

Exhibit 9. Estimated Breakdown of Baseline Transit Commuters

Measure		Data Source
Total Mercer Island workers who commute by transit	769	American Community Survey 2011-2015 5-Year Estimates
Take bus to job located in Mercer Island	20	BERK analysis of King County Metro ridership data, 2016
Take local bus to ST Mercer Island Park and Ride and transfer	33	BERK analysis of King County Metro ridership data, 2016
Board Route 201 and continue to Downtown Seattle on ST 550	0	BERK analysis of King County Metro ridership data, 2016
Park or walk to a Metro park and ride and board Route 630 Community Shuttle	70	BERK analysis of King County Metro ridership data, 2017
Park at ST Mercer Island Park and Ride, then board bus ⁵	217	Sound Transit license plate survey, 2015
Town Center on-street commuter parking	99	Mercer Island, 2017
Total commuters with known mode of accessing transit	439	
Commuters assumed to access transit by some other means	330	

Note: Estimates assume an average of 1.06 transit rider per parked vehicle. This is based on a survey of Puget Sound area park and rides users conducted by WSDOT which found that 6% of parked vehicles included carpools.

The percentage of Mercer Island residents who take transit to work has increased significantly over the past five to ten years. Exhibit 10 compares transit mode share during two different survey periods: 2005 to 2009 and 2011 to 2015. If this growth in transit mode share continues, the transit mode share among Mercer Island residents will be 14.8% in 2030, as shown in Exhibit 11.

Exhibit 10. Percentage of Mercer Island Residents Who Commute via Public Transit

Survey Period	Percentage Commuting via Public Transit	Data Source
2005 - 2009	5.8%	American Community Survey 2005-2009 5-Year Estimates
2011 - 2015	7.4%	American Community Survey 2011-2015 5-Year Estimates

Sound Transit’s East Link EIS assumes an increase in transit mode share during the morning rush hour across Lake Washington (I-90 and SR 520 bridges) of about 9% when comparing existing conditions to those

⁵ Assumes 6% of Mercer Island resident vehicle parked at the ST Mercer Island Park and Ride are carpools.

forecasted for 2030.⁶ If we assume an equivalent increase in transit mode share among working Mercer Island residents, 16.4% would be taking public transit to work in 2030.

However, the historic increase in transit ridership among Mercer Island residents has happened during a period with little to no improvements to transit service. When light rail service opens in 2023 and expands to new destinations in subsequent years, Mercer Island residents will have access to a faster, more frequent, and more reliable transit option than is available today. Additionally, increased traffic, parking costs, and the potential loss of HOV access for single-occupancy vehicles will likely result in transit becoming a more attractive option in comparison to driving or carpooling, assuming people have convenient access to transit through increased commuter parking and improved on-island transit service. Therefore, assuming linear growth in transit mode share may significantly underestimate potential ridership in 2030.

Exhibit 11. 2030 Mercer Island Transit Commuter Mode Share Projections

Assumption	Mode Share Projection	Notes
Continuation of current growth trend	14.8%	Linear projection of historic trends
Assuming 9% growth in transit mode share	16.4%	Consistent with ST East Link EIS assumptions for I-90 and SR520 corridors

Source: BERK, 2017

Exhibit 12 shows how baseline conditions are expected to change by the year 2030. Puget Sound Regional Council (PSRC) forecasts that Mercer Island will have 11,040 households in 2030. Assuming the baseline number of workers per household does not change, BERK projects there will be 12,013 total workers who live on Mercer Island. Applying the transit commuter mode share projections results in between 1,800 and 2,000 transit commuters.

Exhibit 12. 2030 Forecast Conditions

		Data Source
Total households in Mercer Island	11,040	PSRC Land Use Vision version 1
Total workers who live in Mercer Island	12,013	BERK projection. Assumes no change in workers per household.
Projected transit commuters	1,800 – 2,000	Range calculated based on transit commuter mode share projections

The number of transit commuters could be considerably higher than these projections. With the opening of light rail service, Mercer Island residents will have direct transit access to more job centers than currently

⁶ See Table 5-5 in EIS Appendix H1: Transportation Technical Report.

served by Metro and Sound Transit bus service. Current transit ridership may also be suppressed due to lack of capacity at the ST Mercer Island Park and Ride. Additional park and ride vehicle capacity or other methods of increasing the accessibility of the ST Mercer Island Park and Ride could result in an even higher percentage of residents choosing transit.

Exhibit 13 summarizes baseline park and ride capacity and usage in Mercer Island. Based on a February 2015 license plate survey by Sound Transit, BERK estimates that 242 off-island commuters park at the ST Mercer Island Park and Ride each day. Assuming this demand from off-island vehicles remains steady, the park and rides on Mercer Island typically have capacity for approximately 298 local resident vehicles.

Exhibit 13. Baseline Parking Capacity⁷

Capacity Type	# of Vehicles	Data Source
ST Mercer Island Park and Ride vehicle capacity	447	Sound Transit
Other Metro park and ride vehicle capacity	93	King County Metro
Total park and ride vehicle capacity on Mercer Island	540	King County Metro
Number of vehicles at ST Mercer Island Park and Ride registered to people living off island	242	Sound Transit
Remaining total capacity typically available to Mercer Island resident vehicles	298	BERK calculation

Exhibit 14 projects the mode of access to the Mercer Island Link light rail station in 2030 under three different scenarios assuming 1,967 total transit commuters (a 16.4% transit mode share). Under each scenario, we project that approximately 600 transit riders arrive at their job or the transit station via some mode other than parking at a park and ride. Bus, non-motorized, and Kiss and Ride access in 2030 are projected by Sound Transit in the East Link EIS (Sound Transit, 2011). Additionally, BERK projects that 51 people will take transit to jobs located in Mercer Island.⁸

Assuming these projections are accurate, this leaves nearly 1,400 transit commuters who will need to find some other form of access to the transit station. Each scenario shows how much of this demand for access can be accommodated by the existing park and ride capacity typically available to Mercer Island residents using three different assumptions about the number of people who carpool. If nobody carpools (one transit rider per vehicle), demand for access to the transit station would exceed capacity by 1,078.

⁷ This assessment of capacity assumes that the Town Center street parking stalls available through the current Mercer Island commuter parking permit program will no longer be available in 2030.

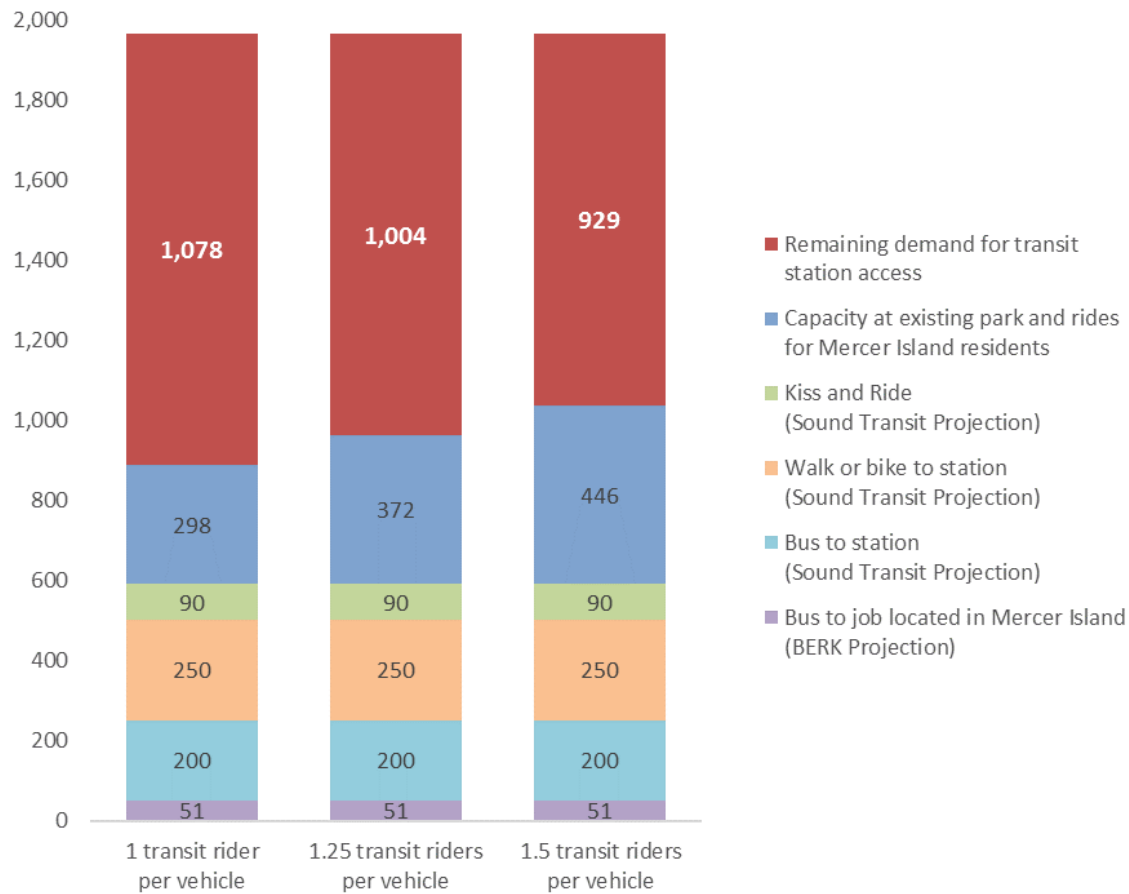
⁸ BERK analyzed 2016 Metro transit ridership data for all routes in Mercer Island to estimate the number of people who boarded transit during the peak AM period and alighted (got off) at a location other than the ST Mercer Island Park and Ride or the school. These 20 riders were assumed to be taking transit to a work location on island. BERK projection for 2030 assumes that the same percentage of total transit commuters take transit to jobs inside Mercer Island.

This number lowers to 1,004 if one out of every four parked vehicles is a carpool (1.25 transit riders per vehicle), and 929 if half of the vehicle stalls are occupied by carpools (1.5 transit riders per vehicle). Exhibit 15 shows these findings visually.

Exhibit 14. Projected Transit Commuters and Mode of Station Access, 2030

Measure	Carpool Assumption (Transit Riders per Vehicle)			Source
	1	1.25	1.5	
Total Mercer Island residents who commute by transit	1,967	1,967	1,967	BERK Projection (see Exhibit 12)
Take bus to job located in Mercer Island	51	51	51	BERK Projection
Bus from home to station	200	200	200	Sound Transit, 2011
Walk or bike to station	250	250	250	Sound Transit, 2011
Kiss and Ride (drop off at station)	90	90	90	Sound Transit, 2011
Capacity at existing park and rides typically available to Mercer Island residents	298	372	446	BERK Calculation (see Exhibit 13)
Remaining demand for transit station access	1,078	1,004	929	BERK Calculation

Exhibit 15. Projected Transit Commuters and Mode of Station Access, 2030



Source: BERK, 2017

The projections in Exhibit 15 assume a similar ratio of on- and off-island vehicles at the ST Mercer Island Park and Ride. However, an increase in use of the ST Mercer Island Park and Ride from off-island vehicles has the potential to further limit park and ride stalls typically utilized by Mercer Island residents. Sound Transit should continue to perform license plate surveys at the ST Mercer Island Park and Ride to track usage after the June 2017 closure of the South Bellevue Park and Ride and I-90 express lanes.

Local Transportation Impacts

The changes to I-90 access from Mercer Island, elimination of the I-90 express lanes, and limitations on SOV access to the new HOV lanes for Mercer Island residents will result in local transportation impacts as identified by KPG in a 2016 memo to the City (KPG, 2016). Impacts include reductions in level of service at key intersections in the Town Center and the potential for increased pedestrian and vehicle conflicts. Additional commuter parking in the Town Center has the potential to minimize local transportation impacts. Each new commuter parking stall with transit access would remove a vehicle accessing I-90 and reduce local traffic volumes and congestion.

Findings + Recommendations

Key project findings:

- **Transit access for Mercer Island residents is constrained by a lack of commuter parking and limited on-island bus service.** The ST Mercer Island Park and Ride is operating at capacity and above projections in the 2011 East Link Final EIS. Elimination of the express lanes and HOV access for SOV's for Mercer Island residents will likely increase demand for transit at a time when options for accessing transit are limited. New strategies, including additional commuter parking, will be necessary to increase transit mode share for Mercer Island residents when East Link construction begins and in the future when light rail service begins.
- **There is potential for reduction of transit access for Mercer Island residents during East Link construction.** The closure of the South Bellevue Park and Ride may increase demand at the ST Mercer Island Park and Ride. New park and ride stalls to replace the South Bellevue Park and Ride do not have the same access to ST Route 550, which is served by the ST Mercer Island Park and Ride. Increased demand for ST Route 550 access by residents east of Mercer Island may result in less ability of Mercer Island residents to utilize the ST Mercer Island Park and Ride along with reduced transit use by Mercer Island residents.
- **Additional strategies to increase access to transit for Mercer Island residents are needed to continue transit mode share increases and to capitalize on the East Link investment.** Without new strategies, including additional commuter parking, increases in transit mode share may be limited in the future for Mercer Island residents. Even with an increase in commuter carpooling such that every commuter parking vehicle has 1.5 transit riders; 929 Mercer Island residents will need a way to access transit. With a targeted transit mode of 16.4%, access to transit must be improved to achieve success and account for the loss of mobility resulting from the closure of the express lanes, loss of HOV access for SOV's, and local traffic congestion in and around the Town Center.
- **Regional commuter parking in or adjacent to the Town Center is contrary to the City's goals for a walkable, vibrant, and thriving Town Center.** Many cities and transit agencies (including Sound Transit and King County) have policies regarding when commuter parking is an appropriate solution to increase access to transit based on land use, pedestrian and bicycle facilities, station locations, and other factors. For example, the South Link Light Rail does not have any formal commuter parking facilities in southeast Seattle neighborhoods. Commuter parking facilities take up valuable land in downtowns and neighborhood districts with minimal economic benefits related to prioritizing long-term vehicle storage for people traveling elsewhere. However, given the limited options for Mercer Island residents to access transit, providing parking near the new light rail station will support transit access for residents as well as access to the Town Center.

The following are the recommendations based on the project findings:

- **The City should prohibit new or expanded regional commuter parking facilities in and adjacent to the Town Center.** Due to the negative impacts and lack of corresponding benefits, the City should prohibit new regional commuter parking facilities in and adjacent to the Town Center. Given the physical geography of Mercer Island and limited options for accessing transit compared to other locations, the City should focus on improving access to transit by expanding commuter parking

opportunities for residents along with other strategies. The transfer or sale of the ST Mercer Island Park and Ride to the City of Mercer Island would support the City's goals for the Town Center and increase transit access and use for Mercer Island residents.

- **In the short-term, the City should pursue opportunities to use available parking in the Town Center for commuter parking for Mercer Island residents.** The Town Center parking study showed that off-street parking is significantly underutilized in the Town Center. Much of this parking is owned and managed by the private sector and may not be available for commuter parking. However, if property owners are interested in participating, use of this underutilized parking resource for Island commuters could provide some short-term relief during East Link construction. However, this may not be a long-term solution as more properties are redeveloped in the Town Center and parking becomes more constrained.
- **Implement long-term solutions to improve transit access and increase transit mode share to 16.4%.** Additional commuter parking for Mercer Island residents and other strategies such as pedestrian and bicycle improvements, first- and last-mile strategies, and on-island transit improvements are needed to accommodate increased demand for transit when light rail service begins.

References

BERK . (2016). *Town Center Parking Study*. Mercer Island, WA.

KPG. (2016, November 3). Traffic Analysis for Mercer Island I-90 Access Options. Mercer Island, WA.

Metzger, K. (2017, January 5). Bellevue Reporter. *Sound Transit's South Bellevue Parking Mitigation Plan Could Displace Commuters*. Bellevue, WA.

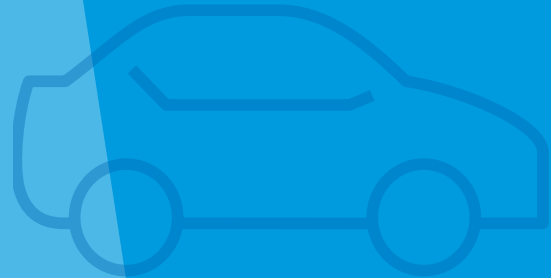
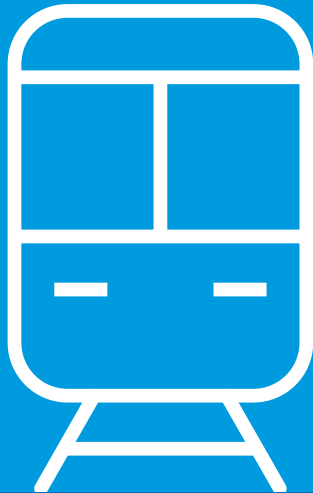
Sound Transit. (2011). *East Link Project Final Environmental Impact Statement*. Retrieved from <http://www.soundtransit.org/Projects-and-Plans/East-Link-Extension/East-Link-Extension-document-archive/East-Link-Documents/East-Link-document-collections/East-Link-Final-EIS-document-collection>

Sound Transit. (2014-2015). Mercer Island License Plate Survey. Mercer Island, Washington.



I-90 Light Rail Construction – Community Information

MAY 2017



CENTER ROADWAY OF I-90 CLOSING ON JUNE 3 - DETAILS INSIDE →



City Manager's Office
9611 SE 36th Street
Mercer Island, WA 98040

PRESORTED
STANDARD
U.S. POSTAGE
PAID
Mercer Island, WA
Permit No. 53

Stay Informed!

City Websites:

www.mercergov.org/Rail
www.mercergov.org/SocialMedia

City Email:

Rail@mercergov.org

ST Construction Hotline:

(206) 398-5465

ST Construction Updates:

www.soundtransit.org/Subscribe



The State of I-go – A Message from the City Manager

Julie Underwood, City Manager



Dear Mercer Island Resident:

When I was appointed as your new city manager in January 2017, I knew that Washington State Department of Transportation’s (WSDOT) closure of the center roadway and Sound Transit’s East Link Project would be the most significant issues facing our City, and that has certainly proven to be the case. In 2008, Mercer Island voters approved the Sound Transit 2 funding package by 58%; accordingly, the Council has supported a future light rail station on the Island. Nonetheless, this Project has come with its share of concerns.

Significant Adverse Impacts Are Disputed

In August 2016, the Federal Highway Administration issued a letter concluding that Mercer Island single occupant vehicles (SOVs) cannot access the newly-painted “R&A” HOV lanes and corresponding ramps based on Federal law. Because the Project’s original environmental documents did not account for the loss of on-ramp access at Island Crest Way for SOVs, Sound Transit released a State Environmental Policy Act (SEPA) Addendum and a Mobility Study to evaluate this change.

Their analysis claims the City will not experience a loss of mobility and minimal mitigation measures are required. By contrast, the City’s traffic analysis finds that we will experience a loss of mobility, impacts to pedestrian and cyclist safety, and increased traffic congestion through school zones, neighborhoods, and the Town Center. The City even asked three separate traffic engineering firms to review Sound transit’s work: all three confirmed that the proposed mitigation measures do not go far enough.

Litigation

In February 2017, the City initiated a lawsuit against WSDOT and Sound Transit claiming breach of contract. The City believes it has a binding agreement, first negotiated in 1976 followed by a subsequent 2004 amendment. We counted on those commitments for decades. This litigation is an effort to be treated fairly and equitably, and to work with the parties to identify acceptable solutions prior to closure of the I-90 center roadway. A court hearing could occur in late May.

Following the City’s action to exercise its land use authority, Sound Transit and WSDOT filed two counterclaims, challenging the City’s suspension of the Shoreline Permit and two moratoria intended to address deficiencies in the City’s codes. The trial judge ruled against the City, prohibiting it from delaying the project permitting based on its land use authority or alleged inadequacy of Sound Transit’s SEPA Addendum. The City appealed and requested review by the State Supreme Court, but a decision is unlikely before construction begins.

Funding Litigation

We have always stated that the best outcome is to negotiate a fair agreement that preserves I-90 access. Litigation is expensive, time-consuming, and the outcome is uncertain. In fact, to assist in funding this activity, the City recently enacted a temporary 18-month utility tax increase: it should generate approximately \$78 from the average homeowner.

Access to Island Crest Way (ICW)

The most significant threat to our quality of life is the restriction of SOVs from the ICW westbound on-ramp. The City’s analysis shows that traffic diversion will result in more accidents, overwhelm our intersections, affect transit reliability, and increase travel times.

With the help of Congressman Adam Smith and Representative Judy Clibborn, we now have the support of WSDOT and the 1976 signatories to work cooperatively in asking the U.S. Department of Transportation (USDOT) to “grandfather” the ICW on-ramp for SOVs. At the time of writing, we cannot confirm USDOT’s acceptance of this proposed solution.

Negotiated Solution

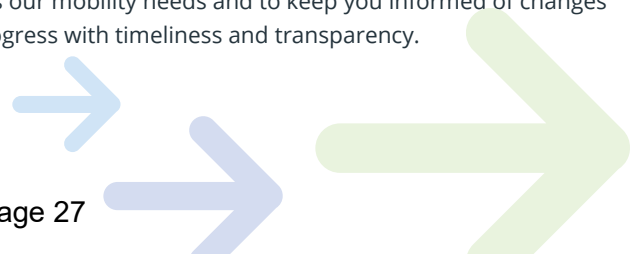
As I studied the I-90 background, I learned that the signatories to the 1976 Memorandum Agreement (WSDOT, City of Seattle, City of Bellevue, City of Mercer Island, and King County) eventually had to reach a compromise to move forward with the expansion of I-90. The original proposal was 10 lanes wide (four general purpose lanes each way, plus two transit lanes in the center roadway) – Islanders would have had direct access to one of the four lanes via Island Crest Way. But Seattle opposed the 10-lane configuration, and to reach a compromise, in exchange for the loss of the fourth general purpose lane, Mercer Island SOVs were allowed to use the center roadway under certain conditions.

We are hopeful that we’re able to negotiate a solution addressing the Island impacts, both during construction and after. The City Council seeks an agreement that broadly covers loss of mobility, identifies and funds pedestrian, vehicular, and cyclist improvements, and provides greater access to transit. Nevertheless, it is important to keep in mind that if an agreement is reached, it will likely be due to accepting compromises and trade-offs, just as we did in 1976; and, a negotiated solution is unlikely before construction begins.

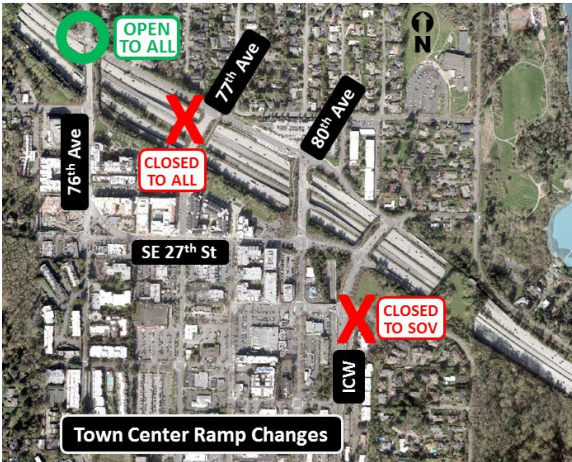
Moving Forward

Over the last four months, the City Council and staff have been working closely to prepare for the big changes that are coming. We have also reached out to a diverse group of residents to seek their feedback and ideas. Through these efforts, I have experienced how highly capable, talented, and passionate our citizens are about their Island – thank you for your input.

Frustratingly, many of the changes are outside of the City’s control. We are doing all that we can to fight for fair treatment and to effectively manage this transition. You have my commitment: we will continue to advocate for solutions that address our mobility needs and to keep you informed of changes and progress with timeliness and transparency.



What You Need to Know



Center Roadway Closure

East Link light rail will be built in the express lanes that run down the center of Interstate-90 between Seattle and I-405. In order to begin the six year construction process, Sound Transit is acquiring use of the roadway from WSDOT and will permanently close it to vehicle traffic. This is expected on **June 3, 2017**.

Ramp Changes, Traffic Signals & New Lanes

Certain on- and off-ramps will be modified or closed altogether, in order to allow construction. The reversible ramp at 77th Ave SE will close permanently, while there will be modifications at the 76th Ave westbound on-ramp to allow a bus bypass lane, and possibly West Mercer Way to accommodate additional vehicles. Temporary traffic signals will be erected on North Mercer Way at 76th and 77th Streets, and WSDOT traffic cameras added above I-90 at 80th Ave SE and at Island Crest Way. The ICW overpass will also be re-stripped to lengthen turn lanes. See diagram to the right >

Island Crest Way

Of the utmost importance to Seattle-bound commuters there is also the strong likelihood that the westbound on-ramp at Island Crest Way will be restricted to use by HOV's only starting June 3. Today, all vehicles may use that ramp and it carries 40% of all our morning commuters to westbound I-90. If the ramp restriction is implemented, the City believes this will divert up to 1,000 vehicles/hour during the morning commute to alternative westbound on-ramps, creating greater congestion in Town Center, and pushing traffic onto local streets, such as SE 40th and West Mercer Way, that are not designed for this purpose.

Parking

As many bus riders know, the 447 stalls at our current Park and Ride on North Mercer Way fill up by 7:30am on weekdays. More than half of the users are from off-Island, and with the South Bellevue Park and Ride also scheduled to close on May 30 for five years (due to rail construction), we expect even greater parking demand. Other parking options exist: see Commuter Resources box.

New HOV Lanes

To accommodate some of the traffic displaced from the loss of the I-90 Center Roadway, WSDOT will add one new HOV lane in each direction across the I-90 floating bridge by painting new lane markers. These HOV lanes will connect to realigned on/off-ramps that serve Island Crest Way.

Surviving Your Commute

More than ever, it will be important for Island drivers to find new routes, explore alternatives to driving alone, try new public transit options, ask about telecommuting, and stay updated on evolving traffic hotspots. While we don't control what happens on the Interstate, we can help you navigate City streets and point out valuable resources for commuters: see Commuter Resources box.

TIMELINE

May 2017

Sound Transit installs temporary traffic control measures

May 30

South Bellevue Park & Ride closes for 5 years

June 3

I-90 Center Roadway Express Lanes close permanently

Summer 2017-2019

Construction of Mercer Island Station

Summer 2018

Rainier Ave Freeway Bus Station closes (for Judkins Park light rail station construction)



May 2017

WSDOT restripes the I-90 floating bridge to add HOV lanes



June 3

Island Crest Way westbound on-ramp closes to Single Occupant Vehicles (SOVs)



Summer 2017-2022

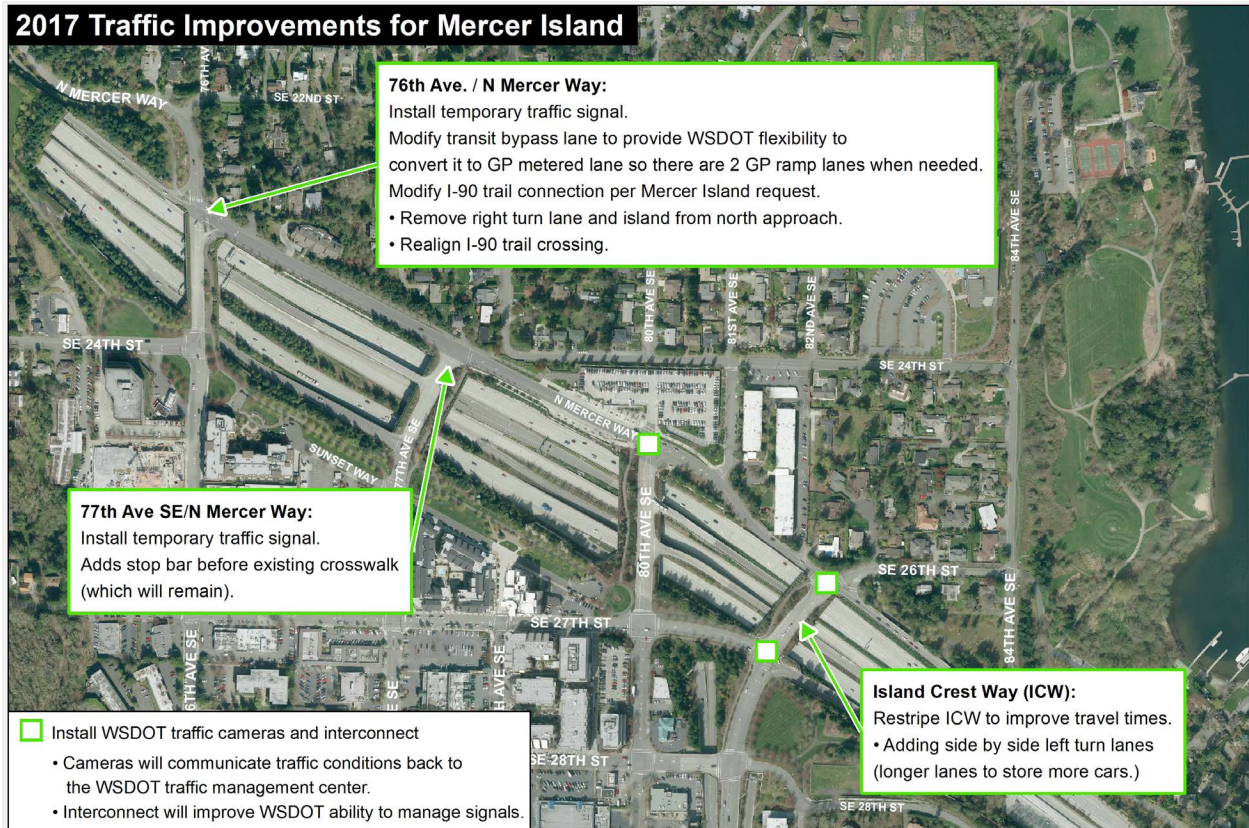
Construction and testing of East Link rail project



2023

East Link Light Rail projected opening

What You Need to Know



Sound Transit's graphic depicting temporary traffic improvement measures it will install prior to rail construction

Frequently Asked Questions

See also: www.mercergov.org/Rail-FAQ

Does the City's lawsuit delay the Center Roadway closure?

Although the City is pursuing various litigation strategies, these are unlikely to be resolved before June 3. On that day, the Center Roadway will close and the westbound I-90 on-ramp at Island Crest Way (ICW) will be restricted to HOV's only.

Will Fire and Police access to vehicle incidents on the floating bridge be delayed?

It is too early to tell exactly what the impacts may be, but our Fire and Police Departments have been involved in planning discussions. There are numerous locations in the region (such as much of I-5 through downtown Seattle) where there is either no shoulder, or not one wide enough for driving emergency vehicles. Despite this, emergency vehicles have still demonstrated they are able to access incidents in these areas.

Are the lanes across the bridge getting narrower?

Yes, in order to add a new HOV lane in each direction, WSDOT is narrowing all lanes from 12 to 11 feet and reducing the width of the shoulders. The new lanes will be slightly wider than the current lanes in the eastbound Mt Baker Tunnel, which are 10.5 feet.

Commuter Resources

Central Hub for Commuter Info:
www.justonetrip.org/resources/

- First/last mile connections like Metro's on-demand Trip Pool and scheduled Vanshare services, Uber and Lyft shared vehicles, and carpool ride-matching.
- Learn more about Mercer Island's own direct shuttle to Seattle (Metro Route 630), bike routes to Seattle and Bellevue, and traffic updates.

Or read about our all-day commuter parking permits for Town Center:
www.mercergov.org/Parking

Or try nearby monthly walk-off parking:
www.ParkByTransit.com



Learn more: www.mercergov.org/Rail



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

**AB 5303
May 15, 2017
Public Hearing**

PUBLIC HEARING FOR A PUBLIC BENEFIT RATING SYSTEM APPROVAL RELATED TO PIONEER PARK YOUTH CLUB

Proposed Council Action:

Conduct public hearing for a property tax reduction of a portion of the Pioneer Park Youth Club property. Pass a resolution authorizing enrollment in the PBRS property tax reduction program.

DEPARTMENT OF

Development Services Group (Evan Maxim)

COUNCIL LIAISON

n/a

EXHIBITS

1. Resolution No. 1531
2. Pioneer Park Youth Club Application
3. King County Department of Natural Resources and Parks Staff Report
4. Map of PBRS Area
5. Draft Conservation Easement
6. Public Hearing Notice
7. Letters of Support

2017-2018 CITY COUNCIL GOAL

n/a

APPROVED BY CITY MANAGER

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

The Pioneer Park Youth Club’s (PPYC) Public Benefit Rating System (PBRS) application (Exhibit 2, King County file no. E16CT056MI) came to the City of Mercer Island from King County. The PPYC is currently enrolled in the PBRS program, which allows for a property tax reduction for a portion of their property. The PPYC has requested approval of additional tax relief by complying with additional PBRS criteria related to: 1) the recording of a conservation easement (Exhibit 5), and 2) providing limited public access to the PPYC property.

The King County PBRS, authorized under the Washington State Open Space Taxation Act (chapter 84.34 RCW), offers an incentive to preserve open space by providing a property tax reduction. A property participating in the PBRS program is assessed at a “current use” value, which is lower than the “highest and best use” assessment value that would otherwise apply to the property. The reduction in property tax is based upon the accrual of “points” under the program; a summary of the point system is contained in the King County staff report (Exhibit 3).

Properties that seek to participate in the PBRS program require the approval of both the City and King County Councils, and must comply with the provisions of chapter 20.36 of the King County Code, chapter 84.34 RCW, and chapter 458-30 WAC. The King County staff report (Exhibit 3) describes the subject site's compliance with the applicable King County Code, and the staff report recommends approval of this application. Approval of this application would be consistent with the following City-adopted objectives:

- Goal 19 of the City of Mercer Island Comprehensive Plan Land Use Element provides that: *“Continue to maintain the Island's unique quality of life through open space preservation, park and trail development and well-designed public facilities.”*
- Land Use Policy 19.5 of the Mercer Island Comprehensive Plan Land Use Element provides that: *“Future land use decisions should encourage the retention of private club recreational facilities as important community assets.”*

The PPYC property currently receives a 50% reduction in property taxes by providing for a public recreation area and unlimited public access. The PPYC property is 4.36 acres in area; the PBRS tax reduction affects the southern 3.41 acres of the site (Exhibit 4).

PPYC is proposing to modify their current enrollment and increase their property tax reduction to 90% by: 1) recording a conservation easement (Exhibit 5); and 2) recording a limited public access easement to the site. If the City Council approves the proposed resolution (Exhibit 1), PPYC would need to record both easements prior to December 31, 2017 to attain the 90% property tax reduction. If the easements were not recorded, the property tax reduction would remain at the current 50% property tax reduction.

Prior to action on the PBRS application, the City Council is required to hold a public hearing. The City Council may:

- 1) Approve the application as proposed;
- 2) Approve the application for a portion of the proposed area subject to the tax reduction; or
- 3) Deny the application.

Denial of the application will not eliminate any previously approved tax reductions, but would prevent an increase in the tax reduction percentile. Approval of the PBRS application may be granted through the passage of a City Council resolution as proposed in Exhibit 1.

RECOMMENDATION

Planning Manager

Conduct Public Hearing for the proposed property tax reduction.

MOVE TO: Pass Resolution No. 1531, approving the proposed public benefit rating system current use assessment for 3.41 acres of the Pioneer Park Youth Club property.

**CITY OF MERCER ISLAND
RESOLUTION NO. 1531**

**A RESOLUTION OF THE CITY OF MERCER ISLAND, WASHINGTON
APPROVING A PUBLIC BENEFIT RATING SYSTEM CURRENT USE
ASSESSMENT FOR A PORTION OF THE PIONEER PARK YOUTH
CLUB PROPERTY – KING COUNTY TAX PARCEL 3024059054.**

WHEREAS, the Pioneer Park Youth Club submitted an application with King County for the Public Benefit Rating System; and

WHEREAS, pursuant to The Washington State Open Space Taxation Act, Chapter 84.34 RCW and Chapter 458-30 WAC, provides for assessment practices to reflect current use of property, rather than “highest and best use,” as an incentive to property owners to retain large tracts of open space and to provide public access to open space; and

WHEREAS, pursuant to Chapter 458-30 WAC, this open space current use taxation program is implemented in King County through the Public Benefit Rating System (PBRs), which provides a point system to rate properties; and

WHEREAS, pursuant to Chapter 458-30 WAC, after a public hearing both the King County Council and the Mercer Island City Council shall consider and act upon an application for a PBRs tax reduction of property in Mercer Island, within six months of application; and

WHEREAS, King County has provided a staff report (File Number E16CT056MI) evaluating said request for Property Enrollment in the PBRs program and is recommending approval; and,

WHEREAS, the City Council conducted a public hearing on May 15, 2015; and

WHEREAS, the City Council desires to approve the PBRs Current Use Assessment for a 3.41 acre portion of the Pioneer Park Youth Club subject to the conditions of approval as recommended in the King County staff report;

NOW, THEREFORE, BE IT RESOLVED BY THE MERCER ISLAND CITY COUNCIL AS FOLLOWS:

Section 1. **Adoption of King County’s Recommendation.** The City Council hereby adopts the findings, conclusions, and recommendations of the King County Department of Natural Resources and Parks Water and Land Resources Division, dated May 15, 2017 for the Pioneer Park Youth Club property Public Benefit Rating System, Current Use Assessment Request for 3.41 acres of the property identified as King County Tax Parcel 3024059054 in the City of Mercer Island.

Section 2. **Grant of Approval.** The City Council hereby approves the Public Benefit Rating System, Current Use Assessment request by the Pioneer Park Youth Club and authorizes filing of the approval with the Metropolitan King County Council for the second public hearing.

Section 3. **Severability.** Should any section, paragraph, sentence, clause or phrase of the Resolution, or its application to any person or circumstances, be declared unconstitutional or otherwise invalid for any reason, or should any portion of the Resolution be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Resolution or its application to other persons or circumstances.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON
AT ITS REGULAR MEETING ON THE 15TH DAY OF MAY, 2017.

CITY OF MERCER ISLAND

Bruce Bassett, Mayor

ATTEST:

Allison Spietz, City Clerk

PUBLIC BENEFIT RATING SYSTEM

Application

**Open Space Land Classification For Property Within King County, Washington
In Accordance With RCW 84.34 and K.C.C. 20.36**

Original Application AND 4 Copies of All Documents Must Be Submitted To:
King County Water and Land Resources Division, Rural and Regional Services Section
201 South Jackson Street, Suite 600, Seattle, WA 98104-3855

1. NAME of APPLICANT: Pioneer Park Youth Club

Day Phone: 206 948 7788 Evening Phone: <Same> Email: DHDunker@gmail.com

2. MAILING ADDRESS of APPLICANT: PO Box 422
Mercer Island, WA 98040

3. PROPERTY ADDRESS: 6835 SE 68th St
Mercer Island, WA 98040

Is the property located in an incorporated city? Yes City: Mercer Island No
From what road is the property accessed? Island Crest Way ; SE 68th St.

4. PROPERTY HISTORY: Is the property presently participating in a current use assessment program (RCW 84.34 or RCW 84.33)? Yes No

5. APPLICANT'S INTEREST in PROPERTY: Owner Yes No
Purchasing through contract Yes No
Other Explain

6. PARCEL NUMBER and ACREAGE:

Tax Assessor Parcel #	Total Acres in Parcel	Acres Requested for PBRS
a. <u>302405-9054</u>	<u>4.33</u>	<u>3.43</u>
b. _____	_____	_____
c. _____	_____	_____
TOTAL	<u>4.33</u>	<u>3.43</u>

County use only:
Date Received 12/27/16 MK File NO. E16CT056

AFFIRMATION

As owner(s) of the land described above, I hereby indicate by my signature that I am aware of the potential tax liability involved when the land ceases to be classified under the provisions of Chapter 84.34 RCW. I also declare under the penalties for false swearing that this application and any accompanying documents have been examined by me and to the best of my knowledge it is a true, correct, and complete statement.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

DAVID DUMLER

Print Name

DAVE DUMLER

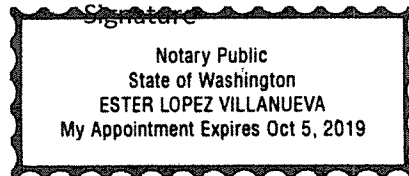
Signature

KARLA OLSON

Print Name

Karla Olson

Signature



State of Washington
County of Washington

Subscribed and affirmed to before me this 16th day of Dec, 2016

Ester Lopez Villanueva

Notary's Signature

10-5-19

My Appointment Expires

Statement Of Additional Tax, Interest, And Penalty Due Upon Removal Of Classification

1. Upon removal of classification, an additional tax shall be imposed which shall be due and payable to the county treasurer 30 days after removal or upon sale or transfer, unless the new owner has signed the Notice of Continuance. The additional tax shall be the sum of the following:
 - (a) The difference between the property tax paid as "Open Space Land" and the amount of property tax otherwise due and payable for the last seven years had the land not been so classified; plus
 - (b) Interest upon the amounts of the difference (a), paid at the same statutory rate charged on delinquent property taxes.

-
- (c) A penalty of 20% shall be applied to the additional tax if the classified land is applied to some other use except through compliance with the property owner's request for withdrawal process, or except as a result of those conditions listed in (2) below.
2. The additional tax, interest, and penalty specified in (1) above shall not be imposed if removal resulted solely from:
- (a) Transfer to a government entity in exchange for other land located within the State of Washington.
 - (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power.
 - (c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.
 - (d) Official action by an agency of the State of Washington or by the county or city where the land is located disallows the present use of such land.
 - (e) Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020.
 - (f) Acquisition of property interests by State agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 (See RCW 84.34.108(6)(f)).
 - (g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(e) (farm homesite).
 - (h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification.
 - (i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.
 - (j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.
 - (k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993. The date of death shown on a death certificate is the date used.
 - (l) The discovery that the land was classified in error through no fault of the owner.

I. GENERAL

- A. Describe all present and proposed uses within the PBRS area (**participating area**). Uses might include enjoyment of paths/trails, bird watching, forestry, farm activities or simply staying out of the open space. Please attach additional sheets if necessary.

<Please See Attached Titled: Response to PBRS Questions>

- B. Describe all existing improvements on the property (**excluded area**). This would include home, driveway, road, drainage system, well, yard, landscaping, garden and other personal-use areas. Please attach additional sheets if necessary.

<Please See Attached Titled: Response to PBRS Questions>

- C. Describe all potential or planned improvements and where they might be located on the property. Excluding an area now that might be later developed, such as a future home site, should be considered, but is not required. Please attach additional sheets if necessary.

<Please See Attached Titled: Response to PBRS Questions>

- D. Is the land subject to lease or other agreements (such as CCR's, utility, natural or native growth protection, conservation, trail, or road easement) that may limit the property's use or development?

Yes No

If "yes", then what type of lease/agreement/easement is it? _____

Please attach copies of all leases, options, easements or any other such agreements.

The land will be subject to a conservation easement now being finalized. A copy will be provided before recording.

Response to PBRS Questions Starting on Page A-4 Of Application

Section 1. General:

- A. *Describe all present and proposed uses within the PBRS area (participating area). Uses might include enjoyment of paths/trails, bird watching, forestry, farm activities or simply staying out of the open space. Please attach additional sheets if necessary.*

The proposed participating PBRS area is currently an open space area that is used for a variety of activities by the public community. The property is adjacent to two public roads (Island Crest Way and 68th), in addition is located next to 3 quadrants of the Pioneer Park.

The property itself hosts a club oriented horse facility where club members board horses as well as participate in horse related activities including riding, feeding, exercise, lessons, clinics and care. On average more than 50 people a day just visit the property for the care, riding, feeding of their horses. In addition, the club also offers a lesson program for those individuals in the community who are interested in learning to ride. Our lesson program has attracted members from Mercer Island, Seattle, Bellevue and Newcastle, Kirkland, etc. Furthermore, there are members of the public that park horse trailers on the property in order to do horse rides in the next door Pioneer Park.

Those members of the public that don't participate in equestrian activities commonly frequent the property for short walks with their dogs, some bird watching, taking tours of the horse facilities, visit the horses, feeding horses and in some cases watching horse riding lessons. On average we have an additional 20-40 individuals visit the property every day, numbers are normally higher on the weekends. We also allow a community organization to host an annual play performance around Christmas time, which attracts other members of the public to visit the facility.

Further more, the property hosts a small composting facility where the public can get fresh potting soil as a result of horse manure being composted.

Letters from the public, those individuals who frequent the property will be forthcoming as part of this application process.

- B. *Describe all existing improvements on the property (excluded area). This would include home, driveway, road, drainage system, well, yard, landscaping, garden and other personal-use areas. Please attach additional sheets if necessary.*

This properties improvements are basic and have not changed in more than 30+ years. It

includes:

- 20 stall horse barn, with small paddocks for turn out
- A small wood shavings building for storage of wood shavings for horse care
- An outdoor arena.
- An observation stand
- A storage facility for storage of needed equipment
- A small storage and cleaning facility for storage of cleaning materials, etc.
- An indoor riding arena
- A horse wash rack
- An exterior fence surrounding the property for safety (opened to the public from 6am-10pm closed at night to protect the property)
- Poles and post for lighting
- A small dirt parking lot

C. *Describe all potential or planned improvements and where they might be located on the property. Excluding an area now that might be later developed, such as a future home site, should be considered, but is not required. Please attach additional sheets if necessary.*

The only planned improvement that may occur on the property is to create an open space turnout (fenced area) for horses to be turned out for short term grazing, exercise or otherwise. This would only involve the building of a wooden (or similar) material fence, with the possibility of a small shed for protection from rain, etc. No buildings, etc. would be erected, no infrastructure required, etc.

II. RESOURCE INVENTORY/PBRS Categories

Property may receive points as indicated for an open space resource or bonus category listed below. On page A-7, please provide justification for each category requested (refer to the *Public Benefit Rating System Resource Information* document found at www.kingcounty.gov/incentives).

Open Space Resources

- | | |
|---------------|---|
| <u>5</u> | 1. Public recreation area - 5 points |
| <u> </u> | 2. Aquifer protection area - 5 points |
| <u> </u> | 3. Buffer to public or current use classified land - 3 points |
| <u>35</u> | 4. Equestrian-pedestrian-bicycle trail linkage - 35 points |
| <u> </u> | 5. Active trail linkage - 15 or 25 points |
| <u>5</u> | 6. Farm and agricultural conservation land - 5 points |
| <u> </u> | 7. Forest stewardship land - 5 points |
| <u> </u> | 8. Historic landmark or archaeological site: buffer to a designated site - 3 points |
| <u> </u> | 9. Historic landmark or archaeological site: designated site - 5 points |
| <u> </u> | 10. Historic landmark or archaeological site: eligible site - 3 points |
| <u> </u> | 11. Rural open space - 5 points |
| <u> </u> | 12. Rural stewardship land - 5 points |
| <u> </u> | 13. Scenic resource, viewpoint or view corridor - 5 points |
| <u> </u> | 14. Significant plant or ecological site - 5 points |
| <u> </u> | 15. Significant wildlife or salmonid habitat - 5 points |
| <u> </u> | 16. Special animal site - 3 points |
| <u> </u> | 17. Surface water quality buffer - 5 points |
| <u> </u> | 18. Urban open space - 5 points |
| <u> </u> | 19. Watershed protection area - 5 points |
| <u>45</u> | = total open space resource points |

Bonus Categories

- | | |
|---------------|---|
| <u> </u> | 1. Resource restoration - 5 points |
| <u> </u> | 2. Additional surface water quality buffer - 3 or 5 points |
| <u> </u> | 3. Contiguous parcels under separate ownership – minimal 2 points |
| <u>15</u> | 4. Conservation easement or historic easement - 15 points |
| <u>5</u> | 5. Public access – points depend on type and frequency of access allowed |
| <u> </u> | <u> </u> Unlimited public access - 5 points |
| <u> </u> | <u>5</u> Limited public access because of resource sensitivity - 5 points |
| <u> </u> | <u> </u> Environmental education access - 3 points |
| <u> </u> | <u> </u> Seasonally limited public access - 3 points |
| <u> </u> | <u> </u> None or members only - 0 points |
| <u>35</u> | 6. Easement and access - 35 points |
| <u>55</u> | = total bonus category points |

55 = Total of open space resource and bonus category points results in a Public Benefit Rating (see valuation schedule on page A-6)

If public access points are requested, please list the user group(s) presently allowed access to the property. For what purpose does the public use the property? Please attach documentation that supports this type of use, such as letters from user groups. **For a property to be eligible, the owner must demonstrate that the property is open to public access and is used by the public.**

<Please See Attached Titled: Response to PBRS Questions>

If proposing public access, describe how the land can be reached. Are there private or public roads to the site? Are there any restrictions, such as an easement or physical barriers, which would inhibit public access? Are there any specific restrictions you think are necessary, such as hours, seasons, activities?

<Please See Attached Titled: Response to PBRS Questions>

III. Estimate of Percentage Reduction (for your information only)

Please remember county/city staff will review your application and an approval/decision will be made by the granting authority. When estimating the actual effect on your property's valuation and your tax bill, please remember your assessment as open-space/current use land will be calculated **only on the land value of the portion of the property enrolled.** *The property will still be assessed at "highest and best use" rates for the residence/improvements and for other non-enrolled open-space land.*

_____ Open space resource points

_____ Bonus category points

_____ = Total of points, resulting in a Public Benefit Rating

VALUATION SCHEDULE

<u>Public Benefit Rating</u>	<u>Assessed Value Reduction</u>	<u>Current Use Value</u>
0 - 4 points	0 %	100 % of Market Value
5 - 10 points	50 %	50 % of Market Value
11 - 15 points	60 %	40 % of Market Value
16 - 20 points	70 %	30 % of Market Value
21 - 34 points	80 %	20 % of Market Value
35 - 52 points	90 %	10 % of Market Value

Response to PBRS Questions Starting on Page A-6 of Application

If public access points are requested, please list the user group(s) presently allowed access to the property. For what purpose does the public use the property? Please attach documentation that supports this type of use, such as letters from user groups. For a property to be eligible, the owner must demonstrate that the property is open to public access and is used by the public.

The public currently accesses this property for a variety of reasons including:

1. Access and parking for the next door non-profit Sunny Beam Pre-School.
2. Access and parking for the next door non-profit Dance Academy
3. Access and parking to visit the horse facility
4. Walk through trail between the northwest and southeast pioneer park public space quadrants.

If proposing public access, describe how the land can be reached. Are there private or public roads to the site? Are there any restrictions, such as an easement or physical barriers, which would inhibit public access? Are there any specific restrictions you think are necessary, such as hours, seasons, activities?

The property is accessible by car, bike or foot through two gates, one located on the north side (SE 68th street) of the property and the other located on the east side of the property (Island Crest Way). These accessibility points are open from 6am until 10pm. Each opening does have a gate which is locked during night hours to protect the horses as well as any buildings or contents on the property.

IV. RESOURCE CATEGORY JUSTIFICATION

In the space provided, please explain why credit should be awarded for each category marked on page A-5. If additional space is needed, please use a separate sheet of paper and attach it to back of the application.

<Please See Attached Titled: Response to
PBRS Questions>

Response to PBRS Questions Starting on Page A-7 of Application

IV. RESOURCE CATEGORY JUSTIFICATION

In the space provided, please explain why credit should be awarded for each category marked on page A-5. If additional space is needed, please use a separate sheet of paper and attach it to back of the application.

1. Public Recreation Area

We are requesting this designation because this property is open and used by the public to both access and tour the horse facility, the playground equipment as well as the small trails on the park. Many times users of the Pioneer Park trail system will walk through the Pioneer Park Youth Conservancy (PPYC) property to visit the playground, horse facility or small trail system.

4. Equestrian-pedestrian-bicycle trail linkage

We are requesting this designation because the Pioneer Park Youth Conservancy property connects the horse trail system from the south east Pioneer Park Horse trails to the North West Pioneer Park horse trail system. Further more, users of the Pioneer Park commonly walk through the PPYC to access the other sections of the Pioneer Park.

We understand that the County has not dealt with this category previously and will need to decide whether this property would qualify. If it did, the property owner would be prepared to provide a trail easement to an appropriate public or private entity acceptable to the County. Furthermore, if the property qualifies under Bonus Category 6, the property owner will withdraw its request for the trail linkage rating.

Bonus Categories:

4. Conservation Easement

The property owner is working with Forterra NW on a conservation easement that will restrict, in perpetuity, further potential development of the property. The terms of the easement are still being finalized. A copy will be provided for review prior to recording.

5. Public Access – Limited Public Access because of resource sensitivity.

As part of this application process we are confirming that the PPYC land has been a resource available to the public for more than 30+ years. As described elsewhere in this application, the general public is allowed access to the property on an ongoing basis for recreation, education and training. Access is only restricted at night for the safety of the horses and property care takers.

6. Easement and access

The property has an open space resource, limited public access due to resource sensitivity and will have a conservation easement.

[DOWNLOAD](#)

3 Easy Steps:

- 1) Click "Download"
- 2) Download on our website
- 3) Get Free Forms Online

www.getformsonline.com

ADVERTISEMENT

- New Search
Property Tax Bill
Map This Property
Glossary of Terms
Area Report
Property Detail

PARCEL

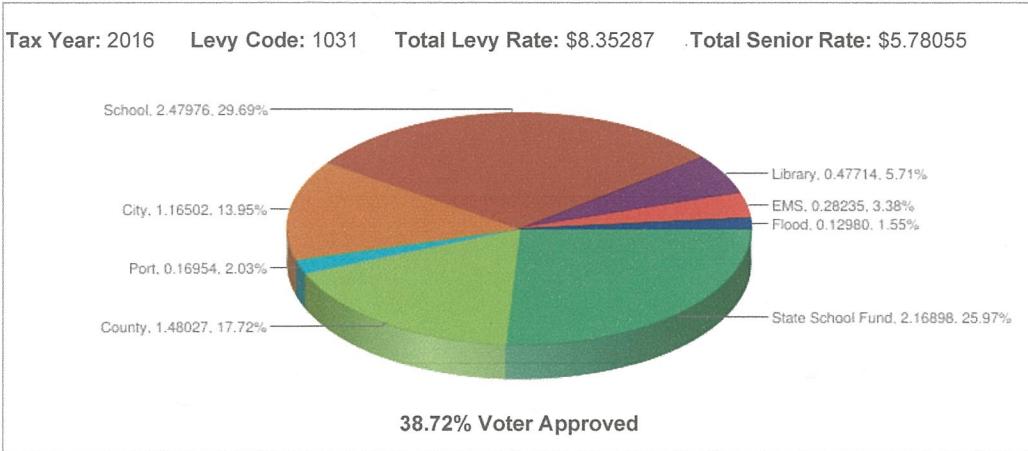
Parcel Number	302405-9054
Name	POINEER PARK YOUTH CLUB
Site Address	6835 SE 68TH ST 98040
Legal	E 1/2 OF NE 1/4 OF SW 1/4 OF NW 1/4 LESS CO RDS - POR TAXABLE CLASSIFIED AS OPEN SPACE LAND UNDER CHAPTER 84.34 RCW

BUILDING 1

Year Built	1924
Building Net Square Footage	3196
Construction Class	WOOD FRAME
Building Quality	LOW/AVERAGE
Lot Size	189711
Present Use	School(Private)
Views	No
Waterfront	



TOTAL LEVY RATE DISTRIBUTION



[Click here to see levy distribution comparison by year.](#)

TAX ROLL HISTORY

Valued Year	Tax Year	Appraised Land Value (\$)	Appraised Imps Value (\$)	Appraised Total (\$)	Taxable Land Value (\$)	Taxable Imps Value (\$)	Taxable Total (\$)
2016	2017	4,932,400	237,900	5,170,300	1,975,550	146,800	2,122,350
2015	2016	4,553,000	115,400	4,668,400	1,795,598	71,500	1,867,098
2014	2015	2,466,200	116,600	2,582,800	628,900	72,300	701,200
2013	2014	2,276,500	117,300	2,393,800	580,500	72,700	653,200
2012	2013	2,276,500	117,100	2,393,600	580,500	72,600	653,100
2011	2012	2,276,500	124,600	2,401,100	580,500	77,250	657,750
2010	2011	2,276,500	118,200	2,394,700	580,500	73,300	653,800
2009	2010	2,279,000	86,200	2,365,200	581,145	53,400	634,545
2008	2009	2,279,010	83,200	2,362,210	581,150	51,600	632,750
2007	2008	1,519,300	80,200	1,599,500	387,422	49,700	437,122
2006	2007	1,435,000	76,850	1,511,850	365,925	47,647	413,572

[DOWNLOAD](#)

3 Easy Steps:

- 1) Click "Download"
- 2) Download on our website
- 3) Get Free Forms Online

www.getformsonline.com


ADVERTISEMENT

- Refer
- K
 - L
 - P
 - A
 - V
 - D
 - R
 - I
 - V
 - E
 - A
 - I
 - B
 - A
 - D
 - R
 - I
 - R
 - S
 - S
 - I

Notice 12/15/16


King County Department of Assessments: eReal Property

2005	2006	1,230,000	74,650	1,304,650	313,650	46,300	359,950
2004	2005	1,127,500	74,100	1,201,600	144,909	45,900	190,809
2003	2004	1,025,000	71,200	1,096,200	144,909	44,100	189,009
2002	2003	1,025,000	73,800	1,098,800	144,909	45,800	190,709
2001	2002	1,025,000	71,600	1,096,600	144,909	44,400	189,309
2000	2001	1,025,000	73,800	1,098,800	153,880	45,800	199,680
1999	2000	474,200	94,100	568,300	73,880	58,300	132,180
1998	1999	64,880	58,500	123,380	64,880	58,500	123,380
1997	1998	0	0	0	126,480	94,100	220,580
1996	1997	0	0	0	126,480	94,100	220,580
1994	1995	0	0	0	126,480	94,100	220,580
1992	1993	0	0	0	126,480	94,100	220,580
1990	1991	0	0	0	118,540	87,900	206,440
1988	1989	0	0	0	118,540	87,900	206,440
1986	1987	0	0	0	119,640	77,300	196,940
1985	1986	0	0	0	46,640	77,400	124,040
1984	1985	0	0	0	385,800	86,000	471,800
1982	1983	0	0	0	327,000	72,900	399,900



3 Easy Steps:

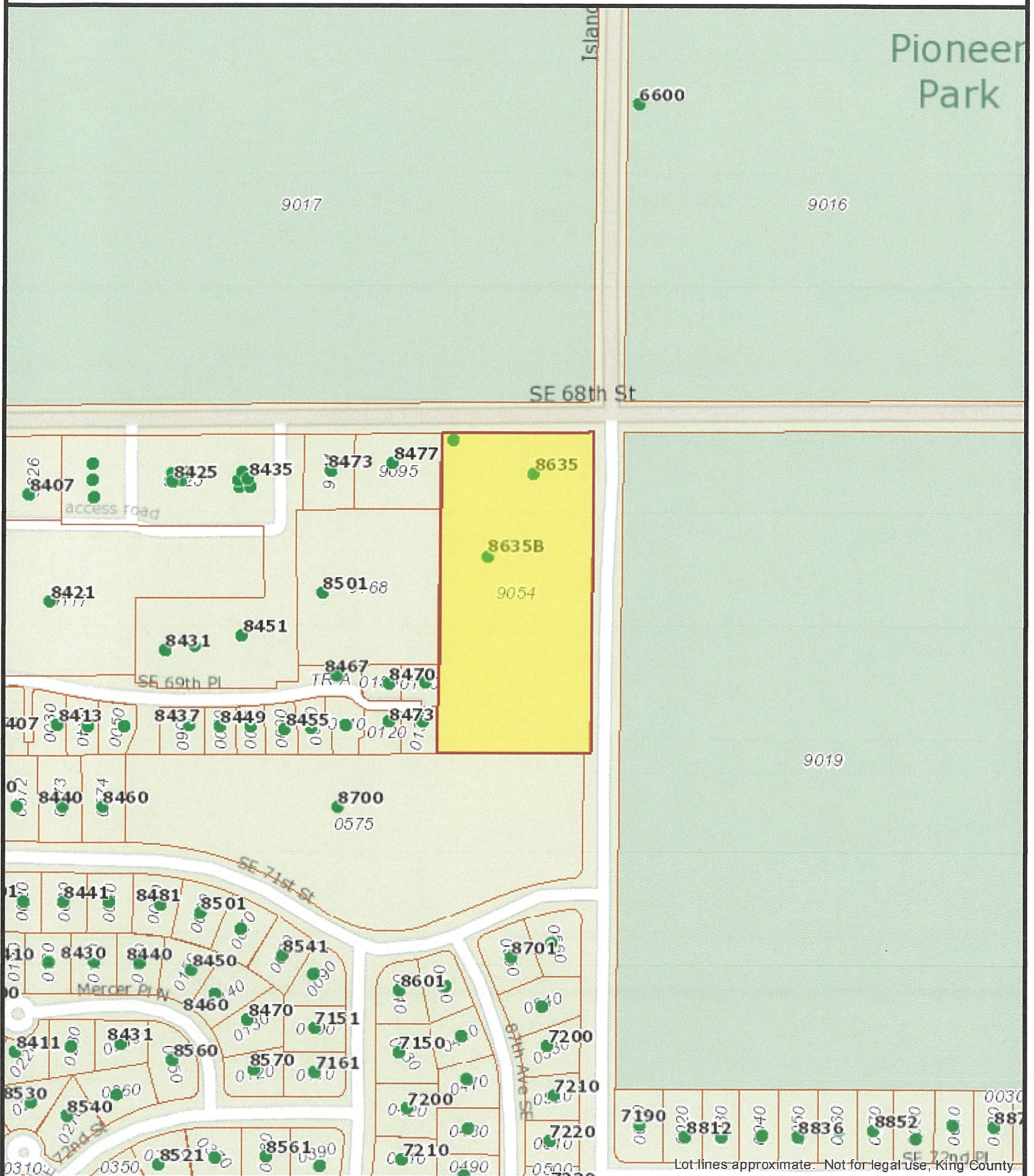
- 1) Click "Download"
- 2) Download on our website
- 3) Get Free Forms Online



www.getformsonline.com

ADVERTISEMENT

King County



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits, resulting from the use or misuse of the information contained on this map. Any use of this map or information on this map is prohibited without the written permission of King County. This product is not intended for use as a survey product.

545110
0575
ESTATES DIV. NO. 1

AB 5303
Exhibit 2
Page 20

**KING COUNTY
DEPARTMENT OF NATURAL RESOURCES AND PARKS
WATER AND LAND RESOURCES DIVISION**

**Report to the City of Mercer Island for Property
Enrollment in the Public Benefit Rating System (PBRs)
May 15, 2017**

APPLICANT: Pioneer Park Youth Club

File No. E16CT056MI

A. GENERAL INFORMATION:

1. Owner: Pioneer Park Youth Club
8635 SE 68th Street
Mercer Island, WA 98040
2. Property location: same as above
3. Zoning: R9.6
4. STR: NW-30-24-05
5. PBRs categories requested by applicant:

NOTE: The property is participating in PBRs (file #E01EV061). The purpose of this application is to add additional PBRs categories. **The new open space taxation agreement should supersede any existing agreement for this property's PBRs participation.**

Open space resources

*Public recreation area
Equestrian-pedestrian-bicycle trail linkage
Farm and agricultural conservation land

Bonus categories

**Conservation easement or historic easement
*Unlimited public access
Limited public access
**Easement and access

NOTE: *Staff recommends credit be awarded for these PBRs categories. **Award of these categories are also possible, but will be dependent upon specific category requirements being met (see resource category discussion under Section E beginning on page 5).

6. Parcel: 302405-9054

Total acreage: 4.33
 Requested PBRs: 3.43
 Home site/excluded area: 0.92
Recommended PBRs: 3.41

NOTE: The portion recommended for enrollment in PBRs is the entire property less the excluded area as measured. The attached 2015 aerial photo outlines the parcel in yellow and the areas proposed to be excluded from PBRs in blue. In the event the Assessor's official parcel size is revised, PBRs acreage should be administratively adjusted to reflect that change.

B. FACTS:

1. Zoning in the vicinity: Properties in the vicinity are zoned PBZ, P, R8.4, R9.6 and R15.
2. Development of the subject property and resource characteristics of open space area: The property contains a 20-stall barn, small wood shavings storage building, outdoor arena, observation stand, storage facility, indoor riding arena, horse wash rack, and small dirt parking lot. There is also a pre-school facility (Sunny Beam), playground and additional parking located in the northeast corner of the property. A small school teacher residence is located in the northwest corner of the property. The open space consists of the horse keeping buildings, arenas and has a trail that leads to Pioneer Park.
3. Site use: The property is used as a stable and riding facility as well as preschool.
4. Access: The property is accessed from Island Crest Way.
5. Appraised value for 2017 (Based on Assessor's information dated 4/17/2017):

<u>Parcel #302405-9054</u>	<u>Land</u>	<u>Improvements</u>	<u>Total</u>
Assessed value	\$4,932,000.00	\$237,000.00	\$5,170,000.00
Tax applied	\$40,118.37	\$1,934.99	\$42,053.36

NOTE: *These values are presently impacted by the land's participation in the PBRs program (RCW 84.34), which is reflected in the land's current and lower taxable value of \$1,975,550 (tax applied \$16,068.41). Participation in PBRs reduces the appraised land value for the portion of the property enrolled resulting in a lower taxable value.

C. REQUIREMENTS SPECIFIED BY KING COUNTY CODE (KCC):

KCC 20.36.010 Purpose and intent.

It is in the best interest of the county to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the county and its citizens.

It is the intent of this chapter to implement RCW Chapter 84.34, as amended, by establishing procedures, rules and fees for the consideration of applications for public benefit rating system assessed valuation on "open space land" and for current use assessment on "farm and agricultural land" and "timber land" as those lands are defined in RCW 84.34.020. The provisions of RCW chapter 84.34, and the regulations adopted thereunder shall govern the matters not expressly covered in this chapter.

KCC 20.36.100 Public benefit rating system for open space land – definitions and eligibility.

- A. To be eligible for open space classification under the public benefit rating system, property must contain one or more qualifying open space resources and have at least five points as determined under this section. The department will review each application and recommend award of credit for current use of property that is the subject of the application. In making such recommendation, the department will utilize the point system described in section B. and C. below.
- B. The following open space resources are each eligible for the points indicated:
 - 1. Public recreation area – five points
 - 2. Aquifer protection area – five points
 - 3. Buffer to public or current use classified land – three points
 - 4. Equestrian-pedestrian-bicycle trail linkage – thirty-five points
 - 5. Active trail linkage – fifteen or twenty-five points
 - 6. Farm and agricultural conservation land – five points
 - 7. Forest stewardship land – five points
 - 8. Historic landmark or archaeological site: buffer to a designated site – three points
 - 9. Historic landmark or archaeological site: designated site – five points
 - 10. Historic landmark or archaeological site: eligible site – three points
 - 11. Rural open space – five points
 - 12. Rural stewardship land – five points
 - 13. Scenic resource, viewpoint, or view corridor – five points
 - 14. Significant plant or ecological site – five points
 - 15. Significant wildlife or salmonid habitat – five points
 - 16. Special animal site – three points
 - 17. Surface water quality buffer – five points
 - 18. Urban open space – five points
 - 19. Watershed protection area – five points
- C. Property qualifying for an open space category in subsection B. of this section may receive credit for additional points as follows:
 - 1. Resource restoration - five points
 - 2. Additional surface water quality buffer - three or five points

3. Contiguous parcels under separate ownership - two points
4. Conservation easement of historic easement – fifteen points
5. Public access - points dependent on level of access
 - a. Unlimited public access - five points
 - b. Limited public access - sensitive areas - five points
 - c. Environmental education access – three points
 - d. Seasonal limited public access - three points
 - e. None or members only – zero points
6. Easement and access – thirty-five points

D. 2012 COMPREHENSIVE PLAN POLICIES AND TEXT:

E-101 In addition to its regulatory authority, King County should use incentives to protect and restore the natural environment whenever practicable. Incentives should be monitored to determine their effectiveness in terms of protecting natural resources.

NOTE: Monitoring of participating lands is the responsibility of both department PBRS staff and the landowner. This issue is addressed in the Resource Information document (page 4) and detailed below in Recommendation #B9.

E-106 The protection of lands where development would pose hazards to health, property, important ecological functions or environmental quality shall be achieved through acquisition, enhancement, incentive programs and appropriate regulations. The following critical areas are particularly susceptible and shall be protected:

- a. Floodways of 100-year floodplains;
- b. Slopes with a grade of 40 percent or more or landslide hazards that cannot be mitigated;
- c. Wetlands and their protective buffers;
- d. Aquatic areas, including streams, lakes, marine shorelines and their protective buffers;
- e. Channel migration hazard areas;
- f. Critical Aquifer Recharge Areas;
- g. Fish and Wildlife Habitat Conservation Areas; and
- h. Volcanic hazard areas.

E-421 Terrestrial and aquatic habitats should be conserved and enhanced to protect and improve conditions for fish and wildlife.

NOTE: PBRS is an incentive program provided to encourage voluntary protection of open space resources and maintain high quality resource lands.

E-429 King County should provide incentives for private landowners who are seeking to remove invasive plants and noxious weeds and replace them with native plants.

NOTE: Participation in PBRS requires landowners address invasive plant and noxious weed control and removal within enrolled portions of a property. Replacement with

native vegetation is also encouraged via the implementation of approved forest stewardship, rural stewardship or resource restoration plans.

E-443 The county should promote voluntary wildlife habitat enhancement projects by private individuals and businesses through educational, active stewardship, and incentive programs.

E-476 King County should identify upland areas of native vegetation that connect wetlands to upland habitats and that connect upland habitats to each other. The county should seek protection of these areas through acquisition, stewardship plans, and incentive programs such as the Public Benefit Rating System and the Transfer of Development Rights Program.

E-504 King County should protect native plant communities by encouraging management and control of nonnative invasive plants, including aquatic plants. Environmentally sound methods of vegetation control should be used to control noxious weeds.

NOTE: Lands participating in PBRS provide valuable resource protection and promote the preservation or enhancement of native vegetation. Addressing nonnative vegetation (invasive plant species), through control and eradication is a PBRS requirement.

E-449 The county shall promote retention of forest cover and significant trees using a mix of regulations, incentives, and technical assistance.

R-605 Well-managed forestry and agriculture practices are encouraged because of their multiple benefits, including natural resource protection.

NOTE: The implementation of an approved forest stewardship, farm management or rural stewardship plan benefits natural resources, such as wildlife habitat, stream buffers and groundwater protection, as well as fosters the preservation of sustainable resources.

E. PBRS CATEGORIES REQUESTED and DEPARTMENT RECOMMENDATIONS:

Open space resources

- Public recreation area
The majority of the property consists of the Mercer Island Saddle Club facilities used by members for riding practice and horse shows. The landowners have provided documentation, such as letters from users outside of the local club community that would support the riding facilities being available to the general public. Credit for this category is recommended.
- Equestrian-pedestrian-bicycle trail linkage
Although the property contains a portion of a trail that is used by the public, which provides trail access to Pioneer Park this category cannot overlap with the Easement and Access category. Credit cannot be recommended.
- Farm and agricultural land

In order to be eligible for this category, the property must be used for farm and agricultural activities (defined in RCW 84.34.020) or have the high probability of returning to commercial agriculture if not in the Farm and Agricultural program currently. Although the property has a long history of keeping horses on the property, the zoning of the property (R9.6) does not allow for commercial agriculture and it is not likely that it will be used for commercial agriculture in the future. Credit for this category cannot be recommended.

Bonus categories

- Conservation easement or historic easement
Pioneer Park Youth Club is working with Forterra to have a conservation and trail easement produced. It has yet to be completed. If an approved conservation easement, to protect open space and public recreation, and to remove future development rights from the property in perpetuity, is recorded with the King County Recorder's Office by **December 31, 2017**, then credit for this category should be awarded administratively.
- Unlimited public access
Although credit for this category was not requested, the property contains a portion of a trail, along the west and south part of the property that is used by the public without pre-arrangement with the owners, and provides trail access to Pioneer Park and can be limited to daylight hours. The trail easement will be part of the overall conservation easement and will grant unlimited public access in perpetuity. Credit is recommended.
- Limited public access due to resource sensitivity
In order to eligible for this category, the resource must be sensitive in nature and access provided only to appropriate user groups who may require special arrangements with the landowner. The land is accessed by the general public and no special arrangements are made in advance. Credit is not recommended.
- Easement and access
To be eligible for this category, the property must qualify for one open space resource, provide unlimited public access or limited public access due to resource sensitivity and have a conservation easement or historic preservation easement. The property is providing at least one open space resource, unlimited or limited public access but it does not have a recorded conservation or historical easement, credit for this category cannot be recommended. However, if a conservation or historical easement is recorded with the King County Recorder's Office by **December 31, 2017**, then credit for this category should be awarded administratively.

NOTE: It is important to note that enrollment in the PBRS program requires the control and removal of invasive plant species. This issue is addressed in the Resource Information document (page 3) and below in Recommendation #B7.

CONCLUSIONS AND RECOMMENDATIONS

A. CONCLUSIONS:

1. Approval of the subject request would be consistent with the specific purpose and intent of KCC 20.36.010.

2. Approval of the subject request would be consistent with policy E-101 of the King County Comprehensive Plan.
3. Of the points recommended, the subject request meets the mandatory criteria of KCC 20.36.100 as indicated:

Open space resources

- Public recreation area 5
- Equestrian-pedestrian-bicycle trail linkage 0
- Farm and agricultural conservation land 0

Bonus categories

- Conservation easement or historic easement *
- Unlimited public access 5
- Limited public access because of resource sensitivity 0
- Easement and access *

TOTAL 10 points

NOTE: *If credit is awarded for these categories, then point total would increase to 60 and the reduction in land assessed value for the portion enrolled would increase 90%.

PUBLIC BENEFIT RATING

For the purpose of taxation, 10 points result in 50% of market value and a 50% reduction in taxable value for the portion of land enrolled.

B. RECOMMENDATION:

APPROVE the request for current use taxation "Open space" classification with a Public Benefit Rating of 10 points, subject to the following requirements:

**Requirements for Property Enrolled in the
Public Benefit Rating System Current Use Taxation Program**

1. Compliance with these requirements is necessary to continue to receive the tax benefits from the King County Public Benefit Rating System (PBRS) current use taxation program for the property enrolled in the program (Property). Failure to abide by these requirements can result in removal of current use designation and subject the property owner (Owner) to the penalty, tax, and interest provisions of RCW 84.34 and assessment at true and fair value. The County Assessor and the King County Rural and Regional Services Section or its successor may re-evaluate the Property to determine whether removal of the open space designation is appropriate. Removal shall follow the process in RCW 84.34.108.
2. Revisions to these requirements may only occur upon mutual written approval of the Owner and granting authority. These conditions shall apply so long as the Property

retains its open space designation. If a conservation easement acceptable to and approved by the City of Mercer and King County is granted by the Owner or the Owner's successors in interest to the Department of Natural Resources and Parks, King County or a grantee approved by King County, these requirements may be superseded by the terms of such easement, upon written approval by King County.

3. The open space classification for this Property will continue so long as it meets the open space purposes for which it was initially approved. Classification as open space will be removed upon a determination by King County that the Property no longer meets the open space purposes for which it was initially approved. A change in circumstances which diminishes the extent of public benefit from that approved by the City of Mercer and King County Council in the open space taxation agreement will be cause for removal of the current use assessment classification. It is the Owner's responsibility to notify the Assessor and the King County Rural and Regional Services Section or its successor of a change in circumstance with regard to the Property.
4. When a portion of the open space Property is withdrawn or removed from the program, the King County Rural and Regional Services Section or its successor and the Assessor shall re-evaluate the remaining Property to determine whether it may continue to qualify under the program. If the remaining portion meets the criteria for priority resources, it may continue under current use taxation.
5. Except as provided for in sections 6 and 7 below, no alteration of the open space land or resources shall occur without prior approval by the City of Mercer and the King County Rural and Regional Services Section or its successor. **Any unapproved alteration may constitute a departure from an approved open space use and be deemed a change of use, and subject the Property to the additional tax, interest, and penalty provisions of RCW 84.34.080.** "Alteration" means any human-induced action that adversely impacts the existing condition of the open space Property or resources including but not limited to the following: *(Walking, horseback riding, passive recreation or actions taken in conjunction with a resource restoration plan, or other similar approved activities are permitted.)*
 - a. erecting structures;
 - b. grading;
 - c. filling;
 - d. dredging;
 - e. channelizing;
 - f. modifying land or hydrology for surface water management purposes;
 - g. cutting, pruning, limbing or topping, clearing, planting, introducing, relocating or removing vegetation, however, selective cutting may be permitted for firewood;
 - h. applying herbicides or pesticides or any hazardous or toxic substance;
 - i. discharging pollutants excepting stormwater;
 - j. paving, construction, application of gravel;
 - k. storing of equipment, household supplies, play equipment, or compost;
 - l. engaging in any other activity that adversely impacts the existing vegetation, hydrology, wildlife, wildlife habitat, or other open space resources.

6. Notwithstanding the provisions of Section 5 trees posing a hazard to structures or major roads may be removed. Any trees removed must be replaced.
7. If an area of the Property becomes or has become infested with noxious weeds, the Owner may be required to submit a control and enhancement plan to the City of Mercer and the King County Rural and Regional Services Section or its successor in order to remove such weeds. If an area of the Property becomes or has become invaded by non-native species, the Owner may be required to submit, or may voluntarily submit, an enhancement plan to the King County Rural and Regional Services Section or its successor, in order to replace such species with native species or other appropriate vegetation.
8. There shall be no motorized vehicle driving or parking allowed on the open space Property.
9. An owner of property enrolled in the program may be required to submit a monitoring report on an annual or less frequent basis as requested by program staff. This report must include a brief description of how the property still qualifies for each awarded resource category. It must also include photographs from established points on the property and any observations by the owner. The owner must submit this report to the department by email or by other mutually agreed upon method. An environmental consultant need not prepare this report.
10. Public access shall be permitted upon any area of the open space Property that is designated for public access.
11. Enrollment in PBRS does not exempt the Owner from obtaining any required permit or approval for activity or use on the Property.

TRANSMITTED to the parties listed hereafter:

Pioneer Park Youth Club, applicant
Evan Maxim, City of Mercer Island
Debra Clark, King County Department of Assessments

0.92 acres

3024059054

DRAFT: MARCH 30, 2017

When recorded return to:

Forterra NW
901 5th Ave, Suite 2200
Seattle, Washington 98164
Attn: Lands Manager

GRANT DEED OF CONSERVATION EASEMENT

Grantor: Pioneer Park Youth Club, a Washington nonprofit corporation
Grantee: Forterra NW, a Washington nonprofit corporation

Legal Description

Abbreviated form: E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Less Co Rds
Additional legal at Exhibit A.

Assessor's Tax Parcel Number: 302405-9054

THIS GRANT DEED OF CONSERVATION EASEMENT ("Easement") is made effective as of the date of recording by PIONEER PARK YOUTH CLUB, a Washington nonprofit corporation, having an address at 6835 SE 68th St., Mercer Island, WA 98040 ("Grantor"), in favor of Forterra NW, a Washington nonprofit corporation, having an address at 901 5th Ave, Suite 2200, Seattle, Washington 98164 ("Grantee").

I. RECITALS

A. Grantor is the sole owner in fee simple of that certain real property (the "Protected Property") in King County, Washington, more particularly described in **Exhibit A** (legal description) and shown on **Exhibit B** (site plan), which are attached and incorporated into this Easement by this reference.

B. The Protected Property possesses natural and scenic open space, historic, educational and current and potential recreational values of great importance to Grantor, the people of Mercer Island, King County and the State of Washington (collectively, "Conservation Values").

C. The Protected Property includes an area occupied by a 19th century schoolhouse and a related caretaker residence (the "School Site"), with both buildings listed on the National Register of Historic Places. Another area is occupied primarily by a stable and horse arena (the "Equestrian Site"). The Protected Property's significant undeveloped open space contributes to the setting, context, and the public's view of the historic buildings.

D. The legislatively declared policies of the State of Washington in the Washington State Open Space Tax Act, Chapter 84.34 RCW, provide "that it is in the best interest of the state to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crop, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well being of the state and its citizens." Under the Open Space Act, lands eligible for preferential real property tax treatment include lands where the preservation in its present use would conserve and enhance natural resources and promote conservation values. Pursuant to this legislative directive, King County has adopted an Open Space Tax Program, K.C.C. Chapter 20.36, that recognizes the importance of and provides preferential tax treatment for public recreation areas, equestrian-pedestrian-bicycle trail linkage, active trail linkage, and conservation easements that occur on the Property.

E. The Protected Property includes an operating pre-school, dance studio and an operating horse stable and riding ring that are open to the public and provide significant public benefits.

F. The Protected Property would also be extremely desirable property for substantial residential development because of its location and orientation. In the absence of a Grant Deed of Conservation Easement, the Protected Property could be developed in a manner which would destroy or significantly degrade the Conservation Values of the Protected Property.

G. The specific Conservation Values of the Protected Property are further documented in an inventory of relevant features of the Protected Property, to be completed before the Effective Date of this Easement and kept on file at the offices of Grantor and Grantee and incorporated into this Easement by this reference ("Baseline Documentation"). The Baseline Documentation consists of reports, maps, photographs, and other documentation that provide, collectively, an accurate representation of the Protected Property at the time of this grant and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant. On the Effective Date, Grantor and Grantee agree to sign the Baseline Documentation attesting to its accuracy as of the Effective Date. In the event the Baseline Documentation cannot reasonably be completed in full before the Effective Date, for instance in the event of inclement weather or other conditions preventing access to the property, a schedule for finalizing the full report and an acknowledgement of interim data will be signed by Grantor and Grantee as of the Effective Date. Grantor and Grantee further agree that within three (3) months of the execution of this Easement, a collection of additional Baseline Documentation shall be compiled by Grantor and Grantee. Failure to timely compile the additional Baseline Documentation shall not affect the enforceability of this Easement or any of its provisions.

H. Grantor intends that the Conservation Values of the Protected Property be preserved and maintained by permitting the continuation of only those land uses on the Protected Property that do not significantly impair or interfere with the Conservation Values. Such uses existing at the time of this grant include, without limitation, educational, agricultural and recreational uses consistent with this Easement.

I. Grantor, as owner of the Protected Property, has the right to protect and preserve the Conservation Values of the Protected Property, and desires to transfer such rights to Grantee in perpetuity.

J. Grantee is a publicly supported, tax-exempt nonprofit organization, qualified under Sections 501(c)(3) and 170(h) of the Internal Revenue Code of 1986, as amended, and also qualified as a nonprofit nature conservancy corporation under RCW 64.04.130 and 84.34.250, whose primary purpose is to promote the preservation of open space and critically important ecological systems in King County and surrounding counties in Washington State.

II. CONVEYANCE AND CONSIDERATION

A. For the reasons stated above, and in consideration of the mutual covenants, terms, conditions, and restrictions contained in this Easement, Grantor hereby voluntarily grants, conveys and warrants to Grantee a conservation easement in perpetuity over the Protected Property, consisting of certain rights in the Protected Property, as defined in this Easement, subject only to the restrictions contained in this Easement.

B. This conveyance is a conveyance of an interest in real property under the provisions of RCW 64.04.130 and is made as an absolute, unconditional, unqualified, and completed gift, subject only to the mutual covenants, terms, conditions and restrictions set forth in the Easement and those encumbrances identified in **Exhibit A**, which is attached to and incorporated into this Easement by this reference, and for no other consideration whatsoever.

C. Grantor expressly intends that this Easement run with the land and that this Easement shall be binding upon Grantor's personal representatives, heirs, successors, and assigns.

III. PURPOSE

The purpose of this Easement is to implement the mutual intentions of Grantor and Grantee as expressed in the above Recitals, which are incorporated herein by this reference, and in the provisions that follow, to ensure that the Conservation Values of the Protected Property will be protected forever and to prevent any use of, or activity on, the Protected Property that will significantly impair or interfere with the Conservation Values of the Protected Property (the "Purpose"). Grantor intends that this Easement will confine the use of, or activity on, the Protected Property to such uses and activities that are consistent with this Purpose. Except as specifically provided for in Section 5(A)(3), this Easement shall not be construed as affording to the general public physical access to any portion of the Protected Property.

IV. DEVELOPMENT RIGHTS AND RIGHTS CONVEYED TO GRANTEE

To accomplish the Purpose of this Easement, the following rights are conveyed to Grantee by this Easement:

A. Identification and Protection. To preserve and protect in perpetuity and to enhance by mutual agreement the Conservation Values of the Protected Property.

B. Access.

1. To enter the Protected Property no less frequently than annually but otherwise at a mutually agreeable time, such agreement not to be unreasonably withheld, and upon at least forty-five (45) days prior written notice to Grantor, for the purpose of making a general inspection to monitor compliance with this Easement.

2. To enter the Protected Property at such other times as are necessary if Grantee has a reason to believe that a violation of the Easement is occurring or has occurred, for the purpose of evaluating, mitigating and/or terminating the violation and otherwise enforcing the provisions of this Easement. Such entry shall be upon prior reasonable notice to Grantor, and Grantee shall not in any case unreasonably interfere with Grantor's use and quiet enjoyment of the Projected Property.

C. **Injunction and Restoration.** To enjoin any use of, or activity on, the Protected Property that is inconsistent with the Purpose of this Easement, including trespasses by members of the public, and to require or undertake the restoration of such areas or features of the Protected Property as may be damaged by uses or activities inconsistent with the provisions of this Easement, all in accordance with Section X.

D. **Enforcement.** To enforce the terms of this Easement, consistent with Sections IX and X.

E. **Assignment.** To assign, convey, or otherwise transfer Grantee's interest in the Protected Property in accordance with Section XV.

F. **Development Rights.** All unused development rights (except such as are specifically reserved herein) that are now or hereafter allocated to, implied, reserved or inherent in the Protected Property. The parties agree that such rights are terminated and extinguished, and may not be used on or transferred to any portion of the Protected Property as it now or hereafter may be bounded or described, or to any other property adjacent or otherwise, or used for the purpose of calculating permissible lot yield or density of the Protected Property or any other property.

V. USES AND ACTIVITIES CONSISTENT WITH THE PURPOSE OF THE EASEMENT

Grantor reserves for itself and its personal representatives, heirs, successors and assigns, all rights accruing from ownership of the Protected Property, including the right to engage in, or permit or invite others to engage in, any use of, or activity on, the Protected Property that is not inconsistent with the Purpose of the Easement and that is not prohibited by this Easement. Without limiting the generality of this subsection, Grantor specifically reserves for itself and its personal representatives, heirs, successors, and assigns, the following uses and activities:

A. **Work on Improvements.** The maintenance, repair, demolition, renovation, replacement and expansion of buildings, structures, and other improvements (collectively, "Improvements") on the School Site and Equestrian Site, subject to the following:

1. **General Requirements:** All such work must be done in conformance with the Purpose, in furtherance of the Conservation Values, in compliance with the other requirements of this Easement and also in compliance with all applicable laws, rules and regulations including, without limitation, those requirements applicable to the Improvements on the School Site due to them being listed on the National Register of Historic Places.

2. School Site: Any demolition, renovation, replacement or expansion of any Improvement on the School Site that is on the National Register of Historic Places requires the prior written approval of the Grantee.

3. Footprint of Improvements: except as provided below, no such work may result in a change or expansion of the footprint of any existing Improvement:

a. The replacement or renovation of any Improvement may result in a minor deviation from the footprint of that Improvement on the Effective Date but shall generally occur in substantially the same footprint as that Improvement, without any increase in on-the-ground square footage.

b. Grantor may create a new, uncovered turnout area for horses within the Equestrian Site not to exceed _____ (_____) square feet in size and located approximately as shown on the **Exhibit B** site plan.

c. Grantor may expand an Improvement or add a new Improvement so long as the aggregate area on the Protected Property covered by all Improvements including the work done pursuant to Section V(A)(3)(b) above does not exceed _____ square feet. [PBYC TO PROVIDE NUMBERS]

4. Future Public Park Amenities. Grantor may decide in the future that the Protected Property or a portion thereof should be conveyed to the City of Mercer Island ("City") or another governmental authority for public park purposes. Grantor and Grantee mutually understand and agree that the Protected Property's potential for enhanced public recreation is one of the Conservation Values of the Protected Property. As such and if such conveyance does occur, this Easement shall be interpreted to allow for the construction of public park amenities on the conveyed land without compliance with Section V(A)(3) but in compliance with Sections V(A)(1) and (2).

B. Agricultural Use. Grantor may maintain the existing agricultural activities on the Equestrian Site as well as other not-for-profit agricultural activities; provided that such activities are carried out in compliance with federal, state, and local regulations and in a manner that does not impact the integrity of the Conservation Values of the Protected Property. Existing agricultural uses include boarding, training, exercising and other activities relating to maintaining a horse stable and riding horses.

C. Vegetation Management. Routine maintenance of vegetation including, for example, the clearing of brush, cutting grass, removing weeds, and minor pruning of trees. Herbicides, pesticides and other chemicals may be used on the Protected Property only in the amounts and with the frequency constituting the minimum necessary to accomplish reasonable vegetation management objectives. The use of such chemicals shall be conducted in such a manner as to minimize the adverse effect upon the Conservation Values of the Protected Property and to

avoid any impairment of the natural ecosystem. Without limiting the foregoing requirements, all vegetation management activities must be carried out in compliance with federal, state, and local regulations and otherwise in a manner that does not adversely impact the Conservation Values of the Protected Property.

D. Recreation. The undertaking of passive recreational activities on the Protected Property; provided that except for activities conducted on a portion of the Protected Property conveyed pursuant to Section V(A)(4), such activities are conducted in a manner and intensity that does not adversely impact the Conservation Values of the Protected Property. No motorized or mechanized recreational vehicles or activities that could adversely impact the Conservation Values of the Protected Property are allowed.

E. Road Maintenance. The maintenance, renovation, or replacement in the same footprint of existing roads and trails necessary to further or maintain the Conservation Values of the Protected Property and to serve the School Site and Equestrian Site. The design and location of any renovation or replacement shall be subject to the prior written approval of Grantee, and maintenance of the roads and trails may not adversely impact the Conservation Values of the Protected Property. Grantee acknowledges that the replacement roadway may be paved.

F. Commercial Activities. Engaging in not-for-profit activities designed to build character in boys and girls under 18 years of age, in such fashion that the general public good shall be served. The activities include, by way of example, pre-school training, instruction in horseback riding and care of horses, stable (and horse care) facilities, dance studios and dance instruction, facilities for instruction in crafts, general recreational and meeting facilities, and other activities necessary or appropriate thereto.

G. Fences. The construction and maintenance of fences within or around the School Site and/or Equestrian Site; provided that the design and location shall not interfere with the Conservation Values of the Protected Property. Grantee acknowledges that the primary purpose of fences will be to ensure the safety of persons and animals on the Protected Property.

H. Maintenance of Existing Ditching. The maintenance of existing ditching, if any, to protect existing or permitted roads, trails and structures.

I. Composting and Storage of Wastes. The composting and use of organic and vegetative waste resulting from uses and activities on the Protected Property, consistent with the Purpose of this Easement, and the storage of other wastes generated by uses and activities on the Protected Property consistent with the Purpose of this Easement; provided that such other wastes are stored temporarily in appropriate containment for removal at reasonable intervals and in compliance with applicable federal, state, and local laws.

J. Signs. The placement of signs on the Protected Property to identify the educational and equestrian uses on the Protected Property or to acknowledge Grantee and the placement of this

Easement on the Protected Property; provided that such signs are sized and located to preserve undisturbed the Conservation Values of the Protected Property.

K. Protection of Public Health or Safety. The undertaking of other activities necessary to protect public health or safety on the Protected Property, or that are actively required by and subject to compulsion of any governmental agency with authority to require such activity; provided that any such activity shall be conducted so that interference with the Conservation Values of the Protected Property is avoided, or, if avoidance is not possible, minimized to the extent possible.

L. Creation of Mortgage Liens. The creation of consensual liens, whether by mortgage, deed of trust, or otherwise, for the purpose of securing repayment of indebtedness of the Grantor is allowed, so long as such liens shall remain subordinate to this Easement.

VI. USES AND ACTIVITIES INCONSISTENT WITH THE PURPOSE OF THE EASEMENT

Any use of, or activity on, the Protected Property inconsistent with the Purpose of this Easement is prohibited, and Grantor acknowledges and agrees that it will not conduct, engage in or permit any such use or activity. Without limiting the generality of this subsection, the following uses of, or activities on, the Protected Property, though not an exhaustive list, are inconsistent with the Purpose of this Easement and shall be prohibited; except as expressly provided for in Section V:

A. Subdivision. The legal or "de facto" division, subdivision, or partitioning of the Protected Property.

B. Industrial Uses. Use of the Property for any industrial purpose.

C. Commercial Uses. Use of the Property for any commercial purpose other than engaging in not-for-profit activities designed to build character in boys and girls under 18 years of age, in such fashion that the general public good shall be served. The activities include, by way of example, pre-school training, instruction in horseback riding and care of horses, stable (and horse care) facilities, facilities for instruction in crafts, general recreational and meeting facilities, and other activities necessary or appropriate thereto.

D. Residential Uses. For any residential purpose other than the continued use of the caretaker's residence on the School Site as a residence.

E. Utilities. Other than, and only to the extent, required to serve the uses of the Protected Property including without limitation to serve the current and future Improvements allowed on the Protected Property under this Easement, the above ground installation of new utility

systems or extensions of existing utility systems, including, without limitation, water, sewer, power, fuel, and communication lines and related facilities. [CELL TOWERS?]

F. Construction. Except as provided in Part V, the placement or construction of any buildings, structures, or other improvements of any kind (including, without limitation, pipelines, wells, septic systems, drain fields, fences, roads, and parking areas).

G. Alteration of Land. The alteration of the surface of the land, including, without limitation, the excavation, fill or removal of soil, sand, gravel, rock, peat, or sod; except as provided in Part V or as deemed necessary by Grantee to preserve or protect the Conservation Values of the Protected Property.

H. Alteration of Water Courses. The draining, filling, dredging, ditching, or diking of wetland areas, the alteration or manipulation of ponds and water courses, or the creation of new wetlands, water impoundments, or water courses; except as deemed necessary by Grantee to preserve, protect or enhance the Conservation Values of the Protected Property.

I. Erosion or Water Pollution. Any use or activity that causes or is likely to cause significant soil degradation or erosion or significant pollution of any surface or subsurface waters.

J. Waste Disposal. The disposal or storage of rubbish, garbage, debris, vehicles, abandoned equipment, parts thereof, or other unsightly, offensive, or hazardous waste or material on the Protected Property.

K. Signs. The placement of commercial signs, billboards, or other advertising material on the Protected Property other than as provided in Section V(J).

L. Mining. The exploration for, or development and extraction of, minerals and hydrocarbons on or below the surface of the Protected Property.

M. Wildlife Disruption. The disruption of wildlife breeding, foraging and nesting activities.

N. Vegetation Management. Other than as permitted under Section V, the clearing of brush or the pruning, trimming, replacement or removal of trees or other vegetation, or the use of herbicides, pesticides or other chemicals.

O. Off-Road Vehicles and Excessive Noise. The operation of motorcycles, dune buggies, snow mobiles, or any other type of off-road motorized vehicles or the operation of other sources of excessive noise pollution.

VII. AFFIRMATIVE OBLIGATIONS AND COMMITMENTS

A. **Invasive Non-Native Species.** Grantor and Grantee commit to work together over the coming years to explore and implement reasonable methods of controlling or eradicating invasive non-native species on the Protected Property.

B. **Native Species.** Grantor and Grantee commit to work together over the coming years to encourage the establishment of appropriate native species on the Protected Property.

VIII. NOTICE AND APPROVAL

A. **Notice.**

1. **Grantor.** Several provisions of this Easement require Grantor to notify Grantee and to receive Grantee's written approval prior to undertaking certain permitted uses and activities within the Protected Property. The purpose of requiring Grantor to notify Grantee prior to undertaking these permitted uses and activities is to afford Grantee an adequate opportunity to ensure that the use or activity in question is designed and carried out in a manner consistent with the Purpose of this Easement. Whenever such notice is required, Grantor shall notify Grantee in writing not less than thirty (30) days prior to the date Grantor intends to undertake the use or activity in question. The notice shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed use or activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the terms of this Easement and the Purpose thereof.

2. **Grantee.** Several provisions of this Easement require Grantee to give notice to Grantor prior to undertaking certain activities within the Protected Property. Whenever such notice is required, Grantee shall notify Grantor in writing not less than thirty (30) days prior to the date Grantee intends to undertake the use or activity in question, unless otherwise provided for by this Easement.

B. **Approval.** Where approval by one of the parties is required under this Easement, such approval shall be granted or denied in writing within ten (10) days of receipt of a written request for approval, and such approval shall not be unreasonably withheld.

1. **Grantor.** If Grantor must undertake emergency action to protect health or safety on the Protected Property or must act by and subject to compulsion of any governmental agency, Grantor may proceed with such action without Grantee's approval only if Grantor notifies Grantee prior to taking such action and Grantee cannot provide its approval, with or without conditions, within such time as is reasonable under the circumstances.

2. **Failure to Approve Within the Required Time.** When approval is required under this Easement, and when such approval is not granted or denied within the time

period and manner set forth in this subsection, approval of the permitted use or activity in question may be presumed.

C. Optional Consultation. If Grantor is unsure whether a proposed use or activity is prohibited by this Easement, Grantor may consult Grantee by providing Grantee a written notice describing the nature, scope, design, location, timetable, and any other material aspect of the proposed use or activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the Purpose of this Easement and to provide comments thereon to Grantor. This subsection does not itself impose a requirement of prior approval of the activity described in any such notice; however, if Grantor does not provide written objections within twenty (20) after receipt of Grantor's notice, Grantee shall be deemed to have approved of the proposed use or activity.

D. Addresses. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class certified mail, postage prepaid, or by facsimile (if available) with original dispatched by certified mail, addressed as follows, or to such other address as either party from time to time shall designate by written notice to the other:

To Grantor: Pioneer Park Youth Club

Attn: _____

To Grantee: Forterra NW
901 5th Avenue, Suite 2200
Seattle, WA 98164
Attn: Lands Manager

or to such other address as either party designates by written notice to the other.

IX. ALTERNATIVE DISPUTE RESOLUTION

If a dispute arises between the parties concerning the consistency of any present or proposed use or activity with the Purpose of this Easement or otherwise with respect to the rights and obligations of either party under this Easement, the parties shall meet together as needed to discuss the dispute and attempt resolution, but no later than ten (10) days after receipt of a written request for a meeting. If the dispute is not resolved through preventive discussions, either party, by request made to the other, may thereafter refer the dispute to mediation and failing a successful resolution during mediation, to binding arbitration. Mediation or arbitration shall be conducted in Seattle, Washington under the rules then in effect of the Judicial Arbitration Mediation Services (J.A.M.S), and judgment upon any arbitration award may be entered in the courts of the State of

Washington and also in any other court having jurisdiction. Any arbitration shall be conducted before a single arbitrator.

X. JUDICIAL RESOLUTION

A. Notice of Violation, Corrective Action. If Grantee determines that Grantor is in violation of the terms of this Easement or that a violation is threatened, Grantee shall give written notice to Grantor of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Protected Property resulting from any use or activity inconsistent with the Purpose of this Easement, to restore the portion of the Protected Property so injured to its prior condition in accordance with a plan approved by Grantee.

B. Grantor's Failure to Respond. Grantee may bring an action as provided in subsection C if Grantor:

1. Fails to cure the violation within thirty (30) days after receipt of a notice of violation from Grantee; or
2. Under circumstances where the violation cannot reasonably be cured within a thirty (30) day period, fails to begin curing the violation within the thirty (30) day period and fails to continue diligently to cure such violation until finally cured.

C. Grantee's Action.

1. **Injunctive Relief.** Grantee may bring an action at law or in equity in a court having jurisdiction to enforce the terms of this Easement:
 - a. To enjoin the violation, ex parte as necessary, by temporary or permanent injunction; and
 - b. To require the restoration of the Protected Property to the condition that existed prior to any such injury.
2. **Damages.** Grantee shall be entitled to recover damages for violation of the terms of this Easement or injury to any Conservation Values protected by this Easement, including, without limitation, damages for the loss of scenic, aesthetic, or environmental values. Without limiting Grantor's liability in any way, Grantee shall, after first reimbursing itself for the costs incurred in seeking the recovery of damages, apply any additional damages recovered to the necessary cost of undertaking corrective or restoration action on the Protected Property. Any remaining amounts may be retained by Grantee and used for the future enforcement of this Easement.

D. Emergency Enforcement. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values of the Protected Property, Grantee may pursue its remedies under this section without prior notice to Grantor or without waiting for the period provided for cure to expire.

E. Scope of Relief. Grantee's rights under this Section X apply equally in the event of either actual or threatened violations of the terms of this Easement. Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this Section, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of providing either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this Section shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

F. Costs of Enforcement. In the event Grantee must enforce the terms of this Easement, the costs of restoration necessitated by acts or omissions of Grantor, its agents, employees, contractors, family members, invitees or licensees in violation of the terms of this Easement and Grantee's reasonable enforcement expenses, including attorneys' and consultants' fees, shall be borne by Grantor. Costs of any mediator, and the reasonable costs and expenses of Grantee to participate in any mediation as well as any costs and expenses incurred by Grantor with respect to the mediation, shall be paid by Grantor. In the event of arbitration or judicial resolution without there being a prevailing party, Grantor shall pay its own costs and expenses and the fees of the arbitrator, and shall reimburse Grantee a reasonable sum for the costs and expenses it has incurred incident thereto. In the event of arbitration or judicial resolution in which there is a prevailing party, the prevailing party shall be entitled, in addition to such other relief as may be granted, to a reasonable sum for all its costs and expenses related to such arbitration or judicial proceeding, including, without limitation, the fees and expenses of the arbitrator and attorney's fees, which shall be determined by the arbitrator, if applicable, or any court having jurisdiction that may be called upon to enforce or review the award. In the event that Grantee otherwise secures redress for an Easement violation without initiating or completing an arbitration or judicial proceeding, the costs of such restoration and Grantee's reasonable expenses shall be borne by Grantor.

G. Discretion in Enforcement. Enforcement of the terms of this Easement shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any terms of this Easement by Grantor, its agents, employees, contractors, family members, invitees or licensees shall not be deemed or construed to be a waiver by Grantee of such term of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

H. Waiver of Certain Defenses. Grantor acknowledges that Grantee and its successors and assigns have limited resources for monitoring compliance with the terms of this

Easement. In recognition of this fact, and in full knowledge of the provisions of this Easement, Grantor hereby waives any claim or defense it may have against Grantee or its successors or assigns under or pertaining to this Easement based upon waiver, laches, estoppel, or prescription. Except for the foregoing, Grantor specifically retains any and all rights it has under the law as owner of the Property, including but limited to the right to make claims against Grantee for any breach by Grantee of the terms of this Easement.

I. Acts Beyond Grantor's Control. Neither Grantor nor Grantee shall be in default or violation as to any obligation created hereby and no condition precedent or subsequent shall be deemed to fail to occur if such party is prevented from fulfilling such obligation by, or such condition fails to occur due to:

1. Actions by a trespasser upon the Protected Property;
2. Forces beyond such party's reasonable control, including without limitation, destruction or impairment of facilities resulting from breakdown not resulting from lack of ordinary care and maintenance, flood, earthquake, slide, storm, lightning, fire, epidemic, war, riot, civil disturbance, sabotage, proceeding by court or public authority, or act or failure to act by court, public authority or third party, which forces by exercise of due diligence and foresight such party could not reasonably have expected to avoid; or
3. Any action deemed reasonable by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Protected Property resulting from such causes.

In the event the terms of this Easement are violated by acts of trespassers that Grantor could not reasonably have anticipated or prevented, Grantor agrees, at Grantee's option, to join in any suit, to assign its right of action to Grantee, or to appoint Grantee its attorney in fact, for the purpose of pursuing enforcement action against the responsible parties.

J. Compliance Certificates. Upon request by Grantor, Grantee shall within thirty (30) days after request, execute and deliver to Grantor, or to any party designated by Grantor, any document, including a compliance certificate, that certifies, to the best of Grantee's knowledge, the status of Grantor's compliance with any obligation of Grantor contained in this Easement and otherwise evidences the status of this Easement. Such certification shall be limited to the condition of the Property as of Grantee's most recent inspection. If Grantor requests more current documentation, Grantee shall conduct an inspection, at Grantor's expense, and provide the compliance certificate to Grantor within thirty (30) days of receipt of Grantor's written request and payment therefore.

XI. ACCESS BY PUBLIC

Access by the general public to the Protected Property may be prohibited or limited by Grantor as it may determine to be necessary for public safety purposes. Public access may not unreasonably interfere with the Conservation Values of the Protected Property or Grantor's quiet enjoyment of the Protected Property. Grantor has the right to make reasonable rules and regulations for public use.

XII. COSTS, LIABILITIES AND INSURANCE, TAXES, ENVIRONMENTAL COMPLIANCE, AND INDEMNIFICATION

A. Costs, Legal Requirements, Liabilities and Insurance. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Protected Property, including the maintenance of adequate liability insurance coverage. Such insurance shall include Grantee's interest, name Grantee as an additional insured, and provide for at least thirty (30) days notice to Grantee before cancellation and that the act or omission of one insured will not invalidate the policy as to the other insured party. Grantor and Grantee release and relieve the other, and waive their entire right to recovery for loss or damage to the extent that the loss or damage is covered by the injured party's insurance. This waiver applies whether or not the loss is due to the negligent acts or omissions of Grantor or Grantee. Grantor remains solely responsible for obtaining any applicable governmental permits and approval for any construction or other activity or use permitted by this Easement, and all such construction or other activity or use shall be undertaken in accordance with all applicable federal, state, and local laws, regulations, and requirements. Grantor shall keep the Protected Property free of any liens arising out of any work performed for, material furnished to, or obligations incurred by Grantor; provided that the Protected Property shall be deemed to be free of such liens if Grantor or Grantee, as the case may be, is diligently challenging the application of such liens to the Protected Property.

B. Restoration in the Event of Casualty Loss. If circumstances arise under which the Protected Property incurs a casualty loss (as defined by Section 165(c)(3) of the Internal Revenue Code of 1986, as amended), all casualty loss proceeds, whether from insurance, tax benefits, or some other source, resulting from such loss and attributable to destruction of the Conservation Values of the Protected Property shall be applied to restore those Conservation Values of the Protected Property to their condition immediately preceding the casualty. If, in the reasonable judgment of Grantee, the Protected Property's post-casualty value and economic utility are diminished to an extent that renders such use of the proceeds towards restoration futile or economically impractical, Grantee shall have the option to terminate or extinguish the Easement in accordance with Section XIII. Exercise by Grantee of this option shall not be determined to be a relinquishment of any claim to the casualty loss proceeds that would have gone towards restoration of the Protected Property if Grantee had not exercised such option.

C. Taxes. Grantor shall pay before delinquency all taxes, assessments, fees, charges of whatever description levied on or assessed against the Protected Property by competent authority (collectively "taxes"), including any taxes imposed upon, or incurred as a result of, this Easement, and shall furnish Grantee with satisfactory evidence of payment upon request. If Grantor fails to pay any taxes when due, Grantee is authorized, but in no event obligated, to make or advance such payment of taxes upon three (3) days prior written notice to Grantor, in accordance with any bill, statement, or estimate procured from the appropriate authority, without inquiry into the validity of the taxes or the accuracy of the bill, statement, or estimate, and the obligation created by such payment shall bear interest until paid by Grantor at the maximum rate allowed by law.

D. Mutual Representations and Warranties. Each party represents and warrants to the other party that as of the date of this Easement and upon the Effective Date:

1. It is and will be a Washington nonprofit corporation duly organized, validly existing and in good standing in the state of Washington;
2. It has and will have all requisite power and authority to execute and deliver this Easement and to carry out its obligation under this Easement and the transactions contemplated by this Easement;
3. This Easement has been, and the documents contemplated by this Easement will be, duly executed and delivered by it and constitute its legal, valid and binding obligation enforceable against it in accordance with its terms; and
4. The consummation of the transactions contemplated by this Agreement is not in violation of or in conflict with nor does it constitute a default under any term or provision of any document governing its existence under Washington law, or any of the terms of any agreement or instrument to which it is or may be bound, or of any provision of any applicable law, ordinance, rule or regulation of any governmental authority or of any provision of any applicable order, judgment or decree of any court, arbitrator or governmental authority.

E. Grantor Representations and Warranties. Grantor represents and warrants that, after reasonable investigation and to the best of Grantor's knowledge:

1. There are no apparent or latent defects in or on the Protected Property;
2. Grantor and the Protected Property are in compliance with all federal, state, and local laws, regulations, and requirements applicable to the Protected Property and its use;
3. There has been no release, dumping, burying, abandonment or migration from off-site on the Protected Property of any substances, materials, or wastes that are or

are designated as, hazardous, toxic, dangerous, or harmful or contain components that are, or are designated as, hazardous, toxic, dangerous, or harmful and/or that are subject to regulation as hazardous, toxic, dangerous, or harmful by any federal, state or local law, regulation, statute, or ordinance;

4. Neither Grantor nor Grantor's predecessors in interest have disposed of any hazardous substances off-site, nor have they disposed of substances at sites designated or proposed to be designated as federal Superfund (42 U.S.C. § 9601 et seq.) or state Model Toxics Control Act (RCW 70.105D.010 et seq.) ("MTCA") sites; and

5. There is no pending or threatened litigation affecting the Protected Property or any portion of the Protected Property that will materially impair the Conservation Values of any portion of the Protected Property. No civil or criminal proceedings have been instigated or are pending against Grantor or its predecessors by government agencies or third parties arising out of alleged violations of environmental laws, and neither Grantor nor its predecessors in interest have received any notices of violation, penalties, claims, demand letters, or other notifications relating to a breach of environmental laws.

F. Remediation. If, at any time, there occurs, or has occurred, a release in, on, or about the Protected Property of any substance now or hereafter defined, listed, or otherwise classified pursuant to any federal, state, or local law, regulation, or requirement as hazardous, toxic or dangerous to the air, water or soil, or in any way harmful or threatening to human health or environment, Grantor agrees to take all steps necessary to assure its containment and remediation.

G. Control. Nothing in this Easement shall be construed as giving rise, in the absence of a judicial decree, to any right or ability in Grantee to exercise physical or managerial control over the day-to-day operations of the Protected Property, or any of Grantor's activities on the Protected Property, or otherwise to become an operator with respect to the Protected Property within the meaning of the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended ("CERCLA"), and MTCA.

H. Grantor's Indemnification. Grantor hereby agrees to release and hold harmless, indemnify, and defend Grantee and its members, directors, officers, employees, agents, and contractors and the personal representatives, heirs, successors, and assigns of each of them (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' and consultants' fees, arising from or in any way connected with:

1. Injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Protected Property that is not a consequence of any activity of any of the Indemnified Parties undertaken under the rights granted to Grantee under this Easement;

2. Violations or alleged violations of, or other failure to comply with, any federal, state or local environmental law or regulation relating to pollutants or hazardous, toxic or dangerous substances or materials, including, without limitation, CERCLA and MTCA, by any person other than any of the Indemnified Parties, in any way affecting, involving, or relating to the Protected Property, unless such violations or alleged violations are due to the acts or omissions of any of the Indemnified Parties on the Protected Property;

3. The presence or release in, on, from, or about the Protected Property, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any federal, state, or local law, regulation, or requirement of hazardous, toxic or dangerous to the air, water, or soil, or in any way harmful or threatening to human health or the environment, unless caused solely by any of the Indemnified Parties; or

4. The obligations, covenants, representations and warranties specified in subsections A, B, C, D, E and F of this section.

XIII. EXTINGUISHMENT, CONDEMNATION AND SUBSEQUENT TRANSFER

A. Extinguishment. This Easement constitutes a real property interest immediately vested in Grantee. If circumstances arise in the future that render the Purpose of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court having jurisdiction. The amount of the proceeds to which Grantee shall be entitled, after the satisfaction of prior claims, from any sale, exchange, or involuntary conversion of all or any portion of the Protected Property subsequent to such termination or extinguishment, shall be determined, unless otherwise provided by Washington law at the time, with reference to the greater of the value of the Easement on the Effective Date or the value of the Easement at the time it is to be extinguished, with those values determined by an MAI appraiser selected by the Grantee.

B. Condemnation. If the Easement is taken, in the whole or in the part, by the exercise of the power of eminent domain, Grantee shall be entitled to compensation in accordance with applicable law.

C. Application of Proceeds. Grantee shall use any proceeds received under the circumstances described in this Article XIII in a manner consistent with its conservation purposes, which are exemplified by the grant.

D. Subsequent Transfers. Grantor agrees to:

1. Incorporate the terms of this Easement by reference in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Protected Property;

2. Describe this Easement in and append it to any executory contract for the transfer of any interest in the Protected Property; and

3. Give written notice to Grantee of the transfer of any interest in all or a portion of the Protected Property no later than forty-five (45) days prior to the date of such transfer. Such notice to Grantee shall include the name, address, and telephone number of the prospective transferee or the prospective transferee's representative.

For these purposes, an interest in the Protected Property includes, without limitation, a leasehold interest. The failure of Grantor to perform any act required by this subsection shall not impair the validity of this Easement or limit its enforceability in any way.

XIV. AMENDMENT

If circumstances arise under which an amendment to or modification of this Easement would be appropriate, Grantor and Grantee are free to jointly amend this Easement; provided that no amendment shall be allowed that will affect the qualification of this Easement or the status of Grantee under any applicable laws, including RCW 64.04.130, Chapter 84.34 RCW, or Section 170(h) of the Internal Revenue Code of 1986, as amended (or any successor provision(s) then applicable). Any such amendment shall be consistent with the Purpose of this Easement, shall not affect its perpetual duration, and shall be recorded in the official records of King County, Washington, and any other jurisdiction in which such recording is required.

XV. ASSIGNMENT AND SUCCESSION

A. Assignment. This Easement is transferable, but Grantee may assign its rights and obligations under this Easement only to an organization that is a qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code of 1986, as amended (or any successor provision then applicable), and the applicable regulations promulgated thereunder, and authorized to acquire and hold conservation easements under RCW 64.04.130 or RCW 84.34.250 (or any successor provision(s) then applicable). As a condition of such transfer, Grantee shall require that the transferee exercise its rights under the assignment consistent with the Purpose of this Easement. Grantee shall notify Grantor in writing, at Grantor's last known address, in advance of such assignment. The failure of Grantee to give such notice shall not affect the validity of such assignment nor shall it impair the validity of this Easement or limit its enforceability in any way.

B. Succession. If at any time it becomes impossible for Grantee to ensure compliance with the covenants, terms, conditions and restrictions contained in this Easement and Grantee has not named a successor organization, or Grantee ceases to exist or to be a qualified organization under Section 170(h) of the Internal Revenue Code of 1986, as amended (or any successor provision then applicable) or to be authorized to acquire and hold conservation easements under RCW 64.04.130 and 84.34.250 (or any successor provision(s) then applicable), then Grantee's

rights and obligations under this Easement shall become vested and fall upon one of the following named entities to the extent that they shall accept this Easement, in the following order:

1. City of Mercer Island
2. _____
3. Such other entity, with purposes similar to Grantee's, constituting a "qualified organization" within the meaning of the Internal Revenue Code of 1986, as amended (or any successor provision(s) then applicable);

provided that if such vesting in any of the entities named above is deemed to be void under the Rule Against Perpetuities, the rights and obligations under this Easement shall vest in such organization as a court having jurisdiction shall direct, pursuant to the applicable Washington law and the Internal Revenue Code and with due regard to the Purpose of this Easement.

XVI. RECORDATION

Grantee shall record this instrument in a timely fashion in the official records of King County, Washington, and in any other appropriate jurisdictions, and may re-record it at any time as may be required to preserve its rights in this Easement. Recording fees shall be paid by Grantor.

XVII. GENERAL PROVISIONS

A. Controlling Law. The interpretation and performance of this Easement shall be governed by the laws of the State of Washington.

B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the Purpose of this Easement and the policy and purpose of RCW 64.04.130 and Chapter 84.34 RCW. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the Purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability. If any provision of this Easement, or its application to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected.

D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Protected Property and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Protected Property, all of which are merged into this

Easement. No alteration or variation of this instrument shall be valid or binding unless contained in an amendment that complies with Section XIV.

E. No Forfeiture. Nothing contained in this Easement will result in a forfeiture or reversion of Grantor's title in any respect.

F. "Grantor" - "Grantee". The terms "Grantor" and "Grantee," wherever used in this Easement, and any pronouns used in their place, shall be held to mean and include, respectively the above-named Grantor, and its personal representatives, heirs, successors, and assigns, and the above-named Grantee, its personal representatives, successors and assigns.

G. Successors and Assigns. The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties to this Easement and their respective personal representatives, heirs, successors, and assigns, and shall continue as a servitude running in perpetuity with the Protected Property.

H. Termination of Rights and Obligations. A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Protected Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

I. Counterparts. The parties may execute this instrument in two or more counterparts, which shall be signed by both parties. Each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

J. Effective Date. The effective date of this Easement is the date of recording in the records of King County, Washington (the "Effective Date").

XVIII. SCHEDULE OF EXHIBITS

- A. Legal Description of Property Subject to Easement.
- B. Site Map(s).

TO HAVE AND TO HOLD unto Grantee, its successors, and assigns forever.

IN WITNESS WHEREOF, the undersigned Grantor has executed this instrument this ____ day of _____, 2017.

PIONEER PARK YOUTH CLUB

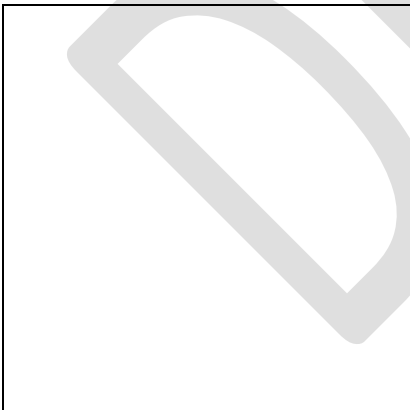
By: _____

Its: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the _____ of PIONEER PARK YOUTH CLUB, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____, 2017



Signature of Notary

Print Name of Notary

Notary Public in and for the State of Washington
residing at _____
My commission expires _____

(Use this space for notarial stamp/seal)

Forterra NW does hereby accept the above Grant Deed of Conservation Easement.

Dated: _____, 2017

FORTERRA NW

By: _____

Its: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the _____ of Forterra to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____, 2017



Signature of Notary

Print Name of Notary

Notary Public in and for the State of Washington
residing at _____
My commission expires _____

(Use this space for notarial stamp/seal)

EXHIBIT A

Legal Description and Title Exceptions

DRAFT

EXHIBIT B

Site Map(s)

DRAFT

**[EXHIBIT C
Stewardship Plan]**

DRAFT

C-1

CITY OF MERCER ISLAND
NOTICE OF PUBLIC HEARING – PUBLIC BENEFIT RATING SYSTEM APPLICATION

Notice is hereby given that the Mercer Island City Council will hold a public hearing at the May 15, 2017 City Council Meeting to review an application from the Pioneer Park Youth Club to reduce its property tax rate through King County's Public Benefit Rating System (PBRs). Under this system, the applicant is proposing to change the land use classification upon which its property taxes would be assessed by recording a conservation easement. The meeting will be held in the Council Chambers at 9611 SE 36th Street, Mercer Island, WA. Any interested person(s) may appear and provide input. The meeting will begin at 7:00 pm and the public hearing will be part of a larger agenda of regular business.

Information about the PBRs program is available at:
<http://www.kingcounty.gov/services/environment/stewardship/sustainable-building/resource-protection-incentives.aspx>

Evan Maxim
Development Services Group Planning Manager
City of Mercer Island

Pioneer Park Youth Club
PO Box 422
Mercer Island, WA 98040

December 19, 2016

King County WLRD
PBRs Program
201 South Jackson Street, Suite 600
Seattle, WA 98104

Dear King County WLRD:

Enclosed is the signed PBRs application for Parcel # 302405-9054 (plus 4 copies). As you will note we are enclosing all documentation to start the PBRs application process for 2018 tax year. In addition to this documentation we are currently working with the users of this property to collect and share with you "Letters of Support by Users."

In addition to this application we are also working the Forterra to assign a conservation easement to this property. We will provide those details as the documentation is finalized. If you require a draft of the conservation easement, please contact me and I will provide it.

Beyond this, we are excited to work with King County to help protect this valuable piece of property that is used by the community members from Seattle, Bellevue, Woodinville, Kirkland, Mercer Island, Issaquah and other cities within the King County Area.

Thank you for your consideration, please contact me with any questions.

David Dumler



Board Member PPYC

206 948 7788

dhdumler@gmail.com

Edith Wolff

2211 34th Avenue, S.

Seattle, WA 98144

King County

WLRD

PBRs Program

201 South Jackson Street, Suite 600

Seattle, WA 98104-3855

24 February 2017

RE: PBRs Application For Tax Parcel 302405-9054 (6835 SE 68th Street, Mercer Island)

Dear King County:

I am writing to show my support for the PBRs application being filed for the property at 6835 SE 68th Street. As you already know, for more than 40 years the King County community has benefited from the Pioneer Park Youth Club retaining and maintaining this property for public use.

As a resident of King County, City of Seattle, I, along with many others, use this unique property every single day. My daughter is involved with the barn, and rides every day, takes lessons, and works to keep the property beautiful and clean. Also, I use the adjoining parks to walk my dog and enjoy outdoor time while my daughter is busy at the barn. I never really used to come to Mercer Island at all before she became so involved with the riding program. Now, I am there every day. I am able to interact with the horse community along with all the many other members of the public who visit the property to ride and also just enjoy the horses..(Also, incidentally, I now know the island well and patronize many businesses there!). I see many families who bring their children to pet and feed the horses, and also people who are enquiring about riding lessons. The unique setting this property provides, along with access to the nearby Pioneer Park makes it an amazingly wonderful and unique resource for the King County public. I never thought I would find such a resource so close to my home in Seattle. I feel so lucky, and know that this has really made a huge difference in my daughter's life. She has learned about hard work, self-reliance, and working as a part of a community to keep something wonderful going. I can honestly say that this property and the riding co-op have changed her life and mine for the better! Our lives would be far the poorer without it.

I hope as part of your PBRs application process you take into consideration how important a resource this property is to the community on Mercer Island, Seattle and elsewhere in King County. It has provided us (and many others, over several generations, as I understand it) a truly unique resource for recreation, learning and enrichment. I can't begin to tell you what a difference it has made in my family's life! In fact, I would say that my family's life really revolves around that beautiful and meaningful piece of property, the horses, the community

there, and the beautiful surrounding parkland. I would really hate to see anything threaten its existence. There is really nothing else like it.

Many thanks for your time and consideration of this application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Edith G.C. Wolff', with a long horizontal flourish extending to the right.

Edith G.C. Wolff

PS I am adding my phone number and email here in case anyone would like further input from me. Also, if there is any kind of hearing or any opportunity to provide input in person, I would really like to know about that and participate. Thank you:

206-669-9490

edithwolff1@gmail.com

King County

WLRD

PBRs Program

201 South Jackson Street, Suite 600

Seattle, WA 98104-3855

RE: PBRs Application For Tax Parcel 302405-9054 (6835 SE 68th Street, Mercer Island)

Dear King County:

I am writing to show my support of your consideration of the PBRs application being filed for the property at 6835 SE 68th Street. As you already know, for more than 40 years the King County community has benefited from the Pioneer Park Youth Club retaining and maintaining this property for public use.

As a resident of King County (city of Kirkland), I along with many others use this unique property daily (add your frequency here ie: almost daily, weekly, monthly etc). By riding (add your situation here and list all types of uses ie: hiking on the trails nearby, trailering in for a clinic, taking a riding lesson, coming to a clinic, show, visiting to see the horses, having a horse at the property, etc) I am able to interact with the horse community along with other members of the public who visit the property to see and experience the horses. The unique setting it provides, along with access to the nearby Pioneer Park makes it a rare, incredible and irreplaceable resource for the King County public.

I hope as part of your PBRs application process you take into consideration how important a resource this property is to the community for outdoor experiences with other residents, hobbies, enriching education and entertainment.

Sincerely, Debbie Simpson

I own a horse and have been coming to the Saddle Club for over 30 years. I enjoy helping adults and kids alike with their horses. Its an ideal place to be whether for pleasure riding or more intense training.

Debbie Simpson

MERCER ISLAND
PRESBYTERIAN CHURCH

RE: PBRs Application For Tax Parcel 302405-9054 (6835 SE 68th Street, Mercer Island)

Dear King County:

I am writing to show my support of your consideration of the PBRs application being filed for the property at 6835 SE 68th Street. As you already know, for more than 40 years the King County community has benefited from the Pioneer Park Youth Club retaining and maintaining this property for public use.

As a resident of King County (city of Mercer Island), I along with many others use this unique property. The most significant use from Mercer Island Presbyterian Church children's department is for an evening faith class in the stables. We annually visit in December with our 4th graders and their parents. This memorable experience uses all the senses and the stables, with the horses, host us beautifully as we teach the story of Jesus' birth. The unique setting it provides, along with access to the nearby Pioneer Park makes it a special resource for the King County public.

I hope as part of your PBRs application process you take into consideration how important of a resource this property is to the community for outdoor experiences and enriching education and entertainment.

Thank you for your time and consideration.



Kim Jewett

Director of Ministries to Children & Their Families

Mercer Island Presbyterian Church

3605 84th AVE SE

Mercer Island, WA 98040

King County
WLRD
PBRs Program
201 South Jackson Street, Suite 600
Seattle, WA 98104-3855

RE: PBRs Application For Tax Parcel 302405-9054 (6835 SE 68th Street, Mercer Island)

Dear King County:

I am writing to show my support of your consideration of the PBRs application being filed for the property at 6835 SE 68th Street on Mercer Island. As you already know, for more than 40 years, the King County community has benefited from the Pioneer Park Youth Club retaining and maintaining this property for public use.

I'm a professional horse trainer and riding instructor residing in Seattle, and this property allows me the unique opportunity to offer riding lessons to the public in an accessible and relatively affordable location. As you know, equestrian facilities like Mercer Island Saddle Club are on the brink of extinction in the greater Seattle area, and our club remains one of the only centrally-located stables with the capability of offering schooling shows, educational clinics, sessions for urban scout troupes and school classes, riding lessons for people who don't own their own horses, and basic access to the stables for the public to see and interact with horses. Since joining the club as an in-house trainer in October, I have already been overwhelmed by the demand for public riding lessons close to the city. While I have certainly been contacted by Mercer Island residents, the majority of the clients currently training with me or on my wait list are working professionals living in Seattle and Bellevue who simply don't have the option of commuting out to Snohomish or Pierce County to ride or take their children to riding lessons. In addition to serving working professionals, the members of MISC are currently taking aim to maximize the use of the facility, as we feel that we still have the capacity to grow our charitable involvement and interaction with the community. In 2017, one of our goals is to partner with Big Brothers Big Sisters of Puget Sound or a similar organization to offer at-cost riding lessons for program participants, which simply would not be feasible at a location further from the city. We're also beginning to plan MISC Community Days, which would be focused on encouraging the public to come interact with and learn about horses.

I hope as part of your PBRs application process you'll consider how important a resource this property is, not just to my livelihood and that of the other equine professionals who conduct business at this location, but to the greater urban community, as their access to horses grows limited and unaffordable in this increasingly urban area.

Thank you so much for your time and consideration.

Sincerely,



Stephanie Barnes

King County
WLRD

PBRS Program

201 South Jackson Street, Suite 600
Seattle, WA 98104-3855

RE: PBRS Application For Tax Parcel 302405-9054 (6835 SE 68th Street, Mercer Island)

Dear King County:

I am writing to show my support of your consideration of the PBRS application being filed for the property at 6835 SE 68th Street. As you already know, for more than 40 years the King County community has benefited from the Pioneer Park Youth Club retaining and maintaining this property for public use.

As a resident of King County (city of Seattle), I along with many others use this unique property daily. By having my horse here, I am able to interact with the horse community along with other members of the public who visit the property every day to see and experience the horses. The unique setting it provides, along with access to the nearby Pioneer Park makes it a rare, incredible and **irreplaceable** resource for the King County public.

I hope as part of your PBRS application process you take into consideration how important a resource this property is to the community for outdoor experiences with other residents, hobbies, enriching education and entertainment.

Sincerely,


Kristina Lanier
255 Newell St.
Seattle, WA 98109
lanierkj@yahoo.com
206-851-2648

This property is an absolute gem. Opportunities to interact with horses are getting pushed farther and farther out in this increasingly populated area. It's such a delight seeing the joy and children's - and adult's - faces as they come through the facility. It's a daily occurrence, and we see a mix of Mercer Island & non-Mercer Island residents.

AB 5303

Exhibit 7

Page 64

Scanned by CamScanner

Dear King County:

I am writing to show my support of your consideration of the PBRS application being filed for the property at 6835 SE 68th Street. As you already know, for more than 40 years the King County community has benefited from the Pioneer Park Youth Club retaining and maintaining this property for public use.

As a resident of King County (city of Seattle), I along with many others use this unique property daily (add your frequency here ie: almost daily, weekly, monthly etc). By ~~horseback riding~~ (add your situation here and list all types of uses ie: hiking on the trails nearby, trailering in for a clinic, taking a riding lesson, coming to a clinic, show, visiting to see the horses, having a horse at the property, etc) I am able to interact with the horse community along with other members of the public who visit the property to see and experience the horses. The unique setting it provides, along with access to the nearby Pioneer Park makes it a rare, incredible and irreplaceable resource for the King County public.

I hope as part of your PBRS application process you take into consideration how important a resource this property is to the community for outdoor experiences with other residents, hobbies, enriching education and entertainment.

Sincerely,
Jennifer Mullally

King County
WLRD
PBRs Program
201 South Jackson Street, Suite 600
Seattle, WA 98104-3855

RE: PBRs Application For Tax Parcel 302405-9054 (6835 SE 68th Street, Mercer Island)

Dear King County:

I am writing to show my support of your consideration of the PBRs application being filed for the property at 6835 SE 68th Street. As you already know, for more than 40 years the King County community has benefited from the Pioneer Park Youth Club retaining and maintaining this property for public use.

As a resident of King County (city of Seattle), I along with many others use this unique property 5 or 6 days a week. By visiting and caring for the horses on the property, riding, spending time with the youth members at the club, and enjoying the trails nearby in Pioneer Park I am able to interact with the horse community along with other members of the public who visit the property to see and experience the horses. The unique setting it provides, along with access to the nearby Pioneer Park makes it a rare, incredible and irreplaceable resource for the King County public.

Additionally I very much enjoy seeing residents of Mercer Island and beyond who come often to the stable especially with small children to do something a little out of the ordinary - visit with the horses and enjoy the exposure to these beautiful animals and the wonderful experience that is horsemanship. It is something I wish more people and children particularly had easier access to. In this regard the Saddle Club at the property is truly unique and something that I wish I saw more of.

As a lifelong horsewoman I am grateful for the positive impact the sport has had on my life (to say the least) and I am very happy to be an example for other young members at our club and people who visit. "The barn" is an unparalleled wonderful and safe place for the kids to spend their time. As a relative new comer to King County (relocated from New Jersey in summer 2015) I am so glad to have happened upon this gem and I hope to share this treasure with as many people as I can for years to come. The thought of losing this resource to the effects of urban sprawl is truly distressing to me.

I hope as part of your PBRs application process you take into consideration how important a resource this property is to the community for outdoor experiences with other residents, hobbies, enriching education and entertainment.

Sincerely,
Faith A. Kalucki
2351 Franklin Avenue E
#102
Seattle, WA 98102
kaluckif@uw.edu
Mobile: 585 797 5657



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

**AB 5299
May 15, 2017
Public Hearing**

**PUBLIC HEARING FOR INTERIM ZONING
ORDINANCE ALLOWING LIGHT RAIL
FACILITIES AS A PERMITTED USE WITHIN THE
I-90 CENTER ROADWAY PORTION OF THE
PUBLIC INSTITUTION ZONE**

Proposed Council Action:

Conduct public hearing for interim zoning ordinance allowing light rail facilities as a permitted use within the I-90 center roadway portion of the public institution zone.

DEPARTMENT OF

City Attorney (Kari Sand)

COUNCIL LIAISON

n/a

EXHIBITS

1. Ordinance No. 17C-10

2017-2018 CITY COUNCIL GOAL

1. I-90 Access and Mobility/Prepare for Light Rail

APPROVED BY CITY MANAGER

Kristin Taylor

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

BACKGROUND

On February 13, 2017, the Mercer Island City Council ("Council") adopted Ordinance No. 17-05, establishing an immediate, six-month moratorium on the acceptance, processing, and approval of applications for: (1) any development or construction activity of any type, including the installation or removal of any structure or the removal, demolition or modification of any access ramp, that is inconsistent with, or related to a use other than, the existing public highway use of the Mercer Island I-90 Right of Way in any manner; and (2) any other development within that portion of the Public Institution zone referred to as the Mercer Island I-90 Right of Way.

On April 17, 2017, the Council adopted Ordinance No. 17C-10, which amended the I-90 Right of Way portion of the Public Institution zone to allow light rail facilities as a permitted use within the I-90 center roadway as the term center roadway is used in the August 2004 Amendment to the I-90 Memorandum Agreement dated December 1976. All other uses of the Mercer Island I-90 right of way shall be conditional uses, and shall be consistent with the uses outlined in the City-approved I-90 related documents identified in Ordinance No. B-57 § 1(4), adopted on November 23, 1987. By its terms, Ordinance No. 17C-10 terminated the moratorium established by Ordinance No. 17-05.

PURPOSE OF THE PUBLIC HEARING

The purpose of this public hearing is to satisfy the requirement in state law to hold a public hearing within sixty days of adoption of an interim zoning ordinance. RCW 35A.63.220 and RCW 36.70A.390. The public hearing is intended to create a forum for the public and other interested parties to provide testimony to the Council on the advantages or disadvantages of the interim zoning ordinance and the adopted preliminary findings of fact in support of the interim zoning ordinance in Section 4 of Ordinance No. 17C-10. After the public hearing, the Council may adopt additional findings of fact in support of the interim zoning ordinance at a future date after having considered public testimony.

RECOMMENDATION

City Attorney

Conduct Public Hearing for interim zoning ordinance allowing light rail facilities within the Mercer Island I-90 center roadway portion of the Public Institution zone and allowing all other uses of the Mercer Island I-90 right of way as conditional uses.

**CITY OF MERCER ISLAND
ORDINANCE NO. 17C-10**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
RELATING TO LAND USE AND DEVELOPMENT, ADOPTING AN
INTERIM ZONING ORDINANCE TO ALLOW LIGHT RAIL TRANSIT
FACILITIES IN A PORTION OF THE PUBLIC INSTITUTION ZONING
CLASSIFICATION AND DECLARING AN EMERGENCY AND
ESTABLISHING AN IMMEDIATE EFFECTIVE DATE**

WHEREAS, the City has adopted a zoning ordinance that classifies the land within the city into various zones and establishes the use of land, regulates construction, and protects critical and sensitive areas within the City; and

WHEREAS, the general purpose of the City's zoning ordinance is to protect and promote health, safety, and the general welfare through the regulation of development within the City of Mercer Island; and

WHEREAS, specific purposes of the City's zoning ordinance are to provide coordinated development, to avoid traffic congestion, to facilitate adequate provisions for transportation, and other public requirements; and

WHEREAS, the City's zoning ordinance bars the use of any land for any purpose or in any manner other than as listed in the ordinance; and

WHEREAS, the City's zoning ordinance provides a certain zoning classification identified as Public Institution; and

WHEREAS, the portion of the Public Institution zone designated the Mercer Island I-90 Right-of-Way (hereinafter Mercer Island I-90 Right-of-Way) does not allow use of the Mercer Island I-90 Right-of-Way for light rail facilities; and

WHEREAS, not amending the City's zoning ordinance to allow for the use of the Mercer Island I-90 Right-of-Way for light rail facilities will prevent development of light rail facilities contrary to the best interests of the City and the region, and to the Growth Management Act, chapter 36.70A RCW, which requires the City to allow siting of essential public facilities; and

WHEREAS, on February 6, 2017, the City Council adopted an immediate moratorium on the acceptance and processing of permits for development within the Mercer Island I-90 Right-of-Way to review and adopt amendments to the zoning ordinance to regulate and potentially mitigate, as appropriate, the use of such right of way in a manner that may differ from the existing use (Ordinance No. 17-05); and

WHEREAS, on March 16, 2017, the City's Development Services Group Director issued a Development Code Interpretation ruling that the light rail project proposed by Sound Transit is not

a permitted use within the Mercer Island I-90 Right-of-Way and is prohibited by the City's development code; and

WHEREAS, the City Council desires to amend the zoning ordinance to allow light rail facilities within a portion of the Mercer Island I-90 Right-of-Way; and

WHEREAS, the City Council may adopt an interim zoning ordinance for a period of up to six months provided the City Council holds a public hearing on the proposed interim zoning ordinance within sixty days after adoption pursuant to RCW 35A.63.220 and RCW 36.70A.390; and

WHEREAS, consistent with the provisions of RCW 35A.63.220 and RCW 36.70A.390, it is appropriate for the City Council to hold a public hearing and adopt findings of fact supporting and justifying the interim zoning ordinance within at least sixty days of its adoption;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amendment to Section 19.05.010(B). Section 19.05.010(B) of the Mercer Island City Code is hereby amended as follows (new text underlined):

Mercer Island I-90 Right-of-Way Added to Public Institution Zone. The entire area within the Mercer Island I-90 right-of-way, including, but not limited to, the roadway, street overcrossings, lids, open space, recreation areas, linear greenbelts and the park-and-ride lot area as approved by the city on November 14, 1983, and incorporated in the right-of-way plan approved by WSDOT on May 1, 1987, shall be part of the public institution zone. The uses of the Mercer Island I-90 right-of-way shall be limited to the following. Light rail facilities shall be a permitted use within the I-90 center roadway as the term center roadway is used in the August 2004 Amendment to the I-90 Memorandum Agreement dated December 1976. All other uses within of the Mercer Island I-90 right-of-way shall be conditional uses, and shall be consistent with the uses outlined maintained as set forth in the city-approved I-90 related documents identified in Ordinance No. B-57 § 1(4), adopted on November 23, 1987.

Section 2. Term of Interim Zoning Ordinance. This is an emergency ordinance, approved by a super majority of the entire City Council. The code amendment approved by this ordinance shall become effective immediately, on the date hereof, and shall continue in effect for an initial period of six months, unless repealed, extended or modified by the City Council after subsequent public hearing(s) and entry of appropriate findings of fact pursuant to RCW 35A.63.220 and RCW 36.70A.390; provided further, that this interim zoning ordinance shall automatically expire upon the effective date of final land use regulations adopted by the City Council that amend Section 19.05.010(B) of the Mercer Island City Code.

Section 3. Applicability. Building permit no. 1606-138 shall be reviewed under the land use control ordinances and construction codes in effect on the date the complete

application for this building permit was filed, including without limitation the 2012 International Building Code with statewide and City of Mercer Island amendments, except that the amendments to Sections 19.05.010(B) of the Mercer Island City Code set forth in Section 1 of this Ordinance shall apply to this building permit.

Section 4. Preliminary Findings. The following preliminary findings of fact are hereby adopted:

- A. The current City zoning classification applicable to the Mercer Island I-90 Right-of-Way does not account for or otherwise provide for uses beyond the current use.
- B. Any other use of the Mercer Island I-90 Right-of-Way would be non-compliant with the City's zoning ordinance and would result in enforcement action by the City and added cost and expense to any potential user.
- C. Not allowing other use in certain portions of the Mercer Island I-90 Right-of-Way is preventing development of light rail facilities contrary to the best interests of the City and the region, and to the Growth Management Act, chapter 36.70A RCW, which requires the City to allow siting of essential public facilities.
- D. Collecting and compiling information, public testimony and statements of concerned citizens of the City and of other persons interested in or familiar with the issues of amending the City's zoning ordinance is appropriate.

Section 5. Conclusion. Based on the above Findings of Fact, the City Council concludes that the City has the authority to adopt this interim zoning ordinance on an emergency basis. This interim zoning ordinance is necessary in order 1) to allow light rail facilities within a portion of the Mercer Island I-90 Right-of-Way; 2) to provide the City with an opportunity to adopt further findings of fact, as needed, to justify this interim zoning ordinance; and 3) to allow the City Manager, the Development Services Group staff, and outside consultants, as needed, to produce final development regulations for Planning Commission and City Council consideration as soon as reasonably practicable.

Section 6. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, a public hearing shall be scheduled for 7:00 p.m. on May 15, 2017, at Mercer Island City Hall, 9611 SE 36th St., during the City Council's regular meeting, or as soon thereafter as the business of the City Council shall permit, in order to hear and consider the comments and testimony of those wishing to speak at such public hearing regarding the interim zoning regulations imposed by this Ordinance and to consider adopting further findings of fact if needed.

Section 7. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a

majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.13.190) and is exempt from SEPA review (WAC 197-11-880 and MICC 19.07.120(D)). Without an immediate effective date, the City will not be able to continue the timely review and processing of construction plans to develop light rail facilities within a portion of the Mercer Island I-90 Right-of-Way. Therefore, the interim zoning regulation established by this Ordinance must be imposed as an emergency measure to protect the public health, safety, and welfare.

Section 8. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 9. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance or its application to any other person, property or circumstance.

Section 10. Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force and effect immediately upon its adoption, provided it is approved by a majority plus one of the entire membership of the City Council as required by RCW 35A.13.190. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

ADOPTED by the City Council of the City of Mercer Island, Washington, at its regular meeting on the 17th day of April, 2017, and signed in authentication of its passage.

CITY OF MERCER ISLAND



Bruce Bassett, Mayor

ATTEST:



Allison Spietz, City Clerk

Approved as to Form:



Kari Sand, City Attorney

Date of Publication: 4/26/17



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

**AB 5294
May 15, 2017
Public Hearing**

**2018-2023 TRANSPORTATION IMPROVEMENT
PROGRAM PUBLIC HEARING & PREVIEW**

Proposed Council Action:

Review draft TIP and conduct public hearing.

DEPARTMENT OF	Development Services Group (Patrick Yamashita)
COUNCIL LIAISON	n/a
EXHIBITS	<ol style="list-style-type: none"> 1. Financial Information 2. Submissions from 2018-2023 Public Comment Period 3. Detail of Expenditures & Street Fund Balance 4. Map of Proposed 6-Year TIP Roadway & PBF Improvements 5. Project Descriptions 6. Map of Current PBF on the Mercer Ways
2017-2018 CITY COUNCIL GOAL	n/a
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

BACKGROUND

The Six-Year Transportation Improvement Program (TIP) is a planning tool used to identify specific projects that work together to maintain, preserve, and maximize use of the existing roadway and trail systems. The TIP generally balances revenues and expenditures within the Street Fund through programming and phasing construction of projects.

RCW 35.77.010 requires cities to formally adopt a TIP annually and submit it to WSDOT and the Puget Sound Regional Council (PSRC) by July 1. Updates to the TIP often reflect changes in priority, cost, resources, and needs. A public hearing is required by state law and is part of the process during the Council meeting. Once the TIP is approved, projects are budgeted and funded through the City's Capital Improvement Program (CIP) in the biennial budget. Staff also uses the TIP to coordinate future transportation projects with needed utility improvements so that utility work can be budgeted and programmed to occur prior to roadway projects. All arterial street and pedestrian and bicycle facility projects must be included in the TIP to be eligible for state and federal funding.

The draft TIP is an update of the 2017-2022 version adopted by the City Council in 2016. Individual projects/programs are linked together where feasible to create economies of scale for construction.

It includes transportation improvement projects and programs in the following seven categories for 2018-2023:

1. Residential Street Preservation
2. Town Center Street Improvements
3. Arterial Street Improvements
4. Pedestrian and Bicycle Facilities (PBF) – New Facilities
5. Other Transportation Projects
6. Other Transportation Activities & Management
7. Unfunded Projects

On May 15, staff is seeking general feedback on the draft 2018-2023 TIP in addition to conducting the public hearing. The TIP will be updated per Council direction and presented again for adoption at the June 19 Council meeting.

STREET FUNDING

The TIP is funded by a combination of revenues which includes Real Estate Excise Tax (REET), Motor Vehicle Fuel Tax (MVFT), Vehicle License Fees (from the Mercer Island Transportation Benefit District), Transportation Impact Fees (approved by Council in January 2016), Multimodal Transportation (approved by the State as part of ESSB 5987 in July 2015) and Grants (when they are available). Except for REET, all revenues are dedicated solely to the Street Fund. REET is shared between the Street Fund (including Street and PBF projects) and CIP Funds (including Park and City Building projects). In recent years the funding has been split evenly (50/50) between these two funds. The proposed 2018-2023 TIP is balanced through 2023, and is forecast to end the planning period with a balance of \$153,709. There are also several unfunded projects included in this TIP (see Exhibit 3).

Although the forecast for this TIP shows a small ending fund balance in 2023, funding for the TIP is limited. Starting with the adoption of the 2010-2015 TIP, and for the following seven adopted TIP's, plans have been adopted with projected negative fund balances in the later years (of the six year plan) and/or with some placeholder or unfunded projects. There is also a desire of some Councilmembers and City staff to do more PBF improvements (ex: completing the Mercer Way shoulders). In addition, there are competing needs for REET funding by park, open space, and facility projects. Two alternatives for increasing funding for Street and PBF projects include: (1) Increasing the TBD vehicle license fees from \$20 to \$40. (This would increase funding an additional \$350,000 per year); and (2) including one or more Street or PBF projects in a capital levy. The City is in the early stages of considering a capital levy and may include unfunded projects from the TIP. Community engagement and further discussion of this levy is expected in the second half of 2017.

For a detailed discussion of financial information about the 2018-2023 TIP, see Exhibit 1.

PUBLIC COMMENTS

The formal public comment period for the TIP was April 1 to April 17, 2017. Notices advertising the opportunity for public comment were displayed on the City's website (starting April 1), posted in the Mercer Island Weekly (March 30 and April 6) and in the Mercer Island Reporter (March 29 and April 5). Additional information was provided on the City's TIP webpage (www.mercergov.org/TIP). The site provides users with easy access to TIP maps, FAQ's, and related information to learn more about the TIP process and to submit comments online. Exhibit 2 lists comments received via the website, email, letter, and phone.

Public comment will also be taken during the public hearing for the TIP at the May 15 Council meeting. The legal notice for the public hearing was published in the Mercer Island Reporter on April 26 and May 3.

Many of the comments received this year were related to:

- Shoulder widening on the Mercer Ways
- Improvements to Safe Routes to School walking routes and other crosswalk improvements
- Allocating funds to Aubrey Davis Park Regional Multiuse Corridor Plan
- Support for improvements on SE 40th St east of Island Crest Way (ICW) with an emphasis on pedestrian and bicycle safety
- Improvement and completion of the North/South Bike Route
- Intersection improvements across the Island such as ICW and SE 68th St
- Widening sidewalks in the Town Center
- Non-TIP Related Issues such as:
 - Traffic operations/neighborhood traffic – Signage, visibility, vegetation trimming, pavement marking, parking, lighting, etc. These are typically evaluated and addressed outside of the TIP process.
 - Improve lighting and resolve pedestrian/bicycle circulation conflicts at the Park & Ride.

Neighbor's in Motion (NIM) is a group of Mercer Island residents that support and advocate on behalf of Mercer Island cyclists and pedestrians to improve bicycle and pedestrian safety on the Island. This group has been working with staff for many years, including recent participation in the City's Wayfinding Sign Program. NIM submitted a letter of support this year encouraging continued reinvestment in PBF. The following three key areas of focus were identified:

- Continue reinvestment to complete the North/South Bike Route
- Prioritize shoulder improvements on East Mercer Way (EMW) and West Mercer Way (WMW)
- Provide funding to complete the Aubrey Davis Park Regional Multiuse Corridor Plan

PROGRAM ELEMENTS

The following sections describe the TIP categories (Residential Streets, Town Center, Arterial Streets, etc.) and follow the same order as the Detail of Expenditures shown in Exhibit 3. For a map of these projects, refer to Exhibit 4. For descriptions of specific projects under each TIP category, refer to Exhibit 5.

Residential Street Preservation Program [Category A]

This program restores and resurfaces the City's 58 miles of public residential streets on a 35-year cycle. Over the last seven years, approximately 9.4 miles of residential streets have been resurfaced with a Hot Mix Asphalt (HMA) overlay and 2.2 miles have been resurfaced with a chip seal. This combined mileage accounts for 20% of the residential street network. HMA overlay construction for residential streets costs approximately \$350,000 to \$400,000 per road mile. Chip seal and slurry seal, which cost significantly less per road mile, were added to the program in 2012. The residential program also improves substandard streets in public right-of-ways at the rate of roughly one per biennium, as the need arises. Selection and timing of residential resurfacing work is based upon Pavement Condition Index (PCI) ratings as well as planned water and storm water utility work.

Town Center Street Improvements [Category B]

The arterial streets located within the Town Center District serve as access to retail, commercial, office and residential uses in and around the Town Center. These streets account for 10% of the City's 26 miles of arterial roadways. A large portion of these streets were rebuilt in 1994 and 1996. Parts of others have been rebuilt over the last eight years in conjunction with several redevelopment projects. The current TIP plans for the resurfacing of portions of SE 27th St, SE 29th St, SE 32nd St, 76th Ave SE, 78th Ave SE, and 80th Ave SE. Timing of these projects continues to be adjusted based on additional Town Center redevelopment projects, better-than-expected PCI ratings in both 2013 and 2016, and the recent Town Center visioning process.

Arterial Street Improvements [Category C]

This program provides preservation and improvement of the City's other 23.5 miles of arterial streets outside of the Town Center on a 25-year life cycle. Project priorities are based on pavement conditions, the need for underground utility improvements, condition of pedestrian and bicycle facilities, and timing of other large projects. These projects incorporate reinvestment in pedestrian and bicycle facilities. Residential street overlays are linked when feasible to arterial street projects to create an economy of scale. In the next six years, resurfacing projects are planned on portions of Island Crest Way, all three Mercer Ways, SE 40th St, 78th Ave SE, SE 53rd Pl, SE 68th St, SE 70th Pl, Gallagher Hill Road, and SE 36th St.

Pedestrian and Bicycle Facilities (PBF) – New Facilities [Category D]

This program improves and adds to the PBF network. Specific projects are based primarily on those identified in the 2010 PBF Plan, including Safe Routes to School, Roadside Shoulder Development, and PBF Plan Implementation. PBF “reinvestment” projects such as asphalt overlays of existing pedestrian paths adjacent to arterial street improvements are not included in this category. Rather, they are included in the scopes of their associated arterial street improvement projects. Future PBF projects in this TIP include additional roadside shoulder improvements on East and West Mercer Ways, crosswalk improvements at the SE 36th St / North Mercer Way intersection, and a sidewalk improvement for Gallagher Hill Road. This program will provide funding to implement ADA compliance improvements, wayfinding signage, and components of the Aubrey Davis Park Regional Multiuse Corridor Plan.

Other Transportation Projects/Other Transportation Activities and Management [Category E & F]

These sections cover projects that do not fall within the previously described categories including the ongoing Pavement Marking Replacement, ROW Tree Maintenance, Metro Transit Shuttle Service, and the Mobile Asset Data Collection. Pavement Marking Replacement is an annual program to replace worn, damaged, or missing pavement markings (i.e. crosswalks, stop bars, arrows, bike symbols, raised pavement markers) on the Island’s road network. ROW Tree Maintenance is an on-going program to identify, evaluate, and remove hazardous trees within the public right-of-way. Metro Transit Shuttle Service is an on-going program to co-fund with King County, a Metro shuttle service on Route 630 to connect the Mercer Island community with downtown Seattle. Mobile Asset Data Collection is a recurring project to collect pavement distress information to produce Pavement Condition Index (PCI) ratings for the Island’s road network. These ratings are then used by staff to prioritize future roadway paving projects. Pavement data was previously collected in 2009, 2013, and 2016. Data will be collected again in summer of 2019.

Unfunded Projects [Category G]

This category covers projects identified as future needs that are unfunded pending further evaluation of scope and confirmation of need. Staff have identified the East Link Mitigation Projects as a placeholder to offset the impacts associated with the opening of the new light rail station. Safe Routes to School (SRTS) pedestrian facilities are still being evaluated in the Madrona Crest neighborhood (north of Northwood Elementary School) and on 92nd Ave SE (north of the high school). Staff will be pursuing Safe Routes to School funding from WSDOT in 2018 for these projects.

NEW PROJECTS AND CHANGES TO CONSIDER FROM THE PREVIOUS TIP

The following is a summary of the noteworthy changes made to the approved 2017-2022 TIP to develop the draft 2018-2023 TIP.

1. Arterial Street Improvements

Arterial projects can vary in scope from substantial reconstruction (as seen on SE 40th St in 2015), to hot mix asphalt overlays (Island Crest Way in 2016), to chip seals (Mercerwood Dr in 2013). Staff utilizes PCI data to help determine the scope and timing of arterial street projects. With the successful chip sealing of Mercerwood Dr in 2013, staff believes that this less expensive resurfacing technique can be used effectively to preserve some of the arterial pavements that are in Fair condition. While a chip seal may not last as long as a hot mix asphalt (HMA) overlay, it can

significantly extend a roadway pavement's life for a fraction of the cost of a HMA overlay. This is a good alternative for roadways with adequate pavement structure; however, not all roads are suitable for chip sealing and staff will continue to evaluate each arterial project for the appropriate pavement preservation method. Newly proposed arterial projects for this TIP focus on preserving existing roadways with a combination of chip seals and asphalt overlays:

- SE 40th St Corridor Improvements (ICW to 88th Ave SE) [C2] – This corridor is the primary east-west arterial route on Mercer Island. In last year's TIP, roadway improvements for this area were shown as two separate projects. For this year, staff has combined the work into one project for construction in 2018 and eliminated the right turn lane from SE 40th St to southbound 86th Ave SE found not to be needed at this time (AB 5285). Proposed improvements will consist of:
 - Constructing a bike lane from Island Crest Way to 86th Ave SE on the south side of SE 40th St. Concrete curbs will be installed and the existing sidewalk will be widened and resurfaced. The 2010 PBF Plan identifies SE 40th St as a bicycle corridor. This project will complete the missing link for eastbound cyclists between 78th Ave SE and 86th Ave SE.
 - Improving the sidewalk from 85th Ave SE to 88th Ave SE on the north side of SE 40th St. Concrete curbs will be installed and the existing sidewalks will be widened and replaced. Curbs provide a vertical separation between the roadway and sidewalk, promoting a safer walking area.
 - Repave SE 40th St between 86th Ave SE and 88th Ave SE. This roadway's current PCI is at the bottom of the Satisfactory rating.
- 78th Ave SE (SE 34th St to SE 39th St) [C4] – This roadway received a HMA overlay in 2001; however, the pavement is not performing as well as expected. It has extensive cracking, has been patched several times, and its PCI rating is at the bottom of the Satisfactory bracket. Staff recommends placing a chip seal on this roadway to extend its pavement life. This new project has been added to 2018 to combine it with two other arterial chip seal projects already scheduled for 2018.
- North Mercer Way (7450 to 76th Ave SE) [C9] – This new project is a HMA overlay to restore aging asphalt pavement. In 1994, most of North Mercer Way (and portions of East and West Mercer Ways closest to the I-90 corridor) received a thin HMA overlay by WSDOT, after completion of all the major I-90 construction contracts. As that 1994 overlay has aged, sections of it have worn out and have needed to be milled off and repaved: NMW from Island Crest to 76th Ave SE in 2008, WMW from SE 24th to SE 27th in 2013, and WMW from I-90 to Roanoke Way in 2017. This portion from 7450 to 76th Ave SE has a current PCI of Fair, and is the next piece in need of repaving. This project will also repair existing sidewalk. Staff is proposing this project for 2019. It should be noted that this roadway pavement has performed well for over 20 years.
- North Mercer Way (7450 to Roanoke Way) [C11] – This new project proposes to restore the aging pavement of this portion of North Mercer with a chip seal in 2021. As described above, this roadway was repaved in 1994, however its current PCI rating is Satisfactory. Staff predicts that it will be in Fair condition by 2021.
- West Mercer Way (SE 72nd St to East Mercer Way) [C12] – This roadway was last repaved in 1995 with a HMA overlay. Its current PCI condition is Satisfactory, but staff believes that given its age, it will degrade to a rating of Fair in a few more years. A chip seal resurfacing is proposed for 2021. At that time, the current pavement surface will be 26 years old.
- SE 36th St (Gallagher Hill Rd to East Mercer Way) [C14] – This new project proposes to resurface SE 36th St with an HMA overlay in 2023. This roadway was built in the late 1980's by WSDOT as part of the I-90 freeway improvements. Its current PCI rating is Fair, but it is expected to drop in the coming years. This pavement has performed well, but will be 37 years

old in 2023, and will be in need of resurfacing. Project elements may also include sidewalk repairs.

2. Pedestrian and Bicycle Facilities (PBF)

Roadside Shoulder Development

- The Roadside Shoulder Development Program was established in 2002 to create new paved shoulders suitable for pedestrian and bicycle use on the Mercer Ways. Since that time, numerous phases of work have been completed. While most of these have been on East Mercer Way, improvements have also been made on North and West Mercer Ways. Exhibit 6 shows the progress of the Roadside Shoulder Development Program.

The West Mercer Way Phase 1 project is currently under construction in the 7400 to 8000 blocks. East Mercer Way Phase 10 is scheduled to begin construction in late 2017. It will extend from SE 71st St to the 7800 block and link together with two isolated segments of roadside shoulder built in the late 1980's. The current TIP includes an East Mercer Way Phase 11 project in 2022, which will continue shoulders down to Avalon Drive.

For this year's TIP update, staff recommends adding a new West Mercer Way Phase 2 shoulder improvement project in 2020. This new project would begin at the 7400 block (connecting with the current Phase 1 work) and extend north to SE 70th St. This portion of West Mercer Way has curves with limited sight distance, areas of no shoulder with open ditches next to the roadway, and numerous street intersections, including SE 72nd St. Staff believes this section of West Mercer is in need of a shoulder improvement to provide a safer walking and biking area for the public.

New Projects

- ADA Compliance Plan Implementation [D2] – In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City is required to make reasonable effort to provide equal access to all City facilities, services, programs and activities for citizens with disabilities. If the City doesn't comply, federal funding for all City programs may be jeopardized.

The ADA Compliance Plan Implementation project will allocate funding to identify, inventory, prioritize, design, and construct spot improvements to pedestrian facilities citywide to meet compliance standards established by the Americans with Disabilities Act (ADA). The project will initially focus on the Town Center and then expand to other parts of the island. The timeline for compliance is dependent on identified issues and priorities as established in the ADA Transition Plan. Staff proposes funding the program starting in 2019.

- Wayfinding Sign Program Implementation [D4] – At the end of 2016, the City received funding from the Port of Seattle to design a wayfinding program that embodies the City's character and delivers a unified message to direct visitors to the Town Center and local amenities. Staff has been working with community stakeholders, including members of the Mercer Island Chamber of Commerce and the Neighbor's in Motion to develop a wayfinding program. The first phase of work which includes development of a sign template, determining sign placement and preparing cost estimate, will be complete by the end of May 2017. The Wayfinding Sign Program Implementation project will allocate funds to implement wayfinding signage identified in the planning process. Staff will seek grant funding for the initial implementation of the program in 2019.

3. East Link Mitigation Projects

The East Link light rail line is scheduled to open for service in 2023. The project is expected to degrade level of service (LOS) at some Mercer Island intersections and impact safety in several roadway corridors and intersections. The expected impacts are the result of traffic associated with East Link, closure of the I-90 center roadway, and restricted access to the Island Crest Way (ICW) westbound onramp to the new R8A high occupancy vehicle (HOV) lane.

The Federal Highway Administration recently informed the City that Mercer Island single occupant vehicles (SOVs) will not be allowed to access the new R8A HOV lanes nor the ICW westbound HOV on-ramp. This prohibition will force Mercer Island SOVs to take alternate routes to access the mainline on-ramps to I-90 at 76th Ave SE, West Mercer Way, and East Mercer Way.

The temporary improvements are fully funded by Sound Transit and include:

- 77th Ave SE & North Mercer Way - Temporary traffic signal
- 76th Ave SE on-ramp & North Mercer Way intersection - Temporary traffic signal, modification of westbound striping at ramp to create a bus bypass, and modification of trail connection (at the request of the City)
- Island Crest Way between the I-90 on-and off-ramps - Restripe to improve travel times in the morning commute
- 80th Ave SE & Island Crest Way (at SE 27th St and North Mercer Way intersections) – Install four surveillance cameras to communicate information back to WSDOT Traffic Management Center

At the time of the preparation of the TIP, a comprehensive list of mitigation measures had not yet been identified. The City has retained three separate traffic engineering firms to evaluate the loss of the Island Crest Way westbound on-ramp to SOVs and that work is currently underway. A comprehensive list of mitigation measures will be identified in the next TIP.

LOOKING AHEAD

Staff is in the early stages of developing a sidewalk and street tree replacement program, primarily focused in the town center. Street trees will be comprehensively inventoried and assessed for health. Hardscapes including tree grates, sidewalks and roadways will be assessed for damage due to root intrusion. Staff will prioritize repairs and replacements from the results. Staff will propose a program in the TIP next year.

SUSTAINABLE PRACTICES

The TIP and City maintenance practices continue to move toward creating a sustainable transportation system. Some components of developing Mercer Island's sustainable transportation system include:

- Low Impact Development (LID) techniques where feasible.
- Recycled asphalt pavement in road base, hot mix asphalt, and utility trenches where appropriate.
- Proactive maintenance of streets and drainage systems through ongoing street sweeping and catch basin cleaning programs to protect water quality.
- Reducing energy costs through efforts such as converting streetlights to LED where cost effective. The ornamental streetlights in the Town Center were converted to LED in 2013 and the remaining lights in the Town Center were converted in 2014-2015. All other new street light requests install LED fixtures, including 14 new LED street light conversions this year.

Frequent street sweeping is a Best Management Practice (BMP) that helps protect water quality by capturing pollutant-containing grit before flowing into streams or Lake Washington. Currently, the City's street sweeper is out working at least three days a week. It increases to five days a week during winter months due to vegetation and debris. The Town Center is swept at least weekly. The Mercer Ways and

other arterials are swept on a similar schedule, particularly when storms create heavier than normal debris. Residential streets are swept a minimum of twice per year. Sweeping also is provided as requested when warranted by special conditions.

MOBILE ASSET DATA COLLECTION & PAVEMENT CONDITION RATINGS

As part of the ongoing effort to improve the City's database of City assets, staff contracted for another pavement condition assessment in 2016 as part of the Mobile Asset Data Collection project (MADC). This update produced a Pavement Condition Index (PCI) value for each of the over 700 segments of pavement within the City's 83.5-mile public road network. This rating process, which was last performed in 2013, is based on collecting visual pavement distress information and computing it into numerical deduction values which are subtracted from a highest possible score of 100, resulting in a PCI score between 0 and 100. These numerical scores have been bracketed into six named conditions: Good (PCI 100-86), Satisfactory (85-71), Fair (70-56), Poor (55-41), Very Poor (40-26), and Failed (25-0).

The health of Mercer Island's road network can generally be determined by three indicators: the average network PCI, the amount of backlog (defined as PCI below 50), and the amount of network in Good condition (PCI 100-86). The 2013 data gave the City's network an average PCI score of 77 (satisfactory), which is an equivalent rating of Satisfactory. This is considered an above-average grade in the pavement rating industry. The 2013 backlog of 7.8% was considered low (below 15% is desirable) and the amount of Good condition streets at 32% was considered high (should be at least 15%).

For 2016, the City's road network condition dropped slightly, to an average PCI score of 75 (satisfactory). The backlog dropped to 4.0% and the amount of Good condition streets dropped to 25%. In the last three years the focus has been on repaving some of the worst streets and lowering the backlog. Given the large amount of resurfacing work planned in the next three years, staff predicts that these indicators will increase in the next PCI data set.

Staff has used the 2013 and 2016 PCI information as the basis for prioritizing street resurfacing projects within the TIP. Because pavement conditions change over time, data collection needs to be an ongoing process, and staff recommends that this occur every three years. The next PCI data collection project is currently scheduled for 2019.

Traffic Sign Retro Reflectivity (TSRR) and complete traffic sign inventory data was collected in conjunction with the 2016 PCI project. This sign data will enable staff to prioritize traffic sign replacements to comply with the requirements of the Manual on Uniform Traffic Control Devices (MUTCD), the Federal standard for traffic control devices. The TSRR and sign inventory will be updated with each future MADC project.

SUMMARY

Staff is seeking general feedback on the draft 2018-2023 TIP, in addition to conducting the public hearing.

RECOMMENDATION

City Engineer

Receive comments from the public hearing and provide feedback to staff.

SIX-YEAR TRANSPORTATION PROGRAM

Financial Information (2018-2023)

Street Fund Revenues

The main revenues to the Street Fund for the six year planning period (2018-2023) are Real Estate Excise Taxes (REET), Fuel Taxes, Vehicle License Fees, and Transportation Impact Fees. Approximately 66% of the revenue to the Street Fund for the planning period is forecast to come from REET. An additional 17% is forecast to come from Fuel Taxes over the six year planning period. Vehicle license fees are forecast to make up 13% of the revenue to the Street Fund. The final 4% of revenue will be made up of Transportation Impact Fees, payments from the City of Seattle (for Transit Shuttle Services), Multimodal Transportation funds (a new State Shared revenue), and grants.

Real Estate Excise Tax

REET is the 0.5% tax paid by the seller in property transactions (sales of residential and commercial property). State law restricts the use of REET for specific capital purposes. REET 1 (the 1st quarter of 1% of the sales price) may be used for streets, parks, facilities or utilities. REET 2 (the 2nd quarter of 1% of the sales price) may be used for streets, parks, or utilities, but may not be used for facilities. Neither REET 1 nor REET 2 may be used for equipment or technology. City budget policies allocate all of REET 2 to the City's Street Fund. REET 1 is allocated to the City's CIP Fund for parks and facilities.

REET is a volatile revenue source since its base (home sales) is highly dependent on economic conditions and interest rates. REET revenues were very strong in 2007. However, in conjunction with the Great Recession, the number of property sales dropped significantly (2008 and 2009), followed by a slow recovery in the number of sales (2010-2012). During that same time period, the Street Fund balance was drawn down, as reinvestment in existing streets and investment in new Pedestrian and Bicycle facilities continued. Since 2012, the average sales price for homes has climbed, while the number of sales (2013-2015) returned to close to the long term average of 500 per year. With limited homes on the market, the number of sales declined again in 2016 to 454 sales.

HISTORICAL REAL ESTATE EXCISE TAX (2007-2016) Dollars in Thousands

Property Sale Breakdown	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Property Sales ≤\$5.0M:										
Average Sales Price	\$1,072	\$1,237	\$854	\$994	\$916	\$899	\$1,046	\$1,119	\$1,182	\$1,318
% Change in Avg Sales Price	11.4%	15.4%	-30.9%	16.3%	-7.8%	-1.9%	16.4%	7.0%	5.6%	11.5%
Number of Property Sales	429	260	267	318	367	418	492	493	499	454
REET Revenue	\$2,277	\$1,592	\$1,129	\$1,565	\$1,665	\$1,860	\$2,548	\$2,742	\$2,919	\$2,955
Property Sales >\$5.0M:										
Number of Property Sales	14	5	3	3	5	6	2	9	10	7
REET Revenue	\$653	\$755	\$129	\$642	\$162	\$300	\$57	\$527	\$350	\$746
Total REET Revenue	\$2,930	\$2,347	\$1,258	\$2,207	\$1,827	\$2,160	\$2,605	\$3,269	\$3,269	\$3,701

Of particular note are the following:

- There were 4 large commercial property sales during 2007-2016. The sale of Island Corporate Center generated \$207,900 in REET (2007); the sale of Island Square generated \$554,820 in REET (2008); the sale of Shorewood Heights generated \$544,140 in REET (2010); and a property transaction for Farmers Insurance generated \$250,500 in REET (2014).
- The City's average home price reached a peak of \$1.24 million in 2008 then dropped almost 31% in 2009 to \$854,000, reflecting a major downturn in the real estate market. In 2016, the average home price hit an all-time high of \$1.32 million.
- The number of annual sales dropped from a high of 548 in 2006 to a low of 265 in 2008. The 10 year (2006-2015) annual average for the number of home sales is 415. Prior to 2008, the 10 year annual average was 500 home sales, with a high of 608 sales in 2004.

The 2017-2023 REET forecast is summarized in the table below:

FORECASTED REAL ESTATE EXCISE TAX (2017-2023)
Dollars in Thousands

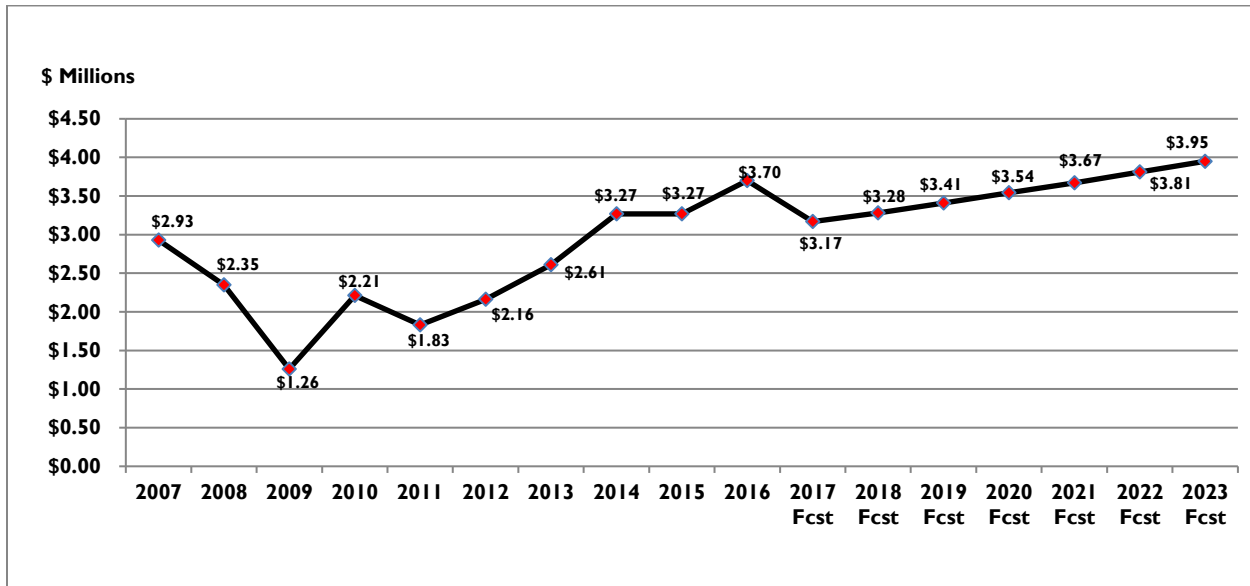
Year:	2017	2018	2019	2020	2021	2022	2023
Property Sales ≤\$5.0M:							
Forecasted average sales price	\$1,331	\$1,384	\$1,440	\$1,497	\$1,557	\$1,620	\$1,684
Change in average sales price	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%
Forecasted number of sales	450	450	450	450	450	450	450
Forecasted REET Revenue	\$2,965	\$3,084	\$3,207	\$3,336	\$3,469	\$3,608	\$3,752
Property Sales >\$5.0M:	\$200	\$200	\$200	\$200	\$200	\$200	\$200
Total REET Revenue	\$3,165	\$3,284	\$3,407	\$3,536	\$3,669	\$3,808	\$3,952

The 2017-2023 REET forecast was based on the following assumptions:

- The average home sale price is projected to grow at an annual rate of 4% in 2017-2023.
- The number of property sales is expected to be 450 in 2017-2023, based on fewer property listings than in prior years.
- Staff's forecast was influenced by The Puget Sound ECONOMIC FORECASTER (December 2016), which predicts an increase in the average home sale price of 6.3% in 2017 and 3.2% in 2018 and an increase in the number of homes sold in 2017 of 3.3%, followed by a decrease in the number of homes sold in 2018 of 1.9%.

Both historical REET (2007-2016) and forecasted REET (2017-2023) are presented in the graph below.
Note that 50% of the total REET forecast (REET 2) is revenue to the Street Fund.

**REET Revenues
2007-2016 Historical and 2017-2023 Forecast**



Motor Vehicle Fuel Tax (MVFT)

MVFT is a fixed tax, currently making up 49.5 cents of the per gallon price of gasoline, diesel, and other fuels. It is not based on the dollar amount of the fuel, but rather on the amount of fuel sold. Hence, there is no revenue benefit from higher gas prices.

MVFT is to be spent on salaries and wages, material, supplies, equipment, purchase or condemnation of right-of-way, engineering or any other proper highway or street purpose in connection with the construction, alteration, repair, improvement or maintenance of any city street or bridge or viaduct or underpassage along, upon or across such streets.

In addition, MVFT is a state shared revenue that is distributed to incorporated cities and towns based on population and other set allocation methods. Actual MVFT receipts for the past 10 years (2007-2016) are summarized in the following table.

**HISTORICAL MOTOR VEHICLE FUEL TAX (2007-2016)
Dollars in Thousands**

Year:	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Fuel Tax Revenue	\$ 530	\$ 509	\$ 493	\$ 492	\$ 472	\$ 467	\$ 470	\$ 469	\$ 492	\$ 507

Overall, the average annual growth in MVFT has been relatively flat over the last 10 years. When there is no increase in the fuel tax rate, Mercer Island’s fuel tax revenue tends to decline, as seen in 2008-2014.

The 2015 legislative session produced a transportation package adopted in ESSB 5987, resulting in an increase in the motor vehicle tax on August 1, 2015 from 37.5 cents to 44.5 cents per gallon, and a second increase to 49.4 cents per gallon on July 1, 2016.

The 2017-2023 MVFT forecast is summarized in the table below.

FORECASTED MOTOR VEHICLE FUEL TAX (2016-2022)
Dollars in Thousands

Year:	2017	2018	2019	2020	2021	2022	2023
Fuel Tax Revenue	\$ 513	\$ 500	\$ 487	\$ 475	\$ 463	\$ 452	\$ 440

The 2017-2023 MVFT forecast was based on the following assumptions:

- *Per Municipal Research and Services Center (MRSC), fuel tax revenue statewide is expected to increase by 1.4% in 2018 and 0.9% in 2019.*
- *Mercer Island's portion of the MVFT is expected to decline after 2017 due to annexations of unincorporated areas and to Mercer Island's slower population growth rate relative to other cities.*
- *Based on recent trends for Mercer Island, fuel tax is forecast to decline 2.5% per year in 2018-2023.*

Vehicle License Fees (Transportation Benefit District)

Vehicle license fees for the City's Transportation Benefit District (TBD) were estimated at \$350,000 per year at the time the TBD was formed (October 2014). The estimate was based on the 17,687 vehicles registered with the Department of Licensing (DOL) at the adopted fee of \$20 per vehicle, less the DOL's 1% administrative fee. Fee collection began in June 2015. In the first calendar year (2016) vehicle license revenue totaled \$371,689. While the \$20 fee is in place, staff will continue to forecast revenue at \$350,000 per year.

The 2015 Legislature included within its large transportation funding bill, ESSB 5987, a number of changes to the laws governing transportation benefit districts (TBDs). One change allowed cities which share the same physical boundaries as the TBD to assume the TBD. The City Council approved the assumption of Mercer Island's TBD in December 2015. In addition, the legislation allowed for an increase in the TBD fee up to \$40 without a public vote provided that the \$20 fee has been in place for 24 months. An additional increase up to \$50 without a public vote is also allowed provided that the \$40 fee has been in place for 24 months. However, any non-voted fee higher than \$40 is subject to potential referendum, as provided in RCW 36.73.065(6). Any license fees over these amounts, up to \$100, must be approved by a simple majority of voters.

Funds generated by the TBD are to be used for "transportation improvements", which is defined as a project contained in the transportation plan of the state, a regional transportation planning organization, city, county, or eligible jurisdiction as identified in RCW 36.73.020(2). A project may include investment in new or existing highways of statewide significance, principal arterials of regional significance, high capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management. Projects may also include the operation, preservation, and maintenance of these facilities or programs.

Transportation Impact Fees

The Council passed Ordinance 16C-01 on January 4, 2016 authorizing the collection of transportation impact fees starting in February 2016. In the first calendar year (2016) transportation impact fees totaled \$50,466. This revenue was generated by 13 single family developments. Because impact fees are influenced by the amount of development activity, which is currently at a high level, staff has forecasted the revenue from impact fees remaining strong in 2017 and 2018, but then starting to decline somewhat starting in 2019, and finally picking up again in 2023. Because this is still a new revenue source for the Street Fund, staff will continue to monitor this revenue source in 2017 and 2018 and make budget adjustments as deemed appropriate.

Transportation impact fees must be spent on transportation system **improvements**, and must be reserved until applied to a project for this purpose. Capital improvements include, but are not limited to transportation planning, land surveys, land acquisition, site improvements, necessary off-site

improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, and any other expenses which could be capitalized, and which are consistent with the City's capital facilities element of its Comprehensive Plan or the City's Six-Year Transportation Improvement Program.

City of Seattle

In April 2016, the City of Mercer Island entered into agreement with the City of Seattle to contribute up to half of the total cost of the Mercer Island Shuttle Service provided by King County Metro Transit. The City of Seattle pays \$40,000 annually to jointly fund the transit service with the City of Mercer Island.

Multimodal Transportation

The 2015 legislative session produced ESSB 5987, the transportation package, which provided this new revenue source for cities and counties in addition to the motor vehicle fuel tax revenues which is distributed to cities each month. The bill added Section 331, which provides for a direct distribution in the 2015–2017 state biennium of \$11,719,000. This direct distribution comes from two different sources:

- Motor Vehicle Fund in the amount of \$5,469,000.
- Multimodal Fund in the amount of \$6,250,000.

Like the MVFT, Multimodal Transportation funds are a state shared revenue. The distributions are to be shared equally between cities and counties. The city portion of the distribution is made on a per capita basis. In general, Mercer Island's population grows at a slower rate than surrounding cities, so this revenue will decline slightly over time. In the first calendar year (2016) multimodal transportation funds totaled \$16,016. The amount of the transfer is expected to increase for the State's 2018 fiscal year (starting in June 2017) and then remain flat thereafter.

Grant Opportunities

Grants occasionally become available for street or PBF projects. Grant funding is made available with increasing restrictions and competition for grants. Nevertheless, City staff intend to pursue grant opportunities when they become available, and if successful, these would be reflected in future TIPs.

A history of grants received by the City since 2000 is presented in the following table. Note that the TIB grant for the ICW Pedestrian Crossing Signal at SE 32nd has been awarded, but the funds will not be received until the project construction is completed.

Year	Grant Agency / Project Description	Grant Revenue
2004	STP - ICW Street (SE 53rd Pl to SE 68th St)	\$ 217,300
2004	STP - ICW Sidewalk (SE 53rd Pl to SE 68th St)	75,000
2005	STP (U) - Streets (ICW - I-90 to SE 40th)	262,889
2008-09	TIB - SE 40th Corridor Impvts (ICW to 86th)	926,325
2009	WSDOT - Safe Routes to School (Lakeridge)	220,000
2012	TIB - ICW Ped Crossing Signals - SE 42nd / SE 47th	241,587
2017	Port of Seattle - Wayfinding Signage Program Design	23,480
2017	TIB - ICW Ped Crossing Signal - SE 32nd	312,000
	TOTAL	\$ 2,278,581

Street Fund Expenditures – Project Cost Estimates and Construction Costs

High inflation in construction costs during 2006-2008 was driven by rising crude oil prices and cost of metals (copper, iron, steel). Increased worldwide construction activity and demand for construction materials contributed to this high inflation.

During 2009 through 2012 (the economic slowdown) and for the couple years following, the City continued to receive good bids on projects and has been able to complete projects for below or close to the originally forecast project cost. The economy has recovered, by many measures. The ENR (Engineering News Record) Construction Cost Index for Seattle reflected inflation of 7.3% (2013), 4.15% (2014), 1.68% (2015), and 1.74% (2016) for all types of construction. The average inflation since 1990 is 3.0%. For comparison, the CPI-W (Seattle Area) for the last year (as of February 2017) was 3.7%. While some forecast higher inflation in future years, others believe that street costs have already jumped significantly upward, and are more likely to increase at a slower pace in future years. Staff looked at several reports of historical costs trends and forecasts for costs in the near future, and recommends a forecast of 4% per year (a little above the long term average of the Construction Cost Index for Seattle). For the proposed TIP, street construction costs (based about 40% on the cost of hot mix asphalt) were inflated as shown in the table below, from 2017 costs.

Suggested inflation factors used for the proposed 2018-2023 TIP

Year	2017	2018	2019	2020	2021	2022	2023
Annual Inflation	4%	4%	4%	4%	4%	4%	4%
Inflation over 2017	0%	4.0%	9.2%	13.6%	18.1%	22.8%	27.7%

The forecasted construction costs of Residential Streets, Arterial Streets (Town Center Streets, Arterial Improvements and associated Pedestrian and Bicycle Facilities) are estimated by comparing costs of recently completed projects which are similar in scope and complexity to the proposed project. Construction costs are estimated in today's dollars and then inflated to the year of anticipated construction.

Street Fund Balance

The Street Fund is forecast to start the planning period (2018) with a fund balance of \$3.57 million before reserves of \$422,723 (or \$3.15 million of available fund balance), and to end (2023) with a balance of \$684,175 before reserves of \$530,466 (or \$153,709 of available fund balance).

For working capital (cash flow) purposes, Council's policy is that \$200,000 be retained in the Street Fund. Because revenue is received on a monthly basis and the majority of expenditures occur in the summer and fall months, holding a minimum balance of \$200,000 in the fund has allowed for the cash flow fluctuations within the year. In addition, the use of transportation impact fees are restricted to use for transportation system improvements, and must be reserved until applied to a project for this purpose. Finally, the City periodically collects payments from developers for roadway restoration (when the City has a planned project in the area the developer would otherwise be required to restore). These funds are reserved until the pavement restoration project is completed.

SUBMISSIONS FROM 2018-2023 PUBLIC COMMENT PERIOD

Submission No.	Category	Comment/Suggestion
1	Pedestrian and Bicycle Project	My comments are regarding the 84th Ave/72nd St. corridor - This is a perfect storm of danger and we've already had a middle school crossing guard get hit by a car. This is a huge pedestrian/bike trafficked area due to the middle school/MI Country Club/ and QFC center. This is applicable both in school hours and on weekends when all the fields are being utilized. Almost ALL bike/ped traffic use the east side of the street and there just isn't enough room for passing. This is combined with cars driving up and around the sharp corner. I've seen young inexperienced riders drive off the curb into the street bc they are passing a pedestrian and just can't quite negotiate it. We have this amazing bike path that runs along south mercer fields/ims and then you are in major stress zone as soon as you hit that corner up to the shopping center. Here's what I'd like to see: *Clear out a ton of those bushes/trees on either side (so cars and bikes have line of sight to each other (currently it's almost a blind corner (coming north from IMS on 84th). * Clear out and level out the other side and give more room for all to pass each other on that tight corner (move the trash can somewhere else) * put some sort of waist-high barrier on the east side of that corner so there's no chance of little people accidentally riding their bikes onto road - this would end just as it straightens out northbound (just about where trash can is). * Then from just south of 68th all the way to the shopping center put in some sort of natural barrier with greenery. For reference I think it's 63rd Street (just north of Pioneer Park) where they've got all sorts of planters on that road. Take the minimum amount of space that's doable (that road seems wide enough) and create a natural barrier that makes bed/bikes feel safer. When you walk along ICR that natural path makes it feel much less like you're on a major road. We want to encourage bikes and walking in our community but I just don't feel like that corridor is safe enough. I'm happy to meet someone out there to review what I mean. I did that a few years ago and they were able to immediately wider the curb access and paint lines and they told me this is the avenue to request the above stuff. The other thing I don't like but not sure what the solution would be is that the bikers come from that southern 84th bike path up to the cross walk and even with that widened curb it's still a tricky turn for younger riders and there's no room for error with the speedy corner right there. Ideally I'd like to see a place to cross BEFORE hitting 72nd st. for bikes. I know there are already two crosswalks in a short space but maybe if we somehow separate bikers and pedestirans before that corner we could avoid some congestion. Again happy to meet someone out there to discuss.
2	Residential Street	We suggest a crosswalk on SE 36th Street (in front of city hall) leading to North Mercer Way via the overpass. There is no safe way to cross this street from the walking trail. Also a street light or some illumination for a crosswalk from Hertzl Synagogue to cross over East Mercer Way to the JCC. It is extremely dark in winter months. Additionally A crosswalk across the entrance to the JCC and French School. This is very difficult to navigate during school dismissal times. Thank you for your consideration.
3	Pedestrian and Bicycle Project	Issue 1: Bicyclists disregard traffic rules: (a) ride side by side holding up traffic - sometimes chatting with each other; (b) not stopping at stop signs; Issue 2: Bicyclists disregard high volume traffic hours: 6-9a (going to work); 4-6p (returning from work) Issue 3: Use of public roads for non scheduled events: Sometimes 10+ bicyclists take up W Mercer Way causing traffic backup. Issue 4: Littering
4	Residential Street	Issue: Parking at intersection of residential cross streets. It is very dangerous and difficult to see on-coming cars. Issue: Parking on both side of narrow residential streets. It is difficult to drive between the 2 lanes of parked cars.
5	Other Transportation Project	Not really a project but an extreme inconvenience. Closing the W Mercer Way for events - marathons. Other public areas for recreational activities are available: Luther Burbank Park; other Mercer Island parks
6	Pedestrian and Bicycle Project	It would be extremely helpful for both drivers and cyclists to have a bike lane on east and west mercer way.
7	Pedestrian and Bicycle Project	I congratulate the city on the continued construction of bike lanes on East / West Mercer. Ideally the entire outer loop of MI would have a paved shoulder. This work is critically important for safety. Please make south East Mercer a priority. There are many pedestrians who walk to the Beach Club from the Clark Beach area often with dogs. The paved shoulders must be maintained by a street sweeper on a regular basis. Thank you

8	Pedestrian and Bicycle Project	I am writing in support of a dedicated two way pedestrian/bicycle path from the downtown center connecting to the all the schools on the island. The pathway would be twelve feet wide to facilitate travel in both directions. This would be accomplished using existing right of ways using sidewalks and narrowing roadways plus building pathways on the perimeter of park lands. It would be a huge amenity to the city and promote a healthy life style.
9	Other Transportation Project	Community Branding and Wayfinding are nice but neither will enhance the viability of our Town Center Businesses without ample parking and nice sidewalks. As a Town Center Stakeholder I and others realized this and pushed very hard to get street parking and wider sidewalks along 77th Avenue SE. We didn't do this on a whim but after long hours sitting down and talking to Town Center Merchants and studying communities across the country. Walkability and parking availability are a prerequisite to a community's health and success. Thus with this requirement in mind and the backing of merchants across our Town Center we went to work to get the following lines added to the Town Center Joint Recommendations on Page 15 Exhibit 2 Number 11 for Streetscapes - Recommendation – Updated street standards focus on creating wide sidewalks and more on-street parking to support a walkable retail environment. 77th Ave. SE—12’ Sidewalks. Parallel parking on both sides of street with “sharrows” in the two travel lanes. Eliminate center left turn lane. 78th Ave. SE— no major changes –15’ sidewalks with pocket parking and a center median. Other Town Center streets—12’ sidewalks with angled parking along one side. Rationale – The objective for all streets is to improve the pedestrian environment and maximize on-street parking for both parking supply and as a buffer between travel lanes and pedestrians. The greatest opportunity for streetscape improvements is 77th Ave. SE as the right of way can be repurposed to widen sidewalks and add on-street parking. Like with all my projects I didn't stop with just being a Town Center Stakeholder but have gone on to study town centers across the country and now am studying non-stop to be of value as a Branding and Wayfinding Stakeholder. This recent step has me listening to Roger Brooks videos and reading his literature (Roger has assisted with the Branding and Wayfinding for communities in the Northwest like Bothell Enumclaw Gig Harbor Lynnwood Monroe Moses Lake Oak Harbor Issaquah Snohomish and pretty much everyone else as well as Seattle and Vancouver Canada). You don't need to believe me but all you have to do is read in the news what Roger said to Edmonds http://myedmondsnews.com/2012/11/businesses-need-to-take-lead-in-branding-edmonds-destination-expert-advises/ to assist them creating a vibrant and exciting Edmonds Town Center. We need to move forward on the Town Center Joint Recommendations that we worked so hard to create. To make that happen we need money appropriated for improved Town Center Streetscapes. Unlike other monies that you will put aside though this money will come back to reward our community in spades through a strong Town Center business environment that provides our community a healthy tax base. Let's commit to fixing up 77th Avenue SE so our local businesses can thrive.
10	Pedestrian and Bicycle Project	Mercer Island needs safer fully marked bike lanes on North East and West Mercer ways to protect us who cycle for both recreation but also commuting. Something needs to be done to stop West bound Seattleites from using the Island as a way to get around I90 gridlock. North Mercer way at 5p is just an extension of I90 in volume and is typically faster.
11	Pedestrian and Bicycle Project	<ul style="list-style-type: none"> • Funding a Master Plan for improving the I-90 Bike/Pedestrian Trail on the north end of Mercer Island for bicyclists and pedestrians including improved lighting and a safer bike passage at the Park & Ride bus stop. The Master Plan is key to having these improvements added in at the design stage by Sound Transit and King County. • Continuing the widening and paving of the shoulders on East and West Mercer Ways. Your support enabled us to add two shoulder projects put the Master Plan on the list for this year and fund a range of smaller pedestrian and bicycle projects.
12	Pedestrian and Bicycle Project	As a regular bicycle commuter I applaud the widening of the E Mercer Way and W Mercer way routes and encourage the improvements for pedestrian traffic between city center and Middle school. I also strongly support north end I-90 bicycle and pedestrian path specifically to enable people to have more ways to access the Park and Ride lot and upcoming light rail station safely in ways besides cars.

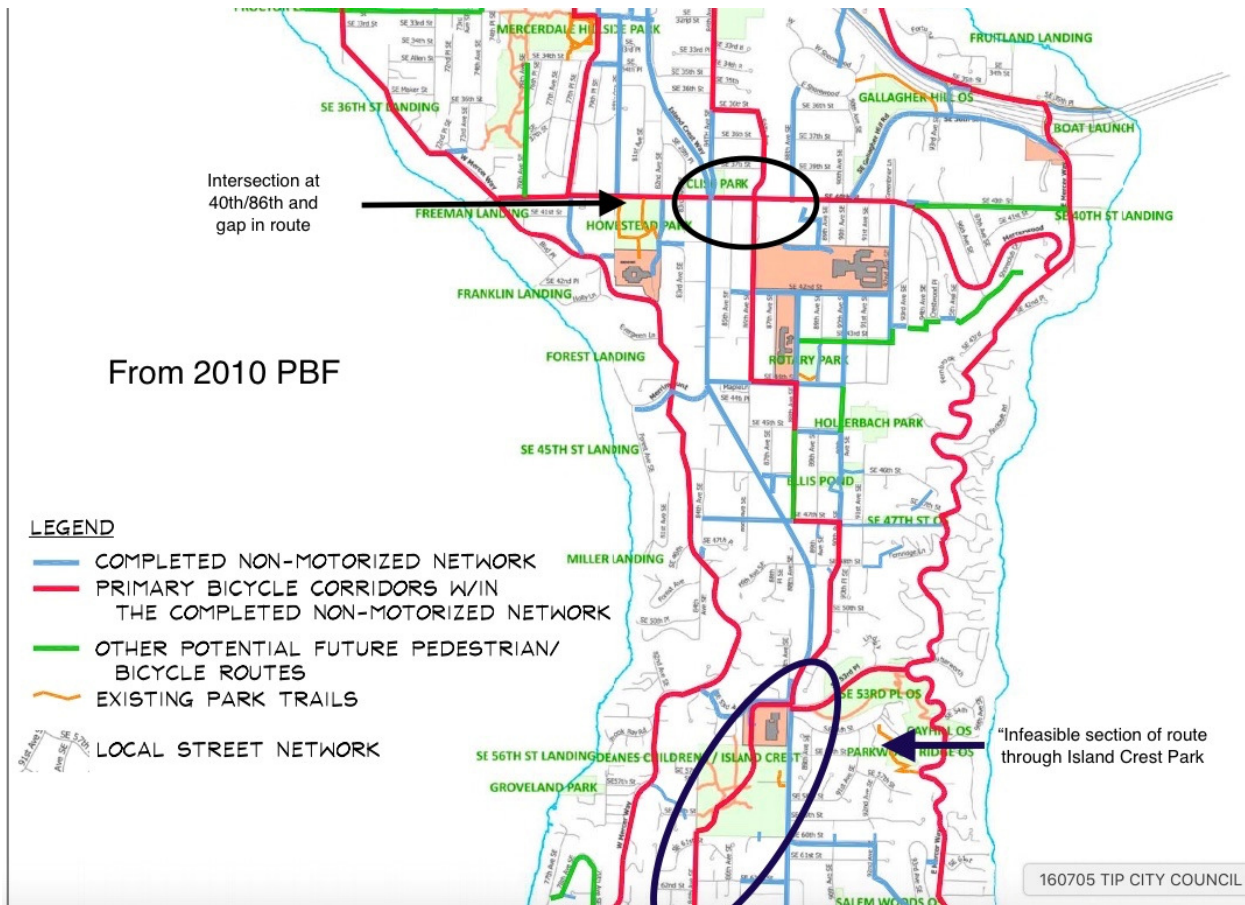
13	Other Transportation Project	Please immediately reconfigure 77th Ave SE to allow parking as was discussed the the Town Center planning. This can be a very inexpensive way to add parking to the town center for businesses and transit. Allow cars to park for 4 hours so that residents can eat and shop or have time to catch a bus to an appointment or meeting off the Island. Also develop consistent/friendly/highly visible signage for Public Parking in private buildings like they have in Seattle. Mercer Island residents still do not feel comfortable parking under many of the new buildings. Continue to pursue new and innovative methods for getting residents the transit center and resist the temptation to build a parking structure in the town center that will only congest our streets and unless it is part of multi-use development result in a dead zone in the town center. Expensive parking garages may rapidly become obsolete as technology brings other alternatives.
14	Pedestrian and Bicycle Project	Hello I support the recommendations of the NIMs group. In particular as the Island struggles with car transportation issues it is important that we provide meaningful and safe alternatives to cars for Island cyclists. To that end we should focus on the following: 1) engineering and build out of the South end of the North/South trail (along ICW) 2. Continued shoulder work on the Mercers 3. The completion of an I-90 Master plan 4. Signage on ICW and 68th street to warn cyclists and drivers of reduced roadway
15	Pedestrian and Bicycle Project	The biggest issue I see deal with tree roots along bike trails especially along I-90 just pass the east Mercer Way exit heading west. These are creating treacherous bumps in the asphalt that can cause a cyclist to fall if they are not prepared for them. The patch along island crest way has similar issues from 53rd to 68th Street - including the pavement going through the NE section of Pioneer Park.
16	Arterial Street	The project to pave the shoulder along Mercer Way has generally good but in my view made several locations more dangerous for pedestrians. The issues are: #1. Some drivers use the paved shoulders to cut the corners in blind curves. There is no place for pedestrians to get out of the way. #2. Parking in the paved shoulder in blind corners drives pedestrians out into the blind corner road to get by the obstruction. #3. Long trailer trucks now use EMW because the don't worry about the ditch anymore. They don't fit and you can see the tire scrapes on the hills of the insides of the blind curves. Page 43 of the existing Bike Pedestrian Improvement Plan shows the location of these dangerous blind corners. Driving (riding a bike) or parking in these blind curves should be prohibited at all times under any circumstances. Double lines signs and police enforcement should be used to warn drivers to stay out of these pedestrian zones. And no trucks over X feet long.
17	Pedestrian and Bicycle Project	Continue the good work widening the shoulders on E and W Mercer. And in terms of maintenance keep on top of pothole & construction trunch repair on the Mercers - there seems to be a disconnect between cutting up the street for construction and restoring the street to its previous conditions (ie smooth not bumpy).
18	Pedestrian and Bicycle Project	I support the following initiatives: • Funding a Master Plan for improving the I-90 Bike/Pedestrian Trail on the north end of Mercer Island for bicyclists and pedestrians including improved lighting and a safer bike passage at the Park & Ride bus stop. The Master Plan is key to having these improvements added in at the design stage by Sound Transit and King County. • Completing a safe well-marked pedestrian and bicycle north-south route from the City Center to Islander Middle School and improving safe routes for walking and cycling to Mercer Island schools; and • Continuing the widening and paving of the shoulders on East and West Mercer Ways.
19	Pedestrian and Bicycle Project	I would like all roads withi 2 blocks of 42nd st at the high school to have a designated sidewalk or bilateral walking/biking paths delineated so there is no parking and no cars can cross firm line or elevated curb. I see high school kids trying to walk to school and they must go in the mud manage colverts or walk in the road to have passage. It is so dangerous. 86th ave 89th ave. 92nd ave . especially. Also a few crosswalks 91st ave -89th ave where high school kids can cross as pedestrians. Cars give very little passage time for a student crossing the street. Also 78th ave SE 7800 block is no city owned completely but it has lots of pot holes which may affect city vehicles. It should be at least repaved....the city owns half and a large number of homes use it for access. Thank you.
20	Pedestrian and Bicycle Project	Hire a new contractor and/or a new project manager, but please finish the shoulder work on West Mercer Way. I have lived on the south end since 1985 and have tried not to be an "entitled" resident (this is my first communication to the city), but with the walkers +/- dogs, runners and cyclists who now do so in the middle of the road.... enough is enough. It isn't safe.
21	Pedestrian and Bicycle Project	Install crosswalk at 76th Ave SE - 2400 Block (Aljoya)
22	Pedestrian and Bicycle Project	Construct sidewalk on 86th Ave SE between 42nd St and 44th St

23	Pedestrian and Bicycle Project	Construct sidewalk on SE 68th St between 84th Ave and ICW
24	Pedestrian and Bicycle Project	Install crosswalk and ped signal on ICW near MI Presyterian Church
25	Pedestrian and Bicycle Project	Install RRFB at : 1. 77th Ave SE and North Mercer Way 2. 77th Ave SE and Sunset Highway
26	Pedestrian and Bicycle Project	See attached letter from Neighbors in Motion
27	Pedestrian and Bicycle Project	See attached letter from Islander Middle School PTSA
28	Pedestrian and Bicycle Project	See attached letter from Lakeridge PTA General Membership
29	Other Transportation Project	1. Intersection of West Mercer Way and SE 24th St: Add left turn lane for SB to EB vehicles. 2. Intersection of 76th Ave SE and SE 24th St: Add traffic signal. 3. Evaluate the signal timing at I-90 EB on-ramp at Island Crest Way. 4. 77th Ave SE from SE 27th St to SE 32nd St: Remove bike lanes and provide curbside parking on the west side of the street. 5. 78th Ave SE within the Town Center: Strip parallel parking spots. Enforce parking duration limits. 6. Choose more appropriate site for proposed MICA development.

Neighbors in Motion 2017 TIP Comments

In the year since the last TIP discussion, Neighbors in Motion believes the priorities remain the same as last year. In the past year, we have gained a better understanding of what is needed to accomplish these priorities. Our updated comments follow:

North/South Bike Route. The 2010 MI PBF Plan lists as its highest priority “more safe routes to school”. Key to that goal is a safe North-South Pedestrian Bicycle Route highlighted below:



- While the City has created a partial route through neighborhoods which links the downtown with West Mercer, Northwood and the Library, there is 1) a gap dangerous on 40th between ICW and 86th Ave SE and 2) the route ends at the intersection of Island Crest Way and 90th Ave. SE. The route is not marked south of that point.
- Evidently the route through Island Crest Park School connecting ICW to 84th Ave SE was found infeasible. No safe or well-marked alternative has been developed for the remainder of travel to the south end commercial area or the elementary and middle schools. NIM recommends connecting this gap by improving the sidewalks and

shoulders of ICW between 90th Ave SE and 62nd and marking the length of 84th Avenue with sharrows or striped bike lanes from 56th Street to IMS.

- The 40th Street and 86th Avenue Intersection does not consider bicycle traffic. Both the City's current North/South bicycle route and NIM's proposed North/South Bicycle route run through this intersection, yet the alternatives for this intersection presented in the current TIP recommendations do not mention bicycle traffic. This is the second redesign of this intersection, and it should take into account all forms of traffic it will serve.

Shoulders on EMW and WMW. The 2016 TIP funded a previously delayed shoulder project on East Mercer Way and a shoulder project on West Mercer Way was funded by cancelling a project previously scheduled on 53rd Street. The Mercers are the most heavily trafficked bicycle and pedestrian routes on the Island. In addition to acting as the primary route for autos, school buses, bicycle-commuters and recreational walkers, for Island residents who live near the Mercers, these are their only connections to neighborhoods or the downtown areas. Completing a continuous shoulder around the Island should be given a higher priority.

The I-90 Trail Master Plan. NIM strongly supports funding this Master Plan as scheduled and continues to advocate for participation by the County, DOT, ST and others. NIM has met with all of our state legislators, King County Wastewater, Mountains to Sound, DOT and others to encourage their support.

ICW and 68th Street. NIM recommends making this intersection safer either by improving sight lines, replacing the *Yield* sign with a stop sign, or both.

We look forward to working with the City to develop plans that address the needs for safer, more efficient streets in a timely manner.

Respectfully,

Neighbors in Motion

Jim Stanton
Jeff Koontz
Robert Olson
Kirk Griffin
Mark Clausen



March 20, 2017

Dear Patrick and Julie,

Thank you for all of the recent efforts that the city has made to improve safe routes to school in our community. In advance of your review of the 2018 - 2023 Transportation Improvement Plan, the IMS PTSA Board of Directors would like to share with you areas of concern that our parent body and principals have brought up.

Fence and Crosswalk at 84th Ave and the Parent Drop-off Loop

We have been observing pedestrian patterns at the fence and crosswalk at 84th Ave and the Parent Drop-off loop since the opening of the new portion of IMS. Students, as well as adults, are still jumping the fence to cross 84th Ave instead of proceeding to the crosswalk. We are wondering if the City can work with the school district to improve this situation. The solution could be as simple as adding "prickly" plants along the fence.

Pedestrian Safety from 72nd St and 82nd Ave to 68th St and 84th Ave

The IMS Board would like the City to review pedestrian and traffic safety on the 84th Ave and 72nd St corridor. As you may know, recently the morning crossing guard at the intersection of 84th Ave SE and SE 72nd St was struck by a car. Due to this incident the crossing guard was moved to another busy crosswalk (72nd Street and 82nd Ave) leaving this intersection unmanaged. Our safety concerns with this corridor include:

- The Intersection at 84th Ave and 72nd St - this intersection is quite busy during the Islander Middle School (IMS) and Lakeridge Elementary drop-off and pick-up periods, before and after sports activities at the South Mercer Playfields, as well as other times throughout the day. Since this is an unusual intersection with a bend in the road and left-hand turn lane onto 84th Ave SE it is very difficult for drivers in the left turn lane to judge the traffic

coming from the west on SE 72nd St while monitoring the crosswalk traffic. Without the morning crossing guard children need to navigate the crosswalk unassisted while drivers get impatient from increased traffic back up.

- Intersection at 82th Ave and 71st St - In order to avoid the back-up at 84th Ave and 72nd St, parents drive through the Parkwest neighborhood. The intersection at 82nd and 71st St (one block from IMS) currently does not have any stop signs and cars heading south on 82nd Ave tend to speed through this intersection with disregard of the pedestrian traffic heading to the crosswalk at 72nd St. While this has always been a problem, these incidents have increased with the increased back-up at 72nd St and 84th Ave.
- Many parents have also raised concerns with bike and pedestrian safety on the east side of 84th Ave SE between the four-way stop (84th Ave and 68th St) and the intersection at 84th Ave and 72nd St. Since there is no immediate crosswalk at 84th Ave and 72nd St there is significant pedestrian traffic on the east side of the street. Bikers and pedestrians using the east side of 84th Ave have to cross three intersections including an unprotected right-hand turn lane (84th Ave and 68th St), the busy entrance to a shopping center and an intersection with limited visibility due to a dirt berm and vegetation (71st Ave).

The Islander Middle School PTSA Board would like for the city to review these pedestrian and safety concerns to see if improvement can be made. Representatives from our PTSA would be happy to meet with you to discuss our concerns.

We thank you for your time and consideration.

Sincerely,

The IMS PTSA Board of Directors



March 21, 2017

Dear Patrick, Bruce and Julie,

Thank you for all of the recent efforts that city has made to improve safe routes to school in our community. In advance of the renovation of the South Mercer Playground (Rainbow Park) and your review of the 2018 - 2023 Transportation Improvement Plan, the Lakeridge PTA General Membership would like to share with you two areas of concern that our parent body and principal have brought up and make a request for your consideration: the entrance to the South Mercer Playfield parking lot and the safety concerns at the intersection of 84th Ave SE and SE 72nd Street.

South Mercer Playfield Parking Lot Entrance

Lakeridge Elementary directs cars through the South Mercer Parking lot as the part of the Kiss and Go route to move cars off of SE 72nd St during the drop-off and pick-up periods (see attached graphic). In addition to this Kiss and Go traffic, there is significant traffic from cars that use this parking lot while accessing the school, ballfields and playground. Also, the line of sight from this entrance is blocked by a berm. The problem is that the entrance to the South Mercer parking lot only allows for only two cars to pass at a time. This makes it quite difficult for traffic to enter and exit the parking lot while parents in the Kiss and Go line maintain an effective traffic pattern. We would like for the city to consider widening the entrance and decreasing the berm during the renovation of the South Mercer Playground.

Crosswalk at 84th Ave SE and SE 72nd Street

The crosswalk at 84th Ave SE and SE 72nd Street is quite busy during the Islander Middle School (IMS) and Lakeridge Elementary drop-off and pick-up periods, before and after sports activities at the South Mercer

Playfields, as well as other times throughout the day. It is also an unusual intersection with a bend in the road and left-hand turn lane onto 84th Ave SE. It is very difficult for drivers in the turn lane to judge the traffic coming from the west on SE 72nd St while monitoring the crosswalk traffic. In addition, current bike and pedestrian routes force children traveling on the east side of 84th Ave SE between the four-way stop (84th Ave and 68th St) and the intersection at 84th Ave and 72nd St to cross three intersections including the entrance to a busy shopping center and an unprotected right-hand turn lane (84th Ave and 68th St). Please see the attached diagram highlighting the current bike and pedestrian routes. The Lakeridge PTA would like the city to consider making changes to the intersection at 84th Ave and 72nd St as well as the crosswalks on 84th Ave. between 68th Street and 72nd Ave. to help improve pedestrian and biker safety.

Traffic Calming on Island Crest Way South of SE 68th Street

Lakeridge Elementary has several bus stops on Island Crest Way south of 68th Street. This is also a walking and biking route to Lakeridge Elementary, Islander Middle School, the South Mercer Playfields, Pioneer Park, the Mercer Island Country Club and the south-end shopping center. Although the speed limit is reduced to 25 MPH in this area and there are several speed limit signs and painted speed limit marking on the road, drivers still speed on this portion of Island Crest Way. The Lakeridge bus driver on this route has reported cars passing his flashing stop arm. There are also no protected crosswalks from SE 86th Street south to the termination of ICW. All of these issue combined put our children waiting at the bus stops and walking/biking in this area in harms way. The Lakeridge PTA would like for the city to consider addition safety improvements and traffic calming efforts in this area.

Representatives from our PTA would be happy to meet with you to discuss our concerns.

Thank you for your time and consideration.

Sincerely,

The Lakeridge PTA General Membership

SIX-YEAR TRANSPORTATION PROGRAM

Detail of Expenditures for 2018 - 2023

	PROJECTS	STATUS	COMMENTS	2018	2019	2020	2021	2022	2023
A.	Residential Streets Preservation Program								
1	Residential Street Resurfacing		Project includes HMA overlays and seal coats	789,000	880,593	563,579	952,449	609,568	1,030,169
	Sub-total Residential Street Preservation Program			\$789,000	\$880,593	\$563,579	\$952,449	\$609,568	\$1,030,169
B.	Town Center Street Improvements								
1	Town Center Streets - North					531,174			
2	Town Center Streets - South					493,132			
	Sub-total Town Center Street Reconstruction			\$0	\$0	\$1,024,306	\$0	\$0	\$0
C.	Arterial Streets Improvements								
1	Arterial Preservation Program			70,000	70,000	70,000	70,000	70,000	70,000
2	SE 40th St Corridor (ICW - 88th Ave SE)	Modified	Removed right turn lane; Added East bound bike lane; \$90K Design in 2017	780,162					
3	Island Crest Way (3100 Block - SE 27th St)	Modified	Deferred 1 year to 2018	390,000					
4	78th Ave SE (SE 34th St - SE 39th St)	New	Chip seal	67,060					
5	SE 53rd Place (ICW - EMW)		Chip seal (no PBF improvement); Revised cost estimate	106,375					
6	East Mercer Way (SE 70th Pl - WMMW)		Chip seal; Revised cost estimate	297,565					
7	East Mercer Way (SE 44th St - SE 70th Pl)		HMA overlay in two Phases. Includes approximately \$100K in PBF reinvestment		695,474		752,200		
8	SE 40th St (76th Ave SE - 78th Ave SE)		New curb on North side and rebuild roadway		327,928				
9	North Mercer Way (7450 - 76th Ave SE)	New	Grind and HMA overlay		155,000				
10	SE 68th St and SE 70th Pl (ICW - EMW)		HMA overlay			525,000			
11	North Mercer Way (7450 - Roanoke)	New	Chip seal				133,000		
12	West Mercer Way (SE 72nd St - East Mercer Way)	New	Chip seal				283,000		
13	Gallagher Hill Road (SE 36th St - SE 40th St)		HMA overlay. Will be done in conjunction with PBF project D8					532,400	
14	SE 36th St (Gallagher - EMW)	New	Grind and HMA overlay						843,300
	Sub-total Arterial Street Improvements			\$1,711,163	\$1,248,401	\$595,000	\$1,238,201	\$602,400	\$913,300
D.	Pedestrian and Bicycle Facilities (PBF) - New Facilities								
1	PBF Plan Implementation			45,000	45,000	45,000	45,000	45,000	45,000
2	ADA Compliance Plan Implementation	New			75,000		75,000		75,000
3	Aubrey Davis Park Regional Multiuse Corridor Plan	Modified	State Transportation Budget does not include funding for this project in 2017	150,000					
4	Way Finding Sign Program Implementation	New	Phase 1 - Trail Signage; Staff will pursue grant funding		30,000				
5	East Mercer Way Roadside Shoulders - Phase 1 I		Clarke Beach to Avalon Drive					465,400	
6	West Mercer Way Roadside Shoulders - Phase 2	New	7400 block to SE 70th St			351,000			
7	Crosswalk Improvement (SE 36th St and NMW)		RRFB. Refuge Island and Rechannelization		65,000				
8	Gallagher Hill Sidewalk Improvement (SE 36th St - SE 40th St)		Sidewalk Improvements. Will be done in conjunction with overlay project C13					444,815	
	Sub-total Pedestrian & Bicycle (PBF) - New Facilities			\$195,000	\$215,000	\$396,000	\$120,000	\$955,214	\$120,000
E.	Other Transportation Projects								
1	Pavement Marking Replacement			77,000	75,125	78,130	81,255	84,506	87,886
2	ROW - Tree Maintenance			137,834	140,590	143,401	146,270	149,195	152,179
3	ROW - Tree Assessment Plan		New program in 2017 to provide a tree condition survey in ROW on Mercer Ways	50,000	51,750	53,561	55,436	57,376	59,384
	Sub-total Other Transportation Projects			\$264,835	\$267,465	\$275,093	\$282,961	\$291,077	\$299,449
F.	Other Transportation Activities and Management								
1	Transportation Management Expenses		Staff/management costs not directly associated with construction projects	192,766	202,403	212,523	223,150	234,307	246,022
2	Transportation Engineering		Includes Transportation Engineer, Engineering Services and Spot Repairs	190,528	200,054	210,057	220,560	231,588	243,167
3	Metro Transit Shuttle Service		Council voted to add Metro Shuttle Service in Apr 2015 (AB5058)	80,000	80,000	80,000	80,000	80,000	80,000
4	DSG - Right of Way Inspections			32,710	34,346	36,063	37,866	39,759	41,747
5	Mobile Asset Data Collection and Technology Projects		Pavement Condition and Sign Inventory (3 yr cycle)		84,000			84,000	
	Sub-total Other Transportation Activities & Management			\$496,004	\$600,803	\$538,643	\$561,576	\$669,654	\$610,937
	TOTAL PROJECT COSTS			\$3,456,002	\$3,212,262	\$3,392,621	\$3,155,186	\$3,127,913	\$2,973,855
G.	Unfunded Projects								
1	East Link Mitigation Projects		UNFUNDED. Mitigation by Sound Transit prior to Light Rail Station operation		TBD	TBD	TBD	TBD	
2	SRTS - Madrona Crest (86th Ave.-SE 36th to 39th) Ph 2		UNFUNDED until need for impvt is confirmed after Northwood opens		340,000				
3	SRTS - 92nd Ave SE (SE 40th to 41st)		UNFUNDED until need for impvt is confirmed after Northwood opens		200,000				
	Sub-total Unfunded Projects			N/A	N/A	N/A	N/A	N/A	N/A

SIX-YEAR TRANSPORTATION PROGRAM

Street Fund Balance

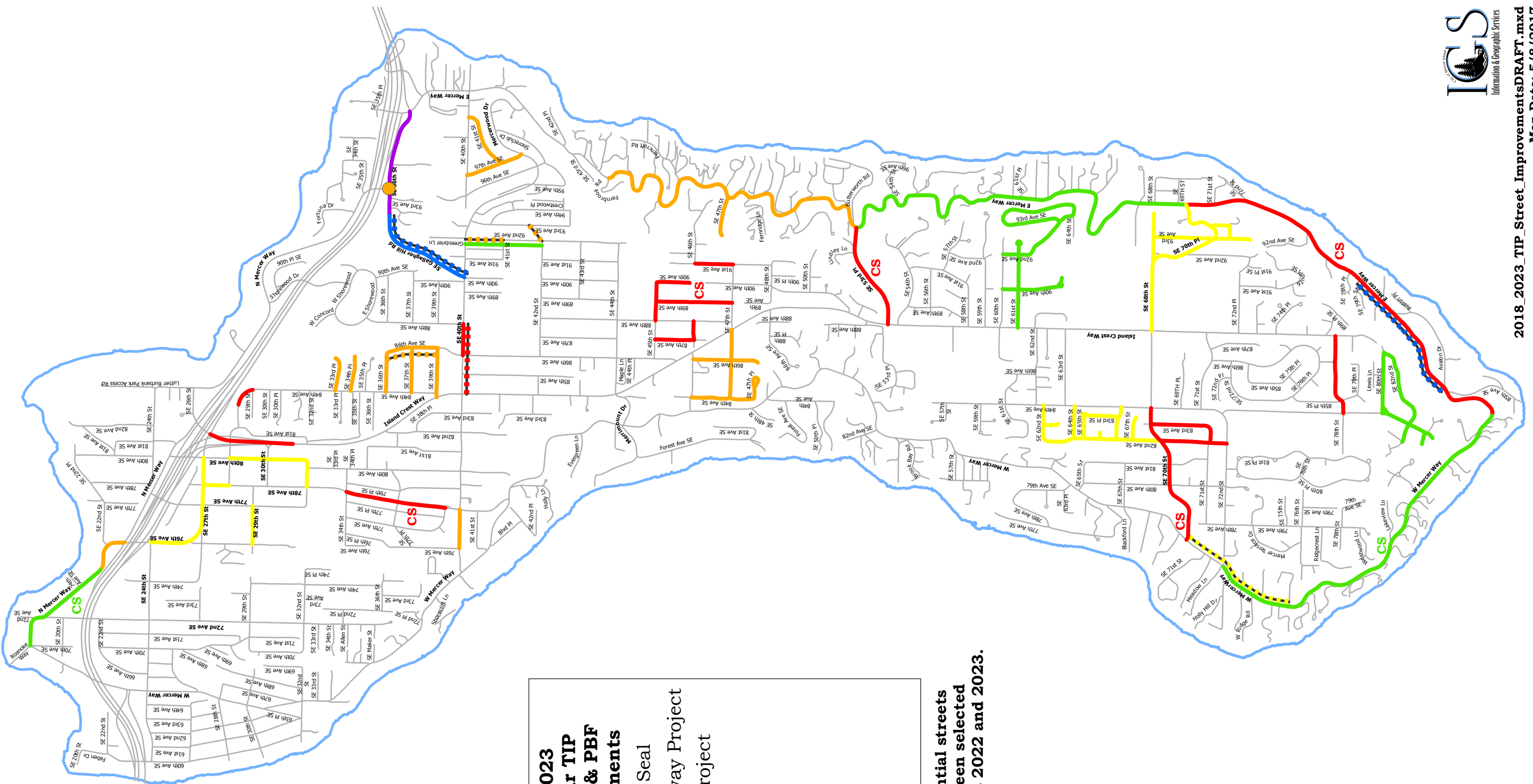
2018 - 2023

RESOURCES	COMMENTS	2018	2019	2020	2021	2022	2023
Beginning Fund Balance		\$ 3,573,015	\$ 2,723,013	\$ 2,193,250	\$ 1,505,629	\$ 1,099,943	\$ 780,031
Revenues							
Real Estate Excise Tax		1,642,000	1,703,500	1,768,000	1,834,500	1,904,000	1,976,000
Fuel Tax		500,000	487,000	475,000	463,000	452,000	440,000
MI Transportation Benefit District	<i>Ordinance 14C-11 (Oct 2014)</i>	350,000	350,000	350,000	350,000	350,000	350,000
Transportation Impact Fees	<i>Ordinance 16C-01 (Jan 2016)</i>	50,000	40,000	40,000	30,000	30,000	40,000
City of Seattle	<i>Metro Transit Shuttle Service</i>	40,000	40,000	40,000	40,000	40,000	40,000
State Shared - Multimodal Transportation	<i>ESSB 5987 (July 2015)</i>	24,000	32,000	32,000	32,000	32,000	32,000
Grant - Way Finding Sign Program		-	30,000	-	-	-	-
Total Revenues		\$ 2,606,000	\$ 2,682,500	\$ 2,705,000	\$ 2,749,500	\$ 2,808,000	\$ 2,878,000

EXPENDITURES	COMMENTS	2018	2019	2020	2021	2022	2023
A. Residential Streets Preservation Program		789,000	\$880,593	\$563,579	\$952,449	\$609,568	\$1,030,169
B. Town Center Street Reconstruction		-	-	1,024,306	-	-	-
C. Arterial Street Improvements		1,711,163	1,248,401	595,000	1,238,201	602,400	913,300
D. Pedestrian & Bicycle Facilities - New Facilities		195,000	215,000	396,000	120,000	955,214	120,000
E. Other Transportation Projects		264,835	267,465	275,093	282,961	291,077	299,449
F. Other Transportation Activities and Management		496,004	600,803	538,643	561,576	669,654	610,937
Total Expenditures		\$ 3,456,002	\$ 3,212,262	\$ 3,392,621	\$ 3,155,186	\$ 3,127,913	\$ 2,973,855
Ending Fund Balance (excluding reserves)		\$ 2,723,013	\$ 2,193,250	\$ 1,505,629	\$ 1,099,943	\$ 780,031	\$ 684,175

FUND RESERVES AND DESIGNATIONS	COMMENTS	2018	2019	2020	2021	2022	2023
Working Capital Reserve		200,000	200,000	200,000	200,000	200,000	200,000
Impact Fees Collected	Project(s) TBD	150,466	190,466	230,466	260,466	290,466	330,466
Designated - TC Streets North Paving (BI in 2020)		99,684	99,684	99,684			
Ending Fund Balance (available)		\$ 2,272,863	\$ 1,703,100	\$ 975,479	\$ 639,477	\$ 289,565	\$ 153,709

UNFUNDED		2018	2019	2020	2021	2022	2023
East Link Mitigation Projects			TBD	TBD	TBD	TBD	
Safe Routes to School - Madrona Crest Phase 2			340,000				
Safe Routes to School - 92nd Ave			200,000				



**2018-2023
Six - Year TIP
Roadway & PBF
Improvements**

CS = Chip Seal

— Roadway Project

- - - PBF Project

2018

2019

2020

2021

2022

2023

**Note: No Residential streets
locations have been selected
yet for the years 2022 and 2023.**

This page intentionally left blank

SIX-YEAR TRANSPORTATION PROGRAM

Project Descriptions

(2018-2023)

A. Residential Street Preservation Program

Historically, this program has consisted of hot mix asphalt (HMA) overlays on an average of 1.5 miles of residential streets annually. Recently, the city has added chip sealing as another tool for street pavement preservation. To date, two chip seal projects have been performed, covering 2.2 miles of streets. The Residential Street Preservation Program also improves about one substandard street per year, as the need arises.

The City's pavement condition data is an integral part of determining the locations and schedule of future residential street asphalt overlays and chip seal work. Pavement Condition Index (PCI) data was last collected in 2013 and again in 2016. When PCI falls below a score of 70, staff begins to consider a roadway for some form of resurfacing. For roadways with a resurfacing need that also have pending utility work (storm drainage, new water main, etc.), these roadways are typically scheduled for paving in the year following that major utility work. The timing and limits of residential street resurfacing work in future TIP's may change, as determined by updated pavement condition information.

Some of the residential roadways planned for future repaving are listed below. Other roadways may be added or the timing of these streets below may change based on when and where water main, storm drainage construction, franchise utility work, and major housing projects occur.

- In 2018, several roadways east of Island Crest Way in the 4500 block (87th, 89th, and 90th Avenues, SE 45th Street) are planned for resurfacing. On the south end of the Island, SE 78th Street from Island Crest to 84th Avenue will receive a HMA overlay, SE 70th Street from WMW to 84th Avenue will get a chip seal, and 82nd and 83rd Avenues south of SE 70th Street will be repaved. These roadways have PCI's in the Fair to Poor ranges.
- For 2019, the Madrona Crest West neighborhood (SE 36th, SE 37th, and SE 39th Streets, 86th Avenue) and nearby SE 33rd Place and SE 34th Place are planned for repaving. These roadways have PCI ratings of Fair and Poor. In addition, SE 41st Street in Mercerwood will be repaved. Farther south, SE 47th Street, 85th Avenue, and 86th Avenue lying west of Island Crest Way are planned for repaving. PCI's in this area are Fair, Poor, and Very Poor.
- In 2020, the neighborhood plat of Parkwest bounded by 82nd Avenue, 83rd Place, SE 62nd Street and SE 70th Street is planned for repaving along with 93rd Avenue and SE 68th Street near East Mercer Way. All of these roadways have PCI's in the Fair to Poor ranges.
- In 2021, the neighborhood streets comprised of SE 61st Street and 90th, 92nd, 93rd, and 94th Avenues (east of Island Crest Way) and the roadways in Island Point (84th Avenue, SE 80th and SE 82nd Streets) are planned for repaving. Current PCI's of these roads range from Fair to Poor, with a few areas of Very Poor. This work may be a combination of HMA overlays and chip seals.
- No streets have been identified yet for 2022 and 2023 resurfacing work.

B. Town Center Street Improvements

- **Town Center Streets – North [B1]** installs hot mix overlays on several existing streets impacted by commercial development projects. Since 2004, multiple large scale development projects have required significant underground utility work within these roadways. Town Center streets will be resurfaced with HMA through a “grind and overlay” process at their current widths. No widening or revision to lane configurations is planned.

Streets are planned to be resurfaced in 2020 and include 76th Avenue (from SE 24th to SE 27th Streets), SE 27th Street (from 76th to 80th Avenues), and 78th Avenue (from SE 27th to SE 28th Streets) at an estimated cost of \$531,174. Staff has previously deferred this project due to stable PCI values, continued redevelopment projects, and the recent Town Center visioning process.

- **Town Center Streets – South [B2]** involves the repair and resurfacing of several roadways that were not part of the repaving work done during the 1994 and 1996 Town Center Street Improvement projects. These “south” streets, which have not been resurfaced since the mid 1980’s, include 80th Avenue (from SE 28th to SE 32nd Streets), SE 32nd Street (from 78th to 80th Avenues), and SE 29th Street (from 76th to 77th Avenues). The condition of these streets has remained relatively stable over the past decade. Resurfacing work for these streets may be a slurry seal treatment rather than a hot mix overlay. Additional project scope includes repair of existing sidewalks where needed, and upgrade of sidewalk ramps to meet current ADA requirements. This work is also proposed for 2020, at an estimated cost of \$493,132.

C. Arterial Street Improvements

- **Arterial Preservation Program [C1]** work continues annually. The purpose of this program is to extend the life of arterial streets proactively, through the repair and patching of isolated pavement failure areas and crack sealing. Crack sealing extends the life of existing pavements by sealing out water intrusion.
- **SE 40th Street Corridor (Island Crest Way to 88th Avenue) [C2].** This project was originally proposed during the 2014 TIP to improve circulation and safety at the SE 40th Street and 86th Avenue traffic signal. In last year’s TIP, roadway improvements for this area were shown as two separate projects. For this year, Staff has combined the work into one project for economies of scale. The project adds a bike lane from Island Crest Way to 86th Ave SE on the south side of SE 40th. Concrete curbs will be installed and the existing HMA sidewalk will be widened and resurfaced. The project also improves the sidewalk on the north side of SE 40th from 85th Ave SE to 88th Ave SE by adding concrete curbs and widening and resurfacing the sidewalk. Lastly the roadway will be repaved between 86th Ave SE and 88th Ave SE. Design work is planned to begin in 2017 and construction is planned for 2018. The total project cost is \$780,162.
- **Island Crest Way (SE 27th Street to 3100 Block) [C3]** emerged during the 2013 PCI rating project as a resurfacing need. This roadway was constructed by WSDOT between 1988 and 1991 as part of the I-90 Island Crest Way freeway interchange improvement. The asphalt paving is now over 20 years old, is showing fatigue and age cracking, and has a PCI rating of Fair. It was crack sealed in 2011 and 2014 and now needs a HMA overlay. Originally scheduled for 2017, Staff has moved the project to 2018, at a cost of \$390,000.

- **78th Avenue (SE 34th Street to SE 39th Street) [C4].** This roadway received a HMA overlay in 2001; however, the pavement is not performing as well as expected. It has extensive cracking, has been patched and sealed several times, and is at the bottom of the Satisfactory bracket. Staff proposes placing a chip seal on this roadway to extend its pavement life. This new project has been added to 2018 in order to combine it with two other arterial chip seal projects already planned for 2018. The project is estimated to cost \$67,060.
- **SE 53rd Place (Island Crest Way to East Mercer Way) [C5]** is proposed for a chip seal in 2018 at an estimated cost of \$106,375. This roadway, last resurfaced in 1989, is showing pavement distresses and some patching has been performed. Its PCI rating is Fair. This project was previously scoped as a HMA overlay, but staff recommended changing to chip seal in an effort to reduce costs within the TIP. Additionally, PBF improvements previously scoped in conjunction of the overlay project were deleted during the 2014 TIP update.
- **East Mercer Way Resurfacing (4400 block to West Mercer Way) [C6 and C7]** is proposed for 2018, 2019, and 2021. Last repaved in 1992, East Mercer Way is showing pavement fatigue and advanced wear. Patching and crack sealing has been done in recent years and additional patching is planned for 2017. Pavement segments within these limits range from Satisfactory to Fair. The scope of this project includes a chip seal from SE 70th Place to West Mercer Way in 2018 at a cost of \$297,565, a HMA overlay from the 4400 block to SE 53rd Place in 2019 at a cost of \$695,474, and a HMA overlay from SE 53rd Place to SE 70th Place in 2021 at a cost of \$752,200. These projects will also resurface the adjacent paved shoulder areas. Staff changed the southern portion of this area to chip seal to reduce costs within the TIP.
- **SE 40th Street (76th Avenue to 78th Avenue) [C8].** This portion of SE 40th Street would have been rebuilt in 2015 with the other SE 40th Street improvements from 78th Avenue to Island Crest Way; however, staff learned of three new home projects set for construction in 2015 and 2016, so work on this section of SE 40th Street was postponed. This project will rebuild the failing asphalt pavement structure (PCI rating of Poor) as well as replace concrete curbs on one side. The work is planned for 2019 at a budget of \$327,928.
- **North Mercer Way (7450 to 76th Avenue) [C9].** This new project is a “grind and overlay” to restore aging asphalt pavement. This roadway was last paved in 1994 with an overlay by WSDOT. Its PCI rating has dropped between 2013 and 2016, and is currently rated as Fair. This project will also repair existing sidewalks and is planned for 2019 at a cost of \$155,000.
- **SE 68th Street and SE 70th Place (Island Crest Way to East Mercer Way) [C10]** was added to the TIP in 2013 as a HMA resurfacing project. The pavement on SE 68th Street is older than 1985 and SE 70th Place was last resurfaced in 2001. Pavement cracking on SE 70th Place was crack sealed in 2011 and again in 2016. This project has been scheduled for 2020 at a cost of \$525,000. The timing of this project may be changed in future TIP’s, depending upon changes in pavement condition. It is currently rated as Satisfactory; however, staff believes its rating will decline in the next several years.
- **North Mercer Way (7450 to Roanoke Way) [C11].** This new project proposes to restore the aging pavement on this portion of North Mercer Way with a chip seal in 2021. The roadway was last repaved in 1994 and although its current PCI rating is Satisfactory, Staff predicts that it will be in Fair condition by 2021. This project’s estimated cost is \$133,000.

- **West Mercer Way (SE 72nd St to East Mercer Way) [C12].** This roadway was last repaved in 1995 with a HMA overlay. Its current PCI condition is Satisfactory, but Staff believes that given its age, it will degrade to a condition of Fair in a few more years. A chip seal resurfacing is proposed for 2021 at a cost of \$283,000. At that time, the current pavement will be 26 years old.
- **Gallagher Hill Road [C13]** is proposed for resurfacing with a HMA overlay in 2022. Last repaved in 1988, Gallagher Hill Road's PCI rating is Fair, and staff believes that by 2021, its rating could fall to Poor. The estimated cost of this repaving project is \$532,400. The timing of this project may change based upon future PCI data.
- **SE 36th Street (Gallagher Hill Road to East Mercer Way) [C14].** This new project proposes to resurface SE 36th Street with a HMA overlay in 2023. This roadway was rebuilt in the late 1980's by WSDOT as part of the I-90 freeway improvements. Its current PCI rating is Fair, but is expected to drop in the coming years. This pavement has performed well, but will be 37 years old in 2023, and will be in need of resurfacing. Project elements may also include sidewalk repairs. This project's estimated cost is \$843,300.

D. Pedestrian and Bicycle Facilities – New Facilities

- **PBF Plan Implementation [D1]** is recommended to continue to be funded at \$45,000 per year. Specific projects for this program have not yet been identified or prioritized for construction in 2018-2023. Staff proposes to focus on implementation of signage and pavement markings to support sharing of the road by all users and completion of missing links in sidewalk or trails to fill gaps in the PBF system.
- **ADA Compliance Plan Implementation [D2]** allocates funding to identify, inventory, prioritize, design, and construct spot improvements to pedestrian facilities citywide to meet compliance standards established by the Americans with Disabilities Act (ADA). Staff recommend funding of \$75,000 per biennium starting in 2019.
- **Aubrey Davis Park Regional Multiuse Corridor Plan [D3]** is a joint effort with the Parks & Recreation Department to develop a guiding document for future priorities and site improvements along this regional park trail to meet the needs of the many user groups. The street contribution to this effort in 2018 is \$150,000 which is intended to be used to supplement the planning efforts or for implementation of plan elements.
- **Wayfinding Sign Program Implementation [D4]** allocates \$30,000 for wayfinding improvements. City staff has been working with community stakeholders, including members of the Mercer Island Chamber of Commerce and the Neighbor's in Motion to develop a wayfinding program. This funding will be used to implement wayfinding signage identified in the planning process.
- **East Mercer Way Roadside Shoulders [D5]** have been under construction in phases since 2004. A Roadside Shoulder Development Program was established in 2002 to construct new paved shoulders along the Mercer Ways for pedestrian and bicycle use (constructed independently from roadway improvement projects). Council has continued to approve and fund additional projects along East Mercer Way, which to date total 3.5 miles of paved roadside shoulder (74% of its 4.8 mile length). East Mercer Way Roadside Shoulders Phase 11 will

construct new paved shoulders from Clarke Beach to Avalon Drive in 2022 at a budget of \$465,400.

- **West Mercer Way Roadside Shoulders - Phase 2 [D6]** continues improvements from West Mercer Way Roadside Shoulders (7400-8000 Block), considered as Phase 1, which will be completed in 2017. Phase 2 will add a shoulder on the east side of West Mercer Way from the 7400 block north to SE 70th Street. The estimated cost of this new project is \$351,000 for construction in 2020.
- **Crosswalk Improvement (SE 36th Street and North Mercer Way) [D7]** is proposed for 2019 to construct a pedestrian crossing including a refuge island, channelization, ADA improvements and an RRFB at the intersection to establish a crossing between the residential and commercial on the south side of SE 36th Street and the I-90 trail system on the north side. The estimated cost of this project is \$65,000.
- **Gallagher Hill Road Sidewalk Improvement (SE 36th Street to 40th Street) [D8]** is proposed for 2022 to build concrete curb and gutter and sidewalk along the east side of the roadway. This project is budgeted at \$444,815 and will be constructed in conjunction with the resurfacing of Gallagher Hill Road [C13].

E & F. Other Transportation Projects/Activities

- **Pavement Marking Replacement [E1].** Funding for this annual program was increased slightly beginning in 2015. The progressive shift to painted fog lines (white edge lines) along the Mercer Way shoulders and other Island streets, as well as increased amounts of thermoplastic markings, has increased the quantity of pavement markings needing to be replaced each year. This program's purpose is to maintain existing pavement markings by replacing them as they wear out or become damaged.
- **ROW Tree Maintenance [E2].** Mercer Island has 275 acres of public Right of Way (ROW) – an area comparable to the number of acres of open space on the Island. The ROW makes up about 19% of the Island's total land mass and provides 14% of its tree canopy. This program continues to support a variety of activities, including the evaluation and removal of hazard trees, oversight of PSE's line-clearing work, the removal of invasive plants such as ivy and noxious weeds, the removal and replacement of trees in conjunction with construction projects in the ROW, and the enforcement of elements of the Tree Ordinance such as view pruning requests that impact the ROW.
- **Metro Transit Shuttle Service [F3]** is an ongoing service to co-fund the Metro shuttle connecting the Mercer Island community with downtown Seattle via Seattle's First Hill. Council approved this service and authorized the funding enhancement on April 20, 2015 (AB 5058).
- **Mobile Asset Data Collection [F5]** projects will continue to update and improve the City's pavement condition index database. Staff plans to collect pavement condition data every three years. This pavement data will aid staff in determining which streets are deteriorating most rapidly, which streets are conducive to less expensive preservation techniques such as chip sealing, and which streets are trending towards more costly rehabilitation.

G. Unfunded Projects

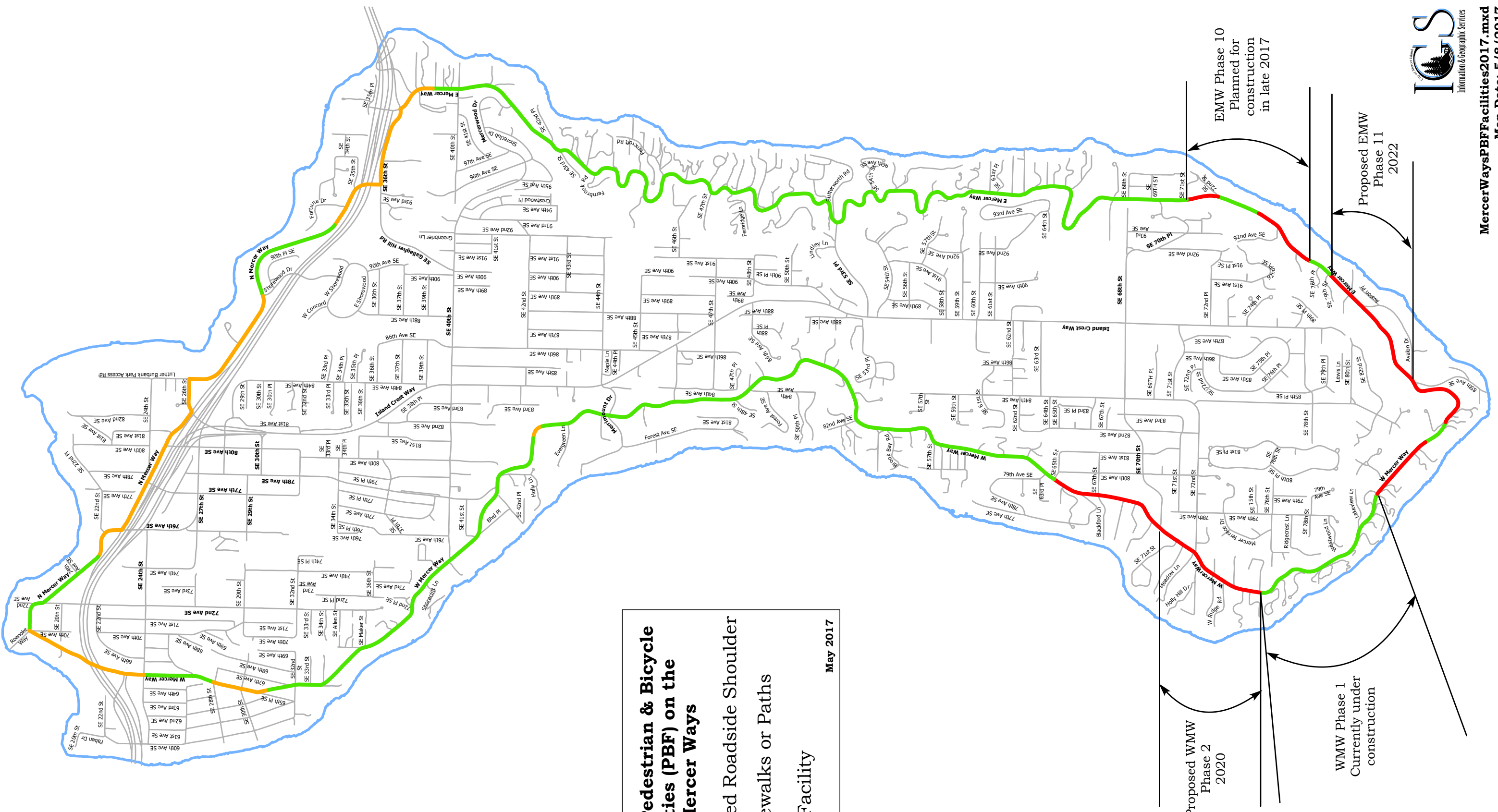
- **East Link Mitigation Projects [G1].** The East Link light rail line is scheduled to open for service in 2023. The project is expected to degrade level of service (LOS) at some Mercer Island intersections and impact safety in several roadway corridors and intersections. The expected impacts are the result of traffic associated with East Link, closure of the I-90 center roadway, and restricted access to the Island Crest Way (ICW) westbound onramp to the new R8A high occupancy vehicle (HOV) lane.

The Federal Highway Administration recently informed the City that Mercer Island single occupant vehicles (SOVs) will not be allowed to access the new R8A HOV lanes nor the ICW westbound HOV on-ramp. This prohibition will force Mercer Island SOVs to take alternate routes to access the mainline on-ramps to I-90 at 76th Ave SE, West Mercer Way, and East Mercer Way. The temporary improvements are fully funded by Sound Transit and include:

- 77th Ave SE & NMW - Temporary traffic signal
- 76th Ave SE on-ramp & North Mercer Way intersection - Temporary traffic signal, modification of westbound striping at ramp to create a bus bypass, and modification of trail connection (at the request of the City)
- Island Crest Way between the I-90 on-and off-ramps - Restripe to improve travel times in the morning commute
- 80th Ave SE & Island Crest Way (at SE 27th St and North Mercer Way intersections) – Install four surveillance cameras to communicate information back to WSDOT Traffic Management Center

At the time of the preparation of the TIP, a comprehensive list of mitigation measures had not yet been identified. The City has retained three separate traffic engineering firms to evaluate the loss of the Island Crest Way westbound on-ramp to SOVs and that work is currently underway. A comprehensive list of mitigation measures will be identified in the next TIP.

- **SRTS – Madrona Crest Phase 2 (86th Avenue from SE 36th Street to SE 39th Street) [G2]** is penciled in for 2019 at an estimated cost of \$340,000. Phase 1 was completed in 2016, which included new concrete curb, gutter, and sidewalk on the east side of 86th Avenue between SE 40th Street and SE 39th Street as a ‘safe walk route’ to the new Northwood Elementary School. Phase 2 will continue sidewalk improvements along the east side 86th Avenue to SE 36th Street. Staff will evaluate walking patterns through the neighborhood to determine if this future phase is necessary. WSDOT will be soliciting applications for the Safe Routes to School Program grant funding in early 2018. Staff plans to submit this project for possible funding.
- **SRTS – 92nd Avenue (SE 40th Street to SE 41st Street) [G3]** is penciled in for 2019 at an estimated cost of \$200,000. This project proposes to install concrete curb, gutter, and sidewalk along the west side of 92nd Avenue to provide a ‘safe walk route’ for Northwood Elementary, the High School and a bus stop location for Islander Middle School. This project will complete a missing link on 92nd Avenue and connect with sidewalks the School District constructed in 2015 along the High School frontage from SE 41st to SE 42nd Streets.



Current Pedestrian & Bicycle Facilities (PBF) on the Mercer Ways

- Paved Roadside Shoulder
- Sidewalks or Paths
- No Facility

May 2017

Proposed WMW Phase 2 2020

WMW Phase 1 Currently under construction

Proposed EMW Phase 11 2022

EMW Phase 10 Planned for construction in late 2017



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

**AB 5300
May 15, 2017
Regular Business**

**INITIATE STREET VACATION PROCESS FOR A
PORTION OF FREEMAN AVENUE AND SET
PUBLIC HEARING DATES**

Proposed Council Action:

Pass Resolution No. 1529, initiating proceedings for the vacation of a portion of Freeman Avenue SE and setting the public hearing dates.

DEPARTMENT OF

Public Works (Jason Kintner)

COUNCIL LIAISON

n/a

EXHIBITS

- 1. Map of Proposed Vacation Area
- 2. Resolution No. 1529

2017-2018 CITY COUNCIL GOAL

n/a

APPROVED BY CITY MANAGER

John Lunde 5/10/17

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

On February 24, 2016, the City discovered a landslide on Freeman Avenue, which compromised the road and hillside. The roadway includes City right-of-way that serves five abutting properties and a private road, which serves two abutting properties (see Exhibit 1). Freeman Avenue is also home to a City sewer pump station and Freeman Landing. Freeman Landing, zoned as public right-of-way, is undeveloped park space below the roadway. City staff has historically used the road on private property to access the sewer pump station. Given the topography of the site, access to the pump station is severely limited, requiring crews to cross private property or deliver supplies and materials by boat.

The damaged portion of the roadway is located on both City right-of-way and the private roadway. Freeman Avenue and the private concrete driveway serve as the only access to two waterfront homes. Due to the costly repair which primarily serves two private properties, and the fact that the damaged portion of Freeman Avenue is both private and public property, the City has been working with the adjacent property owners to find a suitable resolution. Vacating a portion of Freeman Avenue SE, while retaining easements for City infrastructure, allows for a resolution that is beneficial to all parties involved.

STREET VACATION PROCESS

A street vacation is the termination of the public interest in a right-of-way; it extinguishes the easement for public travel that is represented by the right-of-way. Street vacations are governed by chapter 35.79 RCW and Mercer Island City Code ("MICC") 19.9.070 (which essentially mirrors state law).

There are two ways to vacate a street:

- 1) A petition signed by 2/3 of the property owners abutting the street (measured by frontage); or
- 2) Self-initiated by the City (MICC 19.09.070) through a resolution of the City Council. If 50% of the abutting property owners file written objection to the proposed vacation; however, the City Council is prohibited from proceeding with the resolution. RCW 35.79.02; MICC 19.09.07(G).

Moreover, limitations apply to vacation of streets where any portion of the street abuts a body of water. RCW 35.79.035; MICC 19.09.070(H)(2). Specifically, a city "shall not vacate a street or alley if any portion of the street or alley abuts a body of fresh water unless" specified criteria are met. Freeman Avenue was dedicated as a street in 1906 and a portion of it (now the street end park known as Freeman Landing) abuts Lake Washington. To vacate a portion of Freeman Avenue, the City needs to pass a resolution to initiate the vacation process. In accordance with MICC 19.09.070, once the street vacation process has been initiated, the City must:

- a. Compile an inventory of all rights-of-way within the city that abut the same body of water that is abutted by the street sought to be vacated;
- b. Conduct a study to determine if the street to be vacated is suitable for use by the city for any of the following purposes: port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;
- c. Hold a public hearing on the proposed vacation in the manner required by subsection D of this section and provide public notice of the hearing as set out in subsection F of this section, where the notice shall indicate that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to the city indicating his or her objection; and
- d. Make a finding that the street sought to be vacated is not suitable for any of the purposes listed under subsection (H)(3)(b) of this section and that the vacation is in the public interest.

After numerous meetings with the abutting property owners, the vacation of a portion of Freeman Avenue has been found to be mutually beneficial to all parties involved. Private repairs to the hillside and damaged roadway can be completed at a significantly lower cost than a City "owned" project. A city managed project would require compliance with all Washington State public bidding requirements and construction that meets City standards for public transportation and WSDOT Manual specifications, adding significant time and costs to the project. In addition, vacating a portion of the right-of-way while retaining all easements for City utility infrastructure will satisfy City maintenance needs. Vacating a portion of the right-of-way allows for the future addition of a private driveway to one of the abutting property owners where there is currently no vehicular access to the residence. Through private agreement, vehicular access will be maintained to all impacted properties. After considering many alternatives, vacating a portion of Freeman Avenue has become the best viable option for all parties. As such, staff recommends passing Resolution No. 1529 (see Exhibit 2) to initiate the street vacation process and set the public hearing dates (June 7, 2017 before the Planning Commission and June 19, 2017 before the City Council). Staff will complete the requirements set forth in MICC 19.09.070 and return to Council on June 19, 2017 for the public hearing and a formal recommendation regarding the street vacation.

RECOMMENDATION

Public Works Director

MOVE TO: Pass Resolution No. 1529, initiating proceedings for the vacation of a portion of Freeman Avenue SE and setting the public hearing dates.

Exhibit 1- Map of Proposed Vacation Area



AB 5300
Exhibit 1
Page 3

Disclaimer: These maps were developed by the City of Mercer Island and are intended to be a general purpose digital reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property concerns or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of these data sets, especially in regard to labeling of surveyed dimensions, or agreement with official sources such as records of survey, or mapped locations of features. For questions or errors please contact GIS at (206) 275-7770 or (206) 275-7774.

0 30 60 120 Feet

FreemanAveVacation.mxd Map Date: 5/8/2017



**CITY OF MERCER ISLAND
RESOLUTION NO. 1529**

**A RESOLUTION OF THE CITY OF MERCER ISLAND, WASHINGTON
INITIATING PROCEEDINGS FOR THE VACATION OF A PORTION OF
FREEMAN AVE SE AND FIXING A TIME FOR PUBLIC HEARINGS**

WHEREAS, the City Council has determined that it is in the public interest to initiate vacation proceedings for the vacation of a portion of Freeman Avenue Southeast, situated within the City of Mercer Island, King County, and legally described as follows:

THAT PORTION OF FREEMAN AVENUE ACCORDING TO THE REPLAT OF ISLAND PARK, RECORDED IN VOLUME 13 OF PLATS, PAGE 58, IN KING COUNTY, WASHINGTON LYING SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHEAST CORNER OF LOT 9, BLOCK B OF SAID REPLAT, THENCE S.49°03'00"W., 250.00 FEET ALONG THE EASTERLY LINE OF SAID LOT 9 TO THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID EASTERLY LINE S.40°57'00"E., 60.00 FEET TO THE EASTERLY LINE OF FREEMAN AVENUE.

TOGETHER WITH THE SECOND CLASS TIDELANDS ADJOINING.

NOW, THEREFORE, BE IT RESOLVED BY THE MERCER ISLAND CITY COUNCIL AS FOLLOWS:

1. That having found it to be in the public interest, the City Council hereby initiates vacation proceedings under the provisions of Chapter 35.79 RCW and MICC 19.09.070 to vacate the above described portion of Freeman Avenue Southeast;
2. That on June 7, 2017, the Planning Commission shall hold a public hearing, review the proposed street vacation and make a recommendation to the City Council pursuant to Chapters 19.09 and 19.15 of the Mercer Island City Code; and
3. That on June 19, 2017, the City Council shall hold a public hearing on the proposed street vacation in the City Hall Council Chambers located at 9611 SE 36th Street, Mercer Island, Washington, 98040.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AT ITS REGULAR MEETING ON THE 15TH DAY OF MAY, 2017.

CITY OF MERCER ISLAND

Bruce Bassett, Mayor

ATTEST:

Allison Spietz, City Clerk



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

**AB 5298
May 15, 2017
Regular Business**

**ADOPTION OF CODE AMENDMENTS
REGARDING DEVELOPMENT PERMIT
APPEALS AND ACTIONS (2ND READING) AND
PUBLIC NOTICE FEE**

Proposed Council Action:

Adopt Ordinance No. 17C-12 amending land use appeals procedures and actions and pass Resolution No. 1530 amending development and construction permit review fees.

DEPARTMENT OF

Development Services Group (Scott Greenberg)

COUNCIL LIAISON

n/a

EXHIBITS

1. Councilmember Grausz and Wong Proposed Changes (received 4/30/17)
2. Proposed Ordinance No.17C-12
3. Proposed Resolution No. 1530

2017-2018 CITY COUNCIL GOAL

6. Address Outdated City Codes and Practices

APPROVED BY CITY MANAGER

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

SUMMARY

BACKGROUND

In an effort to update the City’s regulations, staff and the Planning Commission have been working on proposed amendments to move many quasi-judicial hearings, decision-making and appeals from the City Council, Planning Commission and Building Board of Appeals to the City’s Hearing Examiner. On May 1, 2017, the City Council reviewed the Planning Commission’s recommendations related to proposed changes to Mercer Island City Code (MICC) procedures for the review and appeal of various permits and approvals. During the meeting, staff summarized the Commission’s recommendations and presented a summary of proposed changes from Councilmembers Grausz and Wong (see Exhibit 1). Following discussion, the City Council:

1. Accepted the proposed changes from Grausz and Wong (Exhibit 1), except one related to building permit appeals;
2. Directed staff to make additional changes regarding:
 - Thirty-Day Public Hearing Notice Period
 - Notice for Major Single-Family Dwelling Building Permits
 - Vesting to Procedural Changes
3. Remanded the question of an administrative appeal of land use and zoning issues related to a “major single-family dwelling building permit” – a proposed, new defined term – back to the Planning Commission for further consideration.

The changes noted in 1 and 2 above have been incorporated into the proposed ordinance for adoption (see Exhibit 2).

Upon review of the final proposed ordinance, staff made additional edits for consistency and clarified the proposed definition of Major Single-Family Dwelling Building Permit.

CHANGES SINCE FIRST READING

Below is further explanation regarding the accepted changes to the proposed ordinance (Exhibit 2) between first and second reading:

1. Thirty-Day Public Hearing Notice Period: In response to a public comment, City Council asked staff to consider whether a 30-day public hearing notice period would create any concerns. No problems were identified, and the proposed ordinance (Exhibit 2) now reflects a 30-day public notice period in the following sections:
 - *Section 7, MICC 19.08.020(E)*: Added current subsection E related to notice for short subdivisions, lot line revisions and long subdivisions. Proposed changes to subsection 2 would remove the current 10-day notice period for a long subdivision public hearing and replace it with a 30-day notice period through the reference to MICC 19.15.020.
 - *Section 10, MICC 19.15.020(D)(3)*: Added current subsection 3 related to open record hearings and changed notice from 15 days to 30 days.
2. Notice for Major Single-Family Dwelling Building Permits: Rather than make the change proposed on Exhibit 1, Page 3, Item 4, staff proposes edits to MICC 19.15.020(D)(1), MICC 19.15.020(E)(1) and MICC 19.15.020(E)(4)(a) as noted in the proposed ordinance (Exhibit 2). The result is the same, but the newly proposed text is a better fit for the structure of the Code.
3. Vesting to Procedural Changes: Also in response to public comment, the City Council asked staff to consider how vested applications would be handled. There is no vesting to procedural changes; however, the City can adopt its own vesting provision, which is proposed in Section 16 of Exhibit 2. This proposed section would allow an application that vested prior to the effective date of this ordinance to follow the procedures in effect at the time the application became complete. Alternatively, the new procedures in this ordinance can be utilized if the applicant, property owner, city and appellant (if applicable) all agree.
4. Edits for Consistency: After making the changes directed by the City Council, the following additional edits for consistency have been included in the proposed ordinance (Exhibit 2):
 - *Section 10, MICC 19.15.020(E)*: Changed 10-day notice to 14-day notice.
 - *Section 10, MICC 19.15.040(F)(2)(f)*: Added current section related to final Design Commission review. The current code requires submittal of materials for final design review 21 days prior to the Design Commission meeting (7 days prior to issuance of the 14-day hearing notice). The proposed change requires submittal of materials for final design review 37 days prior to the Design Commission meeting (7 days prior to issuance of the proposed 30-day hearing notice).
 - *Section 11, MICC 19.16.010*: In the proposed definition of major single-family dwelling building permit, changed “remodel” to “any change to.” The term remodel implies work that is not an expansion of the house.
5. Proposed Definition of Major Single-Family Dwelling Building Permit: The following changes were made in the proposed ordinance (Exhibit 2) to the proposed, new definition of a “major single-family dwelling building permit” after discussing the proposed notice provisions with DSG staff who will be

administering this ordinance. These changes (underlined text below) are intended to clarify what staff believes is the City Council's intent:

Major Single-Family Dwelling Building Permit: A building permit for:

1. A new single-family dwelling on a vacant lot or as replacement of an existing or demolished building; or
2. Any change to a single-family dwelling that requires a building permit and results in any of the following:
 - a. An increase in the existing ~~maximum~~ building height above the highest point of the building, except for a reroof that increases the highest point of the building by 12 inches or less;
 - b. A reduction in any existing side yard;
 - c. An increase in the existing gross floor area of more than 500 sq. feet; or
 - d. An increase in the existing impervious surface on the lot of more than 100 sq. feet.

REMAND TO PLANNING COMMISSION

The City Council remanded the question of an administrative appeal of land use and zoning issues related to a "major single-family dwelling building permit" – a proposed, new defined term – back to the Planning Commission for further consideration. The remand was the result of a rather complicated discussion regarding the following:

- Notice of application for building permits: Based on City Council direction on May 1, a notice of application requirement has been added to the proposed ordinance (Exhibit 2). It appears no other cities in Washington provide such notice based on staff research to date,
- Notice of decision for building permits: It appears no other cities in Washington provide such notice based on staff research to date and staff questions whether the timing of such notice is meaningful or effectively manages community expectations, and
- Scope of building permit appeals: Currently, building permit appeals are heard by the Building Board of Appeals and are limited only to Construction Code issues such as building, mechanical, plumbing, electrical and fire code issues (MICC Title 17). Other Washington cities do allow for this type of administrative appeal mostly to a Hearing Examiner. Councilmember Grausz proposed adding a new appeal of "major single-family dwelling building permits" that would allow an appeal of land use and zoning issues including setbacks, building height, and impervious surface coverage (MICC Title 19). Based on staff research to date, it appears no other cities provide for an appeal of land use and zoning issues related to a building permit.

During the Planning Commission's review of the code amendments, they did not discuss appeals of land use and zoning issues related to building permits. On remand, staff recommends the Planning Commission consider the following issues under Title 19:

- Whether to require administrative appeals of building permits before the Hearing Examiner prior to judicial appeals under the Land Use Petition Act, chapter 36.70C RCW (this is known as an "exhaustion requirement," meaning the appellant must first appeal at the local, administrative level prior to seeking judicial review in court), and the pros/cons of each option;
- The definition of "major single-family dwelling building permit" and the "triggers" for such a permit;
- The scope of building permit appeals generally and "major single-family dwelling building permit" appeals specifically (construction code issues only and/or certain zoning or land use issues);

- Whether administrative appeals of land use and zoning issues for non-single-family building permits should be allowed;
- Whether to create a separate land use action that can be administratively appealed rather than a building permit, such as a zoning site plan review, and
- Who can appeal (limited to adversely affected parties or broader).

Pending review by the Planning Commission on remand, Councilmember Grausz requested that the ordinance allow appeal of “Major Single-Family Dwelling Permits” to the Hearing Examiner. This request has not been incorporated into the proposed ordinance (Exhibit 2) since it was not previously directed by the City Council, but it could be added during second reading if a majority of the City Council desires.

RESOURCE REQUEST

In the 2017-2018 budget, the City Council adopted the following policy:

“Growth should pay for growth. The City will seek cost recovery of 95% for eligible Building Services, 80% for eligible Planning Services and 80% for eligible Engineering Services. The desired cost recovery levels recognize the private benefits associated with building permits and the mix of public and private benefits associated with certain planning and engineering permits.”

Adding a requirement for a Notice of Application for a class of building permits is a cost of growth and will need adequate resource support. The first question is how many permits will now likely require a Notice of Application that have not required one in the past. The following table estimates how many Notices of Application would have been required in the past three years.

Permit Type and # of permits	2014	2015	2016	AVERAGE
New Single-Family	61	76	73	70
Other Single-Family Requiring Notice	49	40	46	45
Totals	110	116	119	115

Based on this data, an average of 115 Notice of Applications would have been issued in each of the past three years.

Each Notice of Application takes, on average, 3.5 hours to prepare. This includes creating the notice, mailing to property owners within 300’ of a site (copying and folding the notice, creating the mailing list, labeling and stuffing the envelopes), posting the notice in the weekly permit bulletin and organizing and uploading the public documents that are now linked within the notice. In addition, a public notice board must be prepared for applicant pick-up and posting on-site. There are also postage costs for each mailing.

Once the notice is issued, staff receives phone calls, emails and in-person visits from neighbors and others who have seen the notice. Staff has estimated that working with interested parties throughout the review process would take on average three hours for a new single-family home and 1.5 hours for a single-family addition. The table below summarizes this estimated data.

A	B	C	D	E	F
Permit Type and # of Permits	Projected No. of Notices	Notice Prep (Hours)	Public Contact (Hours)	Total Staff Hours per Notice (C+D)	Total Staff Hours Annually (BxE)
New Single-Family	70	3.5	3	6.5	455
Other Single-Family Requiring Notice	45	3.5	1.5	5	225
Totals	115	---	---	---	680

Based on the information on the previous page, approximately 16 hours per week (0.4 FTE) would be needed to provide support for the proposed public notices. At a Permit Coordinator level, the cost for this resource would be \$50.00 per hour or \$41,760 per year, including salary, benefits, supplies, postage and operating costs. Considering that the actual impact to workload is not known, staff is proposing to integrate this additional work into currently-budgeted positions and return to Council in the future to request additional resources if needed.

Because the proposed public notices represent an increase in workload that is not budgeted, staff recommends adopting a separate "Public Notice Fee" that can be applied on a case-by-case basis for major single-family dwelling building permit applications that require a Notice of Application. Based on the projected resource cost (\$41,760) and projected number of permits requiring notice (115), staff recommends an initial Public Notice Fee of \$325 for new major single-family dwelling building permits and \$250 for other major single-family dwelling building permits.

RECOMMENDATION

Development Services Director

- MOVE TO:
1. Adopt Ordinance No. 17C-12, amending Mercer Island City Code Titles 3, 15, 17 and 19 and repealing Chapter 3.28 MICC regarding development permit appeals procedures and actions.
 2. Remand the question of building permit appeals to the Planning Commission, focusing on the list of issues on page to of this agenda bill (AB 5298).
 3. Pass Resolution No. 1530, amending development and construction permit fees to add a "Public Notice Fee" that can be applied on a case-by-case basis for major single-family dwelling building permit applications that require a Notice of Application.

City Councilmember Proposed Changes—April 30, 2017

City Councilmember Proposals (responses to questions in italics)	Revisions for Consideration
<p>SECTION 1: HEARING EXAMINER (Chapter 3.40 MICC)-pages 4-6</p> <ol style="list-style-type: none"> (BW) MICC 3.40.035 – Add language that says that someone serving as hearing examiner pro tempore is to have the same qualifications and be subject to the same requirements stated in Sect. 3.40.030. <i>See proposed revision.</i> (BW) MICC 3.40.080(C) – can we change the language to “an electronic sound or video” recording if and when the city has the ability to provide video recordings. <i>See proposed revision.</i> (BW) MICC 3.40.080(D) – To whom is this notice given? <i>This is specific to the type of application. If there are no specific requirements for notice, then D.1 and D.2 would apply. Who is a “party of record?” This is not defined for this section. Does the ordinance clearly state who is to get notice? Yes, see MICC 3.40.080(D)(1) and (2), also MICC 19.15.020€.</i> Is the “party of record” the same as defined in Chapter 19.15? <i>No.</i> (BW) MICC 3.40.110(B) – Insert language imposing a deadline for when the hearing examiner will render a written decision regarding request for reconsideration. <i>The proposed code has a 14 day deadline, which could be more clear. See proposed revision.</i> 	<ol style="list-style-type: none"> MICC 3.40.035: The city manager may appoint qualified persons <u>having the qualifications set forth in Section 3.40.030</u> to serve as hearing examiner pro tempore, as needed, to expeditiously hear pending applications and appeals. MICC 3.40.080(C): The city shall make an electronic sound <u>or video recording with sound</u> of the hearing. No revisions proposed. MICC 3.40.110(B): Within 14 days of receiving a request for reconsideration, <u>The hearing examiner shall reconsider a final decision based upon the above criteria.</u> The hearing examiner shall issue a decision on the request for reconsideration <u>within 14 days of receiving a request for reconsideration</u>, denying the request or correcting the decision as the examiner determines necessary.
<p>SECTION 2: STORMWATER MANAGEMENT (Chapter 15.09 MICC)-page 7 No revisions proposed</p>	
<p>SECTION 3: INTERNATIONAL FIRE CODE (Chapter 17.07 MICC, Fire Code)-page 7 No revisions proposed</p>	

City Councilmember Proposed Changes—April 30, 2017

City Councilmember Proposals (responses to questions in italics)	Revisions for Consideration
<p>SECTION 4: CONSTRUCTION ADMINISTRATIVE CODE (Chapter 17.14 MICC), pages 8-11 (BW) Sect. 17.14.020C –</p> <ol style="list-style-type: none"> How is “substantially affected” defined? Who makes that determination? <i>The Planning Commission said “adversely affected” rather than “substantially affected.” This will be corrected at the meeting. See proposed revision. The Hearing Examiner will determine if someone is “adversely affected.”</i> How is that determination challenged? <i>Through an appeal of the Hearing Examiner’s decision.</i> How do you know if you are someone who has been “substantially affected” unless you are notified and made aware of the applicable order, decision, etc. <i>This is a decision for the Hearing Examiner.</i> Should all property owners within a certain distance from the subject property be presumed “substantially affected” and provided with notice of the applicable order, decision (make it comparable to the public notice requirements in Sect. 19.15.020E(4)? <i>This is a decision for the Hearing Examiner.</i> 	<ol style="list-style-type: none"> MICC 17.14.020(C): Who can appeal, when to appeal and appeal fee. For the purposes of this chapter, “appellant” shall be defined as the applicant and the owner of property to which the permit decision is directed, or anyone who is substantially <i>adversely</i> affected by the order, determination, or decision. An appellant shall file an appeal of the order, decision or determination of the building or fire code official with the City Clerk within 14 days of the date of the decision of the building or fire code official, using a form provided by the City. An appeal fee established by resolution shall be payable at the time an appeal is submitted. Failure to timely file the appeal or pay the appeal fee shall result in dismissal of the appeal. 2-4: No revisions proposed
<p>SECTION 5: GENERAL REGULATIONS (Chapter 19.06 MICC), page 11</p>	<p>No revisions proposed</p>
<p>SECTION 6: ENVIRONMENT (Chapter 19.07 MICC), pages 11-12</p>	<p>No revisions proposed</p>
<p>SECTION 7: SUBDIVISIONS (Chapter 19.08 MICC), page 13</p>	<p>No revisions proposed</p>
<p>SECTION 8: TREES (Chapter 19.10 MICC), pages 13-15</p>	<p>No revisions proposed</p>
<p>SECTION 9: TOWN CENTER DEVELOPMENT AND DESIGN STANDARDS (Chapter 19.11 MICC), pages 14-18</p>	<p>No revisions proposed</p>

City Councilmember Proposed Changes—April 30, 2017

City Councilmember Proposals (responses to questions in italics)	Revisions for Consideration								
<p>SECTION 10: ADMINISTRATION (Chapter 19.15 MICC), pages 18-26</p> <p>1. (BW) Sect. 19.15.010(C) – Should Sect. 19.15.010C(1) include language stating that the city council acts on recommendations by not only the PC but also the Hearing Examiner? <i>See proposed revision.</i></p> <p>2. (DG) MICC 19.15.010(D)-- Address an issue that came up in the recent Coen appeal in which DSG contended that its authority to reject an application for an administrative action was constrained even when the Code makes the application one that is “permissive” in nature. Remove the restrictions that DSG apparently now believes apply to Administrative Actions if the Action is one which the Code says is permissive in nature – e.g., the City “may” grant a deviation. <i>The term “may” is appropriate for applications with discretionary decision criteria. Staff supports clarification of this issue.</i></p> <p>3. (DG) MICC 19.15.010(E)--The DSG Director currently has authority to issue Development Code Interpretations which are treated by DSG as almost the equivalent of administrative regulations. The Code, however, treats these as Ministerial Actions which significantly reduces the notice requirements. <i>See proposed revision. RCW 36.70B.110(11) requires local governments to adopt procedures for administrative interpretations of its development regulations. The expressed concern is notice of the interpretations. Staff could support changing the action type of Administrative.</i></p> <p>4. (DG) MICC 19.15.010(E) and 19.15.020(D)(7)(a)--Ensuring notice is given as to certain types of building permits so that neighbors</p>	<p>1. MICC 19.15.010(C)(1): City Council. The city council is responsible for establishing policy and legislation affecting land use within the city. The city council acts on recommendations of the planning commission and <u>Hearing Examiner</u> in legislative and quasi-judicial matters.</p> <p>2. No revisions proposed.</p> <p>3. MICC 19.15.010(E): Move Development Code Interpretations from Ministerial Actions to Legislative Actions</p> <p>4. MICC 19.15.010(E): Add the following under Administrative Actions</p> <table border="1" data-bbox="727 159 982 978"> <thead> <tr> <th>ACTION</th> <th>DECISION AUTHORITY</th> <th>CRITERIA</th> <th>APPEAL AUTHORITY</th> </tr> </thead> <tbody> <tr> <td>Major Single-Family Dwelling Building Permit</td> <td>Code Official</td> <td>Chapter 19.02 MICC but not Title 15 MICC or Title 17 MICC</td> <td>Hearing examiner</td> </tr> </tbody> </table> <p>5. A. Amend 19.15.020(D)(2) by adding a new “k” and renumbering the remaining sections: k. A link to a website where <u>additional information about the project can be found</u>.</p> <p>B. Amend the title of 19.15.020(E) to read: <u>Public Notice and Information Availability</u></p> <p>C. Add a new paragraph (3)(g) to read: <u>A link to a website where additional information about the project can be found</u>;</p>	ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY	Major Single-Family Dwelling Building Permit	Code Official	Chapter 19.02 MICC but not Title 15 MICC or Title 17 MICC	Hearing examiner
ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY						
Major Single-Family Dwelling Building Permit	Code Official	Chapter 19.02 MICC but not Title 15 MICC or Title 17 MICC	Hearing examiner						

City Councilmember Proposed Changes—April 30, 2017

City Councilmember Proposals (responses to questions in italics)	Revisions for Consideration
<p>have an opportunity to review and comment. Currently, public notice is not provided in any form with respect to building permits. Giving people the right to administratively appeal land use issues that are addressed in certain building permits. There is presently no administrative appeal right. <i>See proposed revision. Staff does not support this revision. Building permits are considered ministerial, and not subject to discretion or public comment.</i></p> <p>5. (DG) 19.15.020(D)(2) and (E) Having permit application information available online which is not presently the case. Now, one has to make a public records request. <i>Staff supports providing more project information online and have already started publishing links to project information in all notices.</i></p> <p>6. (DG) MICC 19.15.020(D)(7)(i)--Delete "critical lands determination." <i>Staff supports this revision.</i></p> <p>7. (BW) Sect. 19.15.020E(4) – Shouldn't public notices also be mailed to any "party of record," as defined in Sect. 19.15.020(U), in addition to property owners within 300 feet of the property, etc.? <i>Staff supports this revision.</i></p> <p>8. (BW) Sect. 19.15.020(U) – Why was the language in J(5) deleted? Is that language or some similar language found elsewhere in the Code? If there is no such language now in the Code, how will time for oral argument to be allocated? <i>This will now be determined by the Hearing Examiner during a pre-appeal hearing conference.</i></p>	<p>D. Add a new paragraph 5 to read:</p> <p>5. <u>Every complete development permit application for which notice is to be provided under MICC 19.15.020(D)(1) together with all information provided by the applicant for consideration by the Decision Authority shall be posted by the City to a website accessible without charge to the public. Information shall be posted at the time the city issues the notice of application under MICC 19.15.010(D)(1) and shall be updated as needed and in any event within seven days after additional information is received from the applicant. The provisions of this subsection 5 shall only apply to development permit applications filed on or after _____, 2017.</u></p> <p>6. MICC 19.15.020(D)(7): Amend as follows:</p> <p>7. A notice of application is not required for the following actions; provided, the action is either categorically exempt from SEPA or an environmental review of the action in accordance with SEPA has been completed:</p> <ul style="list-style-type: none"> a. Building permit <u>other than a major single-family dwelling building permit;</u> b. Lot line revision; c. Right-of-way permit; d. Storm drainage permit; e. Home occupation permit; f. Design review – minor new construction; g. Final plat approval; h. Shoreline exemption permit; i. Critical lands-determination; and ji. Seasonal development limitation waiver.

City Councilmember Proposed Changes—April 30, 2017

City Councilmember Proposals (responses to questions in italics)	Revisions for Consideration
	<p>7. MICC 19.15.020(E)(4)(a): Amend as follows:</p> <p>4. Public notice shall be provided in the following manner:</p> <p>a. Administrative and Discretionary Actions. Notice shall be mailed to <u>parties of record</u>, all property owners within 300 feet of the property, and posted on the site in a location that is visible to the public right-of-way.</p> <p>8. No revisions proposed.</p>
<p>SECTION 11: DEFINITIONS, (pages 26-27)</p> <p>(DG) New definition of Major Single-Family Dwelling Building Permit <i>Staff does not support this revision.</i></p>	<p><u>Major Single-Family Dwelling Building Permit: A building permit for:</u></p> <p>1. <u>A new single-family dwelling on a vacant lot or as replacement of an existing or demolished building; or</u></p> <p>2. <u>The remodel of a single-family dwelling that results in any of the following: (i) an increase in the existing maximum building height; (ii) a reduction in any existing side yard; (iii) an increase in the existing gross floor area of more than 500 sq. feet; or (iv) an increase in the existing impervious surface on the lot of more than 100 sq. feet.</u></p> <p>No revisions proposed.</p>
<p>OTHER:</p> <p>(BW) In one of the public comments there is a question about how these proposed changes affect pending applications? Is it clear in the Ordinance what process applies to pending applications? Does there need to be some clarification? <i>There is no vesting to process. Therefore, any changes in procedures would apply to applications currently under review. The City can specifically state that these revisions only apply to complete applications received after the effective date of the code.</i></p>	

**CITY OF MERCER ISLAND
ORDINANCE NO. 17C-12**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND AMENDING
MERCER ISLAND CITY CODE TITLES 3, 15, 17 AND 19 AND
REPEALING CHAPTER 3.28 MICC REGARDING DEVELOPMENT
PERMIT APPEALS AND ACTIONS**

WHEREAS, the Mercer Island City Code (MICC) provides mechanisms to appeal land use actions and decisions made by various City decision makers, such as the hearing examiner, planning commission, design commission, city council, building board of appeals and superior court; and

WHEREAS, this appellate, “quasi-judicial,” role is often at odds with the city council’s and planning commission’s legislative powers and the separation of powers at the local government level; and

WHEREAS, since the 1970s, many counties and cities have moved away from the “quasi-judicial” role by utilizing a hearing examiner system to conduct public hearings on many quasi-judicial land use matters; and

WHEREAS, hearing examiners are professionally trained and have a background in land use law which enables them to avoid procedural or other errors that would undermine the legal sufficiency of the permit review and decision; and

WHEREAS, while council action is required on rezones, the law gives councils the option to assign to their hearing examiners authority to make final decisions on other types of quasi-judicial permits, such as conditional use permits, variances, design review approvals, site plan approvals, and short subdivisions; and

WHEREAS, the Washington Cities Insurance Authority, the risk pool for many cities in the state including Mercer Island, strongly encourages councils to divest themselves as much as possible of the quasi-judicial role; and

WHEREAS, quasi-judicial cases can be extremely time intensive, taking time away from the city council and planning commission to work on other issues with greater impact on the well-being of the entire community, such as matters which cannot be delegated to other bodies; and

WHEREAS, the quasi-judicial role can place city council members in an untenable position if caught between the need to be responsive to the desires of their constituents and their duty to be responsible to the clear legal criteria governing the permit decision before them; and

WHEREAS, the city council has determined the planning commission and city council’s time and attention to land use matters is best invested in adopting clear and effective policies and development regulations rather than in handling quasi-judicial matters; and

WHEREAS, the city council desires to amend development permit action and appeal procedures throughout the MICC for consistency and efficiency;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amendments to Chapter 3.40 MICC, Hearing Examiner. MICC 3.40
“HEARING EXAMINER” is hereby amended as follows:

3.40.010 Established.

There is established the office of hearing examiner. (~~Added during 1980 codification~~).

3.40.020 Purpose – Function and jurisdiction.

A. The hearing examiner will hear and decide upon all applications for variance requests from the provisions of MICC Title 19, Unified Land Development Code, and shoreline management master program (MICC 19.07.080) which are forwarded by the code official, and shall hear and decide upon all appeals as identified in MICC 19.15.010(E) applications and appeals as designated in this code.

B. The hearing examiner’s decision may be to:

1. Grant or deny the application or appeal; or
2. Grant the application or appeal with such conditions, modifications, and restrictions as the hearing examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations, including Chapter 43.21C RCW and the regulations, policies, objectives, and goals of the comprehensive plan, the Mercer Island City Code, and other official laws, policies and objectives of the City of Mercer Island; or
3. Remand the decision back to the decision maker for further consideration.

3.40.030 Appointment and Qualifications.

The city manager shall appoint the hearing examiner for an indefinite term. The hearing examiner shall be appointed solely with regard to qualification for the duties of such office and shall have such training or experience as will qualify the hearing examiner to conduct administrative or quasi-judicial hearings on land use regulatory matters assigned to the hearing examiner under this code. The hearing examiner shall hold no other appointive or elective public office or position in the city government except as provided in this chapter. The hearing examiner shall serve at the pleasure of the city manager. (~~Added during 1980 codification~~).

3.40.035 Pro tem hearing examiners.

The city manager may appoint qualified persons having the qualifications set forth in MICC 3.40.030 to serve as hearing examiner pro tempore, as needed, to expeditiously hear pending applications and appeals.

3.40.040 Hearing examiner – Conflict of interest and freedom from improper influence.

A. The hearing examiner shall not conduct or participate in any hearing or decision in which the hearing examiner has direct or indirect personal interest which might interfere with his or her decision making process. Any actual or potential conflict of interest shall be disclosed to the parties immediately upon discovery of such conflict. ~~The examiner shall not conduct or participate in any hearing or decision in which the examiner has a direct or substantial financial interest.~~

B. No council member, city official, or any other person shall attempt to influence or in any way interfere with the hearing examiner in the performance of his or her designated duties. (Added during 1980 codification).

3.40.050 Dismissal of untimely appeals.

On its own motion or on the motion of a party, the hearing examiner shall dismiss an appeal for untimeliness or lack of jurisdiction.

3.40.060 Consolidation of hearings for consolidated project permit process.

Whenever a project application is reviewed under a consolidated project review process that includes more than one City permit, approval, or determination for which an open, or closed, record hearing before the hearing examiner is required or for which an appeal is otherwise provided, the hearings and any such appeals shall be consolidated into a single proceeding before the hearing examiner to the extent permitted by law.

3.40.070 Prehearing conference on appeals.

A. An appeal prehearing conference may be ordered by the hearing examiner pursuant to this chapter upon motion by a party or “sua sponte” by the hearing examiner. The purpose of a prehearing conference shall be to identify, to the extent possible, the facts in dispute, issues, laws, parties, and witnesses in the appeal. In addition the prehearing conference is intended to establish a timeline for the presentation of the appeal.

B. Any party who does not attend the prehearing conference, or anyone who becomes a party of record after notice of the prehearing conference has been sent to the parties, may nevertheless present testimony and evidence to the examiner at the hearing if the examiner determines that allowing the presentation will not prejudice the rights of the other parties.

3.40.080 Hearings.

A. Before rendering a decision on any application or appeal, the hearing examiner shall hold at least one open, or closed, record hearing as applicable thereon.

B. The hearing examiner shall adopt rules of procedure for conduct of the hearing.

C. The city shall make an electronic sound or video recording with sound of the hearing.

D. Notification of the time and place of the hearing shall be given as provided in the ordinance governing the application. If none is specifically set forth, such notice shall be given as follows:

1. Published and posted notice at least 15 days prior to an open record predecision hearing and 15 days prior to an open record or closed record appeal hearing; and
2. Mailed notice to all parties of record at least 15 days prior to an open record predecision hearing and 15 days prior to an open record or closed record appeal hearing.

3.40.090 Hearing examiner findings.

When the hearing examiner renders a decision, he or she shall make and enter findings of fact and conclusions from the record that support the decision. Said findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation is consistent with, carries out, and helps implement applicable state laws and regulations and the regulations, policies, objectives, and goals of the comprehensive plan, the Mercer Island City Code, and other official laws, policies, and objectives of the City of Mercer Island as applicable.

3.40.100 Written decision.

Within 14 days of the conclusion of a hearing, the hearing examiner shall render a written decision to the City. The hearing examiner's decision shall identify the applicant and/or the owner by name and address, and the project file or permit number, if applicable.

Any judicial appeal of the hearing examiner's decision shall be filed in King County superior court pursuant to Chapter 36.70C RCW, the Land Use Petition Act ("LUPA"). The land use petition must be filed within 21 days of the issuance of the hearing examiner's decision.

3.40.110 Reconsideration of final decision.

A. Any final decision by the hearing examiner may be reconsidered by the hearing examiner, provided a request for reconsideration by a party of record is received within 10 days of the date of the decision by the hearing examiner, if:

1. The decision was based in whole or in part on erroneous facts or information;
2. The decision when taken failed to comply with existing laws or regulations applicable thereto; or
3. An error of procedure occurred that prevented consideration of the interests of persons directly affected by the decision.

B. The hearing examiner shall reconsider a final decision based upon the above criteria. The hearing examiner shall issue a decision on the request for reconsideration within 14 days of receiving a request for reconsideration, denying the request or correcting the decision as the examiner determines necessary.

Section 2. **Amendments to Chapter 15.09 MICC, Stormwater Management Program.**
MICC 15.09 “STORMWATER MANAGEMENT PROGRAM” is hereby amended as follows:

15.09.090 Storm Water Management Program—Appeals Process.

Any person aggrieved by the decision of the city manager or his/her designee in administering this chapter may appeal the decision to the hearing examiner~~city council of the city of Mercer Island by complying with the procedures set forth in Chapter 2.30 MICC.~~ Appeals shall follow the process described in 19.15.020(J) MICC.

Section 3. **Amendments to Chapter 17.07 MICC, International Fire Code.** MICC 17.07
“INTERNATIONAL FIRE CODE” is hereby amended as follows:

17.07.020 Amendments and additions.

...

H. IFC Section 108.1 Amended – Board of Appeals, Board of Appeals Established. Section 108.1 of the International Fire Code is hereby amended to read as follows:

Section 108.1 General. ~~In order to~~The hearing examiner shall hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of the International Fire Code,~~there shall be a building board of appeals as established in MICC Chapter 3.28.~~ Appeals shall follow the process described in MICC 17.14.020 and 19.15.020(J)

I. IFC Section 108.2 Amended – Board of Appeals, Limitations on Authority. Section 108.2 of the International Fire Code is hereby amended to read as follows:

Section 108.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of the International Fire Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the International Fire Code do not fully apply or an equally good or better form of construction is proposed. ~~The building board of appeals~~ hearing examiner shall have no authority relative to interpretation of the administrative provisions of the International Fire Code nor shall ~~the board be empowered~~ the hearing examiner have the authority to waive requirements of ~~the International Fire Code which are the~~ either this code or of other codes, appendices and referenced code standards adopted by ~~the jurisdiction.~~ or through this code.

...

Section 4. Amendments to Chapter 17.14 MICC, Construction Administrative Code.
MICC 17.14 “CONSTRUCTION ADMINISTRATIVE CODE” is hereby amended as follows:

17.14.010 Adoption.

...

SECTION 104

DUTIES AND POWERS OF BUILDING OFFICIAL

...

104.1.1. Liability. The building official, ~~member of the board of appeals or hearing examiner,~~ or employee charged with the enforcement of this code, while acting in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties while acting in good faith and without malice and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

...

SECTION 113

BOARD OF APPEALS

~~113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the construction codes or this administrative code, there shall be a building board of appeals as established in MICC Chapter 3.28.~~

~~113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of the construction codes or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the construction codes do not fully apply, or an equally good or better form of construction is proposed. The building board of appeals shall have no authority relative to interpretation of the administrative provisions of the construction codes nor shall the board be empowered to waive requirements of the~~

~~construction codes which are the codes, appendices and referenced code standards adopted by the jurisdiction.~~

~~113.3 Summary of action and authorities. The table below sets forth actions that the city may take under its construction codes, the criteria upon which those decisions are to be based, and which boards or city staff have authority to make the decisions and to hear appeals of those decisions.~~

-

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Building Permit	Building official	Chapter 17.14 MICC, Section 105	Building board of appeals
Grading and Clearing Permit	Building official	Chapter 17.14 MICC, Section 105	Building board of appeals
Construction Code Interpretations	Building official (fire code official for International Fire Code), IBC Chapter 9 – Fire Protection Systems and IRC Appendix Q related to residential fire sprinklers	Chapter 17.14 MICC, Section 104; IFC Section 108 and MICC 17.07.020(F), (G), and (H)	Building board of appeals

...

17.14.020 Appeals

A. Appeals to hearing examiner.

1. Appeals of orders, decisions and determinations of the building or fire code official issued pursuant to Title 15 MICC or Title 17 MICC that do not constitute enforcement actions shall be heard and decided by the city of Mercer Island hearing examiner pursuant to this section and Chapter 3.40 MICC.

2. To the extent the codes adopted by reference in this title refer to a “board of appeals” or a “building board of appeals,” those references shall be deemed to refer to the city of Mercer Island hearing examiner.

B. Limitations on authority.

An appeal shall be based on a claim that the true intent of this chapter or the technical codes adopted in Title 17 MICC (the “technical codes”) or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this chapter or the technical codes do not

apply or that an equally good or better form of construction, method of protection or safety is proposed. The hearing examiner shall have no authority relative to interpretation of the administrative provisions of this code nor shall the hearing examiner have the authority to waive requirements of either this code or of other codes, appendices and referenced code standards adopted by or through this code.

On its own motion or on the motion of a party, the hearing examiner shall dismiss an appeal for lack of jurisdiction or authority.

C. Who can appeal, when to appeal and appeal fee.

For the purposes of this chapter, “appellant” shall be defined as the applicant and the owner of property to which the permit decision is directed, or anyone who is adversely affected by the order, determination, or decision. An appellant shall file an appeal of the order, decision or determination of the building or fire code official with the City Clerk within 14 days of the date of the decision of the building or fire code official, using a form provided by the City. An appeal fee established by resolution shall be payable at the time an appeal is submitted. Failure to timely file the appeal or pay the appeal fee shall result in dismissal of the appeal.

D. Contents of appeal.

At a minimum, the written filing of an appeal shall contain:

1. A clear reference to the matter being appealed, including code citations for the section(s) of code subject to the appeal;
2. A statement of the specific objections to the building or fire code official’s order, decision or determination disputed by the appellant; and
3. The relief sought by the appellant.

E. Notice of the appeal hearing.

1. The building official shall prepare a notice of the appeal hearing containing the following:

(a) The file number and a brief description of the matter being appealed;

(b) A statement of the scope of the appeal including a summary of the elements of the building or fire code official’s order, decision or determination that are contested in the appeal;

(c) The time and place of the hearing on appeal before the hearing examiner;

and

(d) A statement of who may participate in the appeal.

2. At least 15 days before the hearing on the appeal, the building official shall send a copy of the notice of appeal hearing to each person who has appealed the building or fire code official’s order, decision or determination.

F. Participation in the appeal.

Only those parties who have appealed the building or fire code official’s order, decision or determination may participate in the appeal. Appellants may participate in either or both of the following ways:

1. By submitting written comments or testimony to the hearing examiner prior to the commencement of the hearing; or
2. By appearing in person, or through a representative, at the hearing. The hearing examiner may reasonably limit the extent of oral testimony or oral argument to facilitate the orderly and timely conduct of the hearing.

G. Scope of appeal.

The appeal will be an open record appeal hearing. The scope of the appeal is limited to the specific elements of the building or fire code official’s order, decision or determination disputed by the appellant and the hearing examiner shall only consider comments, testimony and arguments on these specific elements.

Section 5. Amendments to Chapter 19.06 MICC, General Regulations. MICC 19.06
“GENERAL REGULATIONS” is hereby amended as follows:

19.06.080 Siting of group housing.

...

C. Rooming Houses.

...

2. Appeal. Determinations made by the code official pursuant to subsection C of this section may be appealed pursuant to MICC 19.15.020(J~~F~~).

...

Section 6. Amendments to Chapter 19.07 MICC, Environment. MICC 19.07
“ENVIRONMENT” is hereby amended as follows:

...

19.07.020 General provisions.

...

B. Public Notice – Critical Area Determination. A critical area determination requires public notice pursuant to MICC 19.15.020(E) ~~and this action may be appealed to the planning commission.~~ A decision on a critical area determination may be appealed to the hearing examiner following the appeals process described in 19.15.020(J) MICC.

...

19.07.040 Review and construction requirements.

...

E. Appeals. Appeals of decisions made under the provisions of this chapter shall follow the procedures outlined in MICC 19.15.010(E) and described in 19.15.020(J) MICC.

...

19.07.120 Environmental procedures.

...

T. Administrative Appeals.

There is no administrative appeal for SEPA procedural and substantive decisions.

~~1. Except for SEPA procedural and substantive decisions related to permits, deviations and variances issued by the code official or hearing examiner under the shoreline management provisions or any legislative actions taken by the city council, the following shall be appealable to the planning commission under this section:~~

- ~~a. The decision to issue a determination of nonsignificance rather than to require an EIS;~~
- ~~b. Mitigation measures and conditions that are required as part of a determination of nonsignificance;~~
- ~~c. The adequacy of an FEIS or an SEIS;~~
- ~~d. Any conditions or denials of the proposed action under the authority of SEPA.~~

~~2. How to Appeal. The appeal must be consolidated with any appeal that is filed on the proposal or action, and must conform to the requirements of MICC 19.15.020(J), Permit Review Procedures. The appeal may also contain whatever supplemental information the appellant wishes to include.~~

~~3. For any appeal under this subsection, the city shall provide for a record that shall consist of the following:~~

- ~~a. Findings and conclusions;~~
- ~~b. Testimony under oath; and~~
- ~~c. A taped or written transcript.~~

~~4. The procedural determination by the city's responsible official shall carry substantial weight in any appeal proceeding.~~

~~5. The city shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.~~

...

Section 7. Amendments to Chapter 19.08 MICC, Subdivisions. MICC 19.08
“SUBDIVISIONS” is hereby amended as follows:

19.08.020 Application procedures and requirements.

A. Applications for short subdivisions or alteration or vacation thereof, and for lot line revisions ~~or alteration or vacation thereof~~ shall be reviewed by the code official. Applications for long subdivisions or alteration or vacation thereof ~~are reviewed by the planning commission~~ shall be before the hearing examiner who shall make recommendations to ~~and~~ the city council.

B. The ~~planning commission~~ code official may grant a variance, with restrictions if deemed necessary, from the four-acre limitation for purpose of permitting short subdivision of property containing more than four acres into four or less lots when all of the following circumstances shall be found to apply:

1. That there are special circumstances applicable to the particular lot, such type of ownership, restrictive covenants, physiographic conditions, location or surroundings, or other factors;
2. That the granting of the variance will not result in future uncoordinated development nor alter the character of the neighborhood; and
3. That granting the variance will not conflict with the general purposes and objectives of the comprehensive plan or the development code.

...

E. Notice.

1. Short Subdivisions and Lot Line Revisions. Public notice of an application for a short subdivision or a lot line revision shall be made in accordance with the procedures set forth in MICC 19.15.020.

2. Long Subdivisions.

- a. Public notice of an application for a long subdivision ~~application~~ shall be made ~~at least 10 days prior to the open record hearing on the application~~ in accordance with the procedures set forth in MICC 19.15.020 ~~for an administrative or~~

~~discretionary act;~~ provided, notice shall also be published ~~at least 10 days prior to~~
~~the hearing~~ in a newspaper of general circulation within the city.

b. If the owner of a proposed long subdivision owns land adjacent to the proposed long subdivision, that adjacent land shall be treated as part of the long subdivision for notice purposes, and notice of the application shall be given to all owners of lots located within 300 feet of the proposed long subdivision or the applicant's adjacent land.

3. The city shall provide written notice to the Department of Transportation of an application for a long subdivision or short subdivision that is located adjacent to the right-of-way of a state highway. The notice shall include a legal description of the long subdivision or short subdivision and a location map.

F. Vacations of long subdivisions shall be governed by RCW 58.17.212. Alterations to long subdivisions shall be governed by RCW 58.17.215. All public hearings for both vacations and alterations of long subdivisions shall be before the ~~planning commission~~ hearing examiner, which shall make recommendations as to the vacation or alteration to the city council.

Section 8. **Amendments to Chapter 19.10 MICC, Trees.** MICC 19.10 "TREES" is hereby amended as follows:

19.10.100 Trees--Appeals.

Any person or persons aggrieved by any action or decision of city staff made pursuant to any section of this chapter, may appeal such action or decision to the ~~planning commission~~hearing examiner in accordance with the appeal procedure set forth in MICC 19.15.020(J).

Section 9. **Amendments to Chapter 19.11 MICC Town Center Development and Design Standards.** MICC 19.11 "TOWN CENTER DEVELOPMENT AND DESIGN STANDARDS" is hereby amended as follows:

19.11.150 Administration.

B. Conditional Use Permit Review.

1. General.

a. Intent. The intent of the conditional use permit review process is to evaluate the particular characteristics and location of certain uses relative to the development and design standards established in this chapter. The review shall determine if the proposal should be permitted after weighing the public benefit and the need for the use with the potential impacts that the use may cause.

b. Scope. The conditional use permit review process shall apply to all uses identified as requiring a conditional use permit in the chart of permitted uses set forth in MICC 19.11.020(A). No building permit, business license or other permits related to the use of the land shall be issued until final approval of the conditional use permit.

c. Review Authority. The ~~planning commission~~ hearing examiner shall conduct the conditional use permit review process and determine whether the proposed conditional use shall be allowed.

d. Process.

i. Time Frame and Procedure. Conditional use permit review shall be conducted in accordance with the timelines and procedures set forth in MICC 19.15.020, Permit review procedures, except as the notice provisions are modified below.

ii. Notice.

(a) Public notice of any proposal in the Town Center which involves a conditional use shall be posted on the project site and mailed to all property owners within 500 feet of the proposed project site.

(b) Legal notice shall be published in the official city newspaper (Chapter 2.10 MICC).

(c) The notice shall identify the general project proposal and the date, time and location of the ~~planning commission~~ hearing examiner open record hearing, and shall be provided a minimum of ~~10~~ 30 days prior to the hearing.

iii. Written Decisions. All decisions of the ~~planning commission~~ hearing examiner shall be reduced to writing and shall include findings of fact and conclusions that support the decisions.

iv. Expiration of Approval. If the activity approved by the conditional use permit has not been exercised within two years

from the date of the notice of decision setting forth the conditional use decision, or if a complete application for a building permit has not been submitted within two years from the date of the notice of the conditional use decision, or within two years from the decision on appeal from the conditional use decision, conditional use approval shall expire. The design commission or code official may grant an extension for no longer than 12 months, for good cause shown, if a written request is submitted at least 30 days prior to the expiration date. The applicant is responsible for knowledge of the expiration date.

2. Review Process.

a. Application Submittal. A complete conditional use permit application, on forms provided by the city development services group (DSG), shall be submitted at the same time as the application and materials for design review. The applicant shall provide a written narrative of the proposed conditional use and explain how the proposed use complies with the criteria for conditional use permit approval in subsection (B)(2)(e) of this section. Depending on the type of conditional use proposed, the code official may require additional information.

b. SEPA Determination. If the project is not categorically exempt pursuant to WAC 197-11-800, the city environmental official will review the SEPA environmental checklist, the proposal and other information required for a complete application to assess the project's probable environmental impacts and issue a determination pursuant to MICC 19.07.120.

c. Acceptance. DSG staff shall determine if the required materials have been provided for review of the conditional use permit, in conjunction with the applicable design review process. If so, the application will be accepted and the process for determination of completeness and review set forth in MICC 19.15.020 shall commence.

d. Review. The ~~planning commission~~ hearing examiner shall conduct an open record hearing to consider a conditional use permit application. The ~~commission~~ hearing examiner may approve the application, or approve it with conditions, only if all of the applicable criteria set forth below are met. The ~~planning commission~~ hearing examiner shall deny the application if it finds that the applicable criteria set forth below have not been met. Conditions may be attached to assure that the use is compatible with other existing and potential uses within the same general area and that the use shall not constitute a nuisance. Conditional use permit application review shall be coordinated with design review as follows:

i. Major New Construction. If the conditional use permit application is part of a major new construction project, design review shall commence in accordance with the time frames and procedures set forth in MICC 19.15.040(F), except as follows: The ~~planning commission~~ hearing examiner shall review the conditional use permit application at an open record hearing after the design commission's

preliminary design review at a public meeting. If the ~~planning commission~~hearing examiner approves the conditional use permit (without or with conditions), then the ~~planning commission~~hearing examiner will forward the project to the design commission for the final design review.

ii. Change in Use and Minor Exterior Modifications. If the conditional use permit application proposes a change in use but is not part of a major new construction project, or is part of a minor exterior modification, then design review shall proceed administratively in accordance with the provisions in MICC 19.15.040(F), and the ~~planning commission~~hearing examiner shall review the conditional use permit application at an open record hearing. If the staff determines that the minor exterior modification should be reviewed by the design commission as provided for in MICC 19.15.040(F), then the design commission's review and decision shall be conducted at an open record hearing separate from the ~~planning commission's~~hearing examiner's open record hearing on the conditional use permit application.

e. Criteria for Approval of a Conditional Use Permit. Consistent with the applicable review process above, the ~~planning commission~~hearing examiner shall approve, approve with conditions or deny a conditional use permit application based on finding that all of the following criteria have been met:

i. General Criteria.

(a) The proposed use complies with all the applicable development and design provisions of this chapter.

(b) The proposed use is consistent with the comprehensive plan.

(c) The proposed use is harmonious and appropriate in design, character, and appearance with the existing or intended uses within the surrounding area.

(d) The proposed use will not generate excessive fumes, odor, dust, light, radiation, or refuse that would be injurious to surrounding uses.

(e) The proposed use will not generate levels of noise that adversely impact the health, safety, or general welfare of surrounding uses.

(f) The proposed use will be served by adequate public services, including streets, fire and public safety protection, water, sewer, and storm water control, and will not adversely impact the level of service standards for such facilities.

(g) The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

ii. Additional Criteria for Approval of a Conditional Use for Adult Entertainment.

(a) The point of entry into the structure housing the adult entertainment use shall be located at least 100 feet, measured in a straight line, from the property line of: (1) any R-zoned property; (2) any public institution zoned property; (3) any property containing one or more of the following uses: residential uses including single- or multiple-family dwellings, or residential care facilities; schools including public, private, primary or secondary, preschool, nursery school, day care; recreational uses including publicly owned park or open space, commercial or noncommercial or private recreation facility; religious institutions; public institutions; or uses which cater primarily to minors.

(b) No adult entertainment use shall be located closer than 400 feet to another adult entertainment use. Such distance shall be measured by following a straight line from the nearest point of entry into the proposed adult entertainment to the nearest point of entry into another adult entertainment use.

(c) The point of entry into adult entertainment use shall not be located along 78th Avenue SE.

(d) Signing shall be limited to words and letters only. Window or exterior displays of goods or services that depict, simulate, or are intended for use in connection with specified sexual activities as defined by Chapter 5.30 MICC are prohibited.

f. Appeal. The ~~planning commission's~~ hearing examiner's decision is final unless appealed pursuant to MICC 19.15.020(J).

g. Change After Conditional Use Permit Granted.

i. Change of Ownership. Conditional use permits granted shall continue to be valid upon change of ownership of the site.

ii. Change of Use. Modifications to the use shall require an amendment to the conditional use permit and shall be subject to the above review process.

Section 10. **Amendments to Chapter 19.15 MICC, Administration.** MICC 19.15 "ADMINISTRATION" is hereby amended as follows:

19.15.010 General Procedures

...

C. Roles and Responsibilities. The roles and responsibilities for carrying out the provisions of the development code are shared by appointed boards and commissions, elected officials and city staff. The authorities of each of these bodies are set forth below.

1. City Council. The city council is responsible for establishing policy and legislation affecting land use within the city. The city council acts on recommendations of the planning commission and hearing examiner in legislative and quasi-judicial matters, and serves as the appeal authority on discretionary actions.

2. Planning Commission. The role of the planning commission in administering the development code is governed by Chapter 3.46 MICC. In general, the planning commission is the designated planning agency for the city (see Chapter 35A.63 RCW). The planning commission is responsible for final action on a variety of discretionary permits and makes recommendations to the city council on land use legislation, comprehensive plan amendments and quasi-judicial matters. The planning commission also serves as the appeal authority for some ministerial and administrative actions.

3. Design Commission. The role of the design commission in administering the development code is governed by Chapter 3.34 MICC and MICC 19.15.040. In general, the design commission is responsible for maintaining the city's design standards and action on sign, commercial and multiple-family design applications.

~~4. Building Board of Appeals. The role of the building board of appeals in administering the construction codes is governed by Chapter 3.28 MICC. In general, the building board of appeals is responsible for hearing appeals of interpretations or application of the construction codes set forth in MICC Title 17.~~

~~45. Development Services Group. The responsible officials in the development services group act upon ministerial and administrative permits.~~

- a. The code official is responsible for administration, interpretation and enforcement of the development code.
- b. The building official is responsible for administration and interpretation of the building code, except for the International Fire Code.
- c. The city engineer is responsible for the administration and interpretation of engineering standards.
- d. The environmental official is responsible for the administration of the State Environmental Policy Act and shoreline master program.
- e. The fire code official is responsible for administration and interpretation of the International Fire Code.

56. Hearing Examiner. The role of the hearing examiner in administering the development code is governed by Chapter 3.40 MICC.

D. Actions. There are four categories of actions or permits that are reviewed under the provisions of the development code.

1. Ministerial Actions. Ministerial actions are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues.

2. Administrative Actions. Administrative actions are based on objective and subjective standards that require the exercise of ~~limited~~ discretion about nontechnical issues.

3. Discretionary Actions. Discretionary actions are based on standards that require substantial discretion and may be actions of broad public interest. Discretionary actions are only taken after an open record hearing.

4. Legislative Actions. Legislative actions involve the creation, amendment or implementation of policy or law by ordinance. In contrast to the other types of actions, legislative actions apply to large geographic areas and are of interest to many property owners and citizens. Legislative actions are only taken after an open record hearing.

E. Summary of Actions and Authorities. The following is a nonexclusive list of the actions that the city may take under the development code, the criteria upon which those decisions are to be based, and which boards, commissions, elected officials, or city staff have authority to make the decisions and to hear appeals of those decisions.

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Ministerial Actions			
Right-of-Way Permit	City engineer	Chapter 19.09 MICC	Hearing examiner
Home Business Permit	Code official	MICC 19.02.010	Hearing examiner
Special Needs Group Housing Safety Determination	Police chief	MICC 19.06.080(A)	Hearing examiner
Lot Line <u>Revision</u> Adjustment Permit	Code official	Chapter 19.08 MICC	Hearing examiner
Design Review – Minor Exterior Modification Outside Town Center	Code official	MICC 19.15.040, Chapters 19.11 and 19.12 MICC	Design commission

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Design Review – Minor Exterior Modification in Town Center with a Construction Valuation (as defined by MICC 17.14.010) Less Than \$100,000	Code official	Chapters 19.11 and 19.12 MICC, MICC 19.15.040	Design commission
Design Review – Minor Exterior Modification in Town Center with a Construction Valuation (as defined by MICC 17.14.010) \$100,000 or Greater	Design commission	Chapters 19.11 and 19.12 MICC, MICC 19.15.040	Hearing examiner
Final Short Plat Approval	Code official	Chapter 19.08 MICC	Planning commission <u>Superior court</u>
Seasonal Development Limitation Waiver	Building official or city arborist	MICC 19.10.030, 19.07.060(D)(4)	Building board of appeals <u>Hearing examiner</u>
Development Code Interpretations	Code official	MICC 19.15.020(L)	Planning commission
Shoreline Exemption	Code official	MICC 19.07.110 and 19.15.020(G)(6)(c)(i)	Hearing examiner ¹
Administrative Actions			
Accessory Dwelling Unit Permit	Code official	MICC 19.02.030	Hearing examiner
Preliminary Short Plat	Code official	Chapter 19.08 MICC	Planning commission <u>Hearing examiner</u>
Deviation	Code official	MICC 19.15.020(G), 19.01.070, 19.02.050(F), 19.02.020(C)(4) and (D)(3)	Planning commission <u>Hearing examiner</u>
Critical Areas Determination	Code official	Chapter 19.07 MICC	Planning Commission <u>Hearing examiner</u>

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
Shoreline – Substantial Development Permit	Code official	MICC 19.07.110 and 19.15.020(G)(6)	Shoreline hearings board
SEPA Threshold Determination	Code official	MICC 19.07.120	Planning commission Superior court
Short Plat Alteration and Vacations	Code official	MICC 19.08.010(G)	Hearing examiner
Long Plat Alteration and Vacations	City council via planning commission <u>hearing examiner</u>	MICC 19.08.010(F)	Superior court
Temporary Encampment	Code official	MICC 19.06.090	Superior court
Wireless Communications Facility	Code official	MICC 19.06.040	Hearing examiner
Wireless Communications Facility Height Variance	Code official	MICC 19.01.070, 19.06.040(H) and 19.15.020(G)	Hearing examiner
Minimum Parking Requirement Variances for MF, PBZ, C-O, B and P Zones	Code official via design commission and city engineer	MICC 19.01.070, 19.03.020(B)(4), 19.04.040(B)(9), 19.05.020(B)(9) and 19.15.020(G)	Hearing examiner
<u>Development Code Interpretations</u>	<u>Code official</u>	<u>MICC 19.15.020(L)</u>	<u>Hearing examiner</u>
Discretionary Actions			
Conditional Use Permit	Planning commission <u>Hearing examiner</u>	MICC 19.11.150(B), 19.15.020(G)	Hearing examiner <u>Superior Court</u>
Reclassification (Rezone)	City council via planning commission ²	MICC 19.15.020(G)	Superior court
Design Review – Major New Construction	Design commission	MICC 19.15.040, Chapters 19.11 and 19.12 MICC	Hearing examiner
Preliminary Long Plat Approval	City council via <u>planning commission</u> ²	Chapter 19.08 MICC	Superior court

ACTION	DECISION AUTHORITY	CRITERIA	APPEAL AUTHORITY
	<u>City council via hearing examiner</u>		
Final Long Plat Approval	City council via code official	Chapter 19.08 MICC	Superior court
Variance	Hearing examiner	MICC 19.15.020(G), 19.01.070	Superior court
Variance from Short Plat Acreage Limitation	Planning commission <u>Code official</u>	MICC 19.08.020	City Council <u>Hearing examiner</u>
Critical Areas Reasonable Use Exception	Hearing examiner	MICC 19.07.030(B)	Superior court
Street Vacation	City council via planning commission ²	MICC 19.09.070	Superior court
Shoreline Conditional Use Permit	Code official and Department of Ecology ³	MICC 19.15.020(G)(6)	State Shorelines Hearings Board
Shoreline Variance	Code official and Department of Ecology ³	MICC 19.15.020(G)(6)	State Shorelines Hearings Board
Impervious Surface Variance	Hearing examiner	MICC 19.02.020(D)(4)	Superior court
Legislative Actions			
Code Amendment	City council via planning commission ²	MICC 19.15.020(G)	Growth management hearings board
Comprehensive Plan Amendment	City council via planning commission ²	MICC 19.15.020(G)	Growth management hearings board
¹ Final rulings granting or denying an exemption under MICC 19.15.020(G)(6) are not appealable to the shoreline hearings board (SHB No. 98-60).			
² The original action is by the <u>planning commission</u> or <u>hearing examiner</u> which holds a public hearing and makes recommendations to the city council which holds a public meeting and makes the final decision.			
³ Must be approved by the city of Mercer Island prior to review by DOE per WAC 173-27-200 and RCW 90.58.140(10).			

19.15.020 Permit Review Procedures

...

D. Notice of Application.

1. Within 14 days of the determination of completeness, the city shall issue a notice of application for all administrative, discretionary, and legislative actions listed in MICC 19.15.010(E) and major single-family dwelling building permits.
 2. The notice of application shall include the following information:
 - a. The dates of the application, the determination of completeness, and the notice of application;
 - b. The name of the applicant;
 - c. The location and description of the project;
 - d. The requested actions and/or required studies;
 - e. The date, time, and place of the open record hearing, if one has been scheduled;
 - f. Identification of environmental documents, if any;
 - g. A statement of the public comment period, which shall be not less than ~~14 days~~ ~~nor more than 30 days~~ following the date of notice of application; and a statement of the rights of individuals to comment on the application, receive notice and participate in any hearings, request a copy of the decision once made and any appeal rights. The city shall accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;
 - h. The city staff contact and ~~phone number~~ contact information;
 - i. The identification of other permits not included in the application to the extent known by the city;
 - j. A description of those development regulations used in determining consistency of the project with the city's comprehensive plan; ~~and~~
 - k. A link to a website where additional information about the project can be found; and
 - l. Any other information that the city determines appropriate.
- ...
3. Open Record Hearing. If an open record hearing is required on the permit, the city shall:
 - a. Provide the notice of application at least ~~15~~ 30 days prior to the hearing; and

b. Issue any threshold determination required under MICC 19.07.120 at least ~~15~~ 30 days prior to the hearing.

...

7. A notice of application is not required for the following actions; provided, the action is either categorically exempt from SEPA or an environmental review of the action in accordance with SEPA has been completed:

- a. Building permit other than a major single-family dwelling building permit;
- b. Lot line revision;
- c. Right-of-way permit;
- d. Storm drainage permit;
- e. Home occupation permit;
- f. Design review – minor new construction;
- g. Final plat approval;
- h. Shoreline exemption permit; and
- i. ~~Critical lands determination; and~~
- ~~j-~~Seasonal development limitation waiver.

E. Public Notice and Information Availability.

1. In addition to the notice of application, a public notice is required for all administrative, discretionary, and legislative actions listed in MICC 19.15.010(E) and major single-family dwelling building permits.

2. Public notice shall be provided at least ~~40~~ 30 days prior to any required open record hearing. If no such hearing is required, public notice shall be provided ~~40~~ 14 days prior to the decision on the application.

3. The public notice shall include the following:

- a. A general description of the proposed project and the action to be taken by the city;
- b. A nonlegal description of the property, vicinity map or sketch;
- c. The time, date and location of any required open record hearing;
- d. A contact name and number where additional information may be obtained;

e. A statement that only those persons who submit written comments or testify at the open record hearing will be parties of record; and only parties of record will receive a notice of the decision and have the right to appeal; ~~and~~

f. A description of the deadline for submitting public comments; ~~and~~

g. A link to a website where additional information about the project can be found.

4. Public notice shall be provided in the following manner:

a. Administrative and Discretionary Actions and Major Single-Family Dwelling Building Permits . Notice shall be mailed to parties of record, all property owners within 300 feet of the property and posted on the site in a location that is visible to the public right-of-way.

b. Legislative Action. Notice shall be published in a newspaper of general circulation within the city.

5. Every complete development permit application for which notice is to be provided under MICC 19.15.020(D)(1) together with all information provided by the applicant for consideration by the decision authority shall be posted by the City to a website accessible without charge to the public. Information shall be posted at the time the city issues the notice of application under MICC 19.15.010(D)(1) and shall be updated as needed and in any event within seven days after additional information is received from the applicant. The provisions of this subsection 5 shall only apply to development permit applications filed on or after May 29, 2017.

...

J. Administrative Appeals.

1. Any party of record on a decision that may be administratively appealed may file a letter of appeal on the decision. Administrative Appeals shall be filed with the city clerk within 14 days after the notice of decision, if a notice of decision is required, or after ~~other notice that the~~ effective date of the decision subject to appeal if no notice of decision is required has been made and is appealable. The term “party of record,” for the purposes of this chapter, shall mean any of the following:

a. The applicant and/or property owner;

b. Any person who testified at the open record public hearing on the application;

c. Any person who individually submits written comments concerning the application for the open record public hearing, or to the Code Official prior to a decision on the project permit if there is no open record public hearing. Persons who have only signed petitions are not parties of record;

d. The city of Mercer Island.

2. Appeals shall include the following information:

- a. The decision being appealed;
- b. The name and address of the appellant and his/her interest in the matter;
- c. The specific reasons why the appellant believes the decision to be wrong. The burden of proof is on the appellant to demonstrate that there has been substantial error, or the proceedings were materially affected by irregularities in procedure, or the decision was unsupported by evidence in the record, or that the decision is in conflict with the standards for review of the particular action;
- d. The desired outcome or changes to the decision; and
- e. The appeals fee, if required.

3. Authority for appeals is specified in MICC 19.15.010(E).

4. Public notice of an appeal shall be provided in the manner specified in subsection E of this section.

5. The rules of procedure for appeal hearings shall be as follows:

a. For development proposals that have been subject to an open record hearing, the appeal hearing shall be a closed record appeal, based on the record before the decision body, and no new evidence may be presented.

b. For development proposals that have not been subject to an open record hearing, the appeal hearing shall be an open record appeal and new information may be presented.

~~c. The total time allowed for oral argument on the appeal shall be equal for the appellants and the applicant (if not the appellants). If there are multiple parties on either side, they may allocate their time between themselves or designate a single spokesperson to represent the side. All testimony shall be given under oath.~~

~~c.~~ If the hearing body finds that there has been substantial error, or the proceedings were materially affected by irregularities in procedure, or the decision was unsupported by material and substantial evidence in view of the entire record, or the decision is in conflict with the city's applicable decision criteria, it may:

- i. Reverse the decision.
- ii. Modify the decision and approve it as modified.

iii. Remand the decision back to the decision maker for further consideration.

ed. If the hearing body finds that none of the procedural or factual bases listed above exist and that there has been no substantial error, the hearing body may adopt the findings and/or conclusions of the decision body, concur with the decision of the decision body and approve the development proposal as originally approved, with or without modifications.

fe. Final decision on the appeal shall be made within 30 days from the last day of the appeal hearing.

gf. The city's final decision on a development proposal may be appealed by a party of record with standing to file a land use petition in King County superior court. Such petition must be filed within 21 days of the issuance of the decision.

6. When an applicant has opted for consolidated permit processing pursuant to MICC 19.15.020(I), administrative appeals of ministerial, administrative or discretionary actions listed in MICC 19.15.010(E) for a single project shall be consolidated and heard together in a single appeal by the hearing examiner

...

19.15.040(F)(2)(f and g) –Design Commission--Design Review Procedure--Review Process for Major New Construction

f. Final Design Commission Review.

i. Submittal of Final Plan. All materials pertaining to the final plan shall be submitted a minimum of ~~21~~ 37 days prior to the design commission final review hearing date. The final plans shall be in substantial conformity with approved preliminary plans.

ii. Open Record Hearing. The design commission shall hold an open record hearing to consider the final proposal, at the conclusion of which it may approve, approve with conditions, deny the proposed final plans, or continue the hearing.

g. Appeal. Only the final design commission review decision may be appealed, in a closed record appeal to the hearing examiner, pursuant to MICC 19.15.020(J).

19.15.040(F)(3)(d) –Design Commission-- Design Review Procedure--Review Process for Minor Exterior Modification

d. Appeal. The code official's or ~~design commission's~~ decision on an application for minor exterior modification is final unless appealed to the design commission pursuant to MICC 19.15.020(J). The design commission's decision on an

application (not an appeal) for minor exterior modification is final unless appealed to the hearing examiner pursuant to MICC 19.15.020(J).

Section 11. Amendments to Chapter 19.16 MICC, Definitions. MICC 19.16
“DEFINITIONS” is hereby amended as follows:

19.16.010 – Definitions

...

Appeal, Closed Record: An administrative appeal ~~to the city council~~ following an open record hearing on a project application. Evidence for the appeal is limited to the record of the open record hearing. (See also “Open Record Hearing”).

Appeal, Open Record: An administrative appeal ~~to the planning commission or city council~~ when there has not been an open record hearing on a project application. New evidence or information is allowed to be submitted in review of the decision (See also “Open Record Hearing”).

Major Single-Family Dwelling Building Permit: A building permit for:

1. A new single-family dwelling on a vacant lot or as replacement of an existing or demolished building; or
2. Any change to a single-family dwelling that requires a building permit and results in any of the following:
 - a. An increase in the existing maximum building height above the highest point of the building, except for a reroof that increases the highest point of the building by 12 inches or less;
 - b. A reduction in any existing side yard;
 - c. An increase in the existing gross floor area of more than 500 sq. feet; or
 - d. An increase in the existing impervious surface on the lot of more than 100 sq. feet.

...

Section 12. Repeal of Chapter 3.28 MICC, Building. Chapter 3.28 MICC “BUILDING” is hereby repealed.

Section 13: **Severability.** If any section, sentence, clause or phrase of this ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the amended code section.

Section 14: **Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 15: **Effective Date.** This Ordinance shall take effect and be in force on 5 days after its passage and publication.

Section 16: **Impact on Vested Applications.** Unless agreed upon by the applicant, property owner, City Code Official, and appellant (if applicable), the amendments to the MICC in this ordinance shall not apply to any permit or approval application submitted to the city that has been deemed complete before May 29, 2017.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on the 15th day of May 2017 and signed in authentication of its passage.

CITY OF MERCER ISLAND

Bruce Bassett, Mayor

Approved as to Form:

ATTEST:

Kari Sand, City Attorney

Allison Spietz, City Clerk

Date of Publication: _____

**CITY OF MERCER ISLAND
RESOLUTION NO. 1530**

**A RESOLUTION OF THE CITY OF MERCER ISLAND, WASHINGTON
AMENDING DEVELOPMENT AND CONSTRUCTION PERMIT FEES.**

WHEREAS, fees are charged for services provided by the Development Services Group (DSG) for the development of land and construction of structures which includes the review of permit applications, issuance of permits, field inspections, and related actions; and

WHEREAS, the City Council's Management and Budget Policies indicate that development and construction permit fees should be based on the actual costs of providing services; and

WHEREAS, the cost of providing such services has been tracked since 1999; and

WHEREAS, in November 1999, Resolution No. 1260 set the initial development and construction fees for Mercer Island, which was subsequently ratified and approved by Ordinance No. 00-14 and;

WHEREAS, the following resolutions were adopted to adjust development and construction permit fees: June 2004, Resolution No. 1336; December 2006, Resolution No. 1383; November 2009, Resolution No. 1419; November 2010, Resolution No. 1436; November 2011, Resolution No. 1442; November 2013, Resolution No. 1474; November 2014, Resolution No. 1491; and June 20, 2016, Resolution 1516; and

WHEREAS, on May 15, 2017, the City Council adopted a new public notice requirement for major single-family dwelling building permits which require additional staff resources to implement;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AS FOLLOWS:

Section 1: Development and Construction Permit Fee Schedule.

Consistent with the authority set forth in Mercer Island City Code 19.15.020(B)(2) and 17.14.010 Section 109, Exhibit A to Resolution 1516 is hereby amended to add a "New Major Single-Family Dwelling Building Permit Public Notice Fee" of \$325.00 and an "Other Major Single-Family Dwelling Building Permit Public Notice Fee" of \$250.00. These fees shall be adjusted annually pursuant to Section 2 of Resolution 1516.

Section 2: Effective Date.

This resolution shall take effect and be in force on May 29, 2017.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON,
AT ITS REGULAR MEETING ON THE 15TH DAY OF MAY, 2017.

CITY OF MERCER ISLAND

Bruce Bassett, Mayor

ATTEST:

Allison Spietz, City Clerk



CITY COUNCIL PLANNING SCHEDULE

All meetings are held in the City Hall Council Chambers unless otherwise noted.
 Special Meetings and Study Sessions begin at 6:00 pm. Regular Meetings begin at 7:00 pm.
 Items listed for each meeting are not in any particular order.

MAY 15 – 5:00 PM		
Item Type	Topic/Presenter	Time
<i>Executive Session</i> (5:00-6:00 pm)	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 60 minutes	60
<i>Special Business</i> (6:00 pm)	Safe Boating and Paddling Week Proclamation	10
<i>Special Business</i>	Public Works Week Proclamation	5
<i>Consent Calendar</i>	Island Crest Way Resurfacing Phase 2 Project Close Out – C. Morris	--
<i>Consent Calendar</i>	First Quarter 2017 Financial Status Report– C. Corder	--
<i>Regular Business</i>	I-90 Loss of Mobility Status Report – J. Underwood	20
<i>Public Hearing</i>	Public Hearing and Approval of a Public Benefit Rating System Application for Pioneer Park Youth Club – R. Proebsting	30
<i>Public Hearing</i>	Public Hearing on Public Institution Zoning Amendment to Allow Light Rail Facilities in the I-90 Center Roadway – K. Sand	30
<i>Public Hearing</i>	Public Hearing and Preview of the 6-Year Transportation Improvement Program – P. Yamashita	75
<i>Regular Business</i>	Initiate Street Vacation Process for a Portion of Freeman Avenue – J. Kintner	20
<i>Regular Business</i>	Appeals and Review Processes Code Amendments (2 nd Reading & Adoption) – S. Greenberg	30

JUNE 5 – 5:00 PM		
Item Type	Topic/Presenter	Time
<i>Executive Session</i> (5:00-6:00 pm)	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 60 minutes	60
<i>Study Session</i> (6:00-7:00 pm)	CenturyLink Cable Franchise – K. Sand	60
<i>Consent Calendar</i> (7:00 pm)	MIYFS Foundation to Fund Administrative Services – C. Goodwin	--
<i>Regular Business</i>	NPDES Stormwater Code Update (2 nd Reading & Adoption) – P. Yamashita	60
<i>Regular Business</i>	CenturyLink Cable Franchise (1 st Reading) – K. Sand	60
<i>Regular Business</i>	I-90 Loss of Mobility Status Report – J. Underwood	30
<i>Regular Business</i>	Island Crest Park Sportsfields Improvements Bid Award – B. Fletcher	30
<i>Regular Business</i>	Planning Commission’s Recommendation for Residential Development Standards Code Amendments (1 st Reading) – E. Maxim	90

JUNE 12 – 6:00-8:00 PM (SPECIAL MEETING)		
Item Type	Topic/Presenter	Time
<i>Public Hearing</i>	Public Hearing on Residential Development Standards Code Amendments – E. Maxim	120

JUNE 19 – 5:00 PM

Item Type	Topic/Presenter	Time
<i>Study Session (5:00-7:00 pm)</i>	Residential Development Standards Code Amendments - E. Maxim	120
<i>Consent Calendar (7:00 pm)</i>	City Council Rules of Procedure Amendments Adoption – K. Taylor	--
<i>Public Hearing</i>	Public Hearing: Freeman Avenue/Landing Street Vacation	30
<i>Regular Business</i>	I-90 Loss of Mobility Status Report – J. Underwood	30
<i>Regular Business</i>	Adoption of the 6 Year Transportation Improvement Program – P. Yamashita	45
<i>Regular Business</i>	CenturyLink Cable Franchise (2 nd Reading & Adoption) – K. Sand	30
<i>Regular Business</i>	Metro Alternative Services Report – K. Taylor	30

JULY 3

	CANCELED	
--	-----------------	--

JULY 17

Item Type	Topic/Presenter	Time
<i>Regular Business</i>	P Zone Amendment-Light Rail Use (1 st Reading) —S. Greenberg	60
<i>Regular Business</i>	Essential Public Facilities Code Amendment (1 st Reading) — S. Greenberg	60
<i>Regular Business</i>	Transportation Concurrency Code Amendment (1 st Reading) –S. Greenberg	60
<i>Regular Business</i>	Residential Development Standards Code Amendments (2 nd Reading & Adoption) – E. Maxim	60
<i>Regular Business</i>	Refunding of 2009B LTGO Bonds (\$6.28M) – C. Corder	30

JULY 24 – 6:00 PM (SPECIAL MEETING)

Item Type	Topic/Presenter	Time
<i>Consent Calendar</i>	Interlocal Agreement with MISD for Counseling Services — C. Goodwin	--
<i>Regular Business</i>	P Zone Amendment-Light Rail Use (2 nd Reading & Adoption) — S. Greenberg	30
<i>Regular Business</i>	Essential Public Facilities Code Amendment (2 nd Reading & Adoption) — S. Greenberg	30
<i>Regular Business</i>	Transportation Concurrency Code Amendment (2 nd Reading & Adoption) –S. Greenberg	30
<i>Regular Business</i>	Emergency Response Billing Recovery – S. Heitman	30
<i>Regular Business</i>	Council Meeting Day Change Ordinance (1 st Reading) – A. Spietz	15

AUGUST 7

Item Type	Topic/Presenter	Time
<i>Public Hearing</i>	<i>(if needed)</i> Public Hearing to Extend Moratorium Regarding Development of Construction Activity within the I-90 Right of Way Portion of the Public Institution Zone – K. Sand	60
<i>Public Hearing</i>	<i>(if needed)</i> Public Hearing for Extend Moratorium Regarding Transportation Concurrency and Siting of Essential Public Facilities – K. Sand	60

AUGUST 21

	<i>Potentially Canceled</i>	
--	-----------------------------	--

STARTING SEPTEMBER 2017 COUNCIL MEETINGS WILL BE HELD THE FIRST AND THIRD TUESDAYS OF EACH MONTH

SEPTEMBER 5

Item Type	Topic/Presenter	Time
<i>Regular Business</i>	2016 General Fund & REET Year-End Surplus Disposition – C. Corder	30
<i>Regular Business</i>	Second Quarter 2017 Financial Status Report & Budget Adjustments – C. Corder	30

SEPTEMBER 19

Item Type	Topic/Presenter	Time

OCTOBER 3

Item Type	Topic/Presenter	Time

OCTOBER 17

Item Type	Topic/Presenter	Time

NOVEMBER 7

Item Type	Topic/Presenter	Time

NOVEMBER 21

Item Type	Topic/Presenter	Time
<i>Regular Business</i>	2017-2018 Mid-Biennial Budget Review (Third Quarter 2017 Financial Status Report & Budget Adjustments, 2017 Utility Rates, and 2018 Property Tax Levy) – C. Corder	60

DECEMBER 5

Item Type	Topic/Presenter	Time

DECEMBER 19

Item Type	Topic/Presenter	Time
	Potentially Canceled	

OTHER ITEMS TO BE SCHEDULED:

- Code Enforcement Ordinance Update – A. Van Gorp
- Light Rail Station Design Oversight – K. Taylor
- Mercer Island Center for the Arts (MICA) Lease – K. Sand
- PSE Electric Franchise – K. Sand
- Zayo Telecom Franchise – K. Sand
- Six Year Sustainability Plan – R. Freeman
- KC Mutual Aid ILA – S. Heitman

COUNCILMEMBER ABSENCES:

- Bertlin: July 17