

AGENDA

CITY OF SHORELINE PLANNING COMMISSION REGULAR MEETING



**Thursday, May 1, 2008
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 REPORT	7:03 p.m.
5. APPROVAL OF MINUTES a. April 17, 2008	7:08 p.m.
6. GENERAL PUBLIC COMMENT	7:10 p.m.
<i>During General Public Comment the Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or scheduled for this agenda. Each member of the public may comment for up to two minutes. However, General Public Comment will be limited to a maximum period of twenty minutes. The Chair has discretion to limit or extend time limitations and number of people permitted to speak. Speakers must come to the front of the room to have their comments recorded and must clearly state their name and city of residence.</i>	
7. PUBLIC HEARING <i>Legislative Public Hearing</i>	7:15 p.m.
1. Master Plan Amendments 2008 Annual Consideration of Amendments to the Comprehensive Plan and associated Development Code Amendments a. Staff Overview and Presentation of Preliminary Staff Recommendation b. Questions by the Commission to Staff c. Public Testimony or Comment d. Final Questions by the Commission e. Closure of Public Hearing f. Deliberations g. Vote by Commission to Recommend Approval or Denial or Modification	
8. REPORTS OF COMMITTEES AND COMMISSIONERS	8:45 p.m.
9. UNFINISHED BUSINESS	8:50 p.m.
10. NEW BUSINESS a. Review Planning Commission Hearing Rules and Bylaws b. Update on the Comprehensive Housing Strategy	8:55 p.m. 9:15 p.m.
11. ANNOUNCEMENTS	9:25 p.m.
12. AGENDA FOR Thursday, May 15, 2008 Quasi-Judicial Public Hearing: Rezone Request at 14800 1st Ave NE	9:29 p.m.
13. ADJOURNMENT	9:30 p.m.

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

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CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

April 17, 2008
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present

Chair Kuboi
Vice Chair Hall
Commissioner Behrens
Commissioner Broili (arrived at 7:09 p.m.)
Commissioner Kaje
Commissioner Perkowski
Commissioner Pyle
Commissioner Wagner

Staff Present

Rachel Markle, Assistant Director, Planning & Development Services
Flannary Collins, Assistant City Attorney
Jessica Simulcik Smith, Planning Commission Clerk

Commissioners Absent

Commissioner Piro

CALL TO ORDER

Chair Kuboi called the regular meeting of the Shoreline Planning Commission to order at 7:06 p.m.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Kuboi, Vice Chair Hall, and Commissioners Behrens, Kaje, Perkowski, Pyle and Wagner. Commissioner Broili arrived at 7:09 p.m. and Commissioner Piro was excused.

APPROVAL OF AGENDA

The Commission accepted the agenda as proposed.

DIRECTOR'S REPORT

Ms. Markle reported that the City Council approved the application to rezone properties located at 16520 through 16538 Linden Avenue North from R-8 to R-24. The vote was 6-1. Council Member Way expressed concern about the lack of sidewalks on the west side of the street adjacent to the park, particularly given the potential increase in traffic and that children would cross in this location

frequently. Ms. Markle further reported that the City Council also unanimously approved the application to rezone property located at 17562 – 12th Avenue North from R-12 to R-24.

Mr. Markle announced that the City Council started their review of the proposed Development Code amendments regarding CB zones, but the issue was tabled to their May 12th meeting. The City Council also heard about the Shoreline Sustainability Strategy, and all comments were positive and constructive.

Ms. Markle reported that staff is unclear about the direction that was given at the joint Planning Commission/City Council Meeting regarding the Commission's earlier recommendation that most quasi-judicial matters be referred to the Hearing Examiner for the next 12 months. Chair Kuboi recalled that some City Council Members were not enthusiastic about the Commission's proposal, and they asked the Commission to consider the issue further and address the concerns that were raised. The Commission agreed to discuss this issue at a future meeting and provide further direction. Vice Chair Hall suggested that when this issue comes up again, it would be helpful for staff to provide excerpts from meetings where the proposal was previously discussed. Ms. Simulcik Smith noted that the proposal was mainly discussed at the Commission's dinner meetings, and there is no tape or written recording. Commissioner Behrens asked staff to also provide a synopsis of the discussion from the City Council's perspective, including the handout that was provided by Council Member Way. Commissioner Pyle observed that the City Council was not so much opposed to the proposal, but they were concerned about appearance of fairness, the costs that would be passed on to the applicant, and how the program would be managed. He suggested these are all important issues to address before forwarding an updated recommendation to the City Council.

Ms. Markle announced that the City Council would hold their retreat on April 25th and 26th. The agenda would include a discussion about the vision for the City of Shoreline. The Planning Commission's role would likely be part of that discussion.

Ms. Markle mentioned that Forward Shoreline held a meeting on April 16th. Staff members who attended indicated the discussion was hopeful. A few Commissioners indicated they attended the meeting, as well. She also reported she met with Fircrest Representatives, who are starting Phase 2 of their master plan. The plan should come before the Commission for review within the next year.

APPROVAL OF MINUTES

The minutes of April 3, 2008, were approved as amended.

GENERAL PUBLIC COMMENT

Dennis Lee, Shoreline, said the dialogue that took place at the joint City Council/Planning Commission meeting was very good. Regarding the proposal to send quasi-judicial items to the hearing examiner for 12-months, Mr. Lee suggested that perhaps the Commission could make this decision on a case-by-case basis. The Commission could retain their ability to review the important applications as time permits.

Les Nelson, Shoreline, recalled a comment made by Commissioner Pyle about small properties along Aurora that could probably not accommodate any other type of zone than R-48. He questioned what process would be used to accomplish these site-specific rezones. Commissioner Pyle explained that his comment was based on a range of options that one could pursue for a specific piece of property under a specific Comprehensive Plan land use designation. For example, oftentimes, a land use designation of R-12 to R-48, can give property owners a false idea that they can rezone to a higher density. Perhaps in circumstances where it is not possible to get a particular zoning designation, the Comprehensive Plan should be changed or the land use designation redefined so it doesn't include a density that would not be allowed. Mr. Nelson agreed and asked what process would be used to make these changes. Commissioner Pyle answered that this would require a Comprehensive Plan amendment to change the definition and/or land use designation to allow for a different range of options for underlying zoning. Mr. Nelson suggested this could potentially be done through the subarea planning process as an amendment to the Comprehensive Plan.

REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Perkowski indicated he attended the Forward Shoreline Meeting on April 16th and was impressed with the level of discourse. Bob Ferguson provided some very useful insight and advice on how to deal with conflict in a public process. Commissioner Broili added that he found Mr. Ferguson's remarks to be right on target and well appreciated. He said he was encouraged by the direction Forward Shoreline is taking and the process they are putting forward to work toward a strategy for bringing a vision to the City that is outside the realm of the political arena. He noted they have a consultant from outside of Shoreline to help them work through the process. He pointed out their goal is to ensure that everyone has a voice in the vision that would be produced through the process.

STAFF REPORTS

Study Session on Master Plan Amendments

Ms. Markle explained that the Growth Management Act (GMA) states that comprehensive plans can be amended annually, with a few exceptions such as subarea plans that are being adopted for the first time. The state's intent is to require cities to collect amendments over a year and then review all of the amendments at the same time in order to have a holistic picture of what the impacts would be. She introduced the proposed 2008 amendments to the Comprehensive Plan and associated Development Code amendments and noted there were no public initiated amendments.

Commissioner Wagner noted that at recent meetings, the public has voiced more interest in the Comprehensive Plan. She suggested that *CURRENTS* would be an appropriate place to inform the public of the on-going Comprehensive Plan amendment process and how they can participate. Ms. Markle advised that Comprehensive Plan amendments are collected up until December 31st of each year. Ms. Markle suggested they advertise the process sometime in January or February of each year. She noted that the opportunity is advertised year round on the City's website.

Ms. Markle advised that Comprehensive Plan amendments are reviewed via a legislative process. Notice was sent to CTED on March 26th and SEPA comments are due on April 18th. The public comment period would be open until adoption. A public hearing has been scheduled before the Planning Commission on May 1st. The City Council is scheduled to conduct a study session on the Commission's recommendation on May 19th, with anticipated adoption at their meeting of June 9th. Ms. Markle reviewed the main purposes for the proposed Comprehensive Plan amendments as follows:

- **Streamline master planning for essential public facilities.** Ms. Markle pointed out that the Comprehensive Plan encourages master planning for single-family institutions and essential public facilities. However, because the Plan states that an amendment would be required in order to adopt a master plan, this discourages master planning due to a lack of predictability for the applicant. Applicants may have to wait nearly a year to have a master plan permit application processed. If the City truly wants to encourage private entities to prepare master plans, it is critical they are allowed to apply and have their master plan applications processed more than once a year.

Ms. Markle said the Comprehensive Plan encourages master planning because it allows the City to cumulatively address impacts such as traffic, stormwater, environmental protection, design and use compatibility, parking and safety. Through this process specific development regulations and controls can be put in place to address the impacts. Without a master plan, these sites would be allowed to develop on a piecemeal basis using either conditional use permits, an administrative process, or using special use permits, a quasi-judicial process.

Ms. Markle advised that the 1st Northeast Transfer Station is the only approved Master Plan in the City. It was reviewed as a legislative item, and no changes were made to the Comprehensive Plan. While this site is small and used for only one purpose, it could be used as an example of what a master plan would look like. A master plan would include specific development regulations for height, setbacks, bulk and density. It would also identify specific landscaping, parking, design and circulation standards. In addition, the standard sections of the City's code could be applied. A master plan would also include a long-range site plan, phased mitigation plans, and phased infrastructure improvements.

- **Assign a new land use designation called “planned area” to replace single-family institutions.** Ms. Markle recalled that the City recently employed a new development tool called “planned area” for the Ridgecrest Commercial Neighborhood. The tool has been used by other cities to identify and responsibly plan for those areas within a city that represent unique challenges and opportunities such as colleges, airports, hospitals, neighborhood commercial centers, etc. She pointed out that what the Comprehensive Plan talks about single-family institutions and essential public facilities and the need to master plan, and it became clear to staff that the “planned area” tool could be used for a variety of defined planning scenarios.

Ms. Markle said staff is proposing that the “planned area” land use designation be defined as follows: *“pertains to a defined geographic area that is uniquely based on natural, economic or historic attributes subject to problems from transition in land uses; or contain essential public facilities. This level of planning seeks to engage area residents, property owners and businesses to clarify and apply*

existing Comprehensive Plan policies to better reflect changing circumstances, problems and opportunities. Planned area designations may be initiated by property owner(s) or the City during the annual review of amendments to the Comprehensive Plan.” Ms. Markle said the proposed amendments would also firm up the process. In order to receive planned area zoning, the area must be defined as a planned area on the future land use map.

- **Define and differentiate “subarea plans” and “planned areas”.** Ms. Markle advised that the proposed amendments also seek to amend the current definition of “subarea plan” to better reflect how the tool has been used by the City over the past 12 years. She explained that the current definition seems to indicate that development regulations would always be a part of a subarea plan, but it is possible to adopt a subarea plan and then come back later with development regulations. She reviewed the differences between “subarea plans” and “planned areas.” She noted that only the City can apply for subarea plans, and they can occur at any time. Subarea plans may or may not include development regulations, and the definition is broader in terms of what geographic areas they can be used for. Either the City or a private applicant can apply for a planned area, but they can only occur as part of the annual review process. In addition, planned areas may be a subset of a subarea. Planned areas are also defined more narrowly.
- **Identify a public process for private property owners to prepare comprehensive long range plans.** Ms. Markle said she is often asked if a private property owner can apply for a master plan, and the current answer is no. She explained that the question stems from a desire to develop in a way that doesn’t fit within any of the existing zoning designations. Often there is a belief that the developer could provide, through design or conditioning, community benefits related to such things as affordable housing, preservation of open space and trees, jobs, public infrastructure, upgrades, etc. in exchange for deviations from the blanket development standards. She advised that under the proposed amendment, a private property owner could apply for a site-specific Comprehensive Plan amendment and associated rezone to planned area, and this would be a legislative process. However, in order to get zoning specific to the site, a property owner would have to apply for a master plan permit, which would be a quasi-judicial process.
- **Relocate Master Plan processes from the Comprehensive Plan to the Development Code.** Ms. Markle explained that the master plan concept is not mentioned at all in the Development Code. At this time, everything that governs a master plan is in the Comprehensive Plan (Land Use Policies 76 and 77). While this information is great, it is time to move it into the Development Code so that applicants and the public can see exactly what is required. In addition, she suggested the list in the Comprehensive Plan is incomplete, and the proposed amendment defines the process and provides review criteria. A checklist for submittal has already been prepared, as well.

Next, Ms. Markle reviewed the proposed Development Code Amendments as follows:

- **Add a definition for Master Plan Permit in SMC Chapter 20.20.** Ms. Markle noted, again, that there is currently no definition for “master plan” in either the Development Code or Comprehensive Plan. Staff is proposing the following definition: “*A permit issued by the City that establishes site specific permitted uses and development standards for certain planned areas or essential public*”

facilities.” She added that the permit would be limited to those properties identified in the Comprehensive Plan.

- **Add Master Plan Permit as a Type C permit to Table 20.30.060 and create a purpose statement, decision criteria and vesting rules for Master Plan Permits in SMC 20.30.** Ms. Markle said this amendment would actually outline the quasi-judicial process and criteria for master plan permits in the Development Code. She explained that, currently, staff’s review of master plan applications is based only on the criteria for a Development Code amendment, which is very broad. The proposed new criteria would balance citywide goals and objectives for critical areas, design, transportation, public service, parking, transition between uses, stormwater, etc. She summarized that the amendments seek to provide clear understanding for the public and the applicant.
- **Add Shoreline Community College, CRISTA, and Fircrest as Planned Areas 1, 3 and 4 on the zoning map with a limited scope and permitted uses section.** She said this amendment is intended to equal no change. She explained that the underlying zoning would remain in place and would not change until a master plan permit is approved through a quasi-judicial process. She said the intent of the proposed amendment is to set the stage so the Development Code and Comprehensive Plan would not need to be amended for the purposes of approving a master plan permit. She further said staff believes this change would be more transparent to property owners.
- **Specific to Planned Area 1 – Shoreline Community College.** Ms. Markle said staff is proposing to not allow Shoreline Community College to continue to expand using the non-conforming use provisions. She explained that non-conforming uses such as Shoreline Community College, CRISTA and Fircrest are allowed to expand with a conditional use permit, which is an administrative process, or a special use permit, which is a quasi-judicial process. This allows the properties to be redeveloped and developed piecemeal. She noted that, oftentimes, a single-proposal does not trigger frontage improvements and/or major upgrades to stormwater, etc. Staff believes they have reached a point with Shoreline Community College where they are no longer confident impacts can be mitigated. She advised that the college has been contacted about the proposed change that would require them to master plan. She noted that staff does not believe the same issues exist with the CRISTA and Fircrest sites.

Ms. Markle emphasized that the proposed amendments would not change the development controls currently in place for Shoreline Community College, CRISTA or Fircrest. However, the proposed amendments would identify and define a process for master plan permits, specifying who can apply for a master plan permit and create specific review criteria.

Commissioner Pyle voiced confusion about the amendment that would identify a public process for private property owners to prepare comprehensive long range plans. He asked if this amendment would be similar to what could be achieved through a contract rezone, a binding site plan, etc. Could the amendment be used to achieve a difference in use, or is it merely something that could be used to achieve a deviation from the standard application of the zoning controls. Ms. Markle said an applicant would be able to use this concept to change the permitted uses and the development standards. However, it is important to keep in mind that a property must meet certain criteria to be a planned area.

Commissioner Pyle asked if there would be a property size limitation. Ms. Markle said that has not been proposed. She said she originally thought that planned areas would be smaller than subareas, but this did not work.

Commissioner Pyle asked if the master plan permit concept could be applied to allow a private property owner to construct a business use in a residential zone if they could prove they meet certain circumstances. Ms. Markle said that, technically, this could happen. However, it is important to keep in mind that a property owner would have to go through the Comprehensive Plan amendment process and meet all of the specific criteria related to public benefit. She said the concept is similar to a contract rezone. However, in a contract rezone, a property would still be beholden to the underlying zone, but with conditions. A master plan permit would be used for properties that are not able to meet all of the use requirements or development standards.

Ms. Markle advised that the City does not have provisions for contract rezones anymore; however, they do have provisions for binding site plans. Commissioner Pyle noted that a property owner who could not achieve his/her objective through a binding site plan could pursue a public process for preparing a master plan, if the circumstances were right. Ms. Markle agreed, as long as they can get through the legislative portion of the program.

Commissioner Kaje pointed out that staff's proposed amendments to Land Use Policies 9, 12, 14, 15, 16, 17, 18 and 19 would apply the same provisions for all types of areas, and the same set of criteria would be used. He suggested there should be more guidance and restriction on what could be allowed in a low-density residential area as opposed to a community business area. He suggested that this gap should be filled by adding language to both the Development Code and the Comprehensive Plan that takes into account the context that a particular master plan is being proposed for.

Ms. Markle pointed out that the Planning Commission would recommend and the City Council approve the location of planned areas through the legislative process. If a planned area is determined inappropriate for a particular zone because it cannot meet the criteria, the proposal would be denied. If a land use change is not approved, a property owner would not be able to apply for a master plan permit. She pointed out that Shoreline Community College and Fircrest are located in R-6 zones. Because they are essential public facilities, the City cannot preclude their continued use or expansion. She suggested it would be difficult to not offer the subarea or master plan concepts as an option to change the land use in an R-4 or R-6 zone.

Commissioner Kaje suggested that if a property owner in any zone wants to do something different than the Development Code would allow, the language should provide specific guidance about what the Commission and City Council should consider if the properties are surrounded by low-density residential. Ms. Markle agreed this would be appropriate. However, rather than addressing this issue by adding additional language to the master plan criteria, it would be more appropriate to consider this issue when reviewing the Comprehensive Plan criteria.

Commissioner Wagner asked how many sites could potentially be impacted by the proposed amendments, other than the three identified by staff (CRISTA, Shoreline Community College, and

Fircrest). Ms. Markle said she has received four inquiries about the potential for master planning, and she does not anticipate the master plan permit being a tool that is used frequently. It could be used to create individual planned areas after a subarea plan has been adopted. This would be done through a legislative process.

Vice Chair Hall asked if all conditional use and special use permits require a legislative process. He recalled that one permit for a building at Shoreline Community College came through the Commission for review and a recommendation. Ms. Markle explained that Shoreline Community College is a non-conforming use in a residential zone. As per recent direction from the City Attorney, most development permits for this property would require a conditional use permit not a special use permit. Conditional use permits are administrative decisions that do not come before the Planning Commission for review. She advised that the use table found in the Development Code indicates whether a conditional use or a special use permit would be required in order for a non-conforming use to be expanded. Special use permits do come before the Commission for review and a recommendation to the City Council.

Vice Chair Hall said the staff report points out that the 1st Avenue Northeast Transfer Station is the only facility currently operating under a master plan in the City. However, staff has not proposed to designate this property as a planned area. Ms. Markle advised that they could make this designation. Commissioner Hall pointed out the City's intent of limiting the master plan concept to those areas designated "planned area" in the Comprehensive Plan. He noted that if a new master plan were proposed for the transfer station, a lengthy legislative process would be required to designate the property as a planned area. He suggested it would be more appropriate to designate this area as a planned area now. Ms. Markle agreed this would be a good idea.

Vice Chair Hall expressed surprise that the criteria for rezones was not touched on in the proposed new language. He recalled that over the past year, the Planning staff has suggested the criteria overlaps and does not work well. He questioned if it would also be appropriate for the Commission to revisit the current rezone criteria. He noted the Commission also discussed this issue in the context of whether or not they felt comfortable transferring the responsibility for doing quasi-judicial rezones to the Hearing Examiner. There was some concern in that discussion about whether the criteria are sufficiently explicit. He asked staff to respond to this issue prior to the public hearing.

Commissioner Perkowski referred to the proposed amendment related to streamlining master planning for essential public facilities. As proposed, master plan permits could be amended using the same process as approving the master plan. He asked staff to share their thoughts about whether this would truly end the piecemeal approach or if the amendment process would make the situation almost analogous to the current conditional use permit process. He questioned if the language should tighten the threshold for what constitutes an amendment. Ms. Markle pointed out that property owners have to spend a lot of money and time to come up with sufficient analysis to create an initial master plan. She felt it would be a pretty major situation for a property owner to want to go back through the expensive (about \$10,000 per application) and time consuming master planning process. Commissioner Perkowski suggested the opposite could also be true. Again, he suggested the thresholds for the amendment process should be carefully considered. Ms. Markle agreed to review the language and try to come up with something different to address the concern.

Commissioner Wagner inquired if the City has heard any feedback from Shoreline Community College regarding the proposed amendments. Ms. Markle advised that she has regular contact with the Vice President of Administration at the college to discuss the proposed amendments. He stated the college doesn't have plans to do any development for the next few years, and they currently have one active building permit. He does not foresee the proposed amendments would cause trouble for their future plans. She pointed out that the college has prepared a master plan permit application, but it is not a complete application.

At the request of Chair Kuboi, Ms. Markle reviewed the three review criteria for Development Code amendments. They are as follows:

- The amendment is consistent with the Growth Management Act and not inconsistent with the countywide planning policies or other provisions of the Comprehensive Plan and City policies.
- 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.
- The amendment will benefit the community as a whole and will not adversely affect the community facilities and/or the public health, safety or general welfare.

Vice Chair Hall asked if the master plan already submitted by CRISTA would be processed as a legislative action or if it would be processed under the new provisions as a quasi-judicial application. Ms. Markle said CRISTA's application would be vested under the existing criteria, since the project manager anticipates issuing a completeness letter by the end of the week. If the amendments pass it will be processed as a quasi-judicial item, if they are not passed it will be processed legislatively.

Vice Chair Hall pointed out that the proposed language for Land Use Policy 12 is structured differently than the other amendments. Ms. Markle agreed to review the language to make it clear that density could exceed 12 dwelling units and the R-8 or R-12 zoning designation if a subarea plan, neighborhood plan or special overlay plan has been approved.

Vice Chair Hall referred to Figure LU-1 and asked if the planned area designation is a designation or an overlay on top of some other designation. Similarly, he asked if the planned area zone would be a zoning district or an overlay on top of another district. Ms. Markle explained that the underlying zoning must remain in place on the zoning map until a master plan permit has been approved. She said she could write simple language for Fircrest and Shoreline Community College because the entire sites are zoned the same. However, because the CRISTA property consists of two different zones, it would be difficult to describe in writing and easier to illustrate on the map. That's why she used an overlay. She said she would consider further whether or not it would be appropriate to identify the underlying land use on the Comprehensive Plan land use map.

Vice Chair Hall recalled that in the Shoreline community, tremendous concern has been voiced about the distinction between land use designations and zoning designations. As he reviewed the staff report, he noted that a number of terms have been used. He suggested this makes is complicated for the general

public to clearly understand. He asked staff to share their ideas for making the Comprehensive Plan and Development Code more accessible to the general public. Ms. Markle said she originally took out terms such as “neighborhood plan” and “special overlay” in an effort to focus on getting a tight master plan permit process and definitions in place for Shoreline Community College, CRISTA, and Fircrest. However, she was nervous about proposing too many changes to the existing plan. She said she would support removing some of the terms. This would be easy to do and would make the plan more transparent.

Commissioner Broili asked if it would be possible to provide illustrations to lay out the flow of how the pieces all relate to each other. He noted that some people respond better to visual information as opposed to verbal information. Ms. Markle referred to the chart labeled Attachment D, which represents her attempt to visually lay out the concepts contained in the proposed amendments. She asked Commissioner Broili to review Attachment D and provide comments for how it could be improved. Commissioner Broili suggested they use a flowchart approach to illustrate the concepts. Ms. Markle agreed to attempt to create a flowchart. Vice Chair Hall suggested that simplifying the relationship between the different planning tools would help reduce the public’s confusion at the public hearing.

Commissioner Kaje referred to the proposed decision criteria found in Section 20.30.337.B, and asked if the term “mitigate” is specifically defined in the code. Ms. Markle reviewed the code’s current definition for the term “mitigation.” Commissioner Kaje inquired if this definition would apply to all sections of the code, and Ms. Markle answered affirmatively.

Commissioner Kaje pointed out that a few of the criteria talk about mitigating impacts. He suggested that the proposed language be changed to capture the hierarchy of the mitigation concept: avoid, reduce, and then mitigate impacts if they cannot be avoided or reduced. Commissioner Kaje also referred to Criteria 6 in Section 20.30.337.B, and suggested the word “limit” be changed to “minimize.” If the intent is to minimize conflicts between the master plan property and adjacent uses, the language should make this clear. The remainder of the Commission concurred.

Commissioner Behrens referred to Criteria 4 of Section 20.30.337.B and asked how staff proposes to project what type of public transportation system would be available at a particular time in the future. Ms. Markle clarified that the intent of the language is to require an applicant to implement traffic mitigation measures to address the anticipated impacts associated with each phase of their development. In addition, she noted the City does model into the future for transportation, so they do have information on what they perceive the traffic impacts would be in the future. She emphasized that the proposed language is not intended to allow an applicant to rely solely on public transportation as a way to mitigate the impacts.

PUBLIC COMMENT

The Commission discussed whether it would be appropriate to accept public testimony as opinions, since this item was not scheduled as a public hearing. City Attorney Collins noted that a public hearing on the proposed amendments has been scheduled for May 1st. She suggested that those who speak

tonight be asked to limit their comments at the public hearing to issues they have not yet raised. She noted that the item is legislative, so it is important to get as many comments as possible.

Les Nelson, Shoreline, expressed confusion that subarea plans are defined in the Comprehensive Plan, but not in the Growth Management Act (GMA). He suggested that doing planned areas through a quasi-judicial process would take some of the large facilities out of the realm of public comment. He noted that GMA requires that all proposed amendments to the Comprehensive Plan be considered by a government body concurrently so the cumulative affect of the various proposals could be ascertained. He suggested it would defy the intent of GMA if the City were to consider Comprehensive Plan changes associated with master plans, subarea plans and planned areas outside of the yearly cycle. He said his interpretation of GMA is that cities are allowed to create subarea plans at any point, but the final adoption must be done on a yearly cycle where all changes are considered at the same time.

Mr. Nelson said he also appreciates the Commission's discussion about disseminating information to the public by means other than the City's website. He suggested that this change would meet the requirements of the GMA to widely and broadly disseminate to the public a process for creating comprehensive plan amendments.

Dennis Lee, Shoreline, said he looks at the proposed concepts in a hierarchal manner. Master plans are the most complex and difficult. He said he was involved in the process for establishing the 1st Avenue Northeast Transfer Station Master Plan. While the process was difficult, it addressed most of the concerns raised by the public. He recalled that the proposal went through a legislative process, which allowed the citizens to lobby the City Council to address problems. He requested the City Attorney provide justification for making applications for master plans, subarea plans and planned areas quasi-judicial matters. He suggested the City consider making the process for changing from a planned area to a master plan legislative rather than quasi-judicial. In addition, he suggested that the "subarea plan" designation be renamed to "neighborhood subarea plan." He said neighborhood subarea plans should be the lowest on the hierarchy of concepts proposed, and using the word "neighborhood" would clearly define who the stakeholders are.

Commissioner Behrens said his understanding is that the planned area process would be legislative. That means an applicant would go through a formal legislative process to start with. An application would be presented to the Planning Commission, and they would make a recommendation to the City Council. If adopted by the City Council, an applicant would be allowed to apply for a master plan permit, which would be reviewed via a quasi-judicial process. He summarized that the proposed process would actually provide for a legislative process on the front and a quasi-judicial process on the end. Ms. Markle agreed. However, she pointed out that the exciting details are done as part of the master plan process.

Chair Kuboi inquired what type of detail would be envisioned at the Comprehensive Plan amendment stage for a proposed planned area. Ms. Markle said the proposed amendments were intended to focus on Shoreline Community College, Fircrest and CRISTA, which do not require a lot of detail because the Comprehensive Plan already identifies the need to master plan for these areas. There are no requirements in place to identify what a private applicant would have to provide in order to convince the

Commission and City Council that they deserve a Comprehensive Plan land use change. She said staff would advise an applicant to provide as much detail as possible about what they want to do, but the level of detail has not been spelled out in the proposed amendments.

Commissioner Wagner noted that none of the information required for the Comprehensive Plan amendment would be binding on the final master plan that is approved through the quasi-judicial process. The master plan process would actually define the details of the proposal. Ms. Markle agreed and added that if an applicant comes forward with a master plan proposal that is inconsistent with what was considered for the planned area, the current zoning would remain in place until they come back with something that meets the intent of the Comprehensive Plan.

Commissioner Broili said he anticipates that, over the course of time, other applications for planned areas would come before the Commission. Therefore, it would seem reasonable to provide some definition as to the level of detailed information that is expected. Ms. Markle pointed out that not a lot of detail would be required at the time the concept is first presented so it may be difficult to create a set of criteria. Commissioner Pyle pointed out that staff has the authority to govern the submittal requirements for planned area applications. He suggested that rather than adjusting the criteria for evaluation, the City could adjust the required submittal items, depending on the type of application. In order to deem an application substantially complete, a certain level of detail would have to be provided.

Commissioner Behrens suggested that many of the public concerns could be most thoroughly vetted during the legislative planned area portion of the master plan process. He questioned how the legislative review would be conducted. Ms. Markle described that, as part of the legislative review process, the City could mitigate impacts associated with the planned area land use designation by imposing conditions. Commissioner Behrens asked if staff believes the legislative review process would enable the City to address the more controversial issues. Ms. Markle said the legislative process would be where the broad use and density issues are vetted out. She suggested staff review the process that was used by Fircrest to consider the broader issues. Perhaps they could mirror their efforts when reviewing future proposals.

Chair Kuboi summarized the Commission's direction to staff as follows:

- Consider identifying the 1st Avenue Northeast Transfer Station site as a planned area.
- Revisit the issue of revising the rezone criteria.
- Provide more clarity regarding the amendment process.
- Rework Land Use Policy 12 to make the language more clear.
- Review the map and possibly make revisions.
- Review the language in an attempt to simplify terms.
- Provide a type of "cheat sheet" for the public hearing that is written for the benefit of the public to explain the master plan concept as clearly as possible. The public benefits of master plan should be clearly outlined.
- Add verbiage that captures the hierarchy of the mitigation process to make it clear that an applicant should first attempt to avoid impacts, and mitigation should be the last resort. This could be done by including an explicit reference to the code section where the mitigation concept is defined.

- Change the word “limit to “minimize in Criteria 6 of Section 20.30.337.B.

UNFINISHED BUSINESS

Economic Development Committee

Chair Kuboi recalled a recent request that the Commission provide a volunteer to serve on the Economic Development Committee. The Commission agreed to table the issue until staff could provide more information about the level of commitment that would be required for participants. Ms. Simulcik Smith agreed to email more details to each Commissioner.

Subcommittee to Evaluate the Concept of Design Review

Chair Kuboi recalled that at the joint meeting with the City Council, there was some mention about Commissioners participating on a subcommittee to evaluate the concept of design review. He invited the Commissioners to notify him of their interest.

NEW BUSINESS

Subcommittees in General

Chair Kuboi recalled that when the Surface Water and Transportation Master Plans were updated previously, the Commission utilized subcommittees as a way to cover additional task areas that the Commission, as a whole, was unable to do. He questioned if the Commission wants to consider using the subcommittee process to accomplish their significant 2008 work plan. The Commission agreed to discuss this concept more at a future meeting.

Discussion on Proposal Related to Quasi-Judicial Items

Vice Chair Hall reminded the Commission that the City Council asked them to reconsider their recommendation to move quasi-judicial items from the Planning Commission to the Hearing Examiner for 12 months. The Commission agreed to discuss this issue further at a future meeting.

AGENDA FOR NEXT MEETING

Chair Kuboi announced that a public hearing on the proposed master plan amendments has been scheduled for May 1st.

ADJOURNMENT

**COMMISSIONER BROILI MOVED THE MEETING BE ADJOURNED AT 9:07 P.M.
COMMISSIONER WAGNER SECONDED THE MOTION. THE MOTION CARRIED
UNANIMOUSLY.**

Sid Kuboi
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Public Hearing on the 2008 Annual Proposed Amendments to the Comprehensive Plan and Associated Development Code Amendments</p> <p>DEPARTMENT: Planning and Development Services</p> <p>PRESENTED BY: Rachael Markle, AICP Asst. Director of Planning and Development Services</p>

The Planning Commission conducted a study session on Thursday, April 17, 2008 to discuss the proposed amendments to the Comprehensive Plan and Development Code regarding Master Planning. A Public Hearing will be held by the Planning Commission at the May 1, 2008 meeting on the proposed Comprehensive Plan and Development Code amendments.

The Planning Commission asked several clarifying questions, asked for additional information and offered editorial suggestions. Comments and questions were also received from two citizens. The minutes from this meeting can be found in Attachment A. One written comment has been submitted to date on the proposed amendments and SEPA (Attachment B).

Changes that were made as a result of comments and suggestions received at the April 17, 2008 study session and from the written comment are highlighted in Attachment C: Proposed Amendments to the Comprehensive Plan and Attachment D: Proposed Amendments to the Development Code.

The Commission discussed two items that are not addressed in Attachments C and D. The first item pertains to simplifying the number of terms used to describe various planning processes such as neighborhood plan, special district overlay, subarea plan, planned area, master plan permit, planned unit development, etc. Staff agrees this is a worthwhile endeavor, but is hesitant to undertake this task at this time. These terms are used throughout the Comprehensive Plan and Development Code. It would take more time than was available to accurately identify and consolidate these terms. The second item was a request to limit/refine when a Master Plan permit can be amended. Staff was unable to draft language and requires additional information from the Commission in order to capture the intent of this addition.

Also included in this packet are a few tools to help with the discussion. Attachment E is a table that outlines the who, what, when, and how for subarea planning, planned

area zoning, planned area land use and master planning. Attachment F provides a one page description of the proposed amendments. Also, for more information please refer to the April 17, 2008 Planning Commission staff report.

Following the close of the Public Hearing, the options available to the Planning Commission include:

1. Recommending approval of the amendments as proposed;
2. Recommending approval of the amendments as amended;
3. Recommending denial of the proposed amendments; or
4. Requesting additional information or time to formulate a recommendation to City Council.

RECOMMENDATION

Staff recommends the approval of the proposed amendments to the Comprehensive Plan and Development Code.

ATTACHMENTS:

- Attachment A: Planning Commission Draft Minutes April 17, 2008
- Attachment B: Written Comment
- Attachment C: Proposed Amendments to the Comprehensive Plan
- Attachment D: Proposed Amendment to the Development Code
- Attachment E: Planning Tools Process Table
- Attachment F: Proposal at a Glance

DRAFT

These Minutes Subject to
May 1st Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

April 17, 2008
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present

Chair Kuboi
Vice Chair Hall
Commissioner Behrens
Commissioner Broili (arrived at 7:09 p.m.)
Commissioner Kaje
Commissioner Perkowski
Commissioner Pyle
Commissioner Wagner

Staff Present

Rachel Markle, Assistant Director, Planning & Development Services
Flannary Collins, Assistant City Attorney
Jessica Simulcik Smith, Planning Commission Clerk

Commissioners Absent

Commissioner Piro

process would be used to accomplish these site-specific rezones. Commissioner Pyle explained that his comment was based on a range of options that one could pursue for a specific piece of property under a specific Comprehensive Plan land use designation. For example, oftentimes, a land use designation of R-12 to R-48, can give property owners a false idea that they can rezone to a higher density. Perhaps in circumstances where it is not possible to get a particular zoning designation, the Comprehensive Plan should be changed or the land use designation redefined so it doesn't include a density that would not be allowed. Mr. Nelson agreed and asked what process would be used to make these changes. Commissioner Pyle answered that this would require a Comprehensive Plan amendment to change the definition and/or land use designation to allow for a different range of options for underlying zoning. Mr. Nelson suggested this could potentially be done through the subarea planning process as an amendment to the Comprehensive Plan.

REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Perkowski indicated he attended the Forward Shoreline Meeting on April 16th and was impressed with the level of discourse. Bob Ferguson provided some very useful insight and advice on how to deal with conflict in a public process. Commissioner Broili added that he found Mr. Ferguson's remarks to be right on target and well appreciated. He said he was encouraged by the direction Forward Shoreline is taking and the process they are putting forward to work toward a strategy for bringing a vision to the City that is outside the realm of the political arena. He noted they have a consultant from outside of Shoreline to help them work through the process. He pointed out their goal is to ensure that everyone has a voice in the vision that would be produced through the process.

STAFF REPORTS

Study Session on Master Plan Amendments

Ms. Markle explained that the Growth Management Act (GMA) states that comprehensive plans can be amended annually, with a few exceptions such as subarea plans that are being adopted for the first time. The state's intent is to require cities to collect amendments over a year and then review all of the amendments at the same time in order to have a holistic picture of what the impacts would be. She introduced the proposed 2008 amendments to the Comprehensive Plan and associated Development Code amendments and noted there were no public initiated amendments.

Commissioner Wagner noted that at recent meetings, the public has voiced more interest in the Comprehensive Plan. She suggested that *CURRENTS* would be an appropriate place to inform the public of the on-going Comprehensive Plan amendment process and how they can participate. Ms. Markle advised that Comprehensive Plan amendments are collected up until December 31st of each year. Ms. Markle suggested they advertise the process sometime in January or February of each year. She noted that the opportunity is advertised year round on the City's website.

Ms. Markle advised that Comprehensive Plan amendments are reviewed via a legislative process. Notice was sent to CTED on March 26th and SEPA comments are due on April 18th. The public comment period would be open until adoption. A public hearing has been scheduled before the

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Planning Commission on May 1st. The City Council is scheduled to conduct a study session on the Commission's recommendation on May 19th, with anticipated adoption at their meeting of June 9th. Ms. Markle reviewed the main purposes for the proposed Comprehensive Plan amendments as follows:

- **Streamline master planning for essential public facilities.** Ms. Markle pointed out that the Comprehensive Plan encourages master planning for single-family institutions and essential public facilities. However, because the Plan states that an amendment would be required in order to adopt a master plan, this discourages master planning due to a lack of predictability for the applicant. Applicants may have to wait nearly a year to have a master plan permit application processed. If the City truly wants to encourage private entities to prepare master plans, it is critical they are allowed to apply and have their master plan applications processed more than once a year.

Ms. Markle said the Comprehensive Plan encourages master planning because it allows the City to cumulatively address impacts such as traffic, stormwater, environmental protection, design and use compatibility, parking and safety. Through this process specific development regulations and controls can be put in place to address the impacts. Without a master plan, these sites would be allowed to develop on a piecemeal basis using either conditional use permits, an administrative process, or using special use permits, a quasi-judicial process.

Ms. Markle advised that the 1st Northeast Transfer Station is the only approved Master Plan in the City. It was reviewed as a legislative item, and no changes were made to the Comprehensive Plan. While this site is small and used for only one purpose, it could be used as an example of what a master plan would look like. A master plan would include specific development regulations for height, setbacks, bulk and density. It would also identify specific landscaping, parking, design and circulation standards. In addition, the standard sections of the City's code could be applied. A master plan would also include a long-range site plan, phased mitigation plans, and phased infrastructure improvements.

- **Assign a new land use designation called "planned area" to replace single-family institutions.** Ms. Markle recalled that the City recently employed a new development tool called "planned area" for the Ridgecrest Commercial Neighborhood. The tool has been used by other cities to identify and responsibly plan for those areas within a city that represent unique challenges and opportunities such as colleges, airports, hospitals, neighborhood commercial centers, etc. She pointed out that what the Comprehensive Plan talks about single-family institutions and essential public facilities and the need to master plan, and it became clear to staff that the "planned area" tool could be used for a variety of defined planning scenarios.

Ms. Markle said staff is proposing that the "planned area" land use designation be defined as follows: *"pertains to a defined geographic area that is uniquely based on natural, economic or historic attributes subject to problems from transition in land uses; or contain essential public facilities. This level of planning seeks to engage area residents, property owners and businesses to clarify and apply existing Comprehensive Plan policies to better reflect changing circumstances, problems and opportunities. Planned area designations may be initiated by property owner(s) or the City during the annual review of amendments to the Comprehensive Plan."* Ms. Markle said the proposed

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amendments would also firm up the process. In order to receive planned area zoning, the area must be defined as a planned area on the future land use map.

- **Define and differentiate “subarea plans” and “planned areas”.** Ms. Markle advised that the proposed amendments also seek to amend the current definition of “subarea plan” to better reflect how the tool has been used by the City over the past 12 years. She explained that the current definition seems to indicate that development regulations would always be a part of a subarea plan, but it is possible to adopt a subarea plan and then come back later with development regulations. She reviewed the differences between “subarea plans” and “planned areas.” She noted that only the City can apply for subarea plans, and they can occur at any time. Subarea plans may or may not include development regulations, and the definition is broader in terms of what geographic areas they can be used for. Either the City or a private applicant can apply for a planned area, but they can only occur as part of the annual review process. In addition, planned areas may be a subset of a subarea. Planned areas are also defined more narrowly.
- **Identify a public process for private property owners to prepare comprehensive long range plans.** Ms. Markle said she is often asked if a private property owner can apply for a master plan, and the current answer is no. She explained that the question stems from a desire to develop in a way that doesn’t fit within any of the existing zoning designations. Often there is a belief that the developer could provide, through design or conditioning, community benefits related to such things as affordable housing, preservation of open space and trees, jobs, public infrastructure, upgrades, etc. in exchange for deviations from the blanket development standards. She advised that under the proposed amendment, a private property owner could apply for a site-specific Comprehensive Plan amendment and associated rezone to planned area, and this would be a legislative process. However, in order to get zoning specific to the site, a property owner would have to apply for a master plan permit, which would be a quasi-judicial process.
- **Relocate Master Plan processes from the Comprehensive Plan to the Development Code.** Ms. Markle explained that the master plan concept is not mentioned at all in the Development Code. At this time, everything that governs a master plan is in the Comprehensive Plan (Land Use Policies 76 and 77). While this information is great, it is time to move it into the Development Code so that applicants and the public can see exactly what is required. In addition, she suggested the list in the Comprehensive Plan is incomplete, and the proposed amendment defines the process and provides review criteria. A checklist for submittal has already been prepared, as well.

Next, Ms. Markle reviewed the proposed Development Code Amendments as follows:

- **Add a definition for Master Plan Permit in SMC Chapter 20.20.** Ms. Markle noted, again, that there is currently no definition for “master plan” in either the Development Code or Comprehensive Plan. Staff is proposing the following definition: “*A permit issued by the City that establishes site specific permitted uses and development standards for certain planned areas or essential public facilities.*” She added that the permit would be limited to those properties identified in the Comprehensive Plan.

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- **Add Master Plan Permit as a Type C permit to Table 20.30.060 and create a purpose statement, decision criteria and vesting rules for Master Plan Permits in SMC 20.30.** Ms. Markle said this amendment would actually outline the quasi-judicial process and criteria for master plan permits in the Development Code. She explained that, currently, staff's review of master plan applications is based only on the criteria for a Development Code amendment, which is very broad. The proposed new criteria would balance citywide goals and objectives for critical areas, design, transportation, public service, parking, transition between uses, stormwater, etc. She summarized that the amendments seek to provide clear understanding for the public and the applicant.
- **Add Shoreline Community College, CRISTA, and Fircrest as Planned Areas 1, 3 and 4 on the zoning map with a limited scope and permitted uses section.** She said this amendment is intended to equal no change. She explained that the underlying zoning would remain in place and would not change until a master plan permit is approved through a quasi-judicial process. She said the intent of the proposed amendment is to set the stage so the Development Code and Comprehensive Plan would not need to be amended for the purposes of approving a master plan permit. She further said staff believes this change would be more transparent to property owners.
- **Specific to Planned Area 1 – Shoreline Community College.** Ms. Markle said staff is proposing to not allow Shoreline Community College to continue to expand using the non-conforming use provisions. She explained that non-conforming uses such as Shoreline Community College, CRISTA and Fircrest are allowed to expand with a conditional use permit, which is an administrative process, or a special use permit, which is a quasi-judicial process. This allows the properties to be redeveloped and developed piecemeal. She noted that, oftentimes, a single-proposal does not trigger frontage improvements and/or major upgrades to stormwater, etc. Staff believes they have reached a point with Shoreline Community College where they are no longer confident impacts can be mitigated. She advised that the college has been contacted about the proposed change that would require them to master plan. She noted that staff does not believe the same issues exist with the CRISTA and Fircrest sites.

Ms. Markle emphasized that the proposed amendments would not change the development controls currently in place for Shoreline Community College, CRISTA or Fircrest. However, the proposed amendments would identify and define a process for master plan permits, specifying who can apply for a master plan permit and create specific review criteria.

Commissioner Pyle voiced confusion about the amendment that would identify a public process for private property owners to prepare comprehensive long range plans. He asked if this amendment would be similar to what could be achieved through a contract rezone, a binding site plan, etc. Could the amendment be used to achieve a difference in use, or is it merely something that could be used to achieve a deviation from the standard application of the zoning controls. Ms. Markle said an applicant would be able to use this concept to change the permitted uses and the development standards. However, it is important to keep in mind that a property must meet certain criteria to be a planned area. Commissioner Pyle asked if there would be a property size limitation. Ms. Markle said that has not been proposed. She said she originally thought that planned areas would be smaller than subareas, but this did not work.

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Commissioner Pyle asked if the master plan permit concept could be applied to allow a private property owner to construct a business use in a residential zone if they could prove they meet certain circumstances. Ms. Markle said that, technically, this could happen. However, it is important to keep in mind that a property owner would have to go through the Comprehensive Plan amendment process and meet all of the specific criteria related to public benefit. She said the concept is similar to a contract rezone. However, in a contract rezone, a property would still be beholden to the underlying zone, but with conditions. A master plan permit would be used for properties that are not able to meet all of the use requirements or development standards.

Ms. Markle advised that the City does not have provisions for contract rezones anymore; however, they do have provisions for binding site plans. Commissioner Pyle noted that a property owner who could not achieve his/her objective through a binding site plan could pursue a public process for preparing a master plan, if the circumstances were right. Ms. Markle agreed, as long as they can get through the legislative portion of the program.

Commissioner Kaje pointed out that staff's proposed amendments to Land Use Policies 9, 12, 14, 15, 16, 17, 18 and 19 would apply the same provisions for all types of areas, and the same set of criteria would be used. He suggested there should be more guidance and restriction on what could be allowed in a low-density residential area as opposed to a community business area. He suggested that this gap should be filled by adding language to both the Development Code and the Comprehensive Plan that takes into account the context that a particular master plan is being proposed for.

Ms. Markle pointed out that the Planning Commission would recommend and the City Council approve the location of planned areas through the legislative process. If a planned area is determined inappropriate for a particular zone because it cannot meet the criteria, the proposal would be denied. If a land use change is not approved, a property owner would not be able to apply for a master plan permit. She pointed out that Shoreline Community College and Fircrest are located in R-6 zones. Because they are essential public facilities, the City cannot preclude their continued use or expansion. She suggested it would be difficult to not offer the subarea or master plan concepts as an option to change the land use in an R-4 or R-6 zone.

Commissioner Kaje suggested that if a property owner in any zone wants to do something different than the Development Code would allow, the language should provide specific guidance about what the Commission and City Council should consider if the properties are surrounded by low-density residential. Ms. Markle agreed this would be appropriate. However, rather than addressing this issue by adding additional language to the master plan criteria, it would be more appropriate to consider this issue when reviewing the Comprehensive Plan criteria.

Commissioner Wagner asked how many sites could potentially be impacted by the proposed amendments, other than the three identified by staff (CRISTA, Shoreline Community College, and Fircrest). Ms. Markle said she has received four inquiries about the potential for master planning, and she does not anticipate the master plan permit being a tool that is used frequently. It could be used to

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create individual planned areas after a subarea plan has been adopted. This would be done through a legislative process.

Vice Chair Hall asked if all conditional use and special use permits require a legislative process. He recalled that one permit for a building at Shoreline Community College came through the Commission for review and a recommendation. Ms. Markle explained that Shoreline Community College is a non-conforming use in a residential zone. As per recent direction from the City Attorney, most development permits for this property would require a conditional use permit not a special use permit. Conditional use permits are administrative decisions that do not come before the Planning Commission for review. She advised that the use table found in the Development Code indicates whether a conditional use or a special use permit would be required in order for a non-conforming use to be expanded. Special use permits do come before the Commission for review and a recommendation to the City Council.

Vice Chair Hall said the staff report points out that the 1st Avenue Northeast Transfer Station is the only facility currently operating under a master plan in the City. However, staff has not proposed to designate this property as a planned area. Ms. Markle advised that they could make this designation. Commissioner Hall pointed out the City's intent of limiting the master plan concept to those areas designated "planned area" in the Comprehensive Plan. He noted that if a new master plan were proposed for the transfer station, a lengthy legislative process would be required to designate the property as a planned area. He suggested it would be more appropriate to designate this area as a planned area now. Ms. Markle agreed this would be a good idea.

Vice Chair Hall expressed surprise that the criteria for rezones was not touched on in the proposed new language. He recalled that over the past year, the Planning staff has suggested the criteria overlaps and does not work well. He questioned if it would also be appropriate for the Commission to revisit the current rezone criteria. He noted the Commission also discussed this issue in the context of whether or not they felt comfortable transferring the responsibility for doing quasi-judicial rezones to the Hearing Examiner. There was some concern in that discussion about whether the criteria are sufficiently explicit. He asked staff to respond to this issue prior to the public hearing.

Commissioner Perkowski referred to the proposed amendment related to streamlining master planning for essential public facilities. As proposed, master plan permits could be amended using the same process as approving the master plan. He asked staff to share their thoughts about whether this would truly end the piecemeal approach or if the amendment process would make the situation almost analogous to the current conditional use permit process. He questioned if the language should tighten the threshold for what constitutes an amendment. Ms. Markle pointed out that property owners have to spend a lot of money and time to come up with sufficient analysis to create an initial master plan. She felt it would be a pretty major situation for a property owner to want to go back through the expensive (about \$10,000 per application) and time consuming master planning process. Commissioner Perkowski suggested the opposite could also be true. Again, he suggested the thresholds for the amendment process should be carefully considered. Ms. Markle agreed to review the language and try to come up with something different to address the concern.

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Commissioner Wagner inquired if the City has heard any feedback from Shoreline Community College regarding the proposed amendments. Ms. Markle advised that she has regular contact with the Vice President of Administration at the college to discuss the proposed amendments. He stated the college doesn't have plans to do any development for the next few years, and they currently have one active building permit. He does not foresee the proposed amendments would cause trouble for their future plans. She pointed out that the college has prepared a master plan permit application, but it is not a complete application.

At the request of Chair Kuboi, Ms. Markle reviewed the three review criteria for Development Code amendments. They are as follows:

- The amendment is consistent with the Growth Management Act and not inconsistent with the countywide planning policies or other provisions of the Comprehensive Plan and City policies.
- 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.
- The amendment will benefit the community as a whole and will not adversely affect the community facilities and/or the public health, safety or general welfare.

Vice Chair Hall asked if the master plan already submitted by CRISTA would be processed as a legislative action or if it would be processed under the new provisions as a quasi-judicial application. Ms. Markle said CRISTA's application would be vested under the existing criteria, since the project manager anticipates issuing a completeness letter by the end of the week. If the amendments pass it will be processed as a quasi-judicial item, if they are not passed it will be processed legislatively.

Vice Chair Hall pointed out that the proposed language for Land Use Policy 12 is structured differently than the other amendments. Ms. Markle agreed to review the language to make it clear that density could exceed 12 dwelling units and the R-8 or R-12 zoning designation if a subarea plan, neighborhood plan or special overlay plan has been approved.

Vice Chair Hall referred to Figure LU-1 and asked if the planned area designation is a designation or an overlay on top of some other designation. Similarly, he asked if the planned area zone would be a zoning district or an overlay on top of another district. Ms. Markle explained that the underlying zoning must remain in place on the zoning map until a master plan permit has been approved. She said she could write simple language for Fircrest and Shoreline Community College because the entire sites are zoned the same. However, because the CRISTA property consists of two different zones, it would be difficult to describe in writing and easier to illustrate on the map. That's why she used an overlay. She said she would consider further whether or not it would be appropriate to identify the underlying land use on the Comprehensive Plan land use map.

Vice Chair Hall recalled that in the Shoreline community, tremendous concern has been voiced about the distinction between land use designations and zoning designations. As he reviewed the staff report, he noted that a number of terms have been used. He suggested this makes is complicated for the general public to clearly understand. He asked staff to share their ideas for making the Comprehensive Plan and

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Development Code more accessible to the general public. Ms. Markle said she originally took out terms such as “neighborhood plan” and “special overlay” in an effort to focus on getting a tight master plan permit process and definitions in place for Shoreline Community College, CRISTA, and Fircrest. However, she was nervous about proposing too many changes to the existing plan. She said she would support removing some of the terms. This would be easy to do and would make the plan more transparent.

Commissioner Broili asked if it would be possible to provide illustrations to lay out the flow of how the pieces all relate to each other. He noted that some people respond better to visual information as opposed to verbal information. Ms. Markle referred to the chart labeled Attachment D, which represents her attempt to visually lay out the concepts contained in the proposed amendments. She asked Commissioner Broili to review Attachment D and provide comments for how it could be improved. Commissioner Broili suggested they use a flowchart approach to illustrate the concepts. Ms. Markle agreed to attempt to create a flowchart. Vice Chair Hall suggested that simplifying the relationship between the different planning tools would help reduce the public’s confusion at the public hearing.

Commissioner Kaje referred to the proposed decision criteria found in Section 20.30.337.B, and asked if the term “mitigate” is specifically defined in the code. Ms. Markle reviewed the code’s current definition for the term “mitigation.” Commissioner Kaje inquired if this definition would apply to all sections of the code, and Ms. Markle answered affirmatively.

Commissioner Kaje pointed out that a few of the criteria talk about mitigating impacts. He suggested that the proposed language be changed to capture the hierarchy of the mitigation concept: avoid, reduce, and then mitigate impacts if they cannot be avoided or reduced. Commissioner Kaje also referred to Criteria 6 in Section 20.30.337.B, and suggested the word “limit” be changed to “minimize.” If the intent is to minimize conflicts between the master plan property and adjacent uses, the language should make this clear. The remainder of the Commission concurred.

Commissioner Behrens referred to Criteria 4 of Section 20.30.337.B and asked how staff proposes to project what type of public transportation system would be available at a particular time in the future. Ms. Markle clarified that the intent of the language is to require an applicant to implement traffic mitigation measures to address the anticipated impacts associated with each phase of their development. In addition, she noted the City does model into the future for transportation, so they do have information on what they perceive the traffic impacts would be in the future. She emphasized that the proposed language is not intended to allow an applicant to rely solely on public transportation as a way to mitigate the impacts.

PUBLIC COMMENT

The Commission discussed whether it would be appropriate to accept public testimony as opinions, since this item was not scheduled as a public hearing. City Attorney Collins noted that a public hearing on the proposed amendments has been scheduled for May 1st. She suggested that those who speak tonight be asked to limit their comments at the public hearing to issues they have not yet raised. She noted that the item is legislative, so it is important to get as many comments as possible.

Les Nelson, Shoreline, expressed confusion that subarea plans are defined in the Comprehensive Plan, but not in the Growth Management Act (GMA). He suggested that doing planned areas through a quasi-judicial process would take some of the large facilities out of the realm of public comment. He noted that GMA requires that all proposed amendments to the Comprehensive Plan be considered by a government body concurrently so the cumulative affect of the various proposals could be ascertained. He suggested it would defy the intent of GMA if the City were to consider Comprehensive Plan changes associated with master plans, subarea plans and planned areas outside of the yearly cycle. He said his interpretation of GMA is that cities are allowed to create subarea plans at any point, but the final adoption must be done on a yearly cycle where all changes are considered at the same time.

Mr. Nelson said he also appreciates the Commission's discussion about disseminating information to the public by means other than the City's website. He suggested that this change would meet the requirements of the GMA to widely and broadly disseminate to the public a process for creating comprehensive plan amendments.

Dennis Lee, Shoreline, said he looks at the proposed concepts in a hierarchal manner. Master plans are the most complex and difficult. He said he was involved in the process for establishing the 1st Avenue Northeast Transfer Station Master Plan. While the process was difficult, it addressed most of the concerns raised by the public. He recalled that the proposal went through a legislative process, which allowed the citizens to lobby the City Council to address problems. He requested the City Attorney provide justification for making applications for master plans, subarea plans and planned areas quasi-judicial matters. He suggested the City consider making the process for changing from a planned area to a master plan legislative rather than quasi-judicial. In addition, he suggested that the "subarea plan" designation be renamed to "neighborhood subarea plan." He said neighborhood subarea plans should be the lowest on the hierarchy of concepts proposed, and using the word "neighborhood" would clearly define who the stakeholders are.

Commissioner Behrens said his understanding is that the planned area process would be legislative. That means an applicant would go through a formal legislative process to start with. An application would be presented to the Planning Commission, and they would make a recommendation to the City Council. If adopted by the City Council, an applicant would be allowed to apply for a master plan permit, which would be reviewed via a quasi-judicial process. He summarized that the proposed process would actually provide for a legislative process on the front and a quasi-judicial process on the end. Ms. Markle agreed. However, she pointed out that the exciting details are done as part of the master plan process.

Chair Kuboi inquired what type of detail would be envisioned at the Comprehensive Plan amendment stage for a proposed planned area. Ms. Markle said the proposed amendments were intended to focus on Shoreline Community College, Fircrest and CRISTA, which do not require a lot of detail because the Comprehensive Plan already identifies the need to master plan for these areas. There are no requirements in place to identify what a private applicant would have to provide in order to convince the Commission and City Council that they deserve a Comprehensive Plan land use change. She said staff

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would advise an applicant to provide as much detail as possible about what they want to do, but the level of detail has not been spelled out in the proposed amendments.

Commissioner Wagner noted that none of the information required for the Comprehensive Plan amendment would be binding on the final master plan that is approved through the quasi-judicial process. The master plan process would actually define the details of the proposal. Ms. Markle agreed and added that if an applicant comes forward with a master plan proposal that is inconsistent with what was considered for the planned area, the current zoning would remain in place until they come back with something that meets the intent of the Comprehensive Plan.

Commissioner Broili said he anticipates that, over the course of time, other applications for planned areas would come before the Commission. Therefore, it would seem reasonable to provide some definition as to the level of detailed information that is expected. Ms. Markle pointed out that not a lot of detail would be required at the time the concept is first presented so it may be difficult to create a set of criteria. Commissioner Pyle pointed out that staff has the authority to govern the submittal requirements for planned area applications. He suggested that rather than adjusting the criteria for evaluation, the City could adjust the required submittal items, depending on the type of application. In order to deem an application substantially complete, a certain level of detail would have to be provided.

Commissioner Behrens suggested that many of the public concerns could be most thoroughly vetted during the legislative planned area portion of the master plan process. He questioned how the legislative review would be conducted. Ms. Markle described that, as part of the legislative review process, the City could mitigate impacts associated with the planned area land use designation by imposing conditions. Commissioner Behrens asked if staff believes the legislative review process would enable the City to address the more controversial issues. Ms. Markle said the legislative process would be where the broad use and density issues are vetted out. She suggested staff review the process that was used by Fircrest to consider the broader issues. Perhaps they could mirror their efforts when reviewing future proposals.

Chair Kuboi summarized the Commission's direction to staff as follows:

- Consider identifying the 1st Avenue Northeast Transfer Station site as a planned area.
- Revisit the issue of revising the rezone criteria.
- Provide more clarity regarding the amendment process.
- Rework Land Use Policy 12 to make the language more clear.
- Review the map and possibly make revisions.
- Review the language in an attempt to simplify terms.
- Provide a type of 'cheat sheet' for the public hearing that is written for the benefit of the public to explain the master plan concept as clearly as possible. The public benefits of master plan should be clearly outlined.
- Add verbiage that captures the hierarchy of the mitigation process to make it clear that an applicant should first attempt to avoid impacts, and mitigation should be the last resort. This could be done by including an explicit reference to the code section where the mitigation concept is defined.
- Change the word "limit to" to "minimize in Criteria 6 of Section 20.30.337.B.

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Seпа comments due April 18 on Complan and Code Amendments for 2008

Rachael,

I am submitting the following comments for your consideration:

Complan amendments:

Glossary; Subarea plans: These are for “defined geographic areas” and since this amendment is proposed to clarify the difference between Subareas and Planned areas which are later defined as “Specific geographic areas”, perhaps we need to define the difference between “defined” and “specific”, or better yet, re-write and make this all less confusing.

Second sentence (under Subarea plans) seems to be more related to a policy, or description of how a Subarea plan operates, not a definition and thus would not belong here. Suggest deleting “Development Regulations.....using legislative review process”. Also similar comment for last sentence.

Suggest adding the following: Planned areas, Subareas, and Master Planned areas must all be coordinated with the overall vision of the Comprehensive plan and must have final adoption concurrently with all Comprehensive Plan amendments so any changes can be considered in whole as required to be in compliance with GMA, 36.70A...also refer to land use Policy LU-6 in the Complan

LU-9: define meaning of “certain circumstances”, and define what range of zoning could be acceptable under a subarea plan...could R4 become 20 units per acre? If not defined then in the future someone is likely to misinterpret the meaning of this, and in fact it is not clear today what is meant!

LU-12: Why was the wording regarding ‘unless.... Subarea... or special district... has been approved’ removed from this section and left in LU-9?

LU-18 and LU-19: At our Dec 17 2007 meeting Joe Tovar mentioned that the wording currently in these two policy statements was vague and needed to be improved to clarify intent, specifically mentioning the use of the phrase “might be allowed” as an issue, and yet these are not being revised.

Why/How are we changing areas like Shoreline CC, CRISTA, Fircrest from Master Plan designation to Plannes Area designation, and what is the intent of this? Does this not violate the EIS done for the Complan where master Plans are defined/required?

Development Code amendments:

In table 20.30.060 under 2. Rezone, add CTED under column regarding review authority as this would be required where rezone amends the Complan...

Also, Subarea Plans are not mentioned in the Development Code amendments, are there no revisions needed?

SEPA document:

(Following comments refer to appropriate section of SEPA document by letter, number)

- A. 7. Subarea plans are not mentioned,think we currently have several in the works such as Town center, Ballinger, South of Bridge,
- A. 8. Define SEPA required for "future"....Proposals...does that mean any that are currently in the works such as Ridgecrest have no further SEPA requirement??
- A. 10. Add to list:, Approval of Complan amendments, Public Hearings, and Public participation as called out in GMA
- A. 11. Allowing master plans to be approved outside of the annual review cycle conflicts with requirements of GMA that require all amendments for the year to be considered and approved as a **whole so the cumulative effects can be considered together**..... and, under Comprehensive plan amendments, the fourth bullet regarding Replacing the term master plan with Planned area, could not be more confusing as to intent. Please clarify what this means.
Fifth bullet item defies GMA "without amending the Comprehensive plan"
Eighth bullet, "Deleting land use policies 76 and 77....." what about the revisions to LU17-18-19, 40,42,43?A. Under Development code amendments, 6th bullet, First NE transfer station "or out of code" needs to be decided or clarified.
- A, 12: First line says "could" be applied city wide, but only 4 locations specified, so is that the intent, to do this citywide as it is listed as a non project action, it is not clear what the intent is...please clarify
- B 1.a. Are there no steep slopes at Fircrest? At Shoreline Community college I would add streams/creeks I assume are present
- B 1. c. Again confused how this can be a non project action, yet describe four sites...which to me implies throughout this document that this only applies to these four sites, and does not include the rest of the city, otherwise the remainder of the City should be noted. As such, these proposed revisions are limited to the four sites listed, and I don't believe that is the intent. **This comment applies throughout the document**
- B1.g. Add "likely to increase pervious surface as development becomes more intense, until sustainability is applied to development proposals
- B1.h Define "future" is that intended to not include the 4 listed projects?
- B.2.a. add increased fuel consumption to attend meetings to discuss this proposal....
- B. 4.a. heck marks as you have indicated likely all these are on the four sites.
- B.5. Clarify which version of the Comprehensive Plan, 1998, 2005?
- B.5.d Add the phrase"are intended to" after "These regulations" 2nd sentence
- B7.b.1. (noise) added traffic likely to result from all development proposals
- B.8. 1. (To ensure compatibility of land uses) It appears that this proposal is a major change in how the approval and permitting process for these type sites will be accomplished. Part of "ensuring compatibility" is to provide thorough public participation as required by RCW 36.70A, (Growth management act).. This proposal takes part of this process away from public review, especially of the final details as is

Item 7.1 - Attachment B

indicated by mentioning use of a quasi-judicial process, and thus the ability to "ensure compatibility" with neighborhoods is lessened. How will this change be mitigated?

B.10.a Ridgecrest has already approved for 80'+ tall structures so the height mentioned is incorrect or misleading.

B.10.b Ridgecrest proposes to construct a structure that will block views/sunlight from/to several single family homes, especially those to the North and west for morning sun and opposite fro evening sun. This is already a known fact and must be accounted for here.

B.11.a.b. Look at Ridgecrest proposal when answering this question, answer will not be "no"

B.14, Transportation. General comment. The need to ensure that the cumulative effects of traffic on this proposed change to Complan and code processes seems to indicate that concurrent review of these proposals as required in 36.70A.130 for revisions to the Comprehensive plan will not occur concurrently, rather out of the normal cycle. I disagree with the premise that this restricts ability to approve permits due to the need to include in annual review cycle. Most of these Master Planned areas are large, well thought out, well planned sites and planning reasonably extends much farther into the future than for other permit reviews. As such, the hindrance to wait for an annual review cycle could be easily planned around for these type permit applications. This comment applies to other aspects of review of plans covered by these amendments

Thanks for the opportunity to comment on this document

Submitted April 18, 2008, approx. 4pm

Les Nelson
15340 Stone ave N
Shoreline, WA, 98133

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**PROPOSED
AMENDMENTS
TO THE
COMPREHENSIVE PLAN
2008**

GLOSSARY

Subarea Plans – Subarea plans are meant to provide detailed land use plans for delineated geographic areas. Development regulations may be adopted as part of the subarea plan or after the adoption of a subarea plan using a legislative review process. This level of planning seeks to engage area residents, property owners and businesses to clarify and apply existing Comprehensive Plan policies to better reflect changing circumstances, problems, and opportunities. Subarea planning may only be initiated by the City.

Deleted: and development regulations

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Deleted: This level of planning brings the policy direction of the Comprehensive Plan

Deleted: to a smaller geographic area. These plans are meant to implement the Comprehensive Plan and be consistent with the Comprehensive Plan's policies, development regulations, and Land Use Map, when adopted.

Master Plan Permit - A permit issued by the City that establishes site specific permitted uses and development standards for planned areas or essential public facilities. Master Plan Permits incorporate proposed new development, redevelopment and/or expansion of an existing development.

Planned Area Land Use Designation – pertains to specific delineated geographic areas that are: unique based on natural, economic or historic attributes; subject to problems from transition in land uses; or contain essential public facilities. This level of planning seeks to engage area residents, property owners and businesses to clarify and apply existing Comprehensive Plan policies to better reflect changing circumstances, problems, and opportunities. Planned Area designations may be initiated by property owner(s) or the City during the annual review of amendments to the Comprehensive Plan.

Planned Area Zoning Designation: Planned Area zoning is meant to provide detailed land use regulations and development standards to implement the Planned Area Land Use designations.

DRAFT Comprehensive Plan Amendments to Streamline Master Planning Process

Amend Figure LU-1: Comprehensive Plan Land Use

- o Add Planned Area to Legend
- o ~~Change parcel(s) associated with Shoreline Transfer Station from Public Facility to Planned Area 1~~
- o Change parcel(s) associated with Ridgecrest Study Area from Mixed Use to Planned Area 2
- o Change parcel(s) associated with the Crista Campus from Single Family Institution to Planned Area 3
- o Change parcel(s) associated with the Fircrest Campus from Single Family Institution to Planned Area 4
- o ~~Change Shoreline Community College parcel(s) from Single Family Institution to Planned Area 5~~

LU3: Provide incentives for land uses that enhance the City's vitality through a variety of regulatory and financial strategies including, but not limited to:

- Priority permit review
- Road system reclassification
- Property valuation based on current use
- Reduced impact fees
- Tax abatement
- Methods similar to tax increment financing
- Provision of infrastructure through a private-public partnership
- Transfer of development rights
- ~~City initiated subarea planning for sites with clustering of development to preserve open space~~
- ~~Property owner or City initiated planned area planning for sites with clustering of development to preserve open space~~
- Flexibility of site and building design if performance standards are met which give equal or better design and protection than the zone

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LU 9: The Low Density Residential land use designation is intended for areas currently developed with predominantly single family detached dwellings. Single family dwelling units will be allowed and other dwelling types, such as duplexes, single family attached, cottage housing and accessory dwellings, may be allowed under certain circumstances.

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

LU 12: The Medium Density Residential land use designation is intended for areas currently developed with medium density residential dwelling uses; and to areas where single family detached dwelling units might be redeveloped at slightly higher densities; and to areas currently zoned medium density residential. Single family dwelling units, duplexes, triplexes, zero lot line houses, townhouses and cottage housing will be permitted. Apartments will be allowed under certain conditions.

The permitted base density for this designation may not exceed 12 dwelling units per acre unless a neighborhood plan, subarea plan or special district overlay plan/zone has been approved. Appropriate zoning for this designation is R-8 or R-12 Residential.

Comment: Based on comments received, staff decided a change was not needed in LU 12 to achieve goals for Master Planning.

Item 7.1 - Attachment C

LU14: The High Density Residential designation is intended for areas near employment and commercial areas; where high levels of transit service are present or likely; and areas currently zoned high density residential. This designation creates a transition between high intensity uses, including commercial uses, to lower intensity residential uses. All residential housing types are permitted.

The permitted base density for this designation will not exceed 48 dwelling units per acre unless a neighborhood plan, subarea plan, or special district overlay plan has been approved. Appropriate zoning for this designation is R-12, R-18, R-24, R-48 Residential unless a subarea plan, neighborhood plan or special district overlay plan/zone has been approved.

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or

LU 17: 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 to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office and service uses with residential uses.

Appropriate zoning designations for the area include, Neighborhood Business, Community Business, Office, Regional Business, Industrial, R-8, R-12, R-18, R-24, R-48 unless a subarea plan, neighborhood plan or special district overlay plan/zone has been approved.

Deleted: and/or

LU18: The Community Business designation applies to areas within the Aurora Corridor, North City and along Ballinger Road. This designation provides for retail, office and service uses and high density residential uses. Significant pedestrian connection and amenities are anticipated. Some limited industrial uses might be allowed under certain circumstances. Appropriate zoning designations for this area might include the Neighborhood Business, Community Business, Regional Business, Office, R-12, R-18, R-24, R-48 unless a subarea plan, neighborhood plan or special district overlay plan/zone has been approved.

Deleted: or

LU19: the Regional Business designation applies to an area within the Aurora Corridor north of 185th St. and south of N 192nd St. This designation provides for retail, office, service, high density residential and some industrial uses. Significant pedestrian connection and amenities are anticipated. Appropriate zoning designations for this area include Community Business, Office, Regional Business, Industrial, R-12, R-18, R-24, R-48 unless a subarea plan, neighborhood plan or special district overlay plan/zone has been approved.

Deleted: or

LU40: Create subarea plans or planned areas for the Aurora Corridor to include smaller city blocks, a park/plaza in the Seattle City Light Right-of-Way, a transit center, and large public areas for a mix of city activities.

Deleted: Master Plan areas

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LU42: The Public Facilities land use designation applies to a number of current or proposed facilities within the community. It is anticipated that the underlying zoning for public facilities shall remain unless adjusted by a formal amendment to this plan.

LU43: Planned Areas designate distinctive geographic areas that are unique based on natural, economic or historic attributes; subject to problems from transition in land uses;

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or contain essential public facilities for additional planning. This level of planning seeks to engage area residents, property owners and businesses to clarify and apply existing Comprehensive Plan policies to better reflect changing circumstances, problems, and opportunities. Planned Area designations may be initiated by property owner(s) or the City during the annual review of the Comprehensive Plan. The appropriate zoning for this designation is a Planned Area zone.

LU 43.1: Planned Area 1 - Shoreline Transfer Station: The Shoreline Recycling and Transfer station formerly called the First Avenue NE Transfer station is located at 2300 N. 165th Street. This King County operated solid waste transfer station is surrounded by single family residential development, King County Bus Barn, Seattle City Light Utility Substation, a City park and Interstate 5. The Transfer Station meets the definition of an essential public facility. Essential public facilities are encouraged to undergo additional planning and the development of site specific standards in order to holistically address future development and redevelopment.

A Master Plan was approved for the Shoreline Transfer Station in 2003. The Master Plan included:

- a. An expanded recycling collection area where customers can bring materials for recycling, composting and reuse, including a separate yard waste area;
- b. An enclosed transfer building which will have larger, easier-to-use waste unloading areas, which will reduce customer wait times;
- c. Thornton Creek buffer reforestation that will improve wildlife habitat and the quality of the Creek;
- d. A new site layout that will reduce neighborhood impacts and improve on-site traffic flow;
- e. A pre-load compactor to improve the efficiency of waste handling and lessen the number of transfer trailer trips required to and from the station;
- f. A roof that contains solar panels that will help reduce energy costs and can accommodate today's larger solid waste collection vehicles;
- g. Sustainable building design features that will improve energy efficiency and result in lower operating costs than conventional building design; and
- h. Environmental enhancements, particularly with storm and waste water systems, to protect Thornton Creek and public health.

LU 43.2: Planned Area 2 – Ridgecrest: Ridgecrest Planned Area 2 comprises approximately 6.6 acres located within the neighborhood's commercial center, east of Interstate 5, at the corner of NE 165th and 5th Avenue NE. The unique economic opportunity and the need to address the transition from commercial

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development to adjacent single family residential development was the impetus for this Planned Area.

LU 43.3: Planned Area 3 – CRISTA: CRISTA Ministries is a 55 acre campus devoted to education, senior care and housing, broadcasting, humanitarian missions, relief and aid to those in need and specialized camps.

CRISTA Ministries is a unique site within the City. Although the services that are provided are not public, the campus provides housing for nearly 700 senior citizens, education for 1,200 Pre-K to High School students and employment for nearly 900 people (based on 2007 estimates). There is a need to look inward to plan for all aspects of the on campus environment; and there is a need to look outward to carefully consider and plan for the offsite impacts triggered by the intensity of the on campus activities. Although the City is interested in the planning and development of on campus uses, the City is especially interested in identifying and addressing offsite impacts such as traffic, transition between uses, stormwater and critical area protection.

LU 43.4: Planned Area 4 – Fircrest: Fircrest is an approximately 92 acre state operated residential facility that serves the needs of persons with developmental disabilities. In addition, the Fircrest campus is home to the Food Lifeline warehouse, the Washington State Health Labs and a Sheltered Workshop which employs persons with disabilities. The campus is surrounded by a mix of uses: single family residential development, multi family residential, office, commercial and City parks. Fircrest meets the definition of an essential public facility. Essential public facilities are encouraged to undergo additional planning and the development of site specific standards in order to holistically address future development and redevelopment.

Fircrest is a unique site within the City. There is a need to look inward to plan for all aspects of the on campus environment; and there is a need to look outward to carefully consider and plan for the offsite impacts triggered by the intensity of the on campus activities. Although the City is interested in the planning and development of on campus uses, the City is especially interested in identifying and addressing offsite impacts such as traffic, transition between uses, stormwater and critical area protection.

LU 43.5: Planned Area 5- Shoreline Community College: Shoreline Community College is an approximately 79 acre state operated community college surrounded by single family residential development and City parks. The College meets the definition of an essential public facility. Essential public facilities are encouraged to undergo additional planning and the development of site specific standards in order to holistically address future development and redevelopment.

Shoreline Community College is a unique site within the City. There is a need to look inward to plan for all aspects of the on campus environment; and there is a need to look outward to carefully consider and plan for the offsite impacts triggered by the intensity of the on campus activities. Although the City is interested in the planning and development of on campus uses, the City is

Item 7.1 - Attachment C

especially interested in identifying and addressing offsite impacts such as traffic, transition between uses, stormwater and critical area protection.

LU74: All new Essential Public Facilities and substantial modifications to existing Essential Public Facilities shall be required to undergo a siting process by the City of Shoreline except that where site-specific standards such as a planned area with an approved master plan permit or subarea plan are in place for the proposed Essential Public Facilities, those specific standards will apply to development. Facility siting shall consider:

- consistency with locations identified as appropriate for public purposes on the Land Use Element Map;
- compatibility with adjacent land uses;
- fair distribution of public facilities throughout the City;
- reduction of sprawl development;
- promotion of economic development and employment opportunities;
- protection of the environment;
- positive fiscal impact and on-going benefit to the host jurisdiction;
- consistency with City of Shoreline Comprehensive Plan (e.g. Capital Facilities, Utilities, Transportation, Housing, Economic Development, the Environment and Community Design);
- ability to meet zoning criteria for Special Use Permits as defined in the Shoreline Municipal Code;
- public health and safety;
- forecasted regional or state-wide need;
- ability of existing facilities to meet that need;
- compatibility with this Comprehensive Plan;
- evaluation in context of agency or district plan (and consistency with this agency or district plan);
- analysis of alternative sites; and
- provide a public review process that includes, at a minimum, public notice and a public comment period. Special use permits and master plan permits may require public meetings and/or a public hearing process.

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The siting process for Essential Public Facilities shall be coordinated with neighboring jurisdictions and with King and Snohomish counties by participating in the interjurisdictional process developed by the King County Growth Management Planning Council and the process adopted by Snohomish County (where appropriate). Specific siting processes will be established in Comprehensive Plan implementing regulations.

LU 75: All new Essential Public Facilities and redevelopment, expansion of a use and/or change of a use of an existing Essential Public Facility shall be required to undergo development review by the City of Shoreline. A master plan permit is encouraged for Essential Public Facilities. Development standards and review criteria shall consider:

- the types of facility uses and operations and their impacts;
- compatibility of the proposed development, expansion or change of use, with the development site, with neighboring properties and with the community as a whole;
- environmental review pursuant to State Environmental Policy Act (SEPA Rules WAC 197-11); and

Item 7.1 - Attachment C

- development standards to mitigate aesthetic and functional impacts to the development site and to neighboring properties.

H10: Provide opportunities and incentives through the Planned Unit Development (PUD) or master plan permit process for a variety of housing types and site plan concepts that can achieve the maximum housing potential of a large site.

Comment: Remove LU 76 & 77 from Comp Plan and include as a regulation in the Development Code.

Deleted: LU 76: A Master Plan is encouraged for Essential Public Facilities. The purpose of the Master Plan is to incorporate all proposed new development, redevelopment and/or expansion of an existing development. A Master Plan is a comprehensive long-range plan for the use of the property. Its purpose is to guide the growth and development of the facility so that they serve their users and benefit the community.¶

¶
A Master Plan shall include:¶
<#>a Statement of Justification for the proposed development;¶
<#>a narrative description and drawings of uses existing on the site (including historic sites and environmentally critical areas);¶
<#>uses to be developed on site;¶
<#>location of existing/proposed uses;¶
<#>bulk and scale of existing/proposed uses;¶
<#>conceptual architectural design of proposed structures/integration of new and existing uses OR a process by which the applicant will submit a specific architectural design at the time when a specific development is proposed;¶
<#>existing/conceptual proposed landscaping (native vegetation and decorative plantings) OR a process by which the applicant will submit a specific architectural design at the time when a specific development is proposed;¶
<#>existing/conceptual proposed access, parking plans;¶
<#>buffers, as appropriate, between on-site uses;¶
<#>buffers between the site and surrounding properties; and ¶
<#>an environmental analysis including impacts and proposed mitigation for noise, light, glare, and any other environmental impacts to be expected from the use.¶

¶
A Master Plan may be revised for proposed new development subject to Master Plan regulations. Master Plan amendments should occur concurrently with the City's process for amending the Comprehensive Plan, and should include a public participation process. ¶

¶
LU77: When a Master Plan is accepted by the City, an overlay designation will be placed upon the property, indicating that the Master Plan is the governing document. ... [1]

Deleted: Master Plan

LU 76: A Master Plan is encouraged for Essential Public Facilities. The purpose of the Master Plan is to incorporate all proposed new development, redevelopment and/or expansion of an existing development. A Master Plan is a comprehensive long-range plan for the use of the property. Its purpose is to guide the growth and development of the facility so that they serve their users and benefit the community.

A Master Plan shall include:

- a Statement of Justification for the proposed development;
- a narrative description and drawings of uses existing on the site (including historic sites and environmentally critical areas);
- uses to be developed on site;
- location of existing/proposed uses;
- bulk and scale of existing/proposed uses;
- conceptual architectural design of proposed structures/integration of new and existing uses OR a process by which the applicant will submit a specific architectural design at the time when a specific development is proposed;
- existing/conceptual proposed landscaping (native vegetation and decorative plantings) OR a process by which the applicant will submit a specific architectural design at the time when a specific development is proposed;
- existing/conceptual proposed access, parking plans;
- buffers, as appropriate, between on-site uses;
- buffers between the site and surrounding properties; and
- an environmental analysis including impacts and proposed mitigation for noise, light, glare, and any other environmental impacts to be expected from the use.

A Master Plan may be revised for proposed new development subject to Master Plan regulations. Master Plan amendments should occur concurrently with the City's process for amending the Comprehensive Plan, and should include a public participation process.

LU77: When a Master Plan is accepted by the City, an overlay designation will be placed upon the property, indicating that the Master Plan is the governing document for new development or redevelopment. Specific project applications under an approved conceptual Master Plan may require site plan review. This review would ensure that the specific projects are consistent with the Master Plan and conform to applicable implementation regulations. Building permits will be required for all new construction. Any proposed development that is not in the approved Master Plan will be considered under a Development Permit Application or a Special Use Permit and will be reviewed through the underlying Land Use Designation/Zoning regulations.

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**Point Wells
Potential
Annexation
Area**

**City of Shoreline
COMPREHENSIVE PLAN**

Representation of Official
Land Use Map Adopted By
City Ordinance No. 292 and 388.

- Legend**
- Outside Shoreline
 - Interstate
 - Principal Arterial
 - Minor Arterial
 - Collector Arterial
 - Neighborhood Collector
 - Local Street
 - Low Density Residential
 - Medium Density Residential
 - High Density Residential
 - Mixed Use
 - Community Business
 - Regional Business
 - Public Facilities
 - Single Family Institution
 - Planned Area
 - 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

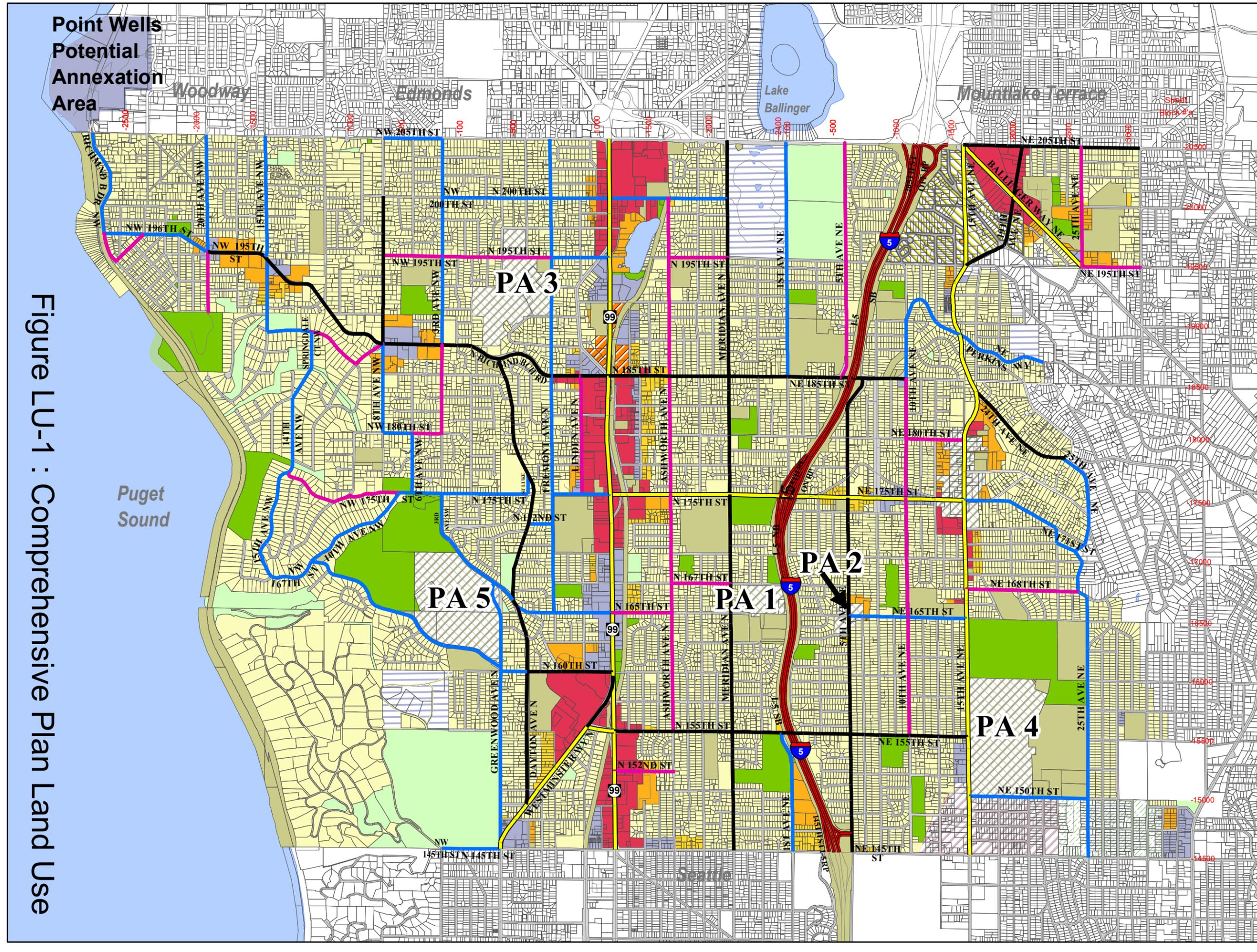


This map is NOT an official map. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map.

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**Comprehensive Plan
Land Use**

Figure LU-1 : Comprehensive Plan Land Use



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**PROPOSED
DEVELOPMENT CODE
AMENDMENTS
ASSOCIATED WITH
PROPOSED 2008
AMENDMENTS TO THE
COMPREHENSIVE PLAN**

Item 7.1 - Attachment D

Amend Ordinance 292: Official Zoning Map

- Change Shoreline Recycling and Transfer Station from R-6 to Planned Area 1
- Add overlay of Planned Area 3 over parcel(s) associated with the CRISTA underlying zoning remains the same
- Change parcel(s) associated with the Fircrest from R-6 to Planned Area 4
- Change Shoreline Community College parcel(s) from R-4 and R-6 zones to Planned Area 5

20.20 Definitions

20.20.036

Master Plan Permit

A permit issued by the City that establishes site specific permitted uses and development standards for certain planned areas or essential public facilities. Master Plan Permits incorporate proposed new development, redevelopment and/or expansion of an existing development.

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision (5), (6)	Review Authority, Open Record Public Hearing (1)	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	PC (3)	City Council	120 days	20.30.410
2. Rezone of Property(2) and Zoning Map Change	Mail, Post Site, Newspaper	PC (3)	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	PC (3)	City Council	120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE (4)		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE (4)		120 days	20.30.336
6. Final Formal Plat	None	Review by the Director – no hearing	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper (7)	PC (3)	City Council	120 days	20.40.505
8. Street Vacation	PC (3)	PC (3)	City Council	120 days	Chapter 12.17 SMC

Item 7.1 - Attachment D

9. Master Plan Permit	Mail, Post Site, Newspaper	PC (3)	City Council	120 days	20.30.337
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- (1) Including consolidated SEPA threshold determination appeal.
 - (2) The rezone must be consistent with the adopted Comprehensive Plan.
 - (3) PC = Planning Commission
 - (4) HE = Hearing Examiner
 - (5) Notice of application requirements are specified in SMC [20.30.120](#).
 - (6) Notice of decision requirements are specified in SMC [20.30.150](#).
 - (7) Notice of application shall be mailed to residents and property owners within one-half mile of the proposed site.
- (Ord. 406 § 1, 2006; Ord. 324 § 1, 2003; Ord. 309 § 3, 2002; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 3(c), 2000).

20.30.337 Master Plan Permit

A. Purpose. The purpose of a Master Plan Permit is to address concerns unique to an area through a public process when other zoning mechanisms cannot achieve the desired results. An area may be unique based on natural, economic or historic attributes; be subject to problems from transition in land uses; or contain essential public facilities that require specific land use regulations for their efficient operation. Master Plan Permits provide a means to modify zoning regulations for specific areas defined in the Comprehensive Plan.

B. Decision Criteria. A Master Plan Permit shall be granted by the City, only if the applicant demonstrates that:

1. The Master Plan meets or exceeds the current regulations for Critical Areas if critical areas are present.
2. Requested modifications to standards are limited to those which will avoid, reduce and then mitigate impacts if they cannot be avoided or reduced in a manner equal or greater than the standards of all applicable codes;
3. The proposed development demonstrates the use of innovative, aesthetic, energy efficient and environmentally sustainable architecture and site design;
4. The Master Plan Permit demonstrates that there is either sufficient capacity in the transportation system (motorized and nonmotorized) to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed;

Item 7.1 - Attachment D

5. The Master Plan Permit demonstrates that there is either sufficient capacity within public services such as water, police, fire, sewer and stormwater to adequately serve the development proposal in all future phases, or there will be adequate capacity available by the time each phase of development is completed;
6. The Master Plan Permit contains design, landscaping, parking/traffic management and multi modal transportation elements that ~~limit~~ minimize conflicts between the Master Plan property and adjacent uses; and
7. All significant off site impacts associated with the implementation of the Master Plan Permit including but not limited to noise, shading, glare, surface water and traffic, will be identified and ~~avoided, reduced and then mitigated~~ if they cannot be avoided or reduced by the applicant.

C. Vesting.

- a. Applicability. A Master Plan Permit shall be reviewed under this Chapter and all other local, state and Federal land use regulations in effect on the date the Master Plan Permit application has been deemed complete by the City.
- b. Subsequent Regulations. An applicant may have the option of subjecting its development to any subsequently enacted land use regulations. However, should an applicant choose to subject its development to a subsequently enacted land use regulation, this shall have the effect of subjecting the development to all land use regulations enacted after the application is vested.
- c. Master Plan Permits may be amended using the process for approving an initial Master Plan.

20.40.050 Special districts.

A. Special Overlay District. The purpose of the special overlay (SO) district is to apply supplemental regulations as specified in this Code to a development of any site, which is in whole or in part located in a special overlay district (Chapter [20.100](#) SMC, Special Districts). Any such development must comply with both the supplemental SO and the underlying zone regulations.

B. North City Business District (NCBD). The purpose of the NCBD is to implement the vision contained in the North City Subarea Plan. Any development in the NCBD must comply with the standards specified in Chapter [20.90](#) SMC. (Ord. 338 § 3, 2003; Ord. 281 § 5, 2001; Ord. 238 Ch. IV § 1(E), 2000).

C. Planned Area (PA) zone. The purpose of the PA zone is to ~~develop~~ allow unique zones with regulations tailored to the specific circumstances, public priorities, or opportunities of a particular area that may not be appropriate in a city-wide land use district site specific use and development standards for areas designated in the Comprehensive Plan as planned areas or essential public facilities.

20.91.Ridgecrest Commercial Planned Area 2 (move to 20.100.100)

Item 7.1 - Attachment D

Chapter 20.100 Special Overlay Districts and Planned Area Zones

Sections

Subchapter 1. Planned Area 1: First Northeast Shoreline Recycling and Transfer Station Master Plan.

20.100.010

A. This chapter establishes the long range development plans for the Shoreline Recycling and Transfer Station formerly referred to as the First Northeast Transfer Station Master Plan.

B. The development standards that apply to this Planned Area were adopted by Ordinance 338 on September 9, 2003. A copy of the standards is filed in the City Clerk's office under Receiving Number 2346.

Subchapter 2. Planned Area 2: Ridgecrest (move 20.91 here)

20.100.100

Subchapter 3. Planned Area 3: CRISTA

20.100.200

A. The purpose of this chapter is to define the permitted and prohibited uses in CRISTA Planned Area 3.

B. With the exception of those uses and standards contained in this subchapter, all other aspects of development, redevelopment or expansion will be regulated as prescribed in Title 20 and other applicable codes for all uses that are permitted in the underlying zoning.

20.100.210 Planned Area Zones and Permitted/Prohibited Uses

A. All uses provided for under SMC Chapter 20.40 that are permitted by the underlying zoning for CRISTA: Planned Area 3 shall be allowed pursuant to compliance with all applicable codes and regulations.

B. Any use listed in SMC Chapter 20.40 that is allowed through the conditional use or special use process by the underlying zoning in CRISTA: Planned Area 3 may be allowed upon obtaining the required use permit.

C. Expansion of a nonconforming use shall be regulated per 20.30.280 (D) or as part of a Master Plan permit.

Subchapter 4. Planned Area 4: Fircrest

20.100.300 Purpose and Scope

A. The purpose of this chapter is to define the permitted and prohibited uses in Fircrest Planned Area 4.

Item 7.1 - Attachment D

B. With the exception of those uses and standards contained in this subchapter, all other aspects of development, redevelopment or expansion will be regulated as prescribed in Title 20 and other applicable codes for all uses that are permitted in the R-6 zone.

20.100.310 Planned Area Zones and Permitted/Prohibited Uses

A. All uses provided for under SMC Chapter 20.40 that are permitted in the R6 zone shall be allowed in Fircrest: Planned Area 4 pursuant to compliance with all applicable codes and regulations.

B. Any use listed in SMC Chapter 20.40 that is allowed through the conditional use or special use process in the R6 zones may be allowed in Fircrest: Planned Area 4 upon obtaining the required use permit.

C. Expansion of a nonconforming use shall be regulated per 20.30.280 (D) or as part of a Master Plan permit.

Subchapter 5. Planned Area 5: Shoreline Community College

20.100.400 Purpose and Scope

A. The purpose of this chapter is to define the permitted and prohibited uses in Shoreline Community College Planned Area 1.

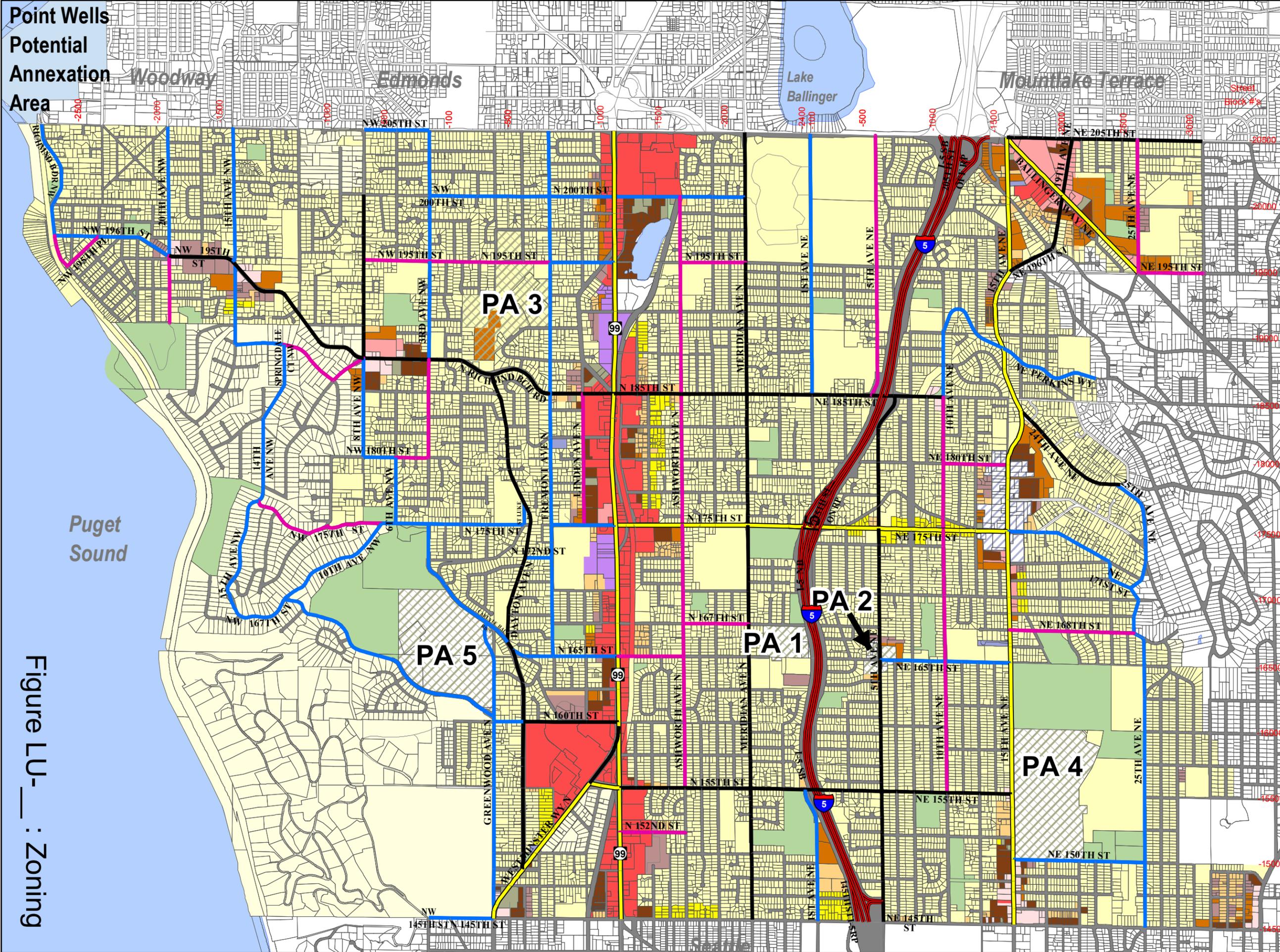
B. With the exception of those uses and standards contained in this subchapter, all other aspects of development, redevelopment or expansion will be regulated as prescribed in Title 20 and other applicable codes for all uses that are permitted in the R-4-R-6 zones.

20.100.410 Planned Area Zones and Permitted/Prohibited Uses

A. All uses provided for under SMC Chapter 20.40 that are permitted in the R4-R6 zones shall be allowed in Shoreline Community College: Planned Area 1 pursuant to compliance with all applicable codes and regulations.

B. Any use listed in SMC Chapter 20.40 that is allowed through the conditional use or special use process in the R4-R6 zones may be allowed in Shoreline Community College: Planned Area 1 upon obtaining the required use permit.

C. Expansion of a nonconforming use is prohibited unless it is approved as part of a Master Plan permit.



City of Shoreline
COMPREHENSIVE PLAN

Representation of Official Zoning Map Adopted By City Ordinance No. 292.
 Shows amendments through February 18, 2003.

- R-4; Residential, 4 units/acre
- R-6; Residential, 6 units/acre
- R-8; Residential, 8 units/acre
- R-12; Residential, 12 units/acre
- R-18; Residential, 18 units/acre
- R-24; Residential, 24 units/acre
- R-48; Residential, 48 units/acre
- Planned Area
- O; Office
- NB; Neighborhood Business
- CB; Community Business
- NCBD; North City Business District
- RB; Regional Business
- I; Industrial
- CZ; Contract Zone
- Unclassified Right of Way



This map is NOT an official map. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map.

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Zoning

Figure LU-___: Zoning

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Initiating and Processing Subarea Planning, Planned Areas and Master Plan Permits

Planning Tools	Who can use the tool?	How is this tool implemented?	When can the tool be used?	What process is used to review the plans or permit?
<p>Subarea Plan: provides detailed land use plans for defined geographic areas. Development regulations may be adopted as part of the subarea plan or after the adoption of a subarea plan. This level of planning seeks to engage area residents, property owners and businesses to clarify and apply existing Comprehensive Plan policies to better reflect changing circumstances, problems, and opportunities.</p>	<p>City</p>	<p>Council provides direction such as Council Goal setting; budgeting; approval of Planning Commission or Department Work Plan</p>	<p>Anytime</p>	<p>Legislative</p>
<p>Planned Area Land Use Designation: pertains to specific geographic areas that are unique based on natural, economic or historic attributes; subject to problems from transition in land uses; or contain essential public facilities. This level of planning seeks to engage area residents, property owners and businesses to clarify and apply existing Comprehensive Plan policies to better reflect changing circumstances, problems, and opportunities.</p>	<p>City or Property owner(s)</p>	<p>Staff or property owner(s) submit a site specific Comprehensive Plan Amendment (amends the Future Land Use map & the Zoning map) application to the City</p>	<p>Once a year in conjunction with the Annual Review of proposed amendments to the Comprehensive Plan (applications are accepted year round)</p>	<p>Legislative for City/Quasi Judicial for Property Owner(s)</p>

Item 7.1 - Attachment E

Planning Tools	Who can use the tool?	How is this tool implemented?	When can the tool be used?	What process is used to review the plans or permit?
<p>Planned Area Zoning Designation: Planned Area zoning is meant to provide detailed land use regulations and development standards to implement the Planned Area Land Use designations.</p>	<p>City or Property owner(s)</p>	<p>Staff or property owner(s) submit a site specific Comprehensive Plan Amendment (amends the Future Land Use map & the Zoning map) application to the City</p>	<p>Once a year in conjunction with the Annual Review of proposed amendments to the Comprehensive Plan (applications are accepted year round)</p>	<p>Legislative for City/Quasi Judicial for Property Owner(s)</p>
<p>Master Plan Permit: A permit issued by the City that establishes site specific permitted uses and development standards for planned areas or essential public facilities. Master Plan Permits incorporate proposed new development, redevelopment and/or expansion of an existing development.</p>	<p>Property owners of parcels designated as Planned Areas in the Comprehensive Plan and on the Zoning Map</p>	<p>Applicable property Owner(s) submit a Master Plan Permit Application to the City for review</p>	<p>Anytime</p>	<p>Quasi Judicial</p>

PROPOSED 2008 COMPREHENSIVE PLAN AMENDMENTS FOR MASTER PLANNING

Why are we proposing these amendments?



The Comprehensive Plan encourages master planning for Fircrest, CRISTA and Shoreline Community College. However, the Comprehensive Plan only allows the consideration of master plans once a year (during the annual review of the Comprehensive Plan), while at the same time its description of master planning does not necessitate adding or amending Comprehensive Plan policies. Instead, it describes master planning as the type of information usually found in the Development Code such as allowed uses and development standards.

Therefore, staff is recommending moving master planning from the Comprehensive Plan to the Development Code to allow for the permitting of master plans outside of the annual review cycle. The Comprehensive Plan will identify which properties can apply for a master plan permit and why; and the Development Code will regulate the preparation, review, adoption and implementation of the Master Plan permit.

Main Purpose of Amendments

- Streamline Master Plan permitting for Single Family Institutions & Essential Public Facilities;
• Create a definition for Planned Areas;
• Differentiate Planned Areas from Subareas;
• Create a definition and complete the development of a process for Master Plan permits; and
• Require Shoreline Community College to apply for a Master Plan permit.

How Master Planning would work

Land Use Designation
Change to "Planned Area"

Zoning
Apply for a "Master Plan" permit



Establishes site specific permitted uses and development standards for planned areas.

Benefits of Adopting Proposed Amendments

The community benefits by encouraging Master Plan permitting for the following reasons:

Master Plan permitting requires the applicant to prepare detailed professional studies to identify, analyze and address the effects of their long term proposed development on:

Traffic, Stormwater, Critical areas, Adjacent properties, Neighborhoods, Parking & Safety

Currently development at Fircrest, Shoreline Community College and CRISTA does not trigger this level of review and analysis. Through this level of analysis and public process, on and off site impacts can be avoided, minimized or mitigated to allow these essential public facilities to co exist within Shoreline neighborhoods.

Master Plan permitting as proposed specifies a public process that includes mailing notification to property owners within 500 feet of the site. The current process does not require mailed notification.

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Memorandum

DATE: April 24, 2008
TO: Planning Commission
FROM: Jessica Simulcik Smith, Planning Commission Clerk
RE: Proposed Amendments to the Planning Commission Bylaws

The Planning Commission last reviewed and revised its Bylaws on March 16, 2006. The major change made was modifying “Section 3: Order of Business” for meetings that include a public hearing to define the procedure of a hearing. Staff has since determined specific hearing procedure should be removed from the Bylaws.

Resolution 182 defines the rules of procedure for administrative hearings of the City of Shoreline and provides detail on the conduct of a hearing. Public Hearings before the Planning Commission should follow the rules set forth in this resolution.

Staff has developed a draft amendment to the Bylaws for your review to include this change. All changes appear in underline and strikeout.

Staff is proposing other items to be amended – these are items that update the Bylaws to reflect the current practices of the Planning Commission or provide clarification.

Article IX “Amendments” (in the Bylaws) state that the Bylaws may be amended at any regular or special meeting by a majority vote of the membership.

Attachments

Attachment A: Proposed Amendments to Planning Commission Bylaws
Attachment B: Resolution 182 – Rules of Procedure for Administrative Hearings of the City of Shoreline
Attachment C: City Attorney Memo re: Review of Record for Public Hearings

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**PLANNING COMMISSION
BYLAWS**

Adopted: February 15, 1996
Revised: November 6, 1997
Revised: October 15, 1998
Revised: January 18, 2001
Revised: April 5, 2001
Revised: April 3, 2003
Revised: April 7, 2005
Revised: March 16, 2006
Revised: May 1, 2008

ARTICLE I - MEMBERSHIP

The Shoreline Planning Commission shall consist of nine (9) members, appointed by the Mayor and confirmed by the City Council but a fewer number, not less than five (5), shall constitute a lawful Commission.

ARTICLE II - OFFICERS AND DUTIES

SECTION 1: DUTIES OF THE COMMISSION

As established by City of Shoreline Ordinance No. 36, the Commission shall undertake the duties and responsibilities defined in Section 6 in accordance with the purpose stated in Section 1 of that ordinance.

SECTION 2: OFFICERS

Officers shall be a Chair and a Vice-Chair; both elected members of the Commission. In absence of both the chair and vice chair, members shall elect a Chair *pro tem*.

SECTION 3: DUTIES OF THE OFFICERS

CHAIR: The Chair shall preside at all meetings and public hearings and shall call special meetings when necessary. The Chair shall be a full voting member of the Commission. The Chair shall **account for expenditures of budgeted Commission funds**, sign minutes and official papers, appoint all committees

Item 10.a - Attachment A

and their respective Chairs, and act as an *ex-officio* member of each, but without voting privileges. The Chair may delegate duties to other Commissioners with the consent of the Commission. The Chair shall speak on behalf of the Commission before the City Council, the public and City staff.

A term of Office shall be defined as one year. A Commissioner may serve as Chair for no more than two consecutive terms.

VICE CHAIR: The Vice Chair shall perform the duties of the Chair in the absence of the same. The Vice Chair may also serve as convener of special committees. The Vice Chair shall speak on behalf of the Commission before the City Council, the public and City staff when the Chair is not available to speak.

A term of Office shall be defined as one year. A Commissioner may serve as Vice Chair for no more than two consecutive terms.

SECTION 4: DUTIES OF THE CLERK OF THE COMMISSION

CLERK OF THE COMMISSION: The Clerk shall record and retain, by electronic means, each meeting for the official record and shall prepare summary minutes for the Commission, maintain official records and prepare legal notification for all meetings and quasi-judicial proceedings post agendas.

ARTICLE III - ELECTIONS

The Commission shall elect a Chair and a Vice Chair each year. Generally, officers shall be elected and take office annually at the first regular public meeting of the Commission in April. Such election shall take place as the first item of new business of that meeting, and elected officers shall assume their duties at the close of elections.

The election of Chair will be conducted by the Planning Commission Clerk. No one Commissioner may nominate more than one person for a given office until every member wishing to nominate a candidate has an opportunity to do so. Nominations do not require a second. The Clerk will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make any further nomination, the Clerk will ask again for further nominations and if there are none, the Clerk will declare the nominations closed. A motion to close the nominations is not necessary.

After nominations have been closed, voting for the Chair takes place in the order nominations were made. Commissioners will be asked to vote by a raise of hands. As soon as one of the nominees receives a majority vote (five votes), the Clerk will declare him/her elected. No votes will be taken on the remaining nominees. A tie vote results in a failed nomination. If none of the nominees receives a majority vote, the Clerk will call for nominations again and repeat the process until a single candidate receives a majority vote. Upon election, the Chair conducts the election for Vice Chair following the same process.

Item 10.a - Attachment A

Should the Chair be vacated prior to the completion of the Term, the Vice-Chair shall assume the duties and responsibilities of the Chair for the remainder of the said Term. The Chair shall then conduct elections for a new Vice-Chair.

Should the Vice-Chair be vacated prior to the completion of the Term, the Chair shall conduct elections for a new Vice-Chair to serve out the remainder of the Term.

Time spent fulfilling a vacated Term shall not count towards the two consecutive Term limit for Chair and for Vice-Chair.

ARTICLE IV – MEETINGS

SECTION 1: SCHEDULE

The Planning Commission shall hold regular meetings according to the following schedule:

First and Third Thursday of each month. The meetings shall begin at 7:00 p.m. and end at 9:30 p.m. unless modified ~~by the Commission~~. Should a regular meeting day be a legal holiday, the scheduled meeting shall be postponed to the succeeding Thursday, unless a majority of the Commission votes to select another day or to cancel the meeting.

A special meeting may be called by the Chair of the Commission, the City Council or Mayor, City Manager or designee, or by the written request of any three (3) Commissioners, providing a ~~10~~ 7 day public notice period.

SECTION 2: PURPOSE OF SPECIAL MEETINGS

Special meetings called in accordance with Section 1 of this article shall be called for a specific purpose or purposes, and the announcement for such special meeting shall clearly state such purpose(s). In addition, a specific agenda shall be attached to the announcement of a special meeting delineating the order of business addressing the meeting purpose. The agenda for a special meeting need not conform to that specified in Section 3 of this Article.

SECTION 3: ORDER OF BUSINESS

The order of business for each **regular** meeting of the Commission shall be as follows:

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. APPROVAL OF AGENDA
- 4. DIRECTOR’S ~~REPORT~~ **COMMENTS**
- 5. APPROVAL OF MINUTES
- 6. GENERAL PUBLIC COMMENT
- ~~7. REPORTS OF COMMITTEES & COMMISSIONERS~~
- ~~7~~ 8. STAFF REPORTS
- ~~8~~ 9. PUBLIC COMMENT
- ~~9.~~ **DIRECTOR’S REPORT**

- 10. UNFINISHED BUSINESS
- 11. NEW BUSINESS
- 12. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS**
- 13 12. AGENDA FOR NEXT MEETING**
- 14 13. ADJOURNMENT**

The order of business for each meeting that includes a **Public Hearing** shall be as follows:

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. APPROVAL OF AGENDA
- 4. DIRECTOR'S **REPORT COMMENTS**
- 5. APPROVAL OF MINUTES
- 6. GENERAL PUBLIC COMMENT
- 7. **Public Hearing PUBLIC HEARING**
 - a. **Staff overview of proposal and preliminary recommendation**
 - b. **Applicant Testimony**
 - c. **Questions by the Commission to staff or applicant**
 - d. **Public Testimony or Comment**
 - e. **Presentation of final staff recommendation**
 - f. **Final questions by the Commission and Commission deliberation**
 - g. **Closure of Public Hearing**
 - h. **Vote by Commission to recommend approval, modification, or denial**
- 8. REPORTS OF COMMITTEES AND COMMISSIONERS**
- 8 9. DIRECTOR'S REPORT**
- 9 10. UNFINISHED BUSINESS**
- 10 11. NEW BUSINESS**
- 11 12. REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**
- 12 13. AGENDA FOR NEXT MEETING**
- 13. ADJOURNMENT

SECTION 4: PUBLIC COMMENT

Planning Commission meetings allow the public to express its views. The Planning Commission will take public comment on any subject, which is not of a quasi-judicial nature or specifically scheduled **for that later on the** agenda, during the General Public Comment period. Each member of the public may comment for up to two minutes. However, Item **5 6** (the General Public Comment) period) will be limited to a maximum of **twenty fifteen** minutes. Each member of the public may also comment for up to two minutes on action items after each staff report has been presented.

During Public Hearings, the public testimony or comment follows the Staff Report. The Chair has discretion to limit or extend time limitations and the 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. Each speaker must begin by clearly stating their first and last name, and **address city of residence**. The rules for procedure for Public Hearings before the Planning Commission are further defined in Resolution No. 182.

ARTICLE V - RULES OF MEETINGS

SECTION 1: ABSENCES

Unexcused absence from more than three (3) consecutive meetings shall be cause for removal. Members shall communicate with the Chair of the Commission or the Vice Chair or the Planning & Development Services Director prior to the meeting with requests for excused absences. Emergency requests may be considered. The Chair of the Commission may approve the excused absence.

SECTION 2: QUORUM

The presence of five (5) members constitutes a quorum, and is required for the Commission to take any action other than to adjourn.

SECTION 3: RULES OF PROCEDURE

The current edition of Robert's Rules of Order shall provide the basis for meeting structure and official decisions shall be made by motion and vote of the Commission.

SECTION 4: VOTING

In instances where a vote is called for or required, the present majority is sufficient to act (providing a quorum is present). Each member shall have one vote and no proxies shall be allowed. Present members may abstain for cause. The Chair may vote on any issue, and shall vote in the event of a tie. No action is taken if the Chair votes and the tie continues. A majority vote shall carry, and minority opinions shall be formally registered in the summary minutes and reported to the City Council.

SECTION 5: RECESSES / CONTINUATIONS

Meetings shall be adjourned at 9:30 p.m., unless a present by a majority votes to waive this requirement.

Continuations of meetings shall be to a definite time and place, by majority vote of present members.

ARTICLE VI – COMMITTEES

Standing and ad hoc committees may be appointed by the Commission Chair. Standing committees shall serve at the pleasure of the Commission and special committees shall also serve for such purposes and terms as the Commission approves. Committees shall establish their own meeting schedule, and the deliberations thereof shall take the form of written reports, submitted to the entire Commission.

ARTICLE VII - CONFLICT OF INTEREST

The Chair shall routinely ask members if they have a conflict of interest with any **quasi-judicial** item on the agenda. Such conflict(s) must be publicly announced at the earliest possible opportunity, and the member shall step down during the particular case(s), neither deliberating nor voting on same.

ARTICLE VIII - APPEARANCE OF FAIRNESS

The members of the Planning Commission in considering quasi-judicial matters, shall maintain the appearance of fairness as required by law.

ARTICLE IX - AMENDMENTS

These Bylaws may be amended or repealed and new Bylaws may be adopted at any regular meeting or special meeting by a majority vote of the membership. A copy of the proposed Bylaws, or amendments thereto, shall be furnished to each member at least three (3) days prior to the date of the meeting. All amendments to the Bylaws shall be submitted to the Mayor and City Council for their information.

It is hereby understood that the undersigned Clerk of the Planning Commission does hereby certify that the above and foregoing Bylaws were duly adopted by the members of the Commission as the Bylaws of the Commission on the **16th day of March 2006 1st day of May 2008**, and that they do now constitute the Bylaws of the City of Shoreline Planning Commission.

Jessica Simulcik Smith
Clerk, Planning Commission

SIGNED BY:

~~David Harris~~ **Sid Kuboi**
Chair, Planning Commission

Joseph W. Tovar
Planning & Development Services Director

RESOLUTION NO. 182

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, AMENDING THE RULES OF PROCEDURE FOR HEARINGS BEFORE THE HEARING EXAMINER AND THE PLANNING COMMISSION; AND REPEALING RESOLUTION NO. 130, EXHIBIT A.

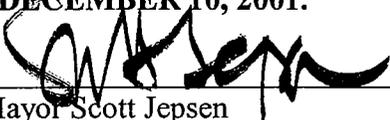
WHEREAS, the City Council wishes to revise and clarify the rules of procedure by which hearings before the Shoreline Hearing Examiner and Planning Commission are conducted to reflect administration of the Development Code;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:

Section 1. Establishment of Rules of Procedure. The City Council hereby adopts "Rules of Procedure for Administrative Hearings of the City of Shoreline," a copy of said rules being attached hereto as "Exhibit A."

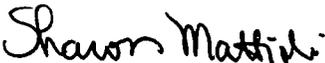
Section 2. Repealer. Resolution No. 130, Exhibit A adopting rules of procedure for proceedings before the Hearing Examiner or the Planning Commission is hereby repealed.

ADOPTED BY THE CITY COUNCIL ON DECEMBER 10, 2001.



Mayor Scott Jepsen

ATTEST:



Sharon Mattioli, CMC,
City Clerk

EXHIBIT A, Resolution 182

**RULES OF PROCEDURE FOR ADMINISTRATIVE
HEARINGS OF THE CITY OF SHORELINE**

- I. Definitions 1
- II. Rules of General Application 2
 - 1. Jurisdiction 2
 - 2. Ex Parte Communication 2
 - 3. Scheduling 3
 - 4. Format 3
 - 5. Record of Hearing 4
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- III. Hearings Before the Hearing Examiner 5
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 - 3. Withdrawal of Appeal 5
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 - 5. Conduct of Hearings 6
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 - 9. Reconsideration or Clarification of Decision 10
 - 10. Appeal of a Decision 10
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I. DEFINITIONS

“**Appellant**” means a person, organization, association or other similar group who files or signs a complete and timely appeal of a City decision.

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“**Applicant**” means a person who is the owner of the subject property or the authorized representative of the owner of the subject property, and who has applied for a land use permit.

“**Director**” means the Director of the Planning and Development Services Department or designee.

“**Ex parte communication**” means written or oral communications to the Hearing Examiner or any member of the Planning Commission about a matter pending before the Hearing Body not included in the public record and made outside of a public hearing.

“**Intervenor**” means any individual, partnership, corporation, association, or public or private organization who files a motion with the Hearing Examiner in support of an administrative decision subject to appeal.

“**Issued**” means the date the recommendation or decision is mailed to the parties to the hearing.

“**Land Use Application**” means any application for a land use action undertaken in accordance with the Shoreline Municipal Code.

“**Land Use Decision**” means a final determination by the City as defined by RCW 36.70C.020.

“**SMC**” means the Shoreline Municipal Code.

“**SEPA**” means the State Environmental Policy Act, Ch. 43.21C RCW.

“**SEPA Threshold Determination**” means the decision by the responsible official of the lead agency whether or not an Environmental Impact Statement is required for a proposal that is not categorically exempt.

II. RULES OF GENERAL APPLICATION

SECTION 1. JURISDICTION

These rules apply to: open-record appeal hearings and open-record pre-decision hearings on matters for which the SMC designates the Shoreline Hearing Examiner or Planning Commission as the appeal, review or decision making authority; and to any other matters designated by the City Council.

SECTION 2. EX PARTE COMMUNICATION

2.1 No person, nor his or her agent, employee, or representative, who is interested in a particular application currently pending before the Hearing Examiner or the Planning Commission shall communicate ex parte, directly or indirectly, with the Hearing

Examiner or any member of the Planning Commission concerning the merits of that or a factually related application. All procedural questions should be directed to the Director, City Clerk or City Attorney.

2.2 If a prohibited ex parte communication is made to or by the Hearing Examiner or any member of the Planning Commission, the substance of such communication shall be publicly disclosed at the beginning of the hearing, and proper discretion shall be exercised by the Hearing Examiner or the member of the Planning Commission on whether to disqualify himself or herself for that particular hearing.

SECTION 3. SCHEDULING

3.1 Expeditious Proceedings. It is the policy of the City of Shoreline that, to the extent feasible and consistent with requirements of law, public hearings shall be conducted expeditiously. In the conduct of such proceedings, the Hearing Examiner or the Planning Commission, City staff, and all parties, or their agents, shall make every effort at each stage of a proceeding to avoid delay.

3.2 Frequency. Hearings before the Hearing Examiner will normally be scheduled on Wednesday evenings at 7:00 p.m. However, the Hearing Examiner shall have discretion to schedule hearings earlier in the day, particularly when the number of parties and witnesses is limited or when the hearing is likely to be lengthy.

In accordance with Planning Commission by-laws, public hearings before the Planning Commission will normally be scheduled the first or third Thursday evening of the month at 7:00 p.m. There may be more than one hearing scheduled to commence at the same time. In such event, the Planning Commission shall have discretion in setting the agenda.

3.3 Continuances of Hearings. If, in the opinion of the Hearing Examiner or a majority of the Planning Commission, more information is necessary to make a decision or recommendation, or there is insufficient time scheduled to hear all of the testimony on the matter, the hearing may be continued to another date. If continued to a specific time and place, and posted on the door of the hearing room, no further notice of that hearing need be given.

Any hearing participant, including City staff, may, preferably prior to the hearing in writing, state reasonable grounds for a continuance. The Hearing Examiner or Planning Commission shall have the discretion to grant or deny any request for continuance, including one made orally at the hearing, if based on reasonable grounds.

SECTION 4. FORMAT

4.1 The format for a hearing will be of an informal nature designed in such a way that the evidence and facts relevant to a particular proceeding will be clearly and efficiently presented.

4.2 Oath or Affirmation. All testimony shall be given under oath or affirmation to tell the truth. Either the Hearing Examiner, Planning Commission Chair or the clerk shall administer the oath or affirmation.

4.3 View Trip. When necessary, the Hearing Examiner or Planning Commission member may inspect the site prior or subsequent to the hearing. Observations which are relied upon as a factual basis for the decision or recommendation shall be disclosed as part of the record. Failure to inspect the site will not render the decision or recommendation void.

SECTION 5. RECORD OF HEARING

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.

Copies of any written materials in the record may be obtained by any person who shall be responsible for paying the cost of reproducing such material.

SECTION 6. CONDUCT OF PARTICIPANTS

Participants, intervenors, witnesses or observers shall conduct themselves with civility and deal courteously with all involved in the proceedings. Failure to do so will result in removal from the hearing.

SECTION 7. REPRESENTATION BY COUNSEL

Although representation by legal counsel is not required at the hearings, all parties participating in the hearings may be represented at the hearings by legal counsel of their choice.

SECTION 8. COMPUTATION OF TIME

Computation of any period of time prescribed or allowed by these rules shall begin with the first day following that on which the act or event initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday or a City holiday, the period shall run until the end of the next following business day.

SECTION 9. CONFLICTS

These rules of procedure are adopted to supplement the requirements set forth in City ordinance. Any conflicts between these rules and the provisions of a City ordinance will be decided consistent with the provisions of the ordinance.

III. HEARINGS BEFORE THE HEARING EXAMINER

SECTION 1. JURISDICTION

The Hearing Examiner shall have the authority to hear appeals and conduct pre-decision hearings as specified in the Shoreline Municipal Code. Rules of this part shall apply to appeal hearings. When authorized to conduct pre-decision hearings, the Hearing Examiner shall apply rules under Part IV for Planning Commission pre-decision hearings.

SECTION 2: FILING AN APPEAL

- 2.1 Compliance with Rules. All appeals must comply with these Rules and with the requirements established in the applicable City of Shoreline ordinance under which the appeal is filed.
- 2.2 Timeliness. To be considered timely filed, an appeal must be received in the City Clerk's Office no later than 5 p.m. on the last day of the appeal period.
- 2.3 Fee. Any filing fee as required by the City Fee Schedule, chapter 3.01 SMC, shall accompany the appeal.
- 2.4 Contents of Appeal Statement. An Appeal Statement must be in writing and contain the following:
 - a. A brief statement as to how the appellant is specifically affected by or interested in the matter appealed;
 - b. A brief statement of the appellant's issues on appeal, noting appellant's specific exceptions and objections to the decision or action being appealed and the facts and legal authority supporting the objections to the decision; upon motion of any party responding to the appeal brought within 15 days of filing, the Hearing Examiner may require a clarification or more detailed statement of issues where needed to adequately prepare for the hearing;
 - c. The relief requested, such as reversal or modification;
 - d. Signature, address, and day phone number of the appellant, and name and address of appellant's designated representative, if any.
- 2.5 Parties Representative Required. When a party consists of more than one individual, or is a group, organization, corporation, or other entity, the party shall designate an individual to be its representative and inform the Hearing Examiner of the name, address and telephone number of that designated representative. The rights of such an appellant shall be exercised by the person designated as the party representative. Notice or other communication to the party representative is considered to be notice or communication to the party.

SECTION 3. WITHDRAWAL OF APPEAL

An appeal may be withdrawn only by the appellant. An appellant's request to withdraw shall be granted as a matter of right and the appeal dismissed. Where an appeal is made by several persons, a group, organization, corporation, or other entity, withdrawal shall be made by the person who had been designated as the party representative.

The City will refund the appeal fee only when the appellant requests the withdrawal of the appeal no later than twenty-one (21) days before the date set for the hearing.

SECTION 4. RIGHTS AND RESPONSIBILITIES OF PARTIES

4.1 The Applicant and/or Appellant, Intervenors as permitted by the Examiner, and the City (Parties) shall have the right to present evidence and testimony, object, make motions, arguments, recommendations and all other rights essential to a fair hearing.

The applicant and/or appellant shall have the right to timely access of the City's document list and of the City's staff report. As provided under RCW 42.17, the applicant and/or appellant may obtain copies of public materials from the City. The appellant shall pay the cost of such copying according to the City's adopted fee schedule.

4.2 Responsibilities of City Staff. City staff shall provide the Hearing Examiner and other parties a document list at least fourteen (14) days in advance of the scheduled hearing date and provide a staff report at least one (1) week in advance of the scheduled hearing date. City staff submission of a document list does not restrict staff from subsequently submitting a rebuttal including or referencing documents not included in the document list.

In addition, City staff shall present revised plans if received within fourteen (14) days of a hearing.

4.3 Responsibilities of Applicant and/or Appellant. Whenever possible the applicant and/or appellant shall provide the Examiner and other parties with documents that supports his/her application or appeal one (1) week prior to the hearing, and be prepared for questions by the Hearing Examiner.

4.4 Unless otherwise specified, all forms of legal authority, including briefs, staff reports and other legal memoranda upon which a party will be relying or presenting at the hearing, must be submitted to the Hearing Examiner at least one (1) week in advance of the scheduled hearing date.

SECTION 5: CONDUCT OF HEARINGS

5.1 Hearings shall be presided over by the Hearing Examiner. The Hearing Examiner 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 Hearing Examiner are the following: to

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conduct fair and impartial hearings; to take all necessary action to avoid delay in the disposition of proceedings; and, to maintain order. The Hearing Examiner 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 parties or 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 make and file decisions.

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

5.3 Notice Requirements of Hearings. All notice and time requirements and methods of notification shall be consistent with the provisions as set forth in City ordinances.

5.4 Conference Prior to an Appeal Hearing. The Hearing Examiner may hold a conference prior to an appeal hearing to structure the scope of the hearing. The Hearing Examiner may use the conference for:

- Identification, clarification, and simplification of the issues;
- Disclosure of witnesses to be called and exhibits to be presented;
- Argument of motions based on law;
- Other matters deemed by the Hearing Examiner appropriate for the orderly and expeditious disposition of the proceedings.
 - a. Prehearing conferences may be held by telephone conference call.
 - b. The Hearing Examiner shall give reasonable notice to parties of any prehearing conference. Notice may be written or oral.
 - c. All parties shall be represented at any prehearing conference unless they waive the right to be present or represented.
 - d. Following the prehearing conference, the Hearing Examiner may issue an order reciting the actions taken or ruling on motions made at the conference.
 - e. At the hearing, the Hearing Examiner shall develop for the record the time, purpose and result of the conference.

5.5 Order of 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 Hearing Examiner;

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- b. A report by the departmental staff that shall include introduction of the official file and reference to visual aids and may include a recommendation, or recommended options, of the Department;
- c. Testimony:
 - 1. In the case of an appeal hearing, testimony by the applicant and/or the appellant and witnesses they have called and by any intervenor recognized by the Hearing Examiner; or
 - 2. In the case of a pre-decision hearing, testimony in support and testimony in opposition;
- d. Opportunity for cross-examination and rebuttal; and,
- e. Opportunity for questions by the Hearing Examiner.

5.6 The Hearing Examiner may impose reasonable limitations on the number of witnesses heard and the nature and length of their testimony.

5.7 Evidence.

- a. Burden of proof. The appellant shall have the burden of establishing that the decision is not supported by substantial evidence.
- 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 Hearing Examiner 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. An extra Hearing Examiner working copy shall be provided of all documents submitted at hearing. Copies of all documents submitted to the Hearing Examiner shall be provided to the other parties to the appeal.
- d. Judicial Notice. The Hearing Examiner may take judicial notice of judicially cognizable facts and in addition may take notice of general, technical or scientific facts within his/her specialized knowledge. The Hearing Examiner shall not take notice of disputed adjudicative facts that are at the center of a particular proceeding.
- e. The Hearing Examiner 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 6. RECORD

6.1 Content of the Record. The record of a hearing conducted by the Hearing Examiner shall include, but not be limited to, the following materials:

- a. The application and/or appeal;
- 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 decision containing the findings and conclusions of the Hearing Examiner;
- f. Recordings made on electronic equipment; and
- g. Any Environmental Impact Statement prepared for the project or action.

SECTION 7. DISMISSAL OF AN APPEAL

7.1 An appeal may be dismissed without a hearing if the Hearing Examiner determines that it fails to state a claim for which the Hearing Examiner has jurisdiction to grant relief, or it is without merit on its face, frivolous, or brought merely to secure delay.

7.2 Any party may request dismissal of all or part of an appeal at any time with notice to all parties. The Hearing Examiner may make a ruling on a motion to dismiss based upon written arguments or may call for oral arguments.

7.3 The Hearing Examiner may dismiss an appeal by an order of default where the appellant, without good cause, fails to clarify the appeal statement as ordered, or fails to appear or is unprepared to proceed at a scheduled and properly noticed hearing.

SECTION 8. DECISIONS

8.1 Written Decisions. Within fourteen (14) days after the close of the hearing, the Hearing Examiner shall issue a written report of findings, conclusions and decision. The findings, conclusions and decision shall indicate how the decision carries out the goals, policies, plans and requirements of the SMC and other City or State regulations. The decision shall be mailed to all parties to the hearing and to any person who, prior to the rendering of the decision, requested notice of it.

8.2 Content of Decision. A decision 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 upon each contested issue of fact.
- c. Conclusions. All conclusions of law necessary to support a decision shall be listed and supported by one or more findings of fact.
- d. Decision. The decision shall be based upon a consideration of the whole record and supported by substantial evidence. All decisions may include conditions of approval.

SECTION 9. RECONSIDERATION OR CLARIFICATION OF DECISION

9.1. The applicant, appellant or City staff may file with the Hearing Examiner a written request for reconsideration or clarification. The request must be filed within seven (7) days of the date of the Hearing Examiner’s decision. The request shall specifically set forth alleged errors of fact, law or procedure as addressed in the Hearing Examiner’s decision. The request may also include direction to a specific issue that was inadvertently omitted from the Hearing Examiner’s decision.

9.2. The Hearing Examiner shall act within seven (7) days after the date of the filing of the request for reconsideration or clarification by either denying the request or requesting a response from other parties, including scheduling oral argument, if deemed appropriate, within a time frame for final decision no later than fifteen (15) days from the filing of the request for reconsideration or clarification.

9.3. If the Hearing Examiner approves the request, the original decision shall be corrected, clarified, or amended. Alternatively, the Hearing Examiner can reopen the appeal hearing to consider correcting or clarifying the record or any deficiencies of the decision. If the Hearing Examiner reopens the hearing, notice of said hearing shall be mailed to all parties to the hearing, including any intervenors, and to any person who requested and received notice of the Hearing Examiner’s decision, not more than seven (7) days from the issuance of the order of the Hearing Examiner reopening the hearing.

SECTION 10. APPEAL OF A DECISION

A Hearing Examiner’s decision may be appealed to Superior Court as provided by RCW 36.70C.

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.

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- 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 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;

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- 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.

- 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

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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.



Memorandum

DATE: April 23, 2008
TO: Planning Commissioners
FROM: Flannary P. Collins, Assistant City Attorney *FPC*
RE: Review of Record for Public Hearings

Issue: If a Commissioner is absent from a Planning Commission meeting where a mandatory public hearing is held, either on a quasi-judicial or a legislative item, can that Commissioner participate in a later vote on the issue?

Answer: In the seminal case on this issue, *Johnston v. Grays Harbor County Board of Adjustment*, 14 Wash. App. 378 (1975), the court held that so long as the officer had familiarized himself or herself with the record, he or she could vote on the issue. In *Johnston*, an individual challenged the Board of Adjustment's issuance of a conditional use permit, arguing that the standards of fundamental fairness were violated when a Board member who was not present at a prior hearing on the permit voted to issue the permit. The court held that the decision is not invalidated simply because an officer who participated in the decision was absent during presentation of the evidence. If that officer fulfilled his/her public duty by familiarizing himself/herself with the evidence before voting, then that vote does not violate standards of fundamental fairness. Conversely, if the officer making the decision is unfamiliar with the contents of the record on which to make the decision, then the decision will be set aside. *Bowing v. Board of Trustees*, 85 Wn.2d 300 (1975).

Here, although the transcribed minutes from a Planning Commission meeting are thorough, only with review of the audio tape does a Planning Commissioner get a chance to fully familiarize himself/herself with the complete hearing. Thus, a Planning Commissioner who is absent from a previous public hearing must review the full audio of the hearing prior to his/her vote on the issue.