

AGENDA
 CITY OF SHORELINE PLANNING COMMISSION
 REGULAR MEETING



Thursday, April 16, 2009
 7:00 p.m.

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

	<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 COMMENTS	7:03 p.m.
5. APPROVAL OF MINUTES	7:05 p.m.
a. April 2, 2009	
6. GENERAL PUBLIC COMMENT	7:06 p.m.
<p><i>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, the General Public Comment period 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 state their first and last name, and city of residence. During Public Hearings, the public testimony or comment follows the Staff Report. The rules for procedure for Public Hearings before the Planning Commission are further defined in Resolution No. 182.</i></p>	
7. PUBLIC HEARING <i>Legislative Public Hearings</i>	7:10 p.m.
a. Development Code Amendment for High Schools Building Height	
1. Staff Overview and Presentation of Preliminary Staff Recommendation	
2. Questions by the Commission to Staff	
3. Public Testimony or Comment	
4. Final Questions by the Commission	
5. Deliberations	
6. Vote by Commission to Recommend Approval or Denial or Modification	
7. Closure of Public Hearing	
b. Comprehensive Plan Amendment for Point Wells	7:40 p.m.
1. Staff Overview and Presentation of Preliminary Staff Recommendation	
2. Questions by the Commission to Staff	
3. Public Testimony or Comment	
4. Final Questions by the Commission	
5. Deliberations	
6. Vote by Commission to Recommend Approval or Denial or Modification	
7. Closure of Public Hearing	
8. DIRECTOR'S REPORT	8:45 p.m.
9. UNFINISHED BUSINESS	8:50 p.m.
a. Appoint Commissioner to Southeast Neighborhoods Subarea Plan CAC	
10. NEW BUSINESS	8:55 p.m.
11. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS	9:00 p.m.
12. AGENDA FOR May 7	9:05 p.m.
13. ADJOURNMENT	9:10 p.m.

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236.

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Subject to April 16th Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

April 2, 2009
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present

Chair Kuboi
Vice Chair Hall
Commissioner Broili
Commissioner Perkowski
Commissioner Pyle
Commissioner Wagner

Staff Present

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Paul Cohen, Senior Planner, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

Commissioners Absent

Commissioner Behrens
Commissioner Kaje
Commissioner Piro

CALL TO ORDER

Chair Kuboi called the regular meeting of the Shoreline Planning Commission to order at 7:03 p.m.

ROLL CALL

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

APPROVAL OF AGENDA

The agenda was accepted as presented.

DIRECTOR'S COMMENTS

Mr. Tovar provided reported on the following legislative items:

- House Bill 2006 would have moved back the mandate for updating comprehensive plans from 2011 to 2013. However, this bill did not make it out of the house, and 2011 is still the deadline.

- House Bill 1481 mandates that unless local jurisdictions adopt regulations dealing with the siting and configuration of improvements for electrical vehicle recharging facilities by July of 2010, they would be allowed anywhere. If this bill is passed into law, the issue would be added to the Commission's work program.

Mr. Tovar reported that staff forwarded a letter they received from Futurewise and the Transportation Choices Coalition dealing with light rail alignments. He suggested the Commission may want to discuss this letter with the City Council at their joint meeting.

APPROVAL OF MINUTES

The minutes of February 26, 2009, March 5, 2009 and March 19, 2009 were all accepted as presented.

GENERAL PUBLIC COMMENT

Sigrid Strom, Shoreline, reported that a few weeks ago climate scientists made another announcement that global warming is proceeding at an even faster rate than predicted, and this is not the first time they have moved the schedule up. She suggested the City is no longer in a position to avoid their changing priorities, and they cannot back away from the challenges. She encouraged the Commission to think in terms of green infrastructure, much the same way as they look at any other kind of municipal infrastructure for the City, and create a comprehensive plan to address the issue. They need to look closely at what it costs to remove trees, and balance that against the need for solar access for solar panels. She further suggested they provide more education to people. It's not impossible, and she urged the Commission to continue to move in that direction.

STAFF REPORTS

Development Code Amendment for High Schools

Mr. Tovar explained that the Shoreline School District is going through the preliminary schematic design process for Shorewood and Shorecrest High Schools. At Shorecrest, they are looking at a renovation of the physical plant, and Shorewood would be a completely new school. The School District and their architects have met a number of times with the public to take comment on their schematic alternatives. In early discussions with the City it became apparent that their desire for taller buildings would be constrained by the current zoning of the properties. He reminded the Commission that the building height in a single-family zone is 35 feet, and a new gymnasium would require up to 55 feet. A new theater with a fly space would require up to 70 feet. The proposed amendment would raise the maximum building height for high schools in these zones to 50 feet, gymnasiums to 55 feet, and fly space for theaters to 70 feet. Mr. Tovar explained that the existing theater at Shorecrest High School is about 68 feet high so 70 feet does not seem like too large a number, but it would be sufficient to accommodate the needs of the school. Mr. Tovar advised there are two other high schools in Shoreline that would be affected by the amendment: CRISTA and Shoreline Christian.

Mr. Tovar summarized that staff believes the proposed amendment is reasonable and consistent with the City's objective for sustainability to encourage a smaller and more vertical footprint for these sorts of institutions. For purposes of relative scale, he pointed out the new City Hall Building is 4 stories and

52-feet high, which is roughly the magnitude staff feels would be appropriate for maximum height of the gym, and the theater fly space would have to be as high as 70 feet. He explained that the purpose of the meeting was to review the proposed amendment with the Commission and provide background information. He invited Commissioners to make request for additional information and pose questions they would like staff to address prior to the hearing.

Commissioner Pyle asked Mr. Tovar to define the term “institutional structure.” Mr. Tovar said he used the term fairly generically. The high school is an institution, as is the City Hall Building. Commissioner Pyle said the proposed amendment would allow a structure to be located anywhere on the property assuming you could meet all the other zoning parameters (setback, lot coverage). He asked if the topography of the site would be a factor. Mr. Tovar pointed out that conditional use permits are required for high schools in residential zones, and this would give the City the authority to require that the taller buildings be in the best places given the existing uses and topography. He noted that three of the four alternatives for Shorewood High School place most of the building mass away from the single-family neighborhood and closer to the commercial zoning to the east, and the tallest portion of the project (theater fly wings) would be placed in the northeast corner, which is as far away from the single-family properties as possible.

Commissioner Pyle referenced Shoreline Christian High School in the Briarcrest Neighborhood. It happens to sit on top of a hill that is 30 feet higher than the road grade at Northeast 25th. If you considered 25 feet of grade separation in addition to a 70-foot building, the structures would dominate the landscape and change the appearance of the neighborhood from the neighbors’ perspective. If a large building is placed on top of a hill above a neighborhood of single-family homes, the impact would be significant. Mr. Tovar pointed out that the existing fly space at Shorecrest High School is 68 feet high, and they haven’t seen any proposals to enlarge or relocate this space. He said staff could provide additional information about Shoreline Christian High School prior to the Commission’s next meeting.

Commissioner Wagner pointed out that even if the amendment is adopted a conditional use permit would still be required, which would be subject to the Planning Director’s approval based on public input, impacts, and other adopted standards. Mr. Tovar explained that, currently, the only standard requirement is the conditional use permit, which is intended to create a process by which the City can make sure the use is in the appropriate location and configuration. It also enables the City to place conditions on the project approval.

Mr. Tovar explained that a master plan requires a more intensive process, with more requirements. Therefore, it would subsume whatever the Conditional Use Permit would allow them to do. The City would have more discretion with a master plan than with a Conditional Use Permit. The School District would present their proposed master plan for their two high school sites to the Planning Commission for a public hearing and recommendation to the City Council. Commissioner Wagner inquired if there would be some benefit to the City if the master plan requirement applied to middle schools and elementary schools, as well. Mr. Tovar said the immediate question was posed because two public high schools are going through a process of design and would go before the voters next spring for funding. The City Attorney advised it would be more appropriate to include private as well as public high schools. He emphasized that the proposed amendments would deal only with high schools since it is probably unlikely they would see a request for a theater with a 70-foot high fly space at a junior high school.

Chair Kuboi pointed out that the Development Code categorizes both junior high and high schools as secondary schools. He questioned how the City would differentiate that the amendment only applies to high schools. Mr. Tovar said the proposed amendments are intended to apply to only high schools since these have traditionally been the facilities that have gymnasiums and theaters. Chair Kuboi expressed concern that a table in the Development Code inferred that secondary schools were different than high schools. Mr. Cohn said the footnote in the actual code language would specifically call out high schools. Mr. Tovar advised that the actual Development Code amendment text would be provided to the Commission at the public hearing.

Chair Kuboi clarified that the two public high schools have expressed a desire to build up to three stories, and they have heard comments that the benefit would be a smaller footprint. However, it is not clear that the tradeoff would be built into the process. Mr. Tovar said the School District has expressed a desire for a taller building that would suit their program needs better. Because developments with less footprint, impervious surface, and roof are more sustainable, the City wants to accommodate that concept. While it used to be popular to spread low buildings throughout the campus, the School District does not want to go that route this time and the City should not force them to have a sprawling school.

Vice Chair Hall recalled that when the issue was first brought to the attention of the Planning Commission they discussed that the proposed amendments would allow for more efficient use of land. In addition, he sees tremendous environmental benefits with less impervious surface that can be used as open space. The School District may need to increase their square footage to serve the students in the district, but no matter what square footage they need, a three-story building would provide the needed space using a smaller footprint. While they may not be able to capture the land for other purposes, there are advantages in having a smaller rooftop even if it's just more open space or athletic fields.

Mr. Tovar said a two or three-story structure for classrooms or offices would be more efficient to heat. The students earlier expressed concern that the campus is really spread out, and it is difficult to have a lot of social interaction. That is another reason why the School District has proposed that Shorewood High School be more than one-story tall. Chair Kuboi agreed that there are benefits of allowing taller buildings, but the staff report should talk more about the underlying benefits of the proposal. Mr. Tovar said staff would do a more thorough job at the public hearing to explain the rationale, reasoning and benefits they would expect.

Commissioner Pyle asked what controls staff envisions being in place to limit the size of the footprint. He also asked why it would be better to change the Development Code rather than rezone the property to fit what is already on the ground. Mr. Tovar agreed one option would be to create a whole new zone for school sites. However, the only existing zoning that allows school uses outright is the Regional Business zone. Some jurisdictions have institutional zones which require site development permits and master development plans; but given the nature of the use and what has been described so far, he suggested this type of requirement would be overkill.

Tree Regulations Background Information

Mr. Cohen said the purpose of his presentation is to provide an overview of the tree regulations. He advised that he would come back before the Commission at a future date to talk about the amendment

concepts that were presented to the Commission in February. He would also talk to the Commission about comparing the City's current tree regulations with other jurisdictions, including the tree code that was proposed by various citizens in the community. He advised that, eventually, staff would present draft code amendments and the Commission would conduct a public hearing in the summer. He noted that this is a complex topic, and staff anticipates a large outpouring of public comment.

Mr. Cohen distributed binders for each Commissioner to collect information regarding the tree regulations. He noted the binders include the staff report that was presented to both the City Council and the Planning Commission. He advised that the Growth Management Act provides strong principles for protecting the environment and property rights and retaining open space and habitat. One of the difficult tasks will be to figure out how to protect the environment while at the same time, protect property rights. He noted the Comprehensive Plan contains a lot of good policies to:

- Protect the natural environment
- Minimize impacts to vegetation
- Design site development in accordance with the natural environment
- Design developments that are compatible with the surrounding environment
- Protect, enhance, and restore habitat in balance with a property owners' right to develop.

Mr. Cohen reminded the Commission that the City Council recently adopted the Sustainability Strategy, which talks mostly about forest health, canopy health, and no net loss of canopy. He said it is also important to identify what other parts of the code would be impacted by the tree regulations. For example, the Critical Areas Ordinance says all trees and plants are preserved in critical areas and their buffers except invasive plants and hazardous trees. He noted that developing a definition for the term "hazardous trees" would be a big issue. There is also language in the tree code that refers to the critical areas, and the landscape code requires that new plantings in setbacks, sidewalks and parking areas should be suitable for the northwest (not necessarily native). It further states that preservation of existing vegetation can substitute for the landscaping requirement. It also requires native plant species in undisturbed critical areas or around preserved trees.

Mr. Cohen pointed out that the full title of the tree regulations found in the Development Code is "Tree Conservation, Land Clearing, and Site Grading Standards". The section mixes clearing and grading with tree preservation, but the Commission's goal should be to separate the clearing and grading standards from the tree preservation standards. He reviewed the sections that apply to trees as follows:

- **Section 20.50.290.** Items D, F, H, I, J, and L specifically talk about the protection of trees. Even though they don't have any code that says trees should be preserved to protect views or screen from certain views, Item D calls for preservation and enhancement of trees and vegetation which contribute to the visual quality and economic value of development in the City and provide continuity and screening between developments.
- **Section 20.50.300.** Item G specifically calls out that replacement of trees planted under the requirements of the subchapter shall be regulated as protected trees. Item H states that any disturbance to vegetation within critical areas and their corresponding buffers would be required to meet the critical areas code standards.

- **Section 20.50.310.** Items A.1.a through A.1.i were part of a 2006 code amendment related to hazardous trees. Staff is looking into some legal questions, particularly under Item A.1.c where it talks about imminent hazard or immediate threat to public health and safety. They need to have a better idea of exactly what that means. They must allow some room for emergency situations without requiring a long process to remove a tree when there is a dangerous situation. Item A.1.h talks about approval to cut hazardous trees that constitute an actual threat to life, property, homes, private yards, building, public and private streets, improved utility corridors, etc. when approved by an arborist. This section further defines when a tree can be considered hazardous. Staff anticipates situations will occur where trees might fall on one of these land uses, and staff should have a clear process for making a decision as to whether or not these trees are hazardous. Item B.1 allows for the removal of up to six significant trees and associated removal of understory vegetation from any property within a 36-month period. Item B.2 talks about landscape maintenance and alterations of property that involves the clearing of less than 3,000 square feet or less than 1,500 square feet in a critical drainage area. Clearing of less than these amounts is considered exempt from the regulations, and the Commission must decide if this exemption is reasonable.

Vice Chair Hall asked Mr. Cohen to clarify what type of areas would be considered “critical drainage areas.” Mr. Cohen explained that critical drainage areas would primarily be piped streams and associated wetlands. Vice Chair Hall asked if the Critical Areas Ordinance delineates critical drainage areas. Mr. Cohen said they are delineated, but not every stream in the City is classified. Usually, they require any development that has a stream to hire a biologist to provide the classification.

- **Section 20.50.330.** Item B allows the Director to require submittal of a professional evaluation or tree protection plan prepared by a certified arborist at the applicant’s expense. The Director can also ask for a third party review, which would be paid for by the applicant. While staff agrees they need an arborist to look at hazardous trees, they are still working to come up with a fair process to get the best result. Item D says trees that are designated for protection can be put in protective growth easements or tracts to provide added protection.
- **Section 20.50.350.** Item A states that no trees or ground cover can be removed from critical areas or buffers unless they are consistent with the critical areas standards. Item B outlines the minimum retention requirements, which the staff deals with on a day-to-day basis. When this code section is not properly understood, both the neighbors and developers have expectations they feel aren’t being met. Item B.1 requires a developer to preserve at least 20% of the significant trees on the site, excluding critical areas and critical area buffers or at least 30% of the significant trees on a given site, which may include critical areas and buffers. The Commission should review this section in order to understand the confusion. Item B.3 requires further preservation of retained trees following construction for a period of 36 months and shall be guaranteed through an approved maintenance agreement. The key question is what happens after three years. The current language would potentially allow the property owner to remove another six significant trees. The Commission should consider how they can make the intent more clear to enhance the forest canopy of the City.

Commissioner Broilli pointed out that a property owner could remove all of the replacement trees after three years because they wouldn’t be considered significant. Mr. Cohen agreed that the current language protects the replacement trees for only three years. Trees that are not considered significant

after three years could be cleared without notification to the City. He said the existing code has a lot of good ideas, and the goal is to make it work better so they can gain ground in regard to tree retention.

Vice Chair Hall noted that for a predevelopment site with 30 significant trees, a 20% requirement would result in the retention of 6 trees. The replacement standard would require a developer to plant 48 small trees. All six of the remaining significant trees and all of the new trees could be cut down after three years. While this is an extreme example, he suggested it would be helpful to provide graphic examples of the various extremes. Mr. Cohen agreed. He said that because trees are a changing resource, they are very difficult to track.

Commissioner Pyle pointed out that Section 20.50.310.G states that replacement trees planted under the requirements of the subsection on any parcel in the City of Shoreline shall be regulated as protected trees under SMC 20.50.330.D, which requires that they be protected for the life of the tree.

- **Section 20.50.350.B.** Item 1 authorizes the Director to allow a reduction in the minimum significant tree retention percentage to facilitate preservation of a greater number of smaller trees, a cluster or grove of trees, contiguous perimeter buffers, distinctive skyline features, etc. This means that pure numbers may not give the best result. The Director would have the discretion to decide if it is better to preserve 100 smaller trees than four larger trees.
- **Section 20.50.350.C.** This section authorizes the Director to grant reductions or adjustments to other site development standards if the protection levels identified in Section B are exceeded. This can be done by reduction or variation of the area, width or composition of the required open space and/or landscaping; variation in parking lot design or access driveway requirements; variation in building setback requirements; and variation of grading and stormwater requirements. The City must give people a reasonable ability to develop property, but the Director should promote opportunities to save more trees by being somewhat flexible about the site development standards.
- **Section 20.50.350.D.** Item 2 requires that site improvements be designed to give priority to protection of trees based on certain characteristics. The bulleted list describes the different qualities that trees and tree stands can have. However, if a site were required to meet all of the qualities, many would be unable to develop. The Commission must decide if this is a reasonable list to work from and if all of the items on the list must be satisfied.
- **Section 20.50.350.E.** This section allows cutting and pruning of protected trees. However, pruning does not mean topping a tree. In staff's mind, topping a tree is the same as removing it. The City's current policy allows people to remove up to 25% of a canopy to thin and open it up but not damage the tree.
- **Section 20.50.360.C.** This section allows a property owner to remove up to six significant trees and associated vegetation per parcel with no replacement of trees required. Any significant tree proposed for removal beyond this limit would have to be replaced at the ratios identified in the section. The maximum replacement requirement would be three trees for every significant tree. Staff has found that in many situations, so many trees have to be removed that there is not enough room on the site for all of the replacement trees. However, Item C.2 authorizes the Director to allow a reduction in the

minimum replacement trees required or off-site planting of replacement trees if they can meet certain criteria. Staff will review this provision to see if it is workable. Perhaps they could add a provision that would give people an option to plant the trees off site somewhere else in the City.

- **Section 20.50.360.K.** Item 2 requires a maintenance bond after the installation of required site improvements and prior to the issuance of a certificate of occupancy or finalization of permit following landscape installation or tree replacement. The bond shall be for an amount not to exceed the estimated cost of maintenance and protection measures for a minimum of 36 months or as determined by the Director. Staff would research to find out if Section 20.50.310.G would protect replacement trees for the initial 36-month period.
- **Section 20.50.370.** Staff has found the tree protection standards in this section work well, and they do not have any recommendations to alter them. He noted that these standards pertain to tree protection during construction.

Mr. Cohen said he provided the Commission with sections from the Landscape Code, which block out those sections that talk about trees. He also provided the Critical Areas Ordinance and particularly identified Section 20.80.030H, which talks about the removal of hazardous trees in accordance to the tree code. Section 20.80.045 describes the Ordinance's relationship to other regulations. He noted that Section 20.20.048 provides numerous definitions related to trees. He also informed the Commission that he attached letters that were received from the community regarding the tree regulations.

Commissioner Wagner thanked Mr. Cohen for providing a great overview of the current tree regulations. She noted that there is still not a definition for the terms "protected tree" and "critical drainage areas." In addition, the definitions are not necessarily inclusive of all the terms contained in the regulations. She suggested staff keep a running list of terms that need to be defined so the definitions can be standardized and the intent of each term can be made clear. Mr. Cohen said the tree regulations refer to "sensitive areas", but the correct term is "critical areas."

Commissioner Wagner asked if staff has any statistics for how many permits they receive each year for significant tree removal above and beyond six. She cautioned that they don't want to create a process that is too burdensome so they end up with a bunch of people in violation of the code. Mr. Cohen agreed to provide a report regarding the number of permit applications the City receives each year for hazardous tree removal, significant tree removal, and tree removal as part of development review. Staff could also provide data about how many enforcement calls they receive each year regarding trees.

Vice Chair Hall asked staff to identify the meeting dates at which the City Council and Planning Commission previously discussed tree regulations so that Commissioners and members of the public could download the applicable minutes from the City's website. Mr. Cohen said the City's website would be updated to provide information regarding the topic of tree regulations. The site would include the Planning Commission's schedule, comment letters, and a list of dates where the issue was discussed previously by the Commission and City Council.

Commissioner Perkowski referred to Sections 20.50.360.2.H and 20.50.360.2.I, which provide a lot of discretion as far as replacement of illegally removed trees. He asked staff to provide examples of what would be required if certain significant trees were removed. He also asked staff to provide additional

information to describe the penalties that would be imposed when significant trees are illegally removed.

Commissioner Pyle asked if the binder provided by staff includes the proposal that was submitted by the Innis Arden Club. He noted that the Citizens Tree Preservation Code Proposal was provided, but there was another proposal previously presented by Mr. Hollenrake that he didn't see in the binder. The Commission agreed this proposal should be part of the binder. Ms. Simulcik Smith pointed out that it was handed out to the Commission at its February 26th meeting and staff would make sure they got a copy for their binders.

PUBLIC COMMENT

Barbara Guthrie, Shoreline, thanked the Planning Department staff for their thoughtful review and suggestions for revamping Shoreline's tree code. It's going to be a difficult process, and she wants to make sure that the City's logo (a nice stand of conifers) is still relevant in the future. She suggested they need to develop and put in place a comprehensive tree code and some of the items that need to be included are:

- Establish a City goal to create and implement an urban forestry management plan.
- Create a separate chapter for the tree code to help with understanding and compliance for homeowners and builders alike.
- Establish a City policy goal of an overall healthy tree canopy of not less than 40% citywide.
- Amend the definition of a significant tree to be that of a tree six inches in diameter, and then require a permit to cut down any significant tree.
- Require that every significant tree that is cut be replaced according to an established system such as tree units.
- Establish stronger enforcement measures.

Ms. Guthrie suggested that because not all homeowners clearly understand the codes, the City should require tree service companies to be registered with the City in order to conduct business within the City limits. That way they would be aware of the City's tree ordinance and permit requirements. She also suggested that increasing public awareness about the value of trees in the urban environment would be an important component of compliance. She summarized that if the City is serious about doing something about the loss of their tree canopy, they need to develop a robust tree ordinance that will protect and enhance the tree canopy, require permits for tracking purposes, and require replacement of significant trees so we will have a no net loss of tree canopy.

Nancy Rust, Shoreline, said she is the chair of a committee that developed proposed changes to the City's tree ordinance. She is discouraged that staff did not forward their proposal to the Commission, and she reminded staff that the City Council directed them to send the proposal to the Planning Commission for their discussion and review. Mr. Cohen explained that the tree code proposal put forward by Ms. Rust's committee was part of the packet of information provided to the Commission for their February 26th meeting. He explained that staff would prepare a comparison of tree ordinances from different jurisdictions, and the proposal put forth by Ms. Rust's group would be part of that comparison.

Ms. Rust asked if the Commissioners receive public comment letters as soon as they are received by the City. Chair Kuboi answered that staff forwards public comments to the Commissioners as soon as they are received, and they have seen her committee's proposal. Ms. Rust summarized that the committee attempted to provide ideas for solving some of the problems associated with the City's current tree regulations. For example, the definition of a "significant tree" needs to be changed. She expressed her belief that property owners should be required to replace all significant trees so there is no net loss. She noted that Lake Forest Park requires permits for tree removal so they have a record of what trees have been removed. They also require property owners to replace all trees that are removed. She suggested the permit for removing one or two trees could be simple and not require a professional.

Ms. Rust said the committee is also recommending that a unit system be used for minimum retention standards. This would give a value to the trees depending on their diameter. It would be a way to encourage keeping mature trees rather than just counting them. She noted that while Bainbridge Island has an even more complicated system that is different for coniferous and deciduous trees, most jurisdictions treat all trees the same. She pointed out that some native trees do not reach the size that would classify them as "significant" based on the City's current tree regulation. She said she would also like the City to have stronger enforcement for their tree regulations. Perhaps they could make the bond period five years, which would be similar to other cities. She asked that the Commission consider their proposals and include their ideas in their final recommendation to the City Council.

Christine Southwood, Shoreline, said she moved to Shoreline in November of 2001 because she loves all trees and their associated wildlife. Since that time there have been a number of significant trees cut down with no replacement. In addition, there have been a number of smaller sized trees cut down so the overall impact is even greater. She provided two examples of beautiful significant trees that were cut down by new owners. One property owner removed an 80-foot Pine and a 50-foot Mountain Ash. Purple Finches and Cedar Waxwings used the Mountain Ash and a lot of birds of many species used the tall pine, including several Band-Tailed pigeons. Another property owner cut down a 70 to 80-foot pine tree and an 80-foot Lombardy Poplar, in addition to all of the smaller evergreens in the backyard. Now when it rains, the runoff goes right into the street gutters and creek. Before that, the trees caught most of the rain that made it through their branches to the ground. The pine tree was another habitat for the Band-Tailed Pigeons, and the Lombardy Poplar was often used by raccoons and finches.

Ms. Southwood suggested that if trees need to be cut down because of disease and/or incompatibility with power lines, sewer lines, or in some cases roofs, snags need to be left and new trees planted on the property to replace the carbon dioxide absorbing properties and stormwater retention that was lost when the significant trees were eliminated. She suggested that the tree regulations should also include a definition for "snag," and she provided a sample definition from the National Wildlife Foundation. She explained how snags can provide an important habitat for wildlife.

Ms. Southwood pointed out that as recent as two weeks ago, the City removed a large dead pine tree. It was cut to the ground and no snag was created. She expressed disappointment that an opportunity was missed. She noted there are a lot of snags in the Briarcrest area, and this year there have been a lot of new holes made. This is evidence that the birds are using the snags for nesting because trees are being eliminated. She said she does not want Shoreline to turn into another Ballard where all the tall trees are gone. She used to be able to see significant trees all around her property, but now there are two holes where they have been removed. Removal of significant trees changes the feel of Shoreline. She

emphasized the importance of educating people, perhaps via a flier in their garbage bills. She summarized the need to create snags, replace trees, and control the removal of trees.

PREPARE FOR JOINT MEETING WITH CITY COUNCIL

Mr. Cohn reminded the Commission that a joint City Council/Planning Commission meeting has been scheduled for April 13th at 6:00 p.m. He referred to a list of agenda topics identified by staff for possible discussion at the joint meeting and invited the Commission to share their ideas for possible agenda topics.

Vice Chair Hall felt that in addition to talking about the next steps for implementing the Vision, it would also be helpful to discuss how the Vision would flow into the future update of the Comprehensive Plan and Development Code. He said it is important for the City Council, Planning Commission and public to all have a clear understanding of how the Vision would move forward over the next few years.

Vice Chair Hall recalled Mr. Tovar's recent discussion about the potential for considering the light rail alignment on Aurora Avenue instead of along Interstate 5 and suggested this should be a topic of discussion. While they cannot make any decisions at this time, it will be a very important discussion for the community. He suggested it would be important to have an early discussion with the City Council, perhaps framed around their hopes and fears for light rail.

Vice Chair Hall said whatever changes are eventually adopted for the high school sites, the proposed amendments represent an exceptional example of the City being responsive to a very important constituent group. The speed at which staff responded to bring a code amendment proposal to the Commission represents a positive story to share with the City Council as they discuss the tradeoffs between trying to move quickly and taking their time to review proposals and changes.

Commissioner Broili asked staff to clarify what was meant by the statement "one size doesn't fit all parcels," as it relates to RB zones. Mr. Cohn pointed out that, at this time, RB zoning is located all along Aurora Avenue North. Staff previously discussed the idea of providing a map that shows more intensive development in a few locations along Aurora and perhaps less in other locations. In addition, he recalled that Mr. Tovar previously suggested the concept of dividing Aurora Avenue into seven discreet segments. He suggested that rather than having a "one size fits all" RB zoning ordinance, there is probably good reason to distinguish some of the RB areas as being appropriate for more intense development.

Commissioner Wagner recalled the significant amount of time the Commission spent looking at different areas of the City and considering different approaches for dealing with RB and other special zones. She suggested it would be valuable to develop a consistent process for addressing all of the RB and other specially zoned areas in the City and create a priority list for the order in which each area would be considered.

Commissioner Perkowski suggested that as the Commission and City Council discuss implementation of the Vision, they could start by reviewing the framework goals and identifying action steps and information needs for each one. Commissioner Wagner voiced concern about reviewing each of the framework goals at the joint meeting since time would be limited. Commissioner Perkowski suggested

that perhaps the discussion could be limited to just a few of the framework goals in order to be more efficient. Commissioner Broili suggested it might be more rewarding to go through the Vision Statement, itself, to identify the thinking behind the language. Mr. Cohn advised that while the Commission's final draft of the Vision Statement and framework goals have been posted on the City's website, the documents have not been specifically forwarded to the Council.

Vice Chair Hall pointed out that the City Council would conduct a public hearing on the Vision Statement and framework goals after the joint meeting on April 13th. Therefore, it would be beneficial to spend time at the joint meeting talking about the documents and describing how the Commission came up with the proposed language. He suggested that through the course of this conversation, each of the Commissioners would have opportunities to fold in some of the other issues of concern, without actually structuring the agenda that way. The staff and Commission concurred.

Commissioner Pyle pointed out that property taxes in Shoreline are quite a bit higher than many other jurisdictions that have a retail tax base to draw on. Vice Chair Hall suggested it would be valuable to review the Long-Range Financial Planning Committee's findings before they go into a discussion about improving the City's retail tax base. He cautioned that it is important to understand that most of the property taxes collected from residents of Shoreline do not go directly to the City. Most of the money goes towards the Fire District, School District, etc. Commissioner Pyle pointed out that property taxes are used to fund City operations, whether it is via the School District, Fire Department, etc. Many other jurisdictions receive more retail tax revenue to help augment these operating costs. Mr. Cohn pointed out that at least two of the framework goals talk about economic development in one form or another.

Chair Kuboi suggested the Commission identify the specific items they want to discuss at the joint meeting so the discussion does not stray into other less important issues. If the focus of the meeting is to provide background information to the City Council prior to their hearing, then a lot of the discussion should be guided by what they need to know. He suggested the Commission communicate to the City Council that they have a role to play in identifying what areas they want to know more information about. Mr. Cohn agreed to forward this request to the City Council. Each Commissioner was invited to choose a framework goal that is particularly important to them and prepare to share their comments regarding that goal at the joint meeting.

NEW BUSINESS

Election of Chair and Vice Chair

Ms. Simulcik Smith reminded the Commission that their Bylaws require them to elect a Chair and Vice Chair at their first regular public meeting in April. She opened the floor for nominations for Chair of the Planning Commission.

COMMISSIONER KUBOI NOMINATED COMMISSIONER HALL AS CHAIR OF THE PLANNING COMMISSION. THERE WERE NO OTHER NOMINATIONS SO NOMINATIONS WERE CLOSED. THE VOTE WAS UNANIMOUS IN SUPPORT OF COMMISSIONER HALL AS CHAIR.

Chair Hall thanked Commissioner Kuboi for his service as chair of the Planning Commission for the past year. He opened the floor for nominations for Vice-Chair of the Planning Commission.

COMMISSIONER BROILI NOMINATED COMMISSIONER WAGNER AS VICE CHAIR OF THE PLANNING COMMISSION. THERE WERE NO OTHER NOMINATIONS, SO NOMINATIONS WERE CLOSED. THE VOTE WAS UNANIMOUS IN SUPPORT OF COMMISSIONER WAGNER AS VICE CHAIR.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Pyle reported that because of time constraints, he recently resigned his role in the Southeast Neighborhoods Subarea Plan Citizen Advisory Committee. He reported that the group is moving along well, and they are starting to put some thoughts together. Mr. Cohn suggested the Commission appoint another liaison to attend the advisory committee meetings. He reminded the Commission that, at some point in the future, they would be asked to respond to the advisory committee's final report and participate in the process of adopting a subarea plan. Chair Hall suggested this item be placed on the next meeting agenda as "Old Business."

Chair Hall reminded the Commission that the Federal Government has passed the American Recovery and Reinvestment Act. He encouraged the Commissioners to share their ideas with the appropriate City staff for how Shoreline might benefit from any of these funding sources. He noted there is a lot of money available to local governments for alternative energy projects. He announced that he would attend a Puget Sound Regional Council coordination meeting on April 3rd to discuss this issue, and he is hoping to bring back ideas for what Shoreline can do to take advantage of this funding.

AGENDA FOR NEXT MEETING

Chair Hall reviewed that the agenda for April 16th includes public hearings on the proposed Development Code Amendment related to high school building heights and the proposed Point Wells Comprehensive Plan amendment. Because he would continue to recuse himself from deliberations related to Point Wells because he is an employee of Snohomish County, Vice Chair Wagner would chair the hearing.

The Commission discussed whether or not it would be necessary to conduct a meeting on July 9th. Because of the Commission's full agenda for 2009, Chair Hall suggested the meeting remain on the extended agenda, recognizing that it could be cancelled at a later date.

ADJOURNMENT

The meeting was adjourned at 9:00 P.M.

Sid Kuboi
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

DRAFT

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Planning Commission Meeting Date: April 16, 2009

**PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON**

APPLICATION NUMBER: 301561

AGENDA TITLE: Public Hearing on School Height Development Code Amendment

PRESENTED BY: Joseph W. Tovar, FAICP, Director PDS, *JWT*
Steven Szafran, AICP, Associate Planner *SS*

I. INTRODUCTION

At your next meeting you will hold a public hearing on the High School Height Development Code regulations. Staff discussed these with the Commission at the April 2 meeting.

II. BACKGROUND

The Shoreline School District is in the preliminary phase of site and building design for the renovation of Shorecrest High School and the complete rebuilding of Shorewood High School. Shorecrest High is in an R-6 zone (See Attachment 1), while Shorewood High's zoning is split between R-6 in the west and Industrial (I) and R-12 on its eastern portion (See Attachment 2). A high school in the R-6 and R-12 zones is a conditional use, while high schools in the Industrial zone are a permitted use.

The Shoreline School District has begun its process of public outreach and preliminary design work for the two public high schools in Shoreline; Shorecrest, located at 15343 25th Ave. N.E., and Shorewood, located at 17300 Fremont Avenue N. (See Attachments 1 and 2). After development of conceptual design elements, the next step will be schematic design development, prior to a bond issue anticipated in winter 2010. The bond issue approved in 2006 included funds for the design of both high schools.

In preliminary meetings with School District staff and project architects, City staff reviewed the existing zoning and permitting processes involved, which in both cases would be a Conditional Use Permit, an administrative review process. We also discussed the City's Environmental Sustainability Strategy. During those discussions, it became clear that the School District would like to build up to three story structures (similar to the existing Shoreline Historical Museum in height, but not necessarily in other ways). However, the existing R-6 zoning for Shorecrest, and most of Shorewood, would not allow that height (35 foot maximum). In addition, the customary height for a high school gymnasium ceiling or theater flyspace would need to be higher still.

In order to give the School District the flexibility to build high school buildings with a smaller footprint (Environmental Strategy Goal), the staff proposes to amend the height provisions of the R6 and I zones. We recommend that the allowed height for high

Agenda Item 7.a

school buildings in these zones be 50 feet, while the maximum height for gymnasium will be set at 55 feet and theater flyspaces set at 70 feet.

Staff believes that a 50 foot height for an institutional structure is appropriate, for example, the new (four story) City Hall presently under construction is 52 feet tall. The amount of building mass that would be above that height is limited to two uses: gymnasias and performing arts theatres. Further, the conditional use permit provides authority to direct that these taller elements be limited in extent and located further away from single family areas.

This proposal would apply to all high schools in Shoreline, both public and private. In addition to Shorewood and Shorecrest, there are two other high schools (See Attachments 3 and 4): King's (on the Crista campus) and Shoreline Christian School (K-12, located in Briarcrest).

III. CRITERIA FOR EVALUATING PROPOSAL

The City Council may approve or approve with modifications a proposal for the text of the Land Use Code if:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

STAFF ANALYSIS

The amendment is in accordance with the three decision criteria for the following reasons:

- Shoreline is identified in the introduction of the Comprehensive Plan as having strong neighborhoods with excellent schools and parks. It goes on to identify schools as being a major employer within the City of Shoreline. Second, community resources such as schools and libraries foster learning and educational development, and help make the City a better place.
- PR 16 states "Continue to develop and coordinate, with public and private school districts, the use of school facilities for park and recreational purposes after school hours in order to maximize the public benefit from existing resources".

By allowing high schools to be built taller, they will likely have smaller building footprints. That will encourage more area to be used for open and recreation space.

- The Comprehensive Plan also states that the school district can expand facilities as long as playfields and parking are not affected. Allowing additional height provides flexibility to the School District to reconstruct schools and maintain playfields and parking.

Agenda Item 7.a

- Since schools are a Conditional Use Permit in the residential zones, specific impacts of taller buildings can be mitigated by conditions assuring that higher buildings will not be a detriment to adjacent property owners.
- The City's Sustainability Strategy identifies objectives such as, "Decrease stormwater impacts through use of natural drainage techniques' and "Reduce impervious surfaces in new development". Encouraging high school to build taller will reduce the building coverage on-site making it more feasible to comply with the City's environmental goals. In addition, in terms of energy efficiency and life-cycle costs, it is less expensive to heat a building (with the same interior volume) that has several floors than one that is single-story and spread over a larger land area.
- The new Stormwater Manual encourages all redevelopment projects to look at low impact development techniques. One of the most basic ways of complying with LID requirements is to lessen the impervious surface on a site. Allowing high schools to develop taller buildings will in turn lessen the footprint making less impervious area.

IV. STAFF RECOMMENDATION

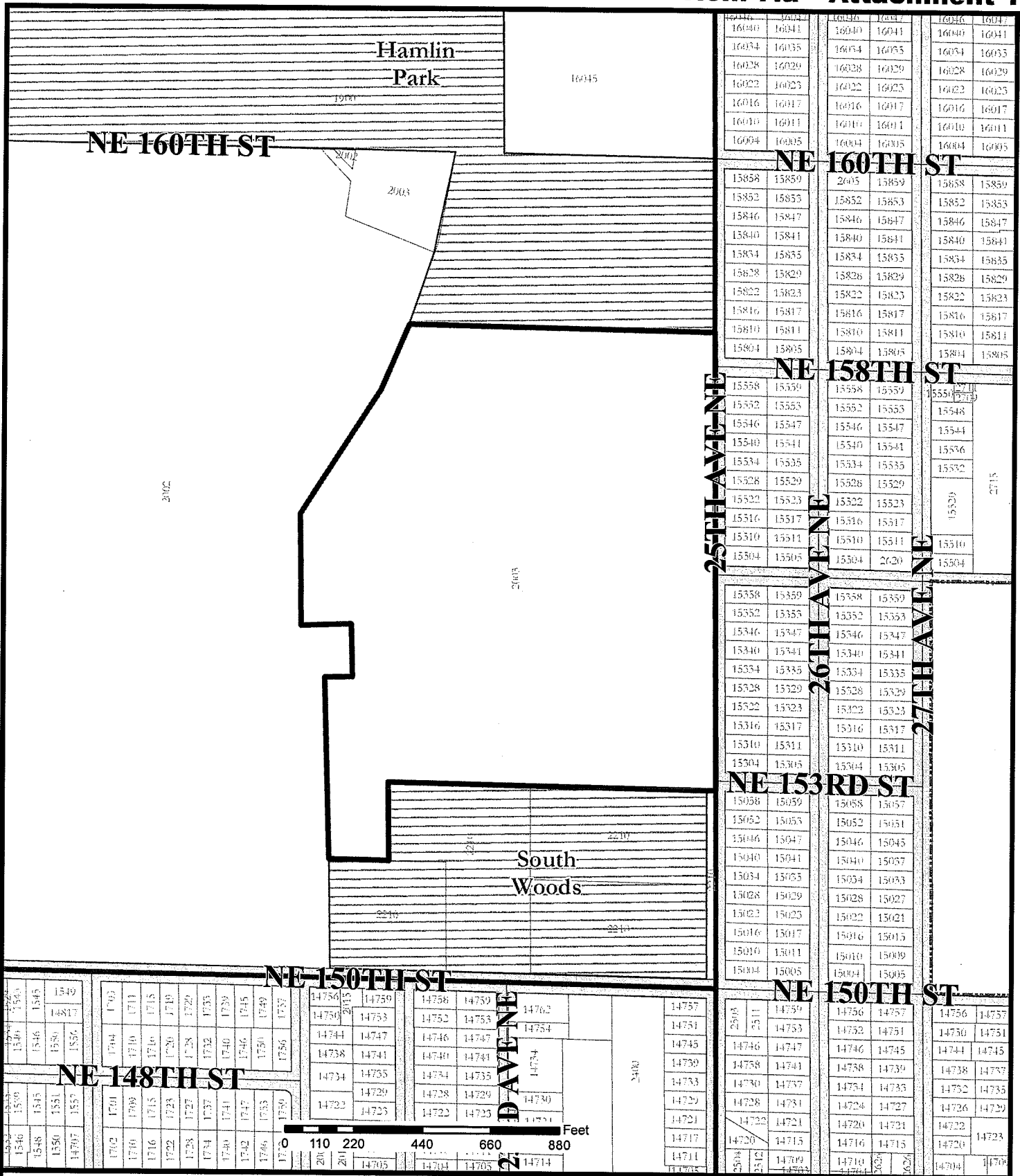
Staff concludes that this proposal merits approval because it meets the criteria listed in 20.30.350.

If you have questions prior to the meeting, please contact Steve Szafran at 206-801-2512 or email him at sszafran@shorelinewa.gov.

V. ATTACHMENTS

1. Map of Shorecrest High School and vicinity
2. Map of Shorewood High School and vicinity
3. Map of King's High School and vicinity
4. Map of Shoreline Christian School and vicinity
5. Proposed Ordinance modifying Tables 20.50.020(1) and 20.50.230
6. School District memo dated April 9, 2009

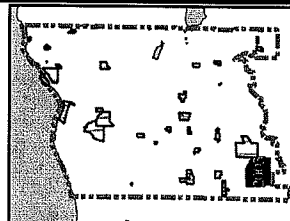
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Property Name:
SHORECREST HIGH SCHOOL
Address: 203 NE 160TH ST



- Tax Parcel selection
- Tax Parcel
- City Limit
- Right of Way



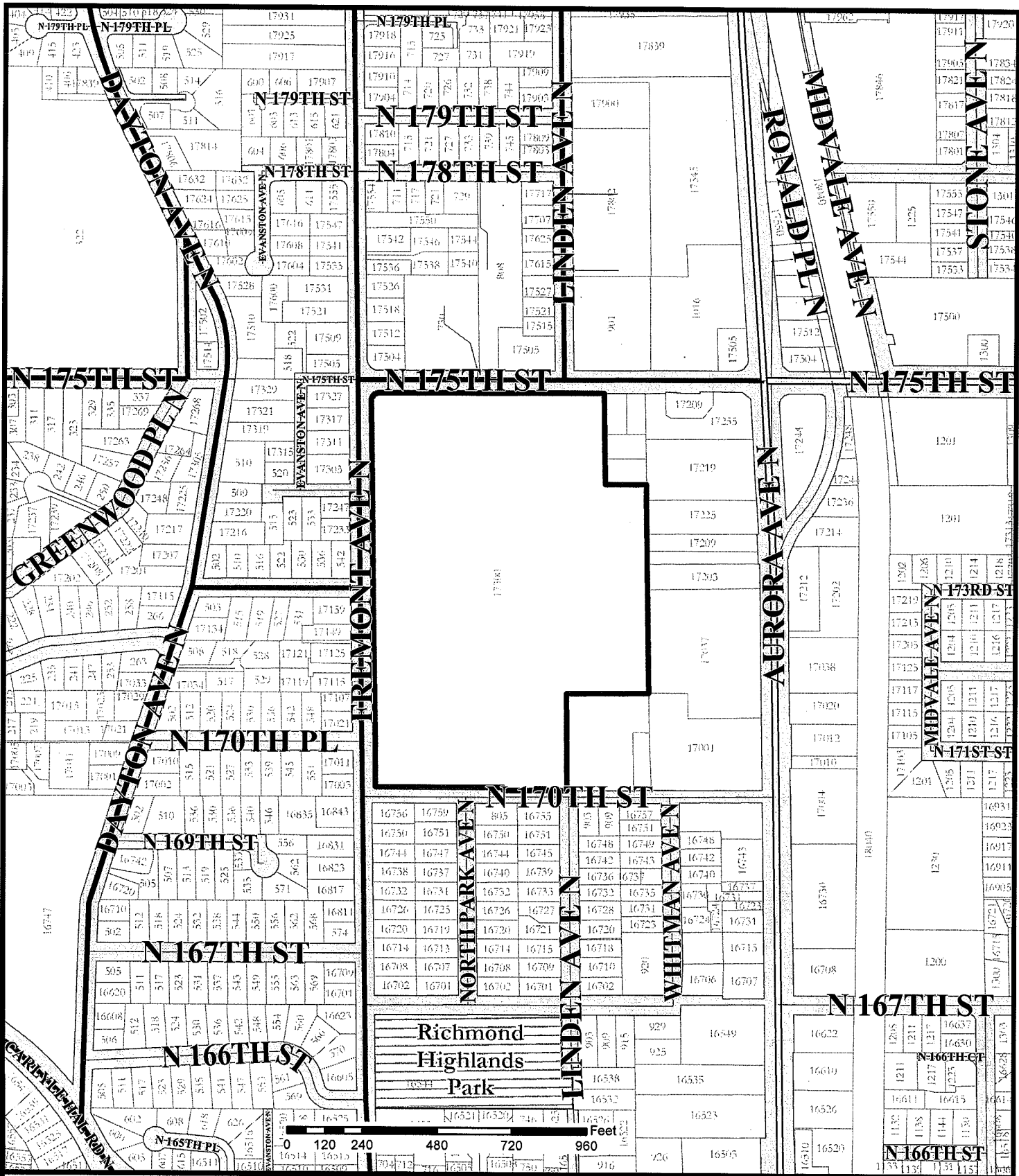
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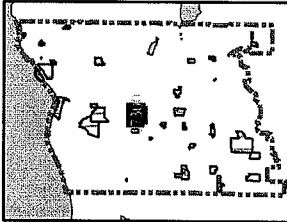
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Property Name:
SHOREWOOD HIGH SCHOOL
Address: 17300 FREMONT AVE N

-  Tax Parcel selection
-  Tax Parcel
-  City Limit
-  Right of Way



No warranties of any sort, including accuracy, fitness, or merchantability, accompany this map.

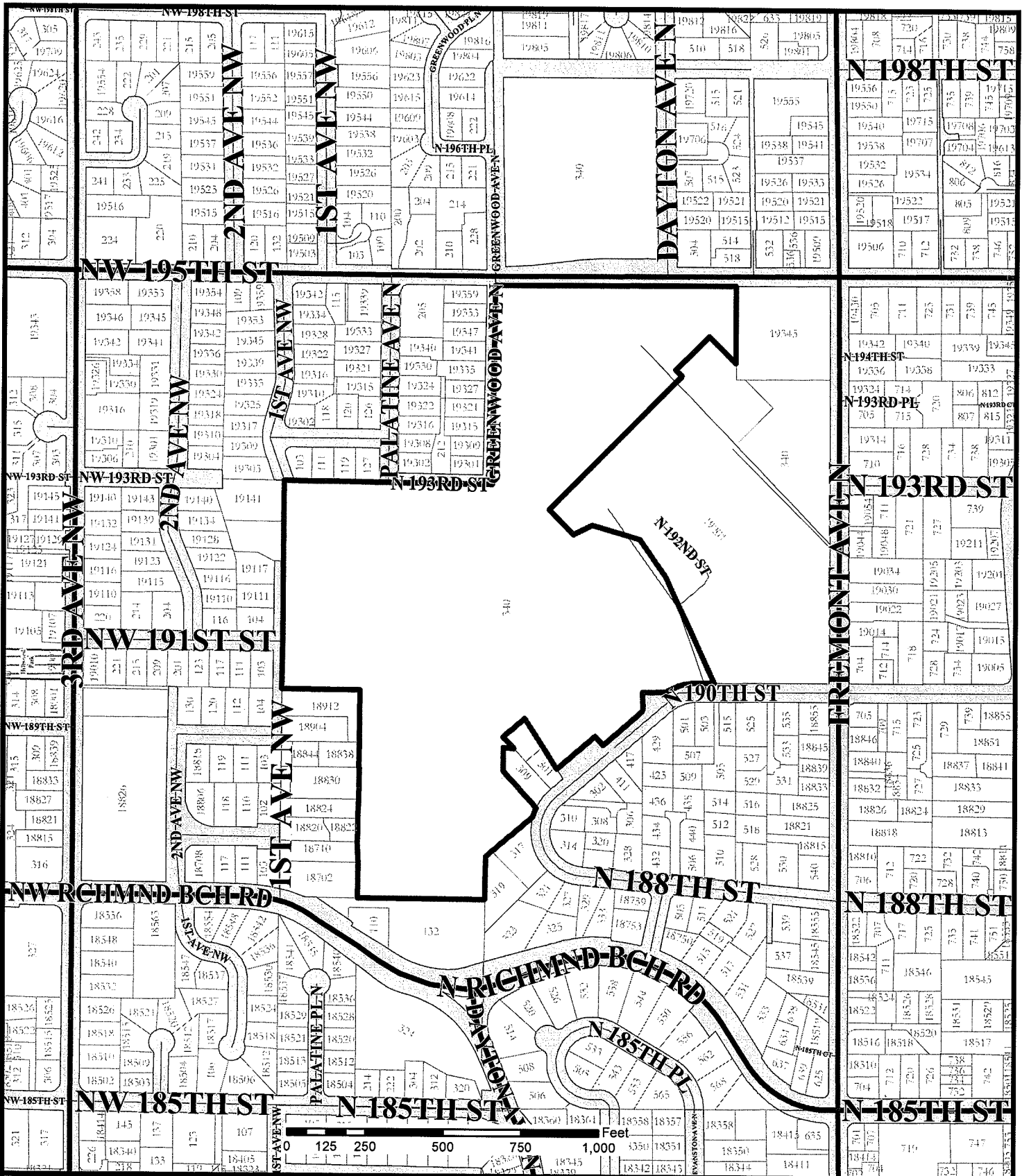


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Property Name:
KINGS HIGH SCHOOL
Address: 340 N 190TH ST

-  Tax Parcel selection
-  Tax Parcel
-  City Limit
-  Right of Way



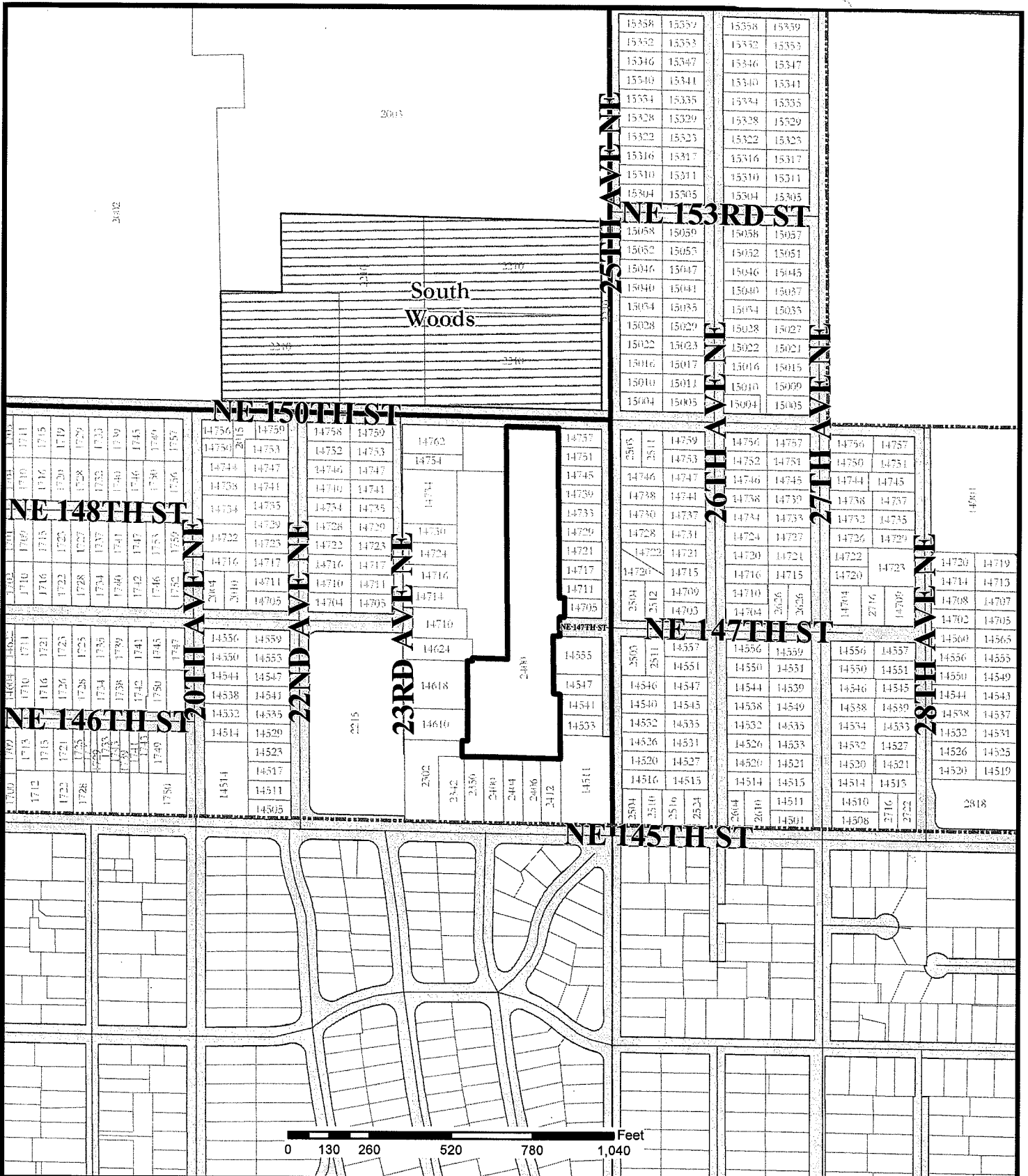
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

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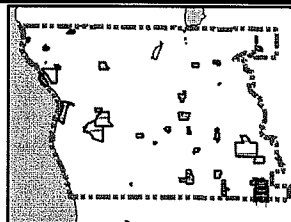
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Property Name:
SHORELINE CHRISTIAN SCHOOL
Address: 2400 NE 147TH ST

-  Tax Parcel selection
-  Tax Parcel
-  City Limit
-  Right of Way



No warranties of any sort, including accuracy, fitness, or merchantability, accompany this map.



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ORDINANCE NO. 536

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING THE PERMITTED HEIGHT FOR HIGH SCHOOLS; AND AMENDING SMC TABLE 20.50.020(1) AND TABLE 20.50.230.

WHEREAS, the Shoreline School has raised concerns with Development Code height restriction for high schools during the design two new high school renovation projects; and

WHEREAS, the current building height limit may limit the programmatic needs of the District on the parcels selected by the District in locations determined to best serve its student populations, especially athletics and theatre programs; and

WHEREAS, the Planning Commission _____

WHEREAS, a Determination of Non Significance was issued for this proposed ordinance on _____; now therefore,

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

Section 1. Amendment. Th following exceptions are added to Table SMC 20.50.020(1) and Table 20.50.230 and the Exceptions subsection to these sections are amended as follows:

- A. Exceptions to Table 20.50.020(1):
 - ...
 - (9) Base Height for High Schools in all zoning districts except R-4 is 50 ft. with 55 ft for gymnasium and 70 feet for theatre flyspace structures.

- B. Exceptions to Table 20.50.230:
 - ...
 - (5) Except as further restricted by SMC Table 20.50.020(2), Exception (2), the following structures may be erected above the height limits in all zones:
 - a. Roof structures housing or screening elevators, stairways, tanks, ventilating fan, or similar equipment required for building operation and maintenance, fire or parapet walls, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 15 feet above the height limit of the district, whether such structure is attached or freestanding;

Item 7.a - Attachment 5

b. Steeples, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the height limit of the district.

c. High Schools may be constructed to a base height of 50 ft. with 55 ft. for gymnasium and 70 feet for theatre fly space structures in all zoning districts except R-4.

Section 3. Publication; Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and the ordinance shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL ON _____, 2009

Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of publication: _____, 2009
Effective date: _____, 2009



Board of Directors
Deborah Ehrlichman
David Wilson
Mike Jacobs
Maren Norton
Richard Potter
Sue Walker
Superintendent
Secretary to the Board

April 9, 2009

Shoreline Planning Commission
17544 Midvale Ave N
Shoreline, WA 98133-4921

Re: High School Building Height Development Code Amendment

Dear Commissioners:

The Shoreline School District respectfully asks the Shoreline Planning Commission to recommend approval of the High School Building Height Development Code Amendment (“Amendment”). The Amendment will allow the proposed Shorewood and Shorecrest high school projects to be 50 feet in height, with 55 feet allowed for gymnasias, and 70 feet allowed for theater flyspaces.

The Amendment successfully addresses the educational needs of the District’s students and furthers the City’s environmental objectives. The Development Code’s conditional use criteria will ensure that buildings are sited and designed for compatibility with surrounding neighborhoods.

Educational Needs of the District’s Students

Fifty years ago, one-story sprawling high school campuses, often with multiple buildings, constituted the educational norm. Since that time, this design paradigm has become outdated. Under current conditions, educators have found that more compact, multi-level high school structures provide students with significantly greater educational sense of community, cohesiveness and security. A three-story building with a 50 foot height limit will result in a substantially improved educational environment for the District’s students.

By the same token, the current 30 foot height limit in the R6 zone is insufficient for a school gymnasium, which requires 55 feet, and theatrical flyspaces, which require 70 feet. The current Shorecrest High School theater flyspace is 68 feet and the district’s design plans include continuing to use this theater (built in 1986) with minor modifications as part of the Shorecrest modernization project.

Planning for the new Shorewood High School includes a goal of constructing a comparable theater for use by west side students and the community. It is important to know that a high school theater fly loft and the gymnasiums comprise a very small percentage of the entire high school’s footprint.

Administrative Offices, 18560 1st Ave NE, Shoreline, WA 98155-2148, Office (206) 361-4366, Fax (206) 361-4204

Environmental Objectives

A three-story high school building will occupy less land than a one-story structure. A one-story structure, with a considerably larger footprint is an inefficient use of scarce land resources, increases impervious surfaces, reduces open space and increases energy usage.

Conditional Use Permit Criteria Ensure Compatibility

The City requires that high schools obtain a conditional use permit, the purpose of which is “to ensure compatibility with nearby land uses.” SMC 20.30.300. Before such a permit may be approved, the applicant must demonstrate, among other things, that the use is designed in a manner compatible with the character and appearance of neighboring property. The City is authorized to impose conditions on such permits to ensure compatibility. Conditions can include matters relating to the location, size and height of buildings.

Accordingly, the City’s conditional use permit criteria and processes will ensure that proposed high school projects are designed in a way to minimize impacts on surrounding neighborhoods and to maximize compatibility with those neighborhoods.

The School District appreciates the Planning Commission’s consideration of the Amendment.

Sincerely,

Marcia Harris
Deputy Superintendent

cc: Joe Tovar, Planning Director
Doug Nichols, CSG

Planning Commission Meeting Date: April 16, 2009

**PLANNING COMMISSION PUBLIC HEARING
CITY OF SHORELINE, WASHINGTON**

AGENDA TITLE: Public Hearing on Point Wells Comprehensive Plan Amendment

PRESENTED BY: Joseph W. Tovar, FAICP, Director PDS
Steven M. Cohn, Senior Planner

JWT
SMC

I. INTRODUCTION

At its April 16, 2009 meeting, the Commission will hold the first of several public hearings to take public testimony on a proposed comprehensive amendment (CPA) to the City of Shoreline Comprehensive Plan concerning the Point Wells unincorporated area of Snohomish County, which lies immediately north of the City's Richmond Beach Neighborhood.

The proposed CPA would replace the prior terminology of "Potential Annexation Area" (PAA) with "Future Service and Annexation Area" (FSA) and amend the City's Future Land Use Map to delete the prior PAA designation and designate the lowland portion of the Point Wells area as the "Point Wells Service and Future Annexation Area." In addition, the CPA proposes text for a new "Point Wells Subarea Plan" to describe the City's interests, concerns, and intent with respect to land use, transportation, service delivery, and intergovernmental coordination, and to describe a future public process to engage all affected and interested parties in the preparation of detailed pre-annexation land use regulations.

One of the major issues remaining to be addressed with the proposed CPA is the issuance of a State Environmental Policy Act (SEPA) document describing the likely environmental consequences of the proposed action, with particular focus on transportation impacts. While the City staff has reviewed earlier information on this subject prepared by Snohomish County for its concurrent Plan Amendment Process for Point Wells, we do not believe that it accurate or sufficiently describes the likely traffic consequences of either the City's or the County's Plan proposals. We therefore are preparing our own transportation analysis as part of the SEPA compliance for this action and will make it available to the Commission and public prior to your next public hearing on this matter.

II. BACKGROUND

Shoreline's Comprehensive Plan, first adopted in 1998, now includes only three references to future development of the Point Wells area:

1. The Comprehensive Plan Map which designates the Point Wells area as appropriate for Mixed Use.
2. LU-17, which states that "the mixed use" designation applies to a number of stable or developing areas and to the potential annexation area at Point Wells.
3. Discussion in the Introduction which describes Point Wells as a "Potential Annexation Area".

In addition, there are a number of citywide maps throughout the Comprehensive Plan that refer to Point Wells as a "potential annexation area".

The three Plan references that would be deleted and replaced are in Attachment A.

CHRONOLOGGY OF THE CITY'S PROPOSED COMPREHENSIVE PLAN AMENDMENT

In late 2007, local media described a request by Paramount Northwest, Inc. for Snohomish County to docket consideration of its request to designate its property at Point Wells as an "Urban Center." While original reports were that up to 1400 dwelling units would be allowed under the requested designation, the docketed request and the County's Draft Supplemental Environmental Impact Statement (DSEIS) would allow up to 3500 housing units and 100,000 square feet of commercial use. The County's DSEIS was released in February of 2009.

The City staff has been monitoring the County's process since 2007, meeting with County staff, providing written comment several times, and keeping the Shoreline City Council updated on the matter. The Council expressed its concern about the County proposal by sending Councilman Ron Hansen to deliver remarks at the February 24, 2009 public hearing by the Snohomish County Planning Commission. Mr. Hansen stated that the City opposes the "Urban Center" designation, that the impacts to the City of Shoreline and its Richmond Beach neighborhood would be problematic, and that the City would be submitting detailed comments on the DSEIS before the deadline. He also requested that the County Planning Commission read all of the comment letters on the DSEIS prior to making a recommendation to the Snohomish County Council.

The County Planning Commission met again on March 3 to consider the testimony it heard at the public hearing. The Commissioners voted 5-3 to recommend approval to change the designation to Urban Center; however, their own rules require 6 votes to recommend approval. Therefore, their action will result in "no recommendation" going to the County Council regarding the proposal. The Snohomish County staff has informed City staff that the entire record, including the minutes of the County Planning Commission meetings, will be sent to the County Council, which is expected to hold an additional hearing in late May or early June and then vote on the proposal.

A summary of the "Urban Center" request by Paramount Northwest, Inc., Snohomish County's process, and the written comments submitted by the City of Shoreline, the Town of Woodway, the Shoreline Fire District and the Shoreline Police Department, are posted on the City's website at <http://www.shorelinewa.gov/index.aspx?page=176>.

At its February 23, 2009 meeting, the City Council adopted the City's Planning Work Program for 2009. See Attachment B. The City Council directed the staff to prepare an amendment to the City's Comprehensive Plan to reiterate the City's interest in annexing Point Wells, clarify concerns about potential impacts and methods to mitigate them, and provide a public process for determining the appropriate mix and magnitude of land uses at Point Wells. The City staff subsequently prepared the proposed CPA. See Attachment C.

OVERVIEW OF CITY OF SHORELINE PROPOSED CPA FOR POINT WELLS

The proposed Subarea Plan text provides the following direction:

- Clarifies that the City of Shoreline interest in annexation applies only to the lowland portion (approximately 61 acres), which can only be accessed via Shoreline streets, and does not include the upland portion (approximately 40 acres), which cannot be accessed via Shoreline streets.
- Points out that the Washington State Court of Appeals in 2004 ruled that the Growth Management Act does not prohibit both the City of Shoreline and the Town of Woodway from declaring the same unincorporated area as a proposed future service and annexation area.
- Notes that neither Snohomish County, nor the Town of Woodway, deliver police, fire or other urban services to the Point Wells unincorporated area.
- Points out that both the Shoreline Fire Department, Shoreline Police Department and King County Sheriff's Office have stated they will not provide urban level of service to a project in unincorporated Snohomish County.
- States Shoreline's opposition to an Urban Center designation for Point Wells in the Snohomish County Comprehensive Plan.
- Notes that the future configuration and operation of Richmond Beach Road is a major issue and that safety and traffic impacts will need to be analyzed and appropriate measures identified to mitigate traffic impacts of any redevelopment of the Point Wells site.
- Supports a mixed-use redevelopment of the site at an appropriate scale and with appropriate design controls.
- Calls for the preparation of a pre-annexation zoning ordinance to implement the Point Wells Subarea Plan. The pre-annexation zoning ordinance would establish specific legal limits on such issues as maximum building heights, commercial floor area, the number of dwelling units, building and site development standards, and a design review process.

III. CRITERIA FOR EVALUATING THE CITY'S POINT WELLS CPA

A. Shoreline Municipal Code Criteria for Amending the City's Comprehensive Plan

The staff believes that that the CPA merits approval according to criteria of the Shoreline Municipal Code at Sec. 20.30.340 (Amendment and review of the Comprehensive Plan) as described below:

The Planning Commission may recommend, and the City Council may approve, or approve with modifications an amendment to approve with modifications an amendment to the Comprehensive Plan if:

1. The amendment is consistent with the Growth Management Act and not inconsistent with Countywide Planning Policies and the other provisions of the Comprehensive Plan and City policies; or

a. The Growth Management Act encourages development at urban densities in areas that have urban services. Specifically, RCW 36.70A.020(1) states: "Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner."

The City's proposed CPA would meet this GMA goal by providing for urban densities (albeit at a lesser magnitude than would Snohomish County) on the portion of the site which is physically connected to Shoreline, and thus can be provided in an efficient manner. Because urban level services can be provided to the site by the City of Shoreline and its public safety partners Shoreline Fire Department and Shoreline Police Department, the proposed CPA is consistent with this GMA goal.

b. The CPA is not inconsistent with the relevant Countywide Planning Policies, which is to say the King County Countywide Planning Policies. The CPA is not subject to the Snohomish Countywide Planning Policies because the City of Shoreline is not a city "within the county" as that term is used in RCW 36.70A.210.

Snohomish County staff has stated its position that the County cannot support a cross-county annexation at Point Wells. In prior conversations, County staff related that the experiences with the City of Bothell cross-county annexation have been problematic, and described its past opposition to a proposal by the City of Woodinville to annex land across the county line.

However, the circumstances at Point Wells (a finite sized unincorporated island that is not adjacent to any other land that the County has ongoing responsibility to serve) are very different from the circumstances that gave rise to the County policies opposing cross-county annexations (very large rural and urban areas surrounding Bothell and Woodinville for which Snohomish County would have continuing

responsibility to serve with local government services and infrastructure). Thus, while the County staff has articulated a formal position opposing the cross-county annexation of Point Wells, it has not pointed to any actual impacts or County interests that would be harmed by the annexation. For example, the County portion of the property tax would be unchanged by the annexation of Point Wells.

2. The amendment addresses changing circumstances, changing community values, incorporates a subarea plan consistent with the Comprehensive Plan vision, or corrects information contained in the Comprehensive Plan; or

The Point Wells CPA incorporates a subarea plan consistent with the Comprehensive Plan Vision of appropriate mixed use development that should be served by the City of Shoreline via annexation. It is also needed in order to address the community values that future impacts from development at Point Wells be appropriately scaled and mitigated. Further, the threat of an out-of-scale and insufficiently mitigated project in unincorporated Snohomish County with a lack of urban services, is a changed circumstance warranting this amendment to Shoreline's Plan.

3. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare

The existing plan simply denotes the site as "mixed use", but does not provide an upper limit for development, nor identify specific mitigating measures, or include specific design guidance for future development of the Point Wells site. In defining and addressing these points, the City's proposed amendment will help articulate and protect the health, safety and general welfare of the Shoreline community.

B. SEPA information

Documents that comprise the City's environmental review will include those portions of the Snohomish County Draft and Final Supplemental EIS (FSEIS) documents with which the City agrees as to accuracy and relevance, supplemented with additional information still being prepared by City staff and consultants.. Prominent among the supplemental material will be a transportation analysis that will summarize the impacts on area road segments and intersections. For purposes of comparison, the transportation impact analysis will show several different sets of assumptions. For example, one scenario might assume the 1100 dwelling units that Woodway advocated to Snohomish County, another the 3500 maximum shown in the County's DSEIS, and several increments between those extremes.

IV. STAFF RECOMMENDATION

The staff recommends that the Planning Commission proceed with its first public hearing on April 16, 2009 to hear testimony from the public on the amendment. This will be an opportunity for the staff to explain the proposed CPA to the Planning Commission and public in attendance, as well as a preliminary opportunity for the Commission to ask questions of clarification or to identify other information they would like to have brought back to them in advance of the next public hearing.

Because we will not have the environmental documents ready until sometime in the coming month(s), the staff proposes that at the conclusion of the April 16 hearing, the Planning Commission close the hearing. When we have the SEPA information in hand, we will give notice for the second public hearing, giving sufficient lead time for all interested parties to review that SEPA information before the second hearing.

Therefore, the Commission will not be asked to reach conclusions or make recommendations on the amendment until the close of the subsequent public hearing(s). If you have questions about the proposed amendment or the schedule, please contact Steve Cohn at 206-801-2511 or scohn@shorelinewa.gov

V. ATTACHMENTS

- A. Existing City of Shoreline Comprehensive Plan Map and text regarding Point Wells
- B. Adopted City of Shoreline Planning Work Program
- C. Proposed Comprehensive Plan Amendment for Point Wells including Subarea Plan and Map
- D. City webpage information regarding Point Wells

Comprehensive Plan References to Development at Point Wells to be changed by the Proposed Amendment

The Point Wells Subarea Plan would be incorporated into Shoreline's Comprehensive Plan. In addition,

1. Comprehensive Plan Map would delete reference to Point Wells as appropriate for "mixed-use" designation
2. Policy LU-17 would be modified as follows:
"The Mixed Use designation applies to a number of stable or developing areas ~~and to the potential annexation area at Point Wells~~. This designation is intended....
3. On page 22 of the Introduction, the heading "Potential Future annexation Area – Point Wells" would be deleted.

SHORELINE

Geographic Information System

COMPREHENSIVE PLAN

Representation of Official Comprehensive Land Use Map Adopted By City Ordinance No. 292.

Shows amendments through January 13, 2009.

Comprehensive Plan Land Use Designations

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- Community Business
- Regional Business
- Public Facilities
- Campus
- Special Study Area
- Ballinger Special Study Area
- Briarcrest Special Study Area
- North City Business District
- Paramount Special Study Area
- Private Open Space
- Public Open Space

Other Map Features

- Open Water
- City Boundary
- Unclassified Right of Way
- Outside Shoreline
- Interstate
- Principal Arterial
- Minor Arterial
- Collector Arterial
- Neighborhood Collector
- Local Street

1 inch equals 2,000 feet

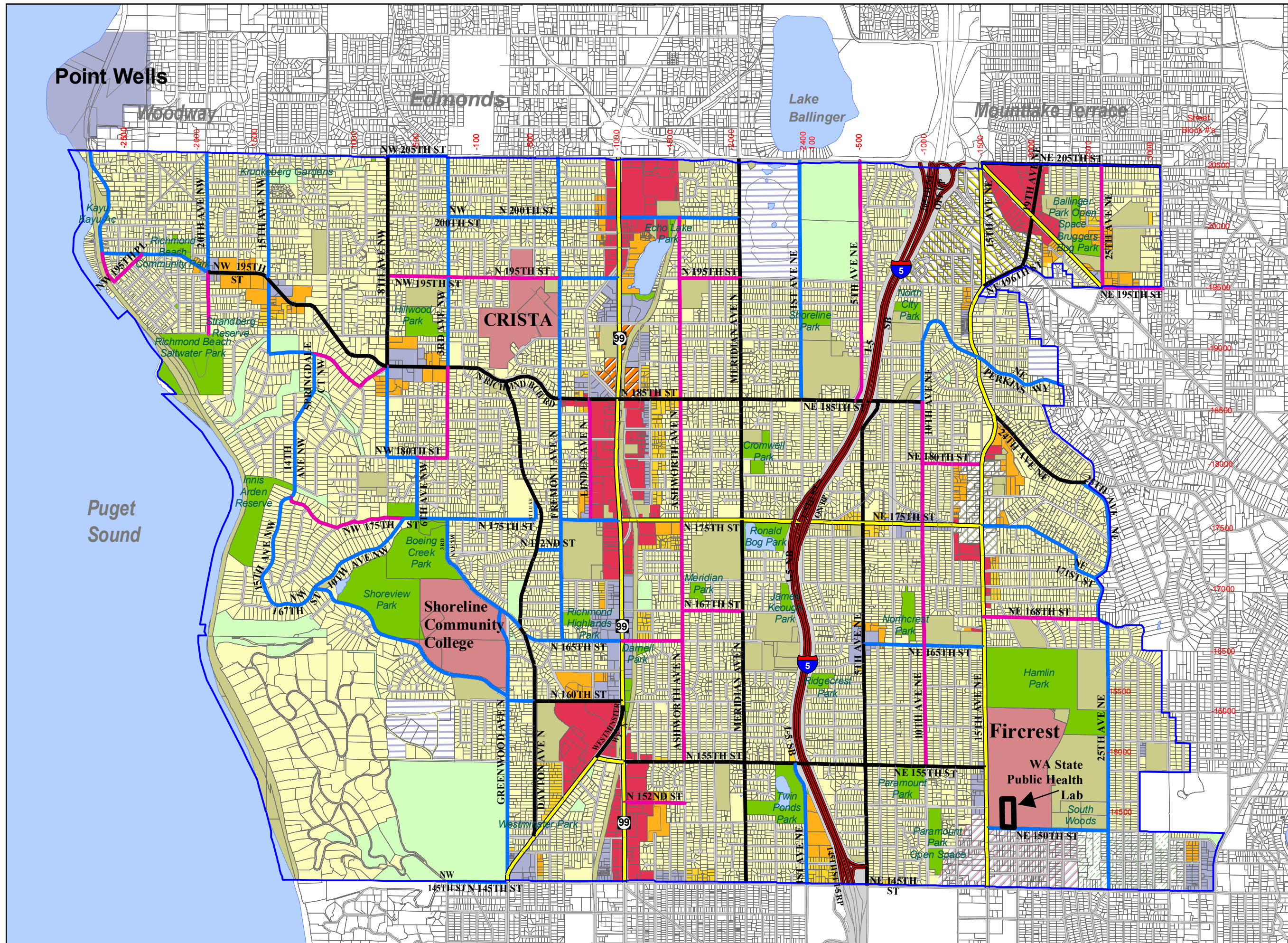


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1/13/2009



2009 Planning Work Program

Legend	Commission Role	X	Staff Role	X	Council Adoption
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Revised 2/23/09

2009 →

← 2010

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
Item 1 Visioning Process														
Planning Commission Meetings	X	X	X											
PC Subcommittee Meetings		X	X											
Joint PC/CC Meetings			X	X										
Item 2 Design Review														
PC Subcommittee Meetings								X						
PC Meetings								X	X	X	X	X	X	
CC Meetings									X	X		X		X
Item 3 Development Code Amendments														
Amendment Package #301543		X	X	X										
CPA Regs in Development Code			X	X	X									
Tree Regulations		X	X	X	X	X	X	X	X					
Item 4 Permanent Development Regs and Plan Amendments for RB Zone														
Staff analysis and recommendation						X	X	X						
PC Review							X	X						
Council Adoption									X					
Item 5 Check in points for two other Major Plans														
Transportation Master Plan Update			X											
Shoreline Master Program (regular updates)					X	X			X				X	
Item 6 Point Wells														
Snohomish County EIS Update				X	X									
Potential City Comp Plan and Development Code Amendments		X	X	X	X									
Item 7 Town Center Subarea Plan														
Staff and consultants conduct community outreach								X	X	X	X			
Staff prepares Plan & Code Amendments for Central Shoreline										X	X			
Plan & Code amendments heard by Planning Commission											X	X	X	
Council adopts Plan and Code Amendments														X
Item 8 SE Neighborhoods Plan and Zoning update														
Staff develops background info/CAC develops Subarea Plan	X	X	X	X	X	X								
Open House					X									
Planning Commission reviews Subarea Plan						X	X							
Council Adopts Subarea Plan										X				
Item 9 Master Development Plan for Crista Campus														
Submit for permit		X	X											
Staff review			X	X										
PC Review					X	X								
CC Adoption							X	X						
Item 10 Master Development Plan Public Health Lab														
Submit for permit					X	X								
Staff review						X	X							
PC Review							X	X						
CC Adoption									X	X				
Item 11 Master Development Plan for Shoreline CC														
Submit for permit							X	X						
Staff review							X	X						
PC Review									X	X				
CC Adoption											X	X		

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Point Wells Subarea Plan

Point Wells is an unincorporated island of approximately 100 acres in the southwesternmost corner of Snohomish County, bordered on the west by Puget Sound, on the east by the Town of Woodway (shown in yellow on Fig. 1), and on the south by the town of Woodway and the City of Shoreline (shown in blue on Fig. 1). The island is bisected roughly north-south by the Burlington Northern Railroad (B.N.R.R.) right-of-way.

The lowland portion of this island (shown in purple on Fig. 1) is approximately 61 acres in size. The only vehicular access to the lowland portion is to Richmond Beach Road and the regional road network via the City of Shoreline. There is a small segment of Richmond Beach Road within the corporate limits of the Town of Woodway, however, that segment does not connect to any other public road in Woodway.

The upland portion of the Point Wells Island (shown in white on Fig. 1) is approximately 40 acres in size. The upland does not have access to Richmond Beach Road due to very steep environmentally sensitive slopes that separate the upland portion from the lowland portion. However, the upland portion does have potential easterly access through the Town of Woodway via 238th St. SW.

All of the Point Wells Island was previously designated by the City of Shoreline as a "Potential Annexation Area" (PAA). The Town of Woodway, and Snohomish County, have previously identified all of the Point Wells unincorporated island as within the Woodway "Municipal Urban Growth Area" (MUGA). The Washington State Court of Appeals, in a 2004 decision, determined that the overlap of Shoreline's PAA and Woodway's MUGA does not violate the provisions of the Growth Management Act.

Upon a review of the topography and access options for Point Wells documented in the Draft Supplemental Environmental Impact Statement issued by Snohomish County in 2009, the City of Shoreline no longer wishes to include the upland portion of this unincorporated island within its designated urban growth area. Because of the upland portion's geographic proximity and potential for direct vehicular access to the Town of Woodway, the City of Shoreline concludes that the upland portion should be exclusively within the Town of Woodway's future urban growth area. Any people living in future developments in the upland portion of the Point Wells Island would feel a part of the Woodway community because they would share parks, schools, and other associations facilitated by a shared street grid.

Applying the same rationale to the lowland portion of the Point Wells Island, the City of Shoreline wishes to reiterate and clarify its policies. These lands all presently connect to the regional road network only via Richmond Beach Road in the City of Shoreline. Any enhanced governmental services to future redevelopment of this area could only be provided by the City of Shoreline and its public safety partners, the Shoreline Fire Department and Shoreline Police Department. Neither Snohomish County nor the Town of Woodway now provide vehicular access, police, fire, emergency medical services, parks, code compliance, or sewer service to the lowland areas, nor have they indicated their ability to provide such urban services or facilities in the future.

The City of Shoreline therefore opposes the designation by Snohomish County of Point Wells as an “Urban Center.” Consistent with this policy, the City will not issue street cut, right-of-way or any other permits to any general or special purpose local government to increase the capacity of sewer lines to unincorporated urban development north of the city limits. This fact, together with the statements by the Shoreline Police Department and Shoreline Fire Department that they will not provide urban governmental services to more intensive development outside the Shoreline city limits, constrains more intensive land use at Point Wells. Snohomish County has not identified other police, fire or emergency medical resources to meet the public safety demands of an “Urban Center.” Therefore, the designation of Point Wells as an Urban Center would not comply with Goal 1 of the Growth Management Act which states “Encourage development in urban areas where adequate public facilities exist or can be provided in an efficient manner.”

The City no longer wishes to use the term “Potential Annexation Area” to describe its interests in lands north of the county line. Instead, the City now designates the Lowland Portion of the Point Wells Island shown on Figure 1 as the City of Shoreline’s proposed future service and annexation area. At such future time that the lowland portion of the Point Wells Island annexes to the City of Shoreline, the necessary public services and facilities would be provided, including police from the Shoreline police department and emergency medical services and fire protection from the Shoreline Fire Department. In addition, the City would be responsible for development permit processing, code enforcement, parks, recreation and cultural services, and public works roads maintenance. Future residents of the lowland portion of Point Wells would become a part of the Richmond Beach community by virtue of the shared parks, schools, libraries, shopping districts and road grid. As citizens of the City of Shoreline, they would be able to participate in the civic life of this “community of shared interests,” including the City’s Parks Board, Library Board, Planning Commission, or other advisory committees, and City Council.

The future geometry and operation of Richmond Beach Road to Point Wells is a major issue for the City. The City wishes to improve safety for local resident traffic as well as pedestrians and will identify appropriate measures to mitigate the traffic impacts of any future development at Point Wells, including but not limited to improvements to road segments and intersections. Any specific development projects will be subject to environmental review, a part of which will identify specific required developer-funded improvements to the City’s road network and other infrastructure.

While an Urban Center of up to 3,500 dwelling units would be too large in magnitude for Point Wells, the City continues to support an urban designation with a broad mix of land uses. The maximum number of dwelling units, building heights, and allowable floor area should be determined by a pre-annexation zoning ordinance. As a matter of policy, the City supports residential, retail, restaurant, office, service and recreational uses.

The City strongly supports design review and design guidelines to promote sustainability, walkability, human scale, and a public realm along Puget Sound that takes advantage of the sweeping regional views. A public access trail should be provided and appropriate signage installed along the entire Puget Sound shoreline and secured with an appropriate public access easement document. Bicycle and pedestrian linkages should be made to both the Richmond Beach Neighborhood and the Town of Woodway.

The pre-annexation zoning ordinance for Point Wells should specify that building size, design, and placement will be evaluated and approved pursuant to an adopted Master Development Plan. The Shoreline Planning Commission should conduct public hearings on the proposed pre-annexation zoning document and provide a recommendation to the Shoreline City Council.

Interjurisdictional Coordination

The City should work with the Town of Woodway to identify ways in which potential future development in the lowland portion of Point Wells could be configured or mitigated to reduce potential impacts on Woodway. The Town should be invited to consult with the City on the preparation of the City's pre-annexation zoning document.

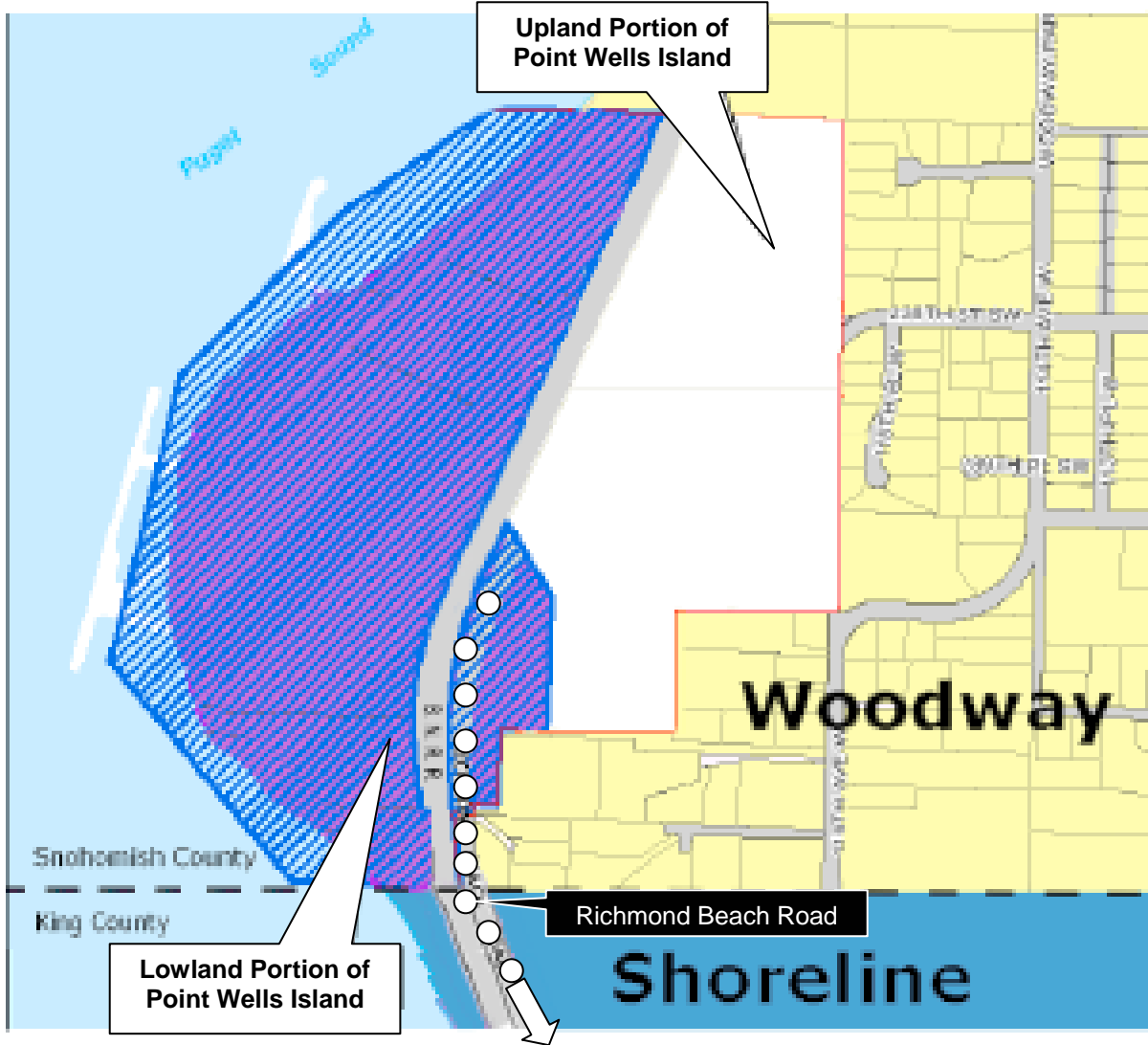


Fig. 1 - Point Wells Unincorporated Island

Point Wells

Next Meeting:

Public Hearing on Shoreline's Comprehensive Plan Subarea Amendment - at Planning Commission
Thursday, April 16, 7:30 p.m.
Mt. Rainier Room, Shoreline Conference Center

The Commission will hold a public hearing on the proposed amendment and forward a recommendation to the City Council for adoption.

Overview & History

The Point Wells property is approximately a 100 acre site, with 61 acres currently planned for urban industrial use. It is located in the southwest corner of Snohomish County adjacent to the City of Shoreline's northwest border in the Richmond Beach neighborhood. Though the only current access to Point Wells is through Shoreline, the site itself is in unincorporated Snohomish County.

In mid-2007, the current owner of the property announced an intention to redevelop the site. The proposal requires a change to the site's comprehensive plan designation for the 61 acres of Urban Industrial to Urban Center and zoning designation of Heavy Industrial to Planned Community Business. The decision to change the comprehensive plan and zoning designations will be made by the Snohomish County Council. Shoreline staff has had several conversations with Snohomish County staff and they are aware of Shoreline's interest in this matter.

As more information becomes available, this site will be updated.

City of Shoreline Comprehensive Plan Amendment

Since 1998, the Shoreline Comprehensive Plan has declared the City's intent to annex the Point Wells site in the future, however does not contain policy details. With Snohomish County currently processing an amendment to its own Comprehensive Plan for the Point Wells area, the Shoreline City Council directed the City Staff to update and clarify the City's policies, reiterate the City's interest in annexing the area, and focusing on issues such as service delivery, governance, traffic, and impacts on adjacent neighborhoods in Shoreline.

Draft Subarea Plan

The City of Shoreline is proposing an amendment to the Shoreline Comprehensive Plan to add a Subarea Plan for the Point Wells site.

Draft Subarea Plan

Draft Supplemental Environmental Impact Statement

POINT WELLS DSEIS

City of Shoreline comment letters on DSEIS:

- February 24, 2009
- March 2, 2009
- March 11, 2009
- March 23, 2009

City of Woodway comment letter on DSEIS:

- March 23, 2009