

AGENDA PLANNING COMMISSION REGULAR MEETING



Thursday, March 3, 2011
7:00 p.m.

Shoreline City Hall
Council Chamber
17500 Midvale Ave. N

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00 p.m.
2. ROLL CALL	7:01 p.m.
3. APPROVAL OF AGENDA	7:02 p.m.
4. DIRECTOR'S COMMENTS	7:03 p.m.
5. APPROVAL OF MINUTES	7:08 p.m.
a. February 3 Regular Meeting b. February 17 Regular Meeting	
6. GENERAL PUBLIC COMMENT	7:10 p.m.
<p><i>During the General Public Comment period, the Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled later on the agenda. Each member of the public may comment for up to two minutes. However, the General Public Comment period will generally be limited to twenty minutes. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Speakers are asked to come to the front of the room to have their comments recorded and must clearly state their first and last name, and city of residence. The rules for procedure for Public Hearings before the Planning Commission are further defined in Resolution No. 182.</i></p>	
7. PUBLIC HEARING <i>Quasi-Judicial Public Hearing Continued</i>	7:15 p.m.
a. Continuation of Aldercrest Annex Comprehensive Plan and Zoning Amendment Hearing, focusing on zoning	
1. Presentation of Preliminary Staff Recommendation and Response to 2/17 Hearing questions by Commissioners	
2. Additional Questions by the Commission to Staff	
3. Public Testimony on New Information	
4. Final Questions by the Commission	
5. Deliberations	
6. Vote by Commission to Recommend Approval or Denial or Modification	
7. Closure of Public Hearing	
8. DIRECTOR'S REPORT	8:30 p.m.
9. UNFINISHED BUSINESS	8:35 p.m.
10. NEW BUSINESS	8:40 p.m.
a. Parks, Recreation, and Open Space (PROS) Plan Update	
11. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS	9:10 p.m.
12. AGENDA FOR March 17	9:12 p.m.
13. ADJOURNMENT	9:15 p.m.

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

WHO WE ARE

The Shoreline Planning Commission is a 7-member volunteer advisory body to the City Council. The purpose of the Planning Commission is to provide guidance and direction for Shoreline's future growth through continued review and improvement to the City's Comprehensive Plan, Development Code, shoreline management, environmental protection and related land use documents. The Planning Commission members are appointed by the City Council and serve a four year term.

WHAT IS HAPPENING TONIGHT

Planning Commission meetings may have several items on the agenda. The items may be study sessions or public hearings.

Study Sessions

Study sessions provide an opportunity for the Commissioners to learn about particular items and to have informal discussion with staff prior to holding a public hearing. The Commission schedules time on its agenda to hear from the public; however, the Chair has discretion to limit or extend time limitations and the number of people permitted to speak. The public is encouraged to provide written comment to the Commission; however, since Commissioners are volunteers and may not have time to check email every day, if written comments are not included in the agenda packet and are offered during a study session, they may not have time to read them until after the meeting.

Public Hearing

The main purpose of a public hearing is for the Commission to obtain public testimony. There are two types of public hearings, legislative and quasi-judicial. Legislative hearings are on matters of policy that affect a wide range of citizens or perhaps the entire jurisdiction and quasi-judicial hearings are on matters affecting the legal rights of specific, private parties in a contested setting. The hearing procedures are listed on the agenda. Public testimony will happen after the staff presentation. Individuals will be required to sign up if they wish to testify and will be called upon to speak generally in the order in which they have signed. Each person will be allowed 2 minutes to speak. In addition, attendees may want to provide written testimony to the Commission. Speakers may hand the Clerk their written materials prior to speaking and they will be distributed. For those not speaking, written materials should be handed to the Clerk prior to the meeting. The Clerk will stamp written materials with an exhibit number so it can be referred to during the meeting. Spoken comments and written materials presented at public hearings become part of the record.

CONTACTING THE PLANNING COMMISSION

Written comments can be emailed to plancom@shorelinewa.gov or mailed to Shoreline Planning Commission, 17500 Midvale Avenue N, Shoreline WA 98133.

www.shorelinewa.gov/plancom

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

February 3, 2011
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Wagner
Vice Chair Perkowski
Commissioner Behrens
Commissioner Esselman
Commissioner Moss

Staff Present

Joe Tovar, Director, Planning & Development Services
Brian Landau, Surface Water Manager, Public Works
Jessica Simulcik Smith, Planning Commission Clerk

Commissioners Absent

Commissioner Kaje
Commissioner Broili

CALL TO ORDER

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

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Wagner, Vice Chair Perkowski and Commissioners Behrens, Esselman and Moss. Commissioners Kaje and Broili were absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

DIRECTOR'S COMMENTS

Mr. Tovar did not provide any comments during this portion of the meeting.

APPROVAL OF MINUTES

The minutes of January 20, 2011 were approved as amended.

GENERAL PUBLIC COMMENT

There was no one in the audience.

STAFF REPORTS

Stormwater Project Update

Mr. Landau announced that the City received the following Low-Impact Development (LID) Retrofit Grants:

- **Aurora Corridor Improvement Project.** The City received a \$624,000 grant to fund stormwater improvements between North 184th and North 205th Streets, which is the area affecting the Echo Lake Drainage/Lake Ballinger Watershed. Construction will start this month and will continue through the winter of 2012. The project includes 8 filterras, which is the first time this new technology has been used in the City. He provided an illustration of a filterra system and pointed out that it is low maintenance and has been proven to remove the pollutants as required by the Department of Ecology (DOE). He also provided an illustration of a rain garden system and advised that a rain garden plaza will be located between North 185th and North 192nd Streets and will feature rain gardens and natural stormwater treatments, education displays and demonstration areas, and improved access to the adjacent King County Metro Park and Ride.

To clarify Commissioner Moss' question, Mr. Landau pointed out that the rain garden plaza would be located in the northeast corner of the Park and Ride. The plaza would be for pedestrians only, but there would be some access for maintenance vehicles to get close enough to clean out the vaults. Commissioner Behrens noted there is currently a drain in this location that goes under Aurora Avenue. Mr. Landau clarified there is a stormwater pond in this corner, which was constructed to meet the stormwater requirements for the Park and Ride Project. At this time, water from the pond goes under and then along the east side of Aurora Avenue North, before it is discharged into Echo Lake. He explained that the current system would be replaced with detention tanks located underneath the plaza and would accommodate water from the Park and Ride, as well. He noted that there has been some discussion about potentially redeveloping the Park and Ride site, which would require Metro to meet the new stormwater requirements.

- **North Fork Thornton Creek Headwaters LID Stormwater Retrofit Project.** The City received a \$630,000 grant to fund a project at the headwaters of the Thornton Creek Watershed between 15th Avenue Northeast and Interstate 5 and between Serpentine Place and Northeast 185th Street. The goal is to use LID techniques to improve water quality and reduce stormwater runoff to Ronald Bog. The older infrastructure within the right-of-way would be replaced with a

series of rain gardens. He provided a map to illustrate where the rain garden features are currently being proposed. He emphasized that this project is still in the pre-design phase, and they anticipate construction will begin in 2013.

Commissioner Moss said it appears from the map that rain gardens have been proposed on properties that are currently developed as single-family residential. Mr. Landau explained that all the features would be constructed within the City's rights-of-way. The shaded areas are intended to show the areas that feed into the rain gardens.

Commissioner Behrens pointed out that he lives close to the rain garden that is proposed near Serpentine Place, which he believes is a good location. Mr. Landau agreed but said gaining public support for the project will likely be a challenge. Commissioner Behrens observed that there is already enough open space in the area to accommodate the rain garden and there are already significant drainage problems.

Chair Wagner asked staff to forward Commissioners Kaje and Broili a link to the PowerPoint presentation.

Commissioner Moss asked about the source of the grant funding. Mr. Landau answered that the grant dollars will come from the Washington State Department of Ecology. They were particularly interested in ready-to-build projects, and about \$25 million in LID/Stormwater Retrofit Grants were awarded. He noted that the City does not have a signed grant agreement yet.

Study Session: Development Code Amendment to Make the Hearing Examiner the Permanent Quasi-Judicial Hearing Body/Decision Maker

Mr. Tovar reminded the Commission that over two years ago, the City Council adopted an interim regulation saying that most quasi-judicial permits were going to be temporarily reassigned from the Planning Commission to the Hearing Examiner. For the past two years, any zoning applications that would have been heard by the Planning Commission were directed to the Hearing Examiner, with the exception of master development plan permits and rezones of properties that are the subject of a subarea plan. He noted that there has been very little permit activity over the past two years, so no quasi-judicial applications were actually sent to the Hearing Examiner.

Mr. Tovar noted that because the interim regulation expired in January, all rezone and special use permits must now be heard by the Planning Commission. The proposed Development Code amendment would make this re-assignment to the Hearing Examiner permanent. He said that in addition to the proposed development code amendment, staff will also have a discussion with the City Council on February 14th about whether or not it would be appropriate for them to divest themselves from being the final decision makers on quasi-judicial permits. He cited the following reasons to support the proposed changes:

- If the City is paying close enough attention to the criteria and standards in the Development Code, the outcome of a quasi-judicial process should be fairly prescribed. He referred to

background information provided by staff to identify how other jurisdictions process quasi-judicial permit applications. Many cities have decided that their city councils are responsible for adopting the regulations and establishing the criteria for review (policy makers), but they should not become involved in administering or adjudicating the permit applications.

- Taking the Planning Commission and City Council out of the quasi-judicial decision-making process would free agenda time. He reminded the Commission that their agenda will be full for the next three to four years with updating the Comprehensive Plan, reviewing Development Code amendments, reviewing subarea plan proposals, revising the tree regulations, etc. Over the past year, the City Council's agenda have been much more manageable because very few quasi-judicial matters came before them, but the situation could change once the economy improves. He emphasized that quasi-judicial permit applications are oftentimes very contentious and time consuming.
- City Council Goal 1 (see Comprehensive Plan) talks about the City Council's desire to implement the vision in a number of ways, including a permit process that is more timely, fair and predictable. Divesting the City Council and Planning Commission from quasi-judicial decisions would provide certainty to the private sector that when an application would be approved if it meets all the requirements and criteria. The development community is particularly concerned about how long it takes to obtain a decision and how predictable the decisions are for projects that meet the code requirements.
- Having elected officials involved in the quasi-judicial permit process tends to place them in an awkward position, particularly when there is a highly-controversial project. On one hand, the City Council must be responsive to citizens. However, if they do their duty and base their decision on the regulations and criteria in the record, they could suffer the consequences at the next election. If they try to be responsive in ways that depart from the record or ignore the criteria, they risk a legal judgment against them.
- The Washington Cities Insurance Authority has recommended that member jurisdictions limit their exposure by divesting their councils and commissions from quasi-judicial responsibilities. Instead, they recommend cities rely more on the hearing examiner process. At a presentation before the Anacortes City Council, they indicated they may consider revising the premiums cities pay or increase their deductible if they insist on their city councils being the quasi-judicial decision makers.

Mr. Tovar summarized that if the City Council implements this change, it will be very important to pay more attention to the details in the Development Code. The City has put a lot of time into their Comprehensive Plan, and they will spend more time updating it in the coming year to implement the vision. The Development Code should also be updated to implement the vision. It is important to be clear to the community about the importance of taking part in the Development Code amendment process, since the Development Code will be used as the basis for reviewing future land-use applications.

Mr. Tovar recalled that the City Council recently decided there would be no local SEPA appeal for quasi-judicial projects where the Planning Commission is the hearing body, but an appeal could be filed to Superior Court after the City Council has taken action on the Commission's recommendation. He noted that, as currently proposed, the Fircrest and Shoreline Community College Master Plans would

come before the Planning Commission for a hearing and recommendation to the City Council. Any SEPA issues associated with these master plans would be dealt with after the City Council has taken action on the Commission's recommendation. He referred the Commission to an email from Debbie Kellogg suggesting that if the Hearing Examiner is responsible for most quasi-judicial decisions, SEPA decisions could also be rendered at the Hearing Examiner level. This would give citizens a local appeal process on all issues. He suggested the Commission provide further direction about whether or not they would support the approach outlined by Ms. Kellogg.

Commissioner Esselman observed that, as previously discussed, the Planning Commission would also hear street vacations. Mr. Tovar explained that the Hearing Examiner conducts street vacation hearings in many jurisdictions, but the ultimate decision must be made by the City Council because they are the only ones with the authority to dispose of real property and easements. He clarified that the language in Section II.2 of the Staff Report (Page 22) was intended to make it clear that although the Hearing Examiner would hear street vacation applications, the final decision would be made by the City Council.

Commissioner Moss requested background information related to the interim regulation that recently expired. Mr. Tovar answered that the interim regulation was adopted because the Commission's work schedule was very full, and the numerous rezone hearings were consuming a lot of their time. The Commission will be busy with the Comprehensive Plan update for at least a few years and perhaps beyond.

Commissioner Behrens observed that it is important for the City Council to resolve this issue and identify the role of the Planning Commission so they can choose Commissioners who have the appropriate skills to perform the required duties. Mr. Tovar recalled that five years ago, the Commission considered numerous quasi-judicial rezone applications each year, and 8 of the 9 Commissioners had technical skills related to land use issues. There is now an acknowledgment that the Commission needs to be highly involved in less technical projects such as the Comprehensive Plan update, tree regulations, and subarea plans. Having the Commission focus on legislative issues rather than quasi-judicial issues might broaden the range of citizens who will feel comfortable participating on the Commission. In addition to people with planning background, everyone who lives in Shoreline should be considered an expert when determining the values of the City.

Vice Chair Perkowski asked how the proposed changes would impact the Town Center Subarea Plan. Mr. Tovar answered that once the Town Center Subarea Plan has been adopted, the uses allowed in each zone would be spelled out, and the design criteria would be used to review development applications. While the code currently allows quasi-judicial rezones in parts of the City that are not included in subarea plans, staff would like the Commission and City Council to consider opportunities to move away from quasi-judicial rezones in the future by making the zoning more consistent with the Comprehensive Plan as required by the Growth Management Act.

Commissioner Moss asked if staff anticipates more subarea plans in other parts of the City in the future. Mr. Tovar reported that at their next retreat, the City Council will discuss the future of subarea planning in Shoreline. He said that although the Growth Management Act defines a comprehensive plan as "a generalized policy statement," most jurisdictions have adopted very detailed plans. The City Council

has expressed frustration that because there are so many policies in the City's Comprehensive Plan, it is possible to find four or five policy statements to oppose or support virtually any action the City might take. He summarized that the more policies, the greater the potential for a conflict between policies. The staff and City Council have discussed the possibility of creating generalized policy statements that apply for the vast majority of the City and then providing more detailed plans for unique areas such as Town Center, Point Wells, Aldercrest, etc. However, he does not anticipate a subarea plan would be created for every area in the City.

Commissioner Behrens suggested that the need for a subarea plan might be triggered by something unique such as a transit station. A subarea planning process would allow the City to identify and address the associated impacts. Mr. Tovar reported that staff has been talking to Sound Transit regarding the alignment decision they will be making in the next few years (Interstate 5 or Highway 99). However, the City intends to update their Comprehensive Plan in 2013, and they don't anticipate an answer from Sound Transit until approximately 2014. Commissioner Behrens observed that the City can talk about the general need for planning around a station in the Comprehensive Plan without specifying where the stations will be located. Regardless of where the transit stations are located, common things will be needed to support them. Mr. Tovar summarized that if Interstate 5 is chosen, the City will have to have a plan that identifies how the land within a certain radius of the stations should be used. The Planning Commission would be involved in the process of completing station plans for light rail, if necessary.

Commissioner Moss asked staff to describe the two types of special use permits. Mr. Tovar explained that certain uses, such as utility yards, require special use permits in order to be located in certain zones. These applications could be heard by either the Planning Commission or the Hearing Examiner, and staff is recommending the Hearing Examiner would be the appropriate hearing body for this type of site-specific project. He added that siting facilities for sexual offenders is the most controversial of all land uses. A lot of emotion is involved and the hearings are very difficult. However, the City has never received an application for this type of use.

Commissioner Moss asked if a property owner would be allowed to request a rezone after a subarea plan has been adopted. Mr. Tovar answered that a property owner can always request a rezone, but the criteria would screen out frivolous requests. It is highly unlikely the City would receive a rezone request for property located within a subarea plan because applicants would be required to persuade the Hearing Examiner that a zone other than the one identified in the subarea plan is appropriate. The Hearing Examiner would evaluate the rezone request and determine if it consistent with the subarea plan. A change in the subarea plan requires a Comprehensive Plan amendment, which must come before the Planning Commission for a public hearing.

The Commission discussed how Table 20.30.060 would have to be altered if the hearing responsibilities were transferred to the Hearing Examiner as per the proposed amendment. Further changes would be required if the City Council decides to divest themselves of the quasi-judicial decision making process. He reminded the Commission that they would need further direction from the City Council before they proceed with a hearing on an amendment that would eliminate their role in quasi-judicial actions.

To address a concern raised by Commissioner Moss, Mr. Tovar explained that the criteria and process would remain the same for quasi-judicial site-specific rezone applications regardless of whether or not the City Council adopts a regulation to reassign site specific rezone applications from the Planning Commission to the Hearing Examiner. The public would still have an opportunity to present their concerns, and a SEPA review would be conducted.

Commissioner Moss asked staff to describe a preliminary formal subdivision. Mr. Tovar said this is the first look at the way a parcel of land is proposed to be divided. In the past, the Commission has held a public hearing on these applications and forwarded a recommendation to the City Council. Once the preliminary plat has been approved and the developer has met the outlined requirements, the City Council takes final action by ordinance. The proposed amendment would transfer preliminary formal subdivision applications to the Hearing Examiner, but the City Council would still be required to approve the final plat by ordinance. He further explained that short plats of four or fewer lots would be an administrative process, and no public hearing would be held. However, the applicant would be required to conduct a neighborhood meeting, and the public would be invited to submit written comments to the Planning Director. The administrative decision can be appealed to the Hearing Examiner. Short plats never come before the Planning Commission or City Council.

Commissioner Behrens questioned how qualified the Commissioners would be to review Master Development Plan Permits in the future if they do not have sufficient experience with quasi-judicial hearings. He noted, on the other hand, that Hearing Examiners have extensive experience dealing with quasi-judicial hearings. Commissioner Esselman noted the same concern would apply to the City Council. Mr. Tovar explained that if the Commission is the hearing body for Master Development Plan applications, SEPA appeals would be heard by Superior Court after the City Council has acted on the Commission's recommendation. Ms. Kellogg and others have suggested that if the hearings are conducted by the Hearing Examiner, SEPA appeals could be considered simultaneously. The City could grant the Hearing Examiner the authority to either make the final decision or make a recommendation to the City Council.

Mr. Tovar reminded the Commission that the counsel from the Washington Cities Insurance Authority was related to ex parte communications, which can occur at both the Planning Commission and City Council levels. Legal exposure can also occur when the City Council departs from the decision-making criteria. The insurance authority's goal is to manage risk and minimize liability, and they have recommended that Hearing Examiners should make quasi-judicial decisions. If the City Council feels the Hearing Examiner has too much room to interpret, they have the legislative authority to adopt more specific decision-making criteria to provide additional guidance. Perhaps it would be appropriate for the Hearing Examiner to provide an annual report to the City Council with suggestions for how to make the decision-making criteria more specific.

Vice Chair Perkowski said he can see the benefits of having the Hearing Examiner conduct quasi-judicial hearings and make the final decision. However, if the City Council decides to retain their role, changing the Planning Commission's role would lose some of its value. Mr. Tovar agreed that the change would have less value and there would be some risk if the City Council retains their ability to make the final decision. Commissioner Behrens said if the City Council decides they do not want the

final decisions on Master Development Plans, there would be no reason for the Commission to make a recommendation. Chair Wagner observed that having a larger body forward a recommendation to the City Council could result in a split vote, which would not be the case with the Hearing Examiner. In addition, Hearing Examiners are less likely to place themselves at legal risk.

Mr. Tovar said some people have anxiety about appearing before a single decision maker. They feel their peers in the community are more approachable and sympathetic to their concerns. However, in his experience, Hearing Examiners are aware of the law, the procedures and the scope of their decision making latitude. In addition, Hearing Examiners do not typically place a time limit on public testimony. The Commission does not have the same luxury, and they generally limit public comments to two or three minutes each. Hearing Examiners do not render judgments at the conclusion of their hearings. They spend a few weeks reviewing the comments received, the decision making criteria, and all relevant facts and then issue a decision based on their findings. Hearing Examiners are aware of their limits and they understand the criteria. They can be more deliberative on quasi-judicial matters where a lot of facts and testimony have been presented because they do not have to make a decision immediately following a hearing.

Commissioner Behrens asked if Hearing Examiners allow people to submit written comments after a hearing has been closed. Mr. Tovar said that, usually, Hearing Examiners require that all testimony be provided before the hearing is closed so that others have the ability to respond. Written comments can be submitted prior to the hearing. He summarized that a hearing before the Hearing Examiner has a judicial aspect in terms of the facts being weighed, the testimony and record being made legally sufficient, and then deliberation based on the applicable criteria and regulations. Hearing Examiner decisions are appealable to Superior Court.

Commissioner Behrens asked if the City would hire a single Hearing Examiner or a board of examiners. Mr. Tovar said the City currently has a contract with the City of Seattle to use their examiners. There is also a Hearing Examiners Association with approximately 50 examiners. He said that, in his experience, those jurisdictions that have moved towards a system where the Hearing Examiner makes the final decision have not regretted it. They believe it works for them, and city councils end up spending less time addressing land use issues.

To clarify for Commissioner Moss, Mr. Tovar explained that, as per State law, there can only be one comment period at the open record public hearing. The City Council's review and subsequent action would be based at the record that was formed at the initial public hearing. He said the City Council City Council can remand an item back to the hearing body and request further clarification of a finding and/or recommendation, but they cannot conduct another round of hearings. He summarized that the open record hearing is the public's opportunity to have their say via written comments presented prior to the hearing and/or verbal comments at the hearing. Once the record is closed, the public will not have another opportunity to address the decision maker. Commissioner Behrens pointed out that the public would not be allowed to submit new information as part of an appeal because the appeal authority can only consider the information provided during the open record hearing.

Commissioner Moss observed that, in some respects, it is in the public's favor to have the Hearing Examiner conduct open record hearings because he/she has a more comprehensive and substantial background to understand land use matters. Mr. Tovar added that this approach would narrow the number of people involved in hearing the matter and rely on someone with a fair amount of expertise in the field to ask follow up questions to clearly understand what is being said.

Commissioner Behrens suggested the Commission also consider the benefits associated with having the Planning Commission conduct quasi-judicial hearings. Some members of the public may feel the Commissioners, who they interact with in the community, have a better understanding of their issues and concerns. Mr. Tovar cautioned that the Commissioners cannot discuss quasi-judicial applications outside of the public hearing.

PUBLIC COMMENT

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

DIRECTOR'S REPORT

Point Wells

Mr. Tovar announced that the City Council would formally receive and likely take action on the Commission's recommendation regarding the Point Wells Subarea Plan amendment at their business meeting on February 14th.

Mr. Tovar advised that on February 2nd, staff filed the opening briefs to the Growth Management Hearings Board for the case City of Shoreline/Town of Woodway/Save Richmond Beach vs. Snohomish County. A hearing has been scheduled for March 2nd, and the Hearings Board has until April 25th to make a decision.

Mr. Tovar explained that Snohomish County code requires the developer, Blue Square Real Estate, to conduct a neighborhood meeting at least 30 days before submitting permit applications, and one was held on January 27th at the Shoreline Center. About 230 people attended the event where some very impressive presentations were provided by competent professionals. The entire project presentation is available on the developer's web site. They are currently proposing 3,100 residential units, buildings up to 17 or 18 stories high, 100,000 square feet of commercial space, a police and fire station on site, a Sounder station, and some very innovative LEED Platinum environmentally responsible building and landscape construction.

Mr. Tovar advised that the City received notification from Snohomish County that developer is going to apply for a permit on March 4th, which is just two days after the Growth Management Hearings Board hearing. This is of concern to the City because the proposal is estimated to generate approximately 10,000 to 11,000 vehicle trips per day. He recalled that the City's current Point Wells Subarea Plan identifies 8,250 as the maximum vehicle trips per day, and the proposed amendment the Commission forwarded to the City Council would further limit the number of vehicle trips per day to 4,000.

Mr. Tovar announced that House Bill 1265 will be heard by the House Local Government Committee on February 11th at 8:00 a.m. He plans to be present at this meeting to discuss the merits of the proposed legislation. As currently proposed, counties with unincorporated urban growth areas of 50 acres or more that is surrounded entirely by cities would be required to have interlocal agreements with adjoining cities/towns in order to increase the density beyond that of the immediately abutting cities or towns. He explained that the bill was introduced several weeks ago by representative Kagi. Representative Kagi met with representatives from Shoreline and the chair of the Snohomish County Council and their chief civil prosecutor and lobbyist. It is possible that, prior to the February 11th meeting, Snohomish County will come forward with a proposal that motivates the City to dismiss the appeal or ask that the legislation not move forward.

Comprehensive Plan Update

Mr. Tovar announced that the City Council held a discussion on January 18th about what input they want to give to the Planning Commission and staff related to the Comprehensive Plan update. He referred to a memorandum from staff to the City Council outlining the major issues such as light rail and its implications to subarea planning and lengthening the Comprehensive Plan horizon beyond 20 years. Staff will also discuss with the City Council how the functional plans (Surface Water Master Plan, Transportation Master Plan, Parks, Recreation and Open Space Master Plan, etc.) and strategic plans (Sustainability Strategy, Housing Strategy, Economic Development Strategy) can be updated to incorporate the vision and relevant framework goals contained in the Comprehensive Plan. He summarized that the Comprehensive Plan gives direction and value to the functional plans and the functional plans provide input back into the capital facilities element of the Comprehensive Plan, which has to support the land use element of the Comprehensive Plan. The Commission will spend a significant amount of time making sure all the various documents support each other.

Mr. Tovar advised that the City Council is scheduled to meet on March 5th to discuss the issue further and provide direction to the Commission. The Commission would meet jointly with the City Council in April to discuss their preliminary scoping and strategic objectives prior to the City Council providing final direction regarding the Comprehensive Plan update.

Legislation

Mr. Tovar announced that a hearing was conducted in the House Environmental Committee regarding an amendment to the State Environmental Policy Act (SEPA). There is a similar bill before the Senate. Both bills propose to raise the SEPA threshold exemptions to what he believes is beyond appropriate or necessary. He voiced his opinion that there is a lot of pent up frustration with SEPA, and it is being played out in the proposed legislation. He said he anticipates the actual legislation that moves forward will be less ambitious than the current proposal, but there will likely be some changes to the SEPA thresholds.

NEW BUSINESS

Chair Wagner expressed concern that the Commission meetings frequently extend beyond staff's estimated timeframe. She suggested the Commission identify ways to move more efficiently through their agenda items. She specifically recalled a conversation with former Commissioner Hall about the Commission's responsibility to build the record for the City Council. She expressed concern that on some occasions, the Commission has made recommendations before carefully articulating the pros and cons of the proposals. She suggested the Commission could become more efficient by setting forth the pros and cons of each proposal early in their deliberations.

Commissioner Moss expressed her belief that the pace of recent meetings has been appropriate, and the process has improved as the new Commissioners have become more experienced. She observed that it has been helpful for staff to provide more background information to the Commission prior to the meetings. However, until they have heard the staff's actual presentation, it is difficult to identify all of their questions and concerns. She said she also appreciates that rather than cancelling meetings when a scheduled topic is not ready for presentation, staff has presented alternative agenda items that are less staff intensive.

Chair Wagner suggested the Commission consider limiting their study sessions to the allotted time frame, and additional questions and concerns can be voiced via email. Commissioner Esselman said she gets great value from group discussions during study sessions, which can be lost if the discussions are deferred to email. The Commission agreed to discuss this issue further at their next retreat.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

None of the Commissioners provided reports during this portion of the meeting.

AGENDA FOR NEXT MEETING

Mr. Tovar announced that the February 17th meeting will include a study session on the Shoreline Master Program and a public hearing on the Aldercrest Annex Comprehensive Plan and Zoning Amendment. Although the proposal contains both legislative and quasi-judicial elements, staff recommends the Commission treat the entire application as though it were quasi-judicial. He explained that because of the quasi-judicial component, the Commission has not held a study session to review the proposal. Mr. Tovar also reminded the Commission that Ethics Training is scheduled for February 10th.

ADJOURNMENT

The meeting was adjourned at 8:58 P.M.

Michelle Linders Wagner
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

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CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

February 17, 2011
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Wagner
Vice Chair Perkowski
Commissioner Behrens
Commissioner Broili
Commissioner Esselman
Commissioner Moss (arrived at 7:07)

Staff Present

Joe Tovar, Director, Planning & Development Services (PADS)
Steve Cohn, Senior Planner, PADS (arrived at 8:00)
Brian Lee, Associate Planner, PADS
Miranda Redinger, Associate Planner, PADS (arrived at 8:15)
Dan Eernisse, Economic Development Manager
Jessica Simulcik Smith, Planning Commission Clerk

Commissioners Absent

Commissioner Kaje

CALL TO ORDER

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

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Wagner, Vice Chair Perkowski and Commissioners Behrens, Broili, and Esselman. Commissioner Moss arrived at 7:07 p.m. Commissioner Kaje was absent.

APPROVAL OF AGENDA

The Commission agreed to add an additional public comment period after the study session on the Shoreline Master Program (Item 9a on the agenda). The remainder of the agenda was accepted as presented.

DIRECTOR'S COMMENTS

Mr. Tovar did not provide any comments during this portion of the meeting.

APPROVAL OF MINUTES

The minutes of February 3, 2011 were not available for approval.

GENERAL PUBLIC COMMENT

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

QUASI-JUDICIAL PUBLIC HEARING ON ALDERCREST ANNEX COMPREHENSIVE PLAN AND ZONING AMENDMENTS

Chair Wagner reviewed the rules and procedures for quasi-judicial public hearings. She emphasized that this hearing would be the public's only opportunity to comment on the proposed amendments. She reminded the Commissioners of the Appearance of Fairness Law. All those interested in testifying during the hearing swore and affirmed that their testimony would be the truth. She opened the public hearing and invited Commissioners to disclose any communications they may have received about the subject of the hearing outside of the hearing. Chair Wagner disclosed a conversation she had with Commissioner Kaje before she realized the proceeding would be quasi-judicial. The discussion was limited to logistics and process and did not bias her judgment on the matter. None of the other Commissioners disclosed ex parte communications. Commissioner Broili pointed out that Commissioner Kaje recused himself from the process.

Commissioner Moss arrived at 7:07 p.m.

Chair Wagner advised that subsequent to the Staff Report (Exhibit 1) that included several public comments (Exhibit 11, Items 1-11), the Commission received additional comments that were provided in the desk packet. These items include additional public comments (Exhibit 11, Items 12-32), a memorandum dated February 16th from Mr. Tovar to the Commission titled, "Supplemental Information for the February 17th Public Hearing (Exhibit 12), and the Aldercrest PowerPoint Presentation that would be presented at the hearing (Exhibit 13).

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Tovar referred to the staff report to the Commission, which explains the history of the proposal. He reviewed that last summer, the City Council created a task force to examine ways to modify the City's Comprehensive Plan and Development Code to create the opportunity to retain a significant park/open space at the Aldercrest site in the Ballinger Neighborhood. The task force included representation from the Ballinger Neighborhood Association, Friends of Aldercrest, the City and the Shoreline School District. The task force spent a number of months working with a consultant (facilitator) to flush out a proposal to present to the Planning Commission and invite public comment. The goal was to identify ways for the school district to meet its objective, which is to get fair market value for the sale of their surplus property, and create an opportunity for a private developer to purchase the property at some point and deed a certain number of acres to the City for future use as a park. The proposal currently before the Commission is the product of this process. He reminded the Commission that the City

Council would make the ultimate decision about changing the Comprehensive Plan and Zoning Code based upon a recommendation from the Planning Commission.

Mr. Tovar advised that the Staff Report explains all the procedural steps that have been taken in terms of requirements for a neighborhood meeting, a public hearing before the Commission, sending notice to the State Department of Commerce, and the State Environmental Policy Act (SEPA) review of the non-project action. Mr. Tovar provided a copy of the notice that was mailed to people living within 500 feet of the site (located at 2545 NE 200th Street) inviting them to attend a neighborhood meeting. He said the site consists of 16.6 acres and is owned by the Shoreline School District. The notice alerts people to the proposed amendments to change the Comprehensive Plan land use and zoning designations for the subject property. He reported that approximately 50 people attended the neighborhood meeting to learn more about the proposal. He advised that the same list was used to mail notice of the hearing before the Planning Commission.

Mr. Tovar provided an aerial photograph to illustrate the vicinity surrounding the Aldercrest property. The property is bordered on the west by 25th Avenue NE, on the north by NE 200th Street, on the east by a single-family neighborhood, and on the south by a mixture of uses that are primarily garden apartments. He specifically identified the location of the King County Transportation Yard, which is located on the west side of 25th Avenue NE, a five-story mixed-use structure on the corner of Ballinger Way and 25th Avenue NE, Bruggers Bog City Park, a mix of apartments of different densities and forms on the north side of NE 200th Street and west side of 25th Avenue NE, more property owned by the school district on the north side of NE 200th Street, and single-family homes east of the property that are accessed off a series of roads from 30th Avenue NE. He summarized that the uses surrounding the property provide reasoning for considering more intense uses on the site in the future. Mr. Tovar said the single-family neighborhood located to the east of the subject property was of particular interest and concern, and the task force was conscious of the need to recognize ways to buffer impacts from future development of the property.

Mr. Tovar provided a summary of the current peak hour trips on the roads surrounding the site. He advised that 25th Avenue NE has peak hour traffic of about 112 vehicles. There are over 2,000 trips per day during peak hour on Ballinger Way, 30 trips at peak hour on NE 195th Street, and 42 peak hour trips on 40th Avenue NE. He advised that later in the presentation he would show how much traffic the proposal would add to the peak hour traffic counts.

Mr. Tovar reviewed the topography of the site, noting that the elevation falls away from the northeast to the southwest. He pinpointed the location of the current baseball diamond, tennis courts, track, gymnasium and classrooms and advised that one building was demolished within the past year. He noted that the parking areas gain access from NE 200th Street. There is currently no vehicular access from 25th Avenue NE, and this would be an issue with future development of a park and/or residential project. He provided slides to illustrate what is located around the property from the ground level.

Mr. Tovar provided a map of the proposed Comprehensive Plan amendment. He noted that the school is currently identified on the Comprehensive Plan Land Use Map as “Public Facility,” and the proposed amendment would change the designation to “Planned Area 3” (PA-3). He also reviewed the current

land use designations for surrounding properties, which would not change. He advised that the text of the proposed Comprehensive Plan amendment describes the area, topography, uses in the vicinity, and access. It also describes the opportunities and objectives. It explains that the school district has surplused the property and would like to sell it at fair market value. They would like a zoning designation that is comparable to how it has been zoned (R-6). At the same time, there is an interest on the part of the City and the neighborhood to create an opportunity for a park dedication. This is a good location, as the property has been used by the neighborhood as an informal park for a many years.

Mr. Tovar provided a map to illustrate the proposed Development Code amendment, which would rezone the property from R-6 to PA-3. He noted that properties to the south and west are zoned R-24, R-18 and R-12. The residential neighborhood to the east is zoned R-6, and Bruggers Bog City Park is located to the north. He explained that the actual text of the Development Code amendment would create a new chapter (20.93) to spell out specifically what would be allowed in the PA-3 zone. It also spells out the standards for density, building height, hardscape, lot size and setbacks. The recommended densities contemplated for the property would be either 28 or 40 units per acre. Building heights would correspond to the different density categories. The text also includes Special Regulations (SR) that would apply to the new zone and are keyed towards recognizing the unique circumstances of the property such as access, existing vegetation, topography, orientation, and the need to protect the single-family neighborhood to the east by retaining some of the existing vegetation with a protective easement and construction fence.

Mr. Tovar reviewed that as per Special Regulation (SR) 8, any specific detailed improvements to the park that are different than what currently exists would be subject to a public park design process before the City's Parks, Recreation and Cultural Services Board. The Park Board would make a recommendation to the City Council, which would result in a new permit proposal that would go through a new hearing process. He also referred to SR 10, which allows for a type of institutional use of the property that would include educational facilities, places of worship, and conference centers. It specifically states that retail or restaurant uses are not considered institutional uses, but may be considered as accessory uses to the primary institutional use.

Mr. Tovar said the Commission received a public comment expressing concern that "institutional use" could include such things as jails, methadone clinics, etc. He explained that uses such as correctional facilities and group homes are specifically identified in state law as something that pre-empts the City's zoning authority. This is true for every property in the State, including single-family zoned properties. Local zoning codes cannot be used to pre-empt essential public facilities. He emphasized that the language is intended to send a strong signal that the City does not intend to see any other institutional uses on the property other than those named in SR 10. There was a strong interest on the part of the task force to develop the property into some other use as soon as possible to pre-empt the prospect of a future use other than those uses called out in the proposed language.

Mr. Tovar shared a slide to illustrate the master street plans for 25th Avenue NE. The segment between NE 195th Street to NE 200th Street would include a travel lane in each direction, a curb, amenity zone, a sidewalk on each side, and parking on the east side. The segment between NE 200th Street and NE 205th Street would be the same, except a parking lane would also be added on the west side. He noted that the

existing right-of-way is 60 feet wide, but there is very little sidewalk and no improved parking area. The unimproved shoulders have been used for parking for some time. He said the neighbors are particularly concerned that the street be safe and provide both a sidewalk and parking.

Mr. Tovar explained that because no specific project has been proposed, they cannot identify the exact traffic impact. However, if the property is developed under the R-6 zoning, it is estimated that between 43 and 58 trips per day at peak hour would be added on the south segment of 25th Avenue NE and about 29 to 39 additional trips on the north segment. Again he noted there are currently 112 peak hour trips on 25th Avenue NE and 42 on NE 200th Street. He said one public comment acknowledged that at some point in the past the property operated as a junior high school, which resulted in significantly more traffic. However, the property has not been used as such for a number of decades. He advised that if the subject property is redeveloped under R-28 zoning, the south segment of 25th Avenue NE would have between 136 and 174 peak hour trips and the north segment would have between 50 and 70. While this is more than what currently exists, it is still a small number. If developed as R-48 the number of peak hour trips would be approximately 160 on the south segment and 108 on the north segment. He emphasized these are rough estimates intended to provide an order of magnitude and scale. A traffic report would be prepared when a specific proposal has been submitted.

Mr. Tovar said that in some comment letters, citizens questioned why the task force is proposing R-24 and R-48 zoning. To address this issue, he invited the Commissioners to ask questions of Mr. Eernisse, the City's Economic Development Manager, who has a background in real estate development and still does some work in the field. The task force used his experience as an asset to provide a reality check on the viability of different real estate options and how competitive they would be in today's market.

Questions by Commission to Staff

Commissioner Moss requested clarification about whether the proposal is to rezone the property to R-24 or R-48 or a mixture of the two. Mr. Tovar answered that both would be permitted uses in the zone. When Mr. Eernisse recommended a zoning classification, he tried to determine who the developers would be, what kind of product they would build and the market demand. R-6 zoning was used as a benchmark to approximate what kind of density or other uses should be permitted on the balance of the property to justify, from a financial point of view, the dedication of six or more acres of the property to the public as park space.

Mr. Eernisse swore and affirmed that his testimony would be the truth. (*Note: Mr. Eernisse was not present when others were sworn in.*) He explained that development with 24 to 28 units per acre could be characterized as a garden condominium or apartment style, with surface parking and no elevator. An R-48 developer would be forced to structure the parking in garages or underground and the building type would be more costly. While it is often assumed that an R-48 zoned property would have twice the value of an R-24 zoned property, the building construction type is so much more costly that the value of the land is only marginally more valuable. He said that, as proposed, the developer would be allowed to choose one of the options, and there would not likely be a mixture of the two.

Mr. Tovar said that if the proposed language is adopted by the City Council, the property would be available for industrial, R-28, or R-48 zoning. It would be possible to have a combination of uses, which would still be subject to all of the applicable special regulations. Regardless of the type of future development scenario, a dedication of land to the City as a park would be required. He pointed out that the R6 development option has been removed as a permitted use because it would result in nothing but single-family homes, and it would not be feasibly possible to retain a portion of the land for public open space.

Commissioner Esselman questioned how the dedication of the park space would work with the 375 feet of street frontage on 25th Avenue NE. Mr. Tovar pointed out the amount of land that would have to be dedicated to reach a total of six or seven acres. He noted there would be access points for the development on both 25th Avenue NE and NE 200th Street. Parking along the street would be in the form of parallel parking, and parking for the future park space would be discussed during the development of a park plan. Mr. Eernisse stressed the need to provide a developer the flexibility to be creative but not so much that they place the park in the middle of their development, cut off from the rest of the neighborhood. Mr. Tovar pointed out that Mr. Deal, the Parks Director, provided input about the best part of the site for the park and what the minimum size should be. He indicated that six acres would be a good size, and the proposed location would be the best in terms of visibility and access. He stated that while there is no stream or wetland on the site, the water does pond up during the winter. Mr. Eernisse added that Bruggers Bog Park could be connected to the new park area by a crosswalk.

Commissioner Behrens said he worked on a restoration project at Bruggers Bog, and he is familiar with the site. He noted there is almost constantly a pool of water in the middle of the driveway to Bruggers Bog because an underground stream surfaces in this area. During the summer, the pool of water serves as a bird bath. The water runs down the street, into a culvert under 25th Avenue NE, around the corner and into the creek. He suggested this source of water could be used in the park as a water feature. Mr. Tovar suggested this is something to think about when the right-of-way and park improvements are made. He also agreed to forward this input to the staff that is working to update the Transportation Master Plan.

Commissioner Esselman asked staff to clarify the setback and tree retention requirements as set forth in SR 6. She also requested clarification about whether 80% or all of the healthy significant trees must be retained. The language appears to be contradictory. Mr. Tovar said the tree survey and arborist report would identify the healthy trees that must be retained. In addition, any tree within 25 feet of R-6 zoned lands would be flagged and protected with a temporary chain link fence to provide protection during construction activity. The 80% retention requirement is more than what is typically required. To clarify the requirement, the Commission agreed that the word “such” should be added between “all” and “healthy” in the second sentence of SR 6.

Commissioner Moss said it appears that most of the trees are located on adjacent private properties. Mr. Tovar said the map was provided by the County and is fairly accurate. He agreed that most of the trees in the image are located on private property to the east of the subject property. Commissioner Moss noted there are also significant trees in the driveway area on the north end of the site and along the northern border.

Chair Wagner suggested the language in Chapter 20.93.010.A.2 on Page 19 of the Staff Report be made clearer. Mr. Tovar suggested an additional sentence be added to make it clear that regulations located elsewhere in the development code would apply unless Chapter 20.93 says something different. Chair Wagner pointed out that although most of the trees along the eastern boundary are located on privately-owned property, the existing Development Code would require that a percentage of all trees on the site be retained. Mr. Tovar said SR 6 would be applicable to all trees within 25 feet of the eastern property line. He provided an aerial parcel map of the Aldercrest Property (Exhibit 14) to clearly illustrate the location of trees that would be subject to SR 6. Commissioner Moss pointed out that adjacent property north of the subject site is zoned R6 even though the current land use is park. She asked if there would be any tree retention goals for this area. Mr. Tovar said retaining trees along NE 200th Street was not an objective of the proposal.

Public Testimony

Rich Hill, Seattle, said he is the land use counsel for the Shoreline School District. He also advised that Superintendent Sue Walker and School Board President David Wilson were present to answer the Commission's questions. Mr. Hill indicated the school district supports the proposal as the current property owner. They appreciate the dedication and hard work of staff, which led to the proposal. He expressed his belief that the proposal addresses the concerns and interests of the stakeholders and the community for a park and a multi-family development that would be harmonious and consistent with the surrounding residential uses. It would also preserve a unique open space area for this part of the City. The school district urges the Commission to keep in mind that the process to this point has been long, with a lot of compromise by all parties. Everyone on the task force believes the proposal represents a win/win outcome, and significant tinkering with it in any particular direction could cause the compromise to be more difficult. On the other hand, they recognize the Commission's responsibility is to make sure the proposal is in the best interest of the City.

Mr. Hill said a citizen asked Superintendent Walker if the school district has sufficient capacity to accommodate the additional students that would be expected as a result of redevelopment at the proposed development. Superintendent Walker wants to assure the City the district does have capacity and would welcome the additional students.

Sean Osborn, Shoreline, thanked those who worked hard on the proposal. He said he lives next to the subject property and would be affected by the change more than almost anyone present. His ability to retain ownership and residence in his home may be in jeopardy tonight. He said he is not in favor of the proposal, although he acknowledged it has some fine points. He said if thinks it is great they are preparing far in advance, but they do not know if anyone will purchase the property or what it is worth. They should remember this before the proposal is put in stone. He suggested the other possibilities that were rejected early in the process should be explored further. For example, the City could raise taxes temporarily to purchase the property. It is also possible for the school district to donate the property to the City as a park. It would not be contrary to their mission and there are mechanisms to make this work.

Mr. Osborn said he is against any rezoning of the property in whole or in part. He would rather have the whole property R-6 than have a park on 25th Avenue NE and a 44-foot monstrosity erected 20 feet from his bedroom window. He would rather welcome 40 new families to the neighborhood than have a giant complex with 500 to 800 people living in it. He would rather have a house next door than a giant parking lot with lights shining all night long and cars coming and going 24 hours a day. All of this is likely under the current proposal. He said it is easy to think this proposal is a good one if your house will not be next to all of that. He said he would fight the rezone and if he loses he will seek compensation from the City for lost property value.

Mr. Osborn suggested that, at the very least, the proposal should be amended in the following way. The park should be in the northern part of the property and not the southern part. If you must rezone, then rezone high density next to existing high-density property. Keep the extra traffic, noise, people and lights where they already exist. They do not need 230 to 270 extra trips per day on NE 200th Street where it is nice and quiet. There are already lights and traffic on 25th Avenue NE, and this should be where the property is developed. Commissioner Broili asked where Mr. Osborn lives. Mr. Osborn answered that he lives immediately east of the property on NE 200th Street.

DeBorah Dahn-Fogg, Lake Forest Park, said she could expound upon all the virtues of the proposed new park because she has grown up around it and attended middle school there when it was Kellogg. She lived in Los Angeles for some time and moved back when she started her family so they could enjoy places like Kellogg where you can walk your dog and meet your neighbors. It is safe and provides a good place to exercise, which is much needed in the community. It is inevitable that the school district must sell the property, and she asked that it be rezoned so they can at least keep a park. She said she is not pleased about selling any of the property, but progress will likely make that happen. She challenged the City that if Mountlake Terrace can build Evergreen Field in the 1970's when Boeing was turning the lights out on the City, Shoreline should be able to do the same with this property. If nothing else, zone the property so they can have a park. She hopes her family didn't move to the area in vain.

Garry Lingerfelt, Shoreline, said he served on the task force and supports the proposal. He asked that the Commission support the proposal, as well. He recalled that when the jail proposal was taken off the table, most of the neighborhood was busy planning the park thinking about the full 16 acres. That is what he wanted, too. However, as he got deeper into the situation, it became apparent that was not a realistic proposal. The proposal before the Commission is realistic. It is a smart proposal that deserves their support. He explained that the school district is not like a private land owner. They cannot simply give the City special consideration. He referred to the Revised Code of Washington (RCW) Chapter 28.A.335.120, which specifies what the school district has to do. He specifically read the 5th paragraph, which reads, *"Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by a professionally designated real estate appraiser. No sale shall take place if the sale price would be less than 90% of the appraisal made by the real estate appraiser."* This property was going to be sold to the highest bidder, and the community would not have been in a position to have any real control or direction on its ultimate use. The proposal is a smart way to retain the green space that exists in a way that is consistent with the neighborhood and the kind of multiple zoning that is already there.

Nancy Moreyra, Shoreline, said she lives in a house right next to the property and she supports the proposal. She will be closely affected by whatever happens with the property, and she would not mind a rezone. She feels comfortable with the proposal because of the tree line that would be preserved. She said she counted every tree on the property when the jail proposal was on the table. There are close to 200 of them, and about 90 of them are Douglas Firs. The majority of them line the east side along the R-6 properties, and there are a few along NE 200th Street. The intent was to save the trees to provide a good screen from the massing of buildings. Ms. Moreyra said she also has two children in school; one goes to Kellogg Middle School and the other to Lake Forest Park Elementary. She completely understands the school district's situation and why they cannot simply give the property away. They need to get their market value. The state is cutting budgets, and districts are struggling to maintain their education levels.

Ed Wendt, Shoreline, said his property is located 30 feet east of the southeast corner of property, and he has lived in the neighborhood for almost 30 years. The joy of the neighborhood is listening to families (children, adults and pets) on the playfield in this area during the spring, summer and fall. In the winter when there is snow the kids use the bunny slope for sledding. The thought of losing this space is beyond reason. It is the only property in the area that serves the neighborhoods as a park. The proposal is a compromise that makes sense and would preserve significant parts of the park. It would also convert the remainder of the property into enough income so the school district would get their market value from it. He emphasized that the City does not have the money to develop the park at this time. Therefore, he would love to see the conditions of sale include not tearing up the playfields until such time as the City can develop the property. While this is implied in the proposed language, it is important to make this intent clear.

Alice Lawson, Shoreline, said she lives four blocks north of the subject property. She said she has lived in the area for 12 years and her children attended the cooperative preschool that was located in the annex on the property before it became vacant. They learned to ride their bikes on the track, and they have held birthday parties and other activities on the property. It's been a big part of their family lifestyle and still is. She also has a connection because years ago she served with the school district's advisory board to decide how to help the district get back into financial solvency. They looked at recommendations to close schools; and as a result of that process, the district moved to the idea of selling surplus properties to create money for an endowment. She understands how important it is for the district to get the resources to help fund important educational matters. The City of Shoreline does not have a tax base to purchase the park in the near future. The only reasonable way for the community to keep the park is to come up with this compromise plan. She said she is a member of Friends of Aldercrest, and she thinks the proposal is a smart plan. The task force has worked hard for two years thinking about ideas for saving the park. For the last year they worked to get the community involved. They were in the Shoreline parade and set up a stand at the farmer's market. They handed out flyers and contacted people door-to-door. They really wanted the community's support that this would be a win-win for the neighborhood to give up some denser development to get the park. She thanked the Commissioners for their volunteer work. Their motivation is the same as those on the task force. They must be actively involved in planning their future if they want to progress in a healthy, organized way.

Cya Arroyo, Shoreline, said she can see the baseball diamond from her front door. She referred to Shoreline Master Program Chapter 20.220.1 (Administrative Procedures) which talks about permits and procedures. She said she assumes the future contractor would have to adhere to these general policies and regulations for protecting environmentally sensitive areas like Bruggers Bog where there used to be a running salmon stream and there is currently running water. She referred to the topographical map and pointed out that there is already flooding at the park. To build anything at the base of the R-6 zoning would create an even bigger problem than what exists. She suggested that perhaps the waterways could be protected, and children could go to Bruggers Bog to learn about the environment. They need to protect what they have.

Bonni Beiry, Shoreline, said they have talked about protecting the field so it doesn't get torn up, and they have talked about paying attention to the streams for the return of salmon one day. She would also like to talk about the trees. While the proposal indicates that 80% of the trees would be retained, she requested that any tree that is tagged for removal that is 12 inches or greater in diameter be reserved as a wildlife tree or snag. These snags are very important for a lot of species and they are very hard to find. She pointed out that along NE 200th Street there is a particular variety of weeping Douglas Fir that was planted when the school was landscaped. She encouraged the City to do everything possible to preserve this unusual species. She also urged them to use the current best management practices for protecting the trees when development is done.

Final Questions by the Commission

Chair Wagner clarified that actually subdividing the rezoned properties is not part of the proposal currently before the Commission at this time. A short plat process to create the lots would take place after the City Council has considered the Commission's recommendation and taken action on the proposal.

Mr. Eernisse clarified that it was not the task force's intention to retain the trees along NE 200th Street. The actual language states that trees that are located within 25 feet of the R-6 zone would be protected. The R-6 zones that are across the right-of-way are not within this 25-foot width, so these trees would not qualify for the retention. The retained trees would be along the east property line and the jog in the NE corner.

Vice Chair Perkowski referred to SR 7 and noted there are numerous ways to configure seven contiguous acres. He questioned if the language is strong enough to protect some odd configurations that would not be conducive to a park use. Chair Wagner asked if it would be possible for a developer to create a strip of park space all the way around the property, leaving the development isolated by a nice green zone buffer. Mr. Tovar agreed the intent could be strengthened to prevent the situation described by Chair Wager by adding language that the east/west dimension must be at least 600 feet. The Commission agreed that would be appropriate.

Commissioner Broili asked if the development could take place on the south end, dedicating the north end to the park. Commissioner Moss pointed out that the current language requires 375 linear feet of frontage on 25th Avenue NE. Chair Wagner said one of the compelling reasons a developer would not

want to use the south end for development is that the water drains in this location. She suggested the language should be strengthened if the intent is for the southern portion of the property to remain as park space.

Commissioner Esselman asked if additional language could be added to protect the existing playfields while the site is being developed. Mr. Tovar said language could be added to say no grading would be permitted on any of the site until after the dedication of the parcel to the City. Commissioner Esselman pointed out that the playfields are soggy right now, and driving heavy equipment on them could cause significant damage. Given the City does not have immediate funds to redevelop the property, they would be unable to remediate the damage.

Commissioner Broili said it is conceivable that when the developer creates access from NE 200th Street, substantial damage could be done to the potential City park area. He suggested language be added to mitigate this situation so the property is not left in a damaged condition. Mr. Tovar said that before the developer receives a development permit to begin clearing and grading, the stormwater management plan, civil drawings and SEPA review would have to be done. By that time, the City should have a good handle on the impacts to ensure that the parcel conveyed to the City is protected.

Chair Wagner observed that if the proposal is approved as presented, the City would be unable to move forward with development of the park until a developer is ready to move forward. In addition, the City might be unable to purchase the entire property if the opportunity comes up in the future. Mr. Tovar pointed out that a public park would be a permitted use in the rezoned area. Therefore, the City could purchase the entire parcel if money came available in the future. However, he does not anticipate a park bond measure in the City in the foreseeable future.

Chair Wagner asked if an appraisal has been done for the property. Mr. Eernisse answered no. Chair Wagner observed that current market value today could potentially be very different than 2014, which is within the timeframe for when the property could be purchased and redeveloped. Mr. Tovar said a developer could come forward next month, but he believes there is some likelihood that the market would be stronger in 2014 than it is now. He said that, according to Moody's economists, when the market gets as strong as it is going to get in 2014, one of the best places to look for housing development in the country will be the Seattle metro region. That doesn't mean that things will be at the same pace as in 2006, but compared to other parts of the country, the recovery for the housing market is likely to be stronger in the Seattle area than in other parts of the Country. The near term stronger market will likely be R-24 development and the market for R-48 would probably not emerge for a number of years.

Chair Wagner suggested the Commission review the code's current definition for "institutional use" before determining if it is necessary to create a special definition for this one instance. Mr. Tovar said "institutional use" is not defined in the current Development Code. People may argue the common definition of institution is broader than the three things named in the proposed language.

Commissioner Moss pointed out that the last sentence on Page 2 of the proposal from Friends of Aldercrest (Attachment 7.A) recommends 80% retention for all significant trees within 25 feet of the

property boundary. However, the current proposal would only require this level of tree retention on the eastern property line. She questioned whether the language is adequate to address the neighborhood's desire to preserve significant trees on the site. Mr. Tovar recalled that the task force's desire was to protect the residential neighborhood to the east, and not the school district property on the north side of NE 200th Street. Mr. Hill said the policy behind the retention requirement was to protect the neighborhood to the east. There was no significant discussion about protecting the school property to the north. Chair Wagner noted there are a number of significant trees on the southern boundary, as well. Commissioner Behrens noted that this would be the potential south border of the park, so he would not anticipate these trees would be removed.

Commissioner Esselman asked if the 80% tree retention requirement would apply to the entire property or just to that portion being privately developed. Mr. Tovar answered that it would apply to any part of the site controlled by the developer that abuts R-6 zoning.

Deliberations on Proposed Aldercrest Annex Comprehensive Plan Text and Map Amendments

COMMISSIONER BEHRENS MOVED THAT THE COMMISSION RECOMMEND THE CITY COUNCIL ADOPT THE ALDERCREST ANNEX COMPREHENSIVE PLAN AMENDMENT AND ASSOCIATED LAND USE MAP CHANGE AS RECOMMENDED BY STAFF. COMMISSIONER ESSELMAN SECONDED THE MOTION.

Commissioner Behrens commended the neighborhood for working together to address this situation. It is particularly nice to see the property stay as a public since it was originally purchased with tax dollars. The proposal can result in the type of development the City can be proud of.

Commissioner Esselman concurred and added that the proposal is thoughtful and speaks to the community that they can have so many entities working together to create such a positive result. It also provides a means for the school district to have sufficient finances to educate the children who live in the community.

Chair Wagner recalled that the purpose of the Comprehensive Plan is to be succinct, and most of the proposed language provides background information. She said if she had the time, she would likely wordsmith the proposal to delete much of it. However, she acknowledged that it does provide a lot of information, particularly that the school district has an obligation to do something with the property and the proposal is supported by a large contingent of the neighborhood. It appears to be a good compromise between the school district, the neighborhood and other interested parties.

Vote by Commission to Recommend Approval or Denial or Modification of the Proposed Aldercrest Annex Comprehensive Text and Map Amendments

THE MOTION TO RECOMMEND APPROVAL OF THE ALDERCREST ANNEX COMPREHENSIVE PLAN AMENDMENT AND ASSOCIATED LAND USE MAP CHANGE AS RECOMMENDED BY STAFF WAS UNANIMOUSLY APPROVED.

The Commission recessed the meeting at 8:55 p.m. The meeting was reconvened at 9:04 p.m.

Deliberations on Proposed Amendment to Chapter 20.93 of the Development Code

COMMISSIONER ESSELMAN MOVED THAT THE COMMISSION RECOMMEND THE CITY COUNCIL ADOPT THE PROPOSED AMENDMENT TO CHAPTER 20.93 OF THE DEVELOPMENT CODE TO ESTABLISH THE ALDERCREST PLANNED AREA 3 ZONE AS DRAFTED BY STAFF. COMMISSIONER MOSS SECONDED THE MOTION.

Commissioner Esselman asked if it would be impossible to increase the setback requirement in the northeast corner of the subject property and require the developer to retain the trees to protect the adjacent residential properties. Mr. Tovar used Exhibit 14, an aerial parcel map of the Aldercrest property, to illustrate the trees that would be protected by the required 25-foot setback. He noted that further to the south, the larger trees are primarily located on property adjacent to the east property line. Increasing the setback dimension would not result in the retention of significantly more trees. He acknowledged the Commission has the authority to recommend a higher number to the City Council. However, before doing so, they should invite the public to comment on the proposed change.

Mr. Hill reminded the Commission that the school district's primary interest is maintaining value so its fiduciary obligations to the public can be met. They would not object to increasing the setback in the northeast corner, but asked that it be credited against the six acres the developer would be required to dedicate to the City so there would be no net loss of developable area. Mr. Eernisse said this approach would reduce the park size by about a ¼ acre. Mr. Tovar agreed Mr. Hill's suggestion would be possible without seriously damaging the viability of the park space.

At the request of Commissioner Behrens, Commissioner Broili explained that connected tree canopy corridors are always important for wildlife movement. He referred to Exhibit 14 and said it appears that some of the houses cross the property line, and several more are located within inches of the property line. He said it is difficult to address concerns related to the trees in the northeast corner and elsewhere without knowing precisely where the property lines are located. Mr. Tovar agreed this is an important issue that requires very accurate information. He suggested they continue their discussion on the remainder of the proposal and provide direction to staff and then carry the public hearing over to their March 3rd meeting so staff can provide more accurate information. This would allow the school district and others to comment on what the alternative might look like.

Commissioner Broili expressed his belief that 25 feet should be the minimum setback from any tree. He would rather see language that talks about critical root zones, which is based on trunk diameter. He said many of those trees likely exceed the 25-foot critical root zone. He said he would support 25-foot setback requirement, but preciseness in property lines is very important. Mr. Tovar agreed to come back to the March 3rd meeting with better information and a more informed recommendation for the Commission's consideration and for the public to comment on.

Mr. Tovar noted that SR 2 and SR 3 have been updated to include the east/west dimension requirement that were discussed earlier by the Commission. Mr. Eernisse asked what the east/west dimension of 690 feet is intended to solve. Chair Wagner said the intent is to prevent a situation where a developer

constructs a project that is surrounded on all sides by park space. Mr. Tovar agreed to provide drawings to illustrate how the 690 foot requirement would be applied. Mr. Eernisse suggested an easier option would be to say that the park must be located in the southern portion of the property. The majority of the Commission concurred.

Chair Wagner suggested that based on a previous Commission discussion, the term “certificate of occupancy” should be changed to “temporary certificate of occupancy” in both SR 2 and SR 3. Mr. Tovar agreed to research the Commission’s previous discussion and provide additional feedback at their next meeting.

Commissioner Behrens suggested the drawing provided by staff also include a potential location for trading park space for preservation of the trees in the northeast corner. Mr. Tovar said this could be shown conceptually, but he would be reluctant to put the information on a zoning map. The narrative can describe the dimensions and the general intent, but the zoning map should not actually draw the short plat line at this time.

The Commission agreed to discuss the language in SR 6 again once staff has provided clear property line information and recommended language to address the concerns the Commissioners raised earlier in their discussion.

Chair Wagner referred to SR 1 and recommended that curb cuts be reduced to the extent possible. For example, the access points could be hybrid and used for both the park and development rather than separate curb cuts for each use. Mr. Tovar agreed to work on language that would suggest that an easement across private property might be necessary for a shared curb cut. He said he would like to discuss this option further with the school district and others. While they are not sure, at this point, that a park access is necessary from both 25th Avenue NE and NE 200th Street, he agreed the language should allow flexibility for this to occur.

Mr. Tovar said that in view of the fact that the current proposal is the product of a lot of multi-lateral concerns and negotiation, he would like to review the proposed changes with all parties and invite them to provide comments either in writing or at the continued public hearing on March 3rd.

COMMISSIONER ESSELMAN WITHDREW THE MOTION, AND COMMISSIONER MOSS CONCURRED.

Closure of Public Hearing

COMMISSIONER BEHRENS MOVED TO CONTINUE THE PUBLIC HEARING FOR THE PROPOSED AMENDMENT TO CHAPTER 20.93 OF THE DEVELOPMENT CODE TO MARCH 3, 2011. COMMISSIONER BROILI SECONDED THE MOTION.

Mr. Tovar advised that he would contact the stakeholder groups that were involved in putting the proposal together to invite them to share their thoughts and concerns with him. He also invited members of the public to contact him with comments, questions and suggestions. Staff would provide

additional language for the Commission's consideration and for additional public comment on March 3rd. Chair Wagner reminded Commissioners to observe the Appearance of Fairness Laws and not discuss the proposal with any members of the public outside of the hearing. Questions should be forwarded directly to staff.

THE MOTION CARRIED UNANIMOUSLY.

DIRECTOR'S REPORT

Mr. Tovar announced that the City Council adopted the Commission's recommendation to change the Point Wells Subarea Plan to reclassify Richmond Beach Drive as a local access street. He advised that heraldnet.com features an interview with the Point Wells property owner.

UNFINISHED BUSINESS

Study Session: Shoreline Master Program

Mr. Cohn pointed out that some members of the audience may want to address the Commission regarding the proposal. While this is not a public hearing, the Commission can accept public comment. Chair Wagner noted the approved agenda already includes an opportunity for public comment. Mr. Cohn said that at the end of the meeting, the Commission can decide whether or not they are ready to schedule a public hearing. He noted that a public hearing has tentatively been scheduled for March 17th.

Ms. Redinger referred the Commission to the draft regulations, which have been revised since the last time they were presented to the Commission. Changes have been tracked, and justification for each change was provided in the comment boxes. She suggested that unless the Commission wants to discuss a particular change further, they could forward their comments to staff via email. She explained that changes were made based on Department of Ecology (DOE) comments, citizen input, staff clarification, Commissioner input and consultant input.

Ms. Redinger advised that staff is specifically looking for direction from the Commission on the following issues:

- **Individual Joint Use or Community Docks.** Ms. Redinger said the DOE wants the City to prohibit individual docks, and the current proposal would permit community docks (four or more houses). Staff met with a representative from DOE and the Richmond Beach Preservation Association and discussed that joint use may be a compromise for the waterfront residential environment designation (Apple Tree Lane).
- **Docks, Piers and Marinas at Point Wells.** Ms. Redinger referred to a picture that came from the Blue Square Real Estate Proposal, which identifies an adaptive reuse of the existing pier. She explained that there are currently two bridges to the pier, and the proposal shows a different bridge in a new location. The Commission could have a discussion about what appropriate uses would be.

- **Non-conforming Uses.** Ms. Redinger provided an aerial photograph of Apple Tree Lane and noted that the red line closest to the water is a rough estimate of the ordinary high-water mark. Vice Chair Perkowski asked staff to create a map showing the ordinary high-water mark and a 20-foot setback, which is what is currently included in the proposed regulations. She advised that the City's map does not show the ordinary high-water mark as a GIS layer. However, the ordinary high-water mark has lined up with the bulkhead in most development proposals that have been submitted to the City in recent years. Most of the houses come to the 20-foot setback. She summarized that using the ordinary high-water and a 20-foot setback would not create non-conforming structures. The Commission could consider whether they should use the same non-conforming language that exists for the rest of the City or if the language should be stricter for this area.

Ms. Redinger said Vice Chair Perkowski also asked how the City treats non-conformities in the Critical Areas Ordinance. She explained that, currently, a non-conformity cannot be increased into the critical area or buffer. In this case, a development would not be allowed to go waterward of existing development, but the same footprint could be maintained.

- **No Harvest Zones.** Ms. Redinger referred the Commission to information provided in the Staff Report regarding the "no harvest zones" that were recently adopted by the City of Seattle for portions of most of their city parks along the shoreline. This means the issue is enforceable by the police. Staff understands how this designation would relate to the Salt Water Park, but they have not come across any models for how this concept could be used or enforced on private properties along Apple Tree Lane. Staff would continue to research this concept.
- **Common-Line Setback.** Ms. Redinger referred to Attachment 5 of the Staff Report, which was submitted by the Richmond Beach Preservation Association. She also referred to staff's comments regarding the document, as well as a comment submitted by a resident living on Apple Tree Lane.

Richard Kink, Shoreline, said he is the designated speaker for the Richmond Beach Preservation Association. He thanked staff for their cooperation and work. He said the edits the association suggested were in close collaboration with City staff and the DOE. They tried to pull language out of other approved shoreline master programs as much as possible. Where new language was crafted, they have received the DOE's buy in that it is appropriate for their situation. He urged the Commission to support the edits the Association has made.

Mr. Kink said that restricting non-conforming uses for the residents on Apple Tree Lane would not improve the near-shore environment, which is the entire goal of the Shoreline Master Program. The neighborhood is somewhat self-policing, and they have brought up the issue of a common-line setback that would restrict further creeping out of homes that are behind the 20-foot buffer at the present time. Items such as using best management practices, improving surface water management, and educating the public would do more to improve the near shore environment.

Mr. Kink said there are no docks along this stretch of the waterfront, but that does not mean people will not want them at some point in time. They had discussions with both staff and the DOE that permitting a dock does not mean pre-approving a dock. Any proposal to construct a dock would require a permit and have to be reviewed by the Department of Fisheries, the DOE, etc. They would like to retain this as an option into the future.

Mr. Kink said the issue of common-lot setbacks has always been a hot button for those living on Apple Tree Lane. They are talking about a matter of inches. Comments in the packet show a potentially adverse position, which is not the case. The existing non-conforming laws and code would allow people to stay where they are. However, the uses would not be allowed to creep forward and further obstruct views. The language proposed by the Association was originally provided by the DOE, with some corrections to fit their needs. He said the Association would like the opportunity to continue to work with the staff and DOE to further address the questions and concerns that have been raised and come up with a document that is agreeable to all parties.

Mr. Kink said they understand the issues surrounding the “no harvest zone” concept. It is common knowledge that unregulated harvesting has hurt the near-shore environment. He referred to a copy of the 1996-1997 Beach Assessment that was done at Point Wells, which illustrates the undersized crab and the taking of excessive species, etc. They are committed to work with the City to promote existing regulations and to minimize negative effects on the environment.

Mr. Kink invited Commissioners to visit the residential neighborhood on Apple Tree Lane to view the unique situation that exists. Unlike most areas that fall within Shoreline Management Program regulations, the near shore environment has been fully established, as have the residential homes. No changes will occur in the future that will adversely affect the environment. He encouraged the Commission to approve the edits proposed by the Association related to the Shoreline Master Program.

Chair Wagner asked Mr. Kink to explain the editing they did to the language recommended by the DOE. Mr. Kink said they came up with the vacant lot idea because there are a few lots that could potentially be subdivided. Rather than using “the nearest corner of the foundation of the existing lot,” the Association felt the issue could easily be addressed by saying “the nearest waterward corner of the existing lot.” This moves the demarcation line right on the water where it would be. He acknowledged there are still issues related to roof overhangs, decks, etc., which would need to be addressed appropriately, as well.

Vice Chair Perkowski pointed out that although the Association has stated that nothing would be done to adversely affect the environment, creating docks would be adverse. Mr. Kink agreed that a dock positioned on the water would have a shading effect. But there are dock designs that would not be adverse. Vice Chair Perkowski expressed his belief that any dock would have an adverse impact on the near-shore environment and he can provide scientific information to back up his comment. He summarized that while he has not yet made a decision on the issue of joint use, there is no uncertainty whatsoever about the adverse impacts they can have on the near-shore environment’s natural process of sediment and water movement. However, he acknowledged that certain designs can minimize the impacts. Mr. Kink noted that all of these issues would be addressed as part of the permit process. He

observed that because of existing tidal action, it is not likely the property owners would be anxious to build docks.

Commissioner Broili said that while the proposed language addresses the issue of docks, it does not address hard banking. He said he has walked the beach, and the banks of most of the properties are unnaturally hard bank. Mr. Kink explained that because of the exposure, fetch and topography of the shoreline, there is a special provision in the Shoreline Management Act that allows structures that existed prior to 1969 to continue. Likewise, preference is given for residential properties that existed before 1992. A few years ago, the King Conservation District presented a seminar to the Association regarding soft armoring, vegetation, etc. Not only did they not say the bulkheads were needed, they recommended a uniform design of bulkheads and retaining walls above the bulkheads. They also recommended installation of an energy-diffusing, off-shore reef.

Commissioner Broili asked if these additional elements are addressed in the proposed language. Mr. Kink said they would eventually like an agreement of a uniform design for a bulkhead that would be less environmentally damaging and more energy diffusing. He recognized this would not happen in the near future, but could occur as existing bulkheads are replaced. Commissioner Broili suggested the language should speak to how the bulkheads would be restored, repaired or replaced. Ms. Redinger agreed to confirm that the DOE has stated that in high-energy environments they do not expect people to replace hard armoring with natural stabilization.

Ms. Redinger noted that the Richmond Beach Preservation Association's edits are summarized very briefly on Page 48 of the Staff Report. She summarized that they added some definitions, and they also clarified and brought out some of the property right provisions that are afforded through the Washington Administrative Code (WAC). A large part of the discussion at the meeting with staff, the Association, and representatives from DOE was about replacement of the bulkheads. They specifically talked about doing a geotechnical report, which would be similar to an environmental impact statement, to create an approved universal bulkhead design that could be implemented over time without requiring each individual owner to go through the permitting process. She agreed to beef up this language. Mr. Kink said it is not the Association's intent to avoid or lessen the regulations. However, rather than requiring each property owner to complete a geotechnical report to replace a bulkhead, he would rather the money be placed into a fund for public education, beach nourishment, etc. that would actually impact and improve the near-shore environment.

Mr. Cohn asked the Commission to provide additional direction to staff regarding the points outlined by Ms. Redinger so that a final draft proposal can be prepared and a public hearing date can be scheduled.

Vice Chair Perkowski said there is considerable scientific information about the impacts of over-water and in-water structures. The Puget Sound Partnership's Action Agenda specifically calls out minimizing and removing overwater structures, marinas, etc. in the near-shore environment. He agreed to provide additional information. He summarized that the concern about docks and marinas and overwater structures is not a trivial issue, and is probably the most critical issue in terms of impacts to the most prized possession in this area (Puget Sound and its near-shore environment).

Vice Chair Perkowski said he is not as worried about non-conforming use provisions as they apply to landward development, but he is very concerned about waterward development. He recalled that during their discussion about the Point Wells Subarea Plan, he encouraged adoption of Policy PW-3, which states that no new bulkheads or overwater structures should be permitted at Point Wells. This policy became part of the ordinance that was recommended by the Commission and adopted by the City Council. He expressed his belief that a new marina would be inconsistent with the subarea plan. He said he would have a real problem allowing additional overwater structures in the Shoreline Master Program.

Vice Chair Perkowski pointed out that the repair and maintenance of bulkheads is allowed under the Shoreline Management Act in situations where there is significant wave energy. The same is true for the repair and maintenance of overwater structures that are grandfathered. However, a new marina is completely inconsistent with the Point Wells Subarea Plan and would have impacts to the environment in the near shore of Puget Sound. If they are going to call the area an icon of sustainability, it does not make sense to allow a new marina. This would be inconsistent with the subarea plan and with the guiding principle of the Shoreline Master Program, which is no net loss of ecological functions. With the development already proposed for the site, there will be plenty of pressure to mitigate habitat impacts. Adding a marina on top of whatever is proposed would extend beyond the capacity of the area to mitigate the impacts. However, he agreed improvement or maintenance of existing structures should be allowed under the program.

Ms. Redinger said that as per the current language, replacing and/or upgrading the existing dock would be allowed, but the use could not be expanded. Vice Chair Perkowski clarified that his issue is not related to use. For example, there may be a way to provide moorage at the existing dock without increasing the size of the structure. He noted that the current draft does not include pier development standards. Ms. Redinger agreed to review the sections related to piers to add the language that no new or expanded structures would be allowed.

Commissioner Behrens asked if the current regulations would allow the Point Wells dock to be removed and replaced with something that would have less impact. He said his interpretation of the proposed language is that repair of an existing structure would be allowed, but not replacement. Vice Chair Perkowski said he supports language that would allow the dock to be maintained, managed and replaced, but the environmental impact could not be expanded. Ms. Redinger clarified that the proposed regulations would allow the dock to be replaced within in the existing footprint or less.

Ms. Redinger reviewed the use table on Page 90 of the Staff Report. Vice Chair Perkowski suggested the table be changed to prohibit new docks in the Point Wells Urban Environment, which would be consistent with the Point Wells Subarea Plan. The Commission concurred.

Mr. Cohn suggested they advertise for the public hearing based on the currently drafted language, but also identify the specific issues and concerns the Commission will be addressing. This will enable the public to easily identify the specific issues the Commission is seeking input on.

Ms. Redinger explained what is required of staff to prepare the proposal for a public hearing. She suggested the Commission provide final direction to staff to assemble the packet and direct them to set the hearing date as early as possible. The packet of information could be ready for a hearing on March 17th, but it might not be ready until April. The Commission agreed the final draft should be presented to them once again prior to the public hearing.

Chair Wagner said that while she can appreciate the environmental concerns raised by Vice Chair Perkowski, she can also appreciate the recreational desires of the community. Ms. Redinger agreed it is a difficult balance. The State regulations say they encourage water-dependent uses and public access, but they also say docks and piers are bad for fish. That is why it is important for the Commissioners to all weigh in on the issues. She invited the Commissioners to provide their direct input one way or another.

Chair Wagner requested staff's input regarding the Association's recommendation related common-line setbacks. Ms. Redinger explained that the purpose of a common-line setback is to protect each property's view shed if and when adjacent properties are redeveloped. Staff is recommending a 20-foot setback instead, and cautioned against the City getting into the business of regulating views on a property-by-property basis. The Commission concurred.

Vice Chair Perkowski referred to a public comment, which indicates that the City of Seattle has chosen not to implement the common-line setback approach. He clarified that the City of Seattle has not adopted its new shoreline master program update yet, and it has not removed what is called the shoreline residential setback requirement. Ms. Redinger said Mr. Summer's letter asserts that Seattle and other municipalities that have used common-line setback have had legal problems, and that is why the City of Seattle elected not to keep it in their updated version. Vice Chair Perkowski clarified that Seattle has two versions, one of which is the ecological setback that is more akin to the standard setback proposed by staff. Again, Ms. Redinger said staff is proposing a standard setback of 20 feet.

The Commissioners agreed to continue their individual review of the proposed language and submit comments to staff via email.

Vice Chair Perkowski agreed with the written comments submitted by Commissioner Kaje regarding joint-use and community piers. However, he suggested the Commission go one step further and make joint-use and community piers conditional uses. This would allow the City to better address the cumulative impacts associated with the structures.

Ms. Redinger summarized the Commission's comments as follows:

- Modify the use table so that breakwaters, jetties, groins, weirs, piers, docks and boating facilities in the Point Wells Urban Environment are prohibited as they are in the Point Wells Urban Conservancy Environment.
- Change the use table to allow joint-use docks in the Waterfront Residential Environment with a conditional use permit
- Be clearer in the language to promote a communal bulkhead design.

Chair Wagner said she would also be in favor of making the non-conforming requirements stricter rather than more permissive. She would like non-conforming structures to improve over time rather than being allowed to languish. Vice Chair Perkowski said there are ways to deal with properties that do not conform to the setback requirements on a site-specific basis. When properties are redeveloped, the City can require that the development conform to the new setback requirements if there is sufficient property available. However, he acknowledged there are situations where it would be unreasonable to ask someone to meet the new setback requirements.

Ms. Redinger said it is unlikely that the development footprint on the lots would be able to expand because of other existing development controls such as lot coverage and hardscape. She said the Commission could recommend using the same non-conforming standard that applies elsewhere in the City, or they could tighten it further to encourage less impact over time.

NEW BUSINESS

No new business was scheduled on the agenda.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

None of the Commissioners provided reports during this portion of the meeting.

AGENDA FOR NEXT MEETING

Mr. Cohn announced that the March 3rd agenda would include a presentation on the Parks, Recreation and Open Space Plan update and a continued public hearing on the Aldercrest Annex zoning amendment.

ADJOURNMENT

The meeting was adjourned at 10:20 P.M.

Michelle Linders Wagner
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

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Memorandum

DATE: February 25, 2011

TO: Shoreline Planning Commission

FROM: Joseph W Tovar, FAICP
Director, Planning and Development Services

RE: Updated Staff Report and new information for the continued March 3
Aldercrest Public Hearing

At the Planning Commission's February 17, 2011 public hearing on these items, you entered several exhibits and heard testimony from a number of people. Commissioners asked a series of questions, formulated preliminary conclusions, but finally decided to continue the public hearing to March 3. Since then, the City staff has done some additional research and drafting for potential revisions for the Commission to consider at your upcoming continued hearing.

Enclosed for your review and consideration is "City of Shoreline Planning Commission Findings, Conclusions, and Recommendation." This is basically a re-formatting of the staff report that was presented to you for the February 17 hearing. The legal department advised us to re-format the staff report to comport with the quasi-judicial process for the proposed Planned Area 3 zoning. Apart from being re-arranged and some new headings used, here is a brief description of what is new relative to the February 17 staff report.

Finding 9 includes additional language regarding the consistency of the proposed amendments with Criterion 1. Included are citations to the sections of the Growth Management Act and a number of Comprehensive Plan Policies with which the proposed Aldercrest Plan Amendments are consistent.

Finding 15 recaps some of the issues raised during the February 17 public hearing, and describes the additional work that staff has done in the interim. It lists additional information included in Exhibit 20 and provides a narrative explaining the rationale for the "potential revisions" identified on Exhibit 20. A Commissioner wishing to include any of the numbered revisions, you would raise the questions by saying, "I move adoption of potential revision X as part of the Planning Commission recommendation in this matter." Any motion with a majority vote would become part of your recommendation.

Finally, remember that the public hearing is still open. If we receive any emails or other written response from the public based on this new material, we will forward it to you via Plancom and bring hard copies for your desk packets on March 3.

If you have any questions, you may contact me at (206) 801-2501 or jtovar@shorelinewa.gov.

Attachments

Att 1 – Updated List of Exhibits

Att 2 – Draft Planning Commission Findings, Conclusions and Recommendation (Exhibit 16)

Att 3 – Three views of buffer area in the NE corner of the Site (Exhibit 17)

Att 4 – Detail of buffer in NE corner of Site, showing photo views (Exhibit 18)

Att 5 – Possible Dimensions of Future City Park area (Exhibit 19)

Att 6 – Aldercrest PA-3 zoning text with possible revisions (Exhibit 20)



PUBLIC HEARING RECORD

Comprehensive Plan and Development Code Amendment to create Planned Area 3 - Aldercrest *February 17 & March 3, 2011 | List of Exhibits*

- Exhibit 1** February 17, 2011 Staff Report “Public Hearing on proposed amendments to the Comprehensive Plan and Development Code to create Planned Area 3 – Aldercrest”
- Exhibit 2** Aldercrest Vicinity Map
- Exhibit 3** Aldercrest Comprehensive Plan Future Land Use Map
- Exhibit 4** Aldercrest Subarea Plan
- Exhibit 5** Aldercrest Zoning Map Amendment
- Exhibit 6** Aldercrest Planned Area 3 Zone – Chapter 20.93
- Exhibit 7** Aldercrest Topography
- Exhibit 8** Notice of Neighborhood Meeting
- Exhibit 9** Notice given to Washington State Department of Commerce
- Exhibit 10** SEPA Determination of Non-Significance
- Exhibit 11** Comment Letters

Included as attachment to 2/17/11 Public Hearing Staff Report

1. Sean Osborn
2. Debbie Kellogg
3. Nancy Moreyra

4. Janis Orders
5. Teresa Alsept
6. Nancy & Gary Jang – *see 11.l. for missing attachment*
7. Friends of Aldercrest
8. Eric Doyle
9. Joyce Lingerfelt
10. Joe Blanchard
11. Loretta Graves

Included in 2/17/11Desk Packet

12. Nancy & Gary Jang (*attachment to 11.f*)
13. Garry Lingerfelt
14. Tom Birtley
15. Shoreline PTA Council
16. Nancy Moreyra
17. David Pyle
18. Eve Buckle, Lake Forest Park Montessori
19. Andrew Bradner
20. Jill Brady
21. Mary White
22. Roxanne Garzon
23. Clifford Hansen
24. Barbara El Naby and Family
25. Shanna Sierra
26. Ward R. Drennan
27. Paul, Sheryl, Jessica and Jared Yost
28. Heidi & Joe Monroe, Sterling & Adrian Monroe
29. Jeff Huffman
30. Luanne Brown
31. Ronald Guerrero
32. George & Betsy Piano

Exhibit 12 February 16, 2011 Memorandum from Joseph Tovar to the Shoreline Planning Commission RE: “Supplemental Information for the February 17 Public Hearing”

Exhibit 13 Aldercrest Annex PowerPoint presented at February 17, 2011 Public Hearing

- Exhibit 14** Aerial Parcel Map of Aldercrest Property
- Exhibit 15** February 25, 2011 Memorandum from Joseph Tovar to the Shoreline Planning Commission RE: “Updated Staff report and new information for the continued March 3 Aldercrest public hearing”
- Exhibit 16** Draft Planning Commission Findings, Conclusions and Recommendation (attached to February 25, 2011 Memorandum)
- Exhibit 17** Three views of buffer area in the NE corner of the Site
- Exhibit 18** Detail of buffer in NE corner of Site, showing photo views
- Exhibit 19** Possible Dimensions of Future City Park area
- Exhibit 20** Aldercrest PA-3 zoning text with possible revisions

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CITY OF SHORELINE
PLANNING COMMISSION
FINDINGS, CONCLUSIONS AND RECOMMENDATION

PROJECT INFORMATION SUMMARY

Project Description: Proposed amendments to the Comprehensive Plan and Development Code to create Planned Area 3 - Aldercrest

Project Address: 2545 NE 200th Street

Property Owner: Shoreline School District

Staff Recommendation: Approval

FINDINGS OF FACT

A. Current Development

1. The subject parcel is the former site of Kellogg Middle School, also referred to as the Aldercrest Annex.
2. The Aldercrest Annex is approximately 16.16 acres and is bound by 25th Avenue NE on the west and NE 200th Street to the north.
3. The topography of Aldercrest Annex ranges from 215 feet above sea level at the southwest corner to an elevation of 260 feet at the northwest corner and elevation 290 at the northeast corner. For its historical use as a Junior High School, a series of topographic benches were graded to create several distinct open and built spaces on the site. The lowest of these “benches” is a relatively level area that contains a baseball diamond, tennis courts, and a large grassy area. The next bench up and to the northeast is the site of an oval track and soccer field. These two lower benches, a total of approximately half of the site, are generally devoid of trees except along the southern and eastern edges. The remaining higher topographical benches of the property, proceeding uphill and to the northeast, are the previously developed portions of the site. These areas contain parking areas, a gymnasium, classrooms, and school office buildings. There are scattered mature trees in the planter strips of the former parking areas and heavy mature trees along the eastern edge of the property. These upper benches total roughly half of the site.

B. Comprehensive Plan Land Use Designations.

4. The site is designated “Public Facilities” under the current comprehensive plan.

C. Current Zoning and Uses

5. Aldercrest Annex is zoned R-6, residential, six dwelling units per acre.
6. Land abutting Aldercrest Annex to the west are single-family and multi-family homes, but are designated on the Future Land Use Map (FLUM) for high density residential development; abutting to the south are primarily multifamily uses and designated on the FLUM for high density residential. Properties along the east edge of Aldercrest Annex are single-family homes and designated on the FLUM as low density residential. Across 200th Street to the north is land designated for low density residential but developed as a school facility owned by the Shoreline School District.
7. The lower portion of the property constitutes the largest green and open area in the Ballinger neighborhood and the fields and open grassy areas have been informally used for decades for both passive and active recreation. Neighborhood residents and youth sports teams from the larger community have used the facilities for soccer, baseball and tennis. Other community gathering and recreational activities on this grassy area include kite and Frisbee flying, snow sledding on the slopes between benches, and even outdoor movies hosted by the neighborhood association. There are no City park facilities nearby that can provide such a broad range of opportunities for recreation and community gatherings.

D. Background

8. In the summer of 2010, the City Council placed on the City's Planning Work Program the preparation of potential amendments to the comprehensive plan and development for the Aldercrest property. The Council recognized that the Shoreline School District had declared the property as surplus and had heard concerns from neighborhood organizations and individuals that the current open space in the southerly portion of the property was of great value to the community and that the City should explore ways to preserve it.

To develop a potential proposal, the City Council asked that representatives of the School District, the Ballinger Neighborhood Association and the Friends of Fircrest serve on a Task Force to work with the City on refinement of a proposal to be taken through the public process. Each organization brought its own interests and resources to the ensuing discussion, including the desire of the community organizations to secure a city park on a portion of the property and the desire of the school district to maintain at least as much value as the original R-6 zoning.

The Aldercrest Task Force worked for six months to craft proposed amendments that would meet these objectives, recognize the unique assets and circumstances of the site, and create specific protections to lessen the impact of future site development on nearby residential areas.

The Aldercrest school site is currently designated on the FLUM as “PF”, which stands for “Public Facility.” The zoning of the site is R-6 which would allow a subdivision of the 16 acre site into approximately 70 single-family homes. There was a strong concern on the part of the Task Force members that unless some economically viable alternative land use designation were put in place, that the property would simply be divided up into single-family homes and the open space would be lost.

During the Task Force’s consideration of possible land use alternatives for the property, the City’s Economic Development Manager provided an assessment about the relative marketability of the property for alternative land uses. The Parks Director provided input identifying the parameters for a successful neighborhood park in terms of scale, access, shape and certain operational considerations. He also pointed out that any future design of a park on any dedicated park space would have to go through a public process involving the neighborhood, and that as there are no park development funds on the horizon, the most likely near-term use would be to simply maintain the activities that have been taking place on the open space for many years.

In determining which portion of the property might be most appropriate for development as opposed to retention as open space/park, the Task Force recognized that the existing topography of the site (Exhibit 7) is very important. Although there are no environmentally sensitive features on the site, there is intermittent standing water in the lower elevations in the southwesterly area. Also, the gentle slopes and terraces in the southern part of the site has historically been used for a variety of recreational activities, leading to the conclusion that the open space and park uses are best suited to this area.

In recognition of the single family neighborhood to the east of the property, the Task Force members paid particular attention to the need for aggressive measures to retain much of the existing tree cover along the easterly edge. They also advocated for greater building setbacks and stepbacks in this area, and the need to screen and orient light away from the east. The Task force was also mindful of the need to direct any future traffic to and from the site onto both 25th Ave NE and NE 200th Street. Many of these considerations and concerns resulted in proposed “special regulations” that are contained in Section 20.93.030, which is a table of “Permitted Uses, Standards and Special Regulations” for the proposed Planned Area 3 zone.

The Task Force organizations co-hosted a neighborhood meeting on Thursday, January 27, from 6:30 p.m. to 8:00 p.m. in the Living Wisdom School at 2800 NE 200th Street in Shoreline. A notice of that meeting is Exhibit 8. Approximately fifty citizens attended the meeting to hear a description of the proposed amendments and for a question and answer period.

The City notified the Washington State Department of Commerce of the proposed amendments on December 8, 2010 (see Exhibit 9), and issued a Determination of Non-significance for the proposed amendments (See Exhibit 10) on January 29, 2011 (These proposed comprehensive plan and development code amendments are a “non-project action” for purposes of the State Environmental Policy Act (SEPA). This means that no

actual project is proposed at this time. At such future date as a specific development proposal is submitted, based on the zoning in place at the time, it would constitute a “project action” under SEPA and a detailed environmental checklist would be required. This is acknowledged in the proposed zoning text at Section 20.93.050.

E. Proposal

9. There are two proposals before the Planning Commission. One proposal is a Comprehensive Plan amendment and the second proposal is to create implementing zoning map and text.
- The first proposal is the creating of a new Subarea Plan entitled “Aldercrest – Planned Area 3.” The analysis of the proposal’s compliance with the criteria follows:

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

The proposal to adopt a Subarea Plan for the Aldercrest site is specifically consistent with the authority at RCW 36.70A.130 and RCW 36.70A.080(2) adopt Subarea Plans.

The proposal is consistent with the following existing Comprehensive Plan policies:

Community Development

CD 24: Preserve, encourage, and enhance open space as a significant element of the community’s character through parks, trails, water features, and other significant properties (such as cemeteries) that provide public benefit.

CD 53: Preserve the natural character of neighborhoods by minimizing the removal of existing vegetation, especially mature trees, when improving streets or developing property.

Land Use

LU 7: Ensure that proposed amendments are accompanied by recommended changes to development regulations and modifications to capital improvement programs, subarea, neighborhood and/or functional plans (if any) required to implement the amendment.

LU 13: Encourage the integration of public open spaces into residential neighborhoods, (including small pocket parks) and protection of existing stands of trees and vegetation which serve as buffers.

Parks and Recreation

Goal PR 1: Enrich the quality of life for all Shoreline residents by ensuring that a broad range of high quality parks, recreation, and cultural opportunities are readily available, by preserving open spaces and waterfront access.

PR 4: Investigate alternative methods, including seeking outside funding, for the financing of acquisition, facility development and renovation, maintenance and operating needs to reduce costs.

The proposal would add additional higher-density housing in an area that is bordered on several sides by similarly higher density uses. This would increase housing opportunities in the City while balancing the provision of additional open space and recreational space. In addition, the site is well served by existing road networks and by public transit.

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

The change in circumstance is the pending sale of surplus publicly owned property that could result in the loss of an open space and recreation area that has been accessible to the area residents for many years.

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

The proposed amendments would be a benefit to the community as a whole by providing for a new park that could be used by people from throughout the community.

- The second proposal is to create a new Planned Area 3 zone, which includes both text and a map designation.

Development Code amendment criterion 1 The rezone is consistent with the Comprehensive Plan.

The proposed rezoning to Planned Area 3 would be consistent with and implement the provisions of the proposed Aldercrest Subarea Plan.

Development Code amendment criterion 2 The rezone will not adversely affect the public health, safety or general welfare.

The proposed rezoning would benefit public health by creating a permanent park in the neighborhood, while also eliminating an existing threat to public safety. The vacant status of the site has created vandalism and other anti-social activities in recent years. The “400 building” was an extreme example, suffering from arson within the past year. That event led to the demolition of the structure.

Development Code amendment criterion 3 The rezone is warranted in order to achieve consistency with the Comprehensive Plan.

The creation of the Aldercrest Subarea Plan describes an alternative use pattern for the property. The consistency requirements of the Growth Management Act, at RCW 36.70A.070, oblige the City to rezone the property. The proposed zoning amendment is internally consistent with the proposed Comprehensive Plan amendment and with the Plan generally.

Development Code amendment criterion 4 The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.

The special regulations include many intended to lessen potential impacts to adjacent property owners. These include limitations on exterior lighting, enhanced tree

preservation and staggered building height limits which are more rigorous than the standards in the current R6 zoning on the property.

F. Notice and SEPA Compliance

10. The Washington State Department of Commerce was provided the required 60-day notice on December 8, 2010.
11. The notice of Comprehensive Plan and Zoning Amendment, including SEPA was issued on January 12, 2011. This notice included a 14-day comment period, was published in the Seattle Times, posted on the property and City of Shoreline website, and mailed to property owners within 500 feet.
12. A neighborhood meeting, with notice posted and mailed to property owners within 500 feet was held on January 27, 2011.
13. The SEPA threshold determination of nonsignificance (DNS) and 14-day comment period, along with the notice of public hearing was issued on February 2, 2011. This notice was also mailed, published, and posted on the property.

G. Public Comment

14. The City received a number of written communications from the public prior to the issuance of the staff report. These are in Exhibit 11.

H. Additional Information Subsequent to the Feb. 17 public hearing

15. During the first public hearing on the proposed amendments the Planning Commission identified several areas where additional information or code language might be appropriate. These are summarized as follows, with citations to Exhibits 17 through 20 as appropriate.
 - a) In response to a concern expressed by Mr. Sean Osborn, a property owner abutting the northeast corner of the Aldercrest property, the Commission focused on the question of the buffer along the east edge of the site and how the special regulations in the proposed PLA 3 code might be modified to be more effective. As shown in three photographs on Exhibit 17 (which are taken from the vantage points in Exhibit 18), although there are significant trees in this part of the buffer area, the foliage is actually very sparse and does not provide an effective screen to the Osborn property and the property immediately to the south. Increasing the dimension of the buffer would not improve this situation, however, adding landscape materials and a fence would. Therefore, added text for Special Regulation #6 is shown with potential revision #9 on Exhibit 20.
 - b) At the time that City staff took the photographs in Exhibit 17, they walked the balance of the buffer area along the east and south edges of the site which abut R6.

In no other location did the staff conclude that the 25 foot buffer dimension required additional plant materials or fencing to create an effective screen.

- c) The Planning Commissioners on February 17 also questioned whether the language in Special Regulations 2 and 3 could be manipulated to carve out an unacceptable shape for a future park parcel. In response, the City staff prepared Exhibit 19 to illustrate how the dimensions referenced in these special regulations (the parks 375 foot frontage required on 25th Avenue NE and the minimum acreage of 6 acres) would preclude such a non-functional park shape. To make this even clearer, the staff has proposed additional language for Special Regulations 2 and 3 shown as Potential revisions #2 and #4 on Exhibit 20 (i.e., adding “and an east-west dimension of at least 690 feet”).
- d) The Planning Commission also raised the possibility that parking might be necessary for the future park to access from 2^{5th} Ave. NE, and asked how to provide an opportunity for shared parking with the private project access driveway that must be located on 2^{5th} Ave NE. Staff has drafted Potential Revision #1 to Special Regulation #1 on Exhibit 20. This added language would require an easement to be placed in the area of the driveway to keep open the opportunity for future shared driveway access.
- e) The Commission also had concerns about tying the park dedication requirement to the “temporary” occupancy permit trigger. The staff has prepared Potential Revision #3 to utilize the timing language used elsewhere in the code “prior to issuance of certificates of occupancy.”
- f) One Commissioner asked whether it would be appropriate to protect the significant trees to be retained in the buffer area by identifying the dripline as the location for protection fencing. Potential Revision #7 was drafted for this purpose.
- g) Commissioners were concerned that the existing grade of the park parcel not be disturbed before a specific development proposal is in place for the park’s future development and use. Potential Revision #10 was drafted for that purpose.

RECOMMENDATION

The Planning Commission recommends adoption by the City Council of the proposed amendments to the Comprehensive Plan contained in Exhibit 3 and 4, an amendment to the City zoning map as shown in Exhibit 5, and an amendment to the Development Code adding a new section 20.93 (Aldercrest PA-3 zoning text).

Date: _____

By: _____
Planning Commission Chair

EXHIBITS

- Exhibit 1** February 17, 2011 Staff Report “Public Hearing on proposed amendments to the Comprehensive Plan and Development Code to create Planned Area 3 – Aldercrest”
- Exhibit 2** Aldercrest Vicinity Map
- Exhibit 3** Aldercrest Comprehensive Plan Future Land Use Map
- Exhibit 4** Aldercrest Subarea Plan
- Exhibit 5** Aldercrest Zoning Map Amendment
- Exhibit 6** Aldercrest Planned Area 3 Zone – Chapter 20.93
- Exhibit 7** Aldercrest Topography
- Exhibit 8** Notice of Neighborhood Meeting
- Exhibit 9** Notice given to Washington State Department of Commerce
- Exhibit 10** SEPA Determination of Non-Significance
- Exhibit 11** Comment Letters 1-32
- Exhibit 12** February 16, 2011 Memorandum from Joseph Tovar to the Shoreline Planning Commission RE: “Supplemental Information for the February 17 Public Hearing”
- Exhibit 13** Aldercrest Annex PowerPoint presented at February 17, 2011 Public Hearing
- Exhibit 14** Aerial Parcel Map of Aldercrest Property
- Exhibit 15** February 25, 2011 Memorandum from Joseph Tovar to the Shoreline Planning Commission RE: “Updated Staff Report and new information for the continued March 3 Aldercrest public Hearing”
- Exhibit 16** *Draft* Planning Commission Findings, Conclusions and Recommendation
- Exhibit 17** Three views of buffer area in the NE corner of the Site
- Exhibit 18** Detail of buffer in NE corner of Site, showing photo views
- Exhibit 19** Possible Dimensions of Future City Park area
- Exhibit 20** Aldercrest PA-3 zoning text with possible revisions

View 1 looking south at edge of buffer area



View 2 looking east at edge of buffer area



View 3 looking east at edge of buffer area



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Chapter 20.93 Aldercrest - Planned Area 3

Sections:

- 20.93.010 Purpose and scope
- 20.93.020 Planned Area 3 official zoning map designation
- 20.93.030 Permitted uses, standards, and special regulations
- 20.93.040 Additional site development standards
- 20.93.050 Environmental review and mitigation of impacts

20.93.010 Purpose and scope

- A. The purpose of this chapter is to:
1. Implement the City’s Comprehensive Plan policies for Planned Area 3 in the Ballinger neighborhood.
 2. Define zoning that replaces the regulations of Chapter 20.50, Subchapter 1, 2, and 4 with new standards for the scale, character, configuration and location of development in the zone and new provisions to ensure compatibility and transition to adjacent single family neighborhoods.
 3. If provisions of this chapter conflict with provisions elsewhere in the Shoreline Municipal Code, the provisions of this chapter shall apply. When it is unclear which regulations apply, then the presumption shall be that the regulations of this chapter take precedence with the ultimate determination to be made by the Director.

20.93.020 Planned Area 3 Official Zoning Map Designation

In order to implement the Comprehensive Plan policies, the Aldercrest Planned Area 3 (“PLA 3”) zone is adopted as shown on the City’s official zoning map.

20.93.030 Permitted Uses, Standards, and Special Regulations

USE	MAXIMUMS			MAX & MIN	MINIMUMS			Special Regulations
	Density	Building Height	Hardscape		Front yard set-back	Side yard set-back	Rear yard set-back	
Apartments and single-family attached	28 units per acre	45 feet	85%	10 acres	10 ft.	10 ft.	10 ft.	SR 1 SR 2 SR 4 SR 5 SR 6
Apartments and single-family attached	48 units per acre	60 feet	90%	9 acres	10 ft.	10 ft.	10 ft.	SR 1 SR 3 SR 4 SR 5 SR 6

Public Park	N/A	N/A	10%	See SR 2 and SR 3	N/A	N/A	N/A	SR 7 SR 8
Institutional Use	N/A	60 feet	90%	9 acres	10 ft.	10 ft.	10 ft.	SR 1 SR 3 SR 4 SR 5 SR 6 SR 7 SR 9 SR 10

SR 1 - Vehicular access shall be from both 25th Ave. NE and NE 200th St. *[Potential Revision #1: An easement across a portion of the 25th Ave. NE driveway shall be recorded to allow shared access to potential future parking on the City park parcel. The easement shall have 50 feet of frontage on 25th Ave. NE, abut the City park parcel and be at least 120 feet in an east-west dimension.]*

SR 2 - At least 6 contiguous acres of land, including at least 375 linear feet of frontage on 25th Avenue NE, *[Potential Revision #2: and an east-west dimension of at least 690 feet]* shall be dedicated to the City of Shoreline for public park purposes. Dedication of the park parcel to the City may occur at any time after it is platted but shall occur *[Potential Revision #3: no later than issuance of prior to issuance of]* certificates of occupancy for development on the non-park parcel. Dedication of park land shall be in lieu of payment of any current or future park impact fees. The cost of any future development of land dedicated for park shall be borne by the City.

SR 3 - At least 7 contiguous acres of land, including at least 375 linear feet of frontage on 25th Avenue NE, *[Potential Revision #4: an east-west dimension of at least 690 feet]* shall be dedicated to the City of Shoreline for public park purposes. Dedication of the park parcel to the City may occur at any time after it is platted but shall occur *[Potential Revision #5: no later than issuance of prior to issuance of]* certificates of occupancy for development on the non-park parcel. Dedication of park land shall be in lieu of payment of any current or future park impact fees. The cost of any future development of land dedicated for park shall be borne by the City.

SR 4 - A minimum 10 foot wide public pedestrian access easement with a minimum 8 foot wide pathway shall be improved and dedicated to the City, connecting NE 200th Street to the public park. The easement must be in a location, conveyed in a form and the pathway improved to standards acceptable to the City of Shoreline.

SR 5 - Maximum building height within 100 feet of R6 zones to the east and south is 45 feet above average existing grade consistent with SMC 20.50.050.

SR 6 – *[Potential Revision #6: In order to provide a buffer to the single family neighborhoods to the east and south,]* 80% of all healthy significant trees which have any portion of their trunk within 25 feet of R6 zoned lands shall be flagged with surveyor tape and protected with a temporary chain link fence *[Potential Revision #7: to be placed at the dripline]* prior to issuance of any development permits. All *[Potential Revision #8: such]* healthy significant trees are to be retained. A tree survey and arborist report shall be submitted with application for any development permits. *[Potential Revision #9: The portion of this buffer which lies within 160 feet of NE 200th Street shall be supplemented with Type II landscape materials per SMC 29.50.46.B, and a sight-obscuring fence.]*

SR 7 – *[Potential Revision #10: No grading or heavy equipment shall be permitted on the site until after dedication of the parcel to the City.]* Applicant may propose, and the City may authorize, limited site grading of the park site concurrently with the grading and development of the remaining portion of the PLA 3 zone if such grading is necessary to achieve proper drainage and access controls for both parcels.

SR 8 - A special use permit is required for any park improvements.

SR 9 - A special use permit is required for Institutional Uses. The standards and special regulations for other residential uses in this zone shall control unless specifically modified as a design departure under the Administrative Design Review process.

SR 10 - For purposes of the PLA 3 zone, “Institutional Uses” are all educational facilities, places of worship, and conference centers. Retail or restaurant uses are not considered Institutional Uses but may be included as accessory uses to the primary institutional use.

20.93.040 Additional site development standards

- A. All parking not in structures shall be screened consistent with SMC 20.50.470.
- B. All exterior lights shall be fitted with appropriate hoods and shielded to confine emitted light to within the site.

20.93.050 Environmental review and mitigation of impacts

The environmental review for development permits pursuant to RCW 43.21C shall address both on-site and off-site impacts, including but not limited to impacts on the City’s road network, parks, and other municipal services.

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Memorandum

DATE: February 24, 2011

TO: Shoreline Planning Commission

FROM: Maureen Colaizzi, Parks Project Coordinator

RE: March 3 Study Session on Parks, Recreation, and Open Space (PROS) Plan Update

Introduction & Background

The City is in the process of updating the three Functional Plans: PROS Plan, Transportation Master Plan and the Surface Water Master Plan. Also in 2011, the City will begin updating the Comprehensive Plan. The Functional Plans tie to the Comprehensive Plan in two specific ways: 1) The goals, policies, and maps from the Functional Plans will be incorporated into the Comprehensive Plan in some fashion (either verbatim or in a summarized form) and, 2) the Functional Plans will inform the Capital Facilities Element of the Comprehensive Plan.

The Functional Plans must be consistent with and implement the Policies and Priorities set forth in the Comprehensive Plan Capital Facilities Element (CFE), but need not be a part of the CFE. This is an iterative process. Amendments to the CFE may require further amendments to the Functional Plans and vice-versa.

This study session provides the Planning Commission with an overview of the Parks, Recreation and Cultural Service (PRCS) Board and the PRCS Department's efforts to update to the Parks, Recreation and Open Space (PROS) Plan. PRCS Board and City Council will be leading the review and adoption; however, we are interested in receiving your feedback.

Discussion

PROS Plan Background

The PROS Plan is a 20-year vision that is required to be updated every six years. The PROS Plan creates a short term and a long term implementation strategy for meeting the facility and program needs of our citizens and allows the City to qualify for State and Federal Grants. The first plan was completed in 1998 with the first update in 2005.

The PROS Plan is used to assess our citizen's needs, align and prioritize maintenance and capital needs with our core mission and goals, develop the 6-year General Capital Improvement Projects, and identify projects that can qualify for state and federal grants.

The 2005 plan update provided the statistically valid survey results and the list of acquisition and capital improvement projects that ultimately made the voter approved 2006 Open Space, Parks and Trail Bond of which most have been completed. In addition, the plan identified several other capital projects that were completed in the past six years.

In 2010 Parks staff conducted a statistically valid community survey regarding parks, recreation and cultural services and held several stakeholder and community open house sessions with the public.

To meet the Recreation and Conversation Office (RCO) grant schedule, the 2011-2017 PROS Plan is scheduled to be adopted by the end of June.

Staff is in the process of gathering data to complete the writing of the document. Briefings are scheduled with the Parks Board, Planning Commission and City Council to provide feedback on the findings of the draft.

Plan Overview

The major components of the PROS Plan include:

- The plan Goals and Policies (attached hereto)
- An assessment of community need including a statistically valid survey and stakeholder and community meetings
- Establishment of the Level of Service Standards
- Park and Facility Life Cycle Replacement Costs
- An inventory of the City's Park and Facilities
- An analysis of our Recreation Programs
- New to this update – An analysis of our cultural programs
- And finally, a list of prioritized long term recommendations for capital improvements

PROS Plan Schedule

Apr-Dec 2010

- ✓ Completed a statistically valid community survey
- ✓ Conducted Stakeholder and Visioning session with the Public

Jan-June 2011

- PRCS Board and Planning Commission Briefings – Jan-Apr
- City Council Briefings – Jan, Apr, May
- State of Washington Recreation & Conservation Office Review -Apr
- SEPA Checklist and Determination – April-June
- PRCS Board Review Draft Plan -May
- City Council Adopt 2011-2017 PROS Plan -June

Coordination with Other City Plans

The 2005 PROS Plan Goals are adopted in the current Comprehensive Plan. The attached 2011 update draft goals and policies address bicycle and pedestrian travel, water quality improvements, environmentally sustainable practices. The PROS Plan Capital Project List is reviewed by staff to evaluate opportunities for joint efforts. Examples of coordinated efforts between departments include projects such as the Boeing Creek Park and Cromwell Park Improvement Projects, the Aurora Avenue/Interurban Trail development, connections from the IUT to the Burke Gilman Trail.

2011-2017 PROS Plan Update Changes

The 2011-2017 PROS Plan update will include the following additions:

- Update and modify the PROS Plan Goals and Policies
- Incorporating the Healthy City Strategy;
- Integrating public art and cultural Services;
- Updating the Level of Service standard;
- Including Shoreline School District (SSD) property in the Level of Service Standard;
- Modifying park classifications;
- Identify Environmental Critical Areas and newly acquired properties in the facilities inventory.

Public Process

The PRCS department has followed a very extensive public process. The following outlines our public outreach efforts:

- ✓ 508 Statistically valid surveys were received
- ✓ 2011-2017 PROS Plan Update webpage and on-line documents
- ✓ September/October 2010 Currents Articles
- ✓ Two city-wide visioning open houses
- ✓ Two stakeholder meetings
- ✓ Over 100 On-line and mail-in comment forms Received
- ✓ 12 PRCS Board meeting discussions April 2010-March 2011
- ✓ One Planning Commission Briefing – Mar 3, 2011
- SEPA Public Comment Period – May 2011
- PRCS Board Meeting to Review of Draft Plan – May 2011
- Three City Council Briefings – Jan, Apr, May 2011
- City Council Adoption June 2011

2011-2017 PROS Plan Update Goals and Policies

Attached is a draft of the 2011-2017 PROS Plan updated goals and policies. Staff and the PRCS Board have drafted an updated list of goals and policies based on changes that have occurred since the 2005 PROS Plan update was written.

A new goal (Goal 8) and corresponding policies for our public art and cultural programs was created in this update. Also, additional policies were added in each goal to address

sustainability. A new policy was added in Goal 7 to address healthy lifestyles; and Goal 5 was modified to expand the focus of this goal to bicycle and pedestrian travel.

Staff is proposing a new numbering system for the goals and policies. An example would be:

G7
NPR 1

This number means that this is the first new policy in Goal 7. The second new policy for Goal 7 would be G7 NPR2, etc. Staff is looking for your feedback on the proposed system.

Next Steps

I will provide your feedback and comments about the goals and policies to the PRCS Board and City Council as they will be reviewing them in April. In addition, the final draft will be ready for review by the PRCS Board at their April meeting and City Council on May 16. When the final draft is ready, we will forward it to you. You are welcome to provide us feedback and comments on the draft.

Please contact me if you have any questions or comments prior to the meeting. You can reach me at (206) 801-2603 or mcolaizzi@shorelinewa.gov.

Attachments

1. PROS Plan Chapter 3: Draft Goals and Policies



CHAPTER 3: GOALS AND POLICIES

This chapter describes the goals and policies that create a framework for future decisions for parks, recreation and cultural resources in Shoreline.

These goals and policies give the community a sense of direction and establish a method for achieving long term visions for the City's parks, recreation, cultural facilities and programs. These goals and policies have evolved based on community values, and are incorporated into the Shoreline Comprehensive Plan: Parks, Recreation, and Open Space Element.

Goals described in this chapter are the City's aspirations, and are intended to remain constant over time. The policies are more precise statements that describe how elements of the overarching goal can be achieved.

The following goals and policies encourage:

- Providing a range of parks, recreation and cultural programs, experiences, and trail networks;
- Maintaining sustainable facilities including parks, open space, public art, recreation and cultural programs and services;
- Improving access to and usability of park, recreation and cultural facilities and programs;
- Coordinating with community partners to equitably distribute community resources;
- Involving the community;
- Creating diverse recreation programming that meets the community's needs; and
- Integrating cultural programs and public art into all aspects of community life.





**GOAL 1:
PROVIDE OPPORTUNITIES,
PRESERVE AND MAINTAIN**

Preserve, maintain and enhance parks, recreation and cultural resources to ensure a broad range of high quality opportunities exist to enrich the quality of life for all Shoreline residents.

- PR 1:** Monitor changes in both existing and planned population and evaluate how the Parks, Recreation and Cultural Services Department can adapt to the needs of a changing population.
- PR 2:** Preserve, protect and enhance critical or unique natural features within parks — such as floodplains, stream corridors, wildlife habitats, shorelines and wetlands—, and educate the public on the importance of stewardship.
- PR 3:** Actively seek opportunities to preserve, protect and acquire open space and waterfront access.
- PR 4:** Reduce costs by seeking alternative funding methods to acquire, develop, renovate, maintain and operate facilities.
- PR 5:** Maximize the benefits from public lands for parks and programs by coordinating park planning and land acquisitions with those of other agencies providing similar services and with City plans for streets, utilities, and development.
- PR 6:** Distribute park, open space, recreation and cultural resources equitably by documenting gaps in service and where feasible providing resources to satisfy varying levels of citizen needs.
- G1** Coordinate with other City departments to enhance and restore historic watersheds, in particular the habitat and flood protection functions of these natural systems.
- NPR 1:**





- PR 7:** Protect water bodies in park settings from degradation and seek opportunities to improve water quality.
- PR 8:** Utilize sustainable best management practices, sound maintenance, and design and development guidelines to ensure responsible stewardship of natural resources and habitat in the park system.
- PR 9:** Retain and develop underdeveloped public right of ways for public access and passive recreation where appropriate.
- PR 10:** When upgrading active recreation and sports facilities, maximize public use by utilizing designs that meet current industry standards and incorporate innovative, low-impact, development design and techniques.
- PR 11:** Reduce cost and create efficiencies by coordinating maintenance operations with other agencies such as but not limited to the Shoreline School District, Shoreline Community College, private schools, churches and athletic field users.
- G2**
NPR 1: Explore cost effective opportunities to maintain existing park, open space, recreation and cultural facilities through contracted services and volunteer opportunities.
- G2**
NPR 2: Create environmentally sustainable parks, recreation and cultural services programs and facilities that reduce waste, protect ecosystems and address the impacts of past practices.
- G2**
NPR 3: Create opportunities to educate “reduce, reuse and recycle” at City parks, recreational facilities, and cultural events by providing dedicated containers.
- G2**
NPR 4: Support and promote invasive species removal and native planting efforts to restore and enhance park habitat by providing volunteer coordination, technical assistance and restoration plans.
- G2**
NPR 5: Reduce potable water use in parks by using efficient, cost-effective fixtures, drought tolerant and native plants, and non-potable water sources for irrigation.

GOAL 2:

MAINTENANCE OF FACILITIES

Monitor, evaluate and develop environmentally sustainable standards to maintain park facilities.





GOAL 3: ACCESSIBILITY AND USABILITY

Seek increased opportunities for Shoreline citizens to enjoy parks, recreation, and cultural resources through improving accessibility and usability of existing facilities.

- PR 12:** Enhance the quality and variety of recreation and cultural opportunities in the park system to serve a wide range of interests and age groups.
- PR 13:** Work to ensure park and recreation facilities are accessible to all individuals and groups of all physical abilities, skill levels, age, income, and activity interest and compliance with the Americans with Disabilities Act.
- PR 14:** Create ways to enhance public awareness of parks, recreation and cultural services facilities and programs.
- PR 15:** Seek to improve and expand indoor and outdoor recreation opportunities to reflect the diverse and changing needs and desires of the community.
- PR 16:** Seek to offer an expansive mix of passive and active recreation opportunities through both facilities and program offerings.

GOAL 4: PARTNERSHIPS- EQUITABLE DISTRIBUTION OF RESOURCES

Coordinate with community partners to create efficient and equitable distribution of community resources and facilities for Shoreline residents.

- G4** Create partnerships with community resource providers such as but not limited to: the State of Washington, King County, Shoreline Community College, Shoreline School District, Dale Turner YMCA, Shoreline-Lake Forest Park Senior Center, Shoreline-Lake Forest Park Arts Council, Shoreline Historical Museum and, the Kruckeberg Botanic Garden Foundation to equitably distribute resources to Shoreline residents.
- NPR 1:**
- PR 17:** Coordinate with public and private school districts to allow school facilities to be used for park and recreational purposes after school hours in order to maximize the public benefit from existing resources.
- PR 18:** Develop alliances with public and private organizations to coordinate the planning and development of facilities and programs, avoid duplication and reduce costs.
- PR 19:** Actively involve stakeholders, users, and the community in the development and management of park, recreation, and cultural services.
- PR 20:** Seek to develop mechanisms for communication and coordination among community resource providers in Shoreline.



- PR 21:** Encourage development of bicycle and pedestrian facilities and routes including those identified in the City of Shoreline Transportation Master Plan.
- PR 22:** Develop trail systems within parks and improve access to parks for bicyclists and pedestrians.

GOAL 5:
ENCOURAGE PEDESTRIAN AND BICYCLE TRAVEL
 Encourage pedestrian and bicycle travel by identifying and developing facilities and routes to link Shoreline residents to parks and community resources.

- PR 23:** Encourage, record, and track citizen responses to specific programs, facilities, and policies.
- PR 24:** Partner with community resource providers and use various community outreach methods to monitor park, recreation and cultural service preferences, needs, trends and citizen satisfaction.
- PR 25:** Provide public review opportunities in park, recreation and cultural services planning decisions.
- PR 26:** Monitor, evaluate and adjust public relations and publicity efforts to inform citizens of the park, recreation and cultural opportunities available citywide and in neighborhoods.
- PR 27:** Encourage citizen involvement and participation in assuring the quality of park development and maintenance through various volunteer opportunities.

GOAL 6:
PUBLIC INVOLVEMENT
 Encourage consistent and effective public involvement in the short and long-range park, recreation and cultural services planning process.





GOAL 7: DIVERSE RECREATIONAL PROGRAMMING

Seek to provide a comprehensive, broad, diverse and flexible program of recreation and cultural services to meet the active and leisure needs of diverse populations, age groups and interests.

- PR 28:** Take a leadership role in building alliances fostering communication and coordination as the City and other organizations strive to satisfy the recreation and cultural needs of Shoreline residents while limiting duplication.
- PR 29:** Align program and service offerings with the core mission while remaining flexible, filling service gaps, and adjusting to trends in order to serve a variety of ages, interests, abilities and the diversity of cultures represented in our City.
- PR 30:** Monitor, evaluate and adjust recreation and cultural offerings on a routine basis to correspond with needs assessment findings and respond to changes in citizen needs and desires.
- PR 31:** Offer children's and family programs during times that meet the growing needs of working parents.
- PR 32:** Provide a diversity of program options for middle and high school youth, and build alliances with other service providers to implement Council priorities related to youth services.
- PR 33:** Monitor, evaluate and adjust offerings to address service gaps in specialized recreation programs for City residents with developmental disabilities.
- PR 34:** Assure the Shoreline Pool's program services are available to infant through senior adult-aged participants at times that meet the needs of all individuals.
- PR 35:** Support the provision of senior adult, arts, and cultural history programs through alliances and joint planning with service organizations.
- PR 36:** Respect and celebrate the diversity of cultures represented in our City through recreation programs.
- G7** Develop programs to address obesity and support a healthy and active lifestyle.
NPR 1:
- G7** Develop environmental educational programming and life-long learning opportunities for Shoreline residents.
NPR 2:





- PR 37:** Develop a Community Cultural Plan to provide a “blueprint” for future arts and heritage programs and activities.
- PR 38:** Increase the public art fund to demonstrate the value of public art as an integral part of the built and natural environments.
- PR 39:** Provide funding for maintenance and repair of public art.
- PR 40:** Identify opportunities to locate a variety of cultural programs and public art throughout the city.
- PR 41:** Work with Shoreline’s Planning, Economic Development and Public Works departments to encourage public art and creative spaces in private development as well as in public projects.
- PR 42:** Collaborate with partner organizations, such as, but not limited to, the Shoreline-Lake Forest Park Arts Council, Shoreline Historical Museum, the Shoreline School District, and local businesses to provide high quality performance, visual art and heritage opportunities for all Shoreline residents.
- PR 43:** Take a leadership role in marketing of arts and heritage opportunities in the City, adjusting methods and outlets to keep pace with changing technology and demographics.
- PR 44:** Strengthen Cultural Tourism as an economic development and educational tool through both arts and heritage venues and activities.
- PR 45:** Explore the feasibility of a multi-arts/cultural center in Shoreline.

GOAL 8:

ARTS AND HERITAGE

Establish Shoreline as a culturally rich community that embraces all the arts, infuses artistic creativity into all aspects of civic life including the built and natural environments and celebrates and preserves our local history and diverse heritage in meaningful ways.





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