

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

<b>AGENDA TITLE:</b>	Discussion of Proposed Ordinance No. 195, Rules for the Use of City Park Facilities
<b>DEPARTMENT:</b>	Parks, Recreation and Cultural Services
<b>PRESENTED BY:</b>	Larry Bauman, Assistant City Manager <i>for LB</i> Kirk Peterson, Park Superintendent Debbie Zemke, Recreation Superintendent

**EXECUTIVE / COUNCIL SUMMARY**

On August 21, 1995, your Council adopted by reference the King County Code (Chapter 7.12.) as the City's Parks Facilities Ordinance. On June 1, 1997, the transfer of County parks and facilities to the City took effect. Since that time we have continued to use the County Code as our Parks Facilities Ordinance. On July 27, 1998, your Council appointed the Parks Recreation and Cultural Services Advisory Committee, with which staff has reviewed the King County Code in order to provide Council with recommendations for a City Ordinance. The result is proposed Ordinance No. 195, Rules for the Use of City Park Facilities (see Attachment A), which we are presenting in order provide an opportunity for discussion by Council and receive direction to either proceed immediately to adoption or make further changes before presenting the final code for adoption.

Key objectives of this process were to check whether the existing King County code was consistent with Shoreline's community values and to create a Code that would better suit the specific uses of Shoreline parks. Shoreline parks and facilities do not include many of the types of uses present in some King County parks, making some of the King County codes inappropriate for our use.

The Council's establishment of the Advisory Committee provided an ideal opportunity to gain broader citizen input into the process of developing a City code for our parks and facilities. In addition to the Advisory Committee's review, the proposed Ordinance has also been reviewed and approved by Parks and Recreation staff, the City Attorney and the Police Department. In order to develop a City code that would better match the needs of Shoreline parks, some King County codes have been removed or revised for the proposed Ordinance. For example, codes in reference to boating, horseback riding and airplane landing strips were removed from the proposed Ordinance because these uses do not exist within Shoreline's parks and facilities. The proposed Ordinance's key elements and changes from the King County Code are:

- Swimming is permitted only where posted. Currently no swimming areas are posted in Shoreline parks. Staff is currently reviewing locations where swimming may be permitted based upon water quality and overall safety. Those areas considered not to be unsafe will be posted to inform potential swimmers that lifeguards are not on duty and that swimming will be at the swimmer's risk. (see Sec. 8.12.340, Attachment A).

- Dogs, pets or domestic animals are permitted only in posted areas; however, in those posted areas, pets are not allowed off-leash (see Sec. 8.12.300, Attachment A). Currently, most parks have pre-existing King County signage that allows pets only on leash. No parks currently prohibit pets in any areas.
- Permits may be required for groups of 15 or more persons in order to prevent unscheduled large groups from dominating the use of a park or interfering with scheduled sports and other events. This section could be used, for example, in cases where an informal set of sports teams might regularly play on our fields, requiring additional scheduled maintenance (without paying a fee to support those costs) and/or conflicting with league play. (see Sec. 8.12.040, Attachment A).
- Skateboards, rollerblades—the Advisory Committee approved language that prevents the use of skateboards and rollerblades on walkways, trails, tennis courts, etc. in order to preserve safe use of these facilities for other users (see Sec. 8.12.350, Attachment A).
- Park hours have been revised and simplified. The current rules allow opening a half-hour before sunrise and closing an hour after sunset. The proposed Ordinance would allow opening 45 minutes before sunrise and closing 45 minutes after sunset. The Advisory Committee and staff recommended this change in order to provide a simpler standard for hours that may be easier for park users to remember (see Sec. 8.12.370, Attachment A).
- A specific prohibition in the King County Code against loitering was reviewed and considered by the City Attorney to be unconstitutional. As a result, it was removed in light of the fact that a prohibition against being in a park after the closure hour is specified in the section described above (see Sec. 8.12.370, Attachment A).
- The scope of the littering prohibition was enlarged at the request of the Advisory Committee to prohibit park users from littering on adjacent private property as well as on park property (see Sec. 8.12.330, Attachment A).

The Proposed Ordinance No. 195, Rules for the Use of Parks Facilities, is a basic set of rules upon which the City may build in future years as experience with our parks grows and we identify use-related problems that may need to be addressed. The proposed Ordinance provides staff with the basis for posting parks codes that have been the source of most enforcement problems. In discussing enforcement issues with the Police Department, we have identified alcohol usage and illegal after hours presence in the parks as common enforcement problems in many of our parks. A few of these codes--where pets are permitted, prohibition against alcohol in the parks and park hours--will be the subject of signage that will be used in most parks because they are the most common problems. An end product of revising the code will be to allow for changes in park signage. The pre-existing King County signage regarding codes currently remains in our parks. The process for developing new signage would immediately follow adoption of a City Ordinance.

### **RECOMMENDATION**

No action is required at this time. Staff recommends that Council discuss the proposed Rules for the Use of Parks Facilities and direct staff regarding any modifications. The Ordinance would be scheduled for adoption at a regular meeting.

Approved By: City Manager  City Attorney 

## BACKGROUND / ANALYSIS

Since 1995, the City has operated under the King County Code for Parks Facilities. Your Council has not reviewed this code since that time. The King County Code has served the immediate need of the City to enforce key rules regarding the use of City parks and facilities. However, staff has not wanted to change out signage in our parks regarding code issues until your Council reviewed the Parks Facilities Code and had an opportunity to make changes. Also, it is clear that due to the size and breadth of the King County parks system, a number of its codes were inappropriate for the City's parks system. For that reason, codes dealing with issues such as boating, airplanes, clothing and horseback riding have either been removed or modified to suit the City's park usage issues (see second set of bullets below for details).

The objective of the proposed Ordinance was not to address every conceivable issue that may arise as an enforcement problem in the future. Instead, the objective was to create a basic set of codes that would address key issues, especially those that have been the biggest source of enforcement activity in the parks. The most constant enforcement problems have been the possession of alcohol in the parks and unauthorized presence in the parks after closure.

The proposed Ordinance has been reviewed by the City's new Parks, Recreation and Cultural Services Advisory Committee, which contributed a number of suggested changes. The City Attorney and the Police Department have also reviewed the proposed ordinance for form, ease of interpretation and ease of enforcement. A number of technical changes were made in response to their comments. City staff has also provided input derived from their own experience and from comments by park users who they contact during routine maintenance, recreation coordination and other duties in the parks. The following is a list of the key elements of the proposed Ordinance including some of those that are revised from the King County Code:

- As provided in the King County Code, swimming is permitted only in designated areas. Currently no swimming areas are posted. Staff is in the process of reviewing locations where swimming may be permitted based upon water quality and overall safety. Those areas considered not to be unsafe will be posted to inform potential swimmers that lifeguards are not on duty and that swimming will be at the swimmer's risk. (see Sec. 8.12.340, Attachment A).
- No changes from the King County Code have been made in regard to pets in parks. Dogs, pets or domestic animals are permitted only in posted areas; however, in those posted areas, pets are not allowed off-leash (see Sec. 8.12.300, Attachment A). Currently, most parks have pre-existing King County signage that allows pets only on leash. No parks currently prohibit pets in any areas.
- The King County Code provided no restrictions for unscheduled groups to use our parks. The proposed Ordinance states that permits may be required for groups of 15 or more persons in order to prevent unscheduled large groups from dominating the use of a park or interfering with scheduled sports and other events. This section could be used, for example, in cases where an informal set of sports teams might begin to regularly play on our fields, requiring additional scheduled maintenance (without paying a fee to support those costs) and/or conflicting with league play. (see Sec. 8.12.040, Attachment A).
- Skateboards, rollerblades—the Advisory Committee wanted to prevent the use of skateboards and rollerblades on walkways, trails, tennis courts, etc. in order to preserve safe use of these facilities for other users. The Committee, however, wanted to permit bicycles with the understanding that pedestrian trails (e.g. Richmond Beach Saltwater Park

Bluff, Boeing Creek and Hamlin Park trail systems) will be marked as off limits for bicycles (see Sec. 8.12.230 and Sec. 8.12.350, Attachment A).

- Park hours have been revised and simplified. The current rules under the King County Code allow opening one half hour before sunrise and closing one hour after sunset. The proposed Ordinance would allow opening 45 minutes before sunrise and closing 45 minutes after sunset. The 45-minute period was used to include the twilight times prior to sunrise and following sunset. The Advisory Committee and staff also recommended this change as a way to provide a simpler standard for hours that may be easier for park users to remember (see Sec. 8.12.370, Attachment A).
- A specific prohibition in the King County Code against loitering was reviewed and considered by the City Attorney to be unconstitutional. It is impossible to judge whether a single person sitting on a park bench or a number of individuals gathered in a park area could be considered loitering, since the purposes of parks include passive and active recreation. The existing prohibition against being in a park after the closure hour as specified in the section mentioned above (see Sec. 8.12.370, Attachment A) addresses the core issue of preventing loitering after hours.
- The scope of the littering prohibition was enlarged at the request of the Advisory Committee to prohibit park users from littering on adjacent private property as well as on park property. This would prohibit park users from dropping trash "over the fence" onto private property (see Sec. 8.12.330, Attachment A).

As mentioned above, some of the King County Code sections were also considered to be irrelevant to the nature of Shoreline's parks and facilities or not enforceable. As a result, King County Code sections removed from the proposed Ordinance include:

- Commercial watercraft prohibited—no docks, landings or boat ramps exist in City parks and therefore no potential commercial watercraft usage.
- Aircraft—as with watercraft, no landing strips or airports exist in City parks, making this section unnecessary.
- Expulsion from parks—this section was removed because the Administrative Sanctions Code (see Sec. 8.12.570, Attachment A) provides authority for the City to revoke park privileges of those who fail to comply with the Code.
- Horseback riding—while we have retained a section prohibiting horseback riding (see Sec. 8.12.320, Attachment A), we have removed sections allowing horseback riding on specific trails or other posted areas, since no horse trails exist now or are likely to exist in the future in any City parks.
- Clothing—the County Code included a requirement for park patrons to wear clothing "sufficient to conform to community standards" that the City Attorney believed could not be enforced due to its vagueness and as a result this section was entirely removed. Existing state laws provide sufficient basis for enforcement of public indecency, including nudity and indecent exposure.
- False alarm of drowning prohibited—since no lifeguards are posted in any areas, the issue of a false drowning alarm is not relevant to City parks operations. This portion of the County

Code was apparently created after some youths had pretended to be drowning at swimming areas where lifeguards were on duty.

The rules are essentially created to protect the rights of all park users to mutually enjoy the City's facilities, to ensure that public and private property is respected and to preserve the park properties from damage by users. It is important to read the attached Ordinance with enforcement in mind. While some code sections we have recommended deal with ongoing problems (e.g. alcohol or presence in parks after closure), other sections are included in the proposed Ordinance but will probably be needed less often. These codes exist to ensure our Police Department has specific tools to deal with the variety of problems that may arise in the parks. For example, it would continue be illegal under the proposed Ordinance to deposit household or commercial garbage in a park (see Sec. 8.12.12.450, Attachment A). It is expected that most people would understand it is improper to use a park as a personal garbage dump, but this can occasionally be a problem in that old tires, appliances, etc. are sometimes deposited in parks. It is also illegal to possess a firearm or weapon in a park (see Sec. 8.12.510). Again, while this problem is not likely to occur often, it is important for the Police Department to have a clear code to prohibit anyone possessing such weapons, including concealed weapons with permits, in our parks. The Police Department has authority to enforce the Code. Our Police Officers will use this Ordinance to enforce our rules in the parks, and when necessary, cite park users for specific code violations.

A new City Ordinance would also allow staff to proceed with developing new signage for our parks that would highlight key enforcement problems and inform the public about these codes. The purpose of this signage is not to create a long laundry list of "don'ts" as people enter our parks. Instead, the purpose will be to draw attention to a relatively few code sections that we believe are the source of the greatest number of problems. Codes do not need to be listed on signs in order to be enforced. However, these signs are useful as public information in the process of gaining voluntary compliance with the rules for our parks and facilities. The process of identifying specific codes most useful for each park or facility, designing the signs, selecting a vendor for their production and installing them would proceed following Council adoption of a new Ordinance.

## **RECOMMENDATION**

No action is required at this time. Staff recommends that Council discuss the proposed Rules for the Use of Parks Facilities and direct staff regarding any modifications. The Ordinance would be scheduled for adoption at a regular meeting.

## **ATTACHMENTS**

A: Proposed Ordinance No. 195 - Rules for Use of City of Shoreline Park Facilities

**Attachment A: Proposed Ordinance No. 195,  
Rules for Use of City of Shoreline Park Facilities**

**8.12**  
**RULES FOR USE OF CITY OF SHORELINE PARK FACILITIES**

**Sections:**

**I-GENERAL**

- |          |                   |
|----------|-------------------|
| 8.12.010 | Definitions       |
| 8.12.020 | Program - Purpose |

**II - ADMINISTRATION / FACILITY USE PERMITS**

- |          |  |
|----------|--|
| 8.12.030 | Administration rule - hours and conditions of operation                |
| 8.12.040 | Permits for groups or individuals                                      |
| 8.12.050 | Special use permits  |
| 8.12.060 | Cancellation of permit   |
| 8.12.070 | Religious services, group rallies or musical/theatrical presentations. |
| 8.12.080 | Building facilities' and outdoor field lights hours                    |
| 8.12.090 | Cleanup  |
| 8.12.100 | Liability  |
| 8.12.110 | Liability insurance  |
| 8.12.120 | Adults to accompany minors   |
| 8.12.130 | Storage of equipment - liability of City                               |
| 8.12.140 | Equipment regulations - failure to perform                             |
| 8.12.150 | Facility use - sale of goods and services                              |

### **III - RULES GOVERNING USE OF FACILITIES – (PART 1)**

8.12.160	Food waste, washing of clothes and animals
8.12.170	Parking lots and roadways - games prohibited
8.12.180	Motor vehicles - parking
8.12.190	Motor vehicles on roads and trails
8.12.200	Motor vehicles - speed limits
8.12.210	Washing of vehicles
8.12.220	Motor vehicles - trucks and commercial vehicles
8.12.230	Trail use
8.12.240	Camping
8.12.250	Tents and shelters in parks
8.12.260	Overnight moorage
8.12.270	Ice
8.12.280	Game fish
8.12.290	Shellfish and food fish
8.12.300	Pets in City park facilities
8.12.310	Disturbances by animals prohibited
8.12.320	Horseback riding
8.12.330	Golf
8.12.340	Swimming
8.12.350	Skateboards, rollerblades and bicycles - in designated areas only
8.12.360	Littering

8.12.370	Presence in parks during hours when park is closed
8.12.380	Trespassing
8.12.390	Fires
8.12.400	Sound Amplification
8.12.410	Games in parks

#### **IV - RULES GOVERNING USE OF FACILITIES – (PART II)**

8.12.420	Damage to property
8.12.430	Damage to wildlife
8.12.440	Removal of property
8.12.450	Outside household or commercial waste
8.12.460	Waste from vehicles
8.12.470	Use of marine heads
8.12.480	Dumping in water prohibited
8.12.490	Solicitation
8.12.500	Fireworks
8.12.510	Firearms, weapons
8.12.520	Alcoholic beverages
8.12.530	Intoxication
8.12.540	Interference with trails

## **V - PENALTIES**

- 8.12.550            Infractions
- 8.12.560            Misdemeanors
- 8.12.570            Administrative sanctions

## **VI - MISCELLANEOUS PROVISIONS**

- 8.12.580            Severability

## **I - GENERAL**

### **8.12.010            Definitions-** as used in this chapter

- A.     "Alcoholic beverages" or "liquor" shall be defined as set forth in RCW 66.04.010 and shall include alcohol, spirits, wine and beer.
- B.     "Associated marine area" means any water area within one hundred feet of any City of Shoreline trail, open space, park area or marine facility such as a dock, pier, float, buoy, log boom, or other object which is part of a City of Shoreline park area, provided that such area does not include private property.
- C.     "Camping" means erecting a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will permit, remaining overnight; or, parking a trailer, van, recreational vehicle, bus, camper, or other vehicle for the purpose of remaining overnight.
- D.     "Department" means the City of Shoreline Parks, Recreation and Cultural Services Department.

- E. "Facility" or "Facilities" means any building, equipment, sign, material, shelter, swimming pool, or other physical property including but not limited to administered trees, shrubs, plants, lawns, play equipment, picnic areas, athletic fields, trails, or structures, by the City of Shoreline Parks, Recreation and Cultural Services Department.
- F. "Department employee" means a duly appointed City of Shoreline Parks, Recreation and Cultural Services Department employee.
- G. "City of Shoreline open space, trail or park area" means any area under the ownership, management, or control of the City of Shoreline Parks, Recreation and Cultural Services Department.
- H. "Director" means the Department Director of the City of Shoreline Parks, Recreation and Cultural Services Department or his or her designee.
- I. "City" means City of Shoreline, Washington.
- J. "Liquor" shall be defined as set forth in RCW 66.04.010 and shall include alcohol, spirits, wine and beer.
- K. "Motor vehicle" means any self-propelled device capable of being moved upon a road, and in, upon, or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor scooters, jeeps or similar type four-wheel drive vehicles, and snowmobiles, whether or not they can be legally operated upon the public highways.
- L. "Person" means any individual, group, firm, partnership, corporation or club.
- M. "Rocket" means any device containing a combustible substance which when ignited propels the device.

N. "Trail" means any path, track, or right-of-way designed for use by pedestrians, bicycles, or other non-motorized modes of transportation.

**8.12.020 Program Purpose.** The facilities and programs of the Department are established by the City for public recreation purposes.

## **II - ADMINISTRATION / FACILITY USE PERMITS**

**8.12.030 Administrative rules - hours and operation.** The Director shall promulgate rules establishing the times facilities will be open and closed for use by the public.

**8.12.040 Permits for groups or individuals.** The Department may grant permits to groups or individuals to meet or conduct activities in the Department's facilities if the Department does not otherwise require such facilities. Groups of fifteen or more persons may be required to obtain a permit. A fee is charged in accordance with the Department's fee ordinance.

**8.12.050 Special use permits.** Groups or individuals that desire to use the City park facilities or swimming pool may be granted special use permits by the Department, and may be charged a fee. Where appropriate, special conditions of use will be established by the Department and so noted on the special use permit. Charges for special services in the City recreational facilities will be established by the Department with the approval of the Shoreline City Council.

**8.12.060 Cancellation of permit.** The Department reserves the right to cancel a permit for cause or to meet the needs of the Department. Notice of cancellation for priority in order to meet the needs of the Department shall be given at least twenty-four hours in advance. Notice of cancellation for cause may be given at any time.

**8.12.070 Religious services, group rallies or musical/theatrical performances.** Religious services, group rallies, or musical/theatrical performances may be permitted in City park areas where facilities are adequate, and where such activities will not conflict with normal park usage. To avoid conflict, permission for such activities must be obtained in advance from the Department. Permission for use of amplifying devices by groups must be obtained in advance from the Department.

**8.12.080 Building facilities' and outdoor field lights hours.** Use of facilities Sunday through Thursday shall cease at 10:00 p.m. unless otherwise approved in the use permit. Use of facilities on Fridays or Saturdays shall cease at 12:00 a.m. unless otherwise approved in the use permit. Outdoor lights shall cease at 10:30 pm at park athletic fields unless otherwise designated.

**8.12.090 Cleanup.** All persons using a building facility must leave the facility in a clean and neat condition considered satisfactory to the Department.

**8.12.100 Liability - Persons** using facilities by permit will be required to protect, save and hold the City of Shoreline, its elected and appointed officials and

employees, harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising out of the use of facilities.

**8.12.110 Liability insurance.** During all periods of use, persons using facilities by permit shall, except when a waiver is obtained from the Department, obtain and maintain public liability insurance acceptable to the City and/or other insurance necessary to protect the public and the City on the premises to be used, with limits of liability not less than:

\$500,000 each person personal injury;

\$500,000 each occurrence personal injury;

\$250,000 each occurrence property damage; or combined single limit personal injury and/or property damage liability \$1,000,000 per occurrence.

Persons shall provide a certificate of insurance or, upon written request of the City, a duplicate of the policy, as evidence of the insurance protection provided. This insurance shall not be canceled or reduced without prior written notice to the City at least ten days in advance of the cancellation.

**8.12.120 Adults to accompany minors.** When facilities are used by permit, and children are present, adults must be present and responsible at all times.

**8.12.130 Storage of equipment - liability of City.** Persons using facilities should not expect storage space for equipment necessary for their activity. If temporary

storage is provided, the City of Shoreline shall not be held responsible for loss or damage.

**8.12.140 Equipment regulations - failure to perform.** The misuse of a park facility or the failure to conform with regulations, the instructions of Department employees, or the conditions of a permit will be sufficient reason for canceling a permit and/or denying any future permits.

**8.12.150 Facility use - sale of goods or services.** The use of park facilities for financial gain shall be allowed only through concession contracts secured by the City's competitive bid process, negotiated concession contracts or by special use permit issued by the Department.

### **III - RULES GOVERNING USE OF FACILITIES – (PART I)**

**8.12.160 Food waste, washing of clothes or animals.** No person shall clean fish, or other food, or wash any clothing or other articles for personal or household use, or any dog or other animal except at designated areas.

**8.12.170 Parking lots and roadways - games prohibited.** Games of any kind are prohibited in parking lots and roadways of all facilities.

**8.12.180 Motor vehicles - parking.** No operator of any motor vehicle, trailer, camper, boat trailer, or other vehicle, shall park such vehicle in any City park area,

except where the operator is using the area for the designated recreational purpose and the vehicle is parked either in the designated parking area, or in another area with the permission of a Department employee. No person shall park, leave standing, or abandon a vehicle in any park area after closing time except persons using park facilities as part of an event authorized by the Department. In addition to the penalties found in Part V of this chapter, any vehicle found in violation of S.C.C. 8.12.180. may be towed away at the owner's expense. This section shall not apply to maintenance and emergency vehicles or vehicles authorized by the Department.

**8.12.190                      Motor vehicles on roads and trails.** No person shall operate any motor vehicle on a trail in any City park, unless such trail has been specifically designated and posted for such use. No person shall operate a motor vehicle within the boundaries of a City park area except on roads, streets, highways, parking lots, parking areas, or where otherwise permitted by proper posting. This section shall not apply to emergency, maintenance or authorized vehicles.

**8.12.200                      Motor vehicles - speed limits.** No person shall drive a motor vehicle within any park at a speed greater than fifteen (15) miles per hour or as otherwise posted, having due regard for traffic, surface and width of the road, and in no event at a speed which endangers the safety of persons, property, or wildlife; provided, however, that in no event shall a vehicle be driven at a speed greater than fifteen (15) miles per hour in picnic, utility, or headquarters areas, or in a public assemblage.

**8.12.210 Washing of vehicles.** No person shall clean or wash any automobile or other vehicle in any park area except in areas specifically designated for that use.

**8.12.220 Motor vehicles - trucks and commercial vehicles.** No person shall cause a truck or other vehicle while being used for commercial purpose to enter upon, use, or traverse any portion of any City park area or any park road except with the express permission of a Department employee provided, that the provisions of this section shall not apply to city roads, county roads or state highways.

**8.12.230 Trail use.** A. For the purposes of this section "Travel" shall be construed to include all forms of movement or transportation on a trail, including but not limited to foot, bicycle, horse, skateboard, and roller skates.

B. Trails are open to all non-motorized users unless otherwise designated and posted. Trail restrictions may be posted at park entrances, trailheads or, in some cases, on individual trails.

C. Every person traveling on a trail shall obey the instructions of any official traffic control device or trail sign unless otherwise directed.

D. No motorized vehicles shall be allowed on City of Shoreline trails. For the purposes of this section "motorized vehicles," means any form of transportation powered by an internal combustion or electric motor. This includes but is not limited to motor vehicles, golf carts, mopeds and all terrain vehicles. This section shall not apply to wheelchairs powered by electric motors, or authorized maintenance, police or emergency vehicles.

**8.12.240                    Camping.** No person shall camp in any park area.

**8.12.250                    Tents and shelters in parks.** No person shall erect, maintain, use or occupy a temporary tent or shelter in any park area unless there is an unobstructed view through such tent or shelter from at least two sides; provided however, that nothing in this section shall be construed to authorize overnight camping.

**8.12.260                    Overnight moorage.** No person shall moor, anchor or dock a boat or other object overnight in Richmond Beach Saltwater Park or other bodies of water in other City park area without authorization from the Department.

**8.12.270                    Ice.** No person shall go out onto ice in any park area. This includes but is not limited to: lakes, ponds, streams and other bodies of water.

**8.12.280                    Game fish.** All laws, rules and regulations of the State Game Commission relating to season, limits, and methods of fishing are applicable to fishing for game fish in park areas. No person may fish for, or possess any fish taken from any lake, pond, stream or other body of water which is posted with a sign prohibiting fishing.

**8.12.290                    Shellfish and food fish.** All laws, rules and regulations of the State Department of Fisheries relating to season, limits, and methods of taking, are applicable to the taking of shellfish or food fish in City park area, and in addition to such laws, the City of Shoreline park system may, close certain City park area to the taking of

shellfish for specific periods of time. Such closed areas shall be posted with appropriate signs.

**8.12.300                    Pets in City park facilities.** A. Dogs, pets, or domestic animals are not permitted on any designated beach, picnic area, tennis courts or play area in any park or in any building unless specifically permitted by posting. This section shall not apply to animal guides.

B.        In posted areas, dogs or other pets or domestic animals must be kept on a leash no greater than fifteen feet in length, and under control at all times.

C.        Any person whose dog or other pet is in any City park area shall be responsible for the conduct of the animal and for removing feces deposited by such animal from the park area.

**8.12.310                    Disturbances by animals prohibited.** No person shall allow his or her dog or other pet or domestic animal to bite, disturb or harass any park users, wildlife or other pets. No person shall permit his or her dog or other pet or domestic animal to bark or make noise continuously or otherwise disturb the peace and tranquillity of the park. No person shall permit dogs, pets or domestic animals to damage, destroy or remove park vegetation.

**8.12.320 Horseback riding.** Horses are not permitted in any park area.

**8.12.330 Golf.** Golf activities shall not be permitted in any park area unless permission is obtained in advance from the Department.

**8.12.340 Swimming.** Swimming shall only be permitted in posted areas.

**8.12.350 Skateboards and rollerblades.** No person shall be permitted to skateboard or rollerblade on walkways, trails, tennis courts, or other park areas unless otherwise designated by the Department.

**8.12.360 Littering.** No person shall leave, deposit, drop or scatter bottles, broken glass, ashes, food, waste paper, cans, green waste or other rubbish in a City park area, except in a garbage can or other receptacle designed for such purpose. Park patrons shall not dispose of litter on any adjacent property without express written permission.

**8.12.370 Presence in City parks during hours when the park is closed.**  
No person shall enter or be present in a City park area during hours the park is closed except persons using park facilities as part of an event authorized by the Department. Park areas are closed forty-five (45) minutes after sunset and open forty-five (45) minutes before sunrise unless another closing and/or opening time is established for a particular park by the Director.

**8.12.380                    Trespassing.** No person except an authorized City employee, or other person duly authorized pursuant to law, shall enter or go upon any area which has been designated and posted as a "No Admittance" or "No Trespassing" area or during any time during which the park is posted as being closed to the public.

**8.12.390                    Fires.** No person shall ignite or maintain any fire or participate in igniting, maintaining or using any fire within a park except in a designated barbecue unit or in a designated fire unless authorized by the Department.

**8.12.400                    Sound amplification.** No person shall use, operate or play in any park facility, any radio, tape player, disc player, television, musical instrument, record player or any other machine or device producing sound at a volume that is audible at a distance of over thirty (30) feet there from except pursuant to a permit issued by the Department.

**8.12.410                    Games in parks.** Activities including, but not limited to, sports and physical play which interfere or tend to interfere with or endanger other park users are prohibited.

#### **IV- RULES GOVERNING USE OF FACILITIES – (PART II)**

**8.12.420                    Damage to property.** No person shall remove, damage, or destroy park "facility" as that term is defined in Section 8.12.010.

**8.12.430**                    **Damage to wildlife.** Except for fishing and shell fishing in authorized area and subject to rules promulgated by Washington State Fish and Wildlife Commission, it is unlawful in any park to capture, attempt to capture, tease, annoy, disturb, or strike any bird or animal, or to throw or otherwise propel any object at or in the vicinity of any bird or animal.

**8.12.440**                    **Removal of property.** No person shall move any City property, from its original position in any park area without the permission of the Department.

**8.12.450**                    **Outside household or commercial waste.** No person shall bring in or deposit household or commercial garbage, refuse, waste, or rubbish which is brought in such form from any private property, in any park area garbage can or other receptacle.

**8.12.460**                    **Waste from vehicles.** No person shall drain or dump refuse or waste from any trailer, camper, automobile or other vehicle in any park area.

**8.12.470**                    **Use of marine heads.** No person shall flush any marine head into, an associated marine area, nor cause any human or animal waste to be deposited into an associated marine area or when entering or leaving the area.

**8.12.480                    Dumping in water prohibited.** No person shall deposit any waste or refuse of any nature, including human or animal waste, into any stream, lake or other body of water running in, through, or adjacent to any park area.

**8.12.490                    Solicitation.** No person shall solicit, sell, or peddle any goods, services, food or drink, or distribute or post any handbills, circulars, or signs, or use any loud speaker or other amplifying device, in any park area, except by concession contract or by special use permit issued by the Department.

**8.12.500                    Fireworks.** No person shall possess, discharge, or cause to be discharged, in any park area, any firecracker, torpedo, rocket, firework, explosive, or similar device unless so authorized by the Department.

**8.12.510                    Firearms, weapons.** No person except duly authorized law enforcement personnel shall possess a firearm, bow and arrow, crossbow, or air or gas weapon in a City park. No person shall discharge across, in, or onto any park area a firearm, bow and arrow, crossbow, air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property. This section shall not apply where the Department has authorized, in writing, a special recreational activity upon finding that it is not inconsistent with park use.

**8.12.520                    Alcoholic beverages.** No person shall possess any liquor in any City park area, including unopened beverage containers, except in designated areas approved by the Director or his or her designee and under the following conditions:

The sale and/or consumption of alcoholic beverages is permissible indoors at the Richmond Highland Recreation Center by special use permit, provided that the activities conform to the requirements of Washington State Liquor Control Board and state law. A state liquor permit must be displayed in the area where the activity is to be conducted.

**8.12.530                    Intoxication.** Being in any park, facility, or associated marine area while in a state of intoxication is prohibited.

**8.12.540                    Interference with trails.** No person shall place, deposit, or otherwise locate any object, structure or device, whether natural or artificial, that threatens or endangers any trail, or that threatens or endangers any person traveling thereon.

This section shall not apply to City employees in the performance of their duties or to persons acting pursuant to written direction of the City of Shoreline.

## **V - PENALTIES**

### **8.12.550                    Infractions**

A. Violation of any provision of Section III of this Chapter shall be a civil infraction.

B. Any person cited for a violation of Part III of this Chapter, shall be subject to the applicable Justice Court Rules and bail schedules.

C. Any person found guilty of committing an infraction shall be assessed a monetary penalty not to exceed \$500.00, or shall make restitution for any damage caused to park facilities, or shall be subject to both a monetary penalty and restitution.

**8.12.560                    Misdemeanors.** Violation of any provision of Section IV of this Chapter shall be a misdemeanor

**8.12.570                    Administrative sanctions.** In addition to any prescribed penalty, any person failing to comply with any provision of this chapter shall be subject to the loss of park or recreation facility use privileges.

## **VI - MISCELLANEOUS PROVISIONS**

**8.12.580                    Severability-** Should any section, subsection, paragraph, sentence, clause, or phrase of this chapter be determined to be a court of competent jurisdiction, such determination shall not effect the validity of the remaining portions of this chapter.

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

**AGENDA TITLE:** Analysis Regarding The Potential Siting Of A King County Wastewater Treatment Facility At Point Wells  
**DEPARTMENT:** Office Of The City Manager  
**PRESENTED BY:** Kristoff T. Bauer, Assistant To The City Manager

**EXECUTIVE / COUNCIL SUMMARY**

The Regional Wastewater Services Plan (RWSP) currently under consideration by the King County Council calls for the construction of a new wastewater treatment facility in north King County or south Snohomish County. Point Wells is believed to be a potential candidate site for this facility or its outfall (the discharge point for treated effluent).

In November 1998, staff presented a series of questions to Council regarding the potential of a regional wastewater treatment facility being constructed at Point Wells and a work plan to address those questions. The objective of this effort is to provide information based upon professional analysis and input from the community to assist your Council in deciding what position to take regarding the siting of a wastewater treatment plant and/or its outfall at Point Wells. This report, its attachments, and the presentation to be provided during your Council workshop will relate information and conclusions developed in response to these questions. It also recommends additional analysis and a public process as next steps toward the completion of phase 2 of the work plan. Staff is seeking Council input and consensus on the recommended next steps.

Key issues researched during phase 1 include:

- 1 The City's role in the siting decision making process and in permitting such a facility and how these roles may change, i.e. annexation,
- 2 The suitability of the Point Wells site for the proposed wastewater treatment facility based upon existing and developing King County criteria, published analysis thereof, and site conditions,
- 3 The potential impacts on the community of such a facility,
- 4 The scope and nature of likely mitigation strategies,
- 5 Critical time periods for City input to the siting process, and
- 6 Impact of a treatment facility on alternative uses for the Point Wells property.

In accordance with the work plan discussed with Council, the City has hired Gray & Osborne ("G&O"), an engineering firm with a strong background in siting and designing wastewater treatment facilities across the state, and Shockey/Brent, a planning firm familiar with Snohomish County land use regulations and permitting processes, to assist the City in addressing identified issues. Their report has been provided separately to your Council and is excerpted in Attachment A. The full report is also available at the libraries within the City and at the City Clerk's office.


In order to implement the second phase of the work plan, Staff has developed two alternative development scenarios (see G&O Report or Attachment B). Alternative 1 is based upon Snohomish County planning documents. Alternative 2 is based upon the City's proposed zoning under the annexation policies of its comprehensive plan. A partial impact analysis was already performed on Alternative 2 as part of the EIS for the City's comprehensive plan.

In order to bring this information to the community, staff recommends that the City hold an open house in conjunction with King County. The open house would be advertised utilizing the next City newsletter and other standard announcement methods. The information included in the G&O report and additional comparative analysis on alternative development scenario(s), as discussed herein, will be presented. A panel discussion including representatives from King County, G&O, and others would address both prepared questions and questions from the audience. Participants in the open house would then be asked to complete a questionnaire regarding Point Wells and the proposed regional facilities. This information would be analyzed and presented to Council for discussion regarding whether additional public process is desirable.

Once Phase 2 is complete (development alternatives are evaluated and community input received), the Council will be asked to take a final position on the suitability of Point Wells as a location for a treatment plant and/or outfall.

### **RECOMMENDATION**

This is a workshop item for discussion purposes only. Staff seeks Council comment regarding alternative development scenarios and scope of the comparative analysis, the recommended public process, and any other remaining questions or concerns.

Approved By: City Manager  for LBS City Attorney N/A

## **BACKGROUND / ANALYSIS**

The siting process for the north end treatment facility has not yet begun. At the time this report was written, the Regional Wastewater Services Plan ("RWSP"), of which a north end treatment facility is an important element, had not been formally adopted. In fact, some segments of the community continue to argue against adoption of the RWSP as it is currently written. The Richmond Beach Community Council recently voted to oppose the RWSP as long as a north end plant continues to be an element of that plan.

Despite this fact, there has been increasing discussion regarding a few specific sites, including Point Wells, for the additional wastewater treatment facilities identified in the RWSP. The City of Woodway, for reasons of its own, has approached King County requesting that Point Wells be considered. In response, King County staff has expressed a desire to better understand how the Shoreline community would feel about locating the proposed facility at that site. This open request has prompted other communities, Bothell for example, to approach the County expressing a willingness to site the facility within their City. This unusual situation of municipalities actually expressing interest in siting what is normally considered a high impact facility in their jurisdiction has prompted the County to consider a Request For Proposal (RFP) process as an additional siting mechanism. This process would allow interested communities to acquire funding from the County to develop information regarding a potential site within their community.

County staff has been preparing to begin the siting process for the north end treatment facilities during the unexpectedly protracted consideration of the RWSP by the King County Council. They have made clear their intentions to move forward with the RFP and other siting processes shortly after the adoption of the RWSP. The County Council may take action on the RWSP as early as May 1999. The timeline for completion of north end treatment facilities included in the RWSP established the end of 2001 as the goal for the full permitting of the preferred site. Achieving this objective will likely require an abbreviated short list creation process that will need to be completed by the end of this year despite the delay in the adoption of the RWSP.

Staff and individual Council Members have recently had conversations with individuals in the Richmond Beach community, including a short discussion with the board of the Richmond Beach Neighborhood Association, regarding the possible siting of a treatment facility at Point Wells. The response has been a consistent request for more information about the impacts of this kind of facility, likely mitigation, and alternatives. A process providing for broader community education and input has also been suggested. Staff discussed this issue with Council in November 1998. The G&O report transmitted along with this report provides much of the background information identified at that time as desirable to assist your Council and the community in developing a position regarding the use of Point Wells prior to the commencement of King County's siting process.

Significant additional background and information regarding the wastewater treatment facilities proposed by the RWSP, Point Wells, impacts, mitigation, and land use issues are included in the G&O report provided separately to your Council and excerpted in Attachment A. This report is the result of staff efforts to complete the work plan on this issue discussed with Council in November 1998. That work plan has two phases. The

substance of the report addresses issues identified in the first phase and is summarized below. The remainder of this staff report makes recommendations and asks for Council input as staff moves forward with efforts to complete the second phase.

### **Council Discussion**

The objective of this report and staff's presentation to your Council is to assist in the development of an understanding of wastewater treatment plant operations and the potential impacts and mitigation that may result if such a facility is located at Point Wells. Staff is seeking Council input and consensus on two items that will lead to the completion of phase 2 of this project:

- The composition of alternative development scenarios and the scope of the analysis comparing these scenarios (e.g. mixed use development) to a wastewater treatment plant, and
- The recommended process for educating and gaining input from the community on this issue.

### **Work Plan**

The objective of the work plan discussed with Council in November is to provide Council with information based upon professional analysis and input from the community to assist your Council in deciding what position to take regarding the siting of a wastewater treatment plant and/or its outfall at Point Wells. Key issues to be researched during this process include:

1. The City's role in the siting decision making process and in permitting such a facility and how these roles may change, i.e. annexation,
2. The suitability of the Point Wells site for the proposed wastewater treatment facility based upon existing and developing King County criteria, published analysis thereof, and site conditions,
3. The potential impacts on the community of such a facility,
4. The scope and nature of likely mitigation strategies,
5. Critical time periods for City input to the siting process, and
6. Impact of a treatment facility on alternative uses for the Point Wells property.

The work plan to address these issues is divided into two phases. Phase 1 activities include the:

- I. Exploration and clarification of issue 1,
- II. Development of additional site information regarding Point Wells to support team efforts,
- III. Hiring of an engineering consulting firm experienced in the design and siting of wastewater treatment facilities to provide analysis regarding issues 2,3,& 4, and
- IV. Exploration and clarification of issue 5.

The results of these efforts are discussed in the next section of this staff report.

Phase 2 of the work plan consists of the:

- I. Exploration of alternative development possibilities at Point Wells in accordance with the City's comprehensive plan,

- II. Exploration of the impacts of those alternatives and comparison of those impacts to identified impacts of the potential wastewater treatment facility, including likely mitigation measures for each,
- III. Engaging of the community through a public forum to communicate developed information and to clarify key areas of concern and issues that need further investigation,
- IV. Working with neighborhood associations and other interested community groups to acquire additional community input based on the information, concerns, and issues developed as a result of the public forums,
- V. Analysis of results for presentation to Council and community with a recommendation based on that analysis regarding the key objectives that should be the focus of Shoreline's participation in King County's siting process.

Staff is now prepared to begin phase two of the above work plan and is seeking Council consensus regarding specific recommendations on next steps in order to do so.

### **Issues Addressed In Phase 1**

In accordance with the workplan discussed with Council, the City has hired Gray & Osborne ("G&O"), an engineering firm with a strong background in siting and designing of wastewater treatment facilities across the state to provide professional technical assistance to the City during this process. The City has also acquired the services of Steve DiJulio, an attorney with Foster Pepper & Shefelman, and Shockey/Brent, a planning firm familiar with Snohomish County land use regulations and permitting processes, to assist the City in addressing land use related issues. Their report has been provided separately to your Council and is excerpted in Attachment A. The full report is also available at the libraries within the City and at the City Clerk's office.

Conclusions to the key issues identified in November based upon analysis to date as articulated in the G&O report are as follows:

- 1) The City's role in the siting decision making process and in permitting such a facility and how these roles may change, i.e. annexation,
  - King County's siting process has not been developed, therefore, the City's role in that process is yet to be determined.
  - Snohomish County currently has sole permitting authority over the Point Wells property and has an interest in utilizing its Essential Public Facilities ("EPF") siting process in relation to these facilities. It is unlikely that Shoreline will be permitted to annex Point Wells until after the wastewater treatment facility has been permitted at that site or the site has been removed from consideration.
  - An interlocal agreement with Snohomish County and other interested jurisdictions is recommended as the best avenue to secure a formal role in the permitting process should Point Wells be selected. Staff is already working on the development of such an agreement.
  - An interlocal agreement with Snohomish County is also seen as the only mechanism to successfully complete the annexation of Point Wells.

- 2) The suitability of the Point Wells site for the proposed wastewater treatment facility based upon existing and developing King County criteria, published analysis thereof, and site conditions,
- The adoption of the RWSP by the King County Council has been delayed and no siting criteria have been developed to date.
  - There are two distinct, yet connected facilities that must be sited as part of this process, that is the wastewater treatment plant and/or its outfall or discharge point into Puget Sound.
  - The County has presented some scientific evidence tending to indicate that the area of Puget Sound west of Point Wells may have natural advantages that would minimize the impact of such a facility. Further study to confirm the quality of this location is recommended.
  - The entire Point Wells property is a little less than 100 acres. Only the western half of the property, however, is flat enough to support the construction of a wastewater treatment plant. Preliminary design and analysis performed by King County indicate that a wastewater treatment plant of the planned size will fit on the 47 suitable acres. In contrast, the current Renton facility is 85 acres, contains buffering and screening of its facilities, and is located in the midst of an industrial area. No residential area is adjacent to this facility. The West Point facility is a mere 32 acres, but Discovery Park provides a buffer of ¼ mile to the Fort Lawton government housing and of just less than one mile to the Magnolia residential community. Construction of a wastewater treatment plant on the Point Wells property may place high impact facilities within 300 feet of residential homes in the Richmond Beach community.
- 3) The potential impacts on the community of such a facility,
- As identified by King County's FEIS on the RWSP, the main impacts from construction, truck traffic, noise, and dust, would be experienced during the initial construction period, up to 3 years, and every time the plant is expanded, planned for about every 15 years.
  - The main impacts from the operation of a wastewater treatment plant, as also identified by the FEIS, are odor, aesthetics, noise, and traffic.
- 4) The scope and nature of likely mitigation strategies (a detailed discussion of this issue is presented in Chapter 2 of the G&O report),
- In discussion with the Council and community members, it is apparent that there is growing confusion regarding the meaning of the term "mitigation." To clarify Webster's dictionary defines "mitigate" as "to cause to become less harsh or hostile." "Mitigation," as the noun form of mitigate, is then; the actions, objects, resources, that reduce the negative effects of a project. This is in marked contrast to the use of the term to indicate a potential opportunity for public benefit. Research of the West Point facility indicates that of the \$80-90 million in expenditures for mitigation, only \$2 million appears to have been provided as somewhat discretionary funds for the community as compensation for

unspecified project impacts. In contrast, other mitigation expenditures relate specifically to actions taken to reduce specific negative impacts, enclosing some portions of the plant to control odor for example. In this and the G&O report, the term mitigation is used exclusively in the later sense.

- Potential mitigation for traffic impacts include (it should be noted that preliminary King County designs for the treatment plant at Point Wells do not require the removal of Chevron's existing asphalt plant):
  - Improvements to Richmond Beach Road
  - Extension of 205<sup>th</sup>
  - Reconstruction of Heberlein Road through Woodway
  - Barging & rail
- While design elements to reduce noise and odor are recommended, the most common and effective mitigation for these and other impacts, that is buffering, is believed to be difficult to achieve at the Point Wells site.

5) Critical time periods for City input to the siting process, and

- Due to the delay in the adoption of the RWSP by the County, this issue is yet to be clarified.

6) Impact of a treatment facility on alternative uses for the Point Wells property.

- It is believed that a treatment plant would not preclude the development of a marina or a small amount of industrial development (similar to the Chevron facility previously mentioned) on the site. As mentioned earlier, King County's draft plans for a treatment plant at Point Wells leaves space for the existing asphalt plant. The inclusion of a marina would require a modification, however, to those draft plans. No significant residential or commercial development would be likely.
- The location of the outfall west of Point Wells is expected to have little or no effect on the development of this property.
- Staff has two alternative development scenarios for comparison to a wastewater treatment facility (see Attachment B). Alternative 1 is light industrial uses similar to the asphalt plant currently operated by Chevron as permitted under Snohomish County's comprehensive plan designation for this area (page 37 of the G&O report). Alternative 2 is mixed use including a marina, small commercial, and high density residential consistent with the City of Shoreline's comprehensive plan designation for the area (page 36 of the G&O report). Council consensus regarding the composition of these alternatives and the scope of the desired comparative analysis is sought.
- Preliminary financial analysis indicates that the difference in tax revenue to the City, if it should annex Point Wells, between a public facility and private development in accordance with the City's proposed zoning is estimated to be in the range of \$140,000 to \$280,000 per year. The payments in lieu of tax from

King County as part of the mitigation for a treatment plant and the inclusion of a marina and some light industrial on the site would push the difference toward the bottom of this range (see page 44 of the G&O report).

## **Next Steps**

The second phase of the work plan as discussed above consists of performing the alternatives analysis and taking that information, along with the information developed in phase 1, to the community. The goal of the public process is to provide Council with input from the community regarding the preferred utilization of the Point Wells area.

## **Development Alternatives**

The purpose of the proposed comparative analysis of development alternatives is to clarify some of the tradeoffs that may be made by selecting a public facility over private development at Point Wells. Attempting to predict what may happen over a long period of time on a private piece of property subject to market forces and the zoning of another jurisdiction is, however, inherently uncertain. Staff wanted to make sure your Council was comfortable with the assumptions recommended by staff prior to the completion of further analysis. Both proposed alternatives assume, for example, that the steep slope area to the east of the railway will not be developed.

The first alternative is based upon Snohomish County's planned zoning for the property and is consistent with Chevron's current use of the site. It assumes that any future development of the property will consist of light to moderate impact industrial uses that can make beneficial use of the marine and rail transportation facilities existing on the site. This could be described as an intensification of the existing use.

The second alternative is based upon the mixed use zoning designation identified in Shoreline's comprehensive plan for this area. It utilizes assumptions contained in the City's Environmental Impact Statement on the comprehensive plan that is designed to consider the highest impact of the proposed zoning. It also includes a marina consistent with the investigations of the Port of Edmonds. This alternative is more speculative at this point.

It should be noted that Chevron consistently reports no desire to change their current utilization of this site and that a wastewater treatment plant may not preclude the continuation of industrial uses on the site or the development of a marina.

The scope of the analysis would include the development of potential impacts in the areas of traffic, noise, aesthetic, odor, public use, and City tax revenue for each alternative development scenario. These impacts would then be compared to those already identified in the analysis regarding a potential wastewater treatment facility.

Analysis on alternative one is expected to show comparability to a wastewater treatment facility in the areas of aesthetics, traffic, noise, and odor depending upon the nature of the industry that is assumed. Analysis on alternative two is expected to show higher traffic impacts, and improved aesthetics, public use, availability of community services (e.g. restaurant and housing), and tax revenue in comparison to a treatment

plant. Analysis on either, both, or a third alternative can be ready for the proposed public involvement process.

#### Public Process

In order to efficiently sample the community's views on this issue staff recommends the hosting of an open house in conjunction with King County. The open house would be broadly advertised and would consist of displays and presentations articulating information developed by the City and the County on this issue. A panel consisting of King County and Shoreline staff and elected officials would be invited to discuss preset questions and questions from the audience. Participants would then be asked to complete surveys designed to ascertain the information they found most valuable and influential, and any opinion they may have on substantive issues.

If data collected from the open house indicates that the opinions of participants is fairly consistent and not dependent on uncertain or variable information (the level and/or kind of mitigation for example), then it may be sufficient to support deliberations by your Council. This would allow the City to move on to advocacy more quickly and at a lower cost. In contrast, if the data indicates a split of opinion or that opinion is likely to be driven by a variable that can be affected by Council action, then a more effective public participation process can be developed based thereon.

#### **Interlocal Agreement**

As mentioned in the executive summary of this report and discussed in more detail in the G&O report, an interlocal agreement with Snohomish County, the City of Edmonds, the Port of Edmonds, and the Town of Woodway is believed to be the only way for Shoreline to gain a formal role in the zoning and permitting of activities at Point Wells. This is also believed to be the only path to future annexation of this area. Staff is in the process of pursuing such an agreement, but felt that such an agreement merited a detailed discussion separate from that presented herein. Staff is preparing to bring this issue to Council for discussion in the near future.

Contractual services in support of staff's efforts related to the Point Wells issue are expected to exceed the City Manager's expenditure authority. Staff will bring contract amendments to your Council for consideration as necessary. This activity was not anticipated during the creation of the City Manager Office's budget for professional services and may result in the need for a budget amendment before the end of 1999.

**Summary**

With Council concurrence, staff will begin the comparative analysis on the two recommended development alternatives, and will contact the County, develop advertising, and prepare to hold an open house on this issue. The results of the open house could then be presented to Council accompanied with either a recommended position on the substantive issue or for further public process.

**RECOMMENDATION**

This is a workshop item for discussion purposes only. Staff seeks Council comment regarding alternative development scenarios and scope of the comparative analysis, the recommended public process, and any other remaining questions or concerns.

**ATTACHMENTS**

Attachment A – Excerpts From Gray & Osborne Report Regarding Point Wells And Regional Wastewater Treatment Facilities

Attachment B – Alternative Land Use Development Scenarios At Point Wells

## **Attachment A**

### **Excerpts From Gray & Osborne Report Regarding Point Wells And Regional Wastewater Treatment Facilities**

**CITY OF SHORELINE**

**POINT WELLS ANNEXATION AREA  
WASTEWATER FACILITY  
IMPACT STUDY**

**APRIL 1999**

**BY**

**GRAY & OSBORNE, INC.  
701 DEXTER AVENUE N, SUITE 200  
SEATTLE, WA 98109  
(206) 284-0860**

**and**

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**CHAPTER 1 - INTRODUCTION**

The King County Council is currently considering a Regional Wastewater Services Plan (“RWSP”) that includes capital improvements, rate policies, and other programmatic policy direction necessary to guide the development of wastewater services for the next 40 years. A key element of the RWSP is expected to be the construction of a north end wastewater treatment plant, conveyance pipeline, and outfall. The wastewater facilities are proposed to be located in north King County or south Snohomish County. King County will not begin the formal siting process for these facilities until after the King County Council has formally adopted the RWSP. This action is scheduled for May 1999.

Public interest in whether Point Wells will be identified by King County as a potential site for a third treatment plant has been growing. King County used Point Wells, identified by the City’s Comprehensive Plan as a potential annexation area, as a study site to prepare the preliminary cost estimates for a new wastewater treatment facility included in the RWSP. The Town of Woodway has also publicly advocated for the construction of these facilities at Point Wells. Shoreline residents have a strong interest in this issue since the site borders the City on the north side and the only current access to the site is through the City.

This report is intended to provide additional information and context to assist the Shoreline community and the City Council in establishing policies concerning future use of the Point Wells property. The potential impacts of a third treatment plant at Point Wells are explored along with potential mitigation measures and their effect on identified impacts. Additionally, the report discusses land use issues and jurisdictional government policies affecting development of the Point Wells site. Land use alternatives under existing Snohomish County regulations and potential future zoning as identified by the City’s comprehensive plan are described. Two specific alternative development scenarios are described as potential comparisons to King County use of the property. Analysis comparing the expected impacts of a treatment facility to one or both of the described land use alternatives is not included in this report, but may be completed in the next phase of analysis on this issue.

**MITIGATION**

The word “mitigation” is used throughout this report. To assure that the conclusions presented herein are not misunderstood, it is important that the reader understand the intended meaning of this word. Webster’s dictionary defines “mitigate” as “to cause to become less harsh or hostile.” “Mitigation,” as the noun form of mitigate, is then; the actions, objects, resources, that reduce the negative effects of a project. This report identifies potential negative impacts of a wastewater treatment facility and then discusses what mitigation may reduce the effect of those impacts.

Some have used the term “mitigation” to refer to discretionary funds or benefits to the community based upon experience with past treatment facility permitting processes. Figure 1 & 2 itemize expenditures related to the West Point and Renton treatment facilities, respectively, that are commonly referred to as “mitigation”<sup>1</sup>.

The estimated costs for the Community Impact Fund as part of the West Point project (\$2 million) and for Community Improvements as part of the Renton expansion (\$2.5 million) appear to be somewhat discretionary funds provided to the community as compensation for unspecified project impacts. In contrast, other costs relate to actions taken to reduce specific negative impacts, odor, aesthetics, and transportation for example. As used in this report, “mitigation” refers to the latter case, that is actions taken to reduce the negative impacts of the facility. It should be noted that the communities surrounding both facilities continue to recognize odor, traffic, and other negative impacts from these facilities.

Figure 1 Approximate Mitigation Costs for West Point	
Action	Approximate Cost (\$ millions)
Massing structures to reduce plant footprint:	10 - 20
Odor and noise controls; color and texture	
Landscaping and berms; access road improvements,	30
Settlement Agreement Costs (sludge de-watering	8
pilot, truck reduction, monitoring)	
Shoreline Improvement Fund (funding to Seattle	30
and King County to acquire land to replace	
park land lost by plant expansion)	
Community Impact Fund	2
Approximate Total	80 - 90

Figure 2 Approximate Mitigation Costs for Renton Expansion	
Action	Approximate Cost (\$ millions)
Odor, Landscaping, Transportation	14.9
Wetland Wildlife Improvement (purchase riparian	3.5
and upland habitat)	
Acceleration of prior permit conditions	5.5
Waterworks Gardens (a small public area on	1.8
Plant site)	
Community Improvements	2.5
Approximate Total	28.2

EXECUTIVE SUMMARY

Impacts

The analysis regarding the impacts of a potential wastewater treatment facility is separated into three discrete units; the conveyance pipeline, the treatment plant, and the outfall. If the treatment plant is sited elsewhere, it is still possible that treated effluent may be piped to Point Wells for discharge through an outfall into Puget Sound. Each facility has set of impacts associated with construction of the facility and a set of impacts associated with the daily operation of the facility.

The main impacts from construction are heavy truck traffic, noise, and dust. A large portion of the outfall construction is performed off shore. This facility is expected to be constructed quickly, about 3 months, with minimal impacts. The conveyance pipeline is expected to be constructed through tunneling from each end. The tunnel is expected to be long and may

<sup>1</sup> Information provided by King County staff in presentations to the Regional Water Quality Committee regarding the RWSP.

require significant soil removal from the Point Wells site over an extended period, as long as 18 months. The treatment facility requires the most diverse set of construction activities, from excavation and concrete work to pile driving, and would take the longest to complete, up to 3 years. Impacts from the construction of the plant will also be experienced with each plant expansion. The RWSP plans for an expansion of the north end plant about once every 15 years. If contaminated soils are found on the site, then additional activity related to the removal, treatment, or capping of the soils will be experienced.

Key actions recommended to mitigate construction impacts include the utilization of barge, rail, and a reconstructed Heberlein Road through Woodway as transportation alternatives to Richmond Beach Road. It is not anticipated that these alternatives will remove all truck traffic from Richmond Beach Road, and impacts such as truck noise, increased congestion, decreased traffic safety, and damage to road surfaces are believed to be unavoidable. Restrictions on the hours of construction activity and on high noise producing construction techniques could mitigate noise impacts. Dust is hard to control and its level of impact will depend on weather conditions.

No impacts from the operation of the conveyance pipeline are expected. The operation of an outfall may impact water quality in the area including:

- Elevated levels of fecal coliform, organic materials, and toxicants immediately around outfall diffuser,
- Potential wash-up of effluent plume on shore, including oils/grease and floatables,
- Potential discharge of untreated wastewater during plant failures,
- Restrictions on shellfish harvesting in the area around the diffuser, and
- Potential beach closures to swimming, including that of Richmond Beach Saltwater Park, if the effluent plume reaches shore and elevates fecal coliform levels.

The risks or effects of these impacts can be mitigated by building redundancy and excess capacity into the treatment plant wherever it is constructed, and by careful placement of the outfall diffuser. Additional scientific study and analysis of the currents and depths of Puget Sound in the Point Wells area must support the placement of the outfall.

Significant impacts from the operations of a treatment plant include:

- Odor,
- Aesthetics,
- Noise,
- Risks from the transportation and handling of hazardous chemicals, and
- Traffic.

Of these odor and truck traffic from the removal of digested waste solids tend to be the most difficult to mitigate. The utilization of rail, barges, or Heberlein Road through Woodway could reduce the number of solids trucks using Richmond Beach Road. It should be noted that current plans for the treatment plant do not displace Chevron's asphalt plant, and impacts from that facility are expected to continue.

Odor can be reduced significantly through the use of completely enclosed treatment facilities. Such facilities have been constructed in urban areas. The construction is expensive, however, and not well suited for the phased capacity construction used by King County in the past and planned for this facility. Further, if the two existing plants and preliminary designs are appropriate indicators of the likely final design that will be utilized by King County, odor is likely to be a problem at the new facility.

A significant buffer is the most effective mitigation for almost all of these impacts. The Renton plant is separated from residential areas by surrounding industrial, commercial, and transportation uses. The West Point facility has the mile plus buffer provided by Discovery Park. In contrast, preliminary plans for a treatment facility at the Point Wells site provide for almost no buffer between the solids handling facilities of the plant and Shoreline residents to the south.

### **Land Use**

Land use authority over the Point Wells property is current vested in Snohomish County which has indicated an intention to utilize their Essential Facilities Siting ("EFS") process to permit the third treatment facility if located within their County. While Snohomish County has expressed an interest in working with Shoreline to develop an interlocal agreement addressing cross boundary impacts and potential annexation of Point Wells, they have not indicated a willingness to release control of the permitting process for the treatment facilities. For this reason, Shoreline's annexation of the Point Wells property prior to the permitting of the north end plant, or the removal of Point Wells from consideration for this facility, is seen as unlikely. This leaves an interlocal agreement granting Shoreline standing in the EFS as the only opportunity for Shoreline to influence the permitting of a treatment facility at Point Wells. Snohomish County has indicated that such an interlocal agreement must also include the Town of Woodway, the City of Edmonds, and the Port of Edmond, which is planning for the construction of a marina at Point Wells.

The current Snohomish County zoning for Point Wells is "Rural Use" (an outdated designation), but the County's comprehensive plan calls for zoning the area to allow for industry or business park. If annexed, Shoreline's comprehensive plan calls for an eventual zoning designation for this property of "mixed use" allowing a mix of commercial, residential, recreational, and industrial water-oriented uses. Two alternative eventual development scenarios based on these two potential future zoning designations are depicted in this report. Analysis regarding the potential impacts of either or both of these alternatives is not included in this report. When completed, this analysis will provide a comparison to the impacts of a wastewater treatment facility as identified herein.

Financial analysis indicates that the difference in tax revenue to the City, if it should annex Point Wells, between a public facility and private development in accordance with the City's proposed zoning is estimated to be in the range of \$140,000 to \$280,000 per year. The payments in lieu of tax from King County as part of the mitigation for a treatment plant and the inclusion of a marina and some light industrial on the site would push the difference toward the bottom of this range.

## **Conclusions**

Change in the activities at Point Wells has a significant potential to impact residents in the City of Shoreline. Efforts to mitigate the impacts from a treatment facility at this site will not completely eliminate those impacts. Limited area for buffering will make effective mitigation more difficult. Additional analysis to compare the potential impacts of other development scenarios needs to be performed. An interlocal agreement with Snohomish County is Shoreline's only means of gaining a formal role in the permitting process of a treatment facility at Point Wells.

## **BACKGROUND**

An important element of the RWSP is the creation of a regional treatment system consisting of three treatment plants: an expanded East Treatment Plant (Renton), the existing West Treatment Plant (West Point), and a new North Treatment Plant. In addition, by year 2010 a conveyance system will be constructed to carry wastewater to the North Treatment Plant for treatment and discharge of effluent through a new outfall from the North Plant to Puget Sound.

### **Wastewater Treatment Facilities**

The existing capacities of the Renton and West Point plants are 115 million gallons per day (mgd) and 133 mgd, respectively. Under the RWSP the West Point plant would not be expanded. However, the Renton plant would be expanded to 135 mgd to receive increased flows from the southern and eastern portions of the County. The new North Plant will be constructed to provide an initial capacity of 18 mgd by year 2010, with an increase to 36 mgd by 2030, and 54 mgd by 2040. A portion of flows from the west and eastside service areas would be transported to the new North Treatment Plant that would also serve growing needs in north King and south Snohomish counties.

King County anticipates 30 to 60 acres would be needed to site the new North Treatment Plant, including buffer area. The total size of the East Treatment Plant is 85 acres, and the West Treatment Plant site is 32 acres not including the significant buffer area provided by Discovery Park. King County will conduct a site selection process starting in 1999 to identify a location to construct the new North End Plant. The site selection process is expected to require three years to complete. The two potential new plant locations that have been suggested by King County studies are Point Wells and a site on the north side of the City of Bothell. The Point Wells site, which includes about 45 to 50 acres of land suitable for industrial type development, would potentially provide adequate area, exclusive of buffering, to construct the new North Treatment Plant for the ultimate capacity, based on King County design criteria.

### **Outfall**

The new North Treatment Plant will require a location to discharge effluent (treated wastewater) through a marine outfall into Puget Sound, and King County is considering Point Wells as a potential outfall site. In the area of Point Wells, Puget Sound exhibits shallow, northerly-moving currents that would provide good dispersion of effluent. At a water depth

of between 200 to 240 feet, an outfall could be located about 2,000 to 3,000 feet from shore. Preliminary analysis indicates that at this depth and location, excellent mixing and flushing could be achieved with effluent flow to Admiralty Inlet.

#### **Conveyance System**

In order to convey existing wastewater to a third plant, a new pipeline system and pump station would be constructed to transport flows from the existing Kenmore pump station to the new North Treatment Plant. A new 20,000-foot forcemain would transport flows from the North Creek pump station to the Kenmore pump station. The York pump station in Redmond would be modified to transfer flows to the North Creek pump station, from there flows would be transported on to the North Treatment Plant.

If the Third Plant is located at Point Wells, wastewater would be pumped through a new wastewater pipeline to the site for treatment. If the plant is located further inland, but the new outfall is sited at Point Wells, then treated effluent would be pumped through a new effluent pipeline from the new treatment plant to Point Wells and then out into Puget Sound.

#### **Description of Point Wells Site**

Point Wells is an approximately 100-acre industrial site (47 buildable acres and 53 acres of steep slope) that is located in the southwestern corner of Snohomish County and lies directly northwest of the City of Shoreline and immediately west of the Town of Woodway. The Chevron Corporation currently owns Point Wells, and over the last 60 years the site has served as a fuel distribution facility. Chevron is currently reviewing the site for hazardous wastes clean up. A small area on the northern portion of the site is used by Chevron for an asphalt plant. The site is bisected by the Burlington Northern-Santa Fe railroad tracks, with the western side consisting of relatively flat coastal land and the eastern side made up of heavily forested steep slopes. The portion of the site useable for construction of wastewater facilities consists of about 47 acres on the west side of the railroad. Unlike the West Point plant that is buffered from residential areas by Discovery Park, most of the useable land at Point Wells would be needed for construction of treatment facilities. Only about 10 acres of this site may be usable as a partial buffer area around the plant. No such buffer area was included in preliminary plans utilized by King County and this area may be under demand from other potential uses, a commuter rail stop for example.

Point Wells is currently accessed solely by Richmond Beach Road in the City of Shoreline.

## POTENTIAL WASTEWATER FACILITIES SITE PLANS

Though King County has not selected a site for construction of a new North End Plant or a new outfall into Puget Sound, studies conducted by the County have already examined the Point Wells site as a potential location for these new facilities. The County's 1996 *Wastewater 2020* report provided preliminary engineering analysis for the construction of these wastewater facilities at Point Wells, including conceptual site plans and design criteria. From this information, site plans and profiles for a potential wastewater treatment plant and outfall were developed for this City of Shoreline impact study and were placed on aerial maps of the Point Wells site. These site plans and profiles, including a potential influent wastewater pipeline alignment to Point Wells, are presented in the next section of this study. Wastewater treatment plant site plans for the initial 18 mgd plant and the proposed ultimate 54 mgd plant are shown.

The potential North End Plant described in the *Wastewater 2020* final report is similar to the existing treatment plant at King County's West Point plant. Essentially all of the same liquid and solids treatment processes currently installed at the West Point plant are suggested for the North End Plant. The proposed plant is a secondary treatment facility incorporating a headworks, rectangular primary clarifier tanks, secondary treatment units using pure oxygen/activated sludge tanks, circular secondary clarifier tanks, and disinfection with chlorine gas in a contact tank. Solids are treated using anaerobic digesters. The plant also includes an effluent pump station to pump the treated effluent through the outfall line into Puget Sound. The plant site also includes an administration building, laboratory, a maintenance and control building, and parking for staff and visitors. A "solids processing area" is indicated but is not specifically described, and may include an area to park biosolids haul trucks. This truck staging area is currently provided at the West Point plant. All of these kinds of facilities and buildings are typically provided in a treatment plant of this type and size. This design did not include facilities or staging areas appropriate for the utilization of rail or barge transportation for biosolids disposal or the delivery of supplies.

It is noted that the plant layouts included in this impact study for the City of Shoreline are slightly modified from the North End Plant layout shown in the County's *Wastewater 2020* final report. The County's report described and showed a layout for an 89 mgd capacity treatment plant. This report for Shoreline modified the County's layout to create similar site layouts for an initial plant size of 18 mgd and an ultimate plant size of 54 mgd as planning in the RWSP. (The North End Plant size was reduced by King County following the issue of the draft *Regional Wastewater Services Plan*, due to decreases in projected future service area population.) The 54 mgd size should not be considered a maximum capacity for the third treatment plant. There have already been preliminary discussions with wastewater service providers in south Snohomish County indicating that their need for additional treatment services may justify a third plant of 72 mgd or greater. Both the West Point and Renton plants have been, or will be, expanded to the edges of their physical capacity and some continue to argue for further expansion instead of the construction of a new treatment facility.

Also, anaerobic digester tanks are shown since the RWSP indicates that anaerobic digestion is the preferred method of solids treatment. Area for an advanced wastewater treatment facility to produce high quality effluent for reuse is also shown in the 54 mgd plant layout since the RWSP implies that the County will potentially incorporate water reuse facilities at the North End Plant in the future.

## CHAPTER 3 - LAND USE PLANNING ISSUES

Several land use plans currently exist for the use or development of the Point Wells property. Two schematic alternatives for site development are presented in this report. Alternative 1 (see figure) reflects the requirements of Snohomish County, which has planning jurisdiction under its currently adopted Shoreline Master Plan. Alternative 2 (see figure) represents theoretical potential development under proposed planning for this area contained in the City of Shoreline's Comprehensive Plan. These alternative development potentials are presented as possible comparisons to a King County wastewater treatment facility at this location.

Snohomish County and the City of Shoreline are two of several communities and agencies that will likely be involved in the site selection decision by King County should Point Wells be considered as the site. Monitoring the activities and interests of each party is crucial to the City's effective advocacy for the kind of change at Point Wells most acceptable to its residents. Understanding the future development plans desired by others and attempting to resolve any conflicts that may arise, allows the City to be prepared to argue its position as part of the environmental, siting, and permitting processes.

This chapter discusses the City's Comprehensive Plan and its policies affecting Point Wells and the interests in Point Wells of other communities and agencies, including Snohomish County.

### CITY OF SHORELINE

According to the Plan, the Point Wells area is viewed as a logical annexation area due to its public road access through the Richmond Beach neighborhood, its contiguous boundary, its use of City of Shoreline-based public services, and potential development impacts on the community. The plan envisions a "mixed-use" development concept including commercial, residential, and public uses. Location of a North Treatment Plant on Point Wells will, in whole or in part, hamper certain elements within the City's Plan from being realized.

As quoted from the City's Plan, any development on Point Wells must comply with the following requirements:

- Provide resources to preserve and/or improve environmental quality.
- Encourage a variety of uses, which provide amenities to the community, economic development, and public access to the shoreline.
- Consider a mix of commercial, residential, recreational and industrial water-oriented uses.
- Ensure public access and amenities.
- Ensure adequate infrastructure.
- Protect views of the shoreline from nearby upland uses.
- Ensure cleanup of any hazardous materials.

- Minimize impacts on adjacent shoreline and neighborhood uses.
- Allow flexible site design to meet these criteria and to minimize development impacts.

In addition, a shortage of public access to the waterfront property is cited in the Plan as an obstacle to the community.

The schematic for Alternative 2 depicts a “mixed-use” concept at Point Wells that meets the above criteria. Alternative 2 includes a residential, commercial and recreation component and would be analogous to a “Carillon Point” development scheme that may be consistent with the community's comprehensive plan.

The buffer area to the east of the railroad recognizes policies in the City’s Plan that cite erosion hazards along the shoreline bluffs. Preservation of this buffer would be a protective measure (and, coincidentally, meets an objective of the Woodway community to visually separate intensive uses from homes along the top of the bluff).

## **SNOHOMISH COUNTY**

Snohomish County has land use authority over the site. In all likelihood, permitting for a wastewater treatment facility will occur through County processes. Annexation of the property to the City of Shoreline will not occur until after the site location process is concluded.

Snohomish County adopted its Growth Management Comprehensive Plan in 1995; the County also enforces the Shoreline Master Program. Snohomish County’s Comprehensive Plan calls for eventually zoning the property for a high intensity use such as an industry or a business park. Its policies would support a mixed use or a waste treatment facility.

As a general comment, Snohomish County at this point has not developed a position on the treatment facility proposal. They feel somewhat out of the loop and are waiting until a specific siting approach is identified by King County. Snohomish County is hopeful that any local controversies can be resolved before they are put in the position of having to make final, substantive decisions.

Inclusion of the Point Wells property within the Snohomish County’s Urban Growth Boundary assumes that the land will be developed intensively. Although currently zoned “Rural Use” (an outdated designation from decades ago), the County's Comprehensive Plan calls for eventual zoning to allow for an industry or business park.

In addition, the County’s Shoreline Master Plan designates Point Wells as “Urban Industrial”, most likely due to the industrial nature of the existing Chevron facility. Although Snohomish County Planning personnel indicate no particular desire to change this designation should Chevron leave the site. Rules for development under Snohomish County’s Shoreline Plan include the following requirements:

- Development of Ports and water related industry
- Industries within 200' of OHWM must be water dependent.
- Views can not be disturbed.
- Safe pedestrian access to public shores must be provided

The schematic for Alternative 1 shows a land use concept based on the current Urban Industrial designation under the County's Shoreline Plan.

A mixed-use development on the property would require a possible redesignation to Urban Commercial if it were within Snohomish County jurisdiction at that time. However, Snohomish County did not indicate any objection to that approach, if they approved the master plan. Public access, setback and other development regulations would remain unchanged.

As stated, land use decisions affecting the Point Wells property will most likely be made while the site is under Snohomish County jurisdiction, with input from the neighboring jurisdictions. The fact that Point Wells lies within the County's Urban Growth Area boundary presumes that Point Wells will eventually be annexed to one of the adjacent communities (Shoreline or Woodway).

Snohomish County has a mild bias against the City of Shoreline annexing the area because of concerns over population allocations under GMA if there was residential development on the site, service demands and impacts on emergency radio communications, etc. These concerns are born out of the Woodinville annexation controversy and the County acknowledges that they may be minor issues with regard to Point Wells.

The County does not automatically assume that it will support annexation by Woodway and stressed its position that Woodway's official UGA does not include Point Wells. This is significant because the County customarily assumes that UGA lands nearest to a community "belong" to that city. The recent Woodway Highlands issue has caused the County concern over the Town's willingness to commit to County Growth Management policies. As a result, it may be that the County would support a cross-border annexation by a city willing to support the growth management plan more than it would support an in-county annexation by a community that was not as willing.

## **CITY OF WOODWAY**

The City of Woodway has no direct planning jurisdiction over Point Wells. Snohomish County views Point Wells as lying outside of Woodway's planning, annexation and urban growth area. However, Woodway has an obvious interest in what happens on the Port Wells property, because of the juxtaposition of their boundaries with those of Shoreline and Edmonds. The City has formed a Point Wells Committee to outline its desires for future development and to develop a response to the proposal for the new North Treatment Plant. The Committee is comprised of citizens and elected officials.

At this point, the Committee's stated position is that it will most likely support a sewage treatment facility. It is their opinion that, as a public use, the facility's design can be influenced by the citizens to "fit" within the community. The City's fear is that private development could somehow "max out" the site with high rise buildings, clearing of trees and increased noise and glare. The Committee is supportive of the Port of Edmonds plans for a marina and envisions limited pedestrian access from the top of the bluff in Woodway to the marina at Point Wells.

At least one member of the Committee left open the possibility of a mixed-use plan along the lines of Shoreline's Comprehensive Plan, if it was closely controlled and well defined. The main issue seems to be the buffer provided by the bluff east of the railroad tracks. If this could be viewed from the bluff could be preserved, with development occurring to the west, then there seems to be fewer objections to the mixed-use concept.

## **PORT OF EDMONDS**

The Port of Edmonds is in the midst of its own planning process. Its planning process is contingent on the results of a visioning project being undertaken by the City of Edmonds. The Port Director believes discussions with Shoreline, Woodway and the other vested interests is timely because the Port intends to have its Plan completed by end of the year.

The Port currently proposes to develop a marina on the north end of Point Wells in the tidelands area, with 2-3 acres of upland for parking. They are not interested in intensive port uses (boat rebuild, etc.). The Port believes that access to a marina may be available from the Edmonds side. If this were the case, then there would be potential for traffic relief to Richmond Beach Road. Field observations, however, raise serious doubts as to whether such a connection from the north could be made.

The Port believes that a marina would be compatible with either a sewage treatment facility or a mixed-use development. Overall, their plans appear compatible with any of the other plans under consideration by various groups or government agencies.

## **SOUND TRANSIT**

The City and Sound Transit are studying ideas to develop a “low impact” commuter rail stop in the Richmond Beach/Point Wells area. Citizens of Woodway support this project and envision pedestrian linkages from the top of the bluff to any station that would be built. No decision has been made by Sound Transit on the nature, design or location of a station, although it will not be a full “transit center” as proposed in Everett, Mukilteo or Edmonds. Through proper station design and access, a Sound Transit station can be compatible with a wastewater treatment facility.

## **CHAPTER 4 – FINANCIAL IMPACTS**

The costs for services under the various land use alternatives must be compared against the likely revenues accruing to the City and other service agencies. Following is a preliminary assessment of revenue issues.

### **ASSESSED VALUATION**

The current assessed valuation at Point Wells is \$16.4 million. No appraisal or expert analysis of sale value was done for this study, but by some estimates the land value, if sold by Chevron, would be in excess of \$40 million. Values for the upland area west of the railroad would be higher than the bluff area properties to the east. Any price for the land would likely be discounted to allow for environmental clean up.

For purposes of estimating potential revenues, an assumed post-development assessed valuation (AV) of \$55 million was used. This valuation is based on the further assumption that assessed valuation will approximate 80% of real value. Our analysis of existing assessed valuation in Snohomish County showed that approximately 73% of the total AV was represented in the land value and 27% in the building value in similarly situated properties (e.g. business/commercial parks). Combining these factors, a \$55 million assessed valuation assumption is conservative.

The City is cautioned that more extensive analysis would be required to develop a more accurate estimate of land value. Post development valuation will vary depending on the exact mix of uses on the site.

### **THE CITY OF SHORELINE**

Point Wells is in Snohomish County and the City of Shoreline is in King County. Point Wells currently is levied taxes based upon being in unincorporated Snohomish County. If the property is annexed into Shoreline, then certain levies will drop off (e.g., County road levy) and other levies will be added (e.g., Shoreline City levy, etc.). The following is a discussion of tax revenues that would accrue to the City and other taxing districts if the current use and/or taxing authority on the site changes.

#### **Property Taxes**

The City of Shoreline assesses a real property levy of 1.6 mils (\$1.60 per \$1000 of assessed valuation). This levy produced about \$4.8 million in revenue for the City in 1998. Based upon the property valuation discussion above, if Point Wells were annexed to the City and developed privately, the City receive an estimated \$88,000 additional annual property tax revenue.

If King County purchased the property, the land would not be taxed in a conventional manner. Agreements would have to be developed for service cost reimbursements (in-lieu fee) with the property tax estimate serving as a basis for negotiation.

A portion of the land may also be purchased and owned by the Port of Edmonds. In addition to marina properties, the Port could own "Carillon Point" type buildings. The Port assesses a leasehold tax, in lieu of a property tax. The leasehold tax is calculated as a percentage of rent. Rent is calculated on the basis of the estimated assessed valuation, if property taxes were assessed.

In the case of Harbor Square (an office complex owned by the Port), there are five buildings on four acres which total about 50,000 square feet of gross leasable floor area. With rent of \$160,000 per year, the port collects about \$20,500 in leasehold taxes that are then distributed to the following entities:

City	32%
County	16%
State	50%
State Administrative Fee	<u>2%</u>

In the case of Harbor Square, the 32% portion of the leasehold tax paid to the city is about \$6,500 per year. A very rough extrapolation of the \$6,500 "leasehold tax" on four acres of land to the potential 47 acres of mixed use at Point Wells, would mean a potential in lieu revenue to the City of about \$75-80,000.

The following table summarizes the potential property tax to the City from Point Wells under the three separate development entities:

Entity	King County	Port	Private
Annual Property/Leasehold Tax	\$0	\$80,000	\$88,000

It should be noted that these estimates are based on the unlikely simplification that development by one entity excludes the others. It is more likely that two or more entities could occupy the site to varying degrees. It may also be possible to negotiate payments in lieu of tax from King County to minimize the tax implications for the City.

**Sales Tax**

In 1998, the City collected about \$4.2 million in sales taxes. Sales tax information by specific user is confidential and difficult to obtain. Given the variability in potential development at the site, strong estimates of this revenue would be difficult to estimate even if this data was available. In the absence of specific data, municipalities have developed general estimation factors based on categories of business, the amount of sales tax generated by restaurants for example. These factors are related to the square footage of the business activity. In this way a new 2,500 square foot restaurant would be expected to generate approximately \$565,500 (\$225 per square foot times 2,500 square feet) of sales revenue of

which \$4,725 (the City tax rate .0084 times sales revenue) would be paid to the City in sales tax.

Given the challenges that retail development at Point Wells would face; limited access for example, and other uncertainties, a conservative estimation factor based upon restaurants, small gift shops, and the like was utilized to calculate an estimate of \$94,500<sup>2</sup> for sales tax revenue under the Alternative 2 development scenario.

Estimating sales tax revenue from light industrial uses is even more challenging. While research found a broad range in the sales tax revenue generated by light industrial uses, the revenue generated was generally 60% less than that generated by a similarly sized retail use. This provides a rough estimate of sales tax revenue under the Alternative 1 development scenario of \$37,800 (40% of \$94,500).

The following table summarizes the estimated sales tax revenue under the three development scenarios:

Scenario	Treatment Plant	Alt. 1	Alt. 2
Annual Sales Tax	\$0	\$37,800	\$94,500

Again, it should be noted that these estimates are based upon all or nothing scenarios when combinations of uses are possible.

**Other Taxes**

The following table includes estimates for other potential tax revenue sources from Point Wells and the basis for each estimate:

Revenue Source	Est. Annual \$	Basis
State Shared Revenues	\$11,250	250 new Residents @ \$45 pp
Real Estate Excise Tax	\$25,000	20 Units sold per year
Marina Fees	\$45,600	Leasehold Tax on 800 Slip Marina
<sup>3</sup> Hotel Tax	\$15,330	.006% at 70 rooms @ \$100 night

While a marina could potentially be included in either of the scenarios under consideration, it is currently indicated only in the Alternative 2 scenario. The remainder of these revenues would only be expected to occur in a mixed use scenario such as Alternative 2.

**City Of Shoreline Summary**

The following table summarizes the estimates of City tax revenue under each of the three alternative development scenarios:

Scenario	Treatment Plant	Alt. 1	Alt. 2
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<sup>2</sup> (50,000 square feet X \$225 annual revenue per square foot) X .0084 City sales tax rate = \$94,500

<sup>3</sup> The City does not currently impose this tax.

Property Tax	\$0	\$80,000	\$88,000
Annual Sales Tax	\$0	\$37,800	\$94,500
Other Tax Revenue	\$0	\$0	\$97,180
TOTAL	\$0	\$117,800	\$279,680

It should be noted that the difference between the three scenarios can be reduced by assuming that the marina could be included in either of the alternatives, making some assumption regarding potential payments in lieu of tax from King County, and/or mixing the uses to some degree across the scenarios. Taking these steps with the above analysis would provide a range for the difference in City tax revenue between the treatment plant and Alternative 10 of \$140,000 to \$280,000.

## **TAX REVENUE IMPACTS ON OTHER TAXING DISTRICTS**

### **Fire District**

There is no Fire District assessment in Snohomish County, but there is in Shoreline. The City is served by the Shoreline Fire Department. The Chevron Corporation currently contracts with the Department for services. If Point Wells becomes annexed to the City of Shoreline, the owners would pay into the Department for maintenance and operation. A decision on Point Wells payments for any outstanding capital bond would be a question to be decided by the City Council at the time of annexation.

### **Library Districts**

There is a library levy in unincorporated Snohomish County of 0.5 mils. There is a library levy in Shoreline of 0.60036. If Point Wells is annexed, the maintenance levy portion would transfer to the King County library district, but the owners of Point Wells would still pay the capital portion of the Sno-Isle levy.

### **Stevens Hospital District**

There is no hospital levy in Shoreline. However, there is a hospital levy at Point Wells as it is part of the Stevens Hospital District. If the site were annexed, the owners would still be responsible for the capital portion of the Hospital District levy.

### **Port of Edmonds**

Point Wells is within the Edmonds Port District. If the City of Shoreline annexes it, it will remain in the Port District and owners would be assessed 0.235 mils. Counties may levy a basic 0.5% sales and use tax, plus an optional tax of up to an additional 0.5%. Thirty-five of the counties levy the full 1.0% sales and use tax. Each county must provide a credit for all city sales and use taxes in incorporated areas. However, 15% of the city collections are credited to the respective counties. Both the rate levied by a city and the 15% of city collections credited to the county may be altered pursuant to an intergovernmental service agreement under RCW Chapter 36.115. These agreements are mandated for counties with over 150,000 population and allowed for all others.

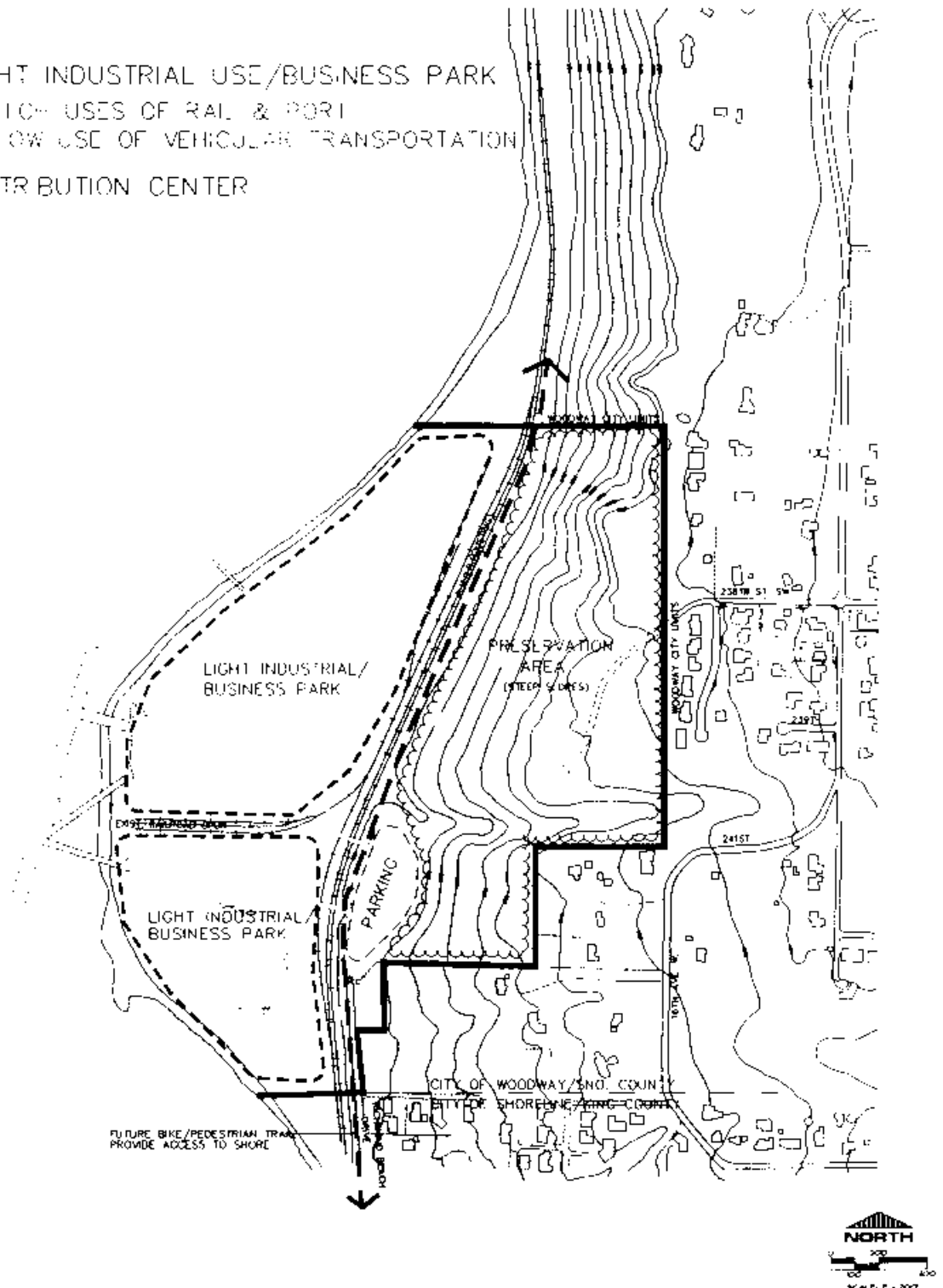
## **Attachment B**

### **Alternative Land Use Development Scenarios At Point Wells**

# CITY OF SHORELINE -- STP STUDY

## ALTERNATIVE 1

- LIGHT INDUSTRIAL USE/BUSINESS PARK  
HIGH USES OF RAIL & PORT  
LOW USE OF VEHICULAR TRANSPORTATION
- DISTRIBUTION CENTER



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# CITY OF SHORELINE -- STP STUDY

## ALTERNATIVE 2

- MARINA RECREATIONAL USE ONLY
- SMALL SCALE COMMERCIAL DESIGNATION FOR PEDESTRIANS, BICYCLISTS & LOCAL RESIDENCES.
- "UPPER-END" CONDOS - HIGH DENSITY (MIN. R-24)
- POSSIBLE RESIDENTIAL ABOVE

