



## AMENDED AGENDA

### SHORELINE CITY COUNCIL WORKSHOP DINNER MEETING

Monday, August 28, 2006  
6:00 p.m.

Shoreline Conference Center  
Highlander Room

**TOPICS/GUESTS:** • Regional Human Services Issues – 10-Year Plan to End Homelessness;  
Veteran's Levy; Public Health Centers

### SHORELINE CITY COUNCIL BUSINESS MEETING

Monday, August 28, 2006  
7:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

	<u>Page</u>	<u>Estimated Time</u>
<b>1. CALL TO ORDER</b>		7:30
<b>2. FLAG SALUTE/ROLL CALL</b>		7:30
(a) Proclamation of "Traffic Safety Month"	<u>1</u>	
(b) <u>Proclamation of "Seattle Shores Chorus Day"</u>	<u>2.1</u>	
<b>3. REPORT OF THE CITY MANAGER</b>		7:40
<b>4. REPORTS OF BOARDS AND COMMISSIONS</b>		7:43
<b>5. GENERAL PUBLIC COMMENT</b>		7:45
<i>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; the Public Comment under Item 5 will be limited to a maximum period of 30 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 their comments recorded. Speakers should clearly state their name and city of residence.</i>		
<b>6. APPROVAL OF THE AGENDA</b>		7:58
<b>7. CONSENT CALENDAR</b>		7:59
(a) Minutes of Workshop Dinner Meeting of July 10, 2006	<u>3</u>	
Minutes of Business Meeting of July 10, 2006	<u>7</u>	
Minutes of Special Meeting of July 17, 2006	<u>17</u>	
Minutes of Special Meeting of July 18, 2006	<u>31</u>	

Minutes of Workshop Dinner Meeting of July 24, 2006	<u>43</u>
Minutes of Business Meeting of July 24, 2006	<u>45</u>
(b) Approval of expenses and payroll as of August 17, 2006 in the amount of \$5,234,670.34	<u>65</u>
(c) Approval of amendment to contract for School Resource Officer between the City of Shoreline and the Shoreline School District	<u>67</u>
(d) Approval of Memorandum of Agreement between the City of Shoreline and King County to transfer project funding for the Aurora Corridor Project (N 165 <sup>th</sup> – N 205 <sup>th</sup> )	<u>73</u>
(e) Motion to authorize the City Manager to Contract with the Washington State Military Department in the amount of \$54,531 for Emergency Management Preparedness Assistance Grant Funds (EMPAG)	<u>75</u>

## **8. ACTION ITEM: PUBLIC HEARING**

8:00

*Public hearings are held to receive public comment on important matters before the Council. Speakers wishing to speak should sign in on the form provided. After being recognized by the Mayor, speakers should approach the lectern and provide their name and city of residence. Individuals may speak for three minutes, or five minutes when presenting the official position of a State registered non-profit organization, agency, or City-recognized organization. Public hearings should commence at approximately 8:00 p.m.*

- |  |           |
|--|-----------|
| (a) Public hearing to receive citizens' comments on Resolution No. 249, supporting the Automated Fingerprint Identification System (AFIS) Levy at the September 19, 2006 State Primary Election; and | <u>77</u> |
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Council Action on Resolution No. 249, supporting the AFIS Levy

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

8:00

- |   |            |
|---|------------|
| (a) Ordinance No. 438 amending the City's Official Zoning Map Tile Number 443 changing the Zoning from Residential 12 DU-AC (R-12) to Residential 18 DU-AC (R-18) of one parcel located at 19201 15 <sup>th</sup> Avenue NW (Parcel # 0226039205) | <u>101</u> |
|---|------------|

**(This is a quasi-judicial item for which the Council does not take public comment).**

## **10. NEW BUSINESS**

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|----------------------------------|------------|
| (a) 2005 Police SEA Report       | <u>153</u> |
| (b) Surface Water Program Update | <u>189</u> |

## **11. ADJOURNMENT**

10:00



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

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**Council Meeting Date: August 28, 2006**

**Agenda Item: 2(a)**

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

<b>AGENDA TITLE:</b> Proclamation of "Traffic Safety Month"
<b>DEPARTMENT:</b> CMO/CCK
<b>PRESENTED BY:</b> Scott Passey, City Clerk


**PROBLEM/ISSUE STATEMENT:**

Pedestrian and student safety is a high priority in the City of Shoreline. This proclamation recognizes the month of September as "Traffic Safety Month" and encourages drivers to observe posted speed limits and to drive safely in the City.

Shoreline Police Chief Tony Burt will be at the meeting to accept the proclamation.

**RECOMMENDATION**

No action is required.

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



## **PROCLAMATION**

WHEREAS, Pedestrian and student safety is a high priority in the City of Shoreline; and

WHEREAS September 6 is the first day of school in the Shoreline School District and is a good time to remind drivers to slow down, especially in school zones and near crosswalks; and

WHEREAS, the City of Shoreline has established a 20-mile-per-hour speed limit in school zones to help keep children safe, and the Shoreline Police regularly enforce the speed limit at 17 public and private schools in Shoreline every day during the school year as well at crosswalks; and

WHEREAS, the City of Shoreline received grants from the Washington State Traffic Safety Commission to install new flashing safety lights at crosswalks in three school zones this year and to install billboards reminding drivers to slow down and drive safely in school zones and near crosswalks throughout the City; and

WHEREAS, the City of Shoreline is installing sidewalks on three pedestrian priority routes near schools by the end of September;

NOW, THEREFORE, I, Robert L. Ransom, Mayor of the City of Shoreline, on behalf of the Shoreline City Council, do hereby proclaim the month of September 2006 as

## **TRAFFIC SAFETY MONTH**

in Shoreline and encourage all drivers to observe the 20-mile-per-hour speed limit in school zones and to drive safely in our City.

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Robert L. Ransom  
Mayor of Shoreline

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

**AGENDA TITLE:** Proclamation of Seattle Shores Chorus Day  
**DEPARTMENT:** City Clerk's Office  
**PRESENTED BY:** Scott Passey, City Clerk

**BACKGROUND:**

Congratulations to Seattle Shores Chorus for being selected to represent the State of Washington with its repertoire of barbershop songs at the 400th Centennial Celebration of the founding of America at Jamestown, VA, from May 11-13, 2007.

The Seattle Shores Chorus, which is a member of Sweet Adelines International, was formed and received its original charter in 1953, making it the first (and now oldest) Sweet Adelines Chorus in the Northwest. The Seattle Shores Chorus is dedicated to sharing the art of barbershop harmony with excellence and enriching lives through performance and education. Their goal is to "harmonize the world."

They serve the greater Seattle area and continue to be Seattle's "own" women's barbershop chorus. They are a four-part harmony a capella group, comprised of approximately 40 talented women. Seattle Shores brings an energy and uplifting spirit as they sing and dance their way into the hearts of all audiences.

Yearly, they perform at the Taste of Edmonds, the Seattle Christmas Show at the Exhibition Hall, and various charitable and variety shows. Quartets and larger groups are available to sing at special occasions. In addition, the group has openings in all vocal parts, and no experience is necessary.

Accepting the proclamation is Bonnie Willis, Director, who has been a long-time active member of Sweet Adelines International. We are excited that the Seattle Shores quartet, Seattle Reign, will be performing two songs this evening.

**RECOMMENDATION**

No action is required.

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



## PROCLAMATION

WHEREAS, the Seattle Shores Chorus, which is a member of Sweet Adelines International, was formed and received its original charter in 1953, making it the first Sweet Adelines Chorus in the Northwest; and

WHEREAS, the Chorus is a four-part harmony a capella group, comprised of approximately 40 talented women; and

WHEREAS, the Chorus is dedicated to sharing the art of barbershop harmony and enriching lives through performance and education; and

WHEREAS, the Chorus serves the greater Seattle area and continues to be Seattle's "own" women's barbershop chorus; and

WHEREAS, the Chorus was selected to represent the state of Washington with its repertoire of barbershop songs at the 400th Centennial Celebration of the founding of America at Jamestown, VA, from May 11-13, 2007; and

WHEREAS, the Chorus performs annually at regional and local events, including the Taste of Edmonds, the Seattle Christmas Show at the Exhibition Hall, and at various charitable and variety shows; and

WHEREAS, Seattle Shores brings an energy and uplifting spirit as they sing and dance their way into the hearts of all audiences with the goal of "harmonizing the world";

NOW, THEREFORE, I, Robert L. Ransom, Mayor of the City of Shoreline, on behalf of the Shoreline City Council, do hereby proclaim August 28, 2006, as

### SEATTLE SHORES CHORUS DAY

in the City of Shoreline and acknowledge the positive contributions the Seattle Shores Chorus makes to the community.

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Robert L. Ransom  
Mayor of Shoreline

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

Monday, July 10, 2006  
6:00 p.m.

Shoreline Conference Center  
Highlander Room

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

**ABSENT:** Mayor Ransom and Councilmember Hansen

**STAFF:** Bob Olander, City Manager; Julie Modrzejewski, Assistant City Manager; Joyce Nichols, Communications and Intergovernmental Relations Director; Ian Sievers, City Attorney; Paul Haines, Public Works Director; and Rika Cecil, Environmental Coordinator

**TOPICS:**

- Water Resource Inventory Area (WRIA) 8 Interlocal Agreement
- King Conservation District Assessment

Deputy Mayor Fimia convened the meeting at 6:15 p.m.

Councilmember Gustafson introduced the topics of tonight's meeting -- the modifications to the WRIA-8 Interlocal Agreement (ILA), and the King Conservation District (KCD) assessment.

Councilmember Gustafson explained that WRIA-8 is composed of 29 jurisdictions and was formed in response to the listing of the Chinook salmon as "threatened" under the Endangered Species Act (ESA). The focus of the group is shifting from "planning" to "implementation" to carry out the projects listed in the plan. Under the agreement, King County has acted as the service provider for WRIA-8 projects and planning, but under the new agreement, a non-profit organization could now carry out the projects in the plan (e.g. Trout Unlimited).

Ms. Cecil pointed out that "active" membership status in WRIA-8 would cost the City \$16,340 annually over a nine-year period.

It was explained that the WRIA-8 Forum will meet July 20 to vote on changes to the ILA, and then it will return in the fall so each jurisdiction can ratify the agreement in final form.

Councilmember Gustafson and Ms. Cecil presented a table and funding level options for the WRIA-8 Forum. Deputy Mayor Fimia and Councilmember Way asked several

July 10, 2006

questions about the proposed projects and previous year's projects and budgets. Councilmember Gustafson said he would provide that information.

Councilmember Gustafson said he believes the new governance structure and assessment schedule are good and give the City of Shoreline an appropriate voice. He responded to Deputy Mayor Fimia that he would find out the amount of overhead King County is charging jurisdictions.

Regarding KCD's assessment, the amount has increased from \$5 per parcel to \$10 per parcel. Councilmember Gustafson and Ms. Cecil explained KCD's current and proposed assessment amount and three scenarios on how the funds would be disbursed:

Current (\$5/parcel):	\$3 to salmon recovery projects through WRIA-8
	\$1 to local governments
	\$1 to KCD

Proposed (\$10/parcel):	\$6 to salmon recovery projects through WRIA-8
	\$2 to local governments
	\$2 to KCD

KCD proposed a different split for the \$10/parcel proposition:

Proposed (\$10/parcel):	\$3 to salmon recovery projects through WRIA-8
	\$3 to local governments
	\$3 to KCD
	\$1 to a new competitive grant program

Councilmember Gustafson and Ms. Cecil explained that the new proposal for the 3:3:3:1 split came as a surprise to the members of WRIA-8 because when the new \$10/parcel assessment was proposed and lobbied through the state legislature, it was with the understanding that the 6:2:2 ratio would be applied.

A discussion ensued among the Councilmembers and staff about the advantages and disadvantages of the two funding ratios and the positions taken by various jurisdictions.

Councilmember Gustafson said he supports the 6:2:2 ratio because it would be the most effective in getting the WRIA-8 projects accomplished sooner.

Councilmember Way said she has worked with KCD in the past, and they provide good services and practical projects to help farmers.

Deputy Mayor Fimia asked if there was any explanation by the KCD on the merits of its proposal. Councilmember Gustafson and Ms. Cecil explained that they had requested that information, but the KCD Board was not scheduled to meet again before the July 14 deadline for comments on the proposal. Also, WRIA-8 Chair Don Davidson, a Bellevue

City Councilmember, has a draft letter to the KCD Board asking for changes in the proposed split and was seeking a sign-on by other cities.

The Council agreed to review items in their packets about the assessment and the Davidson letter and let Councilmember Gustafson know by Wednesday, July 12 whether they support the Mayor signing the Davidson letter and/or their positions on the KCD assessment ratios.

On a different topic, Councilmember Ryu handed out the latest draft of the proposed changes in the SeaShore agreement. She asked Councilmembers to read the proposal and provide feedback.

Deputy Mayor Fimia declared the meeting adjourned at 7:28 p.m.

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Joyce Nichols, Communications and Intergovernmental Relations Director



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

Monday, July 10, 2006  
7:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

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

**ABSENT:** Mayor Ransom and Councilmember Hansen

1. **CALL TO ORDER**

The meeting was called to order at 7:38 p.m. by Deputy Mayor Fimia, who presided.

2. **FLAG SALUTE/ROLL CALL**

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

**Upon motion by Councilmember Gustafson, seconded by Councilmember McGlashan and carried 5-0, Mayor Ransom and Councilmember Hansen were excused.**

3. **CITY MANAGER'S REPORT**

Bob Olander, City Manager, provided updates and status reports on the following items:

- North City Business District improvements include the removal of all overhead poles and wires. A ribbon-cutting ceremony will be held on August 17.
- Aurora Corridor Project – concrete poured on the Aurora Bridge and the girder installation at 155<sup>th</sup> is tentatively scheduled for July 26. Also undergrounding taking place on the east side from 145th Street to 152<sup>nd</sup> Street. Project is on schedule.
- The summer concert series starts on July 11 at Richmond Beach Saltwater Park.
- The Council will hold a Special Meeting on July 18 regarding the Capital Improvement Plan.

Councilmember Way commented that North City looks nice and citizens have said the ivy planters near Walgreen's needs to be removed. She added that a business owner wanted to know when the driveways and sidewalks would be completed.

Mr. Olander responded that he would research that, but some of the poles and tape cannot be removed until the project is completed. Those poles, he said, cannot be removed until the rest of the undergrounding project is complete. He added that they are still working on property restoration, which will occur near the end of the project.

Councilmember Way announced that she attended the Northwest Summer Games and saw the Seattle Cascades perform at Shoreline Stadium. She stated it was a remarkable show and congratulated them on their performance.

Councilmember Gustafson announced there would be beach naturalist at the Richmond Beach Saltwater Park at 11:00 a.m. for the low tide event.

#### 4. GENERAL PUBLIC COMMENT

(a) Chris Eggen, Shoreline, discussed the 3<sup>rd</sup> Annual Renewable Energy Fair, which will highlight alternative energy sources. He said there are over 150 exhibitors as well as events for children. He invited all residents, Councilmembers, and local politicians to attend the event on Saturday, July 22<sup>nd</sup> from 10:00 a.m. to 6:00 p.m. at Meridian Park Elementary School. He added that the elected officials are scheduled to be there to speak from 10:30 a.m. to 12:00 p.m.

(b) Harley O'Neil, Shoreline, commented that the Aurora Corridor Project takes a lot of time and appreciates that it is for the future. However, he said businesses are suffering, and he wished the project could have been completed quicker. He asked if the Council could investigate additional ways to provide assistance to the businesses along Aurora Avenue affected by the construction. He wondered if a business could be compensated by showing that their tax returns were at a lower level since the start of the project. He said he hopes the next phase is smoother and things get cleaned up quicker.

(c) Bob Barta, Shoreline, Council of Neighborhoods Representative for Highland Terrace, stated he is also on the Emergency Management Council in Shoreline. He expressed interest in teaching residents how to become emergency-prepared. He said he counted 103 suggestions from the City Council Community Workshops relating to emergency readiness. He encouraged the Council to keep this active in the community.

(d) Henk Kunnen, Shoreline, owner of the animal clinic on 15<sup>th</sup> Avenue NE, discussed traffic recommendations on 15<sup>th</sup> Avenue NE. He said cars are merging just south of the post office and drivers are ignoring the traffic light. He recommended that 15<sup>th</sup> Avenue NE be reconfigured back to four lanes. He feared there will be accidents there and suggested more lines designating pedestrian lanes and crosswalks.

(e) Wendy DiPeso, Shoreline, thanked the City Council for adopting the ten priorities last week. Regarding Aurora Project Phase II and III, she assumed there are some contractual obligations that the City must fulfill and wanted to know how they will be affected if the grant money doesn't materialize. She inquired if removing medians

from the safety plan would also jeopardize the grant application. She highlighted that the majority of the accidents on Aurora Avenue occur at intersections, adding that there is more that can be done at those intersections for safety. She felt medians reduce shoppers and prevent adequate surface water detention and retention. She also inquired if the City was utilizing the 100-year or the 500-year storm water design criteria to manage the flows. She mentioned that since the start of Aurora Phase I there has been silting in Boeing Creek; under federal law the City has an obligation to maintain the viability of the creek as a salmon-bearing stream. She suggested a zero-impact development model to reduce the need to spend more money on reducing siltation and runoff. She favored a design that allows continued access to businesses and reduces the likelihood of pedestrians crossing at inappropriate locations.

Mr. Olander responded that the Aurora Corridor Project has impacted several businesses; however, those on the west side are starting to "bounce back." He said the project is on time and there is a balance of traffic flow during rush hours. The focus is to limit construction during the rush hours and he felt that was going well. However, he stated they will continue to consider ways to mitigate impacts. He outlined that there are strict limitations regarding compensating private businesses. He added that emergency preparedness is one of the top ten Council goals, and the Council has doubled training funds. Responding to Ms. DiPeso, he stated there is no obligation for citizens to pay for any lacking grant funding the City does not receive. As far as the storm water design and medians for the next phase of the Aurora Corridor, the City has not reached the design phase. These issues have been discussed, but there are several concepts that are in discussion and there will be many opportunities for comments in the future. Finally, he stated that a representative from Public Works will investigate Mr. Kunnen's suggestions and contact him directly.

Councilmember Way inquired if the emergency preparedness grant has been accepted for Spartan Gym.

Mr. Olander responded that the City did receive a grant of over \$50,000 for electrical generation and electrical work for the Spartan Recreation Center and Gym since it is designated as a City emergency shelter.

6. APPROVAL OF THE AGENDA

**Councilmember Way requested that the minutes of the Business Meeting of June 26, 2006 be pulled from the Consent Calendar. There was Council consensus to move item 9(a) to the Consent Calendar as item 7(e). Upon motion by Councilmember Gustafson, seconded by Councilmember Ryu and carried 5-0, the agenda was approved as amended.**

7. CONSENT CALENDAR

**Councilmember Gustafson moved approval of the Consent Calendar.  
Councilmember Way seconded the motion, which carried 5-0, and the following items were approved:**

**Minutes of Regular Meeting of April 10, 2006  
Minutes of Regular Meeting of May 15, 2006  
Minutes of Special Meeting of June 5, 2006  
Minutes of Community Workshop of June 6, 2006  
Minutes of Community Workshop of June 14, 2006  
Minutes of Workshop Dinner Meeting of June 12, 2006  
Minutes of Business Meeting of June 12, 2006  
Minutes of Workshop Dinner Meeting of June 26, 2006**

**Approval of expenses and payroll as of June 29, 2006  
in the amount of \$2,271,632.10**

**Ordinance No. 435 amending the public records act in Shoreline  
Municipal Code Chapter 2.35 by updating the RCW references and  
clarifying procedures, and amending the public records fee schedule  
in SMC Chapter 3.10**

**Ordinance No. 432 renewing the franchise agreement with  
Electric Lightwave**

**Ordinance No. 433 increasing the General Fund appropriation in the  
2006 budget to add a new development review engineer position and  
an on-call contract for engineering services to perform permit review;  
and amending Ordinance No. 404, Ordinance No. 414 and Ordinance  
No. 420**

**8. ACTION ITEM: PUBLIC HEARINGS**

- (a) Public hearing to receive citizens' comments on proposed amendments to City of Shoreline Hazardous Tree Regulations; and

Ordinance No. 434 amending the Shoreline Municipal Code  
To update regulations relating to tree cutting, amending SMC  
20.50.310 regarding exemptions from permit requirements for  
hazardous trees

Matt Torpey, Planner, outlined the staff report and background information, including the public comments that were received. He explained that the proposed changes essentially expand the Director's authority to review hazardous trees. He noted that this section of the Code only addresses hazardous trees in critical areas.

**At 8:16 p.m. Mayor Ransom opened the public hearing.**

(a) Nancy Rust, Shoreline, stated she is an Innis Arden resident and expressed support for retaining as many trees as possible. She supported the amendment and said it helps ensure these trees are truly hazardous.

(b) Wendy DiPeso, Shoreline, stated that the old rules were too vague and too broad for City staff to interpret. She said it is the duty of the City staff to protect the public and prevent unnecessary tree cutting in Shoreline.

(c) Elaine Phelps, Shoreline, complimented City staff and the Planning Commission for the time and effort they invested in considering revised regulations. She said she was impressed with the interaction and how they arrived at the final result. She supported the comments of Ms. DiPeso because the previous regulations were inadequate. However, she expressed concern about the lack of definition for the term "recreational trails." She said that term can be misused to allow cutting in the future, so the definition should be fairly narrow.

(d) Paul Blauert, Shoreline, stated he got involved when there were over 100 trees cut in Eagle Reserve over the past two years. He noted that he has reviewed some of the hazardous tree evaluations, and many trees were rated utilizing improper criteria. He said he likes having a City Arborist to supervise the inspections. He also felt all trees should be rated on existing circumstances, not future circumstances. He wished to ensure that buffers were also included in the evaluation of hazardous trees because there have been seven landslides in the vicinity of his house due to the tree cutting. He concluded that the self-assessment of trees in Shoreline must stop.

Joe Tovar, Planning and Development Services Director, highlighted a letter from realtors indicating there was a concern on what occurs when the Director is not available. He noted that section 1b states that "Director" means the Director of the Department of Planning and Development Services or his/her designee. He noted that whenever he is not in the office the Customer Response Team (CRT) will be designated as the acting director if a call comes in after hours. CRT fields the call and can authorize verbally if someone demonstrates there is an active and imminent hazard.

Councilmember Way suggested that the record be kept open until the Council is ready to act.

Mr. Olander stated this item is scheduled for action next week, so he suggested it be closed.

Councilmember Way added that there are people are out of town, so it might be good to leave it open until next week.

Councilmember McGlashan said the Planning Commission has had its review and the meetings were well attended. He felt that the public has had their say and the public hearing should be closed at this time.

**Councilmember McGlashan moved to close the public hearing. Deputy Mayor Fimia seconded the motion.**

RECESS

**At 8:28 p.m., Deputy Mayor Fimia called for a recess. At 8:35 p.m., the Council meeting reconvened.**

**A vote was taken on the motion to close the public hearing, which carried 5-0.**

Councilmember McGlashan said he keeps hearing two different numbers for the amount of trees that can be cut. He asked staff to clarify the conflicting language in the packet materials.

Mr. Torpey clarified that the language on page 169 is an error; the correct number is six trees in 36 months.

Councilmember McGlashan inquired about the arborist on staff.

Mr. Olander highlighted that there are two certified arborists in the Public Works Department.

Councilmember McGlashan asked why the City was soliciting for an arborist if there was one on staff.

Mr. Torpey responded that the intent was to do a Request for Qualifications (RFQ) for an arborist.

Mr. Olander added that Public Works utilizes their resources as needed and they have a full workload.

Councilmember McGlashan asked who would be liable if a tree is topped and it hits a house.

Mr. Tovar said if there is no active or imminent hazard that is apparent to the Director, it will take some time for the arborist to come out and do a report. He said the intent is to reduce the risk of the tree falling by letting people know not to approach the tree. He also noted that there should be further clarification on what occurs if a tree is not an active or imminent hazard in the proposed language.

Councilmember Way asked for elaboration on the "recreation trails" definition.

Mr. Torpey noted that there is an explanation in Title VIII and in the Parks Master Plan that he could forward to the Council.

Councilmember Way wanted to see if there was a need to craft wording to address the concerns so trees won't be cut down because they are on a trail.

Mr. Tovar responded that the suggestion was made to insert recreational trail in the interim controls. When the recommendation from the Planning Department went to the Planning Commission, the "recreational trail" language was dropped and the proposed language "any trail as proposed by the property owner and approved by the director" was added for purposes of this section. He said the rationale was that it doesn't matter if the trail is used for recreation or just someone walking to school, etc. The Planning Commission reinserted the term "recreational trail," so there is some ambiguity. The original proposal from City staff was to remove the term.

Councilmember Way suggested both terms should be described. She noted the Council and staff needed to work on the "recreational trails" issue. She said she is also interested in the buffer issue. She said sometimes people don't remember that there is a buffer to consider. She hoped the buffers could be defined and the arborist would have to consult with the Council and staff on this. Councilmember Way also noted that the trees can be made into snags.

Mr. Tovar said he would appreciate the opportunity to craft language to address the issue.

Councilmember Gustafson wanted to know what classifies woody debris as a fire hazard.

Mr. Tovar said he would be making that determination based on information from the arborist. He said generally it would be a certain amount of woody debris sitting and drying out. He added he would like to confer with an arborist or forester about this, however, a forester would have more expertise.

Councilmember Gustafson inquired about the cost of a hazardous tree evaluation.

Mr. Torpey stated that the normal cost to a resident is \$100 per tree. He clarified that whoever calls the arborist off of the list would be the person who pays the arborist.

Councilmember Gustafson asked about trees in critical areas that are on City-owned property.

Mr. Torpey stated the Parks Department would take care of it.

Councilmember Gustafson inquired about the critical areas in Innis Arden.

Mr. Olander responded that the Innis Arden board should maintain those. He said if there is a problem with trees in the critical areas in Innis Arden then a resident of Innis Arden should be notifying their board of the condition.



Councilmember Gustafson asked for clarification on the Viking decision from 2005.

Mr. Tovar stated that the decision reflected that covenants do not trump the regulations of municipalities.

Ian Sievers, City Attorney, stated that the court said covenants cannot control City's land use laws any more than the property rights that a property owner has. He noted that the City can factor this in when formulating policies related to the Growth Management Act.

Councilmember Gustafson stated a resident asked him how they would get a tree pruned in the public right of way to improve their view.

Mr. Torpey said those calls should be referred to the Public Works Street Manager, who evaluates and makes those decisions.

Mr. Sievers said the City inspects those trees for hazards, broken limbs, and so forth.

Paul Haines, Public Works Director, added that the City would pay for the work if the tree is determined to be a hazard. He said he is not aware of any trimming being done by the City in response to a resident having a view issue.

Councilmember Ryu said the Planning Commission and the City staff has done a great job in crafting this Ordinance. She inquired if there is a limit on the number of times the Planning Director or his designee can enter private property to inspect trees.

Mr. Tovar said he will add some language to clarify the intent that once an investigation has been closed, there would be no need to enter the property again.

Mr. Sievers said there may be a need for some performance monitoring. The purpose would be to check the status if there have been a number of trees cut or to ensure trees that have been replanted are well-established.

Councilmember Ryu said that a City-approved arborist makes sense for the City. She pointed out that Mr. Tovar said he preferred a set fee and she asked whether that would need to be included in the language.

Mr. Tovar concurred and said he did feel all of the arborists should have the same fees.

Councilmember Ryu suggested in section H to remove "recreational trails" and add "including recreational trails" at the end. She also suggested in section I to add "creation of snags" after the word "removal" or some acceptable language to convey that the City doesn't believe removal is the only solution to this issue. She concluded that she would support this when the details are worked out.

Deputy Mayor Fimia suggested including the language “in critical areas and buffers” after the word “vegetation” in the Statement of Purpose.

Mr. Tovar stated his concern is that these regulations apply City-wide, including areas that are not critical areas and buffers. He said he would suggest language that would fit the next time this is reviewed before the Council.

Deputy Mayor Fimia wondered if it would make sense if the last sentence of section H was deleted.

Mr. Olander stated there is a benefit for this language specifying “for future directors.”

Deputy Mayor Fimia asked about the scenario if someone wants to cut down a tree that is in an area that is walked on, but isn’t “established” per the City.

Mr. Tovar stated they could look to the person asking for the evaluation to show the City it is a trail. He said his department can provide more specificity.

Deputy Mayor Fimia stated there should be language that this needs to be approved by the Director prior to cutting down a tree.

Mr. Olander agreed that it comes down to the determination of the Planning Director.

Deputy Mayor Fimia commented that she attended an Association of Washington Cities (AWC) workshop and it was noted that covenants will never trump the Growth Management Act (GMA). She added that there is a bald eagle that lives in a tree near her house, and creating snags is a good idea when considering tree removal.

Councilmember Way commented that the Innis Arden issue involved a “mutually restricted easement,” not a covenant as referred to by the Council.

Councilmember Gustafson said he had some questions but will put them in writing for the City Manager and staff.

Councilmember McGlashan asked if a mutually restricted easement is just an old term for a covenant.

Mr. Sievers responded that it is something less than a full covenant and it puts a burden on another person’s property. A covenant controls a property owner’s use of property.

Councilmember McGlashan inquired if the two terms had been defined in any of the court cases.

Mr. Sievers said there are only two court cases and there has not been any distinction between the two terms. He noted that covenants come up in the stewardship plan, but the

discussion tonight is about hazardous trees. He said there are no vested rights against ordinances that address health, safety and welfare issues in Washington State.

Mr. Olander added that this is a fairly narrow issue which basically tightens up the definition of a hazardous tree.

10. ADJOURNMENT

At 9:16 p.m., Deputy Mayor Fimia declared the meeting adjourned.

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Scott Passey, City Clerk

## CITY OF SHORELINE

### SHORELINE CITY COUNCIL SUMMARY MINUTES OF SPECIAL MEETING

Monday, July 17, 2006  
6:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

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

ABSENT: none

1. CALL TO ORDER

The meeting was called to order at 6:32 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.

(a) Proclamation of "National Night Out Against Crime 2006"

Mayor Ransom read the proclamation and presented it to North City Block Watch representatives Nancy Phillip and Dave Geddes.

Nancy Phillips said she has resided in the same home in the City of Shoreline for 45 years and is very dedicated to taking care of children. She said she knows her neighbors and it is important to start with the children when they are young. She said folks need to look out for each other. There is an emergency preparedness exercise this fall. She added that she donates the money and her time to this effort because it is her City.

3. CITY MANAGER'S REPORT

Bob Olander, City Manager, provided updates and reports on the following items:

- Last Tuesday, the "Concerts in the Park" series began and it was well attended, with over 600 participants.
- There will be low tide walks at Richmond Beach Saltwater Park on Saturday and Sunday from 11:00 a.m. to 3:30 p.m.
- King County will be starting work on the Hidden Lake Pump Station Project at Boeing Creek Park.
- There is a pedestrian pathway project that has started on 10<sup>th</sup> Avenue NE.

- There have been 9.9 miles of streets paved under the 2006 summer slurry paving program.

#### 4. COUNCIL REPORTS

Councilmember Ryu noted that she distributed SeaShore documentation to all Council and requested Council comments on the documents.

Deputy Mayor Fimia thanked the staff for paving the 100-foot stretch from the Interurban Trail to 145<sup>th</sup> Street N.

Councilmember Gustafson noted that he took his grandson to the low tide beach walk. He encouraged residents to take advantage of this program. He said he attended a Policy Issues Committee meeting and there will be minutes with some issues on them for the Council in the future. He said he also attended the National League of Cities First Tier Suburbs Committee meeting in Bedford, Ohio and will report to the Council at a later date. Some of the issues from that meeting were about housing and the number of foreclosures in some neighborhoods.

Councilmember Hansen attended the Ocean Shores City Council meeting and has been invited to the Emergency Management Services (EMS) kickoff as the President of the Suburban Cities Association. He wanted to poll the Council on the EMS levy.

Deputy Mayor Fimia asked that the EMS Levy be put on the agenda for a future discussion.

Mr. Olander said there needs to be time for the Council to consider this and form a position. He said there is a process to follow when it comes to supporting levies as a full Council.

Councilmember Way requested that Councilmember Hansen obtain literature for the Council whenever he wants them to consider a position on anything in the future.

Councilmember Gustafson commented that he did support the EMS Levy, but would also like more information concerning it.

#### 5. PUBLIC COMMENT

(a) Harley O'Neil, Shoreline responded to comments printed in last week's *Enterprise* newspaper. He stated that the cost estimates that were done on the Echo Lake project in 2004 was a result of charrettes. He said Beckwith & Associates paid \$10,667 to participate, and there were drawings, studies, and other reports created. He said he hopes people will review this because his partners paid over \$100,000 for studies.

(b) Bill Bear, Shoreline, noted that the City spent about \$7.5 million on the North City Business District enhancement and only \$600,000 on human services. He

said there are families that are in dire need in Shoreline. He quoted that every month between 20 and 30 families in Shoreline have their water shut off. He noted that human services funding goes to Hopelink and other service agencies to help people facing eviction. He said it is incumbent upon the City to make sure no family or child has to live in degraded conditions, and the City needs to have a budget that prioritizes human needs.

(c) David Fosmire, Shoreline, stated that an appeal was filed regarding the City's Determination of Non-Significance regarding Ordinance 434. He said this Ordinance leads to adverse environmental impacts and should not be adopted.

(d) Ros Bird, Shoreline, on behalf of the Lake Forest/Shoreline Arts Council, announced the Arts Council's Summer Concert Series, which occurs every Wednesday nights at 7:00 p.m. She invited the public to Cromwell Park for the next concert and reminded them that in two weeks they will move to Hamlin Park.

(e) Gretchen Atkinson, Shoreline, stated that in 2004 the casinos in Shoreline asked for a reduction in gambling taxes, which was adopted by the Council. At the time, she stated she favored that tax relief. She added that the one casino that complained the loudest donated \$8,000 to a group for the election candidates. She said at that time she wondered whether or not the reduction should have been given. Additionally, she said she noticed that many of the Public Disclosure Commission (PDC) reports showed thousands of dollars going to Councilmembers and candidates. She added that the casinos need to create a new business plan and be creative to increase revenues and compete. She hoped they did not give those funds to the candidates so they could get a tax reduction.

(f) Mike Jacobs, Shoreline, President of the Innis Arden Board, said the Council did not hear from Innis Arden members who oppose the Determination of Non-Significance (DNS). He said the comment period does not expire until July 24<sup>th</sup>. He is concerned the Council will vote on this matter tonight before the DNS period is done.

Councilmember Way inquired if the statements by Mr. Jacobs are a part of the record.

Mr. Sievers noted that there is still a SEPA DNS comment period open. He said they are worth putting in the record, but will not have any impact on the decision. He added that Mr. Fosmire did file an appeal with the hearing examiner. He said, however, because this is a legislative matter, there is no administrative appeal. He clarified that the Council should not take action on the tree exemption until the conclusion of the 14-day comment period.

Deputy Mayor Fimia asked Mr. Tovar to clarify the public hearing period on this item.

Mr. Tovar said the SEPA issue is a separate matter and it has a comment period. However, he stated if there are no serious questions the Council can act on this next week.

Mr. Olander responded to Mr. O'Neil and said he was correct that in December 2004 the Council did authorize the City Manager to negotiate an agreement with him subject to other agreements and conditions. He said the plans changed throughout the process and after a long negotiation period the City ended up purchasing the current site on the corner. He summarized that despite the prolonged negotiations, both parties just couldn't agree.

Mayor Ransom inquired if local churches have human services programs.

Mr. Olander replied that the City staff can find out, but he knew there were churches that provide emergency services funding and low income funding.

Councilmember Hansen noted that the Water District also has a low income assistance program.

Councilmember Gustafson asked if there was any way to preserve the buffer and utilize the area around the south end of Echo Lake as a City park.

Mr. Olander said he could research it, although he believed that there is not very much space. He added that there are only certain recreational uses that can be allowed in a wetland buffer.

Councilmember Gustafson pointed out that there was a vision to add a boardwalk and some access by the YMCA for canoe and water activities.

Councilmember Way said the Richmond Beach Saltwater Master Plan meeting is scheduled Saturday, July 29<sup>th</sup> from 10:00 a.m. to 12:00 p.m. at Richmond Beach Saltwater Park. She also inquired if there was another open house at a different time.

Mr. Olander said he would find out and report back to the Council.

6. WORKSHOP ITEMS

- (a) Approval of Westminster Triangle Mini-Grant Project

**Councilmember Gustafson moved to approve the Westminster Triangle Mini-Grant Project. Councilmember Hansen seconded the motion.**

Councilmember McGlashan clarified with Joyce Nichols, Communications and Intergovernmental Relations Director, that the correct amount on page 5 was \$1,715.

**A vote was taken on the motion to approve the Westminster Triangle Mini-Grant Project, which carried 7-0.**

- (b) Ordinance No. 433 increasing the General Fund

Appropriation in the 2006 Budget to add a new Development Review Engineer Position and an on-call Contract for Engineering Services to perform Permit Review; and amending Ordinance No. 404, Ordinance No. 414 and Ordinance No. 420.

**This item was adopted at the City Council meeting of July 10, 2006.**

- (c) Ordinance No. 430, a Site Specific Rezone located at 14539 32<sup>nd</sup> Avenue NE

Ian Sievers, City Attorney, inquired if any Councilmembers have had ex-parte contact or a conflict of interest regarding this matter. No Councilmember excused themselves or revealed any conflict of interest pertaining to this item.

Steve Szafran, Planner, provided the staff report and noted that currently there is a condemned single family home on the site. It has been vacant for 10 years and utilized by vagrants as a dumping ground. The applicant is proposing a townhome development, which will consist of two buildings and two townhomes in each building. The City received 13 letters in support of this development and one against it. He concluded that the rezone request meets the goals and policies of the Comprehensive Plan by promoting efficient use of land.

**Deputy Mayor Fimia moved to adopt Ordinance No. 430, a Site Specific Rezone located at 14539 32<sup>nd</sup> Avenue NE. Councilmember Hansen seconded the motion.**

Councilmember Hansen supported this development but felt the City should think about rezoning the entire area, consistent with Comprehensive Plan policies.

Councilmember Way agreed and stated she visited the site. She noted there was significant discussion in the Planning Commission minutes concerning a significant tree on the site. She also said there was a petition from members in the community. She inquired if there was a possibility of designing the project around the tree. She said she appreciated the developers taking their time on this project.

Mr. Tovar responded that the Planning Commission had the same question and noted that retaining the tree would be impossible. The Planning Commission recommended removing the tree.

Councilmember Way suggested replacement landscaping to make up for the loss of this tree.

Mr. Szafran noted that the code requires replacement trees.

Mr. Tovar added that the entire subject of tree replacement is a generic issue and it may be a good issue to address in the coming year as part of the Planning Commission work



plan. He said there should be general standards so the Council does not have to address this issue parcel by parcel.

**A vote was taken on the motion to adopt Ordinance No. 430, which carried 7-0.**

- (d) Ordinance No. 434 amending the Shoreline Municipal Code to update regulations relating to tree cutting, amending SMC 20.50.310 regarding exemptions from permit requirements for hazardous trees

Mr. Olander recommended that the Council postpone discussion on this item until July 24, 2006.

**Deputy Mayor Fimia moved to postpone action on this item until the July 24, 2006 City Council Business Meeting. Councilmember Hansen seconded the motion, which carried 7-0.**

RECESS

**At 7:49 p.m., Mayor Ransom called for a five-minute recess. At 8:00 p.m., the Council meeting reconvened.**

**7. STUDY ITEMS**

- (a) Review of the Gambling Tax Rate

Mr. Olander stated this item is in response to a letter and a meeting with casino owners. After those meetings he and Debbie Tarry, Finance Director, considered proposing a temporary reduction in the gambling tax rate. He pointed out that considering the industry as a whole, there are general trends that are affecting gambling and casinos. He said it is important to look at gambling as a whole, as well as individual profit and loss statements from each casino. He pointed out that there has been a 15 percent decrease in revenues from 2005 to the first quarter of 2006, and the preliminary prediction for the second quarter of 2006 is the same 15 percent decline. He cited five statewide factors for private casino losses:

- 1) Tribal casinos growth (slot machines, entertainment, larger payouts)
- 2) Smoking ban
- 3) Regional non-tribal casinos
- 4) On-line illegal betting
- 5) Construction impacts in Shoreline and on Aurora Avenue North

He said the Council should plan for less revenue from the casinos next year, noting that the trend will continue regardless of what the City does. However, he felt the City has a responsibility to lessen the impacts of the Aurora Corridor Project and level the playing field of all City casinos by temporarily reducing the gambling tax to 9 percent until the

end of the first quarter of 2007. The gambling tax rate would then automatically return to 10 percent at the beginning of the second quarter. This reduction is recommended by staff as construction mitigation to assist the businesses through this period. The reduction will equate to a tax savings of \$187,000 for the casinos. The City can make up that lost revenue from the Real Estate Excise Tax (REET) or another source.

Mayor Ransom called for public comment.

a) Dolores Kieke, Executive Director of the Regional Gambling Association (RGA), she noted that her organization represents the non-tribal gaming organizations in Washington State. She commented that the overview from the City staff was well presented. She stated that the smoking ban has had a severe impact on the industry, and an informal poll found that about 70 percent of gamblers enjoy smoking. In 1997, the Governor vetoed a reduction in the gambling tax from 20 percent to 10 percent, believing that the industry would be thriving. In 1999 or 2000, there was a federal minimum wage increase which also affected the gambling establishments. She explained that the request from the Shoreline casino owners is not unique, noting that extra expenses cannot be passed on to patrons. She said the gambling industry is still struggling and there are many establishments that are paying more in taxes than the revenue they generate. She concluded that 53 percent of the gambling institutions in the state are operating at a loss.

Councilmember Gustafson asked how Shoreline could enforce the statewide smoking ban for both tribal and non-tribal casinos.

Ms. Keike responded that the Council should write the Governor and encourage her to include that in future contract negotiations with the tribe.

Councilmember Ryu asked if the taxes that the casinos pay are based on gross receipts.

Ms. Keike noted that the tribal casinos voluntarily pay taxes only when they make a profit; however, non-tribal casinos pay based on gross receipts.

Mayor Ransom asked about the industry's fixed costs relating to dealers, floor supervisors, security cameras, and guards.

Ms. Keike responded that one of the misconceptions is that legislature relaxed the house bank card room regulations. On the contrary, they quadrupled the requirements on the industry. She added that one player requires one dealer, a pit supervisor, security, and people in the surveillance room for that one player. She concluded that the oversight, regulatory compliance, and the expenses are phenomenal.

Mayor Ransom asked what the other taxes the gambling establishments in Shoreline were paying besides the City's 10 percent gambling tax.

Ms. Kieke said they pay a federal tax, real and property taxes, and a payroll tax.

Mayor Ransom noted that seven of the twelve gambling establishments in Everett have closed.

Ms. Kieke added that there have been four additional closures in King County in the past two months. She said there were 142 card rooms since the beginning of the 1997 House Banking program and since then 49 of them have closed.

Councilmember Way asked Ms. Kieke to elaborate on some of the programs the RGA offers to address problem gambling in the communities.

Ms. Kieke responded that she has served on the Advisory Council for the Washington State Council on Problem Gambling since 2000 and a member of the Problem Gambling Advisory Committee with the Washington State Department of Social and Health Services (DSHS). She said this program ensures the funds are going towards the treatment, education and awareness of people with the problem.

b) Harley O'Neil, Shoreline, favored the staff recommendation because it would help offset construction impacts. He commented favorably on the amenities at Hollywood Casino and concluded that the City needs to support the casinos.

c) Mary Abel, Manager at Goldie's Casino, thanked the Council and the Mayor for considering a reduction in the gambling tax rate to offset losses from the Aurora construction. There have been a number of factors impacting the revenue at Goldies. The smoking ban and Aurora Avenue construction has led to a 26 percent reduction in revenue. She said Goldies still has the same number of employees it has had since 2005, and it may have to make staff cuts. The gambling reduction would benefit the business, but the current recommendation of 9 percent is not enough.

Mayor Ransom added that a worksheet the Council received shows revenues at Goldies has dropped 25.5 percent for the first two quarters of 2006.

Councilmember Way thanked Ms. Able for the chart and asked how many of their 160 employees Shoreline residents are.

Ms. Able estimated that about 25 percent of Goldie's employees are Shoreline residents.

Councilmember Way requested further information from Ms. Able about traffic on Aurora Avenue.

Ms. Able responded that about one half to three quarters of the people traveling on Aurora are utilizing businesses on the corridor.

**Councilmember Gustafson called for a point of order.** Councilmember Gustafson stated that a question and answer dialogue between the Council and a speaker is not the Council's normal procedure.

Mayor Ransom said the Council should allow the affected businesses to respond directly to Council questions.

Councilmember Gustafson said this practice concerns him, and the questions can be answered in a different way. He noted that Council rules limit public comment to 20 minutes. He suggested listening to the speakers and asking questions afterwards.

Deputy Mayor Fimia felt this is a unique situation because certain businesses are being impacted by the construction project. She said the Council is attempting to establish a policy and it facilitates the process if clarification is received while the speaker is at the podium. She commented that an additional 30 or 60 minutes is not an excessive amount of time to clarify the issues.

Councilmember McGlashan suggested the Council follow proper protocols and suspend the Council rules.

**Councilmember Way moved to suspend the Council Rules of Procedure to allow speakers to respond to questions. Councilmember Ryu seconded the motion, which carried 4-2-0, with Councilmembers Gustafson and McGlashan dissenting and Councilmember Hansen remaining silent.**

Councilmember Ryu inquired if the Golden Nugget was also affected by the construction. Ms. Able responded affirmatively.

(d) Tony Adams, Shoreline, commented that every dollar that is invested in gambling taxpayers pay at least \$3.00 in criminal justice costs, social welfare expenses, high regulatory costs, and increased infrastructure expenditures. This also brings about an increase in compulsive gambling and crime. Each compulsive gambler, he said, adversely affects the lives of ten to twenty relatives, friends, and business associates. He said those who are addicted to gambling show patterns of substance abuse, suicide attempts, neglect, and child abuse. He asked the Council to please consider these comments.

(e) Michael Preston, General Manager of Goldies, stated there is a 25 percent reduction in revenue at Goldies. He said the combined casinos have not had revenues to match the taxes they have paid out to the City this year (\$2,650,000) in any year since their inception. He stated the gambling industry is the only industry taxed based on their gross revenues. There are several casino owners that are borrowing money to pay their taxes, he stated. He concluded that prudent leadership is needed so the tax can be reduced to a rate lower than 9 percent.

(f) William Hubbell, Shoreline, on behalf of Drift On Inn Casino and Hollywood Casino, thanked the Mayor, the Council, and the staff for presenting this item. In addition to all other taxes, no other business pays this tax, he outlined. He said he cares about the staff and the people who work for his family. He said over \$9,000,000

has been remitted to the City. The Aurora Project will help the City eventually, but he felt that a 6 percent gambling tax is the appropriate rate.

Deputy Mayor Fimia inquired if there is any increased crime statistics associated with the gaming establishments in Shoreline.

Mr. Hubbell replied that the Shoreline police department thanks the casinos for internal, self-policing and keeping the area safe.

(g) Scott Hildebrandt, Shoreline, on behalf of Parker's Casino, said the gambling employees are being impacted. Additionally, the surrounding businesses are being impacted because those same employees spend their money in the Shoreline area. He encouraged the Council to reduce the taxes to ensure the industry's longevity. He stated that this tax impacts people and their well-being, not just City statistics.

Councilmember Way inquired if Mr. Hildebrandt's opinion is that the economy will improve when the Aurora Project is done.

Mr. Hildebrandt replied that he prefers not to speculate on hypothetical situations.

Councilmember Way also asked how many of Parker's Casino employees live in Shoreline.

Mr. Hildebrandt replied that there are about 25 – 30 percent who live in Shoreline. He added that he tries his best to avoid driving on Aurora Avenue. He said it is hard to estimate how many of his employees drive on Aurora, but he knows the project has impacted Shoreline greatly.

(h) Bill Bear, Shoreline, agreed with a previous speaker regarding the "hidden" costs of gambling. He said some problems are related to compulsive gambling. He said there are social costs of gambling and he thinks there shouldn't be a tax on gambling. If there wasn't a tax on gambling there would be a different discussion about the "human" costs of gambling.

Mr. Olander addressed the question of why just the gambling industry is proposed for a tax reduction and not others. He noted that the City cannot tax property or sales taxes because they must be uniform throughout the state. Other taxes, he added, are currently in place through utility franchise agreements and cannot be changed. He said the total daily traffic count along Aurora at the 170<sup>th</sup> Street N. intersection has dropped approximately 16 percent during construction. He felt that no significant reduction of tax or even the 1 percent reduction will ensure these businesses will stay operational. However, staff has identified the Aurora Corridor Project as a unique impact on their revenue.

**Mayor Ransom moved to direct staff to return with an ordinance to reduce the gambling tax to 7 percent for nine months, from July 1, 2006 to March 31, 2007.**

Mayor Ransom added that a 3 percent reduction is the limit for Capital Improvement Programs. If the reduction was more than 3 percent the City would have to curtail operating funds, he said. He noted that of the \$25,000,000 in taxes the City has received from this industry, it has put \$10,000,000 in reserves for the new City Hall. Therefore, the \$500,000 or \$600,000 loss would allow these five gambling establishments to survive. He said the 3 percent does not cut current service levels, but it might delay some future projects. He commented that less than 1 percent of the state general population is in gambling counseling. As a licensed mental health counselor, he asked the state how many referrals he would get for compulsive gambling, and they told him that he would only get about two per year. This signifies to him that gambling really isn't a serious problem in Washington. He said more recently the Hideaway and Cascade Bingo have both closed, which represents an annual loss of \$160,000 to the City. He said the Council should seriously consider the 7 percent gambling tax rate for a nine-month period.

Councilmember McGlashan inquired if there are more casinos to be built in Mountlake Terrace. He also inquired if the moratorium on building more casinos in Shoreline has been challenged.

Mr. Olander responded he does not know the zoning restrictions in Mountlake Terrace. He also outlined that their gambling tax rate is 10 percent. He also stated that the moratorium has not been challenged. Furthermore, court cases regarding casinos have been confusing, and it would take some clarification from the City Attorney to fully understand it.

Councilmember McGlashan asked if the Hideaway could be reopened with new management.

Mr. Sievers stated that they have reopened.

Councilmember McGlashan unquired about the status of Sparky's and whether it could reopen as a casino.

Mr. Sievers said the staff denied their non-conforming status, so Sparky's cannot reopen as a casino again.

Councilmember McGlashan requested the source of Mr. Adams' information.

Councilmember Gustafson highlighted that the real issues are those that are impacting the gambling industry. He said the Council should take an active role in pushing for a statewide smoking ban in all casinos, including the tribal casinos. He said he would support a 1 percent reduction for 9 months, and then a reevaluation. He was not in favor of a 3 percent reduction of the tax rate. He said the tax rates of all the local cities are 10 percent or highe, and only the City of Fife is less than 5 percent.

Councilmember Ryu said while she is concerned about the social impacts of gambling, the gaming industry in Shoreline is composed of legal businesses. She noted that revenues from state lottery tickets provide funding for education, and until they stop doing it they probably are not going to address the gambling issue in our state. She said she is in favor of Mayor Ransom's proposal to reduce the gambling tax to 7 percent based on the fact that the gaming industry in Shoreline is projected to lose \$4,000,000 in 2006.

**Upon motion by Councilmember Ryu, seconded by Councilmember Way and carried 4-3, with Councilmembers, Gustafson, Hansen, and McGlashan dissenting, debate on this item was extended until 9:40 p.m.**

Councilmember Way said it is not productive to destroy the economic base on Aurora Avenue. She said the Council should think about the human impact of the 900 employees working at local casinos. She felt that reducing the gambling tax to 7 percent is fair due to the amount of business the construction has taken away from the casinos. She concluded that casinos are a part of the "fabric" of the City and the Council should embrace that.

Councilmember Hansen said that he voted against the gambling tax reduction last year because he explained at the time that it wouldn't make a difference. He said the City will be down about \$1,000,000 this year if the tax is reduced even more. He felt the Council should look at what capital projects should be cut because further reductions will have a severe impact on the City budget.

Deputy Mayor Fimia characterized this proposal as a "real dilemma" and it needs to be dealt with fairly and smartly.

#### RECESS

**At 9:44 p.m., Mayor Ransom called for a five-minute recess. The Council meeting reconvened at 9:49 p.m.**

#### (b) Arterial Speed Study

Paul Haines, Public Works Director, introduced this item and stated this is the first time the City has discussed how speeds are set and the role and responsibility the Council has in the adoption of speed control on roadways. He noted that the staff report gives detailed information on how drivers are behaving on the arterials in the City. He highlighted that "drivers drive based on the physical conditions of the environment." He noted that everyone has an opinion on what the speeds should be on any given road. He cautioned the Council not to use their opinion when they deliberate on what the speed should be on any road in the City. He added that if the Council tries to artificially constrain speeds through postings and speed traps then they will force traffic to move elsewhere. Additionally, if speeds are inappropriate they will not survive challenges in court, and non-uniform speeds lead to confusion and unpredictability. He concluded that the City needs to obtain a balance of safety, livability, and mobility that needs to be

achieved when setting speed limits. The Transportation Master Plan (TMP) was adopted and it both reaffirmed and changed some of the road classifications in Shoreline.

#### MEETING EXTENSION

**At 10:00 p.m., Deputy Mayor Fimia moved to extend the meeting until 10:30 p.m. Councilmember Ryu seconded the motion, which carried 6-1, with Councilmember Hansen dissenting.**

Rich Meredith, Traffic Engineer, reviewed all of the arterials and how they are functioning under the new classifications of the TMP. He said that having a good arterial grid network keeps people moving and preserves neighborhoods. He highlighted that speeds are set with the "85 percentile speed," which means it is the speed that 85 percent of the traffic is moving. However, there are other factors, which include curves in the road, the width of the road, the number of lanes, and so forth. In any case, all City streets need to have a consistent look and feel. He outlined a map in the staff report which detailed all the arterials in the City. He pointed out that the speed study data, the new designations, the 85 percentile speed, and the posted speed are all noted on the map.

Mr. Haines added that the driving behavior and the road classification change map will need to be analyzed more to determine whether the speed limits are correct.

Mr. Meredith outlined the five concerns that need to be addressed when changing a speed limit: 1) safety; 2) enforcement needs and resources; 3) neighborhood concerns; 4) capital improvements; and 5) education. He highlighted that just changing the speed limit on the signs doesn't necessarily change driver behavior.

Mayor Ransom inquired why 145<sup>th</sup> Street N. is not on the list.

Mr. Haines noted that 145<sup>th</sup> Street N. is not a part of Shoreline.

Councilmember Way said the speeds on 145<sup>th</sup> Street N. and 205<sup>th</sup> Street N. are factors.

Mr. Haines agreed, but stated they are outside the City limits and the City does connect to those in many places.

Mr. Meredith said 145<sup>th</sup> Street N. is an important grid connector and a principal arterial, but the City doesn't own the street. He noted that the advantages and disadvantages of revising the speed limits on arterials are on page 5 of the report.

Mr. Olander suggested that the Council review all of the tables and information in this report and e-mail or call him with any questions.

Councilmember Ryu thanked the staff for their work. She said putting the information in a table is easier to read and understand. She urged the Council to reduce the speeds in



school zones, and she appreciated the consistency of speed limits on winding roads throughout the City.

Councilmember Hansen stated that a lot of studying is required before he can give his opinion. However, he urged the Council to consider the considerable amount of citizen concern about speeding in Innis Arden. He noted that they even hired their own policeman to patrol the roads to control speeds along 14<sup>th</sup> Avenue NW.

Deputy Mayor Fimia said this is going to be a case of “be careful what we wish for” because now that the study is done it will be challenging to complete. She added that the public will ask for exceptions rather than consistency. She pointed out that residents have never asked her to increase speed limits anywhere. She felt the changes and the proposals should be measured with the goals in mind. However, the City should not fall into the trap of focusing on engineering; in other words, the number of cars should not dictate what the driver behavior should be. She added that she would much rather see the speed lowered 5 miles per hour than going up 5 miles per hour. Local streets are a concern with the residents. She felt that 25 miles per hour is too fast for streets without sidewalks. She favored lowering the speed on Aurora Avenue to 35 miles per hour.

Mayor Ransom added that the businesses along Aurora Avenue are asking for a 35 mile per hour speed limit.

**Councilmember Ryu moved to extend the meeting until 10:40. The motion died for a lack of a second.**

There was Council consensus to schedule this item for a future meeting before December.

Councilmember Gustafson said he will e-mail his questions to the City Manager.

Councilmember Way added that the public should get a copy of these maps and review them and send the City comments.

8. ADJOURNMENT

At 10:33 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 SPECIAL MEETING

Tuesday, July 18, 2006  
6:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

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

ABSENT: none

1. CALL TO ORDER

The meeting was called to order at 6:30 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, with the exception of Councilmember Ryu, who arrived shortly thereafter.

3. CITY MANAGER'S REPORT: none

4. COUNCIL REPORTS

Councilmember Gustafson explained that he would be attending the Water Resource Inventory Area (WRIA) 8 Forum this week and he would like to convey the Council position on the King Conservation District's (KCD) proposal for a 3:3:3:1 distribution ratio of funds for Chinook salmon recovery projects.

Deputy Mayor Fimia felt that Councilmember Gustafson's request was out of order because tonight's meeting was called as a special meeting to discuss the Capital Improvement Program (CIP).

**Councilmember Hansen moved to suspend the rules to allow Councilmember Gustafson to receive Council direction on the KCD proposal. Councilmember Gustafson seconded the motion, which carried 4-3, with Deputy Mayor Fimia and Councilmembers Ryu and Way dissenting.**

A discussion then ensued among Councilmembers about their respective positions on the KCD proposal. Councilmember Gustafson wished to know which fund distribution ratio, the 6:2:2, or the 3:3:3:1, the Council supports so he can convey that to the WRIA-8 Forum this week.

Councilmember Way was uncomfortable with making a decision tonight because all of the relevant issues have not been clarified for the Council. Additionally, she felt it was unfair to ask the Council to make a decision tonight.

Councilmember Ryu concurred, noting that although the SeaShore item is on the agenda tonight, she will not be asking for a Council vote.

Mayor Ransom felt the Council should provide the Council position to Councilmember Gustafson. Councilmember Hansen concurred, noting that although the policy committee of the Suburban Cities Association (SCA) has not yet forwarded a recommendation to the SCA Board, of which he is the president, every city he knows of supports the 6:2:2 split.

Councilmember Way called attention to water quality projects in the CIP and noted that many of them could be justified by the KCD. She emphasized the need for the City to get all the money it can for salmon recovery, and KCD could help get City projects accomplished.

Councilmember Gustafson noted that Shoreline projects are considered Tier 3, which are not Chinook salmon runs. He emphasized that the focus needs to be on Chinook salmon.

Deputy Mayor Fimia said there have been attempts to discredit KCD, and misinformation has been disseminated on several occasions. She asked the Council to consider who is in the best position to use the funding and implement the salmon recovery plan.

**Deputy Mayor Fimia moved that the Council develop a list of questions for Councilmember Gustafson to present to the WRIA-8 Forum before Council takes a final position on the matter. Councilmember Way seconded the motion.**

After brief discussion, **Councilmember Gustafson moved to close debate. Councilmember Hansen seconded the motion, which failed 4-3, with Deputy Mayor Fimia and Councilmembers Ryu and Way dissenting. (A 2/3 majority is required for passage).**

After further discussion, Councilmember Gustafson withdrew his request for Council direction due to a lack of Council consensus and because more information is needed.

**Councilmember Fimia withdrew her motion.**

- (a) Amendment to the "Agreement for the SeaShore Transportation Forum" Interlocal Agreement presented by Mayor Ransom and Councilmember Ryu

Mayor Ransom explained that the SeaShore Transportation Forum is comprised of several jurisdictions, including Bothell, Kenmore, Woodinville, Lake Forest Park, Seattle, Shoreline, Edmonds, Mountlake Terrace, King County, and Snohomish County. The funding agencies that are parties to the Forum include Puget Sound Regional Council

(PSRC), Sound Transit, Community Transit, Transportation Improvement Board, and Washington State Department of Transportation (WSDOT). For purposes of funding allocations, the Forum is divided into three subareas; the City of Shoreline belongs to the "Seattle-North King County" subarea. Mayor Ransom explained his proposal to amend the SeaShore Agreement so that only those jurisdictions in the "Seattle-North King County" subarea can vote on funding and resource allocation recommendations for transportation and transit. He stated that this responds to a request that Bothell and Kenmore, which belong to the East King County subarea and vote there on funding recommendations, be allowed to compete for transportation funding by voting in the North King County subarea as well.

Mayor Ransom read the proposed alternative language in the agreement and pointed out that King County Councilmember Bob Ferguson agrees with the amendment. He stressed that Bothell and Kenmore should not be able to compete for transportation funding in the North King County subarea.

Councilmember Ryu asked the Councilmembers to review the proposed language and provide feedback by tomorrow so she and Mayor Ransom can represent the Council's position at the Forum meeting. She noted that the Council will have the opportunity to consider the final agreement later.

Deputy Mayor Fimia pointed out that SeaShore started in the mid 1960's with only North King County and Seattle, but now it has become sub-regional. She suggested as a policy objective that the Council try to encourage the sub-regional coalition against Seattle, since 80% of the funding is allocated in Seattle. She felt the coalition cities could find a way to avoid undue competition while still presenting a unified front and providing mutual support.

Councilmember Gustafson expressed support for the amendment.

Mayor Ransom reiterated that Councilmembers should provide their responses to the proposal as soon as possible.

5. GENERAL PUBLIC COMMENT: none

6. ACTION ITEM: PUBLIC HEARING

- (a) Continued public hearing and Council discussion of the 2007-2012 Capital Improvement Program (CIP)

**Councilmember Hansen moved to suspend the Council Rules to allow the public hearing to begin at 7:40 p.m. Councilmember Gustafson seconded the motion, which carried 7-0.**

Mayor Ransom called for public comment. There was no one in the audience wishing to provide public comment.

**Councilmember Gustafson moved to close the public hearing. Councilmember Hansen seconded the motion.**

After brief discussion, **Councilmember Hansen moved to table the motion until 8:00 p.m. Councilmember Gustafson seconded the motion, which carried 7-0.**

Deputy Mayor Fimia and Councilmember Way expressed support for keeping the public hearing open until next week's meeting.

Debbie Tarry, Finance Director, provided a presentation of the 2007 - 2012 Proposed Capital Improvement Program (CIP) and Transportation Improvement Program (TIP) on a fund-by-fund basis. She briefly reviewed the schedule of the CIP review, noting that Council is expected to adopt the CIP and TIP on July 24. She reviewed the projected revenues, expenditures, and notable projects in each of the City's capital funds: 1) General Capital Fund; 2) Roads Capital Fund; and 3) Surface Water Capital Fund. Her presentation included the following highlights:

#### 2007-2012 General Capital Fund

Revenue Sources total \$34 million with a total of 24 Projects, including Civic Center (\$24.75 million), Parks Bond and Open Space Acquisition Projects (Richmond Beach Saltwater Park, Spartan Gym (\$85,000), Parks Repair & Replacement (\$1,466,000), Ronald Bog Master Plan (\$72,000), Twin Ponds Master Plan (\$61,000), Richmond Beach Area Parks Improvement (\$655,187 – K.C. Mitigation), Saltwater Park Pedestrian Bridge Replacement (\$1,022,000), Cromwell Park \$1 million Bond Issue+ \$500,000 Grants + \$127,000 City Funds, Boeing Creek Park Improvements (\$1,126,000 includes K.C. Mitigation), N. 180th & Midvale Ave. N. Park Development (\$6,000), Shoreline Park Tennis Court Lighting \$60,000, Trail Corridors \$2.5 million, Twin Ponds Field Turf \$900k + \$61k City funds, SPU/Hamlin Open Space \$3.3 million + \$450,000 Grants, South Woods \$6 million + \$.5 million Grants, Property Acquisition (2007), Paramount Open Space (\$158,050 includes Conservation Futures Grants)).

The City Facilities-Major Maintenance Fund includes funding for Shoreline Pool - Long Term Maintenance (\$313,000); Richmond Highlands Community Center - Long Term Maintenance (\$119,000).

#### 2007-2012 Roads Capital Fund

Revenue sources total \$107 million with a total of 17 Projects, including Aurora 165th to 205<sup>th</sup> (\$77.9 million). 2007-2012 expenditures for Aurora Corridor are estimated at \$76.9 million, with 87% of costs expected to be funded by grants. The proposed CIP includes \$10 million of City contribution – or 13% of the total project cost. Grant funds awarded to-date (\$25.7 million) coupled with a new award (\$3.6 million) total \$29.3 million. The estimated project cost Aurora 165th to 205th Utility Improvements totals \$10 million, with 100% reimbursement expected from participating utilities.

The 2005 reduction in the Gambling Tax rate from 11% to 10% has resulted in a loss of \$1.8 million over the six-year period. REET Collections in excess of budget are estimated at \$94,000 - \$372,000. Assuming that card room revenues remain at the 2006 projected base for 2007-2012 and that the card room tax rate is restored to 10% after the 1st Quarter of 2007, a total reduction of \$321,000 is projected for 2007, with reductions of \$163,000 annually for the 2008-2012 period. The total 2007-2012 reduction of \$1,136,000 of the \$4.8 million budgeted is not currently accounted for in the proposed CIP.

#### 2007-2012 Surface Water Capital Fund

Revenue sources total \$17.4 million with a total of 23 projects. The projects are comprised in the following project categories: 1) Flood Protection Projects; 2) Surface Water Small Projects; and 3) Stream Rehabilitation/Habitat Enhancement.

Councilmembers asked questions throughout the course of the presentation.

Mayor Ransom asked when the City would receive a bond approval rating. Ms. Tarry responded that it will be done in December. Staff will prepare some information on this for Council consideration following consultation with financial advisors. She added that the bond rating agency will be Moody's or Standard and Poor's.

Mr. Olander commented that the City is over ten years old, and coupled with its financial stability it is a good time for the City to get a bond rating.

Councilmember Way wondered if waiting until December will make a difference in terms of the interest rate.

Mr. Olander noted that the City has to wait several months anyway in order to get all the bond issues together.

**Councilmember Hansen moved to close the public hearing. Councilmember Gustafson seconded the motion.**

Councilmember Ryu felt the public hearing should be kept open in order to give people at least one more week to review and comment on the CIP.

Councilmember Hansen asked about the effect of delaying the CIP by keeping the public hearing open.

Ms. Tarry commented on the need to submit an approved Transportation Improvement Program (TIP) to the state.

Mr. Olander noted that staff needs the CIP approved so it can start preparing the operating budget, but it would probably not make a practical difference if it is delayed.

Councilmember Gustafson supported closing the public hearing, noting that people can still comment on it before it is adopted. He felt the Council should be considerate of the staff's time and effort, noting that the CIP "is a working document."

Councilmember Way supported keeping the public hearing open, since the Council will not be voting on it until at least next week. She felt closing it would exclude people from the process.

Councilmember Ryu concurred, noting it would be more practical to approve the TIP first. Delaying adoption will also provide for a better document and give Council an opportunity to review the presentation.

Councilmember McGlashan disagreed that closing the hearing would exclude people from the process. He noted that a special meeting has been called for this one item, and people can comment on it during the public comment period.

Deputy Mayor Fimia pointed out that the public gets confused when they hear a public hearing is closed. She said functionally it makes no sense to close the public hearing, and that it sends a bad signal.

Mayor Ransom said he doesn't mind keeping the public hearing open as long as staff has adequate time to return with a full budget proposal by July 24.

Councilmember Hansen noted that Shoreline is a representative government and the Council is shirking its responsibility to take action in a timely way. He noted that the CIP can be amended at any time, and that he would vote to close the hearing.

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

**Councilmember Way moved to continue the public hearing until Monday, July 24. Councilmember Ryu seconded the motion, which carried 4-2-1, with Councilmembers Gustafson and McGlashan dissenting. Councilmember Hansen remained silent.**

Councilmember Way asked about the Gateways funding. Ms. Tarry responded that \$150,000 has been reserved for Gateways to complete some minor signage projects.

Councilmember Ryu asked if funding is available in the Council of Neighborhoods for neighborhood signs, to which staff responded affirmatively.

Councilmember Way felt that the Gateways funding could be transferred to another fund in the CIP.

Deputy Mayor Fimia felt that other city needs such as traffic calming and sidewalks would be higher priorities than Gateways. She supported reducing this amount.

Councilmember Ryu asked about whether the City provides any homeless shelter beds, and whether a homeless shelter would qualify as a capital project. It was noted that the City does not provide homeless shelter facilities.

Ms. Tarry explained that Real Estate Excise Tax (REET) revenues have the broadest use, but they are limited to transportation-related projects.

Councilmember Way asked if grant funds for Emergency Management are included in the Spartan Gym line item.

Ms. Tarry said the grants funds could be added to Spartan Gym, but they have been put in the budget amendment for 2006.

Deputy Mayor Fimia asked about the scope of the Ronald Bog and Twin Ponds Master Plans and whether this item only pays for planning and design.

Dick Deal, Parks, Recreation and Cultural Services Director, noted that the Master Plans are general concepts, and the work plan would show the types of facilities that are needed. He pointed out that the storm water need may not be as pressing as once thought. He pointed out that the estimates are really major placeholders until more detailed designs can be completed.

Deputy Mayor Fimia said she might propose an amendment at a later time.

Mr. Deal said staff proposes spending the money now for a Master Plan process, and coming back in the fall with a recommendation. Design development and construction would then occur in 2007.

Mr. Olander commented on the importance of the Master Plan process, which involves neighborhood meetings, professional consultation, and good cost estimates. He noted that "public buy-in" is critically important, and this requires funding.

Councilmember Way noted that Ronald Bog, Twin Ponds, and Cromwell Park are all part of the Shoreline watershed. She felt the money could be well-spent if the Master Plans somehow intersect with surface water planning.

Mr. Deal agreed, noting that he has met with the Public Works Department about Cromwell Park. He felt there should be collaboration between departments on surface water issues.

Councilmember Way favored the transfer of Gateways funding to the Master Plans.

Mr. Deal emphasized the need to focus on the Parks bond process, noting that the City must deliver on those projects.



Councilmember McGlashan asked about the rationale for dividing the Twin Ponds Park Master Plan from the Twin Ponds Park Field Turf Improvements.

Mr. Deal said the soccer field was a high priority, so it was decided to use bond funds to do the field turf improvements.

Councilmember Ryu asked if it would make sense to use in-house staff to do some of the master planning.

Mr. Deal said in-house staff would be used where possible, but not every area of expertise is covered so professional experts would be consulted throughout the process.

Deputy Mayor Fimia asked how much funding could be expected from Burlington Northern for the Saltwater Park Pedestrian Bridge Replacement.

Mr. Deal said the existing bridge will probably serve the City's needs for a number of years, but it does need some work. He said a report on the bridge would be forthcoming.

Mr. Olander speculated that the bridge will not be eligible for funding from Burlington Northern since it's a pedestrian bridge.

Responding to Councilmember Way, Mr. Deal said that staff would look into every possibility for acquiring funding for Water Resource Inventory Area -8 projects.

Councilmember Ryu inquired about the N. 180<sup>th</sup> and Midvale Ave. N. Park Development Project.

Paul Haines, Public Works Director, noted that the right-of-way crossing at N. 183<sup>rd</sup> Street is now closed, and N. 180<sup>th</sup> will be closed in the future for the Interurban Trail. He explained the intent to ensure that a range of quality parks, recreation and cultural opportunities are available.

Mayor Ransom expressed a concern about how the low-cost housing residents at N. 180<sup>th</sup> Street would access Aurora Avenue if N. 180<sup>th</sup> Street is closed. He noted that they want that existing pedestrian signal to remain there.

Mr. Haines agreed that the pedestrian signal is working well, but the City must consider the benefits of a fully signalized intersection at N. 182<sup>nd</sup> Street. He said this intersection holds multiple values for the City.

Responding to Councilmember Way, Mr. Deal explained that the N. 180<sup>th</sup> and Midvale Avenue N. location is contemplated as a future heritage park area.

Councilmember Gustafson emphasized the need to continue pursuing grants, to which Mr. Olander responded that staff would continue to do so.

Councilmember Way asked for an update on the South Woods property acquisition.

Mr. Deal and Mr. Olander explained that staff is working with the owners, Shoreline Water District and Shoreline School District, and hope to arrive at a purchase and sale agreement soon.

Regarding the City Facilities Major Maintenance Funds, Councilmember McGlashan asked if the Richmond Highlands Community Center, the Police Station, and the Pool were the only facilities that the City owns.

Ms. Tarry noted that the City also owns a maintenance facility at Hamlin Park.

Deputy Mayor Fimia suggested it would be wise to add City Hall to the Major Maintenance Fund.

Responding to Councilmember Way, Ms. Tarry noted that Police Station Security (\$15,000) is a new item and not part of the Repair/Replacement Program.

Mr. Olander advised that the Council should think about expansion of the pool facility in the future.

#### RECESS

**At 9:11 p.m., Mayor Ransom called for a ten minute recess. At 9:23 p.m., the Council meeting reconvened.**

Regarding the Roads Capital Fund, Mayor Ransom expressed concern that the City will not be getting the \$40 million from the Regional Transportation Investment District (RTID).

Deputy Mayor Fimia inquired about the feasibility of moving funds to complete sidewalks on both sides of Aurora Avenue. She suggested that the City think creatively and move forward with the highest needs first.

Mr. Olander expressed confidence that the City would receive sufficient grant funds to complete sidewalks on Aurora Avenue.

Mr. Haines noted that sidewalks are contingent upon other high priority items along Aurora Avenue, such as retaining walls and grade changes.

Councilmember Way expressed skepticism about receiving all the requested grant funding because of the many cities that compete for the same funding.

Mr. Haines explained that the CIP is a planning document and, as such, it has a general scope. He emphasized that the City needs the support of the CIP document in order to be competitive for grant funding.

Councilmember Hansen expressed optimism about receiving grant funding, noting that the City received sufficient grant funds for Aurora Corridor Phase 1.

Councilmember Gustafson concurred, noting that Aurora Corridor Phase 1 has demonstrated the City's ability to compete. He pointed out that the City applies for grant funds to avoid raising taxes.

Regarding Roads Capital - System Preservation Projects, Councilmember McGlashan asked about the traffic signal inventory.

Mr. Haines said Shoreline has 42 signals; this count includes all three-head signals as well as blinking signals.

Mayor Ransom asked if there had been any reconsideration about installing a full signal at the intersection of NE 170<sup>th</sup> Street and 15<sup>th</sup> Avenue NE.

Mr. Haines said staff is looking at performing an updated warrant analysis for that location. He commented that it is a good spot for a signal, but it will be expensive and it might change driving behaviors in the neighborhood. He said if it is a priority, the preliminary engineering work can be completed in 2007.

Mr. Olander noted that the intersection must meet the signal warrant to be eligible for grant funding.

Councilmember Ryu noted that some people feel NE 170<sup>th</sup> Street is a higher priority for a signal than NE 172<sup>nd</sup> Street.

Councilmember Gustafson said the entire traffic system in North City needs to be reevaluated after the North City Project is completed. He felt it was premature to make recommendations on signal locations.

Councilmember Way said the neighborhood has been consistent in its request for a traffic signal at NE 170<sup>th</sup> Street. She supported moving forward with the preliminary engineering work in 2007.

Mr. Olander suggested that Council consider the North City area in a holistic way and to think about the impacts on a broad scale as the work plan is developed.

Councilmember Ryu said the City should also consider restriping 15<sup>th</sup> Avenue NE to return it to a four-lane configuration.

Mr. Olander said staff would conduct a traffic analysis and bring back the data so Council can make the best decision.

Mr. Haines discussed the timeline for conducting the traffic analysis. He pointed out that February has historically been the month in which traffic counts are conducted.

Deputy Mayor Fimia noted that the community has exhibited a lot of patience with the North City Project, but it may not last. She inquired about the possibility of conducting a traffic count at the beginning of the school year. She also asked for feedback on two different options for NE 170<sup>th</sup> Street; a fully-signalized intersection versus a pedestrian-activated signal.

#### MEETING EXTENSION

**At 10:02 p.m., Deputy Mayor Fimia moved to extend the meeting until 10:30 p.m. Councilmember Ryu seconded the motion, which carried unanimously.**

Deputy Mayor Fimia asked about the rationale for the Meridian Avenue N. and N. 175<sup>th</sup> Subarea Study.

Mr. Haines noted that the Transportation Master Plan did not determine long-term solutions for that arterial.

Mayor Ransom pointed out that there are 33,000 vehicles per day driving on N. 175<sup>th</sup> Street.

Councilmember Way asked how the Meridian Avenue N. and N. 175<sup>th</sup> Subarea Study might impact or relate to the City Hall Project.

Mr. Haines commented that there is synergy between the two projects, and the City is in need of answers as it heads into the Aurora Corridor Phase 2 Project. He said the Subarea Study factors in many transportation issues, including vehicles, pedestrians, bicycles, and schools.

Councilmember Ryu commented that many people have been negatively impacted by projects along N. 175<sup>th</sup> Street. She emphasized the need to be sensitive to taxpayers' needs and how the City spends their money.

Deputy Mayor Fimia asked if gas tax revenues could be used for construction of sidewalks. She also asked if there were any other discretionary funding sources that could be used for general sidewalk construction. Ms. Tarry responded that the gas tax funds could be used for sidewalks on Aurora Avenue. She said all the competitive grant funds have been acquired for the Aurora Corridor Project.

Regarding Surface Water Capital, Councilmember McGlashan asked about the City's performance in resolving the flooding problems.

Mr. Haines said the City has performed very well on the more serious problems. He said the City keeps a priority list that outlines locations with minor problems so the City can assist property owners with the less serious issues.

Jesus Sanchez, Public Works Operations Manager, acknowledged that there is still some "pocket flooding" that is occurring, and so some interim solutions are being developed.

Councilmember Way emphasized that flooding problems should not only be viewed in terms of specific locations or "spots." She said the City has the responsibility to alleviate flooding downstream by addressing the upstream problems.

Mr. Haines said staff tries to maintain a regional perspective by its cooperative projects with neighboring jurisdictions. He said any investment in surface water improvements must also add value to the people outside Shoreline.

Councilmember Way pointed out the significance of the Cromwell Park Wetland and Cromwell Park Pond projects. She noted that Cromwell Park is the headwaters of Thornton Creek.

Mr. Sanchez noted that Public Works is coordinating with the Parks Department to address the surface water issues at Cromwell Park in a phased approach.

Councilmember Way said that such an approach should improve the habitat and function of that area.

Responding to Councilmember McGlashan, staff explained that Cromwell Park is not earmarked for Parks bond funding, but perhaps the surface water element of Cromwell Park can be addressed with Public Works funds.

Deputy Mayor Fimia concluded the discussion by summarizing her intent to propose amendments to the CIP. She suggested that funds could be transferred from Gateways to traffic calming. She also noted that the Public Works Trust Fund is another potential source of revenue. She felt an additional southbound left-turn lane from Aurora Avenue onto N. 145<sup>th</sup> Street could be considered in the CIP as well.

Councilmember Gustafson thanked staff for their time and expertise in presenting the proposed CIP.

## 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 WORKSHOP DINNER MEETING**

Monday, July 24, 2006  
6:00 p.m.

Shoreline Conference Center  
Highlander Room

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

**ABSENT:** none

**STAFF:** Bob Olander, City Manager; Julie Modrzejewski, Assistant City Manager; Ian Sievers, City Attorney; and Joyce Nichols, Communications and Intergovernmental Relations Director

**GUEST:** Dick Cushing, Waldron & Company

Mayor Ranson called the meeting to order at 6:25 p.m.

Bob Olander, City Manager, introduced tonight's topic—City Manager evaluation process and criteria. He introduced Dick Cushing of Waldron & Company.

Mr. Cushing presented the criteria and process for the City Manager evaluation. He noted that he had discussed the process with each Councilmember and made changes in the draft document based on suggestions and comments from the Councilmembers. He also said he had sent a review copy to all Councilmembers earlier. He then reviewed and outlined steps involved in the evaluation process and the criteria for the evaluation.

Several Councilmembers commented that the process should be a positive one and shouldn't really contain surprises because they discuss issues with the City Manager on a continuous basis throughout the year, not just during the formal evaluation.

Council discussed the document and several proposed changes. Mr. Cushing said the next step was for him to modify the proposed process based on tonight's discussion and provide copies for the City Council and City Manager.

Mayor Ransom declared the meeting adjourned at 7:20 p.m.

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Joyce Nichols, Communications and Intergovernmental Relations Director

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**DRAFT**

**CITY OF SHORELINE**

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

Monday, July 24, 2006  
7:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

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

ABSENT: NONE

1. CALL TO ORDER

The meeting was called to order at 7:32 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.

(a) Proclamation for "Celebrate Shoreline"

Mayor Ransom read the proclamation and presented it to "Celebrate Shoreline" Committee members Gretchen Atkinson and Ellen Sullivan.

Ms. Atkinson said it was fun preparing for the event this year. Ms. Sullivan invited residents to attend, stating it will be bigger and better than ever. Lynn Cheeney, Parks and Recreation Superintendent, invited everyone to the event and thanked the Mayor for the proclamation.

(b) Proclamation for "Parks, Recreation, and Cultural Services Month"

Mayor Ransom read the proclamation and declared the month of July 2006 as Parks, Recreation, and Cultural Services Month in the City of Shoreline. He presented the proclamation to Shoreline Parks, Recreation and Cultural Services Day Camp Directors Sarah Werder and Diana Browne. Lynn Cheeney, Parks and Recreation Superintendent stated that the parks are thriving in Shoreline and thanked the department and the day camp staff.

Mayor Ransom announced that earlier today, a commendation was presented to Ms. Verna Moss on behalf of the City of Shoreline in recognition of her 100<sup>th</sup> birthday.



3. REPORT OF THE CITY MANAGER

Bob Olander, City Manager, provided updates and status reports on the following items:

- There will be an open house on July 29<sup>th</sup> from 10:00 am – 12:00 pm at the Richmond Beach Saltwater Park main picnic shelter to continue gathering public input on the Master Plan for the park.
- Tuesday, August 1<sup>st</sup> is the National Night Out Against Crime. Residents are encouraged to participate.
- Work on the field turf installation at Shoreline Fields A&B is reaching its final stage.
- Aurora Corridor Update – girders for N. 155<sup>th</sup> Street will be installed on July 26<sup>th</sup> and the road will be closed temporarily that day to accommodate the girders.
- Concrete curb ramps, catch basins, and asphalt have been installed along 10<sup>th</sup> Avenue SE from Ridgecrest to 170<sup>th</sup> Avenue NE.
- Next Council meeting is August 21<sup>st</sup>.
- The Shoreline Concert Series continues on July 25<sup>th</sup> at Richmond Beach Saltwater Park.

Councilmember Way commented that the Climate Change meeting with the King County Council was well attended.

4. REPORTS OF BOARDS AND COMMISSIONS: none

5. GENERAL PUBLIC COMMENT

(a) Charlotte Haines, Shoreline, on behalf of the Board of Commissioners of the Shoreline Water District (SWD), invited the Council and Shoreline residents to celebrate the Water District's 75<sup>th</sup> Anniversary festivities, which will be held on August 5<sup>th</sup>.

(b) Mike Bolton, Shoreline, suggested there be revisions to the Shoreline Municipal Code (SMC) concerning vehicle parking. He said he was fined for having a covered vehicle in his carport because it was considered to be a "junk vehicle." The vehicle is a 1936 Chevy coupe that he is restoring, he explained. He said the ordinance is vague, and he provided some draft language to correct the problem. He urged the Council to revise the language in the Code.

Councilmember Way inquired if he was working on the vehicle and how this was brought to the City's attention.

Mr. Bolton responded that he is not sure how the City was notified about his vehicle. He said the car is located at the end of his 100-foot driveway, behind the house, and under a carport. He mentioned that the car is not visible from the road. He said he did not receive any prior notification or any explanation from code enforcement. Currently, he

has been granted an extension to file an appeal, and he is attempting to change the code because auto restoration is just a hobby for him.

(c) Mark Deutsch, Shoreline, said the new Council has been in place for six months. He said there was a claim in the spring that the Council was beginning to work together; however, he felt the Council focus has been on rules and procedures rather than getting City business done. He said it is odd because even though certain rules were designated about how to talk during the meetings, the amount of discussion has exceeded the deadlines that were set, thus causing meetings to be extended. He said the Council selectively works together and apply the rules of the majority to the Council as a whole. Recently, rules were waived concerning a Council action that needed to be taken, but the majority was unprepared so it was postponed. He is concerned that the Council is not working together effectively.

Mr. Olander responded that he will provide a written report to the Council concerning Mr. Bolton's enforcement action.

6. APPROVAL OF THE AGENDA

Councilmember Way proposed moving action item 9(e) up to 9(b). **Councilmember Hansen moved approval of the agenda, moving action item 9(e) up to 9(b). Councilmember Gustafson seconded the motion, which carried 7-0.**

7. CONSENT CALENDAR

**Deputy Mayor Fimia moved approval of the Consent Calendar. Councilmember Ryu seconded the motion, which carried 7-0, and the following items were approved:**

**Minutes of Regular Meeting of May 22, 2006  
Minutes of Study Session of June 19, 2006  
Minutes of Business Meeting of June 26, 2006**

**Approval of expenses and payroll as of July 14, 2006  
in the amount of \$3,668,891.36**

**Approval of Contract for Parks Landscape and  
Maintenance Services**

**Motion to Authorize the City Manager \$20,000 in  
Additional Contract Contingency Authority and to  
Execute a Contract Amendment with KBA to Extend  
Construction Management**

8. ACTION ITEM: PUBLIC HEARINGS

- (a) Continued public hearing to receive citizens' comments on the Six-Year 2007-2012 Capital Improvement Program (CIP)

(This hearing was continued from the Council meetings of July 10 and July 18)

Mayor Ransom called for public comment.

1) Jennifer Middlebrooks, Shoreline, requested installation of a traffic light at 170<sup>th</sup> Avenue NE and 15<sup>th</sup> Avenue NE. She said there are no sidewalks and there have been two pedestrian deaths and several accidents. She added that the pedestrian light at the intersection is not helpful because the cars don't stop at the intersection. She said there needs to be a traffic light or a study done at that location.

Councilmember McGlashan inquired what was impeding the view of the drivers.

Ms. Middlebrooks responded that two trees, the terrain, and a chain link fence in front of the sidewalk impede the views of motorists.

Mr. Olander said this will be discussed later on in the agenda.

**Upon motion by Councilmember Ryu, seconded by Councilmember Hansen and carried 7-0, the public hearing was closed.**

9. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Ordinance No. 431 amending the City's Official Zoning Map Tile Number 451 changing the Zoning from Residential 8 DU-AC (R-8) to Residential 12 DU-AC (R-12) of one parcel located at 18016 Stone Avenue N (Parcel Number 7276100285)

Joe Tovar, Planning and Development Services Director, requested that this item be postponed until the Planning Commission Chair arrives so that he can provide the Planning Commission recommendation. He requested that the hazardous tree ordinance be considered next.

**Councilmember Hansen moved to table this item until Planning Commission Chair arrived. Deputy Mayor Fimia seconded the motion, which carried 7-0.**

- (b) Ordinance No. 434 amending the Shoreline Municipal Code to update Regulations relating to Tree Cutting, amending SMC 20.50.310 regarding Exemptions from Permit Requirements for Hazardous Trees

Matt Torpey, Planner explained that this item was carried over from the City Council meeting on July 10. He noted that the Council requested two amendments and one informational item at that meeting. He detailed each of the three Council requests and explained the revisions to the critical areas regulations.

Councilmember Way informed the Council that dead trees are considered to be almost as valuable as live trees to wildlife managers because they provide extraordinary habitat opportunities for living creatures.

Councilmember Hansen noted that Aegis has erected six snags as part of their mitigation to improve the habitat. He said several redwing blackbirds and other species have made it their habitat. He commented that some of the snags are twenty to thirty-feet high.

Mr. Torpey pointed out that the average cost for a hazardous tree evaluation is \$110 - \$220 per tree, which includes completion of a hazardous tree evaluation form.

Mr. Tovar commented that he has reviewed the additional comment letters he received and is comfortable in recommending that there is no need to revise the Determination of Non-Significance (DNS), so the Council can proceed and adopt this ordinance.

**Councilmember Hansen moved to adopt Ordinance No. 434. Deputy Mayor Fimia seconded the motion.**

Ian Sievers, City Attorney, pointed out that there is no further public comment on this item because the public hearing has been closed.

Deputy Mayor Fimia said the fact that there are sign-in sheets for this item give the impression that public comment will be accepted. She asked staff to ensure that the procedures are made clear for future meetings.

Councilmember Hansen asked if the letter from Michael Jacobs was considered in the decision. Mr. Tovar responded that it was.

**Councilmember Way moved to strike the term “recreational trails” from Section 20.50.310(A)(1)(G) of the Ordinance. Deputy Mayor Fimia seconded the motion.**

Mr. Tovar explained that the Planning Commission also debated whether recreational trails should be included, but ultimately decided to include it.

Councilmember Ryu supported Councilmember Way’s amendment because the term “recreational trails” is redundant with the last sentence of the paragraph.

Deputy Mayor Fimia said the possibility of including the trails on the map was mentioned last week. She noticed that they aren’t included in the ordinance and wondered if they were part of the administrative rules.

Mr. Tovar said he anticipated issuing an administrative order detailing how it will be done.

Mayor Ransom noted that the hazardous tree ordinance has been a thoroughly discussed item and the public hearing was well-attended.

Mr. Tovar mentioned that the Planning Commission recommended denial of the critical areas stewardship plan. He offered to review the history, the Planning Commission decision, and the testimony from the public with the Council. Concurrently, he said he could then get direction from the Council and come back with some proposals regarding a stewardship plan.

Councilmember Gustafson asked Mr. Tovar if he thought there should be a way to waive the director's approval if there is a life-threatening situation or emergency.

Mr. Tovar pointed out that the code allows the director "or his designee." He clarified that the Customer Response Team (CRT) is the designee for the director after hours.

Councilmember Gustafson noted that there may be a time when the director and CRT are not available.

Councilmember McGlashan felt the term "recreational trails" referred to the trails in City parks, which is public property. He felt the other language regarding trails referred to privately-owned property.

Mr. Tovar said the staff recommendation was that any trail proposed by the property owner, whether it is a recreational trail or on private property, would be considered a trail.

Councilmember Gustafson felt the term "recreational trails" helps clarify the intent, so he opposed the amendment.

Councilmember Way explained that the proposed language covers any problem that may arise.

**A vote was taken on the motion to strike the term "recreational trails," which carried 5-2, with Councilmembers Gustafson and Hansen dissenting.**

Responding to Councilmember McGlashan, Mr. Tovar explained that this code relates to hazardous trees in both critical and non-critical areas. He noted that the current regulations allow for the removal of six trees in non-critical areas in a 36-month period. He said staff developed a critical areas stewardship plan and brought it to the Planning Commission, but the Commission decided not to move forward with it. However, staff can present it for the Council's consideration.

Councilmember Gustafson inquired if there was a limit on the amount of time it takes the director to get the completed tree evaluation form, the permit exemption form, and the risk assessment form back to the resident. He suggested that staff try to have the paperwork completed within 10 working days.

Mr. Tovar responded that 10 working days is feasible.

Councilmember Gustafson suggested that language to this effect should be included on the Hazardous Tree Evaluation Form. He also suggested that "peer review" in Section G should be deleted, and the director and the arborist should make the decision. He felt that peer review would be another layer of additional time and cost to the resident that is not needed.

Mayor Ransom asked if a peer review is intended to be part of the appeal process.

Mr. Tovar said it was not, but it was designed to be consistent with direction from the Council earlier this year concerning critical areas.

**Councilmember Gustafson moved to strike the second sentence in SMC 20.50.310, Section A.1.G., to read "G. No permit exemption request shall be approved until the Director reviews the submitted forms and conducts a site visit. ~~The Director may direct that a peer review of the request be performed at the applicant's cost, and may require that the subject tree(s) vegetation be cordoned off with yellow warning tape during the review of the request for exemption.~~" Councilmember Hansen seconded the motion.**

Rocky Piro, Planning Commission Chair, noted that the Planning Commission felt that a peer review was reasonable and prevented possible bias. He also said it accommodates an appeal process.

Mr. Olander pointed out that the director has the discretion to hire a second opinion.

Councilmember Gustafson inquired who would pay for an appeal if someone other than the applicant has a concern about a permit.

Mr. Olander replied that under the proposed language, the applicant would pay for it.

Councilmember Gustafson felt that it was unfair and unnecessary to burden the applicant in this way.

Mr. Olander said it wouldn't be the neighbor that starts the process; it would be if there is a factual issue brought to the director, and the director makes a determination that peer review is needed.

Councilmember Gustafson said that deleting this sentence makes this section clearer and easier to understand. He said the applicant should not be forced to pay anything if the director decides a second opinion is needed.

Councilmember Ryu said the director seems to have the option to call for a second opinion. She felt the director should retain this authority, since there is no way to “paste a tree together” after it is cut.

Councilmember Gustafson agreed, but felt the applicant should not have to pay the cost.

Councilmember Ryu responded that \$110 - \$220 is not a huge burden, and it shouldn't be a burden on a person who wishes to have a significant tree removed.

Mr. Olander suggested the language be revised so that the City would pay for the second opinion.

Councilmember Way expressed concern that having the City pay for the peer review will set a precedent for other situations where peer review may be requested for a consultant's work. There would be thousands of dollars spent on these. She felt that having a second opinion on the arborist's decision could be warranted at times.

Deputy Mayor Fimia stated that if this is a hazardous tree situation, it will be taken care of. She added that this could potentially be a way for residents to cut trees for views without prior approval. She inquired how much staff time has been spent on tree issues in Innis Arden in the past few months.

Mr. Torpey responded that about 50% of his time has been spent on the Innis Arden tree issue.

Deputy Mayor Fimia said she would be willing to address the issue of who pays for the cost after the program has been implemented about a year. However, she supported the language and the amendment as originally proposed.

Mayor Ransom noted that the director can control the cost, but he felt the City should pay the cost. He disagreed with the striking amendment.

Councilmember Hansen said he supports having the City assume the cost since the Planning Director, a representative of the City, makes the decision.

Councilmember McGlashan agreed based on the fact that the neighbor can't have the power to require a peer review.

Councilmember Way added that she is concerned about this setting a precedent on consultants in the future.

Ian Sievers, City Attorney, responded that he is not sure if it would set a precedent because it is a stand-alone exemption. He added that there is a peer review section that has been adopted by the Council. Typically, the applicant pays for the peer review and it is also common that the applicant pays for the arborist.

RECESS

**At 9:06 p.m., Mayor Ransom called for a five-minute recess. At 9:16 p.m., Mayor Ransom reconvened the meeting.**

**Councilmember Gustafson withdrew his striking amendment. Councilmember Gustafson moved to replace the word “applicant’s” with the word “City’s” in Section A.1.G. Councilmember Hansen seconded the motion.**

Deputy Mayor Fimia opposed the motion and predicted there would be an applicant in the near future with 20 or 30 trees for the City to address. She felt there would be some questions about the peer review process and people asking for exceptions with approval from the arborist to cut down the trees. Following that, she said there will be residents who want the City to pay in order to have the cutting investigated. She said there is a history of people in this City pushing to cut “hazardous” trees for views, and she is uncomfortable with this amendment.

Councilmember McGlashan noted that the initial tree review is done by an arborist from the City-approved list. Based on this, he supported the amendment, and the City should pay for the review.

Councilmember Hansen agreed and said if the review is generated by City staff, then the City should pay for it.

Mr. Tovar said the code could be revised to state that “the director may direct that a peer review be performed at the applicant’s cost, provided that the City will pay for the first peer review per parcel in any consecutive twelve month period.” Under this wording, if a homeowner has an issue and requests a number of peer reviews they would be paying for all of them except the first one.

Councilmember Hansen commented that the suggested language from Mr. Tovar is essentially the same as Councilmember Gustafson’s amendment.

Mr. Tovar agreed, but he said it also addresses Deputy Mayor Fimia’s concern about the City having to pay for a multitude of second opinions.

Councilmember McGlashan expressed concern about the City’s liability regarding the cordoning off of hazardous trees with yellow tape.



**A vote was taken on the motion to replace “applicant’s” with “City’s” in SMC 20.50.310 Section A.1.G., which failed 3-4, with Councilmembers Gustafson, Hansen, and McGlashan voting in the affirmative.**

**Councilmember Gustafson moved to add the language “provided that the City will pay for the first peer review, per tree, per parcel in any consecutive 12 month period” after the word “cost” and before the word “and”. Councilmember Hansen seconded the motion.**

Councilmember Way asked what would happen if an applicant applied to remove numerous trees.

Councilmember Gustafson suggested to add the language “per tree per parcel” to his suggested language.

Deputy Mayor Fimia didn’t support the proposed amendment. She stated there are multiple parcels that could apply under this proposal.

Mr. Tovar responded that there are not many that have a multitude of trees; some are public and some are private.

Deputy Mayor Fimia said that she was concerned there would be abuse of this in the Innis Arden area. She asked how many parcels were in the reserves.

Mr. Tovar said there are 550 individual home sites in Innis Arden and nine or ten reserves.

Deputy Mayor Fimia said that City staff has spent hundreds of hours trying to accommodate the residents of Innis Arden in an attempt to come to resolution, but to no avail. Further concessions are being requested, and this could apply to multiple parcels with a large potential cost to the City. She said although “it looks good on paper,” there are legal representatives who can find loopholes. Therefore, she did not support this amendment. She said she is willing to consider it again in a year if the existing language is retained.

Councilmember Hansen said he is considering this ordinance as applying to all of Shoreline, not just Innis Arden. He said the Council should be addressing how this ordinance will affect the entire City.

Councilmember Ryu commented that Mr. Torpey has spent 50 percent of his time over the past few months addressing Innis Arden issues. She preferred the original language and was not in favor of the proposed revisions.

Councilmember Gustafson felt that putting the applicant in a position to pay because someone has requested a peer review is wrong. He favored amending the ordinance.

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

**A vote was taken on the motion to adopt Ordinance No. 434 as amended, which carried 4-3, with Councilmembers Gustafson, Hansen, and McGlashan dissenting.**

- (a) Ordinance No. 431 amending the City's Official Zoning Map Tile Number 451 changing the Zoning from Residential 8 DU-AC (R-8) to Residential 12 DU-AC (R-12) of one parcel located at 18016 Stone Avenue N (Parcel Number 7276100285)

Planning Commission Chair Rocky Piro said the Planning Commission is comfortable with the recommendation from City staff and the applicant. He noted that all concerns were addressed.

**Councilmember Way said she must recuse herself from voting on this item because she had a conversation with someone who commented on this proposal. She excused herself from the room.**

**Councilmember Hansen moved to adopt Ordinance 431, amending the City's Official Zoning Map Tile Number 451 changing the Zoning from Residential 8 DU-AC (R-8) to Residential 12 DU-AC (R-12) of one parcel located at 18016 Stone Avenue N (Parcel Number 7276100285). Councilmember Gustafson seconded the motion.**

Mayor Ransom wanted to see the map and zones around the location to determine exactly where it was in the City.

Steve Szafran, Planner displayed a zoning map of the area and highlighted the zone revisions and the surrounding zones.

Mayor Ransom noted that the residents and the neighborhood association in that area intensively fought against having an R-12 zone on the east side of the street.

Councilmember McGlashan said the main concern is that there are poorly-built town homes in the area, and the community doesn't want anything built on the east side that resembles them.

Mr. Piro said the public comments received involved issues relating to the character of the area, including traffic concerns and a loss of vegetation. He said the Commission felt that all of these issues were successfully mitigated, so it recommends approval to the Council.

Deputy Mayor Fimia supported the proposed ordinance and said the applicant is retaining more trees than the code requires. She noted that the location is adjacent to Aurora Avenue and represents a modest increase in density.

**A vote was taken on the motion to adopt Ordinance 431, which carried 5-1, with Mayor Ransom dissenting (Councilmember Way was absent).**

**Councilmember Way returned to the Council chamber.**

- (b) Ordinance No. 437 adopting an eight month reduction in the City Gambling Tax on Social Card Rooms to 9% of Gross Receipts; and amending SMC 3.30.020

Mr. Olander explained that the staff recommendation is a gambling tax reduction to 10% for eight to nine months. He said based on the traffic numbers the reduction would only be a 1.5% reduction in the rate based on a reported 15% revenue loss in all of the casinos in the area.

#### MEETING EXTENSION

**At 10:30 p.m., upon motion by Councilmember Ryu, seconded by Deputy Mayor Fimia and carried 7-0, the meeting was extended until 11:00 p.m.**

Mayor Ransom called for public comment.

(a) Ralph Keuler, Shoreline, discussed gambling contributions to Councilmembers during last year's election. He noted that gambling interests in Shoreline contributed over \$22,000 for the campaigns of Cindy Ryu, Janet Way, John Chang, and George Mauer. He noted that these gambling establishments were making lavish contributions to candidates a few months after telling the Council how bad they needed tax relief. He concluded that this should be looked at very carefully, and any Councilmembers who accepted large contributions from this industry should probably recuse themselves from this vote.

(b) Mary Abel, manager at Goldie's Casino, thanked Mayor Ransom and the Council for addressing this topic. She noted that she gave the Council a letter from Michael Preston concerning Goldie's Casino. She explained that construction on the Aurora Corridor has had more of an impact on their declining business than perceived. Currently, she noted Goldie's is experiencing a 25% loss of business in the first three weeks in July compared to last year. She pointed out that only five Shoreline businesses pay this tax, which totals \$2,600,000 in revenue. She concluded that a 3% reduction in the current tax and will have a positive impact on her business.

(c) Dom Amore, Shoreline, pointed out that the staff is recommending a 15 percent reduction and the Mayor is recommending a 30 percent reduction. He felt there should be a compromise between the two amounts, and he understands the issues that this

will present in the future. He felt that 15 percent is reasonable, but a 30 percent reduction is too high. He advised that the Council needs to weigh this against the City budget and determine what programs will be cut or affected with this decision.

(d) Dan Mann, Shoreline, said he is a Shoreline business owner in the service industry. He is an active Chamber of Commerce member and said all businesses along the Aurora Corridor construction zone are experiencing reduced revenues of 20 to 40 percent. He noted that most of them aren't affected by a 10 percent gaming tax, and he doesn't understand how the casinos can survive. He asked the Council to weigh the economic consequence of losing between 500 – 1,000 jobs in Shoreline. He added that when the project is done the businesses aren't going to "snap right back to normal" because some people have changed their driving habits. He urged the Council to look at this from a long-term perspective. The casinos are not asking for a gift or subsidy, but for a temporary suspension.

**Mayor Ransom moved to adopt Ordinance No. 437, implementing a nine-month reduction in the City gambling tax on social cardrooms to 7 percent of gross receipts; and amend SMC 3.30.020. Councilmember Ryu seconded the motion.**

Councilmember Hansen asked if the reduction is for eight or nine months, and if it can be retroactive.

Mayor Ransom clarified that the proposed reduction is for nine months.

Mr. Sievers added that the reduction can be retroactive as long as the tax has not been collected for the retroactive month.

Mayor Ransom pointed out that gambling receipts have been down 30 percent, and although a higher rate was requested by the casinos, the seven percent rate is justified based on their gross receipts. He said seven of the twelve casinos in Everett have closed, and four have closed in the last three months. He also noted that the nearly \$3,000,000 the City receives in gambling taxes is equivalent to 50 percent of property tax receipts, 50 percent of sales tax receipts, 45 percent of the police budget, 90 percent of the Parks department budget, and equal to the revenues of 15 Sears department stores, and the revenue of four Costco stores. He added that the casinos support over 900 living-wage jobs, which equals about 10 percent of the jobs in Shoreline. He stated the casinos bring in over \$100,000,000 in revenue into the City with \$26,000,000 going to casino operations. He added that the City takes 10 percent off of the top before they pay state B&O taxes. The City has been able to save \$25,000,000 in reserves over the past 10 years, part of which is to fund a new City Hall. Thus, the City has benefited, but now the casinos are in trouble and are asking for assistance. He said the nine month reduction would give the casinos three months after the construction is completed to "get back on their feet." The reduction would reduce the tax to seven percent of gross receipts for a nine month period.

Councilmember Way noted the difficulty of quantifying the impact of Aurora Corridor construction. She said last year the perception of the North City Project was that the traffic congestion on 15<sup>th</sup> Avenue NE reduced the number of customers. She agreed that the loss of revenue affects families and does have a broad impact on the community.

Councilmember McGlashan said he is struggling with this 3 percent tax reduction proposal. He asked if the delinquent first quarter gambling tax payment has been received from the subject casino.

Debbie Tarry, Finance Director, responded that it has been received, however, a penalty still needs to be calculated for that late payment.

Councilmember McGlashan said he has heard several conflicting figures when it comes to the number of employees employed by casinos in Shoreline. He referenced a Recreational Gaming Association report stating there were 829 casino employees in Shoreline. He noted that no other business is taxed like this.

Councilmember Gustafson said this is a difficult decision because there are several other market factors affecting the gaming industry. He highlighted that the Council needs to work with the Governor to ban smoking in all gambling establishments because it would “level the playing field” among private casinos. He said all casinos in local cities are facing reductions in revenues, not just those along the Aurora Corridor or those located in Shoreline. He concluded that he will not support a tax reduction of more than 1.5 percent.

Councilmember Ryu said she is concerned about the long-term health of business in Shoreline. She said the Aurora Corridor Project is within the Council control. The businesses on Aurora Avenue have huge fixed costs. If the tax rate is not reduced substantially, businesses will have to cut jobs first. She concluded it is a reasonable proposal to cut the tax rate by 3 percent on a temporary basis.

Councilmember Hansen said he bought a computer at Costco, and 8.8 percent in taxes and B&O taxes were added to the cost of the computer. Therefore, he disagreed with the idea that no other business pays 10 percent in taxes. He said he is helping a client that hasn't paid his sales taxes to the state, and will likely be put out of business. He concluded that every business in Shoreline has to pay taxes.

Deputy Mayor Firmia said the casinos have major problems and they may have to “close their doors.” The casinos have been paying millions of dollars to the City and are asking for help. She said the City will risk losing millions of dollars in revenue if temporary relief is not provided. She felt there is no clear correlation between traffic and revenue losses. She felt that the \$285,000 difference between 3 percent and 1.5 percent is not significant to a budget of \$158 million. However, she felt that the City needs to reduce its dependency on this tax. Regarding campaign donations and casinos, she said it is not healthy to bring up this issue because all of the Councilmembers accept funds from several different sources. Some are developers, master builders, Innis Arden residents,

and others who have specific agendas for their contributions. She disagreed with the allegations made by the previous speakers.

Regarding campaign donations, Councilmember Way pointed out that Councilmembers are not paid very much, and being a councilmember is a "labor of love." Councilmembers work in the public interest. She expressed support for the employees of the casinos and their customers and concluded that Mayor Ransom's proposal is reasonable.

Mayor Ransom commented that sales taxes can be passed on to the customers, but casinos cannot pass on the gambling tax. The only way to increase the sales tax is to increase sales. He said the only way to recover the amount of funds lost through the gambling tax is to increase property taxes. He said it is important to keep the casinos healthy so the Council doesn't have to raise property taxes. He noted that the \$280,000 in lost revenues can be dealt with by delaying City projects. He hoped that the casinos will be able to recover in nine months.

**A vote was taken on the motion to adopt Ordinance No. 437 to implement a nine-month reduction in the City gambling tax on social cardrooms to 7 percent of gross receipts, which carried 5 – 2, with Councilmembers Gustafson and Hansen dissenting.**

- (c) Resolution No. 248 adopting a Six-Year (2007 – 2012) Transportation Improvement Program (TIP) and directing the same to be filed with the State Secretary of Transportation and Transportation Improvement Board

Mr. Olander noted that he e-mailed a memorandum from Ms. Tarry to the Council. He stated that the City needs to reduce long-term estimates as they relate to the gambling tax because there is a history of reduced gambling tax revenues. He noted that the Council should be prudent and carefully prioritize the City's future capital improvement projects.

Ms. Tarry recommended a \$1,880,000 reduction in the CIP from 2006 – 2012. She said staff recommended reductions are included in the memorandum. The project reductions, she said, are as follows:

- City gateways by \$150,000
- Traffic/small works by \$28,000
- Neighborhood traffic safety program by \$25,000
- Aurora & 185<sup>th</sup> traffic enhancements by \$605,000
- Richmond Beach Road Subarea Study by \$50,000
- Interurban Trail Safety and Enhancements by \$150,000
- Engineering & Formulation for Bond Projects by \$153,000
- Ronald Bog Master Plan Improvements by \$72,000
- Twin Ponds Master Plan Improvements by \$30,000
- Saltwater Park Pedestrian Bridge Replacement by \$100,000

Additionally, the revenue recommendations include a transfer of \$250,000 from the General Fund. Real Estate Excise Tax (REET) revenues are estimated to be higher than projections. Ms. Tarry recommended raising the revenue from REET in the Roads Capital Fund by \$275,000 for this period of the CIP.

Mr. Olander noted that these TIP recommendations cross over into the CIP, so they should be considered as one.

**Deputy Mayor Fimia moved a change in the agenda to consider item 9(d) first, followed by item 9(c). Councilmember Way seconded the motion, which carried 7 - 0.**

- (d) Ordinance No. 436 adopting the Six-Year 2007 – 2012 Capital Improvement Program (CIP)

**Councilmember McGlashan moved Ordinance No. 436 with the following exceptions: 1) suspend Gateways for 2007 (\$50,000); 2) suspend the Twin Ponds Park Master Plan in 2008 (\$61,000); and 3) suspend the Sidewalks Program in 2007 (\$735,000). Councilmember Hansen seconded the motion.**

Councilmember McGlashan felt the loss of gambling revenues will hurt the City immediately, and that stretching the reductions out for six years is not a good idea. He said the list of staff-recommended reductions reflects several safety-related projects, and he disagreed with taking funds away from those programs.

Ms. Tarry noted that \$50,000 of the Sidewalks Program comes from grant money so those funds would be returned. She also clarified that the total loss during 2006 – 2007 would be just over \$1,000,000.

Deputy Mayor Fimia agreed that the CIP needed some reduction, but she disagreed with the proposed projects. She felt the Sidewalk Program should not be cut at all. She pointed out that master plans could be postponed without any adverse impact.

**Deputy Mayor Fimia moved to substitute for the main motion the adoption of Ordinance No. 436, accepting the staff-recommended reductions to the 2007 – 2012 CIP with the following exceptions: 1) restoring the \$28,000 to traffic/small works; 2) restoring \$25,000 to Neighborhood Traffic Safety; and 3) reducing funding for the Saltwater Pedestrian Bridge Replacement project by \$53,000. Councilmember Ryu seconded the motion.**

Responding to Deputy Mayor Fimia, staff affirmed that Real Estate Excise Tax (REET) funds will be available, since the City will collect \$500,000 but only spend about \$250,000.

Deputy Mayor Fimia expressed support for making reductions over time rather than all at once.

Responding to Deputy Mayor Fimia, Ms. Tarry recommended that the Saltwater Bridge project could be adjusted to provide funding for other projects in order to balance projected revenues and expenditures.

Councilmember Hansen supported Councilmember McGlashan's motion and did not support the staff recommendation. He said the gambling tax reduction won't be temporary, and estimated that gambling revenue losses will total several million dollars over six years. He said the City will have to account for the loss of funds. He speculated that at the end of nine months, the Council will make the seven percent gambling tax rate permanent.

Mr. Olander suggested that the Council consider the CIP from a long-term perspective. He highlighted that City staff addressed the \$1,800,000 shortfall during the entire six-year term of the CIP.

Ms. Tarry suggested that if there is interest in addressing the shortfall immediately, there would be still be a \$200,000 loss for 2007 – 2008.

Mr. Olander also added that if more funds become available then more projects can be added.

#### MEETING EXTENSION

**At 11:00 p.m., Councilmember Gustafson moved to extend the meeting until 11:15 p.m., Councilmember Ryu seconded the motion, which carried 7 – 0.**

Ms. Tarry said under Councilmember McGlashan's proposal, an additional \$1,000,000 would be needed in order to cover the shortfall for 2007-2008.

Councilmember Ryu appreciated the report on such short notice and encouraged Ms. Tarry to still follow the appropriate steps to obtain grant funds for Richmond Beach Saltwater Park.

After further discussion, Councilmember McGlashan agreed it was better to spread the reductions over the entire six-year period.

**A vote was taken to substitute for the main motion the adoption of Ordinance No. 436, accepting the staff-recommended reductions to the 2007 – 2012 CIP with the following exceptions: 1) restoring the \$28,000 to traffic/small works; 2) restoring \$25,000 to Neighborhood Traffic Safety; and 3) reducing funding for the Saltwater Pedestrian Bridge Replacement project by \$53,000, which carried 6 – 1, with Councilmember Hansen dissenting.**



**Deputy Mayor Fimia moved to amend the 2007 – 2012 CIP by adding the following additional projects: dual left turn signals at Aurora Avenue N. & N. 145<sup>th</sup> Street and left turn signals at Aurora Avenue N. & N. 149<sup>th</sup> Street (\$500,000); traffic signal at 170<sup>th</sup> Avenue NE & 15<sup>th</sup> Avenue N. (\$400,000). Councilmember Ryu seconded the motion.**

Mayor Ransom inquired if the CIP needs to specifically identify the funding sources for these additional projects.

Mr. Olander replied that Deputy Mayor Fimia asked to put these items in as a placeholder; thus, no funding needs to be identified. He clarified that these projects will simply be included as future unfunded projects.

Councilmember Gustafson felt the proposed projects should be discussed in the context of the next CIP but not for the current proposal.

Councilmember Ryu supported the motion and believed there should be a dual turn light at Aurora Avenue N. and N. 145<sup>th</sup> Street. She noted that Seattle is working on its portion of Aurora Avenue N. and now is the time to get it on the schedule so staff can start seeking grant funding. She said vehicles presently have to wait for two signal changes to turn left. Additionally, residents have been asking for a signal at 170<sup>th</sup> Avenue N and 15<sup>th</sup> Avenue NE for a long time.

Mr. Olander noted that despite the public comments about a signal light, that location does not yet meet federal and state warrants for a traffic signal. Normally, it is not responsible to put projects in the CIP that have no identified funding. However, the one advantage to including it in the TIP is that makes the City eligible for grant funding.

Deputy Mayor Fimia noted that these projects have been discussed in the past and therefore should be part of the CIP.

#### MEETING EXTENSION

**At 11:15 p.m., Councilmember Ryu moved to extend the meeting until 11:30 p.m. Councilmember Way seconded the motion, which carried 6 – 1, with Councilmember Hansen dissenting.**

Councilmember Hansen asked if there was any documentation from the City of Seattle regarding the placement of a dual turn lane at N. 145<sup>th</sup> Street.

Mr. Olander clarified that there is no documentation, but there have been discussions with the City of Seattle on this proposal.

**A vote was taken on the amendment, which carried 5 – 2, with Councilmembers Gustafson and Hansen dissenting.**

Councilmember Way requested a revision to the description of “Green Streets Implementation Development” page 220 of the proposed 2007-212 CIP. She explained that “Green Streets” can be interpreted in many ways, so she felt the description should be more specific.

Mr. Olander noted that the description of “Green Streets” is even broader in the Comprehensive Plan.

After further discussion, **there was Council consensus to direct staff to come back with a definition of “Green Streets.”**

**A vote was taken on the motion to adopt Ordinance No. 436, adopting the Six-Year 2007-2012 CIP as amended, which carried 6-0-1. Councilmember Hansen remained silent.**

- (c) Resolution No. 248 adopting a Six-Year (2007-2012) Transportation Improvement Program (TIP) and directing the same to be filed with the State Secretary of Transportation and Transportation Improvement Board

**Councilmember Ryu moved to adopt Resolution No. 248 adopting a Six-Year (2007 – 2012) Transportation Improvement Program (TIP) and directing the same to be filed with the State Secretary of Transportation and Transportation Improvement Board. Deputy Mayor Fimia seconded the motion, which carried 6 – 1, with Councilmember Gustafson dissenting.**

10. ADJOURNMENT

At 11:26 p.m., Mayor Ransom declared the meeting adjourned.

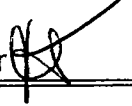
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Scott Passey, City Clerk

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## CITY COUNCIL AGENDA ITEM

### CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Approval of Expenses and Payroll as of August 17, 2006
<b>DEPARTMENT:</b>	Finance
<b>PRESENTED BY:</b>	Debra S. Tarry, Finance Director 

#### EXECUTIVE / COUNCIL SUMMARY

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

#### RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$5,234,670.34 specified in the following detail:

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

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
7/2/06-7/15/06	7/21/2006	15011-15209	5298-5372	29804-29817	\$463,276.75
7/16/06-7/29/06	8/4/2006	15210-15411	5373-5446	30086-30096	\$380,726.04
					\$844,002.79

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

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
7/20/2006	29766	29801	\$128,156.06
7/20/2006	29802	29803	\$591.04
7/25/2006	29818	29821	\$18,672.25
7/25/2006	29822	29823	\$1,657,830.64
7/26/2006	29824		\$3,308.60
7/26/2006	29825	29840	\$92,043.07
7/27/2006	29841	29848	\$26,480.41
7/27/2006	29849	29867	\$6,789.53
7/27/2006	29868		\$9,601.59
7/27/2006	29869		\$27,285.61
7/28/2006	29691		(\$75.00)
7/28/2006	29870	29881	\$1,068.37
7/28/2006	29882	29884	\$1,384.08
7/28/2006	29885	29900	\$36,891.39

**\*Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
8/2/2006	29901	29904	\$53,781.47
8/2/2006	29905	29907	\$55,508.26
8/3/2006	29908	29931	\$388,982.93
8/4/2006	29932		\$5,600.00
8/4/2006	29933	29948	\$12,068.60
8/7/2006	29949	29970	\$994,437.91
8/8/2006	29971	29997	\$40,781.65
8/8/2006	29998	30011	\$7,215.00
8/9/2006	30012	30031	\$142,848.05
8/10/2006	30032	30062	\$110,575.72
8/11/2006	30063	30073	\$51,208.72
8/11/2006	29945		(\$812.20)
8/11/2006	30074	30085	\$2,219.07
8/15/2006	30097	30098	\$416.00
8/15/2006	30099	30123	\$19,379.36
8/16/2006	29878		(\$318.00)
8/16/2006	30124	30127	\$4,184.32
8/16/2006	30128	30148	\$100,184.89
8/17/2006	30149		\$1,088.00
8/17/2006	30150	30157	\$365,582.13
8/17/2006	30158	30178	\$25,708.03
			<u>\$4,390,667.55</u>

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

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

<b>AGENDA TITLE:</b> Agreement with the Shoreline School District Regarding School Resource Officer
<b>DEPARTMENT:</b> City Manager's Office
<b>PRESENTED BY:</b> Robert L. Olander, City Manager

**PROBLEM/ISSUE STATEMENT:**

Due to their current financial situation, the Shoreline School District decided to eliminate the School Resource Office (SRO) positions that have been jointly funded by the School District and the City of Shoreline over the last several years. While the District acknowledges the value of the programs, they are faced with difficult financial choices and the Board has decided to eliminate this program. The program has funded one full time SRO position that has been jointly shared between the two high schools. In addition, the program has financed a half time position that is shared between the middle and elementary schools. This half time FTE has been staffed by a number of individuals working on an over time basis.

However, in recent discussions with the new school superintendent, Sue Walker, we have arrived at a recommended compromise that would allow the program to continue on a more limited basis. This new proposal would permit the full time high school SRO position to continue but would necessarily eliminate the dedicated funding for the half time elementary/middle school position.

**FINANCIAL IMPACT**

Funding for the one and one half positions is outlined in attachment B from our current SRO contract. As indicated in that exhibit, in 2006 the School District and the City each had committed to contributing \$65,825 toward the high school SRO program. As a result of the changing financial condition of the School District, the School District has committed to contributing \$42,722 towards the high school SRO program for the remainder of the 2005-2006 school year. In its new budget starting in September 2006 the School District has allocated approximately \$40,000 toward a security contract position at the high school level that was proposed to replace to some extent the SRO position. The School District has now agreed to dedicate that \$40,000 toward continuation of the high school program. Under this proposal, the District would contribute \$40,000 toward the high school SRO program with the City contributing the remaining, which amounts to \$92,420 (approximately 70%). Since the District will be eliminating the elementary/middle school program the City can reallocate its \$25,483

share toward the high school position and thus stay within or close to current budgetary allocations for 2007.

In 2006, the City will have paid \$78,745 towards the SRO program, and in 2007, the City will pay approximately \$82,761 towards the SRO program, assuming that we fund an SRO program for the entire calendar year of 2007. The 2006 budget had the City contributing \$83,125 towards the program, excluding grant funding. The City would continue to work closely with those middle and elementary schools that have particular needs through our existing patrol, detective, and community service staff.

The following table summarizes the proposed funding plan for the SRO program for 2006 and 2007 based on the recommended changes:

	2006 Budget	2006 Actual	Difference in 2006 Budget	2007 Projected
<b>Program Costs</b>				
Elementary/Middle School	60,635	36,874	(23,761)	-
High School Program	127,736	127,736	-	134,761
Total Cost	188,371	164,610	(23,761)	134,761
<b>Program Funding</b>				
Grants	22,121	22,121	-	22,000
School District	83,125	63,744	(19,381)	30,000
City	83,125	78,745	(4,380)	82,761
Total Funding	188,371	164,610	(23,761)	134,761

As the City works toward preparation of its own 2007 budget, we continue to project gaps between available resources and continuing program and service costs. We therefore need to take a conservative approach to any new services or costs. In addition to this consideration, staff feels it is an important principle that the School District continue to share at least some of the cost for the SRO program. This program does provide significant value for the School District and that value needs to be reflected in some level of joint financial participation. We have also expressed the hope that the District will be able to reinstate full funding for this program as they stabilize their finances in the future.

### **RECOMMENDATION**

Staff recommends that the City Council adopt the modifications to the agreement with the School District for the SRO program outlined above and contained in the attached Interlocal Agreement.

Approved By: City Manager  City Attorney 

Attachment

**Amendment No. 1 to Joint Cooperative Agreement between  
City of Shoreline and Shoreline District #412  
Relating to Law Enforcement Services**

WHEREAS, Shoreline District #412 ("District") and the City of Shoreline ("City") entered into a Joint Cooperative Agreement ("Agreement") Relating to Law Enforcement Services on October 11, 2004; and

WHEREAS, under the Agreement the parties provide equal funding for the School Resource Officer ("SRO") program at elementary schools and high schools within the City;

WHEREAS, the parties need to eliminate SRO services in elementary and middle schools due to lack of sufficient District funds; and

WHEREAS, the parties desire to continue providing the high schools with SRO services;

WHEREAS, the parties further desire to decrease the District's total contribution to \$40,000, and increase the City's contribution to the remainder of the total (approximately 70%).

NOW THEREFORE, the Agreement is amended in the following respects:

**Section 1.** Section 1.1 of the Agreement is amended as follows:

1.1 Security Services. The City will provide as a supplementary service a full-time officer dedicated to the security needs of the School District and referred to as School Resource Officer ("SRO"). The SRO will provide law enforcement and security information and services to the District, as detailed in Exhibit A-1 to this document, incorporated herein.

**Section 4.** Section 4 of the Agreement is deleted in its entirety and replaced with the following:

**4. COMPENSATION**

4.1 This amendment does not alter the District's payment responsibilities for the SRO program in the 2005-2006 school year. Specifically, the District owes the City \$10,680 for the high school SRO program for the July 2006 and August 2006 billing cycle for the 2005-2006 school year, and will be billed accordingly.

4.2 The SRO program is discontinued for elementary and middle schools for the 2006-2007 school year, but the SRO program will be provided in high schools for the 2006-2007 school year. For the 2006-2007 school year, the District will fund \$40,000 of the program and the City will fund the remainder of the program total, after application of any grant funding from the Washington State Department of Community, Trade and Economic Development (CTED) designated for the purpose of the SRO program received by the City. The cost for the SRO program in high schools for the 2006-2007 school year is included in Exhibit B-1 to this document, incorporated herein.



4.3 Billing. The City will bill the District quarterly for the SRO program. Payments are due within 30 days after receipt of the invoice by the City.

**Section 5.** Section 5 of the Agreement is amended as follows:

The termination date is extended to August 31, 2007.

The parties agree that, except as specifically provided in this amendment, the terms and conditions of the existing Agreement continue in full force and effect.

CITY OF SHORELINE

SHORELINE SCHOOL DISTRICT #412

\_\_\_\_\_  
Robert Olander  
City Manager

\_\_\_\_\_  
Sue Walker  
Superintendent

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Flannery P. Collins  
Assistant City Attorney

## **EXHIBIT A-1**

### **SCHOOL RESOURCE OFFICER PROGRAM SCOPE OF WORK**

#### **INTENT:**

The overall goal of the joint cooperative agreement between the City of Shoreline Police Department and Shoreline School District is to provide a School Resource Officer (SRO) Program to high schools within the Shoreline School District, with the District contributing \$40,000 of the costs and the City contributing the remainder of the costs (approximately 70%). The City of Shoreline will endeavor to actively seek grant funding to help defray the cost of the SRO Program. The District is also encouraged to apply for grant funding to offset the shared cost of the program.

#### **PROGRAM OVERVIEW:**

The SRO Program involves the assignment of a dedicated, full time Shoreline police officer to the campuses of Shoreline School District's high schools. The officer will be selected by the School District and will work between the two high schools. The officer will have specialized SRO training.

#### **SCOPE OF SERVICES:**

- **Staff Training** – The officer will provide training for staff on topics such as youth gangs, violence intervention, drug identification and intervention.
- **Student Education** – The officer will assist in classroom instruction, with prior agreement of the school and teacher(s), by discussing topics such as substance abuse prevention, criminal and constitutional law, refusal skills, firearms awareness and safety, internet crimes and safety and personal safety.
- **Parent Education** – The officer will provide training opportunities to parents on topics such as emerging youth issues related to violence, substance abuse, and the criminal justice system.
- **Building Rapport with Students** – The officer will help students to see officers as a youth advocate whose primary concern is their safety and security.
- **Law Enforcement / Safety Assistance to Schools** – The officer will assist staff on issues such as truancy, child abuse, suicide and violence, and provide site security and law enforcement services on an as-needed basis, in conjunction with current school district security officers.
- **Mentoring Students** - The officer will foster a one-on-one relationship of trust and guidance with the students to enable them to develop healthy and safe lifestyles and patterns.

**EXHIBIT B-1**

**SCHOOL RESOURCE OFFICER PROGRAM  
COST AND FUNDING**

**High School Program**

**September 2006- August 2007**

*Program Cost*

Annual Cost for SRO Deputy	\$132,420
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*Program Funding*

City of Shoreline General Fund Allocation	\$92,420
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Shoreline School District Allocation	\$40,000
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Total Funding	\$132,420
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## CITY COUNCIL AGENDA ITEM

### CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Motion to authorize the City Manager to execute a Memorandum of Agreement (MOA) between the City of Shoreline and King County Metro to transfer funding for the Aurora Corridor Project (N. 165<sup>th</sup> Street - N. 205<sup>th</sup> Street) Project.

**DEPARTMENT:** Public Works Department

**PRESENTED BY:** Kirk McKinley, Aurora Corridor/Interurban Trail Project Manager  
Phil Ramon, Public Works Administrative Manager

**PROBLEM/ISSUE STATEMENT:** Staff is requesting that Council authorize the City Manager to execute a Memorandum of Agreement (MOA) between the City and King County Metro to transfer funding between the two agencies for the Aurora Corridor Project (N. 165<sup>th</sup> Street – N. 205<sup>th</sup> Street). In 2006, the City of Shoreline was awarded a grant from the Federal Transit Administration (FTA) in the amount of \$1,475,518 for the Aurora Corridor Project. These grant funds have an obligation deadline of September 30, 2006.

The City of Shoreline and King County Metro find it advantageous for the FTA funds to be transferred, with Council approval, to the County in exchange for local County funds for the Aurora Corridor Project (N. 165<sup>th</sup> Street – N. 205<sup>th</sup> Street). The City would transfer the FTA funds totaling \$1,475,518 to King County Metro in exchange for \$1,401,742.10 of County local funds. The difference equates to 5% for administrative costs for the County to process the fund exchange. In accordance with purchasing policies, Council authorization is required in order for staff to obligate grant funds exceeding \$50,000.

**FINANCIAL IMPACT:** The Aurora Corridor Project (N. 165<sup>th</sup> Street – N. 205<sup>th</sup> Street) is identified in the City's 2007 - 2012 Capital Improvement Program. The following provides a summary of the funding sources for this project:

Funding Sources	Amount
Roads Capital Fund	\$10,490,351
Federal STP – C	\$8,410,473
<b>Federal FTA</b>	<b>-( \$1,475,518 )</b>
<b>King County</b>	<b>\$1,401,742</b>
Nickel Gas Tax Funding	\$2,100,000
New Gas Tax Funding	\$10,000,000
SAFETEA – LU	\$855,472
SAFETEA – LU	\$1,368,755
King County	\$1,000,000
STP – U	\$525,361
Future Funding	\$41,788,527
<b>Total</b>	<b>\$77,940,681</b>

The following provides a summary of advantages for the funding transfer between the City and King County Metro:

- FTA funds require a 20% match to the City which equates to \$368,879. These funds cannot be matched by other federal funds administered by the City.
- FTA funds require substantial amount of staff time to administer.
- FTA funds also include added procurement requirements that are not required by other local funding agencies.
- FTA requires a separate record keeping program for administration of their funds which is avoided by the City should these funds be transferred to the County.
- FTA funds possess various grant requirements which prevented City staff from pursuing advance property acquisition options along the Aurora Corridor Project. The County funds do not include this requirement.
- The FTA grant includes an obligation deadline of September 30, 2006 which the City is unable to meet due to the federal requirements imposed by the granting agency.
- The County's local funds can be used as a local match to existing and future federal funding for the Aurora Corridor Project. The County funds do not require any City match.
- The County is able to utilize the FTA funding for transit related expenses approved by the FTA in the immediate future. The County utilizes these types of funds on a regular basis.
- The County possesses locally generated revenues now allocated to projects eligible for funding with federal grants.

#### **RECOMMENDATION**

Staff recommends that Council authorize the City Manager to execute a Memorandum of Agreement (MOA) Between the City of Shoreline and King County Metro to Transfer Funding for the Aurora Corridor Project (N. 165<sup>th</sup> Street - N. 205<sup>th</sup> Street).

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

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

<b>AGENDA TITLE:</b>	Authorize the City Manager to Contract with the Washington State Military Department for \$54,531 of Emergency Management Preparedness Assistance Grant Funds (EMPAG) and
<b>DEPARTMENT:</b>	City Manager's Office, Finance
<b>PRESENTED BY:</b>	Bethany Wolbrecht-Dunn, Grants Specialist

**PROBLEM/ISSUE STATEMENT:** The purpose of this staff report is to request Council's approval authorizing the City Manager to sign a contract with the Washington State Military Department for \$54,351 of Emergency Management Preparedness Assistance Grant funds and to implement the project. The City of Shoreline applied for funding to provide a back-up generator for the city's mass shelter site, the Spartan Gym. These funds will allow us to purchase and install the generator system, meeting one of the city's emergency preparedness needs.

In May 2006, the Washington State Military Department announced the availability of EMPAG funds to assist local jurisdictions in preparing for an emergency. The grant program provides funding for high impact, short term emergency management projects. This is a new source of grant funds that was approved by the Washington State Legislature as part of their 2007 fiscal year budget.

One of the needs identified in our city's emergency management plan is a mass shelter site, the Spartan Gym. A major gap in preparedness is seen as the lack of back-up power to this site and staff has been searching for grant funds to meet this need. For the EMPAG program, a total of 89 applications were received, totaling almost \$8.5 million in requests with only \$1.6 million of funding available. A total of 30 awards were announced on June 28, 2006.

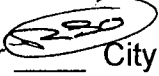
**ALTERNATIVES ANALYZED:**

- Accept the EMPAG funds and implement the back-up generator project at the Spartan Gym. The grant funds will be added to the 2006 budget during the next budget amendment process. (recommended)
- Do not accept the EMPAG funds.

**FINANCIAL IMPACT:** The EMPAG program does not require a local match. There should be no additional costs to the city to implement the project. However, the yearly maintenance cost will be approximately \$1,000 and this cost will be absorbed in the general fund budget.

### **RECOMMENDATION**

Staff recommends that Council authorize the City Manager to sign a contract with the Washington State Military Department for \$54,351 of Emergency Management Preparedness Assistance Grant funds and to implement the project.

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

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

<b>AGENDA TITLE:</b>	Resolution No. 249 supporting the Automated Fingerprint Identification System levy
<b>DEPARTMENT:</b>	Police Department
<b>PRESENTED BY:</b>	Tony Burt, Police Chief

**PROBLEM/ISSUE STATEMENT:**

The purpose of this report is to provide policy and financial direction for the future of the Regional Automated Fingerprint Identification System (AFIS) Program in King County. AFIS is a voter-approved, levy funded, countywide program that matches suspects to crimes through fingerprint identification technology. Effective January 2007, a new AFIS levy is required to continue and enhance the program; this new levy will be put to the voters in the primary election on September 19, 2006.

The AFIS program's primary functions are to:

1. CAPTURE fingerprints from suspects;
2. STORE fingerprints in databases;
3. SEARCH AND IDENTIFY individuals from fingerprints in order to
4. SOLVE CRIMES by identifying prints left at crime scenes; and
5. SHARE fingerprints and arrest data with other jurisdiction.

Since the inception of AFIS in 1988, more crimes have been solved where the detectives have no known suspect. Capturing fingerprints and palm prints from every subject booked into jail, storing those fingerprints in electronic databases, and using those prints to match against prints left behind at crime scenes have enabled police detectives to solve crimes with unidentified suspects. The system is also used to store DNA collected at crime scenes and to store booking photos.

How far AFIS has come....	Prior to AFIS Program (1988)	In 2005
Crimes solved by identification of fingerprints without a suspect (cold hits) <i>(17,141 Cold Hits made since inception in 1988 through December 2005)</i>	0	1,770
Number of inmates fingerprinted at King County Jails	< 50%	100%
Percent of inmates giving false name at jail booking correctly identified prior to release from custody	1%	96%



Average turnaround time from jail booking to identification	2-4 weeks	1.4 hours
Percent of fingerprints taken and submitted using Live Scan Capture Stations*	0%	97%
Electronic fingerprint search capabilities via networking**	None	Access to millions
<p>* Jurisdictions without direct access to Live Scan Capture Stations in 2005 include: Algona Police Department; Black Diamond Police Department; Clyde Hill Police Department; Enumclaw Police Department; Medina Police Department; Normandy Park Police Department; Pacific Police Department; Snoqualmie Department of Public Safety; University of WA Police Department. However, each of the agencies that have been granted a Live Scan Capture Station must agree to share that Capture Station with other jurisdictions so that every jurisdiction has access to a Live Scan Capture Station.</p> <p>** Networks include the FBI, Washington State Patrol, and Western Identification Network.</p>		

## FINANCIAL IMPACT:

RCW 84.520.043 allows jurisdictions to levy a property tax; King County can increase a levy with voter approval under RCW 84.55.050. In King County, the Regional AFIS Program is a countywide, levy-funded program and requires voter approval every levy period.

The AFIS levy is a regular property tax and is subject to the growth limitations contained in RCW 84.52.050 which limits the rate growth in AFIS levy revenue by one percent plus the prior years' new construction even if assessed values increase at a higher rate. The AFIS Advisory Committee recommended and the King County Council adopted Ordinance 15537 - 2006-0264.3 authorizing King County to levy an additional regular property tax of not more than 5.68 cents per \$1,000 assessed valuation for collection in 2007 and levy the tax each year thereafter as allowed by chapter 84.55 RCW for each of the five succeeding years. The levy is estimated to raise \$17 to \$18 million a year for the AFIS program, at a cost of approximately \$22 a year for the owner of a \$400,000 home.

## RECOMMENDATION

Staff recommends that the Shoreline City Council adopt the attached resolution supporting and endorsing the King County AFIS levy and urging citizens to vote yes on September 19, 2006.

Approved By:

City Manager



City Attorney



## **INTRODUCTION**

AFIS is a valuable public safety tool that allows criminal justice agencies to fingerprint and identify arrested individuals or suspects of crimes. The AFIS program is funded by a voter-approved levy and provides the technical platform for fingerprint identification services throughout the county with links to other state, regional, and federal databases. The program allows the King County Sheriff's Office (KCSO), its contract cities, the Seattle Police Department, and the suburban police departments within the county to access to fingerprint identification information. Central to the program is the AFIS Database and Image Archive System housed at the King County Sheriff's Office and shared by Seattle Police Department and Bellevue Police Department through remote workstations. The King County Regional AFIS Computer was first implemented in 1988, with a "Year 2000" upgrade in 1999.

King County voters have approved levies to support AFIS in 1986, 1990, 1995 and 2000. The 2000 levy expired in December 2005, but careful management of funds and higher than expected revenues allowed the program to continue for a year without additional levy revenues. Effective January 2007, the AFIS program will require a renewal or other dedicated funding source for continuation of this critical forensic tool. On September 19, 2006, King County voters will be presented with a ballot measure to approve a six-year levy to continue providing the AFIS program.

State law permits legislative bodies to vote on a resolution to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view. *RCW 42.17.130*.

## **BACKGROUND**

### **I. AFIS PLANNING PROCESS**

In November 2005, the AFIS Advisory Committee (AAC) commissioned the Technical Subcommittee (TSC) to review the operations of the Regional AFIS Program, and to recommend to the AAC a set of prioritized programs and enhancements to meet emerging community needs and current standards for the collection and identification of suspects in King County.

The TSC met a total of nine times over the period from December 2005 through March 2006. The TSC reviewed in detail each proposed initiative item for the Regional AFIS Program, challenging the assumptions, timing, financial implications, and relevance to the AFIS System. The TSC put forth a set of enhancements to status quo, categorized by funding ranking, to the AAC for its final recommendation.

In addition to the TSC, the AAC also received information from an extensive stakeholder outreach process. All AFIS users were surveyed about Live Scan operations and latent service operations.

The AFIS users were asked four questions:

- In relation to AFIS, are there any gaps in service that you have recognized? What are they?
- What is the top thing public and policy makers need to know about AFIS? Why?
- Anything that you, as AFIS users, want to know about AFIS?
- Are there any other enhancements/changes to AFIS that you feel would be important to pursue in the future?

Lastly, the levy planning process included a review of all proposed technological enhancements by the King County Chief Information Officer. His review found no areas of concern with the technological planning effort underway, noting that all the technology solutions would be implemented in compliance with national standards.

## II. STRUCTURE OF AFIS

The program's primary functions are to:

1. *CAPTURE* fingerprints from suspects,
2. *STORE* fingerprints in databases,
3. *SEARCH AND IDENTIFY* individuals from fingerprints in order to
4. *SOLVE CRIMES* by identifying prints left at crime scenes, and
5. *SHARE* fingerprint and arrest data with other jurisdictions in order to build more complete criminal histories that will aid in crime solving and prosecution.

The following sections provide information on the operational details of each of the operational units that support these five functions of the Regional AFIS Program and the Administration Team that directs and organizes the program.

### A. CAPTURE Fingerprints from Suspects

Live Scan is a means of capturing fingerprints and other identifying arrest data electronically; then transmitting it directly into local, state, and federal identification systems for processing. The first 22 Live Scan Capture Stations were installed in the year 2000. In 2005, the King County Regional AFIS Program supports 34 active Live Scan Capture Stations located throughout the county, eleven of which are capable of electronic palm capture. Of King County's total volume of fingerprint submissions into the AFIS Database, 97% are transmitted via Live Scan. More than 80,000 Live Scan prints were taken at all sites in 2005. The remaining 3% of fingerprint submissions were received from Suburban Cities that capture inked prints, which are either mailed or submitted via fax for quick response on questionable identities.

#### *King County Regional Jail Identification Unit*

Six of the highest-volume Live Scan Capture Stations make up the King County Regional Jail Identification Unit, located at three county detention sites: the King County Correctional Facility in Downtown Seattle, the Regional Justice Center in Kent, and the Youth Services Center (Juvenile Detention) in Seattle. The Jail Identification Unit takes fingerprints, palm prints, and mug shots for all agencies that book suspects into these locations, including the Seattle Police Department. They also take DNA

samples for certain offenses, as required by state law. The first goal of the Jail Identification Unit is to print 100% of inmates, so that the King County Sheriff Office (KCSO) and/or Seattle Police Department (SPD) Ten-Print Unit can identify them before they are released from custody.

The second goal of the Jail Identification Unit is to take the highest quality prints possible, capturing as much clear ridge detail as possible for the AFIS Database. Establishing expertise in fingerprinting has far-reaching effects. Staffing the jails with fully trained, dedicated AFIS personnel has improved the quality of the King County Regional AFIS Database, which has increased the possibility for "hits." In turn, this ultimately increases warrants served on persons using false names ("liars"), and crime scene cases solved by the Latent Print Units.

The King County Regional Jail Identification Unit consists of two Supervisors and 24 Identification Technicians.

In 2005, Identification Technicians took fingerprints and mug shots of 59,243 booked individuals. The Jail Identification Unit successfully obtained 100% of all available fingerprints from the King County Corrections Facilities, Youth Services Center, and the Regional Justice Center. Per state mandate, the Unit collected 2,138 DNA samples of in- and out-of-custody convicted felons and gross misdemeanants.

#### B. STORE Fingerprints on Databases

The infrastructure of the AFIS mainframe computer consists of three AFIS Databases and an Image Archive System that is housed at a Central Site within the Technical Services Division of the KCSO, and shared by the SPD and Bellevue Police Department through remote workstations.

- The Ten-Print Database currently stores thumbprints only for criminal or applicant searches. At last count, over 1,096,000 thumbprints (548,000 individual's records times two thumbs each) are registered in the AFIS Ten-Print Database.
- The Latent Cognizant Database is a repository containing all ten fingerprints for searching against crime scene or "latent" fingerprints. Both the Ten-Print and Latent Cognizant Databases include adult and juvenile criminal arrests, as well as any applicant prints allowed under RCW (taxi drivers, concealed weapons license applicants, criminal justice employee applicants, entertainers, etc.) It does not include applicant prints that must be collected for a background search, but excluded from storage (teachers, real estate agents, etc.). The Latent Cognizant Database is five times larger than the Ten-Print Database at 5,480,000 fingerprints
- The Unsolved Latent Database stores unidentified latent prints retrieved from crime scene evidence. When new people are printed, their fingerprints are added to the Latent Cognizant Database and are searched against the Unsolved Latent Database to generate additional matches from the stored crime scene

latent prints. At last count, there were over 32,000 prints in the Unsolved Latent Database.

Status Quo AFIS Technology consists of workstations for ten-print and latent print activities, and the Central Site AFIS Computer with its supporting infrastructure. Currently, KCSO and SPD utilize five Ten-Print Workstations (three at KCSO and two at SPD) for the purpose of receiving electronic fingerprints from Live Scan Capture Stations, searching and analyzing fingerprints, and notifying Live Scan Sites of positive identifications or "hits." Four Latent Workstations (two at KCSO, one at SPD, and one at Bellevue PD) are used for searching and analyzing latent prints from evidence and/or crime scenes.

The Central Site equipment is responsible for workflow management, including editing and updating arrest information, and electronically transmitting the records to Washington State Patrol (WSP), which subsequently transmits the records to the Federal Bureau of Investigation (FBI) for addition to the state and federal rap sheets (criminal history records).

Palm prints are collected in ink at the Jail Identification Unit. The Jail Identification Unit and four other high-volume suburban agencies have access to a Live Scan Capture Station that is capable of taking electronic palm prints, but those palms must be printed out for filing because no search or storage capability exists for electronic palm images. In the current AFIS System, palm prints are paper hard copies manually stored in filing cabinets until crime scene latent prints are submitted with a named suspect.

### C. SEARCH AND IDENTIFY Individuals from Fingerprints

"Ten-Print" refers to the complete set of fingerprint impressions of the first joint area of all ten fingers, typically captured when a suspect is taken into police custody. The Ten-Print Identification Units complete all of the comparisons of fingerprints and verification of identity. In order to positively identify an individual, a search is made first by comparing the thumbprints taken at the Live Scan Capture Stations to the prints in the AFIS Ten-Print Database. AFIS uses the unique arrangement of ridge characteristics on a fingerprint to compare it to the known prints on file. The computer quickly produces a list of possible matches, usually in less than a minute. After the AFIS Computer provides a list of possible matches, a Ten-Print Identification Technician reviews the electronic (or inked) prints to make the final determination of whether the two fingerprints are a positive match. Suspects frequently give false names upon arrest, usually in an attempt to avoid outstanding warrants or to hide a criminal record that might prevent release from custody. Positive fingerprint identification reveals additional aliases and can verify conclusively whether the suspect is wanted in connection with other crimes.

#### *King County Sheriff's Office and Seattle Police Department Ten-Print Units*

The Ten-Print Units' main objective is to positively identify inmates prior to release from custody. It also ensures the subjects can be held responsible for any outstanding warrants obtained in other names given at the time of previous arrests.

The AFIS Ten-Print Operation consists of the KCSO Ten-Print Unit that is located in the King County Courthouse, and the SPD Ten-Print Unit that is located in the Seattle Justice Center. Both Units operate on a 24-hour, 7-day a week basis. In 2005, with Live Scan technology, the KCSO and SPD Ten-Print Units identified booked inmates within an average of 1.4 hours, usually within 18 minutes. For the year, the AFIS Ten-Print Units searched 90,091 inquiries, which included searches for all 39 cities in King County as well as Unincorporated King County.

Of the prints searched through the King County Regional AFIS Database, 59,243 were for King County Jail bookings. The total number of ten-print inquiries resulted in 1,058 individuals who had given false names ("liars"). At least 302 of these were found to have outstanding wants/warrants equaling \$3,236,220, plus 128 "No Bail" felony warrants.

The Ten-Print Units are also responsible for establishing and maintaining criminal history record information. By RCW, arrest information, accompanied by fingerprints, is to be sent to WSP within 72 hours of an individual's arrest. This information is then forwarded to the FBI.

The KCSO Ten-Print Unit also takes prints allowed under RCW, such as sex offenders, applicants, teachers, taxi drivers, and entertainers. However, only those prints allowed by law to be stored are registered into the AFIS Databases.

The AFIS-funded Ten-Print Unit staffing consists of:

	Supervisor	Identification Technician	Data Specialist Supervisor	Data / Administrative Specialist	Total
<b>KCSO</b>	1	15	1	12	29
<b>SPD</b>	2	10		9	21

In addition to the responsibilities mentioned above, the Ten-Print Units run many other types of inquiries and perform a variety of functions. These include but are not limited to:

- Fingerprinting individuals and/or receiving prints (via Live Scan or fax) upon request by police departments, at all hours, when an identity is in question. Includes out-of-county and out-of-state requests.
- Testifying to fingerprint comparison results in a court of law.
- Assisting any local, state, or federal law enforcement entity, the courts, and identity theft victims to correct records, verify warrants, and resolve problems.
- Processing evidence from property crimes and/or auto thefts for latent prints.
- Searching and processing applicant fingerprints for concealed weapons licenses, criminal justice employment, and other application purposes.
- Identifying deceased persons by fingerprints for the Medical Examiners Office.
- Taking and processing fingerprints of unidentified patients at Harborview Medical Center.
- Establishing criminal history records on arrestees, including notifying WSP and the FBI of arrest information.
- Registering convicted sex offenders

#### D. SOLVE CRIMES by Identifying Prints Left at Crime Scenes

AFIS is crucial in identifying fingerprints left at crime scenes, known as latent (hidden) prints, in the attempt to solve crimes. The fingerprint expert uses a variety of powders, chemicals, lighting, and photographic techniques to make a latent print visible on physical evidence, and then records it permanently. Specially trained Latent Print Examiners search the latent fingerprint against the AFIS Database in an attempt to identify the person whose print was left at the crime scene.

In order to prepare a latent fingerprint for an AFIS inquiry, the examiner digitally scans a latent "lift" or a photograph of a latent print from physical evidence into a personal computer and enhances the image by adjusting the properties of the image, such as contrast, color, and density. The Latent Print Examiner traces out the ridges including the identifying characteristics using specific graphic techniques and then makes a printout of the tracing to initiate a search against the AFIS Database. The computer produces a list of possible matches, which are compared by the Latent Print Examiner for positive identification. In the event of a "hit," the Latent Print Examiner verifies the "hit" by checking the latent print against the corresponding inked or Live Scan-captured Ten-Print Card and notifies the detective in charge of the case. If a match is not found, the latent print is then registered to the Unsolved Latent Database. This database is searched every time a new Ten-Print Fingerprint Card is added.

Since the AFIS Computer went online in 1988, a total of 17,141 latent fingerprints have been identified through 2005.

##### *King County Sheriff and Seattle Police Latent Print Units*

The objective of the Latent Print Units is to search all AFIS quality latent fingerprints through the system and report back to the detective the results within 30 days. In 2005, the Latent Print Units met and beat this objective with a turnaround time of three weeks. Also included in the 30-day turnaround time are comparisons of latent prints to named suspects in a case. This is crucial when there are only latent palm prints in the case because the current AFIS Computer does not have palm search capability.

Work is generated in the Latent Print Units by the submission of evidence and latent lift cards from Latent Print Examiners, Detectives, and/or Officers from their respective police departments. SPD handles incoming work from its police department and for the University of Washington PD. KCSO handles incoming work from its precincts, contract cities, and all suburban police departments. The only exception is the Bellevue Police Department, which has opted to handle its own latent workload and has been provided with a Latent Workstation through the Regional AFIS Program.

In 2005, the Regional AFIS Latent Print Units received 10,646 incoming case submissions:

- 1,994 King County Sheriff Office cases
- 4,354 Seattle Police Department cases
- 2,097 Contract City cases
- 2,201 Suburban Police Department cases

As a part of processing these case submissions:

- 7,135 latent inquiries were made into King County Regional AFIS Latent Cognizant Database
- 13,186 searches were made into other systems
- A total of 3,253 suspects were positively identified from latent prints
  - 1,770 AFIS “cold” hits were identified (where a suspect name was not available)
  - 1,483 manual identifications were made (where a suspect name was available)
- 161 crime scene call-outs were completed

The AFIS-funded Latent Print Units staffing consists of:

	Latent Print Supervisor	Latent Print Examiner	Administrative Supervisor	Administrative Specialist	Total
KCSO	1	16	1	6	24
SPD	1	11		2	14

In addition to the duties stated above, Latent Print Examiners perform a variety of tasks, including some or all of the following:

- Assisting major crime detectives in locating possible prints and markings on deceased bodies with the use of an alternate light source.
- Assisting the Medical Examiners Office in obtaining and identifying partial ridge detail from deceased persons.
- Training deputies and officers in proper procedures for the recovery and handling of latent prints.
- Two Latent Print Examiners are hazardous materials-trained to process clandestine drug labs.
- Testifying in court regarding latent print findings.
- Assisting detectives from local, state, and federal law enforcement agencies in processing evidence with chemicals, alternate light source, and photography for trace, latent, and patent (blood) prints.
- Training Identification Technicians in processing evidence from property crimes and/or auto thefts.
- Photographing evidence and/or latent prints.

#### E. SHARE Fingerprint and Arrest Data with Other Jurisdictions

The AFIS Computer communicates with Washington State Patrol (WSP) and through them with the Federal Bureau of Investigation (FBI), to add the latest arrest information to the individual suspect's criminal history record (rap sheet). WSP and the FBI will only accept this information for entry to the rap sheet if it is accompanied by verifiable fingerprints. Pursuant to state law, arrest information and fingerprints must be sent to the WSP within 72 hours of an arrest. The King County Regional AFIS Program was unable to meet this timeline prior to Live Scan Technology implementation. Currently, on average, it takes under two hours from the time a person is booked for their arrest record to be transmitted to WSP.



When local searches are unsuccessful, fingerprint experts in the Ten-Print and Latent Print Units are also able to electronically search other databases, such as those at WSP, FBI, California Department of Justice, Orange County (California) Sheriff's Office, and the Western Identification Network.

Courts, correctional facilities, law enforcement agencies, businesses, and citizens also rely on AFIS data to identify criminal history information for multiple purposes:

- Sentencing and release considerations
- Determination of public and officer safety threats
- Police investigations
- Hiring considerations (i.e., teachers, healthcare workers, or other occupations requiring unsupervised work with children, handicapped individuals, and the elderly).

### **Administrative Team**

In order to accomplish the five functions of AFIS, there is an Administrative Team whose objective is to:

- Ensure all participants within the Regional AFIS Program are meeting their objectives of completing workload in a timely manner with the utmost quality, accuracy, and service provided to customers.
- Manage the acquisition, budget, maintenance, and use of AFIS and Live Scan Technology throughout the county. Ensure vendor compliance with all contract requirements.
- Ensure that all technology and procedures comply with State and National Standards.
- Create the foundation for future regional information-sharing projects.
- Optimize communications between KCSO, SPD, and Suburban Police Departments.
- Ensure telecommunications and networking needs are met for the County and State Intergovernmental Networks as well as for the local police departments.
- Coordinate and provide technical training and helpdesk support for all AFIS/Live Scan customers throughout the county.

The AFIS-funded Administrative Team staffing consists of:

	Regional AFIS Program Manager	Admin Support	Project and Operations Managers	IT/Network Admin	Customer Training and Support	Total
KCSO	1	3	3	1	2	10
SPD	1	1				2

## **III. THE FUTURE OF AFIS 2007 FORWARD**

### **A. MISSION AND GOALS**

During its 18-year history, the original intent of the Regional AFIS Program was to provide a database of fingerprints to solve crimes. AFIS employees learned early on that the capture of quality fingerprints is integral to a successful database. As such,

AFIS has grown to prioritize the collection of quality fingerprints. Paramount to the mission is the rapid identification of persons arrested, booked, or adjudicated for adult and juvenile offenses. With advances in technology, the future holds great promise for more sophisticated integration with other local, state, and national criminal justice systems. The progression of the Regional AFIS Program shows that its mission and goals must remain dynamic to meet these emerging demands and opportunities. The following mission and goals were adopted in 1996 to reflect these themes.

### 1. Mission

***To provide timely, efficient, and quality fingerprint identification services in support of local criminal investigations through a countywide system linked to state and national fingerprint and criminal history databases.***

### 2. Goals

#### **1. Obtain the highest quality fingerprints for the AFIS Database**

The success of the Regional AFIS Program is directly related to the quality of the fingerprints in the AFIS Database. Continuing the collection of high quality prints is an essential goal.

#### **2. Capture as many prints as legally permissible in the AFIS Database**

The success of the Regional AFIS Program is largely dependent upon developing a comprehensive database of fingerprints. Consequently, it is a goal to capture to the extent feasible the fingerprints for all persons arrested, detained, and/or convicted.

#### **3. Support timely identification of individuals (adult and juvenile)**

Experience has shown that repeat offenders frequently use aliases. Timely identification is critical to avoid releasing a person with other serious matters pending. Maintaining and shortening the time needed to identify inmates remains a goal.

#### **4. Provide training for King County Sheriff's Office, Seattle Police Department, and suburban police to take ten-prints and lift crime scene (latent) prints with the highest possible quality and give expert testimony**

For most cases, police officers and local technicians will be responsible for gathering evidence, including latent fingerprints, at crime scenes. A worthwhile investment is to continue to provide these staff with appropriate training on how AFIS operates and the techniques in taking ten-prints and lifting crime scene prints.

#### **5. Increase awareness of AFIS to the criminal justice community**

Similar to training, it is important that police officers and their command staff understand the available AFIS services and how these services can assist them in identifying suspects and solving crimes. Moreover, this outreach should occur regularly to ensure

that local law enforcement personnel learn about the latest performance and capabilities of the Regional AFIS operations.

**6. *Improve ease of access for local law enforcement agencies to AFIS***

Through improved business protocols and emerging technology, police officers from any jurisdiction in King County should be able to transmit fingerprint searches easily and quickly to the AFIS Database.

**7. *Support criminal investigations by expeditiously processing latent prints (aspire to the fastest possible turnaround time for processing latent prints)***

One of the fundamental purposes of the Regional AFIS Program is to aid police agencies in solving crimes. The most important goal, which directly supports this mission, is to reduce the time it takes to begin and complete latent print analysis. Police will not use the Regional AFIS Program if the results take so long that the usefulness is diminished.

**8. *Support electronic arrest reporting from the originating agency throughout the system***

A long-term goal for managing criminal justice information is to report relevant information once and share this information electronically with other agencies, which require it for their operations. Specifically, the goal is to have police record information at arrest, which will electronically be transferred to the jail, AFIS, prosecutor, courts, and Washington State Patrol.

**9. *Support consistent, complete, accurate and non-duplicative criminal history reporting***

A further extension of the previous goal is to support protocols and technology which will enable agencies to report criminal history, arrest, and conviction information in an efficient and timely manner. Consistent and complete information would be transmitted to the State in a fashion that eliminates duplicative work and provides quick, complete, and accurate information to all jurisdictions. A number of situations arise in which one jurisdiction is duplicating work of another. Through improved protocols and new technology, this waste of valuable resources should be eliminated or significantly reduced.

**10. *Upgrade AFIS equipment in a manner that is consistent with enhancing links to the Washington State Patrol and Western Identification Network and that supports emerging regional and national standards***

An essential feature of the current AFIS operation is its connection to the Washington State Patrol and the Western Identification Network (WIN). While cumbersome, this access allows searches on prints extending throughout most of the western United States. Maintaining the ability remains a goal as AFIS equipment is upgraded. Furthermore, emerging technology and standards should serve to enhance these connections.

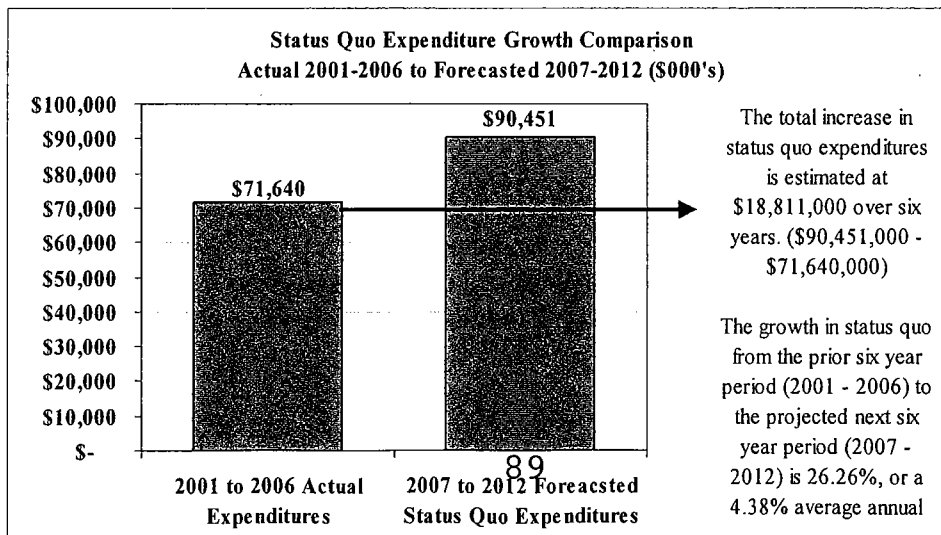
**11. Adhere to state and national standards for technical and operational aspects of fingerprints**

**ALTERNATIVES ANALYSIS /DISCUSSION**

**I. STATUS QUO OPERATIONS**

The Status Quo forecast continues the work of the Regional AFIS Program with current technology. Status Quo includes all costs to support the continued operations as described in the "Structure of AFIS" section, starting on page 4, including cost of living increases for salaries and benefits, inflationary increases for non-personnel related costs, and the regular replacement of the existing Live Scan Capture Stations as they reach their end-of-life as determined by when the maintenance contract expires. Live Scan Capture Stations are the critical machines located throughout King County, which capture and submit fingerprints electronically to the central AFIS Computer. During the 1995 levy, the policy decision was made to invest in the Live Scan Capture Stations placed throughout King County. There are currently 34 Live Scan Capture Stations in King County, 22 of which will need to be replaced in 2007. In 2005, 97% of the prints collected, were captured and transmitted electronically to the AFIS Computer via Live Scan Capture Stations

In addition, the Status Quo includes an innovative approach the maintenance service contracts for Live Scan. Currently, all Live Scan Capture Stations are under 24 hours a day, 7 days a week maintenance contract for call-out by a Customer Service Engineer. After a thorough analysis of the "Live Scan Problem Logs," it was found that the lower volume sites generally called in their issues during normal business hours. Starting with the replacement of Live Scan Capture Stations in 2007, maintenance contract service levels throughout the county will be customized to the volume of prints taken by site. Specifically, all jail facilities and those sites where capture of criminal prints exceeds 500 records per year will remain with 24 hours a day, 7 days a week call-out plan for maintenance service. All other sites with any criminal volume would be supported on a 9:00am to 5:00pm, 5 days a week, call-out plan, with continued 24 hours a day, 7 days a week helpdesk support. The proposed Status Quo includes the revised maintenance contract plan resulting in a total savings from current operations of \$607,000 over six years.



The chart shows the comparison of the 2001-2005 actual expenditures plus the 2006 budgeted expenditures (the sum of these is titled "2001 to 2006 Actual Expenditures") to the forecasted 2007-2012. The total growth in the proposed Status Quo from the previous six-year actual to the forecasted six year period is 26.26% or a 4.38% average annual increase per year from 2007 to 2012.

Below is the forecasted 2007-2012 Status Quo by year with general assumptions.

Status Quo (000's)	2007	2008	2009	2010	2011	2012	6-Year Total
Salaries & Benefits	\$ 7,763	\$ 8,151	\$ 8,531	\$ 8,918	\$ 9,335	\$ 9,782	\$ 52,480
Supplies & Services	\$ 2,668	\$ 2,544	\$ 2,662	\$ 2,737	\$ 2,968	\$ 3,055	\$ 16,634
City of Seattle	\$ 2,913	\$ 3,027	\$ 3,147	\$ 3,269	\$ 3,396	\$ 3,530	\$ 19,282
Capital	\$ 1,024	\$ 195	\$ 200	\$ 206	\$ 212	\$ 218	\$ 2,055
<b>Total Status Quo</b>	<b>\$14,368</b>	<b>\$13,917</b>	<b>\$14,540</b>	<b>\$15,130</b>	<b>\$15,911</b>	<b>\$16,585</b>	<b>\$ 90,451</b>
<p>Assumptions: The expenditure forecast was created by comparing actual expenditures from 2001 to November 2005--adjusted for full-year spending--and estimating the projected need by account. Salaries, benefits, and intergovernmental services amounts were estimated by using the 2006 Adopted budget amount.</p> <p>Each account line was given an escalation factor, based on King County Current Expense Fund (CX) financial plan inflationary factors (12/13/05), and projected out for six-years in order to calculate the expenditure needs for the program.</p> <p>The City of Seattle AFIS transfer was built using City of Seattle internal escalation factors.</p> <p>Status Quo includes all costs for continuing current operations, including the replacement of 22 end-of-life Live Scan Capture Stations in 2007.</p> <p>Status Quo also includes funding to achieve adequate laboratory space.</p> <p>In addition, Status Quo includes salary and benefit costs for two Latent Print Examiner (LPE) positions, one for King County and one for Seattle Police Department. These positions were approved in the 2001 levy, but not added during that levy timeframe. The King County position was scheduled to be added in 2005. This position was not added in 2005 due to lack of need, however, based on workload, this position will be required in 2007. The Seattle Police Department position was not added due to an unanticipated number of LPE retirements depleting the number of qualified candidates and available training staff. Seattle Police Department anticipates having the ability to hire a qualified candidate in 2007.</p>							

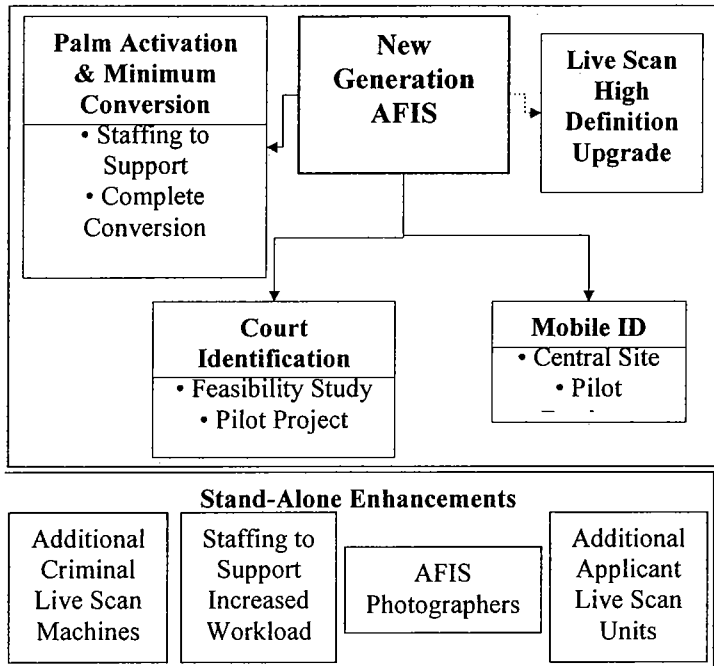
## II. OVERVIEW OF 2007 TO 2012 INITIATIVES

The AFIS Advisory Committee reviewed a set of initiatives to meet the continuing technological and operational needs of the community. The events of 9-11, the court mandate for greater forensic scientific standards, the more mobile nature of the County's population, and technological advances have necessitated a review of existing AFIS Technology. As a part of this evaluation process, the AFIS Advisory Committee (AAC) received input from experts, law enforcement stakeholders, and end users. The process was exhaustive and identified many potential enhancements. In the end, the Committee supported the core enhancements necessary for the Regional AFIS Program to remain efficient, effective, and current with industry and professional standards.

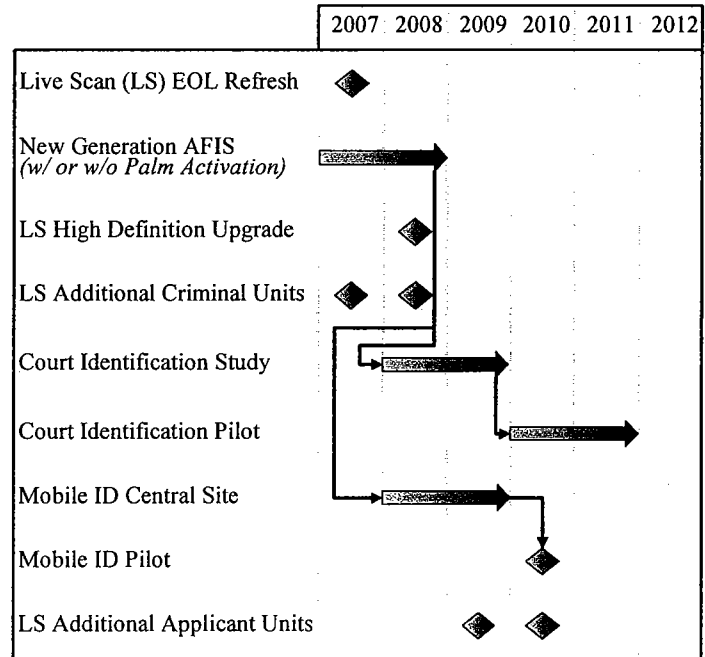
The charts below depict the 13 enhancements that the AAC reviewed and the inter-relationships between the projects. The following four proposals were stand alone options that the AAC made recommendations individually (e.g. no other enhancement was needed for these to be recommended, nor was another enhancement delayed or removed due to these not being recommended): Additional Criminal Live Scan Capture Stations, Staffing to Support Increased Workload, AFIS Photographers to support the Latent Print Units, and Additional Applicant Live Scan Units. The remaining

enhancements all were inter-related to the New Generation AFIS. In order to implement the Palm Activation, Live Scan High Definition Upgrade, Court Identification or Mobile ID, all require New Generation AFIS to be installed. Below the charts are brief descriptions, and costs associated with each enhancement. (Note: EOL is an abbreviation for End-of-Life)

**AFIS Enhancement Decision Tree**



**AFIS Technology Enhancement Timeline**



### A. New Generation AFIS

The current AFIS Computer requires replacement in order to maintain status quo functionality and to increase crime scene latent hits. The replacement of the current AFIS Computer and its peripheral equipment, installed in 1988 and upgraded for Y2K compliance in 1999, would consist of all hardware, software, and maintenance to support the standard Ten-Print and Latent Databases, Matching System, and an Image Archive System. It is also the foundation for further modular enhancements, such as Palm Activation and Wireless Mobile Identification, and potential realization of higher latent hit rates when implemented.

Costs in 000's	2007	2008	2009	2010	2011	2012	6 Year Total
<b>New Generation AFIS</b>	\$297	\$ 3,053	\$1,212	\$1,022	\$112	\$129	<b>\$5,835</b>
Assumptions: Costs include \$3.5 million computer cost based on two vendor bids (NEC Solutions America, Inc. and Cogent Systems, Inc.) AFIS Computer costs consist of hardware (50% of costs), software (\$1M), and other associated costs, such as training, documentation, and conversion. Beside computer costs, this estimate includes 1.0 TLT Project Manager, .5 FTE (888 hours) of Information Technology Services Development support, technical expertise consultant support, travel to benchmark RFP responders, 20% contingency on all labor and 10% contingency on all non-labor elements, and 8.8% sales tax on all hardware, software, and maintenance costs. Refreshment assumed in 2014. The AFIS computer costs are spread between 2008 and 2010 in order to reflect the cash requirements of this proposal. All AFIS computer related contingency is assumed in 2008.							

### B. Live Scan Upgrade to High Definition

Upgrade the King County Live Scan Capture Stations from the current level of 500 ppi (pixels per inch) to a higher resolution of 1000 ppi. In many cases, fingerprints left behind at a crime scene are the size of a pencil eraser. The increase in resolution of prints captured will increase the likelihood of identifying suspects of crimes.

Costs in 000's	2007	2008	2009	2010	2011	2012	6 Year Total
<b>Live Scan Upgrade to High Definition</b>	\$ -	\$318	\$20	\$21	\$22	\$23	<b>\$ 404</b>
Assumes 2.7% hardware and 5% maintenance annual price increase on 3/7/06 quote from Identix, Inc. and includes 8.9% sales tax and 10% contingency for all non-labor elements.							

### C. Increase in Criminal Live Scan Capture Stations

In the 1995 AFIS Levy, the decision was made to provide Live Scan Capture Stations throughout King County. An additional purchase of five capture stations will address the remaining gaps in service in King County.

Costs in 000's	2007	2008	2009	2010	2011	2012	6 Year Total
<b>Live Scan Increase - Criminal Units</b>	\$67	\$127	\$24	\$25	\$26	\$28	<b>\$ 297</b>
Purchase and maintenance costs for five additional capture stations. Assumes 2.7% hardware and 5% maintenance annual price increase on 3/7/06 quote from Identix, Inc. and includes 8.9% sales tax and 10% contingency for all non-labor elements. Assumes all units sold and purchased in 2008 or later will be High Definition. Assumes units are replaced seven years after installation, in 2014 and 2015.							

#### D. Palm Searching & Storage

The current AFIS Computer does not electronically store palm prints. At the King County Jail facilities, every inmate booked has his/her ten fingers and two palm prints taken with a Live Scan Capture Station. The ten fingerprints are electronically transmitted to the AFIS Database for identification and storage. The palm prints are NOT electronically transmitted to the AFIS Database; instead they are printed on card stock and paper hard copies are filed in file cabinets. The most recent estimates have 600,000 palm print sets (left and right palms) in the file cabinets throughout King County (400,000 are unique individuals, also known as Master Cards, and 200,000 are duplicative cards for those individuals who have been printed more than once.)

With the implementation of the New Generation AFIS, electronic transmittal and storage of palm prints is available. The KCSO Latent staff researched all 2005 cases submitted for KCSO, its Contract Cities and Suburban Cities, and found 34% of the cases had finger and palm prints; and of these, 11% of the cases had palm prints only; and there are 1,933 remaining unidentified latent palm prints in these cases. With the Palm Print Search and Storage capabilities, the potential for crime solving increases.

- The initial Palm Activation and Minimum Conversion will convert the existing 400,000 Master Cards into an electronic database. The remaining 200,000 duplicative cards would not be converted. With the frequency of recidivism in the criminal justice system, the duplicative cards will be added to the system as they are re-arrested or re-booked.
- Increase in staffing with implementation of Palm Search and Storage. The implementation of electronic palm storage and search capabilities will require more AFIS entry time, comparison time, and time in court. Add three FTEs over the 6-year period to accommodate increased workload.

- Complete Palm Card Conversion

*NOTE: The AAC did not recommend this element in the future initiatives of AFIS. As noted earlier, through recidivism in the criminal justice system, duplicate palm prints will be collected in the future. Convert the approximately 200,000 existing secondary inked palm print cards to electronic versions for searching and storage in the AFIS Database.*

Costs in 000's	2007	2008	2009	2010	2011	2012	6-Year Total
<b>Palm Activation &amp; Minimum Master Card Conversion</b>	\$ -	\$ 1,012	\$13	\$14	\$15	\$17	<b>\$1,071</b>
<b>Staffing to Support Palm Search Capabilities</b>	\$ -	\$ -	\$293	\$298	\$311	\$324	<b>\$1,226</b>
<b>Complete Palm Card Conversion (NOT AAC APPROVED)</b>	\$ -	\$460	\$2	\$2	\$2	\$2	<b>\$ 468</b>



**Assumptions:**

- **Palm Activation & Minimum Master Card Conversion:** Palm storage, matcher, maintenance, and conversion cost based only upon Master Palm card numbers. The secondary palm card conversion is not included in the initiative for the AFIS Levy. Estimates are based on vendor estimate (NEC Solutions America, Inc., and Cogent Systems, Inc.) and include 8.8% sales tax and 10% contingency for all non-labor elements. Conversion cost is based on 400,000 cards @ \$2 per card. Assumes refreshment in 2014.
- **Staffing to Support Palm Search Capabilities:** Estimate consists of 3.0 Latent Print Examiners, 2.0 for King County and 1.0 for Seattle Police Department. One time employee startup costs are included for King County and ongoing training costs are included for Seattle Police Department and King County. Seattle Police Department did not require one-time employee startup costs.
- **Complete Palm Card Conversion:** Palm storage, matcher, maintenance, and conversion cost based only upon Extra Palm card numbers. The initial master palm card conversion is not included in this estimate. Estimates are based on vendor estimate (NEC Solutions America, Inc. and Cogent Systems, Inc.) and include 8.8% sales tax and 10% contingency for all non-labor elements. Conversion cost is based on 200,000 cards @ \$2 per card.

## E. Court Identification Feasibility Study

Conduct a feasibility study to analyze and make recommendations on the concept of taking fingerprints in court, for three purposes:

1. To ensure proper identification of the offender through fingerprints.
2. To add his/her prints to the AFIS Database for future ten-print and latent print matching and, therefore, assist in solving crimes and providing verification in cases of alleged identity theft.
3. To pass on the arrest information electronically to WSP for addition to the individual's rap sheet.

The Court Identification Feasibility Study would research the costs and benefits to the regional criminal justice system of adding a court fingerprinting practice for misdemeanor or gross misdemeanor subjects cited and released in the field without being fingerprinted.

Currently, in most limited jurisdiction courts in the county, only those defendants who are booked in relation to their offense are fingerprinted. Therefore, many offenders appearing in court have never been fingerprinted on the charges for which they are being adjudicated. Based on the outcome of the Court Identification Feasibility Study, implementation of fingerprinting in the limited jurisdiction courts would increase the quantity of prints in the AFIS Database. The court would have fewer identification challenges and better identity information on their defendants.

- Pilot Program based on the outcome of the Court Identification Feasibility Study

Based on the outcome of Court Identification Feasibility Study, the initiatives for the Regional AFIS Program include a proposal to implement a Pilot Project for the courts. The scope of the Pilot Project will be further defined by the Study.

Costs in 000's	2007	2008	2009	2010	2011	2012	6-Year Total
<b>Court Identification Feasibility Study</b>	\$ -	\$48	\$72	\$ -	\$ -	\$ -	<b>\$ 120</b>
<b>Court Identification Pilot Project</b>	\$ -	\$ -	\$ -	\$102	\$51	\$44	<b>\$ 197</b>
<input type="checkbox"/> <u>Court Identification Feasibility Study:</u> Estimate based on \$100K consultant support with 20% contingency assumed.							
<input type="checkbox"/> <u>Court Identification Pilot Project:</u> Estimate based on three units. Assumes 2.7% hardware and 5% maintenance annual price increase on vendor quotes (Identix, Inc. and Crossmatch) and includes 8.8% sales tax on all hardware and software and 10% contingency for all non-labor elements.							

## F. Mobile Identification

The current AFIS Computer does not have wireless Mobile Identification capability. Mobile Identification is the rapid identification of individuals, potentially in less than three minutes, using wireless handheld devices. With the implementation of New Generation AFIS, Mobile Identification from any police vehicle in King County becomes a possibility. In order for the Regional AFIS Program to start accepting prints from Mobile Identification units throughout the county, the Central Site requires changes in infrastructure to allow any communication with a jurisdiction's choice of mobile units. In order to assess the infrastructure, the Regional AFIS Program will test three different vendor products to assure the proof of concept is sound.

- Mobile Identification Pilot Project

Once the Central Site infrastructure and proof of concept has been completed, the Regional AFIS Program will run a pilot project with ten Mobile Identification units to test the functionality and the process of receiving and identifying individuals from the field. The AFIS Advisory Committee will determine which agencies will be used in the pilot phase.

Costs in 000's	2007	2008	2009	2010	2011	2012	6-Year Total
<b>Mobile Identification Infrastructure (Central Site)</b>	\$ -	\$76	\$394	\$118	\$124	\$131	<b>\$ 843</b>
<b>Mobile Identification Pilot Project</b>	\$ -	\$ -	\$63	\$9	\$ -	\$ -	<b>\$ 72</b>
<input type="checkbox"/> <u>Mobile Identification Infrastructure (Central Site):</u> Estimate includes .67 FTE LAN Administrator to support the increased workload expected from project implementation and expanded network management, one time employee startup costs and ongoing training costs, .25 FTE (444 hours) of Information Technology Services Development support and purchase of three field units from different vendors for proof of concept testing. Assumes a 2.7% hardware and 5% maintenance annual price increase on vendor quotes (NEC Solutions America Inc., Cogent Systems, Inc., and Identix, Inc.) and includes 8.9% sales tax on all hardware and software, 10% contingency for all non-labor elements, and 20% contingency for all labor elements.							
<input type="checkbox"/> <u>Mobile Identification Pilot Project:</u> Estimate consists of 10 field units and one year of maintenance with the assumption that Law Enforcement Agencies will fund the wireless service costs for the units they are granted after the initial pilot phase. Assumes 2.7% hardware and 5% maintenance annual price increase on 3/7/06 quote from Identix, Inc. and includes 8.9% sales tax and 10% contingency for all non-labor elements.							

## G. Workload Driven Staffing

AFIS management has created and tested detailed staffing models to determine levels of staffing required for projected workloads, based on timing of tasks, and completed caseloads. Two different categories of staffing models are used – one for the Jail Identification and Ten-Print Units based on timed activities and a projected 1% annual volume growth in fingerprints, and a different staffing model for the Latent Print Units based on incoming caseload and completed cases.

Additional Identification Technicians and support staff will be needed in the Ten-Print Units to identify an increasing number of fingerprints in a 24/7 operation, and to assist in latent print processing. The Latent Print Units currently carry backlogs of latent cases every year. On average, the number of incoming cases increases 1.8%-2.3% per year. Without the staff to support the work the growing number of incoming crime scene latent cases and the backlog each year, these backlogs will grow larger every year. The assumption used in this estimate is that workload will increase by 1% per year. The total workload based staffing added over six years is projected to be 4.0 FTE's over the period 2007-2012.

Costs in 000's	2007	2008	2009	2010	2011	2012	6-Year Total
<b>Workload Driven Staffing</b>	\$ -	\$ -	\$131	\$205	\$303	\$315	<b>\$954</b>
Estimate consists of a total of four additional positions required and does not include positions associated with any other proposal. One time employee startup costs and ongoing training costs are included.							

## H. AFIS Photographers for the Photo Labs

Presently, SPD/KCSO Latent Print Examiners rely on non-AFIS Photo Lab personnel to perform forensic-level photography and photographic preservation of latent images. The primary responsibility of the Photo Labs is to provide photographic support for the entire organization. Photographic services done are support of AFIS is secondary to the general operation of the Photo Units. Often this arrangement causes a delay in preserving and processing the latent images, hindering the identification process. By providing the Latent Print Examiners with two dedicated full-time forensic-level photographers, all latent images will be processed in a timely matter. This will reduce the occurrence of the latent images fading prior to preservation, and allow more images to be searched for AFIS hits. The Senior Photographers will be available for on-call response to assist the Latent Print Examiners in the preservation of evidence at crime scenes. Additionally, the new positions will allow for the time-critical expedited processing of domestic violence cases, court cases, and latent cases to be worked concurrently, rather than consecutively. The Photographic Supervisors for each department will manage the positions.

Costs in 000's	2007	2008	2009	2010	2011	2012	6 Year Total
<b>AFIS Photographers for the Photo Lab</b>	\$146	\$147	\$156	\$162	\$168	\$175	<b>\$ 954</b>
Estimate consists of one photographer to support King County Latent Print Unit and one for Seattle Police Department Latent Print Unit. One-time employee startup costs are included for King County and ongoing training costs are included for Seattle Police Department and King County. Seattle Police Department did not require one-time employee startup costs.							

## I. Live Scan Applicant Units

*NOTE: The AAC did not recommend this element in the future initiative of AFIS. The AAC agreed with the work of the Technical Subcommittee that at this time, capturing prints from applicants was not a priority critical to the overall AFIS mission.*

While surveying King County Law Enforcement agencies to identify potential gaps in criminal identification services, five current Live Scan Sites expressed interest in acquiring a second Live Scan Capture Station for the purpose of applicant fingerprinting only. Although the existing Live Scan Capture Stations are capable of capturing both criminal and applicant records, at some sites the units are located in a secure area and agencies are not able to allow the public access for fingerprinting.

Costs in 000's	2007	2008	2009	2010	2011	2012	6-Year Total
<b>Live Scan Applicant Units (NOT AAC APPROVED)</b>	\$ -	\$ -	\$79	\$120	\$28	\$29	<b>\$ 256</b>
Purchase and maintenance costs for seven units. Assumes 2.7% hardware and 5% maintenance annual price increase on 3/7/06 quote from Identix, Inc. and includes 8.8% sales tax and 10% contingency for all non-labor elements. Assumes all units sold and purchased in 2008 or later will be high definition.							

## SUMMARY

### Recommendation 2007-2012 Initiatives

*Based on:*

- The need to enhance existing programs to meet emerging community needs*
- The need to maintain or improve current systems for the collection and identification of suspects in King County to meet emerging standards*
- Reviewing the performance, finances, and corresponding operations of the Regional AFIS Program, and*
- Recognizing that the implementation of the initiatives is dependent on future funding.*

The AFIS Advisory Committee recommended the following initiatives for the years 2007-2012:

- Implementation of a New Generation Computer, replacing the existing AFIS Computer;
- Upgrade the current Live Scan Capture Stations to capture data at higher resolution;

- Increase the current inventory of Criminal Live Scan Capture Stations by five units to address remaining gaps in service in the region;
- Implement Palm Searching and Storage capabilities, converting current master card inventory to an electronic database, and adding three positions to search, capture, and identify palm prints left at crime scenes;
- Increase staffing in conjunction with increases in workload ensuring that staffing levels will be re-evaluated annually in the budget cycle based on available funding;
- Implement a "Court Identification Feasibility Study" to consider the legal, financial, and operational policies and needs of the court system to identify and collect fingerprints from defendants;
- Establish the infrastructure to ensure that King County law enforcement entities which implement wireless Mobile Identification can access and communicate with the Regional AFIS computer;
- Add two AFIS Photographers to photographically process and preserve finger and palm print evidence recovered from crime scenes;
- Pilot a three-unit Court Identification Project based on the outcome of the Court Identification Feasibility Study;
- Pilot a ten-unit Mobile Identification Study in order to ensure different wireless vendors can communicate with the AFIS Computer and access the AFIS Database.

*Note: The AFIS Advisory Committee did not recommend the Complete Palm Card Conversion and the Applicant Unit initiatives for the period 2007-2012.*

On July 10, 2006, the King County Council unanimously accepted the AFIS Advisory Committee's report and voted on the attached Ordinance No. 15537 - 2006.0264.3.

### **RECOMMENDATION**

Staff recommends that the Shoreline City Council adopt the attached resolution supporting and endorsing the King County AFIS levy and urging citizens to vote yes on September 19, 2006.

### **ATTACHMENTS**

Attachment A: A Resolution of the City of Shoreline, Washington, Supporting the Automated Fingerprint Identification System, (AFIS) Levy at the September 19, 2006 State Primary Election

Attachment B: King County Ordinance No 15537 - 2006.0264.3

## **RESOLUTION NO. 249**

### **A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, SUPPORTING THE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS) LEVY AT THE SEPTEMBER 19, 2006 STATE PRIMARY ELECTION**

WHEREAS, AFIS is the voter-approved, levy-funded countywide Regional Automated Fingerprint Identification System Program, a valuable public safety tool that quickly assists criminal justice agencies to fingerprint and identify arrested individuals or suspects of crimes; and

WHEREAS, the AFIS Program's primary functions are to capture fingerprints and palm prints from subjects, to store fingerprints in databases, to search and identify individuals from fingerprints in order to solve crimes by identifying prints left at crime scenes, and to share fingerprint and arrest data with other jurisdictions; and

WHEREAS, through 2005, AFIS has assisted detectives in solving 17,141 crimes with unidentified suspects by capturing finger and palm prints from every subject booked into jail, storing those fingerprints in an electronic database, and using those prints to match against prints left behind at crime scenes; and

WHEREAS, in 2005 alone, AFIS identified 1,058 individuals who gave false names at the time of arrest and at least 302 of those had outstanding warrants for other crimes; and

WHEREAS, at the State Primary Election on September 19, 2006, King County voters will be presented with a ballot measure to approve the six-year levy at a rate of 5.68 cents per \$1,000 assessed value, which is less than last period's levy rate, and will provide enhanced further outreach to suburban communities; and

WHEREAS, the Shoreline Police Department has benefited from the use of AFIS equipment; and

WHEREAS, in compliance with RCW 42.17.130, the public meeting notice included the title and number of the King County AFIS levy and members of the public were given equal opportunity to give testimony on the measure.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:**

**Section 1.** The City Council of the City of Shoreline hereby declares its support for and encourages approval of the King County AFIS levy, which will be presented to the voters at the September 19, 2006 State Primary Election.

**ADOPTED BY THE CITY COUNCIL ON AUGUST 28, 2006.**

**ATTEST:**

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Scott Passey, CMC  
City Clerk

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Council Meeting Date: August 28th, 2006

Agenda Item: 9(a)

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

<b>AGENDA TITLE:</b>	Adoption of Ordinance No. 438, a Site Specific Rezone located at 19201 15 <sup>th</sup> Avenue NW. File No. 201518
<b>DEPARTMENT:</b>	Planning and Development Services
<b>PRESENTED BY:</b>	Joe Tovar, PADS Director Steven Szafran, Planner II

**PROBLEM/ISSUE STATEMENT:**

The issue before Council is an application for a Site Specific Rezone of one parcel located at 19201 15<sup>th</sup> Avenue NW (see **Attachment C3**). The applicant (the City of Shoreline) has requested that the parcel be rezoned from Residential 12 dwelling units per acre (R-12) to Residential 18 dwelling units per acre (R-18) in order to make the existing number of units on the site (4) conforming to the zoning. **Attachment C2** shows the current land use designation of adjacent parcels while **Attachment C1** shows the current zoning of the immediate area.

A rezone of property in single ownership is a Quasi-Judicial decision of the Council. An open record public hearing was conducted before the Planning Commission on July 6<sup>th</sup>, 2006. Council's review must be based upon the written record and no new testimony may be accepted. The Planning Commission completed its recommendation to Council on the proposed Rezone on July 6<sup>th</sup>, 2006.

**ALTERNATIVES ANALYZED:** The following options are within Council's discretion and have been analyzed by staff:

- The Council could adopt the zoning requested by the applicant and recommended by the Planning Commission and Staff (a rezone from R-12 to R-18) by adopting Ordinance No. 438 (**Attachment A**).
- The Council could deny the rezone request, leaving the zoning at R-12.

**FINANCIAL IMPACTS:**

- There are no direct financial impacts to the City.

**RECOMMENDATION**

Staff recommends that the Council adopt Ordinance No. 438, (**Attachment A**) thereby approving the rezone of one parcel located generally at 19201 15<sup>th</sup> Ave. NW from Residential 12 units per acre (R-12) to Residential 18 units per acre (R-18).

Approved By: City Manager  City Attorney 



## **INTRODUCTION**

The rezone application before Council is a request to change the zoning designation for one parcel generally located at 19201 15<sup>th</sup> Ave. NW from R-12 to R-18.

A public hearing before the Planning Commission was opened and closed on July 6<sup>th</sup>, 2006. The Planning Commission Findings and Recommendation are included in Attachment A, Ex. B.

The Planning Commission recommended that the rezone of the property from R-12 to R-18 be approved (by a vote of 5-2). The draft minutes of the public hearing are included in **Attachment D**.

## **BACKGROUND**

In 1998 the City of Shoreline adopted its first Comprehensive Plan. This document includes a map that identifies future land use patterns by assigning each area a land use designation. The subject parcel, and those adjoining it to the north and east were designated High Density Residential in the Comprehensive Plan. The Comprehensive Plan document specified: R-12 through R-48 as appropriate zoning districts for this designation. The current zoning (R-12) and the requested reclassification (R-18) of the parcel are both consistent with the High Density Residential land use designation.

The structure that is currently on-site was originally constructed as a duplex in 1976. In 1984, the structure was converted to a triplex with permits from King County. In 2000, the City received a complaint for work without a permit. The owner at that time converted the garage to a fourth unit, constructed a parking area and built a rockery. In 2002, Richard and Pamela Burt purchased the property.

In 2003 through 2004, the City received more complaints regarding parking in the rear of the property, illegal home occupation, illegal number of units (5 units at the time, though one has been removed) and additional work being done without a permit. After these complaints, Code Enforcement Case #1195 was started. The owner applied for permits but fees were never paid and the permits have expired.

In 2005, the PADS Director concluded that the quickest and surest way to obtain building code compliance was through initiation of a rezone process. The City initiated Rezone #201518 to enable resolution of the zoning and any other outstanding issues on the site. Please refer to **Attachment C5** for a more detailed chronological timeline of the Burt property.

## **PROCESS**

The application process for this project began on April 17<sup>th</sup>, 2006, when a neighborhood meeting was held with City staff and property owners within 500 feet of the proposed rezone. The formal application was determined complete on April 24<sup>th</sup>, 2006.

The requisite public hearing was held before the Planning Commission on July 6<sup>th</sup>, 2006. The Planning Commission made a recommendation and formulated Findings and Determination on the night of the public hearing. The Planning Commission voted 5-2 to recommend approval of the rezone with added conditions.

#### **PUBLIC COMMENT**

The City received 59 comment letters in response to the standard notice procedures for this application (the written comment deadline was June 15<sup>th</sup>, 2006). The property owner and seven adjacent neighbors testified at the Planning Commission public hearing on this proposed action.

#### **OPTIONS**

The following options are: 1) The adoption of the Planning Commission recommendation, 2) Adoption of the Planning Commission recommendations with the staff suggested modification of one condition or 3) Denial of the rezone request.

#### **REZONE TO R-18 – PLANNING COMMISSION RECOMMENDATION**

The applicant has requested that the subject parcel be rezoned to R-18. Planning Commission in their Findings and Determination (**Attachment A, Ex. A**) found that a rezone to R-18 has been evaluated and found to be consistent with the rezone decision criteria, listed below, provided in Section 20.30.320(B) of the Development Code.

- Criteria 1: The rezone is consistent with the Comprehensive Plan.*
- Criteria 2: The rezone will not adversely affect the public health, safety or general welfare.*
- Criteria 3: The rezone is warranted in order to achieve consistency with the Comprehensive Plan.*
- Criteria 4: The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.*
- Criteria 5: The rezone has merit and value for the community.*

#### **DENIAL OF REZONE REQUEST**

The Council may review the written record and determine that R-12 zoning is the most appropriate designation for the subject parcel. This determination would be consistent with the Comprehensive Plan designation of "High Density Residential" for the parcel, as this designation includes both the existing zoning (R-12) and the requested zoning (R-18). The site is currently developed with four units at an R-18 density (resulting in an illegal structure); however, if the rezone is denied and the current R-12 remains in place; the property owner will be required to remove the fourth unit to bring the structure in compliance with the zoning code.

### **RECOMMENDATION**

Staff recommends that Council adopt Ordinance No. 438, (**Attachment A**) thereby approving the rezone of one parcel located at 19201 15<sup>th</sup> Avenue NW from Residential 12 units per acre (R-12) to Residential 18 units per acre (R-18).

### **ATTACHMENTS**

Attachment A: Ordinance No. 438: R-12 to R-18.

Exhibit A – Planning Commission Findings and Determination

Exhibit B – Legal Description

Exhibit C – Concomitant Agreement

Attachment C: Planning Commission Staff Report

C1: Vicinity Map with Zoning Designations

C2: Vicinity Map with Comprehensive Plan Land Use Designations

C3: Site Inventory Map (Applicants Rendition of the Proposal)

C4: List of SEPA Comments Received

C5: Timeline of Burt Property

C6: Mr. Burt's Intention Letter

Attachment D: Draft Planning Commission Minutes- July 6<sup>th</sup>, 2006

**ORDINANCE NO. 438**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE CITY'S OFFICIAL ZONING MAP TILE NUMBER 443 CHANGING THE ZONING FROM RESIDENTIAL 12 DU-AC (R-12) TO RESIDENTIAL 18 DU-AC (R-18) WITH CONTRACT REZONE R-CZ-06-02, SUBJECT TO RESTRICTIVE COVENANTS, FOR THE PARCEL LOCATED AT 19201 15<sup>th</sup> AVENUE NW (PARCEL NUMBER 0226039205).**

WHEREAS, the City of Shoreline and the owner of the property of parcel number 0226039205 have filed an application to reclassify the property from Residential 12 units per acre (R-12) to Residential 18 units per acre (R-18); and

WHEREAS, on July 6<sup>th</sup>, 2006, a public hearing on the application for reclassification of property was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on July 6<sup>th</sup>, 2006, the Planning Commission recommended approval of the reclassification to R-18 as well as a number of conditions for redevelopment, subject to a covenant restricting the uses and setting conditions of development as specified in the Contract Zone and Concomitant Zoning Agreement R-CZ-06-02 and entered findings of fact and conclusions based thereon in support of that recommendation; and

WHEREAS, the City Council does concur with the Findings and Determinations of the Planning Commission specifically that the reclassification of property, located at 19201 15<sup>th</sup> Ave. NW (parcel number 0226039205) to R-18 is consistent with the goals and policies of the Comprehensive Plan and appropriate for this site;

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

**Section 1.** Findings. The Findings and Determinations on File No. 201518 as set forth by the Planning Commission on July 6<sup>th</sup>, 2006 and as attached hereto as Exhibit A is hereby adopted.

**Section 2.** Amendment to Zoning Map. The Official Zoning Map Tile 443 of the City of Shoreline is hereby amended to change the zoning classification of said parcel described and depicted in Exhibit B located at 19201 15<sup>th</sup> Ave. NW (parcel number 0226039205) from R-12 to R-18 with Contract Rezone R-CZ-06-02 subject to the Concomitant Zoning Agreement attached hereto as Exhibit C, which covenant is incorporated herein as part of this ordinance by reference, and all uses of the property rezoned by this ordinance shall be in strict conformity with the provisions of the concomitant zoning agreement. Nothing in this ordinance or the concomitant zoning agreement attached hereto shall limit the Shoreline City Council from amending, modifying, or terminating the land use designation adopted by this ordinance.

**Section 3.** Severability. If any provision of this ordinance or the application of a provision to any person or circumstance is declared invalid, then the remainder of this Ordinance, or the application of such provision to other persons or circumstances, shall not be affected.

**Section 4.** Effective Date. This ordinance shall go into effect five days after passage, publication of the title as a summary of this ordinance and the property execution and recording of the Concomitant Zoning Agreement attached hereto as Exhibit C; provided, that if such agreement is not executed and recorded within thirty (30) days from the date of final passage of this ordinance, this ordinance shall become void and not go into effect. If owners of the property file a written request, the property shall revert to the original land use designation prior to this rezone or such other default land use designation as may hereafter be adopted by the City Council.

**PASSED BY THE CITY COUNCIL ON AUGUST 28, 2006.**

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Mayor Robert L. Ransom

**ATTEST:**

**APPROVED AS TO FORM:**

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Scott Passey  
City Clerk

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Ian Sievers  
City Attorney

Date of Publication:  
Effective Date:

**FINDINGS AND DETERMINATION OF THE CITY OF SHORELINE PLANNING  
COMMISSION**

Rick Burt Rezone Request File #201518

**Summary-**

Following the public hearing and deliberation on the request to change the zoning designation for a 11,020 Sq. Ft. parcel located at 19201 15<sup>th</sup> Avenue NW, the City of Shoreline Planning Commission has determined that the request is in compliance with City codes and not detrimental to the health, safety, or welfare of the City of Shoreline, and therefore recommends approval of such action.

**I. FINDINGS OF FACT****1. Project Description-**

- 1.1 Rezone the subject parcel from R-12 (Residential 12 units per acre) to R-18 (Residential 18 units per acre) in order to make the existing number of units on the site (4) conforming to the zoning.
- 1.2 Site Address: 19201 15<sup>th</sup> Avenue NW
- 1.3 Parcel Number: 0226039205
- 1.4 Zoning: R-12
- 1.5 The subject property has a current land use designation of High Density Residential identified on the City of Shoreline's Comprehensive Plan Land Use Map. A High Density Residential designation is consistent with the following zoning: R-12, R-18, R-24 and R-48.

**2. Procedural History-**

- 2.1 Public hearing held by the Planning Commission: July 6<sup>th</sup>, 2006
- 2.2 Notice of Public Hearing and SEPA Determination of Nonsignificance: June 1<sup>st</sup>, 2006
- 2.3 End of 14 day Public Comment Period: May 25<sup>th</sup>, 2006
- 2.4 Notice of Application with Optional DNS: May 11<sup>th</sup>, 2006
- 2.5 Complete Application Date: April 24<sup>th</sup>, 2006
- 2.6 Application Date: March 23<sup>rd</sup>, 2006
- 2.7 Neighborhood meeting Date: April 17<sup>th</sup>, 2006

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### 3. Public Comment-

3.1 The following individuals participated in Neighborhood Meetings:

**21 people signed the mailing list at the required Neighborhood Meeting. General consensus was that the neighborhood is concerned about the illegal structure (four units on a site where the zoning permits only three), traffic, work without permits and preferential treatment of the property owner.**

3.2 Written Comments have been received from:

**Approximately 60 letters were received in response to the standard notice procedures for this application.**

3.3 Oral testimony has been received from:

**In addition to the applicant, seven adjacent property owners testified at the open record public hearing. The comments included: Access, traffic, work without permits and the illegal structure.**

### 4 SEPA Determination-

4.1 The optional DNS process for local project review, as specified in WAC 197-11-355, was used. City staff determined that the proposal will not have a probable significant adverse impact on the environment and that an environmental impact statement is not required under RCW 43.21C.030 (2) (c). A notice of determination of nonsignificance was issued on June 1<sup>st</sup>, 2006.

### 7. Consistency –

5.1 Site Rezone:

The application has been evaluated and found to be consistent with the five criteria listed in Shoreline Municipal Code Section 20.30.320 (B).

5.2 A recommendation to approve the Rezone does not constitute approval for any development proposal. Applicable permits shall be obtained prior to construction. Permit applications shall show compliance with the 1998 King County Storm Water Design Manual and Title 20 of the Shoreline Municipal Code (SMC). Applicable sections of the SMC include but are not limited to the following: Dimensional and Density Standards

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20.50.010, Tree Conservation 20.50.290, Surface and Stormwater Management 20.60.060, and Streets and Access 20.60.140 and any conditions of the Rezone.

## II. CONCLUSIONS

### SITE REZONE:

Rezoning is subject to criteria contained in the Development Code. The proposal must meet the decision criteria listed in Section 20.30.320(B) of the SMC. The criteria are listed below, with a brief discussion of how the request meets the criteria.

**1. The rezone is consistent with the Comprehensive Plan.**

The Comprehensive Plan land use map identifies the subject parcel as *High Density Residential*. The site is currently zoned R-12 and is developed with a fourplex at a density of 15.8 dwelling units per acre. The density, though non-conforming to the zoning, is consistent with the density goals of the Comprehensive Plan which plans for these sites to accommodate from 12 to 48 dwelling units per acre.

The current structure is not consistent with the density goals of the R-12 zoning designation which allows a maximum density of 12 units per acre, or three dwelling units on this site. The proposed zone change is consistent with the Comprehensive Plan Land Use designation of High Density Residential and will allow the density of the existing structure to become legal in the zoning designation of R-18.

**2. The rezone will not adversely affect the public health, safety or general welfare.**

The proposal is to limit the number of units on this site to 4, which is the number of units currently on the site. Though the existing fourth unit is illegal, its existence has not had an adverse impact on the neighborhood.

The Commission does not believe that this rezone will cause additional requests for R-18 zoning south of this site. The comprehensive plan designation of the properties south of the site is MDR (Medium Density Residential) which permits R-8 and R-12 zoning. A comprehensive plan amendment is required to obtain greater densities than R-12. A Comprehensive Plan Amendment is a policy decision that would go to the Planning Commission for recommendation and final action by the City Council.



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In an effort to protect the existing single-family neighborhood to the west and to advance the goals and policies of the low density residential land use designation, the Commission proposes several conditions. They are:

- A condition to block access to NW 192<sup>nd</sup> Street along the western border of the subject site for any tenant in perpetuity. By eliminating access to NW 192<sup>nd</sup> Street and waiving the requirement for additional parking spaces on-site, there is less potential for impact on the neighborhood to the west than under the current zoning designation which would permit tenant access from the west.
- Limit the number of units to four.
- Prohibit access easements across the site to serve other property owners
- Require a 10 foot wide, Type I landscape buffer along the western edge of the property.

**3. The rezone is warranted in order to achieve consistency with the Comprehensive Plan.**

The subject parcel is currently zoned R-12. The application to change the zoning of the parcel to R-18 was initiated by the PADS Director in order to make an existing illegal building consistent with the density of the zone. The site's Comprehensive Plan land use designation is *High Density Residential*. Consistent zoning designations for this land use designation include: R-12, R-18, R-24, and R-48.

The current zoning in the vicinity of the project includes R-6, R-8, R-18, R-24, and R-48 (see **Attachment 1** for zoning map). The uses in the vicinity include single-family residential, multi-family residential, nursing home, retail, restaurants and a bowling alley. Access to the subject property will continue to be from 15<sup>th</sup> Avenue NW, a Collector Arterial street with access to transit routes along Richmond Beach Road. Higher intensity development is encouraged along arterials where vehicular trips can be accommodated. R-18 zoning is an appropriate designation for the subject site, as it reflects a similar level of intensity as those uses near it along 15<sup>th</sup> Avenue NW.

**4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.**

There appear to be no negative impacts to the properties in the immediate vicinity of the subject rezone provided that the added conditions are imposed. The

proposed rezone would allow uses on the site that are similar to those uses found on the parcels to the north and east.

**5. The rezone has merit and value for the community.**

The rezone will make a non-conforming use conforming as to the zoning. It will not cause additional impacts to any part of the community because the use already exists and there will be no additional density allowed on the site. In addition, the rezone as conditioned will eliminate an access point currently available to the tenants that would permit access from NW 192<sup>nd</sup> Street and through a large single family neighborhood.

Unless conditions are applied to this property through a rezone process, the property owner has the right to construct a driveway and parking spaces on the western portion of the parcel. This course of action might increase the traffic in the neighborhood to the west even though the current structure would be required to eliminate a unit bringing the total unit count to three.

### III. RECOMMENDATION

Based on the Findings, the Planning Commission recommends approval of application #201518; a rezone from R-12 to R-18 with the following conditions:

1. Limit the number of units to four.
2. Record a legal document in a form acceptable to the City Attorney that would eliminate vehicular access to NW 192<sup>nd</sup> Street except for maintenance or emergency vehicles.
3. Prohibit access easements across the site to serve other property owners.
4. Require a 10-foot wide, Type I landscape buffer along the western edge of the property.

**City of Shoreline Planning Commission**

\_\_\_\_\_  
Chairperson

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



# SHORELINE

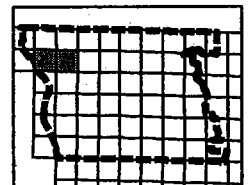
Geographic Information System  
City of Shoreline Zoning



0 62.5 125 250 Feet

## Legend

CB - Community Business	R24 - Residential 24 units/Acre	Zone District Boundary
CZ - Contract Zone	R4 - Residential 4 units/Acre	Parcel Line
I - Industrial	R48 - Residential 48 units/Acre	Street
NB - Neighborhood Business	R6 - Residential 6 units/Acre	
NCBD - North City Business District	R8 - Residential 8 units/Acre	
O - Office	RB - Regional Business	
R12 - Residential 12 units/Acre	RB-CZ - Regional Business/Contract Zone	
R18 - Residential 18 units/Acre		



No Warranties of any sort, including accuracy, fitness, or merchantability accompany this product.

Created on 4-17-06

**CONCOMITANT REZONE AGREEMENT AND  
COVENANT RUNNING WITH THE LAND**

**Contract Zone No. R-CZ-06-02**

This Concomitant Rezone Agreement and Covenant (hereinafter "Covenant") dated \_\_\_\_\_, 2006, by and between the City of Shoreline, Washington, a municipal corporation (hereinafter "City"), and \_\_\_\_\_ (hereinafter "Owners").

**RECITALS**

A. Owners are the owners of real property located in King County legally described as:

E 185 FT OF N1/2 OF N1/2 OF SE1/4 OF NE1/4 OF SE1/4 LESS N 100  
FT TH OF LESS CO RD.

Parcel No. 0226039205

(Hereafter described as "Property").

B. The City of Shoreline and Owners have applied to rezone the Property from its current zoning to Residential 18 units per acre (R-18), consistent with the Comprehensive Plan adopted by the City pursuant to the Growth Management Act (RCW Ch.36.70A).

C. The City has conditionally approved the rezone application provided the Property is developed under conditions and limitations, which shall be considered as a qualification to the City's zoning designation.

NOW THEREFORE, the City and Owners agree as follows:

- 1. Title.** Owners are the sole and exclusive owners of the Property described above.
- 2. Covenant.** Owners covenant and agree, on behalf of themselves and their successors and assigns, that during the entire period that the Property is zoned R-CZ-06-02, the Property will be developed only in accordance with this Covenant and subject to the conditions provided herein. The Owners specifically agree that this Covenant touches, concerns, enhances, benefits and runs with the Property.
- 3. Uses.** The Owners or their successors may construct a residential development on the Property subject to the following conditions:

Condition # 1: No more than four units may be built on the property.

Condition # 2: Vehicular access to the property from NW 192<sup>nd</sup> Street is prohibited except for maintenance or emergency vehicles.

Condition #3: Access easements across the site to serve other property owners are prohibited.

Condition #4: Owners shall plant and maintain a 10-foot wide Type I landscape buffer along the western edge of the property.

**4. Binding Effect.** This Covenant shall remain in full force and effect, and be binding upon the Owners and their successors and assigns until 1) amended, modified or terminated by an ordinance adopted by the Shoreline City Council, or 2) Owners of all interest in the property file a written declaration with the City that they wish the Property to revert to the R-12 land use designations existing immediately prior to passage of Ordinance No. 438 or such other default zoning as may have been adopted by the City Council for the Property subsequent to this agreement. Obligations contained herein shall be enforceable against all such successors and assigns.

**5. Filing.** A copy of this Covenant will be filed for record with the King County Records and Elections Division.

**6. Remedies.** Violations of this Covenant shall be enforced by the City according to enforcement procedures applicable to zoning code violations.

**7. Attorney Fees.** In the event that legal action is commenced to enforce or interpret any revision of this Covenant, including any appeal thereof, the substantially prevailing party shall be entitled to its costs including reasonable attorney's fees.

IN WITNESS WHEREOF, the parties have executed this Covenant as of the date first above written.

OWNER(s)

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CITY OF SHORELINE

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Robert L. Olander, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Ian Sievers, City Attorney

STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

I certify that I know or have satisfactory evidence that \_\_\_\_\_,  
representing \_\_\_\_\_ appeared before  
me, and said person acknowledged that he signed this instrument and acknowledged it to  
be the free and voluntary act of such party for the uses and purposes mentioned in this  
instrument.

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
Notary Public in and for the State of Washington  
residing at \_\_\_\_\_.  
My commission expires \_\_\_\_\_.

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Commission Meeting Date: July 6<sup>th</sup>, 2006

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Agenda Item:

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**PLANNING COMMISSION AGENDA ITEM**  
**CITY OF SHORELINE, WASHINGTON**

**AGENDA TITLE:** Type C Action: Rezone Application for one parcel generally located at 19201 15<sup>th</sup> Avenue NW from R-12 (Residential 12 dwelling units/acre) to R-18 (Residential 18 dwelling units/acre).

**DEPARTMENT:** Planning and Development Services

**PRESENTED BY:** Joseph W. Tovar, FAICP, Director  
Steven Szafran, Planner II

**I. PROPOSAL**

The Department of Planning and Development Services, in conjunction with the property owner, Richard and Pamela Burt, proposes to modify the existing zoning category for an 11,020 square foot parcel located at 19201 15<sup>th</sup> Avenue NW. The application before the Planning Commission is a request to change the zoning designation from R-12 (Residential - 12 dwelling units per acre) to R-18 (Residential 18 dwelling units per acre). There will be no change to the existing structure on-site.

The purpose of this zone change is to make the existing fourplex conform to the City's Zoning Code. A site plan showing the site configuration of the proposal is included as **Attachment 1** (applicant's rendition of the proposal). A vicinity map showing existing zoning for the project site and adjacent properties is located in **Attachment 2**. The parcel has a Comprehensive Plan Land Use designation of High Density Residential, and both the existing and proposed zoning are consistent with this designation. (**Attachment 3** illustrates the Comprehensive Plan Land Use designations).

Local land use decisions that are not of area wide significance are processed as quasi-judicial actions. Because this is a Site Specific Zone Change it shall be processed per RCW 42.36.010 as a Type C quasi-judicial action.

With the current designation of High Density Residential and a zoning of R-12, the site can support 3 dwelling units subject to the Shoreline Development Code Standards. There is currently a fourplex on-site that will remain unchanged. The proposed rezone would allow the current structure to become conforming to the City of Shoreline's Development Code and at the same time allow the City to review pending building permits. If the proposed rezone to R-18 is approved, the site could potentially support 5 housing units although staff is recommending the number of units be limited to four. In addition, staff recommends that access to the site from NW 192<sup>nd</sup> Street will be limited so as to exclude residential parking from accessing via the western property boundary.

This report summarizes the issues associated with this project and discusses if the proposal meets the criteria for rezone outlined in the Shoreline Municipal Code and the goals of the Comprehensive Plan. Type C Actions are reviewed by the Planning Commission, where an Open Record Public Hearing is held and a recommendation for approval or denial is developed. This recommendation is then forwarded to City Council, which is the final decision making authority for Type C Actions.

## **II. HISTORY OF THE BURT PROPERTY**

The structure that is currently on-site was originally constructed as a duplex in 1976. In 1984, the structure was converted to a triplex with permits from King County. In 2000, the City received a complaint for work without a permit. The owner at that time converted the garage to a fourth unit, constructed a parking area and built a rockery. In 2002, Richard and Pamela Burt purchased the property.

In 2003 through 2004, the City received more complaints regarding parking in the rear of the property, illegal home occupation, illegal number of units (5 units were there at the time) and additional work being done without a permit. After these complaints, Code Enforcement Case #1195 was started. Permits were applied for by Mr. Burt but fees were never paid and the permits are technically expired.

In 2005, the PADS Director concluded that the quickest and surest way to obtain building code compliance was through initiation of a rezone process. The City initiated Rezone #201518 to enable resolution of the zoning and any other outstanding issues on the site. Please refer to **Attachment 5** for a more detailed chronological timeline of the Burt property.

## **III. FINDINGS**

### **1. SITE**

The subject site is generally located on the west side of 15<sup>th</sup> Avenue NW, approximately 600 feet south of Richmond Beach Road. The parcel is developed with one fourplex that will remain unchanged after the zone change. The parcel measures 11,020 square feet in area (approximately .25 acres). There are currently 4 parking spaces on-site, 3 less than the Code requires for four dwelling units (1.8 parking spaces per unit).

The site is sloping from east to west and has a severe incline towards the middle of the property. The highest elevation is approximately 230 feet at the southeast corner of the parcel and the lowest elevation is 210 feet at the northwest property line. There are a few significant trees on site that are located toward the west side of the property. None of the trees are proposed to be cut. A "significant tree" is defined in the Shoreline Municipal Code Title 20 as a healthy, windfirm, and nonhazardous tree eight inches or greater in diameter at breast height if it is a conifer and 12 inches or greater at breast height if deciduous.



## 2. NEIGHBORHOOD

The project site is located in the Richmond Beach Neighborhood. The subject parcel has two frontages. Access to the property is currently gained from 15<sup>th</sup> Avenue NW, a street that is classified as a Collector Arterial. The parcel also has access to NW 192<sup>nd</sup> Street, although it is not currently utilized.

The Comprehensive Plan Land Use designation for the parcels to the north and east are High Density Residential. The parcels to the south and southeast are designated Medium Density Residential and parcels to the west are designated Low Density Residential. The Comprehensive Plan Land Use Designations and Zoning for the project sites and immediate vicinity are illustrated in **Attachments 2 and 3**.

As indicated previously the site is zoned R-12 and has a land use designation of High Density Residential which allows up to an R-48 zoning category. The current zoning of the parcel immediately to the north of the subject property is R-18, and is developed with apartments. To the south is a single family home zoned R-8, to the east, across 15<sup>th</sup> Avenue NW, are duplexes and townhomes zoned R-12 and R-18 and to the west are single-family homes zoned R-6.

## 3. TIMING AND AUTHORITY

The application process for this project began on April 17<sup>th</sup>, 2006, when a neighborhood meeting was held by city staff at Richmond Beach Congregational Church. A public notice of application including the SEPA comment period was advertised, posted and mailed on April 26<sup>th</sup>, 2006. A Corrected Notice of Application was posted at the site, advertisements were placed in the Seattle Times and Shoreline Enterprise, and notices were mailed to property owners within 500 feet of the sites on May 11<sup>th</sup>, 2006 after a flaw in the address was found on the original Notice Of Application. A Notice of Public Hearing with Determination of Nonsignificance was advertised, posted and mailed to all property owners within 500 feet of the subject site on June 1<sup>st</sup>, 2006.

Many comments have been received throughout the rezone process. **Attachment 4** lists the names and summary of the comments received. General comments from the community include concerns about: Increased traffic, traffic from adjacent parcels on 15<sup>th</sup> Avenue NW, limited sight distance on 192<sup>nd</sup> and 17<sup>th</sup> NW, drainage from a new parking lot and driveway on 192<sup>nd</sup>, reduced property values, structure converted without building permits, waiving the rezoning fee, and the rezone sets a poor precedent in the area.

Rezone applications shall be evaluated according to the five criteria outlined in Section 20.30.320 (B) of The Shoreline Municipal Code (SMC). The City Council may approve an application for rezone of property if the five decision criteria are met.

## 4. CRITERIA

The following criteria discusses if the proposal meets the decision criteria listed in Section 20.30.320(B) of the SMC. The reader will find that the criteria are integrated and similar themes and concepts will run through the discussion of all.

**Criteria 1: The rezone is consistent with the Comprehensive Plan.**

The Comprehensive Plan land use map identifies the subject parcel as *High Density Residential*. The site is currently zoned R-12 and is developed with a fourplex at a density of 15.8 dwelling units per acre. The density, though non-conforming to the zoning, is consistent with the density goals of the Comprehensive Plan which plans for these sites to accommodate from 12 to 48 dwelling units per acre.

The current structure is not consistent with the density goals of the R-12 zoning designation which allows a maximum density of 12 units per acre or three dwelling units on this site. The proposed zone change is consistent with the Comprehensive Plan Land Use designation of High Density Residential and will allow the density of the existing structure to become conforming to the zoning designation of R-18.

The Shoreline Comprehensive Plan has established a growth target of 1,600-2,400 new housing units during the next 20-year planning period. The Comprehensive Plan identified different areas of the City where growth would likely occur and could be accommodated. A Comprehensive Plan Land Use map was adopted, and in some areas of the City allowed densities and intensity of uses to be increased. In some instances this change occurred in areas that had previously developed at a lower intensity (as is the case of the subject parcel) and denser development is anticipated in the future when the underutilized parcels are redeveloped.

The boundary between the High Density and Medium Density Residential comprehensive plan designations is at the southern boundary of this site. The zoning south of the site cannot exceed R-12 unless city policy changes through a comprehensive plan amendment process.

R-18 zoning is an appropriate designation for the site in order to achieve many goals and policies of the Comprehensive Plan, including:

*LU 1: Ensure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps to maintain Shoreline's sense of community.*

The proposed rezone will promote a more efficient use of land by allowing four units on a property and not create additional negative impacts on the nearby neighborhood.

*LU8: Ensure that land is designated to accommodate a variety of types and styles of housing units adequate to meet the future needs of Shoreline citizens.*

As Shoreline's demographics change, there will be increased demand for smaller units that are affordable. A fourplex is an example of one housing type that provides an alternative housing choice.

*H28: Assure that site and building regulations and design guidelines create effective transitions between substantially different land uses and densities*

The staff recommends a condition to eliminate most vehicle access from NW 192<sup>nd</sup> Street. This will significantly reduce the likelihood that those who live on this site will travel through the single family neighborhood to park in the rear of these units. Under the current zoning, absent the recommended condition, the owner could build a parking lot behind the building and encourage tenants to use the area in back (west of the fourplex) for parking rather than the area in front (adjacent to 15<sup>th</sup> Ave NW).

**Criteria 2: *The rezone will not adversely affect the public health, safety or general welfare.***

The proposal is to limit the number of units on this site to 4, which is the number of units currently on the site. Though the existing fourth unit is non-conforming, its existence has not had an adverse impact on the neighborhood.

Staff does not believe that this rezone will cause additional requests for R-18 zoning south of this site. The comprehensive plan designation of the properties south of the site is MDR (Medium Density Residential) which permits R-8 and R-12 zoning. A comprehensive plan amendment is required to obtain greater densities than R-12. A Comprehensive Plan Amendment is a policy decision that would go to the Planning Commission for recommendation and final action by the City Council.

In an effort to protect the existing single-family neighborhood to the west and to advance the goals and policies of the low density residential land use designation, staff is proposing a condition to block access to NW 192<sup>nd</sup> Street along the western border of the subject site for any tenant in perpetuity. By eliminating access to NW 192<sup>nd</sup> Street and waiving the requirement for additional parking spaces on-site, there is less potential for impact on the neighborhood to the west than under the current zoning designation which would permit tenant access from the west.

**Criteria 3: *The rezone is warranted in order to achieve consistency with the Comprehensive Plan.***

The subject parcel is currently zoned R-12. The application to change the zoning of the parcel to R-18 was initiated by the PADS Director in order to make an existing nonconforming building consistent with the density of the zone. The site's Comprehensive Plan land use designation is *High Density Residential*. Consistent zoning designations for this land use designation include: R-12, R-18, R-24, and R-48.

The current zoning in the vicinity of the project includes R-6, R-8, R-18, R-24, and R-48 (see **Attachment 1** for zoning map). The uses in the vicinity include single-family residential, multi-family residential, nursing home, retail, restaurants and a bowling alley. Access to the subject property will continue to be from 15<sup>th</sup> Avenue NW, a Collector Arterial street with access to transit routes along Richmond Beach Road. Higher intensity development is encouraged along arterials where vehicular trips can be accommodated. R-18 zoning is an appropriate designation for the subject site, as it reflects a similar level of intensity as those uses near it along 15<sup>th</sup> Avenue NW.

***Criteria 4: The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.***

There appears to be no negative impacts to the properties in the immediate vicinity of the subject rezone provided that the added conditions are imposed. The proposed rezone would allow uses on the site that are similar to those uses found on the parcels to the north, east and south. The following is a brief summary demonstrates how the project addresses each of these.

*Water & Sewer*

Conditional statements from the Shoreline Wastewater Management District and Seattle Water Department indicate that adequate capacity exists for development at R-18 zoning levels. With a condition limiting development to the existing number of units, it is unlikely that usage would vary much in the future.

*Stormwater*

All stormwater must be treated and detained per the requirements of the 1998 King County Surface Water Design Manual and the Surface and Stormwater Management sections of the SMC (20.60.060 through 20.60.130).

*Traffic/Circulation*

Traffic trip estimates are based on the existing fourplex. The code requires a traffic study to be done if the P.M. peak hour trips are greater than 20 (SMC 20.60.140(A)). The average P.M. peak hour trip for the existing fourplex is estimated to be 2.16 which does not require further study.

*Tree Removal*

There are a few significant trees located on the subject site. The primary significant trees are located on the western portion of the site. The SMC requires retention of at least 20% of the significant trees (SMC 20.50.350(B) (1)). The owner does not have any plans to cut trees at this time because he is not planning to redevelop the property. Tree protection and replanting will be evaluated if the owner decides to redevelop at some time in the future.

### **Criteria 5: The rezone has merit and value for the community.**

The rezone will make a non-conforming use conforming as to the zoning. It will not cause additional impacts to any part of the community because the use already exists and there will be no additional density allowed on the site. Unless conditions are applied to this property through a rezone process, the property owner has the right to construct a driveway and parking spaces on the western portion of the parcel. This course of action might increase the traffic in the neighborhood to the west even though the current structure would be required to eliminate a unit bringing the total unit count to three.

In addition, the rezone as conditioned will eliminate an access point currently available to the tenants that would permit access from NW 192<sup>nd</sup> Street and through a large single family neighborhood.

## **IV. CONCLUSIONS**

1. **Consistency-** The proposed reclassification for the subject properties is consistent with the Washington State Growth Management Act, the City of Shoreline Comprehensive Plan, and the City of Shoreline Development Code.
2. **Compatibility-** The proposed zoning is consistent with existing and future land use patterns identified in the Comprehensive Plan.
3. **Housing / Employment Targets-** Since no new units will be constructed; this rezone will minimally impact the attainment of Shoreline's Housing targets by limiting the number of units that could potentially be built on this parcel in the future if the proposed condition is imposed.
4. **Environmental Review-** It has been determined that per WAC 197.11.600 (2) the SEPA obligations for analyzing impacts of the proposed rezone are fulfilled by previous environmental documents on file with the City. The FEIS prepared for the City of Shoreline's Comprehensive Plan, dated November 9, 1998, and is incorporated by reference to satisfy the procedural requirements of SEPA.
5. **Infrastructure Availability-** There appears to be adequate infrastructure improvements available in the project vicinity. This includes adequate storm, water, and sewer capacity for the future development.

## **V. PLANNING COMMISSION ROLE AND OPTIONS**

As this is a Type C action, the Planning Commission is required to conduct a Public Hearing on the proposal. The Commission should consider the application and any public testimony and develop a recommendation for rezone approval or denial. The City Council will then consider this recommendation prior to their final adoption of the application.

Planning Commission has the following options for the application:

1. Recommend approval to rezone 19201 15<sup>th</sup> Ave NW from Residential 12 units per acre (R-12) to Residential 18 units per acre (R-18) with the following conditions based on the findings presented in this staff report.

Staff recommended conditions:

1. Limit the number of units to four.
  2. Record a legal document in a form acceptable to the City Attorney that would eliminate the potential vehicular access to NW 192<sup>nd</sup> Street by tenants of any properties accessing from 15<sup>th</sup> Ave NW.
2. Recommend approval to rezone 19201 15<sup>th</sup> Ave NW from Residential 12 units per acre (R-12) to Residential 18 units per acre (R-18) with modified conditions based on the findings presented in this staff report and additional findings made by the Planning Commission.
  3. Recommend denial of the rezone application and the Residential 12 units per acre (R-12) zoning remains based on specific findings made by the Planning Commission.

#### **VI. PRELIMINARY STAFF RECOMMENDATION**

Staff recommends that the Planning Commission move to recommend to the City Council that R-18 zoning be adopted for the properties generally located at 19201 15<sup>th</sup> Avenue NW with the following conditions:

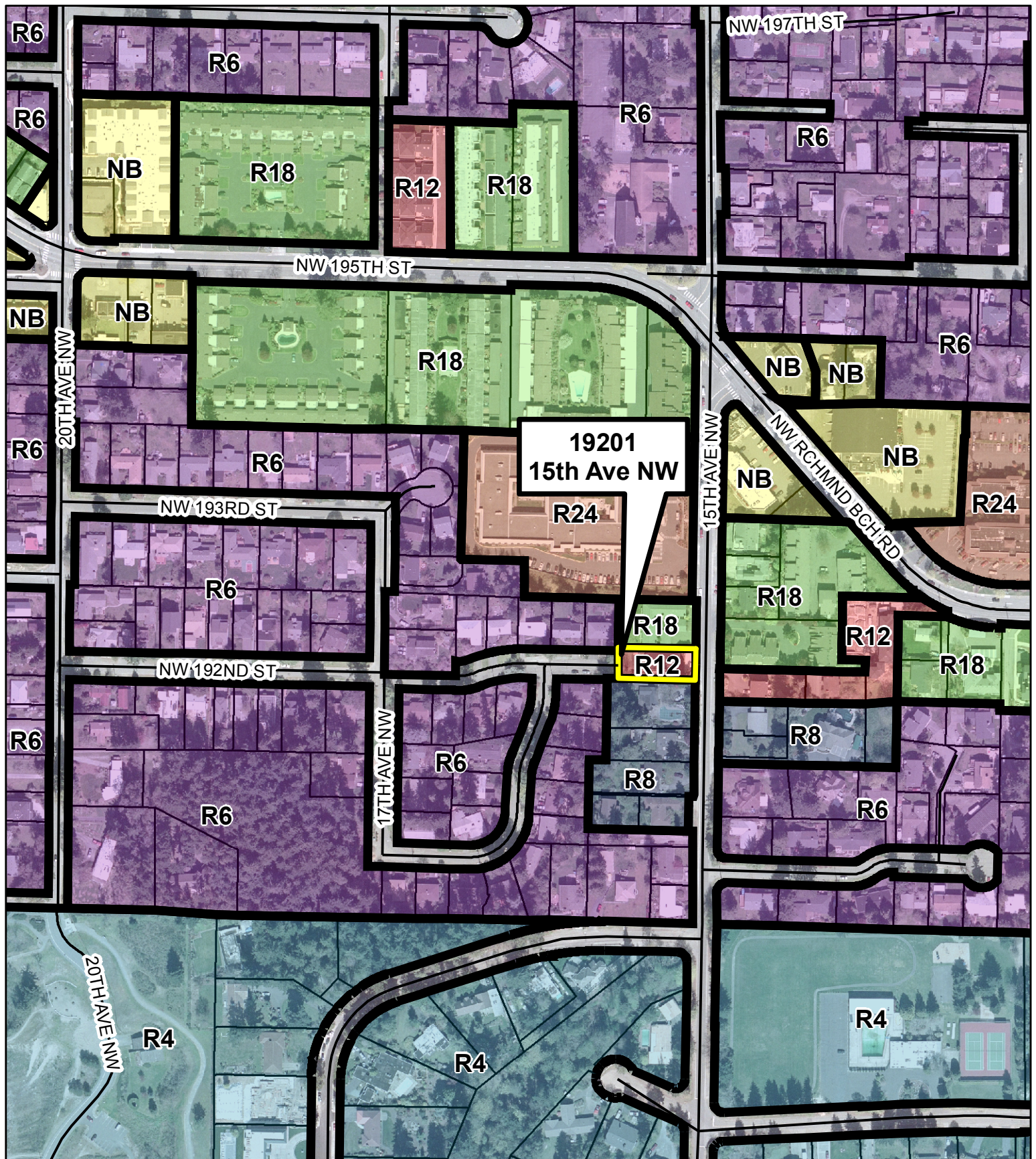
1. Limit the number of units to four.
2. Record a legal document in a form acceptable to the City Attorney that would eliminate the potential vehicular access to NW 192<sup>nd</sup> Street by tenants of any properties accessing from 15<sup>th</sup> Ave NW.

And enter into findings based on the information presented in this staff report that this proposal meets the decision criteria for the reclassification of property as outlined in the Shoreline Municipal Code Section 20.30.320.

#### **VII. ATTACHMENTS**

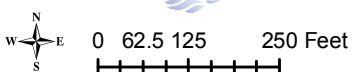
Attachment 1: Vicinity Map with Zoning Designations  
Attachment 2: Vicinity Map with Comprehensive Plan Designations  
Attachment 3: Site Inventory Map (Applicant's rendition of the proposal)  
Attachment 4: List of SEPA Comments Received  
Attachment 5: Timeline of Burt Property  
Attachment 6: Mr. Burt's Intention Letter





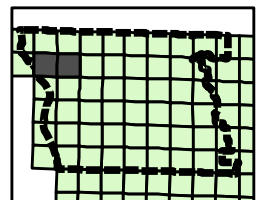
# SHORELINE

Geographic Information System  
City of Shoreline Zoning



## Legend

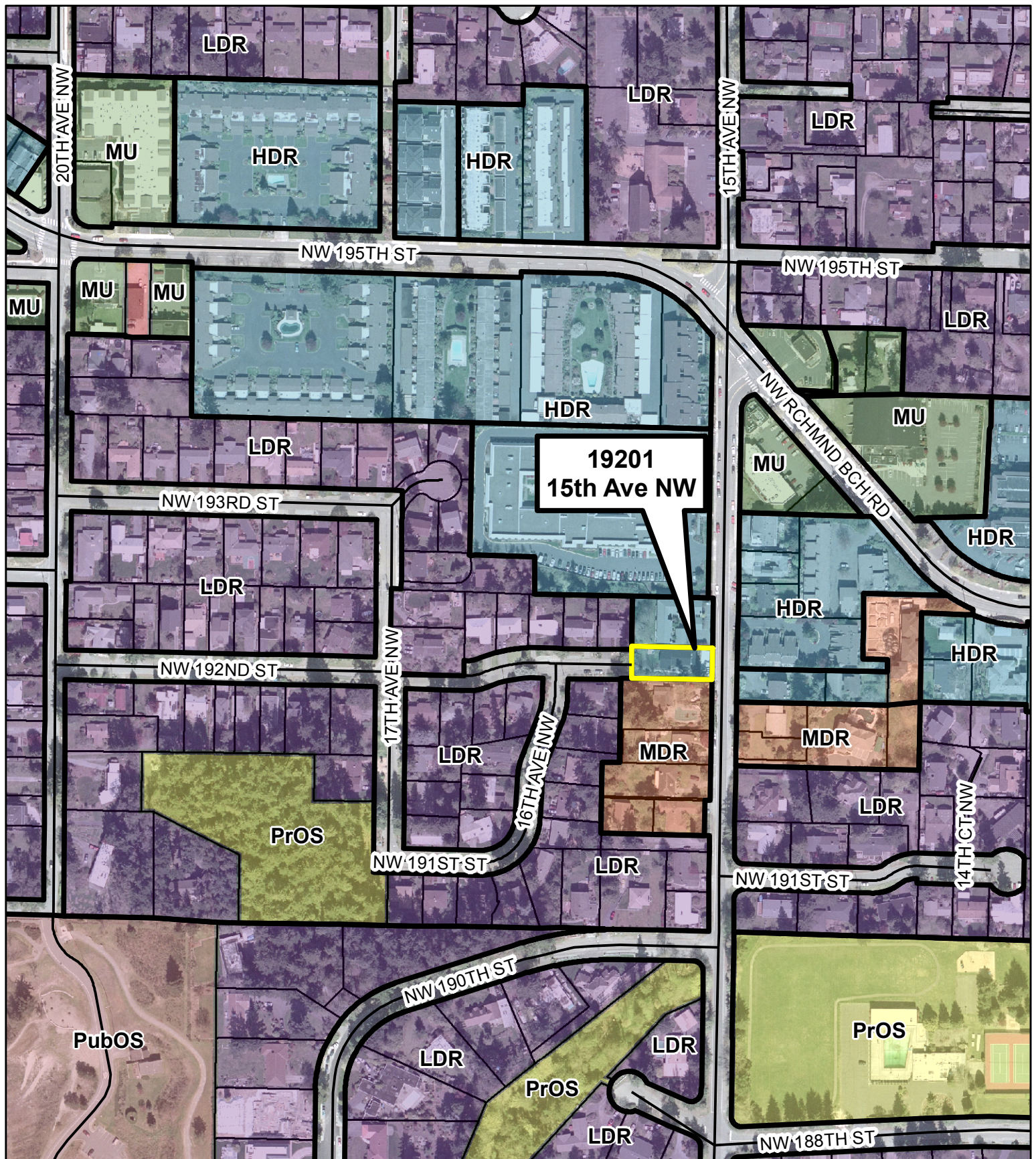
	CB - Community Business		R24 - Residential 24 units/Acre		Zone District Boundary
	CZ - Contract Zone		R4 - Residential 4 units/Acre		Parcel Line
	I - Industrial		R48 - Residential 48 units/Acre		Street
	NB - Neighborhood Business		R6 - Residential 6 units/Acre		
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	O - Office		RB - Regional Business		
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	R18 - Residential 18 units/Acre				



No Warranties of any sort, including accuracy, fitness, or merchantability accompany this product.

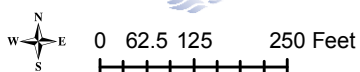
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# SHORELINE

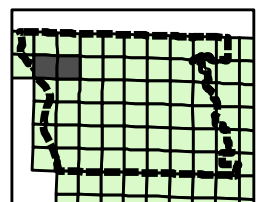
Geographic Information System  
City of Shoreline Zoning



## Legend

Low Density Residential	Special Study Area
Medium Density Residential	Ballinger Special Study Area
High Density Residential	Briarcrest Special Study Area
Mixed Use	North City Business District
Community Business	Paramount Special Study Area
Regional Business	Private Open Space
Public Facilities	Public Open Space
Single Family Institution	

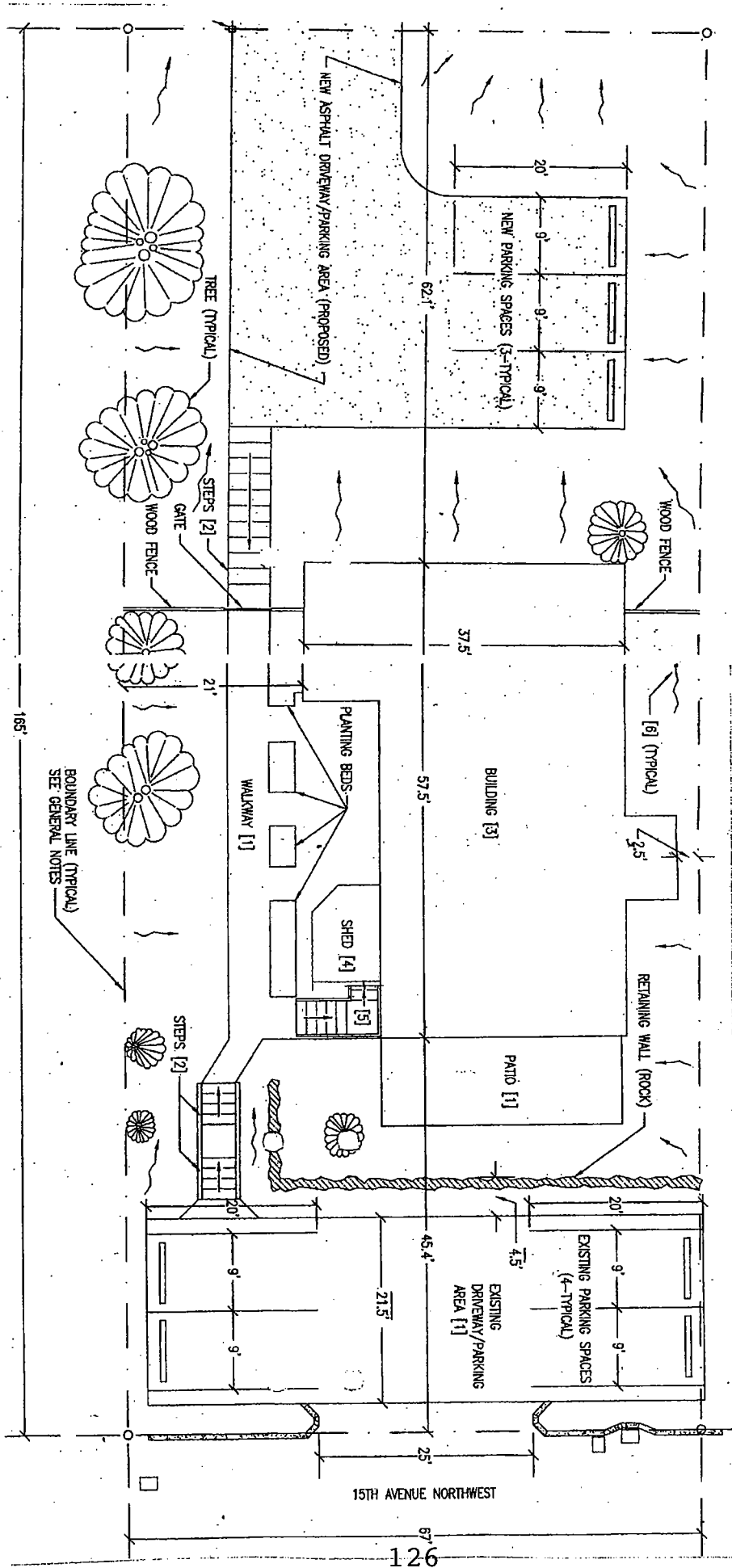
Comprehensive Land Use Boundaries
Parcel Line
Street



No Warranties of any sort, including accuracy, fitness, or merchantability accompany this product.

Created on 4-17-06





Name	Comment
Heidi Lui	A form letter was circulated throughout the neighborhood and made mention of traffic and safety issues on NW192nd Street, drainage and slope impacts and how the proposed rezone does not meet zoning criteria.
Frank and Jennifer Kleyn	Signed Form Letter
Dorothy Austad	Signed Form Letter
Shannon Clark	Signed Form Letter
Frank Tarver	Signed Form Letter
Robert Roberts	Signed Form Letter
Margo and Charles Smith	Signed Form Letter
Jonathan and Mindy Danylak	Signed Form Letter
Pamela Ness	Signed Form Letter
Kathy Brown	Signed Form Letter
Burt and Hattie Kamps	Signed Form Letter
Mie Hae Rhie	Signed Form Letter
John Paulman	Signed Form Letter
Hans Nelson	Signed Form Letter
David Fagan	Signed Form Letter
Sam Fish	Signed Form Letter
Davis Steinmetz	Signed Form Letter
Charles Nick	Signed Form Letter
Bill and Kathy Kriner	Signed Form Letter
Tomas and Michelle Petersen	Signed Form Letter
Al Lebar	Signed Form Letter
Travis and Amy Pitts	Signed Form Letter
Matt Starbard	Signed Form Letter
Max Spiro	Signed Form Letter
Susan Sifferman	Signed Form Letter
Michele and Paul Hubbard	Signed Form Letter
Jim and Karen Marshall	Signed Form Letter
Patty Holmquist	Signed Form Letter
Julie and Roy Jensen	Signed Form Letter
Michael Milne	Signed Form Letter
Eric and Jill Dobson	Signed Form Letter
James Gates	Called the City staff "brain dead"
Bob and Julia Haggarty	Signed Form Letter
Bettie Round	Signed Form Letter
Cory Olson	Signed Form Letter
Viola Gay	Signed Form Letter
Mark Ryan	Signed Form Letter
Gabrielle Carmarthen (sp?)	Signed Form Letter
James and Debora Peterson	Signed Form Letter
Brian and Kerry Petit	Signed Form Letter
Debra Peterson, Marion	Comments regarding SEPA checklist: Building should



## 19201 15<sup>th</sup> Avenue NW

4/13/76        year building constructed by Gogert & Sons (according to KC records). Built as a duplex. Large unit on second floor with smaller unit and 2 garages on the lower floor. Between garages and lower unit was a storage and utility area. Access was off of 15<sup>th</sup> Ave NW down a driveway and into the garage spaces.

Review of the historical zoning maps of the property shows that the property has always been zoned to allow for only 3 dwellings or less.

- King County zoned the property RD 3600 (one dwelling unit per 3600 sq. ft. = 3.0 dwelling units) from 1968 - February 2, 1995.
- King County changed the zoning designation of the property R-12 in the zoning atlas dated February 2, 1995 (residential 12 dwelling units per acre).
- We did not change the zoning after incorporation. The zoning map adopted soon after the City incorporated continued the classification of the property as R-12 (residential 12 dwelling units per acre).
- This parcel is currently zoned R-12. The lot size 11,020 sq ft. Total allowed units are 3.04 or 3. The legal number of units on this parcel has been 3 since the building was constructed in 1976.

11/29/84        date KC received permit application to convert duplex to triplex. Permit # 92314 issued on 01/30/85. Large second floor unit divided into 2 separate units. Lower floor remained the same (smaller unit, 2 garages and storage and utility area). Property owner: John Rock.

Date not known – property sold to Thomas & Erin Johnson.

1/27/2000        City received complaint. Issued STOP WORK order for work without a permit. Work observed included the conversion of the garage to a dwelling unit + rockery had been constructed without permits.

2/29/2000        Building Permit # 2000-0214 issued. There is not a complete record on why the City was allowing a 4<sup>th</sup> unit.

4/28/2000        SECOND stop work order posted for construction of parking area adjacent to 15<sup>th</sup> Ave NW.

12/6/2000        RoW permit # 2000-001593 issued for FRONT parking area adjacent to 15<sup>th</sup> Ave NW. Final inspection and approval 4/7/03.

3/1/2001        Building Permit # 2000-0214 EXPIRED. Permit expired w/o having been finalized or renewed. Anecdotal information reported that Mr. Johnson let the permit expire w/o inspections because he “balked” at the expense to construct a paved parking area at the rear of the property.

1/3/2002        Richard and Pamela Burt purchased the property.

8/11/2003 City CRT received complaint – parking at rear of property on pervious surface and possible illegal home occupation. 9/3/2003 complaints expanded the complaint to include the illegal 4<sup>th</sup> unit (& why the city had never followed-through on their previous complaint).

1/4/2004 1<sup>st</sup> day of work for new Code Enforcement Officer, Kristie Anderson

6/1/2004 neighbors behind apt building filed complaints with Customer Response Team: (1) vehicles parking on grass behind building; (2) removal of chain across the end of the RoW where 192<sup>nd</sup> dead ends; (3) illegal home occupation; (4) illegal number of units and (5) work done without permit.

7/6/04 received letter signed by 5 households addressed off of NW 192nd street. Issues: WWOP, lack of required pkg, home occupation, req replacement of guardrail.

**7/8/2004 issue referred from CRT to code enforcement – case 1195 initiated.**

Complaint research indicated:

1. Vehicles were being parked in the rear yard of the building in violation of the Development Code.
2. The City traffic and PW department did not object to the removal of the chain where 192<sup>nd</sup> dead ends (not our chain). In addition the City's traffic engineer would not recommend that a barrier of any kind be established there.
3. I could not find any corroborating evidence of a home occupation. One of the apartment dwellers brought a work truck home and the vehicle was not oversized.
4. There appeared to be not just 1 but 2 illegal units. And
5. Work had been done without a permit. In addition, the previous WWOP case had been closed when the previous owner and made application for a permit. Note: the work without permit and the garage conversion are very different issues. The garage conversion to habitable space needed to be legalized by acquiring a permit and getting all required inspections and approvals. HOWEVER, the habitable space is prohibited from being a separate dwelling unit under the R-12 zoning. He could have a recreation room, or a very large lower unit, or reconvert the upstairs to a large unit and have 2 smaller lower floor units, etc. It just could not be a 4<sup>th</sup> separate dwelling unit. Research also indicated that the utility room that had been between the lower unit and the garages had been moved. The water heaters were not located in a new building attached to the north wall of the primary structure and an area between the 2 upper floor units had been converted to a laundry room. This work was not shown on the permit approved in 2000 and the previous inspectors did not mention that.

7/22/04 Telephone conversation w/ Pam Burt, wife of owner. Discussed items in complaint. Met Richard Burt at property on 8/4/04. He stated structure was 4-plex when he bought it. We looked at shed attached to the south side of building; he admitted that he added it. We discussed the need locate required parking in rear of lot, we discussed requirement for permit for rockery at front and other issues.

9/22/2004 No action by Mr. Burt to correct violations. He stated he bought it that way and should be allowed to keep it that way. **1<sup>st</sup> Notice & Order issued.** Violations noted were: 2

illegal units, illegal conversion of garage to habitable space, 2 illegal storage areas, illegal retaining wall, removal of required off-street parking, and need to establish new on-site required parking spaces. Copies sent to complainants.

Sept or Oct, 2004 Mr. Burt, owner of property, protested to Director Tim Stewart and argued that 4<sup>th</sup> unit had been permitted/allowed under to 2000 building permit and City should "stick" by that determination. Director, Tim Stewart, reviewed the case; he determined that there was insufficient evidence to prove the 2000 permit was issued in error.

10/19/20004 2<sup>nd</sup> aka **AMENDED Notice & Order** issued requiring 5<sup>th</sup> unit to be removed and allowing 4<sup>th</sup> unit IF all *current* development code design standards could be met.

The City provided (free of charge) drawings approved for Building Permit # 2000-0214 that had been initially submitted by Mr. Thomas Johnson to legalize the 4<sup>th</sup> unit and cure the 2000 Stop Work Order. The City also provided the drawings for the right of way permit (old # 106790) required for the rear parking area access

11/9/2004 Meeting w/ Jeff Curtis, Paul Cohen, Kristie Anderson, + Mr. & Ms. Burt.  
\* Jeff outlined what he needed in for plan review, including specifying that the old plans need to be review for compliance w/ 2003 IBC.  
\* Paul C. discussed design criteria. Paul calculated design req. & informed the Burts that they could meet the parking and lot coverage requirements so their project could go forward.  
\* Kristie indicated the Dec 1, 2004 compliance date still remained UNLESS I received a letter from a design professional that stated that their workload did not permit the completion of their part of the application package.

11/24/2004 revised plans submitted by Mr. Burt. Paid \$244 in fees for permit 106790 remodel permit. Application for permit 106790 - CONVERT GARAGE TO 1 DWELLING UNIT, ADD LAUNDRY ROOM, BUILD WATER HEATER ENCLOSURE, INSTALL BATHROOM & KITCHEN FANS, INSTALL 4-5 FOOT ROCKERY & ASPHALT PARKING AREA W/ ONSITE DETENTION SYSTEM.

12/27/2004 remodel permit 106790 ready to be issued. Fees owing of \$858. Permit never picked up – application has technically expired.

12/30/2004 received e-mail from Marion O'Brien "requesting information on the process to appeal the city's decision to allow 4 units. What is the process we need to follow?"

1/2/2004 sent e-mail to Marian O'Brian in response to her e-mail of 12/30/04 "Building permits, site development permits and clearing & grading permits are all examples of Type A actions. Type A actions are classified as ministerial decisions. The Director makes these types of decisions and the decisions are final. An administrative appeal process is not provided for Type A actions. You can read the details of the above statements in SMC 20.30.040."

Complainants hired a Land Use attorney, Melody McCutcheon. On 1/5/05 she sent a letter to Director, Tim Stewart stating:

- for structure to be nonconforming it must have been legally established prior to date of regulations that rendered it nonconforming. (SMC 20.30.280(A)).
- The mere existence of 4<sup>th</sup> unit is not same as having been "legally established". 4<sup>th</sup> unit could only have been "legally established" if a permit was issued by some jurisdiction.
- City's file shows the only issued permit for this structure is to convert from a duplex to tri-plex (KC records 1985). Therefore, 4<sup>th</sup> unit not legally established and cannot be considered nonconforming use under the City's code.

Attorney requested City reconsider determination and reinstate original Notice that there are two unauthorized dwelling units.

1/7/2005 Tim Stewart met w/ complaints and followed up with a letter on the same afternoon. The letter had 6 specific items Tim responded to, below are his responses to the rear parking area & the 4<sup>th</sup> unit.

- "The work for which permit #106790 covers (conversion of garage into living space, construction of a parking area in the rear of the building, installation of a rockery) is allowable under the Code regardless of whether the building contains three or four units."
- "Regarding the status of the fourth unit, we do not feel there is sufficient evidence to prosecute the property owner to remove the fourth unit at this time. It is important to note that this does not mean the City is permitting the fourth unit, we are just not taking prosecutorial action. The City's code enforcement program is based on a list of priorities adopted by Council. Violations of a Stop Work order are an urgent level priority. Therefore, achieving compliance for the work that was done without a permit was our top priority. Land Use Violations with minimal impact are categorized as being a routine (non hazardous) priority. With only one code enforcement officer, we typically work through the Urgent cases first and devote time to the lower priorities when we have responded to all Urgent cases."

3/7/2005 mtg w/ Ian Siever & Flannary Collins (Law Dept) & Tim Stewart (Dir PADS). Decision to allow 4th unit if design standards are met is reversed. Permit will not be issued for 4th unit. I am to issue (2nd) Amended N&O requiring bldg be restored to triplex. New compliance date - April 30, 2005.

3/9/2005 Doug VanGelder, design review engineer, approved right-of-way permit (107181) for RoW access to the proposed rear parking area.. \$496 owing.

3/31/2005 – 5/4/2005 correspondence to & from attorney hired by the Burts (Dean Messmer). City Att office also extended compliance date w/o setting new date.

5/20/2005 letter from City Att office to Burt's attorney. Set new compliance date of June 6, 2005.

6/10/2005 staff memo to CITY COUNCIL. City proposed to waive *permit fees* for restoring structure to tri-plex. Rezone was mentioned but stated that the Burts would need to apply and pay fees. Compliance date moved to July 8, 2005.

6/14/2005 somewhere between 6/9/05 and 6/14/05 was the 1<sup>st</sup> mention of City Council initiating the rezone. Also sometime in this time period CMO's office (not sure if Steve Burkett or Bob Olander) requested PADS try to "work this out".

8/24/2005 letter from PADS Rachael Markle to Burts and complainants requesting attendance at a meeting w/ city to assess whether resolution can be achieved.

9/27/2005 date of letter from city Attn office setting meeting for Oct. 3, 2005.

10/3/2005 meeting held to see if parties could resolve issues and cure violation. From City - Flannary (Law)& Rachael (PADS). (I do not know who attended meeting other than City staff).

11/17/2005 follow-up letter from Oct 3 meeting sent. Letter jointly sent from City Law & PADS. New compliance date of 12/19/05 set for Burt's to submit revised plans for rezone process.

1/23/2006 meeting w/ Joe Tovar (new PADS Dir), Paul Cohen, Kim Lehmberg, Flannary Collins & Kristie Anderson to discuss past history & outstanding issues.

2/23/2006 date of letter from Joe Tovar to the Burts with request that Burts contact him by March 10, 2006 to indicate how they intended to proceed.

3/8/2006 meeting w/ Joe Tovar, Dir / Kristie, CEO / Flannary, Law / and Mr & Ms. Burt. City proposed to initiate and pay costs associated with rezone application BUT Burts responsible for all building permit fees. (NOTE: Reversal from 6/10/2005) In addition, City would still honor (expired) applications submitted in 2004 and City would credit the Burts w/ fees already paid.

3/14/2006 received letter from Burts requesting city proceed w/ rezone and agreeing to bring property in compliance w/ codes.

3/23/2006 sent letter from Director to Burts detailing who responsible for each action to bring property into compliance. And attached requirements for site plan copied from handout.

3/31/2006 Mr. Burt delivered 2 copies of site drawings.

7/6/06 PC Public Hearing For Rezone # 201518



June 16, 2006

Richard and Pamela Burt  
32101B-76<sup>th</sup> Ave. NW  
Stanwood, WA 98292

Joe Tovar  
C/o City of Shoreline  
17544 Midvale Ave. N., Ste. 100  
Shoreline, WA 98133

To Whom It May Concern:

Re: Four-plex at 19201-15<sup>th</sup> Ave NW

As owners of the property of concern we want to make a statement of our intentions and desires.

Our ideal situation is to have our building function quietly as it has been (with maybe 1 or 2 exceptions) over the last 20yrs. 1) All parking on the east side of our building (15<sup>th</sup> NW side). 2) As four units. Nothing more or less.

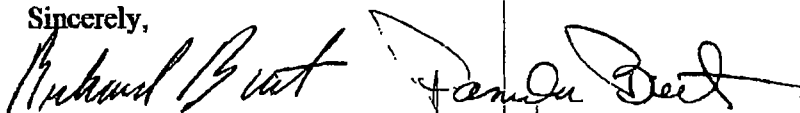
Due to all that has happened we have had to look at what our options are if changes are forced as income is our reason for having the property. We see our options as listed:

- 1) Put the property on the market, we get inquiries regularly.
- 2) Sell easement to one of the neighboring properties
- 3) Put a parking lot in the back to make nicer use of the front

As stated above none of these options are our first choice.

We would also like to make note of the fact that one of the complainants to the west of us has a renter who uses the roads below and another one has access to her backyard via a secondary entrance yet they want to stop us from doing this very thing. It seems a bit hypocritical. One last note, if the neighbors have been so concerned about what is now our property, why did they not go together and buy it instead of trying to dictate how we can use the property which we maintain and pay taxes for???

Sincerely,



Richard and Pamela Burt

**DRAFT**

These Minutes Subject to  
August 3<sup>rd</sup> Approval

**CITY OF SHORELINE**

**SHORELINE PLANNING COMMISSION  
SUMMARY MINUTES OF REGULAR MEETING**

July 6, 2006  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

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**COMMISSIONERS PRESENT**

Chair Piro  
Vice Chair Kuboi (left at 8:30 p.m.)  
Commissioner Hall  
Commissioner Harris  
Commissioner McClelland  
Commissioner Phisuthikul  
Commissioner Wagner  
Commissioner Pyle

**STAFF PRESENT**

Joe Tovar, Director, Planning & Development Services  
Steve Cohn, Senior Planner, Planning & Development Services  
Steve Szafran, Planner II, Planning & Development Services  
Jessica Simulcik Smith, Planning Commission Clerk

**COMMISSIONERS ABSENT**

Commissioner Broili

**CALL TO ORDER**

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:03 p.m.

**ROLL CALL**

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Piro, Vice Chair Kuboi, Commissioners Hall, Harris, Phisuthikul, McClelland, Pyle and Wagner. Commissioner Broili was excused.

**APPROVAL OF AGENDA**

Item 4 (Director's Report) was moved to Item 10 (Unfinished Business).

**APPROVAL OF MINUTES**

The minutes of June 15, 2006 were approved as submitted.

## **GENERAL PUBLIC COMMENT**

No one in the audience expressed a desire to address the Commission during this portion of the meeting.

## **PUBLIC HEARING ON BURT SITE-SPECIFIC REZONE #201518 FOR PROPERTY LOCATED AT 19201 - 15<sup>TH</sup> AVENUE NORTHWEST**

Chair Piro reviewed the rules and procedures for the quasi-judicial public hearing. He also reviewed the Appearance of Fairness Rules and inquired if any Commissioners received comments regarding the subject of the hearing from anyone outside of the hearing. Commissioner Pyle disclosed that during prior employment with the City of Shoreline he heard information about the subject property. However, he does not believe the information would affect his decision making nor did he form an opinion on the proposal as a result of this information. Commissioner Hall pointed out that because the City is the project proponent, the City staff mailed the applications to the Commissioners. However, none of the Commissioners communicated with the staff regarding the subject of the hearing prior to the hearing. None of the other Commissioners disclosed ex-parte communications, and no one in the audience expressed a concern about the participation of any Commissioner, either.

## **Staff Overview and Presentation of Preliminary Staff Recommendation**

Mr. Szafran advised that the application before the Commission is regarding Rezone #201518 for property located at 19201 – 15<sup>th</sup> Avenue Northwest. He pointed out that the Comprehensive Plan identifies the subject property and adjacent properties to the north and east as high-density residential, and they have been developed as multi-family residential. Properties to the south and southeast have been designated as medium-density residential, which allows up to an R-12 zoning, and the property to the south is currently developed as a single-family home. The parcels to the west have been designated as low-density residential and are developed with low-density single-family homes. The zoning in the immediate area is a mixture of R-6, R-8, R-12, R-18, R-24 and Neighborhood Business. Mr. Szafran provided photographs of the existing development surrounding the subject parcel.

Mr. Szafran advised that the existing fourplex on the subject property would remain unchanged. The parcel slopes from east to west and has a severe incline towards the middle of the property. The western portion of the property is undeveloped, and there is a public street that dead ends into the western portion of the site. Currently, the property owner has an approved right-of-way permit to pave the rest of the street leading onto the parcel and to construct a 5-space parking area. He noted that one of staff's proposed conditions of the zone change would eliminate potential vehicular access to Northwest 192<sup>nd</sup> Street by tenants of any properties accessing from 15<sup>th</sup> Avenue Northwest. Access to the subject property currently comes from 15<sup>th</sup> Avenue Northwest, which is a collector arterial that is close to Richmond Beach Road (a minor arterial). There are currently four parking spaces on the site, and on-street parking is also available along 15<sup>th</sup> Avenue Northwest.

Mr. Szafran said staff finds that, with the recommend conditions, the proposal would meet several of the goals and policies of the Comprehensive Plan by:

- Accommodating varying types of housing styles.
- Using site and building regulations to create effective transitions between the subject property and properties to the west.
- Matching the densities that exist to the north and east.
- Being consistent with the High-Density Residential Comprehensive Plan designation for the parcel, which would support up to R-48 zoning.
- Improving the safety and traffic of the neighborhood to the west of the subject parcel with the imposed conditions.

Mr. Szafran pointed out that if the zone change is approved with the staff recommended conditions, the site would come into conformance with density standards, and any outstanding building violations could be corrected. In addition, the residential neighborhood to the west would be protected from a potential increase of vehicular traffic and drainage problems. If the zone change is denied, the owner would be allowed to build a parking lot on the west side of the parcel and have access to Northwest 192<sup>nd</sup> Street.

Mr. Szafran said that, based on the facts and analysis listed in the Staff Report, staff's preliminarily recommends approval of the rezone to R-18 with the following conditions:

- Limit the number of units to four.
- Record a legal document in a form acceptable to the City Attorney that would eliminate the potential vehicular access to Northwest 192<sup>nd</sup> Street by tenants of any properties accessing from 15<sup>th</sup> Avenue Northwest.

### **Applicant Testimony**

**Richard Burt, Stanwood**, advised that he and his wife are the owners of the subject property, but the applicant for the proposed rezone is actually the City of Shoreline. He reviewed that he and his wife purchased the property as a functioning 5-unit complex. When he heard that the previous owner had a problem with the neighbors, he invited the neighbors to contact him regarding their concerns. He learned from neighbors that one tenant was parking a large truck in the back yard, even after he asked him not to. The neighbors contacted the City regarding a solution to this problem, and after further review, the City determined that 2 of the units on the site were constructed illegally. In working with the City, he said he agreed to eliminate one of the units. He emphasized that although the Staff Report indicates that he and his wife did illegal work on the structure that is not the case. They have never made any changes to the building. When they agreed to eliminate the 5<sup>th</sup> unit, they turned in plans to do some of the things the City asked them to. However, these plans were never approved by the City, and Mr. Tovar has been helping them resolve the problem.

Mr. Burt said he never wanted to construct a parking lot in the back. This was a City requirement that upset the neighbors. His only desire is that his property be allowed to continue as a 4-unit complex. However, he emphasized that none of his property rights should be taken away because of neighborhood complaints. He pointed out that one of the neighbors behind his property has a mother-in-law apartment, and her renters drive on Northwest 192<sup>nd</sup> Street. The owner across the street has access to her backyard

from another City street. He summarized that the surrounding property owners want to take away his property rights, which are the same ones they enjoy now. He noted that if the zoning in the area were changed in the future to allow a larger building, some of his property value would be lost if access was prohibited from Northwest 192<sup>nd</sup> Street.

### **Questions by the Commission to Staff**

Commissioner Wagner asked about the City's current parking requirement for the site. Mr. Szafran explained that a 4-unit residential complex would require seven parking spaces. Given the current configuration of the site, the rear portion of the lot would be the easiest place to provide this parking space. Commissioner Wagner pointed out that the current zoning designation would only allow 3 units. Therefore, the City's previous requirement that the property owner provide parking behind the building was intended to address the parking requirement for the 2 illegal units. Mr. Burt said that in order to address the neighborhood's concern, the City is now proposing to eliminate the requirement to provide parking in the back. Mr. Szafran clarified that 5 parking spaces would be required for a 3-unit complex, and the site only provides 4 on-site spaces.

Chair Piro pointed out that staff did not propose any condition that would require the property owner to increase the number of on-site parking spaces to 7. Mr. Szafran explained that the Development Code allows the Director to waive up to 50% of the on-site parking requirement. Commissioner Pyle asked if the Director's decision to waive some of the parking requirement was related to the site's close proximity to transit opportunities. Mr. Szafran answered affirmatively.

### **Public Testimony or Comment**

**Bill Kuhn, Shoreline**, said he has lived in the area of the subject property for the past 35 years. He drew the Commission's attention to the picture of Page 33 of the Staff Report. He noted that Northwest 192<sup>nd</sup> Street is a narrow, one-lane road where it crosses 17<sup>th</sup> Avenue Northwest. This road continues on to abut the subject property. He explained that when Shoreline was under King County's jurisdiction, there was a metal barrier across this roadway, but the barrier was removed around 2000 in an aborted attempt by the previous owner of the subject property to put in a parking lot. While the parking lot proposal was stopped, the steel barrier preventing access to the subject property was not reinstalled. He said he is not convinced of the City's position that Mr. Burt has access rights to his property from Northwest 192<sup>nd</sup> Street, and he urged the Commission to investigate the situation further.

Mr. Kuhn referred to a letter written by Mr. Burt (Page 67 of the Staff Report), in which Mr. Burt said his ideal situation would be to have the building function as it has for the past 20 years, with parking on the east side and four units. While this is actually what the City is requesting, they have added an addendum to require there be no parking along Northwest 192<sup>nd</sup> Street by any tenant living in any of the buildings along 15<sup>th</sup> Avenue Northwest. Also in his letter, Mr. Burt said the reason he purchased the property was for income, and one way to increase his income would be to sell an easement through his property to the neighboring properties to the north and south. Mr. Burt said he could also put a parking lot in the back to make his property nicer out front. Mr. Kuhn agreed that Mr. Burt could certainly put a

parking lot in the back but he should provide access to it from the south side of his property rather than from Northwest 192<sup>nd</sup> Street.

Next, Mr. Kuhn drew the Commission's attention to Conditional Use Permit #1999-00867, which is relative to the property at 19137 – 15<sup>th</sup> Avenue Northwest, which is two parcels to the south of Mr. Burt's property. This parcel, together with the property immediately contiguous to Mr. Burt's parcel is owned by Mr. Friedman. In the conditional use permit application, Mr. Friedman was seeking to justify some illegal construction that had occurred. One of his requests was to access his property through the end of the street at Northwest 192<sup>nd</sup> Street. When the conditional use permit was reviewed by the Planning Commission and Planning Department Staff, it was recognized that the property had a potential for even higher density if brought into full compliance with the Comprehensive Plan. However, it was pointed out that the proposal would create similar traffic impacts as other medium-density developments. Therefore, vehicular access should be provided from the arterial, and not the residential street. Mr. Kuhn indicated that he did not have enough time to share his final point with the Commission.

Commissioner McClelland asked Mr. Kuhn to clarify if the properties to the south of the subject properties are owned by the same person. Mr. Kuhn answered affirmatively.

Commissioner Harris asked Mr. Kuhn to share his last point with the Commission, as well. Mr. Kuhn said he does not believe the proposed staff conditions make sense. He asserted that Mr. Burt has a history of parking his work trucks in the back yard. While Mr. Burt could certainly develop a parking area on the back portion of his property, it would not be appropriate for the access to come from the narrow Northwest 192<sup>nd</sup> Street. He reminded the Commission that when they reviewed the conditional use permit application in 1999, they agreed they did not want to do anything to impact the nature of this single-family residential neighborhood.

**Diane Bowers, Shoreline**, said she has lived in the subject neighborhood for the past 29 years. She came to Richmond Beach because of good schools for her children and a quiet neighborhood. The neighborhood has remained quiet and secluded because the street goes nowhere. Her children have grown up and new children have moved in, and she feels a special sense of community. However, this is all being threatened by the potential of opening the dead end of Northwest 192<sup>nd</sup> Street to create a parking lot for an apartment building that faces onto 15<sup>th</sup> Avenue Northwest. She pointed out that the subject property had its own parking access from 15<sup>th</sup> Avenue Northwest, but that space was replaced when two illegal dwelling units were added to the building. She pointed out that parking to the rear of the building could still be accessed from 15<sup>th</sup> Avenue Northwest if the property owner removed the wall that was built to prevent that from happening.

Ms. Bowers pointed out that the owner does not live in the community and his only interest in the community is the financial benefit he reaps from the building. Now he is proposing that the traffic to this parking lot and potentially other parking lots come down 17<sup>th</sup> Avenue Northwest and Northwest 192<sup>nd</sup> Street. Both of these streets are one-lane roads, with a blind intersection. She referred to Mr. Burt's letter stating his plans to sell access from the parking lot to at least one neighbor of his building on 15<sup>th</sup> Avenue Northwest. The owner of the adjacent property would likely build a parking lot, as well.

Ms. Bowers advised that Mr. Burt threatened this action, plus the sale of access to a second neighbor, when she and Mrs. Petersen spoke to him a few weeks. She said it is inconceivable to her that the Planning Commission would allow this to take place. In addition to narrow roads and blind corners, small children and elderly people use these roads, which have no sidewalks. If the City must rezone the property in spite of the fact that he has violated the law and ignored the demands of the City to remove the illegal units in the building, she asked that parking be required to stay on 15<sup>th</sup> Avenue Northwest. Northwest 192<sup>nd</sup> Street has always been a narrow residential dead end road, and the City should make sure it stays that way into perpetuity. She thanked the City staff for making this a condition of the rezone.

**Marion O'Brien, Shoreline**, reviewed the Development Code criteria that must be considered when reviewing rezone applications as follows:

- *Criteria 1: The rezone is consistent with the Comprehensive Plan.* The two staff recommended conditions are necessary in order for the rezone proposal to be consistent with the Comprehensive Plan.
- *Criteria 2: The rezone will not adversely affect the public health, safety or general welfare.* The proposed conditions would ensure the effective transition between the uses and density and prevent adverse impacts on public health, safety and welfare. Bringing additional traffic down Northwest 192<sup>nd</sup> Street would be reckless and foolish. On the other hand, 15<sup>th</sup> Avenue Northwest is a collector arterial and access to the subject property is correctly oriented towards it.
- *Criteria 3: The rezone is warranted in order to achieve consistency with the Comprehensive Plan.* Increased traffic is a recognized development problem, and many cities with more experience dealing with density issues do not allow access to multi-family residential developments through single-family residential zones.
- *Criteria 4: The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.* Lengthy history shows that complaints about the property began when construction started, thus proving that the four units have caused a great deal of impact. The original complaints did not come from residents on Northwest 192<sup>nd</sup> Street. Instead, they came from people on 15<sup>th</sup> Avenue Northwest. A parking lot at the end of the street, with access for at least one apartment building, would change the character of the neighborhood, decrease property values and diminish the quality of life they enjoy living on a dead end street.
- *Criteria 5: The rezone has merit and value for the community.* The Commission should keep in mind that the rezone must have merit to the community and not for just one individual. She disagreed with the staff's analysis that there would be no additional impact because the use already exists. She emphasized that the use does not legally exist, and complaints began when the construction started.

Ms. O'Brien pointed out that throughout the Staff Report, the apartment building is described as non-conforming and an existing fourplex. The Shoreline Municipal Development Code says that a use or activity is non-conforming if it was lawful prior to the adoption, revision or amendment of the Code but fails to conform to the present requirements of the zoning district. Therefore, describing the building as a non-conforming fourplex is incorrect and misleading. The building is an illegal triplex, with a fourth unit. Calling it anything else gives it validity.

Commissioner Pyle asked if on-street parking is allowed on Northwest 192<sup>nd</sup> Street. Ms. O'Brien answered that the paved area is very narrow and the shoulders are unpaved. People occasionally park on the unpaved shoulders and in the driveways. Commissioner Pyle asked if people who do not reside on the street would be prohibited from parking on the unpaved shoulders. Ms. O'Brien answered that the street is a public right-of-way, and there are no signs to prohibit parking. Ms. O'Brien emphasized that she supports the staff's recommendation as presented to the Commission.

**Shannon Clark, Shoreline**, said she spoke before the City Council last summer about this matter, and most of the neighbors are present because of the parking issue. They purchased homes on a dead end road, which is a narrow street. She expressed her belief that the likelihood of a vehicular or pedestrian accident would increase with more street traffic. Since there are a large number of children living in the area, this should be of utmost concern. She noted that a section of Northwest 192<sup>nd</sup> Street also lacks visibility due to substandard right-of-way width, and possible increased flooding in surrounding areas is also a concern since the neighborhood lies in a depressed area. Storms in 2003 and 2004 flooded parts of two homes. She said that she knows the City of Shoreline values the opinions and concerns of all property owners and residents, and she urged the Commissioners to drive the route necessary to reach the backyard of the Burt property on 15<sup>th</sup> Avenue Northwest to get a clear view of the neighborhood concerns about the proposed parking lot. She concluded by expressing her appreciation to City staff for being pro-active in helping with the issue.

**Erik Dobson, Shoreline**, said that over the past year he has seen the densities in both Seattle and Shoreline increase very rapidly. While this is good in many ways, it is also important that the single-family residential zones be preserved. The Commission now has an opportunity to stress the importance of preserving the single-family homes. The City was generous to give Mr. Burt the option of rezoning to R-18. Even though he did not own the property when the fourth unit was built, he assumed all responsibility when he purchased the property. Now he is responsible for making sure the property meets the code requirements. He said he does not think it is necessary to allow Mr. Burt to add a parking lot with access from Northwest 192<sup>nd</sup> Street. A driveway along the south side of the subject property could provide access to a parking lot on the rear portion of the lot. This would preserve Mr. Burt's property rights, but would also prevent access from a single-family residential street.

**Tom Petersen, Shoreline**, voiced his support for the staff's recommendation to approve the proposed rezone with conditions. He agreed with previous speakers that a driveway along the south side of the property would be easily possible. The steep slope that Mr. Burt referred to is the result of a landscaping job that was done about 10 years ago. It is a gentle slope that would not present a problem. Mr. Petersen said the Staff Report talks a lot about closing the end of Northwest 192<sup>nd</sup> Street, and he asked that this be reworded to restrict all vehicular access rather than just most vehicular access. He asked that the condition also close the street and not allow any driveways along back fences to other properties on 15<sup>th</sup> Avenue Northwest.

Mr. Petersen referred to Mr. Burt's presentation and pointed out that the encroaching vegetation along Northwest 192<sup>nd</sup> Street is not an issue. While it looks like the bushes come out onto the road, it is important to note that the road is only one lane wide. Mr. Peterson also referred to Mr. Burt's comment



about one property owner who had a mother-in-law rental. That structure is actually a privacy unit for an elderly resident of the home and not a rental.

**Viola Gay, Shoreline**, said she has lived in her home on Northwest 192<sup>nd</sup> Street for the past 15 years. She said it is important for the Commission to recognize the large number of small children that live along this street so safety is the most critical issue to consider. Changing the zoning on the subject property to R-18 would require the people living in the R-6 zone to suffer the consequences. If the rezone is approved, she questioned what would prevent Mr. Burt from requesting a fifth or sixth unit. Also, adjacent property owners might decide to request rezones for their properties, as well. Again, she pointed out that there are a number of young children living in the area, and allowing more traffic onto Northwest 192<sup>nd</sup> Street would be dangerous. The neighbors do not intend to deny Mr. Burt of an opportunity to use his property, but they do not want his tenants accessing the property through the narrow street.

### **Presentation of Final Staff Recommendation**

Mr. Szafran said staff's final recommendation would be to approve the rezone to R-18 for property at 19201 - 15<sup>th</sup> Avenue Northwest with the following conditions:

- Limit the number of units to four.
- Record a legal document in a form acceptable to the City Attorney that would eliminate potential vehicular access to Northwest 192<sup>nd</sup> Street by tenants of any properties accessing from 15<sup>th</sup> Avenue Northwest.

Mr. Szafran said another option would be to eliminate all potential vehicular access, except maintenance and emergency vehicles on Northwest 192<sup>nd</sup> Street.

### **Final Questions by the Commission and Commission Deliberation**

Commissioner Pyle observed that parking and access from Northwest 192<sup>nd</sup> Street to the west seems to be a major issue. He asked what would prohibit someone from parking on Northwest 192<sup>nd</sup> Street to access the subject property. If the tenants cannot park along 15<sup>th</sup> Avenue Northwest within a reasonable walking distance to the subject property, they will likely start parking on Northwest 192<sup>nd</sup> Street to access the property by foot. Mr. Szafran agreed that nothing would prevent the tenants of the subject property from parking on Northwest 192<sup>nd</sup> Street. He also noted that there is some on-street parking available along 15<sup>th</sup> Avenue Northwest.

Commissioner Pyle inquired if some type of separation treatment would be required between a higher density and lower density zone. He asked if this same treatment could be applied along the back side of the property in conjunction with some type of barrier prohibiting access to the property. Mr. Tovar answered that the City's current code does not have standards to articulate what happens in the circumstance of a higher density zone next to a lower density zone. This rezone application represents the City's attempt to impose conditions that would travel with the rezone. The Commission can recommend whatever conditions they feel are appropriate to create the separation.

Chair Piro said he visited the subject property prior to the meeting. He asked staff to clarify the location of the four units within the structure. He also asked how many of the units have access from the 15<sup>th</sup> Avenue Northwest side of the building as opposed to Northwest 192<sup>nd</sup> Street. Mr. Szafran answered that all of the units are accessed from the 15<sup>th</sup> Avenue Northwest side of the street.

Commissioner McClelland asked how the City would make sure the fifth unit is not used in the future. Mr. Szafran answered that, currently, there is not a fifth unit in the building. The proposed condition would preclude any additional units on the property. Mr. Tovar explained that if the rezone is approved, the applicant would be compelled to apply for a building and electrical permit, which would involve a City inspection to make sure the doors, location of utilities, etc. are designed to only serve four units. However, as a practical matter, it is important to keep in mind that property owners make improvements without permits, and the City is not aware of the situation until someone points it out to them.

Commissioner McClelland concluded that the neighbors appear to be in support of the proposed rezone to R-18 in exchange for restrictive parking on Northwest 192<sup>nd</sup> Street. Mr. Tovar said he believes the most significant issue for the neighbors to the west is the prospect of additional vehicular traffic on Northwest 192<sup>nd</sup> Street, and the best way to preclude this would be to place a limiting condition on the rezone. While the property owners in the area would not gain from having a fourth unit on the subject property, the proposed rezone would limit future traffic on Northwest 192<sup>nd</sup> Street.

Commissioner Hall asked if a permit was ever approved for the conversion of the garage into living space. Mr. Szafran said the building permit for this conversion expired without having a final review. Commissioner Hall referred to Page 50 of the Staff Report which states that work had been done without a permit. In addition, the previous "work without a permit" case had been closed when the previous owner had made application for a permit. He summarized that because the code enforcement case was closed and the permit was never issued, the same violation that existed at the time of the original stop work order still persists.

Commissioner Phisuthikul referred to Page 49 of the Staff Report which states that on February 29, 2000 a building permit was issued. The scope of work under the permit included the conversion of the garage into a dwelling unit. Since the property was zoned as a duplex, he asked if the creation of the additional unit was legal. Mr. Tovar answered affirmatively, but emphasized that the permit expired without being finalized or renewed.

Commissioner Wagner said she drove by the subject property and noted that there were two cars parked on site and an additional car parked on the shoulder of 15<sup>th</sup> Avenue Northwest. She inquired if it is legal for cars to park on the shoulder. Mr. Szafran clarified that parking is allowed along the shoulder of 15<sup>th</sup> Avenue Northwest. Commissioner Wagner pointed out that, technically, two cars could be accommodated on the subject property, with three additional spaces available in the right-of-way.

Commissioner Pyle asked about the required width for an access drive along the side of a building to reach a parking lot in the back. Mr. Szafran answered that a width of 20 feet would be required for this type of side access.

Chair Piro explained that the Planning Commission is responsible for providing a recommendation to the City Council, and the City Council would make the final decision. He asked what the status of the property would be if the City Council were to deny the rezone. Mr. Tovar said he inherited this issue when he was hired by the City in October of 2005. The Staff Report contains letters from him to Mr. Burt recounting the City's position and outlining different ways to proceed. In each of these letters, he clearly pointed out that there is no guarantee the Planning Commission and/or City Council would agree to rezone the property. If the rezone is not approved, the City would be back in an enforcement mode, with infractions, fines, liens, etc. However, staff believes a rezone would be the best method for resolving the situation to the satisfaction of the City, the neighbors and the subject property owner.

Chair Piro asked what would happen if the City Council were to ultimately make a decision that the property should revert back to a triplex. Mr. Tovar said the City would have to notify Mr. Burt that the rezone was not approved and that his property would continue to be in non-compliance with several provisions of the code. Mr. Burt would be given some time to comply before City would take action against him. He emphasized that if the rezone is not approved, staff does not believe the City would have a mechanism to preclude access to the subject property from Northwest 192<sup>nd</sup> Street.

Commissioner Hall asked staff to clarify why the existing fourplex has been designated as non-conforming. Mr. Szafran said the building should be referred to as an illegal use or structure rather than a non-conforming structure.

Commissioner McClelland referred to Page 52 of the Staff Report which states that on March 14, 2006 the City received a letter from the Burts requesting that they proceed with the rezone, and they also agreed to bring the property into compliance with the codes. She pointed out that the Commission never received a copy of this letter, and the letter from the Burts dated June 16, 2006 suggests that they changed their minds. Mr. Tovar agreed that there are some differences between the two letters.

Commissioner Harris clarified that as a conforming triplex unit, Mr. Burt would have legal access off of Northwest 192<sup>nd</sup> Street to his backyard for a parking lot. Mr. Tovar said that a permit has been approved by the City for a parking lot to occur with access from Northwest 192<sup>nd</sup> Street.

**COMMISSIONER PYLE MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE REZONE TO R-18 WITH THE FOLLOWING CONDITIONS:**

- **THAT THE NUMBER OF UNITS ON THE SITE BE LIMITED TO FOUR.**
- **THAT A LEGAL DOCUMENT BE FILED IN A FORM ACCEPTABLE TO THE CITY ATTORNEY THAT WOULD REQUIRE THE RESTORATION AND MAINTENANCE OF THE ACCESS BARRIER AT THE EAST END OF NORTHWEST 192<sup>ND</sup> STREET.**
- **THAT A 10-FOOT LANDSCAPE BARRIER BE INCLUDED ALONG THE WEST END OF THE SUBJECT PARCEL TO LIMIT THE IMPACT OF THE HIGHER DENSITY DEVELOPMENT. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.**

Commissioner Pyle pointed out the strong attendance of the neighbors living along Northwest 192<sup>nd</sup> Street. Their overriding concern appears to be access on Northwest 192<sup>nd</sup> Street. Closing the access from 192<sup>nd</sup> and installing a landscape barrier would limit the impacts of the increased density on 15<sup>th</sup> Avenue Northwest.

Commissioner Wagner inquired if the property owner and staff feel that the proposed new conditions would be reasonable. Mr. Tovar said staff feels the 10-foot buffer requirement would be a reasonable condition. Mr. Burt answered that the 10-foot buffer requirement would not be acceptable to him at all. He purchased the property as a 5-unit structure. If the neighbors would have reported the situation when it occurred with the previous owner, everyone would have been better off. He explained that the barricade was placed on Northwest 192<sup>nd</sup> Street in the 1960's to prevent teenagers from driving their jeeps through the vacant lot. While he wants to be a good neighbor and not construct a parking lot at the rear of his property, he would not support a condition that would take away his right to have some access from Northwest 192<sup>nd</sup> Street.

Mr. Burt explained that he purchased the property with his sister for additional income. He has already lost \$500 per month by eliminating the fifth unit, and eliminating an additional unit would result in a monetary loss of \$700 per month. His only option for income would be to sell the easement to the neighbors. He has a legal right to have an apartment on the site. He recalled that a few years ago, the neighbors attempted to place an illegal barrier on Northwest 192<sup>nd</sup> Street, but the City determined that he had legal access to his property. He said he would go along with a condition that would prohibit his tenants from parking on Northwest 192<sup>nd</sup> Street, but he would like to maintain his access right to do maintenance on his property. He pointed out that it would not be possible to place an access driveway along the south side of his property because the City's waterline runs along this area.

Again, Mr. Burt voiced that he would be opposed to a barrier being placed on Northwest 192<sup>nd</sup> Street to block his legal access. However, he would not be opposed to eliminating tenant parking in back. He said he would not be opposed to the City requiring a locked gate that only he would be able to access. Commissioner Pyle agreed that a fence and gate, as suggested by Mr. Burt, would serve the intent of his motion.

Commissioner Harris asked Mr. Burt's opinion about the new proposed Condition 3, which would require a 10-foot landscape barrier. Mr. Burt pointed out that blackberries are located along the rear property line. He said he would be happy to pay for a fence to be placed across the rear property line, as well.

Commissioner Hall pointed out that the Commission did not receive all of the comment letters that are identified in the Staff Report. Mr. Tovar said that all of the letters are on file in the City office. Commissioner Hall pointed out that only eight people spoke during the public hearing, but 52 people have also provided written comments. Of the written comments, 51 were opposed to the proposed rezone and one was in support. He has a hard time giving weight to the written comments because they are not part of the record before the Commission. The remainder of the Commission agreed with Commissioner Hall's concern. They discussed the option of continuing the hearing to a future meeting.

Commissioner Hall summarized that the landowner has indicated he would not support the motion that is currently on the table. On the other hand, neighbors have testified that they could support the proposed rezone with the condition that a fence or gate be added to block the access. However, if there is no recorded document to take away the legal access, a future property owner could choose to utilize this access for a parking lot. He noted that several written comments indicated a concern that the City was offering preferential treatment for this one property owner who has violated the code. He questioned if it is appropriate for the City to initiate a rezone application to address a long-standing code enforcement problem. If the garage had not been turned into an illegal dwelling unit, there would be two parking spaces in the garage, thus providing adequate parking for a triplex. In fact, there would even be adequate parking for a fourplex. He also emphasized that the structure is an illegal use and not a non-conforming use. The illegal use has an ongoing negative impact not only because of the extra dwelling unit but because parking space was taken away when the garage was converted.

Commissioner Hall asked Mr. Burt if he would support the rezone, if one condition required him to record on the property title a prohibition from ever getting vehicular access to the property from Northwest 192<sup>nd</sup> Street. Mr. Burt said he would support a prohibition of vehicular access to his property for the tenants only, but he would like to maintain his right to access the property for maintenance purposes.

Mr. Burt said it is important for the Commission to understand that the City issued a permit for the garage to be converted into the fourth unit, and they never followed through when the previous property owner put in a door to make a fifth unit. He said he wants to make sure that other property owners do not have similar experiences. When the City issues a red tag, they need to follow up to make sure the property owner gets the permit and that the work is done according to the permit approval. If not, they should put a lien on the title so that future property owners can be notified of the situation.

Mr. Tovar referred to Mr. Szafran's alternative language for the second condition, which would allow access for maintenance. If Mr. Burt's intent is to access the property with his own vehicle for maintenance purposes, staff contemplates this as an appropriate exception to vehicles coming from the west. However, the access should not be used on a daily basis by his tenants.

Commissioner Hall asked if Mr. Burt would have the ability, as per the motion, to grant an access easement to property owners further east for future uses. Mr. Tovar said the rezone conditions could prohibit this type of access easement, as well.

Vice Chair Kuboi left the meeting at 8:30 p.m.

**COMMISSIONER PYLE WITHDREW HIS MOTION SO IT COULD BE RESTATED FOR ADDITIONAL CLARITY. COMMISSIONER PHISUTHIKUL CONCURRED.**

Chair Piro expressed his concern about the precedent that might be set by the City approving a rezone application just to make a structure legal. Ideally, he would have liked the property to remain developed as a triplex with ample parking from 15<sup>th</sup> Avenue Northwest to meet the conditions of the code. Because that was not the case, the issue has become very complex and difficult to resolve.

Commissioner Wagner clarified that Mr. Burt did not want to give up his future property rights in case he moves back into the property at some point in the future. He felt that a permanent barrier on Northwest 192<sup>nd</sup> Street would be an infringement on his personal property rights. She noted that the proposed conditions would still allow for the future potential use of Northwest 192<sup>nd</sup> Street as a primary access road.

**COMMISSIONER PYLE MOVED THAT THE HEARING BE CONTINUED TO ANOTHER DATE TO ALLOW THE COMMISSION TIME TO REVIEW THE ADDITIONAL WRITTEN COMMENT LETTERS. THE MOTION DIED FOR LACK OF A SECOND.**

**COMMISSIONER PHISUTHIKUL MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF REZONING THE PARCEL TO R-18 WITH FOUR CONDITIONS:**

- **LIMIT THE NUMBER OF UNITS TO FOUR.**
- **RECORDED A LEGAL DOCUMENT IN A FORM ACCEPTABLE TO THE CITY ATTORNEY THAT WOULD ELIMINATE VEHICULAR ACCESS TO NORTHWEST 192<sup>ND</sup> STREET EXCEPT FOR MAINTENANCE OR EMERGENCY VEHICLES.**
- **PROHIBIT ACCESS EASEMENTS ACROSS THE SITE TO SERVE OTHER PROPERTY OWNERS.**
- **REQUIRE A 10-FOOT LANDSCAPE BUFFER ALONG THE WESTERN EDGE OF THE PROPERTY.**

**COMMISSIONER PYLE SECONDED THE MOTION.**

Commissioner Pyle clarified that the intent of the required landscape buffer along the western edge of the property would be to provide some separation between the high-density residential development and the low-density residential neighborhood. Rather than just placing a large fence at the end of Northwest 192<sup>nd</sup> Street, the landscaping could provide a residential feel to the end of the street.

Commissioner Hall said that while he appreciates the attempt to negotiate a compromise for a long-standing code enforcement issue, he would have to vote against the motion. He said he is concerned that approval could set a precedent in the future for the City to fix problems with zoning changes. Whether the current owner knew about the historical violation on the property or not, it was his responsibility to research and learn this information before purchasing the property. Therefore, he suggested that the current property owner's only reasonable expectation at the time of his purchase would have been for a legal use. A due diligence investigation would have determined that two of the units were illegal.

Commissioner Hall referred to the Comprehensive Plan policies. Land Use Policies 63 and 65 speak about adequate parking and off-street parking. This situation is an illegal use that took away the parking that was part of the originally approved permit for the triplex. Land Use Policy 99 states that the City should pursue active enforcement of its construction guidelines.

Commissioner Pyle said he would support the motion because he feels the staff's approach to addressing the problem has been unclear over the years. The City has changed its mind prior to Mr. Tovar's leadership. If the City had taken a clear course to resolve the process, he would feel much more strongly that they would be setting a precedent. But because the City has changed its mind the proposed rezone is one way to resolve the situation.

Commissioner McClelland clarified that if the rezone application is denied, the property owner would be able to enact the right-of-way permit that would allow him to construct parking off of Northwest 192<sup>nd</sup> Street. Mr. Szafran said the property owner would have to pay for the pending permit before the parking spaces could be constructed, but the current permit would allow the property owner to do work within the Northwest 192<sup>nd</sup> Street right-of-way. Chair Piro asked if the property owner would also be required to bring the property into full compliance with the code. Mr. Szafran answered that if the rezone is denied, the code enforcement case would remain open and pending until the violations are corrected.

### **Closure of the Public Hearing**

**COMMISSIONER WAGNER MOVED THAT THE PUBLIC PORTION OF THE HEARING BE CLOSED. COMMISSIONER PYLE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

### **Vote by Commission to Recommend Approval, Denial or Modification**

**THE MOTION CARRIED 5-2, WITH CHAIR PIRO AND COMMISSIONER HALL VOTING IN OPPOSITION. (VICE CHAIR KUBOI HAD LEFT THE MEETING AT 8:30 P.M.)**

### **STUDY SESSION ON DEVELOPMENT CODE AMENDMENT PACKAGE #1**

Mr. Tovar explained that since he started working for the City, staff has experienced increasing backlogs and delays in processing development permits. Part of this is related to the lack of City resources to complete the civil review. Staff submitted a request to the City Council for a mid-year budget adjustment. If this adjustment is approved, the City would be able to hire a second Development Review Engineer. While this should help the situation, better communication between the Planning and Development Services and Public Works Departments is also necessary. In addition, code amendments are necessary to speed up the development permit review process.

Mr. Tovar explained that as the staff reviewed the existing Shoreline Municipal Code (SMC), the internal development guide, and past practices for dealing with permit issues, it became clear that some systemic problems must be fixed. Some can only be resolved by amending the SMC, and that is the purpose of Development Code Amendment Package 1.

Mr. Szafran noted that all of the code amendments in the package were proposed by the staff. He briefly reviewed the proposed amendments and the rationale for each one as follows:

- **Amendment 1** would clarify when a site development permit is needed.

- **Amendment 2** would add language referring to procedural requirements for a pre-application meeting and to better inform an applicant during the meetings as to what permits might be necessary and what the time frames would be.
- **Amendment 3** is a new code section referring to site development permits. At this time, it is not clear when a site development permit is needed.
- **Amendment 4** would delete condominiums from requiring a binding site plan. A binding site plan would only be used for commercial and industrial development in Shoreline.
- **Amendment 5** has to do with modifying building coverage and impervious areas for “zero” lot line developments. The maximum coverage would still apply to the overall site, but the individual “zero” lot line lots would be allowed flexibility.
- **Amendment 6** applies to driveways. Currently, the development code requires a 5-foot setback for residential driveways from a property line. Most of the short plats coming into the City are on existing lots with homes where they may not have enough room to provide a new driveway to a new back lot. Other sections of the code allow anything less than 18 inches tall (patio, deck, etc.) to go up to the property line, so a driveway should be allowed to do the same.
- **Amendment 7** reorganizes the easement and tract language. No new language was proposed.
- **Amendment 8** would allow private streets to be located within an easement. This would allow a property owner more flexibility and could result in the potential for creating an additional building lot.

Commissioner Pyle requested clarification for **Amendment 6** which would allow a developer to put the driveway down the side of a property line. He noted that in the past, a 5-foot separation has been required when a driveway crosses over the property line. He asked if the proposed amendment would allow a variation from this design standard, which is in the Engineering Design Handbook. If not, he asked if the Engineering Design Handbook would be amended in conjunction with the code amendment. Mr. Szafran answered that the Engineering Design Handbook requirement would still apply. Commissioner Pyle said that this would require that the driveway be meandered away from the property line where it meets the street in order to provide a 5-foot separation. Mr. Szafran clarified that this provision would only apply to the interior lot area.

Mr. Tovar said the City would be working on revisions to the Engineering Design Handbook in the near future to make it more internally consistent and more consistent with the code language, as well. These changes would be done administratively, but could be brought before the Commission for their information.

Commissioner Harris referred to **Amendments 6 and 8** which would allow driveways within all required setbacks and private streets within an easement. He explained that easements, tracts and driveway widths are three very well-used issues to either limit or encourage back lot development. He asked if there has been a recent change in philosophy to try to encourage development of some of the back lots. Mr. Tovar said this change was generated by the staff. He said direction from the Growth Management Act is to use the urban land more efficiently. This does not mean putting too much density where it is not appropriate, but many of the existing code requirements make it difficult for property owners to do infill development on the passed-over pieces of property.



Commissioner Hall inquired if staff would propose any policy changes to the Comprehensive Plan to promote a more efficient use and redevelopment of residential properties. If there is a common theme driving the proposed development code amendments, perhaps they should also review the land use section of the Comprehensive Plan. Mr. Tovar said that a review of the Comprehensive Plan policies could be part of the City's future discussion regarding Comprehensive Housing Strategies.

## **REPORTS OF COMMITTEES AND COMMISSIONERS**

None of the Commissioners provided additional comments during this portion of the meeting.

## **UNFINISHED BUSINESS**

### **Director's Report**

Mr. Tovar announced that the Annual American Planning Association would be held on October 4, 5 and 6 in Yakima, Washington. He invited the Commissioners to notify the staff of their intentions to attend the event. Mr. Cohn also announced that an Affordable Housing Conference has been scheduled for September 11 and 12 in Bellevue, Washington. He encouraged the Commissioners to contact staff as soon as possible if they plan to attend.

Mr. Tovar announced that a property rights measure was filed today with the Secretary of State. 225,000 signatures were required to qualify for the ballot, and they submitted 315,000 signatures so it is highly likely that the issue would be on the next ballot. In the near future, staff would review information that has been generated by the Association of Washington Cities and consider the best way to inform the staff, Planning Commission, City Council and the community about the impacts of this measure.

Mr. Tovar recalled that a joint meeting has been scheduled with the Planning Commission and the Parks Board on September 7<sup>th</sup> to discuss the issue of urban forests, the Cascade Land Conservancy's Cascade Agenda, etc. This is good timing, since the City Council recently adopted their 2007-2008 goals.

## **NEW BUSINESS**

No new business was scheduled on the agenda.

## **ANNOUNCEMENTS**

No additional announcements were provided during this portion of the meeting.

## **AGENDA FOR NEXT MEETING**

Mr. Tovar distributed binders to each of the Commissioners in preparation for their July 20<sup>th</sup> retreat. The binders include survey results, the City Council's 2007-2008 goals, agenda planners, etc. He said he would be prepared to discuss how the Commission would be involved in implementing the 2007-2008 goals at the Commission retreat.

Mr. Cohn said the Assistant City Manager has indicated that she would like the Commissioners to discuss their work program at the upcoming retreat. She suggested they each come up with three items that could be part of the Commission's upcoming work program. She would be going through a process with the Commission and staff to identify their top three work items.

### **ADJOURNMENT**

The meeting was adjourned at 9:30 p.m.

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Rocky Piro  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

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

<b>AGENDA TITLE:</b> Annual Police Service Efforts and Accomplishments Report <b>DEPARTMENT:</b> Police <b>PRESENTED BY:</b> Chief Tony Burt
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**EXECUTIVE / COUNCIL SUMMARY**

The 2005 Service Efforts and Accomplishments Report (SEA) is the sixth annual police report presented to Council. The report combines statistical crime data, clearance rates with analysis and interpretation. The overall purpose of this report is to provide a review of the wellness of public safety in the city.

The report blends crime trend and workload data for the past six years, when available.

**Report Highlights:**

- The SEA report is structured into Goals and Objective sections. There are two primary goals of the Shoreline Police and they are:
  - *To reduce crime and the fear of crime*
  - *To provide high quality, cost effective and accountable services to the City of Shoreline*
- Each goal has a number of objectives listed in succession of the goal. All objectives are designed to accomplish the goal. The objectives are a combination of workload, problem solving efforts, statistical analysis and citizen input. These data become our benchmark to compare ourselves over a period of time and thus measures our performance in the delivery of police services.

The overall scorecard remains favorable for Shoreline. The Part 1 Crime Rate increased slightly from 46 in 2004 to 47.8 per 1,000 residents in 2005. This rise was primarily due to increased property crimes such as auto theft and burglary. Violent crimes against persons was down significantly.

Emergency response times to critical calls was excellent, with an average time of 3.98 minutes, which is significantly below the city's benchmark of 5 minutes.

Compared to benchmark cities, Shoreline continues to have a lower crime rate than most cities and has the lowest ratio of officers per thousand citizens. The cost per capita for police services in 2005 was approximately \$149.24, which represents the Interlocal Agreement costs only. The cost per capita is the lowest of all benchmark cities. We strive to provide quality policing services as cost effectively as possible.

Shoreline police actively engaged in addressing homeland security, disaster preparation and mitigation strategies. Our Emergency Management Coordinator has worked diligently with city departments and a number of community groups to ensure Shoreline is in the best possible position to handle potential disaster related events.

### **SUMMARY**

Shoreline continues to be a safe community. The police department takes great pride in serving the resident of Shoreline. We do our best job when the community is involved with us. To that end, we will continue to engage the community in partnerships that prove effective in combating issues of concern to them. We are excited to continue to build upon the successes of the past eleven years.

### **RECOMMENDATION**

No action is required. This report is for review and discussion.

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

### **ATTACHMENT**

A:      City of Shoreline 2005 Service Efforts and Accomplishments and Efforts Report

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# **City of Shoreline Police Department**

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## **Service Efforts and Accomplishments: 2005** **Sixth Annual Report on Police Performance**



**Created for the City of Shoreline by:**

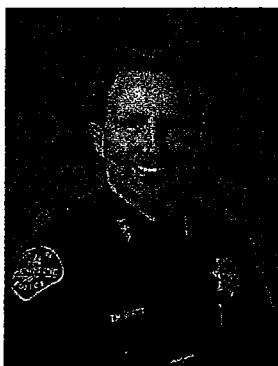
The King County Sheriff's Office  
Research, Planning & Information Services Unit  
516 Third Avenue, KCC-SO-0100  
Seattle, WA 98104

**Accessible formats are available upon request.**

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## Letter from Chief Tony Burt



July, 2006

Dear Residents of Shoreline:

I am pleased to present the sixth annual Service Efforts and Accomplishments (SEA) Report. This report serves as our "report card" and highlights crime trends, our crime prevention efforts, and citizen satisfaction with our police service and our overall performance.

In 2005, the City of Shoreline experienced a slight bump in Part 1 Crimes to 47.8 crimes per 1000 residents. This increase was attributed primarily to increases in auto thefts, which have become a regional concern. The police department has made a concerted effort to reduce auto thefts through aggressive investigations, public education and crime prevention. Our community police stations have actively engaged the community with training and articles on how to prevent becoming the victim of auto thefts, reduction of violent crimes against persons.

In 2005, Shoreline police officers handled 14,115 dispatched calls for service. The response times to Priority X calls (life threatening) was faster, with an average time of 3.98 minutes which is well below the Council's benchmark of 5 minutes.

Shoreline Police actively engaged in addressing homeland security, disaster preparation and mitigation strategies. Our Emergency Management Coordinator has worked diligently with city departments and a number of community groups to ensure Shoreline is in the best possible position to handle potential disaster related events.

Shoreline continues to be a safe community to live and work! We ask each of you to consider joining us in our efforts by starting or joining a neighborhood watch program, become a volunteer, sign up for the Civilian Emergency Response Training (CERT) and the Citizens' Police Academy. The police department takes great pride in serving the residents of Shoreline. We do our best job when the community is involved with us. We are excited to continue to build upon the success of the past eleven years.

Respectfully Submitted,

***Tony Burt, Chief of Police***

City of Shoreline Police Department

[pd@ci.shoreline.wa.us](mailto:pd@ci.shoreline.wa.us)



## Executive Summary

### Mission

The mission of the Shoreline Police Department is to:

*Prevent crime and create an environment where people feel safe, while providing quality, professional law enforcement services designed to improve public safety.*

### Core Values

The Shoreline Police are committed to the following Core Values:

*Leadership  
Integrity  
Service  
Teamwork*

### Goals & Objectives

In order to realize this mission the City of Shoreline Police Department has adopted the following Goals and Objectives:

#### Goal # 1: Reduce crime and the fear of crime.

Objective: Use information for crime analysis.  
Objective: Apprehend offenders.  
Objective: Prevent crime.  
Objective: Improve citizens' feeling of security.

#### Goal # 2: Provide high-quality, cost-effective, and accountable services to the City of Shoreline, WA.

Objective: Provide responsive services to citizens.  
Objective: Provide cost-effective services to citizens.

The following report contains information on the service efforts and accomplishments of the Shoreline Police Department to support its Mission, Goals and Objectives.

# City of Shoreline Police

*Service Efforts and Accomplishments: 2005*

## **Goal # 1 : Reduce Crime and the Fear of Crime**

The goal to reduce crime and the fear of crime is a standard goal of law enforcement agencies worldwide. Efforts to support this goal vary due to differences in laws, limitations and liabilities of law enforcement agencies, community preferences, socio-economic factors and available resources.

The objectives chosen to provide direction for Shoreline's police department in support of this goal are:

- use information for crime analysis,
- apprehend offenders,
- prevent crime, and
- improve citizens' feeling of security.

The measures on the following pages report the efforts and accomplishments of City of Shoreline's Police Department as reflected in the amount of crime:

- crime rates and statistics,
- crime incident case clearance rates,
- adult and juvenile arrest and charge statistics,
- workload of crime prevention efforts,
- citizen communications activities and citizen survey results.

# City of Shoreline Police

*Service Efforts and Accomplishments: 2005*

## Objective: Use Information for Crime Analysis

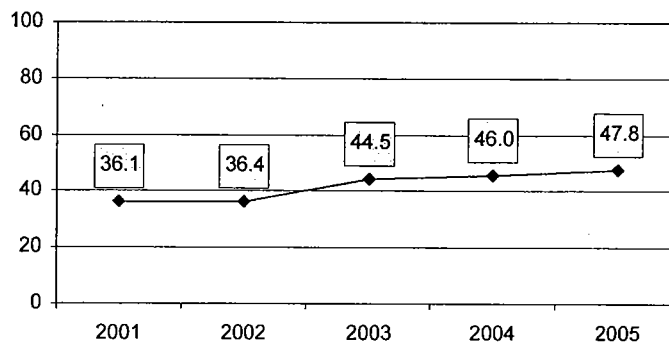
### The "Crime Rate"

#### **Total Part I Crimes**

"Part I Crimes" is a category of crimes established by the U. S. Department of Justice Federal Bureau of Investigation (FBI) that consists of murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson. Part I Crimes compared to the population are known as the "Crime Index" or "Crime Rate." (The Crime Rate is known as the Modified Crime Rate when Arson data is included.)

#### **Part I Crimes Per 1,000 Residents**

Commonly known as the "Modified Crime Rate"



"Part II Crimes" consist of all other crimes not included in the Part I Crimes category. Part II crimes vary due to differences in local laws.

#### **National Modified Crime Rate**

The FBI calculates and publishes the national crime rate based on the information sent to them by participating agencies. This information is usually released in the fourth quarter (October) of the following year.

#### **U. S. National Modified Crime Rate**

40.1

# City of Shoreline Police

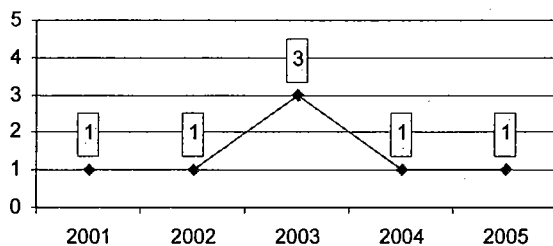
## Service Efforts and Accomplishments: 2005

### Crimes Against Persons

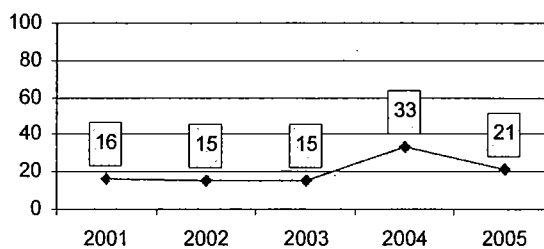
#### Part I Crimes Against Persons

Part I Crimes include crimes categorized as "violent crimes" or "crimes against persons." The following are Shoreline's Part I Crimes Against Persons for the last five years.

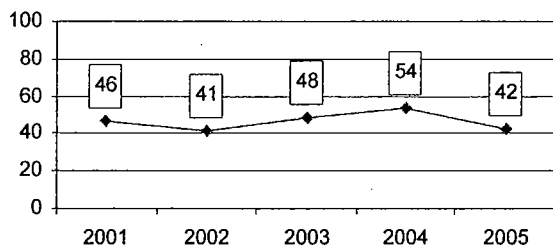
##### Murder



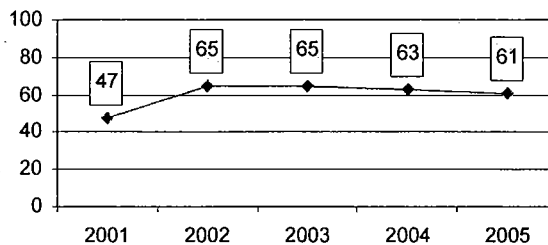
##### Rape



##### Robbery



##### Aggravated Assault



# City of Shoreline Police

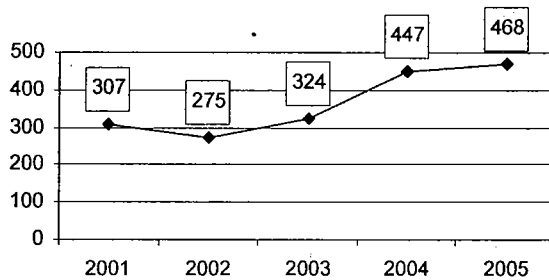
## Service Efforts and Accomplishments: 2005

### Crimes Against Property

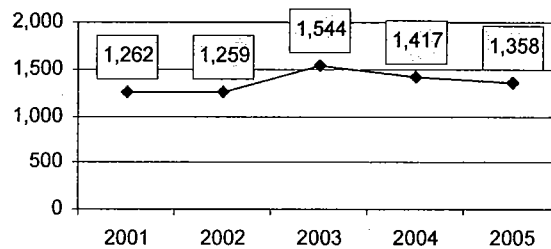
#### Part I Crimes Against Property

The second group of crimes that make up the Part I Crimes are known as "non-violent crimes," "crimes against property," or "property crimes." The following are Shoreline's Part I Crimes Against Property for the last five years.

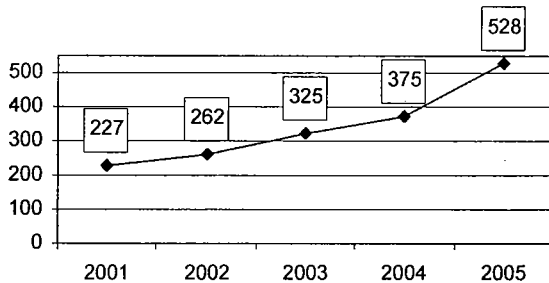
**Burglary**



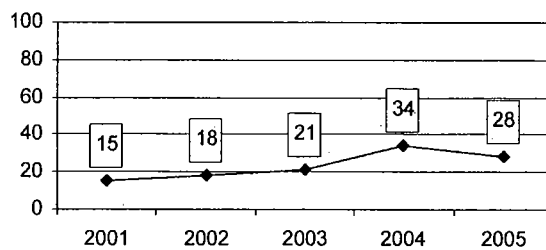
**Larceny**



**Vehicle Theft**



**Arson**



# City of Shoreline Police

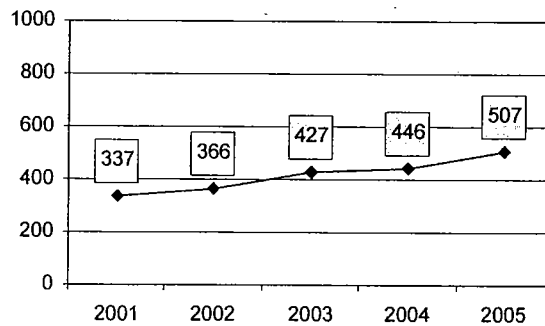
## Service Efforts and Accomplishments: 2005

### Domestic Violence Crimes

In Washington State "Domestic Violence Crime" refers to any crime which is committed by a spouse, former spouse, person related by blood or marriage, persons who have a child in common, former/current roommates, persons who have or had a dating relationship, and/or persons related to the suspect by the parent-child (biological or legal) relationship. In some cases, the age of the victim or suspect may determine whether or not the legal definition above is met.

"Domestic Violence Incidents" includes all documented police activity related to domestic violence incidents which includes all case reports and citations as well as possibly containing other related activity such as Field Interview Reports (FIR) and assistance to other agencies.

**Total Domestic Violence Incidents**



The most frequently occurring types of domestic violence crimes in Shoreline in 2005 were:

Crime	Reported Incidents
Assault, Fourth Degree	130
Total Family/Juvenile Disturbances	76
Violation of Court Orders, Misdemeanor	74
Vandalism	18
Assault, Hands	14
Violation of Court Orders, Felony	10
Assault, Other Deadly Weapon	6
Assault, Knife	6
Trespass	4
Residential Burglary, Non-forced	4
Other/Miscellaneous	38

NOTE: There were 0 domestic violence related homicides in Shoreline in 2005.

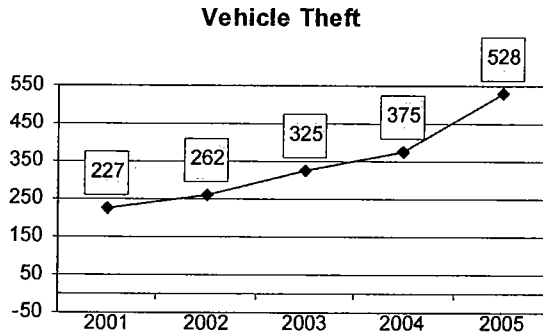
# City of Shoreline Police

*Service Efforts and Accomplishments: 2005*

## Automobile/Vehicle Related Crimes

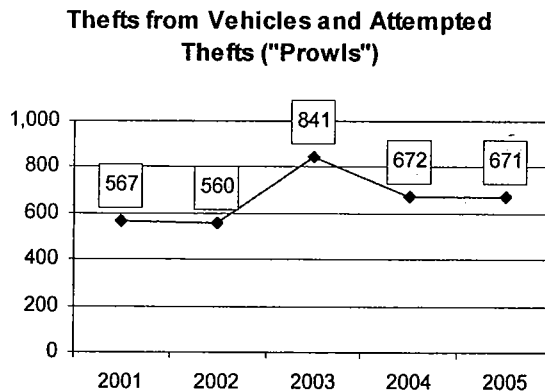
### Vehicle Thefts

Vehicle Thefts includes thefts of all vehicles including trucks, buses, boats, recreational vehicles and other non-licensed off-road vehicles.



### Thefts from Vehicles and Attempted Thefts

Thefts From Vehicles and Attempted Thefts include thefts of property **from** a vehicle including: any part or accessory item attached to the vehicle (gasoline, tires, tape decks, antennas, etc.), and personal property left in a vehicle (purses, gifts, tools), as well as vehicle prowls (no property successfully taken).



# City of Shoreline Police

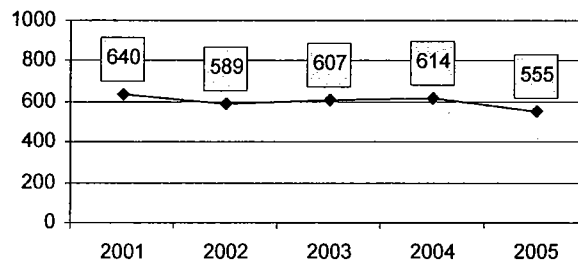
## Service Efforts and Accomplishments: 2005

### Traffic Incident Information

#### Traffic Report Data

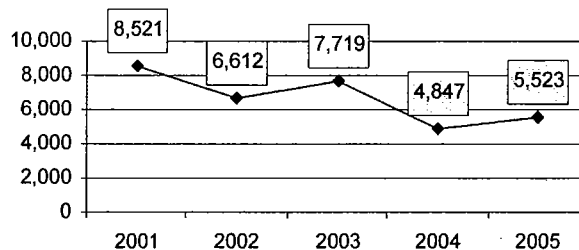
Collision information includes reports for all injury, non-injury and fatality vehicle collisions (including hit and run incidents) taken by the City of Shoreline Police Department.

**Collisions**



Citation and Notice of Infraction information includes reports of Driving While Intoxicated (DWI) violations, Moving/Hazardous violations (such as all accidents, speeding and reckless driving), and Non-moving Compliance violations (such as defective equipment and parking violations).

**Traffic Citations and Notices of Infraction(s)**



The Neighborhood Traffic Safety Program (NTSP) continues to be of great importance to the citizens of Shoreline. A total of 331 locations are now included in the enforcement phase of the program. The program is a collaborative effort between the Police Dept., Public Works and Traffic Engineering. The radar trailers are being utilized almost 100% of the time and several locations are being monitored by Road Services with counting equipment as an investigative portion of the program. During 2005, officers worked 954 hours of enforcement and issued 673 citations.



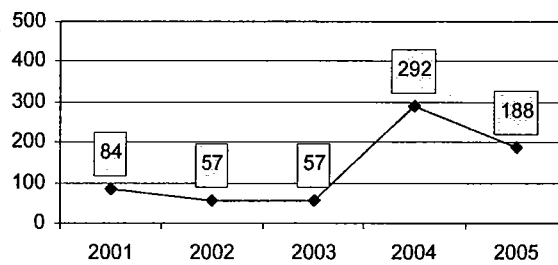
# City of Shoreline Police

## *Service Efforts and Accomplishments: 2005*

### **Traffic Report Data, continued**

Citizen Traffic Complaints includes all reports citizens make regarding chronic traffic violations and requests for traffic enforcement. A total of 188 complaints were received in 2005. Complaints are assigned out to specific traffic enforcement units as well as patrol and are worked on regular basis. Some complaints are resolved relatively quickly, while others become the site of on-going traffic enforcement projects.

**Citizen Traffic Complaints**



# City of Shoreline Police

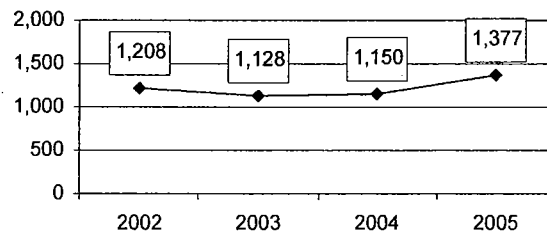
*Service Efforts and Accomplishments: 2005*

## Objective: Apprehend Offenders

### Cases Closed "Cleared by Arrest"

The closed cases below are cases known as "cleared by arrest." Although not every case suspect is "arrested," each suspect in these cases has been recommended for criminal charges that may eventually result in an arrest or another form of punitive action (such as a citation). Cases "cleared by arrest" are sent to the King County Prosecutor's office - with the officer or detective's recommendation to file criminal charges. A prosecuting attorney is solely responsible for the decision to formally file charges and prosecute defendants.

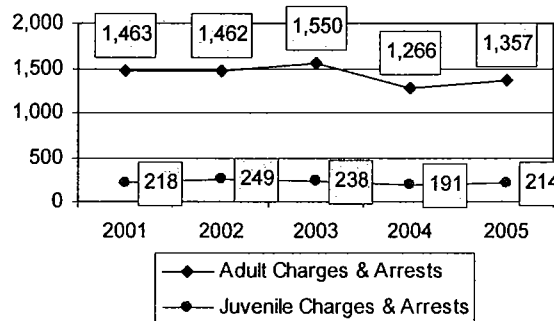
**Part I & II Cases Closed  
'Cleared By Arrest'**  
Comparable data unavailable prior to 2002.



### Charges and Arrests

Of all the cases "cleared by arrest" (see above), the following are the charges & arrests by adult/juvenile status. (Note: Numbers will differ from the number of cases "cleared by arrest" due to differences in reporting standards.)

**Adult & Juvenile Charges & Arrests**



# City of Shoreline Police

## *Service Efforts and Accomplishments: 2005*

### **Controlled Substances and Assets Seizures**

The Shoreline Police Department Street Crimes Unit consists of a Sergeant and two detectives<sup>1</sup> with the primary responsibility for the investigation of drug related crimes and vice activities. The unit also assists patrol and other detective units with follow up work, surveillance, undercover work, arrests and other activities uniformed or dayshift detectives are unable to do.

#### ***2005 Highlights:***

Felony Charges Filed:	155
Misdemeanor Charges Filed:	111
Prostitutes Arrested:	59
Drugs Seized:	
Cocaine	790.6 grams
Heroin	163.0 grams
Methamphetamine	179.4 grams
Marijuana	5,894 grams
Other	12,296 pills (prescription/controlled substances)
Money Seized:	\$146,148.00 (Lien on one house, unknown amount)
Vehicles Seized:	6 - \$51,500.00
Weapons Seized:	4 handguns, 1 rifle, 5 knives
Recovered Stolen Property:	\$148,400.00
Search Warrants Served:	11
Arrest Warrants Served:	12 Felony/10 Misdemeanors

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<sup>1</sup> One detective from the Street Crimes Unit was called to military service and was on leave for most of 2005.

# City of Shoreline Police

*Service Efforts and Accomplishments: 2005*

## Objective: Prevent Crime

### Crime Prevention Efforts

#### **Crime Prevention Groups: Block Watch**

Block Watch promotes partnerships between police and citizens to prevent crime. Education about crime prevention, reporting crimes and suspicious activity, and Operation ID are key components of Block Watch. Block Watches participated in National Night Out Against Crime and registered over eighteen individual block parties with their police department. Shoreline Police and command staff attended the neighborhood parties and provided child safety and crime prevention literature and information to citizens.

Block Watch News, is published by storefront offices and is available on the city of Shoreline website [www.cityofshoreline.com](http://www.cityofshoreline.com). Go to "Departments" and use the drop down box to click on "Police". Storefronts continue to work with King County Sheriff's Office to publish monthly Neighborhood Crime Maps.

Several service goals for 2006:

Join with the City Emergency Management Coordinator to provide Emergency Preparation and crime prevention information training at the Annual Block Watch Captains meeting.

Encourage and support the neighborhoods in Shoreline to implement Block Watch groups, increasing the number by 5% per year.

#### **Crime Prevention Groups: Business Watch**

Shoreline Police Storefronts achieved their goal publishing a quarterly newsletter, Business Watch, in response to the request of the business community. Topics included Burglary and Robbery Prevention as well as Shoplift Prevention and Internal Theft.

Storefronts partnered with the City Emergency Management Coordinator to publish information in the 2nd Quarter of 2005 Business Watch about Ready Business. Ready Business outlines measures business owners and managers can take to start getting ready in preparation for an emergency.

Other programs offered to the business community are the Retail Theft Program (RTP), security surveys known as CPTED (SEP-ted) or Crime Prevention Through Environmental Design, E-911 Business Emergency Notification, and the Landlord Training Program.

A police storefront goal for 2006 is to enhance our partnership with the Shoreline Chamber of Commerce and to provide them with crime prevention updates at their regular meetings.

#### **Crime Prevention Groups: Storefronts**

Shoreline Police has two Neighborhood Centers known as storefronts staffed by a police officer and over twenty volunteers who average about 400 hours per month. Volunteers manage many programs vital to Shoreline's Crime prevention efforts: Vacation House Checks, Victim Call Back, Citizen Park Patrol, Court Reminder, Senior Interaction Group, False Alarm Reduction, Pawnshop support, Crime Analysis, E-911 Business Emergency Notification, residential and business CPTED surveys, crime prevention publications and more.

# City of Shoreline Police

## *Service Efforts and Accomplishments: 2005*

### **Anti- Auto Theft Program**

Statistics show that in 2005, 38% of the vehicles stolen in Shoreline were left unlocked. An important service goal for 2006 is to provide citizens with a community anti-auto theft program offering prevention education and information on theft deterrent tools. Police Administrative staff, Detectives, Patrol, Storefronts, and the Prosecutor's Office will work together to develop this program.

### **Bicycle Registration Program**

Shoreline Police Storefronts and the Community Services Officer met their goal of implementing this program which enables police to identify and return bicycles to their owners.

### **Project Home Safe**

Through a grant with Project Home Safe, Shoreline Police continue to promote gun safety and give away free gun locks to residents.

### **Community Training/Activities**

Citizens' Academy	Personal Safety Training/Presentations
Landlord Training Program	Residential/Commercial Security Surveys
Retail Theft Program	Annual Volunteer Recognition & Training
Community Crime Prevention Articles	Annual Block Watch Captain's Meeting
National Night Out	School Safety Patrol
Court Reminder Program	Crime Analysis
Vacation House Checks	False Alarm Reductions Program
Citizen Park Patrol	Victim Call-Back Program
Identity Theft Prevention Information	Informational Contacts

### **Court Reminder Program**

In 2005, volunteers made 3,338 telephone calls to people to remind them of a scheduled court date. This nationally recognized program showed there was a 36% drop in Failure-To-Appears in its first year.

### **Victim Call Back Program**

Police Storefront Volunteers made over 670 calls to crime victims, providing crime prevention services, identity theft brochures, and follow-up reports.

### **More Information**

For more information on crime prevention programs and services, contact the Shoreline Police Department at (206) 546-6730 or [pd@ci.shoreline.wa.us](mailto:pd@ci.shoreline.wa.us).

# City of Shoreline Police

## *Service Efforts and Accomplishments: 2005*

### **Problem Solving Projects/Programs**

#### **Emergency Management**

In 2005, through the use of grants we were able to purchase three satellite phones, two for the Emergency Operation Centers and one portable. We were also able to purchase additional 800MHz radios and complete a threat assessment for the City. These grants also assisted in paying for emergency management activities.

The Emergency Operation Centers (EOCs) the Fire Department and Police Department are now equipped with charts to log critical and resource information, both in hard copy and in electronic format.

#### **Mental Health Partnerships**

The Group Home Program is still a community effort working to insure the safety and well being of all involved when responding to adult care facilities. This was initiated as a Problem Solving Project in 2000. The close relationship that has continued with the Department of Health and Human Services (DSHS) and local care providers has been working effectively in decreasing police responses. The police department and DSHS have continued identifying "Hot Homes" and developing crisis plans for them. In the year 2005 we identified 4 cases that were in need of problem solving. Each case has shown successful partnerships in finding a resolution for the client, care provider, police & the surrounding residents of Shoreline. This unique and creative alliance continues for the purpose of developing a more intelligent, understandable and safe law enforcement approach to people who are in mental crisis.

#### **Traffic Related Issues**

Shoreline Police has an on-going commitment to addressing traffic related problems. In 2005, Shoreline Police was able to purchase and put into service the following grant-funded equipment: an in-car video system as well as six portable breath test analyzers to enhance DUI enforcement, and two state-of-the-art moving radar systems for school zone enforcement.

# City of Shoreline Police

*Service Efforts and Accomplishments: 2005*

## **Objective: Improve Citizens' Feeling of Security**

### **Public Communication and Education Efforts**

#### **Emergency Management**

The City website has been updated with information web sites for Emergency Preparedness information. Two brochures were developed with information specific to emergency Management and Hazard Mitigation in Shoreline.

In April of 2005, five City staff participated in training at the Emergency Management training in Emmetsburg, Maryland and took part in an All Hazards Exercise.

In June of 2005, 4 hours of training was provided to all applicable city staff in the National Incident Management System (NIMS 700).

Additionally, Shelter Management training was given to City staff, CERT (Citizen Emergency Response Training) graduates and police volunteers so that we will have a cadre of trained personnel to staff a shelter if needed.

Our Emergency Management Coordinator, Gail Marsh also has worked cooperatively with the Shoreline Fire Department in facilitating two CERT classes this year for Shoreline residents.

#### **School Resource Officers (SRO)**

The School Resource Officer (SRO) program facilitates a safe learning environment for students and staff. SROs provide security, mentoring, and teach a variety of classes to students and staff in the Shoreline School District. In 2005, the Shoreline Police had one full time officer who works at both Shorecrest and Shorewood High Schools. Shoreline Police have additional officers who work part-time at both middle schools and all of the elementary schools.

For the year 2005, there was approximately 900+ hours of SRO time expended. Officers taught many classes to include the Anti-Bullying curriculum, personal safety and bicycle safety. Our School Resource Officers investigated numerous crimes including child abuse/neglect, criminal trespass, liquor violations, drug possession and weapons violations.

School Resource Officers also participated in many extra-curricular activities at each school. Officers attended dances, school plays, sports events and field trips.

#### **Explorer Program**

The Explorer Program is designed to provide the youth of King County an opportunity to observe, learn, and participate in appropriate law enforcement activities, community service projects and to develop leadership and organizational skills.

The Shoreline Police Explorers volunteered a total of 3,086 hours during the year of 2005.

In addition to attending BI-monthly meetings the Explorers also volunteer their time assisting at numerous civic events throughout the year.

# City of Shoreline Police

## *Service Efforts and Accomplishments: 2005*

### **Senior Interaction Group**

The birth of the Senior Interaction Group (SIG) took place in 2005. Community Service Officer (CSO) Corona developed and implemented this new program to assist senior citizens of the Shoreline community. The mission is to build a stronger police relationship with the senior community and help in identifying and locating needs. The program focuses on senior awareness, and works as a link to senior resources, financial assistance, and health and welfare checks. Contact is primarily intended after a crime has occurred. Follow-up calls are made in some circumstances to reassure the well being of vulnerable adults and/or victims. Volunteers of the Senior Interaction Group are trained in elder abuse and neglect, fraud, domestic violence and adult protective services.

During this first year, the program provided assistance to many seniors in the community. In one circumstance, a health and welfare check saved an elderly person's life when they were discovered after a fall unable to make contact for help.

### **Newsletters**

In 2005, Shoreline Police continued to use both the widely distributed Shoreline Currents as well as the Shoreline Enterprise to "get the word out" about crime prevention and current crime trends.

In 2006, one of our service goals will be to regularly update our web site regarding current crime trends in our city.

### **Citizens' Academy**

Citizens' Academy strives to increase the understanding between citizens and their police department through better education and interaction. It is our hope that, by the completion of the academy, graduates will have gained a better understanding of the law enforcement role in the criminal justice system, and an appreciation for the many challenges facing law enforcement in today's complex society.

Those citizen's attending the academy listen to many presentations including such topics as the Green River Homicides Investigation, Special Assault and Domestic Violence, Major Accident Response and Reconstruction and Community Storefronts.

In 2005, a number of citizens from Shoreline attended and successfully completed the citizen's academy.

Partnering with Kenmore Police and Woodinville Police, Shoreline Storefront Officers offer these classes annually to the public, for free.

### **Volunteers**

The Shoreline Police Volunteer Program is an official component of the City's organizational structure and is dedicated to forming a working relationship between citizens, city departments and the Police Department; to enhance communication, to assist the Police Department in the delivery of quality service to meet the diverse needs of the community and to promote the Shoreline City Council's Goals.

The police department currently has approximately 20 volunteers working with us on a regular basis.

Each year the police department recognizes it's volunteers at a daylong training and appreciation luncheon. In 2005, each of our volunteers received a Presidential Volunteer Service Award.



# City of Shoreline Police

## *Service Efforts and Accomplishments: 2005*

Awards were given based on the number of service hours. Many of our volunteers received the highest award. The Gold award is given to those who volunteer 500 or more hours!

Our volunteers play an integral part in the police department. They are responsible for administering many of our programs.

### **Police Volunteer/Community Police Station Programs**

Westside Neighborhood Center	Eastside Neighborhood Center	Main Station
624 NW Richmond Beach Road	521 NE 165 <sup>th</sup> Street	1206 N 185th
Shoreline, WA 98177	Shoreline, WA 98133	Shoreline, WA
(206) 546-3636	(206) 363-8424	(206) 546-6730

For additional information regarding these programs, contact the local Neighborhood Center or City of Shoreline Police Department at (206) 546-6730 or [pd@ci.shoreline.wa.us](mailto:pd@ci.shoreline.wa.us). Visit Shoreline Police online at [www.cityofshoreline.com](http://www.cityofshoreline.com).

# City of Shoreline Police

*Service Efforts and Accomplishments: 2005*

## **Goal # 2 : Provide High-quality, Cost-effective, and Accountable Services to the City of Shoreline, WA**

The goal "to provide high-quality, cost-effective, and accountable services" is a goal any service industry might strive to reach. It reflects a concern for the appropriate and effective use of community resources. Efforts to support this goal are made in partnership with elected officials and police administrators, taking into consideration problem areas, community concerns for quality of life and available resources.

The objectives chosen to provide direction for Shoreline's police department in support of this goal are:

- provide responsive services to citizens, and
- provide cost-effective services to citizens.

The measures on the following pages report the efforts and accomplishments of the City of Shoreline's Police Department using traditional responsiveness measures such as:

- response times,
- complaints,
- citizen survey information, and
- cost comparisons are shown in ratios of costs by the population, by available revenue, by staffing and by volume of work.

# City of Shoreline Police

Service Efforts and Accomplishments: 2005

## Objective: Provide Responsive Services to Citizens

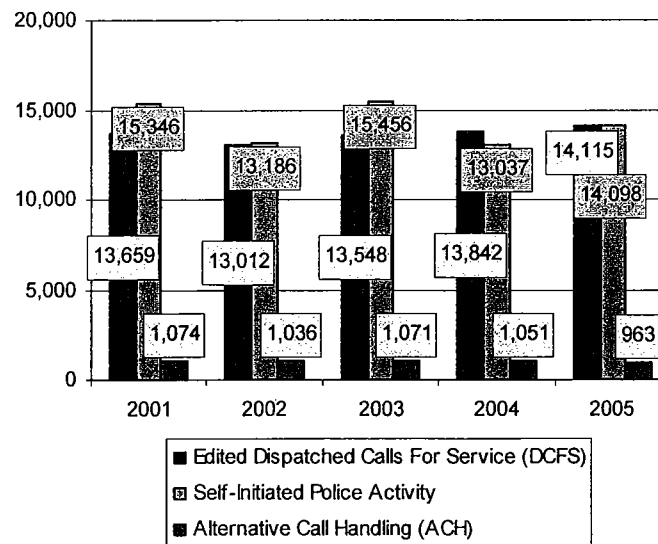
### Response to Calls

#### **Edited Dispatched Calls for Service (DCFS), Self-initiated Police Activities and Alternative Call Handling (ACH) Reports**

Police engage in a variety of activities in a workday. Primarily police activity is captured in the number of "calls" responded to during a day. A "call" may be an incident called in by a citizen to the 9-1-1 center or a call may be "self initiated" by the officer responding to a crime they've witnessed or to chronic problems in a neighborhood (see Problem Solving Projects on page 16). In addition to the calls responded to by officers, the Alternative Call Handling (ACH) program allows 9-1-1 center operators to take certain police reports over the phone in order to allow police officers more time to respond to citizens who need an officer present at the location of their incident.

Below are the numbers of Edited Dispatched Calls for Service (DCFS), Self-initiated Police Activities and Alternative Call Handling (ACH) incidents reported for the past five years.

Police Calls



# City of Shoreline Police

## Service Efforts and Accomplishments: 2005

### Response Times to High Priority Calls

#### Call Priorities and Response Times

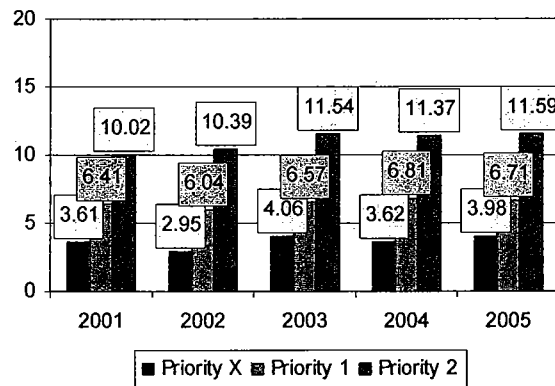
When calls for police assistance are received by the Communications (9-1-1) Center, they are entered into the Computer Aided Dispatch (CAD) system and given a "priority" based on the criteria described below. If the call receiver is in doubt as to the appropriate priority, the call is assigned the higher of the two priority designators in question.

**"Priority X"** designates critical dispatches, those incidents that pose an obvious danger to the life of an officer or citizen. It is used for felony crimes in-progress where the possibility of confrontation between a victim and suspect exists. Examples include: shootings, stabbings, robberies or burglaries.

**"Priority 1"** designates immediate dispatches; those calls that require immediate police action. Examples include: silent alarms, injury traffic accidents, in-progress crimes or crimes so recent that the suspect may still be in the immediate area.

**"Priority 2"** designates prompt dispatches; those calls that could escalate to a more serious degree if not policed quickly. Examples include: verbal disturbances and blocking traffic accidents.

Average Response Times\* to High  
Priority Calls in Minutes



\* The 9-1-1 Center for the City of Shoreline Police measures response times from the time a citizen's phone call is received to the time an officer arrives at the location of the incident.

# City of Shoreline Police

## Service Efforts and Accomplishments: 2005

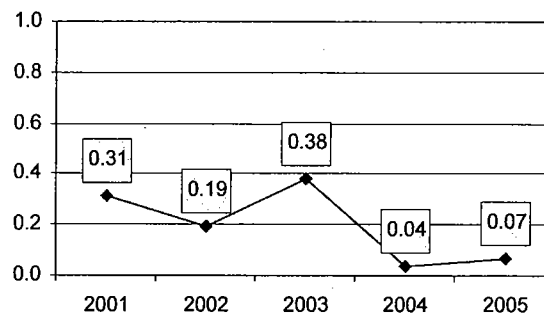
### Complaints by Citizens Against Officers

#### Complaints by Citizens Against Officers

Although citizens may have made formal complaints against officers before the year 2000, complaints were not tallied for reporting purposes before 2000. Complaint counts before 2000 were not available for this report.

	2001	2002	2003	2004	2005
<b>Number of Complaints</b>	9	5	11	1	2
<b>Number of Police Contacts</b> (Edited DCFS & Self-initiated Police Contacts)	29,428	26,198	29,004	26,879	28,213

**Complaints per 1,000 Police Contacts**



# City of Shoreline Police

*Service Efforts and Accomplishments: 2005*

## Objective: Provide Cost-effective Services to Citizens

### Costs of Services

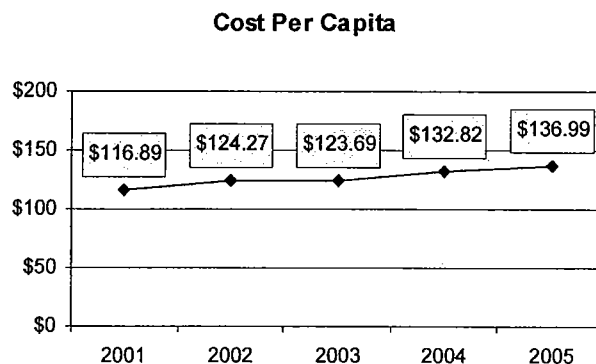
The City of Shoreline contracts with the King County Sheriff's Office (KCSO) for police services. Among other benefits, contracting for services from a larger law enforcement agency allows for cost savings through "economies of scale." Specific economies of scale provided through the contract with KCSO include:

- Mutual Aid Agreements with other law enforcement agencies in Washington State,
- a large pool of officers if back-up help is necessary,
- coverage if your officers are away; expertise of specialized units to assist officers,
- more experienced officers to select from for staffing, and
- cost sharing throughout the department keeping city costs down.

Costs for police services vary depending on a city's resources and the level and type of police services the community wants. The dollar amounts and staffing levels shown below are taken from the contracts for police services (billed financial exhibits) for the years indicated. The City of Shoreline does have additional funds or expenditures for special projects or programs as part of the city's law enforcement budget, which are **not** reflected in this report.

### Cost per Capita

Cost Per Capita shows the contract cost for police services divided by Shoreline's population (for example: year 2005 contract cost (\$7,192,107) divided by year 2005 population (52,500) = \$136.99). This amount is based on the city's contract cost for police services and does not include any additional resources provided directly by the City of Shoreline for law enforcement services.



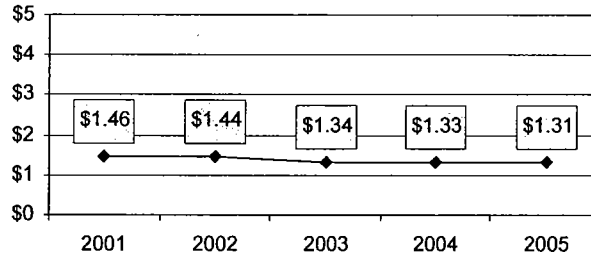
# City of Shoreline Police

## Service Efforts and Accomplishments: 2005

### **Cost per \$1,000 of Assessed Real Property Value**

Cost Per \$1,000 of Assessed Real Property Value shows Shoreline's contract cost in relationship to the property values (a.k.a. primary revenue source) of Shoreline.

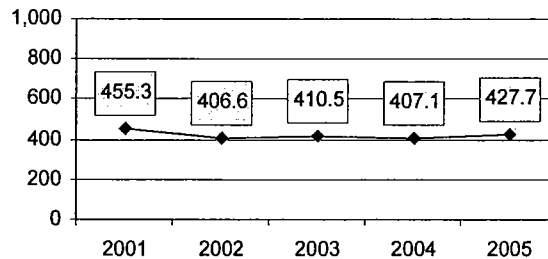
**Cost Per \$1,000 of Assessed Real Property Value**



### **Edited Dispatched Calls for Service (DCFS) per Patrol Officer**

Edited Dispatched Calls for Service (DCFS) Per Patrol Officer gives a picture of the average number of dispatched calls one patrol officer responds to within a year. This number only uses dispatched calls Shoreline pays for and does not include the number of responses an officer initiates (such as witnessing and responding to traffic violations). Also, the numbers below are **patrol only** and exclude non-patrol commissioned officers (such as supervisors or special duty officers/detectives).

**Edited Dispatched Calls for Service (DCFS) Per Patrol Officer**



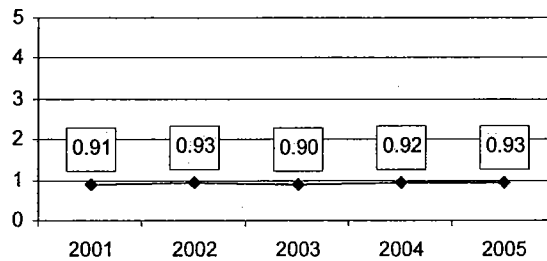
# City of Shoreline Police

## Service Efforts and Accomplishments: 2005

### **Commissioned Officers per 1,000 Residents**

Commissioned Officers Per 1,000 Residents shows how many commissioned police officers are employed by Shoreline for every 1,000 residents. This number includes commissioned officers who work in supervisory or other non-patrol related positions as well as special services officers who work part-time for the City, but does not include professional (i.e. non-police) support staff.

**Commissioned Officers Per 1,000  
Residents**





## Glossary

**Adult Arrests:** An arrest is counted every time an adult is cited for a criminal offense or is booked.  
More specifically:

1. It includes all adult bookings, plus
2. All adult citations that are classified as criminal non-traffic.
3. When an adult is both cited and booked, it is counted only once.

**CAD:** See "Computer Aided Dispatch" below.

**Cases Cleared/Clearance:** This refers to the solving of an offense by arrest or, in some circumstances, by exceptional means (e.g., the suspect died, is imprisoned on another charge, victim refuses to testify, etc.).

**Cleared by Arrest:** This is a case that is closed by identifying at least one suspect and charges against that suspect(s) are recommended to the Prosecuting Attorney. Although called "cleared by arrest" this closure does not require physical booking into a jail or juvenile detention facility. It also does not require the charging of all suspects if/when there are multiple suspects involved in a crime. This category includes criminal citations into district and municipal courts for misdemeanors, felony filings into Superior Court, and all filings into Juvenile Court.

**Other clearance codes:**

1. "Cleared Exceptional" refers to a case in which a crime and a suspect involved in the crime have both been confirmed but, due to circumstances outside the control of law enforcement, charges are not being recommended to the Prosecuting Attorney. (One example of this is when the suspect is already being charged for the crime by another police jurisdiction.)
2. "Cleared Unfounded" refers to a case in which it is discovered that the reported incident was either not true or was not a crime.
3. "Cleared Administrative" refers to an incident found to be non-criminal in nature, but which requires some police action to close the incident (e.g., handling of lost and found property).
4. "Cleared Inactive" refers to cases in which all investigative leads have been exhausted (or none existed) and the case cannot be closed by any other clearance classifications.

**Citation:** Often called a "ticket," a citation is a written document issued to a citizen who commits a crime or violates a law. The citation describes the crime and/or the law that has been violated and identifies the punishment that has been standardized by the court system (i.e., the standardized monetary amounts payable for traffic violations). While citations prescribe a penalty for a crime, they may be challenged through the court system. They usually include instructions for the cited citizen to appeal the citation.

**Computer Aided Dispatch (CAD):** A computerized communication system used by emergency response agencies for dispatching and tracking calls for emergency assistance.

**Domestic Violence:** Domestic violence is a subcategory of other crimes. Virtually any crime can be sub-classified as domestic violence. In the State of Washington, domestic violence is defined as a crime of violence against the person or property of a spouse, former spouse, persons related by blood or marriage, persons who have a child in common, former/current roommates, persons who have or had a dating relationship, and persons related to the suspect by the parent-child (biological or legal) relationship. In some cases, the age of the victim or suspect may determine whether or not the legal definition above is met.

Dispatched Calls For Service (DCFS): Dispatched calls for service are calls received in the Communications Center and to which one or more patrol cars are dispatched.

Felony: Felony crimes are more serious in terms of either harm or loss to persons or property than misdemeanors, and usually are punished by more restrictive methods than citations. Felonies have subclasses (A, B and C) that are based on the extent of harm to a person or the dollar value of loss or damage to property.

Identifier Codes for Priority of Dispatched Police Calls: The Computer Aided Dispatch (CAD) systems used by 9-1-1 Centers use a system of codes to identify the types of calls to which police are being dispatched. Along with categorizing the type of incident, the codes also assign the call a priority level based on the urgency required for the police response. The following are the priority levels used by the Communications (9-1-1) Center for the various types of police calls:

- Priority 0 (9-1-1 Dispatch): This code is used when a dispatcher sends a police unit to an incident based on the location, name and phone number information automatically generated by the 9-1-1 CAD system based on the origin of the call. This may be necessary when a caller is unable (for whatever reasons) to give the information or gives minimal information before the call is somehow terminated. Open phone lines and disconnected lines to which a call-receiver is unable to re-contact the caller are also examples of Priority 0 calls.
- Priority X (Critical Dispatch): This code is used for incidents that pose an obvious danger to the life of an officer or citizen. Examples are felony crimes in progress, "help the officer" situations, shootings, stabbings, in-progress robberies and in-progress burglaries where the possibility of a confrontation between a victim and a suspect exists.
- Priority 1 (Immediate Dispatch): This code is used for incidents requiring immediate police action. Examples are silent alarms at banks or businesses, silent residential alarms, injury accidents, major disturbances with weapons involved, in-progress burglaries of unoccupied structures, and other types of crimes in-progress (or which have just occurred) where a suspect may still be in the immediate area.
- Priority 2 (Prompt Dispatch): This code is used for events that involve situations that could escalate to a more serious degree if not policed quickly. Examples are verbal disturbances, blocking accidents, and incidents of shoplifters in custody who are not causing a problem.
- Priority 3 (Routine Dispatch): This code is used for low priority incidents in which time is not the critical factor in the proper handling of the call. Examples are burglaries or larcenies that are not in progress, "cold" vehicle thefts and abandoned vehicle calls.
- Priority 4 (Dispatch as available): This code is used for special circumstances or "seasonal" calls. Examples are reports of snowball throwing during winter months or firecracker complaints around July 4th.

Misdemeanor: Crimes that inflict harm or loss but to a lesser extent than a felony (e.g., assault fourth degree or simple assault). Misdemeanors usually are punished through monetary payment via a citation and/or other restrictions (such as restraining orders or no trespass orders).

Part I Crimes: This is a category of crimes established by the Federal Bureau of Investigation (FBI). It includes criminal homicide (which includes murder and non-negligent manslaughter; but excludes deaths by negligence, attempts to kill, suicides, accidental deaths, justifiable homicide, and traffic fatalities), forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson.

Part I Crimes Against Persons: These crimes are also referred to as "violent crimes." They consist of criminal homicide (as defined above), forcible rape, robbery, and aggravated assault.

Part I Crimes Against Property: These are burglary, larceny, motor vehicle theft, and arson.

Part II Crimes: This is a category of crimes consisting of all other crimes not included in the Part I Crimes category. Part II crimes vary due to differences in local laws, but typically include one or more of the following crimes: all other assaults (simple), forgery and counterfeiting, fraud, embezzlement, stolen property (buying, receiving and/or possessing), vandalism, weapons (carrying, possessing, etc.), prostitution and commercialized vice, sex offenses (including statutory rape, indecent exposure, etc. but excluding forcible rape, prostitution and commercialized vice), drug violations, gambling, offenses against families and children, driving under the influence of alcohol or drugs, liquor violations, drunkenness, disorderly conduct, and others.

## Data Sources

The data compiled in this report was collected from the following sources and, as such, is subject to the data standards and limitations of the source agency:

- City of Shoreline Police (information regarding: traffic complaints, crime prevention activities, problem solving projects, public communication and education efforts and Benchmark and Contract City Cost Comparisons)
- Edited Dispatched Calls For Service (DCFS) are the incidents that originate with a phone call to the 9-1-1 Center requesting a police response (either emergency or non-emergency). The totals shown in this report are limited to the DCFS calls that the city is charged for as part of their contract. Actual DCFS counts may be slightly (usually less than 5%) higher. This data is reported via the King County Sheriff's Office Communications Center Section, Research, Planning and Information Services Unit and Contracting Unit.
- Federal Bureau of Investigation (FBI) annual statistical report *Crime in the United States: 2004*
- Washington State Office of Financial Management (demographic information)
- King County Sheriff's Office:
  - Annual Statistical Reports
  - Computer Aided Dispatch (CAD) system reports
  - Internal Investigations Unit statistical reports
  - Interlocal Agreements - Exhibit Bs (contract cost and staffing information)
- King County Tax Assessor's Office (real property values)
- Washington State Courts, Courts of Limited Jurisdiction annual caseload reports (traffic citation information); available on the Internet at: [www.courts.wa.gov/caseload](http://www.courts.wa.gov/caseload)

## Improved Data

One of the functions of a Service Efforts and Accomplishments Report is to highlight data collection and reporting methods that may need modification. Since the first annual report was published in 2000, the research and publishing staff have identified several ways to improve the data presented in these reports. Many improvements were implemented since that time and therefore data may differ somewhat in subsequent reports.

## Appendix A: City Comparisons

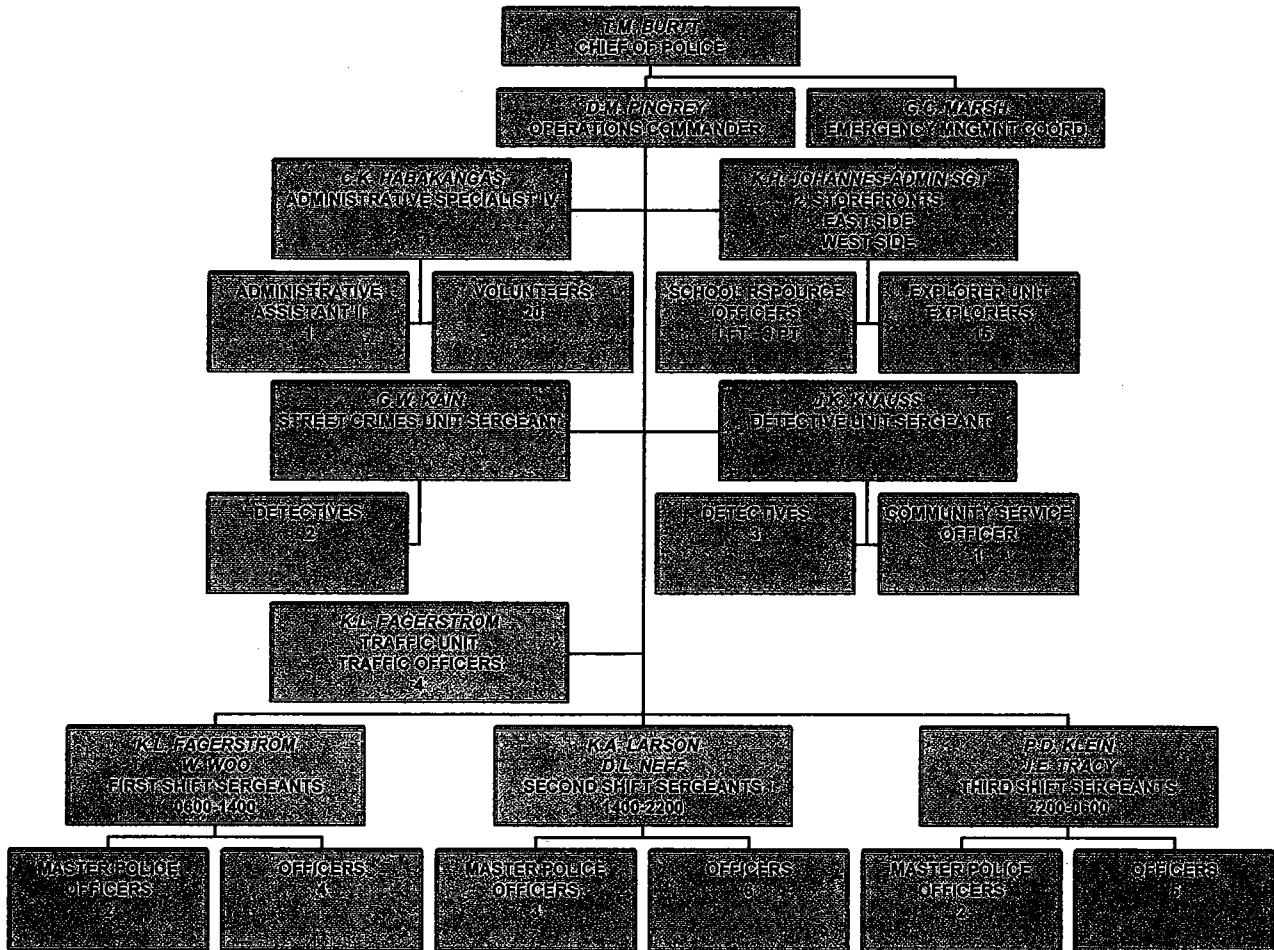
### Benchmark and Contract City Cost Comparisons

City	Population	Commissioned	Commissioned per 1,000	Part I Crimes per 1,000	Cost per Capita
Auburn	47,470	85	1.79	90.6	\$330.46
Bellingham	72,320	104	1.44	79.8	\$235.86
Edmonds	39,860	53	1.33	36.4	\$197.19
Kennewick	60,410	87	1.44	56.1	\$171.50
Kirkland	45,740	63	1.37	40.2	\$250.21
Lakewood	58,850	97	1.65	75.4	\$230.21
Lynnwood	34,830	67	1.91	84.9	\$271.33
Olympia	43,330	68	1.57	61.6	\$258.03
Redmond	47,600	71	1.48	39.5	\$221.59
Renton	56,840	88	1.54	97.7	\$239.61
Seattle	573,000	1,281	2.24	83.4	\$311.87
Shoreline	52,500	49	0.93	47.7	\$149.24*

\*This amount includes additional resources the City of Shoreline provides in excess of their contract with the King County Sheriff's Office.

## Appendix B: Organization Chart

## City of Shoreline Police: 2005



### Proposed 2005 Staffing Plan

**SUPPORT SERVICES:** Special Operations: K9, Bomb, Swat, HNT - .78 FTE's  
Criminal Investigation Division: Fraud, Major Crimes - 2.52 FTE's  
Communications Center: - 7.83 FTE's  
Total Commissioned 48.35 - Total Non Commissioned 10.83

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

<b>AGENDA TITLE:</b>	Surface Water & Environmental Services - 2006 Status Update
<b>DEPARTMENT:</b>	Public Works
<b>PRESENTED BY:</b>	Paul Haines, Public Works Director Jesus Sanchez, Operations Manager Jerry Shuster, Surface Water & Environmental Services Manager

**PROBLEM/ISSUE STATEMENT:**

The Public Works Operations Division provides to Council a special report highlighting the programs and services performed by the Surface Water & Environmental Services (SWES) division. This report also identifies the SWES projects to be implemented throughout the City in 2006 and 2007.

**RECOMMENDATION**

No action is required. This staff report is intended to inform the Council on the variety of programs and services provided to the citizens of Shoreline.

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



## **INTRODUCTION**

This report provides an update of the programs and projects managed by the Surface Water & Environmental Services (SWES) division. It will provide a history of the division, describe core services, highlight major projects recently accomplished, and discuss future programs based on updated Council goals, upcoming regulatory requirements, and technological changes. The focus for this update will be surface water programs and projects that provide flood protection, water quality protection, and habitat restoration. A separate presentation scheduled for September 11, 2006 will highlight the solid waste, recycling, and other environmental and other utility programs (cable & street light) also managed and implemented by the SWES group.

This update will present the following information on SWES group:

- Who Are We?
- What is Our Mission?
- What Are Our Core Services?
- Where Have We Been?
- What Do We Do?
- What Does it Cost?
- How Do Measure Our Performance?
- What Major Projects Have We Recently Accomplished?
- Where are We Going?

## **BACKGROUND**

The mission of the SWES division is:

“To manage, operate, and maintain the City’s surface water infrastructure to promote flood protection, comply with regulatory requirements, and to protect/enhance water quality and habitat through the practice and promotion of sound environmental stewardship”

The core services provided by this group are:

- Flood Protection
- Water Quality Protection
- Habitat Enhancement

Originally called “Surface Water Management”, this City service provider has been in operation since 1995, shortly after incorporation. At that time it consisted of a one FTE who had a background in environmental planning. All services were contracted out 100% primarily with King County through an Inter-local Services contract or with private consulting groups.

In 2001, two more FTEs were added, specialists in environmental education and water quality. In April 2004, Jerry Shuster, a Professional Engineer (P.E.) with a strong

The 2006 operating budget for SWES was \$683,393. SWES is funded entirely from Surface Water Utility fees.

## **Performance Measures**

Annual performance measures include:

- Percentage of Catch Basins Cleaned
- Number of Pump Stations, Dams, and Other Facilities Inspected & Maintained
- Lineal feet of pipe or ditch Inspected & Maintained
- Number of drainage or flooding calls from customers
- 

## **DISCUSSION**

The following highlights a number of key important projects completed in SWES in 2005-2006:

### **1. Flood Protection:**

- 10th Ave NE/NE 175th St.
- 17th Place NW Culvert Replacement
- Carlyle Hall Drainage Improvement
- Ballinger Creek Sediment Removal
- Pipe maintenance downstream of Ronald Bog
- \$150,000 spent in surface water small works projects

### **2. Water Quality**

- Street Sweeping
- Cleaning of Drainage System
- Echo Lake Inlet cleaning
- Catch Basin Inserts at Hamlin Yard

### **3. Habitat Restoration**

- Ballinger Creek
- Hidden Lake forebay dredging

The following important projects are planned and proposed for 2006-2007:

- From Reactive to Proactive
- Council Goal # 6 – Create an “Environmentally Sustainable Community”
  - Migrate to New Stormwater Design Manual (Low Impact Development)
  - Neighborhood Environment Stewardship Teams (NEST)
  - Use of Raingardens in CIP projects
  - Catch Basin Insert Retrofit for Aurora near Echo Lake

background in surface water systems design and environmental consulting was hired to manage the department. At that time, the name of the department was changed to Surface Water & Environmental Services to promote the environmental aspects of division. Council approved a new position for 2006, the Surface Water Technician to staff the implementation of the various components of the City's first Surface Water Master Plan.

Today, the SWES division is composed of four full-time employee and two part-time interns. The full time employees are as follows:

- Manager
- Environmental Programs Coordinator
- Surface Water Quality Specialist
- Surface Water Technician
- Manage the Operation & Maintenance of the Stormwater Infrastructure

Catch basins = 7,403	Manholes = 635
Drainage pipes = 109 miles	Open water courses = 29 miles
Stormwater Lift Stations = 5	Dams = 5
Stormwater Flow Control/Water Quality Sites Inspected and Maintained: <ul style="list-style-type: none"> <li>➤ Regional Sites = 30</li> <li>➤ Residential Sites = 64</li> </ul>	Commercial Stormwater Flow Control/Water Quality Sites Inspected = 240

- Track the Annual Maintenance of the Stormwater infrastructure
- Design & Implement Repairs to System w/help from Shoreline & King County Road Crews
- Respond to Customers with Drainage, Flooding, or Spill issues

Type	2004	2005	2006 (Jan 1-July 31)
Flooding	186	29	10
Drainage	171	144	105

Reports Spills of oil or other hazardous materials that SWES responds to various from 1 to 5 times per year, on average.

- Monitor Water Quality in Hidden Lake, Echo Lake & All City Streams
- Monitor for West Nile Virus
- Design & Implement Stream Restorations

## Budget

- Green Streets – Stormwater planters and curb extensions
- NPDES Phase II
- Regional Watershed Activities
  - Working with nearby jurisdictions on flooding, water quality & habitat issues
- Active Participation in City Wide Development Projects
- CIPs in SWMP – 2007-20012 CIP has \$17.4 M in projects
  - Thornton Creek Corridor
  - East Boeing Creek Basin Drainage Project (include Darnell Park)
  - Pump Station 25 upgrade
  - \$160,000 in surface water small works projects
  - Others

### **RECOMMENDATION**

No action is required. This staff report is intended to inform the Council on the variety of programs and services provided to the citizens of Shoreline.