

December 7, 1998

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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF WORKSHOP MEETING

Monday, December 7, 1998
6:30 p.m.

Shoreline Conference Center
Spartan Room

PRESENT: Mayor Jepsen, Deputy Mayor Montgomery, Councilmembers Gustafson, Hansen, King, Lee and Ransom

ABSENT: None

1. **CALL TO ORDER**

The meeting was called to order at 6:34 p.m. by Mayor Jepsen, who presided.

2. **FLAG SALUTE/ROLL CALL**

Mayor Jepsen led the flag salute. Upon roll by the City Clerk, all Councilmembers were present with the exception of Councilmembers Hansen and Lee, who arrived shortly thereafter.

Councilmember Hansen arrived at 6:37 p.m.

3. **CITY MANAGER'S REPORT AND FUTURE AGENDAS**

Robert Deis, City Manager, noted the departure of Lynn Devoir, the City's first Parks, Recreation and Cultural Services Director. She will become the Executive Director of the Washington Recreation and Park Association. Mr. Deis commended Ms. Devoir for creating one of the best recreation programs for a city of Shoreline's size, including increasing pool attendance. He also noted her actions to privatize parks maintenance services, which will save the City over a million dollars in the next five years. Mayor Jepsen then presented Ms. Devoir with a plaque in recognition of her dedication to the City of Shoreline.

Councilmember Lee arrived at 6:42 p.m.

Mr. Deis distributed the Draft Environmental Impact Statement (DEIS) for the Richmond Beach Library. Tim Stewart, Planning and Development Services Director, noted a public hearing on the DEIS on December 8 and the expiration of the comment period on January 4, 1999.

Mr. Deis concluded that the Puget Sound Regional Council (PSRC) is considering an action to support the pursuit of the Olympics in the Puget Sound area. He noted

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questions of whether the PSRC has any standing to take the action and of whether the Olympic Committee would recognize such an action. The PSRC has contacted Mayor Jepsen about Shoreline's position. Mr. Deis felt it is hard to ignore that the Seattle City Council voted not to pursue the Olympics.

Mayor Jepsen said a vote will come up on this issue in a week or two. He stated his view that there are more important issues for PSRC to consider and his inclination to recognize Seattle's "no" vote.

Councilmember Hansen commented that this is well beyond Shoreline's capacity to do anything about and should be treated as such. Councilmember King concurred.

Councilmember Gustafson noted Shoreline's contribution to the Goodwill Games. He said it was a tremendous experience for the Shoreline community. Therefore, he supported pursuit of the Olympic Games, as did Councilmember Lee.

Councilmember Ransom agreed with Councilmember Hansen that Shoreline does not have much to offer, even though having the Olympics in the area might be a good thing. He said King County and the City of Seattle should be the leads in such an endeavor.

Deputy Mayor Montgomery did not support seeking out the Olympics.

4. COUNCIL REPORTS

Councilmember Gustafson reported on the dedication of the new lighting at Twin Ponds Park, noting it resulted from citizen support.

Deputy Mayor Montgomery noted Sound Transit meetings.

Mayor Jepsen and Councilmembers King and Ransom noted their attendance at the National League of Cities Conference.

5. PUBLIC COMMENTS

(a) Richard Matthews, 930 NW 165th Street, supported the Shoreview Park improvement plan and Council's decision to locate the ball field at Site 2. He said Council's actions will preserve habitat by reducing the scope of the original King County project, moving the ball field to accommodate habitat, and allocating more than \$300,000 to improve it.

(b) Enid Hoehne, 2020 NW 195th Street, said she purchased a condominium near Richmond Beach Saltwater Park because the park offered a level, safe walking trail. She expressed dissatisfaction about the mediation process with the owners of the property neighboring the trail.

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(c) Jim Cox, 1605 NW 192nd Street, spoke on behalf of the police neighborhood center volunteers, saying he is working on a project to provide safe rides home on New Year's Eve. He said the possibility of using City vehicles to provide these rides is being investigated, and he wished to ensure there is no opposition from Council to this idea.

(d) Ed Stay, 17015 15th Avenue NW, affirmed the Council's decision to locate the ball field at Site 2 in Shoreview Park. He emphasized his interest in the Boeing Creek watershed. Noting a critical need for fields and a lack of viable sites for new fields, he asserted that the environment is compatible with siting the ball field at Site 2.

(e) Mike Jacobs, Richmond Little League (RLL), thanked the Council for its decision on Shoreview Park. He reiterated that there is a shortage of fields, and he said many little league players will use this field. He commented that RLL is committed to raising and contributing \$25,000 to support the project. He stressed that \$300,000 in mitigation will insure that the development is friendly to the habitat.

Mr. Jacobs called for supporters of Site 2 to raise their hands. Estimating the audience at 200 people, Councilmember Ransom counted approximately 150 people with their hands raised.

(f) Evan Stoll, speaking on behalf of the Hillwood Soccer Club, supported the Council decision to locate the little league field in Shoreview Park at Site 2.

(g) Aaron Mack, 204 NW 177th Street, reiterated the shortage of baseball fields, particularly those with 60-foot diamonds. He supported Site 2.

(h) Greg LeClair, 17241 13th Street NW, acknowledged the difficulty of selecting the site for the little league field. He asserted the need for a high-quality venue. He said thousands of young people will use the little league field, and it will be a major asset to the community for years to come.

(i) Tom McCormick, 19814 Dayton Place N, asserted the importance of a strong recreation program—including an adequate number of play fields—to the community. As both a parent and a coach, he supported the decision to develop a field at Shoreview Park. He said more fields mean that more children can play baseball.

RECESS

At 7:20 p.m., Mayor Jepsen declared a five-minute recess. At 7:25 p.m., the meeting reconvened.

6. WORKSHOP ITEMS

(a) Richmond Beach Saltwater Park Trail Mitigation Recommendation

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Mr. Deis introduced Kristoff Bauer, Assistant to the City Manager, and Marty Stump, who prepared the architectural drawings for the lowering of the trail. In response to Councilmember King, Mr. Deis distributed Mr. Stump's full report to the City on the Richmond Beach Saltwater Park Trail. The report sets out a long-term, multi-year vision for the bluff.

Mr. Deis reviewed the history of the trail issue, including the formation of a committee to make a recommendation to Council regarding improvements to the trail to resolve concerns of adjoining property owners while preserving the trail for public use. He said that the committee reached consensus on many things, but not on the issue of lowering the trail. Two votes were taken at the committee meeting on June 14, 1998. The first vote was seven to five against lowering the trail. The second vote was six to five, with one abstention, for lowering the trail. After the final report was received from the landscape architect, the adjoining property owners offered to contribute \$20,000 to the cost of lowering the trail. The committee convened again on October 14 to clarify all the issues.

Mr. Deis addressed the outstanding concerns about lowering the trail. He said that the geotechnical engineering report indicated no environmental impacts from lowering the trail. He also pointed out that without vegetation maintenance, the view from the trail will eventually be lost. So the recommendation includes tree trimming and the clearing of blackberry bushes and Scotch broom. He explained that in any public project some funds are spent to benefit the neighbors directly impacted by the project. He said lowering the trail does not set a precedent regarding the use of public funds. He asserted that many improvement projects have both public and private benefits. As in this case, where the property owners are offering to contribute, sharing private and public dollars according to some formula of public and private benefit is nothing new. Mr. Deis concluded that the King County Executive increased the amount of money for the City when the parks transfer was negotiated to address the unresolved trail issue. So the funds were dedicated to this project.

After Mr. Deis described the recommendations outlined in the staff report on page 4, he pointed out that encroachment has arisen as an issue for four or five property lines. He said encroachment is an issue the City inherited from King County and there has been almost no monitoring of right-of-way. As a general rule, people will be moved back to their property lines as soon as the trail issue is resolved.

Mr. Deis then referred to the schematics in the Council packet on pages 16 and 18. He emphasized that tonight's discussion deals with the mid-section of the trail only. The two ends were included in the drawings as a part of a possible long-range master plan.

Mr. Bauer explained the two votes taken on the lowering of the trail. The first vote was on whether there was general support for lowering the trail. This vote was seven to five against lowering the trail. The second vote, taken on the same night, was whether there was agreement on lowering the trail in accordance with the plan presented at the meeting. This vote was six to five, with one abstention, in favor of lowering the trail. Mr. Deis

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added that this vote is consistent with the idea that people will support lowering the trail if they can see more public benefit to doing so.

Clarifying for Councilmember Ransom, Mr. Stump explained the difference between the Phase 1 planting, which will happen as part of the initial project, and the long-term recommendations. The initial planting will be a double row of plantings, no more than three and a half feet in height. He said the plantings will not be of a size or scale that will allow undesirable uses to occur or to provide hiding places for those with malicious intent.

Mayor Jepsen called for public comment.

(a) Bill Lerch, 18545 17th Avenue NW (home #5), said lowering the trail addresses the committee's problem statement by providing public enjoyment, safety and view and by providing mitigation to the homeowners. He noted that the trail would be more level and easier to travel. He asserted that the principle of mitigating damages resulting from public works projects is well established. He was confident that the City can reach an agreement with the homeowners to contribute funds toward the lowering of the trail.

(b) Sally Swantz, 18605 17th Avenue NW, advised the Council that the homeowners can no longer live with the current trail situation and requested Council acknowledgement that action is essential. She said the staff proposal needs further development because it addresses only the mid-section of the trail. Stating that the contribution of funds by homeowners is contingent upon the benefits of the improvements and that the benefits are contingent upon the design, she said that the homeowners cannot make a commitment until specifics are available.

(c) Jane Kinyoun, 18433 17th Avenue NW (home #13), expressed disappointment at the personalization of this issue and objected to being categorized as "the insensitive rich." She noted misconceptions in the staff report. She said only those living adjacent to the park know how the trail impacts safety, privacy and views. She gave an example of her statement. She concluded that further development, including benches at the viewpoint or a meadow trail, will worsen, rather than mitigate, the impact of the trail on her quality of life.

(d) Nina Walsh, 18455 17th Avenue NW, discussed the inappropriate behavior that occurs in the park. She thanked the Council for its efforts to resolve the situation, but asked that these efforts continue in order to address the houses at the ends of the trail.

(e) Ron Knowles, 18633 17th Avenue NW, said the homes on the bluff were built before the trail was constructed. He asserted that the owners of the 15 homes should not be condemned for requesting the restoration of the quality of life that they previously enjoyed. He commented that the proposal creates a more pleasant environment for both homeowners and trail users.

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(f) Carolyn Ballo, 18633 17th Avenue NW (home #7), represented Parks and Neighbors. She distributed information to clarify statements made about this issue. Speaking for herself, she supported the committee's problem statement, which she felt the recommendation addresses. She advised that her family will contribute to the cost of moving soil to lower the trail. She advocated mitigation for the other homes as well.

(g) Everett Cassel, 18815 17th Avenue NW (home #3), a resident since 1947, urged Council to mitigate the impacts of the trail on his neighbors.

(h) Margaret Carlson, 20137 21st Avenue NW, commented that it is almost impossible to look into the houses neighboring the trail. Besides, people use the trail to look at the view. She asserted that the public can look into houses along public streets more easily than into those along the trail. She suggested the installation of a six-foot-high chain link fence, instead of lowering the trail.

(i) George Carlson, 20137 21st Avenue NW, opposed the expenditure of public dollars to protect homeowners neighboring the bluff trail. He asserted that the homeowners can install fences for privacy and safety.

(j) Stig Mansson, 20143 21st Avenue NW, opposed the assertion that lowering the trail will improve it. He reiterated that people use the trail to look at the view, not to look into the neighboring homes. He said the view cannot be improved.

(k) Amely Wurmbrand, 1574 NW 190th Street (home #1), supported the staff recommendation. She said those who oppose mitigation along the trail have a different attitude about mitigation when the issue effects them more directly. After distributing copies, she quoted from a letter that the president of the Friends of the Richmond Beach Bluff Trail submitted to the City requesting buffering and protection of quality of life with regard to a neighborhood short plat.

(l) Craig Rosenburg, 1574 NW 190th Street (home #1), supported the staff recommendation, but he asked that the City consider lowering the trail in front of all of the homes, including homes #1 and #2, and retaining the Scotch broom buffer. He said he would be willing to help pay for these changes.

(m) James E. McManigal, 836 N Richmond Beach Road, said most people like the trail the way it is, and he did not support changes.

(n) James Swantz, 18605 17th Avenue NW, advocated mitigation for the homes adjoining the ends of the trail as well. He said vandalism, dogs running into homeowners' yards, and model airplanes buzzing homes present enforcement and potential litigation costs far outweighing the costs of mitigation. He pointed out that the County acknowledged these costs by giving the City money for mitigation.

(o) Al Wagar, 17076 10th Avenue NW, spoke as a trail user and as a member of the mediation committee. He said the recommendation will never satisfy everyone,

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but he supported lowering the trail to protect the privacy of the homeowners. He emphasized the need for vegetation maintenance. He reiterated that the County gave the City funds to solve the problem, and he urged moving forward.

(p) Jim Cox, 16045 NW 192nd Street, said the vast majority of residents do not care what happens to the trail. He commented that the recommended approach is reasonable and is funded by King County. Noting that the homeowners are willing to share in the expenses, he felt it was logical that the project benefits the homeowners more than the general public because the homeowners live with the problem all the time. He asserted that Council will never find a plan that everyone supports.

(q) Dan Tolfree, 17747 14th Avenue NW, was a member of the mediation committee. Although the mediation process was lengthy and frustrating, he supported the recommendation. He commented that, as a user of the trail, he does not want to see the neighboring houses and that trail users will benefit as much as the homeowners from the proposal, which directs vision toward Puget Sound and the mountains.

(r) Bob Baxter, 2102 NW 199th Street, attributed the problem with the mediation process to the lack of a plan for anything other than lowering the trail. He said there was never a proposal to leave the trail in place and mitigate impacts with landscaping or in other ways. He said the park originally had many more benches and picnic shelters, but the homeowners prevailed on King County to take everything away and leave only the trail. He said crime occurs no more frequently on the trail than anywhere else in Shoreline and erosion is not at all an issue. He supported the plan except for the proposal to lower the trail.

(s) Sue Williams, 504 NW 201st Street, asked that, no matter what the decision, the trail remain wheelchair accessible. She said the City should make more of its trails wheelchair accessible.

(t) Nancy Rust, 18747 Richfield Road, said the park and trail are community assets. She acknowledged that such assets can pose problems to neighbors. She supported the mitigation of impacts of public works projects on residents. Saying that providing such mitigation sets a good precedent, she mentioned upcoming projects in Richmond Beach (e.g., the commuter rail station and the wastewater treatment plant) that will require mitigation.

(u) Jim Kinyoun, 18433 17th Avenue NW (home #13), commented on the history of King County promises of mitigation. He noted that people use the park after it is closed. He advised that lowering the trail will, generally, enhance privacy and views. However, he said it will worsen the problem at the end of the trail.

(v) Norm Lindjord, 1525 NW 195th Street, supported lowering the trail because it will provide access for everyone to a beautiful view. He emphasized that the County provided funds to lower the trail and that the homeowners have offered to help. He supported the use of mediation. He felt the outcome of this process is a good one.

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(w) Viola Gay, 1744 NW 192nd Street, said the Police Chief stated at a meeting that a berm and more vegetation would make the job of police enforcement more difficult and Chief Rahr advocated a wide open space. Ms. Gay said the County mitigation money was for building the stairs and addressing beach erosion. Noting public activities around her own house, she said "we all have to live with what's out there."

(x) Bill Grazay, 2508 NW 195th Street, supported leaving the trail where it is. He quoted from a letter in the Shoreline Enterprise which questioned why the residents of the bluff feel they are entitled to more protection than other residents.

(y) Pierre Lorenz, 2303 NW 192nd Place, commented that the trail is a wonderful inspiration and that it will be spoiled if it is lowered.

(z) Charlotte Erickson, 2122 NW 190th Street, noted that many people walk up and down in front of her house which overlooks the park. She advocated compromise.

(aa) Charles McKinley, 2021 NW 195th Street, said he has been using the park since 1936. He asserted that there are better ways to spend money to upgrade the park than those recommended by staff.

Councilmember Hansen asked Patty Hale, an at-large representative on the mediation committee, if the facts in the staff report had been presented fairly and accurately. Ms. Hale said they had been.

Councilmember King wished to ensure that the plan will, at some point, address the issue of people cutting through the laurel hedge at home #14 to get to the trail.

Councilmember Ransom pointed out that there had been a trail along the north end of the park, as well as parking along the top. He said the parking was eliminated and the trail was lowered a few feet after complaints by neighbors about invasions of privacy. He noted that other mitigations were also provided.

Continuing, Councilmember Ransom recalled discussions with King County and meetings of the Council Parks, Recreation and Cultural Services Committee in 1995. At that time, Jim Howard, a landscape architect, prepared drawings and recommendations on how to mitigate the bluff trail situation. Councilmember Ransom noted the similarity between those previous recommendations and the new recommendation. He emphasized the number of public meetings held on this matter. He stressed that neither Council nor any Council committee has ever considered closing the trail. He said most of the funding that resulted from the negotiations in which he and Councilmember King participated with former King County Executive Gary Locke was intended for mitigation, with a small amount intended for stairways and other erosion issues.

In response to Councilmember Ransom, Mr. Stump explained that the double row of hedge-like plantings in the first phase of trail improvements will be six to eight feet wide.

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He explained that the plantings will be spaced triangularly, three to three and a half feet on center and that the combination of earth shaping and plantings will be more effective than plantings alone at preventing people from trespassing on private properties.

Councilmember Ransom asked why the City is not addressing the ends of the trail at this time and how much it would cost to do so. Mr. Deis said staff did not recommend to lower the ends of the trail because the mediation committee decided, as a group, against it. He noted that the plantings will continue along the full length of the trail. He advised that the City will not install the buffer until staff has resolved the issue of private property encroaching on public property.

Councilmember Ransom recalled the opinions of Interim City Attorneys that the length of time the public property had been in adverse possession would be a factor in resolving the encroachment issue. Mr. Bauer advised that it is not possible to adversely possess public property.

Mayor Jepsen questioned the recommendation's approach to lowering the trail. He asserted that the issue is one of visual separation, not of whether to lower the trail a certain number of feet. He described the topography of the trail. He said the issue is how to achieve the screening necessary to address the privacy concerns and the preservation of views for both the homeowners and the public. He indicated that the elevation of the trail is important only in relation to this issue of visual separation. Mr. Stump described the surveying and photography he performed in preparing the trail design. He commented that his analysis of the resulting cross sections showed that a combination of lowering the trail an average of three and a half feet, forming a berm and planting on top of the berm would screen essentially all of a six-foot-tall trail user from sight from the neighboring homes.

Mayor Jepsen advocated that the City define the problem in terms of the height of the proposed visual obstruction and the distance between the obstruction and the trail, and that the City then determine the solution to the problem at the different points along the trail. Mr. Bauer said this speaks to why the mediation committee did not recommend to lower the trail at either end. He explained that the distance between the proposed berm and the trail is so great at either end of the trail that the height of the berm and the depth of the trail would have to be extreme to create the desired visual screening. Mr. Deis noted that this would create an unpleasant "tunnel effect" for trail users.

In response to Mayor Jepsen, Mr. Stump said the plantings recommended for the top of the berm would be low and spreading in nature so as not to exceed three feet in height. He estimated the combined height of the berm and plantings at four feet. He acknowledged that each of the neighboring properties has a different physical relationship to the trail.

Councilmember Lee asked how the proposed lowering would affect the levelness of the trail. Mr. Stump explained the proposal to create a gradual transition from the trailhead to the lowest spot on the trail. He said the trail would remain level from that point until it

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rejoins the existing grade (near house #9 or #10). Councilmember Lee asserted that the overall levelness of the trail is important. Councilmember Gustafson agreed.

Councilmember Lee asked how the proposal addresses the committee's problem statement. Mr. Stump reiterated that the distance between the trail and the park boundary at either end of the trail makes visual screening problematic—lowering the trail and creating an adjacent berm will not provide a visual screen in these areas. He explained the long-term plan for more substantive shrub buffers in these areas.

In response to Councilmember Lee, Mr. Bauer estimated the cost of the plantings and irrigation in the second phase of trail improvements at \$75,000. In response to another question, he clarified that the \$47,544 cost of clarifying the park boundary includes planting, irrigation and boundary markers.

In response to Councilmember Gustafson, Shoreline Police Chief Sue Rahr explained her perspective on the proposed plantings. She said a balance is necessary between the creation of an effective barrier at the park boundary and the use of plants that will not hide suspects from police. She commented that the proposed contouring and planting will create a barrier without creating a place for people to hide. She indicated that the proposed recommendation will help to keep troublemakers from trespassing onto private property.

Responding to Councilmember Gustafson's question, Mr. Bauer said the \$20,000 offered by the property owners does not cover the cost of creating the berm and lowering the trail; however, it more than covers the marginal cost of the difference between berming alone and berming in combination with lowering the trail.

Councilmember Gustafson expressed concern about the ends of the trail. He stated his assumption that the master plan will be an ongoing effort to address these remaining issues. He asked about the future funding for vegetation maintenance, since it is important for the public using the trail to have a view of the Sound. He suggested the homeowners might be willing to assist in that process. Mr. Deis responded that views will be maintained by vegetation management. He did not support the use of private funds for this purpose. Noting the shortage of public funds, Councilmember Gustafson said this might be considered in the future.

Deputy Mayor Montgomery supported the recommendations. She expressed her opinion that what the homeowners have experienced because the County did not provide mitigation to begin with is unconscionable.

Ms. Hale, a previous speaker, explained why the mediation committee made no recommendation regarding the small informal meadow at the head of the trail. She said Mr. Stump recommended the realignment of that section of the trail to help visually screen the houses from the trail. The committee originally supported this proposal. However, a tour of the site showed that realignment and regrading would not make any difference on the view of trail from house #2. Therefore, the committee did not support

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the realignment. There was no consensus about the size of the loop at the south end. Ms. Hale concluded that Mr. Stump's report was not adopted by the mediation committee as the park master plan.

Noting the 12- to 15-foot separation between the trail and the edge of the bluff, Councilmember King questioned the concern about erosion. Mr. Stump acknowledged that this well-drained, granular soil is not subject to landslide. However, he said it is subject to erosion when adjacent grass or vegetation is worn away by people going off the trail. He advised that the report contains specific recommendations about hydroseeding and measures during construction to prevent erosion.

Responding to Councilmember Ransom's question about the cost and timing for the Phase 2 planting, Mr. Bauer explained that the architect's report is one vision for the trail, but it may not be the final vision. He said the City is likely to create a master plan for the park. At that time, the City will determine whether the architect's recommendation is still appropriate, and, if so, when it should go forward. Mr. Deis noted needs in other parks. He said the proposals in Phase 2 will compete with those needs.

Responding again to Councilmember Ransom, Mr. Stump said the surface of the trail will remain the same as it is now: crushed rock at a full five feet in width. It will meet the standards of the Americans with Disabilities Act (ADA).

MEETING EXTENSION

At 9:55 p.m., Councilmember King moved to extend the meeting until 10:30 p.m. Councilmember Hansen seconded the motion, which carried unanimously.

Councilmember Lee said the plan addresses the problem statement with which the committee started; however, she expressed concern about the homes neighboring the beginning and end of the trail. While she did not wish to leave these homes unaddressed, she said it is not an option to lower the beginning and end of the trail. Therefore, she supported the recommendation.

Councilmember Gustafson concurred that this is a good plan at this point, and he appreciated the offer of the homeowners to share some of the cost. He emphasized the need to continue to look at a master plan.

Deputy Mayor Montgomery also agreed with Councilmember Lee's comments, supporting a start to the process and then continued work to improve it.

Mayor Jepsen stated that in addition to the recommendation on page 12 of the Council packet, the City should offer the option of a fence. The homeowners could decline such a fence if they so chose. He reiterated his desire to see the City approach the lowering of the trail from a line-of-sight problem-solving technique versus having a target of lowering the trail by a fixed measurement. He recommended this approach and then making sure the trail is ADA accessible.

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Councilmember King supported the recommendation but was concerned about working with homeowners on encroachment. She advised it should be done as tactfully as possible.

Councilmember Hansen concluded the recommendation is a win-win situation for all involved.

Councilmember Ransom wholeheartedly supported the staff recommendation. He agreed with Mayor Jepsen regarding the line-of-sight issue.

Mr. Deis said staff will bring a proposed approach to the encroachment issue to Council for review prior to implementation. He noted that the City's approach will set a precedent. He said he would consult with Mr. Stump to evaluate the potential of a line-of-sight approach to the lowering of the trail. He said staff would return to Council to review any substantive change in the plan.

(b) Debby's Drift on Inn Gambling Tax Proposal

Joe Meneghini, Finance Director, reviewed the staff report.

Mayor Jepsen invited public comment.

(1) Mark Mitchell, Debby's Drift on Inn, 16708 Aurora Avenue N, contested the dollar figures in the staff report. He said his establishment did not make \$806,000 last quarter. He disputed the claim that Debby's Drift on Inn was "the State's most profitable mini-casino" for third quarter 1998. He noted other casinos with larger net incomes. He asserted that the table on page 21 of the Council packet is misleading. He commented that the average card room tax rate would decrease from 12.15 percent to 7.8 percent if Edmonds (which does not have any gambling establishments) and Burien were deleted and if Wenatchee, Whatcom County and Pierce County (with card room tax rates of one, zero and five percent, respectively) were added. He said the pull tab tax rate of five percent of gross receipts amounts to 60 percent of the profits.

Mr. Meneghini advised that the financial information that staff included in its report came from the net income report that Debby's Drift on Inn submitted to the State. He noted that the Washington State Gambling Commission compares the profitability of mini-casinos based on their net incomes versus expenses.

Mayor Jepsen asserted the appropriateness of the other cities cited in the table on page 21 of the Council packet. He resisted the addition of Whatcom County and Pierce County. He said Shoreline does not compete for customers with those areas.

Councilmember Ransom advised that Everett has the largest gambling income of any city in Washington State. He said Everett reduced its gambling tax rates as an incentive to existing businesses to grow and to new businesses to locate in its area. He noted that

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Everett has maintained the amount of its gambling tax revenues in spite of lowering its rates as a result of the growth in number and size of gambling establishments there. He asserted that if a retailer were capable of generating the \$750,000 in annual tax revenues that Debby's Drift on Inn is projected to generate, the City would provide tax advantages to that retailer. He pointed out that the number of non-profit fundraising gambling establishments in Washington has decreased by 75; whereas, the number of for-profit gambling establishments will increase to 300 by June of 1999. He asserted that gambling tax rates have an impact on where such establishments will locate and on where people wishing to gamble will spend their money. He advocated that Council reconsider and lower its gambling tax rates in order to keep a major taxpayer in Shoreline.

Councilmember Hansen opposed capping anyone's tax rate under any circumstances. He expressed his willingness to consider arguments concerning gambling tax rates. He favored the status quo for the time being.

Councilmember King, Mayor Jepsen and Deputy Mayor Montgomery also favored the status quo.

Councilmember Gustafson questioned the impact on revenues at Debby's Drift on Inn of the increase in the maximum bet from \$25 to \$100. Mr. Mitchell said the increase will not take effect until December 11.

Councilmember Gustafson supported the status quo. He suggested that Council revisit the matter in one year.

Councilmember Lee supported the status quo. She expressed her interest in learning why Federal Way has proposed to increase its card room tax rate from 11 to 20 percent.

- (c) Ordinance No. 187 Granting Seattle City Light a Franchise to Operate an Electric Utility

Mr. Deis reviewed the staff report.

Mayor Jepsen noted that the proposed ordinance does not address Payment In Lieu of Taxes (PILOT). He said most governmental agencies have agreements with each other on this issue. He mentioned his frustration that Section 12.1 still refers to "non-motorized transportation." Mr. Bauer said the spirit of this section is that Seattle City Light is willing to consider any City request.

Mr. Bauer noted that a negotiation session subsequent to the compilation of the Council packet resulted in minor changes to simplify the language of the proposed franchise agreement, and he distributed a revised Ordinance No. 187.

Councilmember Ransom requested that staff provide further clarification of the status of the Interurban Trail in its presentation of the proposed franchise at the next regular

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Council meeting. Mr. Deis said the City has expressed its interest to King County in taking on the project to develop the Interurban Trail.

7. CONTINUED PUBLIC COMMENT

(a) Virginia Botham, 16334 Linden Avenue N, noted that Councilmembers who are unable to view large exhibits in the Council office at City Hall in advance of the next regular meeting must make a specific request to staff to make them available at the meeting. In addition, she advised that the copy of the Council packet at the library for tonight's workshop differs from the actual Council packet for tonight's workshop.

Mr. Deis said staff will investigate this discrepancy.

(b) Walt Hagen, 711 N 193rd Street, said he would support whatever the City does to improve the bluff trail at Richmond Beach Saltwater Park for the public, but he opposed making the privacy of the residents adjoining the trail a priority for changes. Continuing, he asserted that the City is not being forthright with citizens in its representation of the proposed franchise agreement with Seattle City Light. He suggested that the City has negotiated a four-percent rate increase to enable Seattle City Light to pass through tax revenues to the City's general fund.

Mayor Jepsen clarified that the City has negotiated a four-percent limit to any differential that Seattle City Light might apply to rates of customers residing outside Seattle. He noted that without the proposed agreement, Seattle City Light could apply virtually any rate differential.

9. ADJOURNMENT

At 10:35 p.m., Mayor Jepsen declared the meeting adjourned.

Sharon Mattioli, CMC
City Clerk

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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF JOINT DINNER MEETING

Monday, December 14, 1998
6:00 p.m.

Shoreline Conference Center
Highlander Room

Shoreline City Council

PRESENT: Deputy Mayor Montgomery, Councilmembers Gustafson, King, Lee and Ransom

ABSENT: Mayor Jepsen and Councilmember Hansen

STAFF: Robert Deis, City Manager; Larry Bauman, Assistant City Manager; Joyce Nichols, Community and Government Relations Manager

32nd District State Representatives

PRESENT: Representatives Carolyn Edmonds and Ruth Kagi

The meeting convened at 6:25 p.m. All Councilmembers were present except Mayor Jepsen and Councilmember Hansen. State Representatives Carolyn Edmonds and Ruth Kagi arrived shortly thereafter.

In response to Councilmember Gustafson, Robert Deis, City Manager, explained that the Dohner application for a preliminary long subdivision is the only item on the agenda of the regular Council meeting later in the evening that is a closed record hearing.

Representatives Edmonds and Kagi arrived at 6:35 p.m.

Representative Edmonds explained that she will serve on the Judiciary Committee and that she will serve as vice chair on the Capital Budget Committee.

Representative Kagi advised that she will serve on the Children and Families Committee. She said she is waiting to hear about her other committee assignment. She noted that she requested assignment to the Appropriations Committee but that many other representatives requested assignment to the same committee.

Representative Edmonds reported that State Senator Darlene Fairley will serve on the Senate Ways and Means Committee and that she will chair a new committee concerning labor, Work First and health care. She noted that Senator Fairley may also serve on the Health Care Committee or on the Telecommunications Committee.

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Deputy Mayor Montgomery welcomed Representatives Edmonds and Kagi. She explained that the purpose of the joint meeting is to develop the Council's working relationships with its partners. She noted that both Representatives had received a copy of the City's Legislative Policies.

Representative Kagi asked if the City's policies regarding annexation are unique to it. Joyce Nichols, Community and Government Relations Manager, explained the interest of many other cities in similar annexation issues. She said the statutes of the Growth Management Act (GMA) related to annexation or incorporation of unincorporated areas conflict with statutes that existed before the GMA.

Deputy Mayor Montgomery suggested that City Council and staff review the City's legislative priorities with the Representatives, beginning with transportation funding.

Mr. Deis identified Route 99, Aurora Avenue, as the City's highest priority transportation project and the southern portion of Route 99 in Shoreline as that with the greatest needs. He mentioned the need for pedestrian safety improvements in particular. He said Aurora Avenue is also critical to the City's economic development efforts.

Councilmember Gustafson asked if the City can package the development of the Interurban Trail with improvements to Aurora Avenue to improve the competitiveness of these projects for funding. Mr. Deis agreed that the Interurban Trail is inextricably linked with improvements to Aurora Avenue.

Councilmember Gustafson said I-5 from the boundary of Snohomish and King Counties south to Northgate is also in need of attention.

Mr. Deis noted that many State highways act as local arterials. He pointed out that 205th Street and Aurora Avenue are both State highways. Regarding economic development, he advised that the City is working with Shoreline Community College to develop a technology center at the park-and-ride lot at 192nd Street and Aurora Avenue. He said the college has a \$10 million grant, and it is looking for another \$10 million to begin the project. He commented that other cities have been creative in developing legislation for redevelopment tools. He stressed that Shoreline is very supportive of the creation of any additional tools to assist in redevelopment.

Councilmember Lee asked if there is any legislative means to encourage various taxing districts to work together more effectively. Mr. Deis referred to utilities and telecommunications. He said utilities and private telecommunication companies regularly introduce legislation to reduce the ability of cities to manage their rights-of-way. In addition, he explained that, under the GMA, cities are responsible for the provision of utilities in their jurisdictions. However, some special districts are trying to reduce the ability of cities to assume special districts. He commented that Shoreline is working with its local utilities to make the most efficient use of public tax revenues.

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Representative Edmonds asked if there is a more proactive way to gain protections through legislation for City rights-of-way. Ms. Nichols said such legislation would be ideal; however, she asserted that efforts of this type would attract a great deal of opposition from private corporations.

Ms. Nichols went on to discuss issues related to the Endangered Species Act and the potential financial impacts.

Mr. Deis mentioned a recent street improvement project in Lynnwood. He said the City of Lynnwood must mitigate all existing pavement, as well as the new pavement, in the project area.

Ms. Nichols explained the City's perspective on Fircrest and the impact of this State facility on City services and planning. She said the City seeks State mitigation of these costs. Representative Edmonds requested a list of other State facilities that create similar impacts.

Ms. Nichols went on to discuss the City's perspective on human services. She stressed the need to reinvest savings resulting from welfare reform. She also mentioned the need for investments in youth programs.

Mr. Deis said the City is concerned about the impact of any effort to eliminate the Motor Vehicle Excise Tax (MVET). MVET revenues represent 15 percent of the City's budget.

Representative Kagi questioned the effect of Referendum 49 on the City. Mr. Deis advised that funding to the City will increase in 1999 as a result of Referendum 49. However, he said the State may reduce this funding in future years in order to finance the debt service for Referendum 49. Representative Kagi acknowledged that Referendum 49 will result in increased pressure on the State general fund.

Representative Edmonds said the most important role the City can serve for her and Representative Kagi, as new legislators, is to act as a watchdog to bring concerns to their attention.

Councilmember Gustafson commented that the City is, likewise, eager to hear if the legislators have questions.

Deputy Mayor Montgomery thanked Representatives Edmonds and Kagi for attending the joint dinner meeting.

Larry Bauman
Assistant City Manager

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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, December 14, 1998
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Deputy Mayor Montgomery, Councilmembers Gustafson, King, Hansen,
Lee and Ransom

ABSENT: Mayor Jepsen

1. CALL TO ORDER

The meeting was called to order at 7:35 p.m. by Deputy Mayor Montgomery, who presided.

2. FLAG SALUTE/ROLL CALL

Deputy Mayor Montgomery led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present with the exception of Mayor Jepsen, who was ill.

Upon motion by Councilmember Lee, seconded by Councilmember Ransom and unanimously carried, Mayor Jepsen was excused.

3. REPORT OF CITY MANAGER

Robert Deis, City Manager, noted that the 1997 State Audit Report is available.

Mike Gillespie, City Engineer, reported on the completion of the construction at the north detention pond for a total cost of \$250,000. Mr. Deis added that the pond now has a gate to control water flow and the structure meets dam standards.

After Mr. Deis noted that the comment period is open for the Draft Environmental Impact Statement (DEIS) for the Richmond Beach Library, Anna Kolousek, Development Services Manager, reviewed the public meeting held last week on the DEIS. She said the meeting was well attended. About 30 speakers supported the park site; one opposed it, and one was neutral. The comment period closes on January 4, 1999. She said Shoreline is coordinating the analytical process under the State Environmental Policy Act (SEPA) with King County. The City will be responsible for issuing the permit after the environmental review process is completed.

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Councilmember Ransom pointed out that the park site received the most points in the review and so was selected as the preferred alternative.

Responding to Mr. Deis, Deputy Mayor Montgomery expressed Council's desire to see the design proposal when it is available.

4. REPORTS OF BOARDS AND COMMISSIONS

(a) Quarterly Report of the Council of Neighborhoods

Mark Deustch, Chair of the Council of Neighborhoods, reviewed the mission and objectives of the Council of Neighborhoods and outlined this quarter's activities. He said the joint dinner with the City Council was favorably received and suggested that informal dinners be held, perhaps quarterly, instead of a joint retreat.

Deputy Mayor Montgomery welcomed more opportunities for potlucks, as did Councilmember Ransom.

Responding to Councilmember Lee's question about the issues facing the neighborhood associations, Mr. Deutsch said three or four neighborhood associations are fairly well-established. However, other groups are looking for continuing issues to engage neighbors and generate more attendance. One neighborhood association is currently not meeting on a regular basis. Another challenge is how to engage businesses, as the North City Neighborhood Association has done.

Responding to Councilmember Gustafson, Mr. Deutsch said the neighborhood organizations' strengths are that they are forces to improve the City, and the people involved are creative and good problem-solvers, as well as dedicated.

There was Council consensus to have quarterly dinners with the Council of Neighborhoods.

5. PUBLIC COMMENTS

(a) Virginia Botham, 16334 Linden Avenue N, explained her error in looking at Council packets last week. She also asked that Council review all public comments on long subdivisions, paying special attention to surface water systems, minimum lot sizes and road widths.

(b) Clark Elster, 1720 NE 177th Street, spoke to three topics: 1) the safety of hammerhead roads and narrow roads (he said there may be a discrepancy between the road standards applied by the City and the Shoreline Fire District); 2) a church expansion without expansion of its parking lot; and 3) adoption of a major institutions policy like the City of Seattle's.

(c) Dennis Lee, 14547 26th Avenue NE, was concerned about the preservation of the character of residential neighborhoods, saying this should be a theme woven

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through all the new building codes. He said citizens should be informed and involved in the process of developing these codes.

(d) Robert Kaghne, principal of Einstein Middle School, explained that three years ago the school got a readerboard but the City denied a permit to install it, saying the sign could not be higher than six feet in a residential neighborhood. He asked for a waiver to install the sign, noting it could have a timer so that it is not lit continuously. Finally, he called attention to the use of Einstein by other neighborhood groups.

(e) Diane Yates, 16504 22nd Avenue NE, introduced herself as King County Councilmember Maggi Fimia's new legislative aide for the part of the district that includes Lake Forest Park and Shoreline.

(f) Cathy Lin Scott, co-president of Einstein Middle School PTSA, provided the background on the Einstein readerboard issue. She asked for approval of a 12- to 15-foot-high illuminated readerboard. She requested that the fee be waived if this requires a variance, and she called for immediate action.

(g) Susan Macek, 19844 10th Avenue NW, supported the library in the park, noting the DEIS shows there are no adverse environmental impacts to putting it there and doing so will allow continued active recreation in the rest of the park.

(h) Ron Jablonski, 649 NW 195th Street, spoke as president of the Richmond Beach Library Association to support the park site for the library. He said the DEIS covers all the issues, and it makes environmental, economic and social sense to site the library in the park.

(i) Peter Schwindt, 2209 NE 177th Street, commented that to date development policies have been imposed from above, which makes citizens feel they have to fight to preserve their neighborhoods. He wanted an interactive dialogue between citizens, staff and the Planning Commission in the development of any new policies.

(j) Walt Hagen, 711 N 193rd Street, felt he could speak for the Hillwood neighborhood in support of the Einstein readerboard. On a second topic, he expressed the opinion that staff and the City Council do everything possible within the law to grant development permits. He said Council should attend to the interests of Shoreline citizens.

Regarding the readerboard, Mr. Deis said he and the school district superintendent have agreed to discuss issues, and he will attempt to resolve this matter and report back to the Council. He said the workplan for the development codes will be discussed at a January workshop.

At 8:28 p.m., Councilmember Lee left the Council table.

6. APPROVAL OF AGENDA

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Councilmember Gustafson moved to approve the agenda. Councilmember King seconded the motion, which carried 5 - 0.

7. CONSENT CALENDAR

Councilmember Hansen moved to approve the consent calendar. Councilmember Gustafson seconded the motion, which carried 5 - 0, and the following items were adopted:

**Joint Dinner Meeting Minutes of October 26, 1998
Committee-of-the-Whole Minutes of November 5, 1998
Dinner Meeting Minutes of November 9, 1998
Regular Meeting Minutes of November 9, 1998
Committee-of-the-Whole Minutes of November 12, 1998
Joint Dinner Meeting Minutes of November 23, 1998
Regular Meeting Minutes of November 23, 1998**

**Approval of expenses and payroll as of December 4, 1998
in the amount of \$ 708,473.21**

**Motion to authorize the City Manager to execute an agreement
for services in an amount not to exceed \$30,000 with FX
Video for the provision of audio/videotaping services for 1999**

**Motion to authorize \$5,000 in Mini-Grant funds for the Meridian
Park Neighborhood Association to purchase playground equipment
at Meridian Park School and eight neighborhood identification
signs within the Meridian Park neighborhood**

**Motion to authorize the City Manager to (1) execute grant funding
agreements with the Washington State Department of Transporta-
tion and the Transportation Improvement Board; and (2) execute
engineering consultant agreements with the selected consultant,
including future amendments for right-of-way and construction
administration services as needed, for the design of intersection
improvements at 15th Ave. NE and NE 165th St.**

**Motion to authorize the City Manager to execute a contract
with the North Rehabilitation Facility in an amount not to
exceed \$100,000 for 1999 landscape maintenance to support
the road, surface water, and park programs**

**Motion to authorize the City Manager to execute an amendment
to the Red Carpet Building Maintenance contract for an amount
not to exceed \$99,485 for janitorial service, with the authority
to sign change orders for up to 10% of the contract amount**

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Motion to authorize the City Manager to execute a revised interlocal agreement with King County for the hourly rate of public defense screening services for indigent district court defendants

Ordinance No. 182 amending Ordinance No. 146, as amended, by creating a General Capital Fund, a Roads Capital Fund, and a Surface Water Capital Fund; adding appropriations to these new funds; and eliminating the Special Capital Improvement Fund and the Appropriations to that fund

Ordinance No. 185 amending Ordinance No. 151, which established medical, dental, vision, life and disability insurance and other benefits for City employees, in order to pay for the increase in the cost of benefits

At 8:32 p.m., Councilmember Lee returned to the Council table.

8. **ACTION ITEM: PUBLIC HEARINGS**

- (e) Closed record appeal hearing on an appeal of the Planning Commission's recommendation to deny the application of Charles and Barbara Dohner for a preliminary long subdivision (File #1997-02453)

Deputy Mayor Montgomery asked if any Councilmembers have an interest in the property that is the subject of the hearing; if any Councilmembers stand to gain or lose financially as a result of the outcome of this hearing; and if any Councilmembers have engaged in communications outside this hearing with opponents or proponents of the matter to be heard. Councilmembers indicated negative responses to all questions. (Councilmember Gustafson had stepped away from the Council table during this exchange.)

Mr. Stewart explained the difference between quasi-judicial and legislative decisions: in the legislative process the decision body asks what should be; in a quasi-judicial decision the question is whether the application complies with the existing law. Legislative decisions set the rules for quasi-judicial decisions.

Mr. Stewart said this hearing was postponed from the November 23rd meeting. Its purpose is to consider the appeal of the Planning Commission's recommendation to deny the permit application. He described the proposal as outlined on pages 99 and 100 of the Council packet and reviewed page 101 and pages 106 to 111 in the Council packet outlining the application's route through the process. He said staff has found that the proposal is consistent with the King County Comprehensive Plan in effect at the time it was submitted, with the subdivision standards of the City of Shoreline, with the King County Road Standards, and with the Shoreline zoning ordinance. Therefore, staff

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recommends approval of the application with seven specific conditions (pages 111 and 112) and the SEPA mitigation.

Continuing, Mr. Stewart said the project has been quite controversial. There were 17 written comments and 18 individuals testified at the public hearing. Many comments addressed the history of storm water problems and the detention system and requested a 100-year storm detention system rather than a 25-year system. The recommendation is for a 25-year system because of the finding that the local storm water collection system does not have downstream problems. Another issue was lot size, since the subdivision has smaller lots than the surrounding neighborhood. However, staff found that all lots were consistent with the adopted standard of the Shoreline zoning code. Mr. Stewart said other areas of concern included the road access, safety and children, and mitigation issues.

Mr. Stewart said the Planning Commission's recommendation for denial of the application (found on pages 94 - 98), found that: 1) there were too many lots and the lots were too small; 2) the project was not in the public interest; and 3) the project was not consistent with the character of the surrounding neighborhood.

Turning to the appeal, Mr. Stewart said it responded to the Planning Commission findings as follows: 1) the application meets all density requirements based upon the codes and requirements of the City of Shoreline at the time the application was filed; 2) the project meets the rules and requirements of the City meant to protect the public interest; and 3) builders cannot be expected to have projects that retain the character of a 1960s-style neighborhood when the public demands 1990s-style homes.

Mr. Stewart said the staff sympathizes with the concerns of the Planning Commission and neighbors. However, the proposal conforms to the laws in effect when the application was submitted. Therefore, staff recommends that Council grant the appeal and approve the plat subject to the findings, conclusions and conditions set forth in the staff report beginning on page 99.

The appellant/applicant, Gary Cooper, 20351 Greenwood Avenue N, felt the application was basically denied because of the lot sizes, which citizens felt were out of character with the neighborhood. He said the City has an obligation to apply the regulations in effect when the application was submitted. He emphasized that "public interest" and "public opinion" are not synonymous. He said the codes protect the public interest in terms of safety. If Council wishes to respond to public opinion, it can make legislative changes. He said neighborhood character is not an issue because this is based on codes and regulations.

Turning to drainage, Mr. Cooper explained that the preliminary drainage plan will be subjected to downstream analysis and perhaps mitigation or a 100-year system will be required. He concluded that most of the lots are configured in such a way that they meet the new setback requirements, even though this was not required.

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Responding to Councilmember King, Mr. Cooper said one lot has an existing home on it. The other lots are much smaller than this one. This home will be retained. Mr. Cooper said this lot meets the setback requirements under the code in effect at the time of the application.

Deputy Mayor Montgomery noted that a comment was made at the Planning Commission that building codes are analogous to speed limits, i.e., they set limits but if conditions change, then the limit should be lowered. The statement was made that the Planning Commissioners have a certain amount of discretion to determine the proper limits in given conditions.

Bruce Disend, City Attorney, said this analogy is incorrect. With regard to land use, the law is not so flexible because property rights have constitutional limitations placed upon them. He said the Council establishes the rules by adopting a zoning code. The only way to change the rules is through a variance procedure, which is a process also adopted by the City Council. He concluded that if Council does not feel the rules it has adopted are appropriate, then Council can change those rules. However, until such time as this occurs, the Council must apply the rules in effect at the time of the application. He said the issue of character of the neighborhood is sensitive and residents may feel a subdivision does not fit neighborhood character. However, there is no legal definition of neighborhood character. If Council took the position that it could approve or deny applications based upon the public interest or the character of the neighborhood, there would be no standard other than what occurs on a case-by-case basis. The judicial system does not support this approach, as has been clearly established through litigation.

Councilmember Ransom stated that he had previously discussed with the City Attorney the issue of liability with regard to positions taken by City Councilmembers. He asked whether Councilmembers are protected by the City's liability insurance in cases where the applicant has clearly met all the requirements and yet the City Council chooses to deny the application.

Mr. Disend said if Councilmembers knowingly violate the laws and regulations adopted by the City, a court would determine that this is an arbitrary and capricious action and, to the extent that the applicant suffers injury or damage, would subject such Councilmembers to personal liability. Councilmember Ransom confirmed that in such a case the City's liability insurance would not cover the Council.

Councilmember Lee voiced her difficulty in dealing with this issue and coming to a reasonable conclusion. She had the same question as the Planning Commission: if there are codes and laws that govern approval or denial of these permits, what is the purpose of the Planning Commission's review?

Mr. Disend said one of the principle functions is to determine whether or not the application does meet the applicable laws and regulations. Secondly, some discretion may be exercised. The Planning Commission assesses whether adequate provision has been made for certain fundamental aspects of the development, e.g., adequacy of water,

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sewer, streets, and parks. So reviewing a proposal involves both a certain amount of discretion and measuring the proposal against the duly adopted regulations.

Councilmember Lee said it would appear that the staff would have more expertise to make the assessment than a group of citizens. She still did not see what areas of discretion the Planning Commission would have authority to mitigate.

Mr. Disend gave examples of discretionary authority: public versus private roads or the adequacy of parks. He noted that in some jurisdictions these reviews are done by a professional Hearing Examiner rather than a Planning Commission.

Councilmember King had serious concerns about the adequacy of the storm drainage system, given the history of drainage problems in the area. She asked that staff pay special attention to this. She felt this amount of new impervious surface will have some impact on the area's drainage.

Daniel Bretzke, Planning and Development Services, explained that the King County Surface Water Design Manual adopted by Shoreline is based on a 25-year storm event. However, in some cases it might be cheaper for a developer to install a 100-year storm system rather than do downstream mitigation. He explained the drainage system in question, which is at the top of the drainage basin and goes into Puget Sound.

Responding to Councilmember King, Mr. Bretzke said the 25-year storm is a design standard and corresponds to approximately two inches of water hitting the ground in 24 hours. In a 100-year storm this increases to three or four inches. He noted that since Shoreline adopted the County's standards, King County has adopted a new design manual.

Responding to Councilmember Ransom, Doug Mattoon, Public Works Director, said the 1996 storm was almost a 100-year storm by some calculations and a little more by others. The determination is a function of where the measurement is taken and how much snow was on the ground. He said another way of looking at it is that there is a one percent statistical chance that there will be a 100-year storm at any given time. He did not know what the November storms were, but any one of them might have been a 25-year storm somewhere in the City. He emphasized that this project will not drain into the Third Avenue/Boeing Creek area, which is a problem area. Given this, the 25-year storm design is standard procedure.

Councilmember Ransom asked if the Council can increase the standard without being arbitrary and capricious, to which Mr. Mattoon replied that this is where engineering design review comes in. If there is a calculated reason to increase the standard, e.g., drainage into an area with known problems, it can be done. There is no documentation to justify such a requirement in this drainage basin.

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Mr. Stewart said it is important to understand that this is a preliminary plat with preliminary designs. As the application moves through the process, much more detailed work will occur.

Mr. Bretzke said the conveyance system must be designed to meet the 25-year storm, i.e., there cannot be overtopping of the catch basin during a storm. Designing a detention system for a 25-year storm matches the flow on the property before construction at the 25-year storm level. This then gives preliminary calculations on the size of the pipes, the size and location of the orifices, and basic elevations to assure there is enough fall into the system. As the design is refined, it might need changes.

Councilmember Gustafson said that, based on the record, he concurred with the Planning Commission in its ruling. However, he realizes the legal requirements Council must meet. He expressed concern about the lock on the gate to the recreational playfield at Einstein Middle School and wondered if this could be viewed as a fault in the requirements.

James Holland, Planning and Development Services, said the access that staff reviewed in preparing the report for the Planning Commission was not the one on the project site but the one down 8th Ave. NW. He said he found this gate open when he walked the site.

Councilmember Gustafson asked that this be checked. He also expressed concern about drainage. He asked about the adequacy of the one-way road and whether it meets the Fire Code.

Mr. Gillespie said the roads shown on the plat meet the minimum width for streets for this type of development. They meet the standards for two-way traffic but, in this case, it has been conditioned for one-way traffic because it is a loop. It is a public street and all the services will be accessible along the street. It was conditioned to be a public street because it is serving ten lots and it is in the City's and property owners' interests to maintain the street.

Returning to the gate to the playfield, Mr. Gustafson said he believed this gate goes into the park area and has been locked for a long time. He did not believe there was access to this area and he questioned whether this allows for meeting the recreational needs of this new housing area.

Mr. Holland said staff reviewed the most direct access by foot, but there are other accesses to the park. He said the gate was clearly unused and therefore he went to the most used access, which was the swing gate.

Mr. Gustafson asked if there is any legal way to make 7,200-square-foot lot sizes retroactive. Mr. Disend assured him there is not. Given this, Mr. Gustafson appealed to developers to recognize that the City has enlarged the lot size to 7,200 square feet and to comply with this lot size, which would fit with neighborhood character.

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Deputy Mayor Montgomery asked whether there is flexibility to increase the density on the Einstein side and make the lots closer to the surrounding houses larger. In other words, as long as the number of lots per acre remains constant, could there be lots smaller where there is less visibility?

Mr. Stewart said at one time "clustering" of this type was permitted in King County; however, the code under which the application was made did not contain this provision.

Councilmember Gustafson stated there was no agreement with the neighbors about joint access to the road. Mr. Stewart explained the proposed access, noting staff had originally tried to encourage a joint use agreement but the neighbors to the south did not agree to this. The current design is to have parallel access to the lots to the south and new access on the north side. Councilmember Gustafson said he had the impression that the neighbors to the south were never asked about this. Mr. Stewart said it was part of the staff recommendation and SEPA review initially, but at the Planning Commission neighbors said this was never accomplished.

Councilmember Gustafson said joint use of the road would add to the project and make it somewhat more compatible. He wondered why the neighbors were never asked.

Responding to Councilmember Hansen, Mr. Stewart said all the lots meet minimum requirements and do not include easements or rights-of-way.

Responding to Councilmember King, Mr. Stewart stated that traffic impact analysis is standardized through the Institute of Traffic Engineers, who provide trip designation manuals. Ten trips a day is the standard. Councilmember King was skeptical of this figure.

Responding to Councilmember Lee, Mr. Gillespie said the enforcement of the one-way street will be done by signage and in a residential area this is more-or-less on the honor system. Councilmember Lee questioned making this street one-way. She noted that even though it meets code requirements, it does not seem appropriate here. She felt the plat should be remanded to staff and the applicant to look for a win-win situation. She said she still does not have a clear sense of why the Planning Commission holds hearings and what discretionary issues it can address.

Responding to Councilmember Lee, Mr. Disend said the City has a Planning Commission because the members bring their individual perspectives, experience and points of view. When applications come to the Planning Commission, there are a variety of viewpoints to measure, review and recommend, so there is a better chance of making sure that the public interest is served. He added that the Planning Commission has responsibilities other than land use review.

Councilmember King was concerned about the storm water detention requirements, the access, the number of trips, and the gate access to the playfield; but she feared Council was "stuck" with this project.

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Councilmember Ransom pointed out that Council is aware of the citizens' concerns. The moratorium on the smaller lots demonstrates this. However, the City Attorney has made clear that Council does not have any options. The project has met the legal requirements as determined by staff. Staff has explained how each item has been accounted for and that the project is in compliance. If Councilmembers voted against this, they could become personally liable for damages and the City insurance would not cover them. Neither would personal homeowners insurance. He felt it is unreasonable to ask Council, in the face of all of this, to deny the appeal. He said Council swears to uphold the laws and legal counsel has said clearly what Council must do.

Councilmember Ransom moved to grant the appeal and approve the Dohner Long Plat subject to the findings, conclusions and conditions set forth in the staff report that was presented to the Planning Commission and which is set forth in the Council packet beginning at page 99. Councilmember Hansen seconded the motion, which carried 6 - 0.

9. OTHER ACTION ITEMS: ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Motion to adopt the City of Shoreline Emergency Management Plan and approve implementation of the 1999 work plan

Mr. Mattoon reviewed the staff report.

Deputy Mayor Montgomery invited public comment.

(1) Scott Keeny, Commissioner, Shoreline Fire Department, said the fire department fully supports the proposed Emergency Management Plan and encourages Council to adopt it as presented and to adopt the 1999 work plan. He noted the ongoing development of the fire department's emergency disaster plan as one of the department's primary objectives for 1999. He said the department will soon adjust staff responsibilities to insure the necessary staffing to meet its roles and responsibilities under the plan. He mentioned the fire department's interest in further discussion with the City regarding the possible co-management of the role of the Emergency Management Coordinator. In addition, he said the fire department would welcome the participation of the City and other agencies in locating Shoreline's emergency operations center in the department's new staff, administrative and training center. Finally, he underscored the ongoing work necessary to make the Emergency Management Plan operational and effective.

MEETING EXTENSION

At 9:55 p.m., Councilmember Hansen moved to extend the meeting until 10:45 p.m. Councilmember King seconded the motion, which carried 5-1, with Councilmember Lee dissenting.

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Councilmember King moved that Council adopt the City of Shoreline Emergency Management Plan and approve implementation of the 1999 work plan. Councilmember Ransom seconded the motion.

Councilmember Gustafson supported the cooperation of the City and the fire department in siting the emergency operations center and staffing the role of the Emergency Management Coordinator. He noted that the text of the Emergency Management Plan stipulates a formal review once every two years. He recommended that the City change this to be once every year. Mr. Deis mentioned the additional work necessary to make the plan operational, and he said staff is committed to annual reviews during the next few years. He asserted the City would need to consider its staffing to determine if it could reasonably commit to an annual review beyond that. Councilmember Gustafson suggested that the City delete the stipulation from page 18 of the Emergency Management Plan manual.

Councilmember Hansen expressed reluctance to begin stipulating future requirements without a better understanding of the City's future staffing levels. Mr. Deis agreed. He indicated that staff will be better able to assess the staffing options and requirements of the plan after it is fully developed.

Councilmember Hansen supported the proposed Emergency Management Plan. Councilmember Gustafson agreed.

A vote was taken on the motion, which carried 6-0, and Council adopted the City of Shoreline Emergency Management Plan and approved implementation of the 1999 work plan.

- (b) Approval of a Six Lot Preliminary Long Subdivision at 16326 Linden Ave. N. proposed by Doug and Dave Hageman (File #1998-00368)

Deputy Mayor Montgomery asked if any Councilmembers have an interest in the property that is the subject of the hearing, asked if any Councilmembers stand to gain or lose financially as a result of the outcome of this hearing, and asked if any Councilmembers have engaged in a communication outside this hearing with opponents or proponents of the matter to be heard. Councilmembers responded negatively to all of the questions. (Councilmember Gustafson had stepped away from the Council table during this exchange.)

Mr. Stewart reviewed the history of the proposals to develop this property. He explained that the four-to-two vote by the Planning Commission on the motion to recommend approval of the proposed subdivision to Council failed under the provisions of the Planning Commission bylaws, which require a majority of five votes for review of preliminary subdivisions. He discussed the two road standards variances required by the proposed subdivision. He noted the subdivision approval conditions on pages 165 and 166 of the Council packet.

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Mr. Stewart asserted that a private street is considered appropriate for accessing six dwelling units. He said Development Services received 25 comment letters and two citizen petitions regarding the proposed subdivision. He reviewed the summary of these comments on pages 162 and 163 of the Council packet.

Mr. Stewart attributed the four affirmative votes on the Planning Commission to a perception of the current proposal as better, in terms of the character of the neighborhood, than the nine-unit apartment building, which could be permitted as a matter of right on this parcel. He said the two Planning Commissioners who dissented were concerned with the road variance, safety and procedural issues. Mr. Stewart advised that Planning staff recommends approval of the proposed subdivision, subject to the findings, conclusions and conditions reviewed by the Planning Commission.

Councilmember King questioned the inclusion of a private road in the staff recommendation. Mr. Stewart said the development of a public or private road is at the discretion of the applicant in many cases under the City code. He advised that the road must meet the same standards of quality regardless of whether it is private or public. He noted that the private property owners, not the City, will be responsible for the long-term maintenance of the private road. Councilmember King asserted there is no advantage to a private road. Councilmember Lee agreed.

Councilmember Ransom questioned the number of Planning Commissioners in attendance at the meeting at which the Commission voted on the proposed subdivision. Mr. Stewart said one Commissioner had resigned and had not yet been replaced; one Commissioner was absent, and one Commissioner had disqualified himself in order to avoid the appearance of a conflict of interest.

Councilmember Lee asserted that the current proposal resulted from the cooperation of the property owner, the developer, the City and the Planning Commission. Mr. Deis advised that the revisions to the proposal resulted from staff-initiated changes. Councilmember Lee commented that the developer and the property owner agreed to work with the City on the changes.

Councilmember Lee expressed concern about the private road in the proposal. She acknowledged condition number nine on page 166 of the Council packet—"The applicant shall implement a Maintenance Agreement. . . ."; however, she asserted that properties change ownership and that future owners do not adhere to maintenance agreements. She questioned the City's position on private roads. Mr. Stewart said the King County Road Standards, which the City adopted, permit an applicant to request either a private or a public road. He explained that the City Engineer determines the appropriateness of public and private roads. He noted that staff has recommended a private road in this case.

Deputy Mayor Montgomery asked if the City can specify its right to implement a Local Improvement District (LID) to tax the property owners and maintain the road if the property owners do not maintain the road themselves. Mr. Disend advised that Council is not obligated to grant a private road. He said the record includes evidence to support the

December 14, 1998

position that a public road is in the public interest. He explained that if Council determines, in reviewing the record, that the proposed road standard is inappropriate (e.g., for safety reasons), it may modify the related condition, reference the pertinent comments in the record, and require a public road.

Deputy Mayor Montgomery noted the large number of private roads in Shoreline. Councilmember Lee asserted that such roads are in poor condition as a result of neglect. She said the City must accept the private roads that already exist, but it has a choice about whether to allow more of them.

Mr. Gillespie said he approved the private road because it is a short street serving six lots; it is within the City code, and it is appropriate given the condition of the maintenance agreement.

Councilmember Lee noted that there is no way of enforcing the maintenance agreement.

Mr. Stewart explained that the maintenance agreement will be a requirement recorded on the plat and that it will pass to future owners as such.

Responding to Councilmember Hansen, MR. Disend said the City could not legally enforce repair of the road if a problem should develop because it would be private property.

In response to Councilmember Gustafson, Mr. Gillespie advised that the hammerhead design of the private road meets the requirements of the fire district. Councilmember Gustafson expressed concern about the safety of the design. Mr. Gillespie confirmed that the City properly granted the variances for the project. Mr. Stewart said the property owner and contractor have met all of the legal requirements for the project.

Deputy Mayor Montgomery questioned the impact on the development of Council requiring a public, instead of private, road. Mr. Gillespie said the applicant would need to reconfigure the layout of the lots.

In response to Councilmember Lee, Mr. Gillespie reiterated that there is no difference in standards between a private road and a public road. He explained that the requirement of a public road would necessitate the reconfiguration of the layout of the lots because the area of the road would become public property. Mr. Stewart advised that the private road in the proposal is an easement and that the applicant has used the area within the easement in the size of the lots. The requirement of a public road would reduce the number of lots.

In response to Deputy Mayor Montgomery, Mr. Stewart reiterated that staff granted the easements to allow for a project that is preferable to a nine-unit apartment building.

Councilmember Hansen moved to approve the proposed Hageman Preliminary Subdivision subject to the findings, conclusion and conditions reviewed by the

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Planning Commission. Councilmember Ransom seconded the motion, which carried 6-0.

- (c) Approval of a Seven Lot Preliminary Long Subdivision 17327
Ashworth Ave. N. proposed by Carefree Homes (File #1998-00687)

Deputy Mayor Montgomery asked if any Councilmembers have an interest in the property that is the subject of the hearing, asked if any Councilmembers stand to gain or lose financially as a result of the outcome of this hearing, and asked if any Councilmembers have engaged in a communication outside this hearing with opponents or proponents of the matter to be heard. Councilmembers responded negatively to all of the questions.

MEETING EXTENSION

At 10:40 p.m., Councilmember Hansen moved to extend the meeting to 11:15 p.m. Councilmember Ransom seconded the motion, which carried 5-1, with Councilmember Lee dissenting.

Mr. Stewart noted that Ordinance No. 137 reclassified the subject property from R-6 to R-12. He reviewed the second condition of the third "WHEREAS" clause of this ordinance in particular: "The subsequent application for preliminary long-subdivision of the property shall propose division of the land in a manner identical to that reviewed by the Planning Commission for the zoning redesignation." The Planning Commission reviewed the proposed preliminary long subdivision on October 1, 1998 and voted 6-2 in favor of adoption. Mr. Stewart said the staff findings and recommendations include that the proposal conforms with the condition of Ordinance No. 137. He noted the conditions on pages 240 and 241 of the Council packet and the public comments and City responses on page 245.

In response to Councilmember Hansen, Mr. Stewart confirmed that the City will address the stormwater retention system, and other aspects of the development, during the building-plan phase of the project. He also confirmed that the project will not proceed if these elements do not meet City requirements.

Councilmember Hansen moved that Council approve the proposed preliminary plat of Ashworth Gardens, subject to the findings of fact, conclusion and recommended conditions of the Planning Commission. Councilmember King seconded the motion, which carried 6-0.

- (d) Ordinance No. 187 granting Seattle City Light, an electric utility owned and operated by the City of Seattle, a Municipal Corporation, a non-exclusive franchise to construct, maintain, operate, replace and repair an electric light and power system, in, across, over, along, under, through and below certain designated public rights-of-way of the City of Shoreline

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In response to Councilmember Hansen, Mr. Deis confirmed that there have been no substantive changes in the agreement from that staff presented to Council at its workshop on December 7, 1998.

Councilmember Hansen moved that Council pass Ordinance No. 187 granting Seattle City Light a franchise to operate an electric utility. Councilmember Gustafson seconded the motion, which carried 6-0.

Councilmember Ransom questioned the return the City can expect on the costs of staff time invested in negotiating the franchise agreement with Seattle City Light. Mr. Deis said the City of Shoreline will receive \$500,000 in revenues during the first year of the agreement. Previously, the City of Seattle retained these revenues for its general fund. Mr. Deis advised that the franchise will take effect on January 1, 1999, instead of February 1, 1999, as a result of a request by City staff. He noted that this one month of revenues will cover all of the costs of negotiation and lobbying associated with the agreement.

Councilmember King requested that staff study, and report back to Council about, the possible allocation of the new revenues to facilitate undergrounding. Mr. Deis said he planned to return to Council to present budget options and priorities. He noted that staff will discuss the development of the Public Works Department, and the related costs, at the Council workshop on January 4, 1999.

Councilmember Lee suggested that Council revisit the existing City undergrounding ordinance.

Councilmember Hansen supported Councilmember King's proposal to designate the new revenues for undergrounding.

Deputy Mayor Montgomery said the City is not ready to designate the revenues for a specific project. She advocated a serious consideration of budget priorities.

10. CONTINUED PUBLIC COMMENT

(a) Clark Elster, 1720 NE 177th Street, advocated a moratorium on streets with hammerhead designs and on developments that designate private roads as easements and include the area within the easements in the size of adjoining lots. He said police officers have limited authority to enforce traffic regulations on private roads. He went on to question the deployment of traffic enforcement officers in Shoreline. He noted that two of the City's three traffic enforcement officers go off duty at 3:00 p.m., when most traffic problems and traffic complaints begin. He suggested that the City consider redeployment to use its resources more effectively.

(b) Virginia Botham, 16334 Linden Avenue N, referenced page 307 of the Council packet to point out that lots 5 and 6 of the seven-lot preliminary long subdivision

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at 17327 Ashworth Avenue N are each 2,230 square feet in size. She said she and Walt Hagen learned during a meeting with fire department representatives on September 17 that the fire department approves the widths of proposed roads before the inclusion of sidewalks. She asserted that roads the fire department understood to be 20 feet wide have turned out to be much narrower after the inclusion of sidewalks. She discussed the history of development proposals at 17327 Ashworth Avenue N. She noted the number of public comments submitted. She stated that a 20-foot setback problem and several factual errors exist in the proposal that Council approved.

(c) LaNita Wacker, 19839 8th Avenue NW, reasserted her objection to the City Council and the Shoreline School Board both meeting on Monday nights. She discussed the wealth of culture and ethnic diversity within the Shoreline community. She advocated understanding, tolerance and respect of different customs and holidays.

(d) Patricia Peckol, 19144 8th Avenue NW, asserted that Council approval of one of the developments proposed at this meeting rewards the developer for establishing an adversarial position toward neighbors adjoining the proposed development. She discussed neighbors' willingness to participate in making improvements to the proposed development. She advised that the property owner participated in maintaining the adversarial position and that City staff assisted in getting the project approved. She said it is inappropriate to encourage such behavior in any situation.

(e) Virginia Botham, 16334 Linden Avenue N, provided copies of the electronic mail messages that citizens sent to City staff in an effort to insure that their letters were available to Council.

(e) Walt Hagen, 711 N 193rd Street, stated that the fire department does not approve proposed developments for safety. He said the fire department determines only whether the proposal will provide access for fire department vehicles. He asserted that Council is responsible for public safety. He commented that City staff is not insuring public safety.

Mr. Stewart said staff will present suggestions to Council in January for a process to follow in developing the City's codes. He advocated an inclusive, responsive process that works toward "win-win outcomes," as opposed to confrontational outcomes.

Councilmember King mentioned her impression, from the staff report on one of the proposed developments, that the property owner, the developer and City staff had worked with residents neighboring the development. She asked if the City can include a requirement of cooperation with neighbors in its codes. Mr. Stewart discussed a framework that would include development in accordance with certain standards as a matter of right and incentives for cooperating with neighboring residents. He said the Comprehensive Plan provides a policy base for participatory decision making, high-quality design and citizen involvement. He asserted the need to translate these policies into regulations and laws.

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Councilmember Hansen requested that staff follow up Mr. Elster's comments regarding deployment of traffic enforcement officers.

In response to Deputy Mayor Montgomery, Mr. Stewart explained that the property at 17327 Ashworth Avenue N is zoned R-12 and that the minimum lot size for a duplex in an R-12 zone is 2,500 square feet.

In response to Councilmember Ransom, Mr. Stewart said staff will discuss with Council in January the public participation process the City will follow in developing City codes. He noted that ideas include a "planning academy"—a participatory educational process regarding land-use planning regulations—and a developers roundtable.

Councilmember Ransom mentioned, in response to Ms. Botham's comments, that Councilmembers have received hundreds of letters in recent months, that Councilmembers have read the letters and that they know the tone of the community in favor of neighborhood preservation.

11. ADJOURNMENT

At 11:15 p.m., Deputy Mayor Montgomery declared the meeting adjourned.

Sharon Mattioli, CMC
City Clerk

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Approval of Expenses and Payroll as of December 31, 1998
DEPARTMENT: Finance
PRESENTED BY: Al Juarez, Financial Operations Supervisor 

EXECUTIVE / COUNCIL SUMMARY

It is necessary for the Council to approve expenses formally at the meeting. The following claims expenses have been reviewed by C. Robert Morseburg, Auditor on contract to review all payment vouchers.

RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$2,512,108.03 specified in the following detail:

Payroll and benefits for November 15, 1998 through November 28, 1998 in the amount of \$228,947.79 paid with ADP checks 2281-2330, vouchers 490001-490089, and benefit checks 70171-70176 and

Payroll and benefits for November 29, 1998 through December 12, 1998 in the amount of \$216,880.95 paid with ADP checks 2331-2372, vouchers 510001-510096, and benefit checks 70177-70184 and

the following claims examined by C. Robert Morseburg paid on December 2, 1998:

Expenses in the amount of \$38,011.06 paid on Expense Register dated 12-2-98 with the following claims checks: 9510-9520 and

Expenses in the amount of \$59,144.18 paid on Expense Register dated 12-2-98 with the following claims checks: 9521-9554 and

Expenses in the amount of \$482,022.02 paid on Expense Register dated 12-2-98 with the following claims checks: 9555-9576 and

Expenses in the amount of \$23,508.97 paid on Expense Register dated 12-2-98 with the following claims checks: 9577-9602 and

Expenses in the amount of \$202,449.52 paid on Expense Register dated 12-2-98 with the following claims checks: 9603-9639 and

the following claims examined by C. Robert Morseburg paid on December 9, 1998:

Expenses in the amount of \$86,280.30 paid on Expense Register dated 12-9-98 with the following claims checks: 9640-9660 and

Expenses in the amount of \$6,967.06 paid on Expense Register dated 12-9-98 with the following claims check: 9661-9676 and

Expenses in the amount of \$148,997.24 paid on Expense Register dated 12-9-98 with the following claims check: 9677-9699 and

Expenses in the amount of \$2,910.26 paid on Expense Register dated 11-18-98 with the following claims check: 9700-9701 and

Expenses in the amount of \$463.78 paid on Expense Register dated 12-9-98 with the following claims check: 9702-9731 and

the following claims examined by C. Robert Morseburg paid on December 16, 1998:

Expenses in the amount of \$1,510.50 paid on Expense Register dated 12-14-98 with the following claims checks: 9732-9758 and

Expenses in the amount of \$61,410.32 paid on Expense Register dated 12-16-98 with the following claims checks: 9759-9803 and

Expenses in the amount of \$54,037.93 paid on Expense Register dated 12-17-98 with the following claims checks: 9804-9833.

the following claims examined by C. Robert Morseburg paid on December 23, 1998:

Expenses in the amount of \$3,370.01 paid on Expense Register dated 12-23-98 with the following claims checks: 9734-9835 and

Expenses in the amount of \$177,035.65 paid on Expense Register dated 12-23-98 with the following claims checks: 9836-9858 and

Expenses in the amount of \$711,701.15 paid on Expense Register dated 12-23-98 with the following claims checks: 9859-9881 and

Expenses in the amount of 6,469.34 paid on Expense Register dated 12-23-98 with the following claims checks: 9882-9892.

Approved By: City Manager _____ City Attorney _____

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize the City Manager to Execute an Amendment to the Professional Services Agreement with Adolfson & Associates for Additional Services Associated with the Shoreview Park Little League Field Project
DEPARTMENT:	Public Works
PRESENTED BY:	Douglas W. Mattoon <i>Dem</i>

EXECUTIVE / COUNCIL SUMMARY

The City of Shoreline currently has a professional services agreement with Adolfson & Associates, Inc. (AAI) for preparation of the Shoreview Park Environmental Impact Statement (EIS). This agreement was executed April 29, 1998 and included the preparation of an FEIS for the construction of a little league ball field. Council last discussed this project at a workshop meeting on October 5, 1998. Completion of the FEIS for the little league ball field is anticipated by the end of January.

King County Department of Construction and Facilities Management initiated this project at Shoreview Park in 1993. In March of 1995, King County hired Adolfson & Associates to conduct an environmental analysis and alternative identification/evaluation process. On June 6th 1997, the City agreed to accept the lead agency status for the Final Environmental Impact Statement (FEIS) and the construction of the ballpark and associated improvements.

The Public Works Department requires additional services from AAI. The services are necessary to incorporate comments from an additional review of the Draft Final EIS and provide technical support during the permitting process including possible appeals and any necessary mitigation. Currently, these tasks are not included in AAI's existing agreement.

Staff proposes these additional tasks be added to the existing agreement AAI has with the City of Shoreline. This amendment will assist in this project being expedited as quickly as possible and prepared for final design and construction.

Funds for this work are available and budgeted in the 1999 CIP for this project. The amount and type of assistance is very preliminary due to several possible needs/outcomes. For example, we do not know if any parties will appeal the City decision on where to place the ball field. Several possible items of work and their estimated cost are listed below.

- Finalize EIS \$2,000
- Appeal/Open record hearing \$1,000
- Services associated with mitigation development \$3,000

An appeal will require additional services from AAI. The current billing rates established by the existing agreement will be used for AAI to do this work. This contract will lock in these billing rates. The City's project manager will control the type and amount of services. Billings will be reviewed prior to payment to verify the type and amount of services the consultant will receive compensation for.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute an amendment to the professional services agreement with Adolfson & Associates for additional services associated with the Shoreview Park Little League Field Project.

Approved By: City Manager LB City Attorney N/A

Council Meeting Date: January 11, 1998

Agenda Item: 8(a)

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Ordinance No. 188, amending Ordinance No. 147, Section 1 and Exhibit A, Development Services Fee Schedule
DEPARTMENT:	Planning and Development Services Department
PRESENTED BY:	Tim Stewart, Planning and Development Services Director Anna Kolousek, Planning and Development Services Manager

EXECUTIVE / COUNCIL SUMMARY

In January 1998, your Council adopted Ordinance No. 147, fee schedules for the City of Shoreline. This ordinance includes fees for building permits, based on the State's 1994 Uniform Building Code (UBC). The building permit fees need to be updated to reflect the 1997 version of UBC. WAC 51-40-008 mandates the code elements of the 1997 UBC version effective July 1, 1998. While the Planning and Development Services Department is implementing the requirements of 1997 UBC, the recommended fee changes may be made whenever your Council adopts them.

The decision before your Council is to amend the Ordinance NO. 147 and change the building fee schedule in accordance with the recommended fees in 1997 UBC. We also recommend one minor addition to the 1998 fee schedule: Flat \$60 charge for pre-application meetings for rezone proposals. The pre-application meeting is intended to provide interested parties with staff guidance before a full application and \$6,400 application fee is filed.

Overall, the revised fee schedule would create a 15% increase in building permit fee to the applicant. In the case of a typical application for a new 2,000 square foot, single-family home, this would mean an increase of approximately \$293 for a building permit (from \$1,956 we charged in 1998 to \$2,249 in 1999).

RECOMMENDATION

Staff recommends that the City Council adopt the proposed Ordinance No. 188, amending Ordinance No. 147, Section 1 and Exhibit A, Development Services Fee Schedule.

Approved By: City Manager LB City Attorney BD

BACKGROUND/ANALYSIS

In January 1998, your Council adopted Ordinance No. 147, including fee schedule for building and land use permits. The individual land use fees were calculated using \$93 per hour rate and the historical number of hours that it has taken to provide each individual permit application review. The \$93 per hour base represented across the board an increase of 26% from 1997 fee structure. The 1997 fees did not include overhead cost. The 1998 rate was based on the "full-cost" (direct and overhead) of providing land use permitting services.

Since incorporation, the City of Shoreline used 1994 version of UBC and the building permit fees have not increased since incorporation. Presently the building permit fees generate approximately 55% of the Development Services revenues. (Chapter 19.27 RCW and WAC 51-40 mandate all jurisdictions to use UBC for building-related regulations, the fees must be formally approved by the City Council.)

Under WAC 51-40-008 the updated version, 1997 UBC, became effective on July 1, 1998 and we are using this updated version. 1997 UBC recommends new fee schedule specified in Attachment A (Table 1 – Current and Recommended Building Permit Fees).

We recommend increase of the current fees to the 1997 UBC fee schedule. The permit fee for an average size house would be approximately 15% higher than the current building permit fee (refer to Attachment B, Table 2 - Fee Comparison for Typical New Single-Family House under 1994 and 1997 UBC). By example, fees for a typical new 2,000 square foot, single-family home would increase from \$1,956 in 1998 to \$2,249 in 1999, approximately \$293 for a building permit. Over the span of a typical 30-year mortgage, this is an insignificant amount of the total house cost. Assuming a similar level of building activity in 1999 as we experienced in 1998, the increase in revenues generated from new increased building permit fees may be around \$85,000.

Based on the Association of Washington Cities (AWC) 1998 User Fee Survey, building permit fees for a typical new 2,000 square foot, single-family home range in Washington's cities from \$0 to \$2,836. King County adopted new fee schedule based on 1997 UBC in December of 1998. Several other jurisdictions are in process of adopting new building permit fees based on the 1997 UBC recommendations. We believe that the increase is justified and in-line with other jurisdictions. While it is difficult to make direct fee and service comparison, our staff provide a high degree of interaction with all our customers, responsive assistance, close access and timely review of all applications.

In addition to the increase in building permit fees, we are proposing to add to the fee schedule a flat \$60 charge for pre-application meeting for a potential rezone. After the adoption of the Comprehensive Plan, Planning and Development Services Department is dedicating a significant amount of time to discuss with customers about potential rezones. In order for customers to get the preliminary direction about a potential rezone, the pre-application meeting is a most appropriate type of conference between the applicant and the staff. (The pre-application meeting typically requires one or two

staff members for approximately one to two hours.) The meeting is intended to provide interested parties with staff guidance before a full application and \$6,400 application fee is filed. Given the staff time and the expense attributed to preliminary discussions of potential rezones and whether the potential rezone is in compliance with the new Comprehensive Plan, we think that the \$60 fee is fair. All other public information and a variety of land use conferences frequently requested by citizens for the interpretation of the Comprehensive Plan are free of charge (supported from the general fund).

The proposed changes are included in the Attachment C, the proposed Ordinance No. Added text is underlined, eliminated text is marked with a strike-through line.

RECOMMENDATION

Staff recommends that the City Council adopt the proposed Ordinance No. 188, amending Ordinance No. 147, Section 1 and Exhibit A, Development Services Fee Schedule.

ATTACHMENT

Attachment A - Table 1- Building permit fees

Attachment B - Table 2 - Comparison of a typical building permit fees for new house

Attachment C – Ord. No. 147

Attachment D – Ord. No. 188

TABLE 1
CURRENT AND RECOMMENDED
BUILDING PERMIT FEES

TOTAL VALUATION	CURRENT FEE (Based on 1994 UBC)	RECOMMENDED FEE (Based on 1997 UBC)
\$1.00 to \$500.00	\$21.00	\$23.50
\$501.00 to \$2,000.00	$\$21.00 + \$2.74 / \$100$	\$23.50 for the first \$500.00 + \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00.
\$2001.00 to \$25,000.00	$\$62.25 + \$12.50 / \$1K$	\$69.25 for the first \$2,000.00 + \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	$\$349.75 + \$9.00 / \$1K$	\$391.25 for the first \$25,000.00 + \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	$\$574.75 + \$6.25 / \$1K$	\$643.75 for the first \$50,000.00 + \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00.
100,001.00 to \$500,000.00	$\$887.25 + \$5.00 / \$1K$	\$993.75 for the first \$100,000.00 + \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00.
500,001.00 to \$1,000,000.00	$\$2,887.25 + \$4.25 / \$1K$	\$3,233.75 for the first \$500,000.00 + \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	$\$5,012.25 + \$2.75 / \$1K$	\$5,608.75 for the first \$1,000,000.00 + \$3.65 for each additional \$1,000.00, or fraction thereof.

TABLE 2
BUILDING FEES COMPARISON FOR 2,000 SQ. FT.
NEW SINGLE FAMILY HOUSE UNDER 1994 AND 1997 UBC

HOUSE SIZE: **HEATED LIVING SPACES: 2,000 SQ. FT.**
2- CAR GARAGE: **400 SQ. FT.**
DECKS/PORCHES: **200 SQ. FT.**

<u>1994 UBC Table (Current Fees)</u>	<u>1997 UBC Table (Proposed Fees)</u>
<u>Valuation:</u> \$125,000 (based on '95 valuation data)	<u>Valuation:</u> \$135,000 (based on '98 valuation data)
<u>Fees:</u>	<u>Fees:</u>
Permit: \$1,012.25	Permit: \$1,189.75
Review: 657.96	Review: 773.34
Site: 93.00	Site: 93.00
Furnace: 94.00	Furnace: 94.00
Fireplace 94.00	Fireplace 94.00
WSBCC:* 4.50	WSBCC:* 4.50
Total: \$1,955.71	Total: \$2,248.59
	(15% higher than current fees)
*WSBCC (Washington State Building Code Council)	

Examples of Permit Fee Calculation:

Current Fees

Valuation \$125,000 falls between \$100,001 and \$500,000. Based on Table 1, current fee is \$887.25 (for first \$100,000) + \$5.00 x 25 (\$5.00 for each additional \$1,000) = \$1,012.25.
Plan review fee = \$1,012.25 x 65% = \$657.96

Proposed Fees

Valuation \$135,000 falls between \$100,001 and \$500,000. Based on Table 1, current fee is \$993.75 (for first \$100,000) + \$5.60 x 35 (\$5.60 for each additional \$1,000) = \$1,189.75.
Plan review fee = \$1,189.75 x 65% = \$773.34

ORDINANCE 147**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON ADOPTING REVISED FEES FOR SERVICES FOR LAND USE AND BUILDING PERMIT DEVELOPMENT APPLICATIONS, ADOPTING FEES FOR RECREATION AND TEEN PROGRAMS, AND PUBLIC RECORDS CHARGES, AND REPEALING PREVIOUSLY ADOPTED FEE SCHEDULES**

WHEREAS, the City has, during 1997, developed an overhead allocation plan to calculate both the direct and indirect cost of providing City services; and

WHEREAS, the City has utilized the overhead allocation plan to conduct a user fee study of the City's development, recreation, and teen program fees to arrive at recommendations on appropriate fee levels for the City's fee based services; and

WHEREAS, the results of these two studies were presented and discussed with the City Council at the 1998 Budget Retreat; and

WHEREAS, the City Council provided direction to staff to conduct a further review of the City's user fees and return with recommendations on user fees for the 1998 fiscal year; and

WHEREAS, the costs of services and user fees have now been updated to reflect the 1998 Adopted Budget and revenues and the staff has prepared recommended 1998 fee schedules for development services, recreation and teen programs, and public records charges;

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

Section 1. Adoption of Development Services Fee Schedule. The City Manager or designee is authorized to charge applicants for development and land use permits received by the City's Permit Center, the amounts set forth in the Development Services Fee Schedule, as presented in Exhibit A to this ordinance. Exhibit A will be updated during 1998 to reflect the release of the 1997 Uniform Building Code.

Section 2. Adoption of Parks and Recreation Fee Schedule. The City Manager or designee is authorized to charge applicants for the City's recreation programs and for rental of the City's park facilities, the amounts set forth in the Parks and Recreation Fee Schedule, as presented in Exhibit B to this ordinance.

Section 3. Adoption of Teen Program Fee Schedule. The City Manager or designee is authorized to charge applicants for the City's teen programs, the amounts set forth in the Teen Program Fee Schedule, as presented in Exhibit C to this ordinance.

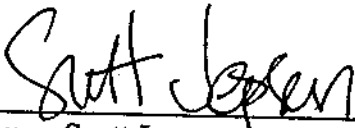
Section 4. Adoption of Public Records Fee Schedule. The City Manager or designee is authorized to charge for copies of written records, maps, photographs, audio and video tape recordings and diskettes, and other material as requested through the disclosure for public records process, as presented in Exhibit D to this ordinance.

Section 5. Repealer. The fee schedules as enacted in Ordinance No. 47 (public records) and Ordinance No. 101 (development fees) are hereby repealed.

Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

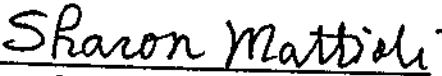
Section 7. Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON JANUARY 26, 1998.



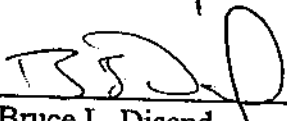
Mayor Scott Jepsen

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:



Bruce L. Disend
City Attorney

Date of Publication: January 29, 1998
Effective Date: February 3, 1998

Shoreline Development Services Fee Schedule

Exhibit A.

Fees Based on \$93 per Hour

Type of Permit Application	Fees
Appeals	\$350
Binding Site Plan	\$189 deposit plus \$93/hour
Boundary Line Adjustment	\$465 deposit plus \$93/hour
Building Permit	1994 Uniform Building Code
<u>Valuations</u>	
\$1 - \$500	\$21
\$501 - \$2,000	\$21 + \$2.74 / \$100
\$2,001 - 25,000	\$62.25 + \$12.50 / \$1K
\$25,001 - \$50,000	\$349.75 + \$9 / \$1K
\$50,001 - \$100,000	\$574.75 + \$6.25 / \$1K
\$100,001 - \$500,000	\$887.25 + \$5 / \$1K
\$500,001 - \$1,000,000	\$2,887.25 + \$4.25 / \$1K
\$1,000,001 +	\$5,012.25 + \$2.75 / \$1K
Conditional Use Permit	\$2,790 plus public hearing \$1,750 (if required)
Continuation and/or Minor Alteration of Nonconforming Use	\$94 deposit plus \$93/hour
<u>Environmental Review</u>	
Environmental Checklist:	
Single Family	\$930
Multi-Family/Commercial	\$1,395
Environmental Impact Statement Review	\$3,142 deposit plus \$93/hour
"Fast Track" Permit	\$94 deposit plus \$93/hour if additional inspection required
Grading Permit	\$276 deposit plus \$93/hour
Sensitive Area Permit	\$628 plus \$93/hour
Rezone	\$4,650 plus public hearing \$1,750
<u>Shoreline Substantial Development:</u>	
Shoreline Exemption	\$189
Substantial Development Permit (based on valuation)	
up to \$10,000	\$1,357
\$10,000 to \$500,000	\$3,142

Shoreline Development Services Fee Schedule

Exhibit A.

Fees Based on \$93 per Hour

Type of Permit Application	Fees
Over \$500,000	\$10,682
Shoreline Variance	\$2,790 plus public hearing \$1,750 (if required)
Sign Permit	\$189 plus \$93/hour
Special Use Permit	\$4,650 plus public hearing \$1,750
Street Vacation	\$2,790 plus public hearing \$1,750
<u>Subdivisions:</u>	
Preliminary Short Plat	\$2,790 for two lot shortplat, plus public hearing \$1,750 (if required) \$279 for each additional lot
Final Short Plat	\$465
Engineering Plans Review and Inspections	\$1,116
Short Plat Change	\$943
Preliminary Subdivision	\$3,519 plus \$31/lot plus public hearing \$1,750
Final Subdivision	\$2,765 plus \$19/lot
Urban Planned Development	\$3,519 plus \$158/acre plus public hearing \$1,750
Variances	\$2,765 plus public hearing \$1,750 (if required)
<u>Right-of-Way:</u>	
Minimum Administrative Fee (\$50) Charged for all Work	Hourly Basis
<u>All Other Work:</u>	
All Other Fees Per Hour	\$93 /hour

Shoreline Development Services Fee Schedule / Fire Permit Fees**Fees based on \$93 per Hour**

	<u>Fees</u>
<u>Automatic Fire Alarm System</u>	
Tenant Improvement (Each additional zone over one \$37.00)	\$ 279
New System	372
<u>Cryogenic Tank</u>	279
<u>Dip Tank</u> (incorporating flammable or combustible liquids)	372
<u>Fiberglass Operations</u>	372
<u>Fire Extinguishing Systems</u>	
Commercial Cooking Hoods: 1 to 12 flow points	279
More than 12	372
Other Fixed System Locations	372
<u>Fire Pumps</u>	372
<u>Flammable/Combustible Liquids</u>	
Commercial Tanks:	
Aboveground Tank Installations (first tank)	186
Underground Tank Installations (first tank)	186
Underground Tank Installations (additional)	93
Underground Tank Piping (with new tank)	186
Underground Tank Piping Only (vapor recovery)	279
Underground Tank Removal (first tank)	186
(additional)	47
Residential Tanks: Removal or Decommission	113
<u>Flammable Liquid Mixing / Dispensing Room</u>	372
<u>Hazardous Materials Containment Systems</u>	
Spill Control	186
Drainage Control/Secondary Containment	372
<u>Hazardous Materials Storage Tanks</u>	279
<u>High Piled Storage</u>	
Class I - IV Commodities: 501 - 2,500 square feet	186
2,501 - 12,000 square feet	279
Over 12,000 square feet	372
High Hazard Commodities: 501 - 2,500 square feet	279
Over 2,501 square feet	465
<u>Hydrants / Water Mains</u>	279

Exhibit A.

Shoreline Development Services Fee Schedule / Fire Permit Fees
Fees based on \$93 per Hour

	<u>Fees</u>
<u>LPG (Propane) Tanks</u>	
Commercial	279
Residential	186
<u>Medical Gas Systems</u>	(add \$18.50 per outlet to fee) 279
<u>Spray Booth</u>	372
<u>Sprinkler Systems (Each Riser)</u>	
New Systems	(plus \$1.85 per head) 465
Tenant Improvement:	1 to 10 heads 279
	11 to 20 heads 372
	More than 20 heads (plus \$1.85 per head) 465
Residential (R-3) 13-D System, Up to 30 heads	465
13-D Systems with more than 30 heads add \$1.85 per head	
<u>Standpipe Systems</u>	372
<u>Underground Sprinkler Supply</u>	279

Additional Fees:

Projects that exceed the normal limits of anticipated work hours required for plans review or inspections because of scale or complexity may be assessed additional fees. All fees are calculated at \$93 per hour.

Reinspection fees may be assessed if work is incomplete, corrections not completed or the allotted time is depleted. Fees will be assessed at \$93 per hour, minimum one hour.

City of Shoreline Parks and Recreation Fee Schedule

SHORELINE POOL

Public Swims:

Children 4 & Under	Free
Youth 5 to 17 years	\$ 1.40 per person per session
Senior 60+ years	1.40 per person per session
Disabled	1.40 per person per session
Adult	2.25 per person per session
Family, Parent & Their Children	6.00 Family, Parent & Their Children
Seventy five cent swims	0.75 per person per session (all ages)

Swim Lessons:

Range from \$2.00 per half hour to \$16.00 per half hour class

Water Exercise Fees

Adult

Each Class	\$ 3.10
10 Class Card	23.00

Senior

Each Class	\$ 2.25
10 Class Card	16.00

Pool Rentals:

1. Private Rentals

1 to 25 people	\$ 43.00 per hour
26 - 60 people	60.00 per hour
61 - 90 people	80.00 per hour
91 - 120 people	95.00 per hour
121 - 150 people	120.00 per hour

2. Special Interest Groups \$ 36.00 per hour

3. School Districts \$ 23.00 per hour

4. Swim Teams

When sharing the pool	\$ 19.50 per hour
When using the entire pool	30.00 per hour

Family Membership Program

(Entitles member to all public swims and adults to all adult swims)

Youth, Senior, Disabled

10 Swim Pass	\$ 12.00
3 Month Pass	50.00
Annual Pass	120.00

Exhibit B.

City of Shoreline Parks and Recreation Fee Schedule

Adult	
10 Swim Pass	\$ 16.00
3 Month Pass	80.00
Annual Pass	195.50

Family	
10 Swim Pass	\$ 45.00
3 Month Pass	120.00
Annual Pass	325.80

Locker Fees \$ 0.25 per locker

Rental Policy

If an individual or organization rents the pool and if spectator admissions/sales are charged on-site, 20% of the gross amount will be collected by and for the City of Shoreline. For sale of goods, user groups must complete a Short-Term Concessionaire Permit.

Pool Rental Special Interest Groups are groups that use the pool to teach or practice water skills. Such as SCUBA or kayaking. These groups have trained instructors and leaders.

Swim Teams include Swimming, Diving, Synchronized Swimming, and Water Polo. These groups have trained coaches and are registered with a national organization.

Reduced Fee Public Swim Policy

Individual youths, 17 years or younger, who can document their eligibility for free or reduced price school meals as established by the US Department of Agriculture and thereafter revised, shall qualify for reduced fee public swims.

The reduced single entry fee will be \$0.75 for each swim.

Eligibility: Individuals that bring in their School Eligibility Form for free or reduced price school meals will be registered in the Shoreline Pool reduced fee swim program. They will receive a swim card that is shown at each entry to receive their discount.

The swim card will be valid from October to September. The Shoreline Pool extends the School Lunch eligibility through the summer for the reduced fee card. At the start of the new school year individuals must re-register for this program.

Special admission fees: Fees to be determined by Department Director or designee.

City of Shoreline Parks and Recreation Fee Schedule

RECREATION CLASSES & PROGRAMS

A. Fee structured program

- | | |
|---|---|
| 1. Class/Workshop Fees | Range \$5.00 to \$300.00 per class/workshop |
| 2. Adult Drop-In Program Fees | Range \$1.00 to \$5.00 per session |
| 3. Department sponsored League & Tournament Fees
(Includes cost of officials, awards, equipment, facility rentals, administration fees and association fees for organized teams and individual sports including softball, basketball, soccer, volleyball, racquetball, etc.) | |
| Leagues | \$25.00 to \$1,000.00 per team/league |
| Tournaments | \$50.00 to \$300.00 per team |
| Individual sports | \$5.00 to \$100.00 per participant |

ATHLETIC FIELDS

- | | |
|--|-------------------|
| 1. Baseball/Softball fields | |
| a. Adult | \$ 25.00 per game |
| b. Youth | 3.00 per game |
| c. Seniors 55 or older | Free |
| Adult Practice fields | 6.00 per practice |
| 2. Soccer and Other Field Sports | |
| a. Adult | \$ 25.00 per game |
| b. Youth | 3.00 per game |
| c. Adult Practice fields | 6.00 per practice |
| 3. Tournament Field Rental Fee | |
| a. Adult | \$ 25.00 per game |
| b. Youth | 11.00 per game |
| c. Tournament Field Cancellation Fee | 6.00 per game |
| 4. Athletic field lights | 10.00 per hour |
| 5. Field Reservation Form Processing Fee | |
| Under 75 games/practices | \$ 10.00 |
| 75-200 games/practices | 20.00 |
| 200+ games/practices | 50.00 |

CONCESSION/FACILITY USE

20% of gross revenue from sale of goods/delivery of services.

City of Shoreline Parks and Recreation Fee Schedule

RICHMOND HIGHLANDS RECREATION CENTER

1. Meetings/programs scheduled during regular facility hours by civic and/or non-profit organizations that are open and free to the public. \$ 2.50 per hour
2. See #1 above-during non-program hours (when building supervisor must be scheduled)

Entire building	\$ 33.00 per hour (2 hour minimum)
Gymnasium Only	16.50 per hour (2 hour minimum)
3. All groups assessed a \$5.00 handling/processing fee per reservation form.

OUTDOOR FACILITIES (Picnic Shelters)

Any groups renting outdoor facilities for activities including, but not limited to, dog shows, outdoor weddings, day camps, Fun Runs and organized picnics will pay according to the following fee schedule.)

1 - 100 Participants	\$	45.00	per day Monday-Friday
		55.00	per day Saturday-Sunday
101 + participants		0.40	per participant per day

Reservation Form Handling Fee: All groups will be assessed a \$5.00 processing fee per Reservation Form.

PARKS SPECIAL USE

To be determined by the Director.

Exhibit C.

City of Shoreline Teen Program Fee Schedule

	<u>Fee Ranges</u>	
Middle School Day Camp	\$ 55.00	\$ 75.00
Friday Hikes	8.00	10.00
Wild Wave Trips	13.00	21.00
Horseback Riding	21.00	25.00
Camp Out	25.00	30.00

Other Program fees are to be determined by the Health and Human Services Manager

City of Shoreline Public Records Fee Schedule

Materials Copied on the Copier	\$ 0.15 per page if more than five pages
Clerk Certification	1.00 per document
Materials provided on Computer Diskettes	1.50 per disk
Video Tapes	11.55 per tape
Audio Tapes	2.00 per tape
Photos/Slides	\$2 - \$10 depending on size and process
Small Zoning Maps	1.50
Large Copies (24" x 36")	3.00
Mylar Sheets	5.00

ORDINANCE NO. 188

**AN ORDINANCE OF THE CITY OF SHORELINE,
WASHINGTON ADOPTING REVISED FEES FOR SERVICES
FOR LAND USE AND BUILDING PERMIT DEVELOPMENT
APPLICATIONS AND AMENDING ORDINANCE NO. 147**

WHEREAS, on January 26, 1998 the City Council adopted Ordinance No. 147 adopting revised fees for services for land use and building permit development applications, adopting fees for recreation and teen programs, and public records charges; and

WHEREAS, the City Council has determined that certain revisions are necessary to Exhibit A of Ordinance No. 147 to update the Planning and Development Services Fee Schedule;

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

Section 1. The City Manager or designee is authorized to charge applicants for development and land use permits received by the City's Permit Center, in the amount set forth in the Planning and Development Services Fee Schedule, as presented in Exhibit A to this ordinance.

Section 2. All other fees set forth in Ordinance No. 147 shall remain in full force and effect.

Section 3. A summary of this Ordinance, consisting of its title, shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON JANUARY , 1999.

Mayor Scott Jepsen

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli, CMC
City Clerk

Bruce L. Disend
City Attorney

Date of Publication:
Effective Date:

Shoreline Planning and Development Services Fee Schedule
Fees Based on \$93 per Hour

Exhibit A

Type of Permit Application	Fees	
Appeals	\$350	
Binding Site Plan	\$189 deposit plus \$93/hour	
Boundary Line Adjustment	\$465 deposit plus \$93/hour	
Building Permit	1994 Uniform Building Code	
Valuations		
\$1 - \$500	\$24	\$23.50
\$501 - \$2,000	$\$21 + \$2.74 / \$100$	<u>\$23.50 for the first \$500.00 + \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00.</u>
\$2,001 - 25,000	$\$62.25 + \$12.50 / \$1K$	<u>\$69.25 for the first \$2,000.00 + \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00.</u>
\$25,001 - \$50,000	$\$340.75 + \$9 / \$1K$	<u>\$391.25 for the first \$25,000.00 + \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00.</u>
\$50,001 - \$100,000	$\$574.75 + \$6.25 / \$1K$	<u>\$643.75 for the first \$50,000.00 + \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00.</u>
\$100,001 - \$500,000	$\$887.25 + \$5 / \$1K$	<u>\$993.75 for the first \$100,000.00 + \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00.</u>
\$500,001 - \$1,000,000	$\$2,887.25 + \$4.25 / \$1K$	<u>\$3,233.75 for the first \$500,000.00 + \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00.</u>
\$1,000,001 +	$\$5,042.25 + \$2.75 / \$1K$	<u>\$5,608.75 for the first \$1,000,000.00 + \$3.65 for each additional \$1,000.00, or fraction thereof.</u>
Conditional Use Permit	\$2,790 plus public hearing \$1,750 (if required)	
Continuation and/or Minor Alteration of Nonconforming Use	\$94 deposit plus \$93/hour	
Environmental Review		
Environmental Checklist:		
Single Family	\$930	
Multi-Family/Commercial	\$1,395	
Environmental Impact Statement Review	\$3,142 deposit plus \$93/hour	
"Fast Track" Permit	\$94 deposit plus \$93/hour if additional inspection required	
Grading Permit	\$279 deposit plus \$93/hour	
Sensitive Area Permit	\$628 plus \$93/hour	
Rezone	\$4,650 plus public hearing \$1,750	

Shoreline Planning and Development Services Fee Schedule
Fees Based on \$93 per Hour

Exhibit A

Type of Permit Application	Fees
<u>Shoreline Substantial Development:</u>	
Shoreline Exemption	\$189
Substantial Development Permit (based on valuation)	
up to \$10,000	\$1,357
\$10,000 to \$500,000	\$3,142
Over \$500,000	\$10,682
Shoreline Variance	\$2,790 plus public hearing \$1,750 (if required)
Sign Permit	\$189 plus \$93/hour
Special Use Permit	\$4,650 plus public hearing \$1,750
Street Vacation	\$2,790 plus public hearing \$1,750
<u>Subdivisions:</u>	
Preliminary Short Plat	\$2,790 for two lot shortplat, plus public hearing \$1,750 (if required) \$279 for each additional lot
Final Short Plat	\$465
Engineering Plans Review and Inspections	\$1,116
Short Plat Change	\$943
Preliminary Subdivision	\$3,519 plus \$31/lot plus public hearing \$1,750
Final Subdivision	\$2,765 plus \$19/lot
Urban Planned Development	\$3,519 plus \$158/acre plus public hearing \$1,750
Variances	\$2,765 plus public hearing \$1,750 (if required)
<u>Right-of-Way:</u>	
Minimum Administrative Fee (\$50) Charged for all Work	Hourly Basis
<u>All Other Work:</u>	
All Other Fees Per Hour	\$93 /hour
Pre-App. for Rezone	\$60

Exhibit A.

Shoreline Development Services Fee Schedule / Fire Permit Fees
Fees based on \$93 per Hour

	<u>Fees</u>
<u>Automatic Fire Alarm System</u>	
Tenant Improvement (Each additional zone over one \$37.00)	\$ 279
New System	372
<u>Cryogenic Tank</u>	279
<u>Dip Tank</u> (incorporating flammable or combustible liquids)	372
<u>Fiberglass Operations</u>	372
<u>Fire Extinguishing Systems</u>	
Commercial Cooking Hoods: 1 to 12 flow points	279
More than 12	372
Other Fixed System Locations	372
<u>Fire Pumps</u>	372
<u>Flammable/Combustible Liquids</u>	
Commercial Tanks:	
Aboveground Tank Installations (first tank)	186
Underground Tank Installations (first tank)	186
Underground Tank Installations (additional)	93
Underground Tank Piping (with new tank)	186
Underground Tank Piping Only (vapor recovery)	279
Underground Tank Removal (first tank)	186
(additional)	47
Residential Tanks: Removal or Decommission	113
<u>Flammable Liquid Mixing / Dispensing Room</u>	372
<u>Hazardous Materials Containment Systems</u>	
Spill Control	186
Drainage Control/Secondary Containment	372
<u>Hazardous Materials Storage Tanks</u>	279
<u>High Piled Storage</u>	
Class I - IV Commodities: 501 - 2,500 square feet	186
2,501 - 12,000 square feet	279
Over 12,000 square feet	372
High Hazard Commodities: 501 - 2,500 square feet	279
Over 2,501 square feet	465
<u>Hydrants / Water Mains</u>	279

Exhibit A.**Shoreline Development Services Fee Schedule / Fire Permit Fees**
Fees based on \$93 per Hour

	<u>Fees</u>
<u>LPG (Propane) Tanks</u>	
Commercial	
Residential	279
	186
<u>Medical Gas Systems</u>	
(add \$18.50 per outlet to fee)	279
<u>Spray Booth</u>	
	372
<u>Sprinkler Systems (Each Riser)</u>	
New Systems	(plus \$1.85 per head)
Tenant Improvement:	1 to 10 heads
	11 to 20 heads
	More than 20 heads (plus \$1.85 per head)
Residential (R-3) 13-D System, Up to 30 heads	465
13-D Systems with more than 30 heads add \$1.85 per head	465
<u>Standpipe Systems</u>	
	372
<u>Underground Sprinkler Supply</u>	
	279

Additional Fees:

Projects that exceed the normal limits of anticipated work hours required for plans review or inspections because of scale or complexity may be assessed additional fees. All fees are calculated at \$93 per hour.

Reinspection fees may be assessed if work is incomplete, corrections not completed or the allotted time is depleted. Fees will be assessed at \$93 per hour, minimum one hour.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize the City Manager to Execute a Consultant Agreement with INCA Engineers, Inc., for Professional Traffic Engineering Services with Work to be Later Assigned on Each Capital Project
DEPARTMENT:	Public Works
PRESENTED BY:	Douglas W. Mattoon, Director <i>DWM</i>

EXECUTIVE / COUNCIL SUMMARY

The Public Works Department requires the services of a consulting firm with traffic engineering expertise to support its design needs for the design and construction of capital improvement projects and other projects when there is a need for expertise in this specialized area. It is anticipated that total engineering fees would be in the range of \$150,000 to \$200,000 per year. The consulting firm would be used approximately 8 to 10 times during 1999 for various Capital Improvement Projects (CIP) or operations projects. Some examples of these projects would be the development of the Neighborhood Traffic Safety Program, design intersection improvements at Richmond Beach Road and 3rd Avenue NW, and volume and speed studies at selected locations throughout the City.

Considerable staff time is involved in preparing, executing, and administering separate professional service contracts for similar types of work. Selection and execution of a number of professional service contracts is inefficient (separate Requests for Proposals) and does not allow for a timely response to our needs. Consistency with consultant staff and familiarity with City of Shoreline design criteria is essential to reducing errors and omissions on project design. This type of "task order" contracting is used by most local governments to provide speed and flexibility for City staff to accomplish capital improvement and operations projects.

Staff proposes to execute an agreement with a consultant to provide traffic engineering services for the next year, with a one-year extension at the option of the City. Work will be assigned on a "Task Order" basis related to specific capital or operations projects and phases of work. Each Task Order will be accompanied by a detailed scope of work and cost as approved by the Director of Public Works and executed by the City Manager. Task Orders will be issued for budgeted consultant work that would otherwise have required the issuance of a separate professional service agreement.

Task Orders assignments will not exceed the approved CIP budgeted amounts of any project without prior authorization by the Council.

Staff issued a Request for Qualifications and an initial scope of work to four consulting engineering firms on the City's Consultant Roster: Harding Lawson, Inc.; Transportation Planning and Engineering, Inc.; INCA Engineers, Inc.; and KDD & Associates. These firms were selected from the consultant roster based on their stated expertise in the field of traffic engineering and experience in providing similar services to other government agencies. The consultant's scope of work will include professional design and construction administration services related to traffic engineering including but not limited to traffic safety studies, traffic operational analysis, neighborhood traffic safety projects, traffic calming projects, traffic signal design and street channelization design. All four firms responded with additional information regarding their ability to provide the needed services.

Staff evaluated the information from the consultants and the firm of INCA Engineers, Inc. of Bellevue was selected. INCA Engineers was selected based on their knowledge and experience in the design and construction of traffic related improvements. INCA Engineers has provided professional engineering services in the area of traffic engineering to many municipal agencies throughout the Puget Sound area.

Staff has negotiated a consultant agreement with INCA Engineers for traffic engineering services on a Task Order basis. The negotiation resulted in setting hourly rates for the different classifications of staff with the consultant. The development of each future task order scope of work and cost will then be based on those hourly rates. The hourly rates for the consultant may be adjusted for inflation and overhead costs at the beginning of each year through an amendment to the agreement.

Certain CIP projects and other yet to be determined traffic and pedestrian safety issues will require the special expertise of a traffic engineering consultant. As INCA Engineers recently satisfied the selection process, it is appropriate that they be utilized to meet the needs of the City.

Funds to pay for these contract services will be drawn down from the capital account or the operating budget as appropriate. Sufficient funds are already budgeted within the CIP or operating budget to pay for the anticipated engineering services.

RECOMMENDATION

Staff recommends that the Council authorize the City Manager to execute a consultant agreement with INCA Engineers, Inc., for professional traffic engineering services including amendments to adjust hourly rates with the selected consultant for work to be assigned for projects on a task order basis.

Approved By: City Manager LB City Attorney N/A