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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF WORKSHOP MEETING

Monday, August 16, 2004
6:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Hansen, Councilmembers Chang, Fimia, Grace, and Ransom

ABSENT: Deputy Mayor Jepsen, Councilmember Gustafson

1. CALL TO ORDER

The meeting was called to order at 6:30 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 with the exception of Deputy Mayor Jepsen and Councilmember Gustafson.

Upon motion by Councilmember Grace, seconded by Councilmember Chang and carried 5-0, Deputy Mayor Jepsen and Councilmember Gustafson were excused.

(a) Proclamation of "Celebrate Shoreline"

Mayor Hansen presented the proclamation to Patty Hale, Gretchen Atkinson, and Charlotte Haines, citizen members of the Celebrate Shoreline Committee. They accepted the proclamation and encouraged everyone to participate in the many activities planned for the three-day event.

Mayor Hansen also proclaimed September 25 as a Day of Concern for the Hungry in Shoreline.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Steve Burkett, City Manager, noted that the City's application for grant funding for the final phase of the Interurban Trail (N 175th to N 192nd Street) was ranked fourth out of twenty-three statewide projects. He was confident that the City would receive grant funding next year to complete the final phase of the trail. He thanked the City Council, City departments, and Bethany Wolbrecht-Dunn, Grants Specialist, for their combined effort in helping to secure this funding. He then introduced Tim Stewart, Planning and Development Services Director, to discuss a potential cottage housing development in Richmond Beach.

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Mr. Stewart noted that a pre-application meeting last week for a proposed cottage housing development located at 19141 8th Avenue NW has generated considerable neighborhood concern. He explained that any decision for this type of development proposal, which is an administrative decision made by staff, would be preceded by public notice, public comment, and review by staff for compliance with the Shoreline Development Code. If the developer applies for a Conditional Use Permit (CUP), the application would be required to meet all CUP criteria in order to be approved, and any person could appeal the decision to the Shoreline Hearing Examiner. He noted that the Council revised its cottage housing provisions a few years ago in response to citizen concerns about existing cottage housing developments. Finally, he distributed a handout explaining the standards and decision criteria for cottage housing in Shoreline.

Responding to Councilmember Grace, City Attorney Ian Sievers explained the role of the Hearing Examiner in the decision-making process if the staff decision is appealed. He noted that the Hearing Examiner is an independent contractor who has significant background in land use planning.

Responding to Councilmember Fimia, Mr. Stewart explained that City staff does not attend the pre-application meeting, but staff does review the pre-application meeting report the developer submits. He said there have been instances in which participants have disputed the pre-application report. Councilmember Fimia felt that potential conflicts could be prevented if City representatives attended pre-application meetings.

Councilmember Fimia confirmed that although the City Council does not directly approve or disapprove such land use proposals, it could question the department to ensure that applications comply with zoning and other development codes.

Mr. Burkett noted that the Council has played the very important role of adopting the codes that staff will be using to evaluate such proposals.

Councilmember Fimia suggested that Council consider adopting an amendment that would create a specific cottage housing zone designation, since these higher densities are currently allowed in R-4 and R-6 zones.

Councilmember Ransom pointed out that cottage housing was approved on an experimental basis, but there has yet to be a review of its effects. He expressed strong support for reconsidering the entire cottage housing concept because the cottage housing ordinance has essentially undermined the 7,200 square foot minimum lots size. He felt that a large proportion of the public feels that cottage housing has been too leniently allowed.

Councilmember Chang agreed that the Council should reexamine cottage housing. He wondered who determines whether a project is compatible with neighborhood character, and whether public comments have an impact on the decision.

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Mr. Stewart said staff makes the initial determination. If that decision is appealed, then the Hearing Examiner would make the final determination. He noted that public comments have influenced the final design of many developments.

Mayor Hansen agreed that Council should review the effects of cottage housing, particularly since more development proposals are likely in the near future.

Councilmember Fimia emphasized the need to have a diverse range of housing options in Shoreline. She hoped that the community would not feel prejudice against all cottage housing based on a few bad examples. She speculated that some senior citizens might choose to downsize into cottage housing in order to remain in their neighborhoods.

Councilmember Ransom asked staff to clarify the process for initiating a code amendment. Mr. Sievers said the Council would need some level of discussion to initiate the consideration of amendment, but it could not take final action until it receives a recommendation from the Planning Commission. Councilmember Ransom speculated that the process could take from three to six months.

Councilmember Fimia wondered if the Council could impose a moratorium on cottage housing until the amendment process is complete. Mr. Sievers confirmed that Council could impose a moratorium, which does not require Planning Commission approval.

Councilmember Grace emphasized the importance of ensuring that the process includes citizen input from all areas of the City.

Mr. Burkett emphasized that the current regulations are the result of a deliberative process on the part of Council and were just amended in 2003.

4. COUNCIL REPORTS

Councilmember Ransom reported that he and Councilmember Chang would attend the Association of Washington Cities budget workshop in Leavenworth later in the week.

Councilmember Fimia noted that she will be out of town on August 30 and September 7. She felt that the North City bid should remain on the August 23 agenda. She announced that she could attend that meeting. Councilmember Grace noted that he would be out of town then.

Mayor Hansen suggested that a Councilmember could attend by phone.

Councilmember Fimia emphasized that the public has expected the decision on August 23 and it has been advertised for that date in City communications.

Mr. Sievers confirmed that a Councilmember could participate in the discussion and vote by phone.

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5. PUBLIC COMMENT

(a) Paul Tychsen, Shoreline, said the cottage housing project proposed for Richmond Beach falls far short of the City's established criteria relating to compatibility with existing neighborhoods. He noted that 60% of the neighbors did not receive notice of the pre-application meeting. He recommended that the process be changed so that an objective, third party provides future meeting notices instead of the developer. He also suggested that meetings be held later in the evening to ensure better attendance. He said the cottages proposed for Richmond Beach far exceed what has been allowed at other cottage housing projects.

(b) Brent Smith, Shoreline, commented that the City cannot determine whether the cottage housing "experiment" is helping or hurting the overall well-being of the City without gathering objective data. He described the surface water management problems at the site of the potential cottage housing development on 8th Avenue NW, noting that any design would have to consider these factors. He concluded that City government cannot ensure that the changes they are accepting are for the overall good of the community without monitoring the impact of the changes. He feared the community would suffer long-term impacts if the City's decisions continue to go unchallenged.

(c) Alan Sharrah, Director of Operations for Frank Lumber the Door Store, urged the Council to either stop or dramatically reduce the scope of the North City Project. He presented the Council with an additional 500 letters from the community supporting his position. He said these letters meet the City's goal of "enhancing participation in City government." He said nearly 600 cars per day are using neighborhood streets to bypass the recently narrowed 15th Avenue NE, which is not good for neighborhoods or North City businesses. He urged the Council to restore 15th Avenue NE as a four-lane street.

(d) Bronston Kenney, Shoreline, expressed opposition to cottage housing, noting that it lacks sufficient history to determine its compatibility with the community. He said the project proposed for 8th Avenue NW would drastically lower the property values of nearby homes and does not provide any benefits to the surrounding community. He proposed that permits for cottage housing projects be suspended until adequate evaluation of existing developments are made. He said the City should encourage projects that improve upon existing neighborhoods, and felt that greater weight should be given to the voices of those who experience the greatest short and long-term impacts. He urged the City to work towards the preservation, rather than the deterioration, of the community.

(e) Bruce Whitmore, Shoreline, described the animal control problems his neighbors have caused him over the past five years. He said he contacted the City over a month ago to address the problem, but so far nothing has been done. He said City government's role is to ensure the fundamental legal right of quiet enjoyment of private property. He urged the Council to help resolve the problem.

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Councilmember Fimia moved to amend the agenda to continue public comment at this point. Councilmember Ransom seconded the motion, which carried unanimously.

(f) Joe Phillips, Shoreline, Chair of Shoreline Library Board, asked the Council to support the King County Library Bond Issue. He explained that this would not increase taxes, but would simply replace an expiring bond. He said the annual tax impact on residents would be approximately \$25, based on a home with \$300,000 assessed valuation.

(g) Judy Weathers, Seattle, Manager of the Shoreline Library, thanked the City for its past support of the King County Library System. She noted that circulation grows approximately 10% each year, and that the bond issue would help provide additional parking at the library. She asked the City to pass a resolution supporting the bond issue.

(h) Denise Siers, Lynnwood, KC Library System, noted that while the Shoreline and Richmond Beach libraries will benefit from the bond issue, people will also benefit from every expansion the library system makes through increased collections and availability of materials system-wide.

(i) James Acheson, Shoreline, opposed the 8th Avenue NW cottage housing development because it greatly exceeds any reasonable use of the property. He felt the builder should be required to post a 10-year bond to ensure there would not be problems with surface water drainage or utilities. He thought the better way to handle growth is by allowing high-rise multiple use structures along Aurora Avenue. He asserted that the neighbors were not properly notified of this potential land use because the City did not post the correct address until recently. He urged the Council to build a City that has more input from its residents.

(j) David Townsend, Shoreline, expressed opposition to the North City/15th Avenue NE project, noting that the City refuses to conduct a controlled stop study. He said the City is not considering critical lane volumes, and is not taking advantage of the grant it received in 1999. He commented on a recent vehicle-pedestrian accident on 15th Avenue NE. He urged the Council to reconsider the project and lead the community.

(k) Jodi Hoopes, Shoreline, urged the Council to approve the Residential Parking Zone program (RPZ), noting that it will make the streets safer for her children and allow reasonable parking in her neighborhood. She noted that the overflow parking and traffic created by Shoreline Community College creates an unsafe environment for her family.

(l) Henk Kunnen, business owner on 15th Avenue NE, said the reduction of lanes on 15th Avenue NE has negatively impacted both the business community and neighborhoods. He said the road reduction has caused "road rage" and several accidents. He commented on the difficulty of backing out of his driveway on 5th Avenue NE due to

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increased neighborhood traffic. He advised that funding could be better used by providing sidewalks for pedestrians rather than reducing a four-lane street. He urged the Council to reconsider the North City project.

Councilmember Ransom asked what would be required for Council to support the KCLS ballot measure. Mr. Sievers explained that a public hearing would be necessary prior to a Council action.

RECESS

At 7:50 p.m. Mayor Hansen declared a five-minute recess. The meeting reconvened at 7:55 p.m.

6. WORKSHOP ITEMS

(a) Improvements to Code Enforcement Standards

Mr. Stewart and Kristie Anderson, Code Enforcement Officer, addressed Council's Goal #7, "to review and consider improvements in code enforcement standards." They provided background on the Code Enforcement Program and discussed potential elements in the work plan, including adoption of the 2003 International Property Maintenance Code (IPMC) and possible amendments of the Shoreline Municipal Code to address abandoned/junk vehicles and tree conservation. The City has operated according to the 2000 Code Enforcement Manual, which established priorities for various code enforcement issues. Urgent priority has been given to violations that present immediate health, safety or welfare threats to people or the environment. Mr. Stewart noted that between 2000 and July 2004, the City responded to 1,538 code enforcement complaints, 75% (1182) of which were determined to be valid. Most of these were resolved at the "Strike 1," or voluntary compliance level. The staff report concluded with a slide presentation illustrating various code enforcement cases.

Councilmember Fimia noted that the City allows up to six vehicles to be parked at a single housing unit. She wondered if these vehicles had to be registered. Ms. Anderson said that vehicles do not have to be registered, but they must be operable. However, this requirement can be difficult to enforce.

Responding to Mayor Hansen, Mr. Stewart said the IPMC could be partially adopted in the same way the Council adopted portions of the International Building Code.

Councilmember Grace felt that adopting the IPMC definition of inoperable vehicle could help facilitate the City's enforcement effort. He wondered if Code Enforcement could use more resources in general, and if response time was an issue of particular concern.

Mr. Stewart did not feel response time was a concern because the Customer Response Team (CRT) has full authority to respond immediately to critical issues. He pointed out that most cases are fairly easy to resolve, but some are much more difficult and take more

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time and resources. He noted that code enforcement is driven by complaints received by the City's Customer Response Team. If cases are not resolved at the voluntary compliance level, they are referred to Ms. Anderson for more aggressive enforcement.

Councilmember Fimia emphasized the need to achieve the appropriate balance between enforcing the code and assisting those who may be unable to achieve full compliance on their own. She wondered if the City had any volunteer programs designed to help senior citizens and others maintain their properties to appropriate standards.

Mr. Stewart noted that both voluntary service organizations and Community Development Block Grant funding could be used to assist those who lack the means to comply.

Councilmember Fimia felt the code enforcement program should emphasize these two avenues, and that it should avoid creating the perception of retaliation. She suggested that Council consider establishing a peer review board for appeals. Citing the Westminster (Twyman) property as an example, she wondered if there were opportunities to abbreviate the appeal timeline without undue criticism from the public.

Mr. Stewart felt the City's appeal process was fairly adequate, but said the real problems occur when the City must enforce an order.

Councilmember Fimia wondered if the code enforcement staffing level was adequate, noting that a citizen claimed that the City said it had a thirteen-month backlog on code violation cases.

Mr. Stewart said he would investigate this claim. He said a thirteen-month backlog would represent an extreme exception to the standard workload. He clarified that the City would need to identify additional resources if it desires a more aggressive level of enforcement.

Responding to Councilmember Chang, Mr. Stewart said usually staff starts with "Strike 1", or voluntary enforcement, although they can take all necessary action (up to "Strike 3") for emergencies or critical situations. He stressed the importance of following correct procedures to ensure proper due process.

Councilmember Chang agreed that the City should use enforcement to enhance the City's image and property values, but it should not use it to harass vulnerable people. He wondered about how many cases involve people who lack the resources to comply on their own. He suggested that the City approach the school district and work with the youth to implement a type of code enforcement education/volunteer program to assist with clean-up projects in the City.

Mr. Stewart noted that in cases involving vulnerable people, staff focuses on ways to solve the problem rather than being coercive or punitive. He emphasized the importance of being sensitive to each particular situation and handling it accordingly. He said the

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whole point is to put energy into those activities that help clean up the City and add value to the community.

Mr. Burkett emphasized the importance of finding the right balance with code enforcement. He noted that some cities put a much stronger emphasis on code enforcement than Shoreline, but they are often accused of being more “heavy-handed” and vindictive.

Mayor Hansen outlined some resources that are available to assist those who are unable to voluntarily comply, including the rotary club and the City’s Community Development Block Grant funding for home repair. He felt code enforcement should focus on those who refuse to comply rather than those who try to make a reasonable effort.

Councilmember Ransom noted that he has not received many complaints in the area of code enforcement and he did not feel there should be many changes to current regulations. He said he does hear about noise complaints from time to time. He felt that some of the regulations in the IPMC were somewhat stringent and would not be well received by Shoreline residents.

Mr. Stewart suggested that the Council take a careful look at the IPMC because the Council and the public may want to adopt some aspects of that code.

Councilmember Grace asked staff to clarify the specific concerns relating to hazardous trees. Mr. Stewart said some controversy has been generated by recent high-profile cases that have utilized an exemption in the code relating to hazardous trees. He said the intent of the hazardous tree exemption was to enable residents to remove hazardous trees without City approval if they present an immediate threat to public safety or property. Since some neighbors have challenged this provision, he felt it might be appropriate to reconsider it to see if it still meets community expectations. He suggested that the Council could possibly clarify the definition of hazardous tree, or more clearly define what can be used as proof for a hazardous tree.

Councilmember Fimia suggested that the code could be changed to clarify that City permission must be given prior to removal of hazardous trees. Mr. Stewart felt the code should also clarify provisions regarding proof of hazard trees and the consequences of not asking for City permission.

Councilmember Fimia felt that any codes that are made more stringent should be accompanied by considerable public education so people understand the law. Alluding to Mr. Whitmore’s public testimony, she asked staff to clarify what types of animals are allowed in Shoreline.

Mr. Stewart noted that most farm animals are not allowed in Shoreline, although there was a question about pygmy goats a couple years ago. He pointed out that animal regulations are clearly outlined in Shoreline Municipal Code 20.40.240. He said staff would further investigate Mr. Whitmore’s complaint.

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Councilmember Fimia felt the Council should also address the safety and noise problems associated with the use of motorized scooters. Mayor Hansen and Councilmember Ransom concurred.

Mr. Stewart clarified that the police department is responsible for enforcement of the noise ordinance. He noted that enforcement of the noise ordinance involves many complex issues.

Mr. Burkett pointed out that the animal control code has many "gray areas" that can make enforcement difficult. Responding to Mayor Hansen, he said staff would return with more detailed information about Mr. Whitmore's situation.

Councilmember Ransom noted that domestic animals such as dogs and cats are allowed as household animals because they can be housebroken. However, animals such as goats cannot be housebroken. He felt this should be included as a criterion under the City's animal codes.

Councilmember Fimia concluded that the focus in code enforcement should be on behaviors and specific impacts to the neighborhood.

(b) Residential Permit Zone Parking

Jesus Sanchez, Operations Manager, and Rich Meredith, Traffic Engineer, reviewed the elements of the RPZ program. Mr. Sanchez noted that the RPZ is just another tool in the Neighborhood Traffic Safety Program. Mr. Meredith outlined the changes made to the proposed RPZ program based on the previous Council discussion. He noted that the RPZ program now establishes the minimum size of an RPZ, which is defined as five contiguous blocks. The program also limits the hours of operation and includes a special-event permit and free guest permits. He said the program is designed to ensure that the businesses/organizations that generate the problem are involved in helping find a solution. Finally, Mr. Meredith explained that staff is not recommending changes to the petition approval process.

There was discussion of how the 60 percent of households within a proposed RPZ boundary would be tallied.

Councilmember Ransom felt the issue of the count is very crucial, particularly in terms of who is qualified to vote. He felt it might cause conflict between neighborhoods if the procedure is not clear.

Mr. Meredith said the current approach is to have one signature per household (owner or renter). He noted that Seattle has been fairly successful in using this standard for many RPZs.

Mr. Burkett requested that Council approve the program as proposed without having to implement a complex voter registration process.

Councilmember Grace supported the proposed RPZ approval process. He clarified that RPZ approval is based on 60% of households signing a petition requesting an RPZ. He felt this could easily be determined if there is agreement about the number of households within the contiguous five-block area.

Mr. Meredith said the City's intent is to be more proactive in gathering responses if the City does not receive an adequate number.

Councilmember Ransom called attention to the difficulty of getting an adequate number of responses from the Highland Terrace neighborhood on prior surveys.

Councilmember Grace was comfortable with the 60% requirement since it is a citizen-driven program.

Councilmember Fimia felt the City should make it as easy as possible for citizens to respond to the survey. She suggested including a disclaimer at the bottom of the petition with a check box to indicate whether the members of a household over 18 years of age concur with the person who actually signs the petition. She also felt that the residents concurring with the RPZ should represent a two-thirds majority.

Councilmember Ransom felt that 60% of actual households was a fairly high standard to meet. He wondered if there were any areas in the City that currently meet the 60% criteria for an RPZ.

Mr. Meredith said that no areas currently are eligible for an RPZ, but the Highland Terrace neighborhood might have five contiguous blocks with more than 60 percent in favor.

Councilmember Chang wished to ensure that the RPZ program would not simply shift the problem to another neighborhood. He felt it should be monitored closely and that the Council should have the ability to change it along the way. Mayor Hansen agreed that the program should be flexible.

Responding to Councilmember Fimia, staff confirmed that the police department has reviewed this proposal and concurs.

(c) Washington State Department of Transportation letter

Councilmember Ransom explained that the Council's goal in writing the letter was to have a WSDOT representative on television, to speak directly to Shoreline citizens and business owners about the issues raised in the letter. He said the letter did not respond to this request. He expressed concern with WSDOT's response that it does not support a

traffic signal at N 149th Street. He said the Council should be prepared to debate WSDOT on that particular item.

Councilmember Fimia concurred. She noted that WSDOT's restatement of the issues in its letter does not entirely reflect the original issues, so a face-to-face meeting would help resolve any misunderstandings. She felt the Council should not accept the letter as a final determination, but instead should follow through on its original intent to have a WSDOT representative address the Council.

Councilmember Grace agreed, noting that such a discussion would not only provide guidance for the first phase of Aurora but also for subsequent phases. He did not feel WSDOT should continue to address issue #1 (proposed left-turn lanes for southbound SR 99 to eastbound N 145th Street) since it requires coordinating with the City of Seattle.

Councilmember Chang felt WSDOT should speak to the Council in person since it is partially accountable as the City's partner in this project. He emphasized the need for accountability and engaging in productive dialogue.

Councilmember Fimia requested that the most recent traffic accident statistics be provided for the first segment of Aurora Avenue. She requested clarification of the transportation manual statement that Shoreline has a "relatively low accident count."

Councilmember Grace moved to invite a representative of WSDOT to the workshop of September 20 to address items #2 and #3. Councilmember Ransom seconded the motion. Councilmember Fimia wished to ensure that the WSDOT response to item #1 is also clarified. A vote was taken on the motion, which carried 5-0.

Mr. Burkett noted that if this date is not available, staff would look for an alternative.

Councilmember Ransom moved to another topic. He noted that the KCLS wished to run its video on the City's government access channel. He also reiterated his desire to have the Council take a position on the KCLS ballot measure.

Mr. Sievers reiterated that the Council cannot take a position on the ballot measure unless a public hearing is conducted, which requires a noticing process.

Mr. Burkett advised against running the video, noting that the Public Disclosure Commission (PDC) has already contacted the City about the line between providing information and taking a position on a ballot measure. He said one of the things the PDC considers is the timing of the presentation of the material. Since this is right before the vote, he felt the PDC would say this video was unacceptable. He was also concerned that showing the KCLS video might set an undesirable precedent.

Councilmember Fimia suggested that the KCLS could submit the video to the PDC for approval and then submit such approval to the City. There was general Council consensus favoring this approach. Councilmember Fimia felt the City should follow a

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similar procedure regarding the information it disseminates to the public in order to avoid violations of PDC law.

Mayor Hansen briefly addressed the public comment relating to the vehicle-pedestrian accident that occurred on 15th Avenue NE. He pointed out that the driver, a senior citizen, failed to stop for a pedestrian in the crosswalk at NE 172nd Street. He noted that traffic devices would not necessarily protect pedestrians if drivers fail to obey the law.

Councilmember Fimia noted that such accidents are likely to occur more often if seniors are not provided alternatives to driving. She suggested that the City could implement stricter enforcement or appeal to the state for a drivers license renewal program for seniors.

7. CONTINUED PUBLIC COMMENT

Public comment was taken earlier in the meeting.

8. ADJOURNMENT

At 9:40 p.m., Mayor Hansen declared the meeting adjourned.

Sharon Mattioli, City Clerk