

AGENDA

CITY OF SHORELINE PLANNING COMMISSION REGULAR MEETING



Thursday, January 5, 2006
7:00 p.m.

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

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

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

7. REPORTS OF COMMITTEES AND COMMISSIONERS a. Annual Report to Council	7:15 p.m.
8. STAFF REPORTS a. Quasi-Judicial Procedures Refresher b. Role of the Applicant at Public Hearings c. Pros & Cons of Advertising the Public Hearing Prior to SEPA Appeal Deadline d. Discussion on How to Involve More Citizens	7:30 p.m.
9. PUBLIC COMMENT	9:15 p.m.
10. UNFINISHED BUSINESS a. Continue Discussion on 2006 Work Program	9:20 p.m.
11. NEW BUSINESS	9:35 p.m.
12. AGENDA FOR January 19, 2006 Shoreline Economic Development Update	9:44 p.m.
13. ADJOURNMENT	9:45 p.m.

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These Minutes Subject to
January 5th Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

December 1, 2005
7:00 P.M.

Shoreline Conference Center
Rainier Room

PRESENT

Chair Harris
Commissioner Hall
Commissioner Kuboi
Commissioner McClelland
Commissioner Sands

STAFF PRESENT

Joe Tovar, Director, Planning & Development Services
Rachael Markle, Assistant Director, Planning & Development Services
Steve Szafran, Planner II, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk
Dave Buchan, Capital Projects Manager
Jerry Ernst, Consultant, Ernst & Associates

ABSENT

Vice Chair Piro
Commissioner MacCully
Commissioner Broili
Commissioner Phisuthikul

CALL TO ORDER

The regular meeting was called to order at 7:07 p.m. by Chair Harris, who presided.

ROLL CALL

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

APPROVAL OF AGENDA

The agenda was approved as proposed.

DIRECTOR'S REPORT

Mr. Tovar referred to the joint Planning Commission/City Council Cottage Housing Community Dialogue that was recently held and reported that 6 City Council Members, 5 Planning Commissioners, and about 40 citizens were present. He suggested that the Commission recap the discussion that took place at the forum when they review their work plan for 2006 later on the agenda.

Mr. Tovar reported that the City is in the process of re-advertising the Planner III Position in various publications. They hope to have the position filled in early January.

APPROVAL OF MINUTES

The minutes of November 17, 2005 were approved as amended.

GENERAL PUBLIC COMMENT

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

REPORTS OF COMMITTEES AND COMMISSIONERS

There were no reports from committees or Commissioners.

STAFF REPORTS

Update on Richmond Beach Saltwater Park Master Plan

Mr. Buchan advised that he is the project manager for the Richmond Beach Saltwater Park Master Plan. He advised that Hewitt Architects was selected as the Architectural Consulting Firm and Jerry Ernst is the leader of the design team.

Mr. Buchan advised that Richmond Beach Saltwater Park is a magnificent City resource and offers some of the best vistas in the region. However, there is a serious problem with invasive species that are growing rampant in the park, and the City must take action to control this situation. In addition, he provided an aerial photograph depicting the problems that exist with erosion as a result of poor drainage control. He explained that the intent of the project is to create a master plan that provides a long-term guide for resolving the problems at this site in the years ahead.

Mr. Buchan reported that the design team started their work on the master plan in September, and over the last five or six weeks they have conducted a thorough analysis of existing soil conditions, vegetation, utilities on site, grade issues, drainage situations, potential for new improvements, etc. He invited Mr. Ernst to come forward and provide an update on the status of the master plan effort and the

product that would likely emerge from the planning process to guide future development and management of this wonderful park resource.

Mr. Ernst briefly identified the members of the design team and provided a brief review of some of the team's preliminary findings. He explained that the purpose of the process is to obtain a clear understanding of what exists on the site, what the potential is for the site, and what some of the problems are. They will use this analysis, as well as interviews with key residents and stakeholders in the area, as a basis for developing some alternatives for the Commission to consider in the future. The master plan process would include a public review and an opportunity for community members to provide feedback. At some point, the City must choose a direction for the future so that the master plan can be fully developed.

Mr. Ernst emphasized that they are not the kind of team that comes in with a preconception of their own ideas of what should occur on a site. Instead, they try to find out what the citizens want. From their interviews, they have learned that people love to use the park, and they do not want a lot of changes. Therefore, the team will recommend some enhancement steps to deal with the problems that have been raised. Their ultimate goal is to create a park that is more useable for the public.

Mr. Ernst referred the Commission to a drawing of the visual survey that he and the landscape architect created to show what is currently on the site. He pointed out that the bowl was created by gravel and sand extraction from the site almost 100 years ago, so most of the vegetation on the site is not natural in the sense that it was always there. In fact, he said it would be difficult to reestablish the natural vegetation now because all the top soil has been removed, thus exposing the underlying sand and gravel. Not even the scotch broom and blackberries have thrived in this location because of the existing soil conditions.

Mr. Ernst advised that there are a series of steep slopes on the site, with terraced areas that contain scruffy underbrush and trees. In these locations there is potential for some type of enhanced landscaping that would accommodate some kind of use. The same is true for the area next to the parking lot. Although it is not the most stable area, some additional facilities or activities could probably be located there. He said he does not envision any changes to the existing roadway other than to address drainage issues. He noted that the bridge only has five or ten more years of life, so the master plan should consider whether the bridge should be replaced in the same location or moved somewhere else.

Mr. Ernst explained that Burlington Northern Santa Fe Railroad has a 250-foot right-of-way through the park, and the master plan should address the future of this space. Obviously, the City would not want people to be able to get from the park to the tracks and vice versa. He provided a diagram illustrating the steep slopes and soil conditions that exist on site and a diagram of the existing utilities. He also provided a map showing the vegetation communities on the site and noted that there are very few that involve true native species. He said the design team still must discuss if they want to replace the non-native species.

Mr. Ernst advised that a summary report would be provided to the Commission within a few weeks, and then the design team would begin the next phase of the work after the first of the year. He summarized that to this point, the design team has done background and research to understand what they are dealing with, what the history has been, what the issues on site are, and the results of the telephone interviews with stakeholders and residents in the community. This work will help them shape the public process that should launch in January. They hope to have a summary set of recommendations for a long-range master plan for the park by mid summer, with City Council adoption of the master plan in the fall.

Commissioner Kuboi inquired if a general mechanism for funding would be included in the master plan. Mr. Ernst said there has been some discussion about potential funding measures in the future to carry out the improvements, and the design team would identify cost ranges for the proposed capital improvements and prioritize them. But the timeline for the improvements have not been identified in the City's capital budget.

Commissioner Kuboi asked what role the Parks Board would play in the master plan process. Mr. Ernst answered that they have already provided an update report to the Parks Board, and the design team would continue to provide updates to them as the project moves forward. The purpose of the update before the Planning Commission is to provide them with enough information so that they can address questions that come from citizens.

Commissioner Sands asked if the ultimate master plan would be driven by a budget of some kind. Mr. Ernst answered that he believes a master plan should identify what ought to occur on a site and then prioritize each improvement. The vision must be put in writing first. Once the citizens have had an opportunity to express their desires for the park, their comments could guide the priorities for the capital improvement program.

Commissioner Sands requested more information about how the design team reached the consensus that no significant changes would be made to the park. Mr. Ernst said the public process would bring forward the concerns and hopes of the citizens regarding the future use of the park. They have heard a wide range of ideas from more significant to less significant. Hopefully, the team can develop a set of principles to guide the ultimate choices that are made for the master plan.

Chair Harris recalled that King County completed a master plan for Saltwater Park 12 or 15 years ago, and he was involved the process. Phase 3 of that plan identified more vegetation and more hiking trails along the banks, etc. He asked what happened to the old plan. Mr. Ernst said the old plan would be used by the design team as background material.

Commissioner Hall referred to the inventory of current conditions, which focuses a lot on the ecology of the slopes, etc. He noted that there was not a lot of focus on the existing facilities such as picnic tables, bathrooms, playfields, etc. He asked that the design team also review the condition of the existing facilities and identify deficiencies and future improvements that should be made.

Commissioner McClelland said it would be important for the design team to include children in their interviews, since the park is widely used by teenagers and children. Children see things that adults don't

always notice. She pointed out that the park is used from dawn until dark, when the caretaker of the park runs everyone off. She suggested the design team consider the possibility of changing the slope from the parking lot to the bridge, since it is too steep and slick for older citizens. In addition, it would be helpful to provide more parking for people who visit the park to watch the sunset. She concluded by stating that the beach, in its primitive state, is wonderful, and she doesn't want the master plan to "fix" the park in such a way that it becomes unnatural.

Commissioner Kuboi asked if improvements to the park were identified as a need in the citizen survey. Mr. Buchan said that Saltwater Park was specifically called out as a concern in the survey. Commissioner Kuboi asked if it would be easier for the City to obtain grant funding for park projects if they have a master plan in place. Mr. Buchan said that, from a planning perspective, having a master plan that lays out some overall principles and priorities for the site would be helpful.

Mr. Buchan encouraged all of the Commissioners to participate in the public process that takes place as the master plan is developed.

PUBLIC COMMENT

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

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

Discussion of 2006 Work Program

Mr. Tovar referred the Commission to the list of possible work program items the Commission could consider for future discussion in 2006. He asked that the Commission start their discussion by reviewing the community dialogue that recently took place regarding the issue of cottage housing.

Chair Harris said he was surprised at the small turn out of citizens at the community dialogue, and he wondered why some of the most vocal citizens on this issue didn't bother to attend the meeting. Commissioner McClelland said she felt the meeting went well, but it was inappropriate for Mr. Soules to be the focal point. If he is looked to as a leader, then perhaps the City should ask him to provide some professional analysis about why the City's ordinance is not resulting in the desired end product. She said she does not believe that many citizens grasp the real intent of cottage housing. It is not intended to be multi-family housing.

Mr. Tovar agreed with Commissioner McClelland that people are characterizing cottage housing into something it is not. Cottage housing is intended to be a form of single-family housing. Although it is typically less costly than other forms of single-family housing, it would probably not be considered

affordable. He said the issue should not really be about meeting the targets identified in the Growth Management Act, either. The issue should be about demographics, meeting the needs of the citizens and providing housing options. Cottage housing is not the only approach, but should be part of a broader housing inventory and assessment of the City's future needs.

Mr. Tovar asked that the Commission provide guidance regarding how they want him to frame his presentation to the City Council to clearly relay the Commission's recommendation regarding the cottage housing issue. He suggested that this be done before the City Council makes a decision on whether to adopt the recommended changes to the Cottage Housing Ordinance or not.

Commissioner Kuboi pointed out that the City of Kirkland has a rigorous process for evaluating the quality of cottage housing projects that are proposed. However, the City of Shoreline's proposed process would only involve a review by staff. If the City does end up retaining some type of Cottage Housing Ordinance, they must provide a more rigorous design review process to place the burden of quality on the shoulders of the applicant.

Commissioner Hall noted that the Commission already wrote a memorandum to the City Council, after months of debate, stating their consensus that the City would benefit from a comprehensive housing strategy, with cottage housing as one component. He said he would be opposed to the Commission having any further debate about cottage housing until it could be addressed as part of a comprehensive housing strategy. As part of their discussion regarding a comprehensive housing strategy, the Commission could discuss cottage housing, as well as the role of condominiums, town homes, zoning and density bonuses.

Mr. Tovar pointed out that when the City Council discusses the issue of cottage housing, they can already refer to the report that was provide by the Commission, as well as the record that was established. However, if they do decide to eliminate the cottage housing ordinance, there are different ways to accomplish it. They may want to revisit the issue again as part of an overall housing strategy after they see what happens in other jurisdictions. He cautioned that if the City Council were to abolish cottage housing as a permitted use, they would be doing everyone a disservice to say the subject would never be raised again.

Chair Harris suggested that demographics in the City would have to change before the citizens would be ready to accept the concept of cottage housing. Eliminating the ordinance now would not prohibit the City from considering the option again in the future if appropriate. The Commission agreed they would be willing to consider cottage housing in 2006 as part of a discussion regarding housing strategies.

Commissioner McClelland pointed out that those Commissioners who voted to rescind the Cottage Housing Ordinance did not necessarily intend to abolish it forever. The intent was that rather than fix the existing ordinance, they should start over. She further pointed out that other Commissioners expressed concern that if the ordinance were rescinded, cottage housing would never be brought up again as an option for the City. She agreed that the Commission is burned out on discussing the issue, and it is time for the City Council to decide how they want to move forward. If the Cottage Housing Ordinance is rescinded, the Commission could move right into a discussion on housing strategies.

Mr. Tovar explained that he has the responsibility of conveying the Commission's thoughts and desires to the City Council. He is also responsible for helping them focus on their concerns and potential solutions and providing clarification to make them comfortable enough to adopt the Commission's recommendation. The City Council might want to tweak the Commission's recommendation. But if they make major changes, they would have to send it back to the Commission for more hearings and another recommendation. The Commission agreed that they have provided the best information possible to the Council.

In answer to Commissioner Kuboi's previous question, Mr. Tovar explained that design review is done differently depending on the location, the project, and the criteria. He said that if the City wants a certain kind of a design outcome, whether the use be commercial, mixed-use, or multi-family, the regulations must be clearly illustrated and use more form based language than just stating that the design should be harmonious. In the past, this type of vague and general language has been found to be unconstitutional by the courts. In order to have development that is harmonious, they must illustrate what that means and codify appropriate standards. They must also provide clear direction and criteria to staff, since they are responsible for administering the standards. If the criteria are too vague, it invites decisions that are not harmonious.

Commissioner McClelland said she is not in favor of a lot of design review and standards since they can be problematic. Instead, she suggested the City create a series of performance standards, and if an application cannot meet the standards it cannot be approved. She suggested that there is a misconception that design standards would be the equivalent of the neighborhood being able to design the project, and that is not really how a design board would operate.

Mr. Tovar expressed his belief that design is important, and there are ways to encourage, if not require, better design that is closer to the City's vision for different kinds of uses and developments. The need for good design does not just apply to residential properties, but also to commercial and mixed use properties. The regulations should be designed to result in the City's desired outcome. He summarized that he is interested in the design approach and philosophy and would likely present it to the Commission in different ways as part of future staff recommendations on various issues.

Ms. Markle referred to the list of possible work plan items and noted that the first item on the list is to support economic development initiatives. She informed the Commission that Tom Boydell, the City's Economic Development Manager, is looking for assistance and planning perspective as part of potential sub area development. Mr. Tovar said that Mr. Boydell has talked with representatives from the University of Washington regarding the possibility of utilizing students to conduct charettes for small neighborhood business districts. Mr. Tovar said that he also talked with another professor at the University of Washington regarding a class of graduate students who have a two-quarter sequence where they must enter into arrangements with local governments to work on planning issues of different kinds. He said he has been considering how the City of Shoreline could utilize the services offered by these students.

Commissioner Sands pointed out that the Economic Development Task Force has come up with a final proposal that would be submitted to the City Council for review and approval in January. He said the task force, made up of about 15 people representing various entities within the community, has looked at the plan already and will review it again in its final form. The hope is that when it is presented to the City Council, it will have the support of all the major groups in the City. He particularly pointed out that the Chamber of Commerce has already reviewed the report in great detail and approved it without any changes.

Commissioner Sands explained that one of the concepts within the Economic Development Plan is that there are small areas within the community that can be redeveloped. Perhaps it would be appropriate to have the university students help the City conduct a charette similar to what occurred with the sub area plans. The Planning Commission could be involved in the process of amending the Comprehensive Plan and Development Code to identify economic development zones where a developer would not have to go through the same approval process as he would if he were outside of this zone. This would make it easier for people to get their projects done.

Mr. Tovar pointed out that there are no items identified on the Commission's January 5th agenda, but they could continue their discussion on the work program for 2006. He suggested that the Commission invite Dick Deal to their January 5th meeting to speak to them regarding the Urban Forestry Initiative. They could also invite a representative from the University of Washington to discuss the type of service their students are capable of providing to the City. He pointed out that because there would be two or three new City Council Members, the City Council would have to sort through their priorities as a group. He said it is staff's hope that after the Commission completes their discussion, they would have enough information to transmit a recommended work program to the City Council on behalf of the Commission.

Commissioner Kuboi pointed out that a number of Commissioners would conclude their terms of appointment at the end of March. Therefore, the makeup of the Commission could also change significantly. He reminded the Commission that they already have a lot of unfinished business, without having to bring up new stuff. He asked that "sub area plan assessment" be added to the list of possible work items for 2006. He noted that the Central Shoreline Sub Area Plan was put on the backburner, and the City missed a significant window of opportunity. Now they have a very generic strip mall that does not meet the intent outlined in the sub area plan. They spent a lot of time discussing ideas for the Central Shoreline Sub Area Plan, but it was never implemented. He concluded by stating that if the sub area plans are not going to be used by the City, they shouldn't spend the money on them or they should adjust the end product so that it is something the City can use. The Commission agreed that they should assess the sub area planning process and determine what went wrong in previous efforts.

Commissioner Hall agreed with Commissioner Kuboi. While he would love to work on sub area planning along with economic development, it is hard for him to muster the necessary energy unless the Commission feels the City Council is committed to actually adopting a framework for which any future development in that area must fit. With the last sub area planning effort the City Council decided they didn't want to make the plan mandatory. He suggested that the Commission offer the concept of sub area planning as part of their work plan and see what reaction they get from the City Council. He

concluded that he would not support the expenditure of a significant amount of time and money unless the City Council indicates they are really interested in making a commitment to implement the plans.

Commissioner Sands pointed out that about 60 percent of the properties within the Central Shoreline Sub Area Plan are still available for development or redeveloped. If the City were to proceed with the necessary infrastructure to make the plan work, the end product would still be a worthwhile pursuit. However, there must be some teeth in the City's ordinance to require future developers to follow the plan.

Commissioner McClelland said the Commission must find some way to accept what happened with the Gateway Project and move on. She suggested that they spend the month of January conducting an analysis of what is taking place as far as economic development in the City and what needs to be done. She expressed her concern that while other cities along the corridor are doing exciting things, the City of Shoreline is missing opportunity after opportunity.

Mr. Tovar asked if the Commission has ever had a joint meeting with the City Council. Chair Harris said the Commission did meet with the City Council last year, but these meetings are not held on any regular basis. Mr. Tovar suggested that a joint meeting would be appropriate at least twice a year. The Commissioners agreed this would be helpful.

Chair Harris asked if any large projects are scheduled to come before the Commission for review during 2006. Ms. Markle answered that the Commission's 2006 work schedule would include a review of a special use permit application from Shoreline Community College, a few rezone applications with site-specific Comprehensive Plan amendments, and the tree issue, etc. Ms. Markle was asked for an update on the Echo Lake project, she noted the City has only issued a demolition permit for the trailer park.

Again, Mr. Tovar suggested that the best way for the Commission to relay their concerns and receive specific feedback from the City Council would be to meet jointly with them. Commissioner Hall said it would also be helpful to participate in a joint Planning Commission/Staff retreat, similar to the one they conducted last year. He recalled that at the last retreat, the Commission expressed a concern that they did not always feel a complete sense of follow through after they acted on issues. For example, when the Planning Commission recommended the vacation of Midvale Avenue for the Gateway Project, they posed quite a list of conditions. However, it is not clear to him that the conditions were included as part of the plan. While there could be a good reason for this, they were never informed as to the reason why. Another example would be the zero lot line townhouse development on 15th Avenue just north of Perkins. While the Shoreline Municipal Code clearly states that the units must face the street, the entire project was built on a rockery, which was different than the plans that were provided for the Commission's review. Both of these situations illustrate the need for the Commission to meet both with the City Council and the staff.

Commissioner Kuboi said that the Commission often notices projects that appear differently than how they would have expected them to. He noted that the direction the Commission passes on to the City Council is just a recommendation, and many things happen between the Planning Commission recommendation and the finished project. He suggested that this could be a result of lack of

understanding of the Commission's intent. Perhaps one work item for 2006 would be to help the Commission figure out how to relay their recommendations more clearly.

Mr. Tovar pointed out that because many of the key staff people who work with the Planning Commission are new, it would be helpful to conduct some type of meeting or fieldtrip with both the staff and the Commission. The Commission could nominate projects that turned out differently than the Commission anticipated. The staff could prepare an analysis of what the Commission saw, what they approved, what the conditions were, why the conditions were changed, etc. The Commission agreed this would be helpful. However, Commissioner Kuboi pointed out that development is market driven, and he would like to have a better understanding of the various forces that impact the outcome of the Commission's visions.

Commissioner Hall summarized that the Commission would be in favor of meeting twice a year with the City Council, as well as meeting with key staff members in a retreat setting. In addition, they could invite professionals to talk about commercial real estate developments and economic trends in the north Seattle sub region, as well as residential real estate development trends. Once the Commission has a better understanding of the market forces, they would be better equipped to deal with sub area planning efforts. Commissioner Kuboi recalled that he previously requested that the City's Economic Development Manager attend a future Commission meeting to discuss issues related to economic development.

Commissioner McClelland suggested it would be helpful for the City to organize a summit type meeting and invite representatives from the school district, the City of Shoreline, Shoreline Community College, the Chamber of Commerce, etc. Representatives from the Parks Board, Planning Commission and City Council could be invited to participate, as well. The purpose of the summit would be to review the current vision for the City and determine what they have achieved, what still must be done, and whether the vision should be changed.

Mr. Tovar said that since three out of the seven City Council Members would be new starting in January, it would be appropriate for them to review the City's current vision. They could also discuss whether or not progress is being made, and if not, why. This same issue could be discussed in a joint City Council/Planning Commission meeting. Commissioner McClelland summarized that the Commission feels a sense of failure as far as the Gateway Project, and they wonder how they could have more influence on the outcome.

Commissioner Hall referred back to the list that was provided by staff of program ideas for 2006. He noted that Item IV.C (quasi-judicial training), Item IV.E (advantages and disadvantages of scheduling and advertising a public hearing before SEPA appeal deadline expires), Item IV.H (joint meeting with the Parks Board), Item IV.I (letter of transmittal to City Council), and Item IV.K (revisit Council's 2004-2005 goal to involve more citizens) and Item V.A (elected official training on planning related issues) are all procedural issues related to how the Commission functions as a body. He suggested that they cover these procedural items early in 2006. In addition to the procedural issues, Commissioner Hall recalled that the Commission previously made a commitment to consider three issues in 2006: a more comprehensive housing strategy, the Department of Ecology's Wetlands Manual and wetland

buffers, and the current vision of Shoreline. He concluded by pointing out that the remaining items are more substantive issues. Mr. Tovar agreed with Commissioner Hall that the Commission should identify work items they can work on in January prior to getting direction from the City Council on the more substantive issues.

Commissioner Kuboi pointed out that the Commission has not yet identified what their next step would be in dealing with the issue of “sidewalks to no where.” Commissioner Hall recalled that they previously provided direction to the Public Works Department Staff. Commissioner Kuboi agreed, but noted that it was not included on the list of possible work items for 2006. In addition, Commissioner Kuboi said he would like the Commission to access whether or not they need to do a better job of citizen outreach. Lastly, he suggested the Commission have some discussion about whether or not they want to deal with the issue of larger new homes being redeveloped in Richmond Beach that block views and are out of scale with adjacent properties.

Commissioner Sands suggested that issues related to the Fircrest and Point Wells properties should also be identified as a possible 2006 work items. He pointed out that Fircrest has been discussed as an opportunity for economic development, and at some point, the City must deal with the issue. He suggested that it is up to the City Council to create an economic vision for the City, and perhaps the Commission could be involved in this process. Everything that is done in the future related to economic development should be consistent with the City Council’s vision for the City.

Mr. Tovar summarized that the Commission feels that some of the issues identified on the 2006 work plan should be discussed with the City Council for additional direction. He suggested that staff provide a rough schedule at the January 5th meeting to show when major events they already know about will occur. The Commission could also discuss some of the procedural items on the 2006 work plan list in January and February while they are waiting for further direction from the City Council regarding the other items.

Ms. Markle asked what information the Commission expects staff to provide when they discuss the issue of quasi-judicial training. Commissioner Hall pointed out that on two separate occasions, Mr. Derdowski accused the Commission of violating the standards and practices of the quasi-judicial proceedings. His first issue was related to time limit differences for proponents and opponents. Mr. Derdowski also raised an issue about ex parte communications. Commissioner Hall suggested it would be helpful to have staff provide clear information on the record so that all Commissioners understand the rules and procedures for quasi-judicial hearings.

Ms. Simulcik Smith noted that terms expire on March 31, 2006 for Commissioner Sands, Commissioner Kuboi, Commissioner MacCully and Vice Chair Piro. However, all of them could request an opportunity to be reappointed. Ms. Markle said that Commissioners interested in reappointment should reapply by the end of January. All of the applications would be forwarded to the City Council, and they choose who they want to interview and appoint.

AGENDA FOR NEXT MEETING

The December 15, 2005 meeting was cancelled.

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

David Harris
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Quasi-Judicial Training
DEPARTMENT: Planning and Development Services
PRESENTED BY: Steven Szafran, Planner II

I. INTRODUCTION

This overview is to assist the Planning Commission in reaching decisions that are fair and equitable. Why is this important? Failure to follow the proper steps in a quasi-judicial proceeding can result in liability for the municipality and its officers.

Quasi-judicial decisions are those decisions made by the City Council or the Hearing Examiner and involve the use of discretionary judgment in the review of each specific application. Quasi-judicial decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision made by the City Council or Hearing Examiner.

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

This memo will outline the framework of the quasi-judicial proceeding and identify the key elements of procedural due process.

II. BACKGROUND

The Planning Commission asked to receive periodic training on quasi-judicial proceedings in order to keep the rules of procedure current and up to date.

III. DISCUSSION

1. Framework of the quasi-judicial proceeding

A. Is this a quasi-judicial matter?

Two key questions must be answered: 1. Is a public hearing required? 2. Will the decision maker consider evidence for or against the proposal? If both of the answers are yes then two additional questions need to be asked: 3. Will the decision impact specific parties? 4. Will it have an area-wide impact of

community significance? If the answer to three is yes, then the proceeding is quasi-judicial. If the answer to three is no and the answer to four is yes, then it could possibly be legislative. When in doubt, treat the proceeding as a quasi-judicial proceeding.

2. Procedural Due Process

A. What is it?

Procedural due process is the legal method that must be used to reach a decision on a land use request. Failure to follow procedural due process requirements may result in a decision that is declared invalid.

For land use hearings, procedural due process includes the following: Appearance of fairness for decision makers, proper notice of hearing, a proper hearing process, a complete record, a decision based on the record that meets legal requirements. These elements will be discussed in more detail below.

3. Key Elements of Procedural Due Process

A. Fairness

Fairness exists in a public hearing when all of the participants are given an opportunity to present testimony and evidence to an unbiased decision maker. The Washington Supreme Court has held not only must the proceedings be fair; they must appear to be fair. The appearance of fairness doctrine is a legal doctrine created by the courts in the 1970s as a means of ensuring that decision makers act in an unbiased role when deciding land use requests. See Attachment A: fairness checklist. The Planning Commission receives a copy of the appearance of fairness doctrine for review prior to every quasi-judicial public hearing.

B. Notice

Notice is required because it provides advance warning to parties so that they can intelligently prepare for and participate in the hearing. Notice requirements are established by state statutes and the City of Shoreline ordinances (see Attachment B: Shoreline Development Code 20.30.120- Public Notices of Application). If a hearing has begun and it becomes apparent that proper notice has not been given, it should be rescheduled so proper notice can be given.

C. The Hearing

The hearing is a fact finding forum from which a decision must result. Elements that a hearing should include: Hearings should be held in a room that is appropriate for the proceeding; it is the responsibility of the Commission to keep the testimony and evidence relevant to the issues; all testimony and evidence should be tape recorded; testimony can be limited by time and content; a key

element of a hearing is crowd control; and the hearing should begin with an agenda.

D. The Record

All land use decisions must be based on the official record (testimony and exhibits) that is developed at the public hearing. This requirement is mandatory for two reasons: The record must provide the basis and support of the decision of the decision maker; and courts review and rely upon the official record to reach a decision on appeal. The record consists of all oral testimony and physical exhibits presented at the hearing. All testimony should be tape recorded. Testimony should be given by witnesses under oath. The Commission should remember that all oral comments made during a hearing are part of the record. The Planning staff report and all of its attachments should be part of the official record.

E. The Decision

The decision must be a result of a deliberative process after a review of all testimony and exhibits presented at the hearing. The decision must be expressed in a specific manner that will best withstand a legal challenge. The land use decision must relate to the land and not the owner. The owner's welfare should not be the basis for a decision. All decisions must be based on the record developed at the public hearing. If the criteria are satisfied, the permit must be approved. The criteria are found within the City of Shoreline's ordinances. Reliance on the criteria is the legal justification of the decision. The decision can be oral or written, but all decisions must be supported by Findings of Fact. A decision can be a denial, an approval, or an approval with conditions. If a request is approved or denied, the reasons should be stated.

4. Situational Examples

A. Fairness

Problem- On the afternoon before a hearing, an acquaintance calls a commissioner about a variance request.

Solution- The commissioner should inform the acquaintance they he/she can not talk about the case. All testimony should be presented at the hearing.

B. Notice

Problem- Mailed notice went to the mortgage holder, not the residents or buyers of a house.

Solution- If this meets City notice requirements, proper notice has been given. The City of Shoreline mails notices to owners of real property (20.30.120(C) (1)).

C. The Hearing

Problem- The witness wants to talk "apples" even though the request involves "oranges".

Solution- Limit testimony to “oranges” and cut off witnesses who stray from the relevant issues.

D. The Record

Problem- People giving testimony from the audience.

Solution- Have all witnesses speak into the microphone and identify themselves. Do not take testimony from the audience.

E. The Decision

Problem- One commissioner announces they will vote to deny a permit based on information presented to them outside of the public hearing.

Solution- The decision should be based on the record only, not on information presented outside the hearing. The commissioner should also announce the ex-parte contact.

Note- Ex-parte communications are those conversations outside of the public hearing between members of the public who may be for or against a specific proposal. Ex-parte communications do not include conversations with City staff about a specific agenda item unless the City is the applicant in the proposal. As long as informational requests are made part of the record, no wrong doing has been done.

5. Conclusion

In conclusion, procedural due process and the appearance of fairness are two major items in quasi-judicial proceedings. While all of the elements of procedural due process must be present, fairness and the appearance of fairness must be most present to make an unbiased recommendation. Ex-parte communications can raise fairness questions from members of the public but, if the fairness checklist is applied in every land use decision, the public should feel like they are receiving a fair and unbiased decision.

IV. Attachments

Attachment A - Fairness checklist

Attachment B - Shoreline Development Code Section 20.30.120

Fairness Checklist

***A decision maker must answer the first five questions “yes”
and the second five questions “no”
to participate fairly in a quasi-judicial proceeding...***

- If ex parte contacts have occurred, have you revealed them at this public hearing?
 - Has the opportunity been given to object to Planning Commission participation in this hearing because of ex parte contact?
 - Do you have a reasonable impartial attitude toward the request?
 - Are you free from any direct financial benefit that could result from the approval or denial of the request?
 - Are you free from any indirect financial benefit that could result from the approval or denial of the request?
- ♦
- Do you have any personal interest in which you stand to gain or lose by the decision?
 - Will there be any prospective employment for you or your family as a result of the decision?
 - Is there any business competition between you and any of the parties at this hearing?
 - Are there any family relationships between you and the parties at this hearing?
 - Have you made a final decision on the request before hearing any testimony or evidence?

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ITEM 8.A - ATTACHMENT B**20.30.120 Public notices of application.**

- A. Within 14 days of the determination of completeness, the City shall issue a notice of complete application for all Type B and C applications.
- B. The notice of complete application shall include the following information:
1. The dates of application, determination of completeness, and the date of the notice of application;
 2. The name of the applicant;
 3. The location and description of the project;
 4. The requested actions and/or required studies;
 5. The date, time, and place of an open record hearing, if one has been scheduled;
 6. Identification of environmental documents, if any;
 7. A statement of the public comment period (if any), not less than 14 days nor more than 30 days; and a statement of the rights of individuals to comment on the application, receive notice and participate in any hearings, request a copy of the decision (once made) and any appeal rights;
 8. The City staff Project Manager and phone number;
 9. Identification of the development regulations used in determining consistency of the project with the City's Comprehensive Plan; and
 10. Any other information that the City determines to be appropriate.
- C. The notice of complete application shall be made available to the public by the Department, through any or all of the following methods (as specified in Tables 20.30.050 and 20.30.060):
1. **Mail.** Mailing to owners of real property located within 500 feet of the subject property;
 2. **Post Site.** Posting the property (for site-specific proposals);
 3. **Newspaper.** The Department shall publish a notice of the application in the newspaper of general circulation for the general area in which the proposal is located. This notice shall include the project location and description, the type of permit(s) required, comments period dates, and the location where the complete application may be reviewed.
- D. The Department must receive all comments received on the notice of application by 5:00 p.m. on the last day of the comment period. (Ord. 238 Ch. III § 4(e), 2000).

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PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: The Role of the Applicant

DEPARTMENT: Planning and Development Services

PRESENTED BY: Steven Szafran, Planner II

I. INTRODUCTION

The applicant's role in the land use hearing process is to present their proposal in a clear and concise manner so the Planning Commission can make a recommendation and the Council or Hearing Examiner can make an informed decision.

The Planning Commission has the opportunity to offer suggestions to better define the applicant's role so the hearing process can be smoother and less time consuming.

This report will outline how the current process works and look at other models being used.

II. DISCUSSION

Currently the hearing process starts out by the Chair of the Commission going over the Appearance of Fairness Doctrine and the general Rules of Procedure approved by the City Council for the conduct of public hearings. Planning staff then introduce the agenda items. Staff goes over the request, surrounding land uses, site information, the comprehensive plan designations, how the project conforms or does not conform to adopted codes, how item meets/ does not meet goals and policies of the Comprehensive Plan, and presents a staff recommendation on the item which may or may not include conditioning the project.

The applicant then presents the project in their own words. This is the applicant's chance to further explain how their project meets the criteria for the proposed land use action. The applicant may use drawings, models, elevations, etc... of the proposed project to illustrate what might be possible on the site should the land use application be approved. The applicant may also use this time to address written and oral comments regarding the project. The presentation also offers the applicant an opportunity to ask the Commission to consider alternatives to staff recommendations including conditions.

Other Models

A model for the procedural agenda published by the Association of Washington Cities begins with an introduction by the Planning Commission Chair. The introduction includes the request being heard and going over ground rules.

1. Initial presentation of facts is made by the Planning Staff and includes: a) an identification of the requested application; b) a description of the land that is involved with the request; c) a discussion of the impact of the request to the land and surrounding properties; and d) a recommendation from the Planning Staff.
2. Presentation by the applicant- The applicant has the burden of proof and must present testimony or evidence to support the request. This is an opportunity to dispute any issues raised by Planning Staff or residents.
3. Testimony by the public- As published in the City of Shoreline Planning Commission By-laws, the public testimony or comments follow the Staff Report. The Chair has the discretion to limit or extend time limitations and the number of people permitted to speak. Furthermore, the Rules of Procedure for Administrative Hearings of the City of Shoreline states that the Planning Commission may impose reasonable limitations on the number of witnesses heard, and on the nature and length of their testimony. This is different from the General Public Comment Period where each member of the public is limited to two minutes and a maximum time limit for all public comment of 20 minutes.
4. Response by the Planning Department
5. Rebuttal by the applicant.
6. Decision or recommendation by the hearing body.

In conclusion, there are opportunities for Planning Commission and Staff can brainstorm ideas to better define the applicant's role in the Planning Commission hearing process. This may involve a dialogue with past applicants about what works and what does not work and possibly looking at similar jurisdictions processes.

III ATTACHMENTS

Attachment A - City of Shoreline Rules of Procedure for public hearing before the Planning Commission

IV: HEARINGS BEFORE THE PLANNING COMMISSION

SECTION 1. JURISDICTION

Rules under this Part IV shall apply to open record pre-decision hearings on matters for which the SMC designates the Planning Commission as the review authority and to any other matters designated by the City Council. These rules will also apply to pre-decision hearings held by the Hearing Examiner.

SECTION 2. RIGHTS AND RESPONSIBILITIES OF PARTICIPANTS

2.1 Rights of City. The City staff shall have the right to present evidence and testimony, object, make motions, arguments, recommendations and all other rights essential to a fair hearing.

2.2 Rights of Applicant. Every applicant shall have the right of notice, cross-examination, presentation of evidence, objection, motion, argument, and all other rights essential to a fair hearing. The applicant shall have right to timely access of the City's staff report.

2.3 Rights of Other Hearing Participants. Every hearing participant shall have the right to present evidence and testimony. The right of participants to cross-examine, object, submit motions and arguments shall be at the discretion of the Planning Commission. The Planning Commission may impose reasonable limitations on the number of witnesses heard and the nature and length of their testimony.

As provided under RCW 42.17, hearing participants may obtain copies of public materials from the City. The participant requesting the material shall pay the cost of such copying according to the City's adopted fee schedule.

2.4 Responsibilities of City Staff. City Staff shall provide a staff report as set forth below to the applicant and Commission; provide notice of hearings; present materials at the hearings; provide the Planning Commission with documentation relevant to each case; and provide revised plans if received within fourteen (14) days of a hearing. The staff report on a land use application shall include the following, if relevant to the application:

- a. Names and addresses of the owner(s) and applicant(s) of the subject property and his/her property interest in the property that is the subject of the hearing.
- b. A brief summary of the requested action and the citation of the relevant codes and/or ordinance controlling the request.
- c. A legal description of the subject property.
- d. A statement as to which zoning code regulations for City of Shoreline apply to the request.
- e. A technical data summary of the Comprehensive Plan designation and zoning designation of the subject property; the current development of the

subject property and the adjoining properties; topographical information; information on the vegetation on the property; and, any other technical and environmental information germane to the case.

- f. An in-depth analysis of the proposed project. This analysis may include, but not be limited to, the following elements of review:
 - 1. Natural features;
 - 2. Housing;
 - 3. Transportation;
 - 4. Government jurisdiction boundaries;
 - 5. Neighborhoods;
 - 6. Land use plans; and,
 - 7. Land use regulations.
- g. The compatibility and impact of the proposal on the existing development.
- h. A summary of the reports or recommendations of any other agencies consulted.
- i. Appropriate maps of the subject property.
- j. The results of the determination pursuant to the State Environmental Policy Act.
- k. Staff's conclusions and recommendations.

The staff report shall be distributed to the Planning Commission, the applicant and made available to the public.

2.5 Responsibilities of Applicant. Whenever possible the applicant shall, prior to the hearing, provide the Planning Commission with material that supports his/her application; and be prepared for questions by the Planning Commission.

2.6 Pre-Hearing Reports and Memoranda. Unless otherwise specified, all forms of legal authority, including briefs, staff reports and other legal memoranda upon which a participant will be relying or presenting at a hearing before the Planning Commission, must be submitted to the Planning Commission at least fourteen (14) days in advance of the scheduled hearing date.

2.7 Presence of Legal Counsel at Public Hearings. At the request of any department, a representative of the City of Shoreline City Attorney's Office may be present at the public hearings to advise on matters of law and procedure. If there is no representative of the City Attorney's office at the hearing, the Planning Commission shall have authority to seek a memorandum on legal issues raised at hearing from the City Attorney.

SECTION 3. CONDUCT OF HEARING

3.1 Notice Requirements of Hearings

- a. All notice and time requirements and methods of notification shall be consistent with the provisions as set forth in City ordinances.
- b. An affidavit of publication attesting to the notice given to a public hearing before the Planning Commission, including dates and places of

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publication, and an affidavit of mailing attesting to the list of those to whom the notice was mailed, shall be made part of the hearing record.

3.2 Hearings shall be presided over by the presiding officer of the Planning Commission, hereinafter referred to as the "Chair." The Chair shall have all of the authority and duties as granted in State statutes, SMC and other City rules or ordinances. Included in the duties of the Chair are the following: to conduct fair and impartial hearings; to take all necessary action to avoid delay in the disposition of proceedings; and, to maintain order. The Chair shall have all powers necessary to that end, including the following:

- a. To administer oaths and affirmations;
- b. To rule upon offers of proof and receive evidence;
- c. To regulate the course of the hearings and the conduct of the participants and their agents;
- d. To question anyone presenting testimony at the hearing;
- e. To hold conferences for settlement, simplification of the issues, or any other proper purpose;
- f. To require briefs on legal issues;
- g. To consider and rule upon all procedural and other motions appropriate to the proceedings; and
- h. To execute on behalf of the Planning Commission findings and recommendations which reflect the decision of the Commission.

3.3 Interference. In the performance of adjudicative functions, the Planning Commission shall not be subject to the supervision or direction of any elected official, officer, employee or agent of any municipal department.

3.4 The Planning Commission may impose reasonable limitations on the number of witnesses heard, and on the nature and length of their testimony. Cross-examination is permitted as necessary for a full disclosure of the facts, but the Planning Commission shall control the amount and style of cross-examination.

3.5 Hearing Presentation. A hearing usually will include, but not be limited to, the following elements:

- a. A brief introductory statement of the hearing process by the Chair;
- b. A report by the departmental staff that shall include introduction of the official file, reference to visual aids and may include a recommendation, or recommended options, of the Department;
- c. Testimony by the applicant and witnesses called;
- d. Testimony in support;
- e. Testimony in opposition;
- f. Opportunity for cross-examination and rebuttal; and,
- g. Opportunity for questions by the Planning Commission.

3.6 Evidence.

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- a. Burden of proof. The applicant shall have the burden of establishing that the application is in compliance with applicable City and State ordinances, statutes and laws and regulations.
- b. Admissibility. The hearing generally will not be conducted according to strict legal rules relating to evidence and procedure. Any relevant evidence shall be admitted if it is the type that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The rules of privilege shall be effective to the extent recognized by law. The Planning Commission shall have discretion on the admissibility of all evidence.
- c. Copies. Documentary evidence may be received in the form of copies of excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original. It is advisable to provide an extra copy of all documents to the Planning Commission as a working copy.
- d. Judicial Notice. The Planning Commission may take judicial notice of judicially cognizable facts and in addition may take notice of general, technical or scientific facts within its specialized knowledge. The Planning Commission shall not take notice of disputed adjudicative facts that are at the center of a particular proceeding.
- e. The Planning Commission may allow a document to be filed after the close of testimony but before the hearing record is closed.
- f. All parties will be allowed opportunity to make a record of evidence admitted or denied during the course of the hearing. This record shall include offers of proof.

SECTION 4. RECORD OF HEARING.

4.1 Hearings shall be electronically recorded and such recordings shall be a part of the official record. Copies of the electronic recordings shall be made available to the public on request. The cost of such copying shall be paid by the requester according to the City's adopted fee schedule.

- 4.2 Content of the Record. The record of a hearing conducted by the Planning Commission shall include, but not be limited to, the following materials:
- a. The application;
 - b. The departmental staff reports;
 - c. All evidence received which shall include oral testimony given at the hearing, all exhibits and other materials admitted as evidence;
 - d. A statement of all matters officially noticed;
 - e. A recommendation containing the findings and conclusions of the Planning Commission;
 - f. Recordings made on electronic equipment; and
 - g. Any Environmental Impact Statement prepared for the project or action.

SECTION 5. RECOMMENDATIONS

5.1 Written Recommendations. Within fourteen (14) days after the close of the hearing, the Planning Commission shall issue a written report of findings, conclusions and recommendation. The findings, conclusions and recommendation shall indicate how the recommendation carries out the goals, policies, plans and requirements of the SMC and other City or State regulations.

- 5.2 Content of Recommendation. A recommendation shall include a statement of:
- a. The nature and background of the proceeding.
 - b. Findings of Fact. The findings shall be based exclusively on the evidence presented in the hearing and those matters officially noticed. The Findings of Fact shall consist of a concise statement of facts necessary to support conclusions and each fact found upon each contested issue of fact.
 - c. Conclusions. Conclusions of Law shall be made that are necessary for a recommendation on each issue. Each conclusion shall be based on one or more finding of fact. Whenever practical, the conclusions shall be referenced to specific provisions of the law and regulations or both, together with reasons and precedents relied upon to support the same. The conclusions shall make reference to the effect of the recommendation with reference to the Comprehensive Plan, if relevant, and on the general public.
 - d. The appropriate rule, order or relief. The recommendation shall be based upon a consideration of the whole record and supported by substantial evidence.

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PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Pros and Cons of Advertising for a Public Hearing Prior to the Expiration of the SEPA Appeal Deadline
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Rachael Markle, Asst. Director Planning and Development Services

Section 20.30.170 of the Development Code states that, "No more than one open record hearing shall be heard on any land use application. The appeal hearing on SEPA threshold determination of nonsignificance shall be consolidated with any open record hearing on the project permit." Therefore, a SEPA appeal public hearing on a quasi judicial land use application must to consolidated.

As a common practice, staff advertises the public hearing date as part of the required Notice of Application. This accomplishes two things: 1) Reduces the total number of ads required from two to one; and 2) Reduces the total number of days used to review the application by at least 17 days (15 days required notice prior to a public hearing + the lead time to get the ad in the newspaper). We are required to advertise in the Seattle Times and as a courtesy to our citizens we often duplicate the ad in the Shoreline Enterprise. On average the public hearing notices in the Seattle Times and Shoreline Enterprise to cost \$300. This amount is almost doubled if the publication needs to occur on a Friday, Saturday or Sunday. In terms of saving time, most quasi judicial decisions are expected to be made in 120 days per SMC 20.30.060.

We are careful to schedule the date of the Public Hearing after the expiration of the SEPA Appeal period to ensure that we do not proceed with a public hearing prior to knowing if an appeal has been filed. The draw back to scheduling the public hearing prior to knowing if an appeal will be filed, is that the public hearing would need to be rescheduled to incorporate the SEPA appeal. Appeals of SEPA determinations on quasi judicial land use applications have been rare to date in Shoreline. There have been approximately four (4) in the past 10 years – most related to Critical Area permits. The Hearing Examiner serves as both the appeal body and decision making authority for Critical Area permits.

For example, a Rezone application that requires SEPA is submitted to the City. The City has 28 days to determine if the application is complete. The City is then required to publish as Notice of Complete Application within 14 days of determining the application is complete in the newspaper of record, The Seattle Times. The notice is also mailed to property owners within 500 feet of the project site and posted on the site.

The Optional SEPA process is likely to be used if it is anticipated that the City will issue a Determination of Nonsignificance or a Mitigated Determination of Nonsignificance. This process reduces the number of comment periods from two to one. We have found that it is helpful to combine both the Notice of Application comment period and SEPA comment period together as many of the issues overlap. Further, since a Rezone application requires a public hearing, a public hearing notice is required no less than 14 days prior to the hearing. The notice of public hearing can also be included in the Notice of Application. By combining all of these noticing requirements, staff time is reduced, noticing costs are reduced and the number of times an interested party needs to respond to a project are reduced. The only drawback to this plan is if the SEPA Determination is appealed, you have already set the public hearing and would need to reschedule the public hearing. However, if SEPA is not appealed the public hearing may proceed as scheduled.

In conclusion, although we do not like to cancel a scheduled public hearing the efficiencies gained seem to outweigh the probability that an appeal will be filed.

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Getting Citizens involved in Public Hearings

DEPARTMENT: Planning and Development Services

PRESENTED BY: Steven Szafran, Planner II

I. INTRODUCTION

One of the 2004-2005 goals of the City Council was to encourage more citizen involvement in City government.

II. BACKGROUND

In response to this goal, the City of Shoreline Department of Finance held two long range financial planning sessions in October 2004 and March 2005 for the purpose of focusing on the operating budget and asking participants to prioritize the City's programs and services.

The two sessions held in October 2004 were by invitation to community leaders and a randomly selected group of citizens who had completed the Citizen Satisfaction Survey. In March the City held two additional workshops at an open invitation to any residents or business owners that would like to attend.

The purpose of the meetings were to: 1) continue an on-going dialogue with interested community members about the long-term financial health and stability of the City of Shoreline; 2) review and discuss the long-term capital needs of the City and how they can be funded; and 3) learn from the meetings participants about their priorities for funding capital projects in the future.

The outcome of this exercise showed the top priorities of the citizens and the preferred way to fund the top priorities.

In the end, citizens of Shoreline appreciated the efforts of the City to involve them in long-term City decisions.

III. DISCUSSION

The purpose of this discussion is to find ways for increased citizen involvement in the Planning Commission processes.

What are the Planning Commissions priorities for increased citizen involvement? Who and how many citizens should be involved in the process?

What mechanisms can the Planning Commission use to include more people in the process? Open houses, TV, web casts, workshops, targeted mailings, question and answers with your Commissioners, and public bus tours are all ways to get information to citizens and business owners of Shoreline.

The American Planning Association suggests a visioning process that places citizen involvement at the beginning of the planning process. Citizens see the visioning process as an approach that results in a more meaningful participation process. A visioning process could be used to bring ideas from the community to the Planning Commissioners about how they would like to see the public hearing process work.

IV. STAFF RECOMMENDATION

The Planning Commission and staff could brainstorm ideas for ways to include more citizens into the land use planning process and the public hearing process.

Some points to consider are: What is the purpose? What are the goals the Commission is trying to achieve? Who are the players? How is the Commission going to achieve those goals?

V. ATTACHMENTS

Attachment A - Recap of Community Priorities Session on Long-Range Financial Planning



Memorandum

DATE: June 17, 2005

TO: City Councilmembers

FROM: Debbie Tarry, Finance Director

RE: Recap of Community Priorities Session on Long-Range Financial Planning – Phase 2

As you may recall we held two long-range financial planning sessions in October 2004 and two sessions in March 2005. These sessions focused on the operating budget and we asked participants to prioritize programs and services into four priority “buckets.” For the workshop in May, we focused on the City’s capital needs and asking for input regarding capital priorities. This memorandum summarizes the May 24, 2005 Community Priority Session.

Participant Demographics

For the May 24, 2005 Community Priority Session, we invited representatives of our community, which included all participants from the previous Community Priority Sessions. Of the 92 participants invited to attend the May 24, 2005, session, 52 attended.

The two sessions held October 2004 were by invitation to community leaders and a randomly selected group of citizens who had completed the Citizen Satisfaction Survey. There were a total of 70 participants who attended the October meetings and the demographics of those participants included:

- 54% were male and 46% were female
- 72% have lived in Shoreline more than 15 years
- 29% were retired, while 33% worked in Shoreline
- Of those participants who worked outside of Shoreline 83% commute 20 or fewer miles to work
- 45% of the participants live west of Aurora and 55% live east of Aurora

In March the City held two additional workshops at an open invitation to any residents or business owners that would like to attend. There were a total of 22 participants in those sessions. The demographics from the March sessions were:

-
- 38% were male and 62% were female

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- 59% have lived in Shoreline more than 15 years
- 24% were retired, while 43% worked in Shoreline
- Of those participants who worked outside of Shoreline 100% commute 20 or fewer miles to work
- 67% of the participants lived west of Aurora and 33% lived east of Aurora

When combining both groups 50% of participants lived west of Aurora and 50% lived east of Aurora.

Although staff did not ask demographic questions at the May session, the base of invitees was very balanced on gender and living location within the City. The one area that was not balanced in any of the sessions was that of age distribution. The majority of the participants were 45 years of age or older.

Purpose and Agenda of the May Session

The goals of the May Session were to:

1. Continue an on-going dialogue with interested community members about the long-term financial health and stability of the City of Shoreline.
2. Review and discuss the long-term capital needs of the City and how they can be funded.
3. Learn from the meeting's participants about their priorities for funding capital projects in the future.

In addition to the session goals, staff wanted to follow up on information that had previously been discussed with the session participants during the earlier workshop. This included an update of the City's long-range operating budget forecast and a review of the operating budget program priority results of all the sessions combined.

The bulk of the May session did focus on the capital needs of the City. Since the earlier sessions had focused on the operating budget, this session focused on the capital budget and resources available to fund capital projects. This process included a review of resources available to the City to fund capital needs, the City's adopted Capital Improvement Program and the 20 Year Capital Facilities Element that the Council had adopted as part of the Comprehensive Plan update.

Session Exercise and Overall Results

Since the Council had recently adopted the 20 Year Capital Facilities Element that established funding priorities for projects, the May session focused on the unfunded capital needs that were identified in the Capital Facilities Element. Specifically the participants focused on the unfunded needs in these areas:

1. **Open Space Acquisition:** *City acquisition of undeveloped open space such as critical areas, beach access, environmentally sensitive areas including creeks and wetlands, or passive open space.*
2. **Park Facilities:** *Outdoor sites that provide opportunities for active (athletics, hiking, etc.) and passive (picnicking concerts, etc.) recreation.*

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3. **Facility Improvements:** *The major project in this category is to acquire and construct a City maintenance and office facility for storage of heavy equipment for Public Works and Parks Maintenance.*
4. **Recreation Facilities:** *Indoor facilities designed for year round community recreation.*
5. **Sidewalks:** *Concrete sidewalks and asphalt walkways along arterials, near schools and in residential areas.*
6. **Bike Paths/Lanes:** *Off street bike paths and on-street bike lanes.*
7. **Intersection and Street Improvements:** *Improvements to existing streets to increase capacity and safety.*

Participants split into four groups and each group was asked to identify the two capital project categories that they believed were most important for the City to seek additional funding. The results of this exercise resulted in the following four categories being the top priorities:

1. Intersection and Street Improvements
2. Open Space Acquisition
3. Park Facilities
4. Sidewalks

Following this part of the exercise the participants were asked to identify which of the following resources would they be most willing to support to fund projects within these areas of capital. The resources that each group could consider included the following:

1. Property Tax Levy Lid Lift
2. Voter Approved General Obligation Bonds
3. New Tax Sources: i.e., Local Fuel Tax, Increased Utility Tax, Business & Occupation Tax, etc.
4. Local Improvement Districts

The results of this portion of the exercise showed these preferences for funding the priority areas.

Project Type	Property Tax Levy Lid Lift	Voter Approved GO Bonds	New Tax Source	Local Improvement District
Intersection and Street Improvements				
Open Space Acquisition				
Park Facilities				
Sidewalks				

Summary

This session provided another opportunity to hear feedback directly from community members. This information should be viewed as another tool to use to evaluate the

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priorities and desires of our community. Staff will be providing this information to the Bond Advisory Committee that will be meeting later in June as another piece of information that they can use as they evaluate a possible bond issue.

To conclude the evening staff asked participants to identify what they thought worked well and what could be improved for future meetings. The following are some of the comments.

Worked Well:

- They appreciated that the City was doing this.
- They found the financial overview of how the City funds its operating and capital programs helpful.
- They liked that they were able to be involved in an exercise that asked them to be responsive based on their individual priorities without being persuaded by lots of group discussion. (see comment under desired improvements)

Improve:

- More group discussion before voting (see comment under what went well)
- Some wanted the ability to write-in other options for funding capital priorities (i.e., eliminating projects currently slated to be funded over the next 20 years)
- More discussion time to summarize reasons for their selections.
- Have more participants that are young and participants that have young or school age children.