

# **AMENDED AGENDA (v. 2)**

## **SHORELINE CITY COUNCIL REGULAR MEETING**

Monday, January 9, 2006  
7:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

1. CALL TO ORDER
2. FLAG SALUTE / ROLL CALL
3. CITY MANAGER'S REPORT
4. REPORTS OF BOARDS AND COMMISSIONS
5. PUBLIC COMMENT

Approximate Length of Agenda Item
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<p>This is an opportunity for the public to address the Council on topics other than those listed on the agenda, and which are not of a quasi-judicial nature. The public may comment for up to <u>three minutes</u>. However, Item 5 will be limited to a maximum period of 20 minutes. The public may also comment for up to <u>three minutes</u> on agenda items following each staff report. The total public comment period on each agenda item is limited to 20 minutes. In all cases, speakers are asked to come to the front of the room to have your comments recorded. Please state clearly your name and city of residence.</p>
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6. APPROVAL OF THE AGENDA
7. CONSENT CALENDAR

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|-----|--|-----------|
| (a) | Minutes of Special Meeting of November 7, 2005   | <u>1</u>  |
|     | Minutes of Regular Meeting of November 14, 2005  | <u>19</u> |
|     | Minutes of Workshop of November 21, 2005   | <u>33</u> |
|     | Minutes of Dinner Meeting of November 28, 2005   | <u>45</u> |
|     | Minutes of Cottage Housing Community Forum of<br>November 29, 2005   | <u>49</u> |
|     | Minutes of Special Meeting of December 12, 2005  | <u>61</u> |
| (b) | Approval of expenses and payroll as of December 29,<br>2005 in the amount of \$7,286,912.09  | <u>69</u> |
| (c) | Interlocal Agreement between the City of Shoreline and<br>Shoreline Fire Department relating to Development Review<br>Process and Enforcement of the International Fire Code |           |

	Approximate Length of Agenda Item	Page No.
within the City of Shoreline		<u>71</u>
(d) Interlocal Agreement between the City of Shoreline and King County regarding Animal Control Services		<u>81</u>
(e) Approval of Contract with the Snohomish Publishing Company for the 2006 Recreation Guide		<u>85</u>
(f) Authorizing the City Manager to execute the 2006-2007 Department of Ecology Coordinated Prevention Grant Agreement in the amount of \$48,141		<u>99</u>
(g) Authorizing the City Manager to execute the 2006-2007 King County Waste Reduction and Recycling Interlocal Agreement in the amount of \$85,082		<u>103</u>
8. ACTION ITEM: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS		
(a) Ordinance No. 406, adopting the 2004 Docketed Development Code Amendments	60 min.	<u>107</u>
(b) <u>Contract for Performance Assessment/Audit and City Manager Recruitment</u>		<u>163</u>
9. EXECUTIVE SESSION: <del>personnel</del> property acquisition		
10. ADJOURNMENT		

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 546-8919 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 546-2190 or see the web page at [www.cityofshoreline.com](http://www.cityofshoreline.com). Council meetings are shown on Comcast Cable Services Channel 21 Tuesdays at 12pm and 8pm, and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m.

**DRAFT**

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

Monday, November 7, 2005  
6:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

PRESENT: Mayor Hansen, Deputy Mayor Jepsen, Councilmembers Chang, Fimia, Grace, Gustafson, and Ransom

ABSENT: None

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Mayor Hansen, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Hansen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exception of Councilmember Gustafson, who arrived at 6:55 p.m.

(a) Proclamation of "Veterans Appreciation Day"

Mayor Hansen read the proclamation. Veterans on hand were U.S. Army Retired Lieutenant Colonel Raymond Coffey, volunteer military liaison to the City of Shoreline and a member of the Vietnam Veterans of America, Shoreline Post. Additional recipients were Commander Christopher Layton from the American Legion Shoreline Post #227.

Mayor Hansen thanked all military personnel past and present for their sacrifices for the cause of peace and freedom and presented the veterans in attendance with a copy of the proclamation.

3. CITY MANAGER'S REPORT

Steve Burkett, City Manager, thanked the Ridgcrest Neighborhood Association and Parks and Recreation Department for sponsoring the Hamlin Haunt, which drew almost 800 participants. He announced that the North City Project utility undergrounding work is complete, and there are 193 trees at the nursery for planting on the Aurora Corridor project. He noted that Election Day is on November 8<sup>th</sup> and that City offices would be closed on November 11<sup>th</sup> for Veteran's Day. He reminded the Council that the November 14<sup>th</sup> City Council Meeting will start at 7:00 pm. In conclusion, he stated that City employees raised \$26,155 for the United Way, which was the most money per capita raised by the 28 cities who donated in the State of Washington.

**DRAFT**

4. COUNCIL REPORTS: none

5. PUBLIC COMMENT

(a) Bronston Kenney, Shoreline, discussed cottage housing. He felt that the majority of the residents don't support it and the only reason it is still an active issue is because the Planning Department and Planning Commission want to feel "important". The Planning Commission members consist of planners from other agencies and at least three who are builders/developers. He quoted Mr. Sands, a member of the Planning Commission, "Density is not a right, zoning is not a right, and it is not something someone should rely upon when they purchase a home. If a developer can meet the requirements, then the "not in my backyard" group should not be able to stop the development." He felt cottage housing only enriches developers at the expense of homeowners.

(b) LaNita Wacker, Shoreline, stated she was upset with the staff proposal to sell a portion of Shoreview Park, which is not part of the Parks Master Plan. Shoreline citizens want open space and do not want any park land sold for private development. It is conceivable for the parking lot to be used for a sports field. She said this must have a public hearing before the final decision is made.

(c) Jane Hinton, Shoreline, Center of Human Services, thanked the Council for funding for those residents in need. The Center is valuable, she said, and the funding the City provides supports their ability to provide information, referral services, and support for the families of Shoreline.

(d) Anselmo Alvares, Commander, Veterans of the Vietnam War, Inc. Shoreline Post, said the proclamation he received is dedicated to the military men and women currently serving, retired, or no longer with us. He thanked the Mayor, the City Council, and the City staff for the proclamation.

(e) Peter Henry, Shoreline, stated that South Woods is important to keep in public ownership. He felt this will be the last opportunity for the Council to save this land and urged them to do so.

(f) Ken Cottingham, Shoreline, felt the Aurora Project could have been done cheaper. He felt the cost of the project should have been \$8 - \$12 million and in his opinion the cost is approaching \$42 million. He distributed a handout to the Council with expenditure calculations and asked for clarification from City staff.

(g) Vicky Westberg, Shoreline, said South Woods is important to maintain. She referred to a Seattle PI article about City forests which said they are "in peril" and that the build environment should be balanced with the values of the natural environment. She concluded that trees do a great job in adding value to the City.



(h) Michael Broili, Shoreline, stated he is a past Parks Board member. He is pleased with the City's vision to allocate \$50,000 from the 2006 budget to conduct a tree inventory and management plan. He agreed with this decision because urban forests are good resources and we need to avoid the "piecemeal approach" to tree management in the City. The promoting, planting, and preservation of trees is important to the City and will help reduce costs and provide a profit stream. He said there are a number of values with well-managed forests including surface water management, improved quality and protection of streams, improved air quality, noise suppression, improved soil stability, and improved water quality. He urged the Council to support the \$50,000 line item in the budget.

(i) Colin Sleeper, Shoreline, discussed South Woods. He commented that Forbes magazine had an article on global warming that stated people can pay an organization to plant trees. South Woods, he said, is a second growth forest that has been in existence for 80 years. He said he cares about the planet and the environment and has a passion and wants to save South Woods.

(j) Jackson Kellock, Lake Forest Park, on behalf of the Student Action For the Environment (S.A.F.E.), said the organization is concerned about South Woods and urged the Council to save them by any means possible.

(k) Janet Way, stated she is a member of the South Woods Preservation Group, the Thornton Creek Legal Defense Fund, and the Paramount Park Neighborhood Group. She asserted that she would like to incorporate by reference any comments during this period be added for the record as a part of the public hearing concerning the bond issue. She said the purchase of the parking lot was not in the Parks Master Plan. She said there were promises made concerning South Woods in the Capital Improvement Plan (CIP) to spend \$3 million for land acquisition. However, the CIP adoption vote a couple of months ago raised that figure to \$6 million to purchase the entire property. She urged the Council to follow through with the purchase as they voted to do. The assets from the purchase of South Woods include environmental education, recreation, and air/water quality. She urged the City and the school district to work together to bring environmental education to the community and save South Woods.

(l) Mamie Bolender, Lake Forest Park, reinforced the movement for the City to purchase South Woods. She also referenced the Seattle PI article "City Forests in Peril" and encouraged everyone to read it. The City of Seattle, she said, has realized that its infrastructure is aging and it will cost millions and millions to repair. She said they have realized that they can reverse some of this through ecological measures such as retaining and planting trees. She outlined the economical benefits of trees and urged the Council to purchase South Woods.

(m) Kristine Southwick, Shoreline, stated she grew up near South Woods and is aware of the protection and benefits of trees. She is a member of the Thornton Creek Alliance and the South Woods Preservation Group. She said South Woods used to be larger and it is diminishing and if we don't do something the youth will not have the

nature opportunities she had when she grew up. She urged the Council to save South Woods.

(n) Diana Stephens, Snohomish, said all levels of Federal government spending is out of control and taxpayer dollars are not being spent where they are needed most. She said "pork projects" are added onto legislation and are troubling. She concluded by stating the monies wasted on projects such as this could be used on other needed issues.

(o) Rick Stevens, President of the Shoreline Merchants Association (SMA), outlined that the members of SMA did not sue the City. However, the SMA did file a SEPA appeal opposing a decision of the Council because the City's Draft Environmental Impact Statement (EIS) did not consider economic impacts to local businesses. He said the Federal Highway Administration determined that a number of items in the DEIS needed to be revised. The City, he stated, withholds information and that is not fair. He concluded that the City belongs to the people and the residents want to be a part of the process.

6. APPROVAL OF THE AGENDA

**Councilmember Grace moved to approve the agenda. Deputy Mayor Jepsen seconded the motion, which carried 7-0, and the agenda was approved.**

7. CONSENT CALENDAR

**Councilmember Ransom moved approval of the consent calendar. Councilmember Grace seconded the motion, which carried 7-0 and the following consent items were approved:**

**Minutes of Regular Meeting of October 10, 2005**

**Motion to authorize the City Manager to execute a contract amendment for professional services with KPFF for design services of the Dayton Avenue North at North 175<sup>th</sup> Street Retaining Wall Project in an amount not to exceed \$76,170.**

8. ACTION ITEMS: PUBLIC HEARINGS

- (a) Continued public hearing to receive citizens' comments on the Bond Advisory Committee Recommendations

Bob Olander, Deputy City Manager, said the recommendation from the City is that the Council postpone further discussion until December 12<sup>th</sup> because there is no immediate rush on this issue. He reminded the Council that South Woods is one of the projects in the whole bond issue package. During the last public hearing the Council asked for

options on the bond issue. These options are as identified as follows: 1) Option 1 is the Bond Advisory Committee recommendation to accept the proposal to issue a bond in the amount of \$15 million; 2) Option 2 would eliminate the Seattle Public Utilities (SPU) property from the bond and transfer the full amount towards the purchase of South Woods; and 3) Option 3 would entail raising the bond issue an additional \$4 - \$5 million to purchase South Woods.

Mr. Olander noted that SPU has been holding the property as a courtesy to the City, but there is no immediate need to surplus the property. A supplemental strategy would be to sell the City-owned parcel at Shoreview Park that Shoreline Community College (SCC) has been using as a parking lot to purchase the South Woods. Another strategy includes proposing separate bond issues; one for the \$15 million project package and another for the South Woods. He restated the City's recommendation is for the Council to consider these options to prepare for a discussion when the City brings it back to Council on December 12<sup>th</sup>.

Councilmember Ransom added that he spoke to Shoreline Community College about a building a baseball field with the City and they said they did not have the funding to support one.

Mr. Olander stated that when the City approached the former president, the strategy was if the SCC Board and the Council agreed, then both entities would approach the legislature for some supplemental funding this legislative session.

Councilmember Ransom asked about the status of potential meetings with the school district to discuss the South Woods property.

Mr. Burkett stated that the school board is having a public hearing this evening on the sale of the three acres. The board sent the City the purchase and sale agreement last week. However, there is a provision in the agreement that states if the City purchases more than three acres, the additional land and the original three acres will be sold to the City at market value. He added that the board and the water district both agreed to wait until May to make a decision about selling the properties to any other entity besides the City. He clarified that the City asked the college to move their parking lot because the State of Washington Interagency Committee for Recreation (IAC) gave the City the money to purchase the site and requires it be used as a park. He discussed an option to sell the parking lot property to the college and then use the money to purchase other park lands.

**Mayor Hansen reopened the public hearing at 8:12 p.m. There was Council consensus to allow the presenting of only new information at this public hearing.**

a) Stan Terry, Shoreline, said he was a "tree hugger" and there was not a tree in his yard when he moved in 60 years ago and now there many. He said he is very fond of the South Woods area and wanted the City to save the area. The City, he stated, made a commitment to have at least \$6 million available for the acquisition of this property.

He felt that many residents feel the City has let them down. He is in favor of raising the bond issue to include the full \$6 million for the purchase of South Woods.

b) Charles Brown, Shoreline, outlined he is a retired ecologist and walks almost everyday in South Woods or the Seattle Public Utilities (SPU) property. He said he did an evaluation of both properties based on 13 categories. He said the South Woods property outweighs the SPU property in twelve of the categories. He felt the recommendation to put more funding into the SPU property purchase is incorrect and there should be more financial emphasis on obtaining the South Woods property. He said the purchase of South Woods will be more complicated and involve more parties but South Woods is more valuable and he wants the City to shift appropriation towards the purchase of South Woods.

c) Matt Loper, Seattle, Vice President of the Kruckeberg Foundation and professor of Biology at Shoreline Community College (SCC), supported the acquisition of the Kruckeberg Botanical Garden as a part of the bond issue. He said the property contains an amazing collection and is an invaluable resource. He felt a partnership with the City concerning the property is an exciting, “win-win” situation.

d) Bill Bear, Shoreline, supported the 17 acre South Woods purchase. He said you can’t put a financial value on South Woods because it is such a great educational resource and sentimental resource for the families and residents of Shoreline. He urged the Council to proceed with the bond issue and purchase of the property.

e) Chris Choich, Shoreline, pointed out the human value of the woods and the habitat there. He said the habitat has not been fully studied or understood. He outlined that he has viewed eagles in South Woods and it is a part of their habitat. He said he did not want to see the eagle habitat or South Woods disappear.

f) Marie Elena McMahon, Shoreline, doesn’t want to see South Woods be sold to a developer. She outlined that common sense dictates that urban forests and greenbelts be maintained and are needed for the environment.

g) Maryanne Clymer, Shoreline, urged the Council to save South Woods and said she just wanted to be added to the list of residents in favor of preserving it.

h) Carol Danell, Shoreline, said she represents several neighbors in the Briarcrest neighborhood and they are concerned about losing South Woods to developers. South Woods offers a natural setting for birds and small animals and is a natural sanctuary between the hustle and bustle of Lake City and Aurora Avenue. She strongly urged the Council to purchase the property in its natural habitat.

i) Eric Volkstorf, Shoreline, supported the Kruckeberg and South Woods acquisitions. Over ten years ago he discovered the Kruckeberg Gardens and it was a wonderful resource, he said. He felt it will be a valuable asset for Shoreline and the

Puget Sound Region. He thanked the Council for getting the purchase of South Woods and Kruckeberg Botanical Garden on the bond issue.

j) Laura Brodax, Shoreline, supported the purchase of the Kruckeberg Botanical Garden. She felt the City can only benefit in having it as a part of the City's park system.

k) Richard Johnson, Shoreline, stated he did not know about South Woods and has just recently been educated about it. Many people don't know about South Woods, he said. He stated he was impressed with the South Woods presentation a couple of weeks ago. He said the City needs to purchase the property. Increasing the bond, if necessary, needs to be done. This is an opportunity for the future and he also supported the Kruckeberg acquisition also.

l) Colin Sleeper, Shoreline, added to the statements concerning eagles in South Woods. He expressed that he lives across the street and has also seen hawks and birds of prey in South Woods. He asked people to take a look at Issaquah Highlands and the big development there and how all the trees are now gone. He said the trees in South Woods give shade and are an asset. He urged the Council to purchase the property.

m) Tanya, Seattle, discussed the shrinking rainforests. She urged the Council to preserve the trees, since they will live longer than people. Trees are a valuable resource and it is logical to keep the trees and to consider the future.

**Deputy Mayor Jepson moved to close the public hearing. Councilmember Ransom seconded the motion, which carried 6-1, with Councilmember Fimia dissenting.**

Councilmember Chang asked why the City can't purchase all of the eight acres owned by the school board.

Mr. Burkett said the City needs to negotiate with them. He said the board stated it will not sell the City the remaining five acres at a price of \$240,000 per acre. The City would have to buy the remaining property at a higher price.

Councilmember Chang said the City will have to pay more if we buy 3 acres now and more property later, so the City should buy all of the property and work to eliminate this condition.

Mr. Burkett informed the Council that the property is jointly owned by the school district and the water district and it needs to be subdivided before it can be sold.

Mayor Hansen confirmed that it needs to be partitioned between both owners before it is sold to the City.

Councilmember Fimia said the Council has asked several times to have meetings with the school board and water district. It is time for the elected officials to talk with them in

executive session. She wanted a commitment from the Mayor or City staff that the meeting be scheduled before the end of the year.

Mayor Hansen stated the Council can invite them to a meeting and he is in favor of this.

Councilmember Chang agreed with Councilmember Fimia that the Council needs to be proactive.

**Councilmember Fimia moved to direct the City Manager to schedule an Executive Session with the Shoreline School District Board of Directors and the Seattle Public Utilities Board of Commissioners at the first available City Council meeting to discuss the acquisition of the entire South Woods property. Councilmember Chang seconded the motion.**

Deputy Mayor Jepsen said it is a great idea to sit down and discuss this with them because there is confusion concerning this issue. Neither the school board nor the water district has had a public hearing concerning the disposition on the entire site. He felt the Council or City staff should meet with the two organizations. He suggested the motion be changed to reflect that the City is not going to acquire all of the parcels at South Woods. He outlined that if the intent of the motion is only to discuss acquisition he cannot support it. If the intent of the motion is based on a broader intention on how the City and the two districts as three public agencies preserve the property in the public domain, then he will support it.

Councilmember Grace said he heard there were opportunities for partnerships and that is the direction in which he would like to proceed. All agencies involved need to work together on this.

Councilmember Gustafson agreed with the motion and felt the partnership is the way to do it.

Mr. Burkett suggested the Council conduct this discussion in an executive session.

Councilmember Fimia agreed but said the Council needs to make the commitment. The intent is to keep the entire parcel within the public domain, she said.

**A vote was taken on the motion, which carried unanimously.**

Councilmember Fimia discussed the option of revising the project amounts in the bond proposal in case more funding is needed to purchase South Woods. She identified that the amount for Richmond Beach Saltwater Park could be reduced or maybe bond dollars should not be used for Richmond Beach maintenance.

Councilmember Gustafson commented that the basic premise of the Bond Advisory Committee was that funds could be moved around to different projects depending upon what the Council felt was necessary. He suggested the Council move on to the budget

portion of the meeting. He apologized for being late and commented that Snoqualmie Pass was closed on his way here from Spokane.

9. WORKSHOP ITEMS

(a) Presentation of the 2006 Budget

Mr. Burkett commented that the Council had reviewed all of their own budget items at the last meeting and solicited comments prior to covering the City Manager's budget.

Debbie Tarry, Finance Director, outlined there were no significant changes to the City Manager budget except for slight salary increases based on the City compensation plan.

Councilmember Fimia requested the job descriptions for the 6.0 FTEs in the City Manager's budget.

Ms. Tarry reviewed the City Clerk budget which reflects a \$25,000 increase based on changes in salary and increased costs in facilities for Council meetings and audio/visual recording services.

Councilmember Ransom asked why there is a drop in the number of records provided, yet the budget for the department is higher.

Ms. Tarry outlined that the City Clerk position is in a higher salary range in 2006 and the other increases are related to salary increases in line with the City's compensation plan. Additionally, the operating rental costs for renting the Council meeting facility and the audiovisual services have also increased.

Councilmember Fimia thanked the City Clerk's office for the job well done concerning on-line recordkeeping and asked about the new Records Center. She stated she would like to see a "Citizenship Center" in the library or City Hall for residents to pull documents to read or copy. She asked if the Records Center can accommodate that.

Scott Passey, City Clerk, said the Records Center exists in our current facility and was a major undertaking to remodel the entire center. He said it would be somewhat difficult for residents to get documents out of our Records Center because they are cataloged into our database. However, the City does keep a certain level of information at the libraries such as the Comprehensive Plan, the Budget, Master Plans, and planning documents.

Councilmember Fimia requested a meeting with City staff and any other interested Council members to identify what documents are maintained at the libraries and how to inform the residents they are there. This will reduce staff time if residents know they can get these documents at the libraries.

Moving on to the Communications and Intergovernmental Relations budget, Ms. Tarry highlighted a reduction in the budget for this department because there were items carried over which are not carried over to 2006.

Responding to Councilmember Ransom, Ms. Tarry identified the 3.5 FTEs in the department as being the director, the neighborhood coordinator, the communications specialist, and a part time administrative assistant. She noted that beginning on page 85 of the 2006 proposed budget the City staff position titles and FTE allocations are listed.

Councilmember Grace inquired about the \$15,000 reduction in the neighborhood budget for 2006 and whether it would affect services. He also said he would like to see actual targets listed in the CIR areas to see if performance measures are reached.

Ms. Tarry responded that there was \$12,000 in grants carried over from 2004 into 2005 that did not carry over into 2006.

Councilmember Ransom commented that Ms. Nichols attends almost all of the Council meetings and there is no indicator in her workload as it pertains to meetings attended. He felt it should be included in the critical success factors. Mr. Burkett replied the measure used is based on outcomes and the results derived from the workload.

Councilmember Fimia added that the indicators need to be more concrete. She suggested that the indicators in this proposed budget are more subjective than objective. She is opposed to spending \$25,000 on another citizen survey because the questions are different every time so no progress can be tracked. A year ago, she explained, there was a public process committee that outlined that there was interested in town hall meetings and studying the programming on the Government Access Channel. She asked for a City staff report on the status of the neighborhood organizations.

Mr. Burkett said he would provide the report to the Council.

Continuing her presentation, Ms. Tarry said the 2006 Human Services budget is less than the 2005 budget because of continued one-time funding of \$62,113.

Referring to page 121, Councilmember Grace said he would like to know why the targets are set the way they are. He said he would rather see the percentage of service goals met by our contractors increasing every year.

Councilmember Ransom said there will be cutbacks in the areas of Human Services and the City should consider increasing the General Fund contribution towards 2%.

Councilmember Fimia added that the Human Services Ad Hoc Subcommittee identified that 1 in 5 people in Shoreline are living at the low income poverty level or below. City staff did some good work on what levels of service exist and what levels are needed as far as housing, healthcare, and food assistance. These should be tracked as success factors. She announced she will be proposing to the Council to allocate more funds to



social services and hopes to get support to target those programs that bring the most benefit.

Councilmember Ransom questioned what was being done about education and the adult literacy issue. He inquired if the City is assisting people with high school diplomas. He also asked if the Center for Human Services (CHS) was still an educational clinic preparing people for GED diplomas.

Mr. Beem said the Center for Human Services (CHS) handles family literacy programs. CHS has also worked with HopeLink and provides intense case management services, which includes teaching job skills. This also includes tutoring for school age children. Unfortunately, he said the education clinic was closed due to the elimination of state funding.

Councilmember Fimia suggested allocating a small amount of funding to do assessment and planning on Fircrest with the State and County. She felt it is time for the City to take some initiative in Fircrest. Her second suggestion is for a small grants program of \$500 - \$4,900 for youth services.

Ms. Tarry highlighted the information on page 122 which details grants associated with the Human Services budget.

Continuing, Ms. Tarry stated the City Attorney's Office budget is increasing by approximately 5% in 2006 because the Domestic Violence Victim Advocacy (DVVA) services are being transferred to the prosecuting attorney's contract. In addition, the Assistant City Attorney position is presently at 0.75 FTE and in 2006 it has been proposed that it be a full-time position. In comparing city attorney services from other comparable municipalities, Shoreline is \$9 per capita, which is the lowest amount of all comparable cities. The City Attorney's Office also has the lowest staffing level of all comparable cities.

Councilmember Fimia asked if the information included the all outside legal counsel contracts. Ms. Tarry responded that it did.

Referring to page 127, Councilmember Grace inquired about the \$36,600 increase under "other services and charges".

Ms. Tarry explained it represents the DVVA services being transferred from a staff person to the prosecuting attorney's office contract.

Councilmember Ransom asked if the intent is for the prosecuting attorney to handle domestic violence cases. He commented that when these cases are prosecutor-driven they tend to favor prosecution rather than resolving issues through counseling.

Ian Sievers, City Attorney, said this field is a specialty that requires social service counseling. The person will not be an attorney and will not be doing the actual

prosecution, however, they will be working closely with the prosecutor on a day-to-day basis. He added that it will be the same existing program. He clarified that this is not an advocate for the victim. The most common outcome of this process is a settlement between the parties where both have options for counseling and both feel safe.

Councilmember Ransom inquired why the cities of Lakewood and Federal Way have so many more FTEs in their City Attorney offices than Shoreline.

Mr. Sievers said the numbers are a little misleading because they include the prosecution FTEs. Shoreline's 3.0 FTEs under contract in the prosecutor's office are not counted as a part of the total.

Mr. Burkett commented that the cost per capita of Lakewood and Federal Way is comparable to Shoreline, so that is a better basis for comparison than FTEs.

Councilmember Fimia requested the underlying data so she can take a look at this more closely.

Ms. Tarry outlined the Finance Department budget on page 15 of the presentation. Major revisions in the finance budget, she said, include putting \$187,000 in contingency for future PERS rate increases. Second, the salary survey is complete and implementation will cost \$64,000, which also would be placed in contingency. The next increase concerns \$99,000 for anticipated election costs related to the 2006 Capital Improvement Bond Issue. Also, \$50,000 is proposed to be reserved for a vacation buyout program. Another recommended change is to hire and staff the network specialist position instead of having an outside contract, which results in a savings of \$30,000. Major budget changes include adding the network specialist position (\$54,000), the vacation buyout (\$50,000), compensation increases under the City's compensation plan (\$31,000), benefits, which also are attributed to the network specialist addition, and computer equipment supplies.

Councilmember Ransom asked if there was any discussion about a sick leave buyout program. He also inquired who manages issues related to health insurance, life insurance, and workers compensation.

Ms. Tarry responded that there is no recommendation to add sick leave to the buyout program. She said the Association of Washington Cities (AWC) handles the benefits and the Washington Cities Insurance Authority (WCIA) deals with insurance issues.

Councilmember Fimia requested a full cost breakdown by each City department of professional services, travel, dues, and advertising for 2004 through 2006. Additionally, she asked staff to identify the anticipated \$57,000 line item for professional services in the City Manager's budget.

Referring to page 143, Councilmember Grace asked for an explanation of the decrease in the implementation of the Information Technology strategic plan.

Ms. Tarry replied that this reduction follows the 2004 – 2006 Council plan, which focuses on the information integration aspect of the City's business operations.

Councilmember Ransom asked was about the drop in the month-end closings rating for the years 2004 and 2005. Ms. Tarry explained that there was some employee turnover. The turnover caused some slowdown in the month-end closings.

#### MEETING EXTENSION

Deputy Mayor Jepsen moved to extend the meeting until 11:00 pm. Councilmember Gustafson seconded the motion, which carried 7-0.

Ms. Tarry said the Human Resource budget decreased slightly from last year.

Councilmember Ransom wanted to know what training programs were being conducted. He also wanted to know how much time the director was spending on both training and benefit programs.

Mr. Burkett noted he would provide that information to the Council.

Ms. Tarry reported that there were no significant changes in the Customer Response Team (CRT) budget, only a change in work effort. There are some shifts to devote more time to code enforcement.

Councilmember Fimia questioned why the 2003 and 2004 customer request numbers are not listed. Also, she inquired why the customer requests for service went up from 2004 to 2005.

Julie Modrzejewski, Assistant City Manager, explained that the increase has to do with the abandoned vehicle program. In the past, the police department handled this program. Now, CRT is the first to go out to see if there is a violation, then the police are called when it is time to tow the vehicle.

Deputy Mayor Jepsen commented that the Council has done a lot of work to increase Code enforcement but the numbers in the budget seem to be status quo. He said he was expecting an increase to reflect the policy work the Council adopted.

Mr. Burkett said the data is found in the annual CRT report. The revisions in the Code enforcement may not be realized because the system is complaint-based as opposed to sending staff out to find violations.

Councilmember Fimia requested an estimate concerning the cost of implementing a litter control effort. This option would mostly be staffed by volunteers, but organized by the City. She asked about other cities' expenditures for litter control and maintenance. She

also inquired about a quarterly clean-up program in the City and an Adopt-a-Road program. She expressed concern about the amount of litter in the City.

Councilmember Gustafson added that the City should also consider an Adopt-a-Park program.

Mayor Hansen reported that the Spring/Fall Clean-up program was hugely successful, but the City also needs to address the litter problem on the streets.

Councilmember Ransom commented that community service crews are more effective than handing out fines.

Ms. Tarry noted that the budget for the Police Department is \$8.1 million dollars, which represents a \$272,000 (3.5%) increase from 2005. \$7.8 million is for a contract the City has with King County. The 2006 Police budget is broken down in to several program areas. She outlined that about half of the budget is focused on police patrol. The 2006 proposed budget will include salary increases and increases on the workload of the department. Referring to page 164, she noted an administrative sergeant's salary was moved from the patrol line item to the administration line item. Additionally, there is a new line item for janitorial services at the police department.

Referring to page 164, Deputy Mayor Jepsen asked for explanation on the drop in the revenues for traffic enforcement.

Mr. Burkett said the drop is related to negotiations with King County. At present, King County is now requesting 100% of the revenue from citations. Additionally, we have had a reduction in the number of citations issued over the last couple years.

Mayor Hansen commented that the feedback he is getting from the residents is that enforcement needs to be increased.

Tony Burt, Police Chief, stated that speeding is the single complaint he hears is the most.

Councilmember Grace inquired what the cost would be for another full-time traffic enforcer.

Chief Burt replied it would cost \$128,000 for a fully-equipped officer with vehicle.

Deputy Mayor Jepsen stated that one of the things that is not in the contract is the ratio of administrative FTEs to contract FTEs. He said it appears based on the funding that the City has six administrative FTEs to 42 patrol officer FTEs. He requested that the staff clarify if this ratio is correct. He also pointed out that last year during the budget process he suggested the City need to revise the way it handles traffic enforcement. He said last year he wanted more emphasis on speeders in the neighborhoods but did not get any support from the Council. He urged the Council to support him this year and wondered if the number of administrative FTEs are appropriate.

Mr. Burkett commented that other cities have higher ratios than we do. He said he will provide information on the FTEs to the Council.

Deputy Mayor Jepsen asked about the School Resource Officer Program funding and confirmed it was split with the school district.

Chief Burttt noted there were five contract administrative FTEs in the Police Department.

Councilmember Chang confirmed that the biggest issue in Shoreline is speeding in all neighborhoods. He asked if all 42 FTEs can serve as traffic control officers. He felt there are few people speeding all of the time, and reasoned that maybe the officers can rotate between their duties and patrol. Perhaps after the Council and the Police Department target this as a priority issue it will stop being a problem.

Mr. Burttt said the dedicated traffic unit prioritizes areas and tries to minimize traffic accidents. He has noticed that traffic complaints have gone up significantly in terms of the amount of time spent in neighborhoods. The patrol unit is equipped with radar and has been emphasizing traffic enforcement as much as possible in these neighborhoods.

Councilmember Ransom inquired what the line item "teen recreation" was for in the Police budget.

Chief Burttt replied it is for the overtime expenditures for the officers that staff the various teen program events.

Councilmember Ransom pointed out that there used to be two dedicated traffic motorcycle officers. He felt there is not enough neighborhood traffic enforcement.

Mr. Burttt said whenever there is a traffic complaint the officers try to make three separate visits to the neighborhood in question and spend at least 30 minutes each visit. Frequently, there is little speeding going on but the department still tries to be responsive. He felt there should be a balance between officers' responsiveness to neighborhoods and spending time in high-volume trouble areas by reducing accidents, slowing people down, and being active in school zones.

Referring to page 167, Councilmember Ransom noted there is no target for measuring effectiveness. There have been a higher number of complaints that the police are unapproachable and not customer service-oriented. He agreed with Deputy Mayor Jepsen that the City needs another officer in the traffic unit. He noted that 185 drug houses were closed when the street crime investigations unit had 4.5 officers. The unit also lowered burglaries. Currently, the burglaries and auto thefts have increased. Just recently, he said he received a statement from Carol Cummings, Chief of Transit Police in the Sheriff's Office, that outlined the State of Washington was 5th highest in the nation for auto thefts and our City was significantly higher than other cities in the state. The problem, according to Ms. Cummings, is the lack of security at park-n-rides. He felt this

is something the street crimes unit can address by placing security cameras at park-n-rides to deter auto thefts. He said the Council should consider allocating some funds in the budget for security cameras and adding an officer to the street crimes unit and the traffic control unit.

Councilmember Fimia commented that the Council can make amendments to this administrative proposal. The level of discontent with traffic safety is serious in the City and there is more we can do about it. She agreed that Council needs to take some action, possibly issuing a proviso, and letting the neighborhoods know that the Council is taking this seriously.

Councilmember Ransom added that speed bumps might resolve some of the speeding issues.

Councilmember Gustafson pointed out that he received a call last week from a resident that was upset that an officer was conducting radar enforcement near his house instead of by the school zones.

Ms. Tarry commented that the Criminal Justice budget pertains to jail and public defender costs, noting that the 2006 budget shows these costs are declining. However, there is an increase in the number of jail days the City has been billed for compared to the previous two years. The City may need to revisit the 2006 jail costs projection. The transition from King County Jail to Yakima Jail is occurring and the City is utilizing the minimum days in Yakima, thus maximizing its savings. In the future, partnering with Issaquah on bookings is in the process which will also save the City more money.

Councilmember Ransom expressed concern about bed days and the costs at the Yakima Jail. He said the costs in Yakima were underestimated by Yakima County and that Yakima will be raising its prices.

Mr. Burkett replied that there are other options, but the City committed to 18 beds for the costs outlined in the contract.

Mr. Olander stated the Yakima County Jail Administrator did a study of the process and agreed to honor their obligations with the City.

Councilmember Fimia questioned why crime in Shoreline is increasing when it is not occurring in cities adjacent to Shoreline. She felt if social services are not funded then crime rises, and there is a correlation between poverty and crime.

Mr. Olander said that jail days were fairly constant over the past seven years and the City is not arresting more people. However, the seriousness of the crimes and the length of the sentences are increasing.

Councilmember Ransom inquired if there were new judges making decisions on the City's misdemeanor cases.

Mr. Sievers replied the City has had and will have the same elected judges through 2006.

Mr. Olander added that repeat offenders get longer sentences. He suspected that is what is occurring in some of the cases.

Councilmember Fimia felt that this means that somewhere in the system defendants are not getting the assistance they need. If the basic services aren't there, then the City is spending more money putting them in jail, and this need to be prevented.

Councilmember Chang suggested the Council get the underlying data regarding the arrests.

Mr. Olander stated that the courthouse information lags behind about 1-1.5 months, so these statistics are relatively new.

Ms. Tarry outlined that the Economic Development focus has changed a little due to the emphasis on small businesses. A proposed business licensing program, slated to be implemented in the second quarter of 2006, should generate approximately \$95,000 in revenue.

Tom Boydell, Economic Development Manager, outlined that this budget reflects a broad-based approach which emphasizes small business resources and assistance through a three-pronged approach. First, the direct outreach program aims to reduce costs and help businesses plan and expand via audits, utility rebates, and other cost-saving measures. Second, business mentoring and training through the Community Capital Program helps provide access to loan funding to support business growth. The third program is Business Relocation Assistance. The Community Capital Program is a potentially declining commitment because it is assumed to be self-sustaining after three years. It is anticipated that this program's loan fund that would grow from \$250,000 with the possibility of growth to \$2 million.

10. ADJOURNMENT

At 11:00 p.m., Mayor Hansen declared the meeting adjourned.

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Scott Passey, City Clerk

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

Monday, November 14, 2005  
7:00 p.m.

Shoreline Conference Center  
Mt. Rainier Room

**PRESENT:** Mayor Hansen, Deputy Mayor Jepsen, Councilmembers Fimia, Grace, Gustafson, and Ransom

**ABSENT:** Councilmember Chang

1. **CALL TO ORDER**

The meeting was called to order at 7:03 p.m. by Mayor Hansen, who presided.

2. **FLAG SALUTE/ROLL CALL**

Mayor Hansen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present except for Councilmember Chang who was ill. Councilmember Gustafson had notified the Mayor earlier that he would arrive late.

**Upon motion by Councilmember Fimia, seconded by Councilmember Ransom and carried 5-0, Councilmember Chang was excused.**

**Councilmember Gustafson arrived at 7:05 p.m.**

(a) Proclamation of "Recycling Day"

Mayor Hansen read the proclamation, which designated November 14, 2005 as "Recycling Day" in the City of Shoreline. He encouraged residents to participate in recycling programs and set an example to the next generation of good stewardship of the environment.

Paul Haines, Public Works Director, accepted the proclamation and thanked the residents of Shoreline for their recycling efforts. He encouraged all residents to take advantage of the City's recycling events.

3. **CITY MANAGER'S REPORT**

Steve Burkett, City Manager, announced that the Annual Holiday Crafts Market on November 5<sup>th</sup> was attended by over 500 people and was an overwhelming success. The event generated some net revenue for the Parks budget. A new pedestrian crosswalk will

be installed at 180<sup>th</sup> and Aurora Avenue N. located just south of the Highland Ice Arena. There will be a pedestrian activated stop light at the location and the projected cost for the crosswalk is \$140,000, with \$90,000 being paid by a federal grant.

Continuing, Mr. Burkett described City staff's visit to a 30-acre urban forest park on Vashon Island. The group asked questions and learned the steps Vashon Island took to regenerate their urban forest. He commented on recent work on the Aurora Corridor/Interurban Trail Projects and said the Public Works Director is willing to provide tours to any interested Council members.

#### 4. COUNCIL REPORTS

Councilmember Ransom announced that the Richmond Beach librarian was removed without any discussion with the Board or the Council and then later forced to resign from that location. Recently, she has been reassigned to Bothell without any input or discussion with the City or the Council. The Richmond Beach community is concerned and he expressed his concerns, as the Library Board liaison, to Judge Eadie, who is a member of the King County Library Board of Trustees. He said he would be willing to attend the King County Library Board of Trustees meeting on Wednesday.

Mayor Hansen said he is also concerned and intends to give his input to the King County Library Board of Trustees. He encouraged Councilmember Ransom to attend the meeting.

Deputy Mayor Jepsen pointed out that Yoshiko Saheki from the Library Board was in attendance and has signed up for public comment. He wanted to hear her comments before he comments on the issue.

#### 5. PUBLIC COMMENT

(a) Yoshio Saheki, on behalf of the Shoreline Library Board (SLB), commented the Board met last week and invited Mr. Ptacek from the King County Library System Board (KCLSB) to attend and address the reorganization of the King County Library System (KCLS). She referred to the reorganization as "clustering". There are 40 libraries in the system and KCLS is "clustering" them into groups of 2 - 5 libraries. Each "cluster" has a cluster manager, thus there will not be a manager at each library. The staff within a cluster will be moved within the libraries of their prospective cluster. The net result, she explained, is that there will be cluster-specific staff instead of library-specific staff. KCLS chose to join the two Shoreline libraries, Richmond Beach and Shoreline, into one cluster. She said Judy Weathers, the current manager at the Shoreline Library, will be the Shoreline cluster manager. With that, Anina Sills could not stay at the Richmond Beach library and was assigned to the Bothell/Lake Forest Park cluster. She pointed out that the Shoreline Library Board did not have any input on this decision before it was implemented. In response to her inquiry, Mr. Ptacek stated that none of the city library boards had any input because it was an urgent King County operational matter. She questioned whether this decision benefits the community.

Generally, she said the sentiment is that the residents do not like the decision and they would have wanted to give their input before a decision was made. She said the decision was made by the five KCLSB trustees. She said according to Judge Eadie, a KCLSB trustee, it is more a policy matter than an operational matter.

Mayor Hansen asked if the librarian position at the Richmond Beach library was eliminated.

Ms. Saheki replied that there is a reorganization going on so they will be in a cluster with one manager, instead of having one manager at each Shoreline library.

Mayor Hansen added that he has many questions about this and is not ready to take a position on the issue because he needs more facts.

Councilmember Ransom inquired if there will be a professional librarian or only library assistants at the Richmond Beach Library once Ms. Sills is transferred.

Ms. Saheki replied there will be professional staff at each library. Presently, the staff at both libraries is professional and the cluster of both the Shoreline and Richmond Beach libraries will share all of them.

Councilmember Fimia felt that this choice is better than cutting hours and staff. This way the staff is protected and direct service does not falter.

Ms. Saheki stated that Judge Eadie said a regular restructuring would “flatten” the organization and “clustering” provides cross-training opportunities. KCLS is considering expanding the hours of operation in Shoreline.

Councilmember Gustafson agreed with Councilmember Ransom that there should be a process for the Council to be notified. He would like to know the details and is disappointed that the Shoreline Library Board was not included in the decision-making process.

Deputy Mayor Jepsen stated he would go back further into the annexation language and remind KCLS what the Shoreline Library Board does. Additionally, he said he would have the Mayor write a letter to Mr. Ptacek reemphasizing and reminding him what the library board was intended for.

Councilmember Ransom confirmed with Ms. Saheki that the next King County Library System Board of Trustees meeting is in Shoreline next Wednesday.

Ms. Saheki said the meeting next Wednesday is the annual budget meeting and they will be discussing their preliminary budget for 2006.

(b) Gretchen Atkinson, Shoreline, commented on the legal challenges to some people's signatures or place of residence in the past election. She said her husband was

one of the people who had to have his signature verified. She felt that the signature verification offices were too far away from the City of Shoreline. She urged the Council to request that King County Elections have the courthouse in Shoreline be the designated venue to signature verification.

6. APPROVAL OF THE AGENDA

**Councilmember Gustafson moved to approve the agenda. Councilmember Grace seconded the motion. Item 7 (a) was pulled from the consent agenda for approval at the next meeting. Items 7 (c) and 7(d) were pulled from the consent agenda and moved to Items 9 (b) and 9 (c). A vote was taken on the motion to adopt the agenda as amended, which carried 6-0.**

7. CONSENT CALENDAR

**Councilmember Ransom moved approval of the consent calendar. Councilmember Grace seconded the motion, which carried 6-0 and the following consent items were approved:**

**Approval of expenses and payroll as of November 3, 2005 in the amount of \$4,377,032.83.**

There was Council consensus to hear Item 9 (b) at this time.

9. UNFINISHED BUSINESS

- (b) Motion to authorize the City manager to execute Telecommunication Facilities Lease Agreements and Memorandums of Lease for Twin Ponds Park and Shoreline Park with Clearwire Corporation

Dick Deal, Parks and Recreation Director, noted that Clearwire Corporation approached the City regarding installation of telecommunications equipment in two parks. He described the details of the proposed installation and said the agreement provides the City with \$1,000 compensation per month with a 30% annual escalation clause.

Councilmember Fimia referenced page 61 of the Council packet and commented on the \$2 million dollar comprehensive general liability insurance that the City is requiring Clearwire to have. She asked why the City is requiring that much.

Ian Sievers, City Attorney, explained that Kitsap County has many of these sites and the language was copied from their agreement. Typically, he said, comprehensive liability insurance for franchisees is much higher than \$2 million.

Mr. Deal stated he is not aware of any issues with any other municipalities regarding these sites.

Mr. Sievers added that he is not aware of any existing claims concerning these types of facilities.

**Councilmember Grace moved to authorize the City manager to execute Telecommunication Facilities Lease Agreements and Memorandums of Lease for Twin Ponds Park and Shoreline Park with Clearwire Corporation. Councilmember Gustafson seconded the motion.**

Councilmember Gustafson appreciated the photo of what the pole looks like and said he sees nothing wrong with it.

Councilmember Ransom said there used to be vegetation requirements to obscure the view of the pole. He asked if the City is dropping the requirement for existing vegetation.

Mr. Deal replied that this would replace an older pole and the vegetation already covers the existing pole.

**A vote was taken on the motion, which carried 6-0.**

- (c) Ordinance No. 401, revising the 2005 Capital Improvement Plan to increase the project budget for the North City Business District/15<sup>th</sup> Avenue Improvements; and amending Ordinance Nos. 376 and 381

Jill Marilley, City Engineer, stated this item is specifically related to Seattle City Light (SCL) work on the North City Project. There were some revisions made in the original design and this covers the cash flow issue caused by those changes.

**Deputy Mayor Jepsen moved to adopt Ordinance No. 401, revising the 2005 Capital Improvement Plan to increase the project budget by \$210,000 for the North City Business District/15<sup>th</sup> Avenue Improvements; and amending Ordinance Nos. 376 and 381. Councilmember Gustafson seconded the motion.**

Councilmember Ransom asked why the City is paying for the increases if they were caused by Seattle City Light and the City has a 10% contingency. He inquired if the City had exceeded the 10% contingency for the project.

Ms. Marilley clarified that the project has not exceeded the 10% contingency. She pointed out that this is only to have the spending authority to be able to pay the contractor ahead of backbilling Seattle City Light. This is a cash-flow issue and these funds will fully be reimbursed by Seattle City Light.

**A vote was taken on the motion, which carried 5-1, with Councilmember Fimia dissenting.**

**8. ACTION ITEMS: PUBLIC HEARING**

- (a) Public hearing to receive citizens' comments on the 2006 Proposed Budget including the 2006 Proposed Property Tax Levy and Other Budget Resources

Debbie Tarry introduced the item and stated the City's resources for the 2006 budget is \$78.9 million. She added that 9% of the total revenues come from property taxes and another 9% is derived from sales taxes. Utility tax, utility contract payments, franchise fees, and gambling taxes make up another 11% of the revenues. The property tax rate in Shoreline has been dropping since 2000. Overall, 25% of the revenues are from taxing sources, 33% from grants and loans, and the remaining revenues come from fees for services, investment interests, revenues received from the State, and money in the reserves which are for capital expenditures for 2006. She pointed out that based on inflationary increases the amount of money the City collects in property taxes is decreasing. The City is projecting increased sales tax revenues for 2006 compared to 2005. She discussed City fee increases to some recreation programs, land use, non-building permit, and surface water rates based on inflation. Approximately 36% of the 2006 City budget is allocated for general operations, 53% is for capital improvements, and 10.6% is for internal transfers. The largest operating expenditures are jail, public defense, and police related which are about 28% of the amount. Capital improvements are related to the Aurora and Interurban Trail projects.

**Mayor Hansen declared the public hearing open.**

(a) Mark Deustch, Shoreline, stated he is pleased the budget is balanced without having to ask residents for a tax increase. He expressed support for a bond issue and economic development and asked if the City can learn why Federal Way is doing well even amidst limited resources. He commented that Shoreline is looking for an economic development bond and the debt level is getting close to \$200 per capita. He said the City should separate South Woods from the bond issue. This is an opportunity, he said, to balance the needs, preserve the forest, and derive some economic benefit. He concluded that he is glad to see the City expanding its economic development programs.

(b) Janet Way, Shoreline, stated that the value of South Woods would be weighed by what citizens get for their dollar. Many communities derive enormous environmental value from the property. It protects water quality, habitat, air quality, and also provides passive recreation. For all that South Woods provides, the cost of owning it is a bargain, she stated. She felt the school district needs help in maintaining it for future utilization and there is true community need and desire to preserve it.

**Deputy Mayor Jepsen moved to close the public hearing. Councilmember Gustafson seconded the motion, which carried unanimously.**

Deputy Mayor Jepsen pointed out that while the stated per capita rate for the bond issue is \$288 per year per resident (\$15 million divided by 53,000), that figure is incorrect because the \$15 million should be divided by the number of residents who pay property taxes.

9. UNFINISHED BUSINESS

(a) Discussion of 2006 Proposed Budget

Councilmember Grace inquired about the City's proposed business registration program.

Debbie Tarry, Finance Director responded that the list of businesses needs to be completed. Information is also needed from the Department of Revenue prior to a proposal going to the Council. The City, she added, needs to determine how to best use the resources received and allocate that balance towards economic development. The City is currently reviewing the State of Washington Master Business Licensing Program to determine if they should administer the program. She concluded that staff is still researching the goal for implementation in the second quarter of 2006.

Councilmember Ransom asked if staff has determined an approximate amount for the licensing fee.

Tom Boydell, Economic Development Manager, outlined that the task force and the concerned parties have communicated that the amount of the business license fee is not the key issue, but it is how and what the money is used for.

Ms. Tarry outlined that the issue is deciding what fee is reasonable and what to do with the funds.

Councilmember Ransom pointed out that the Council wanted to include home businesses in the licensing program. There may be over 4,000 of these type businesses, he added, and as many as 1,000 that would actually have an impact on the amount of revenue collected. The primary purpose of this would be to register all the business in the City. He felt the fee should be about \$25 for home businesses. A fee of \$75 is high and it would dissuade home businesses from participating in the program.

Councilmember Grace inquired about the business loan program and its anticipated revenue sources.

Mr. Boydell stated there are three business assistance programs underway on at least a pilot basis. One is the Community Capital Development Program, which aims at making businesses more successful through various strategies. One strategy is to establish a portfolio of loan funds to service a number of businesses. When these loans get repaid, it generates money for the loan pool which becomes self-sustaining over a period of time.

Councilmember Fimia felt this program is heading "in the right direction," but wanted to make a distinction made between businesses needing general assistance and those that

have been displaced by City projects. She inquired about programs that provide zero-interest or low-interest loans for displaced businesses.

Mr. Boydell outlined that there is a separate program for businesses displaced by the Interurban Trail, and there will be a “hand-off” to Community Capital for relocation assistance. He responded that he is not aware of any zero-interest loans for displaced businesses.

Councilmember Fimia said the City needs to have some revolving funds to help small businesses relocate. She inquired about Forward Shoreline’s written work product and if their contract could be terminated at will.

Mr. Boydell stated that the current 18-month contract is for \$25,000 per year and ends in 2006. Forward Shoreline has assisted with economic development in terms of public forums and shaping a list of ideas for businesses in North City. Forward Shoreline has also assisted with attempting to recruit national retailers and have been a part of the overall comprehensive effort to bolster economic development in Shoreline.

Mr. Burkett replied that the contract provides that the City receive a monthly report of its progress and accomplishments. Additionally, he said the contract has language that states either party can terminate the contract with reasonable notice.

Councilmember Gustafson questioned what secondary needs would be addressed by the pilot project and what partnerships could be formed to address environmental issues.

Mr. Boydell commented that the primary need addressed is helping businesses reduce costs and learn about programs and new technologies. Secondary needs include building partnerships, acquiring knowledge of resources, and how to conduct open discussions to determine what other needs may exist.

Deputy Mayor Jepsen disagreed with Councilmember Fimia, noting that all of the businesses displaced along the Interurban Trail were located on the public right-of-way property owned by Seattle City Light. All of them held 30-day leases and did not pay any property taxes to the City. He felt this was a different situation and a different philosophy as a result of the Interurban Trail. He requested that the City staff investigate what the value of new construction is each year and how it has affected the City’s property tax rate. Secondly, he said he would like the City to prepare a proposal for a hotel/motel tax.

Mayor Hansen inquired about surveys for businesses to assist them in reducing their expenses.

Mr. Boydell stated he has conducted a lot of outreach. He said he has visited over 200 Shoreline businesses. The ECOSSE group has visited about 50 businesses and the Community Capital group has visited about 100 businesses. Ideas for businesses that have been shared with business owners include energy-savings for lighting and electric usage. The overall cost savings per business has been between \$100 and \$1,000.



Councilmember Fimia commented that the feedback she has received from all of the programs has been very good. She commented, however, that the future economic impact is difficult to assess when businesses are displaced, but the programs are good and they need to be expanded. She felt the problem was in determining the impacts our projects have on existing businesses.

Ms. Tarry presented the Parks, Recreation and Cultural Services (PRCS) Department budget. Overall, the budget is increasing by \$242,000. The increase is based on adding an additional parks maintenance worker to the department, \$50,000 for a forestry assessment, adding a Parks and Recreation Coordinator position, and the purchase of a handicap-accessible van.

Referring to page 195 of the proposed budget, Councilmember Ransom outlined that revenue is athletic field maintenance and operation program revenue is identified as 47% of the total program expenses. He commented that this figure is new. He asked if this means that rental fees are covering 50% of all maintenance overhead for the fields.

Dick Deal, Parks, Recreation and Cultural Services Director, responded affirmatively. He explained that the youth rental rates for the fields have been raised significantly over the past few years to cover costs. Repair costs for a baseball/softball field are \$35 under our current maintenance contract. He commented that the maintenance budget has been supplemented by \$20,000 in the last two years for additional athletic field maintenance staff.

Councilmember Ransom requested the dollar cost breakdown for the passive and athletic field maintenance.

Councilmember Gustafson said he is pleased with the program and its expansion. He said he has received several compliments about the high level of maintenance and care of the facilities but wanted to look at the fee structure. He felt there is little difference between the resident/non-resident rental rates. He added that the residents of Shoreline should get better discounts; however, non-resident rates should be higher to increase revenues. He felt the City's loyalty should belong to those residents in the City and should be reflected in these fees.

Mr. Deal noted that a rate adjustment and a recommendation for priority scheduling will come back to the Council. He agreed that the focus should be on Shoreline residents. He discussed the urban forestry assessment development plan for the inventory of vegetation, the analysis of the tree canopy, and the removal of invasive species in the parks system. The Ivy-out program has started but some parks are sterile because they only have one species in it. Mr. Deal discussed ways of repairing the health the forests in Shoreline.

Councilmember Grace said he would like to see a forestry education program for property owners who have land adjacent to public property.

Referring to page 191, Councilmember Fimia asked why the 2005 current budget is being used instead of the 2006 projected budget for assessing the differences.

Ms. Tarry responded that the City measures the difference between the current budget to the budget next year and that has been the standard for a number of years. She said this is the best way of conducting an “apples-to-apples” comparison. She defined the current budget as being the adopted budget plus any amendments that have taken place throughout the year.

Councilmember Fimia felt that the City can get assistance from non-profit groups and volunteers to assist with the urban forestry assessment project, and there should be a fund established to carry out the implementation of this project. She outlined that before she can support this she would like to explore the possibility of using volunteers to do the assessment. Once the inventory is complete the City can utilize the funds saved for the actual implementation of the plan.

Mr. Deal agreed and said the City has two licensed arborists on the Parks staff that can help with the inventory work. However, he clarified that there will be plenty of opportunity for volunteers to assist. Mr. Deal pointed out that the City has over 200 acres to analyze and will require some support from professionals to conduct this labor-intensive work.

Mr. Burkett responded that funds should go to the long-term plan to maintain the urban forests in Shoreline; however, Council will look at the priorities and decide.

Councilmember Fimia said if the City is not prepared to put money into a fund to implement it then there is no sense in starting this in the first place.

Mr. Deal disagreed and said there are opportunities for volunteers in many areas, including trail repair and inventory of trees. However, it would take a small amount of funding to do this.

Referring to page 202 regarding cultural service programs, Councilmember Ransom felt that some people would be concerned there is no cost of living (COLA) increase for the Arts Council or the Museum. He also asked that some of the programs be identified by Mr. Deal.

Mr. Deal responded that there is a 3% COLA in the amount of \$63,800, and that his department works closely with the Museum and the Arts Council. He went on to describe the various cultural service programs within the City.

Ms. Tarry discussed the 2006 Planning and Development Services (PDS) proposed budget. This program reflects a 1% (\$27,000) decrease in funds from 2005 – 2006, partly due to \$126,000 in carry over monies from 2004 that were included in the 2005 budget. Other revisions to the 2006 PADS budget include the implementation of electrical permitting in conjunction with the Washington State Department of Labor and Industry.

Providing this service would require a 0.5 FTE technical assistant position, which would be fully funded by the revenue from the program. Additionally, she commented that there was some shifting between actual PDS programs that was noted in the Council packet.

Mayor Hansen asked if there were cities that handle their own electrical permits.

Ms. Tarry responded that there are a quite a few cities issuing their own electrical permits. Auburn just recently implemented the same method that staff is proposing to use.

Ms. Tarry discussed the 2006 Public Works budget. She announced a decrease of \$134,000 based on a \$450,000 carry over from 2004. Enhancements to the department include surface water engineering technician to be funded by the surface water fees. She pointed out a recommendation for the department to take over the mowing of 35 miles of slopes in the City from King County, which will save \$22,000 in the budget. City staff also recommends the standardization of street lights throughout the City. Currently, some are paid by the neighborhoods and some are paid by the City. This would entail restructuring of street light fees so that the City would assume the cost of operating all them. This revision would take an additional \$77,000 from the street operating budget.

Councilmember Grace inquired when the street light program would take effect.

Paul Haines, Public Works Director, responded that the program would take place soon after the budget is executed, at the beginning of the year.

Councilmember Grace asked if any of the traffic counts/investigations are paid for by capital project funds, or if all of them come from the street operating budget.

Mr. Haines replied that it depends where the time is billed. Most of the time for traffic counts is billed to the operating budget. There are two funds: the Neighborhood Traffic Safety Program (NTSP) and the Overlay Program, that are in the operations budget that are shown in the capital budget. Most traffic counts are billed to the NTSP. The operating budget is our main billing source for traffic counts and investigations. The Aurora Project will be evaluating the streets affected by the project, and there will be more focus after Neighborhood Traffic Action Plans are created.

Councilmember Fimia said the problem is there is not enough money to implement any programs. She felt this is an area of the budget that needs to grow faster. If the Council wants more traffic calming, engineering, enforcement, and education, then the City must budget for it and make amendments to the budget to do it. There is more cut-through traffic off of 15<sup>th</sup> Avenue NE and people are getting frustrated, she commented.

Councilmember Gustafson said once North City and the Aurora Project are completed there will be a completely different transportation picture in Shoreline. He felt the Council needs to wait until those projects are completed before taking action.

Councilmember Ransom commented that in every neighborhood meeting he has attended, residents request traffic calming in their neighborhoods. During the "National Night Out Against Crime" there were eight areas identified throughout the City that need to be revisited and discussed more.

Mr. Burkett clarified that residents feel there are too many cars on their neighborhood streets, and many of them are speeding. Therefore, the problem entails traffic volumes and speeding.

Mr. Haines stated the Council has accelerated funding over the past few years. However, the need continues to increase based on the number of calls received.

Mr. Burkett mentioned that one of the Council goals on safe and friendly streets includes several elements, and one of them is reexamining the arterial speed limits in Shoreline. In 2006, staff will make a recommendation to the Council on the revision of arterial speed limits in the City.

Mayor Hansen concurred that speed control is the main complaint he hears. Although he said he has had specific requests from residents for more traffic enforcement on their streets.

Deputy Mayor Jepsen recommended putting stop signs at each intersection in the neighborhoods, which slows traffic and diverts traffic back to arterials. Regarding street lights, he said he prefers a policy of equity because he is concerned about the logic the County used to determine where street lights were located. If street light make sense, then the City should pay for it. However, if residents want them on their own private property, then they should pay for it themselves. He wished to ensure the City would not pay for street lights located on private property.

Mr. Haines stated that the street lights are all on public property and the \$77,000 would give the City a small capacity to add some lights to the system. The current system is reflective of people asking Seattle City Lights for street lights not based on safety issues. Risk management requires that lighting is installed for safety reasons, and the City inherits the overall liability.

Councilmember Ransom commented that drivers are speeding on neighborhood streets with two solid lines dividing the lanes. He felt there should probably be stop signs on streets like this.

Mr. Haines said the subject of stop signs, lights, and striping issues will be brought back to the Council for discussion at a later date.

Continuing her presentation, Ms. Tarry presented the 2006 Capital Budget changes. She said there were two areas that were revised, and the first includes setting aside \$150,000 for traffic signal rehabilitation. The second is a recommendation to add a maintenance

worker to the PRCS budget. She commented that the construction projects under the CIP remain basically the same.

Councilmember Ransom asked for clarification about the \$600,000 line item for City Hall and the \$100,000 for a City gateway.

Mr. Burkett said the \$600,000 is the estimated cost for the acquisition of property for a new City Hall for 2006. The design and construction phases are slated for 2007. He continued that the gateway has not been identified yet since the Council will decide what will be done in 2006.

Councilmember Fimia stated that gateways were not in any of the master plans and not identified as a Council goal in 2004. She added that \$400,000 has been spent and she is not sure where the gateways idea came from.

Mr. Burkett stated that two or three years ago gateways were a part of the Council goals and the CIP included about \$100,000 per year to be spent on them.

Deputy Mayor Jepsen outlined that this was a Council goal that is incomplete and it was added to the six-year CIP prior to Councilmember Fimia joining the Council.

Mr. Burkett said there are two gateways that have been completed and the City has been trying to reduce the maintenance costs of them.

Councilmember Fimia conveyed that the capital priorities need to be for traffic mitigation, South Woods, and the Richmond Beach Master Plan.

Mr. Burkett pointed out that the annual budget process includes a period for prioritizing projects and spending.

Ms. Tarry discussed interfund transfers. She said \$8.6 million will be transferred from the general fund to the street fund in 2006. For example, the supplementing of operating dollars in the street fund for capital projects occurs.

#### 10. ADJOURNMENT

At 10:00 p.m., Mayor Hansen declared the meeting adjourned.

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Scott Passey, City Clerk

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**DRAFT**

**CITY OF SHORELINE**

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

Monday, November 21, 2005  
6:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

PRESENT: Mayor Hansen, Deputy Mayor Jepsen, Councilmembers Fimia, Grace, Ransom, Chang, and Gustafson

ABSENT: None

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Mayor Hansen, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Hansen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exception of Councilmembers Chang and Ransom, who arrived at 6:37 p.m.

3. CITY MANAGER'S REPORT

Steve Burkett, City Manager, reported on a number of City projects and activities. His report included the following updates:

- Residents can now access the City of Shoreline website to be notified of updates on any City topic of their choice.
- Human services provider HopeLink is now located in Shoreline at Aurora Village.
- Sidewalks are being completed on the east side of 15<sup>th</sup> Avenue NE in North City.
- ADA-compliant ramps were added to the benches at Echo Lake Park as a result of another Eagle Scout Project.
- The Economic Development Task Force has completed its draft report and it is scheduled to be presented to the Council at the January 23<sup>rd</sup> Council meeting.
- The City Council is invited to tour the Aurora Project on either November 30<sup>th</sup> or December 1<sup>st</sup>.
- The Shoreline Annual Tree Lighting Ceremony will be held December 3<sup>rd</sup> in North City.

4. COUNCIL REPORTS:

Councilmember Gustafson stated he toured Kruckeberg Gardens and encouraged other Councilmembers to do so. He personally thanked Mr. Kruckeberg for the tour.

5. PUBLIC COMMENT

(a) Charles Brown, Shoreline, stated he is an advocate for the South Woods property. He brought some books for the Council regarding the environment. He summarized that one of the books projected a shorter life expectancy for the youth due to a lack of physical activity. He said this has some profound implications on how we look at the environment and our personal well-being.

6. WORKSHOP ITEM(S):

(a) 2006 Proposed Budget Discussion

Steve Burkett, City Manager, stated that City staff is available to answer questions at this meeting because all of the department presentations have been completed. A list of potential budget changes, ideas, and suggestions for increases or decreases was sent to Councilmembers last Monday. Additionally, all of the questions posed to the staff have been included in the packet. He pointed out that some of the PERS fund reserves of \$180,000 will likely be utilized in 2006 because the State is increasing retirement rates by \$40,000 in 2006 and \$80,000 in 2007. He said a lawsuit filed against the City pertaining to a non-compete fee with the City of Seattle could potentially cost the City \$850,000 per year in annual revenue. He informed the Council that the changes they make at this meeting will be incorporated into the budget ordinance brought to them next week.

Councilmember Gustafson supported most of the budget provisions but wanted to discuss the fee structure. He also supported allocating more full time equivalents (FTEs) for the Assistant City Attorney, the \$50,000 Urban Forestry Assessment, the Economic Development enhancements, Human Services funding, and the Street Light Program. He wished to explore options for acquiring more funds for additional projects. He suggested the \$100,000 for gateways be reduced to \$25,000, and adding \$15,000 to the budget of the new Park Coordinator to develop a volunteer litter control program, an adopt-a-park program, and an innovative program for gifting and/or commemorations (park benches, tiles, bricks, plaques, etc.). He also wished to increase all non-resident recreational fees.

Continuing, Councilmember Gustafson proposed adding \$10,000 in seed money for a "kiddie" pool addition at the Shoreline pool, suggesting the Parks Director research and develop a plan to accomplish this. He suggested an allocation of \$10,000 to Human Services for the development of a Shoreline Youth Master Plan, which would promote after-school activities for students. He expressed support for a blue ribbon committee to research the needs of youth and families in Shoreline and present a proposal to the Council at the April Council Retreat. He also suggested the City allocate \$20,000 - \$30,000 for an Emergency Response/Preparedness Plan to ensure adequate funding levels and any necessary training/equipment.



Councilmember Fimia inquired whether the \$20,000 - \$30,000 is for the plan or the implementation.

Councilmember Gustafson said it would be for the implementation. There is a need for generators and funding to ensure the City is prepared for an emergency situation. He suggested that the presentation he viewed at a neighborhood meeting be placed on Channel 21 once or twice a month. He also recommended increasing the 2006 budget for sidewalks by \$230,000, and that this work should be completed in 2006. He commented that the City has done a great job in balancing the budget and suggested moving to a biennial budget beginning in 2007. He felt this would save the City some money in the overall budget process.

Ms. Tarry felt the savings would not be significant, but it would save City staff and Council time. In a biennial budget, there would still be the requirement of a mid-year review. She stated staff would investigate the advantages and disadvantages of a biennial budget.

Dick Deal, Parks, Recreation & Cultural Services Director, said the challenge with raising non-resident rates is that it would affect Lake Forest Park residents, since the school district includes Shoreline and Lake Forest Park residents. He said he will be taking these suggestions before the Parks Board along with the proposed field fee increases for Fields A & B.

Councilmember Fimia supported a non-residential recreation fee increase of 10 – 20% with the exception of the youth drop-in programs. She explained that the City should encourage kids to use recreation facilities. However, she said there should be a cap on the amount that resident fees are raised.

Councilmember Ransom stated he is opposed to a large increase, which would tend to drive users away. He felt up to a 20% increase would be reasonable. He said Lake Forest Park residents should be allowed to pay the resident rates, and concurred that youth program rates should not be increased.

Councilmember Gustafson pointed out that many cities are implementing the “40 Developmental Assets” philosophy and are developing programs with school districts and businesses in proactive ways to involve the youth.

Mr. Deal added that Human Services Manager Rob Beem has done similar projects for the City of Bellevue and put together two youth initiatives similar to what Councilmember Gustafson suggested. The process entails short-term goals and a long range vision of what would be best for the youth in the community. He felt this is a great time to take on this project in the near term.

Mayor Hansen suggested that the PRCS Board review these proposals and prepare a recommendation for the Council.

Councilmember Fimia said the City can address this with Lake Forest Park and discuss partnerships on facilities. She supported a youth master plan but would want the ages identified and she would also like social services, education, and recreation linked within the proposal.

Councilmember Grace agreed and said he sees a lot of benefit in having a youth master plan, but felt a broader human services master plan should be implemented first. The youth master plan would be a subset of the entire master plan. He noted that the City already has a number of issues that need to be addressed.

Mr. Burkett pointed out that most of the proposals from Councilmember Gustafson are one-time budget decreases, except for the \$15,000 volunteer litter control program funding. He also said there is \$21,000 in the Human Services budget in anticipation of a potential federal funding cut.

Councilmember Grace announced that the City should allocate funds so that the City can accomplish as much as it can in 2006.

Mr. Burkett suggested that the Council approve the \$900,000 in Capital Improvement Plan for sidewalks.

Mayor Hansen reiterated his suggestion for a "Save Our Sidewalks" program, which would bank property tax money for roads and sidewalks. He said he would want to make sure it is fair to all residents and would like to see it done by local investment district (LID). He felt such a program would ensure that the majority of neighborhood residents support the plan.

Mr. Burkett announced that staff would have a proposal for sidewalks at a January City Council meeting.

Councilmember Chang felt that street trees are damaging roads and cracking home foundations, water pipes, and sewer lines along Meridian and 5<sup>th</sup> Avenue NE. He agreed with the suggestion to raise sidewalk funding from \$670,000 to \$900,000 for 2006 but he felt the funds should come from other sources.

Mayor Hansen concurred, noting the City must ensure that street tree roots do not affect the walkways.

Councilmember Gustafson reiterated his concern for the Shoreline pool, noting he would like to explore funding options for improving that facility. He also restated his concern about adequate emergency preparedness.

Mayor Hansen agreed regarding the Shoreline Pool but felt it should be classified as a capital project and included in the Capital Improvement Plan. He noted that local agencies had to have hazardous mitigation plans updated to be able to receive FEMA grants.

Councilmember Grace requested staff opinion about specific areas of emergency preparedness and what the City needs to do.

Mr. Burkett replied that the City has most of the high priority needs covered, but the City could use additional funding for public information dissemination. This requirement must be met because the federal government is requiring cities to implement some new elements.

Councilmember Fimia outlined her ten amendments to the budget and distributed a copy of them out to the Council and City staff. She supported the construction of a new City Hall facility. However, she felt it could be built for \$1 - \$4 million less.

Mr. Burkett outlined that the 2006 budget includes a proposed budget amount for the City Hall project of \$600,000.

Councilmember Fimia pointed out that the CIP can be amended and it will need to be revised. She added that many of the objectives in the Hazardous Mitigation Plan cannot be implemented, but there is a need for an emergency generator for City Hall. She felt the City should start a housing trust fund for affordable housing. She suggested that the Council make a commitment to narrowing the entrances to neighborhoods over the next five to ten years. She said this reminds drivers that they are entering a neighborhood and encourages them to slow down. She also said the City is not funding surface water and stream restoration projects to the fullest levels according to the master plans. She suggested reducing the Richmond Beach Master Plan expenditure to \$50,000.

Mr. Burkett outlined that the proposed budget for the Seattle Public Utilities property is \$3.8 million. Funding for this purchase will come from bond proceeds, grants, City funds, and other yet-to-be-determined funding sources.

Councilmember Ransom expressed concerns that a site for the new City Hall has not been selected yet, so he does feel any funding should be allocated for it. He reasoned that interest rates and the cost of property continue to rise, so until a site is selected he will not support the item. He supported the Richmond Beach Master Plan, South Woods, and the SPU property purchase as well as the bond issue.

Councilmember Grace felt that \$15,000 would not give the Council nor the City the depth of an urban forest plan needed. In reference to citizen satisfaction surveys, he pointed out that one of the things the City needs is continuous measurement of services provided to the residents of Shoreline. If the City discontinues surveys, there will be no way to demonstrate performance. He agreed with Councilmember Ransom in not supporting expenditures for City Hall until a site is purchased. He felt parking at the Kruckeberg Gardens is an issue, and agreed that purchase of the SPU property should move forward.

Councilmember Gustafson supported the suggestions of Councilmember Grace and Councilmember Ransom. Additionally, he agreed with Councilmember Fimia on the gateways. He felt the funding for the gateways should be reduced and the funds should be used in other ways. He concurred with Councilmember Ransom in postponing action on the new City Hall until a site is purchased. He also felt the City should purchase the SPU property and proceed with a bond process on South Woods acquisition. He did not support reducing the professional services budgets because it is a contingency fund that gives the City flexibility for unforeseen circumstances. He agreed that the citizen satisfaction survey should also be retained.

Deputy Mayor Jepsen referred to Councilmember Fimia's list and said he is indifferent about reducing professional services funding in the Council's budget. However, he is opposed to decreasing the City Manager and the PRCS professional services funding. Additionally, he felt the urban forestry plan should be done as proposed. Travel budgets for the various departments should be maintained as is, he said. The citizen satisfaction survey is a valuable tool, he stated, and should be something the City continues to do. He felt it would be premature to cut the plan for City Hall in the Capital Improvement Plan. He supported gateways and said they are a part of establishing Shoreline's identity and they need to continue to be erected throughout the City. He noted there should still be a meeting with the school district to discuss the SPU property. He agreed with the increases for the non-resident fees, however, he did not support the pool addition feasibility study. He pointed out that no one has discussed the King County Veterans/Human Services Levy that will reduce the City of Shoreline's revenue by roughly \$200,000. He wanted to know what the criticism has been from other jurisdictions in regards to \$20,000 - \$30,000 for emergency preparedness in King County cities. He agreed with accelerating the sidewalks budget.

Councilmember Chang agreed with Councilmember Fimia that Fircrest is vital and the Council needs to be proactive on this issue. In addition, he agreed that gateways are not critical Council goal. He felt the City Hall project should be started and land should be purchased. He also said the SPU purchase should be expedited. Finally, he suggested the Council take \$10,000 from the Richmond Beach Master Plan and apply it to the citywide tree study.

Councilmember Ransom noted that auto theft and burglary problems have been increasing in the City. He felt that \$50,000 for security cameras at the park-n-rides would be an effective use of funding. He suggested hiring two additional police officers; one in the street crimes unit and the other in the traffic unit. He suggested increasing the Neighborhood Traffic Safety Program (NTSP) by \$50,000 for speed bumps, and felt the new sidewalks in 2006 should be concentrated around neighborhoods and schools. He felt Human Services would need more funding and wondered how the City would benefit from the recently-passed Veterans/Human Services levy. He pointed out the City only allocates 1% of the total budget to Human Services.

Mayor Hansen pointed out that the City of Lynnwood is covered with security cameras and they were funded with grant money. He concurred with Councilmember Ransom

that he would also like to see a greater police presence in the neighborhoods. He noted that hiring two officers would cost the City an additional \$270,000, which he felt was a substantial amount.

Ms. Tarry related information pertaining to auto thefts at the park-n-ride, noting that out of 694 auto thefts, 33 of them occurred at City park & rides. She clarified that the NTSP budget for 2006 is \$167,000.

Referring to a recent street tree study, Mr. Burkett mentioned that the City is selecting appropriate trees for City projects to avoid ruining the sidewalks.

Mayor Hansen agreed that Human Services funding could be increased, but he does not want to commit to a lot of ongoing expenses.

Deputy Mayor Jepsen felt the City should determine what cities will get from the new King County levy before allocating more funds to Human Services. He added that park-n-ride security is a Metro/King County government issue, not a Shoreline issue. They own the lots, he said, so they should fix the problem. He supported the proposal for two additional police officers, but only if they are funded by restoring the gambling tax back to 11%.

Councilmember Grace stated that the cameras at the park-n-ride would cost more money and staff time. He agreed with the 2.0 FTEs for police officers and they are needed in traffic and patrol. He felt there should be additional funding of \$50,000 in the NTSP, and the City should wait to see the effect of the King County Human Services levy. He wondered if Mr. Beem could give more information on the City's Human Services needs.

Deputy Mayor Jepsen did not support the proposed vacation buyout program, noting that employees should take vacation to relieve stress.

Mayor Hansen agreed, adding that private businesses require employees to take their vacation time.

Mr. Burkett announced that both goals would be achieved if the requirement for the amount of vacation used that current year was higher.

Ms. Tarry also outlined that there is a cap on the amount of vacation that can be accumulated by an employee each year.

Deputy Mayor Jepsen discussed the hotel/motel tax and said it would generate \$11,000 annually in revenue. The intent of this tax, he said, would be to fund the Shoreline Museum, Arts Council, Chamber of Commerce, and Forward Shoreline. However, based on the requirements, this proposal looks too cumbersome to execute at this time.

Councilmember Gustafson pointed out that the Goodwill truck is staffed from 7:00 am until 6:30 pm at the 195<sup>th</sup> Street park-n-ride, so vehicle thefts should not be occurring

there. He said allowing Goodwill at park-n-rides could be an option because the Goodwill trucks are operating all day and it deters vehicle theft. He agreed with waiting on Human Services funding until the outcome of the levy is known. He suggested additional discussion on the NTSP.

Councilmember Fimia pointed out there is some agreement with the human services/youth master plan process and funding to execute it, but there is no agreement on the scope. Also, there was some agreement on the NTSP and implementation of the hazard mitigation plan. She proposed the Council come to agreement on the litter control program and using the gateway funding as a source of money. She said there is no consistency on the citizen surveys, so if the Council wants to continue to do surveys, a proviso should be added so the results can be useful.

Mayor Hansen outlined that the Council was in consensus to raise the non-resident usage fees but would turn the matter over to the PRCS department to determine if a 20% increase was feasible.

Mr. Burkett requested Council guidance on the proposed additional police staffing.

Paul Haines, Public Works Director, discussed the three "E's" of traffic management in neighborhoods: 1) education; 2) enforcement; and 3) engineering. The Neighborhood Traffic Safety Program (NTSP) attempts to capitalize on all three of the "E's".

Tony Burt, Shoreline Police Chief, stated that enforcement means accident reduction. In order to reduce traffic accidents, the department identifies areas with the greatest risk while also trying to be responsive to other community concerns. He said they also collaborate with Public Works, but there are so many traffic complaints it is difficult to get around to everyone in all neighborhoods.

Mr. Haines pointed out that visibility is the key to addressing traffic concerns. Calming devices need to be installed in the neighborhoods. The NTSP has reserved \$50,000 in overtime hours for the police to provide "spot" services for the neighborhoods.

Councilmember Fimia stated there is an obvious need for additional services, education, and enforcement, but the City will not get that with officers who work overtime. The City needs an additional traffic safety officer.

Mr. Burkett said there is \$50,000 for overtime for current officers, which diminishes the value of hiring another officer.

Mr. Haines stated that investing in calming devices and education is a good investment because it is less expensive than enforcement. Enforcement is ongoing and provides a certainty of behavior.

Councilmember Fimia pointed out there will always be a need for enforcement and many calming devices will not be installed for many years. She felt that all three of the "E's"

are needed in the City. She felt that Chief Burttt did not understand the impact of speeding in the neighborhoods. She said residents are afraid to walk the streets because they fear being hit by a car. She said the fact there are no traffic accidents is not an indicator that people are not speeding.

Councilmember Gustafson inquired about the process for evaluating speed limits within different areas of the City and if more resources could be allocated to traffic enforcement without adding another police officer.

Mr. Haines replied that the results of the speed limit analysis will be brought back to the Council in the first couple months of 2006. This analysis focuses on arterials.

Chief Burttt said that an officer could be transferred from patrol, but he felt that an additional officer in traffic enforcement would not have much of an impact. Moving an officer from patrol would be significant because the staffing levels in that division are already low. He clarified that patrol officers do conduct traffic enforcement as needed.

Mr. Burkett summarized that City staff has presented the Council with a \$200,000 proposal for NTSP, speed bumps, and other programs. He agreed that the City could spend less for overtime or the NTSP and add another officer.

Ms. Tarry pointed out that the City pays the King County Sheriff's Office in advance for their services and at the end of the year it is reconciled. However, some of the costs, such as insurance, are not reconciled.

Councilmember Grace agreed with adding a new officer and moving an officer from patrol to traffic enforcement. There are a number of FTEs, he outlined, which can be moved into the patrol division to cover the loss of the one officer. He commented on the 1-to-7 ratio of administrative personnel to officers.

Mr. Burkett outlined police staffing levels and felt the City could not afford moving officers from patrol to traffic. He felt the City needed to make reductions in the budget, not move officers from one division to another.

Chief Burttt outlined the minimum staffing level for each shift. He said there are four officers during the day, five during the swing shift, and four officers at night. When these minimum numbers are not available, then an officer is called in for overtime. He estimated at 80% of the time the department runs at minimum staffing. Reasons behind this include training, sick leave, disability, maternity leave, and military service. He concluded that he is very hesitant to move an officer from patrol to traffic enforcement.

Mayor Hansen inquired what would happen if the \$50,000 from the NTSP was not available.

Mr. Haines responded if these funds were not available it would remove some discretionary actions taken in the program.

Councilmember Ransom felt security cameras were useful and asked if there were any “hot spots” in the City for auto theft.

Chief Burt replied that there is no particular “hot spot” other than the Aurora corridor. He said the question is how much of an impact cameras would have on auto thefts.

Mr. Haines announced that the City is preparing to add video monitoring on Aurora Avenue for traffic management and emergency dispatching. The City will be able to “pan” the cameras to view the park-n-rides in the future.

Mr. Burkett said if the police officer position is a greater priority for the Council, then perhaps one of the two proposed Parks positions could be eliminated. He noted that the budget is all about “setting priorities.”

Councilmember Fimia pointed out that the funding resulting from her proposed amendments would garner about \$325,000, more than enough funding for the two police officers (\$270,000). She proposed using the \$65,000 remaining balance for the following: ongoing traffic enforcement education (\$5,000); the litter/adopt-a-park/gifting programs (\$20,000); emergency management program (\$25,000); human services master plan (\$5,000); Fircrest stakeholder process (\$5,000), three grant writing training sessions (\$3,000); and youth master plan within the human services master plan (\$2,000). She felt the City could avoid spending money on consultants and travel.

Councilmember Ransom inquired what project would not get done without the \$40,000 for the Parks budget. He did not support reducing the travel budget and the City Manager’s professional services budget.

Mr. Deal suggested that perhaps the one-time \$50,000 urban forestry study could be eliminated. This study is pertinent to the City of Shoreline, however, the City does participate in State urban forestry programs and open space management programs.

Mr. Burkett stated that the proposed City Manager professional services budget is \$57,000 which is a reduction from the last two years. The funds are primarily used for facilitation of the leadership retreats. The rest is for contingency such as a bond advisory consultant and facilitator for investigations and negotiations when issues arise with utilities, such as the proposed billing for undergrounding work in 2006 by Seattle City Light. Typically, these funds do not get spent. He projected a year-end surplus of \$16,000 in this fund.

Bob Olander, Deputy City Manager, commented that the City Manager professional services budget will be utilized for negotiations with Shoreline franchise and utility companies in 2006.

Deputy Mayor Jepsen clarified the biggest outstanding issue is the number of police officers. He felt that City staff should return with a recommendation and the Council



should think about prioritizing all of the budget issues or consider reversing the 1% gambling tax cut which would certainly fund two officers.

Mayor Hansen stated he would not support adding more than 1.0 FTE to the police department.

Councilmember Ransom felt that there is enough money for one or two officers, noting that the City has a serious traffic problem. He said the City could use the capital funds and not put so much into the capital fund in reserves to fund the officer(s). To him, the issue is how much money the City takes out of reserves each year. By using reserves, the City would not be taking the money from other programs. Another option is removing the \$25,000 Park Coordinator position.

Councilmember Chang noted that adding just one police officer represents a 25% increase per shift. This, he said, would be acceptable until the City could fund two officers.

Mr. Deal replied that the Parks Coordinator is a newly proposed position. This person would focus on park design, obtaining grants, community outreach, and coordinating with other agencies. This person would be tasked with using the limited resources as effectively as possible. There are grants which can be obtained and this person would have the expertise to know how to get them. This person would also be involved with the community and work with the school district, Shoreline Community College, King County, and other jurisdictions on parks-related issues and activities.

Deputy Mayor Jepsen felt it was clear on which items there was Council consensus.

Councilmember Fimia said she is not comfortable having City staff come back to the Council with a revised budget before the Council votes on anything. She said she will offer several amendments related to a litter program, a proviso for the gifting program and an adopt-a-park program, the Fircrest stakeholders process, a human services master plan, and an emergency management plan. She suggested getting recommendations from the Fire District and City staff on the Emergency Management Plan. She also suggested a modest amount for three grant workshops for the public and non-profit organizations. Such City-sponsored workshops would teach people how to write grants and would be funded by the Council or the City Manager budget. She surmised that three workshops would cost about \$3,000 for materials and an instructor.

Mr. Burkett pointed out that there were two officers assigned to the community storefronts. He asked if Council priorities are such that they should be in the field conducting enforcement activities.

Councilmember Fimia said the City should staff the storefronts with volunteers, not officers.

Mayor Hansen clarified that the storefronts are mostly staffed by volunteers but managed by an officer. He concluded that he was in favor of having the one officer staff each of the storefronts.

7. ADJOURNMENT

At 9:55 p.m., Mayor Hansen declared the meeting adjourned.

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Scott Passey, City Clerk

**DRAFT**

## **CITY OF SHORELINE**

### **SHORELINE CITY COUNCIL**

#### **SUMMARY MINUTES OF JOINT DINNER MEETING WITH THE SHORELINE SCHOOL BOARD AND SHORELINE WATER DISTRICT**

Monday, November 28, 2005  
6:00 p.m.

Shoreline Conference Center  
Highlander Room

**PRESENT:** Mayor Hansen, Deputy Mayor Jepsen, Councilmembers Chang, Fimia, Grace, Gustafson, and Ransom

**ABSENT:** none

**STAFF:** Steve Burkett, City Manager; Bob Olander, Deputy City Manager; Julie Modrzejewski, Assistant City Manager; Dick Deal, Parks, Recreation and Cultural Services Director; Scott Passey, City Clerk; and Joyce Nichols, Communications and Intergovernmental Relations Director

**GUESTS:** Jim Welsh, Superintendent, Shoreline Public Schools; Mike Jacobs, Shoreline School Board; Jim Leigh, Shoreline Schools Board; Patti Gibboney, Shoreline Schools Board; Dan Mann, Shoreline Schools Board; Charlotte Haines, Shoreline Water District; Stu Turner, Shoreline Water District.

Mayor Hansen convened the meeting at 6:17 p.m. with introductions around the table. He then introduced David Wilson and Debi Ehrlichman, newly-elected members of the Shoreline School Board, and Keith McGlashan, Cindy Ryu, and Janet Way, newly-elected members of the Shoreline City Council.

Mr. Welsh reported on the status of the purchase of three acres of the Southwoods parcel by the City from the School District.

Mr. Burkett noted that the City Council has authorized him to sign a purchase and sale agreement for three acres.

Councilmember Ransom commented that many people have expressed the need to keep the property in public ownership for educational and environmental uses. He asked why the School District has chosen not to retain its portion of the property and why the City should become a co-owner.

Mr. Welsh explained that the property was purchased when the District was growing and there was a need for expansion, but this is no longer the case. He said the mission of the School District has changed and the funds need to return to the public.

Mr. Turner explained that the Shoreline Water District originally purchased the property for intensive uses, including a water treatment/reservoir facility, materials/equipment storage, and administrative offices. He said the Water District may still develop the property for District uses. He added, if the City purchased the property, the Water District would put no constraints on it.

Ms. Haines noted that the property is not large enough for the uses they envisioned. They still need to build new facilities and expansion would be needed if they acquire the Seattle Public Utilities (SPU) water system.

Mr. Welsh said the School District has searched but has not found a record stating a District commitment to using the property for environmental education or for other non-profit groups' use. He said the property was funded with a capital bond, so the proceeds from the sale must be used for capital purposes.

Councilmember Fimia felt it would be more productive to consider what could be done in the present and future rather than rehashing the "whys" and past decisions. She said the important point is to keep the property whole and not divide it up into pieces. She emphasized the need to explore ways to keep the property whole while also meeting the needs of all three entities.

Ms. Haines pointed out that 30% of the Water District's ratepayers live in Lake Forest Park, so their needs should also be considered.

Mr. Leigh commented that keeping the property whole would benefit the constituents of all the jurisdictions.

Councilmember Chang asked about the School District's plans for the balance of property it owns.

Ms. Haines said the Water District has not yet discussed this option; however the City has until May 2006 to purchase the property.

Councilmember Chang said the ultimate goal is to keep all the property in public ownership, and the first step is with the purchase of three acres. He asked if the Water District would consider selling the City its property at a reduced rate.

Mr. Turner said legal counsel advised that a reduced price may not be possible because the District needs to get the highest and best value for the property. He said the District is looking for other properties, so it has to get the maximum value in order to purchase an alternate site.

Mr. Mann arrived at 6:40 p.m.

Deputy Mayor Jepsen asked about the status of the School District's disposition of its interest in the property.

Mr. Welsh replied that the School District has agreed to sell three acres to the City. He said the School District owns a lot of property in Shoreline and Lake Forest Park; because of this it essentially represents two cities. He asked what the City would like to do with the land.

Councilmember Gustafson said the City would like to preserve as much open space as possible. He inquired about the possibility of creating a partnership between the City and School District to achieve this objective. He felt preserving the property has a potential educational benefit for all School District students. He wondered about the possibility of issuing an advisory ballot to ask voters if the property should be retained for educational purposes.

Mr. Welsh noted that environmental education classes have not been offered at Shorecrest High School for several years.

Mr. Jacobs asked if the Cascade Land Conservancy (CLC) has returned with any proposals to preserve the property in public ownership.

Mr. Burkett responded that CLC has not returned with a proposal, but it did suggest developing a section of the property and keeping the remaining parcel whole for environmental and recreational purposes. He noted that this process began one year ago when the two districts announced they were considering disposition of the property. He reminded the Council that the City is also trying to purchase the SPU property adjacent to Hamlin Park. The City has acquired \$1 million from a King County Conservation Futures grant to pursue acquisition of the SPU and Southwoods properties. He asked if the School District would be willing to sell the remaining 4.795 acres to the City at some reduced rate.

Councilmember Grace agreed that the property should be preserved in the public domain for education and recreation uses in a joint use arrangement. However, purchasing all the property would exceed the recommendation of the Bond Advisory Committee (BAC).

It was noted that the BAC recommended \$2 million out of a \$15 million bond total for acquisition of the Southwoods property. There is a total of \$3.4 million recommended for acquisition of the SPU property at Hamlin Park.

Mr. Welsh said the Water District and School District have to work within strict parameters regarding the sale of public property. He reiterated that the School District has agreed to sell three acres at a loss. He asked if the City would consider purchasing more property at fair market value.

Deputy Mayor Jepsen asked about the impact of the proposed School District levy on district taxpayers. He also wondered how an additional City-proposed levy would impact taxpayers.

Mr. Welsh said the School District would not make any decisions until the outcome of the City's bond election is known. The proposed School District bond/operating levy totals \$149 million, or \$2.66 per \$1,000 assessed property valuation.

Mr. Turner commented on the significance of new development and redevelopment. He said developers are coming in every week asking the Water District to expand service. He stated that the Water District is willing to partner with developers to help increase the economic viability of 15<sup>th</sup> Avenue NE.

Responding to Councilmember Fimia, Mr. Turner affirmed that the Water District needs capital to invest in new development. Councilmember Fimia restated the importance of considering everyone's needs while trying to preserve the property as open space. She reflected on whether everyone's needs could be met through property trades or other options. She felt there should be a community discussion on this topic in a town hall setting, noting that the Home Waters group would be interested in a pilot education project on the Southwoods property.

Responding to Councilmember Fimia, Mr. Welsh said the School District has not received any offers on the property.

Ms. Haines asked if the City has considered asking Lake Forest Park to share the expense of acquiring the property. She said regardless of how the property is used, the Water District is legally constrained by the fair market value requirement and must consider the best interest of its ratepayers.

Mr. Welsh said the School District has very specific capital needs, so it does not have the ability to dedicate resources in this way.

Mayor Hansen outlined the next steps and summarized Council consensus to direct staff to coordinate with the two districts and see whether or not the City of Lake Forest Park would like to discuss mutual interests of the property.

Mayor Hansen declared the meeting adjourned at 7:25 p.m.

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Joyce Nichols, Communications and Intergovernmental Relations Director

**DRAFT**

## **CITY OF SHORELINE**

### **SHORELINE CITY COUNCIL**

#### **SUMMARY MINUTES OF SPECIAL JOINT MEETING WITH THE PLANNING COMMISSION**

Tuesday, November 29, 2005  
7:00 p.m.

Shoreline Fire Department Headquarters  
17525 Aurora Ave. N

#### *Shoreline City Council*

**PRESENT:** Mayor Hansen, Deputy Mayor Jepsen, Councilmembers Fimia, Gustafson and Ransom

**STAFF:** Bob Olander, Deputy City Manager; Julie Modrzejewski, Assistant City Manager; Paul Cohen, Planning & Development Services; Scott Passey, City Clerk

#### *Shoreline Planning Commission*

**PRESENT:** David Harris, Chair; Commissioners Michael Broili, Sid Kuboi, Robin McClelland, and Chakorn Phisuthikul

#### **I. WELCOME, INTRODUCTIONS, PURPOSE AND GROUND RULES**

Mayor Hansen convened the meeting at 7:03 p.m. with introductions around the table. He explained the purpose of the meeting, which is to conduct a civil discussion about specific concerns people have about cottage housing and whether cottage housing is a useful housing option in the City of Shoreline.

#### **II. BACKGROUND AND CHRONOLOGY OF COTTAGE HOUSING IN SHORELINE**

Paul Cohen, Planning and Development Services, provided a brief background of the issues surrounding cottage housing in Shoreline. He outlined the amendments to the cottage housing ordinance as recommended by the Planning Commission, which include the following:

- a. Burden developers for high quality projects
- b. Limit of 8 cottages within 1,000 feet from any point in the City
- c. Minimum of 700 square feet on main floor
- d. Reduce potential density bonus to 1.75
- e. Maximum of 8 units per development
- f. Limit parking and community buildings to 18 feet in height

- g. Cottage entry toward streets and minimum 40 feet width of common open space
- h. Borders of private open space not to exceed 2 feet in height
- i. Increase parking to 2 per unit plus guest parking; 50% of parking to be in garages
- j. Use of architectural screens rather than solid board fences

He concluded that the Greenwood Cottages would be the only development in Shoreline that would meet the requirements under the proposed amendments.

### III. PLANNING COMMISSION RECOMMENDATIONS REGARDING COTTAGE HOUSING

David Harris, Planning Commission Chair, also provided some background on the evolution of cottage housing issues in Shoreline. He pointed out that a Commission vote to repeal the cottage housing ordinance failed by a vote of 4-4, although this should not be interpreted that there is significant opposition to cottage housing. Most Commissioners agree with the cottage housing concept and believe the amendments will help cottages fit into the communities. He said the strategy should be to address all forms of housing, and cottages are considered one element. He said while the Commission doubts the proposed amendments will resolve all concerns, it concurred that the City should adopt an overall housing strategy. He noted that the Planning Commission does not feel these amendments are necessarily urgent, since cottages are not critical to the Growth Management Act (GMA) housing target numbers. Mr. Harris affirmed Councilmember Fimia's clarification that some people oppose cottage housing in single-family residential areas.

### IV. ROUNDTABLE DIALOGUE WITH COMMUNITY MEMBERS

Mayor Hansen invited community members to the table in groups to comment on cottage housing.

Councilmember Fimia noted that newly elected Council members Cindy Ryu, Janet Way, and Keith McGlashan were in attendance in the audience.

(a) David Fagerstrom, Shoreline, noted there have been discussions in the past about funding trusts for achieving affordable ownership of housing. However, cottage housing is not affordable housing. He urged the Council to consider making affordable housing a part of the overall housing strategy.

Commissioner McClelland noted that while cottage housing is an opportunity to provide a choice of smaller houses, it was never intended to meet the definition of affordable housing. She felt there has been a general misunderstanding of this issue. The City has been trying to meet its GMA housing targets, which are separate from affordable housing goals. She agreed there should be an overall housing strategy and an inventory of housing so the City can get a better understanding of the housing supply.



Mr. Fagerstrom discussed the potential of achieving GMA goals and affordable housing through purchasing density compliance credits from other jurisdictions that exceed their infill requirements. He said a strategy to create low-income housing would be “great,” but it would require a community commitment to build trust funds so people could afford the down payment. He reiterated the need to make affordability an element of the overall financial plan.

Mr. Kuboi suggested that each member of the community have an opportunity to speak before engaging in dialogue with individual citizens.

(b) David Matthews, Shoreline, neighbor of the Greenwood Avenue Cottages, urged the Council to support the proposed amendments. He quoted that “the only thing people hate worse than urban sprawl is density.” He asked the Council not to “trash” the whole idea but to encourage developers to build like the Greenwood Cottages, which are well-designed and fit the neighborhood.

(c) Jim Soules, Seattle, developer of the Greenwood Avenue Cottages, said building smaller homes on smaller lots is an idea dating back to the 1920’s and 1930’s. He said the changing demographics have increased the demand for cottage housing, since 60% of U.S. households today have only one or two persons. Cottage housing customers are typically people looking for a smaller home that is more environmentally sensitive and more befitting their lifestyle. He commented on the smaller lot sizes in the Seattle neighborhoods of Queen Anne, Ravenna, and Capitol Hill. He noted that Redmond, Kirkland, and Olympia have made cottage housing work and Mercer Island, Spokane, and Normandy Park are in the process of adopting a cottage code. He acknowledged that other projects in Shoreline have not been successful but the Council should try to improve its code and make it work. Mr. Soules provided a copy of his recommendations to the Councilmembers and Commissioners at the beginning of the meeting.

(d) Mike Nelson, Shoreline, resident of the Greenwood Cottages, felt the City should be more concerned with the texture and diversity of housing, noting that the community is not a “monolith.” Cottage housing intermixes with other buildings and structures and adds to that community texture. He said Shoreline residents want more pedestrian-friendly opportunities, and the only way to achieve it is to have a little more density “here and there.” He said he was attracted to the cottages because they fit his lifestyle and they create a sense of community. He said the neighbors gather for weekly events and watch each other’s homes while on vacation. He said the community that is created by well-designed cottage housing is so powerful that it has attracted people from across the nation.

(e) Darlene Feikema, Shoreline, resident of the Greenwood Cottages, said the cottages appealed to her because of the close community feeling they create. She said it is a special type of housing that addresses the needs of single women, and she does not want others to lose this important housing choice. She said cottage housing is not for everyone, but neither is any other kind of housing. She felt there should be a continuum

of housing where people can make a choice and select what fits their lifestyle. She noted that cottages fit in much better than some other options, noting that four large mansions could have been built in place of the Greenwood Cottages. Referring to a newspaper article, she contended that the special characteristics of cottage housing meet the community and security needs of women. She urged the Council to adopt the proposed amendments and maintain cottage housing in Shoreline.

(f) Brian Ducey, Shoreline, resident of the Greenwood Cottages, felt the City should address the housing needs of the older demographic, who desire housing choices that differ from the type of homes in which they were raised. He urged the Council to consider the proposed changes and make affordable living still available in a context the community can accept. He said despite the anger over poorly-designed cottage housing units, the community needs to “get over what has been done” and do what is needed to lift the moratorium.

Mayor Hansen stated that although cottage housing is not considered affordable housing in the traditional sense, it is more affordable than what it is competing against.

(g) John Bulman, Shoreline, commented that the Reserves cottage housing development does not fit that neighborhood, which is surrounded with more expensive homes. He described the poor design and lack of sidewalks and parking, noting that cars will park outside the development due to the lack of space. He expressed disappointment with the overall development, noting that it is not “high-quality infill.” He said only one out of 11 developments in Shoreline has been successful, so he would give cottage housing in Shoreline “a failing grade.” He felt the burden should be placed on the City to ensure quality rather than having developers “come in and see what they can get away with.” He said developers negotiate for the least amount in order to make it as highly profitable as they can. He said the Planning Commission must consider how to make houses fit into the neighborhoods.

(h) Mark Deutsch, Shoreline, expressed support for the proposed amendments and for cottage housing in general. He said the recent changes to the Comprehensive Plan have addressed the issue related to the zones in which cottage housing should be located. He felt the Planning Commission made its best effort to amend the ordinance so that future cottage developments meet high standards. He said it is probably not possible to identify all the needed amendments, so the best approach is to take the best guess and move forward. He advised that before making a final decision, the City should compare its ordinance with other cities that seem to have had more success with cottage housing. He pointed out that the Comprehensive Plan is a policy statement for housing, if not a strategy, and that the Council has expressed interest in considering affordable housing next year. Since Shoreline is an infill City and not a developing city like Kent or others, cottage housing will not make a significant difference in the overall housing makeup. He commented on the mix of new development going on in the City, noting that cottage housing is only one of many types. He said it makes sense for cottage housing to be a choice in Shoreline, so the City should figure out what provides the kind of quality development we know is possible.

Commissioner Kuboi wondered if people were attracted to cottage housing because they are actively seeking a sense of community, or if it results from living in a cottage housing setting.

Mr. Soules responded that cottage home buyers are a socially and environmentally conscious group looking for this type of product. They are often people who think about sustainability and energy conservation.

Councilmember Fimia said the real “sticking point” for most people seems to be the issue of allowing more houses on a plat than the underlying zoning. She asked Mr. Soules how other cities are addressing this issue and if it is economically feasible to build cottage homes without providing a bonus density.

Mr. Soules said other cities think of cottage housing in terms of “equivalent density,” meaning that the number of units increases but the number of people remain about the same. He suggested that Shoreline conduct a survey to find out how many people live in its cottage housing developments, noting that 11 permanent residents live in the 8 cottages on Greenwood Avenue. He did not consider people density to be the primary objection to cottage housing. He explained that other cities treat cottage zoning in the same way that Shoreline does – as an overlay or bonus density. He noted that Redmond has identified three different alternatives for cottage housing, and it is adopting cottage housing by neighborhood plan, not on a citywide basis. He said Redmond and Kirkland have a stronger sense of design review at the staff level, and perhaps this is what should be done in Shoreline.

Continuing, Mr. Soules explained that cottage housing provides a detached housing choice for those who still want the single-family neighborhood experience. He explained the economics of the cottage housing industry and the value of land versus home ratio. He said cottage housing costs more per square foot because of the cost of land. He noted that that undeveloped lot in the City of Kirkland cost around \$300,000, and Shoreline’s land values could be similar. With a 2.0 cottage housing bonus density ratio, the land component alone for a cottage home on a \$300,000 parcel could be \$150,000. With offsite development costs, the cost per unit could reach \$300,000. He said the goal is to achieve high quality in a smaller space, but some developments have not achieved this goal.

(i) Tim Carroll, Shoreline, said the 8<sup>th</sup> Avenue development is a stark contrast to surrounding residences, and he was shocked at what these developments would mean every 1,000 feet in Shoreline. He said in new neighborhoods cottage housing might work, but Shoreline residents are “set in their ways” and everybody has built their economic futures around zoning. While a compatibility test might control some problems, he felt that Shoreline is not the right place for cottage housing. He urged the Council to carefully consider the proposed amendments and the issue of compatibility.

Ms. Feikema addressed the issue of demand, noting that some people decided to buy cottage homes before even coming to Shoreline to see them.

Councilmember Gustafson asked for the rationale behind Mr. Soules' written recommendations.

Mayor Hansen reminded the group that there may be other citizens who wish to speak.

(j) Christina Spencer, Shoreline, asked for clarification of Amendment B, the limitation on building 8 cottages within 1,000 feet from any point. She wondered if this would allow building 8 cottages for every ten lots (the lots having approximately 100 linear feet on one side). She felt cottage homes thus far have not been compatible with existing neighborhoods, and this 1,000 foot rule would create a lot more density.

Commissioner Broili said he understood Amendment B would actually provide for a distance of 2,000 feet separating different cottage housing developments.

Deputy Mayor Jepsen pointed out that one would have to have over two contiguous 7,200 square-foot, single-family lots in order to build the minimum required number of four cottage houses under the proposed 1.75 bonus density.

Ms. Spencer said the 8<sup>th</sup> Avenue cottages are "a travesty and an eyesore" and the parking garages are inadequate. She said she never received notification of a land use action for that site. She said her property lies between the 8<sup>th</sup> Avenue cottages and the other site that was proposed for 16 cottages, so if not for the moratorium, she could have been surrounded by 21 cottages. She said Shoreline does not have a good record of proving compatibility, and these homes are far from compatible with the surrounding neighborhood.

Deputy Mayor Jepsen noted that another property on 8<sup>th</sup> Avenue with very small lots sizes was developed early in the City's history. He wondered how people responded to this development in terms of design, setbacks, massing, and parking issues.

Mr. Carroll said that development had a fair amount of resistance, but in the end it was accepted. He emphasized that this development is very different from the 8<sup>th</sup> Avenue cottages, since one is infill under R-4 or R-6 zoning and the other is a conditional use permit that changes the character of a community.

Deputy Mayor Jepsen pointed out that minimum lot sizes have increased; first from 2,500 square feet, then to 5,000 square feet, and then to the current 7,200 square feet. He wondered how people were responding to the change in lot size. He felt that although design review can cause a lot of "headaches" and added expenditures, it might be a way to address the issues of quality and compatibility and allow cottage housing to move forward. He said he has always had difficulty resolving the issue of setbacks and the relationship of front yards to side and backyards, but he felt this is an important factor in the debate on cottage housing. He said he appreciates Mr. Soules' recommendation on

the reduction in base height to 15 feet, but he would also like some discussion about what constitutes reasonable setbacks.

There was brief discussion about subjectivity and the difficulty of determining compatibility since everyone has different preferences and opinions.

Deputy Mayor Jepsen said it would be preferable for people to know what types of development are allowed in a given zone.

Mr. Soules said one of his recommendations is that a cottage housing developer must submit a plan for what types of conventional development could take place, in addition to a cottage housing plan. He noted that the Meridian Cottages are so dense because it was built in an R-8 zone when the bonus density was doubled. Traditional development would allow for up to eight homes on the same parcel.

(k) Randy Hughes, Shoreline, asked for clarification of the proposal to limit development of 8 cottages within 1,000 feet from any point. He said many people have understood the proposal to mean that cottage housing developments could be within 1,000 feet of each other. He asked staff to clarify for the Council, Commission, and audience if the distance is actually 2,000 feet between cottage housing developments.

Mayor Hansen clarified that the recommendation is to limit cottage housing developments to 8 cottages within 1,000 feet from any point. The Planning Commission's intent was that there would be 1,000-foot radius circles, and circles would not be allowed to intersect. This means that there would effectively be 2,000 linear feet between any two developments.

Mr. Hughes felt this should be clarified in writing so people have a chance to study and consider it. He said this clarification might make a difference in the outcome on cottage housing.

Commissioner Broili said it sounds as if Mr. Hughes would be amenable to cottage housing if the City can come up with a solution to meet his needs. He said he would like to find a way to meet the community's needs and the needs of cottage housing.

Mr. Hughes said the Council and Planning Commission have a duty to clarify to the public, since there has been so much confusion surrounding the 1,000-foot rule. He said people wouldn't be fighting it so hard if the City had clarified its position earlier.

Mayor Hansen clarified that there is no 1,000-foot rule, only a recommendation at this point.

Mr. Fagerstrom said he likes the idea of addressing quality through design review, but he fears it means different things to different people. He favored a design review process that includes the public, City staff, and professionals in determining what compatibility means.

(l) Peter Agnos, Shoreline, concurred with the previous speaker, noting that the public has not had much opportunity to provide input. He questioned whether Planning Commission members were Shoreline residents, and suggested that cottage housing would fail if put to a public vote. He said the City is asking citizens to accept amendments for something it doesn't want in the first place. He said if the City wants cottage housing to be compatible, then it should "have an open meeting and let us participate." He felt the public should be directly involved in the design review. He also felt the City should be more proactive, noting that people are frustrated because they feel they have no voice. He said they would likely accept some type of cottage housing if they had a voice in the matter.

Deputy Mayor Jepsen clarified that residing in Shoreline is a prerequisite for serving on the Planning Commission.

Commissioner McClelland pointed out that hundreds of hours have been spent in open public meetings and public hearings debating the issue of cottage housing. She said there have been many opportunities for the public to get involved and voice their opinions. She said this is evidenced by the fact that the people present tonight already know each other.

Mr. Agnos noted that there is a great deal of misinformation in the public because people get their information secondhand. He said people generally do not get involved directly, pointing out that only a few of the 55,000 Shoreline residents have attended this meeting tonight.

Commissioner McClelland suggested that citizens share the burden of disseminating accurate information by correcting misstatements and encouraging people to attend public meetings.

Mr. Agnos advised that the people most directly impacted by cottage housing would be the best candidates for getting the community involved in the discussion.

(m) Jean King, Shoreline, said she never knew anything about cottage homes until she got a letter asking that she sell her home so they could build a new cottage housing development. She said this request offended her, adding that cottage housing does not fit into single family neighborhoods. She said she does not want cottages next to her or on busy streets with traffic and school children.

Mayor Hansen noted that people seeking property make offers on homes from time to time, but people do not have to sell to them.

(n) Paul Tychsen, Shoreline, said he has never received a good answer to the question of why the underlying zoning in single-family neighborhoods can be doubled under the cottage housing provision. He said it is not fair that a builder can come into Shoreline, fill out a simple checklist, and automatically double the density from the standard listed zoning. He said there is also not a good answer to the question of why cottage housing can't be done in higher density zones where it's more appropriate and

feasible. He said some cottage housing projects represent a stark contrast to the character of well-established neighborhoods, and many people oppose them on this basis. He said the projects have not even come close to meeting the standard that they be compatible with the existing neighborhood.

Chair Harris said the cottage housing bonus density does not change the underlying zoning; it is an allowance for increasing the density if it meets the design requirements in the code.

Mayor Hansen left the meeting at 8:34 p.m.

(o) Martin Kral, Shoreline, said he lives in close proximity to the Meridian Park Cottages and the Ashworth Avenue Cottages. He said he argued strenuously against having two lots joined which eventually formed the Meridian Park Cottages because he felt it would not fit the aims of the cottage housing ordinance. He said both developments have many inadequacies that still need to be corrected, pointing out that three of the Ashworth Avenue homes are still for sale. He said he argued that cottage housing should be removed from possible R-6 zoning uses because it impacts single-family neighborhoods. He felt the Council and Commission should consider locating cottage housing exclusively in higher density neighborhoods. He clarified for Chair Harris that he is in favor of restricting cottage housing to multi-family residential zones.

Mr. Nelson felt the debate was not so much about density but about “ugliness moving in next door.” He said there is poorly designed housing everywhere, whether it’s cottage housing or conventional development, so the focus should be put on how to execute quality developments. He said focusing only on cottage housing and trying to force density into multi-family housing zones will impact the diversity of housing. He said the community would lose texture and diversity and become “ghettoized” if cottage housing is forced into small parts of the City. He concluded that Shoreline residents want to see good housing developments no matter what the type.

There was a question of whether the current proposal allows cottage housing in R-8 zones. Chair Harris clarified that it did, but the open space and separation requirements would probably nullify the ability to make cottages feasible in R-8 zones.

Councilmember Fimia said the issue would likely come down to design review and neighborhood planning, since it seems neighborhood planning made the difference in other cities. She felt the discussion should hereafter be in the context of neighborhood plans. She asked if it is economically feasible to build 8 cottage homes in an R-8 zone.

Mr. Soules explained that under such a scenario, the property would have a higher cost-per-square-foot value. So it is not economical because the cost per unit of land and improvements would be higher.

Deputy Mayor Jepsen said the generally accepted rule for land-to-home value is 1:2; so on a \$300,000 parcel, the value of the house should be \$600,000 for a total

land/improvement of \$900,000. If the lot can be divided, it brings the individual lot price down to \$150,000. He said this is why it becomes economically feasible to build more smaller houses versus fewer large houses.

Councilmember Fimia wondered if cities subsidize land and if tax incentives are feasible way to move forward.

Mr. Soules replied that cities do not generally subsidize the land unless they are pursuing some kind of affordable housing goal. He added that tax incentives are too complicated to administer. He pointed out that Kirkland and Mercer Island's restrictions on how much area a home can occupy on a lot was the result of the neighborhood planning process. In those cases, there was backlash against building larger homes on smaller lots. He affirmed that these have not been challenged in court.

Councilmember Ransom pointed out that cottage housing has not only been a major issue for the past two years but also in the recent election. He expressed the point that cottage housing is multi-family housing and should be considered like apartments or condominiums, which really means restricting them to an R-12 zone. He disagreed with the estimate that Shoreline lots cost upwards of \$300,000, noting that lots on the east side of I-5 can range from \$100,000-\$120,000. He noted that people would have the right to appeal cottage housing if it were restricted to higher density zones. He felt the Planning Commission should consider the fact that the last election was very clear there are not four votes on the City Council to keep the cottage housing code.

Deputy Mayor Jepsen emphasized the importance of discussing the issues and gathering information rather than projecting what future Councils might do.

Commissioner Broili said the role of the Planning Commission is to consider testimony, look at evidence and the City code and make recommendations to the City Council without thinking about Council's directives. He went on to explain the environmental and sociological reasons he supports the cottage housing concept. He said over the past 50 years the average household size has decreased while house size has increased, all while cities struggle to accommodate more density. He said it makes sense to consider ways to reduce the size of homes so they are more in line with the available land mass that serves a given population. He alluded to a number of newspaper articles commenting on the lack of housing choices for senior citizens and other demographics. He concluded that the objection is not cottage housing itself, but the way it's being done. He felt the community's needs could be met through design review and the proposed amendments.

Commissioner McClelland pointed out that many people have large enough parcels to add density through accessory dwellings and other means without the cottage housing ordinance. She said the opportunity to create equivalent density by having a couple more people living in the same space without greater environmental impact seems like a reasonable concept, but perhaps Shoreline is not ready for it yet. She agreed that the design of the 8<sup>th</sup> Avenue development has been a "travesty," but focusing entirely on



compatibility does not address the housing needs of Shoreline's changing demographics. She said when we overlook the social impact of providing a housing alternative such as this simply for the sake of appearance, then we're losing something in the process. She encouraged everyone to think about their personal and social values and how they feel about their neighbors and community.

Commissioner Kuboi said the 1,000 square-foot size restriction on cottages has been a recurring theme in Planning Commission meetings, which he felt to be the biggest single element of the compatibility question. He asked if building 1,200-1,500 square-foot cottages would be feasible, or if there would be a size between 1,000-2,000 square feet that people would find more amenable.

Mr. Soules explained that single adults and couples have always been the target market for cottage housing, and good designs can be achieved in a 1,000 square-foot plan. He said this target market starts to get lost as cottages get bigger. He said other cities such as Kirkland have built a variety of sizes of cottage housing simply because they were looking for more diversity in housing types. He said Kirkland plans to do a mail survey of all residents within 1,000 feet of cottage housing developments to gauge public opinion.

Commissioner Phisuthikul expressed the view that cottage housing provides a needed housing choice for Shoreline. He felt the proposed 1.75 density bonus would make cottage housing more acceptable, noting that the bonus density is a privilege for developers who demonstrate that additional density can be achieved without adverse impacts. He said this privilege must be earned through quality and design, which is what the proposed amendments try to achieve.

Councilmember Gustafson thanked everyone who participated in the forum, particularly members of the Planning Commission, who have spent so much time and effort on cottage housing. He thanked Mr. Soules for providing specific recommendations. He said he continues to have an open mind and still has to study the issues.

Chair Harris said he has enjoyed talking to different people about this issue. He pointed out that every neighborhood has unattractive and dilapidated housing, yet people are quick to criticize a few houses because they do not fit their definition of "compatible." Since Shoreline is an infill community, he advised that the City think about how it wants to guide neighborhood redevelopment in the future. He said Shoreline needs a variety of small, medium, and large houses, so he is an advocate of housing for everyone.

(p) Janet Way, Shoreline, thanked everyone for their efforts on what has been a difficult issue. She said while she views cottage housing as a good concept in general, she wondered how cottage housing would help the City achieve its GMA targets of accommodating more population density. She noted that Mr. Soules mentioned that some cottage housing developments actually result in less density than would have otherwise resulted from conventional development.

Mr. Soules said the density could either be more people or more dwelling units. He said cottage housing aims to provide more dwelling units without any greater impacts.

Commissioner McClelland clarified that the GMA goal is number of households, not necessarily number of people.

V. SUMMING UP-NEXT STEPS

Mr. Cohen outlined the next steps for the cottage housing debate. On January 23 the City Council will hold a public hearing, with possible action planned for the following weeks. He noted that the current moratorium expires February 19, 2006. He encouraged citizens to review the packet of materials they received and provide input.

Mr. Olander encouraged the community to provide any additional written comments or voicemail messages to the City Council and City Manager's office prior to January 23.

On behalf of the Council and Planning Commission, Deputy Mayor Jepsen thanked all participants and members of the audience for donating their time and effort to this issue.

Councilmember Fimia said she intends to propose the formation of a smaller workgroup to refine any proposals to see if some consensus can be reached before a package is forwarded to the Council.

VI. ADJOURN

Deputy Mayor Jepsen declared the meeting adjourned at 9:08 p.m.

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Scott Passey, City Clerk

**DRAFT**

**CITY OF SHORELINE**

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

Monday, December 12, 2005  
7:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

PRESENT: Mayor Hansen, Deputy Mayor Jepsen, Councilmembers Chang, Fimia, Gustafson, Ransom, and Way

ABSENT: none

1. CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Mayor Hansen, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Hansen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exceptions of Councilmembers Fimia and Ransom, who arrived shortly thereafter.

(a) Recognition of Outgoing Council Members

Mayor Hansen thanked Deputy Mayor Jepsen, Councilmember Chang and former Councilmember Grace for their service on the City Council. He described their backgrounds and contributions to the Shoreline City Council and wished them well in the future endeavors. Plaques were presented to the members present to commemorate their public service.

Councilmember Chang and Deputy Mayor Jepsen accepted their plaques and thanked the Council and the Shoreline community for the opportunity to serve.

3. CITY MANAGER'S REPORT: none

4. REPORTS OF BOARDS AND COMMISSIONS: none

RECESS

**At 7:45 p.m., Councilmember Fimia moved that the Council recess the meeting for up to fifteen minutes. Councilmember Way seconded the motion, which carried 4-3, with Mayor Hansen, Deputy Mayor Jepsen and Councilmember Gustafson dissenting. The Council reconvened the meeting at 7:58 p.m.**

5. PUBLIC COMMENT

(a) Elaine Phelps, Shoreline, presented a plaque to Councilmember Chang and thanked him for his leadership and high standards of personal integrity and ethics.

(b) Rick Stephens, Shoreline business owner, concurred with the previous speaker, noting that Councilmember Chang has been the “voice of business” on the Council, which had been missing for many years. He concluded his remarks with a quote about service and said he is glad to know John Chang.

(c) Bronston Kenney, Shoreline, thanked Councilmember Chang for the dignity, honesty, and character he brought to the Council. He commented that Councilmember Chang maintained dignity even in the face of personal attacks during the campaign season. He hoped future campaigns would focus on issues rather than personal attacks.

(d) Kristin Ellison Oslin, Shoreline, presented Councilmember Chang with a bouquet of flowers and thanked him for setting an example of an activist citizenry in the City of Shoreline.

(e) Dan Thwing, Shoreline, commented on Councilmember Chang’s integrity, honesty, and humility and thanked him for representing Shoreline residents. He said Councilmember Chang has been an asset to the Council and the City has greatly benefited by his service.

(f) Clark Elster, Shoreline, said he has known Councilmember Chang for four years and has witnessed unbelievable pressure brought against him, his family, and his business. He thanked Councilmember Chang for his service, commenting on his tremendous strength, character, and sense of purpose.

(g) Lisa Thwing, Shoreline, commented that Councilmember Chang has been a friend to her and it has been a pleasure working with him. She concurred with previous speakers and said he maintained his dignity even while being vilified during the past campaign.

(h) Dennis Lee, Shoreline, said Councilmember Chang has been the most “user-friendly” Councilmember the City has ever had, commenting on his ability to listen to all points of view. He supported his vision of Shoreline as an “education capitol” and suggested the City have more citizen advisory committees, which is the model Councilmember Chang has supported in the past.

(i) Diana Stephens, Snohomish County, thanked Councilmember Chang for his integrity, honesty, public service, and strength during the past campaign. She concurred that his vision of an education capitol is appropriate and possible in Shoreline.

(j) Patty Crawford, Shoreline, concurred with prior speakers' comments, noting that Councilmember Chang has not been able to fully participate because the Council has not fully accommodated his disability. She said comments from City staff seem to be discouraging people from having sensitive areas on their properties. She felt the City should do exactly the opposite and let people know that sensitive areas are not a handicap and that many things can be done within sensitive areas buffers.

(k) Tim Crawford, Shoreline, felt the City should more fully investigate organized crime within the City and inquired if the police only do traffic control because they are too busy delivering prisoners to jail. He said "the people never had the City in the first place" and projects such as the "Roving Eyes" on Aurora Avenue and microwave towers in critical areas are scandalous. He felt the police should live within City limits in order to be more accountable to Shoreline residents. He felt the police department and district court should be changed to create more community control.

(l) Henry Dogans, Everett, Fircrest School employee, thanked Councilmember Chang for supporting the interests of Fircrest employees. He said he is grateful for his sincerity and support of keeping Fircrest School open.

(m) Liz Morgan, Everett, Fircrest School employee, concurred with the prior speaker and encouraged the Council to support Fircrest. She said Fircrest School offers valuable services that are not available at other facilities and the State audits the facility every six months. She said some Fircrest clients have passed away since being moved into the community due to inadequate care.

Councilmember Way thanked all the citizens who took the time to attend the meeting and provide public comment.

## 6. APPROVAL OF THE AGENDA

**Councilmember Ransom moved approval of the agenda, requesting that the Minutes of Special Meeting of November 7, 2005 be pulled for further consideration. Councilmember Chang asked that Item 8(b), Approval of Interlocal Agreement for District Court Services, be moved to the Consent Calendar as Item 7(c). Councilmember Gustafson seconded the motion to approve the agenda.**

**Councilmember Way moved to postpone Item 8(a), Ordinance No. 398, amending Critical Areas Regulations and Shoreline Municipal Code Chapters 20.20, 20.50 and 20.80, for discussion on January 17 and adoption on February 13. Councilmember Fimia seconded the motion. There was brief Council discussion about the consequences of postponing this item. A vote was taken on the motion, which carried 4-3, with Mayor Hansen, Deputy Mayor Jepsen, and Councilmember Gustafson dissenting.**

**A vote was taken on the motion to approve the agenda as amended, which carried unanimously.**

**DRAFT**

7. CONSENT CALENDAR

**Councilmember Gustafson moved approval of the consent calendar as amended. Councilmember Ransom seconded the motion and the following items were approved unanimously:**

**Approval of expenses and payroll as of December 1, 2005 in the amount of \$1,037,818.43**

**Interlocal Agreement for District Court Services**

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Ordinance No. 398, amending Critical Areas Regulations and Shoreline Municipal Code Chapters 20.20, 20.50 and 20.80

This item was postponed to January 17 and February 13 under the Consent Calendar.

9. EXECUTIVE SESSION

**At 8:30 p.m., Mayor Hansen announced that the Council would recess into Executive Session for 30 minutes to discuss a personnel matter. At 9:05 p.m. Mayor Hansen announced that the Executive Session would continue until 9:30 p.m. At 9:26 p.m., the Executive Session concluded and the regular meeting reconvened.**

**Councilmember Ransom moved to accept City Manager Steve Burkett's resignation as outlined in a resignation agreement distributed to the Council. Councilmember Fimia seconded the motion.**

Deputy Mayor Jepsen asked for clarification of the total amount of the negotiated agreement. He also noted that the agreement incorrectly states that the City has appointed an Interim City Manager.

Councilmember Ransom estimated the total amount to be approximately \$130,000, including benefits. He said the intent of the agreement is that the Council will appoint an Interim City Manager.

Deputy Mayor Jepsen requested that the agreement be modified to reflect this intent since the agreement will be effective tonight.

Councilmember Fimia clarified that the intent is to accept the resignation and then approve a motion to appoint an Interim City Manager. She said the Council may need to recess into Executive Session to consider candidate qualifications and a contract, and then return and make a motion to approve it.

Responding to Mayor Hansen as to whether Council members have already selected an Interim City Manager, Councilmember Fimia responded that she has a proposal.

Mayor Hansen commented that this is the first time he has heard of such proposal

Deputy Mayor Jepsen wished to ensure that Councilmember Chang has had an opportunity to review the proposal since some did not receive the final version until this evening.

Councilmember Chang responded that he was briefed at the dinner meeting and he is comfortable with his understanding of the agreement.

Councilmember Gustafson expressed disappointment that a majority of the Council did not call the rest of the Council to discuss these matters. He said while Councilmember Way has the right to participate, she should recuse herself from the process because as a new Council member she is not in a position to make a legitimate judgment on the City Manager's performance. He concluded that asking for Mr. Burkett's resignation at Christmastime is an "inhumane" thing to do.

Councilmember Way responded that she has every right to participate because she was duly elected and sworn in to the position. She said she has been attending meetings for many years and has a much right to vote as Councilmember Gustafson.

Councilmember Fimia said Councilmember Way is eligible because the motion is to accept the City Manager's resignation, not to do a performance evaluation. She said the rationale for doing it tonight is because a performance evaluation was rescheduled for tonight instead of in January as was originally proposed. She said a letter from Councilmember-elect Cindy Ryu supports the resignation, so this is not the act of a "lame duck" Council.

Mayor Hansen said he will vote against accepting the resignation because he was not consulted in advance on the actions that are required of him.

**A vote was taken on the motion to accept the City Manager's resignation as outlined in the resignation agreement, with carried 4-3, with Mayor Hansen, Deputy Mayor Jepsen and Councilmember Gustafson dissenting.** Mayor Hansen declared that the City Manager's resignation is accepted and that effective tonight, he is no longer the City Manager.

**Councilmember Fimia moved to appoint George Mauer as the Interim City Manager.**

Responding to Deputy Mayor Jepsen, it was noted that Mr. Mauer's resume was the only one proposed for consideration this evening.

Councilmember Ransom asked the City Attorney for an opinion on whether an executive session would be necessary.

Ian Sievers, City Attorney, said the Council is allowed to hold an executive session to evaluate qualifications of an applicant for public employment, but the actual appointment must be made in an open public meeting.

Councilmember Fimia explained the rationale for the motion, noting that she would never propose this if she didn't feel Mr. Mauer was entirely competent to perform this job. She reminded the Council that the proposal is for an interim position, and Mr. Mauer would be tasked with assessing City departments and recruiting for a permanent City Manager. She said the intent is to get a City Manager who would be supported and approved by a supermajority of the Council. She outlined Mr. Mauer's experience in professional recruitment and human resources, noting he has lived in Shoreline for over 26 years. She acknowledged that this comes as a surprise and she understands the hesitancy some might have about this, but it is a reasonable proposal. She said hiring Mr. Mauer would eliminate the need to hire a firm to conduct an expensive national recruitment. She said the intent is that the Deputy City Manager would be an applicant for the City Manager position.

#### EXECUTIVE SESSION

**At 9:45 p.m., there was Council consensus to recess into Executive Session for one hour to discuss this personnel matter. At 10:45 p.m. the executive session concluded and the regular meeting reconvened.**

#### MEETING EXTENSION

**Deputy Mayor Jepsen moved to extend the meeting until 11:00 p.m. Councilmember Chang seconded the motion, which carried 7-0.**

**Councilmember Fimia moved to postpone action on the main motion until January 3<sup>rd</sup> in order to perform a background check and obtain personal and professional references for Mr. Mauer. Councilmember Way seconded the motion, which carried unanimously.**

Mayor Hansen announced his resignation as Mayor of the City of Shoreline for the balance of the year, noting that what is going on in the name of public process is "an atrocity."

#### 10. ADJOURNMENT

**Upon motion by Councilmember Gustafson, seconded by Councilmember Fimia and unanimously carried, the meeting was adjourned at 10:49 p.m.**



December 12, 2005

**DRAFT**


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Scott Passey  
City Clerk

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## CITY COUNCIL AGENDA ITEM

### CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Approval of Expenses and Payroll as of December 29, 2005
<b>DEPARTMENT:</b>	Finance
<b>PRESENTED BY:</b>	Debra S. Tarry, Finance Director 

#### EXECUTIVE / COUNCIL SUMMARY

It is necessary for the Council to formally approve expenses at the City Council meetings. The following claims/expenses have been reviewed pursuant to Chapter 42.24 RCW (Revised Code of Washington) "Payment of claims for expense, material, purchases-advancements."

#### RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$7,286,912.09 specified in the following detail:

##### **\*Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
11/06/05-11/19/05	11/25/2005	11916-12093	4485-4528	27467-27481	\$396,675.59
11/20/05-12/03/05	12/9/2005	12094-12268	4529-4572	27575-27585	\$321,075.49
12/04/05-12/17/05	12/23/2005	12269-12442	4573-4615	27701-27713	\$446,611.22
					<u>\$1,164,362.30</u>

##### **\*Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
12/2/2005	27455	27457	\$5,100.01
12/2/2005	27458	27466	\$2,417,569.48
12/7/2005	27482	27505	\$215,314.04
12/8/2005	27506	27507	\$3,758.02
12/9/2005	27199		(\$2,500.00)
12/9/2005	27508		\$2,500.00
12/9/2005	27509	27542	\$157,340.00
12/13/2005	27543	27573	\$722,823.00
12/15/2005	27574		\$310.51
12/19/2005	27586	27630	\$86,281.25
12/21/2005	27631	27676	\$473,451.47
12/23/2005	27677	27700	\$105,838.66
12/28/2005	27714	27731	\$1,179,196.53

**\*Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
12/29/2005	27732	27737	\$62,719.83
12/29/2005	27738	27763	\$688,673.12
12/29/2005	27764	27765	\$600.25
12/29/2005	27563		(\$3,050.00)
12/29/2005	27766		\$3,050.00
12/29/2005	27560		(\$80,487.61)
12/29/2005	27767	27768	\$80,487.61
12/29/2005	27769		\$8,308.99
12/29/2005	27768		(\$55,737.76)
12/29/2005	27770		\$55,537.76
12/29/2005	27249		(\$4,000.00)
12/29/2005	27559		(\$535.37)
			<u>\$6,122,549.79</u>

Approved By: City Manager \_\_\_\_\_ City Attorney \_\_\_\_\_

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Adoption of Amendments to the Interlocal Agreement with the Fire Department  
**DEPARTMENT:** Planning and Development Services  
**PRESENTED BY:** Joe Tovar, Director of Planning and Development Services

**PROBLEM/ISSUE STATEMENT:**

The Interlocal Agreement between the City and the Fire Department needs to be amended to reflect procedural changes resulting from ongoing practice improvements and attain consistency with model code definitions. This proposal has been placed on the consent agenda due to its efficiency and coordination nature rather than policy change implications. There are three (3) types of changes that need to be made:

- Revise inspection exempted residential construction to coincide with applicable International Residential (IRC) and Building Code (IBC) definitions;
- Acknowledge discretionary authority of the Fire Code Official in determining specific frequency of International Fire Code (IFC) required inspections; and
- Minor Adjustments to the procedures for plan tracking and notification as well grammatical corrections.

**FINANCIAL IMPACT:**

The approval of the proposed amendments to the Interlocal Agreement with the Fire Department has no new financial impact on the City.

**RECOMMENDATION**

Staff recommends that Council authorize the City Manager to sign the attached Interlocal Agreement with the Fire Department.

Approved By:

City Manager

City Attorney

## **INTRODUCTION**

The Interlocal Agreement between the City and the Fire Department needs to be amended to reflect changes resulting from procedural practice.

## **BACKGROUND**

The Duration section of the agreement calls for an annual review of the terms and conditions to help ensure document content is consistent with ongoing operations, procedures and applicable evolving practical code interpretations. This mutual review resulted in the proposed amendments as reflected in the attachment.

These amendments to the Interlocal Agreement were presented to the Shoreline Fire Department Board of Commissioners and approved for final signature authorization on December 20, 2005.

## **ALTERNATIVES ANALYSIS**

The following information provides a brief description of the amendments proposed to the Interlocal Agreement with the Fire Department:

### **Revise exempted Residential Construction**

The existing Interlocal Agreement makes a specific reference to an "R-3" occupancy exemption from the IFC annual fire inspection requirement. In reality, townhouses meeting specific egress and height limitations, as defined in both the IBC and IRC, need not be, and are not, subjected to such inspections. The Interlocal Agreement, as proposed for amendment, replaces the reference with a plain language definition consistent with applicable code language.

### **Acknowledge Discretionary Authority of Fire Official**

A universal requirement for conducting annual fire inspections in accordance with IFC Section 105.6 fails to account for buildings, or portions thereof, that in the professional opinion of the Fire Official do not need annual inspections to determine the extent of IFC compliance. For example, the Fire Department does not desire to be universally obligated to perform fire inspections in unoccupied buildings. City staff supports the Fire Department's request.

### **Minor Adjustments**

The Fire Department and the City have been operating under the current Interlocal Agreement for sixteen (16) months. A few minor changes are proposed to better reflect how services are being provided in addition to grammatical corrections.

**Physical Tracking of Files**

The Fire Department would like to amend Section (3) and (4) regarding development project review procedures that apply to projects requiring concurrent review by both agencies. Currently the Interlocal Agreement allows for tracking of submittal documents removed from City files for Fire Department plan check purposes. In reality, the City has subsequently provided physical accommodation for Fire Department review of these submittals on premises. This obviates the need for Fire Department file maintenance. Therefore, the Fire Department would like to amend the Interlocal Agreement to reflect this practice. City staff supports the Fire Department's request. As a matter of clarification, this action shall not be construed to have any application to any permit for which the Fire Department holds lead processing authority such as sprinkler installations.

**Fire Scene Posting and Notification**

The Fire Department would like to amend the Interlocal Agreement regarding the removal of what amounts to a redundant City staff notification requirement. The Interlocal Agreement requires the Fire Department to provide written notice of a fire associated public safety hazard to be delivered the next business day to the City's Building Official. In practice, the City's Customer Response Team performs this same notification as a matter of course. This amendment will eliminate an administrative duplication of effort. Therefore, City staff agrees with the request.

**Grammatical Corrections**

These non-substantive grammatical "clean-up" changes are proposed at this opportune occasion.

**RECOMMENDATION**

Staff recommends that Council approve the amendments to the Interlocal Agreement with the Fire Department as presented in Attachment A.

**ATTACHMENTS**

Attachment A: Amended Interlocal Agreement with the Fire Department

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF SHORELINE AND  
SHORELINE FIRE DEPARTMENT RELATING TO DEVELOPMENT REVIEW  
PROCESS AND ENFORCEMENT OF THE INTERNATIONAL FIRE CODE WITHIN  
THE CITY OF SHORELINE**

THIS AGREEMENT is made and entered this date by the Shoreline Fire Department, a political subdivision of the State of Washington (hereinafter referred to as "Fire Department") and the City of Shoreline, a non-charter optional municipal code city, incorporated under the laws of the state of Washington (hereinafter referred to as "City").

WHEREAS, RCW 39.34.080 authorizes public agencies to enter into agreements to perform any governmental service, activity, or undertaking which each public agency entering into the agreement is authorized to perform; and

WHEREAS, RCW 19.27.031 requires that there shall be in effect in all counties and cities the State Building Code, which includes the International Fire Code as adopted and amended by RCW 19.27; and

WHEREAS, the City has adopted land use regulations, a series of safety codes having to do with building, maintenance, and use of structures that are included in the Shoreline Municipal Code and other standards that relate to protection of properties, and

WHEREAS, the Fire Department has a Fire Prevention Division qualified to enforce the provisions of the International Fire Code and other regulations and standards related to fire prevention and safety, and

WHEREAS, the Fire Department is authorized by RCW 52.12.031 to conduct building inspections and fire investigations; and

WHEREAS, the City and the Fire Department wish to fully cooperate and coordinate activities so as to avoid unnecessary duplication of effort and resources,

THEREFORE, in consideration of the terms and conditions contained herein, it is mutually agreed by the City and the Fire Department as follows:

**SECTION 1. ADMINISTRATION.**

**1. Authority:** The City Manager has the final authority on interpretation, administration and enforcement of applicable codes and standards. The City Manager designates the Fire Chief to serve as the fire code official or code official as referenced in the International Fire Code and to provide services as described in this agreement.



## **SECTION 2. SERVICES PROVIDED BY THE FIRE DEPARTMENT.**

### **1. General**

The Fire Department's Fire Chief, or designee, shall work in conjunction with the City's City Manager or designee to administer and enforce the provisions of the International Fire Code as adopted and amended by the City. The Fire Department and City will annually review the need for adopting amendments to the International Fire Code.

### **2. Meetings and Correspondence**

The Fire Department will appoint a qualified representative to participate in the City's development review process including pre-application meetings, technical review committee meetings, pre-construction conferences, and other meetings as requested by the City. The City will advise the Fire Department in a timely manner of meetings that require attendance. Correspondence between the City and Fire Department and assignments to the Fire Department shall be confirmed in writing or by e-mail.

### **3. Building or Land Use Permits**

#### **A. Plan Review**

The Fire Marshal, or other qualified designee, shall review all code applicable plans for new construction, remodels and additions, tenant improvements, site development, and land use applications for compliance with the International Fire Code. Review comments will be sent to the City's designated project manager in a timely manner. Plan reviews shall include, but not be limited to the following:

- a. Analyzing fire flows and supplied water flows
- b. Fire Department access to property and buildings for fire fighting purposes
- c. The designation of Fire Lanes
- d. Required fire protection systems
- e. Required fire detection systems
- f. The need for fire hydrants and their location
- g. The need for standpipes and their locations
- h. Locations of Fire Department Connections and Post Indicator Valves
- i. Key box needs and locations
- j. Acceptable locations of fuel storage tanks and dispensing systems
- k. Compliance with water availability and access requirements for Adult Family Homes
- l. Review for hazardous processes and storage

#### **B. Inspections**

The Fire Department's Fire Marshal, or designated representative, shall inspect permitted projects, for compliance with the requirements of the approved plans, the International Fire Code, and other applicable regulations and standards.

#### **4. Annual Inspections and International Fire Code (I) Section 105.6 Permits**

The Fire Department shall carry out the intent of the International Fire Code for the City by conducting annual inspections. The Fire Department shall also issue IFC section 105.6 Permits and provide related inspections. Non-compliant occupancies shall be referred to the City for enforcement as described in Section 2-6.

4.1 Inspections of all occupancies except detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures will be conducted as follows:

- a. Inspections shall be performed per IFC Section 104.
- b. Inspections in accordance with Section 105.6 shall be conducted at least annually or as deemed necessary by the fire code official to determine the extent of IFC compliance. In all cases the inspections are to be conducted in a regularly scheduled manner.
- c. The Fire Department will serve written notice on violation of the IFC to gain compliance and follow up with a reinspection in a time frame appropriate with the violation, but not to exceed 30 days in any situation.
- d. If compliance is not achieved after the first reinspection, a second written notice will be served with a specified time frame for compliance, but not to exceed 15 days in any situation.
- e. After a second re-inspection for violation and a non-compliance still exists, then the Fire Marshal will refer the non-compliant occupancy to the City's Building Official for Code Enforcement and assist as needed in the preparation of the enforcement action.
- f. At the time of the first inspection, Fire Prevention Division Inspectors will determine if a valid permit is held by occupancies requiring a permit, pursuant to IFC Article 105.6. If a valid permit is not held, an application will be given to the occupant along with instructions that the application must be filed with the Fire Department.

#### **5. Fire Investigations**

The Fire Department will carry out the intent of IFC Section 104.10 and RCW 48.48.060 and will coordinate fire investigations concerning cause and origin in compliance with the requirements of the International Fire Code and other local, state, and federal regulations. Investigations involving the crimes of arson are the responsibility of the City, and will be referred to and investigated by the King County Fire Marshall's Office. The Fire Department shall have the authority to directly call in the King County Fire Marshall's Office for investigation of possible arson fires, according to the criteria approved by the City. The Fire Department shall also notify the Shoreline Police Department of all criminal investigations. This does not preclude any coordination or cooperation of any other appropriate agency.

#### **6. Code Enforcement**

The Fire Marshal shall coordinate and cooperate in code enforcement actions related to the IFC. The representative shall assemble evidence, provide potential alternate solutions, and interpretations within their expertise. The City shall have the final authority on code

interpretation and enforcement decisions. When required by the City, the Fire Department shall provide testimony in legal actions.

### **SECTION 3. SERVICES PROVIDED BY THE CITY.**

1. The City, through its Director of Planning & Development Services or designee, shall provide assistance in the interpretation and application of the City's adopted codes, so as to ensure consistency.
2. For development requiring Fire Department review and inspections, the City will:
  - a. Receive and process applications, print permits and collect fees except for operational permits enumerated in Section 105.6 of the IFC.
  - b. The City will make submittal documents available to the Fire Department for review, comment, and/or approval in a timely manner.
  - c. The City will provide customer information and city staff coordination.
  - d. The City will provide archiving, and file storage space.
  - e. The City will provide the use of Hansen, a tracking system for all work provided by the Fire Department to the City.
  - f. The City will provide the Fire Department with a monthly report showing the number of permits processed, which included fire review, and the fees collected.

### **SECTION 4. PROCEDURES**

#### **1. Plan Check**

Applications and documents will be accepted through the City for building, land use, and fire systems permits. The City shall notify the Fire Department representative of documents requiring plan check. For building and land use permits, the Fire Department representative shall provide a comment list to the project manager if there are revisions to be made. The timeline for this work shall not exceed two weeks, one week for resubmittals, unless the project manager indicates a different timeline.

The Fire Department representative shall work directly with the applicant for fire protection systems and IFC Section 105.7 permits, and copy the City on correspondence and decisions. The review process shall continue until the drawings are approved. If there is an issue that is not resolved in a timely manner, or is disputed by the applicant, it shall be brought to the attention of the project manager and the Building Official for resolution. The Fire Department representative shall provide all necessary stamps on the drawings, maintain a readily available file of correspondence, and keep the City's tracking system current. The City will keep the approved files and documents and provide archiving.

#### **2. Construction Inspections**

The Fire Department representative shall respond to City or applicant requests to provide inspections on building, land use, and fire protection systems permits. Inspection communications shall be maintained in the file, in the City's tracking system and kept current. If reinspections are required, they shall be made in a timely manner. When an inspection is

finalized the permit cards shall be signed off at the site. If there is an issue that is not resolved in a timely manner, or is disputed by the applicant, it shall be brought to the attention of the project manager and the Building Official for resolution.

### **3. Fire Scene Posting and Notification**

Notification shall be provided to the City by the Fire Department for all fires involving City owned property; or where the Fire Investigator determines there to be a public safety hazard; or where a permit may be required for repair. Notification shall be by telephone to the City's Customer Response Team as soon as reasonable. If it is necessary for the Fire Department to leave the scene prior to the arrival of the City's representative, the Fire Department will post the structure or portion of the structure with warning tape.

## **SECTION 5. COMPENSATION.**

1. Fees assessed for the Fire Department's fire prevention services relating to this agreement shall be established by ordinance of the City Council.
2. Land Use and Building Permits The Fire Department shall be reimbursed for meetings, plan check and inspection services, including fire safety during construction, and related to construction compliance with the adopted fire code at the rate of 80% of the City's hourly rate. Time tracked at meetings not related to building or development permits shall not be charged to the City.
3. IFC Section 105.7 Construction Permits and Inspections The Fire Department shall be paid for plan review and inspection of all fire construction permits based on 80% of the fees charged to the applicant by the City of Shoreline.
4. IFC Section 105.6 Operational Permits and Inspections The Fire Department is responsible for collecting all fees directly from the applicants.
5. The Fire Department shall not be paid fees for investigating origin and cause of fires.
6. The Fire Department shall invoice the City on a quarterly basis. The invoice shall provide the City a report listing hourly services provided, by project name and number. These services shall be detailed in the City's data base.
7. The City shall forward payment to the Fire Department on a quarterly basis in the month following receipt of the invoice.

## **SECTION 6 INDEMNITY.**

The City enters into this contract to obtain the Fire Department's expertise, which the Fire Department acknowledges and warrants its personnel possess. The employees of the District

performing services under this Agreement shall, under no circumstances, be construed as being employees of the City.

The Fire Department, with respect to the services provided by the Fire Department pursuant to the Agreement, hereby agrees to indemnify, defend, and hold the City harmless from any and all claims for personal injury, property damage, or other claims of any nature whatsoever arising out of the acts, omissions, or performance of any of the Fire Department's personnel in carrying out services contracted to be provided under this Agreement. Said agreement of indemnification shall include indemnification by the Fire Department to the City for any claims for injuries made by the District's agents or employees as against the City, notwithstanding any immunities that might otherwise have been available to the Fire Department by virtue of the Workman's Compensation Act, Title 51 RCW. This waiver of industrial indemnity immunity was specifically negotiated by the parties.

#### **SECTION 7 DURATION.**

This agreement shall be effective January 1, 2006, and shall renew annually at the beginning of each calendar year unless amended or terminated as provided herein. An annual review of the terms and conditions shall commence by October 1 of each year.

#### **SECTION 8. TERMINATION.**

Either party may terminate this agreement by written notice to the other party at least 90 days prior to the date of termination. All permits or inspections initiated prior to termination shall be completed by the Fire Department and compensation paid regardless of whether some work is performed after the termination date.

#### **CITY OF SHORELINE**

By: \_\_\_\_\_

Title: \_\_\_\_\_

17544 Midvale Avenue North  
Shoreline Washington 98133

#### **SHORELINE FIRE DEPARTMENT**

By: \_\_\_\_\_

Title: \_\_\_\_\_

17525 Aurora Avenue North  
Shoreline Washington 98133

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**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<p><b>AGENDA TITLE:</b> King County Animal Control Agreement Amendment <b>DEPARTMENT:</b> Parks, Recreation and Cultural Services <b>PRESENTED BY:</b> Dick Deal, PRCS Director</p>
---

**PROBLEM/ISSUE STATEMENT:**

The City of Shoreline currently has an Interlocal Agreement with King County to provide animal control services in Shoreline. King County is allowed to collect all license fees, with a small amount retained by the City for each license the city sells and in return King County Animal Control will provide services to include the collection and boarding of stray animals, the handling of dangerous dog complaints, educational services to animal owners, and enforcement of regulations as adopted in City of Shoreline Ordinance NO. 25 approved July 10, 1995. Most cities in King County have similar agreements.

The King County Animal Control (KCAC) staff is responsible for covering the majority of King County and as a result they are able to spend little time in each community, usually dealing only with stray and dangerous animal issues. Issues such as off leash dogs are a lower priority and as a result there is very little enforcement of illegal off leash activity. City regulations require all dogs to be on leash and under control of the handler when in Shoreline parks. However, since there is such limited enforcement the number of off leash dog complaints has increased dramatically in the past few years. There is currently a citizen committee appointed by the Parks, Recreation and Cultural Services Board to evaluate the need for an off leash area and determine potential sites to be considered for development into a future off leash dog site in Shoreline. The work of this committee is on-going.

This amendment will allow the City of Shoreline to address the off leash dog issue in our parks by paying for an additional 16 hours a week at \$30 per hour for off leash enforcement. This agreement is only being extended to the cities of Shoreline and Kirkland as test sites for off leash enforcement. If approved this amendment would allow the Parks, Recreation and Cultural Services Department to schedule a KCAC employee up to twenty hours a week to help manage off leash activity in Shoreline parks.

**FINANCIAL IMPACT:**

The approval of this amendment to the Interlocal agreement would be in effect for a maximum of six months and be limited to a maximum expenditure of \$7,000. Funds are available in the 2006 Parks budget for this expenditure.

**RECOMMENDATION**

Staff recommends the Council authorize the City Manager to sign this addendum, attached at Exhibit A, to the King County Animal Control services agreement that would provide funding for the enforcement of off leash dog activity in Shoreline parks.

Approved By:

City Manager  City Attorney 

Attachment



## **INTERLOCAL SERVICES AGREEMENT – AMENDMENT**

### **Between the City of Shoreline and King County Regarding Animal Services and Programs**

This is an Amendment to the standing Interlocal Agreement between the City of Shoreline and King County. The Amendment is for supplemental animal control services between the City of Shoreline, a municipal corporation of the State of Washington, hereinafter referred to as the “City”, and King County, a home-rule charter county, a political subdivision of the State of Washington, hereinafter referred to as the “County”.

**WHEREAS**, the City of Shoreline (City) and King County (County) entered into an Interlocal Agreement dated August 31, 1995 (“the Interlocal Agreement”) relating to the provision of animal control services within the City; and

**WHEREAS**, the City and County wish to amend the Interlocal Agreement to enable the County to provide Shoreline with additional animal control services under a pilot program;

**NOW**, in consideration of mutual covenants, the City and County hereby agree to amend the Interlocal Agreement as follows:

#### **Section 1. Service Obligation**

- A. The County shall provide supplemental animal control services in the form of an additional animal control officer dedicated to the City for no less than two eight-hour work days per week during the period of this pilot program which shall continue for six months from the approval of this amendment. The scheduling of these additional service days will be determined by mutual agreement of the contract administrators of this supplemental service.
- B. The additional animal control officer will be stationed within the City limits to respond to specific calls for service, perform routine patrols, communicate with Shoreline Parks officials, and handle other related tasks as agreed to by the contract administrators of this supplemental service.
- C. The County shall provide the City with a general monthly calendar of scheduled service in Shoreline, and a quarterly report of the types of services offered and performed.

**Section 2. Compensation.** In consideration for the supplemental services provided by the County as set forth herein, the City promises to pay the County for the hours of animal control officer work at the rate of \$30/hour. This rate per hour shall only apply to this pilot program and is not intended to set any precedent for additional services costs in the future.

**Section 3. Contract Administrators.** For purposes of these supplemental services, the contract administrators shall be the Parks Director or a designee and the King County Animal Services and Programs Manager or designee.

**Section 4. Other Portions of the Agreement Unaffected.** Except as specifically stated herein, all other portions of the Interlocal Agreement shall remain in place and are unaffected by this Amendment.

**Section 5. Discontinuation of Supplemental Services.** The County or City may discontinue the provision of supplemental services authorized by this agreement with or without cause upon providing thirty-days written notice.

**Section 6. No Third Party Beneficiaries.** The Interlocal Agreement and this Amendment have been entered into for the sole benefit of the City and County. Nothing in the Interlocal Agreement or this Amendment is intended to create any rights for or obligations owing to third parties.

**Section 7. Effective Date.** This Amendment shall be effective upon the date last signed below.

IN WITNESS WHEREOF, the parties have executed this agreement.

**CITY OF SHORELINE**

**KING COUNTY**

\_\_\_\_\_  
Robert L. Olander                      Date  
Acting City Manager

\_\_\_\_\_  
Ron Sims                                      Date  
King County Executive

Approved as to form:

Approved as to form:

\_\_\_\_\_  
City Attorney                      Date

\_\_\_\_\_  
Deputy Prosecuting Attorney                      Date

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b> Recreation Guide Proposal Acceptance and Contract Approval
<b>DEPARTMENT:</b> Parks, Recreation & Cultural Services
<b>PRESENTED BY:</b> Lynn M. Cheeney, Recreation Superintendent

**PROBLEM/ISSUE STATEMENT:**

Each year the Parks, Recreation and Cultural Services Department distribute brochures to residents of Shoreline and participants for the purpose of advertising and promoting the numerous classes and activities available to the community. These guides are distributed three times a year.

In previous years, the Department has accepted proposals for only one to two years. This year the Department conducted a proposal process and would like to extend the contract for up to five years. The ability to extend the contract will allow the City to provide constant quality in the publication of the Recreation Guide.

In November, the Department requested proposals and received five. Of the five, the two lowest annual proposals were Snohomish Publishing at \$27,091.50 and Sound Publishing at \$24,375.54. Though Sound is the lowest proposal amount, the Department is recommending Snohomish Publishing over Sound Publishing based on comments from references regarding service and delivery issues. The City is currently under contract with Snohomish Publishing who has provided a high quality product, excellent customer service and on time publications.


City purchasing policies require contracts exceeding \$50,000 to be reviewed and approved by Council action. This is a multi-year contract and will exceed the \$50,000 amount. City purchasing policies do not require award to the lowest cost bidder in these circumstances, but permits an evaluation and selection based on quality, customer service, and references as well as cost.

**FINANCIAL IMPACT:**

This contract was anticipated and included in the 2006 budget. It is not a fixed contract for five years, but the price shall remain firm for at least one (1) year. If there is a price increase at the manufacturing level, the company may request a price increase, but must give the City adequate documentation for said increase. The City may cancel the contract if the price increase is not justified. If the price increases are approved by the City and allowed, they shall take effect at the time of contract extension and remain in effect for the subsequent contract extension period.

### **RECOMMENDATION**

Staff requests City Council approve proposal and authorize the City Manager to enter into a contract with Snohomish Publishing Company with the option of renewing the contract each year until 2010.

Approved By:      City Manager  City Attorney \_\_\_\_

## **INTRODUCTION**

In November the Parks, Recreation and Cultural Services Department conducted a proposal process for the purpose of printing the City's recreation guide. This guide is the main public document that advertises all programs and activities offered by the Department.

The City received five proposals and created a spread sheet of proposals and information that was received. From those proposals, two companies, Sound Publishing and Snohomish Publishing were selected with the two lowest proposals. Staff then reviewed the proposals based on quality, pricing and references.

Quality: Both Snohomish and Sound submitted samples of their products. Both had clean copies with good photo quality. Samples submitted were similar to the current recreation guide.

Pricing: There was a pricing difference between the two finalists of \$2,715.46.

References: Staff contacted references for both firms. References for Sound Publishing indicated the quality as being erratic and inconsistent. References for Snohomish were extremely positive and one firm shared that it was the "best product quality and the customer service was "incredible". Snohomish currently publishes the City's guide. The staff has been pleased with the quality, the quick turn around for edits, the attention to detail by the graphics department and on time delivery of the product. Snohomish is also the printer for Currents.

The quality and customer service that has been received in the past from Snohomish make them the choice for the brochure printing. This is can be renewed up to five years and staff will evaluate service, quality and pricing each year. The City has the ability to terminate the contract if service or quality fails to meet current standards.

## **RECOMMENDATION**

Staff requests City Council approve proposal and authorize the City Manager to enter into a contract with Snohomish Publishing Company with the option of renewing the contract each year until 2010.

## **ATTACHMENTS**

- A. Contract for Snohomish Publishing Company
- B. Spread Sheet of Proposals Received



Contract No. 3667

Brief Description: Recreation Guide design and printing for spring 2006 to winter 2007

**CITY OF SHORELINE  
AGREEMENT FOR SERVICES**

This Agreement is entered into by and between the City of Shoreline, Washington, a municipal corporation hereinafter referred to as the "CITY," and Snohomish Publishing Company, Inc., hereinafter referred to as the "CONSULTANT."

WHEREAS, the City desires to retain the services of a consultant to provide graphic design, printing and mailing services for the spring 2006 to winter 2007 and

WHEREAS, the City has selected Snohomish Publishing Company, Inc. to perform the above-mentioned services;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, it is mutually agreed as follows:

**1. Scope of Services to be Performed by the Consultant.**

The Consultant shall perform the services outlined in Exhibit A. In performing these services, the Consultant shall at all times comply with all federal, state and local statutes, rules and ordinances applicable to the performance of such services. In addition, these services and all duties incidental or necessary therefore, shall be performed diligently and completely and in accordance with professional standards of conduct and performance.

**2. Compensation.**

- A. Services will be paid at the rate set forth in Exhibit A, not to exceed a maximum of \$36,600.00, including all fees and reimbursable expenses.
- B. The City shall pay the Consultant for services rendered after receipt of a billing voucher in the form set forth on Exhibit B. NO PAYMENT WILL BE ISSUED WITHOUT A BILLING VOUCHER. Payments will be processed within 30 (thirty) days from receipt of billing voucher. The Consultant shall be paid for services rendered but, in no case shall the total amount to be paid exceed the amount(s) noted in the Exhibit(s) and approved by the City. The Consultant shall complete and return Exhibit C, Taxpayer Identification Number, to the City prior to or along with the first billing voucher. No payment will be issued without a Taxpayer Identification Number on file. Mail all billing vouchers to: City of Shoreline, Attention Accounts Payable, 17544 Midvale Avenue North, Shoreline, Washington 98133-4921.

**3. Term and Time of Completion.**

- A. The term of this Agreement shall commence January 16, 2006 and ends at midnight on the 30th day of December, 2006.
- B. The work, as described in Exhibit A, will be scheduled for completion by no later than the 30th day of December, 2006.

**4. Termination.**

- A. The City reserves the right to terminate or suspend this Agreement at any time, with or without cause by giving fourteen (14) days notice to Consultant in writing. In the event of such termination or suspension, all finished or unfinished documents, data, studies, worksheets, models and reports, or other material prepared by the Consultant pursuant to this Agreement shall be submitted to the City.

- B. In the event this Agreement is terminated by the City, the Consultant shall be entitled to payment for all hours worked and reimbursable expenses incurred to the effective date of termination, less all payments previously made. This provision shall not prevent the City from seeking any legal remedies it may have for the violation or nonperformance of any of the provisions of this Agreement and any such charges due the City shall be deducted from the final payment due the Consultant. No payment shall be made by the City for any expenses incurred or work done following the effective date of termination unless authorized in advance in writing by the City.
- C. The Consultant reserves the right to terminate this Agreement with not less than sixty (60) days written notice, or in the event outstanding invoices are not paid within 60 days.
- D. If the Consultant is unavailable to perform the scope of services, the City may, at its option, cancel this Agreement immediately.

**5. Ownership of Documents.**

- A. All documents, data, drawings, specifications, software applications and other products or materials produced by the Consultant in connection with the services rendered under this Agreement shall be the property of the City whether the project for which they are made is executed or not. All such documents, products and materials shall be forwarded to the City at its request and may be used by the City as it sees fit. The City agrees that if the documents, products and materials prepared by the Consultant are used for purposes other than those intended by the Agreement, the City does so at its sole risk and agrees to hold the Consultant harmless for such use. All or portions of materials, products and documents produced under this Agreement may be used by the Consultant upon confirmation from the City that they are subject to disclosure under the Public Disclosure Act.
- B. All services performed under this Agreement will be conducted solely for the benefit of the City and will not be used for any other purpose without written consent of the City. Any information relating to the services will not be released without the written permission of the City.
- C. The Consultant shall preserve the confidentiality of all City documents and data accessed for use in Consultant's work product.

**6. Independent Contractor Relationship.**

- A. The consultant is retained by the City only for the purposes and to the extent set forth in this Agreement. The nature of the relationship between the Consultant and the City during the period of the services shall be that of an independent contractor, not employee. The Consultant, not the City, shall have the power to control and direct the details, manner or means of services. Specifically, but not by means of limitation, the Consultant shall have no obligation to work any particular hours or particular schedule and shall retain the right to designate the means of performing the services covered by this Agreement, and the Consultant shall be entitled to employ other workers at such compensation and on such other conditions as it may deem proper, provided, however, that any contract so made by the Consultant is to be paid by it alone, and that employing such workers, it is acting individually and not as an agent for the City.
- B. The City shall not be responsible for withholding or otherwise deducting federal income tax or Social Security or contributing to the State Industrial Insurance Program, or otherwise assuming the duties of an employer with respect to Consultant or any employee of the Consultant.

**7. Hold Harmless.**

The Consultant shall defend, indemnify, and hold the City and its officers, agents, employees and volunteers harmless from all costs, claims or liabilities of any nature including attorneys' fees, costs and expenses for or on account of injuries or damages sustained by any persons or property resulting from the acts, errors, or omissions of the Consultant, its agents or employees in the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

## 8. Insurance.

Consultant shall obtain insurance of the types described below during the term of this agreement and extensions or renewals. These policies are to contain, or be endorsed to contain, provisions that 1) City shall be an additional insured and Consultant's insurance coverage shall be primary insurance with insurance or insurance pool coverage maintained by the City as excess of the Consultant's insurance (except for professional liability insurance); and 2) Consultant's insurance coverage shall not be cancelled, except after thirty (30) days prior written notice to the City.

- A. Professional Liability insurance appropriate to Consultant's profession with limits of liability not less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

If initialed, above insurance requirement is waived.

\_\_\_\_\_ City Attorney

- B. Commercial General Liability insurance covering premises, operations, independent contractors liability and damages for personal injury and property damage with combined single limits not less than \$1,000,000. The City shall be named as an additional insured on this policy. The Agency shall submit to the City a copy of the insurance policy declaration page as evidence of insurance coverage acceptable to the City.

If initialed, above insurance requirement is waived.

\_\_\_\_\_ City Attorney

- C. Automobile Liability insurance with combined single limits of liability not less than \$1,000,000 for bodily injury, including personal injury or death and property damage.

If initialed, above insurance requirement is waived.

\_\_\_\_\_ City Attorney

## 9. Delays.

Consultant is not responsible for delays caused by factors beyond the Consultant's reasonable control. When such delays beyond the Consultant's reasonable control occur, the City agrees the Consultant is not responsible for damages, nor shall the Consultant be deemed to be in default of the Agreement.

## 10. Successors and Assigns.

Neither the City nor the Consultant shall assign, transfer or encumber any rights, duties or interests accruing from this Agreement without the written consent of the other.

## 11. Nondiscrimination.

In hiring or employment made possible or resulting from this Agreement, there shall be no unlawful discrimination against any employee or applicant for employment because of sex, age, race, color, creed, national origin, marital status or the presence of any sensory, mental, or physical handicap, unless based upon a bona fide occupational qualification. This requirement shall apply to but not be limited to the following: employment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. No person shall be denied or subjected to discrimination in receipt or the benefit of any services or activities made possible by or resulting from this Agreement on the grounds of sex, race, color, creed, national origin, age except minimum age and retirement provisions, marital status, or in the presence of any sensory, mental or physical handicap.

## 12. Notices.

Any notice required under this Agreement will be in writing, addressed to the appropriate party at the address which appears below (as modified in writing from time to time by such party), and given personally, by registered or certified mail, return receipt requested, by facsimile or by a nationally recognized overnight courier service. All notices shall be effective upon the date of receipt.



City Manager  
City of Shoreline  
17544 Midvale Avenue N.  
Shoreline, WA 98133-4921  
(206) 546-1700

Consultant Name: Jeff Wise  
Name of Firm: Snohomish Publishing Company, Inc.  
Address: 605 2<sup>nd</sup> Street  
Address: Snohomish, WA 98290  
Phone Number: (360) 568-1242

**13. Governing Law and Venue.**

This Agreement shall be construed and enforced in accordance with the laws of the State of Washington. Venue of any suit between the parties arising out of this Agreement shall be King County Superior Court.

**14. General Administration and Management.**

The City's contract manager shall be (name and title): Lynn M. Cheeney, Recreation Superintendent.

**15. Severability.**

Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

**16. Entire Agreement.**

This agreement contains the entire Agreement between the parties hereto and no other agreements, oral or otherwise, regarding the subject matter of this agreement, shall be deemed to exist or bind any of the parties hereto. Either party may request changes in the agreement. Proposed changes which are mutually agreed upon shall be incorporated by written amendment to this agreement.

This agreement is executed by

**CITY OF SHORELINE**

**CONSULTANT**

By: \_\_\_\_\_  
Name: Lynn M. Cheeney  
Title: Recreation Superintendent

By: \_\_\_\_\_  
Name: Jeff Wise  
Title: President, Snohomish Publishing Company, Inc.

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
Flannary Collins  
Assistant City Attorney

Attachments: Exhibits A, B, C

## **EXHIBIT A**

### **SCOPE OF SERVICES**

#### **SCOPE OF SERVICES**

The City of Shoreline desires to retain the services of Snohomish Publishing, Inc. to provide graphic design and printing services for the 2006 spring/summer through 2007 winter recreation guides, per their attached project quote. The City will provide content via electronic files for an initial setup and layout by Snohomish Publishing Graphics Staff. A PageMaker file in PC version 7.0 will be provided to City staff for any edits. Content, photos and all other elements of the publication will be returned to the vendor to prepare for printing. The printer will also provide any technical support required to complete the order and prepare the mailing. Upon blueline approval, the printer will "go to press" with the order, and deliver client-specified quantities to Post Office and Spartan Gym at the agreed upon dates for each recreation guide.

#### **SCHEDULE**

Work to commence on January 16, 2006 and ends at midnight on the 30th day of December 2006.

#### **FEE**

The design work as mentioned above will be performed at the rate of \$37.50 per hour plus applicable sales tax, not to exceed \$4,000.00, and should be billed to the City referencing 2408037-5410. The printing services as mentioned above, plus applicable sales tax, is not to exceed \$32,000.00, and should be billed to the City referencing 2408037-5493. **Invoice must be received by the City of Shoreline no later than December 30, 2006.**

Designed and printed material shall not be complete until all items listed in the specifications are met to the satisfaction of the City. Work shall be delivered complete within the number of working days, agreed upon by both the City and the Vendor. If the work is not delivered complete within the agreed upon time, the Vendor agrees to pay the City as liquidated damages the sum of \$100.00 per day for each day the project remains uncompleted. Such liquidated damages are appropriate and agreed upon by the parties because of impracticability and difficulty of ascertaining the actual damages the City would sustain in the event of noncompletion with the agreed upon time.

**EXHIBIT B  
CITY OF SHORELINE  
BILLING VOUCHER**

17544 Midvale Ave., N. Shoreline, WA 98133 ♦ (206) 546-1700 ♦ Fax (206) 546-2200

Contract No. \_\_\_\_\_

Firm Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**Invoice No.:** \_\_\_\_\_ **Invoice Date:** \_\_\_\_\_

**Amount of Invoice \$** \_\_\_\_\_

Contract Expiration Date:: \_\_\_\_\_ Current Invoice Period: \_\_\_\_\_

Description of services performed this period, attach a separate sheet if necessary (if applicable, submit a separate voucher for each program which is funded by your City of Shoreline contract):

**BUDGET SUMMARY:**

Total Contract Amount, \$ \_\_\_\_\_

(including amendments)

Previously Billed

\$ \_\_\_\_\_

Current Invoice Request

\$ \_\_\_\_\_

Total Payments Requested to date \$ \_\_\_\_\_

Contract Balance Remaining \$ \_\_\_\_\_

Payments will be processed within thirty (30) days from receipt of approved billing voucher.

\_\_\_\_\_  
Consultant Signature

*For Department Use Only*

Approved for Payment:

\_\_\_\_\_  
City of Shoreline

Date: \_\_\_\_\_

**EXHIBIT C**  
**CITY OF SHORELINE**

17544 Midvale Ave., N., Shoreline, WA 98133  
(206) 546-1700 ♦ Fax (206) 546-7870

**TAX IDENTIFICATION NUMBER**

In order for you to receive reimbursement from the City of Shoreline, we must have either a Tax Identification Number or a Social Security Number. The Internal Revenue Code requires a Form 1099 for payments to every person or organization other than a corporation for services performed in the course of trade or business. Further, the law requires us to withhold 20% on reportable amounts paid to unincorporated persons who have not supplied us with their correct Tax Identification Number or Social Security Number.

Please complete the following information request form and return it to the City of Shoreline before or along with the submittal of the first billing voucher.

Please check the appropriate category:

\_\_\_\_\_ Corporation      \_\_\_\_\_ Partnership      \_\_\_\_\_ Government Agency

\_\_\_\_\_ Individual/Proprietor      \_\_\_\_\_ Other (please explain)

TIN # \_\_\_\_ - \_\_\_\_ - \_\_\_\_

SS # \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Signature (required)

	Consolidated	Copy Co.	NW Newman-	Snohomish	Sound
<b>Bid Elements</b>					
Photo Scanning? Y/N	y	y	y	y	y
Flatbed Resolution	300-350	300/1000	2400	1200	1280
Drum Resolution	n/a	n/a	n/a	n/a	left blank
Maximum Scan Size	8x10	8.5x14	11x17	8.5x14	10.5x16.5
Grayscale scan cost	\$	18.50	\$	\$37.50/hr to scan, adjust & place	\$ 10.00
4CP scan cost	\$100/first, \$50 ea. Addn'l	\$ 25.00	\$	\$37.50/hr to scan, adjust & place	\$ 25.00
<b>Print Package Option 1</b>		none submitted			
10K	\$	3,138.00	\$	3,435.00	\$ 3,015.00 \$ 2,544.44
20K	\$	4,304.00	n/a	\$ 4,835.00	\$ 4,420.00 \$ 3,870.68
30K	\$	5,471.00	n/a	\$ 6,190.00	\$ 5,825.00 \$ 5,015.34
Cost per additional 1000	\$	116.66	n/a	\$ 135.00	\$ 142.25 for additional; \$174.62 less per M
<b>Print Package Option 2</b>					
10K	\$	3,430.00	\$ 9,435.00	\$ 3,801.00	\$ 4,184.00 \$ 3,616.15
20K	\$	4,669.00	\$ 15,597.00	\$ 5,397.00	\$ 6,051.00 \$ 5,002.45
30K	\$	5,907.00	\$ 21,352.00	\$ 7,036.00	\$ 7,918.00 \$ 6,207.96
Cost per additional 1000	\$	123.84	\$ 699.00	\$ 164.00	\$ 142.25 for additional; \$170.29 less per M
<b>Print Package Option 3</b>					
10K	\$	3,224.00	\$ 7,694.00	\$ 3,313.00	\$ 3,896.00 \$ 3,367.14
20K	\$	4,298.00	\$ 12,632.00	\$ 4,603.00	\$ 5,560.00 \$ 4,543.63
30K	\$	5,371.00	\$ 17,272.00	\$ 5,886.00	\$ 7,223.00 \$ 5,591.31
Cost per additional 1000	\$	107.33	\$ 575.00	\$ 128.00	\$ 122.87 for additional; \$148.98 less per M
<b>Print Package Option 4</b>					
10K	\$	4,027.00	\$ 11,219.00	\$ 4,885.00	\$ 4,978.00 \$ 4,381.50
20K	\$	5,662.00	\$ 18,586.00	\$ 6,867.00	\$ 7,292.00 \$ 6,191.15
30K	\$	7,218.00	\$ 25,539.00	\$ 8,908.00	\$ 9,606.00 \$ 7,706.64

Current  
pkg

2006+ Recreation Guide  
Printing Mailing Bid

Cost per additional 1000	\$	159.52	\$	849.00	\$	204.00	\$	232.00	\$	\$187.01 for additional, \$231.33 less per M
Mail Prep Option 1	\$	733.00	\$	535.00	\$	338.00	\$	295.00	\$	552.17
Mail Prep Option 2	\$	925.00	\$	824.00	\$	380.00	\$	240.00	\$	440.20
Mail Prep Option 3	\$	977.00	\$	850.00	\$	363.00	\$	175.00		
Turn-around (delivery to blueline)	2-3 days		5 days		2 days					24 hours
Turn-around (blueline approval to post-office)	5-8 days		10 days		5 days					
Turn-around (blueline /proof to client location)	same day or next day		2 days - no charge		1 day - no charge			Yes: 24 hours- no charge		
Turn-around (Press-check option)	\$150 for webforms; \$250 for Gloss covers		Yes - No charge		Yes - no charge			Yes - no charge		Yes - no charge
Delivery Cost (beyond additional 3-5 expected)	\$	20.00	\$	25.00	\$	35.00	Free	Free		
Pickup Cost (beyond additional 3-5 expected)	\$	20.00	Free		\$	35.00	Free	Free		
E-mail - Y/N	y		y		y			y		y
FTP - Y/N	y		y		y			y		y
ZIP - Y/N	y		y		y			y		y
Floppy/CD - Y/N	y		y		y			y		y
Traditional Pre-press? Y/N	computer-to-plate technology; no film output	y		n		y		y		y
Electronic Pre-press: Platform: Mac and/or PC?	both		both		both			both		both
Software: PageMaker 7.0	y		y		y			y		y
PhotoShop 7.0	y		y		y			y		y
InDesign	y		y		y			n		y
PDF	y		y		y			y		y
Illustrator	y		y		y			y		y
In-house graphic design? Y/N	n		y		y			y		y
Hourly rate for designer:	\$	60.00	\$	72.00	\$	60.00	\$	37.50	\$	40.00

Current  
pkg



2006+ Recreation Guide  
Printing Mailing Bid

Will any portion of this project be subcontracted? If yes, list company(ies)	N	Y: Seattle Bindery & mail prep by Plusher's Mailing	N			
Sample quarterly total	Consolidated	Copy Co.	NW Newman-Burows	Shohomish	Sound Publishing	
Print Package: Option 2	\$	5,907.00	\$ 21,352.00	\$ 7,036.00	\$ 6,207.96	
Mailing Package	\$	977.00	\$ 850.00	\$ 363.00	\$ 367.22	
Graphic design/tech support hourly charge (est. 25 hrs)	\$	1,500.00	\$ 1,800.00	\$ 1,500.00	\$ 1,000.00	
Grayscale Photo Scans (max. 30)	\$	555.00	\$ 300.00	\$ 450.00	\$ 300.00	
Color Photo Scans (max. 10)	\$	550.00	\$ 250.00	\$ 350.00	\$ 250.00	
Total:	\$	9,489.00	\$ 24,552.00	\$ 9,030.50	\$ 8,125.18	
Annual Cost (3 publications)	\$	28,467.00	\$ 73,656.00	\$ 29,097.00	\$ 27,091.50	\$ 24,375.54



**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Authorize the City Manager to Execute the 2006/07 State of Washington Department of Ecology Coordinated Prevention Grant Agreement for \$48,141

**DEPARTMENT:** Public Works

**PRESENTED BY:** Jesus Sanchez, Operations Manager

**PROBLEM/ISSUE STATEMENT:** When the County landfill closes in 2012 and solid waste export is initiated, Shoreline residents and businesses can expect their solid waste collection costs to rise. In order to minimize the cost of waste disposal, the City will use the funds in the 2006/07 State of Washington Department of Ecology Coordinated Prevention Grant to assist local businesses to reduce their waste and increase their recycling. In addition, funds will allow the City to assist public and private organizations to incorporate sustainable building techniques into their facility designs, and to purchase natural yard care tools for distribution to residents at the City's Natural Yard Care Event.

**ALTERNATIVES ANALYZED:**

1. The City executes the Grant Agreement and uses the grant funds to support the 2006 and 2007 waste reduction and recycling programs.
2. The City chooses not to offer the waste reduction and recycling programs supported by this grant.

**FINANCIAL IMPACT:** If the City executes the Grant Agreement, \$48,141 will be provided as revenue to support the Recycling Program. In the 2006 adopted Public Works budget, revenue of \$36,106 was anticipated to be received from this grant. The additional \$12,035 will be added to the 2006 Recycling Program budget through the budget amendment process.

If the City does not execute the Grant Agreement, it will lose the grant funds and will have to reduce service levels to that available from other program revenues.

**RECOMMENDATION**

Staff recommends that Council authorize the City Manager to execute the 2006/07 State of Washington Department of Ecology Coordinated Prevention Grant Agreement for \$48,141.

Approved By: City Manager  City Attorney \_\_\_\_\_

## **INTRODUCTION**

Solid waste collection costs are expected to rise when the County closes its landfill and begins to export waste in 2012. The State Department of Ecology Coordinated Prevention Grant (CPG) will help minimize future solid waste costs by supporting the cost for several of the City's 2006/07 proactive waste reduction and recycling education projects (listed on page 1, paragraph 1 of this staff report).

## **BACKGROUND**

The City has received the Coordinated Prevention Grant for the past six years. Previous funds supported the purchase of recycling equipment, such as a chipper and mulching mower; recycling events and tools for the Natural Yard Care Event; and the construction of the City's compost facility for municipal green waste.

## **ALTERNATIVES ANALYSIS**

Alternative #1--The City executes the Grant Agreement and uses the grant funds to support the 2006 and 2007 recycling programs: If the City executes the Grant Agreement, the funds in the grant will provide the revenue to maintain the Recycling Program funding at historic service levels. Anticipated services include:

- natural yard care tools to support the City's Natural Yard Care Event
- recycling & waste reduction outreach to local businesses
- sustainable building design options for public and private organizations

Alternative #2--The City chooses not to offer the recycling programs supported by this grant: This alternative will significantly reduce the recycling program services provided by the City. The recycling program is 86% grant-funded and any reduction in grant funds proportionately affects anticipated services (see Alternative 1 above).

## **RECOMMENDATION**

Staff recommends that Council authorize the City Manager to execute the 2006/07 State of Washington Department of Ecology Coordinated Prevention Grant Agreement for \$48,141.

**ATTACHMENT A:****Recent Recycling Event Summary**

	<u>Fall 2005</u>	<u>Spring 2005</u>	<u>Fall 2004</u>	<u>Spring 2004</u>
Participants	883	907	933	911
Computer monitors	267	265	199	174
Fluorescent light bulbs	601	317	576	412
Household batteries	343 lbs.	337 lbs.	301 lbs.	298 lbs.
Oil	400 gallons	385 gallons	380 gallons	275 gallons
Refrigerators/ Freezers	20	20	15	25
Scrap Metal	21.7 tons	19.9 tons	16.4 tons	19.5 tons
Televisions	144	164	109	100
Yard Debris	23.9 tons	32.2 tons	12.91 tons	22.7 tons

**Natural Yard Care Event Summary**

	<u>2005</u>	<u>2004</u>	<u>2003</u>	<u>2002</u>
Participants	800-1000*	837	680	150

\*range of numbers based on items purchased and visitors at educational displays

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**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Authorize the City Manager to Execute the 2006/07 King County Waste Reduction & Recycling Interlocal Agreement for \$85,082  
**DEPARTMENT:** Public Works  
**PRESENTED BY:** Jesus Sanchez, Operations Manager

**PROBLEM/ISSUE STATEMENT:**

When the King County landfill closes in 2012 and solid waste export is initiated, Shoreline residents and businesses can expect their solid waste collection costs to rise. In order to minimize the cost of waste disposal and support sustainable practices, the City will use the 2006/07 King County Waste Reduction & Recycling funds to support two Recycling Events and one Natural Yard Care Event each year for residents; the incorporation of sustainable building designs into the City's new City Hall; and to provide waste reduction and recycling education and outreach to local businesses.

**ALTERNATIVES ANALYZED:**

1. The City executes the Interlocal Agreement and uses the grant funds to support the 2006 and 2007 waste reduction and recycling programs described above.
2. The City chooses not to offer the recycling programs supported by this grant.

**FINANCIAL IMPACT:**

If the City executes the Interlocal Agreement, \$42,541 will be provided as revenue in 2006 to support the City's Recycling Program, as anticipated in the 2006 adopted Public Works budget. No budget changes need to be made.

The Interlocal Agreement provides for the distribution of 2006 and 2007 grant funds to the City. However, 2007 funds are contingent upon King County Council approval when the 2007 County budget is passed. The Interlocal Agreement stipulates a maximum of \$42,541 be provided to the City of Shoreline in 2007.

If the City does not execute the Interlocal Agreement, it will lose the 2006/07 grant funds and will have to reduce service levels to that available from other program revenues.

**RECOMMENDATION**

Staff recommends that Council authorize the City Manager to execute the 2006/07 King County Waste Reduction & Recycling Interlocal Agreement for \$85,082.

Approved By: City Manager  City Attorney \_\_\_\_

## **INTRODUCTION**

Solid waste collection costs are expected to rise when the County closes its landfill and begins to export waste in 2012. The King County Waste Reduction & Recycling (WRR) Grant will help minimize future solid waste costs by supporting the cost for the City's 2006/07 proactive waste reduction and recycling education projects (listed on page 1, paragraph 1 of this staff report).

## **BACKGROUND**

The City has received the Waste Reduction & Recycling Grant for the past eight years. Previously, funds supported the purchase of compost bins and other recycling equipment; the City's Recycling Events and Natural Yard Care Events; and the construction of the City's compost facility for municipal green waste, among other projects.

## **ALTERNATIVES ANALYSIS**

Alternative #1--The City executes the Interlocal Agreement and uses the funds to support the 2006 and 2007 recycling programs: If the City executes the Interlocal Agreement, the funds will provide the revenue to maintain the Recycling Program funding at historic service levels, as anticipated in the 2006 adopted Public Works budget. Anticipated services include:

- two Recycling Events and one Natural Yard Care Event each year for residents
- the incorporation of sustainable building design into the City's new City Hall
- waste reduction and recycling education and outreach to local businesses

Alternative #2--The City chooses not to offer the Recycling Programs supported by this grant: This alternative will significantly reduce the recycling program services provided by the City. The City's Recycling Program is 86% grant-funded and any reduction in grant funds proportionately affects anticipated services (see Alternative 1 above).

## **RECOMMENDATION**

Staff recommends that Council authorize the City Manager to execute the 2006/07 King County Waste Reduction & Recycling Interlocal Agreement for \$85,082.

## ATTACHMENT A:

### Recent Recycling Event Summary

	<u>Fall 2005</u>	<u>Spring 2005</u>	<u>Fall 2004</u>	<u>Spring 2004</u>
Participants	883	907	933	911
Computer monitors	267	265	199	174
Fluorescent light bulbs	601	317	576	412
Household batteries	343 lbs.	337 lbs.	301 lbs.	298 lbs.
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Televisions	144	164	109	100
Yard Debris	23.9 tons	32.2 tons	12.91 tons	22.7 tons

### Natural Yard Care Event Summary

	<u>2005</u>	<u>2004</u>	<u>2003</u>	<u>2002</u>
Participants	800-1000*	837	680	150

\*range of numbers based on items purchased and visitors at educational displays

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**CITY COUNCIL AGENDA ITEM**  
**CITY OF SHORELINE, WASHINGTON**

<b>AGENDA TITLE:</b> 2004 Formal Docket of Development Code Amendments
<b>DEPARTMENT:</b> Planning & Development Services
<b>PRESENTED BY:</b> Rachael Markle, Assistant Director

**PROBLEM/ISSUE STATEMENT:**

Amendments to the Development Code are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations and subject to the goals and requirements of the Growth Management act (RCW 36.70A). Typically, the Development Code amendments are processed once per year, (although emergency amendments may be processed at any time throughout the year). Staff conducts State Environmental Policy Act (SEPA) review of the amendments and prepares a formal docket for the Planning Commission Public Hearing. The Public Hearing is noticed, and the docket is sent to the State Department of Community, Trade and Economic Development (CTED). This notice to CTED must be sent at least 60 days prior to Council action. The Planning Commission is the review authority for legislative decisions and is responsible for making a recommendation to the City Council on each amendment.

The Planning Commission conducted workshops on October 20 and November 3, 2005. CTED was notified of the proposed changes on October 26, 2005. A Public Hearing was held November 14, wherein the Planning Commission formulated a recommendation on each of the docketed amendments for Council review. A SEPA Determination of Nonsignificance was issued November 22, 2005. Ordinance 406 (Attachment A) will enact the Planning Commission recommended amendments. The attached Table 1 (Attachment B) contains a summary of the docketed amendment proposals.

The proposed amendments are to the following chapters of the Development Code: 20.20, 20.30, 20.40, and 20.50. Recommended changes include, but are not limited to, the following: creation of regulations specific to fence heights on top of retaining walls; allowing larger residential accessory structures to be exempt from setback standards; adding requirements for neighborhood meetings; changes in Clearing and Grading general requirements; and technical changes to clarify components of the procedures and administrative sections of the Development Code.

**FINANCIAL IMPACT:**

Staff does not anticipate that any of the amendments recommended for approval would have a financial impact on the City.

### RECOMMENDATION

Planning Commission and staff recommend approval of Ordinance 406, amending the Shoreline Development Code.

In the event that the Council wishes to modify provisions of the recommended amendments, or to add additional provisions to the cited code sections, the public participation requirements of the GMA would require that such changes be supported by the record below and notice already given. The staff will be able to assist in determining if those facts exist. If such were not the case, and the Council wished to consider such changes, it would be necessary to refer those matters to the 2006 docket.

Approved By:

City Manager

A handwritten signature in black ink, appearing to be "S. J. ...", written over a horizontal line.

City Attorney

A handwritten signature in black ink, appearing to be "J. ...", written over a horizontal line.

## **INTRODUCTION**

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. The Development Code Section 20.30.100 states that "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the Development Code." Development Code amendments are accepted from the public at any time and there is no charge for their submittal.

During this Development Code review cycle, the City received two formal applications from the public to amend the Development Code, involving changes to the tree retention code and proposing noticing requirements and changes to height restrictions for single-family developments. (These were been broken down into several specific amendments for tracking purposes.) Staff also submitted several amendment requests, both administrative and technical.

Neither staff nor the Planning Commission docketed the citizen-initiated requests. However, the Planning Commission has directed staff to place the tree retention amendments on the work plan for next year's review of the Development Code, as part of a more comprehensive analysis of the City's tree regulations. The other proposals, requiring public notice for single-family building permits, and lowering the height limit for single-family homes to two stories, were considered too costly to administer or overburdening for the property owner to consider. Attachment C contains a summary of these proposed amendments, with staff and Planning Commission discussion.

## **BACKGROUND**

At the October 20, 2005 meeting, the Planning Commission finalized the official docket for the 2004 Development Code Amendment process, also requested staff to clarify some of the proposed amendments. Of the non-docketed items, proposed amendments to the tree retention code and proposals for density bonuses were placed on the 2006 work item agenda for further study. A second workshop was held on November 3, 2005. A notice of Public Hearing, request for public comment, and preliminary SEPA threshold determination was published October 28, 2005. The public comment period ran from October 28, 2005 to November 14, 2005. No comment letters were received from citizens or public agencies receiving the notice. The Public Hearing was held November 17, 2005. There was no public comment, nor were there any citizens in attendance. The City issued a SEPA Determination of Non-Significance (DNS) on November, 22, 2005.

The docketed items were discussed and a recommendation on whether or not to approve the proposed amendment was made. The following analysis contains the issues and Planning Commission and staff recommendation for each proposed amendment.

## **ALTERNATIVES ANALYSIS - AMENDMENTS AND ISSUES**

Exhibit 1 to Attachment A includes a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~striketroughs~~ for proposed text deletions and underlines for proposed text additions. The following is a summary of the proposed amendments, with staff analysis. Note that the proposals that are classified as technical

amendments serve only to clarify code language or to properly reference code, they do not change the meaning or intent of the ordinance.

**Amendment #1:** 20.50.100 This amendment is staff initiated and is the result of a change in building code and is important to achieve consistency between the Development Code and the International Codes adopted by the City. Currently, the City allows for the construction of up to one 120 sq. ft. structure (SMC 20.50.110(1) in the required side and rear yard setbacks as an exempt structure, while the International Residential Code IRC R105.2(1) allows for the construction of up to a 200 sq. ft. structure as an exempt structure (exempt of building code requirements). This change would allow for the placement of up to one 200 sq. ft. structure located in the required side and front yard setbacks without permit, as long as the structure meets the fire separation requirements of the building code. Planning Commission and staff recommend approval.

**Amendment #2:** 20.20.048 This is a citizen initiated proposal to reduce the size requirement of a Landmark Tree from a minimum diameter at breast height of 30 inches to a diameter at breast height of 24 inches. The Commission discussed this item at the public hearing and concurred that it should be deferred from the current docket of code amendments and placed on the Commission's 2006 work plan for future discussion, along with all of the other amendments related to the tree retention code. They emphasized that they were not recommending voting against the proposed amendment, but felt that it should be dealt with in a more holistic fashion. The Planning Commission recommends deferring this proposal to the 2006 work plan, along with the other proposals to amend the tree retention code. Staff agrees with this recommendation.

**Amendment #3:** 20.50.300 This is an amendment that was submitted by the City Legal Staff and is meant to clarify some of the requirements of a clearing and grading permit. 1) The change to sections D and E clarifies that review may take place concurrently with any development, not just expansion, and eliminates redundancy. 2) The change to section F eliminates the seeming contradiction between F and G. This allows a clearing and grading permit on developed land when the intention is to clear for aesthetic, weed control or similar purposes, when no further development is proposed. 3) Section H was changed to treat replacement trees the same as protected trees, rather than leaving it to the written approval. 4) This change would properly reference Section 20.80, Critical Areas, as the standard for activity on sensitive lands. These changes will help clarify when a clearing and grading permit is required and how it will be administered. Planning Commission and staff recommend approval.

**Amendment #4:** 20.20.110 & 20.50.210 This change has been initiated by City staff and is meant to adjust the fence standards. The change would eliminate a provision that requires the construction of an alternating fence on private roads, a standard that is currently being imposed only on private access drives. This proposed amendment also clarifies where the height of a fence that is built on top of a retaining wall is to be measured from and would eliminate the openwork type of fence as a requirement. The current requirement does not allow property owners to build a privacy fence on top of a retaining wall to provide screening from the uphill neighbor; this change would allow neighbors to build fences to add privacy for their windows and yards. Planning Commission and staff recommend approval.

**Amendment #5:** 20.50.110, 20.50.210, & 20.50.270 This proposed amendment was initiated as part of the 2003 Development Code amendments and was remanded to staff for further study. Staff considered many variations of this proposal that would allow Police and other essential public facilities to use security fencing if it is appropriately screened from public areas. Under this proposed change, if the Police Department or any other essential public facility needed to

use security fencing to keep the facility secure, they would be required to screen the fencing so that it is not visible from the street or other public areas. The Commission asserted that other types of treatments could provide for security and be less aesthetically offensive than barbed or razor wire. The Planning Commission recommends denial of this proposal. Staff agrees with this recommendation.

**Amendment #6:** 20.30.150 This proposed amendment was initiated by City staff and is intended to clarify when to complete a public notice of decision, and specifies that a notice of decision shall be issued for Type B and C Actions, not Type L Actions. This is a technical change, and does not change any of the noticing requirements. Planning Commission and staff recommend approval.

**Amendment #7:** 20.30.060 & 20.30.070 This proposed change was initiated by City legal staff and would change an application for street vacation from a Legislative - Type L action to a Quasi Judicial - Type C action. Currently Street Vacation applications are listed as Type L actions. These actions are being processed as Quasi-Judicial actions and therefore should be changed to a Type C decisions. Planning Commission and staff recommend approval.

**Amendment #8:** 20.30.160 This proposed change was initiated by City legal staff to help clarify how land use action approvals are vested. By changing this section to allow for an automatic extension of vesting, the applicant may be granted the full two years allowed before expiration of approved land use action if the land use decision is subject to legal injunction. Planning Commission and staff recommend approval.

**Amendment #9:** 20.30.740 This proposed amendment was initiated by City legal staff and is intended to add enforcement capacity for clearing and grading activities to properly reference the Enforcement Provisions of the Development Code. This is a technical amendment. Planning Commission and staff recommend approval.

**Amendment #10:** 20.50.350 This proposed amendment was initiated by City staff to ensure the proper installation of tree protection measures. This would allow staff the ability to enforce the installation of tree protection measures on site. Sometimes tree protection measures are not installed properly and lead to significant impact on the trees' root system and eventual decline in health. If the protection measures were not installed properly, City staff would have the ability to utilize the bond to hire a third party to properly install and maintain the protection measures. Planning Commission and staff recommend approval.

**Amendment #11:** This proposal was initiated by City legal staff and would change every occurrence of "Code violation" to "Code Violation" for consistency throughout the Development Code. This is a technical change and does not affect the regulatory content of the Development Code. Planning Commission and staff recommend approval.

**Amendment #12:** 20.50.480 This proposal was initiated by a citizen, David Anderson. The issue Mr. Anderson is trying to address with this amendment is the need for additional design flexibility based on site conditions when locating street trees. A specific example, tree grates are allowed to be used. The tree grate must be a minimum of 4 ft. by 4 ft. On a six foot sidewalk that could create as little as a 2 foot area that is free and clear of the tree grate for pedestrian use. This could cause access issues, especially as the tree grows and the grate potentially begins to buckle upwards. The proposed amendment would limit the use of tree grates to 8 foot sidewalks unless approved by the Director. It would allow for trees to be planted behind the curb in such situations. Planning Commission and staff recommend approval.

**Amendment #13:** 20.30.290 This proposed amendment was initiated by City staff and is necessary for consistency with the current adopted building codes. Currently, this section of the Development Code cites the "Uniform Fire Code", and needs to be corrected to properly cite the "International Fire Code" that has been adopted by the City. Planning Commission and staff recommend approval of this technical change.

**Amendment #14:** 20.30.100 This proposed amendment was initiated by City staff and is necessary to address a lack of expiration timelines for clearing and grading permit applications. Upon adoption of the International Building Code (IBC) the City lost requirements that were in place under the Uniform Building Code (UBC) for clearing and grading/site development permit application expiration. This proposed change would add clearing and grading permit application expiration regulations that are consistent with building permit application regulations.

**Amendment #15:** 20.40.240 This proposed amendment was initiated by City staff and is meant to change the description of cage sizes from square feet to cubic feet, and to make other minor technical corrections in the Code. Currently, the Development Code regulates cage/aviary sizes for birds in square feet. Aviary sizes should be regulated in cubic feet so as to provide for the best living environment for birds. The other changes are necessary to add clarity and consistency to the Development Code.

**Amendment #16:** 20.30.295 & 20.40.110 This proposed amendment was initiated by City staff. A temporary use permit was not listed in the use tables but was found in the list of supplementary criteria. Moving the requirements for a temporary use permit to the permit review and decision criteria section for Type A permits better locates this section for the user. Planning Commission and staff recommend approval of this technical change.

**Amendment #17:** 20.30.140 This proposed amendment was initiated by City staff and is intended to clarify the content of this section, as this section regulates the internal processing of permit applications, not the expiration of application or permit. Planning Commission and staff recommend approval of this technical change.

**Amendment #18** 20.50.360 This proposed amendment was initiated by City staff. This proposed change amends the performance assurance section of the Code to specifically address both the performance bonds and maintenance bonds in different subsections. The intent of this change is to make it easier for the reader to identify the specific requirements of a performance guarantee from those of a maintenance agreement. Planning Commission and staff recommend approval.

**Amendment #19:** 20.30.165 This proposed amendment was initiated by City staff. Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development permit expiration. This amendment adds a section to regulate the expiration of clearing and grading and site development permits. Planning Commission and staff recommend approval.

**Amendment #20:** 20.30.430 This proposed amendment was initiated by City staff and is intended to clarify that section 20.30.430 governs the submittal and approval of site development permits for required subdivision improvements. This amendment also adds a reference to proposed section 20.30.165 to properly identify site development permit expiration limitations. Planning Commission and staff recommend approval.

**Amendment #21:** 20.30.80-180 This proposal intends to improve the neighborhood meeting process to better notify and inform interested persons about potential projects. Staff proposes to require the future applicant to provide more information in the meeting notice such as the

description of the project, zoning of the property, site and vicinity maps and identification of the land use actions that will be required to be applied for. Staff is also proposing to require the future applicant to cover basic information such as an introduction of the meeting organizer, description of the project proposal, list of anticipated permits the project may require, a description of how comments made at the meeting are used, and provide meeting attendees with the City's contact information should questions arise regarding future permitting of this project. They will also need to provide an attendee sign-up sheet. These changes are proposed to address comments received by staff that the level of information provided at these meetings varies depending on the meeting organizer. Staff also proposes that the meeting summary submitted as part of the permit application be mailed out to meeting attendees (those persons that have signed up with a legible name and address) by staff. The purpose of this step would be to give meeting attendees the opportunity to correct or supplement the neighborhood meeting summaries. Planning Commission and staff recommend approval.

### **DECISION CRITERIA**

According to Section 20.50.350 of the Shoreline Municipal Code (SMC), an amendment to the development code may be approved if:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and;
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

Staff has concluded that the proposed amendments do not conflict with any of the decision criteria.

### **OPTIONS**

1. Approve Ordinance 406 as recommended by Planning Commission and staff.
2. Modify Ordinance 406
3. Deny Ordinance 406
4. In addition to taking action on the Ordinance, the Council may choose to create a new docket with additional amendment proposals, to go forward to a Planning Commission Public Hearing.

### **RECOMMENDATION**

Planning Commission and staff recommend approval of Ordinance 406, amending the Shoreline Development Code.

### **ATTACHMENTS**

- Attachment A: Ordinance 406, containing proposed amendment language in legislative format as Exhibit 1.
- Attachment B: Table 1, summary of docketed amendment proposals
- Attachment C: Summary of proposals not docketed

**ORDINANCE NO. 406**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE MUNICIPAL CODE TITLE 20, INCLUDING CHANGES IN SIZE OF EXEMPT ACCESSORY STRUCTURES, REVISING FENCE REGULATIONS, REVISING NOTICING REQUIREMENTS, ADDING REQUIREMENTS FOR NEIGHBORHOOD MEETING, CLARIFYING GENERAL REQUIREMENTS FOR CLEARING AND GRADING PERMITS, GRAMMATICAL CHANGES AND PROCEDURAL REVISIONS TO THE LAND USE PERMITTING PROCESS.**

WHEREAS, the City adopted Shoreline Municipal Code Title 20, the Development Code, on June 12, 2000;

WHEREAS, the Shoreline Municipal Code Chapter 20.30.100 states “Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code”; and

WHEREAS, City staff drafted several amendments to the Development Code;

WHEREAS, the Planning Commission held workshops and a Public Hearing, and developed a recommendation on the proposed amendments; and

WHEREAS, a public participation process was conducted to develop and review amendments to the Development Code including:

- A public comment period on the proposed amendments was advertised from October 28, 2005 to November 14, 2005 and
- The Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on November 17, 2005.

WHEREAS, a SEPA Determination of Nonsignificance was issued on November 22, 2005, in reference to the proposed amendments to the Development Code; and

WHEREAS, the proposed amendments were submitted to the State Department of Community Development for comment pursuant WAC 365-195-820; and

WHEREAS, the Council finds that the amendments adopted by this ordinance are consistent with and implement the Shoreline Comprehensive Plan and comply with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW; and

WHEREAS, the Council finds that the amendments adopted by this ordinance meet the criteria in Title 20 for adoption of amendments to the Development Code;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1. Amendment.** Shoreline Municipal Code Chapters 20.20, 20.30, 20.40, and 20.50 are amended as set forth in Exhibit 1, which is attached hereto and incorporated herein.



**Section 2. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3. Effective Date and Publication.** A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON January 9, 2006.**

---

Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Scott Passey  
City Clerk

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Ian Sievers  
City Attorney

Date of Publication:  
Effective Date:

## 20.50.100 Location of accessory structures within required yard setbacks – Standards.

No accessory structure shall be located within any required setback.

Exception 20.50.100(1): One uninhabited freestanding structure less than 10 feet high and ~~120~~200 square feet in footprint area, such as a storage shed or greenhouse, may be located within the required rear or side yard setback. This structure shall retain a fire separation distance as specified in adopted building codes.

Exception 20.50.100(2): If the accessory structure, which is less than 120 ~~200~~ square feet in footprint and less than 10 feet high, is located in the side yard, such structure shall be set back at least five feet further than the house from any street.

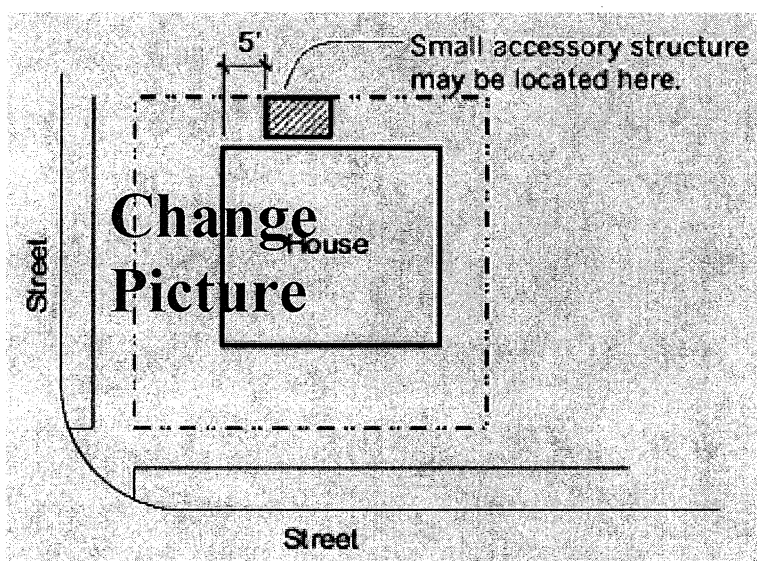


Figure Exception to 20.50.100(2): Permitted location of small accessory structure in side yard.

(Ord. 238 Ch. V § 2(B-4), 2000).

### **20.50.300 General requirements.**

A. Tree cutting or removal by any means is considered a type of clearing and is regulated subject to the limitations and provisions of this subchapter.

B. All land clearing and site grading shall comply with all standards and requirements adopted by the City of Shoreline. Where a Development Code section or related manual or guide contains a provision that is more restrictive or specific than those detailed in this subchapter, the more restrictive provision shall apply.

C. **Permit Required.** No person shall conduct clearing or grading activities on a site without first obtaining the appropriate permit approved by the Director, unless specifically exempted by SMC 20.50.310.

D. When clearing or grading is planned in conjunction with development a new or expanded building or complex that is not exempt from the provisions of this subchapter, all of the required application materials for approval of tree removal, clearing and rough grading of the site shall accompany the development application to allow concurrent review.

~~E. The Director may require the submittal of required application materials for approval of tree removal, clearing and rough grading of the site with an application for formal subdivision, short subdivision, conditional use or any other land use approval in order to meet the purpose and intent of this subchapter.~~

~~GE.~~ No clearing shall be allowed on a site for the sake of preparing that site for sale or future development where no specific plan for future development has been submitted. The Director may issue a clearing and grading permit as part of a phased development plan where a conceptual plan for development of the property has been submitted to the City and the owner or developer agrees to submit an application for a building permit or other site development permit in less than 12 months.

F. A clearing and grading permit ~~shall be required~~ may be issued for developed land, if the regulated activity is not associated with another development application on the site that requires a permit.

~~HG.~~ Replacement trees planted under the requirements of this subchapter on any parcel in the City of Shoreline shall be regulated as protected trees under SMC 20.50.330(D). ~~may not be removed without the written approval of the Department.~~

~~IH.~~ Any disturbance to vegetation within critical areas and their corresponding buffers is subject to the procedures and standards contained within the critical areas overlay district chapter of the Shoreline Development Code, Chapter 20.80 SMC, Special Districts Critical Areas, in addition to the standards of this subchapter. The standards which result in the greatest protection of the critical areas shall apply. (Ord. 238 Ch. V § 5(B), 2000).

## 20.50.110 Fences and walls – Standards.

- A. Fences located along private roads serving lots, which are not fronting on a street, shall avoid creating a “tunnel” effect by varying the alignment or setback of the fence, softening the appearance of fence lines with planting, or similar techniques. In no instance shall a fence or wall be opaque for more than 50 feet of every 75 feet of length, or portion thereof.

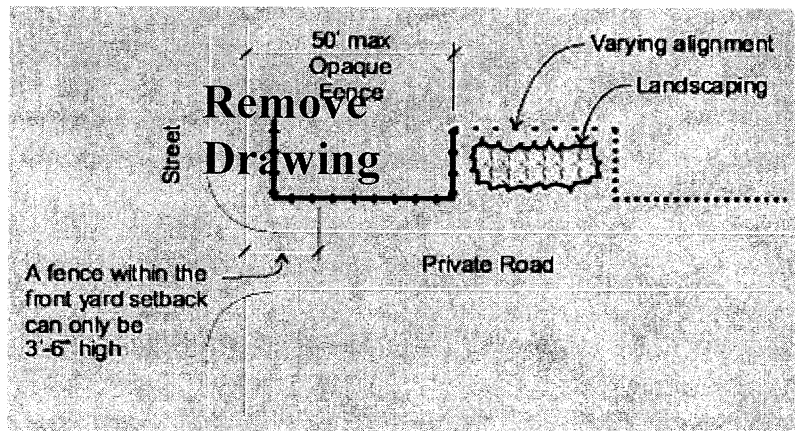
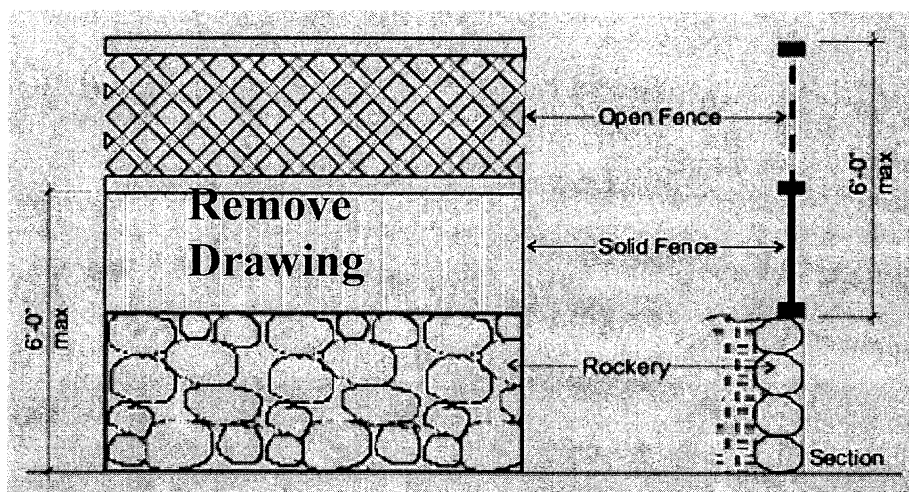


Figure 20.50.110(B): Fences along private roads.

- BA. The maximum height of fences located along a property line shall be six feet, subject to the site clearance provisions of SMC 20.70.170, 20.70.180, and 20.70.190(C). (Note: The recommended maximum height of fences and walls located between the front yard building setback line and the front property line is three feet, six inches high.

- CB. All electric, razor wire, and barbed wire fences are prohibited.

- DC. The height of a fence located on a retaining wall shall be measured from the bottom of that wall finished grade at the top of the wall to the top of the fence. The portion of a fence, that is higher than six feet above the bottom of the retaining wall, shall be an openwork type of fence, such as lattice. The overall height of the fence located on the wall shall be a maximum of six feet (cumulative opaque and openwork portions of the fence).

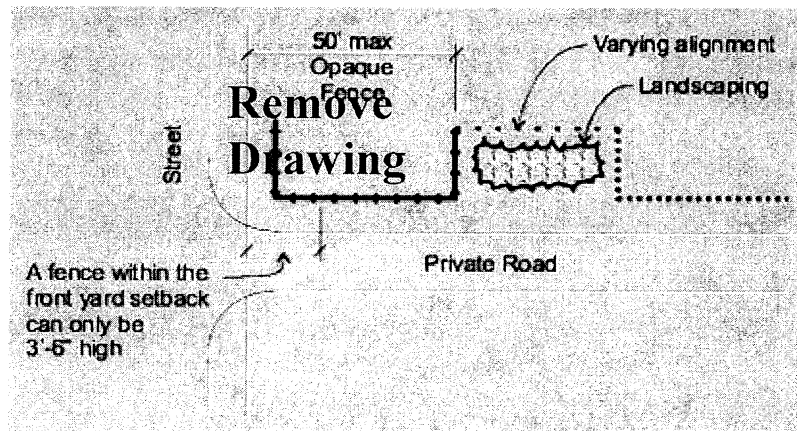


~~Figure 20.50.110(E): Example height measurement of fence located on the top of a retaining wall.~~

(Ord. 299 § 1, 2002; Ord. 238 Ch. V § 2(B-5), 2000).

## **20.50.210 Fences and walls – Standards.**

- A. Fences and walls shall be maximum three feet, six inches high between the minimum front yard setback line and the front property line for the street frontage that contains the main entrance to the building. Chain link fences are not permitted in the minimum front yard setback for the street frontage that contains the main entrance to the building.
- ~~B. Fences located along private roads serving lots, which are not fronting on a street, shall avoid creating a “tunnel” effect by varying the alignment or setback of the fence, softening the appearance of fence lines with planting, or similar techniques. In no instance shall a fence or wall be opaque for more than 50 feet of every 75 feet of length, or portion thereof.~~



**Figure 20.50.110(B): Fences along private roads.**

- ~~CB.~~ The maximum height of fences located along a side and/or rear yard property line shall be six feet.
- ~~DC.~~ All electric, razor wire, and barbed wire fences are prohibited.
- ~~ED.~~ The height of a fence located on a retaining wall shall be measured from the bottom of that wall finished grade at the top of the wall to the top of the fence. The portion of a fence, that is higher than six feet above the bottom of the retaining wall, shall be an openwork type of fence, such as lattice. The overall height of the fence located on the wall shall be a maximum of six feet (cumulative opaque and openwork portions of the fence). (Ord. 299 § 1, 2002; Ord. 238 Ch. V § 3(C-4), 2000).

#### **20.30.150 Public notice of decision.**

For Type B and C actions, The Director shall issue and mail a notice of decision to the parties of record and to any person who, prior to the rendering of the decision, requested notice of the decision. The notice of decision may be a copy of the final report, and must include the threshold determination, if the project was not categorically exempt from SEPA. The notice of decision will be published in the newspaper of general circulation for the general area in which the proposal is located and posted for site-specific proposals. (Ord. 299 § 1, 2002; Ord. 238 Ch. III § 4(h), 2000).

**Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions**

<b>Action</b>	<b>Notice Requirements for Application and Decision (5), (6)</b>	<b>Review Authority, Open Record Public Hearing (1)</b>	<b>Decision Making Authority (Public Meeting)</b>	<b>Target Time Limits for Decisions</b>	<b>Section</b>
<b>Type C:</b>					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	PC (3)	City Council	120 days	20.30.410
2. Rezone of Property(2) and Zoning Map Change	Mail, Post Site, Newspaper	PC (3)	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	PC (3)	City Council	120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE (4)		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE (4)		120 days	20.30.336
6. Final Formal Plat	None	Review by the Director – no hearing	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper (7)	PC (3)	City Council	120 days	20.40.505
<u>3. Street Vacation</u>	<u>PC(1)</u>	<u>PC (3)</u>	<u>City Council</u>	<u>120 days</u>	<u>12.17</u>

(1) Including consolidated SEPA threshold determination appeal.

(2) The rezone must be consistent with the adopted Comprehensive Plan.

(3) PC = Planning Commission

(4) HE = Hearing Examiner

(5) Notice of application requirements are specified in SMC 20.30.120.

(6) Notice of decision requirements are specified in SMC 20.30.150.

(7) Notice of application shall be mailed to residents and property owners within one-half mile of the proposed site.

(Ord. 324 § 1, 2003; Ord. 309 § 3, 2002; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 3(c), 2000).

### 20.30.070 Legislative decisions.

These decisions are legislative, nonproject decisions made by the City Council under its authority to establish policies and regulations regarding future private and public developments, and management of public lands.

**Table 20.30.070 – Summary of Legislative Decisions**

Decision	Review Authority, Open Record Public Hearing	Decision Making Authority (in accordance with State law)	Section
1. Amendments and Review of the Comprehensive Plan	PC(1)	City Council	20.30.340
2. Amendments to the Development Code	PC(1)	City Council	20.30.350
<del>3. Street Vacation</del>	<del>PC(1)</del>	<del>City Council</del>	<del>12.17</del>

(1) PC = Planning Commission



## **20.30.160 Expiration of vested status of land use permits and approvals.**

Except for long plats or where a shorter duration of approval is indicated in this Code, the vested status of an approved land use permit under Type A, B, and C actions shall expire two years from the date of the City's final decision, unless a complete building permit application is filed before the end of the two-year term. In the event of an administrative or judicial appeal, the two-year term shall not expire. Continuance of the two-year period may be reinstated upon resolution of the appeal.

~~In such cases~~If a complete building permit application is filed before the end of the two-year term, the vested status of the permit shall be automatically extended for the time period during which the building permit application is pending prior to issuance; provided, that if the building permit application expires or is canceled, the vested status of the permit or approval under Type A, B, and C actions shall also expire or be canceled. If a building permit is issued and subsequently renewed, the vested status of the subject permit or approval under Type A, B, and C actions shall be automatically extended for the period of the renewal. (Ord. 238 Ch. III § 4(i), 2000).

## 20.30.740 Enforcement provisions.

### D. Civil Penalties.

1. A civil penalty for violation of the terms and conditions of a notice and order shall be imposed in the amount of \$500.00. The total initial penalties assessed for notice and orders and stop work orders pursuant to this section shall apply for the first 14-day period following the violation of the order, if no appeal is filed. The penalties for the next 14-day period shall be 150 percent of the initial penalties, and the penalties for the next 14-day period and each such period or portion thereafter, shall be double the amount of the initial penalties.
2. Any responsible party who has committed a violation of the provisions of Chapter 20.80 SMC, Critical Areas, or 20.50, Subchapter 5. SMC, Tree Conservation, Land Clearing and Site Grading Standards, will not only be required to restore unlawfully removed trees or damaged critical areas, insofar as that is possible and beneficial, as determined by the Director, but will also be required to pay civil penalties in addition to penalties under (D)(1), for the redress of ecological, recreation, and economic values lost or damaged due to the violation. Civil penalties will be assessed according to the following factors:
  - a. An amount determined to be equivalent to the economic benefit that the responsible party derives from the violation measured as the total of:
    - i. The resulting increase in market value of the property; and
    - ii. The value received by the responsible party; and
    - iii. The savings of construction costs realized by the responsible party as a result of performing any act in violation of the chapter; and
  - b. A penalty of \$1,000 if the violation was deliberate, the result of knowingly false information submitted by the property owner, agent, or contractor, or the result of reckless disregard on the part of the property owner, agent, or their contractor. The property owner shall assume the burden of proof for demonstrating that the violation was not deliberate; and
  - c. A penalty of \$2,000 if the violation has severe ecological impacts, including temporary or permanent loss of resource values or functions.

#### **20.50.350 Development standards for clearing activities.**

- A. No trees or ground cover shall be removed from critical area or buffer unless the proposed activity is consistent with the critical area standards.
- B. **Minimum Retention Requirements.** All proposed development activities that are not exempt from the provisions of this subchapter shall meet the following:
1. At least 20 percent of the significant trees on a given site shall be retained, excluding critical areas, and critical area buffers, or
  2. At least 30 percent of the significant trees on a given site (which may include critical areas and critical area buffers) shall be retained.
  3. Tree protection measures ensuring the preservation of all trees identified for retention on approved site plans shall be guaranteed during construction through the posting of a performance bond equal to the value of the installation and maintenance of those protection measures. Further preservation of retained trees following construction shall be required for a period of 36 months and shall be guaranteed through an approved maintenance agreement.
- ~~3.~~ 4. The Director may require the retention of additional trees to meet the stated purpose and intent of this ordinance, as required by the critical areas standards, or as site-specific conditions demand using SEPA substantive authority.

## **20.50.480 Street trees – Standards.**

- A. Street trees must be two-inch caliper and planted no more than 40 feet on center and selected from the City-approved street tree list. Placement of street trees can be adjusted to avoid conflict with driveways, utilities, and other functional needs while including the required number of trees. Street trees are required for all commercial, office, industrial, multifamily zones, and single-family subdivisions for all arterial streets.
- B. Street landscaping may be placed within City street rights-of-way subject to review and approval by the Director. Adequate space should be maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way.
- C. Trees must be:
  - Planted in a minimum four-foot wide continuous planting strip along the curb, or
  - Planted in tree pits minimally four feet by four feet where sidewalk is no less than eight feet wide. If the sidewalk is less than eight feet wide a tree grate may be used if approved by the Director; or
  - Where an existing or planned sidewalk abuts the curb, trees may be planted four feet behind that sidewalk, on the side opposite the curb.
- D. Street trees will require five-foot staking and root barriers between the tree and the sidewalk and curb.
- E. Tree pits require an ADA compliant iron grate flush with the sidewalk surface.
- F. Street trees must meet requirements in the Engineering Development Guide. Trees spacing may be adjusted slightly to accommodate sight distance requirements for driveways and intersections. (Ord. 238 Ch. V § 7(B-3), 2000).

## **20.30.290 Variance from the engineering standards (Type A action).**

**A. Purpose.** Variance from the engineering standards is a mechanism to allow the City to grant an adjustment in the application of engineering standards, where there are unique circumstances relating to the proposal that strict implementation of engineering standards would impose an unnecessary hardship on the applicant.

**B. Decision Criteria.** The Department Director or designee shall grant an engineering standards variance only if the applicant demonstrates all of the following:

1. The granting of such variance will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;
2. The authorization of such variance will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with State law;
3. A variance from engineering standards shall only be granted if the proposal meets the following criteria:
  - a. Conform to the intent and purpose of the Code;
  - b. Produce a compensating or comparable result which is in the public interest;
  - c. Meet the objectives of safety, function and maintainability based upon sound engineering judgement.
4. Variances from road standards must meet the objectives for fire protection. Any variance from road standards, which does not meet the Uniform International Fire Code, shall also require concurrence by the Fire Marshal.

## **20.30.100 Application.**

### **A. Who may apply:**

- The property owner or an agent of the owner with authorized proof of agency may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment.
- The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.
- Any person may propose an amendment to the Comprehensive Plan. The amendment(s) shall be considered by the City during the annual review of the Comprehensive Plan.
- Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code.

**B.** All applications for permits or actions within the City shall be submitted on official forms prescribed and provided by the Department.

At a minimum, each application shall ~~require~~include:

- An application form with the authorized signature of the applicant.
- The appropriate application fee based on the official fee schedule (Chapter 3.01 SMC).

**C.** The Director shall specify submittal requirements, including type, detail, and number of copies for an application to be complete. The permit application forms, copies of all current regulations, and submittal requirements that apply to the subject application shall be available from the Department. (Ord. 238 Ch. III § 4(c), 2000).

**D.** Expiration: Absent statute or ordinance provisions to the contrary, any application for which a determination of completeness has been issued and for which no substantial steps have been taken to meet permit approval requirements for a period of 180 days after issuance of the determination of completeness will expire and become null and void. The director may grant a 180 day extension on a one-time basis if the failure to take a substantial step was due to circumstances beyond the control of the applicant.

## **20.30.110 Determination of completeness.**

**A.** An application shall be determined complete when:

1. It meets the procedural requirements of the City of Shoreline;
2. All information required in specified submittal requirements for the application has been provided, and is sufficient for processing the application, even though additional information may be required. The City may, at its discretion and at the applicant's expense, retain a qualified professional to review and confirm the applicant's reports, studies and plans.

- B. Within 28 days of receiving a permit application for Type A, B and/or C applications, the City shall mail a written determination to the applicant stating whether the application is complete, or incomplete and specifying what is necessary to make the application complete. If the Department fails to provide a determination of completeness, the application shall be deemed complete on the twenty-ninth day after submittal.
- C. If the applicant fails to provide the required information within 90 days of the date of the written notice that the application is incomplete, or a request for additional information is made, the application shall be deemed null and void. The director may grant a 90 day extension on a one-time basis if the failure to take a substantial step was due to circumstances beyond the control of the applicant. The applicant may request a refund of the application fee minus the City's cost of processing.
- D. The determination of completeness shall not preclude the City from requesting additional information or studies if new information is required or substantial changes are made to the proposed action. (Ord. 324 § 1, 2003; Ord. 238 Ch. III § 4(d), 2000).

## **20.40.240 Animals.**

- A. The raising, keeping, breeding or fee boarding of small animals are subject to SMC Title 6, Animal Control Regulations.
- B. Small animals which are kept exclusively indoors as household pets shall not be limited in number, except as may be provided in SMC Title 6. Other small animals, excluding cats kept indoors as household pets, shall be limited to five, of which not more than four may be unaltered cats and dogs. Cats kept indoors shall not be limited in number.
- C. Other small animals, including adult cats and dogs, shall be limited to three per household on lots of less than 20,000 square-feet, five per household on lots of 20,000 to 35,000 square feet, with an additional two per acre of site area over 35,000 square feet up to a maximum of 20, unless more are allowed as an accessory use pursuant to subsection (F) of this section; provided, that all unaltered animals kept outdoors must be kept on a leash or in a confined area, except as authorized for a kennel or cattery.
- D. Excluding kennels and catteries, the total number of unaltered adult cats and/or dogs per household shall not exceed three.
- E. Animals considered to be household pets shall be treated as other small animals, when they are kept for commercial breeding, boarding or training.
- F. Small animals and household pets kept as an accessory use outside the dwelling shall be raised, kept or bred only as an accessory use on the premises of the owner, or in a kennel or cattery approved through the conditional use permit process, subject to the following limitations:
  - 1. Birds shall be kept in an aviary or loft that meets the following standards:
    - a. The aviary or loft shall provide one-half squarecubic foot for each parakeet, canary or similarly sized birds, one squarecubic foot for each pigeon, small parrot or similarly sized bird, and two squarecubic feet for each large parrot, macaw or similarly sized bird.
    - b. Aviaries or lofts shall not exceed 2,000 square feet in footprint.
    - c. The aviary is set back at least 10 feet from any property line, and 20 feet from any dwelling unit.
  - 2. Small animals other than birds shall be kept according to the following standards:



- a. All animals shall be confined within a building, pen, aviary or similar structure.
- b. Any covered structure used to house or contain such animals shall maintain a distance of not less than 10 feet to any property line.
- c. ~~Poultry, chicken, squab, and r~~Rabbits are limited to a maximum of one animal per one square foot of structure used to house such animals, up to a maximum of 2,000 square feet.
- d. Hamsters, nutria and chinchilla are limited to a maximum of one animal per square foot of structure used to house such animals, up to a maximum of 2,000 square feet.
- e. Beekeeping is limited as follows:
  - i. Beehives are limited to four hives on sites less than 20,000 square feet;
  - ii. Hives must be at least 25 feet from any property line;
  - iii. Must register with the Washington State Department of Agriculture;
  - iv. Must be maintained to avoid overpopulation and swarming.
- f. Prohibited Animals. The keeping of mink, foxes, and/or hogs shall be prohibited. (Ord. 238 Ch. IV § 3(B), 2000).

### **20.50.300 General requirements.**

A. Tree cutting or removal by any means is considered a type of clearing and is regulated subject to the limitations and provisions of this subchapter.

B. All land clearing and site grading shall comply with all standards and requirements adopted by the City of Shoreline. Where a Development Code section or related manual or guide contains a provision that is more restrictive or specific than those detailed in this subchapter, the more restrictive provision shall apply.

C. **Permit Required.** No person shall conduct clearing or grading activities on a site without first obtaining the appropriate permit approved by the Director, unless specifically exempted by SMC 20.50.310.

D. When clearing or grading is planned in conjunction with development a new or expanded building or complex that is not exempt from the provisions of this subchapter, all of the required application materials for approval of tree removal, clearing and rough grading of the site shall accompany the development application to allow concurrent review.

~~E. The Director may require the submittal of required application materials for approval of tree removal, clearing and rough grading of the site with an application for formal subdivision, short subdivision, conditional use or any other land use approval in order to meet the purpose and intent of this subchapter.~~

~~GE.~~ No clearing shall be allowed on a site for the sake of preparing that site for sale or future development where no specific plan for future development has been submitted. The Director may issue a clearing and grading permit as part of a phased development plan where a conceptual plan for development of the property has been submitted to the City and the owner or developer agrees to submit an application for a building permit or other site development permit in less than 12 months.

F. A clearing and grading permit ~~shall be required~~ may be issued for developed land, if the regulated activity is not associated with another development application on the site that requires a permit.

~~HG.~~ Replacement trees planted under the requirements of this subchapter on any parcel in the City of Shoreline shall be regulated as protected trees under SMC 20.50.330(D), may not be removed without the written approval of the Department.

~~IH.~~ Any disturbance to vegetation within critical areas and their corresponding buffers is subject to the procedures and standards contained within the critical areas overlay district chapter of the Shoreline Development Code, Chapter 20.80 SMC, Special Districts Critical Areas, in addition to the standards of this subchapter. The standards which result in the greatest protection of the critical areas shall apply. (Ord. 238 Ch. V § 5(B), 2000).

#### **20.30.140 Permit processing Time limits.**

A. Decisions under Type A, B or C actions shall be made within 120 days from the date of a determination that the application is complete. Exceptions to this 120-day time limit are:

1. Substantial project revisions made or requested by an applicant, in which case the 120 days will be calculated from the time that the City determines the revised application to be complete.
2. The time required to prepare and issue a draft and final Environmental Impact Statement (EIS) in accordance with the State Environmental Policy Act.
3. Any period for administrative appeals of project permits.
4. An extension of time mutually agreed upon in writing by the Department and the applicant.
5. Amendments to the Comprehensive Plan or Code.

B. The time limits set for Type A, B, and C actions do not include:

1. Any period of time during which the applicant has been requested by the Department to correct plans, perform studies or provide additional information. This period of time shall be calculated from the date the Department notifies the applicant of the need for additional information, until the date the Department determines that the additional information satisfies the request for such information or 14 days after the date the information has been provided to the Department, whichever is earlier.
2. If the Department determines that the additional information submitted to the Department by the applicant under subsection (B)(1) of this section is insufficient, the Department shall notify the applicant of the deficiencies, and the procedures provided in subsection (B)(1) of this section shall apply as if a new request for studies has been made.

C. If the Department is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limit has not been met and an estimated date for issuance of the notice of decision. (Ord. 238 Ch. III § 4(g), 2000).

## **20.50.360 Tree replacement and site restoration.**

**K. Performance Assurance.** A performance bond or other acceptable security device to ensure the installation, maintenance and adequate performance of tree retention, replacement, and protection measures may be required in an amount determined by the Director.

### **K. Performance Assurance.**

1. The Director may require a performance bond for tree replacement and site restoration permits to ensure the installation of replacement trees, and/or compliance with other landscaping requirements as identified on the approved site plans.

2. A maintenance bond shall be required after the installation of required site improvements and prior to the issuance of a Certificate of Occupancy or finalization of permit and following required landscape installation or tree replacement. The maintenance bond and associated agreement shall be in place to ensure adequate maintenance and protection of retained trees and site improvements. The maintenance bond shall be for an amount not to exceed the estimated cost of installation and 25% of the estimated cost of maintenance and protection measures for a minimum of 36 months or as determined by the Director.

## **20.30.165 Permit expiration timelines for Clearing and Grading and Site Development Permits**

**A. Purpose:** A clearing and grading permit may be issued approving land clearing and site grading activities in conjunction with the development of a site. The expiration limitations of this permit are as follows:

**1. Clearing and Grading Permit: Permit Expiration.** Clearing and Grading permits shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced.

**2. Clearing and Grading Permit: Permit Extension.** The Director is authorized to grant, in writing, one or more extensions of time for periods of not more than 180 days each, the extension shall be requested in writing and justifiable cause demonstrated.

**B. Purpose:** A site development permit may be issued approving engineering plans for infrastructure and grading improvements required in conjunction with the development of a site. The expiration limitations of this permit are as follows:

**1. Site Development Permit: Permit Expiration.** Site development permits shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Site development permits associated with subdivision applications shall expire when the preliminary subdivision approval has expired as set forth by RCW 58.17.140.

**2. Site Development Permit: Permit Extension.** The Director is authorized to grant, in writing, one or more extensions of time for periods of not more than 180 days each, the extension shall be requested in writing and justifiable cause demonstrated. Extensions may be granted for those permits issued in conjunction with a preliminary subdivision approval that has been extended as provided in RCW 58.17.140.

**20.30.430 Site development permit for required subdivision improvements – Type A action.**

Engineering plans for improvements required as a condition of preliminary approval of a subdivision, shall be submitted to the Department for review and approval of a site development permit, allowing sufficient time for review before expiration of the preliminary subdivision approval. Permit expiration time limits for site development permits shall be as indicated in SMC 20.30.165. (Ord. 238 Ch. III § 8(h), 2000).

### **20.30.090 Neighborhood meeting.**

Prior to application submittal for a Type B or C action, the applicant shall conduct a neighborhood meeting to discuss the proposal.

A. The purpose of the neighborhood meeting is to:

1. Ensure that potential applicants pursue early and effective citizen participation in conjunction with their application proposal, giving the applicant project proponent the opportunity to understand and try to mitigate any real and perceived impact their proposal may have on the neighborhood;
2. Ensure that the citizens and property owners of the City have an adequate opportunity to learn about the proposal that may affect them and to work with applicants project proponents to resolve concerns at an early stage of the application process.

B. The neighborhood meeting shall meet the following requirements:

1. Notice of the neighborhood meeting shall be provided by the applicant and shall include the date, time and location of the neighborhood meeting and a description of the project, zoning of the property, site and vicinity maps and the land use applications that would be required.
2. The notice shall be provided at a minimum to property owners located within 500 feet of the proposal, the Neighborhood Chair as identified by the Shoreline Office of Neighborhoods (Note: if a proposed development is within 500 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning and Development Services Department.
3. The notice shall be postmarked at least 10 to 14 days prior to the neighborhood meeting.
4. The neighborhood meeting shall be held within the City limits of Shoreline.
5. The neighborhood meeting shall be held anytime between the hours of 5:30 and 9:30 p.m. on weekdays or anytime between the hours of 9:00 a.m. and 9:00 p.m. on weekends.
6. The neighborhood meeting agenda shall cover the following items:
  - a. Introduction of neighborhood meeting organizer (i.e. developer, property owner, etc.);
  - b. Description of proposed project;
  - c. Listing of permits that are anticipated for the project;
  - d. Description of how comments made at the neighborhood meeting are used; and
  - e. Provide meeting attendees with the City's contact information.
  - f. Provide a sign-up sheet for attendees.

C. The applicant shall provide to the City a written summary or checklist of the neighborhood meeting. The summary shall include the following:

1. A copy of the mailed notice of the neighborhood meeting with a mailing list of residents who were notified.
  2. Who attended the meeting (list of persons and their addresses).
  3. A summary of concerns, issues, and problems expressed during the meeting.
  4. A summary of concerns, issues, and problems the applicant is unwilling or unable to address and why.
  5. A summary of proposed modifications, or site plan revisions, addressing concerns expressed at the meeting. (Ord. 299 § 1, 2002; Ord. 238 Ch. III § 4(b), 2000).
- Staff will mail the summary of the neighborhood meeting to all persons who attended the neighborhood meeting, signed in and provided a legible address.

### **20.30.100 Application.**

Who may apply:

1. The property owner or an agent of the owner with authorized proof of agency may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment.
2. The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.
3. Any person may propose an amendment to the Comprehensive Plan. The amendment(s) shall be considered by the City during the annual review of the Comprehensive Plan.
4. Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code.

All applications for permits or actions within the City shall be submitted on official forms prescribed and provided by the Department.

At a minimum, each application shall require:

1. An application form with the authorized signature of the applicant.
2. The appropriate application fee based on the official fee schedule (Chapter 3.01 SMC).

The Director shall specify submittal requirements, including type, detail, and number of copies for an application to be complete. The permit application forms, copies of all current regulations, and submittal requirements that apply to the subject application shall be available from the Department. (Ord. 238 Ch. III § 4(c), 2000).

**Technical Amendment:** Change every occurrence of “Code violation” to use a capitol “V”. Change every reference to “Director or Designee” to just “Director”.



## **20.20.010 A Definitions.**

**Abate** To repair, replace, remove, destroy or otherwise remedy a condition which constitutes a Code ~~v~~Violation by such means, in such a manner, and to such an extent as the Director determines is necessary in the interest of the general health, safety and welfare of the community and the environment.

## **20.30.720 Purpose.**

This subchapter is an exercise of the City's power to protect the public health, safety and welfare; and its purpose is to provide enforcement of Code ~~v~~Violations, abatement of nuisances, and collection of abatement expenses by the City. This Code shall be enforced for the benefit of the general public, not for the benefit of any particular person or class of persons.

It is the intent of this subchapter to place the obligation for Code compliance upon the responsible party, within the scope of this subchapter, and not to impose any duty upon the City or any of its officers, officials or employees which would subject them to damages in a civil action. (Ord. 238 Ch. III § 10(a), 2000).

## **20.30.730 General provisions.**

- A. For the purposes of this subchapter, any person who causes or maintains a Code ~~v~~Violation and the owner, lessor, tenant or other person entitled to control, use, or occupancy of property where a Code ~~v~~Violation occurs shall be identified as the responsible party and shall be subject to penalties as provided in this subchapter.

However, if a property owner affirmatively demonstrates that the action which resulted in the violation was taken without the owner's knowledge or consent by someone other than the owner or someone acting on the owner's behalf, that owner shall be responsible only for bringing the property into compliance to the extent reasonably feasible under the circumstances, as determined by the Director. Should the owner not correct the violation, after service of the notice and order, civil fines and penalties may be assessed against the owner.

- B. It shall be the responsibility of any person identified as a responsible party to bring the property into a safe and reasonable condition to achieve compliance. Payment of fines, applications for permits, acknowledgment of stop work orders and compliance with other remedies does not substitute for performing the corrective work required and having the property brought into compliance to the extent reasonably possible under the circumstances.

- C. The procedures set forth in this subchapter are not exclusive. These procedures shall not in any manner limit or restrict the City from remedying or abating Code ~~v~~Violations in any other manner authorized by law. (Ord. 238 Ch. III § 10(b), 2000).

**20.30.740 Enforcement provisions.**

- A. Whenever the Director has determined that a Code ~~v~~Violation has occurred, the Director may issue a Class 1 civil infraction, or other class of infraction specified in the particular ordinance violated, to any responsible party, according to the provisions set forth in Chapter 7.80 RCW.
- B. Any person who willfully or knowingly causes, aids or abets a Code ~~v~~Violation by any act of commission or omission is guilty of a misdemeanor. Upon conviction, the person shall be punished by a fine not to exceed \$1,000 and/or imprisonment in the county jail for a term not to exceed 90 days. Each week (seven days) such violation continues shall be considered a separate misdemeanor offense. A misdemeanor complaint or notice of infraction may be filed as an alternative, or in addition to any other judicial or administrative remedy provided in this subchapter or by law or other regulation.
- C. The Director may suspend, revoke or limit any permit issued whenever:
1. The permit holder has committed a Code ~~v~~Violation in the course of performing activities subject to that permit;
  2. The permit holder has interfered with the Director in the performance of his or her duties relating to that permit;
  3. The permit was issued in error or on the bases of materially incorrect information supplied to the City; or
  4. Permit fees or costs were paid to the City by check and returned from a financial institution marked nonsufficient funds (NSF) or cancelled.

Such suspension, revocation or modification shall be carried out through the notice and order provisions of this subchapter and shall be effective upon the compliance date established by the notice and order. Such revocation, suspension or cancellation may be appealed to the Hearing Examiner using the appeal provisions of this subchapter. Notwithstanding any other provision of this subchapter, the Director may immediately suspend operations under any permit by issuing a stop work order. (Ord. 251 § 2(D), 2000; Ord. 238 Ch. III § 10(c), 2000).

### **20.30.750 Declaration of public nuisance, enforcement.**

Code violations detrimental to the public health, safety and environment are hereby declared public nuisances. All conditions determined to be public nuisances shall be subject to and enforced pursuant to the provisions of this subchapter except where specifically excluded.

- A. A public nuisance is any violation of any City land use and development ordinance, public health ordinance, or violations of this subchapter including, but not limited to:
  - 1. Any accumulation of refuse; except for such yard debris that is properly contained for the purpose of composting. This does not apply to material kept in garbage receptacles maintained for regular collection;
  - 2. Nuisance vegetation;
  - 3. The discarding or dumping of any material onto the public right-of-way, waterway, or other public property;
- B. All conditions defined as public nuisances shall be subject to abatement under this subchapter. (Ord. 251 § 2(E), 2000; Ord. 238 Ch. III § 10(d), 2000).

### **20.30.760 Junk vehicles as public nuisances.**

- A. Storing junk vehicles upon private property within the City limits shall constitute a nuisance and shall be subject to the penalties as set forth in this section, and shall be abated as provided in this section; provided, however, that this section shall not apply to:
  - 1. A vehicle or part thereof that is completely enclosed within a building in a lawful manner, or the vehicle is not visible from the street or from other public or private property; or
  - 2. A vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130.
- B. Whenever a vehicle has been certified as a junk vehicle under RCW 46.55.230, the last registered vehicle owner of record and the land owner of record where the vehicle is located shall each be given notice by certified mail that a public hearing may be requested before the Hearing Examiner. If no hearing is requested within 10 days from the certified date of receipt of the notice, the vehicle, or part thereof, shall be removed by the City with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.

- C. If the landowner is not the registered or legal owner of the vehicle, no abatement action shall be commenced sooner than 20 days after certification as a junk vehicle to allow the landowner to remove the vehicle under the procedures of RCW 46.55.230.
- D. If a request for hearing is received within 10 days, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or parts thereof shall be mailed by certified mail, with a five-day return receipt requested, to the land owner of record and to the last registered and legal owner of record of each vehicle unless the vehicle is in such condition that ownership cannot be determined or unless the land owner has denied the certifying individual entry to the land to obtain the vehicle identification number.
- E. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner.
- F. The City may remove any junk vehicle after complying with the notice requirements of this section. The vehicle shall be disposed of by a licensed vehicle wrecker, hulk hauler or scrap processor with notice given to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked. The proceeds of any such disposition shall be used to defray the costs of abatement and removal of any such vehicle, including costs of administration and enforcement.
- G. The costs of abatement and removal of any such vehicle or remnant part, shall be collected from the last registered vehicle owner if the identity of such owner can be determined, unless such owner has transferred ownership and complied with RCW 46.12.101. The costs of abatement and enforcement shall also be collected as a joint and several liability from the landowner on which the vehicle or remnant part is located, unless the landowner has shown in a hearing that the vehicle or remnant part was placed on such property without the landowner's consent or acquiescence. Costs shall be paid to the Finance Director within 30 days of the hearing and if delinquent, shall be filed as a garbage collection and disposal lien on the property. (Ord. 238 Ch. III § 10(e), 2000).

#### **20.30.770 Notice and orders.**

Whenever the Director has reason to believe that a Code ~~v~~Violation exists or has occurred, the Director is authorized to issue a notice and order to correct the violation to any responsible party. A stop work order shall be considered a notice and order to correct. Issuance of a citation or stop work order is not a condition precedent to the issuance of any other notice and order.

- A. Subject to the appeal provisions of SMC 20.30.790, a notice and order represents a determination that a Code ~~v~~Violation has occurred and that the cited person is a responsible party.
- B. Failure to correct the Code ~~v~~Violation in the manner prescribed by the notice and order subjects the person cited to any of the compliance remedies provided by this subchapter, including:
1. Civil penalties and costs;
  2. Continued responsibility for abatement, remediation and/or mitigation;
  3. Permit suspension, revocation, modification and/or denial; and/or
  4. Costs of abatement by the City, according to the procedures described in this subchapter.
- C. Any person identified in the notice and order as a responsible party may appeal the notice and order within 14 days of issuance, according to the procedures described in SMC 20.30.790. Failure to appeal the notice and order within 14 days of issuance shall render the notice and order a final determination that the conditions described in the notice and order existed and constituted a Code ~~v~~Violation, and that the named party is liable as a responsible party.
- D. Issuance of a notice and order in no way limits the Director's authority to issue a criminal citation or notice of infraction.
- E. The notice and order shall contain the following information:
1. The address, when available, or location of the Code ~~v~~Violation;
  2. A legal description of the real property where the violation occurred or is located;
  3. A statement that the Director has found the named person to have committed a Code ~~v~~Violation and a brief description of the violation or violations found;
  4. A statement of the specific provisions of the ordinance, resolution, regulation, public rule, permit condition, notice and order provision or stop work order that was or is being violated;

5. The civil penalty assessed for failure to comply with the order;
  6. A statement advising that the notice and order may be recorded against the property in the King County Office of Records and Elections subsequent to service;
  7. A statement of the corrective or abatement action required to be taken and that all required permits to perform the corrective action must be obtained from the proper issuing agency;
  8. A statement advising that, if any required work is not commenced or completed within the time specified by the notice and order, the Director may proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and several personal obligation of all responsible parties;
  9. A statement advising that, if any assessed penalty, fee or cost is not paid on or before the due date, the Director may charge the unpaid amount as a lien against the property where the Code ~~v~~Violation occurred and as a joint and several personal obligation of all responsible parties;
  10. A statement advising that any person named in the notice and order or having any record or equitable title in the property against which the notice and order is recorded may appeal from the notice and order to the Hearing Examiner within 14 days of the date of issuance of the notice and order;
  11. A statement advising that a failure to correct the violations cited in the notice and order could lead to the denial of subsequent City permit applications on the subject property;
  12. A statement advising that a failure to appeal the notice and order within the applicable time limits renders the notice and order a final determination that the conditions described in the notice and order existed and constituted a Code ~~v~~Violation, and that the named party is liable as a responsible party; and
  13. A statement advising the responsible party of his or her duty to notify the Director of any actions taken to achieve compliance with the notice and order.
- F. Service of a notice and order shall be made on any responsible party by one or more of the following methods:

1. Personal service may be made on the person identified as being a responsible party.
2. Service directed to the landowner and/or occupant of the property may be made by posting the notice and order in a conspicuous place on the property where the violation occurred and concurrently mailing notice as provided for below, if a mailing address is available.
3. Service by mail may be made for a notice and order by mailing two copies, postage prepaid, one by ordinary first class mail and the other by certified mail, to the responsible party at his or her last known address, at the address of the violation, or at the address of their place of business. The taxpayer's address as shown on the tax records of the county shall be deemed to be the proper address for the purpose of mailing such notice to the landowner of the property where the violation occurred. Service by mail shall be presumed effective upon the third business day following the day the notice and order was mailed.

The failure of the Director to make or attempt service on any person named in the notice and order shall not invalidate any proceedings as to any other person duly served.

- G. Whenever a notice and order is served on a responsible party, the Director may file a copy of the same with the King County Office of Records and Elections. When all violations specified in the notice and order have been corrected or abated the Director shall file a certificate of compliance with the King County Office of Records and Elections, if the notice and order was recorded. The certificate shall include a legal description of the property where the violation occurred and shall state that any unpaid civil penalties, for which liens have been filed, are still outstanding and continue as liens on the property.
- H. The Director may revoke or modify a notice and order issued under this section if the original notice and order was issued in error or if a party to an order was incorrectly named. Such revocation or modification shall identify the reasons and underlying facts for revocation. Whenever there is new information or a change in circumstances, the Director may add to, rescind in whole or part or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notice and orders contained in this section.
- I. Failure to correct a Code ~~v~~Violation in the manner and within the time frame specified by the notice and order subjects the responsible party to civil penalties as set forth in SMC 20.30.780.

1. Civil penalties assessed create a joint and several personal obligation in all responsible parties. The City attorney may collect the civil penalties assessed by any appropriate legal means.
2. Civil penalties assessed also authorize the City to take a lien for the value of civil penalties imposed against the real property of the responsible party.
3. The payment of penalties does not relieve a responsible party of any obligation to cure, abate or stop a violation.

#### **J. Abatement of Unfit Premises and Collection of Costs.**

1. The Shoreline City Council finds that there exist within the City of Shoreline premises that are unfit for human habitation or other uses due to conditions that are inimical to the health and welfare of City residents.
2. In the case of such unfit dwellings, buildings, structures, and premises or portions thereof, the Director, as an alternative to any other remedy provided in this subchapter, may abate such conditions and have abatement costs collected as taxes by the King County treasury pursuant to RCW 35.80.030.
3. The Uniform Code for the Abatement of Dangerous Buildings (UCADB), 1997 Edition, as published by the International Conference of Building Officials is adopted for abatement procedures under this section, subject to the following amendments:
  - a. Whenever used in the UCADB, "building official" shall mean the Director.
  - b. UCADB Sec. 302 is amended to read as follows:

#### **SECTION 302 UNFIT BUILDINGS AND PREMISES.**

*For the purpose of this Code, any building, structure or premises which has any or all of the conditions or defects hereinafter described shall be deemed to be an unfit building or premises, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.*

...

*15. Whenever any building, structure or premises, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, accumulation*



*of garbage or refuse, or otherwise, is determined by the Director to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease to the occupants, occupants of neighboring dwellings or other residents of the City. When a structure or premises is declared unfit under this subsection, repair as used in the UCADB shall include removal of the condition.*

...

- c. UCADB Sec. 205, Board of Appeals, is hereby repealed.
- d. UCADB Chapter 5, Appeal, is hereby repealed, and substituted with the appeal provisions specified in this subchapter.
- e. UCADB Chapter 6, Procedures for Conduct of Hearing Appeals, is hereby repealed and substituted with the procedures for appeal as specified in this subchapter.
- f. UCADB Chapter 9, Recovery of Cost of Repair or Demolition, is hereby repealed and the following provision is substituted:

*The amount of cost of repairs, alterations or improvements; or vacating and closing; or removal or demolition by the Director shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification to him by the City Finance Director of the assessment amount being due and owing, the County treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the City. If the dwelling, building structure, or premises is removed or demolished by the Director, the Director shall, if possible, sell the materials from such dwelling, building, structure, or premises and shall credit the proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the Director, after deducting the costs incident thereto.*

*The assessment shall constitute a lien against the property, which shall be of equal rank with State, county and municipal taxes.*

- K. All monies collected from the assessment of civil penalties and for abatement costs and work shall be allocated to support expenditures for abatement, and shall be accounted for through either creation of a fund or other appropriate accounting mechanism in the

Department issuing the notice and order under which the abatement occurred. (Ord. 238 Ch. III § 10(f), 2000).

Table 1

## Proposed Development Code Amendments- Docketed

Log #	Category	Requested Change	Requested By	Chapter	Section(s)	Title	Proposed Change	Staff Recommendation
D-1	Dimension	Change the size of allowed exempt structures to 200 Sq. Ft. to be consistent with the IRC.	City Planning Staff	20.50	100(1)	Location of accessory structures within required yard setbacks- Standards	Change allowed size from 120 Sq. Ft. to 200 Sq. Ft. and add requirement for fire separation as identified in the adopted building code.	Planning Commission and staff recommend adoption of this change for consistency between the Development Code and the Building Codes.
D-2	Trees	Reduce requirement of tree size for Landmark Tree to 24" DBH.	Boni Biery- Comprehensive Plan Amendment Comment	20.20	48	"T" Definitions	Reduce requirement of tree size for Landmark Tree to 24" DBH.	A reduction in size requirements for a landmark tree may allow for a request for the designation of a landmark tree that is only a significant tree and has not reached a maturity in its life to be considered a landmark tree. However, this reduction in size only affects the eligibility of an application for designation as a landmark tree and does not exempt the application from being evaluated by a certified arborist. Furthermore, the application may only be filed by the property owner, who may desire to preserve the trees on their property. In this case there is no negative effect of reducing the requirements to 24" because the determination is ultimately up to an arborist, and the designation of a landmark tree may not be forced on a property owner. Planning Commission and staff recommend deferral to the 2006 amendment cycle.
D-3	Clearing and Grading	Change the requirements to be more specific about when a C & G permit is required.	City Legal Staff	20.50	300	Clearing and Grading General Requirements	Remove 20.50.300 (E) , add provision that makes all replacement trees protected trees, modify language around when a clearing and grading permit is required, and modify language regarding compliance with the Critical Areas section of Development Code.	Planning Commission and staff recommend approval.
D-4	Fence	Change fence requirements to make content amendments and allow for construction of a solid 6 foot fence on top of a retaining wall.	City Planning Staff	20.50	110 & 210	Fences and Walls- Standards	Change fence requirements to make content amendments and allow for construction of a solid 6 foot wall on top of a retaining wall. Eliminate language requiring an offset design for fences along private driveways.	The current provision in the code does not allow for the construction of a six foot solid fence on top of a wall, and limits a property owners ability to construct a privacy fence on top of a retaining wall allowing the uphill neighbor to have a full view into the downhill neighbor's yard. Change will also eliminate provision in the code that requires the construction of an alternating type fence on private roads. Staff panel found this to be too restrictive, and may promote the construction of fences and landscaping that can hide burglars/thieves. Planning Commission and staff recommend approval.
D-5	Security Fencing	Add provision to allow for barbed wire and razor wire fences for public and infrastructure facilities in residential and commercial zones so long as fence is effectively screened from neighboring public areas.	Police Department	20.50	110 (C), 210 (D), 270 (C & D)	Fences and Walls- Standards	Add provision to allow for barbed wire and razor wire fences for public and infrastructure facilities in residential and commercial zones so long as fence is effectively screened from neighboring public areas.	Planning Commission recommends denial, and staff supports the Planning Commission recommendation.
D-6	Noticing	Add description to Administrative section of code clarifying when noticing is required for each type of permit.	City Planning Staff	Many	Many	Procedures and Administration	Add Clarifying language that the noticing requirement for notice of decision applies to Type B and C actions only.	Planning Commission and staff recommend approval.
D-7	Administrative	Change Street Vacations to Type "C" actions.	City Legal Staff	20.30	70	Legislative Decisions	Change Street Vacations to Type "C" actions.	By changing a Street Vacation action to a Type C action, the appearance of fairness on ex parte communication would apply, and contact made with opponents or advocates of the vacation would be reserved until all evidence is submitted at the public hearing allowing all merits of the action to be identified prior to formation of opinion. Planning Commission and staff recommend approval.
D-8	Vesting	Add provision that allows applicant to apply for a stay if subject to LUPA process.	City Legal Staff	20.30	160	Expiration of Vested Status of Land Use Permits and Approvals	Add language that automatically allows for an extension of vesting under 20.30.160 if the approved land use permit is subject to a pending legal action or appeal.	By changing this section to allow for an automatic extension of vesting the applicant may be granted the full two years before expiration of approved land use action while decision is not subject to legal injunction. Planning Commission and staff recommend approval.
D-9	Technical	Amend section 20.30.740 D(2) to properly reference 20.50 and add legal language	City Legal Staff	20.30	740	Civil Penalties for Code violations	Amend section 20.30.740 D(2) to properly reference 20.50 and add legal language.	Technical amendment. Planning Commission and staff recommend approval.
D-10	Technical	Add provision to promote the protection of retained significant trees from damage during construction.	City Planning Staff	20.50	350	Tree Replacement and Site Restoration	Require the bonding of protection measures and tree maintenance to ensure survival and health for 36 months following construction.	This would allow staff the ability to enforce the installation of tree protection measures on site. Sometimes this is not installed properly and leads to significant impact on the trees root system and eventual decline in health. Planning Commission and staff recommend approval.

Table I

## Proposed Development Code Amendments- Docketed

D-11	Technical	Change every occurrence of "Code Violation" to a capital "V". Change every reference to Director or Designee to just Director.	City Legal Staff	Many	Many	Many	Change every occurrence of "Code Violation" to a capital "V".	This helps provide for consistency. Planning Commission and staff recommend approval of this technical change.
D-12	Technical	Create an alternative to allow for the planting of trees on the property line side of the sidewalk, not directly next to the street (comment also forwarded to Engineering for consideration in next Engineering Guide update).	David Anderson- Comprehensive Plan Amendment Comment	20.5	480	Street Trees	SMC 20.50.480 (C) allows for this option based on an existing condition. Proposed change would allow for design flexibility based on site conditions, and may allow for improved visibility and safety in some situations. Change would also require that sidewalks with tree pits maintain a minimum four foot passage strip, instead of the two foot strip that is currently allowed through the use of tree pits with a six foot sidewalk.	Damage to streets and sidewalks by tree roots, and impact of restricted root growth to trees would also be minimized by moving trees to private property side of sidewalk. Staff agrees that change should be made to the engineering guide to show this alternate design, and to limit the placement of tree pits when sidewalk is less than eight feet wide. Planning Commission and staff recommend approval.
D-13	Technical	Change the reference to Fire Code to properly identify the IFC, not the UFC.	City Planning Staff	20.30	290 B(4)	Variance from the engineering standards (Type A Action)	Change the reference to Fire Code to properly identify the IFC, not the UFC.	This helps provide for consistency. Planning Commission and staff recommend approval of this technical change.
D-14	Administrative	Add application expiration limitations.	City Planning Staff	20.30	100	Time limits	Change section 20.30.100 and 20.30.110 to include a clause regulating the expiration of a complete permit application.	Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development application expiration. Planning Commission and staff recommend approval.
D-15	Technical	Make technical changes to the Animals section of Zoning and Use Provisions.	City Planning Staff	20.40	240	Animals	Technical changes to 20.40.240 to properly describe sizes of cages for birds and eliminate birds from the animal specific section.	These minor changes are due to some inconsistencies found in the code. Planning Commission and staff recommend approval of this technical change.
D-16	Technical	Move temporary use permits from use provisions to the review and decision criteria section. Change reference in use tables to properly reflect this change.	City Planning Staff	20.40	540	Temporary Use	Move temporary use permits from use provisions to the review and decision criteria section. Change reference in use tables to properly reflect this change.	A temporary use permit is not listed in the use tables but is found in the list of supplementary criteria. Moving the requirements for a temporary use permit to the permit review and decision criteria section for Type A permits better locates this section for the user. Planning Commission and staff recommend approval.
D-17	Technical	Make technical change to heading of section 20.30.140.	City Planning Staff	20.30	140	Time Limits	Make technical change to heading of section 20.30.140.	This change will help clarify the content of the section. Planning Commission and staff recommend approval of this technical change.
150 D-18	Clearing and Grading Permit Requirements	Change performance section to individually describe performance and maintenance bonds.	City Legal Staff	20.50	360	Tree replacement and site restoration	Change performance section to individually describe performance and maintenance bonds.	This change helps differentiate between a performance guarantee and maintenance bond. Planning Commission and staff recommend approval.
D-19	Administrative	Add section regulating the expiration of clearing and grading and site development permits.	City Planning Staff	20.30	165	Permit expiration timelines for Clearing and Grading and Site Development Permits	Add section 20.30.165 that addresses time limits and expiration of site development and clearing and grading permits.	Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development permit expiration. Planning Commission and staff recommend approval.
D-20	Administrative	Add reference to site development permit for subdivision section that references the new permit expiration limitations.	City Planning Staff	20.30	430	Site development permit for required subdivision improvements – Type A action.	Add reference in 20.30.430 to properly identify new section regulating expiration of site development permit.	Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development permit expiration. Planning Commission and staff recommend approval.
D-21	Noticing	Revise neighborhood meeting standards and noticing requirements to better notify the public of potential land use actions and allow potential issues to be identified and resolved prior to Planning Commission public hearings.	Michael Broili	20.30	80-180	Procedures and Administration	Clarify that the meeting notice include a description of the project, zoning, site & vicinity maps and possible future land use decisions i.e. rezone, SEPA, etc. Add minimum requirements for meeting content i.e. basic agenda for meeting. Add a step to have the City mail submitted neighborhood minutes to all meeting attendees who sign in.	Provide more information in the neighborhood meeting notice to better alert neighbors to potential projects/change. Add some basic structure to the neighborhood meeting to insure that adequate information is being relayed to meeting attendees for the purposes of early discussions. By mailing the meeting summaries submitted by the applicant's to the meeting attendees, attendees could verify the information. This could address concerns that the applicant's minutes are not reflecting the comments at the meeting. Planning Commission and staff recommend approval.

**Proposed Amendments Not Docketed:**

These proposed amendments were reviewed by a staff panel and are not supported by staff. The Planning Commission and the Director have not included these amendments with those docketed for consideration. The Council may choose to consider putting these amendments on a new docket for additional noticing, SEPA review, and Planning Commission Public Hearing.

**Amendment #ND-1: 20.30.040** This proposed amendment was citizen initiated in 2003 and was brought forward in 2004 during the Development Code Amendment process. The proposal to increase noticing requirements for commercial projects was remanded back to staff for further review. Staff considered lowering the threshold for SEPA review, however this would be a change to State law. Any additional requirements for tenant improvements, commercial additions, or commercial new constructions would impact commercial and economic redevelopment in Shoreline.

**Things to consider:**

- **Resources:** Additional administrative staff would need to be brought into the review process for publishing and mailing public notice.
- **Permit Turn-around Time:** Creating and publishing the public notice adds approximately two weeks to the permit process. Without additional staff resources to perform these duties, the turnaround time could be much longer as projects would have to wait for staff availability to prepare, publish and mail the notices. In addition, a "Type B" application that requires public notice also requires the applicant to have a pre-application meeting with City staff, and a neighborhood meeting with surrounding property owners prior to application. These requirements add another 3 – 4 weeks to the process for the applicant before the application is submitted.
- **Public Expectation:** Approval of a building permit not subject to SEPA is a ministerial decision, meaning that if the application meets Code requirements, it must be approved. Providing public notice of such a permit may give the public the expectation that public input is part of the approval process; for a "Type A" permit it would not be.
- **Precedent:** Requiring a notice period for a "Type A" ministerial action would set a precedent that may be counter to the public welfare. If these types of actions become subject to public scrutiny, an overall slowdown of essential governmental functions would be expected.
- **Council Goal #4:** Implementing an active economic improvement plan is a City Council goal. This proposal would slow down the permitting process, thus slowing down economic improvement.
- **Noticing Requirements for nearby jurisdictions:** The following table shows noticing requirements for some local jurisdictions, for comparison.

JURISDICTION	RADIUS	BUILDING PERMITS SUBJECT TO NOTICE	NOTES
Auburn	300'	Building permits subject to SEPA	
Bothell	300'	Building permits subject to SEPA	
Bremerton	300'	Building permits subject to SEPA	
Covington	1000'	Building permits subject to SEPA, Single-family houses of 10,000 sq. ft. or more.	
Edmonds	300'	Building permits subject to SEPA	
Federal Way	300'	Building permits subject to SEPA	

Issaquah	300'	Building permits subject to SEPA	
Kenmore	500'	Building permits subject to SEPA, Single-family houses of 10,000 sq. ft. or more	
Kent	300'	Building permits subject to SEPA	
Kirkland	300'	Building permits subject to SEPA	
Lake Forest Park	300'	Building permits subject to SEPA	
Lynnwood	300'	Building permits subject to Design Review (most building permits except for single-family).	Notice of impending decision is mailed.
Mount Lake Terrace	300'	Building permits subject to SEPA	
Mill Creek	No mailing radius for building permit not associated with land use action.	Building permits subject to SEPA – notices are posted and published in newspaper.	Actions requiring Public Hearing notices require a 500' radius mailing. Administrative permit decisions are mailed to adjacent property owners.
Monroe	500'	Building permits subject to SEPA	
Renton	300'	Building permits subject to SEPA	
Sammamish	500'	Building permits subject to SEPA	
University Place	300'	Building permits subject to SEPA	
Woodinville	500'	Building permits subject to SEPA	

**Amendment #ND-2:** 20.50.020 & 20.50.050 This was a citizen initiated proposal to reduce the height limit in single-family zones from 30 feet (35 feet with a pitched roof) to 25 feet. A reduction to the allowed building height in low density residential zones would be too restrictive for residential development. A roof height of 25 feet would barely allow for the construction of a two story home and would promote the construction of flat rooftops that are not effective with Washington weather.

**Amendment #ND-3:** 20.50.310 & 20.50.320 This is a citizen initiated request to reduce the number of trees that can be removed as an exemption from 6 to 2. This change would be too restrictive for residential development, and for the homeowner in general. Some home owners have large numbers of trees and would like to add more light to their property. Lowering the number of trees allowed to be removed without a permit to two would impact property owners. This change would also be difficult to enforce due to lack of standard procedure and staff for tracking non-permitted tree removal. The Planning Commission and staff recommend deferring this proposal to the 2006 work plan, as part of a more comprehensive analysis of the City's tree regulations.

**Amendment #ND-4:** 20.50.350(B) This is a citizen initiated request to reduce the number of trees that can be removed as part of a development permit from 20 and 30% retention to 30 and 45% retention. Also requesting to change the replacement standard in the exemptions section to require replacement with slightly larger stock. This change would not be compatible with other provisions of the Development Code. By increasing the number of retained trees on a site, it may lead to difficulty in the placement of a building footprint if trees are sporadically placed on the lot. Instead of increasing the required percentage for retention, those provisions providing incentive for voluntary tree retention through site planning should be reinforced. Staff panel recommends no change as proposed. The Planning Commission and staff recommend deferring this proposal to the 2006 work plan, as part of a more comprehensive analysis of the City's tree regulations.

**Amendment #ND-5:** 20.50.350(B) This proposed amendment was citizen initiated and is a request to add the following to the tree removal regulations: "At no time shall a development proposal or action reduce the number of potential significant trees below 3 trees per 1,000 square feet." and also to add the definition of potential significant tree. This is addressed in the minimum retention requirements section SMC 20.50.350, and by our replanting requirements. The removal of all trees beyond the six exempt currently requires replanting with tree stock identified in SMC 20.50.360. By creating a standard that is based on square footage it may allow some sites to remove more trees and not replant and others to plant more than should be required based on the existing site conditions. The Planning Commission and staff recommend deferring this proposal to the 2006 work plan, as part of a more comprehensive analysis of the City's tree regulations.

**Amendment #ND-6:** 20.20.048 This proposed amendment was citizen initiated, and is a request to change the definition of significant tree to reduce the size requirements from 8" to 6" and 12" to 9" DBH, respectively. Reducing the size requirements for significant trees would limit a property owner's ability to adjust the landscaping on their property. This change may also lead to increased limitations of development and redevelopment opportunity in the City. Property owners have the option to keep all the trees on their parcel if they choose. The Planning Commission and staff recommend deferring this proposal to the 2006 work plan, as part of a more comprehensive analysis of the City's tree regulations.

**Amendment #ND-7:** 20.30.040 This is a citizen initiated proposal to change the noticing and application review requirements of a residential building permit. The citizen is proposing the addition of a noticing period with appeal process, essentially making the application a Type B Action. The noticing requirements of this proposed amendment would be very costly in terms of actual noticing and staff time. This would also allow for an appeal of a new single family home or remodel.

Things to consider:

- **Resources:** Additional administrative staff would need to be brought into the review process for publishing and mailing public notice.
- **Permit Turn-around Time:** Creating and publishing the public notice adds approximately two weeks to the permit process. Without additional staff resources to perform these duties, the turnaround time could be much longer as projects would have to wait for staff availability to prepare, publish and mail the notices. In addition, a "Type B" application that requires public notice also requires the applicant to have a pre-application meeting with City staff, and a neighborhood meeting with surrounding property owners prior to application. These requirements add another 3 – 4 weeks to the process for the applicant before the application is submitted.
- **Public Expectation:** Approval of a building permit not subject to SEPA is a ministerial decision, meaning that if the application meets Code requirements, it must be approved. Providing public notice of such a permit may give the public the expectation that public input is part of the approval process; for a "Type A" permit it would not be.
- **Precedent:** Requiring a notice period for a "Type A" ministerial action would set a precedent that may be counter to the public welfare. If these types of actions become subject to public scrutiny, an overall slowdown of essential governmental functions would be expected.

- **Council Goal #4:** Implementing an active economic improvement plan is a City Council goal. This proposal would slow down the permitting process, thus slowing down economic improvement.

**Amendment #ND-8:** This is a citizen initiated proposal requesting a design review process for single family residential building permits. The citizen is concerned that new homes are being constructed that are out of proportion to the old neighborhood and that existing views may be blocked by these new homes. This proposal would institute a neighborhood review board to have authority over the design of a new home. Subjecting residential building permit applications that have proven compliance with the standards established by 20.50 to a design review board would add cost both in time and fees to the residential building permit process.

Things to consider:

- **Resources:** Additional administrative staff would need to be brought into the review process to coordinate the neighborhood design review board function.
- **Permit Turn-around Time:** Creating additional review requirements outside of City site and structural review would add several weeks to the permit process. Without additional staff resources to perform these duties, the turnaround time could be much longer as projects would have to wait for staff availability to perform additional functions.
- **Public Expectation:** Approval of a building permit not subject to SEPA is a ministerial decision, meaning that if the application meets Code requirements, it must be approved. Providing public process (design review) of such a permit may give the public the expectation that public input is part of the approval process; for a "Type A" permit it would not be.
- **Precedent:** Allowing a neighborhood review board to manipulate the design of personal residence would set a precedent that may be counter to the public welfare. If these types of actions become subject to public scrutiny, an overall slowdown of essential governmental functions would be expected.
- **Available Alternative:** Citizens may form home owners associations if persons in the neighborhood agree. These associations could form their own covenants and enforce through private means as long as the covenants do not conflict with federal, state and local regulations.



**DRAFT**

These Minutes Subject to  
December 1<sup>st</sup> Approval

**CITY OF SHORELINE**

**SHORELINE PLANNING COMMISSION  
SUMMARY MINUTES OF REGULAR MEETING**

November 17, 2005  
7:00 P.M.

Shoreline Conference Center  
Rainier Room

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**PRESENT**

Vice Chair Piro  
Commissioner Phisuthikul  
Commissioner Sands  
Commissioner Broili  
Commissioner McClelland

**STAFF PRESENT**

Rachael Markle, Assistant Director, Planning & Development Services  
Steve Szafran, Planner II, Planning & Development Services  
Jessica Simulcik Smith, Planning Commission Clerk

**ABSENT**

Chair Harris  
Commissioner MacCully  
Commissioner Hall  
Commissioner Kuboi

**CALL TO ORDER**

The regular meeting was called to order at 7:10 p.m. by Vice Chair Piro, who presided.

**ROLL CALL**

Upon roll call by the Commission Clerk, the following Commissioners were present: Vice Chair Piro, Commissioners Phisuthikul, Sands, Broili, and McClelland. Chair Harris and Commissioners MacCully, Hall and Kuboi were excused.

**APPROVAL OF AGENDA**

A discussion on the community meeting regarding Cottage Housing was added to the agenda as part of "Reports of Committees and Commissioners."

## **DIRECTOR'S REPORT**

Ms. Markle announced that the Development Code updates were provided in the Commission packets. The last edition of *THE PLANNING COMMISSION JOURNAL* was also included. She noted that the subscription for the Journal expires soon, and she questioned if the Commission wants to continue to receive the publication. The Commission agreed that they like to continue to receive the journal.

Ms. Markle introduced new Long-Range Planning Team Member, Steve Szafran. He was already on staff, but has been promoted to Planner II to fill David Pyle's position. He has been on the permit services team for the past year. Before coming to Shoreline, he spent about four years in the Clark County (Las Vegas) area. He has a lot of experience working with planning and other types of commissions on presenting reports and permits.

Lastly, Ms. Markle advised that the Planning Director, Joe Tovar, was unable to attend this Planning Commission meeting, but he did forward information regarding the cottage housing meeting.

## **APPROVAL OF MINUTES**

The minutes of November 3, 2005 were approved as corrected.

## **GENERAL PUBLIC COMMENT**

There was no one present in the audience to address the Commission during this portion of the meeting.

## **PUBLIC HEARING ON ANNUAL DOCKET OF CODE AMENDMENTS**

Vice Chair Piro opened the public hearing at 7:18 p.m. and noted that there was no one in the audience to participate. The Commission agreed to move on to the staff report and their continued deliberations, but leave the public hearing open in case someone arrived to provide comment.

## **COMMISSION DELIBERATION ON ANNUAL DOCKET OF CODE AMENDMENTS**

Because there was no one in the audience and staff has already presented the proposed amendments to the Commission, she would keep her staff report extremely brief. She recalled that at the end of the Commission's last meeting the public comment period was still open, but they received no additional written comments. They did receive one phone call from Ms. Berry regarding her proposed amendments related trees. The message was relayed to her that while the Commission had some interest in her tree amendments, they wanted to review the entire tree ordinance in a more comprehensive fashion in 2006.

Vice Chair Piro recalled that at the last meeting, Commissioner Broili made a motion, seconded by Commissioner Sands, to move the docket of code amendments forward with a recommendation for approval, and the motion is still on the table for Commission discussion. He suggested that the Commission start their deliberations by noting the proposed amendments that they would like to discuss further before taking action.

Commissioner Sands said he would like the Commission to further discuss **Amendments D-2, D-3, and D-5**. None of the other Commissioners indicated a desire to further discuss any of the amendments in greater detail before taking action.

Commissioner Sands referred to **Amendment D-2** and said he does not see a point in designating “landmark” trees, other than to possibly tie up property for extensive periods of time. However, since the City already has this provision, he would be opposed to an amendment that would reduce the size necessary to be considered a “landmark” tree. He summarized that he would prefer not to make it any easier to designate a “landmark” tree than it already is.

Vice Chair Piro recalled that the Commission moved the other proposed amendments related to trees to future action items. He suggested that it would be appropriate for **Amendment D-2** to be part of the overall tree package that is considered at a later date. Commissioner Broili agreed that all of the other amendments related to trees have been set aside for future discussion, and he would support a decision to do the same with **Amendment D-2**. This would allow them to deal with the tree issue in a holistic manner in conjunction with the City’s upcoming potential effort consider an urban forest management strategy.

Commissioner McClelland said **Amendment D-2** states that only the property owner could apply to have a tree classified as “landmark.” She asked if the classification could be revoked if a property is sold in the future. Commissioner Broili answered that the classification would stand, even after a property has been sold.

The Commission concurred that **Amendment D-2** should be removed from the docket of code amendments and placed on the Commission’s 2006 work plan for future discussion, along with all of the other amendments related to trees. They emphasized that they are not voting against the proposed amendment, but it should be dealt with in a more holistic fashion.

Commissioner Sands referred to **Amendment D-3** and asked staff to explain the difference between the existing language and the new proposed language. Ms. Markle responded by stating that the amendment is not intended to change the regulation, but to make it more clear. Commissioner Sands said the current language would only require a property owner to obtain a grading permit if proposing a new or expanded building complex. Commissioner Broili asked staff to provide clarification about what would trigger the need for a building permit. Ms. Markle said anytime more than 50 cubic yards of earth is being moved, a grading permit would be required regardless of the type of project.

Commissioner Sands said the staff report indicates that **Amendment D-3** would adjust the requirements to require a clearing and grading permit for all development activity. He asked if this would this be interpreted as all development over the threshold of 50 cubic yards. Ms. Markle answered that the threshold would still apply. She explained that the words “new and expanded building complex” are inconsistent with the rest of the chapter. The proposed amendment would make the language more consistent and clear. She referred to Section 20.53.20 of the Development Code, which lists all of the

activities that require a permit for clearing and grading. This section would not be changed, and **Amendment D-3** is intended to be a technical rather than a substantive change.

Commissioner Sands referred to **Amendment D-5** and recalled that the Commission previously voiced their opposition to the use of barbed-wire or razor wire in the City of Shoreline. At that time, they suggested that if the Police Department wants to use these materials for fencing, they should provide further explanation to the Commission about why it would be appropriate. He noted that the Police Department never approached the Commission with an explanation for why barbed wire was essential. He suggested that the Commission continue to oppose the use of barbed wire fences.

Vice Chair Piro said that while the Commission did not vote on this issue, a strong majority of them voiced opposition to these types of fences. The Commission suggested that other types of treatments could provide for security and be less aesthetically offensive than barbed or razor wire.

Commissioner Broili said he was not part of the Commission's previous decision, but he would also be opposed to the use of barbed or razor wire in the City of Shoreline. He said he finds it would be unnecessary and there are more aesthetically pleasing options that are not quite so extreme. If the Police Department feels strongly about the use of these materials, they should provide further explanation to the Commission.

**COMMISSIONER BROILI MOVED THAT THE COMMISSION NOT RECOMMEND AMENDMENT D-5, A PROVISION TO ALLOW FOR BARBED WIRE AND RAZOR WIRE FENCES FOR PUBLIC AND INFRASTRUCTURE FACILITIES IN RESIDENTIAL AND COMMERCIAL ZONES SO LONG AS THE FENCE IS EFFECTIVELY SCREENED FROM NEIGHBORING PUBLIC AREAS, AS AN AMENDMENT TO THE DEVELOPMENT CODE. COMMISSIONER MCCLELLAND SECONDED THE MOTION. THE MOTION CARRIED 5-0.**

**COMMISSIONER SANDS MOVED TO AMEND THE MAIN MOTION (Made November 3, 2005 to accept the proposed development code amendments as presented by staff) AND FORWARD APPROVAL OF THE PROPOSED DEVELOPMENT CODE AMENDMENTS AS PRESENTED BY STAFF WITH THE EXCEPTION OF PROPOSED AMENDMENTS D-2 AND D-5. HE FURTHER MOVED THAT THE COMMISSION RECOMMEND THAT AMENDMENT D-2, LANDMARK TREES, BE PLACED ON THE 2006 WORK PLAN WITH A GOAL OF REVIEWING THE ISSUE OF "TREES" MORE HOLISTICALLY, AND THAT AMENDMENT D-5, THE SECURITY FENCING AMENDMENT, NOT BE SUPPORTED AS A 2004 DEVELOPMENT CODE AMENDMENT. VICE CHAIR PIRO SECONDED THE AMENDMENT TO THE MAIN MOTION. THE MOTION TO AMEND AND APPROVE THE MAIN MOTION CARRIED 5-0.**

**COMMISSIONER BROILI MOVED THAT THE PUBLIC HEARING BE CLOSED. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

## **REPORTS OF COMMITTEES AND COMMISSIONERS**

Commissioner McClelland said she and Vice chair Piro attended the recent meeting to discuss the process for conducting a public forum on the issue of cottage housing. The City Council has decided to move forward with the public meeting, and the original plan was that the meeting would be hosted by the City Council and the Planning Commission. However, the document the Commission received in their packet indicated the meeting would be hosted by the City Council. She noted that the City Council decided to use the term “community dialogue” to describe the meeting.

Ms. Markle referred the Commission to the notice that was published in the newspaper and mailed to everyone on the cottage housing mailing list. She said the agenda for the meeting would include a brief introduction by staff and then 20 minutes would be set aside for the Planning Commission to present the amendments they forwarded to the City Council. She suggested that the Planning Commission discuss and determine how they want to prepare for this presentation. She emphasized that the Commission should not feel as though they have to defend their recommendation, just present it.

Vice Chair Piro said it would be important for the Commission to provide a summary of the events that have taken place to date regarding the cottage housing issue, starting from when the ordinance was first adopted. He pointed out that the transmittal letter the Commission recently forwarded to the City Council provided a good summary of their most recent work.

Commissioner McClelland recalled that Commissioner Kuboi previously suggested that the public meeting should start by allowing the citizens to express their concerns and frustrations. She agreed that people would be more interested in the ability to voice their opinion rather than hearing a historical summary of the Cottage Housing Ordinance. She said she finds it frustrating that, even with the existing ordinance and the proposed amendments, they still do not have the product they want.

Commissioner Broili referred to the transmittal letter that was recently forwarded to the City Council regarding cottage housing. He suggested that Chair Harris could just read this letter, which states both sides of the Commission’s opinion. Then during the course of the evening, each Commissioner would have an opportunity to express their own thoughts and positions. The remainder of the Commission agreed that this would be an appropriate outline. It was emphasized that none of the Commissioners were satisfied with their work thus far, and that they all have frustrations. They agreed that Chair Harris should act as spokesperson for the Commission, and Commissioner McClelland would serve as back up spokesperson if Chair Harris is unable to attend. Ms. Markle advised that staff would help the spokesperson summarize the high points of their recommendation prior to the meeting.

Commissioner Broili referred to the document illustrating the proposed seating arrangement for the meeting and asked if the Commission could propose some changes. Ms. Markle said the chart illustrates the seating that is being proposed, but she does not believe it is locked in. Commissioner Broili suggested that the citizens be dispersed evenly throughout the room and mixed with the City Council and Commission Members. This would open the door to a more inclusive roundtable dialogue. Commissioner Sands explained that they will probably have a limited number of seats for citizens in the

main circle. The intent was to provide an opportunity for citizens to sit down for a while and then leave so that others could participate.

Commissioner McClelland said that creating a big hole in the middle is one of the worst arrangements because all of the energy falls into a blank area. She suggested that a “U” configuration would be better than a circle. She said she also likes the concept of dispersing the citizens amongst the Commission and City Council Members. She said it is also important that everyone be able to see each other. Rather than having a set arrangement, they should feel free to make adjustments after people arrive at the meeting. Commissioner Broili said he prefers the roundtable configuration. When everyone is looking across from each other, there would be no head of the table and everyone would be on equal footing.

Commissioner Sands provided an update on the Economic Development Committee Meetings. He said they have just one more meeting next week, and then they will have a working draft of an amended Economic Development Plan. He anticipates presenting this plan to the City Council on January 23<sup>rd</sup>. He said the revised plan provides more detail and uses a more holistic approach. He said he would provide a copy of the draft document to each Commissioner and advised that the City Council might choose to continue the committee to help implement the Economic Development Plan.

Commissioner Sands extended an invitation to interested Commissioners, and advised that the next meeting would be November 22<sup>nd</sup> from 7:30 to 9:00 a.m. in the third floor conference room at City Hall. Commissioner McClelland requested that she be placed on the committee’s next agenda so that she could provide comments.

Commissioner Broili reported that he participated in the tour of the Vashon Island Park, which went very well. He said he was disappointed to be the only Planning Commissioner in attendance, but there were a number of people from the Parks Board, City Staff and the Parks Director. He said it had been a year and a half since he last visited the 30-acre park, and he found the progress to be quite remarkable. The park provides an excellent model of a well-restored small park, second growth forest. After the tour, they visited the Vashon Forest Stewardship Groups’ small sawmill. They paid for the trees that came from the Vashon Park site, and they milled the best ones to sell on the island. The long-term intent is to create a market for lumber that is cut, milled and sold on the island. They are doing well.

### **UNFINISHED BUSINESS**

Commissioner McClelland referred to the letter from Tracy and Jenny Owens regarding The Highlands. She said the Commission should make it clear that they did not grant The Highlands the ability to act as a government agency. Ms. Markle said this issue has to do with the fact that The Highlands is recognized by the City as a utility provider because they have their own sewer facility. Commissioner McClelland suggested the Commission provide a letter of response to the Owens to explain the situation. Ms. Markle noted that the letter was also sent to the City Council, who would likely provide a response anyway. Vice Chair Piro asked that staff notify the Commission about how the City responds to the Owens’ letter.

### **NEW BUSINESS**

There was no new business scheduled on the agenda.

### **ANNOUNCEMENTS**

Commissioner McClelland announced that the wife of Nicholas Knatts, from the Bellevue Planning Department, passed away unexpectedly from a brain aneurysm.

### **AGENDA FOR NEXT MEETING**

Vice Chair Piro reviewed that the December 1<sup>st</sup> meeting agenda would include an update on the Master Plan work for the Richmond Beach Saltwater Park.

### **ADJOURNMENT**

The meeting was adjourned at 8:05 p.m.

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David Harris  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

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