



AGENDA (v.2)

SHORELINE CITY COUNCIL WORKSHOP DINNER MEETING

Monday, January 26, 2009
6:00 p.m.

Shoreline Conference Center
Highlander Room

TOPICS/GUESTS: 2009 Council Calendar; Prep for Joint Workshop of the
City Council and Planning Commission

SHORELINE CITY COUNCIL BUSINESS MEETING

Monday, January 26, 2009
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

| | <u>Page</u> | <u>Est. Time</u> |
|---|-------------|------------------|
| 1. CALL TO ORDER | | 7:30 |
| 2. FLAG SALUTE/ROLL CALL | | |
| 3. REPORT OF THE CITY MANAGER | | |
| 4. REPORTS OF BOARDS AND COMMISSIONS | | |
| 5. GENERAL PUBLIC COMMENT | | 7:45 |
| <i>This is an opportunity for the public to address the Council on topics other than those listed on the agenda and which are not of a quasi-judicial nature. Speakers may address Council for up to three minutes, depending on the number of people wishing to speak. If more than 15 people are signed up to speak each speaker will be allocated 2 minutes. When representing the official position of a State registered non-profit organization or agency or a City-recognized organization, a speaker will be given 5 minutes and it will be recorded as the official position of that organization. Each organization shall have only one, five-minute presentation. The total public comment period under Agenda Item 5 will be no more than 30 minutes. Individuals will be required to sign up prior to the start of the Public Comment period and will be called upon to speak generally in the order in which they have signed. If time is available, the Presiding Officer may call for additional unsigned speakers.</i> | | |
| 6. APPROVAL OF THE AGENDA | | 8:00 |
| 7. CONSENT CALENDAR | | 8:00 |
| (a) Minutes of Special Meeting of November 3, 2008 | <u>1</u> | |
| Minutes of Town Hall Visioning Meeting #2, January 8, 2009 | <u>17</u> | |
| (b) Approval of expenses and payroll as of January 8, 2009 in the amount of \$2,559,669.90 | <u>21</u> | |
| (c) Ordinance No. 531, Replacing the Surface Water Management Code and amending Property Development Standards for | <u>23</u> | |

Surface Water in the Development Code; and amending Chapters 13.10, 20.60 and 20.70 and Sections 20.20.010-.060, 20.30.040-.290, 20.30.740, 20.40.140, 20.50.020-.340 and 20.90.040 of the Shoreline Municipal Code.

- (d) Motion to Authorize the City Manager to Execute the Purchase and Sale Agreement for property located at 18427 Aurora Avenue North 71

8. NEW BUSINESS

- (a) 2008 December Snow Storm Review 73 8:00
- (b) Motion to Approve Areas within Shoreview Park and Richmond Beach Saltwater Park as Pilot Sites for Off-Leash Dog Area Use 81 8:30

9. ADJOURNMENT 9:30

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2231 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 801-2236 or see the City Web site at www.shorelinewa.gov. Council meetings are shown on Comcast Cable Services Channel 21 Tuesdays at 8 p.m. and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Council meetings can also be viewed on the City's Web site at <http://www.shorelinewa.gov>.

CITY OF SHORELINE

**SHORELINE CITY COUNCIL
SUMMARY MINUTES OF SPECIAL MEETING**

Monday, November 3, 2008 - 6:30 p.m.

Shoreline Conference Center

Mt. Rainier Room

PRESENT: Mayor Ryu, Deputy Mayor Scott, Councilmember Eggen, Councilmember Hansen, Councilmember McConnell, Councilmember McGlashan, and Councilmember Way.

ABSENT: None.

1. CALL TO ORDER

At 6:32 p.m., the meeting was called to order by Mayor Ryu, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ryu led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exception of Councilmember McConnell, who was expected to arrive shortly thereafter.

3. CITY MANAGER'S REPORT & FUTURE AGENDAS

Bob Olander, City Manager, provided reports and updates on various City meetings, projects, and events. He noted that the new City website is now operational and described some of the features of the new site.

4. COUNCIL REPORTS: none

5. GENERAL PUBLIC COMMENT

a) Bill Bear, Shoreline, Director of the Briarcrest Neighborhood Association, said he received a letter from Kirk McKinley stating that 17th Avenue NE is being considered for a "Sea Street" demonstration project. He said this isn't much notice of this decision. He felt the City should talk to the neighborhood leadership and subarea people about such proposals next time.

b) Les Nelson, Shoreline, said he discussed process and public hearings last week and there was another meeting being held last week that people didn't know about. He said this

leads to mistrust in city government. He said he is upset about process. He said the notice had an incorrect phone number and there are several things about the process that needs to be fixed.

c) Dennis Lee, Shoreline, discussed the Master Plan ordinance. He said that the City staff came up with the legislation and skipped the planning step. He said the Council goal is to do the master planning and it is important that this be done properly.

d) LaNita Wacker, Shoreline, commented that Shoreline needs third places. She said the reason Ron Sher chose the City of Bremerton is because it is friendly to businesses; Shoreline does not have that reputation. She said the City keeps delaying the development of a third place, and from a development standpoint, time is money. She stated that a delay of 6 months to a year has cost \$100,000. She urged Deputy Mayor Scott to move forward with his agenda of independence that he ran his campaign on.

e) Debbie Kellogg, Shoreline, said there are process problems with the quasi-judicial matter tonight. She said there are two land use actions for this site and two different actions/permits were posted at the same time. She said they didn't meet the criteria of being conspicuously different. Thus, she felt a reasonable person would not have known there were two different permits and said there was no neighborhood meeting. The purpose of the development code, she highlighted, is to promote timely public participation.

f) Boni Biery, Shoreline, also stated that there are process questions on the quasi-judicial item. She said she didn't see the notice of decision and SEPA threshold determination. Her understanding is that state law and SEPA take precedence over the City Code and it seems a second neighborhood meeting is needed.

Councilmember Way asked about the Sea Street project that Mr. Bear addressed. She urged neighborhood cooperation on this matter.

Mr. Olander replied that it isn't called Sea Street; it's a Green Street project. He announced that the City staff has been looking for a good site to conduct it and have narrowed it down to two or three blocks. He added that it is a good idea to contact the neighborhood association, but in order to move forward there needs to be 60-70% support of the residents on that block. It is a very specific block-by-block process.

Councilmember Way encouraged the City staff to follow up with the neighborhood.

Responding to Councilmember McGlashan, Mr. Olander clarified that it would be conducted on 17th Avenue NE, just north of NE 145th Street.

Regarding public notification, Deputy Mayor Scott inquired about the City's process for noticing land use actions. Mr. Tovar replied that there is a notice of rezone which is on page 120-071, the notice of the City's intent to make a SEPA decision is on page 120-066, and the actual SEPA Decision is on page 120-068. He highlighted that he sent an e-mail to the Council, Ms. Biery, and Ms. Kellogg. He stated that the SEPA notices and rezone notices were posted on the property and the City posted two signs on the property, which was required by law. He added

that the City is obliged to publish notice and it is also posted at the City Clerks office, outside of the Planning and Development Services (PADS) Annex Building, at both the Shoreline and Richmond Beach Libraries, emailed to over 160 people through an email distribution service, and at the police storefronts. He pointed out that SEPA notices aren't mailed directly to people. He said he can't speak to the concerns about the City's signs resembling real estate signage, and the City needs to "play it straight" in terms of what the rules say.

Mayor Ryu questioned if this issue can be brought into the quasi-judicial process because there is discussion about the process, not the substance of the application. Mr. Olander asked if there was a requirement of notice for this item. Mr. Tovar replied that there was no requirement for notice, only that there be a public meeting.

Councilmember Way felt there are process issues and recommended that the public ask the City staff to be parties of record with legal standing. She said it should be a matter of policy to direct the City staff to do this. She also commented that fixing any signage issues shouldn't be a big deal and requested Council support for this.

Mr. Olander explained that these are two separable issues. First, is the public notice and signage process and if the Council is interested in investigating what Shoreline does now and what other cities are doing it can be put on a future agenda. The other implied question is whether the notice was legally sufficient.

Mr. Sievers noted that any procedural challenges should only matter if the City is going forward with the action proposed at this meeting.

Councilmember Eggen concurred that the City needs an overall and measured review of noticing, to include staff impacts and a consideration on the idea of signage. He said he would like to see a four foot by four foot sign that says "Rezone" with the information on it posted below. Mr. Olander replied that he will take that as Council direction.

Councilmember McConnell arrived 7:07 p.m.

6. APPROVAL OF THE AGENDA

Councilmember Way asked that Council address study items 9(a) and 9(b) first. Councilmember Eggen pointed out that the proposed budget has been slotted for one and a half hours and wondered if it is acceptable to ask people here for Ordinance No. 521 to wait two hours.

Councilmember Way moved approval of the agenda to address Study Items 9(a) and 9(b) before Action Item 8(a). Deputy Mayor Scott seconded the motion, which failed 3-3, with Councilmembers Hansen, McConnell, and McGlashan dissenting and Councilmember Eggen abstaining. Councilmember Hansen moved approval of the agenda as originally proposed. Deputy Mayor Scott seconded the motion, which carried 6-1, with Councilmember Way dissenting.

7. CONSENT CALENDAR

Councilmember Hansen moved approval of the Consent Calendar. Councilmember Eggen seconded the motion, which carried unanimously and the following items were approved:

- (a) Ordinance No. 526, amending the City's Commute Trip Reduction Plan**
- (b) Motion to Authorize the City Manager to Execute a Commute Trip Reduction Interlocal Agreement with King County**
- (c) Motion to Authorize the City Manager to Amend the Design Contract with HDR, Inc. in the amount of \$318,000 for the Seattle Public Utilities Water Main**
- (d) Motion to Authorize the City Manager to Execute an Amended Interlocal Agreement for Fire Investigation Services with the King County Sheriff's Office**

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS

- (a) Ordinance No. 521, amending the City's Zoning Map to Change the Zoning from CB (Community Business) to RB (Regional Business) for the Properties located at 18501 and 18511 Linden Avenue N.**

Councilmember McGlashan recused himself from this item and left the Council chamber.

Joe Tovar, Planning and Development Services Director, stated that the Council asked to have this remanded back to the Planning Commission and supplement the record with the prior material to rezone the same property to RB in 2007. Therefore, the entire record from 2007 and the Council DVD directing the remand was provided to the Commission. He noted that he made a mistake about the quorum issue because there are nine Planning Commissioners; five Commissioners actually constitute a quorum. He added that the draft Commission minutes from the October 27, 2008 meeting and the supplementary findings are included.

Steve Szafran, City Planner, provided the timeframe of the property action in question. He noted that the Commission recommended approval of this RB zoning. He showed aerial photos comparing first rezone on the property with the proposed action. Next, he stated that Mr. Will Hall will present the specific findings. Mr. Tovar introduced the Vice Chair of the Planning Commission, Mr. Will Hall.

Mr. Hall outlined the findings of fact. He noted that the corridor is changing and the Commission considered this property action close to Aurora Avenue. He stated that there are still traffic issues on Linden, but it is a "balancing act." He stated that the difference between RB and CB is that RB is five feet higher and the setback is five feet more. Additionally, there are density differences, and in 2007 the difference was between having a CB zone of R-48 versus RB, which would have been unlimited. He noted that RB would produce greater commercial space, more jobs, and dwelling units. The Commission recommended approval on September 4th and it was remanded by the Council. He said the Commission has reviewed all of the supplemental materials and is recommending approval again, with additional findings and conclusions. He

pointed out that the Commission voted in 2007 for CB because RB wasn't considered at that time. He noted that the density reduction in RB to R-110 shifted the Commission's thinking and they believed the shift to RB would facilitate greater density at this site. He also stated that traffic and parking were important.

Mayor Ryu referred to page 120-115 of the Commission minutes and inquired if the question concerning how many units would be allowed to be developed on this property utilizing the City's highest residential zone of R-48 was resolved.

Mr. Hall replied affirmatively, noting his belief that RB and CB are not residential zones, but property that is zoned RB can develop residential but he views it as a business zone.

Councilmember Eggen called for a point of order. He asked Mr. Sievers to respond to his email concerning him have an ex-parte communication regarding the substance of this issue. Mr. Sievers replied that he didn't think it would affect his decision and inquired if he could explain what part he is referring to. Councilmember Eggen replied that they thought some process was done illegally. Mr. Sievers replied that there aren't any conflicts because these are procedural matters and don't touch on the merits of the rezone.

Councilmember Hansen read page 120-017 of the minutes and stated that Commissioner Hall reminded the Commission about quasi-judicial matters. He noted that the Council hasn't asked about Councilmembers having ex-parte communications.

Councilmember Way commented that she was at a conference a few weeks ago and informed other Planning Commissioners there that the Council had remanded the matter based on procedural issues.

Councilmember Hansen noted that Commissioner Kaje was approached by Councilmember Way and there was discussion concerning planning maps. He said it is very important under the appearance of fairness doctrine that any contacts be disclosed.

Councilmember Hansen moved to adopt Ordinance No. 521. Councilmember McConnell seconded the motion.

Mayor Ryu passed around a four-page document and stated she tried to go through the 200+ page document but it wasn't sequential. She highlighted that the first round of discussions concerning this item took place from August 2006 to March 2007 and there are inconsistencies that she would like to get clarification on. First, she said on item E, former Deputy Mayor Fimia commented that she would support the CB rezone because the change to the Development Code may or may not pass. Thus, the applicant must assume that risk. She wondered if the applicant didn't assume the risk. She noted that July 2008 to November 2008 was the second round of deliberations. She noted that the technical side and procedural side of it are in this section. She referred to another section and stated that the notice was changed from R-48 and Office (O) to R-12 and O; then again the Commission repeated the rezone from R-48 and O on October 12. She wondered what precipitated the change from R-12 and O to R-48 and O. She noted that the pages that refer to this are 120-045, 120-058, and 120-071.

Steve Szafran, Planner, stated he filled out the project information on page 120-071. He stated that the applicant filled out the SEPA Checklist wrong and R-12 was not a part of the rezone. The applicant submitted a building plan, but actually a rezone has nothing to do with the building permit. Mr. Tovar stated that this is correct.

Mayor Ryu inquired if this was noticed properly since R-12 is not correct. She asked why it was even mentioned if it wasn't part of the rezone. She noted that under SEPA the City has to note all of the affected properties. Mr. Tovar replied that the building permit application includes land that is zoned R-12 which is still part of the development site, but it isn't subject to the rezone before the Council tonight.

Mayor Ryu asked what the risk exposure is and if there are any inconsistencies. Mr. Tovar replied that the amount of notice is sufficient and there isn't any defect. Mr. Sievers responded that the total lot area was included in the CB and R-12 was mentioned in both the property currently and as it is proposed.

Mayor Ryu clarified that 18501 and 18511 are both currently CB and asked where R-12 was. Mr. Szafran replied that R-12 is located at 742 N. 185th Street. He informed Mayor Ryu that this address wasn't listed on the rezone application because it isn't changing. Mr. Tovar added that it wasn't listed because this is a SEPA notice as well.

Mayor Ryu asked to look at the building permits. Mr. Sievers explained that the Council doesn't have jurisdiction over building permit applications. Mr. Tovar noted that the Council considers potential and cumulative impacts and that is what SEPA has to consider.

Councilmember Way noted that according to the Commission text and the hearings they have been discussing, the site in the black lines.

Commissioner Hall stated that the Commission understood it only included the two sites and that the west site was under common ownership. He said the Commission determination was that rezoning these two parcels is the decision that should be made.

Councilmember Way clarified that the rezone is for the Linden Ave addresses and the notice talks about a CB zone and R-12. Mr. Tovar explained that the City had to disclose the cumulative impacts for all those properties. He noted that the action is a CB rezone and the building permit is not before the Council. Mr. Szafran explained that this was an effort to help the public know that this is a project on three parcels.

Mayor Ryu asked why Councilmembers can't view the building permit. Mr. Sievers replied that if there is a building permit being processed, the Council can look at that under the current zone, but not the rezone.

Mayor Ryu commented that the rezone is supposed to be separate, not based on the pending RB zoning.

Mr. Olander said SEPA requires looking at related projects next door which relate to the overall impact which is what SEPA is supposed to do, even if the R-12 doesn't have to be rezoned.

Mr. Tovar stated that the environmental checklist asks if there are any plans that will have any potential cumulative impact with this action. He said in this case they responded yes.

Mayor Ryu stated that the environmental checklist was based on CB. She expressed frustration concerning the SEPA checklist from the other three parcels. Mr. Tovar clarified that this action is RB and R-12. Mayor Ryu inquired which SEPA checklist this is for; the rezone or the building permit. Mr. Tovar replied that this pertains to the building permit application and that is what the department was aware of this when the determination was made. However, he said this would be less of a challenge if the building permit hadn't been submitted for the project.

Mayor Ryu noted that there is a technical problem on page 120-045, 120-058, and 120-129. She said there are differences in the total number of units the applicant wants to have and asked for an explanation. Mr. Tovar responded that if this is zoned to RB there can be forty (40) units. He continued and discussed the first rezone. Mr. Szafran noted that R-12 is the highest density allowed under that Comprehensive Plan designation, so any requested rezone would only go forward if the Council changed the Comprehensive Plan.

Councilmember Way discussed the SEPA checklist on pages 120-037 to 120-061. She said that on page 120-052 there is a revised checklist and it has black pen marks. She discussed page 120-040, which says the total floor area will be 45,000 square feet. Mr. Tovar noted that the City staff reviewed it as 45,000.

Councilmember Way stated that after the first rezone the applicant wasn't satisfied and decided to reapply. She inquired if this is considered a new application. Mr. Tovar replied that it has a different number but it is substantively the same for purposes of SEPA and compliance with the rezone criteria.

Councilmember Way asked if it is a typical practice to revise a SEPA checklist. Mr. Tovar replied that it is fairly common in other cities where the same impacts are considered. Councilmember Way said she thought if a developer goes through the process and applies and doesn't get what they want they would have to appeal the decision.

Mr. Sievers felt the CB was improperly granted, but that doesn't preclude future rights to apply for another rezone.

Mr. Olander added that in other cities, the SEPA work can be adopted if the impacts are the same or less. He said the Commission wasn't willing to go into the RB rezone with impacts, but when Council limited densities in RB, then the applicant reconsidered.

Councilmember Way asked Commissioner Hall to recall the previous rezone. Mr. Hall explained why the Commission didn't want to consider RB the first time. He noted that the Commission viewed this as a separate application and it held another open record public hearing which distinguished it separately. He added that at the first review there was motion on the table to

rezone it to RB. He said the Commission felt that the applicant deserved a motion on their initial request; then the Commission could amend it later if necessary. He explained that they never reached the question if RB would be appropriate, and his personal concern was related to public benefit. He said the Commission was concerned about density and considered a rezone to RB limited to 25 units on the site, but cautioned against a contract rezone. The Commission felt CB was more appropriate and said the City staff initially proposed CB, then changed to RB, then back to CB. He believed there might be an opportunity to propose a code amendment for greater density.

Councilmember Way read the Commission minutes from page 120-118 and noted that they later voted unanimously for the CB zone. She added that Deputy Mayor Fimia voted for the CB zoning with reservations.

Deputy Mayor Scott said he supported this proposal. He added that the Comprehensive Housing strategy supports this, too. He also pointed out that the project is near Aurora Avenue and the traffic issue will be addressed. He said even if the Council rejects this, the local communities will continue to grow. He felt that this is a reasonable project, and transit-oriented development is needed. He added that the public notices could be clearer, but this one is appropriate.

Councilmember McConnell advised against spending a lot of time going through the minutes in this meeting. She felt the Councilmembers need to be more concise with their summaries and determine what they consider right for this piece of property. She felt that the development is appropriate. She noted that six of the Commissioners voted in favor of this and that they are qualified to review this. She hoped the Council would use their knowledge. She noted that economic development is needed and it is frustrating to wonder what will happen to this site. She said she would like to hear Councilmember Eggen's opinion.

Councilmember Hansen commented that the Mayor's job is to balance the conversation, not to monopolize it.

Mayor Ryu asked how RB should be instituted and asked about the previous question concerning RB being away from Aurora Avenue. She also questioned whether it is correct for that small lot to not have access from Aurora Avenue. She said she doesn't want to invest all this time to zone this RB and undo it later. Mr. Olander commented that the prior discussion had to do with RB adjacent to the R-4 properties and it is noted on page 120-019.

Mayor Ryu said the table on page 43 has setbacks. She asked what the maximum building envelope would be if the two were combined. Mr. Olander advised that discussion would have to be limited to what is in the record.

Mayor Ryu stated that the total amount for all three parcels is 28,000 square feet. However, she is talking about parcels A and B that are about 14,000 square feet and face Linden Avenue.

Mr. Tovar noted that the table on page 120-010 compares the CB and RB dimensions and doing this would result in a building being taller by 5 feet and having a setback increased by the same 5 feet.

Mayor Ryu inquired what the dimensions would be if the parcel was 14,000 square feet. Mr. Tovar noted that there would be 95% impervious surface and the approximate lot dimensions would be 100 by 140 feet.

Commissioner Hall noted that in a CB zone it would be 100 by 140 and the footprint would be 90 by 130 with a maximum height of 60 feet. He noted that the mass will come out shorter but it would still be wider than it is tall.

Mayor Ryu asked how parking needs would be addressed. Mr. Tovar replied that SEPA is based on the rezone to RB, and if RB occurs the uses may include many things. He said the level of analysis for SEPA and creating a new zone for a site plan is a gross level of analysis and that the only guarantee is whatever the code gives you and any subsequent SEPA determinations.

Mayor Ryu commented that the vote in the Commission was 4-2, with three members absent. Based on that she said she would prefer to review this proposal page by page, if necessary. She noted that at the September 22 meeting there were 22 comments of the 40+ given. She added that there were four comments from people who lived within a quarter mile of this property; two supported the proposal and two opposed it.

Councilmember Eggen said he took a higher level look at the proposal. He noted that there is a CB land use designation for this area, which implies that a lower level of density was envisioned for this property. He felt traffic and parking protection for neighborhoods near Aurora and Ballinger should be addressed. The City decided to begin planning density near transit zones, and the people who live near Aurora Avenue shouldn't have their privacy lost or have people speeding on their streets. He asked what would happen if the applicant decides to wait to develop after getting their property zoned as they desire. He wondered if the zone would go back to not having a limit if this occurred.

Mr. Tovar replied that if the applicant wants to rezone to RB, the use rights are subject to the interim regulations the Council adopted.

Councilmember Eggen concurred with Deputy Mayor Scott that this is a reasonable use for this property, given current City philosophy. He said this fits the decision criteria and supports it.

Deputy Mayor Scott asked what the traffic volumes were at N. 185th Street and Linden Avenue. Mr. Tovar replied that he didn't have the numbers with him, but before this was remanded there was discussion about the increased capacity.

Deputy Mayor Scott commented that it is a busy corner that will increase and this is a chance to manage this change in a reasonable fashion. He noted that mitigation to improve traffic flow will be in the plans. This is convenient to other businesses in the area, he added, which puts higher density in appropriate areas. He noted that Ridgecrest has 270 units and there are people who are frustrated with the decision to do that in that community. He said that they are looking at an RB zone one block off Aurora, which allows business and residential. He said although parking is a

concern, hopefully residents will take advantage of the multi-million dollar improvements on Highway 99.

Councilmember Hansen said there is a traffic analysis on page 47. He felt that the Council is supposed to determine whether this met the criteria for a rezone and the Commission concluded that it did. He noted that this is a long discussion about a difference of 10 or 15 units and felt that this validly meets the criteria. He deduced that the Council has no choice but to approve the rezone. He added that he doesn't know about what the building will look like because the property owner hasn't designed it yet.

Councilmember McConnell called for the question. Councilmember Hansen seconded the motion, which carried 4-2, with Mayor Ryu and Councilmember Way dissenting, and debate on the question was closed.

A vote was taken on the motion to adopt Ordinance No. 521, amending the City's Zoning Map to change the zoning from CB (Community Business) to RB (Regional Business) for the properties located at 18501 and 18511 Linden Avenue N, which carried 4-2, with Mayor Ryu and Councilmember Way dissenting.

RECESS

At 9:02 p.m., Mayor Ryu called for a five minute recess. The Council meeting reconvened at 9:08 p.m.

9. STUDY ITEMS

(a) 2009 Proposed Budget

Debbie Tarry, Finance Director, provided the staff report and reviewed the salary schedule, fee schedule, and City reserves. She highlighted that there are no new positions proposed and two Public Works positions were recommended for reclassification. She also added that there is a garbage fee adjustment which will be a part of the fee schedule in the future.

Councilmember Way questioned if Cleanscapes was proposing fee adjustments. Ms. Tarry said they were and the formula in the contract will be used for the 2009 rates. Councilmember Way questioned if the inflationary fee adjustment is guaranteed. Ms. Tarry responded that the City is providing notice of what those fees are. Councilmember Way said the Council might want to keep in mind there was a significant raise in the rates, even though they were explained in the contract. Ms. Tarry reminded the Council that the disposal fee is not affected by this and this represents the non-disposal, service part of the fee.

Councilmember Eggen asked if this was the standard formula that is used in vendor contracts. Mr. Sievers said he does not recall the Council discussion approving the provider, but there will be a change in the mix of indices that Council uses which will lead to changes in future years.

Mr. Olander commented that there are standard formulas even under the contracts he has worked over the years.

Councilmember Hansen said he had the same question Councilmember Eggen presented and presumed the City staff and Council took everything into consideration. He said he assumes that there would have been an escalator in the Waste Management contract too and the impression he has is that the contract went to the lowest bidder.

Mark Relph, Public Works Director, replied that the formula was stipulated in the RFP process.

Ms. Tarry discussed the surface water utility rate and said the City recommended an increase of \$6.00 per single family household bringing the yearly cost from \$124 to \$130. She highlighted the Interfund Transfers in the 2009 budget. For example, she noted that the amount of fuel tax the City receives doesn't cover the amount spent on streets, so some of the General Fund dollars are transferred into streets. She noted that this is a part of the way that the City allocates for overhead allocation costs for the City Attorney, City Clerk, and other departments. She noted that there is also \$100,000 for technology replacement and the unemployment fund.

Councilmember Way inquired about the major repair/replacement fund of \$214,000. She asked if it was based on the percentage of the value of the facilities. Ms. Tarry replied that the funds for turf, Richmond Highlands Recreation Center, the police station, Spartan Gym, and the pool aren't replacement items; they need major maintenance.

Councilmember Way stated that the soccer fields can keep paying for themselves. She asked if the funds for the turf have to be allocated to the turf or if can they cover some other needs elsewhere. Ms. Tarry stated that Council direction was to take a portion from recreation fees and put it into the replacement funds.

Councilmember Hansen asked what the unemployment security fund balance was. Ms. Tarry replied that it is approximately \$60,000, and payouts from this fund vary every year.

Mayor Ryu inquired if there were any funds set aside for major repairs outside of the new City Hall. Ms. Tarry replied that there are some 2009 and future funds set aside for the City Hall HVAC system. She continued her presentation, highlighting the General Fund revenues for capital, roads and sidewalks which primarily comes from gambling taxes. She noted that this is what the Interfund Transfers are for in the budget.

Councilmember Eggen asked what the unemployment security fund was for. Ms. Tarry replied that when people are released from employment they can file for unemployment and the City pays them when they file. Basically, it is self-insurance for unemployment claims.

Mayor Ryu noted that the unemployment agency handles contested applications and they administer the claims, making it less expensive for the City as a public agency.

Ms. Tarry discussed the reserve requirements and stated there is a general fund ending balance of \$3.8 million. She noted that the City established a revenue stabilization fund last year to cover short-term economic downturns.

Councilmember Eggen questioned what amount of time is considered short-term. Mr. Olander explained that the City has always had significant reserves, but he requested the creation of a reserve fund. He stated that every 8 to 10 years there is a recession. Knowing that, he proposed taking the excess revenue in the good years and saving it. He said there are at least two to three recessionary periods every 8 to 10 years. He explained that these revenues are calculated every year.

Councilmember Eggen asked staff to confirm whether the money that created the fund came from economically sensitive revenues. Mr. Olander replied that they were all fungible revenues.

Ms. Tarry stated that they took the General Reserve Fund and put that and monies from the General Fund into the Revenue Stabilization Fund to make it easier for the public to understand.

Mr. Olander explained that this was designed to maintain services in a downturn. Ms. Tarry added that the City had to demonstrate this to the bond rating agencies.

Councilmember Way asked about the surface water fees on page 141 and wanted to know how impervious surface rates were calculated and how they compare to residents with more pervious surfaces. Ms. Tarry replied that they basically pay 5% more. Mr. Olander noted that surface water rates for all single family homes are averaged.

Councilmember Way wondered if an incentive could be created for homeowners who reduce their total impervious area through low impact development. Mr. Olander replied that a future Council policy could address that issue.

Councilmember Way said she would like the same thing considered for small businesses and for the City to work with single family homeowners.

Councilmember Eggen concurred. He said the City almost has to undertake a very large task to change this in individual homes, but it may be worthwhile given flooding issues coming in the future.

Mark Relph commented that the Thornton Creek Basin Plan will tell us a lot and that will be the best time to review the rate structure. He said they should wait until next spring when the Capital Improvement Program is reviewed.

Mayor Ryu suggested looking at businesses too. Councilmember Way added that she would like to give the single family homeowners a break if they manage their surface water runoff.

Ms. Tarry concluded that the City has met reserve requirements and reviewed the budget policies on page 332-333.

Mayor Ryu called for public comment.

a) Bill Meyers, Shoreline, commented that the City is proposing significant increases in fees and salaries. He said those fees are like taxes. He said it is the wrong time for increases due to the economic recession and high unemployment. He highlighted that the 5.2% COLA step progression and merit increases are planned. He compared the increases to the fact that Boeing settled their four-year contract with a 0.9% wage increase and Qwest has a 3.1% increase with no merit increases. He added that King County plans on capping their COLA increase at 3%. He said that both fees and COLAs are based on the June CPI, and the June oil prices were high. He added that the CPI for April-June was up between 27 - 55%. He said it has since gone down in the last couple months and felt it was not appropriate to base wages and fees on this index.

b) Mary Weaver, Shoreline, said she was in the Firdale area and Edmonds doesn't charge for yard waste containers. She asked how far the reserve fund goes out and wants to know if there will be a cap. She suggested any excess funding be returned to the property owners.

Councilmember Eggen understood that the cap on King County will mainly be applied to non-unionized staff. He questioned if the 5.2% COLA was based on the June CPI. Mr. Tarry explained that the COLA is based on 90% of July-June CPIU which is for all urban wage earners. She added that CPIW covers a smaller part of labor market. She noted that the CPIU was 6.2%. Additionally, she noted that the City has used the June CPI for a number of years.

Mr. Olander added that this doesn't extend out into the future and in the past it has been 2-3%. He said if the CPI drops it will be down to that range, but the policy the City uses is consistent each year.

Mayor Ryu asked if the City made the COLA 3.5% could the rest (1.7%) be applied in future years. Ms. Tarry commented that the City pays a median of comparables and the goal is to be within 5% of that. She felt that if there is a lot of variance included the City would have to catch up. She noted that this rate also allows the City to maintain that policy.

Mr. Olander highlighted that the City's per capita numbers compare very favorably and there are efficiencies which allow the City to compensate employees at a reasonable and median level. He noted that the City staff has continued their consistency.

Ms. Tarry commented that the latest King County proposal had a 5% COLA increase plus a 10-day furlough (days without pay). She responded that the value of the reserves is projected for 2009 and set in City policy. She added that this level is what the City strives to maintain and it is determined in the General Fund because \$3 million is needed for cash flow purposes. Mr. Olander noted that it allows the City to pay bills.

Councilmember Hansen added that the state doesn't allow unlimited reserves. He noted that the reserves allow the City to lessen the increase in City fees and rates and to weather economic downturns without cutting services.

MEETING EXTENSION

At 10:00 p.m., Councilmember Hansen moved to extend the meeting to 10:20 p.m. Deputy Mayor Scott seconded the motion, which carried 7-0.

(b) Aurora Corridor Project 60% Design

Mark Relph introduced this item. He stated that this long project has gone well and is pleased with the aggressive schedule.

Kirk McKinley, Aurora Corridor Project Manager, commented that 60% represents the middle of the design process. He introduced Paul Ferrier, Jeff Hamlin, and Curtis LaPierre from OTAK. He said the City is working with lots of agencies and property owners and are on track with budget numbers. He highlighted that the City has procured enough funding to complete the middle mile and the schedule update depends on the right-of-way (ROW) acquisition process.

Kris Overleese, Aurora Corridor Project, noted that the City will be acquiring rights from 77 parcels and has made offers on all but five parcels. She said all the offers will be completed within two weeks. She reviewed the surface water facilities on a large map.

Councilmember Way asked how much total runoff is being handled through natural surface water treatment. Ms. Overleese replied that she can provide that figure to the Council at a future date. Ms. Overleese continued with the design and noted that there will be a soldier pile wall along the Subway property.

Curtis LaPierre, OTAK, discussed urban design and said his job is to put as much "green" into this as possible. He said this phase is very consistent with Phase 1 and it will use the same trees but different cultivars. He noted that there will be trees, shrubs, and ground covers, with some in the medians.

MEETING EXTENSION

At 10:20 p.m., Councilmember Hansen moved to extend the meeting to 10:35 p.m., seconded by Deputy Mayor Scott. Motion carried 7-0.

Councilmember Way asked if it is difficult selecting cultivars that will work in this rigorous environment. She said she wished there would be more native plants used because they are hearty.

Mr. LaPierre replied that cultivar selection was a major topic of discussion and that most native plants are accustomed to growing under a canopy, not in hot asphalt conditions. He noted that Aurora Avenue presents tough streetside conditions for native plants.

Mayor Ryu asked about weeding in the median. Mr. LaPierre commented that that is a unique part of project and weeding should be controlled by having more loose soil. He added that "silvacell" technology holds up the sidewalk along with porous pavers.

Mayor Ryu asked about the eminent domain process timeline. Ms. Overleese noted that there is no drop-dead date for the process and the City staff is requesting Council to authorize the City Manager to approve the use of eminent domain, if necessary. Mr. Olander commented that the intent is to always negotiate with property owners because eminent domain is time-consuming.

Mayor Ryu called for public comment. There was no one wishing to provide public comment.

Councilmember Eggen asked what happened to the proposal to have Phase 2 end at North 192nd Street. Mr. McKinley replied that the application was submitted to the Transportation Improvement Board (TIB) and they are supposed to select the projects on November 21. He noted that the proposal can be changed at that time if it is selected.

Councilmember Way inquired about the dead trees in Phase 1. Mr. McKinley noted that they all came from the same nursery.

Councilmember Eggen discussed the planters and asked if they will be limited on the bottom or if they will allow deep-rooted plants. He wondered if the water can infiltrate into the subsoil. Mr. Ferrier replied that the bottom of the raingarden planters and swales which are made of gravel, rock, and perforated pipe, not concrete. He noted that they won't flood out during large storm events and there is a possibility for infiltration.

Mayor Ryu verified that the leaves would be swept up and not affect infiltration either.

10. ADJOURNMENT

At 10:33 p.m., Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk

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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF TOWN HALL VISIONING MEETING

Thursday, January 8, 2009
7:00 p.m.

Shoreline Conference Center
Shoreline Room

PRESENT: Mayor Ryu, Deputy Mayor Scott, Councilmember Eggen,
Councilmember McConnell, Councilmember McGlashan, and
Councilmember Way

ABSENT: Councilmember Hansen

GUESTS: Sid Kuboi, Planning Commission Chair; Will Hall, Planning Commission
Vice Chair; John Behrens, Commissioner, Janne Kaje, Commissioner;
Michele Wagner, Commissioner

CITY STAFF: Bob Olander, City Manager; Julie Underwood, Assistant City Manager;
Joe Tovar, Planning & Development Services Director; Rachael Markle,
Assistant PADS Director; Marci Wright, Human Resources Director;
Rob Beem, Community Services Manager; Tricia Juhnke, Capital
Projects Manager; Debbie Tarry, Finance Director; David Levitan,
Planner; Dan Pingrey, Police Chief, Carolyn Wurdeman, Executive
Assistant; John Norris, Management Analyst; Scott Passey, City Clerk

1. CALL TO ORDER AND WELCOME

The meeting was called to order at 7:00 p.m. by Mayor Ryu, who presided. Mayor Ryu welcomed the audience and explained that the purpose of the meeting is to assist in the development of the community's preferred vision for Shoreline's future.

Mayor Ryu then introduced Joe Tovar, Planning and Development Services Director, who further explained the purpose of the visioning process and the role of the Planning Commission. He noted that this shared community vision will serve as the guiding principles for the update of the Shoreline Comprehensive Plan, which is required by the state's Growth Management Act. He said that developing a vision statement is an important first step because the City must finish the Comprehensive Plan update by 2011.

The following members of the Planning Commission stood up and introduced themselves: Sid Kuboi, Planning Commission Chair; Will Hall, Planning Commission Vice Chair; John Behrens, Commissioner, Janne Kaje, Commissioner; Michele Wagner, Commissioner.

Continuing, Mr. Tovar explained that the vision statement, which is a statement of values, serves as a preamble to the Comprehensive Plan. He noted that it sets the tone and direction for the details that follow, and that it is a general statement as opposed to a detailed description. He stated that the vision is a future-tense statement, and the Framework Goals are the more detailed bullet-points that talk about how the vision is to be accomplished.

Responding to a question from the audience, Mr. Tovar explained that the State Office of Financial Management (OFM) provides accurate estimates on how many people are likely to move into the area; the Shoreline allocation simply means that we need to have the capacity to accommodate the growth estimates.

2. ROUNDTABLE CONVERSATIONS

Mr. Tovar then invited the audience to divide into small groups in order to provide feedback on the identified themes directly to Councilmembers and to one another in a roundtable format. This roundtable exercise lasted until 8:30 p.m.

3. PUBLIC COMMENT

At 8:30 p.m. Deputy Mayor Scott called for public comment.

(a) Bob Ransom, Shoreline, commented that allowing 10-story buildings on Aurora Avenue would help enhance economic development for Shoreline. He said taller buildings will encourage lots of businesses and jobs like is happening in Lynnwood and Bellevue. He said enhancing the business community helps bring down taxes and increases good paying jobs. He concluded that creating space for expansion on Aurora Avenue is preferable to expanding into existing neighborhoods.

(b) Liz Poitras, Shoreline, commented on the theme of “provide a diversity of active and passive recreation opportunities for all ages to gather and play.” She emphasized the need to consider the different ages we have in Shoreline, as well as the different ideas about passive and active recreation. She pointed out that not all areas will cater to every group of people.

(c) LaNita Wacker, Shoreline, concurred with Mr. Ransom’s comment, adding that economic development helps protect our tax base and provides employment. She thanked the City Council, Planning Commission, and City staff for all the work invested in this process. She said the creativity and resourcefulness has been outstanding.

(d) Saskia Davis, Shoreline, noted that this process may actually save Shoreline from becoming like Lynnwood or Bellevue. She said increasing the tax base doesn’t make us like them. She advocated for distributing services evenly and appropriately.

(e) Bill Clements, Shoreline, commented that the theme of “protecting natural areas” is being accomplished through property acquisitions made possible by the parks bond. He pointed out that there are other public lands in our community, as well as other partnering agencies such as the Shoreline School District. He noted that school district property is a potential resource.

(f) Roger Baker, Shoreline, noted that this seems like a quick process for designing a “constitution.” He advocated for including more people in designing the vision, as well as more convenient times for convening meetings. He spoke in favor of revisiting the vision statement on a regular basis.

(g) Richard Johnsen, Shoreline, said he wants to see the process continued because we’ve really just gotten started. He said other cities and entities will take an interest when they see what we are doing. He pointed out that not everything has been “hashed out” or answered sufficiently, so further discussion is needed.

(h) Bob Phelps, Shoreline, expressed thanks to the staff for their hard work on this process.

4. MAYOR’S CLOSING REMARKS

Mayor Ryu thanked the public, the Councilmembers and staff for attending and for their honest feedback. She then outlined the next steps in the visioning process. The City Council and Planning Commission will meet jointly to review all of the community’s input, and the Council will provide direction to the Planning Commission about key points to include in preparing a draft Vision and Framework Goals. In early February, the Council and Commission will conduct a joint public hearing to hear additional public comment. Mayor Ryu concluded by stating that the goal is to review and approve the final Vision and Framework Goals by April 13, 2009.

5. ADJOURNMENT

At 8:55 p.m., Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk

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CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Approval of Expenses and Payroll as of January 8, 2008
DEPARTMENT: Finance
PRESENTED BY: Debra S. Tarry, Finance Director

EXECUTIVE / COUNCIL SUMMARY

It is necessary for the Council to formally approve expenses at the City Council meetings. The following claims/expenses have been reviewed pursuant to Chapter 42.24 RCW (Revised Code of Washington) "Payment of claims for expenses, material, purchases-advancements."

RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$2,559,669.90 specified in the following detail:

***Payroll and Benefits:**

| Payroll Period | Payment Date | EFT Numbers (EF) | Payroll Checks (PR) | Benefit Checks (AP) | Amount Paid |
|-------------------|-----------------|------------------------|---------------------------|---------------------------|---------------------|
| 1214/08-12/27/08 | 1/2/2009 | 27261-27443 | 8407-8440 | 38867-38879 | \$463,535.86 |
| | | | | | <u>\$463,535.86</u> |

***Accounts Payable Claims:**

| Expense Register Dated | Check Number (Begin) | Check Number (End) | Amount Paid |
|------------------------------|----------------------------|--------------------------|-----------------------|
| 1/5/2009 | 38772 | | \$744.00 |
| 1/5/2009 | 38773 | 38782 | \$535,979.00 |
| 1/5/2009 | 38783 | 38800 | \$64,616.58 |
| 1/6/2009 | 38801 | 38816 | \$1,352,621.64 |
| 1/6/2009 | 38817 | 38837 | \$21,251.04 |
| 1/7/2009 | 38838 | 38855 | \$118,101.30 |
| 1/8/2009 | 38856 | 38866 | \$2,820.48 |
| | | | <u>\$2,096,134.04</u> |

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

| | |
|----------------------|---|
| AGENDA TITLE: | Adoption of Proposed Amendments to the Development Code and the Surface Water Management Code |
| DEPARTMENT: | Planning and Development Services / Public Works |
| PRESENTED BY: | Mark Relph, Director – Public Works Jesus Sanchez, Operations Manager – Public Works Jeff Forry, Permit Services Manager – Planning and Development |

PROBLEM/ISSUE STATEMENT:

The City of Shoreline's stormwater management regulations are based on dated technology and outdated regulations. The adopted Surface Water Master Plan and National Pollutant Discharge Elimination System (NPDES) Permit require the adoption of new technical standards no later than August 2009.

BACKGROUND

In order to consolidate the surface water management program, revisions to two chapters of the Shoreline Municipal Code (SMC) – Chapter 13.10 and Chapter 20, various administrative procedures, and technical manuals are necessary. A new Surface Water Management Code to replace Chapter 13.10 SMC has been prepared and reviewed by Council. The code adopts a surface water technical manual (Stormwater Management Manual for Western Washington), includes the necessary "legal authorities" now found in the 1992 edition of the KCC Title 9, and implements and enhances new and current programs required by the Phase II Municipal Stormwater permit. The specific amendments to Chapter 20 of the SMC include revising definitions, removing redundant surface water management technical criteria that are included in the Ecology manual, and refining the adequacy of public facilities provisions.

At its December 1, 2008 and January 5, 2009, study sessions the City Council heard staff presentations of the Planning Commission's unanimous recommendation to adopt the Stormwater Management Manual for Western Washington prepared by the Washington State Department of Ecology as identified in the amendments to the Surface Water Code and to adopt the amendments to the Development Code included in Ordinance No. 531 (Attachment A). Subsequent inquiries were received from Council members seeking clarification on some of the proposed code language. The purpose section of the Surface Water Management Code was revised to provide the necessary clarity.

RECOMMENDATION

Staff recommends passage of Ord. No. 531 adopting a new Stormwater Code and Stormwater Manual and amending stormwater requirements of the Development Code.

Approved By: City Manager  City Attorney 

ATTACHMENT A: Ordinance No. 531

Exhibit 1 – Development Code Amendments

Exhibit 2 – Surface Water Management Code Amendments

ORDINANCE NO. 531

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON REPLACING THE SURFACE WATER MANAGEMENT CODE AND AMENDING PROPERTY DEVELOPMENT STANDARDS FOR SURFACE WATER IN THE DEVELOPMENT CODE; AND AMENDING CHAPTERS 13.10, 20.60 AND 20.70 AND SECTIONS 20.20.010-.060, 20.30.040-.290, 20.30.740, 20.40.140, 20.50.020-.340 and 20.90.040 OF THE SHORELINE MUNICIPAL CODE.

WHEREAS, a public participation process was conducted to develop and review staff proposed amendments to the Development Code including:

- A public comment period on the proposed amendments was advertised from September 8, 2008 to November 6, 2008; and
- The Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on November 6, 2008;

WHEREAS, a SEPA Determination of Nonsignificance was issued on October 22, 2008 in reference to the proposed amendments to the Development Code and the Surface Water Management Code; and

WHEREAS, the proposed amendments were submitted to the State Department of Community Development on October 20, 2008 for comment pursuant to WAC 365-195-820; and

WHEREAS, no comments were received from the State Department of Community Development; and

WHEREAS, the Council finds that the amendments adopted by this ordinance are consistent with and implement the Shoreline Comprehensive Plan and comply with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW; and

WHEREAS, the Council finds that the amendments adopted by this ordinance meet the criteria in SMC 20.30.350 for adoption of amendments to the Development Code;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Shoreline Municipal Code Title 20 chapters 20.60 and 20.70 and sections 20.20.010-.060, 20.30.040-.290, 20.30.740, 20.40.140, 20.50.020-.340 and 20.90.040 are amended as set forth in Exhibit 1, which is attached hereto and incorporated herein.

Section 2. Repeal, New Chapter. Shoreline Municipal Code Chapter 13.10 is hereby repealed in its entirety and a new chapter 13.10 is adopted as set forth in Exhibit 2 attached hereto and incorporated herein.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or

federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date and Publication. A summary of this ordinance consisting of the title shall be published in the official newspaper. This ordinance shall take effect April 1, 2009

PASSED BY THE CITY COUNCIL ON JANUARY 26, 2009.

Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication: January 29, 2009
Effective Date: April 1, 2009

20.20.010-.060

Definitions that must be revised or reviewed

BMP Manual

~~A stormwater best management practices manual that presents BMPs and procedures for existing facilities and activities and for new development activities not covered by the City Surface Water Design Manual.~~

Critical Drainage Area

~~An area which has been formally determined by the department as designated by the City Manager to require more restrictive regulation than City wide standards afford in order to mitigate severe flooding, drainage, erosion or sedimentation problems which result from the cumulative impacts of development and urbanization.~~

Deviation to the Engineering Standards

A mechanism to allow the City to grant an adjustment or exception to the application of engineering standards.

Erosion

~~The process by which soil particles are mobilized and transported by natural agents such as wind, rainsplash, frost action or surface water flow.~~

The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep. Also, detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

Hardscape

Any structure or other covering on or above the ground that includes materials commonly used in building construction such as wood, asphalt and concrete, and also includes, but is not limited to, all structures, decks and patios, paving including gravel, pervious or impervious concrete and asphalt.

Hardscape Area

The total area of a lot or parcel that is covered by hardscape features and surfaces.

High-use Site

~~A commercial or industrial site that:~~

~~A. Has an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of~~

~~gross building area;~~

- ~~B. Is subject to petroleum storage or transfer in excess of 1,500 gallons per year, not including delivered heating oil; or~~
- ~~C. Is subject to use storage, or maintenance of a fleet of 25 or more diesel vehicles that are over 10 tons net weight (trucks, buses, trains, heavy equipment, etc.). Also included is any road intersection with a measured ADT count of 25,000 vehicles or more on the main roadway and 1,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements. (1998 King County Surface Water Design Manual)~~

High-use sites are those that typically generate high concentrations of oil due to high traffic turnover or the frequent transfer of oil. High-use sites include:

- A. An area of a commercial or industrial site subject to an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of gross building area;
- B. An area of a commercial or industrial site subject to petroleum storage and transfer in excess of 1,500 gallons per year, not including routinely delivered heating oil;
- C. An area of a commercial or industrial site subject to parking, storage or maintenance of 25 or more vehicles that are over 10 tons gross weight (trucks, buses, trains, heavy equipment, etc.); or
- D. A road intersection with a measured ADT count of 25,000 vehicles or more on the main roadway and 15,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements.

Impervious Surface

Any material that prevents absorption of stormwater into the ground. A hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface

area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

Infiltration Rate

~~The rate of water entry into the soil expressed in inches per hour.~~

Regional Stormwater Management Facility

A surface water control structure installed in or adjacent to a stream or wetland of a basin or sub-basin, ~~by the surface water management (SWM) division or a project proponent.~~ Such facilities protect downstream areas identified by the City SWM as having previously existing or predicted significant regional basin flooding or erosion problems.

Special Drainage Areas

An area which has been formally determined by the City to require more restrictive regulation than City-wide standards afford in order to mitigate severe flooding, drainage, erosion or sedimentation problems which result from the cumulative impacts of development

Stormwater Manual

The most recent version of the Stormwater Management Manual for Western Washington published by Washington Department of Ecology ("Stormwater Manual")

Wetpond

~~An artificial water body constructed as a part of a surface water management system.~~

Table 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision, and Appeal Authority

| Action Type | Target Time Limits for Decision | Section |
|---|---------------------------------|--|
| Type A: | | |
| 1. Accessory Dwelling Unit | 30 days | 20.40.120, 20.40.210 |
| 2. Lot Line Adjustment including Lot Merger | 30 days | 20.30.400 |
| 3. Building Permit | 120 days | All applicable standards |
| 4. Final Short Plat | 30 days | 20.30.450 |
| 5. Home Occupation, Bed and Breakfast, Boarding House | 120 days | 20.40.120, 20.40.250, 20.40.260, 20.40.400 |
| 6. Interpretation of Development Code | 15 days | 20.10.050, 20.10.060, 20.30.020 |
| 7. Right-of-Way Use | 30 days | 12.15.010 – 12.15.180 |
| 8. Shoreline Exemption Permit | 15 days | Shoreline Master Program |
| 9. Sign Permit | 30 days | 20.50.530 – 20.50.610 |
| 10. Site Development Permit | 60 days | 20.20.046, 20.30.315, 20.30.430 |
| 11. Variances <u>Deviation</u> from Engineering Standards | 30 days | 20.30.290 |
| 12. Temporary Use Permit | 15 days | 20.40.100, 20.40.540 |
| 13. Clearing and Grading Permit | 60 days | 20.50.290 – 20.50.370 |
| 14. Planned Action Determination | 28 days | 20.90.025 |

20.30.290 Variance Deviation from the engineering standards (Type A action).

A. Purpose. ~~Variance~~ Deviation from the engineering standards is a mechanism to allow the City to grant an adjustment in the application of engineering standards where there are unique circumstances relating to the proposal. ~~that strict implementation of engineering standards would impose an unnecessary hardship on the applicant.~~

B. Decision Criteria. The Department-Director shall grant an engineering standards deviation~~variance~~ only if the applicant demonstrates all of the following:

1. The granting of such deviation~~variance~~ will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;
2. The authorization of such deviation~~variance~~ will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with State law;
3. A deviation~~variance~~ from engineering standards shall only be granted if the proposal meets the following criteria:
 - a. Conform to the intent and purpose of the Code;
 - b. Produce a compensating or comparable result which is in the public interest;
 - c. Meet the objectives of safety, function and maintainability based upon sound engineering judgment.
4. Deviations~~Variances~~ from road standards must meet the objectives for fire protection. Any deviation~~variance~~ from road standards, which does not meet the International Fire Code, shall also require concurrence by the Fire Marshal.
5. Deviations~~Variances~~ from drainage standards contained in the Stormwater Manual and title 13.10 SMC must meet the objectives for appearance and environmental protection.

20.30.750 Declaration of public nuisance, enforcement.

- A. A Code Violation, as used in this subchapter, is declared to be a public nuisance and includes violations of the following:
1. Any City land use and development ordinances or public health ordinances;
 2. Any public nuisance as set forth in Chapters 7.48 and 9.66 RCW;
 3. Violation of any of the Codes adopted in Chapter 15.05 SMC;
 4. Any accumulation of refuse, except as provided in Chapter 13.14 SMC, Garbage Code;
 5. Nuisance vegetation; and
 6. Discarding or dumping of any material onto the public right-of-way, waterway, or other public property.
 7. Violation of any of the provisions of Chapter 13.10 SMC
- B. No act which is done or maintained under the express authority of a statute or ordinance shall be deemed a public nuisance. (Ord. 406 § 1, 2006; Ord. 391 § 4, 2005; Ord. 251 § 2(E), 2000; Ord. 238 Ch. III § 10(d), 2000).

6. Deviations~~Variances~~ from drainage standards contained in the Stormwater Manual and title 13.10 SMC must be shown to be justified and required for the use and situation intended.
7. Deviations~~Variances~~ from drainage standards for facilities that request use of emerging technologies, an experimental water quality facility or flow control facilities must meet these additional criteria:
 - a. The new design is likely to meet the identified target pollutant removal goal or flow control performance based on limited data and theoretical consideration,
 - b. Construction of the facility can, in practice, be successfully carried out;
 - c. Maintenance considerations are included in the design, and costs are not excessive or are borne and reliably performed by the applicant or property owner;
8. Deviations~~Variances~~ from utility standards shall only be granted if following facts and conditions exist:
 - a. The deviation~~variance~~ shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located;
 - b. The deviation~~variance~~ is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
 - c. The granting of such deviation~~variance~~ is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same zone or vicinity. (Ord. 406 § 1, 2006; Ord. 238 Ch. III § 7(a), 2000).

20.40.140 Other uses.

| NAICS # | SPECIFIC USE | R4- R6 | R8- R12 | R18- R48 | NB & O | CB & NCBD | RB & I |
|--|---|-----------|------------|-------------|--------------|--------------|-----------|
| EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION | | | | | | | |
| | Adult Use Facilities | | | | | P-i | P-i |
| 71312 | Amusement Arcade | | | | | | P |
| 71395 | Bowling Center | | | | C | P | P |
| 6113 | College and University | | | | S | P | P |
| 56192 | Conference Center | C-i | C-i | C-i | P-i | P-i | P-i |
| 6111 | Elementary School, Middle/Junior High School | C | C | C | | | |
| | Gambling Uses (expansion or intensification of existing nonconforming use only) | | | | S-i | S-i | S-i |
| 71391 | Golf Facility | P-i | P-i | P-i | | | |
| 514120 | Library | C | C | C | P | P | P |
| 71211 | Museum | C | C | C | P | P | P |
| | Nightclubs (excludes Adult Use Facilities) | | | | | C | P |
| 7111 | Outdoor Performance Center | | | | | | S |
| | Parks and Trails | P | P | P | P | P | P |
| | Performing Arts Companies/Theater (excludes Adult Use Facilities) | | | | | P-i | P-i |
| 6111 | School District Support Facility | C | C | C | C | P | P |
| 6111 | Secondary or High School | C | C | C | C | P | P |
| 6116 | Specialized Instruction School | C-i | C-i | C-i | P | P | P |
| 71399 | Sports/Social Club | C | C | C | C | P | P |
| 6114 (5) | Vocational School | C | C | C | C | P | P |
| GOVERNMENT | | | | | | | |
| 9221 | Court | | | | | P-i | P-i |
| 92216 | Fire Facility | C-i | C-i | C-i | P-i | P-i | P-i |
| | Interim Recycling Facility | P-i | P-i | P-i | P-i | P-i | P-i |
| 92212 | Police Facility | | | | S | P | P |
| 92 | Public Agency or Utility Office | S-i | S-i | S | S | P | P |
| 92 | Public Agency or Utility Yard | P-i | P-i | P-i | | | P-i |
| 221 | Utility Facility | C | C | C | P | P | P |
| | Utility Facility, Regional stormwater management | C | C | C | P | P | P |
| HEALTH | | | | | | | |
| 622 | Hospital | C-i | C-i | C-i | C-i | P-i | P-i |
| 6215 | Medical Lab | | | | | P | P |
| 6211 | Medical Office/Outpatient Clinic | C-i | C-i | C-i | P | P | P |
| 623 | Nursing and Personal Care Facilities | | | C | C | P | P |
| REGIONAL | | | | | | | |

| | | | | | | | |
|--|--|-----|-----|-----|-----|-----|---------|
| | School Bus Base | S-i | S-i | S-i | S-i | S-i | S-i |
| | Secure Community Transitional Facility | | | | | | SCTFS-i |
| | Transfer Station | S | S | S | S | S | S |
| | Transit Bus Base | S | S | S | S | S | S |
| | Transit Park and Ride Lot | S-i | S-i | S-i | P | P | P |
| | Work Release Facility | | | | | | S-i |
| | | | | | | | |
| P = Permitted Use S = Special Use C = Conditional Use -i = Indexed Supplemental Criteria SCTFS = Secure Community Transitional Facility Special Use | | | | | | | |

Table 20.50.020(1) – Densities and Dimensions in Residential Zones

Note: Exceptions to the numerical standards in this table are noted in parenthesis and described below.

| Residential Zones | | | | | | | |
|--|--|--|----------------|----------------|--|--|---|
| STANDARDS | R-4 | R-6 | R-8 | R-12 | R-18 | R-24 | R-48 |
| Base Density: Dwelling Units/Acre | 4 du/ac | 6 du/ac (1)(7) | 8 du/ac | 12 du/ac | 18 du/ac | 24 du/ac | 48 du/ac |
| Min. Density | 4 du/ac | 4 du/ac | 4 du/ac | 6 du/ac | 8 du/ac | 10 du/ac | 12 du/ac |
| Min. Lot Width (2) | 50 ft | 50 ft | 50 ft | 30 ft | 30 ft | 30 ft | 30 ft |
| Min. Lot Area (2) | 7,200 sq ft | 7,200 sq ft | 5,000 sq ft | 2,500 sq ft | 2,500 sq ft | 2,500 sq ft | 2,500 sq ft |
| Min. Front Yard Setback (2) (3) | 20 ft | 20 ft | 10 ft | 10 ft | 10 ft | 10 ft | 10 ft |
| Min. Rear Yard Setback (2) (4) (5) | 15 ft | 15 ft | 5 ft | 5 ft | 5 ft | 5 ft | 5 ft |
| Min. Side Yard Setback (2) (4) (5) | 5 ft min. and 15 ft total sum of two | 5 ft min. and 15 ft total sum of two | 5 ft | 5 ft | 5 ft | 5 ft | 5 ft |
| Base Height | 30 ft (35 ft with pitched roof) | 30 ft (35 ft with pitched roof) | 35 ft | 35 ft | 35 ft (40 ft with pitched roof) | 35 ft (40 ft with pitched roof) | 35 ft (40 ft with pitched roof) (8) (9) |
| Max. Building Coverage (6) | 35% | 35% | 45% | 55% | 60% | 70% | 70% |
| Max. Impervious Surface <u>Hardscape Area</u> (2)(6) | 45% | 50% | 65% | 75% | 85% | 85% | 90% |

(6) The maximum building coverage shall be 35 percent and the maximum impervioushardscape area shall be 50 percent for single-family detached development located in the R-12 zone, excluding cottage housing.

Table 20.50.020(2) – Densities and Dimensions for Residential Development in Nonresidential Zones

| STANDARDS | Neighborhood Business (NB) and Office (O) Zones | Community Business (CB) Zone | Regional Business (RB) and Industrial (I) Zones |
|--|--|-------------------------------------|--|
| Maximum Density: Dwelling Units/Acre | 24 du/ac | 48 du/ac | No maximum |
| Minimum Front Yard Setback | 10 ft | 10 ft | 10 ft |
| Minimum Side Yard Setback from Nonresidential Zones | 5 ft | 5 ft | 5 ft |
| Minimum Rear Yard Setback from Nonresidential Zones | 15 ft | 15 ft | 15 ft |
| Minimum Side and Rear Yard (Interior) Setback from R-4 and R-6 | 20 ft | 20 ft | 20 ft |
| Minimum Side and Rear Yard Setback from R-8 through R-48 | 10 ft | 10 ft | 15 ft |
| Base Height (1) | 35 ft | 60 ft | 65 ft (2) |
| Maximum Impervious Surface/Hardscape Area | 85% | 85% | 95% |

20.50.160 Open space – Standards

Exception 20.50.160(A)(3): Stormwater runoff tracts may be credited for up to 50 percent of the on-site recreation space requirement, subject to the following criteria:

1. The stormwater runoff tract is dedicated or reserved as a part of a recreation space tract;
2. The detention pond shall be constructed to meet the following conditions:
 - a. The side slope of the stormwater facilities shall not exceed grade 1:3 (one vertical to three horizontal) unless slopes are existing, natural and covered with vegetation,
 - b. Any bypass system or an emergency overflow pathway shall be designed to handle flow exceeding the facility design and located so that it does not pass through active recreation areas or present a safety hazard,
 - c. The stormwater facilities shall be landscaped in a manner to enhance passive recreation opportunities such as trails and aesthetic viewing, and
 - d. The stormwater facilities shall be designed so they do not require fencing pursuant to the surface water design manual: Stormwater Manual.

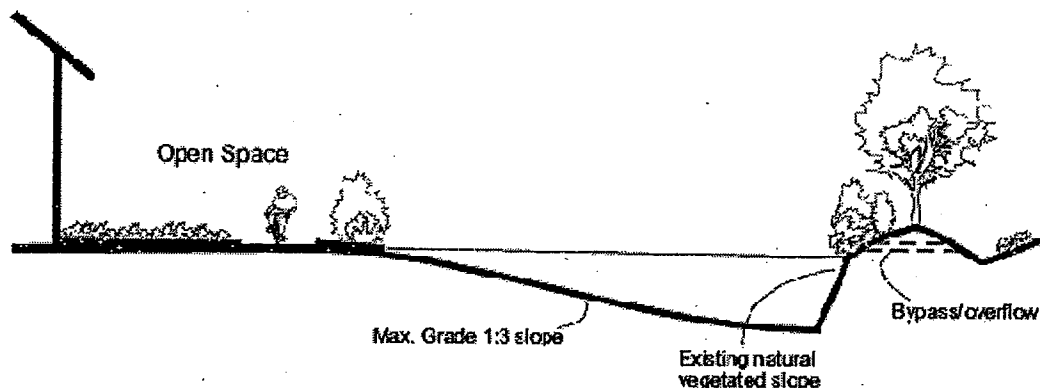


Figure Exception to 20.50.160(A)(2) and (3): Example of stormwater facility design which does not require fencing.

20.50.230 Site planning – Setbacks and height – Standards.

Table 20.50.230 – Dimensions for Commercial Development in Commercial Zones

Note: Exceptions to the numerical standards in this table are noted in parenthesis and described below.

| STANDARDS | Neighborhood Business (NB) and Office (O) Zones | Community Business (CB) | Regional Business (RB) and Industrial (I) Zones |
|--|---|-------------------------|---|
| Min. Front Yard Setback (Street) (1) (2) | 10 ft | 10 ft | 10 ft |
| Min. Side and Rear Yard (Interior) Setback from NB, O, CB, RB, and I Zones (2) | 0 ft | 0 ft | 0 ft |
| Min. Side and Rear Yard (Interior) Setback from R-4 and R-6 (2) | 20 ft | 20 ft | 20 ft |
| Min. Side and Rear Yard (Interior) Setback from R-8 through R-48 (2) | 10 ft | 10 ft | 15 ft |
| Base Height (5) | 35 ft (3) | 60 ft | 65 ft (4) |
| Max. Impervious Surface <u>Hardscape Area</u> | 85% | 85% | 90% |

**Subchapter 5. Tree Conservation, Land Clearing and Site Grading
Standards – Sections 25.50.290 thru .370**

20.50.310 Exemptions from permit

B. Partial Exemptions. With the exception of the general requirements listed in SMC 20.50.300, the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

1. The removal of up to six significant trees (see Chapter 20.20 SMC, Definitions) and associated removal of understory vegetation from any property.
2. Landscape maintenance and alterations on any property that involves the clearing of less than 3,000 square feet, or less than 1,500 square feet if located in a critical special drainage area, provided the tree removal threshold listed above is not exceeded. (Ord. 434 § 1, 2006; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(C), 2000).

20.50.320 Specific activities subject to the provisions of this subchapter.

All activities listed below must comply with the provisions of this subchapter. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

- A. The construction of new residential, commercial, institutional, or industrial structures or additions.
- B. Earthwork of 50 cubic yards or more. This means any activity which moves 50 cubic yards of earth, whether the material is excavated or filled and whether the material is brought into the site, removed from the site, or moved around on the site.
- C. Clearing of 3,000 square feet of land area or more or 1,500 square feet or more if located in a ~~critical~~ special drainage area.
- D. Removal of more than six significant trees from any property.
- E. Any clearing or grading within a critical area or buffer of a critical area.
- F. Any change of the existing grade by four feet or more.
- G. Any work that occurs within or requires the use of a public easement, City-owned tract or City right-of-way.
- H. Any land surface modification not specifically exempted from the provisions of this subchapter.
- I. ~~Construction or creation of new~~ Development that creates new, replaced or a total of new plus replaced impervious surfaces over 1,500 square feet in size, or 500 square feet in size if located in a landslide hazard area or critical special drainage area.
- J. Any construction of public drainage facilities to be owned or operated by the City.
- K. Any construction involving installation of private storm drainage pipes 12-inch in diameter or larger.

- L. Any modification of, or construction which affects a stormwater quantity or quality control system. (Does not include maintenance or repair to the original condition).
- M. Applicants for forest practice permits (Class IV – general permit) issued by the Washington State Department of Natural Resources (DNR) for the conversion of forested sites to developed sites are also required to obtain a clearing and grading permit. For all other forest practice permits (Class II, III, IV – special permit) issued by DNR for the purpose of commercial timber operations, no development permits will be issued for six years following tree removal. (Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(D), 2000).

20.50.330 Project review and approval.

A. **Review Criteria.** The Director shall review the application and approve the permit, or approve the permit with conditions; provided that the application demonstrates compliance with the criteria below.

1. The proposal complies with SMC 20.50.340 through 20.50.370, or has been granted a variance-deviation from the engineering standards.
2. The proposal complies with all standards and requirements for the underlying permit.
3. If the project is located in a critical area or buffer or has the potential to impact a critical area, the project must comply with the critical areas standards.
4. The project complies with all requirements of the engineering standards and ~~the SMC 13.10 Surface Water Design Manual~~ Management Code and adopted standards.
5. All required bonds financial guarantees or other assurance devices are posted with the City.

Terminology changed to implement Stormwater Manual and Surface Water Management Code.

20.50.340 Basic operating conditions and standards of performance.

- A. Any activity that will clear, grade or otherwise disturb the site, whether requiring a clearing or grading permit or not, shall provide erosion and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in the adopted stormwater management design manual SMC 13.10.200 Surface Water Management Code and adopted standards.

Terminology changed to implement Stormwater Manual and Surface Water Management Code.

~~20.60.060 Purpose.~~

~~The purpose of this subchapter is to describe requirements for new development to:~~

- ~~A. Reduce flooding, erosion, and sedimentation;~~
- ~~B. Prevent and mitigate habitat loss;~~
- ~~C. Enhance groundwater recharge; and~~
- ~~D. Prevent surface and subsurface water pollution through the implementation of comprehensive and thorough permit review and construction inspection. (Ord. 238 Ch. VI § 3(A), 2000).~~

~~20.60.070 General provisions~~ Adequate surface water management system.

~~All new development and redevelopment as defined in the Stormwater Manual shall be served by an adequate surface water management system as follows:~~

- ~~A. The existing or proposed system is adequate if the site of the development proposal site is served by a surface water management system approved by the Department as being consistent with the design, operating and procedural requirements adopted by the City as defined in chapter 13.10 SMC, Surface Water Management Code and adopted standards.~~
- ~~B. For the issuance of a building permit, preliminary plat approval, or other land use approval, the applicant shall demonstrate that:~~
 - ~~1. The existing surface water management system available to serve the site complies with the design standards specified above; or~~
 - ~~2. The proposed improvements to an existing surface water management system or a proposed new surface water management system comply with the design standards specified above.~~
- ~~B. For a formal subdivision, special use permit or zone reclassification, the phased installation of required surface water management improvements shall be stated in the approving ordinance. Such phasing may require that a financial guarantee be deposited. (Ord. 238 Ch. VI § 3(B), 2000).~~

~~20.60.080 Development proposal requirements.~~

~~A drainage review is required when any development proposal is subject to a City permit and any of the following:~~

- ~~A. Would add 1,500 square feet or more of new impervious surface;~~
- ~~B. Would construct or modify a public or private drainage system;~~
- ~~C. Contains or is within 100 feet of a floodplain, stream, lake, wetland or closed depression, or a critical area overlay district;~~
- ~~D. Is located within or within 100 feet of a landslide hazard area and would add 500 square feet or more of new impervious surface;~~
- ~~E. Is located within or within 100 feet of an identified critical drainage area;~~
- ~~F. Is a redevelopment project proposing \$100,000 or more of improvements to an existing high use site; or~~
- ~~G. Is a redevelopment project proposing \$500,000 or more of site improvements and would create 1,500 square feet or more of contiguous pollution-generating impervious surface through any combination of new and/or replaced impervious surface. (Ord. 238 Ch. VI § 3(C), 2000).~~

~~20.60.090 Core surface water and stormwater requirements.~~

~~Every development proposal with drainage review required must meet each of the following core requirements in addition to those described in the Surface Water Design Manual.~~

- ~~**A. Core Requirement #1: Discharge at the Natural Location.** All surface water and stormwater runoff from a development proposal shall be discharged at the natural location so as not to be diverted onto, or away from, downstream properties. The manner in which runoff is discharged from the project site shall not create a significant adverse impact to downhill properties or drainage systems.~~
- ~~**B. Core Requirement #2: Off-site Analysis.** The initial application submittal for development proposals shall include an off-site analysis report that contains~~

~~an assessment of potential off-site drainage impacts associated with a development proposal, called a level one downstream analysis; and proposed appropriate mitigations to those impacts.~~

~~C. Core Requirement #3: Flow Control. If a development proposal would add a minimum of 1,500 square feet of new impervious surface and any related land cover conversion, the proposal shall include facilities to meet a minimum of level two flow control requirements and the flow control implementation as specified in the Surface Water Design Manual.~~

~~D. Core Requirement #4: Conveyance System. All engineered conveyance system elements for development proposals shall be analyzed, designed and constructed to provide the minimum level of protection against overtopping, flooding, erosion and structural failure as specified by the conveyance requirements for new and existing systems and conveyance implementation requirements described in the Surface Water Design Manual.~~

~~E. Core Requirement #5: Erosion and Sediment Plan. All development proposals that will clear, grade, or otherwise disturb the site shall provide erosion and sediment control, in accordance with the adopted Best Management Practices (BMP) Manual, that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties.~~

~~F. Core Requirement #6: Maintenance and Operation. Development proposals shall include provisions for the maintenance of all drainage facilities. It is the responsibility of the applicant/property owner to:~~

- ~~1. Make these provisions in compliance with City maintenance standards as described in the Surface Water Design Manual, or~~
- ~~2. Make provisions by which the City is granted an easement or covenant and assumes maintenance and operation as described in the Surface Water Design Manual.~~

~~G. Core Requirement #7: Financial Guarantees and Liability. All drainage facilities constructed or modified for development projects, except downspout infiltration and dispersion systems for single family residential lots, must comply with the liability requirements and the financial guarantee requirements of the City.~~

~~H. Core Requirement #8: Water Quality.~~ Development proposals shall provide water quality treatment facilities to treat polluted surface water and stormwater runoff generated by the addition and/or replacement of 1,500 square feet or more of pollution generating impervious surface or one acre or more of pollutant generating pervious surfaces. At a minimum, the facilities shall reduce pollutant loads by meeting the applicable annual average performance goals listed below for 95 percent of the annual average runoff volume:

- ~~1. Basic water quality: remove 80 percent of the total suspended solids;~~
- ~~2. Sensitive lake protection: remove 50 percent of the total phosphorus; and~~
- ~~3. Resource stream protection: remove 50 percent of the total zinc. (Ord. 238 Ch. VI § 3(D), 2000).~~

~~20.60.100 Special requirements.~~

~~Every development proposal required to have drainage review shall meet all of the special requirements that apply to the site. The Department shall review each development proposal and determine if any of the special requirements apply.~~

~~A. Special Requirement #1: Other Adopted Area Specific Requirements.~~

~~This requirement applies to development proposals located in a designated critical drainage area, erosion hazard area, basin plan, or shared facility plan.~~

~~B. Special Requirement #2: Floodplain/Floodway Delineation.~~ ~~If a development proposal contains or is adjacent to a stream, lake, wetland or closed depression, then the 100-year floodplain boundaries, and floodway (if available or if improvements are proposed floodplain), shall be delineated on the site improvement plans, and on any final subdivision maps.~~

~~C. Special Requirement #3: Flood Protection Facilities.~~ ~~If a development proposal contains or is adjacent to a Class 1 or 2 stream with an existing flood protection facility, or proposes to construct a new one, then the flood protection facility(s) shall be analyzed and/or designed as specified in the Surface Water Design Manual.~~

~~D. Special Requirement #4: Source Control.~~ ~~If a development proposal requires a commercial building or commercial site development permit, then~~

~~water quality source controls shall be applied to prevent rainfall and runoff from coming into contact with pollutants to the maximum extent possible. Water quality source controls shall be applied in accordance with City Code and the Surface Water Design Manual. All structural source controls shall be identified on the site improvement plans and profiles or final maps prepared for the proposed project.~~

~~E. **Special Requirement #5: Oil Control.** If a development proposal is a high-use site or is a redevelopment project proposing \$100,000 or more of improvements to an existing high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as specified in the Surface Water Design Manual. (Ord. 238 Ch. VI § 3(E), 2000).~~

~~**20.60.110 Construction timing and final approval.**~~

~~A. No work for a permitted development related to permanent or temporary storm drainage control shall proceed without the approval of the Director.~~

~~B. Erosion and sediment control measures associated with both the interim and permanent drainage systems shall be:~~

~~1. Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with an approved erosion and sediment control plan;~~

~~2. Satisfactorily sequenced and maintained until all improvements, restoration, and landscaping associated with the permit and/or for the project are completed, and the potential for onsite erosion has passed.~~

~~C. Prior to the construction of any improvements and/or buildings on the site, those portions of the drainage facilities necessary to accommodate the control of surface water and stormwater runoff discharging from the site shall be constructed and in operation. Recording of formal and administrative subdivisions may occur prior to the construction of drainage facilities when approved in writing by the Director of the Department only to minimize impacts that may result from construction during inappropriate times of the year. If recording of formal or administrative subdivisions occurs prior to the construction of the drainage facilities (when approved in writing by the Director of the Department to minimize impacts that may result from construction during inappropriate times of the year) then a bond will be posted to cover the cost of the unbuilt drainage facilities and a deadline for completion of the drainage facilities will be imposed.~~

~~D. When required to construct a drainage facility, the applicant shall maintain a combined single limit per occurrence liability policy. This policy shall:~~

- ~~1. Be in the amount established by the City;~~
- ~~2. Name the City as an additional insured and protect City from liability relating to the construction or maintenance of the facility until construction approval or acceptance for maintenance, whichever is last.~~

~~Proof of this required liability policy is required prior to commencing construction of any drainage facility. (Ord. 238 Ch. VI § 3(F), 2000).~~

20.60.120 Water quality.

~~A. The purpose of this section is to protect the City's surface and ground water quality by providing minimum requirements for reducing and controlling the discharge of contaminants. The City recognizes that water quality degradation can result either directly from one discharge or through the collective impact of many small discharges. Therefore, this section prohibits the discharge of contaminants into surface water, stormwater and ground water, and outlines preventive measures to restrict contaminants from entering such waters. These measures include the implementation of best management practices (BMPs) by the residents of City of Shoreline.~~

~~B. Discharges into City Waters. It is unlawful for any person to discharge any contaminants into surface water, stormwater, ground water, or Puget Sound. Contaminants include, but are not limited, to the following:~~

- ~~1. Trash or debris;~~
- ~~2. Construction materials;~~
- ~~3. Petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil;~~
- ~~4. Antifreeze and other automotive products;~~
- ~~5. Metals in either particulate or dissolved form;~~
- ~~6. Flammable or explosive materials;~~

- ~~7. Radioactive material;~~
- ~~8. Batteries;~~
- ~~9. Acids, alkalis, or bases;~~
- ~~10. Paints, stains, resins, lacquers, or varnishes;~~
- ~~11. Degreasers and/or solvents;~~
- ~~12. Drain cleaners;~~
- ~~13. Pesticides, herbicides, or fertilizers;~~
- ~~14. Steam cleaning wastes;~~
- ~~15. Pressure washing wastes;~~
- ~~16. Soaps, detergents, or ammonia;~~
- ~~17. Spa or chlorinated swimming pool water;~~
- ~~18. Chlorine, bromine, and other disinfectants;~~
- ~~19. Heated water;~~
- ~~20. Animal and human wastes;~~
- ~~21. Sewage;~~
- ~~22. Recreational vehicle waste;~~
- ~~23. Animal carcasses;~~

- ~~24. Food wastes;~~
 - ~~25. Bark and other fibrous materials;~~
 - ~~26. Collected lawn clippings, leaves, or branches;~~
 - ~~27. Silt, sediment, or gravel;~~
 - ~~28. Dyes, with the following exception: Dye testing is allowable but requires verbal notification to the City at least one business day prior to the date of the test;~~
 - ~~29. Chemicals not normally found in uncontaminated water;~~
 - ~~30. Any hazardous material or waste, not listed above.~~
- ~~C. Any connection that could convey anything not composed entirely of natural surface water and stormwater directly to surface, storm, or ground water is considered an illicit connection and is prohibited with the following exceptions:~~
- ~~1. Connection conveying allowable discharges;~~
 - ~~2. Connections conveying discharges pursuant to an NPDES permit (other than an NPDES stormwater permit) or a State Waste Discharge Permit; and~~
 - ~~3. Connections conveying effluent from onsite sewage disposal systems to subsurface soils.~~
- ~~D. The following types of discharges shall not be considered prohibited discharges unless the Director determines that the type of discharge, whether singly or in combination with others, is causing significant contamination to surface, storm, or ground water, or damage to a built or natural surface or stormwater conveyance system, including erosion damage:~~
- ~~1. Potable water;~~

- ~~2. Potable water line flushing;~~
 - ~~3. Uncontaminated water (including sedimentation) from crawl space pumps or footing drains;~~
 - ~~4. Lawn watering;~~
 - ~~5. Residential car and boat washing;~~
 - ~~6. Dechlorinated swimming pool water;~~
 - ~~7. Materials placed as part of an approved habitat restoration or bank stabilization project;~~
 - ~~8. Natural uncontaminated surface water or ground water;~~
 - ~~9. Flows from riparian habitats and wetlands;~~
 - ~~10. The following discharges from boats: engine exhaust, cooling waters, effluent from sinks, showers and laundry facilities and treated sewage from Type I and Type II marine sanitation devices;~~
 - ~~11. Common practices for water line or water well disinfection; and~~
 - ~~12. Other types of discharges as determined by the Director.~~
- ~~E. A person shall not be in violation of discharge regulations if the following conditions exist:~~
- ~~1. That person has properly designed, constructed, implemented and is maintaining BMPs, and contaminants continue to enter surface water and stormwater or ground water;~~
 - ~~2. The person can demonstrate that there are no additional contaminants being discharged from the site above the background conditions of the water entering the site.~~

~~The said person however, is still liable for prohibited discharges through illicit connections, dumping, spills, improper maintenance of BMPs, or other discharges that allow contaminants to enter surface water and stormwater or ground water.~~

- ~~3. Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this section, to avoid an imminent threat to public health or safety, shall be exempt from this section. In such a case, steps should be taken to ensure that the discharges resulting from such activities are minimized to the greatest extent possible. In addition, recurrences shall be restricted by evaluating BMPs and the site plan, where applicable. The City shall be notified of the occurrence as close to the incident date as is feasible. (Ord. 238 Ch. VI § 3(G), 2000).~~

~~20.60.130 Best management practices.~~

~~A. The City adopts "Urban Landuse BMPs, Volume IV of the 1992 Stormwater Management Manual for the Puget Sound Basin" (DOE SWMM), and future amendments by reference as the Source Control BMP Manual for the City of Shoreline.~~

~~B. Applicability.~~

- ~~1. Persons implementing BMPs through another Federal, State, or local program will not be required to implement the BMPs prescribed in the City's manual, unless the Director determines the alternative BMPs to be ineffective at reducing the discharge or contaminants. If the other program requires the development of a best management practices plan, the person shall make their plan available to City upon request. Qualifying exemptions include, but are not limited to, persons who are:~~
 - ~~a. Required to obtain a general or individual NPDES permit for stormwater discharges from the Washington State Department of Ecology;~~
 - ~~b. Permitted under a Washington State Department of Ecology NPDES general or individual permit for commercial dairy operations;~~
 - ~~c. Implementing BMPs in compliance with the management program of the City's municipal NPDES permit;~~
 - ~~d. Identified by the Director as being exempt from this section.~~
- ~~2. Persons conducting normal single family residential activities will not be required to implement the BMPs prescribed in the City's BMP Manual, unless the Director determines that these activities pose a hazard to public health, safety, or welfare. (Ord. 238 Ch. VI § 3(H), 2000).~~

20.70.030 Required street improvements.

20.70.035 Required stormwater drainage facilities

The purpose of this section is to identify the types of development proposals to which the provisions of this chapter apply.

- A. All developm ent and redevelopment as defined in the Stormwater Manual shall provide stormwater drainage improvements shall that meet the minimum requirements of the Stormwater Manual.
- B. Developme nt proposals that do not require City-approved plans or a permit still must meet the requirements specified in this chapter.
- C. It shall be a condition of approval for development permits that required improvements be installed by the applicant prior to final approval or occupancy.
- D. These provisions shall apply to all development and redevelopment, as defined in the Stormwater Manual.

20.70.070 Dedication of stormwater facilities – Drainage facilities not accepted by the City.

- A. The property owner and the applicant required to construct a drainage facility shall remain responsible for the facility's continual performance, operation and maintenance and remain responsible for any liability as a result of these duties. This responsibility includes maintenance of a drainage facility that is:
1. Under a maintenance guarantee or defect guarantee;
 2. A private road conveyance system;
 3. Released from all required financial guarantees prior to date of this Code;
 4. Located within and serving only one single-family residential lot;
 5. Located within and serving a multifamily or commercial site unless the facility is part of an approved shared facility plan;
 6. Located within or associated with an administrative or formal subdivision which handles runoff from an area of which less than two-thirds is designated for detached or townhouse dwelling units located on individual lots unless the facility is part of an approved shared facility plan;
 7. Previously terminated for assumption of maintenance responsibilities by the Department; or
 8. Not otherwise accepted by the City for maintenance.
- B. Prior to the issuance of any of the permits for any multifamily or nonresidential project required to have a flow control or water quality treatment facility, the applicant shall record a declaration of covenant as specified in the Surface Water Design Manual SMC 13.10.200 Surface Water Management Code and adopted standards. The restrictions set forth in such covenant shall include, but not be limited to, provisions for notice to the property owner of a City determination that maintenance and/or repairs

are necessary to the facility and a reasonable time limit in which such work is to be completed.

1. In the event that the titleholders do not effect such maintenance and/or repairs, the City may perform such work upon due notice. The titleholders are required to reimburse for any such work. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the county.
 2. The City may enforce the restrictions set forth in the declaration of covenant provided in the Surface Water Design Manual SMC 13.10.200 Surface Water Management Code and adopted standards.
- C. Where not specifically defined in this section, the responsibility for performance, operation and maintenance of drainage facilities and conveyance systems, both natural and constructed, shall be determined on a case by case basis. (Ord. 238 Ch. VII § 2(C-2), 2000).

20.90.040 Dimensional standards.

Table 20.90.040 – North City Business District Site Development Standards

| Standards | Main Street 1 | Main Street 2 |
|--|-------------------|-----------------------|
| Maximum front (street setback) | 0 ft. (3) (4) | 10 ft. (1) (3) (4) |
| Minimum side and rear yard setback from nonresidential zones | 0 ft. (5) | 0 ft. (5) |
| Minimum side and rear yard setback from residential zones | 15 ft. | 15 ft. |
| Base height | 60 ft. | 60 ft. |
| Upper floor setback (transition line) for all portions of a building along street and edges along adjacent residential zones | 10 ft. (2) (4) | 10 ft. (2) (4) |
| Maximum impervious-surface <u>Hardscape Area</u> | 85% | 85% |

Note: Exceptions to the numerical standards in this table are noted in parenthesis and described below.

Exceptions to Table 20.90.040:

- (1) Residential development (excluding mixed use) shall have a minimum 10-foot wide, fully landscaped front yard measured from the back of the sidewalk.
- (2) Buildings located at corners should serve as gateways to the neighborhood, distinguishable from the rest of the buildings. Sixty-foot height shall be allowed without upper floor setbacks on corners. This shall only be done when a corner emphasis is desired. After 50-foot distance from a corner, building shall comply with upper level setbacks as specified in Table 20.90.040.
- (3) Corner buildings shall be set back by two feet from the street frontage line.
- (4) Unenclosed balconies on sides of the building that are above the 35-foot transition line setback shall be permitted to encroach into the 10-foot setback.
- (5) Side and rear setbacks for buildings are not required, unless an adjacent building existing at the time of development has windows facing the side or rear. Then any new building shall provide minimum setback of five feet.

(Ord. 281 § 7, 2001).

City of Shoreline Surface Water Management Code Revision

Chapter 13.10 Surface Water Management Code

Surface Water Utility

13.10.100 Purpose

A Surface Water Utility is necessary to promote public health, safety, and welfare by:

- A. Establishing a program to comprehensively manage surface water with the intent of reducing flooding, erosion and sedimentation, preventing habitat loss, and enhancing groundwater recharge.
- B. Protect and enhance the water quality of water courses, water bodies, groundwater, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act, Department of Ecology's Western Washington Phase II Municipal Stormwater Permit related to the National Pollutant Discharge Elimination System (NPDES), and RCW 90.48 Water Pollution Control.
- C. Provide design, construction, and maintenance criteria for permanent and temporary surface water drainage facilities for development and redevelopment activities.
- D. This chapter is adopted to protect the public and not for the benefit of any particular individual or class.

13.10.105 Definitions

The following terms are defined for the purpose of implementing the provisions of SMC 13.10.

- A. "Best Management Practices" means schedules of activities, restrictions, maintenance procedures, and structural and/or managerial practices, that when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to Waters of the State.
- B. "City" means the city of Shoreline
- C. "Chlorinated" means water that contains more than 10mg/Liter chlorine.
- D. "Comprehensive Plan" means the plan and amendments as described in Chapter 16.05 SMC.
- E. "Critical areas" means critical areas as defined in SMC 20.20.014.
- F. "Dangerous Waste" means those solid wastes designated in the Washington Administrative Code (WAC) 173-303-070 through 173-303-100 as dangerous or extremely hazardous or mixed waste, as further defined under WAC 173-303-040.
- G. "Development" means land disturbing activities, including Class IV general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.
- H. "Declaration of covenant" means a legal document between the City and persons holding title to the property requiring the title holder to perform required maintenance and repairs on drainage facilities necessary to meet the City's specified standards within a reasonable time limit.

- I. "Director" means the Public Works Director or designee, except that when referring to enforcement of permitting and review processes defined in SMC chapter 20.30 Director shall mean the Director of Planning and Development Services or designee.
- J. "Discharge" means to throw, drain, release, dump, spill, empty, emit, or pour forth any matter or to cause or allow matter to flow, run or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted or poured into water.
- K. "Drainage" means collection, conveyance, containment, and/or discharge of surface water and stormwater runoff.
- L. "Drainage facility" means a constructed or engineered feature that collects, conveys, stores or treats stormwater runoff. "Drainage facility" includes, but is not limited to, a constructed or engineered stream, pipeline, channel, ditch, gutter, lake, wetland, closed depression, flow control or water quality treatment facility, erosion and sediment control facility and other structure and appurtenance that provides for drainage.
- M. "Emerging Technologies" means treatment technologies that have not been evaluated with Department of Ecology-approved protocols, but for which preliminary data indicate that they may provide a necessary function(s) in a stormwater treatment system.
- N. "Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples of illicit connections include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.
- O. "Illicit Discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater.
- P. "Land disturbing activity" means any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land-disturbing activity.
- Q. "Low Impact Development" means stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions.
- R. "Municipal separate stormwater system (MS4)" means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):
 - a. owned or operated by the state, city, county, or special purpose district having jurisdiction over disposal of wastes, storm water, or other wastes,

- or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
 - b. designed or used for collecting or conveying stormwater;
 - c. which is not a combined sewer; and
 - d. which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.
- S. "Natural systems" means channels, swales, and other non-manmade conveyance systems as defined by the first documented topographic contours existing for the subject property, either from maps or photographs, or such other means as appropriate. In the case of outwash soils with relatively flat terrain, no natural location of surface discharge may exist.
- T. "Operation and Maintenance plan" means a set of instructions and schedules to keep drainage facilities working to meet the design performance criteria.
- U. "Record drawings" means a submittal documenting as-built conditions of a permitted development or redevelopment project.
- V. "Redevelopment" means, on a site that is already substantially developed (i.e., has 35% or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.
- W. "Runoff" means water that travels across the land surface and discharges to water bodies either directly or through a collection and conveyance system.
- X. "Surface water or Stormwater" means water originating from rainfall and other precipitation that is found on ground surfaces and in drainage facilities, creeks, rivers, streams, springs, seeps, ponds, lakes, wetlands, as well as shallow ground water.
- Y. "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches, and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

13.10.110 Utility Created

- A. There is hereby created and established the Surface Water Utility of the City of Shoreline under which the provisions of this chapter shall be carried out.
- B. The Director is authorized to administer, implement, and enforce the provisions of this chapter. The Director may establish inspection programs to ensure compliance with the requirements of this subchapter and the Western Washington Phase II Municipal Stormwater Permit (Phase II Permit).

13.10.120 Revenue and Expenditures

A. Fees and discounts associated with surface water management are set forth in the surface water management fee schedule in Chapter 3.01 SMC. All fees collected pursuant to this chapter shall be credited and deposited in the Surface Water Utility Enterprise Fund pursuant to SMC 3.35.080.

B. Fees deposited in the Surface Water Enterprise Fund shall be expended for administering, operating, maintaining, or improving the surface water system, including all or any part of the cost of planning, designing, acquiring, constructing, repairing, replacing, improving, regulating, educating the public, or operating drainage and stormwater facilities owned by the City, or to pay or secure the payment of all or any portion of any debt issued for such purpose and the related reserve and coverage requirements.

C. Fees shall not be transferred to any other funds of the City except to pay for expenses attributable to the surface water system.

13.10.200 Adoption of Stormwater Management Manual

A. The City adopts by reference the most recent version of the Stormwater Management Manual for Western Washington published by Washington State Department of Ecology henceforth referred to as "Stormwater Manual". All activities which have the potential to impact surface water and stormwater shall comply with the standards set forth in the current version of the following unless specifically exempted by the Stormwater Manual:

1. Stormwater Manual;
2. Western Washington Phase II Municipal Stormwater Permit, issued by the Washington Department of Ecology; and
3. City of Shoreline Engineering Development Guide.

B. Low Impact Development. Low impact development techniques shall be employed wherever feasible, reasonable and appropriate before conventional on-site detention and infiltration methods are considered. When low impact development techniques are employed, the design and construction shall be consistent with the most recent version of Low Impact Development, Technical Guidance for Puget Sound (Puget Sound Action Team & Washington State University, Pierce County Extension), or consistent with techniques approved by the Public Works Director.

C. Emerging Technologies.

1. The use of emerging technologies is encouraged. Examples of emerging technologies include media filters, catch basin inserts, engineered erosion control products, and low impact development techniques.
2. The Washington State Department of Ecology's Technology Assessment Protocol (TAPE) or Chemical Technology Assessment Protocol (CTAPE) should

be consulted by project proponents to determine which technologies may be appropriate for use on their project site.

3. The Public Works Director has the authority to review and approve the use of emerging technologies.

D. Deviations to the standards may be requested pursuant to 20.30.290 SMC

13.10.225 Minimum Requirements

The requirements of this subchapter are minimum requirements. They do not replace, repeal or supersede more stringent requirements, rules, regulations, covenants, standards, or restrictions. Where this subchapter imposes requirements which are more protective of human health or the environment than those set forth elsewhere, the provisions of this subchapter shall prevail.

13.10.230 Special Drainage Areas

A. The Public Works Director may designate "Special Drainage Areas" where it has determined that the existing flooding, drainage, and/or erosion conditions present a threat of harm to the welfare or safety of the surrounding community.

B. Activities in Special Drainage Areas shall meet additional drainage requirements that are outlined in the Engineering Development Guide.

13.10.235 Inspections

A. All development and redevelopment that could impact surface water may be subject to inspection to assure consistency with the provisions of this subchapter

B. Work for which a permit is required shall be subject to inspection by the Director and such work shall remain accessible and exposed for inspection until approved. The City shall not be liable for expenses for the removal or replacement of any material required to allow inspection.

C. The standards of this code shall be enforced regardless of an inspection and approval of work.

D. Reports of approved inspection agencies may be accepted.

E. The permit holder shall notify the City when work is ready for inspection. The Planning and Development Services Director, upon notification, shall make the requested inspections and either approve that the portion of the work inspected or notify the permit holder of any portions of work that fail to comply with this code. Any portions that do not comply shall be corrected and shall not be covered until authorized by the Director.

13.10.240 Record Drawings and Certifications

December 3, 2008

A. Before final approval of an engineered surface water drainage facility, the owner shall provide a record drawing that delineates the as-built conditions. The Planning and Development Services Director shall review and approve record drawings prior to final approval of the facility. Record drawings shall be prepared in accordance with the Engineering Development Guide and shall be stamped by a civil engineer.

B. The record drawings shall include a certification that all facilities function in accordance with the plans, specifications, hydraulic computations, and design volumes shown on the approved plans.

13.10.245 Operation and Maintenance

A. Pursuant to the Stormwater Manual, the owner shall prepare an operation and maintenance plan for the constructed surface water drainage facilities. This plan is subject to review and approval by the Planning and Development Services Director.

B. When required, the Planning and Development Services Director shall prepare a declaration of covenant for signature by the owner.

C. The owner shall record the approved operation and maintenance plan and the associated declaration of covenant with King County Recorder's Office and provide a copy of the recorded document to the Planning and Development Services Director.

D. The dedication of surface water facilities in the public right-of-way shall comply with 20.70.060 and 20.70.070 SMC.

13.10.320 Prohibited Discharges

A. Any discharge into a Municipal Separate Stormwater System (MS4) or water of the State either directly or via an illicit connection that is not composed entirely of stormwater is considered an illicit discharge and is prohibited; provided that the following discharges are not prohibited:

1. Discharges made pursuant to the Phase II Permit or other current permit issued or approved by the Department of Ecology.
2. Discharges resulting from activities undertaken to avoid or lessen an imminent threat to public health or safety. Such public health or safety activities should minimize prohibited discharges to the maximum extent practicable. The City shall be notified of the occurrence within 24 hours.
3. Discharges not considered a significant source of contamination, as determined by the Public Works Director, including
 - a. Spring water;
 - b. Diverted stream flows
 - c. Uncontaminated water from crawl space pumps, foundation drains, or footing drains;
 - d. Lawn watering or other activities using collected rainwater;
 - e. Pumped groundwater flows that are uncontaminated;
 - f. Materials placed as part of an approved restoration project;
 - g. Natural uncontaminated surface water or groundwater;
 - h. Flows from riparian habitats and wetlands;

- i. Uncontaminated groundwater that seeps into or otherwise enters surface and groundwaters;
 - j. Air conditioning condensation.
 - 4. Discharges where no additional pollutants are being discharged from the site above the background conditions of the water entering the site; provided that any prohibited discharges through illicit connections, dumping, spills, improper maintenance of surface water facilities, or other discharges that allow pollutants to enter surface water or ground water is considered a violation.
- B. Prohibited discharges include, but are not limited to, the following:
- 1. Domestic or sanitary sewage;
 - 2. Trash or debris;
 - 3. Construction materials;
 - 4. Steam cleaning wastes;
 - 5. Pressure washing wastes;
 - 6. Heated water;
 - 7. Animal carcasses;
 - 8. Domestic Animal Wastes;
 - 9. Food wastes;
 - 10. Yard Wastes;
 - 11. Silt, sediment, or gravel;
 - 12. Petroleum products, including but not limited to, oil, gasoline, grease, fuel oil, heating oil;
 - 13. Soaps, detergents, or ammonia;
 - 14. Chlorinated spa or swimming pool water;
 - 15. Antifreeze and other automotive products;
 - 16. Metals in excess of naturally occurring amounts, in either particulate or dissolved form;
 - 17. Degreasers and/or solvents;
 - 18. Commercial and household cleaning products;
 - 19. Drain Cleaners;
 - 20. Chemicals not normally found in uncontaminated water;
 - 21. Flammable or explosive materials;
 - 22. Acids, alkalis, or bases;
 - 23. Painting products;
 - 24. Pesticides, herbicides, or fertilizers;
 - 25. Dyes, with the following exception: Dye testing is allowable but requires verbal notification to the City at least one business day prior to the date of the test; and
 - 26. Any chemical or dangerous waste not listed above.

13.10.330 General Requirements

A. Requirement to Implement Best Management Practices.

- 1. Best Management Practices as specified in the Volume II (Construction Stormwater Pollution Prevention) and Volume IV (Source Control BMPs) and Volume V (Runoff Treatment BMPs) of the Stormwater Manual shall be applied

to any activity that might result in a prohibited discharge. Activities that might result in prohibited discharges include, but are not limited to the following:

- a. Land disturbing activity;
 - b. Potable water line flushing;
 - c. Lawn watering with potable water;
 - d. Dust control with non-potable water;
 - e. Vehicle and boat washing;
 - f. Pavement and building washing;
 - g. Swimming pool and hot tub maintenance;
 - h. Auto repair and maintenance;
 - i. Building repair maintenance;
 - j. Landscape maintenance;
 - k. Dangerous waste handling;
 - l. Solid and food waste handling; and
 - m. Pesticide application.
2. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the stormwater drainage system or Waters of the State through the use of structural and non-structural BMPs as defined the Stormwater Manual. The Director may require any person responsible for a property or premise, which is, or may be, the source of an illicit discharge to implement, at their own expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the stormwater drainage system.

B. Watercourse Protection.

Any person owning property through which surface water or Waters of the State passes shall keep and maintain that part of the watercourse within the property free of any activities or items that would pollute or contaminate the flow of water through the watercourse.

C. Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation has information of any known or suspected illegal discharge into the surface water, stormwater drainage system or Water of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City no later than the next business day. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator shall also retain an onsite written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

13.10.340 Inspections and Investigations

A. The Director is authorized to establish inspection programs. Inspection programs may include: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other pollutant or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of pollutant or pollutants; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

B. Property owners shall allow access to all parts of the premises for the purpose of inspection, sampling, examination, and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

C. The Director shall have the right to set up necessary equipment to conduct monitoring or sampling of discharge from stormwater facilities.

D. The Director has the right to require the property owner to install stormwater facility monitoring equipment as necessary. Sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition at the property owner's expense. All devices used to measure stormwater flow and water quality shall be calibrated to ensure their accuracy.

E. Any temporary or permanent obstruction to the facility to be inspected and/or sampled shall be promptly removed by the property owner at the written or oral request of the Director. Such obstructions shall not be replaced. The costs of clearing obstructions shall be born by the property owner.

13.10.400 Violations

Any activity or action caused or permitted to exist in violation of Chapter 13.10 SMC is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance. Such violations are subject to enforcement under SMC 20.30.720 through 20.30.790.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Authorize City Manager to Exercise Option and Execute Purchase and Sale Agreement for Property Located at 18427 Aurora Avenue North
DEPARTMENT: Public Works Department; City Attorney's Office
PRESENTED BY: Ian R. Sievers, City Attorney

PROBLEM/ISSUE STATEMENT:

The issue before the City Council tonight is purchase of the property located at 18427 Aurora Avenue North for the Aurora Corridor Project, N 165th to N 185th ("Project"). This is the property at the south west corner of N 185th and Aurora (Langeberg). The property is needed for widening both Aurora Avenue North and 185th at this intersection.

ALTERNATIVES ANALYZED:

The City evaluated both a purchase of the entire property as well as using the condemnation/eminent domain process for only that portion of the property needed for the Project. The appraisal concluded that an uneconomic remnant would result from only the fee acquisition of the property needed for the Aurora Project, meaning that the City would have to purchase the entire property in the event the owner also believes it to be uneconomic. Rather than proceeding with eminent domain litigation, the property owner and the City negotiated purchase of the property via a purchase and sale agreement, subject to City Council authorization.

FINANCIAL IMPACT:

The purchase of the property amounts to \$469,000, after discounting for contamination cleanup costs and funds are budgeted in the Aurora Project for this acquisition.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to exercise the option and execute the purchase and sale agreement for the property located at 18427 Aurora Avenue North for \$469,000.

Approved By:

City Manager 

City Attorney 

INTRODUCTION

The Aurora Corridor Project requires a fee acquisition of approximately 1/3 of the property located at 18427 Aurora Avenue North (vacant property on the corner of 185th and Aurora). If the eminent domain process is used, the City would have to purchase the entire property due to the uneconomic remnant resulting from the fee acquisition, in the event the owner also believes it to be uneconomic. Rather than proceeding with eminent domain litigation, the City and property owner have negotiated a full purchase of the property, discounted for environmental contamination cleanup costs.

Since the Aurora Project will only use approximately 1/3 of the property, 2/3 will remain post-project. The issue of whether to use this property for another city purpose, such as a Gateway or a park, or to surplus the property will be brought to the City Council in the future. The issue before Council tonight is Council authorization for the City Manager to exercise the option and execute the purchase and sale.

BACKGROUND

For over a year, the City has been negotiating with the property owner of 18427 Aurora Avenue North for purchase of the property. The City started the negotiation process for this parcel earlier than other parcels affected by the Aurora Corridor Project as this site is a former gas station and portions of the property were known to be contaminated. In order to understand the extent of contamination, the City hired an environmental expert to perform testing to characterize the property and to estimate a cleanup cost for the property. The City has assumed a worst-case scenario for estimating cleanup costs.

Agreement has been reached with the property owner for a final purchase price of \$469,000, which includes a discount for cleanup costs for the property which is being shared by the owner and Chevron, a past franchisor. In exchange for the discount for contamination, the City agrees to release and indemnify both the property owner and Chevron from any claims relating to testing or cleanup of contamination existing within the property boundaries, and also for soil testing and cleanup necessitated by the Aurora Corridor Project. The City has not agreed to a release or indemnification for any environmental contamination found in the right-of-way outside of the Aurora Project. Staff is comfortable with this release, as our environmental consultant has characterized the site and provided for costs for cleanup on the property, as well as cleanup required for the soils disrupted by the Aurora Project. These estimated costs are covered in the discount applied to the purchase price.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to exercise the option and execute the purchase and sale agreement for the property located at 18427 Aurora Avenue North for \$469,000.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

| | |
|----------------------|---|
| AGENDA TITLE: | 2008 December Snow Storm Review |
| DEPARTMENT: | Public Works Department |
| PRESENTED BY: | Mark Relph – Public Works Director Jesus Sanchez, Operations Manager |

ISSUE STATEMENT:

The following is a report reviewing the recent snow storm that occurred in late December 2008. The purpose of this report is to provide Council with a characterization of the recent storm and identify the challenges that were faced by city staff in addressing the storm; identify equipment and operational opportunities for the department to address future storms of this magnitude; and to provide detail of the total costs incurred by the City due to the storm.

Snow Storm Characterization:

During the week of December 14th, we received approximately 2-3 inches of snow cover. The primary and secondary routes were plowed then a cold chill as low as 10° F hit the area, freezing the moisture on the roadway and causing a black sheet of ice to form.

The temperatures continued to stay below freezing for more than fourteen consecutive days, while snow fell again (Attachment A - Accu Weather report). This condition created insulation for the ice, thus keeping it from melting resulting in a thicker ice sheet being formed below the snow pack.

These icy conditions made it difficult for the Roads Crew driving the snow plows and sanders, to remove the top layer of snow, while the tires were spinning on the ice sheet below the snow. Additionally, it took much more time and energy to perform this task which made it a very slow process.

Snow plows generally do not perform well in icy conditions. Since the tips of the plows are rubber, the plow will only bounce on the ice rather than remove it. Shortly after the freezing, more snow fell and formed an additional layer over the ice, which made it even more difficult to remove the snow, because the plows were slipping on the ice as well.

The snow storm did drop more than 13 inches of snow on the ground, over that a 14 day period. This kept the crews with four plows working around the clock, 24 hours a day, for the better part of one and a half weeks.

Generally, the snow falls we have experienced in the past were followed by a warming trend of either rain or just warm air. When this happens, the roads that have been plowed usually will start to clear and dry out. This is more like our most recent snow fall of January 5th, 2009, which delivered about 3-4 inches. In this case, within a 12 hour interval, all primary and secondary roads were plowed and residential roads had slush conditions, which were also plowed with less effort.

Over 22,000 homes were affected by the December storm. According to information provided by the Customer Response Team (CRT), approximately 117 calls were received for street plowing and sanding services. Additionally, we received two to three calls from the Fire and Police Departments requesting clearing of their parking lot stations and two emergency calls. The Operations Division also received five complaints about snow plows going too fast, not getting to a residential street soon enough or the drivers seemingly not using the plows.

Finally, the Operations Division, due in large part to the working crews, received several accolades from residents either through emails or calls, complimenting them for their fine work.

Equipment and Supplies:

The City of Shoreline has two 5-yard-10 speed manual transmissions capacity trucks. Each truck is equipped with a sander, which holds 4 yards of sand, and includes plow attachments. In addition the city owns a one-ton truck with a small sander which holds 2 yards of sand with plow attachment; a three-quarter ton pick-up with a plow attachment and a mini- spot sander which holds ½ yard of sand; and a three-quarter ton pick-up with a plow and no sanding capacity. The larger 5-yard trucks generally run about an hour on average depositing sand before they need to re-load their v-boxes. The smaller trucks require more frequent re-loading.

During the snow all available units were put on the road to provide as much plowing and sanding as possible throughout the City operating 24 hours a day. During this time, there were numerous equipment failures from transmission repairs and sander motor failure, to windshield wiper motors going out. All equipment repairs needed to be performed by trained service repair personnel who, in some instances, were not available, as the shops were closed during the event. Because of this, staff took it upon themselves to perform the repair work if it was minor or if the repair could be performed on site without the need to take the truck into the shop.

The availability of sand and salt was somewhat problematic. Suppliers had a hard time delivering ample supplies because of the snow storm impact. Although we tapped available material suppliers locally, most of the materials had to be trucked in from Oregon. Storage of materials is also limited at the current facility, thus limiting our abilities to store large quantities.

Staffing Levels:

The Roads Crew was placed on a 12 hour on/off shift from the initial snow storm starting on December 14th through nearly the end of the year. At all times, the department was able to have a full crew available to operate all equipment when the equipment was operable.

For the most part, the crew was able to address the primary, secondary and residential streets several times. During this time, the crew performed admirably and with extreme caution. There were no vehicle accidents or personal injuries due in large part to the proper handling of all vehicles and equipment. Many citizens were quite pleased with the level of support, and sent many emails, cards, and or letters of thanks and support for the work the crew performed.

Communications:

Overall, communications worked quite well. Initially, Police had a few problems contacting the Roads Crew, but this was taken care of shortly after the first day. All emergency service providers (Fire and Police) were asked to call one main number instead a particular person or driver. All calls were channeled to the emergency line 206-801-2700.

Communications with the Emergency Coordinator and City Manager were clear and well coordinated. Storm management reports (Attachment B – Sample of Storm Management Report) were prepared in advance of incoming new snow alerting the CMO's office to all precautions and steps the Operations Public Works crew and other agencies were taking in preparation for the event. The Communications Manager posted the latest information on the City's portal and City's Website for anyone wanting the latest report on the conditions of the City during the snow storm.

Lessons Learned and Opportunities:

This storm was not typical of those we experience in the Northwest. This type of storm does not happen often, but when it does, it takes everyone by surprise, even the most experienced. The following recommendations are not necessarily tied to the December's storm however; having the proper equipment, efficient use of staffing levels, and having sufficient resources and supplies are the best approaches to addressing our normal annual snow falls. Below are items that have been noted as improvements and or enhancements to improve our service levels during these events:

1. **Updating our snow and ice plan on the City's Website.** Our current website explains the procedures that are followed relating to the plowing and sanding of priority routes, secondary routes and residential routes during a snow storm event. However, more information on how ice impacts our City streets can be helpful for citizens calling in to understand the magnitude of the challenges faced.
2. **Having the Proper Equipment for the Right Job.** Evaluating our equipment needs and prioritizing our equipment replacement to begin an equipment

upgrade program will be developed during the annual budget process. As with any project, having the right tools generally results in a better outcome. During the City's initial incorporation, trucks and related equipment were purchased to perform maintenance operations in-house that King County once provided. The current rolling stock and related equipment are becoming outdated, in need of repair and or replacement. The current financial status of the City's Vehicle Repair and Replacement program precludes the entire replacement of the Public Work's trucks. Replacing Public Work's current fleet of trucks on a graduated level through the annual budget review process is therefore recommended.

3. **Add an emergency call number to the City's Website contact form.** We had several emails to the city via our City Website; however emails were not directed to the Operations Roads Crews until after the fact. Improve our website contact section to include emails of emergent concern to the proper department.

4. **Utilizing Parks Staff and Resources.**

There are qualified staff personnel in the Parks Department with Commercial Drivers License (CDL) to operate our larger vehicles. They have offered to assist during storm operations; however their trucks would need to be retro-fitted with plowing and sanding attachments. In addition, it is recommended that perhaps they may be able to assist in clearing all city-owned parking lots thus saving valuable time for the Operations Roads Crew to stay on the main road systems.

5. **Evaluate a limited de-icing pre-treatment program which includes equipment and appropriate approved de-icing chemicals targeting arterials and established Metro Bus routes.** De-icing is an art relative to timing of pre-treating a road surface just before a serious freeze. De-icing after ice has formed has limited beneficial impact. However, in an instance such as this recent December storm, de-icing would have assisted greatly if applied at the right time. This program does require proper storage of chemicals and storage capacity. At this time, current storage facilities are inadequate. We would evaluate the options for a limited use of de-icing equipment.

6. **Establish emergency procedures for private contract plowing.**

Establishing an emergency private contracting service for plowing has its benefits and downsides. Customer Service is equally as important as the types of services we provide. Quality control may be an issue in this case as well as liabilities. I am sure some cities do contract with service providers, so reviewing their boiler plate contracts may be useful for Shoreline. Support from King County was limited, and generally will remain so as all available resources were used to address county roads.

FINANCIAL IMPACT: \$100,680.39

- Overtime \$19,459.00
- Equipment repairs \$ 6,277.39
- Materials and supplies \$74,944.00
-

Total \$100,680.39

Overtime

The overtime represents hours from December 14th through December 27th. There may be additional overtime during the following pay period of December 28th through January 5th, but this amount will be relatively minor compared to that experienced between December 14th and December 28th. The amount of overtime used for this event basically used the entire 2009 amount budgeted for the Street crews. (The overtime experienced during the storm was charged to 2009 as the paychecks were issued on January 2, 2009.) In 2008 overtime for the Street crews totaled less than \$10,000, half of what was experienced during this snow event. Staff will monitor future operations in 2009, but it is likely that additional overtime budget will need to be appropriated in 2009, especially if there are additional weather events.

Equipment and Materials

Staff is finalizing 2008 expenditures for equipment and materials. At this time, staff anticipates that the amount expended during the snow event will not exceed the 2008 budget.

Special Note: During this storm, we utilized 200 yards of sand and salt mix over a two week period compared to a total of 160 yards during the entire winter season.

RECOMMENDATION:

No action is required. This report provides Council with a characterization of the recent storm and identifies the challenges that were faced by city staff in addressing the storm; identifies equipment needs of the department to address future storms of this magnitude; and provides details of the total costs incurred by the City due to the storm.

Approved By: _____ City Manager  City Attorney _____

ATTACHMENTS:

Attachment A – Accu Weather Report

Attachment B - Sample – Storm Management Report

Attachment A

Local Weather Forecast

SEATTLE, WA

GO

World | Canada | UK & Ireland

Home Forecast Radar Maps News Extreme Weather Products & Services Interests Community Shop

Seattle, WA Past Month's Weather

Thursday, January 08, 2009

Metric | English

Check out our new Enhanced Radar**Past Month Details**Actual Conditions for December 2008
(Reports from SEA)

Select a new month

| Date | Actuals (° F) | | | Normals (° F) | | | | Records (° F) | | Precip Amounts | | | Degree Days | |
|------|---------------|-----|-----|---------------|-----|-----|-----|---------------|------------|----------------|------|--------|-------------|---------|
| | High | Low | Avg | High | Low | Avg | Dpt | High/Year | Low/Year | Precip | Snow | Ground | Heating | Cooling |
| 1 | 55 | 50 | 52 | 47 | 37 | 42 | 10 | 57 / 1958 | 20 / 1985 | 0.16 | - | - | 13 | 0 |
| 2 | 51 | 43 | 47 | 47 | 37 | 42 | 5 | 57 / 1958 | 25 / 1985 | 0.03 | - | - | 18 | 0 |
| 3 | 49 | 42 | 46 | 47 | 37 | 42 | 4 | 60 / 1965 | 27 / 1994 | 0 | - | - | 19 | 0 |
| 4 | 49 | 37 | 43 | 47 | 37 | 42 | 1 | 60 / 1945 | 21 / 1994 | 0 | - | - | 22 | 0 |
| 5 | 48 | 34 | 41 | 46 | 37 | 42 | -1 | 55 / 1989* | 21 / 1994 | 0 | - | - | 24 | 0 |
| 6 | 50 | 38 | 44 | 46 | 37 | 42 | 2 | 57 / 1965 | 19 / 1956 | 0 | - | - | 21 | 0 |
| 7 | 49 | 43 | 46 | 46 | 37 | 41 | 5 | 55 / 1976 | 18 / 1972 | 0.09 | - | - | 19 | 0 |
| 8 | 45 | 39 | 42 | 46 | 36 | 41 | 1 | 59 / 1957 | 13 / 1972 | 0 | - | - | 23 | 0 |
| 9 | 46 | 42 | 44 | 46 | 36 | 41 | 3 | 58 / 1993 | 21 / 1972 | 0.06 | - | - | 21 | 0 |
| 10 | 48 | 44 | 46 | 46 | 36 | 41 | 5 | 64 / 1993 | 21 / 1972 | 0.05 | - | - | 19 | 0 |
| 11 | 45 | 38 | 42 | 46 | 36 | 41 | 1 | 56 / 1959 | 23 / 1961 | 0 | - | - | 23 | 0 |
| 12 | 45 | 34 | 40 | 46 | 36 | 41 | -1 | 60 / 1995* | 22 / 1972 | 0.73 | - | - | 25 | 0 |
| 13 | 40 | 32 | 36 | 45 | 36 | 41 | -5 | 59 / 1952 | 19 / 1972 | 0.34 | - | - | 29 | 0 |
| 14 | 33 | 22 | 28 | 45 | 36 | 41 | -13 | 59 / 2002 | 18 / 1945 | 0.06 | 0.7 | - | 37 | 0 |
| 15 | 30 | 19 | 24 | 45 | 36 | 41 | -17 | 63 / 1980 | 19 / 2008 | 0 | - | 1 | 41 | 0 |
| 16 | 31 | 20 | 26 | 45 | 36 | 41 | -15 | 57 / 1974 | 10 / 1964 | 0 | - | 1 | 39 | 0 |
| 17 | 36 | 29 | 32 | 45 | 36 | 40 | -8 | 57 / 1994 | 11 / 1964 | 0.05 | - | 1 | 33 | 0 |
| 18 | 35 | 25 | 30 | 45 | 36 | 40 | -10 | 54 / 2004 | 18 / 1964 | 0.18 | 2.7 | 3 | 35 | 0 |
| 19 | 27 | 20 | 24 | 45 | 36 | 40 | -16 | 56 / 1994* | 17 / 1949 | 0 | - | - | 41 | 0 |
| 20 | 26 | 14 | 20 | 45 | 36 | 40 | -20 | 57 / 1973 | 14 / 2008 | 0.16 | 3 | 3 | 45 | 0 |
| 21 | 31 | 24 | 28 | 45 | 36 | 40 | -12 | 56 / 2005 | 12 / 1990 | 0.27 | 3 | 3 | 37 | 0 |
| 22 | 34 | 27 | 30 | 45 | 35 | 40 | -10 | 57 / 2005 | 14 / 1990* | 0.02 | 0.2 | 6 | 35 | 0 |
| 23 | 35 | 29 | 32 | 45 | 35 | 40 | -8 | 58 / 1950 | 9 / 1983 | 0 | - | 4 | 33 | 0 |
| 24 | 38 | 30 | 34 | 45 | 35 | 40 | -6 | 62 / 2005 | 16 / 1948 | 0.44 | 2.6 | 5 | 31 | 0 |
| 25 | 36 | 33 | 34 | 45 | 35 | 40 | -6 | 60 / 1980 | 24 / 1995 | 0.2 | 0.4 | 3 | 31 | 0 |
| 26 | 38 | 32 | 35 | 45 | 35 | 40 | -5 | 62 / 1980 | 22 / 1948 | 0.15 | 0.1 | 3 | 30 | 0 |
| 27 | 44 | 37 | 40 | 45 | 35 | 40 | 0 | 58 / 1994 | 20 / 1968 | 0.29 | - | 1 | 25 | 0 |
| 28 | 44 | 38 | 41 | 45 | 35 | 40 | 1 | 56 / 1980 | 12 / 1990 | 0.35 | - | - | 24 | 0 |
| 29 | 42 | 36 | 39 | 45 | 35 | 40 | -1 | 54 / 1976 | 8 / 1968 | 0.26 | - | - | 26 | 0 |
| 30 | 43 | 34 | 38 | 45 | 35 | 40 | -2 | 56 / 1958 | 6 / 1968 | 0.12 | - | - | 27 | 0 |
| 31 | 44 | 37 | 40 | 45 | 35 | 40 | 0 | 56 / 1996* | 13 / 1978 | 0.09 | - | - | 25 | 0 |

Weather Vi

Ads by

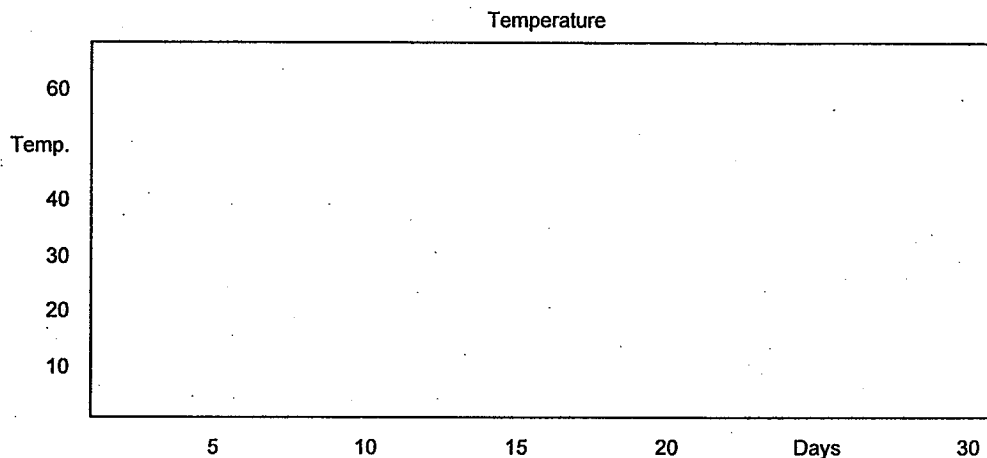
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Legend

Avg: Average (The formula is High Temperature + Low Temperature / 2)
Dpt: Departure (from Normal, the formula is Actual Average - Normal Average)
Ground: Snow amount on the ground
TR: trace amount of precipitation; less than 1/100th of an inch of liquid, less than 1/10th of an inch of snow
M: Missing information not supplied by the National Weather Service
***** When an asterisk appears next to a year, it indicates a record tie so the last year is shown

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Monthly Graph for December 2008**Legend:**

- Record High Temperature (Usually the top line)
- Actual High Temperature
- Actual Low Temperature
- Record Low Temperature (Usually the bottom line)
- Normal High Temperature
- Normal Low Temperature

Monthly Totals for December 2008**High Temperature**

Actual 55°F (on Dec. 1)
 Record 64°F (on Dec. 10 - 1993)

Low Temperature

Actual 14°F (on Dec. 20)
 Record 6°F (on Dec. 30 - 1968)

Normal Averages

High 46°F
 Low 36°F
 Departure -4°F

Degree Days

Cooling 0
 Heating 871

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Grants24

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BMW Dealer
BMW Seattle



Down

Special

Triple Your
Plus More

10 Million
Plus Long

Sponsor

Low Fan



Equifax.



Weather Snow Event Update:**Wednesday Afternoon December 17, 2008 (4:30 pm- 7:30pm)**

Shoreline received about 1.5" inches of snow. The snow continued to fall until 7:30 pm without stopping. Brian dispatched all the operators to their primary routes first. The plow operators continued on their primary routes until the snow had stopped. Crews stayed on their primary routes plowing the slush off the roads before the temperatures had a chance to drop, turning the roads to icy conditions.

First Shift Crew:

Brian Breeden
Paul Kinney
Bob McAndrews
Scott Sallee

- Received No calls from CRT, Police or Fire
- The hill (3rd Ave NW & 205th St.) remains closed at this time.

Thursday Morning December 18th, (Midnight to Noon shift)

Second Shift came in at midnight to continue sanding and plowing through this morning. The temperatures are expected to drop down to the upper 20s which may cause freezing and icy conditions by morning. Snow could continue to fall in morning between 6:00 am and 8:00 am.

Second Shift Crew:

David LaBelle
Steve Smith
Marc Stankey
John Read

Public Works Storm Preparations remain the same until further notice.

REST OF TONIGHT Snow concerns remain north of the area.

By 06/0700 Thu morning, light to moderate snow could be falling over the northern end of the city then spread southward through the rest of the morning. The heaviest precip will be E of Lk Washington but cannot rule out 1-2" in Seattle through the morning hours Thu followed by cloudy to mostly cloudy skies and errant flurries through the afternoon and evening hours. Temperatures will be falling off quickly in the evening as well with ice concerns developing on any wet surfaces soon after dark. Flurries come to an end by Fri morning and skies slowly clear during the day. Highs well below freezing both Fri and Sat with overnight temps nearing 20 degrees once again.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Off-Leash Dog Area Pilot Sites Approval
DEPARTMENT: Parks, Recreation and Cultural Services (PRCS)
PRESENTED BY: Dick Deal, Director PRCS
Maureen Colaizzi, Parks Project Coordinator

PROBLEM/ISSUE STATEMENT:

This staff report requests Council approval to locate two pilot Off-Leash Dog Areas: approximately 1.2 acres at the south beach area in Richmond Beach Saltwater Park and the approximately 2.5 acre parking lot in the eastern portion of Shoreview Park closest to the Shoreline Community College (SCC).

Recommended for approval by the Parks, Recreation & Cultural Services (PRCS) Board on October 23, 2008, these pilot sites were further reviewed by City Council at their January 20th study session. PRCS Board recommended approval of two off-Leash dog area pilot sites to be designed and built in 2009 per the Capital Improvement Program (CIP). A one-year monitoring program will provide ongoing evaluation for the PRCS Board to determine if these sites are viable for long term use. These improvements will be funded by the voter supported Parks, Trails and Open Space Bond. This project supports the completion of Council Goal #4: Complete the projects of the 2006 Parks and Open Space Bond.

Similar to the many other recreational activities that are offered in Shoreline's parks and open spaces, the PRCS Board supports the development of an Off-Leash Dog Area Program that establishes a system of off-leash areas that provide a safe place for community members to recreate with their dogs as they exercise, play and socialize off-leash. King County Animal Control estimates that there are over 12,000 dogs owned by Shoreline residents.

In 2005, an interested group of Shoreline dog owners, ShoreDog, approached the PRCS Board about locating an area for off-leash dogs in Shoreline. The PRCS Board developed a subcommittee to recommend a suitable site. A community survey indicated that citizens felt an off-leash area was a need for the City. The PRCS Board recommended to the City Council that funds for an off-leash dog area be included in the Open Space, Parks & Trail Bond Issue. With approval of the Bond by voters in May 2006, the City has \$150,000 for the development of off-leash dog areas in Shoreline. In November 2006, the PRCS Board recommended that a more comprehensive study be done. In 2007, the PRCS Board formed another subcommittee, known as the Off-Leash Dog Area (OLDA) Study Group, to identify promising pilot sites in the City. The OLDA Study Group included eight community volunteers and two PRCS Board members. Their goal was to identify locations that are distributed throughout Shoreline,

providing a system that serves the community with off-leash dog areas. This report requests the approval for these two pilot sites within Shoreview Park and Richmond Beach Saltwater Park. See Attachment A, Pilot Sites for Approval.

Richmond Beach Saltwater Park

The approximate 1.2-acre beach area south of the pedestrian bridge which currently receives un-authorized off-leash use is being considered for an unfenced, seasonal timed-use site (November-April) to avoid peak warm weather times. There are dog parks in the Puget Sound region that are located on waterways including Puget Sound, Lake Washington and the Sammamish River. The south beach area is one of the few sites in Shoreline that offers water access. The site is bordered by Burlington Northern Santa Fe (BNSF) property to the east and south and Puget Sound to the west.

Shoreview Park

This approximate 2.5-acre parking lot is located adjacent to Shoreline Community College (SCC) in Shoreview Park and was unofficially used as student parking until September 2007. Now the site is readily available for use as a pilot off-leash dog area. The site has two entry points with walk-in access from the lower Shoreview parking lot and vehicle access through SCC property. The site would be easily modified for off-leash use and is recommended as a traditional off-leash area. Staff has discussed gaining vehicular access through the SCC campus with SCC Staff. Approval for vehicle access is pending.

Off Leash Ordinance

The City will need to amend its Leash Law to allow dogs at designated off-leash areas including the beach. This will be presented to the Council at a later date prior to the opening of the off-leash sites.

FINANCIAL IMPACT:

- The 2006 Parks and Open Space Bond will fund \$150,000 to locate, design and construct the off-leash dog areas.

RECOMMENDATION

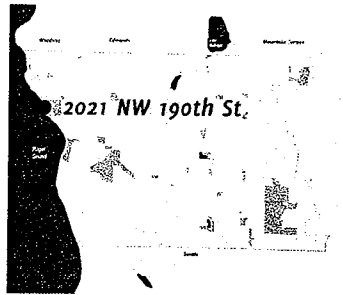
Approve the location of the identified pilot sites within Shoreview and Richmond Beach Saltwater Park. Staff will present the ordinance changes to Council prior to the opening of the pilot off-leash sites.

Approved By: City Manager  City Attorney _____

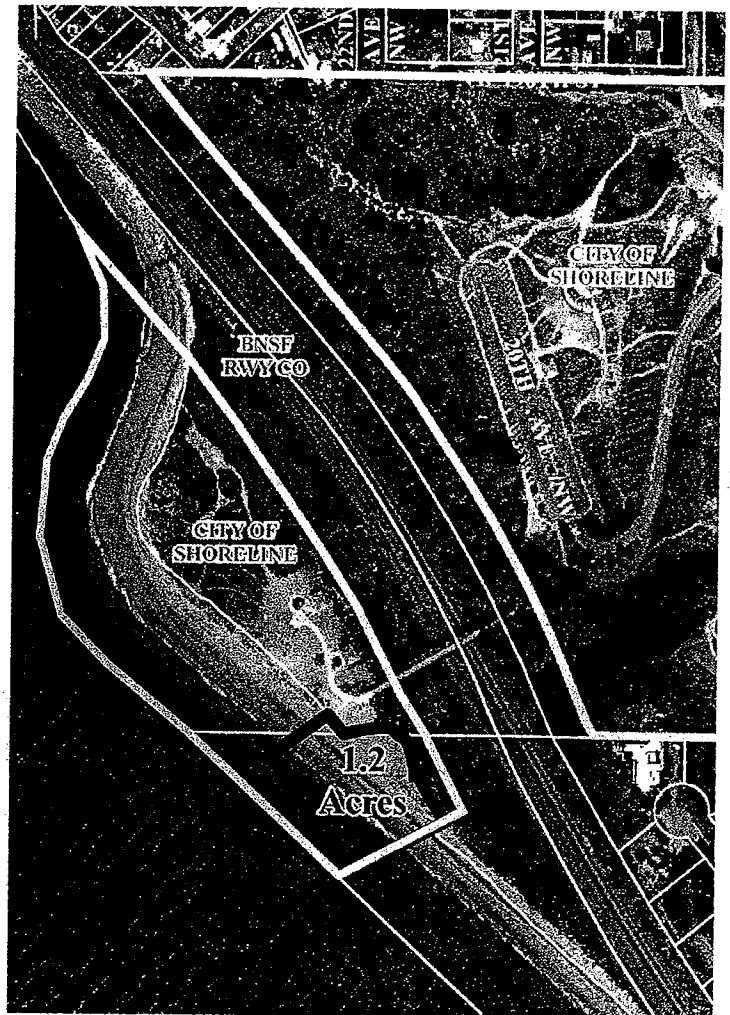
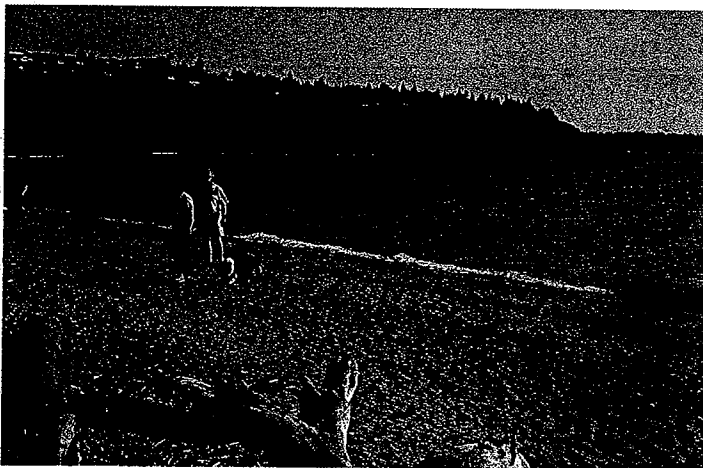
"First Step" Pilot Site Recommended for Implementation

Saltwater Park

1.2 acres owned by
City of Shoreline,
serving Northwest
Shoreline



Sandy beach with water access
Rest room nearby
Contained by water & BNSF fence



Larger park experience allowing for multiple activities (eg: Marymoor Park)

Only water access site that meets criteria

Sand—the most durable surface for off-leash dogs

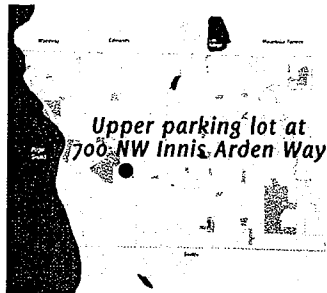
Well suited for off-peak winter use (timed-use)

Parking nearby

"First Step" Pilot Site Recommended for Implementation

Shoreview Park

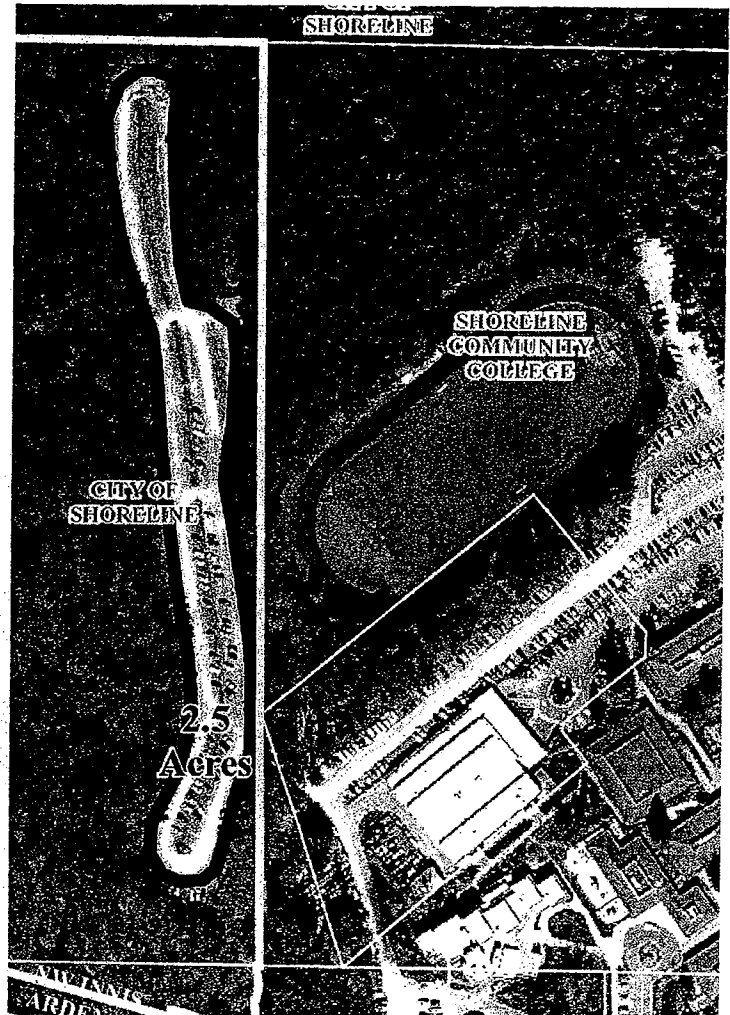
2.5 acres owned by
City of Shoreline,
serving Southwest
Shoreline



Flat parking lot

Easily modified for off-leash use

2 entry points: lower parking lot & SCC



Would transform parking lot back into public park use

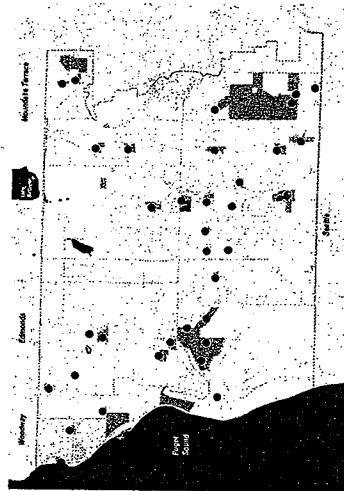
Good access from lower Shoreview parking lot

Good access through SCC during summer & weekends

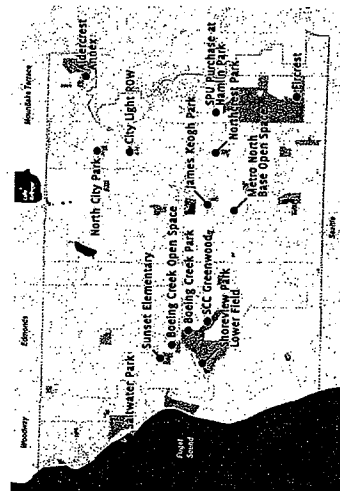
Best suited for traditional off-leash area

Site Screening & Evaluation Criteria

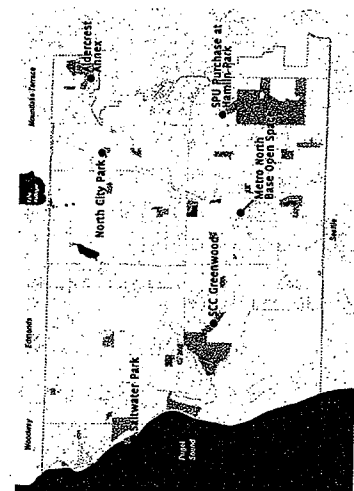
From 38 Potential to the Two Recommended "First Step" Pilot Sites



38 POTENTIAL SITES —
to which siting criteria were applied

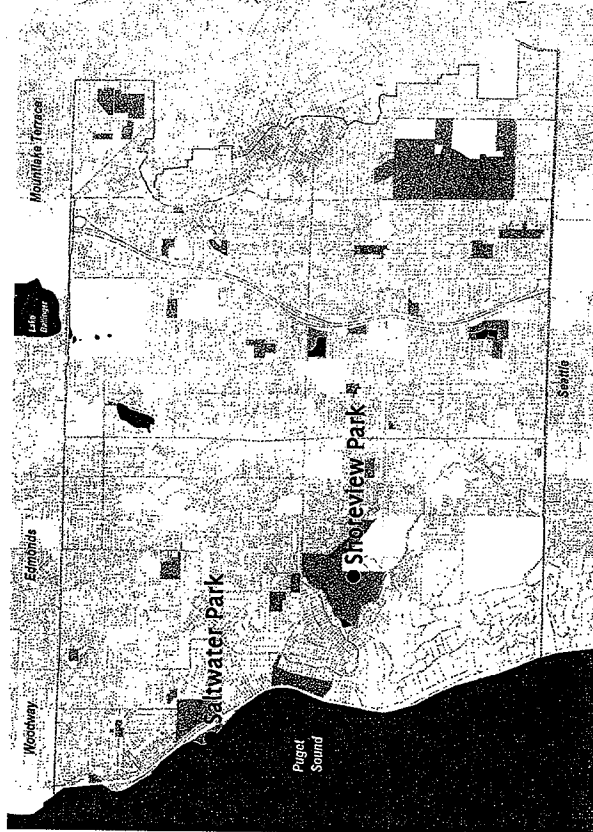


14 PROMISING SITES —
which met all criteria



6 MOST PROMISING SITES —
well distributed to form a system

Two Recommended Pilot Sites — Saltwater Park—South Beach & Shoreview Park



Readily available for
off-leash use

Opportunity for
traditional and timed-
use implementation

Site Evaluation Criteria *abbreviated & in no particular order...*

- less used by others
- potential for enclosure by natural or manmade boundaries
- ability to control storm water runoff
- potential for buffer zones between off-leash areas and other active park uses
- absence of hazards
- provides an area for people with limited mobility
- avoids impacts to Environmentally Critical Areas
- provides some parking

Shoreline Off-Leash Dog Area Study Group Accomplishments

SPRING 2007

- ✓ Stepped up enforcement of leash laws — first with warnings, then with tickets
- ✓ Received 26 OLDA Study Group applications
- ✓ Shoreline Park Board selected 11 citizens to serve with three Park Board members and one staff member

SUMMER 2007 — MET 2 TIMES

- ✓ Held first OLDA Study Group meeting — introduced process and past work
- ✓ Established baseline data on licensed dog population
- ✓ Visited existing OLDA sites in the region
- ✓ Visited potential sites in Shoreline parks and open spaces
- ✓ Discussed approach with Park Board

FALL 2007 — MET 5 TIMES

- ✓ Published article in Currents
- ✓ Reviewed “Best Practices” for OLDAs across the country and beyond
- ✓ Drafted Off-Leash Dog Area Program Guidelines — established mission, approach, schedule, criteria, rules and outreach strategy
- ✓ Gained approval of approach from Park Board
- ✓ Gained approval of draft Off-Leash Dog Area Program Guidelines from Park Board

WINTER 2008 — MET 6 TIMES

- ✓ Compiled inventory of available open spaces in Shoreline with potential for OLDA

- ✓ Established relationship with Shore Dogs and cultivated their role as stewards of future OLDAs
- ✓ Established criteria for potential pilot sites
- ✓ Completed review of site inventory — narrowed 38 potential sites down to 14

SPRING 2008 — MET 4 TIMES

- ✓ Identified 6 most promising pilot sites for initial implementation
- ✓ Hosted public meeting on June 14, 2008
- ✓ Conducted SEPA environmental review on 6 most promising pilot sites

SUMMER 2008

- ✓ Collected public comment

FALL 2008 — MET 4 TIMES

- ✓ Present findings and recommendations to community groups
- ✓ Brought implementation plan to Park Board for approval
- ✓ Hosting public meeting on October 29, 2008

WINTER 2009

- ☐ Will bring implementation plan to City Council for adoption
- ☐ Will develop design for selected pilot sites

2009

- ☐ Will construct and open pilot sites for public use
- ☐ Will monitor pilot sites