Council Meeting Date: January 13, 2003 **Agenda Item: 7(c)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 317, amendments to chapters 20.30 and 20.40 of the Development Code
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Tim Stewart, Planning Director Brian Krueger, Planner

PROBLEM/ISSUE STATEMENT:

The issue before Council is the consideration of two amendments to the Development Code.

In 2002 the City received six applications to amend the Development Code. Five applications for an amendment were submitted by the public and one submitted by staff in response to a public request. The Planning Commission conducted a docketing process for the six amendments.

Two amendments were affirmed on the official docket for processing. The Planning Commission held a Public Hearing and has made a recommendation on each amendment for the Council's consideration.

Development Code amendments are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations.

ALTERNATIVES ANALYZED: The following options are within Council's discretion and have been analyzed by staff:

- The Council could not adopt the amendments to the Development Code.
- The Council could adopt the amendments as recommended by the Planning Commission and Staff by adopting Ordinance No. 317 (Attachment A).
- The Council could propose an alternative amendment.

FINANCIAL IMPACTS:

- There are no direct financial impacts to the City.

RECOMMENDATION

The Planning Commission and staff recommend that Council adopt Ordinance No. 317, (Attachment A) thereby amending chapters 20.30 and 20.40 of the Development Code.

Approved By: City Manager City Attorney

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INTRODUCTION

An amendment to the Development Code is a Legislative process that may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. The Development Code section 20.30.100 states that any person may request that a Development Code amendment be initiated by the Director, Planning Commission, or City Council. The City accepts proposed Development Code amendment applications from anyone at any time for no charge. However, only the Director, Planning Commission, or City Council can initiate amendments to the Development Code.

BACKGROUND

PROCESS

In 2002 the City of Shoreline received five complete applications from the public to amend the Development Code. Staff in direct response to a public request submitted one amendment.

In order to process the proposed amendments they must be officially docketed. The purpose of creating a docket is to determine which code amendments are ready for processing as proposed, which amendments should be studied further before action, and which amendments should not be considered for action and not be studied further. The Director, Planning Commission or City Council may docket amendments.

All the proposed amendments were considered for inclusion on the official docket. Two amendments were placed on the official docket for processing. The Director docketed these two amendments. The Planning Commission was asked to review the four remaining proposed amendments and docket any additional amendments for consideration. On November 21st the Planning Commission held a public hearing, considered written comments, and deliberated on each amendment for docketing, see Attachment B: November 21, 2002 Minutes. The Planning Commission did not docket any additional amendments and confirmed the official docket of the two amendments docketed by the Director.

The Council under the authority of 20.30.100 may initiate amendments to the Development Code at any time. The proposed amendments that were not docketed by either the Director or Planning Commission in this cycle could be initiated by the Council at a future time, see Attachment C: Table of Amendments Not Docketed.

On December 19th the Planning Commission held a Public Hearing on the official docket of proposed amendments and made a recommendation on each amendment to the Council. See Attachment D: December 19, 2002 Minutes.

The following table is a chronology of the proposed Development Code amendment process for the current amendments.

DATE	DESCRIPTION
Ongoing	• Development Code amendments accepted by the Planning and Development Services Department for consideration for docketing
October 25, 2002	• Notice of Public Hearing and Public Comment period for purposes of docketing advertised in Seattle Times and Shoreline Enterprise. • Written comments deadline--November 15, 2002
October 25, 2002 SEPA Threshold Determination	• SEPA Determination of Non Significance Issued
November 21, 2002	• Planning Commission Public Hearing on proposed amendments for purposes of setting a docket • Planning Commission approves official docket for processing(Two amendments were included on the official docket)
December 4, 2002	• Notice of Public Hearing and Public Comment period for official docket advertised in Seattle Times and Shoreline Enterprise. • Written comments deadline—December 19, 2002
December 19, 2002	• Planning Commission Public Hearing on Development Code official docket of amendments • Planning Commission deliberation and recommendation to City Council on approval or denial of docketed amendments
January 13, 2002	• City Council Meeting • City Council Decision

PUBLIC COMMENT

The City advertised the availability of the official docket of proposed amendments for review and comment. The written comment period began on December 4, 2002 and ended on December 19, 2002. No written comments were received.

ALTERNATIVES ANALYSIS

NOT ADOPT PROPOSED AMENDMENTS

If Council does not adopt the proposed amendments the Development Code would remain unchanged.

ADOPTION OF AMENDMENTS AS PROPOSED

Amendment #1: Add regulation to allow adaptive reuse of library facility as professional office in all zones.

This amendment proposes to add a new use to the non-residential uses table in 20.40.130.

20.40.130 Non-residential uses.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB	RB & I
	Library Adaptive Reuse	P-i	P-i	P-i	P-i	P-i	P-i

Library Adaptive Reuse would be permitted if the use meets special indexed criteria in all zones. The specialized indexed criteria is proposed as follows:

20.40.435 Library Adaptive Reuse

A. The adaptive reuse of a former public library facility is permitted in all zones subject to the uses of the underlying zoning; and

B. In the R-4 through R-48 zones a former public library may be adaptively reused for professional offices.

This proposed amendment would allow a former public library facility located on property in the R-4 through R-48 zones to be adaptively reused as a professional office outright as a permitted use.

The definition of professional office is located in 20.20.040 and reads: "An office used as a place of business by licensed professionals, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific or other academic discipline as opposed to manual skills, and which does not involve outside storage or fabrication, or on site sale or transfer of commodity." Examples of professional offices include real estate, engineering, legal, medical, and dental offices.

There is only one former public library facility in Shoreline at this time and is located at the intersection of NW 195th Place and 24th Avenue NW. This is the former Richmond Beach Library. Other public library facilities that exist in Shoreline are: the Shoreline Library located near 5th Avenue NE and N 175th Street and the new Richmond Beach Library located at Richmond Beach Community Park near NW 196th Street and 21st Avenue NW.

The Planning Commission and staff recommend this amendment for adoption. The reuse of public library facilities conserves building resources. Allowing for professional office uses for these types of buildings may prevent them from remaining vacant if they can only be reused for a narrow scope of uses. There are relatively few properties that include public library facilities that may be affected by this regulation. Shoreline does not have a large amount of professional office space in the City.

Amendment #2: Add requirement for noticing of a public hearing to "post site" for site specific proposals.

This proposal would add a noticing element to the Development Code. 20.30.180 specifies the procedures for the notice of public hearing for land use actions:

20.30.180 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.
- **Post Site:** Posting the property (for site-specific proposals).

Currently notice of public hearing is only required to be published in the Seattle Times and mailed to property owners within 500 feet if site specific. The proposed amendment would add a requirement to post a sign at the site with a public hearing notice if the project is site specific.

A notice of application is always posted on site for the types of actions that require a public hearing if they are site specific. This notice of application regularly includes a tentative date and time of public hearing. Most public hearings are held at the date and time that was specified on the notice of application. Circumstances can arise that require the public hearing date be changed such as lack of quorum, cancellation of a meeting or other circumstances. This amendment as proposed would require a new notice be posted on site if the hearing date is changed for any reason. This would allow all interested parties to be notified of the change and provide an opportunity for comment on the project.

Planning Commission and staff recommend this amendment for adoption. Providing more information that can be disseminated to the public regarding land use actions may result in more public comment on a project. This public comment can be used by the Planning Commission in their formation of recommendations to the City Council. Staff strives to provide the most accurate and up to date information possible on all land use action signs posted on sites. This amendment would require it. This amendment would require additional staff time to prepare new notices if a public hearing date is changed. The City at current staffing levels is equipped to deal with this additional posting requirement.

Planning Commission and staff have evaluated the proposed amendments and found them to be consistent with the Development Code amendment decision criteria, listed below, provided in Section 20.30.350 of the Development Code.

Criteria 1: *The amendment is in accordance with the Comprehensive Plan.*

Criteria 2: *The amendment will not adversely affect the public health, safety or general welfare.*

Criteria 3: *The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.*

The Planning Commission and staff recommend the amendments be adopted as proposed. The Planning Commission deliberation and recommendation can be found in Attachment D: December 19, 2002 Minutes.

ALTERNATIVE AMENDMENT

The Council under its authority in 20.30.100 to initiate Development Code amendments could direct staff to consider an alternative amendment. Noticing requirements in the Development Code would require the City to readvertise any alternative amendment and would require an additional Public Hearing and Planning Commission recommendation.

RECOMMENDATION

The Planning Commission and staff recommend that Council adopt Ordinance No. 317, (Attachment A) thereby amending chapters 20.30 and 20.40 of the Development Code.

ATTACHMENTS

Attachment A: Ordinance No. 317
Exhibit A: Amendments to 20.30.180, 20.40.130, and 20.40.435
Attachment B: Planning Commission Minutes, November 21, 2002
Attachment C: Table of Amendments Not Docketed in 2002
Attachment D: Draft Planning Commission Minutes, December 19, 2002

Attachment A

Ordinance No. 317

ORDINANCE NO. 317

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE DEVELOPMENT CODE TO REQUIRE POSTING OF PUBLIC HEARING NOTICES AND ALLOWING FORMER PUBLIC LIBRARY CONVERSION TO PROFESSIONAL OFFICE IN ANY ZONE AND AMENDING CHAPTERS 20.30 AND 20. 40 OF THE SHORELINE MUNICIPAL CODE

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

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

WHEREAS, the City received six (6) complete applications from the public to amend the Development Code; and

WHEREAS, the Planning Commission developed an official docket of two (2) amendments for processing; and

WHEREAS, the Planning Commission developed a recommendation on the two (2) docketed amendments; and

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

- A public comment period for purposes of docketing amendments was advertised from October 25, 2002 to November 15, 2002.
- The Planning Commission held a Public Hearing on the proposed amendments for purposes of docketing and affirmed an official docket on November 21, 2002.
- A public comment period on the official docket of amendments was advertised from December 4, 2002 to December 19, 2002.
- The Planning Commission held a Public Hearing on the official docket of proposed amendments on December 19, 2002.
- The Planning Commission formulated its recommendation to Council on the official docket of proposed amendments on December 19, 2002; and

WHEREAS, a SEPA Determination of Nonsignificance was issued on October 25, 2002 in reference to the proposed amendments to the Development Code; and

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

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

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

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

Section 1. Amendment. Shoreline Municipal Code Sections 20.30.180, 20.40.130 and 20.40.435 are amended as set forth in Exhibit A, which is attached hereto and incorporated herein.

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

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

PASSED BY THE CITY COUNCIL ON JANUARY 13, 2003.

_____
Mayor Scott Jepsen

ATTEST:

_____
Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

_____
Ian Sievers
City Attorney

Date of Publication: January 16, 2003
Effective Date: January 21, 2003

Chapter 20.30.180 page 51

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.
- **Post Site:** Posting the property (for site-specific proposals).

Chapter 20.40.130 page 99

20.40.130 Non-residential uses.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB	RB & I
	Retail/service type						
	Library Adaptive Reuse	P-i	P-i	P-i	P-i	P-i	P-i

P = Permitted Use	S = Special Use
C = Conditional Use	-i = Indexed Supplemental Criteria

Chapter 20.40.435 page 111

-L-

20.40.435 Library Adaptive Reuse

A. The adaptive reuse of a former public library facility is permitted in all zones subject to the uses of the underlying zoning; and

B. In the R-4 through R-48 zones a former public library may be adaptively reused for professional offices.

Attachment B

Planning Commission Minutes
November 21, 2002

These Minutes Approved
December 5, 2002

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF REGULAR MEETING

November 21, 2002
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT
Chair Doennebrink
Vice Chair Harris
Commissioner Doering
Commissioner McClelland
Commissioner Kuboi
Commissioner Piro (arrived at 7:20)

STAFF PRESENT
Rachael Markle-Oleson, Planning Mgr, Planning & Development Services
Brian Krueger, Planner, Planning & Development Services
Lanie Curry, Planning Commission Clerk

ABSENT
Commissioner Sands
Commissioner Gabbert
Commissioner MacCully

1. CALL TO ORDER

The regular meeting was called to order at 7:00 p.m. by Chair Doennebrink.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Doennebrink, Vice Chair Harris, Commissioners Doering, McClelland and Kuboi. Commissioner Piro arrived at 7:20 p.m. and Commissioners Sands, Gabbert and MacCully were excused.

3. APPROVAL OF AGENDA

COMMISSIONER KUBOI MOVED TO APPROVE THE AGENDA AS PROPOSED. COMMISSIONER DOERING SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF MINUTES

COMMISSIONER MCLELLAND MOVED TO ACCEPT THE MINUTES OF NOVEMBER 7, 2002, 2002 AS AMENDED. VICE CHAIR HARRIS SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

5. PUBLIC COMMENT

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

6. REPORTS OF COMMISSIONERS

Commissioner Doering thanked Naomi Hardy publicly for the work she has done over the last 5½ years on behalf of the Richmond Highlands Neighborhood Community and the City. She is now retiring, and will no longer be doing as much work for the neighborhood association. She said she hopes the City Council would recognize her service in some way.

7. STAFF REPORTS

a. Announcements

Chair Doennebrink shared that at the last City Council meeting they discussed watershed resource inventory areas (WRIA), and he encouraged the Commissioners to view the tape from this meeting. Ms. Markle added that a copy of the staff report related to this issue (City Council Goal #8) was provided to the Commissioners. She explained that City Council Goal #8 was to develop a water quality and environmental program to comply with State and Federal regulations, and it consists of three elements: a surface water master plan, updated environmental regulations and a near-term action plan to comply with the Environmentally Sensitive Areas Act requirements. She recalled that the Commission discussed amendments to the environmental regulations last summer, but the effort was put on hold because there was a lot of public comment and interest, and the Commission felt a more comprehensive review was necessary. The report that was provided to the City Council sets out a plan for doing this additional review.

Ms. Markle indicated that the Planning Commission would begin to review these regulations again starting in January and February. The first step would be to clean up the procedures section. She explained that there are currently two permits that are used to regulate critical area: the critical areas reasonable use and critical areas special use permits. Staff is revisiting the intent of the critical areas special use permit to clarify what it is used for. They will also move the criteria to the procedures section as opposed to special districts chapter.

Ms. Markle advised that the staff received a request from the Aurora Merchant's Association asking that the Department of Transportation respond to several of their issues. The letter from Mr. Stewart provides the Department of Transportation's response as requested. No action is required by the Commission, but the letter was provided for their information.

Commissioner Doering inquired if Chair Doennebrink would be representing the Planning Commission when the Aurora Corridor Project comes before the City Council on December. Chair Doennebrink noted that the Planning Commission decided not to take an official position on this project, so he would not be representing the Commission before the Council on this issue.

b. Legislative Public Hearing to Docket Development Code Amendments

Brian Krueger advised that the purpose of the public hearing is to solicit public and Commission input on the proposed code amendments and then confirm an official docket of amendments for further processing. He noted that applications to amend the Development Code are available to the public year round at no charge. This year the City received five complete applications to amend the Development Code from the public. The City Attorney also submitted one amendment in response to a public request.

Mr. Krueger explained that amending the Development Code is a legislative process and includes a public comment period, which has already begun. He noted that the public comment letters received by the City were provided in the staff report. He also provided an additional packet of public comment letters that were received subsequent to the staff report. The staff has provided an analysis of the issues raised, as well as a recommendation on each. The Planning Commission is the review authority for the amendments and is responsible for holding a public hearing and making a recommendation to the City Council. The City Council has the final decision making authority.

Mr. Krueger said the Development Code states that amendments must ultimately be sponsored or initiated by one of the following: The Director of Planning and Development Services, the Planning Commission, or the City Council. The process through which these amendments are initiated or sponsored is called "docketing." During the docketing process, the Commission will decide which amendments are right for processing, which may need additional review or research, etc, and which amendments may be in conflict with the State Law or the Comprehensive Plan and should not be considered further.

Mr. Krueger advised that the Director of Planning and Development Services has placed two of the six Development Code amendments on the docket already for the Commission's review. He referred to Page 25 of the packet, which provides a summary table of all of the amendments. He advised that staff would briefly introduce all of the amendments and provide a short summary, after which it is hoped the Commission would do one of three things. One option would be recommend the amendment for docketing. Another option would be to recommend that an amendment not move forward at this time, but that it be studied further. The last option would be to recommend that the amendment not be docketed or studied further.

Mr. Krueger said that **Amendment 1** is a proposed public amendment to change the parking design standards to limit the outdoor parking of vehicles outside of single-family residence or duplexe from six vehicles to three vehicles. He said the current parking standards regulate parking by allowing six vehicles to be stored outside. They also regulate parking by yard setbacks. The Code currently does not allow parking in the yard setbacks, and the City's Engineering Guide specifies that parking must be on an approved surface. Also, parking is limited by the amount of impervious surface that is allowed in each zoning district. He noted that the proposed amendment would not affect the number of vehicles that could be stored inside a garage or carport.

Mr. Krueger advised that in the staff report are samples of how surrounding jurisdictions regulate this standard. There is a wide range of regulations dealing with this matter. The Director of Planning and Development Services does not support the amendment for docketing at this time.

Mr. Krueger reviewed that **Amendment 2** proposes to revise the definition of "junk vehicle" in the Development Code. This amendment would add some specific criteria for defining junk vehicles. However, Mr. Krueger pointed out that the current definition in the Development Code is consistent with the State Law. The RCW provides a definition for local jurisdictions to regulate junk vehicles as public nuisances, and the City followed that definition exactly when the Development Code was created in 2000. He said the definition is important because the RCW authorizes jurisdictions to go onto private property and remove junk vehicles if they are so certified as such by the State definition. The proposed amendment would alter the State definition. Mr. Krueger said that, at this time, staff is not clear whether the amendment would be legally defensible, if adopted.

Mr. Krueger noted that the City of Woodinville has adopted a different definition for junk vehicles, but they also have different provisions for abating or towing parked junk vehicles off of private property, as well. If the amendment is adopted, Mr. Krueger suggested that it might require a rewrite of the entire public nuisance code. He concluded that the Director of Planning and Development Services does not support this amendment for docketing at this time.

Mr. Krueger explained that **Amendment 3** is a little more complex. This amendment would add a new subsection to the same parking design standards that would limit the number of recreational vehicles, watercraft and utility trailers that may be parked outside a single-family residence or duplex to two, with screening and location requirements. He summarized that this amendment would add a definition of watercraft, which the Code currently does not have. Staff defines watercraft as vehicles in the Code, unless the Code specifically says that they are exempted from the provisions. However, adding this definition would be important in its use throughout the amending language that is being proposed.

Secondly, Mr. Krueger explained that, currently, RV's, boats and utility trailers are exempted from the number of vehicles that may be parked outside on a single-family lot. This use is currently not regulated other than the parking setbacks would have to be met. These types of vehicles would have to be parked on an approved surface and the impervious surface standards would apply, as well.

Mr. Krueger said the proposed amendment also states that if RV's, boats or utility trailers are parked on a property, they must be located in a garage or carport that is screened with solid fencing and landscaping up to six-feet high. The proposed amendment would also allow an RV, boat or utility trailer to be parked in a side or rear yard, but would require a solid board fence and landscaping that is six-feet high between the vehicle and the abutting property. The amendment would allow an RV to be parked in the front yard, as long as it is under 28 feet in maximum length. If it is parked in the front yard, it must be parked in the driveway and screened from the abutting neighbor by six-foot high fencing or landscaping. If it is in the front yard setback, it must be screened from the right-of-way and abutting property owner. The proposed amendment specifies that the RV must be licensed and operable. It also specifies that all sides of a property abutting a right-of-way would be considered front yard.

Mr. Krueger said the amendment also includes provisions to use RV's as temporary dwellings. He recalled that this issue was brought before the Commission last year as a proposed Development Code amendment. There was a recommendation and eventual ordinance passed by the City Council that does regulate recreational vehicles as temporary dwellings. The proposed amendment is very similar to what the City has already adopted in this respect.

Mr. Krueger said the proposed amendment also specifies that parking of RV's or boats for compensation would not be permitted. The Development Code is silent on this issue now. If the amendment were approved, this type of activity would have to be limited and enforced in some way. He noted that the proposed amendment would not apply to camper shells or watercraft moored on water. It also specifies that any boat or RV over 40 feet would not be allowed. The typical size of an RV is between 25 and 40 feet. The final provision the amendment provides some authority for the Director of Planning and Development Services to not apply the regulations if a recreational vehicle has a handicap placard or is operated by a handicapped person. He stated that the Director of Planning and Development Services does not support the proposed amendment for docketing at this time.

Mr. Krueger advised that **Amendment 4** would add a regulation to allow adaptive reuse of a former public library facility in all zones, subject to the uses allowed by the underlying zoning. Specifically, in the R-4 through the R-48 zones, the adaptive reuse of a public library facility would be allowed for professional office uses. Mr. Krueger noted that the Development Code already provides a definition for "professional office." There are three public library facilities in Shoreline. Two are current, active public library facilities: the new Richmond Beach Library and the Shoreline Library. The only former public library facility at this time is the old Richmond Beach Library off of Northwest 195th Street and 24th Avenue Northeast. The Director of Planning and Development Services has docketed this amendment, and it will be moving forward for processing.

Mr. Krueger advised that **Amendment 5** is a proposal to add a requirement to the noticing provisions for public hearings to "post the site" for site-specific proposals. He pointed out that the amendment was proposed by the City Attorney in direct response to a public request that was received. He explained that many of the City's land use actions require public hearings, and some of them are site specific. When a notice of application goes out for a project on a specific site, the City requires that a sign be posted on that site. This is when the project is noticed for the first time for a public comment period. The sign often includes a tentative date for the public hearing.

If something happens that causes a public hearing to have to be rescheduled, the City does not currently change the dates on the sign. The proposed amendment would change this provision to require that the City post a new accurate date of public hearing if there is any change from the initial date posted in the notice of application

Mr. Krueger noted that the amendment has been docketed by the Director of Planning and Development Services, and it will be moving forward for processing, as well.

Finally, Mr. Krueger reviewed that **Amendment 6** would exempt vehicles that display a handicap placard from the regulations that limit the total number of vehicles allowed to be parked outside of a single-family residence or duplex. Mr. Krueger said the current parking regulations do not restrict the location of parking on the lot, other than setbacks, etc. However, they do restrict the total number of vehicles. The current limit of six vehicles does not seem to restrict the special needs of the handicap community that would necessitate an exemption for vehicles displaying a handicap placard. He stated that the Director of Planning and Development Services does not support the amendment for docketing at this time.

Mr. Krueger said staff recommends that the Planning Commission conduct a public hearing on the proposed amendments for the purposes of docketing any amendments for further processing. The Director of Planning and Development Services has already docketed **Amendments 4 and 5** so the Planning Commission will be considering **Amendments 1, 2, 3 and 6** as part of their authority to initiate and sponsor Development Code amendments.

Mr. Krueger said staff asks that the Commission confirm an official docket of amendments for processing and provide staff with additional research requests for any of the docketed amendments that would require additional information or help for the Planning Commission to formulate a recommendation to the City Council. He said he would be available after the public hearing for questions and additional comments from the Commission.

Chair Doennebrink reviewed the rules and procedures for the public hearing.

Paul Hayes, 18816 Meridian Avenue North, said his comments are related to proposed **Amendment 3.** He said he is totally against the amendment and felt it would be an encroachment on citizen's constitutional rights. There is no way he could possibly take his 35-foot motor home and park it any way other than the way he has it, which is nearly out of sight. He said that most people are not bothered by motor homes. He suggested that the proposed amendment is the result of a squabble between neighbors and an attempt to be vindictive. He said he has a list of over 100 people who own RV's in the Shoreline area that he obtained from the Good Sam Club. These people pay taxes on their vehicles, and the City gets a significant amount of that money.

Mr. Hayes noted that this issue has gone before the United States Supreme Court when someone from a city similar to Shoreline tried to force this type of rule down the peoples' throats. While they may have gotten by with it for a while, it was eventually appealed when the United States Supreme Court ruled in favor of the RV and recreational homeowners.

He encouraged the Commission to consider this ruling as they make their decision. He said he is sick and tired of having the City use tax dollars to compensate for wrong decisions they have made. He asked that the Commission give them a break and stand up and do the right thing by denying proposed **Amendment 3**.

Jose Shdo, 2712 Northeast 195th Place, said he is present to speak regarding **Amendment 3**, also. He urged the Commission to tread very lightly in restricting the rights of property owners to use their property in reasonable ways. He said he moved to Shoreline specifically because of the suburban nature of the City, and many other residents of Shoreline have done the same. They bought their properties specifically because they could park their motor homes there. He said most people want regulations that allow for the maximum reasonable use of their own property. If individual neighborhoods want to form specific covenants to prevent boat or RV parking, they should be encouraged to do that, but he did not think that existing homeowners should be restricted from using their property in a reasonable way.

Mr. Shdo said **Amendment 3** does not take into account the large number of properties in Shoreline that have unique terrain, shape, access, etc. In the drawings that accompany the proposed regulation, there would be many people who would be unable to park their motor homes on their property. The stated reason for the proposed amendment was that parking improperly large vehicles outside deteriorated landscapes might occlude vision, consequently reducing neighbor's property values and discouraging potential homebuyers. He said he is not sure what is meant by the term "deteriorated landscapes," other than some people don't like to look at RV's. But he did not feel it would be right to deny a property owner the use of his property because someone doesn't like to look at an RV.

Mr. Shdo said another stated reason for the amendment is that RV's parked outside might pose a safety hazard and occlude vision, specifically for on-coming traffic, kids or suspicious strangers. He said he does not know if any studies have been done on how many accidents have resulted from RV's being parked nearby. He said he personally doesn't change his driving habits just because there is an RV parked in his neighborhood. He suggested that a six-foot fence of vegetation would probably occlude vision even more. Again, he suggested that this issue is more aesthetic. He suggested that the Commission should differentiate between legitimate safety issues and aesthetic issues that are riding on the coattails of safety issues.

Ms. Shdo said the last reason stated for the amendment is that parking RV's outside would lower property values. He said there are many people that would not buy a piece of property if they couldn't park their RV on site. He questioned how the City could determine which would have a bigger factor. He said, hopefully, the neighbors can all get along and work things out so that every one is happy. He discouraged the Commission from adopting **Amendment 3** without taking into account that some people are not going to be able to comply with the regulations, and they will be forced to store their RV's in storage areas.

Manuel Moreyra, 2718 Northeast 195th Place, said he is one of the proponents of **Amendment 3.** He said the intent of the amendment is to establish parking standards for RV's, trailers and watercraft. It does not attempt to prohibit the parking of RV's on single-family properties. It just sets parking standards so that there is minimal interference with neighbor's views, landscape and property values.

He said enforcing proper parking standards would improve the community by keeping neighborhoods uncluttered. He pointed out that most of Shoreline's surrounding cities (Seattle, Lake Forest Park, Bothell, Bellevue and Kirkland) have strengthened their RV parking standards already.

Mr. Moreyra pointed out that the City of Shoreline's Comprehensive Plan states that "Shoreline should establish standards for single-family houses and promote quality development and reflect the character of existing neighborhoods." He said that, currently, there is no City code to regulate parking for RV's and watercraft in residential neighborhoods. He asked that the Planning Commission consider proposed **Amendment 3**. He pointed out that most of the people who park RV's would be compliant with the standard that he has proposed. It is not really too stringent for most people. He said that, in his case, the neighbor across the street from him is parking his RV in the front yard, and it takes up nearly 60 percent of the total front yard space. It would cause much less impact to the neighbors if he were to park the vehicle in his driveway and then provide some type of fencing for privacy. He concluded by stating that he feels the proposed amendment is important for the City.

Chakorn Phisuthikul, 2618 Northwest 198th Street, said he is present to speak regarding proposed **Amendments 1 and 3**. He suggested that when determining the parking standards for single-family residential zones, the Commission must look at the definitions to determine what is legal. Parking is required to be provided within the property lines and not within the setback areas. Anything that is outside of the property line in the public rights-of-way is considered to be illegal. However, in many cases, these situations are left unregulated. There is no clear direction or City crew to enforce the requirement. He encouraged the Commission to review the definition for illegal parking and enforcement. In some areas in his neighborhood, there are boats parked on both sides of the public rights-of-way, making access through the street difficult. The current parking regulations allow up to eight vehicles to park on a single-family property, and he suggested that this should be amended to five, including the two spaces in the garage.

Mr. Phisuthikul also suggested that the definition of a "junk vehicle" needs to be further defined to make enforcement easier. He provided some pictures of cars that have been parked for over a year and a half, with moss and ivy growing both inside and out, yet they are still not considered to be improperly parked cars. That is why he encourages the Commission to support **Amendments 1 and 3.** He submitted photographs to support the two amendments, as well

Dennis Salldin, 195th and Meridian Avenue North, said he is against proposed **Amendment 3.** He said the way the proposal would require RV parking to be set up, it would be a safety hazard for people living on corners. He said he lives on a corner lot. Because he doesn't make a lot of money, meeting the proposed requirements would be difficult for him.

Lisa Rathlow, 2441 Northwest 198th, said she already submitted a letter to the Commission, along with some photographs to illustrate some of the situations she has encountered. She said her comments are related to **Amendment 1**. Because some of the property owners in her neighborhood have so many junk vehicles on their site, it stretches the parking ability for the adjacent residents because these people end up parking on the street instead of on their property. When the City is trying to keep their streets free for emergency vehicles and pedestrian, junk vehicles tend to clog the streets.

She suggested that the Commission should consider limiting the number of parked cars a single-family residence could have. They should also consider a requirement for removal of junk vehicles so that people can park their operable vehicles on their own property. This would free up space for occasional parking on the street.

Paul Hayes said there are already laws on the books to deal with the issues that have been raised about parking junk cars and/or too many cars or other vehicles on and around residential properties. They just need to enforce the laws better. He agreed that abandoned vehicles on the street are not just eyesores, they are public hazards. There are State, County and City statues to cover this issue. All the City needs to do is enforce the laws they have, without enacting more laws that are burdensome on everyone and take away people's property rights.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Kuboi said he does not support docketing proposed **Amendment 3** because he is sensitive to property rights. The arguments that he has heard against the proposal are convincing. He said he does not see a burden of proof contrary to the desire to park RV's on private property. However, at some point, the Commission might want to consider whether or not there should be an upper boundary on the size of RV's allowed to park on residential properties. He said the arguments to leave the Development Code as it is are more compelling than those to change it. He said he would not be in favor of pursuing the proposed amendment. He noted that the City of Bellevue seems to demarcate 40 feet as being the limit on RV size.

Commissioner Piro said that in the written material the Commission received from staff there was a note specifically related to **Amendment 3.** It reads, "Is this part of a larger work item to review all outdoor storage in residential zones?" Commissioner Piro inquired if the work plan for the near future includes a review of the outdoor storage regulations. Mr. Krueger answered that the outdoor storage issue came up during the last round of Development Code amendments. An amendment was proposed and adopted that regulate metal shipping containers in zones. The Commission received quite a bit of comment about the portable carport type structures that people were using to cover their vehicles, but also as sheds and storage space. The Commission requested that this item be placed on the work program, but staff has not initiated work on this as of yet.

Commissioner Piro said he would be very comfortable deferring **Amendment 3** to a future date, if there is going to be an examination of storage issues in general. This would allow the staff to work with the public to look at this issue in a little bit more detail.

Commissioner McClelland said she wished they could divide **Amendment 3** into separate parts because she felt they absolutely need definitions of watercraft, etc. She noted that in one of the letters the Commission received, kayaks and canoes were excluded. She said she would be in support of the Commission reviewing the amendment at a future time as part of the outdoor storage issue. She said she also found the staff report on this amendment to be informative, but they need to have some pictures to show setbacks, houses, and what is left for parking. They also need some drawings to clearly identify what kind of space they are talking about for typical R-4 and R-6 lots, and a corner lot in particular.

This would help her visualize what a 28-foot vehicle, for example, would look like in a setback. She said there might be some ways to obscure these vehicles without medalling with property rights. Code enforcements issues such as parking in the rights-of-way should be taken care of immediately. Commissioner McClelland cautioned that enforcement of these types of amendments are difficult. They should start by enforcing the codes that are already on the books. They could then dissect **Amendment 3** to deal with the pieces that need to be dealt with such as the definitions and screening.

Mr. Krueger pointed out that the applicant prepared quite an extensive drawing on Page 40, for the Commission's information.

Commissioner Doering said she agrees with Mr. Shdo that many residential properties in Shoreline are not compatible with the explanation found in the request for the amendment. The houses are already setback, so all of the property is in the front. Putting an RV in the backyard would impede on the neighbors behind. She agreed with Mr. Shdo about the suburban nature of Shoreline, which is one of its distinct characteristics. She also agreed with Mr. Hayes that the City needs to enforce the laws they have in the books right now before they start imposing new restrictions on the citizens.

Vice Chair Harris said he would not be in favor of moving **Amendment 3** forward for all of the reasons already stated. He said that real estate agents often advertise property with RV parking, which leads him to believe that RV parking actually adds value to a property. He expressed his opinion that the City already has plenty of laws to keep things orderly, and he doesn't favor any more. He suggested that part of the appeal to having an RV would be storing it in your yard so that you could "tinker" with it. This would not be possible if the RV had to be stored in a storage lot.

Commissioner Kuboi reemphasized that he does not want **Amendment 3** docketed and pursued further. He said that while he understands the concerns of Commissioners Piro and McClelland, he questioned what would be the purpose of putting a decision regarding **Amendment 3** off to a later date. Property rights are very important, and he cautioned the Commission against considering new codes that arbitrarily deal with aesthetic appearance. He suggested that the Commission already knows enough about the issue to make a decision now rather than putting it off to a later date.

Commissioner McClelland pointed out that **Amendment 3** includes seven provisions related to temporary lodging, provisions for disabled people, etc, that perhaps should be thought through. While she agreed that they need to have better definitions in the Code, she is not in favor of requiring all RV's to be screened at this time. However, she clarified her feeling that there are too many provisions in the proposal for the Commission to make a blanket decision to not put it on the docket.

Mr. Krueger noted that at the end of the staff report, the staff requested direction from the Commission in one of three ways. The Commission could decide to docket a proposed amendment for consideration, put it on a work program for further study and consideration, or decide not to consider it any further. He said that if the Commission chooses not to docket **Amendment 3** there would be nothing to prevent them from considering some of the issues raised as part of their review of the outdoor storage issue in the future. At this time, staff is seeking clear direction on each of the specific amendments that have been presented.

Mr. Kuboi agreed that some of the terms in the proposed amendment need to be defined at some point, but the issue of parking and screening of RV's is probably the central reason for the public comments the Commission has received. He suggested that the Commission has information at this time to give staff some direction as to whether or not they want the topic further studied. He said he is not in favor of including this issue as part of the outdoor storage regulation review.

Commissioner Piro clarified that when he suggested that they defer **Amendment 3** to staff, he did not mean that they should take the issue on extensively. However, he concurred with Commissioner McClelland that there are some pieces of the amendment that might be valid. While he does not support docketing the proposed amendment, if the issue of outdoor storage in general is being looked at, pieces of the proposed amendment should be included.

COMMISSIONER KUBOI MOVED THAT DEVELOPMENT CODE **AMENDMENT 3** NOT BE DOCKETED. VICE CHAIR HARRIS SECONDED THE MOTION. THE MOTION CARRIED 6-0.

COMMISSIONER KUBOI MOVED THAT STAFF NOT TO PURSUE ANY FURTHER WORK EFFORT ON SCREENING OR PARKING OF RECREATIONAL VEHICLES. VICE CHAIR HARRIS SECONDED THE MOTION.

Commissioner Kuboi said that if the Commission wants staff to review the issue further, they need to provide specific direction. He said he has not heard any compelling argument as to what issues staff should consider. It appears that the issue is not so much where the RV's are parked, but that they be screened. He pointed out that the code has provisions related to the location of the RV parking, but it does not have any screening requirements. He suggested that it could be appropriate to direct staff to consider the screening aspect further, and he would be willing to change his motion to indicate this. Commissioner Piro agreed.

Vice Chair Harris expressed his opinion that it would not be possible to screen a large RV with a six-foot high fence. Vegetation tall enough would be too wide. Therefore, he does not think that screening efforts would be successful. In fact, he suggested that the screening could end up being more unsightly than the motor home.

Commissioner Doering said she does not want to pursue the screening. She said she does not feel this would be a good use of the City staff's time. If screening is something that needs to be considered in the future, she is assuming that RV's would be one of the uses that must be screened.

Commissioner Piro clarified that his suggestion all along has been that he didn't want to preclude a review of screening for RV's etc. when the issue is considered in general. He is not suggesting that the staff be charged with providing this additional review now.

THE MOTION FAILED 3-3, WITH COMMISSIONERS DOERING, HARRIS AND CHAIR DOENNEBRINK VOTING AGAINST THE MOTION AND COMMISSIONERS MCCLELLAND, KUBOI AN PIRO VOTING IN FAVOR OF THE MOTION.

COMMISSIONER KUBOI MOVED THAT THE COMMISSION NOT PURSUE ELEMENTS OF **AMENDMENT 3**, WITH THE EXCEPTION OF CLARIFYING DEFINITIONAL TERMS SUCH AS WATERCRAFT, TRAILERS, ETC.

Vice Chair Harris cautioned about the difficulty of trying to create a definition for watercraft. Mr. Krueger said this could be placed on the 2003 work plan but could not become part of the 2002 Development Code amendments. He reminded the Commission that they already voted not to docket **Amendment 3.** He explained that, at this time, the City does not have regulations that would require a definition for watercraft. They are regulated the same as vehicles.

VICE CHAIR HARRIS SECONDED THE MOTION. THE MOTION CARRIED 6-0.

VICE CHAIR HARRIS MOVED THAT THE COMMISSION NOT DOCKET **AMENDMENT 6.** COMMISSIONER DOERING SECONDED THE MOTION.

Commissioner Harris said he does not understand why a handicapped person would need one additional parking spot, as proposed in **Amendment 6.** The remainder of the Commission concurred.

THE MOTION CARRIED 6-0.

Next, the Commission discussed proposed **Amendment 1.**

Commissioner Kuboi questioned regarding the definition for "vehicle." Mr. Krueger answered that this definition was included in the staff report. Commissioner Kuboi inquired if a motorcycle is considered to be a vehicle. Mr. Krueger answered affirmatively. He clarified that the Development Code states that if there is not a specific definition in the Code, the City would use a certain version of Webster's Dictionary. Therefore, the definition of a vehicle would be "Any means in or by which someone travels or something is carried or conveyed. A means of conveyance or transport." Mr. Krueger added that a boat is considered a vehicle, but it is specifically exempted from this provision in the Development Code standard. Recreational vehicles are also exempted from this provision.

Commissioner McClelland clarified that the current limitation of six cars parked on the site, plus the two that are allowed in the garage, does not include boats and RV's. Mr. Krueger answered affirmatively.

Commissioner Harris pointed out that if the setback and impervious surface standards are enforced, he would doubt that a person could exceed the limit for the number of cars that are allowed to park on site. On-street parking on a long-term basis is not allowed, and neither are derelict cars.

Commissioner Piro agreed that proposed **Amendment 1** is too restrictive and does not take into account the unique situations. It is too much of a catch all that does not take into account different home sizes and living situations, etc.

COMMISSOINER PIRO MOVED THAT **AMENDMENT 1** NOT BE DOCKETED. COMMISSIONER DOERING SECONDED THE MOTION.

Commissioner Kuboi inquired if there is a basis for the provision that allows six cars to park on a property. Mr. Krueger answered that this was the standard that King County had in place at the time the City was incorporated. It was carried forth to the new Development Code.

THE MOTION CARRIED 6-0.

Commissioner McClelland suggested that **Amendment 2** speaks to the Commission's earlier discussion that the City needs to enforce their laws by requiring that the junk cars be moved now. Whether or not the vehicle has been moved off the property in six months, all the other criteria should be sufficient for the City to tag the car and start fining the owner. She did not think **Amendment 2** was necessary. Rather the City needs to enforce what they already have on the books.

Commissioner Piro said that not only do the City codes have a clear definition and provisions for junk vehicles. The State law does, as well. He said he is uncomfortable with the proposed additional criteria and felt they were somewhat unreasonable. He sees **Amendment 2** as being unnecessary.

Commissioner Doering said it is her understanding that a complaint needs to be made by a citizen to the City's code enforcement official. City personnel cannot go out and find these situations. Mr. Krueger said he does not know if there are specific State laws that regulate how the complaint must be initiated. But the code enforcement program in Shoreline is complaint based. If a citizen calls in a complaint, a customer response team representative will go out and investigate the situation. They attempt to resolve the issue with the property owners before moving it on to more expansive code enforcement actions. Commissioner Doering noted that it is important for the citizens to call the City when they see code violations taking place rather than just waiting for the City to take care of it. Mr. Krueger agreed, and added that the customer response team responds very quickly to citizen calls.

Commissioner Kuboi said he is particularly concerned about someone who parts out and sells their vehicle part by part, such a vehicle would fail two of the four criteria. This could take a period of six months to a year, and the car would be sitting on the property during that time. If the vehicle does not meet the criteria identified in the code, the vehicle would not be considered a junk vehicle. However, he felt this should be classified as a junk car if the vehicle is not drivable.

Vice Chair Harris agreed that a person could have a classic car where the equivalent of its part are much more valuable than the scrap value. This would not be considered a junk car. However, he felt this would be the more rare situation, and he did not feel the code should be changed at this time. The State's RCW is perfectly adequate and very enforceable.

VICE CHAIR HARRIS MOVED THAT THE COMMISSION NOT DOCKET **AMENDMENT 2**. COMMISSIONER DOERING SECONDED THE MOTION.

Commissioner McClelland agreed that they should not change the existing code, in this regard. The situation referred to by Commissioner Kuboi might be true, but it needs to be worked out with the code enforcement officer. There is criteria that can be used to determine if the use meets the existing code or not.

THE MOTION CARRIED 6-0.

Regarding **Amendment 4,** Commissioner McClelland inquired who owns the old Richmond Beach Library property.

Mike McMahon, Lake Forest Park, said he and his partner have purchased the old Richmond Beach Library property. It is now privately owned.

Mr. Krueger pointed out that the property is currently zoned as R-6, and proposed **Amendment 4** would allow the property to be used as a professional office.

Mr. McMahon explained that most municipalities have a provision for the reuse of properties like this in a residential zone for professional offices. However, the City of Shoreline does not. Discussions with staff indicated that it was an oversight that this particular use was not one of the many uses this property could be used for with a conditional use permit. He suggested that using this site for professional offices would actually be a down zone, and would put the property back onto the tax roles.

Commissioner Doering inquired if about the possibility of adding an amendment to the Development Code having to do with public disturbance. She said she went to the North 125th Police Precinct to obtain a copy of the public disturbance and noise code from the Shoreline Municipal Code. Mr. Krueger said that he did some research on this issue when the Commission discussed it previously. He said he would be glad to provide information to enable Commissioner Doering to propose an amendment for consideration the next time Development Code amendments come forward in 2003.

Commissioner Doering recalled that the Commission discussed possible changes to the Development Code related to signs. She inquired why these amendments were not presented to the Commission. Mr. Krueger said staff is working on the sign code amendments. They were not placed on the docket this year because the critical area amendments and the cottage housing review were moved ahead of this item. The sign code amendments will likely come before the Commission in 2003.

8. PUBLIC COMMENTS

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

9. UNFINISHED BUSINESS

Commissioner Kuboi complimented the staff on the staff report that was provided for the Development Code amendments. It was very concise and laid out, so it was easy for the Commission to review each item.

10. NEW BUSINESS

There was no new business scheduled on the agenda.

11. AGENDA FOR NEXT MEETING

Chair Doennebrink reminded the Commission that a review of the cottage housing regulations is scheduled on the Commission's December 5, 2002 agenda.

Commissioner Piro reminded the staff that the Commission had requested further information about several issues pertaining to cottage housing. Mr. Krueger said he is focusing on the these specific issues and will have the information available to the Commission before the next meeting.

12. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Brian Doennebrink
Chair, Planning Commission

Lanie Curry
Clerk, Planning Commission

Attachment C

Table of Amendments Not Docketed in 2002

Proposed Development Code Amendments Not Docketed in 2002

Number	Name	Page(s)	Chapter	Section(s)	Sub(s)	Request	Docket Sponsor
1	Lisa Raflo & Ruth Heinman	193	50	410	B	Amend parking design standards to limit the number of vehicles parked outside of a single-family residence and/or duplex to 3	None
2	Lisa Raflo & Ruth Heinman	82	30	750, 760	B(1-5),B	Amend definition of a junk vehicle throughout, and include it as a public nuisance in order to better enforce the removal of such vehicles	None
3	Manuel Moreyra, Lee Orders & Don Parry	35,193-199	50	054, 410	C(1-6)	Add a new subsection to parking design standards to limit the number of RVs/watercrafts/trailers that may be parked outside of a single-family/duplex residence to 2 - must be screened by solid board fence or sight-obscuring landscaping at least 6ft high; if have reasonable access these vehicles should be parked in rear or side lots - if not, only 1 such vehicle less than 28ft in length may park in the front of a residence	None
6	John Bannecker	193	50	410	B	Amend parking design standards that limit the number of vehicles parked outside of a single-family residence and/or duplex to 6 to exclude vehicles displaying a handicap placard from the 6 limit.	None

Attachment D

Draft Planning Commission Minutes
December 19, 2002

DRAFT

These Minutes Subject to January 16 Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF REGULAR MEETING

December 19, 2002
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT
Chair Doennebrink
Vice Chair Harris
Commissioner Gabbert
Commissioner Kuboi
Commissioner MacCully
Commissioner Piro
Commissioner Sands

STAFF PRESENT
Tim Stewart, Director, Planning & Development Services
Rachael Markle-Oleson, Planning Manager, Planning & Dev. Services
Brian Krueger, Planner, Planning & Development Services
Lanie Curry, Planning Commission Clerk

ABSENT
Commissioner Doering
Commissioner McClelland

1. CALL TO ORDER

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

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Doennebrink, Vice Chair Harris, Commissioners Gabbert, Kuboi, MacCully, Piro and Sands. Commissioners Doering and McClelland were excused.

3. APPROVAL OF AGENDA

COMMISSIONER PIRO MOVED TO APPROVE THE AGENDA AS PROPOSED. COMMISSIONER MacCULLY SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF MINUTES

THE COMMISSION APPROVED THE MINUTES OF DECEMBER 5, 2002 AS AMENDED.

5. PUBLIC COMMENT

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

6. REPORTS OF COMMISSIONERS

Chair Doennebrink reported that he attended a number of seminars at the recent American Planning Association Conference. One of the more interesting ones was related to low impact development where the management of stormwater closer to its source and improving water quality was discussed. A variety of site analysis was done, and it was determined that the amount of detention needed for low impact development would be up to 84 percent less than what would be needed for conventional development. It talked about a "lift," which is a pin foundation, which they claim to be far superior than a standard foundation in the case of an earthquake, but it can only be built on fairly level ground.

Chair Doennebrink said another interesting seminar he attended was related to transportation. One speaker spoke about the various transportation elements that were used by Vancouver, B.C. to lessen congestion and calm the traffic to encourage more people to move into the downtown area. The other speaker was from the Elevated Transportation Company, and he talked about the recent breakdown and other various aspects of the Monorail. He noted that by 2007, the first segment of the new Monorail project would be done.

Chair Doennebrink reported that another seminar he attended was related to improving downtown areas to make them more desirable places to live. Plans in process were presented for three areas: Mill Creek, Redmond, and SeaTac.

7. STAFF REPORTS

a. Announcements

Ms. Markle reported that a local meeting was held related to the Brightwater Treatment Plant Conveyance System and Outfall Portals. The citizens of the community had the opportunity to talk to King County and City of Shoreline staff to discuss concerns and possible mitigation. Invitations were sent to about 9,000 residents living north of 185th Street, which is the area that would be most impacted if the conveyance system and outfall were to be located in Shoreline. She noted that if the Commissioners would like to make comments on the Determination of Non-Significance, they are due to King County by January 21, 2003. If they do make comments, staff would love to receive a copy, as well. The staff's response letter will be drafted in the next few weeks and will go before the City Council on January 13, 2003. After receiving comments from the City Council, the document will be forwarded to King County.

Mr. Stewart announced that the City Council adopted the third alternative for the Aurora Project Phase I after an extremely contentious meeting. The appeal period for the Environmental Impact Statement runs through January 20, 2003. Chair Doennebrink briefly reviewed the process for completion of the project.

Commissioner MacCully said he would suspect that many of the property owners along Aurora Avenue are not the people who run businesses there. He inquired if there is a plan for participation of the people who run the businesses, as well as the property owners. Mr. Stewart said there are three classifications at this time: property owners who also operate the business, property owners who lease the business, and then leasees. The details of relocation are established in the City's Property Acquisition Relocation Manual, which address the procedures for dealing with all three of these classes. The public process has been wide open, and all interested parties have been involved. As they move into the next phase of discussing the actual layout and configuration of the roadway, access points, access consolidation, acquisitions, etc. all parties will need to be involved. He reported that some of the property owners do not have the same interests as the business owners, so delicate negotiations will have to take place.

b. Legislative Public Hearing on Docketed Development Code Amendments

Mr. Krueger recalled that at the November 21, 2002 Commission Meeting, the Commission was introduced to six amendments to the Development Code, and the purpose of that meeting was to create a docket of amendments for further processing. The Director docketed two of the amendments and the Planning Commission was asked to consider the four additional amendments for docketing. After holding a public hearing, the Commission agreed that only the two amendments docketed by the Director (Page 22 of the Staff Report) should go forward to the public hearing process. Mr. Krueger advised that staff has advertised the two amendments, but they did not receive any written public comments during the comment period.

Mr. Krueger explained that amendments to the Development Code are processed as legislative decisions, and they must also meet the decision criteria identified in the Development Code 20.30.350. He quickly reviewed each of the criteria as follows:

- The amendment must be in accordance with the Comprehensive Plan.
- The amendment will not adversely affect the public health, safety or general welfare.
- The amendment is not contrary to the best interest of the citizens and property owners of Shoreline.

Mr. Krueger further explained that the Commission is the review authority responsible for holding a public hearing and making a recommendation to the City Council for Development Code amendments. The City Council is the decision making body. He said that he would briefly introduce each of the two amendments and provide the staff recommendation for each.

Mr. Krueger said that **Amendment 1** would be to add a regulation to the use table and the special index criteria to allow for the adaptive reuse of former public library facilities in all zones, subject to the underlying uses of that zone. Secondly, the proposed amendment would allow the adaptive reuse of a

former public library facility as a professional office in the R-4 through R-48 zones. He explained that the Development Code provides a definition for professional office, and examples would include accountants, medical offices, law firms, etc. He said there are three public library facilities currently in Shoreline, but the only former public library facility is located at Northwest 195th Street and 24th Avenue Northwest in the Richmond Beach area. He concluded by stating that staff has analyzed the amendment and recommends adoption as proposed. Staff finds that the amendment meets the criteria for an amendment to the Development Code.

Mr. Krueger referred to **Amendment 2** which would add a requirement to the noticing provisions for public hearings on site-specific proposals. He explained that some site-specific land use actions require a public hearing, and this process includes a notice of application sign posted on site along with a site plan and other information about the property. He referred to a standard notice that is used by the City. He explained that sometimes the hearing date that is posted on the notice of application is tentative. Currently, when the hearing date is changed, staff does not go back out and change the notice. The proposed amendment would require that posted signs for site-specific projects be updated if the public hearing date is changed. He advised that staff has analyzed the amendment and recommends adoption as proposed. They find that it meets the criteria for Development Code amendments.

Mr. Krueger recommended that the Commission conduct a public hearing on the docket of proposed amendments to the Development Code. After the close of the public hearing they can begin their deliberation on the proposed amendments for the purpose of making a recommendation to the City Council on each. Staff asks that the Commission consider one of the following options for each amendment: recommend the amendment for adoption as proposed, recommend the amendment not be adopted as proposed, or recommend a Planning Commission alternative amendment for adoption. He said staff would be available after the public hearing for additional questions.

Chair Doennebrink reviewed the rules and procedure for the public hearing.

Mike McMahon, 16259 – 38th Avenue Northeast, Lake Forest Park, spoke in favor of **Proposed Amendment 1**, which would allow for the adaptive reuse of library facilities. He said he is the owner of the former public library, and they would like to use the facility for professional offices. He said they have tried every other method to go through the system to achieve that end, and the proposed amendment was the only way to go. If they could have done it as a conditional use process, they would have done so. He noted that many cities allow offices as part of the residential zone as a conditional use, but the City of Shoreline does not. He explained that they have already taken many of the steps involved in a conditional use permit process. They have contacted the Richmond Beach Community Council to let them know of their plans. In addition, they sent letters out to 13 of the neighbors in the area and received no negative responses. He said that when he was cleaning up the property, the owner/occupant of the duplex next door indicated that he was very much in favor of their plans.

Mr. McMahon clarified that the last time he addressed the Commission he said that the plan was a down zone. He meant that figuratively, and not literally. Their proposed use would be much less intense than the library use, especially in terms of traffic. He urged the Commission to recommend adoption of **Proposed Amendment 1.**

THERE BEING NO ONE ELSE IN THE AUDIENCE TO ADDRESS THE COMMISSION DURING THE PUBLIC HEARING, THE PUBLIC HEARING WAS CLOSED.

COMMISSIONER GABBERT MOVED THAT THE COMMISSION ACCEPT THE STAFF RECOMMENDATION AND FORWARD **PROPOSED AMENDMENT 1** (ADAPTIVE REUSE OF LIBRARY FACILITIES) TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL. COMMISSIONER PIRO SECONDED THE MOTION.

Commissioner Gabbert expressed his opinion that professional offices would be a good use for the former library facility. He agreed with the proponent that the proposed use would be less intensive than the public library.

Vice Chair Harris said he is opposed to the change. He said that while he agrees that the new use would be less intense than the library use, the underlying zone is single-family R-6. Obviously, a single-family household would have less impact yet. He said a library, like a school or a church, was a conforming use because it provided a public benefit. This specific proposal would move office uses into a residential zone and would really only benefit the owner of the property. He felt the City is singling out one property owner to offer a benefit that is not available to others in Shoreline. While there are not many libraries in the City, the proposed amendment would apply to all three. He anticipates that there would be more significant concerns related to the other library sites.

Commissioner Kuboi said he is undecided as to whether to support **Proposed Amendment 1** or not. He said he agrees with Vice Chair Harris' concerns. He said he is also concerned about the mechanism that is being used for the amendment. As he reviewed the staff report, he questioned what the potential limits would be as far as professional use. He said he could imagine uses that could be considered professional but might not be acceptable to the neighbors such as an alcohol rehabilitation counseling facility. The proposed amendment would not limit the use to the less controversial businesses.

Commissioner Kuboi said he is uncomfortable with implementing a legislative action that seems to apply to only one person and one property. A legislation action should affect the community as a whole. He questioned how the City would respond if the new Richmond Beach Library were closed in the near future. He suggested that it is inappropriate to change the regulations every time something is not the way they want it to be.

Mr. Stewart responded that the change would only permit professional offices in addition to the other uses that are currently permitted. A professional office is defined as an office used as a place of business by licensed professionals or persons in other generally recognized professions which use training or knowledge of a technical, scientific or other academic discipline as opposed to manual skills, and which does not involve outside storage or fabrication or on-site sale or transfer of a commodity.

Mr. Stewart referred to Commissioner Kuboi's question regarding other potential uses within a residential district. He noted that the Development Code allows a whole series of uses, either as conditional or out right, in the residential R-4 and R-6 Districts including: boarding houses, community

residential facilities, churches, day care facilities, schools, conference centers, museums, school district support facilities, instruction, social clubs, vocational clubs, recycling, etc. He explained that one alternative the Commission could consider would be instead of allowing libraries to be converted into office uses out right, they could amend the proposal to require a conditional use permit. This would make the allowance less of an entitlement and more of a discretionary use.

Commissioner Piro asked staff to clarify the relationship of the library property to the existing commercial district that is nearby. Mr. Stewart said the library property is isolated, but only a few blocks from the commercial district. Mr. McMahon clarified that across the street is a licensed massage practitioner. A duplex is next door, and across the street is an apartment building. Then there are single-family residences. He recalled that this is not a stand-alone use in an area that is exclusively single-family residences. It is abutting or very close to an existing business district.

Vice Chair Harris noted that the existing business district ends at 20th, which is about two blocks from the subject property. Also, the licensed massage practitioner has a home-occupation business, which is not what he would consider a commercial use.

Commissioner Piro said that whether the subject property is immediately adjacent to commercial property or a block or two removed, professional offices is a very appropriate use for the site. He said he would be supporting the motion because there are so few properties with this type of situation that he is not worried about setting a precedent.

Commissioner Kuboi inquired about the negative aspects of requiring a conditional use permit for this type of use. Commissioner Piro said he would not have a problem with requiring a conditional use permit if they cannot get the majority of the Commission to support the amendment as proposed. Commissioner Sands inquired why staff did not choose to present the amendment as a conditional use. Mr. Krueger answered the proposed amendment was submitted by the applicant.

Commissioner Kuboi asked staff to explain why they proposed a separate category called library adaptive reuse as opposed to modifying the professional office category. Mr. Stewart replied that the Development Code provides a table of uses for the various zoning districts (see Page 25 of the Staff Report). Staff considered various ways that the proposal could be configured in the Development Code, and they concluded that the cleanest and most clear way would be to establish it as a separate and distinct use with separate and distinct conditions. That way there would be no ambiguities about the intent of the proposal.

Commissioner Kuboi inquired if would the City have any basis to deny the request of a future applicant with a similar building (other than a library). Mr. Stewart answered affirmatively. Commissioner Kuboi said he is concerned that the City would appear to be arbitrary and capricious if they did not support other changes in uses that are similar to this one. Mr. Stewart said that a previous jurisdiction he worked in had a category to cover the adaptive reuse of a historical structure to any use provided that a special permit was granted. This tool was used to facilitate historic preservation. However, in this case staff considered the impacts of the proposed amendment to the surrounding properties and found it to be minimal.

Vice Chair Harris said he has the same concerns as Commissioner Kuboi in that he sees the proposal as showing favoritism. The building on the subject property more resembles a single-family home than a professional building. It is located two blocks from the business district, near view property in the middle of residential development. In a sense, the proposed amendment would establish the only permitted office space in a view property area.

Commissioner MacCully inquired whether or not the structure has designated historical significance. Mr. Krueger said the structure is not designated as a landmark in Shoreline, but it was included in a 1996 survey completed by King County for historic structures. The property was never nominated and there was no determination of eligibility for landmark status done. The building has been altered four or five times in its history, so the original integrity may not be intact.

Chair Doennebrink asked staff to explain what the difference to the applicant would be if the proposed amendment were changed to require a conditional use permit. Mr. Krueger answered that a conditional use would require a notice of application, notice of decision, etc. This would include mailing notice to residents within 500 feet and posting a notice of application sign on the site. An advertisement would be placed in the newspaper, and a comment period would be required. A list of conditions and criteria would have to be met in order for the conditional use to be approved. A neighborhood meeting would be required and the applicant would have to send meeting notices to residents within 500 feet of the subject property. The applicant would be required to provide a report of the meeting to the City prior to approval of the conditional use permit. Staff would analyze the criteria, as well as the responses submitted by the applicant and the public comments. Mr. Stewart added than an application fee would be required and the decision would be appealable to the Hearing Examiner.

Mr. McMahon clarified that the building on the subject property looks nothing like a house. He invited the Commissioners to visit the site. It is a gutted, commercial structure. He said it is true that he mailed letters to the surrounding property owners explaining their plans. He talked to the president of the Richmond Beach Community Club, as well. If they had a problem with the proposal, they would have come to the public hearing in mass.

Vice Chair Harris said the building does appear to be a house. What is on the inside is not apparent from the outside. He noted that the notices were only sent to 13 people and not to all residents within 500 feet. The proposal has not been posted on the subject property, either. Vice Chair Harris said he has a problem with allowing one property owner to place a commercial use in a residential neighborhood. A conditional use permit is obviously more applicable and appropriate because notices would be required and the neighbors would have knowledge and an opportunity to provide input.

Commissioner Gabbert inquired if there is a notice requirement for amendments to the zoning code. Mr. Stewart answered that notices are only required for zoning map changes. Text changes do not require notice to specific property owners because they apply generally to the entire City. In this case, a notice requirement was not specifically called for.

Commissioner Gabbert said that while he appreciates the concerns expressed by Commissioner Kuboi and Vice Chair Harris, the subject property is located on an arterial street. Any criteria that would be required by a conditional use permit has already been addressed by the proposed amendment. He suggested that a precedent has already been set in other areas for the adaptive reuse of libraries and schools for other uses such as professional offices. He pointed out that the structure on the subject property blends in with the character of the surrounding neighborhood. He said he feels the proposed use would be appropriate. Because a conditional use process would take additional staff time and because the public interest would not be harmed by the selective preference, he would support the amendment as proposed.

Commissioner MacCully noted that on the matrix for non-residential uses, there is an "I" after the permitted use which references "index supplemental criteria." He asked for clarification of this term. Mr. Stewart replied that the "index supplemental criteria" could be found on the following page (Page 26). The adaptive reuse of a library would only be permitted in those cases described on Page 26. That would be the case of any of the other uses on Page 25. The "I" indicates that the supplemental index conditions would be applied. The use would only be permitted if the application meets the criteria.

Commissioner MacCully inquired if any construction that takes place on the outside walls of the building would have to go through the standard City permit process. Mr. Stewart answered affirmatively. The proposal would no longer be an adaptive reuse. It would be considered an expansion.

Commissioner Kuboi stated that he supports the desires of the applicant. However, he is having trouble with issues regarding the appearance of fairness and singling out a particular circumstance that happens to benefit one particular person. He asked if the City Attorney has provided an opinion as to whether there are issues regarding the appearance of special favoritism. Mr. Krueger answered that Development Code amendments can be submitted by anyone at any time for no fee. The City considers all of them through the docketing process.

Mr. Stewart said that, although he is not an attorney, it is his understanding that the appearance of fairness doctrine applies most rigorously to those issues that are quasi-judicial in nature. These are issues where the Commission sits as judge to determine whether an application meets the criteria. In these cases, the Commission must follow very rigorous standards in terms of fairness. The proposed amendment is a legislative decision which has a less rigorous standard of appearance of fairness. While it is always important to be fair and equitable, the standards the Commission is being asked to apply are the general broad standards of amending the Development Code.

Commissioner Kuboi inquired if staff is aware of any other buildings that would fit the basic circumstance of this particular building. Mr. Stewart said it is staff's understanding that there is only one building in the City of Shoreline that would meet the standards for adaptive reuse of a former library. Commissioner Kuboi inquired if this concept would apply to other similar buildings in Shoreline other than libraries. If not, why aren't other potential reuses being accommodated under the change, as well? Vice Chair Harris said he would hope that staff has studied the situation to determine if there are any other similar circumstances that could be covered by this same type of amendment, rather than making amendments to meet the circumstances of single facilities.

Chair Doennebrink inquired if the amendment could be changed to apply to the adaptive reuse of all public facilities. Mr. Stewart said this would be very broad and inclusive, and staff would have to do a much more detailed analysis of the impacts before making a recommendation. The analysis for the proposed amendment is very simple since it would only apply to one site and staff was able to evaluate the situation to determine that it was consistent with the policies of the Comprehensive Plan. The provision could be made more broad or more narrow in the future if deemed appropriate.

Commissioner Sands clarified that anyone, at any time, could ask for an amendment to the Development Code for whatever property they might have. They would be required to come before the Planning Commission for review, and the Commission would have to determine whether or not the amendment is appropriate. There is always an opportunity for a legislative body, such as the Commission, to look at the impacts of a particular proposal. If they determine that the impacts would be relatively minor, they have the authority to recommend the changes. They would also have the opportunity, at a later date, to either expand or retract the provision. He said he does not believe that allowing this particular amendment would have any impact on whether or not a future Commission would allow something of a similar nature.

THE MOTION CARRIED 5-2, WITH COMMISSIONER KUBOI AND VICE CHAIR HARRIS VOTING IN OPPOSITION.

COMMISSIONER KUBOI MOVED THAT THE COMMISSION ACCEPT THE STAFF RECOMMENDATION AND FORWARD **PROPOSED AMENDMENT 2** (POSTING NEW PUBLIC HEARING DATE ON SITES FOR PROPOSED LAND USE ACTIONS) TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL. COMMISSIONER GABBERT SECONDED THE MOTION.

Commissioner Kuboi inquired if it would be possible for subsequent postings to be of a different color so that a passerby would be able to know that something was changed. Mr. Stewart agreed that would be a good idea and staff should adopt this as a friendly comment to be done administratively.

THE MOTION CARRIED UNANIMOUSLY.

c. Metro Transit Briefing on Service Changes

Chair Doennebrink introduced Jack Wisner, Transit Planner for the North Area, King County Metro, who was available to make a presentation to the Commission.

Mr. Wisner referred the Commission to two maps he brought with him to identify route concepts. One shows all day concepts and the other shows peak only concepts. He said he also has maps showing population density and bus stop utilization throughout the planning area. He said that at this time they are in the process of considering changes to the bus routes in north King County in September of 2003. The purpose of his presentation is to educate the Commission regarding the process and the things that are being considered.

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