

**CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON**

AGENDA TITLE:	Presentation of the Final Stream Basin Characterization Reports
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Tim Stewart, Planning and Development Services Director Matt Torpey, Planner II

The Planning and Development Services Department is pleased to present the final Stream Basin and Characterization Reports for the City of Shoreline.

These reports have been many years in development. They have undergone extensive scientific and public review. Tetra Tech/KCM, a firm specializing in environmental science, conducted the original research and prepared the first drafts of the reports. The City then retained Adolfson and Associates, another environmental consulting firm, to conduct a peer review. Peer review is one of the elements of Best Available Science (BAS). Adolfson concurred with the findings and conclusions of the reports.

The City Council received a draft of the Stream Basin Characterization Reports on March 3, 2003. The Council referred this study to the Planning Commission to receive and review any new scientific information and to report to the City Council its findings and recommendations. After receiving numerous comments from the public as well as various state agencies and community groups, a second draft was presented to the Planning Commission.

The Planning Commission on December 4, 2003 directed staff, by the passage of resolution No. 001-2003, to provide further changes and study to the draft Stream Basin and Characterization Study presented to them in draft form. Staff contracted, again, with Tetra Tech/KCM to expand further on the work performed up to that point based on the required changes in the Planning Commission's resolution. In summary, the changes made to the report as recommended by the Planning Commission are as follows:

1. Remove all references to "Artificial Open Water Course" from the reports. This was done throughout all reports.
2. Conduct further delineation and study of the wetland to the south of Twin Ponds. This information is contained in Appendix B, page 5.
3. Apply the tri-County Urban Stream Baseline Evaluation Method (USBEM), especially in the Thornton Creek, TC-2 and TC-8 reaches. This information may be found in Appendix A, page 24 and 27. The description of the USBEM methodology may be found in Appendix A, page 2.4.
4. Conduct further scientific study of reaches previously identified as "Artificial Open Water Courses". This information may be found in Appendix A, page 9-15.

Attached you will find a supplemental resolution No. 001-2004 adopted by the Planning Commission. The resolution passed by a vote of 7-0 in favor of recommending that the City Council accept the final version of the Stream Basin Characterization Reports.

These reports do not constitute a proposed adoption of policy nor a change to the current Shoreline Municipal Code. The reports do not establish stream or wetland classifications or set stream or wetland buffers. The Stream Basin Characterization Reports are a part of the "best available science" that we will use for City projects such as the update to the critical areas regulations, code enforcement and private development and conservation activities.

RECOMMENDATION

The Planning Commission and staff recommend that the final draft of the City of Shoreline Stream Basin and Characterization reports be accepted by the City Council

Approved By: City Manager  City Attorney 

ATTACHMENT A: Planning Commission Resolution No. 001-2004

ATTACHMENT B: Planning Commission Minutes from 7/15/2004

ATTACHMENT C: Basin Characterization Reports available under separate cover. Copies may be reviewed at City Hall, the libraries and neighborhood police centers, and purchased at the Planning and Development Services Office.

- Boeing Creek Basin Characterization Report
- McAleer Creek and Lyon Creek Basins Characterization Report
- Middle Puget Sound, Seattle Golf Club and Bitter Lake Basins Characterization Reports
- Thornton Creek and West Lake Washington Basins Characterization Report.
- Stream and Wetland Inventory and Assessment Appendices

ATTACHMENT A

PLANNING COMMISSION RESOLUTION No. 001-2004

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHORELINE, WASHINGTON, REGARDING THE CITY COUNCIL ACCEPT THE FOUR CREEK BASIN CHARACTERIZATION REPORTS AS FINAL REPORTS

WHEREAS, on March 3, 2003 the Shoreline City Council referred the Final Draft of the Creek Basin Characterization Reports to the Planning Commission to receive and review any new scientific information, and to report to the City Council its findings and conclusions; and

WHEREAS, the Planning Commission has received comments from the Department of Fish and Wildlife, the Thornton Creek Alliance, the Thornton Creek Legal Defense Fund, the Washington State Department of Transportation, Twin Pond Fish Friends and a number of individuals; and

WHEREAS, the City Staff and Planning Commission, with the help of Shoreline Citizens, have concluded that these reports provide extensive information on the City of Shoreline's streams and wetlands and is one of the most comprehensive stream inventories prepared for basins in the Northwest King County/Southwest Snohomish County region.; and

WHEREAS, upon recommendation of the Planning Commission, the term "artificial" was removed from all aspects of the report in reference to stream characteristics; and

WHEREAS, work was undertaken by the City and its consultant to collect the same data on all open watercourses, including those previously designated as artificial open watercourses in the draft report; and

WHEREAS, upon recommendation of the Planning Commission, the City of Shoreline contracted with their consultant to further investigate the areas known as the wetland south of Twin Ponds, Thornton Creek reaches TC-2 and TC-8, as well as utilize the application of the Tri-County Urban Stream Baseline Evaluation Method (USBEM); and

WHEREAS, Future policy and regulatory work is needed to more fully protect the functions and values of critical areas. The information contained in these reports will be useful as the city reviews its policies, regulations, plans and capital improvement projects in the future.

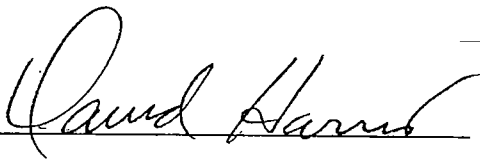
NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Final Creek Basin Characterization Reports provide important scientific information that will be part of the "Best Available Science" used in the planning and regulatory efforts of the City of Shoreline.

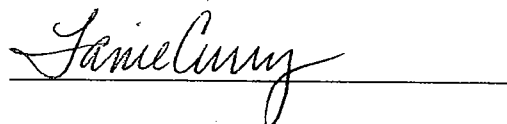
Section 2. The reports are forwarded to the City Council for their acceptance as final reports.

ADOPTED BY THE PLANNING COMMISSION ON JULY 15, 2004

A handwritten signature in cursive script, reading "David Harris", is written over a horizontal line.

David Harris, Planning Commission Chair

ATTEST:

A handwritten signature in cursive script, reading "Lanie Curry", is written over a horizontal line.

Lanie Curry, Planning Commission Clerk

2. STAFF REPORTS

a. Final Stream Basin Characterization Reports

Mr. Stewart referred the Commissioners to the final edition of the Stream Basin Characterization Reports. For the benefit of the new Commissioners, he briefly reviewed that the reports have been in development for a number of years, and were originally funded through a joint agreement with the Shoreline Sewer District to assess and inventory the various streams and wetlands throughout the City. After reviewing the reports in December of 2003, the Planning Commission directed the staff to make a number of changes. One of the changes was to remove all references to an "artificial open watercourse," and this was done throughout the entire report. The Commission also directed the staff to further delineate and study the wetlands south of Twin Ponds, and this was also done. The staff was directed to apply the tri-county urban stream baseline evaluation method to the previously designated artificial open watercourses so that data was available for all watercourses. Lastly, the Commission directed the staff to conduct further studies as identified for the artificial open watercourses.

Mr. Stewart advised that staff signed an additional contract with Tetrattech/KCM, the consultant, to perform this work, and it was completed in the spring. From this work, they received the final report from the consultant and the reformatted it into a document that could be easily copied and distributed on CD. The CD's are widely available to anyone who would like.

Mr. Stewart reminded the Commission that the City Council had originally asked the Planning Commission to look at the report and consider whether it was the best available science and whether any scientific information should be added or changed. The City Council asked the Planning Commission to report their findings and conclusions to them.

Mr. Stewart advised that the reports are now in their final form, and staff believes it is very important that the City start utilizing the information they contain. He noted that the Growth Management Act (GMA) requires the City to consider best available science as they go forward with updating their Comprehensive Plan, Development Code and Critical Areas Ordinance. The information in the reports would be used as the City goes about making regulatory changes in the future. However, it is even more important for the City to get the reports approved and out to the public so that developers and members of the community can start to utilize them.

Mr. Stewart described a recent incident in which the staff was engaged in a code enforcement appeal. He distributed copies of two pictures of the site in question. One picture was taken before the complaint and one after. He noted that 28 trees were removed within the buffer of a Class II Stream. The City issued a notice and order against the property owner and assessed a fine of \$2,000.

The fine was appealed to the hearing examiner, and part of the owner's defense was his claim that he did not have adequate information and did know there was a critical area on his site. When the City referred to the draft Stream Basin Characterization Reports, the property owner pointed out that the reports were just in draft form and were not reliable. He emphasized that it is very important that the City start utilizing the information in the reports. Therefore, staff is asking the Commission to make any additional supplements or comments to the document, and then forward it on to the City Council.

Mr. Stewart summarized that he believes the reports indicate very good science, but he is not sure they are the best science. He suggested that best science would be debated by the scientists as the City moves forward, learns more, and gains better and more detailed information about each of the stream reaches. He summarized that the proposed document would provide the City with a good, solid foundation for meeting their requirements for "best available science," and he urged the Commission to adopt the proposed resolution and forward the study to the City Council.

Commissioner Hall inquired if the staff is aware of any published studies, inventories or assessments that appear to be comparable or perhaps more comprehensive than the proposed study. Mr. Stewart answered negatively. He said he has consistently seen dueling scientists arguing over what the best science is. The issue of qualifying which science is best is one that will be debated as the City moves through the policy, regulatory and permit processes.

Commissioner Hall pointed out that, if adopted by the City Council, the document would become a formal agency document for the City. While the debate may continue, he questioned if it would be incumbent upon anyone challenging the report to bring forward something that qualifies under the CTED definition of science that would supercede the concepts identified in the reports. This would have to be either another agency-published document or peer-reviewed literature. Mr. Stewart agreed. He clarified that the information contained in the reports would become part of a critical areas folio of maps the City will be working on next year. This folio will include the reports, and they also have some very good information from the University of Washington regarding soil types and hazardous soils. The staff expects that once these maps are available, they will be brought forward for adoption as a formal critical area folio. However, this folio would not set the classifications, and it would not limit the discovery of new critical areas, streams or wetlands. It would merely set the stage for utilizing information when the public comes in for guidance. Mr. Stewart said staff has received feedback that the proposed reports are the most comprehensive studies that have been done in the region to date in terms of the detailed evidence that has been collected. However, no scientific work is complete. It is always constantly changing as new information becomes available.

Commissioner Kuboi asked what process would be followed if a party expressed a desired to challenge the validity of the folio of maps after they have been adopted. Mr. Stewart said that, typically, critical area maps provide the information a person would utilize before going out into the field to test the actual field conditions. However, the field conditions should govern the actual delineation of any critical area or critical resource. He advised that, typically, the folio of maps would indicate where a wetland

might exist. If there are questions regarding the wetland, a formal delineation of the wetland should occur. If a formal legal delineation has been conducted in association with the permit, the new delineation would be added to the map folio with a notation that it is a new delineation.

Mr. Stewart further explained that a person could challenge the reports or the folio of maps through an appeal process as established in the code. The appeals could be under the litigation petition act to the courts, or in certain cases, to the hearing examiner for determination.

Commissioner Kuboi inquired if an appeal would prevent the City from continuing the use of the document or map related an area. Mr. Stewart said it would not. He emphasized that the reports are not considered either law or ordinance. They represent scientific information that is one piece of delineation and determination. It can be used as an indicator of the location and quality of streams, etc. However, it is refutable and debatable and always open for supplemental information.

Commissioner McClelland said she appreciates the amount of work that has gone into preparing the document. She said that as she read through the reports, she noted a reference to the City having an educational program. She requested that staff provide information regarding this program. Mr. Stewart answered that within the City organization, there is a staff position titled, Environmental Educator. This position is located in the Stormwater Division. The current environmental educator is involved in a number of environmental education outreach programs and projects. Commissioner McClelland said she would like to think the City would do even more public education to help people know that the City takes the upper hand when it comes to environmental protection. She noted that the City of Bellevue has an award winning environmental education program, and other cities in the area have excellent programs, as well. She questioned if the City could use these other programs as models for how the City's program could become more visible.

Commissioner McClelland expressed her opinion that the executive summary that was provided in the reports was more of an explanation as to why the City completed the study. She suggested that the executive summary should go further in describing that the GMA requires the City to do to protect their critical areas and at the same time intensify land uses in urban areas. She said the executive summary should reflect the balance between these two GMA goals. She summarized that the executive summary should place the document in a more personal tone with regard to what Shoreline is attempting to accomplish.

Patty Crawford, 2326 North 155th Street, advised that her comments would be a little scattered because the people who are interested in this issue just learned that the final reports would be presented to the Commission about a week ago. One week is not enough time for the public to review the extensive reports. She said she has only had access to one borrowed copy so far, since the paper copies are so expensive and she hasn't picked up her CD yet. She said she does not believe adequate information was provided to the public. If they had received the document in May, they would have had sufficient time to review it.

In regard to Mr. Stewart's comment related to dueling scientists, Ms. Crawford said it is important to realize many letters have been submitted by the Department of Fish and Wildlife regarding specific reaches of the creek, but they were left out of the final reports. The citizens of Shoreline also pay State taxes to fund staffing at the Department of Fish and Wildlife, and Shoreline's code directs the City to use them as a resource. She noted that unlike the consultant that was hired by the City, the Department of Fish and Wildlife Staff are paid to represent the public's best interest.

Private consultants are paid to come up with a certain outcome. If the staff is not convinced that the reports represent best available science, the Commission should not pass them on to the City Council. They should give them more work so that they can stand up to any kind of challenge. She said she recognizes that science is ever changing, but they should certainly start out with what is considered best available science now.

Ms. Crawford referred to the letters from the Department of Fish and Wildlife regarding the side channel. She noted that none of their comments were incorporated into the reports. She noted that she hired Wayne Daley, a consultant, in 1997 to study the creek that runs through her property, and his report found cutthroat trout in her front yard. This information was not included in the report, yet the City hired Wayne Daley as a consultant to review Boeing Creek. If his opinion is okay for Boeing Creek, she questioned why the opinion he provided to her in 1997 would not be acceptable, as well.

Ms. Crawford said there are specific distinctions made throughout the document between salmon and trout. The document tries to say there is only cutthroat or rainbow trout, but the code does not make these distinctions. They are all salmonids that are protected by the code. Even when salmon were found, the report indicates that the school children put them there. However, no evidence was provided in the report to support this claim. The document is supposed to be science and backed up with science, yet there are numerous conclusions that appear to be strictly motive. Since this document does not represent best available science, she questioned how the City would argue code problems, etc. based on the report. The document should be done correctly now instead of waiting for citizens to appeal it.

Since data from the surface water contract was used in the report, Ms. Crawford suggested that the contract should be footnoted or provided as an attachment. In conclusion, Ms. Crawford suggested that the reports seems to look at fish barriers as something that cuts the stream off from the fish world rather than how they can fix the situation. The document indicates that the City would not use the best available science method to assess the barriers because it would take too much time and money. She said that if the City is not using the best available science method to assess barriers, but they are declaring something a barrier, they could end up giving someone a license to say there is no fish habitat upstream of that point. The City doesn't have the science to say that. She questioned why the 72-inch pipe that goes underneath Interstate 5 was not studied. Because it is made of cement, the City does not even plan to look at it. She suggested that the water and land creatures get from the east side of the City to the west by using the culvert that runs underneath the freeway. This culvert is a wildlife corridor, and the Department of Fish and Wildlife has identified the potential for making good habitat in 72-inch pipe. However, none of this information was included in the reports.

Mr. Stewart referred to the Thornton Creek Report on Page 5-2, which clearly references Mr. Daley's report titled, "Fish Utilization in Shoreline Streams" that is dated 2004. On Page 5-3, there is a letter from Doug Hennick from the Department of Fish and Wildlife as noted in the references. On Page 5-6 there are five citations from the Washington Department of Fish and Wildlife regarding utilization of Thornton Creek. He concluded that the comments and information presented by Mr. Daley, Mr. Hennick and the Washington Department of Fish and Wildlife have been considered and utilized in the preparation of the reports.

Tim Crawford, 2326 North 155 Street, noted that a Superior Court judge strongly disagreed with Mr. Stewart's comments that Mr. Hennick's best available science had been considered. If it had, the development of the Aegis Site would not have been allowed, and the south building would not have been reconstructed in its present location. He said the citizens in the area are back in court. The north building will have to be removed, and the south building will most likely have to be removed, too. Mr. Crawford stated his belief that the proposed reports are all "smoke show." The Commission only has to look at what is happening on Thornton Creek to understand this. He expressed his opinion that they would be better off if King County were still running the show and not the City. He summarized that the letters from Seattle Pacific University and the Department of Fish and Wildlife reflect that they would respect the creek buffers on Thornton Creek and not just Boeing Creek. He said he and his wife want to make their recommendation very clear. They recommended that the Commission send the reports back to the staff and ask them to present them with a clear, unbiased and non-political picture of best available science. He reemphasized the concern that he and his wife only had a week to briefly review the Thornton Creek literature, and they hope to be allowed an additional 15 days to forward written public comments related to the reports.

Commissioner McClelland said her understanding is that the only difference between the final document and the draft documents that have been available for months are the changes that the Commission requested the staff to make. Mr. Stewart said that is correct, with one exception. They did include the reference to the steelhead that was observed by City staff and Department of Fish and Wildlife staff on February 4, 2004. They felt this important information should be added, and it can be found on Page 4-5 of the Thornton Creek Report. Otherwise, the document provides the same information that was provided in the drafts.

Commissioner Hall thanked the citizens for providing input regarding the reports. He said it is challenging for him to figure out the role of science and assessment versus the role of local decision making, both on regulations and on individual permits and projects. He emphasized that the document does not pass judgment on the level of protection, since that is found elsewhere in the City's code. Most of what he found in the reports tended to be statements or observations by the field crew and drawn from literature. They are fairly straight forward in determining whether they are true or false. The reports recognize judgment calls on such issues as whether a culvert forms a barrier or not, and he said Ms. Crawford's comment is well taken that the City didn't do the full methodology on culverts.

Commissioner Hall said that as he reviewed the document there was nothing that struck him as poorly presented or sloppy. Certainly, the scope was not as expansive as it could have been, but he does not see any major flaws. Instead, he said he sees that this is only one part of what it will take for the City to properly protect their resources. Other documents can and should also be brought into site specific/project specific decisions, and he hopes that the City would do this and continue to make use of all available science, not just this one document.

Commissioner Hall said that in weighing the benefits of adopting the document so that it could be used along with everything else, he felt it would be worth moving forward. Rather than ending the dialogue or closing the book on other science, the City should continue the dialogue and make this one piece of information that the City can use in decision making along with everything else that is available.

The proposed reports have value, but he does recognize that there are gaps. For example, there are unmapped tributaries that are not covered in the reports at all. However, he learned that the tributaries are mapped and held in a database at the City of Shoreline and that the City would continue to gather document information on tributaries. He concluded that even the City staff recognizes an on-going need to try and build on the existing information. He said he does not see a significant enough flaw in the document that he would want to push it back and start over. Rather, he said he would like to see the reports move forward and see new information brought forward, as well.

Commissioner McClelland said that if the Commission presumes that the reports are based on some type of scientific study, how would they ever measure the results. Mr. Stewart explained that one of the values of doing the study is to establish a baseline. He referred to Table 2 on Page 12 of the Report, which provides fairly objective numerical values that are indicators of the health of the streams, including the stream mentioned by the Crawfords (TC-8). He briefly reviewed the numerical values for that stream. He advised that these measurements would be tracked overtime, and would tell the City whether the health of the streams are improving or declining. If a habitat restoration project were done on one of the Thornton Creek basins, perhaps over a ten-year period, the rank of 3 would become a rank of 10. He summarized that the intent is to utilize the data objectively to measure the health of the streams. This is one way science could be used directly in terms of policy formation because the data and technical information could be presented to the policy makers for deliberation about how much money should be earmarked for habitat restoration. The City would also be able to clearly determine whether or not restoration effort was successful.

Commissioner McClelland said that given the maps and documents that are available, it is clear that the entire City is a water basin with water and habitat issues. She sees the documents as background studies based on science, and she disagreed with the Crawford's statement that the reports were written with a political point of view. They have been presented as basic information to represent what is out there. However, she suggested that once the document is forwarded to the City Council for adoption, the City should immediately start setting priorities for restoration. She summarized that the reports represent the beginning of a lifetime piece of work.

Commissioner MacCully advised that in the planning field, they are always searching for some kind of measurable objective data, which is so much more defensible than anecdotal information. He stated that he believes the proposed reports represent a tremendous database of what he considers to be objective information. However, he recognizes that others might have a different observation.

Commissioner MacCully said that when discussing the issue of habitat restoration, the City must also address the issue of when they would not restore a habitat because the cost benefit would be out of reach. He summarized that the reports provide objective information for the City to work from as they make future decisions related to the critical areas. He felt the reports represent an evenhanded and fair approach to the subject.

Commissioner Kuboi applauded Commissioner Hall for his very articulate summary of his assessment, realizing his professional background. His comments help him feel comfortable supporting the reports. He said one area that is of particular issue to him is the opportunity cost of not making a decision.

He said he realizes that, especially with something this technical, the City could spend a lifetime getting it perfect, especially given the subjectivity factor. He referred to the incident related by Mr. Stewart regarding the trees that were cut down in a wetland buffer and the potential litigant using the absence of guidelines as a defense. He said this makes him uneasy because it is just a matter of time before someone wins an issue of this type. Overall, the City could be much more damaged by not going forth with the reports.

Commissioner Doering thanked the Crawford's and Janet Way for calling the Commission's attention to a lot of details they might not have otherwise looked at. Their comments caused her to review the document more critically. She noted that the Planning Commission directed the staff to make the changes that were recommended by the citizens. She commended them for doing a good job of addressing the concerns and coming forward with a good document.

Chair Harris said that he finds the reports to represent accurate surveys of the physical features and critical areas in the City, and he sees it as being a useful tool. He said he finds the reports to be an unbiased and accurate mapping assessment of what exists in Shoreline at this time. He indicated that he would support the document as written.

COMMISSIONER MACCULLY MOVED THAT THE PLANNING COMMISSION ADOPT RESOLUTION NUMBER 001-2004, TITLED "A RESOLUTION TO THE PLANNING COMMISSION OF THE CITY OF SHORELINE, WASHINGTON REGARDING THE CITY COUNCIL'S ACCEPTANCE OF THE FOUR CREEK BASIN CHARACTERIZATION REPORTS AS FINAL REPORTS AS PRESENTED. COMMISSIONER DOERING SECONDED THE MOTION.

Commissioner McClelland referred to the third whereas statement and inquired if the City could make the claim that this is one of the most comprehensive stream inventories prepared for basins in the Northwest King/Southwest Snohomish County region. Mr. Stewart answered affirmatively. He said he has heard from a number of people involved in the field that this statement would be an accurate description of the stream inventory effort. A lot of resources have been spent on the reports, and this effort is evident.

Commissioner McClelland referred to the fifth whereas statement and noted that the word “it’s” should be changed to “its.” In addition, she questioned if there is a lay term for the word “benthic.” Commissioner Hall answered that the lay term would be “bottom dwelling.” He explained that water quality sampling used to have to be done to determine the health of a small stream and this would cost hundreds of dollars. They have now determined, for the most part, that it is not so much the water that you care about, it is what the water is doing to the living creatures. The advantage of this method is that it is fairly inexpensive, and anybody with some biological training can do it. This is widely accepted as a way of measuring the biological integrity of a stream by the bugs that are present at the bottom.

Commissioner McClelland suggested that the punctuation in the fifth whereas statement be changed as follows, “Whereas, work was undertaken by the City and its consultant to collect data on riparian condition; substrate composition and embeddedness; bank condition; benthic invertebrate community; fish passage barriers; pool frequency; channel pattern and connectivity; and water temperature and woody debris for all reaches designated as “Artificial Open Water Course” in the Draft Report.

Commissioner McClelland referred to the second line in the sixth whereas statement and suggested that the word “their” should be changed to “its.” She also suggested that the words “as well as” be changed to “and to,” and that the last whereas statement be changed to read, “Future policy direction and regulatory control is needed to protect more fully the functions and values of critical areas.” She suggested that the last sentence was unnecessary and could be deleted from the resolution. Or the last sentence could be changed to read “The information contained in these reports will be applied to the City’s policies, regulations, plans and capital improvement projects in the future.”

Commissioner MacCully said he does not disagree with the fact that the reports need to be part of the regulatory process. But they talked earlier about the reports only being one component of any decision making process that is used. Therefore, they should be careful not to give the reports a higher status than other considerations and studies that are brought forward.

Commissioner MacCully inquired how much the City paid for the reports. Mr. Stewart answered that they paid \$311,209.63 for the Stream Basin Characterization Reports. The most recent work was about \$13,000, and the copy and publication costs were \$6,000. The original contract was for \$292,000.

Commissioner McClelland expressed her concern that the therefore statement was not powerful enough. It should make it clear that the Commission is resolving that the City Council adopt the reports or approve the use of the documents.

Commissioner Hall suggested wording that would resolve some of Commissioner McClelland’s concerns. Starting with the actual resolution, the Planning Commission

could insert the words, "The Planning Commission recommends that the City Council formally accept the final Stream Basin Characterization Reports because they provide important scientific information that would be part of best available science." This would allow the Commission an opportunity to provide their rationale for why the reports should be accepted. Commissioner McClelland agreed this would be appropriate.

Commissioner MacCully inquired exactly what the City Council would be asked to do. He said his past experience is that the City Council would accept the report and authorize payment of the final bill. Then staff would be directed to utilize the documents in any procedures. He noted that the reports are not directive in any nature. They are informational, to be used in future work. Mr. Stewart explained that the intent behind the City Council's original referral of the reports to the Planning Commission was to provide an opportunity for public review and comment and an opportunity for alternative pier review or scientific evidence to be submitted. Rather than just receiving it last fall, they wanted to make sure it had full airing. The charge to the Planning Commission was to report their findings and conclusions to them. The intent of the resolution is to indicate the Commission's conclusion that the reports are important scientific information to be part of best available science.

Commissioner MacCully said it is almost as if some of the language on the front page of the resolution needs to become Section 2 of what the Commission is resolving. The Commission is indicating to the City Council that they have done their homework and believe the reports are good. Now they want the City Council to accept the reports as good work.

Commissioner Doering said the City Council has indicated that they are ready for the stream inventory to come back to them for adoption. They have decisions to make based on a lot of the information that is included in the reports and the recommendation the Commission will make to them. This document is important to them.

Commissioner McClelland said the resolution states that the report provides important scientific information that would be a part of best available science. She questioned what the other parts consist of. Mr. Stewart answered that there are whole bodies of knowledge and information that the staff is gathering as they work on the update of the Comprehensive Plan and Critical Areas Ordinance. They will be looking at what King County and the City of Seattle used in their reference of best available science. Mr. Torpey said other jurisdictions have passed the CTED standard for meeting the Growth Management Act, and their codes can be used as examples of what is acceptable by the state.

Commissioner McClelland suggested the following language in this section of the ordinance, "The final stream basin characteristic reports establish a body of scientific information on which to base planning and regulatory efforts in the City of Shoreline. These reports are part of a collection of best available science gathered from ? that would be used for ?." This would document that the City, itself, has created a body of scientific information, and this could be used with best available science provided by other jurisdictions, etc.

Commissioner Hall said there is another entire body of science that has to be used to make decisions, as well. The stream basin characterization reports only identify what critical areas exist in the City; they do not say what is necessary to protect them. There is an extraordinary amount of science that guides the development of regulations based on that dimension, as well. He summarized that while the report is a great piece of work, it is not the only thing needed to develop a critical areas regulation. He said he supports keeping the language in the resolution that says the reports are part of the decision making information. In addition, the document could also have an impact on the Shoreline Master Program and the Development Code.

COMMISSIONER MACCULLY MOVED TO AMEND HIS MOTION TO ADD A SECTION 2 TO THE THEREFORE STATEMENT IN THE PROPOSED RESOLUTION TO READ AS FOLLOWS, "THE REPORTS ARE FORWARDED TO THE CITY COUNCIL FOR THEIR ACCEPTANCE AS FINAL REPORTS." COMMISSIONER DOERING SECONDED THE AMENDMENT.

Commissioner Hall referred to the fifth whereas statement and inquired if the data that was collected for artificial open watercourses was the same data that was collected for all other watercourses. Mr. Stewart answered affirmatively.

Commissioner Hall suggested that it would be more valuable for this whereas statement to say, "Whereas work was undertaken by the City and its consultant to collect the same data on all open watercourses, including those previously designated as artificial open watercourses in the draft report." He suggested that the intent of this statement is to convey that no distinction was made in the report between watercourse and artificial watercourse. The remainder of the Commission agreed to this change.

COMMISSIONER MACCULLY MOVED THAT THE MOTION BE FURTHER AMENDED TO CHANGE THE FIFTH WHEREAS STATEMENT TO READ AS FOLLOWS: "WHEREAS WORK WAS UNDERTAKEN BY THE CITY AND ITS CONSULTANT TO COLLECT THE SAME DATA ON ALL OPEN WATERCOURSES, INCLUDING THOSE PREVIOUSLY DESIGNATED AS ARTIFICIAL OPEN WATERCOURSES IN THE DRAFT REPORT." COMMISSIONER DOERING SECONDED THE AMENDMENT.

THE MOTION, AS AMENDED, CARRIED UNANIMOUSLY.