

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, December 8, 2008 - 7:30 p.m.
Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: None.

1. CALL TO ORDER

At 7:32 p.m., the meeting was called to order by Mayor Ryu, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ryu led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exception of Councilmembers Eggen and Hansen.

Councilmember McConnell moved to excuse Councilmember Eggen. Deputy Mayor Scott seconded the motion, which carried 5-0. Councilmember Hansen arrived at 7:37 p.m.

(a) Proclamation of "Universal Declaration of Human Rights"

Mayor Ryu read the proclamation declaring December 10, 2008 as a day to recognize the 60th Anniversary of the Universal Declaration of Human Rights. Diane Gagon, member of the Shoreline Chamber of Commerce Dollars for Scholars campaign, accepted the proclamation and thanked the City for recognizing the importance of concerted citizen action in the struggle for human rights.

3. CITY MANAGER'S REPORT

Julie Underwood, Assistant City Manager, provided updates and reports on various City meetings, projects, and events. She added that Shoreline will host Tent City #3 at Calvin Presbyterian Church through February 2009. She also noted that the City Council will be on their holiday recess from December 14 – December 31st. Additionally, the business offices of City Hall will be closed on December 25 and January 1.

4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember Hansen briefly reported on a water quality meeting and the Puget Sound Regional Council meeting.

Mayor Ryu said she attended a meeting hosted by the City Council and the Long Range Financial Planning Committee. She said the City is doing more with less and has better management strategies, less reliance on fees and charges, and is managing expectations. Councilmember McGlashan recommended the residents watch the video.

5. GENERAL PUBLIC COMMENT

a) Gordon Meihaus, Shoreline, thanked Councilmembers for approving the rezone of James Alan Salon. He noted that it took 21 months for a successful local business to get a rezone. He said the Council's job is to set policy and they should have studied the options, cleared up questions, and come prepared to vote. He noted that the Council should have courage in the future to make decisions because delaying things like this wastes money.

b) Charlotte Haines, Shoreline, thanked the City staff and everyone involved in getting publicity out for the 11th Annual North City Tree Lighting. She said it was a very successful evening.

c) Bob Phelps, Shoreline, Shoreline Auxillary Communications Team, announced the members of the Emergency Management Council. He noted that power outages are common in this area and the new City Hall must be equipped with emergency power.

d) Nancy Rust, Shoreline, commented that there is a lot of work needed on Shoreline's tree code. She said there needs to be a special chapter dedicated to it. She said the first step should be to amend the definition of a significant tree. She said local cities define a significant tree as one with a 6 inch diameter at chest height. Additionally, she said 24 feet is too high a standard for dogwood and madrona trees.

e) Les Nelson, Shoreline, discussed process and procedure. He discussed public notification required for comprehensive plan amendments. He said the hearing notice does not mention changes in density and the City hasn't let the public know the City is planning on changing the base land use density. He said public process is needed to ensure there is clear notification of these changes. He felt the City can do these docketed items in January or later in order to follow the public notification laws.

f) Dennis Lee, Shoreline, distributed the Briarcrest newsletter to the Council.

g) Wendy DiPeso, Shoreline, referred to page 73 in the packet and discussed expansion of light rail into Shoreline by 2023. She said Sound Transit (ST) met with the Shoreline Chamber of Commerce to promote Proposition 1 and she asked how they were able to afford the two Shoreline stops. She said ST noted that they didn't have funding under Prop 1. She also asked ST about cost overruns and they responded that the board reserves the right to change the transit plan at any time. She urged the Council to ask ST some questions concerning this.

h) LeAnn Hofferd, Shoreline, discussed the \$5,000 matching grant request on the consent calendar. She urged the Council to approve the request and thanked the Council for establishing the grant fund and for their dedicated public service.

i) H. Pat Murray, Shoreline, said eminent domain is very controversial and not business-friendly. He said it ran Monarch Appliance out of town and there is a lot more pain to come.

Ms. Underwood thanked Mr. Phelps for his assistance in ensuring the City can run during an emergency and his commitment to emergency preparedness. She added that the Council will look at the Planning Commission work plan regarding trees, and that staff can respond regarding Mr. Nelson and Ms. DiPeso's questions.

Councilmember Way commented that she would like to see the significant tree definition done soon. She said the infrastructure value of trees is significant in itself and maybe it should be done alongside the surface water code. Mayor Ryu expressed an interest in a definition as well.

6. APPROVAL OF THE AGENDA

Deputy Mayor Scott moved approval of the agenda. Councilmember McGlashan seconded the motion, which carried unanimously and the agenda was approved 6-0.

7. CONSENT CALENDAR

Councilmember Way moved approval of the Consent Calendar. Deputy Mayor Scott seconded the motion, which carried unanimously and the following items were approved:

(a) **Minutes of Business Meeting of October 13, 2008**

(b) **Approval of expenses and payroll as of November 25, 2008 in the amount of \$3,910,532.70 as specified in the following detail:**

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
10/19/08-11/1/08	11/7/2008	26512-26697	8235-8280	38328-38335	\$392,207.02
11/2/08-11/15/08	11/21/2008	26698-26880	8281-8326	38468-38479	\$518,019.67
					<u>\$910,226.69</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
11/12/2008	38234	38272	\$120,139.41
11/12/2008	38273	38296	\$441,575.51
11/13/2008	38297	38309	\$1,772.35
11/13/2008	28132		(\$11.23)
11/13/2008	38310		\$11.23
11/13/2008	38311		\$2,282.95
11/17/2008	38312	38327	\$52,966.53
11/18/2008	38336	38366	\$1,084,608.84
11/18/2008	38093		(\$200.00)
11/18/2008	33338		(\$58.81)
11/21/2008	38367	38386	\$19,307.70
11/21/2008	38387		\$800.00
11/24/2008	38388	38408	\$254,227.27
11/25/2008	38409	38416	\$40,552.45
11/25/2008	38417	38465	\$975,596.75
11/25/2008	38466	38467	\$6,735.06
			<u><u>\$3,000,306.01</u></u>

(c) Motion to Approve a Mini-Grant for the Richmond Highlands Neighborhood Association

8. ACTION ITEM: PUBLIC HEARING

(a) Public hearing to receive citizens' comments on Ordinance No. 507, which is based on the May 15, 2008 recommendation from the Planning Commission with New and Additional language proposed by the City Council. Ordinance 507 amends the Comprehensive Plan to rename the Single Family Land Use designation as Campus; Establishes that a designation of a new Campus Land Use and the addition of new uses to an existing Campus require an amendment to the Comprehensive Plan; and Amends the Development Code by creating a Campus zoning designation and adopting a Master Development Permit process; and Council Action on Ordinance No. 507

Joe Tovar, Planning and Development Services Director, provided a brief chronology of this item. He stated that residents were confused about the difference between a Master Plan and a Master Development Permit. He reviewed examples of Master Development Permits and stated that the proposal is to call them Master Development Plans. He highlighted that this is a quasi-judicial permit process. He said the master drawing controls how each element of the plan is built, and this would provide certainty with regard to future development for Shoreline Community College, CRISTA, and Fircrest. He noted that another change would incorporate early community input via a stakeholder public meeting.

Councilmember Way said she understood it was a community and stakeholder consensus process rather than a meeting. Mr. Tovar replied that the question would be how much "consensus" and what the level would be. He said there is language on page 21 concerning this. He added that

four new zones and a new use table for Campuses would be created. He said there needs to be discussion about semantics.

Councilmember Hansen questioned if Mr. Tovar had strong feelings about whether this is a plan versus a permit. Mr. Tovar noted that it makes no difference to staff whether it is called a plan or a permit.

Rachael Markle, Assistant PADS Director, outlined the latest proposed changes. She noted that Exhibit D notes the Comprehensive Plan amendments and Exhibit B includes the Development Code amendments. She briefly reviewed the additions.

Councilmember McConnell noted that the committee meeting just adjourned and has two Councilmembers it.

Mayor Ryu opened the public hearing.

a) Dennis Lee, Shoreline, said his objection is that a permit is only appropriate after the planning has been done. He said the environmental impact statement was based on what is there now. He noted that if the density is changed from R-4 to R-6, the permit will need to be changed anyway. He said the permit carries out the vision of the Comprehensive Plan, and the Plan needs some work. He said he doesn't want to see this come back and negatively affect the City later.

b) Terry Williams, Washington State Department of Health (DOH), concurred with the letter that was turned in today from the Department of Social and Health Services (DSHS). He reviewed several proposed changes to LU 43.3 and to Shoreline Development Code Chapter 20.30.355.

c) Les Nelson, Shoreline, said he spoke with the Washington State Department of Community, Trade and Economic Development (CTED) regarding the amendments and said the Planning Commission was not aware the City was including a density change. He said it was supposed to be done with future CP amendments. He noted that R-48 is excessive. He said the City has to ask neighbors what they think and notify them, which is required by the Growth Management Act. He said this doesn't have to be done tonight. He felt the next step is public process, so it can be approved in January.

d) Jim Hills, on behalf of Shoreline Community College (SCC), reviewed the proposed ordinance and is looking forward to completing a planning process. He said the college is prepared to move forward.

e) Boni Biery, Shoreline, asked if a proposed change in land use density requires public notice and a Planning Commission meeting. She asked if there is any reason this land use density change from R-6 to R-48 can't be done through normal public process.

f) Dwight Gibb, Shoreline, said he is confused and baffled by all of the alternative language revisions. He felt that a plan is not a permit and that a plan carries certain authority. He

said the Development Code sets limits, but the permit applies to specific projects and implies an opportunity for public input. He noted that when it comes to applying for a new building it will allow for scrutiny.

g) Saskia Davis, on behalf of Friends of Fircrest, appreciated most of the changes made. She commented that the revisions will serve the City and the residents of Fircrest to have required considerations. She said she liked the term "plan" rather than "permit". She was pleased that existing uses will be permitted and other uses will have to be applied for. However, she commented that the recommendation on page 22 is too broad. She felt the developer should have to apply for anything that is outside the current property usage. She noted that Chapter 20.40.159 should be reworded to make existing uses specific so it doesn't open avenues for new uses that have not been previewed and recently submitted by Council.

h) Jim Walsh, Mountlake Terrace, announced that his son resides at Fircrest. He mentioned the presentation and comments from the lab and DSHS. He asked what weight do the letters have and if there would be a change.

Mr. Tovar said the letters from DSHS will be on record, but the Council will vote on what they want to do. This is an open record hearing and they will give any weight they want to on this. He stated that the notice was proper and all of this started in the spring. He stated that the Planning Commission recommendation included existing uses and new uses.

Ms. Markle noted that the Commission wasn't contemplating specific densities and that the subcommittee proposed a bookend and chose R-48 to provide assurances that the maximum would be R-48. She said it could very well be less. She said it isn't a density change, but a density cap. Therefore, no notice was required to call out this density change; it is not even a land use change.

Deputy Mayor Scott inquired about the latest revisions to 20.20, Definitions. He noted that the shipping containers language is highlighted "P-i" instead of "P-m" next to it.

Mayor Ryu communicated that putting it at "P-m" meant that the City doesn't want the property to become a container yard; however, incidental shipping container use is okay.

Deputy Mayor Scott replied that light manufacturing isn't on the list. Mayor Ryu said it needs to be added to the list.

Mayor Ryu reported on the subcommittee's work and noted that the City staff did a great job facilitating. She thanked the Councilmembers and said this isn't perfect but it represents the Committee's best efforts.

Deputy Mayor Scott moved to adopt Ordinance No. 507. Councilmember Hansen seconded the motion.

Deputy Mayor Scott discussed Terry Williams' issues this evening. He asked if they were addressed in the committee.

Mayor Ryu noted that the phrase regarding "seven acres" is from the committee. She felt that issue should remain in the text and the first sentence should be revised to say "no greater than."

Councilmember McGlashan said there have been lots of statements and definitions that should be included, but questioned the standards the City is adhering to. He said he didn't see the harm in including Biological Safety Level 3 (BSL 3).

Deputy Mayor Scott stated that it is one thing to try to limit the BSL safety level, but offering terminology to curb the level in the future is different. He said he is comfortable with the proposed language "as currently defined."

Councilmember Hansen noted that the Uniform Building Code (UBC) changes from time-to-time and the City adopts updates.

Deputy Mayor Scott said that was a good point, but the UBC will not put in the level of risk that this could potentially cause in the future. He questioned if the Council and the City is comfortable in saying "current uses are fine." He noted that revising this isn't a slander to professionalism, but goes to the values of community. He asked if the City wants to keep this at BSL 3.

Mayor Ryu noted that the City needs to benchmark what is there to allow for existing uses. Councilmember McGlashan added that the City also needs to know who defines this. Deputy Mayor Scott questioned if there is any reference that the City staff looked at BSL 3.

Mayor Ryu reviewed page 19, item 1 concerning the Master Development Permit. She noted that the subcommittee asked for specificity and that they were struck between LU76 and LU77. She said they got absorbed in the Development Code and asked where the Council sets policy.

Mr. Tovar replied that the Comprehensive Plan map will show these as a policy change to campuses. He said the change to "campus" is a policy statement and policy decisions don't just happen in the CP. CP language is generalized. The details, he explained, are spelled out in the development regulations.

Councilmember McConnell discussed campus uses in Exhibit D and asked if the subcommittee stopped too early and should have made this more specific.

Mr. Tovar replied that many codes historically had this method of listing the things they will allow. He said the trend has been moving away from that and to talk about the form, envelope, etc. However, the City staff recommends being as specific as possible.

Councilmember Way noted that this was created based on the issue of having existing uses as current standards.

Councilmember Hansen referred to Chapter 20.20 Definitions and said he doesn't care whether it is called a plan or a permit.

Councilmember McGlashan suggested an amendment to the motion on the specific land uses for maintenance facilities and the power plant. He noted that there was a letter from the college concerning the uses that were missed. He asked if the City staff can draft language to add the missed uses. Mayor Ryu commented that putting in a "catch-all" sets a bad precedent. Councilmember McGlashan noted that the letter was from Crista Ministries. He said that they have to go through a permitting process if they're doing something that's not on this list. Councilmember Hansen commented that this is precisely the problem with making lists.

Deputy Mayor Scott asked if their current use is not on the list, and whether there is a process to propose adding it later. Mr. Tovar replied that if the Council adopts this and then finds out other uses later, a code interpretation could be made. He said it is Council's clear intent to allow existing uses or to say it's only good until the next cycle of code amendments.

Mayor Ryu said she went through the list on page 48 item by item. She felt that using CRISTA's letter as a basis for adding a catch-all is not good policy.

Councilmember Way agreed and said affordable housing is an example. She said no one knows what affordable housing is for Fircrest and SCC. She said it seems risky to put this in there without having any clear definition.

Councilmember Hansen felt that if any of these campuses are engaged in a permitted activity there should be a line in the ordinance to clarify that.

Councilmember Way felt that the Council should move forward with the existing list and if any of the entities wants to appeal, the City staff could do the code interpretation.

Mr. Tovar commented that the process would be interpreting the code, but it would be helpful to have some language to rely on. Ms. Markle offered proposed language. Mr. Tovar noted that the City staff can bring code amendments once a year.

Councilmember McConnell agreed with the proposed language and urged the Council to adopt it.

MEETING EXTENSION

At 9:45 p.m. Councilmember McGlashan moved to extend the meeting until 11:00 p.m. Councilmember Hansen seconded the motion, which carried 5-1, with Deputy Mayor Scott dissenting.

RECESS

At 9:46 p.m., Mayor Ryu called for a five minute break. Mayor Ryu reconvened the meeting at 9:57 p.m.

Ms. Markle read the proposed language of the amendment.

Councilmember McGlashan moved to insert the following language: "Other uses not listed in this section existing within the campus zone as of the effective date of Ordinance No. 507 may be permitted as P-m through a code interpretation." Councilmember Hansen seconded the motion, which carried 6-0.

Councilmember Way suggested adopting all of the P-m's. Deputy Mayor Scott noted that there are questions from Friends of Fircrest about light manufacturing. He said P-m is with the Master Development Plan and if they are proposing something outside the criteria then the Council could say no. Councilmember Way noted that P-i makes more sense. Deputy Mayor Scott replied that current P-m means things that are existing, and the Council has heard that people were comfortable with existing uses.

Councilmember Way moved to insert a line for "Light Manufacturing" between the lines with "Library" and "Maintenance Facilities for on-site maintenance" and adding "P-m" under the FCZ and SCZ categories; adding "P-m" in the PHZ category for the "Maintenance Facilities for on-site maintenance" and "Power Plant for site use power generation only" land use lines and striking the word "School" on the School Bus Base line. Deputy Mayor Scott seconded the motion, which carried 6-0.

Councilmember Way noted that there was an issue raised by the public about the EIS. She noted that the original EIS would have covered the potential for going from R-6 to R-48.

Ms. Markle replied that as far as the actual permit itself the City staff will analyze the actual proposed density and a mitigation plan specific to that plan would be developed to have the same end-product.

Councilmember Way inquired if a supplemental EIS would be required. Ms. Markle replied that no EIS is done unless impacts cannot be mitigated. She said the City has specifics and can determine impacts to streets and surface water. The CP covers the master plans and CP has identified them as special areas.

Councilmember Way noted that this is the first time the density issue is being brought out.

Mayor Ryu questioned what would have happened if it was not called out and wanted to know what the density would be. Mr. Tovar responded that the Commission contemplated having additional new uses. He also stated that SEPA contemplated new uses, including residential, but didn't state specific density.

Ms. Markle added that the density is not proposed to be changed and the density remains on all those sites. The sites are stuck at existing uses until they apply for a master development permit and plan.

Mayor Ryu asked if there was any consequence in saying "use R-36." Ms. Markle responded that it reduces the total amount.

Councilmember Way said she isn't prepared to change the density and is concerned about the perception of a density change. She said there needs to be a process of approval. She noted that Mr. Nelson talked to CTED and they didn't feel the density issue was part of this. She inquired if this could be done at the first meeting in January. Mayor Ryu noted that nobody caught the R-48 issue until now and it seems to be pretty new. Councilmember Way said it is helpful to have a place holder for this in the future.

Councilmember McGlashan commented that the Commission held the original public hearing and this is for the changes made on the committee.

Mr. Tovar noted that the Commission recommendation wouldn't require a new hearing. However, when substantial changes are proposed there would have to be a plan put in front of the public, including SEPA, with real numbers and real proposals.

Councilmember Way said the issue is plan versus permit. She said the DC process needs a policy direction from the CP. She said the "plan" gives the appropriate structure to the DC and that other cities don't have a "permit." She said a "permit" at this stage allows the twenty year plan to go forward without any details and policy direction. She inquired, since PUD is mentioned on page 34, item H-10, what the process is at PUD.

Mr. Tovar replied that Shoreline doesn't have a PUD and doesn't know why this language was put in the CP. He said he would be happy to add it to the 2009 docket to expunge those words. He said planning and development is a zoning tool and it involves a detailed architectural site plan, preliminary site plan, public hearing comments, conditions imposed, another hearing, and final planning and development.

Councilmember Way questioned the stakeholders process listed on page 21. She felt that one meeting doesn't give people enough opportunity to comment. Mayor Ryu asked how stakeholders are defined.

Councilmember McGlashan noted that this is a pre-step, so there's still two meetings. This was done because there is nothing really to talk about at this first meeting, he said. He said there aren't any drawings; only feedback is given.

Councilmember Way said it should be open to a more detailed and elaborate process in the future.

Deputy Mayor Scott asked for an explanation of early community input and what other meetings are involved.

Mr. Tovar referred to page 41 and said early meeting(s) are more conceptual and discuss budget, etc. He said there is more of a dialogue. He said it is like the pre-application conference with the City staff. He noted that the neighborhood meeting is more detailed, but it is still in the pre-application phase.

Deputy Mayor Scott commented that there are multiple meetings and opportunities even before these come to the Council level.

Councilmember Way moved to insert "or meetings" on page 41. Deputy Mayor Scott seconded the motion.

Councilmember Way asked at what point is an application under quasi-judicial process rules. Mr. Tovar replied that it is up until the City has a complete application. He added that the hearings could also be videotaped so the Council could watch them.

Councilmember Hansen commented that if people have a half a dozen meetings, are they required to record each one.

Councilmember Way said these are specific to campuses, SCC, Crista, Fircrest, and the Health lab. She said it is crucial that the neighborhoods be allowed to participate.

A vote was taken on the motion on the table to insert "or meetings" on page 41 which carried 5-1, with Councilmember Hansen dissenting.

Councilmember McConnell called the question, seconded by Councilmember Hansen. Motion failed 3-2, with Mayor Ryu and Councilmember Way dissenting and Deputy Mayor Scott abstaining.

Mayor Ryu commented that this is a lot of work and she takes the responsibility seriously. She said this doesn't answer all the questions, but presents a good balance.

A vote was taken on the motion to adopt Ordinance No. 507 as amended, which carried 6-0.

10. ADJOURNMENT

At 10:45 p.m. Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk

This page intentionally left blank.