



AGENDA

STAFF PRESENTATIONS

PUBLIC COMMENT

SHORELINE CITY COUNCIL VIRTUAL/ELECTRONIC REGULAR MEETING

Monday, July 19, 2021
7:00 p.m.

Held Remotely on Zoom
<https://zoom.us/j/95015006341>

In an effort to curtail the spread of the COVID-19 virus, the City Council meeting will take place online using the Zoom platform and the public will not be allowed to attend in-person. You may watch a live feed of the meeting online; join the meeting via Zoom Webinar; or listen to the meeting over the telephone.

The City Council is providing opportunities for public comment by submitting written comment or calling into the meeting to provide oral public comment. To provide oral public comment you must sign-up by 6:30 p.m. the night of the meeting. Please see the information listed below to access all of these options:



[Click here to watch live streaming video of the Meeting on shorelinewa.gov](https://www.shorelinewa.gov)



Attend the Meeting via Zoom Webinar: <https://zoom.us/j/95015006341>



Call into the Live Meeting: 253-215-8782 | Webinar ID: 950 1500 6341



[Click Here to Sign-Up to Provide Oral Testimony](#)

Pre-registration is required by 6:30 p.m. the night of the meeting.



[Click Here to Submit Written Public Comment](#)

Written comments will be presented to Council and posted to the website if received by 4:00 p.m. the night of the meeting; otherwise they will be sent and posted the next day.

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		7:00
2. ROLL CALL		
3. APPROVAL OF THE AGENDA		
4. REPORT OF THE CITY MANAGER		
5. COUNCIL REPORTS		
6. PUBLIC COMMENT		

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 10 people are signed up to speak, each speaker will be allocated 2 minutes. Please be advised that each speaker's testimony is being recorded. Speakers are asked to sign up by 6:30 p.m. the night of the meeting via the [Remote Public Comment Sign-in form](#). Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed up.

7. CONSENT CALENDAR

- (a) Approval of Minutes of Regular Meeting of June 21, 2021 7a1-1
- Approval of Minutes of Regular Meeting of June 28, 2021 7a2-1

8. ACTION ITEMS

- (a) Appointment of Pro and Con Committee Members for City of Shoreline Proposition 1: General Obligation Bonds for Parks, Improvements and Park Land Acquisitions 8a-1 7:20
- (b) Action on Ordinance No. 937 - Amending the Shoreline Municipal Code to Add Chapter 10.22 Street Racing 8b-1 7:40

9. STUDY ITEMS

- (a) Discussion of Ordinance No. 934 - Amending Development Code Chapter 20.30 to Add Procedures for Subdivision Vacations and Resolution No. 481 - Adopting a Fee for Subdivision Vacations 9a-1 8:10

10. ADJOURNMENT

8:30

Any person requiring a disability accommodation should contact the City Clerk's Office at 206-801-2230 in advance for more information. For TTY service, call 206-546-0457. For up-to-date information on future agendas, call 206-801-2230 or visit the City's website at shorelinewa.gov/councilmeetings. Council meetings are shown on the City's website at the above link and on Comcast Cable Services Channel 21 and Ziplly Fiber 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.

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, June 21, 2021
7:00 p.m.

Held Remotely via Zoom

PRESENT: Mayor Hall, Deputy Mayor Scully, Councilmembers McConnell, McGlashan, Chang, and Robertson

ABSENT: Councilmember Roberts

1. CALL TO ORDER

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

2. ROLL CALL

Upon roll call by the City Clerk, all Councilmembers were present with the exception of Councilmember Roberts. Councilmember McConnell moved to excuse Councilmember Roberts for personal reasons. The motion was seconded by Deputy Mayor Scully and approved by unanimous consent.

3. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

4. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, provided an update on COVID-19 and reported on various City meetings, projects and events.

5. COUNCIL REPORTS

Councilmember Chang reported that she attended the Sound Cities Association (SCA) Caucus meeting, as well as the regular meeting of the Regional Transportation Committee. She noted that Metro will be instituting its Fall 2021 service changes in October, in conjunction with the opening of the Northgate Light Rail Station.

6. PUBLIC COMMENT

Tamra Smilanich, Seattle resident, shared information on the City of Yelm's Resolution regarding COVID-19 vaccination information. She expressed concern with health information privacy violations. She urged Shoreline to protect individual's privacy and right of choice.

Ed Yasakawa, Seattle resident, spoke against vaccination requirements in the workplace as a violation of personal liberty.

Jackie Kurlle, Shoreline resident, spoke regarding the Enhanced Shelter. She supports the cause of helping the homeless and encouraged ongoing monitoring and oversight of activities at, and near, the Shelter and asked the City to formulate and enforce more specific reporting metrics.

7. CONSENT CALENDAR

Upon motion by Deputy Mayor Scully and seconded by Councilmember Robertson and unanimously carried, 6-0, the following Consent Calendar items were approved:

- (a) Adoption of Ordinance No. 935 - Extension of Interim Regulations to Allow for Additional Extensions of Application and Permit Deadlines Beyond Those Provided for in the Shoreline Municipal Code Due to COVID-19 Impacts**
- (b) Adoption of Ordinance No. 936 - Extending Interim Regulations for Outdoor Seating**
- (c) Authorize the City Manager to Execute an Amendment to the Professional Services Agreement with Osborn Consulting in the Amount of \$167,201 for the 2021-2022 Stormwater Pipe Repair and Small Drainage Projects**

8. STUDY ITEMS

- (a) Discussion of 2020 Police Services Report

Shawn Ledford, Shoreline Police Chief and Ryan Abbott, Operations Captain, jointly delivered the staff presentation. Chief Ledford reviewed the current staffing, with 54 FTEs assigned to Shoreline, and seven vacancies for commissioned staff. He said hiring and retention of officers is a problem and it can be a challenge to meet minimum staffing. Captain Abbott reviewed the contact data, stating that there was a total of 22,690 contacts in 2020, of which 14,949 were dispatched calls for service. He said there was a general decrease in numbers, primarily due to COVID-19. A graphic of response times, by priority level, was displayed and it was stated that in 2020 traffic collisions decreased by nine percent and citations decreased by 67 percent. In a review of crime trends by category it was noted that the 300 percent increase in fraud was due to fraudulent unemployment claims. Captain Abbott described some of the 11 hate crime instances in 2020, seven of which were graffiti. He displayed a graph of the types of force used in the 2020 contacts, stating that only 15 of the 22,690 contacts resulted in a use of force, and shared details on each type. Chief Ledford displayed a list of the 2021 legislative changes affecting policing and described each one and the challenges in practical implementation that are being considered. He concluded by stating that the Shoreline Police do a good job in de-escalation, but law enforcement may not be in a position to be the default for crisis calls with the implementation of these legislative changes.

Regarding the legislation around the State v. Blake decision, Councilmember Chang said she is concerned with some of the quality of life aspects. She asked if this decision makes it voluntary as to whether an individual has to respond to a referral. Chief Ledford responded that there are several upcoming meetings scheduled on how this new law should be implemented and he will return to Council in August to provide an overview.

The differences between reasonable suspicion and establishing probable cause were discussed and Chief Ledford explained how House Bill 1310 prohibits detaining suspects unless there is probable cause, whereas before it could be done with the lesser standard of reasonable suspicion. Deputy Mayor Scully respectfully disagreed that probable cause is too high of a standard, and said he believes the recent legislative changes are less dramatic than the perception is and he looks forward to future discussions.

Reviewing crime trends, Deputy Mayor Scully asked what 2020 would look like if unemployment fraud was removed from the numbers. Chief Ledford said aside from the employment fraud he is not aware of any increases in other types of fraud.

On the topic of race and policing, Deputy Mayor Scully asked about collecting data on perception of race during traffic stops and on views to see if they are in proportion to the racial percentage of the population. He also suggested asking 911 callers questions that would help determine if race is influencing a perception of suspicious activity. Mayor Hall commented that if traffic cameras were in use for some forms of enforcement, data could be collected from a system that does not perceive race. He agrees with the concern and the importance of ensuring that policing is not race based. Councilmember Chang asked if traffic stop data can be expected to correlate with the racial population of Shoreline since commuters account for a portion of all traffic. Chief Ledford said he hopes that a statewide tracking method will be implemented. He spoke to the implicit bias training police officers participate in and said that heightened awareness of bias and better data will help make improvements.

Councilmember Chang asked what to do about the increase in property crime. Chief Ledford responded that increasing community outreach about crime prevention techniques would be helpful. Deputy Mayor Scully encouraged him to let the Council know if they need more resources.

Councilmember Robertson mentioned that this evening's national news reported on the nationwide hiring crisis and low morale among police agencies. She then thanked Shoreline Police for their hard work, stating that she is looking forward to a continued partnership in making improvements. She asked about the amount of prostitution seen immediately to the south of Shoreline, and what can be done about it. Chief Ledford said officers have the authority to talk to sex workers and ask if they need help and advise them that they cannot work in Shoreline.

Regarding use of force, Councilmember Robertson said she wants to review the report on the police shooting that occurred in Shoreline and asked for a timeline on when it will be available. Chief Ledford said due to the ongoing outside agency investigation and inquest protocol, very little information is available to him. Deputy Mayor Scully clarified that the graph of percentages of the types of force used breaks down the 15 occurrences in Shoreline in 2020. He suggested

that it would be good to display that data in numbers, because the graph creates a different perception.

Mayor Hall asked why the number of collisions dipped a little bit when driving dropped a lot in 2020. Chief Ledford replied that the significant drop in enforcement could be a cause since enforcement typically decreases number of collisions.

(b) Discussion of Ordinance No. 937 - Amending the Shoreline Municipal Code to Add Chapter 10.22 Street Racing

Margaret King, City Attorney; and Ryan Abbott, Police Operations Captain, delivered the staff presentation. Captain Abbott displayed a video of street racing and said it occurs at least two weekends a month, and often the Police have no forewarning about this dangerous activity. Ms. King said street racing brings both participants and spectators that block streets and intersections, resulting in serious injuries and accidents, as well as other criminal activities and acts of violence. Recent local occurrences and their effects on neighboring communities were described. Ms. King said the proposed regulations broadly define street racing and spectators and listed the charges that could be brought against violators. Captain Abbott described the ways spectators participate, and described the dangers associated with it. Ms. King said the proposed Ordinance designates 'No Racing Zones' in which Stay Out of Areas of Racing (SOAR) orders could be imposed and described the locations designated, as well as the repercussions of violation. Captain Abbott elaborated that by not limiting a time of day that the restrictions are in effect eliminates any likelihood of offense outside of a particular timeframe. Ms. King said that the Ordinance does not include a summary impoundment provision because it is questionable whether a summary impound would be upheld in court and Captain Abbott said impoundment determinations would be done on a case-by-case basis.

In reviewing the Ordinance, Councilmember McGlashan is glad to see intersection takeover is included; and he asked why the no racing areas are limited to three roads and if private property could also be designated as no racing areas. Captain Abbott responded that the roads listed are where they have found the racing to be occurring, however they could look at expanding it if it becomes a problem elsewhere. Ms. King elaborated on reasons for only designating three areas and clarified that while a citation for street racing can be issued anywhere, enforcement of a SOAR order would allow the Police to issue a citation if the violator is found driving anywhere in the City. Violations on private property would be trespassed, rather than cited. Councilmember McConnell agreed that eliminating time restrictions from the regulations makes sense. She is glad that this is being considered because of the safety issues and the secondary crimes associated with street racing.

Councilmember Robertson said she has heard more and more racing in the City during lockdown and asked if these instances are likely to decrease ones the pandemic restrictions are lifted. Captain Abbott said he does not see it going away. Councilmember Robertson asked if jurisdictions with SOAR have seen a decrease in activity, and Captain Abbott shared information on Kent's decreased activities due to the racing ordinance. Councilmember Robertson asked what happens when police arrive on scene in these instances, and Captain Abbott shared some examples of the dangerous situation it puts officers in. He said it is a constant struggle to find

information on upcoming races and all the agencies work together and communicate since it moves from city to city.

Deputy Mayor Scully is cautious about this type of regulation because of the unintended consequences that can be associated with enforcement. He is generally fine with the Ordinance, but he has a problem with impounding vehicles and shared his reasons why. He does not have a problem with a court ordering an impoundment as a condition of a sentence, but he is not in favor of officers having the authority to impound. Mayor Hall agreed on the importance of due process; but noted that street racing cars are built to race and removing the car from the offender could be an effective deterrent and prevent this behavior in the future. He would be in favor of getting regulations in place sooner rather than later, since it is a priority issue to the community, and if issues come up Council could refine it later. Councilmember Chang said she would be okay impounding the car from the driver on scene, because of the associated danger. Ms. King clarified that under a reckless driving offence, an officer does have the ability to impound a vehicle, if it meets the requirements. The Ordinance states that Courts can only order impoundment after the individual has been convicted.

Councilmember McGlashan asked for an explanation of after the fact prosecution, which is allowed in this Ordinance. Captain Abbott said there has to be proof of who the driver is to charge them at a later date.

It was agreed that Ordinance No. 937 would return as an Action Item.

(c) Discussion of COVID-19 Vaccination Policy

John Norris, Assistant City Manager, delivered the staff presentation. Mr. Norris stated that this discussion of a mandatory COVID-19 vaccination policy was sponsored by Mayor Hall. He stated that the proposed policy would require vaccination as a condition of employment and of in-person attendance at City Council meetings and indoor events sponsored by the City for any member of the public. Mr. Norris underscored the tremendous impact of the pandemic and emphasized the importance the City puts on safety. He said that vaccines are the best protection against contracting and spreading COVID-19.

Mr. Norris said the Council has the authority to issue a mandatory vaccination policy, but it would have to provide for exemptions for medical and sincerely held religious reasons. He said staff could not identify any State government agency that has adopted mandatory COVID-19 vaccination policies. He shared the potential consequences of this policy and observed that most employers are focusing on incentivizing, rather than mandating, vaccination.

Mr. Norris summarized the COVID-19 vaccination status statistics of current City employees and described the prevention protocols in place, both currently and for when City facilities reopen. He concluded by stating that the City Manager does not recommend adoption of mandatory COVID-19 vaccination policies and listed the policy questions that staff would like feedback on.

In discussion of a mandatory vaccine policy for City employees, Councilmember Chang said safety of employees is her primary concern, so she can see compelling reasons to require vaccination to protect the people who have made the choice that is good for public health. She would like to explore what a policy would look like and to see what the Union requirements would be. Councilmember Robertson is not comfortable mandating vaccination for employees and imagines it might be hard to track the validity of exemptions. Councilmember McConnell asked about the purification of City Hall's air flow and Mr. Norris described the air purifying interventions at City facilities and confirmed that City Hall has a very advanced HVAC system. Councilmember McConnell said she supports the City Manager and will honor her recommendation. She does not want to mandate vaccinations for current employees, but it may be worth considering as a requirement for future employees. Councilmember McGlashan is comfortable with the current policy and does not support mandatory vaccination requirements. Deputy Mayor Scully clarified that termination of employment is a potential recourse for both employees who are exempt from vaccination and those who choose not to vaccinate. Mayor Hall said it is important to get beyond personal preferences in this policy discussion and focus on trying to balance the health and safety of all employees and the freedoms and privacy and comfort of employees and members of the public. In this case, the safety of employees is the most important. If employees are required to return to the workplace, the most vulnerable need to be protected. He said Courts have found that employers may mandate vaccination, recognizing that a small intrusion of personal rights versus a huge benefit to public safety. He agreed that this conversation is starting early but recognized that it takes months to work these things out. He said he would like this to come back for continued discussion. Deputy Mayor Scully said he agrees with the Mayor on vaccination requirements for employees.

In consideration of a mandatory requirement for the public, Councilmember Chang recognized that while the reasons are the same, accommodations are more difficult to enforce while keeping City services and government accessible. Councilmember McConnell would like to see masking required for in-person participation. Councilmember McGlashan said he would like to see remote meetings continue until there is better data available. Deputy Mayor Scully is not on board with a requirement for the public, especially because it would be difficult to enforce. Councilmember Robertson encouraged everyone eligible to get vaccinated, but she is only comfortable with going as far as educating and encouraging people to get vaccinated.

Reviewing the discussion thus far, Mr. Norris said he did not hear support for a mandate for a vaccination requirement for the public but did hear a split preference from Council on mandating vaccination for employees. Ms. Tarry agreed with the importance of employee safety and said she would like to commit to a continued monitoring of what is happening with public health and other employers and update Council as trends are identified.

Councilmember McConnell said she would support waiting to decide on future action until more monitoring has taken place. Councilmember Chang asked if there is any indication of where the State is headed with requirements in Phase 4. Ms. Tarry said it is her understanding that the Governor is planning to lift most restrictions when the state reopens on June 30. Councilmember Chang said if protecting employees is important, there is no reason to wait on this decision.

Councilmember Robertson asked what the expectation for employees is upon reopening next month. Mr. Norris said right now an Ongoing Remote Work Policy is being created and departmental staffing plans are being drafted for a phased reopening to safely accommodate the public being on site, but not all staff are being brought back at this time. He outlined the adjustments made to prevent transmission, which include plexiglass dividers for workstations accessible to the public, and masking requirements in all common areas. Councilmember Robertson asked how the youth are being kept safe in summer programs and Mr. Norris outlined the protocols in place. Ms. Tarry elaborated on the City's Phase 1 reopening plans that narrow the purpose of the public coming to City Hall. Councilmember McGlashan asked what the Police will be doing during Phase 1 of reopening, and Ms. Tarry said they are under the same regulations and to her knowledge there is no mandate for vaccination for King County employees.

Mayor Hall summarized that there is not sufficient interest from Council to require a specific proposal be brought back at this time. He reminded everyone that the third wave of the pandemic took place while a mask mandate was in effect and he encouraged people to get vaccinated if able.

9. ADJOURNMENT

At 9:33 p.m., Mayor Hall declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, June 28, 2021
7:00 p.m.

Held Remotely via Zoom

PRESENT: Mayor Hall, Deputy Mayor Scully, Councilmembers McConnell, McGlashan, Chang, Robertson, and Roberts

ABSENT: None.

1. CALL TO ORDER

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

2. ROLL CALL

Upon roll call by the City Clerk, all Councilmembers were present.

(a) Proclaiming Parks, Recreation, and Cultural Services Month

Mayor Hall announced the proclamation of July as Parks, Recreation, and Cultural Services Month and emphasized the value of outdoor spaces to the community.

3. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

4. REPORT OF CITY MANAGER

John Norris, Assistant City Manager, provided an update on COVID-19 and reported on various City meetings, projects, and events.

5. COUNCIL REPORTS

At the recent Sound Transit Board Meeting, Councilmember McGlashan testified in support of completing the 522/523 Stride Bus Rapid Transit feeding the 148th Street Light Rail Station. The Chair's proposal for realignment due to the budget shortfall is to delay construction on some of the parking garages. Councilmember McGlashan suggested a study session on neighborhood parking zones to devise a plan to manage the impact of increased street parking once the Light Rail Stations open.

Councilmember Roberts participated in the Association of Washington Cities annual conference and shared results of their elections.

Mayor Hall emphasized the importance of continued vigilance and safe practices to minimize the spread of COVID-19.

6. PUBLIC COMMENT

Rebecca Jones, Seattle resident, spoke regarding climate change and the recent heat wave. She shared data from her comparison of today’s temperatures in the City based on the presence of significant trees and urged preservation of established trees.

Jackie Kurle, Shoreline resident, spoke regarding the Enhanced Shelter and emphasized the need for continued oversight of the Shelter operations.

7. CONSENT CALENDAR

Upon motion by Deputy Mayor Scully and seconded by Councilmember McGlashan and unanimously carried, 7-0, the following Consent Calendar items were approved:

- (a) Approval of Minutes of Regular Meeting of June 7, 2021**
Approval of Minutes of Regular Meeting of June 14, 2021

- (b) Approval of Expenses and Payroll as of June 11, 2021 in the Amount of \$1,672,884.89**

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
Prior period check voided/reissued			17285/17343		\$0.00
Prior period check voided/reissued			17340/17344		\$0.00
05/16/21-05/29/21	6/4/2021	97147-97370	17345-17385	82627-82630	\$611,283.96
05/16/21-05/29/21	6/4/2021			WT1188-WT1189	\$135,004.48
					<u>\$746,288.44</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
6/2/2021	82568	82579	\$376,226.76
6/2/2021	82580	82580	\$2,520.00
6/2/2021	82581	82590	\$53,973.74
6/10/2021	82591	82610	\$289,103.32
6/10/2021	82611	82626	\$204,772.63
			<u>\$926,596.45</u>

- (c) **Authorize the City Manager to Execute Agreements to Request Coronavirus State and Local Fiscal Recovery Funds from the American Rescue Plan Act (ARPA)**
- (d) **Authorize the City Manager to Purchase a Crosswind J Street Sweeper and Upfitting Equipment in the Amount of \$354,143 for the Public Works Surface Water Program**
- (e) **Authorize the City Manager to Enter into an Interlocal Data Sharing Agreement with the Washington State Auditor’s Office for the Purpose of Data Sharing**
- (f) **Authorize the City Manager to Execute Change Order #5 to Contract 9262 in the amount of \$225,000 with New Restoration and Recovery Services, LLC, d\b\A Aqualis, for Annual Stormwater Drainage Cleaning Maintenance**
- (g) **Authorize the City Manager to Execute a Settlement Agreement and Release Related to the Storm Creek Erosion Management Project and Related Easement Agreements**
- (h) **Adoption of Resolution No. 480 – Determining the Lowest Responsible, Responsive Bidder, Rejecting the Bid of Diversified Holdings NW, Awarding a Public Works Contract to Kamins Construction for the 1st Avenue NE (N 193rd Street to NE 195th Street) New Sidewalk Project in the Amount of \$596,153, and Authorizing the City Manager to Execute the Same**

8. **ACTION ITEMS**

- (a) Action on Ordinance No. 932 - Authorizing the Placement of a Ballot Measure on the 2021 November General Election Ballot to Authorize a Property Tax Bond Measure for Park Improvements and Park Land Acquisition

Christina Arcidy, Management Analyst, delivered the staff presentation. Ms. Arcidy reviewed the development of the potential ballot measure and the results of the April 2021 Special Election, on which the ballot measure was earlier placed. She displayed the proposed ballot title and said there have been no suggested amendments to proposed Ordinance No. 932 since the previous Council discussion. She listed the next steps should the Council decide to place a bond measure on the November 2021 General Election ballot, and she concluded by stating that staff recommends that Council adopt Ordinance No. 932.

Councilmember McGlashan moved to adopt Ordinance No. 932 authorizing the placement of a ballot measure on the 2021 November General Election ballot to authorize a property tax bond measure for park improvements and park land acquisition. The motion was seconded by Councilmember McConnell.

Councilmember McGlashan expressed support for the ballot measure as written, without changes.

Councilmember Roberts pointed out a potential error in the Ordinance language, with which Deputy Mayor Scully agreed. The intent of the language was discussed, and it was confirmed by Margaret King, City Attorney, that she feels the phrasing correctly indicated that should the project costs exceed \$38,500,000, the City still guarantees completion of the projects. After discussing appropriate next steps, Mr. Norris recommended the motion be amended to give staff direction to fix any scrivener's errors, should it be determined that they exist.

Councilmember Roberts moved to amend the main motion to include the authority for staff to correct any scrivener's or clerical errors in the Ordinance. The motion was seconded by Deputy Mayor Scully and passed unanimously, 7-0.

The main motion, as amended, passed unanimously, 7-0.

- (b) Action on Ordinance No. 933 - Authorizing the Use of Eminent Domain for Acquisition of Certain Real Properties to Construct the NW Innis Arden Way Culvert Replacement

Tricia Juhnke, City Engineer, delivered the staff presentation. Ms. Juhnke stated that Ordinance No. 933 provides authorization to utilize eminent domain for acquisition of certain real properties to construct the NW Innis Arden Way Culvert Replacement Project, as discussed by Council on June 14, 2021.

Councilmember Robertson moved to adopt Ordinance No. 933 - Authorizing the Use of Eminent Domain for Acquisition of Certain Real Properties to Construct the NW Innis Arden Way Culvert Replacement. The motion was seconded by Councilmember Chang.

Councilmember Robertson recognized this action as a necessary step to keep this long-running project moving forward.

The motion passed unanimously, with a vote of 7-0.

- 9. EXECUTIVE SESSION: Property Acquisition – RCW 42.30.110(1)(b)

At 7:42 p.m., Mayor Hall recessed into an Executive Session for a period of 30 minutes as authorized by RCW 42.30.110(1)(b) to consider the selection of a site or the acquisition of real estate by lease or purchase and stated that the Council is not expected to take final action following the Executive Session. Staff attending the Executive Session included John Norris, Assistant City Manager; Margaret King, City Attorney; and Nathan Daum, Economic Development Manager. The Executive Session ended at 8:10 p.m.

- 10. ADJOURNMENT

At 8:11 p.m., Mayor Hall declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Appointment of Pro and Con Committee Members for City of Shoreline Proposition 1: General Obligation Bonds for Parks, Improvements and Park Land Acquisition
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Eric Bratton, Communications Program Manager
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

On June 28, 2021, the City Council adopted Ordinance No. 932, placing a general obligation bond measure for parks improvements and park land acquisitions on the November 2, 2021, general election ballot. For the primary and general election, King County publishes a voters' pamphlet. For special elections, jurisdictions must request a voters' pamphlet and pay the costs of publishing it.

The City Council is responsible for appointing committees to prepare statements in favor of and in opposition to a ballot measure. These statements will be published in the voters' pamphlet. Council must select Pro Committee members from persons known to advocate for voters' approval of Proposition 1. They must select Con Committee members from persons known to advocate voters' rejection of Proposition 1. There is a limit of three members per committee. The committee appointments must be filed with King County by August 3, 2021. This evening the City Council will make those appointments.

Staff started advertising for members to serve on both the Pro and Con Committees on Tuesday, June 29, 2021. Staff made information available on the City's website and provided information to *Shoreline Area News* and neighborhood leaders. Staff also sent the posting through the City's e-notification system and posted on social media. Applications for the committee appointments were due July 15, 2021, at 10:00 a.m. This was a staff-imposed deadline so we would have time to produce this staff report and make it available to the Council and the public by Friday, July 16, ahead of tonight's meeting.

The City received applications from the following residents for the Pro and Con Committees:

Pro Committee

Brian Branagan
Katie Schielke
Mary Ellen Stone

Con Committee

Joseph Smith

Attachment A to this staff report provides all the applicants' application information.

The committees are responsible for writing statements in favor of or in opposition to the ballot measure. These statements must be submitted to King County Elections no later than August 10, 2021, and are limited to 200 words. Each committee must submit their rebuttal statements to King County no later than August 12, 2021. Rebuttal statements are limited to 75 words.

The City must also provide an explanatory statement of the ballot title for the voters' pamphlet. The statement describes the effect of the measure if it is approved and is not to intentionally be an argument likely to create prejudice either for or against the measure. The explanatory statement is limited to 250 words, must be signed by the City Attorney, and submitted to King County Elections by August 6, 2021. Although the Council does not need to take any action on the explanatory statement, a draft of the explanatory statement is included as Attachment B.

RESOURCE/FINANCIAL IMPACT:

There is no resource or financial impact to appoint the Pro and Con Committees for City of Shoreline Proposition 1.

RECOMMENDATION

The City Council can move to select up to three members to serve on each of the Pro and Con Committees regarding Shoreline Proposition 1.

ATTACHMENTS:

Attachment A – Pro/Con Committee Applications
Attachment B – Proposition 1 Explanatory Statement

Approved By: City Manager **JN** City Attorney **MK**

Name	PRO or CON committee?	Shoreline resident or property owner	Length of residence or ownership of property	Educational background	Occupational background	Describe your involvement in the Shoreline community.	Describe any special expertise you have which would be applicable to this position.	Describe your experience serving on any public or private boards or commissions.	Are you affiliated with any organizations which receive direct funding from the City of Shoreline (such as the Shoreline Museum, Shoreline – Lake Forest Park Arts Council, human services organizations, etc.)?	If you answered "Yes" to the question above, please name the group.	Describe why you are interested in serving in this position.
Mary Ellen Stone	PRO	Yes	2 years	Masters in Counseling, University of Minnesota.	I have been the executive director of King County Sexual Assault Resource Center (KCSASRC) for the past 40 years. KCSASRC is a non profit assisting victims of sexual assault and their families. On an annual basis we assist over 4500 individuals with a full range of trauma focused services in English and Spanish. As Executive Director I report to a 19 member Board of Directors, work closely with local and state governments on policy and funding issues, and lead a 65 member staff.	I have recently moved to Shoreline/Richmond Beach (fall 2019). I am a PCO and have volunteered in the Richmond Beach Community Association.	Extensive experience and skill in leading small and large groups to accomplish goals, strong communication skills, interest in local governance issues.	I have served on a number of non profit boards and advisory groups. Recent experience includes the Mental Illness Drug Dependency Oversight Board (King County) , Seattle Archdiocese Review Board, Seattle Police Chief Hiring Commission.	Yes	King County Sexual Assault Resource Center	I am seeking greater involvement in the Shoreline community. I have worked on a number of elections, I have not been involved in writing for ballot initiatives. I am interested in this process.
Joseph Smith	CON	Yes	19 years	Business Administration- University of Washington - Bothell	Financial Consultant- Equitable Advisors, LLC since 2007	Active community member. My spouse Julie and I usually organize the national neighborhood night out block party in the Parkwood area.	Finance background- I engage in financial planning, modeling of data and in depth analysis in the course of my daily engagement with clients, both individual, businesses, and non-profit organizations	I have served on a number of boards throughout my career. Currently I am the Vice President of the board for the University District Food Bank in the University District. I have served in the role for the last two years. I am the chair of the Onboarding and Recruiting committee and serve on the Fundraising and Events committee. Prior to the vp role I served as the board Secretary for a year.	No		I am interested in serving in this position for a variety of reasons. As a long time Shoreline resident I have raised my hand to participate in commissions such as this on a few different occasions. As of yet I have not been selected to participate. I am curious as to why there was not an opposition statement in the voter pamphlet the last time that the parks measure went on the ballot. Also, it is important to maintain the functionality and upkeep of our current parks in addition to having a desire to build new parks and retrofit / remodeling existing parks. I would also like to ensure that there is diversification of how taxes are collected in the city and being mindful of potential tax fatigue among the limited property owners in the city.
Katie Schielke	PRO	Yes	15 years	I have a Bachelor of Science in Human-Centered Design and Engineering, and a Bachelor of Arts in Psychology from the UW.	I am a Shoreline community advocate. Prior to my community advocacy work, I was a Business Management Consultant working for West Monroe Partners in Seattle.	I am currently the President of the Kruckeberg Botanic Garden Foundation in Shoreline. Previously, I was a member of the Parks, Recreation, Cultural Services, and Tree Board for Shoreline, and I was a member of the City's Arts Committee. I was also the founder and Chair for the Parkwood Neighborhood Association from 2012-2016. I was a member of CON. I have also been on several Boards for local schools.	I have experience with writing the April Special Election Prop 1 PRO statement, so I am familiar with the process. While I was a member of the PRCS & Tree Board and the Arts Committee, I was involved with the PROS planning, so I have an understanding of the needs and wants of the Shoreline community. I have an understanding of the vision for our future in Shoreline. I also have experience with leading teams and groups to accomplish big goals and I understand how to recruit and foster volunteers.	President of Kruckeberg Botanic Garden, member of PRCS Board, Arts Committee, Council of Neighborhoods, Parkwood Neighborhood Association, Shoreline Coop Preschool, Highland Terrace PTA.	Yes	Kruckeberg Botanic Garden Foundation	I believe strongly in investing in our city's parks for our future generations. I am excited to see some of our dreams and visions for the community realized with this funding!
Brian Branagan	PRO	Yes	17 years	I received my BA in Journalism and Mass Communications from the University of Wisconsin-Madison	I recently retired from a 25-year career as a software testing manager at Seattle area companies such as Adobe, Getty Images, RealNetworks and F5 Networks. In 2014, I launched Quality Conversations, my coaching and training business focused on workplace communication skills.	I have been an active member of the Innis Arden community serving on the Board of Directors of the Home Owners Association for nine years. I also helped organize neighborhood events such as the annual Salmon BBQ, the annual Holiday Party and the 4-Corners Brewfest.	I bring critical thinking skills honed by many years of running quality assurance programs that had to find the "bugs" in a product before it shipped. I have also been active in Toastmasters for over three decades and understand how to make a persuasive argument.	I have been an active member of the Innis Arden community serving on the Board of Directors of the Home Owners Association for nine years.	Yes	My wife is on the Board of the Kruckeberg Botanical Garden Foundation	I campaigned for Prop 1 last March and April and want to see it get passed this time.

Attachment B

CITY OF SHORELINE PROPOSITION NO. 1 GENERAL OBLIGATION BONDS FOR PARK IMPROVEMENTS AND PARK LAND ACQUISITION

EXPLANATORY STATEMENT

If approved by Shoreline voters, this proposition authorizes improvements to City parks, including the acquisition of new park land.

Significant improvements will be made at Brugger's Bog, Hillwood, Richmond Highlands, Briarcrest (Hamlin East), and James Keough Parks. These improvements, depending on the location, may include playgrounds, splash-pads, multi-sports courts, walking trails, picnic shelters, off-leash dog areas, and a fully accessible play area for people of all physical abilities.

Improvements will also be made at Ridgecrest and Shoreview Parks including creation/improvement of off-leash dog areas and improvements to play and field areas. Investments at Kruckeberg Botanic Garden include an education center and children's garden that will be accessible to persons of all physical abilities. Funding will also include installation of public art throughout the city.

Park land acquisitions and improvements will expand Paramount Open Space, Brugger's Bog, and Rotary Park, and will include additional park land acquisitions.

If approved, Proposition 1 will authorize the City to issue up to \$38,500,000 in general obligation bonds to finance and refinance these projects and set excess property taxes to repay those bonds. The bonds would mature within 20 years. Although the exact amount of property taxes per household necessary to repay the bonds will depend on interest rates and property values, the City estimates the annual property tax paid by the owner of a median valued home (\$517,000) would be approximately \$112 per year, or \$9 per month. This is an increase of approximately \$3 per month from the expiring park improvement bond.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Action on Ordinance No. 937 - Amending the Shoreline Municipal Code to Add Chapter 10.22 Street Racing
DEPARTMENT:	Shoreline Police City Attorney's Office
PRESENTED BY:	Shawn Ledford, Chief of Police Julie Ainsworth-Taylor, Assistant City Attorney
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Street racing is extremely difficult to address under current laws. Pursuant to RCW 46.61.530, street racing amounts to reckless driving under RCW 46.61.500, however these State law provisions fail to place consequences on organizers, non-driving participants, and spectators for their actions in facilitating and encouraging the activity.

Cities that have more successfully combatted the issue, such as the cities of Kent, Fife, Puyallup, and Tacoma, have done so, in part, through local ordinances like the one before the City Council tonight. Adoption of local regulations would provide Shoreline Police with another tool to help curb this activity, potentially preventing serious injury, fatalities, and criminal activity that can be associated with street racing.

Tonight, the City Council is scheduled to take action on proposed Ordinance No. 937 (Attachment A), which would amend the Shoreline Municipal Code to add a new chapter, Chapter 10.22, regarding Street Racing, addressing both racers as well as spectators. Proposed Ordinance No. 937 was discussed by the City Council on June 21, 2021. Council directed that staff bring back this proposed Ordinance tonight for potential action.

RESOURCE/FINANCIAL IMPACT:

There is little anticipated financial impact expected from proposed Ordinance No. 937. Prosecution of any charges resulting from violations of the proposed regulations will go through the City's Prosecuting Attorney contract. At this time, staff would not expect that it would cause an increase in the current contract allocation.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 937 as set forth in Attachment A to this staff report.

Approved By: City Manager **DT** City Attorney **JA-T**

BACKGROUND

Street racing has recently seen a substantial growth nationwide and within the Puget Sound area. Street racing events can, and frequently do, result in collisions, serious injury and fatalities (to both participants and innocent bystanders), fights, drug use, as well as other crimes that can adversely impact the community. Other types of reckless driving also occurs at these events, including squealing of tires while the vehicles is stationary or in motion, rapid acceleration, producing smoke from tire slippage, leaving visible tire acceleration marks on the roadway surface, or rapid swerving or weaving of vehicles, referred to as “speed exhibition” activities, which can result in a severe risk of danger to participants and spectators, these activities can also damage pavement, curbing, and street stripping.

Due to the volume of people that attend these events, which can number in the hundreds, all types of properties, residential and commercial, can suffer from trash, graffiti, and damage to landscaping with commercial properties suffering economic loss as customers chose to go elsewhere.

There are many examples of street racing that have occurred in the region and across the Country. The City of Shoreline is also not immune from street racing activities. In January 2021, street racing occurred on Richmond Beach Road, with approximately 250 cars participating or observing. An article regarding this incident was written in [Shoreline Area News](#). Other street racing incidents have also occurred in Shoreline over the past year and Shoreline Police believe events occur once or twice a month within the City.

Street racing is extremely difficult to address under current laws. Pursuant to RCW 46.61.530, street racing amounts to reckless driving under RCW 46.61.500, however these State law provisions fail to place consequences on organizers, non-driving participants, and spectators for their actions in facilitating and encouraging the activity.

Cities that have more successfully combatted the issue, such as the cities of Kent, Fife, Puyallup, and Tacoma, have done so, in part, through local ordinances like the one before the City Council tonight. Adoption of local regulations would provide Shoreline Police with another tool to help curb this activity, potentially preventing serious injury, fatalities, and criminal activity that can be associated with street racing.

DISCUSSION

Tonight, the City Council is scheduled to take action on proposed Ordinance No. 937 (Attachment A), which would amend the Shoreline Municipal Code to add a new chapter, Chapter 10.22, regarding Street Racing, addressing both racers as well as spectators (Exhibit A). At the June 21, 2021 Council Meeting, the City Attorney’s Office and Shoreline Police jointly presented the proposed amendments in proposed Ordinance No. 937. The staff report for this Council discussion can be viewed at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/Agendas/Agendas2021/062121.htm>.

At this Council meeting, members of the City Council had questions on the following topics in the proposed Ordinance:

- No Racing/Stay Out of Areas of Racing (SOAR) Zones,
- Stay Out of Areas of Racing (SOAR) Orders,
- Private and public property, and
- Impound of Vehicles.

The following section of this staff report provides additional information on these topics.

No Racing/SOAR Zones

The City Council had questions pertaining to why the proposed Ordinance would just designate three (3) roads – Aurora Avenue, 15th Avenue, and Richmond Beach Road – as No Racing or SOAR Zones (proposed SMC 10.22.050). Shoreline Police explained that these are the areas in which street racing has generally occurred in the past and, therefore, felt that designating these roads would address many incidents. This does not mean that street racing is not prohibited throughout the City. No Racing Zones are utilized as a deterrent for those convicted of street racing (see below for a discussion of SOAR Orders). If the primary areas of street racing shift to other roads, than the regulations could be amended to designate those roads as well, thereby allowing the Court to issue orders applicable to those roads. Police believe that imposing a No Racing Zone citywide could be burdensome.

In addition, as the regulations require, the City will post signage not only in the No Racing Zones but at primary entrances to the City denoting that street racing and spectating is illegal. The City's Traffic Engineer estimates that this will require approximately 16 signs.

SOAR Orders

The City Council also had questions pertaining to the viability of using SOAR Orders (proposed SMC 10.22.060), noting that SODA (Stay out of Drug Area) Orders have not been seen as successful. As staff noted, many jurisdictions are utilizing SOAR Orders successfully, or more successfully than those cities without the ability to seek such orders. SOAR Orders provide additional consequences for a person convicted of street racing, including arrest and vehicle impoundment if they are found within the zone. In addition, issuance of a SOAR Order is under the Municipal Court's discretion upon request by the City Prosecutor. In this regard, the Municipal Court can place conditions based on a case-by-case review and, if such Orders do not serve to deter, presumably the City Prosecutor would not seek and/or Municipal Court would not impose such an Order. However, until or unless that determination is made, SOAR Orders do provide Shoreline Police with an additional tool against repeat street racing offenders.

Private and Public Property

As noted by staff, the proposed regulations prohibit street racing on a street or within an off-street parking facility (proposed SMC 10.22.030(A)). "Off-street parking facility" is defined as being a public or private parking area. The inclusion of these off-street parking facilities was intended to address the use of such areas as church or grocery store parking lots for street racing activities. With respect to enforcing on private property, activity that is clearly illegal is subject to citation, even if it occurs on private

property. In addition, as the City Attorney noted at the last meeting, these private establishments also have another enforcement mechanism by seeking to trespass a violator from their property.

Impound of Vehicles

One of the most frequent questions from City Councilmembers pertained to the impounding of vehicles. Impounding was discussed and researched by staff when developing the proposed regulations. Taking into consideration the Washington State Supreme Court's ruling in *State v. Villela*, 194 Wn 2d 562 (2019), staff did not draft regulations recommending summary impoundment of a vehicle. Rather, staff elected to authorize the Municipal Court to have the discretion to impound a vehicle upon conviction of street racing. Shoreline Police could also impound, as is currently authorized by state law, but would do so on a case-by-case basis. Even with a SOAR Order violation, Police would still consider reasonable alternatives and would act consistently with King County Sheriff Office Policies.

There was also concern that impounding a vehicle could provide an economic penalty that could impact other individuals if the vehicle used is not owned by the violator. By limiting impound by Shoreline Police to situations where there are no reasonable alternatives to impound and by allowing the Municipal Court to exercise its discretion to impound but only upon conviction, financial impacts should only arise in egregious cases. As to the impact on other individuals, while there is a potential that a vehicle could be impounded that does not belong to the violator, the types of vehicles used for these races are unlikely to be driven by others. Additionally, if impounded, the registered owner could still recover the vehicle subject to payment of the impound. Staff believes that under both the regulations and state law, there would be limited situations in which a vehicle would be impounded where a non-participating individual is required to suffer the burden of the impounded fee. Given the protections that would reduce the likelihood of a non-participating person having their vehicle impounded, having impound available to deter the extremely dangerous behavior of those that are otherwise not deterred is a tool that could be utilized in certain circumstances.

Drafting Error in SMC 10.22.060(G) – Enforcement Procedure

Council noted that SMC 10.22.060(G) cross references 10.22.030(C), a provision that does not exist in the proposed regulations. Staff corrected this error in proposed Ordinance No. 937 and modified the section to align with the intent. The intent is that if a person is found to violate a SOAR Order, then police could impound a vehicle. Of course, such an impound would still be subject to the reasonable alternatives ruling of *State v. Villela* or would be in response to a court order, as noted above.

RESOURCE/FINANCIAL IMPACT

There is little anticipated financial impact expected from proposed Ordinance No. 937. Prosecution of any charges resulting from violations of the proposed regulations will go through the City's Prosecuting Attorney contract. At this time, staff would not expect that it would cause an increase in the current contract allocation.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 937 as set forth in Attachment A to this staff report.

ATTACHMENTS

Attachment A: Ordinance No. 937

Attachment A, Exhibit A: Proposed Street Racing Regulations, SMC Chapter 10.22

ORDINANCE NO. 937

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING TITLE 10 OF THE SHORELINE MUNICIPAL CODE (SMC),
VEHICLES AND TRAFFIC, ESTABLISHING A NEW CHAPTER, SMC
10.22 STREET RACING.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and has the authority to regulate the use of City streets pursuant to RCW 35A.11.020; and

WHEREAS, the City has an interest in maintaining the safety and welfare of its citizens and to ensure City streets are used in a safe manner for their intended purpose; and

WHEREAS, street racing events have increased nationwide and within the Puget Sound area and can result in collisions, sometimes serious injury and fatalities (to both participants, spectators, and innocent bystanders), fights, drug use, or other crimes that can adversely impact the community; and

WHEREAS, in addition to traditional racing, these events include “speed exhibition” activities such as rapid acceleration, squealing of tires, engaging in “donuts,” or other performance activities; and

WHEREAS, in addition to prohibiting and penalizing street racing and speed exhibition activities, it is also necessary to prohibit and penalize the organization of, and participation in, such activities, as these activities cause a disturbance to the peace of the community and a threat to public safety; and

WHEREAS, due to the volume of people that attend these events, all types of properties, residential and commercial, public and private, can suffer from trash, graffiti, damage to infrastructure and landscaping, and other nuisances, with commercial properties suffering economic loss as customers chose to go elsewhere; and

WHEREAS, to establish regulations prohibiting and penalizing both street racing and speed exhibitions and the organization and participation of such events, would enable the Shoreline Police to more effectively combat the occurrence of such events; and

WHEREAS, certain streets within the City are frequented by illegal racers and those who attend these illegal races due to the fact that these streets are wide and long, resulting in an uncontrolled racing environment that interferes with the use of these streets as spectators block off streets to allow for racing and performances; and

WHEREAS, by designating these areas and authorizing the court to impose additional penalties for subsequent violations, it will serve as a further deterrent; and

WHEREAS, on June 21, 2021, the City Council held a study session on the proposed Development Code amendments; and

WHEREAS, the City Council has determined it is in the interest of public safety and the welfare of motorists and pedestrians using City streets to establish regulations addressing street racing and speed exhibitions within the City;

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

Section 1. Amendment; Establishing new Chapter 10.22 Street Racing. Title 10 of the Shoreline Municipal Code, Vehicles and Traffic, is amended as set forth in Exhibit A to this Ordinance to establish Chapter 10.22 Street Racing.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

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

PASSED BY THE CITY COUNCIL ON JULY 19, 2021.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Julie Ainsworth-Taylor, Assistant City Attorney
On Behalf of Margaret King, City Attorney

Date of Publication: , 2021
Effective Date: , 2021

Chapter 10.22 - Street Racing

10.22.010 Purpose and Authority.

Street racing threatens the health and safety of the public, interferes with pedestrian and vehicular traffic, creates a public nuisance, interferes with the right of businesses and residents to enjoy the use of their property, and unnecessarily expends law enforcement resources.

This section is adopted to prohibit not only street racing itself but to prohibit spectators at street races. In prohibiting spectators, the act of organizing and participating in illegal street races will be discouraged.

The City has the authority to regulate the use of its streets under its constitutional police powers and state law, including but not limited to RCW 35.22.280.

SMC Chapter 10.05 sets forth the City's Traffic Regulations, adopting the State's Model Traffic Ordinance, which applies certain provisions of Chapter 46.61 RCW Rules of the Road throughout the City's jurisdiction.

RCW 46.61.530 provides that no person may race any motor vehicle upon any public highway. Racing occurs when any person or persons willfully compare or contest relative speeds by operation of one or more motor vehicles, whether or not such speed is in excess of the maximum speed prescribed by law. Racing constitutes reckless driving under RCW 46.61.500. Reckless driving is considered a gross misdemeanor, 30-day license suspension.

10.22.020 Definitions.

“Exhibition of speed” means the operation of a motor vehicle to present a display of speed, maneuverability, or power. Exhibition of speed or acceleration includes, but is not limited to, squealing the tires of a motor vehicle while it is stationary or in motion, rapid acceleration, rapid swerving or weaving, drifting, producing smoke from tire slippage, or leaving visible tire acceleration marks on the surface of a paved or unpaved area, that is done intentionally to draw the attention of persons in the vicinity.

“Illegal race event” means an event where street racing occurs using public highways, streets, or rights-of-way in violation of applicable motor vehicle and traffic laws, including RCW 46.61.500 and RCW 46.61.530, or within an off-street parking facility.

“Off-street parking facility” means a public or private off-street parking area open for use by the general public for parking motor vehicles.

“Preparations” means acts done to facilitate the racing event including, but not limited to, arrival of motor vehicles at a predetermined location; impeding the use of a city street by action, word, or physical barrier; the revving of motor vehicle engines or spinning of motor vehicle tires; the gathering of individuals with intent to actively take part in the event or to spectate; or the presence of a person acting as a race starter.

“Spectator” means any person who has actual or constructive knowledge that they are present at an illegal race event with intent to view, observe, watch, record, support, encourage, or witness the event as it progresses, whether on public or private property.

“Stay Out of Areas of Racing (SOAR)” means those areas specifically designated by the City as no racing zones due to frequent use for illegal race events.

“Street” means rights-of-way as provided in SMC 12.15.020.

“Street Racing” means an exhibition of speed; the action of a person(s) who willfully compare or contest of relative speeds by operation of one or more motor vehicles, whether or not such speed is in excess of the maximum speed prescribed by law, as provided in RCW 46.61.530, as amended, whether the comparison or contest is against another vehicle, clock, or other timing device. Street racing includes a contest or exhibition of speed whether in a parallel or circular direction and may occur both on streets and in off-street parking areas.

10.22.030 Street Racing Prohibited.

- A. No person shall knowingly engage or participate in street racing on a street or within an off-street parking facility within the city.
- B. Violations of this section shall be a gross misdemeanor punishable as provided in RCW 46.61.500 Reckless driving, as amended. In addition to the penalties provided for in RCW 46.61.500, upon conviction, the Court may impound the person’s vehicle for up to thirty (30) calendar days.

10.22.040 Spectating of Street Racing Prohibited.

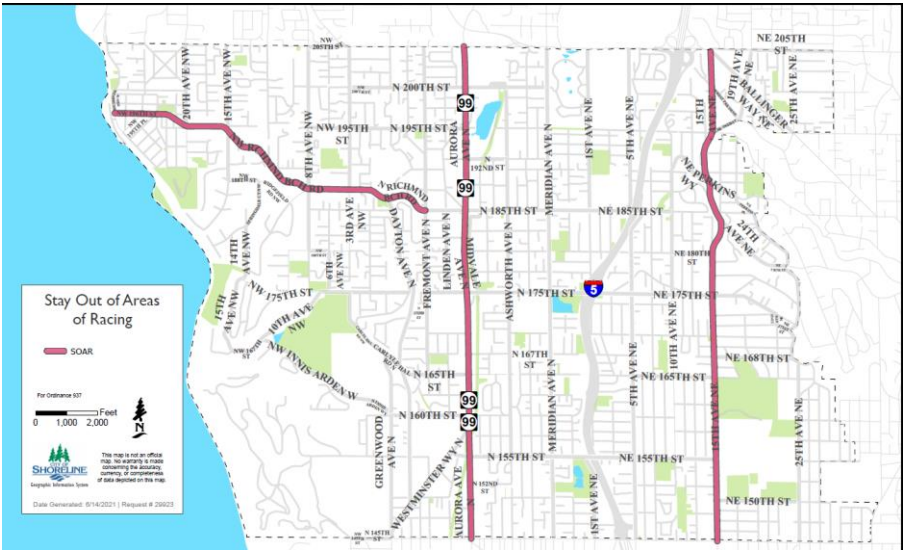
- A. No person shall knowingly spectate at an illegal race event or, where preparations are being made for an illegal race event with the intent to be present at the illegal race event.
- B. For the purpose of this section, a person shall be considered present if within 200 feet of the location of the illegal race event or the location where preparations are being made for the illegal race event, whether on public or private property.
- C. Nothing in this section prohibits law enforcement officers from being spectators in the course of their official duties.
- D. Violations of this section shall be a misdemeanor punishable as provided in SMC 9.10.050.

10.22.050 Designation of No Racing Zones.

- A. Certain areas of the city are designated and identified as “No Racing Zones.” These zones are frequented by illegal racers and those who attend illegal race events because of

their characteristics, such as straight, wide, long, and with low traffic volumes during nighttime hours.

- B. The following described areas are identified and designated as No Racing Zones:
 1. Aurora Avenue North, from North 145th Street to the King/Snohomish County line;
 2. 15th Avenue Northeast, from North 145th Street to Ballinger Way Northeast;
 3. North Richmond Beach Road, from North 185th Street to Northwest Richmond Beach Road
 4. Northwest Richmond Beach Road, from North Richmond Beach Road to Richmond Beach Drive Northwest.



- C. No Racing Zones shall include the full width of streets and adjoining property areas, including sidewalks, planting strips, and parking areas if those areas are being use for racing or race attendance, regardless of whether such property is a public place or is private property.
- D. No Racing Zones shall be designated by the placement of clear and conspicuous signs at all street/highway entrances to the “No Racing Zone.” At a minimum, these signs shall advise that the area is a “No Racing Zone”; that race attendance is prohibited; and violators are subject to SMC Chapter 10.22.

10.22.060 Stay Out of Areas of Racing Orders.

- A. In addition to any other penalty imposed by this section, the city attorney or city prosecuting attorney, after consultation with the chief of police, may seek a Stay Out of Areas of Racing (SOAR) order from the district court as a condition of pre-trial release or a condition of sentence, deferral, or suspension for any person found to be in violation of this chapter when the illegal race event occurred within a designated No Racing Zone.

- B. A district court may enter a SOAR order prohibiting a person from entering or remaining in a No Racing Zone for up to one year. The SOAR order shall be in writing, contain any conditional exceptions imposed by the court, and shall bear the following language:

Violation of this court order is a criminal offense under SMC 10.22.050 and shall constitute a separate criminal offense. Violators will be subject to arrest and their vehicle subject to impound.

- C. The district court in its discretion may allow a person subject to a SOAR order to enter a No Racing Zone under certain conditional exceptions. Exceptions to the SOAR order may include travel to and from and/or remaining in the following locations so long as these locations apply to or are used by the person who is subject of the SOAR order:
1. Place of residence;
 2. Court/government offices (while open to the public);
 3. Social services provider or treatment center;
 4. Place of employment;
 5. School;
 6. Attorney’s office; or
 7. Medical services.
- D. If the court allows for exceptions in the SOAR order, the person subject to that order is required to have a copy of the order on their person whenever they are traveling through a No Racing Zone. Failure to present this order upon request by law enforcement is a violation of the SOAR order and subject to the penalties set forth in this chapter. For the purpose of this section, “travel” is defined as movement on foot or in a vehicle from one point to another without delay.
- E. Upon entering a SOAR order, the clerk of the court shall forward a copy of the order to the city of Shoreline police department on or before the next judicial day following issuance of the order. Upon receipt, Shoreline police shall enter the order into the appropriate law enforcement information system, noting the expiration date of the SOAR order.
- F. Notice of SOAR Order. A person is deemed to have notice of the SOAR order when:
1. The signature of either the person named in the order is affixed to the bottom of the order, acknowledging receipt of the order; or
 2. The order otherwise indicates that the person appeared before the court at the time the order was entered.
- G. Enforcement Procedure.
1. If a law enforcement officer has probable cause to believe that a person subject to a SOAR order, and in the officer’s presence, is knowingly violating that order, such person may be arrested without the necessity for any warrant or additional court order and may impound the vehicle pursuant to state law or court-imposed conditions of the SOAR order

2. The chief of police, in consultation with the city attorney, shall have the authority to promulgate procedures for the administration of this chapter.

H. Penalties.

1. Violations of any person who knowingly violates a SOAR order shall be guilty of a gross misdemeanor.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Ordinance No. 934 - Amending Shoreline Municipal Code Chapter 20.30 to Add Procedures for Subdivision Vacations and Resolution No. 481 - Adopting a Fee for Subdivision Vacations
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Cate Lee, AICP, Senior Planner
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Although the Revised Code of Washington (RCW) 58.17.212 provides for the vacation of a subdivision, the City currently has no process established in the Shoreline Municipal Code (SMC) for such a vacation. There are subdivisions throughout the City, particularly in the Mixed Use Residential (MUR) zoning districts, that make fully implementing the vision of special area plans, like the Light Rail Station Subarea Plans (145th & 185th), complicated due to these prior subdivisions, primarily for detached single-family development.

Proposed Ordinance No. 934 (Attachment A) would provide for recorded subdivision vacation procedures by amending Chapter 20.30 of the SMC. As well, proposed Resolution No. 481 (Attachment B) would provide for an amendment to the City's Fee Schedule to establish review fees for subdivision vacation applications. Proposed Ordinance No. 934 and proposed Resolution No. 481 are currently scheduled to be brought back to Council for potential action on August 16, 2021.

RESOURCE/FINANCIAL IMPACT:

No resource impacts are anticipated as a result of this discussion. If Council adopts proposed Ordinance No. 934, the new regulations will result in increased fee collection related to staff processing of subdivision vacation applications. These fees are intended to cover the cost of staff time and the Hearing Examiner to review and consider the application, so there likely will be no net impact on City finances. In addition, vacating such subdivisions will allow properties to be redeveloped under current zoning standards, which will likely result in increased construction permit application fee revenue for the City related to multifamily and commercial development.

RECOMMENDATION

No formal action is required by Council at this time. The Planning Commission has recommended adoption of the proposed amendments as shown in Exhibit A to proposed Ordinance No. 934. Staff recommends that Council discuss these proposed amendments and the proposed amendment to the City's Fee Schedule in proposed

Resolution No. 481. Proposed Ordinance No. 934 and proposed Resolution No. 481 are currently scheduled to be brought back to Council for potential action on August 16, 2021.

Approved By: City Manager ***DT*** City Attorney ***JA-T***

BACKGROUND

Since the 1900s, much of the City of Shoreline has been subdivided. These subdivisions are memorialized by a final drawing and depiction of the subdivision (the “Plat”) that is filed in the King County land records office. This statutory procedure related to subdivision and Plats is set out in State law (RCW 58.17). [RCW 58.17.212](#) provides for the vacation of a previously recorded subdivision.

A subdivision vacation is different than a plat alteration, which the City adopted regulations for on April 1, 2019 through [Ordinance No. 857](#), now codified in Shoreline Municipal Code (SMC) Section 20.30.425. Plat alterations generally result in substantial revisions to a recorded subdivision, such as removal of conditions of approval, but do not eliminate the subdivision itself. In contrast, a subdivision vacation results in the abandonment of approved plans, designs and conditions associated with an existing subdivision. In other words, a vacation returns the land to its pre-subdivision state.

As provided for in RCW 58.17.212, a subdivision vacation may be a total vacation or a partial vacation. A total vacation eliminates the entire subdivision, including all lots and public rights-of-way, as well as any restrictions that may have been contained on the plat. A partial vacation eliminates only the designated lots, public rights-of-way, and/or plat restrictions indicated in the vacation document. Land dedicated to the public in the original plat is required to be deeded to the City unless retaining the land does not benefit the City. This vacation process is not used when the applicant only wants to vacate a public street; in those situations the procedures in SMC 12.17 Street Vacation are used.

The City currently does not have regulations for processing subdivision vacations. Staff holds weekly pre-application meetings with applicants to discuss their development proposals and receive feedback from staff, and in one such meeting in 2020, it was discovered that one multifamily redevelopment proposal in the 145th Street Light Rail Station Area with MUR-70’ zoning requires a subdivision vacation to develop the property as allowed by the City’s current zoning. Although state law provides for the vacation of a subdivision as noted above, the City currently has no process established in the SMC for such a vacation. Proposed Ordinance No. 934 (Attachment A) would provide for recorded subdivision vacation procedures by amending Chapter 20.30 of the SMC.

Development Code Amendments Review Process

Amendments to SMC Title 20 (Development Code) are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the reviewing authority for legislative decisions and is responsible for holding an open record Public Hearing on the proposed Development Code amendments and making a recommendation to the City Council on each amendment.

SMC 20.30.350 states, “An amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City.” The

proposed amendments would establish provisions for subdivision vacations and would be consistent with provisions in RCW 58.17.212.

The decision criteria for a Development Code amendment in SMC 20.30.350 (B) states the City Council may approve or approve with modifications a proposal for a change to the text of the land use code when all of the following are satisfied:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety, or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

Planning Commission Review

The Planning Commission held a study session on this topic on May 20, 2021, and a Public Hearing on June 17, 2021. Staff reports for these Planning Commission agenda items, along with the meeting minutes and public comments, can be found at the following links:

- May 20th:
<https://www.shorelinewa.gov/Home/Components/Calendar/Event/16155/182?toggle=allpast>.
- June 17th:
<https://www.shorelinewa.gov/Home/Components/Calendar/Event/16159/182?toggle=allpast>.

One written public comment was received in advance of the June 17th Public Hearing. That person requested a more layperson explanation of the proposed amendments. City staff responded with an explanation and details on how a subdivision vacation is different from a plat alteration, with which the inquirer was familiar.

On June 17th, following the Public Hearing, the Planning Commission voted 5-0 to recommend the proposed Subdivision Vacation Development Code amendments as proposed in Ordinance No. 934, be adopted (see Attachment C).

DISCUSSION

Proposed Ordinance No. 934 would amend Table 20.30.060 in the Development Code and add a new section to the Code (Section 20.30.427 SMC) regarding recorded subdivision vacations (Exhibit A to Attachment A).

Proposed Amendments

RCW 58.17.212 requires a Public Hearing to be conducted for subdivision vacations. The proposed amendments categorize a subdivision vacation as a Type C land use action, which is a quasi-judicial decision. This means a pre-application meeting with staff and a neighborhood meeting are both required prior to application. To make an application, all property owners within the subdivision, or portion of the subdivision requested to be vacated, must give their permission.

Once a complete application is received by staff, the proposal is noticed in accordance with SMC 20.30.120, which requires a mailing to owners of real property located within 500 feet of the subject property; the notice to be posted on the subject property; and the notice to be published in the *Seattle Times*.

Staff makes a recommendation to the Hearing Examiner, who holds a Public Hearing on the vacation. A notice of the Public Hearing is made in accordance with SMC 20.30.180 which requires the same three (3) notification methods as the notice of application. The Hearing Examiner makes a decision based on whether the public use and interest will be served by the vacation. That decision is noticed in accordance with SMC 20.30.150, which requires the notice be mailed to parties of record and to any person who, prior to the rendering of the decision, requested notice. The notice is also posted on the subject property and published in the newspaper. Additionally, the City posts the notice of application, notice of Public Hearing, and notice of decision on the City's land use notices [webpage](#). The decision may be appealed to the superior court pursuant to Chapter 36.70C RCW, Land Use Petition Act.

In addition to the amendments establishing a process, a companion Resolution, proposed Resolution No. 481 (Attachment B), will establish a fee for the processing of subdivision vacation applications consistent with other fees established for the Planning and Community Development Department. The proposed fees are outlined below:

- Subdivision Vacation - \$2,060 (\$206.00 hourly rate, 10-hour minimum)
- Public Hearing - \$3,914.00

PUBLIC OUTREACH

The Planning Commission held a study session on this topic on May 20, 2021, and a Public Hearing on June 17, 2021. The Planning Commission had a number of questions at the May 20th study session, which are detailed in the staff report for the June 17th Public Hearing. The notice of the Planning Commission Public Hearing appeared in the *Seattle Times* on May 28, 2021, was posted on the City's land use action and planning notices [webpage](#), and it was also sent via email to neighborhood association chairs.

A State Environmental Policy Act (SEPA) Determination of Nonsignificance (DNS) was issued on May 28, 2021. No comments were received, and no appeal was filed during the specified comment and appeal periods. Additionally, as required by RCW 36.70A.106, notice of the City's intent to adopt the proposed amendments was sent to the Washington State Department of Commerce on June 29, 2021.

RESOURCE/FINANCIAL IMPACT

No resource impacts are anticipated as a result of this discussion. If Council adopts proposed Ordinance No. 934, the new regulations will result in increased fee collection related to staff processing of subdivision vacation applications. These fees are intended to cover the cost of staff time and the Hearing Examiner to review and consider the application, so there likely will be no net impact on City finances. In addition, vacating such subdivisions will allow properties to be redeveloped under current zoning

standards, which will likely result in increased construction permit application fee revenue for the City related to multifamily and commercial development.

RECOMMENDATION

No formal action is required by Council at this time. The Planning Commission has recommended adoption of the proposed amendments as shown in Exhibit A to proposed Ordinance No. 934. Staff recommends that Council discuss these proposed amendments and the proposed amendment to the City's Fee Schedule in proposed Resolution No. 481. Proposed Ordinance No. 934 and proposed Resolution No. 481 are currently scheduled to be brought back to Council for potential action on August 16, 2021.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 934
Attachment A, Exhibit A – Planning Commission Recommended Code Amendments
Attachment B – Proposed Resolution No. 481
Attachment C – Planning Commission Recommendation

ORDINANCE NO. 934

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING CHAPTER 20.30 OF THE SHORELINE MUNICIPAL CODE
TO ADD A NEW SECTION PROVIDING PROCEDURES FOR THE
VACATION OF RECORDED SUBDIVISIONS PURSUANT TO RCW
58.17.212.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70A RCW; and

WHEREAS, RCW 58.17.212 authorizes the vacation of previously recorded subdivisions, however, the Shoreline Municipal Code (SMC) does not set forth procedures for processing of applications for such vacations; and

WHEREAS, on May 20, 2021, the City of Shoreline Planning Commission reviewed proposed amendments and on June 17, 2021, held a public hearing on the proposed amendments so as to receive public testimony; and

WHEREAS, at the conclusion of the June 17 public hearing, the Planning Commission voted to recommend the proposed amendments, as presented by staff, to the City Council for approval; and

WHEREAS, on July 19, 2021, the City Council held a study session on the proposed amendments establishing procedures for the vacation of previously recorded subdivisions as recommended by the Planning Commission; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City provided public notice of the proposed amendments and the public hearing as provided in SMC 20.30.070; and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106(3)(b), on June 29, 2021, the City has provided the Washington State Department of Commerce with a notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, pursuant the State Environmental Policy Act, chapter 43.21C RCW (SEPA), the City issued a Determination of Non-Significance on May 28, 2021; and

WHEREAS, the City Council has determined that the amendments are consistent with and implement the Shoreline Comprehensive Plan and serve the purpose of the Unified Development Code as set forth in SMC 20.10.020;

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

Section 1. Amendment of Chapter 20.30 SMC.

A. Shoreline Municipal Code, Title 20, Table 20.30.060 is amended as set forth in Exhibit A to this Ordinance.

B. A new section, Section 20.30.427, Vacation of Recorded Subdivisions, is added to Title 20, Chapter 20.30, of the Shoreline Municipal Code as set forth in Exhibit A to this Ordinance.

Section 2. Transmittal to Department of Commerce. As required by RCW 36.70A.106, the Director of Planning and Community Development shall transmit a complete and accurate copy of this Ordinance and Exhibit A to the Washington State Department of Commerce within ten (10) calendar days of adoption by the City Council.

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 4. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 5. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON AUGUST 16, 2021.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith

Julie Ainsworth-Taylor

City Clerk

Assistant City Attorney
On behalf of Margaret King, City Attorney

Date of Publication: , 2021

Effective Date: , 2021

20.30.060 Quasi-judicial decisions – Type C.

These decisions are made by the City Council or the Hearing Examiner, as shown in Table 20.30.060, and involve the use of discretionary judgment in the review of each specific application.

Prior to submittal of an application for any Type C permit, the applicant shall conduct a neighborhood meeting to discuss the proposal and to receive neighborhood input as specified in SMC 20.30.090.

Type C decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision made by the City Council or Hearing Examiner. Any administrative appeal of a SEPA threshold determination shall be consolidated with the open record public hearing on the project permit, except a determination of significance, which is appealable under SMC 20.30.050.

There is no administrative appeal of Type C actions.

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision ⁽³⁾, ⁽⁴⁾	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE ^{(1), (2)}	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE ^{(1), (2)}	City Council	120 days	20.30.320
3. Site-Specific Comprehensive Plan Map Amendment	Mail, Post Site, Newspaper	HE ^{(1), (2)}	City Council		20.30.345

Action	Notice Requirements for Application and Decision ⁽³⁾, ⁽⁴⁾	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
4. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.330
5. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.333
6. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.336
-7. Secure Community Transitional Facility – Special Use Permit	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.40.502
8. Essential Public Facility – Special Use Permit	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.330
9. Master Development Plan	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.353
10. Plat Alteration with Public Hearing ⁽⁵⁾	Mail	HE ^{(1), (2)}		120 days	20.30.425
<u>11. Subdivision Vacation</u>	<u>Mail, Post Site, Newspaper</u>	<u>HE ^{(1), (2)}</u>		<u>120 days</u>	<u>20.30.427</u>

(1) Including consolidated SEPA threshold determination appeal.

(2) HE = Hearing Examiner.

(3) Notice of application requirements are specified in SMC 20.30.120.

(4) Notice of decision requirements are specified in SMC 20.30.150.

(5) A plat alteration does not require a neighborhood meeting.

20.30.427 Vacation of recorded subdivisions.

A. Applicability. A subdivision vacation provides a process to vacate a previously recorded subdivision, short subdivision, binding site plan, or any portion thereof, or any area designated or dedicated for public use. The subdivision vacation results in the nullification of the recorded subdivision or portion thereof.

1. Any person seeking a subdivision vacation shall comply with the applicable requirements set forth in Chapter 58.17 RCW and this section in effect at the time a complete application is submitted to the City.
2. If the application is for the vacation of a subdivision together with the public rights-of-way, the procedures of this section shall apply except as prohibited by RCW 35.79.035, as amended, or other applicable law.
3. This section shall not apply to the:
 - a. Vacation of any plat of State-granted tide- or shorelands.
 - b. Vacation specifically of public rights-of-way which shall adhere to SMC 12.17.

B. Application. A request to vacate a recorded subdivision shall be submitted on official forms prescribed and provided by the Department along with the applicable fees.

1. The application shall contain the signatures of all persons having an ownership interest in the subject subdivision or portion to be vacated.
2. If the subdivision is subject to restrictive covenants which were recorded at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.

C. Review Procedure and Criteria.

1. The City will provide notice of the application for subdivision vacation and public hearing as provided in SMC 20.30.120 and 20.30.180.
2. The City shall hold a public hearing, review the submittal materials, and may approve or deny after a determination is made whether the public use and interest will be served by the vacation. Such determination shall be in writing and supported by findings of fact.
 - a. If any portion of the land contained in the subdivision to be vacated was dedicated to the public for public use or benefit, such land, if not

deeded to the City, shall be deeded to the City unless the decision-making authority sets forth findings that the public use would not be served in retaining title to those lands.

- b. Title to the vacated property shall vest as provided in RCW 58.17.212, as amended.

D. **Recording.** No later than 30 calendar days after approval of the subdivision vacation, the applicant shall file, at their sole cost and expense, the approval of the vacated subdivision with the King County Recorder.

E. **Appeal.** The decision of the Hearing Examiner on the subdivision vacation shall be the final decision of the City; no administrative appeal is provided. Appeals of the final decision may be appealed to superior court pursuant to Chapter 36.70C RCW, Land Use Petition Act.

RESOLUTION NO. 481

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AMENDING RESOLUTION NO. 471 TO ESTABLISH A FEE FOR THE PROCESSING OF APPLICATIONS FOR THE VACATION OF PREVIOUSLY RECORDED SUBDIVISIONS.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the State of Washington and is authorized by state law to impose fees to recoup the costs of processing of land use applications, including but not limited to RCW 35A.11.020 and 82.02.020; and

WHEREAS, SMC Section 3.01.010 provides that the City Council is to establish fees for services provided by the City from time to time by Resolution; the 2021 Fee Schedule was adopted by Resolution No. 471; and

WHEREAS, with the adoption of Ordinance No. 934, the City Council established procedures for the vacation of previously recorded subdivisions as authorized by RCW 58.17.212 and a fee needs to be adopted for the processing of applications for a vacation; and

WHEREAS, the proposed fee does not exceed the actual cost of providing the services for which the fee is charged, as required by state law; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES:

Section 1. Adoption of Fee. The Fee Schedule, as adopted by Resolution No. 471, for Planning and Community Development, Section M Subdivisions, is amended to include a new fee for Subdivision Vacations as follows:

- 9. Vacation of subdivision \$206.00 hourly rate, 10-hour minimum plus public hearing (\$3,914.00).

Section 2. Effective Date. This Resolution shall take effect and be in full force on the same date as the effective date of Ordinance 934.

ADOPTED BY THE CITY COUNCIL ON AUGUST 16, 2021.

Mayor Will Hall

ATTEST:

Jessica Simulcik Smith, City Clerk



TO: Honorable Members of the Shoreline City Council

FROM: Pam Sager, Vice Chair
Shoreline Planning Commission

DATE: June 30, 2021

RE: Amendments for Vacation of Previously Recorded Subdivision

The Shoreline Planning Commission has completed its review of the proposed amendments to the Shoreline Municipal Code that establish procedures for the processing of applications seeking vacation of a recorded subdivision.

The Planning Commission discussed the proposed amendments on May 20, 2021 and held a public hearing on June 17, 2021. With a vote of 5-0, the Planning Commission recommended approval of the amendments as presented by Planning Staff. By adding these procedures to the Shoreline Municipal Code, both staff and applicants will have a process to ensure the effective and efficient processing of these types of applications.

In consideration of the Planning Staff's recommendations, written and oral public testimony, the Planning Commission respectfully recommends that the City Council adopt the proposed amendments as attached to this recommendation.