

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

March 2, 2006
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Harris
Vice Chair Piro (arrived at 7:07 p.m.)
Commissioner Sands
Commissioner Broili
Commissioner McClelland
Commissioner Phisuthikul
Commissioner MacCully
Commissioner Kuboi
Commissioner Hall

STAFF PRESENT

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Paul Cohen, Senior Planner, Planning & Development Services
Glen Pickus, Planner II, Planning & Development Services
Steve Szafran, Planner II, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

CALL TO ORDER

Chair Harris called the regular meeting of the Shoreline Planning Commission to order at 7:03 p.m.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Commissioners Sands, Broili, McClelland, Phisuthikul, MacCully, Hall and Kuboi. Vice Chair Piro arrived at 7:07 p.m.

APPROVAL OF AGENDA

The Director's Report was moved to after the public hearing and Commission deliberations on the Special Use Permit application for Shoreline Community College. The agenda was approved as amended.

APPROVAL OF MINUTES

The February 16, 2006 minutes were not available for approval.

GENERAL PUBLIC COMMENT

There was no one in the audience who expressed a desire to address the Commission during this portion of the meeting.

PUBLIC HEARING ON SPECIAL USE PERMIT FOR SHORELINE COMMUNITY COLLEGE PAGODA BUILDING

Chair Harris reviewed the rules, procedures and agenda for the Type C Quasi Judicial Public Hearing. He invited Commissioners to disclose any ex parte communications they received regarding the subject of the hearing outside of the hearing. None of the Commissioners identified ex parte communications. (Note: Vice Chair Piro had not arrived at the meeting yet.)

Staff Report

Mr. Cohen, project manager for the subject application, introduced Glen Pickus, who is also a member of the planning team. He advised that Mr. Pickus joined the Planning & Development Services Staff in mid-August.

Mr. Cohen reviewed that the application is to expand the existing Shoreline Community College Student Union (Pagoda) Building from two stories to three stories. There would be no expansion in the building footprint, but the overall square footage would increase by approximately 50% to a total of 60,000 square feet by adding an extra floor. He briefly described the location of the subject building, and pointed out that the site has access from the south, with a service access off of Greenwood Avenue, as well. The building is separated from Greenwood Avenue by about 500 feet.

Mr. Cohen explained that because the college is a non-conforming use in single-family zone, expansion requires a special use permit. He stated that staff received no written or oral comments regarding the proposed project. He explained that when analyzing a special use permit, nine criteria must be considered. He briefly reviewed staff's analysis that concluded that the proposal would meet each of the criteria:

- **Criterion 1: The use will provide a public benefit or satisfy a public need of the neighborhood, district or City.** The improved and updated Student Union Building would allow the college to better facilitate and respond to students' needs in Shoreline's only higher education institution.
- **Criterion 2: The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas.** The updated building would be compatible with the other campus buildings that surround it and with the surrounding residential neighborhood because the current building has been in existence for the past 40 years. However, there are some issues that must be considered such as traffic and parking impacts. The applicant completed a parking study showing adequate capacity for parking on the site, and the issue tends to be more related to enforcement. Staff recommends an additional condition regarding a master use plan.
- **Criterion 3: The special use will not materially endanger the health, safety and welfare of the community.** There would be no health or safety issues related to the proposal. If approved, the City would require a building permit and structural safety issues would be reviewed at that time.

- **Criterion 4:** The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity. Because the proposal would replace the same use within the existing campus, it would not create an over-concentration of college uses.
- **Criterion 5:** The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood. The special use would not cause any increased pedestrian or vehicular traffic in the neighborhood, except the infrequent service vehicle after construction.
- **Criterion 6:** The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts. The need for public facilities would not be increased by the proposed use, and adequate infrastructure exists for the site.
- **Criterion 7:** The location, size and height of buildings, structures, walls and fences, and screening vegetation for special use shall not hinder or discourage the appropriate development or use of neighboring properties. The proposal would not hinder the development of other buildings on the campus because it would stay within the same footprint. In addition, the neighboring properties have all been developed into permanent uses.
- **Criterion 8:** The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title. There are four policies in the Comprehensive Plan (LU67, LU70, LU72, and LU75) that talk to the fact that essential public facilities are allowed by State regulation, provide benefits to the community, should be designed to be compatible with the community, and impacts should be mitigated. Staff believes the proposal would be consistent with the Comprehensive Plan policies.
- **Criterion 9:** The special use is not in conflict with the standards of the critical areas overlay. The site of the Student Union Building has not been identified as a critical area.

Mr. Cohen concluded by stating that staff does not believe the proposal to expand the facility would impact the surrounding neighborhood nor would it increase impervious surface, since the building would stay within the context of the overall campus. Staff's only concern is the added pressure for parking on a campus where problems already exist. He advised that, in the past, the college has made small changes without addressing the overall parking problem, but they are in the process of preparing a master plan for City approval. As part of their review of the college's Master Plan, staff would consider issues such as stormwater, traffic, parking, etc.

Mr. Cohen said staff's preliminary recommendation is that the special use permit be approved with two conditions:

- **Condition 1:** The Community College shall submit building permit applications for the proposal that show where they would replace the 12 parking spaces lost as a result of the project. Even though the parking study shows the college has capacity to accommodate the parking needs, staff is concerned about the removal of some of the close-in parking. It is important that none of the existing parking be lost.

- **Condition 2: That a campus master plan be completed by the college and approved by the City prior to applications for any future construction permits for habitable space.** Issues such as parking and traffic could be dealt with and mitigated as part of the master plan process.

Mr. Cohen advised that an additional issue has come up since the staff report was sent to the Commissioners. Although the application is for an expansion of a land use, it was not explained in the staff report that the expansion would increase the building height above the 30-foot height limit of the underlying zone by about 10 feet. The new building would be approximately 12 feet higher than the roofline of the existing building. Mr. Cohen explained that the application is for both the expansion of the use and the structure. He referred to RCW 36.70A.200, which states that “each city shall include a process for identifying and siting essential public facilities, which include state education facilities.” This RCW also states that “no local comprehensive plan or development regulation may preclude the siting of essential public facilities.” He noted that the college has stated that the expansion of the facility is essential to meet the program needs of the college as enrollment has increased and services have changed since the building was constructed in 1964. Since the expansion would meet the program and service needs of students without expanding the number of classrooms, staff believes the proposed project could be considered essential. However, he said he reviewed Criteria 2 and 7 again based on the increased building height:

Criterion 2: The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas. The 12-foot height increase above the existing roofline would remain compatible with the single-family neighborhood to the east because there would still be a 500-foot separation with treed vegetation.

Criterion 7: The location, size and height of buildings, structures, wall and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties. The proposed building would be taller than most of the surrounding buildings, but would not prevent other campus buildings from redeveloping. All other nearby residential properties are fully developed.

Based on the new height information, Mr. Cohen advised that staff recommends approval of the special use permit, with the two conditions identified earlier.

Applicant Testimony

Wendell Johnson, Reid Middleton, Inc., 728 – 134th Street Southwest, Suite 200, Everett, 98204, advised that the proposed project is intended to enhance student facilities. No new classrooms or new demand on roads would be created. The proposed project would stay within the existing footprint, but would go up higher to create more floor space within the building. Because the building is relatively old, the college would also like to enhance the aesthetics. Mr. Johnson said he has reviewed the two conditions proposed by staff, and the college totally concurs with Condition 2 (master plan). He noted that the college has been in the process of developing a master plan for quite a while, and they are on the verge of bringing the draft document to the City for consideration.

Mr. Johnson referred to Condition 1 (replacement of 12 lost parking spaces). He noted that the proposed site plan identifies landscaping along the south edge of the building, which is where the parking spaces are currently located. From an aesthetics standpoint, it is better to have landscaped buffers between the building and the parking, and the college feels it is important to provide landscape and pedestrian improvements. Next, Mr. Johnson referred to the parking study that was submitted as part of the application, which indicates there is adequate parking to meet the needs of the expanded facility. The college agrees with staff that the parking issue is more related to enforcement. He also noted that 8 or 9 of the 12 parking spaces that would be lost are currently being used by college staff, and the college can control where these people park. Mr. Johnson pointed out that by removing the 12 parking spaces, the total amount of pervious surface would be increased. If they are required to create 12 spaces elsewhere, they could be faced with a new drainage issue.

Kae Peterson, Shoreline Community College, 16101 Greenwood Avenue North, pointed out that parking space is not as much of an issue as the general traffic flow; and right now, the college is in an enrollment slump. She announced that the college formed a Traffic Community Task Force in the spring of 2004, and all representatives from the Council of Neighborhoods whose neighborhoods touched college property were invited to participate. The Task Force considered solutions for improving the traffic flow into the college, as well as addressing current parking problems. Two community open houses were held to solicit public comment. In August of 2005, the college implemented zoned parking in the Highland Terrace Neighborhood, and SCC pays the City for the cost of this zoned parking. Because there have been no documented complaints about parking around the college since that time, she concluded that much of the parking issue has already been mitigated.

Ms. Peterson pointed out that during construction there would be a number of lost parking spaces in the staff lot, and the college is working on an agreement that would allow exempt staff to park on the nearby Department of Transportation site. They also run a shuttle bus every 45 minutes from the Sears parking lot to the college campus. Because the college feels they can adequately mitigate the parking issues, even during construction, she asked that staff's Condition 1 be eliminated as a stipulation for the special use permit.

Ms. Peterson emphasized that the college's draft Master Plan addresses parking, area traffic and circulation, storm drainage, critical areas, and on-site future improvements. They are in the final stages of the Environmental Impact Study and plan to present the study and Master Plan to the College Trustees for adoption in June. The document should be submitted to the City by July 1st. She concluded that she supports the staff's recommended Condition 2, requiring a master plan.

Commissioner Kuboi inquired if Condition 1 would require that all 12 of the replacement parking spaces be paved. Mr. Cohen answered that if the college were to replace the 12 spaces, they would have to meet City parking standards, which would require pavement. Commissioner Kuboi pointed out that the college also has a lot of parking that is not paved.

Commissioner Hall noted that there is no structured parking on the Shoreline Community College campus. He asked how many State colleges and universities in King County have structured parking. Ms. Peterson answered that most of the community colleges do not have structured parking. The State's

capital projects system does not allow for the State to pay for structured parking. However, Bellevue Community College developed structured parking four years ago using student fees and a certificate of participation. Commissioner Hall noted that Seattle Central Community College and North Seattle Community both have parking located underneath their buildings. Ms. Pederson answered that this parking was constructed using private dollars.

Commissioner McClelland pointed out that the RCW referenced earlier by Mr. Cohen is actually related to the siting of essential public facilities, and the proposal is related to a building that already exists. She asked if it would be better for the college to obtain a variance for the additional height. Mr. Tovar pointed out that the Growth Hearings Board recently concluded that this section of the RCW applies not just to the original siting of a facility, but to expansion proposals, as well. He explained that variance criteria are based on hardship, and an applicant must show that it is not reasonable for the City to require compliance. He added that the college's new Master Plan would become the City's process for dealing with expansion and would grant the City authority to vary dimensions, including height, as identified in the final approved Master Plan. Currently, there is no tool in the City's Development Code to address questions such as varying dimensions of structure for reasons other than hardship.

Commissioner MacCully asked if the Student Union Building could be seen from Greenwood Avenue. Mr. Cohen answered that the building could only be seen from the access drive that comes off of Greenwood Avenue. He noted that the vegetation between the building and Greenwood Avenue is mature and blocks much of the building's view. Ms. Peterson added that the music building is the structure most prominently seen from Greenwood Avenue.

Commissioner Sands inquired if the community college has signed contracts with Sears for parking. Ms. Peterson answered that they have a contract that is renewed annually on July 1st. They have been leasing about 250 parking spaces at the Sears site for the past 10 years. During a normal quarter, there are between 150 and 200 cars parked there every day. Commissioner Sands noted that these spaces could be eliminated if Sears decided to redevelop the property.

Commissioner Sands asked if the college's proposed Master Plan would change the ingress and egress to the school so that the Student Union Building would be visible from any of the roads. Ms. Peterson answered that there are some references in the Master Plan to changing the ingress and egress to the college, but none of the proposals would increase the visibility of the Student Union Building.

Vice Chair Piro asked if the college foresees any increased travel to the campus as a result of the expansion. Ms. Peterson answered that there would be no additional trips associated with the project. Vice Chair Piro noted that the college has a pattern of supplying 10% more parking than would be required as an extra cushion during peak times. He questioned what problem would be solved by requiring the college to replace the 12 spaces if they already have more than adequate parking. Mr. Cohen answered that staff doesn't foresee an extreme problem, but they are concerned about the loss of parking capacity. The location of the lost parking spaces is more important than the actual number, and the 12 spaces are located nearest to the building. Vice Chair Piro pointed out that the proposal includes sidewalk improvements, thus improving the opportunity for people to access the building by foot. Mr. Cohen summarized that once the college's Master Plan is approved by the City, staff would feel much

more confident about the parking. In the long run, these additional spaces might be absorbed by the Master Plan. Vice Chair Piro suggested that the college has a much more sophisticated way of looking at walking and pedestrian improvements, vanpooling opportunities with the off-site shuttle, etc. He said he is not convinced that Condition 1 would really be necessary.

Commissioner MacCully noted that the proposal also includes office space for 85 to 100 employees. He asked if these employees would be relocated from other buildings, or if the college would hire additional staff. Ms. Peterson replied that there would be no net increase in employees. She briefly described the college's plan to relocate existing employees. Commissioner MacCully commented that the proposed sidewalk improvements are well deserved and overdue.

Commissioner Phisuthikul asked if the height calculation average would reach to the highest point of the structure. Mr. Cohen explained that the height calculations were based on the flat of the building. Parapet walls, mechanical equipment, spires, flag poles, air conditioning units, skylight structures, etc. would not be included in the height calculation. He briefly described how the height was measured from the existing average finished grade. He noted that the height from the pedestrian entry would be about 33 feet, but the average height of the structure would be 40 feet.

Commissioner Hall asked if Shoreline Community College has a commute trip reduction program or some other type of incentive to reduce the number of cars coming to the campus. Ms. Peterson answered that the college works with Metro and King County in this regard.

Commissioner Hall asked if the City has the authority to regulate or limit enrollment or employment at the college. Mr. Cohen said they only have indirect control if various City regulations on parking are being violated or buildings are being constructed without City approval. Again, Ms. Peterson said the parking issue would be addressed in the Master Plan. She advised that although the State assigned the college a 19% increase in enrollment over the next 20 years, this number does not look probable.

Mr. Cohen emphasized that the City views the college's Master Plan as an important document that would mitigate existing impacts, as well as anticipated ones. It will address a wide range of topics including parking, traffic, drainage, critical areas, etc. The Master Plan will be accompanied by an Environmental Impact Statement. The benefit of the Master Plan is that the City would be able to anticipate and mitigate issues. In addition, once the document is approved, it would allow the college to apply for permits without a special use permit as long as the proposal fits the approved Master Plan.

Again, Mr. Cohen recommended approval of the special use permit with the two staff proposed conditions. In addition, he suggested the Commission consider the following additional condition:

- **Condition 3: That the applicant provide a parking agreement with the suppliers of parking (Washington State Department of Transportation and Sears) for the displaced parking during construction.** Since this would be a large and lengthy project, parking near the building could be tight.

Recognizing that the proposal expansion is near a residential community, Commissioner Kuboi asked if staff has concerns about impacts during construction such as working hours, sound, noise, etc. Mr. Cohen answered that the City has standard conditions for every construction permit. He explained the City's current requirements to control the impacts associated with construction. Commissioner Kuboi asked if staff envisions additional requirements because the project involves a large non-residential facility adjacent to residential development. Mr. Cohen said that in addition to the standard conditions, staff would also watch traffic routes for construction to make sure heavy equipment does not access the site through residential areas.

Commissioner Broili asked if the proposed expansion of the Student Union Building would meet all of the criteria and provisions set forth in the college's Master Plan that is soon to be released. Ms. Peterson answered affirmatively.

Commissioner Phisuthikul asked if the construction would also limit where the construction workers could park. **Randy Stegmeier, Shoreline Community College**, answered that the existing Student Union Building parking lot would become the staging area for construction, including parking for construction workers. Again, Mr. Cohen emphasized that Condition 3 would help address the issue of lost parking space during construction. In addition, the construction permit would require construction vehicles to park on-site rather than on the streets.

Commissioner Broili said it seems like traffic enforcement might have to be increased during the year-long construction period. He asked if this would be an added cost for the City. Mr. Cohen answered that it would be difficult for the City to anticipate and set up a procedure before the problems occurs, but the City would respond on a complaint basis. Ms. Peterson emphasized that only the staff parking lot would be impacted during construction, and the college has much more control over where these people park.

Commissioner McClelland pointed out that no one came to the hearing to speak on the proposal, and staff did not receive any comments from the citizens. She asked if this could be taken as an indication that the neighbors know what is going on and are okay with the proposal. Ms. Peterson said the college sent out postcards with detailed information about the project to every household within the neighborhoods touching the campus. She said that the key to improving the neighborhoods' perception of the college was the involvement of the Council of Neighborhood Representatives on the Traffic Study Task Force.

Commissioner Kuboi asked if the project would implement any features that could be viewed as being environmentally friendly. Ms. Peterson answered that the State requires all buildings constructed with taxpayers funds to be LEED certified.

Public Testimony or Comment

There was no one in the audience who expressed a desire to address the Commission regarding the subject of the public hearing.

VICE CHAIR PIRO MOVED THAT THE PUBLIC HEARING BE CLOSED. COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Planning Commission Deliberation on Special Use Permit for Shoreline Community College Pagoda Building

VICE CHAIR PIRO MOVED THAT THE COMMISSION MOVE FORWARD WITH THE STAFF RECOMMENDATION, INCLUDING CONDITIONS 2 AND 3 BUT EXCLUDING CONDITION 1. COMMISSIONER MACCULLY SECONDED THE MOTION.

Commissioner McClelland suggested that perhaps Condition 1 could be revised to require the college to submit a site plan that would reassign the vehicles.

Vice Chair Piro said Condition 1 does not really address accessibility or mobility issues, which would be done as part of the college's Master Plan process. He suggested that it be eliminated.

Commissioner MacCully said he would support the elimination of Condition 1 because Condition 3 would provide for more off-campus parking to easily absorb the loss of 12 spaces. He emphasized that the 12 spaces are currently utilized by college staff, and the college should be responsible for deciding where these people park. He summarized that the variation between the number of parking spaces available and the maximum number of cars they have parking there would be large enough to absorb the 12 parking spaces with no impact.

Chair Harris said he would support the elimination of Condition 1, too. The City could issue tickets to people who choose to park in the street, so parking would be a self-limiting issue for the college. He said he trusts the college to police themselves to avoid negative publicity.

Commissioner Hall said that although the college plays a huge role in the community, there has been a history of parking problems. He pointed out that the peak demand identified by the applicant is for 2,145 spaces. However, because enrollment at the college varies, the demand could either go up or down and the City has no way to regulate the situation. In addition, he noted that increasing the floor area by 50% would create more usable space, resulting in more people on the campus at any given time. He reminded the Commission that the college has previously made other minor improvements that did not meet the threshold for requiring additional parking, and the City has no control over whether or not the college is able to use the off-site parking areas. In addition, the parking study identifies 190 parking spaces on the street, where no parking is allowed. He suggested that there are not even enough parking spaces today for the college, and removal of even one space would place an unacceptable burden on the community.

Vice Chair Piro cautioned that Commissioner Hall could be misguided in assuming that the peak parking demand of 2,145 would be a given for the demand of people using vehicles. He said they must also realize that some people choose never to park on the campus, and they are included in the satellite lot and on-street parking numbers. If those options are taken away, they would not necessarily seek parking on campus. He summarized that there are other behavioral issues included in the figure, as well.

Commissioner Broili agreed with Commissioner Hall and his concerns related to parking. While enrollment is down right now, this could change rapidly in the future for a variety of reasons. He said he would be opposed to the loss of any parking spaces as a result of the proposed project.

Vice Chair Piro reminded the Commission that any long-range increase in enrollment would be factored into the Master Plan. He summarized that it would be inappropriate to suggest that the loss of 12 spaces would translate into a pattern of continual loss of parking space in the future. He complimented the college staff for being very tuned in to the issue of accessibility and mobility to their campus.

Commissioner Sands said he is most concerned about parking problems during construction because much of the future problems would likely be taken care of with the new Master Plan. He suggested that Condition 3 be changed to require the applicant to not only provide agreements for the off-site parking, but that the contracts show at least an additional 60 to 90 spots to compensate for the loss of space during construction.

COMMISSIONER SANDS MOVED THAT THE MAIN MOTION BE AMENDED TO RECOMMEND THAT THE PARKING AGREEMENT, SPELLED OUT IN CONDITION 3, INCLUDE THE NUMBER OF PARKING SPOTS DISPLACED DURING CONSTRUCTION. COMMISSIONER KUBOI SECONDED THE MOTION TO AMEND. THE MOTION TO AMEND WAS APPROVED UNANIMOUSLY.

THE MAIN MOTION, AS AMENDED, WAS APPROVED 7-2, WITH COMMISSIONERS HALL AND BROILI VOTING IN OPPOSITION.

DIRECTOR'S REPORT

Change in Public Hearing Sequence

Mr. Tovar noted that the Commission utilized a new public hearing sequence, which was developed after extensive discussions among the staff. He said that, in the past, citizens have expressed concern that staff makes a recommendation prior to listening to their comments. He explained that sometimes new issues are raised by citizens or the applicant, and staff would like an opportunity to respond. Providing both a preliminary staff recommendation prior to a public hearing and a final staff recommendation at the end of the public hearing places staff in the position of being able to provide a better and more complete recommendation. However, they must be careful not to foster the impression that this is an attempt by the staff to have the last word. In their final recommendation, staff should not argue points they have already made or disagree or rebut things that have been said. Rather, staff should

clarify the questions that have not been responded to or suggest conditions in response to concerns that were raised.

Secondly, Mr. Tovar noted that closure of the public hearing was moved to after the Commission's final questions and deliberation. This allows the applicants and citizens to hear the Commission's deliberation and respond to questions upon request.

Commissioner Hall asked if involving staff in suggesting alternative conditions or a revised recommendation based on public testimony would modify their role in the quasi-judicial proceeding. He pointed out that the Commissioners are required, as appointed representatives, to listen to all parties before making a recommendation. Secondly, Commissioner Hall said that the Snohomish County Council's hearing process requires that decisions be made in a public hearing. They cannot close the public hearing until a final vote has been taken.

Mr. Tovar explained that the citizens don't always understand that the staff's role in quasi-judicial proceedings is to make a professional recommendation to the Commission and to provide clerical support to the Commission in articulating its own recommendations. The citizens sometimes think of the staff as advocates for their own or the applicant's position, and providing both a preliminary and final recommendation might help to resolve some of this problem. Mr. Tovar suggested that the Commission could also consider the merits of requiring that all decisions be made before the public hearing is closed.

Commissioner Broili suggested that on future public hearing agendas, they should insert "Planning Commission Question and Answer Period" after the applicant's testimony but before the public testimony. This would help both the public and the applicants have a clear understand of their opportunity for participation. Mr. Tovar agreed that it would be ideal for the Commission to clarify and ask as many questions as possible prior to the public testimony.

Suggestions for Upcoming Agendas through May

Mr. Tovar referred the Commissioners to the agenda planner that was provided by staff. He proposed that the April 20th agenda include a presentation by the Department of Ecology on the 2006 Wetland Manual. The Commission could consider Urban Forest Management Strategies on May 4, which could also be a good opportunity to hold a joint meeting with the Park Board. Since the May 18th meeting falls two weeks after the City Council's retreat, he could provide a report regarding how the Council's discussion would impact the Planning Commission's work program.

Planning Commission Appointment Process

Mr. Tovar announced that the City Council appointed a subcommittee to screen the 19 applications they received for the upcoming vacant Planning Commission positions. The committee has scheduled interviews with six of the candidates on March 9th. On March 21st, the City Council would interview the final candidates from the first interview, as well as three other candidates. Hopefully, the City Council would reach a final decision on March 21st and then make the appointments at their March 28th meeting.

Commissioner Broili questioned why six of the candidates would be interviewed twice, and three would only be interviewed once. Mr. Tovar pointed out that there is a tremendous amount of talent in the northwest quadrant of the City, and this area is already well represented on the Commission. There was a strong sense that they wanted representation from other parts of the City, as well.

Commissioner MacCully said that earlier in the day he spoke with Mr. Tovar who shared information about his attendance record for both 2004 and 2005. As he reviewed his reasons for not attending the meetings, Commissioner MacCully said he realized that his priorities have changed since he was first appointed to the Commission. He urged his fellow Commissioners to also think about where their participation on the Commission falls on their list of priorities.

City Council's Recent Action to Adopt the Critical Areas Ordinance

Mr. Tovar reported that, with the exception of the provisions for cutting hazardous trees, the City Council adopted the amendments to the City's Critical Areas Regulation on February 27th. The hazardous tree issue would come back before the Commission for further deliberation on April 6th. He referred the Commission to the green handout, which outlines the amendments the City Council made to the Planning Commission's recommendation. He briefly reviewed the following amendments:

- **Section 20.80.030(L) – Partial Exemptions:** The Council expressed a concern that while some of the activities were listed as exemptions, they wanted to have some type of judgment rendered about how impacts might occur to a critical area if these activities were on or near them. The original Council draft stated that there could be no impact from the listed activities, but they felt this was a bit much. Instead, they used the term “undue adverse effect.”
- **Section 20.80.030(P) – Partial Exemptions:** The Council agreed that mitigation projects related to utility construction should not be prohibited in the critical areas or their buffers.
- **Section 20.80.085 – Pesticides, Herbicides and Fertilizers on City-Owned Property:** This new section was offered by a Council Member who obtained the provision from the City of Seattle. Originally, the City Council discussed applying the rules to all property, but the ultimate decision was to apply them to City-owned property only. The provision could be revisited in the future if they want to expand it in some way. As part of the Urban Forest Management Plan, the City Council asked staff to not look at just the regulations, but at best management practices, programs and education, cultivating a stewardship concept, etc.

Commissioner Hall suggested that when considering future code amendments, there might be merit in considering whether a restoration project should be an exception, too. For example, a tree planting project would require fertilization.

- **Section 20.80.090 – Buffer Areas:** The Commission recommended standard buffers for the new code, and staff tried to explain this to the City Council. They ultimately decided to clarify that the

standard buffer is the maximum buffer required by the City. The Council wanted to communicate that, when there is a choice, the City would require the maximum buffer reasonably possible.

- **Section 20.80.110 – Critical Areas Reports Required:** The City Council felt the way the provision was written was somewhat tilted in favor of the applicant, and the Council wanted a greater degree of independence and credibility for technical expert information provided to the City staff. The new language requires that, in all cases, an applicant must use the City’s consultant to render a judgment about activities in critical areas. Even if an applicant hires their own consultant to submit a critical areas report, the City would be obliged to require the applicant to pay for the City’s consultant to prepare a report, as well. Staff intends to look for ways to limit situations of redundancy. The Council’s intent is that the City staff have independent, credible, expert advice when making decisions regarding critical areas.
- **Section 20.80.330(F) – Required Buffer Areas (Wetlands):** The new language in this section resulted from a recommendation made by the Department of Fish and Wildlife. The language would require that a habitat survey be conducted within the area of concern in order to identify and prioritize highly functional fish and wildlife habitat within the study area.
- **Section 20.80.470 – Streams:** There was a lot of City Council discussion about how to classify streams, how to differentiate between the different types of streams, and what characteristics or factors should be used to make this judgment. The new language states that a Type II Stream has either salmonid or fish use or demonstrated salmonid habitat value as determined by a qualified professional. Mr. Tovar reviewed the code definition (Section 20.20.042) for a “qualified professional.”

The previous code said that recreational value was one factor for determining whether a stream was Type II. The City Council concluded that this was not an appropriate criterion, since the purpose of the Critical Areas Ordinance is to protect the environmental attributes of critical areas. Commissioner Hall pointed out that the Growth Management Act’s purpose for protecting frequently flooded areas and geologically hazardous areas is to protect human health, life and property. The purpose of protecting aquifer recharge areas is to protect human health. The purpose of protecting wetlands is split between protecting ecological functions and water quality for human health. He summarized that it is important to help the public and the development community understand that they are not only trying to protect wildlife, but human health, as well.

Mr. Tovar pointed out that the purpose of the amendments to Items C and D was to clarify the difference between a Type III and a Type IV Stream. Commissioner Broili asked why the term “natural drainage swales” was taken out of Item D. Commissioner Hall said this was done because it would have precluded unnatural drainage swales. The new language would include anything without a flow, whether it was a swale or not.

- **Section 20.80.480 – Required Buffer Areas (Streams):** Again, the new language in this section resulted from a recommendation made by the Department of Fish and Wildlife.

- **Section 20.80.480(H) – Restoring Piped Watercourses:** The City Council discussed this issue at length. They ultimately adopted language that would allow the voluntary opening of previously channelized/culverted streams and the rehabilitation and restoration of streams especially on public property or when a property owner is a proponent in conjunction with a new development. The earlier version merely encouraged the opening of previously channelized/culverted streams. He said it is important to convey that the City does not compel the restoration of piped watercourses.

Commissioner Sands asked if a “proponent in conjunction with a new development” would essentially be the developer or just a proponent of an adjacent development. Mr. Tovar answered that this term would actually refer to the applicant. Commissioner Sands expressed his concern that the language in this section is not really clear.

Mr. Tovar referred to the language regarding the process for restoring piped watercourses. He said that the strong intent of the Council was that if a stream were opened up, the City should require as large a setback as possible. However, they acknowledged the problem that if too much land were required for a buffer, it would discourage the restoration of piped watercourses. He explained that the director would seek advice from a qualified professional before making a determination of whether or not the restored piped watercourse should be required to support fish access.

- **SMC Section 20.80.460(A):** Staff recommended that the word “open” be removed to make it consistent with the draft version of the definition of stream in Section 20.20.046(S).
- **SMC Section 20.80.380(H):** Staff was notified by Community Trade and Economic Development (CTED, a State agency) that inclusion of language that dictates where mobile homes may or may not be placed within the City of Shoreline is no longer legal per Senate Bill 6593 adopted in the 2004 legislative session.

Mr. Tovar reported that on the whole, the City Council agreed with and appreciated the Commission’s recommendation. They thanked them for all of their hard work. The changes had a common theme of being clear and more protective of critical areas wherever possible.

REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner McClelland said she heard that the Economic Development Task Force was continuing their work. Commissioner Sands said he doesn’t know of any Task Force activities. They were only going to have one additional meeting after the City Council makes a decision on the Draft Economic Development Plan. There have been a couple of minor modifications made to the plan by City Council Members, and all of the members of the Task Force were given an opportunity to review them and respond. No one has voiced a concern. He summarized that he is hopeful the City Council would approve the document after their review on March 6th.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

There was no new business scheduled on the agenda.

ANNOUNCEMENTS

No additional announcements were made during this portion of the meeting.

AGENDA FOR NEXT MEETING

The Commissioners had no additional comments to make regarding the agenda for the next meeting.

ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

David Harris
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission