AGENDA

SHORELINE CITY COUNCIL
REGULAR MEETING

Monday, February 13, 2006
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

	Approximate Length of Agenda Item	Page No.
1. CALL TO ORDER		
2. FLAG SALUTE / ROLL CALL		
3. CITY MANAGER'S REPORT		
4. REPORTS OF BOARDS AND COMMISSIONS		
5. PUBLIC COMMENT		

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 three minutes. However, Item 5 will be limited to a maximum period of 20 minutes. The public may also comment for up to three minutes 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.

6. APPROVAL OF THE AGENDA

7. CONSENT CALENDAR

(a)	Minutes of Special Meeting of December 27, 2005	1
	Minutes of Special Meeting of January 3, 2006	17
	Minutes of Workshop of January 17, 2006	37
	Minutes of Housing Workshop of January 19, 2006	49
	Minutes of Regular Meeting of January 23, 2006	55
(b)	Approval of expenses and payroll as of February 3, 2006 in the amount of $3,560,927.48	69
(c)	Motion to authorize the City Manager to Execute a Fuel Tax Grant Distribution Agreement and Required Amendments with the Transportation Improvement Board (TIB) and to execute a contract amendment for professional services with KPFF for design services of the N 172nd	

	Approximate Length of Agenda Item	Page No.
Street portion of the Dayton Avenue North at North 175th Street Retaining Wall Project in the amount not to exceed $13,365.00 plus contingency		71
(d) Motion to Authorize the Interim City Manager to execute an Interlocal Joint Purchasing Agreement, or substantially similar agreement, with the City of Tacoma		75
(e) Motion to authorize the Interim City Manager to execute an Extension of the SeaShore Forum Agreement		79
(f) Motion to authorize the Interim City Manager to approve a contract amendment/extension with Hewitt Architects for $89,160 to prepare the Richmond Beach Saltwater Park Master Plan		103
(g) Ordinance No. 411, amending Interim Controls on the Removal of Hazardous Trees		108A

8. ACTION ITEM: PUBLIC HEARING

Public hearings are held to receive public comment on important matters before the Council. Please sign up if you wish to speak. After being recognized by the Mayor, approach the podium and provide your name and city of residence. Individuals may speak for three minutes, or five minutes when presenting the official position of a recognized organization. The public hearing will begin at 8:00 p.m.

(a) Public hearing to receive citizens' comments regarding: 1) any public comment, written or oral, received at or after the October 24, 2005 City Council hearing relating to proposed amendments to the Critical Areas Ordinance set forth in Ordinance No. 398, and 2) proposed amendments to the Critical Areas Ordinance posted on the City's website pursuant to the notice dated January 25, 2006		109

9. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS

(a) Ordinance No. 408, repealing the cottage housing regulations in the Shoreline Development Code; or		185
Ordinance No. 409, amending land use regulations allowing development of cottage housing; and amending Shoreline Municipal Code 20.30.060, 20.40.120, and 20.40.300		185

10. ACTION ITEM: PUBLIC HEARING

	Approximate Length of Agenda Item	Page No.

(This item is required only if Ordinance No. 410 is considered)

(b) Public hearing to consider citizens' comments on extension of the City of Shoreline's moratorium on the filing, acceptance or approval of any application for development of land utilizing cottage housing bonus densities as established by Ordinance No. 362 and as extended by Ordinance No. 371 and Ordinance No. 397

Ordinance No. 410, adopting an extension of the moratorium on cottage housing — 185

11. UNFINISHED BUSINESS

(a) Bond Issue — 30 min. — 201

(b) Motion Authorizing Legal Defense of King et al. v. Fimia et al. — 203

12. 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. 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, December 27, 2005 Shoreline Conference Center
6:30 p.m. Mt. Rainier Room

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

ABSENT: Councilmember Fimia

1. CALL TO ORDER

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

2. FLAG SALUTE/ROLL CALL

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

Upon motion by Councilmember Chang, seconded by Councilmember Hansen and unanimously carried, Councilmember Fimia was excused.

3. CITY MANAGER'S REPORT

Bob Olander, Acting City Manager, noted the intense rains last weekend and commented that the City only had two reports of minor flooding.

4. COUNCIL REPORTS

Deputy Mayor Jepsen said he attended a meeting last week with Councilmember Ransom which was an update of the Sound Transit Phase II activities. He stated there certain Shoreline projects may be in jeopardy because of Sound Transit Phase II. Projects at risk are the flier stops on Interstate 5 at N.E. 185th Street and the new Sounder Station near Point Wells in Richmond Beach.

5. PUBLIC COMMENT

(a) Bronston Kenney, Shoreline, stated there are political divisions and unwanted projects throughout the City. He discussed the City Manager resignation and George Mauer's possible appointment to review City departments.

(b) Ted Murphy, Shoreline, thanked outgoing Councilmembers. He discussed Councilmember Hansen's campaign funding. He researched campaign funding in City races and said residents need to be aware of them and the motivations of the contributors.

(c) Dawn Grossman, Shoreline, expressed disappointment that the contract for the resignation of Steve Burkett and the contract for George Mauer were done in private. She said an illegal meeting can still occur if members are not in the same room at the same time. She asked how an agreement was signed by a majority of the Councilmembers prior to the meeting if there was no illegal meeting.

(d) Gretchen Atkinson, Shoreline, said she has heard for the past two years that the City must have transparent and open processes. She said there have been secret meetings which excluded the public and certain Councilmembers which led to Steve Burkett's resignation. Forcing him to resign will cost the citizens of Shoreline $168,000, she said. She stated George Mauer does not have any government experience, no small business experience, and he has never done a national search of this level. She commented that Shoreline Community College did an executive search for their president at a cost of approximately $20,000.

(e) Ed Neff, Shoreline, thanked the Council for its public service. He said after watching the last City Council meeting on Channel 21, he thought it was a joke or some type of prank. He said backdoor meetings are improper, and if the private sector had done what the Councilmembers did they would have been fired. He concluded that he would like to see more teamwork from the Council.

(f) LaNita Wacker, Shoreline, read the following quote "power tends to corrupt, and absolute power corrupts absolutely." She said there was an illegal meeting in the hallway at the December 12th Council meeting attended by Scott Jepsen, Janet Way, Bob Ransom, and Maggie Fimia. She stated that any action taken in an illegal meeting is null and void. Additionally, she believed there were secret meetings with Cindy Ryu, before she was sworn in as a councilmember, to discuss City personnel matters. She concluded that she has filed a complaint with the State Auditor and with the Washington Cities Insurance Authority (WCIA).

(g) Patti Crawford, Shoreline, felt the City Manager's resignation was appropriate. She said teamwork is needed on the Council. She highlighted that this is the first time there has been a representative on the Council who lives east of Aurora Avenue. She said she has been ensuring that the City adheres to the Shoreline Municipal Code. She said she has spent her own money fighting the City for 5 ½ years on several issues and she is optimistic that she will be heard in the future.

(h) Cindy Neff, Shoreline, commented that she was disappointed with the December 12th City Council meeting and that the behavior of some Councilmembers and some of the audience was disrespectful. She outlined that it was clear that some of the Councilmembers and some of the audience had some information in advance that would

affect the City. She wanted the Council to be open, honest, respectful, and listen to others. In addition, she asked that they treat each other with respect.

(i) Tom Berquist, Shoreline, commented that after watching the meeting he was disappointed. He felt the actions and proceedings cheapened the integrity of the entire Council. He said character, ethics and the elements of trustworthiness, responsibility, respect, fairness, empathy and citizenship are missing from the City Council. He said that fairness is missing the most, as it refers to the process. He added that the processes of the Council need to be open and transparent at all of the upcoming meetings by seeking out information and listening to opposing points of view. On December 12th he said the process was not open and opposing views were not sought out. In fact, he continued, the process seemed to be secretive and one-sided. The majority was fixed on the end and not the means, he concluded.

(j) Peter Berquist, Shoreline, said he has been pleased with the direction of the City until December 12th and the firing of Steve Burkett. He said the new majority has "stirred up a hornets nest" and the residents will be watching and paying attention to what the Council does from now on.

(k) Mary Bannister, Shoreline, said the actions of the Council are not representative of the residents of Shoreline and asked how the majority could force the City Manager to resign and attempt to appoint a replacement without any community input. She did not feel assured that residents have representative government on the City Council now or checks and balances to prevent improper processes in the future. She said the Council is ripping apart the vestiges of local government in the community which they are bound to serve.

(l) Diane Kamacho, Shoreline, said she actually doesn't like getting involved in local politics but felt she has to pay more attention now because of what has been transpiring. She urged the Council to think more about the consequences of its actions in the future.

(m) Mark Deutsch, Shoreline, was disappointed by the recent actions of the new majority of the Council. He said there is no mandate to fill the City Manager position and there has been no public input. He said the City had an excellent City Manager that was independently identified. Finally, he stated it is appalling that someone who was rejected by the voters is proposed to be Interim City Manager.

(n) Harry Sloan, Shoreline, said the actions of the Council awakened him and it is unconscionable to fire a competent City Manager and try to replace him with someone who has very little or no experience and who was rejected by the voters. He said Councilmember Chang is a "lame duck". He said he will no longer stand by and let the City be run by a group self-serving people.

(o) Doris McConnell, Shoreline, was concerned about the lack of openness and the resignation of Steve Burkett. She concluded stating she would research what she

can do to undo what was done at the last meeting because it was wrong. She felt the last City Council meeting was embarrassing to the residents of Shoreline.

(p) Elaine Phelps, Shoreline, on behalf of Association for Responsible Management (ARM of Innis Arden), distributed a DVD to each Councilmember and the City Clerk. ARM, she said, proceeded in good faith to try to bring the Innis Arden tree conflicts to a resolution through mediation, but it has been deceived and wooded reserves have been badly damaged in the interim. The DVD shows tree cutting each week in violation of the law and permits. She stated that ARM believed the Innis Arden Club deliberately delayed the process to cut as many trees as possible before the Council could adopt the Critical Areas Ordinance (CAO). She concluded that ARM is not participating in negotiations any longer and a class action lawsuit has been filed.

(q) Fran Lilliness, Shoreline, said the Council and their processes are disgraceful, dishonorable, and are an embarrassment to the City. She said Steve Burkett was not a"9-5" City Manager. She said his heart was with Shoreline until it was ripped out when he was fired. That decision to fire Steve cost the City $168,000 and now the Council wants to hire a man who was rejected by a majority of the City, she explained. She said Aurora Avenue looks like a "pest hole" and reminds her of a "shanty town." She said when the project gets completed on Aurora it will live up to the character of the City and be very attractive. She said she is ashamed of the four Councilmembers who voted for his resignation and what they have done to the City.

6. APPROVAL OF THE AGENDA

Councilmember Way moved to revise the order of the agenda. Councilmember Ransom seconded the motion, which failed 3-3, with Deputy Mayor Jepsen and Councilmembers Gustafson and Hansen dissenting.

Councilmember Hansen moved to approve the agenda. Councilmember Ransom seconded the motion, which carried 5-1, with Councilmember Way dissenting, and the agenda was approved.

7. CONSENT CALENDAR: none

8. ACTION ITEMS: PUBLIC HEARINGS

(a) Update on Interim City Manager Hiring Status

Bob Olander, Deputy City Manager, commented that Prothman & Associates has been hired to conduct reference checks and a background investigation of George Mauer.

Deputy Mayor Jepsen called for public comment.

1) Clark Elster, Shoreline, urged the Council and the City staff to proceed with this process with an open mind and to determine if a performance audit is

necessary. It has been communicated, he pointed out, in the newspapers that the Council plans on drastically altering the vision, policies and processes for the City in the next few years and he is concerned. He inquired as to why Shoreline residents have to pay so much more for their Aurora Corridor project than the similar and recently completed projects in Federal Way and Edmonds. He felt the Aurora project would not ease traffic through Shoreline.

2) Ted Murphy, Shoreline, commented that 49% of Mr. Mauer's campaign funds came from five sources to include current Councilmembers and spouses. He communicated that he did not agree with Councilmembers and their families making donations to his campaign and felt it unethical for the Council to name a person to a City position to whom they have made political contributions. Additionally, he investigated and determined that Mr. Mauer has had all of his campaign debt repaid by campaign donors.

3) LaNita Wacker, Shoreline, said Mr. Mauer should not be named as the Interim City Manager. She commented that he lost the election and residents don't want him involved in City's business. She said the City needs an objective city manager. She noted that working in the private sector is much different than working in the public sector. She said Steve Burkett had the specialized training and skills and the Council eliminated a well-trained City Manager. She concluded that she is speechless when it comes to the actions of the Council.

Councilmember Ransom announced that the Council received in their packets this evening a proposal to make Mr. Olander the Interim City Manager and to consider Mr. Mauer for a newly-created position of management auditor. He said a presentation will be given to the Council on January 3rd.

Deputy Mayor Jepsen stated that the only proposal the public is aware of is the motion made by Councilmembers Fimia to appoint George Mauer as Interim City Manager.

Councilmember Way said the performance audit/assessment item is not a secret and there is information on the website and the agenda line.

Deputy Mayor Jepsen clarified that the motion people are addressing tonight is the proposal to appoint George Mauer as Interim City Manager. Public comment then resumed.

4) Mary Fox, Shoreline, expressed concern about this Council. She said she can't believe what transpired at the last meeting. She inquired why the City needs an audit, noting that there must be justification as to why an audit is needed.

5) Margaret Walbruse, Shoreline, said she likes George Mauer and feels he would work with the Council, but the City is divided. She wants a Council that works together and listens to all Shoreline residents. She urged the Council to be

compassionate, fair, and find a City Manager who everyone can trust and who can bring us all together.

6) Dennis Lee, Shoreline, said the City has serious process problems and felt George Mauer could help resolve them because of his experience in the City.

7) Keith McClelland, Shoreline, thanked the Council and the former Councilmembers for their service and commented that George Mauer has become the issue and he should reconsider his decision because it is hindering progress.

8) Patti Crawford, Shoreline, said there should be a citizen's oversight in the City. She said the City is trying to rewrite the Code and remove the protections in the CAO. The City Attorney added language in the Code to weaken it, she said. She added that the Interim City Manager needs to have auditing skills.

9) Caralee Cook, Shoreline, thanked the departing Councilmembers for their service. She said the City has met all goals it has set and the City Manager has done a great job and was recognized nationally as such. Last month, she said the Council had trouble even funding an additional traffic enforcement officer, roughly $100,000. Yet the Council has wasted close to $200,000 to release Mr. Burkett. She felt George Mauer was not qualified to work for the City. She urged that each Councilmember take their responsibility to the residents seriously and make wise choices for Shoreline's future.

10) Mark Deutsch, Shoreline, believed the process of securing an Interim City Manager should be competitive. He urged the Council to stop what they are doing, noting that the Council sets priorities and the staff does not need auditing.

11) Bill Bear, Shoreline, said "democracy is messy." He urged attendance at the neighborhood council meetings and supported George Mauer because he is committed to having good processes in neighborhood associations. He said the comments from the public should be brought out at the neighborhood level to find long-term solutions.

12) Al Wagar, Shoreline, said he is appalled by the last Council meeting and that the entire meeting "stunk". He stated he is very uncomfortable with George Mauer since he lost the election and is a crony of the new Council majority who want to give him a City job. He was upset with the way things have been done and hopes the new Council majority is sobered by the comments tonight.

13) Elaine Phelps, Shoreline, thanked the Progress Shoreline folks. She said she wanted Mr. Burkett out because he was unfair to the Council. She said most of the staff is wonderful. Additionally, she said there should be a new City Manager who doesn't think he runs the Council. She considered Mr. Burkett to be a racist who displayed outrageous behavior. She concluded that the City Manager is the Council's employee and the Council is employed by the public.

Councilmember Way thanked all those in attendance and urged them to get involved in their neighborhood associations.

Councilmember Chang moved to postpone Items 8(a) and 8(b) until the January 3, 2006 City Council meeting. Councilmember Way seconded the motion.

Councilmember Chang felt these items should be postponed for the new Council to consider since the there are "lame duck" members on the Council now.

Councilmember Ransom said he thought it would be appropriate for the contract and the performance audit/job description scope of responsibilities to be seen by the public. He felt Council should discuss it on January 3rd. He added that this would allow the Council to address the South Woods issue tonight.

Councilmember Way agreed, noting it would give the Council more time to research what the rates of pay are in other cities. It would also give the public more time to look into the scope of work.

Councilmember Gustafson supported the agenda as proposed and said the public needs to hear where Councilmembers stand on some really serious issues. He said he was aware of the information in the packet, but the Council needs to be thinking about the Interim City Manager hiring. He said the Council needs to have discussion now and move forward with it, so he said he is opposed to postponing.

Councilmember Chang stated the Council is confused and a lot of folks in the community are misinformed. He suggested taking an extra week to consider it carefully and eventually come to a decision that will work for the City of Shoreline.

Councilmember Hansen stated he was voting against the motion because he felt the public needed to review the item.

Deputy Mayor Jepsen concurred, noting that he and Councilmember Chang are still obligated to the electorate until December 31st. He vowed to protect the taxpayers of the City of Shoreline, noting that some of the proposed expenditures are "outrageous." He assumed Mr. Mauer would be appointed as Interim City Manager because there were three Councilmembers who were in favor, including Councilmember-elect Ryu. Thus, agenda item 8(b) is an opportunity to discuss the appointment of Mr. Mauer as Interim City Manager, which is the motion that will be considered on January 3rd. He said there should be a competitive procurement process and that was the intent of agenda item 8(b).

A vote was taken on the motion, which failed 3-3, with Deputy Mayor Jepsen and Councilmembers Gustafson and Hansen dissenting.

Councilmember Gustafson thanked Mr. Olander for answering questions and thought the Council needed time to review them because they pertain to items 8(a) and (b). He and

said in the past the Council has tried to have open, transparent processes prior to coming to a meeting. However, he felt that the process on December 12th, had it been done right, could have had a positive result. He felt the process needed to be fixed and inquired why all seven Councilmembers weren't notified of the actions prior to the meeting.

Councilmember Ransom said the information was faxed to him and sent to the Washington Cities Insurance Authority (WCIA). He said he then called Mr. Burkett and the Councilmembers. He apologized for not notifying Councilmember Gustafson personally.

Councilmember Way added that there was never a time when there were four Councilmembers together in one room.

Councilmember Gustafson disagreed. The issue is the process, he reiterated. He said the Council must move forward and the process needs to be fair, transparent and open from now on. He discussed comments at the December 15th City staff party. He said the Council needs to let each other know when agendas are brought forward, have discussion, and go through the process.

Councilmember Ransom noted that it probably would have happened differently if the performance appraisal had not been moved to December 12th.

Deputy Mayor Jepsen responded that he never received copies of the correspondence either. He asked when Mr. Mauer signed the reference check release form.

Mr. Olander said Mr. Mauer was sent the form to sign on Tuesday, December 13th and he had concerns with the wording and made some revisions. He said the release form was fairly broad and he made a couple of minor changes to it.

Councilmember Ransom said Councilmembers met with Mr. Olander to see if he would be interested in the Interim City Manager position and proposed Mr. Mauer as the auditor. This would accomplish all of the goals by doing it this way.

Councilmember Gustafson said he objected to the fact that the announcement at the staff holiday party began with "We have decided..." He said this led everyone to believe there was an agreement. He said the process was inappropriate and should have been discussed in an open public meeting.

Councilmember Ransom said there is rarely public comment when a CEO of a company is dismissed, and there was no public involvement when past City managers were released because it is a Council personnel decision.

Councilmember Way commented that she has been extremely impressed and has great confidence in Bob Olander's ability. In discussions with staff and in talking to people from the previous city that he used to work for, she said he has heard great things about his ability to work with staff, listen to and involve the public, and work in the public's

interest. She commented that after hearing City staff she was struck by the potential for a win-win situation. She said Mr. Olander could be the Interim City Manager, and Mr. Mauer could recruit for a City Manager and conduct the other tasks. She felt Mr. Mauer has the confidence of a large number of people in the City and came very close to winning the election and is willing to interview. She hoped people would look at the scope of work.

Deputy Mayor Jepsen said he appreciates and agrees with the comments about Mr. Olander, but objects to the way it was done. He said the Council hosts an annual holiday party as a tradition in order to show gratitude to the staff. It was held at Councilmember Hansen's house this year, and the announcement that Council decided to appoint Bob Olander as Interim City Manager was inappropriate.

Councilmember Way said there never were more than three Councilmembers meeting with Mr. Olander at once. She commented that none of the meetings were inappropriate. She said Councilmembers meet with each other at times to come up with a plan, and that's how democracy works. She believed that's the way things have been working in this City.

Deputy Mayor Jepsen said he criticized the fact that a Councilmember made a proclamation outside of a public meeting. There was not a vote of four Councilmembers during a Council meeting to make such a proclamation. He felt it was a violation of the independence of the seven City Councilmembers. It was highly inappropriate, premature, and it makes him wonder what sort of meetings had been held.

Councilmember Gustafson asked if Councilmember Way felt that the public was provided with adequate public notice on December 12th.

Councilmember Way said it was put forward as a motion by Councilmember Fimia and then it was postponed.

Councilmember Gustafson said the letter sent by Cindy Ryu in support of the termination of Mr. Burkett stated that "the public process needs to be transparent, public, complete and honest." She also emphasized "the importance of advanced notice on upcoming items."

Mr. Olander clarified that the agenda packet for next week has been delivered to Councilmembers this evening and will be put on the internet and available at City Hall tomorrow for any members of the public wish to view it. He said he understood from conversations with several Councilmembers that Councilmembers Fimia, Ransom, and Way are proposing a contract with Mr. Mauer for a management assessment/audit and City Manager recruitment portion of a work plan. This draft work plan, he continued, is in that packet for next week. Additionally, he clarified that he is more than willing to serve as Interim City Manager, but he recommended that the permanent City Manager should have previous experience as a City Manager.

(b) Request for Proposals for Performance Audit / Assessment and City Manager recruitment

Deputy Mayor Jepsen explained that he added this to the agenda because the motion that was postponed on December 12th was to hire George Mauer as the Interim City Manager. In addition to the duties of the Interim City Manager that person was also to provide a performance audit/assessment of City departments and handle the City Manager recruitment. He felt the performance audit/assessment and recruitment would be done through the normal public process and be put out to bid. Normally, he said, a Request for Proposals (RFP) would occur, which is both a qualifications-based and price-based activity where the proposals are received and the Council selects the best one with a recommendation from staff.

Deputy Mayor Jepsen called for public comment.

1) Sally Granger, Shoreline, said she was disappointed with all four Councilmembers and that they acted in an incompetent manner. She stated that the residents of Shoreline would be watching them closely from now on.

2) Patty Crawford, Shoreline, favored creating the performance assessment position. She felt that the City needs some kind of audit. She pointed out that years ago she asked the Council to hire a local city manager but Steve Burkett was hired. She said the City Manager needs to have local ties to the City.

3) LaNitaWacker, Shoreline, was opposed to creating a new performance assessment position and would rather see money spent on human services. She stated that staff performance could be measured by evaluating what has been accomplished in the City. She felt problems such as flooding have been resolved, the City has a generous amount of reserve funds, and the work on the tree inventory and parks signifies that staff is getting the job done. She concluded that she doesn't want any tax dollars going to pay Mr. Mauer's salary.

4) Caralee Cook, Shoreline, said she was disappointed with the motion to table items 8(a) and 8(b) and worried that the public meeting law was violated. She inquired what the liability risk would be for the City. She stated that the City needs to conduct a national search to fill the City Manager position and approach the process as a matter of public interest. She felt the professional search for a City Manager should cost no more than $20,000. She commented that Shoreline has one of the lowest staff to citizen ratios and one of the highest grant acceptance rates in King County. Additionally, the City has been more financially sound than other local cities. She said the Council cannot hire an unqualified friend at $140,000 to work in an unnecessary position.

5) Mark Deutsch, Shoreline, said the Council wanted public participation, so this item should not be postponed. He said he would like the performance audit and the City Manager recruitment split into two separate items. First, he said the City does not need an audit, and there should be a competitive recruitment

process for a City Manager. The recruitment should be done independently so there is a wider slate of qualified candidates from which to choose.

6) Peter Henry, Shoreline, said Mr. Burkett was released because he didn't have the support of all the Councilmembers. He said the position is a political position and Mr. Burkett was disrespectful, evasive, and would not allow the Council to directly question the staff. He said the Council needs an independent source for information and is in favor of the auditor position. He said Mr. Mauer has been involved with Shoreline for years and he is a person who would work hard and do the best he could.

7) Elaine Phelps, Shoreline, said that the hiring and firing of a city manager is a personnel issue and the Council was correct in discussing it in executive session. She summarized that everyone will not agree all of the time, and there is no need for "nastiness." She complimented Deputy Mayor Jepsen on the way he conducts Council meetings.

Deputy Mayor Jepsen moved that staff develop a Request for Proposals (RFP) for the City Manager recruitment process. Councilmember Gustafson seconded the motion.

Councilmember Gustafson said the Council needs to conduct the recruitment in the most proper and efficient way. He agreed with Mr. Deutsch that the two items should be separated. He stated that Initiative 912 relates to performance audits conducted by the State. He wondered how the Initiative would apply to Shoreline, and if savings could be achieved if the State did the audits.

Mr. Olander stated the City staff included information on Initiative 912 in the packet. He communicated that in discussions with the Association of Washington Cities, the Initiative is still in the formative stages.

Councilmember Gustafson felt that the initiative would fit the needs of the City and supported the motion as stated.

Councilmember Way asked about the established procedure for a competitive bid process and what recruiting agencies charge for their services.

Mr. Olander responded that it is common for cities to hire a recruiting firm, or an individual. Typically, those searches for a City Manager for a city of our size would run $25,000 to $30,000. There are at least four firms on the west coast that he felt are qualified and experienced in those areas. The Council would call for an RFP and then interview and select from those firms. In turn, a draft contract would be written to have that firm perform the recruitment. In terms of a performance audit, generally the purchasing procedures require an RFP for any professional services contract over $50,000. At that time firms would basically submit proposals. Alternatively, he said the Council could direct staff to hire an individual on a temporary employment contract.

Councilmember Way inquired how much this would cost.

Mr. Olander said the cost depends on the scope of work and the amount of hours necessary.

Councilmember Ransom stated that the Council already has a proposal for the performance audit and the Council can interview him in Executive Session. He felt that should be done first and it can be put to Council vote next week.

Responding to Councilmember Way, Mr. Olander outlined an estimated timeline for an RFP process. He concluded that a very aggressive process might take about two months, but 2-3 months would be a more realistic estimate.

Responding to Councilmember Gustafson, Mr. Olander affirmed that Mr. Mauer could submit a proposal for this position if he chooses. He clarified that the timeframe he outlined was for a full RFP for the management assessment/performance audit position. The actual City management recruitment might only take about two weeks.

Councilmember Gustafson inquired if there were other solutions for the hiring of a city manager and asked about Mr. Olander's experience. He asked what procedures Mr. Olander would recommend and what the City staff recommendation would be in terms of hiring a new City Manager.

Mr. Olander said his professional recommendation is that the Council goes out to bid for an RFP and competitive proposals. He thought Mr. Mauer and any other individuals should compete on that basis. He felt there would be significant advantages to having an open, competitive process with proposals based on cost and qualifications. He also indicated that whatever the Council decides, the staff would pledge to make the process work.

Councilmember Hansen thanked Councilmember Ransom for pointing out that the Council has a completed performance audit contract. However, he did not know any of the terms because he has never seen it. He thanked Mr. Olander for adding it in the Council packet, because he can now look at it and "see what people have been deciding."

Councilmember Ransom commented that the contract was in the packet several days ago.

Councilmember Chang said that after tonight's Council meeting he is looking forward to the New Year. He wished everybody the wisdom to look beyond their own eyes. He asked that the public pray for all the Councilmembers to have the intelligence and wisdom to serve the public interest.

Deputy Mayor Jepsen said the contract proposed on December 12th is to pay George Mauer $174,258, which is the value of the total package. He would become the Interim City Manager under this contract, and he would conduct the recruitment of the new City

Manager and to do a performance audit of the departments. He pointed out that Initiative 912 goes much further than what has been proposed so far. Additionally, the Council may authorize audits to be made of any department or office. He felt even if the City needed a performance audit, Initiative 912 would cover it at the State's expense. He thought that if the Council is going to truly do a professional City Manager recruitment process, the RFP process needs to begin.

A vote was taken on the motion to direct staff to develop a Request for Proposals (RFP) for the City Manager recruitment, which failed 3-3, with Councilmembers Chang, Way, and Ransom dissenting.

(c) Purchase three (3) acres of South Woods from the Shoreline School District

Dick Deal, Parks, Recreation and Cultural Services Director, stated that the Shoreline School District (SSD) asked the City to evaluate the site and come back with two pieces of property that the City would consider purchasing. The City did so and the Shoreline School District offered to sell the west side parcel next to Fircrest to the City at this time.

Ian Sievers, City Attorney, pointed out there were some corrections submitted by the Council and proposed some amendments to the contract. In Section 10.3 the words "and option premium" should be inserted on line 11 after the word "money." Furthermore, in Section 14.1, line 3, the word "herein" should be replaced with "in this article" because it sets up a procedure for exercising the right of first refusal. He suggested the motion cover both of these revisions.

Deputy Mayor Jepsen noted that these revisions were sent to the Councilmembers and City staff this morning and hoped the Council had an opportunity to review it.

Councilmember Way said she received them right before the meeting but did read it.

Councilmember Ransom expressed concerns because the impression was that SSD was going to let the City purchase additional acres at the same price. This is not reflected in this contract.

Mr. Olander said the staff report and the information that was communicated was incorrect. He said Councilmember Gustafson asked the SSD Superintendent if they were willing to sell the balance of the property at the same price. He responded that the SSD Board had not discussed that option.

Deputy Mayor Jepsen called for public comment.

1) Dennis Lee, Shoreline, stated that SSD and the Shoreline Water District (SWD) purchased South Woods as common tenants and he assumed that SWD sold their portion to SSD. He is in favor of preserving the corridor and stated that he has

heard from some residents who favor higher taxes to pay for these kinds of purchases for the City.

2) Clark Elster, Shoreline, stated he is concerned about South Woods and favored the City staff recommendation to purchase three acres.

3) Bill Bear, Shoreline, pointed out that he grew up in New York City and it is about time for cities to realize the importance of forest land. He agreed with the purchase of the three acres and concluded that forests play a key role in our environment.

4) Peter Henry, Shoreline, thanked the Council, SSD, and SWD for the "down payment" on the entire parcel. He felt the price is immaterial because it comes from property taxes. He encouraged the Council to come up with creative ways to ensure the land stays in public ownership forever.

5) Elaine Phelps, Shoreline, said she supported all the previous public comments and noted that Shoreline is a growing City that needs more open space. She said Shoreline Community College has encroached upon City property and wondered what the City could get from them in return. She inquired whether the City could be compensated by their encroachment and apply those funds to the purchase of more South Woods property. She urged the Council to find creative ways to fund the purchase of the entire South Woods parcel.

Councilmember Way moved to approve the terms of the Purchase Option Agreement, as revised, accept the Property, and authorize the City Manager to exercise the option to purchase upon final short plat approval segregating the City parcel approximately as shown in Exhibit A to the agreement. Councilmember Gustafson seconded the motion.

Councilmember Way commented that she has been working on this for many years and South Woods is an extremely important property for open space, water retention, clean air, and neighborhood use. She said it is a unique and rare property on the north end of the City. She requested that staff research the zoning idea by Mr. Bear and Mr. Henry to preserve South Woods as open space. She added that she would like to work on language stating this property was purchased for public ownership.

Councilmember Ransom inquired about the possible purchase of additional South Woods property.

Mr. Deal responded that SSD said they are only willing to sell the parcel on the west side and would not discuss any other land.

Mr. Olander pointed out that the balance of the land is still jointly owned by SWD and SSD.

Councilmember Ransom favored proceeding and he hoped the City could obtain the rest of South Woods at a later date.

Deputy Mayor Jepsen said the property is being short-platted and the three acre parcel will legally be created once this agreement is executed.

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

Mr. Olander pointed out that half of the funds for the purchase have been provided by the King County Conservation Future Trust grant.

(d) Election of Interim Mayor

Ian Sievers, City Attorney, reviewed the Council Rules and Procedure concerning the vacant Mayor position and stated the practical benefit of having an Interim Mayor preside over the Council meeting on January 3, 2006.

Councilmember Chang nominated Councilmember Ransom.

Councilmember Hansen nominated Deputy Mayor Jepsen.

A vote was taken on electing Councilmember Ransom to serve as Interim Mayor until the election of a new Mayor on January 3rd, which failed 3-3, with Councilmembers Chang, Way, and Ransom voting in the affirmative.

A vote was taken on electing Deputy Mayor Jepsen to serve as Interim Mayor until the election of a new Mayor on January 3rd, which failed 3-3, with Councilmembers Hansen, Gustafson, and Deputy Mayor Jepsen voting in the affirmative.

Councilmember Ransom moved to suspend the Council Rules and Procedure and not take action, thereby not electing a Mayor until January 3, 2006. Councilmember Hansen seconded the motion, which carried 6-0.

10. ADJOURNMENT

At 10:00 p.m., Deputy Mayor Jepsen 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 SPECIAL MEETING

Tuesday, January 3, 2006 Shoreline Conference Center
6:30 p.m. Shoreline Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, Councilmembers Gustafson, Hansen, McGlashan, Ryu, and Way

ABSENT: none

1. CALL TO ORDER

The meeting was called to order at 6:43 p.m. by Scott Passey, the City Clerk. He introduced Judge Richard Eadie, Presiding Judge of the King County Superior Court, to swear in the newly elected members of the Shoreline City Council.

(a) Swearing in Ceremony of New Council Members

Judge Eadie prefaced the swearing in ceremony with some remarks on the value of public service. He then swore in the following Councilmembers:

- Keith McGlashan elected to Position #1
- Janet Way elected to Position #3
- Cindy Ryu elected to Position #5
- Ron Hansen elected to Position #7

2. FLAG SALUTE/ROLL CALL

Mr. Passey led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

(a) Election of Mayor and Deputy Mayor

Mr. Passey conducted the election of the Mayor by opening nominations. Councilmember Hansen nominated Rich Gustafson. Councilmember Way nominated Robert Ransom. Seeing no further nominations, Mr. Passey declared the nominations closed. Councilmembers Gustafson and Hansen voted for Councilmember Gustafson. Councilmembers McGlashan, Way, Fimia, Ransom, and Ryu voted for Robert Ransom and he was declared Mayor for a two-year term concluding in December 2007.

Mayor Ransom opened nominations for Deputy Mayor. Councilmember McGlashan nominated Rich Gustafson. Councilmember Ryu nominated Maggie Fimia. Seeing no further nominations, Mayor Ransom declared the nominations closed. Councilmembers McGlashan, Gustafson, and Hansen voted for Councilmember Gustafson. Mayor Ransom and Councilmembers Way, Fimia, and Ryu voted for Maggie Fimia and she was declared Deputy Mayor for a two-year term concluding in December 2007.

RECESS

At 6:55 p.m. the Mayor declared a five-minute recess. The meeting reconvened at 7:02 p.m.

3. CITY MANAGER'S REPORT

Bob Olander, Deputy City Manager, noted that the Council meeting could also be viewed in the Mount Rainier Room via an audio/video feed. He pointed out the addition of Ordinance No. 407 on tonight's agenda.

Mayor Ransom recognized that State Representative Marilyn Chase was in the audience. He then invited Dan Mann, Shoreline School Board member, to provide public comment now because he will not be present later in the meeting.

(a) Mr. Mann expressed support for what he characterized as "dramatic changes" on the City Council, noting that the new Council majority is an articulation of what government should be. He felt that many citizens have been marginalized, due, in part, to former City Manager Steve Burkett. He said people interested in cottage housing, the Aurora Corridor Project, and environmental issues have not felt a sense of citizen participation in Shoreline. He concluded his remarks by reaffirming his support for the changes on the Council.

Councilmember Gustafson noted that former Deputy Mayor Scott Jepsen was also in the audience. He commended him for his leadership and service for the past ten years. He also commended former Councilmember John Chang for his service to the City.

Mayor Ransom recognized other public officials in the audience, including former Councilmember Kevin Grossman, former Mayor Connie King, and former State Senator Donn Charnley.

4. REPORTS OF BOARDS AND COMMISSIONS: none

5. PUBLIC COMMENT

(a) Nora Kristjansson, Shoreline, remarked about her disbelief at the actions of four Council members at recent meetings. She commented that Seattle Magazine voted Shoreline as "Best Place to Live" in 2005, but the new Council majority is trying to destroy the City's vision. She said many people are ashamed and embarrassed at the

Council's recent actions, but they have awakened and will be watching the Council very closely.

(b) Bob Mascott, Shoreline, emphasized the need for the City to come together and resolve its problems, describing recent Council action as "water under the bridge." He cautioned people against making statements "designed to tear the City apart." On another topic, he said the 15th Avenue NE construction project has created additional problems for residents, including cut-through traffic.

(c) Chris Eggen, Shoreline, said he was appalled at the behavior of the audience and some Council members at the December 27 Council meeting. He said losing is a part of democracy, and the former City Manager was partisan and part of the "old" Council majority. He said "the people have spoken" and encouraged people to work with the new Council.

(d) Fran Lilliness, Shoreline, corrected her statement from last week in which she said the former City Manager was "a home grown boy." She said Mr. Burkett was brought up in Pasco, Washington.

(e) Dom Amor, Shoreline, representing Citizens for Shoreline Schools, urged the Council and residents to support the upcoming school bond/levy proposal. He said this will be a critical election, noting that the bond kick-off event will be held January 11. He distributed buttons in support of the Shoreline School system.

(f) Stan Terry, Shoreline, alleged that the Council "gang of four" violated the Open Public Meetings Act because the full Council was not aware of the majority's plans to get rid of Mr. Burkett, and there was no opportunity for public comment. He hoped this is not the manner in which Council intends to operate in the future.

Councilmember Fimia clarified for the record that there were no illegal meetings and that Mr. Burkett resigned voluntarily. She requested a history of other City Managers who either resigned or were fired.

Mayor Ransom said that counsel assigned by the Washington Cities Insurnace Authority affirmed there was no violation of the Open Public Meetings Act.

Councilmember Gustafson requested that Council allow all speakers to comment before the Council comments in response.

(g) Bronston Kenney, Shoreline, said there is only conjecture about "secret meetings" and the actions of the December 12 meeting came as a result of the actions of the "old guard." On another topic, he said cottage housing is opposed by Shoreline residents and the idea should be abandoned since it has only benefited developers to the detriment of Shoreline property owners.

(h) LaNita Wacker, Shoreline, said the oath of office means that Shoreline City Council members now represent 100 percent of the citizens. She expressed concern about nepotism and cronyism, noting that the City must hire on the basis of merit. She said the process for recruiting a City Manager must be competitive and open to all bidders.

(i) Paul Herrick, Shoreline, said although the firing of the City Manager was a personnel issue, the manner in which it was done was unethical and undemocratic. He expressed support for a recruitment process that is inclusive and open. He commented that Mr. Mauer has no experience in municipal government and recruiting him would not constitute a competitive, open process.

(j) Cindy Neff, Shoreline, said the letter requesting WCIA assistance for the City Manager's resignation agreement was dated December 9, but other Council members were not notified of it until December 12. She asked why the Mayor did not contact other Councilmembers until December 12, noting Mayor Ransom stated that "everything had to be completed in one day."

(k) Dan Thwing, Shoreline, pointed out that the Council is entitled to make certain decisions on behalf of the City, including the hiring and firing of the City Manager.

(l) Steve Gibbs, Shoreline, suggested there be a new tone in the City, one that protects the Constitution and promotes impartiality. He noted that municipal governments are really republics, and that everyone is Shoreline favors more sidewalks.

(m) Larry Owens, Shoreline, urged the Council to uphold democracy, work together, and move forward. He also urged the City to take a leadership position in the areas of renewable energy and sustainable growth. He noted that Parkwood Elementary will be the second public facility in Shoreline to install solar power.

(n) Elaine Phelps, Shoreline, noted that the resignation of the City Manager is a personnel issue and is not usually a public process. She commented on that lack of diversity among City staff and the City's poor environmental record. She said the meeting of December 27 was "an outpouring of partisan unhappiness" and that the Council should now move forward with the City's business.

(o) Bill Clements, Shoreline, thanked Vicki Stiles and Ros Bird for their contributions to Shoreline vis-à-vis the Shoreline Historical Museum and the Shoreline Lake Forest Park Arts Council. He urged the Council to approve the contracts on tonight's consent calendar and to consider increasing the budgets.

(p) Matthew Fairfax, Shoreline, noted that the personnel matter involving the City Manager was not a full Council decision. He said the Council now has the opportunity to model the behavior it requests of others. He thanked former Council member Scott Jepsen for his contributions to the City during his tenure.

(q) Larry Wheaton, Shoreline, noted that the gambling industry creates City revenue and jobs in the City. He commented on the lack of support for gambling from the former City Manger and the past Council majority. He said he is pleased with the new Council and that the City will succeed if it works together.

(r) Jim Jaquish, Shoreline, said recent actions of the Council are disappointing, but he emphasized the need to work together and move forward. He urged the City not to waste money on City Manager recruitment, noting that funding can always be used for sidewalks.

(s) Dwight Stevens, Shoreline, outlined his long history of civic involvement in Shoreline and said although the new majority has "dug a hole," it is time to move forward with the City's business.

(t) Vicki Westberg, Shoreline, congratulated the new member of the City Council and hoped the new Council can work together and make progress.

(u) Bill Meyer, Shoreline, urged the Council to try to understand their differences, use time wisely and work together. He said the City Manager issue was a politics issue, not a personnel issue, and that politics are "dirty and clean." He noted that George Mauer's name has been taken "through the mud."

(v) Bernedette Hart, Shoreline, said the past two Council meetings have been a "rude awakening" and that recent actions have damaged Shoreline's reputation. She urged the Council to treat others with respect and use public money wisely. She cautioned against "creating jobs for friends" and that Shoreline needs an experienced consultant firm to recruit for the new City Manager.

(w) Diana Stephens, Snohomish County, commented on the loss of sales tax revenues due to the detrimental effects of the Aurora Corridor Project on businesses. She noted that new businesses will not create as much revenue as existing businesses, and two businesses have already closed due to Aurora Corridor Phase I. She said she looks forward to the creation of citizen committees to resolve some of these problems.

(x) Raymond Collins, Shoreline, noted that personnel matters are conducted in closed meetings, and that the confusion regarding Janet Way's swearing-in is the result of either corruption or incompetence of the "old guard." He asserted that the City has ignored environmental laws and has not been responsible. He said the change in City Manager was a referendum on Mr. Burkett.

(y) Julie Huff, Lake Forest Park, urged the Council to support Firecrest School noting that it has served the State very well for many years. She said the past Council has had a lack of respect for King County laws or the environment. She urged the Council to make good decisions regarding development and work together to move Shoreline forward.

(z) Kennie Endelman, Shoreline, district director for Congressman Jay Inslee, announced that Coungressman Inslee's new district office is located in E-800 of the Shoreline Conference Center. She invited community members to an open house on January 12.

(aa) Bob Barta, Shoreline, said he has faith that the Council will "do the right thing" and consider the health, safety and welfare of Shoreline residents in its decisions. He said the City needs sidewalks to "civilize" the City, and expressed support for the Economic Development program. He urged the City to expand the publication of its Currents" newsletter.

(bb) Les Nelson, Shoreline, said he is encouraged by the new Council majority, noting that staff has been unresponsive to citizen concerns. He said he objected to the Aurora Corridor design but his concerns were not heeded. He said the new majority will control staff, and now maybe staff will give citizens more respect.

(cc) Gretchen Atkinson, Shoreline, expressed support for the contracts for the Shoreline Historical Museum and Shoreline/Lake Forest Park Arts Council. She said both contracts have supported school children, and she supports the contracts in the full amount.

(dd) Susan Macek, Shoreline, said the proposed salary for George Mauer warrants extensive research since he has no public experience and the contract is for a sole-source appointment. She noted that Initiative 900 provides for state-funded audit review.

(ee) David Townsend, Shoreline, urged the Council to come together as a group and support measures intended to protect children. He commented that development and other agendas have taken priority over the interests of children, and he urged the City to concentrate on its neglected infrastructure.

(ff) Joe Ripley, Shoreline, commented favorably on the change in the City Council, noting that it is time to move forward and work on City issues. He commented on the inadequacy of the 15th Avenue project's three lanes of traffic and on insufficient lane striping. He expressed support for building the new City Hall at the Shoreline Conference Center site.

(gg) Winslow Whitman, Shoreline, thanked the Council for pedestrian-friendly facilities such as the Interurban Trail.

(hh) Walt Hagen, Shoreline, expressed satisfaction with the new Council, noting his expectation that the City government be forthright and citizen-driven. He said City policies have demonstrated a lack of respect for neighborhoods and a weakening of the Development Code. He urged the Council to reconsider City projects that have

negative cumulative impacts, such as Aurora Corridor and North City. He urged the Council to listen to the "voice of the neighborhoods."

(ii) Dick Lemmon, Shoreline, noted that Shoreline residents feared the prospect of Shoreline's annexation to Seattle, but incorporation brought in two groups of people: school advocates and developers. He asserted that Mr. Burkett never listened to Shoreline citizens.

(jj) Tom Dunnihoo, Shoreline, congratulated the new Council and urged it to enhance its emergency preparedness programs. He noted the devastating damage caused by natural disasters throughout the world and advised that the City should further develop its programs and inventory its resources.

(kk) Kevin Grossman, Shoreline, expressed concern that certain members of the Council violated the Open Public Meetings Act in forcing the City Manager's resignation and proposing the appointment of George Mauer. He said this is not the democratic process and that a lawsuit has been filed in King County Superior Court to ensure that people are held responsible for their actions.

(ll) Jeanne Monger, Shoreline, said Shoreline's recognition as "Best Place to Live" is not due to a bad City Manager, Council and staff. She commented favorably on various City departments and urged the Council to only consider "what needs fixing." She thanked Council members Jepsen, Chang, and Grace for coming together in honest openness.

(mm) Pat Murray, Shoreline, commented that complaints expressed at the December 12 Council meeting are evidence that people have not been paying attention to ongoing issues in the City.

(nn) Ken Noreen, Shoreline, supported the Arts Council and the Historical Museum and urged Council's approval of both contracts. He expressed his confidence in Mayor Ransom's ability to bring the entire Council together.

(oo) George Daher, Shoreline, expressed gratitude for the new "light" on the Council, noting that citizens were not able to view previous Council changes on Channel 21 because it was "blacked out." He was confident the new Mayor would do a good job.

(pp) Will Knedlik, Shoreline, urged the Council to join other cities such as Lake Fortest Park in partnership for representation on the Sound Transit Board. He felt that joining with other cities will ensure "one person, one vote" representation on the Board.

(qq) Peter Henry, Shoreline, expressed hope and pride for the new Council, noting that the new Council will focus on critical issues such as protecting open space and the environment. He thanked the Council for its unanimous vote for purchasing the 3-acre "South Woods" parcel.

(rr) Tim Crawford, Shoreline, felt that any performance audit in Shoreline should include the police department. He said inspectors are not "doing their jobs' with regard to the Aurora Corridor project, and that past Council majorities had ethical problems with regard to the Aegis project. He emphasized the need to "clean house."

(ss) Patty Crawford, Shoreline, said that past Councilmembers did not believe in a citizen's right to appeal, and people should not be accusing the new Council majority. She advocated for replacing the Council's representative on the WRIA-8, emphasizing that the City should not try to use WRIA-8 to undermine City streams and wetlands.

(tt) Kristin Ellison Oslin, Shoreline, chaplain at Fircrest School, related a story about a Fircrest client to illustrate the need to protect constitutional rights. She said it was exciting to see the newly elected official sworn-in and she is excited about participating in the public process.

(uu) Doug Spring, Shoreline, charged that a Council majority met secretly to discuss the City Manager's resignation because the contract terms were negotiated in advance. He asked why the Council decided to buy-out his contract when it was ending anyway. He emphasized that the City elected seven Council members, not four.

(vv) Rick Stephens, Shoreline property owner, said the City has limited public input in the past by eliminating citizen advisory committees and public comment, but he felt confident the new Council would listen to the public. He stated that Aurora Avenue is not in the top 71 high-accident corridors in the northwest, and that Phase I will end up costing $37 million. Ultimately, this will cost Shoreline taxpayers through increased utility rates.

6. APPROVAL OF THE AGENDA

Councilmember Way requested that Consent items 7(a) and 7(b) be pulled and placed as Action items 8(a) and 8(b). Councilmember Gustafson moved approval of the agenda as amended, with original Action items 8(a), 8(b) and 8(c) becoming Action items 8(c), 8(d), and 8(e), respectively. Councilmember Hansen seconded the motion, which carried 5-2, with Councilmembers Ryu and Way dissenting, and the agenda was approved as amended.

7. CONSENT CALENDAR

Consent items 7(a) and 7(b) became Action items 8(a) and 8(b).

RECESS

At 9:15 p.m., the Mayor called for a 15 minute recess. The Council meeting reconvened at 9:31 p.m.

8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

(a) Motion to authorize the City Manager to execute a contract between the City of Shoreline and the Shoreline Historical Museum in the amount of $63,525 to provide Educational and heritage programs for citizens of Shoreline

Councilmember Hansen moved to authorize the City Manager to execute a contract between the City of Shoreline and the Shoreline Historical Museum in the amount of $63,525. Councilmember Gustafson seconded the motion.

Councilmember Way spoke in support of the motion, emphasizing the need to enhance and build upon the Museum and its programs. She expressed interest in a more in-depth discussion of the needs and goals of the Museum at a future time, and felt the Council should perhaps consider a potential funding increase.

Deputy Mayor Fimia and Councilmembers Ryu and Gustafson concurred that Shoreline has a rich history and the Museum programs should receive strong support by the City.

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

(b) Motion to authorize the City Manager to execute a contract between the City of Shoreline and the Shoreline/ Lake Forest Park Arts Council in the amount of $63,525 to provide educational and cultural opportunities for citizens of Shoreline

Councilmember Hansen moved to authorize the City Manager to execute a contract between the City of Shoreline and the Shoreline /Lake Forest Park Arts Council in the amount of $63,525. Councilmember Gustafson seconded the motion.

Councilmember Way requested that this item be scheduled for further discussion at a future time.

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

(c) Appointment of Interim City Manager

Mr. Passey clarified that staff reviewed the audio tapes of the December 12 Council meeing and discovered that the motion to appoint George Mauer as Interim City Manager was not officially seconded. Therefore, a new motion is in order.

Deputy Mayor Fimia moved to appoint Bob Olander as Interim City Manager, approve a 10% increase in his salary, and not fill the Deputy City Manager position during the interim period. Councilmember Way seconded the motion.

Deputy Mayor Fimia said when she moved to appoint Mr. Mauer three weeks ago, it was with the intent of having Mr. Olander continue managing City departments and having Mr. Mauer conduct a performance audit and recruit for a permanent City Manager. She said since talking to staff, the public, and other Council members, there was strong consensus that Mr. Olander would continue to provide a high level of service as City Manager. She said she would move to appoint Mr. Mauer to perform the additional scope of work at a later time. She expressed confidence in Mr. Olander's abilities and encouraged him to apply for the permanent City Manager position

Councilmember Hansen moved to divide the question in two parts: 1) appointing Bob Olander as Interim City Manager; and 2) approving a 10% salary increase and not filling the Deputy City Manager position during the interim. Councilmember Gustafson seconded the motion. Councilmember Hansen spoke in favor of the motion, noting that the Council should consider Mr. Olander's experience and negotiate the salary separately from the appointment. **A vote was taken on the motion, which failed 3-4, with Councilmembers Hansen, Gustafson, and McGlashan voting in the affirmative.**

Withdrawing her original motion, Deputy Mayor Fimia moved to appoint Bob Olander as Interim City Manager. Councilmember Gustafson seconded the motion.

Mayor Ransom called for public comment.

(a) Raymond Coffey, Shoreline, said he was appalled at the Council actions of December 12 and December 27 regarding the City Manager, asserting that a Council majority already formed an opinion. He supported appointing Mr. Olander and said the process should be open and allow for public input.

(b) LaNita Wacker, Shoreline, felt the motions related to Interim City Manager and Deputy City Manager should be considered separately. She supported appointing Mr. Olander and advised that he should be allowed to choose his own Deputy City Manager. She felt this would ease the concerns of City staff and give confidence to the public that the City is being managed by an expert administrator.

(c) Steve Goldstein, Shoreline, said despite his disagreements with some members of the Council, the Council should use this opportunity as a means of coming together. He feared that the current antipathy has the potential of turning into "complete disfunctionality." He urged the Council to try to work together, trust each other, and find common ground.

(d) Scott Jepsen, Shoreline, said the employment agreement with Mr. Mauer and Councilmember Ryu's endorsement letter indicates that Council's intent was to hire George Mauer as Interim City Manager. He expressed support for appointing Mr. Olander as Interim City Manager.

A vote was taken on the motion, which carried 7-0, and Bob Olander was appointed as Interim City Manager.

The Council then discussed the timing of discussions on salary issues and whether they should be done in open session or Executive Session. They also wondered if adding such items to the agenda could violate public meeting laws.

Ian Sievers, City Attorney, advised that the Council could add this item to the agenda because this meeting is predetermined by rule in advance, so it is not a special meeting as defined by the Open Public Meetings Act. Special meeting notices simply alert the Council and the public that final action will be taken. He explained that even if this were a special meeting under the Act, the notice can be waived by Councilmembers in advance or if all Councilmembers are in attendance. He felt it was probably appropriate to consider the compensation issue so the Interim City Manager has an established salary.

MEETING EXTENSION

At 10:10 p.m., Deputy Mayor Fimia moved to extend the meeting to 11:00 p.m. Councilmember Way seconded the motion, which carried 7-0.

EXECUTIVE SESSION

At 10:11 p.m., Mayor Ransom announced that the Council would recess into Executive Session for 30 minutes to discuss a personnel issue. At 10:28 p.m., Mayor Ransom emerged and announced that the Executive Session would be extended an additional 15 minutes. The Council reconvened at 10:49 p.m.

Councilmember Fimia moved to approve a 10 percent increase in the base salary of the Interim City Manager. Councilmember Ryu seconded the motion.

Councilmember Hansen felt that a full compensation package for the Interim City Manager should be considered in an Executive Session. He also felt it was premature to discuss it now and inappropriate to just "toss a number out."

Councilmember Way expressed support for the motion, commenting favorably on Mr. Olander's competence and reputation. She urged the Council to support the motion because the scope of work is already defined.

Mayor Ransom called for public comment.

(a) LaNita Wacker, Shoreline, felt it was not appropriate for Council to vote on this now because Mr. Olander deserves a complete, negotiated package. She felt a 10% increase was "an insult' and urged the Council to table the motion and have an Executive Session at a later time.

(b) Scott Jepsen, Shoreline, concurred with the previous speaker. He considered it worthwhile to spend the time to determine what fair compensation would be. He also asked about the 10% increase in terms of a monetary value.

(c) Fran Lilliness, Shoreline, said it is disrespectful to offer Mr. Olander a 10% raise. She asked if the proposal is 10% in all categories or 10% in salary alone.

Mayor Ransom clarified that a 10% adjustment would increase Mr. Olander's annual salary from about $119,000 to $129,000. It was noted the proposal is for an increase in base salary only. This also matched what Mr. Burkett's salary would have been with the amount of his prior bonus plus cost of living adjustment for 2006. It was also the increase that Mr. Olander requested.

Councilmember Gustafson concurred that it would be better to negotiate a salary package in an executive session. He indicated he would vote against the motion.

MEETING EXTENSION

At 11:00 p.m., Councilmember Way moved to extend the meeting to 11:30 p.m. Deputy Mayor Fimia seconded the motion, which carried 4-3, with Councilmembers McGlashan, Gustafson and Hansen dissenting.

After further Council discussion, **a vote was taken on the motion, which carried 4-3, with Councilmembers McGlashan, Gustafson and Hansen dissenting.**

Deputy Mayor Fimia moved to amend the agenda to consider item 8(e) (Ordinance No. 407) next. Councilmember Ryu seconded the motion.

Councilmember Gustafson noted that many people have signed up to speak on other agenda items. He felt the agenda should continue as previously adopted. Councilmember McGlashan concurred.

Councilmember Way noted that Ordinance No. 407, proposal to adopt a tree cutting moratorium, constitutes an emergency and should be considered next.

A vote was taken on the motion, which failed 3-4, with Deputy Mayor Fimia and Councilmembers Ryu and Way voting in the affirmative.

Deputy Mayor Fimia moved that the Council not fill the Deputy City Manager position during the interim period. Councilmember Ryu seconded the motion.

Mayor Ransom called for public comment.

(a) LaNita Wacker, Shoreline, spoke against the motion, insisting that Mr. Olander needs an assistant in order to effectively conduct the business of the City. She said putting this item on the agenda with no prior notice to the public is unconscionable and wrong.

(b) Rick Stephens, spoke favorably of Mr. Olander and expressed confidence in his capabilities and willingness to serve. He said raising his salary is reasonable.

(c) Matthew Fairfax, Shoreline, felt the proposed action was "putting the cart before the horse." He felt Mr. Olander would be doing the jobs of two persons and would therefore be underpayed.

(d) Elaine Phelps, Shoreline, said Mr. Olander is capable of speaking for himself, and he has stated he can do the job. She spoke against the "partisan nonsense" she sensed surrounding this issue and urged citizens to allow the Council to do the job it was elected to do.

Councilmember Gustafson felt this item should be put on a future agenda for further analysis.

Councilmember Ryu supported the motion, explaining that if the Deputy City Manager position is filled and Mr. Olander decides not to become the permanent City Manager, his job will be given away.

Councilmember Hansen opposed the motion because he felt Mr. Olander, as Interim City Manager, should be able to decide whether the job should be filled. He said the Council should not "tie his hands" by passing a motion saying he can't fill the position.

Councilmember McGlashan pointed out that the budget calls for three positions in the City Manager's office, so not filling the position will create increased workload. He suggested a friendly amendment to limit the time frame to three weeks.

After further discussion and upon Mr. Olander's pledge that he would not fill the position without Council approval, **Deputy Mayor Fimia withdrew the motion.**

(d) Contract for Performance Assessment/Audit and City Manager Recruitment

Mayor Ransom explained that consideration of this item would be divided into two parts: the scope of work for the performance assessment/audit; and personnel issues.

Deputy Mayor Fimia moved to award a contract with George Mauer to provide performance audit/assessment services. Councilmember Way seconded the motion.

Deputy Mayor Fimia commented that she does not make this proposal lightly, and although this issue has been controversial, she is extremely impressed with Mr. Mauer's grasp of the issues in Shoreline. She outlined Mr. Mauer's background and experience in organizational development and emphasized the need to realign priorities in Shoreline. She added that while she supports the bid process, there have been too many people from outside the City giving Shoreline advice. She commented that there have been many allegations and misinformation surrounding this proposal. She felt Mr. Mauer would do an excellent job and help bring the City together.

Mr. Mauer addressed the proposal and outlined his philosophy on government, Shoreline's valid attributes, and performance evaluations. He said while he did not seek this position, he was offered it and felt as though he could make a contribution. He clarified that the proposal is only for a 7-month engagement with a base salary of $58,000. He addressed the issue of government as a monopoly, explaining that cities must substitute openness for competition, but if openness suffers, then the structure breaks down. He said the 4-3 vote of the City Council is a structural problem that disenfranchises the minority and undermines goodwill, but this can be mitigated if the City changes the way it governs.

Continuing, Mr. Mauer questioned the credibility of the City's performance measurement program, noting that it contains redundancy and lacks definitions, targets, and relevant performance measures. He advised that the plan should provide more detail, and more alignment of goals should be made between the Council, staff, and public. He concluded that his methodology would include a three-phase process: 1) data collection; 2) feedback; and 3) an action planning process. He summarized that if Shoreline does not change its structure and processes, the outcome will remain the same.

MEETING EXTENSION

At 11:30 p.m., Councilmember Hansen moved to extend the meeting until 1:00 a.m. Councilmember Way seconded the motion, which carried 5-2, with Councilmembers Gustafson and McGlashan dissenting.

Mayor Ransom called for public comment.

(a) Bob Mascott, Shoreline, requested that the Council consider reinstating commissions in an effort to find consensus on singular projects. He said even though there are now approved state audits, the City might want to consider its own audit and prepare for "something we know is coming." He advocated for street lighting for all Shoreline residents and noted there are no sidewalks on the east side of 15th Avenue NE.

(b) Fran Lilliness, Shoreline, said she would prefer saving taxpayer dollars by having the state conduct performance audits.

(c) Rick Stephens, Shoreline property owner, supported the proposal because it will get to the root of the problems, solve them, and make the City better. He commented that the level of service (LOS) for the Aurora Corridor is decreasing and the City has wasted millions of dollars on the project.

(d) Stan Terry, Shoreline, said he has known Mr. Mauer for many years and although he is a thoughtful person, he should not be awarded this contract. He said the proposal not only amounts to cronyism, but fraud, unnecessary waste. and abuse. He said the City could get the same services through an RFP, and the state can audit the City at no additional expense.

(e) LaNita Wacker, Shoreline, felt the issues should be separated and the City should hold a public hearing to see if citizens want an audit. She said the City's hiring process must require the proper certifications and credentials of its candidates. She wondered if the City could attract qualified candidates for City Manager under the present scenario. She noted that George Mauer lost the election, and 10% of the voters did not vote for either candidate for Council position #7.

(f) Wendy DiPeso, Shoreline, noted that the former Council majority did whatever it wanted and the minority suffered, so the City must try to avoid the continued dischord. She emphasized the need for conflict resolution and "getting the job done," adding that Mr. Mauer has an intimate understanding of the City's problems.

(g) Mary Fox, Shoreline, noted that 150 people signed a petition tonight against the new Council majority and the process they followed. She said they already support the contract, but the state can cover the audit needs and an RFP can cover the City Manager recruitment.

(h) Bill Clements, Shoreline, said Mr. Mauer is a failed political candidate who lacks city government experience and the independence to conduct a valid audit without bias. He added that audits must follow the Government AAA (yellow book) and any work Mr. Mauer produces will be useless.

(i) Elaine Phelps, Shoreline, supported the motion and said Mr. Mauer is being considered for a much-needed duty. She commented on what she felt were "wild accusations" and "attacking for the purpose of attacking," adding that people need to be reasonable and not "sound like a bunch of sheep."

(j) Les Nelson, Shoreline, noted that Mr. Mauer's advantage is that he is not a public employee.

(k) Marilyn Torvik, Shoreline, concurred with Ms. Wacker's remarks and urged the Council to divide the two issues. She said there should be a public discussion on why the Council feels an audit is needed.

(l) Tom Berquist, Shoreline, urged the Council to use a competitive process. noting that Mr. Mauer's closeness should be viewed as a detriment. He emphasized the need for objectivity and for someone who comes with "a clean slate."

(m) Cheryl Lee, Shoreline, encouraged the Coucnil to think this proposal through and how it aligns with the City's goals. She felt the proposal lacked a legitimate problem statement and she failed to see the facts or evidence that would necessitate a performance evaluation.

(n) Scott Jepsen, Shoreline, said the proposal lacks vision, and he did not hear Mr. Mauer address his process or products. He asked why dropping the City Manager

scope of work only decreased the proposal by $500 per month, and why the Council opposes getting the best qualified candidate through an RFP process. He said the proposal violates the City's procurement policies.

(o) Amely Rosenberg, Shoreline, said Deputy Mayor Fimia was quoted as saying that "Shoreline voted for change," but citizens did not vote for Mr. Mauer. She commented on the need for competition and openness, not the concepts that Mr. Mauer is favoring.

(p) Raymond Collins, Shoreline, asked when the state would get around to conducting an audit.

Mayor Ransom responded that the state needs to recruit and hire managers and staff and then provide training on performance audits, with state department audits taking priority, so it could take a couple years before a City performance audit could be done.

(q) Peter Henry, Shoreline, urged a focus on the need for an audit rather than attacking Mr. Mauer. He felt Mr. Mauer accurately described how City business gets done, pointing out that he was involved in Vision Shoreline. He said perhaps the City does not need a technical audit, but it needs an audit nonetheless.

Councilmember McGlashan moved to table the motion until the background check is complete. Councilmember Gustafson seconded the motion.

It was noted that the background check has been completed, but the reference check has not. Councilmembers McGlashan and Gustafson felt the City should not proceed until the reference check occurs.

Deputy Mayor Fimia felt there have been many compelling arguments and it is important to feel comfortable with the study. She hoped that the vote would not be a 4-3 decision.

A vote was taken on the motion, which failed 3-4, with Councilmembers McGlashan, Gustafson, and Hansen voting in the affirmative.

There was Council consensus to defer further deliberations until later and dispose of 8(e) now.

(e) Ordinance No. 407, adopting a Moratorium and Interim Controls pursuant to RCW 35A.63.220 prohibiting the cutting of trees in Critical Areas and prohibiting land clearing or grading in Critical Areas, and declaring an emergency

Joe Tovar, Planning and Development Services Director, provided the staff report and summarized that this action would impose a moratorium on the cutting of hazardous trees in Critical Areas. He concluded that the present situation is untenable because it appears

that there is ongoing tree cutting that should not be occurring. He said a public hearing on this matter will be scheduled for February 6, and that staff will request further direction on what a permanent regulation should look like.

Mr. Olander felt there could be some middle ground that protects the functions and values of trees while also allowing tree trimming that enhances the canopy.

Mayor Ransom called for public comment.

(a) Fran Lilliness, Shoreline, said she's been very involved in the issue and the moratorium ordinance came as a surprise to her. She said it is wrong for the Council to prohibit people from having views, explaining that views and trees can be preserved by planting roof-height trees. She noted that increased property values through view preservation translate into increased tax revenue for the City.

(b) David Fosmire, Shoreline, agreed that there should be some compromise. He noted that all of the provisions of Ordinance No. 407 are currently being met, so it in unclear whether the ordinance is necessary. He said tree cutting in Innis Arden meets the hazardous tree definition, and every tree that has been altered in Innis Arden is a result of a direct recommendation from a certified arborist.

(c) Elaine Phelps, Shoreline, urged the Council to enact the moratorium, noting that the issue is not one of restoring views but of creating views that did not previously exist. She said the Innis Arden Board has prohibited members from getting second opinions from certified arborists, and said the Board does not understand compromise. She said the current conditions do not allow for compromise.

MEETING EXTENSION

At 1:00 a.m., Councilmember Gustafson moved to extend the meeting until 1:10 a.m. Councilmember McGlashan seconded the motion.

Councilmember Way felt the meeting should be extended further because of the emergency nature of this item and because illegal tree cutting is occuring.

A vote was taken on the motion, which carried 4-3, with Deputy Mayor Fimia and Councilmembers Ryu and Way dissenting.

(d) LaNita Wacker, Shoreline, supported the moratorium and said the City cannot allow the cutting hazardous trees without a permit. She said the City "should not allow one twig to be removed without City oversight." She felt the City needs the authority to stop the tree cutting machinery, since entire forests can be decimated in a short period of time. She noted the benefits that forests provide the community.

(e) Mike Jacobs, Shoreline, representing the Innis Arden Club, said there is no illegal cutting occurring in Innis Arden, and every tree that is cut is recommended by a

ceritifed arborist. He said Innis Arden Club is the steward of 58 acres of forest, and it has a responsibility to remove unsafe or failing trees. He added that tree cutting is not occurring in critical areas, and many statements made about this matter are false.

(f) Pam Smith, Shoreline, said Councilmember Way's statements are incorrect and the Council must look at both sides of the argument. She said the Innis Arden Board is elected to represent the residents, and she is well aware of the hazardous tree conditions in the Reserves. She felt the Council is considering inaccurate information, and that some Councilmembers have already made up their minds.

MEETING EXTENSION

At 1:10 a.m., Councilmember Ryu moved to extend the meeting until 1:30 a.m. Deputy Mayor Fimia seconded the motion, which carried 5-2, with Councilmembers Gustafson and Hansen dissenting.

(g) Eva Sledziewski, Shorleine, describing the ordinance as a "pathetic document" that she suspects some Councilmembers may not even have read. She described the hazardous conditions in the Innis Arden Reserves and spoke about the liability that residents are exposed to. She urged the Council to allow the Innis Arden Club to manage its reserves.

(h) Pat Murray, Shoreline, felt that many problems could be solved by employing a City arborist who can determine whether trees are hazardous or not.

Mr. Olander said staff is not alleging illegal cutting, but the current regulations are inadequate and the City cannot adequately inspect conditions. He said the moratorium is a temporary solution until a permanent one can be decided.

Councilmember Gustafson moved to postpone action on this item until January 9. Councilmember McGlashan seconded the motion.

The Council then discussed whether this item should be postponed for further deliberations or whether action should be taken tonight. Councilmembers Gustafson and McGlashan favored postponing in order to analyze the correspondence and get more information from the public. Mayor Ransom and Deputy Mayor Fimia emphasized the serious nature of this proposal and the need to act upon it tonight.

A vote was taken on the motion, which failed 3-4, with Councilmembers Gustafson, Hansen and McGlashan voting in the affirmative.

Deputy Mayor Fimia moved to adopt Ordinance No. 407. Councilmember Ryu seconded the motion.

Councilmember Hansen had mixed feelings about the measure but agreed that the ordinance is difficult to understand. He asked staff to clarify if the ordinance suspends Section 20.50.310(A)(1) and prevents cutting trees without City permission.

Mr. Tovar responded that the measure only imposes a moratorium on cutting hazardous trees in critical areas, which is currently exempt from City code.

Councilmember Gustafson felt he needed more time to consider this proposal and possibly tour the sites in question. He noted that this was added to the agenda this evening so most people just found out about it. He did not consider it a "dire emergency."

Councilmember Way expressed support for the motion, which she considered a serious proposal. She said under the present situation, permits and variances are, in effect, being issued without any findings of fact, appeal opportunities, or other public process. She felt the moratorium would provide legal protection until a better solution is crafted in the Critical Areas Ordinance (CAO).

Mayor Ransom felt the moratorium to be appropriate for this situation, since it permits further opportunity for consideration. He pointed out that the City has only issued emergency ordinances about four times in the past ten years, so this is very rare. He stated he is deferring to staff by supporting the emergency ordinance.

Mr. Olander clarified that the City does not issue permits or variances for tree cutting in this particular situation. The problem the City is trying to address is the fact that cutting hazardous trees in critical areas is currently exempt from the code. He said the reason a moratorium is proposed without much notice is to prevent the potential cutting of trees in anticipation of a moratorium.

Mr. Sievers noted that state law upholds the process of having a hearing following adoption of the moratorium ordinance; the findings can be adopted before the public hearing. He explained that if Council wishes, the emergency clause could be removed. This would mean that the ordinance is effective five days after passage and publication rather than taking effect immediately.

Responding to Councilmember Hansen, Mr. Tovar affirmed that this is more restrictive than what is in the present CAO. He clarified that this is an interim measure.

MEETING EXTENSION

At 1:30 a.m., Councilmember McGlashan moved to extend the meeting until 1:35 a.m. Deputy Mayor Fimia seconded the motion, which carried 5-2, with Councilmembers Gustafson and Hansen dissenting.

A vote was taken on the motion to adopt Ordinance No. 407, which carried 4-3, with Councilmembers Gustafson, Hansen, and McGlashan dissenting.

DRAFT

Deputy Mayor Fimia moved to postpone action on item 8(d) to the January 9 Council meeting. Councilmember Ryu seconded the motion, which carried unanimously.

9. ADJOURNMENT

At 1:35 a.m., Mayor Ransom declared the meeting adjourned.

_____

Scott Passey, City Clerk

DRAFT

CITY OF SHORELINE

SHORELINE CITY COUNCIL
SUMMARY MINUTES OF WORKSHOP MEETING

Monday, January 17, 2006 Shoreline Conference Center
6:30 p.m. Mt. Rainier Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, Councilmembers Gustafson, Hansen, McGlashan, Ryu and Way

ABSENT: none

1. CALL TO ORDER

The meeting was called to order at 6:35 p.m. by Mayor Ransom, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ransom led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

3. CITY MANAGER'S REPORT

Bob Olander, Interim City Manager, reported that citizens brought in over 1700 trees to the City's annual Christmas Tree Chipping Event. He also gave a brief update on the North City Project and invited community members to the Housing Workshop scheduled for January 19. He announced that HopeLink is holding a grand opening event at their new location on January 20, and the Association of Washington Cities Legislative Conference will be held January 25-26.

4. COUNCIL REPORTS

Mayor Ransom pointed out that discussion on the Critical Areas Ordinance update this evening would focus only on buffers and wetlands, not on hazardous trees or the moratorium.

Reserving his right to respond to Deputy Mayor Fimia's remarks from the January 9 meeting, Councilmember Gustafson read a prepared statement saying that Mayor Ransom was untruthful about events leading to the resignation of former City Manager Steve Burkett. He addressed several related issues, including public process and the fact that he was not notified of Mr. Burkett's resignation until just prior to the vote on December 12. He said he was upset and disappointed that several decisions were made in secret, including Mr. Burkett's resignation, the proposal to hire George Mauer, and the

decision to hire Bob Olander. He commented on Mr. Mauer's request for changes to the reference check process as well as the failure of some Councilmembers to provide feedback for the City Manager's performance appraisal process. He pointed out that Councilmembers did not object to or suggest changes to the City Manager appraisal process, which led to the decision to conduct the appraisal in December. He pledged to pursue Deputy Mayor Fimia's goal of "having the best run local government in the Northwest or even the Unites States." He concluded by thanking those who took the time to comment on what he described as an "inappropriate governmental process."

Mayor Ransom responded that Washington Cities Insurance Authority's legal counsel advised on December 12 that based on the information provided, the Council could proceed with Mr. Burkett's resignation.

Councilmember Ryu mentioned something in Councilmember Gustafson's statement and asked if it was appropriate for Council to discuss conclusions made in executive session.

Ian Sievers, City Attorney, was unsure what material Councilmember Ryu was referring to but said he would review the statement. He noted it is against state law to discuss confidential information.

5. PUBLIC COMMENT

Responding to Council questions, Mr. Sievers explained the rules governing public comment relating to the subject of the Critical Areas Ordinance.

(a) Bob Mascott, Shoreline, said the City Council has shown disregard and prejudice towards Shoreline citizens due to inequities in the way street lighting is provided throughout the City. He said only subsidizing part of the City's street light inventory benefits the privileged at the expense and safety of others. He urged the Council to make arrangements with Seattle City Light to provide street lighting equally throughout the City.

Mr. Olander explained that the City is in the process of negotiating a contract with Seattle City Light, and the 2006 budget includes funding for equitable distribution of street lights in Shoreline.

(b) Patty Hale, Shoreline, stated that a group consisting of Deputy Mayor Fimia, Councilmember Way, Friends of Fircrest, Representative Marilyn Chase, and others are proposing to use the state's budget surplus to possibly fund a 50-unit low-income housing facility on the Fircrest property. She asked how this proposal would benefit Shoreline, noting that "the time is now for asking questions."

(c) Elaine Phelps, Shoreline, said Councilmember Gustafson's comments were entirely inappropriate and felt they have injured the community. She urged him to consider how he approaches sensitive issues in the future. She said she will provide the

Council with pictures of the land sloughing occurring in Innis Arden. She concluded by saying it is the Council's job "to play well together."

(d) Vicki Westberg, Shoreline, emphasized the important role that forests and wooded areas play on wildlife. She said it is especially important to retain tall trees for bird use. She provided a list of species sighted in the Paramount Park area since 1996. She said these species have had a healthy existence due to a lack of development, the upstream and downstream greenbelts, and the interconnectedness of tall trees to South Woods, Hamlin Park, and other areas.

(e) Clark Elster, Shoreline, narrated a slide presentation which urged the Council to: 1) re-stripe 15th Avenue NE to three lanes from NE 150th to NE 172nd; 2) provide north and south left turn lanes at signalized NE 180th to restore a five-lane configuration with left turn pocket; and 3) increase roadway width to 48-feet to comply with standard for transit route lanes. He felt these actions would decrease traffic congestion, "pinch-points," and neighborhood traffic.

(f) Wes Brandon, Shoreline, encouraged the Council and audience to support the kick off of the Shoreline Schools Levy on February 7th. He emphasized the need to retain good schools in Shoreline and urged everyone to vote "yes". He also asked the Council to consider endorsing the levy.

(g) Mamie Bolender, Lake Forest Park, urged the City to work with the Lake Forest Park Stewardship Foundation to improve stormwater flows generated from street and rooftop runoff. She said the flow pattern creates conditions that render the lower reach of Brookside Creek unfit for Coho salmon spawning and rearing. She said the Critical Areas Ordinance, using best available science, must address the needs of all our streams, which have no municipal boundaries.

(h) Walt Hagen, Shoreline, commented on the traffic problems resulting from the three-lane road configuration on 15th Avenue NE. He said since relevant information has been withheld from the Council, this issue must be readdressed. He said the Council can decide now to return 15th Avenue NE to four-lanes. He noted that Council already approved the change from three to four lanes in the North City Business District. He asserted that citizens' concerns were ignored and people were not told the truth.

(i) LaNita Wacker, Shoreline, expressed support for cottage housing and said she can be considered an expert witness on this subject because of her extensive experience in this area. She outlined her background, training, and experience as a real estate broker and market appraiser and urged citizens to contact her for more information.

(j) Dennis Lee, Shoreline, commented that the Shoreline School District and Shoreline Water District jointly purchased the South Woods parcel for educational and infrastructural uses. He urged Shoreline residents to consider the potential consequences of "short platting" the site, noting that the parcel will be worthless if it is developed. He

emphasized that the corridor should be preserved, advising that the parcel should be rezoned as Open Space or Habitat.

(k) Fran Lilliness, Shoreline, commented on Shoreline's heritage and historical roots in the formation of the school district. She said the Aurora Corridor and 15th Avenue NE projects demonstrate that the City is dividing its efforts to make improvements equally throughout the City, but the Council "dropped the baton" in firing the City Manager. She said "secret meetings" have become a pattern in Shoreline, noting that the Council selectively met with some groups in Innis Arden. She advocated for open, honest, and democratic government.

Deputy Mayor Fimia clarified that the Innis Arden Club was not denied the opportunity to meet with the Council.

(l) Virginia Agnew, Shoreline, urged the Council to consider maintaining as much natural habitat as possible. She said the advantages of natural habitat cannot be measured in monetary amounts.

(m) Peter Henry, Shoreline, referred to a letter regarding the spawning patterns of Coho salmon and cutthroat trout in Boeing Creek. He pointed out that 1,200 people signed a petition requesting that the South Woods property be retained in public ownership. He noted that a developer will hold a meeting on January 25 to present plans for the development of the South Woods site.

(n) Norine Federow, Shoreline, urged the Council to support the concept of a "country doctor clinic," which would allow people to receive quality health care in Shoreline. She said this concept is based on the Seattle model of alternative/complementary medicine. She encouraged interested individuals to contact her for more information, noting the need for "love and caring in the community."

(o) Brian Derdowski, Issaquah, representing Public Interest Associates, commended the Council for its Critical Areas Ordinance review but warned that it contains some deficiencies. He urged the Council to categorize streams based on habitat potential, not on fish surveys. He advised the City to use SEPA (State Environmental Protection Act) to customize enhanced buffers on a site-specific basis, and to create formal variance procedures if variances from the requirements are proposed. He said a former King County staff person characterized Shoreline's regulations as "actionable" under the proposed revisions.

Mr. Olander clarified that the South Woods parcel must go through a short plat process in order to provide a clear title to the City for the acquisition of three acres. A short plat is a Type B action which requires a neighborhood meeting, but there is no developer and no proposal to rezone the site.

Councilmember Gustafson expressed his preference to allow time following public comment for Councilmembers and staff to respond.

Deputy Mayor Fimia requested information on the termination process of Shoreline's first City Manager.

6. WORKSHOP ITEMS

(a) North Central Interurban Trail Design Update

Kirk McKinley, Aurora and Interurban Trail Project Manager, and Dave Buchan, Capital Project Manager, provided a status report of the North Central segment of the Interurban Trail and reviewed possible additive elements. They reviewed funding sources and reported on City efforts to assist displaced businesses in finding new locations. They also commented on coordination efforts with Seattle City Light regarding building removal requirements, existing and future power pole locations, and project schedule. Mr. Buchan commented that the North Central segment of the Trail has been envisioned as the "heart of the City" and is identified as an opportunity to create a number of safety and aesthetic improvements. Staff recommends the Council approve the following additive elements:

North Central Site Improvements:

• 20-stall parking lot – N 178th and Midvale	$76,000
• New sidewalk (N 185th and Midvale)	$31,000
• Trail safety and user enhancements	$150,000

North Central Lighting Improvements:

• Pedestrian Lighting – N 175th to N 185th	$372,500
• Trellis Lighting	$29,500
• Tivoli Lighting – N 178th	$44,000
• Midvale Pedestrian Lighting	$160,000
Total	$863,000

Mr. Olander emphasized the importance of lighting in the N 175th to N 185th segment because the Trail also serves as the sidewalk in this area. He noted that federal grants provide an opportunity to make the North Central section a special segment of the Trail.

Mayor Ransom called for public comment.

(a) Bob Phelps, Shoreline, said that as an avid cyclist he supports the recommendations. He asked if the proposed lighting uses low-energy LEDs.

(b) Richard Johnsen, Shoreline, expressed opposition to routing the Trail along Midvale Avenue, since the original route was along Aurora Avenue in front of Sky Nursery. He felt if the Midvale route is built, it should feature a historic reference to the original trail route in the form of a kiosk or similar treatment. He asked if cyclists would be able to take an alternate route through the Sky Nursery property. He concluded by commenting on the lack of lighting at the Aurora Avenue entrance to the Gateway development and on the prospect of acquiring an Interurban rail car as a trail amenity.

(c) Brian Derdowski, Issaquah, representing Royal Properties Management, commented on the positive settlement reached between parties in the Echo Lake Rezone appeal. Since the Interurban Trail runs parallel to the Echo Lake property, he felt there were opportunities for modest improvements in access between the Trail and the lakefront. He encouraged a partnership between the City and interested parties and asked that Council "bookmark" this as an issue for further discussion.

(d) Les Nelson, Shoreline, commented on the unsafe nature of the southern section of the Trail (N 145th to N 155th) due to a lack of trail lighting, wondering why it was not proposed for such amenities. He also pointed out that N 145th Street has no crosswalk, which makes crossing the street very difficult. He asked why the City is allowing SCL to install additional power poles in the North Central segment if the goal of the Aurora Corridor project is to bury power lines underground. He felt there to be certain inequities between the North Central and South segments.

(e) Walt Hagen, Shoreline, felt the City should use any excess funding for the South Woods acquisition, not for Trail lighting. He asked why the proposed trail surface is concrete and not a pervious material. He emphasized the need for cost accounting and to be prudent in the use of City funds. He asked for an accounting of all the projected and actual costs of the project.

Mr. McKinley responded that the City is proposing to use energy-saving LEDs on the Trail. He said pedestrians and cyclists would be able to use the Sky Nursery frontage, and lighting is proposed for the Aurora Avenue entrance of Gateway Plaza. He said staff would follow up on the request for recognition of the historical route of the Trail fronting Sky Nursery.

Responding to Mayor Ransom, Mr. McKinley outlined the proposal for new traffic signals at the intersections of Aurora Avenue and N 185th Street and Aurora Avenue and Midvale Avenue N. He explained that the $150,000 for Trail Safety and User Enhancements is to create more connections between the Trail and businesses and to provide lighting. He clarified that federal grants will be used for the Interurban Trail bridges, so the North Central segment will be partially funded by excess monies from the Aurora Corridor Phase II budget.

Councilmember Way asked staff to provide a comparison of the annual cost differences between using conventional lighting and LED lighting. She also asked if using pervious pavement would be possible in the North Central segment.

Councilmember Hansen expressed general support for the proposal but was concerned about the prospect of installing too much overhead lighting. It was his understanding that lighting along the Trail would be focused along "nodes," or points. He asked if there was a change in thinking about lighting.

Mr. McKinley replied that part of the intent is to install lighting on existing light poles in the South (N 145th to N 155th) section. He clarified that the $150,000 line item is for the entire Trail, not just the North Central segment.

Councilmember Gustafson was also interested in an analysis of the costs for maintaining the lighting in this segment. He asked about the prospect of vandalism.

Mr. Buchan said the City has discussed the possibility of using lower, bollard-style lights, but these are more prone to vandalism because they are closer to the ground.

Councilmember Gustafson encouraged the City to work with Edmonds and Seattle to help expedite the completion of their respective sections of the Trail. He wished to see the Trail eventually connect with the Burke-Gilman Trail via the Interstate 5 pedestrian bridge.

Councilmember Ryu asked about the number of businesses that were relocated, and whether staff was able to relocate them in Shoreline. She inquired about the City's capital assistance program, noting that one tenant reported that he has to pay back his loan.

Tom Boydell, Economic Development Manager, responded by outlining the Tools for Success Program, which is led by a real estate professional and focuses on alternatives for displaced businesses. He noted that some businesses made their own decision to relocate outside of Shoreline. He clarified that the Community Capital Program does not provide grants; rather, it provides improved access to loan programs. He commented that regular banks have stringent lending requirements, but the lending institutions provided through Community Capital focus on the special needs of these businesses. Currently, there are about 6-8 businesses working within this program.

Responding to Councilmember Ryu, staff affirmed the proposal to install sidewalks on the east side of Midvale Avenue in front of the Police station.

Commenting on the $863,000 total project proposal, Councilmember Ryu asked how many linear feet of sidewalks could be built using this amount of funding.

Mr. Olander said the average cost of sidewalks is $300 per linear foot. He noted that the $863,000 was set aside for the Aurora Corridor/Interurban Trail project.

Councilmember McGlashan noted that some residents have contacted him regarding inadequate lighting conditions on the North segment of the Trail.

Mr. Buchan briefly commented on the plan to provide reasonable illumination on that section of the Trail.

Councilmember McGlashan commented on the proximity of the Trail to Aurora Avenue in the segment from N 182nd to N 185th Street. Mr. Buchan noted that the Trail would

double as the sidewalk in the N 175th to N 185th section, and that setting the trail back from Aurora Avenue will promote pedestrian safety. He explained that the sidewalk in front of the police station would connect with the existing sidewalk to the north. The City is also working with Dunn Lumber to acquire land for a residential trail access.

Councilmember McGlashan noted that cyclists are not allowed to ride on sidewalks in some jurisdictions. Mr. McKinley confirmed that cyclists would be allowed to ride on this section of the Trail.

Responding to Deputy Mayor Fimia, staff affirmed that the additive elements are not proposed to be funded as mitigation by developers. Mr. Buchan responded to Deputy Mayor Fimia that the estimated width of a potential gathering place is around 120-140 feet.

Mr. Olander commented on the potential to use a gathering place for historical interpretation, using the original red brick and/or an Interurban railcar.

Deputy Mayor Fimia asked about the reason for the high costs of lighting in the North central segment.

Mr. Buchan said half the cost is related to the infrastructural requirements (underground conduit) for this type of lighting. He pointed out that lights can be mounted on existing light poles in the Southern segment.

Deputy Mayor Fimia commented that numerous businesses and locations need access to the Trail. She wondered how many businesses or locations could use enhanced access.

Mr. McKinley said staff has envisioned an annual capital improvement budget for trial enhancements, and staff is presently working with SCL to achieve more connections.

Deputy Mayor Fimia suggested moving the funding from the Trellis and Tivoli lighting in order to achieve these connections. She said there is not an immediate need for a gathering place near the Walgreen's development, but there is an immediate need for access.

Mr. Olander felt that additional access points could be achieved simply and inexpensively in the South section.

Mayor Ransom inquired about the Parks Board's review of the proposal and commented on the ongoing costs of maintenance and repair. He wondered if the maintenance costs would affect the Parks budget, and if the use of solar panels could reduce operating costs.

Mr. Buchan noted that the Parks Board has not reviewed the lighting proposal. He commented that solar-powered lighting is a wonderful opportunity but it is very expensive.

Councilmember Way commented that Shoreline should explore the possibility of a partnership with SCL, which helps jurisdictions acquire solar-powered technology.

Councilmember Hansen commented on the difficulty of using solar power for night lighting. He asked about the plan to incorporate the red bricks in the Trail and about lighting and signage at the entrance to Gateway Plaza. He suggested that the bricks could be used in conjunction with an Interurban railcar at the proposed site for a gathering place.

Mr. Buchan noted that staff considered using the bricks on the trail but they provide for a very slick surface when wet. Mr. McKinley said staff is still considering how the bricks can be utilized in the design.

Mr. McKinley commented on the proposal to light the pedestrian crosswalk at Gateway Plaza, and Mr. Buchan said lighting is still one element to be discussed with the Gateway Plaza developer.

Councilmember Ryu stated that 2,880 feet of sidewalks could be constructed for $863,000. She preferred that the funding be used for safety first, and then on ambiance and beauty. She felt the priority should be placed on safety and improvements should include the entire corridor.

Mr. McKinley said staff would return with additional options for the Council.

There was Council consensus to postpone item 6(b) to January 23. **Deputy Mayor Fimia moved to allow public comment for agenda item B (Business Registration Policy Discussion) but to postpone Council discussion on the item until January 23. Councilmember Way seconded the motion, which carried 6-1, with Councilmember Hansen dissenting.**

Mayor Ransom called for public comment.

(a) Bob Mascott, Shoreline, urged the Council to consider creating a license category to include home occupations. He noted that an auto shop, barber shop, accounting firm, and landscaping company operate in his neighborhood as home occupations. He said while he objects to licensing businesses purely for tax revenue purposes, they should be regulated because many of them are endangering the public.

6(c) Discussion of Critical Areas Ordinance Update

Joe Tovar, Planning and Development Services Director, referred to Revised Code of Washington (RCW) 36.70A.035 and advised Council to conduct an additional public hearing on the Critical Areas Ordinance (CAO). He said while the Council has the authority to adopt it, it should give the public a reasonable chance to comment on new information or on any amendments proposed by the Council.

Matthew Torpey, Planner, noted that tonight's Council packet contains the same overview of amendments that the Council received on October 24. He said the amendments were approved in the Planning Commission on a 6-1 vote. He noted the packet contains a letter from Washington Department of Fish and Wildlife (WDFW) and the City's response. He added that the CAO must be adopted by the end of April in order to remain eligible for grant funding.

Mr. Olander noted Council's authorization to separate the tree issue from the wetland/stream issues. He anticipated that the tree issue would return with a Planning Commission recommendation for Council review on February 13.

Councilmember Way asked if the public comments submitted to-date could be added to the record.

Mr. Tovar said he proposes to publish the hearing notice, hold the hearing, and include everything that has been submitted thus far and everything between now and the close of the hearing.

Councilmember Way moved to reopen the record on the CAO, including all comments that have been submitted thus far, and to reopen the public hearing on February 13. Deputy Mayor Fimia seconded the motion.

Councilmember Hansen suggested that everything that is said and submitted is made part of the record. He said although a new public hearing can be opened, a closed public hearing cannot be reopened.

Mr. Tovar said he is operating on case law and on what attorneys refer to as "an abundance of caution."

Mr. Sievers concurred with Mr. Tovar that when dealing with specific requirements of the Growth Management Act in a legislative process, it is important that the public be made aware of all available alternatives.

Councilmember Hansen suggested the wording "additional hearing" rather than "reopening the hearing."

Councilmember McGlashan asked if people would be allowed to give the same testimony they provided previously.

Mr. Olander advised that speakers be allowed to address new proposals or amendments only.

Mr. Tovar noted that the public notice can be very clear so that duplicate testimony can be avoided.

Following Councilmember Ryu's motion to conduct an "additional hearing" and then her subsequent withdrawal, **Councilmember Way withdrew her motion.**

Councilmember Way moved to conduct an additional public hearing on February 13 and to accept all comments submitted into the record since October 24, 2005. Deputy Mayor Fimia seconded the motion, which carried 7-0.

Mayor Ransom called for public comment.

(a) Vicki Westberg, Shoreline, read from a Seattle P.I. article regarding restoration using natural flood protection measures. She commented on efforts to reduce ivy and other invasive species from wooded areas, which can have the effect of reducing crime and other problems. She concluded by commenting on the benefits of having healthy wetlands in the City.

(b) Elaine Phelps, Shoreline, urged the Council to consider how it classifies City streams. She said people in Shoreline want to create a special community that passes on a heritage of improved environmental conditions, not a heritage of distress.

(c) Fran Lilliness, Shoreline, displayed photographs depicting hazardous trees and unmanaged areas in the Innis Arden reserves. She also showed pictures where trees had been cut and replanted. She said Association for Responsible Management (ARM) warns of landslides and washouts due to tree cutting, but there have been no such occurrences since Innis Arden's inception.

MEETING EXTENSION

At 10:00 pm., Councilmember moved to extend the meeting until 10:30 p.m. Councilmember seconded the motion, which carried 7-0.

(d) Peter Henry, Shoreline, commented on the City's inadequate response to the WDFW letter, which has not been included in the Council packet until now. He felt the City should consider the specific benchmarks recommended by WDFW. He said "words can make a difference" and that the City is "dragging its heels in creating a stronger CAO."

(e) Patricia Sumption, Seattle, commented on her involvement in WRIA-9 and Friends of Green River in working to preserve wetland and stream habitat. She urged the Council to "get on the same page" and work with other government functionaries to produce a CAO that works for both salmon and people.

(f) Brian Bodenbach, Woodinville, pointed out that the City must use best available science (BAS) in updating its CAO, but it does not seem to be doing so because Thornton Creek appears to be downgraded to a Type 3 stream. He warned that not using BAS would invite legal action, which has also happened in the City of Seattle.

(g) Wendy DiPeso, Shoreline, said she has noticed a decrease in native wildlife species in her backyard wildlife sanctuary. She said non-native species and development have impacted native species in the region. She commented that the Ford Motor Company was able to maintain profitability while enhancing environmental protections. She provided a copy of an article on zero impact standards, noting that technology can be used creatively to decrease environmental impacts.

(h) Michele McFadden, Seattle, provided a copy of a letter she submitted on October 24, 2005 regarding the CAO update. She noted that a 10-foot setback is not sufficient unless a 15-foot building setback is reinstated. She said removing the word "potential" effectively downgrades Thornton Creek to a Type 3 stream. She said there is no scientific basis for this approach, and that the main purpose of the CAO is to preserve habitat.

Councilmember Way called attention to her draft amendments and said she would welcome any comments or suggestions for strengthening the code.

Deputy Mayor Fimia said she intends to propose amendments in the CAO that will eliminate the use of herbicides and pesticides by the City. She felt it appropriate to make this change in the CAO because eliminating toxic substances addresses the issue of reducing cumulative impacts to water quality. She concluded her remarks by asking for the manuals and documents referenced by the WDFW and the Department of Ecology.

Mr. Olander encouraged the Council and the public to forward suggestions and recommendations as soon as possible so that staff has time to put them into draft form.

Deputy Mayor Fimia noted that the update to the hazardous tree code would be moving along a separate track from the main CAO update.

Mr. Tovar summarized that the public hearing on the tree-cutting moratorium is scheduled for February 6, after which staff will work on a proposal for permanent regulations. The hearing scheduled for February 13 will include all other Critical Areas issues. He estimated that the hazardous tree issue would not be resolved before late-April because of the required reviews by the Planning Commission as well as Community, Trade, and Economic Development (CTED).

7. ADJOURNMENT

At 10:28 p.m., Mayor Ransom declared the meeting adjourned.

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Scott Passey, City Clerk

DRAFT

CITY OF SHORELINE

SHORELINE CITY COUNCIL
SUMMARY MINUTES OF HOUSING WORKSHOP

Thursday, January 19, 2006
1:00 p.m.

Shoreline Fire Department Headquarters
17525 Aurora Avenue N

PRESENT: Mayor Ransom, Deputy Mayor Fimia, Councilmembers Gustafson, McGlashan, and Way

STAFF:

Julie Modrzejewski, Assistant City Manager; Rob Beem, Human Services Manager; George Smith, Human Services Planner; Paul Cohen, Planner; Nora Smith, Neighborhoods Coordinator; Ray Allshouse, Building Official; Joyce Nichols, Communications and Intergovernmental Relations Director; Steve Szafran, Planner; Debbie Tarry, Finance Director; Bethany Wolbrecht-Dunn, Grants Specialist; Joe Tovar, Planning and Development Services Director; and Scott Passey, City Clerk

PANEL MEMBERS:

Andrew Brand, Housing Developer, Lutheran Alliance to Create Housing (LATCH)
Robin Amadon, Senior Housing Developer, Low Income Housing Institute (LIHI)
Deborah Gooden, King County Housing Authority, General Manager of Greenbridge Redevelopment Project
Allan Johnson, Affordable Housing Planner, King County
Arthur Sullivan, Director, A Regional Coalition for Housing (ARCH)
Jan Dickerman, Director of Housing and Child Development, Hopelink

1. WELCOME AND PURPOSE

At 1:15 p.m., Ms. Modrzejewski welcomed attendees and reviewed the purpose of the meeting, which is to explore what can be done in Shoreline to meet the housing needs for people with limited incomes. She said this meeting is an opportunity to educate City staff and the Council as they approach the City's goal-setting process.

2. WORKSHOP FORMAT AND INTRODUCTION OF PANEL

Mr. Beem elaborated on the purpose of the meeting and urged attendees to share their recommendations on how the City can maximize its efforts in low-income housing.

Participants then introduced themselves, providing their backgrounds and experience in the area of affordable/low-income housing.

3. REVIEW OF CURRENT HOUSING SITUATION FOR PEOPLE WITH LIMITED INCOMES

Mr. Smith reviewed the current housing situation in Shoreline as provided on the blue handout. He noted that one in five Shoreline residents live at or below the 50% of median income level (the King County average is 22%). He pointed out that people 65 and older make up 14% of the City's population, yet they comprise 43% of the households having less than 30% of median income. He emphasized that the elderly, who play an important role in the functioning of the community, are overrepresented in these figures.

4. DISCUSSION WITH PANEL AND ATTENDEES OF THREE KEY ISSUES

Mr. Beem then led a group discussion focusing on the following questions:

a) Is Shoreline's situation mostly the same or different from the housing situation of other smaller cities in an urbanized county? If you have attempted a project in Shoreline, were you successful? What, if any, obstacles did you encounter and could the city have done anything differently to assist?

b) We have developed a list of strategies – based on your experience, which ones are most likely to produce the most units of housing? Have we missed any options?

c) What's needed to implement these strategies in Shoreline?

Panelists and participants shared the following points:

1) According to census figures, household size continues to decrease, as do the number of school enrollments (G. Smith).

2) Higher enrollment levels at private schools may partially account for the decrease in public school enrollments. Some figures suggest that 25% of school-age children in Shoreline attend private schools (Ransom).

3) There are a number of federal housing options available, such as HUD Section 202 for senior housing. Housing built by non-profit developers can free-up existing housing stock for others. Shoreline could consider the option of accessory dwelling units(ADUs) (Amadon).

4) The City of Shoreline allows ADUs; about 14 ADUs have been built in Shoreline in the past five years. Detached ADUs are only allowed on lots in excess of 10,000 square feet, otherwise an ADU must be attached to the principal residence (Cohen).

5) Shoreline is a community that is fairly well developed; therefore, Shoreline's GMA growth targets are relatively small compared to existing housing stock and other jurisdictions. However, owner occupancy is relatively high. Shoreline has a high percentage of single family housing (74%), versus 57% for King County and 50% for Seattle. The difference between 74% single family and 68% owner occupied would indicate some single-family stock is rental housing. The data also shows that Shoreline is apt to have a higher percentage of its rental housing in single-family units as opposed to multi-family units. The statistics should influence the policy decisions about strategies for redevelopment and increasing density (Sullivan).

6) As median home prices increase, housing choices for the less-than 30% of median income residents decrease (Dickerson).

7) Shoreline is similar to King County in terms of percentage of people below 50% of median income, but housing and zoning are different. Shoreline is not really a small city; it is the fifth largest in King County. The housing mix affects perception. Affordability disappears as home prices increase. It is advisable to try to make multi-family housing work in Shoreline (Johnson).

8) All communities need more information on housing condition and land availability for new development. It is important to really know the dynamics of your housing market. Jurisdictions need interest, political will, knowledge of zoning, and a strong focus on strategy and planning. Shoreline should commit to a 5-year action plan that communicates its priorities. This should not be outlined in its Comprehensive Plan, but it should be detailed elsewhere (Gooden).

9) Shoreline housing is relatively affordable, but there is a possibility of market-rate inflation problems in the future. As the value of single-family housing increases, the private market will shift these units from the relatively lower-cost rentals to higher-cost owner-occupied. Shoreline must take a close look at its rental housing stock. Shoreline has a disproportionate amount of single-family zoning. Shoreline could consider higher-density development in the Aurora Corridor. Cottage housing is controversial because it is difficult to predict where it can be built (Brand).

10) Shoreline is somewhat different in its mix of housing types and ownership profiles. The stated goal is housing strategies that meet the need of households with less-than 50% of median income (Beem).

11) Meeting housing needs can benefit the community by ensuring youth have a stable housing situation; academic achievement is compromised when students have to move frequently. It is less expensive to build multi-family housing on the east side of Shoreline. Demographic data suggests more emphasis should be placed on the needs of the elderly (Ransom).

12) Can Section 8 and voucher programs benefit both landlord and tenant in terms of market value and affordability? (McGlashan)

13) Section 8 and voucher programs are constantly changing and under attack. Landlords generally cannot get highest market value. Landlords get a stable, predictable, flow of rents. Landlord philanthropy can make a difference (Gooden).

14) Section 8 programs benefit landlords in term of consistency of payments. The City might explore ways to administer such programs on a local level (Amadon).

Mr. Beem posed the question of how some specific targets can be established and met.

15) GMA targets can be achieved through multi-family density (Johnson).

16) Low-income earners are surviving in a very unstable situation and pay a large portion of their income for housing. This results in high rates of turnover and neighborhood instability. Preserving existing rental stock will create stability and decrease the likelihood of rent increases due to redevelopment. Acquisition and rehabilitation have been used effectively in Bellevue to address this situation. Section 8 programs also create stability (Sullivan).

17) Preserving existing housing stock essentially "takes a market-rate unit out of the game" and maintains that unit at a relatively more affordable level (G. Smith).

18) Preserving existing housing is a good strategy but it probably requires a change in ownership to maintain an income-restricted situation (Amadon).

19) Shoreline should analyze all the relevant information (zoning, ownership, demographics, etc.) while focusing on the most critical needs, and then air the options politically. Create a constituency around affordable development. It is important to engage your community and then start your first development within the community's "comfort zone." Some areas of Aurora Avenue might be more suitable for housing (Gooden).

Mr. Beem asked for feedback on effective strategies.

20) Shoreline should explore partnerships between families who have been previously homeless and developers to create a tiered system that addresses their particular needs (Dickerson).

21) Density bonuses can be a volatile concept in suburban areas. The City should consider gifting permit fees to provide incentives to developers. The City could also income-restrict a certain number of units in a market-rate development (Amadon).

22) Expedited permit processing and other incentives can make a big difference. If this is an issue, the City should explore new approaches to permitting (Gooden).

23) There are ways to make density bonuses work, such as linking the bonus to the size/scale of the house, parking considerations, etc. Density bonuses offered as a package are proven to more effective (Johnson).

24) There are a number of incentives available, but affordable housing incentives are generally the last alternative that private developers choose (Sullivan).

25) What is the right combination of the things we want, and how do we proceed without degrading quality? There are distinctions between the east side and west side of Shoreline (Way).

26) A key question is how to provide housing that is compatible with community values (Beem).

27) Seattle and other jurisdictions have neighborhood design review boards, which address the compatibility question. The quality of affordable housing is actually higher than market-rate housing due to higher investment in design (Amadon).

28) There are places in Shoreline, such as Aurora Avenue, where housing would be a better use than the current use. Some housing is strategically placed to "build the community." Housing should be built not only to meet the immediate need but also for community development. Public funding shows a commitment and can often leverage 5-15 times the original investment (Gooden).

29) Compatibility is not just a design issue. The community's "buy-in" should be sought for an overall strategy on compatibility (Tovar).

30) Shoreline should have an inventory of surplus sites and consider the potential to co-locate housing with other uses, such as Echo Lake and Aurora Avenue (Johnson).

31) The community should be polled on who it thinks needs housing the most, as well as what the housing should look like. There are ways to achieve multi-family housing in single-family zones if there is community will. The City should try to understand the "why" (Sullivan).

32) The City should start with a needs-based analysis first, but the concept of neighborhood design review might also be effective (Gooden).

33) The public wants predictability, and a community conversation about target groups (seniors, homeless, previously homeless) should lead that effort. The City should also consider its position in the region (Cohen).

34) Kirkland and Redmond have been successful at cottage housing because they began with demonstration (study area) projects. A discussion of the process can help make the product successful. It's also what's happening around you that affects housing prices. Note the Crossroads development in Bellevue as a good example of a successful housing project (Sullivan).

35) There has been a stigma surrounding affordable housing; the City should inform and educate the community (Brand).

36) Noticing can be "the seed of either a good process or a bad process." When neighbors are adequately notified of potential development, they are more likely to support them (Way).

37) The City should consider creative ways to co-locate housing. The King County Library System is considering ways to incorporate housing in their future designs (Dickerson).

38) Shoreline should look at target groups and effective strategies, but it should not discount the density bonus entirely. In order to ensure healthy market cycles, housing should be viewed holistically. The City should explore ADUs and the land-trust system, where the trust owns the land but the individual owns the unit (Johnson).

39) Shoreline should consider how the potential redevelopment of the Fircrest property might help address low-income housing needs in the future (Fimia).

40) King County increased the loan amount for ADUs; Shoreline now has 50 units of transitional housing (G. Smith).

5. WRAP UP AND SUMMARY

Mr. Beem provided a summary of the dialogue and thanked panelists and attendees for their participation. The meeting concluded at 3:30 p.m.

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Scott Passey, City Clerk

DRAFT

CITY OF SHORELINE

SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, January 23, 2006 Shoreline Conference Center
7:30 p.m. Mt. Rainier Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, Councilmembers Gustafson, Hansen, McGlashan, Ryu, and Way

ABSENT: None

1. CALL TO ORDER

The meeting was called to order at 7:36 p.m. by Mayor Ransom, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ransom led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

3. CITY MANAGER'S REPORT

Bob Olander, Interim City Manager, reported that the City of Shoreline had 12.5 inches of rain since December 19 and there have only been a handful of service calls for water collecting near capital projects; none of the calls were for residential flooding. He pointed out that there is no Council meeting on January 30th and the next meeting will be February 6th. He stated he has responded to Council inquires in writing from the last meeting to include; 1) street lighting, 2) a traffic analysis at the intersection at 180th & 15th Avenue, 3) the use of herbicides/pesticides in the City, 4) making contact with Ms. Bolender and Lake Forest Park Public Works concerning outflows to Brookside Creek, 5) providing information on the termination of the first City Manager, and 6) information concerning a meeting with LFP staff for a connecting bicycle route. He noted he will be reporting at each meeting on the requests submitted to him from the public or the Council.

4. REPORTS OF BOARDS AND COMMISSIONS: none

Mayor Ransom announced there are two (2) vacant positions on the Library Board, so a committee will be appointed to screen applicants.

Mr. Olander also announced that there would be four positions coming available on the Planning Commission. The vacancies on both the Library Board and the Planning

Commission will be advertised on the website. Completed applications must be submitted to the City Clerk's office no later than February 21st at 4:00 pm.

Councilmember Way announced that the South Woods Preservation Group (SWPG) will be holding ivy-out projects every third Saturday to remove invasive weeds. She said they are good opportunities for students to receive community service hours for their graduation requirements.

Councilmember Hansen announced that the Shoreline Rotary Club had a clean-up of parks in Shoreline. He said several Rotary members participated in spreading new gravel at the park at 185th Street NE and 10th Avenue NE. This group also trimmed the sidewalks and spread wood chips around the holding pond, as well as cleaned up the property at 185th Street NE and Aurora Avenue NE.

Councilmember Ryu reported on her attendance at the Vision '06 Economic Forecast Conference. She noted that economists predict the prime rate will only go up once or twice this year. She said a key point that was made is that economic development is not just real estate; it is based on leadership, vision, strategy, planning, outreach, public relations, leveraging public and private assets, and developing intellectual capital.

Councilmember McGlashan reported on his tour of Shoreline parks hosted by the Parks Director. He said it was an eye-opening tour and he now understands what the needs are. He also commented on his attendance at the Economic Forecast Conference, noting that economists rate the U.S. economy as very good to excellent.

Deputy Mayor Fimia also attended the Economic Forecast Conference and shared that the key to competition and sustained success is workforce development. She said employers look carefully at the segment of the population between 25 and 44 years of age. She commented that higher education would be the cornerstone of economic development, and colleges and universities should be working on getting students to graduate with two-year engineering degrees.

Mayor Ransom said is on the Suburban Cities Association (SCA) Public Issues Committee. He said the committee recommended Councilmember Way for appointment to the King County Solid Waste Committee and her appointment has been confirmed. Councilmember Ryu was not selected for the King County Economic Development Committee, nor was Councilmember McGlashan selected for the Homeland Security Committee. He commented on the Hopelink grand opening, noting that Hopelink is linked with the Department of Social and Health Services and administers social service programs from its facility. He reported on the Seashore Transportation Forum meeting, where the discussion indicated reduced numbers of proposals due to reduced funding. Finally, he reported on the King County Regional Transit Committee meeting, where the discussion included increasing bus fares and hiring security at the park-n-ride lots. There was also discussion about fees for parking in the park-n-ride lots to offset the cost of security.

Councilmember Way said she attended an excellent workshop on housing options last week by City staff. There were a number of experts there who gave testimony and concepts that she looks forward to working on.

There was Council consensus to revise the agenda to take the public hearing first.

5. ACTION ITEMS: PUBLIC HEARING

(a) Public hearing to receive citizens' comments on cottage housing in Shoreline

Joe Tovar, Planning and Development Services Director, said the Growth Management Act has a number of goals and requirements that deal with housing issues. One of the goals is to "encourage" affordability for all segments of the population and with all building forms, to include existing stock. The population in Shoreline and King County is growing and the City should look at its position in the region. He said it is important to keep in mind that cottage housing is one piece of the entire housing picture in Shoreline.

Paul Cohen, Senior Planner, provided a brief background on cottage housing in Shoreline. He said that presently there are seven cottage housing projects with a total of 55 units built in Shoreline, all with some degree of controversy surrounding them. He outlined the background on the current moratorium and reported that the City has received 129 comment and testimony letters from 58 different citizens. Of the 58 residents, 39 clearly oppose cottage housing, 11 support it, and eight have concerns. He noted the concerns in priority from highest to lowest being compatibility, potential densities, public process, property values, GMA targets, design quality, traffic and environmental impacts, development review process, and the future owners. He read the Planning Commission recommendations and pointed out that the Greenwood development is the only one that meets all of the recommended Code amendments at this time. He outlined the following options available to the Council:

Option 1: not adopt the amendments and allow the moratorium to lapse. This option is not recommended by the City staff.
Option 2: adopt the Planning Commission recommendations.
Option 3: adopt the Planning Commission recommendations with additional conditions from staff. Staff conditions include separating all cottage housing developments by no less than ½ mile (10 blocks) to provide some predictability so that neighborhoods do not receive a concentration of them; and to improve the public review process through perhaps a design review committee and better neighborhood notification.
Option 4: restrict cottage housing to R-8 and R-12 zones. This will effectively eliminate any future cottage housing developments in Shoreline.
Option 5: extend the moratorium for another two years for further review and study.
Option 6: repeal the cottage housing code to possibly consider in the future.

He concluded that staff's recommendation is that Option 3 or Option 6 would resolve the cottage housing issue most effectively.

Mayor Ransom opened the public hearing.

(a) Bronston Kenney, Shoreline, stated that the GMA goals also included property protection. He outlined that zoning for cottage housing has two elements: use and density. He said the residents in Shoreline oppose it. He concluded that Option 3 will not satisfy the public and zone densities in Shoreline must be respected.

(b) Jim Soules, President of the Cottage Company and developer of the Greenwood Cottages, pointed out that versions of the cottage housing code are being adopted in several other cities. He felt Option 3 would respond to some of the outstanding issues. He felt the real issue is the relationship of the cottage housing development to adjacent houses. He challenged the City to find a way to achieve good design review and implement other restrictions to help resolve the issues.

(c) LaNita Wacker, Shoreline, said the ordinance has been worked on extensively by the public, City staff, and the Council and it addresses the concerns that have been expressed in the community. She asked for clarification of the Planning Commission's recommended change in radius from 1,000 feet to one-half mile. She suggested adding "pervious surface" in condition K as recommended by the Planning Commission. She concluded that cottage housing is environmentally sound and uses less land.

(d) Mark Deutsch, Shoreline, said the Council needs to resolve this issue now. He said there is a clear need for this housing in Shoreline for single parents and small families. He said it is better to have cottage housing rather than "mega houses" built in Shoreline. He supported the recommended changes in Option 2 or 3.

(e) Bob Niskanen, Shoreline, noted he was upset that there was a plan to put 16 houses next to his. He said he has a lack of trust in the capabilities of the Council and the City staff. He felt other cities should go ahead with cottage housing and Shoreline should learn from them. He considered the development on 8th Avenue to be "dismal."

(f) Pat Murray, Shoreline, noted a conversation in which a developer told him that he couldn't build cottage housing in an area zoned for apartments "because he couldn't make any money off the development." He felt there should be a permanent moratorium and asked the Council not to proceed with cottage housing.

(g) Darlene Feikema, Shoreline, resident of Greenwood Cottages, said the need for cottage housing has been well-documented by the media and trade magazines. She pointed out that 60 percent of all households in the United States are made up of one to two people. She said housing "is about options," and many people are attracted to cottages because they offer a small, detached housing option that does not

work in high density zones. She asked the Council to approve the proposed amendments or have honest reasons about not allowing it.

(h) Mike Nelson, Shoreline, resident of Greenwood Cottages, asked the Council to consider the issue of diversity and the right to live in different ways. He said people should respect diversity, and nobody should have to live in poorly rendered structures.

(i) Pat Moyers, Shoreline, expressed concern that cottage housing constitutes "spot zoning" which effectively changes a residential zone to a multi-family zone. He asked if there were going to be 365 units built in Shoreline, since that is the GMA goal. He said both the Planning Commission and the Council have an obligation to maintain zoning, but this process does not do that. He urged the Council to repeal the code and consider alternative housing designs.

(j) John Behrens, Shoreline, said he lives between two bad cottage housing projects that didn't meet old zoning requirements when they were constructed. He felt once this ordinance is adopted, there will be an overwhelming amount of cottage housing developments being constructed. He felt the fact that the Ashworth cottages are still for sale is proof there is little support for it.

(k) George Mauer, Shoreline, favored repeal of the ordinance, noting that this issue has been going on for eight years. He felt cottage housing is an equity issue relative to where the land use laws can be applied. He said there are two Shoreline communities that are exempt from cottage housing, and density is not a value. He urged the Planning Commission and the Council to start over. He said Mr. Tovar should look at and encourage smart growth rather than cottage housing.

Deputy Mayor Fimia suggested this item be placed in the agenda under Action Items.

Councilmember Hansen moved to close the public hearing. Councilmember Gustafson seconded the motion, which carried 7-0.

Mr. Olander stated that the current moratorium expires on February 16th, so the Council would need to take action at or before the February 13th City Council meeting.

6. PUBLIC COMMENT

(a) Bob Mascott, Shoreline, thanked the City Manager for responding to his remarks. He said the City has a valuable resource in the older residents in the City. These residents turn history into very interesting stories. He stated that a person with a tape recorder could interview and record the testimony of older Shoreline residents. He said he would like to nominate his wife as the longest living Shoreline resident because she has been living here for 75 years.

(b) Charlotte Haines, Shoreline, said advocates of a four-lane configuration on 15th Avenue NE want bus turnouts, bike lanes, a stoplight at 170th, a 25 mph speed limit, and a dedicated left-hand turn lane at all intersections. She expressed concern about the City purchasing more residential and commercial property in North City to accommodate these requests. She felt the current project should be complete before any revisions are made. She said three-lane configurations are safer for pedestrians, and if they were in place, Tia Townsend would not have been killed. She felt the City should conduct a traffic study in Lynnwood from Aurora to 56th and one from Aurora to 76th Avenue W for comparison.

(c) Martin Kral, Shoreline, expressed concerns about pedestrian safety. He said the construction of the new Walgreen's on Midvale Avenue forces pedestrians into the street. He urged that the Customer Response Team (CRT) and the police enforce parking and speed standards on Midvale Avenue. He said he sent a letter to CRT and he has not received a response. He urged that this situation be addressed immediately.

(d) Dennis Lee, Shoreline, referring to remarks he made at a previous meeting on the possible rezoning on South Woods, said the property will be short platted since the City has purchased the three acres. He said this is the time to rezone it to Open Space. He felt that City processes need to change so residents can fully engage the Council and concerned parties. He concluded that three minutes is not enough time to address the Council in public comment.

(e) George Mauer, Shoreline, requested five minutes at the end of public comment to respond to comments Councilmember Gustafson made at the January 17 meeting.

(f) Walt Hagen, Shoreline, asked if 15th Avenue NE would be a four-lane configuration, noting that residents have asked for a four-lane road. He commented that the property adjacent to Echo Lake looks much better and he would like the City to consider purchasing it.

(g) LaNita Wacker, Shoreline, discussed the five levels of Maslow's Hierarchy of Needs and provided a written copy to the clerk for the Council. She also discussed an article by David Campbell regarding sustainable economic development with environmental conservation, social and cultural cohesion, and good governance. She concluded by saying that Maslow's Hierarchy could be applied to local government.

(h) Mark Deutsch, Shoreline, commented on remarks made at the housing workshop, noting that Shoreline is meeting the GMA requirement for affordable housing for those above 30% of median income. However, it appears the City's primary need is for housing for people with less than 30% of median income. He felt the GMA target was relatively low. Finally, he said he thought City staff had some good ideas and the City may be able to let developers build on limited land stock.

(i) John Behrens, Shoreline, pointed out that he is still waiting for reimbursement from the City for the claim he filed when his car was damaged by a pothole last month on Aurora Avenue. The City's insurance carrier, Washington Cities Insurance Authority (WCIA), gave him the telephone number to Merlino Construction. He was told Merlino Construction would reimburse him, but he's been waiting 30 days and hasn't received anything yet.

Deputy Mayor Fimia moved to suspend the Council rules to allow George Mauer an additional two minutes for public comment. Councilmember Ryu seconded the motion. Following a brief Council discussion, **a vote was taken on the motion, which passed 5-2, with Councilmember Gustafson and Councilmember Hansen dissenting.**

(j) George Mauer, Shoreline, stated for the record that Councilmember Gustafson damaged his reputation in a politically motivated move. He said Councilmember Gustafson falsely stated his resume was incomplete, and clarified that he did sign the background check authorization form, contrary to Councilmember Gustafson's statement. He affirmed that he received campaign contributions from certain members of the Council, but it only amounted to $255 and this is nothing unusual. He said he withdrew his employment application before the January 17 Council meeting; therefore, it should not have been discussed at the meeting. He withdrew his application because he found himself in an untenable position. He concluded that Councilmember Gustafson's statements do not support the values of truth, honesty, and fairness and that he has dishonored the position of Councilmember.

Mr. Olander noted that a staff member has spoken to Mr. Kral about the pedestrian safety issue on Midvale Avenue. He clarified that the City cannot rezone South Woods because taking away development rights would constitute an illegal taking of property. Regarding Mr. Hagen's inquiry, he said the Council chose to modify the North City downtown business section to four-lanes in 2004, but there has been no action to change the remainder of 15th Avenue to four lanes. He noted that staff will contact Mr. Behrens about his claim. Finally, he said there is still a traffic analysis being conducted on 15th Avenue and 180th Street NE.

Councilmember Way said there was some confusion about the South Woods notice that went out to residents with language on it about the Triad Association.

Mr. Tovar said that the engineering firm's use of "inartful" words in the notice may have given the impression it is a development proposal. He clarified it is a proposal to subdivide the land, not develop it. He said this issue and others would be addressed at the applicant's meeting with all concerned parties.

Deputy Mayor Fimia noted that a speaker asked for better visibility for the Council meetings.

Councilmember Gustafson commented on the limitations created by using the Mt. Rainier Room for Council meetings. He is proposing to change the meeting day from

Monday to Tuesday or Thursday so the Shoreline School Board Room could be used. He said he would likely propose this at the Council retreat.

Councilmember Way concurred and added that the City's website could also use some enhancements.

Mayor Ransom pointed out that the School Board Room is smaller than the room they are currently using.

6. APPROVAL OF THE AGENDA

Mr. Olander recommended adding Action items 9(c) and 9(d). Item 9(c) is a Motion to Authorize Legal Action to recover for breach of building permit conditions and Item 9(d) is a Motion Authorizing Legal Defense of King et al v. Fimia et al.

Deputy Mayor Fimia moved to approve the agenda with the addition of Action items 9(c) and 9(d). Councilmember Way requested that Consent item 7(d) become item 8(a). Councilmember Hansen requested removing the January 3 Minutes from the Consent Calendar. Councilmember Gustafson seconded the motion, which carried 7-0, and the agenda was approved as amended.

7. CONSENT CALENDAR

Councilmember Gustafson moved approval of the Consent Calendar. Councilmember Hansen seconded the motion, which carried 7-0, and the following consent items were approved:

Minutes of Regular Meeting of November 28, 2005
Minutes of Regular Meeting of January 9, 2006

Approval of expenses and payroll as of January 12, 2006 in the amount of $844,674.32

Motion to authorize the City Manager to execute the amended lease to the Shoreline Business and Professional Center (City Hall) lease providing for a two (2) year extension from March 1, 2006 to February 29, 2008

Approval of contract amendment with D.A. Hogan in the amount of $63,000 to provide all remaining design, engineering, bidding assistance and construction administration services for the Shoreline Park A and B artificial soccer field surfacing project

8. ACTION ITEMS: PUBLIC HEARING

(a) Public hearing to receive citizens' comments on cottage housing in Shoreline

Councilmember Ryu asked staff how long it would take to refine a specific design code based on Option 3.

Mr. Cohen stated he could have the information ready before the next meeting.

Councilmember Gustafson said there has been a lot of time spent on this process and he thanked the public, the Planning Commission, and the Council. He recommended the Council choose from Option 3 and Option 6 for discussion at the next meeting.

Deputy Mayor Fimia wanted to thank the staff, the Council, and the public for the work done.

Deputy Mayor Fimia moved to direct staff to prepare an Ordinance to repeal cottage housing, thus executing recommended Option 6 and appoint a Council subcommittee to work with the Planning Commission, public, and City staff to prepare a draft plan, timeline, and work plan for developing a comprehensive housing strategy for Council review by March 1, 2006. Councilmember Way seconded the motion.

Deputy Mayor Fimia explained that is not to rewrite the housing strategy, but to come back with a time and a work plan on how to approach a housing strategy.

Ian Sievers, City Attorney, felt the intent of the motion is to propose that at the next regular meeting staff introduce an ordinance repealing the cottage housing sections and that the City Manager propose to Council a work plan to develop a comprehensive housing strategy. He felt that the two items were linked and they should be in the same motion.

Councilmember Hansen moved to amend the motion and partition it into 1) direct staff to prepare an Ordinance to repeal cottage housing, thus executing recommended Option 6 and 2) to appoint a Council subcommittee to work with the Planning Commission, public, and City staff to prepare a draft plan, timeline, and work plan for developing a comprehensive housing strategy for Council review by March 1, 2006. Councilmember Gustafson seconded the motion.

Councilmember Gustafson agreed that separating the two items is logical. He said there are other pieces to discuss and it will take the Council more than a couple months to review and adopt. He felt it was important to discuss both items separately. He requested both items be brought back on February 13 so the Council and the public may have time to review the proposal and options.

Councilmember Way stated that it is premature to divide the motion if the options haven't been discussed yet.

Mayor Ransom felt there should be a "clean" response from the Council on cottage housing and it is not a good idea to tie the response to a lengthy comprehensive plan.

Deputy Mayor Fimia said it doesn't make any functional difference to divide the motion. The ordinance would be repealed and we would start fresh, she explained.

Councilmember McGlashan supported dividing the motion, however, he did not support repealing the ordinance. He stated the ordinance is the foundation and he felt Option 3 would be an amendment to make minor revisions and improve it. He said it would take years and years to start over and redo the entire process.

Councilmember Hansen said it doesn't make any logical sense to repeal an ordinance and describe how to set it up again in the same ordinance. These subjects should be separate and there is no need to tie them into each other. He asked the Council not to "cloud the issue."

A vote was taken on the amendment, which carried 4-3, with Deputy Mayor Fimia and Councilmembers Ryu and Way dissenting.

MEETING EXTENSION

Upon motion by Councilmember Hansen, seconded by Councilmember Gustafson and unanimously carried, the meeting was extended until 10:15 pm.

Councilmember Way said it is clear there is a definite need for housing options in Shoreline, and cottage housing does not fulfill all of them. She said the Council should work towards that goal and expressed support for directing staff to prepare an ordinance for Option 6.

Councilmember McGlashan moved to amend the motion to include Option 3. Councilmember Gustafson seconded the motion.

Deputy Mayor Fimia spoke against the amendment. She said the public has waited eighteen months to develop property; waiting another two weeks is unnecessary and the Council needs to regain public trust and proceed. She said the Council needs to give certainty to developers and repeal this code, which is fundamentally flawed.

Councilmember Gustafson expressed support for including Option 3.

Deputy Mayor Fimia stated that Option 3 is "not in stone" and will not be that easy to draft without further discussion.

Mr. Olander clarified that staff would be drafting Option 3 for the February 13th meeting.

A vote was taken on the motion to direct staff to return with ordinances addressing both Option 3 and Option 6, which carried 5-2, with Deputy Mayor Fimia and Councilmember Ryu dissenting.

Deputy Mayor Fimia withdrew the motion to appoint a Council subcommittee to work with the Planning Commission, public, and City staff to prepare a draft plan, timeline, and work plan for developing a comprehensive housing strategy for Council review by March 1, 2006.

Mr. Olander stated the staff would bring to the next Council meeting an ordinance to repeal cottage housing and an optional ordinance that includes the planning commission recommendations and the two additional staff recommendations for Council discussion and deliberation. He said staff would also bring an additional ordinance to extend the moratorium.

MEETING EXTENSION

Councilmember Ryu moved to extend the meeting until 10:45 p.m. Councilmember Way seconded the motion, which failed 3-4, with Mayor Ransom and Councilmembers Gustafson, McGlashan, and Hansen dissenting. Upon motion by Councilmember McGlashan, seconded by Councilmember Gustafson and unanimously carried, the meeting was extended until 10:30 p.m.

9. NEW BUSINESS

(a) Economic Development Task Force Report

There was Council consensus to postpone discussion of this item to a future meeting.

(b) Discussion of Potential Bond Issue

Councilmember Way said the Council should open this item to public comment.

Mayor Ransom called for public comment.

1) LaNita Wacker, Shoreline, urged the Council to be decisive. She said on July 11, 2005, $6 million was voted into the Capital Improvement Plan for South Woods. She suggested the total bond proposal be raised to $6 million, making the total bond issue $19 million. This would amount to an additional $0.06 per $1,000 accessed property value. She said this has been studied extensively and it is a well-balanced proposal. She urged the Council to adopt it so the residents can start soliciting support for the May ballot.

2) Peter Henry, Shoreline, concurred with the previous speaker, noting there has been no opposition to the City purchase of South Woods. If needed, he

said the Council could allocate the SPU funding for South Woods. He urged the Council to approve it now so it can appear on the May ballot.

Mr. Olander said the bond proposal is recommended to be sent back to the Bond Advisory Committee (BAC) for review because it would like to be involved in reducing the bond back to $18.5 million.

Councilmember Gustafson agreed with Ms. Wacker's statements but felt there should be a strategy. He felt the BAC should analyze what amount can be supported by the residents, whether it is $18.5 million or $19 million, and they should be the ones to make a recommendation. In addition, he felt this should also be reviewed by the Parks Board.

Deputy Mayor Fimia moved to confirm that Council's intent is to include the remainder of the South Woods property in the bond as outlined in the staff report, directing the Bond Advisory Committee to provide a revised project recommendation list not to exceed $18.5 million. Councilmember Gustafson seconded the motion.

Responding to Councilmember Way, Mr. Olander stated that the SPU property has been declared surplus and they intend to sell it to the City. The current agreement gives the City the first right of refusal and until the May election to make a decision.

Councilmember McGlashan felt the difference between $18.5 million and $19 million to be minimal. He inquired how the $18.5 total was generated and why the total can't be $19 million.

Mayor Ransom said the total was based on the probability of passage; if the amount is raised to $19 million, it decreases the likelihood of passage. The $18.5 million total, he explained, was based on the calculation of the minimum amount that would be needed to purchase South Woods.

Councilmember McGlashan agreed and stated the BAC should be included in reviewing the proposal again.

MEETING EXTENSION

Councilmember Ryu moved to extend the meeting until 10:45 pm. Deputy Mayor Fimia seconded the motion, which carried 4-3, with Councilmembers Gustafson, Hansen, and McGlashan dissenting.

A vote was taken on the main motion, which carried 7-0.

(c) Motion Authorizing Legal Action to Recover for Breach of Building Permit Conditions

Upon motion by Councilmember Hansen, seconded by Councilmember McGlashan and unanimously carried, staff was directed to file a lawsuit to recover legal costs for breach of building permit conditions.

(d) Motion Authorizing Legal Defense of King et al v. Fimia et al

Councilmember McGlashan moved to postpone action on Item 9(d) until the February 6, 2006 Council meeting. Councilmember Hansen seconded the motion.

Councilmember McGlashan stated there is a large quantity of information in this item. He said he needs to understand it and study it before he makes a decision.

Councilmember Hansen concurred and urged the Council to postpone a decision on this until the next meeting. Councilmember Gustafson agreed.

Councilmember Ryu said this is a simple request and the recommendation from staff is to provide legal defense. She said most or all employers provide counsel for their employees, depending on the offense. She felt that this was a simple legal question and she supported the staff recommendation.

Mayor Ransom stated although he is not a voting party, the legal materials state that the pleadings are to be liberally construed. Therefore, if allegations are subject to the interpretation that creates a duty to defend, then the City must defend its officials. He said in his past work experience employees and officials have always been defended by the employer. He highlighted that civil penalties have been rejected in the past when City officials were involved.

Mr. Sievers said this item should follow the rules for public comment similar to any other agenda item.

Mr. Olander stated that by ordinance any councilmember named in a lawsuit must recuse themselves from the vote.

Councilmember Way inquired if there would be any problems if this item was postponed.

Mr. Sievers said he would need to submit a reservation of rights to the defendants.

Councilmember Fimia said she has two years of working together on the Council, and the residents want the Council to move on. She noted that nothing illegal was done, and public, she argued, can sue anyone for anything. She felt that delaying this action is not a good precedent to set. She said convicting and trying people outside of the courts needs to stop in Shoreline. Councilmembers deserve legal council. She added that delaying this does not facilitate cooperation and it is not serving the people of the City. She concluded that taking another two weeks to decide this will only bring more unnecessary angst.

Councilmember McGlashan said he is not doing this to win anything or increase angst. He pointed out that he is being asked for the City to spend its dollars. Meanwhile, it will possibly cost the City thousands of dollars.

MEETING EXTENSION

Councilmember Ryu moved to extend the meeting until 11:00 pm. Councilmember Way seconded the motion, which failed 2-5, with Councilmembers Ryu and Way voted in the affirmative.

Upon motion by Councilmember Hansen, seconded by Councilmember Gustafson and unanimously carried, the meeting was extended until the vote was taken on the final item.

A vote was taken on the motion to postpone action on Item 9(d) until the February 6, 2006 Council meeting, which carried 3-1, with Councilmembers Gustafson, Hansen, and McGlashan voting in the affirmative and Councilmember Ryu dissenting.

10. ADJOURNMENT

At 10:46 p.m., Mayor Ransom declared the meeting adjourned.

_____

Scott Passey, City Clerk

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Expenses and Payroll as of February 3, 2006
DEPARTMENT:	Finance
PRESENTED BY:	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 $3,560,927.48 specified in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
01/01/06-01/14/06	1/20/2006	12611-12784	4651-4691	28063-28075	$406,918.70
					$406,918.70

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
1/13/2006	27861	27872	$2,071.67
1/13/2006	27873	27876	$392,636.40
1/13/2006	27877	27898	$201,055.20
1/13/2006	27899	27910	$83,143.93
1/17/2006	27911	27940	$82,915.36
1/18/2006	27941	27942	$14,406.95
1/19/2006	27943	27959	$39,318.37
1/20/2006	27960	27991	$394,709.30
1/24/2006	27992	27995	$2,802.69
1/24/2006	27996		$2,675.32
1/25/2006	27997	28021	$22,583.83
1/25/2006	28022	28038	$1,618,670.41
1/27/2006	28039	28051	$27,810.09
1/31/2006	28052	28055	$52,661.16
1/31/2006	28056		$23,562.02

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
1/31/2006	28057	28058	$1,017.09
1/31/2006	28059		$4,141.70
2/1/2006	28060	28062	$20,349.64
2/1/2006	28076		$3,208.60
2/2/2006	28077	28105	$154,351.05
2/3/2006	*28040*		($3,030.61)
2/3/2006	28106		$3,030.61
2/3/2006	28107	28109	$9,918.00
2/3/2006	*27894*		($18,779.42)
2/3/2006	28110	28111	$18,779.42
			$3,154,008.78

Approved By: City Manager _____ City Attorney_____

Council Meeting Date: February 13, 2006 **Agenda Item:** 7(c)

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Motion to authorize the City Manager to Execute a Fuel Tax Grant Distribution Agreement and Required Amendments with the Transportation Improvement Board (TIB) and to execute a contract amendment for professional services with KPFF for design services of the N 172nd Street portion of the Dayton Avenue North at North 175th Street Retaining Wall Project in the amount not to exceed $13,365.00
DEPARTMENT:	Public Works
PRESENTED BY:	Jill M. Marilley, City Engineer John Vicente, Capital Projects Manager

PROBLEM/ISSUE STATEMENT: Staff is requesting that Council authorize the City Manager to execute a Fuel Tax Grant Distribution Agreement with TIB to obligate funding for the Dayton Avenue North at North 175th Street Retaining Wall Project (Dayton Avenue Project). The City has been awarded construction grant funding totaling $135,200 from the TIB Pedestrian Safety and Mobility Program (PSMP). In accordance with purchasing policies, Council authorization is required in order for staff to obligate grant funds exceeding $50,000.

Staff is also requesting Council authorize the City Manager to execute a contract amendment with KPFF in the amount of $13,365 to design the sidewalk improvements along N 172nd Street. This design work is necessary to meet the scope requirements of the TIB grant. The N 172nd sidewalk design will be incorporated into the designs being prepared for the Dayton Avenue wall and sidewalks. Staff is also requesting that Council authorize the City Manager the use of up to an additional 5% contingency on the new total contract amount with KPFF. Once approval is given on this amendment, the new total contract amount for designs services with KPFF will be increased from $126,130 to $139,495.

The Dayton Avenue Project consists of constructing a new retaining wall, new sidewalks on Dayton Avenue N from St. Lukes Place to N 172nd Street and on N 172nd Street from Dayton Avenue N to Fremont Avenue N, and reconfiguring the intersection at Dayton Avenue N and N St. Lukes Place. The reconfiguration will involve new sidewalks, pedestrian crossings and landscape areas.

BACKGROUND:

The 2006-2011 Capital Improvement Program adopted by Council includes the Dayton Avenue Project. The goal of this project is to design and construct a retaining wall to replace the existing timber wall along the west side of Dayton Avenue N between N 172nd Street and St. Lukes Place N. The wall supports a portion of Dayton Avenue N and has exceeded the normal life span for typical walls of this type. Repairs have been made to the wall in past years to extend its life span. A pre-design report was

completed in 2004 that analyzed the condition of the wall and recommended replacing the wall, proposing 3 options for replacement.

On February 28, 2005, staff obtained approval from Council to delay construction of this project until the summer of 2006 to further analyze and determine additional funding for added scope items to enhance safety and operation of Dayton Avenue N and St. Lukes Place within the vicinity of this project. To meet the project schedule of construction in the summer of 2006 and to increase our chances for grant funding, the scope items proposed on February 28, 2005 were included within the scope of the original design contract.

The original contract scope was to provide preliminary engineering design services to evaluate the additional items and further evaluate and select the retaining wall option. On November 7, 2005, staff obtained approval from Council to execute an amendment to the design services contract to complete the design for the wall and include sidewalks along the west side of Dayton Avenue N from N 172nd Street to St. Lukes Place N and reconfiguring the intersection of Dayton Avenue N and St. Lukes Place N. As part of that scope, staff will be conducting a public meeting with the local community during design of the wall and intersection.

At the time of the November 7, 2005 Council meeting, it was understood from conversations with TIB that the Dayton Avenue Project would probably not qualify for the sidewalk grant that the City applied for. With TIB's recommendation, the scope of work for KPFF was developed without the design for the sidewalk improvements on N 172nd Street. In December, the City received notice from TIB that the Dayton Avenue Project was awarded the grant. The grant scope specified installation of sidewalk on the north side of N 172nd Street. To meet the requirements of the grant, the design of the N 172nd Street sidewalk needs to be added to the scope.

FINANCIAL IMPACT: The Dayton Avenue Project is identified in the City's 2006 –2011 CIP. The following provides a breakdown of the project funding:

Grant Source	Purpose	Amount
TIB Pedestrian Safety & Mobility Grant (PSMP)	Construction	$135,200
Roads Capital Funding	Match	$872,184
Total		**$1,007,384**

By accepting the above PSMP grant funds, the City is required to provide a match. Staff will also be working with TIB staff to complete all other program requirements.

The original contract amount for the preliminary design services was $49,960. Previous contract amendments of $76,170 have been issued for the project. The current total contract amount is $126,130. This amendment will increase the total contract amount to $139,495. Available budget for this project from the 2006-2011 CIP is $1,007,384.00.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute a Fuel Tax Grant Distribution Agreement and Required Amendments with the Transportation Improvement Board to obligate funding for the Dayton Avenue North at North 175th

Street Retaining Wall Project and to authorize the City Manager to execute a contract amendment with KPFF to complete the design of the 172nd Street portion in an amount not to exceed $13,365.

Approved By: City Manager ____ City Attorney ___

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Council Meeting Date: February 13, 2006 **Agenda Item: 7(d)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize the Interim City Manager to execute an Interlocal Joint Purchasing Agreement, or substantially similar agreement, with the City of Tacoma
DEPARTMENT:	Finance
PRESENTED BY:	Cathy Robinson, Purchasing Officer Debbie Tarry, Finance Director

PROBLEM/ISSUE STATEMENT:

The Cities of Shoreline and Tacoma would like to enter into an Interlocal Joint Purchasing Agreement, as allowed under RCW 39.34, Interlocal Cooperation Act. The City of Tacoma operates under the laws and regulations that apply to municipal agencies. The City of Tacoma has awarded numerous competitive bids and requests for proposals (RFP) for such items as general and heavy equipment, vehicles, office supplies, audio visual equipment/supplies and computer software. These awards fulfill all state bid requirements. The proposed Interlocal Joint Purchasing Agreement, or substantially similar agreement, will allow Shoreline to take advantage of Tacoma's contracts to acquire some of the above mentioned items. This interlocal agreement does not limit the cooperative purchasing opportunities to the items listed above, but allows for other opportunities as the need arises. Because this is an interlocal agreement, Council's authorization is required for the Interim City Manager's execution of the agreement.

FINANCIAL IMPACT:

The agreement will increase Shoreline's efficiencies in bidding and contracting for supplies, material, equipment, or services that may be required from time to time by the City. This benefit is realized by Tacoma completing the formal bid procedures, including the development of bid specifications, bid documents, public advertising and process, and tabulating of bid results. With an Interlocal Joint Purchasing Agreement, the City would eliminate the cost of developing bid documents and public advertisement costs. In addition, the use of the interlocal will reduce the delivery time of the needed items to the requesting department, since Tacoma has already completed the bidding process. In addition, Shoreline may realize cost savings from the larger purchasing volumes of the City of Tacoma.

RECOMMENDATION

Staff recommends that Council authorize the Interim City Manager to execute the proposed Interlocal Joint Purchasing Agreement, or substantially similar agreement, with the City of Tacoma.

Approved By: Interim City Manager ____ City Attorney ____

Attachment A: Interlocal Joint Purchasing Agreement

INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT

Pursuant to Chapter 39.34 RCW and to other applicable laws,
THE CITY OF SHORELINE and, CITY OF TACOMA,
both political subdivisions of the State of Washington, hereby agree to cooperative governmental purchasing upon the following terms and conditions:

1. This Agreement pertains to bids and contracts for supplies, material, equipment, or services that may be required from time to time both by the City of Shoreline and City of Tacoma.

2. Each of the parties from time to time goes out to public bid and contracts to purchase supplies, material, equipment, and services. Each of the parties hereby agrees to extend to the other party the right to purchase pursuant to such bids and contracts to the extent permitted by law, and to the extent agreed upon between each party and the bidder, contractor, vendor, supplier, or service provider.

3. Each of the parties shall comply with all applicable laws and regulations governing its own purchases.

4. Each of the parties shall contract directly with the bidder, contractor, vendor, supplier, or service provider, and pay directly in accordance with its own payment procedures for its own purchases. Each party will indemnify and hold the other party harmless as to any claim arising out of its participation in this Agreement.

5. Any purchase made pursuant to this Agreement is not a purchase from either of the parties. This Agreement shall create no obligation to either of the parties to purchase any particular good or service, nor create to either of the parties any assurance, warranty, or other obligation from the other party with respect to purchasing or supplying any good or service.

6. No separate legal or administrative entity is intended to be created pursuant to this Agreement. No obligation, except as stated herein, shall be created between the parties or between the parties and any applicable bidder or contractor.

7. The Purchasing Officer of the City of Shoreline and the _____ of the City of Tacoma shall be representatives of the entities for carrying out the terms of this Agreement.

8. This Agreement shall continue in force until canceled by either party, which cancellation may be effected upon receipt by one of the parties of the written notice of cancellation of the other party.

APPROVED this _____day of _____, 2006.

CITY OF SHORELINE

BY:_____
Robert L. Olander
Interim City Manager

Subscribed and sworn to me this _____ day of _____, 200__.

_____
Notary Public in and for the State of Washington, residing at _____
My commission expires _____.

APPROVED AS TO FORM:

_____
Ian Sievers
City Attorney

ATTEST:

_____
Scott Passey
City Clerk

APPROVED this _____day of _____, 2006.

CITY OF TACOMA

BY:_____
(Insert Name)
(Insert Title)

Subscribed and sworn to me this _____ day of _____, 200__.

_____
Notary Public in and for the State of Washington, residing at _____
My commission expires _____.

APPROVED AS TO FORM:

_____
(Insert Title)

ATTEST:

_____
(Insert Title)

Council Meeting Date: February 13, 2006 **Agenda Item:** 7(e)

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Extension of SeaShore Forum Agreement
DEPARTMENT:	Communications & Intergovernmental Relations
PRESENTED BY:	Joyce Nichols, C/IR Director

PROBLEM/ISSUE STATEMENT:
At its December meeting, SeaShore Transportation Forum members agreed to extend the existing agreement beyond the 2005 expiration date to allow additional time to resolve outstanding issues in developing a new agreement.

We are asking Council to authorize the Interim City Manager to sign the form agreeing to an extension to April 1, 2006 and any additional extensions before December 31, 2006. A new agreement will be brought to Council for review and adoption when it is completed.

The next meeting of the SeaShore Forum is Wednesday, February 15, and the goal is to have the signature form signed by participating agencies by that date. Work continues on drafting a new agreement, however, the addition of new members following the 2005 elections and the need to orient them to the issues involved in SeaShore, more time is needed. A copy of the agreement is included in attachment "A".

FINANCIAL IMPACT:
There is no financial impact from action to extend the agreement.

RECOMMENDATION

Staff recommends that Council authorize the Interim City Manager to sign on behalf of the City to extend the SeaShore Transportation Forum agreement until April 1, 2006 and any additional extensions up to December 31, 2006.

ATTACHMENT: "A" SeaShore Transportation Forum agreement and extension.

Approved By: City Manager City Attorney

ATTACHMENT "A"

DRAFT
December 28, 2005

Extension of SeaShore Transportation Forum Agreement

In accordance with Section 18.2 of the SeaShore Transportation Forum agreement, approved in November, 2002, the participating members agree to extend the provisions of this document until April 1, 2006. All other provisions of the agreement shall remain the same.

CITY OF BOTHELL By_____ Date_____	KING COUNTY By_____ Date_____	COMMUNITY TRANSIT BY_____ Date_____
CITY OF KENMORE By_____ Date_____	SNOHOMISH COUNTY By_____ Date_____	CITY OF SEATTLE By_____ Date_____
CITY OF LAKE FOREST PARK By_____ Date_____	PUGET SOUND REGIONAL COUNCIL By_____ Date_____	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION By_____ Date_____
CITY OF SHORELINE By_____ Date_____	SOUND TRANSIT By_____ Date_____	TRANSPORTATION IMPROVEMENT BOARD By_____ Date_____
CITY OF WOODINVILLE By_____ Date_____	CITY OF MOUNTLAKE TERRACE By_____ Date_____	CITY OF EDMONDS By_____ Date_____

AGREEMENT
For the
SEASHORE TRANSPORTATION FORUM

Parties to Agreement:

City of Bothell
City of Kenmore
City of Lake Forest Park
City of Shoreline
City of Woodinville
City of Edmonds
City of Mountlake Terrace
King County
Snohomish County
City of Seattle

Puget Sound Regional Council
Sound Transit
Community Transit
Transportation Improvement Board
Washington State
Department of Transportation

Transmitted to participating members on December 23, 2002.

THIS AGREEMENT is made and entered into by and among the CITY OF BOTHELL, hereafter called "Bothell"; the CITY OF KENMORE, hereafter called "Kenmore"; the CITY OF LAKE FOREST PARK, hereafter called "Lake Forest Park"; the CITY OF SHORELINE, hereafter called "Shoreline"; the CITY OF WOODINVILLE, hereafter called "Woodinville"; CITY OF EDMONDS, hereafter called "Edmonds"; CITY OF MOUNTLAKE TERRACE, hereafter called "Mountlake Terrace"; the CITY OF SEATTLE, hereafter called "Seattle"; KING COUNTY, a legal subdivision of the State of Washington, hereafter called "King County"; SNOHOMISH COUNTY, a legal subdivision of the State of Washington, hereafter called "Snohomish County; the PUGET SOUND REGIONAL COUNCIL, hereafter called the "PSRC"; the CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY, hereafter called "Sound Transit"; SNOHOMISH COUNTY PUBLIC TRANSPORTATION BENEFIT AREA, hereafter called "Community Transit"; the WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, hereafter called "WSDOT"; and the TRANSPORTATION IMPROVEMENT BOARD, hereafter called "TIB."

WHEREAS, each of the jurisdictions in the north King County-south Snohomish County area has experienced significant population growth and economic development in the last decade, and projects continued growth and development in the future; and

WHEREAS, many of the transportation issues faced by the cities in north King County and south Snohomish County are similar to those faced by the City of Seattle; and

WHEREAS, King County and cities in other portions of urbanized King County have found that benefits can be achieved by multi-jurisdictional coordination, including a cooperative approach to the planning, financing, and construction of needed transportation improvements; and

WHEREAS, this coordination is facilitated by continuing forums for discussion and recommendations on common issues; and

WHEREAS, the King County Comprehensive Plan for Public Transportation - Long Range Policy Framework, originally adopted in 1993 and updated in 2002, divided Metro service into three geographic subareas for the purpose of allocating new transit subsidy; and

WHEREAS, the Six-Year Transit Development Plan, adopted in 1995, calls for the three subarea transportation boards (the Eastside Transportation Partnership, South County Area Transportation Board, and SeaShore Transportation Forum) to review, refine, and recommend service priorities to the King County Executive; and

WHEREAS, King County, Seattle, Bothell, and Lake Forest Park formed a SeaShore Transportation Forum and began discussions about common transportation issues in 1995 to develop recommendations on transit service; and

WHEREAS, the new cities of Shoreline and Kenmore have been formed since that time, and have been participating in SeaShore discussions; and

WHEREAS, the cities of Woodinville, Edmonds and Mountlake Terrace have agreed to join as members of the Forum; and

WHEREAS, Community Transit and Snohomish County also have been involved in discussions of inter-county coordination and other common issues through SeaShore; and

WHEREAS, Sound Transit relies on the three subarea transportation boards to review and recommend modifications to Sound Move Plan implementation-related services and projects, and to participate in future phase (Phase II) high capacity transit plan development efforts; and

WHEREAS, the "North King County "subarea for Sound Transit consists of the cities of Seattle, Shoreline and Lake Forest Park; and

WHEREAS, the Cities of Seattle, Shoreline and Lake Forest Park, and King County are included in the "Seattle-North King County" subarea designated by the King County Metro Long Range Development Plan and Six Year Plan for transit planning and service allocation; and

WHEREAS, the boundaries of the "Seattle-North King County" subarea are not altered by changes to the membership of the Forum; and

WHEREAS, the SeaShore Transportation Forum is expected to continue to provide valuable input on numerous planning and implementation decisions

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1.0 Purpose of Agreement

The purpose of the Agreement is to identify the members of the SeaShore Transportation Forum (SeaShore) and provide for the continuation of SeaShore as the Seattle-north King-south Snohomish County forum for information sharing, advocacy, consensus building and coordinating to resolve transportation issues.

2.0 Role of SeaShore

The SeaShore is the forum established by King County for the Seattle-North King County transportation subarea of King County at which elected officials may provide input into the following decisions, and such other transportation-related issues as the members determine:

a) Development of the King County Metro Six-Year Transit Development Plan
b) Implementation of transit service priorities
c) Recommendations for TEA-21 regional project identification and countywide project selection
d) Recommendations to Sound Move Plan implementation related services and projects, and development of future Phase II high capacity planning efforts

The SeaShore Transportation Forum also serves as a central forum for information sharing, consensus building, and coordinating to resolve transportation issues, and discuss priorities for implementing transportation projects and programs on a subregional basis for the north part of King County and the south part of Snohomish County.

The other two subareas have similar forums: the Eastside Transportation Partnership and the South County Area Transportation Board

3.0 Membership and Representation

3.1 The members of SeaShore shall be the following counties and cities (hereinafter referred to as "jurisdiction(s)": King County and Snohomish County, and the cities of Seattle, Shoreline, Lake Forest Park, Kenmore, Woodinville, Edmonds, Mountlake Terrace and Bothell; the following transportation agencies (hereinafter referred to as "agency(ies)": the Washington State Department of Transportation (WSDOT), Puget Sound Regional Council (PSRC), Sound Transit, Transportation Improvement Board (TIB), and Community Transit. Membership may be extended to others at a later date as SeaShore may later determine.

3.2 Each member city and county ("jurisdiction") shall be entitled to two positions on the SeaShore Transportation Forum. Each agency/organization shall be entitled to one position on the SeaShore Transportation Forum. Each jurisdiction should appoint two representatives, and each agency/organization should appoint one representative, each for one-year terms. Alternates may also be designated. For the jurisdictions, the representative should be an elected official; the alternate may be an elected official or high-level staff member as best serves both the jurisdiction and the SeaShore.

3.3 Each elected representative or alternate shall have one vote. Representatives of agencies, such as WSDOT, Community Transit, Sound Transit, TIB and the PSRC, shall be non-voting representatives.

3.4 The "Seattle-North King County" subarea is recognized as one of three subareas in King County for Metro Transit and Sound Transit decisions allocating service or capital resources. The SeaShore Transportation Forum is established as the body responsible for making recommendations on these issues. For actions relating to these issues, only those jurisdictions in the "Seattle-North King County" subarea shall vote.

4.0 Conduct

4.1 SeaShore shall operate by majority vote of those present at the meeting at which action is taken. Dissenting opinions may also be provided to the appropriate decision-makers.

4.2 SeaShore will be responsible for overall program direction, approving staff recommendations, and on-going communication with the governing body of each member jurisdiction.

4.3 SeaShore may establish its own bylaws and rules of procedure and may modify these as appropriate. Such bylaws and rules shall be consistent with the provisions of this Agreement and modifications to such bylaws and rules will not alter this Agreement.

4.4 A Chair or two Co-Chairs shall be chosen by Seashore to serve a term of one-year from January 1 through December 31. The Co-Chairs shall conduct the SeaShore activities and are responsible for setting meeting agendas, ensuring fair opportunity for discussion, signing correspondence and speaking on behalf of SeaShore.

5.0 Committees

The SeaShore may establish such committees as are necessary to carry out its purpose, including but not limited to a Technical Advisory Committee (TAC). A TAC of jurisdiction and agency staff may be formed on an on going or an ad hoc basis, as determined by SeaShore, to advise SeaShore of emergent transportation issues and provide recommendations for action.

6.0 Lead Agency

King County shall provide general administrative and program support for the SeaShore and will be the Lead Agency for the purposes of coordination and receipt of any funds or contract administration. King County assumes wage and benefits cost of its staff performing Lead Agency responsibilities.

7.0 Member Agency Staff Support

Each member jurisdiction and agency is expected to contribute such staff as is necessary to accomplish the work program adopted by the SeaShore.

8.0 Work Program

The SeaShore may undertake activities consistent with its purposes and shall prepare an annual work program for the following year, and progress report on the year just completed for submittal to its members.

9.0 Financing and Cost Sharing Guidelines:

9.1 SeaShore Yearly Dues -- Beginning in 2004, each member county and city will contribute $250.00 annually per vote awarded to remain members in good standing. The designated Lead agency shall not be required to pay yearly dues. This revenue shall be used for special events, public education, or other expenses authorized by the SeaShore Forum.

9.2 The following guidelines shall generally apply:

(1) Annual Review of Financing: The Forum shall determine by June 30 of each year whether an additional financial contribution will be requested of the Board jurisdictions and agencies.

(2) Member Jurisdictions: Costs shall be shared among member jurisdictions other than King County by a method as determined by action of the Forum. Unless agreed to otherwise, King County's share shall be limited to the costs of providing staff support.

(3) Non-voting Member Agencies/Organizations: The member agencies shall not be expected to make a direct funding contribution. However, subject to the availability of member funding, in-kind contributions may be necessary as determined by an action of SeaShore.

(4) Modification to Agreement Required: A modification to this agreement specifying cost-sharing, purpose, scope of work and other details is required to obligate a member jurisdiction to a change in funding participation.

10.0 Withdrawal of a Party from this Agreement

Each party, for its convenience and without cause or for any reason whatsoever, may withdraw from participation in this Agreement by providing written notice, sent certified mail, return receipt required, to all of the other parties at least thirty (30) days in advance of the effective date of the withdrawal. A withdrawing party shall not be entitled to a refund of any dues or other payments to support SeaShore activities and shall make any contributions required to be paid to other parties under this Agreement for costs which had been obligated prior to the effective date of the withdrawal. In the event a party withdraws, the remaining parties shall amend this Agreement as necessary to reflect changes in the named parties and cost and revenue allocations. In the event of withdrawal by a party, this Agreement shall terminate as to that party but shall continue in effect with respect to the remaining parties. However, the termination of this Agreement with respect to one or more parties shall not affect any of the parties' rights or obligations, including any rights or obligations of a withdrawing party, that are expressly intended to survive termination.

Each party's funding to perform its obligations under the Agreement, beyond the current appropriation year, is conditional upon appropriation by the party's governing body of sufficient funds to support said obligations. Should such an appropriation not be approved for a future year, a party may exercise its right to withdraw as provided herein.

11.0 Duration

This Agreement shall take effect upon being duly adopted by the governing bodies of all parties and executed by the authorized representatives of all parties. This Agreement shall remain in effect until December 31, 2005, unless terminated earlier or extended in accordance with Section 18.0.

12.0 Termination

All parties to this Agreement must agree to terminate this Agreement in order for such termination to be effective. If all parties desire to terminate this Agreement, they shall execute a Statement of Termination. Upon termination, no party shall be required to make any additional contributions. Any remaining funds shall be refunded to the parties to this Agreement according to Section 14.0.

13.0 Real and Personal Property

The acquisition of real property is not anticipated under this Agreement. Any personal property acquired, pursuant to this Agreement shall be held by the Lead Agency. In the event this Agreement expires or is terminated in accordance with Section 12.0: any personal property other than cash shall remain with the Lead Agency.

14.0 Return of Funds

At such time as this Agreement expires or is terminated in accordance with Section 12.0, any unexpended and uncommitted funds shall be distributed proportionately to those parties to this Agreement at the time of termination based on each party's percentage share of the original contribution.

16.0 Filing

This Agreement shall be filed with the King County Department of Records and Elections.

17.0 Legal Relations

17.1 The parties shall comply with all applicable state and federal laws and regulations.

17.2 This Agreement is solely for the benefit of the parties hereto and gives no right to any other party. No joint venture or partnership is formed as a result of this Agreement. No employees or agents of one party or any of its contractors or subcontractors shall be deemed, or represent themselves to be, employees of any other party.

17.3 Each party shall defend, indemnify, and hold harmless the other parties and all of their officials, employees, principals and agents from all claims, demands, suits, actions, and liability of any kind whatsoever which arise out of, are connected with, or are incident to any negligent acts of the indemnifying party, its contractor, and/or employees, agents, and representatives in performing the indemnifying party's obligations under this Agreement. The parties agree that their obligations under this paragraph extend to claims made against one party by the other party's own employees. For this purpose the parties, by mutual negotiation, hereby waive as respects the other party only, any immunity that would otherwise be available against such claims under the industrial insurance provisions of RCW Title 51. In the event any party incurs attorney's fees, costs or other legal expenses to enforce the provisions of this section, against the other party, all such reasonable fees, costs and expenses shall be recoverable by the prevailing party.

17.4 The provisions of this Section 17 shall survive and remain applicable to each of the parties notwithstanding any termination or expiration of this Agreement and notwithstanding a party's withdrawal from this Agreement.

18.0 Entirety and Modifications

18.1 This Agreement merges and supersedes all prior negotiations, representations, and agreements between the parties relating to the subject matter hereof and constitutes the entire agreement between the parties.

18.2 This Agreement may be modified or extended only by written instrument signed by all parties hereto.

19.0 Counterparts

The signature page of this Agreement may be executed in any number of counterparts, each of whom shall be an original.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed and delivered by its duly authorized officer or representative as of the date set forth below its signature.

CITY OF BOTHELL By_____ Date_____	KING COUNTY By_____ Date OCTOBER 19, 2004	COMMUNITY TRANSIT BY_____ Date_____
CITY OF KENMORE By_____ Date_____	SNOHOMISH COUNTY By_____ Date_____	CITY OF SEATTLE By_____ Date_____
CITY OF LAKE FOREST PARK By_____ Date_____	PUGET SOUND REGIONAL COUNCIL By_____ Date_____	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION By_____ Date_____
CITY OF SHORELINE By_____ Date_____	SOUND TRANSIT By_____ Date_____	TRANSPORTATION IMPROVEMENT BOARD By_____ Date_____
CITY OF WOODINVILLE By_____ Date_____	CITY OF MOUNTLAKE TERRACE By_____ Date_____	CITY OF EDMONDS By_____ Date_____

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CITY OF KENMORE By_____ Date_____	SNOHOMISH COUNTY By_____ Date_____	CITY OF SEATTLE By_____ Date_____
CITY OF LAKE FOREST PARK By_____ Date_____	PUGET SOUND REGIONAL COUNCIL By_____ Date_____	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION By_____ Date_____
CITY OF SHORELINE By_____ Date_____	SOUND TRANSIT By_____ Date_____	TRANSPORTATION IMPROVEMENT BOARD By_____ Date_____
CITY OF WOODINVILLE By Donald Olson Date 2-11-03	CITY OF MOUNTLAKE TERRACE By_____ Date_____	CITY OF EDMONDS By_____ Date_____

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CITY OF KENMORE By_____ Date	SNOHOMISH COUNTY By_____ Date	CITY OF SEATTLE By_____ Date
CITY OF LAKE FOREST PARK By_____ Date	PUGET SOUND REGIONAL COUNCIL By_____ Date	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION By_____ Date 3/3/03
CITY OF SHORELINE By_____ Date	SOUND TRANSIT By_____ Date	TRANSPORTATION IMPROVEMENT BOARD By_____ Date
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CITY OF BOTHELL By Date 2/4/03	KING COUNTY By_____ Date	COMMUNITY TRANSIT BY_____ Date
CITY OF KENMORE By_____ Date	SNOHOMISH COUNTY By_____ Date	CITY OF SEATTLE By_____ Date_____
CITY OF LAKE FOREST PARK By_____ Date	PUGET SOUND REGIONAL COUNCIL By_____ Date_____	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION By_____ Date
CITY OF SHORELINE By_____ Date	SOUND TRANSIT By_____ Date	TRANSPORTATION IMPROVEMENT BOARD By_____ Date
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CITY OF KENMORE By_____ Date_____	SNOHOMISH COUNTY By_____ Date_____	CITY OF SEATTLE By_____ Date_____
CITY OF LAKE FOREST PARK By_____ Date_____	PUGET SOUND REGIONAL COUNCIL By_____ Date_____	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION By_____ Date_____
CITY OF SHORELINE By_____ Date 2-13-03	SOUND TRANSIT By_____ Date_____	TRANSPORTATION IMPROVEMENT BOARD By_____ Date_____
CITY OF WOODINVILLE By_____ Date_____	CITY OF MOUNTLAKE TERRACE By_____ Date_____	CITY OF EDMONDS By_____ Date_____

Approved as to form:

Shoreline City Attorney

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CITY OF KENMORE By_____ Date_____	SNOHOMISH COUNTY By_____ Date_____	CITY OF SEATTLE By_____ Date_____
CITY OF LAKE FOREST PARK By_____ Date_____	PUGET SOUND REGIONAL COUNCIL By_____ Date_____	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION By_____ Date_____
CITY OF SHORELINE By_____ Date_____	SOUND TRANSIT By_____ Date_____	TRANSPORTATION IMPROVEMENT BOARD By_____ Date_____
CITY OF WOODINVILLE By_____ Date_____	CITY OF MOUNTLAKE TERRACE By_____ Date_____	CITY OF EDMONDS By_____ Date 2-2-03

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CITY OF KENMORE By_____ Date	SNOHOMISH COUNTY By_____ Date	CITY OF SEATTLE By_____ Date
CITY OF LAKE FOREST PARK By_____ Date	PUGET SOUND REGIONAL COUNCIL By Mary McCumber Date 2/11/03	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION By_____ Date
CITY OF SHORELINE By_____ Date	SOUND TRANSIT By_____ Date	TRANSPORTATION IMPROVEMENT BOARD By_____ Date
CITY OF WOODINVILLE By_____ Date	CITY OF MOUNTLAKE TERRACE By_____ Date	CITY OF EDMONDS By_____ Date

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CITY OF KENMORE By_____ Date	SNOHOMISH COUNTY By_____ Date	CITY OF SEATTLE By_____ Date
CITY OF LAKE FOREST PARK By Dave R. Hutch Date 1/15/03	PUGET SOUND REGIONAL COUNCIL By_____ Date	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION By_____ Date
CITY OF SHORELINE By_____ Date	SOUND TRANSIT By_____ Date	TRANSPORTATION IMPROVEMENT BOARD By_____ Date
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CITY OF BOTHELL By_____ Date_____	KING COUNTY By_____ Date_____	COMMUNITY TRANSIT By_____ Date 1/21/03
CITY OF KENMORE By_____ Date_____	SNOHOMISH COUNTY By_____ Date_____	CITY OF SEATTLE By_____ Date_____
CITY OF LAKE FOREST PARK By_____ Date_____	PUGET SOUND REGIONAL COUNCIL By_____ Date_____	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION By_____ Date_____
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CITY OF KENMORE By_____ Date 6/13/03	SNOHOMISH COUNTY By_____ Date	CITY OF SEATTLE By_____ Date
CITY OF LAKE FOREST PARK By_____ Date	PUGET SOUND REGIONAL COUNCIL By_____ Date	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION By_____ Date
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CITY OF KENMORE By_____ Date_____	SNOHOMISH COUNTY By_____ Date_____	CITY OF SEATTLE By_____ Date_____
CITY OF LAKE FOREST PARK By_____ Date_____	PUGET SOUND REGIONAL COUNCIL By Mary McCumber Date 12/27/02	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION By_____ Date_____
CITY OF SHORELINE By_____ Date_____	SOUND TRANSIT By_____ Date_____	TRANSPORTATION IMPROVEMENT BOARD By_____ Date_____
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CITY OF SHORELINE By_____ Date_____	SOUND TRANSIT By_____ Date_____	TRANSPORTATION IMPROVEMENT BOARD By_____ Date 12/30/2002
CITY OF WOODINVILLE By_____ Date_____	CITY OF MOUNTLAKE TERRACE By_____ Date_____	CITY OF EDMONDS By_____ Date_____

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IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed and delivered by its duly authorized officer or representative as of the date set forth below its signature.

CITY OF BOTHELL By_____ Date_____	KING COUNTY By_____ Date_____	COMMUNITY TRANSIT BY_____ Date_____
CITY OF KENMORE By_____ Date_____	SNOHOMISH COUNTY By_____ Date_____	CITY OF SEATTLE By_____ Date_____
CITY OF LAKE FOREST PARK By_____ Date_____	PUGET SOUND REGIONAL COUNCIL By_____ Date_____	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION By_____ Date_____
CITY OF SHORELINE By_____ Date_____	SOUND TRANSIT By John M Earl Date 1-6-03	TRANSPORTATION IMPROVEMENT BOARD By_____ Date_____
CITY OF WOODINVILLE By_____ Date_____	CITY OF MOUNTLAKE TERRACE By_____ Date_____	CITY OF EDMONDS By_____ Date_____

18.1 This Agreement merges and supersedes all prior negotiations, representations, and agreements between the parties relating to the subject matter hereof and constitutes the entire agreement between the parties.

18.2 This Agreement may be modified or extended only by written instrument signed by all parties hereto.

19.0 Counterparts

The signature page of this Agreement may be executed in any number of counterparts, each of which shall be an original.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed and delivered by its duly authorized officer or representative as of the date set forth below its signature.

CITY OF BOTHELL By_____ Date	KING COUNTY By_____ Date	COMMUNITY TRANSIT BY_____ Date
CITY OF KENMORE By_____ Date	SNOHOMISH COUNTY By_____ Date	CITY OF SEATTLE By Date 11-15-4
CITY OF LAKE FOREST PARK By_____ Date	PUGET SOUND REGIONAL COUNCIL By_____ Date	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION By_____ Date
CITY OF SHORELINE By_____ Date	SOUND TRANSIT By_____ Date	TRANSPORTATION IMPROVEMENT BOARD By_____ Date
CITY OF WOODINVILLE By_____ Date	CITY OF MOUNTLAKE TERRACE By_____ Date	CITY OF EDMONDS By_____ Date

18.0 Entirety and Modifications

18.1 This Agreement merges and supersedes all prior negotiations, representations, and agreements between the parties relating to the subject matter hereof and constitutes the entire agreement between the parties.

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The signature page of this Agreement may be executed in any number of counterparts, each of which shall be an original.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed and delivered by its duly authorized officer or representative as of the date set forth below its signature.

CITY OF BOTHELL By_____ Date	KING COUNTY By_____ Date	COMMUNITY TRANSIT BY_____ Date
CITY OF KENMORE By_____ Date	SNOHOMISH COUNTY Executive GARY WEIKEL Deputy Executive By_____ Date 3/14/03 D-10	CITY OF SEATTLE Approved as to form By_____ Deputy Prosecuting Attorney Date Angela S. Belbeck
CITY OF LAKE FOREST PARK By_____ Date	PUGET SOUND REGIONAL COUNCIL By_____ Date	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION By_____ Date
CITY OF SHORELINE By_____ Date	SOUND TRANSIT By_____ Date	TRANSPORTATION IMPROVEMENT BOARD By_____ Date
CITY OF WOODINVILLE By_____ Date	CITY OF MOUNTLAKE TERRACE By_____ Date	CITY OF EDMONDS By_____ Date

Council Meeting Date: February 13, 2006 **Agenda Item: 7(f)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Saltwater Park Master Plan - Contract Amendment
DEPARTMENT:	Public Works Department
PRESENTED BY:	Dick Deal, Parks Director
	Dave Buchan, Capital Projects Manager

PROBLEM/ISSUE STATEMENT:
The purpose of this staff report is to brief the Council on the status of the Richmond Beach Saltwater Park Master Plan project and seek Council approval of Contract Amendment #1 with Hewitt Architects for full implementation of the Master Plan.

The original contract for Richmond Beach Saltwater Park (Phase 1) was executed in October 2005 in the amount of $30,000. This initial contract provided for detailed investigation of site conditions at Saltwater Park to enable the City to better understand erosion and soil conditions on site, the condition of existing plant communities, and impressions of key stakeholders regarding possible future development of the park. This Phase 1 effort provides a firm basis on which to proceed with development of the Saltwater Park Master Plan.

Contract amendment #1 with Hewitt Architects is proposed in the amount of $89,160 and provides for the full implementation of the Richmond Beach Saltwater Park Master Plan. This Phase 2 effort will involve 1) the implementation of a major public involvement program to help shape the vision for the park, 2) the preparation of alternative master plan concepts for Saltwater Park, 3) the preparation of a capital improvements plan complete with cost estimates and sketches of proposed improvements, and 4) the development of a series of planning and management tools to guide the long-term development and operation of this waterfront park in Shoreline.

FINANCIAL IMPACT: Preparation of a Master Plan for Richmond Beach Saltwater Park is an identified component of the Council approved 2006 - 2011 Capital Improvement Program with a total project budget of $150,000. The initial phase of this project (Phase 1) was executed in October 2005 in the amount of $30,000 and provided detailed investigation of existing site conditions at Saltwater Park. Contract amendment #1 is proposed in the amount of $89,160 and will provide for the full development of the Richmond Beach Saltwater Park Master Plan. Phases 1 and 2 combined create a total fee commitment for the Master Plan project of $119,160.

RECOMMENDATION

Staff recommends that Council approve Amendment #1 to the contract with Hewitt Architects in the amount of $89,160 to prepare the Master Plan for Richmond Beach Saltwater Park.

Approved By: City Manager ___ City Attorney ___

INTRODUCTION

Richmond Beach Saltwater Park is a treasured resource for the Shoreline community. The park provides 42 acres on Puget Sound offering spectacular views of the sound and the Olympic Mountains. The park offers wide sandy beaches, facilities for picnics, barbecues, and group gatherings for the many Shoreline residents that enjoy Saltwater Park each year.

Despite its magnificent setting, the park is experiencing a series of gradual problems that threaten the long-term sustainability of the park's ecosystem. These include the erosion of beach dunes, the deterioration of hillsides and bluffs, the major growth of invasive plant species that are crowding out native plant materials, and the inability of existing site conditions to hold rain water that reaches the site.

Capital improvements have been made at Saltwater Park over the past decade including new picnic shelters and parking improvements. Over the past few years, other capital projects have been informally discussed for the park by staff. However, to better understand how the park is currently used, to understand possible directions for future park use, and to understand what types of park capital improvements make the most sense for the Shoreline community, the City of Shoreline has proposed the development of a Richmond Beach Saltwater Park Master Plan. The master plan will need to consider all aspects of the park's physical setting, identify solutions to reverse the course of the current gradual erosion of the park's natural features, and suggest both short and long term capital improvements in the park that will enhance public use.

The 2005 Capital Improvements Program adopted by Council includes an allocation of $150,000 for the development of a Richmond Beach Saltwater Park Master Plan. This proposed amendment with Hewitt Architects provides for the Phase 2 effort of the master plan project which includes development of the master plan itself, implementation of an extensive public involvement process, and the issuance of a final master plan document.

BACKGROUND

In July 2005, the City of Shoreline solicited Statements of Qualifications from consultant teams for the preparation of a Richmond Beach Saltwater Park Master Plan. Eleven consultant teams submitted proposals for the Saltwater Park project. After a thorough interview process, the firm of Hewitt Architects was selected.

In developing the approach to a master plan, it was recognized that a substantial work effort would be involved in simply identifying existing conditions on site. Erosion of sandy slopes in the park and questions about slope stability have been noted in the past. Invasive plant species, notably scotch broom, have been present for many years and raises questions about the long-term viability of more native plant materials in the park. To provide detailed information on these issues and to pave the way for development of the master plan itself, the City carried out a Phase 1 contract with Hewitt Architects in the amount of $30,000. The Phase 1 scope of work included:

- A detailed visual survey of the site documenting all existing site improvements, viewpoints, structures and trails, slope conditions, location of general plant groupings, landmarks, and other visual features.

- A detailed mapping of existing plant communities and invasive plant species. This includes an identification of dominant plant species in each strata.

- A geotechnical site assessment mapping areas of erosion and slope instability, including both beach areas and upper slopes.

- A civil engineering site assessment locating all existing utilities and including a structural assessment of existing bridge and park improvements.

- Interviews with over 20 key stakeholders to better understand how the community views the park and any future improvements to the park.

The Phase 1 scope of work was completed in December 2005 and the results of that effort have been significant in developing the scope of work for the proposed Phase 2 work effort for the Saltwater Park Master Plan.

The proposed scope of work for contract amendment #1 with Hewitt Architects includes:

- Developing and carrying out an extensive public involvement process regarding public attitudes and preferences for Saltwater Park. Public responses to this outreach effort will help the City and consultants describe a range of alternative master plan concepts that can be further reviewed by the public in subsequent Open House sessions.

- Describing and illustrating these alternative master plan concepts in a manner that enables the public and decision makers to understand and compare alternatives.

- Facilitating a public discussion of master plan alternatives and recording responses in a manner that can be summarized for decision-makers. The Park Board will be heavily involved in reviewing plan alternatives and working toward consensus of a preferred alternative. With selection of a preferred alternative, the consultant team will prepare more detailed illustrations of plan concepts and proposed capital improvements reflected in the preferred plan. The Park Board, staff, and consultants will brief the Council on the alternatives discussed during Open House sessions and elements of the preferred alternative.

- Completing a draft Master Plan which will include illustrative plans and guiding principles, sketches to illustrate design concepts, and estimates of cost and phasing recommendations for park improvements. This will include a structural analysis of the existing bridge and recommendations regarding bridge upgrading or replacement. This draft Master Plan will then be presented to the Park Board for its review.

- Modification of the draft Master Plan as needed following Park Board review. The draft Master Plan will then be presented to Council by the Park Board, staff, and consultants. Following Council review, the consultant team will modify the plan as needed and then prepare the final Master Plan. This final document will then be distributed by the City to the Council, Park Board, and stakeholders.

RECOMMENDATION

Staff recommends that Council approve Amendment #1 to the contract with Hewitt Architects in the amount of $89,160 to prepare the Master Plan for Richmond Beach Saltwater Park.

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Council Meeting Date: February 13, 2006 **Agenda Item: 7(g)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No 411 Amending Interim Controls on Removal of Hazardous Trees
DEPARTMENT:	City Manager, City Attorney
PRESENTED BY:	Ian R. Sievers, City Attorney

PROBLEM / ISSUE STATEMENT:

On January 3, 2006 the Council passed Ordinance 407 adopting a four month moratorium on removal of hazardous trees and enacting interim regulations for removal of these trees. A public hearing was held on the moratorium and interim zoning control on February 6, 2006 pursuant to RCW 35A.63.220. Following the public hearing the Council voted to amend the interim controls to add "recreational trails" to the locations where the interim exemption for removal of hazardous trees would apply. Proposed Ordinance 411 makes this amendment to the interim controls.

The term of the interim control remains four months from the effective date of Ordinance 407 or May11, 2006. [1]

RECOMMENDATION

Staff recommends that the City pass Ordinance No 411 amending interim zoning controls for the removal of hazardous trees.

Approved By: City Manager ____ City Attorney ____

[1] Ordinance 407 did not receive the majority plus one votes needed for the emergency declaration and immediate effective date. RCW 35A.12.130. Therefore its effective date became January 11, five days from publication rather than January 3.

ORDINANCE NO. 411

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING INTERIM CONTROLS PROHIBITING THE CUTTING OF TREES IN CRITICAL AREAS AND PROHIBITING LAND CLEARING OR GRADING IN CRITICAL AREAS

WHEREAS, an interim control for removal of hazardous trees was adopted by Ordinance No. 407 on January 3, 2006 to allow the City to preserve planning options and prevent substantial change to critical areas while the Planning Commission and city staff engage the public and various stakeholder groups in crafting permanent development regulations, including but not limited to such alternatives as a vegetation management plan; and

WHEREAS, the Council determined that the interim control should be amended to expand the locations where hazardous trees may be removed without a permit to include recreational paths; now, therefore,

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment. The interim control adopted in Section 3 of Ordinance No. 407 is amended to read as follows:

Emergency situations on private property involving danger to life or property or substantial fire hazards.

In addition to other exemptions of Subchapter 5 of the Development Code, SMC 20.50.290-.370, the proposed cutting of any tree or clearing vegetation that is an immediate threat to public health and safety shall be allowed without a permit if it is evaluated and authorized by the City prior to such work being performed. The evaluation shall be done using the International Society of Arborculture method, Hazard Tree Analysis for Urban Areas, in its most recent adopted form. Authorization to cut or clear vegetation under this exemption may only be given if the City concludes that the condition constitutes an actual and immediate threat to life or property in homes, private yards, buildings, public or private streets and driveways, improved utility corridors, recreational trails or access for emergency vehicles. The party proposing cutting or clearing under this exemption shall contact the City regarding the emergency prior to taking the action and shall allow City access to assess the hazardous vegetation prior to, during and after removal and to assure compliance with conditions. If deemed by the City to be necessary, the City may retain, at the applicant's cost, an arborist/tree consultant to evaluate the request prior to any final determination. The City shall

authorize only such alteration to existing trees and vegetation as may be necessary to eliminate the hazard and shall condition authorization on means and methods of removal necessary to minimize environmental impacts, including replanting. Any authorized work shall be done utilizing hand implements only and the City may require that all or a portion of cut materials be left on-site.

Section 2. Effective Date, Publication. A summary of this ordinance consisting of the title shall be published in the official newspaper of the City and the ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON FEBRUARY 13, 2006

_____
Mayor Robert Ransom

ATTEST:

_____
Scott Passey
City Clerk

APPROVED AS TO FORM:

_____
Ian Sievers
City Attorney

Date of Publication: , 2006
Effective Date: , 2006

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Council Meeting Date: February 13th 2006 **Agenda Item:** 8(a)

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Public Hearing, Proposed Critical Areas Ordinance No. 398 Updating Critical Areas Regulations, Phase II
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP, Director Matthew Torpey, Planner II

PROBLEM/ISSUE STATEMENT:

On January 17, 2006 the Council agreed to re-open the public hearing regarding the proposed critical areas ordinance to solicit additional public comment. As required by RCW 36.70A.035 and to provide as open a public process as possible, Council will hear testimony from the public regarding amendments proposed by both Council members' as well as staff.

It is anticipated that at the close of public comment, council will deliberate on the testimony as well as the proposed amendments. The Council may complete its deliberation on this matter and take action at the February 13 meeting. If more time is required for Council deliberation and decision-making, we will bring Ordinance 398 back for action at the meeting on February 27, 2006.

Attached to this staff report are the proposed amendments from Councilmember's Fimia and Way, as well as two amendments originally proposed by staff at the October 24, 2005 public hearing (one proposed amendment has been removed from the staff proposal due to Ord. 407, hazard tree moratorium). Ordinance 398 is attached for reference as well as all correspondence received by the Planning Department since October 21, 2005.

FINANCIAL IMPACT:

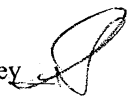
The Washington State Department of Community, Trade and Economic Development awarded the City of Shoreline a grant of $42,000 to update the Development Code, environmental procedures, and regulations. City of Shoreline staff and consultants have provided the attached draft critical area code update while keeping expenditures within granted amount.

RECOMMENDATION

The Planning Commission recommends that Council approve Ordinance No. 398.

ATTACHMENTS

Attachment A: Councilmember Fimia's Proposed Amendment
Attachment B: Councilmember Way's Proposed Amendments
Attachment C: Staff Proposed Amendments
Attachment D: Ordinance 398
Attachment E: Correspondence Received since October 21, 2005.
Attachment F: Notice of Scoped Public Hearing

Approved By: City Manager  City Attorney 

Proposed Critical Area Ordinance Amendments **ATTACHMENT A**
February 13, 2006 City Council Meeting
Councilmember Fimia

- **20.80.085 Pesticides, Herbicides and Fertilizers on City Owned Property (New Section)**

Pesticides, herbicides and fertilizers which have been identified by state or federal agencies as harmful to humans, wildlife, fish, shall not be used in a city-owned riparian corridor, shoreline habitat or its buffer, wetland or its buffer, except as allowed by the Director for the following circumstances:

1. When the Director determines that an emergency situation exists where there is a serious threat to public safety, health, or the environment and that an otherwise prohibited application must be used as a last resort.

2. Compost may be used for native plant revegetation projects in any location.

Councilmember Janet Way's Proposed Critical Area Ordinance Amendments for Consideration at the February 13, 2006 City Council

- **20.80.030(L) –Partial Exemptions**

L. When it can be demonstrated that there will be no adverse affect, the following activities may be allowed within critical areas and their buffers: educational activities, scientific research, and outdoor recreational activities, including but not limited to interpretive field trips, bird watching, public beach access including water recreation related activities~~, and the use of existing trails for horseback riding,~~ bicycling and hiking, that will not have an adverse effect on the critical area;

- **20.80.030(P) – Partial Exemptions**

P. Mitigation projects related to utilites construction in critical areas or their buffers.

- **20.80.050 Notice to Title**

Do not adopt Planning Commissions Recommendations for SMC 20.80.050(A)

- **20.80.080(F)- Alterations or development of critical areas- standards and criteria.**

F. Monitoring, measuring and reporting the impact to the Planning Director and taking the appropriate corrective measures.

- **20.80.470- Streams**

A. "Type I streams" are those streams identified as "Shorelines of the State" under the City Shoreline Master Program.

B. "Type II streams" are those ~~natural~~ streams that are ~~not Type I streams and are either~~ perennial or intermittent ~~and have salmonid fish use~~ ~~and have one of the following characteristics:~~ and have one of the following characteristics:

1. Salmonid fish use;
2. Demonstrated salmonid habitat value as determined by a qualified professional
3. Significant recreational value.

C. "Type III Streams" are those streams with perennial (year round) or intermittent flow with channel width of two feet or more taken at the ordinary high water mark ~~and are not used by salmondid fish and have no potential to be used by salmonid fish.~~

D. "Type IV streams" are those streams and natural drainage swales with perennial or intermittent flow with channel width less than two feet taken at the ordinary high water mark that are not used by salmonid fish.

- **20.80.480(H) – Restoring Piped Watercourses**

- 1. The city encourages the opening of previously channelized/culverted streams and the rehabilitation and restoration of streams both on public property or when a property owner is a proponent in conjunction with a new development.

2. When piped watercourse sections are restored, a protective buffer shall be required of the stream section. The buffer distance shall be based on an approved restoration plan, regardless of stream classification, and shall be a minimum of 10 to 25 feet at the discretion of the director to allow for restoration and maintenance. The stream and buffer area shall include habitat improvements and measures to prevent erosion, landslide and water quality impacts. Opened channels shall be designed to support fish access, unless determine to be unfeasible by the City.

CITY OF SHORELINE

ATTACHMENT C

Memorandum

DATE: **January 31, 2006**

TO: **City of Shoreline Councilmembers**

FROM: **Matt Torpey, Planner II**

RE: **Staff recommended amendments to the Draft Critical Areas Ordinance**

The current draft version of the CAO contains a clerical error that should be corrected as well as one code section that requires removal as a result of a recently adopted State law. Planning and Development Staff recommends that the Council amend the code to include the following changes.

1. Remove the word "open" from SMC 20.80.460(A). This will make it consistent with the draft version of the definition of "Stream" in SMC 20.20.046(S).

2. Staff has been notified by Community Trade and Economic Development that inclusion of language that dictates where mobile homes may and may not be placed within the City of Shoreline is no longer legal per Senate Bill 6593 adopted in the 2004 legislative session. Staff recommends removal of SMC 20.80.380(H).

ORDINANCE NO. 398

AN ORDIANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE DEVELOPMENT CODE TO UPDATE AND CLARIFY ADMINISTRATION AND PROCEDURES FOR IMPLEMENTING CRITICAL AREAS REGULATIONS INCLUDING AMENDIN THE SHORELINE MUNICIPAL CODE CHAPTERS 20.20, 20.50, AND 20.80.

WHEREAS, the City adopted Shoreline Municipal Code Title 20, the development Code, on June 12, 2000; and

WHEREAS, The City has completed a review of its development regulations in accordance with the Washington State Growth Management Act (GMA), RCW36.70A.130, which states "Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopts them"; and

WHEREAS, the City initiated review of its critical areas regulations in 2002 and adopted general provisions related to the critical areas in 2003

WHEREAS, the Planning Commission developed a recommendation on the amendments; and

WHEREAS, a public participation process was conducted to develop and review amendments to the Development Code, Critical Areas including:

- A public comment period was advertised from December 17, 2004 to January 20, 2005.
- The Planning Commission held workshops and a public hearing on the proposed amendments on January 20, February 17, March 17, April 7, July 21 and formulated its recommendation to Council on the proposed amendments on August 4, 2005; and

WHERAS, the proposed amendments were submitted to the State Department of Community Development for comment pursuant to WAC 365-195-820; and

WHERAS, 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 RCW 36.70A and;

WHERAS, 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, 20.50, and 20.80 are amended as set forth in Exhibit A, 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 FEBRUARY 13, 2006

_____
Mayor Robert Ransom

ATTEST:

_____
Scott Passey
City Clerk

APPROVED AS TO FORM:

_____
Ian Sievers
City Attorney

Date of Publication: February 16, 2006
Effective Date: February 21, 2006

State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Mailing Address: 16018 Mill Creek Boulevard Mill Creek, WA 98012
(425) 775-1311 Fax (425) 379-2323

Date: October 21, 2005

Matthew Torpey
Planning and Development Services
City of Shoreline
17544 Midvale Avenue North
Shoreline, Washington 98133-4921

SUBJECT: WDFW Review of Draft Proposed Update to the City of Shoreline Critical Area Ordinance

Dear Mr. Torpey:

Thank you for the opportunity to review and comment on the City of Shoreline Critical Area Ordinance (CAO). We appreciate the time and effort that you and your project team have spent researching and writing the draft ordinance. We offer the following comments and suggestions in an effort to help you draft a Critical Area Ordinance that sufficiently protects our valuable fish and wildlife resources in Washington State.

The WDFW commends the City of Shoreline for improving fish and wildlife in the following sections of the document:

Page 10, Section 20.80.030.H Exemptions: A new exemption to encourage conservation and enhancement opportunities will benefit fish and wildlife by providing a more streamlined permitting process.

Page 14, Section 20.80.050.B, Notice to title: Clearly depicting the critical area habitat on plats or site plans will be beneficial to both the developer and fish and wildlife resources by clearly delineating protected areas.

Page 15, Section 20.80.060A, Permanent field marking: Clearly depicting critical areas using signage will help avoid unlawful clearing of brush, and other intrusions into fish and wildlife habitat areas.

Page 60, Subchapter 7. Stream Areas, 20.80.460.A., Designation and purpose: The City of Shoreline has come up with an excellent definition for streams that will properly protect fish and wildlife along streams and shorelines within city jurisdiction.

The following sections of the CAO, as written, may not sufficiently protect fish and wildlife. WDFW offers the following comments and recommendations for the proper protection of valuable fish and wildlife resources:

Page 10, Section 20.80.030.G. Exemptions: work activities in areas with steep slopes could cause harmful effects to riparian areas near streams and marine shorelines. An example of this would be if development was allowed along a bankline, and a short time later, erosion was observed. A homeowner may be inclined to apply for bank protection, such as a bulkhead, in this case. Bulkheads prevent or slows down the deposition of sediment onto beaches. Over time, sand or gravel, which provide critical habitat for marine fish species, erode away thereby removing habitat where forage fish and juvenile salmonid prey items live. Because Richmond Beach, which is in the jurisdiction of the City of Shoreline, is a documented surf smelt spawning beach, it will be very important that steep slopes near streams or marine shorelines not be developed unless there is a sufficient buffer based on Best Available Science (BAS), refer: WDFW Management Recommendations for Washington's Priority Habitats, *Riparian* (Knutson et al, 1997).

Page 11, Section 20.08.030.P. Exemptions: Language in this section would allow six significant trees to be removed from a critical area or critical area buffer provided sufficient mitigation is offered to offset the impact. Removing vegetation along buffers negates the purpose of the buffer, namely, to have vegetation for filtering pollutants, sediment, and provide shading in small streams. Significant trees may also contain important wildlife species (e.g., eagle nest/perch trees, trees with cavities) and should be protected to the greatest extent possible. WDFW has several questions and comments regarding statements in this section. What is the intent of having this language in the document? Is it to allow homeowners view property? If this is the case, there are other alternatives that are less destructive for fish and wildlife habitat. One alternative is to allow "limbing" the tree. Up to 1/3 of the canopy could be removed without significantly harming wildlife species and at the same time allow adequate views. In order to properly protect fish and wildlife, WDFW recommends language be inserted that states tree removal would be prohibited in geological hazardous areas unless it is a threat to life or property. In addition, the need for tree removal should be justified (based upon a report by a qualified professional arborist). WDFW also has concerns about cumulative impacts that may result from this language. If each property owner is allowed to remove up to six significant trees, this could have much larger ramifications than anticipated on fish and wildlife habitat, particularly if two or more separate development tracts are adjacent to one another.

Pages 11 & 12, Section 20.80.040.1 and 2, Partial exemptions: This language would adequately address the needs of fish and wildlife provided that there is a requirement to examine alternatives using Low Impact Development on the site.

Page 20, Subchapter 2, Geologic Hazard Areas, Section 20.80.210.D: Language in this section allows buffers to be reduced to 15 feet when technical studies demonstrate that

the reduction will not increase the risk of the hazard to people or property. This language is acceptable PROVIDED the hazard areas are not located in, or adjacent to, fish and wildlife habitat conservation areas (FWCA). Reducing the buffers and allowing development to occur within 15 feet of the bluff may have the ultimate effect of allowing additional shoreline armoring if a homeowner becomes worried that continued erosion may endanger a house or property in the future.

Page 27, Subchapter 3. Fish and Wildlife Habitat Conservation Areas (FWHCA): There is no mention of marine shorelines in this section, except to state that they are classified as FWHCA. There is considerable potential to improve marine shorelines within the City of Shoreline because of the high number of bulkheads, ramps and other shoreline modifications structures. Improvements can be made as these structures are repaired or replaced. In addition, Richmond Beach contains documented surf smelt spawning habitat, an important prey item for adult salmonids. Specific recommendations for allowable construction practices for boats, ramps, and piers should be included here. For example, prohibit treated wood, examine the feasibility of using soft-bank protection instead of hardened structures such as bulkheads, and discuss the impacts of cumulative effects that these structures have along Puget Sound shorelines. The WDFW would be happy to assist you with the details of how to implement Best Management Practices along marine shorelines.

Page 29, Section 20.80.280.A, Required buffer areas: there is an error in the language used here. Should be Washington State Department of ***Fish*** and Wildlife.

Page 30, Section 80.08.300 Mitigation performance standards and requirements: It may be helpful to planners and the public if more detail was provided in this section. For example, the Washington State Department of Ecology (DOE) has several publications (Vegetation Management: A Guide for Puget Sound Bluff Property Owners, publication 98-31, Surface Water and Groundwater on Coastal Bluffs, publication 95-107, and Slope Stabilization and Erosion Control Using Vegetation, publication 93-30) that identify the types of vegetation that can be planted along streams and shorelines to help stabilize banklines in critical area habitats.

Page 35, Section 20.80.330.A, Wetlands, Required buffer areas Language should be revised in this section. The 1987 DOE Wetlands Manual is referred to for delineating wetland buffers. A new DOE manual has been adopted and contains the most up-to-date BAS on wetland science. Wetland buffers should be based on the new updated Volume 1 Synthesis of the Science, Publication #05-06-006, Wetlands in Washington State, Volume 2, Publication #05-06-008 and the Washington State Wetland Rating System for Western Washington, Publication #04-06-025.

Page 35, Section 20.80.330.B, Wetlands, Required buffer areas: The wetland buffers proposed by the City of Shoreline are considerably less than those recommended in the latest DOE wetlands manual referenced above. This document is based on a synthesis of scientific literature, and it represents DOE's view of best available science. The City of

Shoreline has not provided any scientific analysis or support that demonstrates that the proposed buffers will adequately protect the functions and values of wetlands. The wetland buffers proposed by the City of Shoreline will likely result in significant adverse impact of fish and wildlife species, including species that may be listed as endangered, threatened, or sensitive, and fish species that are anadromous.

Page 61, Subchapter 7. Stream Areas, 20.80.470, Classification: although the stream typing system chosen by the city may be adequate, it is not consistent with the new water-typing system used by state agencies and many local jurisdictions. This may cause some confusion for the public or planners, and WDFW recommends that the city adopt the new stream classification system.

Page 62, Stream Areas, 20.80.470.F1., Classification: this subsection proposes to clarify the term salmonid fish use by defining it as where fish have been documented, as well as where they are presumed to be, based on passability and planned restoration. Planned restoration projects are too narrowly defined and this may prevent future restoration efforts in some cases. The definition of salmon passability would only apply to restoration efforts outlined in a 6-year capital improvements plan, or, a planned removal of a dam. Instead of narrowly defining presumed salmonid use under these two circumstances, WDFW recommends that subsection F1 be reworded to say *"Streams where naturally recurring and* ***historical*** *use by salmonid populations has been documented... ."* Subsection F2 should be reworded to read *"Streams that are fish* ***passable or have the potential to be*** *fish passable... ."* In many cases, there are barriers preventing salmonids from entering waters further upstream that are easily correctable. Voluntary restoration efforts, both small and large, are undertaken by citizens and local governments and are continuing to increase throughout Puget Sound. Collectively they represent a very significant contribution to the recovery of Puget Sound chinook salmon.

Page 62, Stream Areas, 20.80.470, Classification (last underlined paragraph at bottom of page): this sentence should be deleted from the text, as it could be used by developers to encourage development in degraded areas that have fish use, or, have potential for fish use. More important, it ignores the fact that streams and small creeks are interconnected with one another and are influenced by stressors occurring upstream or downstream at a particular site. If development is allowed to occur in currently degraded areas causing more degradation and increased stressors to a stream, effects of that activity could be observed upstream or downstream of the project site affecting clean, more pristine areas.

Page 64, Table 20.80.480B. Required buffer areas: The riparian buffers proposed by the City of Shoreline are considerably less than those recommended by WDFW in its publication titled "Management Recommendations for Washington's Priority Habitats: Riparian." This document is based on a synthesis of scientific literature, and it represents WDFW's view of "best available science" regarding an important component in the protection of riparian areas across Washington State. The City of Shoreline has not provided any scientific analysis or support that demonstrates the proposed buffers will adequately protect the functions and values of riparian areas. The riparian buffers

proposed by the City of Shoreline will likely result in significant adverse impact of fish and wildlife species, including species that may be listed as endangered, threatened, or sensitive, and fish species that are anadromous. WDFW would welcome the opportunity to provide technical assistance to the City of Shoreline as it continues to develop an ordinance that adequately protects fish and wildlife resources.

Page 65, Section 20.80.480D2: This section would allow construction of roads, utilities, and accessory structures within stream buffers when no feasible alternative location exists. "No feasible alternative" leaves much up to interpretation and does not require any systemic evaluation that would ensure all alternative were adequately examined. WDFW recommends that this paragraph add a sentence that states " Prior to approval of building new roads, utilities, or accessory structures in buffers along streams, an alternatives analysis must be conducted to ensure all possible alternatives have been examined and that no viable alternative exists. This evaluation must be documented in a written report and provided to respective governmental agencies with jurisdictional authority to ensure all alternatives have been examined. If it is determined that no alternative sites are feasible to build at, the impacts must be fully mitigated."

Page 67, Section 20.80.480F: This section discusses buffer averaging. In order to ensure fish and wildlife is being protected to the greatest extent possible, a paragraph should be added here that states that a habitat survey will be conducted within the area of concern in order to identify and prioritize highly functional fish and wildlife critical habitat within the study area. Buffers at locations containing highly functioning fish and wildlife habitat should be protected and buffers should not be reduced in those areas. On the other hand, areas containing habitat of minimum value should be where reductions occur.

Page 68, Section 20.80.480.H2. Restoring Watercourses: wording in this paragraph will likely result in significant impacts to fish and wildlife resources. As written, at locations where piped watercourses are daylighted and habitat is restored, buffers could be reduced to 10 feet. The rationale given is that the standard buffers would discourage restoration efforts. Unfortunately, the time and money spent in daylighting the stream would be negated by having a severely deficient buffer. In fact, doing so could result in *greater* impacts to the stream than by not daylighting at all since those stream sections could be exposed to a higher level of pollutants, temperatures and sedimentation than it would going through a pipe. It is important that the City acknowledge and provide incentives for restoration efforts but it must be done in a manner that will be beneficial to fish and wildlife resources. It is very important that buffers in areas where streams are daylighted be the same or greater as buffers in other FWHCA.

Page 69, Section 80.80.490.B1. Alteration: This section states that culverts are allowed for Type II, III, and IV streams. This may very likely lead to significant impacts to fish species. Since all streams within the City's jurisdiction are Type II-IV, this would allow culverts to be built for all streams within the City of Shoreline. WDFW suggests that wording be such that culverts would only be allowed after all avoidance alternatives have been examined. This would need to be in report form and would have to list reasons why

buildings, structures, or roads could not be placed outside of the critical areas. In addition, the developer should have to demonstrate that having a culvert would better protect fish and wildlife resources than having an open channel.

Page 72, Section 20.80.500.D. Mitigation performance standards and requirements: This section needs to be reworded in order to properly protect water quality in streams and along shorelines. The last sentence in the paragraph states that performance standards outlined in this section only apply to Type I-III streams within the City. Type IV water bodies also need to be included here because pollutants or other stressors to Type IV streams with less protection can impact Type I-III streams if they happen to be inter-connected with one another, which they usually are. What happens upstream or downstream of a site can impact fish and wildlife along the entire gradient.

Page 72, Section 20.80.500.F. Mitigation performance standards and requirements: This section needs to list the length of time that monitoring may be required. For significant projects, monitoring should be a minimum of 5 years and up to 10 years or more depending upon the magnitude of the impact or restoration effort. Monitoring need not be on an annual basis. This could be adjusted, for example, on an annual basis for the first three or four years and then every other year, or every third year thereafter.

The Washington Department of Fish and Wildlife wishes to thank you again for the opportunity to provide comments on your critical area ordinance. We sincerely hope that you will find these comments constructive in your final deliberations. Please don't hesitate to contact me at the number listed below with any questions that you have regarding the comments and recommendations contained in this letter. I would be more than happy to sit down with you and discuss some of the above-mentioned issues in greater detail.

Sincerely,

Pamela Erstad

Pamela Erstad, PHS/GMA Biologist
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Mill Creek, Washington 98012

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Cc: David Brock, WDFW Region 4 Office

CAO PUBLIC COMMENT CC 005

Bob Everitt, WDFW Region 4 Office
Millard Deusen, WDFW Headquarters
Steve Penland, WDFW Headquarters
Laura Casey, NWDOE
Ike Nwankwo, CTED

CAO PUBLIC COMMENT CC 005

THORNTON CREEK ALLIANCE
P.O. Box 25690, Seattle, WA 98125

Restoring an Ecological Balance

October 24, 2005

City Council
City of Shoreline
17544 Midvale Avenue North
Shoreline, WA 98133-4921

RE: Support for CAO Recommended by Planning Commission

Dear Mayor Hansen and Shoreline Councilmembers:

Thornton Creek Alliance (TCA) would like to take this opportunity to thank the members of the Shoreline Planning Commission for their thoughtful consideration of the City's proposed critical areas ordinance, and to urge the City Council to adopt the Commission's recommendations.

TCA testified twice to the Commission, and followed its work closely. Not every one of our requests was fully addressed. We remain concerned that the proposed ordinance does not follow the Washington Department of Ecology's recommended rating system for wetlands. This system represents best available science and addresses the Growth Management Act's emphasis on protecting the "functions and values" of critical areas. We also remain concerned that the lack of any buffer along the City's marine shoreline does not adequately protect its functions and values. But we accept the Planning Commission's commitment to revisit wetland ratings early next year, and we recognize that at least designating the marine shoreline as a critical area is a step forward.

We support the Commission's recommendation to delete staff-proposed provisions to allow clearing in critical areas with a Critical Areas Stewardship Plan. It was simply false to suggest that such a plan COULD result in "no net loss" of functions and values, given the crucial role that mature vegetation plays in all critical areas. We are concerned by the Council's proposal to revisit this issue through mediation with the Innis Arden community. We recognize that the Council wishes to avoid a divisive fight within that community, but we want to be clear that the entire City—and others who share its ecosystems—have a stake in the result.

We support the Commission's proposed new buffer provision (in SMC 20.80.480.B.) to protect daylighting opportunities for piped streams. We also support the proposed definition of "salmonid fish use", which would lead to stream reaches in the vicinity of Twin Ponds Park (TC-3, TC-4 and TC-7, as shown on the City's maps) being designated as "Type II", because of their use by wild cutthroat trout. We also believe that, with future restoration, this definition will allow stream reaches TC-2 and TC-8 to qualify as "Type II" as well.

Thank you for this opportunity to comment. We believe the City Council and the citizens of Shoreline should be proud of the thoughtful work of your Planning Commission.

Sincerely,

John Lombard
Thornton Creek Alliance

cc: Shoreline Planning Commission

12 November 2005

Shoreline City Council
City of Shoreline
Shoreline City Hall
17544 Midvale Ave. N.
Shoreline, WA 98133

Dear Councilors,

My wife, Sonja, and I want to express our deep concern about the adoption of the Critical Areas Ordinance (CAO) without inclusion of amendments that permit Exemptions for Views. Again, I fear the City Planning Commission has given you poor advice as we discuss below.

One of the wonderful aspects of the City of Shoreline is the diversity of neighborhoods that exist within the City. Those of us who live in Innis Arden reside in a community that was established over 50 years ago as a view community with mountain and water views. This is one of the few neighborhoods in the City which has this characteristic hallmark feature.

Innis Arden has had considerable experience in managing and maintaining its reserves and the views that make the neighborhood beautiful and unique. Without management by the Innis Arden Board, the reserves could become ugly as well as a fire hazard to those of us who live here. Furthermore, it would appear that the City would become heavily involved in their maintenance. Is this the wisest use of our tax dollars in Shoreline? Do we really need micromanagement of our reserves from this added level of government considering the expense associated with the bureaucracy required for this?

Moreover, those of us who voted to become incorporated into the City did not wish, nor could ever have imagined that the property rights in our community would be assumed by those who do not reside here. Why cannot the City respect the long-standing covenants of neighborhoods that have been part of the community for so long?

The model that many of us would recommend would be compatible with protecting the critical areas and at the same time providing management and maintenance of the reserves for views in attractive park-like settings. Why not at least adopt a specific statement in the CAO that the City will work with the Innis Arden Board to develop a plan for dealing with views that is compatible with the community covenants?

We appreciate this opportunity to express our opinions about the CAO as they pertain to views. While we applaud your efforts in dealing with these issues, we encourage you to work with the neighborhoods in developing ordinances that are a win – win situation for the City and the distinctive neighborhoods that make the City so diverse and vibrant. After all, beautiful views of Puget Sound and the Olympic Mountains are inspiring to all City residents and have been part of the City of Shoreline long before it became incorporated. Is what the City contemplating on doing to the view communities in Shoreline really well thought through and fair or a blanket cross-city plan that is overly simple and mean-spirited?

A final question for you to ponder: If you had the authority to do so, would you also impose your inflexible rules on trees and views to the Richmond Beach Waterfront Park with its spectacular views of the Sound and Mountains? This park adjoins Innis Arden and is contiguous with its reserve areas.

Sincerely,

James T. Staley
18545 Springdale CT NW
Shoreline, WA 98177

Sonja J. Staley

cc: Matt Torpey, Shoreline Planner

CAO PUBLIC COMMENT CC 007

MICHELE MCFADDEN LAW OFFICE

October 24, 2005

Shoreline City Council
17544 Midvale Avenue North
Shoreline, WA 98133-4921

RE: Planning Commission Recommended Critical Areas Update Ordinance – dated October 6, 2005

Dear Councilmembers:

This letter is offered as a follow-up to the comments I provided in March of this year to the planning Commission on behalf of Patty and Tim Crawford.

As most of you are aware, the City and the Crawfords have had numerous disagreements about the existing code, including what its terms mean, and how City staff and the examiner have chosen to interpret it and apply it. At the core of these disputes is Thornton Creek, its status under the code, and whether the City's treatment of the Creek is consistent with regional efforts to restore fish-bearing streams such as Thornton Creek to more productive conditions.

To date, the city's actions with regard to Thornton Creek have varied considerably – at times appearing to be supportive of efforts to improve the Creek, at other times acting as if the Creek is an insignificant, non-fish bearing stream in a ditch. So it is with some skepticism that we have reviewed this proposal. We will therefore highlight the changes that we believe reflect the pervasiveness of the City's efforts to sound like it is taking care of the Creek, but acting adversely to its interests. In all the sections we are addressing, we believe that the Creek will have less protection than it has now.

Stream Definition (p.25 of Council packet)

In our previous comments to the Planning Commission, we objected to the notion that streams that are in pipes are not considered streams. This is facially incorrect. The existing definition of stream does include watercourses in pipes that are "used by salmonids or are used to convey streams naturally occurring prior to construction in such watercourses. Since then, the Court of Appeals has agreed with the Crawfords, and in the Gaston case, determined that Thornton Creek is still a creek even when it goes through a pipe under the Gaston property. That said, we have no problem with the amendment to

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CAO PUBLIC COMMENT CC 008

the definition of stream as proposed by the Planning Commission, except to note that it is incorrectly drafted in the version before the council – some of the existing language that is being struck is not shown at all.

"Qualified consultant/professional"

There are numerous times in the code when an action is taken or decision made solely on the basis of some "qualified" consultant or professional. Frankly, since these are almost always "hired guns" for a property developer, you direction to staff to rely on this work, it is our experience that **without any direction to consider and balance it against state resource agencies such as Washington Department of Fish and Wildlife"** this language is simply a setup to encourage and allow further resource degradation. We point out below some specific locations where this occurs.

SMC 20.80.270 (p. 77 et sec)

We appreciate the efforts of the Planning Commission to overhaul this section. However, the rewrite still invites arguments about what is "significant" habitat, and whether fish must be "present" as an indication of habitat being significant. Paragraph B helps to clarify this point, but the language is unclear given the language in the proposed rewrite of 20.80.470 whether piped streams are regulated or not, and is also unclear whether the buffer requirements for habitat areas will apply the stream and wetland buffer requirements as a minimum or be subjecto change because of the provisions of SMC 20.80.280. (p. 79)

This section should be revised to clarify that for fish habitat areas, the buffers would not be less than those required for streams and wetlands in other code sections

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SMC 20.80.310 (p. 82)

First full paragraph: artificial wetlands created for mitigation **must be treated as wetlands** or else they're not mitigation, and those sites will not protected as wetland mitigation sites.

Recommendation:
Change "**may**" to "**shall**" in last sentence of paragraph. – otherwise those mitigation wetlands will disappear as well.

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Section 20.80.330 C, (pp. 85-86 of council packet)

A. No reduction should be allowed that does not meet all of the criteria in subparagraphs 1 AND 2; as drafted its "one or both" of 1 and 2.

B. New paragraph D - note says it relates to fish, but drafted language limits section salmonids, and requires actual use of the wetland by fish. As barriers are removed along Thornton Creek, wetlands that may not now be used by anadromous fish are likely to be re-inhabited. Section should relate to wetlands with any species of fish.

Recommendations:
P. 36, paragraph C, delete "one or"
P. 37, paragraph D, first line, delete "salmonid"

Section 20.80.330 new F, last paragraph (p. 87 of council packet)

Based on our comments above about reliance on hired professionals, we **recommend that the new paragraph be amended by the addition of the underlined language shown below:**

> The city shall require buffer averaging to be designed to protect areas of greater sensitivity and function, based on the recommendations of a wetland report prepared by a qualified professional **and concurred in or not disputed by the relevant state or federal resource agencies**.

Section 20.80.350D2 (p. 92 of council packet)

For the same reasons discussed above, we recommend adding the following to the end of the new language in subparagraph 2 (after "qualified professional).

> *"and concurred in or not disputed by the relevant state or federal resource agency."*

Section 20.80.470 (pp. 111 et sec)

You have been told that this ordinance is generally a consensus document. With regard to this key section that is certainly not the case, and we were clear, if not strident, in our comments to the Planning Commission. It is in this section that the ordinance is substantially watered down, to the point that we believe it is actionable before the Growth Management Hearings Board as violations of the GMA and the Countywide Planning Policies. Where other agencies, especially King County, have created a presumption that

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a stream is fish bearing, this ordinance flips that position on its head and presumes that any stream that doesn't have fish now will never have fish. This does nothing to pursue the stated purpose of the CAO, to "restore degraded ecosystems". SMC 20.80.010B1.

The effect of the proposed revisions is to:

- Convert all class II streams that have potential for salmonid fish use to class III streams, reducing their protection by 40 to 50 feet.
- Creating a presumption that stream barriers are permanent if they are not scheduled for removal within six years, without any logical basis and certainly no scientific basis.
- Effectively unclassify **all** piped streams, regardless of their length, their function, their connectivity to unpiped parts of streams, or their potential for removal, by reducing their buffer requirements to 10 feet. Under the existing code and the Gaston case, these streams are entitled to the same protection as the unpiped portions of the stream that they transport.

Truly this is a recipe for the demise of Thornton Creek, and any other degraded stream in the city that can't be restored quickly enough..

Paragraph F (p. 112) does not begin to adequately replace the existing code language classifying as Class II any stream that has the "potential" for being fish habitat. Paragraph F1 is unclear as to how it would treat planted fish, such as are in Echo Lake. Paragraph F2 has the city hiring "qualified professionals" to disprove the findings of the resource agency, WDFW (as was done recently in the Aegis case, without a written contract or Council approval). Paragraph F3 declassifies any stream with a barrier that is not to be removed within 6 years. WSDOT has several in the City that are on WSDOT's list for removal – just not in the next six years! And finally, the Department is granted the authority to downgrade a stream due to a "qualified" professional's determination that "water quality parameters make the stream segment incapable of supporting fish" – again, regardless of anything the resource agency might say.

Section 20.80.480 (pp. 114-119 of council packet)

We do appreciate that the staff are attempting to engage the subject of streams being taken out of pipes. However, a 10 foot buffer would not be sufficient without some consideration for a further building setback, otherwise there is no room allowed for human activity (such as painting the back of the house) without damage to the buffer being likely. WDFW has stated on many occasions that it would be illegal for them to issue hydraulic permits for placing any streams in pipes, so if and when streams are taken out of pipes, they will be converted to open channels, and 10 feet provides basically no protection for those streams.

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In paragraph H2, whether an opened channel can support fish access should be determined and agreed on between the City and any relevant resource agency, not determined by the City alone. The same is true for subparagraph 3. If a pipe collapses for any reason, the city cannot legally require that it be restored, since the resource agency cannot be forced to issue a hydraulic permit to put a stream back in a pipe in violation of state law.

Subparagraph H4 is not enforceable. If a neighboring property owner can determine what a setback will be, the City's legislative authority has been delegated to that neighbor, contrary to state law.

CONCLUSION

This proposed ordinance substantially weakens the protections of Thornton Creek, is not supported by best available science, is contrary to regional efforts to restore stream habitats, violates the GMA and the Countywide Planning Policies, and contradicts the purpose of the city's critical areas ordinance.

Sincerely,



Michele McFadden
Attorney for Patty and Timothy Crawford

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CAO PUBLIC COMMENT CC 008

ATTACHMENT A – MISCELLANEOUS COMMENTS

Definition of reasonable use: (p. 25 of Council packet)

We understand that the proposed amendment removes language from the definition of reasonable use that was added by staff without formal action by the Council to adopt it, and as such the removal of the offending language really is nothing more than a clerical repair that should not even require an ordinance amendment. It does no harm. However, I will repeat the recommendation we made to the Planning Commission, and that is to remove the definition of reasonable use entirely – it serves no valuable purpose in the code. In the alternative, apply the King County Code definition, which reads:

> ***21A.06.950 Reasonable use.*** *Reasonable use: a legal concept articulated by federal and state courts in regulatory taking cases. (Ord. 10870 § 230, 1993).*

While the latter is not very "definitive", it reflects the correct basis for the use of the term "reasonable use". The existing code language tries to suggested that federal and state law have definitely determined what a "minimum use" is. No such bright line has been drawn – each case depends on its factual base, and the case law sets broad guidelines as to the concept that a regulation that goes "too far" could be a taking, but it has not defined the minimum use to which a property owner is *entitled.* The existing code language suggests that there is a bright line, and therefore misleads the public. In the context of the Critical Areas Ordinance, the existing definition is slanted in favor of property owners at the expense of the Creek, and therefore contradicts the purposes of the critical areas ordinance. We assert that there is always a balance to be struck, and neither should be favored over the other. Any definition should recognize the need for that balance to be struck.

Notices to Title (SMC 20.80.050) (pp.63-64 of council packet)

In the situation that evolved into the case of *Timothy Crawford & Patricia Crawford, Respondents v City of Shoreline; and Gaston Enterp. Appellants*, the City of Shoreline allowed the Boundary Line Adjustment process to be used to effectively create a new lot, without the benefit of the review that would have been applied to a short plat. A property that had consisted of one subdivided lot and a half of another such lot was deemed to have two lots by the City. The BLA was approved without any regard to the CAO – indeed, the entire new lot was in the buffer of Thornton Creek, as it opens onto the Crawford property (The Gaston parcel is directly adjacent to the Crawfords on the north) Because the citizens of Shoreline can therefore not rely on the proper application of the BLA process to development situations in the City, it is imperative that all BLA's be subject to critical area ordinance review, and should be specified as development activities similar to subdivisions. For purposes of this code section, then, BLA's should be listed in paragraphs A and B. It is critical that **all** of the City's code provisions be considered when using the BLA process to modify boundaries.

Recommendation:

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CAO PUBLIC COMMENT CC 008

Patricia and Timothy Crawford
Residents of the City of Shoreline
Comments on proposed CAO changes

20.20. DEFINITONS

20.20.044 "Reasonable Use" definition: Good= changed back to original definition. Change was made last year **after** the last public hearing & Council Approval by City Staff.

20.20.046 "Stream" definition now includes intermittent streams to match the actual stream typing definitions in the "stream" section of the Critical Areas Chapter

20.80.025 APPLICABILITY

D When any provision of any other section of the City Code conflicts with this chapter or when the provisions of this chapter are in conflict, that provision which provides more protection to critical areas shall apply unless specifically provided otherwise in this chapter or unless such provision conflicts with Federal or State laws or regulations.

This very cite of the code was and is being used in the Aegis case the Judge pointed this out in several decisions

This was added by recommendation of Madrona Consulting in the year 2000 when the State CTED said our 100 foot stream buffers were small. It is to make for a protective code and is meant to be redundant.

20.80.030 EXEMPTIONS

E. ~~Activities involving artificially created wetlands or streams intentionally created form nonwetland sites, including but not limited to grass-lined swales, irrigation and drainage ditches, detention facilities and landscape features, except wetlands, streams or swales created as mitigation or that provide or contribute to critical habitat for salmonid fishes;~~

This is being used in the Aegis case. TC8 or the sidechannel/ditch was created from an area of historic wetlands

L. Educational activities, scientific research, and and outdoor recreational activities, including but not limited to interpretive field trips, bird watching, public beach access including water recreation related activities, and the use of existing trails for horseback riding, bicycling and hiking=, that will not have an adverse effect on the critical area;

Public Beach Access= Echo Lake
Water recreation Activities. Water Ski, Jet Ski?
More invasive and a greater impact= These activities should **not** be an EXEMPTION in a critical area.

P. Up to six significant trees may be removed from a critical area or a critical area buffer if a Clearing Permit is approved under SMC 20.50.290 and 20.50.300 and includes sufficient mitigation so that there is no net loss of the functions and values of each type of critical area.

Bad!!! Hurts fish.

20.80.050 Notice to Title

A. To inform subsequent purchases of real property of the existence of critical areas, ~~w~~ when development is permitted in an identified critical area ~~which is comprised of a regulated critical area and~~ or its associated buffer, a notice to title applicable to the property shall be filed with the King County Department of Records. The notice shall state that critical areas or buffers have been identified on the property and the fact that limitations on actions in or affecting the critical area or buffer may exist. The notice shall run with the land. This notice shall not be required for development by a public agency or public or private utility when:

"Notice shall state limitations "MAY" exist. Why a notice to title if it just "may" mean something? It alludes to a possibility of limitations not being an absolute when dealing with a critical area.

1 Within a recorded easement or right of way; or
2. On the site of a permanent public facility

~~The area shall be placed either in a separate tract on which development is prohibited, protected by execution of an easement, dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the City. The location and limitations associated with the critical area shall be shown on the face of the deed or plat applicable to the property and shall be recorded with the King County Department of Records.~~

This should remain in the code in this Notice to Title Section. It remains in the Fish & Wildlife Habitat Conservation Areas 20.80.280 C.. It should be clear that notices to title exist.

20.80.080 Alterations or development of critical areas – Standards and criteria

~~All impacts to critical areas functions and values shall be mitigated.~~ This section applies to mitigation required with all critical areas reviews, approvals and enforcement pursuant to this Chapter. This section is supplemented with specific measures under subchapters for particular critical areas. The proponent for a project involving critical areas shall avoid, minimize and mitigate the impacts to the critical areas through ~~Mitigation~~ actions ~~by an applicant or property owner shall~~ that occur in the following sequence:

"Proponent"= someone who supports a position?? Why not use "~~Applicant or property owner~~?? Not a legal owner?? Vested interest? Does the proponent have legal standing?

"Revised to make it clear" ? Who is responsible? All impacts are not expected to be mitigated

F. Monitoring the impact and taking appropriate corrective measures.

At whose expense? Follow-up enforcement?

From Mitigating all impacts to Monitoring the impacts.

Subchapter 3. Fish & Wildlife Habitat Conservation Areas
20.80.260

A. Fish & Wildlife habitat conservation areas include nesting and breeding grounds for State and Federal threatened, endangered, critical or priority species ~~as defined~~ listed by the Washington State Department of Fish and Wildlife, including corridors which connect priority habitat, and those areas which provide habitat for species of local significance which have been or may be identified in the City of Shoreline Comprehensive Plan.

Used and will be used in the future in court in Gaston & Aegis

The word listed is misleading. The actual listing comes when species make it to the "Threatened" status. All salmonids are considered at least a priority species but may not be what could be referred to as "listed".

All Streams in Shoreline have existence of salmonid fishes. Salmonids are at least a priority species. Can't we accept this? State it. And live by it. Write it into our code and make it clear. This would help everyone understand what exists in Shoreline.

3. Streams wetlands and their associated buffers that provide significant habitat for fish & wildlife

Being used in Gaston & Aegis
Significant! Definition? We are having present controversy in court with the term Critical habitat. This confuses things more. Even more subjective than the term "critical".

20.80.330 Required Buffer Areas

20.80.330

B. Table of buffers.

Buffers + Setbacks are being used in Gaston + Aegis
Not increasing the buffer sizes at all. Removing the SETBACK to the buffer as part of the process. Setbacks should remain in the code because they demonstrate the purpose of the buffer to remain un-impacted by construction. Streets have setbacks from them. You cannot build in a street. Removing the setback degrades the idea of the no impact buffer.

20.80.330

C. The ~~maximum~~ standard buffer width shall be established, provided that the buffer may be reduced to the minimum buffer listed above if ~~unless~~ the applicant can demonstrate that a smaller area is adequate to protect the wetland functions and – one or both of the following:

Again this has been the drive behind not protecting creeks. Not Best Available Science! that a smaller area is adequate Should not be included! What is this standard? Too subjective. What is adequate?!!!

CAO PUBLIC COMMENT CC 009

F. Wetland buffer widths may be modified by averaging buffer widths as set forth herein. Buffer width averaging shall be allowed only where the applicant demonstrates to the City: ~~that the wetland contains variations in sensitivity due to existing physical characteristics; that lower intensity land uses would be located adjacent to areas where buffer width is reduced;~~
In the Aegis case this was used wrong.

F (continued). The city may require buffer averaging to be designed to protect areas of greater sensitivity and function based on the recommendations of a wetland report prepared by a qualified professional.
Qualified Professional is not a State agency scientist. "MAY require…

Subchapter 7: Stream Areas
20.80.460

A. Streams are those areas where open surface waters produce a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff device or other entirely artificial watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction. A channel or bed need not contain water year-round, provided that there is evidence of at least intermittent flow during years of normal rain fall.
The Evergreen School decided they hgad a stream on their site
Tim Stewart "Ridiculous to protect a dry stream" EVERGREEN SCHOOL
City decision… ditch!

20.80.470 *All of the following changes are to help the City's land use cases in court. They also degrade our City.*

B. "Type II streams" are those ~~natural~~ streams that are ~~not Type I streams and are~~ either perennial or intermittent and have salmonid fish use ~~have one of the following characteristics:~~

~~1. Salmonid fish use:~~
~~2. Potential for salmonid fish use; or~~
~~3. Significant recreational value.~~

Gaston & Aegis No Potential??

C. "Type III streams" are those ~~natural~~ streams with perennial (year-round) or intermittent flow with channel width of two feet or more taken at there ordinary high water mark that ~~and~~ are not used by salmonid fish ~~and have no potential to be used by salmonid fish.~~
Gaston & Aegis. No potential for salmonid??

E. "Piped stream segments" are those segments of streams, regardless of their type that are fully enclosed in and underground pipe or culvert.
Gaston & Aegis….No protections???

F. For the purposes of this section, "salmonid fish use" and "used by salmonid fish" is presumed for:

1. Streams where naturally reccuring use by salmonid populations has been documented by a government agency;

Gaston & Aegis. Naturally re-occuring use? See fish hatchery protections for urban King Co.

2. Streams that are fish passable by salmonid populations from Lake Wash. Or Puget Sound, as determined by a qualified professional based on review of stream flow, gradient and barriers and criteria for fish passability established by the WDF&W.

Gaston & Aegis. Fish passable – Not BAS. Contrary to fish science and state stream regulations Qualified professionals results "using" criteria established by WDF&W. But qualified consultant can directly dis-agree w/ WDF&W.

3. a. "6-year capital improvement plan"

Gaston & Aegis. GMA suggests a 10 year model.

b. planned removal of the private dames that will result in a fish passable connection to Lake Wash.Gaston & Aegis

The Department may waive the presumption of salmonid fish use for stream segments where a qualified professional has determined there are confirmed, long term water quality parameters making the stream segment incapable of supporting fish.

Gaston & Aegis

Aren't you taking it out...

Violation of National Pollutions standards

20.80.470 The dept may waive the presumption of salmonid fish use. If a qualified professional confirms long term water quality parameters making the stream segment incapable of supporting fish.

Used in the Aegis remand to describe TC8 or the sidechannel/ditch that lies behind the Aegis North Building

Subsection E on intentionally created streams is removed because it creates confusion and conflict with the definition of streams, which does not include artificially created watercourses (as opposed to "intentionally created" ones). FISH? Historical Stream?

20.80.480 Required buffer areas.

C. ...the can demonstrate that a smaller buffer is adequate to protect the stream functions and

This has been the logic behind **all** of the appealed permits. Gaston, Aegis Evergreen School

Best available science says it is not adequate.

Buffer may be reduced if applicant can "demonstrate" that a smaller buffer is adequate to protect the stream functions.

D. 6. "piped stream segments"
Gaston decision ruled Thornton Creek in a pipe IS A STREAM!
Previously the city claimed a stream in a pipe not a stream.
It would be impossible to daylight a stream with facilities built in the buffer or over the pipe containing the stream. Once daylighted you would have water running to the open stream with no swale to clean the water.

F. 1(old) "buffer width averaging **shall...**
New – The City **may** require buffer averaging
The Director has always had the power to increase protections for any critical area and has chosen not, ever. The term "MAY" is arbitrary?

1. The ecological structure and function of the buffer after averaging is equivalent to or greater than the structure and function before averaging
What is ecological structure and function? With no definition it cannot be used effectively.

~~3.~~ In no case a buffer can be less than stated minimum. ~~25 feet~~
Gaston This is trouble. Buffers will now be 10 feet from piped streams

G. Stream relocation allowed
Gaston
In the old code relocation was not allowed to facilitate development. Now, it "shall" be allowed and there are no restrictions.

H. 2. Minimum 10 feet to allow restoration and maintenance of piped watercourse.
Gaston
10 Feet is not enough! Irregardless of stream type, this is not enough.

3. Removal of pipes can only be done with the City determines.
Gaston
This is restrictive of an individuals property rights.

3. Permission of neighbors
Gaston
This is restrictive of an individuals property rights. If a Type II stream is daylighted from the pipe that has encased it, and development has been allowed to within 10 feet of the pipe, a standard buffer for a non-buffered stream will not even be an option.

/

10-29-04
KC ORD. 15051
261 pages.

King County
Department of Development
and Environmental Services

Rossi (261)

THE CRITICAL AREAS ORDINANCE as applied to URBAN PROPERTIES IN UNINCORPORATED KING COUNTY

The regulations described in this fact sheet are effective as of January 1, 2005.

CRITICAL AREA PROTECTIONS

On October 25, 2004, the Metropolitan King County Council approved changes to King County regulations that protect critical areas. These regulations limit development in hazard areas, such as on steep slopes or flood zones, and protect environmentally sensitive areas, such as wetlands and streams. In environmentally sensitive areas, natural buffers are crucial for maintaining water temperature, water quality and habitat. Trees and other natural land cover keep water cool and filter pollutants, which is important for the people, animals and fish that depend on these waters. Science shows that critical areas suffer when properties adjacent to them are developed.

Wetland Categories: King County has adopted the Washington State Department of Ecology's Wetland Rating System for Western Washington. This rating system is used to determine a wetland's category and, in turn, the associated buffers. The rating system manual is available on line at http://www.ecy.wa.gov/pubs/0406025.pdf.

Wetland Buffers: The following table summarizes the range of buffer widths for specific categories of wetlands in urban unincorporated King County.

Wetland Category		Urban Buffer Widths
Category I:	Category I wetlands are those that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of function.	125 to 215 feet
Category II:	Category II wetlands are difficult (though not impossible) to replace and provide high levels of function.	100 to 200 feet

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Wetland Category		Urban Buffer Widths
Category III:	Category III wetlands are 1) wetlands with a moderate level of function (scores between 30 - 50 points) and 2) interdunal wetlands between 0.1 and 1 acre in size. Wetlands scoring between 30-50 points generally have been disturbed in some way, and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.	75 to 125 feet
Category IV:	Category IV wetlands have the lowest level of function (scores less than 30 points) and are often heavily disturbed. These are wetlands that can be replaced and, in some cases, improved.	50 feet

King County may also increase wetland buffers by 50 feet for wetlands with high or moderate wildlife habitat scores, if the wetland is within 300 feet of a Washington Department of Fish and Wildlife (WDFW) priority habitat. The increase is not required if there is a vegetated corridor between the wetland and the priority habitat.

Conversely, the County may decrease the wetland buffer by 25 feet if the applicant takes steps to reduce the impacts of the development on the wetland. Examples include: directing lights away from the wetland, noise screens, and restoring native plants in the buffer.

Aquatic Areas and Aquatic Area Buffers: King County has adopted a new classification system for streams and other water bodies. The classification system is based on the classification adopted by the Washington State Legislature for application to forest practices. The following table summarizes the different classifications and the buffer widths for each type of aquatic area:

Aquatic Area Types *(Includes creeks, streams, lakes, rivers and shorelines)*		Urban Buffer Widths
S Waters:	Aquatic areas inventoried as shorelines of the state, including segments of streams with mean annual flow greater than 20 cubic ft./second, lakes greater than 20 acres, and marine shorelines.	115 feet
F Waters:	All segments of aquatic areas that are not Type S and that contain fish or fish habitat, including waters used by fish hatcheries.	115 feet
S or F Waters: Urban basins designated as "high" on the adopted basin conditions map.		165 feet

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Aquatic Area Types *(Includes creeks, streams, lakes, rivers and shorelines)*		Urban Buffer Widths
N Waters:	All segments of aquatic areas that are not Type S or F waters and that are physically connected by an above-ground channel system, stream or wetland to Type S or F waters.	65 feet
O Waters:	All segments of aquatic areas that are not Type S, F or N and are not physically connected by an above-ground channel system, stream or wetland to type S or F waters	25 feet

Allowed Alterations: Critical area regulations generally restrict or put conditions on development adjacent to or within critical areas. Allowed uses depend on the type of critical area. Given that there are so many different situations, citizens should refer to the "allowed alterations" table within the Critical Areas Ordinance. The table defines which alterations and activities would be allowed. The table can be found in Section 137 of Ordinance 15051, a copy of which is available on line at http://www.metrokc.gov/ddes/cao/.

Channel Migration Zones: River channels naturally change course or migrate over time. Buildings, houses and other development located within these areas are at risk of damage or destruction. Migrating rivers are also important for fish and wildlife, particularly for salmon. The gravel and vegetation that falls into rivers as they migrate creates spawning areas and provides nutrients.

Channel migration zones are already mapped for the following King County Rivers:

- Lower Tolt;
- Lower Raging;
- Middle Green;
- Three forks of the Snoqualmie River.

Mapping is underway for the following King County rivers and should be complete by December 2005:

- Cedar
- White
- South Fork Skykomish

King County restricts development within the migration path of some rivers in order to protect the public health, safety and value of private property and to provide important fish habitat.

Critical Aquifer Recharge Areas: Critical aquifer recharge areas occur where surface and rain waters soak into the ground to replenish aquifers. Aquifers provide drinkable water supplies, which are often brought to the surface by wells. Critical aquifer recharge areas include sole source aquifers, and also areas around municipal wells. These water supplies are at risk from pollution and reduced water levels. Soil type and geological characteristics help determine the level of risk. Critical aquifer recharge areas are divided into three categories based on the type of soils, whether there are aquifers or well-head protection areas at risk, and whether the area is on an island. The areas are identified on a map that was adopted as part of the ordinance.

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The Critical Areas Ordinance limits land uses and development activities that pose the greatest risk to critical aquifer recharge areas. For example, new hazardous liquid transmission pipelines, golf courses, cemeteries, and wrecking yards are not allowed in Category I areas. New underground storage tanks are allowed in all aquifer recharge areas only if they have appropriate protection to prevent leaks. On-site septic systems on parcels less than one acre in any critical aquifer recharge area must meet specific design standards. In Category III areas, testing is required for saltwater intrusion when new wells are installed within 200 feet of the shoreline.

Hazard Areas: King County regulates a variety of hazard areas to protect public health and safety. Hazard areas include: coal mines, erosion-prone areas, landslide-prone areas, seismic areas subject to severe risk of earthquake damage, steep slopes and volcanic hazard areas. Development is generally not prohibited in hazard areas, but may be limited to certain times of the year or to certain kinds of activities. For example, in erosion hazard areas, clearing is generally allowed only from April 1 to October 1. In seismic hazard areas, appropriate engineering studies may be required.

Wildlife Habitat Conservation Areas: State, federal and local laws and the King County Comprehensive Plan require the protection of many different animal and plant species. In the urban area, the ordinance establishes specific standards to protect the breeding sites of seven animal species (see insert). If other protected species are identified during project review, appropriate protection standards will be developed based on state and federal agency recommendations.

Species – breeding site protection in urban areas

- bald eagle
- great blue heron
- osprey
- spotted owl
- northern goshawk
- peregrine falcon
- marbled murrelet

Mitigation Requirements: Development that is permitted within a critical area or buffer may have an adverse impact on the critical area. Mitigation requirements vary depending, in part, on the critical area and whether the activity was done with a permit or done illegally. Specific mitigation standards have been adopted for aquatic areas and for wetlands.

Storm Water Controls: King County's Surface Water Design Manual provides drainage requirements for new construction and additions. Drainage review to evaluate and deal with stormwater impacts is required for proposals that add 2,000 square feet or more of impervious surface, or clear more than 7,000 square feet.

There are several types of drainage review, each with different requirements depending on the scope and size of the project and the potential for impact on the surface water system at large. Based on the results of the drainage review, flow control and water quality treatment facilities may be required. In other circumstances best management

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practices, such as appropriate placement of splash blocks or appropriate location of roof downspout runoff, may be all that is required.

Most individual single-family residential projects will be covered under *Small Project Drainage Review.* This publication is written in simple easy to understand language to make this process easier. The current version of this publication is available at King County offices, and online at: http://dnr.metrokc.gov/wlr/dss/swdmapdx.htm.

TO LEARN MORE

To learn more, access the following Web site:

http://www.metrokc.gov/ddes/cao

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Amendment 13 (Section 20.80.030.J – Exemptions)

VICE CHAIR PIRO MOVED THAT THE COMMISSION NOT AMEND SECTION 20.80.030 AS PROPOSED BY STAFF TO CREATE A NEW EXEMPTION FOR VIEW ENHANCEMENT WITH A STEWARDSHIP PLAN. COMMISSIONER HALL SECONDED THE MOTION.

Vice Chair Piro thanked the staff for their efforts to try and find some common ground on an issue that has very significant opposing views. However, he said he feels the proposed amendment is flawed on a number of counts, and he urged the rest of the Commissioners to join him in opposing it. He said he agrees with testimony provided by the public that the Growth Management Act makes it quite clear why critical areas are important and should be left as natural as possible. These are areas of environmental significance and it is important to preserve sensitive features, hazardous and steep slopes, soil stability, wildlife habitat, etc.

Vice Chair Piro said the proposed language could allow some undefined notion of view to undermine a key Growth Management Act prerequisite. The Commission should keep in mind that things are different in the community and in the State since the adoption of the Growth Management Act in 1990. It is very much a revolutionary piece of legislation and was not intended to maintain the status quo. In his view, he said he feels the Growth Management Act must trump view desires and things of that nature, and staff's proposed amendment would do just the opposite.

Vice Chair Piro said he is particularly concerned with how loose and undefined a lot of things are in the proposed language. For example, the term "view" is open ended. The Commission should keep in mind that the language would apply citywide and not just in covenant neighborhoods. Therefore, the term could mean anything depending on the location. Even if the Commission feels there should be some type of view exception provision in the ordinance, the proposed language is too ambiguous to be applied in any sort of meaningful way. He commended Commissioner Hall for thoughtfully reviewing the options regarding this issue, but at best, the language needs much more work before the Commission could support a concept of this type. He summarized his belief that the proposed language is a poor proposal and very much out of place to be part of the Critical Areas Ordinance.

Commissioner Broili said he would support Commissioner Hall's proposed amendment, not because he doesn't want to see view preservation in critical areas being addressed but because he would prefer to see a plan that addresses broader margins than just the individual reserves. He said it is his belief that forest or basin plans do not end at property lines. If the Commission wants to consider ways to manage these areas, they must look beyond just the area that is defined as the reserve. The function of a reserve does not end at the property line. The reserves must be reviewed as part of a much broader scope. He said he would support a better proposed approach to a management strategy that looks at the reserves in a more holistic perspective.

Commissioner Broili referred to a comment he made back in January with regard to the cutting of significant trees. He questioned how the City would even approach the issue of determining "net loss."

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He cited that it is problematic that there would be a functional loss with each tree removed. The removal of six trees on most suburban lots would be considered significant. Even restored, there would be a net loss between the time of restoration and the functional maturity of the new planting. Even if the Commission were to recommend approval of a Stewardship Plan provision, he would be opposed to the cutting of six significant trees. It should only be done on the basis of a very structured, long-term, holistic strategy.

Commissioner McClelland said she is troubled by the complexity of the whole issue. However, it is important that the Commissioners remember that when the Growth Management Act was passed in 1990, it was not just about preserving, but was intended to balance, as well. Cities were asked to consider what rapid growth was doing to the State, not just to the natural environment, but the highways, etc. They were asked to consider how they could balance the need and desire for growth, which leads to the increase in property values and other benefits enjoyed by citizens of the region, with the need to reserve, conserve and respect the natural environment. She suggested that the Innis Arden Board work to write view preservation and environmental preservation guidelines for their reserves that is consistent with the State regulations that Shoreline is required to comply with. This would force them to really deal with the issue of balance on their own. It is possible that the private party and the public entity would then have documents that compliment each other.

Commissioner McClelland said it appears that people want to use the opportunity to remove a hazardous tree as a way to improve a view, and that is not what should be done. If a view is going to be created or preserved, it should be done in a legitimate way. There should be a provision to allow this without misusing or abusing a City regulation. She said she is leaning more towards the private property perspective than the intent of the Growth Management Act, just so they can get some balance and see if the community can work the issue out. She said she does not believe that tweaking a few policies would satisfy either side of the issue.

Chair Harris said he would vote against the motion because he supports the stewardship program that the staff and Innis Arden Club have worked to create. He said it is quite clear to him that the plan would result in no net loss in the functions and values of each critical area. The proponents of a Stewardship Plan would be required to call upon experts to create a plan, and these experts could judge whether or not a proposed plan is acceptable and follows the criteria outlined in the Critical Areas Ordinance. He summarized that he does not see the proposal as an open ended plan. It is quite explicit about what has to occur before a Stewardship Plan could be approved. He said he would support the staff's proposed language as a good compromise.

Vice Chair Piro commended Commissioner McClelland for the good points she brought forward. He agreed that it is a challenge to balance the goals of the Growth Management Act. However, the design of the law really puts protection of critical areas above the other goals. The way the law is designed, the first thing a community must do is identify the critical areas and put regulations in place to preserve them. Then they are supposed to engage in balancing the remaining goals.

Vice Chair Piro said he would be interested in seeing a proposal that goes beyond the one proposed by staff to address the significant issues. While a Stewardship Plan might still be the best approach, the

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proposed language is too arbitrary and subjective. Again, he reminded the Commission that the language would be applied citywide and not just in the Innis Arden community.

Commissioner Hall pointed out that, throughout the hearings, the Innis Arden community has been deeply divided on this issue. However, no one from outside of Innis Arden testified in favor of the Critical Areas Stewardship Plan. When the Commission considers regulations that impact the entire City, he urged them not to just focus on a heated topic that has divided one neighborhood. Instead, they should think about how the proposal would impact the City's ability to regulate all critical areas.

Commissioner Hall said it is important to remember why the City is regulating the critical areas. Many people think this is about just protecting the wildlife and natural environment. But when preparing his proposed language, he was more interested in slope stability, erosion control, water quality, hydrology, etc. He pointed out that steep slopes are regulated under the geologic hazards portion of the Critical Areas Ordinance. The purpose of regulating development on geologically hazardous sites is not primarily to protect the ecosystem. It is primarily because development on steep slopes causes landslides and has an impact on human life and health. As much as it troubles citizens to allow government to regulate private property rights, some of the regulations are in place for the public's own good. When trees are on steep slopes, the City has an obligation to regulate private property to protect the health and safety of people who live in the community.

Commissioner Hall said that while he would support the motion, he would like to revisit the issue in the near future. There has got to be a solution to the problems in Innis Arden. Again, he said the City has the responsibility to regulate activities on steep slopes, and if the Commission tries to split off tree clearing in certain areas from other areas of the city without a very careful look, they could end up in trouble. He said he would rather not include the staff's proposed Stewardship Plan. Instead, they should stick with the current code language for now and then try again in the future.

Vice Chair Piro pointed out that there are very clear and understandable exemptions in the Critical Areas Ordinance for situations such as hazards and emergencies that would take care of trees that could potentially present some harm to the public.

Commissioner Broili said he doesn't want the Commission to be forced into becoming the arbitrator in a community dispute. Whatever decision the Commission makes must be outside of that realm. He said he would vote against the motion if he were confident there was a basin-wide plan that had teeth. He expressed his concern that the issue has not been resolved under the present regime, yet a vegetation plan provision was in place for a number of years prior to the City rescinding it. While he doesn't support the staff's proposed language, he would support a plan that looks at the issue from a holistic point of view that provides discriminately for views. They must first define "view," which has not been done in the proposed language. He said he would support the motion, but with the hope that the Commission would work in the near future to come up with a better approach that addresses the community needs and concerns, and at the same time, protects the reserves and all of Innis Arden.

THE MOTION CARRIED 7-1, WITH CHAIR HARRIS VOTING IN OPPOSITION.

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Commissioner Piro commended Commissioner Hall for his work in preparing an alternative proposal for the Commission's consideration. His proposal was extremely well thought out.

Amendment 14 (Section 20.80.030.P – Exemptions)

COMMISSIONER HALL MOVED THAT THE COMMISSION NOT RECOMMEND APPROVAL OF STAFF'S PROPOSED LANGUAGE FOR SECTION 20.80.030.P. VICE CHAIR PIRO SECONDED THE MOTION.

Commissioner Hall expressed his opinion that the language in Section 20.80.030.P was more narrowly written than Section 20.80.030.J. It at least has some built in control to allow for the removal of up to six trees. However, they have heard from citizens that this may or may not seem equitable given different lot sizes. People who have argued in favor of this proposed amendment have spoken about hazards, but he pointed that the ordinance already includes an exemption that allows hazardous trees to be removed. When he visited the reserves, he noticed that this exemption has perhaps been used too liberally to create views. Commissioner Hall reminded the Commission that the language in this section is related to trees in critical areas that are not considered to be hazardous. He said he would prefer not to add a loophole in the ordinance by accepting the staff's proposed amendment.

Vice Chair Piro said a major flaw with the proposed language is that it doesn't provide any definition regarding the size of a buffer, and it is too arbitrary.

THE MOTION CARRIED 7-1, WITH CHAIR HARRIS VOTING IN OPPOSITION.

Amendment 15 (Section 20.80.030.J)

This amendment was addressed as part of Amendment 13 above.

Amendment 16 (Section 20.50.310 – Exemptions From Permit)

Mr. Stewart pointed out that Item A.5 in Section 20.50.310 should be deleted as per the Commission's earlier decision to eliminate the sections in the ordinance related to a Critical Areas Stewardship Plan.

COMMISSIONER HALL MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE STAFF'S PROPOSED AMENDMENTS TO SECTION 20.50.310.A, WITH THE EXCEPTION OF ITEM 5. VICE CHAIR PIRO SECONDED THE MOTION. THE MOTION CARRIED 7-1, WITH CHAIR HARRIS VOTING IN OPPOSITION.

Final Commission Action on Critical Areas Ordinance Update

Commissioner Hall emphasized that the regulations for critical areas exist for multiple purposes. He explained that the functions and values the City should protect in a fish and wildlife habitat area are different, in many cases, than the functions and values that should be protected in a wetland. He recalled that the Growth Management Act defines five types of critical areas, and three of them are concerned

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solely with protecting human health, life and property (geologic hazard areas, frequently flooded areas, critical aquifer recharge areas). Wetlands provide both a natural ecosystem and a human safety benefit. The fish and wildlife habitat areas regulations are primarily concerned with ecosystem functions and values. He said it is very difficult to regulate development in a way that protects five different things in ten different ways.

Commissioner Hall said he believes Shoreline's existing Critical Areas Ordinance has served the City well and has not been fundamentally flawed. However, there are things that could be emphasized more such as low-impact development approaches, a basin-wide planning approach, etc., to give the ordinance a more holistic look. Before the City updates the ordinance again, this is definitely something the Commission should consider. He summarized, however, that the staff has worked hard to propose amendments to resolve a lot of issues that have come up. The goal of the ordinance is to regulate development under the police power of the City in order to protect values that citizens all hold in common. The amendments proposed by both the staff and Commission will improve the ordinance so it can continue to serve the City well in the future.

Commissioner Hall thanked the citizens who provided comments and suggestions regarding the Critical Areas Ordinance. There were scores of people who testified regarding the ordinance, and appropriate decorum and courtesy were maintained throughout the process. He said he values being part of a community that can have a quality debate of this type.

Chair Harris said that Commissioner Sands indicated to him that, if he were present, he would have voted against the main motion to approve the Critical Areas Ordinance Update as amended by the Commission because he felt it was too far reaching. Chair Harris said that while he supported all of the amendments accepted by the Commission up until tonight's actions, he would vote against the main motion because of the amendments that were just approved. He said he believes the Critical Area Stewardship Plan proposal was adequate and should have been approved as part of the ordinance. He noted that the Stewardship Plan would have required an applicant to prove that the functions and values would be protected through the plans and testimony of an expert. He expressed his belief that the proposal to provide for a Stewardship Plan would have been adequate as proposed by staff.

Commissioner McClelland clarified that the Commission agreed to eliminate the provision related to a Critical Areas Stewardship Plan, not because they didn't think a Stewardship Plan was a good idea, but because they did not think the one proposed would address all of the issues. The Commission reserved the right to reconsider a Stewardship Plan provision in the future.

Commissioner MacCully said that while the Commission would like to be able to preserve views, it is important to remember that views constantly change from the time a property is clear cut and developed. He reminded the Commission that the City's goal should be to improve the environment and not just keep pace. While it would be nice to be able to preserve views, there is also a higher value that must be considered for the City as a whole.

Chair Harris suggested there might be better ways to improve the environment than just maintaining the status quo. Commissioner Broili agreed. He clarified that the City is located within an urban

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environment, and there will not be old growth forests in Shoreline. However, if they carefully plan, they can achieve a basin-wide management strategy that looks at how to work within a built environment to mimic the natural models in a way that allows the citizens to live the lives they have become accustomed to, but not at the detriment of the system that supports and sustains them. While they can preserve some of the views, this must be done carefully and discretely from a more holistic approach. This will take careful, thoughtful and slow strategies.

THE MAIN MOTION (PAGE 5 OF THE JULY 21, 2005 MINUTES) TO ADOPT THE CRITICAL AREAS ORDINANCE UPDATED AS AMENDED BY THE COMMISSION WAS APPROVED 7-1, WITH CHAIR HARRIS VOTING IN OPPOSITION.

10. NEW BUSINESS

Commissioner Hall offered his home for the Planning Commission and Planning Department staff to hold a going away event for Mr. Stewart. However, he cautioned that during the event, the Commission should not discuss any future business of the Planning Commission. The Commission agreed to hold a going away party for Mr. Stewart on August 18th at Commissioner Hall's home.

11. AGENDA FOR NEXT MEETING

Because the Commission completed their review of the Critical Areas Ordinance Update, the regular August 18th meeting was cancelled.

12. ADJOURNMENT

The meeting was adjourned at 8:47 p.m.

David Harris
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

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October 24, 2005

The Honorable Mayor Ron Hansen
Members of the Shoreline City Council
17544 Midvale Avenue North
Shoreline, WA 98133

RE: Critical Areas Ordinance

Dear Mr. Mayor and Members of the City Council:

Thank you for the opportunity to comment on the proposed Critical Areas Ordinance.

We appreciate the measured tone of the proposed CAO. In particular, we are pleased to see the proposal offer property owners the opportunity to reduce wetland and stream buffers by protecting function and value of the critical area.

As you debate the CAO, we urge that you keep in mind two related issues. First, the regulatory scheme you adopt should recognize that you are working with an urban, already impacted landscape --- as opposed to a rural or up-stream landscape that offers a far greater opportunity for critical area function and value for protection. Secondly, the CAO must take care not to trump other Growth Management Act goals. All ~~goes~~ goals must be balanced. It's important to accommodate growth and protect the environment.

Protecting function and value
The chief goal of the CAO is to protect the function and value of the critical area. Buffers are an important tool with which to protect that function and value; however, buffer size is not an indication of buffer quality.

Smaller, managed, "smart" buffers offer immediate benefit to the critical area's function and value. Larger, "dumber" buffers require 100 years of plant succession to return to a native state and offer benefit to that critical area. So, offering property owners an incentive to

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create smaller, smarter buffers is better for the critical area and better for the property owner --- in terms of flexibility.

The ease with which one might achieve the smaller smarter buffer is important. A buffer enhancement and management program should be:

- Affordable
- Easy to understand.
- Possible for the property owner to execute

Wetland replacement and enhancement

An area where adjustments may be needed in recognition of Shoreline's urban context is in the proposed wetland replacement and enhancement ratios (ranging from 1:1 - 16:1). Is it reasonable to expect that a project proponent would be able to find enough land to achieve the wetland creation and enhancement requirements? Might a fee in lieu program be viable?

Wetland buffers

The Washington State Department of Ecology Alternative 3 wetland regulations classify almost all land uses as high intensity land use. Under the alternative, all high intensity land use would be subject to the largest buffers to protect wildlife habitat.

For urban areas like Shoreline, in which all adjacent land uses would be considered high intensity, the flexibility of Ecology's alternative is illusory.

In most instances within an urban context wetland protection should be focused on wetland function and value, not the creation of terrestrial wildlife habitat.

A method of implementation that would make Alternative 3 practicable would be to set the "low" rating as a default. A streamlined critical areas identification process (such as a property-owner completed check list) coupled with defined outcomes (such as mitigations and buffer widths) could responds to site-specific needs for protection greater than that provided by the low rating.

Realtors' Interest

The Seattle-King County Association of Realtors is a 7500-member association representing real estate brokers and agents and related industries in the City of Seattle and throughout King County.

Every day our members assist Seattle residents (or would-be Seattle residents) in purchasing or selling residential or commercial real property. For most homebuyers,

finding housing in Shoreline that's affordable is extremely difficult median priced homes are about $130,000 more than the median income for a family of four can afford.

What does this have to do with the CAO? The relationship between land supply, housing supply, and housing cost is inextricably linked. Development and planning regulations control housing capacity; housing capacity controls housing supply; and, housing supply relative to demand controls housing prices. To the extent that CAO regulations diminish housing capacity, the CAO forces housing prices upwards.

We believe that the success of the CAO hinges on its full integration with all goals of the GMA, in a balanced a manner.

Our comments on the proposed CAO urge the city to keep the CAO's impact on housing supply in the forefront. We believe the Growth Management Act not only provides the tools with which to do that, but the mandate.

Thank you in advance for your consideration of these comments.

Sincerely,

Randy Bannecker

October 24, 2005

Comment on Shoreline Critical Area Ordinance

Dear Planning Director and Shoreline City Councilmembers:

I appreciate this opportunity to comment on the draft of the Critical Areas Ordinance Update. I make my comment on behalf of the Thornton Creek Legal Defense Fund, Paramount Park Neighborhood Group and myself.

have some serious concerns in the areas of:

1.Stream definitions and fish habitat
2.Wetlands
3.Hazard Trees and Tree cutting requirements and public notice and input
4. Historic preservation

The state requires protection of our critical areas. The "Pilchuck" decision of the Growth Management Hearings Board states the following. It is unequivocal and clear.

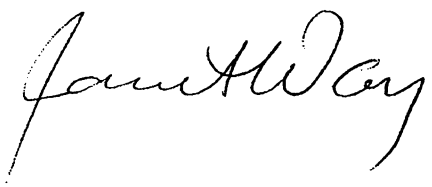
The Act requires cities and counties to protect all fish and wildlife found in designated fish and wildlife habitat conservation areas. Here, the County has defined "fish and wildlife habitat" conservation areas to include all streams, wetlands and riparian areas, areas where threatened and endangered species have a primary association, and saltwater-related habitat. See SCC 32.10.110(14). Although Pilchuck would have preferred a far more inclusive definition of habitat conservation areas, the County was not obliged to agree. Even if the County's definition were inconsistent with the State's "Minimum" Guidelines, the CAO's definition does not violate the Act.

CAO PUBLIC COMMENT CC 013

*Pilchuck, et al. v. Snohomish County, CPSGMHB Case No. 95-3-0047 Final Decision and Order, 1995 WL 903206 p. *27 (December 6, 1995).*

As of now the Draft and SEPA checklist do not provide clear protections for wetlands, fish habitat, trees which are in contention over view issues, or "historic" sites in Shoreline.

Sincerely,



CAO PUBLIC COMMENT CC 013

October 19, 2005

Dear City Council Members:
Mayor Ron Hanson
Deputy Mayor Scott Jepsen
Rich Gustafson
Paul Grace
Robert Ransom
Maggie Fimia
John Chang

Re: Critical Areas Issues

My husband and I are twenty-nine year residents of Shoreline. Our sons went through the Shoreline Schools. We lived twenty-three of those years in a house in a cul-de-sac off Eighth Avenue Northwest. Just over six years ago we moved into the Innis Arden neighborhood. I served as Treasurer of the Board from 2001 through 2003. Through my work on the Board and other community activities, I have gotten to know many of the people in the community of Innis Arden. I learned quickly who was interested in the well being of all of the community and who was not. The Board of Innis Arden is made up of a group of diverse people elected by the community of Innis Arden. The Board represents the community just as the City council represents the City of Shoreline.

As you no doubt know, Innis Arden is a covenanted community. Those covenants include homeowners having the right to views of the Puget Sound and the Olympic Mountains. These views provide not only increased property values (which translates to increased tax revenues) but an increased enjoyment and appreciation of our beautiful environment. Please be assured that folks who wish to have the views they are entitled to by the covenants do not hate trees or the environment. We are very much in favor of caring for our environment.

In the first paragraph I referred to those folks who are not interested in the well-being of the total community. These folk have thwarted our duly elected board every step of the way to prevent folks from obtaining the views to which they are entitled. They have even gone so far as to try to overthrow our Board about a year and a half ago. These folks are particularly vehement about our reserves which are greenbelts in the neighborhood. These reserves have not been managed for decades and contain many hazardous trees. Our Board had cut approximately 100 trees that were certified as hazardous by two certified arborists. Unfortunately, certain folks in the neighborhood would rather complain to the City than go to our duly elected Board first with their complaints. Thus, the City slapped a fine on Innis Arden in the amount of $16,500. The Board decided to fight the fine because it had not violated the City codes. The day before the hearing before the hearing examiner, the City dropped the charges and the fine.

CAO PUBLIC COMMENT CC 014

Our Board continually has a small minority of people second guessing it and continually running to the City with every complaint, legitimate or not. Frankly, I would like to apologize for their behavior which is inappropriate and leads to much dissension in our Community. Please understand that the Board wishes to work with the City. The City needs to recognize that Innis Arden is a view community and that its views add much to our community in that it attracts people who are able to afford homes in the neighborhood, who contribute to the community in their jobs, and civic affairs. Innis Arden is made up of business owners, doctors, lawyers, other professionals and other self-made people. The City of Shoreline needs to continue to attract people who will contribute to the community with jobs, support of our public schools, and civic activities. Providing views for these folks keeps them in this neighborhood and this city, not some other neighborhood. The views of Innis Arden add a unique character to Shoreline and restoring views should be encouraged in accordance with sound environmental principles. I urge you to talk with members of the Innis Arden Board and community members who want the best for Innis Arden both in terms of views and community contributions.

One member of our community, Paul Blaurert has attended City Council meetings showing pictures of our reserves that really aren't accurate as to what is happening there. The runoff that he blames on tree removal is actually a lack of surface water management at the shopping centers at the top of the hill; specifically the QFC and Rite-Aid areas bounded by Third and Eighth Ave. N.W and N.W. Richmond Beach Road. There is no proper drainage nor, I understand, is money allocated for surface water management in Innis Arden. This is most unfortunate as I believe a high percentage (70% or more) of water that comes through Innis Arden comes from those shopping centers. I have personally experienced this runoff as it comes through my family's property. We have even seen the suds from the car washes that the students hold to raise funds for their various activities. If the surface water management problem could be resolved, the erosion would be minimized greatly. Once you understand this fact, you will also understand that removing a few trees especially with mitigation is not going to cause untold of erosion problems.

Another factor to consider is that the tall trees do not let the light onto the ground to allow vegetation to grow so that erosion doesn't occur. Thinning the trees in Innis Arden would be helpful not only for erosion purposes but would enhance the views that our covenants provide for us. We believe that the City needs to hear from our Board and to believe our Board instead of those who wish to make trouble in our neighborhood.

I recently heard Ms. Jamie Clark, Executive Vice President of Defenders of Wildlife on the radio stating that the Endangered Species Act was not meant to stop projects but rather was intended to help us evaluate and mitigate the impact of the project. People in Innis Arden who care about views also care about the environment and are committed to mitigation. Her comments really make sense for Innis Arden. We should be able to remove trees in our reserves or in our private property if we follow carefully worked out procedures for evaluation and mitigation. We should strive to plan lower growing

vegetation that nourish our soil and attract wildlife while storing views of the Puget Sound and the Olympic Mountains.

While I support the draft revisions of the Critical Areas Ordinance, especially the Stewardship Plan, I have a few suggestions. Improvement in language is needed in the definition of hazardous trees wherein hazards to human life are recognized. Trees other than natives should be allowed to be planted (to allow for development of arboretum areas in our reserves and on private property.) The City Council should also be careful in setting buffers as they may be so extensive as to prevent needed care of the Innis Arden reserves as well as private property. There needs to be recognition in Chapter 20.50 .290 Purpose, Part D that views of the Puget Sound and the Olympic Mountains also "contribute to the visual quality and economic value of development in the City."

Therefore, I encourage you to support and vote for the Critical Area Restoration Project as suggested by the Staff of the City of Shoreline with the additional suggestions I have made above. People in Innis Arden should have the opportunity to have their views restored as provided for in our covenants. Not allowing folks in Innis Arden their views constitutes a "taking" of property according the 14th Amendment to the Constitution. I hope you will realize that the "silent majority" of Innis Arden is in favor of keeping our covenants in tact and providing views for those who wish to have them. Thus, I wish to encourage you to vote to adopt language in the critical areas ordinance that will restore views in Innis Arden while caring for our environment.

I appreciate your time in reading my letter and hope you understand our situation much better than before.

Yours sincerely,

June E. Howard, CPA

-----Original Message-----
From: bvreeland@tenforward.com [mailto:bvreeland@tenforward.com]
Sent: Monday, January 16, 2006 12:25 PM
To: City Council
Subject: Web Site Contact Form

A contact form has been submitted from the web site:

Name: Robert Vreeland
Address: 520 E. 10th St
City: Port Angeles
State: WA
Zip: 98362
Neighborhood:
Phone: 360-457-0239
E-Mail: bvreeland@tenforward.com

Contact Via: Email

Message:
City Councel Members:

I am a retired fishery scientist. I have Bachelor (Oregon State University) and Master (University of Washington) of Science degrees in fisheries and over 30 years of experience with salmonid issues in the Pacific Northwest. I was employeed by NOAA Fisheries from 1971 to 1997, where I worked on salmonid habitat, hydroelectric, harvest, and hatchery issues. I lived in the Thornton Creek watershed from 1991 through 2004 and became familiar with Thornton Creek resorces and issues through my membership with Thornton Creek Alliance (TCA). I represented TCA on the Thornton Creek Watershed Manangement Committee and helped to complete the Thornton Creek Watershed Characterization Report (Nov. 2000) for the City of Seattle.

There is no doubt in my mind that Thornton Creek thoughout its length in both Seattle and Shortline has been and is presently a salmonid baring stream. As a resident of the Thornton Creek Watershed in Seattle (near Meadowbrook Pond) I personally observed salmonids in the creek. I observed adult Chinook salmon spawning and adult Sockeye salmon in Thornton Creek adjacent to Meadowbrook Pond. I observed adult Cutthroat in Willow Creek and juvenile Cutthroat in Kramer Creek, both small tributaries of the South branch of Thornton Creek in the Meadowbrook area. I also observed an adult Steelhead in the North branch of Thornton Creek at NE 130th Pl. in 1993 in Seattle and what I believe to be an adult Steelhead in the late winter of 2004 north of NE 155th St., upstream of Twin Ponds, in Shortline. I also viewed photographs of fish taken by residents of the Thornton Creek Watershed that I could clearly identify as adult Chinook and Coho salmon.

As a fisheries professional, I also personally knew two other fisheries scientists (Dr. Percy Washington and Jeff Laufley) who testified under oath that they had observed adult Chinook, Coho, Sockeye, Chum and Cutthroat in Thornton Creek. Additionally I am aware of stream surveys and studies conducted by reputable fisheries scientists that have identified adult and juvenile Chinook, Coho, Cutthroat, and Rainbow salmonids in Thornton Creek. The greatest amount of survey data on

salmonid use in Thornton Creek has been collected by Washington Trout for the City of Seattle. Surveys conducted by a private consultant in Thornton Creek in the Peverly Pond area (immeditly downsteam of Twin Ponds) identified juvenile Chinook, Coho and Cutthroat. Fisheries scientists with the Washtington Department of Fish and Wildlife have also observed salmonids in Thornton creek. All of these observations and data collections have occurred since 1991.

Given the above knowledge, it is irrefutable that Thornton Creek throughout its length "HAS SALMONID USE" and must be so classified in Shoreline and Seattle Critical Area Ordinances.

-----Original Message-----
From: S.Kellett [mailto:s.kellett@comcast.net]
Sent: Tuesday, January 17, 2006 1:35 PM
To: City Council
Subject: Shoreline City Council.doc

Shoreline City Council

RE: Critical Area Ordinance January 17, 2006

Dear Council Members and City Staff,

We have lived in the Hidden Lake/ Boeing Creek area for almost 22 years, which is a beautiful area of the city.

Hidden Lake was created originally by William Boeing, I'm guessing it was in about the 1930's. As a child growing up in Shoreline, I played at the lake in the early 1960's, and I remember the old lake as being larger than the current lake and quite a lot deeper. Up stream from the lake were fish ladders that Mr. Boeing constructed probably about the same time as the lake.

In the mid 1960's erosion problems started to occur in the lake and creek area as a result of the development of the Sears complex. The Sears property used to be a large sandy area the kids nicknamed "The Flats". Below the property about where Denny's is now, at 155th and Aurora was an area that was more or less a swamp. When Sears was developed and the parking lot paved large pipes were installed for the storm water. These pipes were directed to the Boeing Creek area, eventually in the late 1960's the lake was completely filled in with the eroded sand. Erosion also caused problems in the creek area below the lake, from Innis Arden Way to Puget Sound.

In the late 1970's or early 1980's King County constructed a retention pond at approximately 170th and Carlyle Hall road. This pond, to my knowledge is the only retention area slowing the flow of water from the Sears Complex and surrounding roadways. In the early 1990's King County constructed a large retention pond at 175th between 3rd N.W. and 6th N.W. This pond helps control surface water from areas other than the Sears complex.

In 1996 Hidden Lake was restored as a habitat project. On New Years Eve as a result of the storm and melting snow, it created so much surface water run off that it blew out the retention pond on 175th and created the sink hole so large that it made the national news. The dirt sand and sewage washed down the creek and completely filled the lake in. We woke up on New Years day to an unbelievable disaster.

In 1997 the lake was restored once again. Provisions were designed into the lake for removal of eroded sand on an as needed basis. Since the last lake restoration we have

seen many species of birds and animals. These include, ducks, geese, owls, osprey, otters, quail, beavers, bald eagles, hawks, turtles, herons and muskrats.

The City of Shoreline has a responsibility to not just burden private citizens and developers with regulations; they need to look at their own construction methods such as, last years "Third Avenue Drainage Project". This project was done in the rainiest time of the year. Projects such as these need to be done during times of minimal surface water run off.

I hope that the City of Shoreline will keep these issues in mind when it adopts the new Critical Areas Ordinance" and has made provisions for water retention systems for current and future city projects, specifically the "Aurora Corridor Project" currently being constructed at 155th and Aurora. Any surface water that ends up flowing to Boeing Creek needs to funnel through a retention system.

We have seen the devastation that has been caused by irresponsible development and improper surface water management firsthand.

Respectfully, Steve Kellett

-----Original Message-----
From: Steve Schneider [mailto:sgschneider@earthlink.net]
Sent: Tuesday, January 17, 2006 1:46 PM
To: Robert Ransom
Cc: Maggie Fimia; richgud@comcast.net; cindy ryu; Janet Way; Matt Torpey; Carolyn Wurdeman
Subject: CAO Update

Good afternoon Mayor Ransom and council members, and staff,

We are writing to request that you enhance and strengthen the CAO to improve the habitat areas in our city.

We live near the Paramount Park and Little Creek wetland. We feel that we need to provide "wildlife corridors". Our family has enjoyed seeing many varieties of wildlife in our neighborhood, including a barred owl, Eagles, many hawks, woodpeckers, and other varieties of birds. Some years we have had a healthy frog population.

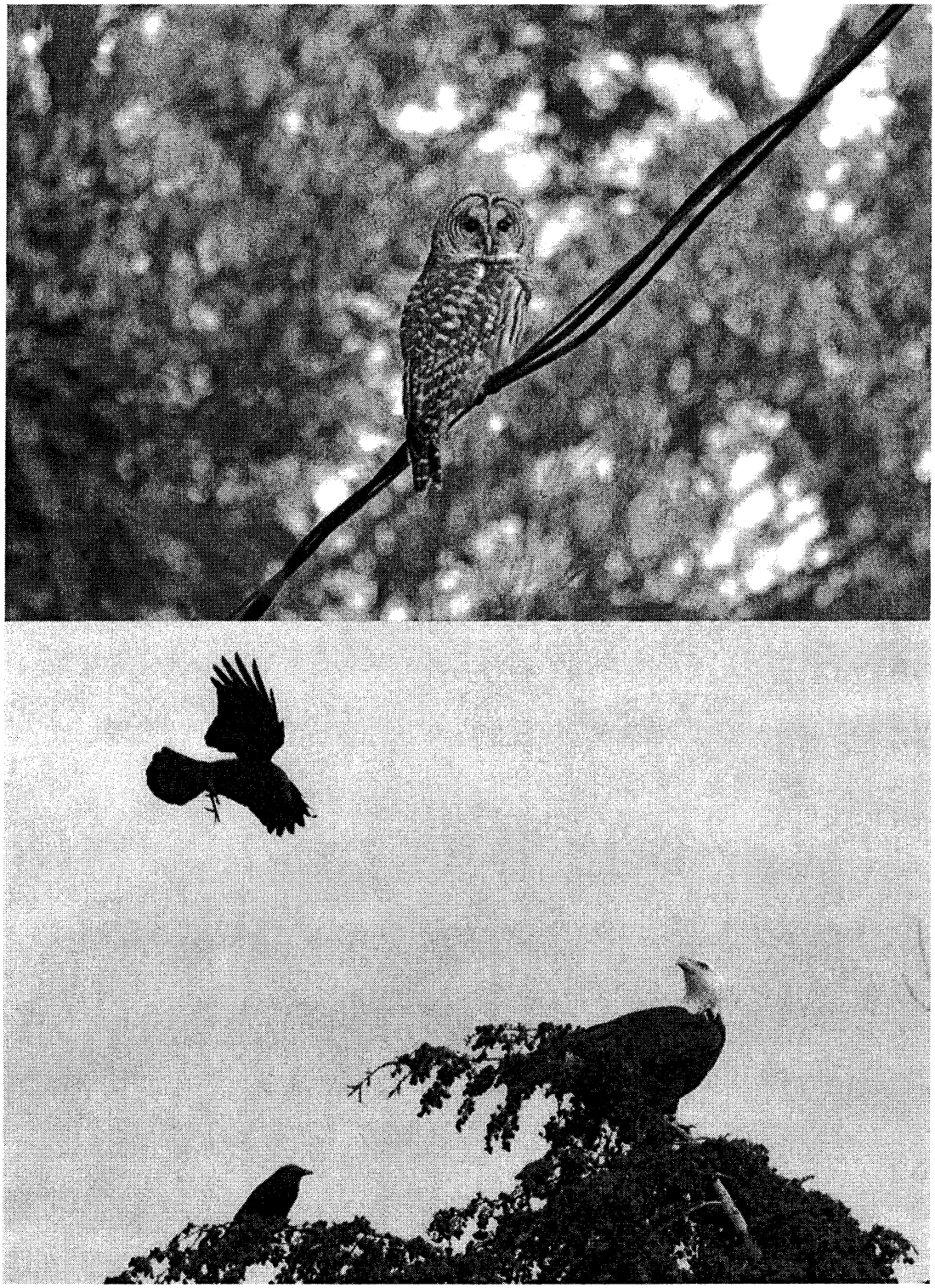
We have included photos of some of the wildlife that we have seen or were in our back yard.

The Critical Areas are at great risk if we don't change the language in the ordinances to strengthen protections. Please do not lower the "Stream Classifications" in Shoreline to reflect the desires of developers who would rather not deal with fish habitat and the buffers that should correspond.

Thank you,

Steve Schneider & Catherine Floit
14802 9th PL. NE
Shoreline, WA. 98155
206.363.0078
sgschneider@earthlink.net
cfloit@earthlink.net

CAO COMMENT CC 017



CAO COMMENT CC 017



CAO COMMENT CC 017

-----Original Message-----
From: Tom Murdoch [mailto:tomm@streamkeeper.org]
Sent: Friday, January 20, 2006 8:03 PM
To: Carolyn Wurdeman; Joe Tovar; Matt Torpey
Subject: Shoreline Critical Areas Ordinance

Date: January 20, 2006
To: Shoreline City Council
From: Tom Murdoch, Executive Director
Adopt-A-Stream Foundation
Subject: City of Shoreline Critical Areas Ordinance - Public Record Comments

I am a stream ecologist with 27 years experience surveying streams in North King County and throughout Snohomish County. Currently, I serve as the Executive Director of the Adopt-A-Stream Foundation (AASF) which actively involved in stream survey and fish/wildlife habitat restoration in Mac Aleer Creek.

In the past, I was the Water Resource Supervisor for the Snohomish County Public Works and Planning Departments. In that capacity, I was the principal author of County's first Drainage Ordinance and its Storm Water Utility Rate Ordinance. I also headed up the development of the County's first version of what has now become its Critical Areas Ordinance...I appreciate the pressure that you are facing on this subject.

I am also an Adjunct Professor of Stream & Wetland Ecology at Western Washington University, editor of *Adopting A Stream: A Northwest Handbook* and *Adopting A Wetland: A Northwest Guide,* and co-author of the *Streamkeepers Field Guide: Watershed Inventory and Stream Monitoring Methods.*

For the record, I am a resident of Seattle and live within walking distance of the lower reaches of Thornton Creek.

On several occasions I have been invited to share stream and wetland ecology information with city councils and planning commissions during "work sessions." In those sessions, I provide a short course in ecology that leaves the audience with a clear understanding of what a ***watershed*** is (the large area of land around a stream that drains into the stream); what a ***riparian zone*** is (the area of vegetation around a stream, lake or wetland that affects the ecology of that aquatic system); and the functions of ***wetlands*** (water storage, water pollution filtration, and wildlife habitat).

During these sessions I also introduce the audience to the habits and habitat requirements of salmon, steelhead, and trout...the collective name for these fish is ***salmonid***. Streams that flow out of Shoreline include Thornton Creek, Boeing Creek and Mac Aleer Creek. Historically, these stream supported healthy populations of salmonid.

CAO PUBLIC COMMENT CC 018

Salmonid thrived in these streams before non-Indians arrived in the Puget Sound Region because the surrounding riparian zones were in tact. Trees and shrubs provided shade which keeps the air temperature cool and, in turn keeps the water temperature cool...optimum water temperature for salmonid is 50 degrees Fahrenheit. Cool water has the capacity for retaining high levels of oxygen...salmonid require 9 to 11 PPM per liter oxygen.

Leaf litter, branches, and other "coarse organic particulate matter" falls into streams from healthy riparian zones. In turn, that material becomes a source of food for microorganisms which become food for a wide range of underwater insects, fresh water clams, mussel, crayfish and other creatures that live on the bottom of streams, lakes and wetlands. The bottom creatures that you can see without aid of a microscope and have no spines are called ***benthic macroinvertebrates*** by the scientist. Salmonid consider them food!

In order for your City's streams to be able to support salmonid, your streams need to have:

- healthy riparian zones,
- cool water with high levels of oxygen, and
- an abundant and diverse population of benthic macroinvertebrates.

Your stream channels should also have diverse in-stream habitat that includes ***pools*** (deep areas with relatively slow moving water) and ***riffles*** (shallow areas with a slight grade and gravel bottoms).

Salmonid also prefer streams to have areas where trees, large branches and stumps have fallen in the channel; these provide hiding areas for fish and create diversions in stream flow that often result in the creation of pools and riffles in the stream (this material is referred to by the Washington State Department of Fish and Wildlife as ***LWD* or *Large Woody Debris***).

Another factor that will determine what is able to live in your City's aquatic systems is water quality. The majority of the stream data available indicates that quality of your aquatic systems is poor affected by influxes of a variety of pollutants including nutrients from lawns, fecal coliform from a variety of sources, and a range of more exotic materials flushing in from impervious surfaces such as roof tops, parking lots, and driveways (lead, cadmium, zinc, copper, chromium, and mercury have been found in your stream. Unfortunately, your streams' water temperature exceed State standards on a regular basis and the corresponding oxygen levels are lower than State standards on a regular basis...not a big deal for people, but a real problem for salmonid.

Salmonid are sensitive to poor water quality and numbers of fish typically shrink with increases in pollutant loads. Unfortunately, there also are some "human

impacts" from the pollutants flushing from your city into your streams and downstream into neighboring jurisdictions to Lake Washington and Puget Sound.

According to the Washington State Department of Ecology, your streams are also unsuitable for contact recreation by your residents...everyone asks me what that means and I typically respond by saying "if you get your hands in the water, wash your hands before you pick your teeth...and under no circumstances drink the water because there is a good chance that you will get very sick." The City of Seattle now posts Thornton Creek in its lower reaches...see the attached photo of me and a water pollution sign next to the creek in Mathews Beach Park.

Invariably during city council or planning commission presentations, I am asked "how big should our buffers be?" This is a major question that your are facing now, and, as I stated before, I appreciate your predicament...no matter what you decide, you are going to make part of your constituents unhappy.

When asked this question, I generally frustrate the questioner by answering that question with another..."What do you want to protect?"

- Do you want to prevent downstream flooding? If the answer is yes, you will need to have large buffers that are healthy riparian zones. Tree and shrub canopies (*overstory*) in the riparian zones break the energy of falling rain, allowing it to slowly drip to low growing *understory.* Large areas of well drained (pervious) soils in large riparian zones allow rainfall and runoff from surrounding impervious surfaces to infiltrated into the ground, further reducing runoff downstream. By the way, historically your riparian zones averaged 300 feet on either side of your creeks...for more details on this I recommend that you contact Dr. James Karr at the University of Washington (206-543-2100)

- Do you want to protect water quality? If the answer is yes, think about this: scientists at the Smithsonian have concluded that a minimum of 60 feet of undisturbed native vegetation between agricultural fields and Chesapeake Bay to absorb nitrogen and phosphorous in flushing from fields towards the bay...lawns in your City's watersheds are likely more heavily fertilized than those fields. if your buffers are bigger yet, you can begin to reduce the amount of more exotic pollutants I referred to earlier in this discussion.

- Do you want wildlife to have habitat in your city and, if so, what species? This question is complicated. According to the Washington State Department of Fish and Wildlife more than 85% of the State's wildlife inhabit depend on riparian zones for food, shelter and space. stream corridor continuity, you will provide the City's wildlife with a transportation corridor. The larger the riparian zone, the greater the variety of wildlife...if you shrink your riparian zones by reducing stream buffers in your CAO, you will systematically eliminate species.

- Do you want to avoid citizen suits? Section 505 of Public Law 92-500 (the Clean Water Act) gives citizens of the U.S. the authority to take water polluters to Federal Court. It can be argued be that a reduction in buffers will lead to an increase in pollutants in your streams, Lake Washington, and Puget Sound. Similarly, it can be argued that a reduction in stream buffers is detrimental to what is left of the Chinook in Thornton and Mac Aleer Creek, opening the door to citizen suits per the Endangered Species Act.

As you deliberate your CAO be aware that you control the fate of the headwaters of three watersheds. In the cases of Thornton and Mac Aleer Creek the your choices affect other cities as well. If headwater areas are degraded, the lower reaches will be degraded as well.

Last year , I walked the lower reaches of Boeing Creek to the railroad track and the Sound. It has a large riparian zone in that location, but the upstream area is, ecologically speaking, in very poor condition...there is potential to significantly improve the upper riparian area and, as a consequence a natural area in the City.

As I mentioned in my opening comments, AASF is active in Mac Aleer Creek. We located several barriers to fish migration downstream from Interstate-5 as well as several non-point pollution problems. I am pleased to advise, that many of those problems are getting solved by AASF, the Lake Forest Park Stewardship Foundation, the North Shore Chapter of Trout Unlimited, and the Washington State Department of Ecology. Shrinking buffers upstream in the headwater areas will be detrimental to that effort.

You are undoubtedly aware that there is a tremendous ongoing community based effort to restore Thornton Creek fish runs, If not, contact the City of Seattle to learn more about why they are going to require the creek to be daylighted from the parking lot at Northgate Shopping Center.

In conclusion, I urge you not to reduce buffers between new development and streams in the City of Shoreline. Furthermore, I recommend that you consider the inclusion of Low Impact Design Standards such as:

- green roofs on new structures
- native vegetation landscapes around those structures, construction of rain gardens designed to infiltrate stormwater into the ground (eliminate the option of piping water to your streams)
- storm drain filters installed drain grates leading to pipes that where drains to your streams
- and many more...do an internet search on "low Impact Design Techniques" for thousands of ideas...and ask your attorney to brief you on the City of

Tumwater's Low Impact Development Ordinance...it is a good model to consider.

I applaud the fact that you have become a leader to Seattle by not allowing development over streams that have been piped to allow for the option of future "daylighting." I would like applaud you again. Take the lead again and consider increasing your buffers between new development and your streams.

To reduce negative reactions to this concept, add incentives such as increased housing units if structures are constructed on small footprints (build up instead of out), reduce permit fees for new construction, reduce stormwater management rates for new landowners, etc.

This type of approach will result in a win-win situation when you make your decision. Of course, not everyone will be happy, but your actions will be based on good science and legally defensible.

Please place this correspondence into the Public Record of the hearing associated with the City of Shoreline Critical Areas Ordinance.

Tom Murdoch, Director
Adopt-A-Stream Foundation
425-316-8592
tomm@streamkeeper.org



-----Original Message-----
From: Carolyn Wurdeman
Sent: Monday, January 23, 2006 5:34 PM
To: Matt Torpey
Subject: FW: Southwoods and CAO comment

-----Original Message-----
From: Janet Way [mailto:janetway@yahoo.com]
Sent: Monday, January 23, 2006 5:25 PM
To: cvwjr@excite.com; bettelinn@hotmail.com; Maggie Fimia; SWA85401@allstate.com
Cc: elaine phelps; Carolyn Wurdeman
Subject: Re: Southwoods and CAO comment

Dear Ms. Rundall,
Thanks for this excellent letter of advocacy for South Woods preservation.

With your permission, I'd like to also place it in the record for the Critical Areas Ordinance amendments.

Please contact me anytime with futher questions on this issue or others.

Janet Way
Shoreline City Council

--- Christine Rundall <cvwjr@excite.com> wrote:

Janet, et al, I hope this is useful in the discussion or th Southwoods in the City Council!

Chris Rundall 215-1334
Janet Way, Shoreline City Council, Re: the "Southwoods"

This wonderful wooded property has been the object of my affection since we moved to the Shoreline area in 1979. We followed it from the time it was DNR property holding abandoned Navy housing until it was surplused and sold to the Water Department and Shoreline Public Schools as a potential parking lot, or an outdoor classroom for the school district and its environmental education program. After Shoreline became a city, the Woods became an interest of the Briarcrest Neighborhood, where we lived. A group of us then became active as a committee hoping to work with the School District and Shorecrest High School to make it an outstanding educational site for all of Shoreline Schools, K - 12.

Unfortunately, in 2003, we were forced to sell our house with its official Backyard Wildlife Sanctuary. Our new location in downtown Seattle and our physical problems ended our active involvement with the Southwoods. Now we hear that some developers are salivating over it!

The city is now being tested in its ability to be forward looking! Will it look at this property as a future wooded natural area for the good of the working public and school children living in Shoreline? Or will it allow a short-sighted sale to developers who will log it, scrape it clean of all of the plants and the layer of top soil that supported them, and walk away with beau-coup bucks?

Why is this property so important to the citizens and Briarcrest neighborhood? Areas of Seattle,especially Ballard, are suddenly realizing that the amenities of quiet, soul-soothing places of rest and restoration are in too short supply to meet the needs of our burgeoning population and the noise that goes with it. (While the same is said about sports fields, I imagine they outnumber peaceful, natural wooded places for those who would use them!) As a kind of arboretum, it could be planted entirely in native plants. These natives would be easier to grow and maintain than introduced garden plants that we all know and use at home. This area could then develop into a sort of sanctuary where small animals and migrating birds could live. Which plants? Consult the Native Plant Society; or perhaps horticultural students in need of a study subject could be involved. What birds might be found there? Ask Seatle Audubon Society, with their work in planting areas to become a supportive habitat.

Some of the birds that we had in our sanctuary were not usually found. Predators that preyed on small birds, mice, and rats were Cooper's hawk, sharp-shinned hawk, merlin, red-tailed hawk, and Bald eagles. Other birds not easily found were Townsend's warbler*, golden-crowned kinglet*, ruby-crowned kinglet*, fox sparrow*, humming birds (Annas, rufous, and calliope), Northern flicker, Downey woodpecker, pileated woodpecker**(what a thrill!), yellow-bellied sapsucker*, Bewick's wren*, brown creeper*, red-breasted nuthatch*, Steller's jay, chestnut-backed chickadee*, black-capped chickadee, hermit thrush*, cedar waxwing*, bushtits, varied thrysh, Western tanager* come to mind. The greatest prize was the year-round flock of band-tailed pigeons, with their yellow feet and tan band across the fanned-out tail feathers** (* birds not easily found **birds perhaps on a list for concern)

As the numbers diminish, we are reminded that loss of habitat is the primary cause of species decline. Another cause is indiscriminate insect spraying with its double whammy of bird poisoning and bird starvation without the insects the birds depend on.

The Southwoods is most valuable to the community as a natural place for people and wildlife!

Join Excite! - http://www.excite.com
The most personalized portal on the Web!

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
http://mail.yahoo.com

-----Original Message-----
From: lstein@earthlink.net [mailto:lstein@earthlink.net]
Sent: Monday, January 23, 2006 5:45 PM
To: City Council
Subject: Web Site Contact Form

A contact form has been submitted from the web site:

Name: Linda Stein
Address: 844 N 161st Place
City: Shoreline
State: WA
Zip: 98133
Neighborhood: Highland Terrace
Phone: 206-542-1581
E-Mail: lstein@earthlink.net

Contact Via: Email

Message:
To Shoreline City Council:
It is critical that we do not reduce the buffers along our creeks, since they are necessary for the health of our streams and inhabitants.

Lets go forward as a City and protect our invaluable environment.

We are in trouble as a planet. All the facts are there.
We just need to be willing to face the facts and find a way
to reach common ground on issues that are vital to us all.

I would like to see the City of Shoreline be leaders by taking action towards sustainability in every sphere of life. There is much work to be done.

I would like to see basic classes on "Sustainability" taught in every classroom in the city, regardless of age or subject. I would also like to see a massive educational outreach, that would reach every citizen in Shoreline.

Thank you for your time,

Linda Stein,

-----Original Message-----
From: Kevin Fullerton [mailto:k.fullerton@comcast.net]
Sent: Monday, January 23, 2006 9:06 PM
To: Carolyn Wurdeman
Subject: Letter from The Sierra Club

City Council Members,

Please see the attached letter from the Seattle Sierra Club. Thanks for your attention.

Kevin Fullerton

CAO PUBLIC COMMENT CC 021

January 23, 2006

Bob Ransom, Janet Way, Cindy Ryu, Rich Gustafson,
Maggie Fimia, Ron Hansen, Keith McGlashan
Shoreline City Council
Shoreline, Washington 98133

City Council Members:

As you know, the Seattle Sierra Club took an active interest in your most recent City Council elections, endorsing three of you for office. We were greatly encouraged by the election results, which indicated that Shoreline residents expect their political leaders to promote effective critical areas protection and environmentally responsible transportation and land use.

We hope that the factional fighting now dominating relations on the council does not hijack efforts to implement initiatives that are important to the environmental community. We thought it timely to remind you of the Sierra Club's top priorities in Shoreline, action on which will be critical to our continuing support:

- Timely completion of both Phase 1 and Phase 2 of the Aurora Corridor Improvement Project, including expansion of bus rapid-transit capacity, pedestrian improvements, and improved water filtration
- No addition of single-vehicle occupancy lanes on 15th Ave. NE between 155th and 175th streets until an exhaustive study of transit options and street efficiencies in that corridor has been completed through an inclusive neighborhood process
- A strengthened critical areas ordinance that provides effective buffer zones around wetlands and any waterway that has ever borne salmonids
- Zoning upgrades that allow lots in traditional single-family neighborhoods to include detached and multiple dwellings

Please feel free to contact me at any time regarding these or similar issues. The Seattle Sierra Club looks forward to increased interaction between our membership and the Shoreline City Council.

Sincerely,

Kevin Fullerton
Chair, Seattle Political Committee

CAO PUBLIC COMMENT CC 021a

RECEIVED
JAN 23 2006
City Manager's Office

Heidi Costello

From: cbelster@comcast.net
Sent: Monday, January 23, 2006 4:07 PM
To: City Council
Subject: Web Site Contact Form

A contact form has been submitted from the web site:

RECEIVED
JAN 24 2006
P&DS

• COUNCILMEMBER
• FULL COUNCIL
• CITY MANAGER
• STAFF
• FILE
Distribution only per Bonnie

Name: Clark B. Elster
Address: 1720 NE 177th St.
City: Shoreline
State: WA
Zip: 98155
Neighborhood: North City
Phone: 363-3026
E-Mail: cbelster@comcast.net

Contact Via: Email

Message:
I fully support the new Council majority in its efforts to restore and establish a collegial and collaborative working council relationship between members, staff and with all Shoreline citizens in the deliberative process.

With the exception of a rancorous beginning, last week's council meeting was notable by the courteous and attentive exchanges between members, staff and the public. I am encouraged that at last, city issues are being or will be addressed comprehensively.

With that thought in mind, I urge you to remand the Sensitive Areas development code back to the planning commission for further consideration. As presently drafted, the code appears seriously weakoned at the expense of our environment and neighborhood character and to the potential benifit of a voracious development industery known for ill conceived and harmfull development.

-----Original Message-----
From: Jim Staley [mailto:staleyjs@msn.com]
Sent: Tuesday, January 31, 2006 9:25 PM
To: Matt Torpey
Subject: Re: Notice of Public Hearing- City of Shoreline Critical Areas Ordinance

Dear Mr. Torpey,

I am attaching a letter to be sent to the City Councilors regarding the CAO. Should I also send a hard copy or is that necessary?

Thanks for notifying me of the meeting.

Sincerely,

Jim Staley

----- Original Message -----
From: Matt Torpey
To: alwagar@verizon.net ; aryahtov@yahoo.com ; bvreeland@tenforward.com ; cbelster@comcast.net ; chucklesd2@hotmail.com ; cotco@comcast.net ; csolle@earthlink.net ; csteward@stewardandassociates.com ; cvwjr@excite.com ; dbun461@ecy.wa.gov ; gini_paulsen@yahoo.com ; gwingard@earthlink.net ; hollinj@comcast.net ; iken@cted.wa.gov ; jereeves@gmail.com ; k.fullerton@comcast.net ; kohn@u.washington.edu ; lstein@earthlink.net ; maggie_taber@ml.com ; mlmcfadden@centurytel.net ; p.blauert@comcast.net ; profgrisse@comcast.net ; riro461@ecy.wa.gov ; rphelpswa@earthlink.net ; s.kellett@comcast.net ; sgschneider@earthlink.net ; cfloit@earthlink.net ; staleyjs@msn.com ; tomm@streamkeeper.org ; vkwestberg@toast.net
Sent: Tuesday, January 31, 2006 10:08 AM
Subject: Notice of Public Hearing- City of Shoreline Critical Areas Ordinance

You are receiving this email because you have commented on the City of Shoreline Critical Areas Ordinance via email. The City of Shoreline City Council has decided to re-open the public comment period for the proposed Critical Areas Ordinance for additional comments related to all items, comments and testimony received after October 24, 2005.

The City Council will hold a public hearing to solicit comments on the moratorium on Monday, February 13, 2006 at 8:00 p.m. in the Mount Rainier Room, Shoreline Conference Center, 18560 1st Avenue NE, Shoreline.

Please see the attached Public Notice.

Sincerely,

Matthew Torpey

City of Shoreline

<<Public Notice.doc>>

CAO PUBLIC COMMENT CC 023

1 February 2006

Shoreline City Council
City of Shoreline
Shoreline City Hall
17544 Midvale Ave. N.
Shoreline, WA 98133

Dear Councilors,

My wife, Sonja, and I advocate the adoption of exemptions to the Critical Areas Ordinances (CAO) to allow view restoration and maintenance for mountain and water views for residents of Innis Arden. Here is a brief summary of the reasons for our request:

1. Innis Arden is a unique neighborhood in the City of Shoreline because Innis Arden has restrictive covenants that enable residents to have mountain and Puget Sound views. Please respect and support the policies and intent of this neighborhood, which is a vital and important part of the City.
2. Property values for those Innis Arden residents who have lost their views have declined relative to those who have no opportunity for views, which is an unfair policy to owners of view properties in a view neighborhood.
3. The taxes for the City will be increased if homes with views are allowed to restore and maintain them.
4. The resources and expenses required by the City to continuously monitor activities in the Innis Arden Reserves are unnecessary in that the Innis Arden Board already supervises the activities in the Reserve areas according to our covenants that are consistent with the CAO. Why should Shoreline residents who do not reside in Innis Arden have to pay for these monitoring expenses when a mechanism already exists for this and costs nothing to the City?
5. Innis Arden is the recipient of large volumes of runoff that come from paved and developed areas that lie in Shoreline East of 8th Avenue NW and outside of Innis Arden. This runoff causes many fold greater problems to Innis Arden properties and the reserve areas in comparison to the maintenance and view restoration work in the Reserves.
6. The streams of Innis Arden are not and never have been salmon-bearing waters and should not be subjected to the regulations required for maintenance of salmon and other fisheries.
7. If the City of Shoreline would adopt policies that permit view restoration and allow management, Innis Arden can convert the Reserves into beautiful park-like areas that will be attractive and useful to residents. As it is now, the reserves are ugly, overgrown and hazardous because inflexible regulations have prevented Innis Arden from restoration efforts that would enable us to achieve the long-term goal of developing the Reserves into beautiful parks.

In conclusion, we encourage the City to work with Innis Arden to develop CAO policies that are a win – win situation for all.
We appreciate the opportunity to express our views to the Council.

Sincerely,

James and Sonja Staley <staleyjs@msn.com>
18545 Springdale CT NW

CAO PUBLIC COMMENT CC 023a

-----Original Message-----
From: Robert and Judy Allen [mailto:allenjnb@yahoo.com]
Sent: Wednesday, February 01, 2006 9:47 PM
To: d.fosmire@comcast.net; Matt Torpey
Cc: allenjnb@yahoo.com; Brian Dodd; Michael L. Jacobs; Carol Solle; Maggie Taber
Subject: Re: Ordinance No. 398

Good letter Dave. We need to continue give them reasons to work in our favor. Bob***

--- d.fosmire@comcast.net wrote:

Dear Council members,

As a member of the Innis Arden community I take great exception to the removal of staff recommendations and the dismissal of community comments by the Planning Commission. Specifically, I object to the removal of the Critical Area Stewardship Program by the Planning Commission and the removal of private recreational trails as a target of hazardous trees. Furthermore, I object to recent characterizations of the Innis Arden Board's management of the 52 acres of Innis Arden Reserves as "illegal", "clear cutting", or using "loopholes".

During the past six years, the Innis Arden Club, Inc. and its members have spent considerable resources in excess of $300,000 to develop Vegetation Management Plans, obtain Clearing and Grading Permits, and provide analysis of these 52 acres from Arborists, Geo-technical Engineers, Stream Biologists, and Surveyors. Yet year by year the City has limited the Club's ability to manage its Reserves for the safety and enjoyment of its residents. Last year, the 1997 Vegetation Management agreement between the City and the Club was revoked by City Staff. Then, City staff informed the Club that no more Clearing and Grading permits would be issued for view restoration which is mandated by the Club's covenants. And finally, the City issued a moratorium on the removal of hazardous trees.

First, I ask the City Council to restore the definition of a hazardous tree to include danger to recreational trails and private forestland as part of Ordinance 398. The Innis Arden Club, Inc. and its 538 shareholders own the Reserves and are strictly liable for any injury or damage which occurs within or next to the Reserves, cf Degel v. Majestic Mobile Manor, Inc. 129 WN2d 43, 914 P.2d 728 (1996). Whether the cause of this injury or damage is a result of falling trees, poorly maintained trails, assaults that occur from hidden positions, and lack of access by police or emergency personnel, the Club bears the responsibility for the safety of its residents and the public. The Club merely wishes to maintain this acreage for the enjoyment of its residents following established forestry management standards. The City is attempting to force the Club to apply development standards to areas that will never be developed and are in fact a third growth edge forest that is subject to the dangers inherent to that category of forest. Several small fires and disease have occurred in the Reserves over the past decade and a lack of ability to thin trees, remove dead and diseased trees to prevent crown wildfires presents a substantial risk to the community. Unless the Club can effectively manage the Reserves to reduce the danger, global warming and droughts over the future decades will eventually cause a disastrous event to occur in our community. Since the Reserves run through Innis Arden in three locations from Puget Sound to the top of the hill, any disease or fire will

affect the entire community. If the Council takes away the Club's ability to remove hazardous, diseased, and dead trees, the Club must take action to protect its residents safety.

Secondly, I ask the Council to pass a Critical Areas Stewardship Program as part of the CAO. Restoration and preservation of views of Puget Sound and the Olympic Mountains are a valuable asset to the Innis Arden community and are protected by its covenants. In 2001 the King County Assessor's Office removed over $15,000,000 of land value from at least 300 Innis Arden properties due to complete or partial loss of these views. This lost value has not been recovered. View restoration could add considerable monetary value to the properties in Innis Arden and create a larger tax base for the City of Shoreline. By removing any ability of the Club to manage its 52 acres of Reserves with a Vegetation Management Plan under a City defined Critical Areas Stewardship Program, the City is engaged in a takings of economic value from its citizens. Innis Arden residents are guaranteed more than the reasonable use of their lots for homes, they are entitled to enjoy some of the most beautiful views this region has to offer. The Planning Commission, for whatever reasons its members concocted, disregarded a City staff recommendation to include a stewardship program. The Washington State Department of Natural Resources offers exactly such a program to residents of the state for the management of forest acreage 20 acres and larger in unicorporated areas of the state. The state recognizes the benefits of forestry management for fire suppression, tree harvesting, and wildlife enhancement. Again, if the Council ignores its own staff's recommendations, Innis Arden Club, Inc. will be forced to take action to protect the rights of its residents.

Sincerely,

David Fosmire

-----Original Message-----
From: john hollinrake [mailto:hollinj@comcast.net]
Sent: Sunday, February 05, 2006 8:45 PM
To: Ian Sievers
Cc: jacobsmichaell@qwest.net; Matt Torpey
Subject: Critical Area Ordinance - Hazardous Trees

Mr. Sievers:

Innis Arden and its residents need the ability to manage its privately owned properties (including critical areas) as follows:

1. Protect residents from hazardous conditions, including hazardous trees. This would include protecting residents who are hiking on the established trails and children who are playing off trail. It also includes protecting residents, especially children, playing in their yards which are on or adjacent to critical areas.

In the last 4 years, 7 trees have fallen on my property. One tree smashed the storage building on my property. Numerous other trees have fallen in the community owned property adjacent to my property. In addition, 2 of my neighbors' trees fell onto areas on my property in which my children play.

Hazardous trees pose a significant risk to the residents of Innis Arden. We need the ability to protect ourselves from these hazards.

Furthermore, the primary role of government is to protect the life and property of its citizens. Accordingly, the City needs to establish reasonable rules and procedures to protect the residents of Innis Arden from hazardous conditions. I am concerned that if the City fails to fulfill its duties regarding potential hazards, citizens may be injured and the City may be sued for failure to properly protect its citizens. In addition, if the City adopts overly restrictive rules regarding hazardous trees, they may be successfully challenged by Innis Arden residents in court.

2. The courts have ruled that Innis Arden was established as a view neighborhood. Much of the enjoyment and value of our homes comes from our views of the Puget Sound and Olympic Mountains. I believe the residents of Richmond Beach and the Highlands also highly value their views of the Puget Sound and Olympic Mountains.

The views in Innis Arden are protected by restrictive covenants. These covenants prohibit view blocking trees on both privately owned properties and on the community owned properties.

To protect our quality of life and the value of our properties, we need the ability to manage the trees in critical areas (both on residential lots and on community owned areas) in a manner that protects our views in an environmentally sensitive manner. The vegetation management plan implemented in the Grouse Reserve has been a great success and is a model for other critical areas.

To protect our quality of life and our property values, the City should adopt procedures such as the Critical Area Stewardship Plans and tree removal for views rules proposed by the City Staff last year. The City should also consider the adjustments to these rules proposed by Innis Arden representatives, including Mr. Jacobs.

If the City does not allow the residents of Innis Arden to manage its critical areas in a manner that protects their quality of life and their property values, the residents of Innis Arden will be forced to protect their property rights by bringing legal action against the City.

I am hopeful that the City will adopt reasonable rules that will protect the residents of Innis Arden from hazards and also allow us to protect our quality of life and our property values.

Please let me know if you would like to discuss the foregoing matters.

John Hollinrake
1048 NW Innis Arden Drive
Shoreline, WA 98177

CITY OF SHORELINE

NOTICE OF PUBLIC HEARING OF THE SHORELINE CITY COUNCIL

All interested persons are encouraged to attend the public hearing and provide written and/or oral comments.

What: The City of Shoreline is considering adoption of Ordinance No. 398, which would adopt updated development regulations to protect environmentally critical areas pursuant to the requirements of the Growth Management Act, RCW 36.70A060(2).
The City of Shoreline City Council has set February 13, 2006 for an additional public hearing to accept public comment regarding proposed amendments to the city's critical areas regulations or critical areas ordinance (CAO). Public comment shall be directed to one of two topical areas:

1. Any public comment, written or oral, received at or after the October 24, 2005 City Council hearing.

The City Council held its first open record public hearing on the CAO during a regular meeting on October 24, 2005. At that time, the Council received proposed code amendments from the Shoreline Planning Commission and copies of all of the comment letters and public testimony that had been previously received by the Commission. The Council also heard citizen comments that evening, and reviewed a letter from the Washington State Department of Fish and Wildlife (WDFW), as well as a staff response to the WDFW letter.

Since the October 24, 2005 meeting, additional written and oral comments have been directed to the City Council on this subject. Copies of the October 24, 2005 documents, post-October 24, 2005 comment letters and emails, as well as minutes of the Council meetings where citizens spoke on this subject, are available for public review at City Hall. Please contact Matt Torpey (206-3826) for more information.

2. Proposed City Council amendments to the Planning Commission recommendations.

The City Council may decide to adopt the Planning Commission recommendations as set forth in Ordinance No. 398, or they may wish to consider certain amendments. The Council invites public comment on several amendments that have been drafted and posted on the City's web site at www.ci.shoreline.wa.us

Scope of Invited Public Comment on the Proposed Amendments:
This may be your only opportunity to submit written comments on the above proposal. Written comments must be received at the address listed below before **5:00 p.m. February 6, 2006** in order to be forwarded to the City Council prior to the hearing on February 13th. Please forward comments to the City of Shoreline Planning and Development Services Department,

17544 Midvale Avenue North, Shoreline, WA 98133 (attention: Matt Torpey). Upon request, a copy of the subsequent final threshold determination for this proposal may be obtained together with the City Council decision on the proposed amendments.

When: Monday, February 13, 2006 - 8:00 p.m.

Where: Mount Rainier Room of the Shoreline Conference Center
18560 First Avenue NE, Shoreline, Washington

Additional Information may be obtained from:

Matthew Torpey, Planner II
City of Shoreline
17544 Midvale Ave North
Shoreline WA 98133
Telephone: (206) 546-3826

Any person requiring a disability accommodation should contact the City Clerk at 546-8919 in advance for more information. For TTY telephone service call 546-0457. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

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Council Meeting Date: February 13, 2006 **Agenda Item: 9(a) 10(a)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Cottage Housing Deliberation and Action
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP, Director of Planning and Development Services Paul Cohen, Project Manager

I. PROBLEM / ISSUE STATEMENT:

After considering a staff presentation of six options and public testimony at the public hearing on January 23, 2006, the City Council closed the public hearing record. Council then directed the staff to return to the February 13, 2006 meeting with draft ordinances to adopt either Option 3 or Option 6 (Attachments A and B).

II. BACKGROUND:

A. Legal Process for Amendment of the Development Code

The Shoreline Municipal Code allows for amendments to the Development Code with a specific process. First, any person may request that the City Council, Planning Commission, or Director may initiate amendments to the text of the Development Code (SMC 20.30.100). On December 6, 2004 staff initiated the amendment process to the City Council. Second, the State Department of Community, Trade and Economic Development must be noticed to consider amendments that may affect GMA goals and targets (RCW 36.70A.035 section 2). The public notice was sent to the State May 26, 2005. Third, the Planning Commission must hold a public hearing (SMC 20.30.070), which was held June 2, 2005. On June 16, 2005, the Planning Commission recommended an extension of the moratorium in order to continue their deliberations for final recommendations to the Council. On October 20, 2005, the Planning Commission made final recommendations to the City Council. Fourth, the City Council held a public hearing January 23, 2006.

B. Comprehensive Plan

In 1998 the City adopted Policy LU27 in 1998 to read:

Allow cottage housing in residential areas of 6 units per acre and up, if they go through design review and adhere to the following: common open space, reduced parking areas, detached homes' common amenities.

In 2005 the City repealed Policy LU27 and adopted Policy LU9 in 2005 to read:

The Low Density residential land use designation is intended for areas currently developed with predominantly single family detached dwellings. Single Family dwellings will be allowed and other dwelling types, such as duplexes, single family attached, cottage housing and accessory dwellings, may be allowed under certain circumstances.

Appropriate zoning for this designation is R-4 or R-6 Residential, unless a neighborhood plan, subarea plan or special district overlay plan/zone has been approved.

Policy LU9 leaves the option for the City to either allow or not allow cottage housing in R-4 or R-6 zones.

III. OPTIONS FOR COUNCIL CONSIDERATION:

A. Adopt Ordinance 408 to Repeal Cottage Housing Code (Option 6)

The Council should choose this option if it wishes to eliminate the ability of the City to process cottage housing proposals in Shoreline. Adoption of Ordinance No. 409 (Attachment A) would amend the code to achieve this outcome.

Adoption of Ordinance No. 408 would not preclude the City from studying the subject of cottage housing as part of a larger housing strategy, nor would it bar a future Council from amending the code to again permit cottage housing. The GMA targets for Shoreline, in terms of absolute numbers, would not be severely diminished by the repeal of the cottage housing code and could be offset by upzoning property elsewhere in Shoreline to maintain the target numbers.

B. Adopt Ordinance 409 to adopt Planning Commission Amendments with additional conditions of new competitive process to screen and meter number of projects, enhanced design review process and ½ mile development separation (Option 3)

1. Summary

This option uses the Planning Commission's recommendation as its basis, but adds several conditions. As staff detailed on January 23, of the 7 projects in Shoreline, only the Greenwood Cottages would meet the Commission recommended standards. Option 3 improves upon the Commission's recommendations with a new competitive selection process and enhanced design review process. To prepare Option 3, staff reviewed the Council's and public comments at the January 23 meeting and met with staff from the City of Kirkland to review their successful innovative housing program.

If the Council chooses to proceed with cottage housing, the City needs to have in place the best design standards and review process (Attachment B). The combination of high design standards, slow growth selection through competition, and enhanced review of site and building design by the planning commission or

other design review body appointed by council will provide the best opportunity for successful cottage housing in Shoreline.

a. COMPETITION - Require cottage developers to compete for no more than 2 application approvals annually with no more than 1 per neighborhood. Competition for limited opportunities would obligate developers to meet the more rigorous standards, strive for higher quality building and site design, and create greater compatibility with neighboring properties. The establishment of an annual maximum number of projects would slow and meter the rate of new projects. Both features would eliminate the less experienced and uncooperative developers, which has been a source of some of the problems with past projects. As written, this requirement would establish a maximum number of 2 projects that could be approved per year, but would not obligate the City to approve any of them.

b. DESIGN REVIEW - Require a new design review process to achieve greater project compatibility with site and neighborhood contexts. Many of the compatibility concerns expressed by some citizens are attributed to site or building design issues. While better design is not the answer to all concerns, it does have a lot to do with how well a project fits the context of its site and neighbors. Citizen input at neighborhood meetings and at hearings before the Planning Commission or other Design Review body would better articulate neighborhood concerns so that the City could more effectively respond.

c. DESIGN STANDARDS – Incorporate the Planning Commission's recommended amendments which will provide higher quality of development, more parking, and greater design amenities and reduce the density, the size of each development, and building height profile.

d. DISPERSAL – Increase the minimum distance between cottage housing projects to ½ mile. This responds to citizen concerns that there is too much uncertainty under the present code regarding where a cottage project could be proposed. This dispersal standard would effectively prevent new cottages from locating in those neighborhoods that already have cottage projects and assure that future projects do not cluster near each other in the remaining areas of the City.

2. AMENDMENT RATIONALE (Ordinance No. 409)

a. Code Section 20.20.014 - Amend the definition of cottage housing to remove Item C. "Density of cottage housing is typically seven to 12 units per acre." because it contradicts the new density bonus, misleads developers to densities that may not be approved, and is not applicable in all residential zones.

b. Code Section 20.30.060 – Amend Type C Permits so that the required Special Use Permit (SUP) for cottage housing is referred to the more specific design review process and criteria in 20.40.300 rather than the more generic SUP process.

c. Code Section 20.40.120 – Amend the land use chart so that cottages require a quasi-judicial Special Use Permit rather than an administrative Conditional Use Permit so that proposals can be decided by the Planning Commission or other City Council appointed Design Review body.

d. Code Section 20.40.300 – Amend the cottage housing code provisions to reflect the Planning Commission recommendations and the staff conditions of the ½ mile separation and dispersal, competitive and design review processes, and decision criteria.

IV. RECOMMENDATION:

Staff recommends that Council discuss the merits of Options 3 and 6 and then pass a motion to adopt the appropriate ordinance. Council may adopt either ordinance at the February 13 meeting. Only in the event that Council chooses Option 3, but requires more time to refine Ordinance 409, would it be necessary to consider adoption of Ordinance 410 (the moratorium extension). Only in that eventuality would it be necessary to have a public hearing (on the proposed moratorium) which is shown on the agenda as Action Item 10.

Regardless of which option the Council chooses, the staff also recommends that the Council adopt a motion directing the staff to place on the Council's retreat agenda the subject of a comprehensive housing strategy to address Shoreline's existing and future housing needs for different segments of the population and the different housing options and programs that may be appropriate to address those needs.

Attachments:

A: Ordinance No.408 Option 6 Repeal of Cottage Housing Code
B: Ordinance No.409 Option 3 Code Amendments
C: Ordinance No.410 Moratorium Extension

Approved By: City Manager _____ City Attorney _____

Attachment A

ORDINANCE NO. 408

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, REPEALING COTTAGE HOUSING BONUS DENSITIES; AND REPEALING SHORELINE MUNICIPAL CODE 20.40.120, 20.40.300 AND AMENDING SHORELINE MUNICIPAL CODE 20.20.014

WHEREAS, Shoreline development regulations increased the minimum lot size for low density districts from the interim zoning code (Title 21A of the King County Code, adopted on June 26, 1995 by City Ordinance No. 11), while adopting a cottage housing bonus density that was permitted in R8-12 and R18-48 zones, and could be approved as a conditional use permit in R4 -6 zones, as part of the City's strategy to reach GMA population targets; and

WHEREAS, City Council passed Ordinance No. 362 on August 23, 2004 which adopted findings that 1) existing land development standards intended to require the integration of new cottage housing residential development with existing neighborhoods may not be adequate, particularly in many existing low density neighborhoods; 2) the continued acceptance of development applications proposing the creation of residential development utilizing existing cottage housing development standards and density may allow development that is incompatible with existing neighborhoods, leading to erosion of community character and harmony, and a decline in property values; and 3) the integrity of existing land uses, the Comprehensive Plan, and the State Growth Management Act planning process may suffer irreparable harm unless a moratorium preventing the creation of cottage housing development was adopted; and

WHEREAS, the six month moratorium adopted by Ordinance No. 362 was extended by Ordinance No. 371 and Ordinance No. 397 until February 19, 2006;

WHEREAS, the Council finds that although the Planning Commission's recommendation for permanent amendments to cottage housing regulations would reduce some negative impacts of cottage housing cited above in support of the moratorium, it is unlikely that these additional restrictions, or a design review process, will reliably create the high quality development necessary to compliment Shoreline's lowest density residential neighborhoods;

WHEREAS, the Council further finds that this ordinance is consistent with the Comprehensive Plan, specifically recent amendments repealing LU 27 and adopting LU 9 that provides that dwelling types other than single family detached dwellings may be allowed under certain circumstances in the Low Density Residential land use designation; existing regulations and proposed amendments do not create sufficient safeguards to allow higher density cottage housing in this designation; now therefore

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Repeal. Shoreline Municipal Code sections 20.20.014 'Cottage Housing' and 20.40.300 are hereby repealed in their entirety.

Section 2. Amendment. SMC 20.40.120 is amended to read as follows:

20.40.120 Residential type uses.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCBD	RB & I
	RESIDENTIAL GENERAL						
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P
	~~Cottage Housing~~	~~C-i~~	~~P-i~~	~~P-i~~			
	Duplex	P-i	P-i	P-i	P-i		
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i			
	Mobile Home Park	P-i	P-i	P-i			
	Single-Family Attached	P-i	P	P	P		
	Single-Family Detached	P	P	C	C		
	GROUP RESIDENCES						
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i
	Community Residential Facility-I (Less than 11 residents and staff)	C	C	P	P	P	P

	Community Residential Facility-II			P-i	P-i	P-i	P-i
721310	Dormitory		C-i	P-i	P-i	P-i	P-i
TEMPORARY LODGING							
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i
72111	Hotel/Motel					P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i
	Tent City	P-i	P-i	P-i	P-i	P-i	P-i
MISCELLANEOUS							
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i
P = Permitted Use S = Special Use **C = Conditional Use -i = Indexed Supplemental Criteria**							

Section 3. Effective Date, Publication. The title of this Ordinance shall be published as a summary, and the Ordinance shall take effect five days from publication.

PASSED BY THE CITY COUNCIL ON FEBRUARY 13, 2006.

_____
Mayor Robert Ransom

ATTEST:

_____
Scott Passey
City Clerk

APPROVED AS TO FORM:

_____
Ian Sievers
City Attorney

Date of Publication: , 2006
Effective Date: , 2006

ORDINANCE NO. 409

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING LAND USE REGULATIONS ALLOWING DEVELOPMENT OF COTTAGE HOUSING; AND AMENDING SHORELINE MUNICIPAL CODE 20.30.060, 20.40.120, AND 20.40.300 .

WHEREAS, Shoreline Municipal Code 20.20.014 defines cottages, 20.40.120 allows development of cottage housing in R4 and R6 zones upon issuance of a conditional use permit and permits cottages in R8-12 and R18- 48 subject to supplemental development standards of 20.40.300;

WHEREAS, three separate moratoriums of six months each were passed under Ordinances Nos. 362, 371, and 397 for the purpose of reviewing cottage housing residential development, including surveying interested parties, holding two community meetings and a bus tour, bringing forth those findings at a public hearing before the Planning Commission;

WHEREAS, the public review process of cottage housing residential development is completed and the following findings were made: 1) Cottage housing can be compatible with the single family neighborhoods of Shoreline with improved review process, standards, and criteria and 2) The State GMA targets for Shoreline that include cottage housing can be supplemented with other forms of housing;

WHEREAS, the City Council conducted a public hearing on January 23, 2006, after which it directed the staff to prepare additional code language to supplement the recommended amendatory language that had been transmitted by the Planning Commission; and.

WHEREAS, based on these findings, the City Council finds that cottage housing should be allowed in Shoreline; NOW THEREFORE

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment. SMC 20.40.120 is amended as follows:

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCBD	RB & I
RESIDENTIAL GENERAL							

	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P
	Cottage Housing	S-i ~~C-i~~	S-i ~~P-i~~	S-i ~~P-i~~			
	Duplex	P-i	P-i	P-i	P-i		
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i			
	Mobile Home Park	P-i	P-i	P-i			
	Single-Family Attached	P-i	P	P	P		
	Single-Family Detached	P	P	C	C		

P= Permitted Use S= Special Use C=Conditional Use -i=Idexed Supplemental Criteria

Section 2. Amendment. SMC 20.40.300 is amended and replaced entirely as follows.

A. For the definition of cottage housing see SMC 20.20.014. The intent of cottage housing is to:

- Expand the housing choice available to that segment of the population who wish to have a single family home in a residential neighborhood, but whose household size does not require a large structure or whose desires or abilities to maintain a large yard and/or large building has diminished;
- Create an opportunity to improve neighborhood vitality and diversity by assuring that in-fill development has no more impact on area streets and the landscape than traditional large single family homes;
- Require that the designers and developers of new development in residential neighborhoods accept the burden of providing the highest quality development rather than the minimum standards;

- Support the growth management goal of more efficient use of urban residential land;

- Support development of diverse housing in accordance with Framework Goal 3 of the Shoreline Comprehensive Plan;
- Increase the variety of housing types available for smaller households;
- Provide opportunities for small, detached dwelling units within an existing neighborhood;
- Provide opportunities for creative, diverse, and high quality infill development;
- Provide development compatible with existing neighborhoods with less overall bulk and scale than standard sized single-family detached dwellings; and
- Encourage the creation of usable open space for residents through flexibility in density and design.

B. Proposed cottage housing development property lines shall be separated by ½ mile (2,640 lineal feet) from the property lines of other cottage developments that are built or vested by City application.

C. The total floor area of each cottage unit shall not exceed 1,000 square feet. Total floor area is the area included within the surrounding exterior walls, but excluding any space where the floor to ceiling height is less than six feet. The minimum main floor area for an individual cottage housing unit shall be 700 square feet.

D. Up to 1.75 cottage housing units may be allowed in place of each single-family home allowed by the base density of the zone.

E. Cottage housing developments shall have a minimum of four units and a maximum of 8 units, not including community buildings.

F. The height limit for all cottages shall not exceed 18 feet. Cottages having pitched roofs with a minimum slope of six and 12 may extend up to 25 feet at the ridge of the roof. All parts of the roof above 18 feet shall be pitched. Parking structures and community buildings shall not exceed 18 feet.

G. Cottages shall be oriented around a common open space using covered porches and entries. Cottages fronting on streets shall have an additional entry facing those streets. The common open space shall be at least 250 square feet per cottage and landscaped primarily with ground cover. Open space with a dimension of less than 20 feet shall not be included in the calculated common open space. Cottages and

community building shall be separated at least 40 feet when separated by required open space.

H. Cottages provide a minimum private open space of 250 square feet. Private open space that is less than 10 feet wide shall not be included in the area calculation. Private open space should be contiguous to each cottage, directly accessed from the porch or private walk, for the exclusive use of the cottage resident, and oriented toward the common open space. Fencing or hedges bordering private open space shall not exceed 2 feet in height.

I. Cottage housing units shall have a covered porch or entry at least 60 square feet in size with a minimum dimension of six feet on any side.

J. All structures shall maintain no less than 10 feet of separation within the cluster. Projections may extend into the required separation as follows:

- Eaves may extend up to 12 inches;
- Gutters may extend up to four inches;
- Fixtures not exceeding three square feet in area (e.g., overflow pipes for sprinkler and hot water tanks, gas and electric meters, alarm systems, and air duct termination; i.e., dryer, bathroom, and kitchens); or
- On-site drainage systems.

K. Parking for each cottage shall be provided as follows:

- Two parking stalls for each cottage housing unit and 1 guest stall for every 2 units shall be provided. Tandem parking is allowed.

- Clustered and separated from the private and common area and cottages by landscaping and architectural screen under 4 feet in height with trellis above 6 feet in height. Screened from public streets and adjacent residential uses by landscaping and architectural screen. Set back a minimum of 15 feet from a public street.
- Located in clusters of not more than five abutting spaces.
- A minimum of 50% of the parking space shall be enclosed.

L. Setbacks for all structures from the abutting property lines shall be an average of 10 feet, but not less than five feet, except 15 feet from a public Right-of-Way or public sidewalk, whichever is greater.

M. Architectural screens along the property line may be up to six feet in height subject to the sight clearance provisions of SMC 20.70.170, 20.70.180 and 20.70.190(C). No chain link or solid board fences are allowed.

N. Minor variations from the criteria of this section may be approved by the Planning Director if they are likely to result in a more successful cottage development.

O. Review Process. No more than 2 projects shall be approved per twelve month period by the Planning Commission (or other Design Review body as designated by the City Council) of which no more than 1 may be approved per neighborhood. The Special Use selection and review process is supplemented by the procedures below.

1. Pre-application Meeting – A meeting with the developer and staff is required prior to application to give initial feed back on cottage housing proposals and to explain the review process and City expectations.

2. Proposal Selection – Application proposals will be accepted on April 1 and September 1 of each year. Up to 4 of the best proposals for cottage housing will be sorted by staff based on the cottage regulations and criteria. Rejected applications will be returned to the applicant at no cost. Proposals should include information such as illustrated and accurate building elevations, cross sections through the property and neighboring property, site / landscape plans, existing site conditions, and site plans and photo elevations of the surrounding property and streetscapes. Construction drawings and permits may be submitted after Commission approval.

3. Neighborhood Meeting – The developer, architect, and site planner/landscape architect of the selected proposal shall conduct a meeting to facilitate discussion of site and neighborhood analysis, several alternative design solutions, and concerns with neighbors to address compatibility. Neighbors that border or are across the street from the proposed site are invited. Staff shall attend. Written comments shall be collected and carried over to be part of a staff analysis to the Commission.

4. Planning Commission – The Planning Commission or an alternative Council-appointed design review body shall hold a public hearing approximately 45 days from staff selection of the proposals to decide which proposals are approved and conditioned in order for them to continue and seek construction permits.

P. Review Criteria. Special Permit review criteria are supplemented by the following criteria below.

Neighborhood Compatibility – A Cottage development proposal must analyze how it will have similar or lesser impacts than potential single family development on the same site in terms of lot coverage, floor area, building bulk, setbacks, and parking. It must also illustrate the site and cottages with the surrounding properties and their houses through a site plan and elevations.

Low Impact / Green Building Practices - Cottage development proposals must show how storm water will be handled to reduce run-off to predevelopment levels and to minimize the need for on-site detention system by incorporating storm water dispersion and infiltration on site. Proposals with building materials that are energy and resource-efficient will receive special consideration during the competition phase of project proposals.

Tree Preservation - Cottage development proposals must minimally incorporate 20% of existing, significant, and non-hazardous trees as much as possible into the over-all site design. Other significant trees that will be removed will be replaced with native, 12 foot tree species. All open space areas that are not required by the cottage code shall be preserved or restored with native plan material. Proposals which exceed tree retention and site restoration minimums will receive special consideration during the competition phase of project proposals.

Section 3. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after passage and publication.

PASSED BY THE CITY COUNCIL ON FEBRUARY 13, 2006.

_____
Mayor Robert Ransom

ATTEST:

_____
Scott Passey
City Clerk

APPROVED AS TO FORM:

_____
Ian Sievers
City Attorney

Date of Publication:
Effective Date:

ORDINANCE NO. 410

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, EXTENDING A MORATORIUM FOR UP TO TWO MONTHS ON THE FILING, ACCEPTANCE OR APPROVAL OF ANY APPLICATIONS FOR DEVELOPMENT OF LAND UTILIZING COTTAGE HOUSING BONUS DENSITIES

WHEREAS, Shoreline development regulations increased the minimum lot size for low density districts from the interim zoning code (Title 21A of the King County Code, adopted on June 26, 1995 by City Ordinance No. 11), while adopting a cottage housing bonus density that was permitted in R8-12 and R18-48 zones, and could be approved as a conditional use permit in R4 -6 zones, as part of the City's strategy to reach GMA population targets; and

WHEREAS, City Council passed Ordinance No. 362 on August 23, 2004 which adopted findings that 1) existing land development standards intended to require the integration of new cottage housing residential development with existing neighborhoods may not be adequate, particularly in many existing low density neighborhoods; 2) the continued acceptance of development applications proposing the creation of residential development utilizing existing cottage housing development standards and density may allow development that is incompatible with existing neighborhoods, leading to erosion of community character and harmony, and a decline in property values; and 3) the integrity of existing land uses, the Comprehensive Plan, and the State Growth Management Act planning process may suffer irreparable harm unless a moratorium preventing the creation of cottage housing development was adopted; and

WHEREAS, a six month moratorium was adopted by Ordinance No. 362 and extended by Ordinance No. 371, and Ordinance No. 397;

WHEREAS, the current moratorium ordinance will expire on February 19, 2006 unless extended.;

WHEREAS, in accordance with state law, the City Council conducted a public hearing on this extension on February 13, 2006 prior to passage of this ordinance; and

WHEREAS, the Council finds that additional time is needed to consider the public's input and Planning Commission Recommendation and draft appropriate amendments to current cottage housing regulations; now therefore

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as Findings of Fact by the City Council.

Section 2. Moratorium Extended. The Shoreline City Council hereby extends for two months the moratorium established by Ordinance No. 362 and previously extended by Ordinance No. 371 and Ordinance No 397, upon the acceptance of applications for and the issuance of any land use, building and development permits or approval, or any other permit, license or approval required to construct, install, relocate, or operate any residential development utilizing cottage housing bonus densities.

Section 3. Effective Date and Duration. The current moratorium shall expire at midnight on February 19, 2006. The extension authorized herein shall take effect immediately upon expiration of the current moratorium and shall thereafter be in effect for 30 days unless repealed, modified, or extended by action of the City Council.

Section 4. Publication. The summary of this ordinance consisting of its title is approved for publication in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON FEBRUARY 13, 2006.

_____
Mayor Robert Ransom

ATTEST:

_____
Scott Passey
City Clerk

APPROVED AS TO FORM:

_____
Ian Sievers
City Attorney

Date of Publication: , 2006
Effective Date: , 2006

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Council Meeting Date: February 13, 2006 **Agenda Item: 11(a)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Potential Bond Issue
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Robert L. Olander, Interim City Manager Dick Deal, Director of Parks, Recreation & Cultural Services

PROBLEM/ISSUE STATEMENT:

On January 23, 2006 the City Council asked staff to reconvene the Bond Advisory Committee in order to find a way to include the remaining costs of the South Woods property acquisition in the proposed bond issue. The revised bond issue total is recommended not to exceed $18,500,000.

On Thursday, February 9, the Bond Advisory Committee will meet to discuss Council's request and the timing of a bond election. The Bond Committee's recommendation will be discussed at Council's February 13, 2006 meeting. Since the Committee's recommendation is not available at the writing of this staff report, this report provides a placeholder on the agenda.

The Committee's recommendation will be delivered to Council on Friday, February 10, 2006. In addition, the report will be made available to the public via the City's website and/or city hall.

RECOMMENDATION

Staff recommends that the City Council review the forthcoming Bond Advisory Committee recommendation and provide staff with direction on whether or not to proceed with a bond election.

Approved By: City Manager City Attorney ___

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Council Meeting Date: February 13, 2006 **Agenda Item: 11(b)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Motion Authorizing Legal Defense of King et al v. Fimia et al
DEPARTMENT:	City Manager, City Attorney
PRESENTED BY:	Ian R. Sievers, City Attorney

PROBLEM / ISSUE STATEMENT: King et al v Fimia et al. King Co. Superior Ct No. 06-2-00803-1.SEA was filed and served January 3, 2006 on Mayor Ransom, Deputy Mayor Fimia, Councilmember Way and former Councilmember Chang. The suit alleges violations of the Open Public Meetings Act, Chapter 42.30 RCW, for actions taken outside a public meeting and disclosure of information discussed in executive session. The Plaintiffs request a $100 civil penalty against each of the named defendants, attorney fees and injunction against future violations.

Coverage is available for employees and officials under City's Legal Defense for "any conduct, act or omission of such official or employee performed or omitted on behalf of the city in their capacity as a city official or employee, which act or omission is within the scope of their service or employment with the city." SMC 2.40.020. This coverage includes lawsuits against officials who are no longer in office if the conduct occurred while in office.

Coverage under the ordinance is approved by the Council upon recommendation of the City Manager and is a determination that the coverage meets the criteria of the ordinance.

Criteria for providing defense are as follows:

1. Conduct was on behalf of the city and within the scope of services.
2. Defendant has cooperated in defense.
3. There is no primary coverage under other policies.
4. The tendered suit is not a lawsuit brought against the employee by the city.
5. Conduct was not a dishonest, fraudulent, criminal, willful, intentional or malicious act.

The plaintiffs are asking for civil penalties that can only be awarded if there was a knowing violation of the Open Meetings Act. Staff recommends approval of defense under the above criteria but reserving the right not to indemnify against civil penalties if proven, since this would be a willful or intentional act that would not be covered under the fifth criteria.

RECOMMENDATION

Staff recommends that the City Council find the criteria for providing a defense under SMC Chapter 2.40 are met and authorize the City Attorney to provide legal defense to the defendants through outside counsel for King v. Fimia under a reservation of rights.

Approved By: City Manager ___ City Attorney ___