

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, December 3, 2018
7:00 p.m.

Council Chambers - Shoreline City Hall
17500 Midvale Avenue North

PRESENT: Mayor Hall, Councilmembers McGlashan, Scully, McConnell, Chang, and Roberts

ABSENT: Deputy Mayor Salomon

1. CALL TO ORDER

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

2. FLAG SALUTE/ROLL CALL

Mayor Hall led the flag salute. Upon roll call by the City Clerk, all Councilmembers, with the exception of Deputy Mayor Salomon, were present.

Councilmember Scully moved to excuse Deputy Mayor Salomon for personal reasons. The motion was seconded by Councilmember McConnell and passed unanimously, 6-0.

(a) Proclamation of Edwin T. Pratt Day

Mayor Hall read a proclamation declaring December 6, 2018 as Edwin T. Pratt Day in the City of Shoreline. Sarah Haycox, Shoreline resident and student, accepted the proclamation. Miss Haycox described her involvement in revitalizing awareness of Edwin Pratt's contributions to the community and in leading the initiative to honor his memory by naming the new Early Learning Center after him. She invited residents to attend the upcoming February 2, 2019 commemorative event recognizing Mr. Pratt.

3. REPORT OF CITY MANAGER

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

4. COUNCIL REPORTS

Mayor Hall informed Council that he attended a meeting of all cities along the I-405 and SR523 Bus Rapid Transit lines proposed by Sound Transit. He reported that the cities in North King County are continuing to emphasize how important it is that the 145th Street corridor changes work for busses, and that the I-405 intersection in Bothell works well for commuters to get to the

light rail. Mayor Hall also shared that it is gratifying to see the Mountains to Sound Greenway Trust recognize the Ballinger neighborhood partnership reforestation project that is generating carbon credit.

Councilmember Chang shared that she attended the Puget Sound Regional Council Regional Transit-Oriented Development Advisory Committee meeting. She said the initial discussions were about encouraging density around the light rail stations, and whether the Committee should make required density recommendations. She said she told the Committee that giving up local control was not something Shoreline would support, and that she shared examples of action that Shoreline has taken on this issue. She reported that they also discussed ways to prevent gentrification and to promote equity in future station areas. Mayor Hall added that the question of whether the State may want to impose minimum densities near transit stations will be debated with a Bill that has been introduced. He said he and Councilmember Roberts, along with City staff, have contributed to an article that will appear in the upcoming Association of Washington Cities magazine on the importance of local control in determining density around station areas.

5. PUBLIC COMMENT

John Osborne, Shoreline resident, said that seniors who walk the Interurban Trail are afraid of bicycle riders who do not obey the rules, and the lack of rule enforcement is scaring senior walkers off the trail. He also shared his disgust at the unsanitary conditions of the Echo Lake Sani-Can and displayed visual evidence. He asked for better maintenance of these public toilet facilities. Mayor Hall asked staff to follow up with Mr. Osborne.

Lathean Wene, Shoreline resident, expressed his concern about the price for the City's Breakfast with Santa and said it should be affordable for all members of the community.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

7. STUDY ITEMS

- (a) Discussing Ordinance No. 849 - Interim Regulations Adding a New Section to SMC 20.30.420 Changes to Approved Subdivision to Address Plat Alterations Pursuant to RCW 58.17.215

Margaret King, City Attorney, explained that statutes, ordinances, and regulations all impact subdivisions, but particularly the language on the face of the plat impose certain conditions that are binding upon a local government. She shared that the City is finding that in rezoned areas a lot of the subdivisions have restrictions, which means developers are coming to the City to address these issues. She defined the rules for alteration of a subdivision and explained that Shoreline does not currently have a statutory process for changing a recorded plat. She said this means the City must follow the current provisions, which includes bringing every requested plat alteration before the City Council. She stated that staff has created the interim regulations to address this issue and to provide a process for developers and staff to follow. She outlined the

timeline, which includes a public hearing after adoption of the Ordinance. She said that staff believes they will be able to work with the Planning Commission to make a recommendation to Council and adopt final regulations within six months. She elaborated that the new regulations would establish a process for administrative approval of plat alterations, permit the Direct to issue a decision that could be appealed to the Hearing Examiner and then to Superior Court; and set an hourly rate for processing applications.

She said staff recommends adoption of Ordinance No. 849 to provide certainty and streamlining for the plat amendment process until a final provision is put in place. Additionally, she said that staff recommends this be retroactive to December 1, 2018.

Councilmember Scully asked if special emergency findings would need to be applied if the provision is retroactive. Ms. King said it could be done as part of the interim regulations. Councilmember Scully said he supports the Ordinance and that he hopes that it becomes easier to make plat alterations, since many of the existing covenants are outdated.

Councilmember McGlashan asked for clarification on the rationale behind this being an interim, rather than final, policy. Ms. King explained that approving interim regulations allows the public hearing to take place after adoption, since the interim Ordinance can go into effect immediately and stay in place for up to a year.

Councilmember Chang asked for confirmation that this Ordinance would simply permit staff to match zoning to current definitions. Ms. King said the Ordinance would allow staff to analyze plat amendments and alterations on a case-by-case basis, looking at underlying zoning and other attributes of the plat. She said the City anticipates that the majority of the plat amendments will be dealing with use, size, and subdivision restrictions that were put in place years ago. She elaborated that since areas have been up-zoned, the restrictions are now inconsistent with the zoning district. She added that the Ordinance would not allow alterations beyond approved zoning for the area.

Mayor Hall confirmed that there is no way a change to the plat could circumvent the existing zoning. Ms. King affirmed this, saying the change could only be more restrictive to the zoning, not less. She added that there may be other kinds of plat amendments that come through for analysis and recommendation, but she anticipates most them will be to adjust conformity to the current zoning.

Councilmember Roberts asked if it was anticipated that most amendments would remove outdated restrictions from the plats, not add language. Ms. King confirmed this was the case. Councilmember Roberts then asked if these changes were made property by individual property, or more broadly by plat. Ms. King responded that generally they are done by plat, although at times there may be exceptions when only part of a plat is amended, but only if the original restriction is on one portion of the plat. She said most of the restrictions will be within the entire subdivision, and the process requires noticing everyone in the subdivision. She continued that once the plat is amended, a new plat must be recorded, striking the restriction out of it, which culminates in the amendment applying to the entire subdivision.

Councilmember Roberts asked for an explanation of why this Ordinance is being applied retroactively. Ms. King said the City does not currently have a plat alteration process in place, and this Ordinance provides a process. Having the regulations be retroactive will allow the City to process applications submitted as of December 1, 2018.

Mayor Hall confirmed that only property owners within the plat could apply for amendments. Ms. King agreed and added that the City is seeing developers come in with questions about amendments, but assured Council that only owners could apply for alterations. Mayor Hall said that since the protections are in place to ensure the majority of property owners within a plat must agree to the change, he believes having an administrative, rather than Council-driven, process is appropriate. He said he supports the Ordinance, but he is not a fan of retroactivity in general. While he understands the City is trying to address an issue quickly to help people, he feels if people want to use the new process they could withdraw their application and reapply under the new rules. Ms. King said she is aware of property owners who want to use the new process, but that the request for retroactivity is simply to allow the City to move forward with the new guidelines.

Councilmember McGlashan said he supports the retroactivity so that residents currently in the application process are not burdened with the cost of having to reapply. Mayor Hall asked if many applicants would be in this position. Ms. Tarry said she was not aware of applicants in this situation, since there is not a process in place, and stated she would direct staff to advise potential applicants to wait until the regulations were in place.

Councilmember Roberts said his preference would be to declare this an emergency, so the Ordinance would go into effect upon the Mayor's signature, rather than waiting for the delay that comes with noticing. Ms. King said it could be made effective immediately, with proper noticing.

Councilmember Scully said he would probably support retroactivity, but he was fine either way.

Council agreed that the Ordinance would be placed on the Consent Calendar at the December 10, 2018 meeting, and Mayor Hall directed that it should reflect immediate, rather than retroactive, effectiveness. He thanked staff for working toward a resolution and said he looks forward to seeing the Planning Commission's recommendation on a permanent solution.

8. EXECUTIVE SESSION: Potential Litigation - RCW 42.30.110(1)(i)

At 7:40 p.m., Mayor Hall recessed into an Executive Session for a period of 30 minutes as authorized by RCW 42.30.110(1)(i) to discuss with legal counsel matters relating to agency enforcement actions, or litigation. He said the Council is not expected to take final action following the Executive Session. Staff attending the Executive Session included City Manager Debbie Tarry, City Manager; John Norris, Assistant City Manager; Margaret King, City Attorney; Randy Witt, Public Works Director; and John Featherstone, Surface Water Engineer. At 8:10 p.m. the Mayor emerged to extend the Executive Session for 10 minutes, until 8:20 p.m. At 8:20 p.m. the Mayor emerged to extend the Executive Session for 10 minutes, until 8:30 p.m.

9. ADJOURNMENT

At 8:27 p.m., Mayor Hall declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk

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