

**AGENDA
CITY OF SHORELINE PLANNING COMMISSION
REGULAR MEETING**

Thursday, April 7, 2005
7:00 P.M.

Shoreline Conference Center
Board Room
18560 – 1st Ave NE

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| | <u>Estimated Time</u> |
| 1. CALL TO ORDER | 7:00 p.m. |
| 2. ROLL CALL | 7:02 p.m. |
| 3. APPROVAL OF AGENDA | 7:04 p.m. |
| 4. APPROVAL OF MINUTES
a. March 17, 2005 | 7:06 p.m. |
| 5. GENERAL PUBLIC COMMENT | 7:10 p.m. |

The Planning Commission will take public testimony on any subject which is not of a quasi-judicial nature or specifically scheduled for this agenda. Each member of the public may comment for up to two minutes. However, Item 5 (General Public Comment) will be limited to a maximum period of twenty minutes. Each member of the public may also comment for up to two minutes on action items after each staff report has been presented. The Chair has discretion to limit or extend time limitations and number of people permitted to speak. In all cases, speakers are asked to come to the front of the room to have their comments recorded. Speakers must clearly state their name and address.

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| 6. STAFF REPORTS | 7:15 p.m. |
| i. Rezone File No. 201345 – 17505 Linden Ave. N. (Ronald Wastewater District) | |
| a. Staff Report | |
| b. Applicant Testimony | |
| c. Public Testimony or Comment | |
| d. Close Public Hearing | |
| 7. REPORTS OF COMMITTEES AND COMMISSIONERS | 7:45 p.m. |
| 8. UNFINISHED BUSINESS | 7:50 p.m. |
| a. Deliberations on CAO Update | |
| 9. NEW BUSINESS | 9:15 p.m. |
| a. Election of a Chair and Vice Chair | |
| b. Amendment to Bylaws | |
| 10. ANNOUNCEMENTS | 9:28 p.m. |
| 11. AGENDA FOR April 14, 2005 Special Meeting (7 P.M. Board Room) | 9:29 p.m. |
| Joint public hearing with the Hearing Examiner on the SEPA Appeal of the Echo Lake Site-Specific Comprehensive Plan Amendment/Contract Rezone and the Planning Commission hearing | |
| 12. ADJOURNMENT | 9:30 p.m. |

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 546-8919 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 546-2190.

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CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

March 17, 2005
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Harris
Commissioner Sands
Commissioner McClelland
Commissioner Kuboi
Commissioner Phisuthikul
Commissioner Hall
Commissioner Broili

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Andrea Spencer, Senior Planner, Planning & Development Services
Matt Torpey, Planner II, Planning & Development Services
David Pyle, Planner I, Planning & Development Services
Jessica Simulcik, Planning Commission Clerk

ABSENT

Vice Chair Piro
Commissioner MacCully

1. CALL TO ORDER

The regular meeting was called to order at 7:03 p.m. by Chair Harris, who presided.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Commissioners Kuboi, Sands, Hall, McClelland, Phisuthikul and Broili. Vice Chair Piro and Commissioner MacCully were excused.

3. APPROVAL OF AGENDA

COMMISSIONER HALL MOVED THAT A "DIRECTOR'S REPORT" BE ADDED TO THE AGENDA IMMEDIATELY BEFORE APPROVAL OF THE MINUTES AND THAT THE REMAINDER OF THE AGENDA BE APPROVED AS PROPOSED. COMMISSIONER SANDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

4. DIRECTOR'S REPORT

Mr. Stewart referred the Commissioners to a yellow memorandum from the staff, which provides additional direction to the Commission about what might be expected for tonight's meeting. Staff is interested in receiving comments and feedback from the Commission, and they hope this tool will be useful to the Commission as they move forward.

Next, Mr. Stewart referred the Commission to the memorandum from the City Attorney, which includes both a cover memorandum as well as a copy of the appellant court decision on the Gaston Case. Because this long-standing case deals directly with the issue of the Critical Area Ordinance, he encouraged the Commissioners to carefully review both of the documents. He said staff could also arrange an opportunity for the Commissioners to review the case with the City Attorney.

Mr. Stewart referenced a memorandum he sent to the Commission, which includes a decision by the City's Hearing Examiner regarding an appeal to a SEPA Determination related to tree cutting in Innis Arden. He said this case provides a very good example of how the decision-making process in Shoreline works on a critical area. An appeal was submitted by some of the neighbors, and the Hearing Examiner conducted a 5½-hour public hearing on the matter. Although five geotechnical witnesses testified throughout the case, the Hearing Examiner remanded it back for additional information. This is a good example of how the review process provides a second set of eyes and allows for continued debate and discussion of contentious issues related to critical areas.

Lastly, Mr. Stewart introduced Ray Allshouse, the City's new Building Official. He is the former building official in Snohomish County.

5. APPROVAL OF MINUTES

The minutes of February 17, 2005 were approved as amended, and the minutes of March 3, 2005 were approved as written.

6. GENERAL PUBLIC COMMENT

Gini Paulsen Ph.D., 16238 –12th Northeast, said she recently provided each of the Planning Commissioners with a copy of report on Easter Island, which illustrates what can happen when a culture or society ignores the carrying capacity of its own particular environment. She emphasized that this is not just something that happens on Easter Island. The world is going to be radically different from that which has existed in the past because of population increases, declining resources, and an increase in pollution. She suggested that the environment and the economy are on a collision course. She referred to a book written by Jared Diamond about how societies choose to fail or succeed. The book provides numerous case examples of how certain cultures have managed to destroy their environment, and in the process destroy themselves. In a few instances, these cultures have managed to engage in environmentally protective strategies that have been very successful in forcing even major corporations

to adhere to necessary environmental protections. She urged the Commission to read these two pieces of literature to help them understand what the City will be facing in the coming century.

Robert Barta, 15703 – 1st Avenue Northwest, said he supports the proposal presented by Mr. Daher for purchasing the current City Hall facility. He said he is a member of the Shoreline Emergency Management Council and has just recently passed the Ham Operator's Test and will become a full-fledged member of the Shoreline Firefighters Ham Operators Group. He said he participated on committees before the City was incorporated, and one of the concepts considered at that time was the creation of a "town center." He pointed out that Edmonds and Lake Forest Park both have town centers. If they want to have a viable City, they need to have a City with a heart. That is why he supports Mr. Daher's proposal to locate City Hall close to the center of town. City Hall is a part of the emergency management scenario, and the City Manager is one of the top people that would be contacted in the case of emergency. Locating the City Hall next to the Fire Department would be a good match.

Pat Crawford, 2326 North 155th, said that she could also provide each of the Commissioners with full copies of the Gaston Decision. Ms. Crawford referred to the last two sentences of the first paragraph on Page 5 of the Commission's packet, which is Page 3 of the February 17th meeting minutes. She said this sentence is not a good representative of what she was trying to say to the Commission. The intent of her comment was that there is a distinct difference between ground water and surface water, and waters are labeled by where they originate from. She referred to Page 16 of the Gaston Decision, which states that "It is undisputed that Thornton Creek was a naturally occurring stream prior to construction where surface waters produced defined channels or beds. It is no consequence that the artificial watercourse may have changed the course of the naturally occurring stream. It is undisputed that Thornton Creek enters the Gaston Property in the underground culvert and exists in the culvert on the Crawford's property. It is also undisputed that Thornton Creek is a Class II Stream before it enters and after it exits the culvert." She said she agrees and the trial court concluded that the water does not cease being part of Thornton Creek while passing through the culvert. As part of the Thornton Creek culvert, the section under the Gaston's property was, and remains, part of a Class II Stream. It was clearly erroneous for the Hearing Examiner to conclude otherwise. Ms. Crawford clarified that the term "surface water" is a widely accepted term for water that originates on the surface, and it doesn't lose its classification when it goes into a pipe. She asked that the minutes be corrected. Mr. Stewart advised that Ms. Crawford's comments would be included in the next set of minutes.

Brian Derdowski, 20 East Sunset Way, Issaquah, President of Public Interest Associates, said he works with Planning Commissions and City Councils throughout the State and served for ten years on the Metropolitan King County Council throughout the 90's. In 1990 and 1991, he was the chairman of the Growth Management Committee and was the prime sponsor for the sensitive areas ordinance, the first such ordinance in the State. He said he was also the chairman of the Growth Management Committee again in 1998 and 1999. He advised that the Planning Commission is a part of the legislative branch, and their prime duty is to abet issues for the City Council. In the course of doing this, they have been charged with taking advice and information from the City staff, the City Council, the public and any other appropriate source. He said that when the County Council started working on the sensitive areas ordinance in 1990, they had only one attorney from the Prosecuting Attorney's Office to work with them. Their litigator was also their advisor on legal issues. This created a horrible situation that

the County Council eventually came to understand. They hired a couple of attorneys from the Prosecuting Attorney's Office, to specifically advise the County Council separately. He explained that there is an inherent conflict of interest when councils or commissions are placed in a situation of trying to both defend a decision and advise what the range of options are.

Mr. Derdowski expressed his belief that the Planning Commission has a culture of receiving advice that is overly risk adverse, does not serve the public interest, and is arguably incorrect. He urged the Commission to consider mechanisms for diversifying their input. He said he has spent a lot of time reviewing the City's Comprehensive Plan and has found errors in procedure and substance that would never have happened if the Commission had been properly briefed and prepared. He said he does not doubt that the professional City Staff is doing their best in their limited circumstances, but he urged the Commission to build within their system a method for obtaining alternative and diversified advice that goes beyond the two or three minutes extended to the public for comment.

Elaine Phelps, 17238 – 10th Northwest, said she was one of the appellants for the Innis Arden tree removal proposal that was referenced by Mr. Stewart. She said that while staff described the process as "another set of eyes," it is important for the Commission to remember that the appellants had to pay thousands of dollars to make the appeal. In addition to the filing fee, they had to pay experts and consultants. She concluded that if the City had done a better job of having the appropriate experts submit information, a different decision would have likely been made. She said it should not be left up to the private citizens to spend significant money on appeals. It is up to the City to do things right in the first place. She urged the Commission to find ways for the staff to be more insightful.

Janet Way, 940 Northeast 147th, asked that, prior to the Critical Area Ordinance public hearing, staff provide the public with copies of the three documents that Mr. Stewart referenced at the beginning of the meeting. Mr. Stewart explained that the public hearing information packet the Commissioners received are part of the public record and can be accessed by any citizen. Ms. Way said that if the additional documents provided by Mr. Stewart are pertinent to the Critical Area Ordinance, they should be made available to the public and not just the Commission. For instance, she felt the information related to the Gaston Decision would be pertinent to the public hearing. Commissioner McClelland pointed out that the Commissioners just received the documents and have not had an opportunity to read them yet, either. They would not be germane to the public hearing. Ms. Way disagreed and said she would be citing both of the documents during her comments at the hearing. Commissioner McClelland gave her copies of the documents to Ms. Way.

7. STAFF REPORTS

Public Hearing on Critical Areas Ordinance Update

Matt Torpey, Project Manager for the Critical Area Ordinance Update, provided a brief overview of the draft Critical Area Ordinance. He provided an overview of the changes as follows:

- **Significant increases in wetland replacement and enhancement ratios:** Mr. Torpey pointed out for the most common types of wetlands (Type II, Type III and Type IV), the increases would be

quite significant. He noted that the City does not have any Type I Wetlands. He explained that because wetland enhancement is known to be more viable than actual wetland creation, a larger enhancement ratio would be appropriate. He emphasized that the proposed ratios are consistent with those of the Department of Ecology.

- **Significant increases in stream and wetland buffer requirements, ranging from 15 percent to 250 percent:** Mr. Torpey used a graph that identifies the proposed wetland buffers compared to the existing ones. Some of the most significant changes are in the Type III and Type IV Wetland categories. There would be a 30 percent increase in the proposed and minimum standards for Type III Wetlands, and the increase would be 150 to 200 percent for Type IV Wetlands. He explained that a standard buffer is the buffer that would be required if a property owner wanted to develop a property or cut a tree, etc. without providing mitigation for the wetland. As long as development stays away from the standard wetland buffer, no mitigation would be required. The minimum buffer applies to situations where property owners propose mitigation measures such as replanting or enhancement. Mr. Torpey said the update proposes an increase in all types of stream buffers, but he noted that the City does not have any Type I Streams. Significant increases have been proposed for Type II, III and IV Streams.
- **A new provision encouraging the restoration of piped and denigrated watercourses:** Mr. Torpey advised that, currently, stream restoration is discouraged. If a developer were to propose stream restoration as part of a project, they would be subject to the new buffer-width requirements. The proposed change would encourage the daylighting of streams without mandating a full-buffer requirement.
- **A new provision allowing for view preservation and enhancement in critical areas and buffers through a Critical Area Stewardship Plan:** Mr. Torpey explained that a Critical Area Stewardship Plan is proposed in the draft update in order to retain and restore views when ALL functions and values of the critical area would be retained. The functions and values would be retained through the review and recommendation of as many professionals as needed particular to the critical area (i.e. geotechnical engineers, stream biologists, wetland biologists, and arborists).

Mr. Torpey said staff anticipates the Commission would receive a large number of public comments regarding the Critical Area Stewardship Plan, trees in general, and the definition of hazard trees. They would also likely hear public comments regarding the fish and wildlife habitat areas and the proposed definitions for “stream,” and “salmonid fish use.”

Mr. Torpey said the draft revisions include proposals that the staff and Commission identified prior to the public hearing: They include the following:

- All streams, wetlands and their buffers should be identified as fish and wildlife habitat areas.
- Puget Sound and the shoreline should be identified as a fish and wildlife habitat area.
- The definition of “stream” should be expanded to allow proposals for private dam removal to be considered when assessing fish passability. This was omitted from the draft code. But if they

remove private barriers and make streams passable to the Sound or Lake Washington, they should be considered fish passable.

Chair Harris briefly reviewed the public hearing process and opened the hearing to public testimony.

Gene Maddox, 16631 – 10th Avenue Northwest, said he provided each of the Commissioners with a copy of the Task 230 Report, submitted as Exhibit 6, which is a King County report that centers on the area of Innis Arden very well. He referred to Page 32 of the document, which shows a critical area to be an area of landslide hazards, seismic hazards, erosion hazards, stream and corridor areas. He noted that the map on Page 3 of the document identifies most of the Innis Arden area as both a slide hazard area and an erosion hazard area. In addition, Innis Arden is also an area with many stream drainages, and there are even a few areas that are identified as seismic hazards. He said he has lived in the area since 1958 and has found that Boeing Creek has suffered terribly due to mismanagement or no management. There is one area that has slid so violently, that it snapped the top of the trees off as it came down. This is not a steep area, but one that was washed out from underneath.

Mr. Maddox pointed out that the Innis Arden area has become a war zone over trees. The Innis Arden Club has been trying to get a permit from the City to cut every tree they can. They are absolutely destroying the reserves and letting everything fall into the streambeds. There has been little or no oversight for what they have been doing. Because of the sensitive nature of the area, he said he would like the City to stop the tree cutting in Innis Arden until a competent authority such as the Planning Commission can review it.

Wayne Cottingham, 17228 – 10th Avenue Northwest, provided a PowerPoint Slide Show of various pictures taken in the Innis Arden area. The pictures illustrated a ravine that is about 1/3 mile long and drops from 400 feet to sea level. He advised that there are four separate parks in the Innis Arden area: Bear, Grouse, Blue Heron, and Running Water. To illustrate the significant change that has occurred in the area, he provided 1999 aerial photographs of the Grouse Reserve and other areas along the steep ravine and compared them to aerial photograph of the same areas in 2004 and 2005. Mr. Cottingham said he is an engineer by profession and has lived in the City of Shoreline for 40 years. He said the pictures he provided illustrate what City exceptions, coupled with money driven by views, can do. He said it is important for the City to tighten their regulations rather than allowing so many exceptions to protect views. He provided each of the Commissioners, as well as the Planning Commission Clerk, a disk containing his PowerPoint presentation (Exhibit 7).

Leon Zainveld, 17120 – 13th Avenue Northwest, said he has been a resident of Innis Arden for more than 18 years and has worked within county government in property systems for over ten years. He noted that more than 130 trees in the Innis Arden forested reserves have been decimated by removal or snagging since late 2003 on the basis that they were allegedly hazardous. Because Innis Arden is located on a hillside, he said he is concerned that it could be a site for a disastrous mudslide as a result of tree cutting. He noted that on February 14th, a few Innis Arden Club Board supporters testified to the City Council that they were concerned about decreased property values due to some perceived loss of view. However, he challenged anyone to provide a valid King County assessment that shows that any Innis Arden property has overall decreased in value over the last ten years, let alone due to some

perceived loss of view. The particular property referenced at the City Council meeting didn't lose \$90,000 in value as the property owner claimed, but increased in overall value by more than 80 percent. The factual trend is that property values rise for nice houses in stable neighborhoods.

Mr. Zainveld respectfully requested that the City incorporate language into the Comprehensive Plan and the Critical Area Ordinance that applicants for tree cutting for view preservation be required to provide substantial evidence that they once had a better view when they purchased their home. He further asked that the Planning Commission not increase the City's liability and endanger homeowners to benefit a small group of greedy homeowners by sustaining any loopholes in the Critical Area Ordinance or the Comprehensive Plan that could allow for abuses of City environmental processes or applications.

John Lombard, 10801 – 112th Avenue Northeast, Seattle, 98125, said he represents the Thornton Creek Alliance. He referenced a letter (Exhibit 1) that was already submitted to the Commission outlining the Alliance's concerns. First, the Alliance is concerned that there are no buffers proposed for the marine shorelines. While staff may argue that the shorelines can be dealt with in the updated Shoreline Master Program, he said he does not believe that is the case. The Growth Management Act requires the City to protect the functions and values of critical areas, including the Puget Sound shoreline. Secondly, Mr. Lombard said that the proposal ignores best available science for wetlands, particularly in the recommendations from the Department of Ecology for the classification of wetlands, buffers, mitigation, etc.

Mr. Lombard said the Alliance shares many of the concerns related to tree removal that citizens have already raised. The proposed ordinance presumes that mature trees can be removed with no net loss of functions, but this presumption is false. Mr. Lombard said the Alliance believes there should be more and clearer criteria for reducing the stream and wetland buffers in return for restoration. They feel this is an important and practical incentive, and they do not oppose the overall principle. But right now, there is essentially either full or minimum buffer, and the Alliance feels there should be very substantial restoration required as a step down to the minimum.

Mr. Lombard advised that the wetland buffers proposed in the ordinance require that the development itself be low impact to allow the reduction in buffer. The Alliance supports this proposal, and would like the same criteria applied to streams. The Alliance supports the incentives in the proposed ordinance for daylighting creeks, but there should be more of them. The City of Seattle has been addressing some similar issues in their proposed update, and they are including a number of incentives that the City of Shoreline could also include. The City of Seattle also has existing language that protects piped streams from being built over, and they would like this added to Shoreline's ordinance, as well.

Nancy Rust, 18747 Ridgefield Road Northwest, said she has lived in Innis Arden for 45 years. She is a former State Legislator and one of the original sponsors of the Growth Management Act. When the Act was written, only the growth counties were required to plan. However, it specified that all counties and the cities within them, regardless of whether they were required to plan, had to identify their critical areas and adopt ordinances to protect them. They felt this was so important to be done first. She emphasized that it is the City's duty to protect critical areas. She said she was disappointed to read that the City was considering exemptions for view preservation since the City should be trying to strengthen

the act rather than weakening it. She said she realizes that conditions would be imposed in order to obtain the exemption, but even scientists disagree about what is appropriate and what is not. She noted that other cities across the country are strengthening their ordinances, and the City of Shoreline should do the same. Weakening the ordinance to allow tree cutting for private gain is wrong.

Betty Ward, 18306 Ridgefield Road Northwest, said she has lived in Innis Arden for 50 years. She said she has owned three homes and each time she has moved to improve her view of the Sound and the Mountains. She now lives on Ridgefield Road across from the Grouse Reserve, and she has watched her view erode over the past 33 years due to the trees growing up in the Reserve, as well as on neighboring properties. She values her view as well as the environment, which is why she participated in a vegetation management plan in the Grouse Reserve, along with several of her neighbors. At great personal expense, they have met all the requirements of the City and planted over 2,000 plants to replace the trees that were cut. She said she supports the Critical Area Stewardship Program that is being proposed by the City because it formalizes a system that is similar to the vegetation management plan that was implemented in the Grouse Reserve. She said the residents in her area view their reserve as a model for further view restoration. She concluded by stating that they simply want to restore the views that they have lost over the past 32 years, and the proposed plan would help their efforts.

Roger Lowell, 18384 Ridgefield Road Northwest, said that when his family moved from Los Angeles, they searched all of Seattle and the suburbs, settling in Shoreline because of its schools, parks, views, support for families, and sense of community. He said he supports the Critical Area Stewardship Plan concept that has been proposed by the City staff. He explained that, recently, his neighborhood has been fractured over the community's stewardship of its communal resources and private properties. The City has created an overbearing bureaucracy, frustrating the efforts of citizens to maintain their views. He asked that the Planning Board give favorable consideration to the Critical Areas Stewardship Plan that has been proposed. He concluded by reminding the Commission that Shoreline is an urban area that should be managed as such. They should stop people from feeling like they have to move to the suburbs to get rid of the bureaucracy and create even a greater environmental insult. He pointed out that Innis Arden has a board, which is duly elected by the community in conjunction with the RCW's of the State of Washington. He asked that as the City deals with this community, they work with the Board. Individuals within the community use scare tactics and false accusations to further their private agendas. He expressed his belief that the plan submitted to the Commission is good and has the potential to heal the community.

Vicki Westberg, 1231 Northeast 148th Street, referred to the January 20, 2005 Planning Commission Item 6A, Attachment 2, pages 40-48. She submitted a copy of the document as Exhibit 8 and made the following points:

- Concerning wetland replacement ratios, the Commission should be made aware that 95 percent of them do not conceive.
- The language on Page 43 (based on the recommendation of a wetlands report that includes best available science and was prepared by a qualified professional) sounds good, but since the professional would be hired by the developer, the findings would be biased. She questioned what guarantee there would be that the monitoring reports would be accurate.

- Item G.2 on Page 46 states that in the event that a mitigation project is inadequate or fails, a performance or maintenance bond would be required to ensure the applicant's compliance with the terms of the mitigation agreement. It further states that it shall equal 125 percent of the cost of the mitigation project for a minimum of five years of monitoring.
- Item 3.d on Page 47 states that monitoring reports must be prepared by a qualified consultant and reviewed by the City or a consultant retained by the City. The City of Shoreline has exhibited, in every instance, a strong bias towards the developer, which presents a conflict of interest.
- What are the penalties if the builder does not comply or the mitigation efforts do not succeed? The development would have already been completed and sold by that time. The developer could forfeit his bond, walk away, and the citizens and natural heritage would lose again.
- We need to have oversight so that development works with the citizens and not against them.

John Hollinrake, 1048 Innis Arden Drive, said he lives in Innis Arden. He said he has had an opportunity to work with the City staff and has found them to be very knowledgeable and able to provide a great service to the community. He said he resents the fact that Mr. Derdowsky comes all the way from Issaquah to criticize the City's staff. He said he purchased an acre of property that is adjacent to one of the common areas, which was an ecological nightmare. A large maple tree fell, smashing his storage shed and destroying a large area of his vegetation. One of his trees has fallen across a hiking trail, and two of his neighbor's trees have fallen onto his property, destroying his cherry tree. A total of seven trees have fallen on his property, and before he moved into his home, eight trees snapped in half. This situation happens all throughout the Running Water Reserve, which is located along his property. Every time there is a windstorm, the trees sway, pieces fall off of them and trees fall into each other. He said Mr. Cottingham's pictures left out the fact that he spent over \$2,000 taking out invasive species such as blackberries, ivy, etc. So far, he has planted 60 plants, and he plans to do a lot more. He has put down extensive amounts of mulch, and he will continue to remove invasive species. He has gone through an expensive process to have a professional evaluation of the trees and the hazardous trees removed. Many of the trees lean towards his house and his yard. Mr. Cottingham's pictures also do not show that in the Grouse Reserve, over 2,000 plants have been planted to replace many of the trees that were in very bad shape. He encouraged the Commissioners to visit the areas to view the situation.

Mr. Hollinrake concluded by expressing his belief that the staff has made some excellent recommendations to deal with issues related to view. Views are very important to the residents of Innis Arden. They provide a lot of enjoyment and are the reason that many people moved there in the first place. He suggested that the City should deal with hazardous trees to protect life and not just buildings and properties, since this is the government's job.

Al Wagar, 17076 – 10th Avenue Northwest, said he supports Section 20.80.030(j), which provides for a Critical Areas Stewardship Plan. As a resident of Innis Arden, he said he has watched the tree versus view issue go largely unresolved over the past several years. The proposed stewardship plan would allow the City to meet its responsibility, and it would also allow flexibility for the residents in the community to remove problematic trees and replace them with others that provide the same functions. Secondly, Mr. Wagar proposed that the Commission amend Section 20.20.024 (Definition of Hazardous Trees) to include a fourth element to read, "fall on a developed trail." He also suggested that the phrase,

“or modifying them to make them non-hazardous” be added as well. He submitted his recommended language changes to the Planning Commission Clerk as an Exhibit 2.

Pat Crawford, 2326 North 155th, provided each of the Commissioners with a copy of the Gaston Decision (Exhibit 9). She said it is the City’s duty to protect the environment, and this includes saying no to some people. She said she doesn’t understand how people in urban areas think they don’t need to bear part of the burden for the critical areas in the Growth Management Act. For example, there are many people in Forks (fisherman, hunters, loggers) that would love to restore what they have lost over the last 33 years. It would truly not be fair for the City of Shoreline residents to not make sacrifices but ask people in the rural areas to take care of “God’s Country.” She reminded the Commission that the critical areas were developed so that cities and counties could figure out how to protect them. Critical areas are the most important because cities cannot get their environment back. It is impossible to replace the function of a significant tree with a replacement tree. It is time for the citizens of Shoreline to make some sacrifices, including views, to protect the environment.

Ms. Crawford pointed out that the Gaston Decision took five years and hundreds of thousands of dollars of her family’s money when the issue could have all been solved at the level of permitting. She pointed out that the proposed changes would merely add 15 feet to every existing buffer, which is basically just incorporating the setbacks. The proposal would not enlarge the stream buffer, but staff is twisting the words around to make it look like the ordinance would increase the protection.

Tim Crawford, 2326 North 155th, said he is always outraged when he comes to the Planning Commission meetings. He noted that the City staff alleges that there are other residents, besides himself, who have dams on their properties. He questioned where these properties are located. He said his attorney entered a supplemental brief at the appellant level over that issue, and he is really getting tired of it. He is tired of hearing people complain about trees blocking their view when he had to spend a lot of money to appeal the Gaston Project. He said his general comments would be addressed by a letter from his attorney, but he asked “who the hell else has a dam on a fish stream, claimed by the City, but the Crawfords?”

Mr. Crawford said he is saddened to think that the City is considering an option that would treat trees the same way as streams. He quoted a recent appellant who said, “Well, they won’t be able to vilify us the way they have you.” And damned if they didn’t. He said he understands that the people from Innis Arden can be ignored, and he has seen it happen. But he hopes the people who want to save the green living things can prevail. He said he and his wife concur with John Lombard’s statements.

Elaine Phelps, 17238 – 10th Avenue Northwest, said she has lived in Innis Arden for 40 years. She pointed out that the Grouse Reserve vegetation plan was never submitted under the Innis Arden vegetation management plan. It was submitted with a specific statement that it was not in accordance with the vegetation management plan. The City approved it nonetheless, even though it violated almost every provision of the vegetation management plan. That is why she is so skeptical about the concept of a Critical Area Stewardship Plan.

Ms. Phelps asked if the Commission would accept written comments after the public hearing. She said that when she moved into Innis Arden, there were songbirds galore and lots of other wild creatures. But they are gone. She doesn't have a view, and whether or not the trees come down would not impact her perspective one way or another. But it would impact her surroundings and the environment altogether. She questioned how one person could introduce this type of element into a critical area ordinance, since views have nothing to do with preserving critical areas. This element would, in fact, destroy the critical areas, and that is what has been going on in Innis Arden. View preservation should not be part of the ordinance, since the purpose of the ordinance is to promote efforts that will prevent or eliminate damage to the environment and biosphere.

Paul Blauert, 835 – 17th Place Northwest, provided copies of the University of Washington Forestry Report to each of the Commissioners (Exhibit 10). He said the document was introduced as an exhibit in their appeal to the Hearing Examiner regarding tree cutting in Innis Arden. He asked that the report be made a part of the record and that the entire Hearing Examiner's record be adopted by reference. Mr. Blauert said he is not against cutting trees to protect views, but he is in favor of protecting the sensitive areas. He is against cutting down healthy trees, claiming they are hazardous. He is also against clear cutting the reserves and replacing significant trees with small ones. Mr. Blauert asked that the Commission carefully review the Hearing Examiner's decision, especially the last two pages. They will find that the City has incorrectly summarized the report. The City's summary indicates that the third party report carried the weight. He pointed out that while the City was initially on the right track when they asked for an independent report, under pressure from the applicant, they agreed to accept the applicant's report for the third party. He recommended that the City have an approved panel of experts, and that each case be randomly assigned. He said the Hearing Examiner's Report demonstrates that the City did a poor job of evaluating the application.

Lastly, Mr. Blauert provided a copy of the Innis Arden Bulletin (Exhibit 11), which is quite misleading and inflammatory. He asked that it be made part of the record, as well. He noted that not one of the pro-view people made a comment about the need to protect the sensitive areas. However, it is the City's duty to guard these areas. The view provision would weaken the ordinance, and the Commission must decide if that is appropriate or not.

Janet Way, 940 Northeast 147th Street, asked that the Commission allow her extra time since she is speaking on behalf of three groups: Sno-King Environmental Council, Thornton Creek Legal Defense Fund and Paramount Park Neighborhood Group. Someone in the audience objected to Ms. Way being given more time to present her views than others in the audience were allowed. He noted that it is her second time to speak before the Commission, and he said he resents outside experts coming in to speak for groups. Ms. Way pointed out that she is not an outside expert. Chair Harris explained that when Ms. Way spoke before the Commission earlier in the meeting, she was doing so as part of the "General Public Comment" portion of the agenda. She has not had an opportunity to speak specifically regarding the Critical Area Ordinance. According to Commission rules, because she represents three groups, she would be allowed to have five minutes to speak.

Ms. Way congratulated the Innis Arden group that worked to protect the trees. Next, Ms. Way urged the Commission to thoughtfully examine all of the proposals contained in the draft ordinance and read all

the comments. They must also consider that there are basic standards and benchmarks the State Government has been seeking. They must establish that there are some things that cannot be sacrificed. The idea that the City can balance the environment with all the other values can only be true if they start with the basic benchmarks.

Ms. Way said her groups object to the definition that is proposed in Section 20.20.046, which states that “Those areas in the City of Shoreline where open surface waters produce a defined channel or bed, not including irrigation ditches or surface runoff devices or other entirely artificial open watercourses unless they are used by salmonids or used to convey streams naturally occurring prior to construction.” She referred to the recent appellant court case (Gaston Decision), which speaks to this issue. If a creek comes in one end of a pipe and goes out the other end, it is not necessarily considered an open watercourse, but it is a stream established by this decision. This definition must be changed. She submitted a paragraph from this case to back up her comment.

Ms. Way said the Critical Area Ordinance language states that Type III Streams are those streams that are either frail or intermittent and have salmonids fish. She said this is an inadequate standard and description of a Class II Stream. The standard should not be whether or not fish have been seen, but whether the habitat would support fish. According to the proposed classification, streams where no fish have been seen would be lowered to Class III, which has much lower buffers. Although the Gaston Decision identifies streams such as Thornton Creek as Class II, the proposed ordinance would consider them to be Class III Streams.

Ms. Way said her groups object to the language that states that “The Planning Department may waive the presumption of fish use for stream segments where a qualified professional has determined that there are confirmed long-term water quality parameters making the stream incapable of supporting fish.” The term “qualified professional” concerns her, since it is apparent what qualified professionals have wrought on Innis Arden’s critical areas. She urged the City to have a higher standard for determining whether or not a stream is capable of supporting fish.

Regarding the issue of daylighting streams, Ms. Way said she believes there is a lack of language discouraging new construction over pipes or culverted streams. There is also a lack of incentives for daylighting the streams. Ms. Way said her groups support the idea of strengthening the tree cutting section so that what has occurred in Innis Arden can no longer occur. She noted that Boeing Creek has already experienced massive destruction, and it is time to stop it. She submitted a letter from the Department of Ecology to the City of Covington. She also submitted the City of Covington’s critical areas ordinance as part of the record (Exhibit 13).

Fran Lilleness, 17730 – 14th Avenue Northwest, said she has lived in Richmond Beach for 28 years and in Innis Arden for 18 years. When she lived in Richmond Beach she was totally surrounded by trees. They chose to move to Innis Arden because there are covenants to legally protect the view. They had to pay dearly for this protection. She has seen many times in Richmond Beach where people purchase homes for the view, and then new development or tree growth destroys it. The Commission should remember that the residents in Innis Arden pay dearly for their view protection. Their taxes are very high. She used to be a realtor for the Board of Appeals and Equalization for King County in the

late 1980's, and many people presented pictures of their properties and the views that they had lost. The Board had no other alternative but to agree with the diminished value and lower the property taxes. If Shoreline wants to maintain their tax base, they should look for ways to help the citizens preserve views. She said it is a constitutional right for property owners to enjoy their properties. Many of the people who spoke in favor of retaining the trees in Innis Arden do not have views or they live on a bluff and do not have a problem with views.

Ms. Lilleness recalled that the City filed a lawsuit against Innis Arden because they were taking down trees in the reserve that were hazardous. These trees could have fallen on people. She walks through the reserves, and the closed canopy makes it frightening. It is nice to be able to walk through the reserve and see that there is no one hiding in it. The covenants say that the residents of Innis Arden have a right to use the reserves however they wish. If children are to play in the reserves, they must be visible. She asked that the Commission support the staff's recommended Stewardship Plan for view restoration in critical areas. She submitted pictures showing what has been done to improve view in a park site. She also provided pictures showing what has been done on a ridge in the reserve (Exhibits 14 & 15).

Harry Obedin, 17071 – 12th Northwest, said he is very concerned about the number of people who have testified that do not live in Shoreline. Their opinions are being brought in as carpetbaggers. He said he is just as concerned about the ecology as some of the self-appointed ecologists. However, he is concerned about the issue of urban conflagration. When the season is dry, there is a very good chance that one of the reserves will go up in flames unless they are managed and the brush is controlled. Secondly, Mr. Obedin pointed out that oversized trees provide a very big hazard to surrounding trees as well as to people and property. For instance, if an isolated Douglas Fir Tree or Cedar Tree gets high enough and is not protected by a lot of other trees that share the wind load, it will come down. This is something that the people who love trees are not willing to admit. He said he had a hedge of Douglas Fir trees in another county, and it was pointed out that the trees would inevitably get blown over in a good wind storm. The ordinance should consider these types of trees. He recognizes that large and mature trees cannot be replaced by just one small tree. However, a dead large tree loses its value, and the mitigation plan could require people to put in any number of trees that could collectively have the same effect as a large tree. In turn, they would grow to a respectable size.

Gini Paulsen, Ph.D., 16238 – 12th Northeast, said the public hearing is a good example of the conflict between individual desires to maximize property benefits and the common good. One way to reexamine the issue is from a systems perspective. They live in an environment that is interconnected. What happens in Shoreline has an impact on Lake Washington and Puget Sound. At one time, Shoreline was an unspoiled area with many trees that remain standing despite winds from the east, west, north and south. She urged the Commission to put the environment first, since this would enhance the life of the entire community and all the individuals in it. Trees provide for soil stabilization, capturing rainfall, and other benefits including the protection of the streams that are close by. She said that by enhancing, restoring and preserving the environment, they could protect the salmon bearing streams and the Sound. Everything that is done in Shoreline has an impact on the Sound, which has already declined in quality of sea life. It is already badly polluted, and Shoreline cannot afford to continue to contribute to the pollution. They must do things to enhance the area so that it can again become salmon producing.

Michael Rasch, 18542 Springdale Court Northwest, said he submitted a letter to the Commission that contains his specific comments regarding the proposed changes to the Critical Area Ordinance (Exhibit 5). He referred to Mr. Crawford's comment that he believes he has the only dam on a salmonid stream, but there is one Boeing Creek, also. It is owned by the Seattle Golf Club, and it has blocked fish from getting up to the Hidden Lake area. The Seattle Country Club is not maintaining this dam, so perhaps the dam exclusion was aimed at this situation.

Mr. Rasch said many residents of Innis Arden have commented about views and trees, and he is one of the people who would like to see the views restored. The proposed Critical Area Stewardship Plan would balance the environment and the view value. The estimated value of 538 homes in Innis Arden is about \$330 million, which equates to a lot of property taxes. A lot of this value is based on the fact that people have views. The views are diminishing. No one who is in favor of view restoration wants to see the reserves decimated and turned into wastelands. They want them to be replanted with lower growing species that provide the same benefits as the taller trees do. One of the suggestions he made in his written comments was that the Commission should consider modifying the requirement that the replanting be done with native species. He asked that it be changed to read "native species unless otherwise approved." He said the residents have talked with many arborists about replanting the reserves, and they would like to make them more park like. There are varieties of lower growing trees that could provide habitat, soil stabilization, water uptake, etc. The trees do not have to be native species. They can be beautiful yet provide the same benefit as the native species.

Brian Dodd, 18219 – 13th Avenue Northwest, said he is an Innis Arden Board Member. He read a letter written by Judge Bruce Hilyer, a King County Superior Court Judge and a member of Innis Arden (Exhibit 16). He emphasized that Judge Hilyer's letter presents his personal opinion as a shareholder. Judge Hilyer's letter stated that since his family moved to Innis Arden in 1987, their views have gradually deteriorated to the point that it is significant in terms of their enjoyment and their property values. The letter states that he and five neighbors got together to hire a professional to design a vegetation management plan to replace the taller view-blocking trees in the community reserves with lower, predominantly native species. The Board of Innis Arden conditionally approved the plan, but the City of Shoreline staff informed their consultant that any trimming, removal or replacement in the ravines would require approval through the Hearing Examiner process and it could be appealed to the City Council. But he points out that this process is cumbersome, unpredictable and quite expensive.

Judge Hilyer's letter asked that the Commission give careful consideration to a more predictable process with realistic criteria to allow view protection in areas adjacent to critical area designations. He pointed out that there would always be a vocal minority opposed to any new solutions, but every time the entire community has voted or been surveyed on the issue, a strong majority has always recognized that view preservation is one of the most valuable and unique aspects of the community, and that it is worthy of protection. Judge Hilyer further asked that the Commission not be misled in believing that this is a case of development versus the environment. He said he has been a committed environmentalist throughout his entire adult life, including two terms on the Board of Directors for the Washington Environmental Council, four years on the Board of the Hanford/WSDOT Group, part of American Northwest, and nine years on the Washington State Parks Commission, including two terms as president. He concluded his letter by stating that the Innis Arden Reserves need to be managed like urban forest parks, not like old

growth forests. He asked that the Commission work with them to design a process that is predictable based on science and best horticultural practices and allows them to protect the views that distinguish the community. The amendments proposed for the Critical Area Ordinance are a good first step in establishing such a process. As difficult as the issues may appear, he suggested that the community is not as split on the issue as some would like the Commission to believe. Moreover, he said the issue would become more difficult to resolve in the future as more and more properties lose their views.

Michele McFadden, P.O. Box 714, Wauna, Washington 98395, said she provides legal counsel for the Crawfords and the Twin Ponds Fish Friends. She said that she reviewed the ordinance in detail to determine the impact it would have to Thornton Creek. She said she has heard many people say they do not want the ordinance to go backwards and be less protective than it currently is. But that is exactly what the proposed ordinance would do because of the proposed changes to the definition of streams and the typing of streams. She suggested that the Commission read through these two proposed changes in more detail in the letter she submitted (Exhibit 17). She suggested that the City's standards would go down if they agree to do away with defining piped streams as "streams" and attempt to change the typing system to no longer recognize streams that could potentially have fish. While it is nice to look at the scale of new buffers that are being proposed, if the City applies Type III buffers instead of Type II buffers to Thornton Creek, the end result would be a reduction in standards. As an example, she referred to a map that was presented to the Commission a few weeks ago, which purports to show where the 35-foot standard buffer areas would be located. She noted that the map shows a 35-foot buffer for Thornton Creek, which is the minimum standard for a Type III Stream, but not for a Type II Stream.

Ms. McFadden said that now that the City has issued their comments regarding the Gaston Decision, she would like to brief the Commission about what really happened and why the "reasonable use" concept is not working in the City. She proposed that the definition of "reasonable use" be thrown out since it is not working. She pointed out that the Gaston Decision speaks to boundary line adjustment problems because the City determined that a lot and a half was two lots. The second lot was never legally created under the subdivision code. She noted that when the project started, the entire parcel was all in buffers. By using a process that did not allow public comment and access, the City ended up creating a new lot. She questioned if the Commissioners find this result to be appropriate. She asked if the Commission wants to continue to allow the City staff to avoid the subdivision process to create a lot that is totally in violation of the buffer standards. She said staff appears to recognize that this is a problem. If this type of adjustment is going to be allowed through the boundary line review, then the boundary line review process must be subject to the Critical Area Ordinance as is every other process that the City is involved in.

Brian Derdowski, 70 East Sunset Way, #254, Issaquah, 98027, said he represents the Thornton Creek Legal Defense Fund and the Public Interest Associates. He said his friend and colleague, Janet Way, spoke on behalf of the Sno-King Environmental Council. Ms. McFadden is his former chief staff member, and she is arguably the most qualified and technically competent expert on critical area regulations in the State of Washington. She is a former hearing examiner. She not only crafted the ordinance on his behalf in 1990, but she was the prime architect behind the 1985 Comprehensive Plan. He encouraged the Commission to create some mechanism whereby the Commission could avail themselves to the type of talent she has to offer.

Mr. Derdowski said his organizations are beginning a very detailed review of the City's proposed ordinance, and they have some very significant, profound and actionable concerns about it. They are in the process of determining whether to bring their issues before the Planning Commission or before the City Council. He said he is not confident that the Planning Commission has the mechanism whereby they can get into the kind of detail necessary. Neither would they receive the necessary support from the staff. He expressed his belief that the Commission has been coached to believe that protecting critical areas is a goal that must be balanced against all the other goals in the Growth Management Act, and this is a complete misread of what their mandate is. There are certain statutory and mandatory requirements that the City must comply with to protect critical areas, and if that requirement conflicts with the City's desire to provide affordable housing or protect views, the critical area requirements shall prevail. If he were a resident in Innis Arden and concerned about views, he would be very concerned that the City would adopt a regulation that creates a view exemption that is totally inconsistent with law. This would result in bad case law, and the judge would throw out all the minor exemptions that the property owners are currently taking advantage of now. If the proposed ordinance is approved, the Innis Arden residents would likely end up with a worse situation.

Mr. Derdowski pointed out that the Commission must consider some mandatory components during their deliberations. He said the ESA 4D rule, the Clean Water Act, and the NPDES Permit are linked to the Critical Area Ordinance. The ordinance is also linked to the Department of Ecology requirements, Hearings Board decisions, CTED's guidelines, and the Countywide Planning Policies. He recalled that when the City adopted their Comprehensive Plan, they included a statement that the Countywide Planning Policies are a guide. However, he pointed out that the policies are not intended to be a guide. They are mandatory elements that the City must comply with, and the City of Shoreline signed an interlocal agreement saying they would be willing to comply. He said that the proposed ordinance lays out a wetlands classification system that is totally in conflict with the Countywide Planning Policies, which state that cities shall adopt the Department of Ecology's Wetlands Manual or any amended version that comes down the pike. But the City has not done this. If this simple conflict is not being addressed by the proposed ordinance, he questioned how many other things are not being addressed, either.

Mr. Derdowski suggested that the Commission carefully consider whether they want their efforts to "crash and burn" at the City Council level, the Hearings Board, or Superior Court. If the answer is no, they must create a good high-quality working relationship with the various environmental groups that are present and the City staff. These groups would like to augment the staff's work. On behalf of the citizens of Shoreline, he asked that the Commission diversify their input and question what they are being told by the citizens and the staff. They must avail themselves to all of the wealth of knowledge that is available.

Bob Allen, 17225 – 12th Avenue Northwest, pointed out that Boeing Creek is frequently referred to as a big washout. The Boeing Creek washout on 175th Street actually happened two times, and he lived in Innis Arden during both of the events. The last time it occurred, he and his wife drove over it just before it gave way. While he is very concerned about this situation, it is important to remember that this water didn't come from Innis Arden. It came from East Aurora Avenue and from residents that are

located to the east and north. By the time the water coming down into Boeing Creek hit Innis Arden the situation was catastrophic already.

Mr. Allen said he and his wife walk around Innis Arden daily, and his children and grandchildren have roamed the trails. They are very concerned about the environment. He said he is fortunate enough to enjoy a view, and they have worked hard and judiciously to maintain it. They work in the reserves to clean them up and make them safe for people to enjoy. They have done extensive research on the best ways to manage the reserves. He said there are low growing plant species that would maintain the property as a safe and environmental area however they wouldn't grow up tall and take away the views and thus property values. He suggested that there is room for both the view and the environment and habitat.

Mr. Allen said many people have talked about having hard and fast rules that apply to everybody equally. He suggested that no one is smart enough to make an ordinance that applies across the line to everyone forever. He felt the ordinance should allow flexibility. He said he believes there is enough knowledge in Shoreline and enough people who have good commonsense, that when special circumstances arise they will make the right decisions by hearing all parties concerned, by choosing experts they think have the knowledge they need, and then making an unselfish decision. That is why groups such as the Planning Commission have been selected.

Ewa Sledziewski, 17736 – 15th Avenue Northwest, said she supports the City's proposed stewardship plan for restoring view in critical areas. She said she owns a house that has an absolutely gorgeous view, and there is no problem with any trees in front of her. There are a number of residents who do not have a view, but they enjoy the streams and creeks. However, they do not want to allow the residents who enjoy the view to preserve their view. The situation in Innis Arden at this time is really horrible. She appealed to the Commission to be fair to everyone and use commonsense rather than being scared and terrorized by a small group of people who are in favor of tree preservation. Trees are beautiful, but so are views. Ms. Sledziewski asked the Commission to contact the Innis Arden Board of Directors because they represent all of the residents. Another organization exists in Innis Arden, but it does not have the mandate of the whole community.

Pam Schmidt, said she is a member of the Innis Arden neighborhood, too. She said she also supports the City's proposed stewardship plan concept in order to protect views in critical areas. She said she is not an expert, but she understands the facts. She pointed out that Innis Arden was clear cut many years ago when it was developed, and it did not fall into Puget Sound as many people want the Commission to believe would happen if trees are cut down. She said she is also a mother, and she walks through the reserves every day. While people in the audience have been disrespectful and snicker about the safety issue not really being an issue, it is. She reported that right after school let out last year a tree fell down at the head of one of the reserves. There are no sidewalks in Innis Arden, so the children have to walk through the reserves if they want to visit each other because there is not a lot of space on the street. She suggested that the reserves do not all have to look the same, but they should all be safe. She suggested that the issue is not really always about trees. It is more about power. She has been on the Innis Arden Board, and she has seen the nastiness that has occurred. She pays for her view, and that is why she purchased her home. She values people who enjoy trees, but small trees can also be considered good.

She pointed out that the reserves are not public property. They are private property. She challenged the Innis Arden residents who criticize the replanted reserve areas to visit them again. They are quite lovely.

Mr. Stewart reported that the City received petitions signed by 44 individuals that would be entered into the record. The petition reads, "We the undersigned residents of Innis Arden have reviewed the letter and the proposed changes to the Critical Area Ordinance submitted to you by our neighbor, Michael Rasch, and agree with him that the Planning Commission should adopt the new code with the proposed changes." He said copies of the petition would be provided to each of the Commissioners.

COMMISSIONER BROILI MOVED THAT THE PUBLIC HEARING BE CLOSED.
COMMISSIONER HALL SECONDED THE MOTION.

Commissioner Hall recalled that at least one citizen requested more time to provide written comments to the Commission. He asked if it would be possible to hold the record open for written comments, without holding another verbal public hearing. Mr. Stewart said it would be appropriate for the Commission to close the public hearing, but leave the record open for submittal of comments until a date certain.

COMMISSIONER HALL MOVED THAT THE MOTION BE AMENDED TO LEAVE THE RECORD OPEN FOR ADDITIONAL WRITTEN COMMENTS THROUGH MARCH 31, 2005.
COMMISSIONER BROILI AGREED TO THE AMENDMENT.

Commissioner Sands thanked the citizens who came before the Commission to express their opinions. He particularly thanked those who offered specific proposals for modification to the Critical Area Ordinance. It is the Commission's job to review the ordinance and recommend the appropriate amendments. Suggestions from the public are very helpful to the review process. The remainder of the Commission concurred.

Mr. Stewart advised that the Commission has two options for beginning their deliberations. One would be to call for a special meeting on March 31st, or they could begin their deliberations on April 7th. He noted that there is another item on the April 7th agenda regarding a site-specific rezone application for the Ronald Wastewater District. He suggested that the Commission close the written comment period a few days earlier than March 31st so staff could produce the documents for distribution a week in advance of the Commission's deliberation.

Mr. Derdowski said the action of opening or closing a public hearing is an artificial action. Because the ordinance is a legislative action, the record is open and anyone can send information to the City Council right up until the very end of the process. Most legal observers believe that comments can be offered at any time in the process, so it doesn't matter what the Commission decides to do to accommodate their deliberations. Commissioner Hall said that it is important for him to feel that everyone has been given an adequate opportunity to provide comments before the Commission deliberates and forwards a recommendation to the City Council.

THE COMMISSION AGREED TO AMEND THE MOTION TO PLACE THE DEADLINE FOR ADDITIONAL WRITTEN COMMENTS AT 5:00 P.M. ON MARCH 25TH WITH COMMISSION'S DELIBERATION STARTING ON APRIL 7TH. THE AMENDED MOTION WAS APPROVED UNANIMOUSLY.

The Commission agreed to begin their deliberations on the Critical Area Ordinance on April 7th.

8. REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Hall commended the staff for being so responsive at the retreat in providing ideas about how they can help the Commission do their job better and keep their discussions on track.

Chair Harris recalled that at the retreat he was asked to contact the Mayor to request a dinner meeting. He reported that the Mayor has been out of town. He has left two messages, so he expects to hear from him shortly.

Commissioner Phisuthikul reported that he received an invitation to a luncheon meeting of the 2005 North King County Economic Summit. Commissioner McClelland pointed out that one of the sponsors of the event is the group, Forward Shoreline. She said she plans to attend the event.

Commissioner Broili announced that KUOW is going to do a piece about low-impact development on March 23rd in their 9 or 10 a.m. segment.

Commissioner McClelland recalled that at the retreat the Commission discussed the idea of having topical meetings periodically throughout the year. She referenced an article from the March 9th *SEATTLE TIMES* about cities clustering development near centers of transportation, transit-oriented development, etc. She suggested that this could be an issue the Commission could discuss at a topical meeting.

Commissioner Hall advised that two major conferences are coming up at the beginning of April. One is the Puget Sound Research Conference sponsored by the Puget Sound Action Team on April 4th – 8th. The Bi-Annual Conference of the Society for Ecological Restoration is scheduled for April 11th – 15th. As part of this conference, a major event would be held on April 13th at the Town Hall Venue in Seattle. Those who are interested in environmental restoration and protection of Puget Sound should consider attending this event. Both conferences would be held at the Seattle Convention Center.

9. UNFINISHED BUSINESS

Commissioner Kuboi reminded the Commission that there was one item they did not get to at their recent retreat (each Planning Commissioner's expectation of the other Planning Commissioners). He asked that this topic be docketed on the first Planning Commission meeting where time is available. The Commission agreed to add this topic to the list of future agenda items.

10. NEW BUSINESS

There was no new business scheduled on the agenda.

11. ANNOUNCEMENTS

Mr. Stewart announced that the City has issued a building permit and demolition has begun for the five-story, 88-unit apartment complex on 15th Avenue at about 180th Street. The staff is pleased to see this property finally under construction, since it implements the vision and scheme of the North City Sub-Area Plan.

12. AGENDA FOR NEXT MEETING

Mr. Stewart announced that the anticipated March 31st special meeting would not be held because the appellants were unable to make that date. Ms. Spencer reported that the special meeting was rescheduled to April 14th at 7:00 p.m. This would be a quasi-judicial joint hearing with the Hearing Examiner. If necessary this public hearing could be continued to the April 21st regular Commission Meeting. A public hearing for the Ronald Wastewater District rezone is scheduled for April 7th. Mr. Stewart said staff is also anticipating the Commission would have time at their April 7th meeting to begin their debate on the Critical Area Ordinance.

Commissioner Sands inquired if the cottage housing workshop that is scheduled for May 5th is only for the Planning Commissioners. Mr. Stewart answered that this workshop is intended to be a broader-based workshop than just the Planning Commission. Staff is still working out the details, but perhaps an open house would be scheduled from 5:00 to 7:00 p.m., which would allow community discussion. Then the Planning Commission could be invited to participate in the discussion. He reported that a number of citizens are anxious to have an opportunity to discuss the issue before the public hearings are scheduled.

Commissioner Sands said he has noticed relatively small signs throughout the community that have the words "cottage housing" and a number to contact for more information. He said that while he feels it is appropriate for the signs to be placed on private properties, it is not appropriate for them to be attached to public properties such as telephone poles and signs. Mr. Stewart reported that the City Council extended the moratorium on cottage housing applications. He advised that it is possible that the City Council would also be invited to attend the cottage housing workshop.

Mr. Stewart indicated that the City Council would likely extend an invitation for the Commission to attend a meeting with the Innis Arden residents. The Innis Arden residents have asked the City Council to conduct the same kind of meeting that was held with the Sno-King Environmental Council regarding the Comprehensive Plan.

Commissioner McClelland noted that the reserves in Innis Arden are private property. She suggested that the Commissioners visit the reserves. Mr. Stewart advised that the City has been informed by the

Innis Arden Board that they are not to trespass in the reserves without their expressed permission. If the Commission wants to visit the reserves, staff could attempt to arrange a tour. Commissioner Broili felt that because the Commission is being asked to make decisions that will impact the Innis Arden residents, it would be appropriate for the Commission to request a tour of the reserves.

Commissioner McClelland stated that she felt the invitation should come from the Innis Arden Board of Directors, rather than from individual property owners. The Commission should visit the reserves as a group. Commissioner Hall agreed with Commissioner McClelland's suggestion. He said anything the Commission can do to educate themselves more fully on the issues being considered would allow them to serve the community better. However, if they want to schedule this visit soon, there could be a problem with the Commission going as a group because of the public notice requirements. If they were to tour the reserves in smaller groups, they would not have to advertise the tours to the public. He suggested that the tours be arranged outside of a full Commission meeting. Commissioner Sands concurred.

Commissioner Broili said he has toured several of the reserves with private residents. During his visit, questions came up that the property owners could not answer. He suggested that it would be more valuable to take a tour of the reserves with someone who can answer questions regarding the trees and plantings.

Mr. Stewart agreed to contact the Innis Arden Board of Directors, requesting an opportunity for the individual Commissioners to visit the reserve sites. Commissioner Broili suggested that two or three dates be set up to allow a few Commissioners at a time to meet with representatives from the Board. The remainder of the Commission concurred that this would be appropriate. Someone from the audience invited the Commissioners to contact him for a private tour if their request is denied by the Innis Arden Board of Directors.

Commissioner Hall said that if the Commission is interested in gathering more information to help them in their deliberations on the Critical Area Ordinance, they should pay attention to the citizen suggestions about managing the Innis Arden reserve areas as urban parks. He noted that there are a wide variety of urban parks the Commission could review, and these would show quite a range of management. He suggested that they look at both Golden Gardens Park and Karkeek Park, which are managed differently. Commissioner McClelland pointed out that these two parks are public property, while the reserves at Innis Arden are privately owned. Commissioner Hall said his intent is for the Commission to review other ways for the reserves in Innis Arden to be managed.

Commissioner Kuboi asked if at least one of the tours of the Innis Arden Reserves could be scheduled on a weekend during the daylight hours. Mr. Stewart said he would attempt to schedule a weekend date, as well.

Commissioner Sands reminded the Commission that even if they do visit the reserves, their purpose is not to resolve whatever problems Innis Arden has regarding the trees. The purpose is really to determine what type of language should be included in the Critical Area Ordinance to address these types of issues.

13. ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

David Harris
Chair, Planning Commission

Jessica Simulcik
Clerk, Planning Commission

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Public Hearing Type C Action: Rezone Application for four parcels generally located at 17505 Linden Ave N from R-12 (Residential 12 dwelling units/acre) and O (Office) to R-24 (Residential 24 dwelling units/acre). File Number 201345.

DEPARTMENT: Planning and Development Services

PRESENTED BY: Jeff Ding, Planner I

I. PROPOSAL

This rezone application, a Quasi Judicial or “Type C Action,” before the Planning Commission is a request to change the zoning designation for four properties generally located at 17505 Linden Ave N from R-12 (Residential - 12 dwelling units per acre) and O (Office) to R-24 (Residential – 24 dwelling units per acre). A vicinity map showing existing zoning for the project site and adjacent properties is located in Attachment I. The parcels have a Comprehensive Plan Land Use designation of Mixed Use, and both the existing and proposed zoning are consistent with this designation (Attachment II illustrates the comprehensive plan land use designations).

A development proposal for the subject parcels has not been submitted at this time. However, if the rezone is approved Ronald Wastewater District has plans to construct a parking structure on two of the rezoned parcels in order to store district equipment and vehicles. At this time there are no plans to remove the district office at 17505 Linden Ave N or the single family residence on the northern most lot located at 17527 Linden Ave N. Prior to construction on the site, building and other associated permits shall be obtained. The permit submittal will be reviewed administratively and be subject to the requirements of the Shoreline Municipal Code (SMC) and the 1998 King County Storm Water Design Manual. Staff encourages applicants to submit a consolidated permit application (all permits and land use applications concurrently), however it is optional (SMC 20.30.130) and in this case the developer has chosen not to exercise it.

This report summarizes the issues associated with this project and illustrates how the proposal meets the criteria for rezone outlined in the Shoreline Municipal Code and the goals of the Comprehensive Plan.

Type C Actions are reviewed by the Planning Commission, where an Open Record Public Hearing is held and a recommendation for approval or denial is developed. This recommendation is then forwarded to City Council, who is the final decision making authority for Type C Actions.

II. FINDINGS

1. SITE

The subject sites are generally located at the southwest corner of the intersection of N 175th ST and Linden Ave N. The southern most parcel, located at 17505 Linden Ave N, contains the district offices for Ronald Wastewater. The two parcels located due north of 17505 Linden Ave N are currently vacant at this time and are used as an employee parking area. The northern most parcel contains one single family residence. Together the four parcels measure 40,168 square feet in area (approximately .92 acres). The sites are gently sloped toward the west. The highest elevation is approximately 452 feet at the northeast corner and the lowest elevation is 448 feet at the southwest corner of the parcels. Three “significant trees” are located at the western edge of the site and one is located at the east edge of 17505 Linden Ave N. A “significant tree” is defined in the Shoreline Municipal Code Title 20 as a healthy, windfirm, and nonhazardous tree eight inches or greater in diameter at breast height if it is a conifer and 12 inches or greater at breast height if deciduous. A detailed site inventory map has been provided in Attachment III. This map indicates the lot dimensions and area, structure location and other improvements, and location of trees.

2. NEIGHBORHOOD

The project site is located in the Richmond Highlands neighborhood. Access to the parcels is gained from Linden Ave N, a street that is classified as a residential street. The southern most parcel also has access from N 175th ST which is classified as a collector arterial. As indicated previously, the parcels are zoned R-12 and O and have a land use designation of mixed use. The current zoning of the parcel immediately adjacent to the west is R-18 with a current use of condominiums. The Comprehensive Plan designation to the west is high density residential. The current zoning of the parcel to the east is R-48 and the current use on this site is apartments. The Comprehensive Plan designation is Community Business. The current zoning of the parcel immediately adjacent to the north is R-12 with a current use of single family residential. Its Comprehensive Plan designation is high density residential. To the south, the current zoning is R-6, and the use is a high school. The Comprehensive Plan designation is public facilities. The zoning classifications and comprehensive plan land use designations for the project sites and immediate vicinity are illustrated in Attachments I and II.

3. TIMING AND AUTHORITY

The Shoreline Municipal Code classifies rezones as a “Type C Action”. These applications require a series of actions which are summarized in the table below.

REQUIRED ACTION	DATE COMPLETED
Pre-Application Meeting Held	March 28, 2004
Neighborhood Meeting Held (One Person Attended)	May 13, 2004

Application Date	August 31, 2004
Complete Application Date	January 10, 2005
Public Notice of Complete Application and Optional SEPA Determination of Nonsignificance (DNS) <ul style="list-style-type: none"> • Notices Mailed • Sign Posted at Site • Advertisements in Newspaper 	January 13, 2005
End of Public Comment Period (No Comments Received)	January 27, 2005
Notice of Public Hearing and SEPA Threshold Determination of Nonsignificance <ul style="list-style-type: none"> • Notices Mailed • Sign Posted at Site • Advertisements in Newspaper 	March 3, 2005
End of SEPA Appeal Period (No Appeal Received)	March 17, 2005
Planning Commission Public Hearing	April 7, 2005

4. CRITERIA

Rezone applications shall be evaluated by the five criteria outlined in Section 20.30.320 (B) of The Shoreline Municipal Code (SMC). The City Council may approve an application for rezone of property if the five decision criteria are met.

The following discussion shows how the proposal meets the decision criteria listed in Section 20.30.320(B) of the SMC. The reader will find that each of the criteria is integrated, and similar themes and concepts will run throughout the discussion of each.

Criteria 1: The rezone is consistent with the Comprehensive Plan.

The Comprehensive Plan land use map identifies the subject properties as Mixed Use. Zoning designations that are consistent with Mixed Use include R-8, R-12, R-18, R-24, R-48, O, NB, CB, RB and I. The site is currently underutilized—the north and south most parcels contain a single family residence and the Ronald Wastewater offices, the two middle parcels are currently vacant—this is not consistent with the density goals of the Comprehensive Plan which plans for these sites to accommodate between 8 to 15 dwelling units per acre or square footage to support employment within the City. The proposed zone change will allow the parcels to be developed to the level anticipated in the Comprehensive Plan.

If R-24 becomes the adopted zoning for the site there will be a range of development options. The site could be developed with variety of residential uses and a few commercial uses could be permitted as well. The R-24 zoning would also allow for Ronald Wastewater District to potentially construct a storage and parking structure for the district's equipment and vehicles. The parking structure would be approximately 36 feet by 108 feet by 12 feet tall. The proposed location of the structure is on the two

middle parcels of the site which are currently zoned O (office). As shown below, the Shoreline Development Code does not allow utility yards as a permitted use in office (O) zoned parcels, it is however allowed in the R-24 zone.

Shoreline Municipal Code (SMC) 20.40.140

GOVERNMENT							
NAICS #	SPECIFIC USE	R4- R6	R8- R12	R18- R48	NB & O	CB & NCBD	RB & I
9221	Court					P-i	P-i
92216	Fire Facility	C-i	C-i	C-i	P-i	P-i	P-i
	Interim Recycling Facility	P-i	P-i	P-i	P-i	P-i	P-i
92212	Police Facility				S	P	P
92	Public Agency or Utility Office	S-i	S-i	S	S	P	P
92	Public Agency or Utility Yard	P-i	P-i	P-i			P-i
221	Utility Facility	C	C	C	P	P	P

In 2002, Ronald Wastewater District acquired the Lake City Sewer District from Seattle Public Utilities in order to serve a greater portion of the City of Shoreline. This purchase increased the District's area of responsibility by 40%. By constructing a parking and storage area for equipment and vehicles it will allow for the District to consolidate its resources to better serve its customers. In the past, the District had rented storage space off site to store its equipment and vehicles but had to give up that area due to the pending Interurban Trail project. Constructing a parking structure on District owned property will provide a long term cost savings to the District and its rate payers within the City. The two middle parcels of the site are currently being proposed for the location of the parking structure. At this time the parcels are vacant and are being used for employee parking.

R-24 zoning is an appropriate designation for the site in order to achieve many goals and policies of the 1998 Adopted Comprehensive Plan, including:

H6: Encourage compatible infill development on vacant or underutilized sites.

Goal U I: To promote city-wide utility services that are:

- *consistent,*
- *high quality,*
- *equitable,*
- *responsive,*
- *forward looking, and*
- *efficient.*

Goal U III: To facilitate the provision of appropriate, reliable utility services whether through City owned and operated or other providers.

U17: Support efforts which will correct existing water and wastewater system deficiencies where deficiencies exist and ensure adequate infrastructure and services for all areas of the City.

Goal CF I: To provide adequate public facilities which address past deficiencies and anticipate the needs of growth through acceptable levels of service, prudent use of fiscal resources and realistic timelines.

Criteria 2: *The rezone will not adversely affect the public health, safety or general welfare.*

All development of these sites must meet the requirements of Title 20 of the SMC (the Development Code). Section 20.10.020 states the general purpose of the code is to “promote the public health, safety, and general welfare.” Future permit applications for the subject site shall show compliance with the Code, including but not limited to the following sections:

Dimensional and Density Standards 20.50.010-20.50.050

Tree Conservation 20.50.290-20.50.370

Parking Access and Circulation 20.50.380-20.50.440

Wastewater, Water Supply and Fire Protection 20.60.030-20.60.050

Surface and Stormwater Management 20.60.060-20.60.130

The adequacy of the proposal and its compliance with the Development Code requirements will be evaluated at time of permit submittal.

A SEPA determination of nonsignificance (DNS) was issued for the proposal on March 3, 2005. The optional DNS process was used for the application. Notification of the optional DNS was issued on January 13, 2005. Future development proposals for the site may also be subject to SEPA review.

Criteria 3: *The rezone is warranted in order to achieve consistency with the Comprehensive Plan.*

The subject parcels are currently zoned R-12 and O. The sites' Comprehensive Plan land use designation is *Mixed Use*. Consistent zoning designations for this land use include: R-8, R-12, R-18, R-24, R-48, Office, Neighborhood Business, Community Business, Regional Business, and Industrial.

The current zoning in the vicinity of the project includes R-48, R-18, R-12 and R-6 (see Attachment I for zoning). The uses in the area include multifamily housing, single family residential development and a high school. The subject property will take access from Linden Ave N and N 175th ST, which is designated as a collector arterial. Higher intensity development is encouraged along arterials where vehicular trips can be accommodated. R-24 zoning would be an appropriate designation for the subject sites, as it would reflect a similar level of intensity as those uses near it.

Criteria 4: The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.

Two of the parcels at the site are currently vacant and are being used for employee parking at this time. The Ronald Wastewater District proposes to construct a parking structure for vehicles and equipment on these two parcels. The structure is proposed to be approximately 36 feet by 108 feet by 12 feet high and will have room to store about 7 district vehicles and other associated equipment. In the past, the District rented space off site to store its vehicles and equipment but was forced to give up the use of that site due to construction of the Interurban Trail. At this time the District stores its vehicles and equipment behind its office which is the southern most parcel of this site located at 17505 Linden Ave N.

The proposal could have some negative impacts in terms of potentially blocking some views from adjacent properties. However, the proposal will help to clean up what currently is a vacant, dusty gravel lot and make the lot more visually appealing. It will also allow for the district to store its vehicles and equipment in an enclosed structure and out of view from any of the adjacent properties.

As with most projects there will be concerns regarding a project's impact on infrastructure such as water, sewer, stormwater, and traffic/circulation. Also, there are always concerns expressed about the loss of existing mature vegetation. The following brief summary demonstrates how the project addresses each of these.

Water & Sewer

Conditional statements from the Shoreline Wastewater Management District and Seattle Water Department indicate that adequate capacity exists for development at R-24 zoning levels.

Stormwater

All stormwater must be treated and detained per the requirements of the 1998 King County Surface Water Design Manual and the Surface and Stormwater Management sections of the SMC (20.60.060 through 20.60.130).

Traffic/Circulation

The site takes access off of Linden Ave N and N 175th ST. The exact number of P.M. peak hour vehicular trips is unknown at this time because a development proposal has not been submitted for review. Depending on the type of uses that are constructed on site (multifamily or commercial) the peak hour vehicular trips will vary. The code requires a traffic study to be done if the P.M. peak hour trips are greater than 20 (SMC 20.60.140(A)). At the time of the development proposal submittal (building permit application), traffic and pedestrian requirements/mitigation specific to the details of the project may be required.

Tree Removal

There are four significant trees located on the subject site, illustrated on the map in Attachment III. Three of the significant trees are located at the western edge of the site. The other significant tree is located at the eastern edge along Linden Ave N. The SMC requires retention of at least 20% of the significant trees (SMC 20.50.350(B)(1)). The site design for the development proposal must also meet the requirements of 20.50.350(D)(1-9) which stipulates that trees be protected within vegetated islands and stands rather than as individual, isolated trees scattered throughout the site.

Criteria 5: The rezone has merit and value for the community.

Currently, two of the parcels at this site are vacant and are being used for employee parking. In the immediate future, Ronald Wastewater District plans to construct a parking structure for district vehicles and equipment on a portion of the site. After increasing its area of responsibility in 2002 the District has had a need to consolidate its resources and provided storage for additional equipment at a feasible cost. Building a storage area on District owned property should provide a long term cost savings to Ronald Wastewater District and its customers and allow the District to better serve the citizens of Shoreline. Construction of the structure will also allow the District to store its vehicles in an enclosed structure, out of view of neighboring properties.

In all likelihood any new development will increase the amount of impervious surface area on the site; however this water will be treated and released at a rate no greater than what historically flowed from the site in a pre-developed condition. Further, a policy of the plan is to “preserve environmental quality by taking into account the land’s suitability for development and directing intense development away from natural hazards and important natural resources” (1998 Adopted Comprehensive Plan policy LU1). The site does not have any identified critical areas, it is generally flat, and it has good access to public facilities. It is logical to encourage, within the provisions of the Development Code, redevelopment and intensification of uses on parcels such as these.

Therefore it has been shown that these improvements will add benefit to the community.

III. CONCLUSIONS

1. **Consistency-** The proposed reclassification for the subject properties is consistent with the Washington State Growth Management Act, the City of Shoreline Comprehensive Plan, and the City of Shoreline Development Code.
2. **Compatibility-** The proposed zoning is consistent with existing and future land use patterns identified in the Comprehensive Plan.
3. **Environmental Review-** A SEPA threshold determination of nonsignificance (DNS) was issued on March 3, 2005. The optional DNS process was used for this project. Notification of the optional DNS was issued on January 13, 2005.
4. **Community Value-** The proposed zoning will allow for a potential parking structure for Ronald Wastewater District vehicles and equipment. This will provide a long term cost savings to the District and its customers and allow them to better serve the

needs of the City of Shoreline and its citizens. It will also allow for the vehicles to be stored in a protected area and out of view from any adjacent properties.

5. **Infrastructure Availability-** There appears to be adequate infrastructure improvements available in the project vicinity. This includes adequate water, sewer and stormwater capacity for the future development. The development of this site will also require that the infrastructure accommodate existing stormwater and that anticipated stormwater improvements be installed as part of the development proposal.

IV. PLANNING COMMISSION ROLE AND OPTIONS

As this is a Type C action, the Planning Commission is required to conduct a Public Hearing on the proposal. The Commission should consider the application and any public testimony and develop a recommendation for rezone approval or denial. The City Council will then consider this recommendation prior to their final adoption of the application.

Planning Commission has the following options for the application:

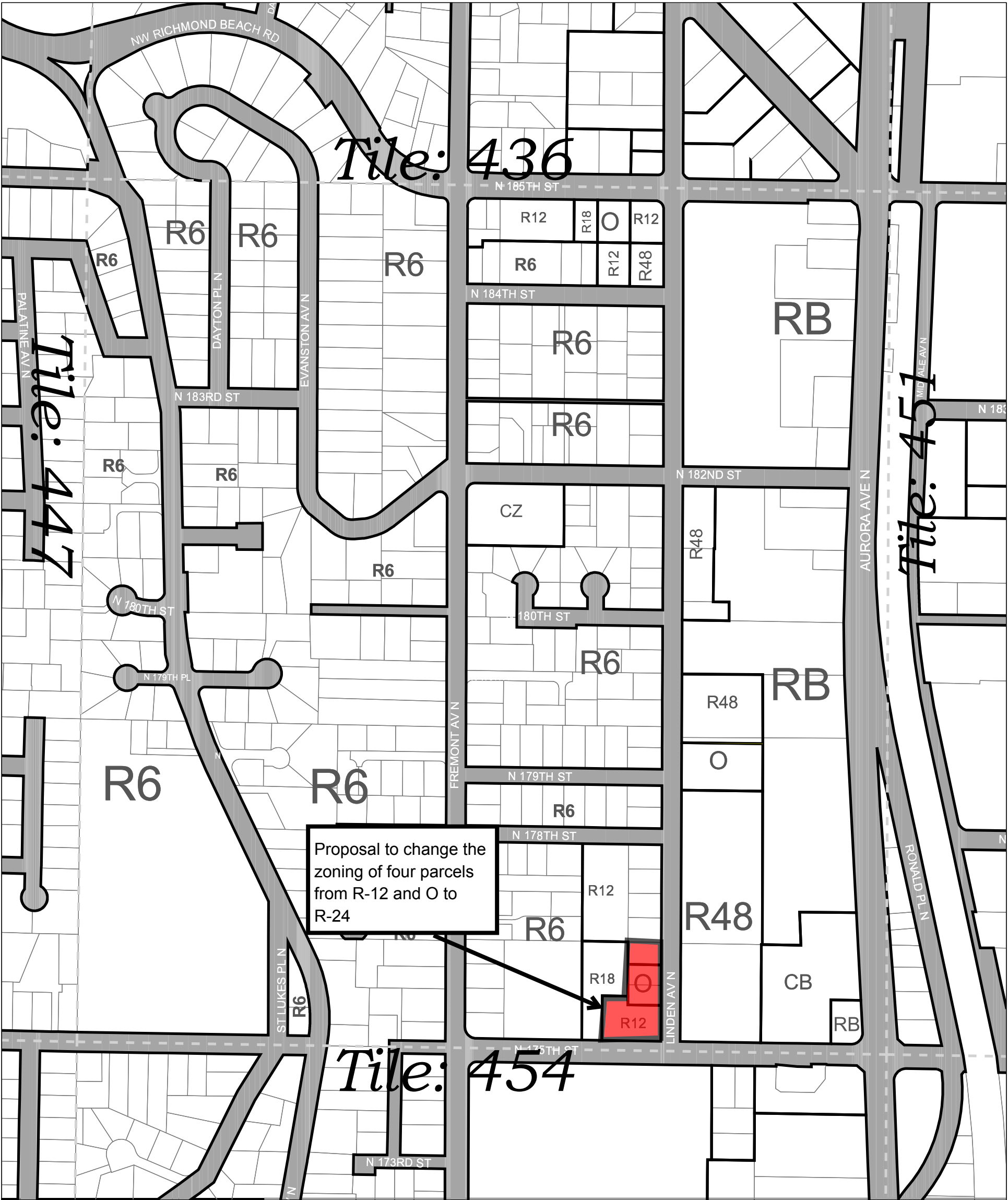
1. Recommend approval to rezone parcel numbers 0726049102, 0726049056, 0726049168 and 0726049166 from Residential 12 units per acre (R-12) and Office (O) to Residential 24 units per acre (R-24) based on the findings presented in this staff report and as shown in Attachment V.
2. Recommend denial of the rezone application and the Residential 12 units per acre (R-12) and Office (O) zoning remains based on specific findings made by the Planning Commission.

V. STAFF RECOMMENDATION

Staff recommends that the Planning Commission move to recommend to the City Council that R-24 zoning be adopted for the properties generally located at 17505 Linden Ave N (parcel numbers 0726049102, 0726049056, 0726049168 and 0726049166) and enter into findings based on the information presented in Attachment V that this proposal meets the decision criteria for the reclassification of property as outlined in the Shoreline Municipal Code Section 20.30.320.

ATTACHMENTS

- Attachment I: Vicinity Map with Zoning Designations
- Attachment II: Vicinity Map with Comprehensive Plan Designations
- Attachment III: Site Inventory Map
- Attachment IV: Aerial Photo
- Attachment V: Draft Findings and Determination of the City of Shoreline Planning Commission



SHORELINE

GEOGRAPHIC INFORMATION SERVICES

City of Shoreline
Zoning

Official Map Adopted by
City Council on Jan 7, 2002
by Ordinance No. 292

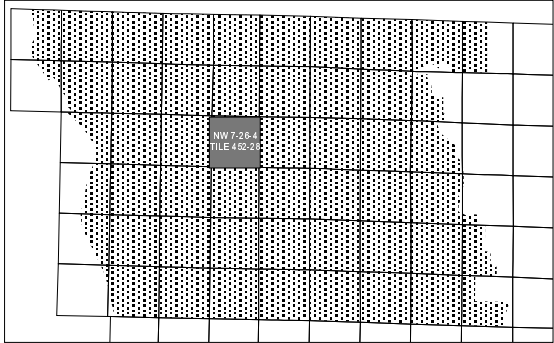
28
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NW 7-26-4

Legend

- R4 Residential, 4 units/acre
- R6 Residential, 6 units/acre
- R8 Residential, 8 units/acre
- R12 Residential, 12 units/acre
- R18 Residential, 18 units/acre
- R24 Residential, 24 units/acre
- R48 Residential, 48 units/acre
- O Office
- NB Neighborhood Business
- CB Community Business
- NCBD North City Business District
- RB Regional Business
- I Industrial
- CZ Contract Zone

- Map Index Line
- Parcel Line
- Zone District Boundary
- City Boundary
- Unclassified ROW
(Street name shown for info only)

Map Index Locator



0 100 200 300 400 Feet

City of Shoreline GIS. Cadastral, Ortho Photo,
building outlines, contour data copyrighted by
City of Seattle, 1998. All rights reserved.

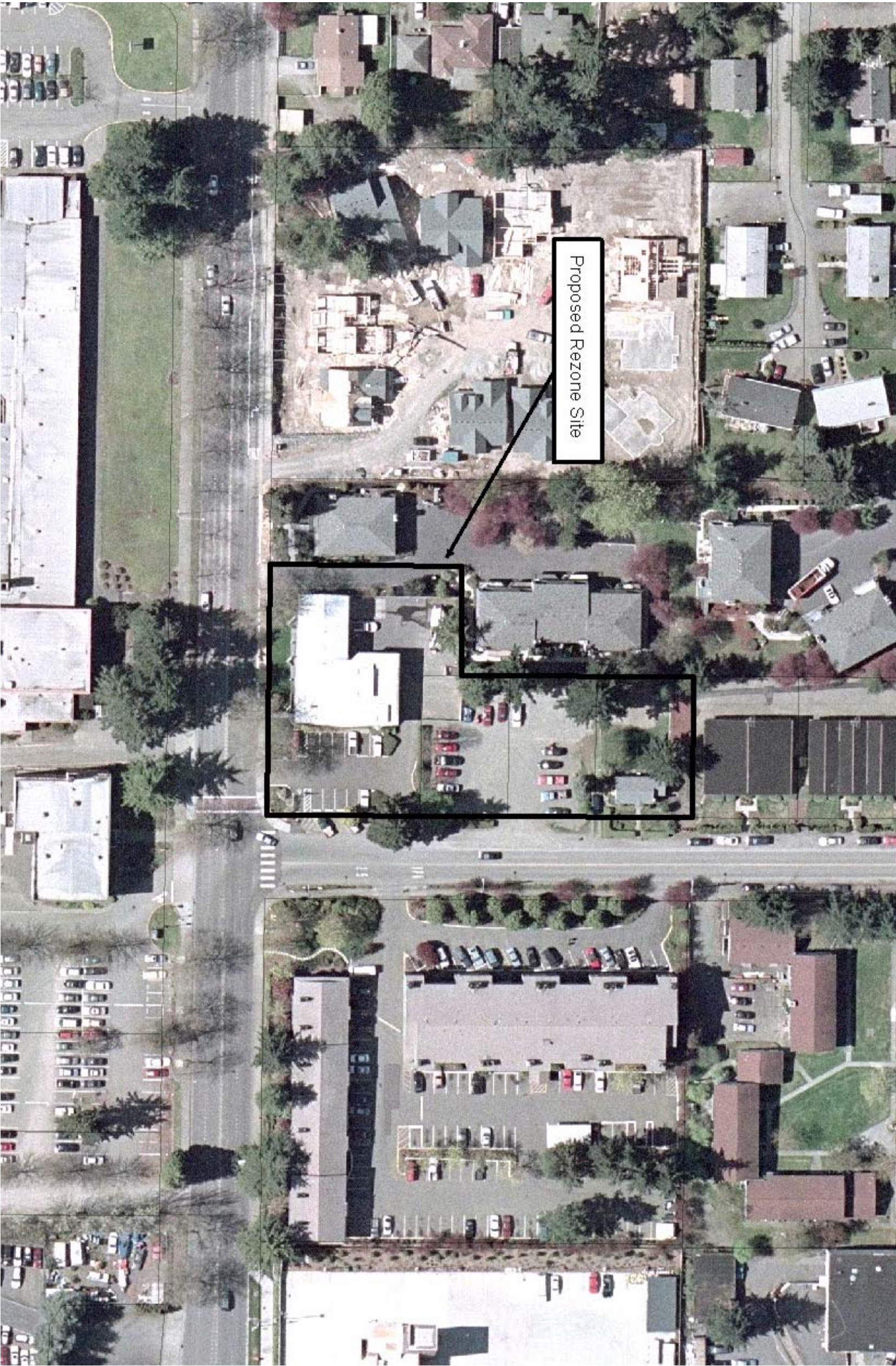
No warranties of any sort, including accuracy,
fitness, or merchantability, accompany this
product.

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DRAFT PLANNING COMMISSION FINDINGS & DETERMINATION**Findings and Determination
of the City of Shoreline Planning Commission**

Ronald Wastewater District Rezone Request, File #201345

Summary-

After reviewing and discussing the Ronald Wastewater District rezone application on April 7, 2005 the Shoreline Planning Commission did find and determine that the request for R-24 zoning is in compliance with City codes and not detrimental to the health, safety, or welfare of the City of Shoreline, and therefore recommended approval of such action.

I. FINDINGS OF FACT**1. Project Description-**

- 1.1 Action: Reclassification request to change the zoning of four parcels, two from R-12 (12 dwelling units/acre) and two from O (office) to R-24 (24 dwelling units/acre).
- 1.2 Vicinity: 17505 Linden Ave N
- 1.3 Parcel Numbers: 0726049102, 0726049056, 0726049168 and 0726049166.
- 1.4 a.) The subject properties have a land use designation "Mixed Use" as identified on the City of Shoreline's Comprehensive Plan Land Use Map.
b.) Consistent zoning for the Mixed Use land use designation is R-8, R-12, R-18, R-24, R-48, O, NB, CB, RB, and I.

2. Procedural History-

- 2.1 Pre-Application Meeting Held: March 28, 2004
- 2.2 Neighborhood Meeting Held: May 13, 2004
- 2.3 Application Date: August 31, 2004
- 2.4 Complete Application Date: January 10, 2005
- 2.5 Notice of Application with Optional SEPA Determination of Nonsignificance (DNS): January 13, 2005
- 2.6 Notice of Public Hearing and SEPA Threshold DNS: March 3, 2005
- 2.7 Public Hearing Held by the Planning Commission: April 7, 2005.

3 Public Comment-

3.1 The following individuals participated in Neighborhood Meetings:
Debbie Potastivo, 17527 Linden Ave N, Shoreline, WA 98133

3.2 Written Comments have been received from:
No written comments were received

3.3 Public Testimony was given during the Public Hearing by:
-Insert Public Hearing Testimony-

4 SEPA Determination-

4.1 The optional DNS process was used for this proposal pursuant to WAC 197-11-355. A notice of application with optional DNS was issued on January 13, 2005. During the 14 day comment period no comment letters were received. On March 3, 2005 a determination of nonsignificance was issued for the proposal.

5. Consistency-

5.1 The application has been evaluated and found to be consistent with the five criteria listed in Shoreline Municipal Code Section 20.30.320 (B).

5.2 This rezone action does not constitute approval for any development proposal. Applicable permits shall be obtained prior to construction. Permit applications shall show compliance with the 1998 King County Storm Water Design Manual and Title 20 of the Shoreline Municipal Code (SMC). Applicable sections of the SMC include but shall not be limited to the following: Dimensional and Density Standards 20.50.010, Tree Conservation 20.50.290, Surface and Stormwater Management 20.60.060, and Streets and Access 20.60.140.

II. Conclusions

1. The rezone is consistent with the Comprehensive Plan.

The redesignation from R-12 and O to R-24 is consistent with the comprehensive plan designation of "Mixed Use."

2. The rezone will not adversely affect the public health, safety or general welfare.

The future development of these sites shall show compliance with Title 20 of the Shoreline Municipal Code. Applicable sections of this code include, but are not limited to: Dimensional and Density Standards (20.50.010-20.50.050), Tree Conservation (20.50.290-20.50.370), Parking Access and Circulation (20.50.380-20.50.440), Wastewater, Water Supply and Fire Protection (20.60.030-20.60.050), Surface and Stormwater Management (20.60.060-20.60.130).

3. The rezone is warranted in order to achieve consistency with the Comprehensive Plan.

Not applicable, both the existing and proposed zoning are consistent with the Comprehensive Plan

4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.

It has been shown that the rezone and future development of the subject sites will not be detrimental to uses in the immediate vicinity. Adequate infrastructure (water, sewer, storm, etc.) exists in the area to support development at R-24 zoning.

5. The rezone has merit and value for the community.

The rezone will allow the district to consolidate its equipment and resources to provide better customer service and potential long term cost savings to the District and its customers here in the City. Further, this site is an appropriate place to accommodate development of R-24 intensity because it is free of environmentally sensitive features and it has good access to infrastructure.

III. Recommendation

Based on the Findings, the Planning Commission recommends approval of application number 201345; a rezone to R-24 (Residential; 24 units/acre) for parcel numbers 0726049102, 0726049056, 0726049168 and 0726049166 (generally located at 17505 Linden Ave N).

City of Shoreline Planning Commission

_____ Date: _____
Chairperson

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PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Critical Areas Ordinance: Planning Commission Deliberations

DEPARTMENT: Planning and Development Services

PRESENTED BY: Tim Stewart, Director, Planning and Development Services
Matthew Torpey, Planner II

EXECUTIVE SUMMARY

On March 17, 2005 the Planning Commission held an open record public hearing on the draft critical areas ordinance. Twenty five citizens and representatives of various groups spoke regarding a number of issues contained in the draft ordinance. Prior to the end of the hearing, the Commission established a deadline of March 25th to receive written public comment to be viewed prior to deliberations on April 7th.

The Planning and Development Services Department received 71 written responses to the draft ordinance. The combined comments total approximately 600 pages of information, opinion, comments and proposed amendments to the draft ordinance. The comments were sent to the Planning Commission under separate cover. Citizens may view the entirety of comments by visiting <http://www.cityofshoreline.com/cityhall/projects/criticalareas/index.cfm> or at City of Shoreline Planning and Development Services Department, City of Shoreline City Clerk's Office, Richmond Beach Library, Shoreline Library as well as the City of Shoreline Neighborhood Centers located in the Richmond Beach Shopping Center and N. 165th St and 5th Ave NE.

The City received comment letters from the Department of Community, Trade and Economic Development (comment #25a) as well as from the Department of Ecology (comment #26a). Both agencies are responsible for reviewing our critical area ordinance for compliance with best available science, the growth management act as well as state and federal law. Comments received from these agencies were generally very positive. Areas of the proposed code that both agencies commended include the ongoing use of best available science by the City as well as the general buffer increases provided for in the draft.

The remaining 69 responses from citizens and interested groups contain a wide range of views on issues related to the draft critical areas ordinance. Planning Staff encourages the Planning Commission to review all supplied comments and indicate which, if any, issues merit further research and investigation. Staff would be happy to

provide more information related to any particular proposed amendment identified by the Commission.

Attached is a comment matrix that includes amendments to the proposed code that have previously been requested by both staff and the Planning Commission. New additions to this matrix include specific recommendations from the State agencies involved in the draft critical areas ordinance review. These include adopting the Department of Ecology wetland rating system, adding an additional step to the alteration of critical areas criteria and requiring mitigation for wetland disturbances between 1,000 and 2,500 square feet.

All inquiries, questions, and comments in regards to the draft documents may be directed to Matt Torpey, Planner II. City of Shoreline, 17544 Midvale Ave. N., Shoreline, WA 98133. (206)546-3826, or email mtorpey@ci.shoreline.wa.us

STAFF RECOMMENDATION

Staff recommends that the Planning Commission begins deliberation on the draft critical areas ordinance. Staff also suggests that the Planning Commission identify to staff which additional amendments, if any, they would like to see included in the matrix. Once proposed amendments have been identified by the Commission, staff will provide any required information prior to a future Planning Commission meeting where further deliberations are to take place.

ATTACHMENTS

Attachment I: Proposed Amendments To the CAO

Proposed Changes to the Draft Critical Areas Ordinance

<i>Item #</i>	<i>Current Draft Code Section</i>	<i>Proposed Change to Draft Code</i>	<i>Proposed Draft Code Section</i>
1	<p>20.20.046 S definitions.</p> <p>Streams</p> <p>Those areas in the City of Shoreline where <u>open</u> surface waters produce a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial <u>open</u> watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction in such watercourses. <u>A channel or bed need not contain water year-round, provided that there is evidence of at least intermittent flow during years of normal rain fall.</u></p>	Remove the phrase “in the City of Shoreline.”	<p>20.20.046 S definitions.</p> <p>Streams</p> <p>Those areas in the City of Shoreline where <u>open</u> surface waters produce a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial <u>open</u> watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction in such watercourses. <u>A channel or bed need not contain water year-round, provided that there is evidence of at least intermittent flow during years of normal rain fall.</u></p>
2	<p>20.80.030 Exemptions.</p> <p>...</p> <p><u>L.</u> Educational activities, scientific research, and outdoor recreational activities, including but not limited to interpretive field trips, bird watching, and use of existing trails for horseback riding, bicycling and hiking, that will not have an adverse effect on the critical area;</p>	<p>Remove “Horseback Riding”</p> <p>Insert “public beach access and other water recreation related activities”</p>	<p>20.80.030 Exemptions.</p> <p>...</p> <p><u>L.</u> Educational activities, scientific research, and outdoor recreational activities, including but not limited to interpretive field trips, bird watching, <u>public beach access including water recreation related activities,</u> and use of existing trails for horseback riding, bicycling and hiking, that will not have an adverse effect on the critical area;</p>

Item #	Current Draft Code Section	Proposed Change to Draft Code	Proposed Draft Code Section
3	<p>20.80.080 Alteration or development of critical areas – Standards and criteria.</p> <p>All impacts to critical areas functions and values shall be mitigated. This section applies to mitigation required with all critical areas reviews, approvals and enforcement pursuant to this Chapter. This section is supplemented with specific measures under subchapters for particular critical areas. The proponent for a project involving critical areas shall seek to avoid, minimize and mitigate the impacts to the critical areas through Mitigation actions by an applicant or property owners that occur in the following sequence:</p>	Remove the phrase “seek to” from this code section	<p>20.80.080 Alteration or development of critical areas – Standards and criteria.</p> <p>All impacts to critical areas functions and values shall be mitigated. This section applies to mitigation required with all critical areas reviews, approvals and enforcement pursuant to this Chapter. This section is supplemented with specific measures under subchapters for particular critical areas. The proponent for a project involving critical areas shall seek to avoid, minimize and mitigate the impacts to the critical areas through Mitigation actions by an applicant or property owners that occur in the following sequence:</p>
4	<p>20.80.230 Required buffer areas.</p> <p>...</p> <p>D. Landslide hazard area buffers may be reduced to a minimum of 15 feet when technical studies conclusively demonstrate that the reduction will adequately protect <u>people and</u> the proposed and surrounding development from the landslide hazard.</p>	Remove “conclusively” and reword the section to reduce risk of a hazard to people and property.	<p>20.80.230 Required buffer areas.</p> <p>...</p> <p>D. Landslide hazard area buffers may be reduced to a minimum of 15 feet when technical studies conclusively demonstrate that the reduction will <u>not increase the risk of the hazard to people or property on or off site.</u></p>

Item #	Current Draft Code Section	Proposed Change to Draft Code	Proposed Draft Code Section
5	<p>20.80.270 Classification.</p> <p>Fish and wildlife habitat areas are those areas <u>designated by the City based that meet on</u> any of the following criteria, <u>review of the best available science, and input from Washington Department of Fish and Wildlife, Washington Department of Ecology and other agencies:</u></p> <p>A. The documented presence of species proposed or listed by the Federal government or State of Washington as endangered, threatened, critical, or priority <u>documented by best available science</u>; or</p> <p>B. The presence of heron rookeries or <u>priority</u> raptor nesting trees; or</p> <p>C. Type I wetlands, as defined in these regulations; or</p> <p>D. Type I streams, as defined in these regulations; or</p> <p>E. Those areas which include the presence of locally significant species, if the City has designated such species. (Ord. 238 Ch. VIII § 4(B), 2000).</p>	<p>All regulated streams and wetlands, and their buffers should be considered fish and wildlife habitat areas.</p> <p>The Puget Sound should be considered a fish and wildlife habitat area.</p>	<p>20.80.270 Classification.</p> <p>A. Fish and wildlife habitat <u>conservation areas</u> are those areas <u>designated by the City based that meet on review of the best available science; input from Washington Department of Fish and Wildlife, Washington Department of Ecology, and other agencies; and any of the following criteria, review of the best available science, and input from Washington Department of Fish and Wildlife, Washington Department of Ecology and other agencies:</u></p> <p><u>1A.</u> The documented presence of species proposed or listed by the Federal government or <u>the</u> State of Washington as endangered, threatened, critical, or priority <u>documented by best available science</u>; or</p> <p><u>2B.</u> The presence of heron rookeries or <u>priority</u> raptor nesting trees; or</p> <p><u>3.</u> <u>Streams and wetlands and their associated buffers that provide significant habitat for fish and wildlife.</u></p> <p>C. Type I wetlands, as defined in these regulations; or</p> <p>D. Type I streams, as defined in these regulations; or</p>

Item #	Current Draft Code Section	Proposed Change to Draft Code	Proposed Draft Code Section
5			<p><u>B. The City designates the following fish and wildlife habitat conservation areas that meet the above criteria, and this designation does not preclude designation of additional areas as provided in SCC 20.80.270(A):</u></p> <p><u>1. All regulated streams and wetlands and their associated buffers as determined by a qualified specialist.</u></p> <p><u>2D. The waters, bed and shoreline of Puget Sound up to its ordinary high water mark.</u></p>
6	<p>20.80.470 Classification.</p> <p><i>[Numbering is corrected in this section.]</i></p> <p>Streams shall be designated Type I, Type II, Type III, and Type IV according to the criteria in this section. When more than one stream type is present in short alternating segments on a subject property, it will be classified according to the stream type which is more restrictive.</p> <p>A. "Type I streams" are those streams identified as "Shorelines of the State" under the City Shoreline Master Program.</p> <p>B. "Type II streams" are those natural-streams that are not Type I streams and are either perennial or intermittent and <u>have salmonid fish use</u>have one of the following characteristics:</p> <p>1. Salmonid fish use;</p>	See next page for proposed change.	<p>20.80.470 Classification.</p> <p><i>[Numbering is corrected in this section.]</i></p> <p>Streams shall be designated Type I, Type II, Type III, and Type IV according to the criteria in this section. When more than one stream type is present in short alternating segments on a subject property, it will be classified according to the stream type which is more restrictive.</p> <p>A. "Type I streams" are those streams identified as "Shorelines of the State" under the City Shoreline Master Program.</p> <p>B. "Type II streams" are those natural-streams</p>

Item #	Current Draft Code Section	Proposed Change to Draft Code	Proposed Draft Code Section
	<p>2. Potential for salmonid fish use; or 3. Significant recreational value.</p> <p>C. "Type III streams" are those natural streams with perennial (year-round) or intermittent flow and are not used by salmonid fish and have no potential to be used by salmonid fish.</p> <p>D. "Type IV streams" are those streams and natural drainage swales 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.</p> <p>E. <u>For the purposes of this section, "salmonid fish use" and "used by salmonid fish" is presumed for:</u></p> <p>1. <u>Streams where naturally reoccurring use by salmonid populations has been documented by a government agency;</u> 2. <u>Streams that are 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; and</u> 3. <u>Streams that are planned for restoration in a 6-year capital improvement plan adopted by a government agency that will result in a fish passable connection to Lake Washington or Puget Sound.</u></p> <p><u>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.</u></p> <p>E. "Intentionally created streams" are those manmade streams defined as such in these regulations, and do not include streams created as mitigation. Purposeful creation must be demonstrated to the City through documentation, photographs, statements and/or other evidence. Intentionally created streams may include irrigation and drainage ditches, grass-lined swales and canals. Intentionally created streams are excluded from regulation under this subchapter, except manmade streams that provide critical habitat for species of fish and wildlife that are proposed or listed by the Federal government or State of Washington as endangered, threatened, critical, or priority species.</p>	<p>Include language to allow proposals for private dam removal to be considered when assessing fish passability.</p>	<p>that are not Type I streams and are either perennial or intermittent and have salmonid fish use have one of the following characteristics: 1. Salmonid fish use; 2. Potential for salmonid fish use; or 3. Significant recreational value.</p> <p>C. "Type III streams" are those natural streams with perennial (year-round) or intermittent flow and are not used by salmonid fish and have no potential to be used by salmonid fish.</p> <p>D. "Type IV streams" are those streams and natural drainage swales 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.</p> <p>E. <u>For the purposes of this section, "salmonid fish use" and "used by salmonid fish" is presumed for:</u></p> <p>1. <u>Streams where naturally reoccurring use by salmonid populations has been documented by a government agency;</u> 2. <u>Streams that are 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; and</u> 3. <u>Streams that are:</u> <u>a. planned for restoration in a 6-year capital improvement plan adopted by a government agency that will result in a fish passable connection to Lake Washington or Puget Sound.</u> <u>b. Planned removal of private dams that will result in a fish passable connection to Lake</u></p>

Item #	Current Draft Code Section	Proposed Change to Draft Code	Proposed Draft Code Section
	<p>Intentionally created streams that provide documented critical habitat for these species shall be classified and treated as natural streams. (Ord. 238 Ch. VIII § 8(B), 2000).</p>		<p><u>Washington or the Puget Sound.</u></p> <p><u>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.</u></p> <p>E. "Intentionally created streams" are those manmade streams defined as such in these regulations, and do not include streams created as mitigation. Purposeful creation must be demonstrated to the City through documentation, photographs, statements and/or other evidence. Intentionally created streams may include irrigation and drainage ditches, grass-lined swales and canals. Intentionally created streams are excluded from regulation under this subchapter, except manmade streams that provide critical habitat for species of fish and wildlife that are proposed or listed by the Federal government or State of Washington as endangered, threatened, critical, or priority species. Intentionally created streams that provide documented critical habitat for these species shall be classified and treated as natural streams. (Ord. 238 Ch. VIII § 8(B), 2000).</p>

Item #	Current Draft Code Section	Proposed Change to Draft Code	Proposed Draft Code Section
7	<p>20.80.480 Required buffer areas.</p> <p>...</p> <p><u>H. Restoring piped watercourses.</u></p> <p><u>1. The city encourages the opening of previously channelized/culverted streams and the rehabilitation and restoration of streams.</u></p> <p><u>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 feet 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 determine to be unfeasible by the City.</u></p> <p><u>4. Removal of pipes conveying streams shall only occur when the City determines that the proposal will result in a net improvement of water quality and ecological functions and will not significantly increase the threat of erosion, flooding, slope stability or other hazards.</u></p> <p><u>5. Where the buffer of the restored stream would extend beyond a required setback on an adjacent property, the applicant shall seek written agreement from the affected neighboring property owner. (Ord. 299 § 1, 2002; Ord. 238 Ch. VIII § 8(C), 2000).</u></p>	<p>Change the requirement, “the applicant shall seek written agreement” to “the applicant shall obtain a written agreement.”</p>	<p>20.80.480 Required buffer areas.</p> <p>...</p> <p><u>H. Restoring piped watercourses.</u></p> <p><u>1. The city encourages the opening of previously channelized/culverted streams and the rehabilitation and restoration of streams.</u></p> <p><u>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 feet 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 determine to be unfeasible by the City.</u></p> <p><u>4. Removal of pipes conveying streams shall only occur when the City determines that the proposal will result in a net improvement of water quality and ecological functions and will not significantly increase the threat of erosion, flooding, slope stability or other hazards.</u></p> <p><u>5. Where the buffer of the restored stream would extend beyond a required setback on an adjacent property, the applicant shall seek obtain a written agreement from the affected neighboring property owner. (Ord. 299 § 1, 2002; Ord. 238 Ch. VIII § 8(C), 2000).</u></p>

Item #	Current Draft Code Section	Proposed Change to Draft Code	Proposed Draft Code Section
8	<p>20.80.320 Classification.</p> <p>Wetlands, as defined by this section, shall be designated Type I, Type II, Type III, Type IV and artificial <u>classified</u> according to the following criteria:</p> <p>A. "Type I wetlands" are those wetlands which meet any of the following criteria:</p> <ol style="list-style-type: none"> 1. The presence of species proposed or listed by the Federal government or State of Washington as endangered, threatened, critical or monitored <u>priority</u>, or the presence of critical or outstanding actual or potential habitat for those species; or 2. Wetlands having 40 percent to 60 percent open water in dispersed patches with two or more wetland subclasses of vegetation; or 3. High quality examples of a native wetland listed in the terrestrial and/or aquatic ecosystem elements of the Washington Natural Heritage Plan that are presently identified as such or are determined to be of Heritage quality by the Department of Natural Resources; or 4. The presence of plant associations of infrequent occurrence. These include, but are not limited to, plant associations found in bogs and in wetlands with a coniferous forested wetland class or subclass occurring on organic soils. <p>B. "Type II wetlands" are those wetlands which are not Type I wetlands</p>	<p>Adopt the Washington State Department of Ecology's Washington State Wetland Rating System for Western Washington.</p>	<p>Section 20.80.320 would need to be repealed in it's entirety. A new section 20.80.320 could adopt Ecology's manual by reference. The manual is viewable at</p> <p>http://www.ecy.wa.gov/biblio/0406025.html</p>

<i>Item #</i>	<i>Current Draft Code Section</i>	<i>Proposed Change to Draft Code</i>	<i>Proposed Draft Code Section</i>
	<p>and meet any of the following criteria:</p> <ol style="list-style-type: none">1. Wetlands greater than one acre (43,560 sq. ft.) in size;2. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size and have three or more wetland classes; or3. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size, and have a forested wetland class or subclasses. <p>C. "Type III wetlands" are those wetlands that are equal to or less than one acre in size and that have one or two wetland classes and are not rated as Type IV wetlands, or wetlands less than one-half acre in size having either three wetlands classes or a forested wetland class or subclass.</p> <p>D. "Type IV wetlands" are those wetlands that are equal to or less than 2,500 square feet, hydrologically isolated and have only one, unforested, wetland class.</p> <p>E. "Artificially created wetlands" are those landscape features, ponds and stormwater detention facilities purposefully or accidentally created. Artificially created wetlands do not include wetlands created as mitigation or wetlands modified for approved land use activities. Purposeful or accidental creation must be demonstrated to the City through documentation, photographs, statements or other evidence. Artificial wetlands intentionally created from nonwetland sites for the purposes of wetland mitigation are</p>		

Item #	Current Draft Code Section	Proposed Change to Draft Code	Proposed Draft Code Section
	regulated under this subchapter. (Ord. 238 Ch. VIII § 5(B), 2000).		
9	<p>20.80.030 (F) exemptions</p> <p>F. Activities affecting <u>isolated</u> Type IV wetlands which are individually smaller than 1,000 square feet and/or cumulatively smaller than 2,500 square feet in size <u>where 80 percent or greater of the wetland area has been altered or is covered by invasives and the wetland has been determined to be of low hydraulic and habitat function;</u></p>	When cumulative impacts will be between 1,000 and 2,500 square feet, the City should require mitigation.	<p>20.80.030 (F) exemptions</p> <p>F. Activities affecting <u>isolated</u> Type IV wetlands which are individually smaller than 1,000 square feet.</p>
10	<p>20.80.080 Alteration or development of critical areas – Standards and criteria.</p> <p>All impacts to critical areas functions and values shall be mitigated. This section applies to mitigation required with all critical areas reviews, approvals and enforcement pursuant to this Chapter. This section is supplemented with specific measures under subchapters for particular critical areas. The proponent for a project involving critical areas shall seek to avoid, minimize and mitigate the impacts to the critical areas through Mitigation actions by an applicant or property owner shall that occur in the following sequence:</p> <p>A. Avoiding the impact altogether by not taking a certain action or parts of actions;</p> <p>B. Minimizing impacts by limiting the degree or magnitude of the action</p>	As defined by the WAC 197-11-768, mitigation is a sequence of six steps to be followed. Add “Monitoring the impact and taking appropriate corrective measures”.	<p>20.80.080 Alteration or development of critical areas – Standards and criteria.</p> <p>All impacts to critical areas functions and values shall be mitigated. This section applies to mitigation required with all critical areas reviews, approvals and enforcement pursuant to this Chapter. This section is supplemented with specific measures under subchapters for particular critical areas. The proponent for a project involving critical areas shall seek to avoid, minimize and mitigate the impacts to the critical areas through Mitigation actions by an applicant or property owner shall that occur in the following sequence:</p> <p>A. Avoiding the impact altogether by not taking a</p>

Item #	Current Draft Code Section	Proposed Change to Draft Code	Proposed Draft Code Section
	<p>and its implementation;</p> <p>C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;</p> <p>D. Reducing or eliminating the impact over time through preservation and maintenance operations during the life of the action; and/or</p> <p>E. Compensating for the impact by replacing or providing substitute resources or environments. (Ord. 324 § 1, 2003; Ord. 238 Ch. VIII § 2(B), 2000. Formerly 20.80.170.).</p>		<p>certain action or parts of actions;</p> <p>B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;</p> <p>C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;</p> <p>D. Reducing or eliminating the impact over time through preservation and maintenance operations during the life of the action; and/or</p> <p>E. Compensating for the impact by replacing or providing substitute resources or environments. (Ord. 324 § 1, 2003; Ord. 238 Ch. VIII § 2(B), 2000. Formerly 20.80.170.).</p> <p><u>F. Monitoring the impact and taking appropriate corrective measures.</u></p>
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Memorandum

Date: March 31, 2005

To: Planning Commission

From: Andrea L. Spencer

Re: Annual Election of Officers

The Planning Commission Bylaws state that, “The Commission shall elect a Chair and a Vice Chair each year. Generally, officers shall be elected and take office annually at the first regular public meeting of the Commission in April. Such election shall take place as the first item of new business of that meeting, and elected officers shall assume their duties at the close of elections.” **In accordance with the Bylaws, the election of chair and vice chair will be held Thursday, April 7th.**

Any commissioner can be nominated and serve as Chair or Vice Chair. Both Chair Harris and Chair Piro are eligible to serve a second term in their positions.

Commissioners may nominate themselves. No second is required for a nomination. Commissioners may also be nominated for more than one office.

Attached is the section from the Planning Commission Bylaws regarding officers and elections. If you have any questions, please call or email Jessica Simulcik at 206-546-1508 or jsimulcik@ci.shoreline.wa.us .

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SECTION 3: DUTIES OF THE OFFICERS

CHAIR: The Chair shall preside at all meetings and public hearings and shall call special meetings when necessary. The Chair shall be a full voting member of the Commission. The Chair shall account for expenditures of budgeted Commission funds, sign minutes and official papers, appoint all committees and their respective Chairs, and act as an *ex-officio* member of each, but without voting privileges. The Chair may delegate duties to other Commissioners with the consent of the Commission. The Chair shall speak on behalf of the Commission before the City Council, the public and City staff.

A term of Office shall be defined as one year. A Commissioner may serve as Chair for no more than two consecutive terms.

VICE CHAIR: The Vice Chair shall perform the duties of the Chair in the absence of the same. The Vice Chair may also serve as convener of special committees. The Vice Chair shall speak on behalf of the Commission before the City Council, the public and City staff when the Chair is not available to speak.

A term of Office shall be defined as one year. A Commissioner may serve as Vice Chair for no more than two consecutive terms.

ARTICLE III - ELECTIONS

The Commission shall elect a Chair and a Vice Chair each year. Generally, officers shall be elected and take office annually at the first regular public meeting of the Commission in April. Such election shall take place as the first item of new business of that meeting, and elected officers shall assume their duties at the close of elections.

The election of Chair will be conducted by the Planning Commission Clerk. No one Commissioner may nominate more than one person for a given office until every member wishing to nominate a candidate has an opportunity to do so. Nominations do not require a second. The Clerk will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make any further nomination, the Clerk will ask again for further nominations and if there are none, the Clerk will declare the nominations closed. A motion to close the nominations is not necessary.

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Memorandum

DATE: March 31, 2005
TO: Planning Commission
FROM: Andrea L. Spencer, Senior Planner
RE: Proposed Bylaw Changes

At the March 10, 2005 Planning Commission retreat it was suggested that the agenda be amended to include an item called the “Director’s Report.” The Planning Commission Bylaws establish the order of business for both regular and public hearing meetings, and to add an additional order of business will require an amendment to the bylaws.

The Bylaws under Article IX “Amendments” state that the bylaws may be amended at any regular or special meeting by a majority vote of the membership.

I have developed a draft amendment to the bylaws for your review to include the “Director’s Report” for both the regular and public hearing meeting agendas – please see page 4 of the attached draft for the addition.

I have highlighted all changes to the bylaws in yellow to aid the reader in quickly finding the amendments.

Other items have been highlighted – these are pure “housekeeping” items such as updating dates or signature lines, and the correction of the spelling of “bylaws” (previously it was published as “by-laws”).

Please call me at 206.546.1418 if you have any questions about the proposed amendments.

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PLANNING COMMISSION BYLAWS

**Adopted
February 15, 1996
Revised
November 6, 1997
Revised
October 15, 1998
Revised
January 18, 2001
Revised
April 5, 2001
Revised
April 3, 2003
Revised
April 7, 2005**

ARTICLE I - MEMBERSHIP

The Shoreline Planning Commission shall consist of nine (9) members, appointed by the Mayor and confirmed by the City Council but a fewer number, not less than five (5), shall constitute a lawful Commission.

ARTICLE II - OFFICERS AND DUTIES

SECTION 1: DUTIES OF THE COMMISSION

As established by City of Shoreline Ordinance No. 36, the Commission shall undertake the duties and responsibilities defined in Section 6 in accordance with the purpose stated in Section 1 of that ordinance.

SECTION 2: OFFICERS

Officers shall be a Chair and a Vice-Chair; both elected members of the Commission. In absence of both the chair and vice chair, members shall elect a Chair *pro tem*.

SECTION 3: DUTIES OF THE OFFICERS

CHAIR: The Chair shall preside at all meetings and public hearings and shall call special meetings when necessary. The Chair shall be a full voting member of the Commission. The Chair shall account for expenditures of budgeted Commission funds, sign minutes and official papers, appoint all committees and their respective Chairs, and act as an *ex-officio* member of each, but without voting privileges. The Chair may delegate duties to other Commissioners with the consent of the Commission. The Chair shall speak on behalf of the Commission before the City Council, the public and City staff.

A term of Office shall be defined as one year. A Commissioner may serve as Chair for no more than two consecutive terms.

VICE CHAIR: The Vice Chair shall perform the duties of the Chair in the absence of the same. The Vice Chair may also serve as convener of special committees. The Vice Chair shall speak on behalf of the Commission before the City Council, the public and City staff when the Chair is not available to speak.

A term of Office shall be defined as one year. A Commissioner may serve as Vice Chair for no more than two consecutive terms.

SECTION 4: DUTIES OF THE CLERK OF THE COMMISSION

CLERK OF THE COMMISSION: The Clerk shall record and retain, by electronic means, each meeting for the official record and shall prepare summary minutes for the Commission, maintain official records and prepare legal notification for all meetings and quasi-judicial proceedings.

ARTICLE III - ELECTIONS

The Commission shall elect a Chair and a Vice Chair each year. Generally, officers shall be elected and take office annually at the first regular public meeting of the Commission in April. Such election shall take place as the first item of new business of that meeting, and elected officers shall assume their duties at the close of elections.

The election of Chair will be conducted by the Planning Commission Clerk. No one Commissioner may nominate more than one person for a given office until every member wishing to nominate a candidate has an opportunity to do so. Nominations do not require a second. The Clerk will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make any further nomination, the Clerk will ask again for

further nominations and if there are none, the Clerk will declare the nominations closed. A motion to close the nominations is not necessary.

After nominations have been closed, voting for the Chair takes place in the order nominations were made. Commissioners will be asked to vote by a raise of hands.

As soon as one of the nominees receives a majority vote (five votes), the Clerk will declare him/her elected. No votes will be taken on the remaining nominees. A tie vote results in a failed nomination. If none of the nominees receives a majority vote, the Clerk will call for nominations again and repeat the process until a single candidate receives a majority vote. Upon election, the Chair conducts the election for Vice Chair following the same process.

Should the Chair be vacated prior to the completion of the Term, the Vice-Chair shall assume the duties and responsibilities of the Chair for the remainder of the said Term. The Chair shall then conduct elections for a new Vice-Chair.

Should the Vice-Chair be vacated prior to the completion of the Term, the Chair shall conduct elections for a new Vice-Chair to serve out the remainder of the Term.

Time spent fulfilling a vacated Term shall not count towards the two consecutive Term limit for Chair and for Vice-Chair.

ARTICLE IV - MEETINGS

SECTION 1: SCHEDULE

The Planning Commission shall hold regular meetings according to the following schedule:

First and Third Thursday of each month. The meetings shall begin at 7:00 p.m. and end at 9:30 p.m. unless modified by the Commission. Should a regular meeting day be a legal holiday, the scheduled meeting shall be postponed to the succeeding Thursday, unless a majority of the Commission votes to select another day or to cancel the meeting.

A special meeting may be called by the Chair of the Commission, the City Council or Mayor, City Manager or designee, or by the written request of any three (3) Commissioners, providing a 10 day public notice period.

SECTION-2: PURPOSE OF SPECIAL MEETINGS

Special meetings called in accordance with Section 1 of this article shall be called for a specific purpose or purposes, and the announcement for such special meeting shall clearly state such purpose(s). In addition, a specific agenda shall be attached to the announcement of a special meeting delineating the order of business addressing the meeting purpose. The agenda for a special meeting need not conform to that specified in Section 3 of this Article.

SECTION 3: ORDER OF BUSINESS

The order of business for each **regular** meeting of the Commission shall be as follows:

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. **DIRECTOR'S REPORT**
45. APPROVAL OF MINUTES
56. GENERAL PUBLIC COMMENT
67. REPORTS OF COMMITTEES & COMMISSIONERS
78. STAFF REPORTS
89. PUBLIC COMMENT
910. UNFINISHED BUSINESS
1011. NEW BUSINESS
1112. AGENDA FOR NEXT MEETING
1213. ADJOURNMENT

The order of business for each meeting that includes a **Public Hearing** shall be as follows:

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. **DIRECTOR'S REPORT**
45. APPROVAL OF MINUTES
56. GENERAL PUBLIC COMMENT
67. PUBLIC HEARING
 - A. STAFF REPORT
 - B. APPLICANT TESTIMONY (IF APPLICABLE)
 - C. PUBLIC TESTIMONY OR COMMENT
 - D. CLOSE PUBLIC HEARING
78. COMMISSION DELIBERATIONS
89. REPORTS OF COMMITTEES AND COMMISSIONERS
910. UNFINISHED BUSINESS
1011. NEW BUSINESS
1112. ANNOUNCEMENTS
1213. AGENDA FOR NEXT MEETING
1314. ADJOURNMENT

SECTION 4: PUBLIC COMMENT

Planning Commission meetings allow the public to express its views. The Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled for that agenda during the General Public Comment period. Each member of the public may comment for up to two minutes. However, Item 5 (the General Public Comment) period will be limited to a maximum of twenty minutes. Each member of the public may also comment for up to two minutes on action items after each staff report has been presented.

During Public Hearings, the public testimony or comment follows the Staff Report. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. In all cases, speakers are asked to come to the front of the room to have their comments recorded. Each speaker must begin by clearly stating their first and last name, and address. The rules for procedure for Public Hearings before the Planning Commission are further defined in Resolution No. 182.

ARTICLE V - RULES OF MEETINGS***SECTION 1: ABSENCES***

Unexcused absence from more than three (3) consecutive meetings shall be cause for removal. Members shall communicate with the Chair of the Commission or the Vice Chair or the Planning & Development Services Director prior to the meeting with requests for excused absences. Emergency requests may be considered. The Chair of the Commission may approve the excused absence.

SECTION 2: QUORUM

The presence of five (5) members constitutes a quorum, and is required for the Commission to take any action other than to adjourn.

SECTION 3: RULES OF PROCEDURE

The current edition of Robert's Rules of Order shall provide the basis for meeting structure and official decisions shall be made by motion and vote of the Commission.

SECTION 4: VOTING

In instances where a vote is called for or required, the present majority is sufficient to act (providing a quorum is present). Each member shall have one vote and no proxies shall be allowed. Present members may abstain for cause. The Chair may vote on any issue, and shall vote in the event of a tie. No action is taken if the Chair votes and the tie continues. A majority vote shall carry, and minority opinions shall be formally registered in the summary minutes and reported to the City Council.

SECTION 5: RECESSES / CONTINUATIONS

Meetings shall be adjourned at 9:30 p.m., unless a present majority votes to waive this requirement. Continuations of meetings shall be to a definite time and place, by majority vote of present members.

ARTICLE VI - COMMITTEES

Standing and *ad hoc* committees may be appointed by the Commission Chair. Standing committees shall serve at the pleasure of the Commission and special committees shall also serve for such purposes and terms as the Commission approves. Committees shall establish their own meeting schedule, and the deliberations thereof shall take the form of written reports, submitted to the entire Commission.

ARTICLE VII - CONFLICT OF INTEREST

The Chair shall routinely ask members if they have a conflict of interest with any item on the agenda. Such conflict(s) must be publicly announced at the earliest possible opportunity, and the member shall step down during the particular case(s), neither deliberating nor voting on same.

ARTICLE VIII - APPEARANCE OF FAIRNESS

The members of the Planning Commission in considering quasi-judicial matters, shall maintain the appearance of fairness as required by law.

ARTICLE IX - AMENDMENTS

These **Bylaws** may be amended or repealed and new **Bylaws** may be adopted at any regular meeting or special meeting by a majority vote of the membership. A copy of the proposed **Bylaws**, or amendments thereto, shall be furnished to each member at least three (3) days prior to the date of the meeting. All amendments to the **bylaws** shall be submitted to the Mayor and City Council for their information.

It is hereby understood that the undersigned Clerk of the Planning Commission does hereby certify that the above and foregoing **Bylaws** were duly adopted by the members of the Commission as the **Bylaws** of the Commission on the 7th day of April 2005, and that they do now constitute the **Bylaws** of the City of Shoreline Planning Commission.

Jessica Simulcik
Clerk, Planning Commission

SIGNED BY:

David Harris
Chair, Planning Commission

Timothy M. Stewart
Planning & Development Services Director