

**CITY OF SHORELINE**  
**SHORELINE CITY COUNCIL**  
**SUMMARY MINUTES OF BUSINESS MEETING**

Monday, November 2, 2015  
7:00 p.m.

Council Chambers - Shoreline City Hall  
17500 Midvale Avenue North

PRESENT: Deputy Mayor Eggen, Councilmembers McGlashan, Hall, McConnell, Salomon, and Roberts

ABSENT: Mayor Winstead

1. CALL TO ORDER

At 7:00 p.m., the meeting was called to order by Deputy Mayor Eggen, who presided.

2. FLAG SALUTE/ROLL CALL

Deputy Mayor Eggen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present with the exception of Mayor Winstead. Councilmember Hall moved to excuse Mayor Winstead for city business. The motion was seconded by Councilmember McConnell and passed unanimously, 6-0.

(a) Proclamation for America Recycles Day

Deputy Mayor Eggen read a proclamation declaring November 15, 2015 as America Recycles Day. Kelly Ferron, Recology CleanScapes, accepted the Proclamation on behalf of Karien Balluf and Sarah Ruether for their Artist-in-Residence artwork created from recycled materials. She announced that their work is currently on display at City Hall. Ericka Melroy, Recology CleanScapes, accepted the Proclamation on behalf of the Peking House Restaurant. She stated that the Restaurant reduced garbage intake by 50% from increasing composting and recycling, and said they are a great example of a local business contributing to the Community.

3. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, provided reports and updates on various City meetings, projects and events.

4. COUNCIL REPORTS

There were no Council Reports.

5. PUBLIC COMMENT

Kevin Osborn, Hopelink Shoreline Center Manager, thanked the Council for their ongoing support. He shared a story about a client that benefited from the Utility Assistance Program. He said the client has a job, has taken several English as a Second Language classes, and is now able to come to her appointments without a translator, thanks to the funding support of the Council.

Spenser Freedman, Shoreline Special Olympics Program Athlete, thanked Council for their continued support of the Special Olympics Program. He said he would like Special Olympics program fees reduced. He shared that the cities of Seattle and Issaquah do not charge fees, and people are joining other teams because they cannot afford Shoreline's fees. He would like the City of Shoreline to consider not charging fees.

Richard Kink, Richmond Beach Preservation Association, said he is representing 32 property homeowners on 27th Avenue NW Richmond Beach Road. He commented that the Association is requesting that the bulkhead elevations used for the critical areas be separated out of the Critical Areas Ordinance, and said they are already included in the Shoreline Master Program (SMP). He commented that the bulkhead area defined in the SMP could not be claimed as a retaining wall. He said they also strongly support the allowance of alterations in Very High Risk (VHR) Landslide Hazard Areas.

Greg Logan, Highlands Terrace Neighborhood, said a Highland Utility Facility was built behind his home and that it is not okay. He described what happened during the construction of the facility. He said for years there were backhoes working during the day and that heavy equipment filled the air with thick clouds of diesel emissions. He said the unpermitted activity that is going on there needs to be addressed.

Rhonda, Shoreline resident, commented that she is not sure what the rezone business is all about, except making things taller, bigger, and more expensive. She asked the Council not to make Shoreline like Seattle.

6. APPROVAL OF THE AGENDA

**The agenda was approved by unanimous consent.**

7. CONSENT CALENDAR

**Upon motion by Councilmember McConnell, seconded by Councilmember McGlashan and unanimously carried, 6-0, the following Consent Calendar items were approved:**

**(a) Minutes of Transportation Benefit District Meeting of May 4, 2015 and Minutes of Business Meeting of October 12, 2015**

**(b) Approval of the Grant Agreement With the United States Department of Justice for the Risk Awareness, De-escalation, and Referral (RADAR) Program and Authorize the City Manager to Enter into Agreements to Implement the Program**

8. ACTION ITEMS

**(a) Public Hearing and Discussion on the 2016 Proposed Budget and 2016-2021 CIP**

Sara Lane, Administrative Services Director, reminded the public that the 2016 Proposed Budget is available on the City's website, at Shoreline Libraries, at City Hall, and that a copy is available for purchase on CD. She reviewed the 2016 Budget & CIP Review Schedule, provided a high level review of the Proposed Budget identifying where the money is coming from and where it is going. She reviewed that the Budget by Funds is \$77,915,666; the Operating Budget Expenditures by Function is \$43.511 Million; the 2016 Capital Improvement Plan is \$20.8 Million; and that Surface Water Utility Expenses are \$6.8 Million.

**Deputy Mayor Eggen opened the Public Hearing.**

Tom McCormick, Shoreline resident, said he supports the funds allocated for the road diet on Richmond Beach Road presented in the Capital Improvement Plan. He asked if the rechannelization of that street is just at the top of the hill at 8<sup>th</sup> Avenue or if it continues all the way to Dayton Avenue as indicated in the Comprehensive and Transportation Master Plans. He shared that rechannelization of the road will limit the number of average daily trips to 6,000. He also recommended that a line item be added to the Budget to study tolling as a revenue source.

Janet Way, Shoreline Preservation Society, commented that General Fund Expenditures are higher than General Fund Revenues, and asked why the City is spending revenue that it does not have.

**Deputy Mayor Eggen closed the Public Hearing.**

Ms. Lane recalled that the proposed budget for Human Services Grants to other agencies is \$499,800. She reviewed additional outside agency funding requests recommended by Councilmembers that total \$48,850. She then presented the following four options for reducing the Proposed Budget by \$48,850 to provide funding support:

- Option 1: Eliminate one-time request for the Vegetation Management Plan in the amount of \$48,327 and reduce the Contingency Fund by \$523.
- Option 2: Reduce one-time Promoting Shoreline request by \$10,000 to \$30,000; eliminate one-time request for Microfilming Payroll Records in the amount of \$17,000; reduce one-time request for Public Works Consulting Services by \$20,000; and reduce the Contingency Fund by \$1,850.
- Option 3: Reduce General Fund Matching to Roads Fund from \$200,000 to \$151,150.
- Option 4: Increase the use of Property Tax Equalization Fund Beginning Fund Balance from \$481,584 to \$530,434.

Councilmember Salomon asked clarifying questions regarding the Vegetation Management Plan. Ms. Tarry explained that neighborhoods, specifically Innis Arden, requested that the City develop a vegetation management plan to help everyone understand vegetation requirements. She said it will benefit the City over time, but there is no rush to complete it now. Councilmember Salomon stated that he is leaning towards supporting Option 2.

Councilmember McConnell commented on implementing Option 3 and asked if the City uses all the matching fund allocations for the Road Fund. Ms. Lane responded that over time the funds are used and that the City would have to look at other options to replenish those funds. She said there are no programmed uses for the funds in 2016. Councilmember McConnell inquired about Option 4, and asked if the Property Tax Equalization (PTE) will be replenished. Ms. Lane replied that the PTE fund was planned to be used over time, that the City will use it beginning this year, and it will not be replenished.

Deputy Mayor Eggen commented on Option 2, and expressed concern over reducing economic development funding. He said the Council's strategy is to grow the economic tax base in Shoreline and that he would have a hard time supporting cutting \$10,000 from supporting that effort.

Councilmember Roberts pointed out that budget amendments will be reviewed on November 10, and asked if it would be appropriate for the Councilmember making the additional funding request to also make recommendations for reductions. Ms. Lane explained that Council asked staff to bring back reduction options, and said that Councilmembers could also make recommendations for reductions.

Councilmember Hall commented that each amendment should be self-balancing as required by State Law. He stated that in order to vote on an amendment that it should be balanced with a corresponding reduction. He said if it is decided that Reserves are to be used then that should be included in the amendment.

Ms. Lane presented next steps in the 2016 Proposed Budget adoption process and asked that Council submit budget amendment recommendations to staff on or before November 10.

Councilmember McConnell commented that she does not feel Council has given staff enough direction for the request for additional Human Services funding, and asked if amendments should be emailed to staff. Ms. Tarry requested that amendments be submitted to staff by November 10, and explained that the funding amount of \$48,850 was based on a previous discussion by Council and that funding reduction options were based on that amount.

Councilmember McConnell said she is comfortable with staying at \$48,850. Deputy Mayor Eggen said he is willing to discuss adjustments to the total dollar amount, and that he prefers looking at both additional funding and reduction options at the same time.

Councilmember McGlashan recommended that the request for additional funding and reduction options be put forth in an amendment. He expressed concern over giving money to the four agencies that came to speak to Council, and neglecting to hear the needs of other agencies. He said he wants to wait to discuss it at the next meeting.

## 9. STUDY ITEMS

- (a) Continued Discussion of Critical Area Ordinance Regulation Updates - Ord. No's. 723 and 724

Juniper Nammi, Associate Planner, recalled the previous week's discussion regarding the Critical Areas Ordinance (CAO) Regulation Updates and said that Todd Wentworth, Amec Foster Wheeler Geotechnical Engineer, will be on hand to answer technical questions. She reviewed the key changes to the CAO for Fish and Wildlife (Subchapter 3); Wetlands (Subchapter 4); and said no additional BAS changes are need for Flood Hazard Areas (Subchapter 5) and Aquifer Recharge Areas (Subchapter 6). She said the big change for Subchapter 3 is to incorporate standards for streams into the Fish and Wildlife Habitat.

Councilmember Salomon asked how stream buffer averaging still provides protection from pollution, and what its benefits are. Ms. Nammi responded that a stream buffer cannot be reduced by more than 25%, and a qualified professional must demonstrate that functional protection of the adjusted buffer is equivalent to a buffer that is uniform width all the way across. She said buffer averaging allows the buffer to fit with topography, and can preserve areas that are in good shape and focus on areas that are not. Ms. Nammi said her understanding of the science is that what is being proposed will result in more buffer areas than the City has under its current regulations.

Deputy Mayor Eggen asked for examples of areas near streams that cannot effectively serve as a buffer and therefore do not require protection. Ms. Nammi said Boeing Creek where it parallels Innis Arden Way, and McAleer Creek along Perkins Way are good examples. She explained that if a qualified professional demonstrates the functional isolation of the property does not provide any benefit that a buffer is supposed to provide, then the property could be developed. She also explained conditions that can be physically separated but not functionally isolated and said determinations are made based on site specifics.

Councilmember Salomon asked how often a qualified professional makes a recommendation that is counter to the applicant's wishes. Ms. Nammi said very rarely will a professional recommend something different from the applicant's wishes. Ms. Markle, Planning & Community Development Director, added that there have been some applicants that have had to make concessions to comply with regulations. She explained that the Code has a provision that allows the City to have a third party review.

Councilmember Hall commented that this is an important issue and asked if the City typically receives a site plan and critical area report that are in conflict; or if the home owner gets the critical report and creates a site plan based off of it. Ms. Nammi responded that it is the latter.

Councilmembers Roberts questioned if the City knows where all the critical areas and wetlands are. Ms. Nammi responded that City critical areas maps are incomplete and stated that the applicant is responsible for disclosing critical areas on their property. She explained that there are mechanisms for capturing areas that are not mapped.

Ms. Nammi explained that the State maintains a Priority List of Species and Habitats, and displayed a map showing where they have been identified in Shoreline. She then explained the process to protect and mitigate these species and habitats, and said Coho and Osprey were inaccurately included. Deputy Mayor Eggen asked about other areas in Paramount Park being mapped by the State. Ms. Nammi responded that Paramount Park and Twins Ponds are regulated as wetlands. Councilmember Roberts questioned explicitly listing species since it is a relatively

changing list and asked if they should be listed in the Development Code. Ms. Nammi explained that staff lists them for clarity and it makes it easier for everyone to know what should be protected.

Ms. Nammi reviewed two stream buffer changes for nonanadromous fish and non-fish seasonal streams, and explained how buffers are measured.

Councilmember Salomon commented on daylighting streams under the Community Renewal Area and in other places around the City for salmon protection. He expressed concern that the opportunity for daylighting is lost if the City allows development up to 10 feet away from the stream. He asked if there are any plans to daylight more critical streams, and said he may bring this up for discussion at the Council Retreat. Ms. Nammi responded that daylighting would have to be addressed through the Surface Water Master Plan and said it is not currently build in as a stream regulation requirement. She said there are voluntary options for daylighting a stream and shared instances where the City may require removal of a culvert.

Councilmember Hall recalled the City's history of dealing with buffers. He said there was a lawsuit filed against the City regarding an issued permit where no buffer was provided for a stream. He said that the Court ruled against the City citing that Thornton Creek does not cease to exist because it goes into a pipe, and protection of the Creek was provided for the first time in 2004. He explained that the newly created pipe stream segments were also the subject of an appeal of the City's regulations by the Growth Management Board, which he believes was ultimately dropped. He reminded Council that prior to 2004, if a stream was underground it was considered to have no function or value and no buffer was required. So the City has made very significant steps forward.

Deputy Mayor Eggen said he appreciates the City proving an incentive to get landowners to daylight streams.

Ms. Nammi provided an illustration of a functionally isolated and physically separated buffer and commented that there are more restrictive trail allowances in buffers.

Councilmember Roberts asked if one property reduces a buffer and another part is expanded, how the City would ensure that the buffer is maintained. Ms. Nammi responded that it all has to happen on the same site, unless it is a subdivision.

Ms. Nammi shared that Wetlands have the most robust source of Best Available Science. She said the majority of additions are based on regulations that have been adopted in the Shoreline Master Program (SMP) and used in the 2014 State Wetland Rating System. She reviewed buffer widths according to Habitat Score Categories, provided an example of using buffer averaging, and illustrated functional isolated and physically separated buffer areas that can be developed.

Ms. Nammi reviewed Flood Hazards and Aquifer Recharge changes.

Ms. Nammi then presented a list of potential amendments to the CAO that have been discussed to-date:

- 1) Exclude bulkheads from delineation of landslide hazard areas proposed by the Richmond Beach Preservation Society
- 2) Simplify classification of Very High Risk (VHR) landslide hazards for consistency with intent and to prevent confusion as proposed by Staff
- 3) Prohibit alteration of very high risk landslide areas consistent with existing regulations, proposed by Councilmember Hall
- 4) Delete Coho and Osprey from Endangered, Threatened, Sensitive Section
- 5) Edit language in decision criteria for Zoning Variances and Special Use Permits to clearly indicate that the proposal must be outside Shoreline's jurisdiction.

Councilmember McConnell commented on Amendment #1 and asked why there would be harm in excluding bulkheads from delineation of landslide hazard areas in the Geologic Hazards section. Ms. Nammi responded that Staff has not had time to review the proposal, and for that reason, cannot recommend excluding bulkheads at this time. She stated that staff is recommending that the discussion for bulkheads go back to the Planning Commission along with other amendments. Deputy Mayor Eggen said he is okay with not moving forward on excluding bulkheads from landslide areas. Councilmember McGlashan asked for additional clarification on the CAO and the SMP. Councilmember Roberts asked what the current SMP says about bulkheads. Ms. Nammi responded that the CAO can be amended to incorporate those changes in the SMP, and said that the current SMP speaks to bulkhead repair and maintenance.

Councilmembers stated support for Amendment #2 to make the Code clearer and to meet the Planning Commission's intent.

Councilmember Hall asked staff to summarize key points in the record regarding Amendment #3 and the public input received. Ms. Nammi commented that based on the recommendation from the City's Qualified Professional, staff did not propose any changes to the current cautionary approach to VHR Landslide Areas - maintaining that they not be altered. The Growth Management Act allows local jurisdictions to allow alternation in VHR Landslide Areas as long as BAS practices are incorporated. The Planning Commission asked staff to prepare an alternate amendment to allow alteration in VHR Landslide Areas, and supported moving forward with it. The biggest difference is that the threshold for allowing the determination of alterations to VHR Landslide Areas. Councilmember Salomon stated that he would like to consider the issue further and supports bringing the Amendment forward. Councilmember McConnell stated she would like more information. She said she attended the Public Hearings, and that the Planning Commission unanimously approved allowing alterations to VHR Landslide Areas, therefore she would not support changing their recommendation. She said there are more areas in Innis Arden that are VHR and asked why the City would prohibit them from altering their property when it is not necessary. Councilmember Roberts commented on Section F of the policy, and asked if the language was created by staff to allow development. Ms. Nammi responded that the origins of F and G come from State examples of code and versions adopted by other jurisdictions. Deputy Mayor Eggen concurred that the Amendment should be brought forward.

Councilmember McGlashan asked if we should follow State regulations for the Endangered, Threatened, and Sensitive Section. Ms. Nammi responded that if the Federal or State governments make changes, then the City regulations would automatically be updated to reflect those changes. The purpose of including the amendment now is to make corrections.

Ms. Nammi reviewed next steps, said the CAO is scheduled for adoption on December 7, 2015, and that staff will prepare for implementation the CAO in approximately two months.

10. ADJOURNMENT

At 9:35 p.m., Deputy Mayor Eggen declared the meeting adjourned.

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Jessica Simulcik Smith, City Clerk