AGENDA

CITY OF SHORELINE PLANNING COMMISSION
REGULAR MEETING

Thursday, July 17, 2008
7:00 p.m.

Shoreline Conference Center
18560 1st Ave. NE | Mt. Rainier Room

		Estimated Time
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 COMMENTS**	7:03 p.m.
5.	**APPROVAL OF MINUTES** A. June 19, 2008	7:05 p.m.
6.	**GENERAL PUBLIC COMMENT**	7:10 p.m.

During the General Public Comment period, the Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled later on the agenda. Each member of the public may comment for up to two minutes. However, Item 6 will generally be limited to twenty minutes. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Speakers are asked to come to the front of the room to have their comments recorded and must clearly stating their first and last name and city of residence.

7. PUBLIC HEARING – *Legislative Public Hearing* 7:20 p.m.

A. **Development Code Amendments – 1st Bundle**

1. Staff Overview and Presentation of updates to proposal
2. Questions by the Commission to Staff
3. Public Testimony or Comment on updates to proposal
4. Final Questions by the Commission
5. Closure of Public Hearing
6. Deliberations
7. Vote by Commission to Recommend Approval or Denial or Modification

STAFF REPORTS 8:20 p.m.

8. A. **Introduction to Shoreline Master Program Update**

B **SE Neighborhoods Subarea Plan CAC and meeting schedule**

9.	**DIRECTOR'S REPORT**	8:45 p.m.
10.	**UNFINISHED BUSINESS**	8:55 p.m.
11.	**NEW BUSINESS**	9:00 p.m.
12.	**REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS**	9:05 p.m.
13.	**AGENDA FOR** August 7, 2008 *TBA*	9:10 p.m.
14.	**ADJOURN**	9:15 p.m.

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2234 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236.

This page intentionally blank

These Minutes Subject
July 17th Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF REGULAR MEETING

June 19, 2008 Shoreline Conference Center
7:00 P.M. Mt. Rainier Room

Commissioners Present
Chair Kuboi
Vice Chair Hall
Commissioner Behrens
Commissioner Broili
Commissioner Kaje
Commissioner Perkowski
Commissioner Piro

Staff Present
Steve Cohn, Senior Planner, Planning & Development Services
Miranda Redinger, Planner, Planning & Development Services
Jeff Forry, Permit Services Manager, Planning & Development Services
Renee Blough, Technical Assistant, Planning & Development Services
Flannary Collins, Assistant City Attorney

Commissioners Absent
Commissioner Pyle
Commissioner Wagner

CALL TO ORDER

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

ROLL CALL

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

APPROVAL OF AGENDA

The agenda was accepted as proposed.

DIRECTOR'S COMMENTS

Mr. Cohn announced that the Southeast Neighborhoods Subarea Plan Citizen Advisory Committee (CAC) has been formed. Sixteen individuals were appointed by the City Council on June 16th. The first meeting should be held sometime in July, Commissioner Pyle was appointed to the committee.

APPROVAL OF MINUTES

The minutes of June 5, 2008 were accepted as amended.

GENERAL PUBLIC COMMENT

No one in the audience expressed a desire to address the Commission during this portion of the meeting.

STAFF REPORT

Development Code Amendments

Mr. Cohn explained that the purpose of this study session is for staff to introduce the proposed code amendments and allow the Commission the opportunity to ask questions of clarification and offer direction. Staff intends to bring the amendments back before the Commission for a public hearing on July 17, 2008.

Ms. Redinger referred the Commission to the first bundle of proposed Development Code amendments and explained that all were either suggested by the Planning and Development Services staff or the City Attorney's office. The purpose of the amendments is to reduce redundancy and inconsistency, add clarity and streamline processes. Her brief review of the proposed amendments and the Commissions discussion of each follows:

- **Chapter 20.20.046.S (Definitions).** *Ms. Redinger explained that this code amendment is intended to clarify that a "Secure Community Transitional Facility" may be considered within the definition of Chapter 20.20.014.C as one form of a "Community Residential Facility." She further explained that both are included separately in the land use tables. However, it is important that they reference each other so that it becomes clear that while "Community Residential Facilities" are allowed in a variety of zones, "Secure Community Transitional Facilities" are only allowed in Regional Business (RB) and Industrial (I) zones subject to supplemental regulations.*

  Commissioner Behrens pointed out that the RB and I zoning designations have been discussed a great deal in recent months. He expressed confusion about why the City would allow a "Secure Community Transitional Facility" in an RB zone, which could possibly be adjacent to a 5-story, 120-unit apartment building. Mr. Forry said the purpose of the amendment is to cross reference the two types of uses so the public has a clear understanding of what the terms mean. He emphasized that staff has not proposed any changes to the current provisions for "Secure Community Transitional

Facilities." He noted that some of the siting requirements are part of our State Law, but staff did not review these requirements as part of the proposed amendment.

Commissioner Behrens clarified that "Secure Community Transitional Facilities" are only allowed in RB and I zones, subject to supplemental regulations. Mr. Cohn agreed and noted that is what the current code allows. No changes were made to where this use could be located. Commissioner Behrens suggested that, in addition to the proposed amendment to provide clarity, the Commission may want to consider the types of housing these facilities would be adjacent to rather than the type of zoning they are allowed in. Placing this type of facility next to an apartment building would be no safer to the community than placing it in a single-family residential zone; and in fact, the public impact could be even greater.

Chair Kuboi emphasized that Commissioner Behrens' concern is related to a completely different issue than what is addressed by the proposed amendment. While his concern may be valid and appropriate for future consideration, the current amendment merely clarifies the definition of "Secure Community Transitional Facilities." Mr. Forry suggested that reviewing the siting criteria identified in the supplemental criteria of the Development Code (Chapter 20.40.505) may help ease some of Commissioner Behrens' concerns. Again, he emphasized that the only intent behind the proposed amendment was to clarify the two distinct definitions for the two different uses.

- **Chapter 20.30.450.A (Final Plat Review Procedures).** *Ms. Redinger explained that the procedural language did not fit with the State laws on subdivisions, so changes were made to this section to provide clarity. She advised that the only substantive change was to change the signatory authority from the City Council to the City Manager, which would conform with standard operating procedures and would not impact the Planning Commission duties*.

  Commissioner Kaje referred to the phrase "which were in effect at the time of preliminary short plat application," which is found in both Paragraphs B and C. He asked if this phrase is intended to mean at such time when an application is complete or when an application is submitted. Mr. Forry said it is intended to mean the time when an application is deemed complete. He noted that the language proposed in both sections mirrors State Law verbatim, and the intent of the amendment is to bring the City's language in sync with State Law. Commissioner Kaje said that while he agrees with the purpose of the amendment, it would be helpful to clarify this section by changing the above mentioned phrase to read, "which were in effect at the time a preliminary short plat application is deemed complete." Staff agreed to make that change.

- **Chapter 20.50.240 (Site Planning – Street Frontage – Standards).** *Ms. Redinger advised that the current language requires buildings to be fronted to sidewalks except where vehicle-oriented uses with little relationship to the pedestrians are proposed She said that while the intent of this language is good, there is no good definition for the term "vehicle-oriented," and most of the uses along Aurora Avenue could be considered vehicle-oriented because of the nature of the arterial street, its traffic, and the types of land uses. The proposed code changes are necessary if the City wants to be firmer about the street frontage provisions, yet still reasonably exempt certain uses from the requirement.*

Commissioner Kaje referred to the first paragraph, which lists the various types of vehicular uses. He asked if the terms "warehouse" and "storage" would mean any type of warehouse or storage facility. Mr. Forry said that warehouses and storage facilities are typically less vehicle oriented than the other uses included on the list. However, these uses do have a need for a lot of vehicle access in and around the facilities. Mr. Cohn added that the proposed amendment would not require a developer to move the structure back from the street edge.

- **Chapter 20.30.090. (Neighborhood Meetings).** *Ms. Redinger explained that this revision was proposed by staff. She advised that, at this time, neighborhood meetings are generating unrealistic expectations for attendees in that they are under the assumption that their comments could change a proposal for a short plat and other projects that are SEPA exempt. In reality, these applications are criteria based, and they either meet the code requirements or they don't. It is important for the citizens to understand that public comments would not change a project at this stage. She emphasized that notice would still be provided once an application has been received, signs would be posted and comments taken.*

  Mr. Forry suggested that the current language appears to set a lot of projects up for adversarial relationships between neighborhood citizens and project proponents. He advised that, currently, there is an expectation that a significant amount of citizen input is considered during the neighborhood meeting that occurs prior to the city receiving an application. He explained that the code criteria related to short plat permits is very rigid, and the City is fairly limited in their ability to condition a short plat application above and beyond the code. Staff suggests it would be better to discuss the project at the actual submittal stage, once a viable application and concrete details are available. He noted that once a permit application has been filed, extensive notice is provided to the public and staff does not anticipate changes to this process.

  Vice Chair Hall inquired if it is possible a developer might be interested in hearing from the neighborhood and then alter his/her plans before submitting a complete application. Mr. Forry said the proposed amendment would not preclude an applicant from having neighborhood meetings outside of the required process, and some take advantage of these opportunities. However, the proposed amendment would not require neighborhood meetings.

  Commissioner Behrens said a number of people from throughout the community, as well as members of the City Council, have asked that this particular section of the Code be reviewed to consider ways to increase notice to the public. These people are interested in a system that would enable earlier notification to the people in the community about a proposed development. He referenced a letter he received from an individual, providing ideas for how to accomplish this goal. He summarized that this is a very important issue to residents of the City, and the City Council has placed the concern on their list of future agenda topics.

  Commissioner Behrens suggested that the concern was initially raised as the City considered the proposal at 152nd and Aurora Avenue North. He explained that meetings go on for a long time between the City's Planning Department staff and developers, and no one in the neighborhood has any

idea about what is being considered until a neighborhood meeting is held. He noted that the neighborhood meeting proceedings are recorded by the developer, and there is no requirement that planning staff attend.

Commissioner Behrens advised that the letter proposes a joint approach that would allow the community to have input into the development process at a much earlier point. This would enable all participants to operate on a more level playing field. While he understands the technicalities associated with a vested application, he knows that other cities handle the matter in a different way that involves the developers, the planning staff and citizens at a very early stage. This provides an effective way for developers to find out what the people in the neighborhood think about their proposal. Ms. Redinger asked Mr. Behrens to identify cities that could be used as good models of an appropriate, effective, and early public process. Mr. Behrens said he could provide this list to staff at a later date.

Commissioner Piro said that while he doesn't disagree that the ideas discussed in the letter have positive merit, they are somewhat tangential in their relationship to the particular code amendment the Board is considering. For example, he suggested that the first item in the letter would not necessarily have to be codified, but could be considered administratively. It should be considered within the context of a whole array of tools in terms of how to improve communication. He further pointed out that the City Council and Planning Commission has already made a commitment to consider the issue discussed in the second item. Again, he clarified that the nature of how communication happens for development proposals is beyond the particular provision that is being considered for amendment.

Commissioner Piro said he was uncomfortable about the way the proposed letter was introduced. While it is appropriate for citizens to talk with individual Planning Commissioners, his practice is to encourage these individuals to share their concerns with the Planning Commission at large. Vice Chair Hall agreed with Commissioner Piro. When the Commission gets into the hearing stage, it is important that people formally submit their views into the record of the hearing.

Vice Chair Hall referred to a statement in the letter that "design review is limited to the Planning Staff and the Planning Commission." He pointed out that, actually, unless the Planning Director requests it, even the Planning Commission doesn't get involved in design review. They only consider the code criteria when reviewing rezone applications and other items that come before them. It is important to help make sure the public understands that, at present, the director has the authority to seek design review. But unless that is invoked, the Commission is not allowed to consider the design of a building.

Commissioner Kaje agreed with the need to address the concerns identified in the letter. However, he suggested the Commission focus on the code amendment proposed at this time. They are currently charged with considering an amendment that says neighborhood meetings should not be required for projects that are categorically exempt because they create false expectations. He challenged the Commission to ask questions that pertain to the proposed amendment and then move on.

Ms. Redinger reminded the Commission that this is the first bundle of Development Code amendments for 2008. She recognized that there has been a lot of discussion about design review in general from the Housing Commission, the City Council and the Planning Commission. She suggested that possibly at a later date, staff could provide other suggestions for a workable design review. However, this should be studied from a broader standpoint.

Vice Chair Hall inquired if staff considered alternatives that could have addressed the same need of avoiding the false expectations without taking away the meeting requirement. Mr. Forry said staff primarily looked at options for enhancing the neighborhood meeting process, possibly by having staff attend. However, it is important to keep in mind that no application has been submitted at the time of a neighborhood meeting. Therefore, staff would only be able to comment on a developer's idea of what they want to do. At that point in the process, the staff's responsibility is to provide the applicant with the minimal submittal requirement and identify any major hurdles they foresee. Their main goal is to give the developer enough information to submit a complete application that complies with the regulations. Not a lot of project review takes place during the pre-application meetings. He noted that substantial changes are often made between the pre-application meeting and the formal project submittal. At this time, staff does not feel it would be prudent to attend neighborhood meetings without having a clear picture of what is being considered.

Vice Chair Hall suggested that another option would be to require staff to mail out a disclaimer that makes it clear that any input provided at the neighborhood meeting is for the benefit of the developer only and would have no bearing on the City's final decision. He expressed concern that by the time an application comes before the Commission for review, they miss out on the richness of the background discussions that took place.

In order to enhance the notification process and provide more clarity, Mr. Forry said staff recently discussed options to more effectively publish the information that's obtained at a pre-application meeting. They particularly discussed the opportunity of utilizing the City's web resources for that purpose. They are considering the possibility of preparing a packet of information after the pre-application meeting. This information would be made available to the public to help them become familiar with the project. The public is also welcome to talk to staff about a project at any time.

- **Chapter 20.30.280.D (Non-Conformance).** *Ms. Redinger said the goal of the proposed amendment is to limit expansion of non-conforming uses and clarify confusion for determining how each permit would be processed. She noted that the current language is confusing and leads to misinterpretation. She added there is only one use in the table that requires a Special Use Permit for expansion, and that is gambling. In addition, she said the language would be changed to make it clear that a non-conforming use would only be allowed to expand one time, and the expansion could only equal 10% of the use, not structure. She explained that, if a use is non-conforming, it means it is no longer permitted. Therefore, the City should not allow people to expand incrementally.*

  Commissioner Perkowski asked staff to elaborate on the intent of the last sentence of the proposed language. Mr. Forry said this sentence is intended to be a limiting factor on the expansion of the use. Only one request for an expansion would be accepted. He said it is important to keep in mind that this

section refers to the expansion of a non-conforming use and should not be confused with a non-conforming structure. Staff felt it would be a good practice to place a limit on non-conforming uses, since the idea is to phase them out. Therefore, it is important to make the process firm and not allow continuing expansion of these uses over time.

Commissioner Piro commended staff on the design of the material presented to the Commission, particularly the italicized narrative and the good contextual information that provides explanation. This allowed the Commission to work through some of the items ahead of the meeting. He said he appreciated that the staff report offered both pros and cons for this amendment.

Vice Chair Hall asked staff to outline the differences between a conditional use permit and a special use permit. Mr. Forry explained that a conditional use permit is an administrative type of permit, and a special use permit requires a quasi-judicial hearing process. Mr. Cohn noted that the current language could be interpreted to allow a gambling type establishment and other more invasive uses to expand with a conditional use permit. The purpose of the proposed amendment is to clarify that only those uses that, by policy, have been identified as less invasive than other uses would require a conditional use permit. Those that are more invasive, such as gambling, would require a special use permit.

Vice Chair Hall inquired if the proposed amendment would change the requirement for other uses that require a conditional use. Mr. Cohn answered that the proposed language would only apply to non-conforming uses that require a special use permit. Ms. Redinger explained that uses that are permitted in a zone with a conditional use permit require a different process than expansion of a use that's already non-conforming. Vice Chair Hall summarized that the proposed language would make the requirements more stringent for non-conforming uses, but it would also allow established special uses to be expanded without going through the special use permit process again. Mr. Forry said that as per the proposed language, established non-conforming uses would require a conditional use permit process to expand the use. However, the proposal would be evaluated differently than other uses that are outright permitted once a conditional use permit is obtained. Those uses that initially required a special use permit, but are not non-conforming, would follow the special use permit process for expansion. Non-conforming uses that require a special use permit to function would fall under the proposed expansion criteria, which would limit the size of the expansion, as well as the number of times expansion would be allowed.

Vice Chair Hall suggested that, in addition to the staff narrative related to the proposed amendment, it might be helpful to provide an explanation of how the proposed amendment would be implemented in different situations.

Commissioner Perkowski asked if the real intent of the proposed amendment is to limit the size of the expansion or limit the number of times a non-conforming use could be expanded. He suggested that by limiting a property owner to one expansion, they may seek to accomplish the maximum expansion allowed because they only have one opportunity. If the intent is to limit the expansion to 10%, perhaps different language could be used. Mr. Cohn said it is difficult to track previous expansions,

particularly as staff changes occur. It would be more straightforward to limit the expansion to just one time.

- **Chapter 20.30.730.C (General Provisions).** *Ms. Redinger advised that the purpose of the amendment is to clarify the existing language to conform to State law.*

  Commissioner Kaje asked if the proposed language is a new paragraph. Ms. Redinger explained that this section already exists in the code as part of the "Civil Penalties" section. It was added in the "General Provisions" section in order to broaden its application. Commissioner Piro suggested that if the same changes are being proposed for the language found in the "Civil Penalties" section, it may be appropriate to show where the language is being adjusted and streamlined in its current location, and then show the proposed language only in the new location. Mr. Forry agreed to make sure the format numbering was consistent in this section, as well.

- **Chapter 20.30.750 (Junk Vehicles as Public Nuisances).** *Ms. Redinger said the proposed revisions fall into three categories: to bring the junk vehicles language into line with current State Law, to make editorial changes to facilitate clarity, and to add the option of having vehicles removed by a licensed towing company.*

  Chair Kuboi referred to a comment on the City's website that there would be active code enforcement on three items, and junk vehicles was one of them. Ms. Collins said this amendment was proposed by the Code Enforcement Officer, and it would apply to the City's effort to be more proactive. The amendment would make it easier for the Code Enforcement Officer to deal with junk vehicles by allowing one towing company to dispose of them. Mr. Forry said most of the changes in the proposed amendment are editorial in nature in an attempt to mirror the process with code language and make all noticing consistent. Ms. Collins suggested the Code Enforcement Officer could be invited to the public hearing to provide more information about the intent of the proposed amendment, if the commission wished.

  Vice Chair Hall recalled that the Code Enforcement Officer provided a briefing to the Commission previously regarding community priorities for enforcement, and this effort was identified as part of the 2008 Budget. He suggested the amendment was proposed as part of the City's effort to move forward with the priorities established in 2007.

- **Chapter 20.30.760.G (Notice and Orders).** *Ms. Redinger explained that the proposed amendment would move the responsibility of filing the Certificate of Compliance to the person or party responsible for the violation. At this time, it is staff's responsibility to file this document*.

  None of the Commissioners provided comment regarding this proposed amendment.

- **Chapter 20.40.250.B (Bed and Breakfasts).** *Ms. Redinger advised that the purpose of this amendment is to mirror the language in the International Residential Code for bed and breakfasts. She noted that the City adopted the International Building Code in 2006.*

Vice Chair Hall inquired how many bed and breakfast establishments are located in the City. Mr. Forry answered that while he is not personally aware of any particular bed and breakfasts in the City, he believes there are a few. The City's current permitting level for this use is very low, but there must be provisions for them.

Commissioner Broili expressed concern that the proposed language would limit the City's control on the number of people that can be accommodated in a bed and breakfast establishment. Mr. Forry noted that the deleted language makes reference to the Uniform Building Code, which has not been in effect in the State of Washington since 2000. He explained that, currently, State Law will license up to 10, which is consistent with the International Residential Code and International Building Code. The proposed amendment would keep the City's language consistent with the other adopted regulations that are on the books.

Commissioner Broili inquired how the City would control the number of persons that can be housed in a building. Mr. Forry answered that the current building code and the definition of family found in the Development Code would control the number of occupants. Commissioner Broili suggested it would be appropriate to reference these other codes. Mr. Forry agreed they could make reference back to Title 15, which is where the building codes are adopted.

- **Chapter 20.50.040.B (Setbacks – Designation and Measurement).** *Ms. Redinger explained that there are instances in the City where a lot can abut two or more streets and not be a corner lot. The proposed amendment would clarify how these situations are to be handled.*

  The Commission did not provide any comments or questions related to this proposed amendment.

- **Chapter 20.50.070 (Site Planning – Front Yard Setback – Standards).** *Ms. Redinger advised that the current text is redundant and worded slightly different from the exception that is noted above. She explained that the exception refers to the required front yard setback, and the wording in the figure refers to the minimum front yard setback. In this case, the terms "minimum" and "required" mean the same thing. The proposed amendment clarifies this by removing the second reference.*

  None of the Commissioners asked questions or provided comments regarding this proposed amendment.

- **Chapter 20.50.125 (Thresholds – Required Site Improvements).** *Ms. Redinger explained that the current 20% threshold for building square footage expansion is too low and tends to trigger improvements that are unnecessary for the scale of the change being requested.*

  Commissioner Kaje referred to the second bullet item, which establishes 20% building square footage as the threshold to require costly, full-site improvements for parking, signage, stormwater, street frontage, etc. He said that while he understands the example provided by staff, he suggested there are other ways to accomplish the intent without changing the threshold. For example, they could retain the 20% requirement, but also identify a minimum square footage as a trigger. He also suggested that the third bullet item related to the initial construction evaluation seems nebulous, particularly if the

second bullet item is removed. The proposed amendment could result in some situations where a threshold is not triggered appropriately. He recommended they retain the second bullet item, but identify a minimum square footage number, as well.

Mr. Forry explained that the 20% threshold really only affects the small businesses (small car lots, espresso stands, small retail outlet, etc.) that are trying to expand. He noted that the 50% threshold is a consistent theme used throughout the Development Code. It is easy to apply this threshold since it is based on the assessor's value or an appraised value from a licensed appraiser. He summarized that this appears to be the best way to deal with the improvements. Mr. Forry said staff has struggled with what would be an appropriate square footage, but there are so many variables that depend upon lot size, the breadth of impact of an addition, etc.

Commissioner Kaje said he can see how a 50% construction valuation threshold could be consistently applied in residential situations. However, he suggested that the concept would be less consistently applied in commercial situations. He asked staff if the City has applied the concept to commercial properties in the past. Mr. Forry said that based on the level of development that occurs on commercial parcels, the proposed changes typically trigger the site improvement requirements. Therefore, this concept rarely is applied in commercial zones. However, it is available as a tool when a site is fully redeveloped. He summarized that applying the existing 20% threshold to projects he has been involved with would be an onerous requirement for the developer.

Vice Chair Hall recalled that the City's 2007 budget process included extensive discussions about sidewalks. The City Council went to great effort to shift money from other programs to provide more funding for sidewalks. In addition, the Planning Commission has had the "sidewalks to nowhere" question on their extended agenda for years. While he recognizes that constructing sidewalks can be expensive and onerous for developers, he knows that sidewalks are an important issue for citizens of Shoreline. He suspected the public would be supportive of requiring a developer to make site improvements when constructing a multi-family, mixed-use, or commercial facility of any kind on a road in Shoreline that doesn't have a sidewalk. Frontage improvements are one of the most important things the City would ever require of a developer if they want to become a pedestrian friendly community. Mr. Forry suggested that when the amendment is brought back before the Commission for a public hearing, staff could describe their rationale for proposing the amendment. He noted that most of these projects are occurring where the City has already identified improvements as part of their capital improvement program (North City and Aurora Avenue North).

Commissioner Behrens asked if it would be appropriate to tailor the language to meet the needs of the different types of commercial areas in the City. This would allow the City to adjust the costs to the size of the project. Mr. Forry said the costs are relative to the required type of frontage improvements that are necessary. He noted that, regardless of the thresholds, the Development Code may still require a developer to do a level of frontage improvements to address the impacts of a specific proposal.

Commissioner Behrens said he can see where a 20% improvement to a very small, neighborhood business would be a very costly process. However, a developer that is making improvements to a

larger community business would more likely be able to generate the necessary funds. He suggested they consider the option of basing the level of required site improvements on the type of development rather than applying the threshold across the board. Mr. Forry agreed to consider this option.

- **Chapter 20.70.030 (Required Improvements).** *Ms. Redinger said this amendment is similar to the amendment proposed for Chapter 20.50.125, and the same justification would apply.*

  The Commission noted that their discussion on the previous amendment would apply to this proposed amendment, as well.

- **Chapter 20.80.110 (Critical Area Reports Required).** *Ms. Redinger said the purpose of this amendment is to provide streamlining for a better product. She noted that the current system is expensive, confusing and often redundant. Currently, applicants have to submit their own report to the City, and the City sometimes requires them to obtain another report. Staff believes it would be better to develop a list of consultants that would be accepted by the City.*

  Mr. Forry explained that in staff's experience with critical areas reports, they often work with a developer well before an application is submitted to the City. If a critical area is identified at that time, an applicant needs to start looking at how the critical area would affect their site if they wish to develop. At that point an applicant usually obtains the services of a consultant to evaluate the critical area. This often results in a situation where an applicant spends a substantial amount of money to complete an evaluation that the City will not accept. The City then requires the applicant to obtain another report upon permit submittal, using someone who is under contract with the City.

  Mr. Forry said that since this section was amended in 2006, staff has found its application very cumbersome. In addition, it really doesn't suit the needs of the City in terms of providing a good product. Staff has proposed the amendment to make the language more consistent with the way the City deals with professional reports for other types of situations. The change would allow the applicant to employ a professional. If the professional is demonstrated to be competent in the field, staff could accept the report, as long as it is consistent with the City's identified format. He noted that staff is currently in the process of identifying consistent reporting procedures for critical areas.

  Commissioner Broili clarified that the proposed amendment would allow an applicant to hire their own geotechnical professional, and the City would accept the report as long as the professional is a licensed geotech or civil engineer. Mr. Forry concurred. He further explained that, at this time, staff recommends that applicants employ the City's contracted critical area specialist. This requires the City to enter into a relationship with a developer and direct the scope of work before an application is filed. Staff wants to discontinue this practice.

  Commissioner Broili said he supports the current process of using a contracted critical area specialist to complete the necessary reports, since this would ensure that the specialist has the City's best interest at heart. Any specialist hired by an applicant would advocate for the developer, and this might not be in the City's best interest. He said he would like the specialist to be preapproved by the City to assure that he/she is competent and that the City's best interests is met. Mr. Forry explained

that the proposed amendment implies that the City would implement a list of qualified specialists that could be hired by an applicant. Anyone wanting to be on the list would have to provide their credentials to the City, and staff would evaluate the credentials based on the definitions available in the code. Staff would recommend applicants choose one of the professionals from the approved list.

Vice Chair Hall inquired if the City could delegate the SEPA determination to the applicant's consultant, as well. If not, he questioned why the City would retain that authority and not the authority to determine if there is a critical area present. Mr. Forry answered that there is specific and substantive authority identified in State Law that requires the City to manage the State Environmental Policy Act. But in the case of required critical area reports, there are a lot of qualified professionals in the field. These professionals would be used in lieu of the City employing a specialist, which they do not have the resources to provide. However, it is important to note that the Development Code grants the Planning Director the right to question the credentials or the credibility of any report they receive, and this authority would be retained. If a report comes before the City that does not meet the established standards or the professional criteria outlined in the ordinance, the City would not be required to accept the report. In addition, the City could require a third party evaluation of any report at any time. He summarized that it is staff's opinion that there is enough legislative authority within the current Development Code to allow staff to assure credibility on any report they receive.

Vice Chair Hall asked how the City could assure that the community has confidence in the reports that are submitted by applicants. Mr. Forry agreed that City staff must establish a certain level of trust with the community on anything they do, and that is done by the fair and equitable application of the regulations. The State Licensing Board is also available to help the City identify a list of licensed and qualified individuals. If they find individual specialists who are not doing due diligence on the application submittals, they could be reported to professional organizations, and they would be removed from the City's list of approved specialists. He suggested that someone could also argue that the City's current process of using one company for their reports is not equitable and fair. He emphasized that the proposed new method has been demonstrated as effective throughout the State. He said staff believes the proposal represents a fair and equitable approach for the City, the citizens and the consumer.

Vice Chair Hall commented that cities handle the matter both ways. He suggested it would be helpful for staff to provide a comparison of peer jurisdictions to help the Commission and community feel confident that the new method has been proven elsewhere and would not result in the City giving up any important checks and balances.

Commissioner Behrens agreed with Vice Chair Hall that it is important that the public perceives the new procedure as an independent review. He said he would be interested in learning how staff would evaluate the specialists. Also, he asked staff to share information about what would constitute a reason for removing a specialist from the list. He expressed his belief that the City must identify a standard for evaluating qualified specialists. If a specialist doesn't meet the standard, it would be incumbent upon the City to remove him/her from the list. Having a system in place for this review might help the community feel confident that the review process is being performed above board.

Commissioner Perkowski asked what would happen if an applicant wanted to use a specialist that was not on the City's list. Mr. Forry answered that staff would evaluate the specialist's credentials based on the established criteria found in the ordinance and the State licensing criteria. Commissioner Kaje inquired if the City would charge an applicant for this evaluation. He expressed concern that merely requiring a specialist to provide credentials and examples of comparable work may be too easy. Mr. Forry suggested it is reasonable to accept a specialist who can demonstrate credibility in the field. He noted that the evaluation requirements would be higher than what the City requires for someone who is designing a 5-story building in the City. He said he anticipates the City charging applicants for the evaluation. In the long run, the amount of staff time spent on evaluations would be less than the amount of time they spend working with applicants without compensation, since it is before an actual application has been submitted.

PUBLIC COMMENT

Vice Chair Hall noted that the Commission's discussions related to the proposed Development Code amendments was not noticed to the public as a hearing. He questioned the appropriateness of the Commission accepting public comments on a matter that would come before them at a later date as a hearing. He said it is important that everyone in the community be given adequate and equitable time to provide input. Mr. Cohn reminded the Commission that the Development Code amendment process is legislative, so the Commission can allow the public to comment at any time. In addition, the Commission has the ability to place a time limit on the comments and ask that additional comments be submitted to them in writing. Chair Kuboi agreed to allow the public an opportunity to speak to the Commission for two minutes, and he invited them to submit their additional comments in writing.

Les Nelson, Shoreline, pointed out that this bundle of Development Code amendments is actually the second set presented to the Commission in 2008. He suggested that perhaps the Commission consider combining this bundle of code amendments with those that are related to the Comprehensive Plan.

Mr. Nelson referred to Chapter 20.20.046 related to "Secure Community Transitional Facilities" and suggested that the Regional Business (RB) transition provisions that were recently approved by the City would have been the appropriate place to prohibit this type of facility next to single-family residential uses. He referred to Chapter 20.30.090 related to neighborhood meetings. He recalled that at a recent neighborhood meeting he attended, Mr. Tovar talked about things he was going to put in the new code that would require the developer to do "Sketch Up" presentations, etc. While he understands the proposed amendment would limit the neighborhood meeting requirement to development above a certain threshold, the amendment should also identify the issues discussed earlier by Mr. Tovar. He noted that the citizens have expressed a desire to attend the pre-application meetings that are associated with large developments.

Next, Mr. Nelson referred to Chapter 20.50.225 and recalled the addition that took place at the Safeway store located next to his home. One lot was zoned RB, but was originally part of the neighborhood plat. He summarized that City staff coached the Safeway developer on how to accomplish the addition without having to provide notice to the residents. At the direction of City staff, they chose to do a lot line adjustment. By including the proposal as part of the larger property, the developer was able to

avoid the threshold requirement. He noted that Development Code changes were supposedly made to require developments of this type next to single-family residential zones to provide notification. He questioned how this new proposed amendment would impact these situations. He suggested that applicants can often find ways to get around the percentage requirements.

Mr. Nelson referred to Chapter 20.80.110 related to critical areas reports and suggested the general public would have a much different view of the City sponsored consultants. While he understands the reasons for the proposed change, citizens may feel that the City is attempting to control the outcome to the advantage of a particular developer.

DIRECTOR'S REPORT

Mr. Cohn announced that the Commission Retreat has tentatively been scheduled for August 21st. Staff is currently searching for a location for the meeting. He suggested the Commission discuss the retreat agenda at their next meeting.

Chair Kuboi invited staff to report on the City Council's Goal Meeting. Mr. Cohn said that approximately 20 people attended the first meeting, and another meeting has been scheduled for June 24th. He advised that the June issue of CURRENTS talks about the City Council's goal setting effort. The intent is that, with better advertising, more people would show up to participate. He summarized that the expectation is that after the second meeting, the City Manager would work with his staff to bring forward all the comments in an order the City Council can deal with in July or August.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

There was no new business scheduled on the agenda.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Broili announced that the Design Review Subcommittee would have their first meeting on June 25th.

AGENDA FOR NEXT MEETING

Mr. Cohn announced that the proposed Development Code amendments have been scheduled for a public hearing before the Commission on July 17th, and this would give staff adequate time to review the information provided by the Commission and to adequately advertise the hearing. He summarized that all of the proposed Development Code amendments would be presented to the Commission at the hearing, and some would be slightly tweaked based on input provided by the Commission.

Vice Chair Hall recalled that staff earlier stated there were no citizen requested Development Code amendments, even though the docketing process allows for this to occur. He noted that some of the Commission's discussion regarding the proposed code amendments related to design standards and appropriate uses in RB zones. He noted that members of the community could request the City to consider amendments to address these issues. He suggested the City notify and provide better information to the public about the process for bringing forward potential Development Code and Comprehensive Plan amendments. Mr. Cohn agreed. He pointed out that the Growth Management Act does not require the City to establish an annual docket for Development Code amendments. However, when they advertise the docket for Comprehensive Plan amendments, they could expand the notice to encourage citizens to put forth ideas for Development Code amendments. He noted that citizen ideas for Development Code amendments could be brought forward at any time. Chair Kuboi suggested that the area of CURRENTS dedicated to land use and planning issues could be used for this purpose. Mr. Cohn suggested that staff request an article in CURRENTS later in the year to present this information to the public.

ADJOURNMENT

COMMISSIONER PIRO MOVED THAT THE MEETING BE ADJOURNED AT 8:45 P.M. COMMISSIONER KAJE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

_____	_____
Sid Kuboi	Renee Blough
Chair, Planning Commission	Interim Clerk, Planning Commission

This page intentionally blank

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

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

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

BACKGROUND

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

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

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

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

ATTACHMENTS

A: Proposed Development Code Revisions 2008

Appendix A:
Proposed Development Code Revisions 2008

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

20.20.014 C definitions.

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

20.20.046 S definitions.

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

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

20.30.450 Final plat review procedures.

A. Submission. The applicant may not file the final plat for review until the required site development permit has been submitted and approved by the City.

B. ~~Staff Review~~ – Final Short Plat. The Director shall conduct an administrative review of a proposed final short plat ~~subdivision~~. When the Director finds that a proposed short

plat conforms to all terms of the preliminary short plat and meets the requirements of 58.17 RCW, other applicable state laws, and this title ~~chapter~~ which were in effect at the time when the preliminary short plat application was deemed complete ~~approval, either~~ the Director shall sign on the face of the short plat signifying the Director's approval of the final short plat. ~~and either sign the statements that all requirements of the Code have been met, or disapprove such action, stating their reasons in writing. Dedication of any interest in property contained in an approval of the short subdivision shall be forwarded to the City Council for approval~~.

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

D. Acceptance of Dedication. City Council's approval of a long plat or the Director's approval of ~~the~~ a final short plat constitutes acceptance of all dedication shown on the final plat.

E. Filing for Record. The applicant for subdivision shall file the original drawing of the final plat for recording with the King County Department of Records and Elections. One reproduced full copy on mylar and/or sepia material shall be furnished to the Department.

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

20.50.240 Site planning – Street frontage – Standards

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

ways that are visible and direct, and minimize crossing of traffic lanes. Such pedestrian accesses through parking shall provide the following elements:

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

This revision was proposed by PADS staff. Existing code language requires buildings to be fronted to sidewalks except where vehicle–oriented uses with little relationship to pedestrians are proposed. The intent is good except that 'vehicle-oriented' is not defined, and most of the uses along Aurora Ave. could be considered vehicle-oriented because of the nature of the avenue, its traffic, and the types of land uses. In addition, the current vague code language contributes to its inconsistent administration. If the City wants to be firmer about the street frontage provisions, yet still reasonably exempt certain uses (i.e. car dealerships) from the requirement, then the code changes are necessary.

20.30.090 Neighborhood meeting.

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

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

At the Commission's request, staff has conducted research about neighboring jurisdictions' code requirements for neighborhood meetings. In conversations with Mountlake Terrace, Snohomish County, Lynwood, Mercer Island, Renton and Bothell it was determined that Shoreline was the only locality out of the group that requires neighborhood meetings at the pre-application stage for any type of permit. All other

localities contacted only put out the Notice of Application and some recommend that developers hold neighborhood meetings or speak with neighborhood organizations if they feel a project may be controversial.

20.30.280 Nonconformance.

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

Because the long explanation of this proposal seemed to lead to greater confusion, we have attempted to clarify the basic change that would occur if adopted. The Use Table as it currently exists in the Development Code is confusing when it comes to the expansion of a nonconforming use because it was created as a tool for delineating the process for establishing uses. When you look at the chart, it tells you if a use is permitted, special or conditional, and which uses require indexed supplemental criteria. Therefore, the assumption is that the same permit would be required to expand a nonconforming use, when this is not the case. Expansion of a nonconforming use, in every case except for gambling, requires a conditional use permit. Expansion of a nonconforming gambling use requires a special use permit, as referenced in the supplemental criteria. The proposed change is an attempt to make this process more clear, as well as limit the expansion of a nonconforming use to no more than 10% of said use.

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

20.30.730 General provisions.

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

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

This revision was proposed by PADS staff. This section already exists in the code in 20.30.740(D)4, and no changes are now proposed to that section. The suggestion is to also have it in General Provision to broaden its application without limiting it strictly to

cases in which Notices and Orders have been legally served because some code enforcement cases are civil infractions. Those violations also need to be considered ongoing until the responsible party has proved to the director's satisfaction that the violation has been corrected.

20.30.750 Junk vehicles as public nuisances.

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

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

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

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

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

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

E. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and

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

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

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

These revisions were proposed by PADS staff. Changes fall into 3 general areas, housekeeping to bring our junk vehicle language into line with current State Law, editorial changes to facilitate clarity, and adding the option of having the vehicle removed by a licensed towing company. The work on aligning Shoreline's code to State Law was initiated in 2007and is not related to the Customer Response Team's new proactive clean-up program. The basis of the current code was adopted by the City in 2000 and this section (SMC 20.30.750) has always been based on State Law.

20.30.760 Notice and orders.

G. Whenever a notice and order is served on a responsible party, the Director may file a copy of the same with the King County Office of Records and Elections. When all violations specified in the notice and order have been corrected or abated, the Director shall ~~file~~ issue a certificate of compliance to the parties listed on the Notice and Order. The responsible party is responsible for filing the certificate of compliancewith the King

County Office of Records and Elections, if the notice and order was recorded. The certificate shall include a legal description of the property where the violation occurred and shall state that any unpaid civil penalties, for which liens have been filed, are still outstanding and continue as liens on the property.

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

20.40.250 Bed and breakfasts.

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

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

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

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

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

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

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

20.50.040 Setbacks – Designation and measurement.

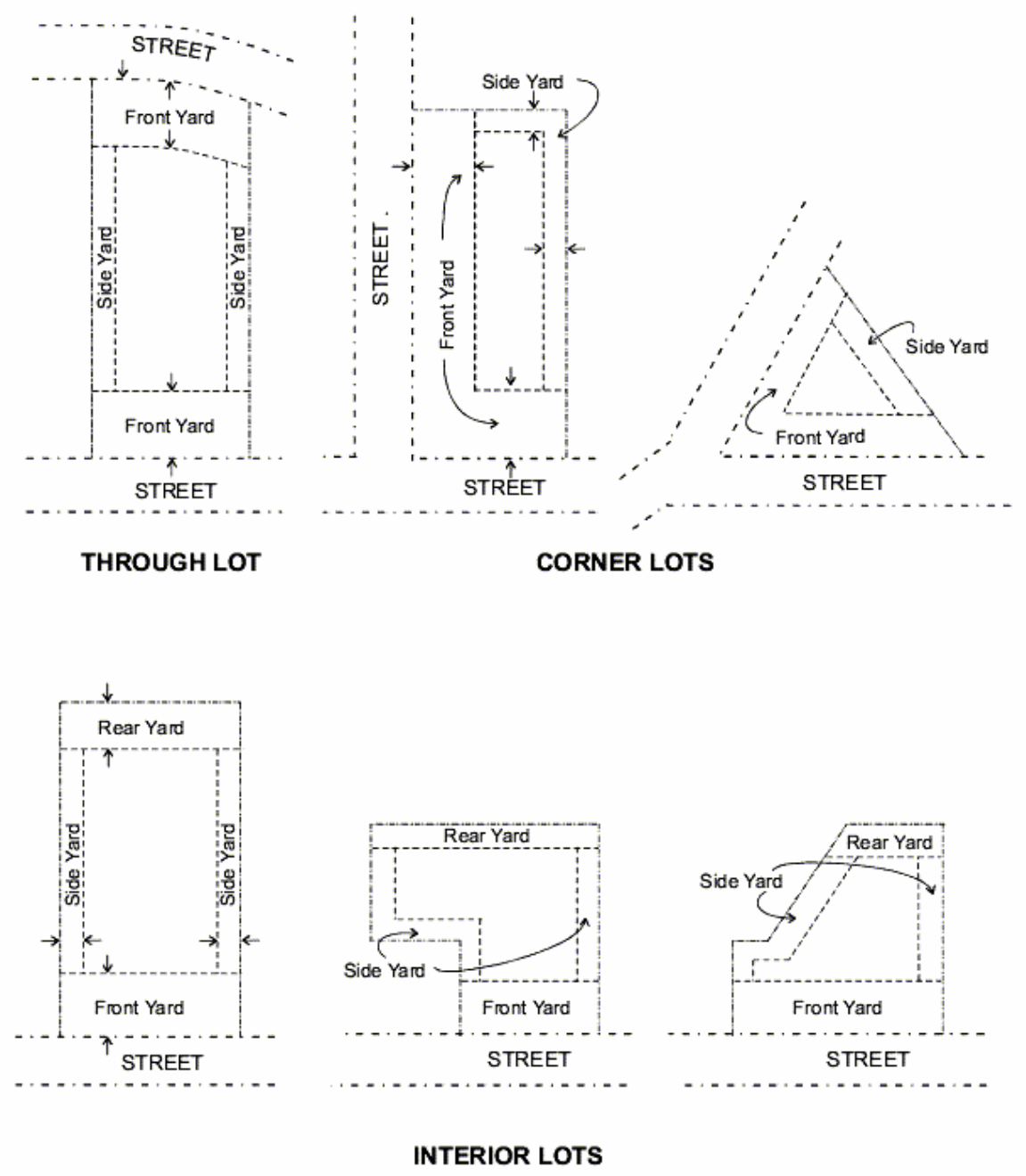
A. The front yard setback is a required distance between the front property line to a building line (line parallel to the front line), measured across the full width of the lot.

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

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

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

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



20.50.070 Site planning – Front yard setback – Standards.

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

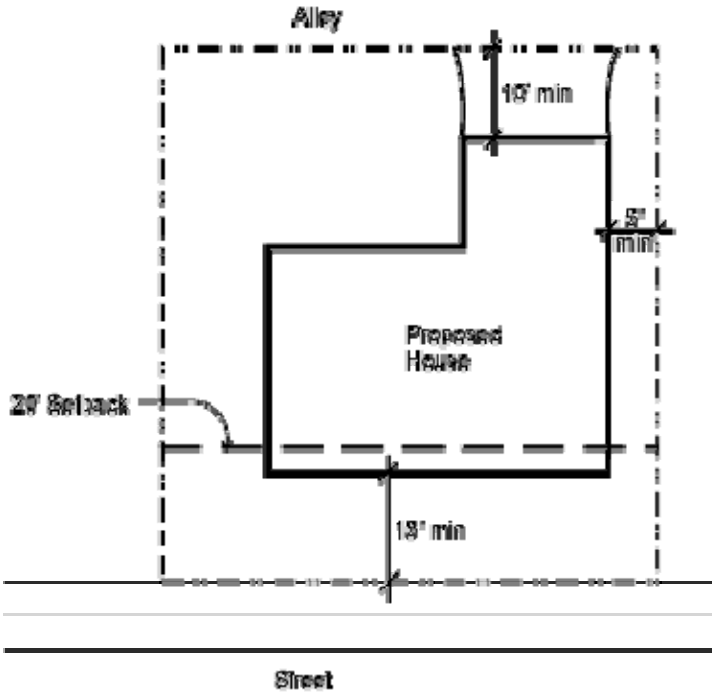


Figure Exception to 20.50.070(2~~): Minimum front yard setback may be reduced to 15 feet if there is no curb cut or driveway on the street and vehicle access is from another street or alley.~~

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

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

20.50.125 Thresholds – Required site improvements.

Same change for 20.50.225, 20.50.385, 20.50.455 and 20.50.535

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

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

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

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

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

20.70.030 Required improvements.

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

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

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

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

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

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

2. Remodeling or additions to multifamily, nonresidential, and mixed-use buildings ~~or conversions to these uses that increase floor area by 20 percent or greater,~~ or any

alterations or repairs which exceed 50 percent of the value of the previously existing structure;

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

20.80.110 Critical areas reports required.

If uses, activities or developments are proposed within designated critical areas or their buffers, an applicant shall provide site-specific information and analysis as determined by the City. ~~pay the City for environmental review, including~~ The site-specific information ~~that~~ must be obtained by expert investigation and analysis. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100. Such site-specific reviews shall be performed by qualified professionals, as defined by SMC 20.20.042, who are ~~in the employ of~~ approved by the City or under contract to the City ~~and who shall be directed by and report to the Director~~. (Ord. 406 § 1, 2006; Ord. 398 § 1, 2006).

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

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

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

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

The fix for this is for the City to develop a list of City-approved consultants and a standard scope of work for each type of critical area report. This way an applicant would choose from the list of approved consultants who have been screened by the City so that the veracity of the reports would not be suspect , therefore, it would meet the

intent of the code while avoiding having the City administer projects prior to application. It likely would also minimize costs to the applicant.

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

This page intentionally blank

Memorandum

DATE: July 3, 2008
TO: Shoreline Planning Commission
FROM: Miranda Redinger, Associate Planner
SUBJECT: Shoreline Master Program Update

INTRODUCTION

In 2003 the Department of Ecology adopted new Shoreline Master Program (SMP) Guidelines based on the State Shoreline Management Act. Cities and counties across the state (about 250 in all) were mandated to update their shoreline master programs to be consistent with the new guidelines within the decade. Plan goals should include ways to encourage water-dependent uses, protect shoreline natural resources, and promote public access. The State has offered grant monies to assist cities and counties in their updates. The City of Shoreline applied for and received a two-year grant for the 2008-2009 biennium.

Local master programs regulate new development and use of "shorelines of statewide significance" within their jurisdictions. According to Department of Ecology (DOE) definitions and an inventory performed in 2004, the areas affected in Shoreline are the properties on the Puget Sound coastline. This information will be reviewed and updated (if necessary) by a consultant paid for by the grant.

In 1998, with the adoption of its own Comprehensive Plan, the City adopted a Shoreline Master Program Element that contains goals, policies and maps of shoreline environments. Shoreline's existing master program reflects the elements that were in the King County SMP in 1995 when Shoreline incorporated. Though consistent with the King County SMP, the City's SMP element was not reviewed by the Department of Ecology and does not qualify as part of the City's recognized SMP. The City continues to apply the 1995 King County SMP rules to regulate shoreline development, but is required by the DOE to adopt one that reflects the updated guidelines from the State.

Shoreline's grant, which runs through 2009, will assist staff in meeting the State requirements for the SMP update, which is currently scheduled for completion by June 2010. Most of the State grant dollars will be used to hire a consultant to perform technical work such as conducting an inventory and analysis, mapping conditions, determining environmental designations, characterizing ecosystem-wide processes, analyzing cumulative impacts, and identifying opportunities for protection and restoration. The funding does not cover the full cost of developing

the SMP update. It is possible that the State may have additional grant dollars to distribute in the next biennium. However, if that money is not made available to Shoreline, the City will have to subsidize some portions of developing the SMP.

PROCESS

Phase I

One of the initial tasks is to collect existing shoreline data from a variety of sources. The data gathering phase is an important aspect of the update in that it involves connecting with people and organizations for obtaining current shoreline information.

This data will be analyzed and portrayed on maps, tables and illustrations in a way that characterizes the shorelines' ecological conditions. This inventory and characterization will provide the scientific and technical foundation from which the remainder of the SMP update process will evolve.

The existing SMP will be evaluated as to its compliance with the new guidelines, and gaps will be identified (Gap Analysis). Draft policies, shoreline designations and regulations will then be developed using the findings from the inventory and characterization. As required in the SMP guidelines, the City will also develop a draft restoration plan for selected areas to help improve ecological functions and values over time.

Phase II

The draft documents prepared in Phase I will be advanced and refined into a Final Shoreline SMP under this second phase. SEPA environmental review of the Draft SMP will begin in Phase II of the process.

Public Involvement Strategies

The main forum for SMP discussions during Phase I will occur at Planning Commission meetings. However, public information will be distributed and public input will be solicited at key points during the process to coincide with major project milestones, specifically:

- Shoreline inventory and characterization
- Review of SMP compliance with State guidelines
- Preliminary update of SMP goals and policies
- Development of preliminary Shoreline Environment Designations
- Update and development of preliminary SMP regulations
- Development of preliminary restoration plan

More extensive public outreach will be conducted during Phase II, specifically: SEPA compliance and development of the Draft SMP package

Two groups of stakeholders have been identified and are listed below.

Primary stakeholders:

- Property owners and/or businesses within or adjacent to the shoreline jurisdiction:
- Shoreline City Council and Planning Commission
- City of Shoreline Departments, notably Planning and Development Services, and Parks, Recreation and Cultural Services
- Innis Arden Club
- The Highlands
- Richmond Beach Community Association
- Burlington Northern

Other stakeholders who may express interest:

- Shoreline Residents
- Solar Shoreline
- Sustainable Shoreline
- Shoreline Community College
- Backyard Habitat Group
- Thornton Creek Alliance
- Homewaters Group
- Council of Neighborhoods
- Puget Soundkeepers Alliance
- Soundwaters
- City of Seattle
- City of Woodway
- King County
- Snohomish County
- Department of Ecology
- Department of Fish and Wildlife
- Department of Natural Resources
- News Media
- Department of Community, Trade and Economic Development
- Department of Archaeology and Historic Preservation
- NOAA Fisheries
- US Fish and Wildlife Service
- WRIA 8
- Sierra Club
- Audubon
- Washington Kayak Club
- Seattle Canoe and Kayak Club
- University of Washington Kayak Club
- People for Puget Sound
- Futurewise
- UW SeaGrant Program
- WSU Extension, King County

Primary contacts for these groups have been identified and sent an email that introduces them to the process, informs them that the City has created a web page where the deliverables for the previously mentioned project milestones will be posted, and invites them to provide comment. The web page address is http://www.cityofshoreline.com/cityhall/departments/planning/masterprogram/index.cfm

The first open house will likely be held prior to a Planning Commission in October, once the inventory and characterization have been completed. Staff expects to schedule a report to the Commission the same evening covering many of the items discussed in the open house.

If you have questions or comments, contact Miranda Redinger at 206-801-2513 or mredinger@ci.shoreline.wa.us