

# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

May 16, 2013  
7:00 P.M.

Shoreline City Hall  
Council Chamber

---

---

### **Commissioners Present**

Commissioner Craft  
Commissioner Maul  
Commissioner Scully  
Commissioner Wagner

### **Staff Present**

Paul Cohen, Planning Manager, Planning and Community Development  
Steve Szafran, Senior Planner, Planning and Community Development  
Kate Skone, Planning Commission Clerk

### **Commissioners Absent**

Chair Moss  
Vice Chair Esselman  
Commissioner Montero

### **CALL TO ORDER**

Commissioner Wagner called the regular meeting of the Shoreline Planning Commission to order at 7:02 p.m.

### **ROLL CALL**

Upon roll call by the Commission Liaison the following Commissioners were present: Commissioners Craft, Maul, Scully and Wagner. Chair Moss, Vice Chair Esselman and Commissioner Montero were absent.

### **ELECTION OF CHAIR PRO TEM**

**COMMISSIONER SCULLY NOMINATED COMMISSIONER WAGNER TO SERVE AS CHAIR PRO TEM FOR THE MAY 16, 2013 COMMISSION MEETING. COMMISSIONER CRAFT SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

### **APPROVAL OF AGENDA**

The agenda was accepted as presented.

## **APPROVAL OF MINUTES**

The minutes of April 18, 2013 were adopted as submitted.

## **GENERAL PUBLIC COMMENT**

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

## **PUBLIC HEARING: DEVELOPMENT CODE AMENDMENTS**

Chair Pro Tem Wagner reviewed the rules and procedures for the public hearing and then opened the public hearing.

### **Staff Presentation**

Mr. Szafran advised that the purpose of the meeting is for the Commission to conduct a public hearing, discuss the questions raised during the study session and any follow-up questions, and make a recommendation to the City Council. He reviewed the questions raised at the study session as follows:

- *How will modifying the building and hardscape requirements for single-family homes on R-12 zoned parcels affect storm and surface water?* Mr. Szafran pointed out that storm and surface water are regulated by the Department of Ecology's (DOE) Stormwater Management Manual for Western Washington, and the manual does not distinguish between building types when mitigating water quality or quantity. He advised that surface water would be managed and mitigated regardless of the type of building.
- *Should renewable energy systems be allowed above height limits in residential zones?* Mr. Szafran referred to examples of renewable energy systems in residential zones, which were included in the Staff Report. He noted that some of the systems need to be quite high to function properly. Based on the examples, staff reevaluated the proposal and is recommending that renewable energy systems be limited to 15 feet above the height limit for the zone in which they are built.

Mr. Szafran summarized that, with the exception noted above related to renewable energy systems, no other changes were made to the proposed amendment since the Commission's study session. He said staff recommends approval of the proposed amendments as presented.

### **Questions by the Commission**

None of the Commissioners had questions for staff at this point in the hearing.

### **Public Testimony**

**Alisha Leviten, Shoreline**, specifically referred to the proposed amendment to the animal code (SMC 20.40.240) and said her comments would be specifically about roosters. She said she supports people in the City being allowed to sustain themselves with gardens, chickens, etc. However, she urged the

Commission to approve the restriction on roosters. She has nothing against roosters or people wanting to have roosters, but they are inappropriate for a city setting. People who want roosters should live on a farm in the country. She said she has several roosters within a few blocks of her home, one being her backyard neighbor. Having a rooster near you is equivalent to having someone stand in your yard and blast an air horn every 30 seconds to 2 minutes all day long. It starts at the crack of dawn, which is currently about 5 a.m. and will get earlier as the summer approaches. Sometimes the noise even continues throughout the night.

Ms. Leviten said she and some of her neighbors believe that roosters are for rural farm settings where your neighbors are not 30 feet away from you. She said she doesn't understand why anyone would even consider having a rooster in the City. It is inconsiderate and thoughtless. She does not want to be woken up at 3:00 a.m. all summer long this year by roosters crowing. She bore that abuse last summer, and she was completely exhausted. She noted that people cannot have dogs that bark incessantly all day long, and there are many other noise ordinances for music, construction, etc. These ordinances control the times of day and how loud the noise can be, and that same logic should apply to roosters. Roosters are completely unnecessary for sustainable farming.

Assuming that roosters will be banned, Ms. Leviten questioned how the information would be disseminated to the public, especially those who currently possess roosters. It is also important for residents who don't have roosters to know this information so they can protect their own rights. She questioned the process for getting rid of the existing roosters from the City. Would they implement a farm adoption program for people who feel attached their animals? What will be the process for someone like her, who has a rooster living nearby, to do something after the legislation is approved?

Mr. Szafran said the proposed amendment to SMC 20.40.240(7) provides a list of prohibited animals, including roosters. The Community Response Team would enforce the ordinance based on citizen complaints. The City could also publish an article in *CURRENTS* to inform the public of the new animal code, specifically pointing out that roosters are prohibited. There could also be handout at the front counter of the Planning and Community Development Department.

Mr. Cohen explained that existing roosters could be treated as a type of legal, non-conforming use, but he acknowledged that it will be difficult to establish what was legally conforming before the amendment was approved. He explained that the City's Code Enforcement Officer deals with items in the code that are considered "nuisances." He suggested that language could be added to the code to enforce problems with current roosters, but it may be necessary to obtain direction from the City Attorney before doing so. Chair Pro Tem Wagner suggested the Commission postpone this debate until after the public hearing.

**Dr. Russell Patterson, Seattle**, said he is co-owner of the animal specialty hospital located at Northeast 148<sup>th</sup> Street and 15<sup>th</sup> Avenue Northeast. They have been in the business of providing specialty care for pets of the Seattle area for about 25 years. They were previously located in the Wallingford neighborhood; but as they grew and needed more space and parking, they began to look for properties in Shoreline. They moved into their new facility in the spring of 2009, and their experience in the neighborhood has been very positive. Their new facility has allowed them to grow further, and they are once again beginning to experience some lack of space. In looking to the future, they are about to purchase the property immediately to the east, which is currently developed with a small, abandoned

home. They are hoping that through an amendment to the text of the code, and subject to a conditional use permit, they would be able to use the property for parking. This would, in turn, allow for future growth of their business.

Dr. Patterson said they might not have considered purchasing the property to the east with this hope in mind had they not had a similar experience when purchasing their current property. He recalled that the existing parking lot, located to the east of the building, was zoned residential when the property was purchased, and it still is being used as such. He noted that, previously, the property had functioned as a parking lot to access a prior commercial business. This gave them reason to hope they would be allowed to use a residentially-zoned property to access their commercial building, as well. He summarized that the business is a valued member of the community, and they have a very good rapport with their neighbors. He noted that several neighbors have written letters and emails in support of the request. He concluded by stating that the animal specialty clinic is hopeful the City will approve their request and help them grow and continue to provide excellent veterinary care for the pets of Shoreline and the surrounding community.

**Kristina Cerise, Seattle**, said she is a land-use planner working with Dr. Patterson on the code amendment. Dr. Patterson spoke about the business and the need for expansion, and she was present to discuss the technical aspects of the proposal to allow veterinary clinics and hospitals as a conditional use. She noted that a range of non-residential uses are currently allowed in high-density residential zones. Some allow the use outright as a permitted use, and others with a conditional use permit. They took the more cautious approach and proposed a conditional use to calm any hesitation about the ability to look at site-specific impacts and mitigate any concerns for proposals down the road. The conditional use permit process would allow staff to review site-specific proposals and ensure compatibility with surrounding uses in the neighborhood.

### **Final Questions and Deliberations**

Chair Pro Tem Wagner asked if the proposed amendment would meet Dr. Patterson's concerns. Mr. Szafran answered affirmatively.

Chair Pro Tem Wagner referred to the issue raised earlier by Ms. Leviten regarding how the City would enforce the new ordinance that prohibits roosters. She suggested that perhaps this issue could be addressed via a general noise ordinance. She noted that the City does not currently have codified standards to govern when a noise level reaches the point where it is considered a nuisance. She suggested the issue should be added to their parking lot agenda for future discussion. Mr. Szafran pointed out that the City regulates construction noise by limiting the hours in which it can occur, but the code does not establish a specific decibel level for noise.

Mr. Cohen suggested one alternative would be to forward the proposed amendments to the City Council, with a specific request that they address the existing nuisance of roosters, which would no longer be allowed. The City Council could direct staff to find ways to enforce the prohibition on roosters or to ensure that it can be enforced with the current code language.

Commissioner Scully pointed out that nuisance issues are outside of the Commission's purview since they are not Development Code or Comprehensive Plan issues. Mr. Cohen concurred. Commissioner Scully expressed his belief that, if something presents a health and safety issue within land use, grandfathering would not be allowed. He said he hesitates to make a special exemption for roosters. He suggested the existing problem might be better addressed via the nuisance law, which would come before the City Council and not the Commission. Even if roosters can be grandfathered in, they typically live between three and five years and the problem will eventually resolve itself. He said he would be astounded if the City Attorney issued an opinion that if you had one rooster, you can replace it with another rooster forever.

Commissioner Scully suggested the Commission recommend approval of the amendments, as drafted, and then ask the City Council to address the short-term problems related to existing roosters. Chair Pro Tem Wagner expressed her belief that the Commission should not pass the buck to the City Council if it is something they can address. The Commission should consider the options, make a determination one way or another, and provide an opinion as to why they did or did not address it. Her inclination would be to point out to the City Council that there is a general noise issue that is separate from the care and feeding of animals, and roosters are already prohibited in the proposed amendment. They could recommend that addressing noise would be best approached via amendments to the general nuisance code.

**COMMISSIONER SCULLY MOVED THAT THE COMMISSION FORWARD THE PROPOSED DEVELOPMENT CODE AMENDMENTS TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS DRAFTED BY STAFF. COMMISSIONER CRAFT SECONDED THE MOTION.**

Commissioner Craft referred to the proposed language in SMC 20.40.240(7), which lists prohibited animals. He said he would like feedback from the City Attorney about whether or not existing nuisance animals on the list would be grandfathered in. Since the issue cannot be addressed tonight, he suggested they forward their recommendation with a request that staff raise this issue when the amendments are presented to the City Council. Mr. Cohen agreed that staff would convey the Commission's concerns to the City Council.

Chair Pro Tem Wagner reminded the Commission that in order to recommend approval of the proposed amendments, they must find that they are in accordance with the Comprehensive Plan, would not adversely affect the public health, safety or general welfare, and are not contrary to the best interest of the citizens or property owners in the City of Shoreline. She expressed her belief that the proposed amendments are well-drafted and none are controversial in nature. They are all minor amendments that either clarify or improve the code language. She noted that the issue she raised earlier about solar access and additional height on buildings, allowing them to add wind turbines or solar panels, was a question of balancing incentives for environmental sustainability with views and aesthetics of property. The proposed change would require the equipment to be camouflaged and limits the height to no greater than 15 feet above the height limit for the zone in which they are built. She noted that the Commission did not raise any concerns regarding the other proposed amendments. Commissioner Scully agreed that the amendments are not controversial.

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

**THE MOTION CARRIED UNANIMOUSLY.**

**Closure of Public Hearing**

Chair Pro Tem Wagner closed the public hearing.

**DIRECTOR'S REPORT**

Mr. Cohen did not have any items to report.

**REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

Commissioner Scully announced that the Light Rail Station Area Planning Committee will not meet on May 17<sup>th</sup>. He recalled that they just conducted a study session with the City Council, and a public meeting is scheduled for May 22<sup>nd</sup>. He noted that the committee members would attend the public meeting, and he encouraged other Commissioners to attend, as well.

Chair Pro Tem Wagner asked staff to confirm that Ms. Redinger has communicated to interested parties that the committee meeting has been canceled since it has been noticed as an expected meeting.

**AGENDA FOR NEXT MEETING**

Mr. Szafran announced that Brian Lee will provide a presentation on right size parking at the Commission's June 6<sup>th</sup> meeting.

**ADJOURNMENT**

The meeting was adjourned at 7:31 p.m.

---

Michelle Wagner  
Chair Pro Tem, Planning Commission

---

Kate Skone  
Clerk, Planning Commission

**TIME STAMP**  
**May 16, 2013**

**CALL TO ORDER:**

**ROLL CALL:**

**APPROVAL OF AGENDA:**

**DIRECTOR'S COMMENTS:**

**APPROVAL OF MINUTES:**

**GENERAL PUBLIC COMMENT:**

**PUBLIC HEARING: DEVELOPMENT CODE AMENDMENTS: 1:50**

**Staff Presentation: 2:15**

**Questions by the Commission: 5:27**

**Public Testimony: 5:58**

**Final Questions and Deliberations: 16:31**

**Vote to Recommend Approval or Denial or Modification: 27:20**

**Closure of Public Hearing: 27:32**

**DIRECTOR'S REPORT: 27:40**

**REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS: 28:10**

**AGENDA FOR NEXT MEETING: 29:13**

**ADJOURNMENT:**