

# DRAFT

## CITY OF SHORELINE

### SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, June 14, 2004  
7:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

PRESENT: Mayor Hansen, Deputy Mayor Jepsen, Councilmembers Chang, Fimia, Grace, Gustafson, and Ransom

ABSENT: none

1. CALL TO ORDER

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

2. FLAG SALUTE/ROLL CALL

Mayor Hansen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present. Mayor Hansen noted that June 14<sup>th</sup> is Flag Day and provided background on this holiday.

3. CITY MANAGER'S REPORT

Steve Burkett, City Manager, introduced Shoreline's new Police Chief, Tony Burt. Chief Burt noted his prior association with the Shoreline Police Department and said he was excited to be back in Shoreline.

4. REPORTS OF BOARDS AND COMMISSIONS

Councilmember Fimia commented on her attendance at Shoreline's First Annual Renewable Energy Fair, a collaboration of a new community-based, non-profit organization called Shoreline Solar Project and Meridian Park Elementary School.

Councilmember Gustafson said about 150 people attended the Saturday ribbon-cutting ceremony for the north segment of the Interurban Trail.

Councilmember Ransom noted that he will attend the Association of Washington Cities legislative conference. He noted that AWC wished to become more proactive in bringing forward legislation that will be beneficial to cities.

Mayor Hansen noted that he and Mr. Burkett had attended a two-day Suburban Cities Association retreat last week. He said the organization hopes to become better known and more effective.

## 5. PUBLIC COMMENT

(a) Ruth McCurdy, Shoreline, expressed her concern about a single family home planned for 19027 Richmond Beach Dr. She said the house is too large for the lot and does not fit the historically unique character of the homes in the area.

(b) Harold Rubin, Shoreline, also commented on this home and asked Council to direct the Planning staff to consider Shoreline Development Code, Chapter 20.50.060, which deals with design standards. He said the proposed home should be compatible with the character and scale of the neighborhood and asked that the guidelines be enforced in this case.

(c) Andrea Massoni, Shoreline, is a neighbor of the proposed home. She described the size and location of the lots in question and said building such a large home will block her view and devalue her property, as well as detract from her quality of life.

(d) Bob Phelps, Shoreline, invited Councilmembers and the public to the Shoreline Auxiliary Communications Services Emergency Communications Field Day to be held the last weekend in June in Hamlin Park.

(e) Elaine Phelps, Shoreline, supported the job the City is doing with regard to the tree-cutting occurring in Innis Arden. She said the City must have the authority to go on private property to enforce permit conditions. She commented that the first Hazardous Tree Report obtained from the Innis Arden Board had said there should be a plan as to which trees would be removed. Then a second report was obtained from a different source that did not require this. Commenting on the Development Code, she noted that Innis Arden has 52 acres of reserves that are tax-exempt and are not to be developed. She recommended a land use designation for such property so that it must be retained for habitat and surface water control.

(f) Wayne Cottingham, Shoreline, provided information about board elections held in Innis Arden. He said that those who oppose the tree-cutting occurring there are not a "minority" as was stated last week.

(g) Stan Terry, Shoreline, commented on the letter sent by the City Council to the Washington State Secretary of Transportation. He said that although he supports the concept of raised medians along Aurora Avenue, he felt one last effort should be made to determine exactly what the state requires. He felt the accident information commented upon last week is not relevant because the improved Aurora Corridor will not be the same highway when the project is completed. There will be three lanes to cross instead of two, so that uncontrolled access will be even more inappropriate and unsafe.

# DRAFT

(h) Ginger Botham, commented on the variance criteria issue. She said that over time the City has weakened the regulations. She recommended that the City should incorporate the state standards and then add more restrictive standards. She also noted that references to “artificial open watercourses” is still in the Comprehensive Plan, even though the Planning Commission directed that this be removed.

(i) Janet Way, Thornton Creek Legal Defense Fund, commented on the issue of the timing of the Code amendments with regard to adoption of an amended Comprehensive Plan. She said she had many concerns about the draft plan, including the issue of artificial watercourses and design of salmon habitat. She recommended that Shoreline follow Seattle’s lead with the “SeaStreet Concept,” which addresses both water issues and sidewalks. She also noted that Aegis Corporation has sued Shoreline.

(j) Eric Vandergrissen, Shoreline, owner of North City Cleaners, feared the North City/15<sup>th</sup> Avenue NE plan would create customer loss for his business and more congestion in the area. He asked if the changes are proposed for safety reasons or to cut back traffic flow. He noted the current speed limits are not well enforced. He also submitted a letter from another business owner, Shane Hayes of Shane’s Foot Comfort Center, who said his business will be adversely affected by the project.

(k) Les Nelson, Shoreline, commented on Amendment #3 to the Development Code, which the Planning Commission did not recommend. Asking that this be reconsidered, he described the impacts to his home of the expansion of the Safeway store. He also noted many items that he considered still outstanding, including drainage, landscaping, noise, and lighting. He asked that the Planning Commission be directed to consider legislation to provide some avenue for neighbors to influence commercial development of a smaller size than the current 4,000 square feet.

(l) Walt Hagen, Shoreline, commented on the Comprehensive Plan update, saying it is not correct to consider changes to the Development Code first. He felt the Development Code should not be amended until the Comprehensive Plan is revised. He said the City should not spend money it does not have. He concluded that citizens of the state do not give up their sovereignty to elected bodies.

Councilmember Ransom asked for clarification on the home building permit addressed by the first three speakers. Mr. Burkett said a Type A building permit is not subject to appeal but staff will provide information on the issue. He said the permit would be required to comply with all the provisions of the Development Code.

Councilmember Fimia asked if design guidelines are taken into account when issuing a building permit.

## 6. APPROVAL OF THE AGENDA

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

**DRAFT**

7. CONSENT CALENDAR

**Councilmember Grace moved approval of the Consent Calendar. Councilmember Gustafson seconded the motion, which carried 7-0, and the following consent calendar items were approved:**

**Minutes of Workshop of May 17, 2004  
Minutes of Dinner Meeting of May 24, 2004  
Minutes of Regular Meeting of May 24, 2004**

**Approval of expenses and payroll for the period ending May 21, 2004  
in the amount of \$895,121.89**

**Motion to authorize the City Manager to execute a  
Discretionary Work Request with King County for  
the 2004 Road Overlay Program in an amount  
not to exceed \$500,000.00**

**Ordinance No. 354 providing for the use of eminent  
domain to acquire temporary construction easements  
from properties at 17541, 17550, and 17727 15<sup>th</sup> Avenue NE  
to construct the North City Project**

8. NEW BUSINESS

(a) Presentation of the 2005 – 2010 Capital Improvement Plan

Mr. Burkett reviewed the schedule for adoption of the CIP, summarized the relationship of the CIP to other planning documents and the budget, and explained how the CIP is used as a long-term policy document and financial management tool. He mentioned the master plans currently under review, noting Council will be required to prioritize the \$400 million in proposed projects. He said the CIP is not a precise project estimate, a detailed project schedule, or an outline of project specifics.

After Mr. Burkett reviewed how the CIP is organized, he said it contains \$130.5 million worth of projects (30 in all). He explained the categories of projects and their funding sources. He noted that 57 percent of the funding is from grants. Eight percent will come from proposed borrowing for the new city hall. He pointed out that facilities projects and transportation safety projects make up 78 percent of the total CIP spending.

Continuing, Mr. Burkett listed and briefly described the Council's six priority projects: City Hall; Aurora Avenue; NCBD/15<sup>th</sup> Avenue NE; Interurban Trail; Ronald Bog Drainage Improvements; and 3<sup>rd</sup> Avenue NW drainage improvements. He said the City Hall is projected to cost \$20 million. There will be a down payment of about \$10 million, which includes an additional \$4 million from the General Fund balance over last

# DRAFT

year's CIP. Making this allocation means the City will not have to borrow as much. This leaves a 20 percent operating reserve in General Fund (\$5.5 million). Council policy is that the reserve cannot go below 10 percent of operations budget. Bonds will finance the other \$10 million for the city hall, with the debt service repaid by the money saved over time in lease payments. He said the goal is to be in a new city hall in mid-2008.

Debbie Tarry, Finance Director, continued the explanation of the CIP, recapping the three funds. She said that the General Capital fund includes 12 projects for a total cost of \$25 million. She described the funding sources. She said the significant changes are the City Hall Project, as outlined by Mr. Burkett, and the Spartan Gym improvements, which will not be completed until 2005. There is one new project, the Saltwater Park Pedestrian Bridge Replacement for \$1.6 million. This will be dependent on grant funding of \$1.3 million. She noted long term issues include limited future funding, potential for a bond issue, funding for long-term repair and replacement of facilities, and implementation of the 20-year master plan recommendations.

Continuing, Ms. Tarry said the Roads Capital Fund includes 12 projects for \$96.7 million, the major ones being the Aurora Project and the North City Project. Again, she described funding sources. She said there is a new program called "Traffic Small Works," which is a combination of the pedestrian and right-of-way acquisition programs in previous CIPs. She noted that the overlay program is projected at \$500,000 plus inflation rather than \$700,000 as it has been in the past. This reduction has occurred because of loss of revenue due to initiatives. She concluded that oil, steel and concrete prices have increased significantly and this may have impacts on future CIP costs.

Ms. Tarry wrapped up by explaining the Surface Water Capital Fund, which is made up of six projects for \$8.7 million. SWM fees and Trust Fund loans are the major revenue sources for these.

Councilmember Ransom asked which grants will be sought for the Saltwater Park Bridge project. Ms. Tarry said there are state grants. Councilmember Ransom asked about grants for acquisition of the Hamlin Park open space. Mr. Burkett said this project was identified by the Bond Advisory Committee as one that could be funded by a bond issue. He said the City will aggressively pursue all grant opportunities. Councilmember Ransom recalled that both Sen. Fairley and Rep. Chase had indicated that there were state funds that could be applied for. Mr. Burkett responded that staff will work with them to identify the criteria for these funds.

Councilmember Ransom commented on the reduction in the Surface Water Capital fund budget and asked whether there are changes to the 3<sup>rd</sup> Avenue project, to which Mayor Hansen responded that the cleaning of the pipe running into Ronald Bog reduced the flooding there.

Paul Haines, Public Works Director, explained that in the master planning process, the City is looking for ways to spread the funding across all the drainage basins. The Ronald Bog basin is performing fairly well with the cleaning that took place. The cost reductions

# DRAFT

in this fund reflect completed projects over the next six years. He assured Councilmember Ransom that the 3<sup>rd</sup> Avenue NW project has not been reduced.

Councilmember Ransom commented on problems with the soil in the Aurora Avenue Bridge project and potential increased costs. Mr. Haines said the bridge across 155<sup>th</sup> has the highest escalation going on because it is where the softest soils have been discovered. He said staff is doing a mini-value engineering process to see what can be done to bring an option that will be within budget and how much money would be needed to fully satisfy the public process. These two different dollar amounts will come to Council on July 12 with 30 percent design of the bridge.

Councilmember Fimia expressed concern about the timing of the adoption of the CIP and the fact that it is not concurrent with the budget adoption. She supported adopting the operating and capital budgets together. She also felt it was problematic to adopt the CIP before the master plan process has been completed. She noted three projects take up 90 percent of the available CIP funds. Within the next month or two, Council will be committing the bulk of the six-year projected CIP income for these projects.

Mr. Burkett agreed but commented that the City has been working on these projects for a long time and the Council has told staff that completion of these projects are a priority.

Councilmember Fimia was of the opinion that the public does not understand the percentage of capital dollars for six years going into these three projects.

Mr. Burkett stressed that Aurora Avenue is 80 percent grant funded. For projects with grant funding, the resources are not available for other projects.

Councilmember Fimia said that grants could be used anywhere on Aurora Avenue, thus stretching the grant dollars; and the other two miles of the project will not necessarily be granted funded at this level. She asked that future documents reflect the "unmet need" in other areas. For example, the plan will only address three percent of the sidewalk needs because approximately 26 miles of arterial streets are missing sidewalks. She said the Council is being asked to make real trade-offs in the next month.

Mr. Haines said the topic of need is being considered in the master planning process. He offered to provide more specific information on sidewalks and noted there are capital projects building sidewalks.

Councilmember Fimia said other funds could be put into surface overlays and she hated to fall behind on maintenance. Ms. Tarry noted that even at the \$500,000 allocation, General Fund dollars are needed, but the Council has the option of adding more.

Councilmember Fimia commented that the Neighborhood Traffic program is only being marginally funded considering the needs of neighborhoods.

Mr. Burkett said this discussion highlights that capital needs far outpace available revenue. He said Council must set priorities with the money available but it makes sense to generate additional revenue through a bond issue.

Concluding that in her view the public might prioritize spending differently from what is in the CIP, Councilmember Fimia asked if any of the mitigation projects identified in the Hazard Mitigation Plan are noted or funded in the CIP. Mr. Haines said no projects in the CIP specifically address this. Councilmember Fimia cautioned that all the available capital funding is allocated in the CIP without identifying or funding hazardous mitigation projects, which she felt should be a high priority.

Responding to Councilmember Chang, Ms. Tarry said the City has a total reserve balance of over \$30 million. She clarified that the issue of long term repair and maintenance refers to major facility items, such as a roof. Operating maintenance costs are covered by the long-term financial projections on the operating side.

Referring to the timing of the CIP adoption, Councilmember Ransom said the Council made a conscious decision a few years ago to separate the CIP budget from the operating budget in order to allow more time for review before the operating budget comes up later in the year.

Mayor Hansen added that a different level of detail is required in the review of the operating budget than the six-year capital budget. In response to an earlier comment of Councilmember Ransom's, he noted that the Surface Water budget is much lower because of the completion of projects by the end of the CIP period.

Responding to Councilmember Gustafson, Mr. Burkett said the delay in the Spartan Gym improvements results from the School District schedule. The City is providing the funding and the School District is building the project. The bid should be awarded by the end of the summer.

Councilmember Gustafson noted he would like to see the last component of the Interurban Trail be a connection from Aurora Avenue to the Burke Gilman Trail across the I-5 pedestrian bridge.

Mr. Burkett concluded that pages 27 and 28 are the summary of the CIP. He asked the Council to review the available funds and make sure its priorities are reflected in this document. He highlighted where Council has some flexibility in funding sources, generally in the General Fund contribution.

Councilmember Fimia felt that grants are flexible, in that the City can select the projects for which to seek grant funding. It cannot ask for grants for everything.

Councilmember Gustafson said in his experience once a grant is received, it must be used for that purpose. He asked for further information about how locked in the City is to grants already awarded.

8. UNFINISHED BUSINESS (Action Item continued from meeting of June 7, 2004)

- (a) Ordinance No. 352 amending the Development Code Chapters 20.20, 20.30, 20.40, 20.50, 20.70, 20.80 and 20.90, including changes to zoning variance criteria; changes to home business regulations; allowing pitched roof in high density residential zones to extend 5 feet above the base height limit of 35 feet; clarify right-of-way regulations; clarify components of the sign standards; and make technical amendments

Tim Stewart, Planning Director, reviewed the background of these proposed changes to the Development Code. He explained that the Growth Management Act requires that the Development Code be consistent with the Comprehensive Plan. He assured Council that all the proposed amendments are consistent with the current Comprehensive Plan and that Development Code amendments can move forward at any time during the year. GMA prohibits amending the Comprehensive Plan more than once a year. This year the City is doing the state-mandated major update of the Comprehensive Plan. It must be adopted by December 2004. If the new plan requires changes in the Development Code for consistency, then these amendments will be brought forward subsequent to the Comprehensive Plan adoption.

**Councilmember Fimia moved passage of Ordinance No. 352 but sending amendments #5, #7 and #10 for further review by the Planning Commission. Councilmember Ransom seconded the motion.**

**Councilmember Fimia moved a substitute motion to pass Ordinance No. 352, referring the following amendments back to the Planning Commission for further review: #2, #3, #5, #7, #10, #13 and technical amendments #2, #5 and #6. Councilmember Ransom seconded the substitute motion.**

Councilmember Fimia felt that amendments #1, #4, #6, #8, #9 and #11 and #12 and technical amendments #1, #3, #4, #8, #9, #10, #11, #12 #14 and #14 are not controversial so they could move forward. She felt that the other amendments require further consideration.

Councilmember Grace felt it is critical to have amendment #3 be discussed further by the Planning Commission. He said #13 is specific to North City only, so he did not see the point of sending it back.

Councilmember Ransom said he had not thought to pull this many amendments, but he believed that only small technical or non-controversial items should be changed. He felt staff might be acting on certain matters without Council direction. Therefore, he felt Council should take another look at some of the issues.



Councilmember Gustafson said he would vote against the substitute motion, but he would support having the Planning Commission take another look at amendment #3.

Deputy Mayor Jepsen also favored referring #3 to the Planning Commission based on the letter and testimony submitted by the Nelsons. He was concerned about sending items back to the Planning Commission without Council direction. He agreed with Councilmember Grace about retention of amendment #13.

Responding to Deputy Mayor Jepsen, Mr. Stewart explained amendment #2. It creates the classification of a site development permit for projects that had received a master permit, such as a conditional use permit. The site development permit would be issued between the master permit and the building permit. Right now an applicant is required to have a clearing and grading permit to get started on work while waiting for a building permit. The proposal is to reserve the title of site development permit for this type of clearing and grading activity that does have an associated permit with it. It does not exempt the applicant from any other procedural requirements.

Deputy Mayor Jepsen clarified that the site development permit can only be granted once the master permit is in place.

**Deputy Mayor Jepsen moved to delete amendments #2 and #13 from the substitute motion so that they would be included in Ordinance No. 352. Councilmember Gustafson seconded the motion, which carried 6 – 1, with Councilmember Fimia dissenting.**

Councilmember Grace asked for clarification as to whether technical amendment #5 would affect right of appeal. Mr. Sievers clarified that when an application is deemed complete, all regulations, including procedural ones, are frozen at that time. Technical amendment #6 does not change anything that is already in the code.

**Councilmember Gustafson moved to delete technical amendments #5 and #6 from the substitute motion so that they would be included in Ordinance No. 352. Deputy Mayor Jepsen seconded the motion, which carried 5 – 2, with Councilmembers Chang and Fimia dissenting.**

Deputy Mayor Jepsen said he followed up on the two letters submitted after the public hearing. He did not receive a call back from one individual and the other said it appeared Council was responding to his comments.

Councilmember Chang noted that GMA requires the Development Code to be consistent with the Comprehensive Plan. He asked what would happen if the two were inconsistent. Mr. Sievers said staff will review the code carefully and regulatory changes to the Development Code will be proposed if there are conflicts with Comprehensive Plan changes.

Meeting Extension

# DRAFT

At 10:00 p.m. Deputy Mayor Jepsen moved to extend the meeting to 10:15 p.m. Councilmember Fimia seconded the motion, which carried unanimously.

Councilmember Chang shared the concern about doing these changes before the Comprehensive Plan update. Mr. Sievers responded that most of these amendments are technical, procedural or for clarity. There is no reason to believe that Comprehensive Plan changes will create inconsistencies with these amendments. So there is no point to waiting to adopt the changes.

Responding to Councilmember Chang, Mr. Stewart explained that the Planning Commission will begin workshops on the draft Comprehensive Plan in July and the City Council will take up the Planning Commission recommendations in the fall.

Councilmember Grace wished to ensure that for the amendments that are returned to the Planning Commission, all the Council discussions, his e-mail comments and public submittals are provided to give direction. Councilmember Fimia wished that environmental protection laws not be weakened and that there be an increase of meaningful public input and participation for tent city and the issue of notice of commercial expansions.

Responding to Mayor Hansen, Mr. Stewart said technical amendment #2 relates only to the North City Development Plan. He explained that the subarea plan was adopted with a set of development regulations. A developer can directly file for a building permit without going through the SEPA process if the project meets the standards in the code. The decision of whether the development meets the standards and criteria of the North City Planned Action EIS occurs currently by administrative order. But since it is a type of decision, staff felt it should be listed in the table of decisions set out in the Code. There is nothing substantive about this amendment. If it is not passed, staff will continue to make the decision by administrative order. There was one comment on this amendment.

**Mayor Hansen turned the gavel over to Deputy Mayor Jepsen and moved to delete technical amendment #2 from the substitute motion so that it would be included in Ordinance No. 352. Councilmember Gustafson seconded the motion, which carried 6 – 1, with Councilmember Fimia dissenting.**

The gavel was returned to Mayor Hansen.

Returning to amendment #13, Councilmember Fimia asked if the City would pay for the easements in North City.

Mr. Stewart explained that the code does not address the method of acquiring the easement. However, the alley system is required in order to meet the standards for the planned action determination. Amendment #13 changes the reference from “easement”

to ROW. He reiterated that this clarifies that the alley will serve as a fire lane and is a publicly-dedicated ROW.

Mr. Sievers emphasized that the alley is already required in the North City Plan. The change eliminates the ambiguity of using the term "easement." ROW is a very clear term related to its uses.

Councilmember Fimia felt that calling this ROW instead of easement provides the rationale for a taking. Mr. Sievers concluded the intent of the amendment was to clarify what is to be dedicated.

Mr. Stewart said this property is to be dedicated because there is a nexus between the intensity of development hoped for in North City and the requirement of getting access to the rear of the buildings for parking and fire access. The dedication is already required. The amendment just changes what the dedication is called.

Councilmember Ransom commented that the largest landowner affected is Mr. Sims of the Door Store. Mr. Stewart referred to the Development Code, page 316. He reiterated the easement is already required. Councilmember Ransom said an easement can be controlled by the property owner while ROW cannot. Mr. Stewart agreed and said that is the point of the change. Public access to the rear of the buildings must be guaranteed.

#### Meeting Extension

At 10:15 p.m. Councilmember Ransom moved to extend the meeting to 10:30 p.m. Councilmember Fimia seconded the motion, which carried unanimously.

Bob Olander, Deputy City Manager, explained that no one would have to dedicate ROW unless the property owner wishes to develop the property according to the North City plan. The planned action allows for an increased level of density but requires the dedication.

Councilmember Ransom noted that amendment #13 has already been voted upon. He commented on amendment #3, supporting sending it back to the Planning Commission. He asked Council to support the substitute motion.

**Deputy Mayor Jepsen moved to call the question on the substitute motion as amended. Councilmember Gustafson seconded the motion, which carried unanimously.**

**A vote was taken on the substitute motion to adopt Ordinance No. 352 as amended so that the ordinance included amendments #1, #2, #4, #6, #8, #9, #11, #12, #13 and all the technical amendments and amendments #3, #5, #7, and #10 were referred back to the Planning Commission. The motion carried 5 – 2, with Councilmembers Chang and Fimia dissenting and Ordinance No. 352 was passed.**

9. ADJOURNMENT

Upon motion by Deputy Mayor Jepsen, seconded by Councilmember Chang and unanimously carried, the meeting was adjourned at 10:28 p.m.

---

Sharon Mattioli, City Clerk