Council Meeting Date: May 27, 2008 **Agenda Item: 8(b)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Study Session for the 2008 Annual Consideration of Amendments to the Comprehensive Plan and Associated Development Code Amendments
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP Director of Planning and Development Services; Rachael Markle, Project Manager Asst. Director of Planning and Development Services

PROBLEM/ISSUE STATEMENT:

The State Growth Management Act permits amendments to a city's Comprehensive Plan, but the review cannot occur more than once a year with a few exceptions such as the adoption of a subarea plan. The Planning Commission and Council can then look at the proposed amendments as a package, in order to consider the combined impacts of the proposal.

For the year 2007, the City received no public initiated amendments to the Comprehensive Plan. Staff have proposed several amendments to the Comprehensive Plan Land Use chapter for inclusion on the 2008 "docket" (the list of amendments considered by the Planning Commission and Council). These amendments are proposed in order to:

- ⇒ Create a definition for Planned Areas;
- ⇒ Differentiate Planned Areas from Subareas;
- ⇒ Create a definition and complete the development of a process for Master Plan permits;
- ⇒ Streamline the Master Plan permitting process; and
- ⇒ Require Shoreline Community College to apply for a Master Plan permit.

Attachment A describes the amendments in at a glance. Attachments D and F refer to the specific language in the Comprehensive Plan and Development Code that includes the proposed amendments (with underlines and strikethroughs).

RECOMMENDATION

This staff report and presentation are for discussion and to provide the Council an opportunity to provide staff with direction prior to final adoption. The City Council is scheduled for action on this item on June 9, 2008.

Approved By: City Manager JM City Attorney ___

INTRODUCTION

The proposed Comprehensive Plan amendments include:

- Amending the subarea plan definition;
- Adding a definition for Master plan permit;
- Amending land use Figure LU-1 (Comprehensive Plan Land Use Map) to designate future Planned Areas;
- Replacing the term Master Plan with Planned Area when Master Plan refers to information in the Comprehensive Plan and master plan permit when the term refers to specific development standards;
- Clarifying that if a parcel(s) is identified as a Planned Area or Essential Public Facility in the Comprehensive Plan then a master plan permit can be approved without amending the Comprehensive Plan;
- Adding a definition of Planned Area; and
- Deleting Land Use Policies 76 and 77 regarding the general requirements of a master plan and the process for permitting a master plan. Insert this type of information in the Development Code.

The proposed Development Code Amendments include:

- Adding a definition for Master Plan Permit in SMC Chapter 20.20;
- Amending Planned Area (PA) in SMC Chapter 20.40;
- Adding Planned Area as a type of Special District under 20.40.050;
- Adding Master Plan Permit as a Type C permit to Table 20.30.060;
- Creating a purpose statement, decision criteria, vesting rules and amendment language for Master Plan Permits in SMC Chapter 20.30;
- Adding criteria for amending the Comprehensive Plan to add a Planned Area in SMC Chapter 20.30.340;
- Renaming First Northeast Transfer Station to Shoreline Transfer Station Planned Area 1;
- Moving Ridgecrest Planned Area 2 from 20.91 to 20.100 Special Districts;
- Adding CRISTA as Planned Area 3 on the zoning map with a limited scope and permitted use section;
- Adding Fircrest Planned Area 4 on the zoning map with a limited scope and permitted use section; and
- Adding Shoreline Community College on the zoning map as Planned Area 5 with a limited scope and permitted uses section.

BACKGROUND

Comprehensive Plan amendments may be submitted by anyone at anytime. Applications for Comprehensive Plan amendments are available on the City's website and from the Planning and Development Services department. Amendments may also be proposed by the Council, Planning Commission and staff. Staff initiated amendments are often the result of issues raised at the Council or the Commission throughout the year.

All amendments that are submitted between January 1 and December 31st of a given year are forwarded to the Council the following year (ex. amendments collected between 1/1/07 and 12/31/07 will be processed in 2008). From this list, the Council sets the docket. The docket is the list of Comprehensive Plan amendments that Council forwards to the Planning Commission for study and public hearing. This year's docket was forwarded by Council to the Planning Commission as part of their 2008 Work Plan.

The City received no amendments from the public in 2007. Staff proposed several amendments related to Master Planning and Planned Areas. The amendments proposed by staff comprise the 2008 Docket. No new amendments may be added to the 2008 Docket. If new amendment ideas arise, they may be considered for the 2009 Docket. The main reasons new amendments may not be considered are: 1) The GMA requires City's to consider amendments to the Comprehensive Plan only once a year (with few exceptions); and 2) Amendments to the Comprehensive Plan often require extensive analysis. Therefore adding a new amendment once the Docket is set could severely impact the ability to act on those amendments that have been docketed, analyzed and advertised.

The Planning Commission conducted a study session on Thursday, April 17, 2008 to discuss the proposed amendments to the Comprehensive Plan and Development Code regarding Master Planning. A Public Hearing was held by the Planning Commission on May 1, 2008 with a continuation to May 15, 2008. **The Planning Commission recommended approval of the proposed amendments to the Comprehensive Plan and associated Development Code amendments at the May 15, 2008 meeting.**

The Planning Commission asked several clarifying questions, asked for additional information and offered editorial suggestions. Comments and questions were also received from two citizens. The minutes from the April 17 and May 1, 2008 meetings can be found in Attachment B (Note: the minutes for the May 15, 2008 meeting were not available at the printing of this report. These minutes will be available prior to planned Council action on June 9th). Two written comments have been submitted to date on the proposed amendments and SEPA. Staff prepared a response to these comments. (Attachment C).

Discussion of Proposed Comprehensive Plan Amendments

Please see Attachment D Proposed Comprehensive Plan Amendments for specific changes.

The main purposes for the amendments proposed to the Comprehensive Plan in this report are as follows:

A. Defi ne and differentiate subarea plans and planned areas;
B. To streamline Master Planning for Essential Public facilities by eliminating the need to amend the Comprehensive Plan in order to adopt a Master Plan (Master Plan permit);
C. Assign a new land use designation called Planned Area to replace Single Family Institution;
D. To identify a public process for private property owners to prepare comprehensive long range site specific plans for the use of property ; and
E. To relocate Master Plan (Master Plan permit) processes and standards from the Comprehensive Plan to the Development Code.

A. Define and differentiate subarea plans and planned areas.

The City has employed the use of subarea planning and planned areas to develop site specific policies and regulations for designated areas. Although subarea plans are defined in the Comprehensive Plan, planned areas are not. Amendments have been proposed in order to define and differentiate subarea plans from planned areas. The main differences as proposed are: subarea plans can only be initiated by the City and can occur at any time during the year; planned areas can be initiated by the City or private property owner(s) and can only be considered as part of an annual review of the Comprehensive Plan. Also, a planned area may be a subset of a subarea plan. Please see Attachment E: Planning Tools and Processes Table.

B. Streamlining Master Planning for Essential Public Facilities

The Comprehensive Plan encourages Single Family Institutions and Essential Public Facilities to develop Master Plans. However, the Comprehensive Plan states that the Comprehensive Plan needs to be amended to approve a Master Plan. This is problematic due to the fact that the GMA limits Comprehensive Plan amendments to once a year. The annual review may not coincide with desired timing of a Single Family Institution or Essential Public Facility to adopt a Master Plan.

Since the Comprehensive Plan encourages Master Planning for Essential Public Facilities, it is appropriate to facilitate changes to the Comprehensive Plan and Development Code to streamline the process. By streamlining the process, these sites may be encouraged to apply for Master Plan permits ending the piecemeal approach of allowing expansion, development and redevelopment through the Conditional Use and/or Special Use process. This practice does not

holistically address such facets of development as parking, traffic and environmental systems.

C. Assign a new land use designation called Planned Area to replace Single Family Institution

The Comprehensive Plan designates three sites as Single Family Institutions: Shoreline Community College, CRISTA and Fircrest. This designation does not accurately address the current and likely future uses for the sites. The vast majority of the property at all three locations is zoned low density residential (single family), but the existing and future uses are not single family. All of the sites are surrounded by or adjacent to single family uses. This warrants master planning as encouraged by the Comprehensive Plan to holistically address such issues as transition between the campuses and adjacent low density uses, traffic, critical areas and stormwater.

The proposed definition for planned area land use designation is designed to encompass the intent of the single family institution land use designation and the planned area concept. As proposed, planned areas are delineated geographic areas that are unique based on natural, economic or historic attributes; subject to problems from transition in land uses; or contain essential public facilities. This level of planning seeks to engage area residents, property owners and businesses to clarify and apply existing Comprehensive Plan policies to better reflect changing circumstances, problems, and opportunities. Planned Area designations may be initiated by property owner(s) or the City. Staff proposes the use of the planned area tool instead of creating a new process to streamline master planning for essential public facilities.

D. Identify a Public Process for Private Property Owners to Prepare Comprehensive Long Range Plans

The question has arisen on several occasions, "what if a private property owner (or owners) was interested in developing a master plan or development agreement with the City to facilitate development or redevelopment of a property in a way that is not specifically permitted?" One answer to this question is – NO, that proposal is not permitted. However, this answer could be short sighted. Sometimes the property owner(s) wants to do something that responds to important goals and policies in the Comprehensive Plan, but does not meet all of the standards in the Development Code. Staff would like the public to have the opportunity to hear about these proposals and the City Council to be able to determine if additional planning and perhaps a change in the regulations would be beneficial.

Staff recommends the planned area process to consider these requests. The planned area process would allow either the City or a private property owner to initiate a site specific Comprehensive Plan amendment during the annual review of the Comprehensive Plan. The Planning Commission would then, using the

proposed criteria, be able to review the merits of the proposal and make a recommendation to the City Council as to whether a Planned Area land use designation should be approved. If a Planned Area land use designation and zoning is approved, a private property owner(s) can apply for a Master Plan permit. The Master Plan permit is the tool the property owner(s) would use to seek Council approval of site specific development regulations.

E. Relocate Master Plan processes from Comprehensive Plan to Development Code

The Comprehensive Plan was adopted in 1998. By 1998, the City had not yet adopted its own Development Code. When the City incorporated it adopted King County's Development Code. As a result, the Comprehensive Plan includes some policies that are very specific perhaps in an effort to ensure that the future City of Shoreline development regulations reflected the citizens longer range vision for development and redevelopment.

The City adopted its locally drafted Development Code in 2000. Many of the policies in the Comprehensive Plan were then converted to development standards. A few of the policies, including those regarding master planning, have not yet been translated from the policy document to the Development Code.

The Development Code does not include any provisions for master planning. The only references to master planning are in the Comprehensive Plan. Comprehensive Plan Land Use policies LU 76 and LU 77 outline the basic content of a master plan application and general application processing procedures. It is more appropriate to have such standards in the Development Code. LU 76 and LU 77 are more akin to development standards than policy statements.

Discussion of Proposed Development Code Amendments

Please see Attachment F Proposed Development Code Amendments for specific changes.

1. Adding a definition for Master Plan Permit in SMC Chapter 20.20

Master Plan is not defined in the Comprehensive Plan or the Development Code. The proposed definition is: A permit issued by the City that establishes site specific permitted uses and development standards for certain planned areas or essential public facilities. Master Plan permits incorporate proposed new development, redevelopment and/or expansion of an existing development.

2. Amending the description of a Planned Area (PA) zone in SMC Chapter 20.40

The current description for Planned Area was adopted with the amendments for the Ridgecrest Planned Area 2. Staff is proposing to change the description of a Planned Area zone to also apply to essential public facilities.

3. Adding Planned Area as a type of Special District under 20.40.050
In terms of organization, it seemed intuitive to locate Planned Areas in the Special District section of the Code.

4. Adding Master Plan Permit as a Type C permit to Table 20.30.060 and Creating a purpose statement, decision criteria, vesting rules and amendment language for Master Plan Permits in SMC Chapter 20.30
The Comprehensive Plan states that essential public facilities are encouraged to Master Plan. Comprehensive Plan Land Use Polices 76 and 77 outline what a Master Plan should address. The Development Code does not contain provisions for Master Planning.

The First Northeast Transfer Station is the only approved Master Plan in the City. This Master Plan was reviewed as a legislative item. There were no changes made to the Comprehensive Plan. The approval of this Master Plan only required changes to the Development Code. The City attorney advises that future Master Plan permits be processed as quasi-judicial actions.

The City has been working with CRISTA, Fircrest and Shoreline Community College on the development of Master Plans for many years. During this time we have identified the need to further define the process for Master Planning and develop more detailed review criteria.

Over the years there has been a lot of confusion as to whether a Master Plan should be a policy document or a regulatory document. Staff is proposing that a Master Plan as described in the Comprehensive Plan is more regulatory in nature. Therefore, Master Plans should take the form of a permit, as opposed to a policy document. Through the permitting process, specific development standards, mitigation and design can be established.

Staff is proposing seven criteria to be used in the review of Master Plan permit applications. If the applicant meets the criteria, then a Master Plan permit can be recommended by staff and the Planning Commission for approval by the City Council. (Remember, only those areas designated as Planned Areas during the annual review of the Comprehensive Plan can apply for Master Plan permits). The criteria is designed to ensure that the Master Plan permit identifies and addresses on and off site impacts. Note: currently there is no criteria by which to review a Master Plan permit. Master Plan permits would be reviewed using the Comprehensive Plan and/or Development Code Amendment criteria.

The proposed vesting language clarifies that the regulations that are in effect on the date the Master Plan permit is deemed complete apply. Subsequently adopted regulations may be substituted administratively if the result is an equal or greater control than that which is afforded with the Master Plan permit. This

This is an administrative change. The First Northeast Transfer Station is a the City's only approved Master Plan. It seemed appropriate to rename it to be located and associated with future Master Plan areas.

7. Moving Ridgecrest Planned Area 2 from 20.91 to 20.100 Special Districts
This is an administrative change. In terms of organizing information in the Development Code, it seemed intuitive to locate all Planned Areas in the Special Districts section of the Code.

8. Adding CRISTA, Fircrest and Shoreline Community College, as Planned Areas 3, 4 and 5 on the zoning map with a limited scope and permitted uses section;
The Development Code does not require Master Planning (Master Plan permitting) for development or redevelopment on any of the three areas designated as Single Family Institutions: Shoreline Community College, CRISTA and Fircrest. The sites all contain nonconforming uses and the code allows expansion through the Conditional Use permit process. The Comprehensive Plan Land Use Policy 43 states:

> The Single Family Institution land use designation applies to a number of institutions within the community that serve a regional clientele on a large campus. It is anticipated that the underlying zoning for this designation shall remain the same unless a master plan is adopted as an amendment to the Comprehensive Plan creating a special district.

The proposed amendments are designed to facilitate master planning and end the piecemeal, incremental development at Shoreline Community College, CRISTA and Fircrest. The purpose of a Master Plan permit is to incorporate and illustrate all proposed new development, redevelopment and/or expansion of an existing institutional campus into a comprehensive long range site plan that identifies and addresses both onsite and offsite impacts. The Master Plan may also include narrative and timetables to guide and phase growth and development in a way that serves the facility and benefits the community.

This City- initiated action seeks to change CRISTA's land use and zoning designation to Planned Area 3: CRISTA; Fircrest's land use and zoning designation to Planned Area 4: Fircrest Shoreline Community; and College's land use and zoning to Planned Area 5: Shoreline Community College.

Also proposed is text for the new Planned Areas in SMC Chapter 20.100. The purpose of this new Section is to:

- define the permitted and prohibited uses in each Planned Area; and
- limit expansion or redevelopment of existing nonconforming uses and development of any uses that are not permitted in a Planned Area unless

the expansion, redevelopment or development is allowed through the nonconforming use process or a Master Plan permit process.

Note: CRISTA submitted a Master Plan application for City review in February 2008. This application was determined to be complete.

9. Specific to Planned Area 5: Shoreline Community College

Staff recommends that a Master Plan permit be obtained prior to any further expansion, development or redevelopment at Shoreline Community College. This is consistent with the Planning Commission's and City Council's expressed desires. In addition, since 2000 the City has been expecting the submission of a Master Plan permit to address expansion, development and redevelopment at Shoreline Community College.

Shoreline Community College has not yet applied for a Master Plan permit and has instead been using the Conditional Use and Special Use processes for expansion, development and redevelopment. Therefore, in the proposed text for Planned Area 5, Shoreline Community College is prohibited from expanding nonconforming uses under 20.30.80(d) whereas the same restriction is not proposed for CRISTA and Fircrest.

Shoreline Community College has been kept informed about the proposed changes.

RECOMMENDATION

This staff report and presentation are for discussion and to provide the Council an opportunity to provide staff with direction prior to final adoption. The City Council is scheduled for action on this item on June 9, 2008.

ATTACHMENTS

Attachment A	Proposal at a Glance
Attachment B	Planning Commission Minutes: 4/17/08 & 5/1/08 (5/15/08 minutes are not yet available)
Attachment C	Written Comments & Staff Responses
Attachment D	Proposed Comprehensive Plan Amendments
Attachment E	Planning Tools Process Table
Attachment F	Proposed Development Code Amendments

allows Master Plan permit holders to easily employ more innovative techniques that may provide even greater benefits to the environment and neighborhood than what was approved with the Master Plan permit.

The Planning Commission worked with staff to draft provisions on how to amend a Master Plan permit. The sentiment is that as the Master Plan permit holder begins to implement the Master Plan permit, there could be a need to make adjustments to the permit. Some adjustments would be minor and could be processed administratively. Other adjustments would be major and would require additional analysis and public review.

The language recommended by the Planning Commission and staff recognizes the two types of amendments. The language stops short of defining minor amendments and instead states that the procedures and criteria for minor amendments will be approved with the Master Plan permit. This process is recommended because each Master Plan will be unique. What is a minor detail for one Master Plan permit site may not be minor for another. Major amendments are defined as those requests that were not analyzed as part of an approved Master Plan permit.

5. Adding Amendment Criteria for Planned Area Land Use changes
Currently the criteria for amending the Comprehensive Plan is:

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; or

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; or

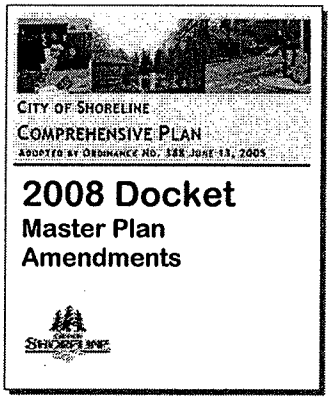
3. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare. (Ord. 238 Ch. III § 7(f), 2000).

The Planning Commission was concerned that the general Comprehensive Plan amendment criteria would be too broad to use in making a decision on a proposed Planned Area Land Use designation request. Therefore, additional criteria was developed for the Commission and Council to use when considering Planned Area Land Use designation requests.

6. Renaming First Northeast Transfer Station to Planned Area 1: Shoreline Transfer Station

PROPOSED 2008 COMPREHENSIVE PLAN AMENDMENTS FOR MASTER PLANNING

Why are we proposing these amendments?



The Comprehensive Plan encourages master planning for Fircrest, CRISTA and Shoreline Community College. However, the Comprehensive Plan only allows the consideration of master plans once a year (during the annual review of the Comprehensive Plan), while at the same time its description of master planning does not necessitate adding or amending Comprehensive Plan policies. Instead, it describes master planning as the type of information usually found in the Development Code such as allowed uses and development standards.

Therefore, staff is recommending moving master planning from the Comprehensive Plan to the Development Code to allow for the permitting of master plans outside of the annual review cycle. The Comprehensive Plan will identify which properties can apply for a master plan permit and why; and the Development Code will regulate the preparation, review, adoption and implementation of the Master Plan permit.

Main Purpose of Amendments

- Streamline Master Plan permitting for Single Family Institutions & Essential Public Facilities;
- Create a definition for Planned Areas;
- Differentiate Planned Areas from Subareas;
- Create a definition and complete the development of a process for Master Plan permits; and
- Require Shoreline Community College to apply for a Master Plan permit.

How Master Planning would work

Land Use Designation	Zoning
Change to "Planned Area"	Apply for a "Master Plan" permit

→ Establishes site specific permitted uses and development standards for planned areas.

Benefits of Adopting Proposed Amendments

The community benefits by encouraging Master Plan permitting for the following reasons:

☑ Master Plan permitting requires the applicant to prepare detailed professional studies to identify, analyze and *address* the effects of their *long term* proposed development on:

Traffic, Stormwater, Critical areas, Adjacent properties, Neighborhoods, Parking & Safety

Currently development at Fircrest, Shoreline Community College and CRISTA does not trigger this level of review and analysis. Through this level of analysis and public process, on and off site impacts can be avoided, minimized or mitigated to allow these essential public facilities to co exist within Shoreline neighborhoods.

☑ Master Plan permitting as proposed specifies a public process that includes mailing notification to property owners within 500 feet of the site. The current process does not require mailed notification.

These Minutes Approved
May 1st, 2008

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF REGULAR MEETING

April 17, 2008
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present
Chair Kuboi
Vice Chair Hall
Commissioner Behrens
Commissioner Broili (arrived at 7:09 p.m.)
Commissioner Kaje
Commissioner Perkowski
Commissioner Pyle
Commissioner Wagner

Staff Present
Rachel Markle, Assistant Director, Planning & Development Services
Flannary Collins, Assistant City Attorney
Jessica Simulcik Smith, Planning Commission Clerk

Commissioners Absent
Commissioner Piro

CALL TO ORDER

Chair Kuboi called the regular meeting of the Shoreline Planning Commission to order at 7:06 p.m.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Kuboi, Vice Chair Hall, and Commissioners Behrens, Kaje, Perkowski, Pyle and Wagner. Commissioner Broili arrived at 7:09 p.m. and Commissioner Piro was excused.

APPROVAL OF AGENDA

The Commission accepted the agenda as proposed.

DIRECTOR'S REPORT

Ms. Markle reported that the City Council approved the application to rezone properties located at 16520 through 16538 Linden Avenue North from R-8 to R-24. The vote was 6-1. Council Member Way expressed concern about the lack of sidewalks on the west side of the street adjacent to the park, particularly given the potential increase in traffic and that children would cross in this location

frequently. Ms. Markle further reported that the City Council also unanimously approved the application to rezone property located at 17562 – 12th Avenue North from R-12 to R-24.

Mr. Markle announced that the City Council started their review of the proposed Development Code amendments regarding CB zones, but the issue was tabled to their May 12th meeting. The City Council also heard about the Shoreline Sustainability Strategy, and all comments were positive and constructive.

Ms. Markle reported that staff is unclear about the direction that was given at the joint Planning Commission/City Council Meeting regarding the Commission's earlier recommendation that most quasi-judicial matters be referred to the Hearing Examiner for the next 12 months. Chair Kuboi recalled that some City Council Members were not enthusiastic about the Commission's proposal, and they asked the Commission to consider the issue further and address the concerns that were raised. The Commission agreed to discuss this issue at a future meeting and provide further direction. Vice Chair Hall suggested that when this issue comes up again, it would be helpful for staff to provide excerpts from meetings where the proposal was previously discussed. Ms. Simulcik Smith noted that the proposal was mainly discussed at the Commission's dinner meetings, and there is no tape or written recording. Commissioner Behrens asked staff to also provide a synopsis of the discussion from the City Council's perspective, including the handout that was provided by Council Member Way. Commissioner Pyle observed that the City Council was not so much opposed to the proposal, but they were concerned about appearance of fairness, the costs that would be passed on to the applicant, and how the program would be managed. He suggested these are all important issues to address before forwarding an updated recommendation to the City Council.

Ms. Markle announced that the City Council would hold their retreat on April 25th and 26th. The agenda would include a discussion about the vision for the City of Shoreline. The Planning Commission's role would likely be part of that discussion.

Ms. Markle mentioned that Forward Shoreline held a meeting on April 16th. Staff members who attended indicated the discussion was hopeful. A few Commissioners indicated they attended the meeting, as well. She also reported she met with Fircrest Representatives, who are starting Phase 2 of their master plan. The plan should come before the Commission for review within the next year.

APPROVAL OF MINUTES

The minutes of April 3, 2008, were approved as amended.

GENERAL PUBLIC COMMENT

Dennis Lee, Shoreline, said the dialogue that took place at the joint City Council/Planning Commission meeting was very good. Regarding the proposal to send quasi-judicial items to the hearing examiner for 12-months, Mr. Lee suggested that perhaps the Commission could make this decision on a case-by-case basis. The Commission could retain their ability to review the important applications as time permits.

Les Nelson, Shoreline, recalled a comment made by Commissioner Pyle about small properties along Aurora that could probably not accommodate any other type of zone than R-48. He questioned what process would be used to accomplish these site-specific rezones. Commissioner Pyle explained that his comment was based on a range of options that one could pursue for a specific piece of property under a specific Comprehensive Plan land use designation. For example, oftentimes, a land use designation of R-12 to R-48, can give property owners a false idea that they can rezone to a higher density. Perhaps in circumstances where it is not possible to get a particular zoning designation, the Comprehensive Plan should be changed or the land use designation redefined so it doesn't include a density that would not be allowed. Mr. Nelson agreed and asked what process would be used to make these changes. Commissioner Pyle answered that this would require a Comprehensive Plan amendment to change the definition and/or land use designation to allow for a different range of options for underlying zoning. Mr. Nelson suggested this could potentially be done through the subarea planning process as an amendment to the Comprehensive Plan.

REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Perkowski indicated he attended the Forward Shoreline Meeting on April 16th and was impressed with the level of discourse. King County Councilmember Bob Ferguson provided some very useful insight and advice on how to deal with conflict in a public process. Commissioner Broili added that he found Mr. Fergusen's remarks to be right on target and well appreciated. He said he was encouraged by the direction Forward Shoreline is taking and the process they are putting forward to work toward a strategy for bringing a vision to the City that is outside the realm of the political arena. He noted they have a consultant from outside of Shoreline to help them work through the process. He pointed out their goal is to ensure that everyone has a voice in the vision that would be produced through the process.

STAFF REPORTS

Study Session on Master Plan Amendments

Ms. Markle explained that the Growth Management Act (GMA) states that comprehensive plans can be amended annually, with a few exceptions such as subarea plans that are being adopted for the first time. The state's intent is to require cities to collect amendments over a year and then review all of the amendments at the same time in order to have a holistic picture of what the impacts would be. She introduced the proposed 2008 amendments to the Comprehensive Plan and associated Development Code amendments and noted there were no public initiated amendments.

Commissioner Wagner noted that at recent meetings, the public has voiced more interest in the Comprehensive Plan. She suggested that *CURRENTS* would be an appropriate place to inform the public of the on-going Comprehensive Plan amendment process and how they can participate. Ms. Markle advised that Comprehensive Plan amendments are collected up until December 31st of each year. Ms. Markle suggested they advertise the process sometime in January or February of each year. She noted that the opportunity is advertised year round on the City's website.

Ms. Markle advised that Comprehensive Plan amendments are reviewed via a legislative process. Notice was sent to CTED on March 26th and SEPA comments are due on April 18th. The public comment period would be open until adoption. A public hearing has been scheduled before the Planning Commission on May 1st. The City Council is scheduled to conduct a study session on the Commission's recommendation on May 19th, with anticipated adoption at their meeting of June 9th. Ms. Markle reviewed the main purposes for the proposed Comprehensive Plan amendments as follows:

- **Streamline master planning for essential public facilities.** Ms. Markle pointed out that the Comprehensive Plan encourages master planning for single-family institutions and essential public facilities. However, because the Plan states that an amendment would be required in order adopt a master plan, this discourages master planning due to a lack of predictability for the applicant. Applicants may have to wait nearly a year to have a master plan permit application processed. If the City truly wants to encourage private entities to prepare master plans, it is critical they are allowed to apply and have their master plan applications processed more than once a year.

  Ms. Markle said the Comprehensive Plan encourages master planning because it allows the City to cumulatively address impacts such as traffic, stormwater, environmental protection, design and use compatibility, parking and safety. Through this process specific development regulations and controls can be put in place to address the impacts. Without a master plan, these sites would be allowed to develop on a piecemeal basis using either conditional use permits, an administrative process, or using special use permits, a quasi-judicial process.

  Ms. Markle advised that the 1st Northeast Transfer Station is the only approved Master Plan in the City. It was reviewed as a legislative item, and no changes were made to the Comprehensive Plan. While this site is small and used for only one purpose, it could be used as an example of what a master plan would look like. A master plan would include specific development regulations for height, setbacks, bulk and density. It would also identify specific landscaping, parking, design and circulation standards. In addition, the standard sections of the City's code could be applied. A master plan would also include a long-range site plan, phased mitigation plans, and phased infrastructure improvements.

- **Assign a new land use designation called "planned area" to replace single-family institutions.** Ms. Markle recalled that the City recently employed a new development tool called "planned area" for the Ridgecrest Commercial Neighborhood. The tool has been used by other cities to identify and responsibly plan for those areas within a city that represent unique challenges and opportunities such as colleges, airports, hospitals, neighborhood commercial centers, etc. She pointed out that what the Comprehensive Plan talks about single-family institutions and essential public facilities and the need to master plan, and it became clear to staff that the "planned area" tool could be used for a variety of defined planning scenarios.

  Ms. Markle said staff is proposing that the "planned area" land use designation be defined as follows: "*pertains to a defined geographic area that is uniquely based on natural, economic or historic attributes subject to problems from transition in land uses; or contain essential public facilities. This level of planning seeks to engage area residents, property owners and businesses to clarify and apply existing Comprehensive Plan policies to better reflect changing circumstances, problems and*

opportunities. Planned area designations may be initiated by property owner(s) or the City during the annual review of amendments to the Comprehensive Plan." Ms. Markle said the proposed amendments would also firm up the process. In order to receive planned area zoning, the area must be defined as a planned area on the future land use map.

- **Define and differentiate "subarea plans" and "planned areas".** Ms. Markle advised that the proposed amendments also seek to amend the current definition of "subarea plan" to better reflect how the tool has been used by the City over the past 12 years. She explained that the current definition seems to indicate that development regulations would always be a part of a subarea plan, but it is possible to adopt a subarea plan and then come back later with development regulations. She reviewed the differences between "subarea plans" and "planned areas." She noted that only the City can apply for subarea plans, and they can occur at any time. Subarea plans may or may not include development regulations, and the definition is broader in terms of what geographic areas they can be used for. Either the City or a private applicant can apply for a planned area, but they can only occur as part of the annual review process. In addition, planned areas may be a subset of a subarea. Planned areas are also defined more narrowly.

- **Identify a public process for private property owners to prepare comprehensive long range plans.** Ms. Markle said she is often asked if a private property owner can apply for a master plan, and the current answer is no. She explained that the question stems from a desire to develop in a way that doesn't fit within any of the existing zoning designations. Often there is a belief that the developer could provide, through design or conditioning, community benefits related to such things as affordable housing, preservation of open space and trees, jobs, public infrastructure, upgrades, etc. in exchange for deviations from the blanket development standards. She advised that under the proposed amendment, a private property owner could apply for a site-specific Comprehensive Plan amendment and associated rezone to planned area, and this would be a legislative process. However, in order to get zoning specific to the site, a property owner would have to apply for a master plan permit, which would be a quasi-judicial process.

- **Relocate Master Plan processes from the Comprehensive Plan to the Development Code.** Ms. Markle explained that the master plan concept is not mentioned at all in the Development Code. At this time, everything that governs a master plan is in the Comprehensive Plan (Land Use Policies 76 and 77). While this information is great, it is time to move it into the Development Code so that applicants and the public can see exactly what is required. In addition, she suggested the list in the Comprehensive Plan is incomplete, and the proposed amendment defines the process and provides review criteria. A checklist for submittal has already been prepared, as well.

Next, Ms. Markle reviewed the proposed Development Code Amendments as follows:

- **Add a definition for Master Plan Permit in SMC Chapter 20.20.** Ms. Markle noted, again, that there is currently no definition for "master plan" in either the Development Code or Comprehensive Plan. Staff is proposing the following definition: *"A permit issued by the City that establishes site specific permitted uses and development standards for certain planned areas or essential public*

facilities." She added that the permit would be limited to those properties identified in the Comprehensive Plan.

- **Add Master Plan Permit as a Type C permit to Table 20.30.060 and create a purpose statement, decision criteria and vesting rules for Master Plan Permits in SMC 20.30.** Ms. Markle said this amendment would actually outline the quasi-judicial process and criteria for master plan permits in the Development Code. She explained that, currently, staff's review of master plan applications is based only on the criteria for a Development Code amendment, which is very broad. The proposed new criteria would balance citywide goals and objectives for critical areas, design, transportation, public service, parking, transition between uses, stormwater, etc. She summarized that the amendments seek to provide clear understanding for the public and the applicant.

- **Add Shoreline Community College, CRISTA, and Fircrest as Planned Areas 1, 3 and 4 on the zoning map with a limited scope and permitted uses section.** She said this amendment is intended to equal no change. She explained that the underlying zoning would remain in place and would not change until a master plan permit is approved through a quasi-judicial process. She said the intent of the proposed amendment is to set the stage so the Development Code and Comprehensive Plan would not need to be amended for the purposes of approving a master plan permit. She further said staff believes this change would be more transparent to property owners.

- **Specific to Planned Area 1 – Shoreline Community College.** Ms. Markle said staff is proposing to not allow Shoreline Community College to continue to expand using the non-conforming use provisions. She explained that non-conforming uses such as Shoreline Community College, CRISTA and Fircrest are allowed to expand with a conditional use permit, which is an administrative process, or a special use permit, which is a quasi-judicial process. This allows the properties to be redeveloped and developed piecemeal. She noted that, oftentimes, a single-proposal does not trigger frontage improvements and/or major upgrades to stormwater, etc. Staff believes they have reached a point with Shoreline Community College where they are no longer confident impacts can be mitigated. She advised that the college has been contacted about the proposed change that would require them to master plan. She noted that staff does not believe the same issues exist with the CRISTA and Fircrest sites.

Ms. Markle emphasized that the proposed amendments would not change the development controls currently in place for Shoreline Community College, CRISTA or Fircrest. However, the proposed amendments would identify and define a process for master plan permits, specifying who can apply for a master plan permit and create specific review criteria.

Commissioner Pyle asked a clarifying question about the amendment that would identify a public process for private property owners to prepare comprehensive long range plans. He asked if this amendment would be similar to what could be achieved through a contract rezone, a binding site plan, etc. Could the amendment be used to achieve a difference in use, or is it merely something that could be used to achieve a deviation from the standard application of the zoning controls. Ms. Markle said an applicant would be able to use this concept to change the permitted uses and the development standards. However, it is important to keep in mind that a property must meet certain criteria to be a planned area.

Commissioner Pyle asked if there would be a property size limitation. Ms. Markle said that has not been proposed. She said she originally thought that planned areas would be smaller than subareas, but this did not work.

Commissioner Pyle asked if the master plan permit concept could be applied to allow a private property owner to construct a business use in a residential zone if they could prove they meet certain circumstances. Ms. Markle said that, technically, this could happen. However, it is important to keep in mind that a property owner would have to go through the Comprehensive Plan amendment process and meet all of the specific criteria related to public benefit. She said the concept is similar to a contract rezone. However, in a contract rezone, a property would still be beholden to the underlying zone, but with conditions. A master plan permit would be used for properties that are not able to meet all of the use requirements or development standards.

Ms. Markle advised that the City does not have provisions for contract rezones anymore; however, they do have provisions for binding site plans. Commissioner Pyle noted that a property owner who could not achieve his/her objective through a binding site plan could pursue a public process for preparing a master plan, if the circumstances were right. Ms. Markle agreed, as long as they can get through the legislative portion of the program.

Commissioner Kaje pointed out that staff's proposed amendments to Land Use Policies 9, 12, 14, 15, 16, 17, 18 and 19 would apply the same provisions for all types of areas, and the same set of criteria would be used. He suggested there should be more guidance and restriction on what could be allowed in a low-density residential area as opposed to a community business area. He suggested that this gap should be filled by adding language to both the Development Code and the Comprehensive Plan that takes into account the context that a particular master plan is being proposed for.

Ms. Markle pointed out that the Planning Commission would recommend and the City Council approve the location of planned areas through the legislative process. If a planned area is determined inappropriate for a particular zone because it cannot meet the criteria, the proposal would be denied. If a land use change is not approved, a property owner would not be able to apply for a master plan permit. She pointed out that Shoreline Community College and Fircrest are located in R-6 zones. Because they are essential public facilities, the City cannot preclude their continued use or expansion. She suggested it would be difficult to not offer the subarea or master plan concepts as an option to change the land use in an R-4 or R-6 zone.

Commissioner Kaje suggested that if a property owner in any zone wants to do something different than the Development Code would allow, the language should provide specific guidance about what the Commission and City Council should consider if the properties are surrounded by low-density residential. Ms. Markle agreed this would be appropriate. However, rather than addressing this issue by adding additional language to the master plan criteria, it would be more appropriate to consider this issue when reviewing the Comprehensive Plan criteria.

Commissioner Wagner asked how many sites could potentially be impacted by the proposed amendments, other than the three identified by staff (CRISTA, Shoreline Community College, and

Fircrest). Ms. Markle said she has received four inquiries about the potential for master planning, and she does not anticipate the master plan permit being a tool that is used frequently. It could be used to create individual planned areas after a subarea plan has been adopted. This would be done through a legislative process.

Vice Chair Hall asked if all conditional use and special use permits require a legislative process. He recalled that one permit for a building at Shoreline Community College came through the Commission for review and a recommendation. Ms. Markle explained that Shoreline Community College is a non-conforming use in a residential zone. As per recent direction from the City Attorney, most development permits for this property would require a conditional use permit not a special use permit. Conditional use permits are administrative decisions that do not come before the Planning Commission for review. She advised that the use table found in the Development Code indicates whether a conditional use or a special use permit would be required in order for a non-conforming use to be expanded. Special use permits do come before the Commission for review and a recommendation to the City Council.

Vice Chair Hall said the staff report points out that the 1st Avenue Northeast Transfer Station is the only facility currently operating under a master plan in the City. However, staff has not proposed to designate this property as a planned area. Ms. Markle advised that they could make this designation. Commissioner Hall pointed out the City's intent of limiting the master plan concept to those areas designated "planned area" in the Comprehensive Plan. He noted that if a new master plan were proposed for the transfer station, a lengthy legislative process would be required to designate the property as a planned area. He suggested it would be more appropriate to designate this area as a planned area now. Ms. Markle agreed this would be a good idea.

Vice Chair Hall expressed surprise that the criteria for rezones was not touched on in the proposed new language. He recalled that over the past year, the Planning staff has suggested the criteria overlaps and does not work well. He questioned if it would also be appropriate for the Commission to revisit the current rezone criteria. He noted the Commission also discussed this issue in the context of whether or not they felt comfortable transferring the responsibility for doing quasi-judicial rezones to the Hearing Examiner. There was some concern in that discussion about whether the criteria are sufficiently explicit. He asked staff to respond to this issue prior to the public hearing.

Commissioner Perkowski referred to the proposed amendment related to streamlining master planning for essential public facilities. As proposed, master plan permits could be amended using the same process as approving the master plan. He asked staff to share their thoughts about whether this would truly end the piecemeal approach or if the amendment process would make the situation almost analogous to the current conditional use permit process. He questioned if the language should tighten the threshold for what constitutes an amendment. Ms. Markle pointed out that property owners have to spend a lot of money and time to come up with sufficient analysis to create an initial master plan. She felt it would be a pretty major situation for a property owner to want to go back through the expensive (about $10,000 per application) and time consuming master planning process. Commissioner Perkowski suggested the opposite could also be true. Again, he suggested the thresholds for the amendment process should be carefully considered. Ms. Markle agreed to review the language and try to come up with something different to address the concern.

Commissioner Wagner inquired if the City has heard any feedback from Shoreline Community College regarding the proposed amendments. Ms. Markle advised that she has regular contact with the Vice President of Administration at the college to discuss the proposed amendments. He stated the college doesn't have plans to do any development for the next few years, and they currently have one active building permit. He does not foresee the proposed amendments would cause trouble for their future plans. She pointed out that the college has prepared a master plan permit application, but it is not a complete application.

At the request of Chair Kuboi, Ms. Markle reviewed the three review criteria for Comprehensive Plan amendments. They are as follows:

- The amendment is consistent with the Growth Management Act and not inconsistent with the countywide planning policies or other provisions of the Comprehensive Plan and City policies.
- The amendment addresses changing circumstances, changing community values, incorporates a subarea plan consistent with the Comprehensive Plan vision, or corrects information contained in the Comprehensive Plan.
- The amendment will benefit the community as a whole and will not adversely affect the community facilities and/or the public health, safety or general welfare.

Vice Chair Hall asked if the master plan already submitted by CRISTA would be processed as a legislative action or if it would it be processed under the new provisions as a quasi-judicial application. Ms. Markle said CRISTA's application would be vested under the existing criteria, since the project manager anticipates issuing a completeness letter by the end of the week. If the amendments pass it will be processed as a quasi-judicial item, if they are not passed it will be processed legislatively.

Vice Chair Hall pointed out that the proposed language for Land Use Policy 12 is structured differently than the other amendments. Ms. Markle agreed to review the language to make it clear that density could exceed 12 dwelling units and the R-8 or R-12 zoning designation if a subarea plan, neighborhood plan or special overlay plan has been approved.

Vice Chair Hall referred to Figure LU-1 and asked if the planned area designation is a designation or an overlay on top of some other designation. Similarly, he asked if the planned area zone would be a zoning district or an overlay on top of another district. Ms. Markle explained that the underlying zoning must remain in place on the zoning map until a master plan permit has been approved. She said she could write simple language for Fircrest and Shoreline Community College because the entire sites are zoned the same. However, because the CRISTA property consists of two different zones, it would be difficult to describe in writing and easier to illustrate on the map. That's why she used an overlay. She said she would consider further whether or not it would be appropriate to identify the underlying land use on the Comprehensive Plan land use map.

Vice Chair Hall recalled that in the Shoreline community, tremendous concern has been voiced about the distinction between land use designations and zoning designations. As he reviewed the staff report, he noted that a number of terms have been used. He suggested this makes is complicated for the general

public to clearly understand. He asked staff to share their ideas for making the Comprehensive Plan and Development Code more accessible to the general public. Ms. Markle said she originally took out terms such as "neighborhood plan" and "special overlay" in an effort to focus on getting a tight master plan permit process and definitions in place for Shoreline Community College, CRISTA, and Fircrest. However, she was nervous about proposing too many changes to the existing plan. She said she would support removing some of the terms. This would be easy to do and would make the plan more transparent.

Commissioner Broili asked if it would be possible to provide illustrations to lay out the flow of how the pieces all relate to each other. He noted that some people respond better to visual information as opposed to verbal information. Ms. Markle referred to the chart labeled Attachment D, which represents her attempt to visually lay out the concepts contained in the proposed amendments. She asked Commissioner Broili to review Attachment D and provide comments for how it could be improved. Commissioner Broili suggested they use a flowchart approach to illustrate the concepts. Ms. Markle agreed to attempt to create a flowchart. Vice Chair Hall suggested that simplifying the relationship between the different planning tools would help reduce the public's confusion at the public hearing.

Commissioner Kaje referred to the proposed decision criteria found in Section 20.30.337.B, and asked if the term "mitigate" is specifically defined in the code. Ms. Markle reviewed the code's current definition for the term "mitigation." Commissioner Kaje inquired if this definition would apply to all sections of the code, and Ms. Markle answered affirmatively.

Commissioner Kaje pointed out that a few of the criteria talk about mitigating impacts. He suggested that the proposed language be changed to capture the hierarchy of the mitigation concept: avoid, reduce, and then mitigate impacts if they cannot be avoided or reduced. Commissioner Kaje also referred to Criteria 6 in Section 20.30.337.B, and suggested the word "limit" be changed to "minimize." If the intent is to minimize conflicts between the master plan property and adjacent uses, the language should make this clear. The remainder of the Commission concurred.

Commissioner Behrens referred to Criteria 4 of Section 20.30.337.B and asked how staff proposes to project what type of public transportation system would be available at a particular time in the future. Ms. Markle clarified that the intent of the language is to require an applicant to implement traffic mitigation measures to address the anticipated impacts associated with each phase of their development. In addition, she noted the City does model into the future for transportation, so they do have information on what they perceive the traffic impacts would be in the future. She emphasized that the proposed language is not intended to allow an applicant to rely solely on public transportation as a way to mitigate the impacts.

PUBLIC COMMENT

The Commission discussed whether it would be appropriate to accept public testimony as opinions, since this item was not scheduled as a public hearing. City Attorney Collins noted that a public hearing on the proposed amendments has been scheduled for May 1st. She suggested that those who speak

tonight be asked to limit their comments at the public hearing to issues they have not yet raised. She noted that the item is legislative, so it is important to get as many comments as possible.

Les Nelson, Shoreline, expressed confusion that subarea plans are defined in the Comprehensive Plan, but not in the Growth Management Act (GMA). He suggested that doing planned areas through a quasi-judicial process would take some of the large facilities out of the realm of public comment. He noted that GMA requires that all proposed amendments to the Comprehensive Plan be considered by a government body concurrently so the cumulative affect of the various proposals could be ascertained. He suggested it would defy the intent of GMA if the City were to consider Comprehensive Plan changes associated with master plans, subarea plans and planned areas outside of the yearly cycle. He said his interpretation of GMA is that cities are allowed to create subarea plans at any point, but the final adoption must be done on a yearly cycle where all changes are considered at the same time.

Mr. Nelson said he also appreciates the Commission's discussion about disseminating information to the public by means other than the City's website. He suggested that this change would meet the requirements of the GMA to widely and broadly disseminate to the public a process for creating comprehensive plan amendments.

Dennis Lee, Shoreline, said he looks at the proposed concepts in a hierarchal manner. Master plans are the most complex and difficult. He said he was involved in the process for establishing the 1st Avenue Northeast Transfer Station Master Plan. While the process was difficult, it addressed most of the concerns raised by the public. He recalled that the proposal went through a legislative process, which allowed the citizens to lobby the City Council to address problems. He requested the City Attorney provide justification for making applications for master plans, subarea plans and planned areas quasi-judicial matters. He suggested the City consider making the process for changing from a planned area to a master plan legislative rather than quasi-judicial. In addition, he suggested that the "subarea plan" designation be renamed to "neighborhood subarea plan." He said neighborhood subarea plans should be the lowest on the hierarchy of concepts proposed, and using the word "neighborhood" would clearly define who the stakeholders are.

Commissioner Behrens said his understanding is that the planned area process would be legislative. That means an applicant would go through a formal legislative process to start with. An application would be presented to the Planning Commission, and they would make a recommendation to the City Council. If adopted by the City Council, an applicant would be allowed to apply for a master plan permit, which would be reviewed via a quasi-judicial process. He summarized that the proposed process would actually provide for a legislative process on the front and a quasi-judicial process on the end. Ms. Markle agreed. However, she pointed out that the exciting details are done as part of the master plan process.

Chair Kuboi inquired what type of detail would be envisioned at the Comprehensive Plan amendment stage for a proposed planned area. Ms. Markle said the proposed amendments were intended to focus on Shoreline Community College, Fircrest and CRISTA, which do not require a lot of detail because the Comprehensive Plan already identifies the need to master plan for these areas. There are no requirements in place to identify what a private applicant would have to provide in order to convince the

Commission and City Council that they deserve a Comprehensive Plan land use change. She said staff would advise an applicant to provide as much detail as possible about what they want to do, but the level of detail has not been spelled out in the proposed amendments.

Commissioner Wagner noted that none of the information required for the Comprehensive Plan amendment would be binding on the final master plan that is approved through the quasi-judicial process. The master plan process would actually define the details of the proposal. Ms. Markle agreed and added that if an applicant comes forward with a master plan proposal that is inconsistent with what was considered for the planned area, the current zoning would remain in place until they come back with something that meets the intent of the Comprehensive Plan.

Commissioner Broili said he anticipates that, over the course of time, other applications for planned areas would come before the Commission. Therefore, it would seem reasonable to provide some definition as to the level of detailed information that is expected. Ms. Markle pointed out that not a lot of detail would be required at the time the concept is first presented so it may be difficult to create a set of criteria. Commissioner Pyle pointed out that staff has the authority to govern the submittal requirements for planned area applications. He suggested that rather than adjusting the criteria for evaluation, the City could adjust the required submittal items, depending on the type of application. In order to deem an application substantially complete, a certain level of detail would have to be provided.

Commissioner Behrens suggested that many of the public concerns could be most thoroughly vetted during the legislative planned area portion of the master plan process. He questioned how the legislative review would be conducted. Ms. Markle described that, as part of the legislative review process, the City could mitigate impacts associated with the planned area land use designation by imposing conditions. Commissioner Behrens asked if staff believes the legislative review process would enable the City to address the more controversial issues. Ms. Markle said the legislative process would be where the broad use and density issues are vetted out. She suggested staff review the process that was used by Fircrest to consider the broader issues. Perhaps they could mirror their efforts when reviewing future proposals.

Chair Kuboi summarized the Commission's direction to staff as follows:

- Consider identifying the 1st Avenue Northeast Transfer Station site as a planned area.
- Revisit the issue of revising the rezone criteria.
- Provide more clarity regarding the amendment process.
- Rework Land Use Policy 12 to make the language more clear.
- Review the map and possibly make revisions.
- Review the language in an attempt to simplify terms.
- Provide a type of 'cheat sheet" for the public hearing that is written for the benefit of the public to explain the master plan concept as clearly as possible. The public benefits of master plan should be clearly outlined.

- Add verbiage that captures the hierarchy of the mitigation process to make it clear that an applicant should first attempt to avoid impacts, and mitigation should be the last resort. This could be done by including an explicit reference to the code section where the mitigation concept is defined.
- Change the word "limit to "minimize in Criteria 6 of Section 20.30.337.B.

UNFINISHED BUSINESS

Economic Development Committee

Chair Kuboi recalled a recent request that the Commission provide a volunteer to serve on the Economic Development Committee. The Commission agreed to table the issue until staff could provide more information about the level of commitment that would be required for participants. Ms. Simulcik Smith agreed to email more details to each Commissioner.

Subcommittee to Evaluate the Concept of Design Review

Chair Kuboi recalled that at the joint meeting with the City Council, there was some mention about Commissioners participating on a subcommittee to evaluate the concept of design review. He invited the Commissioners to notify him of their interest.

NEW BUSINESS

Subcommittees in General

Chair Kuboi recalled that when the Surface Water and Transportation Master Plans were updated previously, the Commission utilized subcommittees as a way to cover additional task areas that the Commission, as a whole, was unable to do. He questioned if the Commission wants to consider using the subcommittee process to accomplish their significant 2008 work plan. The Commission agreed to discuss this concept more at a future meeting.

Discussion on Proposal Related to Quasi-Judicial Items

Vice Chair Hall reminded the Commission that the City Council asked them to reconsider their recommendation to move quasi-judicial items from the Planning Commission to the Hearing Examiner for 12 months. The Commission agreed to discuss this issue further at a future meeting.

AGENDA FOR NEXT MEETING

Chair Kuboi announced that a public hearing on the proposed master plan amendments has been scheduled for May 1st.

ADJOURNMENT

COMMISSIONER BROILI MOVED THE MEETING BE ADJOURNED AT 9:07 P.M. COMMISSIONER WAGNER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Sid Kuboi
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

DRAFT

These Minutes Subject to May 15th Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF REGULAR MEETING

May 1, 2008
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present
Chair Kuboi
Commissioner Behrens
Commissioner Broili
Commissioner Kaje
Commissioner Perkowski
Commissioner Pyle
Commissioner Wagner

Staff Present
Rachael Markle, Assistant Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk
Renee Blough, Technical Assistant

Commissioners Absent
Vice Chair Hall
Commissioner Piro

CALL TO ORDER

Chair Kuboi called the regular meeting of the Shoreline Planning Commission to order at 7:06 p.m.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Kuboi, and Commissioners Behrens, Broili, Kaje, Perkowski, Pyle and Wagner. Vice Chair Hall and Commissioner Piro were excused.

APPROVAL OF AGENDA

Mr. Cohn said the City Attorney has advised that the Commission could close a public hearing prior to their deliberations and still be allowed to ask questions of each other and staff. They would not be allowed, however, to ask questions of the public. The Commission agreed they wanted to leave the public hearing open until after they have completed their deliberations. Ms. Simulcik Smith cautioned that only one motion could be on the table at any time. If a main motion is on the table, the Commission cannot move to close the hearing until they have voted on the main motion. Staff agreed to seek further feedback from the City Attorney prior to future public hearings.

The Commission agreed to place Item e of the public hearing after Item g. The remainder of the agenda was accepted as proposed.

DIRECTOR'S REPORT

Ms. Markle reminded the Commissioners of the volunteer breakfast that is scheduled for May 2nd at 7:30 a.m. She also reminded the Commission that outgoing Planning Commissioners would be recognized by the City Council at their meeting on May 5th.

APPROVAL OF MINUTES

The minutes of April 17, 2008, were accepted as amended.

GENERAL PUBLIC COMMENT

Les Nelson, Shoreline, recalled that at an earlier presentation, Paul Cohen used a computer program from Google Earth called Sketch Up. Mr. Nelson commented at the time that everything looked too far in the distance when compared to a photograph he submitted. He distributed a handout of several photographs, one of which provides a clearer picture of what a structure would look like from the street level. The photograph suggests that the building would be even more looming than shown in the pictures he submitted earlier. As the Commission considers the issue of neighborhood views, he invited them to visit sites with a 50 millimeter camera lens in order to get an accurate picture of what the view would look like.

Commissioner Wagner noted that one of the pictures provided by Mr. Nelson removes one of the very large trees that are pointed out in other pictures. Mr. Nelson said these trees are on the subject property, but he didn't want to make his issue about just one property. Commissioner Wagner asked the height of the trees, and Mr. Nelson said they are about 65 to 80 feet high. He noted that the dotted line illustrates the proposed height of the building at 80 feet.

Commissioner Behrens pointed out that because of the physical terrain of the street, the view impact would change depending on where a person stands. He noted that the further you stand away from the building, the larger it would appear.

PUBLIC HEARING ON MASTER PLAN AMENDMENTS

Chair Kuboi reviewed the rules and procedures for the legislative public hearing and then opened the hearing.

Staff Overview and Presentation of Preliminary Staff Recommendation

Ms. Markle referred to the proposed annual 2007 Comprehensive Plan amendments. She noted that the City did not receive any public initiated amendment proposals in 2007; all of the amendments were

initiated by staff. She emphasized that the public comment period would remain open until action has been taken on the amendments by the City Council. She announced that the City Council would hold a study session regarding the proposed amendments on May 27, and they are tentatively scheduled to take action on June 9th. A SEPA determination was issued today.

Ms. Markle reminded the Commission that the main purpose of the amendments is to streamline Master Planning for essential public facilities, create a definition for Planned Areas, differentiate Planned Areas from subareas, create a definition and complete the development process for Master Plan permits, and require Shoreline Community College to apply for a Master Plan permit. She reviewed each of the amendments as follows:

- **Streamline Master Planning for essential public facilities.** Ms. Markle noted that the Comprehensive Plan encourages Master Planning for single-family institutions and essential public facilities. However, the Comprehensive Plan states that an amendment to the Comprehensive Plan would be required to adopt a Master Plan. This requirement has had the effect of discouraging Master Planning because, in some cases, an applicant would have to wait almost a year to have their application reviewed. In many cases, applicants have instead utilized the special use and conditional use permit process on a piecemeal basis. Ms. Markle said staff does not believe adoption of a Master Plan would include any information that would necessitate amending the Comprehensive Plan.

  Ms. Markle explained that there are numerous benefits associated with Master Planning, and that's why the Comprehensive Plan encourages it. It's a way to cumulatively address traffic, stormwater, critical areas, parking, safety, etc. in a holistic way. She advised that individual building permit applications with a conditional use or special use permit do not trigger the extensive studies that would be required for a Master Plan permit. Master Planning provides an excellent opportunity to holistically look at design, use, and compatibility issues. She said the Master Plan process would allow the City to develop site-specific development standards to address the impacts based on extensive analysis that would occur. Because Master Plan permits would not be considered policy documents, a Comprehensive Plan change would not be necessary. A Master Plan permit would result in a long-range site plan, with phased mitigation to address the impacts. In addition, phased infrastructure improvements would be identified.

- **Define and differentiate Subarea Plans and Planned Areas.** Ms. Markle recalled that the City recently employed the Planned Area tool with Ridgecrest. The product of this effort was a set of specific development regulations that apply to a delineated area, and that is what staff envisions a Master Plan permit would be, as well. Therefore, staff is recommending that the terms and processes be consolidated and renamed "Planned Area." She briefly reviewed the differences between Subarea Plans and Planned Areas. She explained that Subarea Plans can only be initiated by the City, and they can occur at any time and are not restricted by the once-a-year annual review cycle. In addition Subarea Plans may or may not include development regulations, and they allow for broader uses. Planned Areas can be initiated by the City or a private entity, and they can only occur as part of the annual review. Planned Areas can also be subsets of a Subarea Plan, and they are defined more narrowly.

- **Identify a public process for private property owners to prepare comprehensive long-range plans.** Ms. Markle advised that this issue has come up, and staff believes it is important to decide whether or not this would be an appropriate tool to offer property owners. She advised that the proposed amendment would allow a private property owner to apply for a site-specific Comprehensive Plan amendment and rezone to Planned Area during the annual review of the Comprehensive Plan, and this would be a quasi-judicial action. In order to change the zoning and development standards, an applicant would be required to apply for a Master Plan permit, which would be a quasi-judicial action, as well.

  Ms. Markle explained that the quasi-judicial process is highly recommended by the Association of Washington Cities as a process to use when there is a specific property owner or entity that stands to be affected by the change. They also recommend the quasi-judicial process be used whenever there is doubt. In addition, staff recommends the quasi-judicial process because the legislative process doesn't have the same noticing requirements. The quasi-judicial process requires a neighborhood meeting, posting on the site, mailed notice to property owners within 500 feet, and a public hearing by the Planning Commission. The legislative process does not have all of these requirements.

- **Relocate Master Plan processes from Comprehensive Plan to the Development Code.** Ms. Markle pointed out that while Comprehensive Plan Land Use Policies 76 and 77 provide great information, they contain information that is similar to a development checklist the City uses for permits. Staff suggests this information really belongs in the Development Code, and the proposed amendments would accomplish this goal.

Ms. Markle reviewed the proposed Development Code amendments as follows:

- **Add a definition for Master Plan permit.** Ms. Markle advised that the proposed definition would read, a permit that establishes site-specific permitted uses and standards for Planned Areas or essential public facilities.

- **Add Master Plan permit as a Type C permit.** Ms. Markle explained that this change would define the process as quasi-judicial. It explains the purpose for the Master Plan permit and outlines the criteria for adoption. The existing Development Code does not contain this type of information.

- **Rename and add 1st Northeast Transfer Station, CRISTA, Fircrest and Shoreline Community College as Planned Areas 1, 3, 4, and 5.** Ms. Markle recalled that Commissioners pointed out during the study session that the City's first Master Plan was the 1st Northeast Transfer Station. It was recommended that this be added to the proposed language. Ms. Markle said this amendment is intended to equal no change. She explained that, with the exception of Shoreline Community College, the zoning in place for each of the Planned Areas is exactly the same as what currently exists, but it is depicted in writing versus a symbol on the zoning map. She said the purpose of this change is to set the stage to apply for a Master Plan permit.

Ms. Markle reminded the Commission that Shoreline Community College would be defined differently than the other Master Plan areas. The proposed language would require them to apply for a Master Plan permit in order to do anything other than what's allowed by the underlying zoning. She explained that staff believes the college has reached critical mass in terms of being able to assess, mitigate and address the impacts. Staff believes the Master Plan process would be the best way to accomplish this goal.

Ms. Markle emphasized that the proposed amendments would not change the development controls currently in place for Shoreline Community College, CRISTA, 1st Northeast Transfer Station or Fircrest. However, they would identify and define a process for applying for a Master Plan permit, specify who can apply for a Master Plan permit, and create specific criteria to review the Master Plan permit.

Ms. Markle reminded the Commission that, as they make their decision, they must consider both the Comprehensive Plan decision criteria and the criteria for Development Code amendments. She advised that while the proposed amendments would meet all three of the Comprehensive Plan review decision criteria, they are most consistent with the following two:

- **The amendments are consistent with the Growth Management Act (GMA) and not inconsistent with Countywide Planning Policies and the Comprehensive Plan.** Ms. Markle noted that GMA encourages predictability and timely permitting processes and supports ensuring that adequate public facilities and services are present for development. In addition, GMA supports protecting the environment and enhancing the state's quality of life, as well as reducing urban sprawl and encouraging affordable housing to all economic segments of the population. She summarized that, in one way or another, each of the Master Plans would address some or all of these goals. She pointed out that the overarching goals of the Countywide policies would be supported by the smooth siting of public capital facilities and the promotion of orderly development. Regarding the City's own Comprehensive Plan, Ms. Markle noted that Land Use Policy 76, which would be joined with Policy 75, encourages Master Planning for essential public facilities.

- **The amendments will benefit the community as a whole and will not adversely affect community facilities or the public health, safety or general welfare.** Ms. Markle explained that the very purpose for Master Planning is to holistically plan for traffic, transition, open space, protection of critical areas, reducing impacts from drainage, etc. All of these would provide a benefit to the community. In addition, supporting the maintenance and development of essential facilities would have a benefit to Shoreline residents and the region as a whole.

Next, Ms. Markle referred to the criteria that must be considered when reviewing amendments to the Development Code and noted that an amendment is required to meet all three criteria. Staff recommends that the proposed amendments are in accordance with the Comprehensive Plan and that they would not adversely affect the public health, safety or general welfare. In addition, the amendments would not be contrary to the best interest of the citizens and property owners of the City of Shoreline.

Ms. Markle reported that the City received three written comment letters regarding the proposed amendments over the past several days. She suggested the Commission could recess the meeting for a

short time in order to review the new document that was submitted. In addition, she proposed the Commission and staff carefully review the comment letter submitted by the Washington Department of Social and Health Services (DSHS) regarding the Fircrest Campus. She noted that the first two pages provide a support letter related to the general process, but the remainder of the document provides suggestions for specific amendments to the proposed language. She said that after further deliberation the Commission could recommend approval of the amendments, recommend approval as amended, recommend denial, or they could request more time or information to formulate a recommendation. The Commissioners indicated they already had an opportunity to review the new written comments that were submitted. Therefore, they decided there was no need to recess the meeting.

Questions by the Commission to Staff

Commissioner Pyle noted that the proposed amendments would require a quasi-judicial process, which is a process that is likely to be used when the action would affect one specific group or area. The legislative process would be used to review applications that apply more broadly throughout the City. He questioned why the quasi-judicial process was not used by the Commission when they reviewed the proposed zoning for the Ridgecrest Commercial Neighborhood. He said that he can understand using a quasi-judicial action process for Master Plans that apply to very specific locations, but he questioned if a quasi-judicial process would be used when considering Planned Area zoning designation changes in the future. Ms. Markle advised that if the applicant were a private entity, the quasi-judicial review process would be applicable. If the City is the applicant, it may not be necessary.

Commissioner Pyle advised that an applicant would not be able to obtain a Master Plan permit unless they already have Planned Area land use designation and zoning. Commissioner Pyle pointed out the Planned Area zoning would likely be unique to the site or geographic area. He further pointed out that a Master Plan is designed to mitigate for impacts to communities related to critical areas, traffic, etc. If there are already zoning controls in place under the Planned Area zoning designation for that specific geographic area, he questioned if the Master Plan would supplement or override the Planned Area zoning. Ms. Markle answered that the Master Plan permit would override the Planned Area zoning. She noted that, as currently proposed, Fircrest would be required to meet the underlying zoning requirements until a Master Plan permit has been obtained, and then the Master Plan permit would prevail. DSHS recommends an additional bullet to make it very clear that the underlying zoning would no longer apply after a Master Plan permit has been adopted.

Commissioner Pyle invited staff to explain the impetus for doing a Master Plan when everything that could be achieved through the Master Plan process could also be achieved through the Planned Area zoning designation. Ms. Markle replied that the Planned Area zoning designation would not provide any advantage to private applicants. It's merely a way to designate the property on the map. A property owner would not be granted anything more than the underlying zoning would allow until a Master Plan permit has been obtained.

At the request of Chair Kuboi, Ms. Markle clarified that the term "private property owner" means someone other than the City. This could include the State, the County, the City and/or private commercially held properties. Chair Kuboi clarified that the process that was used incident to the

Ridgecrest Commercial Neighborhood Planned Area Action has no direct bearing on what the Commission may or may not propose tonight. The Commission's recommendation does not necessarily have to conform with the process that was used for Ridgecrest. Ms. Markle agreed that the Commission's proposal could deviate from the process that was used previously.

Commissioner Wagner asked staff to walk the Commission through a full example, from start to finish, of how the proposed language would be applied to a subject property. Ms. Markle used the example of a private property such as the Sears site. If all of the property owners joined together to do something special and unique that none of the City's zoning districts would allow, their only option would be to submit an application for a site-specific Comprehensive Plan amendment and associated rezone during the City's annual review process. The City would process the amendments together sometime during the next year, and the application would be reviewed by the Planning Commission in a quasi-judicial hearing process. She clarified that although Comprehensive Plan amendments are typically legislative actions, rezone applications unless they are citywide rezones are always quasi-judicial actions. Therefore, the higher form of review would be required, which in this case would be quasi-judicial. An applicant would be required to make their case before the Commission and Council as to why they deserve or need the Planned Area designation. The Commission would make a recommendation to the City Council, who would make the final decision. Commissioner Wagner summarized that if the application were approved, the property would be identified in the Comprehensive Plan as a Planned Area and the zoning map would identify it as a Planned Area with the underlying zoning in place until an actual Master Plan permit application has been approved. The Master Plan permit would require a quasi-judicial process, as well.

Commissioner Wagner asked what benefits the community would receive from requiring a property owner to go through the Master Plan process after the Comprehensive Plan has been updated to identify the property as "Master Plan" and the zoning map and development code have been amended to identify the property as Planned Area. Ms. Markle answered that a greater level of detail and analysis, as well as additional public involvement, would be required at the Master Plan permit stage. Commissioner Wagner asked if an approved Master Plan permit would be similar to a binding site plan, which identifies what future development would really look like. Ms. Markle said the level of detail required could vary. Commissioner Wagner inquired if future development permits would become administrative actions once a Master Plan permit has been approved. Ms. Markle answered affirmatively, with one exception. SEPA would still be required for any building that goes over the threshold, and this would allow the City an opportunity make improvements to the Master Plan, if necessary.

Commissioner Behrens asked staff to identify the differences between the type of information an applicant would be required to submit in order to get a Planned Area designation and what would be required to obtain a Master Plan permit. Ms. Markle said that the proposed language does not specify the information that would be required to obtain a Comprehensive Plan amendment, but the proposal would be required to meet the review criteria. However, as a planner advising an applicant, she would tell them that a certain level of investment would likely be required in order for them to sell their proposal to both the Planning Commission and the City Council. It would be up to the applicant to