

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF PUBLIC HEARING

June 5, 2014
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Scully
Vice Chair Craft
Commissioner Malek
Commissioner Maul

Staff Present

Rachael Markle, Director, Planning & Community Development
Paul Cohn, Senior Planner, Planning & Community Development
Steve Szafran, Senior Planner, Planning & Community Development
Julie Ainsworth-Taylor, Assistant City Attorney
Lisa Basher, Planning Commission Clerk

Commissioners Absent

Commissioner Montero
Commissioner Moss
Commissioner Strandberg

CALL TO ORDER

Chair Scully 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 Scully, Vice Chair Craft, and Commissioners Malek and Maul. Commissioners Montero, Moss and Strandberg were absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of April 17, 2014 and May 1, 2014 were adopted as submitted.

PUBLIC HEARING: DEVELOPMENT CODE AMENDMENT BATCH

Chair Scully noted that most members of the audience are present to comment on proposed Amendment 26 that would exempt the Seattle Golf Club from the clearing and grading standards in Shoreline

Municipal Code (SMC) 20.50.310, and the amendment is likely to generate the most Commission discussion. Therefore, he suggested the Commission consider it first. He also recommended that the remaining amendments be considered in bundles of 10, allowing the public to comment and the Commission to take action on each bundle before moving forward. The remainder of the Commission agreed with that approach. Chair Scully reviewed the rules and procedures for the public hearing and opened the hearing.

Amendment 26

Mr. Szafran recalled that some Commissioners questioned portions of Amendment 26 (SMC 20.50.310), which was submitted by the Seattle Golf Club. They specifically discussed:

- ***Item 7c would allow land surface modifications, including changes to the existing grade by four feet or more.*** Mr. Szafran reviewed that the Commission discussed adding an upper limit to Item 7c instead of the proposed language, which would allow an unlimited change of the existing grade. Staff is recommending against the applicant's proposal to allow a change in the existing grade of up to 40 feet without a clearing and grading permit. Instead, staff recommends a limitation on land surface modifications of up to four feet.
- ***Item 7e would allow the removal of significant trees as required to maintain and provide reasonable use of a golf course.*** Mr. Szafran advised that staff supports the applicant's proposal to raise the significant tree retention requirement to 50%. He noted that 50% is greater than what the applicant originally proposed and greater than what is currently required.
- ***Item 7f would exempt golf courses from the tree replacement requirements in SMC 20.50.360.*** Although the applicant has not proposed any alternative language to address the Commission's concerns, Mr. Szafran said the Staff Report recommends some alternative language such as reducing the number of replacement trees, providing the trees in different locations, or paying a fee in lieu of.
- ***Item 7h is related to the stockpiling and storage of organic materials.*** Mr. Szafran advised that the applicant is proposing an amendment that would allow golf courses to stockpile and store organic materials without a permit. Currently, the threshold for stockpiling and storage is 50 cubic yards without a permit. Staff is not recommending any changes to the proposed amendment, but the Commission could choose to increase the requirement if they see fit.

Mr. Szafran explained that, to date, the City has received three public comments specific to the golf club's proposed amendment (SMC 20.50.310), and the comments are outlined on Page 9 of the Staff Report. He summarized that the comments expressed concern about offering preferential treatment to just one property owner, as well as the lack of critical area review. In addition, it was suggested that a vegetative management plan might be a more equitable way to address tree issues on large properties. Lastly, concern was expressed that because an inventory has not been done, the City does not know how many significant trees are on the property.

George Treperinas, Seattle, said the applicant (Seattle Golf Club) is trying to come up with an approach that makes sense for the City, as well as the golf club. He reviewed the comments that were

submitted in opposition to the proposed code amendment. Regarding preferential treatment, he commented that it is not fair to treat the average property owner in the City of exactly the same as a property owner of a parcel that is 155 acres in size. The club's intent was to come up with an amendment that is meaningful, under the circumstances, yet allow them to better utilize the resources of the Planning & Community Development Department. He recalled that about three years ago, the club was able to get a multi-year permit from the City to remove multiple trees. At that time, it was determined that the replanting requirements should be relaxed because of the special nature of the golf course and the code requirement that allows the club reasonable use of its property.

Mr. Treperinas emphasized that the proposed amendment is not intended to allow the club to wholesale cut trees. Although one of the comment letters suggested that the club would remove the trees from the bluff, that would not be normal or routine. As he suggested in the supplemental materials he submitted after the Commission's May 1st study session, it would be very easy for the Planning & Community Development Department and/or Planning Commission to see what is done, and there would likely be sanctions if the club breaches its duties under the terms proposed.

Mr. Treperinas pointed out that other similar municipalities (i.e. Kirkland, Snoqualmie, Sammamish, Seattle, and King County) provide that golf courses can do normal and routine maintenance and do not expound on it. He noted that he previously shared examples of routine and normal maintenance to provide insight into what things the club would be permitted and not permitted to do. He briefly reviewed the changes the club is proposing:

- SMC 20.50.310.A.7 – Introduction. As requested by a Commissioner, the words “of existing golf courses” would be removed from the introductory paragraph.
- SMC 20.50.310.A.7.c – A dump truck holds about 10 cubic yards of dirt. The club believes it needs flexibility to allow changes in the existing grade of at least 40 feet without a clearing and grading permit in order to move materials around to create fairways and greens and to store organic material so it can be reused. They are currently stockpiling sand because their supplier went out of business. This would no longer be allowed if the grade change is limited to just four feet.
- SMC 20.50.310.A.7.e – The applicant proposed two alternatives for the language in this section, one of which would change the percentage that was originally proposed from 35% to 50%. The intent is to provide flexibility so the club does not have to tax City officials with issuing a permit each time. As long as they do a good job of managing the golf course, this extra requirement is probably unnecessary.
- SMC 20.50.310.A.7.f – The proposed amendment would mandate the club to do certain things.

While they do not offer a perfect solution, Mr. Treperinas asked the Commissioners to view the changes in a positive way. In addition, the club is open to looking at other compromises.

Peter Eglick, Attorney for the Innis Arden Club, commented that there is a reason they are called the Planning Commission and not the Exemption Dispensation Committee. He said the Innis Arden Club is

concerned that the proposed amendment would abdicate the planning responsibility. He recalled that the Innis Arden Club has asked the City on numerous occasions to adopt code language that would allow for planning for large tracts. The club consists of more than 300 acres, 50 of which are open space recreational tracts with approximately 8,000 trees. They have surveyed the site and provide this information to the City each time they apply for a clearing or grading permit. He said the Innis Arden Club believes the code should allow for planning of large tracts and not special exemptions. Even if the exemption concept were appropriate, the proposed exemption is flawed and would be impossible to enforce because there is no baseline data available and the code does not require it.

Regarding the proposal to amend the tree replacement requirement, Mr. Eglick pointed out that the Innis Arden Club has spent thousands of dollars on tree replacement to meet City requirements, and it does not understand why the City is considering allowing an exemption to just one property owner. He suggested the code should include provisions that deal equitably with the replacement requirement for all large tract owners. He pointed out that, because the proposed amendment does not provide a specific definition for “golf course,” the Innis Arden Club could change its name to the Innis Arden Golf Club to take advantage of the proposed exemption.

Mr. Eglick summarized his belief that the proposed amendment is not good planning. He suggested the Commission direct staff to work with the golf club and the Innis Arden Club on a code provision that would authorize a framework for vegetation management plans that would include an inventory of existing trees and performance standards. This provision would work for all large tract owners. He noted that, although other jurisdictions allow for exemptions, the City’s Comprehensive Plan does not support the approach. The City’s Comprehensive Plan and Development Code pays a lot of attention to establishing a framework for how tree removal and replacement must occur, and there may be legal issues with the proposed amendment that would allow an exemption for just one property owner.

VICE CHAIR CRAFT MOVED THAT THE COMMISSION RECOMMEND ADOPTION OF AMENDMENT 26 AS PROPOSED. CHAIR SCULLY SECONDED THE MOTION.

Commissioner Maul agreed that, on one hand, golf clubs should be allowed to manage their courses without having to come to the City for a permit every time they want to move dirt. On the other hand, Innis Arden has the same issue. They need to come up with something that works for all large property owners.

Vice Chair Craft pointed out that the Seattle Golf Club is unique in its location and use. It is very difficult to assess that other portions of the City could be deemed golf courses, but it is probably best to clearly define the use. He agreed with Commissioner Maul that it is important to afford some opportunity for the golf course to manage its property as it sees fit, but creating the process through an exemption rather than a defined and clearly stated process would be the wrong approach.

Chair Craft agreed that the current one-size-fits-all approach does not make a lot of sense for the golf club, and there is not enough evidence to determine whether or not it is working for the Innis Arden Club. There is no reason the golf club should have to come to the City for a permit every time they need to replace bunker sand. He is convinced they are doing their best to safeguard trees, and they may not be able to do a one-for-one replacement given the topographical limitations of the site. However, he

expressed concern that, even with the caveats and restrictions, the proposed amendment turns over all control to the golf club. The tree ordinance was passed after a lot of public comment and discussion, and the resolution was that the City wanted some control over how clearing and grading and tree retention was managed. It troubles him to allow an exemption for just this one property. He suggested it would be appropriate for the Innis Arden and Seattle Golf Clubs to work together with other large property owners to come up with a proposal that incorporates a plan rather than an exemption approach.

THE MOTION FAILED UNANIMOUSLY.

Amendments 1 through 10

Mr. Szafran reviewed each of the proposed amendments as follows:

- Amendment 1 (SMC 20.10.050) relates to the roles and responsibilities of the Planning Commission and would simply strike the language regarding quasi-judicial matters.
- Amendment 2 (SMC 20.20.012.B) provides a definition for “binding site plan.”
- Amendment 3 (SMC 20.20.016.D) updates the department name to Planning & Community Development. It also adds a definition for “Director.”
- Amendment 4 (SMC 20.20.040.P) would change the definition of a “public utility office” and a “public utility yard.”
- Amendment 5 (SMC 20.30.040) provides a reference to SMC 20.30.045.
- Amendment 6 (SMC 20.30.045) adds “neighborhood meetings” for certain Type A proposals.
- Amendment 7 (SMC 20.30.060) deletes “street vacations” from the table of Type C Actions and refers them to Chapter 12.
- Amendment 8 (SMC 20.30.085) updates the name of the Planning & Community Development Department.
- Amendment 9 (SMC 20.30.090) also updates the name of the Planning & Community Development Department.
- Amendment 10 (SMC 20.30.120) adds public comment periods for a Shoreline Substantial Development Permit.

No one in the audience offered comments regarding Amendments 1 through 10

COMMISSIONER MAUL MOVED THAT THE COMMISSION RECOMMEND ADOPTION OF DEVELOPMENT CODE AMENDMENTS 1 THROUGH 10 AS WRITTEN. VICE CHAIR CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Amendments 11 through 20

Mr. Szafran reviewed each of the proposed amendments as follows:

- Amendment 11 (SMC 29.30.315) updates the name of the Planning & Community Development Department.
- Amendment 12 (SMC 29.30.340) also updates the name of the Planning & Community Development Department.
- Amendment 13 (SMC 20.30.370) deletes “units,” “condominiums” and “interests” from the definition of a subdivision.
- Amendment 14 (SMC 20.30.380) strikes “condominiums” from the subdivision categories and adds “mixed use.”
- Amendment 15 (SMC 20.30.390) deletes language from the “subdivision” section.
- Amendment 16 (SMC 20.30.480) revises the language related to “revised site plans.”
- Amendment 17 (SMC 20.30.680) strikes Item 5 related to Type C Actions, which all go to the Hearing Examiner.
- Amendment 18 (Table 20.40.130) updates the Nonresidential Use Table to add “Daycare II Facilities” as permitted uses with indexed criteria in the R-4 through R-12 zones.
- Amendment 19 (Table 20.40.140) updates the “Other Use Table” to strike “regional stormwater management utility facility” and revises the uses of a “public utility office” and/or “public utility yard.”
- Amendment 20 (SMC 20.30.320) provides indexed criteria for daycare facilities.

No one in the audience offered comments regarding Amendments 11 through 20.

COMMISSIONER MAUL MOVED THAT THE COMMISSION RECOMMEND ADOPTION OF DEVELOPMENT CODE AMENDMENTS 11 THROUGH 20 AS WRITTEN. VICE CHAIR CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Amendments 21 through 30 (excluding Amendment 26)

Mr. Szafran reviewed each of the proposed amendments as follows:

- Amendment 21 (SMC 20.40.320) deletes the index criteria for “public agency” and utility offices” and “public agency and utility yards.”

- Amendment 22 (SMC 20.40.600) strikes “Conditional Use Permit (CUP)” and adds “Special Use Permit (SUP)”
- Amendment 23 (SMC 20.50.020.1) adds “R-18” to the table of dimensional requirements.
- Amendment 24 (SMC 20.50.090) adds “and related assessor structures,” thus allowing additions to existing single-family homes and related accessory structures to extend into a required yard when the house is already nonconforming with respect to the yard.
- Amendment 25 (SMC 20.50.090) addresses the Commission’s concern by adding “12-foot height” back into Item C.1.b. As per the Commission’s recommendation, clarity was also added to Item F.1, setting the public space required for the commercial portions of development at a rate of 4 square feet of public space per 20 square feet of net commercial floor area. In Item J.2, the word “strictly” was inserted at the request of a Commissioner.
- Amendment 27 (SMC 20.50.440) provides ratios for bicycle facilities.
- Amendment 28 (SMC 20.50.532) identifies when a permit is required for an electric changing message center sign.
- Amendment 29 (SMC 20.50.550) provides an exemption for electronic changing or reader board signs if they do not have moving messages or messages that change or animate at intervals less than 20 seconds.
- Amendment 30 (SMC 20.55.90) changes the term “outdoor advertising signs” to “billboard signs.”

No one in the audience offered comments regarding Amendments 21 through 30 (excluding Amendment 26).

COMMISSIONER MAUL MOVED THAT THE COMMISSION RECOMMEND ADOPTION OF DEVELOPMENT CODE AMENDMENTS 21 THROUGH 30 (EXCLUDING AMENDMENT 26) AS WRITTEN. VICE CHAIR CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Amendments 31 through 36

Mr. Szafran reviewed each of the proposed amendments as follows:

- Amendment 31 (SMC 20.50.600) was changed at the recommendation of the Commission to state that temporary business signs shall be limited to not more than one sign per street frontage per business, place of worship or school.
- Amendment 32 (SMC 20.50.610) updates the name of the Planning & Community Development Department.

- Amendment 33 (SMC 20.80.240) updates the reference to the “International Building Code.”
- Amendment 34 (SMC 20.80.310) renames the purpose section for “wetlands.”
- Amendment 35 (SMC 20.80.320) has a new title, “Designation, delineation and classification.” It also provides additional language for delineating wetland buffers.
- Amendment 36 (SMC 20.80.330) also provides language for delineating wetland buffers.

No one in the audience offered comments regarding Amendments 1 through 10

COMMISSIONER MAUL MOVED THAT THE COMMISSION RECOMMEND ADOPTION OF DEVELOPMENT CODE AMENDMENTS 31 THROUGH 36 AS WRITTEN. VICE CHAIR CRAFT SECONDED THE MOTION.

Chair Scully expressed concern about Amendment 31, which limits schools and places of worship to just one temporary sign per street frontage. He does not have a problem allowing additional signs around schools and places of worship during special events. Vice Chair Craft said he would like to limit the number of large temporary signs allowed per street frontage. Mr. Cohen explained that there have been problems with temporary signs throughout the City, and not just at schools and churches. It is difficult to define what is temporary and what is permanent. The proposed amendment is a step towards allowing churches and schools a reasonable opportunity to put up temporary signs.

Mr. Cohen reminded the Commission that signs are typically enforced on a complaint basis. Vice Chair Craft agreed it would be appropriate to allow churches and schools to have one large temporary sign per street frontage, but he would be opposed to allowing an unlimited number of signs. Mr. Cohen noted that, as currently written, temporary signs can only be in place for 60 days. He checked with several schools, and all indicated that the proposed language seems reasonable to meet their needs.

THE MOTION CARRIED UNANIMOUSLY.

Continued Discussion on Amendment 26

Julie Ainsworth-Taylor clarified that the Commission’s previous recommendation related to Amendment 26 was to strike Item 7, related to exemptions for the Seattle Golf Course. The remaining amendment is a housekeeping item that would update the Planning & Community Development Department’s name.

COMMISSIONER MAUL MOVED THAT THE COMMISSION RECOMMEND ADOPTION OF THE PORTION OF AMENDMENT 26 (SMC 20.60.310.A.1.b), WHICH UPDATES THE NAME OF THE PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT. VICE CHAIR CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

GENERAL PUBLIC COMMENT

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

DIRECTOR'S REPORT

Director Markle reported that the City Council discussed the topic of “impact fees” on June 2nd, and it appears they are looking favorably on the concept. Staff expects that an impact fee ordinance will be adopted after the Council’s break in July.

Director Markle announced that the Bothell City Manager is scheduled to make a presentation to the City Council on June 9th, regarding the new development that is taking place there. She further announced that the 145th Street Station Design Dialogue Workshop is scheduled for June 12th from 6:00 to 8:00 p.m., and Commissioners are invited to attend.

Director Markle reported that there was a public meeting earlier in the week for the Draft Environmental Impact Statement (DEIS) for the 185th Street Station Area Plan, and a few Commissioners attended the event. She explained that the DEIS, itself, has not been issued. Staff hopes to release the document on June 6th or June 9th, which will allow more time than is required for public review and comment before the public hearing on July 10th. She advised that a developer focus group on the 145th Street Station Area Plan was held earlier in the day, and a couple of Commissioners attended. In addition, staff met earlier in the day with a consultant for the 185th Street Station Area Plan. The City will move forward this summer with drafting regulations that will implement the vision.

Director Markle announced that the Stay Out Drug Area Ordinance was adopted by the City Council on June 2nd. The ordinance covers the Interurban Trail and offers the City another tool to make the community safer. She also reported that staff is preparing to utilize the newly adopted Chronic Nuisance Ordinance for the first time.

Director Markle announced that a new Permit Services Manager has been hired and will start on June 23rd. Jarrod Lewis comes to the City from King County, where he has worked for the past 15 years. He served as King County’s Permit Services Manager for 6 to 7 years.

Director Markle recalled that Commissioners received notice to attend a training session for the Open Government Training Act on August 11th at 5:30 p.m. Dinner will be served, and all the Councilmembers and other City Commissions and Boards will attend. Assistant City Attorney, Julie Ainsworth-Taylor reminded the Commissioners that the training is a requirement of the new State Law that was adopted during the past Legislative session.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no reports or announcements.

AGENDA FOR NEXT MEETING

Mr. Szafran advised that the Planning Commission is responsible for conducting a study session and making a recommendation to the City Council regarding updates to the Hazardous Management Plan, which occurs every five years. This item is scheduled on the Commission’s June 19th agenda, and the City’s Emergency Management Coordinator will be present to introduce the plan.

ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

Keith Scully
Chair, Planning Commission

Lisa Basher
Clerk, Planning Commission

TIME STAMP
June 5, 2014

CALL TO ORDER:

ROLL CALL: 0:38

APPROVAL OF AGENDA: 1:03

APPROVAL OF MINUTES: 1:08

PUBLIC HEARING: DEVELOPMENT CODE AMENDMENT BATCH: 1:17

GENERAL PUBLIC COMMENT: 43:28

DIRECTOR'S REPORT: 43:35

UNFINISHED BUSINESS: 47:43

NEW BUSINESS: 47:43

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS: 47:50

AGENDA FOR NEXT MEETING: 47:55

ADJOURNMENT: