

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF STUDY SESSION

Monday, February 4, 2008 - 6:30 p.m.
Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ryu, Deputy Mayor Scott, Councilmember Eggen, Councilmember Hansen, Councilmember McConnell, Councilmember McGlashan, and Councilmember Way.

ABSENT: None.

1. CALL TO ORDER

At 6:34 p.m., the meeting was called to order by Mayor Ryu, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ryu led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exception of Councilmember McConnell, who arrived shortly thereafter.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

Bob Olander, City Manager, provided reports and updates on various City projects, meetings, and events. He announced that Cleanscapes has begun delivering garbage and recycle containers to Shoreline residents. There are openings on the Planning Commission (Commission) and Library Board and applications are available at City Hall or on the City's website. The completed applications are due by February 22 by 4:00 p.m. Additionally, the next regular Commission meeting is on February 7 at 7:00 p.m.

4. COUNCIL REPORTS

Councilmember Way, Deputy Mayor Scott, and Councilmember Eggen reported on their attendance at the Association of Washington Cities (AWC) legislative conference in Olympia, where each of them attended different sessions relating to affordable housing, safety, graffiti, and gangs. They also met with the legislators representing Shoreline.

Mayor Ryu then reported on her attendance at the conference. She communicated that there was an emphasis on infrastructure issues called "Washington's Invisible Backbone." She also met with the Mayor of Woodway. She added that she attended a meeting hosted by King County

Councilmember Bob Ferguson with other mayors from north King County regarding flood district funding requests.

5. GENERAL PUBLIC COMMENT

a) Edward Zanidache, on behalf of New Space Theater in Shoreline, invited residents to the theater to attend a play.

b) Dick Nicholson, Shoreline, commented that the Shoreline Breakfast Rotary Club will be finishing their project at Ronald Bog this spring through Parks bond funding, which includes tree plantings and work adjacent to the freeway buffer on the northwest end of the park.

c) Les Nelson, Shoreline, noted that the Planning Department kicked off the Town Center and City Hall/Civic Center projects. He felt the facility will not be "civic centered" and that people are being misled. He said there was some confusion at the meeting and people do not understand the goal.

d) LaNita Wacker, Shoreline, apologized for her comments at the Planning Commission meeting in which she spoke as a retired real estate broker about the functional obsolescence of homes. She clarified that she doesn't want to devalue anyone's home and pride of ownership.

Mr. Olander commented that the proposed Civic Center/City Hall will include much more than offices. He said the elements are intended to reach out to the community. He said the facility is slated to feature meeting space, a courtyard, a parking garage, art exhibits, a farmers market, and other art opportunities. He said this facility will be a major City focal point and will set an example along Midvale Avenue N.

Councilmember Way commented that the City Hall is a work-in-progress and as the City moves forward, citizen input will be crucial. She added that some of the confusion is due to different interpretations of the term "civic center."

Mayor Ryu said she is looking forward to having a civic center and that it needs to be something that encourages civic participation, especially if 1% is to be spent on art. She suggested having a skate park.

6. STUDY ITEMS

(a) Economic Development Advisory Committee

Mr. Olander introduced this item and stated that the Economic Development Advisory Committee (EDAC) guides the City's economic development effort. He discussed the successes of the ad hoc economic development advisory committee and said it unified people and their efforts. Last year, the Council adopted Ordinance No. 475 which established the 16-member committee; however, after advertising the committee, the Council decided to postpone it in order to have the newly elected Council have input into the process. He added that the revised City

Manager and Economic Development Manager's recommendation is before them and it can be brought back for final appointments at the next business meeting. Mr. Olander recommended a maximum of nineteen members on this committee.

Tom Boydell, Economic Development Manager, stated that Shoreline residency is not a requirement of this committee.

a) LaNita Wacker, Shoreline, stated that the creation of this committee is long overdue, and it seems to be a well-balanced group. She said Elaine Solberg, a real estate broker who is listed as an extra on this committee, would be good to have on the committee. She suggested adding someone to represent the single family housing market and long-term mortgage financing.

b) Dennis Lee, Shoreline, emphasized the need for balance, noting that Forward Shoreline tends to "know" what's best for the residents. However, residents want to see people who struggle with economic development issues to be a part of this committee. He warned that if the City isn't careful, this will turn into another way for business properties to downzone from commercial to residential. He added that the comprehensive plan and land use components have not been a part of this.

c) Les Nelson, Shoreline, commented that this committee is heavily weighted toward development and developers don't want a limit, but the residents do. He stated that the multi-story buildings don't match what the City is doing with the Comprehensive Plan. He asked that more neighborhood residents be added on the committee.

d) Wendy DiPeso, Shoreline, stated that it is important that the City has highly qualified developers on this committee that can do quality projects within a budget. However, small businesses also need to be represented. She added that mixed-use is needed, but if weighted with developers and not small business, then it will reflect their unlimited goals. She felt the City needs to define the end goal.

Mr. Olander stated that economic development programs have advantages and disadvantages. He noted that the tax base is predominantly residential, which burdens residents. One of the goals is to shift that and try to create more local jobs. The guiding document, he commented, includes improving the infrastructure, the retention and growth of existing small business, major commercial centers, recruitment of new businesses, and community development.

Mr. Boydell pointed out that 12 of the 16 recommended members are involved in small businesses and three of them have development experience.

Mayor Ryu communicated that Mr. Lee and Mr. Nelson are worried about increasing residential at expense of space for retail. Mr. Olander felt the City's goals are not weighted toward multi-family development. Mayor Ryu suggested the modification of Ordinance No. 475 if the City wants more members.

Responding to Councilmember Eggen, Mr. Olander clarified that the Council can add or reduce the number of members on this committee. Councilmember Eggen felt there is a bias in favor of development in the City. He felt there should be person who works in a large retail store, a person involved in the restaurant industry, and a person in the "green" industry who understands energy and sustainability technology. He suggested the addition of three members to the committee.

Councilmember Way concurred, noting that the committee will grapple with the question of "what kind of developing we want." She urged retaining the City's retail base and not to overwhelm the City with housing. She suggested that the City staff work with a Council committee to narrow down the choices.

Councilmember McGlashan felt the list as presented by staff was well-balanced. He said there are twelve representatives from small business, including eight business managers. He added that there are only two developers, and he doesn't see a reason to add more members. He suggested the Council move forward with the current nominees.

Councilmember Hansen agreed that the list looks balanced, adding that this was assigned to the City Manager to keep it from becoming politicized. He said it is presumptuous to guess what 16 individuals on an economic development advisory committee will come up with. He said the City Manager has done an excellent job.

Councilmember McConnell commented that she has been on several large committees and she does not understand the need for 19 members. The larger this committee becomes, the more difficult it is to make decisions. She added that she is not in a position to look at each of the resumes and consider them in the same light as the City staff has already done. She also felt that developers bring in a bigger picture and a level of experience that is needed on the committee. She agreed with the proposed list.

Councilmember Eggen agreed that the people on the list with the development experience are good, but felt there is a predominance of developers on the list. He said there are also small businesses that need to be considered on the committee.

Councilmember Hansen said there are 12 small business representatives on the list with only one active developer. He added that three of the small business people on the list have development experience.

Councilmember Way said there are three developers on the list and the Council is not against developers, but having a mix is important. She suggested there be another woman on the list and a restaurant owner.

Mr. Olander summarized that the Council should focus on the base question of whether to expand the committee.

Deputy Mayor Scott commented that the Council represents the public and this item needs some fine tuning by a committee. There is a person with an economics consulting background that isn't listed as a possible member on the committee, and that concerns him.

Mayor Ryu said that the reason she asked about a maximum number of members is the last Council wanted it to be more than twelve members. Now, she explained, she is hearing that at least four Councilmembers would like to see representatives from other local cities. Therefore, if the Council wants to see more representation, she would support it. The more diverse, the richer the outcome, she stated.

Councilmember Way moved to have the City staff work with a small Council committee to nominate members and bring to the full Council. Mayor Ryu seconded the motion.

Councilmember Eggen moved that the committee only consider additions and not remove any of the current nominations. Councilmember Hansen seconded the motion, which carried 5-2, with Councilmember Way and Mayor Ryu dissenting and Councilmember McConnell abstaining.

Mayor Ryu moved that the committee be comprised of an indefinite number of members. Councilmember Way seconded the motion. After further discussion, Mayor Ryu moved that the total number of members be restricted to 22. Councilmember Way seconded the motion. A vote was taken on the main motion to direct City staff to work with a small Council committee and nominate members to recommend to the full Council a total of 22 committee members, which carried 4-3, with Councilmembers Hansen, McConnell, and McGlashan dissenting.

Mayor Ryu volunteered to serve on the subcommittee, along with Councilmember Way and Councilmember McGlashan.

Mr. Olander said he has grave concerns about the size of this committee and said it is hard for a group of this size to have reasonable discussion and arrive at a conclusion. He suggested a limited number of participants.

(b) Ronald Bog Drainage System Update

Mr. Olander introduced Jesus Sanchez, Public Works Operations Manager, Tricia Juhnke, Capital Projects Manager, Jerry Shuster, Surface Water Manager, and Ross Heller, Project Engineer.

Mr. Sanchez presented information on the Thornton Creek basin, which is a sub-basin of Ronald Bog. He added that the bog history includes past projects in the entire basin. He highlighted that this presentation will focus on the Surface Water Master Plan, short term actions, currently planned projects, future planned actions, the Surface Water Utility Fund, and concludes with a summary and recommendations.

Mr. Schuster noted that the southern portion of the Ronald Bog neighborhood was built on top of the bog. He added that from an engineering perspective, this is a very difficult problem to solve. He stated that the Surface Water Master Plan is the first one adopted in the City's history.

Ms. Juhnke discussed the major projects completed in the basin which focused on reducing flooding while not increasing downstream flows. She noted that there have been upgrades since the December 2007 flooding that the City experienced in that area.

Mr. Schuster outlined future planned actions, noting that the City needs to generate a detailed and comprehensive basin plan that may include flood plain mapping to assist the City in resolving this issue. Unfortunately, standard flood protection methods will not work in this neighborhood.

Councilmember Way commented that the trees along the bog have struggled and wanted to know if the City needs to integrate a tree restoration project and a National Wildlife Federation Habitat Project there. Mr. Sanchez responded that there should be some coordination concerning that project and this is a regional WSDOT detention facility. WSDOT has already stated it will work with the City to create a conveyance system along I-5.

Councilmember Eggen confirmed that the primary goal of the improvements south of Ronald Bog on Corliss Avenue is to make sure the bog stays at a low level before it rains so there is capacity.

Mr. Schuster said there have been periodic studies to see if the City's storm water utility fees are adequate for improvements. Additionally, FEMA grant funding along with King County Flood Control Zone District funds are also being considered for upgrades.

Mr. Sanchez stated that the bog is a complex system that requires a strong and detailed analysis of its hydrology. He highlighted that the City doesn't know the final solution and it is important for the City to understand there are historic flows. These historic flows need to be maintained and they represent the maximum amount of water that can be sent through the system. He also said the City will deal with detention levels and conveyance issues.

Councilmember Hansen wanted to know where the water flow will discharge if a bypass pipe is run down I-5. He stated the freeway has changed the entire hydrology of the area.

Mr. Olander noted that overall strides have been made to reduce flooding throughout the City. He highlighted that there are more severe and difficult flooding issues in the City, and the City shouldn't put all of its resources into Ronald Bog and Thornton Creek. However, the City staff knows this is one of highest priorities. There are intermediate solutions such as detention which is already in the capital budget. However, he felt the next step is to take a more comprehensive look at the City drainage basins: McAleer, Ballinger, Boeing Creek, and Thornton Creek. The City needs more detailed drainage basin plans and time to validate computer models. He said once they are validated and the plans are complete, more capital projects will be generated.

Mayor Ryu called for public comment.

a) LaNita Wacker, Shoreline, commented that there was a lake created along I-5 and an active peat dredging business. She added that the removed peat is a part of what protected homes south of the bog.

b) John Behrens, Shoreline, said there used to be two lakes and a fish stream that were 150 yards north of the park. With the effects of development, the lakes were drained and the bogs were removed. He said when pervious structures are eliminated, the flows pass into Ronald Bog. He summarized that it is going to take an intelligent use of funds for the City to deal with this problem. He concluded that new developments need to have impact fees.

Councilmember Eggen asked if there were opportunities for infiltration along I-5 between Ronald Bog and 145th Street NE.

Mr. Sanchez responded that the City is very early in process and there has been discussion about a potential pipe system or detention. However, he is not sure if it's an option at this point.

Councilmember Eggen wondered if any new construction in the basin should require more infiltration and possibly have a zero-runoff requirement.

Mr. Olander responded that one of the goals is to adopt the King County drainage manual and some low-impact development standards which would require more on-site infiltration on site, not just detention. He said getting technical data will help, but if 99% is already built out, the City will have to consider how to retrofit existing neighborhoods.

Mr. Sanchez outlined that every basin is unique. He noted that the Thornton Creek basin is largely glacial till, which does not readily infiltrate.

Councilmember Way highlighted page 14 of the staff report which said "overdevelopment is the root cause of the problem." She added that a comprehensive basin plan is needed to include impact fees.

Councilmember McGlashan clarified that no work was going to be done on Station 25 until the bog capacity has increased. Mr. Schuster responded that he was correct and that the flows go directly into the bog.

Councilmember McGlashan highlighted that there were 12 homes between 172nd and the bog, and almost half of them flooded. He said people need training on sandbags. Mr. Sanchez said the City staff met with residents as best as they could on the placement of sandbags and how to fill them during the event. Councilmember McGlashan inquired about containment vaults and wanted to know if it is something the City can start using to catch overflow. Mr. Sanchez said the City needs to look at all opportunities for detention, including natural bio-swales.

Councilmember McGlashan questioned if a bio-swale could be added to the area between the homes and I-5.

Mr. Sanchez responded that there needs to be a study of the area, both above and below ground. He noted that WSDOT will also be preparing a report on the area.

Councilmember McGlashan asked if the City can do anything to help with flood disclosure on homes that are sold. Mr. Sanchez replied that there are state housing laws which require such disclosure. Mr. Olander added that the area is not in a mapped floodplain zone and there are advantages and disadvantages to that.

Mayor Ryu discussed the various options that came with the Cromwell Park study and she is glad to hear the City is looking at a 1.5 to 3-acre figure. She said she didn't think all the water can be contained all of the time, so infiltration needs to be considered. She said the residents and City staff will need to be proactive to prevent flooding. She asked about the Olympia tour concerning economic impacts and said there is a zero-impact development code that the City of Tumwater has adopted. She felt that if the City should encourage builders to build green and provide incentives.

Councilmember Way commented that she visited the zero-impact site in Olympia. She added that there is a project in Spanaway with 5 to 6 miles of low-impact swales. She asked the City staff to consider what type of funding is available in order to do something similar in Shoreline.

RECESS

At 9:24 p.m., Mayor Ryu called for a seven minute recess. At 9:32 p.m. the Council meeting reconvened.

(c) Resolution No. 271 adopting the Planning Commission's 2008 Work Plan

Joe Tovar, Planning & Development Services Director, commented that last year the Council passed Resolution No. 254 which was the Planning Commission (Commission) work plan. He said this new plan has been reviewed by the Commission with some revisions. He said the Comprehensive Housing Strategy, the Environmentally Sustainable Community Strategy, and the Ridgcrest Commercial Community Vision would drop off of the work program as completed tasks in the next couple of months. He said the Town Center, South Bridge Subarea Plan, Shoreline Community College (SCC) Master Plan, and the Southeast Shoreline Subarea Plan would be in the work plan. Additionally, the City staff is monitoring the Fircrest Master Plan. He highlighted that the chart attached to the resolution doesn't represent the entire work program, only the major items. He stated that subarea plans and legislative area rezones are tools the City can use to implement the comprehensive plan. He proposed that the South Aurora Triangle be combined with the South Bridge area, and then dividing the entire area into five distinct subareas. He added that the Commission recommended reassigning review of quasi-judicial items to the hearing examiner; however, the Council would remain the decision-making authority for quasi-judicial matters.

a) Susan Melville, Shoreline, stated she is trying to locate a traffic study letter from the attorney of the Overland Trailer Court to the City. She said last week there was a Parkwood traffic meeting, and a City staff member said there was a parking study done. She commented

that said there was no neighborhood outreach done. She discussed the neighborhood meetings coming up in May and October. She also discussed the March hearings on the moratorium and the June 19 South Bridge Planned Area update. She said she is a regular citizen trying to navigate through the bureaucracy and it would be helpful if she could talk to somebody and have answers to what really exists. She concluded that Mr. Tovar has been very generous with his time, but she can't go to him all of the time.

b) Les Nelson, Shoreline, commented that he thought the Commission didn't want the quasi-judicial hearings to go to Hearing Examiner. He commented that the language in the Growth Management Act concerning the subarea plans is clear, but the City's is not. He felt the City is changing the definition of how subareas can be treated. He also stated that he would like to see the separate zones treated comprehensively and with some fairness. He felt there needs to be interim controls which would allow the communities to agree what should be in the Comprehensive Plan.

Mr. Tovar responded that the Commission does want to retain much of their work responsibilities which are on page 23. He also replied that a traffic study was not submitted for the 152nd Avenue project, only a parking study which was reviewed and is available to the public.

Councilmember McGlashan asked if the developer did a traffic study and didn't submit it to the City. Mr. Tovar responded that there was a neighborhood meeting and members came and spoke to the Council. Shortly thereafter, a moratorium was introduced by the Council which prevented the development and any applications being submitted to the City.

Councilmember Way asked what types of things are not included on their work plan list. Mr. Tovar responded that the Commission agenda planner is no more fixed than the Council agenda planner. However, it highlights lots of things they will address in the future.

Councilmember Way added that she would love for each of the Commissioners to send the Council a priority list so the Council can see what they are interested in. She asked why in the subarea plan the Echo Lake section stops at N 195th Street.

Mr. Tovar replied that his thinking has evolved and this is a discrete area; different from what lies north and south of it. He added that the Town Center study will determine where the boundaries lie because it will extend to N 195th Street.

Councilmember Way asked if the Commission knows how the different areas will impact each other and if everything is being considered as a whole.

Mr. Tovar replied that some areas need to be delimited because everything can't be considered at once. The subarea plan, he explained, can synthesize all the land use statements and come out with policy at the end. These statements will be very specific to each area which will stop the endless, parcel-by-parcel debates.

Councilmember Way stated that she would still prefer all of Echo Lake included in the same subarea.

MEETING EXTENSION

At 10:00 p.m., Councilmember Way moved to extend the meeting until 10:30 p.m. Councilmember Eggen seconded the motion, which carried 4-3, with Councilmember Hansen, Councilmember McConnell, and Councilmember McGlashan dissenting.

Mayor Ryu suggested the Fircrest Master Plan be added to the Commission work plan.

Mr. Tovar urged the Council not to get fixated on the agenda planner and that the Commission has recommended these items to the Council. He added that sign code amendments can also be added to their list.

Councilmember Way commented that the Commission is very busy. She suggested that there be a subcommittee made up of Council and citizens to come up with an environmental design review committee to manage several of these items. She also firmly opposed the idea of having the hearing examiner take on quasi-judicial cases. She commented that the hearing examiner is a judge, and isn't user-friendly. She felt the Council should request that the Commission not relinquish this duty.

Mayor Ryu commented that she has heard arguments for and against Aurora Avenue and the decision process was pretty "cut-and-dried." She asked if there is any kind of flexibility in hearing examiner proceedings.

Mr. Tovar responded that judges make decisions, whereas the Commission and the hearing examiner make recommendations to the Council. The Council would be free to take or dismiss the hearing examiner advice. He added that any quasi-judicial issue that comes up is governed by specific criteria in the code, evidence, facts, policies, and regulations and the hearing examiner is trained in handling that. The Commission is not.

Mr. Sievers highlighted that the rules of procedure are distinguished by a pre-decision hearing and the same rules apply to the Commission and the hearing examiner. He commented that the nature of the hearing shouldn't change if the case is heard by the hearing examiner or the Commission.

Mayor Ryu commented that the nature may not change, but the quality of the hearing may change based on the fact that the hearing examiner isn't vested in the community.

Mr. Sievers responded that community panels bring different things. He agreed that the hearing examiner would probably be more disciplined in what they're looking for in their recommendations.

Mr. Olander added that a quasi-judicial hearing should be less subjective. He said hearing examiners are trained to be more objective. Quasi-judicial hearings should be based on rules,

facts, arguments, etc. Hearing examiners are better at forming an appropriate record, he stated. He agreed that the Commission would bring the values of the community into consideration, but they must be careful not to be too subjective.

Mayor Ryu summarized that a hearing examiner would have a very correct process, but the City doesn't have a perfect development code. She noted that the Commission can overlay community values.

Councilmember Way said this is an extremely important issue and it goes to community character. The hearing examiner will interpret the law, she said. Additionally, the Commission is not paid and the hearing examiner is contracted by City which may have some implications in the future. She felt the Commission has a more community-based view by their nature.

Councilmember Eggen agreed that this needs to be taken seriously. He felt he would need to know how much the costs associated would be and if there are any other reasonable alternatives based on the Commission work load. He wondered if the Commission could form two bodies to work on non-controversial items.

Mr. Tovar relayed that the Commission didn't want to split into two bodies. Another alternative, he pointed out, would be to move everything back by three or four months and have them work on all of it.

Mayor Ryu added that a third option would be to create an environmental design review committee. She said she is sure the Commission would like to stay together, but perhaps the City needs another body to handle quasi-judicial hearings.

Mr. Olander commented if the City creates a second Commission to hear quasi-judicial items he is not sure how well it would be received.

Mr. Tovar said he is not keen on it. He said the quasi-judicial items are like permits, and the idea is to have the applicants pay the costs of the hearings.

Deputy Mayor Scott summarized that the Commission would like to have the quasi-judicial items heard by the hearing examiner. The concern, he explained, is that the hearing examiner is not from the community and will only give the technically correct answer without any community values included. He added that the Commission doesn't want to split in two, so he wondered about their reluctance to break into a subgroup for quasi-judicial items.

Mr. Tovar replied that there wasn't a lot of discussion on that, but reluctance because they were concerned about how to divide the legislative items from the quasi-judicial work.

Councilmember Eggen expressed concern if portions of the Commission, or a new Commission focused on quasi-judicial items because they might adapt a more technical decision-making style.

Councilmember Way said she isn't suggesting breaking up the Commission. She said she is suggesting another committee be formed.

Mr. Olander commented that the Commission felt a design review board should be created in the future. However, the City needs the design review standards first. He commented that the environmental sustainability portion is intriguing, but it creates another layer of work and should be submitted as a Council retreat item.

Mr. Tovar stated that the resolution is a statement of intent and could be brought back for action. He suggested the quasi-judicial element could be removed and the Council could adopt the resolution and validate the Commission's priorities.

7. ADJOURNMENT

At 10:32 p.m., Mayor Ryu declared the meeting adjourned.

Scott Passey, City Clerk