

**CITY OF SHORELINE**

**SHORELINE CITY COUNCIL  
SUMMARY MINUTES OF STUDY SESSION**

Monday, January 5, 2009 - 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 6:33 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 Way, who arrived shortly thereafter.

**3. CITY MANAGER'S REPORT AND FUTURE AGENDAS**

Bob Olander, City Manager, provided reports and updates on the various City projects, meetings, and events. He noted that there will be six Regional Jail Planning Environmental Impact Statement meetings that anyone can attend and submit comments. The first meeting will be in Shoreline on January 7 at 6:00 p.m. at the Shoreline Community College Theater.

Councilmember Eggen questioned if the EIS can address economic and social issues, to which Mr. Olander responded affirmatively.

Mr. Olander discussed the anti-tagging/anti-graffiti work program and introduced Sergeant Katie Larson. Sgt. Larson outlined the anti-graffiti program and played the anti-graffiti video public service announcement. She highlighted that there is a paint bank at the Eastside Police Storefront for residents to remove graffiti.

Councilmember Hansen felt that the City shouldn't penalize property owners who are the victims of graffiti.

The Council then engaged in a brief discussion about the City's response to the recent snow storm. Deputy Mayor Scott commented on the snow storm. Mr. Olander noted that the Fire and

Police Departments, Parks, and Public Works all responded to the snow event and their coordination between each other went well. He added that there will be a report from Public Works at the January 20<sup>th</sup> Council meeting.

#### 4. COUNCIL REPORTS

Councilmember McGlashan thanked the community for its support of Tent City. Councilmember McConnell said Tent City has a lot of residents concerned and she hoped the community understands it's a great thing to help people. She said the community has rallied and hopes the immediate neighbors are more comfortable.

Mayor Ryu said Ronald United Methodist Church is celebrating its 100-year anniversary this year. She congratulated them and said they published a Council photo in their brochure.

#### 5. GENERAL PUBLIC COMMENT

a) Mary Weaver, Shoreline, stated that the Council packet talks about removal of six trees and compared it with the three tree removal limit in Seattle. She commented on the City's "rainy day fund," noting that it was never voted on by the residents. She stated that she was stuck at home for two weeks in the snow and the consensus from her neighborhoods was that the cities weren't doing anything. She said she supported using salt on the roads.

b) Janne Kaje, Shoreline, said on November 20 the Ballinger Neighborhood learned that the old Kellogg school could host a regional jail. He said there was no public discussion and the Council authorized the City Manager to proceed. He stated Councilmember Hansen is the representative on the jails consortium and wanted to know why the Council ceded all authority to the City staff. He said it will decimate property values and the Council engaged in executive session discussions out of the public eye. He felt Shoreline residents would choose to pay a higher price rather than to have a jail here.

c) George Mauer, Shoreline, said he put in a public record request for Cleanscapes and it has been two weeks without the document he needs. He wanted to amend the request to give the City staff a chance to show their commitment to public transparency. He discussed secrecy in government. He proposed to have the Council put individual links to all contracts on the website and all resolutions and agreements that generate revenues to the City.

d) Lanita Wacker, Shoreline, commented on the jail siting process. She said the NRF program existed here and property values and crime was not affected. She said it is essential that the public know the difference between a felony and misdemeanor. She said municipal court has limited jurisdiction, with the judge having only one year sentencing capability. Misdemeanants are people in our community who don't use weapons, aren't rapists and murderers, and aren't drug dealers. She said these people will be found guilty of offenses against the municipal code the City adopted.

Mr. Olander responded that the City's "rainy day fund" is not subject to voter approval. He noted that there was an initiative allowing City's to initiate a reserve fund.

Julie Underwood, Assistant City Manager, responded to Mr. Kaje's comments regarding the jail siting process. She said the City is only obligated to provide one site under the jail consortium and this is one of the six proposed sites. She discussed the open meetings question and said there was an executive session held in July last year and there was a broader list of sites reviewed at that time.

Councilmember Way questioned why citizens weren't told ahead of time about the jail so they could work on the choice of the site.

Ms. Underwood replied that the City would still need a jail even if it wasn't a part of the consortium. She added that it doesn't make sense to have multiple sites in Shoreline go through an expensive EIS process. She noted that it increases our odds of not having a site chosen in Shoreline if the City stays involved in the process. She added that the City staff has advised residents and everyone to hold back for the time being; the decision-making process will come later when everyone can get involved.

Mr. Olander added that no decisions should be made until environmental information is gathered as one of the key decision-making tools. He said the City staff will help the public focus their comments so they have good input in the process.

Councilmember Way felt it is important for people to attend these meetings and submit comments about impacts on specific sites. She said comments have to be in the record to be considered as part of the EIS. She urged residents to go to the NEC website, the neighborhood website, and the City website.

Councilmember Eggen asked about the impact of using salt on the roads once every few years. He asked the City staff to bring back information on snow removal techniques. Mr. Olander said he would have Mr. Relph address those questions later.

## 6. STUDY ITEMS

### (a) Transit Update

Kirk McKinley, Aurora Corridor Project Manager, stated that the City needs to plan for the impacts the many transit projects will have. He added that the Transportation Master Plan (TMP) update will be done this year. He discussed each of the three high capacity transit systems that are in the works; Sound Transit (ST), Community Transit (CT), and Metro. ST includes light rail through Lynnwood with two stops in Shoreline; one at 145<sup>th</sup> and 185<sup>th</sup>.

Mr. Olander highlighted that the City staff doesn't want to speak for ST, nor do they want to try to interpret their intent.

Councilmember Way commented that she is interested in Ms. Batey's letter and the deletion of funding for BAT lanes.

Mr. Olander stated the City is advocating for stops in Shoreline as part of ST2, which are no longer in the ST2 budget when they extended to the 15-year plan. However, the City has a number of sources to pursue, such as the renewal of the Highway Transit Act, an economic stimulus package from President Obama, and state funding.

Mayor Ryu questioned if it is better to get \$20 million for the Aurora Corridor or to get two stops for the long term. She said obviously the two stops make better long-term sense, but she wanted to know if the expectation is realistic that ST2 will be done by 2020. Mr. McKinley stated that the City staff will push to ensure the corridor moves along quickly.

Mr. Olander commented that ST2 was approved by voters and there are two stops in the plan. He noted that it would be in bad faith to do otherwise.

Mr. McKinley then discussed CT Bus Rapid Transit service from Everett to the Aurora Village Transit Center in Shoreline. He said this service will start at the end of 2009 with 18 stations and a stop every mile. He noted that they also have the ability to buy tickets at the bus stop, also called SWIFT ticketing.

Councilmember Eggen said he thought SWIFT would use raised platforms and others would use surface level stops. Mr. McKinley stated that SWIFT buses have slightly raised curbs and Metros doesn't include the raised curbs. He stated that the tickets aren't going to be transferable. He added that CT is building separate stations. He added that Metro BRT won't be at every signal in Seattle.

Mayor Ryu read from page 5 and asked if there is a possibility that Shoreline taxpayers will be paying and not getting services. Mr. McKinley said she was correct and he will elaborate on this later.

Councilmember Eggen commented that Seattle doesn't have BAT lanes in north Seattle and inquired if they are trying to run it on other lanes. Mr. McKinley replied that there won't be any BAT lanes in Seattle by the time this starts.

Mr. Olander commented that during rush hour and peak flow they will probably eliminate the parking in outside lanes to increase service.

Mr. McKinley then discussed Metro budget issues and anticipated shortfalls. He noted that Metro is updating their Comprehensive Plan, Public Transportation Plan, and Strategic Plan for Public Transportation (10-year plan). He noted that Metro service changes can negatively impact Shoreline. He said that service hours are split 40-40-20, where 20% of the hours go to the Seattle/Shoreline area. Service reductions are based on where the service hours exist. However, City staff is recommending changes.

Councilmember Way said this isn't good because they are reducing our service hours despite increased ridership and need. She commented that the Aurora Corridor in Shoreline is scheduled to be the last area to get staggered routes, which is unacceptable. She said she knows King

County has huge budget problems, but Shoreline needs some assistance from them on this. Mr. McKinley replied that Metro isn't reducing service hours now, but it is pending in the future.

Mr. Olander stated that the City has had ongoing discussions with King County Councilmember Ferguson, and Metro has kept hours the same but in 2010 and 2011 they will be revisited. He said the City has contacts and Councilmember Ferguson is a strong advocate for Shoreline's service hours.

Councilmember Eggen noted that changing policies will require cooperation with lots of cities. He said the 40-40-20 split is one example because Shoreline and Seattle are in the same area. Any changes will require work and lobbying at a high level. He said there needs to be discussions on how to modify the formula.

Deputy Mayor Scott asked if Shoreline's ridership with CT is being tracked as opposed to Metro. He said it would be easy for Metro to say there is less ridership per capita if it's not being tracked. Mr. McKinley said since the routes end in Shoreline, the City needs to keep an eye on it. He also discussed Metro's Planning Projects and their Transit Oriented Development at the 192nd Street Park and Ride.

Councilmember McGlashan questioned if Metro would service north of 192<sup>nd</sup>. Mr. McKinley responded that Metro wants to continue some service to the Aurora Village Park and Ride. Councilmember Hansen said that 192nd makes a more sensible transfer point for CT to integrate with Metro.

Mayor Ryu called for public comment.

a) Dennis Lee, Shoreline, said he drives 99.99% of the time. He said he takes the bus for jury duty and feels like a second-class citizen when he does. He said when the cost of gas goes up and people take the bus, then fares go up and that doesn't make sense to him. He said giving people money back to take the bus is cheaper. He said the basic thinking has to change so when buses are needed, they work well and the entire system gets rewarded.

## RECESS

**At 8:20 p.m., Mayor Ryu called for 5 minute break. The Council meeting reconvened at 8:27 p.m.**

### **(b) 2009 Planning Commission Work Program**

Joe Tovar, Planning and Development Services Director, provided the staff report on the Planning Commission Work Program. He stated that this is the initial review of the major items important to Council. He noted that the scope of the RB zone is scheduled for February 2. Additionally, the PC expressed concerns about tree regulations and design review. He noted that this is a very ambitious work program and suggested that the Commission extend their meetings from 7:00 - 10:00 p.m. He said they have agreed to two meetings a month for four of the first six

months of 2010 and three meetings a month for the remaining two. The schedule, he stated, has a lot of things in the first half of the year. He noted that another town hall meeting is scheduled on Point Wells and discussed the slopes in the Woodway, Point Wells, and Richmond Beach area. He added that there is no good vehicular access and the default route into Point Wells is to through Shoreline on Richmond Beach Road.

Councilmember McGlashan inquired about using Heberline Road. Mr. Tovar replied that it is an old, washed out, overgrown road that was a through road at one time. He noted that anything over a 15% slope is going to be a critical area. He said the proposal from Snohomish County is for them to designate the area as an urban center. The Shoreline Comprehensive Plan (CP) identifies Point Wells as a potential annexation site and has a mixed use land use designation. He noted that he wanted to make the Council aware of this and determine if the Council wants to possibly consider initiating a CP amendment.

Councilmember Way asked if there was any information from Snohomish County concerning how much of the site is an environmental critical area. Mr. Tovar replied that it will be disclosed as a part of the draft EIS. Mr. Olander felt it would be useful to have a plan amendment clarifying the City's intent.

**There was Council consensus to direct City staff to work on a Comprehensive Plan amendment for Point Wells.**

Mr. Tovar commented that the City will need to see what the EIS looks like in order to know how to respond.

Councilmember Eggen questioned if the CP amendments had to be done by the end of January. Mr. Tovar responded that applications have to communicate what CP changes are requested; then the Council decides on what to put on the docket.

Councilmember Eggen commented that the CP amendments aren't on the Work Plan. Mr. Tovar replied that pieces of it are, such as Point Wells, Visioning Process, Town Center Subarea, and the SE Neighborhoods zoning.

Councilmember Eggen noted that this would be worked on in piecemeal fashion rather than having a major effort in September or October. Mr. Tovar commented that the visioning piece is really the kickoff because it informs everything else.

Mr. Olander noted the City has already initiated work plans that will end up in the CP. If there are suggestions from public and the Council decides to docket them, that would translate into a late fall work item.

Councilmember Eggen highlighted that there can only be one CP amendment each year and all of it has to be put into one attempt. Mr. Tovar clarified that it all has to be docketed at once so all the collective impacts are noted. However, a subarea plan like Town Center is an exception because once the visioning is done this spring, the City will know much more about what the density will be there.

Mr. Olander added that the CP amendments from the public will have to be prioritized between which ones are urgent and which ones can wait until after the major CP revision.

Councilmember Eggen asked that the Point Wells EIS be provided to the Council when it is available.

Councilmember Way questioned if the Transportation Master Plan (TMP) and Shoreline Master Program (SMP) will be postponed to later in the year. Mr. Tovar replied that this is a matter of keeping the Commission and Council informed. He stated that the SMP is due in 2011.

Councilmember Way also asked if "office zone" corresponded with the RB zone regulations. Mr. Tovar stated that the City staff is working on that question and that there are permit regulations for RB zones that won't work. The discussion needs to happen concerning alternatives for transitional zones. The February 2<sup>nd</sup> date will be important, he added, because the City staff can bring RB, trees, and design review back to the Council for discussion. He noted that the Commission doesn't think trees or design review are that important at the present time.

Councilmember McGlashan stated that when Point Wells develops, Shoreline will be heavily impacted. He wanted to know why there is no discussion about annexation in the Work Plan concerning the Snohomish County update. Mr. Olander commented that it is the policy of Council that it should be annexed by Shoreline. He said annexation is subject to voter approval or a property owner initiative. In this case, the property owner has not indicated annexation to Shoreline, but the City will talk to the property owner and Snohomish County about service delivery issues.

Councilmember Eggen commented that providing access to Point Wells, whether a part of Shoreline or not, is going to be difficult because Richmond Beach Road can't handle increased traffic. Mr. Olander concurred, noting that future residents of Point Wells will be using the Richmond Beach library, parks, and everything else. He said if the EIS is good, it will identify impacts and mitigation and the City will do detailed review of impacts as a part of our response.

Councilmember Way inquired if the City is a party of record with Snohomish County on this issue. Mr. Olander noted that this is a public process, but it is critical to initiate an outreach with our neighborhood there. He added that the City has always had a good relationship with the Richmond Beach Neighborhood Association (RBNA).

Mayor Ryu commented that she is in favor of reserving the first half of the year for tree regulations. She commented on the design review process.

Mr. Tovar commented that the discussion still needs to occur about the scope and size of homes and whether there should be other forms of housing allowed in Shoreline. This information, he noted, may benefit the vision. Mr. Olander commented that it also may depend on how much the Council and City staff get into the RB and office regulations.

Councilmember Way noted that the tree issue is listed on the Commission Work Plan for February, then back to staff in March and April, then more Commission in May and/or June. Mr. Tovar replied that he wanted to talk to the Commission about the scope, then bring it to the Council. He felt the issue is probably going to take longer than noted on the plan.

Councilmember Way said she preferred that it be addressed in a complete manner. Mr. Olander commented that other cities have tackled this issue and templates can be used.

Councilmember Eggen said there is basic land use confusion between RB and CB. He said there should be a policy determining what RB and RB/CB should be; then it should say CB land use can only go up to CB zoning. He felt there should be a clear difference between what can and cannot be done. Mr. Tovar responded that on February 2 the City staff will lay out some alternatives to fix the land use policies so they correspond.

Mr. Olander stated that relatively quick fixes will help, but over next two to three years there will be fundamental changes as part of the update. He thanked the staff and Commission and said this is an ambitious plan and appreciated all the work they do for community.

Mayor Ryu called for public comment.

a) Dennis Lee, Shoreline, said the first four items are all interconnected. He discussed how the visioning/RB zoning problem was created. He said there was some legislation that doesn't have updated documentation and the City is talking about just relabeling them; however, the visioning process drives them. He said it is easy to have transition zones in RB, and is bothered when he sees the lack of attendance by the public at Commission meetings. He felt the poor attendance is evidence that something isn't being done right.

b) LaNita Wacker, Shoreline, commended the Commission and City staff for all the work they project for the future. She said Point Wells is absolutely essential and must be annexed and the City needs to convince the developer that he wants to be in Shoreline. She said if Point Wells is adopted as a subarea plan or a master plan, some kind of waterfront area can be developed in Shoreline which would make the City more attractive. She said the City doesn't want one-time mitigation fees. Instead, she suggested the City bill Snohomish County \$5 million annually because all these services must be provided by Shoreline and it must be able to recoup those costs.

Councilmember Way said she agreed with Dennis Lee's idea about transitional zones.

Mr. Tovar confirmed that the design review would be postponed until the second half of the year and the tree discussion would take place on February 2<sup>nd</sup>.

(c) Continued Discussion of Proposed Amendments to the Development Code and the Surface Water Management Code

Mark Relph, Public Works Director, joined by Jesus Sanchez, Operations Manager and Jeff Forry, Permit Service Manager, provided the staff report.



Mr. Relph said the City staff is wrestling with the Clean Water Act and the ability to change things is a challenge while looking to others to approve our work. He noted that the staff is trying to mirror federal and state regulations and said there will be work required to develop materials that help explain the regulations through outreach, training, and public education.

Mr. Forry explained the Clean Water Act and objective 11 and 12. He also discussed public education and outreach and that the City should consider using *Currents* as a viable tool for this. He said that the proposed standards would lower the threshold for drainage review. He discussed the Stormwater Retention Plan, Stormwater Pollution Prevention Plan, sources of pollution, preserving natural drainage systems and outfall locations, and managing stormwater on-site. He discussed efforts to look at different alternatives and recommended adopting the Department of Ecology (DOE) manual as the best option.

Mr. Sanchez suggested that adopting the DOE manual will set a higher standard for the City in terms of water quality and control. He said the goal is to develop the administrative rules by March 2009.

Mr. Olander said that because the DOE manual is scientifically based, the City would have to prove its own science if the Council wanted to adopt something else. That process, he noted, would be very difficult. He said a major policy question for the Council is whether to make it optional or required. He said the more the Council implements LID techniques on site the more cost savings are realized and that is where the benefit comes in. It then becomes a matter of reviewing the stormwater impacts and possibly creating differential rates.

Councilmember Way asked for a summarized version of the decision on Phase 1 as it relates to pollution controls. Mr. Relph replied that the Phase 1 cities (NPDES population over 100,000) LID issue came up in a lawsuit and it was decided that a Phase 1 LID be required when feasible. He added that the State Pollution Control Board is considering adding Phase 2 cities in this lawsuit and it is likely that they will.

Councilmember McGlashan questioned if there was any way developers could get out of adhering to this. Mr. Sanchez responded that they would have to conduct a due diligence study to show it is not feasible. He also noted that the City will have to amend regulations to align with the state definition of "feasible."

Mr. Olander added that site features may not make a site feasible, but if so they just default to the other standards so there won't be any issues. Mr. Relph said the State Pollution Control decision says on-site detention is not protecting all streams. He said the City staff is comfortable with the DOE assessment on ways to protect resources. Mr. Olander commented that soil conditions and topography also make a big difference.

Councilmember Eggen appreciated the imperatives the City is acting under and agreed with the approach of using "best available science" and mandating LID. He expressed concerns with the clarity of the regulations and felt developers want to know the best thing to do. He also said they don't always want to hire an expert. He identified areas in the current draft that he thought were confusing. He supported this item but felt some of the language should be clarified.

Mayor Ryu called for public comment.

a) Mary Weaver, Shoreline, questioned if residents are going to be charged through Ronald Wastewater District for impervious surface calculations. She said she lives on a large piece of property and wanted to know if it will cost her more.

Mr. Forry replied that there are current stormwater charges on properties and some credits may be given on that charge if LID is employed. Mr. Relph commented that only the surface water utility has the potential of changing, either up or down. However, there is an opportunity in the rate structure to explore differential impacts.

Councilmember Hansen added that there is a per parcel charge for all residents for surface water and if a certain threshold is reached, then it increases. He noted that this doesn't involve the Ronald Wastewater District.

#### MEETING EXTENSION

**At 9:55 p.m., Councilmember Way moved to extend the meeting until 10:25 p.m. Councilmember Eggen seconded the motion, which failed 3-3, with Councilmembers Hansen and McConnell dissenting and Deputy Mayor Scott abstaining (Councilmember McGlashan momentarily left the Council chamber).**

b) Dennis Lee, Shoreline, discussed options for stormwater systems. He noted that there needs to be a discussion on how on how recharging aquifers work.

c) Boni Biery, Shoreline, agreed with Mr. Lee and encouraged the Council to support it.

Councilmember Way discussed some wording issues on pages 67 – 68. She said natural systems and drainage facilities don't connect with each other and some could be construed as natural systems. She said these are conflicting definitions. Mr. Forry noted that the terms come directly out of the DOE manual and clarified the "drainage facility."

Mayor Ryu noted that the Council needs to give staff direction.

#### MEETING EXTENSION

**At 10:00 p.m. Councilmember Eggen moved to extend the meeting until 10:15 p.m. Councilmember Way seconded the motion, which carried 5-0, with Councilmember McGlashan and Councilmember Hansen abstaining.**

Councilmember Way noted that Hidden Lake is both constructed and natural, and that conflict needs to be acknowledged. Mr. Sanchez said there are engineered and natural systems.

Mr. Olander stated that whether a system is natural or not doesn't affect its environmental value.

Mr. Relph stated that this is the definition, but the question is how it is applied in the manual itself. He said there are there are adequate protections.

Mr. Forry added that if someone is required to build some detention facility, it has to be recorded on the title which is already built into the development process.

Mr. Relph pointed out that this involves the larger picture of basin plans and the Council is going to hear lots more discussion beyond the manual.

Councilmember Way commented that page 43 discusses the removal of significant trees and asked how will the City take this piece and integrate it back into the regulations. She noted that Lake Forest Park puts all of its tree regulations in one chapter. She also questioned if the City can build incentives into the significant tree issue.

Mr. Forry replied that incentives are built into the LID techniques, which make it possible to spend less if natural systems are used. He said there have to be distinct linkages between land use and surface water.

Councilmember Way said the Planning Commissioners spoke about the need for enforcement and incentives.

Mayor Ryu questioned if the Council wants to require "best available science" or go with options. **There was Council consensus to require adherence to "best available science" and the DOE manual.**

Mayor Ryu stated that she appreciated the review and questions from Councilmembers Eggen and Way. She noted that another option to this is to adopt the King County Surface Water Manual.

Mr. Forry communicated that no other manuals have been determined to be equivalent and adopting the King County manual would require the City to undergo an extreme rewriting of the City's codes.

## 7. ADJOURNMENT

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

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Scott Passey, City Clerk

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