

# **CITY OF SHORELINE**

## **SHORELINE CITY COUNCIL**

### **SUMMARY MINUTES OF REGULAR MEETING**

Monday, February 4, 2019  
7:00 p.m.

Council Chambers - Shoreline City Hall  
17500 Midvale Avenue North

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

ABSENT: None.

#### **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 were present.

#### **3. REPORT OF CITY MANAGER**

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

#### **4. COUNCIL REPORTS**

Councilmember McGlashan reported that, along with Deputy Mayor McConnell, he attended the SeaShore Transportation Forum meeting and heard updates from WSDOT and Sound Transit on the 145<sup>th</sup> and I-5 Interchange and the State Route 522/523 Bus Rapid Transit plans. He said Sound Transit is collaborating with all cities involved to get the best outcomes.

#### **5. PUBLIC COMMENT**

John Hibbs, Shoreline resident, asked that Council plan to include permanent space for a Senior Center in the proposed Community and Aquatics Center. He said it is important for seniors to be in community-connected spaces.

Ginny Scantlebury, Shoreline resident and Shoreline Senior Center Board member, listed benefits of including the Senior Center in the proposed Community and Aquatics Center and urged Council to make the facility a multi-generational community center.

Janet Way, Shoreline resident, asked Council to provide additional community discussion opportunities around the Fircrest Master Plan. She said that the ultimate goal should be to protect the residents.

Edina Damiri, Lynnwood resident and Shoreline property owner, asked Council to consider lifting the covenant on development restrictions as proposed by Ordinance No. 849.

Laethan Wene, Shoreline resident, suggested sand trucks be put into immediate action sanding roads during the snowfall.

Ray Berntsen, Seattle resident and Shoreline property owner, said he is in support of Ordinance No. 849.

Eric Hatcher, Shoreline resident, said he is in support of Ordinance No. 849 and asked that Council adopt the proposed interim regulations.

#### 6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

#### 7. CONSENT CALENDAR

**Upon motion by Councilmember Roberts and seconded by Councilmember McGlashan and unanimously carried, 7-0, the following Consent Calendar items were approved:**

- (a) Approving Minutes of Regular Meeting of December 3, 2018**  
**Approving Minutes of Workshop Dinner Meeting of January 14, 2019**

#### 8. ACTION ITEM

- (a) Public Hearing on Ordinance No. 849 – Adopting Interim Regulations for Plat Alterations**

Mayor Hall explained the agenda for the public hearing and stated that Ordinance No. 849 has been adopted on an interim basis, so no additional Council action would be required tonight.

Julie Ainsworth-Taylor, Assistant City Attorney, summarized the details of the adopted interim plat alteration regulations and defined the need for the revised regulations. She explained the adjustments made to provisions and outlined the directions for processing both Type B and C permit applications. She listed the next steps for permanent adoption of the Ordinance and recognized earlier comments from the public.

After clarification was requested, Ms. Ainsworth-Taylor explained the difference between Plat Alterations and private covenants. She confirmed that private covenants must be modified as directed by the specific covenant regulations.

Upon initiation of the Public Hearing, Mayor Hall recognized the comments already offered by Edina Damiri, Ray Bernstein, and Eric Hatcher.

Janet Way, Shoreline resident, said that while she understands the regulations being discussed are different than those that apply to covenants, it is important to note that for any covenant change there has to be 100 percent agreement from residents within the covenant.

Upon conclusion of public testimony, Mayor Hall declared the Public Hearing closed.

Councilmember Scully encouraged the Council to keep the interim regulations in place and suggested staff compile a public education informational sheet to explain the interim Ordinance. It was agreed that a one-page document clarifying the difference between plat alterations and covenants, and the City's role in changes for either, would be helpful for both Council and the public. Councilmember Roberts asked for more background on the decision to move plat alterations from an administrative to a quasi-judicial decision. He also asked for an update on how the City is complying with the new State law in handling the racially discriminative plat alterations that are still in existence. Ms. Ainsworth-Taylor said that the interim regulations include a two-track process for plat alterations, one for an administrative decision and one for quasi-judicial and explained the criteria for both tracks. In response to Council's question, she said the racially restrictive covenants that are found on the face of some plats are terminated by operation of law and do not require removal except in some cases of government financing qualifications.

Councilmember McGlashan asked that, due to inclement weather potentially impacting attendance, residents have an opportunity to submit public comment after tonight. Ms. Tarry replied that while the public hearing is closed, input from the community is always welcome.

## 9. STUDY ITEMS

### (a) Discussing Fircrest Master Plan and Underutilized Property Land Use Options

Nate Daum, Economic Program Manager, and Rachael Markle, Planning and Community Development Director, presented the staff report. Mr. Daum said the purpose of the presentation is to review current policies, update Council on conversations with legislative leaders, and gather information on Council's preferences for land use and zoning options for the Fircrest property; as well as discuss any conditions Council would like to have put in place.

Mr. Daum reviewed the pertinent Vision 2029, Land Use, and Economic Development Goals included in the Comprehensive Plan, and stated that master planning for the Fircrest property has long been a key priority for the City. He displayed a history of the City Council's annual goals that relate to the property and explained that in 2018 consideration for the Fircrest Surplus Property moved into the Economic Development Strategic Plan. He displayed a map of the Fircrest Campus and explained the layout and the future usage distinctions as specified by the Department of Social and Health Services (DSHS). Ms. Markle displayed maps of the Comprehensive Plan Land Use Designation and Zoning of the subject site and surrounding area

and explained the related zoning designations. She talked about the purpose of the Campus Zone and reviewed the development standards.

Mr. Daum reviewed the history of the DSHS process and described the Governor's proposed budget and the Master Development Plan process. He said the most recent re-start was in 2018, when the Governor submitted a budget funding request for behavioral health facilities, which if approved may mean the Fircrest Campus will be considered as a site. He continued that Representative Chopp reached out to the City to discuss the Fircrest Campus because of the implications of 2018 Legislation allowing for disposal of public property for public benefit, specifically for affordable housing.

Ms. Markle detailed the options available to change the uses and regulations on the Fircrest Campus to facilitate the redesignation of the property. She said the three options are the Master Development Plan Permit Process, a Comprehensive Plan Amendment with a Rezone option; or a Comprehensive Plan and Development Code text amendment. She explained the City's role and level of involvement in each option.

Mr. Daum said Staff would like to confirm Council support for continued negotiations related to development opportunities for the Fircrest Campus and to get direction on a final recommendation on the process to determine land use and zoning of the underutilized property.

He shared a list of questions and Council gave feedback.

- Question 1: Does the City Council want to make any changes to current policies that apply to development alternatives and priorities for the underutilized property at the Fircrest Campus?

Concern was expressed over the consideration of the addition of a behavioral health facility on the site, not only because of the proximity to schools but also because of the upcoming addition of a similar facility in Shoreline. It was asked if delaying involvement until the Master Development Plan permitting process was complete would adversely impact the City's ability to provide input on the potential of the site being used for a behavioral health facility. Ms. Markle explained that a Master Development Plan Permit would be required for any changes. The changes would need to meet the established criteria and be approved by the Hearing Examiner.

Councilmember Scully said he feels it is better to wait and see what the State's decision is. If the State chooses to follow the Master Plan process, Council will not be immediately involved in discussions. He said he does not want to consider trading density outside of the normal process.

- Question 2: Is Council comfortable with the current development regulations that apply to Campus Zones, and specifically to development of the Fircrest Campus?

It was generally agreed that Council is comfortable with the current development regulations. Councilmember McGlashan asked if Master Plan permitting would be required if the property use stayed the same. Mr. Daum answered affirmatively and elaborated that the goal is to have large scale developments designed with a larger vision, fitting into the overall community.

Councilmember McGlashan reflected on the fact that Fircrest is the final Campus property in Shoreline to be planned for redevelopment, and said he is leery of changing the process. He would need clarification as to why a change would be better for the community.

Councilmember Roberts said he thinks that the existing Master Planning Process makes sense. He said he would need to be convinced that it is necessary to do something different for the Fircrest site. He shared a letter he received from Friends of Fircrest asking Council to involve them in the process and to take the vulnerable population into consideration. He asked for clarification on what qualifies as an existing use and how modifications could be made. He said he is not in favor of the City taking ownership of the planning process and expressed concern over the inequity of the City assuming costs for Comprehensive Plan amendments for some, but not all, applicants.

Mayor Hall said that if the Plan meets the specified purposes for the Campus zoning, and that is what DSHS wants to use it for, he is comfortable with the current regulations and policies and following the Master Development Plan process, but if there is land they want to use outside of the Campus Zone designations, it would need to be evaluated.

- Question 3: Does Council support continued engagement with State Agencies and the State Legislature in evaluating opportunities for development of underutilized property at Fircrest?

It was stated that if the State wants to do something with the surplus property that has nothing to do with Fircrest, it would be appropriate for the State to apply for a Comprehensive Plan Designation and Zoning Amendment, at which point the City would evaluate the State's request as they would any other property.

Mayor Hall said he would be interested in exploring the option of taking legislative action if there are public interests and opportunities that the State would be willing to provide to Shoreline through a negotiated process. He said he wants to be open to conversations around forming a partnership that provides affordable housing and community space. He said in that scenario, he could imagine the City playing a more active role in partnering.

Councilmember Roberts said he has heard a lot of discussion over potentials and possibilities. He said the biggest question is how this parcel will be used if it is removed from the existing Campus property. He said that until the State decides to go through the process of a subdivision the City should not move forward with pre-planning, but instead focus on conversations and negotiations with the State to inform the decision-making process. He said the needs of the residents should be protected first and foremost.

Mayor Hall commented that the City is better off talking to the State than waiting, but that Staff should not to make decisions without going through the public process of Council consideration and transparency to the community.

- Question 4: Does Council have a preference for the role that the City could play in determining land use plans for underutilized properties at Fircrest?

Generally, it was agreed that the expectation is that all commitments to partnerships or proposal approval regarding Fircrest are brought to Council before any agreements or guarantees with the State are made. It was stated that Council's role is to analyze policies in place and make determinations to their applicability. It was noted that with a parcel of land as large as Fircrest, and because of the proximity to the incoming Light Rail Station, Council should receive frequent updates and opportunities for discussion, especially considering the complexity of the situation.

Councilmember Robertson said she agrees with the importance of the City and Council retaining as much control as possible in the decision-making process. Deputy Mayor McConnell recognized Fircrest as an important topic and said the City, Council, and community should be involved in the process.

In reflecting on the conversation, Mayor Hall said he is hearing two competing preferences from Councilmembers. One, that they want to be the gate-keeper and the other that DSHS should go through the Master Development Plan permitting process, which would not involve Council.

There was a question on whether only the surplus portion of the land could be rezoned. Ms. Markle explained that the Master Plan could be subdivided and just include the area where they are proposing the new facilities for DSHS and the DSHS owned property. Then, if a portion of the property was determined underutilized, it could be subdivided off and given a zone like any other property in the City. She reiterated that if the property is not going to be used for a State purpose, then it would no longer meet the definition of a Campus.

Mayor Hall summarized that for Fircrest Campus uses related to the Residential Habilitation Center the Council is comfortable with the existing Master Development Plan process. Then, if the State decides to surplus a portion of the property and begins the process for subdivision, the Council would start conversation about the property.

It was observed that while the State is in the process of considering surplus the underutilized property, Shoreline needs to be an active participant in the conversations on potential uses for the space.

Mr. Daum said that if the State agencies decide to pursue control over what they do with the property, there is no adjustment needed to the standard application process. It was agreed that until the City knows what land is being discussed no meaningful planning work can be done. Ms. Tarry verbalized her understanding that Council is comfortable with the State establishing the timing for a potential Master Permit Development Plan permit process for the campus as fits with the state budget issues.

#### (b) Discussing the 2019 Federal Legislative Priorities

James Hammond, Intergovernmental Program Manager, provided an overview of the City processes and support for establishing legislative priorities and shared information on the City's consultant. He explained that the goals of establishing legislative priorities are to give clear direction to City representatives, to communicate consistent information about City priorities,

give policy guidance for ease of function in a dynamic legislative environment, and allow the City to embrace opportunities for identifying partnerships and building alliances with like-minded stakeholders.

Mr. Hammond listed the priorities:

- Funding and support for the NE 145<sup>th</sup> Corridor transportation projects.
- Advocacy of changes to funding programs for transportation and infrastructure, including helping criteria evolve for smaller cities.
- Ongoing support for Lynnwood Link and other regional transit projects. He explained that the entire regional transportation network depends on a supply of federal dollars, which requires advocacy.
- Support for community and economic development programs. He mentioned the current consideration to returning the process of earmarking funding. He explained that earmarking as proposed now would be only for public entities and with full transparency, for projects like housing and homelessness or transportation and infrastructure. He said this would restore some of Congress's directive to ensure the funds are spent as the allocations dictate.
- Strengthening federal tools for addressing culvert and stormwater issues.

Councilmember Roberts said since being appointed to the National League of Cities Energy, Environment and Natural Resource Committee, he has been asked to sign his name on letters talking about broad city policies in support of the National League of Cities work. He wondered if it is appropriate for Councilmembers, in their board or committee capacities, to sign letters that normally the Mayor would sign on behalf of the City. It was agreed that all such requests should be sent to staff for review, and if it is a letter the purports to formally represent the position of the City it should be signed by the Mayor.

Councilmember Chang thanked Mr. Hammond for explaining earmarks, and said she agrees with the list of priorities. Mayor Hall commented that funding for projects is a priority, but he would prefer that the City not include encouraging the Federal Legislature to create a new earmark system. He also commented that it is appropriate for the Federal Government to be providing funding and support for culvert and stormwater issues since a lot of what we are doing locally is to comply with national laws and policies.

#### 10. EXECUTIVE SESSION: Litigation Update – RCW 42.30.110(1)(i).

At 8:53 p.m., Mayor Hall recessed into an Executive Session for a period of 20 minutes as authorized by RCW 42.30.110(1)(i) to discuss with legal counsel matters relating to agency enforcement actions, or litigation. He stated that Council is not expected to take final action following the executive session. Staff attending the Executive Session included Debbie Tarry, City Manager; John Norris, Assistant City Manager; and Margaret King, City Attorney. At 9:15 p.m. Mayor Hall emerged and announced a 20 minute extension to the Executive Session. At 9:35 p.m. Mayor Hall emerged and announced a second 20 minute extension to the Executive Session. The Executive Session ended at 9:53 p.m.

11. ADJOURNMENT

At 9:53 p.m., Mayor Hall declared the meeting adjourned.

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Jessica Simulcik Smith, City Clerk