

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

Thursday, April 21, 2005  
7:00 p.m.

Shoreline Conference Center | Board Room  
18560 1st Ave NE

	<u><b>Estimated Time</b></u>
1. CALL TO ORDER	<b>7:00 p.m.</b>
2. ROLL CALL	<b>7:01 p.m.</b>
3. APPROVAL OF AGENDA	<b>7:02 p.m.</b>
4. DIRECTOR'S REPORT	<b>7:03 p.m.</b>
5. APPROVAL OF MINUTES a. March 17, 2005 b. April 7, 2005	<b>7:08 p.m.</b>
6. GENERAL PUBLIC COMMENT	<b>7:10 p.m.</b>

*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.*

7. REPORTS OF COMMITTEES AND COMMISSIONERS	<b>7:15 p.m.</b>
8. STAFF REPORTS a. 2004-2005 Comprehensive Plan Amendment Docket – Echo Lake Only*	<b>7:25 p.m.</b>
9. UNFINISHED BUSINESS a. Planning Commission Retreat Follow-up	<b>8:45 p.m.</b>
10. NEW BUSINESS	<b>9:30 p.m.</b>
11. AGENDA FOR Wednesday May 4 <sup>th</sup> (Special Meeting) & Thursday May 5 <sup>th</sup> (Regular Meeting) Joint Public Meeting with Hearing Examiner and Echo Lake Site-Specific SEPA Appeal	<b>9:35 p.m.</b>
12. ADJOURNMENT	<b>9:40 p.m.</b>

*\*Deliberations and Recommendations for File No. 201371 (Fremont Place), File No. 201277 (15<sup>th</sup> Avenue) and File No. 301275 (Linden Avenue) were completed under Agenda Item 8.a at the April 14<sup>th</sup>, 2005 Planning Commission Special Meeting.*

*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 –12<sup>th</sup> 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 – 1<sup>st</sup> 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 155<sup>th</sup>**, 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 17<sup>th</sup> 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 – 10<sup>th</sup> 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 147<sup>th</sup>**, 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 – 10<sup>th</sup> 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 the definitions in section 20.20 of the draft ordinance, 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 his exhibit 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 – 10<sup>th</sup> 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 – 13<sup>th</sup> 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 14<sup>th</sup>, 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 – 112<sup>th</sup> 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 148<sup>th</sup> 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 – 10<sup>th</sup> 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 155<sup>th</sup>**, 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 155<sup>th</sup>**, 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 – 10<sup>th</sup> 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 – 17<sup>th</sup> 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 147<sup>th</sup> 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 – 14<sup>th</sup> 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 – 12<sup>th</sup> 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 – 12<sup>th</sup> 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 – 13<sup>th</sup> 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 – 12<sup>th</sup> Avenue Northwest**, pointed out that Boeing Creek is frequently referred to as a big washout. The Boeing Creek washout on 175<sup>th</sup> 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 – 15<sup>th</sup> 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 31<sup>st</sup>, or they could begin their deliberations on April 7<sup>th</sup>. He noted that there is another item on the April 7<sup>th</sup> 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 31<sup>st</sup> 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 25<sup>TH</sup> WITH COMMISSION'S DELIBERATION STARTING ON APRIL 7<sup>TH</sup>. THE AMENDED MOTION WAS APPROVED UNANIMOUSLY.

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

## **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 23<sup>rd</sup> 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 9<sup>th</sup> *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 4<sup>th</sup> – 8<sup>th</sup>. The Bi-Annual Conference of the Society for Ecological Restoration is scheduled for April 11<sup>th</sup> – 15<sup>th</sup>. As part of this conference, a major event would be held on April 13<sup>th</sup> 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 15<sup>th</sup> Avenue at about 180<sup>th</sup> 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 31<sup>st</sup> 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 14<sup>th</sup> 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 21<sup>st</sup> regular Commission Meeting. A public hearing for the Ronald Wastewater District rezone is scheduled for April 7<sup>th</sup>. Mr. Stewart said staff is also anticipating the Commission would have time at their April 7<sup>th</sup> meeting to begin their debate on the Critical Area Ordinance.

Commissioner Sands inquired if the cottage housing workshop that is scheduled for May 5<sup>th</sup> 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.

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David Harris  
Chair, Planning Commission

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Jessica Simulcik  
Clerk, Planning Commission

# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

April 7, 2005  
7:00 P.M.

Shoreline Conference Center  
Board Room

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### PRESENT

Chair Harris  
Commissioner Sands  
Commissioner McClelland (arrived at 7:30 p.m.)  
Commissioner Kuboi  
Commissioner Phisuthikul  
Commissioner Hall  
Commissioner Broili  
Commissioner MacCully (arrived at 9:50 p.m.)

### 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  
Jeff Ding, Planner I, Planning & Development Services  
Jessica Simulcik, Planning Commission Clerk

### ABSENT

Vice Chair Piro

### 1. CALL TO ORDER

The regular meeting was called to order at 7:05 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, Phisuthikul and Broili. Vice Chair Piro was excused. Commissioner McClelland arrived at 7:30 p.m. and Commissioner MacCully arrived at 9:50 p.m.

### 3. APPROVAL OF AGENDA

The agenda was approved as presented.

### 4. APPROVAL OF MINUTES

The Commission postponed approval of the March 17<sup>th</sup> minutes until the April 21<sup>st</sup> meeting.

## **5. GENERAL PUBLIC COMMENT**

**Eric Cheney, 17790 – 15<sup>th</sup> Avenue Northwest**, expressed his concern about a proposal on the table that would allow irrigation wells to fight the present day drought, particularly in Innis Arden. He introduced Steven Porter (18034 – 15<sup>th</sup> Avenue Northwest) and J. Michael Brown (16945 – 14<sup>th</sup> Avenue Northwest) who were not present but support his remarks. He said all three of them have Ph.D.'s in earth science, and he is a licensed geologist in the State of Washington. Mr. Cheney said it appears the proposal to drill irrigation wells in Innis Arden has proceeded without any geologic or hydrologic studies being done. He suggested, therefore, that the proposal is premature. While most people believe the geology of Shoreline is a porous sponge, it is actually made up of layers, some which transmit water (aquifers) and some which do not. He suggested that a number of important questions must be answered. For example, where in Shoreline would the wells be drilled and how deep? If irrigation wells are put into the main aquifer, would that seriously affect water going into the streams in the area? Would the reduction of water into those streams seriously affect the flora and fauna? Would the reduction of water from the aquifer seriously affect the runoff water and the soil moisture, which many Innis Arden residents now rely upon for their lawns and gardens? Would the periodic withdrawal and subsequent recharge of the water sufficiently affect ground conditions? Would it cause subsidence or slope failure? Would the withdrawal of water from shallow aquifers sufficiently deplete the water table resulting in insufficient surface water for the surrounding neighbors? Mr. Cheney concluded that the questions he voiced should be answered before any proposal for irrigation wells is seriously considered in Innis Arden or anywhere else in Shoreline.

**Elaine Phelps, 17238 – 10<sup>th</sup> Avenue Northwest**, noted that when people purchase property and then demand that everyone down slope of them cut the trees and keep the structures low to protect their view, they are actually imposing a financial disadvantage on the people down slope for their own personal gain. She cautioned that before the Commission considers allowing trees to be cut to protect views, they should think about the whole environmental structure, and not just benefits to individual property owners. She concluded that she is not against people obtaining personal benefits, if they do not create a disadvantage for everybody else.

## **6. STAFF REPORTS**

### **Public Hearing on Rezone File No. 201345 (Ronald Wastewater District, 17505 Linden Avenue North)**

Chair Harris reviewed the rules and procedures for the quasi-judicial public hearing then opened the public hearing. He asked if any of the Commissioners had received any ex-parte communications regarding the subject of the hearing. None of the Commissioners indicated an Appearance of Fairness concern. No one in the audience voiced a concern, either.

Jeff Ding, Planner, presented the staff report for Rezone Application 201345. He explained that the subject of the rezone application is four parcels of land located on the corner of North 175<sup>th</sup> and Linden

Avenue North, which are all owned by the Ronald Wastewater District. The proposal is to rezone the parcels from R-12 and Office to R-24. He reminded the Commission that because this is a quasi-judicial action, the Shoreline Municipal Code requires that they conduct a public hearing and make a formal recommendation to the City Council. The Planning Commission has two options.

- Recommend approval to rezone the subject parcels from R-12 and O to R-24 based on the findings presented in the report and public hearing.
- Recommend denial of the rezone application, in which case the R-12 and O zoning would remain based on specific findings made by the Commission.

Mr. Ding provided an aerial photograph of the area and specifically pointed out the four subject parcels. He noted that the Ronald Wastewater District office is located at the southern most parcel. The two middle parcels are both vacant and consist of a gravel lot that is used for employee parking. The northern most property is currently developed as a single-family rental home that is owned by the District and is being rented out. He provided a photograph of the southern most property, which contains the office building and parking for customers. He noted that the District is currently storing vehicles on the northwest portion of the parcel. He also provided specific photographs to illustrate the current uses of the two vacant parcels in the middle and the parcel to the north.

Mr. Ding reminded the Commission that rezone applications must be evaluated based on the five criteria that are outlined in the Shoreline Municipal Code 20.30.320(B). He reviewed each of the criteria as it relates to the specific proposal:

- 1. The rezone is consistent with the Comprehensive Plan.** Mr. Ding explained that the current Comprehensive Plan designation for the four parcels is mixed-use, which has a compatible zoning designations ranging from R-8 through R-48 and several commercial designations. The proposed R-24 designation would be consistent and compatible with the current mixed-use Comprehensive Plan designation. He further explained that in the future the District plans to construct a parking and storage structure on the two vacant parcels, and this type of use would be permitted in an R-24 zone and is consistent with several Comprehensive Plan goals and policies such as: Policy H-6 to encourage infill development on underutilized parcels; Goal U-I to promote City-wide utilities that are consistent, high quality and forward looking; Goal U-III to facilitate provision of appropriate utility services; Policy U-17 to support efforts to ensure adequate infrastructure and utility services; and Goal CF-1 to provide adequate public facilities and anticipate the needs of future growth.
- 2. The rezone will not adversely affect the public health, safety or general welfare.** Mr. Ding pointed out that at the time of permit application, the project would be reviewed for compliance with Title 20 of the Shoreline Municipal Code. He specifically reviewed the following applicable sections that would be used in review of a permit application: density and dimensions (setback requirements, building coverage, impervious coverage percentages); tree conservation; parking, access and circulation; landscaping; wastewater, water supply and fire protection; and surface and stormwater management. Mr. Ding advised that a SEPA Determination of non-significance was issued for the proposal on March 3, 2005, and future development proposals might also be subject to SEPA review, as well.

3. **The rezone is warranted in order to achieve consistency with the Comprehensive Plan.** Mr. Ding reviewed the list of consistent zoning districts for the mixed-use designation. He advised that the current zoning designations of R-12 and Office are both consistent with the current mixed-use designation, and the proposed R-24 would be consistent, as well.
  
4. **The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.** Mr. Ding advised that with construction of the parking structure, there could potentially be a conflict with views from some of the neighboring properties. However, there are other issues of concern that must be addressed such as:
  - **Access from arterial streets.** Mr. Ding explained that the site is currently accessed from North 175<sup>th</sup> Street, as well as Linden Avenue North. With the construction of a parking structure, the access to all four parcels would not change.
  - **Traffic and Circulation.** Mr. Ding advised that peak hour trips for the proposed structure are currently unknown at this time, but the code requires that the applicant complete a traffic study if PM Peak hour trips exceed 20. Traffic or pedestrian mitigation could be required at the time an application is submitted.
  - **Availability of Water and Sewer.** Mr. Ding further explained that both the Ronald Wastewater District and Seattle Public Utilities have indicated adequate capacity for the R-24 zoning designation, with the submittal of water and sewer availability certificates.
  - **Tree Retention.** Mr. Ding said there are currently four significant trees on the site, and the code would require the retention of at least 20 percent of the significant trees for any development application. At the time of building permit submittal, tree retention, protection and replacement requirements would be reviewed.
  - **Stormwater.** Mr. Ding advised that stormwater must be treated and detained as per the 1998 King County Surface Water Design Manual and Surface and Stormwater Management Sections of the Development Code. Stormwater would also be reviewed as a portion of any building permit for construction of the parking structure.
  
5. **The rezone has merit and value for the community.** Mr. Ding reviewed that in 2002, the Ronald Wastewater District increased its service area by 40 percent, to include almost all of the City of Shoreline. Since that time, they have had a need to consolidate their resources and store extra equipment, and constructing a parking/storage structure would fulfill that need. It would also provide a long-term cost savings to the District and its customers and allow them to provide better service to the citizens of Shoreline. The construction of the storage structure would allow the District to store their vehicles and equipment out of view of the neighboring properties and in a secure facility.

Mr. Ding concluded by stating that staff recommends the R-24 zoning be adopted for the subject parcels based upon the proposal's consistency with the Comprehensive Plan, its compatibility with surrounding neighborhood zoning, the results of the environmental review, its value to the community, and the availability of necessary infrastructure. Again, he advised that the Commission has the option of

recommending approval of the subject parcels as proposed or recommending denial of the rezone application.

**Michael Derrick, General Manager, Ronald Wastewater District**, advised that the District serves all residents of the City of Shoreline, with the exception of about 20 homes that are still being served by a septic tank system. They have grown over the past several years and have had to purchase more vehicles to serve the growing number of patrons. They no longer have room in their existing facilities to store their vehicles. The goal of the proposed application is to provide space for equipment to be stored inside and be protected from the weather. The proposal would enable them to better protect the public's investment and provide low cost sewer service to the City for many years to come.

Commissioner Hall inquired if the parking structure would be more than one story high. Mr. Derrick said the District still has to do a more detailed site study to identify their needs, but the parking structure would not be of significant height to block the view from neighboring properties.

Commissioner Kuboi asked if the applicant would be required to screen the subject property from adjacent properties. Mr. Ding said the Shoreline Municipal Code's landscape section requires non-residential development to provide Type I Screening along any interior boundaries with multi-family or single-family residential development. Landscaping would be reviewed at the time of building permit submittal, and screening requirements would be part of this consideration.

Commissioner McClelland asked how many of the significant trees would be retained. Mr. Ding said three of the significant trees are located along the far west boundary of the property, and the fourth is along the east boundary of Linden Avenue. Commissioner Hall pointed out that the 20-percent tree retention requirement would mandate that the applicant save one significant tree. Mr. Derrick explained that the one significant tree that is located on Linden Avenue would be retained. There is a large pine tree in the southwest corner of the property that would likely be saved, as well. But there is a Hemlock in the northwest corner that was topped many years ago, and it would probably not be saved.

**Wesley Frederick, 816 North 175<sup>th</sup> Street, Unit 4**, said he lives in the complex adjacent from the subject property. He understands that the proposed rezone does not identify what type of building would be constructed, but it would allow for a parking structure on the site. He expressed his concern that the proposed parking structure could affect his view, thus reducing the value of his home. He said the view from the east side of the complex currently looks just above a fence out onto the subject property. The street level of Linden Avenue is just about level with the living units. If a parking structure were constructed to a height of 14 feet above Linden Avenue, his third floor window would even be blocked. He also expressed his concern about the trees that currently exist along the property line. He pointed out that two of the four trees are located on the subject property and two are on the complex property. Removing the two trees on the subject property would eliminate the screen between the complex and the subject property. Again, he expressed his concern that the value of his home would be negatively impacted if the proposed parking structure were constructed.

**Bill Santee, 816 North 175<sup>th</sup> Street, Unit 3**, said his living room would face the proposed parking garage. Because he is in a central unit, he only has windows on the east and west sides. The proposed

parking garage would only be 24 feet away from his living room window. He said that over the years they have put up with the diesel generators that run in the parking lot during the summer months. The noise the generators have created is frustrating, and the situation could get even worse if the property were expanded to accommodate more equipment. He said he feels the proposed parking garage would significantly reduce the property value for the six units that would look right out at the back side of the structure. He also expressed his concern about District employees increasing the demand for street parking and creating additional traffic. He concluded by stating that if the proposed rezone were approved, the adjacent property owners would be forced to take legal action to protect their property values.

**Joe Jaikin, 816 North 175<sup>th</sup> Street, Unit 2**, said he also lives in the condominium complex located to the east of the subject property, and said these units would look directly towards the garage. He explained that his unit is three-stories high and 19 feet from the property line. He would face the traffic, noise and other activities associated with a garage being located just a few feet from their living room and bedroom.

Mr. Ding referred to a comment letter that was submitted by **Keith Klegman, 816 North 175<sup>th</sup> Street, Unit 1, Vice President, North Park Lane Condominium Association**, regarding the subject of the public hearing.

Commissioner Kuboi asked how high of a structure could be built on the subject property under the current zoning. Mr. Ding answered that the current zoning of the two vacant parcels is Office (O), which would allow structures of up to 35 feet. The proposed parking structure would be approximately 14 feet. Mr. Derrick explained that the first step for the District was to rezone the property, and the District has not given much thought to the exact type of parking structure that would be developed. He noted that the property drops six to eight feet from Linden Avenue. He explained that once the property is rezoned, the District would conduct a topographical survey of the property. Then they would consider the options of what could be built and what would fit in with the neighborhood. He summarized they plan to work with the surrounding neighborhoods to minimize the impacts.

Commissioner Kuboi inquired if the height of the building would be only what is necessary to accommodate the District's largest piece of equipment. Mr. Derrick said that because of the proposed parking garage, employee parking would have to be provided elsewhere. One idea would be to provide staff parking in the structure during the day when the equipment is out in the field. However, he emphasized that no design plans have been created. He concluded that they intend to build a bay that is large enough to accommodate their largest vehicles. While the door and roof of the structure would have to be a little larger, they do not anticipate a taller building than would typically be necessary.

Commissioner McClelland asked why the applicant chose not to submit a consolidated permit. Mr. Ding explained that Ronald Wastewater District has not done any conceptual plans at this point in time, other than focusing on the rezone application, itself. The parking structure would not be feasible with the current zoning designation. Commissioner McClelland inquired if the Commission would have an opportunity to comment on the design of the parking structure if the rezone application is approved by the City. Mr. Ding said the Commission would not have an opportunity to review and comment on a

proposed design during the building permit stage, but the application would be reviewed by staff based on the code requirements. Conditions could be placed on the design based on information gained from the SEPA review. Commissioner McClelland said it is important for the public to understand that once the Commission makes a recommendation, they would have no further ability to comment if the rezone were approved.

Commissioner Broili questioned if the neighboring property owners would be amenable to the project if the building were aesthetically pleasing and the noise abatement issue were addressed. (*The Commission allowed public comment without coming to the microphone and without identifying themselves*). Someone in the audience said part of their concerns would be addressed, but it would also depend upon the height of the building. Another significant concern to them is the impact the proposed parking garage would have on their property values. The audience member said he spoke with a representative from the Fire Department regarding impacts to their building. The Fire Marshall indicated that the Fire Department has no jurisdiction over the use of the property. But he said it would be very difficult to fight a fire on the east side of the condominium complex. They would only be able to get the trucks to the west side of the complex.

Mr. Stewart pointed out that the design standards would be applied to any development on the subject property and would include building design, building orientation, and scale. There is also a very substantial section in the code about exterior materials. He read Section 20.50.150, which states that building exteriors shall be constructed from quality and durable materials. Any substantial materials such as fiberglass, and material such as mirrored glass, corrugated siding, exposed concrete block and plywood or T-111 siding would not be permitted. There are also requirements for roofline variation techniques to provide variety to the façade of the structure.

**COMMISSIONER BROILI MOVED THAT THE PUBLIC PORTION OF THE HEARING BE CLOSED. COMMISSIONER KUBOI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONER BROILI MOVED THAT THE COMMISSON RECOMMEND APPROVAL OF THE APPLICATION 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 DRAFT FINDINGS PRESENTED IN ATTACHMENT V, p. 41 OF THE PACKET. COMMISSIONER KUBOI SECONDED THE MOTION.**

Commissioner McClelland said she would vote against the rezone application. As a professional planner by trade, she said she feels it is important to take a stand in favor of residential neighborhoods. This is not the first time the Commission has recommended a change that intensifies a non-residential use in an area that is surrounded by residential uses, and she is opposed to the concept. She noted that, with the exception of the high school, all of the uses surrounding the subject property that are accessed by Linden Avenue are residential. She said she considers this area to be a residential neighborhood. She summarized that she said she does not approve of using a residential zone (R-24) to intensify a

commercial use. Linden Avenue is a residential street. She said there is nothing unique to make the proposed location the only place the District facilities could be located.

Commissioner Hall pointed out that the current Comprehensive Plan designation for the subject property is mixed-use, and the two middle parcels are currently zoned Office. While he is very sensitive to the neighbor's concerns that their view could be blocked, it is also important to remember that the view could be equally blocked if an office building were constructed on the property as the current zoning designation would allow. He reminded the Commission that aesthetics would be addressed as part of the design review of a specific development proposal and is not within the purview of the Commission. He noted that the current zoning designation would allow for the construction of a utility facility, which could have a greater impact. He said he would support the proposal since it will allow a utility, which provides an important service to the City, to efficiently meet its expanded needs on site.

**THE MOTION CARRIED 6-1, WITH COMMISSIONER MCCLELLAND VOTING IN OPPOSITION.**

## **7. REPORTS OF COMMITTEES AND COMMISSIONERS**

Commissioner Hall thanked the Innis Arden community for inviting the Commission on a tour of their reserves. The tour helped him to learn things he had not known previously. Commissioner Broili agreed.

## **8. UNFINISHED BUSINESS**

### **Deliberations on Critical Areas Ordinance**

Mr. Torpey reviewed that a public hearing on the proposed Critical Areas Ordinance Update was conducted on March 17<sup>th</sup>, and 29 citizens addressed the Commission. The written comment period was extended to March 25<sup>th</sup>. Within a week, 71 written comments were received, and staff compiled them into a binder for each of the Commissioner to review. He also advised that a second copy of the matrix (Attachment 1) was prepared. Staff incorporated several recommendations from the two State agencies (Community, Trade and Economic Development and the Department of Ecology) that have provided comments and amendments. As the Commission begins their deliberations, staff is asking them to identify the specific amendments they would like to add to the matrix for further deliberation.

Mr. Stewart added that staff received additional suggestions from Commissioner Hall, and these were provided in the Commission's mail envelopes (light blue handout). Staff believes there is some merit to his proposals, so they encourage the Commission to consider them, as well. He stated that if the Commission wants to add additional items or ask staff to do additional research, they should make their requests as soon as possible. He said the staff is looking at comparable cities and what they have done in terms of view protection in relationship to critical areas, but this work has not been completed yet.

Commissioner Sands asked if the staff found anything in the 600 pages of written public testimony that they would deem appropriate to add to the Critical Area Ordinance. Mr. Stewart said that other than

comments from the State agencies, nothing else jumped out. Most of the comments were lined up in predictable positions. There were a number of people arguing for tree preservation, view restoration, additional regulations for streams, etc. The values of the community were brought out in the written comments, but none of the comments rose to the level of being amendments staff wanted to initiate. However, he emphasized that the Commission also has the ability to initiate any amendment they deem appropriate, including those suggested by the citizens.

Commissioner Broili inquired how the previous Commission comments were incorporated into the draft document. Mr. Torpey said the Commission's comments could be found in the first several pages of the amendment matrix. General comments were addressed by staff to the Commission either in writing or orally at a previous meeting. Where there were no specific proposals for code changes, staff did not add them as amendments on the matrix. Mr. Stewart explained that the comment matrix identifies amendments that have been proposed previously by both the staff and the Commission. New additions to the matrix include specific recommendations from State agencies involved in the draft critical areas ordinance review. The April 7, 2005 version of the matrix and the January 10<sup>th</sup> draft of the Critical Area Ordinance (presented to the Commission in the January 20<sup>th</sup> meeting packet) are the documents the Commission should work with.

Commissioner Broili referred to Item A on the first Page of Chapter 20.20. He noted that the proposed amendment would change "flood plain" to "flood hazard areas." He explained that "flood plain" is an ecosystem issue, and "flood hazard" is people oriented. Mr. Torpey said the language change was intended to make the City's Critical Areas Ordinance consistent with the Growth Management Act. Mr. Stewart advised that these areas are not only ecosystems and descriptions of areas that are inundated, they are also legal boundaries for the flood insurance rate map. According to the definitions typical of the Federal Flood Insurance Program, Flood hazard areas are "those areas that are subject to inundation by the base flood, including but not limited to streams, lakes, wetlands and closed depressions." A flood plain is "the total area subject to inundation by the base flood." A flood way is "the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot." The proposed ordinance is intended to reflect the Growth Management Act language, which calls them "flood hazard areas."

Commissioner McClelland inquired if "flood hazard areas" are supposed to be included in the list of hazardous areas. Mr. Stewart answered affirmatively. Commissioner McClelland inquired if the correct term for Item D on the same page should be "critical aquifer recharge areas" rather than just "aquifer recharge areas" in general. Mr. Stewart said the Growth Management Act lists geologic hazards, flood hazards, aquifer recharge areas, wetlands, and fish and wildlife habitat conservation areas. The City of Shoreline has chosen to also add streams, giving them a total of six items on the list.

Commissioner Sands asked when the Commission would have an opportunity to discuss the issues raised by the citizens. Commissioner Broili said he reviewed the citizen comments and flagged them in the document. He said he plans to raise his concerns and questions when each particular section is discussed. Commissioner Hall said he, too, read through the written public comments, and he plans to introduce to the Commission during their review. He suggested, and the Commission agreed, that they

should review the draft ordinance page-by-page and identify the concerns they flagged while reading the public comments.

Commissioner Broili referred to Section 20.20.024.H, which deals with the removal of hazardous trees that present a potential danger to structures in the area. He said he does not see any provisions in this section to indicate that the threat must be imminent. Commissioner Hall agreed. He referred to the language at the bottom of the page, which states that removal of hazardous trees shall occur consistent with the tree conservation permitting and site restoration requirements of the Shoreline Municipal Code Sections 20.50.290 through 20.50.370.” He noted that amendments have been proposed to Section 20.50.310 (Exemptions from Permit). The original ordinance says any hazardous tree or vegetation which is an immediate threat to public health, safety, welfare or property may be removed without first obtaining a permit. While staff has recommended that this language be deleted, he would recommend it be retained. Commissioner Broili said he would like to go further to make it clear that the threat must be immediate. Commissioner Hall agreed that the words “immediate” or “imminent” should be added to Section 20.20.024.H so that issues could be resolved before trees are removed whenever possible.

Commissioner Sands said that, in general, he would not support the concept of government telling people what they can do with their private property. He said he understands that critical areas must be protected, but no matter how specific the language is, some people will still do whatever they can to avoid following the ordinance requirements. However, he is opposed to making it too difficult for owners to do things on their property by having to second-guess what the City requirements might be. This could expose private property owners to possible liability. There are already plenty of rules related to tree retention, and he would not be in favor of making them more stringent. He is, however, in favor of appropriate enforcement of the existing rules, which appear to work well.

Commissioner McClelland said it is important for the Commission to clarify the issue of hazardous trees. The ordinance presumes that property owners have the knowledge to determine which trees are hazardous. However, often it is not possible to identify all hazardous trees just by looking at them; this determination requires research. If the Commissioners are not all completely comfortable with the presumption of this definition, they should not accept it as written. Chair Harris asked if the City should require a person to live under a tree they perceive dangerous even though it is a perfectly sound tree. While the tree might not technically be considered dangerous, the tree may cause fear in a property owner.

Commissioner Hall reminded the Commission that they are not attempting to completely rewrite the Clearing and Grading Ordinance, which gives the Planning Director the authority to require a certified arborist to make that decision. The Commission is currently deliberating the Critical Area Regulations, so their focus should be on hazardous trees that are in critical areas. Most of the trees in the City of Shoreline are not in critical areas, and property owners can remove six of them in a three-year period regardless of the reason. The point of the ordinance is to balance the protection of the critical areas with the community values.

Mr. Stewart further explained that the hazardous tree exemption applies anywhere in the City, including critical areas. The current six-tree exemption applies only in non-critical areas. Part of the dilemma is

that professional arborists use a form created by the Arborists Society. This form has three factors: structure of the tree, health of the tree, and the target (where the tree would fall and the potential risk). The proposed language would narrow the target to structures, public assembly, etc. Some people have argued that any place is a target because there could be someone in that location at any time.

Commissioner Hall suggested that adding a definition for “hazardous trees” would be appropriate. Commissioner Sands said he believes the proposed language would be appropriate without making it any more restrictive. Commissioner Hall suggested that the Commission make a decision about whether the words “immediate” or “imminent” should be added to the definition. Commissioner Broili agreed but suggested that the appropriate place for the change would be in the clearing and grading ordinance (Section 20.50.310). The majority of the Commission concurred.

Commissioner Hall referred to Section 20.20.046.S, which is the definition for a stream. After reviewing the Gaston Decision a number of times, as well as comparable provisions in other cities, he said he finds the City may have a hard time defending a definition that says “a stream ceases to be a stream at the point it enters a pipe and then becomes a stream again when it comes out.” He suggested the Commission consider not adding the word “open” to the definition of streams as recommended by staff. In addition, he said he would propose other associated amendments. While he believes a stream is still a stream when it is in a pipe, he does not believe that it needs the full width of buffer that would otherwise be required. For example, he said one of the functions a buffer provides is to shade the stream. If the stream were in a culvert, the shade function would not be important. The same would be true with leaves and litter fall. He said there is not much that could be done with the land above a culvert that would affect its value and function. However, several citizens have commented that this would foreclose the future option to restore the stream for day lighting.

Commissioner Hall suggested that these watercourses could be identified as “piped stream segments.” The ordinance could explicitly define a level of protection for it that is lower than what would be required for a Type II Stream. He recommended the buffer be 10 feet, which is the same buffer width that would be required for a day lighted stream.

Commissioner Broili said he is also concerned about the language in this section, and he was going to suggest leaving the word “open” out of the definition. If a stream is a Type II Stream at one end and a Type II at the other, it should be considered a Type II Stream. Regarding Commissioner Hall’s recommendation that the buffer be reduced to ten feet, Commissioner Broili recalled Mr. Lombard’s suggestion that the City consider more flexible approaches to buffering. Rather than set a firm number, he would like to leave this option open. Commissioner Broili disagreed with Commissioner Hall’s statement that development above a piped stream would have very little impact to the stream base. While the stream is piped at that point, the runoff would be impacted and would eventually end up in the stream. He said it is important to remember that piped streams create impacts to the stream base.

Chair Harris asked staff to clarify if and when the City would allow someone to build a structure over a piped watercourse. Mr. Stewart said the typical cases involve piped watercourses that are not recorded and do not have any public easements. When piped watercourses are found, the City requires an easement dedication since they are part of the public water system. He concluded that the probability of

the City allowing development to occur on top of a known piped watercourses that has stream characteristics would be small. Chair Harris pointed out that since the City would not allow structures to be built over known piped watercourses, there would be no need to provide additional regulations.

Mr. Stewart said that the proposed ordinance identifies a 20-foot buffer for piped-watercourses to accommodate the future possibility of day lighting the stream. He noted that this would not be a lot greater than what the City might request for a drainage easement. If the City knows a piped watercourse is present and they get the appropriate drainage easement, then the buffer would be 20 feet anyway. This would reserve the buffer area necessary for potential future day lighting. He said Commissioner Hall's recommendation is a creative way to address a bitter community conflict, and staff would support the notion of declaring it a stream and then regulating it as Commissioner Hall proposed. Chair Harris agreed but questioned the need for further detail regarding construction over the watercourse. Commissioner Hall said the additional language would make it clear to the concerned citizens that piped watercourses would be treated as critical areas. If a loophole would allow construction over the piped watercourse, his proposed language would address the issue.

Commissioner McClelland asked Mr. Stewart if the City would ever allow parking lots to be built over piped watercourses. Mr. Stewart said the City would find themselves in a difficult situation if someone owned property that had an existing structure on top of a piped watercourse. If the property owner wanted to expand the structure, there is currently no development regulation that would prohibit the expansion. Adopting the regulation proposed by Commissioner Hall would close this option. It would also address the community's significant fear. As proposed by Commissioner Hall, any development on top of piped watercourses and within the 20-foot buffer would be prohibited. Commissioner Hall added that any existing buildings situated on top of piped watercourses would become non-conforming uses.

Commissioner Sands expressed his concern that there may be numerous situations in the City where structures have been built over piped watercourses. He questioned if it would be appropriate to turn all of these properties into non-conforming uses. Mr. Stewart said the current stream and wetland inventory identifies 73,889.49 linear feet of piped watercourses. If all of these piped watercourses were buffered with 10 feet on each side, it would utilize 1.49 million square feet of land.

Commissioner McClelland asked if any of the City's surface water runoff pipes and stream pipes intercept. Mr. Stewart answered affirmatively. Commissioner McClelland said this could result in situations where streams might be Type II going into a pipe, but not when they come out the other end if they intercept with a surface water runoff pipe. According to the current code, anytime a surface water runoff pipe is used by salmonids, it would be considered a stream. Mr. Stewart agreed, but he pointed out that the definition for "salmonid use" has also been an area of dispute.

**COMMISSIONER BROILI MOVED THAT THE COMMISSION ACCEPT THE AMENDED LANGUAGE INTO THE AMENDMENT MATRIX AS PROPOSED BY COMMISSIONER HALL TO SECTION 20.20.046.S. HOWEVER, HE WOULD LIKE TO AMEND THE BUFFER REQUIREMENT TO ALLOW MORE FLEXIBILITY.  
COMMISSIONER SANDS SECONDED THE MOTION.**

Commissioner Broili pointed out that upland uses affect streams and critical areas. However, the Commission has currently only discussed areas that are adjacent to critical areas. Property owners must also take responsibility for the upland issues. When he, Commissioner Hall and Commissioner Phisuthikul visited Innis Arden during a rainstorm, they found water running off the uphill properties and into the stream, carrying sediment loads and pollution to the lower portions of the stream. These issues must also be addressed, and allowing a more flexible buffer requirement would help the City address the upland situations on a site-specific basis.

Commissioner McClelland suggested that Section 20.20.046.S be changed by replacing the phrase “naturally occurring prior to construction” with “that occurred naturally prior to construction of the device.” She asked the staff to work on the sentence structure of this section.

Mr. Stewart said there is a lot of science available that indicates the buffers should be flexible. But the City’s Critical Area Ordinance has been constructed around the “hard and fast rule” with deviations between the minimum and maximum buffers required. When dealing with piped watercourses, staff assumes that a legal easement would be the minimum buffer needed over the pipe. He said he spoke with the City Attorney about the possibility of the City getting into a “taking” situation by implementing a flexible buffer concept. Their conclusion was that this would not be a problem because an easement would already be required for construction over a drainage way. A 20-foot easement requirement would retain the possibility of day lighting the piped watercourse at some point in the future.

Mr. Stewart said that at one point in time, there was a proposal to day light the pipe from Ronald Bog. However, once the property owners recognized that they would be facing a 100-foot buffer requirement if the stream were opened up, they became concerned about losing their property rights. If the City could clearly establish a 20-foot buffer along the piped corridors, they would be able to remove the apprehension about the negative impacts of day lighting.

Commissioner McClelland suggested that the word “their” be added before the word “construction.” Mr. Stewart explained that staff’s interpretation is that the word “they” refers to irrigation ditches, canals, storm, and surface water devices. Commissioner Hall said he would not accept this change as an amendment to his language.

**THE MOTION CARRIED UNANIMOUSLY.**

Mr. Stewart reviewed the Commission’s upcoming schedule. He said staff would like the Commission to first complete their review of the Comprehensive Plan amendments. If they don’t get this document approved in a timely manner, the City would lose their eligibility for IAC park funding on June 1, 2005. The Commission should focus on getting the Comprehensive Plan to the City Council as soon as possible. Then they could focus their attention on the Critical Area Ordinance Update. Next, they could work on the Cottage Housing Ordinance and Code enforcement issues. Mr. Stewart advised that while the deadline for completing the Critical Area Ordinance is May 19, there are a number of other communities that are also struggling to get their work done.

Mr. Stewart advised that the Commission could propose additional amendments in writing before the May 19<sup>th</sup> meeting. Mr. Torpey said the additional amendments would be added to compare the existing code and the proposed changes. He advised that as Commissioner amendments are submitted, he would add them to the matrix on the web site the very next day. This would enable the Commissioners to view the amendments that are submitted prior to their next discussion.

Mr. Stewart suggested that the Commission review the draft ordinance page-by-page, flagging their major issues. The Commission could then discuss the major issues that were raised. Commissioner Kuboi asked if it would be helpful to the staff if the Commission were to actually craft the amendment language. Or would it be appropriate for the Commissioners to explain their concerns and allow the staff to draft the appropriate language. Mr. Stewart said staff could draft code language to address the concerns, but it would be more beneficial if the Commissioners were to propose draft language. Commissioner Kuboi pointed out that the Commission appears to spend a lot of their meeting time crafting language. Perhaps this is not the best use of the Commission's time. The Commission should focus on the intent and philosophy of the ordinance, and then allow the staff to craft appropriate language. Mr. Stewart said that for particular issues that have a wide variety of values, the Commission could use the technique of having the staff prepare a "positive/negative analysis" on behalf of the Commission. This analysis could be presented to the City Council to clearly describe the various perspectives of each Commissioner.

## **9. NEW BUSINESS**

### **Election of Chair and Vice Chair**

Ms. Simulcik explained that the Commission's Bylaws state that once a year, the Commission must hold an election for the chair and vice chair positions at the first regular meeting in April. She described the rules and procedures for the election process. She explained that she would conduct the chair election process. Once a new chair has been elected, the Chair would assume the duty of conducting the vice chair election.

Ms. Simulcik called for nominations for the position of Commission Chair. Commissioner Phisuthikul nominated Commissioner Harris as chair of the Commission. As there were no further nominations, Ms. Simulcik declared the nominations closed and called for the vote. Commissioners Broili, Hall, Kuboi, McClelland, Phisuthikul and Sands all voted in favor of Commissioner Harris as Chair of the Commission.

Chair Harris called for nominations for the position of Commission Vice Chair. Commissioner Sands nominated Commissioner Piro as vice chair of the Commission. As there were no further nominations, Chair Harris declared the nominations closed and called for the vote. Chair Harris and Commissioners Broili, Hall, Kuboi, McClelland, Phisuthikul and Sands all voted in favor of Commissioner Piro as Vice Chair of the Commission.

### **Amendment to Bylaws**

Chair Harris advised that at their retreat, the Commission discussed the possibility of amending the Commission Bylaws by inserting a “Director’s Report,” updating the signature lines, and correcting the spelling error.

**COMMISSIONER SANDS MOVED THAT THE COMMISSION AMEND THE BYLAWS BY INSERTING “DIRECTOR’S REPORT” AS ITEM NUMBER FOUR ON THE REGULAR MEETING AGENDA AND PUBLIC HEARING AGENDAS AND TO UPDATE DATES, SIGNATURES LINES AND THE SPELLING OF THE WORD “BYLAWS.” COMMISSIONER MCCLELLAND SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

## **10. ANNOUNCEMENTS**

Mr. Stewart referred to a handout staff provided in the Commissioners’ packets regarding cottage housing. This handout identifies staff’s early guess at what amendments might be proposed to address the problem issues. Staff intends to use the handout at a community workshop, and the Commission would then conduct a public hearing on the issue. He noted that the cottage housing moratorium expires at the end of August, so the City Council is anxious for the review process to move forward.

Mr. Stewart referred to the development that was the impetus for the City’s review of the Cottage Housing Ordinance. He reported that the City has issued a decision of approval, with an associated MDNS Determination, for the single-family development on the site. The appeal period for this decision ends on April 8<sup>th</sup>.

Mr. Stewart reported that the Hearing Examiner has issued a pre-hearing memorandum regarding her decision on a number of the motions on the SEPA appeal for the Echo Lake Application. She dismissed a number of the appeal points, and only one or two are still outstanding. A public hearing on the proposed Echo Lake Comprehensive Plan amendment is scheduled for April 14<sup>th</sup>, and the rezone and SEPA appeal hearing would be heard in May.

Commissioner Hall asked if the Commission is required to make a decision on the Comprehensive Plan amendment prior to the SEPA appeal and contract rezone public hearing, or could the Commission hold a public hearing on the Comprehensive Plan amendment and postpone their deliberations until after the SEPA appeal and contract rezone public hearings have been completed, as well. He pointed out that, in this case, the Commission understands that there is a very specific contract rezone application connected to the proposed Comprehensive Plan amendment. He would like to hear all of the information prior to making a decision on any portion of the application.

Mr. Stewart expressed his initial concern that this would hold up the Comprehensive Plan amendments contingent upon the change of zone. Secondly, he expressed concern that the proposal to change the area to mixed-use would not require any rezone because the current zoning is consistent with the mixed-use designation. Staff’s primary issue is trying to get the annual Comprehensive Plan review to the City Council in a timely manner, and it might be difficult to get deliberations on the SEPA appeal and contract rezone application completed and on the City Council’s agenda in time. He reminded the Commission that splitting the contract rezone application from the Comprehensive Plan amendment was

agreed to by all parties during the pre-hearing workshop. He said he would discuss this with the City Attorney for further direction.

Commissioner McClelland recalled that at the Commission pre-hearing workshop, the staff presented pictures of what development of the site might look like. She asked if the Commission would ever have an opportunity to review a proposal for the use of the site that would not include the significant amount of public space. Mr. Stewart said the issue is related to the applicant's right to use the property as opposed to a type of space. The design could work equally well whether the open space is private or public. While there would be a huge benefit to the public if the open space were public, it is important to remember that the property is privately owned. The City must use their zoning power to gain public benefit without crossing the line. From the staff's point of view, they intend to focus on the design of the property and how the buildings and land uses relate to each other as opposed to the ownership rights. Mr. Stewart said there would also be an issue related to right-of-way and public access in and around the subject property. And the Commission should be concerned about this issue as they enter into their deliberations.

Commissioner Kuboi requested a report on the recent Code Enforcement Workshop that was recently held. Mr. Stewart reported that Chair Harris and Deputy Mayor Jepsen participated in a Code Enforcement Workshop on April 6<sup>th</sup>, which was attended by about 60 people. A number of issues that were presented to the City Council were identified and discussed. As projected, people spoke to both sides, some wanting more regulations and some wanting less. They conducted an exercise where people identified what they thought were the most important changes that could be made. Staff is working on sets of amendments to the Development Code, and these would be presented to the Commission in the future. The blighting influences on the neighborhoods and parking within the right-of-way and on private property were two of the issues raised the most. Chair Harris added that the issue of trash and debris was also raised a number of times, but the comments seemed to be focused on a few derelict properties. Mr. Stewart said the City has a few tough cases that are difficult to prosecute, but they are trying to come up with a method of handling these particularly difficult situations.

Commissioner McClelland requested further information regarding the volunteer breakfast that is scheduled for April 22<sup>nd</sup> at 7:30 a.m. in the Shoreline Room. Mr. Stewart said this is a free breakfast sponsored by the City to honor Shoreline's volunteers. All of the Commissioners have been invited to attend.

Commissioner Hall asked if the Planning Commission has the authority to amend a docketed request for a Comprehensive Plan amendment. Mr. Stewart answered affirmatively. Commissioner Hall referred to Page 15 of next week's Commission Packet, which shows an amendment to the current Comprehensive Plan land use designation. It shows mixed-use along Aurora, with a large area of high density residential and a narrow strip of public open space connecting Aurora Avenue to the south end of Echo Lake and to the Interurban Trail. While the Comprehensive Plan's description of public open space is not necessarily what one might expect, he asked if it would be possible for the Commission to accept the portion of the docket that recommends changing the high-density residential area to mixed-use, but not change the public open space to mixed-use. Mr. Stewart answered that the Commission does have the authority to do this, but the City Attorney might have some concerns about this type of action. He

explained that this is a situation where the City has a designation of public open space on private property, and the Comprehensive Plan designation states that the underlying zoning would remain. While the Comprehensive Plan designation would not take away any development rights, the property could be open for future acquisition by the City. Again, he cautioned that the City must be careful that they not use their regulatory power to take private property. He said staff's recommendation is that the property be designated as private open space.

Chair Harris said he spoke with Mayor Hansen regarding the Commission's request to meet with the City Council at a dinner meeting. He indicated that the City Council had actually considered the need to meet with the Commission. He suggested that the joint meeting be held as soon as possible. Mr. Stewart advised that staff would work to schedule the dinner meeting.

Mr. Stewart reported that the City Council has scheduled a meeting with the Innis Arden group on April 19<sup>th</sup>. The Commissioners are invited to attend, as well. He said staff would notice the meeting as a Planning Commission meeting, just in case a quorum of Commissioners are in attendance.

Commissioner Phisuthikul requested more detail about the Point Wells property that was recently sold. Mr. Stewart referred to the letter that was provided to each Commissioner regarding the sale of Point Wells. The letter provides all the information staff has on the matter to date.

## **11. AGENDA FOR NEXT MEETING**

The Commissioners had no additional comments to make regarding the agenda for the next meeting.

## **12. ADJOURNMENT**

The meeting was adjourned at 9:55 p.m.

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David Harris  
Chair, Planning Commission

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Jessica Simulcik  
Clerk, Planning Commission

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**PLANNING COMMISSION STAFF REPORT**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	2004-2005 Comprehensive Plan Annual Review Docket Deliberation and Recommendations
<b>DEPARTMENT:</b>	Planning and Development Services
<b>PRESENTED BY:</b>	Andrea Spencer, Senior Planner Kim Lehmborg, Planner David Pyle, Planner

### **Summary**

The purpose of this meeting is to deliberate and formulate a recommendation on the 2004-2005 Comprehensive Plan Amendment Docket. This docket is comprised only of four site specific land use map amendment requests. Planning Commission conducted the hearings for the four applications at two separate meetings on March 3, 2005 and April 14, 2005. At this time the Public Hearings have been closed and no additional public comment to the Planning Commission regarding these proposals will be taken.

The following are brief summaries of the four proposed site Specific Comprehensive Plan Amendments that are due for action through Planning Commission deliberation. The reader should note that detailed analysis for each of these proposals can be found in the staff reports prepared for the public hearing (see references to meeting dates below), this information may be obtained by contacting the Planning Commission Clerk, Jessica Simulcik at 206.546.1508 or [jsimulcik@ci.shoreline.wa.us](mailto:jsimulcik@ci.shoreline.wa.us).

1. **File #201371 NW Corner of N 160<sup>th</sup> and Fremont Pl. N.**  
**(Site Map, Attachment I)**

- **Proposal:** A request to change the Comprehensive Plan Land Use designation for a site with a Low Density Residential (LDR) designation to High Density Residential (HDR).
- **Public Hearing Conducted:** March 3, 2005
- **Staff Recommendation:** Staff recommends changing the Land Use designation to HDR. Staff Draft Planning Commission Findings are included as **Attachment II**.
- **Concurrent Rezone:** Rezone request from R-6 to R-24. Rezone hearing conducted in conjunction with the Comprehensive Plan Amendment hearing on March 3, 2005. Planning Commission deliberation and recommendation on the rezone is tentatively scheduled for May 19, 2005.

2. **File #201277, Located at 19671 15<sup>th</sup> Ave NE.**  
**(Site Map, Attachment III)**
  - **Proposal:** A request to change the Comprehensive Plan Land Use designation for a site with a designation as Ballinger Special Study Area to High Density Residential (HDR).
  - **Public Hearing Conducted:** March 3, 2005
  - **Staff Recommendation:** Staff recommends changing the Land Use designation to HDR. Draft Planning Commission Findings are included as **Attachment IV.**
  - **Concurrent Rezone:** Rezone request from R-6 to R-24. Rezone hearing conducted in conjunction with the Comprehensive Plan Amendment hearing on March 3, 2005. Planning Commission deliberation and recommendation on the rezone is tentatively scheduled for May 19, 2005.
  
3. **File # 301275, Located at 18511 Linden Ave N.**  
**(Site Map, Attachment V)**
  - **Proposal:** A request to change the Comprehensive Plan Land Use Designation for a site with a designation as High Density Residential (HDR) to Mixed Use (MU).
  - **Public Hearing Conducted:** March 3, 2005
  - **Staff Recommendation:** Staff recommends changing the Land Use designation to MU. Draft Planning Commission Findings are included as **Attachment VI.**
  - **Concurrent Rezone:** No. The current zoning of the site, R-48, is consistent with the MU and HDR designations.
  
4. **File # 201372, Located at 19250 Aurora Ave N.**  
**(See Site Map, Attachment VII)**
  - **Proposal:** A request to change the land use designation of portions of the Echo Lake property from High Density Residential (HDR) and Public Open Space (PubOS), so that the entire parcel is designated Mixed Use (MU).
  - **Public Hearing Conducted:** April 14, 2005
  - **Staff Recommendation:** Staff recommends changing the Land Use designation to MU and establish a designation of Private Open Space (PrOS) for the wetland buffer. Draft Planning Commission Findings are included as **Attachment VIII.**
  - **Concurrent Rezone:** Rezone request from Regional Business (RB) and R-48 to RB-Contract Zone . The rezone hearing will be conducted on May 4 and 5, 2005 in conjunction with the Hearing Examiner SEPA appeal hearing. Planning Commission deliberation and recommendation on the rezone is tentatively scheduled for May 19, 2005.

## **PLANNING COMMISSION ROLE AND OPTIONS**

The Commission should consider the applications and any public testimony and develop a recommendation for Comprehensive Plan Amendment approval or denial. The City Council will then consider this recommendation prior to their final adoption of the applications.

Planning Commission has the following options for each of the applications:

1. Recommend approval of the 2004-2005 Comprehensive Plan Amendment Docket (to change the land use designations for the four site-specific requests) as **recommended by staff** based on the draft findings presented in this staff report.
2. Recommend approval of the 2004-2005 Comprehensive Plan Amendment Docket (to change the land use designations for the four site-specific requests) as **recommended by Planning Commission** based on findings made by the Planning Commission.
3. Recommend approval of the 2004-2005 Comprehensive Plan Amendment Docket (to change the land use designations for the four site-specific requests) as **requested by the applicants** based on findings made by the Planning Commission.
4. Recommend **denial** of the 2004-2005 Comprehensive Plan Amendment Docket (to change the land use designations for the four site-specific requests) based on findings made by the Planning Commission.

## **STAFF RECOMMENDATION**

Recommends approval of the 2004-2005 Comprehensive Plan Amendment Docket, to change the land use designations for the four site-specific requests as detailed in the first section of this report.

Staff has found that the proposed site specific Comprehensive Plan amendments are consistent with the Washington State Growth Management Act, King County Countywide Planning Policies, the City of Shoreline 1998 adopted Comprehensive Plan, the November 2004 City of Shoreline Comprehensive Plan Planning Commission Recommended Draft, and the City of Shoreline Development Code.

## **ATTACHMENTS**

- Attachment I: File #201371 Vicinity Map with Comprehensive Plan Designations  
Attachment II: File #201371 Draft Copy of Planning Commission Findings  
Attachment III: File #201277 Vicinity Map with Comprehensive Plan Designations  
Attachment IV: File #201277 Draft Copy of Planning Commission Findings  
Attachment V: File #301275 Vicinity Map with Comprehensive Plan Designations  
Attachment VI: File #301275 Draft Copy of Planning Commission Findings  
Attachment VII-A: File #201372 Staff Recommended Vicinity Map with Comprehensive Plan Designations  
Attachment VII-B: File #201372 Applicant Requested Vicinity Map with Comprehensive Plan Designations  
Attachment VIII: File #201372 Draft Copy of Planning Commission Findings

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**SHORELINE**

GEOGRAPHIC INFORMATION SERVICES

**City of Shoreline Comprehensive Plan**

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

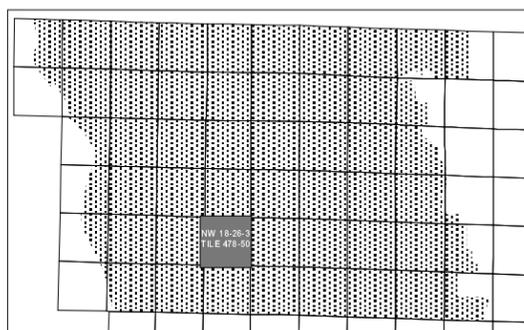
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**Legend**

- LDR** Low Density Residential
- MDR** Medium Density Residential
- HDR** High Density Residential
- MU** Mixed Use
- CB** Community Business
- RB** Regional Business
- PF** Public Facility
- SFI** Single Family Institution
- PubOS** Public Open Space
- ProS** Private Open Space
- SSA** Special Study Area
- NCBD** North City Business District
- BaSSA** Ballinger Special Study Area
- BrSSA** Briarcrest Special Study Area
- PSSA** Paramount Special Study Area

- Map Index Line
- Parcel Line
- Comprehensive Plan Land Use District Boundary
- City Boundary
- Unclassified ROW (Street name shown for info only)

**Map Index Locator**



0 100 200 300 400 Feet

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**DRAFT FINDINGS AND DETERMINATION OF THE CITY OF  
SHORELINE PLANNING COMMISSION**

Rick Crosby Site Specific Comprehensive Plan Amendment Request  
File #201371

**Summary-**

After review and discussion of the request to change the Comprehensive Plan land use designation of a parcel of 7,923 Sq. Ft. located on the Northwest corner of N 160<sup>th</sup> St. and Fremont Pl. N, the City of Shoreline Planning Commission has determined that the request is in compliance with City codes and not detrimental to the health, safety, or welfare of the City of Shoreline, and therefore recommend approval of such action.

**I. FINDINGS OF FACT**

**1. Project Description-**

- 1.1 Action: Change the Comprehensive Plan land use designation for the subject parcel from Low Density Residential (LDR) to High Density Residential (HDR).
- 1.2 Vicinity: Intersection of N 160<sup>th</sup> St. and Fremont Pl. N
- 1.3 Parcel Number: 3299200076
- 1.4 a.) The subject property has a current land use designation of "LDR" as identified on the City of Shoreline's Comprehensive Plan Land Use Map. Consistent zoning for the LDR land use designation is R-4 to R-6.  
b.) The proposal would change the land use designation to "HDR". Consistent zoning for the HDR land use designation ranges from R-12 to R-48.

**2. Procedural History-**

- 2.1 Public hearing held by the Planning Commission: March 3, 2005
- 2.2 Corrected Notice of Public Hearing and SEPA Determination of Nonsignificance (Rezone request): February 16, 2005
- 2.3 Notice of Public Hearing and SEPA Determination of Nonsignificance (Rezone request): February 10, 2005
- 2.4 End of 14 day Public Comment Period: February 4, 2005
- 2.5 Notice of Application with Optional DNS (Rezone request): January 20, 2005
- 2.6 Complete Application Date: January 14, 2005
- 2.7 Application Date: December 20, 2004
- 2.8 Neighborhood meeting Date: December 7, 2004
- 2.9 Pre-Application Meeting Date: December 7, 2004

2.10 Advertisement of Neighborhood Meeting: November 24, 2004

**3 Public Comment-**

3.1 The following individuals participated in Neighborhood Meetings:

John and Bernadette Hart- 616 N 161<sup>st</sup> St.

Bill Hisaw- 16102 Evanston Ave N.

Betty Hedge- 840 N 161<sup>st</sup> St.

Ralph and Marguerite Syverson- 621 N 161<sup>st</sup> St.

Kristi Magee- 700 N 160<sup>th</sup> St. #A306

Deborah Ellis- 700 N 160<sup>th</sup> St.

3.2 Written Comments have been received from:

Lexie Knull- 700 N 160<sup>th</sup> St. #106

Deborah Ellis- 700 N 160<sup>th</sup> St. #A202

Jennifer Jasper- 700 N 160<sup>th</sup> St.

Bernadette Hart- 616 N 161<sup>st</sup> St.

Kristi N. Magee- 700 N 160<sup>th</sup> St. #A306

**4 SEPA Determination-**

4.1 The SEPA determination for the 2004-2005 Annual Comprehensive Plan Amendment Docket (of which this action is a part) will be combined with the SEPA determination for the 2003-2004 Comprehensive Plan Major Update. This SEPA determination will be complete prior to Council adoption of the two dockets.

**5. Consistency-**

5.1 Site Specific Comprehensive Plan Amendment:

The application has been evaluated and found to be consistent with the three criteria listed in Shoreline Municipal Code Section 20.30.340 (B). Due to the recent proposed changes in the Comprehensive Plan as part of the planned update process, both the adopted 1998 Comprehensive Plan Goals and Policies and the November 2004 Comprehensive Plan Planning Commission Recommended Draft Goals and Policies were used when analyzing this proposal for consistency. See proposal staff report for a detailed analysis of Comprehensive Plan Goals and Policies.

5.2 This Comprehensive Plan amendment is a non-project action and does not constitute approval for any development proposal. A site rezone is also required and to change the zoning of this parcel to a higher density. 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 are not 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**

Comprehensive Plan Amendments are subject to criteria contained in the Development Code. The proposal must meet the decision criteria listed in Section 20.30.340 of the SMC. The criteria are listed below, with a brief discussion of how the request meets the criteria. Due to the recent proposed changes in the Comprehensive Plan as part of the planned update process, both the adopted 1998 Comprehensive Plan Goals and Policies and the November 2004 Comprehensive Plan Planning Commission Recommended Draft Goals and Policies were used when analyzing this proposal for consistency.

### **SITE SPECIFIC COMPREHENSIVE PLAN AMENDMENT:**

- 1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies.**

This amendment is consistent with the Growth Management Act (GMA) in that it will allow for an increase in affordable housing, a higher density of housing in an urban area, and an increase in the type of housing needed by seniors and smaller families. Four of the statutory goals identified in the state GMA legislation will be met by this project:

1. Guide urban growth to areas where urban services can be adequately provided\*.
2. Reduce urban sprawl\*.
3. Encourage efficient multi-modal transportation systems\*.
4. Encourage the availability of affordable housing to all economic segments of the population\*.

*\*These goals are identical between the 1998 Comprehensive Plan and the November 2004 Comprehensive Plan Planning Commission Recommended Draft.*

The proposal was analyzed and found to be consistent with the King County Countywide Planning Policies. The following is a brief discussion of how this proposal promotes County wide planning policies:

**Analysis of June 2004 King County Countywide Planning Policies:**

***FW-11*** *The land use pattern for King County shall protect the natural environment by reducing the consumption of land and concentrating development. An Urban Growth Area, Rural Areas, and resource lands shall be designated and the necessary implementing regulations adopted. This includes Countywide establishment of a boundary for the Urban Growth Area. Local jurisdictions shall make land use decisions based on the Countywide Planning Policies.*

Approval of this proposal promotes the efficient use of land by allowing for a higher density of dwelling units and concentrating development within an urban growth area.

***FW-12*** *The Urban Growth Area shall provide enough land to accommodate future urban development. Policies to phase the provision of urban services and to ensure efficient use of the growth capacity within the Urban Growth Area shall be instituted.*

This proposal helps the City of Shoreline meet City growth targets as identified in the Shoreline Comprehensive Plan. By allowing this change in density, a parcel that has a high level of urban services will be allowed to redevelop not placing an additional burden on infrastructure.

***FW-12(a)*** *All jurisdictions within King County share the responsibility to accommodate the 20-year population projection and job forecast. The population projection shall be assigned to the four subareas of King County (Sea-Shore, East, South and the Rural Cities) proportionate with the share of projected employment growth. Anticipated growth shall be allocated pursuant to the following objectives:*

*a. To ensure efficient use of land within the UGA by directing growth to Urban Centers and Activity Centers;*

Approval of this proposal would allow for an efficient use of land that is currently undeveloped in an area with a high level of urban services.

*b. To limit development in the Rural Areas;*

*c. To protect designated resource lands;*

*d. To ensure efficient use of infrastructure;*

Approval of this proposal would allow for the development of this parcel at a higher density in an area with available infrastructure.

*e. To improve the jobs/housing balance on a subarea basis;*

*f. To promote a land use pattern that can be served by public transportation and other alternatives to the single occupancy vehicle; and*

This proposal would allow for the development of a parcel that is located adjacent to a well served transit corridor.

*g. To provide sufficient opportunities for growth within the jurisdictions.*

Approval of this action would provide opportunity for growth by allowing for the rezoning of the parcel and placement of up to 4 dwelling units where only one would have been allowed.

**LU-28** *Within the Urban Growth Area, growth should be directed as follows: a) first, to Centers and urbanized areas with existing infrastructure capacity; b) second, to areas which are already urbanized such that infrastructure improvements can be easily extended; and c) last, to areas requiring major infrastructure improvements.*

By allowing for the development of this parcel at a higher density, this proposal would allow for a higher density development in an area with existing infrastructure capacity.

### **Analysis of City of Shoreline Comprehensive Plan Land Use Element LU7:**

Of special interest under the Comprehensive Plan is Land Use Element Policy LU7. This proposal was evaluated for compliance with LU7. LU7 remains identical in the 1998 Comprehensive Plan and the November 2004 Planning Commission Recommended Draft. This policy lists the following processes for Comprehensive Plan amendments as follows:

*Ensure that the Shoreline City Council can amend the Comprehensive Plan once a year, as established in the Growth Management Act, through an amendment process that includes:*

- a detailed statement of what is proposed to be changed and why;*
- a statement of anticipated impacts from the change and issues presented;*
- a demonstration of why existing Comprehensive Plan guidance should not continue in effect or why existing criteria no longer apply;*
- a statement of how the amendment complies with GMA goals, Countywide planning policies, City vision, and the State Environmental Policy Act (SEPA);*
- a statement of how functional plans and capital improvement programs support the change;*
- public review of the recommended change, necessary implementation, and alternatives to the change; and*
- Planning Commission review and recommendation based on findings of fact.*

This report, plus application materials submitted, contains a detailed statement of the proposal. The anticipated impacts and issues have also been presented here. Past, current, and future Comprehensive Plan guidance will not be substantially changed by this proposal.

The 2004 Planning Commission Recommended Draft of the Shoreline Comprehensive Plan has established a growth target of 2,651 new housing units, and has also anticipated that Shoreline would accommodate 2,618 new jobs by 2022. The 1998 adopted Comprehensive Plan anticipated employment within City limits to reach 19,815 jobs by 2015 with the addition of 1,600 to 2,400 housing units.

The 1998 Comprehensive Plan identified different areas of the City where growth would likely occur and could be accommodated. A Comprehensive Plan Land Use map was adopted, and in some areas of the City allowed densities and intensity of uses to be increased. In many instances this change occurred in areas that had previously developed at a much lower intensity. The characteristics of this site lend itself to redevelopment at a higher intensity.

**Analysis of Framework Goals:**

*Framework Goals remain identical within the Adopted 1998 Comprehensive Plan and the November 2004 Comprehensive Plan Planning Commission Recommended Draft.*

**FG1:** *Accommodate anticipated levels of growth and enhance the quality of life within the City of Shoreline.*

Approval of the proposed amendment would allow for a rezone and ultimately the construction of up to 4 dwelling units adding to the City's housing stock, providing a wide variety of housing types, and assisting the City in meeting its established growth targets.

**FG2:** *Promote quality building and development that is compatible with the surrounding environment.*

Future projects on this site will be required to meet the standards of the Shoreline Development Code and other adopted Codes. Designs will be compatible with the existing multi-family buildings in the vicinity.

**FG3:** *Support diverse and affordable housing opportunities which provide for Shoreline's population growth.*

Approval of this amendment would allow for a rezone and ultimately the construction of 3 additional dwelling units on a site where only one would have been allowed. The 4 units would be targeting smaller families and seniors and priced below the average cost of a single family home.

**Analysis of 1998 Adopted Comprehensive Plan Goals and Policies:****Land Use Goals:**

**Goal LU I:** *To assure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps to maintain Shoreline's sense of community.*

Designation of this parcel as High Density Residential (HDR) would allow for the construction of multiple units as an efficient use of land, potentially offering low maintenance construction and targeting smaller families and seniors. Due to the sites proximity to well served public transportation corridors, this amendment would

allow for alternative means of transportation and help serve as a transition zone between commercial and low density uses.

**Goal LU III:** *To have adequate residential land and encourage a variety of quality housing opportunities and appropriate infrastructure suitable for the needs of Shoreline's present and future residents.*

Approval of this proposal would allow for the creation of up to four housing units where only one would have been allowed, adding to the housing stock in the City of Shoreline. This site's proximity to N 160<sup>th</sup> and the Aurora Corridor provide good transit access, while the site's proximity to the commercial facilities to the south also provides excellent retail opportunities.

#### **Land Use Policies:**

**LU2:** *Encourage attractive, stable, high quality residential and commercial neighborhoods with an appropriate variety of housing, shopping, employment and services...*

Increasing the density of this parcel increases the ability to provide for a variety of types and styles of housing units to meet the future needs of Shoreline citizens and increase the available housing stock. Because of this parcels proximity to a well served transit corridor and a well established retail area, residential units on this parcel would provide for a variety of shopping, transportation, and employment opportunities.

**LU23:** *Ensure land is designated to accommodate a variety of types and styles of residences adequate to meet the growth of 1,600-2,400 new housing units and the future needs of Shoreline citizens.*

Through approval of this proposal and the re-designation of this parcel as High Density Residential (HDR), up to four dwelling units could be placed on this parcel at it's maximum density in zoning. This would allow for an increase in the housing stock that is more appealing to smaller families and seniors.

#### **Housing Goals:**

**Goal H I:** *Provide sufficient development capacity to accommodate the 20 year growth forecast in an appropriate mix of housing types by promoting the creative and innovative use of land designated for residential and commercial use.*

Allowing for an increase in the density of this parcel would help increase the housing stock within the City and provide for a better use of an underdeveloped parcel.

**Goal H II:** *Pursue opportunities to preserve and develop housing throughout the City to address the needs of all economic segments of the community.*

Changing the land use designation of this parcel from Low Density Residential (LDR) to High Density Residential (HDR) would help provide an increase in density

allowing for the construction of up to four dwelling units where previously only one would have been allowed.

**Goal H III:** *Maintain and enhance single family and multi-family residential neighborhoods, so that they provide attractive living environments, with housing that is compatible in quality, design and scale within neighborhoods and that provides effective transitions between different uses and scales.*

Approval of this request to change the land use designation of this parcel from Low Density Residential (LDR) to High Density Residential (HDR) would enhance the ability of this parcel to serve as a transition zone between areas of differing use, and allow for construction compatible with the adjacent multiple family buildings to the northeast.

**Goal H IV:** *Encourage and support a variety of housing opportunities for those with special needs, particularly relating to age, health or disability.*

Increasing the density of this parcel improves the ability to provide for a variety of types and styles of housing units to meet the future needs of Shoreline citizens and increase the available housing stock. This type of housing development would appeal to seniors and smaller families who are unable to meet the maintenance needs of a single family home.

**Housing Policies:**

**H1:** *Encourage a variety of residential design alternatives that increase housing opportunities in a manner that is compatible with the character of existing residential and commercial development throughout the City.*

Changing the land use designation of this parcel from Low Density Residential (LDR) to High Density Residential (HDR) will allow for a greater variety of design alternatives and an increase in housing stock that is compatible with the adjacent neighboring parcels to the northeast.

**H5:** *Require new residential development to achieve a minimum density as allowed in each zone.*

Approval of this request to increase the density of this parcel would allow for a rezone and ultimately the construction of up to four dwelling units, equivalent to development at 22 dwelling units per acre meeting the minimum standard of the R-24 zone under HDR designation.

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

Changing the land use designation of this parcel to a higher density would allow for the construction of structures similar to those found on adjacent parcels to the northeast and would help provide for a transition zone for those parcels found to the northwest.

**H15:** *Encourage the dispersal of affordable housing opportunities throughout the City.*

Allowing for an increase in density of this parcel will allow for the construction of attached or higher density dwelling units adding to the affordable housing stock found within the City.

**H23:** *Promote additional opportunities for home ownership.*

Condominiums or townhomes are becoming more attractive to individuals and families looking to purchase their first home. Approval of this proposal would allow for a rezone and the placement of up to four higher density housing units.

### **Analysis of November 2004 Planning Commission Draft Comprehensive Plan Goals and Policies:**

#### **Land Use Goals:**

**Goal LU I:** *Ensure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps to maintain Shoreline's sense of community.*

Designation of this parcel as High Density Residential (HDR) would allow for a rezone to a higher density in zoning and the construction of multiple units as an efficient use of land, offering low maintenance construction and targeting smaller families and seniors. Due to the sites proximity to well served public transportation corridors, this amendment would allow for alternative means of transportation and help serve as a transition zone between commercial and low density uses.

**Goal LU III:** *Encourage a variety of quality housing opportunities and appropriate infrastructure suitable for the needs of Shoreline's present and future residents.*

Approval of this amendment would allow for an increase in the density of this parcel that is within proximity of appropriate infrastructure and would help provide housing in the middle income level.

**Goal LU2:** *Encourage attractive, stable, high quality residential and commercial neighborhoods that provide a variety of housing, shopping, employment and services.*

Any future developments would be subject to compliance with the City's Development code and would be consistent with the adjacent high density multiple family housing.

**Land Use Policies:**

**LU23:** *Ensure that land is designated to accommodate a variety of types and styles of housing units adequate to meet the future needs of Shoreline citizens.*

Increasing the density of this parcel increases the ability to provide for a variety of types and styles of housing units to meet the future needs of Shoreline citizens and increase the available housing stock.

**LU31:** *The High Density Residential designation is intended for areas near employment and commercial areas; where high levels of transit service are present or likely; and areas currently zoned high density residential. This designation creates a transition between high intensity uses, including commercial uses, to lower intensity residential uses. All residential housing types are permitted. The permitted base density for this designation will not exceed 48 dwelling units per acre unless a neighborhood plan, subarea plan or special district overlay plan has been approved. Appropriate zoning for this designation is R-12, R-18, R-24 or R-48 Residential.*

Approval of the proposed amendment would allow for the establishment of a transition zone between the high intensity commercial uses to the south of this parcel and the low density residential uses to the northwest of the parcel. Additionally, this parcel is located adjacent to a well served public transit corridor.

**Housing Goals:**

**Goal H I:** *Provide sufficient development capacity to accommodate the 20 year growth forecast in an appropriate mix of housing types by promoting the creative and innovative use of land designated for residential and commercial use.*

Allowing for an increase in the density of this parcel would help increase the housing stock within the City and provide for a better use of an underdeveloped parcel.

**Goal H II:** *Pursue opportunities to preserve and develop housing throughout the city to address the needs of all economic segments of the community.*

Changing the land use designation of this parcel from Low Density Residential (LDR) to High Density Residential (HDR) would help provide an increase in density allowing for a rezone to a higher zoning density and the construction of up to four dwelling units where previously only one would have been allowed.

**Goal H III:** *Maintain and enhance single-family and multi-family residential neighborhoods, so that new development within the neighborhood is compatible in quality, design and scale and provides effective transitions between different uses and scales.*

Approval of this request to change the land use designation of this parcel from Low Density Residential (LDR) to High Density Residential (HDR) would enhance the ability of this parcel to serve as a transition zone between areas of differing use,

and allow for construction compatible with the adjacent multiple family buildings to the northeast.

**Housing Policies:**

*H1: Encourage a variety of residential design alternatives that increase housing opportunities in a manner that is compatible with the character of existing residential and commercial development throughout the city.*

Changing the land use designation of this parcel from Low Density Residential (LDR) to High Density Residential (HDR) will allow for a greater variety of design alternatives and an increase in housing stock that is compatible with the adjacent neighboring parcels to the northeast.

*H5: Require new residential development to meet or make provisions for the minimum density as allowed in each zone.*

Approval of this request to increase the density of this parcel would allow for a rezone to a higher density in zoning and the construction of up to four dwelling units, equivalent to development at 22 dwelling units per acre meeting the minimum standard of the R-24 zone.

*H6: Encourage infill development on vacant or underutilized sites to be compatible with existing housing types.*

Changing the land use designation of this parcel to a higher density would allow for the construction of structures similar to those found on adjacent parcels to the northeast and would help provide for a transition zone for those parcels found to the northwest.

*H16: Encourage the dispersal of affordable housing opportunities throughout the City.*

Allowing for an increase in density of this parcel will allow for the construction of attached or higher density dwelling units adding to the affordable housing stock found within the City.

*H23: Promote additional opportunities for first time home ownership.*

Condominiums or townhomes are becoming more attractive to individuals and families looking to purchase their first home.

*H27: Assure that site and building regulations and design guidelines create effective transitions between substantially different land uses and densities.*

Leaving this property as a Low Density Residential (LDR) use eliminates any potential to have an effective transition between commercial and single family uses.

- 2. The amendment addresses changing circumstances, changing community values, incorporates a sub area plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan.**

As the City of Shoreline continues to develop, many of the parcels that are underutilized have been identified for development. Because of the need for a more diverse housing stock, this proposed amendment directly addresses the changing housing market and will help fill the need for higher density housing designed for smaller families and seniors. The amendment would allow for up to four smaller families to live where previously only one would have (under the maximum density in zoning as allowed through an HDR designation). Additionally, as the commercial properties continue to develop and expand, this amendment would allow this parcel to develop and serve as a transition zone between the Low Density Residential (LDR) to the North West, and the Regional Business (RB) parcels to the South. Within this application there is no proposal for a sub area plan.

**3. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare.**

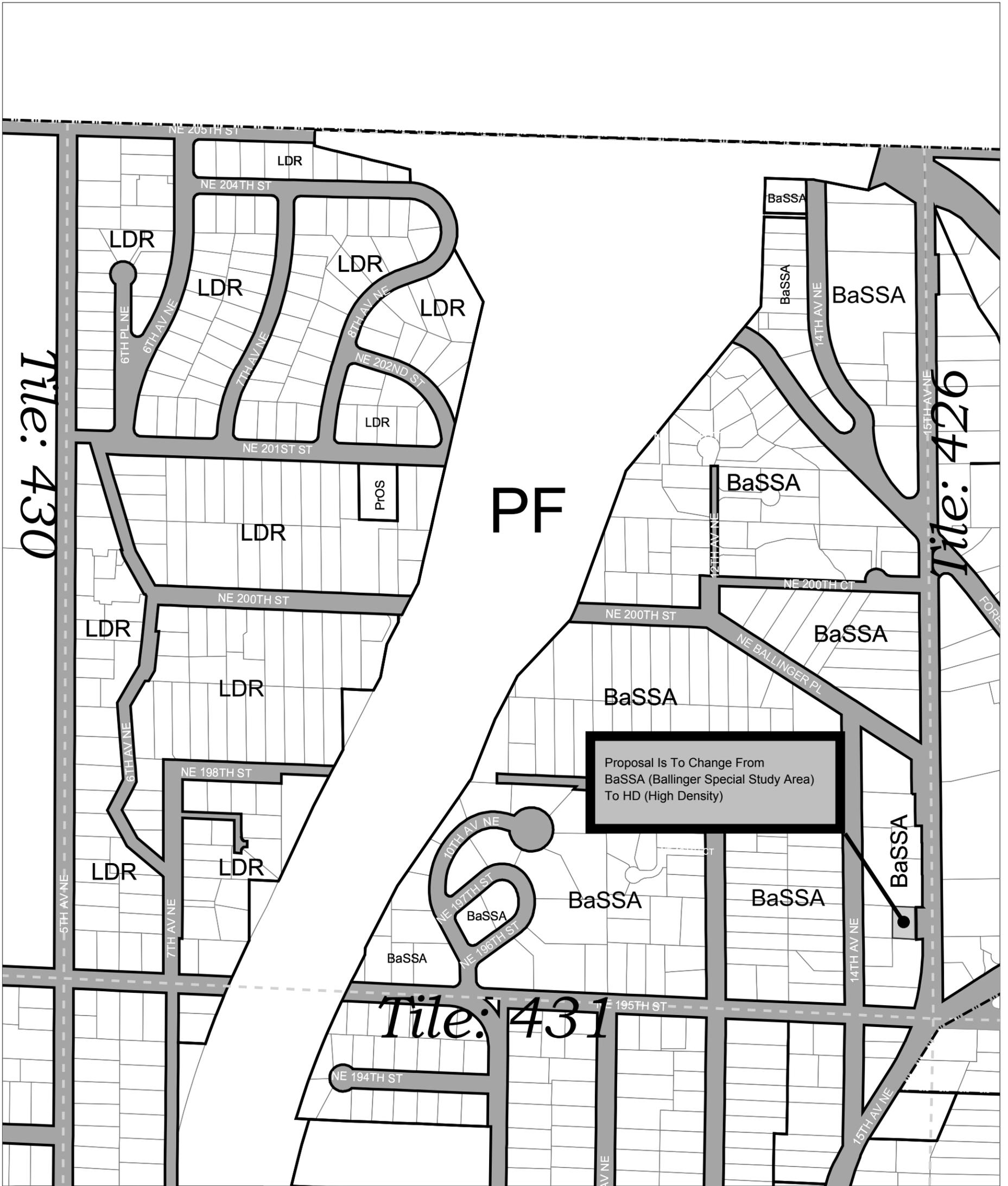
Because of the proximity to the large Community Business and Public Facilities uses to the South of this parcel, and the Low Density Residential uses to the North West, the proposed amendment would serve as a transition area between the zones. Additionally, the proposed amendment would allow for a rezone of this parcel and the construction of up to four dwelling units, three more than currently allowed. The addition of these three dwelling units to the area would not place an unreasonable burden on the community facilities, the public health, safety or general welfare. To ensure that any future developments at this site would not impact the surrounding facilities, project permits would be required subject to compliance with the requirements of the Shoreline Municipal Code.

**III. RECOMENDATION**

Based on the Findings, the Planning Commission recommends approval of application #201371; a site specific Comprehensive Plan amendment request to change the land use designation from Low Density Residential (LDR) to High Density Residential (HDR) for parcel number 3299200076 (generally located on the NW corner of Fremont Pl. N and N 160<sup>th</sup> St.).

**City of Shoreline Planning Commission**

\_\_\_\_\_ Date: \_\_\_\_\_  
Chairperson



Tile: 430

Tile: 426

Tile: 431

Proposal Is To Change From BaSSA (Ballinger Special Study Area) To HD (High Density)

**SHORELINE**

GEOGRAPHIC INFORMATION SERVICES

**City of Shoreline Comprehensive Plan**

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

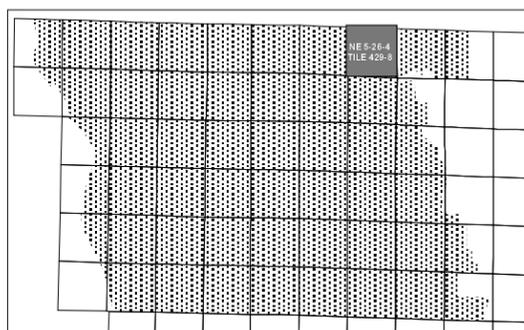
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**Legend**

- LDR** Low Density Residential
- MDR** Medium Density Residential
- HDR** High Density Residential
- MU** Mixed Use
- CB** Community Business
- RB** Regional Business
- PF** Public Facility
- SFI** Single Family Institution
- PubOS** Public Open Space
- ProS** Private Open Space
- SSA** Special Study Area
- NCBD** North City Business District
- BaSSA** Ballinger Special Study Area
- BrSSA** Briarcrest Special Study Area
- PSSA** Paramount Special Study Area

- Map Index Line
- Parcel Line
- Comprehensive Plan Land Use District Boundary
- City Boundary
- Unclassified ROW (Street name shown for info only)

**Map Index Locator**



0 100 200 300 400 Feet

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**DRAFT FINDINGS AND DETERMINATION OF THE CITY OF  
SHORELINE PLANNING COMMISSION**

John Harper Site Specific Comprehensive Plan Amendment Request  
File #201277

**Summary-**

Following the public hearing and deliberation on the request to change the Comprehensive Plan land use designation of a 9,307 Sq. Ft. parcel located at 19671 15<sup>th</sup> Ave NE, the City of Shoreline Planning Commission has determined that the request is in compliance with City codes and not detrimental to the health, safety, or welfare of the City of Shoreline, and therefore recommends approval of such action.

**I. FINDINGS OF FACT**

**1. Project Description-**

- 1.1 Action: Change the Comprehensive Plan land use designation for the subject parcel from Ballinger Special Study Area to High Density Residential (HDR)
- 1.2 Vicinity: 19671 15<sup>th</sup> Ave NE
- 1.3 Parcel Number: 3971701190
- 1.4
  - a.) The subject property has a current land use designation of Ballinger Special Study Area identified on the City of Shoreline's Comprehensive Plan Land Use Map. The status of Ballinger Special Study Area does not allow for a change in zoning.
  - b.) The proposal would change the land use designation to "HDR". Consistent zoning for the HDR land use designation ranges from R-12 to R-48 and would allow for the property owner to rezone the parcel.

**2. Procedural History-**

- 2.1 Public hearing held by the Planning Commission: March 3, 2005
- 2.2 Corrected Notice of Public Hearing and SEPA Determination of Nonsignificance (Rezone request): February 16, 2005
- 2.3 Notice of Public Hearing and SEPA Determination of Nonsignificance (Rezone request): February 10, 2005
- 2.4 End of 14 day Public Comment Period: February 4, 2005
- 2.5 Notice of Application with Optional DNS (Rezone request): January 20, 2005

- 2.6 Complete Application Date: January 14, 2005
- 2.7 Application Date: December 13, 2004
- 2.8 Neighborhood meeting Date: April 28, 2004
- 2.9 Pre-Application Meeting Date: April 8, 2004
- 2.10 Notification of Neighborhood Meeting: April 14, 2004

**3 Public Comment-**

- 3.1 The following individuals participated in Neighborhood Meetings:  
Urban J. Volil -19643 15<sup>th</sup> Ave NE
- 3.2 Written Comments have been received from:  
No public comment letters have been received.

**4 SEPA Determination-**

- 4.1 The SEPA determination for the 2004-2005 Annual Comprehensive Plan Amendment Docket (of which this action is a part) will be combined with the SEPA determination for the 2003-2004 Comprehensive Plan Major Update. This SEPA determination will be complete prior to Council adoption of the two dockets.

**5. Consistency-**

- 5.1 Site Specific Comprehensive Plan Amendment:  
The application has been evaluated and found to be consistent with the three criteria listed in Shoreline Municipal Code Section 20.30.340 (B). Due to the recent proposed changes in the Comprehensive Plan as part of the planned update process, both the adopted 1998 Comprehensive Plan Goals and Policies and the November 2004 Comprehensive Plan Planning Commission Recommended Draft Goals and Policies were used when analyzing this proposal for consistency. See proposal staff report for a detailed analysis of Comprehensive Plan Goals and Policies.
  
- 5.2 This Comprehensive Plan amendment and concurrent rezone action does not constitute approval for any development proposal. A site rezone is also required and to change the zoning of this parcel to a higher density. 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 are not 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**

Comprehensive Plan Amendments are subject to criteria contained in the Development Code. The proposal must meet the decision criteria listed in Section 20.30.340 of the SMC. The criteria are listed below, with a brief discussion of how the request meets the criteria. Due to the recent proposed changes in the Comprehensive Plan as part of the planned update process, both the adopted 1998 Comprehensive Plan Goals and Policies and the November 2004 Comprehensive Plan Planning Commission Recommended Draft Goals and Policies were used when analyzing this proposal for consistency.

### **SITE SPECIFIC COMPREHENSIVE PLAN AMMENDMENT:**

- 1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies.**

This amendment is consistent with the Growth Management Act (GMA) in that it will allow for an increase in affordable housing, a higher density of housing in an urban area, and an increase in the type of housing needed by seniors and smaller families. Four of the statutory goals identified in the state GMA legislation will be met by this project:

1. Guide urban growth to areas where urban services can be adequately provided.
2. Reduce urban sprawl.
3. Encourage efficient multi-modal transportation systems.
4. Encourage the availability of affordable housing to all economic segments of the population.

*\*These goals are identical between the 1998 Comprehensive Plan and the November 2004 Comprehensive Plan Planning Commission Recommended Draft.*

The proposal was analyzed and found to be consistent with the King County Countywide Planning Policies. The following is a brief discussion of how this proposal promotes County wide planning policies:

### **Analysis of June 2004 King County Countywide Planning Policies:**

***FW-11*** *The land use pattern for King County shall protect the natural environment by reducing the consumption of land and concentrating development. An Urban Growth Area, Rural Areas, and resource lands shall be designated and the*

*necessary implementing regulations adopted. This includes Countywide establishment of a boundary for the Urban Growth Area. Local jurisdictions shall make land use decisions based on the Countywide Planning Policies.*

Approval of this proposal promotes the efficient use of land by allowing for a higher density of dwelling units and concentrating development within an urban growth area.

**FW-12** *The Urban Growth Area shall provide enough land to accommodate future urban development. Policies to phase the provision of urban services and to ensure efficient use of the growth capacity within the Urban Growth Area shall be instituted.*

This proposal helps the City of Shoreline meet City growth targets as identified in the Shoreline Comprehensive Plan. By allowing this change in density, a parcel that has a high level of urban services will be allowed to redevelop not placing an additional burden on infrastructure.

**FW-12(a)** *All jurisdictions within King County share the responsibility to accommodate the 20-year population projection and job forecast. The population projection shall be assigned to the four subareas of King County (Sea-Shore, East, South and the Rural Cities) proportionate with the share of projected employment growth. Anticipated growth shall be allocated pursuant to the following objectives:*

*a. To ensure efficient use of land within the UGA by directing growth to Urban Centers and Activity Centers;*

Approval of this proposal would allow for an efficient use of land that is currently undeveloped in an area with a high level of urban services.

*b. To limit development in the Rural Areas;*

*c. To protect designated resource lands;*

*d. To ensure efficient use of infrastructure;*

Approval of this proposal would allow for the development of this parcel at a higher density in an area with available infrastructure.

*e. To improve the jobs/housing balance on a subarea basis;*

*f. To promote a land use pattern that can be served by public transportation and other alternatives to the single occupancy vehicle; and*

This proposal would allow for the development of a parcel that is located adjacent to a well served transit corridor.

*g. To provide sufficient opportunities for growth within the jurisdictions.*

Approval of this action would provide opportunity for growth by allowing for the placement of 4 dwelling units where only one would have been allowed.

**LU-28** *Within the Urban Growth Area, growth should be directed as follows: a) first, to Centers and urbanized areas with existing infrastructure capacity; b) second, to areas which are already urbanized such that infrastructure improvements can be easily extended; and c) last, to areas requiring major infrastructure improvements.*

By allowing for the development of this parcel at a higher density, this proposal would allow for a higher density development in an area with existing infrastructure capacity.

**Analysis of City of Shoreline Comprehensive Plan Land Use Element LU7:**

Of special interest under the Comprehensive Plan is Land Use Element Policy LU7. This proposal was evaluated for compliance with LU7. LU7 remains identical in the 1998 Comprehensive Plan and the November 2004 Planning Commission Recommended Draft. This policy lists the following processes for Comprehensive Plan amendments as follows:

*Ensure that the Shoreline City Council can amend the Comprehensive Plan once a year, as established in the Growth Management Act, through an amendment process that includes:*

- a detailed statement of what is proposed to be changed and why;*
- a statement of anticipated impacts from the change and issues presented;*
- a demonstration of why existing Comprehensive Plan guidance should not continue in effect or why existing criteria no longer apply;*
- a statement of how the amendment complies with GMA goals, Countywide planning policies, City vision, and the State Environmental Policy Act (SEPA);*
- a statement of how functional plans and capital improvement programs support the change;*
- public review of the recommended change, necessary implementation, and alternatives to the change; and*
- Planning Commission review and recommendation based on findings of fact.*

This report, plus application materials submitted, contain a detailed statement of the proposal. The anticipated impacts and issues have also been presented here. Past, current, and future Comprehensive Plan guidance will not be substantially changed by this proposal.

The 2004 Planning Commission Recommended Draft of the Shoreline Comprehensive Plan has established a growth target of 2,651 new housing units, and has also anticipated that Shoreline would accommodate 2,618 new jobs by 2022. The 1998 adopted Comprehensive Plan anticipated employment within City limits to reach 19,815 jobs by 2015 with the addition of 1,600 to 2,400 housing units.

The 1998 Comprehensive Plan identified different areas of the City where growth would likely occur and could be accommodated. A Comprehensive Plan Land Use map was adopted, and in some areas of the City allowed densities and intensity of uses to be increased. In many instances this change occurred in areas that had previously developed at a much lower intensity. The characteristics of this site lend itself to redevelopment at a higher intensity.

**Ballinger Special Study Area:**

The subject parcel has been placed under the designation of Ballinger Special Study Area. The Comprehensive Plan defines special study areas as:

*\*The definition of Ballinger Special Study Area remains identical in the adopted 1998 Comprehensive Plan and the November 2004 Comprehensive Plan Planning Commission Recommended Draft.*

“The Special Study Area designation applies to some areas of the community which might be appropriate for further study. These areas are designated for future subarea planning, watershed planning, special districts, neighborhood planning, or other study. It is anticipated that the underlying zoning for this designation shall remain.”

While the intent of this designation is to “Lock” the zoning in this area as it stands, the subject parcel has been identified as one that should be allowed to re-zone. The appeal of this 9,703 Sq. Ft. lot as a single family residence is diminished as it is surrounded on all sides by high density multi family developments. The owner has a hard time renting this dwelling, and consequently the owner’s ability to make improvements to the home are inhibited. If the property were to be rezoned to the R-24 density, the owners would redevelop the site to be consistent with its surroundings. Because of the intensity of the surrounding developments, sufficient infrastructure exists to support redevelopment of this parcel at this time. Additionally, as this site is surrounded by high density uses, re-zoning this parcel would not lead to a further growth (outward) of the high density zone.

Upon Annexation of the Ballinger Neighborhood from King County by the City of Shoreline in 1995, this parcel was designated as a high density parcel and adopted as such in the 1998 Comprehensive Plan. In 2001 the Ballinger neighborhood was changed to the designation of Ballinger Special Study area as part of the Zoning and Land Use Reconciliation project. The zoning of this parcel as R-6 was frozen at this time, as the Ballinger Special Study Area was intended to stop the change in land use designation for this area it has been kept as a “Low Density” parcel. Approval of this proposal would allow this parcel to be designated as “High Density

Residential” ultimately allowing it to rezone to a higher density making it consistent with the surrounding parcels.

**Analysis of Framework Goals:**

*\*Framework Goals remain identical within the Adopted 1998 Comprehensive Plan and the November 2004 Comprehensive Plan Planning Commission Recommended Draft.*

***FG1:*** Accommodate anticipated levels of growth and enhance the quality of life within the City of Shoreline.

Approval of the proposed amendment would allow for a rezone and ultimately the construction of an additional 4 dwelling units where only 1 would have been previously allowed. This will add to the City’s housing stock, provide for a wide variety of housing types, and assist the City in meeting it’s established growth targets.

***FG2:*** Promote quality building and development that is compatible with the surrounding environment.

Future projects on this site will be required to meet the standards of the Shoreline Development Code and other adopted Codes. A rezone may be required. Designs will be compatible with the existing multi-family buildings in the vicinity. By not approving this proposed amendment, this site will remain incompatible with the surrounding uses.

***FG3:*** Support diverse and affordable housing opportunities which provide for Shoreline’s population growth.

Approval of this amendment would allow for a rezone and ultimately the construction of 4 additional dwelling units on this site where only one would have previously been allowed. The 5 units would be targeting smaller families and seniors and priced below the average cost of a single family home.

**Analysis of 1998 City of Shoreline Adopted Comprehensive Plan Goals and Policies:****Land Use Goals:**

***Goal LU I:*** To assure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps to maintain Shoreline’s sense of community.

Designation of this parcel as High Density Residential (HDR) would allow for the construction of multiple units as an efficient use of land, potentially offering low maintenance construction and targeting smaller families and seniors. Due to the sites characteristics and proximity to a well served public transportation corridor, this amendment would allow for alternative means of transportation and would allow the site to develop at a level that is consistent with the surrounding uses.

**Goal LU III:** *To have adequate residential land and encourage a variety of quality housing opportunities and appropriate infrastructure suitable for the needs of Shoreline's present and future residents.*

Approval of this proposal would allow for a rezone and the creation of up to five higher density housing units, adding to the housing stock and diversity of housing types in the City of Shoreline.

**Land Use Policies:**

**LU2:** *Encourage attractive, stable, high quality residential and commercial neighborhoods with an appropriate variety of housing, shopping, employment and services...*

Increasing the density of this parcel increases the ability to provide for a variety of types and styles of housing units to meet the future needs of Shoreline citizens and increase the available housing stock. Because of this parcels proximity to a well served transit corridor residential units on this parcel would provide for a variety of transportation opportunities.

**LU23:** *Ensure land is designated to accommodate a variety of types and styles of residences adequate to meet the growth of 1,600-2,400 new housing units and the future needs of Shoreline citizens.*

Through approval of this proposal and the re-designation of this parcel as High Density Residential (HDR), a rezone may be requested and up to five dwelling units could be placed on this parcel. This would allow for an increase in the housing stock that is more appealing to smaller families and seniors.

**Housing Goals:**

**Goal H I:** *Provide sufficient development capacity to accommodate the 20 year growth forecast in an appropriate mix of housing types by promoting the creative and innovative use of land designated for residential and commercial use.*

Allowing for an increase in the density of this parcel would help increase the housing stock within the City and provide for a better use of an underdeveloped parcel.

**Goal H II:** *Pursue opportunities to preserve and develop housing throughout the City to address the needs of all economic segments of the community.*

Changing the land use designation of this parcel from Low Density Residential (LDR) to High Density Residential (HDR) would help provide an increase in density allowing for a rezone and ultimately the construction of up to five dwelling units where previously only one would have been allowed.

**Goal H III:** *Maintain and enhance single family and multi-family residential neighborhoods, so that they provide attractive living environments, with housing that is compatible in quality, design and scale within neighborhoods and that provides effective transitions between different uses and scales.*

Approval of this request to change the land use designation of this parcel from Low Density Residential (LDR) to High Density Residential (HDR) would enhance the ability of this parcel to develop at a higher density and allow for construction compatible with the adjacent multiple family buildings.

**Goal H IV:** *Encourage and support a variety of housing opportunities for those with special needs, particularly relating to age, health or disability.*

Increasing the density of this parcel improves the ability to provide for a variety of types and styles of housing units to meet the future needs of Shoreline citizens and increase the available housing stock. This type of housing development would appeal to seniors and smaller families who are unable to meet the maintenance needs of a single family home.

**Housing Policies:**

**H1:** *Encourage a variety of residential design alternatives that increase housing opportunities in a manner that is compatible with the character of existing residential and commercial development throughout the City.*

Changing the land use designation of this parcel from Low Density Residential (LDR) to High Density Residential (HDR) will allow for a greater variety of design alternatives and an increase in housing stock that is compatible with the adjacent neighboring parcels of high density development.

**H5:** *Require new residential development to achieve a minimum density as allowed in each zone.*

Approval of this request to increase the density of this parcel would allow for a rezone and the construction of up to five dwelling units, equivalent to development at 24 dwelling units per acre meeting the minimum standard of the R-24 zone.

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

Changing the land use designation of this parcel to a higher density would allow for the redevelopment of this parcel and the construction of structures similar to those found on adjacent parcels.

**H15:** *Encourage the dispersal of affordable housing opportunities throughout the City.*

Allowing for an increase in density of this parcel will allow for the construction of attached or higher density dwelling units adding to the affordable housing stock found within the City.

**H23:** *Promote additional opportunities for home ownership.*

Condominiums or townhomes are becoming more attractive to individuals and families looking to purchase their first home. Approval of this proposal would allow for a rezone and the placement of up to five higher density housing units.

**Analysis of November 2004 City of Shoreline Planning Commission Draft Comprehensive Plan Goals and Policies:**

**Land Use Goals:**

**Goal LU I:** *Ensure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps to maintain Shoreline's sense of community.*

Designation of this parcel as High Density Residential (HDR) would allow for the construction of multiple units as an efficient use of land, offering low maintenance construction and targeting smaller families and seniors. Due to the sites proximity to well served public transportation corridors, this amendment would also allow for alternative means of transportation.

**Goal LU III:** *Encourage a variety of quality housing opportunities and appropriate infrastructure suitable for the needs of Shoreline's present and future residents.*

Approval of this amendment would allow for an increase in the density of this parcel that is within proximity of appropriate infrastructure and would help provide housing in the middle income level.

**Goal LU2:** *Encourage attractive, stable, high quality residential and commercial neighborhoods that provide a variety of housing, shopping, employment and services.*

Any future developments would be subject to compliance with the City's Development code and would be consistent with the adjacent high density multiple family housing.

**Land Use Policies:**

**LU23:** *Ensure that land is designated to accommodate a variety of types and styles of housing units adequate to meet the future needs of Shoreline citizens.*

Increasing the density of this parcel increases the ability to provide for a variety of types and styles of housing units to meet the future needs of Shoreline citizens and increase the available housing stock.

**Housing Goals:**

**Goal H I:** *Provide sufficient development capacity to accommodate the 20 year growth forecast in an appropriate mix of housing types by promoting the creative and innovative use of land designated for residential and commercial use.*

Allowing for an increase in the density of this parcel would help increase the housing stock within the City and provide for a better use of an underdeveloped parcel.

**Goal H II:** *Pursue opportunities to preserve and develop housing throughout the city to address the needs of all economic segments of the community.*

Changing the land use designation of this parcel from Low Density Residential (LDR) to High Density Residential (HDR) would help provide an increase in density allowing for a rezone and ultimately the construction of up to five dwelling units where previously only one would have been allowed.

**Goal H III:** *Maintain and enhance single-family and multi-family residential neighborhoods, so that new development within the neighborhood is compatible in quality, design and scale and provides effective transitions between different uses and scales.*

Approval of this request to change the land use designation of this parcel from Low Density Residential (LDR) to High Density Residential (HDR) would enhance the ability of this parcel to be developed to a similar density and allow for construction compatible with the surrounding high density multiple family buildings.

**Housing Policies:**

**H1:** *Encourage a variety of residential design alternatives that increase housing opportunities in a manner that is compatible with the character of existing residential and commercial development throughout the city.*

Changing the land use designation of this parcel from Low Density Residential (LDR) to High Density Residential (HDR) will allow for a greater variety of design alternatives and an increase in housing stock that is compatible with the surrounding parcels.

**H5:** *Require new residential development to meet or make provisions for the minimum density as allowed in each zone.*

Approval of this request to increase the density of this parcel would allow for a rezone and the construction of up to five dwelling units, equivalent to development

at 24 dwelling units per acre meeting the minimum standard of the R-24 zone under HDR designation.

*H6: Encourage infill development on vacant or underutilized sites to be compatible with existing housing types.*

Changing the land use designation of this parcel to a higher density would allow for the construction of structures similar to those found on adjacent parcels.

*H16: Encourage the dispersal of affordable housing opportunities throughout the City.*

Allowing for an increase in density of this parcel will provide for the construction of attached dwelling units adding to the affordable housing stock found within the City.

*H23: Promote additional opportunities for first time home ownership.*

Condominiums or townhomes are becoming more attractive to individuals and families looking to purchase their first home.

**2. The amendment addresses changing circumstances, changing community values, incorporates a sub area plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan.**

As the City of Shoreline continues to develop, many of the parcels that are underutilized have been identified for development. Because of the need for a more diverse housing stock, this proposed amendment directly addresses the changing housing market and will help fill the need for higher density housing designed for smaller families and seniors. The amendment would allow for up to five smaller families to live where previously only one would have. Within this application there is no proposal for a sub area plan.

**3. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare.**

Approval of this proposal would allow for the site to be rezoned and developed to a level consistent with the surrounding uses. The addition of these four dwelling units to the area would not place an unreasonable burden on the community facilities, the public health, safety or general welfare. To ensure that any future developments at this site would not impact the surrounding facilities, project permits would be required subject to compliance with the requirements of the Shoreline Municipal Code.

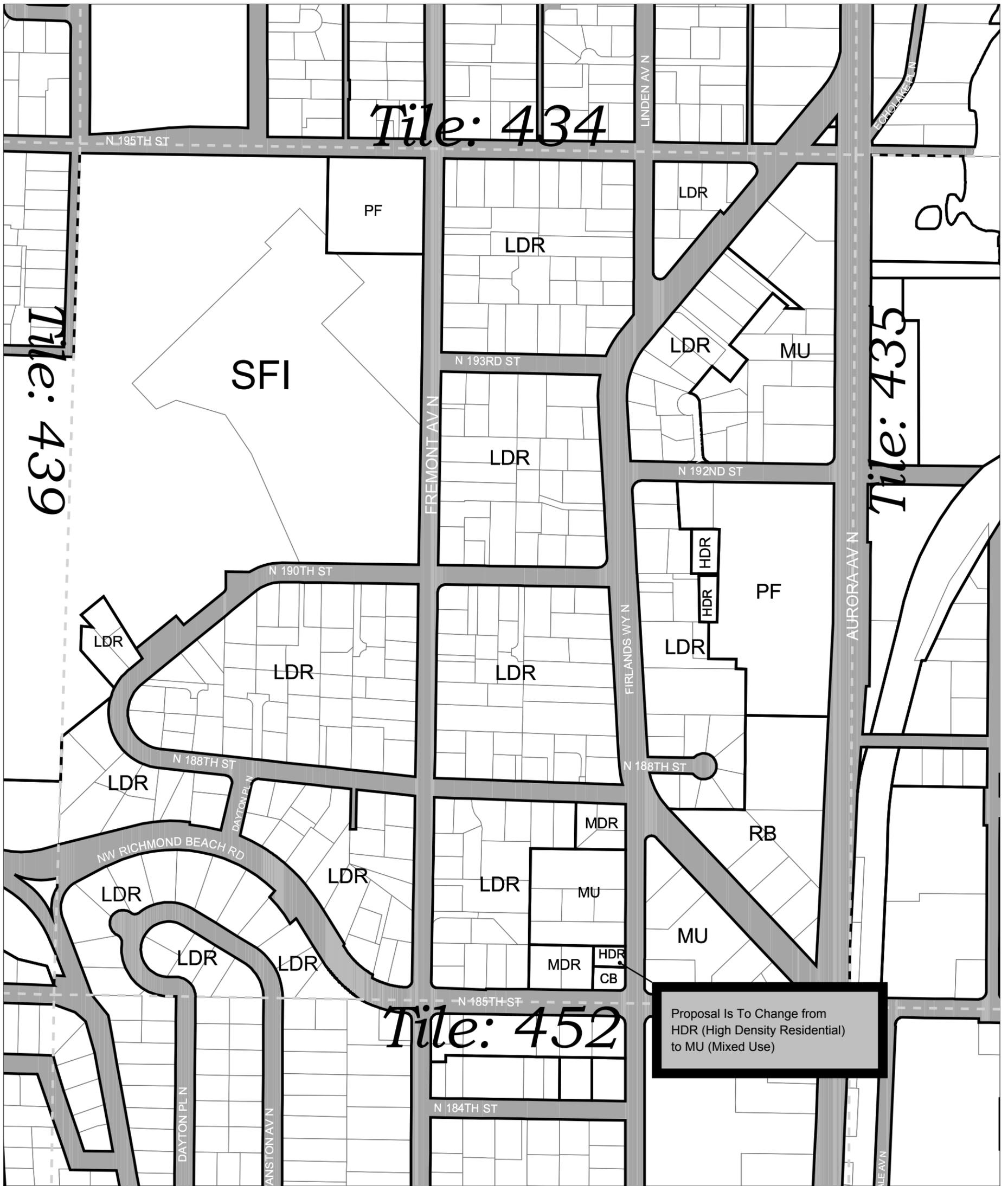
**II. RECOMMENDATION**

Based on the Findings, the Planning Commission recommends approval of application #201277; a site specific Comprehensive Plan amendment to change the land use designation for parcel number 3971701190 located at 19671 15<sup>th</sup> Ave NE from Ballinger Special Study Area to High Density Residential (HDR).

**City of Shoreline Planning Commission**

\_\_\_\_\_ Date: \_\_\_\_\_  
Chairperson

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**SHORELINE**

GEOGRAPHIC INFORMATION SERVICES

**City of Shoreline  
Comprehensive  
Plan**

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

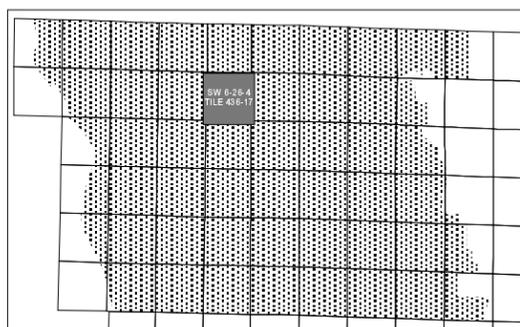
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**Legend**

- LDR** Low Density Residential
- MDR** Medium Density Residential
- HDR** High Density Residential
- MU** Mixed Use
- CB** Community Business
- RB** Regional Business
- PF** Public Facility
- SFI** Single Family Institution
- PubOS** Public Open Space
- PrOS** Private Open Space
- SSA** Special Study Area
- NCBD** North City Business District
- BaSSA** Ballinger Special Study Area
- BrSSA** Briarcrest Special Study Area
- PSSA** Paramount Special Study Area

- Map Index Line
- Parcel Line
- Comprehensive Plan  
Land Use District Boundary
- City Boundary
- Unclassified ROW  
(Street name shown for info only)

**Map Index Locator**



0 100 200 300 400 Feet

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**DRAFT FINDINGS AND DETERMINATION  
OF THE CITY OF SHORELINE PLANNING COMMISSION**

Site Specific Comprehensive Plan Amendment  
18511 Linden AVE N  
File #301275

**Summary-**

Following the public hearing and deliberation on the request to change the Comprehensive Plan Land Use designation for a 6,648 SF parcel located at 18511 Linden AVE N from High Density Residential (HDR) to Mixed Use (MU), the City of Shoreline Planning Commission has determined that the request is in compliance with City codes and not detrimental to the health, safety, or welfare of the City of Shoreline, and therefore recommends approval of such action.

**I. FINDINGS OF FACT**

**1. Project Description-**

- 1.1 Change the Comprehensive Plan land use designation for the subject parcel from High Density Residential (HDR) to Mixed Use (MU). The zoning of the site will remain as R-48.
- 1.2 Location: 18511 Linden AVE N
- 1.3 Parcel Number: 7283900303
- 1.4 a.) The subject property has a current land use designation of High Density Residential (HDR) identified on the City of Shoreline’s Comprehensive Plan Land Use Map. Consistent zoning with this designation ranges from R-12 to R-48.  
  
b.) The proposal would change the land use designation to Mixed Use (MU). Consistent zoning for the MU land use designation ranges from R-8 to R-48, Neighborhood Business, Community Business, Regional Business, or Industrial. The existing zoning of the parcel is consistent with the proposed change in land use designation, and there is no proposal to change this zoning at this time.

**2. Procedural History-**

- 2.1 Public hearing held by the Planning Commission: March 3, 2005
- 2.2 Notice of Public Hearing: February 10, 2005
- 2.3 End of 14 day Public Comment Period: February 4, 2005
- 2.4 Notice of Application with SEPA Exemption Identified: January 20, 2005

- 2.5 Complete Application Date: January 14, 2005
- 2.6 Application Date: December 30, 2004
- 2.7 Neighborhood meeting Date: December 28, 2004
- 2.8 Notification of Neighborhood Meeting: December 14, 2004
- 2.9 Pre-Application Meeting Date: July 12, 2004

**3 Public Comment-**

- 3.1 The following individuals participated in Neighborhood Meeting:
  - Francis Massart, 19203 Whitman N
  - Janet Massart, 19203 Whitman N
  - Dale Wright, 18546 Burke N (neighborhood rep for Echo Lake)
  - Evan Voltsis, 18411 Aurora AVE N (neighboring business owner)
- 3.2 No written public comments have been received
- 3.3 Public Hearing Testimony provided by the following individuals:  
*Insert names of individuals testifying*

**4 SEPA Determination-**

- 4.1 The SEPA determination for the 2004-2005 Annual Comprehensive Plan Amendment Docket (of which this action is a part) will be combined with the SEPA determination for the 2003-2004 Comprehensive Plan Major Update. This SEPA determination will be complete prior to Council adoption of the two dockets.

**5. Consistency-**

- 5.1 The application has been evaluated and found to be consistent with the three Site Specific Comprehensive Plan Amendment criteria listed in Shoreline Municipal Code Section 20.30.340 (B).
- 5.2 This Comprehensive Plan amendment does not constitute approval for any development proposal. Applicable permits shall be obtained prior to construction. Permit applications shall show compliance with the regulations that are in place at the time of permit submittal. This may include compliance with but not limited to the 1998 King County Storm Water Design Manual and Title 20 of the Shoreline Municipal Code (SMC). Applicable sections of the SMC include but are not 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

*Policies from both the Adopted 1998 Comp Plan and the updated November 2004 Planning Commission Recommended Comprehensive Plan Draft were used when considering this proposal for Comprehensive Plan land use change.*

- 1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies.**

The amendment to the Comprehensive Plan land use designation has been applied for this site in anticipation of future expansion of the James Alan Salon, which is located on the adjacent parcel to the south of the subject property.

The current Land Use Designation of High Density Residential will not allow rezoning to a commercial designation such as Office or Community Business, and expansion of the salon could not occur into residentially zoned property. It is anticipated that the property owner will apply for a rezone to a commercial designation in the future as expansion of the Salon becomes necessary.

The proposal is consistent with Comprehensive Plan Land Use Element Policy LU7 (this policy is the same in both the 1998 Adopted Comprehensive Plan & November 2004 Planning Commission Recommended Comprehensive Plan Draft) that establishes the process for Comprehensive Plan amendments as follows:

**LU 7:** Ensure that the Shoreline City Council can amend the Comprehensive Plan once a year, as established in the Growth Management Act, through an amendment process that includes:

- a detailed statement of what is proposed to be changed and why;
- a statement of anticipated impacts from the change and issues presented;
- a demonstration of why existing Comprehensive Plan guidance should not continue in effect or why existing criteria no longer apply;
- a statement of how the amendment complies with GMA goals, Countywide planning policies, City vision, and the State Environmental Policy Act (SEPA);
- a statement of how functional plans and capital improvement programs support the change;

- 
- public review of the recommended change, necessary implementation, and alternatives to the change; and
  - Planning Commission review and recommendation based on findings of fact.

The application for site-specific Comprehensive Plan amendment was advertised to the public in January 2005, and in this advertisement the proposal was clearly identified. The staff report produced for the March 3, 2005 Planning Commission Public Hearing, plus application materials submitted, each contain detailed statement of the proposal and information related to how the proposal is in compliance with applicable planning regulations. The anticipated impacts and issues have also been presented therein. The current Comprehensive Plan guidance will not be substantially changed by this proposal. The public was invited to review and comment on the proposed changes and the Planning Commission considered all testimony and input regarding the proposed Land Use Designation change. The proposal is consistent with the goals of the GMA, specifically meeting the goal to “encourage sustainable economic development.” The proposal is also consistent with the King County Countywide Planning Policies (CPP’s) in that it specifically meets the following goals of the plan:

**CPP - FW-12(a)** All jurisdictions within King County share the responsibility to **accommodate the 20-year** population projection and **job forecast**. The population projection shall be assigned to the four subareas of King County (Sea-Shore, East, South and the Rural Cities) proportionate with the share of projected employment growth. Anticipated growth shall be allocated pursuant to the following objectives:

- a. To ensure efficient use of land within the UGA by directing growth to Urban Centers and Activity Centers;
- b. To limit development in the Rural Areas;
- c. To protect designated resource lands;
- d. To ensure efficient use of infrastructure;
- e. **To improve the jobs/housing balance on a subarea basis;**
- f. To promote a land use pattern that can be served by public transportation and other alternatives to the single occupancy vehicle; and
- g. To provide sufficient opportunities for growth within the jurisdictions.

*(emphasis added)*

**CPP - ED-6** Local jurisdictions plans shall include policies that actively support the retention and expansion of the economic base of the multi-County region. Local jurisdictions and the County shall work cooperatively on a regional basis and invite private sector participation to evaluate the trends, opportunities and weaknesses of the existing economy and to analyze the economic needs of key industries. Local jurisdictions comprehensive plans shall include policies intended to foster:

- a. The development and retention of those businesses and industries which export their goods and services outside the region. These businesses and industries are critical to the economic strength and diversification of the economy; and
- b. A business climate which is supportive of business formation, expansion, and retention and recognizes the importance of small businesses in creating new jobs.**

*(emphasis added)*

Furthermore, the proposal also meets the vision statements and framework goals that are part of the adopted 1998 Comprehensive Plan (and subsequently included unedited in the November 2004 Planning Commission recommended Comprehensive Plan Update). The Framework Goals that support this proposal include:

- FG1:** Accommodate anticipated levels of growth and enhance the quality of life within the City of Shoreline
- FG2:** Promote quality building and development that is compatible with the surrounding environment.
- FG4:** Pursue a strong and diverse economy and assure economic development that complements neighborhood character.

**2. The amendment addresses changing circumstances, changing community values, incorporates a sub area plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan.**

The Comprehensive Plan Land Use map was adopted shortly after the City’s incorporation in 1995, where the city accepted the land use designations that King County had adopted. The subject property’s current designation of High Density Residential is what was inherited from King County at the City’s incorporation.

In 1998 the land use map was amended to include some revisions. In 2001 the city undertook a reconciliation process to bring into alignment the Zoning Map with the 1998 Comprehensive Plan Land Use Map. During this reconciliation process, parcels in the immediate vicinity to the north of the subject site underwent land use designation changes because of inconsistencies between the Land Use and Zoning. These

inconsistencies were resolved by modifying the land use designations from a combination of residential and commercial land uses to mixed use. Upon reexamination of this area, it has been determined that a mixed use designation for this subject parcel is more appropriate and it could have been incorporated as part of the reconciliation process in 2001.

**3. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare.**

The amendment to the plan will benefit the community as a whole in that it will potentially allow future commercial expansion and the addition of new jobs, thereby helping the City achieve its job target growth of 2,618 new jobs by 2022.

The area is also surrounded by other commercial and multifamily uses, and the change of this designation would be compatible with them and not impact the surrounding uses in any way.

Furthermore, the proposal supports several of the economic goals identified in the Comprehensive Plan including:

**ED 2 (1998 & 2004 PC Rec Draft):** Improve economic vitality by:

- Encouraging existing businesses
- Recruiting new businesses
- Encouraging economic services for the community
- Cooperating with businesses to create strategies and action plans
- Assuring increased housing density around commercial districts
- Developing design guidelines to enhance commercial areas.

**ED 5 (1998 & 2004 PC Rec Draft):** Increase and improve the City's job base allowing people to work and shop in the community.

**ED 9 (1998):** Emphasize attraction of living wage jobs to the community. 1998 with 2004 edits to make the policy read:

**ED 9 (2004 PC Rec Draft):** Emphasize attracting living wage jobs to the community.

**ED 12 (1998):** Recognize the potential for other, smaller commercial districts for improvement and revitalization.

**ED 14** (1998 & 2004 PC Rec Draft): Support and retain small businesses for their jobs and services that they provide to the community.

**ED 20** (1998 & 2004 PC Rec Draft): Encourage land use which increases the city’s tax base.

**ED 26** (1998 & 2004 PC Rec Draft): Ensure that sufficient land use and zoning provisions supports businesses.

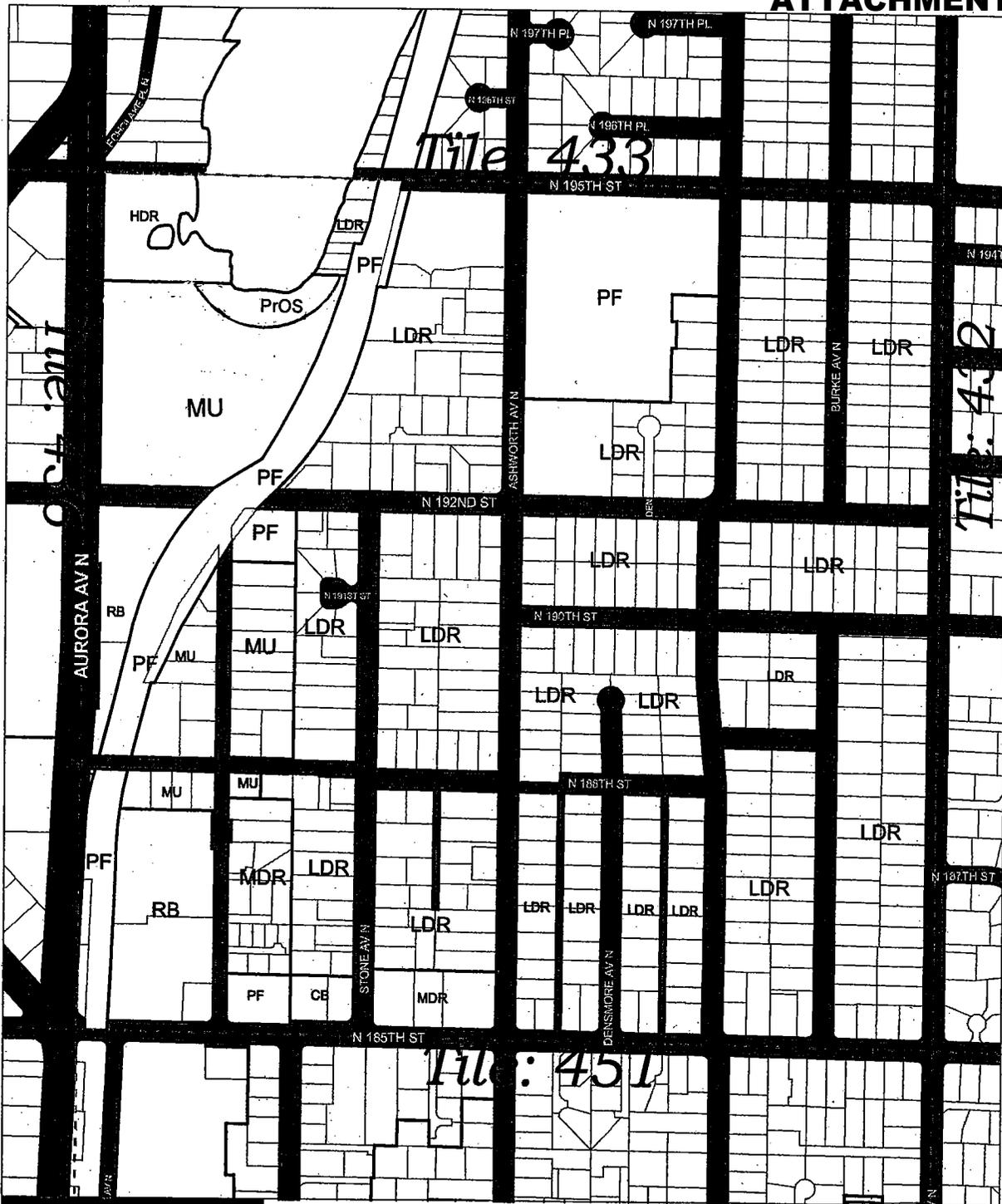
**III. RECOMMENDATION**

Based on the Findings, the Planning Commission recommends approval of application #301275; a site specific Comprehensive Plan amendment to change the land use designation from High Density Residential (HDR) to Mixed Use (MU) for parcel number 7283900303, located at 18511 Linden Ave N.

**City of Shoreline Planning Commission**

\_\_\_\_\_ Date: \_\_\_\_\_  
Chairperson

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**SHORELINE**  
GEOGRAPHIC INFORMATION SERVICES

**City of Shoreline  
Comprehensive  
Plan**

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

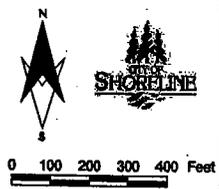
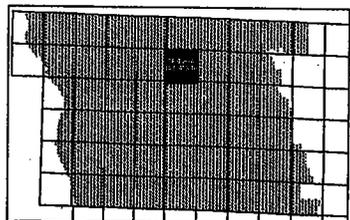
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**Legend**

<b>LDR</b>	Low Density Residential
<b>MDR</b>	Medium Density Residential
<b>HDR</b>	High Density Residential
<b>MU</b>	Mixed Use
<b>CB</b>	Community Business
<b>RB</b>	Regional Business
<b>PF</b>	Public Facility
<b>SFI</b>	Single Family Institution
<b>PubOS</b>	Public Open Space
<b>ProS</b>	Private Open Space
<b>SSA</b>	Special Study Area
<b>NCBD</b>	North City Business District
<b>BaSSA</b>	Balfinger Special Study Area
<b>BrSSA</b>	Briarcrest Special Study Area
<b>PSSA</b>	Paramount Special Study Area

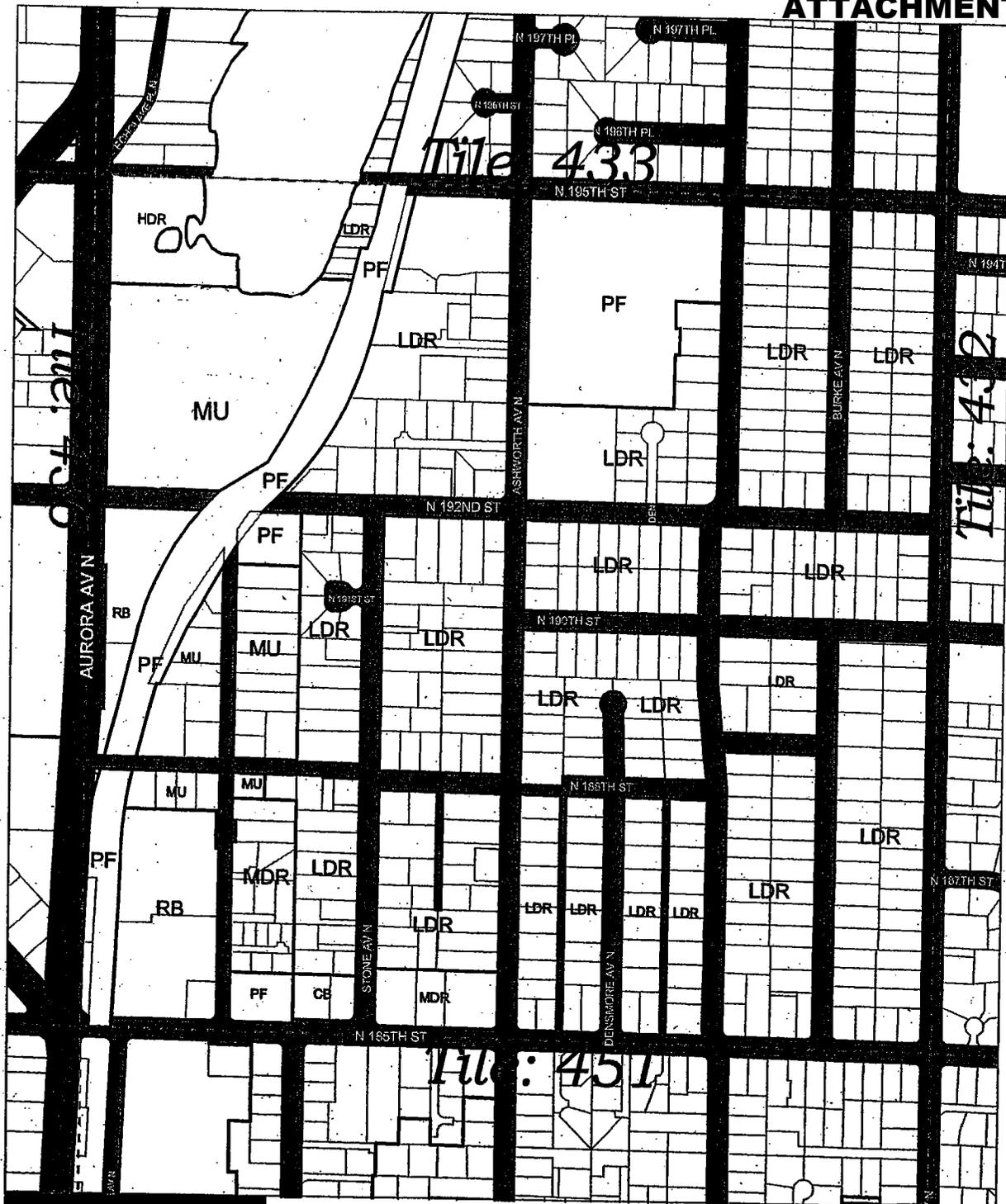
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- Parcel Line
- Comprehensive Plan Land Use District Boundary
- City Boundary
- Unclassified ROW (Reserved Open Space by 100-foot)

**Map Index Locator**



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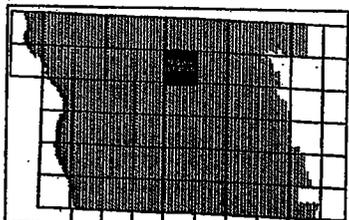


SHORELINE  
 GEOGRAPHIC INFORMATION SERVICES  
**City of Shoreline  
 Comprehensive  
 Plan**  
 Official Map Adopted by  
 City Council on Jan 7, 2002  
 By Ordinance No. 292  
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- Legend**
- LDR** Low Density Residential
  - MDR** Medium Density Residential
  - HDR** High Density Residential
  - MU** Mixed Use
  - CB** Community Business
  - RB** Regional Business
  - PF** Public Facility
  - SFI** Single Family Institution
  - PubOS** Public Open Space
  - PROS** Private Open Space
  - SSA** Special Study Area
  - NCBD** North City Business District
  - BaSSA** Bellinger Special Study Area
  - BrSSA** Briarcrest Special Study Area
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**Amended\* DRAFT FINDINGS AND DETERMINATION  
OF THE CITY OF SHORELINE PLANNING COMMISSION**

Site Specific Comprehensive Plan Amendment

**\*Changes made to the draft findings and determination as found in the April 14, 2005 staff report packet are shown in legislative format. New language is underlined, deleted language is struck out.**

**Summary-**

Following the public hearing and deliberation on the request to change the Comprehensive Plan Land Use designation for a parcel located at 19250 Aurora Ave. N., at the south end of Echo Lake, from High Density Residential (HDR), Public Open Space (PubOS), and Mixed Use (MU) to Mixed Use (MU), the City of Shoreline Planning Commission has determined that the request is in compliance with City codes and not detrimental to the health, safety, or welfare of the City of Shoreline, and therefore recommends approval of such action- if a designation of Private Open Space is added as shown on Attachment VII of the April 14, 2005 staff report.

**I. FINDINGS OF FACT**

**1. Project Description-**

- 1.1 ~~Change the~~ The site-specific Comprehensive Plan amendment requested is to change the land use designation of portions of the Echo Lake property, for the subject parcel from High Density Residential (HDR) and Public Open Space (PubOS), so that the entire parcel is designated to Mixed Use (MU) and Private Open Space (PrOS) to facilitate a re-zone from R-48 Residential, 48 units per acre to RB, Regional Business.
- 1.2 The site-specific Comprehensive Plan amendment requested is to change the land use designation of portions of the Echo Lake property from High Density Residential (HDR) and Public Open Space (PubOS), so that the entire parcel is designated Mixed Use (MU).
- 1.3 Location: 19250 Aurora Ave. N.
- 1.4 Parcel Number: 2222900040
- 1.5 a.) The existing Comprehensive Plan designations for the parcel are as follows: the western portion of the site (approximately 1.85 acres) is designated as Mixed Use (MU), the eastern portion (approximately 6.1 acres) is designated as High Density Residential (HDR). There is a 50-foot wide strip (approximately 34,773 square feet) along the northern border from Aurora to the interurban trail that is designated Public Open

Space (PubOS). Consistent zoning with this designation ranges from R-12 to R-48.

b)The recommended proposal would change the land use designation of the developable portion of the entire parcel to Mixed Use (MU), and designate the wetland buffer portion of the parcel as Private Open Space (PrOS). Consistent zoning for the MU land use designation ranges from R-8 to R-48, Neighborhood Business, Community Business, Regional Business, or Industrial. The existing zoning of the parcel is consistent with the proposed change in land use designation, a rezone proposal to change this zoning to RB is pending.

## 2. Procedural History-

- 2.1 Public hearing held on the site-specific Comprehensive Plan amendment by the Planning Commission: April 14, 2005
- 2.2 SEPA Determination for the rezone appealed March 2, 2005
- 2.3 Notice of Public Hearing and SEPA Threshold Determination: February 15, 2005.
- 2.4 End of 14 day Public Comment Period: February 4, 2005
- 2.5 Notice of Application & Preliminary SEPA Threshold Determination for combined action:\* January 20, 2005
- 2.6 Complete Application Date: January 14, 2005
- 2.7 Application Date: December 30, 2004
- 2.8 Neighborhood meeting Date: December 8, 2004
- 2.9 Pre-Application Meeting Date: August 20, 2004

\*Original application was for a combined site-specific Comprehensive Plan Amendment and Re-zone. The actions were separated after an appeal of the SEPA determination and scheduling conflicts, and agreed to by all parties.

## 3 Public Comment-

*A complete listing of participants and parties of record will be inserted after the public hearing is completed.*

## 4 SEPA Determination-

The SEPA determination for the 2004-2005 Annual Comprehensive Plan Amendment Docket (of which this action is a part) will be combined with the SEPA determination for the 2003-2004 Comprehensive Plan Major Update. This SEPA determination will be complete prior to Council adoption of the two dockets.

**5. Consistency-**

- 5.1 The application has been evaluated and found to be consistent with the three Site Specific Comprehensive Plan Amendment criteria listed in Shoreline Municipal Code Section 20.30.340 (B).
- 5.2 This Comprehensive Plan amendment does not constitute approval for any development proposal. Applicable permits shall be obtained prior to construction. Permit applications shall show compliance with the regulations that are in place at the time of permit submittal. This may include compliance with but not limited to the 1998 King County Storm Water Design Manual and Title 20 of the Shoreline Municipal Code (SMC). Applicable sections of the SMC include but are not 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**

*Policies from both the Adopted 1998 Comp Plan and the updated November 2004 Planning Commission Recommended Comprehensive Plan Draft were used when considering this proposal for Comprehensive Plan land use change.*

- 1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies.**

The proposed amendment is consistent with the Growth Management Act (GMA), which envisions increased commercial and residential densities on properties within established urban areas that already have adequate public facilities. ~~The development proposed for this property is served by existing utilities, and infrastructure are available for redevelopment of the site. It is served by Aurora Ave. N., and a regional transit center, and the Interurban Trail.~~ The site is currently underdeveloped with respect to its high-density residential zoning designation (current development is at a density of only 15 units per acre).

~~This amendment is not inconsistent with the Growth Management Act in that the proposal will provide for approximately the same number of housing units as are currently allowed by zone. Regional Business zoning allows for high density residential development.~~

There are numerous Comprehensive Plan goals and policies that provide support for the proposed amendment. Both the adopted 1998 goals and policies and the proposed Planning Commission recommended 2004 updates were analyzed.

LU 69: "Public open space" "...might be appropriate for public acquisition. It is anticipated that the underlying zoning for this designation shall remain".

LU 70 current: "Private open space" states: "The Private Open Space designation should be applied to all privately owned open space. It is anticipated that the underlying zoning for this designation shall remain".

LU 70 (proposed): "The Private Open Space designation applies to all privately owned open space. It is anticipated that the underlying zoning for this designation shall remain."

*Attachments V-A and V-B of the staff report for the April 14, 2005 public hearing contains additional listings of compatible goals and policies. These may be inserted after the Planning Commission deliberations, along with any other policies the Commission may deem appropriate.*

The proposal is consistent with Comprehensive Plan Land Use Element Policy LU7 (this policy is the same in both the 1998 Adopted Comprehensive Plan & November 2004 Planning Commission Recommended Comprehensive Plan Draft) that establishes the process for Comprehensive Plan amendments as follows:

**LU 7:** Ensure that the Shoreline City Council can amend the Comprehensive Plan once a year, as established in the Growth Management Act, through an amendment process that includes:

- a detailed statement of what is proposed to be changed and why;
- a statement of anticipated impacts from the change and issues presented;
- a demonstration of why existing Comprehensive Plan guidance should not continue in effect or why existing criteria no longer apply;
- a statement of how the amendment complies with GMA goals, Countywide planning policies, City vision, and the State Environmental Policy Act (SEPA);
- a statement of how functional plans and capital improvement programs support the change;
- public review of the recommended change, necessary implementation, and alternatives to the change; and
- Planning Commission review and recommendation based on findings of fact.

The application for site-specific Comprehensive Plan amendment was advertised to the public in January 2005, and in this advertisement the proposal was clearly identified. The staff report produced for the March 3, 2005 Planning Commission Public Hearing, plus application materials submitted, contain detailed statement of the proposal and information related to how the proposal is in compliance with applicable planning regulations. The anticipated impacts and issues have also been presented therein.

The current Comprehensive Plan guidance will not be substantially changed by this proposal, ~~as the general layout of the commercial and residential uses will likely remain similar under the contract zone as to what currently exists.~~ The reason for the change is to allow a more unified development without having to “step around” different zoning lines on a single site. A Mixed Use designation is consistent for high density residential zoning as well as commercial zoning that allows for high density residential development. This is in keeping with the housing goals and economic development policies in the Comprehensive Plan.

The Comprehensive Plan identifies different areas of the City where growth would likely occur and could be accommodated. A Comprehensive Plan Land Use map was adopted, and in some areas of the City allowed densities and intensity of uses to be increased. In many instances this change occurred in areas that had previously developed at a much lower intensity (as is the case of the subject parcel) and more dense development was anticipated in the future when the underutilized parcels were redeveloped.

~~The RB zoning district allows unlimited residential density. The proposed contract zone would not result in substantially fewer housing units than would be allowed under the current zoning, thus non of the housing goals or policies would be undermined by the change.~~

The proposal is consistent with both Growth Management Act and County-wide planning policies, in that it seeks to create an infill, mixed use development within urban growth limits that has access to regional transportation facilities (in accordance with Countywide Planning Policies LU28 and LU69). The Mixed Use designation allows for zoning of commercial districts that allow high density residential development, thus it would not have a negative effect on the City’s ability to meet housing or employment targets set by the Comprehensive Plan, GMA and County planning policies. Promoting redevelopment of the site will improve water quality to the critical area by treating and detaining run-off into the lake, and by cleaning up existing soil contamination on the site (Countywide Planning Policies CA9 and CA10).

Additional Countywide Planning Policies (CCP’s) that relate to the proposal:

**CPP - FW-12(a)** All jurisdictions within King County share the responsibility to accommodate the 20-year population projection and job forecast. The population projection shall

be assigned to the four subareas of King County (Sea-Shore, East, South and the Rural Cities) proportionate with the share of projected employment growth. Anticipated growth shall be allocated pursuant to the following objectives:

- a. To ensure efficient use of land within the UGA by directing growth to Urban Centers and Activity Centers;
- b. To limit development in the Rural Areas;
- c. To protect designated resource lands;
- d. To ensure efficient use of infrastructure;
- e. To improve the jobs/housing balance on a subarea basis;
- f. To promote a land use pattern that can be served by public transportation and other alternatives to the single occupancy vehicle; and
- g. To provide sufficient opportunities for growth within the jurisdictions.

**CPP - ED-6** Local jurisdictions plans shall include policies that actively support the retention and expansion of the economic base of the multi-County region. Local jurisdictions and the County shall work cooperatively on a regional basis and invite private sector participation to evaluate the trends, opportunities and weaknesses of the existing economy and to analyze the economic needs of key industries. Local jurisdictions comprehensive plans shall include policies intended to foster:

- a. The development and retention of those businesses and industries which export their goods and services outside the region. These businesses and industries are critical to the economic strength and diversification of the economy; and
- b. A business climate which is supportive of business formation, expansion, and retention and recognizes the importance of small businesses in creating new jobs.

Furthermore, the proposal also meets the vision statements and framework goals that are part of the adopted 1998 Comprehensive Plan (and subsequently included unedited in the November 2004 Planning Commission recommended Comprehensive Plan Update). The Framework Goals that support this proposal include:

**FG1:** Accommodate anticipated levels of growth and enhance the quality of life within the City of Shoreline

**FG2:** Promote quality building and development that is compatible with the surrounding environment.

**FG4:** Pursue a strong and diverse economy and assure economic development that complements neighborhood character.

Adequate utilities, infrastructure and transit exist in the area. Notice of this application was sent to all utilities serving the area and no comments were received. Additionally, water and sewer availability certificates were submitted as part of the application requirements. These certificates indicate adequate capacity that would support the change in designation. Frontage improvements will also be required for redevelopment of the site, both along Aurora Ave. N. and N. 192<sup>nd</sup> Street as part of the site development permit. These improvements will include sidewalk, curb and gutter. Public review and comment are discussed above.

**2. The amendment addresses changing circumstances, changing community values, incorporates a sub area plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan.**

The Comprehensive Plan Land Use map was adopted shortly after the City's incorporation in 1995, where the city accepted the land use designations that King County had adopted. The subject property was designated HDR, High Density Residential under King County and at the City's incorporation. It was split-zoned as it currently is (R-48 and RB). During the 2001 Comprehensive Plan/Zoning Reconciliation process, that portion of the lot that was zoned Regional Business was changed to a MU, Mixed Use designation to reflect the zoning and the use of the property. Since the remainder of the property contained housing (a trailer park) and was zoned residential (R-48), the High Density Residential designation was not changed.

The existing split-designations and zoning of the property discourages it to be developed in a cohesive and well-planned manner. This is inconsistent with the overall policy objective of the Comprehensive Plan. The amendment, ~~with the accompanying contract rezone, will allow for a cohesive, vibrant mixed-use development and will allow~~ an under-utilized property to be redeveloped according to the City's current development regulations. There is no current or proposed sub-area plan for this area.

~~This proposal represents a unique opportunity to develop a large parcel with a "signature project" that will address nearly all of the elements of the Comprehensive Plan. It will help diversify housing opportunities for Shoreline residents by providing condominiums and apartments ranging from market-rate to middle-low income seniors. It will provide open space as wetland buffer, and connect with existing recreation and~~

~~transit opportunities provided by the Interurban Trail. It will create a new mixed-use center that includes office, retail, restaurants, recreation, open space, housing and senior housing. It takes advantage of excellent multi-modal transportation options ranging from automobile access to Highway 99, bus service from the Park & Ride transit center kitty corner from the property, and pedestrian/bicycle Interurban Trail adjacent to the parcel on the east, which connects to the Metro Transit center on N. 200th St.~~

**3. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare.**

The amendment to the plan will benefit the community as a whole in that it will potentially allow future housing units and commercial expansion and the addition of new jobs, thereby helping the City achieve its job target growth of 2,618 new jobs by 2022. Furthermore, the proposal supports several of the economic development goals identified in the Comprehensive Plan.

*Attachments V-A and V-B of the staff report for the April 14, 2005 public hearing contains additional listings of compatible goals and policies. These may be inserted after the Planning Commission deliberations, along with any other policies the Commission may deem appropriate.*

The proposed amendment allows for a better, more effective development of the property than would currently be possible under the split-zoning and land use designations. The redevelopment of a parcel that is in transition and in declining condition, and additional housing, employment, and commercial opportunities will benefit the entire community while not adversely affective public health, safety, or general welfare.

**III. RECOMMENDATION**

Based on the Findings, the Planning Commission recommends approval of application #201372; a site specific Comprehensive Plan amendment to change the land use designation from **High Density Residential, Public Open Space and Mixed Use**, to **Mixed Use**, and ~~to change the location, size and designation of the area currently designated Public Open Space, and designate it Private Open Space for parcel #2222900040, as shown on Attachment VII of the April 14, 2005 staff report.~~

**City of Shoreline Planning Commission**

\_\_\_\_\_ Date: \_\_\_\_\_  
Chairperson