

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

March 17, 2005
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Harris
Commissioner Sands
Commissioner McClelland
Commissioner Kuboi
Commissioner Phisuthikul
Commissioner Hall
Commissioner Broili

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Andrea Spencer, Senior Planner, Planning & Development Services
Matt Torpey, Planner II, Planning & Development Services
David Pyle, Planner I, Planning & Development Services
Jessica Simulcik, Planning Commission Clerk

ABSENT

Vice Chair Piro
Commissioner MacCully

1. CALL TO ORDER

The regular meeting was called to order at 7:03 p.m. by Chair Harris, who presided.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Commissioners Kuboi, Sands, Hall, McClelland, Phisuthikul and Broili. Vice Chair Piro and Commissioner MacCully were excused.

3. APPROVAL OF AGENDA

COMMISSIONER HALL MOVED THAT A "DIRECTOR'S REPORT" BE ADDED TO THE AGENDA IMMEDIATELY BEFORE APPROVAL OF THE MINUTES AND THAT THE REMAINDER OF THE AGENDA BE APPROVED AS PROPOSED. COMMISSIONER SANDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

4. DIRECTOR'S REPORT

Mr. Stewart referred the Commissioners to a yellow memorandum from the staff, which provides additional direction to the Commission about what might be expected for tonight's meeting. Staff is interested in receiving comments and feedback from the Commission, and they hope this tool will be useful to the Commission as they move forward.

Next, Mr. Stewart referred the Commission to the memorandum from the City Attorney, which includes both a cover memorandum as well as a copy of the appellant court decision on the Gaston Case. Because this long-standing case deals directly with the issue of the Critical Area Ordinance, he encouraged the Commissioners to carefully review both of the documents. He said staff could also arrange an opportunity for the Commissioners to review the case with the City Attorney.

Mr. Stewart referenced a memorandum he sent to the Commission, which includes a decision by the City's Hearing Examiner regarding an appeal to a SEPA Determination related to tree cutting in Innis Arden. He said this case provides a very good example of how the decision-making process in Shoreline works on a critical area. An appeal was submitted by some of the neighbors, and the Hearing Examiner conducted a 5½-hour public hearing on the matter. Although five geotechnical witnesses testified throughout the case, the Hearing Examiner remanded it back for additional information. This is a good example of how the review process provides a second set of eyes and allows for continued debate and discussion of contentious issues related to critical areas.

Lastly, Mr. Stewart introduced Ray Allshouse, the City's new Building Official. He is the former building official in Snohomish County.

5. APPROVAL OF MINUTES

The minutes of February 17, 2005 were approved as amended, and the minutes of March 3, 2005 were approved as written.

6. GENERAL PUBLIC COMMENT

Gini Paulsen Ph.D., 16238 –12th Northeast, said she recently provided each of the Planning Commissioners with a copy of report on Easter Island, which illustrates what can happen when a culture or society ignores the carrying capacity of its own particular environment. She emphasized that this is not just something that happens on Easter Island. The world is going to be radically different from that which has existed in the past because of population increases, declining resources, and an increase in pollution. She suggested that the environment and the economy are on a collision course. She referred to a book written by Jared Diamond about how societies choose to fail or succeed. The book provides numerous case examples of how certain cultures have managed to destroy their environment, and in the process destroy themselves. In a few instances, these cultures have managed to engage in environmentally protective strategies that have been very successful in forcing even major corporations to adhere to necessary environmental protections. She urged the Commission to read these two pieces of literature to help them understand what the City will be facing in the coming century.

Robert Barta, 15703 – 1st Avenue Northwest, said he supports the proposal presented by Mr. Daher for purchasing the current City Hall facility. He said he is a member of the Shoreline Emergency Management Council and has just recently passed the Ham Operator's Test and will become a full-fledged member of the Shoreline Firefighters Ham Operators Group. He said he participated on committees before the City was incorporated, and one of the concepts considered at that time was the creation of a "town center." He pointed out that Edmonds and Lake Forest Park both have town centers. If they want to have a viable City, they need to have a City with a heart. That is why he supports Mr. Daher's proposal to locate City Hall close to the center of town. City Hall is a part of the emergency management scenario, and the City Manager is one of the top people that would be contacted in the case of emergency. Locating the City Hall next to the Fire Department would be a good match.

Pat Crawford, 2326 North 155th, said that she could also provide each of the Commissioners with full copies of the Gaston Decision. Ms. Crawford referred to the last two sentences of the first paragraph on Page 5 of the Commission's packet, which is Page 3 of the February 17th meeting minutes. She said this sentence is not a good representative of what she was trying to say to the Commission. The intent of her comment was that there is a distinct difference between ground water and surface water, and waters are labeled by where they originate from. She referred to Page 16 of the Gaston Decision, which states that "It is undisputed that Thornton Creek was a naturally occurring stream prior to construction where surface waters produced defined channels or beds. It is no consequence that the artificial watercourse may have changed the course of the naturally occurring stream. It is undisputed that Thornton Creek enters the Gaston Property in the underground culvert and exists in the culvert on the Crawford's property. It is also undisputed that Thornton Creek is a Class II Stream before it enters and after it exits the culvert." She said she agrees and the trial court concluded that the water does not cease being part of Thornton Creek while passing through the culvert. As part of the Thornton Creek culvert, the section under the Gaston's property was, and remains, part of a Class II Stream. It was clearly erroneous for the Hearing Examiner to conclude otherwise. Ms. Crawford clarified that the term "surface water" is a widely accepted term for water that originates on the surface, and it doesn't lose its classification when it goes into a pipe. She asked that the minutes be corrected. Mr. Stewart advised that Ms. Crawford's comments would be included in the next set of minutes.

Brian Derdowski, 20 East Sunset Way, Issaquah, President of Public Interest Associates, said he works with Planning Commissions and City Councils throughout the State and served for ten years on the Metropolitan King County Council throughout the 90's. In 1990 and 1991, he was the chairman of the Growth Management Committee and was the prime sponsor for the sensitive areas ordinance, the first such ordinance in the State. He said he was also the chairman of the Growth Management Committee again in 1998 and 1999. He advised that the Planning Commission is a part of the legislative branch, and their prime duty is to abet issues for the City Council. In the course of doing this, they have been charged with taking advice and information from the City staff, the City Council, the public and any other appropriate source. He said that when the County Council started working on the sensitive areas ordinance in 1990, they had only one attorney from the Prosecuting Attorney's Office to work with them. Their litigator was also their advisor on legal issues. This created a horrible situation that the County Council eventually came to understand. They hired a couple of attorneys from the Prosecuting Attorney's Office, to specifically advise the County Council separately. He explained that

there is an inherent conflict of interest when councils or commissions are placed in a situation of trying to both defend a decision and advise what the range of options are.

Mr. Derdowski expressed his belief that the Planning Commission has a culture of receiving advice that is overly risk adverse, does not serve the public interest, and is arguably incorrect. He urged the Commission to consider mechanisms for diversifying their input. He said he has spent a lot of time reviewing the City's Comprehensive Plan and has found errors in procedure and substance that would never have happened if the Commission had been properly briefed and prepared. He said he does not doubt that the professional City Staff is doing their best in their limited circumstances, but he urged the Commission to build within their system a method for obtaining alternative and diversified advice that goes beyond the two or three minutes extended to the public for comment.

Elaine Phelps, 17238 – 10th Northwest, said she was one of the appellants for the Innis Arden tree removal proposal that was referenced by Mr. Stewart. She said that while staff described the process as "another set of eyes," it is important for the Commission to remember that the appellants had to pay thousands of dollars to make the appeal. In addition to the filing fee, they had to pay experts and consultants. She concluded that if the City had done a better job of having the appropriate experts submit information, a different decision would have likely been made. She said it should not be left up to the private citizens to spend significant money on appeals. It is up to the City to do things right in the first place. She urged the Commission to find ways for the staff to be more insightful.

Janet Way, 940 Northeast 147th, asked that, prior to the Critical Area Ordinance public hearing, staff provide the public with copies of the three documents that Mr. Stewart referenced at the beginning of the meeting. Mr. Stewart explained that the public hearing information packet the Commissioners received are part of the public record and can be accessed by any citizen. Ms. Way said that if the additional documents provided by Mr. Stewart are pertinent to the Critical Area Ordinance, they should be made available to the public and not just the Commission. For instance, she felt the information related to the Gaston Decision would be pertinent to the public hearing. Commissioner McClelland pointed out that the Commissioners just received the documents and have not had an opportunity to read them yet, either. They would not be germane to the public hearing. Ms. Way disagreed and said she would be citing both of the documents during her comments at the hearing. Commissioner McClelland gave her copies of the documents to Ms. Way.

7. STAFF REPORTS

Public Hearing on Critical Areas Ordinance Update

Matt Torpey, Project Manager for the Critical Area Ordinance Update, provided a brief overview of the draft Critical Area Ordinance. He provided an overview of the changes as follows:

- **Significant increases in wetland replacement and enhancement ratios:** Mr. Torpey pointed out for the most common types of wetlands (Type II, Type III and Type IV), the increases would be quite significant. He noted that the City does not have any Type I Wetlands. He explained that because wetland enhancement is known to be more viable than actual wetland creation, a larger

enhancement ratio would be appropriate. He emphasized that the proposed ratios are consistent with those of the Department of Ecology.

- **Significant increases in stream and wetland buffer requirements, ranging from 15 percent to 250 percent:** Mr. Torpey used a graph that identifies the proposed wetland buffers compared to the existing ones. Some of the most significant changes are in the Type III and Type IV Wetland categories. There would be a 30 percent increase in the proposed and minimum standards for Type III Wetlands, and the increase would be 150 to 200 percent for Type IV Wetlands. He explained that a standard buffer is the buffer that would be required if a property owner wanted to develop a property or cut a tree, etc. without providing mitigation for the wetland. As long as development stays away from the standard wetland buffer, no mitigation would be required. The minimum buffer applies to situations where property owners propose mitigation measures such as replanting or enhancement. Mr. Torpey said the update proposes an increase in all types of stream buffers, but he noted that the City does not have any Type I Streams. Significant increases have been proposed for Type II, III and IV Streams.
- **A new provision encouraging the restoration of piped and denigrated watercourses:** Mr. Torpey advised that, currently, stream restoration is discouraged. If a developer were to propose stream restoration as part of a project, they would be subject to the new buffer-width requirements. The proposed change would encourage the daylighting of streams without mandating a full-buffer requirement.
- **A new provision allowing for view preservation and enhancement in critical areas and buffers through a Critical Area Stewardship Plan:** Mr. Torpey explained that a Critical Area Stewardship Plan is proposed in the draft update in order to retain and restore views when ALL functions and values of the critical area would be retained. The functions and values would be retained through the review and recommendation of as many professionals as needed particular to the critical area (i.e. geotechnical engineers, stream biologists, wetland biologists, and arborists).

Mr. Torpey said staff anticipates the Commission would receive a large number of public comments regarding the Critical Area Stewardship Plan, trees in general, and the definition of hazard trees. They would also likely hear public comments regarding the fish and wildlife habitat areas and the proposed definitions for “stream,” and “salmonid fish use.”

Mr. Torpey said the draft revisions include proposals that the staff and Commission identified prior to the public hearing: They include the following:

- All streams, wetlands and their buffers should be identified as fish and wildlife habitat areas.
- Puget Sound and the shoreline should be identified as a fish and wildlife habitat area.
- The definition of “stream” should be expanded to allow proposals for private dam removal to be considered when assessing fish passability. This was omitted from the draft code. But if they remove private barriers and make streams passable to the Sound or Lake Washington, they should be considered fish passable.

Chair Harris briefly reviewed the public hearing process and opened the hearing to public testimony.

Gene Maddox, 16631 – 10th Avenue Northwest, said he provided each of the Commissioners with a copy of the Task 230 Report, submitted as Exhibit 6, which is a King County report that centers on the area of Innis Arden very well. He referred to the definitions in section 20.20 of the draft ordinance, which shows a critical area to be an area of landslide hazards, seismic hazards, erosion hazards, stream and corridor areas. He noted that the map on Page 3 of his exhibit identifies most of the Innis Arden area as both a slide hazard area and an erosion hazard area. In addition, Innis Arden is also an area with many stream drainages, and there are even a few areas that are identified as seismic hazards. He said he has lived in the area since 1958 and has found that Boeig Creek has suffered terribly due to mismanagement or no management. There is one area that has slid so violently, that it snapped the top of the trees off as it came down. This is not a steep area, but one that was washed out from underneath.

Mr. Maddox pointed out that the Innis Arden area has become a war zone over trees. The Innis Arden Club has been trying to get a permit from the City to cut every tree they can. They are absolutely destroying the reserves and letting everything fall into the streambeds. There has been little or no oversight for what they have been doing. Because of the sensitive nature of the area, he said he would like the City to stop the tree cutting in Innis Arden until a competent authority such as the Planning Commission can review it.

Wayne Cottingham, 17228 – 10th Avenue Northwest, provided a PowerPoint Slide Show of various pictures taken in the Innis Arden area. The pictures illustrated a ravine that is about 1/3 mile long and drops from 400 feet to sea level. He advised that there are four separate parks in the Innis Arden area: Bear, Grouse, Blue Heron, and Running Water. To illustrate the significant change that has occurred in the area, he provided 1999 aerial photographs of the Grouse Reserve and other areas along the steep ravine and compared them to aerial photograph of the same areas in 2004 and 2005. Mr. Cottingham said he is an engineer by profession and has lived in the City of Shoreline for 40 years. He said the pictures he provided illustrate what City exceptions, coupled with money driven by views, can do. He said it is important for the City to tighten their regulations rather than allowing so many exceptions to protect views. He provided each of the Commissioners, as well as the Planning Commission Clerk, a disk containing his PowerPoint presentation (Exhibit 7).

Leon Zainveld, 17120 – 13th Avenue Northwest, said he has been a resident of Innis Arden for more than 18 years and has worked within county government in property systems for over ten years. He noted that more than 130 trees in the Innis Arden forested reserves have been decimated by removal or snagging since late 2003 on the basis that they were allegedly hazardous. Because Innis Arden is located on a hillside, he said he is concerned that it could be a site for a disastrous mudslide as a result of tree cutting. He noted that on February 14th, a few Innis Arden Club Board supporters testified to the City Council that they were concerned about decreased property values due to some perceived loss of view. However, he challenged anyone to provide a valid King County assessment that shows that any Innis Arden property has overall decreased in value over the last ten years, let alone due to some perceived loss of view. The particular property referenced at the City Council meeting didn't lose \$90,000 in value as the property owner claimed, but increased in overall value by more than 80 percent. The factual trend is that property values rise for nice houses in stable neighborhoods.

Mr. Zainveld respectfully requested that the City incorporate language into the Comprehensive Plan and the Critical Area Ordinance that applicants for tree cutting for view preservation be required to provide substantial evidence that they once had a better view when they purchased their home. He further asked that the Planning Commission not increase the City's liability and endanger homeowners to benefit a small group of greedy homeowners by sustaining any loopholes in the Critical Area Ordinance or the Comprehensive Plan that could allow for abuses of City environmental processes or applications.

John Lombard, 10801 – 112th Avenue Northeast, Seattle, 98125, said he represents the Thornton Creek Alliance. He referenced a letter (Exhibit 1) that was already submitted to the Commission outlining the Alliance's concerns. First, the Alliance is concerned that there are no buffers proposed for the marine shorelines. While staff may argue that the shorelines can be dealt with in the updated Shoreline Master Program, he said he does not believe that is the case. The Growth Management Act requires the City to protect the functions and values of critical areas, including the Puget Sound shoreline. Secondly, Mr. Lombard said that the proposal ignores best available science for wetlands, particularly in the recommendations from the Department of Ecology for the classification of wetlands, buffers, mitigation, etc.

Mr. Lombard said the Alliance shares many of the concerns related to tree removal that citizens have already raised. The proposed ordinance presumes that mature trees can be removed with no net loss of functions, but this presumption is false. Mr. Lombard said the Alliance believes there should be more and clearer criteria for reducing the stream and wetland buffers in return for restoration. They feel this is an important and practical incentive, and they do not oppose the overall principle. But right now, there is essentially either full or minimum buffer, and the Alliance feels there should be very substantial restoration required as a step down to the minimum.

Mr. Lombard advised that the wetland buffers proposed in the ordinance require that the development itself be low impact to allow the reduction in buffer. The Alliance supports this proposal, and would like the same criteria applied to streams. The Alliance supports the incentives in the proposed ordinance for daylighting creeks, but there should be more of them. The City of Seattle has been addressing some similar issues in their proposed update, and they are including a number of incentives that the City of Shoreline could also include. The City of Seattle also has existing language that protects piped streams from being built over, and they would like this added to Shoreline's ordinance, as well.

Nancy Rust, 18747 Ridgefield Road Northwest, said she has lived in Innis Arden for 45 years. She is a former State Legislator and one of the original sponsors of the Growth Management Act. When the Act was written, only the growth counties were required to plan. However, it specified that all counties and the cities within them, regardless of whether they were required to plan, had to identify their critical areas and adopt ordinances to protect them. They felt this was so important to be done first. She emphasized that it is the City's duty to protect critical areas. She said she was disappointed to read that the City was considering exemptions for view preservation since the City should be trying to strengthen the act rather than weakening it. She said she realizes that conditions would be imposed in order to obtain the exemption, but even scientists disagree about what is appropriate and what is not. She noted

that other cities across the country are strengthening their ordinances, and the City of Shoreline should do the same. Weakening the ordinance to allow tree cutting for private gain is wrong.

Betty Ward, 18306 Ridgefield Road Northwest, said she has lived in Innis Arden for 50 years. She said she has owned three homes and each time she has moved to improve her view of the Sound and the Mountains. She now lives on Ridgefield Road across from the Grouse Reserve, and she has watched her view erode over the past 33 years due to the trees growing up in the Reserve, as well as on neighboring properties. She values her view as well as the environment, which is why she participated in a vegetation management plan in the Grouse Reserve, along with several of her neighbors. At great personal expense, they have met all the requirements of the City and planted over 2,000 plants to replace the trees that were cut. She said she supports the Critical Area Stewardship Program that is being proposed by the City because it formalizes a system that is similar to the vegetation management plan that was implemented in the Grouse Reserve. She said the residents in her area view their reserve as a model for further view restoration. She concluded by stating that they simply want to restore the views that they have lost over the past 32 years, and the proposed plan would help their efforts.

Roger Lowell, 18384 Ridgefield Road Northwest, said that when his family moved from Los Angeles, they searched all of Seattle and the suburbs, settling in Shoreline because of its schools, parks, views, support for families, and sense of community. He said he supports the Critical Area Stewardship Plan concept that has been proposed by the City staff. He explained that, recently, his neighborhood has been fractured over the community's stewardship of its communal resources and private properties. The City has created an overbearing bureaucracy, frustrating the efforts of citizens to maintain their views. He asked that the Planning Board give favorable consideration to the Critical Areas Stewardship Plan that has been proposed. He concluded by reminding the Commission that Shoreline is an urban area that should be managed as such. They should stop people from feeling like they have to move to the suburbs to get rid of the bureaucracy and create even a greater environmental insult. He pointed out that Innis Arden has a board, which is duly elected by the community in conjunction with the RCW's of the State of Washington. He asked that as the City deals with this community, they work with the Board. Individuals within the community use scare tactics and false accusations to further their private agendas. He expressed his belief that the plan submitted to the Commission is good and has the potential to heal the community.

Vicki Westberg, 1231 Northeast 148th Street, referred to the January 20, 2005 Planning Commission Item 6A, Attachment 2, pages 40-48. She submitted a copy of the document as Exhibit 8 and made the following points:

- Concerning wetland replacement ratios, the Commission should be made aware that 95 percent of them do not succeed.
- The language on Page 43 (based on the recommendation of a wetlands report that includes best available science and was prepared by a qualified professional) sounds good, but since the professional would be hired by the developer, the findings would be biased. She questioned what guarantee there would be that the monitoring reports would be accurate.
- Item G.2 on Page 46 states that in the event that a mitigation project is inadequate or fails, a performance or maintenance bond would be required to ensure the applicant's compliance with the

terms of the mitigation agreement. It further states that it shall equal 125 percent of the cost of the mitigation project for a minimum of five years of monitoring.

- Item 3.d on Page 47 states that monitoring reports must be prepared by a qualified consultant and reviewed by the City or a consultant retained by the City. The City of Shoreline has exhibited, in every instance, a strong bias towards the developer, which presents a conflict of interest.
- What are the penalties if the builder does not comply or the mitigation efforts do not succeed? The development would have already been completed and sold by that time. The developer could forfeit his bond, walk away, and the citizens and natural heritage would lose again.
- We need to have oversight so that development works with the citizens and not against them.

John Hollinrake, 1048 Innis Arden Drive, said he lives in Innis Arden. He said he has had an opportunity to work with the City staff and has found them to be very knowledgeable and able to provide a great service to the community. He said he resents the fact that Mr. Derdowsky comes all the way from Issaquah to criticize the City's staff. He said he purchased an acre of property that is adjacent to one of the common areas, which was an ecological nightmare. A large maple tree fell, smashing his storage shed and destroying a large area of his vegetation. One of his trees has fallen across a hiking trail, and two of his neighbor's trees have fallen onto his property, destroying his cherry tree. A total of seven trees have fallen on his property, and before he moved into his home, eight trees snapped in half. This situation happens all throughout the Running Water Reserve, which is located along his property. Every time there is a windstorm, the trees sway, pieces fall off of them and trees fall into each other. He said Mr. Cottingham's pictures left out the fact that he spent over \$2,000 taking out invasive species such as blackberries, ivy, etc. So far, he has planted 60 plants, and he plans to do a lot more. He has put down extensive amounts of mulch, and he will continue to remove invasive species. He has gone through an expensive process to have a professional evaluation of the trees and the hazardous trees removed. Many of the trees lean towards his house and his yard. Mr. Cottingham's pictures also do not show that in the Grouse Reserve, over 2,000 plants have been planted to replace many of the trees that were in very bad shape. He encouraged the Commissioners to visit the areas to view the situation.

Mr. Hollinrake concluded by expressing his belief that the staff has made some excellent recommendations to deal with issues related to view. Views are very important to the residents of Innis Arden. They provide a lot of enjoyment and are the reason that many people moved there in the first place. He suggested that the City should deal with hazardous trees to protect life and not just buildings and properties, since this is the government's job.

Al Wagar, 17076 – 10th Avenue Northwest, said he supports Section 20.80.030(j), which provides for a Critical Areas Stewardship Plan. As a resident of Innis Arden, he said he has watched the tree versus view issue go largely unresolved over the past several years. The proposed stewardship plan would allow the City to meet its responsibility, and it would also allow flexibility for the residents in the community to remove problematic trees and replace them with others that provide the same functions. Secondly, Mr. Wagar proposed that the Commission amend Section 20.20.024 (Definition of Hazardous Trees) to include a fourth element to read, "fall on a developed trail." He also suggested that the phrase, "or modifying them to make them non-hazardous" be added as well. He submitted his recommended language changes to the Planning Commission Clerk as an Exhibit 2.

Pat Crawford, 2326 North 155th, provided each of the Commissioners with a copy of the Gaston Decision (Exhibit 9). She said it is the City's duty to protect the environment, and this includes saying no to some people. She said she doesn't understand how people in urban areas think they don't need to bear part of the burden for the critical areas in the Growth Management Act. For example, there are many people in Forks (fisherman, hunters, loggers) that would love to restore what they have lost over the last 33 years. It would truly not be fair for the City of Shoreline residents to not make sacrifices but ask people in the rural areas to take care of "God's Country." She reminded the Commission that the critical areas were developed so that cities and counties could figure out how to protect them. Critical areas are the most important because cities cannot get their environment back. It is impossible to replace the function of a significant tree with a replacement tree. It is time for the citizens of Shoreline to make some sacrifices, including views, to protect the environment.

Ms. Crawford pointed out that the Gaston Decision took five years and hundreds of thousands of dollars of her family's money when the issue could have all been solved at the level of permitting. She pointed out that the proposed changes would merely add 15 feet to every existing buffer, which is basically just incorporating the setbacks. The proposal would not enlarge the stream buffer, but staff is twisting the words around to make it look like the ordinance would increase the protection.

Tim Crawford, 2326 North 155th, said he is always outraged when he comes to the Planning Commission meetings. He noted that the City staff alleges that there are other residents, besides himself, who have dams on their properties. He questioned where these properties are located. He said his attorney entered a supplemental brief at the appellant level over that issue, and he is really getting tired of it. He is tired of hearing people complain about trees blocking their view when he had to spend a lot of money to appeal the Gaston Project. He said his general comments would be addressed by a letter from his attorney, but he asked "who the hell else has a dam on a fish stream, claimed by the City, but the Crawfords?"

Mr. Crawford said he is saddened to think that the City is considering an option that would treat trees the same way as streams. He quoted a recent appellant who said, "Well, they won't be able to vilify us the way they have you." And damned if they didn't. He said he understands that the people from Innis Arden can be ignored, and he has seen it happen. But he hopes the people who want to save the green living things can prevail. He said he and his wife concur with John Lombard's statements.

Elaine Phelps, 17238 – 10th Avenue Northwest, said she has lived in Innis Arden for 40 years. She pointed out that the Grouse Reserve vegetation plan was never submitted under the Innis Arden vegetation management plan. It was submitted with a specific statement that it was not in accordance with the vegetation management plan. The City approved it nonetheless, even though it violated almost every provision of the vegetation management plan. That is why she is so skeptical about the concept of a Critical Area Stewardship Plan.

Ms. Phelps asked if the Commission would accept written comments after the public hearing. She said that when she moved into Innis Arden, there were songbirds galore and lots of other wild creatures. But they are gone. She doesn't have a view, and whether or not the trees come down would not impact her perspective one way or another. But it would impact her surroundings and the environment altogether.

She questioned how one person could introduce this type of element into a critical area ordinance, since views have nothing to do with preserving critical areas. This element would, in fact, destroy the critical areas, and that is what has been going on in Innis Arden. View preservation should not be part of the ordinance, since the purpose of the ordinance is to promote efforts that will prevent or eliminate damage to the environment and biosphere.

Paul Blauert, 835 – 17th Place Northwest, provided copies of the University of Washington Forestry Report to each of the Commissioners (Exhibit 10). He said the document was introduced as an exhibit in their appeal to the Hearing Examiner regarding tree cutting in Innis Arden. He asked that the report be made a part of the record and that the entire Hearing Examiner's record be adopted by reference. Mr. Blauert said he is not against cutting trees to protect views, but he is in favor of protecting the sensitive areas. He is against cutting down healthy trees, claiming they are hazardous. He is also against clear cutting the reserves and replacing significant trees with small ones. Mr. Blauert asked that the Commission carefully review the Hearing Examiner's decision, especially the last two pages. They will find that the City has incorrectly summarized the report. The City's summary indicates that the third party report carried the weight. He pointed out that while the City was initially on the right track when they asked for an independent report, under pressure from the applicant, they agreed to accept the applicant's report for the third party. He recommended that the City have an approved panel of experts, and that each case be randomly assigned. He said the Hearing Examiner's Report demonstrates that the City did a poor job of evaluating the application.

Lastly, Mr. Blauert provided a copy of the Innis Arden Bulletin (Exhibit 11), which is quite misleading and inflammatory. He asked that it be made part of the record, as well. He noted that not one of the pro-view people made a comment about the need to protect the sensitive areas. However, it is the City's duty to guard these areas. The view provision would weaken the ordinance, and the Commission must decide if that is appropriate or not.

Janet Way, 940 Northeast 147th Street, asked that the Commission allow her extra time since she is speaking on behalf of three groups: Sno-King Environmental Council, Thornton Creek Legal Defense Fund and Paramount Park Neighborhood Group. Someone in the audience objected to Ms. Way being given more time to present her views than others in the audience were allowed. He noted that it is her second time to speak before the Commission, and he said he resents outside experts coming in to speak for groups. Ms. Way pointed out that she is not an outside expert. Chair Harris explained that when Ms. Way spoke before the Commission earlier in the meeting, she was doing so as part of the "General Public Comment" portion of the agenda. She has not had an opportunity to speak specifically regarding the Critical Area Ordinance. According to Commission rules, because she represents three groups, she would be allowed to have five minutes to speak.

Ms. Way congratulated the Innis Arden group that worked to protect the trees. Next, Ms. Way urged the Commission to thoughtfully examine all of the proposals contained in the draft ordinance and read all the comments. They must also consider that there are basic standards and benchmarks the State Government has been seeking. They must establish that there are some things that cannot be sacrificed. The idea that the City can balance the environment with all the other values can only be true if they start with the basic benchmarks.

Ms. Way said her groups object to the definition that is proposed in Section 20.20.046, which states that “Those areas in the City of Shoreline where open surface waters produce a defined channel or bed, not including irrigation ditches or surface runoff devices or other entirely artificial open watercourses unless they are used by salmonids or used to convey streams naturally occurring prior to construction.” She referred to the recent appellant court case (Gaston Decision), which speaks to this issue. If a creek comes in one end of a pipe and goes out the other end, it is not necessarily considered an open watercourse, but it is a stream established by this decision. This definition must be changed. She submitted a paragraph from this case to back up her comment.

Ms. Way said the Critical Area Ordinance language states that Type III Streams are those streams that are either frail or intermittent and have salmonids fish. She said this is an inadequate standard and description of a Class II Stream. The standard should not be whether or not fish have been seen, but whether the habitat would support fish. According to the proposed classification, streams where no fish have been seen would be lowered to Class III, which has much lower buffers. Although the Gaston Decision identifies streams such as Thornton Creek as Class II, the proposed ordinance would consider them to be Class III Streams.

Ms. Way said her groups object to the language that states that “The Planning Department may waive the presumption of fish use for stream segments where a qualified professional has determined that there are confirmed long-term water quality parameters making the stream incapable of supporting fish.” The term “qualified professional” concerns her, since it is apparent what qualified professionals have wrought on Innis Arden’s critical areas. She urged the City to have a higher standard for determining whether or not a stream is capable of supporting fish.

Regarding the issue of daylighting streams, Ms. Way said she believes there is a lack of language discouraging new construction over pipes or culverted streams. There is also a lack of incentives for daylighting the streams. Ms. Way said her groups support the idea of strengthening the tree cutting section so that what has occurred in Innis Arden can no longer occur. She noted that Boeing Creek has already experienced massive destruction, and it is time to stop it. She submitted a letter from the Department of Ecology to the City of Covington. She also submitted the City of Covington’s critical areas ordinance as part of the record (Exhibit 13).

Fran Lilleness, 17730 – 14th Avenue Northwest, said she has lived in Richmond Beach for 28 years and in Innis Arden for 18 years. When she lived in Richmond Beach she was totally surrounded by trees. They chose to move to Innis Arden because there are covenants to legally protect the view. They had to pay dearly for this protection. She has seen many times in Richmond Beach where people purchase homes for the view, and then new development or tree growth destroys it. The Commission should remember that the residents in Innis Arden pay dearly for their view protection. Their taxes are very high. She used to be a realtor for the Board of Appeals and Equalization for King County in the late 1980’s, and many people presented pictures of their properties and the views that they had lost. The Board had no other alternative but to agree with the diminished value and lower the property taxes. If Shoreline wants to maintain their tax base, they should look for ways to help the citizens preserve views. She said it is a constitutional right for property owners to enjoy their properties. Many of the people

who spoke in favor of retaining the trees in Innis Arden do not have views or they live on a bluff and do not have a problem with views.

Ms. Lilleness recalled that the City filed a lawsuit against Innis Arden because they were taking down trees in the reserve that were hazardous. These trees could have fallen on people. She walks through the reserves, and the closed canopy makes it frightening. It is nice to be able to walk through the reserve and see that there is no one hiding in it. The covenants say that the residents of Innis Arden have a right to use the reserves however they wish. If children are to play in the reserves, they must be visible. She asked that the Commission support the staff's recommended Stewardship Plan for view restoration in critical areas. She submitted pictures showing what has been done to improve view in a park site. She also provided pictures showing what has been done on a ridge in the reserve (Exhibits 14 & 15).

Harry Obedin, 17071 – 12th Northwest, said he is very concerned about the number of people who have testified that do not live in Shoreline. Their opinions are being brought in as carpetbaggers. He said he is just as concerned about the ecology as some of the self-appointed ecologists. However, he is concerned about the issue of urban conflagration. When the season is dry, there is a very good chance that one of the reserves will go up in flames unless they are managed and the brush is controlled. Secondly, Mr. Obedin pointed out that oversized trees provide a very big hazard to surrounding trees as well as to people and property. For instance, if an isolated Douglas Fir Tree or Cedar Tree gets high enough and is not protected by a lot of other trees that share the wind load, it will come down. This is something that the people who love trees are not willing to admit. He said he had a hedge of Douglas Fir trees in another county, and it was pointed out that the trees would inevitably get blown over in a good wind storm. The ordinance should consider these types of trees. He recognizes that large and mature trees cannot be replaced by just one small tree. However, a dead large tree loses its value, and the mitigation plan could require people to put in any number of trees that could collectively have the same effect as a large tree. In turn, they would grow to a respectable size.

Gini Paulsen, Ph.D., 16238 – 12th Northeast, said the public hearing is a good example of the conflict between individual desires to maximize property benefits and the common good. One way to reexamine the issue is from a systems perspective. They live in an environment that is interconnected. What happens in Shoreline has an impact on Lake Washington and Puget Sound. At one time, Shoreline was an unspoiled area with many trees that remain standing despite winds from the east, west, north and south. She urged the Commission to put the environment first, since this would enhance the life of the entire community and all the individuals in it. Trees provide for soil stabilization, capturing rainfall, and other benefits including the protection of the streams that are close by. She said that by enhancing, restoring and preserving the environment, they could protect the salmon bearing streams and the Sound. Everything that is done in Shoreline has an impact on the Sound, which has already declined in quality of sea life. It is already badly polluted, and Shoreline cannot afford to continue to contribute to the pollution. They must do things to enhance the area so that it can again become salmon producing.

Michael Rasch, 18542 Springdale Court Northwest, said he submitted a letter to the Commission that contains his specific comments regarding the proposed changes to the Critical Area Ordinance (Exhibit 5). He referred to Mr. Crawford's comment that he believes he has the only dam on a salmonid stream, but there is one Boeing Creek, also. It is owned by the Seattle Golf Club, and it has blocked fish from

getting up to the Hidden Lake area. The Seattle Country Club is not maintaining this dam, so perhaps the dam exclusion was aimed at this situation.

Mr. Rasch said many residents of Innis Arden have commented about views and trees, and he is one of the people who would like to see the views restored. The proposed Critical Area Stewardship Plan would balance the environment and the view value. The estimated value of 538 homes in Innis Arden is about \$330 million, which equates to a lot of property taxes. A lot of this value is based on the fact that people have views. The views are diminishing. No one who is in favor of view restoration wants to see the reserves decimated and turned into wastelands. They want them to be replanted with lower growing species that provide the same benefits as the taller trees do. One of the suggestions he made in his written comments was that the Commission should consider modifying the requirement that the replanting be done with native species. He asked that it be changed to read “native species unless otherwise approved.” He said the residents have talked with many arborists about replanting the reserves, and they would like to make them more park like. There are varieties of lower growing trees that could provide habitat, soil stabilization, water uptake, etc. The trees do not have to be native species. They can be beautiful yet provide the same benefit as the native species.

Brian Dodd, 18219 – 13th Avenue Northwest, said he is an Innis Arden Board Member. He read a letter written by Judge Bruce Hilyer, a King County Superior Court Judge and a member of Innis Arden (Exhibit 16). He emphasized that Judge Hilyer’s letter presents his personal opinion as a shareholder. Judge Hilyer’s letter stated that since his family moved to Innis Arden in 1987, their views have gradually deteriorated to the point that it is significant in terms of their enjoyment and their property values. The letter states that he and five neighbors got together to hire a professional to design a vegetation management plan to replace the taller view-blocking trees in the community reserves with lower, predominantly native species. The Board of Innis Arden conditionally approved the plan, but the City of Shoreline staff informed their consultant that any trimming, removal or replacement in the ravines would require approval through the Hearing Examiner process and it could be appealed to the City Council. But he points out that this process is cumbersome, unpredictable and quite expensive.

Judge Hilyer’s letter asked that the Commission give careful consideration to a more predictable process with realistic criteria to allow view protection in areas adjacent to critical area designations. He pointed out that there would always be a vocal minority opposed to any new solutions, but every time the entire community has voted or been surveyed on the issue, a strong majority has always recognized that view preservation is one of the most valuable and unique aspects of the community, and that it is worthy of protection. Judge Hilyer further asked that the Commission not be misled in believing that this is a case of development versus the environment. He said he has been a committed environmentalist throughout his entire adult life, including two terms on the Board of Directors for the Washington Environmental Council, four years on the Board of the Hanford/WSDOT Group, part of Heart of America Northwest, and nine years on the Washington State Parks Commission, including two terms as president. He concluded his letter by stating that the Innis Arden Reserves need to be managed like urban forest parks, not like old growth forests. He asked that the Commission work with them to design a process that is predictable based on science and best horticultural practices and allows them to protect the views that distinguish the community. The amendments proposed for the Critical Area Ordinance are a good first step in establishing such a process. As difficult as the issues may appear, he suggested that the

community is not as split on the issue as some would like the Commission to believe. Moreover, he said the issue would become more difficult to resolve in the future as more and more properties lose their views.

Michele McFadden, P.O. Box 714, Wauna, Washington 98395, said she provides legal counsel for the Crawfords and the Twin Ponds Fish Friends. She said that she reviewed the ordinance in detail to determine the impact it would have to Thornton Creek. She said she has heard many people say they do not want the ordinance to go backwards and be less protective than it currently is. But that is exactly what the proposed ordinance would do because of the proposed changes to the definition of streams and the typing of streams. She suggested that the Commission read through these two proposed changes in more detail in the letter she submitted (Exhibit 17). She suggested that the City's standards would go down if they agree to do away with defining piped streams as "streams" and attempt to change the typing system to no longer recognize streams that could potentially have fish. While it is nice to look at the scale of new buffers that are being proposed, if the City applies Type III buffers instead of Type II buffers to Thornton Creek, the end result would be a reduction in standards. As an example, she referred to a map that was presented to the Commission a few weeks ago, which purports to show where the 35-foot standard buffer areas would be located. She noted that the map shows a 35-foot buffer for Thornton Creek, which is the minimum standard for a Type III Stream, but not for a Type II Stream.

Ms. McFadden said that now that the City has issued their comments regarding the Gaston Decision, she would like to brief the Commission about what really happened and why the "reasonable use" concept is not working in the City. She proposed that the definition of "reasonable use" be thrown out since it is not working. She pointed out that the Gaston Decision speaks to boundary line adjustment problems because the City determined that a lot and a half was two lots. The second lot was never legally created under the subdivision code. She noted that when the project started, the entire parcel was all in buffers. By using a process that did not allow public comment and access, the City ended up creating a new lot. She questioned if the Commissioners find this result to be appropriate. She asked if the Commission wants to continue to allow the City staff to avoid the subdivision process to create a lot that is totally in violation of the buffer standards. She said staff appears to recognize that this is a problem. If this type of adjustment is going to be allowed through the boundary line review, then the boundary line review process must be subject to the Critical Area Ordinance as is every other process that the City is involved in.

Brian Derdowski, 70 East Sunset Way, #254, Issaquah, 98027, said he represents the Thornton Creek Legal Defense Fund and the Public Interest Associates. He said his friend and colleague, Janet Way, spoke on behalf of the Sno-King Environmental Council. Ms. McFadden is his former chief staff member, and she is arguably the most qualified and technically competent expert on critical area regulations in the State of Washington. She is a former hearing examiner. She not only crafted the ordinance on his behalf in 1990, but she was the prime architect behind the 1985 Comprehensive Plan. He encouraged the Commission to create some mechanism whereby the Commission could avail themselves to the type of talent she has to offer.

Mr. Derdowski said his organizations are beginning a very detailed review of the City's proposed ordinance, and they have some very significant, profound and actionable concerns about it. They are in

the process of determining whether to bring their issues before the Planning Commission or before the City Council. He said he is not confident that the Planning Commission has the mechanism whereby they can get into the kind of detail necessary. Neither would they receive the necessary support from the staff. He expressed his belief that the Commission has been coached to believe that protecting critical areas is a goal that must be balanced against all the other goals in the Growth Management Act, and this is a complete misread of what their mandate is. There are certain statutory and mandatory requirements that the City must comply with to protect critical areas, and if that requirement conflicts with the City's desire to provide affordable housing or protect views, the critical area requirements shall prevail. If he were a resident in Innis Arden and concerned about views, he would be very concerned that the City would adopt a regulation that creates a view exemption that is totally inconsistent with law. This would result in bad case law, and the judge would throw out all the minor exemptions that the property owners are currently taking advantage of now. If the proposed ordinance is approved, the Innis Arden residents would likely end up with a worse situation.

Mr. Derdowski pointed out that the Commission must consider some mandatory components during their deliberations. He said the ESA 4D rule, the Clean Water Act, and the NPDES Permit are linked to the Critical Area Ordinance. The ordinance is also linked to the Department of Ecology requirements, Hearings Board decisions, CTED's guidelines, and the Countywide Planning Policies. He recalled that when the City adopted their Comprehensive Plan, they included a statement that the Countywide Planning Policies are a guide. However, he pointed out that the policies are not intended to be a guide. They are mandatory elements that the City must comply with, and the City of Shoreline signed an interlocal agreement saying they would be willing to comply. He said that the proposed ordinance lays out a wetlands classification system that is totally in conflict with the Countywide Planning Policies, which state that cities shall adopt the Department of Ecology's Wetlands Manual or any amended version that comes down the pike. But the City has not done this. If this simple conflict is not being addressed by the proposed ordinance, he questioned how many other things are not being addressed, either.

Mr. Derdowski suggested that the Commission carefully consider whether they want their efforts to "crash and burn" at the City Council level, the Hearings Board, or Superior Court. If the answer is no, they must create a good high-quality working relationship with the various environmental groups that are present and the City staff. These groups would like to augment the staff's work. On behalf of the citizens of Shoreline, he asked that the Commission diversify their input and question what they are being told by the citizens and the staff. They must avail themselves to all of the wealth of knowledge that is available.

Bob Allen, 17225 – 12th Avenue Northwest, pointed out that Boeing Creek is frequently referred to as a big washout. The Boeing Creek washout on 175th Street actually happened two times, and he lived in Innis Arden during both of the events. The last time it occurred, he and his wife drove over it just before it gave way. While he is very concerned about this situation, it is important to remember that this water didn't come from Innis Arden. It came from East Aurora Avenue and from residents that are located to the east and north. By the time the water coming down into Boeing Creek hit Innis Arden the situation was catastrophic already.

Mr. Allen said he and his wife walk around Innis Arden daily, and his children and grandchildren have roamed the trails. They are very concerned about the environment. He said he is fortunate enough to enjoy a view, and they have worked hard and judiciously to maintain it. They work in the reserves to clean them up and make them safe for people to enjoy. They have done extensive research on the best ways to manage the reserves. He said there are low growing plant species that would maintain the property as a safe and environmental area however they wouldn't grow up tall and take away the views and thus property values. He suggested that there is room for both the view and the environment and habitat.

Mr. Allen said many people have talked about having hard and fast rules that apply to everybody equally. He suggested that no one is smart enough to make an ordinance that applies across the line to everyone forever. He felt the ordinance should allow flexibility. He said he believes there is enough knowledge in Shoreline and enough people who have good commonsense, that when special circumstances arise they will make the right decisions by hearing all parties concerned, by choosing experts they think have the knowledge they need, and then making an unselfish decision. That is why groups such as the Planning Commission have been selected.

Ewa Sledziewski, 17736 – 15th Avenue Northwest, said she supports the City's proposed stewardship plan for restoring view in critical areas. She said she owns a house that has an absolutely gorgeous view, and there is no problem with any trees in front of her. There are a number of residents who do not have a view, but they enjoy the streams and creeks. However, they do not want to allow the residents who enjoy the view to preserve their view. The situation in Innis Arden at this time is really horrible. She appealed to the Commission to be fair to everyone and use commonsense rather than being scared and terrorized by a small group of people who are in favor of tree preservation. Trees are beautiful, but so are views. Ms. Sledziewski asked the Commission to contact the Innis Arden Board of Directors because they represent all of the residents. Another organization exists in Innis Arden, but it does not have the mandate of the whole community.

Pam Schmidt, said she is a member of the Innis Arden neighborhood, too. She said she also supports the City's proposed stewardship plan concept in order to protect views in critical areas. She said she is not an expert, but she understands the facts. She pointed out that Innis Arden was clear cut many years ago when it was developed, and it did not fall into Puget Sound as many people want the Commission to believe would happen if trees are cut down. She said she is also a mother, and she walks through the reserves every day. While people in the audience have been disrespectful and snicker about the safety issue not really being an issue, it is. She reported that right after school let out last year a tree fell down at the head of one of the reserves. There are no sidewalks in Innis Arden, so the children have to walk through the reserves if they want to visit each other because there is not a lot of space on the street. She suggested that the reserves do not all have to look the same, but they should all be safe. She suggested that the issue is not really always about trees. It is more about power. She has been on the Innis Arden Board, and she has seen the nastiness that has occurred. She pays for her view, and that is why she purchased her home. She values people who enjoy trees, but small trees can also be considered good. She pointed out that the reserves are not public property. They are private property. She challenged the Innis Arden residents who criticize the replanted reserve areas to visit them again. They are quite lovely.

Mr. Stewart reported that the City received petitions signed by 44 individuals that would be entered into the record. The petition reads, "We the undersigned residents of Innis Arden have reviewed the letter and the proposed changes to the Critical Area Ordinance submitted to you by our neighbor, Michael Rasch, and agree with him that the Planning Commission should adopt the new code with the proposed changes." He said copies of the petition would be provided to each of the Commissioners.

COMMISSIONER BROILI MOVED THAT THE PUBLIC HEARING BE CLOSED.
COMMISSIONER HALL SECONDED THE MOTION.

Commissioner Hall recalled that at least one citizen requested more time to provide written comments to the Commission. He asked if it would be possible to hold the record open for written comments, without holding another verbal public hearing. Mr. Stewart said it would be appropriate for the Commission to close the public hearing, but leave the record open for submittal of comments until a date certain.

COMMISSIONER HALL MOVED THAT THE MOTION BE AMENDED TO LEAVE THE RECORD OPEN FOR ADDITIONAL WRITTEN COMMENTS THROUGH MARCH 31, 2005.
COMMISSIONER BROILI AGREED TO THE AMENDMENT.

Commissioner Sands thanked the citizens who came before the Commission to express their opinions. He particularly thanked those who offered specific proposals for modification to the Critical Area Ordinance. It is the Commission's job to review the ordinance and recommend the appropriate amendments. Suggestions from the public are very helpful to the review process. The remainder of the Commission concurred.

Mr. Stewart advised that the Commission has two options for beginning their deliberations. One would be to call for a special meeting on March 31st, or they could begin their deliberations on April 7th. He

noted that there is another item on the April 7th agenda regarding a site-specific rezone application for the Ronald Wastewater District. He suggested that the Commission close the written comment period a few days earlier than March 31st so staff could produce the documents for distribution a week in advance of the Commission's deliberation.

Mr. Derdowski said the action of opening or closing a public hearing is an artificial action. Because the ordinance is a legislative action, the record is open and anyone can send information to the City Council right up until the very end of the process. Most legal observers believe that comments can be offered at any time in the process, so it doesn't matter what the Commission decides to do to accommodate their deliberations. Commissioner Hall said that it is important for him to feel that everyone has been given an adequate opportunity to provide comments before the Commission deliberates and forwards a recommendation to the City Council.

THE COMMISSION AGREED TO AMEND THE MOTION TO PLACE THE DEADLINE FOR ADDITIONAL WRITTEN COMMENTS AT 5:00 P.M. ON MARCH 25TH WITH COMMISSION'S DELIBERATION STARTING ON APRIL 7TH. THE AMENDED MOTION WAS APPROVED UNANIMOUSLY.

The Commission agreed to begin their deliberations on the Critical Area Ordinance on April 7th.

8. REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Hall commended the staff for being so responsive at the retreat in providing ideas about how they can help the Commission do their job better and keep their discussions on track.

Chair Harris recalled that at the retreat he was asked to contact the Mayor to request a dinner meeting. He reported that the Mayor has been out of town. He has left two messages, so he expects to hear from him shortly.

Commissioner Phisuthikul reported that he received an invitation to a luncheon meeting of the 2005 North King County Economic Summit. Commissioner McClelland pointed out that one of the sponsors of the event is the group, Forward Shoreline. She said she plans to attend the event.

Commissioner Broili announced that KUOW is going to do a piece about low-impact development on March 23rd in their 9 or 10 a.m. segment.

Commissioner McClelland recalled that at the retreat the Commission discussed the idea of having topical meetings periodically throughout the year. She referenced an article from the March 9th *SEATTLE TIMES* about cities clustering development near centers of transportation, transit-oriented development, etc. She suggested that this could be an issue the Commission could discuss at a topical meeting.

Commissioner Hall advised that two major conferences are coming up at the beginning of April. One is the Puget Sound Research Conference sponsored by the Puget Sound Action Team on April 4th – 8th.

The Bi-Annual Conference of the Society for Ecological Restoration is scheduled for April 11th – 15th. As part of this conference, a major event would be held on April 13th at the Town Hall Venue in Seattle. Those who are interested in environmental restoration and protection of Puget Sound should consider attending this event. Both conferences would be held at the Seattle Convention Center.

9. UNFINISHED BUSINESS

Commissioner Kuboi reminded the Commission that there was one item they did not get to at their recent retreat (each Planning Commissioner's expectation of the other Planning Commissioners). He asked that this topic be docketed on the first Planning Commission meeting where time is available. The Commission agreed to add this topic to the list of future agenda items.

10. NEW BUSINESS

There was no new business scheduled on the agenda.

11. ANNOUNCEMENTS

Mr. Stewart announced that the City has issued a building permit and demolition has begun for the five-story, 88-unit apartment complex on 15th Avenue at about 180th Street. The staff is pleased to see this property finally under construction, since it implements the vision and scheme of the North City Sub-Area Plan.

12. AGENDA FOR NEXT MEETING

Mr. Stewart announced that the anticipated March 31st special meeting would not be held because the appellants were unable to make that date. Ms. Spencer reported that the special meeting was rescheduled to April 14th at 7:00 p.m. This would be a quasi-judicial joint hearing with the Hearing Examiner. If necessary this public hearing could be continued to the April 21st regular Commission Meeting. A public hearing for the Ronald Wastewater District rezone is scheduled for April 7th. Mr. Stewart said staff is also anticipating the Commission would have time at their April 7th meeting to begin their debate on the Critical Area Ordinance.

Commissioner Sands inquired if the cottage housing workshop that is scheduled for May 5th is only for the Planning Commissioners. Mr. Stewart answered that this workshop is intended to be a broader-based workshop than just the Planning Commission. Staff is still working out the details, but perhaps an open house would be scheduled from 5:00 to 7:00 p.m., which would allow community discussion. Then the Planning Commission could be invited to participate in the discussion. He reported that a number of citizens are anxious to have an opportunity to discuss the issue before the public hearings are scheduled.

Commissioner Sands said he has noticed relatively small signs throughout the community that have the words "cottage housing" and a number to contact for more information. He said that while he feels it is appropriate for the signs to be placed on private properties, it is not appropriate for them to be attached to public properties such as telephone poles and signs. Mr. Stewart reported that the City Council extended the moratorium on cottage housing applications. He advised that it is possible that the City Council would also be invited to attend the cottage housing workshop.

Mr. Stewart indicated that the City Council would likely extend an invitation for the Commission to attend a meeting with the Innis Arden residents. The Innis Arden residents have asked the City Council to conduct the same kind of meeting that was held with the Sno-King Environmental Council regarding the Comprehensive Plan.

Commissioner McClelland noted that the reserves in Innis Arden are private property. She suggested that the Commissioners visit the reserves. Mr. Stewart advised that the City has been informed by the

Innis Arden Board that they are not to trespass in the reserves without their expressed permission. If the Commission wants to visit the reserves, staff could attempt to arrange a tour. Commissioner Broili felt that because the Commission is being asked to make decisions that will impact the Innis Arden residents, it would be appropriate for the Commission to request a tour of the reserves.

Commissioner McClelland stated that she felt the invitation should come from the Innis Arden Board of Directors, rather than from individual property owners. The Commission should visit the reserves as a group. Commissioner Hall agreed with Commissioner McClelland's suggestion. He said anything the Commission can do to educate themselves more fully on the issues being considered would allow them to serve the community better. However, if they want to schedule this visit soon, there could be a problem with the Commission going as a group because of the public notice requirements. If they were to tour the reserves in smaller groups, they would not have to advertise the tours to the public. He suggested that the tours be arranged outside of a full Commission meeting. Commissioner Sands concurred.

Commissioner Broili said he has toured several of the reserves with private residents. During his visit, questions came up that the property owners could not answer. He suggested that it would be more valuable to take a tour of the reserves with someone who can answer questions regarding the trees and plantings.

Mr. Stewart agreed to contact the Innis Arden Board of Directors, requesting an opportunity for the individual Commissioners to visit the reserve sites. Commissioner Broili suggested that two or three dates be set up to allow a few Commissioners at a time to meet with representatives from the Board. The remainder of the Commission concurred that this would be appropriate. Someone from the audience invited the Commissioners to contact him for a private tour if their request is denied by the Innis Arden Board of Directors.

Commissioner Hall said that if the Commission is interested in gathering more information to help them in their deliberations on the Critical Area Ordinance, they should pay attention to the citizen suggestions about managing the Innis Arden reserve areas as urban parks. He noted that there are a wide variety of urban parks the Commission could review, and these would show quite a range of management. He suggested that they look at both Golden Gardens Park and Carkeek Park, which are managed differently. Commissioner McClelland pointed out that these two parks are public property, while the reserves at Innis Arden are privately owned. Commissioner Hall said his intent is for the Commission to review other ways for the reserves in Innis Arden to be managed.

Commissioner Kuboi asked if at least one of the tours of the Innis Arden Reserves could be scheduled on a weekend during the daylight hours. Mr. Stewart said he would attempt to schedule a weekend date, as well.

Commissioner Sands reminded the Commission that even if they do visit the reserves, their purpose is not to resolve whatever problems Innis Arden has regarding the trees. The purpose is really to determine what type of language should be included in the Critical Area Ordinance to address these types of issues.

13. ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

David Harris
Chair, Planning Commission

Jessica Simulcik
Clerk, Planning Commission