

AGENDA
CITY OF SHORELINE PLANNING COMMISSION
REGULAR MEETING

Thursday, July 7, 2005
 7:00 p.m.

Shoreline Conference Center | Board Room
 18560 1st Ave NE

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00 p.m.
2. ROLL CALL	7:01 p.m.
3. APPROVAL OF AGENDA	7:02 p.m.
4. DIRECTOR'S REPORT City Manager Update on Planning & Development Services Director Recruitment	7:03 p.m.
5. APPROVAL OF MINUTES a. June 16, 2005	7:30 p.m.
6. GENERAL PUBLIC COMMENT	7:35 p.m.
<i>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 6 (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.</i>	
7. PUBLIC HEARING	7:40 p.m.
i. Proposed Enhancements of the Code Enforcement Program	
a. Staff Report	
b. Public Testimony or Comment	
c. Close Public Hearing	
8. COMMISSION DELIBERATIONS	8:00 p.m.
9. REPORTS OF COMMITTEES AND COMMISSIONERS	9:25 p.m.
10. UNFINISHED BUSINESS	9:30 p.m.
11. NEW BUSINESS PC Agenda Planner	9:33 p.m.
12. ANNOUNCEMENTS	9:37 p.m.
13. AGENDA FOR July 21, 2005 Deliberation: CAO Update <u>OR</u> Cottage Housing	9:39 p.m.
13. ADJOURNMENT	9:40 p.m.

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CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

June 16, 2005
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Vice Chair Piro
Commissioner McClelland
Commissioner Kuboi
Commissioner Phisuthikul
Commissioner Sands
Commissioner Broili
Commissioner MacCully (arrived at 7:10)
Commissioner Hall

STAFF PRESENT

Rachael Markle, Assistant Director, Planning & Development Services
Andrea Spencer, Senior Planner, Planning & Development Services
Paul Cohen, Senior Planner, Planning & Development Services
Kristie Anderson, Code Enforcement Officer
Jessica Simulcik, Planning Commission Clerk

ABSENT

Chair Harris

1. CALL TO ORDER

The regular meeting was called to order at 7:06 p.m. by Vice Chair Piro, who presided.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Vice Chair Piro, Commissioners Kuboi, Sands, Hall, McClelland, Phisuthikul and Broili. Commissioner MacCully arrived at 7:10 p.m. and Chair Harris was excused.

3. APPROVAL OF AGENDA

The Commission approved the agenda as proposed.

4. DIRECTOR'S REPORT

Ms. Spencer reported that the City Council adopted the Comprehensive Plan Update on June 13th. Once the master plans are all adopted, she advised that staff would print the entire document and provide a copy to each of the Commissioners. In addition, the adopted version can be accessed at this time via the City's website. She pointed out that the Central Shoreline Plan was adopted as part of the amendments.

Ms. Spencer advised that the City is in the middle of their Capital Improvement Program process. The document is available on the City's website, and Commissioners could also contact staff for a paper copy. Commissioner Kuboi asked if the Capital Improvement Program review would include a discussion regarding sidewalks. Ms. Spencer answered that money has been set aside for the sidewalk program. She emphasized that the document is in draft form right now, so there are opportunities for public comment. She said she would provide information to the Commission regarding the exact dates for the public hearings, etc.

Commissioner MacCully arrived at the meeting at 7:10 p.m.

5. APPROVAL OF MINUTES

COMMISSIONER KUBOI MOVED TO APPROVE THE JUNE 2, 2005 MINUTES AS AMENDED. COMMISSIONER SANDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY, WITH COMMISSIONER HALL AND VICE CHAIR PIRO ABSTAINING FROM THE VOTE.

6. GENERAL PUBLIC COMMENT

Commissioner Hall asked if the Commission would be allowed to invite additional comment on Cottage Housing since the public hearing was closed at their last meeting. Ms. Spencer explained that because the proposed Cottage Housing amendments are legislative in nature, the Commission could accept additional testimony regarding the issue during the general public comment period.

COMMISSIONER BROILI MOVED THAT THE COMMISSION ALLOW ADDITIONAL PUBLIC COMMENTS REGARDING COTTAGE HOUSING FROM THE SAME PEOPLE AS LONG AS IT IS NEW TESTIMONY. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY, WITH COMMISSIONER HALL ABSTAINING.

Bronston Kenney, Shoreline, reminded the Commission that a moratorium was passed to provide for the re-examination of Cottage Housing, but this has not happened. He said it is impossible for a matter of public policy to be genuinely and fairly re-examined if the process is controlled by advocates of one side to the exclusion of other opposing parties. He pointed out his belief that the Planning Department has rigorously excluded constituents from the deliberative part of the process. For example, at the last Commission meeting, constituents were only allowed three minutes to comment and were then excluded from the rest of the discussion, which was solely devoted to discussions with planners and developers. He pointed out that many questionable assertions were made without the public's side being allowed to challenge. First, he said Mr. Cohen produced a contrived photo collection, at constituent expense, of unattractive single-family homes and attractive views of cottages. Second, Mr. Cohen asserted that the cottages produced no negative affect on adjacent properties, but his approach to this calculation is likely

to be as contrived as his photo collection. Third, Mr. Soules was asked if he could develop cottages in neighborhoods of \$600,000 homes but was not asked about \$300,000 neighborhoods.

Mr. Kenney said that because opponents have been excluded from the deliberations, they have not been able to get answers or explanations to their most fundamental questions. First, he questioned to what problem Cottage Housing would be the best or unique answer. Second, he asked who is pushing Cottage Housing and for what purpose. He said attendees at meetings have been overwhelming opposed; yet the issue has been pressed ahead. The Planning Department has granted greater importance to developers and a small handful of residents. Third, he asked what the hurry is. He pointed out that the City has many years to satisfy the Growth Management Act and no long-term experience with cottages. He suggested that they allow some years to pass before allowing Cottage Housing. This would cost nothing, but would allow Shoreline to avoid irrevocable damage to the community. Further, he said that if projections are to be believed, cottages would generate less than an additional 175 units. He questioned if this would be worth the risk and the division. Fourth, he asked why the homeowners of Shoreline, whose interests are entrusted to the City, should be forced to assume all of the risks of cottages with no prospect of benefit.

Mr. Kenney suggested that these first-order questions should have been addressed before getting to the question of how they can do Cottage Housing right. He said it is his belief that Cottage Housing is a result of a casual collaboration of fast-buck developers and imperious planners, both building bank accounts and egos. He said the driving force is the unjust enrichment the developers realize when creating islands of high-density within low-density neighborhoods. Finally, Mr. Kenney questioned who the City government is supposed to represent, the citizens or the developers. To date, he said it is clear that all indicators point in one direction.

William Vincent, Shoreline, said he lives across the street from the Hopper Cottage Housing Development. He said he heartily endorses a very careful approach on what the City is doing in regard to Cottage Housing. Cottage Housing should be a controlled situation, with a limit on the number of units allowed in any given year. He said he also supports the amendments proposed by staff. However, he suggested they go one step further. He pointed out that Shoreline is definitely a residential community, with controlled retail, commercial and service areas to serve the community. He suggested that the Planning Department staff has a heavy responsibility to protect the citizens of the community and maintain the pleasant, viable residential neighborhoods. In order for them to do this, they must be given tools as part of the plan review process.

Michelle Olivera, Shoreline, said that she recently attended a meeting in her neighborhood with some developers who are planning to construct two new homes on Dayton Avenue. They presented their plans to the neighborhood, and everyone was happy with their proposal. The neighborhood meeting was a very positive experience. On the other hand, she said she also lives down the street from the Madrona Cottage Housing Development. She pointed out that two of the cottage homes have been on the market for well over six months, and they have been dropping in price. She expressed her belief that there should only be one home allowed on each lot in her neighborhood, and space should be provided for the children to play. There should be plenty of trees and the properties should not be allowed to overdevelop with Cottage Housing units. She pointed out that many people have expressed opposition to Cottage Housing, and she suggested that there are so many other positive things that could be done instead.

Randy Hughes, Shoreline, recalled that at the last Commission meeting he was called out of order by the Commission for mocking or questioning a developer. He said he considers the Planning Commission to be out of order for holding a lengthy conversation with a developer and praising his efforts. Seven Cottage Housing projects have been constructed in Shoreline, and only one of them has been close to being considered successful. He emphasized that the citizens do not want Cottage Housing, and the Commission should listen to them instead of the developers. He pointed out that two Cottage Housing units out of eight in a single development have been put on the market within two years, and they have not sold. If the owners cannot get a certain price for the units, they will likely decide to rent them instead. Again, he asked that the Commission listen to the citizens and stop Cottage Housing for a few years to allow the City time to observe what happens in other jurisdictions. If it works out for these other communities, they could bring it back to Shoreline.

LaNita Wacker, Shoreline, said she lives a half a block from the Hopper Cottage Housing Development, and she is a retired real estate broker. She said she believes it is absolutely critical for the Planning Commissioners to understand that part of their role is to provide housing for people who want to live in Shoreline. While she doesn't have exact demographic information, she knows that more people are single, widowed or divorced. She referred to information that was submitted to the Richmond Beach Newspaper of listed homes and reasons for sale. In the Richmond Beach Area, the lowest priced standard home was \$310,000 and it goes all the way up to \$1 million. Most are in the \$450,000 and \$550,000 range. She pointed out that single people in the City of Shoreline do not need a 3,000 square foot home, and the City must accommodate this group of people. She emphasized that the market place will limit development, and builders will construct the types of units that can be sold. They will not build small cottages unless there is a demand for them. The City's Cottage Housing ordinance has strict requirements about size, footprint, etc. Because of the restrictions, the family size is limited, and the units would not likely have a great deal of impact on neighborhoods.

Jean King, Shoreline, read a letter into the record that she received from **Harry Osmond** on January 19, 2004. This letter informed her that the Osmond's own the property at 19026 Meridian Avenue North and are planning to build a 5 to 12-unit Cottage Housing development. The letter asked them if they had any interest in selling all or part of their property. It was suggested that there could be an exchange of their property for one of the new cottages. Ms. King said she does not want Cottage Housing located next to her. She has a beautiful home that was one of the first in the area. It was built in 1927. Meridian Avenue is now such a fast street, and she expressed her concern about the safety of the children who have to cross it. She said there are wrecks on the street all the time. She said it is terrible that developers are trying to force people out of their homes to build Cottage Housing units. She felt the value of her property would decrease because no one would want to purchase a single-family home right next to the cottage units.

B.W. McClain, Shoreline, said that in his neighborhood there are people who collect clutter. Within four blocks of his home, he has counted 18 derelict cars on the street on City property. He noted that on 192nd Street a person received a permit to reconstruct his home, and this work has been going on for five years. He suggested that there should be some time limitation on the permit process. He urged the Commission to address the issue of clutter. They currently have motor homes, trailers, junk cars, boats, etc. If they want to clean up the City, they need to get this stuff off the streets. He suggested that any effort in this direction would be aggravated by the development of Cottage Housing. There would be no

room for the Cottage Housing residents to put their junk outside on their property, so they would likely put it in the street instead. Mr. McClain said he has tried on numerous occasions to get the sidewalk completed on the west side of 1st Avenue between 192nd and 195th Street. He noted that there is a beautiful sidewalk from 185th to 192nd, but then it ends. There is also a sidewalk from 195th to 205th.

7. REPORTS OF COMMITTEES AND COMMISSIONERS

None of the Commissioners provided a report during this portion of the meeting.

8. STAFF REPORTS

a. Workshop on Proposed Enhancements of the Code Enforcement Program

Kristie Anderson, Code Enforcement Officer, explained that the purpose of the workshop discussion is allow staff an opportunity to introduce the code enforcement issues that were identified by the Community and to introduce proposed solutions in preparation for a public hearing that is scheduled for July 7th.

Ms. Anderson said that the City's current Code Enforcement Program identifies urgent priorities, important priorities and routine priorities. She explained that urgent priorities include imminent threats to the public health and safety or the environment, illegal dumping in progress, violating a stop work order or notice to vacate a dangerous building, working without a permit, and requests for assistance from other agencies (most commonly from the City's Police or Fire Departments). She said that important priorities include violations of permit conditions or mitigation, major accumulations of junk and debris, wetland violations, illegal dumping with suspect information, illegal home occupations, land use violations with a major impact, and repeat violations (same property, same person, same issue). Routine level priorities include minor accumulations of junk and debris, land use violations with a minimal impact, sign complaints, sidewalk obstructions, fence complaints, and setback violations.

Ms. Anderson advised that the City considers environmental violations to be urgent. Staff tries to get out to the site immediately and place a stop work order. She provided two pictures in which violations occurred. One was a picture of a wetland that was being cleared, and the other picture was of trees that were being cut on a steep slope without a permit to enhance views. Next, she showed before and after pictures of a property in which 20 trees were cut along a stream corridor. The homeowner has since had to do remediation to address the problem.

Ms. Anderson explained that there are some issues the City does not currently regulate, and there are also code deficiencies in the language. She reviewed each of these issues as follows:

- **Issue 1 -- Deterioration creates conditions that detract from attractive neighborhoods:** She provided a picture of a home on 185th and explained that although the home is in serious disrepair, it does not represent a code violation as long as it is kept boarded up and secured. She also showed a picture of adjacent homes to illustrate how the deteriorated property detracts from the neighborhood. Next, Ms. Anderson provided a picture of a property located in the southeast section of the City. She said that up until recently, the building was secured so there was no code violation. However, vandals have since broken out the windows and transients have attempted to occupy the building.

She provided a picture of this home, along with the adjacent home and noted that it took the adjacent property owners a long time to rent out their property.

Ms. Anderson provided two pictures of homes where tarps are being used as a roof covering. She explained that, as per the City's current code, this is not a violation even though the tarps have remained on the roofs for two to four years in some situations. She advised that under the current code, graffiti is not a violation, either. Usually owners clean up these situations, but the City cannot require them to do so.

Ms. Anderson explained that staff is proposing adoption of the International Property Maintenance Code (IPMC), with amendments to deal with minimum standards for exterior property and for structure maintenance. This would establish minimum standards for the exterior and interior of structures, pest control, light and ventilation, plumbing and sanitation, and mechanical, electrical and fire safety. She said the general themes for the local amendments being proposed by staff is to revert to existing code enforcement processes (notice of violation, citation process, etc.) In addition, Ms. Anderson said staff is proposing to limit some of the standards in the IPMC to rental housing units as opposed to owner occupied. Also, she said some of the standards seem unduly restrictive and intrusive, and staff is recommending that they be deleted, as well.

- **Issue 2 – Maintenance of Planting Strips:** Ms. Anderson provided good examples of this concern. One picture was of a planting strip that was not maintained at all. The second picture provides an example of having a sidewalk blocked by someone who did not maintain their planting strip. The third example was of beautifully landscaped properties along the street, but the plantings block the right-of-way, requiring pedestrians to walk out in the street.

Ms. Anderson advised that staff is not proposing any amendments to address this issue. At the three community meetings, it was not confirmed by the community to be a significant issue.

- **Issue 3 – Maintenance of Housing to Minimum Standards is Critical to the Health, Safety, and Welfare of the General Public:** Ms. Anderson provided a picture illustrating a horizontal board that holds up the drywall on the ceiling and pointed out that this is not a safe situation. Another picture illustrated a situation where a tenant put up plastic sheeting inside because he couldn't get the owner to repair the roof. Once there is enough saturation, the drywall could fall down and cause injury. Another picture was of a toilet that had no seal. The rubber seal had given way and the owner tried to caulk around it. This resulted in a situation of sewage leaking onto the floor when the toilet was flushed. The last picture she provided was of a non-operational window that was located in a child's room. She pointed out that the code requires that windows be operable for emergency egress.

Ms. Anderson advised that staff is recommending adoption of the IPMC for minimum standards for the interior of the structure. However, these would apply to rental housing only. Owners have a choice, but renters are often at the mercy of a landlord. Since rental units are considered "businesses," they should have minimum standard requirements.

- **Issue 4 – Junk and Abandoned Vehicles Parked on Public Right-of-Way and Vehicles on Right-of-Way that are Being Used for Habitation:** Ms. Anderson provided a photograph of a

motor home that was being used for habitation. She provided a picture of a car that was also used for habitation and said that when the Customer Response Team took the picture, there was actually someone sleeping in the car. She said that as long as the vehicles are moved every 24-hours, there would be no code violation. She also provided a picture of a motor home that had been parked in the right-of-way for months and actually had cable hook up.

Ms. Anderson said staff is proposing to Change Title 10, which deals with vehicles, to allow the police to remove junk vehicles from public streets. They are also recommending that people be prohibited from reparking vehicles in the right-of-way to avoid the time limit that is already in the code. In addition, the staff is recommending a prohibition on vehicles being used for habitation on a public street.

- **Issue 5 – “Junk” Vehicles Stored on Private Property:** Ms. Anderson explained that the City allows property owners to store vehicles on private properties. She provided several pictures of cars that have been stored for lengthy time periods on private properties. Ms. Anderson said staff is proposing an amendment to Title 10 to change the definition of a “junk vehicle” to include a vehicle that is not currently licensed, is inoperable, or is abandoned.
- **Issue 6 – Number of Vehicles Allowed Outside on Single-Family and Duplex Properties and Taking Public Right-of-Way for personal use:** Ms. Anderson referred to a picture of a home with two boats, a motor home, six cars and a truck. She noted that the vehicles are partially located on private property and partially on right-of-way, and staff is looking for a way to include them when counting the number of cars allowed. She provided additional pictures to further illustrate this situation. Ms. Anderson said staff is proposing an amendment to Title 20 to add the term “wholly or partially” concerning vehicles parked or stored on a single-family or duplex property.
- **Issue 7 – Recreational Vehicles, Boats and Trailers Stored on Private Property:** Ms. Anderson said that, currently, the City’s code does not include recreational vehicles, boats and trailers in the maximum number of vehicles allowed per single-family or duplex property. She provided several pictures of properties where numerous recreational type vehicles were being stored. Ms. Anderson said staff is proposing to change the current code wording to include “recreational vehicles, boats and trailers” in the six vehicle allowance for parking outside on detached single-family or duplex properties.

Issue 8 – Weeds: Ms. Anderson said this issue was raised as part of the 2004 Citizen Satisfaction Survey. About 23 percent of the residents surveyed were dissatisfied with the City’s enforcement of mowing and cutting of weeds. She provided several pictures of properties with overgrown weeds and trees and pointed out that participants at the community meetings did not confirm “weeds” as an issue. Staff is, therefore, recommending that the IPMC be amended to remove the section that sets a minimum standard for weed control. She pointed that enforcement of weed control requirements would be a fairly intensive new program, which staff is not recommending the City implement. She noted that the City already has code requirements in place for weeds that present a visibility problem for vehicular traffic or weeds that encroach onto sidewalks.

- **Issue 9 – Signs:** Ms. Anderson said this was also an issue raised on the 2004 Citizen Satisfaction Survey. She provided pictures to illustrate situations where banner signs have been put up in the

City. She also noted that another issue of concern is that there are too many signs on some properties. She said there are numerous situations throughout the City where signs on are in violation of the code.

Ms. Anderson pointed out that participants at the community meeting did not confirm signs as a significant issue or priority. She noted that the City does not regulate signs as a routine priority. But if they obstruct a sidewalk or create a vision problem, the City does address them from a safety concern. She said that if the City wants to more aggressively enforce the existing sign code, it would need to be done in cooperation with the merchants to develop a new sign code and a method of enforcement.

- **Issue 10 – Number, Size and Type of Animals Kept in Urban Areas:** Ms. Anderson provided a picture of a miniature horse that is being kept on a private property in the City. She also provided a picture of a Mastiff puppy that is owned by a private property owner in the City. She noted that the dog is already larger than the horse. Ms. Anderson advised that this was not raised as a significant issue at the community meeting.
- **Issue 11: Accumulation of Garbage in Receptacles on Private Property:** Ms. Anderson said the City’s current code talks about the storage of garbage on private property, but it does not address removal of garbage. She provided a few pictures to illustrate the problem. She pointed out that if the garbage is enclosed in a bag, it is considered enclosed and would not be a code violation. Ms. Anderson said staff is proposing code amendments that would require residents to remove their garbage every two weeks. This would not require mandatory garbage service, but it must be removed from the property in a routine way.

Ms. Anderson said that at the community meeting, staff conducted a group exercise where they asked people to rate the importance of various issues. The attendees indicated the following significant issues of concern: deteriorating properties, removal of garbage, junk vehicles being stored outside on private property, and inhabited vehicles on the right-of-way. The lowest priorities included: weeds, keeping of animals, enforcement of the sign code, and maintenance of planting strips.

Ms. Anderson concluded by reviewing the staff’s proposed amendments:

- Clarify the due dates for completing work under a notice and order versus having a standard building permit that allows a number of renewals.
- Relocate all of the enforcement provisions into one section.
- Update the definition of “nuisance” to be more consistent with the State’s definition.
- Alleviate the ability to comply by perpetually renewing expired building permits.
- Delete “abatement of unfit buildings,” since this would be covered in the IMPC document.

Commissioner McClelland clarified that the City does regulate signs via a sign code, but they do not actively enforce the regulations. Ms. Anderson agreed and added that enforcement of the sign code is considered a low priority.

Commissioner Hall asked Ms. Anderson to review the reasons for the distinction between enforcement standards for owner-occupied owners versus rental homes. Ms. Anderson explained that most people who rent out their properties are great landlords and most tenants are responsible. But there is a minority of tenants and property owners that are not responsible. The proposed amendments would give the City tools to require a certain standard of livability for rental housing in Shoreline. Rental housing is considered a business, and therefore, there is a legitimate need for business regulations to keep these units in repair.

Commissioner MacCully asked if this type of regulation would make the City responsible to enforce the Landlord Tenant Act. He noted that, currently, this act is only regulated at the County level. Ms. Anderson said this requirement would have nothing to do with the Landlord Tenant Act. The City would simply provide a list of conditions that would be considered violations. The City would not get involved with the rental agreements any more than they would get into private covenants on housing projects. The City would have certain standards that must be met. If a rental unit was found to be out of compliance, repairs would be required.

Commissioner Kuboi asked if the amendments being proposed are intended to address aesthetic issues, as well as those related to the public's health and safety. Ms. Anderson said some of the issues raised by the public related to vacant structures and getting buildings up to a certain exterior standard have a direct impact on the environment of the neighborhoods. Some of the provisions that deal with the number of cars and junk cars are related to how livable and attractive the neighborhoods are. In addition, staff has proposed numerous amendments to the IPMC to address issues related to safety issues and interior standards.

Commissioner Kuboi said it would be difficult for him to distinguish between the safety of a tenant and a person who owns a unit. Life safety should not change depending on whether or not you own the title for the property. For example, he said the children of a property owner would not be in any better position to choose their situation than a renter would be. In addition, he said that if the City distinguishes between tenants and owner occupants, they could end up with situations where tenants invite City representatives into their homes to create a list of things an owner must do immediately.

Commissioner Hall suggested that in order to ensure that the Commission gives the public the opportunity to discuss the current staff proposal or any alternative the Commission comes up with, he would like the staff to prepare an alternative which would apply the same standards to owner-occupied housing in an equal manner as they are applied to rental units. In the public notice, they could invite the public to comment both on the staff's recommendation and on the alternative. Then if the Commission decides to propose an amendment, the appropriate notification would have been provided to the public. Ms. Markle pointed out that the public hearing has already been advertised. However, since this is a legislative matter, the Commission has the ability to discuss alternatives after the public hearing.

Commissioner Kuboi asked Ms. Anderson to explain how the City is able to link the registered owners of junk vehicles and the property owner. What happens if the vehicle belongs to someone other than the property owner? Ms. Anderson said the City has two types of enforcement tools for these situations: a civil infraction process (ticket with a fine) and a notice and order to correct process. If the vehicle belongs to a tenant, the City has leeway to write the citation directly to the person who owns the vehicle. If they cannot get the tenant to make a change, they usually issue a notice and order to let the landlord

know that there is a violation. She said most rental agreements include a provision about not engaging in illegal activity. If a property owner owns the vehicle, the City would work to get him/her to comply with the code requirements. If the Commission and the City Council agrees that six vehicles parked outside is a standard they want for the community, the property owners would be required to comply with the code. Commissioner Broili inquired if motorcycles would be counted as one of the six vehicles allowed to park outside on a property. Ms. Anderson answered affirmatively and noted that “vehicle” is defined by the State.

Vice Chair Piro asked staff to review the process for moving the amendments through the review process. Ms. Markle advised that a public hearing is scheduled for July 7th before the Planning Commission. Notices have been sent out and the hearing has been published in the newspaper. The hearing would be on the same set of amendments that were presented to the Commission for review. After the public hearing the Commission would be asked to make a recommendation to the City Council. If the Commission recommends significant changes to the proposal, it is important to remember that a second public hearing could be held before the City Council. If there were no major changes, the Commission’s recommendation would be scheduled on the City Council’s agenda as a presentation and adoption on August 22nd. She said this same presentation has been presented at six public meetings, so they have received a lot of public participation to date.

Vice Chair Piro encouraged the Commissioners to forward their additional questions or requests for clarification to staff by June 23rd. This would allow staff sufficient time to prepare for the public hearing that is scheduled for July 7th.

Vice Chair Piro asked that staff provide an explanation about what the International Property Maintenance Code actually is since many of the Commissioners have never worked with this document before.

9. PUBLIC COMMENT

Randy Hughes, Shoreline, commended Ms. Anderson and her code enforcement staff for their efforts. He said that Randy and Julie are superb employees. He described a situation that occurred on 8th Northwest, just north of the cottage homes on the east side of the street. There have been numerous complaints to the City about the number of cars that are being stored on a property in this area. He said that, at one time they were thinking about selling their property, and they wanted the other property to be cleaned up. He noted that a house just north of his was for sale for a year. It never did sell, and he suggested that this was directly relative to the appearance of the neighboring houses. Mr. Hughes advised that City staff worked with these people to get the area cleaned up, and now it looks like a brand new property. However, because the City’s current code does not provide any enforcement teeth, the issue became a neighbor-to-neighbor issue and resulted in hostility. He encouraged the City to put teeth in the code so that City staff could do an even better job of code enforcement.

Leslie Addis, Shoreline, referred to the letter she wrote to the Commission on March 23rd, which was included in the Commission’s packets. She said she feels the City needs to get more aggressive about garbage collection. She said she was born and raised about ten miles from the West Virginia border, and this small town took it as a matter of course that there would be mandatory garbage pick up. When she discovered that Shoreline does not require this, she was stunned. She said it is not good enough to

allow bags, sacks and boxes of garbage to sit around for weeks since this presents a health hazard. She suggested that the City negotiate a garbage contract that would take into account those who cannot afford to pay the full price of garbage pick up. She thanked the staff for working hard to make Shoreline a first class City. Again, she asked them to please consider requiring garbage pick up.

B.W. McLean, Shoreline, asked if the staff's proposal would allow up to six cars to park on a lot. He suggested that this seems to be an exorbitant number. He pointed out that junk cars represent somewhat of a health hazard because rats love to live in them when it is cold. Ms. Anderson said the City's current code allows up to six vehicles to park outside, excluding recreational vehicles, trailers and boats.

10. UNFINISHED BUSINESS

a. Cottage Housing Deliberations – Finalizing Recommendation for City Council

Paul Cohen, Senior Planner, said the purpose of this discussion is for the Commission to complete deliberations from the June 2nd hearing and to make a recommendation on the proposed Cottage Housing amendments. There is a tight schedule for the Commission to forward a recommendation to the City Council before their scheduled July 18th public hearing. He noted that the moratorium on Cottage Housing ends mid August.

Mr. Cohen reviewed that on May 11th a community meeting was held to discuss issues and options related to Cottage Housing and to answer questions related to the proposed amendments and the option to possibly eliminate or severely restrict Cottage Housing. On June 2nd the Planning Commission held a public hearing and received 17 comments (7 against and 10 willing to consider the amendments for Cottage Housing). The Planning Commission voted down the motion to repeal Cottage Housing regulations.

Mr. Cohen said that at their June 2nd meeting the Commission asked for some additional information about the design review process that Cottage Housing could be reviewed under. Staff also provided a synopsis of the Cottage Housing ordinances from Kirkland and Redmond. In addition, staff provided a document comparing the existing Cottage Housing units (size, density, lot area, common and private open space, and square feet per floor area.) All of these items were provided in the Commission's packet. Mr. Cohen reminded the Commission that staff's recommendation is that the Cottage Housing Ordinance be amended. The Planning Commission has the option of recommending approval of staff's proposed amendments or recommending approval of the proposed amendments with additions or deletions.

Vice Chair Piro reviewed that the Commissioners should also have received a draft of the proposed amendments. He summarized that in reviewing the minutes from the last meeting, it appeared that the Commission's desire was to review the proposed amendments, conduct deliberation and consider the appropriate action. He asked that the Commission first develop a strategy for working through the proposed amendments. One option would be to work through them sequentially and taking action on them one-by-one. Another option would be for the Commissioners to call out specific amendments that they feel may be a little less contentious and could be dealt with quickly. Then the Commission could

spend the rest of their time deliberating the more contentious issues. The Commission agreed to review the proposed amendments in a sequential order.

Vice Chair Piro announced that both he and Commissioner Hall were absent from the June 2nd public hearing. However, they both listened to the tapes of the meeting. They also read through all of the written materials and are both prepared to participate in the deliberations.

Commissioner Sands said it is important to remember that no matter what the regulations are, a Cottage Housing developer would still be required to obtain a conditional use permit. Mr. Cohen agreed. He said the Conditional Use Permit process applies to any Cottage Housing development that is built in an R-4 or R-6 zone. Commissioner Sands pointed out that there are very few situations within the code when the public is asked to comment for a conditional use permit. Mr. Cohen said a typical conditional use permit application for R-6 and R-4 zones are for expansion or new development of churches and schools. Rarely, but occasionally, applications are submitted for conditional use permits for daycare centers that are for more than 12 kids.

Commissioner Sands emphasized that the City does not have lengthy code language outlining what someone must do to obtain a conditional use permit. The City merely tells the developers what they must do, and the City uses the code to determine whether a conditional use permit is appropriate or not. Mr. Cohen said that is not quite right. When someone comes in with a proposal, the staff explains the conditional use permit process and the criteria that would be used to evaluate the application. Commissioner Sands clarified that, typically, the conditional use permit criteria is very general and the City staff is allowed a lot of leeway to determine whether or not they are going to offer a conditional use permit. Mr. Cohen said the conditional use permit criteria are general so they can be applicable to a number of different possible uses.

Commissioner Sands asked if staff feels that having significant criteria would be a detriment to their ability to make a determination about whether or not a conditional use permit should be offered. He asked if it would be more appropriate to have fewer requirements as opposed to more. When extensive criteria is provided, the City staff would have no choice but to approve the conditional use permit as long as it complies with all of the criteria. He suggested that rather than creating cumbersome criteria for staff to use when reviewing a conditional use permit, perhaps they should simply say that if a developer wants to do Cottage Housing, they must comply with some general notions. The rest could be left up to the City to make a determination as to whether or not the Cottage Housing development would fit within the neighborhood.

Mr. Cohen suggested that the Commission not recommend taking away criteria since they have to apply to a number of different situations or uses. But if the Commission feels, based on the City's experience with the seven Cottage Housing developments that have been constructed to date, that something is missing, they could definitely consider additional criteria. He summarized that staff does not believe the existing criteria is too much. Commissioner Sands said the more criteria, the more clever people can be to get around the requirements. He said his opinion has always been that the less criteria the better since it would give the City the authority to say no to a proposal. However, he recognizes that if the Commission were to move in this direction, it would require redrafting the entire Cottage Housing code.

Commissioner McClelland said that at the end of the last meeting, she had the feeling that the Hopper Cottage Housing Project found ways to stretch the code to its limit. She suggested that more wisdom at the plan review meetings could possibly have made the project better. She said she would like to understand how this incompatible type of development could have been approved as a conditional use.

Mr. Cohen explained that when using compatibility as the central theme, there are a number of things that could be considered examples of compatible or incompatible. Since this is not specifically outlined in the criteria, staff uses criteria that they can more easily quantify. In terms of lot coverage and coverage by building, staff checks the surrounding properties before a development proposal is approved to see what their lot coverage is. They try to make sure the Cottage Housing developments have no more building coverage than the surrounding properties on average. Another way to determine compatibility is to review the housing style of the surrounding neighborhoods. In the case of the Hopper development, staff determined that the lot coverage and the housing style proposed were compatible with the surrounding neighborhood. He summarized that based on the variety of housing that surrounds the existing Cottage Housing developments, it is difficult to say that 1,000 square foot houses are incompatible.

Commissioner Kuboi asked if the City would have to grant a conditional use permit if the amendments are adopted and a developer is able to meet all of the requirements. He asked if there is enough subjectivity to the process, even with the proposed amendments, that would allow the staff to deny a proposal if they feel the nature of the project is incompatible with the surrounding neighborhood. Mr. Cohen answered affirmatively. He explained that the regulations the Commission is currently reviewing would go hand in hand with the conditional use permit criteria. Although an application meets the letter of the code, the staff could deny a permit if they do not feel the proposal meets the criteria. He pointed out that the Hopper project had the potential to build six units instead of five, but in order to provide all of the amenities that make Cottage Housing work, the applicant was required to reduce the number of units.

Commissioner Kuboi asked Mr. Cohen to clarify the requirements for enclosed parking as opposed to covered parking. Mr. Cohen said enclosed parking would require a garage with a door and side. Commissioner Kuboi pointed out that all of the existing Cottage Housing developments, other than the Meridian Park Cottages, have enclosed garages. Mr. Cohen said they use a combination of enclosed and open parking to meet their parking requirement. Commissioner Kuboi pointed out that the amount of enclosed parking provided in a cottage development is solely at the discretion of the developer rather than a requirement. Mr. Cohen agreed. Commissioner Kuboi asked why there is not an amendment that would require enclosed parking as opposed to covered parking. Mr. Cohen said there is a proposed amendment that requires half of the parking to be covered. However, the Commission could change the amendment to require enclosed rather than covered parking.

COMMISSIONER BROILI MOVED THAT PLANNING COMMISSION RECOMMEND THAT THE CITY COUNCIL CREATE OR APPOINT A DESIGN REVIEW BOARD, USING SEATTLE, REDMOND, KIRKLAND OR OTHER JURISDICTIONS AS MODELS, TO SPECIFICALLY REVIEW COTTAGE HOUSING PLANS/DEVELOPMENTS. COMMISSIONER MACCULLY SECONDED THE MOTION.

Commissioner Broili said he has heard numerous comments that speak to the quality of Cottage Housing projects. He pointed out that aesthetics cannot be addressed as part of the code, and a design review board would be able to review the entire project from an aesthetic point of view. He said he would want this design review board to be linked only to Cottage Housing proposals at this point.

Commissioner MacCully said he is in support of the motion to form a design review board to determine the compatibility of Cottage Housing proposals. In all of the materials the Commission has received and the public comments they have heard, most of the objections tend to be related to developments that do not fit the character of the neighborhoods they are in.

Commissioner Kuboi asked Commissioner Broili to clarify whom the design review board would be comprised of. Commissioner Broili said that, at this point, he is just suggesting that the City review the design review models that are used by Kirkland, Redmond and Seattle to develop a review board that would meet the City's needs. He said he would assume that members of the review board would likely be appointed by the City Council.

Commissioner McClelland pointed out that the Shoreline Municipal Code already grants the Planning Commission the authority to conduct design review. Therefore, she said she would be opposed to appointing a whole new board to do this work. Vice Chair Piro asked Commissioner McClelland if she would like to offer a substitute amendment that the Commission would serve as the design review group for Cottage Housing proposals. Commissioner McClelland agreed that this is certainly something the Commission should consider.

Commissioner Broili expressed his opinion that the Commission is already overloaded, and he is not prepared to take on the extra responsibility of reviewing Cottage Housing designs. Secondly, Commissioner Broili suggested that they separate the design review process from the Commission's duties, since there are two separate decision-making processes that require different perspectives. If the Commission were responsible for both processes, it would be difficult for them to separate the two levels of review.

Commissioner Hall said that in addition to concerns related to design, other issues were raised that would not normally be under the purview of design review. For example, many public comments were provided related to density, and numerous citizens expressed their belief that in an R-6 zone, no more than six houses per acre should be allowed, regardless of the amount of design review. While a design review board could address some of the issues, it would not be able to address all of the issues. If they do consider this option, he would like the design review discussion to also include other situations related to compatibility that have been brought before the Commission for consideration.

Commissioner Hall said he would also be concerned about shifting the staff's discretionary ability when reviewing conditional use permits to a design review board. He particularly expressed his concerns about efficiency. The City has far fewer paid public employees than any city in the region with comparable population. He said he would be concerned about creating another function that would cost the City additional money. If the Commission feels that Cottage Housing needs such a great level of review that City staff cannot be trusted to safeguard the interests of the community through their discretionary approval of conditional use permits, then rather than create another layer of bureaucracy, they should repeal the ordinance and start over.

Commissioner Broili said he understands that his proposed motion would not address all of the issues, and it was never intended to do so. However, the creation of a design review board, along with other amendments to the code would move the City in the direction of having a much better ordinance. He emphasized his intent that the design review board be tied to just the Cottage Housing ordinance and that it not become an overarching board that looks at all design throughout the City.

Commissioner Broili expressed his opinion that throwing out the existing Cottage Housing ordinance and starting over again would be inappropriate. They have a reasonably good document, and with some amendments and adjustments, they should end up with a fairly strong and effective ordinance that meets many of the concerns that have been expressed.

Commissioner Phisuthikul suggested that rather than a design review board that reviews architectural designs, Commissioner Broili is proposing that a group be formed to review Cottage Housing proposals for compatibility, the grouping of the structures, etc. He suggested that perhaps a better name for this group would be “review board.”

COMMISSIONER BROILI SAID HE WOULD ACCEPT COMMISSIONER PHISUTHIKUL’S RECOMMENDATION TO CALL THE GROUP A REVIEW BOARD AS A FRIENDLY AMENDMENT TO HIS MOTION.

Commissioner Kuboi said that in his opinion, he does not believe the City would derive enough benefit from the creation of a review board.

Vice Chair Piro said he would be hesitant to support the creation of a review board, since this would be a new direction for Shoreline. On the other hand, he pointed out that the Commission has wrestled extensively on the issue of Cottage Housing over the past several years. He recalled that after the first four projects were constructed in the City, the Commission updated the ordinance in an effort to prevent bad projects from being developed. However, public sentiment appears to suggest that the updated ordinance did not change the situation. He expressed his belief that the City should be commended for being a pioneer by allowing this type of housing to be constructed in the City. He said there are many critical housing needs in Shoreline and in the region, and Cottage Housing could be one method of addressing this need. Because it is clear that something must be done to address the public’s concerns, he said he would be willing to consider Commissioner Broili’s recommendation.

Mr. Cohen reminded the Commission that none of the other jurisdictions he researched at the request of the Commission (Kirkland, Bellevue, Redmond) have a design review board. Kirkland had an innovative housing program where they allowed a few projects to come before their city council for review, and both Bellevue and Redmond have a process that is very similar to what the City of Shoreline uses. He suggested that before making a recommendation that a review board be established, the Commission should review the proposed amendments and determine whether or not they would result in better projects that address the community’s concerns. In addition, Mr. Cohen suggested that the Commission consider adding criteria to the Cottage Housing ordinance that addresses the question of compatibility. Unless the City can articulate what compatibility means, the staff, the Commission or the design review board would continue to wrestle with this issue. Opponents of Cottage Housing have made it clear that compatibility has a lot more to do with density than with the style of the architecture.

Commissioner McClelland pointed out that the City has a brochure that describes what compatibility is. She recalled that the purpose of allowing Cottage Housing in the R-6 zone was to allow two smaller houses that would not accommodate any more people than a four-bedroom house would. Therefore, the density would be compatible as far as impact on the neighborhood. She said she objects to people referring to Cottage Housing as spot zoning or multi-family housing because that is not what it is. She summarized that density is definitely an aspect of compatibility, and that is why the City limited this use to single-detached buildings that are supposed to fit in with the character of the neighborhood. The overall impact on the surrounding, existing, long-term neighborhood is supposed to be almost imperceptible. If the City is not accomplishing this goal, they need to deal with not just the design, but with regulations that would not be governed by a design board. She said she is opposed to creating a review board just for Cottage Housing.

THE AMENDED MOTION FAILED 4-4, WITH COMMISSIONERS BROILI, MACCULLY, PHISUTHIKUL AND VICE CHAIR PIRO VOTING IN FAVOR AND COMMISSIONERS MCCLELLAND, HALL, KUBOI AND SANDS VOTING IN OPPOSITION.

Commissioner Broili recalled that another issue that was raised by citizens a number of times was related to neighborhood meetings. He said he had two motions to make that would hopefully address this concern.

COMMISSIONER BROILI MOVED THAT THE FOLLOWING LANGUAGE BE ADDED TO SECTION 20.30.090:

- **THE CITY SHALL PARTICIPATE IN NEIGHBORHOOD MEETINGS.**
- **AN ACCURATE TRANSCRIPT OF THE MEETINGS AND A CONTACT LIST SHALL BE MADE AVAILABLE TO THE CITY.**

Commissioner Hall said he would support both of Commissioner Broili's recommended amendments. However, he noted that they fall outside of the scope of the code amendments that have been noticed to the public. Therefore, the two changes should be proposed as part of "new business" since it would ultimately amend another section of the code.

THE MOTION FAILED FOR LACK OF A SECOND.

Vice Chair Piro said that if the Commission reaches a point where they don't feel they can make a recommendation regarding the Cottage Housing ordinance, he would feel comfortable asking the City Council to consider the impacts this would have on their schedule and the moratorium that expires in August.

Commissioner Kuboi said he would be comfortable postponing a recommendation, as well, since there is a lot of sentiment about the ordinance. He questioned if there would be any severe impacts to the City from a planning or growth management aspect if the Commission were to postpone a recommendation. The additional review time that would be afforded the Commission if the moratorium were extended could be put to good use to address a more integrated housing strategy for the City. This could include concepts such as density bonuses that could be allocated for duplexes, triplexes, and other types of

creative housing options that appear to be more compatible with single-family residences. He said he supports the concept of Cottage Housing, but it is just one of a number of options that would address all of the Comprehensive Plan goals that are attributed to Cottage Housing.

Commissioner Hall said that if the Commission does not make a recommendation on the Cottage Housing Ordinance it could result in the moratorium being allowed to expire. This would not be consistent with the public testimony that has been provided thus far. While there is no need to rush to make a decision, the Commission must recognize that the City has had 12 months to review the ordinance and make the necessary changes. If the Commission does not make a recommendation to the City Council soon, they could forego their opportunity to provide input.

Commissioner Sands pointed out that there are ten proposed amendments to the ordinance. He suggested that the Commission briefly discuss each one and come up with a consensus on each. At a minimum, this would allow the Commission to demonstrate to the City Council that they are making good progress on their review.

Commissioner MacCully said the Commission has already conducted a great deal of discussion regarding the staff's proposed amendments. However, he expressed his concern that the Commission is still not addressing the core issues. He said he would support the Commission's continued work on the ordinance review. He would also support a recommendation to the City Council that they extend the moratorium, but the Commission needs to work diligently to complete their work.

Commissioner Sands said he would support all of staff's proposed amendments, with the exception of **Amendment 1**, which would allow no more than 8 Cottage Housing units within 1,000 feet of any single point in the City. He expressed his concern that the 1,000-foot limitation seems arbitrary. He pointed out that there are Cottage Housing developments now that are closer than 1,000 feet, and it is difficult to notice because the streets separate them into different neighborhoods. He emphasized that he would still support the proposed amendments even if the 1,000-foot limitation were not removed. The Commission agreed to discuss this limitation further.

Commissioner Broili suggested two additional amendments as follows:

- **Amendment 11** would add a new section 20.40.300.A.1 to read, "Applicant shall submit a site plan map showing how the property might be developed under conventional Shoreline Development Code Single-Family Codes."
- **Amendment 12** would add a new section 20.40.300.A.2 to read, "Both proposed development and site plan maps will be made available at the neighborhood meetings."

Commissioner Broili reminded the Commission of the number of issues that were raised regarding deficiencies in the neighborhood meeting requirements. His proposed amendments would allow the City and the citizens to better gauge what a conventional development would look like in comparison to a Cottage Housing development. He noted that Mr. Soules, a Cottage Housing developer, made this suggestion.

Commissioner Broili referred to **Amendment 6** and suggested that the square foot requirement for open space be changed from 250 per unit to 300 per unit. He pointed out that the City of Redmond requires open space of 400 square feet per unit.

Commissioner Broili referred to **Amendment 7** and proposed that covered porches or entries (Item H) be required to be 80 square feet in size instead of 60 square feet. The minimum dimension on any side should be at least 8 feet rather than 6 feet as proposed by staff. He said this would also more consistent with Redmond's Cottage Housing ordinance.

Commissioner Broili referred to **Amendment 9** and suggested that it be changed to read, "Setbacks for all structures from the adjacent property lines shall be no less than 10 feet." He said this change would also be consistent with Redmond's ordinance.

Commissioner Kuboi referred to the last bullet item of **Amendment 8**, which would require that a minimum of 50 percent of the parking space be covered. He recommended that the word "covered" be changed to "enclosed." Mr. Cohen requested further clarification regarding Commissioner Kuboi's proposed change. Commissioner Kuboi expressed his concern that carports not be allowed a part of a Cottage Housing development. Using the word enclosed would prevent this type of situation.

Commissioner McClelland referenced **Amendment 2**. She expressed her concern that a basement area with a ceiling height of six feet would be tall enough to be used as habitable space. She suggested this would contradict the City's objective of allowing Cottage Housing units to fit the needs of very small families. She questioned how they could prevent someone from illegally converting the basement space into habitable space. Commissioner Phisuthikul pointed out that in order to qualify as legally habitable space, the ceiling height must be greater than six feet. It would be illegal for a homeowner to convert a space that is six feet high or less into habitable space. Commissioner McClelland said that although she understands that this type of use would be illegal, members of the public have expressed a fear that this could occur anyway.

Commissioner McClelland expressed her concern that while the proposed amendments would improve the ordinance, she is not convinced they would go the distance to satisfy the impacted community. She said she would like the Commission to discuss and respond to some of the accusations and comments provided by the public. She said she does not feel the proposed amendments would affect any type of community/City healing process. She also stated that she does not feel the Commission should feel rushed to make a recommendation.

Commissioner Kuboi agreed with Commissioner McClelland. He pointed out that although the proposed amendments would further improve the ordinance, they do not address some of the core concerns that have been stated by the public.

Commissioner Hall agreed that there is clearly a level of distrust amongst the community, and implementing the incremental fixes would not heal this situation. He said he was not present at the last Commission meeting when they voted against repealing the entire Cottage Housing Ordinance. He said he would be in support of considering this option now so the Commission could start over again, but he is unable to make this type of motion. He said he would support a motion to repeal the Cottage Housing Ordinance.

Vice Chair Piro said he would be concerned if the Commission was to repeal the entire ordinance, but he is intrigued with the idea of starting over. He expressed his belief that the existing ordinance contains good elements that should be endorsed, but he is not sure the proposed amendments would get the ordinance to a point that is acceptable when the moratorium is lifted in August. He pointed out that while the moratorium has been in place for almost 12 months, the Commission has just recently received the information necessary for their review. If the Commission wants more time to review the ordinance, they should ask the City Council to extend the moratorium.

Commissioner Sands said that while he is in favor of allowing some type of Cottage Housing in the City, he would support a recommendation to the City Council that the moratorium be extended. However, he would feel uncomfortable voting to eliminate the entire Cottage Housing Ordinance. He would prefer to allow the Commission to continue their deliberations and review of the current ordinance.

Commissioner Kuboi said he would support a recommendation that the moratorium be extended so that the Commission could start over and identify the underlying goals of the Cottage Housing Ordinance.

Commissioner McClelland referred to the motion that was made earlier in the meeting by Commissioner Broili. She clarified that she is not opposed to the function of design review. However, she is opposed to the creation of a design review board. She suggested that this concept be discussed further at a future meeting, as well.

The Commission agreed that extending their review time would allow them an opportunity revisit more of the issues and concerns.

Commissioner MacCully said it his understanding that if the amendments were adopted as proposed, only one of the seven existing Cottage Housing projects would have been allowed. He pointed out that they have already discussed the specific design issues related to Cottage Housing, and now they should discuss issues related to compatibility with neighborhoods.

Commissioner Broili emphasized the importance of working through their Cottage Housing review in a timely manner. The topic should be scheduled at subsequent meetings until they have come up with a recommendation for the City Council. The remainder of the Commission concurred. However, it was noted that a public hearing on the Code Enforcement Amendments was already been advertised for July 7th.

Vice Chair Piro suggested that if the City Council does not support an extension of the moratorium, perhaps the Commission could consider holding special meetings to continue their deliberations.

COMMISSIONER HALL MOVED THAT THE COMMISSION AMEND CHAPTER 20.40.300 OF THE SHORELINE MUNICIPAL CODE TO STRIKE EVERYTHING BELOW THE SECTION TITLE AND REPLACE IT WITH “RESERVE FOR FUTURE DEVELOPMENT.” COMMISSIONER KUBOI SECONDED THE MOTION.

Commissioner Hall explained that because he was not at the last meeting when the Commission voted against rescinding the existing ordinance, he was unable to make a motion to reconsider that action. He suggested that the proposed motion would be another way of addressing his desire to eliminate the existing ordinance and start over. He said he believes that Cottage Housing could be a great concept for the City. With the proposed amendments, the code would be diluted pretty tightly and could create something that would not lead to huge public objections. However, he is not sure the Commission is in a place where they could get through a civil dialogue with the community, let alone with the City Council. He said he would love to salvage the existing ordinance, but he agreed with the point made by Chair Harris at the last meeting that the vast majority of the people who testified (written and orally) expressed opposition to the ordinance. Even though as a professional planner he would like to find the right way to accomplish Cottage Housing, on behalf of the community and in support of the need to heal the process, he would rather start over.

Commissioner Sands expressed his concern that Commissioner Hall's motion would repeal the Cottage Housing Ordinance. He pointed out that since Commissioner Hall was not at the previous meeting, he does not have the ability to rescind the existing ordinance. Therefore, he suggested that Commissioner Hall's motion was out of order. Vice Chair Piro agreed that the motion on the table was out of order.

COMMISSIONER SANDS MOVED THAT THE COMMISSION RECOMMEND TO THE CITY COUNCIL THAT THEY CONTINUE THE MORATORIUM FOR AN ADDITIONAL SIX MONTHS TO GIVE THE COMMISSION AN OPPORTUNITY TO CONTINUE TO REVIEW THE COTTAGE HOUSING ORDINANCE AS IT STANDS AND MAKE ADDITIONAL CHANGES OR MODIFICATIONS AT A LATER DATE. COMMISSIONER KUBOI SECONDED THE MOTION. THE MOTION CARRIED 7-1, WITH COMMISSIONER HALL VOTING IN OPPOSITION.

The Commission agreed to schedule a time on the July 21st agenda for the Commission to identify the Cottage Housing issues they want to work on. At that time, they could make requests of staff for additional information. It was agreed that Commissioners would submit their comments and ideas to Ms. Simulcik by July 11th so that they could be collated and presented to the Commission for discussion. Staff could then prepare an outline for the Commission's review process.

11. NEW BUSINESS

COMMISSIONER KUBOI MOVED THAT THE COMMISSION HOLD REGULAR MEETINGS IN AUGUST. COMMISSIONER HALL SECONDED THE MOTION. THE MOTION CARRIED 8-0.

12. AGENDA FOR NEXT MEETING

Ms. Spencer announced that the City Manager would attend the July 7th Commission Meeting to provide an update on the Planning and Development Services Director Recruitment Procedures. She reviewed that a public hearing has been scheduled for July 7th regarding the Code Enforcement Amendments, and staff is anticipating that the Commission would make a recommendation that same night. If the Commission does not think this would be possible, the schedule would have to be adjusted. Vice Chair

Piro suggested that staff come prepared to at least get the Commission through partial action of some of the items.

13. ADJOURNMENT

The meeting was adjourned at 10:05 p.m.

David Harris
Chair, Planning Commission

Jessica Simulcik
Clerk, Planning Commission

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PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Public Hearing on Proposed Amendments to the Shoreline Municipal Code (SMC) and Proposed Adoption of the International Property Maintenance Code (IPMC) for Enhancement of the Code Enforcement Program

DEPARTMENT: Planning and Development Services

PRESENTED BY: Kristie Anderson, Code Enforcement Officer
Rachael Markle, Asst. Director Planning & Development Services

PROBLEM/ISSUE STATEMENT:

Please refer to the June 16, 2005 Planning Commission Packet for a detailed description of the code enforcement issues and the amendments/new regulations proposed for adoption to address the issues identified. The main purpose of this report is to respond to questions raised by the Planning Commission following the workshop presentation. In addition, upon further review, the City Attorney has requested a few changes to the proposed amendments to Title 10. Those changes are also detailed in this report.

The following are questions asked by the Commission at the workshop or were forwarded to staff after the meeting:

Can we add or alter proposed amendments or regulations proposed for adoption?

Yes. The Commission will hear public testimony on the proposed Code amendments and the adoption of new regulations such as the adoption of the International Property Maintenance Code. Following the public hearing the Commission will deliberate and formulate a recommendation. This recommendation may include new amendments that were not previously advertised. The City Council will then hold a second public hearing to receive public comments on the Planning Commission's recommendation.

Please provide additional information on the International Property Maintenance Code.

As you may be aware, the State of Washington Building Code Council adopted a series of 2003 codes from the International Code Council. By adopting the International Codes, the State is a global partner in achieving the goal of establishing a uniform set of internationally recognized rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties. In July 2004, the City adopted with local amendments the International Building Code, International Residential Code, International Fire Code, International Mechanical Code, International Fuel Gas Code and the Uniform Plumbing Code (note: the State Building Code Council did not adopt the International Plumbing Code). The City only adopted those International Codes that replaced the previously adopted Uniform Codes. The City did not adopt the International Property Maintenance Code in 2004 because we did not previously adopt the Uniform Housing Code.

The International Property Maintenance Code contains elements of the Uniform Housing Code and the Uniform Abatement of Dangerous Buildings Code. However, the IPMC regulates more

than housing and its purpose is to maintain at least minimum standards for all property, buildings, equipment and structures to avoid the creation of dangerous buildings.

The International Property Maintenance Code establishes minimum standards for the exterior and interior maintenance of existing units. Currently, the City relies upon the International Building and Residential Codes provisions for existing buildings. This is a single paragraph in each code that states property owners are required to keep property and structures in a safe condition. The IPMC goes much further by defining what the minimum standards are for maintaining these safe conditions and removes ambiguity.

The IPMC establishes minimum standards for:

- exterior property areas (graffiti, sanitation, grading and drainage, sidewalks, driveways, rodent harborage, exhaust vents, accessory structures, motor vehicles including RVs and boats, swimming pools, spas and hot tubs);
- the exterior of structures (structural members, foundation walls, exterior walls, roofs, drainage, decorative features, overhangs, stairs, decks, porches, balconies, chimneys, handrails, guardrails, windows, sky lights, doors and building security);
- interior structures (structural members, surfaces, stairs, floors, handrails, guardrails and interior doors);
- extermination of insect and rodent infestations;
- light, ventilation and occupancy requirements;
- sanitary facilities and plumbing fixture requirements;
- mechanical equipment, electrical requirements and heating facilities; and
- fire safety requirements

The IPMC also defines when a property owner is in violation of these standards. This provides the City with the regulatory authority to require a property owner to bring their property into compliance with the IPMC.

It is important to remember that the City's Code Enforcement program is complaint driven. Staff does not proactively enforce the provisions of the City's codes at the Council direction. There are of course a few exceptions, which include such violations as work without a permit and environmental degradation in progress.

Please include the option to expand the application of the International Property Maintenance Code to owner occupied units as well as rental units.

The Commission may choose to expand the application of the International Property Maintenance Code to owner occupied units as well as rental units. To do this, the Commission would recommend denial of amendment #s 2 and 47 in the Summary Matrix of Proposed Amendments to the 2003 International Property Maintenance Code. Amendment #2 changes the chapters regarding Light, Ventilation and Occupancy Limitations; Plumbing Facilities and Fixtures Requirements; and Mechanical and Electrical Requirements to be advisory only for owner occupied units. Amendment #47 amends IPMC Section 601.2 by deleting the reference to an owner occupant for responsibility to comply with the minimum standards specified in the Mechanical and Electrical Requirements chapter of the IPMC. Note: All other provisions of the IPMC apply to both owner and renter occupied properties.

Staff would like to provide the Commission with a little more rationale on why we have recommended limiting certain application of the IPMC to rental units.

Pros of applying all sections of IPMC to all properties:

- Alleviates concerns that the regulations would unduly burden rental housing owners;
- May provide ability to enforce minimum standards for light, ventilation, occupancy limitations, plumbing facilities/fixtures, and mechanical and electrical systems in owner occupied units should a complaint be filed and access be granted by the property to the City of inspect and confirm a violation.

Cons of applying all of IPMC to all properties:

- Owners may be willing to live in a home that for example is not capable of heating above 65 degrees as a choice i.e. to save money, to save fossil fuels, etc. We of course want owner occupied units to be as safe, healthy and sanitary as all other units, but we are concerned that regulating some internal aspects of a structure may be too invasive.
- The City needs to prove a violation exists. This requires that we obtain access to view the violations. If the violations are internal to the structure, the property owner would have to invite us in to inspect. They do not have to allow us entry.
- Because the City's Code Enforcement program is complaint driven, we do not anticipate many property owners reporting themselves for violations. We also do not anticipate many complaints being called in from invited visitors to these properties.
- Rental properties are a business enterprise. Government routinely regulates businesses by providing standards for facilities and other physical features and conditions essential to ensure that the business is safe, sanitary and fit for use or occupation. The business of rental housing is no different. To ensure safe and habitable rental housing is necessary to providing safe and attractive neighborhoods in the City of Shoreline.

Again, we would like for all properties to meet the minimum standards for all chapters in the International Property Maintenance Code. In reality, it would be very hard to enforce the provisions that are internal to structures in owner occupied units mainly due to our inability to gain access to confirm the violation.

How would the improved and new regulations be enforced? How would a violation of the improved and new regulations be “triggered”? What types of fines and penalties exist for noncompliance?

The City of Shoreline's Code Enforcement Team would use the same methodology as is currently in place. The Code Enforcement program is complaint driven. A violation would be “triggered” by the receipt of a complaint followed by an official inspection. That inspection would either verify a violation or provide an opportunity to inform the citizen/complainant of what the code covers or does not cover. The City currently employs a 4 step enforcement methodology.

1. Education, warning and voluntary compliance phase (Strike I). Reasonable attempts to personally contact the property owner and/or occupant are made prior to sending a violation notification letter. The violation notification letter outlines the violation and specifies what needs to be done to correct the violation. Staff use their judgment to establish the compliance period, considering such factors as the severity of the violation, enforcement history, amount of risk to public health, property, or to the environment, the impact on the neighborhood, ability of the customer to comply, etc. and

come up with a realistic compliance date. Non-compliance with Strike One attempts moves enforcement action to Strike Two and triggers a referral of the case file to the enforcement officer.

2. Strike II. When attempts at education and voluntary compliance meet continued non-compliance, or for higher priority or repeat offenses, the tone of the warning letter is stronger, outlines the violation(s), remedies required, and warns of the penalties to be assessed in Strike Three.
3. Strike III. Strike Three has 2 versions
 - The Code Enforcement Officer can issue a civil infraction with a penalty of \$250.00. This citation can be appealed through District Court. and/ or
 - A Notice and Order to Correct is issued. A Notice and Order to Correct is an enforcement action, and is considered a legal action, which requires following certain procedures for notification and documentation. A Notice & Order to Correct is the start of the process that will allow us to assess civil penalties and/or take abatement action for failure to comply with the order.
4. Referral to the law department for further legal action is the final stage if the responsible party fails to correct the violation.

Items from City Attorney's Office Regarding Title 10:

The City of Shoreline's Code Enforcement Team receives 700+ calls per year regarding junk vehicles. Our current regulations are falling short of providing the City with the tools needed to get junk vehicles removed from both private property and the public right of way. The City is also receiving more complaints about people living in their vehicles on the public right of way. Staff worked with the Police Department to prepare amendments to SMC Title 10: Vehicles and Traffic to address these issues. The City Attorney's Office has subsequently reviewed the proposed amendments and further refined the proposal. The changes are shown in Attachment A and described in more detail below.

We are proposing to amend the King County parking regulations to: require that vehicles parked on Right of Ways be in a condition to be able to operate legally on a public way (including licensing); prohibiting using a vehicle for human habitation on any public street, alley or other public right of way; and requiring that vehicles "tagged" for parking restriction be moved at least one block.

We are proposing to amend the Washington State Model Traffic Code (MTO) to: broaden the definition of "junk vehicle" to include when a vehicle is in a condition which makes it incapable or illegal of being operated legally on a public way (i.e. no windshield, no mirrors, no taillights, etc); and amending the section on "removal by a police officer" to allow the police to tow vehicles off of the public way that are incapable of being operated legally on the roadways, are being used for habitation and/or are minimally moving a vehicle to try to avoid a time limit regulation (note: parking time limitations do not apply to disabled parking vehicles as approved by a state government agency.)

Does the IPMC conflict with other adopted Codes?

A multi Departmental Team was assembled to draft and review the proposed amendments and adoption of the International Property Maintenance Code. The proposed amendments were reviewed carefully by the City Attorney’s Office for consistency with other adopted codes. In addition, IPMC Section 102.3 Application of Other Codes states that “Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Title 15 of the City of Shoreline Municipal Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of Title 20 of the City of Shoreline Municipal Code (Shoreline Development Code).”

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

- Conduct a public hearing to obtain comments on the proposed amendments to the SMC; and
- Recommend approval, approval as modified, or denial of each proposed amendment.

ATTACHMENTS
ATTACHMENT A

Revised Title 10 Amendments

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ITEM 7.I - ATTACHMENT A

Shoreline Municipal Code 10.05

Shoreline Municipal Code Chapter 10.05 adopts by reference the State of Washington "Model Traffic Ordinance", Chapter 308-330 WAC with City of Shoreline amendments.

NEW Section . WAC 308-330-406 adopts by reference RCW 46.55.010 DEFINITIONS. A new section, Shoreline Municipal Code 10.05.030, is hereby adopted to read as follows:

10.05.030 Model Traffic Ordinance Amendments

The following section of the Model Traffic Ordinance is amended by the addition of the following.

RCW 46.55.010 Definitions.

- 4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:
 - a) Is three years old or older;
 - b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;
 - c) Is apparently inoperable or in a condition which makes the vehicle incapable of being operated legally on a public highway;
 - d) Has an approximate fair market value equal only to the approximate value of the scrap in it;
 - ~~e) Fails to displaying current and proper vehicle license plate(s) and current and valid registration tabs properly mounted in accordance with the State of Washington Rules and Regulations;~~
 - ~~f) Is abandoned or left on private property without the permission of the person having right to the possession of the property;~~

- (13) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

- (a) Public locations:
 - (i) Constituting an accident or a traffic hazard as defined in RCW 46.55.113Immediately
 - (ii) On a highway and tagged as described in RCW 46.55.085 24 hours
 - (iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070Immediately
 - (iv) Vehicles used for human habitation under RCW 46.61.570..... Immediately
 - (v) Fails to displaying current and proper vehicle license plate(s) and current and valid registration tabs properly mounted in accordance with the

ITEM 7.I - ATTACHMENT A

State of Washington Rules and Regulations..... 24 hours

- (b) Private locations:
 - (i) On residential property Immediately
 - (ii) On private, nonresidential property,
properly posted under RCW 46.55.070 Immediately
 - (iii) On private, nonresidential property, not posted 24 hours

New Section. WAC 308-330-406 adopts by reference RCW 46.55.113 REMOVAL BY POLICE OFFICER. A new section, Shoreline Municipal Code 10.05.040, is hereby adopted to read as follows:

The following section of the Model Traffic Ordinance is amended by the addition of new paragraphs.

RCW 46.55.113(2)

(i) When the vehicle is a "junk motor vehicle" and is parked, wholly or partially, on a street, alley, or way open to the public, or on municipal or other public property.

~~(j) Is parked or left on a street, any public right-of-way or private property for the purposes of human habitation.~~

Shoreline Municipal Code Chapter 10.30

Shoreline Municipal Code Chapter 10.30 adopts by reference the King County parking regulations, which by reference adopts the State of Washington “Model Traffic Ordinance”, Chapter 308-330 WAC with City of Shoreline amendments.

New Section. WAC 308-330-462 adopts by reference RCW 46.61.570 STOPPING, STANDING, OR PARKING PROHIBITED Amend RCW 46.61.570 with the addition of subparagraphs “xi”, “xii” and “xiii” in paragraph 1(a) and add new paragraph 5. -

A new section, Shoreline Municipal Code 10.30.030, is hereby adopted to read as follows:

10.30.030 Stopping, Standing or Parking Prohibited

The following section of the Model Traffic Ordinance is amended by the addition of the following.

RCW 46.61.570 (1)(a)

(xi) shall park or permit a vehicle to stand on a street, highway, alley or public property unless said vehicle possesses a proper and current vehicle license plate or plates, and such plate or plates are properly mounted thereon in accordance with the State of Washington Department of Licenses Rules and Regulations. The term “proper and current vehicle license plate or plates” includes the display of valid and current registration tabs indicating month and year of registration.

ITEM 7.I - ATTACHMENT A

[\(xiii\) move and repark a vehicle within the same block or public property to avoid a time limit regulation specified in that particular area except as provided in RCW Title 46.61.582 and 46.61.583.](#) |

The following section of the Shoreline Municipal Code 10.30.030 (Stopping, Standing or Parking Prohibited), is amended by the addition of new paragraph.

5. ~~(xi)~~ use a vehicle for human habitation on or in any public street, alley way, right-of-way or parking area, or any privately owned, commercial, off street parking area. "Human habitation" means the use of a vehicle for sleeping, setting up housekeeping or cooking.

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Memorandum

DATE: June 30, 2005
TO: Planning Commission
FROM: Andrea Spencer
RE: Planning Commission Schedule
CC: Matt Torpey (CAO Project Manager)
 Paul Cohen (Cottage Housing Project Manager)

The purpose of this memo is to summarize the work that Planning Commission is tasked to complete over the next few months and to provide you some context before you determine how the group would like to approach getting this work accomplished. There are two significant tasks that have to be completed this year; these are the Critical Areas Ordinance Updates and the Cottage Housing Updates.

Critical Areas Ordinance Update

The State requires that the City adopt its updates to the Critical Areas Ordinance by December 1, 2005. Ideally if Planning Commission can be completed with its recommendation on the ordinance by the end of August this would allow Council to have about three months to conduct an additional public hearing, deliberate, and adopt the ordinance prior to the deadline.

Cottage Housing

Council is scheduled to conduct a public hearing on the moratorium extension on July 18, 2005. Planning Commission & Staff have recommended that Council extend the moratorium for an additional six months. If Council accepts this recommendation the new expiration date for the moratorium will be February 19, 2006.

Staff Recommended Schedule

Staff recommends the following schedule to complete the most pressing work program (the schedule outlined below assumes that Commission will have completed its recommendation on the Code Enforcement regulations at the July 7 meeting):

Meeting Date	Staff Recommended Meeting Topic
July 21	CAO Update – Deliberations
August 4	CAO Update – Deliberations
August 18	CAO Update - Recommendation
September 1	Cottage Housing - Deliberations
September 15	Cottage Housing - Recommendation

Staff realizes that this is a “change of gear” from what current Planning Commission deliberations are; however, in an effort to meet State mandates and City Council needs we believe that this is the best way to proceed at this time. Staff will be happy to adjust the agenda planner however the Commission would like, and anticipate having a discussion of this topic under “new business” on the July 7 meeting.