Council Meeting Date: August 18, 2008 **Agenda Item: 6(c)**

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Proposed Amendments to the Development Code
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joe Tovar, Director Miranda Redinger, Associate Planner

PROBLEM/ISSUE STATEMENT:
The issue before Council is the consideration of the Planning Commission's recommendation on several amendments to the Development Code.

Unlike Comprehensive Plan Amendments, the Council can consider Development Code amendments several times throughout the year. This is the first batch of amendments sent to the Council for its consideration in 2008. 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.

City staff meets on a regular basis to submit ideas about amending the City's Development Code. Staff discusses the merits of all amendments and makes recommendations to the PADS Director who develops a package to send to the Planning Commission. The Planning Commission held a Public Hearing and made a recommendation on each amendment for the Council's consideration.

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

1. The Council could choose to adopt the amendments as recommended by the Planning Commission and Staff by adopting Ordinance No. 515 (Attachment A)
2. The Council could choose to not adopt the amendments to the Development Code.
3. The Council could amend the proposed Planning Commission recommendations by remanding the amendments back to the Planning Commission for additional review and public hearing.

FINANCIAL IMPACTS:
There are no direct financial impacts to the City of the amendments proposed by Planning Commission and Staff.

RECOMMENDATION

The Planning Commission and Staff recommend that Council adopt Ordinance No. 515 (Attachment A).

Approved By: City Manager DRC City Attorney ___

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.

BACKGROUND

PROCESS

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

Recent departmental policy has been to collect proposed amendments throughout the year and periodically discuss which amendments should go forward. This group of amendments was developed by staff over the first six months of this year. On June 19, the Commission held a study session followed by a public hearing to consider the amendments.

Each amendment was discussed separately, though the package was approved as a whole. The following analysis contains the background information and Planning Commission recommendation for each proposal.

PUBLIC COMMENT

A notice of Public Hearing, request for public comment, and preliminary SEPA threshold determination was published on June 26, 2008. No comment letters were received from citizens or public agencies receiving the notice. The Public Hearing was held on July 17, 2008. Only one person spoke at the public hearing. The concerns raised were general in nature and focused on the amendment that staff had withdrawn.

AMENDMENTS AND ISSUES

Exhibit 1 to Attachment A includes a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~strikethroughs~~ for proposed text deletions and <u>underlines</u> for proposed text additions. The following is a summary of the proposed amendments, with staff analysis and Planning Commission recommendation. The Commission recommends approval of all the amendments. The Commission did not make a recommendation on #4 which was withdrawn by staff.

Amendment #1: 20.20.014 C definitions *and* 20.20.046 S definitions.
These two definitions have been clarified to avoid confusion that a Secure Community Transitional Facility may be considered as a Community Residential Facility. The two uses are defined separately in the land use tables: Community Residential Facilities are allowed in a variety of zones, but Secure Community Transitional Facilities are only allowed in RB & I zoning districts, and in addition, they are subject to supplemental regulations.

Amendment #2: 20.30.450 Final plat review procedures
This revision was proposed to provide consistent terminology in the text and title, referring to plats rather than subdivisions and to reference the criteria for approval. There are other minor changes as well, such as those dealing with the requirements of "summary approval" of short plats, and the adoption of dedicated rights-of-way.

Amendment #3: 20.50.240 Site planning – Street frontage – Standards
Existing code language requires buildings to be fronted to sidewalks except where vehicle–oriented uses are proposed. The phrase "vehicle-oriented" can be interpreted broadly. This proposed modification clarifies the phrase in order to exempt certain uses (i.e. car dealerships) from the requirement.

Amendment #4: Withdrawn. 20.30.090 Neighborhood meeting.
Staff withdrew this amendment for additional study.

Amendment #5: 20.30.280 Nonconformance.

The Use Table as it currently exists in the Development Code can be confusing when it comes to the expansion of a nonconforming uses. Expansion of a nonconforming use, in every case except for gambling, requires a conditional use permit. Expansion of a nonconforming gambling use requires a special use permit, as referenced in the supplemental criteria. The proposed change is an attempt to make this process more clear, as well as limit the expansion of a nonconforming use to no more than 10% of said use.

Amendment #6: 20.30.730 General provisions.
This section already exists in the code in 20.30.740(D)4, and no changes are proposed to that section. The amendment would place the same code language in General Provisions to broaden its application without limiting it strictly to cases in which Notices and Orders have been legally served.

Amendment #7: 20.30.750 Junk vehicles as public nuisances.
This amendment accomplishes the following:

- *It brings Shoreline's junk vehicle language into line with current State Law,*
- *It provides editorial changes to facilitate clarity, and*
- *It provides an option to remove the vehicle by a licensed towing company.*

Amendment #8: 20.30.760 Notice and orders.

This revision was proposed to move the responsibility of filing the Certificate of Compliance to the person or party responsibly for the violation.

Amendment #9: 20.40.250 Bed and breakfasts.

This revision was proposed to mirror the language in the International Residential Code's provisions for bed and breakfasts.

Amendment #10: 20.50.040 Setbacks – Designation and measurement.
There are cases where a lot can abut 2 or more streets and not be a corner lot. This amendment addresses the designation of setbacks in these cases.

Amendment #11: 20.50.070 Site planning – Front yard setback – Standards.
The text proposed for elimination is confusing because it repeats earlier language using different terminology. Staff proposes elimination of the text under the figure, which is redundant.

Amendment #12: 20.50.125 Thresholds – Required site improvements.

Same change for 20.50.225, 20.50.385, 20.50.455 and 20.50.535

The purpose of this section is to determine how and when the provisions for site improvement apply to development proposals.

The existing code has a 20% building square footage expansion as a threshold to require costly, full-site improvements for parking, signage, storm-water, street frontage, etc. This is often a disproportionate burden if the improvements are proposed for a small building. In an attempt to address Commissioners' concerns about "appropriate level of burden" the Commission included a 4,000 sq. ft. minimum for required improvements.

Amendment #13: 20.70.030 Required improvements.
The purpose of this section is to identify the types of development proposals to which the provisions of this chapter apply.

Amendment #14: 20.80.110 Critical areas reports required.
Section 20.80.110 of the Critical Area Ordinance (CAO) requires an applicant to pay the City for environmental reviews. It also requires critical areas reports to be performed by qualified professionals, who are in the employ of the City or under contract to the City, and to be directed by and report to the Director.

The amendment would allow the City to develop a list of City-approved consultants and a standard scope of work for each type of critical area report. It is envisioned that an applicant would choose from the list of approved consultants who have been screened by the City This process would meet the intent of the code while avoiding having the City administer projects prior to application. It likely would also reduce costs to the applicant.

ALTERNATIVE AMENDMENTS
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 re-advertise 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. 515 (Attachment A).

ATTACHMENTS

Attachment A:	Ordinance 515, containing proposed amendment language in legislative format as Exhibit 1.
Attachment B:	Planning Commission Staff Report July 17, 2008
Attachment C:	Planning Commission Draft Minutes, July 17, 2008

ORDINANCE NO. 515

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE MUNICIPAL CODE TITLE 20, INCLUDING 20.20.014 C DEFINITIONS; 20.20.046 S DEFINITIONS; 20.30.450 FINAL PLAT REVIEW PROCEDURES; 20.30.280 NONCONFORMANCE; 20.30.730 GENERAL PROVISIONS; 20.30.750 JUNK VEHICLES AS PUBLIC NUISANCES; 20.30.760 NOTICE AND ORDERS; 20.40.250 BED AND BREAKFASTS; 20.50.040 SETBACKS – DESIGNATION AND MEASUREMENT; 20.50.070 SITE PLANNING – FRONT YARD SETBACK – STANDARDS; 20.50.125, 20.50.225, 20.50.385, 20.50.455 AND 20.50.535 THRESHOLDS – REQUIRED SITE IMPROVEMENTS; 20.50.240 SITE PLANNING – STREET FRONTAGE – STANDARDS; 20.70.030 REQUIRED IMPROVEMENTS; AND 20.80.110 CRITICAL AREAS REPORT REQUIRED;

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, City staff drafted amendments to the Development Code; and

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

- A public comment period on the proposed amendments was advertised from June 26, 2008 to July 10, 2008; and
- The Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on July 17, 2008;

WHEREAS, a SEPA Determination of Nonsignificance was issued on July 2, 2008 in reference to the proposed amendments to the Development Code; and

WHEREAS, the proposed amendments were submitted to the State Department of Community Development on May 30, 2008 for comment pursuant WAC 365-195-820; and

WHEREAS, no comments were received from the State Department of Community Development; and

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

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

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

Section 1. Amendment. Shoreline Municipal Code Chapters 20.20, 20.30, 20.40, 20.50, 20.70 and 20.80 are amended as set forth in Exhibit 1, which is attached hereto and incorporated herein.

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

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

PASSED BY THE CITY COUNCIL ON SEPTEMBER 8, 2008.

_____
Mayor Cindy Ryu

ATTEST:

_____
Scott Passey
City Clerk

APPROVED AS TO FORM:

_____
Ian Sievers
City Attorney

Date of Publication:
Effective Date:

Exhibit 1:

All insertions are marked as underlined, while all deletions are marked as ~~strikethroughs~~.

20.20.014 C definitions.

Community Residential Facility (CRF)	Living quarters meeting applicable Federal and State standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified as health services. CRFs are further classified as follows: A. CRF-I – Nine to 10 residents and staff; B. CRF-II – Eleven or more residents and staff. If staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs. CRFs shall not include Secure Community Transitional Facilities (SCTF).

20.20.046 S definitions.

Secure Community Transitional Facility (SCTF)	A residential facility for persons civilly committed and conditionally released to a less restrictive community-based alternative under Chapter 71.09 RCW operated by or under contract with the Washington State Department of Social and Health Services. A secure community transitional facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. SCTFs shall not be considered Community Residential Facilities.

20.30.450 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 plat ~~subdivision~~. When the Director finds that a proposed short plat conforms to all terms of the preliminary short plat and meets the requirements of 58.17 RCW, other applicable state laws, and this title ~~chapter~~ which were in effect at the time when the preliminary short plat application was deemed complete ~~approval, either~~ the Director shall sign on the face of the short plat signifying the Director's approval of the final short plat. ~~and either sign the statements that all requirements of the 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. After an administrative review by the Director, the final formal plat shall be presented to the City Council. ~~If~~ When the City Council finds that a subdivision proposed for final plat approval conforms to all terms of the preliminary plat, and meets the requirements of 58.17 RCW, other applicable state laws, and this title ~~chapter~~ which were in effect at the time when the preliminary plat application was deemed complete ~~approval, public use and interest will be served by the proposed formal subdivision and that all requirements of the preliminary approval in the Code have been met, the final formal plat shall~~

~~be approved and~~ the ~~mayor~~ City Manager shall sign on the face of the plat signifying ~~the statement of~~ the City Council's approval ~~on~~ of the final plat.

D. Acceptance of Dedication. City Council's approval of a long plat or the Director's approval of ~~the~~ a final short 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 reproduced full copy on mylar and/or sepia material shall be furnished to the Department.

20.50.240 Site planning – Street frontage – Standards

Exception 20.50.240(A)(2): In case of a building that is exclusively either drive-through service, gas station, vehicle repair, vehicle dealership, warehouse or storage, ~~with vehicle oriented uses or other uses that have little relationship to pedestrians, or where the ground floor area has a need to limit the "pedestrian" facade,~~ pedestrian ~~frontage~~ access may be created by connecting design elements to the street. Such alternative shall provide pedestrian access through parking areas to building entrances and to adjoining pedestrian ways that are visible and direct, and minimize crossing of traffic lanes. Such pedestrian accesses through parking shall provide the following elements:

1. Vertical plantings, such as trees or shrubs;
2. Texture, pattern, or color to differentiate and maximize the visibility of the pedestrian path;
3. Emphasis on the building entrance by landscaping and/or lighting, and avoiding location of parking spaces directly in front of the entrance.
4. The pedestrian walkway or path shall be raised three to six inches above grade in a tapered manner similar to a speed table.

20.30.280 Nonconformance.

D. Expansion of Nonconforming Use. A nonconforming use may be expanded subject to approval of a conditional use permit ~~or~~ unless the Indexed Supplemental Criteria (20.40.200) requires a special use permit~~, whichever permit is required~~ for expansion of the use under the Code.~~, or if neither permit is required, then through a conditional use permit; provided, a~~ A nonconformance with the development ~~Code~~ standards shall not be created or increased and the total expansion shall not exceed 10% of the use area.

20.30.730 General provisions.

C. The responsible parties have a duty to notify the Director of any actions taken to achieve compliance. A violation shall be considered ongoing until the responsible party has come into compliance, has notified the Director of this compliance, and an official inspection has verified compliance.

~~C~~. D. The procedures set forth in this subchapter are not exclusive. These procedures shall not in any manner limit or restrict the City from remedying or abating Code Violations in any other manner authorized by law.

20.30.750 Junk vehicles as public nuisances.

A. Storing junk vehicles as defined in SMC 10.05.030(A)(1) upon private property within the City limits shall constitute a nuisance and shall be subject to the penalties as set forth in this section, and shall be abated as provided in this section; provided, however, that this section shall not apply to:

1. A vehicle or part thereof that is completely enclosed within a permanent building in a lawful manner, or the vehicle is not visible from the street or from other public or private property; or

2. A vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130.

B. Whenever a vehicle has been certified as a junk vehicle under RCW 46.55.230, the last registered vehicle owner of record, if the identity of the owner can be determined, and the land owner of record where the vehicle is located shall each be given legal notice ~~by certified mail~~ in accordance with SMC 20.30.770.F, that a public hearing may be requested before the Hearing Examiner. If no hearing is requested within 14 days from the ~~certified~~ date of ~~receipt of the notice~~ service, the vehicle, or part thereof, shall be removed by the City. The towing company, vehicle wrecker, hulk hauler or scrap processor will notify ~~with notice to~~ the Washington State Patrol and the Department of Licensing ~~that the vehicle has been wrecked~~ of the disposition of the vehicle.

C. If the landowner is not the registered or legal owner of the vehicle, no abatement action shall be commenced sooner than 20 days after certification as a junk vehicle to allow the landowner to remove the vehicle under the procedures of RCW 46.55.230.

D. If a request for hearing is received within 14 days, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or parts thereof shall be mailed by certified mail, ~~with a five-day return receipt requested,~~ to the landowner of record and to the last registered and legal owner of record of each vehicle unless ~~the vehicle is in such condition that~~ ownership cannot be determined ~~or unless the landowner has denied the certifying individual entry to the land to obtain the vehicle identification number~~.

E. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with ~~his~~ the reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that ~~he~~ the landowner has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner.

F. The City may remove any junk vehicle after complying with the notice requirements of this section. The vehicle shall be disposed of by a licensed towing company, vehicle

wrecker, hulk hauler or scrap processor with the disposing company giving notice ~~given~~ to the Washington State Patrol and to the Department of Licensing ~~that the vehicle has been wrecked. The proceeds of any such disposition shall be used to defray the costs of abatement and removal of any such vehicle, including costs of administration and enforcement~~ of the disposition of the vehicle.

G. The costs of abatement and removal of any such vehicle or remnant part, shall be collected from the last registered vehicle owner if the identity of such owner can be determined, unless such owner has transferred ownership and complied with RCW 46.12.101, or the costs may be assessed against the owner of the property ~~. The costs of abatement and enforcement shall also be collected as a joint and several liability from the landowner~~ on which the vehicle or remnant part is located, unless the landowner has ~~shown~~ prevailed in a hearing ~~that the vehicle or remnant part was placed on such property without the landowner's consent or acquiescence~~ as specified in SMC 20.30.760.E. Costs shall be paid to the Finance Director within 30 days of the ~~hearing~~ removal of the vehicle or remnant part and if delinquent, shall be ~~filed as a garbage collection and disposal lien on the property~~ assessed against the real property upon which such cost was incurred as set forth in SMC 20.30.775. (Ord. 406 § 1, 2006; Ord. 238 Ch. III § 10(e), 2000).

20.30.760 Notice and orders.

G. Whenever a notice and order is served on a responsible party, the Director may file a copy of the same with the King County Office of Records and Elections. When all violations specified in the notice and order have been corrected or abated, the Director shall ~~file~~ issue a certificate of compliance to the parties listed on the Notice and Order. The responsible party is responsible for filing the certificate of compliancewith the King County Office of Records and Elections, if the notice and order was recorded. The certificate shall include a legal description of the property where the violation occurred and shall state that any unpaid civil penalties, for which liens have been filed, are still outstanding and continue as liens on the property.

20.40.250 Bed and breakfasts.

Bed and breakfasts are permitted only as an accessory to the permanent residence of the operator, provided:

A. Serving meals to paying guests shall be limited to breakfast; and

B. The number of persons accommodated per night shall not exceed ten. ~~five, except that a structure which satisfies the standards of the Uniform Building Code. as adopted by the City of Shoreline for R occupancies may accommodate up to 10 persons per night.~~

C. One parking space per guest room, plus two per facility.

D. Signs for bed and breakfast uses in the R zones are limited to one identification sign use, not exceeding four square feet and not exceeding 42 inches in height.

E. Bed and breakfasts require a bed and breakfast permit. (Ord. 352 § 1, 2004; Ord. 238 Ch. IV § 3(B), 2000).

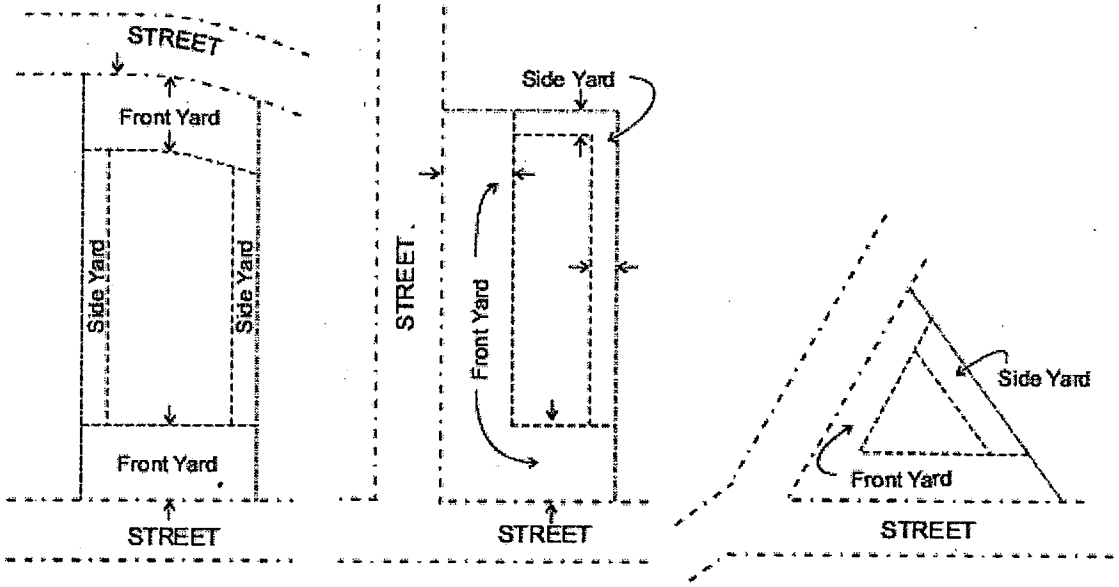
20.50.040 Setbacks – Designation and measurement.

A. The front yard setback is a required distance between the front property line to a building line (line parallel to the front line), measured across the full width of the lot.

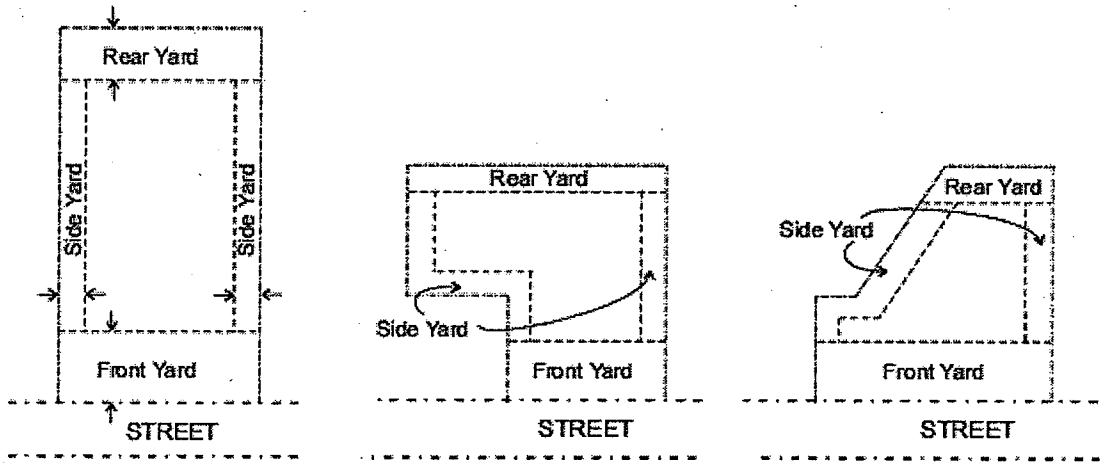
Front yard setback on irregular lots or on interior lots fronting on a dead-end private access road shall be designated by the Director.

B. ~~Except a lot abutting the intersection of two streets (corner lot), each lot must contain only one front yard setback and one rear yard setback. All other setbacks shall be considered side yard setbacks.~~ Each lot must contain only one front yard setback and one rear yard setback except lots abutting 2 or more streets, as illustrated in the Shoreline Development Code Fig. 20.50.040C.

C. The rear and side yard setbacks shall be defined in relation to the designated front yard setback.



THROUGH LOT **CORNER LOTS**



INTERIOR LOTS

20.50.070 Site planning – Front yard setback – Standards.
Exception 20.50.070(2): The required front yard setback may be reduced to 15 feet provided there is no curb cut or driveway on the street and vehicle access is from another street or an alley.

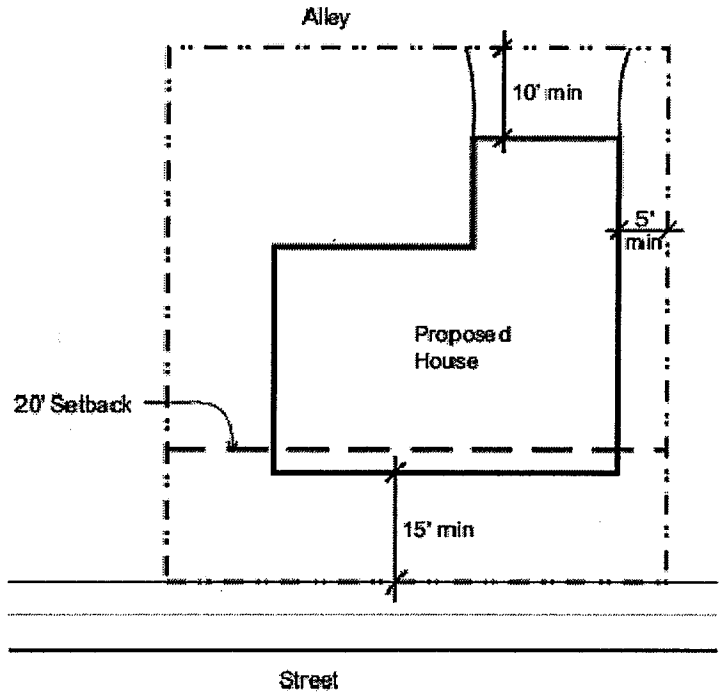


Figure Exception to 20.50.070(2~~): Minimum front yard setback may be reduced to 15 feet if there is no curb cut or driveway on the street and vehicle access is from another street or alley.~~

20.50.125 Thresholds – Required site improvements.
20.50.225 Thresholds – Required site improvements.
20.50.385 Thresholds – Required site improvements.
20.50.455 Thresholds – Required site improvements.
20.50.535 Thresholds – Required site improvements.

The purpose of this section is to determine how and when the provisions for site improvement cited in the General Development Standards apply to development proposals. These provisions apply to all multifamily, nonresidential, and mixed-use construction and uses.

Full site improvements are required for parking, lighting, landscaping, walkways, storage space and service areas, and freestanding signs if a development proposal is:

- Completely new development;
- Expanding the square footage of an existing structure by 20 percent, with a minimum size of 4,000 sq. ft.; or
- The construction valuation is 50 percent of the existing site and building valuation.

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

20.70.030 Required improvements.

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

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

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

C. It shall be a condition of approval for development permits that required improvements be installed by the applicant prior to final approval or occupancy.

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

1. All new multifamily, nonresidential, and mixed-use construction;

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

20.80.110 Critical areas reports required.

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

Commission Meeting Date: July 17, 2008 **Agenda Item:** 7.A

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Public hearing on the first bundle of 2008 proposed Development Code revisions
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Miranda Redinger, Associate Planner

BACKGROUND

The Commission held a study session to consider these proposed revisions to the Development Code on June 19th, so tonight's hearing is an opportunity for the public to comment and the Commission to review requested changes and additional information.

Based on comments at the study session, four of the fifteen code proposals have been modified slightly since the June study session; including 20.30.450 Final plat review procedures, 20.30.090 Neighborhood meeting, 20.30.750 General provisions, and 20.50.125 Thresholds- Required site improvements. Nine of the staff explanations have been revised to respond to Commissioners' questions. In addition, comparisons were done between our proposal and other regional municipal practices for neighborhood meetings and requirements for Critical Area reports. All changes are highlighted in the attachment.

Following the hearing, staff recommends that the Commission discuss the proposals and develop a recommendation that night to forward to the City Council for adoption.

Miranda Redinger will attend the public hearing to respond to your comments. If you have questions before then, please contact Miranda at 801-2513 or email her at mredinger@ci.shoreline.wa.us prior to the meeting.

ATTACHMENTS

A: Proposed Development Code Revisions 2008

Appendix A:
Proposed Development Code Revisions 2008

***All insertions are marked as underlined, while all deletions are marked as ~~strikethroughs~~.**
All text changes requested at the June 19th Planning Commission meeting are highlighted.
Staff justification for each change is included below the suggested revision in *italics*.

20.20.014 C definitions.

Community Residential Facility (CRF)	Living quarters meeting applicable Federal and State standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified as health services. CRFs are further classified as follows: A. CRF-I – Nine to 10 residents and staff; B. CRF-II – Eleven or more residents and staff. If staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs. CRFs shall not include Secure Community Transitional Facilities (SCTF).

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These two definitions have been clarified by City Attorney staff to avoid an interpretation that a Secure Community Transitional Facility may be considered within the definition of 20.20.014 C as one form of Community Residential Facility. Both are included separately in the land use tables, and while Community Residential Facilities are allowed in a variety of zones, Secure Community Transitional Facilities are only allowed in RB & I subject to supplemental regulations. These supplemental regulations are contained in SMC 20.40.505.

20.30.450 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 plat ~~subdivision~~. When the Director finds that a proposed short plat conforms to all terms of the preliminary short plat and meets the requirements of 58.17 RCW, other applicable state laws, and this title ~~chapter~~ which were in effect at the time when the preliminary short plat application was deemed complete ~~approval~~, ~~either~~ the Director shall sign on the face of the short plat signifying the Director's approval of the final short plat. ~~and either sign the statements that all requirements of the 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. After an administrative review by the Director, the final formal plat shall be presented to the City Council. ~~If~~ When the City Council finds that a subdivision proposed for final plat approval conforms to all terms of the preliminary plat, and meets the requirements of 58.17 RCW, other applicable state laws, and this title ~~chapter~~ which were in effect at the time when the preliminary plat application was deemed complete ~~approval, public use and interest will be served by the proposed formal subdivision and that all requirements of the preliminary approval in the Code have been met, the final formal plat shall be approved and~~ the ~~mayor~~ City Manager shall sign on the face of the plat signifying ~~the statement of~~ the City Council's approval ~~on~~ of the final plat.

D. Acceptance of Dedication. City Council's approval of a long plat or the Director's approval of ~~the~~ a final short 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 reproduced full copy on mylar and/or sepia material shall be furnished to the Department.

This revision was proposed by the City Attorney to provide consistent terminology in the text and title, referring to plats rather than subdivisions and to reference the criteria for approval. In addition, cities are required to adopt "summary approval" of short plats as per RCW 58.17.060. The code currently requires City Council approval of dedications which is contrary to this statute and current practice. Dedications are required to mitigate the direct impacts of increased density as set forth in the Engineering Guide, rules that have been authorized by the City Council in the Dedications subchapter of SMC 20.70.

20.50.240 Site planning – Street frontage – Standards

Exception 20.50.240(A)(2): In case of a building that is exclusively either drive-through service, gas station, vehicle repair, vehicle dealership, warehouse or storage, ~~with vehicle oriented uses or other uses that have little relationship to pedestrians, or where the ground floor area has a need to limit the "pedestrian" facade,~~ pedestrian ~~frontage~~ access may be created by connecting design elements to the street. Such alternative shall provide pedestrian access through parking areas to building entrances and to adjoining pedestrian ways that are visible and direct, and minimize crossing of traffic lanes. Such pedestrian accesses through parking shall provide the following elements:

1. Vertical plantings, such as trees or shrubs;
2. Texture, pattern, or color to differentiate and maximize the visibility of the pedestrian path;
3. Emphasis on the building entrance by landscaping and/or lighting, and avoiding location of parking spaces directly in front of the entrance.
4. The pedestrian walkway or path shall be raised three to six inches above grade in a tapered manner similar to a speed table.

This revision was proposed by PADS staff. Existing code language requires buildings to be fronted to sidewalks except where vehicle–oriented uses with little relationship to pedestrians are proposed. The intent is good except that 'vehicle-oriented' is not defined, and most of the uses along Aurora Ave. could be considered vehicle-oriented because of the nature of the avenue, its traffic, and the types of land uses. In addition, the current vague code language contributes to its inconsistent administration. If the City wants to be firmer about the street

frontage provisions, yet still reasonably exempt certain uses (i.e. car dealerships) from the requirement, then the code changes are necessary.

20.30.090 Neighborhood meeting.

Prior to application submittal for a Type B or C action, excluding projects that are categorically exempt under section 20.30.560 SMC, the applicant shall conduct a neighborhood meeting to discuss the proposal. Type B or C projects categorically exempt from section 20.30.560 SMC shall provide advance notice of the proposal to residents located within 500 feet of the proposal.

This revision has been proposed by PADS staff. Neighborhood meetings are generating false expectations for attendees in that they are under the assumption of being able to approve or deny a proposal before an application has been submitted to the City. There have been several citizen complaints about this assumption that their opinions would affect the project, when the approval or denial of such is actually criteria-based, with little leeway for staff to condition projects prior to submission of an application. The City provides appropriate notice and comment period to residents once a complete application has been received, and proposes that applicants send written notice of the proposal to neighboring residents so they may be made aware of the potential project. This change would only affect SEPA exempt projects, which include 1) Buildings less than 4,000 s.f., 2) Fewer than 20 parking stalls, 3) Grading involving less than 500 cu. yds., and 4) Short Plats (four dwellings or less).

At the Commission's request, staff has conducted research about neighboring jurisdictions' code requirements for neighborhood meetings. In conversations with Mountlake Terrace, Snohomish County, Lynwood, Mercer Island, Renton and Bothell it was determined that Shoreline was the only locality out of the group that requires neighborhood meetings at the pre-application stage for any type of permit. All other localities contacted only put out the Notice of Application and some recommend that developers hold neighborhood meetings or speak with neighborhood organizations if they feel a project may be controversial.

20.30.280 Nonconformance.

D. Expansion of Nonconforming Use. A nonconforming use may be expanded subject to approval of a conditional use permit ~~or~~ unless the Indexed Supplemental Criteria (20.40.200) requires a special use permit~~, whichever permit is required~~ for expansion of the use under the Code~~., or if neither permit is required, then through a conditional use permit; provided, a~~ A nonconformance with the development ~~Code~~ standards shall not be created or increased and the total expansion shall not exceed 10% of the use area.

Because the long explanation of this proposal seemed to lead to greater confusion, we have attempted to clarify the basic change that would occur if adopted. The Use Table as it currently exists in the Development Code is confusing when it comes to the expansion of a nonconforming use because it was created as a tool for delineating the process for establishing uses. When you look at the chart, it tells you if a use is permitted, special or conditional, and which uses require indexed supplemental criteria. Therefore, the assumption is that the same permit would be required to expand a nonconforming use, when this is not the case. Expansion of a nonconforming use, in every case except for gambling, requires a conditional use permit. Expansion of a nonconforming gambling use requires a special use permit, as referenced in the

supplemental criteria. The proposed change is an attempt to make this process more clear, as well as limit the expansion of a nonconforming use to no more than 10% of said use.

Due to concerns from Commissioners that the one time expansion would be too restrictive or cause applicants to develop to the maximum extent allowed when they would otherwise chose a more modest expansion, that part of the proposal has been withdrawn. Staff believes it will be possible to track expansions in our current permit system so that over time they do not exceed 10%.

20.30.730 General provisions.

C. The responsible parties have a duty to notify the Director of any actions taken to achieve compliance. A violation shall be considered ongoing until the responsible party has come into compliance, has notified the Director of this compliance, and an official inspection has verified compliance.

~~C.~~ D. The procedures set forth in this subchapter are not exclusive. These procedures shall not in any manner limit or restrict the City from remedying or abating Code Violations in any other manner authorized by law.

This revision was proposed by PADS staff. This section already exists in the code in 20.30.740(D)4, and no changes are now proposed to that section. The suggestion is to also have it in General Provision to broaden its application without limiting it strictly to cases in which Notices and Orders have been legally served because some code enforcement cases are civil infractions. Those violations also need to be considered ongoing until the responsible party has proved to the director's satisfaction that the violation has been corrected.

20.30.750 Junk vehicles as public nuisances.

A. Storing junk vehicles as defined in SMC 10.05.030(A)(1) upon private property within the City limits shall constitute a nuisance and shall be subject to the penalties as set forth in this section, and shall be abated as provided in this section; provided, however, that this section shall not apply to:

1. A vehicle or part thereof that is completely enclosed within a permanent building in a lawful manner, or the vehicle is not visible from the street or from other public or private property; or

2. A vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130.

B. Whenever a vehicle has been certified as a junk vehicle under RCW 46.55.230, the last registered vehicle owner of record, if the identity of the owner can be determined, and the land owner of record where the vehicle is located shall each be given legal notice ~~by certified mail~~ in accordance with SMC 20.30.770.F, that a public hearing may be requested before the Hearing Examiner. If no hearing is requested within 14 days from the ~~certified~~ date of ~~receipt of the notice~~ service, the vehicle, or part thereof, shall be removed by the City. The towing company, vehicle wrecker, hulk hauler or scrap

processor will notify ~~with notice to~~ the Washington State Patrol and the Department of Licensing ~~that the vehicle has been wrecked~~ of the disposition of the vehicle.

C. If the landowner is not the registered or legal owner of the vehicle, no abatement action shall be commenced sooner than 20 days after certification as a junk vehicle to allow the landowner to remove the vehicle under the procedures of RCW 46.55.230.

D. If a request for hearing is received within 14 days, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or parts thereof shall be mailed by certified mail~~, with a five-day return receipt requested,~~ to the landowner of record and to the last registered and legal owner of record of each vehicle unless ~~the vehicle is in such condition that~~ ownership cannot be determined ~~or unless the landowner has denied the certifying individual entry to the land to obtain the vehicle identification number~~.

E. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with ~~his~~ the reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that ~~he~~ the landowner has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner.

F. The City may remove any junk vehicle after complying with the notice requirements of this section. The vehicle shall be disposed of by a licensed towing company, vehicle wrecker, hulk hauler or scrap processor with the disposing company giving notice ~~given~~ to the Washington State Patrol and to the Department of Licensing ~~that the vehicle has been wrecked. The proceeds of any such disposition shall be used to defray the costs of abatement and removal of any such vehicle, including costs of administration and enforcement~~ of the disposition of the vehicle.

G. The costs of abatement and removal of any such vehicle or remnant part, shall be collected from the last registered vehicle owner if the identity of such owner can be determined, unless such owner has transferred ownership and complied with RCW 46.12.101, or the costs may be assessed against the owner of the property ~~. The costs of abatement and enforcement shall also be collected as a joint and several liability from the landowner~~ on which the vehicle or remnant part is located, unless the landowner has ~~shown~~ prevailed in a hearing ~~that the vehicle or remnant part was placed on such property without the landowner's consent or acquiescence~~ as specified in SMC 20.30.760.E. Costs shall be paid to the Finance Director within 30 days of the ~~hearing~~ removal of the vehicle or remnant part and if delinquent, shall be ~~filed as a garbage collection and disposal lien on the property~~ assessed against the real property upon which such cost was incurred as set forth in SMC 20.30.775. (Ord. 406 § 1, 2006; Ord. 238 Ch. III § 10(e), 2000).

These revisions were proposed by PADS staff. Changes fall into 3 general areas, housekeeping to bring our junk vehicle language into line with current State Law, editorial changes to

facilitate clarity, and adding the option of having the vehicle removed by a licensed towing company. The work on aligning Shoreline's code to State Law was initiated in 2007and is not related to the Customer Response Team's new proactive clean-up program. The basis of the current code was adopted by the City in 2000 and this section (SMC 20.30.750) has always been based on State Law.

20.30.760 Notice and orders.

G. Whenever a notice and order is served on a responsible party, the Director may file a copy of the same with the King County Office of Records and Elections. When all violations specified in the notice and order have been corrected or abated, the Director shall ~~file~~ issue a certificate of compliance to the parties listed on the Notice and Order. The responsible party is responsible for filing the certificate of compliancewith the King County Office of Records and Elections, if the notice and order was recorded. The certificate shall include a legal description of the property where the violation occurred and shall state that any unpaid civil penalties, for which liens have been filed, are still outstanding and continue as liens on the property.

This revision was proposed by PADS staff to move the responsibility of filing the Certificate of Compliance to the person or party responsibly for the violation.

20.40.250 Bed and breakfasts.

Bed and breakfasts are permitted only as an accessory to the permanent residence of the operator, provided:

A. Serving meals to paying guests shall be limited to breakfast; and

B. The number of persons accommodated per night shall not exceed ten. ~~five, except that a structure which satisfies the standards of the Uniform Building Code, as adopted by the City of Shoreline for R occupancies may accommodate up to 10 persons per night.~~

C. One parking space per guest room, plus two per facility.

D. Signs for bed and breakfast uses in the R zones are limited to one identification sign use, not exceeding four square feet and not exceeding 42 inches in height.

E. Bed and breakfasts require a bed and breakfast permit. (Ord. 352 § 1, 2004; Ord. 238 Ch. IV § 3(B), 2000).

This revision was proposed by PADS staff to mirror the language in the International Residential Code's provisions for bed and breakfasts. The City adopted the International Codes in 2006. The City has also adopted Construction and Building Codes which regulate safety and other concerns which the Commission raised at their June meeting. These codes are contained in SMC 15.05.

20.50.040 Setbacks – Designation and measurement.

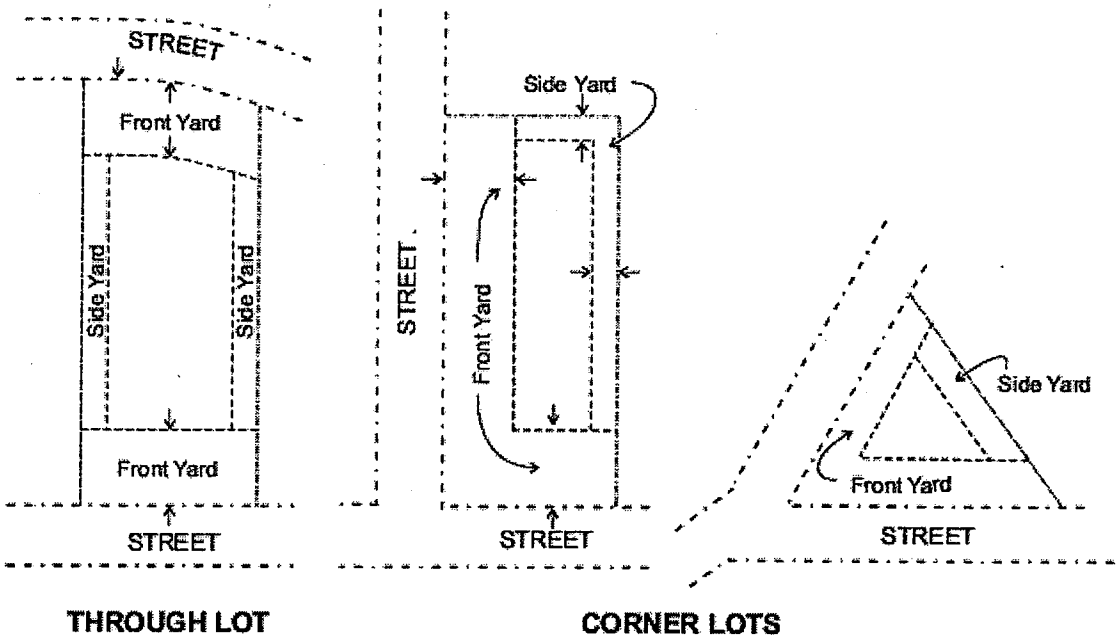
A. The front yard setback is a required distance between the front property line to a building line (line parallel to the front line), measured across the full width of the lot.

Front yard setback on irregular lots or on interior lots fronting on a dead-end private access road shall be designated by the Director.

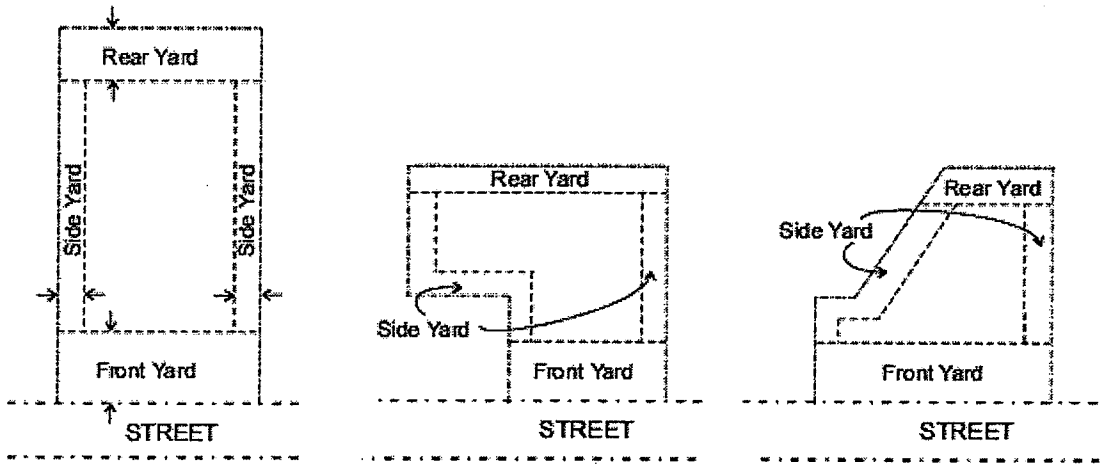
B. ~~Except a lot abutting the intersection of two streets (corner lot), each lot must contain only one front yard setback and one rear yard setback. All other setbacks shall be considered side yard setbacks.~~ Each lot must contain only one front yard setback and one rear yard setback except lots abutting 2 or more streets, as illustrated in the Shoreline Development Code Fig. 20.50.040C.

C. The rear and side yard setbacks shall be defined in relation to the designated front yard setback.

This revision was proposed by PADS staff. There are cases where a lot can abut 2 or more streets and not be a corner lot, such as the through lot illustrated in the Shoreline Development Code Figure 20.50.040(C) below.



THROUGH LOT **CORNER LOTS**



INTERIOR LOTS

20.50.070 Site planning – Front yard setback – Standards.

Exception 20.50.070(2): The required front yard setback may be reduced to 15 feet provided there is no curb cut or driveway on the street and vehicle access is from another street or an alley.

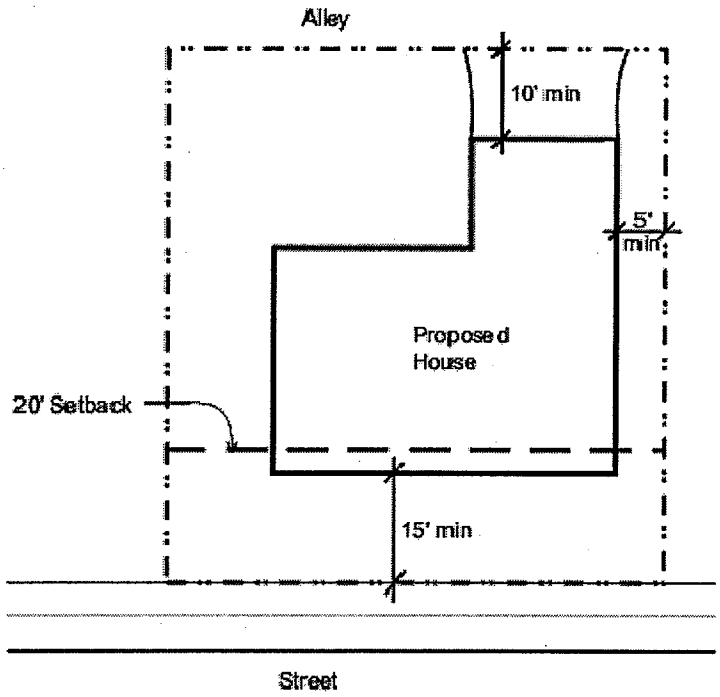


Figure Exception to 20.50.070(2)~~: Minimum front yard setback may be reduced to 15 feet if there is no curb cut or driveway on the street and vehicle access is from another street or alley.~~

(Ord. 299 § 1, 2002; Ord. 238 Ch. V § 2(B-1), 2000).

This revision was proposed by PADS staff. This text is redundant and worded slightly different from the exception noted above. The exception above refers to the required front yard setback and the wording in the figure exception below refers to the minimum front yard setback. In this case minimum and required mean the same thing. The proposal clarifies this by removing the second reference which is redundant.

20.50.125 Thresholds – Required site improvements.

Same change for 20.50.225, 20.50.385, 20.50.455 and 20.50.535

The purpose of this section is to determine how and when the provisions for site improvement cited in the General Development Standards apply to development proposals. These provisions apply to all multifamily, nonresidential, and mixed-use construction and uses.

Full site improvements are required for parking, lighting, landscaping, walkways, storage space and service areas, and freestanding signs if a development proposal is:

- Completely new development;
- Expanding the square footage of an existing structure by 20 percent, with a minimum size of 4,000 sq. ft.; or
- The construction valuation is 50 percent of the existing site and building valuation.

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

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

20.70.030 Required improvements.

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

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

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

C. It shall be a condition of approval for development permits that required improvements be installed by the applicant prior to final approval or occupancy.

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

1. All new multifamily, nonresidential, and mixed-use construction;

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

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

20.80.110 Critical areas reports required.

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

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

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

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

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

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

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

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

DRAFT

These Minutes Subject to August 7th Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

July 17, 2008
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

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

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

Commissioners Absent
Vice Chair Hall
Commissioner Kaje
Commissioner Wagner

CALL TO ORDER

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

ROLL CALL

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

APPROVAL OF AGENDA

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

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

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

DIRECTOR'S COMMENTS

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

APPROVAL OF MINUTES

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

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

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

GENERAL PUBLIC COMMENT

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

LEGISLATIVE PUBLIC HEARING ON DEVELOPMENT CODE AMENDMENTS – 1ST BUNDLE

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

Staff Overview and Presentation of Preliminary Staff Recommendation

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

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

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

- **Chapter 20.20.046 S – Definitions.** Ms. Redinger recalled that Commissioner Behrens requested more information on the siting requirements that govern secure community transitional facilities. She advised that these supplemental regulations are contained in SMC 20.40.505. Commissioner Behrens said he reviewed SMC 20.40.505. While he had some small questions about how the siting standards would be applied, he would feel comfortable moving forward with the amendment as proposed.

- **Chapter 20.30.450 – Final Plat Review Procedures.** Ms. Redinger reported that based on comments and questions raised by Commissioner Kaje, words were added to the language in this section to clarify that the director would conduct an administrative review of a proposed final short plat when an application has been deemed complete, and not when it was received or approved.

- **Chapter 20.30.280 – Nonconformance.** Ms. Redinger advised that staff pulled the explanation that was previously provided in the language because it was confusing. The point of the amendment is to make it clear in the Development Code that all expansion of nonconforming uses would require a conditional use permit except for gambling. The proposed provision that would limit the expansion of a nonconforming use to a cumulative amount of 10% is still part of the proposed amendment. Staff believes they can track this percentage through the permitting system. The new language removes the clause that limited expansion to one time only.

- **Chapter 20.30.730 – General Provisions.** Ms. Redinger explained that this section already existed in the code, and no changes have been proposed to the existing language. However, staff is recommending that the language also be included in the "General Provisions" section to broaden its application. This item was added to the "General Provisions" section as Item C, which required that the previous Item C be moved to Item D.

- **Chapter 20.30.750 – Junk Vehicles as Public Nuisances.** Ms. Redinger advised that staff received additional clarification from the Code Enforcement Officer, particularly regarding the Commission's question about whether or not the proposed language was related to the Customer Response Team's new proactive clean up program. She indicated was not; the amendment was merely proposed to comply with State Law.

- **Chapter 20.40.250 – Bed and Breakfasts.** Ms. Redinger recalled that the Commission previously raised questions about other pertinent codes that regulate occupancy, etc. She noted that these provisions are located in SMC 15.05.

- **Chapter 20.50.040 – Setbacks.** Ms. Redinger noted that illustrations were added to show examples of when a lot could abut two or more streets and not be considered a corner lot.

- **Chapter 20.50.125 – Thresholds.** Ms. Redinger explained that in an attempt to address concerns raised by Vice Chair Hall and Commissioner Kaje, staff has amended the proposal to include a 4,000 square foot minimum for required improvements, assuming the improvements do not trigger the 50% existing site and building valuation threshold on a building less than 4,000 square feet. She noted that 4,000 square feet is also the SEPA Threshold.

- **Chapter 20.80.110 – Critical Areas Reports Required.** Ms. Redinger explained that staff contacted other local jurisdictions to learn more about their processes for requiring critical areas reports. She advised that a summary of their findings was attached to the staff report.

Questions by the Commission to Staff

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

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

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

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

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

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

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

Public Testimony or Comment on Updates to Proposal

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

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

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

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

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

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

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

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

Final Questions by the Commission

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

Deliberations

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

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

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

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

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

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

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

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

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

Vote by Commission to Recommend Approval or Denial or Modification

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

STAFF REPORTS

Introduction of Shoreline Master Program Update

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

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

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

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

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

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

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

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

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

Southeast Neighborhoods Subarea Plan CAC and Meeting Schedule

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

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

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

Development Code Chapter 20.30.090 (Neighborhood Meetings)

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

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

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

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

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

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

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

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

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

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

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

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

DIRECTOR'S REPORT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

UNFINISHED BUSINESS

There was no unfinished business on the agenda.

NEW BUSINESS

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

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

REPORTS OF COMMITTEES AND COMMISSIONERS

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

AGENDA FOR NEXT MEETING

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

ADJOURNMENT

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

Sid Kuboi
Chair, Planning Commission

Belinda Boston
Acting Clerk, Planning Commission