

AGENDA

SHORELINE CITY COUNCIL REGULAR MEETING

Monday, February 27, 2006
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

1. CALL TO ORDER

Approximate Length of Agenda Item

Page No.

2. FLAG SALUTE / ROLL CALL

(a) Report by King County Councilmember Bob Ferguson

3. CITY MANAGER'S REPORT

4. REPORTS OF BOARDS AND COMMISSIONS

5. PUBLIC COMMENT

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

7. CONSENT CALENDAR

(a)	Minutes of Dinner Meeting of January 23, 2006	<u>1</u>
	Minutes of Dinner Meeting of February 13, 2006	<u>3</u>

(b)	Approval of expenses and payroll as of February 16, 2006 in the amount of \$643,783.34	<u>5</u>
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(c)	Ordinance No. 405 updating the appeal fee and amending the Hearing Examiner powers and duties in Chapter 2.15 of the Shoreline Municipal Code	<u>7</u>
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(d)	Motion to authorize the City Manager to execute a professional services contract with KPFF Consulting	
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Engineers for design and construction management
services related to the Sidewalks – Priority Routes for
2006 in an amount not to exceed \$120,000

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- (e) Ordinance No. 410 reclassifying a position and to increase
the salary for a position within the City's Classification and
Compensation Plan

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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
proposed amendments to Community Development
Block Grant (CDBG) projects; and

Motion to authorize the Interim City Manager to enter into
agreements for implementing the funded projects

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

- (a) Proposed Critical Areas Ordinance No. 398, updating
Critical Areas Regulations, Phase II

40 min.

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10. ADJOURNMENT

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 546-8919 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 546-2190 or see the web page at www.cityofshoreline.com. 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 DINNER MEETING

Monday, January 23, 2006
6:00 p.m.

Shoreline Conference Center
Highlander Room

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

ABSENT: none

STAFF: Bob Olander, Interim City Manager; Ian Sievers, City Attorney; and Joyce Nichols, Communications and Intergovernmental Relations Director

GUEST: Steve Schneider, Photographer

The meeting began at approximately 6:10 p.m.

Mr. Schneider began taking individual photographs and a group photo of Councilmembers and the Interim City Manager.

Ms. Nichols handed out schedules, driving directions and background information on the 2006 Legislative Session and the AWC Legislative Conference in Olympia on January 25 and January 26. She provided information about several bills moving through the Legislature and details on the dinner meeting the City will host on January 24 with members of the 32nd District delegation in Olympia.

The meeting adjourned at approximately 6:45 pm and the Council recessed into executive session for 45 minutes to discuss litigation. The executive session concluded at 7:30 p.m.

Joyce Nichols, Communications and Intergovernmental Relations Director

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DRAFT

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF DINNER MEETING

Monday, February 13, 2006
6:00 p.m.

Shoreline Conference Center
Highlander Room

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

ABSENT: none

STAFF: Bob Olander, Interim City Manager; Ian Sievers, City Attorney; Bernard Seeger, Management Analyst; Joyce Nichols, Communications and Intergovernmental Relations Director; and Scott Passey, City Clerk

GUEST: none

The meeting was called to order at 6:30 p.m. Mr. Olander said tonight's meeting topics will include:

- Council photo proofs
- Presentation on parliamentary procedure by City Clerk Scott Passey
- Discussion of the process Council will use for filling vacancies on the Library Board and Planning Commission

Ms. Nichols distributed photo proofs and asked Councilmembers to select their preferred photos and return them to her at the next meeting.

Councilmember Hansen arrived at 6:40 p.m.

Mr. Passey led a discussion of issues related to rules of order and parliamentary procedure. He asked Councilmembers to list areas for which they would like to have more information. These included responses to public comments, and how/when appropriate to respond to public comments. The Council discussed various ways of responding to public comments. It was noted that it is important to remind the public to keep their comments factual and to avoid criticisms of a personal nature.

Mr. Passey distributed information sheets and discussed the following parliamentary principles:

- Decorum

- Motions
- Seconds
- Motion ownership
- Amendments
- Previous Notice
- Unanimous Consent

Councilmember Gustafson suggested that Council review these procedures at its retreat.

Moving to the Council's final topic, Mayor Ransom asked Councilmembers how they would like to proceed with the Library Board and Planning Commission appointments. It was noted that only a few applications had been received, but the deadline for submittal is not until February 21. After brief discussion, the Council decided to wait to see how many applications are received, since the number of applications will dictate the process.

Deputy Mayor Fimia suggested that the entire Council could do interviews if there are fewer than five applicants.

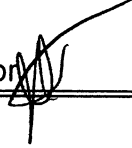
Councilmember Gustafson suggested that Mr. Olander, the Mayor and Deputy Mayor return with a recommended process after all applications are received.

The meeting adjourned at 7:25 p.m.

Joyce Nichols, Communications and Intergovernmental Relations Director

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Expenses and Payroll as of February 16, 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 \$643,783.34 specified in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
01/15/06-01/28/06	2/3/2006	12785-12960	4692-4731	28144-28153	\$323,116.44
					<u>\$323,116.44</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
2/3/2006	28112	28129	\$23,781.73
2/5/2006	28130	28139	\$174,045.33
2/6/2006	24885		(\$16,813.00)
2/8/2006	28140	28143	\$24,506.61
2/8/2006	28154		\$3,542.02
2/8/2006	28155	28173	\$3,464.41
2/10/2006	28174	28189	\$52,307.05
2/10/2006	28190	28192	\$1,623.77
2/14/2006	28193		\$478.00
2/15/2006	28194	28213	\$11,334.48
2/15/2006	28214	28235	\$42,396.50
			<u>\$320,666.90</u>

Approved By: City Manager _____ City Attorney _____

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Ordinance No. 405 updating the appeal fee and amending the Hearing Examiner powers and duties in Chapter 2.15 of the Shoreline Municipal Code
DEPARTMENT:	City Attorney's Office
PRESENTED BY:	Flannary P. Collins, Assistant City Attorney

PROBLEM/ISSUE STATEMENT:

First, a discrepancy was noted in the appeal fee set forth in 2.15.060, Division of Responsibilities between the Hearing Examiner and City Manager or Designee, and the PADS fee schedule set forth in SMC 3.01.010. The proposed change corrects this discrepancy.

Second, the language currently describing the powers and duties of the Hearing Examiner is unclear. The proposed change clarifies the Examiner's powers and duties.

ANALYSIS:

1. Appeal Fee

SMC 2.15.060 states that the fee for appeals is \$350. The current appeal fee, set forth in the fee schedule in SMC 3.01.010, is \$380. When SMC 3.01.010 was updated, SMC 2.15.060 was not; thus, it still reflects the old \$350 appeal fee. Since all fees charged by the City are set forth in Chapter 3.01, there is no need to also refer to the appeal fee in 2.15.060. Striking the reference will eliminate customer confusion with regard to which fee is correct and also eliminate the need to update two sections of the Code simultaneously.

2. Hearing Examiner Powers and Duties

SMC 2.15.070(B) setting forth the powers and duties of the Hearing Examiner currently authorizes the Hearing Examiner to:

Issue and witness, upon the request of a city officer or any party, or upon the hearing examiner's own volition; provided, that any such subpoena shall state the name and address of the witness sought, and, if for the production of books, documents or things, shall specifically identify the same and the relevance thereof to the issues involved."

The language has been changed to read:

Issue summons for and compel the appearance of witnesses and production of documents, upon the request of a city officer or party, or upon the hearing examiner's own volition; provided, that any such subpoena shall state the name and address of the witness sought, and, if for the production of books, documents or things, shall specifically identify the same and the relevance thereof to the issues involved.

This change corrects the section, more clearly stating that the Hearing Examiner has the authority to issue subpoenas, both for witnesses and for production of documents.

A typo in SMC 20.15.070(D) is also corrected to read "[h]old conferences for the settlement or simplification of the issues by consent of the parties."

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 405, amending Chapter 2.15 to clarify the appeal fee and the powers and duties of the Hearing Examiner.

Approved By:

City Manager



City Attorney



ATTACHMENTS

Attachment A: Ordinance No. 405

ORDINANCE NO. 405

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING TITLE 2 OF THE SHORELINE MUNICIPAL CODE.

WHEREAS all fees charged by the City, including the fee charged for appeals, are set forth in the fee schedule in SMC 3.01.010;

WHEREAS the fee charged for appeals is also mentioned in SMC 2.15.060;

WHEREAS the proposed change to SMC 2.15.060 deletes the reference to appeal fees;

WHEREAS the language in SMC 2.15.070 authorizing the Hearing Examiner's powers and duties does not adequately set forth the Examiner's duties;

WHEREAS the addition to SMC 2.15.070 clarifies that the Hearing Examiner has the power to issue summons for and compel the appearance of witnesses and the production of documents; NOW THEREFORE

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

Section 1. Amendment. SMC 2.15.060 is amended as follows:

2.15.060 Division of responsibilities between hearing examiner and city manager or designee.

A. The city manager or designee is authorized to make decisions on land use matters to the extent permitted under Washington law and the King County Code sections adopted by reference by the city, including permit applications.

B. Any person aggrieved by a final decision made by the city manager or designee shall have the right to an appeal before the hearing examiner; provided, that for land use applications which are required to have a public hearing, except as otherwise set forth by ordinance, the hearing examiner shall conduct the public hearing and issue a final decision. ~~The fee for an appeal is set at \$350.00.~~

Section 2. Amendment. SMC 2.15.070 is amended to read as follows:

2.15.070 Powers – Duties.

In the performance of duties prescribed by this chapter or other ordinance, the hearing examiner is authorized to:

A. Administer oaths and affirmations, examine witnesses, rule upon offers of proof, receive evidence, and conduct discovery procedures which may include propounding interrogatories and taking oral depositions; provided, that no person shall be compelled to divulge information which he or she could not be compelled to divulge in a court of law;

B. Issue summons for and compel the appearance of witnesses or production of documents, upon the request of a city officer or any party, or upon the hearing examiner's own volition; provided, that any such subpoena shall state the name and address of the witness sought, and, if for the production of books, documents or things, shall specifically identify the same and the relevance thereof to the issues involved;

C. Regulate the course of the hearing in accordance with rules of this chapter and other applicable ordinances;

D. Hold conferences for the settlement of or simplification of the issues by consent of the parties;

E. Dispose of procedural requests or similar matters;

F. Make such decisions or recommendations as are contemplated herein and by other ordinances conferring jurisdiction on the hearing examiner;

G. Take any other action authorized by ordinance;

H. Make rules for the conduct of hearings, notices and other proceedings and procedures not inconsistent with this chapter and any other applicable ordinance. An audio or video record of the hearing proceedings shall be maintained and shall be made available for public review;

I. Make recommendations for revision to relevant codes and ordinances which will clarify or otherwise improve the development review process.

PASSED BY THE CITY COUNCIL ON this 27th day of February, 2006.

Mayor Robert L. Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication: March 2, 2006
Effective Date: March 7, 2006

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Motion to Authorize the City Manager to execute a professional services contract with KPFF Consulting Engineers for design and construction management services related to the Sidewalks – Priority Routes for 2006 in the amount not to exceed \$120,000.

DEPARTMENT: Public Works

PRESENTED BY: Paul Haines, Public Works Director
Jesus Sanchez, Operations Manager
Jon Jordan, Capital Projects Manager

BACKGROUND

The City Council continues to emphasize the importance of sidewalks for safety, enhanced mobility, convenience, and recreation in Shoreline. This new CIP project will serve to increase pedestrian safety near schools, parks, and bus lines to name a few, to enhance our program for safe and friendly streets (Council Goal #2).

The City of Shoreline's Transportation Master Plan (TMP) is the long-range blueprint for travel and mobility and provides the guidance and prioritization for this and other projects in the CIP. The TMP project team together with City staff and a subcommittee from the Planning Commission identified potential sidewalk candidate projects and developed an evaluation process to prioritize these projects. This was last presented to Council on April 25, 2005 in a staff report entitled "Pedestrian Facility Comprehensive Study Interim Report"

In the 2006-2011 CIP the City Council created a significantly expanded "Sidewalks – Priority Routes" program to invest \$5.4 million over the next six years to construct traditional curb, gutter and sidewalk systems and "pedestrian facilities" that may include separated pathways with or without swales and on-street parking. Constructing the entire list of projects identified in the TMP could cost as much as \$35 million for traditional sidewalks on both sides of the street.

In an effort to further refine the list of sidewalk projects in the TMP, staff has developed a selection strategy for 2006 of preliminary priority routes, subject to further review with the schools, Parent Teacher Association's, and citizen input. These routes were selected with the TMP goal and policies in mind and with the intent to:

- Build improvements on one side of the street to increase geographic coverage
- Seek first year sites that have minimal utility conflicts
- Focus improvements around schools, parks and community centers, transit, and existing and future trail systems

- Utilize a mix of pedestrian facility types to increase coverage and save cost
- Focus on improvements that have a history of community interest and/or previous drainage improvements
- Focus on improvements where currently none exist or that are marginal

The 2006 preliminary routes are:

Road	Segment	Criteria
3rd Ave NW	NW Richmond Bch Road - N 193rd St	Priority 1, Schools, Park, Transit, Commercial/Retail, Community requests for improvements
Dayton Ave N	Carlyle Hall Rd N - N 172nd St	Priority 1, Schools, Transit, High traffic volume
8th Ave NW	NW Richmond Bch Road - N 195th St	Priority 2, School, High traffic volume, Commercial/Retail
10th Ave NE	NE 167th St - NE 175th St	Priority 2, School, High traffic volume, Community requests for improvements and involvement in the Neighborhood Transportation Action Plan which lists this segment as a high priority

2006 Potential Additive Routes

Road	Segment	Criteria
Fremont Ave N	N 165th St - N 170th St	Priority 1, School, Community Center, Transit
N 195th St	1st Ave NE - Wallingford Ave N or Stone Ave N	Priority 1, School, Park, City Loop, Trail Connectivity

These two priority 1 routes are additive because of the estimated budget and schedule constraints and because of the lower speeds and volumes compared to the other routes. They may be added to the 2006 projects if funding and schedule allow otherwise they will be preliminary routes for construction in 2007. Two priority 2 routes are included in the preliminary list due to high neighborhood interest and the practicality that many priority 1 routes have long lead times for removal of utilities or construction of storm drainage facilities that preclude them from construction in the first year of this new program.

PROBLEM/ISSUE STATEMENT:

In 2005, City Council authorized funding for the newly formed Sidewalk Program to construct pedestrian facilities in priority areas identified in the Transportation Master Plan (TMP) and other areas identified through public process. To meet the aggressive timeline for expenditures, staff is seeking authorization for engineering services to develop plans and specifications to meet the 2006 construction timeline.

ALTERNATIVES ANALYZED: Staff prepared a Request for Qualifications (RFQ) for the contract and received five (5) proposals from qualified engineering service consultants. After review of the proposals, KPFF was selected as the most qualified

firm. Staff is in the process of negotiating the scope of work. With Council authorization, staff will enter an agreement with the firm to provide engineering services in the preparation of plans, specifications, and construction documents, and, if necessary, to provide contract inspection and administration services during construction.

FINANCIAL IMPACT: The 2006-2011 CIP adopted by Council totals \$900,000. This consists of \$520,000 from the Roads Capital Fund and \$150,000 TIB Grant originally adopted plus \$230,000 from the Roads Capital Fund added on November 28, 2005. There are no TIB grants for 2006 so the adjusted 2006 budget is \$750,000 (\$520,000 plus \$230,000) from the Roads Capital Fund. Throughout this program, the City will continue to pursue outside grant sources, surface water funds, other partnerships, and future new revenue resources.

SCHEDULE:

Design is scheduled for early 2006 (now through May) with construction occurring summer 2006 (June through August). We are pursuing a strategy to allow for summer construction in 2006. Public involvement will be ongoing throughout the process.

NEXT STEPS:

Staff is currently working with the School District, Parent Teacher Association, and local neighborhoods regarding the preliminary routes for 2006 and the closely linked Neighborhood Traffic Plan. Our intent is to validate with these groups if these preliminary routes are indeed the highest priority for that school and neighborhood area. We plan to provide an update to Council on March 20 with more information about this program, the 2006 schedule and final recommended routes, and the public involvement process. At this time we need to move ahead with preliminary engineering and cost estimates to meet our aggressive construction schedule for 2006. As we move toward finalization of these routes we will be evaluating which alternative pathway treatment (regular concrete sidewalk or separated asphalt path) best fits the route topography and and pedestrian needs.

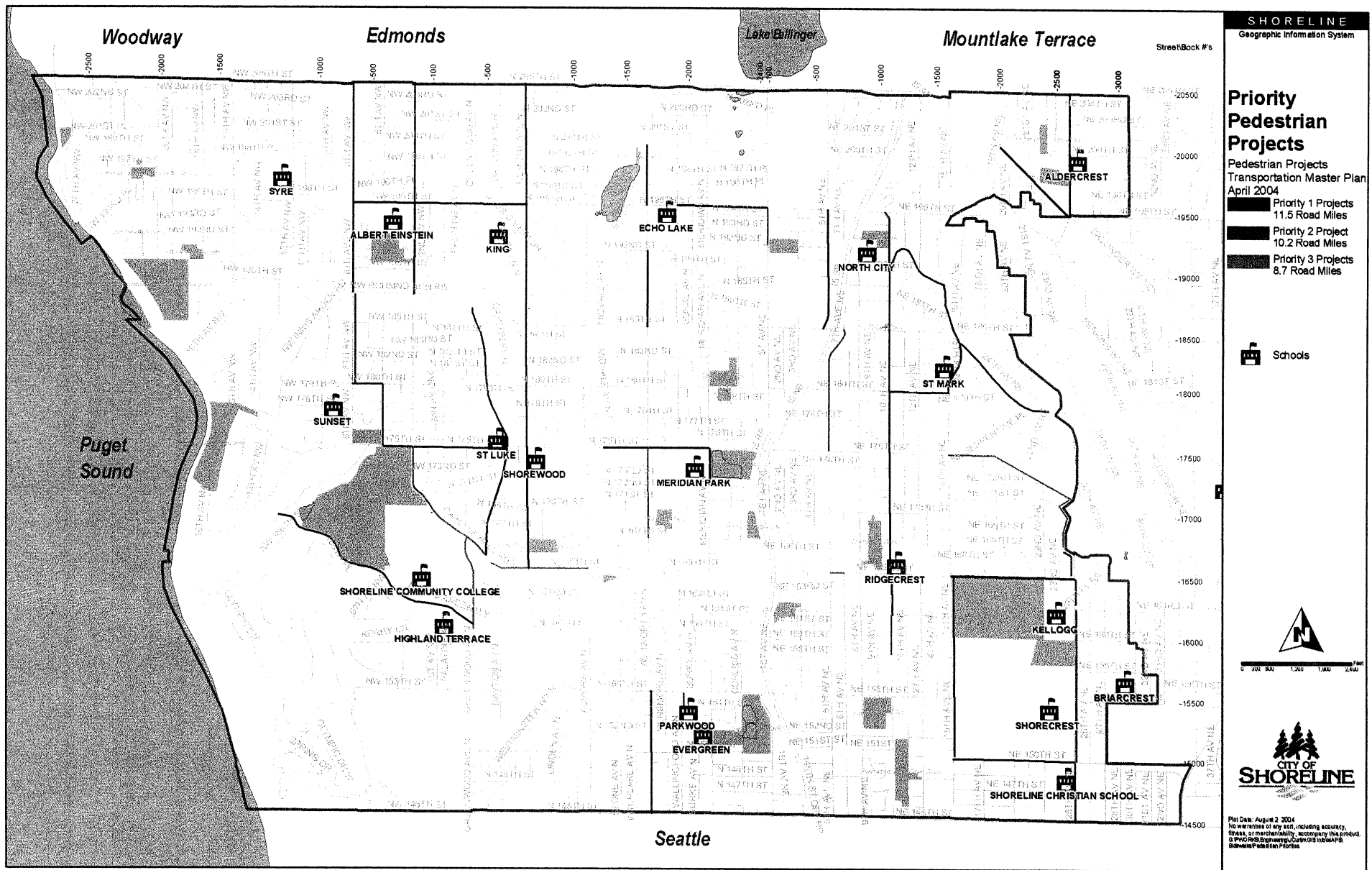
RECOMMENDATION

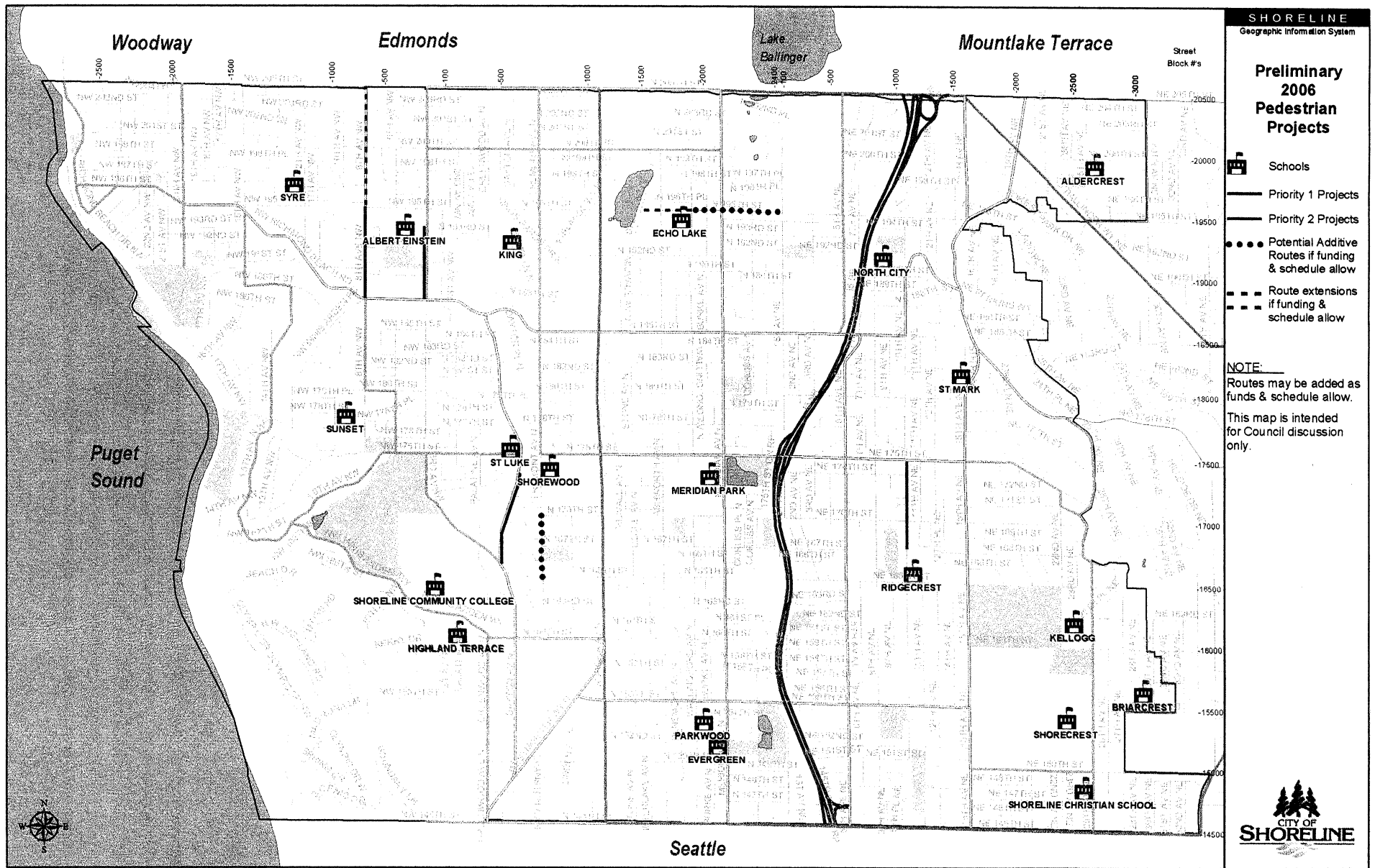
Staff recommends that Council authorize the City Manager to execute a professional services contract with KPFF Consulting Engineers for design and construction management services related to the Sidewalks – Priority Routes for 2006 in the amount not to exceed \$120,000.

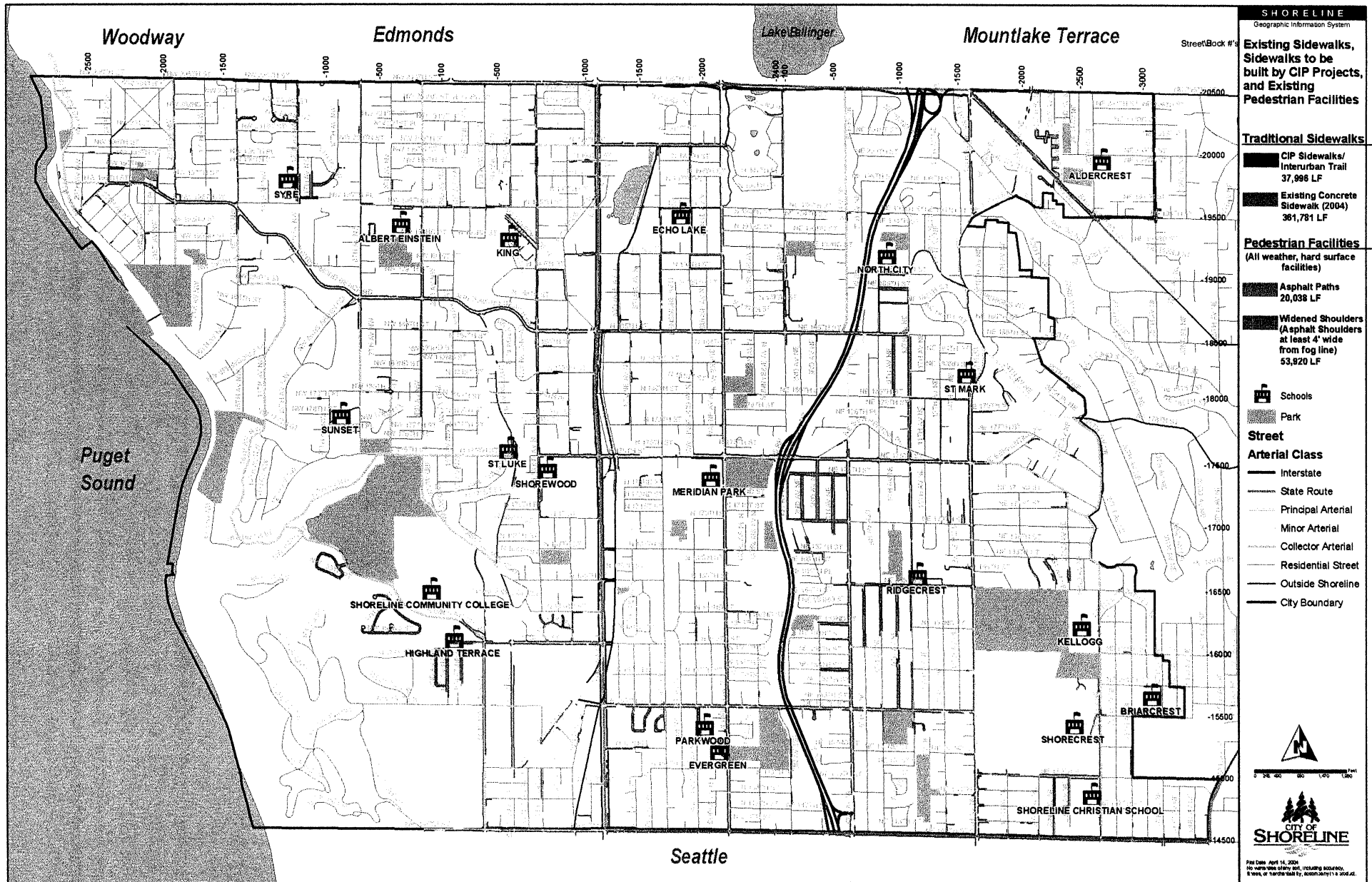
Approved By: City Manager  City Attorney ____

Attachments:

- A Priority Pedestrian Projects Map
- B 2006 Preliminary Pedestrian Projects Map
- C Existing Sidewalks and Pedestrian Facilities Map







CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Ordinance No. 410 to Reclassify a Position and to Increase the Salary for a Position Within the City's Classification and Compensation Plan
DEPARTMENT:	Human Resources
PRESENTED BY:	Julie Modrzejewski, Assistant City Manager Marci Wright, Human Resources Director

ISSUE STATEMENT: In October of 2001, a decision was made to assign new lead responsibilities to one of the Customer Response Team Representatives. As a result, this employee was assigned 5% out of class pay. We recently reviewed this situation and, since the duties have become an ongoing part of this employee's job, we are recommending that we reclassify the incumbent to a new classification, Lead Customer Response Team Representative, rather than continue the out of class pay.

In the same recent review, we conducted an internal salary comparison for the salary of the Customer Response Team Supervisor classification. We are recommending an increase of the salary for this classification.

ANALYSIS: The additional duties performed by the "lead" include:

1. Responsible for training and orientation on field activities for all new CRT employees and field training for continuing staff on an as needed basis;
2. Providing advice and assistance to other CRT staff on the more complex or unique customer complaints and inquiries;
3. Identifying process and procedural enhancements and recommend improvements to the CRT Supervisor;
4. Performing research and drafting documents as directed by the Supervisor;
5. In the absence of the CRT Supervisor, provides day to day supervision of Customer Response Team staff and performs other typical tasks of the Supervisor.

These additional duties have continued during the more than four years since the original assignment and are expected to continue into the foreseeable future.

Based on this expectation, we believe that creation of a "lead" classification is a better approach than continuing "out of class" pay. Out of class pay is intended to provide additional compensation for temporarily assigned higher level duties rather than ongoing responsibilities.

We recommend the creation of the new classification of Lead Customer Response Team Representative. We recommend a salary placement in Range 43; this reflects the same 5% increase that the incumbent has been receiving as out of class pay.

We have also recently reviewed the salary level for the Customer Response Team Supervisor. The Supervisor classification has been assigned to Range 49 since its origination in 1998. Because our CRT unit is unique among our defined labor market jurisdictions, we have not found "matches" during our periodic external salary surveys conducted since 1998. Since 1998, several other supervisory positions, originally assigned to Range 49, have been increased based on external market survey results. Also, some new supervisory classifications have been created. Therefore, we took the opportunity to examine internal comparable classifications to determine whether any salary adjustment for the CRT Supervisor would be warranted.

Based on this internal look at comparable classifications, we are recommending an increase for the Supervisor. We compared components of the jobs including size of staff, size of budget, level in the organization and key responsibilities. We believe the closest internal "match" for the Supervisor is the Public Works Administrative Manager, which is in salary range 52.

We recommend increasing the salary range for the CRT Supervisor and moving the classification from Range 49 to Range 52.

FINANCIAL IMPACT: The 2006 cost to implement this reclassification is estimated to be approximately \$4,500 and can be absorbed within the general fund budget.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 410 reclassifying a position and increasing the salary for a position within the City of Shoreline Classification and Compensation Plan.

ATTACHMENTS

Attachment A – An Ordinance Reclassifying a Customer Response Team Representative Position in the CRT Team to a New Classification Entitled Lead Customer Response Team Representative and Increasing the Salary Range for the Customer Response Team Supervisor and Amending Ordinance No. 404, by Amending the 2006 Non-Exempt Salary Table to Add a New Classification and the 2006 Exempt Salary Table

Attachment B – Classification Specification for Lead Customer Response Team Representative

Approved By:

City Manager 

City Attorney 

CITY OF SHORELINE

LEAD CUSTOMER RESPONSE TEAM REPRESENTATIVE

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To perform lead responsibilities in support of the Customer Response Team; to provide support to the Customer Response Team Supervisor and to perform certain responsibilities in the absence of the Supervisor; to respond to customer inquiries and complaints concerning drainage, sidewalk and roadway failures, hazardous material spills, traffic, vegetation, park concerns, code enforcement, 24-hour emergency response and abandoned vehicles.; assists Police and Fire Departments setting up traffic control zones, detours and flagging traffic; conducts initial investigations; advises City staff and the public on ADA, code compliance, and traffic mitigation requests; and performs research and maintain records.

SUPERVISION RECEIVED AND EXERCISED

Receives supervision from the Customer Response Team Supervisor.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS *Essential and other important responsibilities and duties may include, but are not limited to, the following:*

Essential Functions:

1. In the absence of the Customer Service Supervisor, provides day to day supervision of Customer Response Team staff and performs other typical tasks of the Supervisor such as responding to public disclosure requests, assists with claims filed against the City, drafts customer letter responses, advises on CRT processes and procedures.
2. Responsible for training and orientation on field activities for all new CRT employees and provides field training to continuing staff on an as needed basis.
3. Provide advice and assistance to other CRT staff on the more complex or unique customer complaints and inquiries; identify process and procedural enhancements and recommend improvements to the CRT Supervisor; perform research and draft documents as directed by the Supervisor.
4. Receive and respond to requests from the public and City departments; investigate requests for service concerning zoning and code enforcement, drainage, sidewalk and roadway maintenance, traffic, vegetation and parks concerns.
5. Respond to, investigate and resolve requests regarding compliance with the Americans with Disabilities Act; investigate validity of request and take appropriate action.
6. Inspect and accept responsibility for scene direction and control from the Police Department and Fire Department; post building access notices on fire damaged structures; assist during emergency operations.
7. Estimate materials, time and personnel required to complete work projects; develop schedules accordingly.
8. Respond to and/or coordinate response to emergency flood, snow, ice and vegetation control and the removal and clean up of hazardous waste.
9. Confer with City Attorney to ensure that City laws and ordinances are adhered to; assure uniformity of interpretation, application and enforcement of regulations, codes and conditions.
10. Provide information and services to other City departments, outside agencies, organizations and the general public; attend and participate in various community and professional group meetings as required.
11. Inspect, perform and/or coordinate the preparation of temporary surface treatments and sealing techniques; perform traffic control duties as required.
12. Read and interpret blue prints, plat maps and schematics.

13. Investigate and coordinate the cleaning and maintenance of storm drains; debris removal, concrete, asphalt and other waste materials; haul debris to waste sites.
14. Operate and maintain a variety of tools and equipment, flagging and traffic control devices and office equipment; maintain inventory of tools, equipment and supplies in clean, safe and proper working condition.
15. Investigate, identify and coordinate the repair of utility malfunctions including but not limited to, water leaks, sewage overflows and downed wires; set up & maintain control of the area as required.
16. Compose a variety of written materials including reports, discussion papers, graphics and other materials; collect, analyze and interpret data.
17. Respond to emergency situations on a 24-hour / 7-day basis; be on-call in accordance with departmental standards.
18. Respond to and coordinate with Police the enforcement of abandoned vehicles on public property, including tagging the vehicles for 24 hour impound.

Marginal Functions:

1. Serve as staff on a variety of committees; prepare and present staff reports and other necessary correspondence
2. Perform related duties and responsibilities as required.

QUALIFICATIONS

Knowledge of:

Interpersonal skills utilizing tact, patience and courtesy.
 Operational characteristics, services and activities of a customer service and response program.
 Pertinent Federal, State and local laws, codes and regulations.
 Principles and practices of code enforcement
 Principles and practices of emergency response
 Principles and practices of customer relations.
 Principles and practices of field investigation
 Principles and practices of traffic control
 Principles and practices of research and analysis.
 Principles of business letter writing and basic report preparation
 Operations, services and activities of a public works and planning departments
 Principles and practices of street and roadway maintenance.
 Specialized construction, maintenance and repair procedures.
 Occupational hazards and standard safety practices.
 Operational characteristics of hand tools and equipment
 Traffic control devices and set up requirements

Ability to:

Work independently and make critical decisions in the absence of supervision. Keep supervisor informed of problems, progress, and emerging issues.
 Effectively respond to citizen complaints and inquiries.
 Establish and maintain effective working relationships with those contacted in the course of work
 Collect, analyze and interpret data.
 Use electronic and manual measuring devices to record and preserve evidence and testify to its use in judicial proceedings.
 Read and interpret blue prints, plat maps and schematics.
 Interpret and apply Federal, State and local policies, laws and regulations.
 Communicate clearly and concisely, both orally and in writing.
 Prepare clear and concise administrative reports.
 Independently respond to emergency situations on a 7-day / 24-hour basis.
 Be on-call in accordance with departmental standards.
 Deal with difficult people.
 Work under pressure.
 Explain codes and represent the City's policies in an objective manner.

Respond to an emergency or hazardous situation as the first responder
Set up and maintain emergency traffic control in a safe and effective manner
Ensure work projects are completed according to safety, codes, specifications and timelines.
Operate a variety of hand tools Physical ability to perform the essential functions including climbing, stooping, walking, lifting up to 50 pounds, pulling, pushing, balancing. etc
Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three years of customer service with some field investigations, construction or maintenance experience.
Experience as a lead worker desired.

Training:

Equivalent to the completion of the twelfth grade supplemented by specialized training in, customer service, code enforcement, maintenance or a related field.

License or Certificate:

Possession of, or ability to obtain, a valid Washington State Driver's License.
Possession of, or ability to obtain, a valid flagging certificate.
Possession of, or ability to obtain, a first aid/CPR certificate.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site; exposure to noise, dust, grease, smoke, fumes, gases, inclement weather conditions; work in or with water; work on slippery or uneven surface, traffic control in high volume traffic areas; typical office and field work utilizing computers.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for heavy lifting; walking, standing or sitting for prolonged periods of time; bending, stooping, kneeling, crawling; operating motorized equipment and vehicles; near visual acuity for the interpretation of blue prints and schematics and utilizing computer screen and keyboard.

Note:

1. Any combination of education and experience may be substituted, so long as it provides the desired skills, knowledge and abilities to perform the essential functions of the job.
2. All requirements are subject to possible modification to reasonably accommodate individuals with disabilities. However, some requirements may exclude individuals who pose a direct threat or significant risk to the health and safety of themselves or other employees.
3. While requirements may be representative of minimum levels of knowledge, skills and abilities to perform this job successfully, the incumbent will possess the abilities or aptitudes to perform each duty proficiently.
4. This job description in no way implies that these are the only duties to be performed. Employees occupying the position will be required to follow any other job-related instructions and to perform any other job related duties requested by their supervisor.

I have read and understand this class description.

Signature

Date

ORDINANCE NO. 410

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, RECLASSIFYING A CUSTOMER RESPONSE TEAM REPRESENTATIVE POSITION IN THE CRT TEAM TO A NEW CLASSIFICATION ENTITLED LEAD CUSTOMER RESPONSE TEAM REPRESENTATIVE AND INCREASING THE SALARY RANGE FOR THE CUSTOMER RESPONSE TEAM SUPERVISOR AND AMENDING ORDINANCE NO. 404, BY AMENDING THE 2006 NON-EXEMPT SALARY TABLE TO ADD A NEW CLASSIFICATION AND THE 2006 EXEMPT SALARY TABLE

WHEREAS, the 2006 Final Budget for the City of Shoreline was adopted by Ordinance No. 404, Section 1 (hereafter "2006 Budget"); and

WHEREAS, the City Manager has determined it is appropriate to reclassify the Customer Response Team Representative currently receiving out of class pay to a new classification Lead Customer Response Team Representative; and

WHEREAS, a salary range should be set which is commensurate with the new classification; and

WHEREAS, a salary range increase should be established for the Customer Response Team Supervisor;

WHEREAS, the both positions shall continue to work in the CRT Team and no amendments to the Team's 2006 budget are needed;

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

Section 1. Amendment to the 2006 Budget Summary. The City hereby amends Section 1 of Ordinance No. 404 by making the following revisions to the 2006 Non-Exempt Salary Table and 2006 Exempt Salary Table, 2006 Adopted Budget Tables:

- A. A new classification designated "Lead Customer Response Team Representative" is added to Range 35 of the 2006 Non-Exempt Salary Table.
- B. The classification "Customer Response Team Supervisor" is moved from Range 49 to Range 52 of the 2006 Exempt Salary Table.

Section 2. Effective date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and the ordinance shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON FEBRUARY 27, 2006.

Robert Ransom, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

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CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	To Conduct a Public Hearing to Amend Two 2005 Community Development Block Grant Projects and Authorize the Interim City Manager to Approve the Contracts
DEPARTMENT:	Office of Human Services, City Manager's Office
PRESENTED BY:	Julie Modrzejewski, Assistant City Manager Rob Beem, Human Services Manager

PROBLEM/ISSUE STATEMENT: Each fall, the City Council conducts a public hearing on the proposed use of Community Development Block Grant (CDBG) for the following year. After the hearing is held the Council deliberates and approves a slate of CDBG projects. When significant changes need to be made to a CDBG project, King County CDBG Consortium policy dictates that cities must complete a formal amendment process that includes conducting a public hearing and followed then by formal Council action.

Staff is bringing forward two amendment requests:

- *Change of scope for Parkview Services Acquisition Project.* Parkview Services was awarded \$20,000 in 2005 CDBG funds to purchase two houses that would support six tenants with developmental disabilities. Due to rising home prices, limited housing stock in Shoreline, and the specific house characteristics needed (flat lot, sidewalks, and no stairs), Parkview was not able to proceed with their original project. Instead, the intent is to purchase and to make necessary modifications to one house that is home to a low-income family with a developmentally delayed child.
- *Carry over 2005 CDBG curb ramp funds to 2006 CDBG curb ramp funds.* This amendment would allocate remaining funds from the 2005 Curb Ramp Project to the 2006 Curb Ramp Project. The 2005 Curb Ramp project was allocated \$150,000 of CDBG funds. At the completion of the 2005 project there was \$19,582 in CDBG funds remaining, which we recommend applying to the 2006 CDBG program. The new total for the 2006 CDBG Curb Ramp Project will be \$134,081.


ALTERNATIVES ANALYZED: After holding a public hearing on proposed CDBG amendments, Council has two alternatives to consider:

- Move approval of the CDBG project amendments as recommended and authorize the City Manager to take the actions necessary to implement these spending objectives.
- Consider additional of other changes to the recommended amendments in response to public testimony or to reflect a change in Council policy objectives.

FINANCIAL IMPACT: This action does not allocate any additional CDBG funds. It modifies the scope of one project and adds unused funds from the 2005 Curb Ramp Project to the 2006 Curb Ramp project.

RECOMMENDATION

Subsequent to the public hearing, staff recommends that Council adopt the two project amendments and authorize the City Manager to enter into agreements for implementing the funded projects.

Approved By: City Manager  City Attorney ____

INTRODUCTION

The City manages Community Development Block Grant (CDBG) funds through the King County CDBG Consortium. When significant changes need to be made to a CDBG project, King County CDBG Consortium policy dictates that cities must complete a formal amendment process that includes holding a public hearing and formal Council action. Two amendments to CDBG projects are needed at this time.

BACKGROUND

On September 13, 2004, the Council approved the 2005 list of CDBG projects. The list of approved projects included \$20,000 for Parkview Services and \$150,000 for the Curb Ramp Project.

Parkview's original proposal was to purchase two houses that would support six tenants with a developmental disability. As the project moved forward the agency found that one of the households dropped out of the process and the other household could not be accommodated within the budget due to the escalating real estate prices and limited housing stock in Shoreline. Additionally, these tenants required extensive wheelchair accessibility and other specific housing characteristics. Because of this, Parkview has requested an amendment that would change the scope of the project to allow Parkview to purchase a home to rent to an extremely low-income Shoreline family who has a child with a developmental disability and uses a wheelchair. This amendment allows the City to continue to support Parkview's low-income and disabled housing program.

The Curb Ramp Project was implemented as part of the City's Capital Improvement Plan (CIP). Construction began in November 2005 and completed in January 2006. The project completed 5,168 square feet of sidewalk panel replacement and installed 18 new curb ramps. The construction came in under the budget of \$150,000, leaving \$19,582 of the CDBG funds remaining.

The Council approved the 2006 list of CDBG projects on October 3, 2005. Due to reductions at the federal level, there was less funding for allocation. There was \$114,499 of funding allocated to the 2006 Curb Ramp Project. In order to accomplish more sidewalk repair and curb ramps in 2006, we are recommending that the Council approve the amendment to move the remaining 2005 CDBG Curb Ramp funding, bringing the total to \$134,081.

In summary, staff requests that Council move approval of the following amendments to the 2005 CDBG projects:

- *Change of scope for Parkview Services Acquisition Project.* Parkview Services was awarded \$20,000 in 2005 CDBG funds to purchase two houses that would support six tenants with a developmental disability. Instead, the intent now would be to purchase and make necessary modifications and rehabilitation to one house that is home to a low-income family with a child in a wheelchair.
- *Carryover 2005 CDBG Curb Ramp funds to 2006 CDBG Curb Ramp funds.* This amendment would allocate remaining funds from the 2005 Curb Ramp Project to the 2006 Curb Ramp Project. At the completion of the 2005 CDBG Curb Ramp Project

there was \$19,582 in CDBG funds remaining, which would be applied to the 2006 CDBG program. The new total for the 2006 CDBG Curb Ramp Project will be \$134,081. This amount is an estimate that may fluctuate when final figures are released by King County.

RECOMMENDATION

Subsequent to the public hearing, staff recommends that Council adopt the two project amendments and authorize the City Manager to enter into agreements for implementing the funded projects.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	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 February 13, 2006 the Shoreline City Council heard public comment related to all documents, amendments and comments received since October 24, 2005. At this meeting the public hearing was closed by a vote of Council, however, no deliberations regarding the ordinance have taken place. At this point in the critical areas ordinance update process it is appropriate to hold deliberations on the proposed update and any proposed amendments to the Planning Commission recommended draft.

Attached to the staff report are proposed amendments from Deputy Mayor Fimia and Councilmember Way and Councilmember Gustafson. Additionally, two staff proposed amendments are included as well. The final attachment to the staff report is a brief analysis of each of the proposed amendments that considers staff's ability to administer the proposed code amendments if they are adopted.

As the Council deliberations and decision making runs its course, should the Council choose to make amendments to the Planning Commission recommended draft, staff will make the proper adjustments to the code language and bring Ordinance 398 back before the Council for final adoption in early March.

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: Councilmember Gustafson's Proposed Amendments
- Attachment D: Staff Proposed Amendments
- Attachment E: Staff Analysis of the Proposed Amendments

Approved By: City Manager  City Attorney __

**Deputy Mayor Fimia's Proposed Critical Area Ordinance
Amendments for Consideration at the February 27, 2006 City
Council Meeting**

- **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 27, 2006 City Council
Meeting

- **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 salmonid 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.

**Councilmember Rich Gustafson's Proposed Critical Area Ordinance
Amendments for Consideration at the February 27, 2006 City Council
Meeting**

- **SMC 20.80.470 Classification**

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;
2. Streams that are fish passable or have the potential to be fish passable by salmonid populations from Lake Washington 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 Washington Deparment of Fish and Wildlife; and

- **SMC 20.80.330(F) Required Buffer Areas (Wetlands)**

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:

1. The ecological structure and function of the buffer after averaging is equivalent to or greater than the structure and function before averaging;
2. That the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.
3. Buffer averaging will not result in a buffer width being reduced by more than 25 percent of the required buffer as set forth in Table 20.80.330B and in no case may the buffer be less than than the stated minimum width.

4. A habitat survey shall be conducted within the area of concern in order to identify and prioritize highly functional fish and wildlife habitat within the study area.

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.

- **SMC 20.80.480 Required Buffer Areas (Streams)**

- F. Stream 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:

1. The ecological structure and function of the buffer after averaging is equivalent to or greater than the structure and function before averaging;
2. That the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.
3. Buffer averaging shall not result in the buffer width being reduced by more than 25 percent of the required buffer as set forth in the table in subsection B of this section and in no case may the buffer be less than in the stated minimum width.

4. A habitat survey shall be conducted within the area of concern in order to identify and prioritize highly functional fish and wildlife habitat within the study area.

The City may require buffer averaging to be designed to protect areas of greater sensitivity and function based on the recommendations of a stream report prepared by a qualified professional.



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).

Staff Analysis of Potential Administrative Issues Related to Proposed CAO Amendments

The bulleted zoning code sections below use ~~strikethrough~~ and underlining to show how the Planning Commission proposed language would be deleted or added, respectively, by the amendments offered by Councilmembers Fimia, Gustafson or Way. These are followed by a brief staff comment or analysis where appropriate.

- **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;~~

The staff believes that, as drafted, this amendment is problematic. However, the problem we see can be fixed fairly easily.

Our concern is that the use of the word “no” is absolute. If *any* human activity occurs in a critical area or its buffer it is difficult to imagine that there would be absolutely *no* adverse effect (i.e., impact), however minor. If Council wishes to use this phrase, staff would advise adding a qualifying word like “no **undue** adverse effect. While this addition would require the staff to exercise some judgment in evaluating the potential effect of such activities, the omission of such a qualifier would likely result in the staff having to prohibit them. This did not appear to be the intent of the maker of the amendment.

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

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

Staff does not anticipate any administrative issues if this amendment is adopted.

- **20.80.050 Notice to Title**

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

The proposed amendment is very problematic, and staff urges the Council not to adopt the amendment (i.e., we recommend that you do adopt the Planning Commission recommendation on this point). As the code now reads, this section requires that property owners place critical areas into separate tracts whenever a permit is requested. In many cases, this could result in the creation of a non-conforming lot and arguably constitute an illegal taking of private property without compensation.

For example, if an property owner with a stream in his back yard came in for a simple deck permit, the code as it is currently written would require the applicant to place a portion of their lot into a separate tract, dedicate it to a land trust, or place it in an easement. All of these options would result in a loss of property to the applicant. It is definitely a deterrent for any citizen to legally seek a construction permit. The Planning Commission's recommended language cures this problem, and staff would recommend it.

- **20.80.080(F)- Alterations or development of critical areas- standards and criteria.**
Monitoring, measuring and reporting the impact to the Planning Director and taking the appropriate corrective measures.

Staff does not anticipate any administrative issues if this amendment is adopted.

- **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.

Staff does not anticipate any administrative issues if this amendment is adopted.

- **SMC 20.80.330(F) Required Buffer Areas (Wetlands)**

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:

1. The ecological structure and function of the buffer after averaging is equivalent to or greater than the structure and function before averaging;
2. That the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.
3. Buffer averaging will not result in a buffer width being reduced by more than 25 percent of the required buffer as set forth in Table 20.80.330B and in no case may the buffer be less than the stated minimum width.

4. A habitat survey shall be conducted within the area of concern in order to identify and prioritize highly functional fish and wildlife habitat within the study area.

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.

Staff does not anticipate any administrative issues if this amendment is adopted.

- **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 salmonid 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.

The adoption of this amendment would revert the typing of streams back to the same code language that we have today with one small change. Under Type II streams, section B-2 previously read "potential for salmonid use" and is now changed to "Demonstrated salmonid habitat value as determined by a qualified professional." Although "potential for salmonid use" and the "habitat value" are not the same, administration of the code section will not change.

The problem with this in the past has been that for most applications, "qualified professionals" do not agree what constitutes potential salmonid use, or similarly what is good habitat value, it comes down to a value judgement. The Planning Commission's recommended version would require hard science, or documented evidence of the use by fish, or a plan to make a stream area usable by fish.

A second concern we have with this amendment is continued use of “significant recreational value” as a criteria for heightened protection of a critical area. Recall that the purpose of designating critical areas is to protect their ecosystem function and values. While protecting such areas will also create open space, and potentially recreational, amenities, such values must be the byproduct of critical areas protections, not the reason for them. While this is language in the original code text, it is staff’s assesment that such a criterion would not be legally supportable on appeal.

- **SMC 20.80.470 Classification**

F. For the purposes of this section, “salmonid fish use” and “used by salmonid fish” is presumed for:

1. Streams where naturally reccurring use by salmonid populations has been documented by a government agency;
2. Streams that are fish passable or have the potential to be fish passable by salmonid populations from Lake Washington 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 Washington Deparment of Fish and Wildlife; and

Staff does not anticipate any administrative issues if this amendment is adopted.

- **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.

It appears likely that increasing the Planning Commission’s recommended minimum buffer for a daylighted stream to 25 feet could act as a dis-incentive to developers or property owners who have a piped water course on their property. Under the proposed regulations, if they left the pipe in the ground, a 10 foot buffer would apply to the pipe. Given that a property developer would already be required to provide professional analysis to support not

instituting a full 25 foot buffer “at the discretion of the director”; staff feels that many applicants would simply choose not to restore piped streams.

- **SMC 20.80.480 Required Buffer Areas (Streams)**

F. Stream 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:

1. The ecological structure and function of the buffer after averaging is equivalent to or greater than the structure and function before averaging;
2. That the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.
3. Buffer averaging shall not result in the buffer width being reduced by more than 25 percent of the required buffer as set forth in the table in subsection B of this section and in no case may the buffer be less than in the stated minimum width.
4. A habitat survey shall be conducted within the area of concern in order to identify and prioritize highly functional fish and wildlife habitat within the study area.

The City may require buffer averaging to be designed to protect areas of greater sensitivity and function based on the recommendations of a stream report prepared by a qualified professional.

Staff does not anticipate any administrative issues if this amendment is adopted.