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CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, January 24, 2000
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Jepsen, Deputy Mayor Hansen, Councilmembers Grossman, Gustafson, Lee, Montgomery and Ransom

ABSENT: None

1. CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Mayor Jepsen, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Jepsen led the flag salute. Upon roll by the City Clerk, all Councilmembers were present.

(a) Proclamation of "Neighbor Appreciation Day"

Mayor Jepsen proclaimed February 12, 2000 as Neighbor Appreciation Day in Shoreline. Dick Nicholson, Chair, Council of Neighborhoods, spoke about the value of strong neighborhoods and encouraged residents to participate in Neighbor Appreciation Day.

3. REPORT OF CITY MANAGER

Robert Deis, City Manager, noted the cancellation of the Council meeting on March 13 for lack of a quorum—several Councilmembers will be attending the National League of Cities conference.

Mr. Deis provided information in follow up to comments by Councilmember Ransom at the January 18 Council meeting. First, he discussed a newly proposed bill in the State Legislature that would create significant and expensive reporting requirements for cities proposing to assume special districts. Second, he reported on discussions between the Shoreline Water District and the Seattle Public Utilities (SPU) regarding a service area east of Shoreline. Mr. Deis said SPU has assured City staff that it will include the City in discussions or negotiations with the Water District about the service area. He noted that staff has asked SPU to provide a written statement of this understanding.

Next, Mr. Deis noted the need to develop a process for reviewing applications for and appointing new Planning Commissioners. Mayor Jepsen recommended the formation of

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a three-member ad hoc committee of Councilmembers to review applications, conduct interviews and submit recommendations to the full Council. Councilmember Grossman, Mayor Jepsen and Councilmember Lee volunteered to serve on the committee.

Larry Bauman, Assistant City Manager, advised that the terms of three of the five Library Board members will expire on March 31. Deputy Mayor Hansen and Councilmembers Gustafson and Ransom volunteered to serve on an ad hoc committee to review applications for the three Library Board positions.

Mr. Deis went on to report the following appointments to regional committees:

- Mayor Jepsen: Growth Management Planning Council (alternate)
- Deputy Mayor Hansen: Puget Sound Regional Council Executive Committee and Operations Committee
- Councilmember Grossman: Economic Development Council
- Councilmember Gustafson: King County Block Grant Consortium Joint Regional Committee
- Councilmember Lee: Regional Water Quality Committee (alternate)
- Councilmember Montgomery: Regional Transit Committee and Puget Sound Regional Council Transportation Policy Board
- Councilmember Ransom: Jail Advisory Committee (alternate)

Finally, Mr. Deis mentioned a letter from Al Crane concerning Phase 2 of the Draft Development Code. There was Council consensus that staff provide a copy of Phase 2 of the Draft Development Code in the Council office.

4. REPORTS OF BOARDS AND COMMISSIONS: None

5. PUBLIC COMMENT

(a) Virginia Botham, 16334 Linden Avenue N, asserted that staff should include letters from citizens in the materials it provides to Council on land use decisions. She expressed her hope that the City will seriously consider the revisions that citizens propose to Phase 2 of the Draft Development Code. Finally, she encouraged citizens to apply for appointment to the Planning Commission.

(b) Stan Terry, 15811 28th Avenue NE, representing the Briarcrest Neighborhood Association, invited Councilmembers to attend the dedication of the association's neighborhood information kiosk on February 12.

(c) Al Crane, 18551 Meridian Avenue N, presented a letter opposing aspects of Phase 2 of the Draft Development Code.

(d) Margaret Walruse, 14547 26th Avenue NE, thanked Council for its attentiveness to citizen input.

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(e) Dennis Lee, 14547 26th Avenue NE, reported on the Planning Commission's deliberations on Phase 1 of the Draft Development Code. He said the Commission did not seriously consider many of the proposed amendments. He asked that Council carefully consider amendments proposed for both Phase 1 and Phase 2.

(f) Robert Goiney, 829 NW 165th Street, discussed a lack of enforcement of the leash law in City parks, particularly in Shoreview Park. He requested that the City enforce its leash law, install appropriate signage and prohibit dogs from Boeing Creek and Hidden Lake.

(g) Brian Doennebrink, 20330 Burke Avenue N, addressed the Metro plan to eliminate 1.05 million hours of bus service by September in response to lower Motor Vehicle Excise Tax revenues. He noted a plan to eliminate five of six peak-hour bus routes in Shoreline. He provided materials to Council about proposed route reductions.

(h) Walt Hagen, 711 N 193rd Street, expressed his concern that the Planning Commission is trying to hurry its consideration of proposed amendments to the Draft Development Code. He mentioned a proposal to restrict consideration to those amendments sponsored by Planning Commissioners. He stressed the importance of citizen participation. He opposed the "key informant" approach that staff has proposed for the Municipal Services Strategic Plan (MSSP) as a restriction of citizen input. He supported the inclusion of the Council of Neighborhoods in the process.

Mayor Jepsen asserted that Council receives and reviews letters from citizens.

Mr. Deis said the Planning Commission will consider all of the proposed amendments to Phase 2 of the Draft Development Code; however, it may limit discussion to the particular amendments it identifies. Planning and Development Services Director Tim Stewart said the Commission has not yet determined the rules it will apply.

In response to Deputy Mayor Hansen, Mr. Stewart confirmed that staff will address every proposed amendment. He said citizens may comment during public hearings on any proposed amendment, regardless of whether the Commission designates it for discussion.

Mr. Deis acknowledged that the effectiveness of the City's leash law depends on the level of enforcement. The City is extremely limited in the enforcement it can provide. He said staff has emphasized education to restrict dogs from sensitive areas (e.g., creeks). Mayor Jepsen noted the divisiveness of discussions regarding enforcement of leash laws. He pointed out that the City relies on the County for animal control in Shoreline.

Councilmember Gustafson recommended that the Parks, Recreation and Cultural Services Advisory Committee consider the issue of leash law enforcement and develop a recommendation for Council consideration. Councilmember Ransom supported this

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recommendation. He emphasized the need for a master plan for Shoreview Park to address this issue.

Mayor Jepsen asserted that Council must identify a clear work program before delegating the issue for consideration by the Parks, Recreation and Cultural Services Advisory Committee.

Councilmember Montgomery confirmed the information that Mr. Doennebrink provided. She said Metro has postponed proposed reductions in bus service in the hope that the State legislature will provide additional transit funding.

Mr. Deis said the City has changed the process for gathering input to the MSSP to refer to "key stakeholders," instead of "key informants." He explained that the majority of the key stakeholders will be citizens, and the remainder will be business people. He confirmed that staff has included the Council of Neighborhoods in the process.

6. APPROVAL OF THE AGENDA

Councilmember Montgomery moved approval of the agenda. Councilmember Lee seconded the motion, which carried unanimously and the agenda was approved.

7. CONSENT CALENDAR

Councilmember Montgomery moved approval of the consent calendar. Councilmember Lee seconded the motion, which carried unanimously, and the following items were approved:

Minutes of Special Meeting of January 3, 2000
Minutes of Regular Meeting of January 10, 2000

Approval of expenses and payroll as of January 18, 2000 in the amount of \$ 928,205.30

Ordinance No. 226, reducing the tax rate on bingo and raffles

Motion to authorize the City Manager to execute a Commute Trip Reduction (CTR) Implementation Agreement with King County to provide CTR Services

8. ACTION ITEMS: PUBLIC HEARINGS

- (a) Closed Record Appeal Hearing of the Planning Commission's Recommendations on the Zevenbergen Subdivision

After Mayor Jepsen confirmed that Councilmembers had not had any ex parte communication regarding the appeal, Mr. Stewart briefly reviewed the staff report.

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Mayor Jepsen noted that he will rely upon City Attorney Ian Sievers and upon Mr. Stewart to determine that the appellant and the applicant do not introduce new information or findings of fact. With that, he called for the presentations of the parties to the appeal.

Michael O'Connell, 620 NW 182nd Street, spoke on behalf of the appellants. He asserted the applicability of the Washington State vesting doctrine to this case. He said the zoning code required 390 square feet of recreation space per unit for subdivisions of eight or more units when the Zevenbergens submitted their application in 1998. There were additional requirements for recreation space totaling 5,000 square feet or more: it must be centrally located; it must be accessible and convenient to all residents; and it must have a street or roadway parking area along ten to 50 percent of the perimeter. He said the Zevenbergen application did not meet these requirements. In response to the Zevenbergens' claim that staff waived these requirements at the time of the application, Mr. O'Connell asserted that staff had no legal authority to do so.

Mr. O'Connell argued that, under the State vesting doctrine, an application must be complete and must comply with current laws in order to vest. He referred to the Noble Manor case in which the State Supreme Court quoted from the legislative report of the statute for vesting of subdivisions. He said the report identified the full completion of an application as a prerequisite of vesting. He said the Zevenbergens argue that their fully completed application vested despite the fact that it did not meet the substantive requirements of the law.

Finally, Mr. O'Connell addressed the Friends of the Law case, in which the State Supreme Court held that an application can be considered vested even in the event of procedural defects. However, Mr. O'Connell differentiated procedural defects from substantial defects. He reiterated that the Zevenbergen application did not meet all of the zoning code requirements. He asserted that it was unlawful and that, as a result, it did not vest. He distributed, and asked Council to read, the King County ordinance referenced by the applicants' attorney. Reserving the remainder of his time, he requested that Council deny the Zevenbergen application.

Courtney Kaylor, 2025 1st Avenue, Suite 1130, Seattle, Washington, represented the applicants. Asserting that neither the facts nor the law support the appellants' claim, she asked Council to deny the appeal and to approve the preliminary plat as unanimously recommended by the Planning Commission. She reviewed the history of the project, including the Planning Commission's recommendation for approval in 1998, the appeal to the Hearing Examiner and the Hearing Examiner's determination of procedural defects and decision to remand the issue to the Planning Commission.

Ms. Kaylor said the applicant agreed to certain conditions at the June 3rd remand hearing and to others during a subsequent meeting with neighboring residents. She said the agreements did not constitute a new or revised application. She explained that the applicant was responding to public comments and staff recommendations. She asserted

the unfairness of penalizing the applicant for submitting to conditions the neighbors requested.

Ms. Kaylor quoted King County Code 19.36.085, as adopted by the City under SMC 17.05.010: "Applicant-generated modifications or requests for revision(s) which are not made in response to technical staff review, throughout the public process or from examiner conditions which result in any substantial changes as determined by the department including creation of additional lots or elimination of open space requirements shall be treated as a new application for purposes of vesting." She asserted that changes must meet all of these criteria to be treated as a new application. She said the changes to which the applicant agreed met none of them.

Continuing, Ms. Kaylor refuted the claim that the application failed to vest for failing to show common recreation space. She quoted RCW 58.17.033: "A proposed division of land . . . shall be considered under the subdivision . . . ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval . . . has been submitted to the appropriate county, city or town official" and "The requirements for a complete application shall be defined by local ordinance." She then referred to the requirements for a completed application under SMC 16.40.040. She said it does not require a plat application to demonstrate compliance with zoning code requirements in order to vest. She stressed that the application contained the required information, that staff determined the application to be complete and processed it accordingly and that the plat, therefore, vested. The appellants seek to have Council ignore SMC 16.40.040 and impose a new requirement for a completed application. She commented that Council cannot do so.

Finally, Ms. Kaylor said the State Supreme Court held in the Friends of the Law case that the application vested even though it did not comply with a substantive requirement. She quoted from the Court decision: "A preliminary plat application is meant to give local governments an approximate picture of how the final subdivision will look. It is to be expected that modifications will be made during the give and take of the approval process. . . . Once a completed application has been submitted, it is to be judged under the laws in effect at the time of submission. If the applicant can show that the plat, with the proper conditions and modifications, will comply with those laws, it will be approved."

In rebuttal, Mr. O'Connell said the applicant has represented the agreement to include recreation space as mitigation. He stated that compliance with the law is not mitigation. He reiterated that the application the Zevenbergens submitted failed to comply with the law. Supposing the application had come to Council for approval without a recreation space, he said the applicant would not have been able to revise it to include one. He asserted that the application should have been denied before and that it should be denied now.

Councilmember Ransom moved to deny the appeal based on the following key findings: 1) the developer filed a complete application in March 1998 which vested

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rights to develop under a 5,000 square foot minimum lot size; 2) subsequent revisions are in response to staff review, public comment or Planning Commission recommendations; and 3) revisions incorporated by the developer or proposed in the Commission recommendation do not materially increase impacts of the development. Councilmember Grossman seconded the motion.

Councilmember Montgomery asked whether an application such as that in question must comply with all applicable regulations before the City may consider it. Mr. Sievers responded that such an application must comply with the City ordinance that determines when a plat will be complete and that once it meets that standard the application vests. He went on to say that changes an applicant makes during the review process that do not create new impacts are not considered a new application under City ordinances.

Councilmember Montgomery asked whether the City ordinance that limits the size of a building footprint in relation to the lot size applies to the proposed subdivision. Mr. Sievers mentioned a statutory requirement that a plat meet all zoning and other land use regulations upon approval. He did not know whether the City requires a plat to show building setback lines.

Councilmember Lee asked if the clear identification of the recreation space is a prerequisite for designating the application to be complete. Mr. Sievers said neither the appellants nor the applicants have disputed the staff determination that the application was complete. Mr. Stewart explained that staff identified the deficient identification of the recreation space during its review of the plat, and the clear identification of the recreation space became one of the conditions of approval that staff recommended to the Planning Commission.

Councilmember Ransom reviewed the history of the application. He noted, and Mr. Stewart confirmed, the Planning Commission's unanimous recommendation that Council approve the application with conditions. Councilmember Ransom asserted his understanding that Council is acting like a jury in a civil case to determine whether it has probable cause to believe that the recommendation is reasonable. Mr. Sievers agreed. He said the appellant bears the burden of showing by a preponderance of the evidence that Council should not adopt the recommendation.

In response to Councilmember Ransom, Mr. Sievers confirmed that the Planning Commission made a recommendation of approval regarding the identification of the recreation space. Mr. Stewart confirmed that the Planning Commission voted unanimously to approve the application with conditions.

Councilmember Grossman favored City policy whereby developers and community members meet, discuss and resolve issues. He said it would set a bad precedent for the City to determine that a developer who participates in a public process and agrees to make changes has thereby submitted a new application. He expressed discomfort at penalizing a developer for cooperating with staff and the community. He said it is unrealistic to expect an initial plat application to be perfect from the outset.

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Referring to King County Code 19.36.085, adopted by SMC 17.05.010, Mayor Jepsen asserted his understanding that modifications the applicant makes to respond to City staff, the public or the Hearing Examiner do not constitute a new plat application. He went on to note the examples of substantial change included under KCC 19.36.085 (3). He asked about additional legal definitions of "substantial change." Mr. Sievers noted that SMC 18.40.040 (B) states that "An applicant-requested modification . . . shall be deemed a new application for the purpose of vesting when such modification would result in a substantial increase in a project's impacts. . . ." While acknowledging that SMC 18.40.040 (B) does not apply to subdivisions, he said it provides an analogy to help determine the subdivision code.

Deputy Mayor Hansen asserted his understanding that an applicant who concedes to a negotiated mitigation that does not substantially increase the impacts of the project has not submitted a new application for the purpose of vesting. Mr. Sievers agreed.

Deputy Mayor Hansen and Councilmember Lee noted that staff determined the Zevenbergen Subdivision application to be complete in 1998.

A vote was taken on the motion, which carried 6-1, with Councilmember Gustafson dissenting, and the appeal was denied, based on the following key findings: 1) the developer filed a complete application in March 1998 which vested rights to develop under a 5,000 square foot minimum lot size; 2) subsequent revisions are in response to staff review, public comment or Planning Commission recommendations; and 3) revisions incorporated by the developer or proposed in the Commission recommendation do not materially increase impacts of the development.

RECESS

At 9:18 p.m., Mayor Jepsen declared a five-minutes recess. The meeting reconvened at 9:23 p.m.

9. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Motion to approve the preliminary plat for the Zevenbergen Subdivision, subject to the Findings of Fact, Conclusions and Conditions provided in the Planning Commission report

Mr. Stewart reviewed the 22 conditions of the approval of the Zevenbergen Subdivision (pages 136-139 of the Council packet).

Deputy Mayor Hansen moved that Council approve the preliminary plat for the Zevenbergen Subdivision, subject to the Findings of Fact, Conclusions and Conditions provided in the Planning Commission report. Councilmember Lee seconded the motion.

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In response to Mayor Jepsen, Mr. Stewart explained that condition five reflects the conclusion of the Planning Commission in favor of a public right-of-way over an access tract and that condition 18 was meant to preserve the trees along the northern property boundary.

In response to Council questions, Mr. Stewart said Attachment H (page 217 of the Council packet) is the exhibit the applicants presented to the Planning Commission to demonstrate how they would meet the conditions imposed by the Planning Commission. He noted that staff has not yet reviewed and approved this plat map. In response to Deputy Mayor Hansen, he confirmed that the plat map must reflect the written conditions of the Planning Commission report to qualify for approval.

Councilmember Lee said many residents of developments similar to the one proposed express concerns about the ability of fire trucks to locate and access their homes. She asked if the City's new development code will address these issues more directly. Mr. Stewart mentioned the City's objective for the new development code to provide clear direction of what the fire department is willing to accept.

A vote was taken on the motion, which carried 7-0, and the preliminary plat for the Zevenbergen Subdivision was approved, subject to the Findings of Fact, Conclusions and Conditions provided in the Planning Commission report.

- (b) Ordinance No. 225, amending the City's Zoning map to change the zoning of a .75 acre parcel located at 20028 15th Ave. NE from R-6 to Contract Zone #CZ-99-02 subject to restrictive covenants (the Parker Rezone)

Mr. Stewart provided a brief overview of the staff report.

Deputy Mayor Hansen moved that Council adopt Ordinance No. 225. Councilmember Gustafson seconded the motion.

Mayor Jepsen supported the proposed contract rezone.

Noting that the proposed building falls 14 units short of the 36 units possible under the adopted Comprehensive Plan land use designation, Councilmember Grossman expressed concern about City fulfillment of the housing requirement under the Growth Management Act (GMA). Mr. Stewart said staff supports the proposed building for this site. He acknowledged that the City must identify opportunities to make up the shortfall.

A vote was taken on the motion, which carried 7-0, and Ordinance No. 225, amending the City's Zoning map to change the zoning of a .75 acre parcel located at 20028 15th Avenue NE from R-6 to Contract Zone #CZ-99-02 subject to restrictive covenants (the Parker Rezone), was approved.

- (c) Ordinance No. 224, amending the City's Zoning map to change the zoning of a 1.6 acre parcel located at 15th Ave. NE and NE 166th from R-6 to Contract Zone #CZ-1999-01 subject to restrictive covenants (the Shoreline Village Rezone)

Deputy Mayor Hansen moved that Council adopt Ordinance No. 224. Councilmember Lee seconded the motion.

In response to Deputy Mayor Hansen, Mr. Stewart said people residing north of the proposed project and south of NE 168th Street submitted most of the testimony in opposition to the project.

Deputy Mayor Hansen expressed concern that the proposed access road enters 15th Avenue NE mid-block. Mr. Stewart acknowledged this concern. He said both staff and the Planning Commission discussed it as well.

Councilmember Grossman acknowledged the objections of the neighboring residents, but he noted that the number of units proposed for the site is much fewer than the 55 units permitted under the land use designations in the Comprehensive Plan. He reiterated his concern about meeting the GMA housing requirement. He also expressed concern about housing affordability.

Mayor Jepsen said he did not like the layout of the proposed development—he mentioned the parking and the orientation of the units in particular. However, he questioned whether Council values should influence the consideration of a proposal that has already undergone community and Planning Commission review. Mr. Stewart mentioned the design standards in the new development code as a means of influencing future developments.

MEETING EXTENSION

At 9:58 p.m., Deputy Mayor Hansen moved to extend the meeting until 10:30 p.m. Councilmember Ransom seconded the motion, which carried 5-2, with Councilmembers Grossman and Gustafson dissenting.

Councilmember Grossman expressed uneasiness about Council "micro-managing design and projects."

Mayor Jepsen moved to amend the motion to add a Condition 21 to allow that prior to filing the Concomitant Rezone Agreement, staff and the applicant will revisit the site layout with the goal of rotating some of the buildings or reconfiguring them so that they face the street where feasible. Deputy Mayor Hansen seconded the motion.

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Councilmember Grossman asserted that the amendment falls outside the role of Council. Mayor Jepsen commented that, not having adopted a design code, the City is in a "Catch-22 period" of not being able to provide much guidance to developers.

After additional Council discussion, Mr. Stewart said it will ultimately be the decision of the applicant whether and how to revise the site layout.

A vote was taken on the amendment, which carried 4-3, with Deputy Mayor Hansen, and Councilmembers Grossman and Ransom dissenting.

A vote was taken on the motion to adopt Ordinance No. 224, as amended, which carried 7-0, and Ordinance No. 224, amending the City's Zoning map to change the zoning of a 1.6 acre parcel located at 15th Ave. NE and NE 166th from R-6 to Contract Zone #CZ-1999-01 subject to restrictive covenants, and to the new Condition 21 added by Council, was approved.

10. CONTINUED PUBLIC COMMENT

(a) Virginia Botham, 16334 Linden Avenue N, commented that the City's road standards continue to be unclear. She said staff stated that the driveway in the Parker Rezone did not have to meet commercial road standards. After discussing the research she performed, she asserted that the driveway, as currently proposed, requires a road variance. She expressed concern about the variation from City codes that contract rezones can accommodate. She asked that Council consider this issue when defining contract rezones in the new development code. Finally, she asserted that Shoreline is satisfying its GMA housing requirement.

11. ADJOURNMENT

At 10:15 p.m., Mayor Jepsen declared the meeting adjourned.

Sharon Mattioli, CMC
City Clerk

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CITY OF SHORELINE

SHORELINE CITY COUNCIL

SUMMARY MINUTES OF WORKSHOP MEETING

Monday, February 7, 2000
6:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Jepsen, Deputy Mayor Hansen, Councilmembers Grossman, Gustafson, Lee, Montgomery and Ransom

ABSENT: None

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Mayor Jepsen, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Jepsen led the flag salute. Upon roll by the City Clerk, all Councilmembers were present, with the exception of Councilmember Lee, who arrived later in the meeting.

3. CITY MANAGER'S REPORT AND FUTURE AGENDAS

City Manager Robert Deis discussed the conflict concerning representation on the Executive Committee of the Puget Sound Regional Council (PSRC). He noted a letter from Snohomish County Executive Bob Drewel recommending that the 1999 membership of the committee remain in place to develop a proposal for addressing representation of the City of Bellevue. The Executive Committee would present its proposal to the general assembly for a vote.

Deputy Mayor Hansen, who was appointed to the 2000 membership of the PSRC Executive Committee, said the Suburban Cities Association (SCA) has encouraged the PSRC to resolve the issue of the representation of Bellevue without affecting SCA representation on the committee.

Mr. Deis noted that the SCA is preparing a response to Executive Drewel's letter.

Next, Mr. Deis discussed the King County proposal that contracting cities pay an additional, separate charge of \$50,000 for arson investigations. He said city managers and fire district representatives met and developed a counter proposal: the contracting cities will cover the cost of one full-time employee; after one year, they will review costs, revisit protocols and adjust the budget accordingly. The County has tentatively agreed.

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Community and Government Relations Manager Joyce Nichols reviewed a memorandum about key legislative issues in preparation for the Council dinner with 32nd District legislators in Olympia February 8.

Councilmember Lee arrived at 6:45 p.m.

Health and Human Services Manager Rob Beem reviewed a memorandum concerning the Youth Council Taskforce. The memorandum included the draft proposal that the taskforce facilitator recently prepared. Mr. Beem asserted that it is too soon to divert resources from the City's existing youth programs to support a youth council.

Mr. Deis commented that the draft proposal lacks specific outcomes. By contrast, he said existing City youth programs provide, or are close to providing, specific outcomes and impacts. He expressed concern about the financial cost of supporting a youth council as currently proposed.

Councilmember Montgomery commented that the proposed ratio of three youths to one adult will result in too many adults.

Councilmember Ransom said the proposal does not provide clear direction or defined objectives. He asserted the need to establish what a youth council will accomplish and how it will accomplish it.

Councilmember Gustafson asserted the value, to the City and students, of involving students in the governmental process. However, he agreed that the current proposal is fragmented. He said Council needs to know what the City will receive for providing resources to students. He expressed his hope that the youth council proposal will develop into something that Council can feel comfortable supporting.

In response to Councilmember Grossman, Mr. Beem said the taskforce has not identified the levels of financial and staff support necessary to support a youth council. Councilmember Grossman said adults could take more initiative to improve the proposal, but the youth involved would learn less as a result. He advocated that the City give the taskforce more time to develop the proposal. He recommended that Council clearly identify the prerequisites of its support. He said the youths can then decide whether they will try to meet those requirements.

Councilmember Gustafson agreed that Council should give the students time to develop the proposal further.

Councilmember Lee advocated continued City support for the development of a youth council proposal. She asserted that more work is necessary to define the proposal better.

Mayor Jepsen asserted that the City, and the other governments involved, should determine how the youth council fits with their existing youth programs. He acknowledged that the development of a youth council is a youth-driven process. He said

Council can help by making the conditions of City support more clear. He commented that Council should pursue other avenues of involving youth in the community if those involved in the current process cannot meet Council conditions.

Mr. Deis confirmed the Council consensus to continue supporting the Youth Council Taskforce. He said staff will communicate Council concerns about the need for greater specificity in the taskforce proposal.

Finally, there was Council consensus to grant the request of representatives from Chambers Cable and AT&T, as related by Mr. Deis, to consider agenda item 6 (d) as the first workshop item.

4. COUNCIL REPORTS

Councilmember Gustafson attended the February 1 meeting of the Lake Washington Forum. He said some cities have indicated that revenue reductions related to Initiative 695 may preclude their continued membership. He noted that, at the same time, cities must develop plans to meet the requirements of the Endangered Species Act. He went on to mention the discussion of the "key communicators group" that the Shoreline School District Superintendent has convened.

Councilmember Montgomery said Regional Transit Committee members have been meeting in subcommittees to discuss guiding principles for service reductions necessitated by I-695.

Councilmember Grossman discussed the concept of "economic vitality," under which local governments promote the growth of businesses already operating within their borders.

Mayor Jepsen mentioned that he and Lake Forest Park Mayor David Hutchinson met recently with Kellogg Middle School students to discuss local government. He noted the skate park as the topic of many questions. He went on to report key topics of a meeting between County Councilmember Fimia, Deputy Mayor Hansen, Mr. Deis and himself, including the impact on Shoreline of potential reductions in Metro bus services and County Councilmember Fimia's proposed moratorium on development in unincorporated King County on lots smaller than five acres.

Mayor Jepsen questioned the status of the memorandum of understanding between the City and the School District. Mr. Deis said Parks, Recreation and Cultural Services Director Wendy Barry shared the City's partnership proposal with the Assistant Superintendent during a meeting on December 10. He noted that the School District has not responded.

Finally, he distributed the proposed list of stakeholders that he and Deputy Mayor Hansen had prepared. He asked the other Councilmembers to review the list and to contact him

or Deputy Mayor Hansen with concerns or suggestions for changes. Mr. Deis recalled the staff commitment to discuss the list of names with the Council of Neighborhoods.

5. PUBLIC COMMENT

(a) Terry Green, 613 N 179th Street, spoke as Co-Chair of the Aurora Improvement Council and as Vice President of the Shoreline Chamber of Commerce. She invited Council to attend the next meeting of the Aurora Improvement Council at 7 p.m. February 15 at Highland Ice Arena and the next meeting of the Shoreline Chamber of Commerce at noon February 9 in the Shoreline Conference Center.

(b) Dennis Lee, 14547 26th Avenue NE, said most of the proposed amendments to the draft development code address processes by which people could circumvent code requirements. He asserted the need to "tighten the intent" of the code.

(c) Daniel Mann, 17920 Stone Avenue N, said the City is denying Shoreline residents due process in cases that involve the rezoning of property for which current zoning and the land uses projected under the Comprehensive Plan conflict. He asserted that the Chair of the Planning Commission, with support of Planning and Development Services staff, uses the Comprehensive Plan to prevent testimony in opposition to individual rezones. Noting that the City has not established procedures for amending the Comprehensive Plan, he said the City is adopting new land use designations without any meaningful citizen input.

(d) Dick Libby, 14712 12th Avenue NE, described a short plat at 14704 12th Avenue NE. He said the developer demolished an old house and, then, over a two-week period, imported approximately 1,000 cubic yards of soil. He contacted Planning and Development Services; staff advised that the developer did not have a permit to import or grade the soil or a drainage plan; and staff issued a stop work order. He asserted that the current penalty of \$500 for such violations is inadequate, and he advocated that Council increase the amount.

(e) Janet Way, 940 NE 147th Street, also spoke about the short plat at 14704 12th Avenue NE. She reported that the developer violated the stop work order by importing still more soil. She advocated that Council adopt penalties large enough to deter violations. She also spoke as a member of the Parks, Recreation and Cultural Services Advisory Committee in support of the proposed park maintenance standards. She recommended that Council strengthen City efforts against noxious weeds.

(f) Walt Hagen, 711 N 193rd Street, asserted that Council is not listening to Shoreline citizens. He said staff is working to meet Council goals, but Council is not aware of the impacts. He asked whether Council adoption of the draft development code will result in a "blanket rezone" of Shoreline to the land use designations in the Comprehensive Plan.

Mayor Jepsen acknowledged that the City has received several applications for contract rezones from developers wanting to exercise the land use designations of the Comprehensive Plan. He advised that Council must review such applications on a case-by-case basis.

In response to Mayor Jepsen, Planning and Development Services Director Tim Stewart reviewed staff actions regarding code violations at 14704 12th Avenue NE: staff posted a stop work order after receiving the first complaint; and staff posted a second stop work order, and sent a notice and order to the developer and the property owner, after receiving the second complaint. He said staff continues to monitor the situation. He noted that the developer's actions will be detrimental to his efforts to receive final approval of the short plat. Mr. Deis commented that the costly delays resulting from a stop work order can have more influence than fines.

Mayor Jepsen said Council has not considered action to reconcile zoning throughout Shoreline with the land use designations of the Comprehensive Plan. Mr. Stewart asserted the appropriateness of considering individual applications for rezoning given that Council has not adopted a final development code.

6. WORKSHOP ITEMS

(d) Authorization of Cable TV Franchise Transfer from Chambers Cable of Edmonds to AT&T Broadband Services

Kristoff Bauer, Assistant to the City Manager, said staff identified several issues of potential importance to Council regarding the proposed transfer. Staff communicated those issues to Chambers Cable and AT&T. Mr. Bauer provided copies to Council of the written responses from the two corporations. He went on to review his summary of the responses, addressing the issues in three categories:

- Compliance of Chamber's Cable with all existing franchise terms: staff has confirmed that Chamber's Cable has completed the upgrade of its system; Chamber's Cable has assured staff that it will remove all of its abandoned facilities from the City right-of-way prior to the transfer; staff will work with Chamber's Cable to resolve franchise fee issues in advance of Council action to authorize the franchise transfer;
- Franchise consolidation: AT&T has assured staff that it will complete the upgrade of its system by August 12, 2000; AT&T has agreed to issue a letter accepting the TCI franchise as the controlling document; AT&T has assured staff that the transfer will not affect City efforts to establish one Public, Education and Government (PEG) channel throughout the service area; and
- Rate regulation: AT&T has expressed its intent to equalize the service and rates of Chambers Cable customers with those of its other customers over time; AT&T notes technical and contractual impediments to immediate equalization.

In response to Mayor Jepsen, Mr. Bauer explained the system that AT&T currently uses to broadcast videotapes of Council meetings. He noted the goal to establish a centralized

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studio to consolidate the efforts of the City, Lake Forest Park and the special districts to program content. He said staff will propose a system and funding options for Council review within the next few months.

In response to Councilmember Grossman, Mr. Bauer said AT&T will begin to market its "@HOME" cable Internet access later this year in the area of Shoreline previously served by TCI. He noted the City requirement that the Chambers Cable upgrade be capable of providing such service, but he did not know when AT&T would begin marketing it to those previously served by Chambers Cable.

Mayor Jepsen stated his understanding of the AT&T letter of January 28 that if AT&T assumes Chambers Cable all Shoreline customers will receive the same service beginning August 12. Mr. Bauer said the City has the authority to regulate the ability to provide the service, not the actual provision of the service. Mr. Deis said staff will research this issue and provide additional information at the February 28 Council meeting.

In response to Councilmember Ransom, Mr. Bauer said the former TCI system has the capacity to provide approximately 43 channels without digital compression technology and approximately 90 channels with that technology. He advised that the upgraded Chambers Cable system can provide more than 70 channels without digital compression. He explained that AT&T has committed to upgrade the former TCI system by August 12 to provide a minimum of 75 channels plus Internet access.

In response to Councilmember Grossman, Mr. Bauer confirmed the position of AT&T that the City's regulatory authority is limited to requiring AT&T to meet the requirements of the franchise between Chambers Cable and the City. He said staff will request that AT&T clarify further what it intends to do with the Chambers Cable system after it acquires it.

Mayor Jepsen requested that staff determine: 1) whether AT&T will operate one service area in Shoreline beginning August 12; and 2) the process to develop the PEG channel.

Councilmember Gustafson advocated that staff pursue the establishment of a facility (e.g., at Shoreline Community College or the Shoreline Center) to broadcast community programming over a PEG channel. Mr. Deis said the City has a contract with 3H Cable Communications Consultants regarding such a facility. He mentioned key questions about who will pay for the equipment and who will operate the facility.

Mayor Jepsen confirmed Council consensus to consider the authorization of the franchise transfer from Chambers Cable to AT&T at its February 28 meeting.

(a) Review of Draft Code Enforcement Policy and Procedure Manual

Mr. Stewart reviewed the Draft Code Enforcement Policy and Procedure Manual.

Code Enforcement Officer Sherri Dugdale presented three case studies:

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- 1) The Customer Response Team (CRT) received a complaint about a car parked on the grass in the right-of-way. CRT discussed the problem with the property owner. The property owner moved the car to the driveway at the property.
- 2) CRT responded to complaints about junk vehicles and debris stored at a property. In spite of CRT efforts to obtain compliance, the perpetrator failed to correct the problems. Staff referred the case to the City Attorney, who filed a request in Superior Court for summary judgment and a permanent injunction against the property owner. The court granted the request, and City staff spent four days abating the nuisance—removing the vehicles and debris. The perpetrator subsequently stored more junk vehicles at the property in violation of the City code. The City has filed misdemeanor charges against him.
- 3) Responding to a complaint, the City Building Inspector verified that a developer had imported soil to a site without a grading permit and posted a stop work order. Responding to a complaint that the developer was importing still more soil, staff intercepted the dump truck at the site, re-posted the stop work order and sent notice and an order to the developer and the land owner.

Mr. Stewart said Ms. Dugdale is working through an inventory of intake files. He noted that staff will soon address the code enforcement section of the Draft Development Code with the Planning Commission. Finally, he commented that ongoing staff action on particular cases will further the development of a code enforcement program reflective of community values.

Mayor Jepsen invited public comment.

(a) Virginia Botham, 16334 Linden Avenue N, described the difficulty she had 15 years ago in defending herself against a code violation complaint filed with the County. She thanked the City for including compliance letters as part of its code enforcement process.

(b) Janet Way, 940 NE 147th Street, stressed the need to assure compliance with City codes. She advocated that the City take proactive steps to educate applicants for building permits about what will be expected of them.

(c) Richard Johnsen, 16730 Meridian Avenue N, questioned the size of the posting of the first stop work order mentioned in the third case study. He mentioned that some citizens see City code enforcement as an infringement on their personal property rights.

In response to Mayor Jepsen, Ms. Dugdale described the stop work order as an 8½-by-11-inch fuchsia-colored sign on a three-foot stake. Mayor Jepsen went on to comment that the City must consider public safety as well as personal property rights. He noted the levels of priority listed on page four of the draft code enforcement manual.

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Mayor Jepsen asserted the value of violation letters to document the activity of the City. Mr. Stewart summarized the record keeping that staff performs after the City receives a complaint. He agreed that documentation is critical.

Mayor Jepsen questioned the statement on page 14 of the draft manual that a notice of infraction "Requires action by Shoreline City Council." Ms. Dugdale and Mr. Stewart explained that the provisions concerning such notices are part of the code enforcement section of the Draft Development Code and that Council action on the draft code is necessary for the provisions to take effect.

Mayor Jepsen advocated that staff follow up after issuing permits to insure that applicants comply with City codes. Mr. Stewart acknowledged the need to improve the systematic monitoring of permitted building activity.

In response to Councilmember Grossman, Mr. Stewart confirmed that permits are public records. He said staff is in the process of procuring a computer system to consolidate, track and record CRT, code enforcement and permit activity by site.

In response to Councilmember Lee, Ms. Dugdale said the "Notice and Order to Correct" provides the property owner 30 days to commence corrective action. She explained the goal to promote steps toward compliance. In response to Mayor Jepsen, Ms. Dugdale confirmed that a stop work order does not expire until the property owner has completed the required corrective action.

In response to Councilmember Lee, Ms. Dugdale said the amount of the civil penalty specified under 4(a) of the "Notice and Order to Correct" resulted from City adoption of the County code enforcement procedures. Mr. Stewart said the Draft Development Code establishes new amounts, including stringent penalties for environmental violations.

In response to Councilmember Gustafson, Mr. Stewart said the City paid contractors \$10,000 to remove the junk vehicles and debris from the property of the second case study. Mr. Sievers said the City will file a lien against the property for the \$10,000 plus reasonable attorney's fees. Mr. Stewart mentioned plans to assess staff costs in future cases consistent with Council direction regarding cost recovery.

(b) Park Maintenance Standards Manual

Kirk Peterson, Parks Superintendent, reviewed the staff report, including examples of specific maintenance standards.

Noting that water from drinking fountains at City parks tastes of rust, Councilmember Lee asked if plumbing for drinking fountains is subject to regular maintenance. Mr. Peterson said staff flushes the systems with air each fall and with water each spring. He acknowledged the rust taste in the drinking water from older systems.

Councilmember Gustafson commended the manual and agreed that it will create maintenance efficiencies. He expressed concern about using trash receptacles with flat lids, noting the lids can be removed and lost, allowing birds to get into the trash. Mr. Peterson said the City will use receptacles with flat lids infrequently, in low-use areas. He mentioned that staff chains the lids to the receptacles.

In response to Councilmember Gustafson, Mr. Peterson confirmed that staff can replace timber slats on benches or picnic tables vandalized with carving.

Councilmember Ransom noted violations of signs stipulating "Dogs Must Be on Leash." He asked if the City will allow "voice control" of dogs in Shoreview Park. Ms. Barry said the park ordinance requires owners to leash their dogs. She asserted the need to establish standards in City parks regarding the leash requirement and to reeducate the public. Noting that dogs respond unpredictably in unpredictable circumstances, she said the City seeks to assure the safety of all park visitors.

Councilmember Ransom said the County maintained ball fields to reasonably good standards, but it maintained passive parks to very minimal standards. Mr. Peterson and Ms. Barry said staff is preparing a synopsis of service levels, with cost estimates, for Council review.

Mayor Jepsen recommended that staff specify the size of uprights to be used for stationary bollards. He advocated that staff use wood uprights of the same size for removable bollards.

In response to Councilmember Lee, Ms. Barry noted the expense and the neighborhood politics of lighting tennis courts.

Councilmember Gustafson asked if the City has a process to consider grass infields, instead of skinned infields, at some facilities. Ms. Barry mentioned the master planning and design process. She said staff will address specific design elements with Council. She commented that minimum standards do not preempt variations among facilities.

(b) 2000 Proposed Recreation Scholarship Program

Ms. Barry reviewed the staff report. She distributed the following attachments: "2000 Recreation Program Scholarship Application;" the Recreation Program Scholarships policy; and a listing of scholarship programs and in-filled programs. She noted that the Parks, Recreation and Cultural Services Advisory Committee recommended approval of the proposed scholarship program.

In response to Councilmember Grossman, Ms. Barry estimated the annual fee revenue for parks and recreation at \$800,000. He suggested that a one percent fee increase would double the amount of scholarship funding. He commented that the \$4,500 revenue reduction included in the 2000 City budget represents a City contribution of one half of one percent of fee revenue toward scholarships. He noted that 15 percent of Shoreline

School District students participate in the free or reduced lunch program. He said the recreation scholarship program is an opportunity for the City to make a large impact for a small amount of money. He asserted that the \$4,500 City contribution for scholarships is too low.

Continuing, Councilmember Grossman suggested that staff ration scholarship funding to prevent its depletion before the end of the year and that it promote awareness of the scholarship program to increase contributions from the community.

Councilmember Gustafson asked about accepting "work in lieu of" fees to participate in recreation programs. Ms. Barry said staff has not done enough research yet to provide a recommendation to Council.

Councilmember Ransom commented that the \$4,500 City contribution for scholarships seems insufficient. He acknowledged that the Teen Program is funded wholly by the City, but he noted that the City does not match the funds the County contributes toward recreation scholarships. He asserted that City support should be larger.

Ms. Barry said staff will report to Council with recommendations if scholarship funding runs low before the end of the year.

Mayor Jepsen confirmed Council consensus in support of the proposed Parks, Recreation and Cultural Services Scholarship Program.

MEETING EXTENSION

At 10:00 p.m., Deputy Mayor Hansen moved to extend the meeting until 10:15 p.m. Mayor Jepsen confirmed Council consensus in support of the extension.

7. CONTINUED PUBLIC COMMENT

(a) Richard Johnsen, 16730 Meridian Avenue N, advocated an outdoor stage for folk dancing in Shoreline.

8. ADJOURNMENT

At 10:05 p.m., Mayor Jepsen declared the meeting adjourned.

Sharon Mattioli, CMC
City Clerk

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CITY OF SHORELINE

SHORELINE CITY COUNCIL

SUMMARY MINUTES OF DINNER MEETING

Monday, February 24, 2000
6:00 p.m.

Shoreline Conference Center
Highlander Room

PRESENT: Mayor Jepsen, Deputy Mayor Hansen, Councilmembers Grossman, Gustafson, Lee, Montgomery and Ransom

STAFF: Robert Deis, City Manager; Larry Bauman, Assistant City Manager; Joyce Nichols, Community and Government Relations Manager

The meeting convened at 6:10 p.m. All Councilmembers were present. During the meeting, each Councilmember left to be photographed and then returned.

Deputy Mayor Hansen said he visited the site of the proposed Elena Lane Rezone and Subdivision concerning which Council will hold a closed record appeal hearing during its regular meeting. Mayor Jepsen and Councilmembers Gustafson and Montgomery commented that they also visited the site.

Councilmember Lee questioned the plans of the Shoreline School District for Cedarbrook School. Larry Bauman, Assistant City Manager, mentioned his understanding that the School District had chosen not to surplus the property.

Mayor Jepsen said Council will meet in Executive Session at the beginning of the regular meeting to discuss litigation. He went on to discuss the format for testimony during the closed record appeal hearing of the Planning Commission recommendations for denial of the Elena Lane Rezone and Subdivision.

City Manager Robert Deis informed Council about a letter, drafted by a Shoreline Water District Commissioner, that will likely appear in the next issue of the Shoreline Enterprise.

In response to Mayor Jepsen, Mr. Deis described the process for establishing density in rezones prior to Council adoption of a new development code and a Citywide zoning map. Under the existing code and zoning map, this process is currently one generated as applications for change by property owners.

Councilmember Lee expressed her concern that incremental zoning changes prevent Council from seeing the broader picture of zoning change.

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The meeting adjourned at 7:25 p.m.

Larry Bauman, Assistant City Manager

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Approval of Expenses and Payroll as of February 18, 2000
DEPARTMENT: Finance
PRESENTED BY: Al Juarez, Interim Finance Director, *aljuarez*

EXECUTIVE / COUNCIL SUMMARY

It is necessary for the Council to approve expenses formally at the meeting. The following claims expenses have been reviewed by C. Robert Morseburg, Auditor on contract to review all payment vouchers.

RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$1,194,772.41 specified in the following detail:

Payroll and benefits for January 10 through January 22, 2000 in the amount of \$229,991.11 paid with ADP checks 3755 through 3805, vouchers 40001 through 40098, benefit checks 3289 through 3296.

Payroll and benefits for January 23 through February 5, 2000 in the amount of \$260,851.27 paid with ADP checks 3806 through 3853, vouchers 60001 through 60108, benefit checks 3509 through 3518.

the following claims examined by C. Robert Morseburg paid on January 21, 2000:

Expenses in the amount of \$41,325.32 paid on Expense Register dated 1/28/2000 with the following claim checks: 3270 - 3288 and

Expenses in the amount of \$72,939.15 paid on Expense Register dated 1/31/2000 with the following claim check: 3297 and

Expenses in the amount of \$8,956.92 paid on Expense Register dated 1/31/2000 with the following claim check: 3299 and

Expenses in the amount of \$48,724.41 paid on Expense Register dated 2/2/2000 with the following claim checks: 3300-3328 and

Expenses in the amount of \$16,449.40 paid on Expense Register dated 2/3/2000 with the following claim checks: 3329-3363 and

Expenses in the amount of \$217.00 paid on Expense Register dated 2/4/2000 with the following claim check: 3364 and

Expenses in the amount of \$805.00 paid on Expense Register dated 2/4/2000 with the following claim checks: 3365-3369 and

the following claims examined by C. Robert Morseburg paid on February 11, 2000:

Expenses in the amount of \$9,812.86 paid on Expense Register dated 2/8/2000 with the following claim check: 3387 and

Expenses in the amount of \$6,215.88 paid on Expense Register dated 2/9/2000 with the following claim checks: 3388-3402 and

Expenses in the amount of \$136,971.32 paid on Expense Register dated 2/9/2000 with the following claim checks: 3403-3415 and

Expenses in the amount of \$20,790.38 paid on Expense Register dated 2/9/2000 with the following claim checks: 3416-3422 and

Expenses in the amount of \$29,082.04 paid on Expense Register dated 2/10/2000 with the following claim checks: 3423-3441 and

Expenses in the amount of \$17,186.70 paid on Expense Register dated 2/10/2000 with the following claim checks: 3442-3468 and

Expenses in the amount of \$8,328.66 paid on Expense Register dated 2/10/2000 with the following claim checks: 3469-3489 and

the following claims examined by C. Robert Morseburg paid on February 11, 2000:

Expenses in the amount of \$22,951.18 paid on Expense Register dated 2/14/2000 with the following claim checks: 3490-3497 and

Expenses in the amount of \$4,325.67 paid on Expense Register dated 2/14/2000 with the following claim checks: 3498-3508 and

Expenses in the amount of \$129,610.98 paid on Expense Register dated 2/15/2000 with the following claim checks: 3519-3523 and

Expenses in the amount of \$87,370.87 paid on Expense Register dated 2/16/2000 with the following claim checks: 3524-3532 and

Expenses in the amount of \$22,107.00 paid on Expense Register dated 2/16/2000 with the following claim checks: 3533-3551 and

Expenses in the amount of \$19,759.29 paid on Expense Register dated 2/17/2000 with the following claim checks: 3552-3569

Approved By: City Manager _____ City Attorney _____

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Motion to Accept The Proposal for Janitorial Services and Authorize the City Manager to Execute the Contract Including Authority for Change Orders Up to 10% of the Contract Amount with Red Carpet Building Maintenance.
DEPARTMENT:	Public Works
PRESENTED BY:	William L. Conner, Public Works Director <i>WLC</i>

EXECUTIVE / COUNCIL SUMMARY

As you may recall, the competitive purchasing process for awarding a new janitorial service contract was questioned by a proposing vendor and the City Manager's Office. After conferring with all vendors, staff decided to proceed with the original evaluation process. While these were errors attributed to staff and vendors, taken in total, we believe they were minor to the overall evaluation.

The purpose of this report is to obtain your Council's approval for a janitorial service contract for the City of Shoreline. The existing contract expires on March 30, 2000. Staff prepared a Request for Quotations (RFQ) and received three proposals on October 26, 1999. One of the three proposals was withdrawn without prejudice on January 13, 2000.

Staff assembled a three member-panel (Bill Conner, Public Works Director; Ian Sievers, City Attorney; and Steve Jarisch, King County Library System Buildings and Grounds Maintenance Coordinator) to evaluate the remaining two proposals. The process used for evaluating bidders on this contract was adopted from a Request for Quotation process developed recently by the State Purchasing Office for janitorial services. The objective of the evaluation is to determine which quote offers the best value to the City in terms of technical (200 points), management (200 points), cost (400 points) and quality assurance (200 points).

The following janitorial companies submitted proposals:

<u>Company</u>	<u>Evaluation Score</u>	<u>Amount</u>
1. National Maintenance Contractors	787	\$95,025
2. Red Carpet Building Maintenance	838	\$102,252
3. Union Building Maintenance	(Proposal withdrawn)	\$106,635

The scope of work set forth in the contract includes performing janitorial service work, carpet cleaning, mopping, waxing, dusting, emptying trash/recycling and sanitizing as required for each facility throughout the various City facilities. These City facilities include Highland Plaza, the Police Station, the two Storefronts, the Swimming Pool, Richmond Highlands Recreation Center and park rest rooms. The contract includes daily, weekly and bi-annual cleaning for these facilities. (Note: per agreement, volunteers will continue to provide weekly janitorial duties at the East and West Storefronts).

Based on their evaluation score, Red Carpet Building Maintenance's proposal is the best value for the desired janitorial services for the City. The new contract will run nine months, from March 31, 2000 until December 31, 2000. Staff has pro-rated the original twelve-month Red Carpet proposal from \$102,252 to \$74,752. Staff is also adding \$2,025 to this janitorial service contract for space in Highland Plaza acquired by the City after the original RFQ was prepared in October, bringing the total to \$76,777. The 2000 Budget has adequate funding to cover this cost. Red Carpet agrees to limiting the scope of this contract award to nine months and the additional office space. The City has the option to exercise two one-year extensions to the contract based upon satisfactory performance. Future year costs will be negotiated at the time of extension. Staff will closely supervise the contractor's performance relative to the contract's specifications.

RECOMMENDATION

Staff recommends that your Council accept the highest evaluation score and authorize the City Manager to execute a contract with Red Carpet Building Maintenance in the amount of \$76,777, and to execute change orders up to 10% of the original contract amount. Staff also recommends your Council authorize the City Manager to exercise the two one-year extensions to the contract upon satisfactory performance.

Approved By: City Manager LB City Attorney [Signature]

BACKGROUND / ANALYSIS

The City of Shoreline contracts for janitorial service to maintain various facilities including City Hall, Highland Plaza, the Police Station, the two Storefronts, Swimming Pool, Richmond Highlands Recreation Center and park rest rooms.

Request for Qualifications (RFQ)

Staff prepared a Request for Qualifications (RFQ) to solicit proposals from qualified companies. Staff assembled a three member-panel (Bill Conner, Public Works Director; Ian Sievers, City Attorney; and Steve Jarisch, King County Library System Buildings and Grounds Maintenance Coordinator) to evaluate the remaining two proposals. The process used for evaluating bidders on this contract was adopted from a Request for Quotation process developed recently by the State Purchasing Office for janitorial services. The objective of the evaluation is to determine which quote offers the best value to the City in terms of technical (200 points), management (200 points), cost (400 points) and quality assurance (200 points).

On October 26, 1999, the following proposals were received:

<u>Company</u>	<u>Evaluation Score</u>	<u>Amount</u>
1. National Maintenance Contractors	787	\$95,025
2. Red Carpet Building Maintenance	838	\$102,252
3. Union Building Maintenance	(Proposal withdrawn)	\$106,635

Evaluation Process

One of the three proposals was withdrawn without prejudice on January 13, 2000. A three-member panel consisting of two staff members and one external professional was formed to evaluate the remaining two proposals. The panel evaluated the proposals based on their understanding of the City's scope of required services, their costs required to manage and perform the work, previous work history including references and applicable licenses, and specific performance/quality assurance standards. Panel members then proceeded to score the proposals based on the evaluation criteria. The total available score was 1,000 points.

After conducting a thorough review of the proposals, staff is confident that the Red Carpet Building Maintenance proposal represents the best value after weighing both qualifications and price.

Scope of Work

The janitorial contract scope of work includes carpet cleaning, mopping, waxing, dusting, emptying trash/recycling and sanitizing as required for each facility throughout the various City facilities. These City facilities include Highland Plaza, the Police Station, the two Storefronts, the Swimming Pool, Richmond Highlands Recreation Center and park rest rooms. The janitorial contract also includes the addition of Suite

109 located in the Highland Plaza building. Suite 109 consists of 1,490 square feet of office space and was acquired by the City in early 2000.

The contract includes daily, weekly and bi-annual cleaning for these facilities. The new janitorial service contract includes additional bi-annual floor cleaning at the two Storefronts and an additional day of weekly service at the Police Station. Volunteers will continue to provide weekly janitorial duties at the East and West Storefronts, per a previous agreement with the neighborhood associations.

The City has the opportunity to exercise two one-year extensions to the contract based upon satisfactory performance. Staff will closely supervise the contractor's performance relative to the contract's specifications.

Funding

The new contract will run nine months from March 31, 2000 until December 31, 2000. Staff has pro-rated the original Red Carpet proposal from \$102,252 to \$76,777, which includes the addition of Suite 109 for the nine-month period. Red Carpet agrees to limiting the scope of this contract award to nine months and the additional office space. The new contract will begin on March 31, 2000 and be completed by December 31, 2000. The 2000 Budget has adequate funds for this contract.

RECOMMENDATION

Staff recommends that your Council accept the highest evaluation score and authorize the City Manager to execute a contract with Red Carpet Building Maintenance in the amount of \$76,777, and to execute change orders up to 10% of the original contract amount. Staff also recommends your Council authorize the City Manager to exercise the two one-year extensions to the contract upon satisfactory performance.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Development Code, Phase I: Public Hearing and Adoption of Ordinance No. 230
DEPARTMENT: Planning and Development Services
PRESENTED BY: Timothy Stewart, Director
Anna Koloušek, Assistant Director

EXECUTIVE / COUNCIL SUMMARY

The City Council's 1999/2000 Goal #1 is the adoption of the Development Code. To achieve this goal the following processes and actions took place:

- On January 19, 1999 your Council approved the process to split the code writing and adoption into two phases: Phase I – administration, procedural issues, and uncontroversial standards; Phase II – development regulations.
- On February 23, 1999 your Council appointed the Shoreline Planning Academy to accommodate effective public participation in the code production. The Academy has met ten times between April and September 1999 and educated staff about the values of Shoreline's neighborhoods and individuals.
- On June 7, 1999 your Council received a status report on the Academy work and Phase I preparation.
- On July 15, 1999 the Phase I of the Development Code was completed.
- Public review and requests for amendments period: July 15 through August 13, 1999.
- On July 29, 1999 the Planning Commission and the Academy held jointly a workshop on the Phase I of the Code.
- On September 2, September 16, and October 21, 1999 Planning Commission held Public Hearings and as their final action on the Phase I recommended unanimously to the City Council approval of the Development Code, Phase I.
- On December 6, 1999 your Council held a workshop on the Academy work, Development Code Phase I status and issues, and on the preparation of Phase II.

The intent of this agenda item is to bring closure to the Development Code - Phase I. The new Development Code will unify all relevant procedures and standards for development and will become a new Title 20 of the Shoreline Municipal Code. Tonight your Council is asked to take the following actions:

BACKGROUND/ SUMMARY

BACKGROUND:

The core of our present zoning code was developed by King County to implement the County Comprehensive Plan of November 1994. The Plan contained goals and policies promoting housing opportunities for all segments of the community by encouraging infill development in designated urban growth areas. The King County zoning code (Title 21A of the King County Code, effective February 2, 1995) implemented the plan goals of encouraging infill development in a notable reduction of the allowed minimum lot size (from 7,200 square feet in zone RS-7200 and 5,000 in zone RS-5000 square feet, to 2,500 square feet - for all single family residential zones).

It was this zoning code that the City of Shoreline adopted in City Ordinance No. 11 (on June 26, 1995) to govern the development of land on an interim basis, while the City was preparing its own comprehensive plan. The need for amending the King County zoning code became apparent as the City began to receive applications for all the land use permits, that property owners had decided could wait until incorporation became a fact. Acting in response to citizen and Council concerns, that the style of development allowed by the King County Zoning Code was harming the existing character of Shoreline, your Council adopted several moratoria and revisions to the code over the past four years.

On November 23, 1998, your Council adopted Shoreline's first Comprehensive Plan. The new Comprehensive Plan contains a vision promoted by goals and policies. To bring the existing codes and ordinances adopted during incorporation and prior to adoption of the Comprehensive Plan into conformity with the new Plan, your Council adopted a Goal No. 1 – "Develop and Adopt Permanent Codes that Implement the Policies of the Comprehensive Plan".

On January 19, 1999, your Council approved the process and timetable for adoption of the permanent development regulations that implement the Comprehensive Plan. In order to make the process more manageable, the Council agreed to split the code writing and adoption into two phases: Phase 1 - procedural issues of the code, and uncontroversial development standards; Phase 2 - development regulations.

PUBLIC PARTICIPATION AND THE EXTENSIVE WORK UNDERTAKEN BY THE PLANNING ACADEMY:

In order to provide for full and effective public participation in the development code production process, your Council appointed on February 23, 1999 thirty-seven citizens to the Shoreline Planning Academy.

The Academy had two purposes:

1. To educate selected members of the Shoreline community about the legal, technical and ethical constraints and opportunities of planning and growth management; and
2. To educate selected members of the Shoreline staff about the views, values and opinions of Shoreline's community, neighborhoods and individuals.

Between April 8 and September 23, the Academy met ten times. The Academy sessions were separated into two parts, in harmony with the code preparation phases. During the first four sessions, the Academy members concentrated on the procedural issues of the code. They also took photographs of positive and negative features of various developments which are now "translated" into development standards reflecting the "community vision". They were asked to obtain permit type information from various other jurisdictions (in person and on the web site) and comment on the various jurisdictions information about short plats, variances, accessory dwelling units and other application types. Please note, that your Council reviewed in detail the Academy work together with the examples of their photographs of positive and negative features on June 7, 1999.

DEVELOPMENT CODE –PHASE 1:

Using the information gained from the first four sessions of the Academy, staff drafted the draft of the Development Code – Phase 1.

The Phase 1 draft includes the following major revisions to the existing procedures:

1. Provision for mandatory pre-application meetings with neighbors.
2. Improved and clarified notification processes.
3. Established process for "legislative decisions".
4. Revised appeal procedures and elimination of the "closed" record appeal hearing.
5. Clarification of criteria for all legislative, quasi-judicial – Type C, and administrative – Type B decision processes.
6. Revised procedure for subdivisions.
7. New environmental procedures.

The draft code was distributed for public review and comments on July 15, 1999. The Planning Commission, members of the Planning Academy, general public and staff were invited to identify unanticipated problems and/or issues and submit written requests for amendments to the draft by August 13, 1999. A total of 107 amendment sheets were submitted. A number of these documents contained multiple proposed amendments. Staff has reviewed these proposals and identified 179 separate amendments for the Planning Commission's review and consideration and prepared recommendations on each requested amendment. Staff's recommendation regarding each amendment were consolidated into three categories, A – staff agreed with the amendment, NC – staff position was neutral and no change was recommended, and D – staff disagreed with the amendment for variety of reasons. (The reasons were noted in supplemental keynotes and further discussed at the Planning Commission Hearings.)

(Please note that the summary of requested amendments, associated page numbers of the code, names of those proposing a specific amendment, preliminary staff recommendations, and Planning Commission recommendations to your Council regarding each proposed amendment were presented to you on December 6, 1999 workshop. We will have extra copies available at your February 28th meeting for your reference.)

The Planning Commission is the designated planning agency to hold the public hearing and to make recommendations to the City Council regarding adoption of the Development Code. On July 29, 1999, the Planning Commission held, jointly with the

Planning Academy members, a workshop to discuss the first draft of the Development Code (Phase I). The Public Hearings in front of the Commission and their deliberations took place on September 2, September 16, and October 21, 1999, when the Commissioners unanimously recommended to the City Council approval of the Development Code – Phase I. (Please, refer to Attachment B, Minutes of the Commissions proceedings.)

Staff and the Planning Commission are unified in their disagreement with a number of proposed amendments, specifically asking for a change of the type of action. The new Code specifies four types of action:

1. Type A are administrative decisions (commonly referred as "ministerial"). The decision is based on compliance with standards that are clearly enumerated.
2. Type B are also administrative decisions. These decisions require public notification, they must be supported by written findings and decision, and they could be appealed to the Hearing Examiner. The review process for type B includes mandatory neighborhood meeting.
3. Type C are quasi-judicial decisions made by the City Council. These decisions are specific to a permit application and usually require findings to establish that the exercise of discretion is not abused.
4. Legislative decisions are non project decisions with broad application. They often affect multiple properties.

The following is the summary of amendments where staff and commission disagreed with the requested change (reasons are in italic):

- Changing Engineer Variances, Site Development Permit, Bed and Breakfast Permit and Boarding House Permits from Type A to Type B actions.
Engineering Variances are of a technical nature and after the adoption of engineering standards, they will have clear criteria specified in the code. The other types of permits are based on clearly specified standards.
- Requiring additional Notice Requirements for Type A actions.
All Type A actions are based on strict compliance with the code requirements. Any projects, which would exceed the SEPA (State Environmental Protection Act) threshold for categorical exemption (specified in the new section - Environmental procedures), would automatically require public notice.
- Allowing Type A actions to be appealed to Hearing Examiner.
All Type A actions are based on strict compliance with the code requirements. Any projects, which would exceed the SEPA (State Environmental Protection Act) threshold for categorical exemption may be appealed to the Hearing Examiner under Type B.
- Changing review authority for Final Plat decisions (Type C) from the review by the Director to the Hearing Examiner.
The Final Plat is only a graphic presentation of the approved preliminary plat. This is a mandatory step for recording of the final mylar.
- Changing criteria for Special Use and Conditional Use Permits.
The criteria proposed in the draft are detailed and appropriate to serve as a basis for written findings and decision regarding a permit.

- Changing review authority for Type C (quasi-judicial) actions from Planning Commission (PC) to Hearing Examiner (HE).
The Planning Academy reached a clear consensus that the public hearing processes would benefit from the professional, objective and expedient review authority of the Hearing Examiner. The Commission felt that they wish to remain the review authority and staff is neutral.

After thorough review of proposed amendments to the Definitions presented during the Phase I, and after re-writing the development standards portion of the Code (Phase II), staff made a decision to remove the Definition section from Phase I and included a complete re-write of all definitions for review in Phase II.

The complete text of the recommended version by the Planning Commission of Chapters I and III is included as an Exhibit "A" to the Ordinance No. 230. The text also includes minor corrections to the text and clarifications of technical nature proposed by staff and the City Attorney to the Planning Commission's version. (Added text is underlined, eliminated text is marked with strike-through.)

Staff also prepared for the Commission review and recommendations to your Council the following:

- Recommendations to repeal various sections of the existing code because the new provisions specified in the proposed draft would replace them.
- The "uncontroversial" change to the minimum density and the minimum lot size in low-density single-family zones R-4 and R-6.

NEXT STEP - PHASE 2:

The work on the Phase II – Development Code regulations was finished in December 1999. On January 20, 2000 the Planning Commission held a workshop to discuss the draft of the Development Code (Phase 2). The Public Hearing in front of the Commission has been scheduled for February 17, 2000 with additional time scheduled for a continuation of the hearing (if necessary) for March 2, 2000.

This Hearing will consider testimony regarding the draft of the Code (Phase II). These amendments identify changes to the Definitions, Zoning and Use Provisions, General Development Standards, Adequacy of Public Facilities/Services, Engineering/Utilities Development Standards including the Engineering Development Guide supplements, and Special Overlay Districts of the Development Code.

The draft Code, Phase II, was distributed for public review and comments on January 6, 2000. The Planning Commission, members of the Planning Academy, general public and staff were invited to identify unanticipated problems and/or issues and submit written requests for amendments to the draft by January 31, 2000. A total of 404 high quality amendment sheets were submitted, a number of them were redundant. Staff has reviewed the proposed amendments for Phase II and identified 271 separate amendments for the Planning Commission's review and consideration. A summary table of requested amendments have been organized by the draft Code Chapters.

We have included the proposed amendments to Chapter III that the Planning Commission already reviewed in September 1999 and recommended to the City Council. These table pages (with amendments #59 through #83) are included for your Council's information as Attachment C.

RECOMMENDATION

Adopt Ordinance No. 230, amending the City of Shoreline Municipal Code by establishing new Title 20, Development Code, Chapter I, General Provisions and Chapter III, Procedures and Administration; amending the interim Zoning Code, 18.12.30, minimum density and lot size in R-4 and R-6 zones; and repealing outdated provisions of the code and lot size moratorium.

ATTACHMENTS

Attachment A – Ordinance No. 230 (with Exhibits)

Attachment B – Planning Commission meetings minutes (9/2, 9/16, 10/21)

Attachment C – Summary Table of Amendments proposed for Chapter III (resulting from comments during the Phase II review)

ORDINANCE NO. 230

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE PROCEDURAL AND ADMINISTRATIVE PROVISIONS OF THE ZONING CODE, ADOPTING A 7200 SQUARE FOOT MINIMUM LOT SIZE AND A MINIMUM DENSITY OF FOUR UNITS PER ACRE FOR R-4 AND R-6 ZONES; AND ADOPTING A NEW TITLE 20 AND AMENDING SHORELINE MUNICIPAL CODE 18.12.030(A)

WHEREAS, pursuant to Ordinance No. 11, the City Council adopted Title 21A of the King County Code as the interim zoning code of the City of Shoreline; and

WHEREAS, Shoreline's first Comprehensive Plan was adopted on November 23, 1998 that included Goal No. 1 – "Develop and Adopt Permanent Codes that implement the Policies of the Comprehensive Plan"; and

WHEREAS, an extensive public participation process was conducted in developing a new code to implement the Comprehensive Plan including:

- Ten meetings of the 37-member Planning Academy between April and September 1999 which educated staff about the values of Shoreline's neighborhoods and individuals;
- Public review and requests for amendments from July 15 through August 13, 1999;
- A Planning Commission and Academy joint workshop on Phase I of the Code held July 29, 1999;
- Public hearings on September 2, September 16, and October 21, 1999 by the Planning Commission and a unanimous recommendation to the City Council for approval of the Development Code, Phase I.
- A December 6, 1999 City Council workshop on the Academy work, Development Code Phase I status and issues, and on the preparation of Phase II; and
- A public hearing before the City Council to consider adoption of Phase I of the Development Code and minimum lot size and density for Low Density Residential zones; and

WHEREAS, the Council finds that Phase I of the Development Code and minimum lot size and density provisions of this ordinance are consistent with and implement the Shoreline Comprehensive Plan and comply with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW;

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

Section 1. New Title. A new Title 20 to the Shoreline Municipal Code is adopted as set forth in Exhibit "A" which is attached hereto and incorporated herein.

Section 2. Amendment. Section 18.12.030 (A) of the Shoreline Municipal Code is amended as set forth in Exhibit "B" attached hereto and incorporated herein.

Section 3. Repeal. The sections of the Shoreline Municipal Code set forth in Exhibit "C" are hereby repealed.

Section 4. Repeal. Ordinance No. 207 imposing a moratorium on applications for lots less than 7,200 square feet in R-4 and R-6 zones is hereby repealed.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Effective Date and Publication. A summary of this Ordinance consisting of the title shall be published in the official newspaper and the Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON FEBRUARY _____, 2000.

Mayor Scott Jepsen

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

Chapter I

General Provisions

1. TITLE

This Title shall be known as the Unified Development Code for the City of Shoreline, Washington, hereafter referred to as the ~~development~~ Code.

2. PURPOSE

It is the purpose of this ~~development~~ Code :

- promote the public health, safety, and general welfare;
- guide the development of the City consistent with the Comprehensive Plan;
- carry out the goals and policies of the Comprehensive Plan by the provisions specified in the ~~development~~ Code;
- provide regulations and standards that lessen congestion on the streets;
- encourage high standards of development;
- prevent the overcrowding of land;
- provide adequate light and air;
- avoid excessive concentration of population;
- facilitate adequate provisions for transportation, utilities, schools, parks, and other public needs.
- encourage productive and enjoyable harmony between man and his environment;
- promote efforts which will prevent or eliminate damage to the environment and biosphere;
- enrich the understanding of the ecological systems and natural resources important to the state and nation; and
- encourage attractive, quality construction to enhance City beautification.

Staff's recommended changes to the Planning Commission's draft:

Added text is underlined

Eliminated text is marked by strikethrough

3. AUTHORITY

The ~~development~~ Code is a principal document for implementing the goals and policies of the City of Shoreline Comprehensive Plan, pursuant to the mandated provisions of the Growth Management Act of 1990, Subdivision Act, State Environmental Policy Act, and other applicable State and local requirements.

If the provisions of this ~~development~~ Code conflict with any provision of the Revised Code of Washington (RCW) 58.17, the RCW shall prevail.

4. SCOPE

- A. Hereafter, no building or structure shall be erected, demolished, remodeled, reconstructed, altered, enlarged, or relocated except in compliance with the provisions of this Code and then only after securing all required permits and licenses.
- B. Any building, structure, or use lawfully existing at the time of passage of this title, although not in compliance therewith, may be maintained as provided in Section 5, Nonconforming Uses and Structures.

5. ROLES AND RESPONSIBILITIES

The elected officials, appointed commissions, hearing examiner, and City staff share the roles and responsibilities for carrying out the provisions of the ~~development~~ Code.

The City Council is responsible for establishing policy and legislation affecting land use within the City. The City Council acts on recommendations of the Planning Commission or Hearing Examiner in legislative and quasi-judicial matters.

The Planning Commission is the designated planning agency for the City as specified by state law. The Planning Commission is responsible for variety of discretionary recommendations to the City Council on land use legislation, Comprehensive Plan amendments and quasi-judicial matters. The Planning Commission duties and responsibilities are specified in the by-laws duly adopted by the Planning Commission.

The Hearing Examiner is responsible for the review of administrative appeals.

The Director ~~is responsible for administrative decisions.~~ shall have the authority to administer the provisions of this Code, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require

Staff's recommended changes to the Planning Commission's draft:

Added text is underlined

Eliminated text is marked by strikethrough

additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within this Code, and to enforce requirements.

The rules and procedures for proceedings before the Hearing Examiner, Planning Commission, and City Council are adopted by resolution and available from the City Clerk's office and the Department.

6. INTERPRETATION OF TERMS

For the purposes of this Title, unless it is plainly evident from the context that a different meaning is intended, certain words and terms are herein defined as follows:

- "Shall" is always mandatory, while "should" is not mandatory, and "may" is permissive.
- The present tense includes future, the singular includes the plural, and the plural includes the singular.
- "And" indicates that all connected items or provisions shall apply.
- "Or" indicates that the connected items or provisions may apply singularly or in any combination.
- "Either/or" indicates that the connected items or provisions shall apply singularly but not in combination.

Where terms are not specifically defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's International Dictionary of the English Language shall be considered in determining ordinarily accepted meanings.

Staff's recommended changes to the Planning Commission's draft:

Added text is underlined

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Chapter III

Procedures and Administration

1. PURPOSE

The purpose of this Chapter is to establish standard procedures, decision criteria, public notification, and timing for development decisions made by the City of Shoreline. These procedures are intended to:

- promote timely and informed public participation;
- eliminate redundancy in the application, permit review, and appeals processes;
- process permits equitably and expediently;
- balance the needs of permit applicants with neighbors;
- ensure that decisions are made consistently and predictably; and
- result in development that furthers City goals as set forth in the Comprehensive Plan.

These procedures provide for an integrated and consolidated land use permit process. The procedures integrate the environmental review process with land use procedures, decisions, and consolidated appeal processes.

2. ADMINISTRATION

The provisions of this Chapter supersede all other procedural requirements that may exist in other sections of the City Code.

When interpreting and applying the standards of this Code, its provisions shall be the minimum requirements.

Where conflicts occur between provisions of this Code and/or between the Code and other City regulations, the more restrictive provisions shall apply. Where conflict between the text of this Code and the zoning map ensue, the text of this Code shall prevail.

Staff's recommended changes to the Planning Commission's draft:

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3. TYPES OF ACTIONS

There are four types of actions (or permits) that are reviewed under the provisions of this Chapter. The types of actions are based on who makes the decision, the amount of discretion exercised by the decision-making body, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity.

a) Ministerial decisions – Type A.

These decisions are based on compliance with specific, ~~and~~ non-discretionary and/or technical standards that are clearly enumerated. These decisions are made by the director and are exempt from notice requirements.

However, permit applications, ~~such as~~ including certain categories of building permits, and permits for projects which may impact critical areas that require a SEPA threshold determination, are subject to public notice requirements specified in Table 2 for SEPA threshold determination.

All permit review procedures and all applicable codes and standards apply to all Type A actions. The decisions made by the director under Type A actions shall be final. The Director's decision shall be based upon findings that the application conforms (or does not conform) to all applicable codes and standards.

Table 1
Summary of Type A Actions and Target Time Limits for Decision

Action Type	Target Time Limits for Decision	
Type A:		
1. Accessory Dwelling Unit	30 days	
2. Lot Line Adjustment including Lot Merger	30 days	
3. Building Permit	120 days	
4. Final Short Plat	30 days	
5. Floodway Development Permit	120 days (Moved to Ch. VIII, Sec. 6)	
6.5. Hazardous Material Permit (Hazmat)	7 days (Included in Fire Code)	
7.5. Home Occupation, Bed & Breakfast, Boarding House	120 days	
8.6. Interpretation of Development Code	15 days	
9.7. Right-of-Way Use	30 days	
10.8. Shoreline Exemption Permit	15 days	
11.9. Sign Permit	30 days	
12. 10. Site Development Permit	30 days	
13. 11. Variances from Engineering Standards	30 days	
14. 12. Temporary Use Permit	15 days	

Staff's recommended changes to the Planning Commission's draft:

Added text is underlined

Eliminated text is marked by strikethrough

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is subject to a SEPA threshold determination shall be appealable together with the SEPA threshold determination, as specified in Table 2.

b) Administrative decisions – Type B.

The Director makes these decisions based on standards and clearly identified criteria. A neighborhood meeting, conducted by the applicant, shall be required, prior to formal submittal of an application (as specified in Section 4.b). ~~unless waived by the Director~~. The purpose of such meeting is to receive neighborhood input and suggestions prior to application submittal.

Type B decisions require that the Director issues a written report that sets forth a decision to approve, approve with modifications, or deny the application. The Director's report will also include the City's decision under any required SEPA review.

All Director's decisions made under Type B actions are appealable in an open record appeal hearing. Such hearing shall consolidate with any appeals of SEPA negative threshold determinations. SEPA determinations of significance are appealable in an open record appeal prior to the project decision.

All appeals shall be heard by the Hearing Examiner except appeals of Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances that shall be appealable to the State Shorelines Hearings Board.

Staff's recommended changes to the Planning Commission's draft:

Added text is underlined

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Table 2
Summary of Type B Actions, Notice Requirements, Target Time Limits for
Decision, and Appeal Authority

Action	Notice Requirements: Application and Decision *	Target Time Limits for Decision	Appeal Authority
Type B:			
1. Binding Site Plan	Mail	90 days	HE
2. Conditional Use Permit (CUP)	Mail, Post Site, Newspaper	90 days	HE
3. Clearing and Grading Permit	Mail	60 days	HE
4. Preliminary Short Subdivision	Mail, Post Site, Newspaper	90 days	HE
5. SEPA Threshold Determination	Mail, Post Site, Newspaper	60 days	HE
6. Shoreline Substantial Development Permit, Shoreline Variance and Shoreline CUP	Mail, Post Site, Newspaper	120 days	State Shoreline Hearing Board
7. Zoning Variances	Mail, Post Site, Newspaper	90 days	HE

Key: HE = Hearing Examiner

* Public hearing notification requirements are specified in Section 4.e).

c) Quasi-Judicial decisions – Type C.

These decisions are made by the City Council and involve the use of discretionary judgment in the review of each specific application.

Prior to submittal of an application for any Type C permit, the applicant shall conduct a ~~pre-application~~ neighborhood meeting to discuss the proposal and to receive neighborhood input as specified in Section 4.b).

Type C decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision made by the City Council. Any administrative appeal of a SEPA threshold determination shall be consolidated with the open record public hearing on the project permit, except a determination of significance, which is appealable under 3b).

There is no administrative appeal of ~~the City Council decision on~~ Type C actions.

Staff's recommended changes to the Planning Commission's draft:

Added text is underlined

Eliminated text is marked by strikethrough

Table 3
Summary of Type C Actions, Notice Requirements, Review Authority,
Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application, and Decision	Review Authority, Open Record Public Hearing ⁽¹⁾ (including consolidated SEPA threshold determination appeal)	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions
Type C:				
1. Development Agreement	Mail, Post Site, Newspaper	PC	City Council	120 days
2.1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	PC ⁽³⁾	City Council	120 days
3.2. Rezone of Property ⁽²⁾ and Zoning Map Change	Mail, Post Site, Newspaper	PC ⁽³⁾	City Council	120 days
4.3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	PC ⁽³⁾	City Council	120 days
4. Critical Areas Special Use Permit (Placer)		(Will be added after review of Phase II-Chapter VIII, Critical Areas Overlay District)		
5. Critical Areas Reasonable Use Approval (Placer)				
5.6. Final Formal Plat	None	Review by the Director – no hearing	City Council	30 days

(1) Including consolidated SEPA threshold determination appeal.

(2) The rezone must be consistent with the adopted Comprehensive Plan.

(3) PC = Planning Commission

d) Legislative decisions.

These decisions are legislative, non-project decisions made by the City Council under its authority to establish policies and regulations regarding future private and public developments, and management of public lands.

Staff's recommended changes to the Planning Commission's draft:

Added text is underlined

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Table 4
Summary of Legislative Decisions

Decision	Proposed Authority Planning Commission City Council State Law	Decision Made by Planning Commission City Council State Law	Section of Comprehensive Plan
1. Amendments and Review of the Comprehensive Plan	PC ⁽¹⁾	City Council	<u>pp. 62 & 63</u>
2. Amendments to the Development Code	PC ⁽¹⁾	City Council	<u>p. 63</u>
3. Street Vacation	PC ⁽¹⁾	City Council	<u>p. 115</u>

⁽¹⁾ PC = Planning Commission

Legislative decisions usually include a hearing and recommendation by the Planning Commission and the action by the City Council.

The City Council shall take legislative action on the proposal in accordance with state law.

The legislative action of the City Council may be appealed together with any SEPA threshold determination to the Superior Court.

Staff's recommended changes to the Planning Commission's draft:

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4. PERMIT REVIEW PROCEDURES

a) **Pre-application meeting.**

A pre-application meeting is required prior to submitting an application for any Type B or Type C action, and/or for an application for a project located in a critical area.

Applicants for development permits under Type A ~~and B~~ actions are encouraged to participate in pre-application meetings with the City. Pre-application meetings with staff provide an opportunity to discuss the proposal in general terms, identify the applicable City requirements and the project review process.

Pre-application meetings are required prior to a neighborhood meeting. Plans presented at the pre-application meeting are non-binding and do not "vest" an application.

b) **Neighborhood meeting.**

Prior to application submittal for a Type B or C action, the applicant shall conduct a neighborhood meeting to discuss the proposal.

The purpose of the neighborhood meeting is to:

- Ensure that applicants pursue early and effective citizen participation in conjunction with their application, giving the applicant the opportunity to understand and try to mitigate any real and perceived impact their proposal may have on the neighborhood;
- Ensure that the citizens and property owners of the City have an adequate opportunity to learn about the proposal that may affect them and to work with applicants to resolve concerns at an early stage of the application process.

Notice of the neighborhood meeting shall be provided by the applicant and shall include the date, time, and location of the neighborhood meeting. The target area for such notification shall include, at a minimum, property owners located within 500 feet of the proposal and the Neighborhood Chair, as identified by Shoreline's Office of the Neighborhoods. If proposed development is within 500 feet of neighboring Neighborhoods, those chairs should also be notified.

The applicant shall provide to the City a written summary of the neighborhood meeting. The summary shall include the following:

- A copy of the mailed notice of the neighborhood meeting with a mailing list of residents who were notified.
- Who attended the meeting (list of persons and their addresses).
- A summary of concerns, issues, and problems expressed during the meeting.
- A summary of concerns, issues, and problems the applicant is unwilling or unable to address and why.

Staff's recommended changes to the Planning Commission's draft:

Added text is underlined

Eliminated text is marked by strikethrough

- A summary of proposed modifications, or site plan revisions, addressing concerns expressed at the meeting.

(c) Application.

Who May Apply:

- The property owner or an agent of the owner with authorized proof of agency may apply for a Type A, B, or C action, or for a site specific Comprehensive Plan Amendment.
- The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.
- Any person may propose an amendment to the Comprehensive plan. The amendment(s) shall be considered by the City during the annual review of the Comprehensive Plan.
- Any person may request that the City Council, Planning Commission, or Director initiate ~~an~~ amendments to the text of the Development Code.

All applications for permits or actions within the City shall be submitted on official forms prescribed and provided by the Department.

At a minimum, each application shall require:

- An application form with the authorized signature of the applicant.
- The appropriate application fee based on the official fee schedule (SMC, Chapter 3.01).

The Director shall specify submittal requirements, including type, detail, and number of copies for an application to be complete. The permit application forms, copies of all current regulations, and submittal requirements that apply to the subject application shall be available from the Department.

(d) Determination of completeness.

- A. An application shall be determined complete when: 1) it meets the procedural requirements of the City of Shoreline; 2) all information required in specified submittal requirements for the application has been provided, and; 3) is sufficient for processing the application, even though additional information may be required.
- B. Within 28 days of receiving a permit application for Type A, B and/or C applications, the City shall mail a written determination to the applicant stating whether the application is complete, or incomplete and specifying what is necessary to make the application complete. If the Department fails to provide a determination of completeness, the application shall be deemed complete on the 29th day after submittal.
- C. If the applicant fails to provide the required information within 90 days of the date of the written notice that the application is incomplete, or a request for additional information is made, the application shall be deemed null and

Staff's recommended changes to the Planning Commission's draft:

Added text is underlined

Eliminated text is marked by strikethrough

void. The applicant may request a refund of the application fee minus the City's cost of processing.

- D. The determination of completeness shall not preclude the City from requesting additional information or studies if new information is required or substantial changes are made to the proposed action.

e) Public notices of application.

- A. Within 14 days of the determination of completeness, the City shall issue a notice of complete application for all Type B and C applications.
- B. The notice of complete application shall include the following information:
1. The dates of application, determination of completeness, and the date of the notice of application;
 2. The name of the applicant;
 3. The location and description of the project;
 4. The requested actions and/or required studies;
 5. The date, time, and place of an open record hearing, if one has been scheduled;
 6. Identification of environmental documents, if any;
 7. A statement of the public comment period (if any), not less than 14 days nor more than 30 days; and a statement of the rights of individuals to comment on the application, receive notice and participate in any hearings, request a copy of the decision (once made) and any appeal rights;
 8. The City staff Project Manager and phone number;
 9. Identification of the development regulations used in determining consistency of the project with the City's Comprehensive Plan; and
 10. Any other information that the City determines to be appropriate.
- C. The notice of complete application shall be made available to the public by the Department, through any or all of the following methods (as specified in Tables 2 and 3):
1. Mail: Mailing to owners of real property located within 500 feet of the subject property;
 2. Post Site: Posting the property (for site specific proposals);
 3. Newspaper: The Department shall publish a notice of the application in the newspaper of general circulation for the general area in which the proposal is located. This notice shall include the project location and description, the type of permit(s) required, comments period dates, and the location where the complete application may be reviewed.
- D. The Department must receive all comments received on the notice of application by 5:00 p.m. on the last day of the comment period.

Staff's recommended changes to the Planning Commission's draft:

Added text is underlined

Eliminated text is marked by strikethrough

f) Optional consolidated permit process.

An applicant may elect to submit a consolidated project permit application. Such request shall be presented by the applicant in writing and simultaneously with submittal of all applications to be consolidated. The Director shall determine the appropriate procedures for consolidated review and actions. If the application for consolidated permit process requires action from more than one hearing body, the decision authority in the consolidated permit review process shall be the decision making authority with the broadest discretionary powers.

g) Time limits.

A. Decisions under Type A, B or C actions shall be made within 120 days from the date of a determination that the application is complete. Exceptions to this 120 day time limits are:

1. Substantial project revisions made or requested by an applicant, in which case the 120 days will be calculated from the time that the City determines the revised application to be complete.
2. The time required to prepare and issue a draft and final Environmental Impact Statement (EIS) in accordance with the State Environmental Policy Act.
3. Any period for administrative appeals of project permits.
4. An extension of time mutually agreed upon in writing by the City Department and the applicant.
5. Amendments to the Comprehensive Plan or ~~development~~ Code.

B. The time limits set for Type A, B, and C actions do not include:

1. Any period of time during which the applicant has been requested by the City Department to correct plans, perform studies or provide additional information. This period of time shall be calculated from the date the City Department notifies the applicant of the need for additional information, until the date the City Department determines that the additional information satisfies the request for such information or (14) days after the date the information has been provided to the City Department, whichever is earlier.
2. If the City Department determines that the additional information submitted to the City Department by the applicant under Subsection 1 above is insufficient. The City Department shall notify the applicant of the deficiencies, and the procedures provided in Subsection 1 shall apply as if a new request for studies has been made.

C. If the City Department is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limit has not been met and an estimated date for issuance of the Notice of Decision.

Staff's recommended changes to the Planning Commission's draft:

Added text is underlined

Eliminated text is marked by strikethrough

h) Public notice of decision.

The Director shall issue a notice of decision to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The Notice of Decision may be a copy of the final report, and must include the threshold determination, if the project was not categorically exempt from SEPA.

The Notice of Decision shall be made public using the same methods used for the Notice of Application for the action.

i) Expiration of vested status of land use permits and approvals.

Except for long plats or where a shorter duration of approval is indicated in this ~~Chapter~~ Code, the vested status of an approved land use permit under Type A, B, and C actions shall expire two years from the date of the City's final decision, unless a complete building permit application is filed before the end of the two-year term.

In such cases, the vested status of the permit shall be automatically extended for the time period during which the building permit application is pending prior to issuance; provided that if the building permit application expires or is canceled, the vested status of the permit or approval under Type A, B, and C actions shall also expire or be canceled. If a building permit is issued and subsequently renewed, the vested status of the subject permit or approval under Type A, B, and C actions shall be automatically extended for the period of the renewal.

Staff's recommended changes to the Planning Commission's draft:

Added text is underlined

Eliminated text is marked by strikethrough

5. GENERAL PROVISIONS FOR LAND USE HEARINGS AND APPEALS

a) Limitations on the number of hearings.

No more than one open record hearing shall be heard on any land use application. The appeal hearing on SEPA threshold determination of nonsignificance shall be consolidated with any open record hearing on the project permit.

b) Public notice of public hearing.

Notice of the time and place of an open record hearing shall be made available to the public by the Department no less than 14 days prior to the hearing, through use of these methods:

- Mail: Mailing to owners of real property located within 500 feet of the subject property;
- Newspaper: The Department shall publish a notice of the open record public hearing in the newspaper of general circulation for the general area in which the proposal is located.

c) Effective date of decision.

Unless an administrative appeal is timely filed, a land use decision of the City shall be effective on the date the written decision is issued.

d) General description of appeals.

- A. Administrative decisions are appealable to the Hearing Examiner who conducts an open record appeal hearing.
- B. Appeals of City Council decisions and appeals of an appeal authority's decisions shall be made to the Superior Court.

e) Grounds for administrative appeal.

Any administrative appeal shall be linked to the criteria of the underlying land use decision. The grounds for filing an appeal shall be limited to the following:

- A. The Director exceeded ~~its/their~~ his or her jurisdiction or authority;
- B. The Director failed to follow applicable procedures in reaching the decision;
- C. The Director committed an error of law; or
- D. The findings, conclusions or decision prepared by the Director or review authority are not supported by substantial evidence.

f) Filing administrative appeals.

- A. Appeals shall be filed within 14 calendar days from the date of the issuance of the written decision. Appeals shall be filed in writing with the city clerk.

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The appeal shall comply with the form and content requirements of the rules of procedure adopted in accordance with this Chapter.

- B. Appeals shall be accompanied by a filing fee in the amount to be set in SMC, Chapter 3.01.
- C. Within 10 calendar days following timely filing of a complete appeal with the City Clerk, notice of the date, time, and place for the open record hearing shall be mailed by the City Clerk to all parties of record.

g) Appeal process.

- A. An appeal shall be heard and decided within 90 days from the date the appeal is filed.
- B. Timely filing of an appeal shall delay the effective date of the Director's decision until the appeal is ruled upon or withdrawn.
- C. The hearing shall be limited to the issues included in the written appeal statement. Participation in the appeal shall be limited to the City, including all staff, the applicant for the proposal subject to appeal, and those persons or entities which have timely filed complete written appeal statements and paid the appeal fee.

h) Judicial review.

No person may seek judicial review of any decision of the City, unless that person first exhausts the administrative remedies provided by the City.

i) Judicial appeals.

Any judicial appeal shall be filed in accordance with state law. If there is not a statutory time limit for filing a judicial appeal, the appeal shall be filed within 21 calendar days after a final decision is issued by the City.

j) Conflicts.

In the event of any conflict between any provision of this Chapter and any other City ordinance, the provisions of this Chapter shall control. Specifically, but without limitation, this means that the provisions of this Chapter shall control with reference to authority to make decisions and the timeframe for making those decisions, including the requirements to file an appeal, ~~and the procedures involved in open record hearings and closed record appeals.~~

k) Dismissals.

The appeal authority may dismiss an appeal in whole or in part without a hearing, if the appeal authority determines that the appeal or application is untimely, frivolous, beyond the scope of the appeal authority's jurisdiction, brought merely to secure a delay, or that the appellant lacks standing.

Staff's recommended changes to the Planning Commission's draft:

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6. NONCONFORMING USES, LOTS, AND STRUCTURES

Determining status:

- A. Any use, structure, lot or other site improvement (e.g., landscaping or signage), which was legally established prior to the effective date ~~of the ordinance or standard~~ this Code that rendered it nonconforming, shall be considered nonconforming if:
 - 1. The use is now prohibited or cannot meet use limitations applicable to the zone in which it is located; or
 - 2. The use or structure does not comply with the ~~density, dimensions, landscaping, parking sign or design standards of this title.~~ development standards or other requirements of this Code.
- B. A change in the required permit review process shall not create a nonconformance.
- C. Any nonconformance that is brought into conformance for any period of time shall forfeit status as a nonconformance.

Abatement of illegal use, structure or development: Any use, structure, lot or other site improvement not established in compliance with use, lot size, building, and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal.

Continuation and maintenance of nonconformance: A nonconformance may be continued or physically maintained as provided by this ~~chapter~~ Code.

Discontinuation of nonconforming use: A nonconforming use, when abandoned or discontinued, shall not be resumed, when land or building used for the nonconforming use ceased to be used for twelve (12) consecutive months.

Expansion of nonconforming use: A nonconforming use may be expanded subject to approval of a conditional use permit or a special use permit, whichever permit is required under the ~~development~~ Code, or if no permit is required, then through a conditional use permit; provided, a nonconformance with the ~~development~~ Code standards shall not be created or increased.

Repair or reconstruction of nonconforming structure: Any structure nonconforming as to height or setback standards may be repaired or reconstructed; provided, that:

- a) The extent of the previously existing nonconformance is not increased; and
- b) The building permit application for repair or reconstruction is submitted within 12 months of the occurrence of damage or destruction.

Modifications to nonconforming structures: Modifications to a nonconforming structure may be permitted; provided, the modification does not increase the area, height or degree of an existing nonconformity.

Staff's recommended changes to the Planning Commission's draft:

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Nonconforming lots: Any permitted use may be established on an undersized lot, which cannot satisfy the lot size or width requirements of ~~the applicable development standards~~ this Code provided that:

- a) All other applicable standards of the ~~development~~ Code are met; or variance has been granted;
- b) The lot was legally created and satisfied the lot size and width requirements applicable at the time of creation;
- c) The lot cannot be combined with contiguous undeveloped lots to create a lot of required size;
- d) No unsafe condition is created by permitting development on the nonconforming lot; and
- e) The lot was not created as a "special tract" to protect critical area, provide open space, or as a public or private access tract.

Staff's recommended changes to the Planning Commission's draft:

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7. REVIEW AND/OR DECISION CRITERIA

a) VARIANCE FROM THE ENGINEERING STANDARDS (TYPE A ACTION)

A. Purpose: Variance from the engineering standards is a mechanism to allow the City to grant an adjustment in the application of engineering standards, where there are unique circumstances relating to the proposal that strict implementation of engineering standards would impose an unnecessary hardship on the applicant.

B. Decision Criteria: The Department Director or designee shall grant an engineering standards variance only if the applicant demonstrates all of the following:

1. The granting of such variance will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;
2. The authorization of such variance will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with state law;
3. A variance from engineering standards shall only be granted if the proposal meets the following criteria:
 - i. conform to the intent and purpose of the Code;
 - ii. produce a compensating or comparable result which is in the public interest;
 - iii. meet the objectives of safety, function and maintainability based upon sound engineering judgement.
4. Variances from road standards must meet the objectives for fire protection. Any variance from road standards, which does not meet the Uniform Fire Code, shall also require concurrence by the fire marshal.
5. Variance from drainage standards must meet the objectives for appearance and environmental protection.
6. Variances from drainage standards must be shown to be justified and required for the use and situation intended.
7. Variances from drainage standards for facilities that request use of an experimental water quality facility or flow control facilities must meet these additional criteria:
 - i. The new design is likely to meet the identified target pollutant removal goal or flow control performance based on limited data and theoretical consideration,
 - ii. Construction of the facility can, in practice, be successfully carried out;

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- iii. Maintenance considerations are included in the design, and costs are not excessive or are borne and reliably performed by the applicant or property owner;
8. A variance from utility standards shall only be granted if following facts and conditions exist:
- i. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located;
 - ii. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
 - iii. The granting of such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same zone or vicinity.



b) CONDITIONAL USE PERMIT-CUP (TYPE B ACTION)

- A. Purpose:** The purpose of a conditional use permit is to locate a permitted use on a particular property, subject to conditions placed on the permitted use to ensure compatibility with nearby land uses.
- B. Decision criteria:** A conditional use permit shall be granted by the City, only if the applicant demonstrates that:
- 1. The conditional use is compatible with the Comprehensive Plan and designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property;
 - 2. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
 - 3. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
 - 4. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
 - 5. The conditional use is not in conflict with the health and safety of the community;

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6. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;
7. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
8. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.



c) ZONING VARIANCE (TYPE B ACTION)

- A. Purpose:** A zoning variance is a mechanism by which the City may grant relief from the zoning provisions and standards of the ~~development~~ Code, where practical difficulty renders compliance with the Code and unnecessary hardship.
- B. Decision Criteria:** A variance shall be granted by the city, only if the applicant demonstrates all of the following:
1. The variance is necessary because of the unique size, shape, topography, or location of the subject property;
 2. The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
 3. The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;
 4. The need for the variance is not the result of deliberate actions of the applicant or property owner, including any past owner of the same property;
 5. The variance is compatible with the Comprehensive Plan;
 6. The variance does not create a health and safety hazard;
 7. The granting of the variance will not be materially detrimental to the public welfare or injurious to:
 - i. the property or improvements in the vicinity, or
 - ii. the zone in which the subject property is located;
 8. The variance does not relieve an applicant from:
 - i. Any of the procedural or administrative provisions of this title, or
 - ii. Any standard or provision that specifically states that no variance from such standard or provision is permitted, or
 - iii. Use or building restrictions, or

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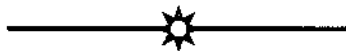
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- iv. Any provisions of ~~Sensitive~~ Critical Areas Overlay District requirements, except for the required buffer widths;
- 9. The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities;
- 10. The variance does not allow the establishment of a use that is not otherwise permitted in the zone in which the proposal is located; or
- 11. The variance is the minimum necessary to grant relief to the applicant.



d) REZONE OF PROPERTY AND ZONING MAP CHANGE (TYPE C ACTION)

- A. Purpose:** A rezone is a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Changes to the zoning classification that apply to a parcel of property are text changes and/or amendments to the official zoning map.
- B. Decision criteria:** The City may approve or approve with modifications an application for a rezone ~~(Type C action)~~ of property if:
 - 1. The rezone is consistent with the Comprehensive Plan; and
 - 2. The rezone will not adversely affect the public health, safety or general welfare; and
 - 3. The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and
 - 4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
 - 5. The rezone has merit and value for the community.



e) SPECIAL USE PERMIT-SUP (TYPE C ACTION)

- A. Purpose:** The purpose of a special use permit is to allow a permit granted by the City to locate a regional land use, not specifically allowed by the zoning of the location, but that provides a benefit to the community and is compatible with other uses in the zone in which it is proposed. The special use permit is granted

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subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses.

B. Decision criteria:

A special use permit shall be granted by the City, only if the applicant demonstrates that:

1. The use will provide a public benefit or satisfy a public need of the neighborhood, district or City;
2. The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas;
3. The special use will not materially endanger the health, safety and welfare of the community;
4. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;
5. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
6. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;
7. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties; ~~and~~
8. The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title; and
9. The special use is not in conflict with the standards of the Critical Areas Overlay.



f) COMPREHENSIVE PLAN AMENDMENT AND REVIEW OF THE COMPREHENSIVE PLAN (LEGISLATIVE ACTION)

A. Purpose: A Comprehensive Plan amendment or review is a mechanism by which the City may modify the text or map of the Comprehensive Plan in accordance with the provisions of the Growth Management Act, ~~and~~ in order to respond to changing circumstances or needs of the City, and to review the Comprehensive Plan on a regular basis.

B. Decision criteria: The Planning Commission may recommend and the City Council may approve, or approve with modifications an amendment to the Comprehensive Plan if:

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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.



**g) DEVELOPMENT CODE AMENDMENT TO THE DEVELOPMENT CODE
(LEGISLATIVE ACTION)**

- A. Purpose:** An amendment to the ~~text of the~~ Development Code (and where applicable amendment of the zoning map) is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City.
- B. Decision criteria:** The City Council may approve or approve with modifications a proposal for the text of the Land Use Code if:
1. The amendment is in accordance with the Comprehensive Plan; and
 2. The amendment will not adversely affect the public health, safety or general welfare; and
 3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.
 4. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.



Staff's recommended changes to the Planning Commission's draft:
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8. SUBDIVISIONS

a) **Citation of section:** This section may be cited as the City of Shoreline Subdivision Ordinance and shall supplement and implement the state regulations of plats, subdivisions and dedications.

b) **Purpose:** Subdivision is a mechanism by which to divide land into lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of sale. The purposes of subdivision regulations are:

- A. To regulate division of land into two or more lots, condominiums, tracts or interests;
- B. To protect the public health, safety and general welfare in accordance with the state standards;
- C. To promote effective use of land;
- D. To promote safe and convenient travel by the public on streets and highways;
- E. To provide for adequate light and air;
- F. To facilitate adequate provision for water, sewerage, storm water drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;
- G. To provide for proper ingress and egress;
- H. To provide for the expeditious review and approval of proposed subdivisions which conform to development standards and the Comprehensive Plan;
- I. To adequately provide for the housing and commercial needs of the community;
- J. To protect environmentally sensitive areas as designated in the ~~Sensitive~~ Critical Area Overlay Districts Chapter;
- K. To require uniform monumenting of land subdivisions and conveyance by accurate legal description.

c) **Subdivision categories:**

LOT LINE ADJUSTMENT:

A minor reorientation of a lot line between existing lots to correct an encroachment by a structure or improvement to more logically follow topography or other natural features, or for other good cause, which results in no more lots than existed before the lot line adjustment.

SHORT SUBDIVISION:

A subdivision of four or fewer lots.

FORMAL SUBDIVISION:

A subdivision of five or more lots.

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BINDING SITE PLAN:

A land division for commercial, industrial, and condominium type of developments.

NOTE: When reference to "subdivision" is made in this Code, it is intended to refer to both "formal subdivision" and "short subdivision" unless one or the other is specified.

- d) **Exemption:** The provisions of this ~~Chapter~~ Section do not apply to the exemptions specified in the state law, including but not limited to:
- A. Cemeteries and other burial plots while used for that purpose;
 - B. Divisions made by testamentary provisions, or the laws of descent;
 - C. Divisions of land for the purpose of lease when no residential structure other than mobile homes are permitted to be placed on the land, when the City has approved a Binding Site Plan in accordance with the ~~development~~ Code standards;
 - D. Divisions of land which are the result of actions of government agencies to acquire property for public purposes, such as condemnation for roads.

Divisions under subsection 1 and 2 of this section will not be recognized as lots for building purposes unless all applicable requirements of the ~~development~~ Code are met.

e) **Lot Line Adjustment – Type A Action.**

- A. Lot Line Adjustment is exempt from subdivision review. All proposals for lot line adjustment shall be submitted to the Director for approval. The Director shall not approve the proposed lot line adjustment if the proposed adjustment will:
 - 1. Create a new lot, tract, parcel, site or division;
 - 2. Would otherwise result in a lot which is in violation of any requirement of the ~~development~~ Code.
- B. Expiration: An application for a lot line adjustment shall expire one year after a complete application has been filed with the City. An extension up to an additional year may be granted by the City, upon a showing by the applicant of reasonable cause.

f) **Preliminary subdivision review procedures and criteria:** The preliminary short subdivision may be referred to as a short plat - Type B Action.

The preliminary formal subdivision may be referred to as long plat - Type C Action.

Review criteria: The following criteria shall be used to review proposed subdivisions:

- A. Environmental.

Staff's recommended changes to the Planning Commission's draft:

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1. Where environmental resources exist, such as trees, streams, ravines or wildlife habitats, the proposal shall be designed to fully implement the goals, policies, procedures and standards of the Critical Areas Overlay District Chapter and the Tree Conservation, Land Clearing and Site Grading Standards Section. ~~minimize significant adverse impacts to the resources. Permanent restrictions may be imposed on the proposal to avoid impact.~~
 2. The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.
 3. Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, such as, flood plains, steep slopes or unstable soil or geologic conditions, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected, consistent with paragraphs A(1) and (2) of this section.
 4. The proposal shall be designed to minimize off-site impacts, especially upon drainage and views.
- B. Lot and Street Layout.
1. Lots shall be designed to contain a usable building area. If the building area would be difficult to develop, the lot shall be redesigned or eliminated, unless special conditions can be imposed ~~on the approval~~ that will ensure the lot is developed lawfully consistent with the standards of this Code and does not create nonconforming structures, uses or lots.
 2. Lots shall not front on primary or secondary highways unless there is no other feasible access. Special access provisions, such as, shared driveways, turnarounds or frontage streets may be required to minimize traffic hazards.
 3. Each lot shall meet the applicable dimensional requirements of the ~~development~~ Code.
 4. Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.
- C. Dedications.
1. The City Council may require dedication of land in the proposed subdivision for public use.
 2. Only the City Council may approve a dedication of park land. The council may request a review and written recommendation from the Planning Commission.
 3. Any approval of a subdivision shall be conditioned on appropriate dedication of land for streets, including those on the official street map and the preliminary plat.
- D. Improvements.
1. Improvements which may be required, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, critical area enhancements

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sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.

2. Improvements shall comply with the development standards for Adequacy of Public Facilities Chapter.

Time limit: Approval of a preliminary formal subdivision or preliminary short subdivision shall expire and have no further validity at the end of three years of preliminary approval.

g) Changes to approved subdivision.

- A. Preliminary Subdivision. The Director may approve minor changes to an approved preliminary subdivision, or its conditions of approval. If the proposal involves additional lots, rearrangements of lots or roads, additional impacts to surrounding property, or other major changes, the proposal shall be reviewed in the same manner as ~~the original~~ a new application.
- B. Recorded Final Plats. An application to change a final plat that has been filed for record shall be processed in the same manner as a new application. This section does not apply to affidavits of correction of lot line adjustments.

h) Site Development Permit – Type A Action: Engineering plans for improvements required as a condition of preliminary approval of a subdivision, shall be submitted to the Department for review and approval of a site development permit, allowing sufficient time for review before expiration of the preliminary subdivision approval.

i) Installation of improvements:

- A. Timing and Inspection Fee. The applicant shall not begin installation of improvements until the Director has approved the improvement plans, the Director and the applicant have agreed in writing on a time schedule for installation of the improvements, and the applicant has paid an inspection fee.
- B. Completion – Bonding. The applicant shall either complete the improvements before the final plat is submitted for City Council approval, or the applicant shall post a bond or other suitable surety to guarantee the completion of the improvements within one year of the approval of the final plat. The bond or surety shall be based on the construction cost of the improvement as determined by the Director.
- C. Acceptance – Maintenance Bond. The Director shall not accept the improvements for the City of Shoreline until the improvements have been inspected and found satisfactory, and the applicant has posted a bond or surety for 15 percent of the construction cost to guarantee against defects of workmanship and materials for two years from the date of acceptance.

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j) Final plat review procedures:

- A. **Submission.** The applicant may not file the final plat for review until the required Site Development Permit has been submitted and approved by the City.
- B. **Staff Review: Final Short Plat -** The Director shall conduct an administrative review of a proposed final short subdivision and either sign the statements that all requirements of the ~~development~~ Code have been met, or disapprove such action, stating their reasons in writing. Dedication of any interest in property contained in an approval of the short subdivision shall be forwarded to the City Council for approval.
- C. **City Council: Final Formal Plat -** If the City Council finds that the public use and interest will be served by the proposed formal subdivision and that all requirements of the preliminary approval in the ~~development~~ Code have been met, the final formal plat shall be approved and the mayor shall sign the statement of the City Council approval on the final plat.
- D. **Acceptance of Dedication.** City Council approval of the final plat constitutes acceptance of all dedication shown on the final plat.
- E. **Filing for record:** The applicant for subdivision shall file the original drawing of the final plat for recording with the King County Department of Records and Elections. One (1) reproduced full copy on mylar and/or sepia material shall be furnished to the Department.

k) Effect of rezones: The owner of any lot in a final plat filed for record shall be entitled to use the lot for the purposes allowed under the zoning in effect at the time of filing for five years from the date of filing the final plat for record, even if the property zoning designation ~~in and/or the development Code~~ has been changed, ~~provided that all requirements of the development code, other than lot area, are met.~~

l) Further division – Short subdivisions: A further division of any lot created by a short subdivision shall be reviewed as and meet the requirements of this ~~Chapter~~ Section for formal subdivision if the further division is proposed within five years from the date the final plat was filed for record; provided, however, that when a short plat contains fewer than four parcels, nothing in this section shall be interpreted to prevent the owner who filed the original short plat, from filing a revision thereof within the five-year period in order to create up to a total of four lots within the original short subdivision boundaries.

m) Binding Site Plans -Type B Action

A. Commercial and industrial:

This process may be used to divide commercially and industrially zoned property, as authorized by state law. On sites that are fully developed, the binding site plan merely creates or alters interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots

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continue to function as one site concerning but not limited to: lot access, interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. The following applies:

1. The site that is subject to the binding site plan shall consist of one (1) or more contiguous lots legally created.
 2. The site that is subject to the binding site plan may be reviewed independently for fully developed sites; or, concurrently with a commercial development permit application for undeveloped land; or in conjunction with a valid commercial development permit.
 3. The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.
- B. Condominium: This process may be used to divide land by the owner of any legal lot to be developed for condominiums pursuant to state law. A binding site plan for a condominium project shall be based on a building permit issued for the entire project.
- C. Recording and binding effect: Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor, licensed in the state of Washington. Surveys shall include those items prescribed by state law.
- D. Amendment, modification and vacation:
Amendment, modification and vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application.

Staff's recommended changes to the Planning Commission's draft:

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9. ENVIRONMENTAL PROCEDURES

a) Citation of section and authority.

This section may be cited as the City of Shoreline Environmental Procedures Ordinance. The City of Shoreline adopts this section under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904. This section contains this City's SEPA procedures and policies. The SEPA rules, Chapter 197-11 WAC, must be used in conjunction with this section.

b) Definitions – Adoption by reference.

The City adopts by reference the definitions contains in WAC 197-11-700 through 197-11-799, as now existing or hereinafter amended. The following abbreviations are used in this ~~Chapter~~ Section

DEIS – Draft Environmental Impact Statement

DNS – Determination of Non-Significance

DOE – Department of Ecology

DS – Determination of Significance

EIS – Environmental Impact Statement

FEIS – Final Environmental Impact Statement

MTCA – Model Toxics Control Act

SEPA – State Environmental Policy Act

c) General requirements – Adoption by reference.

The City of Shoreline adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference, as supplemented in this ~~Chapter~~ Section:

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-158	GMA project review - Reliance on existing plans, laws, and regulations.
197-11-210	SEPA/GMA integration.
197-11-220	SEPA/GMA definitions.
197-11-228	Overall SEPA/GMA integration procedures.
197-11-230	Timing of an integrated GMA/SEPA process.

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197-11-232	SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
197-11-235	Documents.
197-11-238	Monitoring.
197-11-250	SEPA/Model Toxics Control Act integration.
197-11-253	SEPA lead agency for MTCA actions.
197-11-256	Preliminary evaluation.
197-11-259	Determination of nonsignificance for MTCA remedial actions.
197-11-262	Determination of significance and EIS for MTCA remedial actions.
197-11-265	Early scoping for MTCA remedial actions.
197-11-268	MTCA interim actions.

d) Designation of responsible official.

- A. For those proposals for which the City is a lead agency, the responsible official shall be the Director or such other person as the Director may designate in writing.
- B. For all proposals for which the City is a lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required EIS and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA Rules (WAC Chapter 197-11) that have been adopted by reference.
- C. The responsible official shall be responsible for preparation of written comments for the City in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.
- D. The responsible official shall be responsible for the City's compliance with WAC 197-11-550 whenever the City is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the City.
- E. The responsible official shall retain all documents required by the SEPA rules and make them available in accordance with Chapter 42.17 RCW.

e) Lead agency determination and responsibilities.

- A. When the City receives an application for or initiates a proposal that involves a nonexempt action, the responsible official shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940; unless the lead agency has been previously determined

Staff's recommended changes to the Planning Commission's draft:

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or the responsible official is aware that another agency is in the process of determining the lead agency.

- B. When the City is not the lead agency for a proposal, all departments of the City shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No City department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless the responsible official determines a supplemental environmental review is necessary under WAC 197-11-600.
- C. If the City, or any of its departments, receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the City must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 15-day time period. Any such petition on behalf of the City may be initiated by the responsible official or any department.
- D. The responsible official is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944.
- E. The responsible official shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.
- F. When the City is lead agency for a MTCA remedial action, the Department of Ecology shall be provided an opportunity under WAC 197-11-253(5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253(6), the responsible official shall decide jointly with the Department of Ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

f) Timing and content of environmental review.

- A. **Categorical Exemptions.** The City will normally identify whether an action is categorically exempt within ten days of receiving a complete application.
- B. **Threshold Determinations.** When the City is lead agency for a proposal, the following threshold determination timing requirements apply:
 - 1. If a DS is made concurrent with the notice of application, the DS and scoping notice shall be combined with the notice of application (RCW 36.70B.110). Nothing in this subsection prevents the DS/scoping notice from being issued before the notice of application. If sufficient information is not available to make a threshold determination when the notice of application is issued, the DS may be issued later in the review process.

Staff's recommended changes to the Planning Commission's draft:

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2. If the City is lead agency and project proponent or is funding a project, the City may conduct its review under SEPA and may allow appeals of procedural determinations prior to submitting a project permit application.
 3. If an open record pre-decision hearing is required, the threshold determination shall be issued at least 15 days before the open record pre-decision hearing (RCW 36.70B.110 (6)(b)).
 4. The optional DNS process in WAC 197-11-355 may be used to indicate on the notice of application that the lead agency is likely to issue a DNS. If this optional process is used, a separate comment period on the DNS may not be required (refer to WAC 197-11-355(4)).
- C. For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the City's staff recommendation to the appropriate review authority. If the final EIS is or becomes available, it shall be substituted for the draft.
- D. The optional provision of WAC 197-11-060(3)(c) is adopted.

g) Categorical exemptions and threshold determinations – Adoption by reference.

The City adopts the following sections of the SEPA Rules by reference, as now existing or hereinafter amended, as supplemented in this ~~Chapter~~ Section:

197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-355	Optional DNS process.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination
197-11-800	Categorical exemptions (flexible thresholds) <i>Note: the lowest exempt level applies.</i>
197-11-880	Emergencies
197-11-890	Petitioning DOE to change exemptions.

h) Categorical exemptions – Minor new construction.

The following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water, the proposal would alter the existing

Staff's recommended changes to the Planning Commission's draft:

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conditions within an environmentally sensitive area or a rezone or any license governing emissions to the air or discharges to water is required.

- A. The construction or location of any residential structures of four dwelling units.
- B. The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles.
- C. The construction of a parking lot designed for twenty automobiles.
- D. Any landfill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

i) Categorical exemptions and threshold determinations - use of exemptions.

- A. The determination of whether a proposal is categorically exempt shall be made by the responsible official.
- B. The determination that a proposal is exempt shall be final and not subject to administrative review.
- C. If a proposal is exempt, none of the procedural requirements of this ~~Chapter~~ Section shall apply to the proposal.
- D. The responsible official shall not require completion of an environmental checklist for an exempt proposal.
- E. If a proposal includes both exempt and nonexempt actions, the responsible official may authorize exempt actions prior to compliance with the procedural requirements of this ordinance, except that:
 - 1. The responsible official shall not give authorization for:
 - Any nonexempt action;
 - Any action that would have an adverse environmental impact; or
 - Any action that would limit the choice of alternatives.
 - 2. The responsible official may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
 - 3. The responsible official may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

Staff's recommended changes to the Planning Commission's draft:

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j) Environmental checklist.

- A. A completed environmental checklist shall be filed at the same time as an application for a permit, license, certificate, or other approval not exempted in this ordinance; except, a checklist is not needed if the City's responsible official and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. Except as provided in subsection E of this section, the checklist shall be in the form of WAC 197-11-960 with such additions that may be required by the responsible official in accordance with WAC 197-11-906(4).
- B. For private proposals, the responsible official will require the applicant to complete the environmental checklist, providing assistance as necessary. For City proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.
- C. The responsible official may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:
 - 1. The City has technical information on a question or questions that is unavailable to the private applicant; or
 - 2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration; or
 - 3. On the request of the applicant.
- D. The applicant shall pay to the City the actual costs of providing information under subsections C(2) and C(3) of this section.
- E. For projects submitted as planned actions under WAC 197-11-164, the City shall use its existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action ordinance; or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the Department of Ecology to allow at least a thirty-day review prior to use.
- F. The lead agency shall make a reasonable effort to verify the information in the environmental checklist and shall have the authority to determine the final content of the environmental checklist.

k) Mitigated DNS

- A. As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.
- B. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

Staff's recommended changes to the Planning Commission's draft:

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1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the Department is lead agency; and
 2. Precede the City's actual threshold determination for the proposal.
- C. The responsible official's response to the request for early request shall:
1. Be written;
 2. State whether the City currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the City to consider a DS; and
 3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.
- D. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the City shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:
1. If the City indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the City shall issue and circulate a DNS if the City determines that no additional information or mitigation measures are required.
 2. If the City indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the City shall make the threshold determination, issuing a DNS or DS as appropriate.
 3. The applicant's proposed mitigation measures, clarifications, changes or conditions must be in writing and must be specific.
 4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.
- E. A mitigated DNS is issued under either WAC 197-11-340(2), requiring a fourteen-day comment period and public notice, or WAC 197-11-355, which may require no additional comment period beyond the comment period on the notice of application.
- F. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the City.
- G. If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall review the threshold determination and, if necessary, may withdraw the mitigated DNS and issue a DS.
- H. If the City's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the

Staff's recommended changes to the Planning Commission's draft:

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proposal, the City should evaluate the threshold determination to assure consistency with WAC 197-11-340 (3)(a) relating to the withdrawal of a DNS.

- I. The City's written response under item (3) of this subsection shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the City to consider the clarifications or changes in its threshold determination.

l) Environmental Impact Statements (EIS) – Adoption by reference.

The City adopts the following sections of the SEPA Rules, as now existing or hereinafter amended, by reference, as supplemented by this ~~Chapter~~ Section:

197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping.
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.

m) Environmental impact statements and other environmental documents - Additional considerations.

- A. Pursuant to WAC 197-11-408(2)(a), all comments on determinations of significance and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410(1)(b).
- B. Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the Department shall be responsible for preparation and content of EIS's and other environmental documents. The Department may contract with consultants as necessary for the preparation of environmental documents. The Department may consider the opinion of the applicant regarding the qualifications of the consultant but the Department shall retain sole authority for selecting persons or firms to author, co-author, provide special services or otherwise participate in the preparation of required environmental documents.

Staff's recommended changes to the Planning Commission's draft:

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- C. Consultants or sub-consultants selected by the Department to prepare environmental documents for a private development proposal shall not: act as agents for the applicant in preparation or acquisition of associated underlying permits; have a financial interest in the proposal for which the environmental document is being prepared; perform any work or provide any services for the applicant in connection with or related to the proposal.
- D. All costs of preparing the environment document shall be borne by the applicant.
- E. If the responsible official requires an EIS for a proposal and determines that someone other than the City will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the City's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.
- F. The City may require an applicant to provide information the City does not possess, including information that must be obtained by specific investigations. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100, or other provisions of regulations, statute, or ordinance. An applicant shall not be required to produce information under this provision which is not specifically required by this ~~Chapter~~ Section nor is the applicant relieved of the duty to supply any other information required by statute, regulation or ordinance.
- G. In the event an applicant decides to suspend or abandon the project, the applicant must provide formal written notice to the Department and consultant. The applicant shall continue to be responsible for all monies expended by the Department or consultants to the point of receipt of notification to suspend or abandon, or other obligations or penalties under the terms of any contract let for preparation of the environmental documents.
- H. The Department shall only publish an environmental impact statement (EIS) when it believes that the EIS adequately discloses: the significant direct, indirect, and cumulative adverse impacts of the proposal and its alternatives; mitigation measures proposed and committed to by the applicant, and their effectiveness in significantly mitigating impacts; mitigation measures that could be implemented or required; and unavoidable significant adverse impacts.

n) Comments and public notice - Adoption by reference.

The City adopts the following sections, as now existing or hereinafter amended, by reference as supplemented in this ~~Chapter~~ Section:

197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.

Staff's recommended changes to the Planning Commission's draft:

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197-11-510	Public notice.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

o) Comments and public notice – Additional considerations.

- A. For purposes of WAC 197-11-510, public notice shall be required as provided in *Chapter III – Permit Review Procedures*.
- B. Publication of notice in a newspaper of general circulation in the area where the proposal is located, shall also be required for all nonproject actions and for all other proposals that are subject to the provisions of this ~~Chapter~~ Section but are not classified as Type A, B, or C actions.
- C. The responsible official may require further notice if deemed necessary to provide adequate public notice of a pending action. Failure to require further or alternative notice shall not be a violation of any notice procedure.

p) Using and supplementing existing environmental documents – Adoption by reference.

The City adopts the following sections of the SEPA Rules, as now existing or hereinafter amended, by reference:

197-11-164	Planned actions – Definition and criteria
197-11-168	Ordinances or resolutions designating planned actions – Procedures for adoption
197-11-172	Planned actions – Project Review
197-11-600	When to use existing environmental documents
197-11-610	Use of NEPA documents
197-11-620	Supplemental environmental impact statements
197-11-625	Addenda – Procedures
197-11-630	Adoption – Procedures
197-11-635	Incorporation by reference – Procedures
197-11-640	Combining documents

q) SEPA decisions – Adoption by reference

The City adopts the following sections of the SEPA Rules, as now existing or hereinafter amended, by reference, as supplemented in this ~~Chapter~~ Section:

197-11-650	Purpose of this part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.

Staff's recommended changes to the Planning Commission's draft:

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r) SEPA Decisions - Substantive authority.

- A. The City may attach conditions to a permit or approval for a proposal so long as:
1. Such conditions are necessary to mitigate specific adverse environmental impacts identified in environmental documents prepared pursuant to this ~~Chapter~~, Section and
 2. Such conditions are in writing; and
 3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
 4. The City has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
 5. Such conditions are based on one or more policies in section (s) of this ~~Chapter~~ Section and cited in the permit, approval, license or other decision document.
- B. The City may deny a permit or approval for a proposal on the basis of SEPA so long as:
1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final supplemental EIS; and
 2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
 3. The denial is based on one or more policies identified in Subsection s) ~~of this Chapter~~ and identified in writing in the decision document.

s) SEPA Policies

- A. The policies and goals set forth in this ~~Chapter~~ Section are supplementary to those in the existing authorization of the City of Shoreline.
- B. For the purposes of RCW 43.21C.060 and WAC 197-11-660(a), the following policies, plans, rules and regulations, and all amendments thereto, are designated as potential bases for the exercise of the City's substantive authority to condition or deny proposals under SEPA, subject to the provisions of RCW 43.21C.240 and Subsection r) ~~of this Chapter~~.
1. The policies of the State Environmental Policy Act, RCW 43.21C.020.
 2. The Shoreline Comprehensive Plan, its appendices, subarea plans, surface water management plans, park master plans, and habitat and vegetation conservation plans.
 3. The City of Shoreline Municipal Code.

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t) **Appeals**

- A. Any interested person may appeal a threshold determination and the conditions or denials of a requested action made by a non-elected official pursuant to the procedures set forth in this section and Chapter III, Subsection 5— General Provisions for Land Use Hearings and Appeals. No other SEPA appeal shall be allowed.
- B. Appeals of threshold determinations are procedural SEPA appeals which are conducted by the hearing examiner pursuant to the provisions of Chapter III, Subsection 5— General Provisions For Land Use Hearings and Appeals, subject to the following:
1. Only one appeal of each threshold determination shall be allowed on a proposal.
 2. As provided in RCW 43.21C.075(3)(d), the decision of the responsible official shall be entitled to substantial weight.
 3. An appeal of a DS must be filed within fourteen calendar days following issuance of the DS.
 4. An appeal of a DNS for actions classified as Type A, B, or C actions in *Chapter III – Types of Actions* must be filed within fourteen calendar days following notice of the decision as provided in *Chapter III, Sec. (h) – Public Notice of Decision*, provided that the appeal period for a DNS for Type A, B, or C actions shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies. For actions not classified as Type A, B, or C actions in *Chapter III – Types of Actions*, no administrative appeal of a DNS is permitted.
 5. The hearing examiner shall make a final decision on all procedural SEPA determinations. The hearing examiner's decision may be appealed to superior court as provided in *Chapter III – General Provisions for Land Use Hearings and Appeals*.
- C. The hearing examiner's consideration of procedural SEPA appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to condition or deny an application pursuant to RCW 43.21C.060 and with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.
- D. Administrative appeals of decisions to condition or deny applications pursuant to RCW 43.21C.060 shall be consolidated in all cases with administrative appeals, if any, on the merits of a proposal. See *Chapter III – General Provisions for Land Use Hearing and Appeals*.
- E. Notwithstanding the provisions of subsections A through D of this section, the Department may adopt procedures under which an administrative appeal shall not be provided if the Director finds that consideration of an appeal would be likely to cause the Department to violate a compliance, enforcement or other specific mandatory order or specific legal obligation. The Director's determination shall be included in the notice of the SEPA determination, and the Director shall provide a written summary upon which the determination is

Staff's recommended changes to the Planning Commission's draft:

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based within five days of receiving a written request. Because there would be no administrative appeal in such situations, review may be sought before a court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action.

u) Compliance with SEPA – Adoption by reference

The City adopts the following sections of the SEPA Rules, as now existing or hereinafter amended, by reference, as supplemented in this ~~Chapter~~: Section.

197-11-900	Purpose of this part.
197-11-902	Agency SEPA policies.
197-11-916	Application to ongoing actions.
197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-924	Determining the lead agency.
197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-938	Lead agencies for specific proposals.
197-11-940	Transfer of lead agency status to a state agency.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.

v) Forms – Adoption by reference

The City adopts the following forms and sections of the SEPA Rules, as now existing or hereinafter amended, by reference:

197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).

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197-11-985
197-11-990

Notice of assumption of lead agency status.
Notice of action.

w) **Severability.**

Should any section, subsection, paragraph, sentence, clause or phrase of this ~~Chapter~~ Section be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this ~~Chapter~~ Section.

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18.12.030 Residential zones.

A. Densities and Dimensions

Z O N E S	RESIDENTIAL							
	STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48
	Base Density: Maximum Density: Dwelling Unit/Acre (7)	4 du/ac (4)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
	Minimum Density: % of Base Density (9) Dwelling Unit/Acre	85% 4 du/acre	85% 4 du/acre	85% <u>4 du/acre</u>	80% <u>4 du/acre</u>	75% <u>4 du/acre</u>	70% <u>4 du/acre</u>	65% <u>4 du/acre</u>
	Minimum Lot Width (1)	50 ft.	50 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
	Minimum Lot Size (1)	5000 sq. ft. 7200 sq. ft.	5000 sq. ft. 7200 sq. ft.	2500 sq.ft.	2500 sq.ft.	2500 sq.ft.	2500 sq.ft.	2500 sq.ft.
	Minimum Front Yard Setback (1)	20 ft.	20 ft.	10 ft. (5)	10 ft. (5)	10 ft. (5)	10 ft. (5)	10 ft. (5)
	Minimum Side Yard Setback (1) (5)	5 ft., 15 ft. total two side yards (5) (10) (8)	5 ft., 15 ft. total two side yards (5) (10) (8)	5 ft. (8)	5 ft. (6,8)	5 ft. (6,8)	5 ft. (6,8)	5 ft. (6,8)
	Minimum Rear Yard Setback (1)	15 ft.	15 ft.	5 ft. (8)	5 ft. (6,8)	5 ft. (6,8)	5 ft. (6,8)	5 ft. (6,8)
	Base Height (2a,b)	30 ft. (2a)	30 ft. (2a)	35 ft. (2b)	60 ft. (2b)	60 ft. (2b)	60 ft. (2b)	60 ft. (2b)
	Maximum Building Coverage: Percentage (3)	35%	35%	55%	60%	60%	70%	70%
	Maximum Impervious Surface: Percentage (3)	45%	50%	75%	85%	85%	85%	90%



Shaded area subject to revision.

The following titles, chapters, and sections of the Shoreline Municipal Code (SMC) and references to King County Code (KCC) are to be repealed:

Undergrounding of Utilities

SMC Chapter 13.20 – Electric and Communication Facilities:

Repeal SMC Section 13.20.100 – Variance – Procedure

Repeal SMC Section 13.20.110 – Variance – Criteria

SEPA

Repeal SMC Chapter 14.05 – SEPA Policies

Planning

Repeal SMC Chapter 16.15 – Planning Code, which adopted KCC Title 20 (Planning) by reference; except:

KCC Chapter 20.12 – Countywide Planning Policies

KCC Chapter 20.36 – Open Space, Agriculture and Timber Lands Current Use Assessment

KCC Chapter 20.58 – Condominium Conversions

KCC Chapter 20.62 – Protection and Preservation of Landmarks, Landmark Sites and Districts

Permit Processing (SMC Title 16 Division II)

Repeal SMC Chapter 16.35 – General Provisions for Land Use Hearings and Appeals

Repeal SMC Chapter 16.40 – Permit Review Procedures

Repeal SMC Chapter 16.45 – Administrative Appeal Process

Subdivisions

Repeal SMC Title 17 – Subdivisions, which adopted KCC Title 19 (Subdivisions) by reference.

Zoning

SMC Chapter 18.08 – Permitted Uses:

SMC Section 18.08.050 – General Services Land Uses:

Repeal Development Condition 18.08.050 21.a.

(New high schools shall be permitted in urban residential zones subject to the review process set forth in SMC Title 16, Division II.)

SMC Chapter 18.12 – Development Standards – Density and Dimensions:

Revisions to development standards as specified on Attachment C.

SMC Chapter 18.26 – Development Standards – Wireless Telecommunication Facilities

SMC Chapter 18.32 – General Provisions - Nonconformance, Temporary Uses, and Re-Use of Facilities:

SMC Section 18.32.010 A – Purpose:

Repeal Part A – (Establish the legal status of a nonconformance by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated;)

Repeal SMC Section 18.32.020 – Applicability.

Repeal SMC Section 18.32.030 – Determining status.

Repeal SMC Section 18.32.040 – Abatement of illegal use, structure or development.

Repeal SMC Section 18.32.050 – Continuation and maintenance of nonconformance.

Repeal SMC Section 18.32.060 – Re-establishment of discontinued nonconforming use.

Repeal SMC Section 18.32.070 – Repair or reconstruction of nonconforming structure.

Repeal SMC Section 18.32.080 – Modifications to nonconforming structures.

Repeal SMC Section 18.32.090 – Expansion of nonconformance.

SMC Chapter 18.38 –General Provisions – Property-Specific Development Standards/Special District Overlays:

Repeal SMC Section 18.38.080 – Special district overlay – UPD implementation.

Repeal SMC Section 18.39 – General Provisions – Urban Planned Developments

Repeal SMC Section 18.40 – Application Requirements/Notice Methods, except:

SMC Section 18.40.040 – Applications – Modifications to proposal.

SMC Section 18.40.050 – Applications – Supplemental information.

SMC Section 18.40.060 – Applications – Oath of accuracy.

SMC Section 18.40.070 – Applications – Limitations on refiling of applications.

Repeal SMC Chapter 18.41 – Commercial Site Development Permits

Repeal SMC Chapter 18.44 – Decision Criteria, except:

SMC Section 18.44.020 – Temporary use permit:

Repeal Part C (The proposed temporary use, if located in a resource zone, will not be materially detrimental to the use of the land for resource purposes and will provide adequate off-site parking if necessary to protect against soil compaction;)

These Minutes Approved
October 7, 1999

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

September 2, 1999
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Kuhn
Vice Chair Gabbert
Commissioner Monroe
Commissioner Marx
Commissioner Parker
Commissioner Vadset
Commissioner Maloney
Commissioner Bradshaw

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Anna Koloušek, Assistant Director, Planning & Development Services
Ian Sievers, City Attorney (Arrived at 7:11 p.m.)
Allan Johnson, Planner II, Planning and Development Services

ABSENT

Commissioner McAuliffe (excused)

1. CALL TO ORDER

The regular meeting was called to order at 7:03 p.m. by Chair Kuhn, who presided.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Kuhn, Vice Chair Gabbert, Commissioners Bradshaw, Monroe, Marx, Vadset and Maloney. Commissioner Parker arrived at the meeting at 7:06 p.m., and Commissioner McAuliffe was excused.

3. APPROVAL OF AGENDA

Chair Kuhn indicated that staff would provide an outline regarding the manner they would proceed on the Development code as part of the staff report.

4. APPROVAL OF MINUTES

COMMISSIONER MONROE MOVED TO ACCEPT THE JULY 22, 1999 MINUTES AS AMENDED. COMMISSIONER MONROE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

VICE CHAIR GABBERT MOVED TO ACCEPT THE MINUTES OF JULY 29, 1999 AS PRESENTED. COMMISSIONER MARX SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

5. PUBLIC COMMENT

Ginger Botham, 16334 Linden Avenue North, inquired if the Commissioners all received the original versions of the amendments before them in addition to the staff packet. The Commission indicated that they had. Ms. Botham emphasized that Commission input is greatly needed.

6. REPORTS OF COMMISSIONERS

None of the Commissioners had any items to discuss during this portion of the agenda.

7. STAFF REPORTS

Tim Stewart, Director of Planning & Development Services, referred to the document that was provided to the Commission for this meeting. He advised that since the Comprehensive Plan was adopted in November 1998, the City Council has made the permanent adoption of a Community Development Code for the City of Shoreline its top 1999 priority. He said the Planning Academy was established to review a number of issues and provide input to staff. He said the product before the Commission is not the product of the Planning Academy. Mr. Stewart stated that staff created it, and they encouraged members of the Academy to review it and provide comments and amendments for the Commission to consider.

Mr. Stewart described the orientation of the Planning Commission Agenda Packet. He said Attachment A is the actual proposed development code, itself, and includes the procedural aspects of the code. It was divided into two parts. The first part focuses on the procedural aspects (e.g. how decisions are made, how notices are given and how permits are processed). The substantive issues (i.e. the types of uses allowed in each zone, residential and commercial design standards, etc.) are part of the second phase of the code, which is now being developed. It will be reviewed by the Commission later in the year. Mr. Stewart said it is important that this be viewed as a "work in progress" project because changes will have to be made as the specific elements of the various standards come forward. This is particularly true for the definition section of the code.

Mr. Stewart said Attachment B is the list of existing codes to be repealed. He recalled that in many instances, the City of Shoreline adopted King County Code. Attachment C identifies the draft amendments that would adopt the minimum density of four dwelling units per acre and minimum lot area of 7,200 square feet. This would replace the current moratorium that is in place.

Mr. Stewart said Attachment D to the agenda packet is a table, or matrix, of the 179 proposed amendments the City has received, and Attachment E is the actual verbatim amendment documents. He reviewed the matrix that was used to organize all of the amendments. It identifies the page of the code that the amendment applies to, the amendment number, a description of the amendment, the name of the person proposing the amendment, the page reference to the actual document and staff's recommendation. The intent of the matrix is to allow the Commission to cross reference every submittal

that has been made. Mr. Stewart noted that there is also a column on the matrix to identify the Commission's recommendation. Any of these items can be brought back to the Commission for future discussion and a recommendation to the City Council.

Mr. Stewart said it is important to note that staff made its recommendations without the benefit of public comment. Public testimony may shift the staff's recommendation on a given amendment.

The Commission discussed how they would proceed with their review of each of the proposed amendments. Mr. Stewart commented that this is not a quasi-judicial, but a legislative procedure. The rules of procedure the Commission is bound by in a quasi-judicial matter would not apply to this proceeding. He suggested that this review could be handled similar to the process used to review the Comprehensive Plan.

Commissioner Vadset said he presumes that any issue is open for discussion, regardless of whether or not it involves a proposed amendment. Mr. Stewart answered affirmatively and said staff is presuming that the proposed amendments would be the basis for the discussion, but the Commission is free to discuss other issues as well. If the Commission desires to discuss new amendments, they should be clearly identified.

8. PUBLIC HEARING – PHASE I OF THE DEVELOPMENT CODE

Commissioner Bradshaw verified that the document that is before the Commission for this hearing is the same document they received more than a month ago. Mr. Stewart answered affirmatively and suggested that the Commission accept public comments regarding the proposed amendments. After hearing the public comments, the Commission could make a decision on each proposed amendment. Chair Kuhn opened the public portion of the hearing for Phase I of the Development Code review.

Ginger Botham, 16334 Linden Avenue North, suggested that the Commission pay particular attention to roads, turn-arounds and variances. In the document before the Commission, she noted that the definition for a roadway is actually a right-of-way. She also asked the Commission to review the proposed definition for a cul-de-sac. She recommended that the Commission consider allowing the neighbors to have some input regarding engineering variances, too. She provided a list of concerns she found as she read through the document, dated September 2, 1999, which was marked and admitted as Exhibit 1.

Felicia Dobbs-Schwindt, 2209 Northeast 177th Street, thanked the staff for all of their hard work on behalf of the Planning Academy and the long hours that were volunteered by the Academy participants. The goal of many of the Academy participants was to address the issue of community values as the City created their own Development Code. She urged the Commission to support the development code as drafted by staff. The Academy members tried to include provisions to reduce a lot of the citizen discontent that has surrounded development in Shoreline. Ms. Dobbs-Schwindt noted that one of the best provisions in the proposed code requires a pre-application meeting between a potential developer and surrounding neighbors prior to the City accepting a development application. The developer would be required to provide a written summary identifying those who attended the meeting, their concerns, and which concerns he/she is willing to address. She urged the Commission to support this provision. She asked those members of the audience who support the Phase I draft as proposed to stand up.

Ken Howe, 745 North 184th Street, said he is concerned that the conditional use permit opportunity has been abused in the past. He suggested that language be provided in the code to ensure that it is not abused in the future. He asked that this document provide language that states that any government, including the City of Shoreline, will not target a particular neighborhood for public facilities. This would be consistent with the Comprehensive Plan's statement that no neighborhood should be inundated by public facilities.

Peter Schwindt, 2209 Northeast 177th Street, said his name is on twelve of the amendments before the Commission, and they were also signed by a vast majority of the Academy members. He noted that one of the proposed amendments is strictly a Phase I issue that would be hard to revisit later. Amendment 129 asks that engineering variances be Type B actions instead of Type A actions as specified in the draft. Mr. Schwindt maintained the draft defines a Type A action as one that requires no discretion, whatsoever, by the rule enforcer. He said a variance epitomizes a decision that requires discretion, and therefore, engineering variances do not belong in the Type A class. He read the definition of a variance, as provided in the document. Based on that definition, Mr. Schwindt suggested that all variances should be Type B actions. This amendment would provide the public the opportunity to comment regarding engineering variances and would help to protect community values. He urged the Commission to support it as proposed. He asked those in the audience who supported Amendment 129 to stand.

Dennis Lee, 14547 26th Northeast, said he participated in the Planning Academy. He said the purpose of the amendments is to create a strict code. Approval of Amendment 129 would not mean that a variance could not be granted, but it would require community support. It is important that the neighborhoods have some way of working with the developer before an application is submitted. Perhaps they can provide good ideas for how the development could protect the character of the neighborhood. Preserving the character of the neighborhood is identified in the Comprehensive Plan as one of the foundations that the code is supposed to be based upon. Mr. Lee said that when reviewing the Comprehensive Plan, the City Council was faced with hundreds of amendments. Many times neighborhood associations worked together to create and propose amendments to the Comprehensive Plan. He asked that the Commission be creative in their review process and make sure that the citizens' property rights are protected along with the developers.

Bill Rundall, 14624 23rd Avenue Northeast, said he agrees with Mr. Schwindt's statements wholeheartedly. He also supports Mr. Lee's comments.

Bill Bear, 2541 Northeast 165th Street, said he supports the concept of neighborhood involvement in the ultimate development decisions. The best experts can decide the density, etc. but then they leave the situation and the neighbors are left to deal with the decision. While they may not have the expertise of an engineer or planner, they learn from their mistakes. He said he is concerned about the increase in density that his neighborhood has experienced. The overall affect of development has had an impact to the existing residential neighborhoods in the City.

Nick Nisco, 16346 28th Place Northeast, said he is embroiled in a land use dispute with a development that is taking place in Lake Forest Park, which is next to his property. While there is nothing the City of Shoreline can do about the situation, he asked that the Commission provide the public with the opportunity to voice their concerns in a public forum.

Pat Peckol, 19144 Eighth Avenue Northwest, referred to Amendments 91 through 95 which relate to Type C quasi-judicial actions. The Planning Academy discussed this issue and felt that rather than these being referred to the Director or the Planning Commission, Type C actions should go straight to the Hearing Examiner. She said she supports these amendments because it has become very clear that in quasi-judicial actions that the Commission has no latitude. The Commission has indicated that they have to go by what is law. She maintained that by putting these matters before the Hearing Examiner, the Commission would not have to waste their time dealing with these issues, and the public would have a clear understanding of the process. She also asked that those members of the audience who support Amendments 91 through 95 stand.

Naomi Hardy, 17256 Greenwood Place North, recalled the very first night the Commission met. She specifically recalled the presentation made by the consultant regarding decision making. The Commission learned that they all make decisions differently, but they must also know how others make decisions. That information is going to be very helpful to the Commission when making the many decisions placed before them. She asked the Commission to visualize that the various land uses are going to occur right next to their home, and they are very angry. She inquired what the Commissioners would do if they had no one who could help resolve the situation. Ms. Hardy said the proposed Development Code would help ensure that all of the land use situations provide a positive impact to the residents of the City of Shoreline.

Walt Hagen, 711 North 193rd Street, said that it is important to make sure that the Development Code includes clear definitions. He also agreed that early notification must be provided to the neighborhoods regarding proposed developments so that they can voice their concerns. He said he agrees that the Commission needs to further consider the opportunity for road variances. He noted that Ms. Peckol is not questioning the Commission's integrity, but their knowledge of the Code. Mr. Hagen asserted the Hearing Examiner knows the code better than the public or the Commission does. He urged the Commission to listen to the citizens.

Naomi Mooney, 2224 Northeast 177th Street, said she is located on the property line of a new development. She suggested that a City Councilmember visit the sites that are being developed and see the impact to the surrounding properties first hand. She voiced her opinion that there are too many house, too many drainage problems, etc.

Clark Elster, 1720 Northeast 177th Street, said he hopes that the public input will not be taken lightly. He noted that the "nitpicking" suggestions identify "pebbles over which they could all trip" later on. He cautioned that they should not be overlooked. He agreed that the document before the Commission is well-prepared, but the public can provide comments that will make the document the best it can be.

CHAIR KUHN CLOSED THE PUBLIC TESTIMONY PORTION OF THE MEETING.

The Commission concurred that they would accept the first three pages of the document (Development Code Draft - Phase 1, Attachment A) as presented. Next, they reviewed the proposed amendments one-by-one as follows:

Commissioner Bradshaw referred to proposed amendment 22 and explained that growth which is not controlled can be unhealthy. He suggested there needs to be some room for healthy growth. Commissioner Maloney said the assumption of this amendment is that the purpose does not address the

inevitability of growth taking place, which should be recognized. Commissioner Vadset concurred. Chair Kuhn cautioned that if they introduce the term "healthy growth" they will need to provide a definition. Commissioner Bradshaw said that if the purpose of the code is to promote healthy growth and development, it should be stated. Chair Kuhn suggested that the reference to "healthy growth" could become contentious. The concept is included in any number of the purpose statements that are being proposed to encompass healthy development. The proposed amendment would do nothing to enhance the purpose that is already stated.

Commissioner Monroe inquired if the intent of the amendment is to address the issue raised by the public regarding the character of the neighborhood. Commissioner Bradshaw said that is part of the issue, but growth is inevitable and they need to make provisions to ensure that the growth is healthy. Vice Chair Gabbert suggested that growth is innate in the code, itself.

Mr. Stewart said most of the purpose statements were taken directly from State law either in the Growth Management Act or the land development control regulations for SEPA. He stated the last three bullets on page 4 of Attachment A are directly out of the State's enabling legislation on the Environmental Protection Act. The purpose of including these provisions is to identify that the City's ordinance is being established for the same purpose as the State law which gives the City the authority to do planning.

Commissioner Bradshaw inquired if the City could deviate from these purpose statements. Ian Sievers, City Attorney, said it is sound to include these statements as part of the Development Code's purpose. That does not mean they cannot provide more, but it is important to reflect the purpose of the development regulations (to implement the Comprehensive Plan and Growth Management Act) and to address environmental problems at the early planning stage through pre-planning.

Commissioner Marx suggested that while some may be wishing to promote growth, there are some who do not wish to do so. The Commission should acknowledge that growth does occur, and the growth that does occur should be healthy. But not all of the citizens of Shoreline desire to support growth.

Commissioner Parker suggested that the issue of healthy growth and development is part of the Comprehensive Plan. Therefore, a reference to the Comprehensive Plan is sufficient.

COMMISSIONER VADSET MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR NO CHANGE REGARDING PROPOSED AMENDMENT 22. COMMISSIONER MALONEY SECONDED THE MOTION. THE MOTION CARRIED 7-1 WITH COMMISSIONER BRADSHAW VOTING IN OPPOSITION.

VICE CHAIR GABBERT MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR NO CHANGE REGARDING PROPOSED AMENDMENTS 23 THROUGH 25. COMMISSIONER MALONEY SECONDED THE MOTION.

Commissioner Vadset inquired regarding the rationale for deleting the purpose statement as suggested in Proposed Amendment 25. Commissioner Bradshaw stated that the term "enriching the understanding of ecological systems and natural resources" is a training goal and not a purpose statement.

Commissioner Parker suggested that it is inappropriate to lump three amendments into one motion. The Commission will be forced to separate them as soon as someone brings up an issue about one. Chair Kuhn suggested that the Commission must vote on the motion as presented.

MOTION CARRIED 7-1 WITH COMMISSIONER BRADSHAW VOTING IN OPPOSITION.

VICE CHAIR GABBERT MOVED TO ACCEPT STAFF'S RECOMMENDATION AND AGREEMENT WITH PROPOSED AMENDMENT 161. COMMISSIONER MARX SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER BRADSHAW MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 162. COMMISSIONER MARX SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

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COMMISSIONER VADSET MOVED TO ACCEPT THE STAFF'S RECOMMENDATION OF NO CHANGE FOR PROPOSED AMENDMENT 163. VICE CHAIR GABBERT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER MALONEY MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 178. COMMISSIONER MARX SECONDED THE MOTION. MOTION BY A VOTE OF 7-1, WITH COMMISSIONER BRADSHAW DISSENTING.

Regarding Proposed Amendment 26, Mr. Stewart referred the Commission to Page 6 of the code (Attachment A). He explained that the proposal is to add "maintenance" to the fifth paragraph referencing repair or reconstruction of a non-conforming structure. He pointed out that the issue of maintenance is dealt with in the second paragraph as permitted. The fifth paragraph deals with those activities that require a building permit. He suggested the City would not want to include the reference of maintenance into that section since maintenance does not require a building permit.

COMMISSIONER MALONEY MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 26. VICE CHAIR GABBERT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

VICE CHAIR GABBERT MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR NO CHANGE REGARDING PROPOSED AMENDMENT 90. COMMISSIONER MARX SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER BRADSHAW MOVED TO ACCEPT THE STAFF'S RECOMMENDATION TO ACCEPT PROPOSED AMENDMENT 179 AS PROPOSED. COMMISSIONER MARX SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Commissioner Bradshaw referred to Proposed Amendment 27. He said he recognizes that to cease operation is not abandonment but a discontinuance. His recommendation was to change the definition to Webster's definition and to add a definition for "discontinue." Mr. Sievers said the courts usually interpret abandonment of a non-conforming use as an intent to not continue the use in the future. But,

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the use can be physically discontinued and the owner can still intend to implement the use in the future even though the use, itself, may be discontinued for a time. If the owner is taking certain actions to continue the use, he can implement that use in the future. The term "discontinue" may be too limited.

COMMISSIONER MALONEY MOVED TO ACCEPT THE STAFF AND CITY ATTORNEY'S RECOMMENDATION OF NO CHANGE RELATED TO PROPOSED AMENDMENT 27. COMMISSIONER MARX SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER VADSET MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 28. COMMISSIONER BRADSHAW SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Mr. Stewart said the basis for staff's disagreement with Proposed Amendment 29 is because the City may have access tracts that do not provide access to buildable lots. The definition should not be tied to access to a buildable lot.

COMMISSIONER BRADSHAW MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 29. COMMISSIONER VADSET SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Mr. Stewart referred to Proposed Amendment 86, and said that many of the suggestions made by the Richland Beach Neighborhood Association and others that carry the "D-1" recommendation may be very valid—particularly concerning the definition related to roads and road standards. These suggestions will be appropriately discussed as the road standards come are further developed in Phase II.

COMMISSIONER VADSET MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 86. COMMISSIONER MALONEY SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Mr. Stewart noted that staff is working on a sensitive areas ordinance at this time. The definitions referenced in Proposed Amendment 87 will be appropriately addressed in that ordinance.

COMMISSIONER BRADSHAW MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 87. VICE CHAIR GABBERT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Mr. Stewart said staff believes the definitions in Proposed Amendment 88 are redundant with the definitions of Type A, B and C that are described in other parts of the ordinance.

COMMISSIONER BRADSHAW MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 88. COMMISSIONER VADSET SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Mr. Stewart advised that Proposed Amendments 97, 98 and 99 are the same as Proposed Amendments 86, 87 and 88. The Commission requested clarification regarding the intent of Proposed Amendments 97, 98 and 99. Mr. Stewart said the amendment requester states, "We believe that adopting the definitions in two phases has a potential for setting up some legal loopholes and therefore is unwise."

Mr. Stewart said the current codes and design standards contain as many as five separate definitions for the same word. Staff is hoping to adopt a common vocabulary for each of these definitions. The Commission concurred that since there is the ability to amend any of the code sections as part of Phase II, the risk of creating legal loopholes during Phase I is minimized.

COMMISSIONER BRADSHAW MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENTS 97, 98 AND 99. COMMISSIONER VADSET SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Mr. Stewart explained that Proposed Amendment 30 relates to an issue that is currently a subject of litigation. Staff believes the current definition is adequate.

COMMISSIONER MALONEY MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 30. COMMISSIONER MARX SECONDED THE MOTION. MOTION PASSED BY A VOTE OF 7-1, WITH COMMISSIONER BRADSHAW DISSENTING.

Commissioner Bradshaw advised that Proposed Amendment 31 should actually be to remove the word "impractical" from the definition for "Adverse Impact." He clarified that "impractical" may be considered as those requirements that push the cost of projects beyond an economic level. He did not feel that was the intent of the definition. He suggested that "impractical" is also an arbitrary term. In light of the change noted by Commissioner Bradshaw, Mr. Stewart said staff recommends acceptance of Proposed Amendment 31.

COMMISSIONER PARKER MOVED TO ACCEPT PROPOSED AMENDMENT 31 AS CLARIFIED BY COMMISSIONER BRADSHAW. COMMISSIONER MALONEY SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

The Commission discussed Proposed Amendment 32. Commissioner Bradshaw said his understanding of the legal definition of "adverse" is that it means "against the will of the owners." The term "a period of time without protest" could mean that the owner is oblivious. The amendment would require that the owner actively state whether they protest or not. The Commission discussed how this amendment could be worded to clarify its intent.

COMMISSIONER BRADSHAW MOVED ACCEPT THE FOLLOWING WORDING AS PROPOSED AMENDMENT 32: "THE RIGHT OF AN OCCUPANT TO ACQUIRE TITLE TO A PROPERTY AFTER HAVING CONTINUOUSLY AND OPENLY USED AND MAINTAINED THE PROPERTY OVER A STATUTORY PERIOD OF TIME CONTRARY TO THE INTEREST OF THE OWNER OF RECORD. THE MOTION FAILED FOR LACK OF A SECOND.

COMMISSIONER BRADSHAW MOVED TO TABLE THE CONSIDERATION OF PROPOSED AMENDMENT 32 UNTIL THE CITY ATTORNEY HAS HAD THE OPPORTUNITY TO REVIEW THE AMENDMENT AND MAKE A RECOMMENDATION TO THE COMMISSION. COMMISSIONER MARX SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Commissioner Bradshaw questioned how the 100-year flood is calculated. Mr. Stewart said the definition provided in the Code is the definition provided by FEMA (Federal Emergency Management Agency) on their Federal Flood Insurance Maps. The base flood line indicates the elevation that has a

one percent chance of being equaled or exceed in any given year. The ordinances will typically state that if better information can be provided than is shown on the base flood map, then the base flood shall be based upon the best available information.

COMMISSIONER BRADSHAW MOVED TO ACCEPT THE STAFF RECOMMENDATION REGARDING PROPOSED AMENDMENT 33. COMMISSIONER MALONEY SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER PARKER MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 34. COMMISSIONER MARX SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Mr. Bradshaw referred to Proposed Amendment 35. He questioned how long a person could stay in a bed and breakfast without having it become a rental situation. The Commission questioned how the City would enforce regulations regarding the length of stay.

COMMISSIONER MALONEY MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 35. COMMISSIONER PARKER SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER MONROE MOVED TO ACCEPT THE STAFF'S RECOMMENDATION RELATING TO PROPOSED AMENDMENT 36. COMMISSIONER MALONEY SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER MALONEY MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 37. COMMISSIONER MONROE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER MALONEY MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 38. VICE CHAIR GABBERT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER MALONEY MOVED TO ACCEPT THE STAFF'S RECOMMENDATION REGARDING PROPOSED AMENDMENT 39. COMMISSIONER PARKER SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

In regard to Proposed Amendments 151 and 152, Mr. Stewart explained that both would come before the Commission as part of their review of the road standards in Phase II. They feel it is important to have graphic representation for each of the definitions. The Commission and staff agreed that number "1" should be inserted into staff's recommendation of No Change (i.e., the definition may be adjusted as the specific sections of the Code are further developed in Phase II).

COMMISSIONER MALONEY MOVED TO ACCEPT THE STAFF'S RECOMMENDATION REGARDING PROPOSED AMENDMENTS 151 AND 152 AS AMENDED TO NC-1. COMMISSIONER VADSET SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER VADSET MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 40. COMMISSIONER MARX SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Referencing Proposed Amendment 41, Mr. Stewart suggested that if there is a non-conforming use which has been abandoned, staff would prefer to start enforcement actions within a shorter period of time. Commissioner Bradshaw noted that Page 6, Subsection 2.I.5 cites 12 months. The two should be consistent. Mr. Stewart said that in light of that information, staff now recommends acceptance of Proposed Amendment 41.

COMMISSIONER BRADSHAW MOVED TO ADOPT THE STAFF'S RECOMMENDATION TO ACCEPT PROPOSED AMENDMENT 41 AS AMENDED. COMMISSIONER VADSET SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Mr. Stewart referred to Proposed Amendments 153 through 158. He particularly noted Page 169 of Attachment E (Amendment Documents), and said there are some very good observations and concerns that staff will use as they develop the road standards. The issues Mr. Schwindt has raised in his amendments are valid, and staff intends to address them as part of Phase II.

COMMISSIONER BRADSHAW MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENTS 153, 154, 155, 156, 157 AND 158. COMMISSIONER PARKER SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Commissioner Bradshaw referred to Proposed Amendment 42. He questioned whether the City wants to be more specific as to the date for when a recommendation for a decision is mailed. For instance, should the postmark date be used. Mr. Sievers pointed out that if a person says he/she did not receive the notice, the postmark date would be irrelevant. The only proof, in this situation, would be some kind of return receipt. Mr. Stewart said the City does not ask for return receipt. Chair Kuhn said the City cannot control how long it takes the post office to deliver a document. They can only provide an affidavit for when the document was mailed. Mr. Sievers said that procedure is the standard formula for service in the Administrative Procedures Act.

COMMISSIONER BRADSHAW MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 42. COMMISSIONER VADSET SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER MARX MOVED TO ACCEPT PROPOSED AMENDMENT 43, REPLACING "ABUTTING UPON" WITH "FRONTING ON." MOTION FAILED DUE TO LACK OF A SECOND.

Chair Kuhn questioned whether the term "fronting on" would be appropriate. Commissioner Marx recalled that an earlier Commission decision (Proposed Amendment 28) determined that if a property was on a street, it was considered "fronting on."

Mr. Sievers suggested that abutting was a more conclusive definition. If the intent is to define a corner as touching two streets, then the term "abut" would be appropriate. The Commission concurred that the term "fronting upon" should be changed to "having frontage on."

COMMISSIONER MARX MOVED TO ACCEPT PROPOSED AMENDMENT 43 AS AMENDED, REPLACING "ABUTTING UPON" WITH "HAVING FRONTAGE ON." COMMISSIONER MALONEY SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Referencing Proposed Amendment 44, Mr. Stewart noted that the definition for a "Non-Project Action" came directly from SEPA.

COMMISSIONER MALONEY MOVED TO ACCEPT STAFF'S RECOMMENDATION REGARDING PROPOSED AMENDMENT 44. COMMISSIONER VADSET SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER BRADSHAW MOVED TO ADOPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENTS 45, 46 AND 47. COMMISSIONER PARKER SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Regarding Proposed Amendment 67, Mr. Stewart advised that this issue might be an element of the Comprehensive Plan implementation that is included as Phase II. If not, it will be a subsequent action. He said the City currently has an interlocal agreement with King County regarding historical preservation. That agreement would continue until the City comes forward with a subsequent amendment.

VICE CHAIR GABBERT MOVED TO ADOPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 67. COMMISSIONER MONROE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER VADSET MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 1. VICE CHAIR GABBERT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER MONROE MOVED TO ACCEPT THE STAFF'S RECOMMENDATION RELATING TO PROPOSED AMENDMENTS 48 AND 49. COMMISSIONER MALONEY SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

Chair Kuhn suggested that it is difficult to order the purpose statements, as suggested by Proposed Amendment 50. He suggested that no order is any more significant than another is when the statements are just generally stated purposes.

COMMISSIONER BRADSHAW MOVED TO ACCEPT THE STAFF'S RECOMMENDATION FOR PROPOSED AMENDMENT 50. MOTION FAILED FOR LACK OF A SECOND.

COMMISSIONER MALONEY MOVED THAT PROPOSED AMENDMENT 50 SHOULD BE DENIED AND NO CHANGE SHOULD OCCUR. VICE-CHAIR GABBERT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER BRADSHAW MOVED TO ADOPT PROPOSED AMENDMENT 100 AS RECOMMENDED BY STAFF. COMMISSIONER MALONEY SECONDED THE MOTION. (This item was tabled until the next meeting.)

9. UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

10. NEW BUSINESS

There was no new business to discuss.

11. AGENDA FOR NEXT MEETING

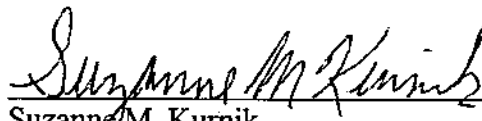
The public hearing was continued to September 16, 1999.

12. ADJOURNMENT

The meeting was adjourned at 9.32 p.m.



Dan Kuhn
Chair, Planning Commission



Suzanne M. Kurnik
Clerk, Planning Commission

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

September 16, 1999
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Kuhn
Vice Chair Gabbert
Commissioner McAuliffe
Commissioner Monroe
Commissioner Marx
Commissioner Vadset
Commissioner Maloney
Commissioner Bradshaw

STAFF PRESENT

Tim Stewart, Director, Shoreline Planning & Development Services
Anna Koloušek, Assistant Director, Planning & Development Services
Ian Sievers, City Attorney
Allan Johnson, Planner II, Planning and Development Services

ABSENT

Commissioner Parker

1. CALL TO ORDER

The regular meeting was called to order at 7:00 p.m. by Chair Kuhn, who presided.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Kuhn, Vice Chair Gabbert, and Commissioners McAuliffe, Monroe, Marx, Bradshaw and Vadset. Commissioner Parker was absent, and Commissioner Maloney arrived at 7:04 p.m.

3. APPROVAL OF AGENDA

No changes were made to the proposed agenda.

4. APPROVAL OF MINUTES

VICE CHAIR GABBERT MOVED TO ACCEPT THE MINUTES OF SEPTEMBER 2, 1999 AS SUBMITTED. COMMISSIONER BRADSHAW SECONDED THE MOTION.