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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, September 8, 2003
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Jepsen, Councilmembers Gustafson, Hansen, and Ransom

ABSENT: Deputy Mayor Grossman and Councilmembers Chang and Montgomery

1. CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Mayor Jepsen, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Jepsen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present with the exceptions of Deputy Mayor Grossman and Councilmembers Chang and Montgomery.

Upon motion by Councilmember Gustafson, seconded by Councilmember Ransom and unanimously carried, Deputy Mayor Grossman and Councilmembers Chang and Montgomery were excused.

3. CITY MANAGER'S REPORT

Steve Burkett, City Manager, noted that two open houses scheduled for September 24th and 25th will begin the process of creating the Surface Water Master Plan and updating the Parks, Recreation and Cultural Services Master Plan for incorporation into the City's Comprehensive Plan.

Kirk McKinley, Capital Projects Manager, invited the Council and the public to attend an open house on September 17th to discuss alternatives for the Interurban Trail Bridge.

Mr. Burkett pointed out that the \$3.6 million budget for the Interurban Trail Pedestrian Crossing includes \$3.1 million in grant funding.

4. REPORTS OF BOARDS AND COMMISSIONS: none

5. PUBLIC COMMENT

(a) Jack Buce, Shoreline, urged the Council to look beyond the criticisms of the Aurora Project and continue pursuing its plans for the corridor. He said the project is vital to safety and growth, and it will serve as a "downtown" that will attract shoppers who usually travel to Lynnwood and Seattle.

(b) Patricia Peckol, thanked the Council for the response she received to her letter. She said her concerns could have been resolved much earlier if staff had given a realistic estimate of how long it would take to complete the new development near her home. She also felt there would be more clarity on issues if Council and staff would stop using obscure acronyms.

Councilmembers Hansen and Gustafson agreed that the use of jargon can sometimes confuse people rather than inform them.

6. APPROVAL OF THE AGENDA

Councilmember Hansen moved approval of the agenda. Councilmember Gustafson seconded the motion, which carried unanimously, and the agenda was approved.

7. CONSENT CALENDAR

Councilmember Gustafson moved approval of the consent calendar. Councilmember Hansen seconded the motion, which carried 4-0, and the following items were approved:

Minutes of Workshop Meeting of August 18, 2003

Minutes of Dinner Meeting of August 25, 2003

Minutes of Regular Meeting of August 25, 2003

**Approval of expenses and payroll as of August 29, 2003
in the amount of \$891,493.20**

**Motion to approve \$5,000 in mini-grant funds
for the Richmond Beach Community Council**

Because the public hearings were not scheduled to begin until 8:00 p.m., Council provided consensus to amend the agenda to take Action Item 9(a) next.

9. ACTIONS ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

(a) Ordinance No. 336 approving a special use permit and variance permit for the purpose of constructing a wireless telecommunications facility located in the Seattle City Light right-of-way near 152nd and Aurora Avenue North

DRAFT

Tim Stewart, Director of Planning and Development Services, explained that the Planning Commission recommended approval of this combined application for a special use permit (SUP) and variance for a Wireless Telecommunications Facility (WTF) with the condition that the applicant make a good faith effort to move the mechanical building to the north (Ordinance No. 336). He said staff felt that moving the mechanical building to the north was not part of the original proposal and could affect other property owners. Therefore, staff recommends approval without the condition (Ordinance No. 336-A). Both staff and the Planning Commission determined that the application met all the criteria for approval. He explained that a variance is not normally a quasi-judicial decision made by the City Council, but it is elevated with the SUP (which is such a decision) because both processes are consolidated into one application.

**Councilmember Gustafson moved to pass Ordinance No. 336.
Councilmember Hansen seconded the motion.**

Responding to Councilmember Gustafson's question about the Planning Commission's reasons for recommending that the equipment structure should be moved to the north, Mr. Stewart said the recommendation was in response to public testimony from a tenant and owner of the property to the south, who objected to the location of the ground facility. He added that the applicant did not object to this condition.

Councilmember Gustafson asked if property owner to the north was given an opportunity to provide input regarding the recommendation. It was Mr. Stewart's understanding that the same person owns both north and south properties. He clarified that the proposal to relocate the ground facility was suggested after the hearing.

Councilmember Gustafson pointed out that the Planning Commission's recommendation to move the ground building is not a mandatory condition.

Mayor Jepsen had mixed feelings about the application, noting that the City has been trying to discourage uncamouflaged utility poles in Shoreline. He asked what controls the City would have in regulating T-Mobile's access to its equipment via the Interurban Trail.

Mr. Stewart responded that T-Mobile would access its equipment in the same way Seattle City Light (SCL) equipment is accessed, using the current right-of-way (ROW). He said the proposal was reviewed by Interurban Trail staff, who determined that it would not conflict with the trail.

Mayor Jepsen wondered who would be liable for an accident or damage resulting from T-Mobile's access via the Interurban Trail.

DRAFT

Ian Sievers, City Attorney, noted that SCL has the right to close off the trail to perform maintenance, so probably the same protocol would apply to other users.

Mayor Jepsen said it might be appropriate to require T-Mobile to provide notice to the City before accessing its equipment via the Interurban Trail. Mr. Burkett concurred, adding that T-Mobile should also comply with any regulations the City may place on it.

Mayor Jepsen asked about noise generated by the ground facility. Paul Cohen, Senior Planner, noted that most telecommunication facilities use air conditioning, and that some sound would likely be generated from cooling equipment.

Mayor Jepsen expressed concerns about potential noise pollution, lack of vegetation, screening, and the close proximity of the structure to the Interurban Trail. He wondered if the ground facility would be screened by vegetation, and whether the barbed wire fencing depicted in the staff report would be used on the structure. He felt that several conditions should be imposed if Council approves the proposal.

Mr. Stewart pointed out that the application does not include all requirements imposed on the development. He said if barbed wire fencing is proposed, the Development Code requires that it be fully screened by an 8-foot wide landscaping buffer.

Mayor Jepsen moved that a condition be added to Ordinance No. 336 to require that the applicant comply with all City right-of-way procedures and Code requirements before accessing the site for maintenance or repair. Councilmembers Gustafson and Hansen accepted this as a friendly amendment to the main motion.

Mr. Burkett said this is similar to the ROW permit process in that utilities must provide notice before they perform work. The only difference is that SCL owns the ROW, and that the City must work with it to regulate that activity.

Responding to Councilmember Hansen, Mr. Stewart estimated that most wireless companies service their equipment monthly.

Mayor Jepsen wondered if measures could be taken to address potential noise issues. Mr. Stewart pointed out that external air conditioning is not an uncommon land use in a Regional Business District. He also noted that the City's noise ordinance provides a remedy for noise violations.

Councilmember Gustafson added that noise should not be a significant impact, considering the substantial noise level generated from Aurora Avenue traffic.

DRAFT

Mayor Jepsen felt comfortable that his concerns would be addressed in the permit process.

A vote was taken on the motion, which carried 4-0, and Ordinance No. 336 was passed.

8. ACTION ITEMS: PUBLIC HEARINGS

- (a) Public hearing to consider citizens comments regarding Ordinance No. 338, an amendment to the Development Code to adopt King County 1st NE Transfer Station Master Plan

Ordinance No. 338 amending the City's Development Code to adopt the King Council First Northeast Transfer Station Master Plan generally located at 2300 North 165th Street

Mr. Burkett introduced Theresa Jennings, the new Director of the King County Solid Waste Division.

Jeff Thomas, Senior Planner, briefly reviewed the proposal. His presentation included the following points:

- The conceptual landscape plan illustrates how the master plan meets visual impact standards and how additional property acquired by King County adjacent to N 165th Street will be utilized.
- The proposed plan assumes that long-haul trucks will be given access to the METRO Transit ramps on Interstate 5. In accordance with the Comprehensive Plan, staff is diligently pursuing direct access to METRO ramps to reduce transfer station traffic on residential streets. The Federal Highway Administration (FHWA) has the final approval authority for long-haul truck access to I-5.
- Sidewalk connectivity on Meridian Avenue N has been identified as a possible mitigation measure as part of the environmental review process. The Planning Commission added a condition that a sidewalk be constructed on the east side of Meridian Ave N between N 172nd Street and N 175th Street. This condition was incorporated into the proposed master plan.
- The Planning Commission generally concurred with staff's recommendation, but added a few conditions in response to public comments.
- If the master plan is adopted as proposed, the properties described in Attachment B will be identified as a Special Overlay District. Any proposal in the Overlay District will be subject to the specific development standards associated with it, including those of the underlying zoning district.

Kevin Kiernan, Engineering Manager, King County Solid Waste Division, gave a PowerPoint presentation describing the history of the existing site and the main features of the proposal. His presentation included the following points:

- The existing transfer station must be upgraded to modern standards. It must also accommodate long-haul trucks due to future closure of the Cedar Hills Landfill.
- The proposed plan has been through an extensive public process, including three public meetings and four citizen advisory committee meetings. Seventeen alternatives were developed as a result of the public process.
- City and County staff feel the proposed alternative best serves the solid waste need and is responsive to the interests expressed in the public process.
- The new transfer station features an enclosed structure, a significantly expanded recycling area, a new yard waste area, access ramps to Interstate 5, increased green spaces along the creek buffer, and enhanced stormwater facilities.
- Key findings suggest the plan will improve water quality and treatment, lower noise levels, lessen traffic, have less visual impact, and enhance green areas. The County purchased properties on N 165th Street in order to make entry improvements. Truck trip reduction will be accomplished through the use of compaction.
- City, County, and state entities are confident that the FHWA will approve the request to provide trucks access to the ramps to Interstate 5.
- The facility is one of the first industrial sites that King County hopes will earn the Leadership in Energy and Environmental Design (LEED) silver rating, a nationally-recognized certification for environmental protection and energy efficiency.

Mayor Jepsen opened the public hearing.

(a) Yaakov Medrash, Shoreline, urged the Council to postpone its decision on the plan until it has a chance to visit the METRO bus station. He said the METRO station is a good example of how the County researched the neighborhood and came up with a mutually beneficial solution. He favored undergrounding and including a surface park in order to mitigate negative impacts, such as noise and odor. He proposed that vehicles access the site from N 175th Street instead of N 165th Street to reduce the traffic impact on the neighborhood. He asked about alternatives if trucks are not allowed to access the freeway ramps, and why collection trucks cannot use the same ramps as long-haul trucks. He also questioned why the plan proposes to improve Thornton Creek if people will not have access to it.

(b) Richard Johnsen, Shoreline, felt that satisfactory public notice was not provided for tonight's public hearing. He said he lives on the truck route and his home shakes every time trucks go by. Although he agrees that a new facility is necessary, he felt that budget problems may either delay or prevent the project from occurring. He said he anticipates vehicle backup problems because the proposed recycling center is too close to Meridian Avenue N.

September 8, 2003

Upon motion by Councilmember Hansen, seconded by Councilmember Gustafson and unanimously carried, the public hearing was closed.

Councilmember Hansen moved to pass Ordinance No. 338. Councilmember Ransom seconded the motion.

Responding to Mr. Medrash, Mr. Burkett said that several City staff members met with him and that County staff reviewed his ideas.

Mr. Kiernan said the proposal adequately addresses noise by moving truck activities significantly farther away from residences and closer to the freeway. He noted that the separation of the recycling facility from the weigh scales will reduce traffic queuing and waiting times. He said Mr. Medrash's proposal was not considered a feasible alternative for several reasons relating to federal ROW, safety, environmental impacts, residential impacts, and costs. He noted that a sub-surface design could present several technical problems, including adverse impacts to the ground water supplying Thornton Creek.

Councilmember Gustafson asked how METRO was able to underground its facility. Mr. Kiernan replied that undergrounding is feasible in some areas, but in this case it is not a wise use of ratepayer dollars due to the high cost and limited benefit. He noted that METRO's park area is actually quite small. He said the current proposal creates a significant amount of green space adjacent to Thornton Creek.

Councilmember Gustafson asked if the public would have access to the green space that will be created under this proposal. Mr. Kiernan said the County is not proposing to use this space, so it would be open to a proposal by the City. He said the overall design will provide for limited public access and will include educational components.

Councilmember Gustafson speculated that two entry lanes, and possibly two pay stations could prevent traffic from backing up onto Meridian Avenue. Mr. Kiernan said that widening the entry would be considered in the design phase, although some have expressed concern that a wide entrance could present pedestrian safety problems. He reiterated that the County did purchase two properties to create more space at the entrance. He assured Council that many more solutions will be considered in the design process.

Councilmember Gustafson emphasized the need to get federal approval for truck access to the freeway ramps in order to mitigate neighborhood impacts. He wondered if the proposed plan will accommodate those needs if the approval is not granted.

Mr. Kiernan was confident that the proposed plan will address those concerns, noting that compaction equipment alone will greatly reduce the number of truck trips.

Mayor Jepsen felt that far greater mitigation measures would be needed for Meridian Avenue if the approval is not granted. He felt that the success of the project depends on whether the FHWA grants access to the freeway ramps.

Mr. Burkett speculated about whether waiting for the approval would have a major impact on the plan, since people seem to have reservations about this element. He said staff considers it to be a good plan, even if the approval is not granted.

Mr. Kiernan said that WSDOT feels the best approach is to work cooperatively with the FHWA and allow it to make a decision based on the technical merits of the application. He was reluctant to speculate about when to anticipate a response.

Mayor Jepsen restated his concern about possible last-minute changes if approval is not granted. Mr. Burkett noted that Council will have opportunities in the permit phase to apply further mitigation if the freeway ramps are not permitted. Mr. Kiernan confirmed that there will be future opportunities for modifying the mitigation due to additional environmental review required by the State Environmental Policy Act (SEPA).

Councilmember Hansen was pleased with the negotiation effort and with the County's effort to accommodate the City's needs. He was optimistic that the approval would eventually be granted if everyone continues to work toward this goal. He felt this issue should not impede the overall project. He speculated about what would happen if the transfer station is not upgraded.

Mr. Kiernan reiterated that the current facility has reached the end of its useful life, and that a new facility must accommodate long-haul trucks due to the closure of Cedar Hills. He speculated about whether the existing facility could survive severe weather or a natural disaster.

Councilmember Ransom was supportive of the proposal, noting that the project should not be delayed because of the freeway access issue. He pointed out that the City has persisted for years in trying to get approval from the federal government, and it should continue to do so. He said although he has concerns about impacts to Meridian Avenue, positive measures have been proposed to mitigate those impacts.

Councilmember Gustafson expressed appreciation for the process but was uncomfortable with adopting a plan without knowing if the freeway ramps will be approved. **He moved to postpone this item until the October 6 Council meeting. Councilmember Hansen seconded the motion.**

There was Council discussion about the difficulty of predicting how quickly the FHWA might respond. Mayor Jepsen spoke against the motion, noting that there would be future opportunities to condition the project.

A vote was taken on the motion, which failed 1-3, with Councilmember Gustafson voting in the affirmative.

A vote was taken on the motion to pass Ordinance No. 338, which carried 4-0.

- (b) Public hearing to consider citizens comments regarding Community Development Block Grant funding

Motion to adopt the Human Services Allocation Committee's recommended 2004 Community Development Block Grant allocations in accordance with Attachment A of the staff report and authorize the City Manager to enter into agreements for implementing the funded projects

Rob Beem, Human Services Manager, explained that each year the City must hold a public hearing and adopt the proposed use of Community Development Block Grant (CDBG) funding. It is estimated that the City of Shoreline will receive approximately \$394,713 in Federal CDBG funds in 2004. He outlined the process for developing the funding recommendations and thanked the following members of the Human Services Allocation Committee for their efforts: Johnny R. Damuspusan, Ron Greeley, Raymond Hummel, Scott Keeny, Edie Loyer Nelson, Nancy Phillips, and Dianne Ritter.

The recommended 2004 Human Services funding is as follows:

▪ Funding for Direct Services	\$68,495
▪ Program Management, Administration, and Planning	\$62,126
▪ Home Repair Program	\$198,495
▪ Capital Projects	\$75,000

(Capital Projects include: Abused Deaf Women's Advocacy Services, \$5,000; King County Housing Authority, \$35,000; Parkview Homes, \$35,000)

Mr. Beem commented that funding one agency for direct services will make it much easier for City and County staff to administer the program. He concluded by saying that the recommendation is subject to federal appropriation. Moreover, the General Fund portion of the Human Services budget is subject to Council approval as part of the City's annual budget process.

Mayor Jepsen opened the public hearing.

- (a) Sheli Barber, Abused Deaf Women's Advocacy Services, expressed support through an interpreter for the City's recommended allocations to Human Services. She said the contribution to her organization will dramatically improve the situation for victims of domestic violence.

Upon motion by Councilmember Hansen, seconded by Councilmember Gustafson and unanimously carried, the public hearing was closed.

Mr. Burkett noted that staff distributed a corrected copy of Attachment A to the Council.

Councilmember Hansen moved to adopt the Human Services Allocation Committee's recommended 2004 Community Development Block Grant allocations in the amount of \$394,713 in accordance with the corrected copy of Attachment A of the staff report and to authorize the City Manager to enter into agreements for implementing the funded projects. Councilmember Gustafson seconded the motion.

After brief clarification about the annual allocation and associated programs, a vote was taken on the motion, which carried 4-0, and the Human Services Allocation Committee's recommendations were approved and the City Manager was authorized to enter into agreements to implement the funded projects.

- (b) Motion to deny the request for a special use permit and variance permit for the T-Mobile wireless telecommunications facility located in the right-of-way and on an R-6 zoned property at 332 NE 180th Street

Mr. Stewart explained that the Planning Commission formulated Findings and its recommendation on the night of the hearing to deny the request because all SUP and variance criteria were not met. Staff concurs with this recommendation.

Mayor Jepsen noticed that the Planning Commission's recommendation appears to be worded differently than the recommendation in the staff report.

Mr. Stewart explained that the Planning Commission recommended approval of the SUP and denial of the variance. However, since the SUP cannot be approved without the accompanying variance, the staff recommendation is to deny both as one action.

Councilmember Ransom moved to remand the subject application to the Planning Commission for modification to the Findings, Conclusions, and Recommendations. Councilmember Hansen seconded the motion.

Councilmember Ransom felt that remanding it back to the Planning Commission will provide the applicant another chance to argue its case and another chance to achieve an acceptable compromise.

Mayor Jepsen felt that since this application is for an uncamouflaged facility, the applicant should try to comply with existing codes rather than pursue an SUP.

Councilmember Gustafson added that denial of the application does not preclude the applicant from returning later with an alternative. He pointed out that the application did not meet five variance criteria.

Councilmember Hansen concurred. He felt that denying the application will send a clear message to the applicant regarding the City's siting criteria.

A vote was taken on the motion, which failed 1-3, with Councilmember Ransom voting in the affirmative.

Councilmember Hansen moved to deny the applicant's request for a special use permit and variance, based on the Planning Commission's Findings and Conclusion that all SUP and variance criteria for the T-Mobile wireless telecommunications facility are not met. Councilmember Gustafson seconded the motion, which carried unanimously.

10. EXECUTIVE SESSION

At 9:45 p.m., Mayor Jepsen announced that the Council would recess into Executive Session for fifteen minutes to discuss litigation. At 10:09 p.m. the Executive Session concluded and the meeting reconvened.

11. ADJOURNMENT

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

Sharon Mattioli, City Clerk

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