



## AGENDA

### SHORELINE CITY COUNCIL WORKSHOP DINNER MEETING

Monday, March 28, 2011  
5:45 p.m.

Conference Room C-104 · Shoreline City Hall  
17500 Midvale Avenue North

**TOPICS/GUESTS:** Economic Development Update

### SHORELINE CITY COUNCIL BUSINESS MEETING

Monday, March 28, 2011  
7:00 p.m.

Council Chamber · Shoreline City Hall  
17500 Midvale Avenue N.

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		7:00
2. FLAG SALUTE/ROLL CALL		
3. REPORT OF THE CITY MANAGER		
4. COUNCIL REPORTS		
5. PUBLIC COMMENT		
<i>Members of the public may address the City Council on agenda items or any other topic for three minutes or less, depending on the number of people wishing to speak. The total public comment period will be no more than 30 minutes. 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. Speakers are asked to sign up prior to the start of the Public Comment period. Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed. If time remains, the Presiding Officer will call individuals wishing to speak to topics not listed on the agenda 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		
7. CONSENT CALENDAR		
(a) Minutes of Study Session of February 22, 2011	<u>1</u>	
Minutes of Workshop Dinner Meeting of February 28, 2011	<u>5</u>	
Minutes of Business Meeting of February 28, 2011	<u>9</u>	
Minutes of Special Meeting of March 7, 2011	<u>19</u>	
(b) Approval of expenses and payroll as of March 18, 2011 in the amount of \$3,163,201.81	<u>23</u>	

**8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS** 7:20

- (a) Ordinance No. 595, Adoption of New Animal Control Regulations 25
- (b) Ordinance No. 598, Approval of Comprehensive Plan and Code Amendments to create Planned Area 3 - Aldercrest 65

**9. ADJOURNMENT** 8:20

*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 web page at [www.shorelinewa.gov](http://www.shorelinewa.gov). Council meetings are shown on Comcast Cable Services Channel 21 and Verizon Cable Services Channel 37 on Tuesdays at 12 noon and 8 p.m., and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Online Council meetings can also be viewed on the City's Web site at <http://shorelinewa.gov>.*

**CITY OF SHORELINE**

**SHORELINE CITY COUNCIL  
SUMMARY MINUTES OF STUDY SESSION**

Tuesday, February 22, 2011  
7:00 p.m.

Council Chamber - Shoreline City Hall  
17500 Midvale Ave N, Shoreline, WA

**PRESENT:** Mayor McGlashan, Deputy Mayor Hall, Councilmember Eggen, Councilmember McConnell, Councilmember Roberts, and Councilmember Winstead

**ABSENT:** Councilmember Scott

1. CALL TO ORDER

At 7:00 p.m. the meeting was called to order by Mayor McGlashan, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor McGlashan led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

**Upon motion by Councilmember Winstead, seconded by Councilmember Eggen and carried 6-0, Councilmember Scott was excused.**

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Bob Olander, City Manager, provided reports and updates on various City meetings, projects, and events. Mr. Olander thanked everyone for the privilege of serving the community. Councilmember Eggen and the Council thanked Mr. Olander for his service.

Mayor McGlashan noted the presence of former Mayor Ron Hansen and former Councilmember Rich Gustafson in the audience.

4. COUNCIL REPORTS

Councilmember Eggen reported that the data from the census will be available next month and there will be an opportunity for Shoreline to express the desire to be in one legislative district. Mayor McGlashan announced that last Wednesday and Thursday the Council lobbied and several bills are going through legislature. He reviewed the proposed legislation concerning Shoreline.

5. PUBLIC COMMENT

- a) Rich Gustafson, Shoreline, thanked Mr. Olander for his quiet leadership and noted his accomplishments over the years as City Manager.
- b) Ron Hansen, Shoreline, thanked Mr. Olander for his leadership during difficult times and said he is impressed with the City staff appreciation of his leadership.
- c) Larry Lewis, Shoreline, urged the Council to require incorporated areas to plan and act on their proportion of their expected growth, adding that the City needs to daylight all of its creeks.

6. APPROVAL OF THE AGENDA

**Upon motion by Deputy Mayor Hall, seconded by Councilmember Winstead and unanimously carried, the agenda was approved.**

7. STUDY ITEMS

- (a) Regional Association Dues Resolution

Scott MacColl, Intergovernmental Relations Manager, described the proposed resolution to encourage regional associations to reduce budgets, membership dues, and search for cost reductions in order to benefit Shoreline taxpayers. He noted that there have been static changes over past few years.

Deputy Mayor Hall explained that he wanted the Council to look at this information because cities and counties are in tough financial situations. Revenues have fallen but dues remain the same, he noted. He pointed out that some cities have reduced their overall budgets by 15%. However, some professional organizations' costs have increased their dues by 13% or more in one year. He urged the City to send a clear message to encourage them to share in the responsibility to reduce costs on taxpayers.

Councilmember Eggen agreed that this is a good message to send, noting that the increases are higher than the Consumer Price Index (CPI). Councilmember Winstead added that if this passes, maybe it could be sent to all the city mayors that are members of the Suburban Cities Association (SCA). Councilmember Roberts questioned the 15% cut by other organizations statement in the staff report. Deputy Mayor Hall provided an example.

Councilmember Eggen noted that the City staff could look at the budget details of these organizations in order to make suggestions. He supported the resolution. Mayor McGlashan suggested rewording a portion to make the resolution more specific. Councilmember Eggen added that reviewing what these agencies are doing is useful because members should not expect to see increases above the CPI. He suggested having the members vote on membership dues increases.

Mr. MacColl requested Council clarification, cautioning that delving deep into the budgets of these organizations is a slippery slope. He added that the resolution could have parameters put around it, such as not raising dues above the CPI. Deputy Mayor Hall responded that the

language reflects moving towards a reduction and in some of these cases he wants reductions. Councilmember McConnell said she is concerned that asking for a reduction in dues will reduce the level of service the City gets from these organizations.

(b) Sustainability Strategy Update

Juniper Nammi and Miranda Redinger, Associate Planners and Green Team Project Co-Managers, provided the update of the Sustainability Strategy. Ms. Redinger began by providing background and noted that the 2011 Work Plan, which includes the City's Environmentally Preferred Purchasing Policy, the baseline and tracking system, the "Forevergreen" logo, office policies/procedures, and the Green Building Program. Ms. Nammi then discussed the many City projects that achieve sustainability goals such as the urban tree canopy baseline study, and the Engineering Development Guide. Ms. Redinger discussed updates to the Comprehensive Plan, and the Shoreline Master Plan. Ms. Nammi summarized several different park vegetation projects and studies. Lastly, Ms. Redinger summarized the Town Center Subarea Plan and noted that there are several partnership opportunities that have been leveraged. She announced the City's Forevergreen/Sustainability web page, which contains links and resources for residents and businesses.

Deputy Mayor Hall noted that Mr. Lewis' public comment noted linkage between land use, sustainability, and transportation and it is important to recognize that we are a part of a larger region. He stated that it would be helpful to have illustrations to show how cities compare to other less-dense areas.

Councilmember Roberts agreed, reaffirming that land use and sustainability strategies go together. He said the City has an opportunity to make Town Center environmentally sustainable and that it is important to look at elements such as building codes. He noted an email, which discussed utilizing herbicides on the City's fields and verified with Ms. Nammi that the Hamlin Park contract did not address herbicides, but referred to Washington State standards. She noted that there is confusion about the maintenance and operations policies in the parks. She added that the first step is incorporating sustainability into the City's development standards.

Councilmember Eggen verified that the Engineering Development Guide is an administratively developed tool that the Planning and Development Services (PADS) and Public Works (PW) departments use to communicate the City's standards and policies. Mr. Olander added that the guide will also assist in providing more clarification and uniformity to the development regulations.

Councilmember Eggen said he is happy that the canopy study is proceeding and inquired about the analysis. Ms. Nammi responded that this is limited by a \$10,000 grant, but shape recognition technology does not fit within the budget. She noted that the study will be able to differentiate impervious surface, grass, shrubs, and trees. She noted that this is remote-sensing analysis and not a field inventory.

Councilmember Roberts inquired about the tree code being on hold and Joe Tovar, PDS Director explained that the impression he got was the Council wanted a revised scope. He added that the

Planning Commission was struggling with how to refine the scope. However, the revised scope should be brought back to the Council in a few months. Deputy Mayor Hall said he is confident that improvements can be made with the tree code. Councilmember Roberts inquired if the tree code is something that may be appropriate for a Council subcommittee to address. Deputy Mayor Hall replied that the City staff and Planning Commission have already done a tremendous amount of work on it, so there is a multitude of information available. However, he felt the Council should determine the key priorities and let the City staff and Planning Commission work with the raw material.

Councilmember Eggen concurred and said he would prefer another study session to determine priorities and if the Council can't come to an agreement he would prefer a subcommittee be created. Mr. Olander noted that it is important for the Council to go back and focus on the scope of the problem. He noted that the full Council input is important to have when determining the problem. He said addressing the overall canopy gives the Council a much larger palette to work with, and it allows for other solutions on a broader scale.

Councilmember Eggen said that he would like the City to reward citizens who work hard to maintain the canopy. He added that development in cities, as far as countywide policies are concerned, is being addressed by the Growth Management Planning Council. Responding to Councilmember Eggen, Mr. Olander pointed out that on April 18, the City staff has scheduled to bring back some options on the stormwater plan, and that is a great place to explore them.

The study item concluded with a brief discussion of the use of goats to manage invasive species removal.

## 8. ADJOURNMENT

At 8:25 p.m., Mayor McGlashan declared the meeting adjourned.

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Scott Passey, City Clerk

**CITY OF SHORELINE**  
**SHORELINE CITY COUNCIL**  
**SUMMARY MINUTES OF WORKSHOP DINNER MEETING**

Monday, February 28, 2011  
5:45 p.m.

Conference Room C-104 - Shoreline City Hall  
17500 Midvale Avenue N.

PRESENT: Mayor Keith McGlashan, Deputy Mayor Will Hall, and Councilmembers Chris Eggen, Doris McConnell, Chris Roberts, Terry Scott, and Shari Winstead

ABSENT: none

STAFF: Julie Underwood, City Manager; Rob Beem, Community Services Manager; John Norris, Management Analyst; Scott Passey, City Clerk

GUEST: Charles Royer

Mayor McGlashan called the meeting to order at 5:55 p.m.

Councilmember Winstead introduced Charles Royer, former three-term mayor of the City of Seattle. Councilmember Winstead explained that she attended the International Making Cities Livable conference last fall and heard a presentation by Mayor Royer regarding his work with the Center for Urban Health and Partners for Livable Communities. At that conference, Mr. Royer was also honored for a career that has been dedicated to the health and vitality of cities. He had asked Councilmember Winstead to accept the Jane Jacobs Award on his behalf, as he could not be present at the awards ceremony. Councilmember Winstead took this opportunity to present him with the award and congratulated him for his efforts on behalf of urban livability.

Mr. Royer provided some personal background and shared his insights about how Shoreline can move forward with Council Goal #6 – Develop a “healthy city” strategy.

Rob Beem, Community Services Manager, outlined the progress-to-date and the parameters the Council defined during its last discussion regarding this topic. He understood the direction from Council at that time was to use existing data resources and not “reinvent the wheel.” He then discussed various elements of the Healthy City Strategy Draft Outline. He noted that several city partners, including Northwest Hospital, Richmond Pediatrics, Shoreline School District, and YMCA have expressed interest in being involved.

Mr. Royer discussed the thinking that went into the Urban Health Initiative, wherein he asked cities what they would do to improve the health and welfare of their children. He

said the cities gave very good responses and the exercise got them thinking about how to initiate a process for addressing their problems.

Mr. Royer emphasized the importance of defining the appropriate scale for any particular initiative (e.g. concentrating on one neighborhood, multiple neighborhoods, etc.). He provided examples of initiatives in other cities such as Baltimore, MD and Richmond, VA, which centered on after-school programs and literacy programs. He pointed out that trying to be non-prescriptive was ultimately a mistake in some cases, so there is a need to provide specific recommendations to ailing communities.

In addition to scale, Mr. Royer also emphasized the need to focus on developing a base of leadership within the community in order to address difficult populations. He said Shoreline should identify “civic infrastructure,” institutions, and partnerships that can help in the effort. Councilmember Winstead noted that the Shoreline School District is a natural City partner for many reasons.

Councilmember Eggen asked about ways to reach out to the immigrant community. Mr. Royer responded that other cities have let immigrants create their own space for their own culture, which has been a reasonably successful approach.

The discussion then turned to the problem of childhood obesity, the subject matter of *Last Child in the Woods*, a book by Richard Louv. Mr. Royer briefly discussed ideas to program more outdoor space. He recommended the City contact Smart Growth for further ideas. He stressed the importance of inviting people to take control, asking them what they want for their communities, and urging them to design the solutions themselves.

Responding to Mr. Beem regarding community wishes, Mr. Royer noted that communities must develop a strategic plan so that people are invested and engaged, and so there is a defined project when funding is secured. Mr. Royer noted the high rate in leadership turnover and discussed the importance of cultivating leadership continually.

Responding to Deputy Mayor Hall regarding how to get people involved and motivated, Mr. Royer used examples of high-school dropout rates and murder/suicide rates from other cities to explain the need for a major communication effort. He said the “gut-wrenching” issues tend to provide the needed motivation, and if cities are ready with enough organizational infrastructure, they can respond positively. Deputy Mayor Hall noted that the obesity rate is a powerful messaging tool, but he has not seen illustrations of other issues like diabetes. Mr. Royer noted that Tulsa, OK leaders learned the extent of their problems when they analyzed their health and welfare profile. He emphasized the importance of conducting an honest and thorough analysis of the perceived problem.

Councilmember Scott wondered if scale was established before Mr. Royer went out into the cities, or if it happened after the analysis. He was also interested in ways to include the poor and underserved in these efforts. Mr. Royer provided examples from Chattanooga, TN and Richmond, VA to illustrate their obstacles, such as racial division, and other challenges. He noted that Chattanooga had a focusing event surrounding their



designation as “the most polluted city in the country.” He explained how each city underwent a visioning process and confronted the issues.

After further discussion of the City’s approach to addressing Council Goal #6, Mayor McGlashan thanked Mr. Royer for his input on this initiative.

The meeting adjourned at 6:50 p.m.

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Scott Passey, City Clerk

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**CITY OF SHORELINE**

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

Monday, February 28, 2011  
7:00 p.m.

Council Chamber - Shoreline City Hall  
17500 Midvale Ave. N, Shoreline, WA

PRESENT: Mayor McGlashan, Deputy Mayor Hall, Councilmember Eggen, Councilmember McConnell, Councilmember Roberts, Councilmember Scott, and Councilmember Winstead

ABSENT: None

1. CALL TO ORDER

At 7:00 p.m., the meeting was called to order by Mayor McGlashan, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor McGlashan led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

3. REPORT OF THE CITY MANAGER

Julie Underwood, City Manager, provided reports and updates on various City meetings, projects, and events.

4. COUNCIL REPORTS

Mayor McGlashan stated that Mayor Charles Royer was present at the dinner meeting to discuss the Healthy City Strategy.

5. PUBLIC COMMENT

a) Afia Menke, Shoreline, discussed the legal challenging of medical marijuana and urged the Council to support natural medicine over pharmaceuticals.

6. APPROVAL OF THE AGENDA

**Upon motion by Deputy Mayor Hall, seconded by Councilmember Eggen and unanimously carried, the agenda was approved.**

7. CONSENT CALENDAR

Upon motion by Deputy Mayor Hall, seconded by Councilmember McConnell and unanimously carried, the following Consent Calendar items were approved:

- (a) **Minutes of Study Session of February 7, 2011**  
**Minutes of Workshop Dinner Meeting of February 14, 2011**  
**Minutes of Business Meeting of February 14, 2011**

- (b) **Approval of expenses and payroll as of February 18, 2011 in the amount of \$673,612.01 as described in the following detail:**

**\*Payroll and Benefits:**

<b>Payroll Period</b>	<b>Payment Date</b>	<b>EFT Numbers (EF)</b>	<b>Payroll Checks (PR)</b>	<b>Benefit Checks (AP)</b>	<b>Amount Paid</b>
1/23/11-2/5/11	2/11/2011	38540-38739	10533-10564	46255-46263	\$409,911.87
					\$409,911.87

**\*Accounts Payable Claims:**

<b>Expense Register Dated</b>	<b>Check Number (Begin)</b>	<b>Check Number (End)</b>	<b>Amount Paid</b>
2/10/2011	46143	46147	\$7,211.61
2/10/2011	46148	46158	\$105,011.62
2/10/2011	46159	46177	\$24,910.93
2/10/2011	46178	46184	\$13,848.58
2/10/2011	46185	46206	\$16,993.47
2/15/2011	46207	46207	\$40.00
2/16/2011	46208	46209	\$11,918.91
2/16/2011	46210	46213	\$41,823.49
2/16/2011	46214	46227	\$20,335.71
2/16/2011	46228	46253	\$21,180.82
2/16/2011	46254	46254	\$425.00
			\$263,700.14

- (c) **Resolution No. 312 Requesting that City Dues Supported Regional and Statewide Associations Work Toward Reducing Their Budgets and Membership Dues for 2011 and Future Years**

- (d) **Motion to Authorize the City Manager to Execute a Contract with TIAA-CREF for Administrative Services of the City of Shoreline's Section 401 (Social Security Replacement) and Section 457 (Deferred Compensation) plans**

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

- (a) **Closed-Record Appeal of Certificate of Appropriateness issued for Ronald School**

Mayor McGlashan gave an introduction of this item. He identified the interested parties, noted the rules that would be followed, and reviewed how the hearing would proceed. He stated that the item was scheduled for executive session. However, the Council has proposed conducting the deliberation in an open hearing. Additionally, he stated that the King County Landmarks Commission response received by the City Clerk's Office on February 24 would be stricken from the record and not considered.

### RECESS

**At 7:15 p.m., Mayor McGlashan called for a five-minute break. The meeting reconvened at 7:20 p.m.**

Todd Scott, Preservation Architect, King County Landmarks Commission, explained the Certificate of Appropriateness (COA) Process. He stated that this item is before the Council because the COA issued by the King County Landmarks Commission was appealed by the Shoreline Preservation Society. The COA was issued in response to a development permit application filed by the Shoreline School District (SSD) for construction of the new Shorewood High School, which intends to incorporate the Ronald School into the new school design. The rules state that the hearing body for a COA appeal is the Shoreline City Council. Mr. Scott discussed Ronald School, its broad theme of education, reviewed historical and current photos, and its features of significance. He reviewed the site constraints, the proposed attachment to the school, and conceptual drawings of the new high school. Mr. Scott also reviewed Secretary of Interior Standards 1, 2, 5, 6, 7, 9, and 10, which applied to this development. He reviewed some of the standards such as ensuring distinctive features are preserved, that the building is attached on two stories, and that any new buildings are broken up to match the building massing. He also noted that there would be sidewalk improvements.

Councilmember McConnell communicated that she is impressed the new section looks very similar to and honors the old building. She questioned what the internal connection would be with the new section to the Ronald School. Mr. Scott responded that the interior is not landmarked; therefore, the uses are not specified. He replied that the SSD could answer those questions. Councilmember McConnell replied that it would be nice if students could use the old building.

Responding to Councilmember Eggen, Mr. Scott suggested that he discuss with the applicant the information about soil conditions which preventing the building from being further developed to the east. Councilmember Eggen said there has been discussion about alternatives and there were various alternatives presented. He said it seems like the Design Review Committee (DRC) worked with applicant to come up with the design; however, that is not the impression he got. Mr. Scott replied that there was not any design occurring in the DRC and that the alternatives were presented at public hearings where site constraints, the neighborhood, traffic flow, etc. was considered. The consensus reached was that the best location is the northeast corner. Councilmember Eggen confirmed with Mr. Scott that the Landmark Commission's focus was simply to determine whether the plan submitted by the architect was compatible with the national standards. Mr. Scott noted that there were alternatives to be considered located in the Shoreline

Municipal Code that also met the objectives of the applicant, and in this case, the applicant determined they wanted to use the historic building.

Councilmember Scott questioned what determines a quorum according to the SLC bylaws. Mr. Scott replied that the SLC bylaws state that a quorum consists of a majority of existing members. He said there were four members present, one Commissioner recused himself, and three voted on the item.

Councilmember Roberts noted that SLC is composed of seven members. Mr. Scott stated that Commissioner Stiles recused herself because at that meeting she was not present as a commissioner, only as the Shoreline representative. Councilmember Roberts verified with Mr. Scott that Commissioner Rich recused himself and asked if he was required to because of any state or city laws. Mr. Scott responded that he was not required to do so. However, because he is an employee of Bassetti Architects, he recused himself based on any possible appearance of fairness issues.

Councilmember Eggen asked City Attorney Ian Sievers if people who recuse themselves count as being a member present or the number of members voting. Mr. Sievers replied that the recused member left the meeting and was not present when the action was taken, thus he does not count. Councilmember Eggen concluded that three members is not a legitimate quorum. Mr. Sievers stated that there are seven members. He explained that Commissioner Stiles was not present, resulting in four members, then Commissioner Rich recused himself and appearance of fairness would require that he step down. Deputy Mayor Hall added that the departure of members does not take away from the quorum and inquired if the City Attorney could cite some authority. Mr. Sievers replied that he would have to look at the special rules. However, he said there is a general common law rule stating a quorum needs to be present. Additionally, he noted that there is a statute under the appearance of fairness that would cause a quorum to be lost if a member needs to recuse themselves. Mr. Scott highlighted that the Landmarks Commission serves 18 local jurisdictions and they typically lump actions for all those jurisdictions together.

David Mann, counsel on behalf of the Shoreline Preservation Society, communicated that this is important because Ronald School is a landmark in the City of Shoreline and the Council are the only people in the City who are hearing this issue. He encouraged the Council to step into this and save a historic landmark. Mr. Mann said that the Commission erred in fact, law, and in their procedures. He urged the Council to reverse the decision and remand the item to be heard again by the Landmarks Commission. He thanked the Council for agreeing to debate the matter in public. The Code, he explained, sets this item out for a standard review. The standard review consists of facts and the law. This item must be remanded if there is a factual error or if there is a question concerning the law. The Council has the full authority to modify, reverse, or remand the decision. He focused on the Secretary of Interior Standards and said that Ronald School was not designated a landmark because it was an educational facility. However, it was dedicated as a landmark because it is a rare example of an early 20<sup>th</sup> century semi-rural school building. Mr. Mann discussed Standard 2, which states that the historic character of the property shall be preserved. He asserted that if the Council looks at the distinctive materials, alterations, and spatial relationships that are being revised, the character of the building is not being preserved. He urged the Council to give deference to the Krafft decision, which concluded that the proposed

project does not meet Standard 2 because the historical content and character will not be retained. Mr. Mann then discussed Standard 9, which relates to massing, size, scale, and the architectural features. He submitted a declaration of Flo Lentz' speaking notes from the Commission meeting, which noted the massive addition to a small historic building. He said it is easy to dissect the project, but it is important to look at the entire development in context. He said this project does not keep with the size, character, and massing of the Ronald School. He questioned where the alternatives were that the Commission was charged to review. Additionally, he said that during the Landmarks Commission meeting a non-voting member should not have been counted as a part of the quorum. Mr. Rich is involved with the firm, he said, and there were only three members who voted on this, which is not a valid vote. He noted that Commissioner Rich works for the company that came up with the proposal, so of course he is not going to oppose it. He did the right thing by recusing himself, which meant that there were not enough Commissioners to approve the proposal. He urged the Council to remand this decision to look at other development alternatives.

Councilmember Eggen communicated that if SSD builds outside that 15-foot barrier, they could build anything they want. Therefore, it seems there is a massing issue whether Ronald School was there or not. Mr. Mann agreed, but said that is not what is before the Council. He said the Krafft testimony is that the west side could have a structure attached, which means the east and southeast side is not lost. Councilmember Eggen continued that Ms. Krafft's proposal was to have a small separation around the backside. Mr. Mann confirmed that it is shown in Exhibit 73 and it is an attempt to save the south and southeast side so it still retains that stand-alone presence. Councilmember Eggen replied that the current design shows that part of the brick is visible from the interior and questioned if it would ruin the character. Mr. Mann replied that it would because there is a two-story shorter connection that would cause the building to lose its whole nature.

Councilmember Roberts replied that SSD seemed really surprised that the appellant would argue the Landmarks Commission did not consider alternatives. He noted that there was discussion in the minutes concerning the limitations of the site. He inquired why the Council should expect the Landmarks Commission to come up with some other alternatives that would have Ronald School intact. Mr. Mann replied that they are charged with doing so. He stated that in Exhibit 93, there was an alternative presented, but if you look at the record and discussion, the Commission needed to have more information. A couple of drawings do not constitute consideration, he stated. Councilmember Roberts asked if there are any other landmark buildings that have been incorporated into a larger facility throughout King County. Mr. Mann replied he could not answer that and it is not a part of the record.

Deputy Mayor Hall further inquired if alternatives were presented to the Commission during their deliberations, and Mr. Mann replied that drawings were given but they were not considered. He also responded that Ms. Krafft felt that her proposal would meet the standards and criteria. Deputy Mayor Hall discussed the quorum and inquired if there is something he has that proves his point that there was not a quorum. Mr. Mann replied that he does not except for common law and said he will get it to the Council.

Councilmember Eggen said it seems as if the alternatives issue is controlled by the Shoreline Municipal Code and wondered if it is an unusual feature of municipal codes. Mr. Mann replied that he does not know what other city codes look like concerning this.

Councilmember McConnell said this quorum issue is serious. She questioned the recusing of the Shoreline representative on the Commission at the hearing and wondered whether other Commissioners were qualified enough to make decisions for local jurisdictions. Furthermore, she stated that the sooner alternatives are discussed the more likely they will be heard, incorporated, and wondered why they were not shared with the developers. Mr. Mann replied that he did not know why the alternatives were not discussed and that there is no record of it. He also communicated that maybe it was a direct procedural error not to have a Shoreline representative hear the discussion. He concluded that having a quorum of only three members is a significant error.

Councilmember Roberts discussed Standard 2 and noted that SSD said that the context stated that the existing site was already destroyed. **Deputy Mayor Hall called for a point of order to ensure this topic was raised earlier in the record.** Mr. Sievers clarified that the Council must limit the discussion to issues raised in the appeal statement.

Councilmember Roberts stated that Standard 2 speaks to spatial characteristics of the building and the appeal says spatial characteristics have been changed. He communicated that the question is whether Standard 2 requires that the building is landmarked as precisely a detached facility. Councilmember Roberts said that SSD communicated that the spatial characteristics have already been changed. Mr. Mann pointed out that in Exhibit 1 the City of Shoreline Landmarks Commission Historic Designation dated October 2008 communicates that there were no changes to that spatial area between then and now. Therefore, the same reason it was designated in 2008 still exists now.

Mayor McGlashan noted that the City contracts with King County and not every building would have representation. However, the City's member had a conflict. Mr. Mann noted that it was raised as an issue.

Rich Hill, counsel for Shoreline School District, asked the Council to affirm the COA decision so that the City's educational needs can be met as soon as possible. Mr. Hill referred to the Appendix and highlighted several pages denoting the location of certain rooms and the renovation and preservation of the site. He noted that the architect is very sensitive to the historic character and reviewed the setbacks, which are intended to protect Ronald School as a separate structure. Additionally, he said the Ronald School entrance is proposed to be adjacent to the Shorewood High School main school entrance. Mr. Hill announced that the burden of proof is on the appellant to demonstrate that the Landmarks Commission committed error in fact, judgment, or conclusion. The Council, he pointed out, is acting in an appellate capacity and the Landmarks Commission are the experts and deference is due to them. However, the Council can interfere if they determine that an error has been made. The rules and procedures are set forth in page 27 of the packet and there are two key rules that are applicable to the decision. The Commission, he said, found that the application met the Secretary of Interior Standards. He noted that there is substantive evidence cited in his brief. He added that there is no explicit legal requirement that



the application needs to meet these standards and the Secretary of Interior Standards are guidelines to meet the key rules. He added that the Landmarks Commission staff recommended this and Bassetti designed this with the standards in mind. He noted that there are other experts who have agreed with this proposal, including the Design Review Committee and the full Landmarks Commission. He stated that the City of Shoreline representative wrote a letter to the Landmarks Commission on behalf of the Historical Museum recommending approval of the application. Mr. Hill discussed the alternatives and said that there is a second handout, which has a site analysis that goes through eight considerations. He reviewed the eight considerations with a brief discussion and explanation on how the proposed development meets or exceeds each one. He also noted that the proposal meets the City's Town Center criteria and concluded that the alternatives do not meet the eight considerations.

Councilmember Winstead asked for more discussion on the alternatives to the proposal. Mr. Hill referred to the second page of the handout and said the site analysis was presented to the Landmarks Commission and all three of them were presented at the meeting. He noted that Ms. Nancy Callery discussed the alternatives; the Design Review Committee also discussed them. He noted that there was a Southwest alternative, a North-Central alternative, and a Northeast alternative. He reviewed each of the alternatives and explained the reasons why none of the three was proposed.

Councilmember Roberts discussed Standard 2 regarding Ms. Krafft and her belief that the proposal will destroy spatial relationships and significant features of the 1912 schoolhouse. Mr. Hill replied that Ms. Krafft thinks these features will be destroyed because of the attachment to the south side of the building and because another portion will become a part of a corridor, where students will be able to feel and touch history. He added that all of the Commissioners felt this enhances the historic environment. The incorporation of the Ronald School is desirable because it restores the school for historic use.

Deputy Mayor Hall questioned if Mr. Hill had anything to say about the quorum issue. Mr. Hill replied that the appellant's brief does not object to any lack of a quorum; they object to the lack of participation of a Shoreline representative. He pointed out that there was not any objection made at the time of meeting since there were thirty-five members that testified at the meeting. He also wondered why this issue was not listed in the appeal. He said that issue was not raised until this meeting and it is inappropriate, unfair, and not addressing this on its merits is inequitable. He added that the Shoreline representative on the Landmarks Commission recommended approval. He added that he spoke to Julie Koler who confirmed there was a legal quorum. He said that the SSD has to rely on the Landmarks Commission interpretation of their rules. He pointed out that Commissioner Rich could have rejoined the meeting and voted if there was a quorum issue. However, he concluded that it is a little late for the appellants to bring this up as an objection.

Councilmember Scott felt that the quorum issue is a key piece for him. Mr. Hill noted that the appellants had an opportunity to object and the deference goes to the Landmarks Commission rules. Mr. Sievers replied that he does not think that issue was well briefed. He added that the Landmarks Commission seemed to be very deliberate and knew what they were doing. He said he would have to investigate King County rules. The second part of this is the disqualification and whether the Landmarks Commission counts a disqualified member as a part of the quorum.

Mayor McGlashan also stated that he does not remember hearing any strong objection to the quorum. Mr. Hill replied that there was nothing in the appellant's opening brief related to a lack of a quorum. Councilmember Scott replied that the Council needs to know whether the Commission had a quorum or not. Councilmember Winstead inquired what King County Historic Preservation Officer Julie Kohler's position was, and Mr. Hill said she felt there was a quorum at the hearing.

Councilmember Eggen said that in the response brief it was noted that the Council shouldn't be ruling on errors in judgment but on procedures and facts. However, now they are being instructed to rule on facts, judgments, or conclusions and asked for clarification. Mr. Hill replied that the Council can rule on whether proper procedures were followed by the Landmarks Commission; decide whether there was an error in facts, an error in judgment, or an error in conclusion. He said substantial deference should be given to the Landmarks Commission.

Mayor McGlashan noted that there were two vacancies and two recusals. Commissioner Scott replied that the Landmarks Commission is an all-volunteer board and sometimes people don't make it. The vacancies, he explained, are appointed by the King County Executive and he hasn't filled them yet. He said it is very unusual to have every Commissioner at each meeting. In this case, one sitting member was out-of-state and one went to the wrong location.

Mr. Sievers added that the Council should try to see what findings and conclusion the Councilmembers dispute or contest. The Council can adopt some or all of the findings, he explained. Deputy Mayor Hall inquired if it is appropriate to go into substantive issues if the Council ultimately finds that there wasn't a quorum present. Mr. Sievers replied that if the Council finds there wasn't a quorum, then there wasn't a substantive decision.

Councilmember Roberts questioned if the deliberations are prejudicing the next application and next potential appeal. Mr. Sievers replied that there wouldn't be a need to have another hearing, but the Landmarks Commission would have to meet. Mayor McGlashan agreed with Councilmember Roberts and said having another hearing would be adding more information into the record.

**Councilmember Roberts moved to postpone action on this item until next week.  
Councilmember Scott seconded the motion.**

Councilmember Winstead asked that if this question was not raised on appeal, should the Council be discussing it. Mr. Sievers replied that it wasn't brought up on the appeal, just as a concern. The opening brief did do a headcount, but didn't draw a conclusion from the headcount. He also noted that there were no statements about the lack of a quorum. He felt if the Council wanted to pursue the quorum issue, they could. Councilmember Winstead summarized that she doesn't want to delay this process if the Council isn't supposed to consider the quorum matter. Councilmember McConnell replied that she doesn't believe there is an issue because there isn't anything in the appeal says there wasn't a quorum.

Councilmember Scott referred to page 41 and said this needs interpretation and the City Attorney said he would have an answer by Wednesday. City Attorney Sievers communicated that he will have the Assistant City Attorney work on this issue in the coming days.

Deputy Mayor Hall agreed with the motion to the extent that if the Council decided there wasn't a quorum, there is no record. He said it is obvious the parties believe this matter is before the Council legitimately. He added that both of the attorneys agree with the recusals. Mr. Sievers explained the doctrine of necessity and Deputy Mayor Hall responded that if the Council sends this back to the Landmarks Commission to get a quorum and do it again, the decision would probably be the same. He summarized the quorum issue and said he doesn't think there is an error of fact and that the rules were followed. He said he will not vote to postpone the item.

Councilmember Eggen said he also doesn't want to delay the Council decision. He felt that a quorum was properly present, and even if not, the issue was not fully raised. He felt that the appellant and the respondent deserve an expedited answer. He concluded that he will not support the motion on the table.

Councilmember Roberts felt it would be prudent to postpone this item because there is a question raised indirectly in the brief that the Landmarks Commission violated the rules of procedure of the Shoreline Landmarks Commission as written in the Shoreline Municipal Code. He commented that the Council should follow its own procedures and determine from the City Attorney whether the Landmarks Commission follows the Council procedures. He also noted that the item is already on the Council meeting agenda for next week.

Councilmember McConnell referred to page 76 and said the language is from the attorney that represents the Shoreline Preservation Society stating that the decision is an error. She added that she agrees with Deputy Mayor Hall and said she is ready to render a decision at this meeting.

Councilmember Eggen confirmed that the Council would deliberate on the item at this meeting and vote next week.

**Councilmember Winstead moved to call for the question, seconded by Councilmember McConnell. Councilmember Winstead then withdrew the motion.**

Mayor McGlashan expressed concern that everyone is waiting for a decision on this and if the Council moved forward, there is a risk for another delay or another appeal. He supported postponing a Council decision until next week.

Councilmember Winstead inquired if a new appeal can be raised based on a new issue and Mr. Sievers responded that a new appeal cannot be made on the prior Landmarks Commission decision. However, if the item is remanded back to them, their new decision can be appealed.

Deputy Mayor Hall questioned what would occur if Council adopts finding of facts and decision and there is an appeal of the Council decision. Mr. Sievers replied that they can be appealed if there is an error of law and findings under the Land Use Petitions Act (LUPA).

Councilmember Eggen said that based on Mr. Sievers' comments he felt it would be safest to defer deliberations on this item until next week. Ms. Underwood confirmed that there is ample time on the Council calendar to hear the item another evening. Deputy Mayor Hall commented that if the Council doesn't begin deliberations until next week, they probably won't be able to have the written decision published next week. Mr. Sievers replied that it depends on how much the Council deviates from the recommended Findings and Conclusion. Deputy Mayor Hall noted that the Council won't have a quorum next week and won't be meeting.

**Councilmember Roberts called for a point of order.** Councilmember Roberts clarified that the questions have been asked and answered and noted that they all need to be germane to the motion.

Mr. Hill responded to questions about postponement and stated the schedule is tight. He added that a conditional use permit cannot be issued until this decision is made. He suggested that the Council deliberate tonight, give direction to the City staff, and keep the issue of the quorum open until next week.

**A vote was taken on the motion to postpone action on this item until next week, which carried 4-3, with Deputy Mayor Hall and Councilmembers McConnell and Winstead dissenting.**

9. ADJOURNMENT

At 9:42 p.m., Mayor McGlashan declared the meeting adjourned.

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Scott Passey, City Clerk

**CITY OF SHORELINE**

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

Monday, March 7, 2011  
7:00 p.m.

Council Chamber - Shoreline City Hall  
17500 Midvale Ave. N., Shoreline, WA

PRESENT: Mayor McGlashan, Deputy Mayor Hall, Councilmember Eggen, Councilmember McConnell, Councilmember Roberts, Councilmember Scott, and Councilmember Winstead

ABSENT: None

1. CALL TO ORDER

At 7:00 p.m. the meeting was called to order by Mayor McGlashan, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor McGlashan led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present with the exception of Councilmember Roberts, who arrived shortly thereafter.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Julie Underwood, City Manager, provided reports and updates on various City meetings, projects, and events.

4. COUNCIL REPORTS

Councilmember McConnell reported on the Regional Water Quality Committee meetings and their work plan for the coming year. Councilmember Eggen reported on the SeaShore Transportation Forum, noting that tolling on Highway 520 starts in two months. Deputy Mayor Hall announced that there was an upcoming King County Regional Policy Committee meeting. He discussed the Veterans and Human Services Levy and asked if the Council objected to him reporting that the Shoreline City Council supported the position to encourage reasonable proportion of funding to come back to Shoreline. Brief Council discussion followed and there was no objection stated.

5. PUBLIC COMMENT

a) John Durgin, Shoreline, suggested the City take the surplus steel from the Richmond Beach bridge crossing and create a walking path by the treatment plant.

6. APPROVAL OF THE AGENDA

**Upon motion by Councilmember Eggen, seconded by Councilmember Scott and unanimously carried, the agenda was approved.**

7. CONSENT CALENDAR

**Upon motion by Councilmember McConnell, seconded by Councilmember Winstead and unanimously carried, the following Consent Calendar items were approved:**

**(a) Resolution No. 313 Initiating Vacation of 256 Square Feet of Aurora Avenue N, Adjacent to 18551 Aurora Avenue North and Setting a Public Hearing on Vacation**

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

(a) Action on the Certificate of Appropriateness issued for Ronald School

Mayor McGlashan noted that this is a continuation of the appeal hearing of the Certificate of Appropriateness. Ian Sievers, City Attorney, noted that action on this item was postponed last week in order to do more research and provide information on the Landmarks Commission's recommendation to approve the Certificate of Appropriateness issued for the Ronald School.

Deputy Mayor Hall noted that he was contacted by a school supporter, but it doesn't affect his position on the matter. Mayor McGlashan commented that many people approached him on the item and he referred them to the Council meeting video. Councilmember McConnell added that people commented to her and she referred them to video as well.

**Councilmember McConnell moved approval of Ordinance No. 597, denying the appeal and sustaining the recommendation of the Landmarks Commission. Councilmember Winstead seconded the motion. Councilmember McConnell spoke in favor of motion.**

Councilmember Eggen stated that he received an email from a citizen questioning why the City staff recommendations weren't posted. Ms. Underwood replied that the City staff recommendations were posted in the staff report on the website.

Councilmember Roberts requested that the maker of the motion summarize the findings of procedure for the audience. Councilmember Winstead summarized the findings of fact and conclusions.

Deputy Mayor Hall spoke to the merits of the decision. He discussed the criteria and that it involves the extent to which it adversely affects features. He noted that he is convinced the Landmarks Commission exercised good judgment, and moving the building was an option that was considered. He supported the Landmarks Commission findings.

Councilmember Eggen asked if the building would have been deemed a landmark building if this modification had taken place prior to receiving the landmark status. Todd Scott, staff to Landmarks Commission, responded that the Commission probably wouldn't have approved a Certificate of Appropriateness that would negate landmark status. Councilmember Eggen replied

that he is not convinced that there was any error of decision and does not see anything that motivates him to overturn the decision.

Councilmember Roberts said there are lots of people active on both sides of this debate. He stated that it is unfortunate that the fate of the Ronald School building is going on and there is no debate about its usage. He felt that if the Shoreline School District treated the Museum and City as equal partners, it could have had a creative "win-win" solution. He stated that the Landmarks Commission did not have a quorum because Commissioner Stiles and Commissioner Rich recused themselves; thus, the quorum was lost. He said he hopes the City's boards and commissions follow codes respecting Shoreline residents. However, he said the Council is limited in what it can review and adjudicate. He concluded that the appellant must provide the burden of proof and the applicant fell short in meeting the Secretary of Interior Standards; however, he said he ultimately supports the motion.

Councilmember Scott said he raised the quorum issue and thanked the Council for allowing him to do so. Democracy is not always convenient, he said, but he is comfortable with the results. He supported the ordinance.

**A vote was taken on the motion to adopt Ordinance No. 597 denying the appeal and sustaining the recommendation of Landmarks Commission, which carried unanimously.**

RECESS

**At 7:40 p.m., Mayor McGlashan called for a five-minute recess. At 7:47 p.m., the meeting reconvened.**

9. STUDY ITEM

(a) Proposed Ordinance No. 595, Adoption of New Animal Control Regulations

Ms. Underwood introduced this item which proposed the adoption of the City's own animal control code. John Norris, Management Analyst, and Flannary Collins, Assistant City Attorney, provided the staff report.

Mr. Norris noted that the City's current animal control regulations are from King County and were adopted by Shoreline by reference. He noted that this makes animal control regulations more "user friendly" and better organized. They include citywide leash and waste removal laws and are more germane to Shoreline and are applicable to all animal control agencies. He displayed the differences from the current code and provided a matrix to highlight the changes. He noted that the item would come before the Council at the March 28 Council meeting for adoption.

Deputy Mayor Hall brought up the guard dog portion of the proposed code for Council discussion. Councilmember Roberts inquired about other cities like Seattle with guard dog codes, and Mr. Norris replied that he is not sure who has what and would find out for Council. Councilmember Roberts said he has some minor changes and noted that the proposed code says there is no limits to the number of cats a person can have. He also discussed the hobby cattery

definition and said there is some inconsistency in the code. Mr. Norris agreed that there are some King County and Shoreline Development code inconsistencies. He added that Shoreline Development Code 20.40.240 needs to be reconsidered later with the Planning Commission. He felt the Planning Commission will have to review the revisions. Ms. Collins replied that the Development Code will have to be revised. Mr. Norris also stated that the hobby kennel and cattery code does not refer to a commercial entity, but it is where four or more animals are bred and kept for show purposes. Councilmember Roberts inquired about chickens and Ms. Collins replied that the rules concerning chickens should reside in the Development Code. Mr. Norris agreed.

Councilmember Winstead addressed the definition of a service animal and suggested the City adopt the Americans with Disabilities Act (ADA) definition. Councilmember Eggen concurred and said the City should be generous with that definition, but it depends on the context. Councilmember Winstead added that the language should be "animals that are individually trained to perform tasks for people with disabilities." Councilmember Eggen questioned what the implications were and where service animals were allowed. Mr. Norris responded that he would also check ADA implications. Councilmember Roberts said he supports the idea of utilizing the ADA service animal definition.

Councilmember Eggen expressed concerns about guard dogs and supported Councilmember Roberts' concern about households having four or five cats. He felt the City should deal with the issue of chickens because there are noise issues with roosters. He also stated that guard dogs are a problem, but the City allows reptiles.

Ms. Underwood noted that her neighbor has rooster/chickens and it is a summertime issue, but usually they are quiet. After further discussion, Ms. Underwood summarized that staff and the Planning Commission will look into the issue of the number of cats and dogs per household as well as chickens. She also confirmed that the City staff should come back to the Council with an ADA definition and ensure the City has not missed anything as far as ADA compliance goes. Mr. Norris clarified that he didn't feel there is much going on with the guard dog licenses and felt there wouldn't be much that would change.

10. EXECUTIVE SESSION: Property Acquisition RCW 42.30.110(1)(b)

**At 8:27 p.m., Mayor McGlashan announced that the Council would recess into an Executive Session for a period of 30 minutes to discuss a matter related to property acquisition, per RCW 42.30.110(1)(b). At 9:00 p.m., Mayor McGlashan announced that the Executive Session would be extended until 9:20 p.m. At 9:20 p.m., the Executive Session concluded and the Special Meeting reconvened.**

11. ADJOURNMENT

**At 9:20 p.m., Mayor McGlashan declared the meeting adjourned.**

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Scott Passey, City Clerk



**CITY COUNCIL AGENDA ITEM**  
**CITY OF SHORELINE, WASHINGTON**

**AGENDA TITLE:** Approval of Expenses and Payroll as of March 18, 2011  
**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 \$3,163,201.81 specified in the following detail:

**\*Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
2/6/11-2/19/11	2/25/2011	38740-38939	10565-10598	46352-46363	\$583,045.75
2/20/11-3/5/11	3/11/2011	38940-39137	10599-10629	46488-46496	\$413,974.07
					\$997,019.82

**\*Wire Transfers:**

Expense Register Dated	Wire Transfer Number	Amount Paid
2/28/2011	1031	\$4,061.73
		\$4,061.73

**\*Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
2/22/2011	46264	46265	\$55,542.17
2/22/2011	46266	46266	\$1,606.77
2/23/2011	46267	46281	\$167,345.20
2/23/2011	46282	46286	\$13,060.29
2/23/2011	46287	46287	\$127.50
2/23/2011	46288	46302	\$33,528.09
2/24/2011	46303	46303	\$5,200.25

**\*Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
2/24/2011	46304	46304	\$8,327.00
3/1/2011	46305	46309	\$3,295.79
3/1/2011	46310	46311	\$15,316.39
3/1/2011	46312	46333	\$48,207.45
3/2/2011	46334	46351	\$1,276,073.68
3/2/2011	46364	46364	\$122.73
3/2/2011	46363	46369	\$22,928.52
3/8/2011	46370	46370	\$25,300.00
3/9/2011	46371	46371	\$946.68
3/9/2011	46372	46372	\$2,450.00
3/9/2011	46373	46386	\$118,619.08
3/9/2011	46387	46402	\$57,435.37
3/9/2011	46341	46341	(\$1,231,271.27)
3/9/2011	46403	46403	\$1,231,271.27
3/9/2011	46404	46424	\$121,520.12
3/14/2011	46425	46433	\$41,565.34
3/14/2011	46434	46451	\$66,771.79
3/16/2011	46452	46452	\$1,622.86
3/16/2011	46453	46463	\$44,906.49
3/16/2011	46464	46487	\$30,300.70
			<u>\$2,162,120.26</u>

Approved By: City Manager \_\_\_\_\_ City Attorney \_\_\_\_\_

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Proposed Ordinance No. 595, Adoption of New Animal Control Regulations  
**DEPARTMENT:** City Manager's Office/City Attorney's Office  
**PRESENTED BY:** John Norris, Management Analyst  
Flannary Collins, Assistant City Attorney

**PROBLEM/ISSUE STATEMENT:**



Since incorporation, the City of Shoreline has adopted the King County Animal Control Regulations by reference. Staff is now proposing that the City adopt our own Animal Control Regulations as text, which will provide for better access and organization of the regulations, additional animal control regulations not currently provided, and a more germane and applicable set of regulations. Proposed Ordinance No. 595 provides these Shoreline-specific regulations. The following staff report provides answers to Council questions about proposed Ordinance No. 595 that were discussed at the Council's study session on this topic on March 7<sup>th</sup>, as well as additional questions that were provided by Council after this meeting.

**FINANCIAL IMPACT:**

There is no fiscal impact to adopting Ordinance No. 595. This Ordinance proposes to replace Title 6 of the Shoreline Municipal Code, which adopts by reference the King County Animal Control Regulations, with a new Title 6 adopting Shoreline animal control regulations as text.

**RECOMMENDATION:**

Staff recommends that Council adopt proposed Ordinance No. 595.

Approved By: City Manager  City Attorney 

## **INTRODUCTION:**

On March 7, the City Council reviewed Ordinance No. 595, which proposes Animal Control Regulations that would be incorporated into the Shoreline Municipal Code (SMC) as text. These regulations would replace the current SMC Title 6, which adopts the King County Animal Control Regulations by reference. At this meeting, staff stated that there are multiple reasons to adopt an Animal Control Regulations as text, including better access and organization of the regulations, additional animal control regulations not currently provided (city-wide leash law and "pooper scooper" law), and a more germane and applicable set of regulations.

Based on this discussion, the Council generally seemed supportive of adopting Shoreline Animal Control Regulations as text, but did have some questions about the proposed code. The following staff report provides responses to these Council questions.

## **COUNCIL QUESTIONS FROM MARCH 7 STUDY SESSION:**

During the Council study session regarding the proposed Animal Control code, many issues were brought up by Council that staff stated they would look into. Here is a recap of those issues and how they have or have not been addressed in the proposed ordinance:

- **How guard dogs are treated in other jurisdiction's municipal codes**  
Council asked whether guard dogs are allowed or are regulated differently in other regional jurisdiction's municipal codes. Although staff did not perform an exhaustive review of all animal control codes in the area, staff did review the following jurisdiction's codes for reference of guard dogs: Seattle, Lake Forest Park, Bellevue, Burien and Edmonds. In all of these codes except for Lake Forest Park, guard dogs are allowed and must be licensed. The Lake Forest Park Animal Control Regulations do not prohibit guard dogs specifically, but provide no mention of whether their use is allowed. As well, as most of the other jurisdictions in King County adopt the King County Animal Control code by reference, the guard dog provisions in the County code would obviously be in place in those jurisdictions.

To stay consistent with these other jurisdictions in the region, staff recommends that Council continue to include the guard dog regulations (chapter 6.15) in proposed Ordinance No. 595. As well, given that there are currently no known registered guard dogs or licensed guard dog purveyors or guard dog trainers in Shoreline, this provision in the code will likely remain unutilized, making the decision to keep or remove this code language largely moot.

- **Definition of a service animal/service animal in training**  
A more appropriate definition of a service animal was discussed given that Council felt the initially proposed definition was a little out of date. To incorporate a more appropriate definition, staff is recommending that Council adopt the American's with Disabilities Act (ADA) definition of a service animal. This definition is stated as: "Service animal" means any animal that is individually trained to perform tasks for people with disabilities.

As well, there was discussion about not just allowing service animals in local business establishments, but also “service animals in training.” To accommodate for this, Shoreline Municipal Code section 6.30.010.3, regarding prohibited nuisances, is proposed as: “For purposes of this chapter, nuisances are violations of this chapter and shall be defined as follows: any domesticated animal that enters any place where food is stored, prepared, served or sold to the public, or any other public building or hall. However, this subsection shall not apply to any person using a service animal or an animal in the process of being trained for service, to veterinary offices or hospitals or to animal shows, exhibitions or organized dog-training classes.”

- **Americans with Disabilities Act (ADA) - service animal regulations**

In addition to the definition of a service animal, Council had a question with regard to the City’s regulations even needing to highlight that service animals are allowed in Shoreline food establishments and public buildings, given that the ADA may already require this. In researching ADA regulations with regard to service animals, the ADA does require all privately owned businesses to allow service animals on their property. The City’s code does not reference this requirement, and does not need to since it is a separate federal requirement, which trumps local and state laws.

The reason this proposed code carves out an exemption for service animals at all is because we are prohibiting animals in food establishments and public buildings, except for service animals. The City does not prohibit animals in private businesses in our code, as that would be up to each individual business. Thus, although somewhat duplicative of the ADA requirements, staff feels that continuing to incorporate this code language into these regulations provides emphasis that even in food establishment businesses where public health concerns are high, service animals are allowed.

- **Reference to ‘Animal Regulations’ (SMC 20.40.240) in SMC Title 6**

Although the regulations in the development code pertaining to the number of animals that are allowed in Shoreline (SMC 20.40.240) are referenced throughout the Animal Control Regulations, there is no specific reference noting what this section of the development code is for. To rectify this, staff is proposing that proposed Ordinance No. 595 have a new section at the beginning of the code that provides this explanation.

Code section 6.05.010.B, which is directly after the “purpose” section of the Animal Control Regulations, states: “for regulations regarding the number, types, and species of animals that are allowed in Shoreline and the standards in which animals must be kept, refer to SMC 20.40.240.” This provides a helpful reference at the beginning of regulations that lets readers of the regulation know that there is an additional set of regulations in another part of the code that they may want to refer to.

- **Review ‘Animal Regulations’ (SMC 20.40.240) with Planning Department and Planning Commission**

Council provided direction that the development code regulations regarding the number, types, and species of animals that are allowed in Shoreline should be

reviewed by City staff. It was affirmed by Council that the development code was the appropriate place for these regulations, given that they provide the allowable number, types and species of animals in Shoreline based on land use designations. However, some of the regulations identified in the development code may not be consistent with current community values or norms, while others are confusing and potentially contradictory.

Given that amending these development code regulations would follow all similar development code changes, with review by the Planning Department, Planning Commission, and ultimately the City Council, staff has expressed the Council's interest in conducting this review with the Planning and Development Services Department. Staff also mentioned to the Planning Department that this was seen as a lower priority than many other current Planning Department and Planning Commission topics, and should be appropriately placed on the Planning Commission's work plan for future study and review.

- **Discrepancy between the numbers of animals allowed in hobby kennels and hobby catteries and the numbers of animals allowed in the Shoreline Development Code (SMC 20.40.240)**

Council correctly pointed out that there is little clarity between the numbers of animals allowed in the Shoreline Development Code and the numbers of dogs and cats allowed if a resident has a hobby kennel or hobby cattery license. In reviewing both the development code and the hobby kennel and hobby cattery section of the Animal Control Regulations (6.25.080), it is clear that the development code should be amended to be more clear and concise regarding what animals are allowed in Shoreline and how many animals are allowed by land use designation. Future review of this development code section is referenced above.

However, until the development code is reviewed and potentially amended, having hobby kennel and hobby cattery regulations that align with the current development code is important. In reviewing proposed Ordinance No . 595, these regulations were not aligned properly with the development code, and should be amended. To accomplish this, staff is proposing a few changes to the proposed code:

1. In the initially proposed hobby kennel and hobby cattery definitions, a clause existed in those definitions that stated, "a combination hobby cattery/kennel license may be issued where the total number of cats and dogs exceeds the number otherwise allowed in SMC 20.40.204." Given that a "combination license" is not referred to anywhere else in the code, which provides for confusion, staff is recommending that this clause be removed from the definition for both hobby kennel and hobby cattery.
2. In the hobby kennel and hobby cattery regulations (6.25.080), the initially proposed code allowed the following number of dogs and cats if certain hobby kennel/cattery conditions were met:

<b>Hobby Kennel/Cattery Code Allowable Animals</b>	
<b>Lot Size</b>	<b>Dogs/Cats Allowed</b>
Less than 35,000 sq. ft.	5
Between 35,000 sq. ft. and 5 acres	10
Greater than 5 acres	25

However, the development code allows the following number of animals per household:

<b>Development Code Allowable Animals</b>	
<b>Lot Size</b>	<b>Dogs/Cats Allowed</b>
Less than 20,000 sq. ft.	3
Between 20,000 sq. ft. and 35,000 sq. ft.	5
For each additional 1 acre over 35,000 sq. ft.	Additional 2 animals, with a maximum of 20 animals (i.e., 7 animals allowed on 35,000 sq. ft. + 1 acre lot)

To bring consistency to the development code and hobby kennel/cattery regulations, staff recommends that we use the same standard for lot sizes in the two code sections to determine how many animals are allowed on a property. Thus, it is recommended to use the development code lot size standard, as these standards are more aligned with typical lot sizes in Shoreline. As well, given that the hobby kennel/cattery code requires multiple protections of the surrounding community from the hobby kennel/cattery (set-backs, fencing, no commercial signage, screening, soundproofing, statements of approval from neighbors, etc.), staff recommends increasing the allowable number of dogs or cats in a hobby kennel/cattery over what is allowed in the development code.

The following table provides the staff recommended allowable number of animals in the hobby kennel/cattery code:

<b>Amended Hobby Kennel/Cattery Code Allowable Animals</b>	
<b>Lot Size</b>	<b>Dogs/Cats Allowed</b>
Less than 20,000 sq. ft.	5
Between 20,000 sq. ft. and 35,000 sq. ft.	7
For each additional 1 acre over 35,000 sq. ft.	Additional 3 animals, with a maximum of 20 animals (i.e., 7 animals allowed on 35,000 sq. ft. + 1 acre lot)

In addition, staff also recommends that the total number dogs or cats in a hobby kennel/cattery not exceed 20, which conforms to the maximum limit in the development code. Thus, in a licensed hobby kennel/cattery, the number of dogs or cats that are allowed on a property are increased over what is allowed in the development code, but the maximum number of animals is still capped at the same amount.

3. In the conflict section at the beginning of the regulations (6.05.010), the proposed Ordinance No. 595 stated that if there is conflict between the Animal Control Regulations and the Shoreline Development Code (20.40.240), the development code shall control. Staff is now proposing that this clause remain the same, except that it shall not relate to the hobby kennel/cattery regulations. Given that the hobby kennel/cattery regulations propose to increase the allowable number of animals on a property over what is allowed in the development code, this section must be carved out from the conflict language at the beginning of the regulations.

#### **ADDITIONAL AMENDMENTS TO THE INITIALLY PROPOSED CODE:**

In addition to the comments received from Council at the study session on March 7, Council also provided written comments and questions after this meeting regarding the proposed ordinance. In response to these questions, staff has proposed some additional amendments to the initially proposed ordinance that Council first reviewed on March 7<sup>th</sup>. The following information summarizes these proposed changes:

- **Kennel and cattery definitions (6.05.020)**

Although not identified by Council, upon further review by staff, it was determined that the definition of a kennel and the definition of a cattery as initially proposed in the Animal Control Regulations were different than the definitions of these facilities in the current development code. Given that staff feels that the initially proposed definitions were too vague and expansive, staff is proposing to replace these definitions with the definitions of these facilities in the development code. This will also provide for consistency across the entire code.

Thus, the new definition of a cattery is “a place where adult cats are temporarily boarded for compensation, whether or not for training; an adult cat is one of either sex, altered or unaltered, that is at least six months old,” and the new definition of a kennel is “a place where adult dogs are temporarily boarded for compensation, whether or not for training; an adult dog is one of either sex, altered or unaltered, that is at least six months old.”

- **Agency licensing dogs and cats (6.10.010 A)**

There was a question regarding the licensing of dogs and cats in SMC 6.10.010.A, and whether it should be explicitly stated who provides this licensing. Staff agrees that this could be more clear, and thus has added the phrase “with the animal care and control authority” to this section of the proposed code. It now reads: “All dogs and cats eight weeks old and older that are harbored, kept or maintained in the City of Shoreline shall be licensed and registered *with the animal care and control authority.*”

- **Definition of disabled resident (6.10.010 B.4)**

The definition of a disabled resident is not defined in the code. In reviewing this, staff felt that this definition was not needed, given that the animal care and control authority has broad eligibility requirements to help them determine whether a resident is disabled and therefore able to receive a discounted pet license.



In reviewing this section of the code however, staff did feel that changing the language in the code from “disable residents” to “residents with disabilities” did provide more up to date “people first” terminology that Council was interested in having in the code, as noted when the definition of a service animal was discussed. Thus, this code section now reads: “Residents with disabilities that meet the eligibility requirements of the animal care and control authority may purchase a discounted pet license for their cats or dogs that are neutered or spayed and that are maintained at the registered owner's registered address.”

- **Exotic animal chapter (Chapter 6.15)**

In one final review of the City's proposed code with the County, the County caught one inconsistency with Shoreline's proposed code and the County code. Shoreline's proposed code allowed exotic animals<sup>1</sup> as pets; the County Code (and current Shoreline code) only allows exotic animals as pets *if the individual possessed or maintained the exotic animal on or before 1994 and promptly licensed the pet*. According to the County, there are no exotic animals licensed in Shoreline. Therefore, the exotic animals chapter has been removed in its entirety, and ownership of exotic animals as pets has been added as an “unlawful act” under SMC 6.30.080. This prohibition on exotic animals is consistent with the currently adopted Shoreline code, as exotic animals have been prohibited in Shoreline unless an individual owned the animal since 1994 and promptly licensed the animal.

The other sections of the code that have been altered to reflect this change are:

- “Bears” has been added back into the exotic animals definition in SMC 6.05.020(J). In the originally proposed code, “bears” had been removed to prohibit bear ownership. Since all exotic pets have now been prohibited, bears have been added back into the definition.
- The reference to the license fee for exotic pets in SMC 3.01.020 has been removed.
- All code sections have been renumbered to reflect the removal of Chapter 6.15, Exotic Animals (i.e., Chapter 6.20 - Guard Dog Regulations – is now Chapter 6.15; Chapter 6.25 – Animal Shelter, Kennel, Cattery, et. al Regulations – is now Chapter 6.20, and so on).

- **License application materials at animal facilities (6.20.100)**

In section 6.20.020.B, animal shelters, kennels, catteries or pet shops that sell or give away dogs or cats without licenses shall make license application materials available to new pet owners. Given that hobby kennels and hobby catteries have similar reporting requirements to these facilities, it was noted by Council that it also makes sense that they all have the same requirement to make license application materials available to new pet owners. Thus, the following code language is being proposed as section 6.20.100.B: “Each hobby kennel or hobby cattery that sells or gives away dogs or cats without licenses shall make license application materials available to new pet owners.”

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<sup>1</sup> Defined as venomous species of snakes, nonhuman primates, bear, crocodylia, and nondomesticated felines and canines, and their hybrids.

- **Transfer of unaltered animals in a public place (6.30.030)**

Council's initial question with regard to this section of the code dealt with defining what a public place is, and whether a definition existed in the code. Although this phrase is not defined in the code, the City Attorney's Office generally defines a "public place" as any area, whether privately or publicly owned, to which the public have access by right or by invitation, expressed or implied. Thus, giving away unaltered dogs, which is a violation of 6.30.030, would not be allowed on the City's right-of-way, which is clearly "public," or at a grocery store parking lot, which although private property, is still a "public place," given that it is implied that the public is invited to use the parking lot for various purposes.

In reviewing this definition and this code section however, staff now feels that this section should be removed from the code, given that the intent of the section seems very limited in nature and does not provide a worthwhile regulation. The code specifically states: "it is a violation of this chapter to sell or give away unaltered dogs and cats in any public places or to auction off or raffle unaltered dogs and cats as prizes or gifts." Clearly, the intent of this regulation is not to restrict the selling or giving away of dogs and cats in public (grocery store parking lot, in a park, on a street corner, etc.), as that could occur if the dogs/cats were spayed or neutered. As well, the intent of the regulation is not to protect the welfare of the animal (i.e., to auction off an animal to an individual as a prize might create a situation where the pet becomes unwanted in the future), as is it not a violation to auction off animals in general, just unaltered animals. Additionally, as much of the giving away or selling of animals (altered or unaltered) would likely take place online (Craigslist, Pet Finder, etc.), which is not considered a public place, the restriction would have limited impact.

The intent of the regulation simply seems to be limiting the transfer of unaltered animals to help control the animal population in the community. However, given that unaltered animals are not illegal (they just need to be licensed with an unaltered license tag), the intent is very limited and the regulation is therefore unnecessary.

- **Placing of all penalties in chapter 6.40.060**

In reviewing the regulations, it was noted that it is a little confusing that two specific penalties were in their specific chapters and not included in the general Enforcement, Penalties, and Appeals chapter in 6.40.060: (1) penalty for possessing an exotic animal without an exotic animal owner's license; and (2) penalty for disposition of fowl and rabbit.

Staff agrees that it is more intuitive if all penalties in the Animal Control Regulations are together in one place. Since exotic animals are prohibited, the specific penalty on exotic animals has been removed; it would just default to a misdemeanor. The "disposition of fowl and rabbit" penalty (6.30.080.B) has been placed in the penalties section of the code (6.40.060) with all of the other penalties in the regulations.

- **Animal waste violations (6.40.060.3)**

Lastly, it was noted that the initial civil penalty for an animal waste violation (\$50.00) was the same amount as all subsequent penalties for animal waste

violations. Because of this, calling out a first violation amount and a subsequent violation amount seemed duplicative in the code. Thus, this section of the proposed code has been amended to just read that all animal waste violations will be \$50.00, regardless of the number of times a violation is issued.

**FINANCIAL IMPACT:**

There is no fiscal impact to adopting Ordinance No. 595. This Ordinance proposes to replace Title 6 of the Shoreline Municipal Code, which adopts by reference the King County Animal Control Regulations, with a new Title 6 adopting Shoreline animal control regulations as text.

**RECOMMENDATION:**

Staff recommends that Council adopt proposed Ordinance No. 595.

**ATTACHMENTS:**

Attachment A: Proposed Ordinance No. 595, amending SMC Title 6

**ATTACHMENT A**

**ORDINANCE NO. 595**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, REPLACING TITLE 6 OF THE SHORELINE MUNICIPAL CODE, WHICH ADOPTS BY REFERENCE THE KING COUNTY ANIMAL CONTROL REGULATIONS, WITH A NEW TITLE 6 ADOPTING SHORELINE-SPECIFIC ANIMAL CONTROL REGULATIONS**

WHEREAS, upon incorporation in 1995, the City of Shoreline adopted Ordinance No. 25, which adopted by reference the King County Animal Control Code as the City's Animal Control Code; and

WHEREAS, the City's current Animal Control Code does not incorporate a leash law or provide for offenses relating to sanitation; and

WHEREAS, the City desires to adopt the code as text rather than by reference and reorganize the animal control regulations listed in the code for ease of reference, and incorporate a leash law and sanitation regulations;

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

**Section 1. Repeal.** Title 6 of the Shoreline Municipal Code, Animal Control Regulations, is hereby repealed.

**Section 2. New Chapter.** A new Title 6, Animal Control Regulations, is hereby adopted as set forth in Attachment A.

**Section 3. New Section.** A new section 3.01.012, Animal licensing and service fees, is adopted as set forth in Attachment B.

**Section 4. Publication, Effective Date.** A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after passage and publication.

**ADOPTED BY THE CITY COUNCIL ON MARCH 28, 2011.**

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Mayor Keith McGlashan

**ATTEST:**

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Scott Passey  
City Clerk

**APPROVED AS TO FORM:**

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Ian Sievers  
City Attorney

Date of publication: March 31, 2011  
Effective date: April 5, 2011

**ATTACHMENT A**

**Title 6**

**ANIMAL CONTROL REGULATIONS**

**Chapters**

- 6.05        General Regulations**
- 6.10        Dog and Cat Regulations**
- 6.15        Guard Dog Regulations**
- 6.20        Animal Shelter, Kennel, Cattery, Grooming Service, Pet Shop, Hobby Kennel  
              and Hobby Cattery Regulations**
- 6.25        Fostering of Dogs and Cats**
- 6.30        Unlawful Acts**
- 6.35        Rabies Control**
- 6.40        Enforcement, Penalties, and Appeals**

## Chapter 6.05

### GENERAL REGULATIONS

#### Sections:

6.05.010 Purpose—other animal regulations - conflict.

6.05.020 Definitions.

#### **6.05.010 Purpose – other animal regulations - conflict.**

A. It is declared the public policy of the City of Shoreline to secure and maintain such levels of animal care and control as will protect animal and human health and safety, and to the greatest degree practicable to prevent injury to property and cruelty to animal life. To this end, it is the purpose of this Title 6 to provide a means of caring for animals, licensing dogs, cats, animal shelters, kennels, catteries, grooming services, pet shops, hobby kennels, hobby catteries and related facilities, controlling errant animal behavior so that it shall not become a public nuisance and preventing cruelty to animals.

B. For regulations regarding the number, type, and species of animals that are allowed in Shoreline and the standards in which animals must kept, refer to SMC 20.40.240.

C. Except for SMC 6.20.080 regarding hobby kennels and hobby catteries, if there is a conflict between a provision of this title and a provision in SMC 20.40.240, the provision in SMC 20.40.240 shall control.

#### **6.05.020 Definitions.**

In construing Title 6, except where otherwise plainly declared or clearly apparent from the context, words shall be given their common and ordinary meaning. In addition, the following definitions apply to this chapter:

A. "Abate" means to terminate any violation by reasonable and lawful means determined by the Director of the animal care and control authority in order that an owner or a person presumed to be the owner shall comply with this chapter.

B. "Altered" means spayed or neutered.

C. "Animal" means any living creature except Homo sapiens, insects and worms.

D. "Animal care and control authority" means the City of Shoreline's animal care and control administrative section, whether staffed by City of Shoreline employees or through a contract with another governmental or non-governmental entity, acting alone or in concert with other jurisdictions for enforcement of the animal care and control laws of the City and state and the shelter and welfare of animals.

E. "Animal care and control officer" means any individual employed, contracted or appointed by the animal care and control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the care and licensing of animals, control of animals or seizure and impoundment of animals, and includes any state or municipal peace officer, sheriff, constable or other employee whose duties in whole or in part include assignments that involve the seizure and taking into custody of any animal.

F. "Animal shelter" means a facility that is used to house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization or person devoted to the welfare, protection and humane treatment of animals.

G. "At large" means that an animal is off the premises of the owner and not under the control of the owner by leash; provided, that an animal within an automobile or other vehicle of its owner shall be deemed to be upon the owner's premises.

H. "Cattery" means a place where adult cats are temporarily boarded for compensation, whether or not for training. An adult cat is one of either sex, altered or unaltered, that is at least six months old.

I. "Domesticated animal" means a domestic beast, such as any dog, cat, rabbit, horse, mule, ass, bovine animal, lamb, goat, sheep or other animal made to be domestic.

J. "Exotic animal" means any of the following:

1. Venomous species of snakes capable of inflicting serious physical harm or death to human beings;

2. Nonhuman primates and prosimians;

3. Bears;

4. Nondomesticated species of felines;

5. Nondomesticated species of canines and their hybrids, including wolf and coyote hybrids; and

6. The order Crocodylia, including alligators, crocodiles, caimans and gavials.

K. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that causes painless loss of consciousness and death during the loss of consciousness.

L. "Fostering" means obtaining unwanted dogs or cats and locating adoptive homes for those licensed and spayed or neutered dogs or cats.

M. "Grooming service" means any place or establishment, public or private, where animals are bathed, clipped or combed for the purpose of enhancing either their aesthetic value or health, or both, and for which a fee is charged.

N. "Guard dog" means any member of the dog family Canidae that has been trained or represented as trained to protect either person or property, or both, by virtue of exhibiting hostile propensities and aggressiveness to unauthorized persons.

O. "Guard dog purveyor" means any person, firm or corporation supplying guard dogs to members of the public.

P. "Guard dog trainer" means any person, either as an individual or as an employee of a guard dog purveyor, whose prime function is the training of dogs as guard dogs.

Q. "Harbored, kept or maintained" means performing any of the acts of providing care, shelter, protection, refuge, food or nourishment in such a manner as to control the animal's actions, or that the animal or animals are treated as living at one's house by the homeowner.

R. "Hobby cattery" means a noncommercial cattery at or adjoining a private residence where four or more adult cats are bred or kept for exhibition for organized shows or for the enjoyment of the species.

S. "Hobby kennel" means a noncommercial kennel at or adjoining a private residence where four or more adult dogs are bred or kept for any combination of hunting, training and exhibition for organized shows, for field, working or obedience trials or for the enjoyment of the species.

T. "Juvenile" means any dog or cat, altered or unaltered, that is under six months old.

U. "Kennel" means a place where adult dogs are temporarily boarded for compensation, whether or not for training. An adult dog is one of either sex, altered or unaltered, that is at least six months old.

V. "Lawful training" means to be engaged in training on the premises of the owner or on the land of another person by permission; provided, that the animal is accompanied afield by the owner or trainer.



W. "Leash" includes a cord, thong or chain not more than fifteen feet in length by which an animal is physically controlled by the person accompanying it.

X. "Notice of violation" includes notices of violation and orders to comply and civil infractions.

Y. "Owner" means any person having an interest in or right of possession to an animal. "Owner" also means any person having control, custody or possession of any animal, or by reason of the animal being seen residing consistently at a location, to an extent such that the person could be presumed to be the owner.

Z. "Pack" means a group of two or more animals running upon either public or private property not that of its owner in a state in which either its control or ownership is in doubt or cannot readily be ascertained and when the animals are not restrained or controlled.

AA. "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.

BB. "Pet" means a dog or a cat or any other animal required to be licensed by this chapter. "Dog," "cat" and "pet" may be used interchangeably.

CC. "Pet shop" means any person, establishment, store or department of any store that acquires live animals, including birds, reptiles, fowl and fish, and sells or rents, or offers to sell or rent, the live animals to the public or to retail outlets.

DD. "Private animal placement permit" means a permit or permits issued to qualified persons engaged in fostering dogs and cats, to allow them to possess more dogs and cats than is otherwise specified in SMC 20.40.240.

EE. "Restraint." An animal is considered to be under restraint if it is maintained and remains within the property limits of its owner or keeper.

FF. "Rules and regulations of the animal care and control authority" means such rules and regulations, consistent with the intent of this chapter, as may be adopted by the animal care and control authority.

GG. "Service animal" means any animal that is individually trained to perform tasks for people with disabilities.

HH. "Special hobby kennel license" means a license issued under certain conditions to pet owners, who do not meet the requirements for a hobby kennel license, to allow them to retain only those specific dogs and cats then in their possession until such time as the death or transfer of the animals reduces the number they possess to the legal limit in SMC 20.40.240.

II. "Under control" means the animal is either under competent voice control or competent signal control, or both, so as to be restrained from approaching any bystander or other animal and from causing or being the cause of physical property damage when off a leash or off the premises of the owner.

JJ. "Vicious" means having performed the act of, or having the propensity to do any act, endangering the safety of any person, animal or property of another, including, but not limited to, biting a human being or attacking a human being or domesticated animal without provocation.

## Chapter 6.10

### DOG AND CAT REGULATIONS

Sections:

- 6.10.010 Licenses - required - issuance - penalty - fee use - improper checks – exceptions.
- 6.10.020 Mandatory spaying and neutering.
- 6.10.030 Spay/neuter vouchers.
- 6.10.040 Unaltered dogs and cats - Advertising requirements.
- 6.10.050 Rabies vaccination required.
- 6.10.060 Exemptions from chapter.

**6.10.010. Licenses - required - issuance - penalty - fee use - improper checks - exceptions.**

A. All dogs and cats eight weeks old and older that are harbored, kept or maintained in the City of Shoreline shall be licensed and registered with the animal care and control authority. Licenses shall be renewed on or before the date of expiration.

B. Upon application and the payment of a license fee made payable to the animal care and control authority as provided in the city's official fee schedule, SMC 3.01.012, pet licenses shall be issued by the animal care and control authority and may be issued by animal shelters, veterinarians, pet shops, catteries and kennels and other approved locations, under contract with the animal care and control authority.

1. Pet licenses for dogs and cats shall be valid for a term of one year from issuance, expiring on the last day of the twelfth month. There is no proration of any license fees. Renewal licenses shall retain the original expiration period whether renewed before, on or after their respective renewal months.

2. Juvenile licenses may be obtained in lieu of an unaltered pet license for pets from eight weeks to six months old.

3. City of Shoreline residents sixty-five years old or older may purchase a discounted pet license for their cats or dogs that are neutered or spayed and that are maintained at the registered owner's registered address. Residents sixty-five years old or older who have previously obtained a special permanent license for their cats or dogs shall not be required to purchase a new license for the permanently licensed animals.

4. Residents with disabilities that meet the eligibility requirements of the animal care and control authority may purchase a discounted pet license for their cats or dogs that are neutered or spayed and that are maintained at the registered owner's registered address.

5. Applications for a pet license shall be on forms provided by the animal care and control authority.

6. License tags shall be worn by dogs at all times. As an alternative to a license tag, a dog or cat may be identified as licensed by being tattooed on its right ear or on its inside right thigh or groin with a license number approved or issued by the animal care and control authority.

7. Owners of dogs or cats who hold valid licenses from other jurisdictions and who move into the City of Shoreline may transfer the license by paying a transfer fee to the animal care and control authority. The license shall maintain the original license's expiration date.

8. It is a violation of this chapter for any person to sell or transfer ownership of any pet without a pet license. The animal care and control authority shall be notified of the name, address and telephone number of the new owner by the person who sold or transferred the pet.

9. An applicant may be denied the issuance or renewal of a pet license if the applicant was previously found in violation of the animal cruelty provisions of SMC 6.30.020 or convicted of animal cruelty under RCW 16.52.205 or 16.52.207 or SMC 9.10.170.

a. An applicant may be denied the issuance or renewal of a pet license for up to:

(1) four years, if found in violation of the animal cruelty provisions of SMC 6.35.020 or convicted of a misdemeanor under RCW 16.52.207 or SMC 9.10.170; or

(2) indefinitely, if convicted of a felony under RCW 16.52.205.

b. Any applicant who is either the subject of a notice and order under SMC 6.40.030 or charged with animal cruelty under RCW 16.52.205 or 16.52.207, may have the issuance or renewal of their pet license denied pending the final result of either the notice and order or charge.

10. The denial of the issuance or renewal of a pet license is subject to appeal, in accordance with SMC 6.40.070.

11. Cat or dog owners are subject to a penalty according to the schedule provided in SMC 6.40.060 for failure to comply with the licensing requirement in this section.

C. A late fee shall be charged on all pet license applications, according to the schedule provided in the city's official fee schedule, SMC 3.01.012.

D. Any license or penalty paid for with checks for which funds are insufficient or with checks for which payment is stopped are, in the case of the license, invalid; and in the case of the penalty, still outstanding.

E. This section shall not apply to dogs or cats in the custody of a veterinarian or animal shelter or whose owners are nonresidents temporarily within the City of Shoreline for a period not exceeding thirty (30) days.

#### **6.10.020 Mandatory spaying and neutering.**

A. No person shall own or harbor any cat or dog over the age of six months that has not been spayed or neutered unless the person holds an unaltered animal license for the animal pursuant to SMC 6.10.010.

B. Guide dog puppies in training and police service dogs are exempted from the provisions of this section.

C. Any dog or cat over the age of six months adopted from the animal care and control authority's animal shelter shall be spayed or neutered before transfer to the owner.

#### **6.10.030 Spay/neuter vouchers.**

When issuing a license for an unaltered pet, the animal care and control authority may provide to the applicant a voucher for the payment of all or part of the cost of a spay or neuter operation by a licensed veterinarian on the pet, with the amount of the voucher established by the Director of the animal care and control authority based upon available resources and appropriation authority being provided. The animal care and control authority shall compile, maintain and make available to the public a list of veterinarians who accept the vouchers as full or partial payment for spay or neuter operations. Spay or neuter vouchers shall be redeemed through the animal care and control authority by veterinarians who have performed a spay or neuter operation on a pet licensed in the City of Shoreline as an unaltered pet.

#### **6.10.040 Unaltered dogs and cats - Advertising requirements.**

No person in the City of Shoreline shall publish or advertise to Shoreline residents the availability of any unaltered cat or dog unless the publication or advertisement includes: the unaltered animal's license number or the animal's juvenile license number, provided, however that nothing in this chapter shall prohibit licensed breeders from advertising in national publications for sale of a planned litter or litters.

**6.10.050 Rabies vaccination required.**

All dogs and cats six months of age or older shall be vaccinated against rabies. All vaccinations shall be performed in accordance with the standards contained in the Compendium of Animal Rabies Control as amended, published by the National Association of State Public Health Veterinarians, Inc.

**6.10.060 Exemptions from chapter.**

The provisions of this chapter shall not apply to dogs and cats in the custody of an animal facility registered or licensed by the United States Department of Agriculture and regulated by 7 United States Code 2131, et seq.

## Chapter 6.15

### GUARD DOG REGULATIONS

#### Sections:

- 6.15.010 Guard dog purveyor – license – fee.
- 6.15.020 Guard dog purveyor - license - application.
- 6.15.030 Guard dog trainer - license required - fee.
- 6.15.040 Guard dog trainer - license - application.
- 6.15.050 Guard dog - registration.
- 6.15.060 Guard dog - registration - application.
- 6.15.070 Inspections.
- 6.15.080 Enforcement authorization.
- 6.15.090 Limitations.
- 6.15.100 Licenses, registration - revocation, suspension or refusal to renew.
- 6.15.110 Licenses, registration - revocation or refusal waiting period.
- 6.15.120 Guard dog purveyors, guard dog trainers and guard dog owners - additional conditions.

#### **6.15.010 Guard dog purveyor - license - fee.**

A. It is unlawful for any person, firm or corporation to supply guard dogs to the public without a valid license to do so issued to the person, firm or corporation by the animal care and control authority. Only a person who complies with this chapter and such rules and regulations of the animal care and control authority as may be adopted in accordance with this chapter shall be entitled to receive and retain such a license. Licenses shall not be transferable and shall be valid only for the person and place for which issued. The licenses shall be valid for one year from issue.

B. The cost of the license shall be as provided in the city's official fee schedule, SMC 3.01.012. However, if the guard dog purveyor is in possession of a valid animal shelter, kennel or pet shop license, the fee for the guard dog purveyor license shall be reduced by the amount of the animal shelter, kennel or pet shop license.

#### **6.15.020 Guard dog purveyor - license - application.**

Any person desiring to supply guard dogs to the public shall make written application for a license on a form to be provided by the animal care and control authority. The application shall be filed with the animal care and control authority and shall include the following:

A. A legal description of the premises or the business address of the office from which the applicant desires to supply guard dogs;

B. A statement of whether the applicant owns or rents the premises to be used for the purpose of purveying guard dogs. If the applicant rents the premises, the application shall be accompanied by a written statement of acknowledgment by the property owner that the applicant has the property owner's permission to purvey guard dogs on the premises for the duration of the license; and

C. A written acknowledgment by the applicant that before the actual commercial sale or purveyance of any and all guard dogs the licensee shall coordinate with the animal care and control authority in properly marking the guard dog and in notifying all customers of the guard dog purveyor that the customer is required to register the guard dog and pay the appropriate registration fee to animal care and control authority before the animal performing guard dog functions.

**6.15.030 Guard dog trainer - license required - fee.**

It is unlawful for anyone to engage in the training of dogs as guard dogs without a valid license to do so issued to the person by the animal care and control authority. Only a person who complies with this chapter and the rules and regulations of the animal care and control authority shall be entitled to receive and retain such a license. Licenses shall not be transferable and shall be valid only for the person for which they were issued. The cost of the license shall be as provided in the city's official fee schedule, SMC 3.01.012. Licenses shall be valid for one year from issue.

**6.15.040 Guard dog trainer - license - application.**

Any person desiring to train dogs as guard dogs shall make written application for a license on a form to be provided by the animal care and control authority. All such applications shall be filed with the animal care and control authority and shall contain the following:

A. A legal description or business address of the premises at which the applicant desires to train the guard dogs;

B. A statement of whether the applicant is self-employed or a member of a business, firm, corporation or organization that trains guard dogs. If the applicant is a member of such a business, firm, corporation or organization, the applicant shall state the name of the entity and shall provide the name of the major executive officer of the entity; and

C. If the premises at which the applicant proposes to train dogs as guard dogs is rented, the application must be accompanied by a written statement of acknowledgment from the property owner that the applicant has the owner's permission to carry on the activity of guard dog training at the location for the duration of the license.

**6.15.050 Guard dog - registration - fee.**

All persons using dogs as guard dogs shall register the dogs with the animal care and control authority. The cost of the registration shall be as provided in the city's official fee schedule, SMC 3.01.012. The registration shall be valid for one year from date of issue. All registrations shall be affixed on the guard dog in such a manner so as to be readily identifiable.

**6.15.060 Guard dog - registration - application.**

Any person desiring to use a guard dog shall register the dog with the animal care and control authority and the registration shall be accompanied by the following information:

A. A legal description or business address of the premises that the applicant desires to employ a registered guard dog to prevent unauthorized intrusion;

B. A statement whether the applicant owns or rents the premises to be guarded. If the applicant rents the premises, the application must be accompanied by a written statement of acknowledgment from the property owner that the applicant has the owner's permission to use a guard dog on the premises to prevent unauthorized intrusion for the duration of the registration;

C. A description of the guard dog for purposes of identification;

D. Acknowledgment by the applicant of whether the guard dog has been trained as a guard dog to exhibit hostile propensities;

E. Acknowledgment by the applicant that the premises to be guarded has devices, such as fencing, to prevent general access by the public during those times the guard dog is used for purposes of protecting the premises and persons for unauthorized intrusion. The acknowledgment shall contain a statement that the premises is properly signed to forewarn the public of the presence of a guard dog; and

F. Acknowledgment by the applicant that the guard dog will be maintained in such a manner as to ensure the safety of the public and the welfare of the animal.

**6.15.070 Inspections.**

The Director of the animal care and control authority or the Director's authorized representative shall inspect all premises that are the subject of the licenses and registrations required in this chapter before the issuance of licenses or registrations. The inspections shall include, but not be limited to, a verification that adequate measures are being taken to protect the health, welfare and safety of the general public and to ensure the humane treatment of the guard dogs. If the premises are deemed inadequate, the animal care and control authority shall direct the applicant to make such changes as are necessary before the license or registration is issued. The Director of the animal care and control authority or the Director's authorized representative may make the inspections of a licensee's premises or the premises of an area guarded by a registered guard dog for the purpose of enforcing this chapter and the rules and regulations of the animal care and control authority.

**6.15.080 Enforcement authorization.**

In protecting the health, safety and welfare of the public; to enforce the laws of the state of Washington as they pertain to animal cruelty, shelter, welfare and enforcement of control; the Director of the animal care and control authority and the authorized officers of the authority are authorized to take such lawful action in exercising appropriate powers and responsibilities of this chapter.

**6.15.090 Limitations.**

The provisions of this chapter shall not apply to any facility possessing or maintaining dogs or guard dogs as defined in this chapter which is owned, and operated or maintained by any city, county, state or the federal government; provided, private parties renting or leasing public facilities for commercial purposes as specified in this chapter shall not be exempt.

**6.15.100 Licenses, registration - revocation, suspension or refusal to renew.**

The animal care and control authority may, in addition to other penalties provided in this title, revoke, suspend or refuse to renew any guard dog purveyor, guard dog trainer license or guard dog registration upon good cause or for failure to comply with any provision of this chapter. Enforcement of such a revocation, suspension or refusal shall be stayed during the pendency of an appeal filed in accordance with SMC 6.40.070.

**6.15.110 Licenses, registration - revocation or refusal waiting period.**

If an applicant has had a license or registration revoked or a renewal refused, the applicant shall not be issued a guard dog purveyor license, guard dog trainer license or guard dog registration for one year after the revocation and refusal.

**6.15.120 Guard dog purveyors, guard dog trainers and guard dog owners - additional conditions.**

The Director of the animal care and control authority is authorized to promulgate rules and regulations not in conflict with this chapter as they pertain to the conditions and operations of guard dog purveyors, guard dog trainers and guard dog owners. Enforcement of these rules and regulations may be appealed to the animal care and control authority board of appeals in accordance with SMC 6.40.070.

## Chapter 6.20

### ANIMAL SHELTER, KENNEL, CATTERY, GROOMING SERVICE, PET SHOP, HOBBY KENNEL AND HOBBY CATTERY REGULATIONS

Sections:

- 6.20.010 Animal shelter, kennel, cattery, grooming service and pet shop license – licensing requirement.
- 6.20.020 Animal shelters, kennels, catteries, or pet shops - reporting required – licensing material.
- 6.20.030 Animal shelters, kennels, catteries, grooming services, and pet shops – Conditions.
- 6.20.040 Animal shelters, kennels, catteries, grooming services and pet shops – Indoor facilities.
- 6.20.050 Animal shelters, kennels, catteries and pet shops - Outdoor facilities.
- 6.20.060 Animal shelters, kennels, catteries, grooming service and pet shops – inspections - unsanitary conditions unlawful.
- 6.20.070 Grooming service – Additional conditions.
- 6.20.080 Hobby kennel or hobby cattery licenses - required - limitations – requirements - issuance and maintenance.
- 6.20.090 Special hobby kennel or hobby cattery license.
- 6.20.100 Hobby kennels or hobby catteries - reporting required – licensing material.
- 6.20.110 Hobby kennel or hobby cattery licenses, registration - revocation, suspension or refusal to renew.
- 6.20.120 Hobby kennel or hobby cattery licenses, registration - revocation or refusal waiting period.
- 6.20.130 Animal shelters, hobby kennels, kennels, hobby catteries, catteries, pet shops, grooming services - additional conditions.

**6.20.010 Animal shelter, kennel, cattery, grooming service and pet shop license – licensing requirement.**

Animal shelters, kennels, catteries, grooming services and pet shops shall comply with the licensing requirements of the Seattle-King County Department of Public Health. Subject to applicable restrictions in SMC 20.40.240, the facilities may board animals as authorized by their Seattle-King County Department of Public Health license.

**6.20.020 Animal shelters, kennels, catteries, or pet shops - reporting required – licensing material.**

A. Each animal shelter, kennel, cattery, or pet shop shall provide the animal care and control authority with a monthly list of all dogs and cats that it has given away or sold. The list shall include the origin, age, sex, color, breed, altered status and, if applicable, microchip number and license number of each dog or cat given away or sold and the new owner's name, address and, if available, email address and telephone number.

B. Each animal shelter, kennel, cattery or pet shop that sells or gives away dogs or cats without licenses shall make license application materials available to new pet owners.



**6.20.030 Animal shelters, kennels, catteries, grooming services, and pet shops – Conditions.**

Animal shelters, kennels, catteries, grooming services and pet shops shall meet the following conditions:

A. Housing facilities shall be provided to the animals; shall be structurally sound and maintained in good repair; shall be designed so as to protect the animals from injury; shall contain the animals; and shall restrict the entrance of other animals.

B. Electric power shall be supplied in conformance with City, county, and state electrical codes adequate to supply lighting and heating as may be required by this chapter. Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and primary enclosures of debris and excreta.

C. Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

D. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be maintained in a sanitary condition, free from the infestation or contamination of insects or rodents or disease, and from obnoxious or foul odors.

E. Washroom facilities, including sinks and toilets, with hot and cold water, must be conveniently available for cleaning purposes, and a large sink or tub provided for the purpose of washing utensils, equipment and facilities.

F. Sick animals shall be separated from those appearing healthy and normal and, if for sale, shall be removed from display and sale. Sick animals shall be kept in isolation quarters with adequate ventilation to keep from contaminating well animals.

G. There shall be an employee on duty at all times during hours any store is open whose responsibility shall be the care and welfare of the animals in that shop or department held for sale or display.

H. An employee or owner shall come in to feed, water and do the necessary cleaning of animals and birds on days the store or shop is closed.

I. No person, persons, association, firm or corporation shall knowingly sell a sick or injured animal or bird.

J. No person, persons, association, firm or corporation shall misrepresent an animal or bird to a consumer in any way.

**6.20.040 Animal shelters, kennels, catteries, grooming services and pet shops – Indoor facilities.**

Animal shelters, kennels and pet shops which have indoor housing facilities for animals and birds shall:

A. Be sufficiently heated or cooled to protect such animals from temperatures to which they are not normally acclimatized;

B. Be adequately ventilated to provide for the health of animals contained therein and to assist in the removal of foul and obnoxious odors. Provision shall be made so that the volume of air within any enclosed indoor facility shall be changed three times or more each hour. This may be accomplished through the location and periodic opening of doors and windows. If fans or ventilating equipment are used, they shall be constructed in conformance with current standards of good engineering practice with respect to noise and minimization of drafts;

C. Have sufficient natural or artificial lighting to permit routine inspection and cleaning at any time of day. In addition, sufficient natural or artificial lighting shall be supplied in the area of sinks and toilets to provide for the hygiene of animal caretakers;

D. Have interior wall and ceiling surfaces constructed of materials which are resistant to the absorption of moisture and odors, or such surfaces shall be treated with a sealant or with paint, when such materials are not originally resistant to moisture or odors. Floor surfaces shall not be made of unsealed wood. In addition, interior walls shall be constructed so that the interface with floor surfaces is sealed from the flow or accumulation of moisture or debris; and

E. Contain a drainage system which shall be connected to a sanitary sewer or septic tank system which conforms to the standards of building codes in force within the City of Shoreline and shall be designed to rapidly remove water and excreta in the cleaning of such indoor housing facility under any condition of weather or temperature; provided, this requirement shall not apply to hobby kennels and pet shops. All indoor housing facilities for animals, fish, or birds shall be maintained in a clean and sanitary condition and a safe and effective disinfectant shall be used in the cleaning of such facilities.

**6.20.050 Animal shelters, kennels, catteries and pet shops - Outdoor facilities.**

Animal shelters, kennels, catteries and pet shops which have outdoor facilities for animals and birds shall:

A. Be constructed to provide shelter from excessive sunlight, rain, snow, wind, or other elements. In addition, such facilities shall be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein;

B. Be constructed to provide drainage and to prevent the accumulation of water, mud, debris, excreta, or other materials and shall be designed to facilitate the removal of animal and food wastes; and

C. Be constructed with adequate walls or fences to contain the animals kept therein and to prevent entrance of other animals.

**6.20.060 Animal shelters, kennels, catteries, grooming service and pet shops – inspections - unsanitary conditions unlawful.**

A. It shall be the duty of the Director of the Seattle-King County Department of Public Health or the Director's agent or the Director of the animal care and control authority or the Director's agent to make or cause to be made such an inspection as may be necessary to ensure compliance with SMC 6.20.030, 6.20.040, and 6.20.050. The owner or keeper of an animal shelter, kennel, cattery, grooming service or pet shop shall admit to the premises, for the purpose of making an inspection, any officer, agent or employee of the Seattle-King County Department of Public Health or animal care and control authority at any reasonable time that admission is requested.

B. It is unlawful to keep, use or maintain within the City of Shoreline any animal shelter, kennel, cattery, grooming service or pet shop that is unsanitary, nauseous, foul or offensive, or in any way detrimental to public health or safety and not in compliance with SMC 6.20.020, 6.20.030, 6.20.040, and 6.20.050 .

**6.20.070 Grooming service – Additional conditions.**

Grooming services shall:

A. Not board animals but keep only dogs and cats for a reasonable time in order to perform the business of grooming;

B. Provide such restraining straps for the dog or cat while it is being groomed so that such animal shall neither fall nor be hanged;

C. Sterilize all equipment after each dog or cat has been groomed;

D. Not leave animals unattended before a dryer;

E. Not prescribe treatment or medicine that is the province of a licensed veterinarian as provided in RCW 18.92.010;

F. Not put more than one animal in each cage;

G. All floors and walls in rooms, pens and cages used to retain animals or in areas where animals are clipped, groomed or treated must be constructed of water impervious material that can readily be cleaned, and must be maintained in good repair;

H. Hot and cold water must be conveniently available and a large sink or tub provided (minimum size twenty four (24) inches by eighteen (18) inches by twelve (12) inches);

I. Toilet and hand washing facilities with hot and cold running water must be conveniently available for personnel employed;

J. Only equipment necessary to the operation of the licensed establishment shall be kept or stored on the premises and shall only be stored in a sanitary or orderly manner; and

K. All cages, pens, or kennels used for holding animals shall be kept in a clean and sanitary condition and must be disinfected on a routine basis.

**6.20.080 Hobby kennel or hobby cattery licenses - required - limitations – requirements - issuance and maintenance.**

A. All hobby kennels and hobby catteries must be licensed by the animal care and control authority. Licenses shall be valid for one year from the date of application. The fee for the license shall be as provided in the city's official fee schedule, SMC 3.01.012. There is no proration of the license fee. Renewal licenses shall retain the original expiration date whether renewed on or after their respective renewal month. Issuance of a license under this section shall not excuse any requirement to obtain a private animal placement permit. In addition, each animal that is maintained at a hobby kennel or hobby cattery shall be licensed individually under SMC 6.10.010. Under no circumstances shall the number of dogs or cats in a hobby kennel or hobby cattery exceed twenty (20).

B. Any hobby kennel or hobby cattery license shall limit the total number of adult dogs and cats kept by the hobby kennel or hobby cattery based on:

1. Animal size;
2. Type and characteristics of the breed;
3. The amount of lot area, though the maximum number shall not exceed:
  - a. five (5) where the lot area is less than twenty thousand (20,000) square feet;
  - b. seven (7) where the lot area is between twenty thousand (20,000) square feet and thirty-five thousand (35,000) square feet; and
  - c. for lots over thirty-five thousand (35,000) square feet, seven (7) plus an additional three (3) per acre of site area, not to exceed twenty (20).
4. The facility specifications and dimensions in which the dogs and cats are to be maintained;
5. The zoning classification in which the hobby kennel or hobby cattery would be maintained.

C. The following are requirements for hobby kennels and hobby catteries:

1. All open run areas shall be completely surrounded by a six (6) foot fence set back at least twenty (20) feet from all property lines, though this requirement may be modified for hobby catteries as long as the open run area contains the cats and prohibits the entrance of children. For purposes of this section, "open run area" means that area, within the property lines of the premises on which the hobby kennel or hobby cattery is to be maintained, where the dogs and cats are sheltered or maintained. If there is no area set aside for sheltering or maintaining the dogs within the property lines of the premises the twenty foot setback does not apply. The property lines of premises not containing an open run area must be completely surrounded by a six (6) foot fence;

2. No commercial signs or other appearances advertising the hobby kennel or hobby cattery are permitted on the property except for the sale of the allowable offspring set forth in this section;

3. The Director of the animal care and control authority may require setback, additional setback, fencing, screening or soundproofing as the director deems necessary to ensure the compatibility of the hobby kennel or hobby cattery with the surrounding neighborhood. Factors to be considered in determining the compatibility are:

a. statements regarding approval or disapproval of surrounding neighbors relative to maintenance of a hobby kennel or hobby cattery at the address applied for;

b. history of verified animal care and control complaints relating to the dogs and cats of the applicant at the address for which the hobby kennel or hobby cattery is applied for;

c. facility specifications or dimensions in which the dogs and cats are to be maintained;

d. animal size, type and characteristics of breed; and

e. the zoning classification of the premises on which the hobby kennel or hobby cattery is maintained;

4. The hobby kennel or hobby cattery shall limit dog and cat reproduction to no more than one litter per license year per female dog and two litters per license year per female cat; and

5. Each dog and cat in the hobby kennel or hobby cattery shall have current and proper immunization from disease according to the dog's and cat's species and age. The immunizations shall consist of distemper, hepatitis, leptospirosis, parainfluenza and parvo virus (DHLPP) inoculation for dogs over three months old and feline herpesvirus 1, calicivirus and panleukopenia virus (FVRCP) inoculation for cats over two months old and rabies inoculations for all dogs and cats over four months old.

D. A hobby kennel or hobby cattery license may be issued only when the Director of the animal care and control authority is satisfied that the requirements of SMC 6.20.080(C)(1) through 6.20.080(C)(5) of this chapter have been met. The license may be terminated if the number of dogs and cats exceeds the number allowed by the animal care and control authority or if the facility fails to comply with any of the requirements of SMC 6.20.080(C)(1) through 6.20.080(C)(5) of this chapter.

#### **6.20.090 Special hobby kennel or hobby cattery license.**

A. Persons owning a total number of dogs and cats exceeding three, who do not meet the requirements for a hobby kennel or hobby cattery license, may be eligible for a special hobby kennel or special hobby cattery license to be issued at no cost by the animal care and control authority, which shall allow them to retain the specific animals then in their possession, but only if the following conditions are met:

1. the applicant must apply for the special hobby kennel or special hobby cattery license and individual licenses for each dog and cat by the time they are contacted by an animal care and control officer, license inspector or pet license canvasser; and

2. the applicant is keeping the dogs and cats for the enjoyment of the species, and not as a commercial enterprise.

B. The special hobby kennel or special hobby cattery license shall only be valid for those specific dogs and cats in the possession of the applicant at the time of issuance, and is intended to allow pet owners to possess animals beyond the limits imposed by SMC 20.40.240 until such a time as the death or transfer of the animals reduces the number possessed to the legal limit set forth in SMC 20.40.240.

C. The Director of the animal care and control authority may deny any application for a special hobby kennel or special hobby cattery license:

1. based on past animal control regulation Code violations by the applicant's dogs and cats or verified complaints from neighbors regarding the applicant's dogs and cats; or

2. if the animal or animals are maintained in inhumane conditions.

**6.20.100 Hobby kennels or hobby catteries - reporting required - licensing material.**

A. Each hobby kennel or hobby cattery shall provide the animal care and control authority with a monthly list of all dogs and cats that it has given away or sold. The list shall include the origin, age, sex, color, breed, altered status and, if applicable, microchip number and license number of each dog or cat given away or sold and the new owner's name, address and, if available, email address and telephone number.

B. Each hobby kennel or hobby cattery that sells or gives away dogs or cats without licenses shall make license application materials available to new pet owners.

**6.20.110 Hobby kennel or hobby cattery licenses, registration - revocation, suspension or refusal to renew.**

The animal care and control authority may, in addition to other penalties provided in this title, revoke, suspend or refuse to renew any hobby kennel or hobby cattery license upon good cause or for failure to comply with any provision of this chapter. Enforcement of such a revocation, suspension or refusal shall be stayed during the pendency of an appeal filed in accordance with SMC 6.40.070.

**6.20.120 Hobby kennel or hobby cattery licenses, registration - revocation or refusal waiting period.**

If an applicant has had a license revoked or a renewal refused, the applicant shall not be issued a hobby kennel license or hobby cattery license for one year after the revocation and refusal.

**6.20.130 Animal shelters, hobby kennels, kennels, hobby catteries, catteries, pet shops, grooming services - additional conditions.**

The Director of the animal care and control authority is authorized to promulgate rules and regulations not in conflict with this chapter as they pertain to the conditions and operations of animal shelters, hobby kennels, kennels, hobby catteries, catteries, pet shops and grooming services. Enforcement of these rules and regulations may be appealed to the animal care and control authority board of appeals in accordance with SMC 6.40.070.

**Chapter 6.25**  
**FOSTERING OF DOGS AND CATS**

Sections:

- 6.25.010 Individual private animal placement permit - required - qualifications – limitations - inspection, denial and revocation.
- 6.25.020 Organizational private animal placement permit - required - qualifications - limitations - inspection, denial and revocation.
- 6.25.030 Private Animal Placement Permit - Citizen Complaint Process.

**6.25.010 Individual private animal placement permit - required - qualifications – limitations - inspection, denial and revocation.**

A. Any person independently engaged in the fostering of dogs and cats that routinely possesses more dogs and cats than are otherwise allowed in SMC 20.40.240 must obtain an individual private animal placement permit from the animal care and control authority. Permits shall be valid for one year from issuance and may not be transferred.

B. In order to qualify for a private animal placement permit, an applicant must:

1. Maintain and care for dogs and cats in a humane and sanitary fashion, in compliance with SMC 6.20.030.

2. Foster the dogs and cats at a location that is compatible with the surrounding neighborhood.

3. Agree to return stray or lost animals to their owners in accordance with SMC 6.40.020 before placing the animals in an adoptive home.

4. Agree to spay or neuter and license each dog or cat before placement into its new home and transfer the license of each animal to its adoptive owner.

5. Agree to coordinate their adoption process with the animal care and control authority, including reporting on the disposition of each animal, and only adopting to owners who would qualify to adopt an animal from the animal care and control authority's animal shelter based on the adoption procedures and guidelines used by the animal care and control authority's animal shelter.

C. Individuals or organizations holding a private animal placement permit shall be allowed to possess five foster animals above the limit that would normally apply to their property under SMC 20.40.240.

Permit holders are required to locate an adoptive home for each dog or cat within six months of acquiring the dog or cat. If, after six months, an adoptive home has not been found for a dog or cat, the animal care and control authority shall review the situation to determine if the permit holder is complying with the permit. If the manager of the animal care and control authority ascertains that a good faith effort is being made to locate adoptive homes, a six-month extension may be granted.

The presence of juvenile animals shall not necessarily place a permit holder over their limit unless the Director of the animal care and control authority determines that juvenile animals are present in such large numbers as to otherwise place the permit holder out of compliance with the permit.

Holders of hobby kennel licenses shall be allowed to possess and foster five more animals than are allowed by the conditions of a hobby kennel permit.

D. The animal care and control authority may inspect the facilities of an applicant for a private animal placement permit to determine whether or not such a permit shall be issued. In addition, the animal care and control authority may periodically inspect the facilities of holders of private animal placement permits to ensure compliance with this section. The animal care and control authority may also deny or revoke permits based on any one or more of the following:

1. A failure to meet the qualifications listed in subsections A. through C. of this section;
2. Verified animal care and control complaints; and
3. Verified complaints by neighbors regarding the failure to comply with private animal placement permit requirements.

**6.25.020 Organizational private animal placement permit - required - qualifications - limitations - inspection, denial and revocation.**

A. Any organization engaged in the fostering of dogs and cats whose members routinely or from time to time have in their possession up to five more dogs and cats than are otherwise allowed in SMC 20.40.240 must obtain private animal placement permits from the animal care and control authority for each of those members. Organizations may purchase up to five (5) permits, or up to twenty (20) permits per year. However, the Director of the animal care and control authority may issue more than twenty (20) permits to an organization when to do so would further the goals of the animal care and control authority and be in the public interest. Permits shall be valid for one year from issuance and may be transferred between members of the organization.

B. In order to qualify to distribute private animal placement permits to its members an organization must:

1. Be of a reputable nature and engaged in the fostering of animals solely for the benefit of the animals involved, and not as a commercial enterprise;
2. Agree to furnish the animal care and control authority with the names, addresses and phone numbers of each of the holders of its permits, including immediately furnishing this information when a transfer takes place; and
3. Agree that, to the best of their ability, they shall only distribute permits to individuals who shall comply with the requirements of SMC 6.25.010.

**6.25.030 Private Animal Placement Permit - Citizen Complaint Process.**

A. Upon receiving a citizen complaint involving the maintenance of an Individual or Organizational Private Animal Placement Permit, the Director of the animal care and control authority shall cause the following to be performed:

1. Issue a Notice of Complaint to the holder of the permit, and the organization which issued the permit, if applicable, advising such person of the allegation(s) made in the complaint.
2. Require the permit holder, and organization if applicable, to respond, in writing, to the allegation(s) in the Notice of Complaint within ten days of receipt of the Notice of Complaint.
3. Investigate the allegation(s) in the written complaint and the response submitted by the permit holder, and organization, if applicable.
4. Make a finding as to the validity of the allegation(s) in the complaint. If it is found to be a valid complaint, the Director shall revoke the permit pursuant to the qualifications described in SMC 6.10.010 and 6.25.010.

B. Failure to respond, in writing, to a Notice of Complaint within ten days shall constitute a waiver of the permit holder's or organization's, if applicable, right to contest the allegation(s) in the complaint and shall be prima facie evidence that the allegation(s) are valid, and the permit shall be revoked.

## Chapter 6.30

### PROHIBITED ACTS

Sections:

- 6.30.010 Nuisances prohibited.
- 6.30.020 Cruelty to animals prohibited.
- 6.30.030 Acts against police department dogs prohibited.
- 6.30.040 Unauthorized release of animals from confinement.
- 6.30.050 Leash law.
- 6.30.060 Offenses relating to sanitation.
- 6.30.070 Disposition of fowl and rabbit.
- 6.30.080 Possession of exotic animals.

**6.30.010 Nuisances prohibited.**

A. For purposes of this chapter, nuisances are violations of this chapter and shall be defined as follows:

1. Any public nuisance relating to animal care and control known at common law or in equity jurisprudence;
2. Any dog at large not accompanied by its owner, whether licensed or not, within the City of Shoreline;
3. Any domesticated animal that enters any place where food is stored, prepared, served or sold to the public, or any other public building or hall. However, this subsection shall not apply to any person using a service animal or an animal in the process of being trained for service, to veterinary offices or hospitals or to animal shows, exhibitions or organized dog-training classes;
4. Any female domesticated animal, whether licensed or not, while in heat and accessible to other animals for purposes other than controlled and planned breeding;
5. Any domesticated animal that chases, runs after or jumps at vehicles using the public streets and alleys;
6. Any domesticated animal that habitually snaps, growls, snarls, jumps upon or otherwise threatens persons lawfully using the public sidewalks, streets, alleys or other public ways;
7. Any animal that has exhibited vicious propensities and constitutes a danger to the safety of persons or property off the animal's premises or lawfully on the animal's premises. However, in addition to other remedies and penalties, the provisions of this chapter relating to vicious animals shall apply;
8. Any domesticated animal that howls, yelps, whines, barks or makes other oral noises, in such a manner as to disturb any person or neighborhood to an unreasonable degree;
9. Any domesticated animal that enters upon a person's property without the permission of that person;
10. Animals staked, tethered or kept on public property without prior written consent of the animal care and control authority;
11. Animals harbored, kept or maintained and known to have a contagious disease unless under the treatment of a licensed veterinarian; and
12. Animals running in packs.



**6.30.020 Cruelty to animals prohibited.**

- A. It is unlawful for any person to:
1. Willfully and cruelly injure or kill any animal by any means causing it fright or pain;
  2. By reason of neglect or intent to cause or allow any animal to endure pain, suffering or injury or to fail or neglect to aid or attempt alleviation of pain, suffering or injury the person has caused to any animal;
  3. Lay out or expose any kind of poison, or to leave exposed any poison food or drink for humans, animals or fowl, or any substance or fluid whatever whereon or wherein there is or shall be deposited or mingled, any kind of poison or deadly substance or fluid whatever, on any premises, or in any unenclosed place, or to aid or abet any person in so doing, unless in accordance with RCW 16.52.190; and
  4. Abandon any domesticated animal by dropping off or leaving the animal on the street, road or highway, in any other public place or on the private property of another.

**6.30.030 Acts against police department dogs prohibited.**

No person shall willfully torment, torture, beat, kick, strike or harass any dog used by a police department for police work, or otherwise interfere with the use of any such dog for police work by said department or its officers or members.

**6.30.040 Unauthorized release of animals from confinement.**

No person other than the owner or person authorized by the owner of the animal shall release any animal from any confinement, vehicle or restraint unless the release is necessary for the immediate health and safety of the animal, though this section shall not apply to peace officers and animal care and control or humane officers.

**6.30.050 Leash law.**

It is unlawful for any person to allow any animal under his or her custody or control to be at large, provided that this section shall not apply to spayed/neutered cats, police dogs while being used in the performance of any lawful duty, dogs engaged in obedience training, lawful dog competition sanctioned by a nationally recognized body or a local chapter thereof, lawful training in preparation for such dog competition, working dogs engaged in sanctioned search and rescue activities, and dogs within a City designated off leash area.

**6.30.060 Offenses relating to sanitation.**

A. It is unlawful to fail to remove fecal waste deposited by an animal on public property or private property without the permission of the property owner before leaving the immediate area where the fecal waste was deposited.

B. It is unlawful for an animal's owner or caretaker to fail to have possession of a means of conveyance, such as a plastic bag, to remove fecal waste deposited by an animal on public property or private property without the permission of the property owner.

**6.30.070 Disposition of Fowl and Rabbit.**

Age restriction for disposition or coloration. It is unlawful for any person, firm or corporation to sell, offer for sale, barter or give away any fowl under three weeks of age or any rabbit under two months of age as a pet, toy, premium or novelty, or to color, dye, stain or otherwise change the natural color of any such fowl or rabbit.

**6.30.080 Possession of exotic animals.**

It is unlawful to possess an exotic animal within the City of Shoreline.

## Chapter 6.35

### RABIES CONTROL

Sections:

- 6.35.010 Quarantine order.
- 6.35.020 Notice of rabies hazard - quarantine period.
- 6.35.030 Violation of quarantine.
- 6.35.040 Euthanizing of infected animals.
- 6.35.050 Vaccination order.
- 6.35.060 Enforcement.

**6.35.010 Quarantine order.**

Whenever the Director of the Seattle-King County Department of Public Health has cause to suspect that an animal capable of transmitting rabies is infected with the disease, the Director shall order a period of quarantine of not less than ten days. The Director shall notify in writing the owner or keeper of the infected animal of the quarantine order. The infected animal shall be quarantined by the animal care and control authority in its animal shelter or upon the premises of the owner or licensed veterinarian where conditions of quarantine are strictly kept. The place of quarantine shall be at the discretion of the Director, unless the animal had been exposed to rabies by contact, in which case SMC 6.35.040 shall apply. Delivery of a copy of the quarantine order to some person of suitable age and discretion residing upon the premises where the animal is found shall be notice of the quarantine. Good cause for such an order of quarantine shall include, but is not limited to, evidence that the animal has bitten, or that there is reasonable certainty that the animal has bitten, a human being. During the period of quarantine, the officers, agents and employees of the animal care and control section, and other police officers, are authorized to enter any premises for the purpose of apprehending any such an animal and impounding the animal, except where the animal is kept upon the premises of the owner or licensed veterinarian as provided in this section.

**6.35.020 Notice of rabies hazard - quarantine period.**

Whenever the Director of the Seattle-King County Department of Public Health determines that rabies is currently a hazard to the public health in the City of Shoreline by reason of the fact that a case of rabies has been diagnosed in any canine or feline animal, the director shall cause a notice of the hazard to be published in a newspaper of general circulation in the area for three successive days, which determination and notice shall declare the quarantine period and area. The quarantine period shall be thirty days after the last publication of notice; and it is a misdemeanor and is unlawful for any owner, or person entitled to custody of such an animal, to keep or harbor any animal capable of transmitting rabies unless securely confined by a leash or tight enclosure from which it cannot escape. Any animal capable of transmitting rabies found running at large during such a period shall be impounded and euthanized by order of the Director of the Seattle-King County Department of Public Health or the Director's agent. If apprehension and impounding by safe means is not possible, the animal may euthanized summarily by the agent. The Director of the Seattle-King County Department of Public Health may extend any such a quarantine period if deemed necessary by like additional determinations and notices.

**6.35.030 Violation of quarantine.**

It is a misdemeanor and is unlawful for any owner or person charged with the custody of any animal subject to a quarantine defined in SMC 6.35.010 and 6.35.020 to permit any such animal to

come in contact with any other animal or person or to run at large or to be removed from any quarantine premises without the consent of the Director of Public Health.

**6.35.040 Euthanizing of infected animals.**

Any animal bitten by an animal found to be rabid by appropriate laboratory tests shall be euthanized by order of the Director of the Seattle-King County Department of Public Health.

**6.35.050 Vaccination order.**

Whenever the Director of the Seattle-King County Department of Public Health by order published in a newspaper of general circulation in the area for three successive days determines that conditions exist as indicated in SMC 6.35.020 in a specified area wherein it is necessary for the protection of the public health that animals capable of transmitting rabies be vaccinated within thirty days with anti-rabies vaccine, the Director shall order that all such animals four months old or older be so vaccinated or euthanized at the option of the owner or keeper, and it is a misdemeanor and is unlawful for any owner, or person charged with the custody of such an animal, to fail or refuse to procure the vaccination within the specified time.

**6.35.060 Enforcement.**

The Director of the Seattle-King County Department of Public Health is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder.

## Chapter 6.40

### ENFORCEMENT, PENALTIES, AND APPEALS

#### Sections:

- 6.40.010 Enforcement power.
- 6.40.020 Impoundment.
- 6.40.030 Notice and order.
- 6.40.040 Additional enforcement - cruelty to animals.
- 6.40.050 Vicious animals - corrective action.
- 6.40.060 Penalties.
- 6.40.070 Appeals – licensing denial, revocation or suspension.
- 6.40.080 Appeals – notice of violations.

#### **6.40.010 Enforcement power.**

A. The Director of the animal care and control authority and the animal care and control officers are authorized to take such lawful action as may be required to enforce this title as they pertain to the keeping of animals, and the laws of the state of Washington as the laws pertain to animal cruelty, shelter, welfare and enforcement of control.

B. The Director of the animal care and control authority or animal care and control officers shall not enter a building designated for and used for private purposes unless a proper warrant has first been issued upon a showing that the officer has reasonable cause to believe an animal is being maintained in the building in violation of this title.

C. The Director of the animal care and control authority and animal care and control officers, while pursuing or observing any animal in violation of this title, may enter upon any public or private property, except any building designated for and used for private purposes, for the purpose of abating the animal violation being pursued or observed.

D. No person shall deny, prevent, obstruct or attempt to deny, prevent or obstruct the Director of the animal care and control authority or an animal care and control officer from pursuing any animal observed to be in violation of this title. Further, no person shall fail or neglect, after a proper warrant has been presented, to promptly permit the Director of the animal care and control authority or an animal care and control officer to enter private property to perform any duty imposed by this title. Any person violating this subsection is guilty of a misdemeanor.

E. Notwithstanding the existence or use of any other remedy, the Director of the animal care and control authority may seek legal or equitable relief to enjoin acts or practices and abate any conditions that constitute a violation of this title or other regulations adopted under this title.

F. The animal care and control authority is authorized to make and enforce rules and regulations, not inconsistent with the provisions of this title, and it is unlawful to violate or fail to comply with any of such rules and regulations.

#### **6.40.020 Impoundment.**

A. The Director of the animal care and control authority and the Director's authorized representatives may apprehend any animals found doing any of the acts defined as a public nuisance or being subjected to cruel treatment as defined by law. After the animal is apprehended, the animal care and control authority shall ascertain whether they are licensed or otherwise identifiable. If reasonably possible, the animal care and control authority shall return the animal to the owner together with a notice of violation of this title.

B. If it is not reasonably possible to immediately return a currently licensed animal to its owner, the animal care and control authority shall notify the owner within a reasonable time by

regular mail or telephone that the animal has been impounded and may be redeemed. Animals shall be impounded at the animal care and control authority's animal shelter or an animal shelter that the animal care and control authority contracts with.

C. Any animal impounded pursuant to the provisions of this title may be redeemed in accordance with the animal shelter's rules and regulations.

**6.40.030 Notice and order.**

A. Whenever the Director of the animal care and control authority or animal care and control officers have found an animal maintained in violation of this title, the Director of the animal care and control authority shall commence proceedings to cause the abatement of each violation.

B. Whenever the Director of the animal care and control authority or animal care and control officers has reason to believe that a violation of this title exists or has occurred, the Director is authorized to issue a notice of violation and an order directed to the owner or the person presumed to be the owner of the animal maintained in violation of this title. The notice and order shall contain:

1. The name and address if known of the owner or person presumed to be the owner of the animal in violation of this title;

2. The license number, if available, and description of the animal in violation sufficient for identification;

3. A statement to the effect that the Director of the animal care and control authority or animal care and control officers have found the animal maintained illegally with a brief and concise description of the conditions, which caused the animal to be in violation of this title, including reference to the specific sections of code or statute violated and, where relevant, reference to the specific sections of code or statute authorizing removal of the animal;

4. A statement of the action required to be taken to abate the violation, as determined by the Director of the animal care and control authority.

a. If the Director or officer determined the animal in violation must be disposed with, the order shall require that the abatement be completed within a specified time from the order as determined by the Director to be reasonable;

b. If the Director of the animal care and control authority determined to assess a civil penalty, the order shall require that the penalty shall be paid within fourteen days (14) from the order.

5. Statements advising that if any required abatement is not commenced within the time specified, the Director of the animal care and control authority shall proceed to cause abatement and charge the costs thereof against the owner;

6. Statements advising:

a. that a person having a legal interest in the animal may appeal from the notice of violation and order, but only if the appeal is made in writing and filed with the Director of the animal care and control authority within fourteen (14) days from the service of the notice of violation and order; and

b. that failure to appeal constitutes a waiver of all right to an administrative hearing and determination of the matter.

C. The notice and order shall be served on the owner or presumed owner of the animal in violation.

D. Service of the notice of violation and order shall be made upon all persons entitled thereto:

1. Personally;

2. By mailing a copy of the notice of violation and order by certified mail, postage prepaid, return receipt requested, to the person at the person's last known address; or

3. By posting the notice of violation and order on the front door of the living unit of the owner or person with right to control the animal if the owner or person is not home.

E. Proof of service of the notice of violation and order shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made.

**6.40.040 Additional enforcement - cruelty to animals.**

A. The Director of the animal care and control authority may prohibit a person who is issued a notice and order for violation of SMC 6.30.020 or who is either charged or convicted of animal cruelty under either RCW 16.52.205 or 16.52.207 from owning, harboring, keeping or maintaining any animal if the Director determines that the enforcement furthers the purposes of this title, in accordance with the following: a person may be prohibited from owning, harboring, keeping or maintaining any animal:

1. For up to four (4) years, if the person is found in violation of the animal cruelty provisions of SMC 6.30.020 or convicted of a misdemeanor under RCW 16.52.207;

2. Indefinitely, if the person is convicted of a felony under RCW 16.52.205; or

3. Pending the final adjudication of either a notice and order issued under SMC 6.30.020 or a charge under RCW 16.52.205 or 16.52.207.

B. The Director of the animal care and control authority or authorized animal care and control officer may enforce this section through the notice and order process as described in SMC 6.40.030. A notice and order issued to enforce this section is subject to appeal, in accordance with SMC 6.40.080.

**6.40.050 Vicious animals - corrective action.**

A. An animal, declared by the Director of the animal care and control authority to be vicious, may be harbored, kept or maintained in the City of Shoreline only upon compliance with those requirements prescribed by the Director. In prescribing the requirements, the Director of the animal care and control authority must take into consideration the following factors:

1. the breed of the animal and its characteristics;

2. the physical size of the animal;

3. the number of animals in the owner's home;

4. the zoning involved; size of the lot where the animal resides and the number and proximity of neighbors;

5. the existing control factors, including, but not limited to, fencing, caging, runs and staking locations; and

6. the nature of the behavior giving rise to the Director's determination that the animal is vicious, including:

a. extent of injury or injuries;

b. circumstance, such as time of day, if it was on or off the property and provocation instinct; and

c. circumstances surrounding the result and complaint, such as neighborhood disputes, identification, credibility of complainants and witnesses.

B. Requirements that may be prescribed include, but are not limited to, the following:

1. Erection of additional or new fencing adequate to keep the animal within the confines of its property;

2. Construction of a run within which the animal is to be kept. Dimensions of the run shall be consistent with the size of the animal;

3. Keeping the animal on a leash adequate to control the animal, the length and location to be determined by the Director of the animal care and control authority. When unattended the leash must be securely fastened to a secure object;

4. Maintenance of the animal indoors at all times, except when personally controlled on a leash adequate to control the animal by the owner or a competent person at least fifteen years old; and

5. Removal of the animal from the City within forty-eight hours from receipt of such a notice.

C. Failure to comply with any requirement prescribed by the Director of the animal care and control authority in accordance with this section constitutes a misdemeanor. Such an animal shall not be kept in the City of Shoreline after forty-eight (48) hours after receiving written notice from the Director. Such an animal or animals found in violation of this section shall be impounded and disposed of as an unredeemed animal and the owner or keeper of the animal or animals has no right to redeem the animal or animals.

D. Any animal constituting a public nuisance as provided in this title shall be abated and removed from the City of Shoreline by the owner or by the animal care and control authority, upon the receipt of three notices and orders of violation by the owner in any one-year period, though this removal procedure shall not apply to the vicious animal removal procedure set out in this section of the chapter. Where it is established by record in accordance with this chapter and no finding was entered showing that the owner will be able to provide reasonable restraints to protect the public from repetitions of violations, the animal care and control authority shall notify and direct the owner of the animal to abate or remove the same from the City within ninety-six (96) hours from the notice. If the animal is found to be within the confines of the City of Shoreline after ninety-six (96) hours have elapsed from the notice, the same shall be abated and removed by the animal care and control authority. Animals removed in accordance with this section shall be removed from the City of Shoreline or be subjected to euthanasia by the animal care and control authority.

E. Any animal that bites, attacks or attempts to bite one or more persons two or more times within a two-year period is declared to be a public nuisance and shall not be kept within the City of Shoreline forty-eight (48) hours after receiving written notice from the animal care and control authority. Such an animal or animals found in violation of this section shall be impounded and disposed of as an unredeemed animal, and the owner or keeper of the animal or animals has no right to redeem the animal.

#### **6.40.060 Penalties.**

A. Civil Penalty. Violations of this title shall incur the civil penalties set forth below, in addition to or as an alternative to any other penalty provided in this chapter. The civil penalty and the cost of abatement are also personal obligations of the animal owner.

1. Vicious Animal or Animal Cruelty Violations:

a. First violation: \$500.00;

b. Subsequent violations within one year: \$1,000.00 each.

2. Dog Leash Law Violations:

a. First violation: \$25.00;

b. Additional violations within one year: \$50.00 each.

3. Animal Waste Violations: \$50.00.

4. Animal Abandonment: \$500.00.

5. Unlicensed Cat or Dog:

a. Altered cat or dog: \$125.00;

b. Unaltered cat or dog: \$250.00.

6. All Other Violations:

a. First violation: \$50.00;

b. Second violation within one year: \$100.00;

c. Each subsequent violation within one year is double the rate of the previous penalty up to a maximum of \$1,000.00.

B. Misdemeanor.

1. Generally. Any person who allows an animal to be maintained in violation of this title is guilty of a misdemeanor punishable by fine of not more than two hundred fifty dollars (\$250) and/or imprisonment for a term not to exceed ninety (90) days.

2. Violations of Section 6.30.070 SMC, Disposition of Fowl and Rabbits. Any person, firm or corporation violating this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed three hundred dollars (\$300) and/or by imprisonment for a period not to exceed thirty (30) days.

C. Costs of enforcement action. In addition to costs and disbursements provided for by statute, the prevailing party in a collection action under this chapter may, in the court's discretion, be allowed interest and a reasonable attorney's fee.

**6.40.070 Appeals – licensing denial, revocation or suspension.**

Any person who has been denied licensing or has had their license revoked or suspended by the animal care and control authority may appeal under this section by filing an appeal consistent with the process outlined on the licensing denial, revocation or suspension notice.

**6.40.080 Appeals – notice of violations.**

Appeals of notice of violations must be made consistent with the process outlined on the notice of violation.



**ATTACHMENT B**

**SMC 3.01.012 Animal licensing and service fees.**

<b>Annual License</b>	<b>2011 Fee</b>
<b>Pet - Dog or Cat</b>	
Unaltered	\$60.00
Altered	\$30.00
Juvenile pet	\$15.00
Discounted pet	\$15.00
Replacement tag	\$5.00
Transfer fee	\$3.00
License renewal late fee - received 45 to 90 days following license expiration	\$15.00
License renewal late fee - received 90 to 135 days following license expiration	\$20.00
License renewal late fee - received more than 135 days following license expiration	\$30.00
License renewal late fee - received more than 365 days following license expiration	\$30.00 plus license fee(s) for any year(s) that the pet was unlicensed
<b>Guard Dog</b>	
Guard dog registration	\$100.00
<b>Animal Related Business</b>	
Hobby kennel and hobby cattery	\$50.00
Guard dog trainer	\$50.00
Guard dog purveyor	\$250.00
<p><b>Guard Dog Purveyor:</b>                      If the guard dog purveyor is in possession of a valid animal shelter, kennel or pet shop license, the fee for the guard dog purveyor license shall be reduced by the amount of the animal shelter, kennel or pet shop license.</p>	
<p><b>Fee Waiver:</b>                      The Director of the animal care and control authority may waive or provide periods of amnesty for payment of outstanding licensing fees and late licensing penalty fees, in whole or in part, when to do so would further the goals of the animal care and control authority and be in the public interest.</p> <p>In determining whether a waiver should apply, the Director of the animal care and control authority must take into consideration the total amount of the fees charged as compared with the gravity of the violation and the effect on the owner, the animal's welfare and the animal care and control authority if the fee or fees or penalties are not waived and no payment is received.</p>	

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**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b> Ordinance No. 598 – Approval of Comprehensive Plan and Code Amendments to create Planned Area 3 - Aldercrest
<b>DEPARTMENT:</b> Planning and Development Services
<b>PRESENTED BY:</b> Joseph W. Tovar, FAICP, Director

**PROBLEM/ISSUE STATEMENT:**

At its March 21 study session, the Council reviewed the Planning Commission’s recommendation to modify the Comprehensive Plan designation and zoning on the Aldercrest site, as reflected in Ordinance No. 598.

The Planning Commission held the open record hearing for the Comprehensive Plan and code amendments to create Planned Area 3 – Aldercrest on February 17 and March 3. The March 21 study session and March 28 business meeting to adopt Ordinance 598 are closed record hearings.

At the time of publication, the Council had not yet discussed this item and given staff direction. Staff will amend the staff report and provide an update to the Council as well as on the City’s website by Friday, March 25, if it is different from the staff recommendation.


**FINANCIAL IMPACT:**

If the Ordinance No. 598 is adopted and the property is purchased by a private developer, at least six acres would be deeded to the City for park purposes. Maintenance and operation of the park property would become a recurring cost of the City’s Parks and Recreation Department. Future park improvements would be contingent on capital funds not now in the City’s budget.

**RECOMMENDATION**

Staff recommends approval of Ordinance No. 598.

Attachment: Ordinance No. 598

Approved By: City Manager jm City Attorney 

ORDINANCE NO. 598

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE COMPREHENSIVE PLAN BY ADOPTING THE ALDERCREST SUBAREA PLAN AS SUBAREA PLAN 4, AMENDING THE COMPREHENSIVE PLAN LAND USE MAP DESIGNATION FOR THE ALDERCREST PARCEL LOCATED AT 2545 NE 200<sup>TH</sup> STREET FROM PUBLIC FACILITY TO PA 3, AMENDING THE CITY'S ZONING MAP ZONING DESIGNATION FOR THE ALDERCREST PARCEL FROM R-6 TO PA 3, AND ADOPTING A NEW CHAPTER 20.93 TO THE SHORELINE MUNICIPAL CODE**

WHEREAS, the City of Shoreline has adopted a comprehensive plan under the provisions of Chapter 36.70A RCW; and

WHEREAS, the Washington State Growth Management Act authorizes the preparation of subarea plans within comprehensive plans and Shoreline has previously adopted three subarea plans (North City, Pt. Wells, and Southeast Neighborhoods) in the subarea plan element of its Comprehensive Plan; and

WHEREAS, RCW 36.70A.130(2)(a)(i) exempts subarea plans from the state law requirement limiting comprehensive plan amendments to once per year; and

WHEREAS, the City of Shoreline has prepared the Aldercrest Subarea Plan and the new chapter 20.93, Aldercrest Planned Area 3 through the Aldercrest Task Force, comprised of members of the City Council, Shoreline School District, Ballinger Neighborhood Association and Friends of Aldercrest;

WHEREAS, the Aldercrest Task Force held a neighborhood meeting on January 27, 2011 culminating in a proposed subarea, a rezone and new planned area regulations presented to the Planning Commission on February 17, 2011 and March 3, 2011; and

WHEREAS, on February 2, 2011, a Determination of Non Significance was issued for the proposal;

WHEREAS, on February 17, 2011 and March 3, 2011, the Planning Commission conducted a public hearing on the proposed subarea plan, the comprehensive plan land use map designation change from Public Facility to PA 3, a proposed rezone of the Aldercrest property from Residential, 6 units per acre (R-6) to Planned Area 3 (PA 3) and proposed regulations for the new Aldercrest PA 3; and

WHEREAS, the Planning Commission issued its Findings, Conclusion and Recommendation on March 3, 2011 recommending approval of the Aldercrest subarea plan, the rezone from R-6 to PA 3, and a new chapter 20.93, Aldercrest Planned Area 3; and

WHEREAS, the City Council concurs with the Findings, Conclusion and Recommendation of the Planning Commission; now therefore,

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

**Section 1. Findings and Conclusions.** The Findings and Conclusions of the Planning Commission, attached hereto as Exhibit 1, are hereby adopted.

**Section 2. Amendment: Comprehensive Plan.** The Shoreline Comprehensive Plan is amended by:

- A. Adopting the Aldercrest Subarea Plan as set forth in Exhibit 2 to this ordinance, as Subarea Plan 4 under the Subarea Plan Element section.
- B. Changing the designation on the Comprehensive Plan Land Use Map for the property described as LAKE FOREST PARK 1ST ADD W 300 FT OF 1 & W 180 FT OF 2 THRU 6 ALL OF 11-12-13 & 14 THRU 16 LESS W 200 FT (Parcel No. 4022900853) from Public Facility to Planned Area 3, as depicted on Exhibit 3.

**Section 3. Amendment to Zoning Map.** The Official Zoning Map of the City of Shoreline is hereby amended to change the zoning classification of the property described as LAKE FOREST PARK 1ST ADD W 300 FT OF 1 & W 180 FT OF 2 THRU 6 ALL OF 11-12-13 & 14 THRU 16 LESS W 200 FT (Parcel No. 4022900853) from R-6, Residential, six units per acre, to PA 3, Planned Area 3, as depicted on Exhibit 4.

**Section 4. Amendment.** SMC section 20.40.020 is amended as follows:

20.40.020 Zones and map designations.

The following zoning and map symbols are established as shown in the following table:

ZONING	MAP SYMBOL
RESIDENTIAL	
(Low, Medium, and High Density)	R-4 through 48 (Numerical designator relating to base density in dwelling units per acre)
NONRESIDENTIAL	
Neighborhood Business	NB
Office	O

Community Business	CB
Mixed-Use Zone	MUZ
Industrial	I
Campus	CCZ, FCZ, PHZ, SCZ'
Special Overlay Districts	SO
North City Business District	NCBD
Planned Area	PLA

...

**Section 5. Amendment.** SMC section 20.40.050 is amended as follows:

20.40.050 Special districts.

[A and B unchanged]

- C. **Planned Areas (PLA).** The purpose of the PLA is to allow unique zones with regulations tailored to the specific circumstances, public priorities, or opportunities of a particular area that may not be appropriate in a city-wide land use district.
1. **Planned Area 2: Ridgecrest (PLA 2).** Any development in PLA 2 must comply with the standards specified in Chapter 20.91 SMC.
  2. **Planned Area 3: Aldercrest (PA 3).** Any development in PA 3 must comply with the standards specified in Chapter 20.93 SMC.

**Section 6. New Chapter.** A new chapter, 20.93, Aldercrest Planned Area 3, is hereby adopted as set forth in Exhibit 5.

**Section 7. Publication, Effective Date.** A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after passage and publication.

**ADOPTED BY THE CITY COUNCIL ON MARCH 28, 2011.**

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Keith A. McGlashan, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Scott Passey  
City Clerk

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Ian Sievers  
City Attorney

Date of publication: March 31, 2011  
Effective date: April 5, 2011

**CITY OF SHORELINE  
PLANNING COMMISSION  
FINDINGS, CONCLUSIONS AND RECOMMENDATION**

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**PROJECT INFORMATION SUMMARY**

**Project Description:** Proposed amendments to the Comprehensive Plan and Development Code to create Planned Area 3 - Aldercrest

**Project Address:** 2545 NE 200<sup>th</sup> Street

**Property Owner:** Shoreline School District

**Staff Recommendation:** Approval

**FINDINGS OF FACT**

*A. Current Development*

1. The subject parcel is the former site of Kellogg Middle School, also referred to as the Aldercrest Annex.
2. The Aldercrest Annex is approximately 16.16 acres and is bound by 25<sup>th</sup> Avenue NE on the west and NE 200<sup>th</sup> Street to the north.
3. The topography of Aldercrest Annex ranges from 215 feet above sea level at the southwest corner to an elevation of 260 feet at the northwest corner and elevation 290 at the northeast corner. For its historical use as a Junior High School, a series of topographic benches were graded to create several distinct open and built spaces on the site. The lowest of these "benches" is a relatively level area that contains a baseball diamond, tennis courts, and a large grassy area. The next bench up and to the northeast is the site of an oval track and soccer field. These two lower benches, a total of approximately half of the site, are generally devoid of trees except along the southern and eastern edges. The remaining higher topographical benches of the property, proceeding uphill and to the northeast, are the previously developed portions of the site. These areas contain parking areas, a gymnasium, classrooms, and school office buildings. There are scattered mature trees in the planter strips of the former parking areas and heavy mature trees along the eastern edge of the property. These upper benches total roughly half of the site.

*B. Comprehensive Plan Land Use Designations.*

4. The site is designated "Public Facilities" under the current comprehensive plan.



### *C. Current Zoning and Uses*

5. Aldercrest Annex is zoned R-6, residential, six dwelling units per acre.
6. Land abutting Aldercrest Annex to the west are single-family and multi-family homes, but are designated on the Future Land Use Map (FLUM) for high density residential development; abutting to the south are primarily multifamily uses and designated on the FLUM for high density residential. Properties along the east edge of Aldercrest Annex are single-family homes and designated on the FLUM as low density residential. Across 200<sup>th</sup> Street to the north is land designated for low density residential but developed as a school facility owned by the Shoreline School District.
7. The lower portion of the property constitutes the largest green and open area in the Ballinger neighborhood and the fields and open grassy areas have been informally used for decades for both passive and active recreation. Neighborhood residents and youth sports teams from the larger community have used the facilities for soccer, baseball and tennis. Other community gathering and recreational activities on this grassy area include kite and Frisbee flying, snow sledding on the slopes between benches, and even outdoor movies hosted by the neighborhood association. There are no City park facilities nearby that can provide such a broad range of opportunities for recreation and community gatherings.

### *D. Background*

8. In the summer of 2010, the City Council placed on the City's Planning Work Program the preparation of potential amendments to the comprehensive plan and development for the Aldercrest property. The Council recognized that the Shoreline School District had declared the property as surplus and had heard concerns from neighborhood organizations and individuals that the current open space in the southerly portion of the property was of great value to the community and that the City should explore ways to preserve it.

To develop a potential proposal, the City Council asked that representatives of the School District, the Ballinger Neighborhood Association and the Friends of Aldercrest serve on a Task Force to work with the City on refinement of a proposal to be taken through the public process. Each organization brought its own interests and resources to the ensuing discussion, including the desire of the community organizations to secure a city park on a portion of the property and the desire of the school district to maintain at least as much value as the original R-6 zoning.

The Aldercrest Task Force worked for six months to craft proposed amendments that would meet these objectives, recognize the unique assets and circumstances of the site, and create specific protections to lessen the impact of future site development on nearby residential areas.

The Aldercrest school site is currently designated on the FLUM as "PF", which stands for "Public Facility." The zoning of the site is R-6 which would allow a subdivision of the 16 acre site into approximately 70 single-family homes. There was a strong concern on the part of the Task Force members that unless some economically viable alternative land use designation were put in place, that the property would simply be divided up into single-family homes and the open space would be lost.

During the Task Force's consideration of possible land use alternatives for the property, the City's Economic Development Manager provided an assessment about the relative marketability of the property for alternative land uses. The Parks Director provided input identifying the parameters for a successful neighborhood park in terms of scale, access, shape and certain operational considerations. He also pointed out that any future design of a park on any dedicated park space would have to go through a public process involving the neighborhood, and that as there are no park development funds on the horizon, the most likely near-term use would be to simply maintain the activities that have been taking place on the open space for many years.

In determining which portion of the property might be most appropriate for development as opposed to retention as open space/park, the Task Force recognized that the existing topography of the site (Exhibit 7) is very important. Although there are no environmentally sensitive features on the site, there is intermittent standing water in the lower elevations in the southwesterly area. Also, the gentle slopes and terraces in the southern part of the site has historically been used for a variety of recreational activities, leading to the conclusion that the open space and park uses are best suited to this area.

In recognition of the single family neighborhood to the east of the property, the Task Force members paid particular attention to the need for aggressive measures to retain much of the existing tree cover along the easterly edge. They also advocated for greater building setbacks and stepbacks in this area, and the need to screen and orient light away from the east. The Task force was also mindful of the need to direct any future traffic to and from the site onto both 25<sup>th</sup> Ave NE and NE 200<sup>th</sup> Street. Many of these considerations and concerns resulted in proposed "special regulations" that are contained in Section 20.93.030, which is a table of "Permitted Uses, Standards and Special Regulations" for the proposed Planned Area 3 zone.

The Task Force organizations co-hosted a neighborhood meeting on Thursday, January 27, from 6:30 p.m. to 8:00 p.m. in the Living Wisdom School at 2800 NE 200th Street in Shoreline. A notice of that meeting is Exhibit 8. Approximately fifty citizens attended the meeting to hear a description of the proposed amendments and for a question and answer period.

The City notified the Washington State Department of Commerce of the proposed amendments on December 8, 2010 (see Exhibit 9), and issued a Determination of Non-significance for the proposed amendments (See Exhibit 10) on January 29, 2011 (These proposed comprehensive plan and development code amendments are a "non-project action" for purposes of the State Environmental Policy Act (SEPA). This means that no

actual project is proposed at this time. At such future date as a specific development proposal is submitted, based on the zoning in place at the time, it would constitute a "project action" under SEPA and a detailed environmental checklist would be required. This is acknowledged in the proposed zoning text at Section 20.93.050.

#### *E. Proposal*

9. There are two proposals before the Planning Commission. One proposal is a Comprehensive Plan amendment and the second proposal is to create implementing zoning map and text.

- The first proposal is the creating of a new Subarea Plan entitled "Aldercrest – Planned Area 3." The analysis of the proposal's compliance with the criteria follows:

*Plan Amendment criterion 1 The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies.*

The proposal to adopt a Subarea Plan for the Aldercrest site is specifically consistent with the authority at RCW 36.70A.130 and RCW 36.70A.080(2) adopt Subarea Plans.

The proposal is consistent with the following existing Comprehensive Plan policies:

#### **Community Development**

CD 24: Preserve, encourage, and enhance open space as a significant element of the community's character through parks, trails, water features, and other significant properties (such as cemeteries) that provide public benefit.

CD 53: Preserve the natural character of neighborhoods by minimizing the removal of existing vegetation, especially mature trees, when improving streets or developing property.

#### **Land Use**

LU 7: Ensure that proposed amendments are accompanied by recommended changes to development regulations and modifications to capital improvement programs, subarea, neighborhood and/or functional plans (if any) required to implement the amendment.

LU 13: Encourage the integration of public open spaces into residential neighborhoods, (including small pocket parks) and protection of existing stands of trees and vegetation which serve as buffers.

#### **Parks and Recreation**

Goal PR 1: Enrich the quality of life for all Shoreline residents by ensuring that a broad range of high quality parks, recreation, and cultural opportunities are readily available, by preserving open spaces and waterfront access.

PR 4: Investigate alternative methods, including seeking outside funding, for the financing of acquisition, facility development and renovation, maintenance and operating needs to reduce costs.

The proposal would add additional higher-density housing in an area that is bordered on several sides by similarly higher density uses. This would increase housing opportunities in the City while balancing the provision of additional open space and recreational space. In addition, the site is well served by existing road networks and by public transit.

Plan Amendment criterion 2 *The amendment addresses changing circumstances, changing community values, incorporates a sub area plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan.*

The change in circumstance is the pending sale of surplus publicly owned property that could result in the loss of an open space and recreation area that has been accessible to the area residents for many years.

Plan Amendment criterion 3 *The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare.*

The proposed amendments would be a benefit to the community as a whole by providing for a new park that could be used by people from throughout the community.

- The second proposal is to create a new Planned Area 3 zone, which includes both text and a map designation.

Development Code amendment criterion 1 *The rezone is consistent with the Comprehensive Plan.*

The proposed rezoning to Planned Area.3 would be consistent with and implement the provisions of the proposed Aldercrest Subarea Plan.

Development Code amendment criterion 2 *The rezone will not adversely affect the public health, safety or general welfare.*

The proposed rezoning would benefit public health by creating a permanent park in the neighborhood, while also eliminating an existing threat to public safety. The vacant status of the site has created vandalism and other anti-social activities in recent years. The "400 building" was an extreme example, suffering from arson within the past year. That event led to the demolition of the structure.

Development Code amendment criterion 3 *The rezone is warranted in order to achieve consistency with the Comprehensive Plan.*

The creation of the Aldercrest Subarea Plan describes an alternative use pattern for the property. The consistency requirements of the Growth Management Act, at RCW 36.70A.070, oblige the City to rezone the property. The proposed zoning amendment is internally consistent with the proposed Comprehensive Plan amendment and with the Plan generally.

Development Code amendment criterion 4 *The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.*

The special regulations include many intended to lessen potential impacts to adjacent property owners. These include limitations on exterior lighting, enhanced tree preservation and staggered building height limits which are more rigorous than the standards in the current R6 zoning on the property.

#### *F. Notice and SEPA Compliance*

10. The Washington State Department of Commerce was provided the required 60-day notice on December 8, 2010.
11. The notice of Comprehensive Plan and Zoning Amendment, including SEPA was issued on January 12, 2011. This notice included a 14-day comment period, was published in the Seattle Times, posted on the property and City of Shoreline website, and mailed to property owners within 500 feet.
12. A neighborhood meeting, with notice posted and mailed to property owners within 500 feet was held on January 27, 2011.
13. The SEPA threshold determination of nonsignificance (DNS) and 14-day comment period, along with the notice of public hearing was issued on February 2, 2011. This notice was also mailed, published, and posted on the property.

#### *G. Public Comment*

14. The City received a number of written communications from the public prior to the issuance of the staff report. These are in Exhibit 11.

#### *H. Additional Information Subsequent to the Feb. 17 public hearing*

15. During the first public hearing on the proposed amendments the Planning Commission identified several areas where additional information or code language might be appropriate. These are summarized as follows, with citations to Exhibits 17 through 20 as appropriate.
  - a) In response to a concern expressed by Mr. Sean Osborn, a property owner abutting the northeast corner of the Aldercrest property, the Commission focused on the question of the buffer along the east edge of the site and how the special regulations in the proposed PLA 3 code might be modified to be more effective. As shown in three photographs on Exhibit 17 (which are taken from the vantage points in Exhibit 18), although there are significant trees in this part of the buffer area, the foliage is actually very sparse and does not provide an effective screen to the Osborn property and the property immediately to the south. Increasing the dimension of the buffer would not improve this situation, however, adding landscape materials and a fence would. Therefore, added text for Special Regulation #6 is shown with potential revision #9 on Exhibit 20.
  - b) At the time that City staff took the photographs in Exhibit 17, they walked the balance of the buffer area along the east and south edges of the site which abut R6. In no other location did the staff conclude that the 25 foot buffer dimension required additional plant materials or fencing to create an effective screen.

- c) The Planning Commissioners on February 17 also questioned whether the language in Special Regulations 2 and 3 could be manipulated to carve out an unacceptable shape for a future park parcel. In response, the City staff prepared Exhibit 19 to illustrate how the dimensions referenced in these special regulations (the parks 375 foot frontage required on 25<sup>th</sup> Avenue NE and the minimum acreage of 6 acres) would preclude such a non-functional park shape. To make this even clearer, the staff has proposed additional language for Special Regulations 2 and 3 shown as Potential revisions #2 and #4 on Exhibit 20 (i.e., adding “and an east-west dimension of at least 690 feet”).
- d) The Planning Commission also raised the possibility that parking might be necessary for the future park to access from 25<sup>th</sup> Ave. NE, and asked how to provide an opportunity for shared parking with the private project access driveway that must be located on 25<sup>th</sup> Ave NE. Staff has drafted Potential Revision #1 to Special Regulation #1 on Exhibit 20. This added language would require an easement to be placed in the area of the driveway to keep open the opportunity for future shared driveway access.
- e) The Commission also had concerns about tying the park dedication requirement to the “temporary” occupancy permit trigger. The staff has prepared Potential Revision #3 to utilize the timing language used elsewhere in the code “prior to issuance of certificates of occupancy.”
- f) One Commissioner asked whether it would be appropriate to protect the significant trees to be retained in the buffer area by identifying the dripline as the location for protection fencing. Potential Revision #7 was drafted for this purpose.
- g) Commissioners were concerned that the existing grade of the park parcel not be disturbed before a specific development proposal is in place for the park’s future development and use. Potential Revision #10 was drafted for that purpose.

#### RECOMMENDATION

The Planning Commission recommends adoption by the City Council of the proposed amendments to the Comprehensive Plan contained in Exhibit 3 and 4, an amendment to the City zoning map as shown in Exhibit 5, and an amendment to the Development Code adding a new section 20.93 (Aldercrest PA-3 zoning text).

Date: 3/10/2011

By:   
 Planning Commission Chair

## EXHIBITS

- Exhibit 1** February 17, 2011 Staff Report "Public Hearing on proposed amendments to the Comprehensive Plan and Development Code to create Planned Area 3 – Aldercrest"
- Exhibit 2** Aldercrest Vicinity Map
- Exhibit 3** Aldercrest Comprehensive Plan Future Land Use Map
- Exhibit 4** Aldercrest Subarea Plan
- Exhibit 5** Aldercrest Zoning Map Amendment
- Exhibit 6** Aldercrest Planned Area 3 Zone – Chapter 20.93
- Exhibit 7** Aldercrest Topography
- Exhibit 8** Notice of Neighborhood Meeting
- Exhibit 9** Notice given to Washington State Department of Commerce
- Exhibit 10** SEPA Determination of Non-Significance
- Exhibit 11** Comment Letters 1-32
- Exhibit 12** February 16, 2011 Memorandum from Joseph Tovar to the Shoreline Planning Commission RE: "Supplemental Information for the February 17 Public Hearing"
- Exhibit 13** Aldercrest Annex PowerPoint presented at February 17, 2011 Public Hearing
- Exhibit 14** Aerial Parcel Map of Aldercrest Property
- Exhibit 15** February 25, 2011 Memorandum from Joseph Tovar to the Shoreline Planning Commission RE: "Updated Staff Report and new information for the continued March 3 Aldercrest public Hearing"
- Exhibit 16** *Draft* Planning Commission Findings, Conclusions and Recommendation
- Exhibit 17** Three views of buffer area in the NE corner of the Site
- Exhibit 18** Detail of buffer in NE corner of Site, showing photo views
- Exhibit 19** Possible Dimensions of Future City Park area
- Exhibit 20** Aldercrest PA-3 zoning text with possible revisions
- Exhibit 21** Email from Sean Osborn, sent 2/28/11
- Exhibit 22** Email from Nancy Moreyra with attached Friends of Aldercrest Letter to the Commission, sent 3/1/11

- Exhibit 23** Email from Joseph Tovar to the Planning Commission RE: Staff responses to March 1 2011 public comments from Sean Osborn and Friends of Aldercrest, sent 3/2/11
- Exhibit 24** Email from Boni Biery, sent 3/2/11
- Exhibit 25** Email from James Harvey, sent 3/3/11
- Exhibit 26** March 3, 2011 Memorandum from Joseph Tovar to the Shoreline Planning Commission RE: "Supplemental Information for the March 3 Public Hearing"
- Exhibit 27** Aldercrest PA-3 zoning text with possible revisions – March 3, 2011 Version
- Exhibit 28** Aldercrest Annex PowerPoint presented at March 3, 2011 Continued Public Hearing
- Exhibit 29** Email from Debbie Kellogg, sent 3/3/11



## Aldercrest Annex Subarea Plan

### Planned Area 3

Planned Area 3 is a sixteen acre parcel in the Ballinger Neighborhood that is the former site of the Kellogg Middle School, also referred to as the Aldercrest Annex. It is bound on the west by 25<sup>th</sup> Ave NE and by properties that are developed with single family and multi-family homes, but which are designated on the Future Land Use Map (FLUM) for high density residential development. While these properties along 25<sup>th</sup> Ave NE are not within the Planned Area 3 designation, they may be aggregated with and incorporated into a future-development of lands in Planned Area 3.

Across 25<sup>th</sup> Avenue NE are a mix of multifamily uses, the King County Public Works Yard and Bruggers Bog City Park. Lands abutting Planned Area 3 to the south are developed primarily as multifamily uses and designated on the FLUM for high density residential. Lands along the east edge of Planned Area 3 are developed as single family homes and designated on the FLUM as low density residential. The northern edge of the property is NE 200<sup>th</sup> Street. Across 200<sup>th</sup> Street is land designated for low density residential but developed as a school facility owned by the Shoreline School District.

The topography of Planned Area 3 ranges from 215 feet above sea level at the southwest corner to elevation 260 at the northwest corner and elevation 290 at the northeast corner. Although no perennial streams are present on the site, seasonal flooding occurs at elevations generally below 220. For its historical use as a Junior High School, a series of topographic benches were graded to create several discrete open and built spaces on the site. One of these "benches", located roughly below elevation 225, is a relatively level area that contains a baseball diamond, tennis courts, and a large grassy area. The next bench up and to the northeast, generally between elevations 230 and 240, is the site of an oval track and soccer field. These two lower benches, a total of approximately half of the site, are generally devoid of trees except along the southern and eastern edges.

The next three topographic benches of the property, proceeding uphill and to the northeast, are the previously developed portions of the site. These areas contain parking areas, a mothballed gymnasium, classrooms, and school office buildings. There are scattered mature trees in the planter strips of the former parking areas and heavy mature trees along the eastern edge of the property. These upper three benches total roughly half of the site.

Since the school use ended, the closed buildings have been a concern due to visual blight and potential hazard to public health and safety. The School District has worked with the City and emergency responders to secure the closed buildings, however, all parties agree that the abatement of these structures should be hastened by the redevelopment of the property.

The lower portion of the property constitutes the largest green and open area in the Ballinger neighborhood and the fields and open grassy areas have been informally used for decades for both passive and active recreation. Neighborhood residents and youth sports teams from the larger community have used the facilities for soccer, baseball and tennis. Other community gathering and recreational activities on this grassy area include kite and frisbee flying, snow

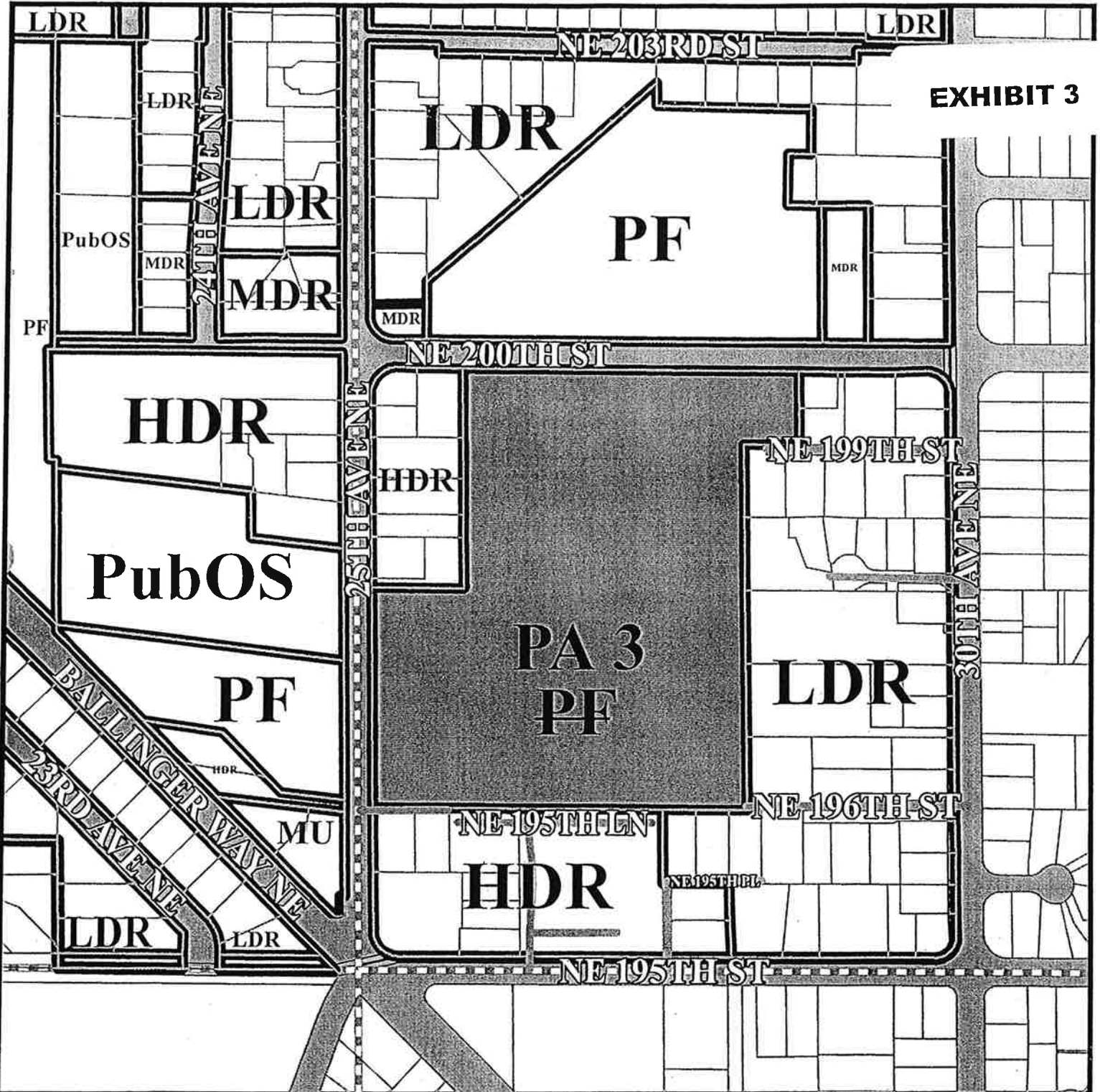
sledding on the slopes between benches, and even outdoor movies hosted by the neighborhood association. There are no City park facilities nearby that can provide such a broad range of opportunities for recreation and community gatherings.

Although the property has been historically designated for single family and institutional uses, the future redevelopment of the Aldercrest Annex site for different uses holds unique and important opportunities for the Ballinger neighborhood, the City and the School District. The School District has declared the property as surplus and would like to direct the proceeds to serve its educational mission. The neighborhood has been very interested in permanently securing the open space and recreational amenities of the lower portions of the site, ideally as a city-owned park. The City wishes to increase the supply of park land in the Ballinger area to better serve the needs of the growing area.

The site is uniquely suited to accommodate more intense development on the upper reaches due to the pattern of mixed housing densities and non-residential uses nearby, its ease of access to Ballinger Way and the regional road network, and the lack of serious environmental constraints on site. These unique circumstances and public policy objectives should be implemented through regulations that cluster more intense redevelopment of the property on the upper portions of the site in exchange for dedication of all or a significant part of the lower portion as a city park.

# Aldercrest Comprehensive Plan Land Use Amendment

EXHIBIT 3



## Land Use Designation Legend

BaSSA	Ballinger Special Study Area	NCBD	North City Business District
CB	Community Business	PA 3	Planned Area 3
HDR	High Density Residential	PF	Public Facility
LDR	Low Density Residential	PrOS	Private Open Space
MDR	Medium Density Residential	PubOS	Public Open Space
C	Campus	RB	Regional Business
MU	Mixed Use	SFI	Single Family Institution
		SSA	Special Study Area

0 95 190 380 570 760 Feet



No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

Representation of official zoning map adopted by City Ordinance No. 292. Shows amendments through January, 2010



## Feature Legend

	- Map Tile Lines		- Unclassified ROW
	- City Boundary		- Parcel Line



## Chapter 20.93 Aldercrest / Planned Area 3

**Sections:**

- 20.93.010 Purpose and scope
- 20.93.020 Planned Area 3 official zoning map designation
- 20.93.030 Permitted uses, standards, and special regulations
- 20.93.040 Additional site development standards
- 20.93.050 Environmental review and mitigation of impacts

**20.93.010 Purpose and scope**

**A. The purpose of this chapter is to:**

1. Implement the City's Comprehensive Plan policies for Planned Area 3 in the Ballinger neighborhood.
2. Define zoning that replaces the regulations of Chapter 20.50, Subchapter 1, 2, and 4 with new standards for the scale, character, configuration and location of development in the zone and new provisions to ensure compatibility and transition to adjacent single family neighborhoods.
3. If provisions of this chapter conflict with provisions elsewhere in the Shoreline Municipal Code, the provisions of this chapter shall apply. When it is unclear which regulations apply, then the presumption shall be that the regulations of this chapter take precedence with the ultimate determination to be made by the Director.

**20.93.020 Planned Area 3 Official Zoning Map Designation**

In order to implement the Comprehensive Plan policies, the Aldercrest Planned Area 3 ("PLA 3") zone is adopted as shown on the City's official zoning map.

**20.93.030 Permitted Uses, Standards, and Special Regulations**

USE	MAXIMUMS			MAX & MIN	MINIMUMS			Special Regulations
	Density	Building Height	Hardscape		Lot size	Front yard set-back	Side yard set-back	
Apartments and single-family attached	28 units per acre	45 feet	85%	10 acres	10 ft.	10 ft.	10 ft.	SR 1 SR 2 SR 4 SR 5 SR 6
Apartments and single-family attached	48 units per acre	60 feet	90%	9 acres	10 ft.	10 ft.	10 ft.	SR 1 SR 3 SR 4 SR 5 SR 6

Public Park	N/A	N/A	10%	See SR 2 and SR 3	N/A	N/A	N/A	SR 7 SR 8
Institutional Use	N/A	60 feet	90%	9 acres	10 ft.	10 ft.	10 ft.	SR 1 SR 3 SR 4 SR 5 SR 6 SR 7 SR 9 SR 10

SR 1 - Vehicular access shall be from both 25th Ave. NE and NE 200th St. An easement across a portion of the 25th Ave. NE driveway shall be recorded to allow shared access to potential future parking on the City park parcel. The easement shall have 50 feet of frontage on 25th Ave. NE, abut the City park parcel and be at least 120 feet in an east-west dimension.

SR 2 - At least 6 contiguous acres of land, contained within the southern half of the parcel including at least 375 linear feet of frontage on 25th Avenue NE, and including the entire southern boundary of the parcel shall be dedicated to the City of Shoreline for public park purposes. Dedication of the park parcel to the City may occur at any time after it is platted but shall occur prior to issuance of certificates of occupancy for development on the non-park parcel. Dedication of park land shall be in lieu of payment of any current or future park impact fees. The cost of any future development of land dedicated for park shall be borne by the City.

SR 3 - At least 7 contiguous acres of land, contained within the southern half of the parcel including at least 375 linear feet of frontage on 25th Avenue NE, and including the entire southern boundary of the parcel shall be dedicated to the City of Shoreline for public park purposes. Dedication of the park parcel to the City may occur at any time after it is platted but shall occur prior to issuance of certificates of occupancy for development on the non-park parcel. Dedication of park land shall be in lieu of payment of any current or future park impact fees. The cost of any future development of land dedicated for park shall be borne by the City.

SR 4 - A minimum 10 foot wide public pedestrian access easement with a minimum 8 foot wide pathway shall be improved and dedicated to the City, connecting NE 200<sup>th</sup> Street to the public park. The easement must be in a location, conveyed in a form and the pathway improved to standards acceptable to the City of Shoreline.

SR 5 - Maximum building height within 100 feet of R6 zones to the east and south is 45 feet above average existing grade consistent with SMC 20.50.050.

SR 6 – In order to provide a buffer to the single family neighborhoods to the east and south, 80% of all healthy significant trees which have any portion of their trunk within 25 feet of R6 zoned lands shall be flagged with surveyor tape and protected with a temporary chain link fence to be placed at the dripline prior to issuance of any development permits. All such healthy significant trees are to be retained. The 80% tree retention standard shall be measured within each 160 foot long north-south segment of the buffer area. A tree survey and arborist report shall be submitted with application for any development permits. The portion of this buffer which lies within 160 feet of NE 200th Street shall be supplemented with Type II landscape materials per SMC 29.50.46,B.

SR 7 – No grading or heavy equipment shall be permitted on the site until after dedication of the parcel to the City. Applicant may propose, and the City may authorize, limited site grading of the park site concurrently with the grading and development of the remaining portion of the PLA 3 zone if such grading is necessary to achieve proper drainage and access controls for both parcels.

SR 8 - A special use permit is required for any park improvements.

SR 9 - A special use permit is required for Institutional Uses. The standards and special regulations for other residential uses in this zone shall control unless specifically modified as a design departure under the Administrative Design Review process.

SR 10 - For purposes of the PLA 3 zone, "Institutional Uses" are all educational facilities, places of worship, and conference centers. Retail or restaurant uses are not considered Institutional Uses but may be included as accessory uses to the primary institutional use.

#### **20.93.040 Additional site development standards**

- A. All parking not in structures shall be screened consistent with SMC 20.50.470.
- B. All exterior lights shall be fitted with appropriate hoods and shielded to confine emitted light to within the site.

#### **20.93.050 Environmental review and mitigation of impacts**

The environmental review for development permits pursuant to RCW 43.21C shall address both on-site and off-site impacts, including but not limited to impacts on the City's road network, parks, and other municipal services.