

AGENDA
 CITY OF SHORELINE PLANNING COMMISSION
 REGULAR MEETING



Thursday, October 20, 2005
 7:00 p.m.

Shoreline Conference Center
 Mt. Rainier Room
 18560 1st Avenue NE

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00 p.m.
2. ROLL CALL	7:01 p.m.
3. APPROVAL OF AGENDA	7:02 p.m.
4. DIRECTOR'S REPORT	7:03 p.m.
5. APPROVAL OF MINUTES	7:08 p.m.
a. October 6, 2005	
6. GENERAL PUBLIC COMMENT	7:10 p.m.

The Planning Commission will take public testimony on any subject which is not of a quasi-judicial nature or specifically scheduled for this agenda. Each member of the public may comment for up to two minutes. However, Item 6 (General Public Comment) will be limited to a maximum period of twenty minutes. Each member of the public may also comment for up to two minutes on action items after each staff report has been presented. The Chair has discretion to limit or extend time limitations and number of people permitted to speak. In all cases, speakers are asked to come to the front of the room to have their comments recorded. Speakers must clearly state their name and address.

7. REPORTS OF COMMITTEES AND COMMISSIONERS	7:15 p.m.
8. STAFF REPORTS	7:20 p.m.
a. Workshop: Introduction of Proposed Development Code Amendments and confirmation of the Official Docket	
9. PUBLIC COMMENT	9:15 p.m.
10. UNFINISHED BUSINESS	9:20 p.m.
a. Vote to Reconsider Eliminating the Cottage Housing Code	
11. NEW BUSINESS	9:35 p.m.
12. AGENDA FOR November 3, 2005	9:38 p.m.
<i>Tentative</i> Update on Richmond Beach Saltwater Park Master Plan	
13. ADJOURNMENT	9:40 p.m.

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CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

October 6, 2005
7:00 P.M.

Shoreline Conference Center
Rainier Room

PRESENT

Chair Harris
Commissioner Kuboi
Commissioner Phisuthikul
Commissioner Broili
Commissioner McClelland
Commissioner Hall

STAFF PRESENT

Rachael Markle, Assistant Director, Planning & Development Services
Paul Cohen, Senior Planner, Planning & Development Services
Jeff Forry, Permit Manager, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

ABSENT

Vice Chair Piro
Commissioner MacCully
Commissioner Sands

1. CALL TO ORDER

The regular meeting was called to order at 7:05 p.m. by Chair Harris, who presided.

2. ROLL CALL

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

3. APPROVAL OF AGENDA

The agenda was approved as submitted.

4. DIRECTOR'S REPORT

Ms. Markle reported that the interview process for the new Planning and Development Services Director is underway. The application period has also closed for the positions that were vacated by Ms. Spencer and Mr. Pyle. Staff will begin screening the applications soon.

Ms. Markle referred the Commission to the minutes from the Economic Development Task Force meetings and advised that they were provided to the Commission for their information.

5. APPROVAL OF MINUTES

The minutes of September 15, 2005 were approved as amended.

6. GENERAL PUBLIC COMMENT

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

7. REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner McClelland inquired how many Commissioners signed up to attend the American Planning Association Conference. She suggested they organize a carpool to the event, and the remainder of the Commissioners agreed.

8. STAFF REPORTS

a. Sidewalks & In-Lieu-Of Program

Mr. Forry referred the Commission to the staff report that was prepared by Mr. Pyle to provide an overview of the current Fee-In-Lieu-Of Program. This program allows an applicant to provide a payment of fees in lieu of constructing frontage improvements. He said the purpose of his presentation was to review the current standards and policies for the Fee-In-Lieu-Of Program. He referred the Commission to their copy of Ordinance 303, which was adopted by the City Council in May of 2002 and codified as part of Section 20.70.030 of the Shoreline Municipal Code (SMC). He noted that several other attachments relative to the adoption of Ordinance 303 were also provided in the Commission's packet.

Mr. Forry advised that residential curb, gutter and sidewalk improvements are regulated under SMC 20.70.030. As per this code, all new construction for residential development and remodel/addition where work being done exceeds 50 percent over the property's assessed valuation are required to provide full frontage improvements. However, the code also provides for partial exemptions to this requirement, which includes at a minimum, sidewalks and drainage facilities. He explained that adoption of Ordinance 303 enabled the City to enter into agreements with developers to use the funds the developer would otherwise have spent on frontage improvements to supplement a public

improvement project. These funds must be used to fund pedestrian improvement projects located in the vicinity of the development activity. The intent of the program is to promote connectivity of sidewalks and drainage improvements on a citywide basis and to help avoid the piecemeal installation of frontage improvements that provide no connectivity to other pedestrian facilities.

Mr. Forry advised that if a developer decides to participate in the Fee-In-Lieu-Of Program, he/she must complete an application. Once a request has been made, the City's Development Review Engineer would complete a site visit to ensure there are no special circumstances on the site and verify the cost estimates provided by the developer. Some of the determining factors used by the Development Review Engineer to review an application include bus routes and pedestrian facilities for access to schools or parks, as well as the class of the roadway. He pointed out that prior to building permit issuance, developers or homeowners are not required to indicate whether they would participate in the Fee-In-Lieu-Of Program or apply for a right-of-way permit to construct the improvements. However, this decision must be made prior to the City issuing a Certificate of Occupancy.

Mr. Forry reported that in 2004, there were 28 homes that were candidates for the Fee-In-Lieu-Of Program. Of those 28 homes, 24 were new construction and 4 were remodel projects. Sixteen of them were required to build the improvements, 10 volunteered to participate in the program, and 2 have not finalized their building permits. He referred to a map that was provided to identify where projects have been undertaken in the City. He further reported that approximately \$53,000 in fees was collected in 2004 from the 10 projects that opted to use the Fee-In-Lieu-Of Program, which is approximately \$5,000 per application. He pointed out that the City's cost for improvement of any individual sidewalk program runs between \$100 and \$150 per linear foot. A developer's cost for putting in a sidewalk would be based on their actual material and labor costs at the time, but it runs somewhat less than the City's cost due to the City's requirement to pay prevailing wages.

Commissioner Phisuthikul asked if there are any limitations regarding when and where the money from the program must be spent. Mr. Forry answered that the ordinance requires the money be spent for improvements within the general vicinity of the project. Ideally, the applicant would agree to a capital improvement project in the neighborhood that the money could be applied to. He pointed out that because the City's Sidewalk Program does not specifically identify capital improvement projects throughout the City, not all of the funds have been specifically designated to a project. He further pointed out that the next Transportation Plan Update would designate sidewalk projects. However, he cautioned that it is important for the Commission to understand that \$53,000 would not pay for a significant amount of sidewalk area at the City's cost.

Mr. Forry explained that the fees are collected under a State statute that provides for voluntary payment of fees-in-lieu-of such as construction and capital improvements. The fees are subject to review after a five-year period. Therefore, any fees collected could be retained for five years, but must be used within that timeframe.

Commissioner Hall inquired regarding the fundamental policy problem that led to adoption of the Fee-In-Lieu-Of Program (Ordinance 303). Mr. Forry answered that there are certain situations in which the City would not want frontage improvements to be made, and Ordinance 303 was adopted to address the

issue of equity. It was also adopted as a potential method of funding future capital improvements projects. However, there was no good estimation of the types of revenues the City would receive from the program.

Commissioner McClelland pointed out that another concern was that, as originally adopted, SMC Section 20.70.030 sometimes resulted in situations of “sidewalks to nowhere.” The Commission previously discussed that rather than having chunks of sidewalks located here and there, the money should be collected to do a continuous sidewalk project.

Commissioner Hall said he has heard concerns expressed by the community, as well as various Commissioners, that there are pieces of sidewalk being constructed randomly in areas where no other sidewalks, curbs and gutters are located. These pieces of sidewalk do not appear to have a significant public benefit. He expressed his concern that the current Fee-In-Lieu-Of Program has not really done anything to address the problem of “sidewalks to nowhere.”

Mr. Forry agreed and reported that the Public Works Department is considering this concern as they review options for the Transportation Plan Update for sidewalks. He advised that the standard for private development proposals requires concrete sidewalks, curbs and gutters. However, there are a variety of techniques the City can use to meet the standard for City-initiated pedestrian pathways, such as rolled curbs, asphalt pathways, separated pathways from the roadway, etc. The City’s engineering staff is looking at a strategy for providing different alternatives for private development so that easier sidewalk connections can be made. In conjunction with this, they are working to identify definitive sidewalk routes for the City.

Commissioner Phisuthikul asked if the funds from the Fee-In-Lieu-Of Program have been used to start any City pedestrian project. Mr. Forry said the moneys have not been expended on any project to date because there hasn’t been a capital improvement project that the moneys could be applied to. In addition, the amount of money has not been sufficient to do any significant sidewalk construction. However, a recent developer has requested to participate in the Fee-In-Lieu-Of Program and the monies would be applied to the Interurban Trail Project.

Chair Harris asked if money from the Fee-In-Lieu-Of Program could be used for Neighborhood Traffic Safety Program Improvements. Mr. Forry said consideration has been given to this option, but none of the money has gone to these types of projects yet. Ordinance 303 requires that the funding be used strictly for sidewalk improvements, and no policy statement has been issued to change this requirement.

Commissioner Kuboi asked how the City determines how close to the development site the in-lieu-of funds must be spent. Mr. Forry referred to SMC Section 20.70.030.C.3.b.ii (Attachment 1 on Page 26 of the Staff Report) which states that the Planning Director and the applicant must agree on the amount of the in-lieu-of payment and the capital project for which the payment should be applied. It requires that the Director give priority to capital projects in the vicinity of the proposed development. However, there is no set criterion for determining the exact vicinity.

Commissioner Phisuthikul estimated that the City is collecting only about 50 percent of the actual cost of improvements that are done by the City because a developer is only required to pay about \$75 per square foot for sidewalk improvements, when the City must pay about \$150 per square foot. Mr. Forry agreed that is correct.

Commissioner McClelland said that when the Commission originally discussed the Fee-In-Lieu-Of Program in 2002, it was their desire that instead of dumping money into a general public works fund for any project in the City, the fee should be applied to a project in the vicinity of the development. The intent was that the money would be spent on connecting sidewalks, which would provide some visual impact to a neighborhood. However, she pointed out that the City has not collected enough money to do any significant sidewalk improvement. She concluded that unless there is a huge development proposal, it would take the City a long time to accumulate enough money to construct a project that would have an impact to the community. She summarized that she is not convinced the Fee-In-Lieu-Of Program is effective. Mr. Forry explained that the Fee-In-Lieu-Of Program is development driven. Since the majority of development activity in Shoreline is rehabilitation, renovation, and rebuilding of properties, there is no organized method to provide a connection.

Commissioner Hall agreed with Commissioner McClelland that the driving force behind Ordinance 303 is not being met at a rapid enough pace to meet the community's interest in having a connected pedestrian system. He suggested the Commission break out of the box and consider different alternatives. He recalled that when the Commission recently reviewed a proposal for 15th Avenue, they specifically discussed the issue of sidewalks. They talked about the potential of requiring an applicant to extend a sidewalk beyond the subject property to a bus stop, intersection, etc. The City Attorney cautioned that any Commission requirements placed on a development permit must meet certain very clear legal standards and be associated with the impact of the proposed development. Commissioner Hall said he would be in support of retaining the Fee-In-Lieu-Of Program. But in the meantime, he suggested the Commission explore the option of requiring frontage improvements to extend to the nearest corner, nearest crosswalk, nearest bus stop, nearest sidewalk, or twice the length of the frontage on the site. He said he recognizes that this alternative would impose an additional cost on the developer, but there would be a guarantee that the sidewalk would reach somewhere.

Commissioner Broili agreed that the Commission should consider the alternative brought forward by Commissioner Hall. He further suggested that the Commission consider raising the fee to match the City's cost of constructing a sidewalk. A developer would be able to choose to either meet the requirements of Commissioner Hall's recommendation or pay a greater fee-in-lieu.

Chair Harris asked if the concepts presented by Commissioner Hall and Commissioner Broili would apply to single-family development, as well. Commissioner Hall clarified that his proposed alternative should probably only apply to multi-family and subdivision development proposals. Commissioner Phisuthikul pointed out that the Fee-In-Lieu-Of Program only applies to single-family development. He advised that in order to implement Commissioner Hall's alternative, the framework of the Fee-In-Lieu-Of Ordinance would have to be altered.

Commissioner Phisuthikul expressed his concern that because the money collected from the Fee-In-Lieu-Of Program must be spread out through the neighborhoods in the City, it would be difficult for the City to amass enough money to do any type of pedestrian improvement project on any significant scale, unless a sidewalk improvement program has already been funded for the neighborhood. Mr. Forry agreed that this is the most significant problem associated with the current program.

Commissioner Broili referred to a neighborhood on 201st and pointed out that while 201st is a residential street, there are no sidewalks and the residents don't want sidewalks. However, if someone were to redevelop on this street, they would be required to either construct sidewalk improvements or participate in the Fee-In-Lieu-Of Program. Mr. Forry said the City's first requirement would be for frontage improvements and associated drainage facilities. Second, the project could be evaluated for the Fee-In-Lieu-Of Program, and this could be approved provided the road is not a bicycle route and doesn't require a connector to a school or park, etc.

Commissioner Broili expressed that he believes the Fee-In-Lieu-Of Program is seriously flawed and does not provide for flexibility. The program establishes a predetermined paradigm that there must be sidewalks on both sides of the streets. However, there are new paradigms now about how streets should be developed. For example, the City of Seattle is doing C Street Projects where sidewalks are only being constructed on one side of the street, except on designated streets. When considering the existing Fee-In-Lieu-Of Program from a citywide perspective, he said he feels the whole program must be rethought, and they must carefully decide exactly what they are trying to achieve. Rather than taking a patchwork approach, the Commission should go back to the drawing board and think about the issue in a much broader perspective. They should consider the definition for sidewalks and how drainage facilities and sidewalk and street improvements could be tied together to result in more economical methods that have less impact on the environment.

Commissioner McClelland reminded the Commission that when they discussed the Fee-In-Lieu-Of Program three years ago, there was an underlying assumption that they wanted safe pedestrian and bicycle pathways in the City. The industry standard for accomplishing this goal is through the development process. The City has succeeded in getting developers to pay their fair share of the improvements, but it has been too piecemeal. She suggested that they leave the Fee-In-Lieu-Of Program alone, but also have a discussion on other alternatives to address the City's goal of obtaining safe pedestrian and bicycle pathways. Rather than being a failed or flawed effort, the Fee-In-Lieu-Of Program is just a tiny piece of the big picture and they need more.

Commissioner Kuboi pointed out that in order for the Fee-In-Lieu-Of Program to be utilized, there must be a bilateral agreement between the City and the Developer. He asked if City staff has ever considered the option of making the program unilateral, wherein the City could require a developer to participate. This would address situations when the City code requires the construction of a sidewalk in front of just one property on a street that has no sidewalks. Mr. Forry answered that the City does not currently have a provision in the code that would allow them to require a developer to participate in the program. He further answered that staff has had some internal discussions regarding this concept and has also given consideration to the amount the City charges a developer who participates in the program. The amount was deliberately set at a lower rate to encourage participation in locations where the City did not feel a

sidewalk would be appropriate. They also wanted to make the cost equitable for homeowners who are redeveloping their properties since much of the development in Shoreline is homeowner driven.

Mr. Forry suggested it would be beneficial for the City Engineer to provide the Commission with the same presentation she provided to the City Council regarding the sidewalk program and the City's current strategies. He felt this might help the Commission get a clear understanding of how they want to proceed on the issue of sidewalks.

Commissioner Broili said he is nervous about the whole Fee-In-Lieu-Of Program being left intact because it could encourage developers to construct sidewalks in inappropriate locations in order to avoid having to participate in the program. He would rather the City require a developer to contribute a set amount into a sidewalk and street improvement fund. This fund would eventually be large enough for the City to implement a meaningful project.

Commissioner Phisuthikul said he would like residential development on corner lots to be restricted from participating in the program. Development of corner lots should require sidewalks in order to make the street corners safer.

Chair Harris said he has constructed a number of street improvements. He recalled that when King County had control of Shoreline, it was common to widen the shoulder of a road by eight feet to provide pedestrian space. But in the urban areas, the City of Shoreline later adopted a policy of requiring curb, gutter and sidewalk for all residential development and redevelopment. He expressed his belief that if the property owners who live on residential streets that do not currently have sidewalks had a clear understanding of the City's current policy, they would be opposed to it.

Chair Harris pointed out that a developer would be able to construct a sidewalk at a much lower cost than the City currently charges for their Fee-In-Lieu-Of Program. He said the critical factor associated with the cost is for engineering work. He suggested the City could come up with a boilerplate engineering design for sidewalks, thus allowing them to eliminate the engineering portion of the fee. This would make the Fee-In-Lieu-Of Program more attractive to developers.

Commissioner Hall explained that implementation of Commissioner Broili's recommendation would involve the collection of impact fees, which is another option for collecting money for transportation improvements, etc. He suggested it would be appropriate for the Commission to consider other options, in addition to the Fee-In-Lieu-Of Program, that would allow the City to provide an efficient and connected pedestrian network in less than 50 years. In order to accomplish this goal, he suggested the Commission consider how the City could reduce the cost of providing an efficient pedestrian network. Secondly, the Commission should discuss options for funding the sidewalk program to a greater level. In addition to general public funding sources, other options would include impact fees, local improvement districts, and increased developer funding.

Commissioner Broili pointed out that there are numerous opportunities throughout the City to create pedestrian corridors that aren't necessarily along streets. These opportunities include interconnecting neighborhoods and further development of trails that have been created along designated streets that

have remained undeveloped. These could be developed into pedestrian corridors that link various streets, thus negating the necessity for sidewalks in some areas. He suggested the City should first conduct a study to identify where the pedestrian corridors are needed. Next, the City should consider a program similar to the City of Seattle's C-Street Program, which resolves several problems at once. He pointed out that sidewalks result in additional impervious surface, and stormwater issues must be dealt with at the same time. He referred to a recent memorandum from the Public Works Department regarding the option of combining City funds to allow them to resolve stormwater issues in conjunction with street and sidewalk development. He pointed out that the City of Seattle found that their new program significantly lowered the cost of their street improvements. At the same time, they have been able to create traffic calming and better landscapes, as well as give property back to property owners adjacent to the streets, etc. Commissioner Broili summarized that the Commission must come up with a strategy that looks at the needs of the whole City. Second, they must identify the best available technologies that provide the best value, are comprehensive and holistic in their approach.

Commissioner Kuboi pointed out that various City departments are currently considering elements of the sidewalk issue. He cautioned that the Planning Commission does not really have the authority to come up with ideas that would be binding on the other City entities. He asked staff to explain the Planning Commission's role in the process. Once again, Mr. Forry recommended that a presentation by the City Engineer might provide some clarity on the City's master plan for sidewalks, aside from the Fee-In-Lieu-Of Program.

Commissioner Hall referred to the map that was provided by staff to identify the City's current sidewalk plan and pointed out that the Community has expressed that they are unsatisfied with the City's current efforts to construct a pedestrian network. The Commission has an opportunity to ask staff to look into certain alternatives, since they do have the ability to introduce code amendments that would change the City's current policy for pedestrian walkways.

Chair Harris cautioned that it would be absurd for the Commission to think that developers should construct all of the sidewalks in the City. The sidewalks have been needed for many years, and the City must develop a logical plan that could be funded through bonds, etc.

Commissioner McClelland said that in her experience as a professional planner, there have never been enough sidewalks. She suggested the public be invited to play a role in the City's discussion about sidewalks. She further suggested the City conduct a needs assessment that allows the public to express their desires and expectations regarding pedestrian access.

Commissioner Broili agreed with Commissioner Kuboi that they need further guidance from the staff on how to bring all of the City entities together to work on the issue in a holistic and realistic fashion. Secondly, Commissioner Broili agreed with Chair Harris that the City shouldn't wait for developers to pay for all of the City's sidewalks. Because the City is basically built out, it could take more than 50 years before the City obtains a satisfactory pedestrian network that satisfies the needs of the community. Third, he pointed out that the Commission already has a mandate as a result of the survey conducted by the bond advisory committee. One of the highest priorities identified by the community was the need

for more walking trails, bicycle paths, and better community links. He suggested that it is time for the Commission to seek direction from the staff on how to move forward.

Commissioner Hall added that throughout the Commission's recent Comprehensive Plan hearings, they received numerous comments from the public urging them to provide more pedestrian connectivity in the City. Based on the Commission's discussion, he suggested they direct staff to create some alternatives that could improve the City's pedestrian network. Staff could consider options of altering the streetscape from one standard to a variety of different types of pedestrian connections. Staff could also consider possible funding options.

Chair Harris pointed out that the final decision would be made by the City Council and would likely come down to funding. Therefore, it is important for the City Council to understand the Commission's desire to come up with a better plan. Commissioner Broili agreed and suggested that they request the City Council to provide staff funding to support the Commission's efforts to bring a recommendation to the City Council. Chair Harris agreed that in order for them to move forward, the City Council must make a commitment to provide financial support to implement a sidewalk program.

Ms. Markle advised that the bond advisory report is scheduled to come out next week, and staff could provide a report on what the bond advisory committee identifies for sidewalks. In addition, the City Engineer's report could identify the types of alternatives that are available for street improvements other than curb, gutter and sidewalk. She agreed that talking with the City Engineer would be the next step for the Commission to find out the process for changing the sidewalk standards. In addition, she pointed out that the Public Works Department is working towards some possible development code amendments related to sidewalks that would come before the Commission for review.

Commissioner Phisuthikul agreed it would be appropriate to schedule a meeting with the City Engineer to discuss the City's goals and objectives for sidewalks. They could brainstorm possible ideas with her, and then discuss how they could move the issue forward. It is important that the Commission have a clear understanding of what the problems are now and what strategies could be used to address the problems.

The Commission agreed that the City's current policy has resulted in piecemeal sidewalk construction, which is not appropriate. It was pointed out that, often, the piecemeal sidewalks have to be torn out when a more comprehensive sidewalk project is done because they do not match the new specifications.

Commissioner Broili suggested that, at some point in the future, the Commission should consider the option of forming a subcommittee in order to put more time and energy, aside from the regular meetings, into the subject of sidewalks. He said he would be eager to participate on the subcommittee.

Commissioner McClelland said she would like the Commission to solicit input from children and disabled persons in a focus group setting. These groups could provide unique perspectives for the Commission to consider.

9. PUBLIC COMMENT

Barbara Buxton, Ashworth Avenue North, said she lives next door to the Ashworth Cottages, which provides a “sidewalk to nowhere” that doesn’t join with any other pedestrian access. As a result of the new sidewalk, she has experience drainage problems in her driveway. She said she assumes the City will remedy her problem in some fashion, but they must keep issues related to stormwater runoff in mind. She distributed pictures to illustrate the problem on her property, which was identified as Exhibit 1. Mr. Cohen asked that the photographs be given to staff so they could determine the best way to resolve the problem.

10. UNFINISHED BUSINESS

a. Confirm Cottage Housing Findings and Determination

Mr. Cohen recalled that at the September 15th meeting, the Planning Commission reviewed the proposed code amendments to the Cottage Housing Ordinance. They also reviewed a proposed process for design review. In addition, they discussed the City Council’s plans for a community forum on Cottage Housing. The City Council is still trying to put together a meeting of representatives from the Planning Commission and the City Council to discuss a date and process for the community forum. No date has been scheduled for the forum.

Mr. Cohen advised that on September 15th, the Commission made several changes to the proposed code amendments and then agreed to make recommendations to the City Council regarding Cottage Housing. He specifically noted that the Commission accepted Commissioner Sands’ proposed change to the first bulleted item in Section A (Page 55 of the Staff Report) to read, “Place the burden on the developer for the highest quality development rather than the minimum standards and for the City to deny proposals that do not meet this intent.” Also, he recalled that the motion to use a design review process for Cottage Housing applications failed.

Mr. Cohen pointed out that all of the changes the Commission made to the proposed amendments are identified in the staff report using an underline/strikeout format. He asked the Commission to review the Findings and Determination document to make sure it addresses all of the Commission’s concerns. He said his understanding is that, once accepted by the Commission, the document would be forwarded to the City Council as a recommendation. The proposed amendment would be the basis for future discussion at the Cottage Housing public forum.

Commissioner McClelland referred to Item C on Page 60 of the Staff Report. She questioned if the Commission had all the information they needed to make a statement that the recommended code amendments would “not reduce or slow the growth of surrounding, assessed property values.” She suggested that this phrase be removed from the Findings and Determination document. Mr. Cohen reminded the Commission that the Findings and Determination Document is in draft form. He pointed out that Items A, B and C identify criteria that must be met before a code amendment could be approved.

Commissioner Kuboi said he spoke with staff about the procedural mechanism for revising the Commission's recent action regarding the Cottage Housing Ordinance. He specifically noted the vote from the June 2nd meeting in which the Commission agreed to take of the table any discussion regarding the elimination of the entire Cottage Housing Ordinance. Mr. Cohen said he spoke with the City Attorney regarding whether or not Roberts Rules of Order provide some mechanism for the Commission to reconsider a previous motion that was voted on. The City Attorney has advised that special committees such as the Planning Commission can reconsider a previously voted decision, and there is no time limit for when this reconsideration could occur. In addition, a motion to reconsider a previous vote must be made by someone from the prevailing side of the vote, someone who did not vote, or someone who was absent from the vote. Lastly, he pointed out that adoption of the motion to reconsider requires a two-thirds vote of the Commission. Mr. Cohen summarized that if a two-thirds of the Commissioners were to support a motion for reconsideration, the Commission would not be able to immediately reconsider a new motion. Any new action would have to be postponed to a later date in order to prevent a temporary majority from taking advantage of unrepresentative attendance at the meeting by voting on an action that is opposed by a majority of the membership.

Commissioner Kuboi said that if the Commission wants to reconsider the vote taken on June 2nd, they would also have to reconsider the vote that was taken on September 15th regarding the proposed code amendments to the Cottage Housing Ordinance. Voting to reconsider either of these two motions would put a stay on any progress until the Commission could meet again to discuss and take action on the reconsideration. Mr. Cohen said that, with a two-thirds vote of the Commission, they also have the option of making a point of order to temporarily suspend the reconsideration rules in this one case.

Commissioner Hall said he would not support a Commission decision to suspend the rules for reconsideration. He also felt it would be disingenuous for the Commission to vote to suspend the rules without allowing the participation of all of the Commissioners who were involved in the previous two decisions. The Commission continued to discuss their options for proceeding with a possible motion to reconsider previous motions.

COMMISSIONER KUBOI MOVED THAT THE COMMISSION RECONSIDER THE FAILING VOTE TAKEN ON JUNE 2, 2005 TO A MOTION THAT THE COMMISSION MAKE A RECOMMENDATION TO THE CITY COUNCIL THAT THE ENTIRE COTTAGE HOUSING ORDINANCE BE ELIMINATED. COMMISSIONER MCCLELLAND SECONDED THE MOTION. *(It was pointed out that Commissioner Kuboi was eligible to make the motion to reconsider, since he voted on the prevailing side of the motion.)*

Commissioner Kuboi recalled that there was considerable amount of public comment and Commission debate about whether the Cottage Housing Ordinance was a fundamentally flawed idea or an acceptable idea but flawed in its execution. He said his opinion lies somewhere in the middle, but probably closer to the perspective that there are flaws in its execution. He said he also feels strongly that Cottage Housing must be approached within the context of a more holistic housing strategy. He said he doesn't understand why Cottage Housing should receive special treatment as far as density bonuses. There are other forms of housing that could achieve many, if not all, of the objectives that are fulfilled by the intent of Cottage Housing. However, none of these other mechanisms are being encouraged through

development incentives such as density bonuses, etc. Rather than try to fix something that is not working well, he would rather take the ordinance off the books and approach it again from a more holistic perspective as part of a larger infill housing strategy. Commissioner Kuboi summarized that, while he is not necessarily against the concept of Cottage Housing, he has reservations about the execution of the current ordinance.

Commissioner Hall recalled that he was not present at the June 2nd meeting and was not happy about the Commission's vote to strike the option of eliminating the Cottage Housing Ordinance at the first meeting following the public hearing. He did not know that he could have made a motion to reconsider that action. Now he is torn about the motion to reconsider because they have already spent so long on the issue and, ultimately, the City Council will have a very difficult decision to make no matter what the Commission recommends.

Commissioner Broili said he supports the concept of Cottage Housing and feels there is a place for it in the community. He said he is not convinced there is a groundswell of opposition to the concept, but a vocal minority that has driven the issue. However, he expressed his belief that the City has more important issues to consider, and the Cottage Housing Ordinance has already taken up a significant amount of the Commission's time.

Commissioner Phisuthikul said he believes Cottage Housing could help fulfill a need in the City. He reminded the Commission that their recommendation is a work in progress. He said the Commission has spent a lot of time discussing the issue. They have made some progress and they should keep the issue moving forward to come up with a new ordinance that would address the concerns. He said he would vote against the motion to reconsider.

Commissioner McClelland recalled that at the September 15th meeting, the Commission agreed to get a recommendation to the City Council for consideration. However, she is concerned about the lack of preparation that has taken place for the public forum on Cottage Housing. She said she wished the Commission had had the opportunity at their September 15th meeting to just quit their work on the Cottage Housing Ordinance and vote against the concept. She pointed out that the Commission has never felt satisfied that the proposed changes adequately respond to the concerns expressed by the community. She said she would vote to support the motion to reconsider.

Chair Harris said he would also vote in support of the motion to reconsider. If approved, the Commission could discuss the issue again at their next meeting and decide how they want to move forward.

THE MOTION WAS APPROVED 5-1, WITH COMMISSIONER PHISUTHIKUL VOTING IN OPPOSITION AND CHAIR HARRIS AND COMMISSIONERS KUBOI, BROILI, MCCLELLAND AND HALL VOTING IN FAVOR.

The Commission discussed how they would proceed with their discussion at the next meeting. Commissioner Broili summarized that approval of the motion to reconsider the Commission's June 2nd decision would place the option of eliminating the entire Cottage Housing Ordinance back on the table.

Since the Commission already approved a motion to recommend approval of the proposed amendments to the City Council, they must take this action off the table, as well. Commissioner Hall suggested that the only two options the Commission should consider at their next meeting is to either repeal the Cottage Housing Ordinance or recommend approval of the proposed amendments. He expressed his opposition to the Commission reviewing each of the proposed amendments again.

Commissioner Kuboi said that if the Commission does not vote to reconsider the motion they approved on September 15th and they decide to repeal the Cottage Housing Ordinance at their next meeting, they could end up with two motions that have carried that are fundamentally inconsistent with each other.

COMMISSIONER KUBOI MOVED THAT THE COMMISSION RECONSIDER THE 7-1 VOTE TAKEN ON SEPTEMBER 15, 2005 ON A MOTION TO MOVE FORWARD WITH STAFF'S PROPOSED AMENDMENTS TO THE COTTAGE HOUSING ORDINANCE AS AMENDED. COMMISSIONER MCCLELLAND SECONDED THE MOTION. *(It was pointed out that Commissioner Kuboi was eligible to make the motion to reconsider, since he voted on the prevailing side of the motion.)*

Mr. Cohen pointed out that the Commission's first motion to reconsider the June 2nd action refers to the existing Cottage Housing Ordinance. In the meantime, the Commission has been working on amendments that are quite a bit different than the existing ordinance. While he understands the Commission's intent, it could appear as though the Commission is eliminating the old but approving the new. Therefore, he recommended the Commission reconsider both the June 2nd and September 15th actions.

Commissioner Phisuthikul asked if it is the majority of the Commission's intent to repeal the Cottage Housing Ordinance and not work on it any more. Chair Harris said that is the direction the Commission appears to be headed.

Commissioner Hall said he recognizes the value of reconsidering the motion of September 15th, but he fears that if they repeal this decision without repealing the Cottage Housing Ordinance as a whole, the Commission could end up going through all of the amendments again. He said he does not feel there would be any value to the Commission or the community in doing this. Chair Harris said that if the Commission decides not to repeal the Cottage Housing Ordinance, they could reconsider the motion to recommend approval of the proposed amendments without having a lengthy discussion of each one again. Mr. Cohen pointed out that if the Commission does decide to repeal the Cottage Housing Ordinance, they must still deal with their motion to recommend approval of the amendments. He emphasized that the two motions are mutually exclusive; one is related to the existing ordinance and the other is related to the proposed amendments. He suggested that the Commission first make a decision on the option of repealing the ordinance. In order to be cautious, he recommended the Commission reconsider both actions at their next meeting. The majority of the Commission agreed that they didn't want to revisit each of the proposed amendments one by one at a future meeting.

Ms. Markle suggested the Commission vote to reconsider the September 15th motion, pending legal counsel from the City Attorney. If the City Attorney confirms that both motions must be reconsidered, they would be able to do so at the next meeting.

COMMISSIONER KUBOI MOVED THAT THE MOTION BE AMENDED TO ADD THE PHRASE “IF LEGAL COUNCIL FROM THE CITY ATTORNEY INDICATES IT IS NECESSARY.” COMMISSIONER MCCLELLAND AGREED TO THE PROPOSED AMENDMENT.

THE MOTION FAILED 3-3, WITH COMMISSIONERS PHISUTHIKUL, BROILI AND HALL VOTING IN OPPOSITION, AND CHAIR HARRIS AND COMMISSIONERS MCCLELLAND AND KUBOI VOTING IN FAVOR.

11. NEW BUSINESS

Commissioner Hall thanked the staff for placing the sidewalk issue on the Commission’s agenda. He said he appreciated the opportunity to discuss ideas for improving the community.

12. AGENDA FOR NEXT MEETING

Ms. Markle said staff would soon provide the Commissioners with a notebook containing information regarding the Annual Development Code Amendments, which are scheduled for discussion on October 20th. In addition, she noted that the Commission would also reconsider the motion to repeal the Cottage Housing Ordinance on October 20th.

13. ADJOURNMENT

The meeting was adjourned at 9:17 p.m.

David Harris
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Workshop on Official Docket of Proposed Amendments to the Development Code DEPARTMENT: Planning and Development Services PREPARED BY: David Pyle, Planner PRESENTED BY: Rachael Markle, Assistant Planning Director and Kim Lehmborg Planner II</p>
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SUMMARY

Amendments to the Development Code are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for legislative decisions and is responsible for holding an open record Public Hearing on the official docket of proposed Development Code amendments and making a recommendation to the City Council on each amendment.

A summary of proposed amendments can be found in Tables I and II. The proposed amendment language is found in Exhibit I: Notebook of Proposed Amendments.

The purpose of this workshop is to:

- Briefly review the proposed Development Code Amendments, those docketed by the Director, and determine if any additional amendments need to be docketed
- Respond to questions regarding the proposed amendments
- Identify any additional information that may be necessary for the scheduled public hearing

BACKGROUND / ANALYSIS

To date, the City has received two formal applications from the public to amend the Development Code, these have been broken down into several specific amendments for tracking purposes. Staff has also submitted several amendment requests, both administrative and technical.

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.

All the proposed amendments included in Tables I and II (Attachments A and B, respectively), were considered for inclusion on the official docket. The Director has reviewed staff recommendations and docketed the amendments included on the official amendment list (see Table I, Attachment A). Those proposed amendments that the director does not support and has chosen not to docket are included in Table II (Attachment B). The Planning Commission is being asked to review the proposed amendments and may choose to docket any additional proposals for consideration.

TIMING & SCHEDULE

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

DATE	DESCRIPTION
Ongoing	<ul style="list-style-type: none">• Development Code amendments accepted by the Planning and Development Services Department for consideration for docketing.
August & September 2005	<ul style="list-style-type: none">• Staff worked to compile proposed amendments and edit proposed text.
September 2005	<ul style="list-style-type: none">• Director review of proposed amendments and selection of proposed docket items.
October 20, 2005	<ul style="list-style-type: none">• Planning Commission Workshop- introduction of proposed amendments.• Planning Commission reviews amendments for possible additions to the docket.
November 2005	<ul style="list-style-type: none">• SEPA Determination to be issued/advertised. Notify CTED of proposed changes and City Council Public Hearing NO LESS than 60 days prior to City Council Public Hearing.
TBD	<ul style="list-style-type: none">• Proposed Amendments advertised in <u>Seattle Times</u> and <u>Shoreline Enterprise</u>.• Written comment deadline minimum 14 day period advertised with notice. (Comment deadline must leave lead time to incorporate written comment into Planning Commission Public Hearing packet that is distributed no less than 7 days prior).
TBD	<ul style="list-style-type: none">• Issue notice of public hearing 14 days prior to Planning Commission Public Hearing.
TBD	<ul style="list-style-type: none">• Planning Commission Public Hearing on proposed amendments.• Planning Commission deliberation and record recommendation to City Council on approval or denial of docketed amendments (unless further meetings are required).
TBD	<ul style="list-style-type: none">• City Council consideration and decision on proposed amendments.

AMENDMENTS AND ISSUES

Exhibit I includes a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~strikethroughs~~ for proposed text deletions and underlines for proposed text additions. Note that there may be no proposed amendment language for several of the Log items. These are due to general proposals where no specific language was submitted. In some cases staff tried to interpret the intent of the comment or request and propose amending language. The following is a summary of the proposed amendments, with staff analysis.

Docketed Amendments:

These proposed amendments were reviewed and supported by a staff panel and are being supported and docketed by the Director:

Amendment #D-1: 20.50.100 This amendment is staff initiated and is the result of a change in building code and is important to achieve consistency between the Development Code and the International Codes adopted by the City. Currently, the City allows for the construction of up to one 120 sq. ft. structure (SMC 20.50.110(1) in the required side and rear yard setbacks as an exempt structure, while the International Residential Code IRC R105.2(1) allows for the construction of up to a 200 sq. ft. structure as an exempt structure (exempt of building code requirements). This change would allow for the placement of up to one 200 sq. ft. structure located in the required side and front yard setbacks without permit, as long as the structure meets the fire separation requirements of the building code.

Amendment #D-2: 20.20.048 This is a citizen initiated proposal to reduce the size requirement of a Landmark Tree from a minimum diameter at breast height of 30 inches to a diameter at breast height of 24 inches. Although this may lead to the request for designation of a tree that has not yet reached the maturity in its life cycle to be considered a Landmark Tree, the tree must be evaluated by an arborist as part of the designation process. Because the designation is ultimately up to an arborist, the reduction in size will have little effect on the eligibility of the tree to be considered a Landmark Tree. Furthermore, only the property owner may request a tree to be designated as a Landmark specimen. Other jurisdictions have a process for the designation of Landmark Trees, and research indicates the requirement is typically based on the characteristics of the specimen, which must be examined by a certified arborist.

Amendment #D-3: 20.50.300 This is an amendment that was submitted by the City Legal Staff and is meant to adjust some of the requirements of a clearing and grading permit. This change will adjust the requirements to 1) Require a clearing and grading permit for all development activity, 2) Allow for the issuance of a clearing and grading permit for activity on already developed land 3) Regulate replacement trees under 20.50.330(D) Protected Trees, and 4) Properly reference 20.80 Critical Areas as the standard for activity on sensitive lands. These changes will help clarify when a clearing and grading permit is required and how it will be administered.

Amendment #D-4: 20.20.110 & 20.50.210 This change has been initiated by City staff and is meant to adjust the fence standards. The change would eliminate a provision that requires the construction of an alternating fence on private roads, a standard that is currently being imposed only on private access drives. This proposed amendment also clarifies where the height of a fence that is built on top of a retaining wall is to be measured from and would eliminate the openwork type of fence as a requirement. The current requirement does not allow property owners to build a privacy fence on top of a retaining wall to provide screening from the uphill neighbor; this change would allow neighbors to build fences to add privacy for their windows and yards.

Amendment #D-5: 20.50.110, 20.50.210, & 20.50.270 This proposed amendment was initiated as part of the 2003 Development Code amendments and was remanded to staff for further study. Staff considered many variations of this proposal that would allow Police and other essential public facilities to use security fencing if it is appropriately screened from public areas. Under this proposed change, if the Police Department or any other essential public facility needed to use security fencing to keep the facility secure, they would be required to screen the fencing so that it is not visible from the street or other public areas.

Amendment #D-6: 20.30.150 This proposed amendment was initiated by City staff and is intended to clarify when to complete a public notice of decision, and specifies that a notice of decision shall be issued for Type B and C Actions, not Type L Actions. This is a technical change, and does not change any of the noticing requirements.

Amendment #D-7: 20.30.060 & 20.30.070 This proposed change was initiated by City legal staff and would change an application for street vacation from a Type L action to a Type C action.

Currently Street Vacation applications are listed as Type L actions. These actions are being processed as Quasi-Judicial actions and therefore should be changed to a Type C decisions.

Amendment #D-8: 20.30.160 This proposed change was initiated by City legal staff to help clarify how land use action approvals are vested. By changing this section to allow for an automatic extension of vesting, the applicant may be granted the full two years allowed before expiration of approved land use action if the land use decision is subject to legal injunction.

Amendment #D-9: 20.30.740 This proposed amendment was initiated by City legal staff and is intended to add enforcement capacity for clearing and grading activities to properly reference the Enforcement Provisions of the Development Code.

Amendment #D-10: 20.50.350 This proposed amendment was initiated by City staff to ensure the proper installation of tree protection measures. This would allow staff the ability to enforce the installation of tree protection measures on site. Sometimes tree protection measures are not installed properly and lead to significant impact on the trees root system and eventual decline in health. If the protection measures were not installed properly, City staff would have the ability to utilize the bond to hire a third party to properly install and maintain the protection measures.

Amendment #D-11: This proposal was initiated by City legal staff and would change every occurrence of “Code violation” to “Code Violation” for consistency throughout the Development Code. This is a technical change and does not affect the regulatory content of the Development Code.

Amendment #D-12: 20.50.480 This proposal was initiated by a citizen, David Anderson. The issue Mr. Anderson is trying to address with this amendment is the need for additional design flexibility based on site conditions when locating street trees. A specific example, tree grates are allowed to be used. The tree grate must be a minimum of 4 ft. by 4 ft. On a six foot sidewalk that could create as little as a 2 foot area that is free and clear of the tree grate for pedestrian use. This could cause access issues, especially as the tree grows and the grate potentially begins to buckle upwards. The proposed amendment would limit the use of tree grates to 8 foot sidewalks unless approved by the Director.

Amendment #D-13: 20.30.290 This proposed amendment was initiated by City staff and is necessary for consistency with the current adopted building codes. Currently, this section of the Development Code cites the “Uniform Fire Code”, and needs to be corrected to properly cite the “International Fire Code” that has been adopted by the City.

Amendment #D-14: 20.30.100 This proposed amendment was initiated by City staff and is necessary to address a lack of expiration timelines for clearing and grading permit applications. Upon adoption of the International Building Code (IBC) the City lost requirements that were in place under the Uniform Building Code (UBC) for clearing and grading/site development permit application expiration. This proposed change would add clearing and grading permit application expiration regulations that are consistent with building permit application regulations.

Amendment #D-15: 20.40.240 This proposed amendment was initiated by City staff and is meant to change the description of cage sizes from square feet to cubic feet, and to make other minor technical corrections in the Code. Currently, the Development Code regulates cage/aviary sizes for birds in square feet. Aviary sizes should be regulated in cubic feet so as to provide for the best living environment for birds. The other changes are necessary to add clarity and consistency to the Development Code.

Amendment #D-16: 20.30.295 & 20.40.110 This proposed amendment was initiated by City staff. A temporary use permit was not listed in the use tables but was found in the list of supplementary criteria. Moving the requirements for a temporary use permit to the permit review and decision criteria section for Type A permits better locates this section for the user.

Amendment #D-17: 20.30.140 This proposed amendment was initiated by City staff and is intended to clarify the content of this section, as this section regulates the internal processing of permit applications, not the expiration of application or permit.

Amendment #D-18 20.50.360 This proposed amendment was initiated by City staff. This proposed change amends the performance assurance section of the Code to specifically address both the performance bonds and maintenance bonds in different subsections. The intent of this change is to make it easier for the reader to identify the specific requirements of a performance guarantee from those of a maintenance agreement.

Amendment #D-19: 20.30.165 This proposed amendment was initiated by City staff. Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development permit expiration. This amendment adds a section to regulate the expiration of clearing and grading and site development permits.

Amendment #D-20: 20.30.430 This proposed amendment was initiated by City staff and is intended to clarify that section 20.30.430 governs the submittal and approval of site development permits for required subdivision improvements. This amendment also adds a reference to proposed section 20.30.265 to properly identify site development permit expiration limitations.

Amendment #D-21: 20.30.80-180 This proposal was initiated by a Planning Commissioner. No specific language was submitted, however based on the basic idea that improvements should be made to the neighborhood meeting process to better notify and inform interested persons about potential projects, staff proposed a few changes. Staff proposes to require the future applicant to provide more information in the meeting notice such as the description of the project, zoning of the property, site and vicinity maps and identification of the land use decision under consideration. Staff is also proposing to require the future applicant to cover basic information such as an introduction of the meeting organizer, description of the project proposal, list of anticipated permits the project may require, a description of how comments made at the meeting are used, and provide meeting attendees with the City's contact information should questions arise regarding future permitting of this project. This is proposed to address comments received by staff that the level of information provided at these meetings varies depending on the meeting organizer. Staff also proposes that the meeting summary submitted as part of the permit application be mailed out to meeting attendees (those persons that have signed up with a legible name and address) by staff. The purpose of this step would be to give meeting attendees the opportunity to correct or supplement the neighborhood meeting summaries. We have received a few comments that the summaries are not accurately reflecting the comments made at the meeting.

Proposed Amendments Not Docketed (No Change Recommended):

These proposed amendments were reviewed by a staff panel and are not supported by staff. The Director has not included these amendments with those docketed for recommendation. The Planning Commission should review these proposals and consider them. The Planning Commission may choose to docket any of these proposals.

Amendment #NC-1: 20.50.020 This proposed amendment regarding providing density bonuses for cottages, duplexes, triplexes and other types of higher density housing as long as the exteriors and scales of such housing mimic the appearances of existing single family housing was identified through comment received from Commissioner Kuboi. Staff does support the intent of the comment, but needs direction to develop an amendment that may be added to the docket. Request proposed language from the Planning Commission. Staff also believes it would take time and more public input to develop this concept. The Director has chosen not to pursue this proposed amendment, however the Planning Commission may choose to add it to the official docket.

Amendment #NC-2: 20.50.020 & 20.50.050 This proposed change was citizen initiated. A reduction to the allowed building height in low density residential zones would be too restrictive for residential development. A roof height of 25 feet would barely allow for the construction of a two story home and would promote the construction of flat rooftops that are not effective with Washington weather. Staff panel recommends no change. The Director has chosen not to pursue this proposed amendment, however the Planning Commission may choose to add it to the official docket.

Amendment #NC-3: 20.50.310 & 20.50.320 This is a citizen initiated request to reduce the number of trees that can be removed as an exemption from 6 to 2. This change would be too restrictive for residential development, and for the homeowner in general. Some home owners have large numbers of trees and would like to add more light to their property. Lowering the number of trees allowed to be removed without a permit to two would impact property owners. This change would also be difficult to enforce due to lack of standard procedure and staff for tracking non-permitted tree removal. Staff panel recommends no change. The Director has chosen not to pursue this proposed amendment, however the Planning Commission may choose to add it to the official docket.

Amendment #NC-4: 20.50.350(B) This is a citizen initiated request to reduce the number of trees that can be removed as part of a development permit from 20 and 30% retention to 30 and 45% retention. Also requesting to change the replacement standard in the exemptions section to require replacement with slightly larger stock. This change would not be compatible with other provisions of the Development Code. By increasing the number of retained trees on a site, it may lead to difficulty in the placement of a building footprint if trees are sporadically placed on the lot. Instead of increasing the required percentage for retention, those provisions providing incentive for voluntary tree retention through site planning should be reinforced. Staff panel recommends no change as proposed. The Director has chosen not to pursue this proposed amendment, however the Planning Commission may choose to add it to the official docket.

Amendment #NC-5: 20.50.350(B) This proposed amendment was citizen initiated and is a request to add the following to the tree removal regulations: "At no time shall a development proposal or action reduce the number of potential significant trees below 3 trees per 1,000 square feet." and also to add the definition of potential significant tree. This is addressed in the minimum retention requirements section SMC 20.50.350, and by our replanting requirements. The removal of all trees beyond the six exempt currently requires replanting with tree stock identified in SMC 20.50.360. By creating a standard that is based on square footage it may allow some sites to remove more trees and not replant and others to plant more than should be required based on the existing site conditions. Staff panel recommends no change. The Director has chosen not to pursue this proposed amendment, however the Planning Commission may choose to add it to the official docket.

Amendment #NC-6: 20.20.048 This proposed amendment was citizen initiated, and is a request to change the definition of significant tree to reduce the size requirements from 8" to 6" and 12" to 9" DBH, respectively. Reducing the size requirements for significant trees would limit a property owner's ability to adjust the landscaping on their property. This change may also lead to increased limitations of development and redevelopment opportunity in the City. Property owners have the option to keep all the trees on their parcel if they choose. Staff panel recommends no change. The Director has chosen not to pursue this proposed amendment, however the Planning Commission may choose to add it to the official docket.

Amendment #NC-7: 20.30.040 This is a citizen initiated proposal to change the noticing and application review requirements of a residential building permit. The citizen is proposing the addition of a noticing period with appeal process, essentially making the application a Type B Action. The noticing requirements of this proposed amendment would be very costly in terms of actual noticing and staff time. This would also allow for an appeal of a new single family home or remodel. Staff panel recommends no change. The Director has chosen not to pursue this

proposed amendment, however the Planning Commission may choose to add it to the official docket.

Things to consider:

- **Resources:** Additional administrative staff would need to be brought into the review process for publishing and mailing public notice.
- **Permit Turn-around Time:** Creating and publishing the public notice adds approximately two weeks to the permit process. Without additional staff resources to perform these duties, the turnaround time could be much longer as projects would have to wait for staff availability to prepare, publish and mail the notices. In addition, a “Type B” application that requires public notice also requires the applicant to have a pre-application meeting with City staff, and a neighborhood meeting with surrounding property owners prior to application. These requirements add another 3 – 4 weeks to the process for the applicant before the application is submitted.
- **Public Expectation:** Approval of a building permit not subject to SEPA is a ministerial decision, meaning that if the application meets Code requirements, it must be approved. Providing public notice of such a permit may give the public the expectation that public input is part of the approval process; for a “Type A” permit it would not be.
- **Precedent:** Requiring a notice period for a “Type A” ministerial action would set a precedent that may be counter to the public welfare. If these types of actions become subject to public scrutiny, an overall slowdown of essential governmental functions would be expected.
- **Council Goal #4:** Implementing an active economic improvement plan is a City Council goal. This proposal would slow down the permitting process, thus slowing down economic improvement.

Amendment #NC-8: This is a citizen initiated proposal requesting a design review process for single family residential building permits. The citizen is concerned that new homes are being constructed that are out of proportion to the old neighborhood and that existing views may be blocked by these new homes. This proposal would institute a neighborhood review board to have authority over the design of a new home. Subjecting residential building permit applications that have proven compliance with the standards established by 20.50 to a design review board would add cost both in time and fees to the residential building permit process. The Director has chosen not to pursue this proposed amendment, however the Planning Commission may choose to add it to the official docket.

Things to consider:

- **Resources:** Additional administrative staff would need to be brought into the review process to coordinate the neighborhood design review board function.
- **Permit Turn-around Time:** Creating additional review requirements outside of City site and structural review would add several weeks to the permit process. Without additional staff resources to perform these duties, the turnaround time could be much longer as projects would have to wait for staff availability to perform additional functions.
- **Public Expectation:** Approval of a building permit not subject to SEPA is a ministerial decision, meaning that if the application meets Code requirements, it must be approved. Providing public process (design review) of such a permit may give the public the expectation that public input is part of the approval process; for a “Type A” permit it would not be.
- **Precedent:** Allowing a neighborhood review board to manipulate the design of personal residence would set a precedent that may be counter to the public welfare. If these types of actions become subject to public scrutiny, an overall slowdown of essential governmental functions would be expected.
- **Available Alternative:** Citizens may form home owners associations if persons in the neighborhood agree. These associations could form their own covenants and enforce through private means as long as the covenants do not conflict with federal, state and local regulations.

Amendment #NC-9: 20.30.040 This proposed amendment was citizen initiated in 2003 and was brought forward in 2004 during the Development Code Amendment process. The proposal to increase noticing requirements for commercial projects was remanded back to staff for further review. Staff considered lowering the threshold for SEPA review, however this would be a change to State law. Any additional requirements for tenant improvements, commercial additions, or commercial new constructions would impact commercial and economic redevelopment in Shoreline. The Director has chosen not to pursue this proposed amendment, however the Planning Commission may choose to add it to the official docket.

Things to consider:

- **Resources:** Additional administrative staff would need to be brought into the review process for publishing and mailing public notice.
- **Permit Turn-around Time:** Creating and publishing the public notice adds approximately two weeks to the permit process. Without additional staff resources to perform these duties, the turnaround time could be much longer as projects would have to wait for staff availability to prepare, publish and mail the notices. In addition, a “Type B” application that requires public notice also requires the applicant to have a pre-application meeting with City staff, and a neighborhood meeting with surrounding property owners prior to application. These requirements add another 3 – 4 weeks to the process for the applicant before the application is submitted.
- **Public Expectation:** Approval of a building permit not subject to SEPA is a ministerial decision, meaning that if the application meets Code requirements, it must be approved. Providing public notice of such a permit may give the public the expectation that public input is part of the approval process; for a “Type A” permit it would not be.
- **Precedent:** Requiring a notice period for a “Type A” ministerial action would set a precedent that may be counter to the public welfare. If these types of actions become subject to public scrutiny, an overall slowdown of essential governmental functions would be expected.
- **Council Goal #4:** Implementing an active economic improvement plan is a City Council goal. This proposal would slow down the permitting process, thus slowing down economic improvement.
- **Noticing Requirements for nearby jurisdictions:** The following table shows noticing requirements for some local jurisdictions, for comparison.

JURISDICTION	RADIUS	BUILDING PERMITS SUBJECT TO NOTICE	NOTES
Auburn	300'	Building permits subject to SEPA	
Bothell	300'	Building permits subject to SEPA	
Bremerton	300'	Building permits subject to SEPA	
Covington	1000'	Building permits subject to SEPA, Single-family houses of 10,000 sq. ft. or more.	
Edmonds	300'	Building permits subject to SEPA	
Federal Way	300'	Building permits subject to SEPA	
Issaquah	300'	Building permits subject to SEPA	
Kenmore	500'	Building permits subject to SEPA, Single-family houses of 10,000 sq. ft. or more	
Kent	300'	Building permits subject to SEPA	
Kirkland	300'	Building permits subject to SEPA	
Lake Forest Park	300'	Building permits subject to SEPA	
Lynnwood	300'	Building permits subject to Design Review (most building permits except for single-family).	Notice of impending decision is mailed.
Mount Lake Terrace	300'	Building permits subject to SEPA	
Mill Creek	No mailing radius for building permit not associated with land use action.	Building permits subject to SEPA – notices are posted and published in newspaper.	Actions requiring Public Hearing notices require a 500' radius mailing. Administrative permit decisions are mailed to adjacent property owners.

Monroe	500'	Building permits subject to SEPA	
Renton	300'	Building permits subject to SEPA	
Sammamish	500'	Building permits subject to SEPA	
University Place	300'	Building permits subject to SEPA	
Woodinville	500'	Building permits subject to SEPA	

OPTIONS

1. Confirm that the Director's list of docketed amendments contains all of the amendments the Planning Commission would like to see on the Official Docket advertised for the 2005 Public Hearing on Proposed Development Code Amendments; or
2. Add selected amendments from Table II (items not docketed by the Director) to the Official Docket to be advertised for the 2005 Public Hearing on Proposed Development Code Amendments.

ATTACHMENTS

Attachment A: Table 1 – Proposed Amendments Docketed by Director

Attachment B: Table 2 – Proposed Amendments not Docketed (No Change recommended).

Attachment C: Notebook of Proposed Development Code Amendments (Only the Planning Commissioners received hard copies of this large document). Copies of the notebook are available on line at www.cityofshoreline.com and at the Planning and Development Services Office at 17544 Midvale Avenue North in the City Hall Annex. If you have any questions regarding how to obtain or view a copy of this information, please call the Planning Commission Clerk at 206-546-1508.

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Requested Development Code Amendments- Docketed by Director

Log #	Category	Requested Change	Requested By	Chapter	Section(s)	Title	Proposed Change	Staff Recommendation
D-1	Dimension	Change the size of allowed exempt structures to 200 Sq. Ft. to be consistent with the IRC.	City Planning Staff	20.50	100(1)	Location of accessory structures within required yard setbacks- Standards	Change allowed size from 120 Sq. Ft. to 200 Sq. Ft. and add requirement for fire separation as identified in the adopted building code.	Staff panel recommends adoption of this change for consistency between the Development Code and the Building Codes.
D-2	Trees	Reduce requirement of tree size for Landmark Tree to 24" DBH.	Boni Biery- Comprehensive Plan Amendment Comment	20.20	48	"T" Definitions	Reduce requirement of tree size for Landmark Tree to 24" DBH.	A reduction in size requirements for a landmark tree may allow for a request for the designation of a landmark tree that is only a significant tree and has not reached a maturity in it's life to be considered a landmark tree. However, this reduction in size only affects the eligibility of an application for designation as a landmark tree and does not exempt the application from being evaluated by a certified arborist. Furthermore, the application may only be filed by the property owner, who may desire to preserve the trees on their property. In this case there is no negative effect of reducing the requirements to 24" because the determination is ultimately up to an arborist, and the designation of a landmark tree may not be forced on a property owner. Staff panel neutral regarding this proposed change.
D-3	Clearing and Grading	Change the requirements to be more specific about when a C & G permit is required.	City Legal Staff	20.50	300	Clearing and Grading General Requirements	Remove 20.50.300 (E) , add provision that makes all replacement trees protected trees, modify language around when a clearing and grading permit is required, and modify language regarding compliance with the Critical Areas section of Development Code.	Staff panel recommends consideration of this proposed change.
D-4	Fence	Change fence requirements to make content amendments and allow for construction of a solid 6 foot fence on top of a retaining wall.	City Planning Staff	20.50	110 & 210	Fences and Walls- Standards	Change fence requirements to make content amendments and allow for construction of a solid 6 foot wall on top of a retaining wall. Eliminate language requiring an offset design for fences along private driveways.	The current provision in the code does not allow for the construction of a six foot solid fence on top of a wall, and limits a property owners ability to construct a privacy fence on top of a retaining wall allowing the uphill neighbor to have a full view into the downhill neighbor's yard. Change will also eliminate provision in the code that requires the construction of an alternating type fence on private roads. Staff panel found this to be too restrictive, and may promote the construction of fences and landscaping that can hide burglars/thieves. Staff panel recommends consideration of these proposed changes.
D-5	Security Fencing	Add provision to allow for barbed wire and razor wire fences for public and infrastructure facilities in residential and commercial zones so long as fence is effectively screened from neighboring public areas.	Police Department	20.50	110 (C), 210 (D), 270 (C & D)	Fences and Walls- Standards	Add provision to allow for barbed wire and razor wire fences for public and infrastructure facilities in residential and commercial zones so long as fence is effectively screened from neighboring public areas.	Staff panel recommends consideration of this proposed change.
D-6	Noticing	Add description to Administrative section of code clarifying when noticing is required for each type of permit.	City Planning Staff	Many	Many	Procedures and Administration	Add Clarifying language that the noticing requirement for notice of decision applies to Type B and C actions only.	Staff panel recommends consideration of this proposed change.
D-7	Administrative	Change Street Vacations to Type "C" actions.	City Legal Staff	20.30	70	Legislative Decisions	Change Street Vacations to Type "C" actions.	By changing a Street Vacation action to a Type C action, the appearance of fairness on ex parte communication would apply, and contact made with opponents or advocates of the vacation would be reserved until all evidence is submitted at the public hearing allowing all merits of the action to be identified prior to formation of opinion. Staff panel recommends consideration of this proposed change.
D-8	Vesting	Add provision that allows applicant to apply for a stay if subject to LUPA process.	City Legal Staff	20.30	160	Expiration of Vested Status of Land Use Permits and Approvals	Add language that automatically allows for an extension of vesting under 20.30.160 if the approved land use permit is subject to a pending legal action or appeal.	By changing this section to allow for an automatic extension of vesting the applicant may be granted the full two years before expiration of approved land use action while decision is not subject to legal injunction. Staff panel recommends consideration of this proposed change.
D-9	Technical	Amend section 20.30.740 D(2) to properly reference 20.50 and add legal language	City Legal Staff	20.30	740	Civil Penalties for Code violations	Amend section 20.30.740 D(2) to properly reference 20.50 and add legal language.	Technical amendment. Staff panel recommends consideration of this proposed change.

Requested Development Code Amendments- Docketed by Director

D-10	Technical	Add provision to promote the protection of retained significant trees from damage during construction.	City Planning Staff	20.50	350	Tree Replacement and Site Restoration	Require the bonding of protection measures and tree maintenance to ensure survival and health for 36 months following construction.	This would allow staff the ability to enforce the installation of tree protection measures on site. Sometimes this is not installed properly and leads to significant impact on the trees root system and eventual decline in health. Staff panel recommends consideration of this proposed change.
D-11	Technical	Change every occurrence of "Code Violation" to a capital "V". Change every reference to Director or Designee to just Director.	City Legal Staff	Many	Many	Many	Change every occurrence of "Code Violation" to a capital "V".	This helps provide for consistency. Staff panel recommends consideration of this proposed change.
D-12	Technical	Create an alternative to allow for the planting of trees on the property line side of the sidewalk, not directly next to the street (Comment also forwarded to Jim Curtin in Engineering for consideration in next Engineering Guide update).	David Anderson-Comprehensive Plan Amendment Comment	20.5	480	Street Trees	SMC 20.50.480 (C) allows for this option based on an existing condition. Proposed change would allow for design flexibility based on site conditions, and may allow for improved visibility and safety in some situations. Change would also require that sidewalks with tree pits maintain a minimum four foot passage strip, instead of the two foot strip that is currently allowed through the use of tree pits with a six foot sidewalk.	Damage to streets and sidewalks by tree roots, and impact of restricted root growth to trees would also be minimized by moving trees to private property side of sidewalk. Staff agrees that change should be made to the engineering guide to show this alternate design, and to limit the placement of tree pits when sidewalk is less than eight feet wide. Engineering staff and Staff panel recommend consideration of this proposed change.
D-13	Technical	Change the reference to Fire Code to properly identify the IFC, not the UFC.	City Planning Staff	20.30	290 B(4)	Variance from the engineering standards (Type A action)	Change the reference to Fire Code to properly identify the IFC, not the UFC.	This helps provide for consistency. Staff panel recommends consideration of this proposed change.
D-14	Administrative	Add application expiration limitations.	City Planning Staff	20.30	100	Time limits	Change section 20.30.100 and 20.30.110 to include a clause regulating the expiration of a complete permit application.	Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development application expiration. Staff panel recommends consideration of this proposed change.
D-15	Technical	Make technical changes to the Animals section of Zoning and Use Provisions.	City Planning Staff	20.40	240	Animals	Technical changes to 20.40.240 to properly describe sizes of cages for birds and eliminate birds from the animal specific section.	These minor changes are due to some inconsistencies found in the code. Staff panel recommends consideration of this proposed change.
D-16	Technical	Move temporary use permits from use provisions to the review and decision criteria section. Change reference in use tables to properly reflect this change.	City Planning Staff	20.40	540	Temporary Use	Move temporary use permits from use provisions to the review and decision criteria section. Change reference in use tables to properly reflect this change.	A temporary use permit is not listed in the use tables but is found in the list of supplementary criteria. Moving the requirements for a temporary use permit to the permit review and decision criteria section for Type A permits better locates this section for the user. Staff panel recommends consideration of this proposed change.
D-17	Technical	Make technical change to heading of section 20.30.140	City Planning Staff	20.30	140	Time Limits	Make technical change to heading of section 20.30.140.	This change will help clarify the content of the section. Staff panel recommends consideration of this proposed change.
D-18	Clearing and Grading Permit Requirements	Change performance section to individually describe performance and maintenance bonds.	City Legal Staff	20.50	360	Tree replacement and site restoration	Change performance section to individually describe performance and maintenance bonds.	This change helps differentiate between a performance guarantee and maintenance bond. Staff Panel recommends consideration of this proposed change.
D-19	Administrative	Add section regulating the expiration of clearing and grading and site development permits.	City Planning Staff	20.30	165	Permit expiration timelines for Clearing and Grading and Site Development Permits	Add section 20.30.165 that addresses time limits and expiration of site development and clearing and grading permits.	Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development permit expiration. Staff panel recommends consideration of this proposed change.
D-20	Administrative	Add reference to site development permit for subdivision section that references the new permit expiration limitations.	City Planning Staff	20.30	430	Site development permit for required subdivision improvements – Type A action.	Add reference in 20.30.430 to properly identify new section regulating expiration of site development permit.	Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development permit expiration. Staff panel recommends consideration of this proposed change.
D-21	Noticing	Revise neighborhood meeting standards and noticing requirements to better notify the public of potential land use actions and allow potential issues to be identified and resolved prior to Planning Commission public hearings.	Michael Broili	20.30	80-180	Procedures and Administration	No proposed language was submitted. Staff drafted some amendments to try and address the comment. Clarify that the meeting notice include a description of the project, zoning, site & vicinity maps and possible future land use decisions i.e. rezone, SEPA, etc. Add minimum requirements for meeting content i.e. basic agenda for meeting. Add a step to have the City mail submitted neighborhood minutes to all meeting attendees for additions, corrections, etc.	Provide more information in the neighborhood meeting notice to better alert neighbors to potential projects/change. Add some basic structure to the neighborhood meeting to insure that adequate information is being relayed to meeting attendees for the purposes of early discussions. By mailing the meeting summaries submitted by the applicant's to the meeting attendees, attendees could verify the information. This could address concerns that the applicant's minutes are not reflecting the comments at the meeting. Staff panel recommends consideration of this proposed change.

Requested Development Code Amendments- Proposals Not Docketed by Director (No Change)

Log #	Category	Requested Change	Requested By	Comp. Plan Comment #	Chapter	Section(s)	Title	Proposed Change	Staff Recommendation
NC-1	Density	Include density bonuses for cottages, duplexes, triplexes and other higher density housing, as long as the exteriors and scales of such projects mimic the appearances of single family construction.	Sid Kuboi- Comment received during Cottage Housing review	N/A	20.50	020(1)	Densities and Dimensions in Residential Zones	Add provision that allows for an increase in density for duplexes and triplexes in R-4, R-6, and R-8 zones where the exterior design and scale is consistent with the surrounding neighborhood.	This proposed amendment was identified through comment received from Commissioner Kuboi. Staff does support the intent of the comment, but needs direction to develop an amendment that may be added to the docket. Staff also recommends devoting adequate time and resources in the careful development of such a proposal. Request proposed language from the Planning Commission.
NC-2	Dimension	Reduce building heights in R-4 and R-6 zones to no more than 2 stories and a maximum of 25 feet.	Margaret Robarge	N/A	20.50	20 & 50	Standards- Dimensional Requirements & Building Height- Standards	Reduce building heights in R-4 and R-6 zones to no more than 2 stories and a maximum of 25 feet.	This change would be very restrictive for residential development. A roof height of 25 feet would barely allow for the construction of a two story home and would promote the construction of flat rooftops that are not effective with Washington weather. Staff panel recommends no change.
NC-3	Trees	Reduce the number of trees that can be removed as an exemption from 6 to 2.	Boni Biery- Comprehensive Plan Amendment Comment	50	20.50	310 & 320	Specific Activities Subject to the Provisions of this Subchapter (Clearing and Grading)	Reduce the number of trees that can be removed as an exemption from 6 to 2.	This change would be too restrictive for residential development, and for the homeowner in general. Some home owners have large numbers of trees and would like to add more light to their property. Lowering the number of trees allowed to be removed without a permit to two would impact property owners. Staff panel recommends no change.
NC-4	Trees	Reduce the number of trees that can be removed as part of a development permit from 20 and 30% retention to 30 and 45% retention.	Boni Biery- Comprehensive Plan Amendment Comment	50	20.50	350 (B)	Development Standards for Clearing Activities- Minimum Retention Requirements	Reduce the number of trees that can be removed as part of a development permit from 20 and 30% retention to 30 and 45% retention. Also change the replacement standard in the exemptions section to require replacement with slightly larger stock.	This change would not be compatible with other provisions of the development code. By increasing the number of retained trees on a site, it may lead to difficulty in the placement of a building footprint if trees are sporadically placed on the lot. Instead of increasing the required percentage for retention, those provisions providing incentive for voluntary tree retention through site planning should be reinforced. Staff panel recommends no change as proposed.
NC-5	Trees	Require the number of trees on a parcel following a development action to meet a pre-defined tree to square footage ratio. All trees must be potential significant trees.	Boni Biery- Comprehensive Plan Amendment Comment	50	20.50	350(B)	Development Standards for Clearing Activities- Minimum Retention Requirements	Add provision that at no time shall a development proposal or action reduce the number of potential significant trees below 3 trees per 1,000 square feet. Add definition of potential significant tree.	This is addressed in the minimum retention requirements section SMC 20.50.350, and by our replanting requirements. The removal of all trees beyond the six exempt currently requires replanting with tree stock identified in SMC 20.50.360. By creating a standard that is based on square footage it may allow some sites to remove more trees and not replant, and others to plant more than should be required based on the existing site conditions. Staff panel recommends no change.

Requested Development Code Amendments- Proposals Not Docketed by Director (No Change)

NC-6	Trees	Reduce the size of a significant tree to 6" and 9" DBH.	Boni Biery- Comprehensive Plan Amendment Comment	50	20.20	48	"S" Definitions	Change the definition of significant tree to reduce the size requirements from 8" to 6" and 12" to 9" DBH, respectively.	Reducing the size requirements for significant trees would limit a property owners ability to adjust the landscaping on their property. This change may also lead to increased limitations of development and redevelopment opportunity in the City. Property owners have the option to keep all the trees on their parcel if they choose. Staff panel recommends no change.
NC-7	Noticing	Add requirement for noticing on construction of all new single family homes and add appeal period for construction of all new single family homes.	Margaret Robarge	N/A	20.30	40	Ministerial Decisions- Type A	Make a residential building permit a Type B action.	The noticing requirements of this proposed amendment would be very costly in terms of actual noticing and staff time. This would also allow for an appeal of a new single family home or remodel. Staff panel recommends no change.
NC-8	Noticing	Add requirement that if new construction is appealed, a public meeting and revision process is held to generate alternative that is acceptable to appellant.	Margaret Robarge	N/A	20.30	40	Ministerial Decisions- Type A	Add requirement under Type B permits making residential building permits subject to a design review board.	Requiring residential building permit applications that have complied with the standards established by 20.50 to a design review board would impact property owners, and would add costs both in time and fees to the residential building permit process. Staff panel recommends no change.
NC-9	Noticing	Add a public notice process for all commercial projects with any expansion of the building footprint.	Leftover from 2003 process, remanded by City Council for more research and consideration.	N/A	20.30	560	Categorical Exemptions- Minor new construction	Reduce threshold for SEPA on commercial building footprints to require noticing for a smaller addition.	Requiring SEPA noticing for commercial projects less than 4000 square feet would be a change to State SEPA regulations. A jurisdiction can raise the threshold to a certain extent (up to 12,000 square feet) but may not lower the threshold for categorical exemptions. Any additional requirements for tenant improvements, commercial additions, or commercial new constructions would impact commercial and economic redevelopment in Shoreline. Staff panel recommends no change.



Memorandum

DATE: October 20, 2005

TO: Shoreline Planning Commission

FROM: Paul Cohen, Planning and Development Services

RE: Cottage Housing Amendments - Reconsideration

At the October 6, 2005 Planning Commission meeting staff presented the draft findings and recommendations for the cottage housing code amendments. The Commission did not vote to recommend these amendments but instead voted to reconsider their June 2, 2005 vote turning down (1 to 6) the motion to repeal the existing cottage housing code. That motion to reconsider passed 5 to 1. Under Roberts Rules of Order, the Commission can reconsider a previous vote only after gaining a 2/3 vote and after the entire Commission is notified of the reconsideration. The motion to vote again on a previous motion will be held at your October 20, 2005 meeting.

In addition, On October 6, 2005 the Commission failed to pass the vote to reconsider their September 15, 2005 motion to amend the cottage housing code. Staff is still researching whether the Commission needs to reconsider the motion to amend the cottage housing code or if the repeal of the existing cottage housing code is sufficient to nullify the previous motion to amend the code.