

AGENDA
 CITY OF SHORELINE PLANNING COMMISSION
 REGULAR MEETING



Thursday, February 16, 2006
 7:00 p.m.

Shoreline Conference Center
Board 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. January 19, 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	7:25 p.m.
a. Update on recent Council Land Use Actions	
b. Discussion on potential Work Program and Community Outreach	
9. PUBLIC COMMENT	9:15 p.m.
10. UNFINISHED BUSINESS	9:25 p.m.
11. NEW BUSINESS	9:30 p.m.
12. AGENDA FOR March 2, 2006	9:35 p.m.
Public Hearing: SUP Shoreline Community College Pagoda Building	
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 19, 2006
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Harris
Vice Chair Piro
Commissioner Sands
Commissioner Broili
Commissioner McClelland
Commissioner Phisuthikul
Commissioner MacCully
Commissioner Kuboi

STAFF PRESENT

Joe Tovar, Director, Planning & Development Services
Tom Boydell, Economic Development Manager
Steve Szafran, Planner II, Planning & Development Services
Juniper Garver-Hume, Planner I
Jessica Simulcik Smith, Planning Commission Clerk

COMMISSIONERS ABSENT

Commissioner Hall

CALL TO ORDER

The regular meeting was called to order at 7:03 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 Sands, Broili, McClelland, Phisuthikul, MacCully and Kuboi. Commissioner Hall was excused.

APPROVAL OF AGENDA

A discussion regarding a tree proposal was added as an agenda item under “New Business.” The remainder of the agenda was approved as written.

DIRECTOR'S REPORT

February 2, 2006 Planning Commission Meeting

Mr. Tovar recalled that the Commission and staff had originally planned to hold a discussion about 2006 work program ideas at their February 2nd meeting. The intent was to present the list of work items to the City Council with a request for feedback on how the Planning Commission should proceed. However, the City Council is scheduled to consider the Cottage Housing Ordinance and the Critical Areas Ordinance in the near future, and the outcome could have an impact on the Commission's future discussions. In addition, the Planning Staff is short one position, which makes it difficult for them to prepare the necessary information in time for the February 2nd meeting. Therefore, staff is recommending the meeting be cancelled.

Introduction of New Planning Staff Member

Juniper Garver-Hume was introduced as a new staff member of the Planning Department. She would be assigned to deal with current permits and the permit process.

Additional Public Hearing on Critical Areas Ordinance

Mr. Tovar announced that the City Council scheduled a public hearing on the Critical Areas Ordinance for February 13, 2006. At a recent City Council Meeting, he reminded the Council that the Planning Commission finished their hearing process and sent a recommendation to the City Council in September of 2005. The Commission's recommendation included the record that was established throughout their review. On October 24, 2005 the City Council held a public hearing on the Ordinance, but they didn't really get into a review of the substance of the Commission's recommendation. The issue was carried over to a future meeting.

Since the October 24th hearing was closed, the City Council received letters, emails and verbal comments regarding the Critical Areas Ordinance. Now this additional input has become the subject of dispute and confusion as to whether it should be included in the record. While citizens may think their later comments should become part of the record, in staff's opinion they should not because they were not received during an open public hearing process. The City Council decided to conduct an additional public hearing on February 13th so that the additional materials and comments could be incorporated into the official record. This would allow the public an opportunity to review the new information and provide comments to the City Council. The City Council concluded that this would offer the public a reasonable opportunity to comment before the hearing is closed and they deliberate and take action.

Mr. Tovar explained that because citizens have raised the issue of not being able to trust their elected officials when making legislative decisions, the City Council must be very careful about the information they rely upon as a basis for the actions they take. All information considered by the City Council must be admitted during an open public hearing process. While the staff would not be able to stop citizens from forwarding additional comments to City Council Members after a public hearing has been closed, they plan to carefully explain that the record is closed and the City Council would not be able to rely on

subsequent comments that are provided. He briefly reviewed the City's current process for legislative issues and pointed out that it is important that the process is consistently administered.

Commissioner MacCully asked how the emphasis on following a specific process for reviewing legislative matters would impact future Commission deliberations. When the Commission reviews an issue and makes a recommendation to the City Council, the City Council often decides to hold another public hearing. He questioned if the Commission would still be able to fulfill their role as an advisory body to the City Council. Mr. Tovar answered that, generally speaking, the City Council should rely upon the Planning Commission to conduct hearings on legislative matters, and they ought not to hold separate public hearings on every issue. If this becomes a practice, the public could start to ignore the Planning Commission and wait to come before the City Council. At the same time, there would be times when the City Council feels it appropriate to hold another public hearing. He said his advice to the City Council would be to only hold additional public hearings if necessary so they don't end up undercutting the utility of having a Planning Commission. In the case of the Critical Areas Ordinance, the City Council felt another public hearing would be appropriate since it had been so long since they first started to consider the Commission's recommendation. He said he would recommend that, in the future, the City Council deal with Planning Commission recommendations as quickly as possible since delaying an issue could place the process at great risk.

Commissioner Sands asked if someone would be present at the February 13th hearing to control situations where a citizen provides information that has already been considered by the Planning Commission but was not included as part of their recommendation for various reasons. Mr. Tovar explained that the scope and purpose of the February 13th hearing is not to allow citizens to rehash their previous comments. The subject of the hearing would be every document submitted for the City Council's review since the last public hearing was closed. In addition, any additional amendments proposed by the City Council would be posted on the City's website by February 3rd so that citizens would be able to provide comments at the hearing. The City Council doesn't want to have citizens provide redundant comments that have already been reflected in the public record established by the Commission. But all they can do is review the scope of the hearing and then rely on the public to follow that guidance.

Commissioner McClelland asked if the Commission should play a role in the City Council's hearing and review process. Mr. Tovar answered that it would be useful for at least Chair Harris to attend the City Council's public hearing on February 13th.

City Council's Review of the Planning Commission's Recommendation on the Cottage Housing Ordinance

Mr. Tovar reported that the Commission's recommendation regarding the Cottage Housing Ordinance was transmitted to the City Council and would be discussed at their January 23rd meeting. Staff prepared a matrix to summarize all of the public comments received by the Planning Commission. In addition, they prepared a summary of the Commission's review process. The staff has presented the Council with six options for their consideration. On one end of the spectrum, the City Council could do nothing and leave the code and plan as currently drafted and let the moratorium lapse. On the other end,

they could delete all reference to cottage housing from the Development Code and the Comprehensive Plan. However, staff would emphasize that doing so would not guarantee that a future Council couldn't take up the subject again. Staff would also explain the rationale for the Planning Commission's recommendation. One option would be for the City Council to adopt the Planning Commission's recommendation as submitted. Another choice would be to build upon the Planning Commission's recommendation to address some of the comments and suggestions that were provided. Another option would be to increase the number that used to determine how close cottage housing developments could be located to each other. The City Council could also ask the Planning Commission to further study the issue and come back with a process that would improve the design of cottage housing projects. Because the moratorium on cottage housing expires in February, the City Council could decide to expand it so that additional work on the Ordinance could be done by the Commission.

Report on City Council's Affordable Housing Workshop

Mr. Tovar reported that most of the City Council Members participated in an Affordable Housing Workshop. He briefly described some of the participants at the workshop who provided valuable information regarding the issue. The City Council carefully considered options that provide for the needs of low to moderate income households in the City. They are very interested in this part of the housing topic. He noted that in the Commission's recommendation to the Council regarding the Cottage Housing Ordinance, they pointed out that the City needs to consider a broader approach to housing (i.e. needs, demographics, choice, etc.).

Mr. Tovar advised that a City Council retreat has been scheduled towards the end of February. Hopefully, one result of this retreat would be more clarity about what the Planning Commission's work program should be.

Commissioner Sands asked if the January 23rd City Council discussion on the Cottage Housing Ordinance would be one last opportunity for citizens to express their views before the City Council decides what to do. Mr. Tovar said his understanding is that the January 23rd meeting would be an open record public hearing on the issue of cottage housing. Commissioner Sands pointed out that the Economic Development Task Force is also scheduled to make a presentation to the City Council on January 23rd.

APPROVAL OF MINUTES

The minutes of January 5, 2006 were approved as corrected.

GENERAL PUBLIC COMMENT

Greg Logan, 15709 – 2nd Avenue Northwest, referred to a memorandum that was written by Commissioner Sands to the Commission regarding the issue of Cottage Housing (dated September 1, 2005). The memorandum talks about the intrusion of government regulations and states that density and zoning is not a right and not something someone should rely upon when purchasing a house. The memorandum states that governments, through the exercise of their police powers, could increase

density for the good of the community. Mr. Logan shared his perspective that the purpose of government is to protect people and their property, particularly those who are vulnerable to change. However, this is contrary to the concept shared by Commissioner Sands. He summarized that he does not believe the view expressed by Commissioner Sands would reflect the view of the vast majority of the citizens of Shoreline.

Mr. Logan pointed out that Commissioner Sands lives in The Highlands, and he knows that he is not likely to be subjected to any loss of property rights. Yet he is suggesting that it is okay to allow the police powers to take away the property rights of other citizens in the community. He asked for clarification from the Planning Commission regarding their view on the concept of establishing property rights as sacred rights, which is how he views his property rights and zoning.

Commissioner Sands responded that his comments were based on his knowledge as a real estate attorney. The memorandum was intended to state the existing law rather than a personal viewpoint. The current law is clear that governments have a right to change the zoning laws, but he agreed with Mr. Logan that the majority of the citizens of Shoreline would disagree with what the law allows. He further agreed that if the City tried to change the zoning of his property, he would likely get upset, as well. However, he emphasized that, by law, the City has the right to do exactly what he stated in the memorandum. He concluded that he would stand by the statements he made.

REPORTS OF COMMITTEES AND COMMISSIONERS

There were no reports of Committees and Commissioners.

STAFF REPORTS

2006-2011 City of Shoreline Economic Development Plan

Mr. Boydell thanked the Commission for allowing time on their agenda to discuss strategies for economic development in Shoreline. He also thanked them for their interest in the Economic Development Task Force by allowing one of their members to serve as the Chair. Commissioner Sand's leadership was instrumental in the progress the Task Force was able to make.

Mr. Boydell referred the Commission to the 2006-2011 City of Shoreline Economic Development Plan, which was created by the Task Force. He said the goal of the Task Force was to consider simple economic development strategies that could make a difference. He briefly described the process that was used by the Task Force to review the issue of economic development and create a plan for the City.

Mr. Boydell explained that although the City's brief 2004-2005 Economic Development Plan contains some good elements, it does not provide a lot of language regarding the vision and values of the community. The City Council formed the Economic Development Task Force to come up with some recommendations for an updated 2006-2011 Economic Development Plan. They specifically asked the Task Force to expand the strategy section, add a section regarding priorities, and work on making the performance standards more meaningful and useful. The Task Force consisted of 14 members who

started their work in July of 2005. They held 13 meetings, which resulted in over 30 hours of extensive discussion. In addition to the 14 members, numerous experts on various subjects related to economic development were invited to participate. The result of the meetings was a good body of information and foundation even though the 14 members of the Task Force had different perspectives and backgrounds.

Mr. Boydell referred the Commission to the list of Task Force members. He explained that as the Task Force attempted to balance the values and perspectives of its members and build a consensus around what actually should take place, they recognized the need to listen carefully to each other and consider the voices of reason and insight. The group wanted to make sure that the plan was reasonable and contained some achievable measuring points.

Mr. Boydell noted that Shoreline is a City on the edge of opportunity. While the City has wonderful resources and qualities, there are some problems. It was discussed that if more land and resources could be made available or attention given to issues such as the zoning code, a tremendous result could be achieved. Further, it was discussed that an employment base of 17,000 to 18,000 is just not enough for a City the size of Shoreline, and more intense and quality development must occur in the City to absorb and serve existing businesses in the community.

Mr. Boydell referred the Commission to the goals identified in the 2006-2011 Economic Development Plan. He said the Task Force worked to affirm the goals that were in the 2004-2005 document, organizing them differently and then adding to the list. He particularly noted the goal, "Outreach and Partnership," which has to do with the collaboration of City, regional and civic leadership based on a shared vision of a future for Shoreline. He also referred to the goal, "Community Development," and noted that economic development could be achieved through community development rather than at the expense of the development community. Next, he spoke about the goal, "Sense of Place" and noted another goal added to the plan relating to environmental stewardship.

Mr. Boydell explained how the Task Force worked to combine expectations with resources and tools to identify what could be achieved in the short term and what additional resources would be necessary for the long-term goals. He referred the Commission to the seven strategies in the proposed 2006-2011 Economic Development Plan and briefly reviewed each one as follows:

- **General Government, Outreach and Communications:** This strategy addresses the need for infrastructure improvements, changes to the planning and permitting system, establishing a business license system, gathering information about the regional economy, and conducting some marketing studies. Without these general government strategies, there would be no foundation for the other things the Task Force wants to achieve. It is important that the City be made to function better.
- **Major Investments, Recruitment and Attraction:** This strategy addresses the major projects the City wants to achieve such as redevelopment of the Aurora Square/Westminster Triangle, which would dramatically change the character, future and revenue base of Shoreline. There is close to 60 acres of land available in this location, with a traffic count of about 45,000 cars per day. The property could be developed as a destination shopping or village center type development.

The Task Force discussed the need to undertake City investments and regulatory actions that would better implement the vision of the Central Shoreline Sub Area Vision Plan, particularly along Midvale Avenue. There is a tremendous potential, need and desire to establish a town center in this area but there are also tremendous problems with doing so. The Task Force discussed the option of encouraging the Shoreline School District to explore the feasibility of relocating Shorewood High School to a new site that would result in higher quality educational facilities, a resolution of traffic and parking problems, and a more proactive relationship between the public schools and Shoreline Community College. If achievable, this concept would open up 35 acres of property in the heart of the downtown for a new town center. He cautioned that this concept should not be represented as a recommendation of the Task Force, but only as a possible concept that was considered.

In addition, Mr. Boydell said the Task Force discussed the economic development opportunities that exist at Echo Lake, Point Wells, and other sites throughout the City. If there is going to be substantial residential growth in Shoreline through new construction, redevelopment or remodels, it would be important for the City to consider where businesses could be located to supply the needed work opportunities for the new residents. Currently, there is no place in Shoreline where zoning exists to provide a foothold for these types of developments. They would likely have to create an expanded light industrial zone that would keep property values in line so that rent wouldn't get so high and price these types of businesses out of the market. They also should look at creating enough zones to make it easier to recruit a collection of like businesses. These businesses would not only thrive in the growing Shoreline environment, but they would serve and capitalize on the growth in surrounding communities.

- **Small Business Support:** About 82 percent of the employment opportunities in Shoreline are in businesses with fewer than 20 employees. Because the City has a strong small-business base, they must consider how they can support and grow the businesses. There is a strong and growing international character developing in the North City area. The Task Force talked about the need for City government and businesses to partner with a number of different organizations.
- **Media, Marketing and Promotion:** At this point, the marketing ideas have no funding resources. However, this section suggests some ideas that could be considered in the future. It is important to initiate an active campaign to define and improve the regional perception of Shoreline. It is also important to promote Shoreline sites to regional and national developers. The City cannot rely on others to do this for them.
- **Intellectual Capital:** The goal should be to encourage planning and support for successful workforce training programs, to improve facilities and to sustain the success and outstanding character of education programs at all levels in Shoreline.
- **Local Collaboration-Building and Regional Partnerships:** One action item in this section would be to 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.

- **Sustainable Neighborhoods:** This goal would foster the development of neighborhood business areas outside of Aurora Avenue in ways that reflect the concepts of interdependence, sustainability and balance with quality of life in the neighborhoods. They could also learn about new ideas and approaches to neighborhood-level economic development from experts such as the University of Washington School of Architecture, etc.

Mr. Boydell said that once the resources and tools were combined with expectations, the Task Force looked at what could be achieved now. They moved forward with some implementation that could take place immediately such as:

- Preserving the health of the existing small businesses.
- Establishing programs of small business assistance resources in Shoreline such as the Community Capital Development Program, which is currently offering classes in the area.
- Working on environmental outreach and problem solving.
- Reviewing what Shoreline Community College is already doing with their SBDC Adventures Program and exploring how the City could connect with this program. There are a number of SBDC's already located in the County and a couple of satellite operations, but nothing in North County. There have been discussions on establishing a full-blown center for North County, perhaps in Lake Forest Park.
- Discontinuing the contractual relationship with the businesses that were displaced by the Interurban Trail Project. The local businesses indicated that they would like to work with a professional instead, and a professional consultant was hired by the City to work with these individuals. They are still anticipating some progress with businesses. Some have decided it is better to relocate elsewhere, but at least two of them have agreed to stay in Shoreline.

Mr. Boydell said there are a number of places in Shoreline where significant economic development opportunities exist. The City staff would like wisdom and insight from the Commission on how to implement the economic development strategies identified in the plan. For example, they could increase synergy between the City and Shoreline Community college; seek to identify opportunities to recruit clean-technology and/or environmental technology related research and business activities; and promote ideas and a cultural value of creative arts, music, entrepreneurship and invention as an important aspect of the community. All of these efforts would help to establish a Shoreline identity.

Mr. Boydell reported that the Task Force went through several priority setting exercises in an attempt to identify a consensus. They talked about the need to establish a business license system, do some basic marketing, finish the projects that have already been started, and focus on some new major opportunities. They agreed that the City should also take care of the "everyday" types of issues such as making the permit system productive, efficient and popular; making zoning code changes; improving customer service; and improving communication between City staff and business owners.

Mr. Boydell referred the Commission to the draft performance measures, which were provided in the Economic Development Plan as an attachment. He explained that the City's past strategy focused on the basic measures of what it means to accomplish something in economic development: how much building is going on, how many permits were processed, and how they are doing in terms of City

revenues. He pointed out that this short list received criticism from the community that it wasn't enough. Some felt it was too focused on City government. The Task Force talked about both qualitative and quantitative measures. He summarized that the important thing is to clearly communicate the performance measures to the public to help them understand where they stand as a community and whether or not improvements have been made.

Mr. Boydell concluded by stating that even though there are 31 action items included in the plan, it doesn't mean that every detail has been anticipated or inscribed. A lot of process went into developing the framework, but it may not be a perfect statement for everyone in the community. The intent was to develop a framework of ideas, but 95 percent of the critical work would come with implementation. They hope the citizens become very engaged in discussions with the Planning Commission and other bodies about how everyone could mobilize together to implement the plan.

Vice Chair Piro complimented the Task Force for creating a readable and manageable economic development plan that was both visionary and doable. He noted that the 2006-2011 timeline for the plan is consistent with the City's current Capital Improvement Plan timeline. He inquired if the staff intends to update the economic development plan every four or five years, or would it be reviewed and updated every year. Mr. Boydell pointed out that the economic development plan is intended to be long-term, and staff does not know how much time it would take to implement some of the elements.

When asked if the Task Force had completed their work, Mr. Boydell replied that the Task Force has set two meetings in 2006 to move forward with implementation plans. They met during the past week to talk about how to introduce the concepts in the plan to the Planning Commission, the City Council, and others. They plan to meet again in March to talk about implementation. If the City Council adopts the plan, their responsibility would be to communicate the various elements of the Plan to the community so people understand what is in the vision. Ultimately, the City Council must decide the future of the work group. The City Manager would be responsible for monitoring and measuring the success of the plan.

Commissioner MacCully said he finds the plan to be far reaching and visionary, but he questioned how this bold, aggressive plan for growth would survive the scrutiny of the legislative process. He noted that there tends to be a vocal percentage of the population in Shoreline that do not want change. In fact, they want to turn back the clock. What happens if the majority of the City Council Members are opposed to growth? Mr. Boydell said that he has had good experience with members of the City Council, both past and present, when discussing growth and the balance the Task Force is trying to achieve. He has received some positive statements about the values that have been asserted by the Task Force. It has been noted that the plan is not just about big development; it's about small business resources, broad based community leadership, and sustainable maintenance. He said he is hopeful that the plan would be acceptable to the majority of the City Council.

Commissioner Sands said that when the Task Force first met, he stated his opinion that unless they could come up with a consensus, the plan would not go forward. There was a diverse group of people with very different viewpoints, but when the plan was completed there was consensus of approval from everyone. The plan has received approval from nearly every major group it has been presented to. He said he is hoping that if the plan is presented as the consensus of not only of the Task Force members,

but every major group in the City, the City Council would be receptive. He emphasized that the plan does not suggest that Shoreline be turned into an industrial area, but that the existing commercial areas be improved. He doesn't see why anybody in the community could be unhappy with the plan.

Commissioner Kuboi said he anticipates a lot of support for the plan from City officials. He expressed his viewpoint that the plan provides a good framework for ideas. However, there is wide variance of opinion within the business community in terms of what is beneficial to a particular business. He noted that the economic development plan was created by civic, business and education leaders and is not a government document. He asked to what extent the private sector, whose key representatives developed the plan, would use their influence in the community to encourage others to support the vision identified in the plan.

Mr. Boydell explained that there should be no "arm twisting." The hope is that when the vision is articulated to the community, people would become excited about it. However, they anticipate tremendous challenges in implementing the plan. The Task Force allowed themselves to not have to resolve every problem. The community will have to respect that there are polarities in viewpoints and there is value in dialogue from different perspectives. The goal is to turn the problems around and seek better ways to implement economic development. The Task Force did not want to stand in place of the Planning Commission's role in interfacing with the public when reviewing plans of this type.

When asked for clarification about how the proposed plan would have impacted the outcome of the Aurora Avenue Project, Mr. Boydell said there is a complex history of how decisions have been made regarding this project. The Task Force sidestepped this particular case for the short term, but they also tried to craft language in the plan that pointed to the importance of creating a sense of identity and a town center. He said the plan also recognizes the importance of having a sense of market reality; but at the same time, the Task Force recognized they would not be able to figure out every detail. They also recognized that past plans were not perfect in every detail. He said the City staff recognizes the need to further discuss and analyze this serious case.

Commissioner Sands said that some of the people who originally expressed concerns over the Aurora Corridor plans are slowly coming around. For example, the Economic Development Committee of the Chamber of Commerce expressed a very favorable viewpoint of the proposed plan. Commissioner Sands said one member of the Task Force (the owner of the ice arena) spoke at length regarding the need for improved transportation and infrastructure. He appears to be coming to the conclusion that the changes along Aurora Avenue would be good for his business, and he is now expressing that opinion to his group. Commissioner Sands emphasized that the implementation of the plan would be an evolutionary process.

Commissioner Sands pointed out that the Task Force doesn't want the plan to be implemented in a linier fashion. Everything needs to be done at about the same time, which will not be easy to accomplish. The City leadership has to actually want to implement the plan and spend some of the City revenues to accomplish each of the elements. He said the Task Force had discussions with representatives from the State, the County and major developers regarding opportunities to develop in Shoreline. All of them indicated that if there is going to be a fight to develop in Shoreline, they would just go somewhere else.

If the plan is going to be implemented, the community leaders have to make sure there is no fight. They have to make development opportunities easier.

Commissioner McClelland recalled that a question was previously raised about exactly what the problem is with Shoreline's current image that necessitates an improvement. She asked what the City is lacking financially with regard to tax revenue. She also asked how much of the discretionary income of Shoreline citizens leaks to neighboring jurisdictions because it can't be spent in Shoreline. She said it would be imperative to have a problem statement to describe the existing condition and identify exactly what they are trying to change or improve. It would also be helpful to have some real financial information, such as vacancy rates, rents per square foot, and other details that would attract or repel a business from locating in the City. Mr. Boydell said that some of this information is already available.

Commissioner McClelland said she feels that the Aurora Square concept is good and is confident something will happen to accomplish this goal. She suggested that they work to bring some kind of focal point to the businesses that already exist on Aurora Avenue. This would allow them to influence people to spend their money in Shoreline, which is the fundamental intent of economic development.

Mr. Boydell said he would love to discuss a number of issues with the Commission. For example, much of the zoning along Aurora Avenue is regional business. While there is a lot of flexibility as to what is allowed to occur inside these zones, it has encouraged land prices to move up quickly and has established a price level for the rest of the properties along Aurora Avenue. This tends to crowd out other businesses that are important to the variety and health of the overall economy. The Commission could consider how to counter the negative aspects of regional zoning along Aurora. Another example is the areas zoned for light industrial uses, which are nearly all developed but not always used for light industrial. He pointed out that there is a 65-foot building height limit along Aurora Avenue, and the Commission could consider the concept of allowing greater heights under certain circumstances in exchange for specific tradeoffs.

Mr. Boydell suggested that one approach would be to conduct a design charrette for the area at the intersection of Aurora Avenue and 185th Street. This could be held at the Planning Commission level, using the expertise of the University of Washington School of Architecture students and inviting the neighborhood citizens to participate. Commissioner McClelland pointed out that the City does have models of good working commercial districts around residential neighborhoods such as Richmond Beach. Mr. Boydell said that he has heard about turnover in this area, and the City should consider what they could do better.

Commissioner McClelland pointed out that there are numerous elements of the plan that are not dependent upon government officials for implementation. Private industry could use the document to make improvements that are not dependent on City financing. Mr. Boydell commented that was one of the goals of the Task Force.

Commissioner Broili said he likes the proposed plan, particularly the concept of sustainable neighborhoods that is implied. Mr. Boydell said the plan emphasizes local spending rather than basic industries. However, it is important to make sure that businesses that are quasi-manufacturing oriented

continue to thrive in the neighborhoods, as well. Commissioner Broili said he also likes the holistic approach of the plan and the concept of combining schools. One of their main reasons for moving to Shoreline was the quality of the school system. It is important to be ahead of the curve by continuing to increase the desirability of Shoreline as far as education. Mr. Boydell agreed that a closer communication between the Shoreline School District and Shoreline Community College would continue to set Shoreline apart from the other 39 communities in King County.

Commissioner Broili said he likes the visionary scope of the whole economic development process that is outlined in the plan. However, he would like more information about the elements of the plan related to environmental stewardship. He said that environmental issues often get left out, but in his view, they are probably the most important driving force. The health and desirability of the environmental system is possibly the one factor that drives the overall health and desirability of the community.

Mr. Boydell said the plan identifies an attempt to recruit clean technology and environmental technology industries. If those types of businesses locate in Shoreline, it could also be assumed that more of these technologies would be employed within the City. Mr. Boydell said one Task Force member has explored the feasibility of incorporating solar technology into the pedestrian bridge and the Interurban Trail design. This could include solar panels along the base of the pedestrian bridge, which would not only help supply lighting for the bridge, but would provide a visual statement of the demonstration project. In addition, Mr. Boydell reported that a non-profit group (ECOS) has been working with businesses to find engineering solutions to save energy, water, etc. The goal is to show individual businesses how environmental stewardship could actually save them money. Mr. Boydell concluded by stating that there are numerous aspects of environmental stewardship that still need to be explored in the future.

Commissioner Phisuthikul said that when the City was formed 10 years ago, there was a great vision about what was important to the City. Many project ideas came out of this effort, including the Central Shoreline Sub Area Plan. A design charette was conducted to involve the community, business owners, property owners, etc. Great visions were created and planned, and zoning changes were implemented for the area. However, the plan was never implemented, and now two important corners of the sub area have been occupied by new development. He summarized that even though they have a vision and concept of what this area should be, the City would continue to lose opportunities to implement the vision if they don't move forward with action now.

Vice Chair Piro pointed out that implementation rests on the shoulders of the elected officials. He said he believes that if the City were to move forward with approval and implementation of the vision for the Central Shoreline area, future developers would have a clear understanding of what the vision is and support it. Commissioner McClelland pointed out that the Central Shoreline Sub Area Plan was adopted as a supplement to the Comprehensive Plan. Vice Chair Piro agreed with Commissioner Phisuthikul that some opportunities have been lost, but he still believes there is sufficient opportunity left for the City to proactively implement the vision of the sub area plan for future development. If this does not occur, and the properties in the area are all redeveloped, the City won't have another chance to implement the sub area plan for another 30 to 40 years.

Vice Chair Piro said he appreciates that the Task Force has looked at creative ways to advance economic development. It is important for the City to have some sense of place in the center of the community. While they have lost some opportunities, there are other options that would allow them to accomplish this goal. He noted that it would be useful for Mr. Boydell to talk in his presentation to the City Council about the plan being an open process and that future work must be done. He should talk about opportunities for oversight monitoring and routine reviews. He said it would be appropriate for the plan to have an incremental type of approach, but some people might want it to be more of a roadmap or game plan. It should be made clear that the plan could evolve into this in the future. Commissioner Broili said it would also be important for Mr. Boydell to emphasize the environmental elements of the plan as part of his presentation to the City Council.

VICE CHAIR PIRO MOVED THAT THE PLANNING COMMISSION ENDORSE THE 2006-2011 CITY OF SHORELINE ECONOMIC DEVELOPMENT PLAN. COMMISSIONER BROILI SECONDED THE MOTION.

COMMISSIONER SANDS MOVED THAT THE MOTION BE AMENDED TO READ, "THAT THE COMMISSION RECOMMENDS THE CITY COUNCIL APPROVE THE 2006-2011 CITY OF SHORELINE ECONOMIC DEVELOPMENT PLAN." VICE CHAIR PIRO AND COMMISSIONER BROILI ACCEPTED THE MOTION TO AMEND.

THE AMENDED MOTION WAS APPROVED UNANIMOUSLY.

Commissioner Sands said he found that serving as the Chair of the Economic Development Task Force was an enlightening experience. Besides the proposed economic development plan, another positive outcome of the Task Force was the camaraderie and friendship that developed between previous adversaries. Mr. Boydell agreed and added that because of the friendships that were formed, the Task Force members were able to have productive dialogue about important economic development issues.

Mr. Tovar pointed out that the City of Tacoma pioneered what is known as a "form-based code," which is now a national trend. Using this concept, a code would clearly spell out what a jurisdiction wants buildings to look like in terms of architectural detail, mass, orientation, etc. He suggested that because the City's zoning code does not clearly spell out what type of development is desirable, the Central Shoreline Sub Area Plan has been difficult to implement. He emphasized that the zoning code should provide teeth for the City to implement their plans. He pointed out that this concept has been identified as a 2006 work item.

PUBLIC COMMENT

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

UNFINISHED BUSINESS

Commissioner Sands reported that he was currently attending a seminar regarding the Endangered Species Act. It is interesting to learn how judges are interpreting various clauses of the Endangered

Species Act. The sponsor of the seminar has done a good job of getting polar opposites on the panels to represent both sides of the issue. He said he would attempt to focus his attention on how the Endangered Species Act would impact the critical areas in Shoreline.

NEW BUSINESS

Discussion Regarding a Tree Plan

In an effort to deal with the whole tree issue in Innis Arden, Commissioner Broili suggested the Commission recommend that the City Council direct staff to create a Task Force consisting of two Planning Commissioners, two members of the Innis Arden Club Board of Directors, two Members from the Association for Responsible Management of Innis Arden (ARM), and staff support. The goal of the Task Force would be to create a management strategy for the reserves that everyone could support. This would allow the strategy to be developed cohesively using the Economic Development Task Force's process as a model. He said that while he recognizes this would be a significant task, he doesn't see any other way to resolve the problem. Because of the immediacy, he felt the formation of a Task Force would be the best and quickest way to move forward.

Commissioner Phisuthikul pointed out that negotiations between the two Innis Arden groups failed. Commissioner Broili explained that the Innis Arden Club began rapid cutting in the Innis Arden Reserves over the last three months, and ARM became very upset about the situation and walked away from negotiations. They did not feel that the Innis Arden Club was working in good faith effort to come up with a resolution.

Mr. Tovar said he is not convinced that representatives from ARM would participate on the Task Force. He questioned if this would be an indispensable part of Commissioner Broili's proposal. Also, Mr. Tovar asked what would happen if both groups participated but were unable to reach consensus at the end of the process. He suggested that before the Task Force is formed, the City should have an end game plan in mind based on the possible outcome. If no agreement can be reached, the City must have a plan for how to implement procedures and regulations to address the issue.

Commissioner Broili said that if the City Council agrees to form a Task Force, then the Innis Arden Club and ARM could either decide to participate in the process or not. However, it should be clearly indicated that the process would move forward either way. He said he can't imagine either group walking away from having at least some voice in the outcome.

Mr. Tovar said the City must also be clear that the product of the described process would be a draft proposed set of regulations that would be presented for public review at a hearing before the Planning Commission. The Planning Commission would then forward a recommendation to the City Council. He pointed out that a public hearing on the current four-month moratorium on hazardous tree cutting is scheduled before the City Council on February 6th. If the process for creating a permanent regulation would take longer than four months, the City Council would have to extend the moratorium for some length of time. He suggested that the City Council wants to conclude this issue by the end of April.

Commissioner McClelland suggested that one option would be to come up with a plan that would allow the residents of Innis Arden to self-govern the reserves, since the reserves are private property. Perhaps they could agree upon a procedure for identifying and removing hazardous trees, and then enforce the procedure. Mr. Tovar explained that, as the administrator of the City's code, he must enforce the regulations equally across the entire City. This includes private properties, regardless of whether they have covenants or not. As a regulator, it doesn't matter to him who owns a property or how they make decisions. What matters are the circumstances on the ground, State law, the public interest, and what could reasonably be administered with some certainty and fairness. While this issue tends to focus on tree cutting and view preservation in Innis Arden, in all of the discussions with City Council about what the regulations ought to be he has emphasized that the City should not have regulations that only apply to Innis Arden. Instead, the City needs to have regulations that can be applied City-wide, wherever circumstances might exist and regardless of who owns a property.

Commissioner Broili emphasized that the concerns are related to tree cutting in hazardous areas, and the City has a responsibility to administer the Critical Areas Ordinance. While the reserves are privately owned by the Innis Arden Club, the City could add clout to the negotiations by stating that the two groups could either go with whatever the City decides, or they could work together to figure out a solution everyone could live with. It should also be recognized that the final regulation would be revisited on a regular basis to improve upon it and to answer problems that arise. Mr. Tovar agreed that the City has the responsibility to protect the critical areas as mandated by State Law. However, the hazardous tree cutting regulations would also apply to areas of the City that are not critical areas.

Mr. Tovar suggested that, in order to respond to the City Council's timeframe of four months, perhaps the Commission and staff should come up with some proposed regulations to replace the interim regulations of the moratorium. These regulations could spell out all of the requirements, and might look very much like the existing interim controls or the recommendation the Commission already made. If the City Council wants to do something different than what is outlined in the interim regulations, the Commission could recommend that an approved management plan be required. However, it would take time to develop a process for reviewing proposed management plans. He summarized that there must be some reason for the stakeholders to want to come to the table. While tree cutting is a significant issue for the residents of Innis Arden, view is also a big concern. People have tended to use the hazardous tree tool to preserve views, which is not appropriate and has led to a lot of confusion and dissention.

It was pointed out that, within critical areas, no tree cutting is allowed. If a view is disturbed, the only option a property owner has is to use the hazardous tree provision. It was suggested that at some point, the City must address this issue. Commissioner Phisuthikul pointed out that the issue of view is often a fight between two sections of the code and has been going on for years. He questioned the need for the City to get involved. He suggested that view should not be the main issue. The City must focus on management of the critical areas and not view management. Other Commissioners agreed.

Commissioner Broili said the intent of his proposal to form a Task Force to discuss the issue of hazardous tree cutting was to focus on issues related to critical areas. He expressed his belief that views and critical areas are not necessarily disparate. The goal for the critical areas is to achieve a functional quality. If this functional quality could be achieved while still providing some views, the situation

would be acceptable for everyone. Because the issue seems to be focused on Innis Arden, perhaps that is where they should begin the discussion. There is no where else in the City where views or trees are really a concern. He pointed out that this situation needs to be resolved as soon as possible.

Chair Harris inquired if there are low-growing trees that could be introduced to critical areas that would perform the same function as the taller trees, but result in less view blockage. Commissioner Broili answered affirmatively. He added that there are many opportunities that have not even been discussed. He would like the stakeholders to come up with a way to achieve everyone's goals at some level, recognizing that no side would get everything they want. He stressed the importance of remembering that Shoreline is an urban environment, and the Innis Arden Reserves are urban forests. No matter what the City wants, there will never be old growth forests in Shoreline in a typical or wild sense. However, there could be old growth urban forests that would be every bit as functional as an older growth wild forest. That is the direction they should be thinking.

Mr. Tovar said that while he can see the value in creating some process that would allow interested parties to talk, he doesn't know if there is time for this elaborate of a process given that the Commission must hold a hearing on the new language in April. One option would be to use the existing interim control as a model for the new regulation, but the timeframe does not allow enough time to come up with a regulation that would address the issue of tree cutting for views.

Speaking to the Commission as a citizen of Shoreline, Ms. Garver-Hume said she has been working with Cascade Land Conservancy. This group has been working with the cities of Seattle and Tacoma to manage the ecosystem function of their parks. She suggested that they have expertise and possibly some of the seed that might be needed to look at Shoreline's interest in this conflict and how they could make sure they safeguard the community values, codes, etc. She further pointed out that when there is an intractable conflict such as the one that currently exists at Innis Arden, having a third party introduce innovative concepts to address environmental issues could be helpful.

Commissioner Broili said he would like the Commission to be proactive and make a recommendation to the City Council on how they could move forward to resolve the problem. Mr. Tovar suggested one option would be to form a subcommittee of Commissioners to discuss and articulate a statement that could be presented to the City Council in writing prior to the public hearing or verbally at the hearing on February 6th.

Mr. Tovar again said he does not think there would be sufficient time to conduct a Task Force process as suggested by Commissioner Broili. He said he has a more modest target in mind, which would be to come up with a regulation that works in the near term. A more detailed discussion could take place later when there is more staff time and both parties might be more amenable. He reminded the Commission that the City Council has designated \$50,000 in the 2006 budget to do an urban forest planning strategy, which could include a process as described by Commissioner Broili to address private lands.

Mr. Tovar said he anticipates that the regulations that are subject of the public hearing in April would probably be similar to the current interim control, following the language in the Commission's

recommendation. The language could also include a proviso that would call for a longer-term process within the next six to twelve months, perhaps in conjunction with the urban forest plan effort.

Commissioner Broili recalled that the original staff recommendation for the Critical Areas Ordinance included the concept of a stewardship management plan, but this option was removed from the language by the Commission. The Commission discussed that the stewardship management plan strategy was in place for a number of years but was never used to address the tree cutting problems. The Commission also discussed the need to get back to the stewardship plan concept, but in a way that would be more effective. Mr. Tovar said that one thing that would be critical in order to get property owners to buy into a stewardship plan concept would be permission for City staff to go onto private property to monitor activities, the health of the vegetation, etc. Presently, the City doesn't have that permission.

The Commission agreed to form a subcommittee consisting of Commissioners Broili, Sands and Hall to discuss the issue of tree cutting in hazardous areas. Mr. Tovar agreed to contact them regarding some possible dates for their first meeting.

Commissioner Term Expiration

Mr. Tovar advised that the next issue of the *CURRENTS*, would include an article about the Planning Commission and what important things are happening. They will advertise that the City Council would be seeking applications for appointment to four year Planning Commission terms that begin on April 1st. All of the Commissioners whose terms expire at the end of March are welcome to submit an updated application. The City Council should make the appointments no later than their last meeting in March.

AGENDA FOR NEXT MEETING

The February 2nd meeting was cancelled.

ADJOURNMENT

The meeting was adjourned at 10:28 p.m.

David Harris
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

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PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Update on recent Council Land Use Actions
DEPARTMENT: Planning and Development Services
PRESENTED BY: Joe Tovar, FAICP, Director of Planning and Development Services

The City Council is scheduled to take action on two important land use items at their meeting of Monday, February 13, 2006. One is a public hearing on the Critical Areas Ordinance (less the hazardous tree cutting provisions of the code) as recommended by the Planning Commission in 2005, together with potential amendments thereto that have been drafted by Councilmembers. The second item is final action on the Cottage Housing Ordinance. At this writing, we obviously do not know the outcome of those two items. For your information, I am attaching the staff memo describing the Council's options on the cottage housing issue.

At your meeting on the 16th, I will report what, if any, action the Council has taken on these two items.

Attachment: Staff Memo to Council regarding Cottage Housing Options

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Council Meeting Date: February 13, 2006

Agenda Item: 9(a) 10(a)

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Cottage Housing Deliberation and Action DEPARTMENT: Planning and Development Services PRESENTED BY: Joseph W. Tovar, FAICP, Director of Planning and Development Services Paul Cohen, Project Manager</p>
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I. PROBLEM / ISSUE STATEMENT:

After considering a staff presentation of six options and public testimony at the public hearing on January 23, 2006, the City Council closed the public hearing record. Council then directed the staff to return to the February 13, 2006 meeting with draft ordinances to adopt either Option 3 or Option 6 (Attachments A and B).

II. BACKGROUND:

A. Legal Process for Amendment of the Development Code

The Shoreline Municipal Code allows for amendments to the Development Code with a specific process. First, any person may request that the City Council, Planning Commission, or Director may initiate amendments to the text of the Development Code (SMC 20.30.100). On December 6, 2004 staff initiated the amendment process to the City Council. Second, the State Department of Community, Trade and Economic Development must be noticed to consider amendments that may affect GMA goals and targets (RCW 36.70A.035 section 2). The public notice was sent to the State May 26, 2005. Third, the Planning Commission must hold a public hearing (SMC 20.30.070), which was held June 2, 2005. On June 16, 2005, the Planning Commission recommended an extension of the moratorium in order to continue their deliberations for final recommendations to the Council. On October 20, 2005, the Planning Commission made final recommendations to the City Council. Fourth, the City Council held a public hearing January 23, 2006.

B. Comprehensive Plan

In 1998 the City adopted Policy LU27 in 1998 to read:

Allow cottage housing in residential areas of 6 units per acre and up, if they go through design review and adhere to the following: common open space, reduced parking areas, detached homes' common amenities.

In 2005 the City repealed Policy LU27 and adopted Policy LU9 in 2005 to read:

The Low Density residential land use designation is intended for areas currently developed with predominantly single family detached dwellings. Single Family dwellings will be allowed and other dwelling types, such as duplexes, single family attached, cottage housing and accessory dwellings, may be allowed under certain circumstances.

Appropriate zoning for this designation is R-4 or R-6 Residential, unless a neighborhood plan, subarea plan or special district overlay plan/zone has been approved.

Policy LU9 leaves the option for the City to either allow or not allow cottage housing in R-4 or R-6 zones.

III. OPTIONS FOR COUNCIL CONSIDERATION:

A. Adopt Ordinance 408 to Repeal Cottage Housing Code (Option 6)

The Council should choose this option if it wishes to eliminate the ability of the City to process cottage housing proposals in Shoreline. Adoption of Ordinance No. 409 (Attachment A) would amend the code to achieve this outcome.

Adoption of Ordinance No. 408 would not preclude the City from studying the subject of cottage housing as part of a larger housing strategy, nor would it bar a future Council from amending the code to again permit cottage housing. The GMA targets for Shoreline, in terms of absolute numbers, would not be severely diminished by the repeal of the cottage housing code and could be offset by upzoning property elsewhere in Shoreline to maintain the target numbers.

B. Adopt Ordinance 409 to adopt Planning Commission Amendments with additional conditions of new competitive process to screen and meter number of projects, enhanced design review process and ½ mile development separation (Option 3)

1. Summary

This option uses the Planning Commission's recommendation as its basis, but adds several conditions. As staff detailed on January 23, of the 7 projects in Shoreline, only the Greenwood Cottages would meet the Commission recommended standards. Option 3 improves upon the Commission's recommendations with a new competitive selection process and enhanced design review process. To prepare Option 3, staff reviewed the Council's and public comments at the January 23 meeting and met with staff from the City of Kirkland to review their successful innovative housing program.

If the Council chooses to proceed with cottage housing, the City needs to have in place the best design standards and review process (Attachment B). The combination of high design standards, slow growth selection through competition, and enhanced review of site and building design by the planning commission or

other design review body appointed by council will provide the best opportunity for successful cottage housing in Shoreline.

a. **COMPETITION** - Require cottage developers to compete for no more than 2 application approvals annually with no more than 1 per neighborhood. Competition for limited opportunities would obligate developers to meet the more rigorous standards, strive for higher quality building and site design, and create greater compatibility with neighboring properties. The establishment of an annual maximum number of projects would slow and meter the rate of new projects. Both features would eliminate the less experienced and uncooperative developers, which has been a source of some of the problems with past projects. As written, this requirement would establish a maximum number of 2 projects that could be approved per year, but would not obligate the City to approve any of them.

b. **DESIGN REVIEW** - Require a new design review process to achieve greater project compatibility with site and neighborhood contexts. Many of the compatibility concerns expressed by some citizens are attributed to site or building design issues. While better design is not the answer to all concerns, it does have a lot to do with how well a project fits the context of its site and neighbors. Citizen input at neighborhood meetings and at hearings before the Planning Commission or other Design Review body would better articulate neighborhood concerns so that the City could more effectively respond.

c. **DESIGN STANDARDS** – Incorporate the Planning Commission’s recommended amendments which will provide higher quality of development, more parking, and greater design amenities and reduce the density, the size of each development, and building height profile.

d. **DISPERSAL** – Increase the minimum distance between cottage housing projects to ½ mile. This responds to citizen concerns that there is too much uncertainty under the present code regarding where a cottage project could be proposed. This dispersal standard would effectively prevent new cottages from locating in those neighborhoods that already have cottage projects and assure that future projects do not cluster near each other in the remaining areas of the City.

2. AMENDMENT RATIONALE (Ordinance No. 409)

a. Code Section 20.20.014 - Amend the definition of cottage housing to remove Item C. “Density of cottage housing is typically seven to 12 units per acre.” because it contradicts the new density bonus, misleads developers to densities that may not be approved, and is not applicable in all residential zones.

b. Code Section 20.30.060 – Amend Type C Permits so that the required Special Use Permit (SUP) for cottage housing is referred to the more specific design review process and criteria in 20.40.300 rather than the more generic SUP process.

c. Code Section 20.40.120 – Amend the land use chart so that cottages require a quasi-judicial Special Use Permit rather than an administrative Conditional Use Permit so that proposals can be decided by the Planning Commission or other City Council appointed Design Review body.

d. Code Section 20.40.300 – Amend the cottage housing code provisions to reflect the Planning Commission recommendations and the staff conditions of the ½ mile separation and dispersal, competitive and design review processes, and decision criteria.

IV. RECOMMENDATION:

Staff recommends that Council discuss the merits of Options 3 and 6 and then pass a motion to adopt the appropriate ordinance. Council may adopt either ordinance at the February 13 meeting. Only in the event that Council chooses Option 3, but requires more time to refine Ordinance 409, would it be necessary to consider adoption of Ordinance 410 (the moratorium extension). Only in that eventuality would it be necessary to have a public hearing (on the proposed moratorium) which is shown on the agenda as Action Item 10.

Regardless of which option the Council chooses, the staff also recommends that the Council adopt a motion directing the staff to place on the Council's retreat agenda the subject of a comprehensive housing strategy to address Shoreline's existing and future housing needs for different segments of the population and the different housing options and programs that may be appropriate to address those needs.

Attachments:

A: Ordinance No.408 Option 6 Repeal of Cottage Housing Code

B: Ordinance No.409 Option 3 Code Amendments

C: Ordinance No.410 Moratorium Extension

Approved By:

City Manager



City Attorney



Attachment A

ORDINANCE NO. 408

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, REPEALING COTTAGE HOUSING BONUS DENSITIES; AND REPEALING SHORELINE MUNICIPAL CODE 20.40.120, 20.40.300 AND AMENDING SHORELINE MUNICIPAL CODE 20.20.014

WHEREAS, Shoreline development regulations increased the minimum lot size for low density districts from the interim zoning code (Title 21A of the King County Code, adopted on June 26, 1995 by City Ordinance No. 11), while adopting a cottage housing bonus density that was permitted in R8-12 and R18-48 zones, and could be approved as a conditional use permit in R4 -6 zones, as part of the City's strategy to reach GMA population targets; and

WHEREAS, City Council passed Ordinance No. 362 on August 23, 2004 which adopted findings that 1) existing land development standards intended to require the integration of new cottage housing residential development with existing neighborhoods may not be adequate, particularly in many existing low density neighborhoods; 2) the continued acceptance of development applications proposing the creation of residential development utilizing existing cottage housing development standards and density may allow development that is incompatible with existing neighborhoods, leading to erosion of community character and harmony, and a decline in property values; and 3) the integrity of existing land uses, the Comprehensive Plan, and the State Growth Management Act planning process may suffer irreparable harm unless a moratorium preventing the creation of cottage housing development was adopted; and

WHEREAS, the six month moratorium adopted by Ordinance No. 362 was extended by Ordinance No. 371 and Ordinance No. 397 until February 19, 2006;

WHEREAS, the Council finds that although the Planning Commission's recommendation for permanent amendments to cottage housing regulations would reduce some negative impacts of cottage housing cited above in support of the moratorium, it is unlikely that these additional restrictions, or a design review process, will reliably create the high quality development necessary to compliment Shoreline's lowest density residential neighborhoods;

WHEREAS, the Council further finds that this ordinance is consistent with the Comprehensive Plan, specifically recent amendments repealing LU 27 and adopting LU 9 that provides that dwelling types other than single family detached dwellings may be allowed under certain circumstances in the Low Density Residential land use designation; existing regulations and proposed amendments do not create sufficient safeguards to allow higher density cottage housing in this designation; now therefore

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

Section 1. Repeal. Shoreline Municipal Code sections 20.20.014 ‘Cottage Housing’ and 20.40.300 are hereby repealed in their entirety.

Section 2. Amendment. SMC 20.40.120 is amended to read as follows:

20.40.120 Residential type uses.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCBD	RB & I
RESIDENTIAL GENERAL							
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P
	Cottage Housing	C-i	P-i	P-i			
	Duplex	P-i	P-i	P-i	P-i		
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i			
	Mobile Home Park	P-i	P-i	P-i			
	Single-Family Attached	P-i	P	P	P		
	Single-Family Detached	P	P	C	C		
GROUP RESIDENCES							
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i
	Community Residential Facility-I (Less than 11 residents and staff)	C	C	P	P	P	P

	Community Residential Facility-II			P-i	P-i	P-i	P-i
721310	Dormitory		C-i	P-i	P-i	P-i	P-i
TEMPORARY LODGING							
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i
72111	Hotel/Motel					P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i
	Tent City	P-i	P-i	P-i	P-i	P-i	P-i
MISCELLANEOUS							
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i
P = Permitted Use S = Special Use C = Conditional Use -i = Indexed Supplemental Criteria							

Section 3. Effective Date, Publication. The title of this Ordinance shall be published as a summary, and the Ordinance shall take effect five days from publication.

PASSED BY THE CITY COUNCIL ON FEBRUARY 13, 2006.

 Mayor Robert Ransom

ATTEST:

APPROVED AS TO FORM:

 Scott Passey
 City Clerk

 Ian Sievers
 City Attorney

Date of Publication: , 2006
 Effective Date: , 2006

ORDINANCE NO. 409

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING LAND USE REGULATIONS ALLOWING DEVELOPMENT OF COTTAGE HOUSING; AND AMENDING SHORELINE MUNICIPAL CODE 20.30.060, 20.40.120, AND 20.40.300 .

WHEREAS, Shoreline Municipal Code 20.20.014 defines cottages, 20.40.120 allows development of cottage housing in R4 and R6 zones upon issuance of a conditional use permit and permits cottages in R8-12 and R18- 48 subject to supplemental development standards of 20.40.300;

WHEREAS, three separate moratoriums of six months each were passed under Ordinances Nos. 362, 371, and 397 for the purpose of reviewing cottage housing residential development, including surveying interested parties, holding two community meetings and a bus tour, bringing forth those findings at a public hearing before the Planning Commission;

WHEREAS, the public review process of cottage housing residential development is completed and the following findings were made: 1) Cottage housing can be compatible with the single family neighborhoods of Shoreline with improved review process, standards, and criteria and 2) The State GMA targets for Shoreline that include cottage housing can be supplemented with other forms of housing;

WHEREAS, the City Council conducted a public hearing on January 23, 2006, after which it directed the staff to prepare additional code language to supplement the recommended amendatory language that had been transmitted by the Planning Commission; and.

WHEREAS, based on these findings, the City Council finds that cottage housing should be allowed in Shoreline; NOW THEREFORE

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

Section 1. Amendment. SMC 20.40.120 is amended as follows:

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCBD	RB & I
RESIDENTIAL GENERAL							

	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P
	Cottage Housing	<u>S-i</u> C-i	<u>S-i</u> P-i	<u>S-i</u> P-i			
	Duplex	P-i	P-i	P-i	P-i		
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i			
	Mobile Home Park	P-i	P-i	P-i			
	Single-Family Attached	P-i	P	P	P		
	Single-Family Detached	P	P	C	C		

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

Section 2. Amendment. SMC 20.40.300 is amended and replaced entirely as follows.

A. For the definition of cottage housing see SMC 20.20.014. The intent of cottage housing is to:

- Expand the housing choice available to that segment of the population who wish to have a single family home in a residential neighborhood, but whose household size does not require a large structure or whose desires or abilities to maintain a large yard and/or large building has diminished;
- Create an opportunity to improve neighborhood vitality and diversity by assuring that in-fill development has no more impact on area streets and the landscape than traditional large single family homes;
- Require that the designers and developers of new development in residential neighborhoods accept the burden of providing the highest quality development rather than the minimum standards;

- Support the growth management goal of more efficient use of urban residential land;
 - Support development of diverse housing in accordance with Framework Goal 3 of the Shoreline Comprehensive Plan;
 - Increase the variety of housing types available for smaller households;
 - Provide opportunities for small, detached dwelling units within an existing neighborhood;
 - Provide opportunities for creative, diverse, and high quality infill development;
 - Provide development compatible with existing neighborhoods with less overall bulk and scale than standard sized single-family detached dwellings; and
 - Encourage the creation of usable open space for residents through flexibility in density and design.
- B. Proposed cottage housing development property lines shall be separated by ½ mile (2,640 lineal feet) from the property lines of other cottage developments that are built or vested by City application.
- C. The total floor area of each cottage unit shall not exceed 1,000 square feet. Total floor area is the area included within the surrounding exterior walls, but excluding any space where the floor to ceiling height is less than six feet. The minimum main floor area for an individual cottage housing unit shall be 700 square feet.
- D. Up to 1.75 cottage housing units may be allowed in place of each single-family home allowed by the base density of the zone.
- E. Cottage housing developments shall have a minimum of four units and a maximum of 8 units, not including community buildings.
- F. The height limit for all cottages shall not exceed 18 feet. Cottages having pitched roofs with a minimum slope of six and 12 may extend up to 25 feet at the ridge of the roof. All parts of the roof above 18 feet shall be pitched. Parking structures and community buildings shall not exceed 18 feet.
- G. Cottages shall be oriented around a common open space using covered porches and entries. Cottages fronting on streets shall have an additional entry facing those streets. The common open space shall be at least 250 square feet per cottage and landscaped primarily with ground cover. Open space with a dimension of less than 20 feet shall not be included in the calculated common open space. Cottages and

community building shall be separated at least 40 feet when separated by required open space.

- H. Cottages provide a minimum private open space of 250 square feet. Private open space that is less than 10 feet wide shall not be included in the area calculation. Private open space should be contiguous to each cottage, directly accessed from the porch or private walk, for the exclusive use of the cottage resident, and oriented toward the common open space. Fencing or hedges bordering private open space shall not exceed 2 feet in height.
- I. Cottage housing units shall have a covered porch or entry at least 60 square feet in size with a minimum dimension of six feet on any side.
- J. All structures shall maintain no less than 10 feet of separation within the cluster. Projections may extend into the required separation as follows:
- Eaves may extend up to 12 inches;
 - Gutters may extend up to four inches;
 - Fixtures not exceeding three square feet in area (e.g., overflow pipes for sprinkler and hot water tanks, gas and electric meters, alarm systems, and air duct termination; i.e., dryer, bathroom, and kitchens); or
 - On-site drainage systems.
- K. Parking for each cottage shall be provided as follows:
- Two parking stalls for each cottage housing unit and 1 guest stall for every 2 units shall be provided. Tandem parking is allowed.
 - Clustered and separated from the private and common area and cottages by landscaping and architectural screen under 4 feet in height with trellis above 6 feet in height. Screened from public streets and adjacent residential uses by landscaping and architectural screen. Set back a minimum of 15 feet from a public street.
 - Located in clusters of not more than five abutting spaces.
 - A minimum of 50% of the parking space shall be enclosed.
- L. Setbacks for all structures from the abutting property lines shall be an average of 10 feet, but not less than five feet, except 15 feet from a public Right-of-Way or public sidewalk, whichever is greater.

- M. Architectural screens along the property line may be up to six feet in height subject to the sight clearance provisions of SMC 20.70.170, 20.70.180 and 20.70.190(C). No chain link or solid board fences are allowed.
- N. Minor variations from the criteria of this section may be approved by the Planning Director if they are likely to result in a more successful cottage development.
- O. Review Process. No more than 2 projects shall be approved per twelve month period by the Planning Commission (or other Design Review body as designated by the City Council) of which no more than 1 may be approved per neighborhood. The Special Use selection and review process is supplemented by the procedures below.
1. Pre-application Meeting – A meeting with the developer and staff is required prior to application to give initial feed back on cottage housing proposals and to explain the review process and City expectations.
 2. Proposal Selection – Application proposals will be accepted on April 1 and September 1 of each year. Up to 4 of the best proposals for cottage housing will be sorted by staff based on the cottage regulations and criteria. Rejected applications will be returned to the applicant at no cost. Proposals should include information such as illustrated and accurate building elevations, cross sections through the property and neighboring property, site / landscape plans, existing site conditions, and site plans and photo elevations of the surrounding property and streetscapes. Construction drawings and permits may be submitted after Commission approval.
 3. Neighborhood Meeting – The developer, architect, and site planner/landscape architect of the selected proposal shall conduct a meeting to facilitate discussion of site and neighborhood analysis, several alternative design solutions, and concerns with neighbors to address compatibility. Neighbors that border or are across the street from the proposed site are invited. Staff shall attend. Written comments shall be collected and carried over to be part of a staff analysis to the Commission.
 4. Planning Commission – The Planning Commission or an alternative Council-appointed design review body shall hold a public hearing approximately 45 days from staff selection of the proposals to decide which proposals are approved and conditioned in order for them to continue and seek construction permits.
- P. Review Criteria. Special Permit review criteria are supplemented by the following criteria below.

Neighborhood Compatibility – A Cottage development proposal must analyze how it will have similar or lesser impacts than potential single family development on the same site in terms of lot coverage, floor area, building bulk, setbacks, and parking. It must also illustrate the site and cottages with the surrounding properties and their houses through a site plan and elevations.

Low Impact / Green Building Practices - Cottage development proposals must show how storm water will be handled to reduce run-off to predevelopment levels and to minimize the need for on-site detention system by incorporating storm water dispersion and infiltration on site. Proposals with building materials that are energy and resource-efficient will receive special consideration during the competition phase of project proposals.

Tree Preservation - Cottage development proposals must minimally incorporate 20% of existing, significant, and non-hazardous trees as much as possible into the over-all site design. Other significant trees that will be removed will be replaced with native, 12 foot tree species. All open space areas that are not required by the cottage code shall be preserved or restored with native plan material. Proposals which exceed tree retention and site restoration minimums will receive special consideration during the competition phase of project proposals.

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

PASSED BY THE CITY COUNCIL ON FEBRUARY 13, 2006.

Mayor Robert Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

ORDINANCE NO. 410

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
EXTENDING A MORATORIUM FOR UP TO TWO MONTHS ON THE
FILING, ACCEPTANCE OR APPROVAL OF ANY APPLICATIONS FOR
DEVELOPMENT OF LAND UTILIZING COTTAGE HOUSING BONUS
DENSITIES**

WHEREAS, Shoreline development regulations increased the minimum lot size for low density districts from the interim zoning code (Title 21A of the King County Code, adopted on June 26, 1995 by City Ordinance No. 11), while adopting a cottage housing bonus density that was permitted in R8-12 and R18-48 zones, and could be approved as a conditional use permit in R4 -6 zones, as part of the City's strategy to reach GMA population targets; and

WHEREAS, City Council passed Ordinance No. 362 on August 23, 2004 which adopted findings that 1) existing land development standards intended to require the integration of new cottage housing residential development with existing neighborhoods may not be adequate, particularly in many existing low density neighborhoods; 2) the continued acceptance of development applications proposing the creation of residential development utilizing existing cottage housing development standards and density may allow development that is incompatible with existing neighborhoods, leading to erosion of community character and harmony, and a decline in property values; and 3) the integrity of existing land uses, the Comprehensive Plan, and the State Growth Management Act planning process may suffer irreparable harm unless a moratorium preventing the creation of cottage housing development was adopted; and

WHEREAS, a six month moratorium was adopted by Ordinance No. 362 and extended by Ordinance No. 371, and Ordinance No. 397;

WHEREAS, the current moratorium ordinance will expire on February 19, 2006 unless extended.;

WHEREAS, in accordance with state law, the City Council conducted a public hearing on this extension on February 13, 2006 prior to passage of this ordinance; and

WHEREAS, the Council finds that additional time is needed to consider the public's input and Planning Commission Recommendation and draft appropriate amendments to current cottage housing regulations; now therefore

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

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as Findings of Fact by the City Council.

Section 2. Moratorium Extended. The Shoreline City Council hereby extends for two months the moratorium established by Ordinance No. 362 and previously extended by Ordinance No. 371 and Ordinance No 397, upon the acceptance of applications for and the issuance of any land use, building and development permits or approval, or any other permit, license or approval required to construct, install, relocate, or operate any residential development utilizing cottage housing bonus densities.

Section 3. Effective Date and Duration. The current moratorium shall expire at midnight on February 19, 2006. The extension authorized herein shall take effect immediately upon expiration of the current moratorium and shall thereafter be in effect for 30 days unless repealed, modified, or extended by action of the City Council.

Section 4. Publication. The summary of this ordinance consisting of its title is approved for publication in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON FEBRUARY 13, 2006.

Mayor Robert Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication: , 2006
Effective Date: , 2006

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PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Discussion of potential Work Program and Community Outreach</p> <p>DEPARTMENT: Planning and Development Services</p> <p>PRESENTED BY: Joe Tovar, FAICP, Director of Planning and Development Services</p>

Under this agenda item, I would like to report to the Planning Commission on the status of your adopted work program, including items scheduled for your review in the coming few months, as well as other potential tasks for 2006. Some of those tasks may stem from actions that the Council may take regarding critical areas and cottage housing – one other important task is the preparation of permanent development regulations governing tree cutting. Toward that end, I would invite the members of the Planning Commission subcommittee who met with Matt Torpey and me last week, to offer their comments about our discussion.

On a related point, we recently filled the open Planner III position in the department. This person will fill the vacancy created when Andrea Spencer left last fall. We have hired Steve Cohn, a planner who spent a number of years working for the City of Bellevue. Steve is very experienced in long-range planning issues and will be a great asset to the department. I am hoping he will be available to meet you on the 16th, although his first day in the office is February 27.

Attachment: Planning Commission Schedule

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2006 PLANNING COMMISSION AGENDA PLANNER

ITEM 8.B ATTACHMENT

Meeting Date	Meeting Time	Subject	Project Manager	Report Due to Director	Report Due to PC Clerk	Commissioner Planned Absence
5-Jan-06	7:00 PM MT. RAINIER ROOM	Discussion (cont.): 2006 Work Program Procedural Items Annual Report to Council	Joe Tovar Steve Szafran	21-Dec-05	28-Dec-05	
19-Jan-06	7:00 PM MT. RAINIER ROOM	Shoreline Economic Development Update	Tom Boydell	4-Jan-06	11-Jan-06	Will Hall
2-Feb-06	7:00 PM *BOARD ROOM	MEETING CANCELLED		18-Jan-06	25-Jan-06	
16-Feb-06	7:00 PM *BOARD ROOM	Update: on recent Council Land Use Actions Discussion: potential Work Program and Community Outreach	Joe Tovar Joe Tovar	1-Feb-06	8-Feb-06	
2-Mar-06	7:00 PM MT. RAINIER ROOM	Public Hearing: SUP SCC Pagoda Bldg.	Paul Cohen	15-Feb-06	22-Feb-06	
16-Mar-06	7:00 PM MT. RAINIER ROOM	Public Hearing: Preliminary Formal Subdivision for Shoreline Townhomes # 201478 Public Hearing: Hazardous Trees & CAO Components	Glen Pickus Matt Torpey	1-Mar-06	8-Mar-06	
6-Apr-06	7:00 PM *BOARD ROOM	Planning Commission Officer Elections Tentative Public Hearing: Comp Plan Site Specific Change	Jessica Simulcik Smith Steve Szafran	22-Mar-06	29-Mar-06	
20-Apr-06	7:00 PM MT. RAINIER ROOM			5-Apr-06	12-Apr-06	
4-May-06	7:00 PM MT. RAINIER ROOM			19-Apr-06	26-Apr-06	
18-May-06	7:00 PM MT. RAINIER ROOM			3-May-06	10-May-06	
1-Jun-06	7:00 PM MT. RAINIER ROOM			17-May-06	24-May-06	
15-Jun-06	7:00 PM MT. RAINIER ROOM			31-May-06	7-Jun-06	
6-Jul-06	7:00 PM MT. RAINIER ROOM			21-Jun-06	28-Jun-06	
20-Jul-06	7:00 PM MT. RAINIER ROOM			5-Jul-06	12-Jul-06	