

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

March 3, 2005
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Harris
Vice Chair Piro
Commissioner McClelland
Commissioner Kuboi
Commissioner Phisuthikul
Commissioner MacCully
Commissioner Sands
Commissioner Hall
Commissioner Broili

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Dave Pyle, Planner I, Planning & Development Services
Ian Sievers, City Attorney
Jessica Simulcik, Planning Commission Clerk

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, Vice Chair Piro, Commissioners McClelland, Kuboi, Phisuthikul, MacCully, Sands, Hall and Broili.

3. APPROVAL OF AGENDA

Chair Harris pointed out that, at this time, the Commission is required to end their meetings no later than 10 p.m., so that staff can clean up the materials and clear the building by 10:30 p.m. Also, Chair Harris announced that the SEPA Determination for the Echo Lake site-specific Comprehensive Plan amendment (Agenda Item 6.iv) and concurrent contract rezone was appealed. Therefore, the public hearing on the application was postponed to a later date. A notice of the rescheduled public hearing would be published, posted and mailed to the parties of record and property owners within 500 feet of the site. He concluded that the Commission would proceed with public hearings on the other three site-specific Comprehensive Plan amendments and rezones. However, they would wait to issue a

recommendation on all four Comprehensive Plan amendments and rezones until after the rescheduled hearing on the Echo Lake site has taken place.

The remainder of the agenda was approved as written.

4. APPROVAL OF MINUTES

The minutes from the February 5, 2005 meeting were approved as amended.

5. GENERAL PUBLIC COMMENT

Chair Harris explained that during this portion of the meeting, the Commission would not accept testimony from the public regarding the Echo Lake Comprehensive Plan Amendment or any of the other three quasi-judicial hearings scheduled for later on the agenda.

Gini Paulsen, 16238 – 12th Northeast, advised that she is a sociologist by profession. She reported that two forums were held during the past week at which an environmental engineer Tom Holts made a presentation on “Zero Impact Development.” Commissioner Broili attended this presentation, as well. She explained that zero impact development puts the environment first by using techniques and strategies to minimize the impact on the environment during any kind of development. These strategies include using permeable surfaces to minimize runoff and to protect, enhance, and restore streams. She said she would like Shoreline to be a model city by prescriptively requiring zero impact development for all future projects in the City.

Ms. Paulsen further reported that on March 2nd she attended a town hall meeting, which is the first one in the area where panels of speakers were present to talk about a crucial issue to the City. She said she was surprised that none of the Commissioners were in attendance. She said that in sociology there is a theory called “rational choice.” This theory is based on gathering information and hearing the information. The Commission cannot learn and hear adequate information unless they attend the available events. The rational choice theory also means that preconceived ideas must be set aside when making an evaluation of various kinds of alternatives. She asked that the Commissioners pay attention to the information that has been provided since it is valuable and will bear on decisions they will be required to make.

Janet Way, 940 Northeast 147th Street, said she was present to speak on behalf of the Thornton Creek Legal Defense Fund, the Sno-King Environmental Council, and the Echo Park Group. She expressed her opinion that the City should not have scheduled a public hearing on the Echo Lake Comprehensive Plan amendment before the appeal period was finished. This has resulted in an inconvenient situation for the public who came to talk about the issue only to learn that it had been postponed. She asked that she be allowed to distribute copies of the SEPA appeal letter that is now part of the public record. City Attorney Sievers explained that, although the appeal letter is part of the public record, it would not be appropriate to distribute it since the Planning Commission is not ready to begin the quasi-judicial hearing on the matter. Ms. Way continued her comments by attempting to point out some of the issues her group raised earlier about the public process for the Echo Lake proposal. Chair Harris pointed out

that Ms. Way's remarks were inappropriate at this time, since the public hearing on the Echo Lake application was postponed to a later date. Again, he reminded the public that the Commission would not take public testimony on the Echo Lake proposal at this time. Ms. Way said she believes the public deserves an explanation about what is going on.

Mr. Stewart reviewed that the items listed on the Commission's agenda for public hearings are the four items that have been docketed for the 2004/2005 annual review of the Comprehensive Plan. Policy LU-7 encourages the City Council to annually review the Comprehensive Plan for updates. The City received four specific proposals to amend the land use plan. The public hearing was originally scheduled for all four of the items, but the SEPA Determination on one of the items was appealed recently. This means that the SEPA appeal would have to be heard by the Hearing Examiner at the same time the Commission hears the proposed Comprehensive Plan amendment and site-specific rezone application, which is a quasi-judicial process. He reminded the Commission that State law only allows the City to conduct one public hearing on any development permit application.

Mr. Sievers further explained that in rezone application situations, the City Council holds a closed-record hearing, and the pre-decisional recommendation made by the Planning Commission constitutes the open record hearing. Only one open record hearing is allowed, and in cases of appeal, the appeal hearing must be consolidated with the rezone hearing. The Hearing Examiner would sit with the Planning Commission for the open record hearing to hear issues related to the SEPA appeal while the Planning Commission accepts public testimony on the actual rezone application. He said he would assume there would be a gap between the public hearing and the Planning Commission deliberations to allow the Hearing Examiner to issue a decision on the SEPA appeal since the SEPA Determination should be completed before the Commission makes their recommendation. He said he expects that the open record hearing for the Echo Lake proposal would be scheduled sometime within the next month.

Commissioner Hall said that as part of Agenda Item 9 (New Business), he would propose that the Commission add to a future agenda a discussion of the advantages and disadvantages of noticing a hearing prior to a SEPA deadline.

Mr. Stewart explained that State law allows the City to update their Comprehensive Plan only once per year. When the City Council extended its public participation process for the major 2004 update, they anticipated that they would complete their work by the end of February. However, they have only reviewed about 40 percent of the policies, and they still have to review the capital facilities element and all of the master plans, too. It is very likely the Council's review process would go on for some time. In the meantime, the 2005 Comprehensive Plan review is getting started. Staff would discuss this issue with the City Council and keep the Commission apprised of how the timing issues would be resolved.

6. STAFF REPORTS

File #201371: North 160th and Fremont Place Site-Specific Comprehensive Plan Amendment and Rezone

Chair Harris reviewed the rules and procedures for the public hearing process. He reviewed the Appearance of Fairness rules and requested that Commissioners disclose any ex-parte communications regarding File #201371. He offered an opportunity for members of the audience to raise their concerns regarding the appearance of fairness, but no one stepped forward.

Commissioner MacCully disclosed that he spoke with the developer of the property identified as File #201371, who happens to be his friend. He met with him and visited the property. City Attorney Sievers suggested that Commissioner MacCully identify the substance of his conversations for the record. Commissioner MacCully said that when he visited the property, the developer described the features of the property and the process he had gone through to acquire it. He walked around the property, but didn't discuss anything specific other than the number of units the developer is considering for the property and why he made the decision to develop fewer units than would normally be allowed. They also talked about the street dead ending at the property, and the developer indicated that it is unlikely it would ever be put through. City Attorney Sievers said he would classify Commissioner MacCully's activities as a site visit. Since he disclosed the topics that were discussed, there should not be an appearance of fairness issue.

Mr. Pyle reviewed the staff report for File #201371. He said the proposed action is an amendment to change the Comprehensive Plan land use designation from low-density residential to high-density residential. It includes a concurrent rezone proposal to change the property from R-6 to R-24. He pointed out that the area is surrounded by three different neighborhoods: an R-6 neighborhood to the northwest, an R-18 neighborhood to the northeast, and a regional business or commercial area to the south. He provided a map to illustrate the extent of the higher density developments to the northeast of the site and noted that the access is not shared by the low-density R-6 zone to the west. He provided pictures to further illustrate the subject and surrounding properties.

Mr. Pyle advised that five letters of public comment were received by the City. The concerns were as follows:

- **Renters versus owners and apartments versus condominium.** Mr. Pyle explained that the City does not govern the ownership status of buildings and units. Any development on this site would be consistent with the high-density buildings that are adjacent and to the northeast. The majority of the comments were received from people who live in buildings that actually have a high number of rental units.
- **There could be up to a 30-percent increase in traffic.** Mr. Pyle advised that, as per the Shoreline Development Code requirement, staff used the Institute of Transportation Engineer (ITE) Trip Generation Manual to determine the potential amount of P.M. peak hour vehicle trips. The estimation was that the vehicle trips would not exceed five, and a traffic study would only be required if the additional trips would exceed 20.

- **Loss of the greenbelt.** Mr. Pyle pointed out that there is no greenbelt located near or adjacent to the subject project. Currently, Fremont Place is an unimproved section of right-of-way that has not been paved. At any point, this right-of-way could be paved, but it would be up to the City's Public Works Department. He also noted that the site, itself, is not a greenbelt. It is simply a vacant parcel that can be developed at any time under the R-6 zoning.
- **Noise.** Mr. Pyle advised that no project proposal has been submitted for the site yet. He pointed out that any future project would be required to comply with the Development Code regulations regarding landscaping, tree retention and tree replanting. In the past, the City has found these regulations to be sufficient for developments of this type.
- **Increases in stormwater.** Mr. Pyle pointed out that the proposal is a non-project action, so the City has not yet received a project proposal. However, he spoke with the stormwater engineer, who indicated that any future development would require a type II detention facility on the site.

Mr. Pyle reviewed the staff's conclusions as follows:

- **Consistency:** The proposed site-specific Comprehensive Plan amendment and concurrent rezone is consistent with the Washington State Growth Management Act, King County Countywide Planning Policies, the City of Shoreline 1998 adopted Comprehensive Plan, the November 2004 Planning Commission recommended draft Comprehensive Plan, and the Shoreline Development Code.
- **Compatibility:** The proposed zoning is consistent with the proposed changes in land use designation, as identified in the site-specific Comprehensive Plan amendment.
- **Housing/Employment Targets:** The proposed action would improve the City's ability to meet housing or employment targets as established by King County to meet requirements of the Growth Management Act.
- **Environmental Review:** The project has satisfied the requirements of the State Environmental Policy Act (SEPA).

Based on the findings outlined in the staff report, Mr. Pyle said staff recommends approval of Application #201371 – a site-specific Comprehensive Plan amendment and rezone.

Commissioner McClelland inquired if the stand of trees located on the ridge would have to be removed. Mr. Pyle said this would be part of a project action. He referred to the attachment in the staff report that spoke to a 15-foot linear separation from the adjacent R-6 zone (Page 111). He explained that the applicant would be required to maintain 20 percent of the trees, with replanting for any significant trees removed beyond six. It could potentially be in the developer's best interest to retain the trees within the 15-foot linear separation.

Commissioner McClelland referred to the graphs that were provided in the staff report to illustrate the ITE Manual traffic generation information. The staff report indicates the proposal would generate nine trips during the peak period. Mr. Pyle clarified that the maximum number of additional trips would actually be seven. Commissioner McClelland requested information about the current number of P.M. peak trips coming from the existing condominium projects in the area. She asked if the additional nine trips would push the number of total trips into a situation that would require further review. Mr. Pyle answered that there are two condominium complexes with about 37 units each. Another townhouse development provides 57 units. When comparing the proposed change to the 130 units that are already utilizing Fremont Place as an access drive, the potential four additional units that could be built on the subject property would be relatively insignificant in comparison.

Lee Michaelis, Puget Sound Planning, 19817 Sunnyside Drive North, #5204, said he is acting as agent for the applicant. He referred to the site photograph (top left) that was taken from Evanston Street. He noted that it is difficult to see anything through the trees, which act as a natural buffer. Next, he referred to a photograph that illustrates the three-story condominium project that is located across the street from the subject property. Because there is a parking garage on the bottom level, the building is actually four stories. A project on the subject property would most likely only be three stories tall so the new building could act as a transitional development.

Mr. Michaelis recalled that the staff report indicated that five peak hour trips would be generated by the proposal. He summarized the traffic impact associated with the proposed change by explaining that with the assumption of a 50/50 split coming out of Fremont Place, there would only be 2½ vehicles going to the east and 2½ to the west. He noted that there would be no trips going down Evanston Street since it is a cul-de-sac. Once the traffic splits at Dayton, there would be one car going north and one going south. He concluded that the proposal is concurrent with the level of service at the nearby intersection.

Regarding noise, Mr. Michaelis said he does not believe the noise generated by a three or four-unit development on the subject property would be any greater than the 37 units next door or the cul-de-sac with five or six units. Therefore, he questioned whether there would even be a noise issue.

Mr. Michaelis agreed with Mr. Pyle that there is a 15-foot buffer requirement on the west property line, and anything that currently exists within that buffer would be retained unless the City requires that utilities come off 160th Street. At this time, the intent is to leave the buffer as is.

Mr. Michaelis said that, at this time, it is the developer's intention to develop owner-occupied units that would be sold to individual owners. Once the units are sold, however, the situation would be out of the developer and City's control as to whether the units would be owner occupied or rented out. This is similar to any other single-family or multi-family project in the City.

Mr. Michaelis recalled that Mr. Pyle clearly explained that Fremont Place is unimproved right-of-way. In the future, the City could definitely improve this property as a through way. Therefore, greenbelt is probably not the appropriate title.

Mr. Michaelis said that the stormwater plan for any development on the subject property would be tied into the existing City system. There is impervious surface to the north, so there must be catch basins and existing facilities for them to hook into. Stormwater would not be dumped into the area that has been referred to by citizens as the “greenbelt.”

Mr. Michaelis asked that the Planning Commission forward a recommendation of approval to the City Council on the amendment and rezone applications as presented.

Commissioner Kuboi said that one of the written comments received from the public implied that there was a project description provided at a pre-application meeting in December. Mr. Pyle said that at the December meeting, a map was shown of a tri-plex structure. This map was incorrect and should not have been provided at that point. If the rezone is approved as proposed, the property could be developed with up to four units. He clarified that, at the time of application, there was no project description.

Commissioner Phisuthikul asked how the applicant arrived at his request for R-24 zoning, rather than R-18, which is the existing zoning for the adjacent properties. Mr. Michaelis said that R-18 zoning would not produce the number of units necessary for the project to pencil out economically. Commissioner Phisuthikul inquired how many units would be allowed if the zoning were changed to R-18 instead of R-24. Mr. Michaelis answered that if the property were rezoned to R-18, three units could be developed on the site. An R-24 zoning designation would allow four. Commissioner Phisuthikul asked if the applicant has already established that R-18 zoning would not make economic sense. Mr. Michaelis answered that this has not been established yet. He emphasized that, at the time of application, no unit count was proposed.

Dennis Jones, 700 – 160th North, #A205, said he is a resident of Forest Villa 1, which is part of a cluster of multi-residential units. He corrected previous statements by saying that in their development, there are only five rental units, and he would suppose the same percentage exists in the other condominium developments in the area. He noted that the condominium laws state that rental units cannot exceed 40 percent. Mr. Jones questioned the type of landlord the applicant would be. For example, has he received a lot of public complaints? If so, have they been addressed?

Mr. Jones expressed his concern that the objective of the proposal seems to change all the time. The applicant wants to go from a low-density development to a high-density development. He said that when he first started looking for a condominium, he couldn't get the developers to provide a defined answer on how well their homeowner's association would work. He also suggested there could be a concern related to conflict of interest, but he didn't offer any details on the record to support this concern.

Janet Way, 940 Northeast 147th Street, said she represents the Sno-King Environmental Council and Echo Park Group and has visited the subject property. She suggested that not all of the necessary information has been disclosed to the Commission. For instance, she noted that there is a greenbelt on the subject property along the right-of-way that is full of plant life and serves as a local walkway for the neighborhood. It also provides some habitat, even though the staff report indicates that there are no wildlife issues. She referred to the City's stream inventory for Boeing Creek, and noted that Boeing

Creek runs right along the greenbelt. She noted that at the apex of the triangle, it is possible to hear Boeing Creek running hard and fast under the manhole cover, even on a dry day. Ms. Way said it has been well documented that Boeing Creek suffers from a huge amount of water quality, water quantity and sediment issues downstream. It has also been well documented that Boeing Creek is a Class II Stream for Coho and Chinook Salmon. Upstream from the site is Darnell Park where the creek is open and un piped. She suggested that the section of the creek that runs along the subject property within the greenbelt should be daylighted, as well. Otherwise, the City would be neglecting a perfect opportunity. Not only would the proposed project impact the creek, but the Aurora Corridor Project would impact the creek, as well.

Ms. Way said the trees that are located along the greenbelt serve an important purpose in preventing runoff. She referred to the meeting referenced by Ms. Paulsen earlier at which Tom Holts commented on the enormous amount of stormwater that is held by trees such as conifers, etc. Up to 50 percent of the water that falls on them never hits the ground. The trees on the site are not only important as a buffer for the neighboring properties, but they also serve an important stormwater function. If any of them are removed, they should be replaced with equal value trees. Also, all the trees that run along the greenbelt serve as habitat. She summarized that none of the issues she raised were evaluated in the staff report.

Ms. Way expressed her belief that holding the public hearing for this rezone application separate from the rezone application for Echo Lake is a piecemeal process, which is not an effective way to show the impact of all of the Comprehensive Plan amendments together. They will have an impact as a group, which is why they are being grouped together for review. This type of piecemeal process is confusing to the public.

Chair Harris said Ms. Way inferred that the Planning Commissioners had not visited the subject property. He clarified that he has visited the site, as have many of the other Commissioners.

Pat Crawford, 2326 North 155th Street, recommended that the property remain as R-6 rather than being rezoned to R-24. She said this is a good example of a piece of property that should remain as it is because of the sensitive features on the site. She asked that the Planning Commissioners keep in mind that with the curbing and other features of the Aurora Corridor Project, there will be a lot more stormwater directed towards Boeing Creek. The experts have said there is already poor drainage potential, and more units would further increase the problem. This is a good reason to retain the R-6 zoning designation for the subject property.

Ms. Crawford recalled that at the last meeting she provided the Commissioners with copies of a court decision from Judge Sharon Armstrong. She indicated that the pipe could potentially be illegal and have to come out at some point in the future. This type of thing is happening throughout the City. The existing pipe is failing. The Department of Fish and Wildlife will not grant hydraulic permits for the old pipes, and that is why they are opening the pipe out of Ronald Bog. The City must consider the future and address these situations. She expressed her concern with the Determination of Non-significance that was issued for the property since the City knows there is a stormwater problem and adding multiple

units would increase it. She said she is also concerned that the ten-page EIS only deals with land use issues, and there is no information to illustrate how the proposal would address environmental elements.

Ms. Crawford said it is important for the Commission to remember that meeting the Growth Management Act goals must be accompanied by the critical areas requirements. The City should not throw out their critical areas within the urban areas in order to accommodate additional growth. They should respect the critical areas and acknowledge them in the EIS.

Nadra Burns, 700 North 160th Street, #A310, said she owns a condominium in the development that is located behind the subject property. She expressed her concern that rezoning the property to anything higher than R-6 would result in a decrease to the surrounding property values. The rezone proposal would result in an increase of traffic, an increase of noise as a result of the additional traffic, and a decrease in habitat. She reported that there are currently birds nesting in the trees in and around the greenbelt. In addition, she expressed her opinion that the proposed change would result in a decrease in surrounding property values due to the possibility of rentals being built. There could also be an increase in crime as a result of more vehicles and people. She said that if more than one unit is built on the site, there would be very little space for parking. If a maximum of four families were to live on the subject property, there must be a minimum of four parking spaces to accommodate only one car per family. Any visitors would have to park on the street or in the guest spaces provided by surrounding properties.

Ms. Burns concluded that if the greenbelt were eliminated, the homes behind the subject property would be impacted. If the greenbelt is maintained, she questioned where the parking would be located. She further concluded that there would be an increase in traffic, and as a result, there would also be an increase in noise. She said she does not see how four units would fit onto a 7,900 square foot lot without causing overload. Ms. Burns said her understanding is that 80 percent of the units in her building are owned, and only 20 percent are rentals.

David Patten, 615 North 161st Place, said he owns property located to the west of the subject property and is favor of the proposed development. He expressed his concern that the development would result in multiple driveways along 160th Street, making it difficult to provide sidewalk and wheelchair access to Aurora Avenue. He suggested that the driveway access be provided in another location.

Deborah Ellis, 700 North 160th Street, A212, said she is also speaking on behalf of Jennifer Jasper in A303 who was unable to attend the meeting. She referred to a comment made earlier by Mr. Pyle concerning the number of owner occupied versus rental units in the existing condominiums. She said there are 39 units in her building, and at this time, only two are rentals.

Ms. Ellis pointed out that the majority of the existing trees are not located within the 15-foot setback buffer. Therefore, it is likely that they would be taken down and replaced with lower growing trees and shrubs. She questioned the need for the rezone to allow four townhouses on the site versus a single-family dwelling other than for profitability. She said it appears there would only be two parking spaces for each of the units, with some street parking. She requested more information about the proposed plans for parking. If street parking were allowed, it would create visibility issues for the people coming

out of her building. She concluded by stating her belief that increasing the density from one unit to four would increase traffic and noise no matter what the staff report shows.

Kristie Magee, 700 North 160th Street, #A306, presented a letter from her neighbor that was entered as Exhibit 1. She said her concerns reflect those of previous speakers. Her big concern is about the decrease in property value and quality of life that would result from the proposed change. She particularly expressed that noise would increase, especially since the units would apparently be turned into rental properties. She noted that the majority of the existing condominiums in the area are owner occupied, which eliminates many of the issues typically associated with rental units. She asked the Commission to think about what typically happens several years down the road when rental units become run down and the turn over rate increases. Because there is no pride in ownership, the values of the surrounding properties and the quality of life tend to go down.

Ms. Magee referred staff's statement that any development would be consistent to what is located east of the art building. She suggested, instead, that any development on the property should be consistent with properties to the west, which are single-family homes.

Les Nelson, 15340 Stone Avenue North, said his home is located behind the Safeway at 155th Street, and he recalled that Safeway was required to put in a 15-foot buffer area. However, Seattle City Light would not allow the taller trees. Many of the plants that were installed died, and the City has not required Safeway to replace them. He noted that the buffer of trees that exists along the subject property line is about 30 or 40 feet. While Mr. Pyle showed how the tree line obscures the view of people to west, it is important to note that most of these trees would be removed to accommodate the utility easements. In addition, if the buffer zone were only 15 feet in width, the trees that are planted would not be tall enough to obscure the view.

Gini Paulsen, 16238 – 12th Northeast, recalled that several weeks ago she toured some of the streams identified on City maps. She noted that within the triangle where development is being planned there is a manhole cover with an orange mark on it. Under the manhole is a stream. As she walked through the greenbelt, she found additional manhole covers with orange markings and she could hear the stream (Boeing Creek) running underneath. Next, she went to Darnell Park, which is an upper tributary of Boeing Creek. While Boeing Creek in this location is not very large, it is very clear and very beautiful. If the City is going to use "zero impact development" as a model for containing, preserving, enhancing and restoring the environment, they must keep in mind that Boeing Creek feeds into the Sound, which they already know has been killed off. She urged them to keep preservation of the environment in mind and make sure that Boeing Creek is daylighted, not only in this location, but also through Darnell Park.

Ralph Syversen, 621 North 161st Place, said he has lived in the neighborhood for a long time, and has never seen a Boeing Creek in the greenbelt, but there has always been a lot of water under the manhole cover. He said he lives in the house just adjoining the subject property to the west, and their access is off of 161st Place. He reported that several years ago, he decided to subdivide his property to make two single-family lots since there was adequate separation from the more intense surrounding uses. It never occurred to him that the City would consider breaking their zoning designations to change from single-family zoning to multi-family zoning. While they may save some of the 15-foot buffer, if an apartment

is built on the subject property, his property would be directly impacted because they would have to look down on the roof of the new building. He suggested that the proposal represents an improper use of the property, and the rezone application should be denied.

Tim Crawford, 2326 North 155th Street, referred to the “project review” section of the application, which states that the King County Surface Water Design Manual was used. However, he pointed out that the City’s Surface Water Master Plan states that the 1994 Puget Sound Water Quality Manual must be used. He questioned which manual was used by the City to review the application. Mr. Crawford expressed that it is important to save the buffer and not encroach into the creek.

Gloria Bryce, 708 North 161st Place, said she lives in the first set of town houses located next to the subject property. She said there are not very many people from the town house units who use Fremont Place for access. She said she is not concerned about the noise the additional cars would create. She also expressed her concern about the loss of trees, because they really do enhance the neighborhood. She said she moved into her unit in 1980, at which point the two large buildings were not constructed yet. When they were constructed, they were used as rental units for several years and then converted to condominiums. Even if the new units are built as rental units, they could be converted to condominiums in the future, as well. Therefore, she suggested that the Commission should not focus on the negative aspect of the units being used as rental units. She said people have moved to her building because of the trees. When her building was constructed, as many trees as possible were saved. She said she is opposed to a rezone of the subject property to R-24. An R-18 zoning designation would allow more trees to be saved to enhance the neighborhood.

Corrie Ruderbush, 16103 Evanston Avenue North, said her biggest concern is the view impact to her home. She currently looks out over the trees and doesn’t want to see a big building constructed behind her home. She said she is a biologist and loves to observe the wildlife in the greenbelt area. Just last week she saw an eagle fly over the condominiums. She concluded that a lot of wildlife uses the area. She pointed out that Boeing Creek already has a lot of sediment and erosion problems, and she does not support the higher density that is being proposed.

Jan Moberly, 720 North 161st Place, expressed her concern that the proposed change would result in development that utilizes on-street parking. She said she is amazed at the difference that the Shoreline Community College cosmetology school has caused to Linden Avenue. The visibility coming out of their complex onto Linden is much worse now. She worries that the same problem could result if the proposed change were approved.

Mr. Michaelis referred to comments made about the percentage of rentals units on the surrounding properties. He specifically noted that several citizens indicated that only about 25 percent of the units in their buildings were used as rentals. If this same percentage were applied to the subject property, it would result in only one rental unit out of the four that are proposed.

Mr. Michaelis referred to the question raised by Mr. Jones about the type of landlord the property would have. He explained that once the units are sold, the developer would not have any control over who the landlord would be. The developer does not intend to be the landlord. He is proposing to build four

town homes that would be sold. He said he is not sure what Mr. Jones' reference to conflict of interest was related to.

Mr. Michaelis disagreed with Ms. Way's definition for a greenbelt, and questioned if a right-of-way would fit within the City's definition of a greenbelt. He pointed out that the application went through the SEPA process, which is intended to review for environmental issues. A decision was issued, and no appeal was filed. Therefore, he assumes the application complies with the decision and should be able to move forward. Also, Mr. Michaelis said it is important that this project not be associated with the Aurora Corridor Project. It should be considered a stand-alone application that is reviewed based on its own merit.

Regarding property values, Mr. Michaelis said he has not seen any concrete evidence to support the citizens' claim that property values would go down. However, typically, once land is improved, the property values go up. He also does not understand where the assumption of increased crime would come into play. If the existing larger developments do not create increase criminal activity, he questioned how just four units would make a significant difference. He assumed this comment was made without facts.

Mr. Michaelis questioned the relevance of court decisions that are not related to the project. He asked staff if any legal land use court decisions had been issued on the proposed project outside the realm of the current procedures. Mr. Stewart answered that Ms. Way was referring to another court case on the other side of town that had to do with pipes. Mr. Michaelis inquired if this court decision would be applicable to the subject application, and Mr. Stewart answered that it would not.

Mr. Michaelis recalled earlier public comments regarding the Growth Management Act requirements and noted that SEPA is part of the Growth Management Act process. Again, he said a SEPA review has been completed for the project, and no appeals or comments were received. Therefore, the project should be allowed to move forward with no further comment on the SEPA Determination.

Mr. Michaelis advised that the City would require two parking spaces per unit, which would mean eight, on-site parking spaces. It is up to the City to decide if they want to allow on-street parking on Fremont Place, as well. The proposal does not include on-street parking at this time. However, if Fremont Place were improved, there would be asphalt going all the way to the property line with curbs, gutters, sidewalks, etc. Parking could be allowed on one side of the street, but the City would have to make this decision.

Mr. Michaelis said the map illustrates the canopies of the existing trees, which go way beyond the trunks. The trunks could be located on the property line, with the canopies hanging over 15 to 20 feet. But to say that all of the trees are 25 feet from the property line is probably an incorrect assumption. They would have to look at the trunks to determine exactly where the trees are located. He said his assumption is that the trees are within 15 feet of the property line.

Mr. Michaelis pointed out that traffic is a SEPA concurrency issue, and staff did not raise any issues about traffic during their review.

Mr. Michaelis referred to the comparison Mr. Nelson made between the subject property and the Safeway development. He reminded the Commission that the Safeway development is a separate project, and should not become the basis for the Commission recommending denial of the current application. The proposed application should stand on its own merits. If the code is applied correctly, there will not be any code enforcement issues after the fact.

Regarding the rooftop view from properties higher up, Mr. Michaelis advised that a 35-foot tall house would create the same type of view. The number of units allowed on the subject property would not alter the possible view significantly one way or another.

Mr. Michaelis explained that when talking about single-family zones, people often think of such things as the values of family life, values of neighborhoods, being part of something, etc. He pointed out that if a single-family home were constructed on the property, it would likely end up being a rental unit. He summarized that it would be difficult to convince someone to purchase a single-family home on the subject property since it would be separated from the single-family neighborhoods. He said he believes the subject property is an appropriate location for multi-family developments, and four units would provide an appropriate transition between the developments that are located to the east and the west of the subject property. He noted that the subject property faces the back of the adjacent condominium complex, and the proposed change would provide an area where four families could be together instead of one all alone.

Commissioner Phisuthikul asked if a survey had been done for the property to identify its contour and the location of the trees on the site. Mr. Michaelis answered that a survey has not been performed but would be done as part of the development process, which would only be started if the City grants approval of the Comprehensive Plan amendment and concurrent rezone as proposed.

Commissioner Broili requested clarification about the amount of parking that would be provided on the subject property. Mr. Michaelis answered that the Shoreline Development Code would require two parking spaces for each multi-family unit that has three bedrooms or more. So four units would require eight parking spaces. Commissioner Broili asked if the applicant feels that four units plus the required parking would all fit on the subject property. Mr. Michaelis referred to a type of development that provided two stories of construction, with parking located underneath, and said this is one option that could be considered for the subject property.

Commissioner Hall asked staff to review the City's standard procedure for ensuring that significant trees are protected. Mr. Stewart explained that when a development permit is submitted, the City would require a tree inventory showing the location of all of the existing significant trees on the site. The staff would then apply the Development Code standards for tree retention. Mr. Pyle added that the Development Code requires the retention of at least 20 percent of the trees. However, there are incentives within the Code that allow applicants to alter the placement of the structure on the lot in order to retain more of the significant trees. The City typically promotes the retention of clusters of trees, and sometimes the setbacks can be adjusted around the clusters. Mr. Stewart pointed out that the current

code grants any property owner the right to remove six significant trees within a 36-month period without a permit.

Vice Chair Piro asked if there would be an opportunity to require fewer parking spaces of the development by noting the proximity of the property to the transit services that are available on Aurora Avenue. Mr. Stewart answered that an applicant could request a reduction of the on-sight parking requirements if they meet certain criteria, one of which is access to public transit.

Vice Chair Piro requested further information about how the height restrictions on the property would change if the proposed rezone were approved. Mr. Pyle referred to a table that was provided in the staff report to address this issue. He explained that there would be a five-foot difference between the R-6 and R-24 zones.

Vice Chair Piro requested feedback from staff regarding the public comments that were made about the existence of a piped stream. Mr. Stewart said under the current Development Code, streams are defined as surface watercourses with a defined channel or bed and piped watercourses are not regulated. Mr. Pyle added that there is no drainage easement currently located on the property, which indicates that there would be no required access necessary on the property. The cap that was referenced is located within the triangle area, but no survey has been conducted to indicate exactly where the pipe is located. Mr. Stewart said that when a development permit is submitted to the City, staff would request that easements or pipes be identified on the plot plan. He said it is likely that the drainage easement, if there is one, would be located in the right-of-way. But on many occasions, the City has encountered stormwater systems that have been constructed on private property. While they may fulfill a public function, they exist without any public easement or ownership. Shoreline does not have a clearly defined public drainage system.

If the City were to determine that such a drainage system was on the property itself, Vice Chair Piro inquired if there would be any implications in terms of development intensity opportunities. Mr. Stewart answered that the City would not allow a structure to be located on or over the utility, but this is a site development detail that would be addressed as part of the City's review of a development application.

Mr. Stewart referred to the question that was previously raised about the surface water design manual. He explained that the City has adopted the 1998 King County Surface Water Design Manual and the Urban Land Use Best Management Practices Volume IV of the 1992 Stormwater Management Manual for the Puget Sound Basin for best management practices. He reminded the Commission that the Stormwater Master Plan is currently under review by the City Council and has not yet been adopted.

Commissioner MacCully asked if a proposed development on the site would have the potential of changing the current sidewalk configuration on the property boundary along North 160th Street. Mr. Michaelis answered that access to the subject property would be off of Fremont Place, so no curb cuts are proposed along North 160th Street. The existing pedestrian access along 160th Street would not be disturbed. Mr. Pyle explained that preliminary discussions with the City's development review engineer indicate that the applicant would be required to do complete frontage improvements to bring the

property up to code, and this would require ADA accessibility on the corner of Fremont Place and 160th Street. It would also require the reconstruction of the sidewalk along North 160th if it does not already meet ADA standards.

At Commissioner Broili's request, Mr. Stewart pointed out the location of Darnell Park. He explained that the significance of this park in Ms. Way's letter is that it contains a portion of Boeing Creek. He briefly described the location of Boeing Creek throughout the City. Commissioner Broili inquired if it would be reasonable to expect that stormwater from the subject property would be discharged into the piped stormwater line that runs down Fremont Place (Boeing Creek). Mr. Pyle answered that this could potentially occur, but it all depends on the system that is proposed and approved.

Commissioner Broili asked about the easement width requirements for utility services. Mr. Stewart said the width requirements vary depending on the type of service, the size, when the easement was granted, etc. Mr. Pyle noted that there would be no easement requirement for any of the underground electrical, water or gas utility lines. He explained that the subject property is different than the Safeway property, which was referenced by a citizen earlier in the hearing. There is a Seattle City Light right-of-way located to the rear of the Safeway site, and they can strictly regulate what can and cannot be placed within their right-of-way. The subject property is privately owned, and the City owns the right-of-way.

Mr. Stewart informed the Commission that Ms. Way would like to enter Figure 2.3 of the Boeing Creek Basin Characterization Report into the record. The document provides an illustration of what he described earlier about the location of Boeing Creek. He advised that he would provide a copy of the figure to each of the Commissioners. However, he said staff would dispute the location of the x Ms. Way placed on the map to identify the subject property's location. He said the site location is actually further to the south.

Commissioner Kuboi pointed out that the existing R-6 zone would allow a maximum of 50% impervious surface, and an R-24 zone would allow up to 85%. However, the R-24 zone would require a Type II Stormwater Detention facility. He inquired if any type of detention would be required for an R-6 zone. Mr. Pyle answered that the detention requirements for R-6 developments are determined on a case-by-case basis depending on the soil conditions and other alternatives.

Commissioner Kuboi asked Mr. Michaelis if he could discuss the possible parameters of what the footprint would be and whether or not a significant number of trees would have to be removed. Mr. Michaelis said that without an actual survey identifying the location of the trunks of the trees, he would not be willing to provide further statements regarding this issue. Commissioner Kuboi asked if Mr. Michaelis was in a position to know whether or not the applicant would entertain a rezone that was conditioned on keeping a certain number of the trees within the 15-foot buffer. Mr. Michaelis said he would not advise in favor of any conditions without specific knowledge of what the language says beforehand.

Commissioner McClelland reviewed the property's setback requirements with the staff. She clarified that a buffer would not be required in addition to the setback, and the setback may or may not include the cluster of the trees. Mr. Pyle clarified that some of the trees are located on the subject property and

some are not. Under the R-24 zoning designation, assuming that it is not abutting or adjacent to a lower zoning of R-6, a property would only be required to have five feet of rear yard setback. But in this situation, the proposed R-24 zone abuts an R-6 zone. Therefore, the rear property setback requirement would be 15 feet. He further pointed out that the percentage of impervious surface would be calculated based on the entire tax parcel, including the property located within the setback areas.

Commissioner Broili inquired if the 15-foot setback would be measured horizontally or if it would follow the contour of the land. He noted that the stand of trees is located on a slope, so the distance could be different depending on which way it is measured. Mr. Stewart explained that in this case, the trees are all located near the setback, but the tree provision only requires the percentage to be retained on site, and not necessarily within the setback. Trees and setbacks are two separate provisions of the code that, in this case, just happen to overlap. He said he suspects that when the applicant submits a development application, they will do their tree retention plan in the places where the trees are currently located, and hopefully retain more than the minimum. He further explained that the setback would not be measured following the contour of the land.

Commissioner Kuboi explained that the Planning Commission's responsibility is to look at the good of the community as a whole, and this includes looking at the community from the perspective of future residents. There were a number of comments about renters versus owners, and he wished the community would not segregate the two as good or bad. The community is as good as it is because they have a bit of everything. Everyone has a right to live in the community, and the City needs to provide a selection of housing to meet the needs of a wide variety of people. He reminded the residents of the condominiums projects that surround the subject property that, conceivably, the people who lived in the neighborhood before their units were developed could have had the same concerns. He said it would behoove everyone to think about what it takes to make a community, both the residents of Shoreline now and the new people who will move into the City in the future.

Les Nelson pointed out that the setback area would only be 15 feet, and the canopy and roots of the trees are up to 30 feet in width. He said one way or another, all of the trees would be removed to make room for the utility lines that are necessary to serve the future development.

Janet Way asked for another opportunity to provide additional information for the record. Chair Harris expressed that Ms. Way had already had an opportunity to speak before the Commission, and it was time for the Commission to close the public hearing. Ms. Way expressed her objection to Chair Harris' interpretation of the public hearing procedures.

AT THE CONSENSUS OF THE COMMISSION, CHAIR HARRIS CLOSED THE PUBLIC HEARING.

Mr. Stewart announced that because of the appeal that was submitted for the Echo Lake proposal, the Commission would postpone their deliberations on this item until a future date. He encouraged the citizens to follow the Planning Commission's agenda on the City's Website for further information about when this item would be further debated.

File #301275: 18511 Linden Avenue North Site-Specific Comprehensive Plan Amendment

Chair Harris briefly reviewed the rules and procedures for the public hearing. He invited Commissioners to disclose any ex-parte communications they might have had on the agenda item. He also invited members of the audience to voice their concerns regarding the participation of any Commissioner. None of the Commissioners nor anyone in the audience voiced an appearance of fairness issue.

Mr. Pyle explained that the proposal is a site-specific Comprehensive Plan amendment request and does not include a rezone. The request is to change the land use designation of the subject property from high-density residential to mixed use. The zoning on the parcel would remain as R-48, since an R-48 zoning designation would still be allowable in a mixed-use land use designation. No development proposal has been submitted to date.

Mr. Pyle used maps to illustrate the subject property and the surrounding uses, which includes mixed-use, commercial business and medium-density land use designations. He referenced the zoning map and pointed out that surrounding zoning includes R-18, R-12 and RB. He noted that the subject property is located just behind the James Alan Salon, and it takes access off of Linden Avenue North. The Windermere Real Estate Building is located directly to the east, and a Verizon phone relay station is directly to the north. He briefly reviewed the aerial photograph that was prepared for the site.

Mr. Pyle pointed out that the proposed mixed-use land use designation would allow the opportunity for a future rezone to a commercial designation, which would be prohibited by the existing high-density residential designation. A commercial zoning designation would allow for expansion of the James Alan Salon when their business needs to grow, but a rezone would have to be approved by the City.

Mr. Pyle said staff believes the three criteria for approval of the Comprehensive Plan amendment have been met by the proposal. Therefore, they recommend that the Planning Commission gather public testimony, consider the record, and then forward a recommendation to the City Council to approve the site specific land use amendment as proposed.

Mr. Pyle recalled that when the City undertook the 2001 Reconciliation Project, they reviewed all of the zoning and land used designations for the entire City for consistency. When the City of Shoreline incorporated, the subject parcel was slated as mixed use. However, it was zoned as R-48.

Keith McGlashan, Applicant, explained that at the time the application was submitted, they didn't ask to apply for a concurrent rezone because they did not own all the properties. However, they secured the salon in December and closed on the little house last Monday. Now they own the entire parcel, and they are excited about expanding their facility to create more jobs and provide more retail space in the City.

Commissioner MacCully asked how the City would handle a situation where a person owns two pieces of property with identical zoning and wants to develop something that goes over the property line. Mr. Stewart explained that if an owner wanted to develop across the property line, a simple lot consolidation process would be required to remove the property line and a SEPA review would not be necessary.

Vice Chair Piro pointed out that going to a mixed-use land use designation for the parcel would not necessarily require that future construction provide multiple uses. Future development opportunities would include residential, office, retail, etc. Mr. Stewart clarified that the mixed-use designation in both the current and proposed Comprehensive Plan would allow a number of different zones. From the City's point of view, the ideal would be to encourage real mixed-use development that provides for a multiplicity of uses. But this would depend upon the market and the desires of the property owners. The R-48 zoning that exists on the property would not allow for commercial development. If it were changed to a retail commercial zoning designation, both residential and commercial uses would be allowed.

Commissioner McClelland inquired if sidewalks would be required along the street front if the site were redeveloped in the future. Mr. Stewart answered that, typically, all redevelopment projects that meet certain thresholds require frontage improvements.

Mr. Stewart provided further clarification that even if the proposed land use designation of mixed use were approved, the applicant would not be able to develop the property as a commercial use unless a rezone were approved. Commissioner McClelland questioned why the applicant did not apply for a concurrent rezone application if their intention was to expand the retail uses on the site. Mr. McGlashan said they chose not to apply for a rezone because it was less costly for them to purchase the two additional parcels as residential rather than commercial zoning.

Vice Chair Piro clarified that a rezone could happen at any point during the year, and is not limited to a once-a-year review of the Development Code. Mr. Stewart agreed and further explained that the once-a-year limitation only applies to the Comprehensive Plan and not the Development Code.

Janet Way, 940 Northeast 147th Street, reiterated her concern that the rezone and Comprehensive Plan amendment hearings for three proposals are being conducted simultaneously as legislative and quasi-judicial processes while the Echo Lake proposal has been postponed. This means it could be quite some time before the issues are deliberated upon, since the Echo Lake appeal must be resolved first. She suggested the process might be confusing to the public, and it will be unclear how all of the projects interrelate and impact each other.

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

File #201277: 19671 – 15th Avenue Northeast Site-Specific Comprehensive Plan Amendment and Rezone

Again, Chair Harris briefly reviewed the rules and procedures for the public hearing. He invited Commissioners to disclose any ex-parte communications they might have had on the agenda item. He also invited members of the audience to voice their concerns regarding the participation of any Commissioner. None of the Commissioners or anyone in the audience voiced an appearance of fairness issue.

Mr. Pyle reviewed the staff report explaining that the application is for a site-specific Comprehensive Plan amendment and rezone. The proposed action is to change the Comprehensive Plan land use designation from Ballinger Special Study Area to high-density residential. The subject property was placed in Ballinger Special Study Area status during the 1998 Comprehensive Plan adoption. The applicant has also submitted an application for a concurrent rezone to change the site from R-6 to R-24, and the surrounding property is already zoned R-24 on all sides of the subject property. He provided a map to illustrate the subject property and the surrounding R-24 zones. He also provided photographs of the surrounding properties.

Mr. Pyle explained that upon annexation of the Ballinger Neighborhood from King County in 1995, the City designated the parcel as high-density residential and adopted it as such in the 1998 Comprehensive Plan. In 2001 the Ballinger Neighborhood was changed to the designation of Ballinger Special Study Area as part of the zoning and land use reconciliation project. The zoning of the parcel as R-6 was frozen at that time. Approval of the proposal would allow the parcel to be designated as high-density residential and allow it to rezone to be consistent with the surrounding zones. The use of the house on the subject property as a single-family residence is not very practical as it is surrounded by R-24 uses. The owner claims it has been difficult to rent the home, and this impacts his ability to make improvements. Because of the intensity of the surrounding developments, it is apparent that the infrastructure exists to support redevelopment of the site. He pointed out that as part of the SEPA process, notices were mailed to all of the utility providers, and the applicant was required to acquire water and sewer availability certificates.

Mr. Pyle said that since this site is surrounded by high-density uses, rezoning the parcel would not lead to a further growth outward of the high-density zone. He explained that one of the intents of the Ballinger Special Study Area was that the area of higher density not expand outward and become larger.

Mr. Pyle reported that staff has concluded that the application is consistent with the 1998 Comprehensive Plan, the 2004 Planning Commission recommended Comprehensive Plan Draft, the King County Countywide Planning Policies, and the City of Shoreline Development Code. The proposed zoning is consistent with the surrounding areas and would allow for the construction of up to five units, thus helping the City meet its growth targets. He said the project has also satisfied the requirements of the State Environmental Policy Act as outlined in the Staff Report. Therefore, staff recommends that the Commission approve the proposed applications for a site-specific Comprehensive Plan amendment and a rezone to R-24.

David Maul, Rutledge Maul Architects, 19236 – 47th Avenue, Lake Forest Park, said staff did a great job of putting together the facts associated with the applications. He stated that the proposed changes would be good for the neighborhood, and all of the utilities and the infrastructure to support future development of the site are already in place. He asked that the Commission forward a recommendation of approval to the City Council.

Commissioner McClelland asked if the structure located behind the house is currently being used as a dwelling unit. Mr. Maul said it is a detached garage with an apartment above it. There are two dwelling units on the site right now.

Vice Chair Piro clarified that there are no plans in the City's current work program to begin the Ballinger Study Area. He asked where the closest commercial node to the subject property is located. Mr. Pyle said two commercial areas are located near the subject property. To the north is 205th, which is an enormous retail facility. To the south is the North City business district. These are both located within ½ to 1 mile of the subject property.

Vice Chair Piro asked what options there might be for development if the property were identified as a mixed-use land use. Mr. Stewart said that if the Comprehensive Plan land use designation were mixed use, the R-24 zoning designation that is being proposed would be allowed. Vice Chair Piro voiced his concern that this is an intense area that is used for a single type of use. This creates a pattern where access to anything else would require automobile trips. He said he is looking for opportunities within this district to create a more mixed-use environment. Mr. Stewart said all of the special study areas have this same characteristics, and the hope is that they will be able to bring in the community to discuss where they might be able to intensify the land uses without injuring the existing character of the community. But in this case, the proposed action would resolve an issue of spot zoning that was inherited from King County. Mr. Pyle said that during the reconciliation process, this parcel would have been adopted as a higher density. But because it was frozen into the Ballinger Special Study Area, it was locked into its current status.

Commissioner McClelland questioned how the applicant would be able to get five units on the subject property and still provide space to meet all of the required parking and preserve the view of the surrounding properties. Mr. Maul submitted a preliminary map of one possible development concept for the subject property, which shows five units being built on the site with parking on the lowest level. It was entered into the record as Exhibit 4. Mr. Maul pointed out that the elevation of the 3-story condominiums that are located to the west is about ten feet higher than the subject property. Any development on the subject property would only come up to the second story of the existing building to the west.

Janet Way, 940 Northeast 147th Street, said she is speaking on behalf of the Sno-King Environmental Council and Echo Park. She expressed her concern about the cumulative impact all of the rezones would have to the environment. She asked that the Commission particularly consider the cumulative impact on McAleer Creek, which is the same watershed that would be impacted by any development that takes place at Echo Lake. While this is just a small development, it is only about ½ block from McAleer Creek, and there was a recent development put in on the other side of McAleer Creek where the property was cleared all the way to the buffer of the critical area. They should consider the negative adverse impact of continuously permitting more and more larger development along the watershed. Again, she said it is unfortunate that as the rezones are being considered, the applicants are not required to provide details about the proposed site design and the stormwater detention that would be required. She also expressed her concern about the Commission holding a public hearing now and then waiting to

conduct their deliberations until the appeal on the Echo Lake proposal has been resolved. This also makes it difficult for the Commission to consider the cumulative impacts of development in the City.

COMMISSIONER BROILI MOVED THAT THE PUBLIC HEARING BE CLOSED. COMMISSOINER SANDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

7. REPORTS OF COMMITTEES AND COMMISSIONERS

None of the Commissioners provided additional comments during this portion of the meeting.

8. UNFINISHED BUSINESS

Commissioner Hall reminded the Commissioners of the upcoming retreat that is scheduled for March 10th. He said there would likely be more things to talk about than time would permit. Commissioner Kuboi agreed and suggested that prior to the retreat, the Commissioners should identify the exact topics that want to discuss. Commissioner Hall indicated that staff would circulate a draft agenda to the Commissioners for comment prior to the next meeting. The intent is to use the Commissioner's comments to come up with a final list of agenda items that could be discussed within the four-hour allotted time period.

Commissioner MacCully said he previously suggested that not only should the Commission have a honed agenda for the retreat, they should also collectively agree to allow the facilitator to hold them to the agenda.

Mr. Stewart pointed out that the retreat would be advertised as an open public meeting, and seating would be available for the public to attend. However, no public comment would be allowed.

The Commission discussed the best way to handle unruly speakers and maintain control of the Commission meetings. Mr. Stewart shared the City Council's method for handling unruly situations. If a City Council Member feels that a situation has gone too far, the member can choose to move for a recess. If there is a second and a majority vote, the Council recesses for a period of time. The Planning Commission could use a similar method.

Chair Harris said he wants the citizens to feel like their comments are worthwhile, and that the Commission is interested in working with them. The Commissioners concluded that Chair Harris has been doing a good job of keeping the meetings under control, while still allowing the citizens to express themselves.

9. NEW BUSINESS

Commissioner Hall suggested that the following three items be considered for inclusion on future Commission agendas: a discussion of the advantages and disadvantages of issuing a notice for public hearing prior to the expiration of the SEPA appeal deadline, a discussion about "sidewalks that lead to

nowhere” and alternatives to providing connectivity of sidewalks in the City’s pedestrian network through impact fees, etc., and a discussion on the possibility of the Planning Commission initiating a docket request to replace the Ballinger Special Study Area and other special study areas with land use designations that are more meaningful. He emphasized that all three of these topics would have a lower priority than any quasi-judicial proceedings, the critical areas regulations and the cottage housing provisions.

Commissioner Kuboi agreed that each of the three topics suggested by Commissioner Hall could be added to the backlog of issues the Commission wants to discuss. But the priority of issues such as this should be discussed further at the Commission Retreat. If the Commission is going to consider the backlog of possible topics of discussion, he would like to look at a holistic list rather than just the issues that have been raised recently.

Regarding Commissioner Hall’s concern about noticing a public hearing prior to the expiration of the SEPA appeal deadline, Mr. Stewart explained that the City Attorney advised that the Echo Lake proposal would be a legislative matter, and that the SEPA Determination would not have an administrative appeal to the Hearing Examiner. However, after the hearings had been scheduled, the attorney changed his opinion and required the City to issue the corrected notice and corrected SEPA Determination, which included an administrative appeal. Normally, the City would not have scheduled the public hearing until after the SEPA appeal period had expired.

10. ANNOUNCEMENTS

No announcements were made.

11. AGENDA FOR NEXT MEETING

Mr. Stewart announced that a public hearing on the draft critical areas ordinance is scheduled for March 17th. Staff would propose about six additional changes.

12. ADJOURNMENT

The meeting was adjourned at 10:05 p.m.

David Harris
Chair, Planning Commission

Jessica Simulcik
Clerk, Planning Commission