

Note: For thresholds related to off-site improvements, see SMC 20.70.030. (Ord. 299 § 1, 2002).

This revision was proposed by PADS staff. Existing code has a 20% building square footage expansion as a threshold to require costly, full-site improvements for parking, signage, storm-water, street frontage, etc. This is often a disproportionate burden if the improvements are proposed for a small building. In an attempt to address Vice Chair Hall's question of "appropriate level of burden" as well as Commissioner Kaje's suggestion of adding a square footage threshold, staff has amended the proposal to include a 4,000 sq. ft. minimum for required improvements (assuming the improvements do not trigger the 50% existing site and building valuation threshold on a building less than 4,000 sq. ft.). This standard was chosen because it is also the threshold for SEPA review.

20.70.030 Required improvements.

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

- A. Street improvements shall, as a minimum, include half of all streets abutting the property. Additional improvements may be required to ensure 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 be installed by the applicant prior to final approval or occupancy.
- D. The provisions of the engineering chapter shall apply to:
 - 1. All new multifamily, nonresidential, and mixed-use construction;
 - 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;

This revision was proposed by PADS staff with the same justification as the previous recommendation for 20.50.125 Thresholds above.

20.80.110 Critical areas reports required.

If uses, activities or developments are proposed within designated critical areas or their buffers, an applicant shall provide site-specific information and analysis as determined by the City. ~~pay the City for environmental review, including~~ The site-specific information that must be obtained by expert investigation and analysis. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100. Such site-specific reviews shall be performed by qualified professionals, as defined by SMC 20.20.042, who are ~~in the employ of~~

approved by the City or under contract to the City and who shall be directed by and report to the Director. (Ord. 406 § 1, 2006; Ord. 398 § 1, 2006).

This revision was proposed by PADS staff. Section 20.80.110 of the Critical Area Ordinance (CAO) requires an applicant to pay the City for environmental reviews. It also requires critical areas reports to be performed by qualified professionals, who are in the employ of the City or under contract to the City, and to be directed by and report to the Director.

The intent of this section, adopted in March of 2006, was to avoid "consultant wars" where the applicant paid a consultant for critical areas report only to have the veracity of the report challenged, either by City staff or project opponent. This would result in the City requiring the applicant to pay for an additional report that may conflict with the original report, wherein a third report would be required, and so on. The result at times was lack of clarity and an applicant who would be billed for multiple reports.

In administering this section of the code for the past two years, staff has encountered some problems with the way it is written. It still results in the applicant being double-billed; once during the pre-application phase where the applicant pays for research to delineate and type the critical area to find out whether the project is indeed subject to the CAO, and then once again when the application comes in and the applicant has to pay the City for another study. To avoid having to pay for the study twice, the applicant has been paying the City to have the study done during the pre-application phase.

It is at the pre-application stage where it is inappropriate for the City to be accepting money for critical areas studies on private property.

The fix for this is for the City to develop a list of City-approved consultants and a standard scope of work for each type of critical area report. This way an applicant would choose from the list of approved consultants who have been screened by the City so that the veracity of the reports would not be suspect, therefore, it would meet the intent of the code while avoiding having the City administer projects prior to application. It likely would also minimize costs to the applicant.

At the request of the Planning Commission, staff contacted Snohomish County, Mount Lake Terrace, Mercer Island, Bothell and Renton to inquire about their process for critical area reports. Snohomish County does not maintain a small works roster, but accepts reports from any consultant, while maintaining the right to question the veracity of the report if staff finds the results questionable. Renton has a list of preferred providers. Mercer Island and Bothell both use the same process as Shoreline, having one consultant under contract and requiring that reports are prepared by them. Mountlake Terrace does most of their work in house. Both localities that follow the same guidelines as Shoreline mentioned that they run into the double-billing dilemma.

DRAFT

These Minutes Subject to
August 7th Approval

CITY OF SHORELINE

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

July 17, 2008
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present

Chair Kuboi
Commissioner Behrens
Commissioner Broili
Commissioner Perkowski
Commissioner Piro
Commissioner Pyle

Staff Present

Joe Tovar, Director, Planning & Development Services (arrived at 8:30)
Steve Cohn, Senior Planner, Planning & Development Services
Miranda Redinger, Planner, Planning & Development Services
Flanner Collins, Assistant City Attorney
Belinda Boston, City Clerk

Commissioners Absent

Vice Chair Hall
Commissioner Kaje
Commissioner Wagner

CALL TO ORDER

Chair Kuboi called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

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

APPROVAL OF AGENDA

Chair Kuboi clarified that the CRISTA Master Plan Action was not part of the agenda.

Chair Kuboi recalled that in the past, the Commission has waited to close a public hearing until after they have taken a vote on a particular agenda item. He recalled recent direction from the City Attorney that the Commission does not even have to close the public hearing at that point. The vote would

effectively close the public hearing. He suggested the Commission continue their practice of not closing the public hearing prior to deliberations. The Commission accepted the agenda as amended as per Chair Kuboi's discussion.

DIRECTOR'S COMMENTS

Mr. Cohn introduced Belinda Boston, who was present as the acting Planning Commission Clerk. He announced that Mr. Tovar would arrive at the meeting at 8:30 p.m. to discuss his ideas about the visioning process he would present to the City Council on July 21st.

APPROVAL OF MINUTES

The Commission discussed and accepted the proposed correction submitted by Commissioner Kaje related to the first paragraph on Page 13 of the June 19th minutes. Commissioner Behrens suggested that, in the future, it would be helpful for Commissioners to provide references as part of their comments.

Commissioner Behrens referenced Page 5 of the minutes and noted that each Commissioner received a copy of the list he was invited to provide to identify cities that model appropriate, effective and early public processes.

The minutes of June 19, 2008 were accepted as corrected.

GENERAL PUBLIC COMMENT

No one in the audience expressed a desire to provide public comment during this portion of the meeting.

LEGISLATIVE PUBLIC HEARING ON DEVELOPMENT CODE AMENDMENTS – 1ST BUNDLE

Chair Kuboi reviewed the rules and procedures for the legislative public hearing on the 1st bundle of Development Code amendments. He opened the public hearing and invited staff to provide an overview of the proposed amendments, as well as their preliminary recommendation.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Cohn advised that there are 15 amendments in the 1st Bundle of Development Code amendments. However, as a result of written comments received from Commissioner Pyle after the Commission packets were mailed out, staff made the decision to pull their recommendation related to neighborhood meetings (20.30.090) from the list of amendments. Staff would like to do more work on this item before it is presented to the Board for review. They believe it is important to review the purpose of neighborhood meetings and the outcomes that have resulted from them to determine if there is congruency. Staff anticipates presenting a revised recommendation to the Commission at a future date. After the public hearing, he suggested the Commissioners provide their input regarding neighborhood

meetings. Mr. Cohn reported that staff spent several hours contacting the cities that were identified on the list provided by Commissioner Behrens to learn more about their permit processes.

Ms. Redinger noted that all of the changes that were made since the amendments were last reviewed by the Commission were highlighted in the new draft. She noted that four of the 15 proposed amendments have been slightly modified, nine of the staff explanations have been revised, and comparisons were done between the City's draft proposal and other regional municipal practices for neighborhood meetings and requirements for critical area reports. She reviewed each of the proposed code amendments as follows:

- **Chapter 20.20.046 S – Definitions.** Ms. Redinger recalled that Commissioner Behrens requested more information on the siting requirements that govern secure community transitional facilities. She advised that these supplemental regulations are contained in SMC 20.40.505. Commissioner Behrens said he reviewed SMC 20.40.505. While he had some small questions about how the siting standards would be applied, he would feel comfortable moving forward with the amendment as proposed.
- **Chapter 20.30.450 – Final Plat Review Procedures.** Ms. Redinger reported that based on comments and questions raised by Commissioner Kaje, words were added to the language in this section to clarify that the director would conduct an administrative review of a proposed final short plat when an application has been deemed complete, and not when it was received or approved.
- **Chapter 20.30.280 – Nonconformance.** Ms. Redinger advised that staff pulled the explanation that was previously provided in the language because it was confusing. The point of the amendment is to make it clear in the Development Code that all expansion of nonconforming uses would require a conditional use permit except for gambling. The proposed provision that would limit the expansion of a nonconforming use to a cumulative amount of 10% is still part of the proposed amendment. Staff believes they can track this percentage through the permitting system. The new language removes the clause that limited expansion to one time only.
- **Chapter 20.30.730 – General Provisions.** Ms. Redinger explained that this section already existed in the code, and no changes have been proposed to the existing language. However, staff is recommending that the language also be included in the "General Provisions" section to broaden its application. This item was added to the "General Provisions" section as Item C, which required that the previous Item C be moved to Item D.
- **Chapter 20.30.750 – Junk Vehicles as Public Nuisances.** Ms. Redinger advised that staff received additional clarification from the Code Enforcement Officer, particularly regarding the Commission's question about whether or not the proposed language was related to the Customer Response Team's new proactive clean up program. She indicated was not; the amendment was merely proposed to comply with State Law.

- **Chapter 20.40.250 – Bed and Breakfasts.** Ms. Redinger recalled that the Commission previously raised questions about other pertinent codes that regulate occupancy, etc. She noted that these provisions are located in SMC 15.05.
- **Chapter 20.50.040 – Setbacks.** Ms. Redinger noted that illustrations were added to show examples of when a lot could abut two or more streets and not be considered a corner lot.
- **Chapter 20.50.125 – Thresholds.** Ms. Redinger explained that in an attempt to address concerns raised by Vice Chair Hall and Commissioner Kaje, staff has amended the proposal to include a 4,000 square foot minimum for required improvements, assuming the improvements do not trigger the 50% existing site and building valuation threshold on a building less than 4,000 square feet. She noted that 4,000 square feet is also the SEPA Threshold.
- **Chapter 20.80.110 – Critical Areas Reports Required.** Ms. Redinger explained that staff contacted other local jurisdictions to learn more about their processes for requiring critical areas reports. She advised that a summary of their findings was attached to the staff report.

Questions by the Commission to Staff

Regarding **Chapter 20.20.046.S – Definitions**, Commissioner Behrens said he would like more information about how Chapter 20.20.046.S would work together with SMC 20.40.505. He said he wants to be clear about how the decision criteria would be implemented. He said it is important to make sure they don't inadvertently create problems by allowing transitional facilities in RB and I zones where high-density residential development is allowed. He referred to decision criteria found on Page 114 of the Shoreline Municipal Code. He noted that the first criterion states that the use must not materially endanger the health, safety and welfare of the community. He suggested this is a broad statement, and almost any proposal for a transitional facility could be considered an endangerment to the public's health, safety and welfare. However, by state law, the City must be willing to accept this type of facility. Ms. Redinger agreed that it is very difficult to site transitional facilities because they are not only regulated by the City's local code, but by state regulations, as well. A large public process is involved in the siting of transitional facilities, too.

Commissioner Behrens requested more information about the criteria that would be used by the Commission when reviewing proposals for transitional facilities in the future. Mr. Cohn explained that when presenting applications for transitional facilities to the Commission for review, staff would list the criteria, make a recommendation, and describe their rationale for each one. It would be up to the Board to make a final recommendation about whether or not an application meets the criteria.

Commissioner Pyle expressed his belief that the proposed amendment would be positive because it actually narrows and clarifies the locations in which transitional facilities could be located. It provides further guidance to staff and people who read the City's codes. He noted that essential public facilities are positive components of the community, but the proposed amendment would further refine the definition of what a secure community transitional facility is and where it could be located based on the use charts in the code.

Regarding **Chapter 20.30.750 (Junk Vehicles as Public Nuisances)**, Commissioner Pyle asked if it would be possible to add language to the effect that repeat offenders would have their vehicles removed permanently. He noted there are chronic situations throughout the City where property owners are constantly and repeatedly storing junk cars that are mobile, but not yet running. These situations can make it difficult for surrounding property owners to sell their homes or maintain or raise the value of their property. While the proposed language addresses a temporary fix, it does not provide a permanent fix to the chronic problem of some properties.

Assistant City Attorney Collins explained that junk vehicles are regulated by State Law, and she suspects it would not be possible to implement the concept described by Commissioner Pyle. She agreed to consider the option and provide input to the Commission at a later date. Commissioner Piro suggested that as the Assistant City Attorney considers options for addressing repeat offenders, it would be worthwhile to define what is meant by the term "repeat."

Commissioner Pyle referred to **Chapter 20.80.110 (Critical Areas Reports Required)**, particularly regarding the use of the third party consultant and qualified consultant. He expressed concern that the City not give up the ability to question or order a third party review of a report that's submitted by someone who claims to be a qualified professional. He pointed out that in the wetlands science field, there are no State licensing requirements for wetland specialists. A person must simply have a basic background in botany sufficient to complete a wetland delineation report. This includes anyone who has a basic knowledge of wetlands, and does not require the person to be a professional wetland scientist. He suggested the language be changed to require that wetland studies must be done by an organization that has a professional wetland scientist on staff who is certified by the Society of Wetland Scientists. He summarized that the proposed language may be lowering the bar in the case of wetlands and streams, while maintaining the current standard for the fields of geotechnical and other types of engineers.

Assistant City Attorney Collins explained that the term "qualified professional" is defined in **Chapter 20.20.042**. She suggested that this section be changed to include a definition for wetland biologist, as well. Commissioner Piro reviewed the existing language provided in Chapter 20.20.042 and expressed his belief that the current definition for "qualified professional" addresses his concern adequately.

Public Testimony or Comment on Updates to Proposal

Donna Moss, Shoreline, explained that she has not had time to access all of the references to the Shoreline Municipal Code. She referred to **Chapter 20.30.450 (Final Plat Review Procedures)** and expressed concern that the proposed language would move a great deal of review and power to the Planning Director and remove some of the City Council's involvement in the process. She specifically suggested that using the word "when" at the beginning of the second sentence of Item B makes it appear that it is a foregone conclusion that a final plat would be approved. She suggested a better word would be "if." Ms. Moss referred to the language proposed for deletion and questioned if the change would end up circumventing some of the review process. The proposed language would give the Planning Director a great deal of discretion in approving short plat applications. She also referred to Item C, which effectively limits the City Council's ability to participate in the review process. She expressed concern

about deleting the words that would require the public use and interest to be served by a proposed sub plat application. Public interest should remain preeminent in the process.

Ms. Moss referred to **Chapter 20.30.090 (Neighborhood Meetings)**. She said she understands the proposed language, which talks about some of the things that would affect the SEPA exemption such as buildings less than 4,000 square feet, fewer than 20 parking stalls, and short plats of four dwellings or less. She suggested that these types of uses may primarily occur in residential areas as opposed to areas that are already zoned for business or commercial uses. She expressed opposition any proposed amendment that would affectively minimize the public's voice. Chair Kuboi pointed out that the proposed amendment for **Chapter 20.30.090** was withdrawn from consideration for the time being. Staff has recommended the proposed language be reviewed more thoroughly and reworked.

Assistant City Attorney Collins clarified that the draft changes to **Chapter 20.30.450** were proposed by the City Attorney, Ian Sievers. She suggested that the purpose of using the term "when" is to make the statement more affirmative. If the Director did not find that the short plat application met all of the requirements, he would not sign off on it. Mr. Cohn agreed that an application must meet all of the code requirements and criteria.

Assistant City Attorney Collins explained that State Law requires the City to adopt summary approval. The purpose of the proposed changes is to comply with State law. Mr. Cohn explained that "meeting the public interest" is defined as meeting the requirements of the Revised Code of Washington and other applicable state laws, as well as City regulations and requirements.

Commissioner Pyle referred to Ms. Moss's concern about removing the City Council from signature authority for final short plat approval. He explained that this provision refers to dedication of right-of-way. He explained that in order for the City to take over a piece of property as City right-of-way, the City Council must evaluate the ramifications and cumulative effects related to maintenance, right-of-way standards, etc. They must add the right-of-way to the City's existing right-of-way system through formal adoption. The language was changed to clarify that the City Council does not now, nor have they in the past, signed final short plat approvals. They have signed off when, as part of a short plat process, streets are to be dedicated to the City to be added to the City's right-of-way system. These situations are very rare in short plat processes. He summarized that while the City Council has authority through code writing, they never really had direct signature authority on final short plat approvals. This has always been the responsibility of the Planning Director.

Commissioner Behrens said Ms. Moss raised some interesting ideas about the community's ability to provide input on short plat applications. He noted that short plat applications are not covered by the City's provisions for public meetings since they are considered to be administrative actions. He invited Ms. Moss to share her ideas about what role the public could play in the review of short plat applications. Ms. Moss said she has not given a great deal of thought to how the public process might work. She suggested it depends on the individual neighborhood needs. However, notice should be provided to the people who live in a neighborhood where a short plat is being considered. She suggested there is a delicate balance involved with ensuring that adequate public participation but the review process is not too burdensome for applicants. She said she would be happy to chat with people in the

community and provide additional input to the Planning Commission at a future date. The Commission invited Ms. Moss to email her feedback to the Planning and Development Services staff, and they would forward it to the Commissioners.

Final Questions by the Commission

The Commission did not have any final questions prior to starting their deliberations.

Deliberations

COMMISSIONER PIRO MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE DEVELOPMENT CODE AMENDMENT BUNDLE IDENTIFIED AS APPENDIX A, WITH THE EXCEPTION OF THE AMENDMENT TO CHAPTER 20.30.090 (NEIGHBORHOOD MEETINGS). COMMISSIONER PYLE SECONDED THE MOTION.

Commissioner Piro recalled the Commission's previous opportunity to review the code amendment bundle in detail. He commended staff for the format they used to highlight the changes that were made to reflect the Commission's discussion. He said he also appreciated the additional explanations that were provided in the staff report, which was very user friendly. He expressed his belief that many of the proposed amendments are straightforward and intended to clean up and clarify the existing language. He offered kudos to the Commissioners for raising important questions and issues to make the language even more clear and succinct.

Commissioner Pyle agreed with Commissioner Piro's assessment of the proposed amendments. He said he also appreciated the format used by staff and the manner in which they responded to all of the concerns that were previously raised. He said he doesn't have any concerns about the proposed amendments, which are primarily clean up changes that do not alter the criteria and regulations.

Commissioner Behrens thanked staff for their hard work preparing the amendments for Commission review and the public hearing. He also thanked them for making sure all the information submitted by various Commissioners was circulated amongst the group. However, he summarized that the Commission still has a lot of work to do on Chapter 20.30.090, which is of particular interest to him. He said he was glad the amendment was pulled from the bundle because he felt they could do a lot better. He said he supports all of the other proposed amendments.

Commissioner Perkowski said he also appreciated the clear format that was used by the Commission. He referred to Commissioner Kaje's comments that were submitted via email and asked if all his concerns were addressed. Ms. Redinger suggested that if Commissioner Kaje were present, he would probably have wanted to have some discussion about the 4,000 square foot requirement for the threshold to keep the 20% in **Chapter 20.30.280 (Nonconformance)**. Mr. Cohn recalled that Commissioner Kaje requested clarification, but he did not provide further comment about the response provided by staff. Commissioner Piro expressed his opinion that the rationale linking the provision to the SEPA threshold is sound.

Commissioner Behrens recalled that he initially had concerns about how the provisions in **Chapter 20.30.280** would be applied to the various sizes of buildings in different zones. However, he concluded that the proposed change addresses this concern by excluding the impact the provision would have on small businesses.

Chair Kuboi also agreed that the staff report was well organized, and it was very easy for the Commissioners to focus in on the various elements. He expressed appreciation for the italicized sections describing the rationale for the proposed amendments. He suggested this would also be helpful to the City Council as they prepare to take action on the code amendments. He asked that staff used this same type of format in the future.

Chair Kuboi expressed his opinion that the proposed amendments go a long way towards clarifying code language, which goes a long way towards making sure the code is uniformly and fairly implemented throughout the community. It is important to have consistent and clear code language in place, and the proposed changes get the City closer to this ideal.

Chair Kuboi commended Commissioner Pyle for flagging fundamental concerns related to **Chapter 20.30.090 (Neighborhood Meetings)**. He also commended staff for recommending that the item be pulled from the bundle of proposed amendments to allow the staff and Commission an opportunity to consider the issue further.

Vote by Commission to Recommend Approval or Denial or Modification

THE MOTION TO RECOMMEND APPROVAL OF THE DEVELOPMENT CODE AMENDMENT BUNDLE IDENTIFIED AS APPENDIX A, WITH THE EXCEPTION OF THE AMENDMENT TO CHAPTER 20.30.090 (NEIGHBORHOOD MEETINGS) WAS UNANIMOUSLY APPROVED.

STAFF REPORTS

Introduction of Shoreline Master Program Update

Ms. Redinger referred the Commission to the memorandum that was provided in the Staff Report to summarize the Shoreline Master Program Update. She recalled that in 2003, the Department of Ecology (DOE) adopted new Shoreline Master Program Guidelines to comply with the State Shoreline Management Act. The plan goals include ways to encourage water dependent uses, protect shoreline natural resources, and promote public access. According to the DOE definitions, the only area the City would be required to do a master program for is the three miles of coastline along Puget Sound. There are no lakes or other bodies of water within the City that qualify.

Ms. Redinger reviewed that the City's current Shoreline Master Program was adopted from King County. While it does reflect the elements that were approved in 1995 when the City was incorporated, the document has never been reviewed by the DOE. Therefore, it doesn't qualify as a recognized Shoreline Master Program. She recalled that an inventory and characterization document was created in

2004, but the document was never submitted to and approved by the DOE. Staff will use this document as the starting point for the update, and they have selected the same consulting firm that prepared the report so they can update the background and pieces that have changed. Ms. Redinger reported that most of the grant funding would be used for the consultant to perform technical work such as conducting an inventory and analysis, mapping conditions, determining environmental designations, characterizing ecosystem-wide processes, analyzing cumulative impacts and identifying opportunities for protection and restoration.

Ms. Redinger advised that Phase 2 of the project would be more of a policy making phase to determine how to revise the existing Critical Areas Ordinance to reflect the new goals and opportunities for restoration. Code changes and recommendations would be presented later in the process, which is anticipated to be completed by the end of 2010.

Ms. Redinger emphasized that the Planning Commission would play a significant role in the update process, particularly in reviewing possible code changes. In addition, the Commission would play a large role in the public participation process. She advised that staff has prepared a public involvement plan, which includes a list of primary stakeholders. A website has been established, and the map of current conditions is currently available. The City's intern did an excellent job creating the maps, which have been forwarded to the DOE for review. She announced that the full inventory and characterization report would be available for public review by September 30, 2008. Once this data is available, staff anticipates holding an open house prior to a Planning Commission Meeting where a presentation would be provided.

Commissioner Pyle pointed out that one of the largest stakeholders is Burlington Northern Santa Fe. He emphasized that railroads are governed by Federal Law, which offers certain exemptions to State and local law. He questioned how much ability the City has to work actively with the railroad to enhance public access and restore some of the outfalls that cross underneath the railroad tracks. He pointed out that the State Law that initiates a process for the City to look comprehensively at their shoreline provides a prime opportunity for them to begin conversations with the railroad on how they can cooperatively work together to enhance the shoreline.

Ms. Redinger agreed that the City would be interested in having an extended conversation with the railroad about this issue. She noted there is a lot of overlap between the Shoreline Master Program and the Environmental Sustainability Strategy that was just adopted by the City Council. These two plans provide more leverage for the City to approach the railroad regarding the possibility of cooperatively addressing environmental issues. As an example, she pointed out increasing public access to the shoreline is a City goal, and the railroad is the main thing that blocks the access at this time. The Parks Department has repeatedly stated their interest in providing another bridge or other type of access over the railroad. However, at this point, the railroad has not offered to cooperate. The Shoreline Master Program and Environmental Sustainability Strategy documents could offer an opportunity for this cooperation to occur.

Commissioner Behrens inquired if it would be appropriate to approach cooperation with the railroad by contacting a local legislator. Ms. Redinger agreed this would be helpful. However, she noted that it

would not be possible to develop a local code that trumps the Federal requirements. Commissioner Behrens pointed out that while the City is interested in providing more access to the shoreline, the railroad should be interested in making their tracks safer by providing adequate access over them. He summarized that perhaps the railroad has a vested interest in trying to resolve the situation, as well. A local legislator might be able to facilitate these discussions. Ms. Redinger suggested that Phase 2 would be an appropriate time to pitch a preferred alternative to their local legislative representatives.

Southeast Neighborhoods Subarea Plan CAC and Meeting Schedule

Mr. Cohn reported that the first meeting for the Southeast Neighborhoods Subarea Plan CAC was held on July 15th. Thirteen of the sixteen members were present, and there were four or five people in the audience, as well. The meeting was held at the Public Health Facility.

Ms. Redinger explained that two areas of the Briercrest Special Study Area and the Paramount Special Study Area do not have Comprehensive Plan designations. This makes it difficult when people apply for rezones because there is no criterion in place to judge if the request is appropriate. The charge of the Southeast Neighborhoods Subarea Plan CAC is to create a long-range vision. The process started with a public meeting on March 19th, and a second community meeting was conducted on May 20th. Applications were solicited for participants on the CAC. Ms. Redinger announced that the City Council approved a group of 16 members, all of whom live within the boundaries of the subarea or are representative of a neighborhood group. While Commissioner Pyle doesn't live within the boundaries, he participates on the committee as a representative from the Planning Commission. He would act as interim chair until the group has congealed enough to elect a chair. She said she has been very impressed with the diversity of the CAC members. A walking tour of the area would be conducted in August, and the group would start meeting bi-weekly in September.

Commissioner Pyle added that Mr. Cohn and Ms. Redinger did a great job at the first CAC meeting. He said he believes there is a great opportunity for the group to identify goals of what they are trying to achieve and what the future of the community might be. Some people in the audience raised the issue that they don't really know what is going to happen to the area in the future, and they are looking for this process to identify a clear vision.

Development Code Chapter 20.30.090 (Neighborhood Meetings)

Mr. Cohn explained that, at this time, neighborhood meetings are held prior to the submittal of an application. Therefore, there is no specificity as to when the meeting must occur. Staff informs applicants that they must hold a neighborhood meeting prior to application and provide adequate notification of the meeting, but there is really no further direction provided in the code language. Some developers actually want to have a dialogue with the community to discuss issues of concerns. On the other hand, some developers are not really interested in considering and addressing the concerns expressed at neighborhood meetings.

Mr. Cohn recalled that the purpose of neighborhood meetings is to impart the developer's ideas to the community. Based on the community's response, a developer may decide to modify the proposal, but

that is not a requirement. Staff has found that they do not have a lot of discretion in the short plat process. If an application meets the criteria, the City is under obligation to accept the short plat proposal. While the staff tries to respond to the community concerns, they do not have a lot of latitude to require changes. He said that since neighborhood meetings are held before applications are submitted, staff often has very limited information to use when responding to public concerns.

Mr. Cohn said staff is interested in discussing ways to obtain more and better community input. If neighborhood meeting are deemed an appropriate way to gather public input, they must identify exactly what information they want to gather from the neighborhood meetings given the current laws and regulations.

Ms. Redinger said it is important to consider the best way to make the public comments effective. At this time, neighborhood meetings create the impression that people can comment and change a subdivision proposal, when what they are really concerned about is the longer-term use of the property. She referred to one example of a group home proposal that would require a conditional use permit. During the subdivision process, the public comment period was not really effective. Under the development code, the applicant has the right to subdivide the property. However, a separate application related to use would be required in the future. At that point, a public process would be conducted, and that would be the appropriate time for the public to comment. The neighborhood meetings often result in people making comments at a stage when they are not very effective, and this leads to the perception that the Planning Department is not interested in hearing from the public.

Ms. Redinger suggested the City consider the option of creating an information brochure to describe the criteria that must be used at each stage of the development process. It is important for the public to have a clear understanding of when their comments would have the most impact.

Ms. Redinger explained that the first six cities staff called from the list submitted by Commissioner Behrens indicated they did not have a neighborhood meeting requirement. However, they were able to find some examples of cities that did. Many cities offer an optional neighborhood meeting or make the requirement dependent on the scale of a development proposal. Developers of smaller projects usually do not utilize the neighborhood meeting opportunity; but developers of larger, more controversial projects often do so they can avoid many of the concerns later in the process. She referred the Commission to the comparison sheet that was provided by staff to illustrate the differences.

Commissioner Pyle thanked staff for preparing the comparison information. He referred to the language proposed by Commissioner Behrens to address this issue. The proposal would require a pre-application conference with the developer, and a checklist of items was prepared by Commissioner Behrens to identify items that would be reviewed during the pre-application meeting and signed off by the planner and developer. The pre-application meeting would provide an opportunity for staff to work with a developer to fine tune and tweak a development proposal so it would have less impact on the community. If the developer decides to go forward with the proposal, a public meeting could be held between the pre-application meeting and the actual application period. This would be an opportunity for the City to notify the public of the proposal and the criteria the proposal must meet. Instead of citizens feeling upset that they only have 14 days to comment on a proposal, they would have advance warning

of the proposal. This would grant them enough time to gain an understanding of the criteria and prepare their thoughtful comments and suggestions. Staff would then review the public comments that are responsive to the criteria and how the site design meets the criteria and respond accordingly with revision requests to the applicant. If the comments and concerns are founded in fact, the proposal could be modified. This method would allow for a transparent process in which people would have a clear understanding of the criteria in advance of an application. He summarized that his understanding of Commissioner Behren's proposal is that it would frontload education to the public and allow the City to be transparent through education.

Ms. Redinger agreed that it is important for the citizens to have a greater understanding of the criteria the City must consider when reviewing proposals. She further agreed that staff would review the proposal and provide feedback to the Commission. Commissioner Behrens agreed to provide a copy of his proposal to staff and to each of the Commissioners, and he suggested it might be possible for the new code language to also be applicable to some Type A administrative actions, such as short plats.

Commissioner Behrens explained that his proposed checklist would become the agenda for the community meeting. The best part of the checklist is that it would be based on fact. In his research, he found in his research that some cities actually require an outside expert to complete the checklist for the developer, so there is an independent party involved. While he does not propose the City of Shoreline go that far, there is currently a perception amongst the City that review processes take place behind closed doors and there is not enough opportunity for the citizens to provide input. Creating transparency and a way for everyone to review the same information based on facts and criteria would improve this perception. Disputes about facts could be resolved by the Planning Commission, who would make a decision based on whether or not the facts in the checklist were adequately and accurately responded to by the developer and the citizens. While disputes about opinions are very hard to resolve, disputes about facts are easy to handle.

Chair Kuboi said he likes staff's idea of creating a brochure or some type of written information to clearly explain the review criteria to the public and inform them of their ability to appropriately participate in the public review process. He suggested the Commission and staff discuss this concept further at a future date.

DIRECTOR'S REPORT

Mr. Tovar recalled that from time to time, the City Council and Planning Commission have discussed the need to develop a vision for the future of Shoreline. He reported that he recently forwarded a description to the City Manager outlining how the City might go about this process, given the other items on the upcoming Commission and City Council's agendas. He noted that the City Council recently adopted their 2008-2009 goals, and the first goal states a desire to create a vision that integrates the Environmental Sustainability Strategy, the Economic Development Strategy and the Comprehensive Housing Strategy. The City Council has given policy direction that they want an updated vision that is embodied in the Comprehensive Plan and in other ways.

Mr. Tovar referred to a memorandum he sent to the City Council in anticipation of their discussion on July 21st. He reported that he just attended a meeting at Shorewood High School that was sponsored by Forward Shoreline regarding their visioning process. He noted Forward Shoreline has a website that is accessible to the public. They are interested in engaging the public in a conversation about the vision of the community. He said he has met with officers from Forward Shoreline and indicated the City is very happy they are interested in the subject and that they are conducting the community forums. However, staff emphasized that in order to include the vision in the City's Comprehensive Plan, the process must follow the rules and requirements set forth by the Growth Management Act. This includes early and adequate public participation, adequate notice, and adequate record of all documents. The City must design and execute the process as authorized by the City Council; they cannot delegate the visioning process to another group. Forward Shoreline understands the City's requirements, and they are eager to take part in the City's process.

Mr. Tovar advised that a significant input into the Comprehensive Plan Update is the growth target from King County, but this number won't be available for at least nine or ten months. Staff anticipates that the growth target number would be larger than most people in the City would be comfortable with. He cautioned that rather than focusing on this target number, the visioning process should focus on values and the qualitative attributes they want to maintain, grow, eliminate, etc. Staff's proposed process would include very intensive work in October, with a lot of community conversations. It would also rely on very decentralized, grass root discussions about the future of Shoreline. Staff would consider a variety of public participation opportunities so that the process would be as inclusive as possible. Mr. Tovar advised that the Planning Commission would play a role in the visioning process, particularly when they get to the actual public hearings on proposed Comprehensive Plan changes.

Mr. Tovar recalled that the Commission has previously discussed the need to communicate with the neighborhood associations and encourage them to get involved in land use issues. The visioning process could provide a good opportunity for Commissioners to become ambassadors to the various neighborhood associations to engage them in the visioning discussions at their association level.

Mr. Tovar reminded the Commission of their retreat that is scheduled for August 21st. He suggested the Commission hold a discussion at that time about what they can do to prepare for the visioning process. He suggested that they begin by reviewing the existing vision statement and framework goals. In addition, they could review examples from other jurisdictions to determine which ones would be good models for the City to follow in terms of format.

Mr. Tovar summarized that the process would officially start with a public discussion in October to identify the values and attributes the community wants in the future. Once that process has been completed, staff would provide a summary of the public comments and suggestions to the City Council and Planning Commission. The City Council and Planning Commission would then be invited to provide direction to staff on how to draft potential amendments. Once draft language has been prepared, it would be forwarded to the Community Trade and Economic Development Commission for review and comment. A SEPA review would be conducted and a public hearing would be advertised for some time in January.

Commissioner Piro thanked Mr. Tovar for his presentation and explanation of how the visioning process would move forward. He said it is important to note that the visioning process would be built upon the Economic Development Strategy, the Environmental Sustainability Strategy, and the Comprehensive Housing Strategy. He announced that he has been heavily involved with efforts to create the regional vision that was recently adopted. He pointed out that this reinvigorated vision for the four county region is built on principals of sustainability, and this brings into play the importance of decision making that takes into account not just the needs of the current generation, but the needs of future generations. They must consider not only economic issues, but also social and environmental issues. He said he anticipates a vision that establishes a very strong foundation for the future of Shoreline.

Commissioner Behrens recalled that a very large project was proposed to be done on the Everett Waterfront. Although the project had both federal and private funding, it went kaput because the major lender for the residential portion of the development decided to get out of the mortgage business. He also recalled the development adjacent to the wineries in Woodinville, where a large number of condominiums were proposed. While approximately 150 units were built, only three were purchased. The remainder would likely remain empty for some time. Given the current banking situation, he said he finds it interesting that everyone is concerned about the deposit side of banking, but they often forget that if banks don't make money, they have no money to lend. Money lending is what drives development. He pointed out that people appear to have a vision of a thriving area where employment opportunities would continue to boom and people would move to the City in large numbers, and he hopes that is what the future holds. However, he questioned if perhaps some of the projections are based on facts and figures that are not actually current. Many financial institutions are not currently in a position to finance major projects. He asked staff to share their perception of how changes in the financial market and economic conditions would affect the growth targets and other projections.

Mr. Tovar answered that the growth target numbers that come from the County are legal mandates that the City must comply with regardless of their view of the current economic conditions, but it is important to keep in mind that the market would drive how quickly the City reaches the target numbers. When creating a vision and anticipating the future, he suggested it would make more sense to approach it from the standpoint that it doesn't really matter when the City reaches their population targets. Instead, they should focus on the quality, characteristics and amenities they want and need to accommodate the growth as it occurs.

Commissioner Piro pointed out that, historically, one of the region's most challenging times economically was the recession that occurred in the 1970's, which was difficult to predict 30 years ahead of time. However, in reviewing the region's record for forecast work since 1960's, they very accurately anticipated what the economic climate would be in the year 1990. He summarized that a lot goes into the prediction process, and the region has a very solid track record. He agreed with Mr. Tovar that it is not so important to pinpoint exactly when growth would occur, but to be proactive and plan to accommodate the future growth when it does occur.

Mr. Tovar pointed out that the City Council has already indicated their desire that the text of the visioning plan incorporate the findings from the Comprehensive Housing Strategy, the Economic Development Strategy, and the Environmental Sustainability Strategy. This will require the City to

distill the essence of each of these strategies. He invited Commissioners to help staff accomplish this task.

Commissioner Perkowski referred to the Commission's previous discussion about communicating better with the public. He suggested that rather than creating text language to represent the City's vision, it would also be important to communicate ideas to the public both graphically and visually. The remainder of the Commission concurred. Commissioner Behrens stressed the importance of using the internet and the City's website to educate the public and provide enough knowledge for them to make good decisions. Chair Kuboi suggested that the City's website should also allow an opportunity for the public to submit feedback to the City via the internet.

Chair Kuboi asked if the community conversation process would have some focus on the community's ambivalence about density. Mr. Tovar said that at the public meeting, people would be invited to provide whatever comments they want. However, it is important to keep in mind that people would not be voting. Instead, they would be talking to each other and expressing their opinions. These thoughts would be captured by the note takers, or people could submit their thoughts in writing. All of the comments would be summarized into a report that would be reviewed by the Planning Commission, City Council and staff.

Chair Kuboi questioned if it would be possible for the City to facilitate opportunities for the public to comment on issues related to density. It would be helpful to glean some perspective about how to make density a little more palatable than it otherwise would be. Mr. Tovar said the Comprehensive Housing Strategy includes a lot of information that could be utilized in this regard. In addition, public forums such as the ones conducted by Forward Shoreline could be helpful. Community forums could also be scheduled to discuss specific subjects with the public. He announced that staff would like the Planning Commission to spend their October meeting times participating in community conversations related to the visioning process.

UNFINISHED BUSINESS

There was no unfinished business on the agenda.

NEW BUSINESS

Commissioner Pyle asked it would be possible for the City to send out a text broadcast to all cell phones registered in the City to announce the community visioning meetings.

Commissioner Behrens announced that the MSRC Website includes information that was prepared by IBM's management team. It is a most interesting document about creating democracy in a neighborhood and how to bring information to people. It refers to a lot of the things discussed by the Commission about using different types of materials, etc. to solicit public input. He suggested the Commissioners review the document at their convenience. Chair Kuboi invited Commissioner Behrens to forward a link to the site to staff so it could be sent to individual Commissioners.

REPORTS OF COMMITTEES AND COMMISSIONERS

None of the Commissioners provided reports during this portion of the meeting.

AGENDA FOR NEXT MEETING

Mr. Cohn announced that the main topic of the August 7th meeting would be a study session on the new Regional Business Zone, which was originally scheduled for a meeting in September. Staff would present some good ideas and solicit ideas from the Commission. He said staff anticipates the public hearing would occur in September.

ADJOURNMENT

**COMMISSIONER PIRO MOVED TO ADJOURN THE MEETING AT 9:26 P.M.
COMMISSIONER PYLE SECONDED THE MOTION. THE MOTION CARRIED
UNANIMOUSLY.**

Sid Kuboi
Chair, Planning Commission

Belinda Boston
Acting Clerk, Planning Commission