

Archived: Monday, January 10, 2022 11:16:07 AM

From: [Debbie Tarry](#)

Sent: Monday, January 10, 2022 11:13:41 AM

To: [John Ramsdell](#)

Cc: [John Norris](#); [Pollie McCloskey](#); [Heidi Costello](#); [Steve Szafran](#); [Julie Ainsworth-Taylor](#); [Margaret King](#)

Subject: RE: 1/10/2021 Agenda Questions

Sensitivity: Normal

John –

Please see below for responses to your questions for tonight's meeting – responses in red. We will put these in the Green Folder for tonight.

Debbie Tarry

City Manager | City of Shoreline

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From: John Ramsdell <JRamsdell@shorelinewa.gov>

Sent: Friday, January 7, 2022 12:07 AM

To: Debbie Tarry <dtarry@shorelinewa.gov>

Cc: John Norris <jnorris@shorelinewa.gov>; Pollie McCloskey <pmccloskey@shorelinewa.gov>; Keith Scully <kscully@shorelinewa.gov>

Subject: 1/10/2021 Agenda Questions

Hi Debbie,

Below are my questions.

Agenda Item: 8(a) - **These questions have been provided to Superintendent Reyes so that she can respond to them during her presentation this evening.**

Proposition #1:

1. The proposed levy amounts to be collected increase by 1.92% from 2022 to 2023, 3.78% from 2023 to 2024, and 4.5% from 2024 to 2025. What expenses were considered in the school budget to justify these incremental percentage increases? Is an assumption of increasing inflation rates part of the equation? If not, what?

2. What revenues were in the expiring levy from 2018-2021?

Proposition #2:

1. Why are the levy funds collected from 2022-2025 flat at \$3.5 Million annually? Shouldn't there be an increase from year to year to accommodate increasing capital costs for technological improvement and support during this period?

2. What revenues were in this expiring levy from 2018-2021?

Agenda Item: 8(b), Ordinance 953

1 a. When reviewing rezone applications, what variables are typically considered during the discretionary judgment phase to determine if a type-C quasi-judicial decision process is appropriate?

RESPONSE: There are two types of rezones – site specific (quasi-judicial) and area wide (legislative). Deciding whether a rezone is a Type C quasi-judicial action is not an exercise of discretion. It is based on the facts in the application. RCW 36.70B.020 states that a site-specific rezone is a project permit and the courts have established three (3) factors. Those factors are: Does it involve (1) a specific tract of land, (2) a request

for a zoning change, and (3) a specific party making the request. If the answer is yes, even if that specific party requesting is a City Council, then it is a site-specific rezone. *Schnitzer West v. City of Puyallup (WA Supreme Court 2018)*.

1b. Are there variables that are weighted more heavily than others during this determination? If so, what are they? Who makes the final decision at the city?

RESPONSE: Whether something is a site-specific rezone doesn't include a "weighing" of variables but, instead depends on whether the application aligns with the three (3) factors noted above. The Shoreline Municipal Code sets out for each permit type the process to be followed. For a site-specific rezone, it is the Type C quasi-judicial process.

1c. What variables were considered when evaluating application No. PLN21-0117 that resulted in the Type C determination?

RESPONSE: For the matter before Council, there is specific property (the 4 adjacent parcels), a request to change zoning from R-12 to NB, and an applicant representing the property owners in making the request.

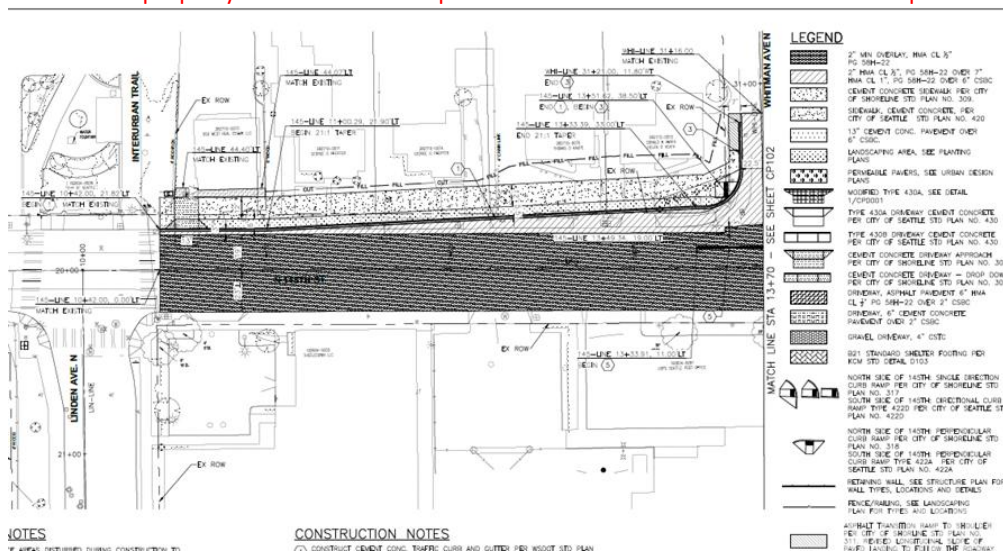
2. Please direct me to where in SMC 20.30, a separate SMC or an RCW directly, indirectly, or by inference states that "As such, the City Council cannot hear any additional public comment on (type C quasi-judicial decisions) and should not have an external discussion regarding this request with members of the public". I have been unable to locate the term or a phrase summarizing this restriction in the SMC 20.30 code.

RESPONSE: . Per SMC 20.30.070, the Hearing Examiner holds the "open record public hearing" and makes a recommendation for the City Council. While the SMC itself does not explicitly state that the City Council is reviewing the Hearing Examiner's recommendation based on the record developed by the Hearing Examiner so as to be a "closed record," RCW 36.70B states, in numerous locations, that for project permit applications that the City is to provide only one (1) "open record" hearing, which for a site-specific rezone is an "open record pre-decision hearing," and that is defined as the hearing that creates the record thru testimony and the submission of evidence. The City Council then reviews the Hearing Examiner's recommendation based on the record developed by the Hearing Examiner – that is the essence of the quasi-judicial process. When the City Council is acting in a quasi-judicial capacity (as opposed to a legislative capacity) it is seen as acting like a court and therefore no outside influences are to be considered. This is articulated in Washington's Appearance of Fairness doctrine which prohibits ex-parte communications (with opponents or proponents) of the proposal. See RCW 42.36.060 - [RCW 42.36.060: Quasi-judicial proceedings—Ex parte communications prohibited, exceptions. \(wa.gov\)](#). Additional information about the Appearance of Fairness doctrine was provided in the City Council Orientation Materials.

3. I received a notice from the city titled "SEPA Threshold Determination of Non-Significance" in the mail, issued September 22, 2021. The information indicated a deadline of October 7, 2021, for public comment. It also provided notice of a public hearing "tentatively scheduled for November 2021" (See Exhibit 10, Attachment C, p. 8b-36). Was a November public hearing dependent on the receipt of public comment prior to the October 7 deadline? I did not receive another notice, so I assume that is the case. You requested that this question be removed as you located your SEPA Determination Notice.

4. Attachment A, Exhibit A states that "Neighboring property owner David Suess inquired about whether the current property owners were aware that N. 145th Street would be widened in the future. Are there plans to widen 145th at this stretch of highway?"

RESPONSE: Yes, please see the 60% design plans below. As you can see, the furthest parcel to the west will require a 9-foot dedication while the furthest property to the east will require a 20 foot dedication for future ROW improvements.



Project information can be required at the following link: [145th Street Corridor | City of Shoreline \(shorelinewa.gov\)](#)

5. An NB zone allows for structures 50 feet in height. Is my understanding correct that this would be a three-story high structure? My question is prompted by an image on Slide 7 in the November 3, 2021 public hearing PowerPoint presentation showing a 5 story structure, which would not comply with the NB zone. Slide 8, displaying a three-story building, would comply.

RESPONSE: The NB zone allows up 50 feet in height. Typically, this will allow a 4-story building as shown by recent develop in the MUR-45' zone. This of course depends on the function of the building. For example, the first-floor ceiling height is greater for commercial uses to accommodate mechanical equipment necessary for cooking and the like.

The images in the presentation were illustrative of new development around the city and not a specific proposal from the applicant. Thanks for pointing out the potential confusion. I'll use a different image in the Council presentation for January 10.

6. Is there any indication from Mr. Hynden if potential investors prefer a development with higher-density housing or a mixed-use development with commercial uses on the ground floor?

RESPONSE: The applicants prefer high-density housing with a mix of commercial uses. The site lends itself well to commercial uses as the location is across the street from commercial uses in the City of Seattle and is fronting 145th. The current property owners recognize that this site is planned for mixed-use as stated in the Comprehensive Plan and believe the existing single-family homes do not forward the goals and policies of the Council. The City Council must consider the rezone at the zoning district presented to it and cannot modify the rezone to another zoning district.

Thank you for your attention to my questions.

Respectfully,
John Ramsdell