

CITY COUNCIL STAFF REPORT
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Public Hearing on 2004-2005 Comprehensive Plan Annual Review Docket (4 Site-Specific Land Use Changes)

DEPARTMENT: Planning and Development Services

PRESENTED BY: Tim Stewart, Director
Andrea L. Spencer, Senior Planner

SUMMARY

The purpose of this meeting is to conduct the public hearing 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. Planning Commission deliberated on the land use changes at the April 14 and 21st meetings. The Planning Commission minutes for each of the above referenced meetings are presented in **Attachment A**.

As identified in City Council Resolution No. 229, the adoption of the 2004-2005 Comprehensive Plan Annual Amendment Docket will be combined with the adoption of the 2003-2004 Major Update of the Comprehensive plan. The anticipated Council adoption date is June 13, 2005.

The following are brief summaries of the four proposed site-specific Comprehensive Plan Amendments and the Planning Commission recommendation for each. An analysis of how each proposal meets Comprehensive Plan goals and policies is contained in the Planning Commission Findings and Determinations contained within **Attachments C, E, G, I**.

1. **File #201371 NW Corner of N 160th and Fremont Pl. N.**
(Site Map, Attachment B)

- **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
- **Planning Commission Recommendation:** On April 14, 2005 the Commission deliberated on this proposal, and recommended that the Land Use designation not be changed, that the site should remain LDR. The Planning Commission Findings and Recommendation are included as **Attachment C**.
- **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 scheduled for May 19, 2005. If Planning Commission completes its recommendation on May 19th, Council will be asked to review the rezone request on June 13, 2005.

2. **File #201277, Located at 19671 15th Ave NE.**
(Site Map, Attachment D)
- **Proposal:** A request to change the Comprehensive Plan Land Use designation for a site with a designation as Ballinger Special Study Area (BaSSA) to High Density Residential (HDR).
 - **Public Hearing Conducted:** March 3, 2005
 - **Planning Commission Recommendation:** On April 14, 2005 the Commission deliberated on this proposal, and recommended changing the Land Use designation to HDR. The Planning Commission Findings and Recommendation are included as **Attachment E**.
 - **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 scheduled for May 19, 2005. If Planning Commission completes its recommendation on May 19th, Council will be asked to review the rezone request on June 13, 2005.
3. **File # 301275, Located at 18511 Linden Ave N.**
(Site Map, Attachment F)
- **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
 - **Planning Commission Recommendation:** On April 14, 2005 the Commission deliberated on this proposal, and recommended changing the Land Use designation to MU. The Planning Commission Findings and Recommendation are included as **Attachment G**.
 - **Concurrent Rezone:** The current zoning of the site, R-48, is consistent with the recommendation to change to MU. There is no associated rezone request with this action.
4. **File # 201372, Located at 19250 Aurora Ave N.**
(See Site Map, Attachment H)
- **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
 - **Planning Commission Recommendation:** On April 21, 2005 the Commission deliberated on this proposal, and recommended changing only that portion of the site that is currently designated HDR to MU. Further, Commission recommended that the current designation of PubOS remain without modification. The Planning Commission Findings and Recommendation are included as **Attachment I**.
 - **Concurrent Rezone:** Rezone request from Regional Business (RB) and R-48 to RB-Contract Zone (RB-CZ). The rezone hearing was 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 scheduled for May 19, 2005. If Planning Commission completes its recommendation on May 19th, Council will be asked to review the rezone request on June 13, 2005.

CITY COUNCIL OPTIONS

Planning Commission has found that three of 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.

The Council has the following options for each of the applications:

1. Approve the 2004-2005 Comprehensive Plan Amendment Docket as **recommended by Planning Commission** based on the findings presented in this staff report (approval of three of the requests for land use change, and denial of one request).
2. 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 City Council and Planning Commission.
3. Recommend **denial** of the 2004-2005 Comprehensive Plan Amendment Docket (to not change the land use designations for the four site-specific requests) based on findings made by the City Council.

The anticipated Council adoption date is June 13, 2005 for the combined 2004-2005 Annual Review Docket and the Major Update. Staff suggests that if Planning Commission has completed the review and recommendation of the rezones associated with the docketed items that Council also adopt ordinances rezoning the parcels on June 13, 2005.

STAFF RECOMMENDATION

Staff recommends that the Council conduct a second public hearing on the 2004-2005 Comprehensive Plan Amendment docket, consider the applications, public testimony, and accept the Planning Commission recommendation to: 1) Deny a change at the NW Corner of N 160th & Fremont from LDR to HDR, 2) Approve a change at 19671 15th AVE NE from BaSSA to HDR, 3) Approve a change at 18511 Linden AVE N from HDR to MU, and 4) Approve a change at 19250 Aurora AVE N from HDR to MU.

ATTACHMENTS

- Attachment A: Planning Commission Meeting Minutes for March 3, 2005, April 14, 2005, and April 21, 2005.
- Attachment B: File #201371 Vicinity Map with Comprehensive Plan Designations
- Attachment C: File #201371 Planning Commission Findings & Recommendation
- Attachment D: File #201277 Vicinity Map with Comprehensive Plan Designations
- Attachment E: File #201277 Planning Commission Findings & Recommendation
- Attachment F: File #301275 Vicinity Map with Comprehensive Plan Designations
- Attachment G: File #301275 Planning Commission Findings & Recommendation
- Attachment H: File #201372 Vicinity Map with Comprehensive Plan Designations
- Attachment I: File #201372 Planning Commission Findings & Recommendation

Approved By: City Manager  City Attorney 

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**ATTACHMENT A
PLANNING COMMISSION MINUTES**

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

March 3, 2005
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Harris
Vice Chair Piro
Commissioner McClelland
Commissioner Kuboi
Commissioner Phisuthikul
Commissioner MacCully
Commissioner Sands
Commissioner Hall
Commissioner Broili

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Dave Pyle, Planner I, Planning & Development Services
Ian Sievers, City Attorney
Jessica Simulcik, Planning Commission Clerk

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, Vice Chair Piro, Commissioners McClelland, Kuboi, Phisuthikul, MacCully, Sands, Hall and Broili.

3. APPROVAL OF AGENDA

Chair Harris pointed out that, at this time, the Commission is required to end their meetings no later than 10 p.m., so that staff can clean up the materials and clear the building by 10:30 p.m. Also, Chair Harris announced that the SEPA Determination for the Echo Lake site-specific Comprehensive Plan amendment (Agenda Item 6.iv) and concurrent contract rezone was appealed. Therefore, the public hearing on the application was postponed to a later date. A notice of the rescheduled public hearing would be published, posted and mailed to the parties of record and property owners within 500 feet of the site. He concluded that the Commission would proceed with public hearings on the other three site-specific Comprehensive Plan amendments and rezones. However, they would wait to issue a

recommendation on all four Comprehensive Plan amendments and rezones until after the rescheduled hearing on the Echo Lake site has taken place.

The remainder of the agenda was approved as written.

4. APPROVAL OF MINUTES

The minutes from the February 5, 2005 meeting were approved as amended.

5. GENERAL PUBLIC COMMENT

Chair Harris explained that during this portion of the meeting, the Commission would not accept testimony from the public regarding the Echo Lake Comprehensive Plan Amendment or any of the other three quasi-judicial hearings scheduled for later on the agenda.

Gini Paulsen, 16238 – 12th Northeast, advised that she is a sociologist by profession. She reported that two forums were held during the past week at which an environmental engineer Tom Holts made a presentation on “Zero Impact Development.” Commissioner Broili attended this presentation, as well. She explained that zero impact development puts the environment first by using techniques and strategies to minimize the impact on the environment during any kind of development. These strategies include using permeable surfaces to minimize runoff and to protect, enhance, and restore streams. She said she would like Shoreline to be a model city by prescriptively requiring zero impact development for all future projects in the City.

Ms. Paulsen further reported that on March 2nd she attended a town hall meeting, which is the first one in the area where panels of speakers were present to talk about a crucial issue to the City. She said she was surprised that none of the Commissioners were in attendance. She said that in sociology there is a theory called “rational choice.” This theory is based on gathering information and hearing the information. The Commission cannot learn and hear adequate information unless they attend the available events. The rational choice theory also means that preconceived ideas must be set aside when making an evaluation of various kinds of alternatives. She asked that the Commissioners pay attention to the information that has been provided since it is valuable and will bear on decisions they will be required to make.

Janet Way, 940 Northeast 147th Street, said she was present to speak on behalf of the Thornton Creek Legal Defense Fund, the Sno-King Environmental Council, and the Echo Park Group. She expressed her opinion that the City should not have scheduled a public hearing on the Echo Lake Comprehensive Plan amendment before the appeal period was finished. This has resulted in an inconvenient situation for the public who came to talk about the issue only to learn that it had been postponed. She asked that she be allowed to distribute copies of the SEPA appeal letter that is now part of the public record. City Attorney Sievers explained that, although the appeal letter is part of the public record, it would not be appropriate to distribute it since the Planning Commission is not ready to begin the quasi-judicial hearing on the matter. Ms. Way continued her comments by attempting to point out some of the issues her group raised earlier about the public process for the Echo Lake proposal. Chair Harris pointed out

that Ms. Way's remarks were inappropriate at this time, since the public hearing on the Echo Lake application was postponed to a later date. Again, he reminded the public that the Commission would not take public testimony on the Echo Lake proposal at this time. Ms. Way said she believes the public deserves an explanation about what is going on.

Mr. Stewart reviewed that the items listed on the Commission's agenda for public hearings are the four items that have been docketed for the 2004/2005 annual review of the Comprehensive Plan. Policy LU-7 encourages the City Council to annually review the Comprehensive Plan for updates. The City received four specific proposals to amend the land use plan. The public hearing was originally scheduled for all four of the items, but the SEPA Determination on one of the items was appealed recently. This means that the SEPA appeal would have to be heard by the Hearing Examiner at the same time the Commission hears the proposed Comprehensive Plan amendment and site-specific rezoning application, which is a quasi-judicial process. He reminded the Commission that State law only allows the City to conduct one public hearing on any development permit application.

Mr. Sievers further explained that in rezoning application situations, the City Council holds a closed-record hearing, and the pre-decisional recommendation made by the Planning Commission constitutes the open record hearing. Only one open record hearing is allowed, and in cases of appeal, the appeal hearing must be consolidated with the rezoning hearing. The Hearing Examiner would sit with the Planning Commission for the open record hearing to hear issues related to the SEPA appeal while the Planning Commission accepts public testimony on the actual rezoning application. He said he would assume there would be a gap between the public hearing and the Planning Commission deliberations to allow the Hearing Examiner to issue a decision on the SEPA appeal since the SEPA Determination should be completed before the Commission makes their recommendation. He said he expects that the open record hearing for the Echo Lake proposal would be scheduled sometime within the next month.

Commissioner Hall said that as part of Agenda Item 9 (New Business), he would propose that the Commission add to a future agenda a discussion of the advantages and disadvantages of noticing a hearing prior to a SEPA deadline.

Mr. Stewart explained that State law allows the City to update their Comprehensive Plan only once per year. When the City Council extended its public participation process for the major 2004 update, they anticipated that they would complete their work by the end of February. However, they have only reviewed about 40 percent of the policies, and they still have to review the capital facilities element and all of the master plans, too. It is very likely the Council's review process would go on for some time. In the meantime, the 2005 Comprehensive Plan review is getting started. Staff would discuss this issue with the City Council and keep the Commission apprised of how the timing issues would be resolved.

6. STAFF REPORTS

File #201371: North 160th and Fremont Place Site-Specific Comprehensive Plan Amendment and Rezone

Chair Harris reviewed the rules and procedures for the public hearing process. He reviewed the Appearance of Fairness rules and requested that Commissioners disclose any ex-parte communications regarding File #201371. He offered an opportunity for members of the audience to raise their concerns regarding the appearance of fairness, but no one stepped forward.

Commissioner MacCully disclosed that he spoke with the developer of the property identified as File #201371, who happens to be his friend. He met with him and visited the property. City Attorney Sievers suggested that Commissioner MacCully identify the substance of his conversations for the record. Commissioner MacCully said that when he visited the property, the developer described the features of the property and the process he had gone through to acquire it. He walked around the property, but didn't discuss anything specific other than the number of units the developer is considering for the property and why he made the decision to develop fewer units than would normally be allowed. They also talked about the street dead ending at the property, and the developer indicated that it is unlikely it would ever be put through. City Attorney Sievers said he would classify Commissioner MacCully's activities as a site visit. Since he disclosed the topics that were discussed, there should not be an appearance of fairness issue.

Mr. Pyle reviewed the staff report for File #201371. He said the proposed action is an amendment to change the Comprehensive Plan land use designation from low-density residential to high-density residential. It includes a concurrent rezone proposal to change the property from R-6 to R-24. He pointed out that the area is surrounded by three different neighborhoods: an R-6 neighborhood to the northwest, an R-18 neighborhood to the northeast, and a regional business or commercial area to the south. He provided a map to illustrate the extent of the higher density developments to the northeast of the site and noted that the access is not shared by the low-density R-6 zone to the west. He provided pictures to further illustrate the subject and surrounding properties.

Mr. Pyle advised that five letters of public comment were received by the City. The concerns were as follows:

- **Renters versus owners and apartments versus condominium.** Mr. Pyle explained that the City does not govern the ownership status of buildings and units. Any development on this site would be consistent with the high-density buildings that are adjacent and to the northeast. The majority of the comments were received from people who live in buildings that actually have a high number of rental units.
- **There could be up to a 30-percent increase in traffic.** Mr. Pyle advised that, as per the Shoreline Development Code requirement, staff used the Institute of Transportation Engineer (ITE) Trip Generation Manual to determine the potential amount of P.M. peak hour vehicle trips. The estimation was that the vehicle trips would not exceed five, and a traffic study would only be required if the additional trips would exceed 20.

- **Loss of the greenbelt.** Mr. Pyle pointed out that there is no greenbelt located near or adjacent to the subject project. Currently, Fremont Place is an unimproved section of right-of-way that has not been paved. At any point, this right-of-way could be paved, but it would be up to the City's Public Works Department. He also noted that the site, itself, is not a greenbelt. It is simply a vacant parcel that can be developed at any time under the R-6 zoning.
- **Noise.** Mr. Pyle advised that no project proposal has been submitted for the site yet. He pointed out that any future project would be required to comply with the Development Code regulations regarding landscaping, tree retention and tree replanting. In the past, the City has found these regulations to be sufficient for developments of this type.
- **Increases in stormwater.** Mr. Pyle pointed out that the proposal is a non-project action, so the City has not yet received a project proposal. However, he spoke with the stormwater engineer, who indicated that any future development would require a type II detention facility on the site.

Mr. Pyle reviewed the staff's conclusions as follows:

- **Consistency:** The proposed site-specific Comprehensive Plan amendment and concurrent rezone is consistent with the Washington State Growth Management Act, King County Countywide Planning Policies, the City of Shoreline 1998 adopted Comprehensive Plan, the November 2004 Planning Commission recommended draft Comprehensive Plan, and the Shoreline Development Code.
- **Compatibility:** The proposed zoning is consistent with the proposed changes in land use designation, as identified in the site-specific Comprehensive Plan amendment.
- **Housing/Employment Targets:** The proposed action would improve the City's ability to meet housing or employment targets as established by King County to meet requirements of the Growth Management Act.
- **Environmental Review:** The project has satisfied the requirements of the State Environmental Policy Act (SEPA).

Based on the findings outlined in the staff report, Mr. Pyle said staff recommends approval of Application #201371 – a site-specific Comprehensive Plan amendment and rezone.

Commissioner McClelland inquired if the stand of trees located on the ridge would have to be removed. Mr. Pyle said this would be part of a project action. He referred to the attachment in the staff report that spoke to a 15-foot linear separation from the adjacent R-6 zone (Page 111). He explained that the applicant would be required to maintain 20 percent of the trees, with replanting for any significant trees removed beyond six. It could potentially be in the developer's best interest to retain the trees within the 15-foot linear separation.

Commissioner McClelland referred to the graphs that were provided in the staff report to illustrate the ITE Manual traffic generation information. The staff report indicates the proposal would generate nine trips during the peak period. Mr. Pyle clarified that the maximum number of additional trips would actually be seven. Commissioner McClelland requested information about the current number of P.M. peak trips coming from the existing condominium projects in the area. She asked if the additional nine trips would push the number of total trips into a situation that would require further review. Mr. Pyle answered that there are two condominium complexes with about 37 units each. Another townhouse development provides 57 units. When comparing the proposed change to the 130 units that are already utilizing Fremont Place as an access drive, the potential four additional units that could be built on the subject property would be relatively insignificant in comparison.

Lee Michaelis, Puget Sound Planning, 19817 Sunnyside Drive North, #5204, said he is acting as agent for the applicant. He referred to the site photograph (top left) that was taken from Evanston Street. He noted that it is difficult to see anything through the trees, which act as a natural buffer. Next, he referred to a photograph that illustrates the three-story condominium project that is located across the street from the subject property. Because there is a parking garage on the bottom level, the building is actually four stories. A project on the subject property would most likely only be three stories tall so the new building could act as a transitional development.

Mr. Michaelis recalled that the staff report indicated that five peak hour trips would be generated by the proposal. He summarized the traffic impact associated with the proposed change by explaining that with the assumption of a 50/50 split coming out of Fremont Place, there would only be 2½ vehicles going to the east and 2½ to the west. He noted that there would be no trips going down Evanston Street since it is a cul-de-sac. Once the traffic splits at Dayton, there would be one car going north and one going south. He concluded that the proposal is concurrent with the level of service at the nearby intersection.

Regarding noise, Mr. Michaelis said he does not believe the noise generated by a three or four-unit development on the subject property would be any greater than the 37 units next door or the cul-de-sac with five or six units. Therefore, he questioned whether there would even be a noise issue.

Mr. Michaelis agreed with Mr. Pyle that there is a 15-foot buffer requirement on the west property line, and anything that currently exists within that buffer would be retained unless the City requires that utilities come off 160th Street. At this time, the intent is to leave the buffer as is.

Mr. Michaelis said that, at this time, it is the developer's intention to develop owner-occupied units that would be sold to individual owners. Once the units are sold, however, the situation would be out of the developer and City's control as to whether the units would be owner occupied or rented out. This is similar to any other single-family or multi-family project in the City.

Mr. Michaelis recalled that Mr. Pyle clearly explained that Fremont Place is unimproved right-of-way. In the future, the City could definitely improve this property as a through way. Therefore, greenbelt is probably not the appropriate title.

Mr. Michaelis said that the stormwater plan for any development on the subject property would be tied into the existing City system. There is impervious surface to the north, so there must be catch basins and existing facilities for them to hook into. Stormwater would not be dumped into the area that has been referred to by citizens as the "greenbelt."

Mr. Michaelis asked that the Planning Commission forward a recommendation of approval to the City Council on the amendment and rezone applications as presented.

Commissioner Kuboi said that one of the written comments received from the public implied that there was a project description provided at a pre-application meeting in December. Mr. Pyle said that at the December meeting, a map was shown of a tri-plex structure. This map was incorrect and should not have been provided at that point. If the rezone is approved as proposed, the property could be developed with up to four units. He clarified that, at the time of application, there was no project description.

Commissioner Phisuthikul asked how the applicant arrived at his request for R-24 zoning, rather than R-18, which is the existing zoning for the adjacent properties. Mr. Michaelis said that R-18 zoning would not produce the number of units necessary for the project to pencil out economically. Commissioner Phisuthikul inquired how many units would be allowed if the zoning were changed to R-18 instead of R-24. Mr. Michaelis answered that if the property were rezoned to R-18, three units could be developed on the site. An R-24 zoning designation would allow four. Commissioner Phisuthikul asked if the applicant has already established that R-18 zoning would not make economic sense. Mr. Michaelis answered that this has not been established yet. He emphasized that, at the time of application, no unit count was proposed.

Dennis Jones, 700 – 160th North, #A205, said he is a resident of Forest Villa 1, which is part of a cluster of multi-residential units. He corrected previous statements by saying that in their development, there are only five rental units, and he would suppose the same percentage exists in the other condominium developments in the area. He noted that the condominium laws state that rental units cannot exceed 40 percent. Mr. Jones questioned the type of landlord the applicant would be. For example, has he received a lot of public complaints? If so, have they been addressed?

Mr. Jones expressed his concern that the objective of the proposal seems to change all the time. The applicant wants to go from a low-density development to a high-density development. He said that when he first started looking for a condominium, he couldn't get the developers to provide a defined answer on how well their homeowner's association would work. He also suggested there could be a concern related to conflict of interest, but he didn't offer any details on the record to support this concern.

Janet Way, 940 Northeast 147th Street, said she represents the Sno-King Environmental Council and Echo Park Group and has visited the subject property. She suggested that not all of the necessary information has been disclosed to the Commission. For instance, she noted that there is a greenbelt on the subject property along the right-of-way that is full of plant life and serves as a local walkway for the neighborhood. It also provides some habitat, even though the staff report indicates that there are no wildlife issues. She referred to the City's stream inventory for Boeing Creek, and noted that Boeing

Creek runs right along the greenbelt. She noted that at the apex of the triangle, it is possible to hear Boeing Creek running hard and fast under the manhole cover, even on a dry day. Ms. Way said it has been well documented that Boeing Creek suffers from a huge amount of water quality, water quantity and sediment issues downstream. It has also been well documented that Boeing Creek is a Class II Stream for Coho and Chinook Salmon. Upstream from the site is Darnell Park where the creek is open and unipiped. She suggested that the section of the creek that runs along the subject property within the greenbelt should be daylighted, as well. Otherwise, the City would be neglecting a perfect opportunity. Not only would the proposed project impact the creek, but the Aurora Corridor Project would impact the creek, as well.

Ms. Way said the trees that are located along the greenbelt serve an important purpose in preventing runoff. She referred to the meeting referenced by Ms. Paulsen earlier at which Tom Holts commented on the enormous amount of stormwater that is held by trees such as conifers, etc. Up to 50 percent of the water that falls on them never hits the ground. The trees on the site are not only important as a buffer for the neighboring properties, but they also serve an important stormwater function. If any of them are removed, they should be replaced with equal value trees. Also, all the trees that run along the greenbelt serve as habitat. She summarized that none of the issues she raised were evaluated in the staff report.

Ms. Way expressed her belief that holding the public hearing for this rezone application separate from the rezone application for Echo Lake is a piecemeal process, which is not an effective way to show the impact of all of the Comprehensive Plan amendments together. They will have an impact as a group, which is why they are being grouped together for review. This type of piecemeal process is confusing to the public.

Chair Harris said Ms. Way inferred that the Planning Commissioners had not visited the subject property. He clarified that he has visited the site, as have many of the other Commissioners.

Pat Crawford, 2326 North 155th Street, recommended that the property remain as R-6 rather than being rezoned to R-24. She said this is a good example of a piece of property that should remain as it is because of the sensitive features on the site. She asked that the Planning Commissioners keep in mind that with the curbing and other features of the Aurora Corridor Project, there will be a lot more stormwater directed towards Boeing Creek. The experts have said there is already poor drainage potential, and more units would further increase the problem. This is a good reason to retain the R-6 zoning designation for the subject property.

Ms. Crawford recalled that at the last meeting she provided the Commissioners with copies of a court decision from Judge Sharon Armstrong. She indicated that the pipe could potentially be illegal and have to come out at some point in the future. This type of thing is happening throughout the City. The existing pipe is failing. The Department of Fish and Wildlife will not grant hydraulic permits for the old pipes, and that is why they are opening the pipe out of Ronald Bog. The City must consider the future and address these situations. She expressed her concern with the Determination of Non-significance that was issued for the property since the City knows there is a stormwater problem and adding multiple units would increase it. She said she is also concerned that the ten-page EIS only deals with land use issues, and there is no information to illustrate how the proposal would address environmental elements.

Ms. Crawford said it is important for the Commission to remember that meeting the Growth Management Act goals must be accompanied by the critical areas requirements. The City should not throw out their critical areas within the urban areas in order to accommodate additional growth. They should respect the critical areas and acknowledge them in the EIS.

Nadra Burns, 700 North 160th Street, #A310, said she owns a condominium in the development that is located behind the subject property. She expressed her concern that rezoning the property to anything higher than R-6 would result in a decrease to the surrounding property values. The rezone proposal would result in an increase of traffic, an increase of noise as a result of the additional traffic, and a decrease in habitat. She reported that there are currently birds nesting in the trees in and around the greenbelt. In addition, she expressed her opinion that the proposed change would result in a decrease in surrounding property values due to the possibility of rentals being built. There could also be an increase in crime as a result of more vehicles and people. She said that if more than one unit is built on the site, there would be very little space for parking. If a maximum of four families were to live on the subject property, there must be a minimum of four parking spaces to accommodate only one car per family. Any visitors would have to park on the street or in the guest spaces provided by surrounding properties.

Ms. Burns concluded that if the greenbelt were eliminated, the homes behind the subject property would be impacted. If the greenbelt is maintained, she questioned where the parking would be located. She further concluded that there would be an increase in traffic, and as a result, there would also be an increase in noise. She said she does not see how four units would fit onto a 7,900 square foot lot without causing overload. Ms. Burns said her understanding is that 80 percent of the units in her building are owned, and only 20 percent are rentals.

David Patten, 615 North 161st Place, said he owns property located to the west of the subject property and is favor of the proposed development. He expressed his concern that the development would result in multiple driveways along 160th Street, making it difficult to provide sidewalk and wheelchair access to Aurora Avenue. He suggested that the driveway access be provided in another location.

Deborah Ellis, 700 North 160th Street, A212, said she is also speaking on behalf of Jennifer Jasper in A303 who was unable to attend the meeting. She referred to a comment made earlier by Mr. Pyle concerning the number of owner occupied versus rental units in the existing condominiums. She said there are 39 units in her building, and at this time, only two are rentals.

Ms. Ellis pointed out that the majority of the existing trees are not located within the 15-foot setback buffer. Therefore, it is likely that they would be taken down and replaced with lower growing trees and shrubs. She questioned the need for the rezone to allow four townhouses on the site versus a single-family dwelling other than for profitability. She said it appears there would only be two parking spaces for each of the units, with some street parking. She requested more information about the proposed plans for parking. If street parking were allowed, it would create visibility issues for the people coming out of her building. She concluded by stating her belief that increasing the density from one unit to four would increase traffic and noise no matter what the staff report shows.

Kristie Magee, 700 North 160th Street, #A306, presented a letter from her neighbor that was entered as Exhibit 1. She said her concerns reflect those of previous speakers. Her big concern is about the decrease in property value and quality of life that would result from the proposed change. She particularly expressed that noise would increase, especially since the units would apparently be turned into rental properties. She noted that the majority of the existing condominiums in the area are owner occupied, which eliminates many of the issues typically associated with rental units. She asked the Commission to think about what typically happens several years down the road when rental units become run down and the turn over rate increases. Because there is no pride in ownership, the values of the surrounding properties and the quality of life tend to go down.

Ms. Magee referred staff's statement that any development would be consistent to what is located east of the art building. She suggested, instead, that any development on the property should be consistent with properties to the west, which are single-family homes.

Les Nelson, 15340 Stone Avenue North, said his home is located behind the Safeway at 155th Street, and he recalled that Safeway was required to put in a 15-foot buffer area. However, Seattle City Light would not allow the taller trees. Many of the plants that were installed died, and the City has not required Safeway to replace them. He noted that the buffer of trees that exists along the subject property line is about 30 or 40 feet. While Mr. Pyle showed how the tree line obscures the view of people to west, it is important to note that most of these trees would be removed to accommodate the utility easements. In addition, if the buffer zone were only 15 feet in width, the trees that are planted would not be tall enough to obscure the view.

Gini Paulsen, 16238 – 12th Northeast, recalled that several weeks ago she toured some of the streams identified on City maps. She noted that within the triangle where development is being planned there is a manhole cover with an orange mark on it. Under the manhole is a stream. As she walked through the greenbelt, she found additional manhole covers with orange markings and she could hear the stream (Boeing Creek) running underneath. Next, she went to Darnell Park, which is an upper tributary of Boeing Creek. While Boeing Creek in this location is not very large, it is very clear and very beautiful. If the City is going to use "zero impact development" as a model for containing, preserving, enhancing and restoring the environment, they must keep in mind that Boeing Creek feeds into the Sound, which they already know has been killed off. She urged them to keep preservation of the environment in mind and make sure that Boeing Creek is daylighted, not only in this location, but also through Darnell Park.

Ralph Syversen, 621 North 161st Place, said he has lived in the neighborhood for a long time, and has never seen a Boeing Creek in the greenbelt, but there has always been a lot of water under the manhole cover. He said he lives in the house just adjoining the subject property to the west, and their access is off of 161st Place. He reported that several years ago, he decided to subdivide his property to make two single-family lots since there was adequate separation from the more intense surrounding uses. It never occurred to him that the City would consider breaking their zoning designations to change from single-family zoning to multi-family zoning. While they may save some of the 15-foot buffer, if an apartment is built on the subject property, his property would be directly impacted because they would have to look down on the roof of the new building. He suggested that the proposal represents an improper use of the property, and the rezone application should be denied.

Tim Crawford, 2326 North 155th Street, referred to the "project review" section of the application, which states that the King County Surface Water Design Manual was used. However, he pointed out that the City's Surface Water Master Plan states that the 1994 Puget Sound Water Quality Manual must be used. He questioned which manual was used by the City to review the application. Mr. Crawford expressed that it is important to save the buffer and not encroach into the creek.

Gloria Bryce, 708 North 161st Place, said she lives in the first set of town houses located next to the subject property. She said there are not very many people from the town house units who use Fremont Place for access. She said she is not concerned about the noise the additional cars would create. She also expressed her concern about the loss of trees, because they really do enhance the neighborhood. She said she moved into her unit in 1980, at which point the two large buildings were not constructed yet. When they were constructed, they were used as rental units for several years and then converted to condominiums. Even if the new units are built as rental units, they could be converted to condominiums in the future, as well. Therefore, she suggested that the Commission should not focus on the negative aspect of the units being used as rental units. She said people have moved to her building because of the trees. When her building was constructed, as many trees as possible were saved. She said she is opposed to a rezone of the subject property to R-24. An R-18 zoning designation would allow more trees to be saved to enhance the neighborhood.

Corrie Ruderbush, 16103 Evanston Avenue North, said her biggest concern is the view impact to her home. She currently looks out over the trees and doesn't want to see a big building constructed behind her home. She said she is a biologist and loves to observe the wildlife in the greenbelt area. Just last week she saw an eagle fly over the condominiums. She concluded that a lot of wildlife uses the area. She pointed out that Boeing Creek already has a lot of sediment and erosion problems, and she does not support the higher density that is being proposed.

Jan Moberly, 720 North 161st Place, expressed her concern that the proposed change would result in development that utilizes on-street parking. She said she is amazed at the difference that the Shoreline Community College cosmetology school has caused to Linden Avenue. The visibility coming out of their complex onto Linden is much worse now. She worries that the same problem could result if the proposed change were approved.

Mr. Michaelis referred to comments made about the percentage of rentals units on the surrounding properties. He specifically noted that several citizens indicated that only about 25 percent of the units in their buildings were used as rentals. If this same percentage were applied to the subject property, it would result in only one rental unit out of the four that are proposed.

Mr. Michaelis referred to the question raised by Mr. Jones about the type of landlord the property would have. He explained that once the units are sold, the developer would not have any control over who the landlord would be. The developer does not intend to be the landlord. He is proposing to build four town homes that would be sold. He said he is not sure what Mr. Jones' reference to conflict of interest was related to.

Mr. Michaelis disagreed with Ms. Way's definition for a greenbelt, and questioned if a right-of-way would fit within the City's definition of a greenbelt. He pointed out that the application went through the SEPA process, which is intended to review for environmental issues. A decision was issued, and no appeal was filed. Therefore, he assumes the application complies with the decision and should be able to move forward. Also, Mr. Michaelis said it is important that this project not be associated with the Aurora Corridor Project. It should be considered a stand-alone application that is reviewed based on its own merit.

Regarding property values, Mr. Michaelis said he has not seen any concrete evidence to support the citizens' claim that property values would go down. However, typically, once land is improved, the property values go up. He also does not understand where the assumption of increased crime would come into play. If the existing larger developments do not create increase criminal activity, he questioned how just four units would make a significant difference. He assumed this comment was made without facts.

Mr. Michaelis questioned the relevance of court decisions that are not related to the project. He asked staff if any legal land use court decisions had been issued on the proposed project outside the realm of the current procedures. Mr. Stewart answered that Ms. Way was referring to another court case on the other side of town that had to do with pipes. Mr. Michaelis inquired if this court decision would be applicable to the subject application, and Mr. Stewart answered that it would not.

Mr. Michaelis recalled earlier public comments regarding the Growth Management Act requirements and noted that SEPA is part of the Growth Management Act process. Again, he said a SEPA review has been completed for the project, and no appeals or comments were received. Therefore, the project should be allowed to move forward with no further comment on the SEPA Determination.

Mr. Michaelis advised that the City would require two parking spaces per unit, which would mean eight, on-site parking spaces. It is up to the City to decide if they want to allow on-street parking on Fremont Place, as well. The proposal does not include on-street parking at this time. However, if Fremont Place were improved, there would be asphalt going all the way to the property line with curbs, gutters, sidewalks, etc. Parking could be allowed on one side of the street, but the City would have to make this decision.

Mr. Michaelis said the map illustrates the canopies of the existing trees, which go way beyond the trunks. The trunks could be located on the property line, with the canopies hanging over 15 to 20 feet. But to say that all of the trees are 25 feet from the property line is probably an incorrect assumption. They would have to look at the trunks to determine exactly where the trees are located. He said his assumption is that the trees are within 15 feet of the property line.

Mr. Michaelis pointed out that traffic is a SEPA concurrency issue, and staff did not raise any issues about traffic during their review.

Mr. Michaelis referred to the comparison Mr. Nelson made between the subject property and the Safeway development. He reminded the Commission that the Safeway development is a separate

project, and should not become the basis for the Commission recommending denial of the current application. The proposed application should stand on its own merits. If the code is applied correctly, there will not be any code enforcement issues after the fact.

Regarding the rooftop view from properties higher up, Mr. Michaelis advised that a 35-foot tall house would create the same type of view. The number of units allowed on the subject property would not alter the possible view significantly one way or another.

Mr. Michaelis explained that when talking about single-family zones, people often think of such things as the values of family life, values of neighborhoods, being part of something, etc. He pointed out that if a single-family home were constructed on the property, it would likely end up being a rental unit. He summarized that it would be difficult to convince someone to purchase a single-family home on the subject property since it would be separated from the single-family neighborhoods. He said he believes the subject property is an appropriate location for multi-family developments, and four units would provide an appropriate transition between the developments that are located to the east and the west of the subject property. He noted that the subject property faces the back of the adjacent condominium complex, and the proposed change would provide an area where four families could be together instead of one all alone.

Commissioner Phisuthikul asked if a survey had been done for the property to identify its contour and the location of the trees on the site. Mr. Michaelis answered that a survey has not been performed but would be done as part of the development process, which would only be started if the City grants approval of the Comprehensive Plan amendment and concurrent rezone as proposed.

Commissioner Broili requested clarification about the amount of parking that would be provided on the subject property. Mr. Michaelis answered that the Shoreline Development Code would require two parking spaces for each multi-family unit that has three bedrooms or more. So four units would require eight parking spaces. Commissioner Broili asked if the applicant feels that four units plus the required parking would all fit on the subject property. Mr. Michaelis referred to a type of development that provided two stories of construction, with parking located underneath, and said this is one option that could be considered for the subject property.

Commissioner Hall asked staff to review the City's standard procedure for ensuring that significant trees are protected. Mr. Stewart explained that when a development permit is submitted, the City would require a tree inventory showing the location of all of the existing significant trees on the site. The staff would then apply the Development Code standards for tree retention. Mr. Pyle added that the Development Code requires the retention of at least 20 percent of the trees. However, there are incentives within the Code that allow applicants to alter the placement of the structure on the lot in order to retain more of the significant trees. The City typically promotes the retention of clusters of trees, and sometimes the setbacks can be adjusted around the clusters. Mr. Stewart pointed out that the current code grants any property owner the right to remove six significant trees within a 36-month period without a permit.

Vice Chair Piro asked if there would be an opportunity to require fewer parking spaces of the development by noting the proximity of the property to the transit services that are available on Aurora Avenue. Mr. Stewart answered that an applicant could request a reduction of the on-sight parking requirements if they meet certain criteria, one of which is access to public transit.

Vice Chair Piro requested further information about how the height restrictions on the property would change if the proposed rezone were approved. Mr. Pyle referred to a table that was provided in the staff report to address this issue. He explained that there would be a five-foot difference between the R-6 and R-24 zones.

Vice Chair Piro requested feedback from staff regarding the public comments that were made about the existence of a piped stream. Mr. Stewart said under the current Development Code, streams are defined as surface watercourses with a defined channel or bed and piped watercourses are not regulated. Mr. Pyle added that there is no drainage easement currently located on the property, which indicates that there would be no required access necessary on the property. The cap that was referenced is located within the triangle area, but no survey has been conducted to indicate exactly where the pipe is located. Mr. Stewart said that when a development permit is submitted to the City, staff would request that easements or pipes be identified on the plot plan. He said it is likely that the drainage easement, if there is one, would be located in the right-of-way. But on many occasions, the City has encountered stormwater systems that have been constructed on private property. While they may fulfill a public function, they exist without any public easement or ownership. Shoreline does not have a clearly defined public drainage system.

If the City were to determine that such a drainage system was on the property itself, Vice Chair Piro inquired if there would be any implications in terms of development intensity opportunities. Mr. Stewart answered that the City would not allow a structure to be located on or over the utility, but this is a site development detail that would be addressed as part of the City's review of a development application.

Mr. Stewart referred to the question that was previously raised about the surface water design manual. He explained that the City has adopted the 1998 King County Surface Water Design Manual and the Urban Land Use Best Management Practices Volume IV of the 1992 Stormwater Management Manual for the Puget Sound Basin for best management practices. He reminded the Commission that the Stormwater Master Plan is currently under review by the City Council and has not yet been adopted.

Commissioner MacCully asked if a proposed development on the site would have the potential of changing the current sidewalk configuration on the property boundary along North 160th Street. Mr. Michaelis answered that access to the subject property would be off of Fremont Place, so no curb cuts are proposed along North 160th Street. The existing pedestrian access along 160th Street would not be disturbed. Mr. Pyle explained that preliminary discussions with the City's development review engineer indicate that the applicant would be required to do complete frontage improvements to bring the property up to code, and this would require ADA accessibility on the corner of Fremont Place and 160th Street. It would also require the reconstruction of the sidewalk along North 160th if it does not already meet ADA standards.

At Commissioner Broili's request, Mr. Stewart pointed out the location of Darnell Park. He explained that the significance of this park in Ms. Way's letter is that it contains a portion of Boeing Creek. He briefly described the location of Boeing Creek throughout the City. Commissioner Broili inquired if it would be reasonable to expect that stormwater from the subject property would be discharged into the piped stormwater line that runs down Fremont Place (Boeing Creek). Mr. Pyle answered that this could potentially occur, but it all depends on the system that is proposed and approved.

Commissioner Broili asked about the easement width requirements for utility services. Mr. Stewart said the width requirements vary depending on the type of service, the size, when the easement was granted, etc. Mr. Pyle noted that there would be no easement requirement for any of the underground electrical, water or gas utility lines. He explained that the subject property is different than the Safeway property, which was referenced by a citizen earlier in the hearing. There is a Seattle City Light right-of-way located to the rear of the Safeway site, and they can strictly regulate what can and cannot be placed within their right-of-way. The subject property is privately owned, and the City owns the right-of-way.

Mr. Stewart informed the Commission that Ms. Way would like to enter Figure 2.3 of the Boeing Creek Basin Characterization Report into the record. The document provides an illustration of what he described earlier about the location of Boeing Creek. He advised that he would provide a copy of the figure to each of the Commissioners. However, he said staff would dispute the location of the x Ms. Way placed on the map to identify the subject property's location. He said the site location is actually further to the south.

Commissioner Kuboi pointed out that the existing R-6 zone would allow a maximum of 50% impervious surface, and an R-24 zone would allow up to 85%. However, the R-24 zone would require a Type II Stormwater Detention facility. He inquired if any type of detention would be required for an R-6 zone. Mr. Pyle answered that the detention requirements for R-6 developments are determined on a case-by-case basis depending on the soil conditions and other alternatives.

Commissioner Kuboi asked Mr. Michaelis if he could discuss the possible parameters of what the footprint would be and whether or not a significant number of trees would have to be removed. Mr. Michaelis said that without an actual survey identifying the location of the trunks of the trees, he would not be willing to provide further statements regarding this issue. Commissioner Kuboi asked if Mr. Michaelis was in a position to know whether or not the applicant would entertain a rezone that was conditioned on keeping a certain number of the trees within the 15-foot buffer. Mr. Michaelis said he would not advise in favor of any conditions without specific knowledge of what the language says beforehand.

Commissioner McClelland reviewed the property's setback requirements with the staff. She clarified that a buffer would not be required in addition to the setback, and the setback may or may not include the cluster of the trees. Mr. Pyle clarified that some of the trees are located on the subject property and some are not. Under the R-24 zoning designation, assuming that it is not abutting or adjacent to a lower zoning of R-6, a property would only be required to have five feet of rear yard setback. But in this situation, the proposed R-24 zone abuts an R-6 zone. Therefore, the rear property setback requirement

would be 15 feet. He further pointed out that the percentage of impervious surface would be calculated based on the entire tax parcel, including the property located within the setback areas.

Commissioner Broili inquired if the 15-foot setback would be measured horizontally or if it would follow the contour of the land. He noted that the stand of trees is located on a slope, so the distance could be different depending on which way it is measured. Mr. Stewart explained that in this case, the trees are all located near the setback, but the tree provision only requires the percentage to be retained on site, and not necessarily within the setback. Trees and setbacks are two separate provisions of the code that, in this case, just happen to overlap. He said he suspects that when the applicant submits a development application, they will do their tree retention plan in the places where the trees are currently located, and hopefully retain more than the minimum. He further explained that the setback would not be measured following the contour of the land.

Commissioner Kuboi explained that the Planning Commission's responsibility is to look at the good of the community as a whole, and this includes looking at the community from the perspective of future residents. There were a number of comments about renters versus owners, and he wished the community would not segregate the two as good or bad. The community is as good as it is because they have a bit of everything. Everyone has a right to live in the community, and the City needs to provide a selection of housing to meet the needs of a wide variety of people. He reminded the residents of the condominiums projects that surround the subject property that, conceivably, the people who lived in the neighborhood before their units were developed could have had the same concerns. He said it would behoove everyone to think about what it takes to make a community, both the residents of Shoreline now and the new people who will move into the City in the future.

Les Nelson pointed out that the setback area would only be 15 feet, and the canopy and roots of the trees are up to 30 feet in width. He said one way or another, all of the trees would be removed to make room for the utility lines that are necessary to serve the future development.

Janet Way asked for another opportunity to provide additional information for the record. Chair Harris expressed that Ms. Way had already had an opportunity to speak before the Commission, and it was time for the Commission to close the public hearing. Ms. Way expressed her objection to Chair Harris' interpretation of the public hearing procedures.

AT THE CONSENSUS OF THE COMMISSION, CHAIR HARRIS CLOSED THE PUBLIC HEARING.

Mr. Stewart announced that because of the appeal that was submitted for the Echo Lake proposal, the Commission would postpone their deliberations on this item until a future date. He encouraged the citizens to follow the Planning Commission's agenda on the City's Website for further information about when this item would be further debated.

File #301275: 18511 Linden Avenue North Site-Specific Comprehensive Plan Amendment

Chair Harris briefly reviewed the rules and procedures for the public hearing. He invited Commissioners to disclose any ex-parte communications they might have had on the agenda item. He also invited members of the audience to voice their concerns regarding the participation of any Commissioner. None of the Commissioners nor anyone in the audience voiced an appearance of fairness issue.

Mr. Pyle explained that the proposal is a site-specific Comprehensive Plan amendment request and does not include a rezone. The request is to change the land use designation of the subject property from high-density residential to mixed use. The zoning on the parcel would remain as R-48, since an R-48 zoning designation would still be allowable in a mixed-use land use designation. No development proposal has been submitted to date.

Mr. Pyle used maps to illustrate the subject property and the surrounding uses, which includes mixed-use, commercial business and medium-density land use designations. He referenced the zoning map and pointed out that surrounding zoning includes R-18, R-12 and RB. He noted that the subject property is located just behind the James Alan Salon, and it takes access off of Linden Avenue North. The Windermere Real Estate Building is located directly to the east, and a Verizon phone relay station is directly to the north. He briefly reviewed the aerial photograph that was prepared for the site.

Mr. Pyle pointed out that the proposed mixed-use land use designation would allow the opportunity for a future rezone to a commercial designation, which would be prohibited by the existing high-density residential designation. A commercial zoning designation would allow for expansion of the James Alan Salon when their business needs to grow, but a rezone would have to be approved by the City.

Mr. Pyle said staff believes the three criteria for approval of the Comprehensive Plan amendment have been met by the proposal. Therefore, they recommend that the Planning Commission gather public testimony, consider the record, and then forward a recommendation to the City Council to approve the site specific land use amendment as proposed.

Mr. Pyle recalled that when the City undertook the 2001 Reconciliation Project, they reviewed all of the zoning and land used designations for the entire City for consistency. When the City of Shoreline incorporated, the subject parcel was slated as mixed use. However, it was zoned as R-48.

Keith McGlashan, Applicant, explained that at the time the application was submitted, they didn't ask to apply for a concurrent rezone because they did not own all the properties. However, they secured the salon in December and closed on the little house last Monday. Now they own the entire parcel, and they are excited about expanding their facility to create more jobs and provide more retail space in the City.

Commissioner MacCully asked how the City would handle a situation where a person owns two pieces of property with identical zoning and wants to develop something that goes over the property line. Mr. Stewart explained that if an owner wanted to develop across the property line, a simple lot consolidation process would be required to remove the property line and a SEPA review would not be necessary.

Vice Chair Piro pointed out that going to a mixed-use land use designation for the parcel would not necessarily require that future construction provide multiple uses. Future development opportunities

would include residential, office, retail, etc. Mr. Stewart clarified that the mixed-use designation in both the current and proposed Comprehensive Plan would allow a number of different zones. From the City's point of view, the ideal would be to encourage real mixed-use development that provides for a multiplicity of uses. But this would depend upon the market and the desires of the property owners. The R-48 zoning that exists on the property would not allow for commercial development. If it were changed to a retail commercial zoning designation, both residential and commercial uses would be allowed.

Commissioner McClelland inquired if sidewalks would be required along the street front if the site were redeveloped in the future. Mr. Stewart answered that, typically, all redevelopment projects that meet certain thresholds require frontage improvements.

Mr. Stewart provided further clarification that even if the proposed land use designation of mixed use were approved, the applicant would not be able to develop the property as a commercial use unless a rezone were approved. Commissioner McClelland questioned why the applicant did not apply for a concurrent rezone application if their intention was to expand the retail uses on the site. Mr. McGlashan said they chose not to apply for a rezone because it was less costly for them to purchase the two additional parcels as residential rather than commercial zoning.

Vice Chair Piro clarified that a rezone could happen at any point during the year, and is not limited to a once-a-year review of the Development Code. Mr. Stewart agreed and further explained that the once-a-year limitation only applies to the Comprehensive Plan and not the Development Code.

Janet Way, 940 Northeast 147th Street, reiterated her concern that the rezone and Comprehensive Plan amendment hearings for three proposals are being conducted simultaneously as legislative and quasi-judicial processes while the Echo Lake proposal has been postponed. This means it could be quite some time before the issues are deliberated upon, since the Echo Lake appeal must be resolved first. She suggested the process might be confusing to the public, and it will be unclear how all of the projects interrelate and impact each other.

~~CHAIR HARRIS MOVED THAT THE PUBLIC HEARING BE CLOSED. COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.~~

File #201277: 19671 – 15th Avenue Northeast Site-Specific Comprehensive Plan Amendment and Rezone

Again, Chair Harris briefly reviewed the rules and procedures for the public hearing. He invited Commissioners to disclose any ex-parte communications they might have had on the agenda item. He also invited members of the audience to voice their concerns regarding the participation of any Commissioner. None of the Commissioners or anyone in the audience voiced an appearance of fairness issue.

Mr. Pyle reviewed the staff report explaining that the application is for a site-specific Comprehensive Plan amendment and rezone. The proposed action is to change the Comprehensive Plan land use

designation from Ballinger Special Study Area to high-density residential. The subject property was placed in Ballinger Special Study Area status during the 1998 Comprehensive Plan adoption. The applicant has also submitted an application for a concurrent rezone to change the site from R-6 to R-24, and the surrounding property is already zoned R-24 on all sides of the subject property. He provided a map to illustrate the subject property and the surrounding R-24 zones. He also provided photographs of the surrounding properties.

Mr. Pyle explained that upon annexation of the Ballinger Neighborhood from King County in 1995, the City designated the parcel as high-density residential and adopted it 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 the parcel as R-6 was frozen at that time. Approval of the proposal would allow the parcel to be designated as high-density residential and allow it to rezone to be consistent with the surrounding zones. The use of the house on the subject property as a single-family residence is not very practical as it is surrounded by R-24 uses. The owner claims it has been difficult to rent the home, and this impacts his ability to make improvements. Because of the intensity of the surrounding developments, it is apparent that the infrastructure exists to support redevelopment of the site. He pointed out that as part of the SEPA process, notices were mailed to all of the utility providers, and the applicant was required to acquire water and sewer availability certificates.

Mr. Pyle said that since this site is surrounded by high-density uses, rezoning the parcel would not lead to a further growth outward of the high-density zone. He explained that one of the intents of the Ballinger Special Study Area was that the area of higher density not expand outward and become larger.

Mr. Pyle reported that staff has concluded that the application is consistent with the 1998 Comprehensive Plan, the 2004 Planning Commission recommended Comprehensive Plan Draft, the King County Countywide Planning Policies, and the City of Shoreline Development Code. The proposed zoning is consistent with the surrounding areas and would allow for the construction of up to five units, thus helping the City meet its growth targets. He said the project has also satisfied the requirements of the State Environmental Policy Act as outlined in the Staff Report. Therefore, staff recommends that the Commission approve the proposed applications for a site-specific Comprehensive Plan amendment and a rezone to R-24.

David Maul, Rutledge Maul Architects, 19236 – 47th Avenue, Lake Forest Park, said staff did a great job of putting together the facts associated with the applications. He stated that the proposed changes would be good for the neighborhood, and all of the utilities and the infrastructure to support future development of the site are already in place. He asked that the Commission forward a recommendation of approval to the City Council.

Commissioner McClelland asked if the structure located behind the house is currently being used as a dwelling unit. Mr. Maul said it is a detached garage with an apartment above it. There are two dwelling units on the site right now.

Vice Chair Piro clarified that there are no plans in the City's current work program to begin the Ballinger Study Area. He asked where the closest commercial node to the subject property is located. Mr. Pyle said two commercial areas are located near the subject property. To the north is 205th, which is an enormous retail facility. To the south is the North City business district. These are both located within ½ to 1 mile of the subject property.

Vice Chair Piro asked what options there might be for development if the property were identified as a mixed-use land use. Mr. Stewart said that if the Comprehensive Plan land use designation were mixed use, the R-24 zoning designation that is being proposed would be allowed. Vice Chair Piro voiced his concern that this is an intense area that is used for a single type of use. This creates a pattern where access to anything else would require automobile trips. He said he is looking for opportunities within this district to create a more mixed-use environment. Mr. Stewart said all of the special study areas have this same characteristics, and the hope is that they will be able to bring in the community to discuss where they might be able to intensify the land uses without injuring the existing character of the community. But in this case, the proposed action would resolve an issue of spot zoning that was inherited from King County. Mr. Pyle said that during the reconciliation process, this parcel would have been adopted as a higher density. But because it was frozen into the Ballinger Special Study Area, it was locked into its current status.

Commissioner McClelland questioned how the applicant would be able to get five units on the subject property and still provide space to meet all of the required parking and preserve the view of the surrounding properties. Mr. Maul submitted a preliminary map of one possible development concept for the subject property, which shows five units being built on the site with parking on the lowest level. It was entered into the record as Exhibit 4. Mr. Maul pointed out that the elevation of the 3-story condominiums that are located to the west is about ten feet higher than the subject property. Any development on the subject property would only come up to the second story of the existing building to the west.

Janet Way, 940 Northeast 147th Street, said she is speaking on behalf of the Sno-King Environmental Council and Echo Park. She expressed her concern about the cumulative impact all of the rezones would have to the environment. She asked that the Commission particularly consider the cumulative impact on McAleer Creek, which is the same watershed that would be impacted by any development that takes place at Echo Lake. While this is just a small development, it is only about ½ block from McAleer Creek, and there was a recent development put in on the other side of McAleer Creek where the property was cleared all the way to the buffer of the critical area. They should consider the negative adverse impact of continuously permitting more and more larger development along the watershed. Again, she said it is unfortunate that as the rezones are being considered, the applicants are not required to provide details about the proposed site design and the stormwater detention that would be required. She also expressed her concern about the Commission holding a public hearing now and then waiting to conduct their deliberations until the appeal on the Echo Lake proposal has been resolved. This also makes it difficult for the Commission to consider the cumulative impacts of development in the City.

COMMISSIONER BROILL MOVED THAT THE PUBLIC HEARING BE CLOSED. COMMISSOINER SANDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

7. REPORTS OF COMMITTEES AND COMMISSIONERS

None of the Commissioners provided additional comments during this portion of the meeting.

8. UNFINISHED BUSINESS

Commissioner Hall reminded the Commissioners of the upcoming retreat that is scheduled for March 10th. He said there would likely be more things to talk about than time would permit. Commissioner Kuboi agreed and suggested that prior to the retreat, the Commissioners should identify the exact topics that want to discuss. Commissioner Hall indicated that staff would circulate a draft agenda to the Commissioners for comment prior to the next meeting. The intent is to use the Commissioner's comments to come up with a final list of agenda items that could be discussed within the four-hour allotted time period.

Commissioner MacCully said he previously suggested that not only should the Commission have a honed agenda for the retreat, they should also collectively agree to allow the facilitator to hold them to the agenda.

Mr. Stewart pointed out that the retreat would be advertised as an open public meeting, and seating would be available for the public to attend. However, no public comment would be allowed.

The Commission discussed the best way to handle unruly speakers and maintain control of the Commission meetings. Mr. Stewart shared the City Council's method for handling unruly situations. If a City Council Member feels that a situation has gone too far, the member can choose to move for a recess. If there is a second and a majority vote, the Council recesses for a period of time. The Planning Commission could use a similar method.

Chair Harris said he wants the citizens to feel like their comments are worthwhile, and that the Commission is interested in working with them. The Commissioners concluded that Chair Harris has been doing a good job of keeping the meetings under control, while still allowing the citizens to express themselves.

9. NEW BUSINESS

Commissioner Hall suggested that the following three items be considered for inclusion on future Commission agendas: a discussion of the advantages and disadvantages of issuing a notice for public hearing prior to the expiration of the SEPA appeal deadline, a discussion about "sidewalks that lead to nowhere" and alternatives to providing connectivity of sidewalks in the City's pedestrian network through impact fees, etc., and a discussion on the possibility of the Planning Commission initiating a docket request to replace the Ballinger Special Study Area and other special study areas with land use

designations that are more meaningful. He emphasized that all three of these topics would have a lower priority than any quasi-judicial proceedings, the critical areas regulations and the cottage housing provisions.

Commissioner Kuboi agreed that each of the three topics suggested by Commissioner Hall could be added to the backlog of issues the Commission wants to discuss. But the priority of issues such as this should be discussed further at the Commission Retreat. If the Commission is going to consider the backlog of possible topics of discussion, he would like to look at a holistic list rather than just the issues that have been raised recently.

Regarding Commissioner Hall's concern about noticing a public hearing prior to the expiration of the SEPA appeal deadline, Mr. Stewart explained that the City Attorney advised that the Echo Lake proposal would be a legislative matter, and that the SEPA Determination would not have an administrative appeal to the Hearing Examiner. However, after the hearings had been scheduled, the attorney changed his opinion and required the City to issue the corrected notice and corrected SEPA Determination, which included an administrative appeal. Normally, the City would not have scheduled the public hearing until after the SEPA appeal period had expired.

10. ANNOUNCEMENTS

No announcements were made.

11. AGENDA FOR NEXT MEETING

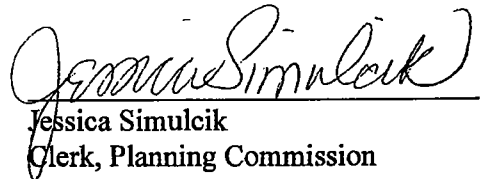
Mr. Stewart announced that a public hearing on the draft critical areas ordinance is scheduled for March 17th. Staff would propose about six additional changes.

12. ADJOURNMENT

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



David Harris
Chair, Planning Commission



Jessica Simulcik
Clerk, Planning Commission

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF SPECIAL MEETING

April 14, 2005
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Vice Chair Piro
Commissioner Kuboi
Commissioner McClelland
Commissioner Phisuthikul
Commissioner Hall
Commissioner Broili

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Andrea Spencer, Senior Planner, Planning & Development Services
Kim Lehmberg, Planner II, Planning & Development Services
Jessica Simulcik, Planning Commission Clerk

ABSENT

Chair Harris
Commissioner Sands
Commissioner MacCully

1. CALL TO ORDER

The regular meeting was called to order at 7:03 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, Hall, McClelland, Phisuthikul and Broili. Chair Harris, Commissioner Sands and Commissioner MacCully were excused.

3. APPROVAL OF AGENDA

The agenda was approved as presented.



4. DIRECTOR'S REPORT

Mr. Stewart announced that the April 19th meeting with the City Council, the Planning Commission and the Innis Arden Club has been cancelled at the request of the club.

Mr. Stewart reported that the Commission has been invited to a dinner meeting with the City Council on May 9th. He asked the Commissioners to contact Ms. Simulcik to indicate whether or not they would be available for the meeting.

Mr. Stewart reviewed the items that were included in the Commissioner's mail envelopes. He referred to the termination notice to Mr. Harley O'Neil regarding the City Hall site. This issue was introduced at a pre-hearing conference with the Hearing Examiner regarding the Echo Lake proposal. He recalled that at the last meeting the Commission discussed the option of retaining the Comprehensive Plan designation for Public Open Space as it is currently shown, with an option of changing the balance of the property to Mixed Use. The map on the yellow sheet illustrates this concept. Also in the packet is a copy of an email from Dick Deal, Shoreline Parks, Recreation and Cultural Services Director, confirming that if the City does not complete the update of the Comprehensive Plan by early June, then the City's ability to apply for IAC grants would be taken away. This would have serious consequences because they are anticipating applying for a major grant for the Boeing Creek Restoration Project. Mr. Stewart then referred the Commission to the Hearing Examiner's decision. He also referred to a handout staff provides to all citizens showing the appropriate zoning by Comprehensive Plan districts. Next, he distributed a new Page 15 of the Commission packet to clarify the issue related to a change in Comprehensive Plan designation. Lastly, Mr. Stewart announced that at the request of Commissioner Kuboi, staff redrafted the findings (found in the April 21st packet). Mr. Stewart advised that staff would be happy to complete additional work at the request of the Commission before the April 21st meeting.

Other than the complication noted in Mr. Deal's e-mail regarding the City's ability to apply for grant funding, Commissioner Hall inquired if there would be ramifications in other City arenas, as well. Mr. Stewart answered that the City is not currently eligible to apply for the trust fund because they did not meet the December deadline for completing the Comprehensive Plan Update. However, the situation is not serious since the City does not anticipate any trust fund applications in the next two or three months.

5. APPROVAL OF MINUTES

No minutes available for approval.

6. GENERAL PUBLIC COMMENT

There was no one in the audience who expressed a desire to address the Commission during this portion of the meeting.

7. PUBLIC HEARING

Type C Quasi-Judicial Public Hearing: Echo Lake Site-Specific Comprehensive Plan Land Use Map Amendment

Vice Chair Piro emphasized that the public hearing would be on the proposed Echo Lake Site-Specific Comprehensive Plan Land Use Map Amendment only, and not the rezone proposal. In addition, he noted that the Echo Lake site is no longer under consideration for a new City Hall Complex. Therefore, no public comments would be accepted related to the rezone request, the SEPA appeal, or the City Hall Project. The rezone request and the SEPA appeal would be heard at a joint Planning Commission/Hearing Examiner public hearing scheduled for May 4th and May 5th. He reviewed the rules and procedures for the public hearing. He also reviewed the Appearance of Fairness Rules and inquired if any of the Commissioners had received any ex-parte communications. None of the Commissioners indicated any ex-parte communication. Next, he asked if anyone in the audience had concerns related to Appearance of Fairness.

Brian Derdowski, 70 East Sunset Way, Issaquah, WA 98027, said he represents the Echo Lake City Hall Oversight - People Against Rezone (ECHO-PAR), the appellants of the rezone application and SEPA Determination that is directly related to the proposed Comprehensive Plan amendment. He pointed out that the Comprehensive Plan amendment proposal is a quasi-judicial action, as is the rezone proposal. Therefore, the Commission's determinations must be made based on the record, which must be fairly constructed with a reasonable opportunity for all sides to provide information. He stated that the Commission meeting minutes show that there have been numerous instances in which the Commission has heard information about the rezone and Comprehensive Plan amendment proposals, as well as the various proposed site configurations for the purchase and sale agreement for city hall, which is no longer an active proposal.

For example, Mr. Derdowski referred to a situation that occurred several weeks ago in which his client, Janet Way, was prohibited from making any comment to the Commission about a matter related to the proposed Comprehensive Plan amendment and rezone request because it was considered a quasi-judicial matter. However, the City staff later provided a 20-minute pitch describing all of the wonderful features of the proposed Comprehensive Plan amendment, rezone and site configuration. Again, Mr. Derdowski pointed out that both the Comprehensive Plan amendment and the rezone proposal are quasi-judicial issues. He said that while the record for the Comprehensive Plan amendment would be opened and closed tonight, the Commission has already received extensive information about the application, and this should be considered ex-parte communication. A reasonable person could conclude that the Commission has prejudged the Comprehensive Plan and rezone actions.

Vice Chair Piro said the initial briefing the Commission received from staff a few weeks ago followed the standard procedures that are in place to provide an introduction to the issue prior to holding a public hearing. He pointed out that the Commission has also appropriately received communications that have been submitted to the City from the applicants and public. Mr. Stewart added that it is important to

remember that ex-parte communications refer to communications that occur outside of the public record. The communications that have taken place between the staff and Commission are all part of the public record and can be fully disclosed to anyone who wants to review them. Therefore, he disagreed with Mr. Derdowski's opinion.

Commissioner Hall invited Mr. Derdowski to identify any Appearance of Fairness issues he might have regarding specific Commissioners. Mr. Derdowski responded that he has deep concerns about the construct of the record and when it was opened. He suggested that since the public hearing is just being opened tonight, all other information the Commission has previously heard regarding this matter should not be part of the record. Mr. Derdowski stated his belief that Commissioner Hall had prejudged the matter and that he had extensive communications with staff and the applicant both orally and in writing. He noted that none of Commissioner Hall's individual conversations with staff have been included in the record.

Commissioner Hall emphasized that he has had no communication with the proponents of the project. However, he has had communications with City staff on a number of occasions, seeking their advice on what can and cannot be done when reviewing the written public comments. There were concerns raised regarding the Public Open Space, so he wanted further information regarding the City's open space policies. At the last meeting, he mentioned that he had asked staff if it was within the Commission's authority to amend the proposal, and the yellow handout that was provided by staff is related to this inquiry. Commissioner Phisuthikul said that he, too, communicated with the staff regarding the proposals. He asked for clarification and additional information that he felt was pertinent to the application. The intent of his inquiries was to gain a better understanding of the issues.

Vice Chair Piro again stated that he believes the disclosed contacts would be considered appropriate communications. He summarized that he sees no reason to limit any of the Commissioners from participating fully in the public hearing. Commissioner Kuboi agreed and stated his belief that Commissioner Hall's actions show that he is willing to do all appropriate due diligence in order to make a decision in concert with the goals of good public policy. He applauded him for his efforts. None of the Commissioners identified any additional issues related to the Appearance of Fairness rules and their ability to impartially participate in the hearing. Therefore, Vice Chair Piro opened the public hearing.

Ms. Lehmborg presented the staff report for the Echo Lake Comprehensive Plan amendment proposal and provided photographs of the site. She explained that the western portion of the property along Aurora Avenue is developed as commercial business. The interior portion of the subject property is developed as a trailer park. There is also a wetland area (Echo Lake) on the site. She said the applicant's proposal is to modify the existing Comprehensive Plan designation to make the entire parcel Mixed Use. Currently, the subject property has three different Comprehensive Plan designations: Mixed Use on the western portion, High Density Residential on the eastern portion and a 50-foot wide strip along the north property line that is designated as Public Open Space.

Ms. Lehmborg displayed a conceptual site plan, showing a configuration for mixed use development if the entire parcel was designated as Mixed Use. She noted that the current R-48 zoning would be compatible with the Mixed Use designation, as would the current regional business zoning. She

explained that the current development code requires a 100-foot buffer from a Type II Wetland (Echo Lake), and the proposed new Critical Area Ordinance would require the buffer to be 115 feet. The conceptual site plan shows a 115-foot wetland buffer.

Ms. Lehmborg advised that staff recommends that most of the developable area be changed to Mixed Use, and the area that encompasses the wetland area to Private Open Space. She explained that the underlying zoning designation would remain the same and would be compatible whether designated Public or Private Open Space.

Mr. Stewart referred to the alternative motions that were presented for the Commission's consideration. Ms. Lehmborg summarized that staff's recommendation is to change the Comprehensive Plan Map land use designation for the subject parcel from High Density Residential, Public Open Space and Mixed Use to Mixed Use for the developable portion and Private Open Space for the wetland buffer area. The applicant's request is to have the entire lot designated as Mixed Use. In addition, Commissioner Hall suggested that they could designate the area that is currently identified as High Density Residential as Mixed Use, and keep the area designated as Public Open Space as it currently exists.

Michael H. Trower, 2077 East Howe Street, Seattle, WA 98122, advised that he is a development consultant working with Echo Lake Associates. He said the applicants support the staff's recommended Option 1 (Mixed Use & Private Open Space). He asked that staff provide clarification regarding the recommendation to designate the Private Open Space as the wetland's buffer. This appears to be redundant because it would already be identified as open space. Otherwise, he said the applicants understand the need for open space, and they are in support of providing Private Open Space as per Option 1.

Mr. Trower referred to staff recommendation Option 2, which suggests that the existing public space remain as Public Open Space. He noted that if the area were designated as Public Open Space, the public would use it. However, the City has not come forward to purchase this property or to pay for the operation and maintenance associated with it. In addition, he noted that the strip along the northern edge of the property, starting at Aurora Avenue and going east, is necessary to the development for access to the parking. In addition, the Fire Department has indicated an interest in this area for emergency access to the development, and they are also interested in the applicant providing access from the subject property onto the property to the north since their access is currently tenuous.

Mr. Trower summarized that the applicants support the application they submitted to change the Comprehensive Plan land use map to Mixed Use. They feel this change would improve the options for developing the property in a very positive way for the community.

Mr. Stewart pointed out that both the Public and Private Open Space designations in the Comprehensive Plan contain very specific words that the underlying zoning would prevail. Therefore, the designation on the plan for Public Open Space includes the intent for acquisition or the possibility for future acquisition for public use. Since the underlying zoning would not change, the City would rely upon the zoning on the land and not the Comprehensive Plan designation. With a Private Open Space designation, the property would be designated for private use only, but the underlying zoning would prevail. The current

underlying zoning would prohibit development within 100 feet of the wetland. Mr. Stewart reminded the Commission that the proposed new Critical Area Ordinance would increase the buffer requirement to 115-feet. The applicant has indicated that he would be willing to designate 115 feet in anticipation of the new Critical Area Ordinance and to designate a portion of the site as open space as part of the development project.

Commissioner Kuboi questioned why a site plan has been submitted for the Commission's consideration when the issue before the Commission is related to the land-use designation only. He suggested that a proposed site plan should not be part of the Commission's consideration. He noted that if the Comprehensive Plan amendment were eventually approved, development of the site could be completely different than what is being identified on the site plan map. Ms. Lehmborg agreed but pointed out that if approved as presented, the 115-foot buffer would be enforced no matter what is developed on the site. Mr. Stewart reminded the Commission that right now, a portion of the property is designated as Public Open Space, and staff thinks it would be appropriate to designate Private Open Space that would be essentially consistent with the buffer, so they can send a message to the community, the developer and the owner that the City would protect the wetland resource.

Commissioner Kuboi referred to the map and specifically pointed out the area that is being considered for the Private Open Space designation. Mr. Stewart further pointed out the boundaries of the proposed buffers, which are consistent with the portion of the property that is being recommended as Private Open Space. He explained that under the land use regulations, a development proposal would be reviewed under the current Critical Area Ordinance. Once the application is approved, the project would be vested under the land use rules in effect at the time it was submitted. Expecting that the Critical Area Ordinance update would increase the buffer requirement, the developer is planning for that change. In any event, the City would utilize the land use law in effect at the time an application is submitted and complete.

Commissioner McClelland agreed with Commissioner Kuboi that it is inappropriate for the Commission to review the conceptual site plan at this time. However, she appreciates being able to see what a 115-foot buffer would look like in proportion to the rest of the site. She said it is important for the Commission to have a clear understanding about how Private Open Space or Public Open Space would protect the wetland. Her understanding is that a buffer is a protected area that protects a critical area from intrusion and harm. However, nothing about the term "private open space" would suggest to her that the buffer would be protected. Given the intensity that is being proposed for future development, she questioned how the City or a private property owner would be able to prevent people from encroaching into the wetland. She questioned if the 115-foot buffer would protect the wetland or not. If not, then it would be irrelevant whether the property is designated as public or private open space.

Mr. Stewart explained that the designation of Public Open Space on private property, without the owner's permission, could be construed as a taking if development rights were taken from the property. Under the 1998 Comprehensive Plan and the current zoning regulation, the Private Open Space designation is advisory, and there is no authority for the City to take, use or acquire the property. The underlying zoning of R-48 would regulate the land use. The designation of Public Open Space on the subject property came out of the CPAC's and was a community policy statement that the City would like

something to happen in the future. The same holds true for the Private Open Space designation. The underlying zoning would govern the actual use, including the critical area. The designation in the Comprehensive Plan provides a benefit because it lets the community and developers know that, as per the Critical Area Ordinance, the property would not be developed.

Again, Commissioner Kuboi asked the staff to provide feedback as to how much project level detail must be considered as part of the Commission's review of the proposed Comprehensive Plan amendment. Mr. Stewart reminded the Commission that the applicant, the appellant and the City made a procedural decision to split the issues, but the staff report that was circulated regarding the proposal was issued prior to this pre-hearing decision. He agreed that project level detail should not be part of the Comprehensive Plan Map amendment discussion.

Commissioner Broili referred to Mr. Trower's comment that if the strip of Public Open Space were left as Public Open Space, it would have an impact on the applicant's ability to provide emergency access to the subject property. He inquired if this access could be moved to another location. Mr. Trower answered that there are likely other possibilities, but the access was planned along the corridor because it works best in terms of siting the buildings and providing access to the property to the north.

Vice Chair Piro inquired if the 50-foot Public Open Space that exists now would be from the proposed building in the north to the property line. Mr. Stewart said the 50 feet would run along the edge of the lake over to the Interurban Trail. Vice Chair Piro inquired if anything would preclude the construction of an emergency access in Public Open Space. Mr. Stewart referred to Land Use Policy 69 in the current Comprehensive Plan regarding the definition for Public Open Space. Commissioner Hall read the policy as follows: "Public Open Space shall be applied to all publicly owned open space and to some privately owned property that might be appropriate for public acquisition. It is anticipated that the underlying zoning for this designation shall remain." He summarized that this policy is advisory rather than a development code. However, since the people who worked hard to designate the Public Open Space on the subject property saw potential for public acquisition, the Commission should be deliberative and sensitive before they consider extinguishing the Public Open Space designation. Vice Chair Piro again inquired if the Public Open Space designation would preclude an emergency access for fire equipment. Mr. Stewart answered that it would not.

Ann Wennerstrom, 19243 Ashworth Avenue North, said she lives across from Echo Lake Elementary school. She said she is opposed to the proposed Comprehensive Plan land use change from high-density residential to Mixed Use. The 1998 Comprehensive Plan places a lot of emphasis on keeping and protecting the character of the neighborhood and accommodating new residential units. The Echo Lake area is lovely, with a school, a park, a sports field, numerous churches and a lot of families. Changing the eastern parcel to Mixed Use would bring more businesses to the area. This would result in more traffic, especially on 192nd as people speed towards Meridian Avenue to get to Interstate 5 and from Costco up Ashworth Avenue. This increase in traffic would significantly change the character of her neighborhood. She pointed out that while the development plan depicts a charming "European Village," it is important to remember that once the designation is changed, the applicant could develop something entirely different. The Mixed Use designation would allow all business uses, without any additional residential units. She noted the significant wording change proposed for Comprehensive Plan Goal 2.

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The current language states that “adequate residential land and encourage a variety of quality housing opportunities and appropriate infrastructures suitable for the needs of Shoreline’s present and future residents.” The proposed language would “encourage attractive, stable, high-quality residential and commercial neighborhoods.” There is a significant difference between these two goals. She suggested that there was a reason why this area was identified in the 1998 Comprehensive Plan as residential.

Brian Derdowski, 70 East Sunset Way, Issaquah, WA 98027, said he represents Echo Lake City Hall Oversight - People Against Rezone (ECHO-PAR) who filed the SEPA Appeal on the rezone application. He said that since the rezone proposal is directly related to the Comprehensive Plan amendment, the two actions are linked. Since the SEPA Appeal was filed, ECHO-PAR has been engaged in some very productive discussions with the applicant. They found that they have much in common, and they are working to put together a collaborative, joint proposal. He said he is very impressed with the good will and the goals of the applicant group.

Mr. Derdowski reported that several of ECHO-PAR’s objections in the SEPA Appeal have already been addressed. He recalled that the City has determined that they should separate the Comprehensive Plan from the rezone proposal. Also, the elimination of the purchase and sale agreement has addressed one of the group’s most profound objections. However, they have some procedural objections, and for that reason, he referenced their March 2, 2005 appeal, as well as their comment letter dated February 4, 2005. While these documents were related to the rezone, they also raised substantive issues regarding the procedure for the Comprehensive Plan amendment. The group would also like to add the City’s stream inventory to the record.

Mr. Derdowski reviewed that ECHO-PAR has the right to appeal the City’s SEPA Determination to Superior Court, after the City Council takes action. Therefore, including the SEPA documentation in the record is intended to create the basis for a possible SEPA Appeal. Mr. Derdowski said the group is particularly concerned that the proposed action is based on an outdated and incomplete previous SEPA review and documents. They are also concerned about the construct of the public record, which has apparently been open for months for the staff and applicant, but not for the public. This presents an unfair situation that raises profound Appearance of Fairness problems. He said the group applauds Commissioner McClelland’s initiative in visiting the site. However, she should have put this information in the record prior to the hearing. It would be inappropriate for her to base her decision on something other than the record.

Mr. Derdowski said the group also objects to the lopsided and unfair access to the present public hearing. The staff has had apparently unlimited opportunity to enter information into the record, but the public is limited to three to five minutes. There is no sworn testimony, despite the Commission’s rules and procedures. Neither is there an opportunity to offer expert testimony or cross-examination. The applicant, whom they support, has been invited to provide special testimony, but ECHO-PAR has not.

Mr. Derdowski said the group is in agreement with the intensive Mixed Use designation for the site. They think the applicant is on the right track, and they applaud his efforts to design a high-quality project. After evaluating the City’s mixed use development regulations and those of several other jurisdictions, it is apparent to them that the City’s definition of Mixed Use is ill defined. There are many

uses that fall within Mixed Use, and their impacts have not been evaluated. The City's previous SEPA review considered R-48, but not the full range of impacts of all the uses that are included in the Mixed Use land use designation. The proposal before the Commission and what the applicant has in mind fits within the SEPA review and is probably in the public interest. But if something should happen and the applicant moves on, there are no protections to make sure the impact would not be greater than anticipated.

Mr. Derdowski said the group shares many of the applicant's concerns about the designation of any portion of the site as open space. The City's authority to designate critical areas is very clear, but it is not clear that they have the authority to designate open space as part of zoning. Commissioner Hall pointed out that the open space would revert to the underlying zoning, but one must ask what the underlying land use designation would be.

In summary, Mr. Derdowski said ECHO-PAR has had excellent discussions with the applicant and the YMCA, which is seeking to locate on the subject property. However, they continue to have certain procedural issues. They support Mixed Use, but they believe the City's definition is too broad and ill defined. In addition, they strongly support the protection of the wetland as a critical area. While they do not believe the City has the authority to zone the open space, they could adopt a land use designation of Mixed Use, with a P-Suffix condition that relates to the critical area.

Barbara B. Lacy, 19275 Stone Avenue North, said she lives on Echo Lake. She invited the Commissioners to visit the lake from her house to get a feeling for the ambiance that exists in the area. Ms. Lacy said she has heard concerns about the lake not being clean enough to swim in. She has also heard that it is important to build on the property surrounding Echo Lake because it is all undeveloped on the south end. She said she was excited about the plans for the City to construct a City Hall and park, but now these plans have changed and the site would be used for something else instead. She said she is concerned that the proposed site plan is only a potential plan, and what is actually developed on the subject property might be totally different. She noted that a Mixed Use designation would allow industrial uses and development up to five stories high, and this type of development could significantly change the existing character of the neighborhood. Tragic things could happen if the property were simply changed to a Mixed Use designation. Ms. Lacy suggested that the Growth Management Act thought of Shoreline perhaps a little differently. She said she feels Shoreline is a suburban community, with a lovely lake. They should look very carefully at what they are doing when they consider usage changes.

Commissioner Hall requested that staff explain the SEPA appeal process for the Comprehensive Plan amendment. Mr. Stewart said Mr. Derdowski has also appeared before the City Council indicating his intent to appeal the SEPA Determination on the major update of the Comprehensive Plan, and he has raised various procedural objections in that regard. The City Council has adopted a resolution, merging the 2004-2005 annual Comprehensive Plan review that the subject application is part of and the 2003-2004 major review. As part of the merger, additional SEPA work would be completed prior to the final City Council action. He noted that in the City's development code there are two different types of procedural appeals under SEPA. One type of appeal is to the Hearing Examiner, which is what they are following for the contract rezone. The other type of appeal is on legislative decision. He advised that

while the City is engaged in a quasi-judicial like process, the City Attorney has indicated that it would be appropriate to follow the Appearance of Fairness Doctrine because it is a site-specific process. In the end, the proposed Comprehensive Plan amendment would be a legislative decision, and the SEPA decision could be appealed to Superior Court after City Council adoption.

Commissioner Kuboi asked if a SEPA appeal on the proposed Comprehensive Plan amendments were filed, would it be possible for the City to meet the June deadline and would the City still have an opportunity to apply for grant funding for the Boeing Creek Rehabilitation Project. Mr. Stewart said his understanding is that the final action of the City Council would be sustained until a judge overturns it. While the Superior Court may eventually overturn the decision under the Land Use Petition Act, the City Council's action to approve the Comprehensive Plan amendments would be presumed valid until a court overturns it. Grant funding for the Boeing Creek Rehabilitation Project would be at risk if the City does not complete its adoption of a new parks plan by June 6th. Staff believes the new parks plan should be adopted concurrently with the Comprehensive Plan update.

Commissioner McClelland said that as she reviewed the public comment letters, she noted issues that were not addressed in the staff report. In addition, at some point she would like a clear definition for open space and whether it would be a passive recreation area or a protected buffer. She would also like more information about whether the lake is safe to swim in. She said one public comment letter raised a question about the displacement of wildlife, and she questioned if this is something the Commission should discuss. She would also like to know more about the location of the piped stream and how it would be impacted by the proposed change. In addition, she would like more information about the Weimann house and whether or not it has any historic significance. Lastly, she said traffic was raised in a number of the public comments. Specific concerns were expressed about opening the traffic along 192nd to become a pass through to Ashworth, Meridian or the freeway.

Mr. Stewart said the staff originally consulted with the King County Historic Preservation Planner who advised them that there was no significant historic value to the Weimann property because of its highly denigrated nature. After this was initially entered into the record, staff received a subsequent communication from the planner indicating that after rethinking the issue, he could think of measures the City could take if the house were slated to be destroyed. Ms. Lehmberg said that, typically, these measures include photographic documentation, historic research on the previous owners, putting the house up for sale for a small amount, and having a 90-day waiting period before the house is demolished. Mr. Stewart said issues related to the historic value of the Weimann house would be dealt with at the site planning and project review level.

If the City were to approve a Comprehensive Plan Map amendment to designate the property as Mixed Use as proposed and historic status is given to the property in the future, Vice Chair Piro inquired if the historic status would then be relevant to anything that happens to the property beyond that point in time. Mr. Stewart answered affirmatively and added that this would be the case independent of whether the property is designated in the Comprehensive Plan as Mixed Use or High Density Residential.

Mr. Stewart explained that the level of intensity of development that is allowed under a High Density zoning district is very high, with high coverage of impervious surfaces. This would not be significantly

different than what could occur under a Mixed Use designation. Both the existing designations and those that have been proposed are very intensive land uses.

Commissioner McClelland questioned if the purpose of the required wetland buffer would be to protect habitat. Mr. Stewart answered that this function would be protected under the Critical Area Ordinance at the project level. The State law requires the City to protect the functions and values of the resource.

Mr. Stewart advised that the City's stream and wetland inventory clearly identifies the various watercourses throughout the City. Ms. Lehmberg used the inventory map to describe the location of the piped stream on the subject property. Commissioner McClelland referred to the pipe that runs along Aurora Avenue and questioned if it is a piped stream or a drainage pipe. Mr. Stewart said this pipe has not been formally classified at this point. It is shown in the stream inventory as a piped watercourse.

Commissioner Kuboi reminded the Commission to focus their comments and questions to issues that are directly related to the proposed Comprehensive Plan amendment. Many of the written public comments were related to the contract rezone proposal rather than to the land use change. He emphasized that the underlying zoning would not be changed if the Comprehensive Plan amendment were approved. However, approval of the Comprehensive Plan amendment would set the stage for a future change in zoning when a project level contract rezone is submitted to the City. At that point, many of the issues raised by the public would be addressed.

Vice Chair Piro said it has been suggested that a Mixed Use designation would not actually require a mix of uses. If a Mixed Use designation were approved, there might never be a residential project developed on the site. Mr. Stewart explained that the City of Shoreline determined that its Mixed Use designation under the Comprehensive Plan could be very flexible and allow a multiplicity of various districts to occur within that broad category. The mixture includes Neighborhood Business, Community Business, Office, Regional Business, Industrial and Residential (R-8 through R-48). The Mixed Use designation consolidated a number of the highly fragmented spot zones that were in place when the City incorporated. It encouraged high-quality development by allowing the consolidation of parcels and creativity in land uses. He said specific criteria must be met before rezone proposals could be approved. The criteria would be evaluated when the Commission considers the proposed change to the zoning designation, and the zoning designation determines the types of development allowed on a property.

Commissioner Kuboi inquired if all three of the criteria found on Page 8 of the staff report must be satisfied before the Commission could make a recommendation for approval of a change in a land use designation. Mr. Stewart pointed out that the three criteria contain the word "or" at the end of each. Therefore, the amendment must only be consistent with one of the following criteria:

- The amendment is consistent with the Growth Management Act, countywide planning policies or other Comprehensive Plan policies.
- The amendment addresses changing circumstances.
- The amendment will benefit the community as a whole.

Commissioner Kuboi requested staff to provide insight on how the Commission might approach the evaluation of a proposal to determine whether or not there would be a benefit to the community as a whole. Many people see the Comprehensive Plan amendment as setting the stage for ultimately making the property much more developable, marketable and economically valuable for commercial uses. This represents a significant benefit to the property owner and/or developer. He questioned what public benefit would result from the change. Mr. Stewart advised that there are a number of policies in the Comprehensive Plan to encourage and facilitate economic development, high-quality infill, and creative mixed use developments. Part of the foundation for doing this is to create a larger pallet upon which a developer could draw, and this could be considered a public benefit. Secondly, he said that while high density residential development would be allowed on the eastern part of the site, it would also be allowed under the new Mixed Use designation. But if the property were rezoned to Regional Business, residential development would also be allowed as part of a mixed use building. This multiplicity of uses would not be allowed under the current zoning designation.

Mr. Stewart said there has been a lot of discussion about whether or not a sport or social club (YMCA) would be permitted under the current zoning. He clarified that a sports and recreation club is an allowed use in the R-48 zone with a conditional use permit. It would also be allowed in a Regional Business zone. Therefore, the YMCA issue is not dependent upon either a Comprehensive Plan designation change or a rezone. It could be built on the site now with a conditional use permit.

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

Although the public portion of the hearing was closed, Commissioner Hall said he had several issues for which he would like the staff to provide further information. He said the land use policies are well addressed in the staff report. However, he referred to public comments related to parks and recreation. He said that while there are no parks on the subject property at this time, removing the Public Open Space designation could foreclose future opportunities for public park space.

Commissioner Hall requested that staff provide additional information to show how the proposed Comprehensive Plan amendment would either advance or hinder the following policies:

- **Parks and Recreation Goal 1** related to preserving open spaces and maintaining a quality parks and recreation system.
- **Parks and Recreation Goal 2** regarding the protection and enhancement of areas with critical or natural features where practical, especially if endangered by development.
- **Parks and Recreation Goal 4** related to a citywide trail system that provides linkages between parks, greenways, open spaces, regional trail systems, residential neighborhoods and community businesses. He said he is having a difficult time contemplating the difference between a strip of open space versus a consolidated area of open space.
- **Parks and Recreation Goal 24** related to opportunities for developing pedestrian and bicycle connections throughout the City to connect neighborhoods.

- **Land Use Goal 1** regarding the preservation of environmental quality by taking into account the lands suitability for development and directing intense development away from natural hazards and important natural resources.
- **Land Use Goal 30** related to the integration of open spaces into residential neighborhoods.
- **Land Use Goal 47** would include parks along the Aurora Corridor at Echo Lake and at North 160th Street.

Commissioner Hall pointed out that while the proposed amendment might hinder some policies, it could advance others. It is up to the Commission to balance the positive and negative impacts to make the best recommendation as possible to the City Council. Mr. Stewart said staff would provide additional information in writing regarding each of the goals identified by Commissioner Hall. He felt these issues could be very important to the Commission's findings of fact.

Commissioner Kuboi requested additional information from staff regarding the pros and cons of leaving the current Public Open Space designation as it currently exists. Mr. Stewart said staff could conduct some additional analysis regarding this option.

Commissioner Broili said Commissioner Hall touched on a number of issues that are important to him, as well. He is particularly concerned about linkage between the subject property, Aurora Avenue, and the Interurban Trail. He said he does not want the area to be closed off to the public. He would like the public access to the lake and trail to remain intact. He said he is in favor of moving ahead on the proposal tonight based on the testimony that has been received to date.

THE MOTION CARRIED UNANIMOUSLY.

8. DELIBERATIONS ON 2004-2005 COMPREHENSIVE PLAN AMENDMENT DOCKET

The Commission discussed how they wanted to proceed with their deliberations on the four site-specific Comprehensive Plan amendment proposals that have been heard by the Commission to date. Ms. Spencer referred to Page 43 of the Commission packet that was prepared for the April 21st meeting, which reminds the Commission where they left off after the public hearings for the other three actions. In addition, staff reattached all of the draft findings for the other three sites (Attachment 2, 4, 6). She advised that the advertised meeting agenda for April 14th includes deliberations on the annual Comprehensive Plan Update docket if time allows. Therefore, the Commission could work on any items on the docket now.

The majority of the Commission agreed to move forward with their deliberations on the other three site-specific Comprehensive Plan amendment proposals that were presented previously to the Commission. Deliberation on the Echo Lake site-specific Comprehensive Plan amendment was deferred to the next meeting, April 21, 2005.

COMMISSIONER KUBOI MOVED THAT THE COMMISSION SEND A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR FILE NUMBER 301275 AS PROPOSED BY STAFF FOR THE PROPERTY LOCATED AT 18511 LINDEN

AVENUE NORTH (ADJACENT TO THE JAMES ALAN SALON). COMMISSIONER MCCLELLAND SECONDED THE MOTION.

Mr. Stewart referred the Commission to Page 79 of the April 21st packet, which includes the draft findings and the determination of the Commission for File Number 301275. He noted that a map of the subject property could be found on Page 77. The request is to change the Comprehensive Plan land use designation from High Density Residential to Mixed Use. The Commissioners briefly reviewed the draft findings as presented by staff.

THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER KUBOI MOVED THAT THE COMMISSION SEND A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR FILE NUMBER 201277 AS PROPOSED BY STAFF FOR THE PROPERTY LOCATED AT 19671 - 15TH AVENUE NORTHEAST. COMMISSIONER BROILI SECONDED THE MOTION.

Mr. Stewart advised that a map of the subject property could be found on Page 61 of the April 21st packet, and the draft findings and determination start on Page 63. He reviewed that the request is to change the Comprehensive Plan land use designation from Ballinger Special Study Area to High-Density Residential. Ms. Spencer emphasized that the Commission would not be taking action to approve the concurrent rezones now. The Commission's actions are related to the Comprehensive Plan amendments, only. They would deliberate the rezone proposals on May 19th.

Commissioner Hall said this is a clear example of a Comprehensive Plan land use map amendment that is intended to correct existing spot zoning. The subject property is completely surrounded by greater densities, and the proposed amendment would be in the public interest.

THE MOTION CARRIED UNANIMOUSLY.

Mr. Stewart referred to File Number 201371 and advised that a map of the subject property could be found on Page 47 of the April 21st packet, and the draft findings and determination start on Page 49. The request is to change the Comprehensive Plan land use designation from Low Density Residential to High Density Residential. Ms. Spencer noted that a member of the public submitted an additional letter during the public hearing on this proposal, and it was distributed to each of the Commissioners.

COMMISSIONER HALL MOVED THAT THE COMMISSION SEND A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR FILE NUMBER 201371 AS PROPOSED BY STAFF FOR THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF NORTH 160TH STREET AND FREMONT PLACE NORTH. COMMISSIONER BROILI SECONDED THE MOTION.

Commissioner Hall said he would like to make some changes to the staff's recommendation for File Number 201371. He recalled that there was a lot of public negative testimony and concern raised about this proposal. While the large parcel across the street is developed as high density condominiums, the

remainder of the parcels in the vicinity are Low Density Residential. He said he has visited the site and noted the location of the significant trees that exist between the single family residences and the subject property. He tried to imagine what could occur if the property were developed as a large multi-family structure, which would be allowed by the action. He said he is undecided on the proposed amendment at this point.

Commissioner Broili said he would vote against the proposed amendment for at least three reasons. First, Fremont Avenue provides the natural separation between high density residential and low density residential. Everything west of Fremont Avenue and north of 160th Street is Low Density Residential. By designating the subject property as High Density Residential, the City would be setting the precedent for further movement westward. Second, he said the character of the area and the adjacent property dictate that the subject property remain Low Density Residential. Third, he said he is concerned that Boeing Creek is underground along Fremont Avenue, and he is opposed to any development that would make the potential future opportunity for day lighting the stream more difficult.

Vice Chair Piro questioned the location of Boeing Creek in this location. Mr. Broili said he walked the site and pulled up the manhole cover for Boeing Creek. It appears that the creek runs through the right-of-way or adjacent to it all along Fremont Avenue.

Commissioner Phisuthikul expressed his concern that the density being proposed for the subject property is too great. At the most, the site should only be allowed to have duplex units.

Commissioner McClelland agreed with Commissioners Hall, Broili and Phisuthikul. She disagreed with the applicant's point of view that nobody would want to live on the subject property because it is located on a busy corner. People will live about anywhere a residential structure is built. She said she is opposed to intensifying low-density residential neighborhoods.

Commissioner Kuboi said he leans towards supporting the proposal because it would allow an opportunity for the construction of more affordable housing. There is already a lot of high density residential development surrounding the subject property. It is important that the City offer affordable housing to its citizens, and high density residential development, such as that proposed, would fall in line with his desire to see a wider variety of housing stock that is affordable to the average citizen.

THE MOTION FAILED WITH COMMISSIONER KUBOI VOTING IN FAVOR AND VICE CHAIR PIRO, COMMISSIONER MCCLELLAND, COMMISSIONER PHISUTHIKUL, COMMISSIONER HALL, AND COMMISSIONER BROILI VOTING IN OPPOSITION.

COMMISSIONER BROILI MOVED THAT FILE NUMBER 201372 (ECHO LAKE COMPREHENSIVE PLAN AMENDMENT) BE TABLED UNTIL THE APRIL 21, 2005 MEETING. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

9. REPORTS OF COMMITTEES AND COMMISSIONERS

There were no Commissioner reports.

10. UNFINISHED BUSINESS

Mr. Stewart reported that, as per the Commission's request, staff has completed research about what other communities do for tree protection and view enhancement. A few technical memorandums regarding this research would be forwarded to each of the Commissioners.

Commissioner Broili asked why the joint Innis Arden/City Council meeting was cancelled. He also asked if this meeting would be rescheduled before the Commission completes their review of the Critical Area Ordinance. Mr. Stewart answered that he has not received any additional details about why the Innis Arden Club decided to cancel the meeting. He reminded the Commission that the contentious issue related to trees and views is one of the biggest hurdles the Commission will face when reviewing the Critical Areas Ordinance. Hopefully, they will be able to find some solutions.

Commissioner Broili recalled that the proposed Critical Areas Ordinance speaks to a stewardship plan. His interpretation is that this would be a suggestion, but there is no outline of what the plan should look like. Mr. Stewart clarified that there was an effort by a number of members of the Innis Arden community several years ago to create a vegetation management plan, which was actually signed by both the City Council and the Innis Arden Board as a way for the reserves to be managed. Unfortunately, there were provisions in the management plan related to some technical findings that prohibited it from ever being used or implemented. But he suggested that the concept of having a plan to maintain, manage and enhance the functions and values of the reserves would be the best way for the City to proceed in the future. He agreed that no outline for the stewardship plan process has been identified in the proposed Critical Area Ordinance. However, he pointed out that the procedural concept for the stewardship plan tool was taken from the County's ordinance in regarding to their agricultural use exemptions. The notion was that if they could build collaborative plans in agricultural areas, perhaps the same concept could be used in the contentious urban areas.

Commissioner McClelland inquired if it is necessary that the issue of trees versus views be addressed in the Critical Area Ordinance. Mr. Stewart explained that there are three types of tree protection classifications. One class is for trees that are outside of any critical area or critical area buffer. Another class would involve trees that are located within a steep slope of less than 40 percent. Cutting trees in these areas would require a permit. The third class involves trees that are located on steep slopes that are greater than 40 percent or within stream or wetland buffers. There are no provisions in the current code to permit the removal of trees in these areas other than a critical area reasonable use permit or if the tree is exempt (hazardous tree).

11. NEW BUSINESS

Commissioner Kuboi suggested that the Commission review the list of topics identified by the Commission at their retreat and look for opportunities to schedule them on upcoming Commission

meeting agendas. He particularly noted the Commission's desire to discuss Planning Commissioner expectations of each other. Mr. Stewart suggested that some of these items could be placed on the next meeting agenda. The Commission asked staff to invite the staff members who facilitated the retreat discussion to attend the next meeting, as well.

Commissioner Hall said one reason the retreat was so successful was the fact that each Commissioner did the necessary preparation work. He challenged the Commissioners to do the same for the next meeting, as well.

Commissioner Kuboi suggested that the City's new Economic Development Director be invited to attend a future Commission meeting. Mr. Stewart said staff would make the necessary arrangements. Commissioner Kuboi said it would be helpful if the Commissioners could forward comments to staff regarding the types of issues they want the Economic Development Director to address.

12. ANNOUNCEMENTS

Mr. Stewart announced that a workshop regarding code enforcement problems and issues was held last week. There will be a number of proposed amendments coming before the Commission for review in the future. Many of the comments had to do with neighborhood preservation, deteriorating structures, parking, the number of cars allowed on private lots, etc. There were about 60 people in attendance at the event.

Mr. Stewart announced that Alicia Sherman has joined the Planning and Development Services staff as the Aurora Project Manager. She formerly worked as a planner in Lake Forest Park and Maple Valley. He explained that while she is assigned to Planning and Development Services, her main job would be working with the Aurora Project Team to meet with business owners in the area in an effort to proactively solve some of their issues and concerns about access, consolidating properties, future parking and development regulations, etc. He said he would invite Ms. Sherman to a future Commission meeting, as well.

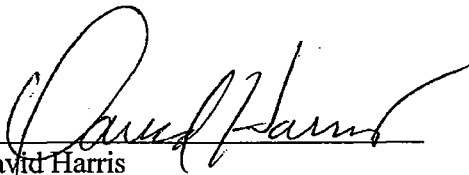
Commissioner Kuboi inquired if there were very many comments related to the fabric garage structures at the code enforcement meeting. Mr. Stewart answered that there were not. There were comments about using tarps to avoid necessary roofing repairs, but the Costco tents present a separate issue. If they are greater than 120 square feet in size, they would technically be considered a structure and a permit would be required. Ms. Lehmberg corrected that the revised building code would allow these tent structures up to 200 square feet without a permit. Mr. Stewart said this issue would be relatively low on the priority list. Commissioner Phisuthikul asked if any concerns were raised regarding cargo containers or trailers on private properties. Mr. Stewart answered that the City recently adopted a cargo container amendment. They are only allowed in central business, neighborhood, North City, regional or industrial zones with a conditional use permit. They are not allowed in any other zoning district.

13. AGENDA FOR NEXT MEETING

Vice Chair Piro reminded the Commission that their next meeting is scheduled for April 21st. The agenda would include further deliberation on the final Comprehensive Plan Update amendment proposal for Echo Lake. They would also discuss the issue of Planning Commissioner expectations of other Planning Commissioners. He noted that a joint meeting is scheduled with the Hearing Examiner on May 4th and May 5th. In addition, the Commissioners are invited to a volunteer breakfast on April 22nd.

14. ADJOURNMENT

The meeting was adjourned at 9:34 p.m.



David Harris
Chair, Planning Commission



Jessica Simulcik
Clerk, Planning Commission

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

April 21, 2005
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Harris
Vice Chair Piro
Commissioner McClelland
Commissioner Kuboi (arrived at 7:05 p.m.)
Commissioner Phisuthikul
Commissioner Hall
Commissioner Broili

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Rachel Markle, Assistant Director, Planning & Development Services
Andrea Spencer, Senior Planner, Planning & Development Services
Kim Lehmborg, Planner II, Planning & Development Services
David Pyle, Planner I, Planning & Development Services
Jessica Simulcik, Planning Commission Clerk

ABSENT

Commissioner Sands
Commissioner MacCully

1. CALL TO ORDER

The regular meeting was called to order at 7:02 p.m. by Chair Harris, who presided.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Vice Chair Piro, Commissioners Hall, McClelland, Phisuthikul and Broili. Commissioner Kuboi arrived at 7:05 p.m. and Commissioners Sands and MacCully were excused.

3. APPROVAL OF AGENDA

The agenda was approved as presented.

4. DIRECTOR'S REPORT

Mr. Stewart reminded the Commissioners of the volunteer breakfast that is scheduled for April 22nd at 7:30 a.m.

Mr. Stewart referred the Commission to the purple document that was provided in their packet. He explained that this document contains the findings and determinations that staff prepared for the

Commission's recommendation for denial of the Comprehensive Plan amendment for the property located at the northwest corner of North 160th Street and Fremont Place North (File No. 201371). He further explained that while typically the Chair of the meeting would sign the findings and recommendation; in this case, staff would like to allow the voting Commissioners an opportunity to comment on the document before it is sent to the City Council. He asked that Commissioners forward their comments to the staff as soon as possible.

5. APPROVAL OF MINUTES

The minutes of March 17, 2005 were approved as amended, and the minutes of April 7, 2005 were approved as submitted.

6. GENERAL PUBLIC COMMENT

There was no one in the audience who expressed a desire to address the Commission during this portion of the meeting.

7. REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Broili reported that he recently attended a King County Council Meeting at which they discussed the water issues related to the drought declaration that was issued by Governor Gregoire. He said he found the discussion very interesting and suggested that the City also review the impacts the declaration could have on the City of Shoreline.

8. STAFF REPORTS

2004–2005 Comprehensive Plan Amendment Docket – Echo Lake

Mr. Stewart referred the Commission to the addendum that was prepared for the staff report in response to some of the questions that were raised at the last meeting. A number of additional policy issues were included to supplement the report. He said staff continues to recommend the proposed change to Mixed Use and Private Open Space. However, after further reflection, they feel the change to Mixed Use with the retention of the Public Open Space would also be acceptable.

Chair Harris advised that since he did not participate in the public hearing that was held on April 14th, he would not be voting on the recommendation.

Commissioner Kuboi inquired if a Public Open Space designation would retain the same boundaries as those that currently exist. Mr. Stewart said one alternative would be to retain the Public Open Space as designated in the current plan and then change the balance of the site to Mixed Use. Again, he emphasized that staff would support both alternatives (Public Open Space or Private Open Space).

COMMISSIONER BROILI MOVED THAT THE COMMISSION SEND A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL TO CHANGE THE COMPREHENSIVE PLAN LAND USE DESIGNATION (FILE NUMBER 201372) OF THE

SUBJECT PROPERTY THAT IS DESIGNATED HIGH DENSITY RESIDENTIAL TO MIXED USE BASED ON SPECIFIC FINDINGS MADE BY THE PLANNING COMMISSION (REFER TO YELLOW DOCUMENT HANDED OUT AT THE APRIL 14, 2005 PUBLIC HEARING). VICE CHAIR PIRO SECONDED THE MOTION.

Since concern was raised at a previous meeting about ex-parte communications, Commissioner Hall disclosed an incidental contact he had with someone he didn't know was associated with the project. He advised that while having dinner at Spiro's, he chatted with the host regarding the Fred Meyer Project, the Aurora Avenue Project, and the Gateway Project. It was then the host indicated he is also a partner with Harley O'Neil on the Echo Lake Project. Commissioner Hall emphasized that he stopped the conversation at that time, so he does not feel he had any substantive discussion regarding the subject proposal.

Commissioner Broilli explained that the intent of his motion was to change only that portion of the property that is listed as High Density Residential to Mixed Use. The property that is currently designated as Public Open Space would remain the same as per page 6 of the Staff Report Addendum, #3.

Commissioner Kuboi recalled that the vast majority of public comments received regarding this proposal were directed at the actual proposed project. However, the proposed project was changed substantially by the withdrawal of the City Hall project. He said he would vote in favor of the motion on the table because he does not believe that the land use designation change would directly cause any of the concerns raised by the public during the public hearing. He felt the project would provide an overall benefit to the community by allowing more flexibility as to what can be built on the site.

Commissioner Hall recalled the concerns that have been routinely raised by the public regarding protection of the City's natural areas and the need to make Shoreline a pedestrian and bicycle friendly place. He noted that some of the Comprehensive Plan policies recently debated by the Commission have had to do with bicycle and pedestrian linkages. He particularly noted Public Comment 33, a letter from the group known as Forward Shoreline, that indicates support of the proposed rezone and amendment because of its potential to enhance public access to Echo Lake. This comment further supports the motion on the table that would leave the open space as public. He also noted that comments provided by the Sno-King Environmental Council, the Thornton Creek Legal Defense Fund, the Public Interest Associates and others who also support the concept of keeping public open space close to Echo Lake. He concluded by stating that he strongly supports the proposed motion that would allow the Public Open Space to remain as it currently exists in the Comprehensive Plan.

Commissioner McClelland said she carefully reviewed the Comprehensive Plan and noted every reference to the City's interest and support of the protection of natural systems. A number of places in the Comprehensive Plan identify Echo Lake as an important component of the City's natural system. She expressed her concern that the City not lose their opportunity to acquire land at Echo Lake in the future. She said her understanding is that the proposed motion would identify a 50-foot wide strip of land as Public Open Space, but the open space would actually be privately owned. That means that it would be the responsibility of the property owner to tend more than half of the buffer area. She pointed out that one of the benefits of constructing City Hall on the subject property would be that the land along

the water's edge would be publicly owned and managed. Commissioner McClelland pointed out that, to her knowledge, there are no City plans to acquire this property for public use. She suggested that this would be a perfect opportunity for the City to demonstrate its commitment to the Comprehensive Plan policies and the Development Code requirements by acquiring land associated with a natural system.

Commissioner Kuboi clarified that the motion would only change the land use designation for the portion of the subject property that is currently designated High Density Residential. No change is being proposed for the portion of the subject property that is identified as Public Open Space. He said it appears that Commissioner McClelland is concerned that leaving the open space designation as it currently exists would stall any immediate development of the property and possibly keep its value at a lower level that would allow the City to possibly acquire a part of it in the future. He pointed out that if the proposal to change the High Density Residential portion of the property to Mixed Use were approved, it would make it more economically feasible for the property owner to develop the site. This could incrementally make it harder in the future for the City to acquire the open space property.

Commissioner McClelland emphasized that her concerns are not related to the monetary value of the property. Her concerns are related to the City's obligation to carry through with their goals and policies. While she is not saying that the owner cannot address the goals and policies, the opportunity for public ownership does not come around often and it is precarious. If the City has to pay market value for the property, so be it. She summarized her belief that the subject property is fragile. A benefit of being able to consider changes of this type is the City's ability to have some influence on the outcome of a project. She is not sure the City would have this opportunity if the open space remains in private ownership.

Commissioner Broili agreed with Commissioner McClelland that the subject property is sensitive and fragile. However, the question before the Commission is whether or not they are doing what they can to protect the 50-foot open space area and capitalize on opportunities to connect the Interurban Trail with Aurora Avenue and gain public access to the lake. The type of development that occurs upland will have an impact on this, but that is not the decision before the Commission at this time. He summarized that the Commission has two choices. They could recommend that the property to be changed to Mixed Use or that it remain as High Density Residential. In either case, the potential impacts would probably be the same. The City would merely be opening the door for a developer to do something more diverse than strictly high density residential development. He expressed his belief that this would be a good thing, and it would not impact the public open space one way or the other. He said he would support the motion in that it would send a message to the public that the City wants to retain some opportunity for keeping the space more public.

Commissioner McClelland suggested that there is nothing "public" about the open space on the subject property. Therefore, it would be inappropriate to label it as Public Open Space. There would be no public access and the property would be privately owned.

Commissioner Hall reminded the Commission that the applicant's request was to change the designation on the entire site to Mixed Use, including the portion that is currently designated as Public Open Space. The motion would attempt to balance the Comprehensive Plan goals. He pointed out that the Comprehensive Plan calls for accommodating a growing population. The Comprehensive Plan and the City's priorities call for economic development, and there was a lot of support expressed in many of the

public comment letters and during the public hearing about redeveloping the site. A Mixed Use land use designation would allow for the kind of mixed use development that the City is looking for. However, the land would continue to be privately owned, and the fact that it would be designated as Public Open Space would not prevent it from being used according to the underlying zoning. Right now, there are people living within the open space area. He agreed that the proposed action would not make the open space any more public, but it would allow a compromise that would promote mixed use development and recognize the open space area for potential park use in the future. Until such time as the City purchases the land, the developer has the right to use it for residential uses. He summarized that the action would not create public space. It would merely retain the land use designation for the open space portion of the property.

Commissioner McClelland agreed that it is appropriate for the property to be redeveloped, and she understands that the mixed use concept is probably right for the site. But her heart and her mind are at odds. She feels very tender about the open space area right now.

THE MOTION CARRIED 6-0, WITH CHAIR HARRIS ABSTAINING FROM THE VOTE.

Commissioner Hall suggested it would be important to include in the Commission findings that there was strong community support for the idea and concept of having a park at the south end of the lake and having connectivity between the lake, the Interurban Trail and the businesses in the area. Mr. Stewart indicated that staff would make note of this in the Commission findings that would be forwarded to the City Council for deliberation and a final decision.

9. UNFINISHED BUSINESS

Planning Commission Retreat Follow-Up

Ms. Markle reminded the Commission of their desire to discuss the Planning Commission's expectations of the Commission. She referred to the list of topics that was compiled at the retreat and suggested that the Commission begin their discussion by reviewing each one. She indicated that she received an email from Commissioner Kuboi asking that they also discuss what the desired behaviors and actions are meant to accomplish. He also suggested that they discuss both the quantity and quality of their work.

Commissioner Kuboi said it is important for the Commission to discuss whether they are accomplishing enough work and how they compare with other planning commissions. He pointed out that it would not be appropriate for the Commission to do more work if it means the quality of their current efforts would be impacted. He suggested that each of the items on the list created by the Commission at the retreat play into either the issue of quality or the issue of quantity. Commissioner Hall agreed with Commissioner Kuboi that quantity is definitely a concern that the Commission must address. The Commission has expressed a desire to do more work than they have been able to accomplish in the past. He questioned if there are ways the Commission could be more efficient with their time so they could address the important issues such as cottage housing, sidewalks to nowhere, etc. Commissioner Kuboi suggested that the Commissioners agree upon a method for prioritizing and deciding what their additional tasks should be.

Commissioner Broili said that as he reviewed the list of topics, he found that the only one the Commission still needs to work on is "framing the issue and keeping to issues that are related to the discussion." The Commission has been very good at meeting all of the other items on the list. He agreed with Commissioner Kuboi that the Commission's discussion should focus on quality and quantity and how they can achieve both expeditiously without compromising the quality of the decisions they make.

Commissioner McClelland suggested that another item be added to the list that would give the Commission Chair permission to get them back on task. Chair Harris pointed out that since the retreat discussions, the Commission has improved their ability to stay on task and get their meetings finished in a timely manner.

Commissioner Hall recalled the issues regarding the Appearance of Fairness that were raised by members of the public at the last hearing. He asked that staff invite the City Attorney to clarify whether or not it would be appropriate for the Commissioners to contact the staff and ask questions on matters that are scheduled to come before them as public hearings. Mr. Stewart suggested that it would be appropriate to schedule a small training session with the City Attorney to discuss the rules for quasi-judicial hearings. Another option would be to invite someone from the City's insurance carrier to speak with the Commission regarding this issue. The Commission agreed that this would be helpful. Commissioner Kuboi suggested that, in addition, they should discuss the Commission's current procedures for quasi-judicial reviews and whether or not other alternatives could or should be implemented.

Commissioner Phisuthikul recalled that in 2004 he wrote a letter to the City Council that was deemed as "prejudging an issue before it was heard." This was considered inappropriate. Mr. Stewart said he feels responsible for that matter because he had originally advised the Planning Commission that they were dealing with a legislative issue. After he rendered that point, the City Attorney advised that it was more in the nature of a quasi-judicial matter. He explained that with quasi-judicial issues, the Appearance of Fairness Rules would apply. These rules require the Commissioners to keep an open mind until all of the information has been received. Then they must evaluate and issue a decision based upon the information they received.

Mr. Stewart referred the Commission to the items listed on the Planning Commission Agenda Planner under "On the Horizon." He noted that the Commission indicated that they would like to have a discussion about the advantages and disadvantages of having a public hearing before the SEPA appeal deadline. He suggested that the bigger question is the entire procedural process. There are some things that are appealable in certain cases and others that are not. In addition, there are different notice provisions. This all gets very confusing, and he suggested that taking a look at this issue in a comprehensive fashion in an effort to smooth and streamline the process might result in a very valuable product.

The Commission briefly reviewed the list and identified the four they felt were most important. After compiling the results of the Commission's choices, Ms. Markle identified the top four behaviors the Commission would like to focus on as follows:

- Does the Commission need to ask questions on everything? Are these questions critical to our decisions? Are we stalling our decision?
- Ask concise questions.
- Minimize thinking out loud and be mindful of the number of follow up questions asked.
- Frame the question and keep to issues that are related to the discussion.

Commissioner Hall said his understanding of the exercise was that the Commission was to identify the behaviors they felt would be most valuable for them to discuss. However, if he were to rank the behaviors to identify those that were most important, he would start with being honest and forthcoming, listening to each other, telling the truth, etc. However, he feels extremely comfortable that the Commissioners are already meeting these expectations. Ms. Markle said the goal of the exercise was for the Commissioners to identify the behaviors they would like to work on in the future.

Commissioner Broili referred to the email that Commissioner Kuboi sent to each Commissioner, which raised the question of whether or not the Commissioners feel they are getting all sides of an issue aired during their meetings. Commissioner Broili said he does not always feel this is happening. He expressed his concern that the public only has three minutes to make their points about very complex issues. He suggested that for complex matters, the Commission must find a way that allows them to get deeper into the issue. Otherwise, their decisions would always be made on just a cursory review. He suggested that the public should have an opportunity to go into more depth on issues that are complex. Commissioner Kuboi agreed with Commissioner Broili, but he reminded the Commission that this is a different issue that is unrelated to Commissioner expectations of each other. Vice Chair Piro disagreed. He said he has been fascinated with the detailed questioning the Commission often gets into with some issues. Not all of their extended questioning is necessarily bad. Commissioner Broili said his concern is related to the Commission's ability to take the time beyond three minutes to question the people who have come to testify. There is always pressure for the Commission to keep moving forward.

Ms. Markle summarized that Commissioner Broili appears to be concerned about the Commission's policy of minimizing the length and amount of follow up questions that are allowed. Commissioner Kuboi said that, in general, they allow Commissioners to follow up with questions "to their hearts delight." He questioned if the dialogue amongst Commissioners is sometimes meant to sway another Commissioner's opinion. Typically, Commissioners review the staff reports and talk with staff in preparation for their meetings. This enables each Commissioner to develop a position on the issue. While there are times when one Commissioner brings to light an angle that completely changes another's perspective on an issue, the majority of the time that is not the case. If the Commission's intent for discussing issues as a group is to crystallize the issue in each of their minds, there are probably ways to do this as they prepare for the meeting, as well as by asking concise and efficient questions at the meeting to help the Commission reach a decision as quickly as possible. Commissioner Kuboi said that while each Commissioner likely has a different way of reaching an acceptable comfort level for making a decision, his goal is to reach an 80 percent confidence factor. He doesn't have to have every possible circumstance clarified crystal clear before he can be ready to vote on an issue. However, there are other Commissioners who require a higher level of confidence before making a decision. He suggested that the Commission pays a price when they overanalyze an issue if they don't get to the other important issues that are on their Agenda Planner.

Mr. Stewart recalled that one of the Commission's expectations of staff over the next year was that they attempt to write point and counterpoint views in the staff report. He said it is important for the Commission to ask questions and help to build a public record since this helps the City Council understand how the Commissioners reached their recommendation. He said that while the Commission does not need to question everything, it is very beneficial for them to declare their reasons for making recommendations. He said tonight was a good example of just the right amount of questioning. The record is very clear and concise. But if the Commission had just voted without having a discussion, there would not have been sufficient record to justify their action. He summarized his belief that the Commission is doing a great job.

Commissioner McClelland suggested that one of the benefits of having a question and answer period as part of their deliberation is that it allows an opportunity for the Commission to seek additional information from the staff that the public had not thought to ask. They can also learn more from each other. While she understands the need to be more efficient and more concise in their questions and responses, their job is to reflect the community's expectations.

Commissioner Kuboi said he is not suggesting that the Commission not ask questions and deliberate before making a decision. However, it is important for the Commissioners to have a clear understanding of what they are trying to accomplish with the questions they are asking. For example, when Commissioner McClelland raised her concerns about Echo Lake, some Commissioners made comments that appeared to be trying to get her to see a different perspective. He suggested that it is important for Commissioners to express their opinions even if they are completely different. But once the opposing opinions are placed on the record, perhaps the Commission does not need to belabor them further.

Commissioner McClelland said that when she came to tonight's meeting, she was prepared to vote against the Comprehensive Plan amendment proposal for Echo Lake. But after listening to Commissioners Hall and Broili, she was able to get back on task and she felt that voting in favor of the proposal was the right thing to do. This should not take away from her point of view about the use of the open space land, itself. She said she did not feel that anyone was trying to sway her to think differently, but they helped her to frame and clarify the issue.

Commissioner Hall agreed with Commissioner Kuboi that sometimes the Commission does ask too many questions. But he felt that trying to persuade each other is a legitimate part of their deliberations. There have been times when he has changed his opinion based on issues raised by other Commissioners and the public. However, he said he finds himself and others asking questions out of curiosity or personal interest. He suggested that the Commissioners try to eliminate this type of questioning. He summarized that it is important for the Commission to ask appropriate questions in order to build a record. It is also appropriate for the Commissioners to try to sway each other. But they should not go beyond what the group needs to make a recommendation.

Commissioner Phisuthikul said it is important that Commissioners not continue to talk about issues just so their voice can be heard. They should be precise about the nature of their questions. Oftentimes, other Commissioners have already said many of the things he wants to say. Therefore, he chooses not to repeat the comment.

Vice Chair Piro suggested that perhaps the problem is not that the Commissioners express too many questions. On issues that he is most interested in, he does his homework and comes prepared with questions. However, on some of the less interesting issues he tends to ask questions that are less focused. He recalled that Commissioner Hall helped to expedite the Commission's deliberation on the Fremont Avenue case by immediately putting three points out on the table to support his position.

Commissioner Broili reminded the Commission that part of their responsibility is to be deliberative and look at all sides of an issue. He said his expectation of the chair is to monitor the deliberations by considering the situation before them and the time allotted for the review. When it appears that an issue has been thoroughly discussed and the Commissioners are starting to repeat themselves, the Chair could ask them to focus on making a recommendation. He said he is less concerned about the time the Commission takes to deliberate an issue than he is about the quality of the deliberative process.

Commissioner Kuboi suggested that a mechanism be put in place that would allow the Chair to request dissenting or minority opinions if they get to the point that a discussion is no longer moving forward. He said it helps him if the pros and cons regarding an issue are laid out early in the debate.

Chair Harris said that since the retreat, he has given a lot of thought to the concept of using a "straw vote" to determine where the group is at in their discussion. He suggested that once the Commission has reached a consensus on an issue, there is really no need to discuss it further. Commissioner Hall agreed, but he also reminded the Commission of the need to establish a record that explains why they made a particular recommendation. Chair Harris complimented the Commission for their efforts to remodel their habits since he was elected Chair of the Commission.

Commissioner Phisuthikul suggested that the Commission come up with a plan to get to issues identified as "items of interest for discussion" and "parking lot issues" (from the Planning Commission retreat) on the Agenda Planner. Commissioner Hall suggested that the Commission start by prioritizing the items. The item that is listed as the highest priority could be scheduled at every Commission meeting under "Old Business (if time permits)". This item could remain on the agenda until it has been dealt with. Another option would be to introduce the topic highest on the priority list as "New Business." However, it is important that the staff is prepared to address the issue.

Commissioner Kuboi recalled that over the past year, three or four meetings were cancelled because some of the established work plan items fell through. He suggested that meetings should not be cancelled when there is a strong list of outstanding issues the Commission wants to consider. The remainder of the Commission and the staff agreed.

Commissioner Broili said his understanding is that the "parking lot" issues had a higher priority than those that are identified as "items of interest for future discussion." Vice Chair Piro summarized that the parking lot issues resulted from the Commission retreat, and the other issues have been on the table for quite some time. Commissioner Broili suggested that the two lists be combined, and the remainder of the Commission agreed.

Commissioner Kuboi summarized that from tonight's discussion, the Commissioners have become much more aware of the issues of concern. Hopefully, this will cause each of them to self-police their

behaviors. In addition, Chair Harris has agreed to accept the responsibility of making sure the progression of meetings is reasonable, expeditious and efficient. The Commission has also asked that available space on future meeting agendas be filled with the items that have been identified for future discussion.

Ms. Markle reminded the Commission that they are scheduled to attend a dinner meeting with the City Council on May 9th. She suggested that the Commissioners identify the agenda items they would like to discuss at the meeting. It appears the Commission is interested in discussing the role of the Commission, forms of communication with the City Council, City Council expectations of the Commission, etc.

Commissioner Kuboi asked staff to describe the anticipated format for the dinner meeting. Ms. Markle said her impression is that the Commission has specific questions they want to ask of the City Council. The Commission would like to use the dinner meeting as an opportunity to improve the product they send to the City Council and find out if the Commission is effectively fulfilling their expectations.

Commissioner Broili reminded the Commission that they initiated the request for a dinner meeting with the City Council. Therefore, he suggested that the Commission should bring questions for the City Council to respond to. Mr. Stewart said he has attended dinner meetings with the City Council in which there was casual conversation that allowed the two groups to get to know each other. At other dinner meetings, there has been a structured agenda that identifies points of discussion. In this case, the Planning Commission has an opportunity to set the agenda for the dinner meeting. He suggested that the Commission identify the one or two items they would like to discuss.

Vice Chair Piro said that most of the City Council members he has spoken with have been very positive about the efforts of the Planning Commission. They almost always talk about how they pay attention to reading the Commission meeting minutes. However, he has also heard some criticism from individual City Council members about the system of public process and that the Commission does not reach out enough to get different public perspectives. He has also heard criticism about the Commission overstepping their bounds. He recalled the recent Commission correspondence to the City Council in which they tried to clarify some issues that had come into play around their consideration of the Comprehensive Plan. He recalled that the previous Commission Chair attended City Council Meetings to be available to talk about recommendations the Commission had made. When minority positions were stated, he also asked that a representative with a minority point of view to attend the City Council meeting. However, in the few City Council meetings he has attended, there has not been an opportunity for the Chair to even be recognized when an issue the Commission has acted upon is brought forward. He suggested that this could also be an item of discussion at the dinner meeting.

Mr. Stewart suggested that an agenda item titled, "Clarification of Planning Commission Expectations" would be an appropriate catchall discussion. This could include a discussion of both the City Council's expectations of the Planning Commission and the Planning Commission's expectations of the City Council. The Commission could ask the City Council if they expect individual Commissioners to attend their meetings to present their points of view.

Commissioner McClelland reminded the Commission that they are the keepers of the Comprehensive Plan and the future vision of Shoreline. Their recommendations on policies are intended to uphold and further the Comprehensive Plan goals. The City Council's job is much different, and the Comprehensive Plan is only one aspect of all the things they have to do. She suggested that the Commission ask the City Council to identify specific things the Commission could do to be more clear and concise in their recommendations to them. She said it is important that the Commission is careful and cautious about politicizing any of their actions as a group. Therefore, the evening's agenda should be quite structured.

Commissioner Broili agreed. He said he would be interested in learning more about what the Commission could do to make their recommendations to the City Council more useful. He said he would like staff to forward the Planning Commission's questions to each City Council Member prior to the dinner meeting. The remainder of the Commissioners agreed that this would be appropriate. Commissioner Hall recalled that this issue was discussed extensively at the Commission retreat. He asked that this portion of the retreat notes be forwarded to each of the Commissioners via email to refresh their memories.

Commissioner Hall agreed with Mr. Stewart that an appropriate agenda topic for the dinner meeting would be Planning Commission expectations of the City Council and City Council expectations of the Planning Commission. He said he views himself as sitting in the service of the City Council. Therefore, it would be most useful for him to hear about the City Council's expectations of the Planning Commission.

Commissioner Hall suggested that one option for the meeting format would be to start with smaller group tables to discuss the agenda items. Then they could combine into one large group, with the Deputy Mayor acting as facilitator.

Ms. Markle advised that staff would compile the Commission's ideas and send out the sections of notes from the retreat regarding this issue. They expect to receive comments back from the Commissioner quickly in order to present them to the City Council prior to the dinner meeting.

Mr. Stewart observed that the City of Shoreline is still relatively new. Therefore, the institutional relationship between the Planning Commission and the City Council has not yet been formed. The Commission does have an opportunity to help build this relationship.

Commissioner McClelland recalled that several meetings ago, members of the audience suggested that the Commission could not trust the advice and information that was provided by the staff. She emphasized that she believes the staff provides excellent information to the Commission. She said she couldn't think of a single instance where she has not been able to trust the information that has been provided by staff.

Commissioner McClelland inquired if it would be possible for the Parks Board to review applications such as the Echo Lake proposal that have to do with the possible acquisition of open space. She also asked if other departments within the City review the staff reports before they are forwarded to the Commission. Mr. Stewart answered affirmatively, but said that oftentimes, this does not happen as much as the staff would like. In the case of Echo Lake, the Parks Department was on the

owner/perspective purchaser side. The purchase and sale agreement included the acquisition of the park, and the Parks Department was very active in this effort. The Planning Department was on the regulatory side, so they did not talk to them regarding this element.

Commissioner McClelland suggested it would be appropriate for the Commission to have a joint meeting with the Parks Board on an annual basis. She recalled that the previous joint meeting was very effective. The Commission agreed to add this to their list of items to discuss in the future.

10. NEW BUSINESS

The Commission discussed the items listed on the Planning Commission Agenda Planner as both "parking lot" and "items of interest for discussion." They agreed that these two lists should be combined. Then the Commission could prioritize the list at a future meeting. The Commission agreed to add a joint meeting with the Parks Board and quasi-judicial training to the list of items for future discussion.

Mr. Stewart recalled that a challenge was issued last week about the appropriateness of the staff communicating with the Planning Commissioners outside of the public hearing on quasi-judicial matters. Earlier in the meeting Commissioner Hall referred to the document titled, *You Be the Judge*, which is the "bible" for quasi-judicial activities. As noted by Commissioner Hall, this document states that the challenge is when there is a communication between a Commissioner and the applicant or opponent. It does not extend to communications between the staff and the Commission. The staff is the Commission's resource in helping them make the right decisions. He said that while he does not believe the citizen's charge was founded, the Commission could benefit from a refresher on the quasi-judicial process. The Commissioners agreed and added that the public would also benefit from having a clearer understanding of the process.

The Commission discussed the process they should use to add issues to the list of future discussion items. Commissioner Broili proposed that rather than prioritizing the list, the Commission should identify the most important issue. Once that issue has been taken care of, they could decide which item would be next. Issues could be added as they come up without having to rearrange the priorities. For instance, in addition to scheduling regular meetings with the Parks Board, he would like the Commission to have regular dinner meetings with the City Council. The remainder of the Commission concurred. They also concurred with the process proposed by Commissioner Broili.

The Commission agreed that the next issue for Commission discussion should be "sidewalks to nowhere." Mr. Stewart explained that the current code requires every developer to do frontage improvements as part of their development if they have certain levels of investment. In residential areas, if the developer and the City agree, instead of building a sidewalk the money could be placed into a central pool to build common sidewalks. Chair Harris asked how much money is in the pool and what common sidewalk projects have been completed to date. Mr. Stewart said the Public Works Department administers this program, and they should be able to provide a report to the Commission.

Vice Chair Piro recalled that the Commission previously discussed the need to do a street assessment for the entire City to determine if there should be different walkability treatments. He suggested that some

of the Commissioners feel the current standard for sidewalks is overkill in some places. Mr. Stewart said there are also issues about whether or not sidewalks are appropriate in all neighborhoods within the City. Commissioner Broili pointed out that there are also different ways to do sidewalks, depending on the location.

Commissioner Phisuthikul inquired if construction of a home or remodeling a home would require frontage improvements. Mr. Stewart answered that there is a trigger involved as to level of investment. If a development or redevelopment meets this trigger, frontage improvements would be required.

The Commission agreed that the issue of "sidewalks to nowhere" should be the next topic scheduled on the agenda as time permits.

At the request of Commissioner McClelland, Mr. Stewart explained that a building permit has been issued for the Fred Meyer Redevelopment Project. This is a \$4 million project that will be done in phases. Only minor exterior improvements would be made to the building, and the footprint would not be expanded. Commissioner Hall pointed out that the other buildings near the Fred Meyer facility would not be impacted by the project. Commissioner Kuboi inquired if the timing of the Fred Meyer Project has been impacted by the Aurora or Gateway Projects. Mr. Stewart said that it has not.

11. AGENDA FOR NEXT MEETING

Mr. Stewart reminded the Commission that a joint public hearing with the Planning Commission and the Hearing Examiner on the Echo Lake Site-Specific SEPA Appeal is scheduled for May 4th and 5th. He briefly reviewed the ground rules for the public hearing. He explained that after the hearing has been closed, the Hearing Examiner would have ten days to issue a decision. Once the Hearing Examiner has issued a decision, the Commission would be asked to deliberate and formulate a recommendation to the City Council. The City Council would then hold a closed record hearing, and no new testimony would be received.

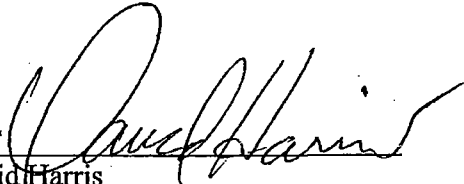
Commissioner Kuboi said he is still unclear how much the developer could vary from the requirements detailed in the contract rezone before the changes would be considered significant enough to require additional Commission review. Mr. Stewart said the details or conditions associated with the rezone establish the parameters of how flexible the contract would be. As the Commission deliberates the conditions, they should be mindful that the wording is very important. There may be competing conditions offered for consideration, and the Commission also has the option of recommending denial of the contract rezone. But once a contract rezone is approved, the applicant must meet all of the conditions in order to build. There is a default in the contract that would require the developer to stick with the underlying zoning requirements if they cannot meet all of the conditions of the contract.

Commissioner Phisuthikul inquired if a site specific design would be presented at the hearing. Mr. Stewart said a specific design has been submitted as part of the contract rezone application. The portion of the design that was considered as a potential site for Shoreline City Hall is identified on the site plan as "City Hall/Office/Potential Police Station" and a maximum amount of square footage has been identified.

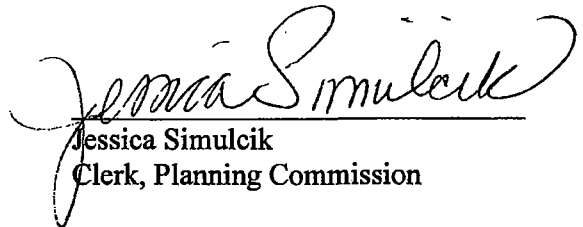
Commissioner McClelland asked that staff provide written ground rules for the public hearing process prior to the start of the public hearing on May 4th.

12. ADJOURNMENT

The meeting was adjourned at 9:35 p.m.

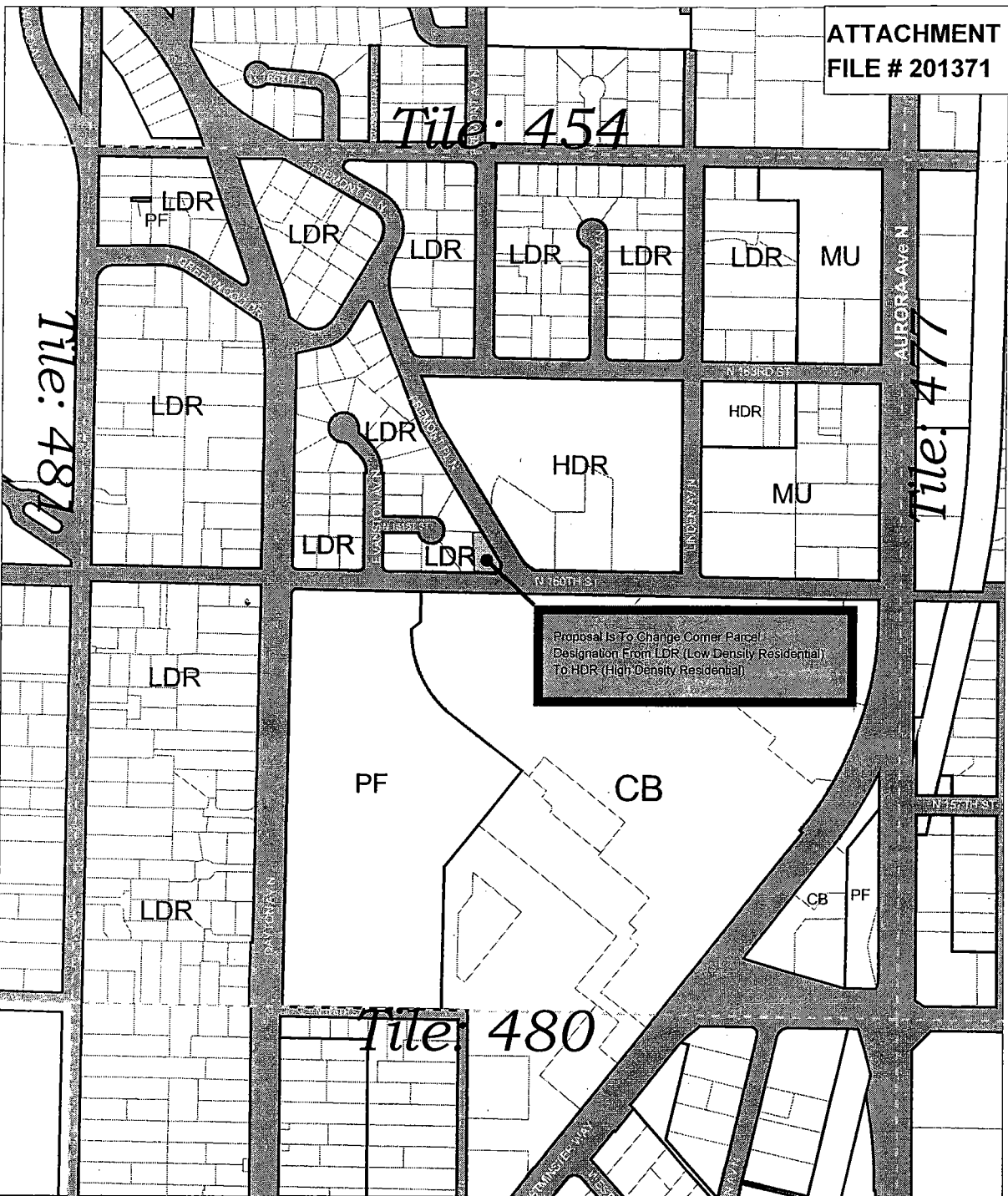


David Harris
Chair, Planning Commission



Jessica Simulcik
Clerk, Planning Commission

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Proposal Is To Change Corner Parcel Designation From LDR (Low Density Residential) To HDR (High Density Residential)

SHORELINE

GEOGRAPHIC INFORMATION SERVICES

City of Shoreline Comprehensive Plan

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

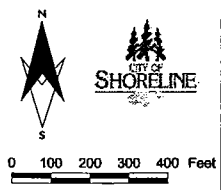
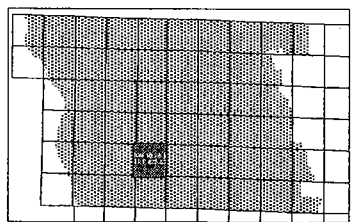
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Legend

- 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 (Real name shown for info only)

Map Index Locator



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**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 160th St. and Fremont Pl. N, the City of Shoreline Planning Commission has determined that the request is in conflict with the City's Comprehensive Plan and the site's neighborhood character. The Planning Commission therefore recommends denial of the request.

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: NW Corner of N 160th 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 161st St.
Bill Hisaw- 16102 Evanston Ave N.
Betty Hedge- 840 N 161st St.
Ralph and Marguerite Syverson- 621 N 161st St.
Kristi Magee- 700 N 160th St. #A306
Deborah Ellis- 700 N 160th St.

3.2 Written Comments have been received from:

Lexie Knull- 700 N 160th St. #106
Deborah Ellis- 700 N 160th St. #A202
Jennifer Jasper- 700 N 160th St.
Bernadette Hart- 616 N 161st St.
Kristi N. Magee- 700 N 160th St. #A306

3.3 Oral testimony at public hearing has been received from:

Dennis Jones- 700 N 160th St. # A205
Janet Way- 900 NE 147th St.
Pat Crawford- 2326 N 155th St.
Nadra Burns- 700 N 160th St #A310
David Patten- 615 N 161st Pl.
Deborah Ellis- 700 N 160th St. #A212
Kristie Magee- 700 N 160th St. #A306
Les Nelson- 15340 Stone Ave N.
Gini Paulsen- 16238 12th NE
Ralph Syverson- 621 N 161st Pl.
Tim Crawford- 2326 N 155th St.
Gloria Bryce- 708 N 161st Pl.
Corie Ruderbush- 16103 Evanston Ave N
Jan Moberly- 720 N 161st Pl.

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 by the Planning Commission and found to be inconsistent 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.

II. CONCLUSIONS

Comprehensive Plan Amendments are subject to decision criteria contained in Section 20.30.340 of the SMC. The criteria are listed below, with a brief discussion of how the request is in conflict with 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.

- 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.**

Analysis of Comprehensive Plan Framework Goals:

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

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

The proposal has been found to be in conflict with the character of the adjacent low density neighborhood to the west. Approval of this request would allow for the advancement of the high density zone, and may lead to continued requests for an

increase in density of the low density neighborhood to the west. Denial of this project ensures that Fremont Pl. N remains the boundary of the high density residential zone.

Analysis of Comprehensive Plan Environmental Policies:

**EN60: Identify surface water features with restoration potential and attempt to obtain citizen involvement and community consensus on any future attempt to restore features which have been altered. Restoration efforts may include the daylighting of streams which have been diverted into underground pipes or culverts.*

By allowing for a change in density and eventually a Rezone, the resulting zoning would lead to an increase in impervious surface and building coverage which may affect the potential to daylight the segment of Boeing Creek that is currently piped in the vicinity of the project proposal. Denial of this request may help maintain the City's ability to daylight this section of Boeing Creek in the future.

**EN60 remains identical within the Adopted 1998 Comprehensive Plan and the November 2004 Comprehensive Plan Planning Commission Recommended Draft.*

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 up to four units where only one would have previously been allowed. Due to the site's proximity to a low density zone to the west, the impact of allowing for the placement of up to 4 units would adversely affect the adjacent low density neighborhood.

Housing Goals:

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 allow for the placement of up to four dwelling units where only one would have previously been allowed. Construction of a multi family structure would not be compatible with

the low density neighborhood to the west. The placement of these additional three units would adversely impact the low density residential neighborhood to the west.

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

Land Use Policies:

LU24: *The Low Density Residential land use designation is intended for areas currently developed with predominantly single family detached dwellings. Single family dwelling units will be allowed and other dwelling types, such as duplexes, singlefamily attached, cottage housing and accessory dwellings, will be allowed under certain circumstances.*

Appropriate zoning for this designation is R-4 or R-6 Residential, unless a neighborhood plan, subarea plan or special district overlay plan/zone has been approved.

Denial of this request will maintain the current zoning of this parcel as R-6, which is consistent with the adjacent neighborhood to the west. Approval of this request would intensify the low density residential neighborhood, allow for the construction of a multi family structure, and adversely affect the character of the low density residential area to the west.

Housing Goals:

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.*

Denial of the request to change the land use designation of this parcel from Low Density Residential (LDR) to High Density Residential (HDR) will enhance the ability of Fremont Pl. N to serve as a boundary for areas of differing use, and maintain construction compatible with the adjacent single family buildings to the west. The request has been found to be in conflict with the neighborhood to the west. Approval of this request may lead to future encroachment of higher density areas on the low density residential neighborhood to the west.

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.**

Approval of this request to change the Comprehensive Plan land use designation from Low Density Residential to High Density Residential would adversely effect the adjacent low density residential neighborhood to the west. The Planning

Commission has identified that a change in land use designation for this parcel and the construction of up to a four unit multi-family complex would be in conflict with the character of the adjacent low density housing to the west. Additionally, by allowing for a change in density, the resulting zoning would lead to an increase in impervious surface and building coverage which may affect the potential to daylight the adjacent segment of Boeing Creek that is currently piped.

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 subject parcels proximity to the Low Density Residential uses to the west, the proposed amendment has been found to be in conflict with this zone. 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 place an unreasonable burden on the low density community to the west.

III. RECOMENDATION

Based on the Findings, the Planning Commission recommends denial 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 160th St.).

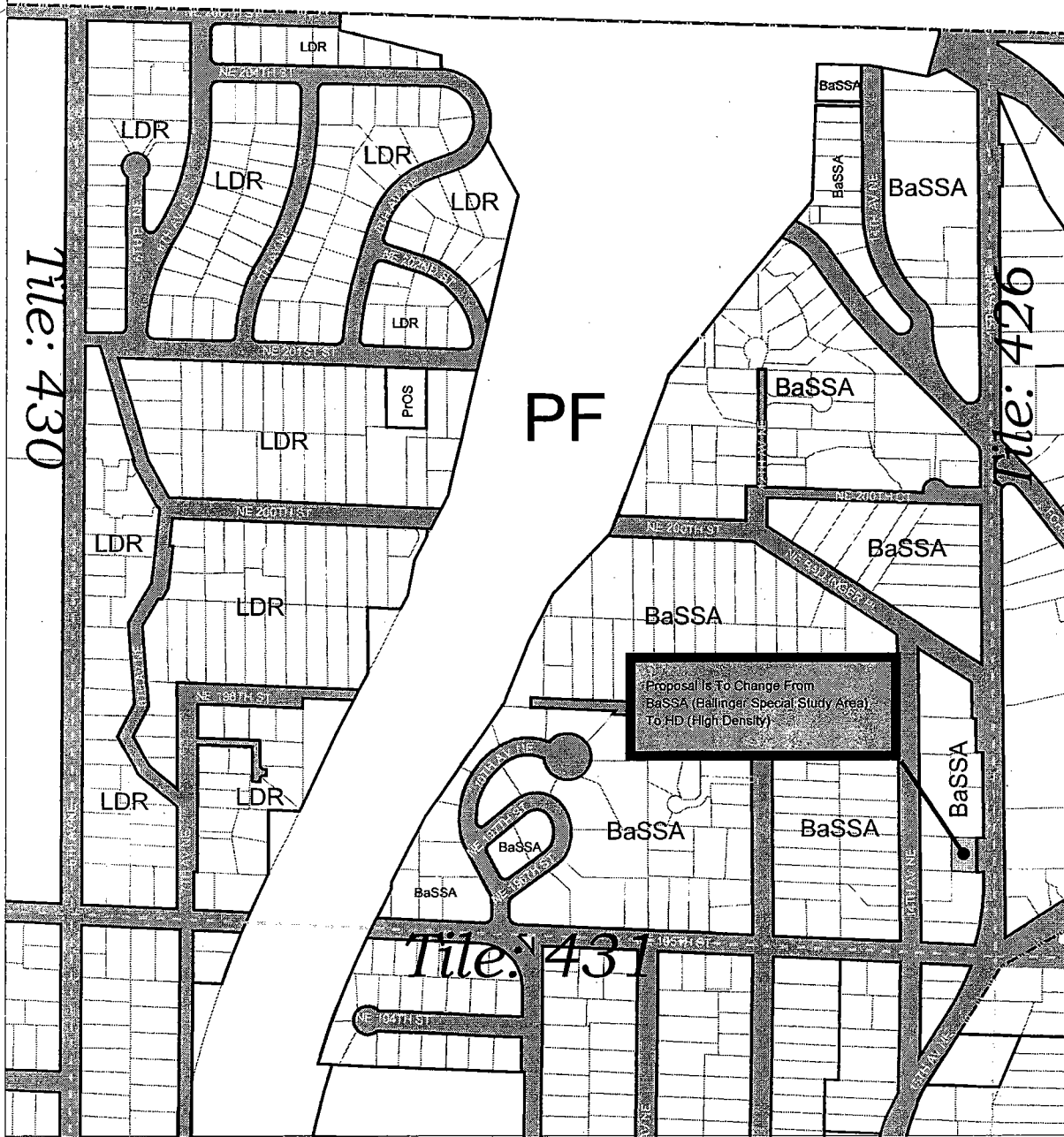
City of Shoreline Planning Commission

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Chairperson

Date: *5 May 2005*

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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

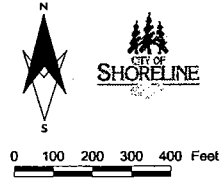
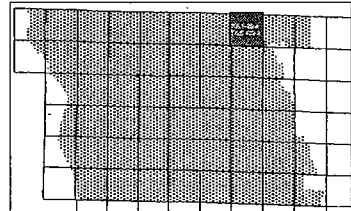
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TILE429
NE 5-26-4

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 names shown for info only)

Map Index Locator



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**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 15th 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 15th 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: February 16, 2005
- 2.3 Notice of Public Hearing and SEPA Determination of Nonsignificance: February 10, 2005
- 2.4 End of 14 day Public Comment Period: February 4, 2005
- 2.5 Notice of Application with Optional DNS: 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 15th Ave NE

3.2 Written Comments have been received from:

No public comment letters have been received.

3.3 Oral testimony at public hearing has been received from:

Janet Way- 940 NE 147th St.

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.

Criteria:

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.

SEPA Requirements:

As discussed on page 4 of the staff report, SEPA requirements have been met. Adequate utilities, infrastructure and transit exist in the immediate 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 for the proposal. Additional water (fire flow) and sewer certificates are required for individual building permits, however, there has been no project proposal made at this time. Frontage improvements may also be required for any future projects subsequent to the approval of this action, although the site already is fronted by a curb, gutter, and sidewalk.

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 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. 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.

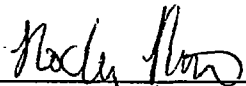
- 3. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare.**

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.

III. RECOMMENDATION

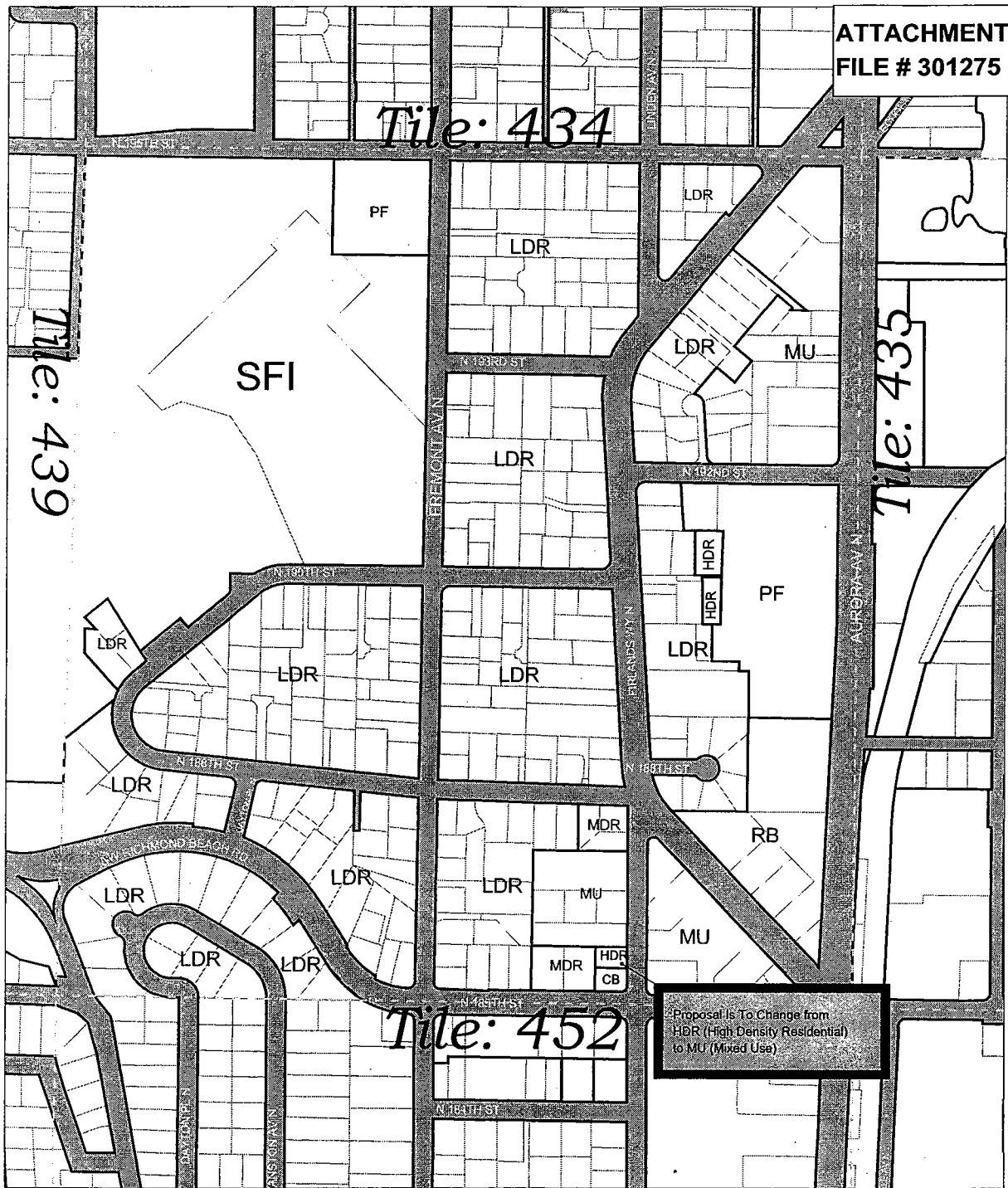
Based on the Findings, the Planning Commission recommends approval of application #201277; a site specific Comprehensive Plan amendment to change the land use designation for parcel number 3971701190 located at 19671 15th Ave NE from Ballinger Special Study Area to High Density Residential (HDR).

City of Shoreline Planning Commission



Chairperson

Date: 5 May 2005



Tile: 439

Tile: 434

Tile: 435

Tile: 452

Proposal is To Change from HDR (High Density Residential) to MU (Mixed Use)

SHORELINE
GEOGRAPHIC INFORMATION SERVICES

City of Shoreline Comprehensive Plan

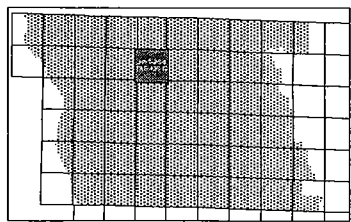
Official Map Adopted by City Council on Jan 7, 2002 by Ordinance No. 292

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SW 6-26-4

- Legend**
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- Parcel Line
- Comprehensive Plan Land Use District Boundary
- City Boundary
- Unclassified ROW (Street names shown for info only)

Map Index Locator



Map Index Locator

0 100 200 300 400 Feet

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**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:
 Janet Way- 940 NE 147th St.

4. SEPA Determination-

- 4.1 Per WAC 197.11.800(11)(b) the proposed action is categorically exempt from SEPA review. If there is an application in the future to rezone the parcel, it will be subject to SEPA review at that time.

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)

PLANNING COMMISSION FINDINGS & DETERMINATION

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

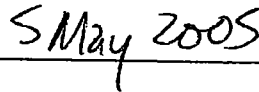
Based on the Findings, the Planning Commission recommends approval of application #301275; a site specific Comprehensive Plan amendment to change the land use designation from High Density Residential (HDR) to Mixed Use (MU) for parcel number 7283900303, located at 18511 Linden Ave N.

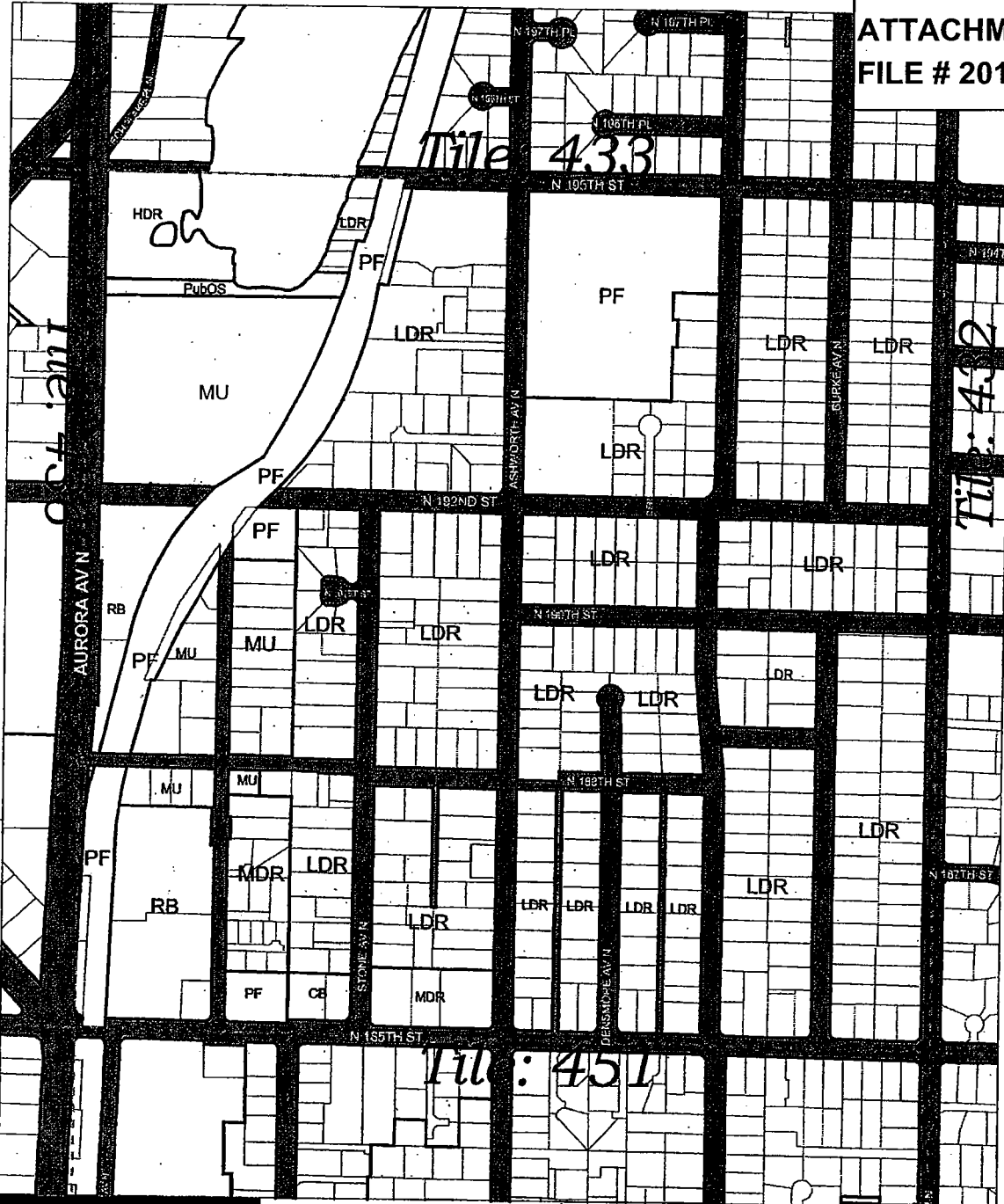
City of Shoreline Planning Commission



Chairperson

Date:





SHORELINE
GEOGRAPHIC INFORMATION SERVICES
**City of Shoreline
Comprehensive
Plan**
Official Map Adopted by
City Council on Jan 7, 2002
By Ordinance No. 292

18
TILE435
SE 6-26-4

Legend

LDR	Low Density Residential	--- x ---	Map Index Line
MDR	Medium Density Residential	---	Parcel Line
HDR	High Density Residential	---	Comprehensive Plan Land Use District Boundary
MU	Mixed Use	---	City Boundary
CB	Community Business	---	Unclassified ROW (Street name shown by this city)
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 Locator

0 100 200 300 400 Feet

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

Site Specific Comprehensive Plan Amendment
19250 Aurora Ave N
File # 201372

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 recommends approval of changing that portion of the parcel designated High Density Residential to Mixed Use, and leaving the portion currently designated Public Open Space unchanged. The Planning Commission has determined that this action, based on the following findings, is in compliance with City codes and is not detrimental to the health, safety, or welfare of the City of Shoreline.

I. FINDINGS OF FACT

1. Project Description-

- 1.1 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).
- 1.2 Location: 19250 Aurora Ave. N.
- 1.3 Parcel Number: 2222900040
- 1.4 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).

b)The recommended proposal would change that portion of the property designated High Density Residential to Mixed Use (MU), and leave that portion of the property designated Public Open Space as is. 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. All zoning districts are consistent with a Public Open Space land use designation.

2. Procedural History-

- 2.1 Planning Commission deliberated on the proposal at a meeting on April 21, 2005.
- 2.2 Public hearing held on the site-specific Comprehensive Plan amendment by the Planning Commission: April 14, 2005
- 2.3 SEPA Determination for the rezone appealed March 2, 2005

- 2.4 Notice of Public Hearing and SEPA Threshold Determination: February 15, 2005.
- 2.5 End of 14 day Public Comment Period: February 4, 2005
- 2.6 Notice of Application & Preliminary SEPA Threshold Determination for combined action:* January 20, 2005
- 2.7 Complete Application Date: January 14, 2005
- 2.8 Application Date: December 30, 2004
- 2.9 Neighborhood meeting Date: December 8, 2004
- 2.10 Pre-Application Meeting Date: August 20, 2004

*Original application was for a combined site-specific Comprehensive Plan Amendment and Rezone. The actions were separated after an appeal of the SEPA determination and scheduling conflicts, and agreed to by all parties. There is no administrative appeal of a legislative action (SMC 20.30.070).

3 Public Comment-

A great deal of public comment was received for this project. Many of the letters were in support of having a public park at the site. Although the site is private property, and there are currently no plans for acquiring land for a public park, the Planning Commission did not wish to change the existing designation of Public Open Space, which would preclude the possibility of the City one day acquiring that portion of the site for public use. This action demonstrates a commitment by the City to keep and acquire open space. Although at this time the City has no program in place for acquisition, this action signals the City's intent to keep open the opportunity for such a program in the future.

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**Criteria for Amendment and Review of the Comprehensive Plan (SMC 20.30.340.B)****Criterion #1**

- 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. Existing utilities and infrastructure are available for redevelopment of the site. It is served by Aurora Ave. N., 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).

There are numerous Comprehensive Plan goals and policies that provide support for the recommended amendment. Both the adopted 1998 goals and policies and the proposed Planning Commission recommended 2004 updates were analyzed. These are listed below. Land Use Policy #LU 7 requires additional analysis, which follows here.

LU7

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 (1998 & 2004 PC Recommended Draft): *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. 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 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).

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. 192nd Street as part of the site development permit. These improvements will include sidewalk, curb and gutter. Public review and comment are discussed above.

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.*

Listing of additional Comprehensive Plan Goals and Policies:

The goals and policies are listed in *italics*. Any additional analysis and findings by the Planning Commission are indented beneath the listing in normal type.

Parks Element

GoalPR 1 (1998 & 2004 PC Recommended Plan) : *Enrich quality of life for all Shoreline residents by ensuring that a broad range of high quality parks, recreation and cultural opportunities are readily available, by preserving open spaces and maintaining a quality parks and recreation system.*

The Interurban Trail provides an excellent recreation opportunity that is in proximity to the south end of Echo Lake. The 50 foot strip across the northern boundary of the site that is currently designated Public Open Space stretches from Aurora to the new Interurban Trail. Public access to the lake could be considered desirable if the area currently designated Public Open Space were obtained and developed as such by the City. Recreation opportunities in the wetland buffer would be limited to passive uses allowed by the Critical Areas Ordinance, such as wildlife viewing platforms, permeable trails, picnic tables, etc.

Policy PR2 (1998): *Preserve, protect and enhance areas (where practical) with critical or unique natural features – such as stream corridors, wildlife habitats, shorelines and wetlands – especially if endangered by development.*

Policy PR2 (2004 PC Recommended Plan): *Preserve, protect and enhance areas with critical or unique natural features – such as stream corridors, wildlife habitats, shorelines and wetlands – especially if endangered by development, and educate the public on the importance of stewardship through a variety of mechanisms.*

Echo Lake is a critical and unique natural feature. The current Comprehensive Plan designation of High Density Residential restricts the zoning from being changed to anything but high density residential. The R-48 zoning district allows intensive development with up to 90% impervious surface and 48 units per acre.

The Mixed Use designation provides for zoning districts that allow more as well as less intensive development. Compatible zoning designations for Mixed use include the range from R-8 to R-48, Neighborhood Business, Community Business, Regional Business, or Industrial. The Regional Business zone allows commercial and residential development of up to 95% impervious surface and up to 60 feet in height.

Having a Comprehensive Plan designation of Public or Private Open Space near the lake would signal the City's intent to address this policy. However, neither of these designations controls the underlying zoning or allowable development. The Critical Areas Ordinance governs development near the lake.

Goal PR IV (1998): *Seek to develop a diverse City-wide trail system that provides linkages between parks, greenways, open spaces, regional trail systems, residential neighborhoods, and community businesses.*

Goal PR IV (2004 PC Recommended Plan): *Seek to develop a diverse City-wide trail system linking key community elements such as parks, greenways, open spaces, regional trail systems, residential neighborhoods, and community businesses.*

The area currently designated public open space would, if it were publicly owned and developed as such, provide a link between Aurora Avenue and the Interurban trail.

Policy PR24 (1998): *Seek opportunities to develop pedestrian and bicycle connections in and around the City to connect neighborhoods with parks.*

Policy PR24 (2004 PC Recommended Draft): *Identify opportunities to develop pedestrian and bicycle connections in and around the City to expand connectivity of community amenities with a specific focus on linking neighborhoods with parks.*

The designated strip would provide excellent connections between Aurora Avenue and the Interurban trail, if it were acquired and developed for public access. Removing the open space designation could serve as a negative policy signal that the City is no longer interested in acquiring this area for public access.

Land Use Element

Goal LU I (1998 & 2004 PC Recommended Draft): *Preserve environmental quality by taking into account the land's suitability for development and directing intense development away from natural hazards and important natural resources.*

Intensive development on this site would result in the loss of a large number of significant trees, many of which provide habitat for the waterfowl and other animals that use the lake. Having a designation of open space near the lake, while not governing the underlying zoning, would signal the City's intention to preserve open space designations, especially near critical areas.

Goal LU II (1998) *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.*

(2004 PC Recommended Draft): *Encourage attractive, stable, high quality residential and commercial neighborhoods that provide a variety of housing, shopping, employment and services.*

Goal LU IV (1998): *To assure that a mix of uses, such as service, office, retail, and residential, are allowed either in low intensity buildings placed side by side or within the same building in designated areas, on arterials, or within close walking distance of transit, serving a neighborhood commercial and residential function.*

(2004 PC Recommended Draft): *Ensure that mixed use development is encouraged in designated areas on arterials, or within close walking distance of transit.*

Goal LU V (1998) *Ensure that adequate land is designated for community-serving, and regional-serving commercial areas and that these areas are aesthetically pleasing and have long term economic vitality.*

(2004 PC Recommended Draft): *Ensure that adequate land is designated for commercial areas that serve community and regional based markets and that these areas are aesthetically pleasing and have long term economic vitality.*

Goal LU VII: (1998) *To increase the vitality and economic development in the North City and Aurora business areas through a public/private effort.*

(2004 PC Recommended Draft): *Increase the vitality and economic development in the North City and Aurora Corridor business areas through a public/private effort.*

Goal LU VIII (1998) *To redirect the changes in the Aurora Corridor from a commercial strip to distinct centers with variety, activity, and interest by:*

- *balancing vehicular, transit, and pedestrian needs*
- *creating a "sense of place" and improving image*
- *protecting neighborhoods*
- *encouraging businesses to thrive*
- *using a strategy based on sound market principles*

(2004 PC Recommended Draft) *Change the Aurora Corridor from a commercial strip to distinct centers with variety, activity, and interest by:*

- *balancing vehicular, transit, and pedestrian needs*
- *creating a "sense of place" and improving image for each center*
- *protecting neighborhoods*
- *encouraging thriving businesses*
- *using sound market principles*

Goal LU IX (2004 PC Recommended Draft): *Increase the City's role in economic development for the Aurora Corridor.*

Policies

LU2 (1998): *Encourage attractive, stable, high quality residential and commercial neighborhoods with an appropriate variety of housing, shopping, employment and services...*

(2004 PC Recommended Draft): *Encourage attractive, stable, high quality residential and commercial neighborhoods that provide a variety of housing, shopping, employment and services.*

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.*

(2004 PC Recommended Draft): *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.*

LU30 (1998): *Encourage the integration of open spaces into residential neighborhoods, including identification and protection of existing stands of trees and vegetation which serve as a greenbelt buffer, and small pocket parks when adopted and maintained to City park standards by private organizations.*

LU30 (2004 PC Recommended Draft): *Encourage the integration of public open spaces into residential neighborhoods (including small pocket parks) and protection of existing stands of trees and vegetation which serve as buffers.*

Removing the Public Open Space designation from the strip of property that connects Aurora to the Interurban Trail decreases the integration of the open space with other neighborhoods, in conflict with this policy.

LU35 (1998 & 2004 PC Recommended Draft): *The Mixed Use designation applies to a number of stable or developing areas... This designation is intended to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office and service uses with residential uses.*

LU45 (1998 & 2004 PC Recommended Draft): *Pursue opportunities to improve the City's image by creating a sense of place on the Aurora Corridor for doing business and attracting retail activity.*

LU47 (1998): *Include parks in the Aurora Corridor at Echo Lake and at N. 160th Street.*

LU47 (2004 PC Recommended Plan): *Include parks and open space in the Aurora Corridor Plan.*

During deliberations of the 2004 Major Update of the Comprehensive Plan Commission heard testimony regarding this policy. Those who commented suggested that the policy should not specifically call out locations for parks and open space along the Aurora Corridor, and that the policy should be more generalized to allow additional locations for parks and open space. The Planning Commission heard this testimony and recommended removal of the site specific locations in the policy.

The policy however does not preclude the inclusion of parks and open space at the subject site, and would support city ownership and creation of a public open space at this location.

LU 50 (1998 & 2004 PC Recommended Draft): *Encourage the redevelopment of key, underused parcels through incentives and public/private partnerships.*

LU51: *Initiate opportunities to build a showcase development as an example and template for future development.*

(2004 PC Recommended Draft): *Create opportunities to stimulate development of a "showcase" example and template for future development.*

LU52 (1998) *Encourage a mix of residential and commercial development throughout the Corridor.*

(2004 PC Recommended Draft): *Encourage a mix of residential and commercial development in close proximity to create retail synergy and activity.*

LU53 (1998): *Encourage a broad mix of uses in close proximity to create retail synergy and activity.*

H6 (1998) *Encourage compatible infill development on vacant or underutilized sites.*

(2004 PC Recommended Draft): *Encourage infill development on vacant or underutilized sites to be compatible with existing housing types.*

Economic Development Element

Goal ED IV (1998 & 2004 PC Recommended Draft): *To improve the City's role to facilitate and initiate economic development opportunities.*

Policies

ED5: (1998 & 2004 PC Recommended Draft): *Increase and improve the City's job base allowing people to work and shop in the community.*

ED10 (1998 & 2004 PC Recommended Draft): *Recognize the Aurora Corridor as the economic core of the City with potential for revitalization, providing services, jobs, opportunities, and becoming an activity center for Shoreline.*

ED16 (1998 & 2004 PC Recommended Draft): *Promote optimum development of commercial property.*

ED18 (1998 & 2004 PC Recommended Draft): *Encourage a mix of businesses that complement each other and provide variety to the community to create activity and economic momentum.*

ED26 (1998 & 2004 PC Recommended Draft): *Ensure that sufficient land use and zoning provisions support businesses.*

Environmental Element

Policy EN8 (1998 & 2004 PC Recommended Draft): *Environmentally critical areas may be designated as open space and should be conserved and protected from loss or degradation wherever practicable.*

Criterion #2:

- 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 will allow an under-utilized property to be redeveloped according to the City's current development regulations and in keeping with the goals and policies of the Comprehensive Plan.

Criterion #3

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

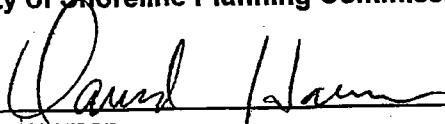
The amendment to the plan will benefit the community as a whole in that it will potentially allow future housing units and commercial expansion and the addition of new jobs, thereby helping the City achieve its job target growth of 2,618 new jobs by 2022. Furthermore, the proposal supports several of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

The proposed amendment allows for a better, more effective, diverse and creative development of the property than would currently be possible under the High Density Residential land use designation. The redevelopment of a parcel that is in transition and in declining, blighted 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 that portion of the land use designated **High Density Residential (HDR) to Mixed Use (MU)**.

City of Shoreline Planning Commission


Chairperson

Date: 5/13/2005

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