

AGENDA  
CITY OF SHORELINE PLANNING COMMISSION  
REGULAR MEETING



Thursday, January 19, 2006  
7:00 p.m.

Shoreline Conference Center  
Mt. Rainier Room  
18560 1<sup>st</sup> 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. January 5, 2006	
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. 2006-2011 City of Shoreline Economic Development Plan	
9. PUBLIC COMMENT	9:20 p.m.
10. UNFINISHED BUSINESS	9:25 p.m.
11. NEW BUSINESS	9:30 p.m.
12. AGENDA FOR February 2, 2006	9:35 p.m.
Tentative Continued Discussion on 2006 Work Program	
<i>*Meeting held in Board Room at the Shoreline Center</i>	
13. ADJOURNMENT	9:40 p.m.

*The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 546-8919 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 546-2190.*

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**CITY OF SHORELINE**

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

January 5, 2006  
7:00 P.M.

Shoreline Conference Center  
Rainier Room

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**PRESENT**

Chair Harris  
Vice Chair Piro  
Commissioner Phisuthikul  
Commissioner McClelland  
Commissioner Broili  
Commissioner Hall

**STAFF PRESENT**

Joe Tovar, Director, Planning & Development Services  
Rachael Markle, Assistant Director, Planning & Development Services  
Steve Szafran, Planner II, Planning & Development Services  
Jessica Simulcik Smith, Planning Commission Clerk

**ABSENT**

Commissioner Sands  
Commissioner MacCully  
Commissioner Kuboi

**CALL TO ORDER**

The regular meeting was called to order at 7:04 p.m. by Chair Harris, who presided.

**ROLL CALL**

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

**APPROVAL OF AGENDA**

The agenda was approved as drafted.

## **DIRECTOR'S REPORT**

### **Moratorium and Interim Controls to Regulate Tree Cutting**

Mr. Tovar reported that on January 3, 2006 the City Council adopted Ordinance 407, which put in place a moratorium and interim controls to regulate tree cutting. He referred the Commission to Section 20.50.310.A.1 of the Shoreline Municipal Code (SMC), which describes actions exempt from permit requirements. As written, it grants broad discretion for a property owner to determine what trees, including significant trees, are hazardous and to cut and remove any number of them without a permit or City oversight. He said that, in his judgment, this language allows far more trees to be cut under the rubric of "hazardous" than actual circumstances warrant, particularly in the Innis Arden Reserves. These situations have been the subject of numerous City contacts from citizens and property owners, which has consumed much of the City staff's attention.

Mr. Tovar referred to a table that was provided to the City Council during their discussion regarding the moratorium ordinance. The table shows the number of hazardous tree exemption forms the City received during 2005. The most significant activity occurred during the last three months of the year and was related to the Innis Arden Reserves. He recalled that staff attempted a mediation process involving both the Innis Arden Club and the Association for Responsible Management of Innis Arden (ARM) to see if some middle ground could be reached. A mediation consultant was retained to help with this effort, but on December 27<sup>th</sup> a representative from ARM announced that they were withdrawing from the mediation process.

Mr. Tovar explained that staff reviewed the requests to cut hazardous trees that were received in the last three months of 2005 and concluded that it would make sense to suspend the use of the exemption for the time being. As a result, they presented a draft moratorium ordinance for the Council's consideration, and it was adopted on January 3<sup>rd</sup>. He further explained that the purpose of an interim ordinance is to stop the operation of a portion of the current code for a period of time. It was the staff's belief that more cutting was going on than the current regulations for the City should allow. He referred the Commission to the memorandum he provided to the City Council to explain the situations that occurred to prompt the staff's recommendation for a moratorium.

Mr. Tovar explained that the City Council did not hold a public hearing prior to adopting the moratorium, and notice was neither given nor required for an emergency of this type. However, because a public hearing is required within 60 days, the City Council scheduled the hearing for February 6, 2006. After the public hearing, the City Council could decide to repeal the moratorium, adopt a modification of the interim control, or let the moratorium run its course for the entire four months. Before the end of four months, the Commission would likely have an opportunity to review their previous recommendation regarding the tree cutting provisions and make a recommendation to the City Council.

Mr. Tovar announced that the City Council would review the rest of the Commission's recommended changes for the Critical Areas Ordinance on January 17<sup>th</sup>. But some City Council Members have already expressed a number of questions about the subject. He further noted that subsequent to the

Planning Commission submitting their recommendation to the City Council, the City received a comment letter from the Department of Fish and Wildlife. The City Council is reviewing the letter and requesting a response from staff regarding the issues that were raised. He advised that staff would make it clear to the City Council that the letter was not available to the Commission during their review. If the City Council wants to rely upon the letter when making a decision, they would have to reopen the public process so the letter could be entered into the record and the public could comment on the new information.

Chair Harris reported that one City Council Member stated her belief that the Planning Commission had “passed the buck” during their review of the Critical Areas Ordinance. He said that, in his opinion, the Commission directed the issue rather than “passing the buck.” He said he assumes the City Council Member meant that the Commission passed the Critical Areas Ordinance to them without resolving the tree removal issue. Commissioner Hall said that if the City Council believes the solution should have all citizens in Shoreline in agreement, then perhaps the Commission did “pass the buck.” But they forwarded a clear recommendation to the City Council that was supported 7-1 by the Planning Commissioners. Chair Harris emphasized that this comment was made by only one City Council Member.

Commissioner McClelland said the failure of mediation should send a message to the City Council that the internal argument regarding views versus trees at Innis Arden will not go away as long as these citizens remain in the City. Neither side was willing to give up anything, and trees were even being cut down during the mediation process. Mr. Tovar said staff requested that the Innis Arden Club stop cutting trees until the issue could be resolved through mediation, but they were informed that only the Club Board could make that decision, and they wouldn’t meet again until January 10<sup>th</sup>. Staff also asked permission to go on private property to investigate whether the exemption had been complied with, and they were told that permission could not be granted until the January 10<sup>th</sup> meeting. He pointed out that the new interim regulation would require permit review, and the applicant would have to grant permission for staff to visit the site before and after any cutting to make sure it complies with the permit and code. He said it is important to understand that the moratorium is on the exemption for cutting hazardous trees, and not on cutting trees in general. Even the interim control would not prohibit the cutting of hazardous trees.

Commissioner Hall expressed his belief that the staff presentation and recommendation and the subsequent action of the City Council really reflected the spirit and intent of the Planning Commission’s recommendation regarding hazardous tree removal. The same type of discussion the Commission had is now being continued in the City Council arena. The moratorium also supports the Commission’s recommendation when updating the Development Code that there were several issues related to trees that needed to be looked at more comprehensively in 2006. This issue was also raised in the Planning Commission’s draft Annual Report that would be forwarded to the City Council.

Mr. Tovar advised that he would forward each of the Commissioners a copy of Ordinance 407 via email. For the Commission’s information, he briefly read the new language for SMC 20.50.310.A.1. Commissioner McClelland inquired if there would be penalties associated with tree removal that are

inconsistent with the new ordinance. Mr. Tovar said the same penalties that are associated with other provision of the code would apply to the new language, as well.

Commissioner Broili pointed out that the interim ordinance does not address the City's ability to be timely. It is important that an applicant can expect a reasonable amount of time for the City to review the situation and issue a permit. Mr. Tovar pointed out that at the City Council's meeting on February 6, staff would have the ability to recommend the insertion of additional language, and he agreed it would be appropriate to insert the following sentence" "The City review and decision will be timely and not unreasonably withheld."

Commissioner Hall pointed out that the Commission knew there was an opportunity to do something better with the tree provisions in the code, and that is why they placed the issue on their 2006 agenda. Commissioner Broili recalled that the Commission took out the language related to the management plan because they didn't feel it had been successful in the past. The Commission agreed to come back and revisit the concept and attempt to make it more palatable and effective.

Commissioner Phisuthikul asked if the City received any applications outside of Innis Arden for removing hazardous trees from a critical area. Mr. Tovar answered that there were no tree removal applications associated with critical areas outside of Innis Arden during 2005. Commissioner Phisuthikul pointed out that the critical areas in The Highlands are similar to those found in Innis Arden. Mr. Tovar agreed but said The Highlands area does not experience the same tree cutting and view preservation issues that Innis Arden does. He concluded by stating that although the moratorium would be applied citywide, most of the disputes currently occur in Innis Arden.

Mr. Tovar asked the Commissioners to contact him regarding their suggestions for improving the interim ordinance. The Commission's ideas could be presented to the City Council on February 6<sup>th</sup>. He said the Commission would not be reviewing the current regulation until March since it would take staff some time to complete their research and collect comments from others. It is staff's anticipation that the Commission would be able to make a recommendation to the City Council by their second meeting in April.

### **Cottage Housing**

Mr. Tovar said the Commission's recommendation regarding Cottage Housing would be reviewed by the City Council on January 23<sup>rd</sup>. In an attempt to make the cottage housing information more understandable, staff prepared an "Issues Matrix." This document lists the comments the Commission heard from the citizens and the motions they made on the different issues. Staff expressed concern that in preparing the matrix, they would be unable to characterize all of the events that occurred during the public hearings and Commission discussions. They would emphasize to the City Council that they still have to review all of the meeting minutes and written comments that are part of the record. Staff would also ask to put the community forum discussion in context, as well. The City Council's options range from doing exactly what the Planning Commission recommended to repealing the entire Cottage Housing Ordinance. If the City Council makes more than minor changes to the Commission's recommendation, they would have to start the public hearing process over again.

Commissioner Hall suggested that it would be misleading to suggest that the Planning Commission's recommendation sits at the opposite end of the option to repeal the ordinance. He noted that the Commission's recommendation is much more restrictive than the current regulations. He suggested that allowing the moratorium on cottage housing to expire and the current regulations to continue would be one extreme and a complete repeal of the Cottage Housing Ordinance would be at the other end. The Planning Commission's recommendation would be a middle alternative, representing a method for resolving the problems without a complete repeal.

The Commission emphasized that if the City Council decides to repeal the Cottage Housing Ordinance, the Comprehensive Plan must also be amended to take cottage housing out as a housing option. Mr. Tovar suggested that it would be appropriate to inform the City Council that repealing the Cottage Housing Ordinance would be inconsistent with the Comprehensive Plan. Unless the option of cottage housing is removed from the Comprehensive Plan, the issue could come up again in the future.

Commissioner Broili said he was not satisfied with the outcome of the community forum on cottage housing. While the citizen input was good, he had hoped to participate in a one-on-one discussion with the City Council that would have allowed the Commissioners to share their views on what should happen. For example, he raised some pertinent environmental issues. If the City Council members were to consider these issues, they might decide to take a different position. Because cottage housing is a contentious issue, a discussion between the Planning Commission and City Council might have some value.

Commissioner McClelland reminded the Commission of the comment she made at the last meeting that because they allowed a cottage housing developer to answer so many of the questions, it appears the City Council is interested in the real estate angle of cottage housing. Again, she suggested that they should pay Mr. Soules to complete a market analysis on cottage housing.

### **APPROVAL OF MINUTES**

The minutes of December 1, 2005 were approved as submitted.

Commissioner Phisuthikul suggested that it would be appropriate for the Commission to recommend the City Council hold a discussion regarding the City's vision for the future. If the vision has changed from what was previously identified, the City Council should make this clear. Then they need to make sure they follow through with the vision.

### **GENERAL PUBLIC COMMENT**

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

## **REPORTS OF COMMITTEES AND COMMISSIONERS**

### **Annual Report to Council**

Chair Harris referred the Commission to the draft Annual Planning Commission Report that was prepared by Vice Chair Piro, Commissioner Hall, Commissioner Sands and Commissioner Broili. Vice Chair Piro explained that the report summarizes the Commission's key recommendations and integrates language that is reflective of their accomplishments and current challenges. He suggested that the Commissioners review the document and resolve the bigger issues regarding the content or tone now. Wordsmithing changes could be done by staff after the meeting, before it is signed by the Chair and forwarded to the City Council.

Commissioner Hall said he found the draft report did a good job of summarizing the Commission's work over the past year. If any Commissioner feels that major issues were left out of the document, he suggested that changes be made now so that the report could be forwarded to the City Council as soon as possible. Commissioner Broili added that the report would help the new City Council members learn what issues the Commission has been working on.

**COMMISSIONER HALL MOVED THAT THE PLANNING COMMISSION CHAIR FORWARD THE ANNUAL REPORT TO THE CITY COUNCIL AFTER MINOR TYPOGRAPHICAL CORRECTIONS HAVE BEEN MADE. COMMISSIONER BROILI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Chair Harris announced that Commissioner Sands would be providing a presentation regarding economic development at the annual Forward Shoreline Meeting on January 6<sup>th</sup>. He congratulated Commissioner Sands for his efforts.

### **STAFF REPORTS**

#### **Quasi-Judicial Procedures Refresher**

Mr. Szafran provided brief overview of the rules related to quasi-judicial decisions. He explained that the Planning Commission's role in quasi-judicial decisions is to conduct the public hearing and to make specific recommendations on the proposal. The Commission should consider the application and any public testimony and develop a recommendation for site-specific land use applications such as rezones, special use permits and formal subdivisions.

Mr. Szafran explained that when applications are submitted to the City, the first question should be whether or not the matter is quasi-judicial. The following key questions must be asked when making this decision:

1. Is a public hearing required?
2. Will the decision maker consider evidence for or against the proposal?

If the answers to Questions 1 and 2 are yes, then two additional questions must be asked:

3. Will the decision impact specific parties?
4. Will it have an area-wide impact of community significance?

If the answer to Question 3 is yes, then the proceeding would be quasi-judicial. If the answer to Question 3 is no and the answer to Question 4 is yes, then it could possibly be legislative. When there is doubt, the application should be treated as a quasi-judicial proceeding.

Mr. Szafran further explained that “procedural due process” is the legal method that must be used to reach a decision on land use requests. For land use hearings, procedural due process includes the following: appearance of fairness for decision makers, proper notice of hearing, a proper hearing process, a complete record, and a decision based on the record that meets the legal requirements. He reviewed the five key elements of procedural due process as follows:

1. **Fairness.** Fairness exists in a public hearing when all of the participants are given an opportunity to present testimony and evidence to an unbiased decision maker.
2. **Notice.** Notice is required because it provides advance warning to parties so that they can intelligently prepare for and participate in the hearing.
3. **The Hearing.** The Hearing is a fact finding forum from which a decision must result.
4. **The Record.** All land use decisions must be based on the official record (testimony and exhibits) that is developed at the public hearing.
5. **The Decision.** The decision must be a result of a deliberative process after a review of all testimony and exhibits presented at the hearing.

Mr. Szafran concluded by stating that procedural due process and the appearance of fairness are two major factors in quasi-judicial proceedings. While all of the elements of procedural due process must be present, fairness and the appearance of fairness must be most present to make an unbiased recommendation.

Commissioner Phisuthikul referred to the “Record” element of procedural due process, which states that all land use decisions must be based on the official record that is developed at the public hearing. Therefore, knowledge or information that was obtained prior to the public hearing would not be applicable in the decision making process. Mr. Tovar pointed out that Commissioner Phisuthikul’s comment is more related to legislative items. When reviewing quasi-judicial matters, the Commission would only need to rely on things that are in the record. When reviewing legislative matters, the Commissioners could rely on their prior experience as residents in the community, as long as this information is stated as part of the record. He summarized that the rules for legislative procedures are much more relaxed in that regard.

Commissioner McClelland asked staff to provide an example of when the Commission would have to make a decision based only on the record. Commissioner Hall explained that in quasi-judicial proceedings, the Planning Commission holds the public hearing to establish the record. The City Council would not be allowed to consider additional testimony outside of this public hearing. The

Commission's recommendation must be based on the record that is established. If Commissioners obtain factual knowledge outside of the public hearing, they must disclose the information during the hearing so that it can be included as part of the record.

Commissioner Broili reviewed that each of the Commissioners comes to the table with their own personal experience in terms of careers, knowledge, etc. Because he is an environmental designer, his personal knowledge on best available science could also color his final decision on a matter. Mr. Tovar said Commissioners could use their life experiences as a basis for making a judgment on a matter. However, he cautioned that the Commissioners should use their life experiences to inform their judgment rather than to constitute facts upon which their judgment is based. He explained that the official record would be created the moment the Commission closes the hearing. Once the hearing has been closed, no additional testimony or documents could be accepted. The Commission should not close the record until they are sure they have collected all of the evidence they need to take action.

### **Role of the Applicant at Public Hearings**

Mr. Szafran reviewed that the applicant's role in the land use hearing process is to present their proposal in a clear and concise manner so the Planning Commission can make a recommendation and the Council or Hearing Examiner can make an informed decision. He pointed out that the Planning Commission has the opportunity to offer suggestions to better define the applicant's role so that the hearing process can be smoother and less time consuming.

Mr. Szafran advised that the current hearing process starts out by the Chair of the Commission reviewing the Appearance of Fairness Doctrine and the general Rules of Procedure approved by the City Council for conduct at public hearings. The Planning staff then introduces the agenda items. They review the request, surrounding land uses, site information, Comprehensive Plan designations, how the project conforms or does not conform to adopted codes, and how an item does or does not meet the goals and policies of the Comprehensive Plan. They present a staff recommendation on the item, which may or may not include conditions on the project. The applicant then presents the project in their own words. This is the applicant's chance to further explain how their project meets the criteria for the proposed land use action. The applicant may use drawings, models, elevations, etc. of the proposed project to illustrate what might be possible on the site should the land use application be approved. The applicant may also use this time to address written and oral comments regarding the project. The presentation also offers the applicant an opportunity to ask the Commission to consider alternatives to staff recommendations, including conditions.

Mr. Szafran concluded by stating that there is an opportunity for the Commission and staff to brainstorm ideas to better define an applicant's role in the Planning Commission hearing process. This may involve a dialogue with past applicants about what does and does not work and possibly a review of the processes used by similar jurisdictions.

Vice Chair Piro said that in the few times he chaired public hearings where he had to review the Appearance of Fairness Doctrine and the Rules of Procedure, he found the verbal version a little awkward. He noted that the language was written to meet the needs of the City Council, and perhaps

staff could revise the language so that it flows better for the Commission. Ms. Simulcik Smith referred the Commission to the newly revised language that was provided in the staff report as Attachment A.

Commissioner McClelland recalled that in the past the Commission has been accused of letting the applicant speak indefinitely, but then the citizens were only allowed to speak for three minutes per person or five minutes per group. In addition, the public is not allowed to enter back into the discussion after the applicant has provided rebuttal comments. She suggested that perhaps they should consider a time limit for the applicant's presentation.

Mr. Tovar explained that it is possible something could be said during the public hearing that staff didn't know or had never considered. Staff should be allowed an opportunity to provide their final thought on a subject. However, he agreed that it could inflame some citizens if the staff is allowed to comment last. But someone must have the last word.

Commissioner McClelland said that because staff reviews the applications, the public often perceives the staff as a project proponent. She suggested that the staff presentation should be totally objective so that the public perceives a level playing field. Mr. Tovar agreed that the staff report should never speak for the applicant, and there are ways for staff to present a fair and objective staff report.

Commissioner Hall agreed that, in the past, the hearing procedures have resulted in an unlevel playing field. Applicants are allowed to make much longer presentations than the citizens. In addition, applicants are allowed to clarify issues and answer questions throughout the hearing, when the citizens are not. However, by and large, he said he has found that the Commission's quasi-judicial proceedings have run very well. This is due, in a large part, to Chair Harris' gentle and effective management of the audience. He said he would not support an effort to create a procedure that is so different that it would allow the public to engage in a debate with the applicant. However, he felt the procedures should be clearer to address why applicants are allowed to speak longer than the citizens.

Commissioner Broili referred to the last sentence on Page 23 of the staff report, which states that the process also offers the applicant an opportunity to ask the Commission to consider alternatives to staff recommendations, including conditions. He said his understanding is that after the public comments have been provided, the applicant would have an opportunity to address the Commission and offer conditions. This could change the proposal, but the public would not have an opportunity to state whether they are for or against the proposed changes. Commissioner Hall recalled that this situation has been raised previously, and the Commission has been able to make decisions regarding the proposed changes based on the testimony that had already been provided.

Commissioner Broili suggested that perhaps the procedures should be consolidated into a succinct, bulleted, one-page document that could be made available to the public. Mr. Tovar agreed that would be a good idea. He asked how much information the Commission expects the public to have acquired before they come to a public hearing. Does the Commission expect the public to do some homework before coming to the hearing? Commissioner Broili said it would be nice if the citizens could come to a public hearing with knowledge of the proposal, but often people hear about a proposal at the last minute and they are new to the public hearing process. Mr. Tovar agreed. However, he suggested that the

applicant should come to the public hearing with a clear understanding of the staff report and be able to identify issues that they don't agree with upfront.

Commissioner Hall referred to Page 16 of the staff report, which states that the purpose of notice is to provide advance warning to parties so they can intelligently prepare for and participate in the hearing. He suggested that if the Commission were to create some additional step that allows the public to ask questions and then come back two weeks later to provide more comment, the process would be delayed unnecessarily. He pointed out that the Commission is willing to listen even when citizens are not well-prepared.

Vice Chair Piro said he likes the idea of placing some type of time limit on an applicant's initial presentation. This would show a little more balance. He pointed out that an applicant's presentation could also be supplemented with written materials for the Commission. Again, he suggested that the applicant should be able to present a proposal within a limited timeframe. This would communicate that everyone must follow the rules rather than giving the applicant free rule. However, he said he would be more leery about placing a time limit on an applicant's ability to respond to questions and concerns raised by the public and the Commission.

Vice Chair Piro suggested that rather than letting people speak before the Commission in the order that they signed up, they could divide the speakers into two groups: those that are in favor of a proposal and those that are against it.

Vice Chair Piro recalled that, in the past, the Commission has been disappointed with some of the reports provided by staff, and this has added to the public's misconception that staff is in cahoots with the developer. He expressed his belief that it is okay for a staff report to be positive and supportive, but there had been a pattern where it appeared staff was "cherry picking" certain criteria to support a particular proposal. He said that over the past year, the Commission has received much more across-the-board reports that talk to both the positive and negative aspects of a project.

Chair Harris said it has never been his experience that an applicant took too much time to make a presentation. Vice Chair Piro agreed, but he said that the public's perception is that the applicant is allowed to speak for a longer period of time than the public. Putting down rules could help resolve this problem. Commissioner Phisuthikul pointed out that the applicant's presentation time would vary depending on the size of a project. Some applications could be presented to the Commission is just a few minutes, where others might take much longer to cover all of the details.

Commissioner McClelland suggested that the public is more concerned that applicants are allowed to answer questions and concerns throughout the hearing. The real problem is that the public feels their speaking time is so constricted, and the Commission could improve upon this perception of imbalance.

Chair Harris suggested that the Commission could anticipate the larger and more controversial issues. Perhaps on those nights, the Chair could offer a little more explanation regarding the rules and procedures. The remainder of the Commission agreed that the rules and procedures should be clearly outlined for the public at the start of a public hearing.

## **Pros and Cons of Advertising the Public Hearing Prior to SEPA Appeal Deadline**

Commissioner Hall reviewed that last fall a very controversial issue came before the Commission in which the SEPA deadline was the same day that the public hearing was scheduled. A SEPA appeal was timely filed the morning of the public hearing, and there was no opportunity to notify the citizens who showed up at the meeting to testify. The Commission Chair was placed in the extremely uncomfortable position of having to explain to the numerous citizens in attendance at the hearing that they would not be allowed to testify on the issue until the joint meeting with the Planning Commission and Hearing Examiner. Commissioner Hall summarized that the Commission must balance the need for process efficiency with their desire to let people know if a hearing gets cancelled as a result of a SEPA appeal.

Commissioner McClelland mentioned noticing both the SEPA application and public hearing at the same time allows the City to reduce the cost of advertising. Mr. Tovar pointed out that advertising costs are the burden of the applicant, so money should not really be a factor in making this policy decision. Extending the process by a few days should not really be a factor, either.

The Commission discussed the possibility of creating a new policy that would mandate the City wait until after the SEPA appeal deadline to advertise a public hearing. Commissioner Hall suggested that another alternative would be to advertise the public hearing at the same time as the SEPA application, but schedule the public hearing to take place at least a week after the SEPA appeal deadline. This would give the City the opportunity to at least post any public hearing delay on their website.

Commissioner Broili pointed out that if a project requires a SEPA review and an appeal is filed, the proposal would likely be fairly consequential. He suggested that even a two week timeframe between the SEPA appeal deadline and the public hearing would be appropriate. Commissioner Hall pointed out that the City has a statutory time limit for processing an application. Two weeks would represent 10 percent of the total time the City has to complete staff review, etc.

Mr. Tovar expressed his concern that if the hearing date is pushed out a week or two after the SEPA appeal deadline, the public hearing notice would be published at least three weeks before the actual hearing date. Vice Chair Piro said he has never heard anyone testify that the City advertised a public hearing with too much lead time. Typically, the public is more concerned about receiving late notice with little time to absorb all of the information.

Mr. Tovar explained that the SEPA appeal period allows 14 days, depending on the action, for citizens to comments or appeal. The Commission agreed that a public hearing should be scheduled 21 days after the notice in the paper. If an appeal were filed, the Commission would have to cancel the public hearing. This would allow a week to notify the public of the cancellation.

## **Discussion on How to Involve More Citizens**

Mr. Szafran referred the Commissioners to the information he provided in the staff report outlining the methods used by the Department of Finance to invite the citizens to participate in their long-range

financial planning sessions. He explained that this item was placed on the agenda to allow the Commission to discuss what they can do to inform citizens and encourage them to become more involved in the planning process.

Commissioner McClelland pointed out that many citizens have never spoken at a public meeting before, and the Commission should take steps to make them feel comfortable. Chair Harris does a good job of doing this. In addition, she said it is awkward when citizens provide written information to the Commission at their meetings and there is no opportunity for them to read the documents. It would be better if the written information were provided earlier.

Mr. Tovar recalled a citizen's remark at the Cottage Housing Forum that some of the Planning Commissioners didn't even live in Shoreline. He suggested it would be helpful to explain at the start of each meeting that they are appointed citizen Planning Commissioners and residents of Shoreline. Vice Chair Piro agreed it would be helpful for the public to understand that, although some of the Commissioners are planners, they are all citizens of Shoreline. The remainder of the Commission agreed.

Vice Chair Piro suggested that perhaps an article could be published in the local newspaper to describe the role of the Commissioners as citizen planners. Ms. Simulcik Smith pointed out that in the near future the City would advertise the upcoming vacant Commission positions in the newspaper. She suggested that perhaps this would also provide an opportunity to describe the role of the Planning Commission. The remainder of the Commission concurred that this would be helpful. Vice Chair Piro suggested that perhaps the newspaper article could also include a brief statement from each of the Commissioners about why they participate on the Commission. It is important that the Commissioners are portrayed as people who care about the community. Their role is to provide a buffer, listen to the public, and provide a recommendation to the City Council. The Planning Commissioners should be more accessible to the public than the City Council Members.

Commissioner McClelland suggested that Commissioners could participate in community outreach by attending their community council meetings to find out what is going on and let people ask them questions. This would provide an informal setting for Commissioners to converse with the public. Commissioner Hall recalled that the Commissioners have also heard from time to time that they are not as geographically dispersed throughout the City as they could be. He cautioned that they should avoid any expectation that the Commissioners geographically represent the neighborhoods, since that is the role of the Council of Neighborhoods. Instead, the Commission agreed that it would be appropriate to assign one Commissioner to each of the 13 neighborhoods. They further agreed that it would be appropriate to forward a copy of the Commission's annual report to each of the 13 neighborhood groups.

The Commission agreed that they would never be able to get all citizens involved in the planning process, but they could make progress in that direction. Commissioner McClelland pointed out that somehow citizens who are against an issue or proposal receive adequate notification of what is going on. She suggested that perhaps obtaining a more balanced audience should be the Commission's objective. The Commission agreed that it would be appropriate to invite representatives from groups such as

Forward Shoreline or the Chamber of Commerce to attend the Commission meetings and report back to their individual groups.

## **PUBLIC COMMENT**

There was no one in the audience to comment before the Commission.

## **UNFINISHED BUSINESS**

### **Continued Discussion on 2006 Work Program**

Commissioner Hall suggested that, because of the lateness of the hour, the Commission's discussion on the 2006 Work Program should be deferred to February 2<sup>nd</sup> as the first and perhaps only discussion item on the agenda. The remainder of the Commission concurred.

Commissioner Broili suggested that as part of the Commission's discussion regarding their 2006 Work Program, they could prioritize some of their parking lot issues and identify where they would fit into the 2006 work schedule. Commissioner Hall pointed out that all of the staff report agenda items were on the list of parking lot issues, and the Commission was able to resolve each one.

The Commission asked staff to explain why the meeting location is being switched back and forth between two locations. Ms. Simulcik Smith explained that because meetings were already scheduled in the Shoreline Center on the same dates as both of the Commission meetings in February and one meeting in April, the location of the Commission meetings had to be changed. Commissioner Broili suggested that the Commission seek a permanent meeting place so that the public clearly knows where the meetings would be held each week. The remainder of the Commission concurred.

Commissioner Hall asked that staff provide the draft list of 2006 Work Items to the Commission again, along with some ideas for how they could most efficiently structure their time on February 2<sup>nd</sup>.

## **NEW BUSINESS**

Commissioner Phisuthikul recalled that terms end on March 31<sup>st</sup> for four of the Commissioners. He asked if these four Commissioners would have to apply to be reappointed. Commissioner McClelland explained that each Commissioner can serve two consecutive terms on the Commission, but at the end of the first term, they must reapply. She noted that she and Commissioner Harris are halfway through their second term. Vice Chair Piro pointed out that all four of the Commissioners whose terms expire on March 31<sup>st</sup> are finishing their first term, so all are eligible to apply for reappointment. Other citizens would also be invited to apply for the position, and the City Council would interview applicants and make a selection for each position.

## **REVIEW OF AGENDA FOR JANUARY 19, 2006**

There were no additional comments provided regarding the agenda for January 19, 2006.

**ADJOURNMENT**

The meeting was adjourned at 9:25 p.m.

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David Harris  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission



## Memorandum

**DATE:** January 12, 2006

**TO:** Shoreline Planning Commission

**FROM:** Tom Boydell, EDP Manager

**RE:** Economic Development Task Force

**CC:** Joe Tovar, Director, Planning and Development Services

We are pleased to report that the Economic Development Task Force successfully completed its work as assigned by the City Council for 2005. Previously, as you requested, you received task force meeting notes through October 5, 2005. In this packet, you will find notes for subsequent meetings. In addition, I have attached the recommended 2006-2011 Shoreline Economic Development Plan developed by the Task Force. The presentation to Council will be January 23rd.

On the advice of Task Force members, we are bringing this plan to the Shoreline Planning Commission, to get a little feedback before our presentation to Council. To date, the Chamber of Commerce has been very favorable toward the plan. The Board of Directors of Forward Shoreline formally endorsed the plan at its Annual Board Meeting on January 6.

The Task Force members wish to convey that they developed strong consensus, reflecting both a common sense of purpose and strong individual commitments. The process included 13 meetings, more than 30 hours of discussion, and presentations from experts in diverse fields.

To assist with implementation, the Task Force has scheduled two additional meetings – January 17 to help prepare the presentation to City Council, and March 7 to review progress on (a) communicating the plan and vision to the public and (b) beginning work on the first steps in plan implementation.

Thank you for your support of the work of the Task Force members. The effort has been productive, and I think that we have gained a stronger set of leaders in Shoreline economic development, as a result.

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## **For Submittal to City Council** **(Completed November 23, 2005)**

### **2006-2011 City of Shoreline Economic Development Plan**

#### **Introduction**

The economic vitality of Shoreline is critical to the health and future of the City of Shoreline and its citizens. This vitality in large part is measured by expanding, diverse, and economically healthy opportunities within Shoreline to live, learn, shop, play, work, own a business, and invest. Vitality also is measured by the balance and growth of revenue to city government, because it is necessary that the economy generate an adequate level of financial resources to local government, in order that local government can better provide essential public infrastructure, public safety, and municipal services.

Nothing in this plan should be construed as endorsing concepts that would impair or detract from the values that currently make Shoreline great, such as its quality, livable neighborhoods and educational system.

#### **Vision Concepts**

Shoreline – A great place for shopping, businesses and community both for today *and* tomorrow.

Shoreline is located on the north shore of the Seattle area – close to the metropolitan downtown core but a place apart in community character, beautiful beaches, parks, and internationally diverse community. It is a wonderful place to live and to raise a family. Another special feature of Shoreline is that it is home to intellectual capital, creative talent, and great educational services.

#### **Goals**

- **Infrastructure and Transportation:** Improvement to public infrastructure, services, and the amenities of commercial areas and network of transportation systems, in order that the systems that we all use can better support and stimulate increased economic activity. This includes an emphasis on the major transportation corridors, particularly Aurora Avenue.
- **Retention and Growth:** Diversification, retention, and growth of the existing small business community.

- Commercial Centers: Establishment and support of regional destination-shopping areas and places that welcome and promote feelings of community. Also seeking to establish one area as a Town Center.
- Recruitment: New investment in business activity and development.
- Outreach and Partnership: Collaboration of City, regional, and civic leadership based on a shared vision of a future Shoreline.
- Community Development: Thriving neighborhood commercial areas that support community vitality and contribute increased resources to municipal services. They should also help to become a focus of the life of surrounding residential communities.
- Sense of Place: Creation and enhancement of place identity, including promotion of the City, signage projects and policies, aesthetics, and City gateway projects.
- Education and Job Training: Promotion of closer partnerships between various intellectual assets and public and private educational institutions in the Shoreline and regional community at all levels from K-12 up through the college levels. This includes recognizing the value of entrepreneurship and job training programs.
- Environmental Stewardship: Promotion of new ideas and exchange of information about environmental issues. This includes providing practical information about technologies, conservation programs, environmental quality, and rebate programs, in order to help businesses save costs, incorporate new ideas, and solve environmental problems that they may encounter. This also includes recruitment of clean technology businesses when feasible.

## 7 Strategies

Shoreline is a city of great qualities, including natural beauty, fantastic location, local pride, business talent, creative talent, and entrepreneurial energy. Shoreline is also a city on the edge of opportunity. If more land and resources can be made available, the economy will grow. If attention is also given to the transportation and other infrastructure, parks, and community vitality, Shoreline's people will thrive and the city will continue as a place for all kinds of people to be.

In the following categories and list of strategic actions, there is not a linear association between goals and individual actions. The actions are chosen as the points at which the Economic Development Program may dynamically engage the assets of the community, civic leadership, and the opportunities potentially before us. (In other words, an action may address two or more goals at the same time.)

Please note that this is a long-term, comprehensive strategy. The "7 Strategies" contain 31 identified actions. Implementation of these actions, however, will be subject to practical limitations, including resources and market factors.

## 1.) General Government, Outreach & Communications

### Actions:

- Explore ways to leverage the City's capital investments in transportation and other infrastructure facilities, especially Aurora Avenue, to support and encourage private reinvestment in commercial areas and the achievement of public goals. These investments benefit businesses in that they tie these areas together, they make both these areas and the main travel corridors more attractive, and they make the system function better. Promote a culture whereby city staff persons have good information about and an understanding of businesses' needs. Encourage businesses and government together to plan adequately for various circulation, parking and access issues.
- Continue to improve dialogue with businesses regarding improvements to the City's permit system and ordinances impacting businesses.
- Continue to develop knowledge of local businesses, commercial and retail properties, development, and related community issues through various ways. These ways include proactive outreach to businesses and property owners.
- Enhance city-wide knowledge and discussion about the economy and the role of city-community partnerships.
- Develop knowledge of successful economic development strategies and actions undertaken by other cities.
- Develop a business registry/licensing system (a) to build a database of information about local businesses and properties and (b) to raise revenue to support the economic development program.

## 2.) Major Investments, Recruitment & Attraction

### Actions:

- Focus on Priority Sites
  - A.) Encourage redevelopment of Aurora Square/Westminster Triangle as a destination shopping or village center type development.
  - B.) Facilitate redevelopment planning of the Ronald Place-adjacent properties so that various development scenarios can take shape, with an increase to the success and sales activity of the businesses/properties. The City role may include right-of-way acquisition, street vacation, and road realignment.
  - C.) Undertake City investments and regulatory actions that will better implement the vision of the Central Subarea Vision Plan, particularly along Midvale Avenue. Look for ways to better encourage and leverage private investment that includes elements of the Vision Plan, such as multi-story buildings, mixed use developments and parking structures.

D.) Encourage the Shoreline School District to explore the feasibility of relocating Shorewood High School to a new site if that would result in higher quality educational facilities, resolution of traffic and parking problems, and a more proactive relationship between the public schools and Shoreline Community College that would leverage their respective resources. In the event that the idea proves feasible, then support the School District and other civic leadership to explore the potential for productive commercial reuse of the current school property as a city center.

- Develop Resources:

A.) Identify resources to advise the City, assist in negotiations and dialogue with property owners and developers.

B.) Research and, if practical, develop different financial tools, grants, or approaches to partnership that might assist economic development. Review the existing or formulate new development incentives where appropriate to support priority development areas and designated Planned Action areas.

- Work on New “Areas of Opportunity”:

A.) Work with innovative commercial developers, land owners, and brokers to identify and encourage investment in different areas of the City where new development might best occur.

B.) Future “areas of opportunity” may include the Aurora Park & Ride, Ballinger Way, or other sizeable public or private parcels. Streamline permits or city processes for commercial, retail and mixed-use development in these targeted areas to implement plans effectively.

### 3.) Small Business Support

#### Actions

- Enhance access to loan funds and similar financial assistance for micro-sized and small businesses, to support small business growth and retention in Shoreline. Create a network or program(s) for the types of loan support, business mentoring, training, and business management technical assistance that are needed to help ensure the success of borrowers and program participants.
- Improve outreach to businesses on a variety of environmental issues and enhance the opportunity for improved business functioning and mutually beneficial partnerships.
- Strive to support businesses that are relocating to or within Shoreline. Develop small business information pamphlets (e.g., to inform businesses about available resources or services; to guide someone in starting a business locally; to understanding the local economy). Enhance support for entrepreneurs and access to existing services.

### 4.) Media, Marketing, & Promotion

#### Actions:

- Initiate an active campaign to define and improve the regional perception of Shoreline.

- Promote Shoreline sites to regional and national developers. Improve access to information that will be valuable in marketing and economic development.
- Provide and organize near-term efforts to support businesses in key areas, such as North City during the capital improvement project. This includes providing referrals to small business assistance programs and helping businesses to explore advertising ideas and joint promotion actions.

#### 5.) Intellectual Capital

##### Actions:

- Encourage dialogue between Shoreline Community College, the School District, and other local institutions. The goals should be to encourage planning and support for successful workforce training programs, to improve facilities, and to sustain the success and outstanding character of educational programs at all levels in Shoreline. Another goal should be to provide information and encourage new employers to utilize workforce training resources and to hire locally when they can.
- Seek to identify opportunities to recruit clean-technology or environmental technology-related research and business activities. Consult with regional economic development agencies on Shoreline's strategic position in the regional economy with respect to this.
- Work with local organizations and institutions to promote ideas and a cultural value of creative arts, music, entrepreneurship and invention as an important aspect of the Shoreline community.

#### 6.) Local Collaboration-Building and Regional Partnerships

##### Actions:

- Proactively collaborate with private and public organizations that are working to support the growth of current businesses and bring new companies or institutions to Shoreline.
- Identify alliances and partnerships between the City and other organizations in accomplishing economic development goals. Encourage an environment of mutual respect between business owners and the City. Improve the capability of the City's economic development program by better networking local and regional leadership and leveraging investment resources.
- Provide advice to local non-profit organizations or other civic/business groups on how they can build positive organizational capacity.

#### 7.) Sustainable Neighborhoods

##### Actions:

- Foster the development of neighborhood business areas outside of Aurora Avenue, in ways that reflect the concepts of interdependency, sustainability, and balance with the quality of life in the neighborhoods.

- Learn about new ideas, tools and approaches to neighborhood-level economic development from experts such as the UW School of Architecture, non-profit developers, other cities. Undertake Charettes or planning studies to test out ideas.
- Encourage appropriate uses of and private efforts to install banners, flowerpots, street furniture, and art and other programs to decorate the City throughout the year, but especially during holiday and community event celebrations, to decorate and improve neighborhood business areas.
- Work with business and neighborhood councils in support of their ideas for the neighborhood commercial areas. Support ideas for festivals, music, and events.
- Work with local and County-wide arts organization to improve public space and better incorporate art into development design.

### ***Priorities***

The Task Force is endorsing a holistic approach. The members believe strongly in moving quickly and on many fronts. They believe that it is important to do each of the things in this new strategy. They believe that Shoreline should not pursue economic development in piecemeal ways or in a linear fashion.

That being said, the Task Force believes that effort falls into two primary categories. Using the concept of how one successfully manages a business, there are (a) major projects that are higher effort and cost but have great impact and (b) the everyday things that you need to do to run a business well and take care of the existing customers. The latter creates a context and culture for economic development in Shoreline.

Implementation requires a balance. Expectations must be combined with resources (e.g., number of staff, budget, and time) and tools (e.g., regulations, financial mechanisms, and existing community-based programs). Given these practical considerations, the task force identifies tiers of importance within the two primary categories of priorities.

### **Major Project Priorities:**

Top priorities: (100% consensus)

- Strive to undertake, support, or stimulate major, place-making projects:
  - Promote the redevelopment potential of Aurora Square/Westminster Triangle as a major, regional, destination shopping area.
  - Encourage the School District to explore the feasibility and advantages of planning for the relocation of Shorewood High School if that should serve the educational interests of the community, and, if relocation is supported and feasible, assist the School District to explore the commercial reuse of the property.
  - Implement the Central Subarea Plan's vision.

Median priorities: (50% to 70% consensus)

- Continue to invest in making the network of infrastructure and transportation facilities, pedestrian access, community facilities, parking, and businesses work better as a system.
- Work on “new areas of opportunity,” such as the Aurora Park & Ride, Ballinger Way, or other sizeable public or private parcels. Streamline requirements or city processes to implement them effectively.

General Priorities:

Top priorities: (100% consensus)

- Identify alliances and partnerships. Encourage an environment of mutual respect, leadership, and leveraging investment resources.
- Implement a business and property database and registry/license system.
- Collect information about local businesses and properties and the economy.
- Create information pamphlets and other materials that provide businesses with helpful information for doing business in Shoreline.
- Engage proactively in outreach to and communication with the local business community.

Median priorities: (50% to 70% consensus)

- Support the capacity growth and collaboration among local groups. Attempt to mobilize civic and City leadership in support of a common vision.
- Establish programs of small business assistance resources in Shoreline, such as the Community Capital Development program and others. Support businesses that seek to relocate to or within Shoreline as well as the long-term growth and sustainability of businesses.
- Identify regulatory incentives and financial tools that can potentially support achieving strategic goals.
- Work with other departments as an advocate for economic development and as a technical resource as the City strives to continually improve the permit system.
- Promote Shoreline to regional and national developers.
- Provide support to businesses in key areas, such as North City during the construction project, through such things as advertising.

## **Appendix Draft Performance Measures**

The desired outcome includes a diversified, growing, and balanced economy, which produces jobs, investment in real estate development, improved quality of community life, local spending, and retail sales taxes and other City resources. These resources need to be sufficient to underwrite the funding for quality municipal services and facilities. They also should support local success and the growth and renewal of the community.

Some performance measures in the following list are from the 2004 plan. The ones that have a red check mark next to them are new.

This is only a draft list. Staff is encouraged to refine this list, as they work through various aspects of implementing the economic development plan.

Items with a checkmark (✓) are new measures. The others were carried over from the prior economic development plan.

	<u>2002</u>	<u>2003</u>	<u>2004 Est.</u>	<u>2005 Est.</u>
<u>Taxes</u>				
• Annual sales tax collections	\$5,095,811	\$5,467,148	\$5,500,000	\$5,500,000
• Sales tax collections per capita	\$95.70	\$103.68	\$104.29	
• Taxable retail sales per capita ✓ (Benchmark this against state, county, or other reference points.)				
<u>Development Activity</u>				
• Annual dollar value of Commercial permits issued	Not Available	\$17,146,000	\$22,568,000	\$26,000,000
• Commercial AV as a % of total City AV	12.3%	12.93%	12.83%	13.0%
• Number of new commercial permits ✓				
• Total acreage under economic development ✓				
• Total square footage of new space ✓				
• Retail				
• Commercial office				
• Other				
<u>Businesses</u> ✓				
• Total number of businesses in the city				
• Number of net new businesses				
<u>Growth in activity by those businesses receiving small business program assistance:</u> ✓				
• Number of businesses				
• Jobs				
• Investment levels				
• Sales activity				

## ***Draft Performance Dashboard***

The “dashboard” is a diagram concept used for illustrating and achieving a quick visual review of performance. The performance measures above can be summarized visually on a single page.

### Top-Half of Page:

There would be three graphs:

- 1.) Businesses
- 2.) Investment Activity
- 3.) Revenues

Each graph would include a breakdown of separate components. Business components could be either by (a) type of business or (b) size of business or (c) businesses in different quadrants of the city. Businesses could be measured either by (a) the total number of businesses or (b) only focusing on the increment (net change in number of businesses). Investment activity components would include new construction, tenant improvements, and others. Revenue components would include retail sales taxes, property taxes, excise taxes, fees, or others.

### Bottom-Half of Page:

In addition, the dashboard can include qualitative goals, that is, those things that are hard to measure precisely or in one simple way. Although they may be hard to measure, this does not mean that they are merely a matter of subjective opinion or perception.

The format is simple. Each one of the goals would be assigned an evaluation time period and then one of three symbols to indicate progress, either the Up Arrow, Down Arrow, or Neutral Sign (“—”).

The draft list of qualitative goals could include the following:

- Alliances or collaboration-building
- Outreach to the business community
- Information resources
- Small business resources
- Improving Shoreline’s image
- Network of businesses and developers
- Educational and entrepreneurial resources
- Success of neighborhood commercial areas.

Some of these (e.g., “Educational and entrepreneurial resources”) will be a function of the city-wide community rather than the exclusive role of city government.

This list of “qualitative goals” that appears above is only a rough draft of ideas.

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