

# AGENDA PLANNING COMMISSION REGULAR MEETING



Thursday, April 15, 2010  
7:00 p.m.

Shoreline City Hall  
Council Chamber  
17500 Midvale Ave N.

	<u>Estimated Time</u>
<b>1. CALL TO ORDER</b>	7:00 p.m.
<b>2. ROLL CALL</b>	7:01 p.m.
<b>3. APPROVAL OF AGENDA</b>	7:02 p.m.
<b>4. DIRECTOR'S COMMENTS</b>	7:03 p.m.
<b>5. APPROVAL OF MINUTES</b>	7:10 p.m.
a. March 4, 2010 Regular Meeting	
b. March 18, 2010 Special Meeting	
c. April 1, 2010 Special Meeting	
<b>6. GENERAL PUBLIC COMMENT</b>	7:15 p.m.
<i>During the General Public Comment period, the Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled later on the agenda. Each member of the public may comment for up to two minutes. However, the General Public Comment period will generally be limited to twenty minutes. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Speakers are asked to come to the front of the room to have their comments recorded and must clearly state their first and last name, and city of residence.</i>	
<b>7. STAFF REPORTS</b>	7:20 p.m.
a. Development Code Amendments	
<b>8. PUBLIC COMMENT</b>	8:25 p.m.
<b>9. DIRECTOR'S REPORT</b>	8:40 p.m.
<b>10. UNFINISHED BUSINESS</b>	8:45 p.m.
a. Joint-Meeting Follow-up Discussion	
<b>11. NEW BUSINESS</b>	
a. Election of Chair and Vice Chair	9:00 p.m.
b. Discuss possible Planning Commission Retreat	9:10 p.m.
<b>12. REPORTS OF COMMITTEES &amp; COMMISSIONERS/ANNOUNCEMENTS</b>	9:20 p.m.
<b>13. AGENDA FOR Special Meeting on April 22</b>	9:25 p.m.
<b>14. ADJOURNMENT</b>	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 801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236.*

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# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

March 4, 2010  
7:00 P.M.

Shoreline City Hall  
Council Chamber

### Commissioners Present

Chair Wagner  
Vice Chair Perkowski  
Commissioner Behrens  
Commissioner Broili  
Commissioner Kaje  
Commissioner Kuboi  
Commissioner Piro

### Staff Present

Joe Tovar, Director, Planning & Development Services  
Steve Cohn, Senior Planner, Planning & Development Services  
Miranda Redinger, Associate Planner, Planning & Development Services  
Jessica Simulcik Smith, Planning Commission Clerk

### Commissioners Absent

Commissioner Pyle

### CALL TO ORDER

Chair Wagner called the regular meeting of the Shoreline Planning Commission to order at 7:08 p.m.

### ROLL CALL

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

### APPROVAL OF AGENDA

The agenda was accepted as presented.

### DIRECTOR'S COMMENTS

Mr. Tovar announced that the City Council adopted an ordinance to reduce the size of the Planning Commission from nine to seven members effective April 1<sup>st</sup>. In addition, a subcommittee of four Councilmembers conducted interviews for the three Planning Commission seats that will begin new terms on April 1<sup>st</sup>. They unanimously recommended three candidates for the City Council to approve at their regular meeting of March 8<sup>th</sup>. Chair Wagner is up for reappointment, and the other two candidates for appointment (Donna Moss and Cynthia Esselman) are in the audience. The new members would not

be officially sworn in until April. However, because it is unlikely the Commission would complete their work on the Southeast Neighborhoods Subarea Plan tonight and the issue would be carried over to April, staff felt it was wise for them to observe and take notes at the meeting.

### **APPROVAL OF MINUTES**

The minutes of February 4, 2010 were approved as presented.

### **GENERAL PUBLIC COMMENT**

**Laethan Wene, Shoreline**, voiced opposition to the proposal to no longer televise the public comment portion of City Council Meetings on public television. He expressed his belief that it is important that comments are televised.

### **LEGISLATIVE PUBLIC HEARING ON SOUTHEAST NEIGHBORHOODS SUBAREA PLAN (Continued from February 4<sup>th</sup>)**

Chair Wagner reviewed the rules and procedures and opened the public hearing. She reminded the audience that the public comment period would be limited to comments related to new information provided since the February 4<sup>th</sup> meeting. She referred to the Desk Packet (Exhibit 17), which contains written correspondence the Commission received that was not part of the March 4 Meeting Packet published on February 25<sup>th</sup>. She said the Commissioners had an opportunity to review the new items prior to the meeting. The desk packet included the following items:

- An email from Commissioner Pyle dated March 2, 2010.
- A matrix that was prepared by staff.
- An email from Sigrid Strom dated March 4, 2010.

Commissioner Piro noted that although he was not present at the February 4<sup>th</sup> hearing, he listened to the recording and reviewed all of the written materials that have been presented and is prepared to fully participate in the continued hearing.

### **Staff Overview and Presentation**

Mr. Tovar explained that a subarea plan is a geographic subset of a comprehensive plan. State law allows local jurisdictions to have subarea plans, but it does not require them. The Growth Management Act (GMA) defines comprehensive plans as “generalized, coordinated land use policy statements.” He noted that it is important to focus on the words “generalized” and “coordinated.” The past presumption that the City’s Comprehensive Plan must contain a tremendous amount of detail and that the implementing zoning had to correspond and be consistent is false. Comprehensive plans and subarea plans can be more generalized than development regulations. They are intended to be policy statements and not regulations. However, every plan is implemented through regulations such as zoning ordinances.

Mr. Tovar explained that the Comprehensive Plan (including the subarea plan) is subject to the goals and requirements of GMA regarding public notice, public participation, etc. Countywide policies are also created to allocate targets to the cities within the County, and Shoreline now has a citywide target. He emphasized that there is no GMA or countywide allocation to a subarea plan; it is up to the City to decide how much of its growth it wishes to allocate to a particular subarea. Some opinions were offered at previous meetings that there is a one-to-one requirement in the GMA between numbers of households and numbers of jobs, but that is not the case. There is no requirement that the City's ratio of housing to jobs must be mirrored in every subarea plan. He summarized that the Southeast Neighborhoods Subarea Plan can have whatever ratio of jobs to housing that the City Council ultimately decides is an appropriate level of balance. The same would be true for the Town Center Subarea Plan. However, both plans must be consistent with the City's overall plan and targets.

Mr. Tovar clarified that the issue currently before the Commission is related to the Comprehensive Plan and not the development regulations and/or permits. While there has been a fair amount of discussion about zoning in the record and the CAC spent time talking about various zoning scenarios, the issue currently before the Commission is the staff drafted subarea plan. The proposal includes both text and a land use map (not a zoning map). He reminded the Commission that they are not being asked to make a recommendation about the zoning map at this time. Instead, they should focus their recommendation on what they think the subarea plan should look like. The Commission can start with the draft subarea plan as a starting point and then make appropriate revisions based on testimony, deliberations, citations to other facts in the record and other parts of the Comprehensive Plan, etc. They must work with the information that is in the record as it helps support their conclusions regarding the subarea plan.

Mr. Tovar advised that the CAC's report and the minority report (included in the record) are documents the Commission can refer to. While they can either agree or disagree with all or portions of them, the Commission is not being asked to make alterations to these documents. They are intended to represent the product of the groups' work.

Mr. Tovar explained that because zoning must be consistent with the Comprehensive Plan, whatever zoning is adopted for the subarea must be consistent. The CAC was not charged with preparing a zoning map. However, because the City's Comprehensive Plan designations are not as finely broken down as they might be, there was some discomfort about how generalized the land use designations should be. The CAC found it useful to talk about zoning for illustrative purposes as per their recommended subarea plan. The issue currently before the Commission is the subarea plan, and there was widespread agreement amongst the CAC about the subarea plan, itself. However, there is obviously some disagreement about the zoning, as reflected in the minority report. This issue should be addressed at some point in the future, but not now.

Mr. Tovar reviewed that the CAC conducted 33 meetings over a 1½ year period. They spent an extensive amount of time with staff and the community. He noted that Commissioner Pyle actually served on the CAC for a while and has some history and perspective about the process. Staff believes the process was balanced and allowed the members to express opinions.

Mr. Tovar observed that with any legislative action before the Commission, they will receive both subjective (opinions, beliefs, values, preferences) and objective input (facts, empirical evidence, learned discipline). He noted there are no qualifications associated with subjective input. While subjective comments may be valid, the Commission must recognize they are different in nature than objective input. He said it is appropriate for people to ask clarifying questions about the objective input provided by engineers, planners, etc. However, it would be wise for the Commission to recognize when an assertion or conclusion is made about a technical matter from someone who does not have subject matter expertise. He clarified that he is not saying that people who are not experts in the field have no right to express an opinion, do research and present it, or question an expert. But when someone makes an assertion of fact, unless they can point to some evidence, the input should be weighed differently than an expert witness.

Mr. Tovar advised that, inevitably, the Commission will have to deal with zoning. While there is no specific zoning proposal before the Commission at this time, the subarea plan would be implemented through zoning. He suggested that after the Commission makes a final recommendation on the subarea plan, they can deal with zoning in several ways:

- Recommend the City Council direct staff to prepare a legislative rezone to implement all or parts of the subarea plan. The rezone proposal would be brought back to the Commission for a new public process.
- Recommend the City Council adopt the subarea plan and allow individual property owners to apply for quasi-judicial rezones. The City would respond to each request as it is submitted, using the adopted subarea plan for guidance.
- Recommend the City Council direct staff to prepare a legislative rezone for those things they believe are timely and appropriate for the City to deal with upfront in a larger context and then wait for people to apply for quasi-judicial rezones on a site-specific basis for the remaining items.
- Recommend the City Council direct staff to prepare a planned area zone, which would be a legislative process using direction from the adopted subarea plan. It would be possible to create a zone that would only apply to a specific part of the subarea.

Mr. Tovar referred to the map that was prepared to illustrate the CAC's recommendation for the southeast corner of the proposed subarea. He summarized that there was not widespread disagreement about the location for transition areas, but there was some contention about the densities and use mixes that should be allowed within the areas of transition. He said he does not believe there is enough detailed information for the Commission to resolve this issue now. However, staff expects at least one more public hearing regarding the subarea plan proposal. He suggested the Commission could direct staff to prepare a few land-use alternatives for future consideration, including the alternative embodied in the minority report. Staff could also prepare land-use alternatives for the area along 15<sup>th</sup> Avenue Northeast. This would enable the Commission to identify how much specificity the subarea plan should include.

Again, Mr. Tovar reminded the Commission and public that at the end of the public hearing, the Planning Commission would not be making a recommendation regarding zoning. Their current charge

is to make a recommendation regarding the proposed Comprehensive Plan amendment, with the understanding that zoning would be addressed at some point in the future.

Commissioner Kaje recalled Mr. Tovar's earlier clarification that the subarea plan would become a geographic subset of the Comprehensive Plan, which leads him to the assumption that the subarea plan would provide a greater level of specificity. For example, he questioned if it would be appropriate to express in a subarea plan some fairly important but general statements about a particular street and how it would function and interface with the neighborhood. Mr. Tovar said the purpose of his definition was to make the point that comprehensive plans are not regulations. Development regulations address detailed standards such as setbacks, bulk, etc. Some comprehensive plans that have been adopted within the State are very detailed and are close to becoming regulations, and others are more generalized and conceptual. The Commission has leeway to go either direction. For example, they could provide more specificity and talk about street segments and/or identify the maximum number of units that should be allowed in a particular area. However, taking this approach creates an obligation for the City to implement consistent zoning. In the past, the Comprehensive Plan has been vague as it relates to the mixed-use and multi-family zones, and it would be helpful for the Commission to narrow down the range for density.

Commissioner Kaje observed that while they have received recommendations from the public about specific capital projects, it is important to keep in mind that they are not currently being asked to make a recommendation regarding the Capital Facilities Plan. Mr. Tovar said the Commission could make some recommendations in the narrative of the subarea plan about needs or projects the City should investigate as part of its overall Capital Facilities Plan update. He explained the proposal does not include a lot of discussion about large capital projects, but there is some language about walkways and the desire to have a better pedestrian network, which is appropriate for the subarea plan. He pointed out that Northeast 145<sup>th</sup> Street is not within the City's jurisdictions, so they cannot do a capital project in this location. However, it would be appropriate for the subarea plan to indicate the City should pursue inter-jurisdictional coordination for a capital project on Northeast 145<sup>th</sup> Street. Ms. Redinger added that some of the recommendations in the subarea plan could filter into capital improvements via master plans (surface water, transportation, parks, etc.)

Chair Wagner asked if the Commission could recommend a policy statement that the Surface Water Master Plan should address concerns they have heard from the public related to drainage in the subarea. Mr. Tovar reminded the Commission that the Comprehensive Plan is aspirational and represents what the Commission would like to see. He said the subarea plan could include a statement that the City should consider and/or investigate potential capital projects such as walkways, stormwater runoff, etc.

Mr. Cohn referred the Commission to the matrix that was included in their desk packet. He explained that the purpose of the matrix is to identify the issues and questions, review the CAC's recommendations and potential options, and invite the Commission to share their vision. In addition, the Commission could identify additional concepts or options they would like staff to explore. He reviewed each of the Questions/Issues as follows:

1. What is the Commission's vision for redevelopment of commercial areas at Northeast 145<sup>th</sup> Street/Bothell Way and Northeast 145<sup>th</sup> Street/15<sup>th</sup> Avenue Northeast? Does the Commission want to encourage a variety of housing choices?
2. What is the best way to handle transition between taller and more intense uses and single-family areas?
3. Is a design review process appropriate in commercial areas?
4. Should Accessory Dwelling Units (ADUs) and other pilot housing styles and policies be "tried out" in the subarea?
5. Is there a need for additional policy guidance on how to deal with inter-jurisdictional issues on Northeast 145<sup>th</sup> Street?
6. Does the Commission want to provide added direction on implementation of the Comprehensive Plan?

### **Questions by the Commission**

None of the Commissioners had questions during this portion of the hearing.

### **Public Testimony on New Information**

**Sarah Kaye, Shoreline**, said she lives in the Briarcrest Neighborhood, which is located just north of the subarea. She expressed concern about a subarea planning process that does not deal with zoning at the same time. The time for the community to voice their concerns about zoning is during the subarea planning process. Once the plan has been adopted, the zoning would be changed to be consistent regardless of whether the proposal adheres to the goals and ideals stated by the surrounding neighborhoods. She said she likes the idea of a commercial plaza in the very southeast commercial area, and she would like the City to keep the process open.

Commissioner Piro referred to the options Mr. Tovar noted earlier to address issues related to zoning. He asked Ms. Kaye if either of these options would alleviate her concerns. Ms. Kaye said there are pros and cons of each option. She said she would like the goals and ideals, as stated in the Comprehensive Plan, to take precedence over specific zoning. For example, there is nothing in the Development Code that would prevent a town house project that would block the direct sunlight into her house. She noted that Land Use Policy 4 is related to solar access, but it is not formalized. She would like solar access to have some weight when the City reviews specific project proposals.

**Arthur Peach, Shoreline**, said he served as chair for the Southeast Neighborhoods CAC from March 2009 through November 2009. He explained that the CAC asked staff to provide development numbers as part of their decision process, and the zoning map was used as a visioning tool to create a comprehensive plan map. At the end of the process, the CAC came up with 700 units that could be accommodated as per the proposed subarea plan. However, the Staff Report implies there would be 900 units. While this may have little influence on future development, it is important to keep in mind that the CAC proposed 700 units. He advised that at the CAC's first appearance before the City Council, Councilmember Scott asked them to address and give a number to the density they were willing to absorb in the neighborhood. Through discussion and voting, the CAC decided on 700 units, not 900 or



150. He asked the Commission to use the correct information as they analyze the proposal and make a recommendation to the City Council.

Mr. Peach suggested that moratoriums are an appropriate approach for future subarea planning processes. This would insure that applications for development are consistent with the vision set forth by residents and do not disrupt the final outcome of the subarea plan. He said he is proud of all the hard work put forth by the CAC members. He thanked all of the neighbors and staff for their work, as well. Commissioner Kaje asked Mr. Peach to clarify his comments regarding moratoriums. Mr. Peach said that if a developer proposes a project before the CAC finishes their process, the proposal may change the vision the CAC is working towards. He recommended that no development applications should be accepted during the subarea planning process. Mr. Peach submitted his comments and they were entered into the record as Exhibit #18.

**Dennis Lee, Shoreline**, recalled that the Commission raised a question about drainage at the February 4<sup>th</sup> hearing. While staff provided an answer, the public was not allowed to respond. He commented that at the public meetings related to the subarea plan the CAC invited people to put dots on a map to identify the areas where drainage is an issue, yet he cannot find this map as part of the record. While he is not an expert on drainage issues, he can lift the water meter covers and observe the water levels, and he considers this information to be scientific and informative. He said every time the issue of Northeast 145<sup>th</sup> Street was raised, the CAC spent a considerable amount of time discussing the concerns. They concluded that they would not make any recommendations for this street because it is not within the City's jurisdiction. He noted that the average setback on Northeast 145<sup>th</sup> Street is quite large, except for the new construction, and there could be problems if buildings are constructed right up to the sidewalk. Northeast 145<sup>th</sup> Street is a particular concern because the telephone poles are all scarred from mirrors hitting them, and the sidewalk is right next to the poles. He summarized that it will not be easy to improve the situation unless there are setbacks on at least one side.

Commissioner Behrens reported that the Commissioners were provided a copy of the map that Mr. Lee referenced.

**Janet Way, Shoreline**, said she was present to represent the Paramount Park Neighborhood Group. She said that while she does not have any advanced degrees, she has expertise as a citizen activist and observer in the neighborhood for the last 20 years, particularly related to watersheds. She also has expertise as a former elected official. She reminded the Commission that the Paramount Park Neighborhood Group has presented several documents, ideas, a SEPA comment letter, and policy proposals. Each one of the policy proposals were intended to address points the group does not believe are adequately covered by the proposed plan such as electric vehicle plug ins as part of the parking infrastructure (T-13), community gardens (CD-14), and floor area ratios in housing (H-9). She asked that the Commission consider adopting the policy proposals put forth by the group.

Ms. Way suggested the planned area concept would be an excellent proposal to work towards for some of the denser areas. She suggested they become zero impact zones and demonstration areas that could generate new development and excitement and more community involvement. She suggested that for such a project, the City could adopt the Cascade Regional Building Council's Cascadia Principles.

Ms. Way expressed concern that the State Environmental Policy Act (SEPA) Threshold Determination of Non-Significance (DNS) that was contained in the Staff Report indicates that existing drainage or traffic problems would be addressed on a piecemeal basis with each new development. She pointed out that there are already significant drainage problems in the two watersheds within the area due to undetained and dam aging stormwater. It is not acceptable for the City to avoid addressing these issues, and a significant adverse impact would result. She encouraged the Commission to find a way to address these problems through capital project or master plan proposals. In addition, she asked that the Commission address transportation solutions as part of the plan. She said she is glad the plan includes the goal of working towards solutions with neighboring jurisdictions (T-11), but she felt the language should be stronger. The discussion should also include planning for a possible light rail station. She referred to a map she submitted on behalf of the group, as well as some court rulings and related articles that she believes are very significant. She emphasized that now is the time to address the issues and concerns. Addressing issues piecemeal has not worked in the past, and that is why Puget Sound is now in trouble. Ms. Way submitted her comments and they were entered into the record as Exhibit #19.

**Bettelinn Brown, Shoreline**, said she lives in the Briarcrest Neighborhood. She thanked Mr. Tovar for the helpful information he provided to educate the citizens. She said that she is in a position to educate the residents of the Briarcrest Neighborhood through their newsletter, and it is important for her to be able to represent the issues in a more accurate and less subjective manner. She expressed concern that the Department of Transportation (DOT) has made changes that have had significant impacts on the neighborhood without soliciting their input. She noted that the CAC did a lot of research to address traffic flow issues. The cooperation, integration and inclusion of the neighborhood in the public process is important.

Ms. Brown said she was present to represent the Sisters of the Carmelite Order who have a monastery located in the Briarcrest Neighborhood. They have asked her to speak on their behalf because they are cloistered and do not speak in public. She provided a color-coded map of the area and a list of all the property owners between Bothell Way and 32<sup>nd</sup> Avenue Northeast. She said it is important that everyone is on the same page (the staff, Commission, and neighborhood association). She also provided a booklet published by the Carmelite Sisters. These documents were entered into the record as Exhibit #20.

**Bill Bear, Shoreline**, said he was one of the people who submitted the minority report. He said the purpose of his comments is to address the unintended consequences of the zoning, planning and thinking that has taken place thus far. He expressed concern that the proposed changes would drive up the price of land and people would no longer be able to afford to live in the neighborhood. He noted that the CAC's report indicates a desire for more affordable housing, more businesses, living wage jobs, etc. If the end result creates a situation where the price of land is too high, existing businesses will move out and new businesses will not come in. He pointed out that the property between 32<sup>nd</sup> Avenue Northeast and Bothell Way is largely owned by one person, and a planned area could provide the possibility of utilizing parking space by residential development in the evening and on weekends and by businesses during the weekdays. He said this concept was successfully used in Rockville, Maryland, where they have two stories of residential above retail space. All the parking is located under the library that is a block and a half away. It would also be possible to do a planned area with a community development

corporation so that all of the citizen angst could be remediated if they are involved in the process and are part owners in the community corporation.

**Sigrid Strom, Shoreline**, said she lives in the Ridgecrest Neighborhood. She clarified that those who signed the minority report are not against density. Their concerns have to do with the zoning map and what they see as a lack of correlation between the map and the plan. She agreed there was a lot of consensus on most of the goals and policies found in the report. However, difficulty arose when the discussion was diverted to the zoning map. She pointed out that the map Mr. Tovar displayed was the zoning map, not the land-use map. She clarified that the CAC was tasked with creating a land-use map for the subarea, but they never voted on the land-use map. They actually voted on the zoning map. She cautioned Mr. Tovar that some members of the CAC do have expertise. She said she is willing to recognize the expertise of people who work for the City, but the City should recognize that many citizens have a lot of expertise in related areas.

Commissioner Piro asked Ms. Strom to offer her perspective on the options presented by Mr. Tovar for addressing zoning issues. Ms. Strom said she does not have a lot of expertise in this area, but she would not be in favor of the case-by-case basis. She would prefer a more broad and comprehensive rezone. She said she is concerned about implementing any type of zoning before the development guidelines and controls are in place to ensure that the actual zoning corresponds with the Comprehensive Plan. Commissioner Piro summarized that Ms. Strom would be in favor of a three-step approach: adoption of the subarea plan, adoption of development guidelines, and then adoption of the appropriate zoning.

### **Final Questions by the Commission**

None of the Commissioners had additional questions during this portion of the hearing.

### **Deliberations**

Mr. Cohn referred to the matrix that was prepared by staff to guide the discussion. He recalled that the CAC recommendation was to encourage appropriate development to provide additional housing (choice) as well as a place for businesses that can provide goods and services to the neighborhood. He asked the Commission to share their thoughts on the CAC's vision and identify additional concepts they would like to add to the vision.

Vice Chair Perkowski asked staff to clarify the intended outcome of tonight's deliberations. Mr. Cohn said staff would like the Commission to review the CAC's recommendations and identify additional options they want to consider. Staff would prepare some optional proposals for the Commission and public to review and comment on at a later date. Commissioner Piro said staff is seeking feedback about whether or not the CAC's recommendations are adequately addressed in the draft subarea plan. They should also identify issues that need attention at a later point in time, but would not be addressed as part of the Comprehensive Plan.

Commissioner Kaje recalled that at the last meeting he asked Mr. Peach if the CAC had considered a specific vision for the southeast corner, especially the block fronting Bothell Way. The summary of the

CAC's vision provided in the matrix was based on Mr. Peach's response, but there is no specific language in the text related to this vision. Mr. Cohn added that the summary was also based on the CAC's 18-month discussion. Ms. Redinger pointed out that the summary in the matrix was based on the following policies found in the CAC's report:

- H-6 – Review existing policies on accessory dwelling units.
- H-7 – Adopt regulations for cottage style housing.
- H-10 – Encourage partnerships to create affordable housing.
- ED-1 – Encourage the creation of community gathering.
- ED-2 – Revitalize the local economy by encouraging new business that is beneficial to the community in terms of services, entertainment and employment.
- ED-3 – Increase small-scale economic development (retail, office, service.)
- ED-7 – Encourage community groups to define specific types of commercial, retail and professional business.
- ED-8 – Encourage home businesses.
- Ed-12 – Modify commercial zoning to require that mixed-use buildings be designed to accommodate commercial uses along arterial street frontages.
- CD-3 – Encourage planning of local hubs for provision of services and gathering places.
- CD-9 – Use medium to low-density multi-family units as transitional areas from high-density residential or commercial properties to single-family homes.
- CD-12 – Establish rules and incentives that ensure actions occur in a manner that is consistent with the community's vision while still promoting and providing incentives for redevelopment.

Commissioner Behrens said he was impressed with how well the subarea plan was written. He observed that while the members of the CAC are in general agreement as to what they want to see in their neighborhood, there is some disagreement about how to implement the policies and goals identified in the plan. It appears that most of the controversy is associated with the southeast corner. The planned area concept would allow a process for addressing all of the issues and concerns to the satisfaction of all parties. They should keep the CAC's vision in mind (functional businesses, additional housing, community gathering place, etc.) as they move forward. If they use a piecemeal approach and allow each property owner to propose a rezone, the end result will not likely be what the community envisions. They need to create zoning and development opportunities that result in the types of businesses the CAC talked about as appropriate for the neighborhood. Ms. Redinger noted that because much of the southeast corner is under single ownership, it would be very important to obtain feedback from the property owners as part of any future planned area discussion.

Commissioner Kaje said it would be very useful to provide guidance to the City Council that the planned area concept is one option that could be explored in the future for redevelopment of the portion of the southeast corner that is currently under single-ownership if it comes up. However, at this time, he is not comfortable saying that all or part of the area should be designated as a planned area. Commissioner Behrens agreed the Commission should recommend that the planned area option be considered and pursued, if possible. However, he recognized this would not be the only option for the property.

Mr. Tovar reminded the Commission that they could forward the subarea plan to the City Council with a recommendation that it not become effective until the implementing zoning is in place. This would allow the Commission time to consider the planned area option as one zoning tool to implement the goals and policies in the CAC's Report and address other zoning issues before the subarea plan becomes effective.

Ms. Redinger said the CAC never talked about the planned area concept as a zoning tool. Mr. Tovar explained that the planned area concept is a development regulation tool that consists of writing a zoning designation that is unique and appropriate for application to a discrete part of the City. It would provide an opportunity to use the substantive recommendations and concerns embodied in the CAC's report as the direction to write code for that particular zone. Chair Wagner summarized that the current zoning regulations require setbacks between lot lines, etc., which could potentially discourage someone from developing a slightly larger building with a smaller footprint that is set away from the solar access, etc. A planned area would allow for creative development choices for a particular area. Mr. Tovar reminded the Commission that the subarea plan is intended to be aspirational and should describe what the City wants to achieve in as much detail as possible, understanding that the actual zoning tools would come after, based on direction provided in the narrative of the subarea plan.

Commissioner Behrens asked if it would be inappropriate for the subarea plan to include a statement that the planned area concept should be considered for a portion of the subarea. Mr. Tovar said it would be appropriate to identify the concept as something that should be explored. However, they should not limit the property to this one zoning option. The language should provide enough flexibility and detail to implement the policy statements.

Commissioner Kuboi explained that not including a specific policy related to the planned area concept would not preclude staff from considering the option in the future. No implementation tool would be explicitly precluded by anything that is in the draft subarea plan. He suggested the Commission not spend a lot of time talking about zoning issues now. These decisions will be addressed by staff and stakeholders who are working on projects in the future. He recalled the Central Shoreline Subarea Plan and reminded the Commission that the more specificity they put into the subarea plan, the more opportunity there will be for individuals to disagree. If the language maintains a comfortable general level that everyone can agree on, they can move the document forward for adoption as quickly as possible.

Commissioner Broili said he sees the subarea plan as a vision for the future, and should not discuss the specific details related to its implementation. These decisions would be made at a later date. The CAC's report has defined where they want to go, and he is ready to accept the report because it gives good, general direction. It will provide a starting point on which future zoning and other decisions can be based. Commissioner Kuboi concurred.

**COMMISSIONER BROILI MOVED TO RECOMMEND APPROVAL OF THE SOUTHEAST NEIGHBORHOODS SUBAREA PLAN AND COMPREHENSIVE LAND USE MAP AS PROPOSED BY STAFF IN EXHIBIT #1, WITH ADDITIONAL COMMISSION AMENDMENTS. COMMISSIONER PIRO SECONDED THE MOTION.**

Commissioner Piro said he believes the current proposal represents basic agreement, and many of the points of dispute are related to future discussions. However, he would support a phased approach that allows the Commission to address zoning and development regulation issues before the subarea plan becomes effective.

Commissioner Kuboi observed that the CAC and staff spent a lot of time and effort to come up with a well-considered product. He cautioned against spending too much time tinkering and second-guessing, allegedly under the guise of improving the document. He expressed concern that future CAC's could become discouraged from spending a significant amount of time creating a document for self-acclaimed experts to tinker with. Chair Wagner pointed out that Commissioner Pyle had the same sentiment, and she agreed. However, there are some editorial issues that should be addressed before the document is forwarded to the City Council.

Commissioner Kaje observed that many of the policy statements are, by nature, more fitting as potential citywide policy statements. They do not fit well into the limitations of a subarea plan. Mr. Cohn said that, in his experience, some policies found in subarea plans are eventually adopted into comprehensive plans as citywide policies. Subarea plans can be used as pilot areas for trying new ideas.

Commissioner Kaje referred to PR4, which says, "*As the population increases, establish target metrics for park space per capita and ensure that parks development and funding keep pace with development.*" While he agrees with the sentiment contained in this policy, he suggested this policy statement should apply citywide rather than on a neighborhood basis. Mr. Tovar agreed that if someone were to read this policy statement, they would think they were looking at a citywide policy document. He suggested the Commission consider removing this policy from the subarea plan and place it in their parking lot of items to move forward to the City Council as separate recommendations. He agreed that, as currently drafted, this policy statement is not a good fit for the subarea plan.

Commissioner Broili said he would support moving the policy out of the subarea plan, but he does not want to place it in a parking lot of issues that get postponed as time goes by. As has been pointed out numerous times, the City is way behind the curve on parks. He would like to forward a recommendation to the City Council as soon as possible. Mr. Cohn suggested that the Commission's forwarding letter to the City Council could identify policies that they believe are good ideas, but not necessarily appropriate on a subarea basis. They could ask the City Council to consider making them citywide policies. He reminded the Commission that they would have an audience with the City Council at the joint meeting on April 12<sup>th</sup>.

Commissioner Piro suggested the policy remain in the subarea plan, but perhaps it could be contextualized for the subarea. They could also include a recommendation to the City Council that it is an issue of citywide importance that needs attention. Commissioner Kaje said there may be some policies that should be pulled from the subarea plan, but with a very strong statement for the City Council to address it on a citywide basis. It may be possible to bring other policies into the context of the subarea plan with minor edits.

**COMMISSIONER BEHRENS MOVED THE COMMISSION ADD AN ADDITIONAL POLICY LU11 TO READ: “CONSIDER ENCOURAGING THE DEVELOPMENT OF A GATEWAY PROJECT AT NORTHEAST 145<sup>TH</sup> STREET AND BOTHELL WAY THAT UTILIZES A PLANNED AREA CONCEPT.”**

Commissioner Behrens pointed out that this property is the southeast gateway into the City of Shoreline. Vice Chair Perkowski asked if Commissioner Behrens would be in favor of further defining the area referenced in the motion. Commissioner Behrens said he was specifically referring to the area that has been defined as the mixed-use zone that abuts Northeast 145<sup>th</sup> Street and Bothell Way. Commissioner Kuboi asked Commissioner Behrens to describe the functional purpose of the gateway besides signage. He noted that if you go north on Bothell Way from this location you will be out of the City in a short time. The idea of a gateway in this location would be odd because it skirts the City in both directions. Commissioner Behrens pointed out it is a major arterial intersections that handles the largest volume of traffic coming into the City. Commissioner Kuboi asked if Commissioner Behrens was thinking of a sign to identify the entrance to the City or a signature development that would require a significant investment by the developer. Commissioner Behrens said his concept of a gateway project would include development, but could also include signage. He said he would like to see the area developed. Commissioner Piro pointed out that, historically, the City has used the term “gateway” for some sort of entrance treatment. However, Commissioner Behrens is talking about a district planning project. Commissioner Kuboi noted that the term “gateway” has also been used in a larger context with the Central Shoreline Subarea Plan.

**COMMISSIONER KAJE SECONDED THE MOTION FOR PURPOSES OF DISCUSSION.**

Commissioner Kaje suggested the motion be amended to remove the gateway project terminology and get at the idea that they want to flesh out the vision expressed in the subarea plan the mixed-use polygon shaped property in the southeast corner of the subarea.

Commissioner Broili said he would not support the motion on the floor. Again, he pointed out that zoning issues can be addressed after the subarea plan has been adopted. While he does not disagree with the concept the motion puts forward, he does not believe it is the appropriate way to deal with it.

**COMMISSIONER BEHRENS WITHDREW HIS MOTION.**

**COMMISSIONER KAJE MOVED TO AMEND POLICY H4 TO READ: “INCREASE HOUSING STOCK THAT ATTRACTS NEW FAMILIES RESIDENTS BY APPEALING TO A DIVERSITY OF BUYERS’ AND RENTERS’ INTERESTS, INCLUDING:**

- **ENERGY EFFICIENCY**
- **PARKING OPTIONS**
- **DENSITY/SIZE/FAR**
- **PRIVATE/SHARED OUTDOOR OPEN SPACE**
- **AFFORDABLE/QUALITY/SUSTAINABLE BUILDING MATERIALS AND CONSTRUCTION PRACTICES**

- ***MULTI-FAMILY/MULTI-GENERATIONAL/SINGLE-FAMILY HOUSING OPTIONS***
- ***ACCESSORY DWELLING UNITS***
- ~~***BALANCE RENTAL AND OWNERSHIP OPTIONS***~~
- ***ADAPTABILITY***

**COMMISSIONER PIRO SECONDED THE MOTION.**

Commissioner Kaje said he is unclear about what “ *balance rental and ownership options*” means. However, he values the goal that they are not trying to craft the subarea for buyers only. Capturing buyers and renters who are potentially interested in diverse housing options is certainly what the City’s Housing Strategies supports. The changes he suggested are more consistent with the Housing Strategy already in place and also capture the intent of the subarea plan proposal. Commissioner Piro concurred with Commissioner Kaje’s observations.

**THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONER BEHRENS MOVED TO AMEND H9 TO READ: “*CONSIDER ADDING LANGUAGE TO THE DEVELOPMENT CODE TO ENCOURAGE RIGHT-SIZED HOUSING.*”**  
**COMMISSIONER KAJE SECONDED THE MOTION.**

Commissioner Broili said he has a problem with either term. At what point does a house become a megahouse or right-sized house. While he does not disagree with the concept, the language must better define the terms. Commissioner Behrens observed that “megahouse” can mean a lot of different things. Commissioner Kaje suggested that perhaps this policy would be more appropriate as a citywide policy. Ms. Redinger pointed out that the CAC Report defines the term “megahouse” as a structure that is out of proportion to the size of the lot on which it is built or the scale of housing in the existing neighborhood.” Commissioner Kaje noted that the Commission also received written correspondence about how to define megahouses based on the floor to area ratio. Commissioner Broili agreed with Commissioner Kaje that this policy should be addressed as a citywide issue.

**COMMISSIONER BEHRENS AMENDED HIS MOTION TO DELETE POLICY H9 (“*CONSIDER ADDING LANGUAGE TO THE DEVELOPMENT CODE TO RESTRICT DEVELOPMENT OF “MEGAHOUSES.”*”) AND NOTE THAT IT IS AN ISSUE THE CITY COUNCIL SHOULD ADDRESS CITYWIDE. COMMISSIONER KAJE ACCEPTED THE AMENDMENT.**

Chair Wagner reminded the Commission that she, Commissioner Kuboi, Commissioner Kaje, and Commissioner Behrens participated on the Housing Strategy CAC, where they struggled with the issue of “megahouses,” as well. She agreed that this is a bigger issue than this one subarea.

**THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Behrens noted that the Commission discussed Policy H11 at the last hearing, and they agreed there was no clear idea about what the obstacles were. Commissioner Kaje pointed out that there



are different permitting requirements for group homes, depending on the size and the zone in which the use is located. However, he is still not sure about the intent of the CAC recommendation because there are different obstacles depending on how the area is zoned. Ms. Redinger said this policy was specifically intended to allow an increase in impervious surfaces for accommodating Americans with Disabilities Act (ADA) requirements. Generally, the policies encourage smaller footprints and slightly taller heights for storm water issues. However, the tradeoff for accessibility is a more spread out footprint. Commissioner Broili cautioned that the City does not need to give up permeability to accommodate the ADA requirements. Ms. Redinger said the storm water no longer distinguishes between permeable and impermeable materials. It does not matter if a ramp is built out of pervious concrete or a structure has a green roof, it is still considered hardscape.

Commissioner Kaje cautioned that if this is a unique development code concern, it should be dealt with as an exception in the Development Code. Mr. Tovar agreed the policy could be removed from the subarea plan and the issue could be addressed as a code amendment. He reminded the Commission that they would be reviewing their work program on April 12<sup>th</sup> at their joint meeting with the City Council. Many of these issues could be captured as part of items that are already on the Commission's work program.

**COMMISSIONER BEHRENS MOVED THE COMMISSION DELETE POLICY H11 (*REMOVE OBSTACLES OF ADULT FAMILY HOMES IN RESIDENTIAL DISTRICTS*) AND NOTED THAT IT SHOULD BE ADDRESSED AS A DEVELOPMENT CODE FIX. COMMISSIONER KAJE SECONDED THE MOTION.**

Commissioner Behrens commented that if they can't make the language functional and clear, then the policy does not belong in the subarea plan. Commissioner Kaje said he understands and appreciates the intent of Policy H11, but he felt the issue should be dealt with citywide via the development code. The remainder of the Commission concurred.

**THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Piro referred to Exhibit 16 (proposals from the Paramount Park Neighborhood Group), and suggested the Commission consider these proposals as they review the subarea plan and the City's Comprehensive Plan in general. He noted that some of the proposals are not necessarily subarea specific. He particularly asked staff to react to the group's proposed Policy T12 (*"Consider improving connections to cross-park corridor at Paramount Park Natural Area for pedestrian and bike transportation options"*). He asked if this option was discussed by the CAC. Ms. Redinger questioned the definition of the term "cross-park corridor." It is not something that was talked about specifically by the CAC. Commissioner Piro said his understanding of the proposed policy is that there should be connections within the park to the City's bicycle/ pedestrian network. Chair Wagner noted the City's Comprehensive Plan already includes language to address connectivity. Commissioner Piro said he would not be against calling out the need for connections and improvements in the subarea plan, as well. Commissioner Broili said there is an existing path that crosses from east to west about mid park. Ms. Redinger said Ms. Way just clarified that the map shows an outline of the road where Northeast 148<sup>th</sup> Street would go through Paramount Park.

Commissioner Kaje recalled from the recent walk through of the area that there is an existing, muddy path through the area. His interpretation of the proposed policy is that this path should be improved. Commissioners Piro and Broili both agreed and indicated they would support the policy. Ms. Redinger questioned if this policy would be more appropriately placed in the Transportation and/or the Parks, Recreation and Open Space Master Plan. She noted that the project would have to be identified in one of the two master plans in order to receive funding through the Capital Improvement Program. Commissioner Kaje said he understands the funding issue, but this type of local perspective, knowledge and recommendation is appropriate to include in the subarea plan with the understanding that the project would have to be adopted into a master plan before it could be implemented.

Ms. Redinger referred to PR7 in the proposed subarea plan, which reads, “*Upgrade the path over Little’s Creek in Paramount Open Space to provide a more permanent solution to the extremely muddy condition during wet weather. The path is a primary connection between the east and west sides of the Ridgecrest neighborhood.*” The Commission agreed that PR7 adequately addresses the issue, so there would be no need to add the group’s proposed T12.

**COMMISSIONER KAJE MOVED TO AMEND POLICY T5 TO READ: “IMPLEMENT TRAFFIC CALMING MEASURES ON LOCAL STREETS BETWEEN NORTHEAST 145<sup>TH</sup> AND NORTHEAST 150<sup>TH</sup> STREETS, AS WELL AS OTHER LOCAL ROADWAYS TO IMPROVE SAFETY AND REDUCE CUT-THROUGH TRAFFIC.” COMMISSIONER PIRO SECONDED THE MOTION.**

Commissioner Behrens questioned if this motion would include all of the streets in the subarea that are between Northeast 145<sup>th</sup> and Northeast 150<sup>th</sup> Streets, or would there be a limitation on the east/west designation, as well. Commissioner Kaje reminded the Commission that the intent of the subarea plan is to provide policy guidance. When implementing the plan, the City would identify the cut-through and safety issues and prioritize the traffic calming measures. Nothing about the proposed policy would require the City to provide traffic calming measures everywhere within the subarea. Ms. Redinger pointed out that the neighborhood and traffic engineers met together to create a traffic calming plan, which identifies where the improvements should go, the time frame, and budget. She suggested the traffic engineers might not support Policy T5 as currently written.

Commissioner Broili said he would assume there are issues the CAC was trying to address with Policy T5. Mr. Cohn said the CAC’s concern was cut-through traffic in the southeast corner of the subarea. Commissioner Kaje said he did not realize the policy was intended to be limited to a specific area, and he would not support an amendment that limits the measures to specific streets. He said the purpose of his amendment was to react to the fact that traffic calming devices would not be appropriate on all streets within the subarea. He said he would prefer to act on the motion that is on the table. An additional motion could be made later to modify the policy further.

Commissioner Behrens asked if it would be possible to word the policy to recommend the calming devices that are identified in the existing traffic report. Commissioner Tovar suggested the motion could be amended to say “priority local streets.” The Commission agreed that would be appropriate.

**COMMISSIONER KAJE AMENDED HIS MOTION TO CHANGE POLICY T5 TO READ: “IMPLEMENT TRAFFIC CALMING MEASURES ON PRIORITY LOCAL STREETS BETWEEN NORTHEAST 145<sup>TH</sup> AND NORTHEAST 150<sup>TH</sup> STREETS, AS WELL AS OTHER LOCAL ROADWAYS TO IMPROVE SAFETY AND REDUCE CUT-THROUGH TRAFFIC.” COMMISSIONER PIRO AGREED TO THE AMENDMENT.**

Commissioner Behrens asked if it would be appropriate to delete “between Northeast 145<sup>th</sup> and Northeast 150<sup>th</sup> Streets.” Mr. Cohn noted that the traffic study covered much of the Briarcrest Area, which extends to the north of Northeast 150<sup>th</sup> Street. Commissioner Piro pointed out that last part of the policy refers to all other local roadways within in the subarea.

**THE MOTION CARRIED 6-0-1, WITH COMMISSIONER BEHRENS ABSTAINING.**

Commissioner Behrens said he is not opposed to the concept contained in T5, but he does not believe the language is specific enough.

**CHAIR WAGNER MOVED TO AMEND POLICY PR1 TO READ: “SUPPORT DEVELOPMENT OF A TRAIL/DESIGNATED PATHWAY CONNECTING THE INTERURBAN TRAIL AND THE BURKE-GILMAN TRAIL WITH PARAMOUNT PARK (UPPER AND LOWER), HAMLIN PARK, SOUTH WOODS PARK, AND JACKSON PARK, ~~AND TO THE BURKE-GILMAN TRAIL.~~” COMMISSIONER PIRO SECONDED THE MOTION.**

Chair Wagner pointed out that the proposed amendment would clarify and enhance the intent of the policy. She noted that the amendment was discussed earlier by the Commission and was also a point of discussion during a previous public hearing.

**THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONER KAJE MOVED TO DELETE POLICY PR4 (“AS THE POPULATION INCREASES, ESTABLISH TARGET METRICS FOR PARK SPACE PER CAPITA AND ENSURE THAT PARKS DEVELOPMENT AND FUNDING KEEP PACE WITH DEVELOPMENT”) AND REFER IT TO THE PARKS DEPARTMENT FOR THE PARKS, RECREATION AND OPEN SPACE PLAN. COMMISSIONER PIRO SECONDED THE MOTION.**

Commissioner Kaje said he has done the math for the City’s current park acreage in and near various neighborhoods and found the area is not “park poor.” He felt the issue should be addressed on a citywide basis. Commissioner Piro concurred. A citywide policy would address the park needs for the Southeast Neighborhoods, as well as all other neighborhoods in the City.

Vice Chair Perkowski said he expressed a concern about Policy PR4 at the previous hearing for similar reasons as those expressed by Commissioners Kaje and Piro. In addition, the language is too vague and is not clear that it is asking for more parks per capita than what currently exists. Commissioner Piro

suggested that when this policy is eventually transmitted to the City Council, they should make it clear that the intent of the policy is to identify existing deficits and increase park space in those areas.

**THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Piro referred to the Paramount Park Neighborhood Group's proposal (Exhibit 16) to add a new Policy ED13 to read, *"Support development of opportunities through innovative and creative technologies by permitting business uses for research and development, design and environmental concepts to provide potential sites for family wage "green jobs."* He said that while he does not disagree with the intent of the policy, he felt it would be more appropriate to make it a citywide policy at some point in the future.

**COMMISSIONER KAJE MOVED TO DELETE POLICY ED4 ("INCREASE ACCESS TO LOCALLY-MADE PRODUCTS AND LOCALLY-GROWN FOODS.") AND NOTE THAT IT IS AN ISSUE THE CITY COUNCIL SHOULD ADDRESS CITYWIDE. COMMISSIONER BROILI SECONDED THE MOTION.**

Commissioner Kaje said the intent of this policy should not apply to just the Southeast Neighborhood Subarea. It should be a more general citywide policy.

**THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Piro referenced Policy ED4 (*"Inventory and promote the SE Subarea resources and opportunities, such as redevelopment at Shorecrest, Public Health Labs, Fircrest, etc."*) of the proposed subarea plan. He suggested that for good form, there should never be a policy that uses the word "etc." The Commission agreed that "etc." should be removed from the policy.

**COMMISSIONER KAJE MOVED TO DELETE POLICY ED6 ("IN ACCORDANCE WITH MANDATES OF THE GROWTH MANAGEMENT ACT AND THE PUGET SOUND REGIONAL COUNCIL'S RECOMMENDED STANDARDS, BE ATTENTIVE TO CONCURRENCY REQUIREMENTS REGARDING JOB CREATION RELATIVE TO DEVELOPMENT.") AND NOTE THAT IT IS AN ISSUE THE CITY COUNCIL SHOULD ADDRESS CITYWIDE. COMMISSIONER PIRO SECONDED THE MOTION.**

Again, Commissioner Kaje felt this policy would be more appropriate as a citywide policy in the Comprehensive Plan. Mr. Tovar and Commissioner Piro pointed out that being attentive to concurrency requirements regarding job creation relative to development is not a requirement of the Growth Management Act or the Puget Sound Regional Council's recommended standards.

Commissioner Behrens observed that almost all of the Economic Development Policy recommendations should probably be applied citywide. Commissioner Piro noted that some of the policies have a special focus for the subarea. Commissioner Kaje agreed that many could have applicability elsewhere, but his assumption is that many were selected to be applied specifically to the subarea. For example, Policy ED9 (*"Attract neighborhood businesses with support from the Economic Development Advisory*

*Committee that could be sustained by the community.”)* is asking for businesses into the subarea. The CAC also believes that it is appropriate to encourage Policy ED8 (“*Encourage home-based business within the parameters of the residential zoning to bolster employment without adverse impact to neighborhood character.*”) for this particular subsection. He felt these policies were appropriate to leave in the subarea plan. Ms. Miranda reminded the Commission that the policies would translate into development code at some point. Some of the policies could be adopted as pilot regulations for the subarea.

**THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Piro referred to the Paramount Park Neighborhood Group’s recommendation to add a new Policy CD14 to read, “*Work with community groups, neighborhoods and outside experts to promote “community gardens” for production of food and recreation.*” He recalled the earlier discussion that generalized language about food production might be more appropriate as a citywide policy. However, this proposed policy could have particular application in the subarea. He asked if the idea of community gardens was discussed by the CAC. Ms. Redinger answered that she felt the CAC would be comfortable adding the policy.

**COMMISSIONER PIRO MOVED TO ADD NEW POLICY CD14 TO READ: “WORK WITH COMMUNITY GROUPS, NEIGHBORHOODS AND OUTSIDE EXPERTS TO PROMOTE “COMMUNITY GARDENS” FOR PRODUCTION OF FOOD AND RECREATION.” COMMISSIONER BROILI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONER PIRO MOVED TO LOCATE THE NATURAL ENVIRONMENT SECTION AT THE BEGINNING OF THE SOUTHEAST NEIGHBORHOODS SUBAREA PLAN. COMMISSIONER BROILI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Broili referred to Policy NE9 (“*More accurately map the groundwater system and the locations of covered streams in Ridgecrest to allow a better understanding of the hydrology of the area and its wetland characteristics.*”) and expressed his belief that it is important to have a complete understanding of the hydrology of any given area, including both the natural hydrology and the infrastructure. Commissioner Piro asked staff to provide clarification about the problems Policy NE9 is intended to address. He also questioned if the problems are unique to the Southeast Neighborhoods. Ms. Redinger said the City does not have extensive groundwater mapping of any neighborhoods in the City, but University of Washington students are working on this project. She said staff talked a lot with the City’s Environmental Services Surface Water Manager about the existing groundwater systems, but she does not have the technical expertise to answer where the data gaps are and what information is available.

Commissioner Broili pointed out that Little’s Creek is one of the few creeks in the City, and it flows through the subarea. He recalled that concern has been raised previously regarding the existing stormwater and flooding issues. He felt it would be appropriate to discuss whether this policy should

remain in the subarea plan or become a citywide policy at some point in the future. Mr. Tovar said it would be appropriate to include the policy in the subarea plan because it would not over commit what the City can actually do and it provides a statement of intent.

Commissioner Piro suggested the policy be changed to read, *“Develop the technical resources for better understanding the groundwater system.”* The issue is more than just creating a map, but also creating understanding of the analysis of the system.

Commissioner Behrens recalled that Commissioner Broili earlier raised an issue about the existing groundwater problems in the area. He suggested the policy be worded to expressly address storm water issues through capital improvements. He recommended the language be changed to read, *“Identify current problems with surface water management and recommend capital improvement projects to address them.”* Commissioner Piro said he likes the idea of there being an outcome as a result of the policy. It is important to develop resources for better understanding and to correct the problems. However, recommending capital improvement projects might be too specific. Instead, it might be appropriate to recommend actions and measures to address existing problems. Mr. Tovar agreed “actions and measures” would be more inclusive.

Ms. Redinger pointed out that the Paramount Park Neighborhood Group’s recommendation for Policy NE9 also includes the Briarcrest Neighborhood as well as Ridgecrest. Commissioner Kaje recommended that the “Ridgecrest” be replaced with “the subarea.” He said he did not believe the policy was intended to apply to just Ridgecrest. The remainder of the Commission concurred. They also identified additional changes to make the language more clear.

**COMMISSIONER PIRO MOVED TO AMEND POLICY NE9 TO READ: “DEVELOP TECHNICAL RESOURCES FOR BETTER UNDERSTANDING OF OVERALL HYDROLOGY, MORE ACCURATELY MAP THE GROUNDWATER SYSTEM AND THE INCLUDING THE LOCATIONS OF COVERED STREAMS IN RIDGECREST THE SUBAREA, AND RECOMMEND ACTIONS AND MEASURES TO ADDRESS EXISTING STORMWATER DRAINAGE PROBLEMS TO ALLOW A BETTER UNDERSTANDING OF THE HYDROLOGY OF THE AREA AND ITS WETLAND CHARACTERISTICS.” COMMISSIONER BROILI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Kaje asked staff to explain the relationship or overlap between Policies NE5 (*“Support creation of contiguous ecosystems through a designation of “green corridor,” as a public/private partnership.”*) and NE14 (*“Designate the area between Seattle’s Jackson Park and Hamlin Park as a potential “green corridor” to provide a contiguous ecosystem for wildlife.”*) Both talk about green corridors. He recalled the Commission received an email that pointed out that Policy NE5 was not meant to specifically reference Jackson and Hamlin Parks. Instead, it was intended to provide an explanation of the contiguous belt. Ms. Redinger said the CAC’s overall recommendation was to look at opportunities to create more green corridors and habitat systems. She suggested the two policies could be merged.

Commissioner Broili observed that Policy NE4 (*“Link green open spaces within subarea and then link them to those outside subarea to create trails.”*) and Policy NE5 are more human oriented. Policy NE14 is more related to wildlife corridors. Commissioner Piro offered that “ecosystem” would include wildlife habitat. Commissioner Broili suggested the language should make it clear that habitat should be considered as part of the policy. Commissioner Kaje referred to Ms. Strom’s comment that the specific green corridor being recommended would link Jackson Park to Paramount Park and east to Hamlin Park. The idea is that all three should be linked. Mr. Cohn agreed that was the CAC’s intent.

**COMMISSIONER KAJE MOVED TO MERGE POLICIES NE14 AND NE5 TO READ: “SUPPORT CREATION OF CONTIGUOUS ECOSYSTEMS, WITH ATTENTION TO WILDLIFE HABITAT, THROUGH DESIGNATION OF A “GREEN CORRIDOR,” AS A PUBLIC/PRIVATE PARTNERSHIP, INCLUDING THE AREA BETWEEN SEATTLE’S JACKSON PARK, PARAMOUNT PARK AND HAMLIN PARK.” COMMISSIONER BROILI SECONDED THE MOTION.**

Vice Chair Perkowski suggested the word “designation” be replaced with “development.” Designation would mean the City could just declare it as a green corridor, but development would imply that that it would require some additional work to create a contiguous ecosystem. Chair Wagner recalled that the Commission also had some discussion about how the concept should be designated on the Comprehensive Plan Map and what the implications would be.

**COMMISSIONERS KAJE AND BROILI ACCEPTED THE FRIENDLY AMENDMENT TO CHANGE THE LANGUAGE TO READ, “SUPPORT CREATION OF CONTIGUOUS ECOSYSTEMS, WITH ATTENTION TO WILDLIFE HABITAT, THROUGH DEVELOPMENT OF A “GREEN CORRIDOR,” AS A PUBLIC/PRIVATE PARTNERSHIP, INCLUDING THE AREA BETWEEN SEATTLE’S JACKSON PARK, PARAMOUNT PARK AND HAMLIN PARK.” THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Kaje said he supports the goal of making greater use of volunteer organizations for habitat restoration (Policy NE10), but he suggested the policy could be applicable citywide. He would also be comfortable maintaining the policy as part of the subarea plan, but the language should be changed to correctly identify the Department of Fish and Wildlife. Commissioner Piro asked staff to share whether Policy NE10 was intended to promote backyard habitat in the neighborhood. Ms. Redinger said there are a number of ways in which volunteers would be helpful. On a citywide basis, staff is trying to determine how to better utilize volunteers. The main issue is not the shortage of volunteers, but only a portion of one staff person’s time is dedicated to volunteer coordination. Commissioner Piro suggested the policy could focus more on advancing programs for backyard habitat in the Southeast Neighborhoods Subarea, as well as neighborhood volunteers for habitat restoration. Otherwise, he agreed with Commissioner Kaje that the policy should be deleted and considered in the future as a citywide policy. Ms. Redinger pointed out that Policy NE7 (*“Create incentives to encourage enhancement and restoration of wildlife habitat on both public and private property through existing programs such as the backyard wildlife habitat stewardship certification program.”*) addresses the issue of backyard habitat restoration.

**COMMISSIONER KAJE MOVED TO DELETE POLICY NE10 (“MAKE GREATER USE OF VOLUNTEERS FOR HABITAT RESTORATION BY USING PROGRAMS ALREADY IN PLACE THROUGH ORGANIZATIONS AND AGENCIES SUCH AS THE WASHINGTON STATE DEPARTMENT OF WILDLIFE AND FISHERIES.”) AND NOTE THAT IT IS AN ISSUE THE CITY COUNCIL SHOULD ADDRESS CITYWIDE. COMMISSION PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY. (Note: Commissioner Broili had stepped out of the room at the time of voting.)**

**COMMISSIONER KAJE MOVED TO AMEND POLICY NE11 TO READ: “AS PART OF THE PROCESS OF REVISING THE CITY’S TREE CODE, CREATE INCENTIVE TO PLAN ALL REMODEL AND NEW DEVELOPMENT AROUND SUBSTANTIAL TREES AND GROVES OF TREES TO PRESERVE TREE CANOPY.” COMMISSIONER BEHRENS SECONDED THE MOTION.**

Chair Wagner questioned whether or not Policy NE11 would be more appropriate as a citywide policy. Commissioner Kaje noted that the CAC specifically called for this policy, so it would be appropriate to keep it as part of the subarea plan. Commissioner Piro suggested that the policy could remain in the subarea plan, but it could also be considered as a citywide policy at some point in the future. Vice Chair Perkowski asked if the clause “*as part of the process of revising the City’s tree code,*” would limit the policy to the City’s tree code revisions.

**COMMISSIONER PIRO OFFERED A FRIENDLY AMENDMENT TO CHANGE POLICY NE 11 TO READ: “CREATE INCENTIVE TO PLAN ALL REMODEL AND NEW DEVELOPMENT AROUND SUBSTANTIAL TREES AND GROVES OF TREES TO PRESERVE TREE CANOPY,” AND NOTE THAT THE ISSUE IS SOMETHING THE CITY COUNCIL SHOULD ADDRESS CITYWIDE, AS WELL. COMMISSIONERS KAJE AND BEHRENS AGREED TO ACCEPT THE FRIENDLY AMENDMENT. THE MOTION, AS AMENDED, CARRIED UNANIMOUSLY.**

The Commission noted the lateness of the hour and questioned if they would be able to complete their review of the proposed land use map or if it would be appropriate to continue their deliberations to a future date. Chair Wagner pointed out that most of the public comments were related to the CAC’s proposed zoning map, and not the actual land use map.

Commissioner Behrens asked Mr. Peach if there was significant agreement amongst the CAC regarding the proposed land use map, or were most of the contentious issues related to the zoning map. Mr. Peach said the zoning map was used to create the vision in the CAC’s report. They actually layered the Comprehensive Plan Land Use Map colors over the zoning map. Ms. Redinger added that there is agreement between the minority report and majority report maps in that both of the areas are mixed use. The difference is in the specifics of the zoning. Perhaps the subarea area plan language could be amended to include any of the zoning identified in the minority and majority reports as appropriate for the areas identified as mixed use on the land use map. She emphasized there is not a dispute about whether or not the area should be mixed use; the issue is related to the level of intensity.



Mr. Peach referred to the intersection at 15<sup>th</sup> Avenue Northeast and Northeast 145<sup>th</sup> Street, and noted that the CAC's zoning map identifies a transition from heavier to lighter density, but the transition is not illustrated on the proposed land use map. The zoning map was intended to grasp the CAC's vision, but the land use designation can mean anything from R-48 to R-18.

Chair Wagner requested clarification from staff about whether the designations on the proposed land use map are consistent with the current Comprehensive Plan designations. She also asked if they were intending to propose additional language. Mr. Cohn said that if the Commission wants the maps to be more granular in nature, they should provide additional direction to staff. If that is the case, they would not likely finish their deliberations regarding the land use map tonight.

COMMISSIONER PIRO MOVED FOR ADOPTION OF THE LAND USE MAP. COMMISSIONER BROILI SECONDED THE MOTION.

Commissioner Piro said he is very satisfied with the explanations provided by staff and Mr. Peach that most of the discrepancies are related to the zoning map and not the land use map. Given the more generalized nature of the Comprehensive Plan Map and that it allows for additional detail and refinement to take place as part of future development regulations and zoning, the proposed land use map adequately represents the intent of the CAC's report, as well as the policies outlined in the proposed subarea plan. Commissioner Broili agreed with Commissioner Piro that there is additional work to be done, but it can happen later as part of development code and zoning work. The proposed land use map accurately reflects the CAC's intent.

Commissioner Kaje asked Mr. Tovar to remind the Commission of their earlier discussion about the potential park expansion at the south end of the Paramount Park Open Space. Mr. Tovar said that the proposed land use map identifies this property as "park." However, he reminded the Commission that the City has already received an application (Plateau at Jackson) for a final plat for this particular piece of property, and it is extremely likely the property will be developed as single-family homes. If this does not happen, the best way to express the City's interest in ultimately acquiring a portion or all of the property as a park might be to show a broken green line around it, but leave the existing underlying designation (low-density residential) intact. The Comprehensive Plan could also provide narrative to describe the City's long-term interest in potentially acquiring the property. He emphasized that the City does not have the ability to obtain public land merely by identifying it in the Comprehensive Plan as such.

Commissioner Broili pointed out that the City still has control over the right-of-way to provide some connectivity to Jackson Park. Mr. Tovar said that, assuming that the Plateau at Jackson is built, there may be some opportunity with the rights-of-way on either side of the development to create the type of connectivity discussed in the subarea plan. Commissioner Broili reminded the Commission that Little's Creek is located immediately to the west of the property.

Commissioner Piro recalled that when the Commission reviewed the application for the Plateau at Jackson Project, they clearly saw the benefits associated with acquiring the property for a public use, but that was not an option for the Commission to consider at the time. They discussed doing what they

could to encourage the siting of the subdivision to take into account the ecological connection, as well as providing opportunities for some physical trail connections. He emphasized that designating the property as “park” in the Comprehensive Plan would not make the subdivision go away. Mr. Tovar agreed the property owner has a vested right to develop the plat as approved. The purpose of showing the property as a potential park is to allow the City the option of purchasing one or more of the lots if the vested application is never exercised. The fact that there will likely be a plat recorded and lots developed does not mean it would be fruitless to show the property as a potential park.

The Commission agreed it would be appropriate to identify the property with a broken green line around it, but leave the existing underlying designation (low-density residential) intact. Narrative should be added to the Comprehensive Plan to describe the City’s long-term interest in potentially acquiring the property. They emphasized that Policy NE5 (“Support creation of contiguous ecosystems, with attention to habitat, through designation of a “green corridor,” as a public/private partnership, including the area between Seattle’s Jackson Park, Paramount Park and Hamlin Park.”) also addresses the issue.

**COMMISSIONER PIRO MOVED TO AMEND THE MOTION TO CHANGE THE LAND USE MAP LEGEND FOR THE “PARK EXPANSION” DESIGNATION AS WELL AS LIST THE UNDERLYING ZONING FOR PARCELS UNDER THIS DESIGNATION, AND TO ADD TEXT TO THE SUBAREA PLAN UNDER THE NATURAL ENVIRONMENT SECTION TO READ: “THE CITY HAS AN INTEREST IN ACQUIRING LANDS ADJACENT TO PARAMOUNT PARK OPEN SPACE.” COMMISSIONER BROILI ACCEPTED THE AMENDMENT TO THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Piro recalled that the Commission started their deliberations with the idea that they would work on the document, but it would come back for additional discussion at a later date. This would have allowed an opportunity for the public to comment on the adjustments that were made. If the Commission votes on a final recommendation now, any additional refinement and discussion would take place at the City Council level.

**Vote by Commission to Recommend Approval or Denial or Modification**

**THE MAIN MOTION TO RECOMMEND THE SOUTHEAST NEIGHBORHOODS SUBAREA PLAN AND COMPREHENSIVE LAND USE MAP AS PROPOSED BY STAFF IN EXHIBIT #1, AND AMENDED BY THE COMMISSION WAS APPROVED UNANIMOUSLY.**

**Closure of Public Hearing**

The public hearing was closed at 10:57 p.m.

**DIRECTOR’S REPORT**

Mr. Tovar announced that the City Council would hold a retreat on March 5<sup>th</sup> and 6<sup>th</sup> to review the ten Council Goals that were previously adopted. He noted that Goal 1 is to implement the adopted

Community Vision by updating the Comprehensive Plan and key development regulations in partnership with residents, neighborhoods and businesses. The goal contains the following items:

- Adopt the Southeast Neighborhoods Subarea Plan - just completed by the Commission.
- Appoint new residential density incentive regulations for the RB zone (now MUZ) - already completed by the Commission.
- Update the tree regulations - coming before the Commission in the near future.
- Complete Town Center Plan - coming before the Commission in the near future.
- Complete Draft Urban Design Capital Facilities and Park Elements of the Park Plan - coming before the Commission in the near future.

Mr. Tovar advised that the agenda for Commission's April 12<sup>th</sup> joint meeting with the City Council would include a discussion regarding Goal 1. Any updates that are made at the retreat would be reviewed with the Commission at that time. The Commission's upcoming work program would also be discussed. The Commission would have an opportunity to report on their progress over the past several months. He suggested the Commissioners share their thoughts with staff about specific items they would like to discuss with the City Council. Staff would summarize the submitted ideas. He noted that the Chair and Vice Chair of the Commission would meet with the Mayor and Deputy Mayor to discuss the meeting agenda prior to April 12<sup>th</sup>.

### **UNFINISHED BUSINESS**

There was no unfinished business scheduled on the agenda.

### **NEW BUSINESS**

#### **Amendment to Planning Commission Bylaws**

This item was tabled until a future agenda.

### **REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

Commissioner Piro reported that the February issue of the Puget Sound Regional Council's newsletter contained an article about the City of Shoreline's groundbreaking for the second mile of the Aurora Project. He provided copies of the newsletter to each of the Commissioners. He said there was a lot of excitement amongst the staff to showcase the project.

Commissioner Piro announced that he was invited to be part of a delegation (12 people) that visited heads of major Christian religious communities in Europe. They met with the Archbishop of Canterbury in London, the Ecumenical Patriarch of the Orthodox Churches in Istanbul, the Pope in Rome and finished in Geneva where they met with the General Secretaries of the World Council of Churches, the Lutheran World Federation and the World Alliance of Reformed Churches. It was a phenomenal trip, and they were treated graciously.

**AGENDA FOR NEXT MEETING**

Mr. Cohn reminded the Commission that the March 18<sup>th</sup> meeting will start at 6:00 p.m. . There are several items on the agenda, including continuation of the public hearing for the CRISTA Master Development Plan. The Commission would also discuss the joint meeting with the City Council and review the Draft Town Center Vision Statement. He agreed to contact the Chair and Vice Chair of the Commission to discuss the order of the agenda to make sure they can get through all the items.

Mr. Cohn explained that if the Commission decides to continue the CRISTA Master Development Plan hearing beyond March 18<sup>th</sup>, they could make that announcement at the end of the hearing. The hearing could be continued to March 25<sup>th</sup>, if necessary.

**ADJOURNMENT**

The meeting was adjourned at 11:10 P.M.

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Michelle Linders Wagner  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

**CITY OF SHORELINE**

**SHORELINE PLANNING COMMISSION  
MINUTES OF SPECIAL MEETING**

March 18, 2010  
6:30 P.M.

Shoreline City Hall  
Council Chamber

**Commissioners Present**

Chair Wagner  
Vice Chair Perkowski  
Commissioner Behrens  
Commissioner Broili  
Commissioner Kaje  
Commissioner Kuboi  
Commissioner Piro  
Commissioner Pyle

**Staff Present**

Steve Cohn, Senior Planner, Planning & Development Services  
Steve Szafran, Planner, Planning & Development Services  
Rich Meredith, Traffic Engineer  
Flannary Collins, Assistant City Attorney  
Jessica Simulcik Smith, Planning Commission Clerk

**CALL TO ORDER**

Chair Wagner noted that the special meeting was scheduled to start at 6:00. However, the Commission took time to review the significant amount of new information they received prior to the meeting. She called the special meeting of the Shoreline Planning Commission to order at 6:30 p.m.

**ROLL CALL**

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

**APPROVAL OF AGENDA**

The agenda was accepted as presented.

**DIRECTOR'S COMMENTS**

Mr. Cohn deferred his comments until later in the meeting. He announced that Mr. Tovar was unable to attend the meeting.

## **APPROVAL OF MINUTES**

Commissioner Kaje referred to the comment letter from Ms. Buck requesting an amendment to the March 4<sup>th</sup> minutes. He noted that the second paragraph on Page 19 of the minutes includes a comment he made that several residents have concerns about the steep slope of the street. The next paragraph talks about the hill being slippery, etc. While the notes might not be an exact transcription, he felt the issue was captured sufficiently to remind the Commission of the concern, and an amendment would be unnecessary.

The minutes of March 4, 2010 were approved as amended.

## **NEW BUSINESS**

### **Approve Planning Commission Bylaws**

Ms. Simulcik Smith explained that the proposed amendments to the Commission Bylaws are intended to make the document consistent with Ordinance 572, which was passed by the City Council a few weeks ago. As proposed, the number of Planning Commission Members would be reduced from nine to seven.

**COMMISSIONER PIRO MOVED TO APPROVE THE PLANNING COMMISSION BYLAWS AS PRESENTED. COMMISSIONER KAJE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

### **Prepare for Upcoming Joint Meeting with City Council**

Mr. Cohn reminded the Commission of their joint meeting with the City Council on April 12<sup>th</sup>. He recalled that there would be at least two items on the agenda: the Planning Commission Work Program and items that were identified in the Commission's last discussion of the Southeast Neighborhood Subarea Plan. He invited the Commissioners to share additional ideas with staff via email. Staff would work with the Chair and Vice Chair to prepare a final agenda.

## **GENERAL PUBLIC COMMENT**

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

## **CONTINUATION OF QUASI-JUDICIAL PUBLIC HEARING ON CRISTA MASTER DEVELOPMENT PLAN PERMIT (MDPP)**

Chair Wagner reviewed the rules and procedures for the public hearing. She reminded the Commissioners of the Appearance of Fairness Rules, which require Commissioners to disclose any communications they may have received about the subject of the hearing outside of the hearing (ex parte communications). She opened the public hearing and invited the Commissioners to disclose ex parte communications. Chair Wagner disclosed that she was not present at the previous hearing on February

18<sup>th</sup>, but she listened to the audio recording and read the minutes and is prepared to participate in the continued hearing. Commissioner Piro advised that he was not present at the January 21<sup>st</sup> and February 18<sup>th</sup> meetings, but he listened to the audio recordings for both. None of the Commissioners identified ex parte communications. Chair Wagner invited all those who would be testifying as part of the public hearing to swear and affirm that their testimony would be the truth.

Commissioner Piro reminded the Commission that the continued public hearing would be limited to new information, only. Chair Wagner invited staff to identify the new information that would be open for additional public comments. Commissioner Piro added that those who have already testified could testify again regarding the new information.

### **Staff Presentation of New Information**

Mr. Szafran asked the Commissioners to share whether or not staff adequately responded to the concerns and questions raised since the last meeting.

Commissioner Broili referred to staff's response to Question 8, which asks about the increase of effective impervious surface. He said he is not clear about the term "existing .2 acres," which is mentioned in three locations. Mr. Szafran said the term refers to the existing impervious surface in the area of the proposed practice field. Commissioner Broili said it appears from the maps that the entire area where the new practice field is proposed is currently wooded. Mr. Cohn said that in the revised proposal, the practice field has been moved south to include an area where there are two houses and two driveways.

Commissioner Broili asked what the effective impervious surface would be after removal of trees on a site that is fully wooded. The replacement grass would not be nearly as pervious as the existing second-growth trees. He asked staff to identify the difference between the wooded condition and the grass condition. Mr. Cohn said they anticipate an additional 4,400 cubic feet of storm drainage from the site. Again, Commissioner Broili pointed out that the present condition (second growth forest) is going to retain far more water than the after-development condition (grass). He said he would like to know what the difference would be.

**Don Hill, Triad Associates, Kirkland**, explained that a hydrological model was prepared, which conceptualizes a detention facility for approximately 4,400 cubic feet in order to mimic the pre-existing rates (forest conditions). This facility would be situated along the west and north part of the field, and would detain and release water at the pre-developed rates. Commissioner Broili noted that Mr. Hill's response does not speak in terms of permeability versus impermeability. He summarized that water would run off the site much more rapidly after development, and he would like to know the difference between the natural situation and the developed situation. Mr. Hill agreed that the release would be a lot slower and a lot less with the current forested condition compared to the proposed grass condition. Commissioner Broili noted that no information has been provided to identify what the difference would be. Mr. Hill said he does not have the answer at this time.

Mr. Szafran reviewed the eight decision criteria the Commission must evaluate when reviewing Master Development Plan Permits (MDPP) as follows:

- **Decision Criteria 1** – *“The project is either designated as either Campus or Essential Public Facility in the Comprehensive Plan and Development Code and is consistent with goals and policies of the Comprehensive Plan”*. CRISTA is designated Campus in the Comprehensive Plan and is zoned CCZ.
- **Decision Criteria 2** – *“The Master Development Plan includes a general phasing timeline of development and associated mitigation”*. CRISTA has proposed a phasing schedule that splits the MDPP into three phases over 15-20 years. Mitigation would be tied to specific projects and not the actual phases.
- **Decision Criteria 3** – *“The Master Development Plan meets or exceeds the current regulations for critical areas if critical areas are present”*. The MDPP meets current regulations for critical areas.
- **Decision Criteria 4** – *“The proposed development uses innovative, aesthetic, energy efficient and environmentally sustainable architecture and site design (including Low Impact Development stormwater systems and substantial tree retention) to mitigate impacts to the surrounding neighborhoods”*. The MDPP would meet decision criteria 4 by incorporating the following:
  - Using LID techniques as identified in the Level 1 Downstream Analysis.
  - Complying with the 2005 Department of Ecology stormwater manual and Chapter 13.10 of the Shoreline Municipal Code.
  - Reducing the size of the athletic field to 190' X 380' to save an additional 65 trees.
  - Substantial tree retention of 66%.
  - Using replacement trees that are bigger and more substantial than the current code requires.
  - Meeting the Built Green 3-Star Rating, or equivalent, for all new structures on the campus.
  - The environmental impact of the proposed athletic field is the lowest impact use proposed by CRISTA. Several alternatives were discussed for the area where the practice field is proposed. Other options are single-family homes, senior housing, or a place to relocate the radio tower.
- **Decision Criteria 5** – *“There is both sufficient capacity and infrastructure in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity and infrastructure by the time each phase of development is completed. If capacity and infrastructure must be increased to support the proposed Master Development Plan, then the applicant must identify a plan for funding their proportionate share of the improvements”*. The traffic study provided by the applicant shows sufficient capacity and infrastructure in the transportation system to support CRISTA'S MDPP. The proposal would generate an additional 160 vehicular trips on North 190th Street for a total of 2,260 vehicle trips, which is far under the threshold for local streets. In addition, the intersection of North 190th Street and Fremont Avenue North would be improved to include turning lanes, and sidewalks would be installed on North 190th Street between Fremont Avenue North and the Cristwood senior housing.



- **Decision Criteria 6** – *“There is either sufficient capacity within public services such as water 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. If capacity must be increased to support the proposed Master Development Plan, then the applicant must identify a plan for funding their proportional share of the improvements”*. CRISTA has submitted letters from the City’s water and sewer purveyors stating that there is sufficient capacity for future development on the CRISTA campus.
- **Decision Criteria 7** – *“The Master Development Plan proposal contains architectural design (including but not limited to building setbacks, insets, façade breaks, roofline variations) and site design standards, landscaping, provisions for open space and/or recreation areas, retention of significant trees, parking/traffic management and multi-modal transportation standards that minimize conflicts and creates transitions between the proposal site and adjacent neighborhoods and between institutional uses and residential uses”*. CRISTA’S MDPP shows site design, landscaping, open space, recreation areas, and retention of significant trees, parking area, traffic management, and multi-modal transportation options.
- **Decision Criteria 8** – *“The applicant shall demonstrate that proposed industrial, commercial, or laboratory uses will be safe for the surrounding neighborhood and for other uses on the Campus”*. CRISTA’S MDPP does not introduce any new uses.

Mr. Cohn referred to a simulation model that illustrates what the traffic would be like at the intersection of North 190<sup>th</sup> Street and Fremont Avenue North during the peak pm time period (3:00 to 3:30 p.m.). He summarized that the traffic would flow freely except for an occasional backup of vehicles on North 190<sup>th</sup> Street turning onto Fremont Avenue North. The model incorporates the proposed mitigation requirements and the actual projected number of cars that would enter the intersection at any given time. It uses a random number generator to tell when the cars are going through. The purpose of the model is to illustrate the pm peak traffic, which is the worst scenario. The congestion does not last very long, and it does clear quickly because of the extra lane that would be required.

Commissioner Kaje requested a simulation of the current conditions so that people who know how traffic behaves at the intersection can comment about whether or not the simulation is accurate. Mr. Meredith said the City does have a simulation of the current situation but it has not been recorded. He agreed to make it available to the Commission at a future date. He summarized that the simulation provided represents a worst case scenario, and the current condition is somewhat better. The right turn lane would help push the extra traffic through the intersection faster.

Commissioner Kaje noted that since the last hearing, the proposal was changed so that traffic to the new assisted living building would have access from Kings Garden Drive. He asked if the simulation took this change into account. Mr. Meredith said the simulation includes the trips associated with the assisted living building. It represents the worst case scenario, after full build out and assuming there would be no student parking on the street.

Mr. Szafran said another simulation model was completed for the intersection of Greenwood Avenue North and North 195<sup>th</sup> Street to illustrate the anticipated traffic during the am peak (8:00 to 8:30 p.m.), with the improvements proposed for North 195<sup>th</sup> Street. Mr. Cohn pointed out that vehicles are going in and out of Greenwood Avenue North to drop off students, as would be expected. The model also shows traffic coming from the residential area that currently uses Greenwood Avenue North for access. He summarized that there would not be a significant number of vehicles using Greenwood Avenue, so there would be no back up problems.

Commissioner Pyle said the model alludes to the idea that there would be a divided roadway with a median. Mr. Meredith clarified that a proposed mitigation asks that CRISTA restripe North 195<sup>th</sup> Street to a three-lane configuration. Instead of showing a turn pocket and the road narrowing back to two lanes, the model interprets it as an extension of the widening. The model cannot be visually exact. Commissioner Pyle said he has read articles that claim the number of incidents increases when false safety zones are provided in between the two lanes of traffic. He said he likes the idea of having a landscaped median where a person could find refuge when trying to cross the street. But if it becomes a "suicide lane" it could be a detriment to the design. Mr. Meredith said there would not be a median on North 195<sup>th</sup> Street. He objected to the term "suicide lane." He said it is very common to have a center, two-way turn lane, and all of his studies, observations and experience show that they increase safety quite a bit. They improve traffic flow, and the benefits are numerous. Commissioner Pyle pointed out that the City just spent millions of dollars improving the Aurora Corridor to get rid of this same type of situation. Commissioner Piro clarified that the three-lane configuration would only be to the east, with two lanes to the west. Mr. Cohn pointed out that having a three-lane section on North 195<sup>th</sup> Street would resolve the current backup situations that occur on Dayton during the peak periods. He noted there would also be additional queuing capacity on the elementary school site to help resolve traffic congestion problems.

Commissioner Kaje observed that the models do not identify the pedestrians that would use both North 190<sup>th</sup> and North 195<sup>th</sup> Streets. Because this is a school property there are a lot of pedestrians that interrupt the traffic flow at intersections, particularly at Fremont Avenue North and North 190<sup>th</sup> Street. Commissioner Piro asked if pedestrians were factored into the traffic simulation models. Mr. Meredith said the models do simulate pedestrians crossing the streets, which would be visible if he zoomed in. However, he would have to verify the pedestrian counts that were used.

Commissioner Behrens pointed out that the south side of Greenwood Avenue North is currently used to access the junior high school. Therefore, every car that enters the intersection of North 195<sup>th</sup> Street heading north onto Greenwood Avenue North would drive to the end of a dead-end street, turn around, and then come back down Greenwood Avenue North. Mr. Meredith said that, as proposed, the traffic that turns south on Greenwood Avenue North would go into the parking lot and actually exit onto North 195<sup>th</sup> Street between Greenwood Avenue North and Dayton Street. All of the queuing would take place on CRISTA's property. Commissioner Behrens asked if the exit onto North 195<sup>th</sup> Street would be right turn only. Mr. Meredith answered affirmatively. Commissioner Behrens summarized that this would focus all the traffic towards Aurora Avenue North.

**Jennifer Lowe, Senior Transportation Planner, The Transpo Group**, clarified that complete layouts have not been completed for the parking and circulation through the junior and high school sites. However, the intent is that the drop off lane on the right would exit on the north side of the right parking lot. The parking on the left has not been completely laid out, but it could provide a full circulation. Traffic that wants to go to the west could go out on Greenwood Avenue North where left turns would be allowed.

Commissioner Behrens recalled that numerous complaints have been made about how people living on the side streets in the neighborhoods are impacted by the traffic that circles around and around. If the traffic entered in one location and exited in another as proposed, this could alleviate some of the traffic concerns for people who live on North 195<sup>th</sup> Street. He asked if it would be possible to design a similar system to handle traffic associated with the existing grade school and the proposed early childhood development facility. Rather than circling back, traffic could enter from either Greenwood Avenue North or North 195<sup>th</sup> Street, travel through the site, and then exit at another place. He expressed his belief that circling back causes congestion. Ms. Lowe said the traffic that uses Greenwood Avenue North would service the daycare and the early childhood center. The parents that come to this site actually park and take their children into the building and then leave. A separate entrance from Dayton Avenue would be provided for the elementary school, and the pick up and drop off areas would be expanded. The actual pick up and drop off would take place in one direction, but having access from either side would allow the traffic to dissipate a bit faster.

Commissioner Behrens asked if any consideration was given to the idea of connecting Greenwood Avenue North and Dayton with a road between the elementary school and the early childhood center. Perhaps a parking lot could be provided in the middle. This would allow circulation of traffic instead of having it roll back against itself. Ms. Lowe said this was not part of the consideration. She observed that it is better to separate the two different types of traffic. The elementary school children all arrive at the same time, and the students at the early childhood center do not. Mr. Cohn noted that it would not work well to have cars going between the two structures.

Commissioner Kaje asked staff to clarify the expected use, or lack thereof, of the horseshoe drive from North 195<sup>th</sup> Street to the tip of the elementary school property. **Kyle Roquet, CRISTA Ministries**, said that currently they bring two busses into this location to pick up the kindergartner students and transport them to combine with other students on the main campus. It is important to have more control in this bus location because it serves very young children. Commissioner Kaje asked if the area would be used as a drop off or pick up location for private vehicles, as well. Mr. Roquet again said the location would only be used for buses that serve the kindergarten students, and no private vehicles would be allowed. Instead, the lot to the east would be expanded to provide additional space for parents to pick up their children. Commissioner Kaje said he understands the functional need CRISTA is looking for, but he is not convinced the proposed scenario would be the best option, especially if it includes private cars coming into the horseshoe drive to drop off students.

Mr. Cohn advised that staff added two additional MDPP Conditions since the Commission's packet was sent out:

- **Condition 22.** *When the applicant applies for a building permit for development during the term of the MDPP approval that generates 20 new pm peak trips at the nearest intersection, the applicant would review the traffic model output to determine the continuing accuracy of prior traffic modeling (including growth in background traffic) and whether additional traffic mitigation is warranted and submit to Shoreline staff to evaluate.* Projects that do not result in new trips, such as replacement of the junior high or elementary school sites, would not trigger the threshold. However, projects that generate new trips, such as the early childhood center, new assisted living facility, would trip the threshold and require additional review.
- **Condition 13.** *CRISTA shall deposit a total of \$20,000 with the City of Shoreline to fund the implementation of other City-approved traffic calming measures not specifically listed in the MDPP, to be used in the Hillwood Neighborhood. These funds will be used by the City of Shoreline to build traffic control devices to help manage any unanticipated traffic problems on local streets in the Hillwood Neighborhood area during the CRISTA campus master plan implementation. Traffic control devices can include speed tables, traffic circles, or stationary radar signs. The \$20,000 shall be deposited in two \$10,000 installments. The first \$10,000 shall be deposited upon submittal of the clearing and grading permit application for the practice field. The second \$10,000 shall be deposited upon submittal of the application for the first building permit for a building over 4,000 square feet. Any funds unused after 5 years from the date of deposit shall be returned to CRISTA.* Mr. Cohn recalled that there was significant discussion about whether \$20,000 would be a sufficient contingency fund. Staff is suggesting they continue with a \$20,000 contingency fund, recognizing that the fund is intended for small fixes such as traffic circles, speed bumps, etc. It is not intended for projects such as sidewalks. The \$20,000 would be required to be deposited in two \$10,000 installments. The money would be invested in the bank, and the return would roughly match inflation. To be responsive to State Law, any funds unused after five years would be returned to CRISTA.

### **Questions by the Commission**

Commissioner Kuboi asked staff to share the mechanism that would be used to address larger traffic fixes. Mr. Cohn again explained that if a project trips the threshold identified in Condition 22, the application would be required to review the modeling and identify whether or not the existing mitigations would address the impacts. The City would have the authority to require additional mitigation if conditions have changed. Commissioner Kuboi suggested Condition 22 be expanded to include pedestrian and parking impacts, as well. He noted that both parking and pedestrian safety have garnered a lot of public interest. Mr. Cohn answered that it would be up to staff to determine if there are traffic and/or pedestrian safety problems.

Since Condition 13 would provide a mechanism for reverting unused funds back to the applicant at a date certain, Commissioner Kuboi suggested it might be appropriate to be more conservative and make the number larger. Mr. Cohn said the fund would be used to provide traffic calming measures such as speed bumps to slow traffic down. He noted that speed bumps are already present on North 190 Streets; but no matter what is done on Fremont and Greenwood Avenues North, people will not likely use alternative streets. Therefore, it was difficult for staff to develop findings to support why the City would

need a fund of greater than \$20,000. Commissioner Kuboi observed that part of the reason for the fund is that perhaps the City has not anticipated all of the consequences of the MDPP. He suggested the fund not only focus on traffic, but on parking and pedestrian safety issues, as well. He noted that \$20,000 would not be sufficient to fund a sidewalk improvement.

Commissioner Behrens pointed out that there is a timeline associated with the contingency fund (five years from the date of deposit). Commissioner Behrens said the language tends to imply that at the end of the five-year period, the improvements would expire. Mr. Cohn said the intent is that the improvement would be permanent rather than temporary.

Commissioner Kaje referred to the Condition 13 and asked if the term “local streets” is meant to exclude improvements on Fremont Avenue North and North 195<sup>th</sup> Streets, which are not local streets according to traffic volume. Mr. Cohn answered affirmatively. Traffic control devices would not be appropriate for larger streets. Commissioner Kaje agreed speed bumps would not be appropriate on Fremont Avenue North. However, the needed remedies might go beyond the list identified in the condition. He said he liked that the condition specifically calls out “city-approved traffic calming measures,” which leaves it to City engineers to identify what is needed to address problems. However, it would not make sense to limit improvements to just the local streets. He suggested the word “local” be eliminated.

Commissioner Kaje said he is troubled by the proposal to break the contingency fund into two, \$10,000 installments. He is also troubled by the five-year expiration since the unanticipated impacts are most likely to occur after many phases of the project are in place. That is one of the reasons he suggested via email that the fund be tied to a consumer price index for Seattle. They might not need the mitigation for several years, and steps should be taken to ensure the money is worth as much in 15 years as it is today so it can provide the same level of mitigation. He said he also separately suggested the number should be higher. He asked staff to identify the State Law that stipulates that a fund of this type must be returned in five years. He said he has worked on projects in the State where funds have been placed in bank accounts for 30 to 40 years and tied to a measure of inflation. In light of the limitations, perhaps it would be appropriate to identify specific mitigation that is triggered by increases in traffic.

Commissioner Kaje reviewed that implementation of the MDPP would be phased. As proposed, the City would collect \$10,000 when a permit is applied for, but they might not see unanticipated levels of traffic increases until well down the road. If significant impacts occur more than five years down the road, the City would have already given the money back to the applicant. He suggested language could be added to Condition 22 that would obligate the applicant to perform other mitigations identified by City engineers in the future.

Ms. Collins reminded the Commission that imposed mitigations must be reasonable and proportionate to the impacts being created. The impacts are more difficult to identify when full build out of the proposed plan would not occur for five to ten years. She referred to the Revised Code of Washington 82.02.020, which specifically says that if the City wants payment to mitigate a direct impact from a development, any unused funds must be returned within five years. This provision assumes the City should know what the impacts of the development would be within those five years. She suggested that perhaps there is a better way to phase the deposits based on when they anticipate the major impacts to occur. The City

also has the option to reopen the master plan if there are major changes to the circumstances. At that point, they could add new conditions, as appropriate. She added that the City would be required to review the master plan after 10 years. She agreed that it would be appropriate to incorporate language that would require the fund to increase based on the consumer price index, as suggested earlier by Commissioner Kaje. However, CRISTA would have to agree to the change. She noted that similar language has been used in other contracts.

Commissioner Broili observed that in addition to the impacts associated with build out of the MDPP, they must also consider the general population growth that will occur within the City during that time period. Aside from the impacts associated with CRISTA, the general local evolution of the area would have an impact on the streets. Mr. Cohn explained that the projected future conditions assumed background traffic growth based on the numbers provided by the Puget Sound Regional Council. He pointed out that Condition 13 would require a review of the traffic model if a project trips the threshold.

Commissioner Kuboi asked if the review outlined in Condition 13 would be an administrative process or a public review process. Mr. Cohn explained that staff would provide public notification of a building permit that trips the threshold, and people would be invited to comment. However, the actual response would be an administrative decision. He reminded the Commission that they would have an opportunity to review the entire master plan again in 10 years and make appropriate changes. Mr. Szafran noted that after the 10 year review, the plan would be reviewed on a five-year cycle.

Vice Chair Perkowski asked if Condition 13 is meant to imply that additional mitigation could be triggered by a proposed project and/or the fact that the model is no longer accurate. Mr. Cohn agreed that is the intent, and he welcomed changes to make the intent more clear.

Commissioner Broili asked if the City has done any modeling studies to identify anticipated traffic at the intersection of Fremont Avenue North and North 195<sup>th</sup> Streets. He noted that Fremont Avenue North is a major arterial, and there is currently a 4-way stop at this intersection. Mr. Cohn answered that the intersection has been modeled by the applicant's consultant, The Transpo Group, and mitigations were proposed to address the anticipated impacts. However, the City staff did not run a simulation model for the intersection.

Chair Wagner suggested the Commission keep in mind that the applicant is already proposing to comply with numerous conditions. She reminded them of the study information and testimony provided by expert witnesses regarding impacts to traffic. While she is not suggesting their recommendations cannot be augmented and improved, she cautioned against getting too wrapped up on this one component of additional unforeseen mitigations.

Commissioner Kaje referred to the agreement regarding egress from the Mike Martin Gym parking lot onto 1<sup>st</sup> Avenue Northwest. His understanding is that this access is only used during major events, which results in a situation where the remaining points of access are disproportionately affected. He requested more information about the current agreement and the potential of changing it in the future. Mr. Cohn said the history of the agreement is confusing. Staff found a 1970 aerial photograph that made it appear that 1<sup>st</sup> Avenue Northwest was used as the major access for the Mike Martin Gym.

When the senior housing was developed by CRISTA in the 1980's, the decision was made to close the access off. He is not sure when the agreement was reached that allowed the access to open to accommodate overflow traffic associated with major events. He recommended that this access should not be an item of discussion as part of the MDPP. The traffic modeling suggests the proposed traffic configuration would work fine. The number of new trips on North 190<sup>th</sup> Street would not be significant. He concluded that while new trips would be added when the new Cristwood development is developed, others would be eliminated when the new assisted living center is opened.

Commissioner Kaje agreed that the latest information indicates that delays at North 190<sup>th</sup> Street would be reduced as a result of lane reconfigurations. However, if it turns out that delays become worse over time, access from 1<sup>st</sup> Avenue Northwest would be an obvious point to revisit. He asked if the City is party to a legal document that limits its use of the access for anything other than events. Mr. Cohn said there is no document that ties the City to the closure of 1<sup>st</sup> Avenue Northwest. Chair Wagner noted that nothing in the proposed plan would prevent CRISTA from opening this access at some point in the future.

Commissioner Kuboi requested clarification of Condition 16 (*formerly Condition 30*) that would require the applicant to meet the Built Green 3-Star Standard, or equivalent, for all new structures on the campus. Mr. Szafran explained that the Built Green 3-Star Standard applies to residential structures. If something other than residential is constructed, the development must at least be equivalent to a Built Green 3-Star Standard. Commissioner Kuboi summarized that the language is not meant to be interpreted as something that could be further watered down. If the City creates its own program that is better or is the same as the Built Green Program, the new program would be used in place of the Built Green Program. Mr. Cohn agreed.

Commissioner Kuboi referred to Condition 26, which would require a sound barrier wall on the west side of the property. He recalled a rather pointed comment from a member of the public about the functional intent of the barrier. He noted that while the wall would be required by the proposed conditions, no specific standards have been identified. Mr. Szafran suggested it would be helpful for the most affected residents to provide guidance to the Commission regarding this issue. Mr. Cohn recalled that some residents are interested in mitigating noise impacts, and others are more interested in a visual barrier or physical separation. Specific standards and priorities are still unclear in the staff's mind. He suggested part of the discussion could focus on this issue, based on public input.

Commissioner Pyle suggested that the wall could be designed to target a certain decibel level that is measured at the perimeter of the property. This is typically how ordinances work to control noise in residential districts.

Commissioner Behrens agreed the community wants a sound barrier, but without more specific guidelines, they might not like what it looks like. The residents might be willing to give up a little of the sound dissipation to get something that is more attractive to look at. He said he is looking forward to hearing ideas from people in the neighborhood regarding this issue. Chair Wagner expressed her opinion that Condition 26 is sufficient as currently proposed. She questioned the appropriate level for the Commission to micromanage and make specific decisions now. She suggested the Commission

allow staff the authority to make decision related to the barrier based on a collaborative process with the neighbors.

### **Public Testimony**

Chair Wagner reminded the public that their testimony should focus on new information that has not previously been discussed rather than issues they have previously commented on. She said it would be helpful for members of the public to articulate the specific new information they want to address.

**Diana L’Heureux, Shoreline**, said she was present to speak for a group of eight neighbors who live west of the practice field. She referred to the new Practice Field Study (Exhibit 16) that identifies new dimensions for the field. She noted that the term “practice field” has been changed to “athletic field,” yet the “practice field” is what they have been asked to comment on up to this point. As stated at the last meeting, there are two privately-owned residences in the area of the proposed practice field, and across the street from their home. She noted that within the last 10 years, CRISTA has expanded into the area by acquiring the two properties. She reminded the Commission that the two residential properties are zoned R-6. She noted that the following concepts and/or numbers were not conveyed at the last meeting, but they would have an impact on the size of the field and noise level:

- She reconfirmed with Mr. Szafran that the City is asking for a 30-foot dedication from the center line of the right-of-way on 1<sup>st</sup> Avenue Northwest. This would move the property line east of where it appears on Exhibit 16.
- The City staff has also called for a 20-foot setback from the new property line, which equals 50 feet from the center line of the right-of-way. The result would be that structures would begin approximately 36 feet east of the current property line, not the 20 feet that is shown on Exhibit 16.
- The noise barrier wall came from a letter a group of neighbors originally sent to the City asking for a noise barrier wall with the sound dampening qualities of an interstate wall. The noise barrier wall would be considered a structure since it would exceed six feet in height. Exhibit 16 shows the field starting at the setback, which is an error. The wall would actually be at the setback from the west property line before the field. In their first letter, the residents asked for a 12-foot wall, but they recognize a structural engineer would have to determine what is feasible.
- Another important purpose of the noise barrier wall is to keep people from parking and entering from 1<sup>st</sup> Avenue Northwest. To reduce the visual impact of a concrete wall, the residents discussed several times having vegetation like a hedge in front of the wall. In addition, they have asked that existing trees along the current western property line be maintained, along with newly planted trees. This would reduce the impact of a concrete wall.

**Eric Hvalsoe, Shoreline**, continued reviewing the remarks that were prepared by his wife, Ms. L’Heureux, as follows:

- Considerable amplified noise is already projected at various times from the large stadium in the lower campus. The existing woodland is a natural noise buffer for the neighborhood. A great deal of earth would have to be removed to create a flat surface for this large field they have in mind. If the rise to



the east in this area is cut down, even more noise and light would project towards the neighborhood from the stadium. They would need a fairly high wall to mitigate this noise.

- If the field is built to the new dimensions on Exhibit 16, approximately two acres of true woodland would be eliminated. He submitted aerial photographs of the area that were obtained from King County showing a different perspective than what is stated in Item 8a. Although 66% tree retention is more than required, it refers to the entire property. The proposed field would still be much larger than a professional soccer field. To get around this, they are using professional football fields as a new yardstick, which is absurd. Stating that this is a 23% smaller field is completely misleading.
- CRISTA has more square feet of athletic facilities than any school in the area. High school students from other schools go to the 1<sup>st</sup> Avenue Northeast facility for big games. Otherwise, most have one athletic field. The CRISTA stadium measures about 600 feet in length. They can run several games simultaneously, and they do. They also rent out the Mike Martin Gym. CRISTA's original intent was to replace the existing practice field, but they have added the elementary school field size to justify the huge new field. Considering the surplus of athletic facilities at CRISTA, there is no justification for the size of the field. It should be no larger in area than the current practice field. He submitted a picture showing the usable portion of the current practice field, which is 306 feet long and irregularly shaped.

Commissioner Piro referred to Page 65 of the Staff Report (Exhibit 16), which is a diagram of the proposed new practice field. He asked staff to clarify the comment about the setback requirement. Mr. Szafran explained that CRISTA had previously approached the City for permits to construct the field under a conditional use permit. At that time, the City Engineer requested a 30-foot dedication for 1<sup>st</sup> Avenue Northwest, combined with the proposed setback shown on the map of 20 feet. He said he is not clear about the center line of the road and what Ms. L'Heureux meant when she referred to a 36-foot setback requirement. Ms. L'Heureux said the road from property-line-to-property-line is about 28 feet. Assuming the center line or right-of-way runs down the center of the road, a 30-foot dedication plus a 20-foot right-of-way would result in 50 feet from the center line or right-of-way on 1<sup>st</sup> Avenue Northwest. The first structures would end up being about 36 feet from the current property line. The wall would be considered a structure because in order to be effective it must be over six-feet tall.

Commissioner Piro asked if there are other revisions associated with Exhibit 16. Mr. Szafran clarified that Exhibit 16 represents the applicant's current proposal. Chair Wagner inquired if, as currently proposed, the practice field would move closer or further away from the residential neighborhood. Ms. L'Heureux answered that the practice field would actually move further away, which is a preferable change for the neighborhood.

Commissioner Kuboi recalled that while Ms. L'Heureux commented that moving the practice field further east would be preferable, she also made the comment that geography to the east currently mitigates the sound coming from the field. Ms. L'Heureux said they want the field to be the same size as the current practice field. The purpose of her comment was to note that while the drawing shows the field at the setback line, the wall would actually be at the setback line.

**Wendy DiPeso, Shoreline**, said her comments refer primarily to an aspect that has not previously been addressed with regard to the piped watercourse. She read from the Boeing Creek Basin Characterization

Report as follows, “Following the Vashon Ice Retreat (post glacial), Boeing Creek is sized through these glacial deposits forming a ravine, which has exposed the highly-erodible, advanced sands and lacustrine beds within the ravine. Where advanced outwash sands are overlaid on transition bed clays, perched ground water has created areas of slope failures.” She summarized that this statement refers to erosion. She said the Characterization Report also states that “Boeing Creek Reaches 11 and 12 are primarily piped watercourses through developed residential or commercial areas north of 175<sup>th</sup> Street. Boeing Creek Reach 11 has a short portion of an open watercourse on the Cristwood Community Property north of Richmond Beach Road. On this property, runoff appears to collect in this channelized grass-line swale for approximately 200 feet. South of this area, mapping indicates that the creek runs through another open area.” She noted that previously, Commissioner Broili provided photographs of the area being completely overrun with water. She pointed out that if the stream were daylighted, the water would be slowed down and infiltration would be increased, thus reducing erosion downstream.

**Deborah Buck, Shoreline**, said CRISTA’s plan for a new entrance off Greenwood Avenue North would create a traffic nightmare for residents of her cul-de-sac. She noted their only access is along Greenwood Avenue North, which is a narrow street that dead ends. She said she emailed staff on Tuesday to obtain clarification because in minutes from the last meeting, staff was quoted twice as saying that the new early childhood center would generate 80 am peak hour trips. However, the current staff report (Attachment 8a) states that the number would actually be 165. In addition, she said it appears the traffic generated by the parking lot has not been factored into the traffic study. She reported that at 2:20 p.m. this afternoon, after sending a follow-up email, she received a response from City staff. Because she works during the day, she has not had a chance to study the new information she received except to note there is a new set of numbers. She concluded that this level of confusion does not reassure her that those providing the Commission with information have put any care into their analysis.

Ms. Buck said her second point is in response to staff’s comments at the last meeting. She noted that the plan does not take into account that snow and ice create very hazardous driving conditions on the North 196<sup>th</sup> Place hill that terminates precisely at the proposed new access point. She recalled that at the February hearing staff stated that the hill is not steep. They further stated that CRISTA schools would likely remain closed when these conditions exist. These comments lead her to believe that staff presumes no impacts would occur on snowy days, which speaks volumes about the lack of support to the Commission from staff. It may also explain why the Commission has not had an Environmental Impact Statement (EIS) discussion of existing conditions, impacts or mitigations. She summarized that she is a mother of two daughters and has lived in her home through 20 winters. She assured the Commission that snow and ice remain on the street while schools are open. Had the staff studied the situation, they would have realized this is an east/west road that is shaded from the low sun in the winter. Some Commissioners have recognized the issue, even if staff and CRISTA representatives want to ignore it. Opening an entrance off Greenwood Avenue North would be a planning and environmental accident waiting to happen, and it will happen. She urged the Commission to use its authority to avoid this.

**Beth O’Neill, Shoreline**, read a letter from Mr. Peter Buck, Buck Law Group, who could not be present at the meeting. Mr. Buck indicated that he has practiced land-use law in the State of Washington for 37 years. He said he has a long-term interest in things that occur in Shoreline but was unable to attend the hearing. He said that for 20 years he has visited his sister, Deborah, at her residence, which is accessed

off Greenwood Avenue North, during both summer and winter weather. He observed that Greenwood Avenue North is a narrow street that dead ends in a cul-de-sac. When snow is expected the road becomes narrower still because residents of the cul-de-sac move their cars to Greenwood Avenue North from below, leaving them there at the end of the day until the snow and ice is gone. This pattern of moving cars to avoid steep hills is common throughout Puget Sound as an accident prevention measure. Greenwood Avenue North happens to be one of those safe havens, which both illustrates the existing condition of the cul-de-sac and leads to a seasonal narrowing of the street that traffic analysts may not have realized. Mr. Buck advised that after studying the City's codes and talking to Planning staff, it is obvious they have wide discretion in their actions. He said it seems obvious to him that the proposal for Greenwood Avenue North does not come close to meeting the criteria of Sections 20.30.353.B.5 or 20.30.353.B.7. Mr. Buck summarized that it is up to the Commission's combined wisdom as to the action to take, but the evidence before them, their commonsense, and their sense of responsibility as Planning Commissioners would suggest they take one of the following actions:

1. Table the matter with instructions to the applicant to provide a new plan that does not use Greenwood Avenue North as an access point.
2. Table the matter with instructions to the staff that the Commission be presented two weeks in advance of any meeting on the topic with a supplemental traffic study that carefully analyzes existing conditions of Greenwood Avenue North at all seasons of the year, looks at impacts of the proposal, discusses mitigations, and presents alternatives.

Chair Wagner advised that the Commission has received the letter from Mr. Buck in their packet, and they have each reviewed its contents.

**Wendy Zieve, Shoreline**, said she was present to address the issue of critical areas. She asked for a longer period of time to speak as a representative of the Firlands Good Neighbor League. She referred the Commissioners to the packet of information she presented prior to the meeting, which contains evidence the League feels compels the Planning Commission to consider requiring the daylighting of the currently piped stream that runs through CRISTA's property. She asked that the packet be entered into the public record. She noted that the packet includes the following items:

- A folded map, which comes from the City of Shoreline's Boeing Creek Basin Characterization Report. The circled areas on the map show where the stream goes from daylighted right before CRISTA Pond to a piped stream that runs to the lowest portion of the campus, which is under consideration for new building construction.
- A letter from Kaya Jones, a neighbor of CRISTA, to Steve Szafran. Ms. Jones' property borders CRISTA, and when her mother looked into the possibility of moving her driveway, she was told she could not because of the stream that runs along the northeast corner of her property. This is part of the same watercourse that runs through CRISTA.
- A photo and map of the watercourse, which was not drawn into CRISTA's plans. The circled area is the corner of Ms. Jones' property, and the parking lot visible through the trees is the lowest part of CRISTA's parking lot near the Mike Martin Gym.

- A letter from Jill Mosqueda recommending that the stream be daylighted and referencing this same portion of piped stream. It also includes a memorandum from her to Steve Szafran stating her belief that the stream should be daylighted.
- A section of the Shoreline Municipal Code regarding critical areas. It says that a stream is still a stream even if it has been piped due to less-stringent requirements in the past. Section H lays out specific rules regarding the restoration of piped watercourses.

Ms. Zieve summarized that, based on the evidence provided in the packet, the League challenges the City staff's assertion that the watercourse can no longer be considered a stream subject to the Critical Areas Code. The League believes the evidence shows that the watercourse should be considered a stream, and they urge the Commission to require CRISTA to include daylighting of the stream in their master plan before approval is granted.

**Janet Way, Shoreline,** entered the following items into the record: Boeing Creek Basin Characterization Report, Shoreline Surface Water Master Plan, and 2005 Washington Court of Appeals Ruling Crawford versus Gaston. She noted that three of the Commissioners were serving on the Commission in 2005 when the ruling became law and when the City was working on the characterization report. She recalled that, at that time, they were trying to clarify the issue of unpiped versus artificial watercourses. She observed that two terms are used to describe the situation: open watercourses and piped watercourses. There is no specific terminology about "streams." She recalled that the previous staff report indicated that "the piped watercourse, as differentiated from a piped stream, is not regulated by the City's Critical Areas Ordinance. The watercourse is not considered a piped-stream segment because it does not have an open-stream channel upstream and downstream from the piped segments. It is considered part of CRISTA's piped-drainage system. Only piped streams are regulated by the Critical Areas Ordinance." However, Ms. Way emphasized that the previously mentioned court ruling stated unequivocally that if it is a stream downstream, it is a stream upstream, and it is fish habitat downstream and upstream. She reminded the Commission that they helped create the new Critical Areas Ordinance, with 10-foot buffers on either side of a culvert because of the court ruling.

**Nancy Wickward, Shoreline,** said she has lived at North 196<sup>th</sup> Place and Greenwood Avenue North for 35 years. They have always parked at the top of the hill when it snows because a lot of people cannot make it up and it is a great sledding hill. A neighbor has constructed a fence at the bottom of the hill, resulting in very limited visibility. It is difficult to see who is on the hill at any time of year, and the situation is unsafe. The proposed entrance to the early childhood center would back traffic up on the hill, making the situation even worse. She noted that the traffic count on her street was done on President's Day weekend and during winter break for schools, so it should not be considered accurate. Instead, the count should take place at the beginning of the school year, as well as several times throughout the year. Ms. Wickward said they have a problem with cars from CRISTA parking in the area, even in front of "no parking" signs and on the sidewalks where the neighborhood children walk. CRISTA is a destination for these people, and CRISTA does not appear to be concerned about the safety of the community. She said she has talked to their security staff on several occasions and has been told there is nothing they can do to address the situation. She suggested an accident is waiting to happen. She said that as a result of a lengthy effort, they were able to get "no parking" signs installed along their

streets because of the neighbors' concern that emergency vehicles would be unable to access their street. She suggested this would be a problem in the future with the additional traffic that is proposed for the street.

### **Final Questions by the Commission**

Commissioner Piro referred to Page 45 of the Staff Report, which references Decision Criteria 3. It states "The master development plan meets or exceeds the current regulations for critical areas if critical areas are present." He requested a response from staff regarding comments from the public about the existing watercourse. Mr. Szafran explained that the watercourse has been determined to be a piped watercourse, which is not considered to be a critical area. However, he acknowledged there are steep slopes on site, and all new buildings would have to be located outside of those areas. Commissioner Piro asked if there are any other critical areas on the site other than steep slopes. Mr. Szafran answered no.

Commissioner Broili asked staff to clarify why the Critical Areas Worksheet that was provided as part of the proposed MDPP indicates there was no standing or running water on the surface of the property or any adjacent property during any time of the year when the map contained in the Boeing Creek Characterization Report (Figure 2-3) clearly shows an open watercourse on the CRISTA property just southwest of the detention area. He noted that the map is also inconsistent with the response staff provided to Commissioner Piro's earlier question. He recalled he asked this same question at the last hearing and also submitted a photograph of the open watercourse full of water and flowing.

**Don Hill, Triad Associates, Kirkland**, explained that the area south of the internal circulation road for Cristwood and north of the main road is referred as the CRISTA detention pond. It is an existing storm drainage detention facility, and the drainage course that comes from the north outfalls at the north end of the detention pond and flows along the bottom of the detention pond during storm events. Commissioner Broili asked for an explanation of why the map identifies it as an open watercourse. Mr. Hill said he could not answer that question now. He recalled the picture provided earlier by Commissioner Broili and said he understood this to be the flow from the storm drainage pipe coming into the detention pond. Commissioner Broili noted that he also provided additional photographs of the detention pond to illustrate the water bubbling and blowing the lid off the man way and actually flowing out and eroding the surface into the detention pond. He observed that a detention pond is supposed to hold water and release it at a predetermined rate. In this situation, the water was flowing through, making it a creek. Mr. Hill said he did not observe this same situation.

Commissioner Piro asked if the proposed MDPP would respect the buffer requirements of the City's Critical Areas Ordinance if the Commission were to conclude that an open watercourse exists. Mr. Szafran answered that the proposed development would not impose upon the open watercourse, if it is determined to be such.

Commissioner Kaje asked how the proposal for Cristwood North would be impacted if the Commission were to determine that the watercourse was a piped stream. He noted that a 10-foot buffer would be required, even for those portions that are covered. Ms. Collins reminded the Commission that they

discussed this issue at their January meeting. At that time, staff mentioned the administrative order issued by the Planning Director, interpreting a piped watercourse versus a piped stream. The administrative order was applied to the subject proposal, and staff concluded it was a drainage watercourse and not a stream. She clarified that in order to be classified as a piped-stream segment, the piped watercourse must have open channel streams above and below the piped segment, with each representing, at a minimum, a Type IV Stream. She questioned the appropriateness of accepting oral testimony regarding the watercourse at this hearing, since it could not be classified as new information. She clarified that the characterization report shows open and piped watercourses, but it does not delineate types of streams.

Commissioner Kaje recalled the discussion about the administrative order, and said he has been unable to find justification for the order in the City's current code. Again, he asked how the proposal for Cristwood North would be impacted if it were determined that the watercourse was a piped stream. Commissioner Pyle summarized that the Critical Areas Ordinance would not require the applicant to daylight the stream. However, the City does have the ability to impose this requirement as part of the MDPP if it was determined to be a piped stream. If it is determined to be a piped stream, the applicant would not be allowed to rebuild a new structure on top of it.

Commissioner Pyle suggested that the memorandum from the City, which actually identifies a stream on the property and suggests that it should be daylighted sheds new light on the issue. Ms. Collins clarified that the memorandum in question was from the City's Development Review Engineer to the Planning staff. Mr. Szafran said the questions contained in the memorandum were questions posed by the public. Mr. Cohn said Planning staff requested clarification from Ms. Mosqueda, and received her response just a half hour earlier. She indicated that her response changed as she became more familiar with the site.

Commissioner Pyle said he takes a somewhat different approach to water resources; they should be embraced and integrated into the design of the site. Not only would this likely be more affordable, it would also provide for a more attractive design. It is also possible to make advances and benefit the natural environment by daylighting. He asked if the applicant would be willing to integrate daylighting opportunities into the design of the project where possible. **Kyle Roquet, CRISTA Ministries**, invited CRISTA's consultant, Don Hill, to share the applicant's position on the issues being discussed by the Commission.

**Don Hill, Triad Associates, Kirkland**, said that after conducting a site visit and reviewing available information, they determined that the watercourse is a storm water conveyance device. The piped watercourse, as it is referred to, collects drainage from the upstream portions to the north of the site, which is tight lined in storm drainage conveyance pipes. It collects drainage inside of CRISTA and conveys it to the existing CRISTA pond. From the CRISTA pond it is conveyed in pipes further to the south. It does not appear to have been a stream since it was forested, and there are no associated wetlands discernable in the immediate area. There are no ravines or incisions that appear to be associated with the drainage course, either. His understanding is that it does not flow continuous, but during storm events. He said City staff recently affirmed this information by referring to the Boeing Creek Characterization Report, which points out there is currently a large portion of the former headwaters of Boeing Creek that are piped watercourses. Aerial photography suggests that prior to

construction of Aurora Avenue, a system of channels existed that once naturally connected streams in the area around North 183<sup>rd</sup> (south of the site) to Boeing Creek and Puget Sound. Staff also previously pointed out that a 1936 aerial photograph suggests that the past existence of a stream channel beginning at north 183<sup>rd</sup> (south of the site) and Fremont Avenue North heading south towards Darnell Park. He reiterated his previous determination that the watercourse is a storm drainage conveyance device.

Commissioner Broili asked Mr. Hill if he believes the watercourse was a stream at any point in the past. Mr. Hill answered that he did not know. He said it is obvious that this area of Puget Sound was previously forested, and the property is obviously a low spot. It may or may not have had concentrated flows on site. Commissioner Broili asked Mr. Hill if he was a hydrologist, and Mr. Hill answered no.

Commissioner Pyle asked if CRISTA would consider daylighting sections of the watercourse as part of their design, whether or not it is determined to be a stream, piped watercourse, or a drainage facility. Mr. Roquet said he is not in a position to answer for the entire team. He cautioned that it could be counterproductive to create an artificial image of a stream on the site. He emphasized that the watercourse is dry most of the time, except during storm events. The photographs provided by Commissioner Broili illustrated the situation during a rainy day, and the system functioned as expected. The outfall of the conveyance system led water into a pond that was designed and built with King County when Cristwood Park was constructed. He questioned the benefit of opening the pipe upstream when it would be dry most of the time.

Vice Chair Perkowski asked Mr. Szafran to identify the steep slopes that exist in the area of the practice field. Mr. Szafran answered that the light tan areas identify slopes of 15% to 40% and the dark areas identify steep slope hazard areas over 40%. The Critical Areas Ordinance protects steep slope hazard areas and their buffers. Vice Chair Perkowski referred to Exhibit 16, which shows that trees would be removed to accommodate the access for the new practice field. Mr. Szafran agreed but emphasized that no trees would be removed from within the steep slope hazard areas. The proposed access is consistent with the code requirements.

### **Deliberations**

**COMMISSIONER PIRO MOVED THE COMMISSION FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR THE CRISTA MASTER DEVELOPMENT PLAN PROPOSAL (MDPP) MAP PACKET (INCLUDED IN THE MARCH 18<sup>TH</sup> STAFF REPORT) AND EXHIBIT 17 (STAFF RECOMMENDED SEPA MITIGATIONS AND REVISED MDPP CONDITIONS) AS AMENDED BY SUBSEQUENT ACTIONS. COMMISSIONER PYLE SECONDED THE MOTION.**

Commissioner Piro said he is impressed with the work done to date to put together the proposed MDPP. He is impressed with the comments received from the public, which have helped the Commission focus on key issues. He commended the Commission for their thoughtful questions and comments, as well. They have a very good understanding of what has been proposed and the related issues. He further commended staff for working with the applicant to make major modifications to address concerns. Because this is a quasi-judicial matter, it is important to be particularly attentive to legal issues and

problems and identify what is within the parameters of policy. He felt confident the Commission would be able to forward a recommendation to the City Council that meets the master plan criteria outlined in the code.

The Commission referred to Exhibit 17, which identifies a list of 36 SEPA Mitigations and Revised MDPP Conditions. They also recalled that staff recommended two additional conditions. Ms. Collins explained that staff later revised the document to include just the MDPP Conditions. She noted that SEPA mitigations (Items 1-13) have already been incorporated into the proposed MDPP. The MDPP Conditions (Items 14-36 and the 2 new items) are additional requirements to ensure the proposal meets the criteria. She encouraged the Commissioners to review the MDPP Conditions and make changes, as appropriate. Chair Wagner summarized that it would not be appropriate for the Commission to offer changes to the SEPA Mitigations at this point. *(Note: The MDPP Conditions were renumbered by changing Item 14 to Item 1, Item 15 to Item 2, etc.)*

Vice Chair Perkowski inquired if the SEPA Mitigations and MDPP conditions would expire after 20 years, or if they would continue to apply to the property beyond 20 years. Ms. Collins agreed to research the issue.

The Commission reviewed each of the MDPP Conditions as follows:

- **Condition 1** (*formerly Condition 14*). Chair Wagner pointed out that the map is not intended to identify the exact footprints of the proposed buildings, but the development would be limited to what is described in the text of the MDPP. Commissioner Behrens questioned the best way to address his concerns about the proposed access points. Chair Wagner suggested that an additional condition could be added to further address access points or the Commission could direct staff to update the text and the map. Mr. Szafran pointed out that Condition 1 refers to building and placement, and does not address access. Commissioner Broili pointed out that the map would be updated to be consistent with the approved conditions. Commissioner Behrens noted that none of the proposed conditions address the specific issue of access. Mr. Szafran agreed that a new condition would have to be added to address access, and then the map would be updated to be consistent.
- **Condition 13** (*formerly Condition 27*). Commissioner Piro referred to Condition 13 (*formerly Condition 27*) and said he was very intrigued with Commissioner Kaje's earlier suggestions for extending the mitigation fund concept to address issues that come up beyond five years.

Commissioner Kaje recalled earlier discussions in which the City Attorney cited State Law that requires the City to use the money within five years or give it back to the applicant. Ms. Collins said that the money must be returned if it is not used within five years of the time it is given to the City. Commissioner Kaje said the intent of this law is that the City should know within five years whether or not the money is needed. However, the proposed MDPP represents a 20-year plan. He questioned why the money could not stay safely in the fund until five years after the last phase of the master plan. Ms. Collins said the provision in the Revised Code of Washington was not written with the master plan concept in mind, but it would still apply. She explained, however, that the City would not be required to collect the money up front when the plan is approved. Instead they could identify when



they anticipate the money would be needed to address impacts. Commissioner Kaje suggested that instead of trying to guess now which particular permit would create the most impact, the condition could state that the timing of the contribution would be at the City's discretion within the period of the master plan. He further suggested that the required contribution should be adjusted each year based on the Consumer Price Index numbers for Seattle.

Ms. Collins agreed it would be possible to create a condition that allows the City to collect the money whenever staff believes the additional mitigations would be needed. However, it may be more appropriate to tie the requirement to a specific submittal. Commissioner Piro expressed his belief that it would be appropriate to require an initial contribution to cover unforeseen impacts. The remainder could be collected if and when staff determines there is a need for additional mitigation of impacts as the master plan is implemented.

Commissioner Kaje said he understands the Commission is not weighing the merits of the SEPA Mitigations at this point. However, he noted that Item 7 is almost identical to Condition 13 (*formerly Condition 27*). Both talk about the \$20,000 mitigation fund. He questioned the most appropriate way to address the shortcomings of Condition 13. Ms. Collins said the condition related to the mitigation fund is more appropriate as a development plan condition and probably should not have been a SEPA Mitigation. She suggested the Commission could modify Condition 13 to address their concerns. Whatever language is put in the conditions that is stronger than the SEPA Mitigations would control. However, the condition must be tied to the impacts and be reasonable and proportionate. Commissioner Kaje pointed out that the SEPA Mitigation indicates that unused funds would have to be returned after six years, and Condition 13 states five. Ms. Collins said State Law is five years.

**COMMISSIONER PIRO MOVED TO AMEND CONDITION 13 (*formerly Condition 27*), BY ADDING AN ADDITIONAL SENTENCE TO READ: “ADDITIONAL IMPLEMENTATION FUND DEPOSITS AT A RATE EQUIVALENT TO \$20,000 (IN 2010 DOLLARS) MAY BE REQUESTED AS A RESULT OF STAFF UPDATED ANALYSIS OF TRAFFIC AND MOBILITY AT UP TO TWO SUBSEQUENT POINTS THROUGH THE DURATION OF THE PLAN.” COMMISSIONER PYLE SECONDED THE MOTION.**

Commissioner Piro said he believes it is appropriate to consider the impacts at different points of time, but the fund should not be endless. The intent of the motion is to match the fund to the phasing, but not be totally wedded to it. Two times seems appropriate given that the Commission would review the plan again in 10 years. To address previous concerns that \$20,000 might be too low, he added language that would allow the amount to increase based on inflation. Commissioner Pyle said the proposed amendment addresses the equivalency issue, as well as the frequency issue. It will force some check-in points along with implementation.

Chair Wagner felt the Commission should trust the evaluation that has already been done. They are asking for a lot of money from the applicant to pay for very vague projects. Unless they have specific uses in mind, she felt the proposed \$20,000 “slush fund” could be a bit high. She stressed the importance of being consistent and fair for all campaigns that will go through the master plan process. They should set conditions that are truly appropriate and not just because CRISTA has been willing to

negotiate. She referred to Decision Criteria 5, which states there must be “sufficient capacity and infrastructure in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity and infrastructure by the time each phase of development is completed.” She observed that while the Commission received a lot of anecdotal comments and concerns about impressions of traffic, they have not heard any testimony from a traffic engineer that would cause her to think the criteria would not be met by the proposed conditions.

**COMMISSIONER KAJE OFFERED A FRIENDLY AMENDMENT TO THE MOTION TO CHANGE THE FIRST PARAGRAPH BY STRIKING THE WORD “LOCAL,” AND ADDING A PHRASE AT THE END TO READ “AND OTHER DEVICES DEEMED SUITABLE BY THE CITY’S TRAFFIC ENGINEER.” COMMISSIONERS PIRO AND PYLE ACCEPTED THE FRIENDLY AMENDMENT.**

Commissioner Piro suggested that where the word “traffic” is used, the words “and mobility” should be added. This would address the concerns raised earlier by Commissioner Kuboi about pedestrian movement. The Commission agreed that the condition was intended to apply to both pedestrian and vehicular traffic. They further agreed that the word “transportation” would capture pedestrian, vehicular, and bicycle traffic. They also agreed to change “traffic control devices” to “transportation solutions.”

Commissioner Piro referred to Chair Wagner’s comment about setting precedence that could have impacts well into the future. He noted that Condition 13 is a result of staff working with the proponent. He felt it would be appropriate to place a lid on the dollar amount the City can collect, but allow flexibility for when the money could be collected. Chair Wagner said her comment about precedence was not directed entirely to Condition 13. She is also concerned about other conditions. While she can support the concept outlined in Condition 13, they should keep in mind how it could impact other master plan proposals that come forward in the future.

Mr. Cohn said it is also important to be concerned about creating a nexus. The fund should only be used to address impacts that are attributable to the CRISTA Master Plan implementation. The remainder of the Commission concurred that “during” should be replaced with “attributable to.”

Commissioner Broili said he assumes the money would be placed in an interest-bearing account that would increase in value. If the money is not needed, it would be returned to CRISTA after five years, including interest. He said he does not see how this would be a burden to the applicant since the money could only be used to address impacts that are created by CRISTA.

**COMMISSIONER KUBOI OFFERED A FRIENDLY AMENDMENT TO ADD “SIDEWALKS” TO THE LIST OF POSSIBLE SOLUTIONS. COMMISSIONERS PIRO AND PYLE ACCEPTED THE FRIENDLY AMENDMENT.**

Commissioner Kuboi pointed out that, as proposed, an updated staff analysis would be the trigger for additional mitigation. He asked if the applicant would have the ability to appeal the validity of the staff’s analysis. Ms. Collins answered that there would be no administrative appeal. She clarified that

it is important to have a clear connection between the mitigation requirements and impacts caused by the CRISTA development.

Chair Wagner cautioned against giving the neighborhood the idea that there would be at least \$20,000 available for traffic improvements that they request. She explained that decisions on how best to use the fund should be based on a fairly robust staff analysis process. The money should not be used to mitigate impacts that were caused by prior bad planning. Mr. Cohn said that future staff analysis would be tied to the current analysis.

The Commission agreed it would be appropriate to use the term “pedestrian improvements” rather than “sidewalks.”

**THE MOTION TO AMEND CONDITION 13 WAS APPROVED 7-1, WITH CHAIR WAGNER VOTING IN OPPOSITION. AS AMENDED.**

**COMMISSIONER KAJE MOVED THAT THE SECOND PARAGRAPH OF CONDITION 13 BE FURTHER AMENDED TO READ: “THE FIRST \$10,000 SHALL BE DEPOSITED UPON COMPLETION OF THE PRACTICE FIELD. THE SECOND \$10,000 SHALL BE DEPOSITED UPON COMPLETION OF THE FIRST BUILDING OVER 4,000 SQUARE FEET. CHAIR WAGNER SECONDED THE AMENDMENT.**

Commissioner Kaje pointed out that construction impacts are already anticipated and likely mitigated. The fund is intended to address unanticipated operational impacts associated with implementation of the plan. Because implementation of the master plan would take place over numerous years, the City might end up in a situation where they return the money before the impacts of the facility are apparent.

Commissioner Pyle said he does not believe that the MDPP requires the applicant to go through a certain phasing sequence, and CRISTA could postpone construction of the new practice field until the end of year 10. Mr. Cohn agreed that is possible.

**COMMISSIONER PYLE OFFERED A FRIENDLY AMENDMENT TO CHANGE THE SECOND PARAGRAPH TO READ, “THE FIRST \$10,000 SHALL BE DEPOSITED PRIOR TO ISSUANCE OF THE FIRST CONSTRUCTION PERMIT FOR THE PROJECT. THE SECOND \$10,000 SHALL BE DEPOSITED PRIOR TO THE ISSUANCE OF THE TEMPORARY CERTIFICATE OF OCCUPANCY OF THE FIRST BUILDING OVER 4,000 SQUARE FEET.” COMMISSIONER KAJE AND CHAIR WAGNER ACCEPTED THE FRIENDLY AMENDMENT.**

Commissioner Piro asked if the practice field would require a construction permit. Mr. Szafran answered affirmatively.

Commissioner Kaje pointed out that because there would be an uncertain time frame, they should use the same language in the first paragraph that was used in the second to make it clear that the deposit

must be based on 2010 dollars. He suggested they reference the Consumer Price Index for Urban Workers in the Seattle/Tacoma/Bremerton Area (CPI-U Seattle). The remainder of the Commission concurred.

Commissioner Pyle explained that the purpose of attaching the first payment to the first construction permit is to ensure funds would be available to address major traffic issues associated with early projects. He recalled an earlier hearing, where he raised concerns about the length and duration of construction and the impacts it could have on a residential neighborhood.

**THE MOTION TO AMEND CONDITION 13 WAS APPROVED UNANIMOUSLY. AS AMENDED, CONDITION 13 WOULD READ:**

**“CRISTA SHALL DEPOSIT A TOTAL OF \$20,000 WITH THE CITY OF SHORELINE TO FUND THE IMPLEMENTATION OF OTHER CITY-APPROVED TRAFFIC CALMING MEASURES NOT SPECIFICALLY LISTED IN THE MDPP, TO BE USED IN THE HILLWOOD NEIGHBORHOOD. THESE FUNDS WILL BE USED BY THE CITY OF SHORE TO BUILD TRAFFIC CONTROL DEVICES TO HELP MANAGE ANY UNANTICIPATED TRANSPORTATION PROBLEMS ON STREETS IN THE HILLWOOD NEIGHBORHOOD AREA ATTRIBUTABLE TO THE CRISTA CAMPUS MASTER PLAN IMPLEMENTATION. TRANSPORTATION SOLUTIONS CAN INCLUDE SPEED TABLES, TRAFFIC CIRCLES, PEDESTRIAN IMPROVEMENTS, STATIONARY RADAR SIGNS, OR OTHER DEVICES DEEMED SUITABLE BY THE CITY’S TRAFFIC ENGINEER.**

**THE \$20,000 (in 2010 dollars) SHALL BE DEPOSITED IN TWO \$10,000 INSTALLMENTS. THE FIRST \$10,000 SHALL BE DEPOSITED PRIOR TO ISSUANCE OF THE FIRST CONSTRUCTION PERMIT. THE SECOND \$10,000 SHALL BE DEPOSITED PRIOR TO ISSUANCE OF TEMPORARY CERTIFICATE OF OCCUPANCE OF THE FIRST BUILDING OVER 4,000 SQUARE FEET.”**

- **Conditions 6 (formerly Condition 20) and 16 (formerly Condition 30).** Commissioner Broili questioned the difference between Conditions 6 and 16. The Commission agreed they were similar, and Condition 6 was removed from the document.
- **Condition 23 (new).**

**COMMISSIONER BROILI MOVED THAT AN ADDITIONAL CONDITION 23 BE ADDED TO READ “ALL SITE AND ARCHITECTURAL IMPROVEMENTS AND DEVELOPMENT SHALL UTILIZE LOW-IMPACT DEVELOPMENT TECHNIQUES TO THE FULLEST EXTENT FEASIBLE AS INDICATED THROUGH CONTINUOUS HYDROLOGICAL MODELING.” COMMISSIONER PIRO SECONDED THE MOTION.**

Commissioner Broili pointed out that Decision Criteria 4 requires the applicant to use low-impact development techniques. However, the low-impact development techniques are not called out in any conditions. Commissioner Piro observed there is a good parallel between the decision criteria and the

conditions with many of the other factors, and it would be appropriate to add a condition related specifically to low-impact development, as well. He noted the staff's analysis makes it clear the master plan is sensitive to low-impact development.

Commissioner Pyle said he supports the proposed condition, but it would be redundant. He reminded the Commission that the City's Stormwater Manual automatically requires low-impact development. Commissioner Broili agreed but pointed out that connecting low-impact development techniques to continuous hydrological modeling is a somewhat different approach. He felt the proposed condition would "add teeth" to the stormwater requirements. Commissioner Pyle observed that the plan submitted by the applicant does not identify where low-impact development components might be applied, yet 11 detention vaults have been designed into the project. While vaults are the traditional method of stormwater conveyance under the old manual, they do not represent low-impact development techniques. Commissioner Broili commented that applying low-impact development techniques would be in CRISTA's best interest because it would free up areas that are presently indicated to be detention ponds. Low-impact development techniques leave the land available for other uses. Furthermore, low-impact development techniques will soon be a State requirement.

Mr. Cohn suggested the language of the proposed condition be changed to replace "all site and architectural improvements" with "all site and associated building improvements." Commissioners Broili and Piro accepted the change.

Commissioner Kuboi asked how the new condition would be enforced. He particularly questioned the use of the word "feasible." Commissioner Broili pointed out "feasible" is a term used in most stormwater manuals. Commissioner Kuboi observed that "technically feasible" is different than "economically feasible." He expressed concern that aspirational statements can be difficult to enforce. Commissioner Broili pointed out that the proposed condition would add teeth to the stormwater manual requirements by requiring a continuous hydrological model. Ms. Collins said that, as proposed, whatever the hydrological modeling shows to be feasible is what the City would require. Commissioner Kuboi cautioned that something that is technically feasible may cost many times more than the old fashioned way of dealing with something. He asked what limits would be placed upon the City when requiring an applicant to implement a technique that costs many times more than the traditional way. Ms. Collins agreed there must be some limit. Commissioner Pyle suggested that a phrase could be added to say, "The test of technical feasibility shall be an assessment or analysis that evaluates the proportionality of benefit to cost."

Commissioner Broili took exception to Commissioner Kuboi's use of the word "aspiration." He shared his position that developers should bear the burden of restoring and maintaining the hydrology of the site. It should not become a taxpayer problem or issue. Commissioner Kuboi agreed that this should be the City's goal, but it is not something that can necessarily be enforced at this time. Commissioner Broili expressed his belief that continuous hydrological modeling is a fine-textured approach that spells out what can actually be done. The applicant would be required to hire a hydrological engineer to perform this work before, during and after development.

**COMMISSIONER PYLE OFFERED A FRIENDLY AMENDMENT TO CHANGE PROPOSED CONDITION 23 TO SPECIFICALLY REFERENCE THE MOST CURRENT VERSION OF THE LOW-IMPACT DEVELOPMENT TECHNICAL GUIDANCE MANUAL FOR PUGET SOUND. COMMISSIONERS BROILI AND PIRO ACCEPTED THE FRIENDLY AMENDMENT.**

While Commissioner Piro he agreed that proposed Condition 23 would be a very nice goal and would be a good outcome, he questioned the nexus for adding it as a requirement. For example, he asked the Commission to identify which Decision Criteria would support the additional requirement. Commissioner Broili pointed out that Decision Criteria 4 would support the proposed amendment. Ms. Collins said it is also important to tie the conditions specifically to the impacts that would be created by the proposed MDPP. Commissioner Broili referred to the comments from the applicant's engineer that there is no indication or sign that a stream existed on the subject property. However, the LIDAR Map clearly identifies where the drainage was and what the headwater looked like. This system was originally intact, but is now all piped. Again, he reminded the Commission that low-impact development would be required by the State and something everyone should be doing it. It is being promoted by many jurisdictions, and he felt that Shoreline should embrace the concept from this point forward wherever possible.

Commissioner Pyle pointed out that low-impact development is already required as part the City's stormwater plan. However, the modeling requirement would be a slightly different approach. It is not too far beyond what is already required, but the condition is a different way of describing how they want to address low-impact development for a site of this size.

Commissioner Pyle asked Mr. Hill, the applicant's engineer, to share whether or not the low-impact development technique requirement is already tied to continuous hydrological modeling. Mr. Hill answered affirmatively. He explained that "continuous hydrological modeling" refers to the method outlined in the 2005 Department of Ecology Manual as adopted by the City. The phrase is not outlined in the Low-Impact Development Technical Guidance Manual for Puget Sound. He recommended that the following be added at the end of the condition, "as outlined in the 2005 Department of Ecology Manual adopted by the City of Shoreline." This would make it clear where the phrase is coming from. Commissioners Broili and Piro accepted the change.

**THE MOTION TO ADD CONDITION 23 CARRIED UNANIMOUSLY. AS AMENDED, CONDITION 23 WOULD READ: "ALL SITE AND ASSOCIATED BUILDING IMPROVEMENTS AND DEVELOPMENT SHALL UTILIZE LOW-IMPACT DEVELOPMENT TECHNIQUES AS SPECIFIED BY THE MOST CURRENT VERSION OF THE LOW-IMPACT DEVELOPMENT TECHNICAL GUIDANCE MANUAL FOR PUGET SOUND TO THE FULLEST EXTENT FEASIBLE AS INDICATED THROUGH CONTINUOUS HYDROLOGICAL MODELING AS OUTLINED IN THE 2005 DEPARTMENT OF ECOLOGY MANUAL ADOPTED BY THE CITY OF SHORELINE."**

- **Condition 22** (*new proposed by staff*). Commissioner Piro said it is important to ensure that mitigation is more than just addressing vehicular movement.

**COMMISSIONER PIRO MOVED THAT CONDITION 22 BE AMENDED BY REPLACING “TRAFFIC MITIGATION” WITH “TRANSPORTATION MITIGATION.” COMMISSIONER BROILI SECONDED THE MOTION.**

Commissioner Behrens suggested that level of service would be a better way to address intersections over the course of the permit. He also wants to make sure they do not reduce level of service in the intersections adjacent to the development because of other development in the vicinity. There should be a proportionate way to attach future development to losses in level of service.

Commissioner Piro expressed his belief that although level of service is not explicitly called out, it is addressed by the 20 trip limit. He suggested Commissioner Behrens’ concerns could be addressed by adding the phrase “or change in level of service standard.”

**THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONER BEHRENS MOVED TO AMEND CONDITION 22 TO ADD “OR DECREASE IN LEVEL OF SERVICE” AFTER “INCLUDING GROWTH IN BACKGROUND TRAFFIC.” COMMISSIONER BROILI SECONDED THE MOTION.**

Commissioner Pyle inquired if the amendment could be interpreted to mean the applicant would be required to review the traffic model output if the level of service decreases, regardless of the 20 pm peak trips. He suggested a better way to address Commissioner Behrens’ concern is to change the language to read, “When the applicant applies for a building permit for development during the term of the MDPP approval that generated 20 new pm peak trips at the nearest intersection or decreases the level of service standard, the applicant. . .” Commissioners Behrens and Broili agreed to the change.

**THE MOTION TO AMEND CONDITION 22 CARRIED UNANIMOUSLY. AS AMENDED CONDITION 22 WOULD READ: “WHEN THE APPLICANT APPLIES FOR A BUILDING PERMIT FOR DEVELOPMENT DURING THE TERM OF THE MDPP APPROVAL THAT GENERATED 20 NEW PM PEAK TRIPS AT THE NEAREST INTERSECTION OR DECREASES THE LEVEL OF SERVICE STANDARD, THE APPLICANT WILL REVIEW THE TRAFFIC MODEL OUTPUT TO DETERMINE THE CONTINUING ACCURACY OF PRIOR TRAFFIC MODELING (INCLUDING GROWTH IN BACKGROUND TRAFFIC) AND WHETHER ADDITIONAL TRANSPORTATION MITIGATION IS WARRANTED AND SUBMIT TO SHORELINE STAFF TO EVALUATE.”**

- **Condition 20** (*formerly Condition 35*).

**CHAIR WAGNER MOVED TO DELETE CONDITION 20, WHICH STATES “THE PROPOSED ATHLETIC FIELD SHALL BE USED BY CRISTA OR CRISTA AFFILIATES ONLY.” COMMISSIONER PYLE SECONDED THE MOTION.**

Chair Wagner recalled that there was a small amount of public input regarding use of the athletic field, but the comments did not seem to indicate this was a significant problem in the neighborhood.

In addition, it does not strike her as something that is necessary to meet the decision criteria. There is nothing in CRISTA's history that would lead her to believe that its use of the athletic field would be detrimental to the health, safety and welfare of the neighborhood. Commissioner Piro agreed and noted that the proposed condition would preclude a neighborhood group from using the field.

Commissioner Pyle said he sees the CRISTA facilities, in general, as a "yes in my backyard." All the schools around the City rent out their fields to various leagues. He felt the field provides a great amenity to the community. Commissioner Piro agreed.

Commissioner Kuboi recalled testimony voicing concern about increasing the intensity of the athletic field use, which translates into traffic, etc. He said he would not support the motion to delete Condition 20. Chair Wagner said she does not disagree there was some concern about the use, but she did not feel the impacts discussed would be the kind that would contribute to peak am and pm trips. Commissioner Kuboi said that although it might not change the peak traffic, it could increase the number of evenings during the week when the field is used.

Commissioner Behrens said he would also like to retain Condition 20. He reminded the Commission that there is also a noise issue associated with the athletic field use. It is totally appropriate for CRISTA to use the facilities for the school and affiliated organizations, but there is a legitimate neighborhood concern about use from outside sources that would contribute to congestion and noise in the neighborhood.

Commissioner Piro said he would support the proposed motion because other organizations are allowed to use public school athletic facilities. He said he does not believe the traffic impacts associated with the additional uses would be significant. Commissioner Pyle added that a lot of effort has been put into noise abatement and traffic mitigation to resolve the impacts. Chair Wagner recalled earlier Commission discussion that the City of Shoreline does not have sufficient parks and open space for public use. Allowing other people to use the field for exercise and activity would be an asset to the community.

**THE MOTION TO DELETE CONDITION 20 WAS APPROVED 5-2-1, WITH CHAIR WAGNER, VICE CHAIR PERKOWSKI AND COMMISSIONERS PYLE, PIRO AND KAJE VOTING IN FAVOR, COMMISSIONERS KUBOI AND BEHRENS VOTING IN OPPOSITION, AND COMMISSIONER BROILI ABSTAINING.**

- **Condition 4** (*formerly Condition 18*). Commissioner Kaje asked what is meant by "fully within 60 feet." Mr. Szafran said it was intended to mean the canopy. He explained that this condition was intended to save the most prominent trees that line Fremont Avenue North. Commissioner Kaje asked staff to illustrate the impact of Condition 4, which would require the applicant to maintain all significant trees that are fully within 60 feet of the Fremont Avenue North right-of-way. He recalled that some residents felt very strongly about retaining the trees in the corner and along the frontage of Fremont Avenue North, yet Condition 4 would allow several of the southernmost large trees to be removed. Mr. Szafran agreed that would be the location of the proposed assisted living facility.



Commissioner Pyle said that in his experience when large buildings are placed next to very large trees, the soil and roots are disrupted when the building's foundation is put in. Invariably, there becomes a condition where the property owner immediately wants to remove the trees because they are hazardous. Mr. Szafran noted that the Commission could use the tree plan to identify which trees must be saved. He suggested they add language addressing replacement requirements for trees that need to be removed because they are diseased, hazardous, etc. He pointed out that another proposed condition would require that substantial trees be replaced at a 1:1 ratio. Commissioner Pyle said he views Condition 4 as an attempt to preserve the character of a particular section of Fremont Avenue North, in addition to preserving resources, habitat, structure, etc. The proposed change would ensure that if trees are removed, the plantings would be sufficiently robust as to restore the character of the area over time.

**COMMISSIONER PYLE MOVED TO AMEND CONDITION 4 BY ADDING THE FOLLOWING SENTENCES AT THE END: "ALL TREES SHALL BE DOCUMENTED AS RETAINED TREES. ANY REMOVED TREES SHALL BE REPLANTED AT A RATIO OF 3:1 WITH SIMILAR SPECIES AND PROXIMITY." COMMISSIONER KAJE SECONDED THE MOTION.**

Commissioner Piro questioned if a 3:1 ratio was too high. He expressed concern about over planting the area and creating an unhealthy mix of vegetation overtime. Commissioner Pyle suggested the ratio could be subject to design by a landscape architect. The remainder of the Commission agreed that would be appropriate. Commissioner Broili suggested that another option would be to plant more trees that you want to end up with, and then remove the weak trees at a later time and leave the healthier ones.

**COMMISSIONER PYLE MOVED TO AMEND HIS MOTION TO READ: "ALL SUCH TREES SHALL BE DOCUMENTED AS PROTECTED TREES. ANY REMOVED TREES SHALL BE REPLANTED AT AN INCREASED RATIO WITH A SIMILAR SPECIES AND PROXIMITY." COMMISSIONER KAJE AGREED TO THE AMENDED LANGUAGE.**

Commissioner Broili explained that the purpose of an increased ratio is to ensure you end up with a good tree to replace the one that was removed, but using the term "increased ratio" is too wishy washy. Mr. Hill suggested the replacement ratio could be based on a recommendation by a certified arborist. The Commission concurred that would be appropriate.

**COMMISSIONER PYLE MOVED TO AMEND HIS MOTION FURTHER TO READ: "ALL SUCH TREES SHALL BE DOCUMENTED AS PROTECTED TREES. ANY REMOVED TREES SHALL BE REPLANTED WITH A SIMILAR SPECIES AND PROXIMITY AT A RATIO RECOMMENDED BY A CERTIFIED ARBORIST." COMMISSIONER KAJE AGREED TO THE AMENDED LANGUAGE.**

**THE MOTION TO CHANGE CONDITION 4 AS AMENDED WAS APPROVED UNANIMOUSLY.**

- **Condition 24** (*new*).

**COMMISSIONER BROILI MOVED THAT A NEW CONDITION 24 BE ADDED TO READ: “ALL TEMPORARY EROSION AND SEDIMENTATION CONTROLS (TESC) PLANS SHALL MEET WASHINGTON STATE DEPARTMENT OF TRANSPORTATION BEST MANAGEMENT PRACTICES (BMP’S).” VICE CHAIR PERKOWSKI SECONDED THE MOTION.**

Commissioner Broili noted that Tab 7, Page 7 of the CRISTA MDPP identifies proposed measures to reduce controlled erosion and other impacts to earth, if any, during construction. He emphasized that there are actually better management practices available, and the Washington State Department of Transportation is using the “cutting edge” of BMP’s. Using these new practices would benefit CRISTA by reducing their cost for erosion control. The techniques would also improve the soil conditions, etc.

Commissioner Pyle asked if the BMP’s referenced by Commissioner Broili have already been included in the Low-Impact Development Technical Guidance Manual for Puget Sound. Commissioner Broili did not think so.

Commissioner Piro said he appreciates the Commission’s efforts to bring projects to a higher standard, but he is not familiar with the Washington State Department of Transportation’s BMP’s. He questioned if these practices would be applicable to projects other than road projects. Commissioner Broili said the concept involves the use of compost, socks, berms and blankets and would be applicable for erosion control with all construction and site disturbances. The concept is used extensively throughout the United States. It works well and reduces waste, and the compost can be spread out across the landscape to amend the soils.

Mr. Hill advised that CRISTA shares the goal of making sure the construction practices during the various projects control erosion. However, he registered the concern that even though the manual identified by Commissioner Broili as prepared by the Department of Transportation has exemplary measures, they may be in conflict with the City’s current standards. He reminded the Commission that the City has adopted the 2005 Department of Ecology Manual, which includes temporary erosion and sedimentation control measures. He summarized that CRISTA believes the project can meet Commissioner Broili’s intent by conforming to the current City standards.

Commissioner Pyle asked if the applicant would be required to submit and follow through on a Stormwater Pollution Prevention Plan. Mr. Hill answered affirmatively. Commissioner Pyle advised that, as part of the Stormwater Pollution Prevention Plan, the applicant would identify all of their erosion control methodologies and techniques and how they would conform to the 2005 Department of Ecology Manual. Mr. Hill concurred. Commissioner Broili observed that some of their methodologies and techniques have been listed in the MDPP as referenced earlier. However, he still recommends the proposed Condition 24 because many of the techniques are no longer cutting edge, and there are better methods.

Vice Chair Perkowski asked if proposed Condition 24 would require City staff to review the plans for consistency. If the applicant's plan does not meet one aspect of the 2005 Department of Ecology Manual, would the proposal be found inconsistent? Ms. Collins suggested that additional language be added to state that the plans cannot conflict with the City's existing provisions. The Commission concurred.

**THE MOTION TO ADD A NEW CONDITION 24 AS AMENDED WAS UNANIMOUSLY APPROVED. THE AMENDED CONDITION 24 WOULD READ AS FOLLOWS: "ALL TEMPORARY EROSION AND SEDIMENTATION CONTROL (TESC) PLANS SHALL MEET WASHINGTON STATE DEPARTMENT OF TRANSPORTATION BEST MANAGEMENT PRACTICES (BMP's) AS LONG AS PLANS DON'T CONFLICT WITH THE CITY OF SHORELINE'S TESC STANDARDS."**

- **Condition 19** (*formerly Condition 34*). Commissioner Kuboi questioned if the measurement 190' x 380' represents the actual field size or the cleared area. If it represents the field size, he would like to place limitations on the cleared area. Mr. Szafran said the proposed field area would be 190' x 380'. Mr. Cohn said that if the Commission decides to add additional language, he asked that staff be allowed to work with the applicant to identify the exact dimensions provided on the sketch.

**COMMISSIONER KUBOI MOVED THAT CONDITION 19 BE CHANGED TO READ: "CRISTA SHALL LIMIT THE SIZE OF THE ATHLETIC FIELD TO 190' X 380'. THE CLEARED AREA WOULD BE LIMITED TO THE AREA DEPICTED BY THE PRACTICE FIELD STUDY." STAFF WOULD BE DIRECTED TO FILL IN THE APPROPRIATE DIMENSIONS BASED ON THE MAP DRAWING. COMMISSIONER PYLE SECONDED THE MOTION.**

The Commission noted that the field was referred to as the "practice field" on all the maps. They agreed that the terminology should be used consistently throughout the MDPP. Commissioner Kuboi expressed his belief that "athletic field" is more reflective of what the field would actually be used for. Chair Wagner noted that "athletic field" has been used to identify the field that is clearly attached to the stadium. The Commission agreed to use the term "practice field."

**COMMISSIONER PYLE PROPOSED A FRIENDLY AMENDMENT THAT WOULD CHANGE THE SECOND SENTENCE OF CONDITION 19 TO READ: "THE CLEARED AREA IS LIMITED TO XXX SQUARE FEET UNLESS ADDITIONAL SPACE IS REQUIRED FOR ACCESSWAY SHORING." COMMISSIONER KUBOI AGREED TO THE FRIENDLY AMENDMENT.**

Mr. Cohn agreed that additional space might be necessary for walls to shore up the access areas. Commissioner Piro expressed concern about leaving the condition open for staff to complete. Ms. Collins suggested the cleared area could be limited to the area depicted by the Practice Field Study (Exhibit 16).

Commissioner Behrens noted that the reduced field size would result in an increase in the amount of retained trees. Whatever is allowed to occur in this location should not result in the removal of additional trees. The remainder of the Commission concurred. Commissioner Kuboi pointed out that the Staff Report cited tree counts to illustrate the difference in the number of trees, but there is no mechanism in place to ensure that Commissioner Behren's concerns are met. Commissioner Behrens referred to the legend on the bottom of the map that shows the applicant would save a particular number of trees. He said he is comfortable with allowing the area around the field to be expanded to make it functional, as long as they don't lose additional tree cover.

Commissioner Broili expressed concern that when clearing occurs to accommodate the practice field, the root systems of the significant trees could be damaged and the trees could die. Rather than being concerned about the amount of space that is cleared, he is more concerned that the City require the proper attention of an arborist to make sure the trees are protected during construction. The City has already defined what trees would be removed, so they should focus their attention on the ones that will remain.

Ms. Collins recommended that the following be added at the end of the condition, "provided that additional area may be allowed to be cleared for shoring. The Commission agreed that would be appropriate.

**COMMISSIONER KAJE OFFERED A FRIENDLY AMENDED TO ADD THE FOLLOWING AT THE END OF THE CONDITION: "TREE REMOVAL SHALL NOT EXCEED VALUES SHOWN ON THE PRACTICE FIELD STUDY." COMMISSIONERS KUBOI AND PYLE AGREED TO THE FRIENDLY AMENDMENT.**

**THE MOTION TO CHANGE CONDITION 19 WAS UNANIMOUSLY APPROVED AS AMENDED. AMENDED CONDITION 19 WOULD READ AS FOLLOWS: "CRISTA SHALL LIMIT THE SIZE OF THE PRACTICE FIELD TO 190' x 380'. THE CLEARED AREA IS LIMITED TO THE AREA DEPICTED BY THE PRACTICE FIELD STUDY (XXX SQUARE FEET) PROVIDED THAT ADDITIONAL AREA MAY BE ALLOWED TO BE CLEARED FOR SHORING. TREE REMOVAL SHALL NOT EXCEED VALUES SHOWN ON THE PRACTICE FIELD STUDY." (Note: the XXX would be filled in at a later date by staff.)**

- **Condition 9** (formerly Condition 23).

**COMMISSIONER KUBOI MOVED THE COMMISSION ADD A NEW SENTENCE AT THE END OF CONDITION 9 TO READ, "THE PARKING MANAGEMENT PLAN SHALL ANALYZE OFFSITE PARKING IMPACTS AND SUGGEST MITIGATIONS." CHAIR WAGNER SECONDED THE MOTION.**

Commissioner Kuboi said he has heard repeatedly that the parking management plan would be limited to just onsite impacts. They have also heard that students and workers of CRISTA do not always park where they are supposed to. He felt CRISTA should be required to accept some ownership of the parking impacts when cars spill over into the neighborhoods.

Mr. Cohn asked for direction from staff as to whether parking along Fremont Avenue North should be allowed. While there are other offsite parking impacts, the most significant issues occur along Fremont Avenue North. Commissioner Piro suggested this question could be answered by the Parking Management Plan. Mr. Cohn summarized that, as proposed, the traffic engineer would make the ultimate decision about offsite parking impacts.

Commissioner Broili pointed out that quite a few bicyclists travel Fremont Avenue North, and there is a bike lane along CRISTA's portion of the street. He said the bicycle lane should be taken into consideration as part of the Parking Management Plan. Mr. Cohn agreed that the bicycle lane would be part of the future plan.

**THE MOTION TO AMEND CONDITION 9 CARRIED UNANIMOUSLY.**

- **Condition 2** (formerly Condition 15).

**COMMISSIONER KUBOI MOVED THAT CONDITION 2 BE CHANGED TO READ, "SIGNIFICANT TREE RETENTION SHALL BE NO LESS THAN 66%." COMMISSIONER PYLE SECONDED THE MOTION.**

Vice Chair Perkowski expressed concern that, as written, Condition 2 would not establish a baseline. He pointed out that the Practice Field Study (Exhibit 16) indicates that 65 significant trees would be saved. However, this was established before the 66% condition. Unless the 66% number is changed, tree retention would be a wash. He reviewed the number of significant trees identified in the Tree Retention Plan and 65 additional trees would make a total of 952 trees.

**VICE CHAIR PERKOWSKI SUGGESTED A FRIENDLY AMENDMENT THAT WOULD CHANGE CONDITION 2 TO READ, "SIGNIFICANT TREE RETENTION SHALL BE A MINIMUM OF 952 HEALTHY SIGNIFICANT TREES AS DEPICTED ON THE TREE RETENTION PLAN MAPS."**

Vice Chair Perkowski explained that the friendly amendment was intended to get at the same point as the original motion language, but it would make the requirement clearer. Mr. Roquet recalled that someone earlier asked how CRISTA's proposal would compare with the new tree code requirements. He reported that their retention would be an almost exact invert of the new requirements. They are retaining trees that they could actually remove according to the new tree code. He emphasized that CRISTA has given up a lot, and he asked the Commission to give them some room to move. He summarized that, throughout the process, CRISTA has displayed a desire to work with the City and maintain trees wherever possible. But he also hopes the City would reciprocate and give them some room for flexibility. Commissioner Kaje asked if the 66% requirement would allow sufficient flexibility. Mr. Roquet said the evaluation counted every single tree on the property, and the 66% requirement would allow for some flexibility.

**VICE CHAIR PERKOWSKI'S FRIENDLY AMENDMENT WAS NOT ACCEPTED.**

Commissioner Behrens said it is important for the Commissioners to remember that the applicant is proposing to remove a significant forested area; one of the largest continuous forested areas in Shoreline. However, they should look beyond the number and consider that many trees would be removed from just one area to create a practice field. This will have a significant visual impact for a long time into the future.

**COMMISSIONER PYLE OFFERED A FRIENDLY AMENDMENT TO ADD AN ADDITIONAL SENTENCE AT THE END OF CONDITION 2 TO READ, "TREES SHALL BE PRESERVED IN CLUSTERS AND PATCHES WHENEVER FEASIBLE."**

Commissioner Broili pointed out that not all of the 33% of trees removed would come from one area. The removal would be scattered across the site. The applicant indicated that 11% of the trees in the practice field area would be removed. He agreed with the applicant that they need to allow some room for flexibility. Commissioner Kaje commented that the number identified in Condition 2 does not just apply to the practice field, but to the entire site.

**COMMISSIONER PYLE'S FRIENDLY AMENDMENT WAS NOT ACCEPTED.**

**THE MOTION TO AMEND CONDITION 2 WAS APPROVED 6-2, WITH VICE CHAIR PERKOWSKI AND COMMISSIONER BEHRENS VOTING IN OPPOSITION. CONDITION 2 WOULD READ, "SIGNIFICANT TREE RETENTION SHALL BE NO LESS THAN 66%."**

**VICE CHAIR PERKOWSKI MOVED THAT CONDITION 2 BE FURTHER AMENDED TO CHANGE 66% TO 71% TO REFLECT THE 65 TREES THE APPLICANT IS CLAIMING TO SAVE IN THE NEW PRACTICE FIELD AREA (SEE EXHIBIT 16). COMMISSIONER BEHRENS SECONDED THE MOTION.**

Vice Chair Perkowski suggested it would be misleading to the public if the Commission were to acknowledge that reducing the size of the practice field would save 65 trees, but then maintain an overall 66% tree retention requirement. Commissioner Broili suggested that one solution would be to replace the percentage with a specific number. Vice Chair Perkowski recalled that was his original suggestion.

Chair Wagner emphasized the need to apply the tree retention requirements equitably. For example, while this campus site is more heavily forested, another campus may have already removed trees and paved over 60% of their campus area. In order to apply the requirement equitably, the City would have to require the other campus to install up to 963 trees per 55 acres. She disagreed with the proposed amendment and noted that the applicant has already agreed to much greater restrictions and requirements than the current code would require. While she does not disagree with the intention of the proposed amendment, she did not feel they could justify the additional requirement if it could not be applied to other similar properties. Commissioner Piro agreed. If they want to ensure that the 65 additional trees in the new practice field area are saved, the condition should be clearer and merely ask for a higher percentage. He felt requiring 66% tree retention plus the additional 65 trees would be

double speaking. Vice Chair Perkowski disagreed. He pointed out that the motion on the floor would not change the proposal put forth by the applicant to reduce the size of the proposed new practice field and to retain 66% of the significant trees.

Commissioner Kaje suggested the practice field issue is not just about saving trees site wide, but about the impacts to the most contiguous grove of trees. While he would love to see the grove of trees saved, he appreciates the applicant's effort to reduce the size of the field. He said he is trying to keep in mind the person who will be asked to design the various elements of the master plan. Right now, the buildings are identified by "blobs" and the tree locations are largely based on "blobs," as well. He said he respects the applicant's statement that they need to have some measure of flexibility. He said he would likely vote against the motion on the floor. While he wished the tree retention number was higher in the proposal and citywide, it is already more than what they will ask any other property owner to do. Vice Chair Perkowski emphasized that the number contained in the motion on the floor would not be higher than what the applicant has already offered.

Commissioner Behrens said just because they have allowed vast sections of the City to be deforested for the purposes of development does not mean that is the standard they should start with now. Development within the City has lacked foresight because 50 years ago people did not have the same knowledge and understanding that is currently available. There is nothing they can do about what happened in the past, but they don't have to repeat the same mistakes. He summarized that he does not believe it is unfair to require property owners to preserve trees to the largest extent possible.

Commissioner Broili said no one appreciates trees more than he does, not just for their aesthetic amenities but for their functional qualities in terms of storm water management. He said he understands that in order to give the client flexibility, trees have to be removed. He reminded the Commission that the point of low-impact development is to replace the functions that the trees originally provided. Low-impact development also brings a number of aesthetic amenities such as vegetative roofs and walls, rain gardens, etc. These features not only provide drainage functions, but they also provide aesthetic functions. He agreed with Commissioner Kaje that they have required as much tree retention as possible, and he hopes that low-impact development requirements would offset the loss of trees.

Chair Wagner reminded the Commission that the applicant is offering to replace the trees that are removed with higher-quality and more robust trees than what the City's code would require. They are showing a good faith effort in many ways.

**THE MOTION TO FURTHER AMEND CONDITION 2 FAILED 2-6, WITH VICE CHAIR PERKOWSKI AND COMMISSIONER BEHRENS VOTING IN FAVOR.**

- **Condition 18** (*formerly Condition 33*). Commissioner Kaje recalled that the Commission has heard a great deal from the residents about their fear of frequent, on-going construction on the campus.

**COMMISSIONER KAJE MOVED THE COMMISSION AMEND CONDITION 18 BY ADDING A SECOND SENTENCE TO READ, "CONSTRUCTION NOISE ON WEEKEND**

**AND HOLIDAY DAYS SHALL NOT EXCEED (XX) DECIBELS AS MEASURED AT THE PROPERTY BOUNDARY.” COMMISSIONER BROILI SECONDED THE MOTION.**

Commissioner Kaje said he respects the quiet nature of the neighborhood. Having a complete campus transformation over the next 15 years will create a major impact. He felt it would be reasonable to suggest there would be some amount of peace on weekend and holiday construction days. However, he recognized he does not know what the exact number should be.

Commissioner Pyle explained that assigning noise values can be a complex process. There may be situations where it is permissible to have a momentary elevation of the noise. He agreed that assigning a base level and allowing for momentary increases to occur would be appropriate, but sticking to a straight baseline could be too restrictive. Ms. Collins said the City has a code section related to noise abatement, but it does not establish a specific decibel level.

**Al Wallace, Land Use Counsel for CRISTA Ministries,** said King County’s noise ordinance regulates construction hours, as well as peak decibels and how they are measured. It provides a very good standard that noise analysts are used to working with. He agreed with Commissioner Pyle that there will be peak noises for short durations of time. He summarized that the King County noise ordinance is the best standard available and he suggested the condition be changed to read that “Noise generated on weekend hours shall comply with King County noise ordinance standards.”

Commissioner Kaje asked if a noise standard would be applied to weekday construction, as well. Mr. Wallace said Shoreline’s noise ordinance is a bit general, and he is not certain how it correlates to the King County noise ordinance. Ms. Collins cautioned against adopting the King County noise ordinance as part of Condition 18 because it may be inconsistent with the City’s code. She suggested they focus on specific noise levels, instead.

**COMMISSIONER KAJE AMENDED HIS MOTION TO CHANGE CONDITION 18 BY ADDING AN ADDITIONAL SENTENCE TO READ, “THE APPLICANT SHALL SUBMIT A NOISE ABATEMENT PLAN WITH PERMIT APPLICATIONS THAT RECOGNIZES THE SENSITIVITY OF THE NEIGHBORHOOD ON WEEKENDS AND HOLIDAYS TO HIGH NOISE LEVELS.” COMMISSIONER BROILI ACCEPTED THE AMENDMENT. THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONER PYLE MOVED THAT CONDITION 18 BE AMENDED FURTHER BY ADDING A STATEMENT, “PRIOR TO THE COMMENCEMENT OF CONSTRUCTION FOR EACH PHASE OF DEVELOPMENT THE APPLICANT SHALL SUBMIT A CONSTRUCTION MANAGEMENT PLAN THAT IDENTIFIES APPROPRIATE CONTACT INFORMATION. THE INFORMATION SHALL BE DISTRIBUTED TO THE SURROUNDING COMMUNITY.” COMMISSIONER BROILI SECONDED THE MOTION.**

Commissioner Pyle expressed his belief that it is important for the neighborhood to know what is going on and who to contact if they have issues or concerns. He noted this is a common requirement



in a lot of jurisdictions and is something the applicant would probably do anyway. Commissioner Piro asked who the applicant would submit the management plan to.

**COMMISSIONER PYLE AMENDED HIS MOTION TO CHANGE CONDITION 18 TO READ, “PRIOR TO THE COMMENCEMENT OF CONSTRUCTION FOR EACH PHASE OF DEVELOPMENT, THE APPLICANT SHALL PREPARE AND SUBMIT A CONSTRUCTION NOTIFICATION ACCEPTABLE TO THE CITY AND DISTRIBUTE IT TO ALL RESIDENTS WITHIN (XX) FEET OF THE PROPERTY.**

Commissioner Broili suggested that rather than placing the notification on the fence around the campus, reaching out to the surrounding residents with a postcard would certainly garner some good will for CRISTA.

Chair Wagner pointed out that development does not have to take place by phases so using phasing as a trigger might not meet the intent of the proposed change. She suggested more information be provided as to what would trigger the notification requirement. Rather than amending Condition 18, Commissioner Broili suggested another approach would be to make the recommendation as a goodwill gesture to the community, at large. If CRISTA decides to accept the recommendation, they would benefit from the notification. The majority of the Commission concurred.

**COMMISSIONERS PYLE AND BROILI WITHDREW THEIR MOTION.**

- **Condition 12** (*formerly Condition 26*). Commissioner Kuboi asked if Condition 12 was intended to include only neighbors on 1<sup>st</sup> Avenue Northwest. If so, he suggested “neighbors to the west” be changed to “neighbors on 1<sup>st</sup> Avenue Northwest.” Commissioner Piro said one thing that launched him into a career in planning was his work to get sound barriers along an urban freeway. One thing he has learned is that while the facilities may mitigate noise immediately, they can bounce the sound off into other directions. He said he supports the current language, which would allow the City and the proponent to figure out who they need to work with. He recognized that residents on 1<sup>st</sup> Avenue Northwest have a lot of aesthetic concerns, and he supports the language that not only talks about an abatement barrier, but also landscaping to make it attractive.
- **Condition 14** (*formerly Condition 28*). Commissioner Kuboi suggested Condition 14 be amended to make it clear that the practice field could be used no later than 8 p.m. He also questioned if an early start limitation would be appropriate. Mr. Cohn recalled that neighbors’ concerns about early morning noise were related to construction activities and not the practice field. Mr. Szafran noted that there were some concerns raised by neighbors. Mr. Cohn suggested they could add language that would limit the use to no earlier than 8 a.m. Commissioner Behrens suggested another option would be to limit the fields use to daylight hours. The Commission agreed to change Condition 14 to read, “Limit hours of use of the proposed practice field to no later than 8 p.m.”
- **Condition 25** (*new*). Commissioner Behrens reminded the Commission of the legitimate concerns raised by residents on Greenwood Avenue North, north of North 195<sup>th</sup> Street about access. He expressed his belief that access to the early childhood center and elementary should come from North

195<sup>th</sup> Street. He noted that CRISTA owns property on both sides of North 195<sup>th</sup> Street, so it would be reasonable and simple to provide access from North 195<sup>th</sup> Street. He expressed his belief that the neighbors on North 196<sup>th</sup> Place and Greenwood Avenue North should not be imposed upon to provide a driveway to the CRISTA property.

**COMMISSIONER BEHRENS MOVED TO AMEND THE MAP TO ALLOW FOR ACCESS FROM NORTH 195<sup>TH</sup> STREET INTO THE NEW EARLY CHILDHOOD CENTER AND ELEMENTARY SCHOOL.**

Commissioner Piro suggested that rather than amending the map, another option would be to create a condition that would require the applicant to study alternative access opportunities for that part of the development. Commissioner Behrens said he would not be opposed to a condition as proposed by Commissioner Piro. However, the Commission should be aware of the fact that on the south side of North 195<sup>th</sup> Street, CRISTA owns seven of the eight houses on Greenwood Avenue North. The impact on that portion of the street would be very limited, but that would not be the case to the north.

**COMMISSIONER BEHRENS MOTION DIED FOR LACK OF A SECOND.**

**COMMISSIONER PIRO MOVED TO ADD A NEW CONDITION 25 TO READ, “STUDY ALTERNATIVE ACCESS TO EARLY CHILDHOOD CENTER FROM EITHER AN ALTERNATIVE LOCATION ON GREENWOOD AVENUE NORTH, NORTH 195<sup>TH</sup> STREET, OR DAYTON AVENUE NORTH.” COMMISSIONER KAJE SECONDED THE MOTION.**

Commissioner Behrens said it would seem fairly simple to change the access to address the neighborhood concerns. He said he walks through the area regularly. Although the map shows that the street ends, it actually extends all the way to the property line. Again, he suggested the access be moved further to the north, with a stop sign at the intersection. He felt this solution would address the issues raised by residents on North 196<sup>th</sup> Place. However, he acknowledged there still could be issues on snowy days.

Commissioner Kaje said he shares Commissioner Behrens’ concern, and the Commission has received public comment about this issue at every hearing on the proposed MDPP. However, he recognized he does know how feasible it would be to require access from North 195<sup>th</sup> Street. He noted that instead of moving the driveway entry further north, it could also be moved south where the entry to the south end is currently proposed. He recalled that the neighborhoods’ main concern is that the current access is right at a difficult intersection. Even if the access has to stay on Greenwood Avenue North, it should not come in right at the intersection. He said he supports proposed Condition 25, which would forward a recommendation that would require the applicant to study alternative access options.

**COMMISSIONER KAJE OFFERED A FRIENDLY AMENDMENT THAT LANGUAGE BE ADDED TO CONDITION 25 TO ADDRESS THE ISSUE OF THE ENTRY BEING IN CONFLICT WITH THE EXISTING INTERSECTION.**

Commissioner Behrens pointed out that Greenwood Avenue North is a public street, which means the City of Shoreline remains responsible for its maintenance. If they allow the applicant to design an access that uses a public road, the roadway would receive an excessive amount of wear and tear, and it would be the City's responsibility to maintain it. It would accommodate buses and be used at a level beyond what it was designed to accommodate. He said he would like the access to stay away from neighborhood side streets. If possible, he would like the access to come from North 195<sup>th</sup> Street.

Commissioner Piro took exception to Commissioner Behren's comment about using public streets for private access. It is just as legitimate for CRISTA to use adjacent streets as anyone else. He suggested they are dealing with the impacts from disproportional use via the proposed conditions. He reminded the Commission that the City's engineering studies indicate that even though there may be an increase in traffic associated with the MDPP, the increase would be within the range of maintaining or improving the existing level of service.

Chair Wagner agreed with Commissioner Piro that it is not within the Commission's purview to design the access points. She also pointed out that there would be no bus service to the early childhood center. She recalled that CRISTA explained their challenge of creating a separation between the early childhood center and the elementary school.

**COMMISSIONER KAJE'S FRIENDLY AMENDMENT WAS NOT ACCEPTED.**

**THE MOTION WAS APPROVED UNANIMOUSLY TO ADD A NEW CONDITION 25 TO READ, "STUDY ALTERNATIVE ACCESS TO EARLY CHILDHOOD CENTER FROM EITHER AN ALTERNATIVE LOCATION ON GREENWOOD AVENUE NORTH, NORTH 195<sup>TH</sup> STREET, OR DAYTON AVENUE NORTH."**

**Vote by Commission to Recommend Approval or Denial or Modification**

**THE MAIN MOTION WAS APPROVED 7-1 TO FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL FOR THE CRISTA MASTER DEVELOPMENT PLAN PROPOSAL (MDPP) MAP PACKET (INCLUDED IN THE MARCH 18<sup>TH</sup> STAFF REPORT) AND EXHIBIT 17 (STAFF RECOMMENDED SEPA MITIGATIONS AND REVISED MDPP CONDITIONS) AS AMENDED BY THE COMMISSION. COMMISSIONER BEHRENS VOTED IN OPPOSITION.**

**Closure of Public Hearing**

The public hearing was closed.

**REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

**Subcommittee Work on Town Center Vision Statement**

Mr. Cohn said Mr. Cohen has suggested Commission members forward their comments to him, and he would work them into the subcommittee's recommendation that would come before the Commission on April 1<sup>st</sup>.

**Recognize Outgoing Planning Commissioners Kuboi, Piro and Pyle**

Mr. Cohn reported that Outgoing Planning Commissioners Kuboi, Piro and Pyle would be recognized by the City Council at a future date. On behalf of staff, he expressed appreciation for their service. Commissioner Piro said it has been a pleasure working with the Board and staff. Commissioners Pyle and Kuboi concurred.

**AGENDA FOR NEXT MEETING**

Mr. Cohn announced that the Commission's April 1<sup>st</sup> meeting will be an open house design charrette regarding the Town Center Subarea Plan. Mr. Cohen would provide more specific information about the meeting.

**ADJOURNMENT**

The meeting was adjourned at 12:14 A.M.

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Michelle Linders Wagner  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

**CITY OF SHORELINE**

**SHORELINE PLANNING COMMISSION  
SUMMARY MINUTES OF SPECIAL MEETING**

April 1, 2010  
6:30 – 7:00 P.M.

Shoreline City Hall  
Council Conference Room

**Commissioners Present**

Vice Chair Perkowski  
Commissioner Behrens  
Commissioner Broili  
Commissioner Esselman  
Commissioner Kaje  
Commissioner Moss

**Commissioners Absent**

Chair Wagner

**Staff Present**

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

**Councilmembers**

Mayor McGlashan  
Deputy Mayor Hall  
Councilmember Tracey

Commissioner Perkowski called the special meeting to order at 6:30 p.m. Upon roll call by the Commission Clerk the following Commissioners were present: Vice Chair Perkowski and Commissioners Broili, Esselman, Kaje, and Moss. Commissioner Behrens arrived at 6:38 p.m. Chair Wagner was absent.

Mayor McGlashan performed an oath of office affirmation for new Commissioners Esselman and Moss. He welcomed both to the Planning Commission and thanked the entire Commission for the time and effort they put into making recommendations for the City Council.

Mr. Tovar explained that he saw each Commissioner’s role in the Charrette as more of a participant and less as a facilitator. He said the Commission would play a formal role at some point in the future but tonight they are being asked to ask questions and express preliminary opinions. He reminded them that the Town Center Subarea Plan is a legislative action, so they are allowed and encouraged to gather as much information as they can and this evening is a good time to hear what people have to say.

Ms. Simulcik Smith passed around a comment letter from David Pyle that he requested to be submitted to the Commission.

Mr. Cohn reminded the Commission of their upcoming joint meeting with the City Council on April 12. He announced that the discussion topics would be the Planning Commission’s 2010 work plan, the 2010 Comprehensive Plan Amendment Docket, and policy statements the Commission pulled from the SE Neighborhoods Subarea Plan to be more appropriately addressed as a Citywide policies.

Commissioners asked questions about the work plan and Tree Code amendments. Commissioner Kaje requested that staff ask the City Attorney to respond to a question on how the City views private covenants. Mr. Tovar explained that covenants are agreements private parties enter into and the Commission may give weight to the covenants but they are not bound to them. He further explained that everyone is required to comply with City Code.

Mr. Tovar explained the next steps after the Charrette. Staff would come back to share the results of the Visual Preference Survey and other information gathered at the Charrette and the Commission would use this information to fill in the blanks to their draft Town Center Vision Statement. The Commission would then probably want to check in with the City Council and get feedback prior to holding a public hearing on the TC Vision Statement.

Mr. Cohn announced the Commission would work on a group of Development Code Amendments at its next regular meeting on April 15.

Commissioner Behrens said he would like to talk to the City Council about 145<sup>th</sup> Street at their upcoming joint-meeting and asked if the Commission agreed it would be an appropriate time to bring this up. Mr. Tovar said the Council would be taking up that issue in June as part of updates on the Transportation Master Plan.

The special meeting was adjourned at 6:55 P.M.

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Ben Perkowski  
Vice Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

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

<p><b>AGENDA TITLE:</b> Study Session on Proposed Development Code Revisions, Application 301606</p> <p><b>DEPARTMENT:</b> Planning and Development Services</p> <p><b>PRESENTED BY:</b> Steve Cohn, Senior Planner Steven Szafran, AICP, Associate Planner</p>
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**SUMMARY**

Periodically staff presents a group of Development Code amendments for consideration. These amendments are usually developed by staff, but at times, members of the public also propose amendments.

**BACKGROUND / ANALYSIS**

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. The Development Code Section 20.30.100 states that "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the Development Code." Development Code amendments are accepted from the public at any time and there is no charge for their submittal.

The proposed amendments include submittals from the Planning and Development Services Director, City Attorney, and Public Works. The public has not proposed any of the amendments.

Amendments to the Development Code are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for legislative decisions and is responsible for holding an open record Public Hearing and making a recommendation to the City Council on the proposed amendments.

**TIMING & SCHEDULE**

The following table is a chronology of the proposed Development Code amendment process for the current amendments.

DATE DES	DESCRIPTION
April 2010	<ul style="list-style-type: none"> <li>• Notify Commerce of proposed changes and City Council Public Hearing NO LESS than 60 days prior to City Council Public Hearing.</li> <li>• Issue SEPA Notice of Application.</li> </ul>
May 2010	<ul style="list-style-type: none"> <li>• Proposed Amendments advertised in <u>Seattle Times</u>, city website, and posting locations throughout the city.</li> <li>• Written comment deadline minimum 14 day period advertised with notice. (Comment deadline must leave lead time to incorporate written comment into Planning Commission Public Hearing packet that is distributed no less than 7 days prior).</li> <li>• Issue notice of public hearing 14 days prior to Planning Commission Public Hearing.</li> <li>• Planning Commission Public Hearing on proposed amendments.</li> <li>• Planning Commission deliberation and record recommendation to City Council on approval or denial of proposed amendments (unless further meetings are required).</li> </ul>
June 2010	<ul style="list-style-type: none"> <li>• City Council consideration and decision on proposed amendments.</li> </ul>

**PROPOSED AMENDMENTS**

The purpose of this study session is to:

- Review the proposed development code revisions
- Allow staff to respond to questions regarding the proposed revisions
- Identify any additional information that staff should research prior to the hearing

The amendments listed below will be included in the public hearing, unless the Commission decides at the April 15 study session to remove them. The amendments are described below together with a summary of the staff’s thinking as to why the change should be considered.

The amendments are organized into four categories:

1. Past administrative orders that must be codified
2. Minor amendments that are clarifying
3. Amendments that are in direct conflict with state law and must be changed
4. Policy changes that require greater analysis by the Planning Commission



Because there are a number of proposed changes, staff intends to summarize the amendments proposed in categories 1 through 3 and use most of the study session time discussing amendments in Category 4 with the Commission. If Commissioners would like staff to focus on specific amendments in Categories 1-3 in its presentation, please contact staff prior to the April 15 meeting so that we can prepare additional background information.

### **Category 1: Amendment based on the need to codify an issued Administrative Order:**

#### **20.30.680 Appeals**

*The amendment corrects a conflict with State law requiring that procedural SEPA appeals be consolidated with the predecisional hearing if one is held and also be heard by the same hearing body or officer. In our code the SEPA appeal is heard by the Hearing Examiner in all cases but the predecisional hearing is held by the Planning Commission for most Type C actions. The amendment removes the administrative appeal for a DNS on Type C actions where the Planning Commission makes the recommendation after hearing. Alternative amendments would be to have the Hearing Examiner hold predecisional hearings on all Type C actions or have the Planning Commission conduct SEPA appeals.*

*The amendment also removes substantive SEPA appeals including conditions in a DNS or denial based on SEPA authority for all Type C actions. Substantive appeals unlike procedural SEPA threshold appeals may not be consolidated with a predecisional hearing on the merits of the proposal, but must be consolidated with an administrative appeal of the decision itself. There is no appeal authority of Type C action, these SEPA appeals must be brought together with appeal of the underlying decision in Superior Court. Former B ,C and D are combined in new A (1) and (2) to specify when substantive appeals are allowed rather than using the existing "if any" language.*

*Finally the provision allowing an extra seven days for a SEPA appeal is clarified to add the additional requirement of WAC197-11-680(3)(vi)(D) that the permit decision is filed at the same time as the DNS and not simply all DNS that receive public comment. The City uses the optional DNS process for most permits which avoids duplicate comment on the DNS and for which additional appeal time is not required.*

A. Any interested person may appeal a threshold determination ~~or~~ and the conditions or denials of a requested action made by a nonelected official pursuant to the procedures set forth in this section and Chapter [20.30](#) SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals. No other SEPA appeal shall be allowed.

~~B. Appeals of threshold determinations are procedural SEPA appeals which are conducted by the Hearing Examiner pursuant to the provisions of Chapter [20.30](#) SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals, subject to the following:~~

1. Only one administrative appeal of each threshold determination shall be allowed on a proposal and procedural appeals shall be consolidated in all cases with substantive

SEPA appeals, if any, involving decisions to condition or deny an action pursuant to RCW 43.21C.060 with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.

2. As provided in RCW 43.21C.075(3)(d), the decision of the responsible official shall be entitled to substantial weight.

3. An appeal of a DS must be filed within 14 calendar days following issuance of the DS.

4. ~~All SEPA~~ An appeals of a DNS for actions classified in SMC 20.60.060 as Type A, B, or those C actions with the Hearing Examiner as Review Authority, and appeals of decisions to condition or deny actions pursuant to RCW 43.21C.060 classified as Type A or B actions, in Chapter 20.30 SMC, Subchapter 2, Types of Actions, must be filed within 14 calendar days following notice of the threshold determination as provided in SMC 20.30.150, Public notice of decision; provided, that the appeal period for a DNS for Type A, B, or C actions issued at the same time as the final decision shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies. For all other actions not classified as Type A, B, or C actions in Chapter 20.30 SMC, Subchapter 2, Types of Actions, no administrative appeal of a DNS is permitted.

5. The Hearing Examiner shall make a final decision on all procedural SEPA determinations. The Hearing Examiner's decision may be appealed to superior court as provided in Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals.

~~C. The Hearing Examiner's consideration of procedural SEPA appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to condition or deny an application pursuant to RCW 43.21C.060 and with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.~~

~~D. Administrative appeals of decisions to condition or deny applications pursuant to RCW 43.21C.060 shall be consolidated in all cases with administrative appeals, if any, on the merits of a proposal. See Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearing and Appeals.~~

~~E. B.~~ Notwithstanding the provisions of subsections (A) through (D) of this section, the Department may adopt procedures under which an administrative appeal shall not be provided if the Director finds that consideration of an appeal would be likely to cause the Department to violate a compliance, enforcement or other specific mandatory order or specific legal obligation. The Director's determination shall be included in the notice of the SEPA determination, and the Director shall provide a written summary upon which the determination is based within five days of receiving a written request. Because there would be no administrative appeal in such situations, review may be sought before a court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action

**Category 2: Minor amendments that clarify existing language:**

**20.20.016 D definitions.**

*This is a new definition to assist in the application of certain criteria for accessory structures and detached dwellings. Ordinance 406 changed every reference to “Director or designee” to just “Director”, but the intent was to change it everywhere except the definition section.*

**Detached** Buildings with exterior walls separated by a distance of 5 feet. To be consistent with this definition projections between buildings must be separated by a minimum of 3 feet.

**Director** Planning and Development Services Director or designee.  
(Ord. 406 § 1, 2006).

**20.20.046 S Definitions**

*These three new definitions incorporate into the Development Code a previous Administrative Order signed by the Planning and Development Services Director.*

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

**2. Senior Citizen Affordable Housing**

Households with:

- A. Income no greater than 60% of the King County median gross income, adjusted for household size; and
- B. At least one occupant is 55 years of age or older; and
- C. A maximum of 3 occupants per dwelling unit.

3. Senior Citizen Assisted Housing - Housing in a building consisting of two or more dwelling units restricted to occupancy by at least one occupant 55 years of age or older per unit, and must include at least two of the following support services:

- A. Common dining facilities or food preparation service
- B. Group activity areas separate from dining facilities
- C. A vehicle exclusively dedicated to providing transportation services to housing occupants
- D. Have a boarding home (assisting living) license from Washington State Department of Social and Health Services.

**Table 20.30.060.**

*This amendment removes the Street Vacation process from the Development Code and references Chapter 12.17 of the Shoreline Municipal Code; the process set forth in the Development Code conflicted with that set forth in Chapter 12.17. Chapter 12.17 is an existing chapter entitled “Street Vacation” that sets forth all requirements, timelines and approvals required by state law.*

8. Street Vacation	<del>PC (3)</del> See Chapter <a href="#">12.17 SMC</a>	<del>PC (3)</del> See Chapter <a href="#">12.17 SMC</a>	<del>City Council</del> See Chapter <a href="#">12.17 SMC</a>	<del>120 days</del> See Chapter <a href="#">12.17 SMC</a>	See Chapter <a href="#">12.17 SMC</a>
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**20.30.070 Legislative Decisions**

*This amendment removes the words “open record” before public hearing; legislative hearings are public hearings, but they are not considered “open record” public hearings. The term “open record public hearings” only applies to quasi-judicial hearings, not legislative hearings. The term “open record public hearing” is defined in state law and, by definition, does not apply to legislative hearings. The word “usually” is removed as well because all legislative decisions include a hearing; the word “the” is removed just as a language clean-up.*

Table 20.30.070 – Summary of Legislative Decisions

Decision	Review Authority, <del>Open Record</del> Public Hearing	Decision Making Authority (in accordance with State law)	Section
1. Amendments and Review of the Comprehensive Plan	PC(1)	City Council	20.30.340
2. Amendments to the Development Code	PC(1)	City Council	20.30.350

(1) PC = Planning Commission

Legislative decisions ~~usually~~ include a hearing and recommendation by the Planning Commission and ~~the~~ action by the City Council.

The City Council shall take legislative action on the proposal in accordance with State law.

There is no administrative appeal of legislative actions of the City Council but they may be appealed together with any SEPA threshold determination according to State law.

#### **20.30.150 Public notice of decision.**

*This is a cleanup amendment. The Notice of Decision shall be posted for all Type B and C actions, not just site specific proposals.*

For Type B and C actions, the Director shall issue and mail a notice of decision to the parties of record and to any person who, prior to the rendering of the decision, requested notice of the decision. The notice of decision may be a copy of the final report, and must include the threshold determination, if the project was not categorically exempt from SEPA. The notice of decision will be posted and published in the newspaper of general circulation for the general area in which the proposal is located ~~and posted for site-specific proposals.~~

#### **20.30.160 Expiration of vested status of land use permits and approvals.**

*Master Development Plan Permits have different vesting timelines and need to be indicated in this code section.*

Except for subdivisions and master development plans or where a shorter duration of approval is indicated in this Code, vested status of an approved land use permit under Type A, B, and C actions shall expire two years from the date of the City's final decision, unless a complete building permit application is filed before the end of the two-year term. In the event of an administrative or judicial appeal, the two-year term shall not expire. Continuance of the two-year period may be reinstated upon resolution of the appeal.

#### **20.30.460 Effect of changes in statutes, ordinances, and regulations ~~rezones~~.**

*Change in the section title only. The language states below that the zoning or code has been changed so the title needs to reflect not just rezones, but any change in statutes, ordinances, and regulations.*

The owner of any lot in a final plat filed for record shall be entitled to use the lot for the purposes allowed under the zoning in effect at the time of filing of a complete application for five years from the date of filing the final plat for record, even if the property zoning designation and/or the Code has been changed. (Ord. 352 § 1, 2004; Ord. 238 Ch. III § 8(k), 2000).

### **20.30.410 Preliminary subdivision review procedures and criteria.**

Review criteria: The following criteria shall be used to review proposed subdivisions:

#### **C. Dedications and improvements.**

~~1. The City Council may require dedication of land in the proposed subdivision for public use.~~

1. ~~2.~~ Only the City Council may approve a dedication of park land. The council may request a review and written recommendation from the Planning Commission.

~~3. Any approval of a subdivision shall be conditioned on appropriate dedication of land for streets, including those on the official street map and the preliminary plat.~~

~~4. Dedications to the City of Shoreline for the required right-of-way, stormwater facilities, open space, and easements and tracts may be required as a condition of approval.~~

#### **D. ~~Improvements.~~**

2. In addition, the City Council may require dedication of land and improvements in the proposed subdivision for public use under the standards of Chapter 20.60 SMC, Adequacy of Public Facilities and Chapter 20.70 SMC, Engineering and Utilities Development Standards necessary to mitigate project impacts to utilities, right-of-way, stormwater systems.

a. Required improvements which may include ~~be required~~, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, critical area enhancements, sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.

~~2. Improvements shall comply with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities.~~

~~Time limit: Approval of a preliminary formal subdivision or preliminary short subdivision shall expire and have no further validity at the end of three years of preliminary approval.~~

~~3. Any approval of a subdivision shall be conditioned on appropriate dedication of land for streets, including those on the official street map and the preliminary plat.~~

~~4. Dedications to the City of Shoreline for the required right-of-way, stormwater facilities, open space, and easements and tracts may be required as a condition of approval.~~

### **20.30.200 General description of appeals.**

*The SMC is currently silent on how Type A decisions are appealed. The changes here clarify how to appeal a Type A – no administrative appeal, so appeals are made to the Superior Court.*

- A. Administrative decisions (Type B) are appealable to the Hearing Examiner who conducts an open record appeal hearing.
- B. Appeals of City Council decisions, ministerial decisions (Type A) without an administrative appeal, and appeals of an appeal authority's decisions shall be made to the Superior Court.

### **20.30.740 Declaration of public nuisance, enforcement.**

*This amendment completes the cross references in the SMC.*

- A. A Code Violation, as used in this subchapter, is declared to be a public nuisance and includes violations of the following:
  - 1. Any City land use and development ordinances or public health ordinances;
  - 2. Any public nuisance as set forth in Chapters 7.48 and 9.66 RCW;
  - 3. Violation of any of the Codes adopted in Chapter [15.05](#) SMC;
  - 4. Violation of provisions of Chapter 12.15 SMC, Use of Right of Way;
  - 54. Any accumulation of refuse, except as provided in Chapter 13.14 SMC, Solid Waste Code;
  - 65. Nuisance vegetation;
  - 76. Discarding or dumping of any material onto the public right-of-way, waterway, or other public property; and
  - 87. Violation of any of the provisions of Chapter [13.10](#) SMC, Surface Water Management Code.

### **20.50.030 Lot width and lot area – Measurements.**

*All easements, including access easements, need to fit within the required lot width.*

- A. Lot width shall be measured by scaling a circle within the boundaries of the lot; provided, that any ~~access~~ easement shall not be included within the circle.

### **20.50.110 Fences and walls – Standards.**

*Sections removed from Development Code with revisions to 20.70.*

- A. The maximum height of fences located along a property line shall be six feet, subject to the site clearance provisions of in the Engineering Development Guide SMC 20.70.170-20.70.180, and 20.70.190(C). (Note: The recommended maximum height of fences and walls located between the front yard building setback line and the front property line is three feet, six inches high).
- B. All electric, razor wire, and barbed wire fences are prohibited.
- C. The height of a fence located on a retaining wall shall be measured from the finished grade at the top of the wall to the top of the fence. The overall height of the fence located on the wall shall be a maximum of six feet. (Ord. 406 § 1, 2006; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 2(B-5), 2000).

### **20.50.125 Thresholds – Required site improvements.**

*All references to 20.70.030 have changed to 20.70 in all sections that relate to thresholds (20.50.125, .225, .385, .455, and .535).*

Note: For thresholds related to off-site improvements, see SMC [20.70.030](#). 20.70 (Ord. 515 § 1, 2008; Ord. 299 § 1, 2002).

### **20.50.225 Thresholds – Required site improvements.**

Note: For thresholds related to off-site improvements, see SMC [20.70.030](#). 20.70 (Ord. 515 § 1, 2008; Ord. 299 § 1, 2002).

### **20.50.385 Thresholds – Required site improvements.**

Note: For thresholds related to off-site improvements, see SMC [20.70.030](#). 20.70 (Ord. 515 § 1, 2008; Ord. 299 § 1, 2002).

### **20.50.455 Thresholds – Required site improvements.**

Note: For thresholds related to off-site improvements, see SMC [20.70.030](#). 20.70 (Ord. 515 § 1, 2008; Ord. 299 § 1, 2002).

### **20.50.535 Thresholds – Required site improvements.**

Note: For thresholds related to off-site improvements, see SMC [20.70.030](#). 20.70 (Ord. 515 § 1, 2008; Ord. 299 § 1, 2002).



## 20.50.470 Street frontage landscaping – Standards.

- A. A 10-foot width of Type II landscaping located on site along the front property line is required for all development including parking structures, surface parking areas, service areas, gas station islands, and similar paved surfaces. See 20.50.470(~~DE~~) for street frontage screening landscaping standards in the MUZ zone.

*Language was ambiguous and fragmented in this section.*

- B. A 20-foot width of Type II landscaping located on site along the property line is required for nonresidential development including institutional and public facilities in residential zones areas.

*Statement was fragmented.*

- C. Frontage landscaping between the building and the property line may can be substituted reduced in multifamily, commercial, office, and industrial zones with two-inch caliper if street trees 40 feet on center if they are placed in tree pits with iron grates or in planting strips along the backside of curbs. Institutional and public facilities may substitute 10 feet of the required 20 feet with street trees if the building is located consistent with the provisions of SMC 20.50.230, Exceptions to Table 20.50.230(1).

*This section eliminates the technical standards. The street section in the Engineering Development Guide determines the type of treatments for street trees/landscaping.*

- ~~D. Trees spacing may be adjusted to accommodate sight distance requirements for driveways and intersections. See SMC 20.50.520(O) for landscaping standards. (Ord. 238 Ch. V § 7(B-2), 2000).~~

*Sight-distance criteria are part of the technical standards in the Engineering Development Guide. Without the specific criteria in (E) this section wasn't needed.*

- ~~DE. Any new development in the MUZ shall require All surface parking areas, outdoor storage areas, and equipment storage areas serving new development in the MUZ to shall be screened from the public right-of-way and adjacent residential land uses. Street frontage screening shall consist of locating the above areas behind buildings, in underground or structured parking, or behind a 4-foot masonry wall with a 10 foot width of Type II landscaping between the wall and property line, behind buildings, within underground or structured parking back of sidewalk. When adjacent to single family residential, a 20-foot width of Type I landscaping is required.~~

*This section has been modified to clarify intent.*

**20.50.480 Street trees landscaping within the right-of-way– Standards.**

*Technical specifications for tree placement Best Management Practices are part of the standards contained in the Engineering Development Guide and these provisions may conflict. Term “trees” replaced with “landscaping to allow for alternative forms of amenity treatments based on road design.*

A. ~~Street trees must be two-inch caliper and planted no more than 40 feet on center and selected from the City-approved street tree list. Placement of street trees can be adjusted to avoid conflict with driveways, utilities, and other functional needs while including the required number of trees. When frontage improvements are required by SMC 20.70.210 Street trees landscaping is are required for in all commercial, office, industrial, multifamily zones, and for single-family subdivisions for all arterial streets.~~

B. ~~Street landscaping may be placed within City street rights-of-way subject to review and approval by the Director. Adequate space should be maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way.~~

C. ~~Trees must be:~~

- ~~1. Planted in a minimum four-foot wide continuous planting strip along the curb; or~~
- ~~2. Planted in tree pits minimally four feet by four feet where sidewalk is no less than eight feet wide. If the sidewalk is less than eight feet wide, a tree grate may be used if approved by the Director; or~~
- ~~3. Where an existing or planned sidewalk abuts the curb, trees may be planted four feet behind that sidewalk on the side opposite the curb~~

D. ~~Street trees will require five-foot staking and root barriers between the tree and the sidewalk and curb.~~

E. ~~Tree pits require an ADA compliant iron grate flush with the sidewalk surface.~~

BF. Street trees landscaping must meet the standards for the specific street classification abutting the property as depicted requirements in the Engineering Development Guide including but not limited to size, spacing, and site distance. All street trees must be selected from the City approved street tree list.

**20.50.520 General standards for landscape installation and maintenance – Standards.**

*These amendments rewrite the sections to add clarity and to generally read better.*

- O. Landscape plans and utility plans shall be coordinated. ~~In general,~~ The placement of trees and large shrubs ~~shall~~ should adjust to accommodate the location of required ~~utilities~~ utility routes both above and below ground. Location of plants and trees shall be based on the ~~plant's~~ mature canopy and root mat width. Root mat width is assumed to be the same width as the canopy. ~~unless otherwise documented in a credible print source.~~ Mature tree and shrub canopies may not reach an above ground utility such as street lights and power-lines. Mature tree and shrub root mats may overlap utility trenches as long as ~~approximately~~ 80 percent of the root mat area is unaffected.
- P. Adjustment of plant location does not reduce the number of plants required for landscaping.
- Q. Site distance ~~triangle~~ shall be established for and visual clearances consistent with ~~SMC 20.70.170~~ the Engineering Development Guide ~~driveway exits and entrances and street corners~~ shall be maintained.

**20.60.140 Adequate streets.**

*This amendment is self-explanatory.*

- A. Development Proposal Requirements. All new proposals for development that would generate 20 or more new trips during the p.m. peak hour must submit a traffic study at the time of application. The estimate of the number of trips a development shall be consistent with the most recent edition of the Trip Generation Manual, published by the Institute of Traffic Engineers. The traffic study shall include at a minimum:....

**20.80.110 Critical areas reports required.**

*Critical area reports should also be required for non-designated critical areas as not all critical areas have been identified within the City limits.*

If uses, activities or developments are proposed within ~~designated~~ critical areas or their buffers, an applicant shall provide site-specific information and analysis as determined by the City. The site-specific information must be obtained by expert investigation and analysis. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100. Such site-specific reviews shall be performed by qualified professionals, as defined by SMC [20.20.042](#), who are approved by the City or under contract to the City. (Ord. 515 § 1, 2008; Ord. 406 § 1, 2006; Ord. 398 § 1, 2006).

### **20.80.350 Mitigation performance standards and requirements.**

*This amendment is self-explanatory.*

#### **Monitoring Program and Contingency Plan.**

1. A monitoring program shall be implemented by the applicant to determine the success of the mitigation project and any necessary corrective actions. This program shall determine if the original goals and objectives are being met.
2. A contingency plan shall be established for indemnity in the event that the mitigation project is inadequate or fails. A performance and maintenance bond or other acceptable financial guarantee is required to ensure the applicant's compliance with the terms of the mitigation agreement. The amount of the performance and maintenance bond shall equal 125 percent of the cost of the mitigation project and include the cost for monitoring for a minimum of five years. The bond may be reduced in proportion to work successfully completed over the period of the bond. The bonding period shall coincide with the monitoring period.

#### **Category 3: Amendments necessary to comply with state law:**

##### **20.30.180 Public notice of public hearing.**

*This corrects the public notice time period for open record hearings from 14 days to 15 days. RCW 36.70B.110(3) requires 15 day notice. Planning and Development Services, in practice, gives 15 day notice; this is just a clean-up to ensure our code reflects state law.*

Notice of the time and place of an open record hearing shall be made available to the public by the Department no less than 44 15 days prior to the hearing, through use of these methods:

##### **20.30.410 Preliminary subdivision review procedures and criteria.**

*Changes to this section are intended to establish time limits for the expiration of preliminary and final approval of subdivisions that are consistent with the RCW. Recent bill signed by the governor established new time limits that sunset in 2014. Additional modifications are intended to reduce the wordiness and provide consistency with other code language regarding dedications.*

The ~~preliminary~~ short subdivision may be referred to as a short plat – Type B action.

The ~~preliminary~~ formal subdivision may be referred to as long plat – Type C action.

Time limit: A final short plat or final long plat meeting all of the requirements of this chapter and RCW 58.17 shall be submitted for approval within the timeframe specified in RCW 58.17.140.

All lots in a final short plat or final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for the period specified in RCW 58.17.170 from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for the period specified in RCW 58.17.170 after final plat approval unless the Council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

### **20.30.353 G. Master Plan Vesting Expiration.**

*The Shoreline Community College found .353G ambiguous in its reference to 10 and 5 year reviews and the status of vesting under the plans. It is also unclear how revisions for consistency would be processed.*

*This amendment removes the conflicting five year reference and allows master development plans to vest for ten year periods from issuance or major amendment. Under its approval criteria, the plan may serve as a developer agreement and include phasing that extends development rights beyond 10 years under conditions approved in the plan. Approval is an investment of considerable staff and community resources and should be valid for more than the standard two years for other land use approvals, or five year for plats. Unlike a CUP or SUP that can and should revert to underlying zoning if not used, the master development plan permit is the zoning for campus zones. Capital planning for the state campuses also requires a longer implementation period.*

*Rather than a mandatory plan expiration and renewal, the master development plan permit vesting will expire, but the plan will continue, with the City reserving the right to make revisions for consistency with current codes and policies after ten years, and this revision may be coordinated with other code changes when they occur rather than waiting for the next five year review opportunity. The staff revisions may be accepted by the owner, or if not, the city will initiate a major amendment at no cost to the owner, which is processed as a new master development plan (Type C action). Section .160 amendments support the amendment to .353G.*

A master development plan's determination of consistency under RCW 36.70B.040 shall vest for ten years after issuance or after a major amendment, unless extended vesting for phased development is approved in the master development plan permit. After ten years, the Planning Commission may review the master development plan permit for consistency with current City's vision, Goals, Strategies (such as the Economic Development Strategy, Housing Strategy, Environmental Sustainability Strategy) comprehensive Plan and other sections of the Development Code. If changes are recommended, staff shall initiate a major amendment under this section to achieve consistency unless the revision is approved by the owner.

#### **Category 4: Amendments that would result in changing current City Policy:**

##### **20.40.210 Accessory dwelling units.**

*In discussions of the Citywide Vision Statement, the Housing Strategy, and the SE Neighborhoods Subarea, there was support for allowing detached accessory dwelling units on lots smaller than 10,000 square feet. Staff had been considering proposing this change as a pilot project for the SE Neighborhoods subarea, but because there has been support in various citywide discussions, it is being proposed as a citywide code amendment.*

*Currently, attached ADUs are permitted in all residential zones if development meets the setback requirements in that zone; however, detached ADUs are only permitted on lots of more than 10,000 square feet. The 10,000 square feet rule is arbitrary and unnecessarily limiting, especially if there is potential for re-use of an existing building, such as a detached garage. This makes more sense from a sustainability standpoint. If the development can meet all of the setbacks and coverage regulations, they should be able to have a detached ADU regardless of lot size.*

- B. Accessory dwelling unit may be located in the principal residence, or in a detached structure. ~~on a lot that is at least 10,000 square feet in area.~~

##### **20.30.350 Amendment to the Development Code (legislative action).**

*Criteria 2 and criteria 3 (proposed to be removed) are identical and duplicative. If it's not adverse to the public health, safety and welfare, then it is in the best interest of the citizens and property owners.*

- B. Decision Criteria. The City Council may approve or approve with modifications a proposal for the text of the Land Use Code if:

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

##### **20.30.760 Notice and orders.**

*(H) is removed because the Planning and Development Services Department wants more flexibility on when to revoke or modify a Notice and Order. The City does not want to have to defend the revocation or modification that does not specifically meet the requirements in section (H).*

- F. Service of a notice and order shall be made on any responsible party by one or more of the following methods:

1. Personal service may be made on the person identified as being a responsible party.
2. Service directed to the landowner and/or occupant of the property may be made by posting the notice and order in a conspicuous place on the property where the violation occurred and concurrently mailing notice as provided for below, if a mailing address is available.
3. Service by mail may be made for a notice and order by mailing ~~two copies, postage prepaid, one by ordinary first class mail and the other~~ by certified mail, to the responsible party at his or her last known address, at the address of the violation, or at the address of their place of business. The taxpayer's address as shown on the tax records of the county shall be deemed to be the proper address for the purpose of mailing such notice to the landowner of the property where the violation occurred. The City may mail a copy, postage prepaid, by ordinary first class mail. Service by mail shall be presumed effective upon the third business day following the day the notice and order was mailed.

The failure of the Director to make or attempt service on any person named in the notice and order shall not invalidate any proceedings as to any other person duly served.

- G. Whenever a notice and order is served on a responsible party, the Director may file a copy of the same with the King County Office of Records and Elections. When all violations specified in the notice and order have been corrected or abated, the Director shall issue a certificate of compliance to the parties listed on the notice and order. The responsible party is responsible for filing the certificate of compliance with the King County Office of Records and Elections, if the notice and order was recorded. The certificate shall include a legal description of the property where the violation occurred and shall state that any unpaid civil penalties, for which liens have been filed, are still outstanding and continue as liens on the property.
- H. ~~The Director may revoke or modify a notice and order issued under this section if the original notice and order was issued in error or if a party to an order was incorrectly named. Such revocation or modification shall identify the reasons and underlying facts for revocation. Whenever there is new information or a change in circumstances, the Director may add to, rescind in whole or part or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notice and orders contained in this section.~~
- H. I. Failure to correct a Code Violation in the manner and within the time frame specified by the notice and order subjects the responsible party to civil penalties as set forth in SMC 20.30.770.
1. Civil penalties assessed create a joint and several personal obligation in all responsible parties. The City Attorney may collect the civil penalties assessed by any appropriate legal means.
  2. Civil penalties assessed also authorize the City to take a lien for the value of civil penalties imposed against the real property of the responsible party.
  3. The payment of penalties does not relieve a responsible party of any obligation to cure, abate or stop a violation.

(Ord. 515 § 1, 2008; Ord. 469 § 1, 2007; Ord. 466 §§ 2, 3, 2007; Ord. 406 § 1, 2006; Ord. 391 § 4, 2005; Ord. 238 Ch. III § 10(f), 2000. Formerly 20.30.770).

### **20.30.770 Enforcement provisions.**

*Staff has concluded that a fine of 1,000 dollars does not change behavior in some offenders, that is to say, even with the existing fine, there are some repeat offenders. The code enforcement officer believes by doubling the fine, offenders may be more willing to comply with the City's regulations.*

2. Any responsible party who has committed a violation of the provisions of Chapter [20.80](#) SMC, Critical Areas, or Chapter [20.50](#) SMC, General Development Standards (tree conservation, land clearing and site grading standards), will not only be required to restore unlawfully removed trees or damaged critical areas, insofar as that is possible and beneficial, as determined by the Director, but will also be required to pay civil penalties in addition to penalties under subsection (D)(1) of this section, for the redress of ecological, recreation, and economic values lost or damaged due to the violation. Civil penalties will be assessed according to the following factors:

- a. An amount determined to be equivalent to the economic benefit that the responsible party derives from the violation measured as the total of:
  - i. The resulting increase in market value of the property; and
  - ii. The value received by the responsible party; and
  - iii. The savings of construction costs realized by the responsible party as a result of performing any act in violation of the chapter; and
- ~~b. A penalty of \$1,000 if the violation was deliberate, the result of knowingly false information submitted by the property owner, agent, or contractor, or the result of reckless disregard on the part of the property owner, agent, or their contractor. The property owner shall assume the burden of proof for demonstrating that the violation was not deliberate; and~~
- ~~b. e. A penalty of \$2,000 if the violation has severe ecological impacts, including temporary or permanent loss of resource values or functions.~~

3. A penalty of \$1,000 \$2,000 if the violation was deliberate, the result of knowingly false information submitted by the property owner, agent, or contractor, or the result of reckless disregard on the part of the property owner, agent, or their contractor. The property owner shall assume the burden of proof for demonstrating that the violation was not deliberate; and

4. ~~3.~~ A repeat violation means a violation of the same regulation in any location within the City by the same responsible party, for which voluntary compliance previously has been sought or any enforcement action taken, within the immediate preceding 24-consecutive-month period, and will incur double the civil penalties set forth above.

5. ~~4.~~ Under RCW 59.18.085, if, after 60 days from the date that the City first advanced relocation assistance funds to displaced tenants, the landlord does not repay



the amount of relocation assistance advanced by the City, the City shall assess civil penalties in the amount of \$50.00 per day for each tenant to whom the City has advanced a relocation assistance payment.

6. ~~5.~~ The responsible parties have a duty to notify the Director of any actions taken to achieve compliance with the notice and order. For purposes of assessing civil penalties, a violation shall be considered ongoing until the responsible party has come into compliance with the notice and order and has notified the Director of this compliance, and an official inspection has verified compliance.

7. ~~6.~~ Civil penalties may be waived or reimbursed to the payer by the Director, with the concurrence of the Finance Director, under the following circumstances:

- a. The notice and order was issued in error; or
- b. The civil penalties were assessed in error; or
- c. Notice failed to reach the property owner due to unusual circumstances; or
- d. Compelling new information warranting waiver has been presented to the Director since the notice and order was issued and documented with the waiver decision.

#### **20.40.400 Home occupation.**

*This amendment is based on discussions between the Assistant Director of PADS and City Council. The City of Shoreline recognizes the desire and/or need of some citizens to use their residence for business activities. The City also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.*

Residents of a dwelling unit may conduct one or more home occupations as an accessory use(s), provided:

- A. The total area devoted to all home occupation(s) shall not exceed 25 percent of the floor area of the dwelling unit. Areas with garages and storage buildings shall not be considered in these calculations, but may be used for storage of goods associated with the home occupation.
- B. In residential zones, all the activities of the home occupation(s) (including storage of goods associated with the home occupation) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation(s).
- C. No more than ~~one~~ two nonresident FTEs working on-site shall be employed by the home occupation(s).
- D. The following activities shall be prohibited in residential zones:
  1. Automobile, truck and heavy equipment repair;
  2. Auto body work or painting; and
  3. Parking and storage of heavy equipment.

- E. In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:
  - 1. One stall for a each nonresident FTE employed by the home occupation(s); and
  - 2. One stall for patrons when services are rendered on-site.
- F. Sales shall be limited to:
  - 1. Mail order sales; and
  - 2. Telephone or electronic sales with off-site delivery.
- G. Services to patrons shall be arranged by appointment or provided off-site.
- H. The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:
  - 1. No more than ~~one~~ two such vehicles shall be allowed;
    - 2. Such vehicle shall not park within any required setback areas of the lot or on adjacent streets; and
    - 3. Such vehicles shall not exceed a ~~weight capacity of one ton~~ gross weight of 14,000 pounds, a height of nine feet and a length of 22 feet.
- I. The home occupation(s) shall not use electrical or mechanical equipment that results in:
  - 1. A change to the fire rating of the structure(s) used for the home occupation(s), unless appropriate changes are made under a valid building permit; or
  - 2. Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or
  - 3. Fluctuations in line voltage off-premises; or
  - 4. Emissions such as dust, odor, fumes, bright lighting or noises greater than what is typically found in a neighborhood setting.
- J. Home occupations that are entirely internal to the home; have no employees in addition to the resident(s); have no deliveries associated with the occupation; have no on-site clients; create no noise or odors; do not have a sign, and meet all other requirements as outlined in this section may not require a home occupation permit.

Note: Daycares, community residential facilities such as group homes, bed and breakfasts and boarding houses are regulated elsewhere in the Code. (Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).

## 20.40.600 Wireless telecommunication facilities/satellite dish and antennas.

*The change in #2 is necessary because it is structurally impossible to extend a pole without increasing its diameter. The deletion of 4c is necessary because wireless facilities located on private property do not get advertized but wireless facilities within the right-of-way do.*

### F. Structure-Mounted Wireless Telecommunication Facilities Standards.

1. Wireless telecommunication facilities located on structures other than buildings, such as light poles, flag poles, transformers, existing monopoles, towers and/or tanks shall be designed to blend with these structures and be mounted on them in an inconspicuous manner. (Figures 9 and 10.)
2. The maximum height of structure-mounted facilities shall not exceed the base height limits specified for each zoning designation in this title regardless of exceptions for the particular mounting structure; provided the facility may extend up to 15 feet above the top of the structure on which the facility is installed, including those built at or above the maximum height allowed in a specific zone, so long as the diameter of any portion of a facility in excess of the allowed zoning height does not exceed the ~~shortest~~ widest diameter of the structure ~~at the point of attachment~~. The height and diameter of the existing structure prior to replacement or enhancement for the purposes of supporting wireless facilities shall be utilized to determine compliance with this subsection. Only one extension is permitted per structure.
3. Wireless telecommunication facilities located on structures other than buildings shall be painted with nonreflective colors in a color scheme that blends with the background against which the facility will be viewed.
4. Wireless telecommunication facilities located on structures within the City of Shoreline rights-of-way shall satisfy the following requirements and procedures:
  - a. Only wireless telecommunication providers holding a valid franchise in accordance with SMC [12.25.030](#) shall be eligible to apply for a right-of-way permit, which shall be required prior to installation in addition to other permits specified in this chapter. Obtaining a right-of-way site permit in accordance with this title may be an alternative to obtaining both a franchise and a right-of-way permit for a single facility at a specific location.
  - b. All supporting ground equipment locating within a public right-of-way shall be placed underground, or if located on private property shall comply with all development standards of the applicable zone.
  - ~~c. Right of way permit applications are subject to public notice by mailing to property owners and occupants within 500 feet of the proposed facility, posting the site and publication of a notice of application, except permits for those facilities that operate at one watt or less and are less than 1.5 cubic feet in size proposed by a holder of a franchise that includes the installation of such wireless facilities as part of providing the services authorized thereby.~~

~~c.~~d. To determine allowed height under subsection (F)(2) of this section, the zoning height of the zone adjacent to the right-of-way shall extend to the centerline except where the right-of-way is classified by the zoning map. An applicant shall have no right to appeal an administrative decision denying a variance from height limitations for wireless facilities to be located within the right-of-way.

~~d.~~ e. A notice of decision issued for a right-of-way permit shall be distributed using procedures for an application. Parties of record may appeal the approval to the Hearing Examiner but not the denial of a permit.

#### **20.50.040 Setbacks – Designation and measurement.**

*This code amendment allows stairs to be on a slope between the sidewalk and the front of the house.*

##### I. Projections into Setback.

~~6.~~ Building stairs less than three feet and six inches in height, Entrances and covered but unenclosed porches that are at least 60 square feet in footprint area may project up to five feet into the front yard.

7. Uncovered building stairs or ramps less than three feet and six inches in height & 44 inches wide may project to the property line subject to site distance requirements.

~~8.~~ 7. Arbors are allowed in required yard setbacks if they meet the following provisions:

In any required yard setback, an arbor may be erected:

a. With no more than a 40-square-foot footprint, including eaves;

b. To a maximum height of eight feet;

c. Both sides and roof shall be at least 50 percent open, or, if latticework is used, there shall be a minimum opening of two inches between crosspieces.

~~9.~~ 8. No projections are allowed into a regional utility corridor.

~~10.~~ 9. No projections are allowed into an access easement. (Ord. 515 § 1, 2008; Ord. 469 § 1, 2007; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 1(B-3), 2000).

### 20.50.310 Exemptions from permit.

*The purpose of this amendment is to allow the removal of noxious weeds and invasive vegetation, especially blackberries in critical areas without a clearing and grading permit. The main impetus for this amendment is to accommodate ongoing volunteer blackberry removal projects in Shoreline's parks.*

Complete Exemptions. The following activities are exempt from the provisions of this subchapter and do not require a permit:

6. Removal of noxious weeds or invasive vegetation as identified by the King County Noxious Weed Control Board in a wetland buffer, stream buffer or within a three foot radius of a tree on a steep slope located in a City Park when:
  - a. undertaken with hand labor, including hand-held mechanical tools, unless the King County Noxious Weed Control Board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, herbicides or biological control methods; and
  - b. performed in accordance with the City of Shoreline Best Management Practices for Noxious Weed and Invasive Vegetation Removal hand out; and
  - c. the cleared area is revegetated with native vegetation and stabilized against erosion in accordance with the Department of Ecology 2005 Stormwater Management Manual for Western Washington; and
  - d. all work is performed above the ordinary high water mark and above the top of a stream bank; and
  - e. no more than a 3,000 sq. ft. of soil may be exposed at any one time.

### Table 20.50.390D – Special Nonresidential Standards (Continued)

*Staff believes warehousing and storage uses are overparked, creating unnecessary parking stalls that are unused and creating greater areas of impervious surface.*

Warehousing and storage: 1 per 300 square feet of office, plus 0.5 ~~0.9~~ per 1,000 square feet of storage area

### **20.50.430 Nonmotorized access and circulation – Pedestrian access and circulation – Standards.**

*This amendment refers to pedestrian access on private property. The 44 inch and 36 inch requirements are required by ADA accessibility in the City's building codes.*

- C. The pedestrian path from the street front sidewalk to the building entry shall be at least ~~44~~ 60 inches (~~or five feet~~) wide for commercial and multifamily residential structures, and at least 36 inches (~~or three feet~~) for single-family and duplex developments.

## **Chapter 20.70 Engineering and Utilities Development Standards**

*This amendment is a major rewrite of the entire chapter of 20.70. Listed below are explanations under each section of the chapter. See Attachment A for complete rewrite.*

### **Subchapter 1. General Engineering Provisions**

#### **20.70.010 Purpose.**

*Reworded purpose statement. Removed regulatory language.*

#### **20.70.020 Engineering Development Guide.**

*Reworded for clarification and added to cite 20.10.050. A clear link to the authority granted to the director to publish standards and procedures is established.*

#### **~~20.70.030~~ Required street improvements.**

*Moved to 20.70.210 – Subchapter 4*

*Clarified when frontage improvements are required to address nexus to impact. Clarification led to a change in voluntary contributions (fee in-lieu) collected for system improvement. Provides consistency with RCW 82.02 and court decisions regarding voluntary payments.*

#### **~~20.70.035~~ Required stormwater drainage facilities.**

*Moved to 20.70.220 – Subchapter 4*

### **Subchapter 2. Dedications - Section Renumbered/reorganized**

#### **20.70.040 Purpose.**

*Summarized purpose statement and added a new General section to identify when dedications could be required*

#### **20.70.050 Dedication of right-of-way.**

*Clarified wording*

#### **20.70.060 Dedication of stormwater facilities – Drainage facilities accepted by the City.**

#### **20.70.070 Dedication of stormwater facilities – Drainage facilities not accepted by the City.**

*Combined .060 and .070 into one section.*

#### **20.70.080 Dedication of open space.**

*Wording modified to include critical areas.*

#### **20.70.090 Easements and tracts.**

*Added language to tracts to clarify that they do not represent a building site.*

### **Subchapter 3. Streets - Section Renumbered/reorganized**

**20.70.100 Purpose.**

*Wording changes throughout to incorporate Transportation Master Plan*

**20.70.110 Street classification.**

**20.70.120 Street plan.**

**20.70.130 Street trees.**

*Deleted to eliminate confusion. Chapter 12 SMC regulates activities in the right-of-way. Specific criteria for street landscaping/trees are based on the street classification and specific street segment. This will be further clarified by the Transportation Master Plan. Landscaping provisions requiring street trees have also been modified to permit flexibility.*

**20.70.140 Truck routes.**

*Deleted section. Discussion of truck routes is not necessary.*

**20.70.150 Street naming and numbering.**

**20.70.160 Private streets.**

**20.70.170 Sight clearance at intersections – Purpose.**

**20.70.180 Sight clearance at intersections – Obstruction of intersection.**

**20.70.190 Sight clearance at intersections – Sightline setbacks for intersection types.**

**20.70.200 Sight clearance at intersections – Obstructions allowed.**

*Deleted sections. They conflict with WSDOT Manual and do not provide a comprehensive evaluation of access management. General engineering principles for access management have been added to the Engineering Development Guide.*

### **Subchapter 4. Sidewalks, Walkways, Paths and Trails**

*Created new subchapter 4 and incorporated required improvements for frontage, stormwater, pathways. Wording in these sections was changed to meet reformatting.*

**20.70.210 Purpose.**

**20.70.220 Required installation.**

**20.70.230 Location.**

### **Subchapter 5. Utility Standards**

*Clarified language by adding the term service connection. Title 13 regulates when Utilities must underground their facilities, the Development Code specifies when development triggers for undergrounding of service connections.*

*Reformatted section*

**20.70.440 Undergrounding of electric and communication facilities – Purpose.**

**20.70.470 Undergrounding of electric and communication facilities – When required.**

## **NEXT STEPS**

The study session provides an opportunity for the Commission to ask questions about the proposal to prepare for the upcoming public hearing. A public hearing on these items is scheduled for May 6.

If you have questions about any of the proposed amendments, please contact Steve Szafran at [sszafran@shorelinewa.gov](mailto:sszafran@shorelinewa.gov) or (206) 801-2512 prior to the study session.

## **ATTACHMENT**

1: Chapter 20.70 – Proposed rewrite



**Chapter 20.70**  
**Engineering and Utilities Development Standards**

**Subchapter 1. General Engineering Provisions**

- 20.70.010 Purpose.
- 20.70.020 Engineering Development Guide

**Subchapter 2. Dedications**

- 20.70.110 Purpose.
- 20.70.120 General.
- 20.70.130 Dedication of right-of-way.
- 20.70.140 Dedication of stormwater facilities.
- 20.70.150 Dedication of open space.
- 20.70.160 Easements and tracts.

**Subchapter 3. Streets**

- 20.70.210 Purpose.
- 20.70.220 Street classification.
- 20.70.230 Street plan.
- 20.70.240 Private streets.
- 20.70.250 Street naming and numbering.

**Subchapter 4. Required Improvements**

- 20.70.310 Purpose
- 20.70.320 Frontage improvements.
- 20.70.330 Stormwater drainage facilities.
- 20.70.340 Sidewalks, walkways, paths and trails.

**Subchapter 5. Utility Standards**

- 20.70.410 Purpose.
- 20.70.420 Utility installation and relocation.
- 20.70.430 Undergrounding of electric and communication service connections.

## **SUBCHAPTER 1. General Engineering Provisions**

### **20.70.010 Purpose.**

The purpose of this chapter is to establish engineering regulations and standards to implement the Comprehensive Plan and provide a general framework for relating the standards and other requirements of this Code to development.

### **20.70.020 Engineering Development Guide.**

Pursuant to SMC Section 20.10.050 The Director is authorized to prepare and administer an “Engineering Development Guide”. The Engineering Development Guide includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to development.

## **SUBCHAPTER 2. Dedications**

### **20.70.110 Purpose.**

The purpose of this subchapter is to provide guidance regarding the dedication of facilities to the City. Dedication shall occur at the time of recording for subdivisions, and prior to permit issuance for development projects.

### **20.70.120 General**

Dedications may be required in the following situations:

- A. When it can demonstrated that the dedications of land or easements within the proposed development or plat are necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply;
- B. To accommodate motorized and nonmotorized transportation, landscaping, utilities, surface water drainage, street lighting, traffic control devices, and buffer requirements as required in 20.70.210;
- C. Prior to the acceptance of a private street, private stormwater drainage system or other facility for maintenance;.
- D. The development project abuts an existing substandard public street and additional right-of-way is necessary to incorporate future frontage improvements as set forth in the Transportation Master Plan and the Engineering Development Guide for public safety; or
- E. Right-of-way is needed for the extension of existing public street improvements necessary for public safety.

### **20.70.130 Dedication of Right-of-Way**

- A. The Director may grant some reduction in the minimum right-of-way requirement where it can be demonstrated that sufficient area has been provided for all frontage improvements.
- B. The City may accept dedication and assume maintenance responsibility of a private street only if the following conditions are met:
  - 1. All necessary upgrades to the street to meet City standards have been completed;

2. All necessary easements and dedications entitling the City to properly maintain the street have been conveyed to the City;
3. The Director has determined that maintenance of the facility will contribute to protecting or improving the health, safety, and welfare of the community served by the private road; and
4. The City has accepted maintenance responsibility in writing.

**20.70.140 Dedication of stormwater facilities**

- A. The City is responsible for the maintenance, including performance and operation, of drainage facilities which the City has accepted for maintenance. The City may require the dedication of these facilities as required in 20.70.210.
- B. The City may assume maintenance of privately maintained drainage facilities only if the following conditions have been met:
  1. All necessary upgrades to the facilities to meet City standards have been completed;
  2. All necessary easements or dedications entitling the City to properly maintain the drainage facility have been conveyed to the City;
  3. The Director has determined that the facility is in the dedicated public road right-of-way or that maintenance of the facility will contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:
    - a. Flooding;
    - b. Downstream erosion;
    - c. Property damage due to improper function of the facility;
    - d. Safety hazard associated with the facility;
    - e. Degradation of water quality or in-stream resources; or
    - f. Degradation to the general welfare of the community; and
  4. The City has accepted maintenance responsibility in writing.
- C. The Director may terminate the assumption of maintenance responsibilities in writing after determining that continued maintenance will not significantly contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:
  1. Flooding;
  2. Downstream erosion;
  3. Property damage due to improper function of the facility;
  4. Safety hazard associated with the facility;
  5. Degradation of water quality or in-stream resources; or
  6. Degradation to the general welfare of the community.
- D. A drainage facility which does not meet the criteria of this section shall remain the responsibility of the persons holding title to the property for which the facility was required.

**20.70.150 Dedication of open space.**

A. The City may accept dedications of open space and critical areas which have been identified and are required to be protected as a condition of development.

Dedication of such areas to the City will be considered when:

1. The dedicated area would contribute to the City's overall open space and greenway system;
2. The dedicated area would provide passive recreation opportunities and nonmotorized linkages;
3. The dedicated area would preserve and protect ecologically sensitive natural areas, wildlife habitat and wildlife corridors;
4. The dedicated area is of low hazard/liability potential; and
5. The dedicated area can be adequately managed and maintained.

**20.70.160 Easements and tracts**

The purpose of this section is to address the usage of easements and tracts when facilities on private property will be used by more than one lot or by the public in addition to the property owner(s).

A. **Easements.**

1. Easements may be used for facilities used by a limited number of parties. Examples of situations where easements may be used include, but are not limited to:
  - a. Access for ingress and egress or utilities to neighboring property;
  - b. Design features of a street necessitate the granting of slope, wall, or drainage easements; and
  - c. Nonmotorized easements required to facilitate pedestrian circulation between neighborhoods, schools, shopping centers and other activity centers even if the facility is not specifically shown on the City's adopted nonmotorized circulation plan maps.
2. Easements granted for public use shall be designated "City of Shoreline Public Easement." All easements shall specify the maintenance responsibility in the recording documents.

B. **Tracts**

1. Tracts should be used for facilities that are used by a broader group of individuals, may have some degree of access by the general public, and typically require regular maintenance activities. Examples of facilities that may be located in tracts include private streets, drainage facilities serving more than one lot, or critical areas.
2. Tracts are not subject to minimum lot size specifications for the zone, although they must be large enough to accommodate the facilities located within them.
3. Tracts created under the provisions of this subchapter shall not be considered a lot of record unless all zoning, dimensional, and use provisions of this code can be met.

**SUBCHAPTER 3. Streets**

**20.70.210 Purpose.**

The purpose of this subchapter is to classify streets in accordance with designations of the Comprehensive Plan and to ensure the naming of new streets and assignment of new addresses occurs in an orderly manner.

**20.70.220 Street classification.**

Streets and rights-of-way are classified in the Transportation Master Plan.

**20.70.230 Street plan.**

Streets shall be designed and located to conform to the adopted plans. Where not part of an adopted plan streets shall be designed to provide for the appropriate continuation of existing streets.

The Public Works Department shall maintain a list of public streets maintained by the City.

**20.70.240 Private streets.**

Local access streets may be private, subject to the approval of the City. If the conditions for approval of a private street cannot be met then a public street will be required. Private streets may be allowed when all of the following conditions are present:

- A. The private street is located within a tract or easement; and
- B. A covenant, tract, or easement which provides for maintenance and repair of the private street by property owners has been approved by the City and recorded with King County; and
- C. The covenant or easement includes a condition that the private street will remain open at all times for emergency and public service vehicles; and
- D. The private street would not hinder public street circulation; and
- E. The proposed private street would be adequate for transportation and fire access needs; and
- F. At least one of the following conditions exists:
  - 1. The street would ultimately serve four or fewer single-family lots; or
  - 2. The private street would ultimately serve more than four lots, and the Director determines that no other access is available; or
  - 3. The private street would serve developments where no circulation continuity is necessary.

**20.70.250 Street naming and numbering.**

The purpose of this section is to establish standards for designating street names and numbers, and for addressing the principal entrances of all buildings or other developments.

- A. All streets shall be named or numbered in the following manner:

1. Public or private street names and/or numbers shall be consistent with the established grid system as determined by the Department. Named streets can only be assigned when the numbered grid is determined infeasible by the Department. The Department may change the existing public or private street name if it is determined to be inconsistent with the surrounding street naming system.
  2. All streets shall carry a geographic suffix or prefix. Streets designated as “Avenues” shall carry a geographic suffix and be in a north-south direction, and streets designated as “Streets” shall carry a geographic prefix and be in an east-west direction. Diagonal streets are treated as being either north-south or east-west streets. Names such as lane, place, way, court, and drive may be used on streets running either direction.
  3. Only entire street lengths or distinct major portions of street shall be separately designated.
  4. In determining the designation, the Department shall consider consistency with the provisions of this section and emergency services responsiveness including Emergency-911 services.
- B. Building addresses shall be assigned as follows:
1. New Buildings. The assignment of addresses for new buildings shall occur in conjunction with the issuance of a building permit.
  2. New Lots. The assignment of addresses for new lots created by subdividing shall occur during project review and be included in the recording documents.
  3. Previously Unassigned Lots. Lots with no address of record shall be assigned an address and the property owner shall be notified of the address.
  4. The assignment of addresses shall be based on the following criteria:
    - a. Even numbers shall be used on the northerly side of streets named as east-west and on the easterly side of streets named as north-south.
    - b. Odd numbers shall be used on the southerly side of streets named as east-west and on the westerly side of streets named as north-south. Addresses shall be assigned whole numbers only.
    - c. In determining the address assignment, the Department shall consider the consistency with the provisions of this section, consistency with the addressing needs of the area, and emergency services.
- C. All buildings must display addresses as follows:
1. The owner, occupant, or renter of any addressed building or other structure shall maintain the address numbers in a conspicuous place over or near the principal entrance or entrances. If said entrance(s) cannot be easily seen from the nearest adjoining street, the address numbers shall be placed in such other conspicuous place on said building or structure as is necessary for visually locating such address numbers from the nearest adjoining street.
  2. If the addressed building or structure cannot be easily seen or is greater than 50 feet from the nearest adjoining street, the address numbers shall be placed on a portion of the site that is clearly visible and no greater than 20 feet from the street.
  3. The address numbers shall be easily legible figures, not less than three inches high if a residential use or individual multifamily unit, nor less than five

inches high if a commercial use. Numbers shall contrast with the color of the structure upon which they are placed, and shall either be illuminated during periods of darkness, or be reflective, so they are easily seen at night.

**SUBCHAPTER 4. Required Improvements.**

**20.70.310 Purpose**

The purpose of this subchapter is to provide safe and accessible transportation facilities for all modes of travel as described in the Comprehensive Plan, Transportation Master Plan, and the Parks, Recreation and Open Space Plan.

**20.70.320 Frontage improvements.**

Frontage improvements required for subdivisions pursuant to RCW 58.17 and SMC 20.30, Subchapter 7 and to mitigate identified impacts shall be provided pursuant to this section. When required frontage improvements shall be installed as described in the Transportation Master Plan and the Engineering Development Guide for the specific street classification and street segment

- A. Standard frontage improvements consist of curb, gutter, sidewalk, amenity zone and landscaping, drainage improvements and pavement overlay to one-half of each right-of-way abutting a property as defined for the specific street classification. Additional improvements may be required to ensure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles. The improvements can include items such as transit bus shelters, bus pullouts, utility under grounding, street lighting, signage, and channelization.
- B. Frontage improvements are required for:
  - 1. All new multifamily, nonresidential, and mixed-use construction;
  - 2. Remodeling or additions to multifamily, nonresidential, and mixed-use buildings or conversions to these uses that increase floor area by 20 percent or greater, as long as the original building footprint is a minimum of 4,000 square feet, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;
  - 3. Subdivisions;Exception:
  - i. Subdivisions, short plats, and binding site plans where all of the lots are fully developed.
  - 4. New development on vacant lots platted before August 31, 1995.
- C. Exemptions to some or all of these requirements may be allowed if the street will be improved as a whole through a Local Improvement District (LID) or City-financed project scheduled to be completed within five years of approval. In such a case, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future

assessments on the property resulting from an LID. An LID “no-protest” commitment shall also be recorded. Adequate interim levels of improvements for public safety shall be required.

- D. Required improvements shall be installed by the applicant prior to final approval or occupancy.

For subdivisions the improvements shall be completed prior to final plat approval or post a bond or other surety as provided for in SMC 20.30.440.

**20.70.330 Surface water facilities.**

- A. All development and redevelopment as defined in the Stormwater Manual shall provide stormwater drainage improvements that meet the minimum requirements of 13.10 SMC.
- B. Development proposals that do not require City-approved plans or a permit must meet the requirements specified in 13.10 SMC.
- C. Required improvements shall be installed by the applicant prior to final approval or occupancy.
- D. For subdivisions the improvements shall be completed prior to final plat approval or post a bond or other surety as provided for in SMC 20.30.440.

**20.70.340 Sidewalks, Walkways, Paths and Trails.**

- A. Sidewalks required pursuant to SMC 20.70.320 and fronting public streets shall be located within public right-of-way or a public easement as approved by the Director.
- B. Other sidewalks or trails provided to mitigate identified impacts should use existing undeveloped right-of-way, or, if located outside the City’s planned street system, may be located across private property in pedestrian right-of-way restricted to that purpose.
- C. Required sidewalks on public and private streets shall be installed as described in the Transportation Master Plan and the Engineering Development Guide for the specific street classification and street segment.
- D. Installation, or a financial security of installation subject to approval by the Director, is required as a condition of development approval.

**SUBCHAPTER 5. Utility Standards**

**20.70.410 Purpose.**

The purpose of this subchapter is to establish when new and existing service connections including, but not limited to, telephone, cable television, electrical power, natural gas, water, and sewer, are to be installed and/or placed underground.

**20.70.420 Utility installation**



Required utility improvements shall be installed by the applicant prior to final approval or occupancy. For subdivisions the applicant shall complete the improvements prior to final plat approval or post a bond or other surety with the utility provider.

**20.70.430 Undergrounding of electric and communication service connections –  
When required**

- A. Undergrounding required under this subchapter shall be limited to the service connection and new facilities located within and directly serving the development from the public right-of-way excluding existing or relocated street crossings.
- B. Undergrounding of service connections and new electrical and telecommunication facilities defined in chapter 13.20 SMC shall be required with new development as follows:
  - 1. All new nonresidential construction, including remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the property and improvements and involves the relocation of service.
  - 2. All new residential construction and new accessory structures or the creation of new residential lots.
  - 3. Residential remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the property and improvements and involves the relocation of the service connection.
- C. Conversion of a service connection from aboveground to underground shall not be required under this subchapter for:
  - 1. The upgrade or change of location of electrical panel, service, or meter for existing structures not associated with a development application; and
  - 2. New or replacement phone lines, cable lines, or any communication lines for existing structures not associated with a development application.

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## Memorandum

**DATE:** April 9, 2010

**TO:** Shoreline Planning Commission

**FROM:** Jessica Simulecik Smith, Planning Commission Clerk

**RE:** 2010 Officer Elections

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The Planning Commission Bylaws state that “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.” In accordance with the Bylaws, the election of Chair and Vice Chair will be held Thursday, April 15.

A Commissioner may serve as Chair no more than two consecutive years, and the same is true for Vice Chair. Time spent fulfilling a vacated Term shall not count towards the two consecutive term limit. Both Chair Wagner and Vice Chair Perkowski were fulfilling a vacated term and are eligible for two more terms in their current positions.

Excerpts from Article II and III of the Planning Commission Bylaws, explaining the duties of officers and the election procedure, are attached. If you have any questions please contact Jessica by phone (206) 801-2514 or email [jsmith@shorelinewa.gov](mailto:jsmith@shorelinewa.gov).

### Attachments

1. Planning Commission Bylaws excerpt

**ARTICLE II - OFFICERS AND DUTIES**

***SECTION 1: DUTIES OF THE COMMISSION***

As stated in City of Shoreline Municipal Code 2.20.020, the Commission shall undertake the duties and responsibilities defined in 2.20.060 in accordance with the purpose stated in 2.20.010.

***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 sign minutes and official papers, appoint all committees 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 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 (four 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.

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.