

**CITY COUNCIL AGENDA ITEM**  
**CITY OF SHORELINE, WASHINGTON**

|                      |  |
|----------------------|--|
| <b>AGENDA TITLE:</b> | Ordinance #439 Proposed Amendments to the Development Code |
| <b>DEPARTMENT:</b>   | Planning & Development Services                            |
| <b>PRESENTED BY:</b> | Joe Tovar, Director<br>Steven Szafran, Planner II          |

**PROBLEM/ISSUE STATEMENT:**

The City Council heard and discussed the first reading of the proposed amendments to the Development Code on October 23<sup>rd</sup>, 2006. Following the study session, staff removed the amendment (previously labeled as Amendment #6) which would have deleted the requirement for setbacks for driveways. The current proposal is unchanged except for the deletion of the Amendment #6.

The proposed amendments are to the following chapters of the Development Code: 20.20, 20.30, 20.50, and 20.70. Recommended changes include, but are not limited to, the following: Clarifying the definition of a Site Development Permit; adding language to the procedural requirements of a preapplication meeting; a new section pertaining to the purpose, general requirements and review criteria for a site development permit; deleting condominiums from the binding site plan section of the development code; altering requirements for maximum building coverage and impervious surfaces for zero lot line developments; clarifying and reordering section 20.70.010 (Engineering Regulations) and; allowing private streets to be located within an easement.

Ordinance 439 (Attachment A) will enact the Planning Commission recommended amendments (except for Amendment #6: 20.50.040-Setbacks for driveways). The Planning Commission Minutes (Attachment B) contains a summary of the amendment proposals.

**FINANCIAL IMPACT:**

Staff does not anticipate that any of the amendments recommended for approval would have a financial impact on the City.

**RECOMMENDATION**

Planning Commission and staff recommend approval of Ordinance 439, amending the Shoreline Development Code.

In the event that the Council wishes to modify provisions of the recommended amendments, or to add additional provisions to the cited code sections, the public participation requirements of the GMA require that such changes be supported by the record and notice already given. The staff will be able to assist in determining if those facts exist. If such is not the case, and the Council wishes to consider such changes, it will be necessary to add those changes to a future list of Development Code Amendments.

Approved By:

City Manager



City Attorney



## **INTRODUCTION**

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. The Development Code Section 20.30.100 states that "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the Development Code." Development Code amendments are accepted from the public at any time and there is no charge for their submittal.

During this Development Code review cycle, only the City Staff have made requests to amend the Development Code.

## **BACKGROUND**

Throughout the first part of 2006, staff collected and organized a large group of amendments. Staff organized the proposed amendments based on urgency and importance. The items most in need of revision mostly come from the Engineering and Utilities portion of the Development Code. At the July 6<sup>th</sup>, 2006 meeting, the Planning Commission first looked at the list of Development Code Amendments and had the opportunity to ask questions. A notice of Public Hearing, request for public comment, and preliminary SEPA threshold determination was published July 13<sup>th</sup>, 2006. No comment letters were received from citizens or public agencies receiving the notice. The Public Hearing was held August 3<sup>rd</sup>, 2006. There was no public comment, nor were there any citizens in attendance.

The City Council discussed the proposed amendments at a study session on October 23<sup>rd</sup>. Following the discussion, staff decided to remove the amendment referring to setbacks for driveways. This amendment may be included in a future packet for further discussion and consideration. The amendments in the current proposal have been renumbered to reflect the deletion of the above referenced amendment.

The following analysis contains the issues and Planning Commission and recommendation for each proposed amendment.

## **ALTERNATIVES ANALYSIS - AMENDMENTS AND ISSUES**

Exhibit 1 to Attachment A includes a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~strikethroughs~~ for proposed text deletions and underlines for proposed text additions. The following is a summary of the proposed amendments, with staff analysis. Note that the proposals that are classified as technical amendments serve only to clarify code language or to properly reference code, they do not change the meaning or intent of the ordinance.

**Amendment #1:** 20.20.046 (Site Development Permit Definition). This amendment clarifies when a Site Development Permit is needed. City Staff has added the word

“redevelop” to clarify that a Site Development Permit may be needed when an applicant redevelops a site.

**Amendment #2:** 20.30.080 (Preapplication Meeting). This amendment adds language referring to the procedural requirements for a preapplication meeting. The reason for the added language is to inform an applicant that additional permits may be needed and the time and procedure for obtaining those permits. In the past applicants have discovered mid-process that additional approvals were necessary and their timelines could not be met.

**Amendment #3:** 20.30.315 (New Code Section). This is a new code section explaining the purpose, general requirements and review criteria of a Site Development Permit. The Site Development Permit process has not been well defined as to its applicability. Section 20.30.295 explains the purpose of a SDP, when a SDP is required and the review criteria for a SDP.

**Amendment #4:** 20.30.480 (Binding Site Plans). This amendment deletes the condominium section from the binding site plan requirements. Binding Site Plans are a division of land for commercial and industrial lands and should only apply to commercial and industrial divisions of land. A condominium is not a division of land, it is a form of ownership, and should not be considered as such.

**Amendment #5:** 20.50.020(1) (Densities and Dimensions in Residential Zones). The purpose of this Development Code Amendment is to modify building coverage and impervious area for zero lot line developments. Maximum building coverage and maximum impervious area requirements will still apply over the entire site, not on individual zero lot line lots. The Development Code currently allows modified standards for lot width, lot area, and front, side and rear yard setbacks. By allowing modified standards for maximum building coverage and impervious surfaces, more flexibility is given to applicants while the impact of overall impacts is not increased.

**Amendment #6:** 20.70.010 (Easements and Tracts). The amendment revises and clarifies language regarding easements and tracts. No content has been added to this section; however, the amendment reorders and clarifies the section making it easier to follow and understand.

**Amendment #7:** 20.70.160 (A) (1). This amendment is the result of a situation that arose during a short plat application. Under SMC 20.70.160 private streets are allowed, subject to City approval, when specified conditions are present. One of those conditions is the street to be located within a tract. Since the acreage within a tract is subtracted from the buildable lot area, the current process can result in a reduction in the number of lots permitted on a site. The City can improve customer service and code administration by simplifying and clarifying the process for determining density and how many lots can be realized on a piece of property.

## **DECISION CRITERIA**

According to Section 20.50.350 of the Shoreline Municipal Code (SMC), an amendment to the development code may be approved if:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and;
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

Staff has concluded that the proposed amendments do not conflict with any of the decision criteria.

## **OPTIONS**

1. Approve Ordinance 439 as recommended by Planning Commission.
2. Modify Ordinance 439
3. Deny Ordinance 439

## **RECOMMENDATION**

Planning Commission and staff recommend approval of Ordinance 439, amending the Shoreline Development Code.

## **ATTACHMENTS**

- Attachment A: Ordinance 439, containing proposed amendment language in legislative format as Exhibit 1.
- Attachment B: Draft Planning Commission Minutes from August 3, 2006

## **ORDINANCE NO. 439**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE MUNICIPAL CODE TITLE 20, INCLUDING CLARIFYING THE DEFINITION OF A SITE DEVELOPMENT PERMIT; ADDING LANGUAGE TO THE PROCEDURAL REQUIREMENTS OF A PREAPPLICATION MEETING; A NEW SECTION PERTAINING TO THE PURPOSE, GENERAL REQUIREMENTS AND REVIEW CRITERIA FOR A SITE DEVELOPMENT PERMIT; DELETING CONDOMINIUMS FROM THE BINDING SITE PLAN SECTION OF THE DEVELOPMENT CODE; ALTERING REQUIREMENTS FOR MAXIMUM BUILDING COVERAGE AND IMPERVIOUS SURFACES FOR ZERO LOT LINE DEVELOPMENTS; CLARIFYING AND REORDERING SECTION 20.70.010 (ENGINEERING REGULATIONS); AND ALLOWING PRIVATE STREETS TO BE LOCATED WITHIN AN EASEMENT.**

WHEREAS, the City adopted Shoreline Municipal Code Title 20, the Development Code, on June 12, 2000;

WHEREAS, the Shoreline Municipal Code Chapter 20.30.100 states "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code"; and

WHEREAS, City staff drafted several amendments to the Development Code;

WHEREAS, the Planning Commission held workshops and a Public Hearing, and developed a recommendation on the proposed amendments; and

WHEREAS, a public participation process was conducted to develop and review amendments to the Development Code including:

- A public comment period on the proposed amendments was advertised from July 13<sup>th</sup>, 2006 to July 27<sup>th</sup>, 2006 and
- The Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on August 3<sup>rd</sup>, 2006.

WHEREAS, a SEPA Determination of Nonsignificance was issued on July 27<sup>th</sup>, 2006, in reference to the proposed amendments to the Development Code; and

WHEREAS, the proposed amendments were submitted to the State Department of Community Development for comment pursuant WAC 365-195-820; and

WHEREAS, the Council finds that the amendments adopted by this ordinance are consistent with and implement the Shoreline Comprehensive Plan and comply with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW; and

WHEREAS, the Council finds that the amendments adopted by this ordinance meet the criteria in Title 20 for adoption of amendments to the Development Code;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE,  
WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1. Amendment.** Shoreline Municipal Code Chapters 20.20, 20.30, 20.50, and 20.70 are amended as set forth in Exhibit 1, which is attached hereto and incorporated herein.

**Section 2. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3. Effective Date and Publication.** A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON November 6<sup>th</sup>, 2006.**

\_\_\_\_\_  
Mayor Robert Ransom

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Scott Passey  
City Clerk

\_\_\_\_\_  
Ian Sievers  
City Attorney

## **20.20.046 S definition**

### **Site Development Permit**

A permit, issued by the City, to develop, redevelop or partially develop a site exclusive of any required building or land use permit. A site development permit may include one or more of the following activities: paving, grading, clearing, tree removal, on-site utility installation, stormwater facilities, walkways, striping, wheelstops or curbing for parking and circulation, landscaping, or restoration.



#### **20.30.080 Preapplication meeting.**

A preapplication meeting is required prior to submitting an application for any Type B or Type C action and/or for an application for a project located within a critical area or its buffer.

Applicants for development permits under Type A actions are encouraged to participate in preapplication meetings with the City. Preapplication meetings with staff provide an opportunity to discuss the proposal in general terms, identify the applicable City requirements and the project review process including the permits required by the action, timing of the permits and the approval process.

Preapplication meetings are required prior to the neighborhood meeting.

The Director shall specify submittal requirements for preapplication meetings, which shall include a critical areas checklist. Plans presented at the preapplication meeting are nonbinding and do not "vest" an application. (Ord. 324 § 1, 2003; Ord. 238 Ch. III § 4(a), 2000).

### **20.30.315 Site development permit**

**A. Purpose.** The purpose of a site development permit is to provide a mechanism to review activities that propose to develop or redevelop a site, not including structures, to ensure conformance to applicable codes and standards.

**B. General Requirements.** A site development permit is required for the following activities or as determined by the Director of Planning and Development Services:

1. The construction of two or more detached single family dwelling units on a single parcel;
2. Site improvements associated with Short and Formal Subdivisions; or
3. The construction of two or more nonresidential or multifamily structures on a single parcel.

**C. Review Criteria.** A site development permit that complies with all applicable development regulations and requirements for construction shall be approved.

#### **20.30.480 Binding site plans – Type B action.**

**A. Commercial and Industrial.** This process may be used to divide commercially and industrially zoned property, as authorized by State law. On sites that are fully developed, the binding site plan merely creates or alters interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access, interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. The following applies:

1. The site that is subject to the binding site plan shall consist of one or more contiguous lots legally created.
2. The site that is subject to the binding site plan may be reviewed independently for fully developed sites; or, concurrently with a commercial development permit application for undeveloped land; or in conjunction with a valid commercial development permit.
3. The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

~~**B. Condominium.** This process may be used to divide land by the owner of any legal lot to be developed for condominiums pursuant to State law. A binding site plan for a condominium project shall be based on a building permit issued for the entire project.~~

**Table 20.50.020(1) – Densities and Dimensions in Residential Zones**

*Note: Exceptions to the numerical standards in this table are noted in parenthesis and described below.*

| Residential Zones                        |   |   |                |                |                                       |                                       |  |
|--|---|---|----------------|----------------|---------------------------------------|---------------------------------------|--|
| STANDARDS                                | R-4                                     | R-6                                     | R-8            | R-12           | R-18                                  | R-24                                  | R-48   |
| Base Density:<br>Dwelling<br>Units/Acre  | 4 du/ac                                 | 6 du/ac<br>(1)(7)                       | 8 du/ac        | 12<br>du/ac    | 18 du/ac                              | 24 du/ac                              | 48 du/ac   |
| Min. Density                             | 4 du/ac                                 | 4 du/ac                                 | 4 du/ac        | 6 du/ac        | 8 du/ac                               | 10 du/ac                              | 12 du/ac   |
| Min. Lot Width<br>(2)                    | 50 ft                                   | 50 ft                                   | 50 ft          | 30 ft          | 30 ft                                 | 30 ft                                 | 30 ft  |
| Min. Lot Area (2)                        | 7,200 sq ft                             | 7,200 sq ft                             | 5,000<br>sq ft | 2,500<br>sq ft | 2,500 sq ft                           | 2,500 sq ft                           | 2,500 sq ft                                      |
| Min. Front Yard<br>Setback (2) (3)       | 20 ft                                   | 20 ft                                   | 10 ft          | 10 ft          | 10 ft                                 | 10 ft                                 | 10 ft  |
| Min. Rear Yard<br>Setback (2) (4)<br>(5) | 15 ft                                   | 15 ft                                   | 5 ft           | 5 ft           | 5 ft                                  | 5 ft                                  | 5 ft   |
| Min. Side Yard<br>Setback (2) (4)<br>(5) | 5 ft min. and 15 ft<br>total sum of two | 5 ft min. and 15 ft<br>total sum of two | 5 ft           | 5 ft           | 5 ft                                  | 5 ft                                  | 5 ft   |
| Base Height                              | 30 ft<br>(35 ft with pitched<br>roof)   | 30 ft<br>(35 ft with pitched<br>roof)   | 35 ft          | 35 ft          | 35 ft<br>(40 ft with<br>pitched roof) | 35 ft<br>(40 ft with<br>pitched roof) | 35 ft<br>(40 ft with<br>pitched roof)<br>(8) (9) |
| Max. Building<br>Coverage (2), (6)       | 35%                                     | 35%                                     | 45%            | 55%            | 60%                                   | 70%                                   | 70%  |
| Max. Impervious<br>Surface (2), (6)      | 45%                                     | 50%                                     | 65%            | 75%            | 85%                                   | 85%                                   | 90%  |

**Exceptions to Table 20.50.020(1):**

- (1) *In order to provide flexibility in types of housing and to meet the policies of the Comprehensive Plan, the base density may be increased for cottage housing in R-6 (low density) zone subject to approval of a conditional use permit.*
- (2) *These standards may be modified to allow zero lot line developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and impervious surface limitations; limitations for individual lots may be modified.*

#### **20.70.010 Purpose.**

The purpose of this chapter is to establish requirements for engineering regulations and standards to implement the Comprehensive Plan. ~~This chapter will ensure that public facilities and services necessary to support development are provided in a timely manner consistent with the goals of the Washington State Growth Management Act of 1990 and~~ provide a general framework for relating development standards and other requirements of this Code to:

- A. Adopted service level standards for public facilities and services,
- B. Procedural requirements for phasing development projects to ensure that services are provided as development occurs, and
- C. The reviews of development permit applications.

The requirements of this chapter shall apply to all development in the City processed under the provisions of the Shoreline Development Code. No permit shall be issued nor approval granted without compliance with this chapter. (Ord. 238 Ch. VII § 1(A), 2000).

#### **20.70.020 Engineering Development Guide.**

The Department shall prepare an "Engineering Development Guide" to include construction specifications, standardized details, and design standards referred to in this chapter. The Engineering Development Guide and any amendments shall be made available to the public. The specifications shall include, but are not limited to, the following:

- A. Street widths, curve radii, alignments, street layout, street grades;
- B. Intersection design, sight distance and clearance, driveway location;
- C. Block size, sidewalk placement and standards, length of cul-de-sacs, usage of hammerhead turnarounds;
- D. Streetscape specifications (trees, landscaping, benches, other amenities);
- E. Surface water and stormwater specifications;

F. Traffic control and safety markings, signs, signals, street lights, turn lanes and other devices be installed or funded; and

G. Other improvements within rights-of-way. (Ord. 238 Ch. VII § 1(B), 2000).

**20.70.030 Required improvements.**

The purpose of this section is to identify the types of development proposals to ~~apply the~~ which the provisions of the engineering this chapter apply.

A. Street improvements shall, as a minimum, include half of all streets abutting the property. Additional improvements may be required to insure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles, and other modes of travel. This may include tapering of centerline improvements into the other half of the street, traffic signalization, channeling, etc.

B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this chapter.

C. It shall be a condition of approval for development permits that required improvements ~~shall be installed by the applicant prior to final approval or occupancy. as follows: The provisions of the engineering chapter shall apply to:~~

D. The provisions of the engineering chapter shall apply to:

1. All new multifamily, nonresidential, and mixed-use construction;and ~~remodeling or additions to these types of buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;~~

2. Remodeling or additions to multifamily, nonresidential, and mixed-use buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;

32. Subdivisions;

43. Single-family, new constructions, ~~additions~~ and remodels.

Exception ~~20.70.030(C)(3)(1):~~

- i. Single-family addition and remodel projects where the value of the project does not exceed 50 percent or more of the assessed valuation of the property at the time of application may be exempted from some or all of the provisions of this chapter. ~~at the request of the applicant, if approved by the Director.~~
- ii. New single-family construction of a single house may be exempted from some or all of the provisions of this chapter, except sidewalks and necessary drainage facilities. ~~at the request of the applicant, if approved by the Director.~~

Exception ~~20.70.030(1):~~ Exemptions to some or all of these requirements may be allowed if:

E. Exemptions to some or all of these requirements may be allowed if:

- 1a. The street will be improved as a whole through a Local Improvement District (LID) or City-financed project scheduled to be completed within five years of approval. In such a case, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from a LID. A LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall still be required.
- 2b. A payment in-lieu-of construction of required frontage improvements including curb, gutter, and sidewalk may be allowed to replace these improvements for single-family developments located on local streets if the development does not abut or provide connections to existing or planned frontage improvements, schools, parks, bus stops, shopping, or large places of employment, provided and:
  - ai. The Director and the applicant agree that a payment in-lieu-of construction is appropriate;
  - bii. The Director and the applicant agree on the amount of the in-lieu-of payment and the capital project to which the payment shall be applied. ~~The Director shall give~~ Priority shall be given to capital projects in the vicinity of the proposed development, and the fund shall be used for pedestrian improvements;

civ. Adequate drainage control is maintained;

diii. At least one of the following conditions exists. The required improvements:

i.(A) Would not be of sufficient length for reasonable use;

ii.(B) Would conflict with existing public facilities or a planned public capital project; or

iii.(C) Would negatively impact critical areas. and

iv. Adequate drainage control is maintained.

ev. An agreement to pay the required fee in-lieu-of constructing frontage improvements shall be signed prior to permit issuance. The fee shall be remitted to the City prior to final approval or occupancy. The amount of the required payment in-lieu-of construction shall be calculated based on the construction costs of the improvements that would be required. (Ord. 303 § 1, 2002; Ord. 238 Ch. VII § 1(C), 2000).



## **20.70.160 Private streets.**

A. Local access streets may be private, subject to the approval of the City. Private streets will be allowed when all of the following conditions are present:

1. The private street is located within a tract or easement;
2. A covenant tract or easement which provides for maintenance and repair of the private street by property owners has been approved by the City and recorded with the County; and
3. The covenant or easement includes a condition that the private street will remain open at all times for emergency and public service vehicles; and
4. The private street would not hinder public street circulation; and
5. At least one of the following conditions exists:
  - a. The street would ultimately serve four or fewer single-family lots; or
  - b. A Director's Decision is required for approval and must demonstrate that the private street would ultimately serve more than four lots, and the Director determines that no other access is available. In addition, the proposed private street would be adequate for transportation and fire access needs (to be reviewed by the Fire Department and Traffic Engineer), and the private street would be compatible with the surrounding neighborhood character; or
  - c. The private street would serve developments where no circulation continuity is necessary. (Ord. 238 Ch. VII § 3(D), 2000).
6. If the conditions for approval of a private street can not be meet or is otherwise denied by the Director, then a public street will be required.

# **CITY OF SHORELINE**

## **SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING**

August 3, 2006  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

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### **COMMISSIONERS PRESENT**

Chair Piro  
Vice Chair Kuboi  
Commissioner Broili  
Commissioner Hall  
Commissioner Harris  
Commissioner McClelland (arrived at 7:04p.m.)  
Commissioner Phisuthikul  
Commissioner Pyle  
Commissioner Wagner

### **STAFF PRESENT**

Joe Tovar, Director, Planning & Development Services  
Steve Cohn, Senior Planner, Planning & Development Services  
Steve Szafran, Planner II, Planning & Development Services  
Jessica Simulcik Smith, Planning Commission Clerk

### **CALL TO ORDER**

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:02 p.m.

### **ROLL CALL**

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Piro, Vice Chair Kuboi, Commissioners Broili, Hall, Harris, Phisuthikul, Pyle and Wagner. Commissioner McClelland arrived at the meeting at 7:04 p.m.

### **APPROVAL OF AGENDA**

The agenda was approved as presented.

### **DIRECTOR'S REPORT**

Mr. Tovar reported that the City Council recently took action on two recommendations the Commission forwarded to them. The Becker rezone was approved by the City Council with no changes. The City Council also adopted the permanent regulations governing the cutting of hazardous trees. The only

significant change was that the reference to recreational trails was taken out of the document. He said he has put out an administrative order explaining how the new ordinance is to be administered.

Chair Piro said there was quite a bit of discussion by the City Council regarding the hazardous tree ordinance, and much of the discussion focused on fees. He recalled that the proposed ordinance included a requirement that the applicant pay for the second peer evaluation, if required. He suggested the Commission keep in mind that the City Council is sensitive to costs. Mr. Tovar said the City Council agreed with the Commission's recommendation to adopt an approved list of arborists, so the City's degree of confidence would be higher than it has been in the past. The City Council agreed to review past history regarding the concept of a critical area stewardship plan at some point in the future.

Mr. Tovar reported that he attended a King County Directors Meeting along with several directors and staff from King and Snohomish Counties. A representative from the Association of Washington Cities was present to talk about the proposed property rights Initiative 933. He noted that public employees are prohibited from advocating for or against the initiative on City time or with City equipment. The same is true for the City Council unless or until they hold a public hearing and adopt a resolution either for or against the initiative. The Council is scheduled to hold a public hearing on I-933 on September 11.

Mr. Tovar reminded the Commission that the American Planning Association would hold their annual conference in Yakima, Washington, in early October. Also, a housing conference will be held in Bellevue in September. He asked the Commissioners to notify staff of their desire to attend one of the two events.

#### **APPROVAL OF MINUTES**

Commissioner Pyle referred to the last sentence in the second paragraph from the bottom on Page 13 of the July 6<sup>th</sup> minutes. He pointed out that Mr. Burt agreed not only to provide a fence across the rear property line; he also agreed to provide a 10-foot landscape barrier. He asked staff to check on this requirement and correct the minutes as necessary. It was noted that Vice Chair Kuboi was excused from the last half of the meeting. The July 6, 2006 minutes were approved as corrected. In addition, the Commission asked staff to submit a summary from the July 20<sup>th</sup> Retreat for approval at the next regular meeting.

#### **GENERAL PUBLIC COMMENT**

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

#### **PUBLIC HEARING ON REZONE FILE #201523 FOR PROPERTY LOCATED AT 930 NORTH 199<sup>TH</sup> STREET**

Chair Piro reviewed the rules and procedures for the public hearing. He also reviewed the Appearance of Fairness Rules and inquired if any Commissioners received comments regarding the subject of the hearing from anyone outside of the hearing. Commissioner Pyle disclosed that while he was employed with the City, a few years ago he spoke with the applicant's agent regarding the subject property. He fielded some basic questions regarding the zoning of the property and the Comprehensive Plan

designation. However, he did not feel the nature of this conversation would bias his ability to make a decision on the current proposal. None of the other Commissioners disclosed ex-parte communications. No one in the audience expressed concern over Commissioner Pyle's conversations.

### **Staff Overview and Presentation of Preliminary Staff Recommendation**

Mr. Szafran advised that the applicant, Eric Sundquist, is proposing to modify the existing zoning category for a portion of an 18,039 square foot parcel located at 932 North 199<sup>th</sup> Street. The application before the Commission is a request to change an approximately 7,300 square foot portion of the site from R-12 to R-24. He provided pictures to illustrate the exact location of the subject property and what is currently developed on surrounding properties. He advised that the applicant is proposing to construct 8 town homes and 1 single-family home. He explained that six of the town homes and the single-family home have already been noticed and building permits have been issued. Approval of the rezone would allow two more town homes to be built on the site.

Mr. Szafran pointed out that the Comprehensive Plan identifies the entire property as high-density residential, and the zoning designation is split between R-24 and R-12. Both the existing and proposed zoning would be consistent with the designation. He advised that a duplex has been built directly to the south of the subject property, and the area is changing towards higher density. An apartment building to the east is currently being renovated and converted into condominiums.

Mr. Szafran explained that the proposed rezone would be consistent with the Comprehensive Plan because:

- The Comprehensive Plan designation for the subject property is high-density residential, which allows up to an R-48 zoning designation.
- The proposed development would be a natural transition from higher densities to the east and lower densities to the west.
- The project would be consistent with densities expected in the Comprehensive Plan.
- The proposed project would be compatible with the condominiums to the north and the apartment/condos to the east. In addition, the new single-family home would buffer the new town homes from the existing low-density residential to the west.
- Landscaping would be required along the east and north property lines, protecting the privacy of adjacent neighbors.
- The site would be within walking distance to schools, parks, shopping, employment and transit routes.

Mr. Szafran concluded that, for the reasons outlined in the rezone, staff recommends approval of the rezone with no proposed conditions.

Commissioner Pyle asked when the current building permit was issued. Mr. Szafran said it was issued approximately a year ago. He also asked if a parking reduction was granted with the current permit. Mr. Szafran answered no.

### **Applicant Testimony**

**Steven Michael Smith, 19400 – 33<sup>rd</sup> Avenue West, Suite 200, Lynnwood, 98036, Lovell Sauerland and Associates Incorporated**, indicated that he was present to represent the applicant. He concurred with the information provided in the staff report. He said he had originally expected to find the most significant compatibility issues on the north and east sides of the property. However, when he visited the site recently, he found there was a row of deciduous trees on the east property line that are almost completely site obscuring in their existing condition. The landscaping proposal would make this property line even more opaque, even though the adjacent property is already developed at a higher density than what the applicant is proposing.

Mr. Smith reminded the Board that the proposal before them is not whether or not town homes would be allowed on the subject property. The question is whether or not Units 7 and 8 could be added to the existing building permit for Units 1 through 6. He suggested that the impacts of these two additional units would be fairly minor. He noted that there are two very large trees immediately north of proposed Unit 8 on the other side of the six-foot fence shown on the site plan. One of these trees covers the entire south facing projection of the building, and even carries over a little. Another large tree is located along the eastern side of the proposed building. Therefore, half of the entire building face or possibly more would be obscured by existing trees. He suggested that the staff and applicant attempt to concentrate the required landscaping treatments into the areas that are not already obscured by the existing large trees.

Mr. Smith pointed out that even if the two additional units were allowed, the project would be back twice as far as the building setback requirement and about the same distance from the property line as the nearest building to the north. It would continue to allow what has already been permitted on the other side of the property line.

### **Questions by the Commission to Staff**

Chair Piro asked if the applicant ever considered a rezone to R-18 instead of R-24. He asked how many units would be allowed on the subject property with an R-24 zone. Mr. Szafran answered that an R-18 zoning designation would allow seven units instead of eight. An R-12 zoning designation would only allow six units.

Commissioner Hall pointed out that the proposal would move the split zoning but not eliminate it. He asked staff to comment on any potential issues that could arise later on as a result of split zoning the property rather than rezoning the entire parcel. Mr. Szafran replied that leaving the R-12 zoning as proposed creates a good buffer between the R-6 and R-24 zoning designation. The applicant is proposing to construct a single-family home on the R-12 zoned portion of the property, and this would not be allowed on the site if it were all zoned R-24.

Vice Chair Kuboi pointed out that the neighborhood meeting was held quite some time ago. He asked if the project that was discussed at the neighborhood meeting was substantially the same as what is now

being proposed. Mr. Szafran answered that the plans that were presented at the neighborhood meeting identified plans for potential future expansion by adding two more town homes.

Vice Chair Kuboi said the staff report indicates that the City has no way of knowing whether a citizen's comment about more than six significant trees being cut was accurate or not. He asked if staff still has no opinion about this matter, even given the aerial photographs that are available. Mr. Szafran said he approved the demolition permit for the single-family home that was on the lot, which included the removal of six significant trees.

Vice Chair Kuboi asked if the proposed layout, design and height of the original six town homes would be acceptable if the rezone were not approved. Mr. Szafran answered that no changes would be required for the developer to construct the six town homes and one single-family home that have already been permitted.

Commissioner McClelland asked who would have ownership of the site where the single-family home is to be constructed. Mr. Smith answered that, although it would be detached, the single-family residential property would be part of the condominium association along with the rest of the units.

Commissioner Pyle pointed out that if the portion of the subject property that is proposed for R-24 zoning was subdivided and rezoned to R-18, the applicant would still be able to build the same number of units. This would allow for a step down zone from R-24 to R-18 to R-12. Mr. Szafran pointed out that building coverage and impervious surface requirements would be different for an R-18 zone.

#### **Public Testimony or Comment**

**Thomas Mikolic, 910 North 199<sup>th</sup> Street**, said he lives to the west of the subject property. He pointed out that demolition of the site occurred in March of 2005, and now they are talking about changing or selling off part of the land parcels. He asked that the Commission address the timeline that would be allowed for this process. He asked if Mr. Szafran took pictures of the site that is currently under construction to become a Discount Tire Store. This property is located close to the properties that are currently being converted from apartments to condominiums, and the commercial development might have an impact on the traffic in the area. At the request of Commissioner Broili, Mr. Mikolic identified the location of his home on the map. Mr. Mikolic said the applicant assured him that a wood fence would be used to separate the subject property from adjacent properties, yet the drawings identify chain link fences. He would like the fences to be wood.

**Laurie Hennessey, 917 North 200<sup>th</sup> Street**, said she owns a condominium that is located to the north of the subject property. She said that before the lot was cleared, she couldn't even see the existing home from her condominium. She pointed out that, to her knowledge, the single-family home was demolished without a permit. She also expressed her concern that additional traffic impacts would also be an issue, since she can't even get out of her driveway during peak hours. She noted that 200<sup>th</sup> Street is the main road that runs to Aurora Avenue and Interstate 5, and this is likely the road the subject property would use for access. She expressed her concern that the proposed buildings would be located too close (5

feet) to the property line, significantly impacting privacy. Ms. Hennessey said the adjacent property owners were not properly notified of the changes proposed for the property, particularly the demolition.

Although Ms. Hennessey didn't receive the original notice for the proposal, Commissioner Wagner asked if she received any subsequent notices. Ms. Hennessey said most of the condominium owners in her development did not receive notice for any of the actions that took place. Their names were not included on the mailing list, even though their properties are some of the closest ones to the new construction. After complaint letters were filed, individuals started receiving notices. Commissioner McClelland pointed out that, frequently with condominium associations, one person receives the notification because that's the only person on the County's records. However, it is possible to get a list of all condominium owners so they can be notified independently of the association. The City should be aware of this problem and take steps to correct it in the future.

Commissioner Hall inquired if an applicant could obtain a permit to clear more than six significant trees. Mr. Szafran answered that this would be allowed with a clearing and grading permit, which would be separate from the demolition permit. In addition to a fee, a clearing and grading permit would require that certain conditions and guidelines be met.

**Tammy Smith, 917 North 200<sup>th</sup> Street**, said she lives in the Richmond Firs Condominiums, located north of the rezone site. She asked when the demolition permit was issued. She expressed her concern that the property was cleared without notifying the adjacent property owners. She pointed out that the apartments down below were recently converted to condominiums. While they used to be occupied by single-individuals, many are now occupied by married couples with two cars. This creates more traffic on 200<sup>th</sup> Street. These individuals also use her condominium complex as a turnaround place. Ms. Smith pointed out that while there used to be trees to separate the subject property from her condominium, they have been removed. Their privacy has been destroyed and she is opposed to allowing the developer to construct eight condominiums and one residential unit on the subject property.

Commissioner Hall asked how many units are located in the Richmond Firs Condominium Complex. Ms. Smith answered that there are 11 town homes.

Commissioner Pyle asked what happens to the trees that separate her property from the subject property during the winter months. Ms. Smith answered that the trees located to the south of her complex are evergreen trees, and the trees along the back of her property line give privacy for the condominiums.

Commissioner Hall inquired if notice to surrounding property owners is required for a demolition permit. Mr. Szafran answered no.

#### **Presentation of Final Staff Recommendation**

Mr. Szafran said staff's final recommendation is that the Commission recommend approval of the rezone to R-24 as presented.

### **Final Questions by the Commission and Commission Deliberation**

Vice Chair Kuboi requested clarification regarding the distance of the two proposed new units from the property lines. Mr. Szafran said it appears that the buildings would be set back 10 feet from the rear property line with some pop outs of approximately two feet. Mr. Cohn reminded the Commission that no building permit has been submitted to date and no exact design has been approved by the City.

Commissioner Phisuthikul asked about the landscape requirements for the north and east property lines. Mr. Szafran advised that a 5-foot landscape buffer would be required in these locations, and one 1½ - inch caliper trees would be required to be placed every 25 feet. Shrubs from 5 gallon containers would be spaced from one to four feet apart. Ground cover would also be required.

Chair Piro asked the applicant to comment on the type of fence that would be used; chain link versus wood. Mr. Smith clarified that the chain link fences shown on the plan are existing fences. These would be replaced with wood fences.

Chair Piro asked for clarification about when the demolition permit was issued. Mr. Szafran responded that a demolition permit was issued on June 1, 2005 to remove the existing single-family home. It was finalized by the inspector on November 20, 2005.

Commissioner McClelland pointed out that, in addition to obtaining a demolition permit, the applicant cut down all of the trees without a permit to remove significant trees. Mr. Szafran emphasized that in the demolition permit application, the applicant noted that six significant trees would be removed. Therefore, the demolition permit authorized six trees to be cut. Commissioner McClelland clarified that the applicant did not have approval to cut down any more than six significant trees, yet property owners in the area have indicated that more than six significant trees were removed. Commissioner McClelland inquired if the City received any contact from citizens regarding the demolition. Mr. Szafran said the City's tracking system does not note any complaints regarding this issue.

Commissioner Harris asked staff to review the requirements for a demolition permit such as the mapping of significant trees, etc. Mr. Szafran said there is no protocol to actually note significant trees on a plan as part of a demolition permit application. Commissioner Broili asked how the City would know how many significant trees exist on a subject property. Mr. Szafran said staff typically inspects a site prior to demolition. Commissioner Broili pointed out that an old photograph illustrates the vegetation that existed prior to clearing, and he sees at least six trees that look significant. This raises a question in his mind about how many significant trees actually existed on the site prior to demolition. He suggested that, for future applications, the City should figure out a method for documenting significant trees. Mr. Tovar agreed and suggested that this issue could be addressed through an administrative order to require mapping of this information as part of a demolition permit application.

Commissioner Pyle pointed out that any property owner in Shorelines is allowed to remove up to six significant trees in a 36-month period without a permit. Therefore, the applicant would not have needed a permit to remove six trees. Commissioner Hall further noted that a 2002 aerial photograph from the King County website shows two or three trees that are not present in the pre-demolition permit



photograph. This suggests that over a 4-year period, more than six trees have been removed. But there is no indication to him that more than six significant trees were removed as part of the demolition work.

Vice Chair Kuboi asked what the functional purpose of the landscape buffer on the north end of the property would be. Mr. Szafran said the function of the buffer would be to provide a screen between the two properties. Vice Chair Kuboi asked if there are particular plant selections that would accomplish this goal better. Mr. Szafran said the City does not have an approved plant list, but the code calls out a mixture of evergreen and non-evergreen types of species at specific heights and spacing. Vice Chair Kuboi asked if the applicant would be required to submit a list of materials that would be used for their landscape buffers. Mr. Szafran said this information would be submitted to the City as part of the building permit application.

**COMMISSIONER HARRIS MOVED TO RECOMMEND APPROVAL OF STAFF'S RECOMMENDATION TO REZONE A PORTION OF THE PROPERTY FROM R-12 TO R-24. COMMISSIONER BROILI SECONDED THE MOTION.**

Commissioner Harris said that, upon reviewing the maps, the rezone proposal appears to conform to the surrounding zoning and provides a natural transition between the higher-density and single-family residential zones. An R-24 zoning designation would be the same as what already exists to the north. A building permit has already been approved for six units on the site, and adding two more units would not generate significantly more traffic on the existing streets. He pointed out that a Burger King Restaurant existed where the new Discount Tire Store is currently being located, and he suspects traffic from both businesses would be similar.

Commissioner Broili agreed with Commissioner Harris that the proposal would provide a good transition between the R-24 and R-12 zoning designations. However, he encouraged the applicant to plant larger, more mature trees along the northern fence line to give more immediate visual buffer to the adjacent property owners. Commissioner McClelland also encouraged the applicant to compensate for the loss of trees and privacy as a thoughtful gesture towards the adjacent property owners.

Vice Chair Kuboi said he would support the proposal as presented since it would allow two additional families to live in the City of Shoreline. The proposal of two additional units would also presumably make the other homes that are developed on the site a little more affordable. He pointed out that the applicant also built the Meridian Cottages. There was quite a back lash regarding color selection, and a lot of good will was lost. He encouraged the developer to consider the concerns of the adjacent property owners and create an adequate buffer on the north side of the property line.

#### **Closure of the Public Hearing**

**COMMISSIONER BROILI MOVED TO CLOSE THE PUBLIC HEARING. VICE CHAIR KUBOI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**Vote by Commission to Recommend Approval, Denial or Modification**

**THE MOTION CARRIED 8-1, WITH COMMISSIONER PYLE VOTING IN OPPOSITION.**

**PUBLIC HEARING ON CODE AMENDMENT PACKAGE #1**

Chair Piro reviewed the rules and procedures, as well as the proposed agenda for the public hearing. It was noted that there was no one in the audience to participate in the public hearing.

Mr. Szafran referred the Commission to the first set of 2006 Development Code Amendments. The Commission and staff reviewed each of the proposed amendments as follows:

- **Amendment 1** – This amendment pertains to Site Development Permits. Staff added the word “redevelop” to clarify that a Site Development Permit may be needed when an applicant redevelops a site. A Site Development Permit allows clearing, grading, and installation of utilities exclusive of any other permits applied.

**COMMISSIONER HALL MOVED TO RECOMMEND APPROVAL OF DEVELOPMENT CODE AMENDMENT 1 BASED ON FINDINGS CONSISTENT WITH THE STAFF REPORT. COMMISSIONER HARRIS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

- **Amendment 2** – This amendment pertains to pre-application meetings. Language would be added to inform an applicant that additional permits may be needed and the time and procedure for obtaining those permits.

**COMMISSIONER HALL MOVED TO RECOMMEND APPROVAL OF DEVELOPMENT CODE AMENDMENT 2 BASED ON FINDINGS CONSISTENT WITH THE STAFF REPORT. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

- **Amendment 3** – This amendment proposes a new code section explaining the purpose, general requirements and review criteria of a Site Development Permit.

**COMMISSIONER HALL MOVED TO RECOMMEND APPROVAL OF DEVELOPMENT CODE AMENDMENT 3 BASED ON FINDINGS CONSISTENT WITH THE STAFF REPORT. COMMISSIONER HARRIS SECONDED THE MOTION.**

- **Amendment 4** – This amendment would delete condominiums from the binding site plan requirement. Binding site plans are a division of land for commercial and industrial lands. A condominium is not a division of land but a form of ownership. Therefore, it should not be considered as such.

Commissioner Hall pointed out that the City might not even know if a property would be developed as condominiums at the time a proposal is submitted. Mr. Cohn agreed that a developer could construct an apartment complex and then convert the units to condominiums a few years later. Commissioner Hall pointed out that the Commission could have required a binding site plan for the previous application as a way of ensuring a 10-foot setback on the north side. Mr. Tovar agreed that the Commission could have imposed conditions for the rezone permit they just reviewed. Commissioner Hall summarized that the Commission could address important issues by placing conditions on a rezone without requiring a binding site plan. Mr. Tovar agreed.

Commissioner Phisuthikul noted that the way the amendment is written implies that the binding site plan requirement would only be applied to commercial or industrial lands. He asked if this would prevent the City from also requiring binding site plans for mixed-use or residential developments. He expressed his concern that the proposed language implies that no residential development would be allowed within the binding site plans. Mr. Tovar pointed out that the City's site development requirements would allow the City to impose binding conditions on mixed-use developments. He suggested that perhaps part of the Commission's work on the Comprehensive Housing Strategies could include a discussion on how the City could ensure their ability to impose conditions on a site-by-site basis regardless of what the development permit might be.

**COMMISSIONER HALL MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF DEVELOPMENT CODE AMENDMENT 4 BASED ON FINDINGS CONSISTENT WITH THE STAFF REPORT. COMMISSIONER McCLELLAND SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

- **Amendment 5** – This amendment would modify the Density and Dimension Table 1 to allow modified building coverage and impervious surface calculations for zero lot line developments. The setback variations would only apply to internal lot lines, and the overall site plan must comply with setbacks, building coverage and impervious surface limitation.

**COMMISSIONER PYLE MOVED TO RECOMMEND APPROVAL OF DEVELOPMENT CODE AMENDMENT 5 BASED ON FINDINGS CONSISTENT WITH THE STAFF REPORT. COMMISSIONER HARRIS SECONDED THE MOTION.**

Commissioner Hall pointed out that this amendment would grant additional flexibility to allow developers to arrange the open space and impervious surface in a more reasonable way on the site to create a better community. Chair Piro agreed that this additional flexibility would be appropriate.

Commissioner Pyle expressed his concern that there is already a provision in the code that allows for setback variations for external lot lines with regards to clusters of significant trees and vegetation. The proposed amendment could inhibit the movement of a building or cluster of buildings in a zero lot line development out of the way of a cluster of significant trees because a developer would not be allowed to vary the external lot lines at all. Mr. Tovar suggested that if the intent is to have the old language continue to operate, the Commission could direct staff to craft language to reconcile this concern.

The Commission discussed whether or not it would be appropriate to defer their decision on Amendment 5 until a future meeting. Commissioner Harris said he would be in favor of moving forward with the motion to approve. Commissioner Hall agreed. He pointed out that the footnote in the current code would make it appear that any of the standards for the internal or external lot lines in zero lot line developments could be varied. He clarified that the purpose of the proposed amendment is to allow a zero lot line development to modify their internal lot lines, without creating the ability for them to modify their rear, front or side yard setbacks. He said he would support the proposed amendment as proposed.

**THE MOTION CARRIED 5 TO 3, WITH COMMISSIONERS PYLE, PIRO AND PHISUTHIKUL VOTING IN OPPOSITION AND COMMISSIONERS HARRIS, HALL, McCLELLAND, WAGNER AND KUBOI VOTING IN FAVOR. COMMISSIONER BROILI ABSTAINED FROM VOTING ON THE ISSUE.**

- **Amendment 6** – This amendment would delete the requirement that residential driveways comply with setback standards.

**COMMISSIONER PHISUTHIKUL MOVED TO RECOMMEND APPROVAL OF DEVELOPMENT CODE AMENDMENT 6 BASED ON FINDINGS CONSISTENT WITH THE STAFF REPORT. COMMISSIONER PYLE SECONDED THE MOTION.**

Commissioner Hall pointed out that the tradeoff is between suburban form and urban form. In a suburban form each house would have its own curb cut and driveway, which can result in less efficient use of on-street parking space and make it more difficult to accomplish higher densities with short plats, etc. He expressed his belief that the proposed amendment is consistent with the fact that the City is going to continue to see an increase in population and density. The proposed amendment would allow two houses to be built side by side, with adjacent driveways and only one curb cut, and this could create a more pedestrian friendly form.

Commissioner Pyle noted that if proposed Amendment 6 is approved, the City must also update the Engineering Development Guide to reflect the code change. Mr. Szafran agreed.

**THE MOTION WAS UNANIMOUSLY APPROVED.**

- **Amendment 7** – This amendment would revise and clarify the language for the Engineering and Utility Standards section. No new content would be added to the section, but the amendment reorders and clarifies the section making it easier to follow and understanding.

**COMMISSIONER WAGNER MOVED TO RECOMMEND APPROVAL OF DEVELOPMENT CODE AMENDMENT 7 BASED ON FINDINGS CONSISTENT WITH THE STAFF REPORT. COMMISSIONER PYLE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

- **Amendment 8** – This amendment would allow private streets to be located within easements. By allowing private streets within easements, lot square footage would not be taken out of the total lot size, making it easier to meet minimum lot sizes.

Commissioner Pyle asked if properties would still be required to comply with impervious surface standards. Mr. Szafran answered affirmatively. The amount of easement that would be considered a private street would also be considered impervious surface for that lot. While the easement would still exist, the private street would not be dedicated as a separate tract. Mr. Tovar clarified that the easement underneath the road would belong to the property owner.

**COMMISSIONER McCLELLAND MOVED TO RECOMMEND APPROVAL OF DEVELOPMENT CODE AMENDMENT 8 BASED ON FINDINGS CONSISTENT WITH THE STAFF REPORT. VICE CHAIR KUBOI SECONDED THE MOTION.**

There was still no one present in the audience to participate in the public hearing. Therefore, Chair Piro closed the public hearing.

**THE MOTION CARRIED UNANIMOUSLY.**

### **REPORTS OF COMMITTEES AND COMMISSIONERS**

Chair Piro reported that earlier in the day he attended a meeting with King County Planning Directors to discuss the Puget Sound Regional Council's proposed update of the Vision 2020 Plan. The formal public comment period ended on July 31<sup>st</sup>. They received about 80 comment letters; 23 were from municipalities and all four counties responded, as well. The Puget Sound Regional Council staff is scheduled to provide a presentation to the Shoreline City Council on August 21<sup>st</sup>, and interested Planning Commissioners are invited to attend.

Commissioner Hall announced that the City Council recently selected the site for the new City Hall.

### **UNFINISHED BUSINESS**

#### **Retreat Follow-Up**

Mr. Cohn referred the Commission to the draft 2007-2008 Work Plan that was prepared by staff to outline the work items identified by the Commission at their retreat. He recalled that the Commission specifically indicated their desire to work on the following three items: sub area plans for special study areas, Town Center Plan, and a Comprehensive Housing Strategy.

Mr. Cohn advised that staff would present a final work plan for the Comprehensive Housing Strategies Program to the City Council early in September. They hope to obtain approval from the City Council to move forward with the formation of a citizen's advisory committee in October. It is staff's expectation that the citizen's advisory committee would include Planning Commission representation. Staff

anticipates that it could take up to a year to complete the plan, and then implementation would have to be considered during the first quarter of 2008.

Mr. Cohn said that the Town Center Plan would impact the properties between 170<sup>th</sup> and 180<sup>th</sup> Streets on both sides of Aurora Avenue. Staff anticipates this planning process would start very soon and continue on for about a year. Implementation would likely take place during the first quarter of 2008.

Mr. Tovar explained that staff's rationale for sequencing of the work items was related to costs for staff time and potential consultant contracts. Staff intends to complete the Comprehensive Housing Strategies project with in-house staff and just a small amount of consultant services for survey work. The Town Center Plan would also be done largely in-house, but with the some outside help. He reported that the Planning and Development Services staff have met internally with staff from the Public Works Department, Parks Department, etc. to discuss the major capital projects that are taking place within the town center area (City Hall Campus, Interurban Trail, and Aurora Avenue Capital Improvement Project).

Chair Piro said he understands that work is in progress to design the second and third phases of the Aurora Avenue Project, and these plans might be finished before the Town Center Plan. He suggested that some treatment of Midvale Avenue be included into the Aurora Avenue Plans, even if that means doing the work ahead of the Town Center Plan. Mr. Cohn agreed that it is important to consider the future configuration of Midvale Avenue and noted that the Town Center Plan would include Midvale Avenue, perhaps as far back as Stone Avenue on one side and Linden Avenue on the other. Chair Piro suggested that there might be grant funding for the Aurora Avenue Project that could be used to address Midvale Avenue, too.

Commissioner Broili expressed his concern that development is happening all the time, so it is important for the City to get their plans in place as soon as possible. If not, future development could end up setting the pace for what the City will be able to do in the future.

Commissioner Pyle noted that the Commission expressed an equal desire to work on sub-area planning for special study areas and the Town Center Plan, yet the sub-area plans have been postponed until much later on the Commission's work program to accommodate the Commission's work on the Comprehensive Housing Strategies. He expressed his belief that completing the Comprehensive Housing Strategies before the special study areas is inappropriate. If the City does not know the density and capacity of certain zones and areas in the City, it would be impossible to properly develop a unilateral, citywide housing strategy.

Commissioner Phisuthikul agreed with Commissioner Broili's concerns about postponing plans for the special study areas and the town center. He recalled that the City developed a Central Shoreline Sub-Area Plan after much work by the community, staff, Commission, etc. However, because this plan was only partially adopted into the Comprehensive Plan, it could not be used as a guideline for future development. As a result, new development has occurred that is exactly opposite of what was called out in the plan.

Chair Piro noted that the Comprehensive Housing Strategy work was already in progress before the Commission's retreat. Mr. Tovar said the staff is interested in getting to work on the sub area plans for special study areas as soon as possible. However, it is important to note that the City Council directed the Commission to consider a Comprehensive Housing Strategy at the time the cottage housing regulations were eliminated. The City Council has also expressed a desire for the Commission to consider a Town Center Plan. He also clarified that because the code was never updated to implement the Central Shoreline Sub Area Plan, there was nothing in place to require or prohibit development that was inconsistent with the plan. He noted that, at this time, the Central Shoreline Sub Area Plan is only included in the Comprehensive Plan as a report. It is not a binding policy and does not provide binding direction to any code or permit. He said his hope is that the Town Center Plan would have a lot of community buy in and reflect the current market so the City Council could adopt it as code. Mr. Cohn pointed out that the market has changed significantly since the Central Shoreline Sub Area Plan was adopted, so changes are necessary.

Commissioner Hall said his recollection is that the City Council adopted the policy portion of the Central Shoreline Sub Area Plan, but not the development regulations. He asked staff to review the Commission's previous deliberations on this issue. Mr. Tovar agreed to research the Commission's previous discussions, as well as the record of what the City Council actually adopted, and report back to the Commission on the status of the Central Shoreline Sub Area Plan.

Vice Chair Kuboi pointed out that the work program includes very little discretionary time for the Commission to consider other issues they feel are important. He asked staff to provide more detail on the work program to identify where the smaller items might fit in. Commissioner Broili pointed out that a number of items on the parking lot list would be discussed as part of larger issues that are already scheduled on the agenda.

Commissioner McClelland was excused from the meeting at 9:20 p.m.

Commissioner Pyle expressed his belief that special study areas would continue to get pushed back on the Commission's agenda. Therefore, he suggested that an interim set of controls be adopted or a moratorium be established on rezones and Comprehensive Plan amendments for special study areas. Mr. Tovar suggested the Commission discuss Commissioner Pyle's recommendation with the City Council at the next joint meeting. Commissioner Pyle expressed his concern that he lives in a special study area that is a prime candidate for redevelopment by 2008, and he has concerns about the significant impact future development could have unless the City takes action soon. Commissioner Hall suggested that Commissioner Pyle's concern is more related to the Comprehensive Plan designation and not the other elements that would typically be included in a sub area plan. He suggested that he could bring in maps of the area and colored markers to a future meeting so the Commission could mark up the map and introduce a Comprehensive Plan amendment. He concluded that the Commission has enough resources to complete this task utilizing very little staff time.

Commissioner Broili asked about the City's timeline for adopting the King County Stormwater Management Plan. Mr. Tovar answered that staff was hoping to have this document adopted by the third quarter of 2007, but that was before key engineering staff positions were vacated. Commissioner Broili

pointed out that efforts to create an environmentally sustainable community could be directly tied to the City's adoption of the stormwater management plan. Mr. Tovar suggested that the Commission discuss these types of issues with the Parks Department at the upcoming joint meeting.

At the request of the Commission, Mr. Cohn provided a status report of the Fircrest property. He explained that the City must wait for the State to take action, and preliminary indications are that the State has no plans to do anything with the property unless the Legislature or the Governor directs them to. Commissioner Hall expressed his concern that the State could choose to surplus the land to generate revenue. That means a developer could purchase the property and develop it at its underlying zoning with no master planning. He encouraged the staff to bring this issue up to the City Council with a request that they ask the State Representatives not to consider surplussing the property until they have entered into an agreement with the City of Shoreline to require some level of planning or a Comprehensive Plan Land Use change has been adopted. He pointed out that a master plan for the site would be in the State's best interest, too. Mr. Tovar added that the City has the authority to legislatively change the zoning for this property. However, the new zone would have to allow State run facilities as a permitted use.

Mr. Tovar asked the Commission to share their comments about the concept of meeting twice a year in a joint meeting with the City Council. The Commission agreed that two-meetings a year would be adequate. Chair Piro emphasized that Commissioners also have the opportunity to attend any City Council Meeting to testify on their own behalf.

Mr. Tovar provided a proposed agenda for the Commission's joint meeting with the Parks Board on September 7<sup>th</sup>. He asked the Commission to provide feedback so the agenda could be finalized in the near future. Mr. Tovar explained that the Council of Neighborhoods typically meets the first Wednesday of each month, and staff has approached them about the possibility of canceling their September 6<sup>th</sup> meeting so they could sit in the audience at the joint Planning Commission/Parks Board meeting.

Mr. Tovar noted that the agenda for the meeting would include a review of the Cascade Agenda and an update on the 10 City Council Goals. The meeting would provide an opportunity for the Parks Board, the Commission, and the staff to have a dialogue and exchange ideas. While the public would be welcome to attend, he does not anticipate an opportunity for public comments. Chair Piro suggested that the first priority should be to work on building a relationship between the two groups, and perhaps it would be appropriate at a subsequent joint meeting to allow public comments from neighborhood groups, etc. The Commission agreed that they would like the meeting to be set up as a conversation between the two bodies. Commissioner Hall suggested that a question and answer period be built into the time allotment for the Cascade Agenda Presentation. For the remainder of the agenda, he would prefer that the Commission and Board speak primarily with each other. The remainder of the Commission agreed.

Commissioner Phisuthikul inquired if a discussion regarding the Urban Forest Management Plan would be part of the joint meeting agenda. Mr. Tovar explained that one of the City Council's goals is to develop an environmentally sustainable community, and one element of this would be the development of a Forest Management Plan. It would be appropriate for the Parks Board and Parks Department Staff



to explain what they have in mind for this effort. Commissioner Broili offered to work as a liaison between the Parks Board and the Planning Commission regarding this issue.

Vice Chair Kuboi expressed his concern that the proposed agenda does not allow enough time for the Board and Commission to talk together. He said that rather than reports and presentations, he would prefer to have more time for the two groups to interact with each other. Mr. Tovar suggested the meeting start at 6:00 p.m. as a dinner meeting. The Commission agreed that a dinner meeting would be appropriate. They also agreed that the Cascade Agenda presentation should be limited to only 30 minutes. Staff agreed to provide meeting materials prior to September 7<sup>th</sup>.

### **NEW BUSINESS**

There was no new business scheduled on the agenda.

### **ANNOUNCEMENTS**

Commissioner Phisuthikul announced that as of 3 p.m. today, he became a United States citizen.

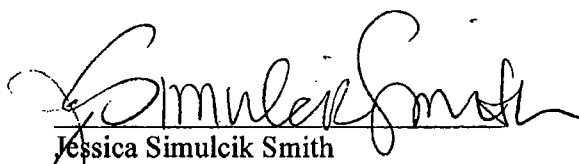
### **AGENDA FOR NEXT MEETING**

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

### **ADJOURNMENT**

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

  
\_\_\_\_\_  
Rocky Piro  
Chair, Planning Commission

  
\_\_\_\_\_  
Jessica Simulcik Smith  
Clerk, Planning Commission

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