

CITY OF SHORELINE

SHORELINE CITY COUNCIL

SUMMARY MINUTES OF SPECIAL MEETING

Monday, January 31, 2005
6:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Hansen, Councilmembers Chang, Fimia, Grace, and Ransom

ABSENT: Deputy Mayor Jepsen and Councilmember Gustafson

1. CALL TO ORDER

The meeting was called to order at 6:40 p.m. by Mayor Hansen, who presided.

2. FLAG SALUTE/ROLL CALL

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

Upon motion by Councilmember Grace, seconded by Councilmember Chang and unanimously carried, Deputy Mayor Jepsen and Councilmember Gustafson were excused.

3. CITY MANAGER'S REPORT

Steve Burkett, City Manager, reported on several items: 1) the Council's cottage housing tour; 2) improvements to Norcrest Park and the work of Eagle Scout Jeff Eaton; 3) drainage improvements at Carlyle Road; 4) traffic signal improvements on Aurora at 175th and 205th and at 155th and Meridian; 5) work on the Interurban Trail; 6) the departure of Captain Carl Cole of the Shoreline Police Department and the arrival of Captain Dan Pingrey; and 7) the Shoreline Stars program, whereby, as part of the 10th Anniversary Celebration, the Council will select citizens to honor over the next few months for their contributions to the community.

4. COUNCIL REPORTS

Councilmember Fimia reported on the walking tour she took along Thornton Creek between Ronald Bog and Lake City Way at 120th as part of the Home Waters Project, an applied learning effort. She also explained the rationale of the Puget Sound Regional Council's 2000 population and employment estimate, noting that its population figures

were not based on actual city population. She added that it might be advisable to schedule another public hearing on the Comprehensive Plan.

5. PUBLIC COMMENT

(a) Bronston Kenney, Shoreline, expressed concern about the lack of progress on the cottage housing review process. He outlined the background and rationale for implementing the cottage housing moratorium and urged the Council to protect existing property owners by promptly reexamining the issue. He emphasized that people are still opposed to the current cottage housing ordinance, despite the support expressed at the last Council meeting. He believed that the City had used the moratorium to ward off public participation rather than trying to identify and solve a problem. He wished the City to address the issue of whether cottage housing in any form is necessary in Shoreline.

(b) Daniel Mann, Shoreline, concurred with the previous speaker, stating that cottage housing has not been adequately addressed in a public forum. He said cottage housing produces high density homes in residential neighborhoods that trust the City to protect them. It conflicts with the City's initial objective to protect its neighborhoods. He felt the recent opposition from west Shoreline seems to convey the message that cottage housing is more acceptable in central Shoreline neighborhoods than elsewhere. He felt an R-8 zone is no less valuable than an R-4 or R-6 zone, but the Shoreline code treats it with a lesser degree of respect. He agreed that the issue whether cottage housing is needed.

(c) Tom Dunnihoo, Shoreline, expressed concern that the City is relying on grants to fund 57% of its budget at a time when county and federal governments are facing severe budget deficits. He said this will translate into a higher tax burden on Shoreline citizens, many of whom live on fixed incomes. He noted that his property taxes have increased immensely because more expensive homes have been built in his neighborhood. He said the City has spent its Rainy Day Fund on lower priority projects such as the Interurban Trail. He urged the City to spend money on essential items such as safe streets and sidewalks near schools.

(d) George Mauer, Shoreline, commented on the issue of reimbursing management staff for service club memberships and associated expenses. He felt that paying City staff to attend service clubs defeats those organizations' fundamental principle of giving of oneself to improve the community. He felt the City Manager should not be reimbursed for such participation, and that volunteer participation should be a requirement of his job. He said this is a major policy issue because it goes to the heart of the City's values system.

(e) Janet Way, Shoreline, noted that Robert F. Kennedy Jr. emphasized the importance of enforcing environmental law in a speech he delivered recently. She related this to the City of Shoreline, noting that while there are many environmental laws "on the books," the problem is to get them enforced. She commented on the Comprehensive Plan update review process and the comments submitted by Thornton Creek Legal Defense

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Fund (TCLDF) and Sno-King Environmental Council (SKEC). She pointed out that staff agreed with only two of the 121 comments submitted by these groups, and only responded to a half dozen out of 46 general comments. She suggested that Council look carefully at the staff response matrix, noting that staff used only 21 standard responses to address 240 specific questions.

(f) Brian Derdowski, Issaquah, speaking on behalf of Public Interest Associates, TCLDF, and SKEC, expressed disappointment at the lack of response to his groups' input on the Comprehensive Plan. He reminded the Council that the Planning Commission was not tasked with the responsibility of going through the proposed changes, and that its minutes do not reflect that all the technical issues of the plan were addressed. He proposed that the Council and Planning Commission meet with his panel of experts in a work session in order to arrive at a consensus on the details of the plan. He said the Council is obligated by law to hold another public hearing, and the plan must show how it conforms to the Growth Management Act and the countywide planning policies. He pointed out that unless the plan is modified, he would appeal it to the Growth Management Hearings Board or Superior Court. He emphasized that he would like to work collaboratively with the City in order to avoid any unnecessary legal action.

(g) David Fagerstrom, Shoreline, supported cottage housing when "done right," but pointed out that the key is consistent development code enforcement. He described cottage housing as a consumer protection matter and urged the Council to view the problem in this light. He emphasized quality development, pointing out that owners of substandard cottage homes would lose valuation and have no recourse when the homes lose values. He mentioned the lack of design review for the Ashworth Avenue development, noting that some developers are scrutinized and others are not. He said developers are anxious to build as many cottage houses as possible because of high profits.

6. WORKSHOP ITEMS

- (a) Deliberation on the 2004 Update to the Comprehensive Plan and master plans for Surface Water, Transportation, and Parks, Recreation and Open Space

Addressing public comment, Mr. Burkett explained that it is always preferable to acquire grant funds to accomplish City projects, particularly when the projects involve state highways such as Aurora Avenue. He noted that 87% of the Aurora Avenue Phase I project comes from grants. He concluded his remarks by noting that the City has maintained a healthy 28% Rainy Day Fund for emergencies.

Councilmember Ransom added that City funding will amount to less than \$1 million for the entire \$11 million Interurban Trail project. He noted that federal and state funding make up 80-85% of the costs for the Interurban Trail and Aurora Corridor Phase I.

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Turning to the Comprehensive Plan, Tim Stewart, Director of Planning and Development Services, summarized the review and master plan development process. He described the extensive advertisement and public review in both the Planning Commission and the City Council phases. He described the four-stage process as: 1) "listen and learn" (September to December 2003); 2) writing (October 2003 to April 2004); 3) public review (May 2004 to January 2005); and 4) the upcoming Council adoption process scheduled to conclude by March 1.

The Council then discussed the process for reviewing the matrix and eliminating non-controversial items from the deliberations.

Councilmember Fimia brought up the issue of the public hearing process. She recommended that the City schedule another public hearing and meet with those groups who have expressed concerns about the lack of response to their input. She also questioned whether the City was complying with its rules for amending the Comprehensive Plan.

Ian Sievers, City Attorney, assured the Council that the City is in compliance with its Comprehensive Plan and Growth Management Act (GMA) requirements. He noted that several public hearings have been held in compliance with these regulations. He pointed out that an additional public review process could be required if there are significant changes to the Planning Commission recommendations, but there is no legal need to have an additional public hearing at this point.

After further discussion, **Councilmember Fimia moved to hold another public hearing on February 14. Councilmember Ransom seconded the motion, which carried 5 – 0.**

Councilmember Fimia then raised the issue of Mr. Derdowski's request that Council, the Planning Commission and he and his clients have an open workshop in a less formal atmosphere to discuss the outstanding issues.

Councilmember Ransom moved that the City Council meet with the Sno-King Environmental Council. Councilmember Fimia seconded the motion.

Councilmember Ransom described the benefits of meeting with this group as a savings of time and money.

Councilmember Grace suggested that after the public hearing, the Council might decide to schedule this exchange as an agenda item, as opposed to having a separate City Council meeting. He wanted to avoid duplicating the discussion on the same items.

Councilmember Fimia expressed willingness to volunteer to coordinate the meeting if sanctioned by the Council.

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Councilmember Chang felt it would be more appropriate for the Sno-King group to meet with a subcommittee of the Council as opposed to the full Council. He felt it could set a bad precedent if the full Council met exclusively with this group. Councilmember Grace concurred, noting that Councilmembers are free to attend if their schedules permit.

Councilmember Fimia concluded that she would be happy to organize the meeting and bring back issues to the February 7 Council meeting.

A vote was taken on the motion, which carried 3 – 2, with Mayor Hansen and Councilmember Grace dissenting.

Mr. Stewart then described how to read the matrix, which describes the plan policy-by-policy. Responding to Mayor Hansen, Mr. Stewart confirmed that all the public comments made through January 23 were cross-referenced on the matrix if they referred to a specific policy. General comments that were not associated with specific policies were not referenced on the matrix. He said the “N/C” notation under the staff response column indicates that staff recommends no change to the Planning Commission recommendation.

The Council then spent the remainder of the evening identifying items in the Land Use and Environmental Elements sections of the matrix that should be “logged” for further discussion. These items included the following:

- **Item #3, LU2:** Councilmember Ransom questioned the use of the term “high quality.” Councilmember Fimia concurred that it is a difficult term to define, suggesting that “high” be deleted.
- **Item #4, LU3:** Councilmember Ransom questioned whether this policy was listed elsewhere in the plan. Councilmember Grace noted that Item #46, Goal LU VI contains this wording, but it should also refer to impacts “on surrounding areas.”

Mr. Burkett pointed out that the Comprehensive Plan is a general document which contains language that is open to interpretation because it is, by nature, a visionary document talking about values and general policies. He said the Development Code and other ordinances actually implement this vision. Councilmember Ransom asked if staff or the Planning Commissioners could respond about the codes defining “quality” or “high quality.” Mr. Burkett said standards relating to quality can be found in the Development Code.

- **Item #6, LU5:** Councilmember Fimia suggested the language “develop and provide a variety of regulatory and financial incentives for land use that clearly support the goals and objectives of this CP and which provide a clear net public benefit.”
- **Item #7, LU6:** Councilmember Fimia suggested this item not be deleted.
- **Item #8, LU7:** Councilmember Fimia questioned whether the City was following this policy.

- **Item #9, LUa:** Councilmember Grace questioned the use of the word “encourage.” Mr. Burkett noted that changing “encourage” to a more active verb such as “develop” would require commitment of resources to this priority. He said if Council wants to develop more neighborhood plans, funding to do so must be identified in the budget. Councilmember Ransom questioned the definition of a neighborhood plan and neighborhood standards. He noted that the Council of Neighborhoods can only serve as an advisory body to the Planning Commission or City Council. Mr. Stewart explained that any neighborhood plans as identified in this amendment would be formally adopted through the Planning Commission and City Council as part of the annual Comprehensive Plan update. Mayor Hansen felt the word “encourage” would allow more flexibility.
- **Item #10, LU8:** Councilmember Fimia felt this policy should not be deleted, even though it is included in GMA policy. Mr. Stewart said staff made an effort not to repeat other laws, such as Americans with Disabilities Act (ADA) regulations, in the Comprehensive Plan.
- **Item #11, Goal LUII:** Councilmember Fimia recommended this continue to be shown as a planned annexation area. Mayor Hansen noted that there are no more areas in King County that are eligible for annexation.
- **Item #15, LU12:** It was noted that every reference in the plan to “sensitive areas” will be changed to “critical areas” as newer nomenclature.
- **Item #22, LU19:** Councilmember Fimia suggested that citizens let the Council know if they have concerns with this change.
- **Item #26, LUIII:** Councilmember Fimia opposed the word “encourage” and suggested “provide” instead.
- **Item #27, LU23:** Councilmember Fimia said people object to the term “housing units” and proposed “residential units.”
- **Item #28, LU24:** Councilmember Fimia objected to adding the term “cottage housing.”
- **Item #29, LU25:** Councilmember Fimia recommended the alternative language “Review and update” and said that “should” should be changed to “shall.” She also felt there should be some reference to protecting neighborhood character. Councilmember Grace suggested that a definition of the phrase “periodically review” would be helpful if it is retained.
- **Item #30, LU26:** Councilmember Fimia said she and Councilmembers Chang and Ransom oppose this striking amendment, and Councilmember Grace requested additional discussion as well. Mr. Stewart said part of the rationale for deleting this policy was that most of the provisions were incorporated into the Development Code.
- **Item #31, LU27:** Councilmember Ransom requested further discussion of allowing cottage housing in R- 4 and R-6 zones.
- **Item #32, LU 28:** Councilmember Ransom requested further discussion of this item.
- **Item #34, LU30:** Councilmember Fimia questioned the reason for including the word “public” and suggested the language “provide incentives for...”
- **Item #35, LU31:** Councilmembers Ransom and Fimia felt the proposed changes weaken the policy regarding high density residential development, noting that it

could allow it almost anywhere. They recommended the use of stronger language such as “shall” instead of “should.” Mr. Stewart assured the Council that the zoning maps have not been changed. Will Hall, Planning Commissioner, said the Planning Commission felt that from a policy standpoint, the phrase “is intended to” adequately holds the City accountable for its zoning designations.

- **Item #36, LU32:** Councilmembers Grace and Fimia requested additional discussion on this item.
- **Item #37, LU33:** Councilmember Ransom expressed concern with the phrase “compatible with surrounding land uses” and suggested the language “consistent with the underlying zoning.”
- **Item #38, LU34:** Councilmember Fimia suggested retaining this policy, which she felt gives good direction. She supported the deletion if changes are made to Item #37.
- **Item #39, Goal LUIV:** Councilmember Fimia offered the amendment ““provide zoning regulations and incentives that attract and retain a mixture of uses such as retail, residential, commercial.” She felt the word “ensure” was not very clear.
- **Item #40 LU35.** This item was noted for further discussion, as were:
- **Item #42 LU38:** (related to Item #39),
- **Item #43, LU38.1,** and
- **Item #46, Goal LUIV.** (see Item #4 for proposed wording change).
- **Item #49, LU43:** Councilmember Fimia felt this language should be retained and added to Item #46.
- **Item #52, LU VIII:** Councilmember Fimia noted that this amendment represents a major policy change.
- **Item #56, LU48:** Councilmember Fimia requested additional discussion on this item.
- **Item #75, LU68:** Councilmember Fimia suggested that the existing policy be retained with the addition of the language “a master plan is adopted creating a special district.” Mr. Stewart said there are three areas in Shoreline that are zoned Single Family Institutional (low density residential): 1) Fircrest; 2) Shoreline Community College; and 3) Crista. He said any expansion of a nonconforming use can only be done through a conditional use permit or special use permit, so the scheme encourages master plans for those three institutions, which would then vest whatever land uses that might occur. This would not happen until the master planning process and subsequent public process moved forward, with final adoption by the City Council. He said this is similar to the designation change for the King County Transfer Station.
- **Item #84, EPF2:** Councilmember Fimia felt this should be retained for the public’s benefit, even though the list of Essential Public Facilities is included in the plan.
- **Item #88, EPF6:** Councilmember Fimia suggested the additional bullet “Design facilities to have as small a footprint as feasible in order to preserve trees and reduce impervious surface.”
- **Item #90, EPF8:** It was agreed to keep the existing language.

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- **Item#91, EPF9:** Councilmembers Grace and Fimia noted that this is not redundant with LU68, and LU67.
- **Item #101, EPF19:** Councilmember Fimia suggested the addition “when a clear and objective analysis has demonstrated that there will be an equivalent public benefit.”
- **Item #106, EN3:** Councilmember Fimia suggested replacing “within budget constraints” with “whenever feasible.”
- **Item #109, EN6:** Councilmember Ransom suggested that “tribal government” be changed to “Indian nations.” He said this is the legal designation used by the U.S. Supreme Court.
- **Item #113, EN9:** Councilmember Grace suggested this be combined with Item #112, EN8. Councilmember Fimia suggested retaining this item in its current form.
- **Item #117, ENb:** Councilmember Fimia wished to retain the items recommended for deletion by the Planning Commission. Andrea Spencer, said staff recommended deletion in response to public comments that urged the City to refer to specific programs such as LEED and Buildgreen for the details.
- **Item #120, EN14:** Councilmember Ransom requested additional discussion on this item.
- **Item #121, EN15:** Councilmember Fimia suggested retaining the details, noting that the public should know the standards for steep slopes and other environmental criteria.
- **Item #123, EN17:** Councilmember Fimia suggested keeping the existing language and striking “and appropriate building design and construction measures.”
- **Item #130, Goal EN III:** Councilmember Fimia suggested that the Council work on this item using the existing policy. She suggested the language “protect, enhance and restore habitat of sufficient diversity and abundance...” She felt the language “recognize the City’s designation as an urban area” could be deleted.
- **Item #131, EN21:** Councilmember Fimia requested additional discussion of this item.
- **Item #157, EN61:** Councilmember Ransom noted this item could be changed from “tribal governments” to “Indian nations.”

Mr. Burkett concluded the discussion by outlining the Council’s next steps and the upcoming meeting schedule.

Mayor Hansen expressed a willingness to allocate more time to the review of the matrix in order to complete it in a timely manner.

Councilmember Fimia suggested that perhaps next time the format of Comprehensive Plan amendments could be changed to include only those policies recommended for change, as well as differentiation between technical amendments and substantive amendments.

MEETING EXTENSION

January 31, 2005

At 10:00 p.m. Councilmember Fimia moved to extend the meeting for 5 minutes. Councilmember Ransom seconded the motion, which carried 5 – 0.

7. ADJOURNMENT

At 10:05 p.m., Mayor Hansen declared the meeting adjourned.

Sharon Mattioli, City Clerk

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