

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

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

Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: none

1. **CALL TO ORDER**

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

2. **FLAG SALUTE/ROLL CALL**

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

(a) Report by King County Councilmember Bob Ferguson

Councilmember Ferguson introduced himself and provided a brief background of his work and public experience. He said he looks forward to working with the City of Shoreline, and that he has an “open-door policy” of meeting with constituents on a one-on-one basis. He chairs the Law, Justice, and Human Services Committee and the Capital Budget Committee. He commented on the diversity of Council District 1, noting that it encompasses the cities of Shoreline, Lake Forest Park, Kenmore, Woodinville, Bothell, and parts of Seattle.

Mayor Ransom asked Councilmember Ferguson to address the recently-passed Veterans and Human Service Levy.

Councilmember Ferguson responded that the levy will provide between \$13-14 million annually, and will be divided between veterans’ programs and human service programs. He pointed out that any recommendations for funding will be considered in the regional policy committee. He emphasized that it is a “work in progress,” and that his particular focus is on homelessness prevention.

City Councilmembers thanked Councilmember Ferguson for taking the time to attend the meeting. Councilmember Gustafson expressed an interest in receiving briefings on the veterans levy as it moves through the process. Councilmember Ryu said she looks

forward to working with Councilmember Ferguson on SeaShore Transportation Forum issues.

3. CITY MANAGER'S REPORT

Bob Olander, Interim City Manager, reported on the success of the Mid Winter Break Day Camp, hosted by the City's recreation department. He noted that Home Depot and the Shoreline/Lake Forest Park Arts Council donated in-kind contributions to the effort. He also provided an update on the City's streetlight conversion program, King County's 211 phone system for human services, and the status of Aurora Avenue construction.

Mayor Ransom read a City proclamation recognizing Camp Fire USA's "Absolutely Incredible Kid Day." The proclamation encourages adults to have a positive impact on the lives of children.

4. REPORTS OF BOARDS AND COMMISSIONS: none

Councilmember Way reported on her testimony before the House Energy Committee in Olympia in support of Substitute House Bill 2799, relating to tax exemptions for solar hot water systems. She said the bill was well-received and she is optimistic about its chances for passage.

Mayor Ransom read a statement regarding public comment on the Critical Areas Ordinance. He noted that no further public comment would be taken tonight because the public hearing was closed on February 13.

5. PUBLIC COMMENT

(a) Bill Clements, Shoreline, commented on the efforts of the Bond Campaign Committee. He explained that the fund-raising goal for the campaign is \$20,000, and the campaign has raised about one-third of the needed funds. He noted that 100% of the feedback on the bond has been positive. He explained what parks and open space facilities the bond would provide and encouraged the community to spread the word and support the bond.

(b) Lorenzo Townsend, Shoreline, commented on potential stereotyping by the police department in an investigation at his residence. On another topic, he urged the Council to recognize that many people in Shoreline are not doing well financially. He said he started a small business to supplement his income, and that he works many hours. This, he said, prevents him from attending Council meetings. Although he understands that the City needs more revenue, the Council must understand that some people are struggling.

(c) Tracy Tallman, Edmonds, commented that the bond issue addresses the need for safeguarding historic sites and environmental values. However, the City has decided it is cheaper to destroy Ronald Place, the site of the "red brick road," in favor of

economic development, but this is not the right approach. She urged the Council to take a stance against the destruction of historic sites in the name of "doing business." She requested that the City reopen 183rd Street at Gateway Plaza because it is now very difficult to access Midvale Avenue from Aurora Avenue.

(d) Forrest Coonrod, Shoreline, urged the City to explore using recycled tires as a supplemental material in resurfacing roads, especially Aurora Avenue. He said this technology has been used successfully elsewhere, and in addition to the conservation benefits, it also reduces noise pollution. On a different topic, he noted that some buses are at maximum capacity. He suggested that electrifying bus route #358 could address the capacity problem as well as save on maintenance and energy costs.

(e) Wendy DiPeso, Shoreline, noted the sidewalk construction maps in the Council packet were not color-coded, so it was difficult to understand the proposal. She also noted that sidewalks are not proposed for her neighborhood. She suggested three areas in need of sidewalks: 1) From Aurora to the Interurban Trail along N 192nd Street; 2) Along 5th Avenue, behind the stadium between 185th Street and 205th Street; and 3) 1st Avenue between Shoreline Community Center and the trailhead (going north towards 205th).

(f) Pat Murray, Shoreline, commented on the high volume of cur-through traffic in his neighborhood and the fact that many drivers do not obey stop signs. He suggested that posting "Local Access Only" signage might provide some relief. He commended the City for hiring an additional traffic officer and requested a mobile speed sign near his street.

Mr. Olander summarized the issues expressed by the public and said staff would follow up on their concerns.

6. APPROVAL OF THE AGENDA

Councilmember Hansen moved approval of the agenda. Councilmember Gustafson seconded the motion, which carried unanimously, and the agenda was approved.

7. CONSENT CALENDAR

Deputy Mayor Fimia moved approval of the consent calendar. Councilmember Gustafson seconded the motion and the following items were approved unanimously:

**Minutes of Dinner Meeting of January 23, 2006
Minutes of Dinner Meeting of February 13, 2006**

**Approval of expenses and payroll as of February 16,
2006 in the amount of \$643,783.34**

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

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

8. **ACTION ITEM: PUBLIC HEARING**

- (a) Public hearing to receive citizens' comments regarding proposed amendments to Community Development Block Grant (CDBG) projects; and

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

Rob Beem, Human Services Manager, provide the staff report and outlined the need for amending the original project proposal. He explained that a change in scope for the Parkview Acquisition Project and Carry Over 2005 CDBG Curb Ramp Funding into 2006 necessitated these amendments.

Mayor Ransom opened the public hearing.

(a) David Scheiber, Shoreline, spoke on behalf of Parkview Homes and in favor of the amendment. He pointed out that Parkview Homes is in its 39th year and currently provides housing to over 150 adults. He concluded his comments by assuring that Parkview Homes would continue to be a good neighbor.

Upon motion by Councilmember Hansen, seconded by Councilmember Gustafson and unanimously carried, the public hearing was closed.

Deputy Mayor Fimia moved to approve the CDBG project amendments and authorize the Interim City Manager to enter into agreements to implement these projects. Councilmember Hansen seconded the motion.

Councilmember Way asked how many curb ramps have been completed under the CDBG program in 2005. Mr. Beem responded that 18 new curb ramps have been installed. He briefly outlined the various locations that have received new curb ramps.

Responding to Councilmember Hansen, Mr. Beem clarified that the curb ramps installed at NW Richmond Beach Road and 8th Avenue NW were not part of the CDBG project,

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but part of the general Capital Improvement Plan (CIP), adding there are several curb ramp projects in the City's CIP.

Responding to Councilmember Ryu, Mr. Scheiber clarified that Parkview Homes owns 49 homes throughout King County.

A vote was taken on the motion, which carried unanimously, and the Interim City Manager was authorized to enter into agreements to implement the proposed projects.

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

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

Councilmember Way moved to adopt Ordinance No. 398, amending Critical Areas Regulations and Shoreline Municipal Code Chapters 20.20, 20.50, and 20.80. as recommended by the Planning Commission. Councilmember Hansen seconded the motion.

Joe Tovar, Planning and Development Services Director, distributed a list of proposed Critical Areas Ordinance (CAO) amendments in the order they appear in the Shoreline Development Code and suggested that they be offered in this order. He clarified for Deputy Mayor Fimia that the actions taken tonight will not affect issues related to tree cutting or ground surface modifications.

Councilmember Way moved to amend Section 20.80.030(L) - Exemptions, as follows: "When it can be demonstrated that there will be no undue adverse effect, the following activities may be allowed within critical areas and their buffers: educational activities, scientific research, and outdoor recreational activities, including but not limited to interpretive field trips, bird watching, public beach access including water recreation related activities, and the use of existing trails for horseback riding, bicycling and hiking, that will not have an undue adverse effect on the critical area." Councilmember Ryu seconded the motion.

Councilmember Way suggested an additional change to insert "non-motorized" between "including" and "water," but following brief Council discussion she withdrew this suggestion.

A vote was taken on the motion to amend Section 20.80.030(L), which carried 7-0.

Councilmember Way moved to amend Section 20.80.030(P) – Exemptions, to insert "P. Mitigation projects related to utilities construction in critical areas or their buffers." Councilmember Ryu seconded the motion, which carried 7-0.

Councilmember Way moved to amend Section 20.80.080(F), Alterations or development of critical areas – standards and criteria, as follows: “Monitoring, measuring, and reporting the impact to the Planning Director and taking the appropriate corrective measures.” Councilmember Hansen seconded the motion.

Councilmember Way explained the rationale for the amendment, noting that it provides added protection to critical areas by involving the Planning Director directly.

A vote was taken on the motion to amend Section 20.80.080(F), which carried 7-0.

Deputy Mayor Fimia moved to insert the following new section: “20.80.085 – Pesticides, Herbicides and Fertilizers on City Owned Property: Pesticides, herbicides and fertilizers which have been identified by state or federal agencies as harmful to humans, wildlife, fish, shall not be used in a city-owned riparian corridor, shoreline habitat or buffer, wetland or its buffer, except as allowed by the Director for the following circumstances: 1. When the Director determines that an emergency situation exists where there is a serious threat to public safety, health, or the environment and that an otherwise prohibited application must be used as a last resort; 2. Compost or fertilizer may be used for native plant revegetation projects in any location.” Councilmember Hansen seconded the motion.

Councilmember McGlashan asked for clarification on the City’s use of pesticide/herbicide. He thought the Parks Director indicated the City no longer uses it. Deputy Mayor Fimia clarified that the City has reduced its use in City parks, but the City still uses it.

Following brief discussion and consensus to explore this topic at a later time, **a vote was taken on the motion to insert new section 20.80.085, which carried 7-0.**

Mayor Ransom moved to amend Section 20.80.090 – Buffer Areas, to insert the following after the first sentence: “In all cases, the standard buffer (i.e. the maximum buffer required by the City) shall apply unless the Director determines that no net loss of functions and values will occur.” Councilmember Hansen seconded the motion.

Mayor Hansen noted that this addition clarifies the meaning of standard buffer and staff does not object to the change.

Following brief Council discussion and a buffer scenario offered by Mr. Olander, Mr. Tovar explained that staff will interpret the Code so that the most restrictive buffer standard applies.

Responding to Councilmember Gustafson and Councilmember Hansen, Mr. Tovar expressed his opinion that the amendment would not create any redundancy or confusion.

A vote was taken on the amendment to Section 20.80.090, which carried 7-0.

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Mayor Ransom moved to insert the following new section: “20.80.110, Critical Areas Reports Required: If uses, activities or developments are proposed within designated critical areas or their buffers, an applicant shall pay the City for environmental studies, including site-specific information that must be obtained by expert investigation and analysis. This provision is not intended to expand or limit an applicant’s other obligations under WAC 197-11-100. Such site specific studies shall be performed by qualified professionals, as defined by Section 20.20.242, who are in the employ of the City or under contract to the City and who shall be directed by and report to the Director or his designee.” Councilmember Ryu seconded the motion.

Mayor Ransom explained the intent of the motion, noting that the City will rely on its own employee or contractor for environmental studies, not on an applicant’s experts.

Responding to Councilmember Hansen regarding staff’s opinion, Mr. Tovar said the amendment would send the clear message that the City requires independent evaluations. He clarified that WAC 197-11-100 is the Washington Administrative Code that applies to state environmental policy.

Councilmember Hansen expressed concern that the amendment may be too directive of the applicant. He felt this could have the potential to discourage development.

Councilmember Gustafson concurred, noting it could require additional work for the City and money and time from developers. He cautioned against requiring developers to pay twice for environmental studies.

Referring to Councilmember Gustafson’s amendment regarding habitat studies, Councilmember Ryu pointed out that applicants would be required to pay for those studies, so she supports the current amendment.

Mr. Olander commented that the intent of the amendment is to make environmental studies more mandatory and less discretionary.

Councilmember Way felt that the amendment strengthens the City’s ability to acquire expert advice on environmental issues. She noted that under the current regulations, developers can use their own consultants for environmental review.

Councilmember McGlashan pointed out the problem of some developers receiving permits and later being told of additional requirements. He asked if developers would know the requirements in advance of the permit process. He felt using the word “shall” was too strong in this case.

Mr. Tovar said most developers have already done feasibility studies prior to approaching the City for permits.

Deputy Mayor Fimia suggested substituting the word “reviews” for “studies.” Following brief Council and staff discussion, this was accepted as a friendly amendment.

Councilmember Gustafson asked for staff’s opinion about whether these changes should be included.

Mr. Tovar felt the word “review” to be clearer, however, it is a policy question for the Council to decide.

Mr. Sievers pointed out that developers have asked for this type of amendment to the Code in the past in order to provide predictability and to avoid additional permit costs.

Councilmember Gustafson asked if there was any room for negotiation between developers and the City about who is selected to conduct environmental studies.

Mayor Ransom said the Planning Department keeps a list of experts, so applicants could request a particular individual or firm on the list.

Councilmember Way spoke in support of the motion, noting that it will help developers save money in the long run.

Mr. Tovar suggested it would not be a good idea to give applicants any “veto power” over who is selected to conduct environmental review. He noted that the motion allows for discretion by the Director.

A vote was taken on the motion to insert new Section 20.80.110, which carried 4-3, with Councilmembers Gustafson, Hansen, and McGlashan dissenting.

Councilmember Gustafson moved to amend Section 20.80.330(F) by inserting the following: “4. A habitat survey shall be conducted within the area of concern in order to identify and prioritize highly functional fish and wildlife habitat within the study area.” Councilmember Hansen seconded the motion.

Councilmember Gustafson explained that Washington State Department of Fish and Wildlife (WDFW) suggested this language should be added to the code as a condition of buffer averaging.

Mr. Tovar affirmed for Councilmember Hansen that staff concurs with this amendment.

MEETING EXTENSION

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

Regarding buffer averaging, Mr. Olander commented that court decisions have held that some buffers have higher functions and values than other buffers.

Responding to Councilmember Ryu, Mr. Tovar noted that applicants would be responsible for paying either the City or its contractor for habitat surveys.

A vote was taken on the motion to amend Section 20.80.330(F), which carried 7-0.

Deputy Mayor Fimia moved to strike “open” from Section 20.80.460(A) and to strike Section 20.80.380(H), as follows: 20.80.460 Designation and purpose. A. Streams are those areas where open surface waters produce a defined channel or bed...” 20.80.380(H) Mobile homes and mobile home parks shall not be permitted in flood hazard areas.” Councilmember Hansen seconded the motion, which carried 7-0.

Councilmember Way moved to amend Sections 20.80.470(B)(C)(D) as follows:

B. “Type II streams” are those streams that are not Type I streams and are either perennial or intermittent and have one of the following characteristics:

- 1. Salmonid fish use;**
- 2. Demonstrated salmonid habitat value as determined by a qualified professional**

C. “Type III Streams” are those streams which are not Type I or Type II with perennial (year round) or intermittent flow with channel width of two feet or more taken at the ordinary high water mark and are not used by salmonid fish.

D. “Type IV streams”, which are not Type I, Type II, or Type III are those streams with perennial or intermittent flow with channel width less than two feet taken at the ordinary high water mark that are not used by salmonid fish.

Deputy Mayor Fimia seconded the motion.

Councilmember Way spoke in support of the motion, noting that the amendments will serve to strengthen the code and ensure that Type II streams such as Thornton Creek get the respect and attention they deserve.

Responding to Council, Mr. Tovar expressed the opinion that the suggested changes clarify the code and present no particular problems.

Councilmember Gustafson expressed concern that the staff report explains that qualified professionals often don’t agree on what constitutes potential salmonid use or habitat value. He felt the language the Planning Commission recommended was more clear and simplified.

Mr. Olander commented that there can be varying types of streams along the same stream corridor; likewise, there can be demonstrated habitat value in some sections and not in others.

Mayor Ransom pointed out that the definition of salmonid includes species such as steelhead and cutthroat trout, not just salmon. He felt the amendment provides added protection and serves to broaden the definition of streams.

Councilmember Way said supporting the amendment is a vote for “hope,” as opposed to a vote for “death.” She emphasized that the CAO should consider potential fish habitat, and that many species are hearty and have potential to survive in Shoreline streams.

Councilmember Ryu expressed support for the amendment and urged the Council to consider what kind of legacy should be left to future generations.

A vote was taken on the motion to amend Sections 20.80.470(B)(C)(D), which carried 5-2, with Councilmembers Gustafson and Hansen dissenting.

MEETING EXTENSION

At 10:30 p.m., Councilmember Ryu moved to extend the meeting until 10:45 p.m. Deputy Mayor Fimia seconded the motion, which carried 5-2, with Councilmembers Gustafson and Hansen dissenting.

Councilmember Gustafson moved to amend Section 20.80.470(F)(2) as follows: “Streams that are fish passable or have the potential to be fish passable by salmonid populations from Lake Washington or Puget Sound, as determined by a qualified professional based on review of stream flow, gradient and barriers and criteria for fish passability established by the Washington Department of Fish and Wildlife.” Councilmember Ryu seconded the motion.

Deputy Mayor Fimia suggested that perhaps the Planning Commission added 20.80.470(F) because they deleted items in Section 20.80.470(B). She wondered if Section F, relating to definitions for salmonid fish use, now conflicts with Section B.

After further discussion, Councilmember Hansen raised a point of order and urged the Council to focus debate to the amendment.

Mr. Olander explained that Section 20.80.470(F) further expands upon the definition of “salmonid fish use.”

Councilmember Way moved to amend the amendment by striking “or have the potential to be fish passable” and inserting “with demonstrated habitat value.” Deputy Mayor Fimia seconded the motion.

Councilmember Gustafson suggested leaving the language as-is, since his amendment is recommended by the WDFW.

MEETING EXTENSION

At 10:45 p.m., Councilmember Ryu moved to extend the meeting until 11:00 p.m. Deputy Mayor Fimia seconded the motion, which carried 5-2, with Councilmembers Gustafson and Hansen dissenting.

A vote was taken on the motion to strike “or have the potential to be fish passable” and insert “with demonstrated habitat value,” which failed 2-5, with Deputy Mayor Fimia and Councilmember Way voting in the affirmative.

The Council continued deliberations on the proposed amendment to Section 20.80.470(F). Staff noted that this section considers all salmonids, including cutthroat trout.

Councilmember Gustafson noted that the amendment makes the Code compatible with Water Resource Inventory Area 8 (WRIA-8) policies. Councilmember Way responded that WRIA-8 policies only involve chinook salmon.

After moving and withdrawing a motion to strike a portion of this section, **Deputy Mayor Fimia suggested a friendly amendment to insert “including those” after “populations.” There was Council consensus to accept this and a vote was taken on the motion to amend Section 20.80.470(F), which carried 7-0.**

Councilmember Way moved to strike the last paragraph of Section 20.80.470(F) (3), “The Department may waive the presumption of salmonid fish use for stream segments where a qualified professional has determined there are confirmed, long term water quality parameters making the stream segment incapable of supporting fish.” Councilmember Ryu seconded the motion, which carried 7-0.

Councilmember Gustafson moved to amend Section 20.80.480(F) to insert “4. A habitat survey shall be conducted within the area of concern in order to identify and prioritize highly functional fish and wildlife habitat within the study area.” Councilmember Hansen seconded the motion, which carried 7-0.

MEETING EXTENSION

At 11:00 pm., Councilmember Ryu moved to extend the meeting until 11:10 p.m. Deputy Mayor Fimia seconded the motion, which carried 4-3, with Councilmembers Gustafson, Hansen, and McGlashan dissenting.

Councilmember Hansen left the meeting at 11:00 p.m.

Councilmember Way moved to amend Section 20.80.480(H), Restoring piped watercourses, as follows:

- 1. The city encourages allows the voluntary opening of previously channelized/culverted streams and the rehabilitation and restoration of streams, both on public property or when a property owner is a proponent in conjunction with a new development.**”*
- 2. When piped watercourse sections are restored, a protective buffer shall be required of the stream section. The buffer distance shall be based on an approved restoration plan, regardless of stream classification, and shall be a minimum of 10 to 25 feet at the discretion of the director to allow for restoration and maintenance. The stream and buffer area shall include habitat improvements and measures to prevent erosion, landslide and water quality impacts. Opened channels shall be designed to support fish access, unless determined to be unfeasible by the City.”**

Deputy Mayor Fimia seconded the motion.

Councilmember Way spoke in support of the motion and emphasized that opening channelized watercourses would be voluntary. She cited the example of Meadowbrook Pond on Thornton Creek and said she would like to promote larger buffers, closer to 25 feet.

Councilmember McGlashan asked staff to clarify how buffers could be used, and what incentives are provided for daylighting streams.

Mr. Tovar listed several potential uses in buffer areas but said that permanent structures are not allowed.

Councilmember Gustafson wondered how the requirement of a larger buffer would encourage people to daylight piped streams. He felt the buffer width should be closer to 10 feet, but said he could support the motion as long as the Planning Director has discretion on buffer widths.

Mayor Ransom asked why the buffer requirement for previously channelized watercourses should not be as stringent as those for regular streams. He noted that open streams have larger buffer widths. He also wondered if the smaller buffer widths would be defensible on appeal.

Mr. Tovar said this is a public policy issue of trying not to create an economic disincentive to daylighting piped watercourses. He said although the City may be required to closely monitor daylighted streams with 10 to 15 foot buffers, the buffers can function successfully under the right circumstances. He considered the City’s risk of losing on a legal challenge to be relatively low.

Mr. Sievers concurred, noting that this measure amounts to establishing buffer widths in a special situation. He clarified that this is a legislative determination of what is a reasonable minimum buffer for previously channelized watercourses.

Councilmember Way suggested striking “both” and inserting “especially.” There was Council consensus to accept this as a friendly amendment.

MEETING EXTENSION

At 11:10 pm., Councilmember Ryu moved to extend the meeting until 11:15 p.m. Deputy Mayor Fimia seconded the motion, which carried 4-2, with Councilmembers Gustafson and McGlashan dissenting.

A vote was taken on the motion to amend Section 20.80.480(H), which carried 6-0.

A vote was taken on the main motion to adopt Ordinance No. 398, amending Critical Areas Regulations and Shoreline Municipal Code Chapters 20.20, 20.50, and 20.80 as amended, which carried 6-0.

Deputy Mayor Fimia thanked all those who participated in refining the Critical Areas Ordinance, including City Council, the Planning Commission, staff, and members of the public.

10. ADJOURNMENT

At 11:15 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, City Clerk

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