

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, September 11, 2006
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

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

ABSENT: NONE

1. CALL TO ORDER

The meeting was called to order at 7:37 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.

Mayor Ransom called for a moment of silence in tribute to the lives lost on September 11, 2001.

a) Proclamation of "Emergency Preparedness Month"

Mayor Ransom proclaimed the month of September as "Emergency Preparedness Month." He read the proclamation and presented it to Gail Marsh, Emergency Management Coordinator. Ms. Marsh thanked the Council and the Mayor for making emergency management a priority in the City of Shoreline.

3. CITY MANAGER'S REPORT

Debbie Tarry, Finance Director and Acting City Manager, provided updates and status reports on the following items:

- On September 9, over 100 people attended the Opening Ceremony for Soccer Fields A & B.
- The "Open Your Eyes" (OYE) Teen Group took a camping trip to Ocean Shores on August 28 – 29.
- The City is seeking members for the Citizen Advisory Committee to advise the City Council on its Comprehensive Housing Strategy. Applications are available in the City Clerk's office or on the City's website and are due on September 29.

- Steve Schneider, Shoreline resident and professional photographer, photographed an endangered pileated woodpecker in a tree adjacent to Paramount Park Open Space. This is evidence that park and open space areas in Shoreline can provide crucial habitat to the region's wildlife.
- The Aurora Corridor Improvement Project continues to move forward, as paving was completed on September 5 on N. 152nd Street. Crews will begin applying the shot-crete facing on the retaining wall at Parkwood Plaza during the week of September 11. Shot-crete is mortar or concrete projected through a hose at high velocity onto a surface. Work will continue for several weeks on excavating for the median between N. 160th and N. 165th. Expect inside lane closures for both north and south bound Aurora Avenue N.
- A blue glass sample that will be used on the Aurora Interurban Trail Pedestrian Bridge has been provided to the City. This glass will be used on the 155th Street Pedestrian bridge only. Currently, Public Works is investigating whether or not to add a scratch-proof coating to the pedestrian side of the glass.
- Upcoming meetings and events.

Councilmember McGlashan thanked Ms. Marsh for her efforts on emergency preparedness in the City of Shoreline.

4. GENERAL PUBLIC COMMENT

(a) Cathy Taylor, Shoreline, stated there have been repeated zoning and permit violations during the last two years at a property belonging to Lila and Gregory Smith at 2336 NW 199th Street in Richmond Beach. In 2000, the Smith's applied for a permit to build a detached two-story garage with an office next to their existing house. Since the building was completed, the Smith's or other parties have repeatedly used it as an accessory dwelling unit (ADU). However, the lot size is too small to qualify for an ADU. There are copies of several reports made by the City's Customer Response Team (CRT) to Lila Smith concerning accessory dwelling units. She said as of September 2006, there is another person living there every night because the space was rented through an ad on Craig's list.

(b) Bronston Kenney, Shoreline, attended the Forward Shoreline meeting where state officials presented the Local Infrastructure Financing Tool (LIFT). He said LIFT allows the municipality additional taxing authority to fund infrastructure for a developers project with the anticipation that the resulting increase of property values and sales tax revenues will pay for the project and then some. LIFT is supposed to save taxpayer money in the long run, but if the revenue doesn't materialize the residents will have to pay and the developers will have profited. He objected to the use of public funds to support developers' projects, the purchasing of property through covenant or zoning changes, and the bullying of citizens or cities into modifying covenants or regulations to increase value to the developer. He urged citizens to be aware of what developers are doing or Shoreline will lose its character to office buildings, strip malls, shopping centers, and business parks.

(c) Steve Shelton, Edmonds, representing the Crisis Clinic, thanked the City for funding human services. He said there are three services the clinic provides; 24-hour crisis line, 211 community information line, and Teen Link. He pointed out that citizens of Shoreline logged 4,659 calls to the Crisis Clinic last year. The Clinic has been working with United Way to bring the 211 service to King County. The purpose of 211 is to connect people with the appropriate community services.

(d) Madhuri Hosford, Seattle, representing Shoreline Community College (SCC), announced that "Odyssey Days," a 2-day education fair addressing alternative fuels, renewable energy, and global warming, will be held October 13 – 14. Mayor Ransom will speak on October 14th and the keynote speaker is Jerome Ringo who is the President of the Apollo Alliance and the Chairman of the Board of the National Wildlife Federation. Dave Ross of KIRO radio will host the event and interview the speakers on his radio show during the week. There is a human-powered, light-electric vehicle rally race to demonstrate support for getting out of gas-powered vehicles.

An audience member rose and indicated a desire to speak.

Councilmember Gustafson moved to suspend the rules to allow an additional speaker. Councilmember Hansen seconded the motion, which carried 5-2, with Councilmembers Ryu and Way dissenting.

Councilmember Ryu urged speakers to refrain from using terms such as "lies."

(e) Beth O'Neil, Shoreline, noted that her testimony can be substantiated by public record. She said Lila Smith, chair of the 32nd District Democrats listed an ad on Craig's List stating that the rental space was "perfect for band practice." She felt that people who represent or seek to represent the public in a political arena should be honest in their dealings and show respect for the law. She believed that the citizens of Shoreline do not want illegal use of property to be allowed. She presented a petition signed by 177 Shoreline residents who state their objection to Ms. Smith's use of her property. She urged the Council to take immediate action and adopt an ordinance to address repeat code violators. Additionally, she felt a court injunction should be obtained to prevent the Smith's from doing this again.

Ms. Tarry informed the Council that the City Manager would be following up concerning the general public comment at this meeting.

Councilmember Ryu directed Ms. Tarry to determine whether the accessory dwelling unit was built with a proper permit.

Ms. Tarry said she would discuss it with Planning, CRT, and Code Enforcement.

6. APPROVAL OF THE AGENDA

Councilmember Gustafson moved approval of the agenda, moving items 9(b) and 9(c) to items 9(a) and 9(b) and making item 9(a) new item 10(a). Councilmember Hansen seconded the motion, which carried 4-2-0, with Deputy Mayor Fimia and Councilmember Ryu dissenting and Councilmember Way remaining silent.

7. CONSENT CALENDAR

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

Approval of expenses and payroll as of August 31, 2006
in the amount of \$1,976,638.57

Approval of Joint Use Agreement between the City of
Shoreline and the Shoreline School District

8. ACTION ITEM: PUBLIC HEARING

- (a) Public hearing to receive citizens' comments on
Resolution No. 251, opposing Initiative 933, the
"Property Fairness Initiative"; and

Council action on Resolution No. 251

Mayor Ransom opened the public hearing.

(1) Nancy Rust, Shoreline, stated that she is a former state representative and one of the original sponsors of the Growth Management Act (GMA) which was designed to save open space and farm land. She said the GMA is working. She urged the public to oppose Initiative 933 and the full Council to support the resolution.

(2) Wendy DiPeso, Shoreline, on behalf of Sustainable Shoreline, said their organization is not taking a stance on any of the initiatives on the ballot this November. However, in order to provide a community service they are co-sponsoring with the Shoreline Chamber of Commerce a public forum with speakers for and against all the initiatives on October 5th in the Shoreline Room.

Upon motion by Deputy Mayor Fimia, seconded by Councilmember Ryu and carried 7-0, the public hearing was closed.

Councilmember Hansen moved to adopt Resolution No. 251, opposing Initiative 933. Councilmember Way seconded the motion.

Councilmember Hansen stated he supports personal property rights, but within certain limits. He felt I-933 sets zoning decisions back years and would be extremely costly to the state and the City. He favored the proposed resolution.

Councilmember Gustafson concurred and encouraged citizens to attend the forum and make up their own minds.

Councilmember Ryu noted that the Association of Washington Cities (AWC) made a conservative calculation and estimated that the impact of I-933 would cost all Washington cities 3.5 – 4.5 billion dollars and run 60 – 70 billion dollars in administrative costs. This, she said, would cost each household a minimum of \$2,400 each year. She supported the proposed resolution.

Deputy Mayor Fimia asked Planning and Development Services Director to summarize the staff report.

Joe Tovar, Planning and Development Services Director, highlighted that I-933 creates a definition in the state law for “damaging” property. So whenever a rule, regulation or ordinance is created by local government that restricts or reduces the value or use of property, the difference will need to be paid for or the restriction rule or ordinance would have to be waived. The provisions of this initiative would go back to January 1, 1996 so anything the Council did after January 1, 1996 would be subject to a claim for compensation or waiver. He added that the numbers described above by Councilmember Ryu are a worst-case scenario. If the regulation was waived, the City would have to enforce the regulations that were in place prior to incorporation, thus from the 1995 King County Development Code.

Councilmember McGlashan supported the proposed resolution. He recommended that residents study the information on the AWC website if they cannot attend the forum.

Deputy Mayor Fimia directed the City Manager to have the link to the AWC information placed on the City’s website.

Mayor Ransom expressed concern about the extreme comprehensiveness of this initiative. He supported the proposed resolution.

Councilmember Way supported the proposed resolution and stated I-933 is designed to throw a “monkey wrench” into government. She commented that I-933 is “pennywise and pound foolish.” She said the public should consider it carefully and read the AWC information.

A vote was taken on the motion to adopt Resolution No. 251, opposing Initiative 933, which carried 7-0.

RECESS

At 8:37 p.m., Mayor Ransom called for a five-minute recess. At 8:43 p.m., the Mayor reconvened the meeting.

9. ACTION ITEM: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

(a) Shoreline Sister Cities Association (SSCA)

Debbie Tarry, Finance Director and Acting City Manager, explained that the Council should decide whether or not to accept the invitation of the City of Boryeong and approve the authorization for travel for the Mayor.

1) John Chang, Shoreline, president of the Shoreline Sister Cities Association (SSCA), stated that the organization enhances the relationship with the City of Boryeong. He felt it was essential for Shoreline and Boryeong to exchange, learn, and share from each other. He urged the Council to accept the staff recommendation and authorize the Mayor to attend.

Councilmember Gustafson moved to adopt the staff recommendation and accept the invitation from the City of Boryeong and authorize payment of travel for the Mayor. Councilmember McGlashan seconded the motion.

Mayor Ransom pointed out that the travel for the staff member is included and the Council just needs to approve travel for the Mayor.

Councilmember Gustafson said there is money in the 2006 budget for this item and the City has made a commitment to Boryeong. However, he said it should be reevaluated in November or December for 2007. This is the appropriate thing to do, he said.

Councilmember Way wanted to hear the specific deliverables, work plan and goals for the trip. She added that it is important that the City know what specific things are going to accrue back to the citizens of Shoreline.

Ms. Tarry responded that they would be working on developing goals but there is nothing concrete as of yet.

Councilmember Way asked the Mayor to report to the Council and the citizens on the highlights of the trip. A report for the residents on the highlights of the trip would benefit the City. This could be placed on the website and hard copies could be handed out to the schools and other organizations.

Mayor Ransom supported the suggestion. However, he said the trip has been planned at the last minute. He said that he would have liked to have 6 months, instead of 6 weeks, to foster economic development and encourage trade.

Councilmember Ryu supported accepting the invitation but wanted the motion divided. She pointed out that Former Mayor Scott Jepsen's travel wasn't funded when he was the Mayor. She asked what occurred with that vote at the time it was taken.

Councilmember Hansen responded that there was no motion and no vote on former Mayor Jepsen's travel to the City of Boryeong at that time.

Councilmember Ryu said she did recognize that the City needs to send a delegation. She felt that the City's costs are higher when the delegation from Boryeong comes here because the City provides hotel accommodations and hosts them. She asked if it would be prudent to save some of the funds for the delegates from Boryeong to utilize next year when they come to Shoreline.

Councilmember Ryu moved to divide the motion into two parts; the first is to accept the invitation and the second is to fund travel for a City delegation to Boryeong. Deputy Mayor Fimia seconded the motion.

Councilmember McGlashan said the SSCA delegation should include the Mayor. He will not support the motion if the Mayor can't go or has to pay his own way.

Deputy Mayor Fimia favored the motion and pointed out that the original language in the policy states that the City supports the SSCA and the SSCA financially supports the City. According to the contract with the SSCA, the SSCA would fund the Mayor and the City was responsible for funding travel for the staff person. The assumption, she added, is not that the City funds the Mayor's travel.

Councilmember Gustafson called for the question.

A vote was taken on the motion to divide the motion into two separate motions, which failed 3-4, with Mayor Ransom and Councilmembers Gustafson, Hansen, and McGlashan dissenting.

Councilmember Gustafson called for the question on the original motion.

A vote was taken on closing debate on this item, which failed 4-3, with Deputy Mayor Fimia, Councilmember Ryu and Councilmember Way dissenting (a 2/3 vote is required to close debate).

Councilmember Ryu supported sending a delegation to Boryeong and felt that it is important for the Council to consider what taxpayers are funding. She said there are households in Shoreline that are in financial crisis, therefore expenditures need to be taken seriously. She said she does understand that there needs to be a global perspective and relationships like this need to be encouraged, but she said a private fundraising effort led by the SSCA should be implemented so City funds aren't used.

Councilmember McGlashan said the Mayor shouldn't be put in the position to solicit for money to take an official City trip. He added if the Council is not going to consider sending the Mayor then there is no need in having a sister city. He said this is all about relationship-building. He noted there was a student exchange last year. He said he would not support sending the Mayor out to fundraise. He added that the expenditure is in the 2006 budget.

Deputy Mayor Fimia said that the expectation when this program was started is for the SSCA to do the bulk of the work and pay the bulk of the costs. She noted that when the formal sister city relationship was established the SSCA should have been submitting annual reports to the Council at regular workshop meetings. She inquired if the Council has ever received an annual report.

Mayor Ransom said the SSCA presented a report to the Council about two years ago.

Deputy Mayor Fimia continued that there have been two reports over the past four years since the SSCA has existed. She said this is not about just sending delegates back and forth, but that it was developed so citizens could have the opportunity to do arts, cultural heritage, and economic exchanges. She added that whenever any organization requests money from the City they go through vigorous scrutiny in order to receive any. She said she is concerned because she asked some very basic questions of the SSCA and she didn't get complete answers. There is a due diligence issue and some sort of accountability needs to occur. The City needs to show the public that there is a plan, an itinerary, and what goals will be accomplished. She added that just because there is money in the budget, that doesn't mean it can be spent without any accountability. She commented that the \$32,500 Council travel budget amount is high (which doesn't include the \$7,800 in the Council budget for conference registration costs) and needs to be addressed. She commented that the SSCA is a great organization and they have an important function in the City, but the Council will have to decide because they can't spend the money for every trip. She suggested the Council take a hard look at the budget and whether or not they want to sustain the SSCA. She said she cannot support this item until she sees a working document which includes an outline on what will be accomplished and what has been accomplished by the SSCA in the past. She also added that she won't support it until a commitment to reduce the Council travel budget has been implemented.

Councilmember Gustafson noted that at the last meeting he brought up the same point about an annual review of the SSCA. He outlined that the former SSCA president did not function and the new president was just elected recently. He said there needs to be a review of the travel budget and reports done about the Sister Cities program by the SSCA. He believes timing is of the essence and in order to ensure Boryeong knows that the City of Shoreline will continue its commitment, the trip needs to occur this year. He said that next year there needs to be an annual review of the sister cities program. He said the interaction and relationship between the students of Boryeong and Shoreline is very positive and should continue.

Deputy Mayor Fimia moved to amend the motion and added that the Council requests the SSCA provide a draft budget work plan and a fundraising work plan prior to November 27, 2006 and a Boryeong trip itinerary prior to November 1, 2006. Councilmember Ryu seconded the motion.

Mayor Ransom added that it took the City of Federal Way five years to get their sister cities association functioning and their City paid for its councilmembers to attend all sister city-related trips during that time frame. He said the itineraries get built as the relationship gets developed. He said attempting to do this prior to this trip represents too tight of a schedule for this to succeed.

Councilmember Way supported the amendment. She said it is only reasonable to request this detail and the fundraising events. She said every department in the City has to provide this type of detail for all of their events.

Mayor Ransom responded that the itinerary will have to be formulated by the SSCA and the City of Boryeong because the City delegates will be the visiting delegation.

Councilmember Way added that the City needs to be fiscally conservative, with Initiative 933 coming soon.

Councilmember Ryu wanted to ensure the City could justify these expenditures with the state auditor. She also wants to see the SSCA plan for next year and it should include all expenditures for entertaining and fundraising plans. She questioned if there was a plan for fundraising and an itinerary developed for the Boryeong delegation to come to Shoreline next year. Perhaps, she added, it is better to wait until next spring for a Shoreline delegation to go to Boryeong.

A vote was taken on the motion to add that the Council request the SSCA provide a draft budget work plan and a fundraising work plan prior to November 27, 2006 and a Boryeong trip itinerary prior to November 1, 2006, which failed 3 – 4, with Mayor Ransom and Councilmembers Gustafson, Hansen, and McGlashan dissenting.

A vote was taken on the motion to adopt the staff recommendation and accept the invitation from the City of Boryeong and authorize payment of travel for the Mayor, which carried 4 – 3, with Deputy Mayor Fimia and Councilmembers Ryu and Way dissenting.

(b) King Conservation District (KCD) Assessment

Ms. Tarry introduced this item and stated that it has been discussed by the Council previously. It is an opportunity for the Council to give direction to both Mayor Ransom and Councilmember Gustafson to communicate the Council's stance on the funding assessment from the KCD which will be transmitted to the Policy Issues Committee

(PIC) of the Suburban Cities Association (SCA). She noted that Sara Hemphill of the KCD is in attendance to address Council questions.

Councilmember Hansen announced that there were no speakers from the public signed up to address this item.

Councilmember Gustafson moved to approve the recommendation in the Suburban Cities Association Public Issues Committee white paper which states that the SCA support the proposed KCD \$10.00 per parcel assessment reauthorization, but not the proposed assessment allocation of 3-3-3-1. It further recommends that the SCA request the King County Council to reject the proposed KCD assessment and funding allocation plan unless the KCD revises the proposal to include an assessment allocation that is similar to the 2006 assessment allocation of 6-2-2. Councilmember Hansen seconded the motion.

Councilmember Gustafson noted that this item has been discussed at a Council dinner meeting and twice at Council meetings at length. He noted that all of the Council has been informed on this issue and has had time to review the information. He felt a vote should be taken without further Council discussion.

Councilmember Way responded that this is the first opportunity that all of the Council has been present and it is the first opportunity the Council has had to discuss it with a KCD representative. She said she would like Ms. Hemphill to explain the proposal.

Ms. Sara Hemphill, Legislative Advisor to the King Conservation District, said the assessment by the KCD is similar to the one from last year. She noted that the assessments were created by the legislature to obtain funding for the conservation district activities. The KCD is an independent, autonomous body created by the State and that reports to, takes direction from, and is controlled by the State. She said in 1994 or 1995 the Water Resource Inventory Area (WRIA) wondered how to get the cities involved in watershed planning. In order for KCD to begin the process they calculated that they needed a \$1.25 assessment to cover their expenses. She outlined that the KCD mission is to work with landowners in partnership on natural resources issues. That plan from 1995 was revamped in 2000. However, the last two years have been financially challenging and reserve funds were utilized because the mandate had expanded outside of the agricultural and rural areas to include urban areas, shoreline, fire prevention, and other aspects. Thus, she said KCD felt that the WRIA situation would go away by 2005. However, in 2005 WRIA continued and the KCD decided to go to Olympia to raise the assessment from \$5.00 to \$10.00. She said last year the WRIA wanted to be able to direct the received grants from the conservation districts which was congruent with the KCD mission and WRIA was told no by King County. KCD felt there was a misinterpretation of the law and several legislators asked for the Attorney General's opinion, which wasn't well received. She said the opinion basically states that the City and the County are accountable to the residents. The KCD has been ridiculed by the other conservation districts across the State, the Commission, and several legislators because they supported the WRIA planning process with KCD money back in 1994 and

1995. She commented that KCD is different from every conservation district in the State. The issue is that the entities believe the money belongs to them instead of being money that is to be mandated and directed for conservation district purposes. She noted that RCW 39.34 was created to fund WRIA capital improvement projects and it has created problems for KCD. The mandate of KCD is much broader to salmon; however, everything the KCD does helps salmon. Therefore, the reason the 3-3-3-1 division exists is \$3.15 goes to WRIA, \$3.00 goes to the cities and jurisdictions, \$3.00 goes to the KCD, and \$0.85 goes to the small programs which does the outreach to individual landowners and local jurisdictions. She explained that the smaller entities were getting ignored through the 6-2-2 allocation. She concluded that the implementation of WRIA-8 is the responsibility of the jurisdictions.

Councilmember Way stated that KCD has done some work in Shoreline but none recently. She inquired if small projects that could get done under 3-3-3-1 would be worthwhile to undertake.

Ms. Hemphill responded that they would. She added that capital projects won't get the job done. There needs to be individual landowners and King County agriculture people involved and KCD works well with them, she said. It's a group effort and the group needs consciousness and synergy.

Councilmember Way said she was involved in a restoration project with Steve Hickock from the KCD, which went very well. She said the KCD has many areas of expertise that benefits all of the salmon and the environment, so she supports the 3-3-3-1 allocation.

Mayor Ransom noted that WRIA worked for five years developing the plans and helped increase the KCD amount from \$2 to \$5 a parcel. There are 170 projects which meet their criteria for Chinook salmon and only ten years left to finish all of them. If the projects are not accomplished the federal government will take over and tax the cities for the funds. He clarified that now KCD is taking half of the money away, and that appears to be improper to the 37 cities of the Suburban Cities Association. The reduction of these funds will make it impossible for the cities to complete the list of projects they were assigned. He asked for Ms. Hemphill's response.

Ms. Hemphill highlighted that she was the lobbyist who represented the KCD in Olympia. She assisted with the proposal in 2005 and said the KCD isn't taking any funds away from the cities. She said they are responding to the scolding they got for acting inappropriately. She pointed out that the first time she went to Olympia, the bill was in a committee run by Senator Marilyn Rasmussen from the 2nd Legislative District, who vehemently stated that the funds were not to be used for salmon, only for agriculture and farms. Ms. Hemphill said the Senator noted it would be impossible to address soil, water, agricultural, rural and urban issues without affecting the salmon. She said the funding explanations for the WRIA planning process were accepted by the legislature and were accepted because they were congruent with the KCD mission to pull people together and encourage collaboration. She said the KCD should be involved in the watershed plans and the implementation of them. However, everyone needs to bring their expertise to the

table to get the job done. KCD, she announced, is looking at the WRIA-8 projects even though they are contrary to the KCD's mission. However, KCD is obligated to assist with them. She added that the KCD is not currently meeting its mandates and will not accept any funding less than \$3 for their projects and \$1 for small projects. Additionally, she said the KCD will not dictate to the cities how they should spend their funding. She noted that she was at every hearing in Olympia which addressed this issue and there is a Senate staff internal document which gave their assessment. Ms. Hemphill concluded that King County wanted the ceiling raised to \$10, but the KCD did not.

MEETING EXTENSION

At 10:03 p.m., Councilmember Hansen moved to extend the meeting until 11:00 p.m. Councilmember Ryu seconded the motion, which carried 5 – 2, with Councilmembers McGlashan and Gustafson dissenting.

Ian Sievers, City Attorney, said neither the report by the Attorney General nor the opinion from the King County Prosecutor should influence the Council's discussion on the merits of the proposal. He said the Council should direct a recommendation to the KCD if they are not pleased with the dissemination of the budget. King County has limited oversight authority on the properties assessment system run by KCD.

Councilmember McGlashan asked for clarification on how the \$3 allocation to the cities could be spent.

Ms. Hemphill responded that the mission of the KCD is to address soil, water and natural resource issues. Therefore, any expenditure from a city that would relate to this mission would be justified. For instance, if a city were to plant flowers in a sidewalk buffer, it would be acceptable. The stipulation for spending was added to ensure cities do not undermine the watershed plan. Additionally, she felt that anything the City proposes would be congruent with the watershed and KCD missions.

Councilmember Gustafson asked if the KCD has any responsibility to comply with the Endangered Species Act.

Ms. Hemphill said since KCD is not governed by any federal agency, its responsibility falls through the State Environmental Policy Act (SEPA). She said KCD complies with the National Environmental Policy Act (NEPA), SEPA, and local jurisdiction regulations. She added that the KCD does the programmatic portion of a project, not playing the role of the banker.

Councilmember Gustafson pointed out that the KCD provides a valuable service to cities and it is disappointing that the WRIAs put together a plan without KCD input. He questioned whether priority 3 projects should be funded before priority 1 projects since there are more of them in Shoreline. He said there is a WRIA-8 meeting on Wednesday and a representative from KCD should be there. He pointed out that the coordination did

not happen on this issue and both KCD and WRIA are responsible for that. He favored the motion on the table.

Councilmember Ryu noted that it was good to have opinions from both the AGO and the Prosecuting Attorney. The issue is who gets to administer the funds so the work gets done. She added that she has heard the KCD does a great job and she looks forward to the increased assessment of \$10. This funding will go a long way towards restoring the habitat.

Councilmember Way moved to substitute for the main motion that the Council wishes to show support for salmon recovery efforts of the WRIAs and KCD and will ask the PIC to advise the SCA to request a good faith mediation strategy to achieve a practical and effective funding strategy amenable to KCD. This goal will be to find a mutually beneficial solution to all jurisdictions, including the cities, King County and the WRIAs. Deputy Mayor Fimia seconded the motion.

Councilmember Way stated she spoke to a representative from KCD and got the impression that the details could be worked out through medication. Everyone needs to participate in this process and become a part of a mediation strategy

Mayor Ransom agreed and stated a mediation strategy would be acceptable.

Councilmember Hansen called for the question, seconded by Councilmember Gustafson.

A vote was taken to close debate on this item, which failed 4 – 3, with Deputy Mayor Fimia and Councilmembers Ryu and Way dissenting.

Deputy Mayor Fimia commented that the KCD has been very collaborative and patient. They have a set of mandates they have to fulfill with a shrinking budget. In addition, they have been supporting the WRIA effort without the staff to do intergovernmental work. The KCD, she added, has its own list of flooding and soil conservation projects to tackle that are just as important of those of the WRIA-8. She pointed out that KCD doesn't have any other source of funding, but WRIA does. It seems that the State needs to come through with additional funding for KCD. She felt that KCD is being used as a scapegoat. She didn't support the letter as it was written and supported Councilmember Way's motion instead of the letter.

Councilmember Hansen introduced a letter from thirteen of the major cities in King County that all support a 6-2-2 allocation of the special assessment funds. He added that based on this allocation the KCD and all the entities who receive funding will more than double their previous allotment. He concluded that it is obvious that each Councilmember has made up their minds and suggested the Council move to vote on this issue.

Councilmember Gustafson agreed with Councilmember Hansen and suggested the Council vote proceed.

A vote was taken on the substitute, which failed 3 – 4, with Mayor Ransom and Councilmembers Gustafson, Hansen, and McGlashan dissenting.

Councilmember Hansen said the City of Seattle has not taken a position on this issue. Councilmember Way asserted that the City of Seattle unanimously opposed this issue.

A vote was taken on the main motion, which carried 4 – 3 with Deputy Mayor Fimia and Councilmembers Ryu and Way dissenting.

- (c) Ordinance No. 440 amending the City's Official Zoning Map Tile Number 434 changing the zoning of a portion of one parcel located at 932 N 199th Street from Residential 12 DU-AC (R-12) to Residential 24 DU-AC (R-24) (Parcel #2227900032)

Joe Tovar, Planning and Development Services Director, stated this matter was presented to the Planning Commission and they recommended that the Council approve the requested rezone at 932 N. 199th Street. He outlined the proposal to change the R-12 zoning designation to R-24, and noted there was an issue regarding tree removal on the property. He stated that no more than six significant trees were removed over a period of 36 months. He noted that the Planning Commission concluded that the land use designation could go up as high as R-48 and is compatible with the designations in the immediate area.

Councilmember Hansen moved to adopt Ordinance 440 amending the City's Official Zoning Map Tile Number 434 changing the zoning of a portion of one parcel located at 932 N 199th Street from Residential 12 DU-AC (R-12) to Residential 24 DU-AC (R-24) (Parcel #2227900032). Councilmember McGlashan second the motion.

Referring to the Comprehensive Plan Map, Councilmember Hansen asked why the entire parcel isn't proposed to be changed to R-24.

Mr. Tovar responded that this is a quasi-judicial rezone initiated by the property owner, and that is all he requested.

Councilmember Hansen stated at some point in the future the City should align the requirements of the Zoning Code and the Comprehensive Plan.

Mr. Tovar agreed and stated that both should be looked at more comprehensively.

Councilmember McGlashan asked why the applicant needed this zoning change when he could already build eight condominiums.

Mr. Tovar responded that the applicant could only build six condominiums with the present zoning. With the R-12 he can build eight. Mr. Tovar distributed a corrected legal description for the parcel to the Council.

Councilmember Way discussed the comment letter from Ms. Hennessy. There is a question about an additional home which was not a part of the submitted plans, she said. Councilmember Way said that there were several actions and rezones where grading was done without community notification. She said it seems that the rules are not being followed.

Mr. Tovar said it is not unusual for an applicant to change the application over a period of time, but the City has to do the notification for the changes. The City allows grading and tree removal prior to a building permit.

Councilmember Way said she has concerns about the current process and this project.

Councilmember Ryu explained that there could only be six condominiums on the R-12 lot because there can't be more than 75% impervious surface on the parcel. However, she pointed out that an R-24 can have up to 85% impervious surface. Thus, the density and the impervious surface area are increased. She inquired if "stepped down" parcels may be a way to reduce the impact these rezones are having on neighborhoods. She asked if there was a way to place conditions on this rezone such as fencing and height restrictions.

Mr. Tovar responded that there could be restrictions added. However, a 6-foot fence is the City standard. Additionally, stepping down is not always the best solution on a given parcel and cautioned the Council against it.

Councilmember Ryu proposed the condition that the fences to the west and the portion that bumps out to the south except for those that face the road, be made of wood up to 6 feet tall. She also proposed that the rear setback be 10 feet from the rear property line with some "pop-outs."

Mr. Tovar noted that Councilmember Ryu's proposal imposes conditions on the rezone and asked the City Attorney if that was possible.

Mr. Sievers responded that the City doesn't want the applicant to deviate from the proposed site plan when he applies for his building permits.

Councilmember Ryu said she would like those conditions added in writing.

MEETING EXTENTION

At 11:00 p.m. Councilmember Ryu moved to extend the meeting until 11:15 p.m. Deputy Mayor Fimia seconded the motion, which carried 5 – 2, with Councilmembers Gustafson and McGlashan dissenting.

Councilmember Ryu moved to amend by adding the following conditions: 1) the fences to the west and the portion that bumps out to the south except for those that face the road be made of wood and be up to 6 feet tall; and 2) the rear setback be 10 feet from the rear property line with some pop-outs. Councilmember Way seconded the motion.

Councilmember Hansen inquired what would happen if the owner decides to utilize brick or masonry for the fencing.

Mr. Tovar responded that since the neighbors were asking for wood fencing the developer representative said that is their intent. However, the restriction could add the term "at least a wood fence." Therefore, if the applicant wanted to do something more expensive, he could.

Deputy Mayor Fimia asked if this could legally be done in a rezone.

Mr. Sievers replied that this can be done legally, but it makes the zoning map confusing.

Councilmember Ryu clarified that this is not going to be a part of their title; it is only for the initial development of the parcel on this particular development.

Mr. Sievers said this zoning goes as the permanent property record, so this may cause some problems.

Councilmember Ryu questioned if there was a way to apply this into the rezone without having it included in the title.

Mr. Sievers replied that there is no way to require it if it is a condition of this ordinance.

Mr. Tovar said the more generic issue is determining the standards for multi-family zones and what densities are acceptable. He felt there needs to be a parcel-by-parcel holistic look to determine what the standard should be.

Councilmember Ryu withdrew her amendment.

Deputy Mayor Fimia questioned the language "single family residence will buffer the new townhomes from the existing low density residential to the west." She highlighted that townhomes don't buffer single family residences.

Mr. Tovar clarified that the 8 new townhomes on the eastern edge of this parcel will be buffered from the single family residences that are on the west of the total parcel by the new single family home.

Councilmember McGlashan wanted to know how the Council can discuss buffers on the applicant's drawings when they aren't really required for a rezone.

Mr. Tovar responded that whenever you rezone property on a parcel-by-parcel basis it is a quasi-judicial process and people want to know what is going on. The City would like to get its rezone processes to be more predictable and have clear standards with less process. While the City is in this interim period, and because there is no binding site plan, conditions are imposed to determine what will be built.

Mr. Sievers added that this is a common problem and he agreed that without these conditions a site can be sold and redeveloped with a totally different vision.

Councilmember Hansen said this applicant already has six building permits. He asked that if he would have to go through the permitting process again and ensure he meets all of the setbacks if he changes the number of units.

Mr. Tovar responded that they would be able to inspect and ensure all current code requirements are met.

Mayor Ransom stated he doesn't like the fact that there is a house off to the side on this parcel and said he would be voting against this.

A vote was taken on the motion to adopt Ordinance No. 440 amending the City's Official Zoning Map Tile Number 434 changing the zoning of a portion of one parcel located at 932 N 199th Street from Residential 12 DU-AC (R-12) to Residential 24 DU-AC (R-24) (Parcel #2227900032), which carried 4 – 3, with Mayor Ransom, Deputy Mayor Fimia, and Councilmember Way dissenting.

10. ADJOURNMENT

At 11:14 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, City Clerk

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