

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

February 3, 2005
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Harris
Vice Chair Piro
Commissioner McClelland
Commissioner Kuboi
Commissioner Phisuthikul (arrived at 7:11 p.m.)
Commissioner MacCully
Commissioner Hall
Commissioner Broili

STAFF PRESENT

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

ABSENT

Commissioner Sands

1. CALL TO ORDER

The regular meeting was called to order at 7:05 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 Kuboi, Hall, McClelland, MacCully and Broili. Commissioner Phisuthikul arrived at 7:10 p.m. Commissioner Sands was excused.

3. APPROVAL OF AGENDA

The Commission unanimously approved the agenda as written.

4. APPROVAL OF MINUTES

There were no minutes available for approval.

5. GENERAL PUBLIC COMMENT

Chair Harris invited members of the audience to comment on any issue, except those related to the Comprehensive Plan amendments. He noted that the proposed amendments are quasi-judicial issues that are scheduled for a public hearing in March and public testimony would be accepted then.

Janet Way, 940 Northeast 147th Street, said she was present to represent the Thornton Creek Legal Defense Fund and the Sno-King Environmental Council. She said her understanding is that the Comprehensive Plan amendments are legislative issues. This means the public should be able to provide comments now.

Mr. Stewart explained that the City Attorney has ruled that when a Comprehensive Plan amendment is associated with a change in zoning, it is a quasi-judicial action. Because of that ruling, testimony should be limited to the public hearing in order to observe the Appearance of Fairness Doctrine. He emphasized that the application, as well as members of the public, are welcome to listen to the workshop discussion regarding the proposed amendments. All parties would have an opportunity to comment at the public hearing on March 3rd. He suggested that any objections to the City Attorney's ruling should be submitted to the City Attorney in writing.

Ms. Way indicated that, as a citizen, she should be allowed to speak before the Commission about any issue related to Echo Lake. Mr. Stewart said that while he is not certain what portions of Echo Lake Ms. Way would like to speak about, at some point the Commission could make the determination that her comments are out of order.

Ms. Way said that as the President of the Sno-King Environmental Council, she is an advocate for Echo Lake. In addition, she has an interest in all environmental issues within the City of Shoreline. She pointed out that the stream inventory that was approved by the City in 2004 includes a section related to the McAleer Creek Watershed. In the document, Echo Lake is shown to be a water body, and there are wetlands shown in various places on the map, as well. In addition, there is a piped-watercourse leading into Echo Lake. The water flows out of Echo Lake and goes directly to Lake Ballinger, and from Lake Ballinger it flows into McAleer Creek (a Class II Salmon Bearing Stream) and then to Lake Washington. This information should be taken into consideration when discussing anything that involves the McAleer Creek Watershed.

Patrick Ducey, 19502 – 14th Avenue Northeast, pointed out that there are errors on the two maps on Pages 33 and 35 of the Staff Report. Mr. Stewart reminded the Commission that the maps are related to a Comprehensive Plan amendment and Rezone proposal that is scheduled for public hearing on March 3rd. He invited Mr. Ducey to present his oral comments to the Commission at that time. Another option would be to submit written testimony prior to the public hearing.

6. STAFF REPORTS

Revisiting Drift On Inn Reasonable Uses Permit

Mr. Pyle recalled that about a year ago, the Commission reviewed a special use permit application for off-track betting at the Drift On Inn Casino. The City Council accepted the Commission's recommendation to approve the special-use permit for a period of one year with conditions. He reviewed each of the conditions as follows:

- 1. The on-site trash collection enclosure shall be brought into compliance with the Shoreline Municipal Code (SMC).** Mr. Pyle reported that the applicant has met this condition. He reviewed the existing trash enclosure with the required six foot fence.
- 2. The parking lot lighting for the Drift On Inn Casino shall be brought into compliance with the SMC.** Mr. Pyle recalled that the Drift On Inn Casino owns one parking lot light, which meets the semi-cutoff standard for the reduction of illumination and shading on adjacent neighborhoods. He referred to the diagram that was provided to illustrate the type of lighting that is located on the site. He also used a map to point out the non-conforming lights that are currently located on Seattle City Light right-of-way. He explained that the applicant does not have the ability to change this situation.
- 3. An easement shall be recorded against the title of Club Hollywood Casino for access and use of the on-site storm drainage bypass system that was installed as part of Club Hollywood's construction project.** Mr. Pyle referred to text that was taken from the 2003 Boundary Line Adjustment that was recorded with King County Records. It gives the City full access to a 10-foot drainage easement along the eastern boundary of the Club Hollywood parcel and the Drift On Inn parcel.
- 4. The property owner shall record an agreement for shared parking encompassing all the required parking for the Drift On Inn Casino that is located on other parcels of land within 30 days of approval of the application.** Mr. Pyle reported that two agreements have been recorded with King County Records to supplement the existing agreement between Club Hollywood and the Drift On Inn Casinos for shared parking that provides 62 additional spaces. Although not recorded, an additional agreement was signed that supplies an additional 30 parking spaces beyond the 62. He noted that the Drift On Inn offers a free valet parking service, and both of the parking lots associated with the two filed agreements are within 500 feet and are in compliance with the code.
- 5. Signage shall be installed prior to April 15, 2004 at locations along 167th Street North to read, "No Parking Any Time."** Mr. Pyle advised that signs have been installed all the way down the south side of 167th Street North heading east towards Stone Avenue. They were also installed on the north side, between Aurora Avenue North and the entrance to the Drift On Inn Casino. He noted that there is a strip on the cemetery side that can be used for parking since it allows enough space for cars to park off the pavement and for people to walk along the street without being in the lane of travel.

6. At the end of the 2004 horse racing season, the City of Shoreline Planning Department shall bring a recommendation before the Planning Commission, with final approval by the City Council, to either continue to allow or not allow off-track wagering based on the outcome of a parking and traffic studies. Mr. Pyle reminded the Commission that their task is to revisit the special-use permit that was issued to the Drift On Inn Casino in 2004 for off-track wagering. Condition 6 requires the City to evaluate the impacts of pass-through traffic on North 167th Street and associated off-site parking in relation to the off-track wagering operation.

Mr. Pyle advised that off-track wagering is operated at the Drift On Inn Casino from mid April through September of each year. The days of operation are Thursday and Friday from 5:00 p.m. to 10:00 p.m. and Saturday and Sunday from 1:00 p.m. to 9:00 p.m. He noted that these are times when the normal casino activity is at a relatively low level and there is more available space in the casino. He reviewed that there are three major events during the season: Belmont Stakes, Breeders Cup and Kentucky Derby. These events bring a lot of clientele to the casino.

Mr. Pyle reported that staff conducted a traffic count at the site. He referred to the table that was prepared to illustrate the traffic volumes during the three major events. During the Belmont Stakes on the weekend of June 5th, there was a spike in traffic volumes (26 to 38 percent) in both directions. Next, he referred to the table of weekday traffic volumes and noted that the Friday numbers indicated higher volumes, but some of this increase could be attributed to other causes.

Mr. Pyle advised that a “Right Turn Only” sign was installed on the site to eliminate the left-turning traffic onto North 167th Street heading east towards Ashworth Avenue. All traffic heading out of the parking lot must turn right and go towards Aurora Avenue North, rather than cutting through the neighborhood.

Mr. Pyle referred the Commission to the parking supply study that was conducted by the City’s Traffic Engineer on a Friday evening in April. The study indicated that the parking lot was well used, based on the occupancy of spots available. He noted that the study was conducted prior to the posting of “No Parking” signs along North 167th Street. With the exception of the small area in front the cemetery, this parking has now been eliminated.

Mr. Pyle summarized that staff finds that the applicant has met Conditions 1, 2, 3, 4, and 5 as outlined in their special use permit. Staff recommends that a new Condition 6 be added to the permit as follows: “Continue to allow off-track betting under Condition 6 of the special use permit, subject to a condition that the Drift On Inn Casino establish a traffic and parking management plan for the three major race days throughout the season and apply for and receive a City approved right-of-way permit for special event traffic control. The right-of-way use permit shall be renewed annually and shall be subject to City right-of-way engineering review.” Mr. Pyle explained that a right-of-way special use permit would require the applicant to provide staff to flag traffic and to ensure that the “No Parking” and “Right Turn Only” signs are observed. In addition, the applicant would be required to provide additional staff to assist with valet services when there is a high volume of traffic entering the site during the major race days. He advised that the intent of the traffic management plan requirement is to minimize the impacts of the higher volumes of traffic that occur during the major events.

Mr. Stewart said the staff's recommendation is that the Commission move a recommendation to the City Council to amend Condition 6 to allow continued off-track betting as per the language presented by Mr. Pyle.

Commissioner Hall inquired regarding the rationale for requiring the traffic and parking studies. Mr. Pyle said his understanding is that the Commission wanted the City to study impacts along North 167th Street to ensure that the adjacent residential uses are not impacted by the supplemental casino use. Mr. Stewart said that there was some uncertainty amongst the Commission as to what the actual parking and traffic impact from the off-track betting use would be, and the Commission wanted to obtain empirical evidence at the end of one-year of operation. After completing the studies, staff has concluded that, generally, the operation would be acceptable if special consideration is given during the three significant events.

Commissioner Hall said the report indicates that the off-track betting use does create an additional traffic impact. In addition, the parking study showed 100 percent capacity in the later hours of the evening, and this was prior to removing the 25 parking spaces that were available on North 167th Street. Now that the impacts have been identified, he suggested that the Commission consider the appropriate balance.

Commissioner MacCully recalled that a condition of the special use permit was that, in the event that parking did approach capacity, the applicant would be required to provide additional parking spaces. Mr. Pyle explained that the facility is currently in compliance with the parking standards, and the applicant has recorded two additional agreements with King County Records to supply a total of 62 parking spaces that are within 500 feet of the site. Additionally, the applicant has signed another agreement that provides an additional 32 spaces, but the City does not have a recorded copy of this document. Commissioner MacCully inquired if the 62 spaces that would be provided by the recorded agreements would be in addition to the available spaces that are identified in the parking study. Mr. Pyle answered that the 62 spaces would be in addition to the available site parking that is required by the code. The applicant would use the additional spaces as part of their valet parking operation.

Commissioner MacCully recalled that when the Commission reviewed the special use permit application a year ago, a number of neighborhood residents spoke about their concerns related to traffic and parking. He said one of the big issues of concern was that people would infiltrate into the neighborhood on North 167th Street rather than using Aurora Avenue North. That is one of the reasons for requiring a "Right Turn Only" sign. He questioned if it would be possible to segment the traffic counts to determine whether or not there is still a lot of traffic going eastbound on North 167th Street. Mr. Pyle said he cannot speak to this issue, but he noted that it is currently illegal for people to turn left out of the casino. Therefore, problems associated with this requirement are considered code enforcement issues. The landscaping and improvements that are planned for where the Interurban Trail crosses North 167th Street appear to narrow the driveway a bit, so people might be forced to drive closer to the "Right Turn Only" sign, making it more visible.

Commissioner McClelland referred to a letter from a citizen indicating that the “Right Turn Only” sign is difficult to see, and people are not observing the requirement. She said the proposed improvements might make the sign more visible, but she questioned how the City would enforce the requirement. She suggested that the sign only has a marginal effect on causing people to turn right instead of left. The numbers show that traffic traveling west on North 167th Street has increased, and this means people are coming from the freeway and up North 167th Street to access the casino. Mr. Pyle pointed out that it is difficult to determine if this westbound traffic is heading to the casino or to Aurora Avenue North. Commissioner McClelland recalled that the intent was to train people to use routes other than the neighborhood streets. While the conditions of the special use permit do much to improve the situation, perhaps the City could do more to protect the neighbors from the impacts associated with the off-track wagering use. She pointed out that off-track wagering is an incidental use for the casino. People come, place a bet and then leave. Therefore, the turnover rate is quite high, and there is a dramatic increase in traffic movement on the race days.

Commissioner Broili inquired if any thought was given to actually painting the curbs as well as providing signs to further accentuate the fact that no parking is allowed on North 167th Street. He said it should be relatively simple to engineer a solution that would make it virtually impossible to turn left out of the parking lot. Mr. Pyle said the Fire Department has indicated that these types of solutions would not allow for fire access to the site. He pointed out that prior to construction of the Interurban Trail, the mouth of the parking lot was very broad, making it difficult to limit the turning movement. It is possible that frontage improvements associated with the Interurban Trail could improve the situation. He also said it is possible to paint the parking lot with a giant arrow indicating right turn only.

Commissioner Broili referred to the Mayor’s letter of response to Mr. Hess’s concerns, which indicates that there were delays in the installation of the “No Parking” signs. Mr. Pyle said this was an engineering delay. Staff had to determine the best location for the signs, and the original proposal for location was changed based on the City Engineering Department’s review. He noted that there is no shoulder on North 167th Street east of Stone Avenue. While people might try to park in this location, it does not lend itself to parking. Therefore, staff determined that the “No Parking” signs were needed more in front of the houses that were bearing the most impact. He said that, right now, there is no evidence (wheel tracks) of people parking in the “no parking” zone. However, on the north side across from the signs, there is a very large area for parking.

Commissioner Kuboi asked how the three major race days identified in the staff’s recommendation for a new Condition 6 were determined. Mr. Pyle said the three events identified in proposed Condition 6 represent the large stake races, and these are the events that draw the most significant crowds. He suggested that the Commission allow the applicant to explain this issue better.

Vice Chair Piro recalled that when the Commission considered the special use permit application a year ago, the vote was split. One of the issues discussed was the City’s use of conditional use permits. He further recalled that the Commission requested guidance from the City Council regarding their position and policy related gambling establishments. Mr. Stewart explained that the debate over gaming in Shoreline is currently focused on a proposal to reduce the gaming tax from 11 percent to 9 percent. The City Council is considering this issue on February 7, and a fairly extensive staff report has been

prepared to address the issue of gaming in Shoreline and the fact that it is essentially a monopoly because no new businesses would be allowed. He suggested that staff forward copies of the staff report to each Commissioner. Staff could also brief them on the outcome of the City Council's deliberations. Mr. Stewart reiterated that as per current law, gambling uses are prohibited in the City of Shoreline. However, existing establishments are allowed to continue, and the only way to expand the use is through the special use permit process. There is currently debate going on at the State level regarding the validity of this type of policy.

Although it should not be part of the Commission's formal action, Commissioner MacCully encouraged the staff to target enforcement of the parking and traffic situation in this location. Mr. Stewart reminded the Commission that the City's current code enforcement program is complaint driven. He briefly reviewed the code enforcement process.

Commissioner Broili inquired if staff had considered the traffic and parking impacts that extend beyond the immediate vicinity. Mr. Pyle noted that a lot of the traffic funneling onto Aurora Avenue North could be residential traffic. Right now, they don't know where the traffic on North 167th Street is coming from or where it is going, but not all of it is associated with the casino. He noted that there is a curb that prohibits people from turning south onto Ashworth Avenue from westbound North 175th Street, so people coming from I-5 would have to use Meridian Avenue North.

Mr. Stewart said that as the City studies traffic impacts over the 20-year planning period, they anticipate growth in both the commercial and residential areas. However, this growth would be significantly overshadowed by the external-to-external trips pushing through the City. Staff anticipates these types of trips will create significant, long-range impacts. However, he does not believe the impacts from this application would warrant an additional traffic study of a larger area. Mr. Pyle referred to the study that was completed by the City's Traffic Engineer in association with the construction of Club Hollywood. This document is mentioned in the minutes from the 2004 meeting regarding this same application.

Commissioner McClelland reviewed that when the Commission previously discussed this application, they felt strongly that where intense commercial uses along Aurora Avenue North abut residential neighborhoods, the City should do whatever they can to avoid any additional adverse impacts. She noted that while the casino use is separated from a single-family residential neighborhood by a cemetery, there is almost no visual buffer. Since they need businesses on Aurora Avenue North and viable neighborhoods, they must find ways to mitigate the impacts. Commissioner Broili agreed that buffering residential uses from business uses is important. However, he emphasized that it is important for the Commission to consider how the use would impact areas beyond.

Bob Mitchell, Drift On Inn Casino, explained that this was an unusual year because of the potential to have a Triple Crown winner, which hasn't happened in 28 years. A lot of people came to bet the third race. He pointed out that every day at 3:00 p.m., Aurora Avenue North becomes a parking lot. Sometimes traffic even cuts through their lot, and the City will never be able to figure out exactly where the cars are coming from or where they are going.

Mr. Mitchell said they want to be good neighbors and address the concerns that have been raised. He suggested that during the Triple Crown events, when the traffic is fairly high, they would apply for a permit and comply with the requirements as per Condition 6. He noted that since the Interurban Trail has been put in, the drive entrance has been shortened, requiring everyone to pass the “Right Turn Only” sign. If the City were to provide a traffic enforcement officer a few days a week for a while, people would start to get the message. He summarized that Drift On Inn wants to do whatever it takes to be a good neighbor.

Commissioner McClelland inquired if the Commission previously discussed the option of placing a sign on Aurora Avenue North indicating “local traffic only.” Mr. Stewart said this concept might be part of the overall long-range traffic calming study. The Neighborhood Traffic Safety Program is being modified and enhanced, and this could be an avenue to address cut through and speeding issues on local streets. Mr. Miller said it is in the Drift On Inn’s best interest to have effective traffic flow on the site to allow their customers to get in and out. If the parking lot becomes chaotic, their business would be impacted, as well. Mr. Mitchell added that, even on their busiest day last year, the valet parking areas were not full.

Commissioner Kuboi requested clarification regarding the three races that are identified in proposed Condition 6. **Doug Miller, Drift On Inn Casino**, explained that there are three big races in the Triple Crown, and each race is longer than the last. These three races are known as the “Super Bowl of horse racing.” The Commission agreed that Condition 6 should clarify exactly which races are part of the Triple Crown.

Chair Harris invited members of the public to provide their comments, but no one in the audience expressed a desire to address the Commission.

Mr. Stewart explained that the off-track horse racing season begins in April. If the Commission wants to make a recommendation to extend the special use permit, they should forward their recommendation to the City Council in enough time for them to make a final decision by April. Mr. Pyle added that the application has been tentatively scheduled on the City Council’s agenda for February 28th.

Vice Chair Piro inquired if the 2004 permit would be valid until April. Mr. Stewart said Condition 6 was carefully crafted in Ordinance 347. It states that at the end of the 2004 racing season, the Planning Commission shall bring a recommendation to the City Council to either continue to allow or not allow off-track wagering. The staff is attempting to fulfill this condition by bringing back a recommendation that the use be allowed to continue as conditioned.

Chair Harris inquired if Condition 6 would require a new right-of-way permit every year. He also questioned how the plan could be modified in future years to address any problems that might arise. Mr. Stewart answered that future problems could be addressed through the right-of-way use permit process.

COMMISSIONER HALL MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION TO THE CITY COUNCIL THAT THEY APPROVE CONTINUED OFF-

TRACK BETTING AS PER THE STAFF'S RECOMMENDATION. COMMISSION MACCULLY SECONDED THE MOTION.

Commissioner Broili inquired if any new conditions could be applied to the special use permit. Mr. Stewart said any new conditions must be related to satisfaction of Condition 6. Commissioner Broili said it appears the only concern is related to additional traffic impacts associated with the use. He suggested that perhaps traffic count hoses could be placed at the access points to determine how much of the traffic in the area is associated with the casino use and how much is pass-through traffic.

Commissioner Hall said that if the majority of the Commission feels that based on the data that is available, the potential impact of traffic and parking to the neighborhood is acceptable, they can recommend approval of the permit whether or not the traffic is associated with the casino use or not. Mr. Pyle said numerous traffic studies were conducted as part of the Club Hollywood application, including someone actually counting the cars that came into the casino facilities. This information should be part of the record.

Mr. Stewart reviewed that a special use permit was granted for the construction of Club Hollywood Casino, and this involved extensive traffic and parking studies. The special use permit for the off-track wagering use was added on after the Club Hollywood Casino project was completed. He said the City could require additional parking and traffic studies as part of the right-of-way permit review if deemed appropriate by the City Traffic Engineer. In addition, the Traffic Division also conducts independent studies if they have problems judging or gauging traffic through local streets.

Commissioner Phisuthikul said a significant issue appears to be whether or not the people that are exiting the casino are illegally turning left. He recommended that the applicant paint a right-turn-only arrow on the pavement. In addition, they could install curbing to prevent people from turning left without prohibiting emergency access. Vice Chair Piro inquired if the Commission could add this as a condition or if they should offer the concept as a recommendation aside from the action. Mr. Stewart said it would be appropriate for the Commission to make suggestions or encourage the applicant to make additional improvements, but they cannot impose any new conditions. Chair Harris cautioned the Commission against trying to design the project. He suggested a better approach would be to defer the issue to the City Traffic Engineer to address as part of the right-of-way permit. Mr. Stewart agreed that would be appropriate.

Mr. Pyle said that as he evaluated the file, he worked hard to focus on the special use permit as a supplemental use to the casino. It became clear to him that his task was to determine how the additional use might affect the traffic flows in the area on its limited days of operation. He tried to make a recommendation that relates to just the special use rather than the whole casino operation in general. The goal is to control the traffic spikes that occur as a result of the off-track betting operation.

Vice Chair Piro suggested that the Commission's finding be that Condition 2 has only been partially met, and they would like the applicant to take additional actions regarding the right turn issue. Commissioner McClelland said she does not feel this would be necessary, since the message has gotten across to the applicant. Mr. Stewart said the applicant has indicated his willingness to accept a

condition to enhance the signage for the “right turn only” out of the parking lot, and details could be worked out later.

Commissioner Kuboi suggested that Condition 6 be amended by substituting “Preakness” for “Breeder’s Cup.” The Commission agreed this would be acceptable.

CHAIR HARRIS RESTATED THE AMENDED MOTION TO READ AS FOLLOWS:

COMMISSIONER HALL MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE STAFF RECOMMENDATION TO CONTINUE TO ALLOW OFF-TRACK BETTING UNDER CONDITION 6 OF THE SPECIAL USE PERMIT SUBJECT TO THE CONDITIONS THAT THE DRIFT ON INN CASINO ENHANCE “RIGHT HAND TURN ONLY” SIGNAGE AND ESTABLISH A TRAFFIC AND PARKING MANAGEMENT PLAN FOR THE THREE MAJOR RACE DAYS THROUGHOUT EACH SEASON (TRIPLE CROWN RACES: BELMONT STAKES, KENTUCKY DERBY, AND PREAKNESS) AND APPLY FOR AND RECEIVE A CITY APPROVED RIGHT-OF-WAY USE PERMIT FOR SPECIAL EVENT TRAFFIC CONTROL. THE RIGHT-OF-WAY USE PERMIT SHALL BE RENEWED ANNUALLY, AND SHALL BE SUBJECT TO CITY RIGHT-OF-WAY ENGINEERING REVIEW. COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED 7-1, WITH VICE CHAIR PIRO VOTING IN OPPOSITION.

Introduction to Three, Site-Specific Comprehensive Plan Amendments and Rezone Applications

Mr. Stewart reviewed that when a Comprehensive Plan amendment is proposed with an associated rezone application, it is considered a quasi-judicial matter. Because of the Appearance of Fairness Doctrine, this means all comments should be focused to the public hearing rather than at the workshop. The purpose of the workshop is to brief the Commission on the upcoming public hearings so they can ask the staff to answer questions and prepare appropriate information. He emphasized that it is not staff’s intent to shut out public comments, but these comments should be focused towards the public hearing that is scheduled for March 3rd. Written public comments could be submitted prior to the public hearing.

Commissioner MacCully inquired at what point the Appearance of Fairness Doctrine would apply to Commissioners who may have had contact with one of the proposed actions. Mr. Stewart said the Echo Lake proposal is getting a lot of publicity, and the City Council is deliberating the issue from an ownership role rather than a regulatory role. He reminded the Commission of their responsibility to keep the process open and fair. They should not reach any conclusions until after the public hearing. The Commissioners would have an opportunity to disclose any ex parte comments at the beginning of each public hearing when prompted by the Commission Chair. Commissioners could consult with the City Attorney regarding any concerns they might have. He summarized that the workshop would provide an opportunity for the Commissioners to ask questions, but not to deliberate, form opinions or express opinions.

Introduction to Fremont Place North Comprehensive Plan Amendment and Rezone Application

Mr. Pyle reviewed that the subject property is located on the Corner of Fremont Place North and North 160th Street, near a Washington State Department of Transportation facility and other commercial properties, a multi-family housing complex and a low-density residential neighborhood. The proposal is to change the Comprehensive Plan Land Use Designation from Low-Density Residential (LDR) to High Density Residential (HDR). He explained that the topography, surrounding uses and location make the property suitable for a higher density designation without impacting the neighboring LDR zones. Also, the addition of higher density development would not place an overload in demand on the area infrastructure, and increasing the density of the site would allow it to serve as a transition development between the single-family and commercial uses in the neighborhood. He said that currently, the zoning in the immediate vicinity ranges from LDR right up to Public Facility and Commercial Business designations.

Mr. Pyle said the Comprehensive Plan amendment is being proposed with a concurrent rezone application to rezone the property from R-6 to R-24, but currently no development proposal has been made at this time. The surrounding property consists of Regional Business, R-18 and R-6 zoning. The proximity to North 160th Street makes the property more suitable for a higher density development for access purposes, and it would not impact the traffic on the neighboring R-6 zoned streets. He used a map to point out where the right-of-way is located, and noted that it remains in its natural state. He also pointed out the location of the condominium complex, the subject property, the Washington State Department of Transportation facility, and the single-family residential properties. Mr. Pyle referred to photographs showing the slope at the back of the lot, which creates a buffer and separates the subject property from the R-6 properties. There are also some tall cedars between the low-density residential properties and the subject property.

Commissioner Hall referred to the trees that are located on the boundary between the subject property and the low-density residential properties. He asked what properties the trees were located on. Mr. Pyle referred to the aerial photograph, which illustrates a clump of trees located on the subject parcel. Based on the Development Code, if the parcel were to redevelop at a greater density, a 15-foot buffer would be required, and these trees could potentially be retained as part of the buffer space.

Commissioner Kuboi asked Mr. Pyle to describe the maximum size of development that would be allowed on the subject property if it were rezoned to HDR. Mr. Pyle answered that the maximum number of units that would be allowed on the site would be four. The current zoning designation would allow only one unit.

Commissioner Broili inquired regarding the width of the band of trees that is located on the western border of the property. Mr. Pyle answered that the band of trees is about 25 feet in width, so it is likely that some of this band would be removed. However, any site development would require a grading permit.

Commissioner Phisuthikul inquired if the applicant's property is attached to the existing house. Mr. Pyle replied that it is not. He further explained that these two lots were originally one piece, but were subdivided about eight years ago while the property was under King County's jurisdiction.

Vice Chair Piro inquired about the zoning for the condominium property to the east. Mr. Pyle answered that the property is zoned R-18 and is built to that density now.

Commissioner McClelland inquired regarding the size of the subject property. Mr. Pyle advised that the subject property is about 7,200 square feet in size.

Introduction to 19671 – 15th Avenue Northeast Comprehensive Plan Amendment and Rezone Application

Mr. Pyle explained that the subject property is located on 15th Avenue Northeast, just north of Guitarville. The proposal is to change the Comprehensive Plan Land Use Designation from Ballinger Special Study Area (BASSA) to High Density Residential (HDR). He advised that by changing the land use designation of this parcel, the applicant could change the density to fit with the characteristics of the adjacent and neighboring uses. Although the property is currently listed as part of the special study area, a change in land use designation would not affect the surrounding neighborhood and infrastructure due to the availability of services established for other adjacent large multi-family developments.

Mr. Pyle reviewed that the rezone proposal is to rezone the property from R-6 to R-24, and no development proposal has been submitted at this time. He noted that the request is consistent with the surrounding properties, which are currently zoned R-24. The current zoning of the 7,200 square foot lot has low appeal as a single-family use as it is surrounded by multi-family development and is difficult to maintain renters. The subject property is surrounded by R-24, R-18 and other higher densities. In addition, it is located right on 15th Avenue Northeast, which is a fairly well-traveled street.

Mr. Pyle displayed an aerial photograph of the subject site, showing an existing home packed into between the higher density uses that surround it. The intent is to change the property to a higher density so that it can be developed in a similar form to what is around it. He provided pictures of some of the surrounding properties.

Chair Harris asked why this property was included as part of the Ballinger Special Study Area. Mr. Stewart explained that the City inherited the King County Comprehensive Plan and Zoning Land Use Designations that were created ten years ago. As the City of Shoreline completed their Comprehensive Plan Update in 2001, it became apparent that there were three areas that needed a lot more work before they would be appropriate for rezoning, up zoning or downzoning. These areas included the Ballinger Special Study Area and two areas along 145th Street. The designation of a special study area froze the existing zoning in place, which is disjointed in some cases since it results in single-family lots that are surrounded by high-density uses. The general rule in the special zoning areas is that the existing zoning stays intact until the neighborhood planning process is finished. But because this appears to be such a conflict in land use, it might be appropriate to move forward now with a Comprehensive Plan amendment and subsequent rezone.

Commissioner Phisuthikul inquired if the special study that was conducted for the area made any conclusions related to the subject property. Mr. Stewart answered that although the area is designated as

a special study area, the actual study has not been conducted yet. Once the special study has been completed, however, it will trigger sub area studies of transportation, stormwater, parks, etc.

Mr. Pyle said he received some citizen comments that the Comprehensive Plan Map is inaccurate because one street doesn't actually go through. He clarified that while the City currently owns the right-of-way, it is not maintained and is not currently in the street status.

Introduction to James Alan Salon Comprehensive Plan Amendment

Mr. Pyle advised that this Comprehensive Plan Amendment is related to a single-family home that is located to the north of the James Alan Salon. The proposal is to change the Comprehensive Plan Land Use Designation from High Density Residential to Mixed Use. The zoning of the parcel would remain the same at 48 dwelling units per acre (R-48). He emphasized that no development proposal has been made. However, the salon is outgrowing its current building, and they eventually want to rezone so they can build a larger facility, while still maintaining the mixed-use character of the neighborhood.

Mr. Pyle referred to a map, which illustrates that the subject property is completely surrounded by mixed-use designations. The proposal would create a like situation, and again the R-48 zoning would remain the same. He pointed out the location of both the single-family home on the subject property and the salon that is located on the property to the south. He also described the structures that are located on the surrounding properties.

Commissioner Broili inquired if the owners of the salon property would have to rezone the subject property to Community Business in order to develop the two sites together. Mr. Stewart answered that this would require a separate action, with a separate public hearing and notice.

Mr. Pyle corrected his previous statement by pointing out that mixed-use development is located to the north and to the east, but the property to the west is medium density residential.

Commissioner MacCully inquired regarding the practical difference between two pieces of property zoned R-48 and Mixed Use. Ms. Spencer said that if the property remains zoned R-48 instead of Mixed Use, it would not be possible for the applicant to expand the salon onto the subject property. Since they know that they want to do commercial development on this site, they need to change the Comprehensive Plan. Commissioner MacCully asked if a mixed-use zone would require mixed-use development or could a property in this zone be developed as either commercial or residential. Ms. Spencer explained that the mixed-use Comprehensive Plan Designation allows zoning anywhere from Single-Family Residential all the way up to Regional Business. Mr. Stewart clarified that if the Comprehensive Plan Land Use Designation were changed for this property, the underlying zoning would still be consistent.

Commissioner Hall inquired how often the Growth Management Act allows a City to amend their Comprehensive Plan. Mr. Pyle said the City is only allowed to amend the plan once a year. He recalled that the Commission just recently completed a fairly significant Comprehensive Plan amendment recommendation that the City Council is currently considering. If they take action to amend the Comprehensive Plan, Commissioner Hall asked if the amendments that are currently being considered

have to wait until 2006 for final approval from the City Council. Mr. Stewart said staff is currently studying this issue and would have a response for the Commission in the near future.

Commissioner Broili asked if a Regional Business or Community Business designation would afford the applicant the same opportunity for development as a mixed-use designation. Mr. Stewart said it could, but the idea is that the current R-48 zoning designation would be consistent with the Mixed-Use Designation, and it would provide a greater degree of flexibility for land use. It is hoped that this change would encourage the consolidation of properties for higher density redevelopment.

Introduction to Echo Lake Site-Specific Comprehensive Plan Amendments and Rezone

Mr. Stewart advised that the Echo Lake Comprehensive Plan amendment is being submitted independently from any City ownership in the project. As the Commission reviews the proposal, they must understand that it was submitted in such a way that it may or may not include City ownership of the City Hall. He said it is also important to keep in mind that if the City Hall purchase is approved and moved forward, the City would be in the position of both owner and regulator. He explained that an internal firewall has been built between the regulator (Planning and Development Services) and the project management (Public Works Department).

Mr. Stewart said the proposal is from Echo Lake Associates LLC, and they propose to modify the existing Comprehensive Plan designation for an 8.61-acre split-zoned parcel located on the south shore of Echo Lake. He advised that, currently, the western portion of the site (2.21 acres) is designated as Mixed Use with an underlying zoning designation of Regional Business. The eastern portion of the property (6.4 acres) is designated as High Density Residential. The proposal is to amend the Comprehensive Plan so that the entire parcel would be designated Mixed Use.

Mr. Stewart referred to the map and pointed out the location of Echo Lake, Aurora Avenue North, and the Interurban Trail. He noted that to the north of the subject property is a narrow strip of land that is designated as Park and Open Space. He recalled that when the City's first Comprehensive Plan was created, this strip of land was debated at length. The idea was to indicate the City's strong desire to provide public access to the lake and to create some type of park setting at the south end.

Mr. Stewart advised that the project proposal is for a contract rezone of the entire property to Regional Business, allowing for mixed-use development. The contract associated with the rezone would nail down the specific limits of future development. He pointed out that under the current split-zoning conditions, up to 240,000 square feet of commercial uses and up to 357 housing units could be developed on the subject property. The proposed contract rezone would limit the intensity of the development to about 182,000 square feet of commercial uses and about 350 units of housing. This would ensure that future development is consistent with the intensity anticipated by the existing Comprehensive Plan designations for the property.

Mr. Stewart advised that the subject property is currently being utilized by a number of different uses such as a gas station, convenience store, commercial establishments, and a trailer park that is moving

towards vacation in the spring. He noted that the trailer park vacation is taking place independent of the proposed amendment.

Mr. Stewart reported that the owners of the single-family residences along the lakefront expressed concern about how they would be impacted by the redevelopment of the site. He explained that the contract rezone proposal contains general schematics of massing and scaling of the buildings, and there are basically five sites that are identified. There are four building sites: one on the northeast corner, one on the southwest corner, and two on the east side of the property. The remaining parcel would be designated as an open space and common area.

Mr. Stewart referred to the elevation drawing of the proposed Echo Lake Development and pointed out that the residential area to the east would be stacked on top of underground parking, and the property on the northeast corner would have structured parking underneath, and the buildings would be designated as the new City Hall or an office building. There would be retail development along the frontage of Aurora Avenue North. The gap between the two buildings would be designated as a potential future police station. The area in the southwest corner would be designated as either a YMCA or an office building. The two parcels on the east would be designated as high-density residential, with parking being located under the building.

Mr. Stewart briefly reviewed some of the features of the proposal. There would be an open, public gathering space, with steps leading down from the Interurban Trail. There is discussion about providing access to the water, as well. He advised that one of the most important elements of the site is Echo Lake, which has been designated as a Type II Wetland. This means that the current regulations would require a 100-foot buffer from the edge of the wetland out into the site. The proposed Critical Areas Ordinance would increase that buffer to 115 feet, and the proposed development includes a buffer that would be in conformance with the new requirement.

Mr. Stewart noted that there is a difference between the site plan that is being contemplated by the City and the one that is before the Commission at this time. On the City's site plan, a park is being proposed for the open area. The nature and characteristics of the park have not been finalized yet, but critical area protection would be one of the primary issues involved in the park design. Mr. Stewart cautioned that the Commission would also have to deal with the question of land use for the subject property if the City does not move forward with the City Hall and park project. He said that the site plan provides an opportunity for small neighborhood retail uses, as well as civic uses. There would be a great opportunity for overflow parking across the street to accommodate large civic uses.

Mr. Stewart announced that the City and the YMCA are currently engaged in negotiations with the owner, and they expect these discussions to be concluded in the near future. However, he emphasized that the project proposal is not dependent on the outcome of the negotiations.

Commissioner Hall asked what is currently happening in the area that is designated as Public Open Space in the Comprehensive Plan. Mr. Stewart answered that this property is privately owned. He further explained that the current land use designation is intended to identify the City's desire for this

property. Commissioner Hall inquired if the current land use designation of public open space would legally permit the existing uses. Mr. Stewart answered affirmatively.

Since the proposal is for a contract rezone, Commissioner Phisuthikul asked if the Commission would have the ability to review the rezone application in a level of detail that would include specific site plans. Mr. Stewart explained that the level of detail involved in a contract rezone review would include massing, height, and the intensity of land use. A contract rezone process is used for situations where the impacts from a proposal are too high to allow an outright rezone. In this case, the applicant has chosen to limit the maximum development to 186,000 square feet so they won't have to worry about analyzing the impacts associated with more intense development. Commissioner Phisuthikul suggested that perhaps the contract rezone could include a restriction related to the height and mass of the building that is located adjacent to the proposed open space buffer to prevent shadows from being cast into the park. Mr. Stewart agreed that this would be an appropriate and important issue to consider.

Chair Harris requested that staff address the SEPA and Environmental review requirements associated with the proposal. Mr. Stewart reported that a SEPA notice has been posted. While the City has not issued a determination yet, the review process is moving forward. They expect there will be a SEPA determination coming forward with the staff report prior to the Commission's deliberations.

Commissioner MacCully asked where parking would be provided for the proposed YMCA building location. Mr. Stewart said it is his understanding that there would be an agreement between the four pad owners and the common open space to share the cost of construction and the operation and maintenance of the parking. Commissioner MacCully said he assumes that the transportation and parking aspects of the proposal would be carefully reviewed by staff. Mr. Stewart said staff would review the project at a high level to ensure that the total on-site parking is sufficient to accommodate the land uses that are proposed.

Commissioner Kuboi inquired if the staff envisions that the proposed project would have a significant impact on the neighboring streets over what currently exists. Mr. Stewart said the traffic would be intensified, but it would not exceed the impacts identified by the current Comprehensive Plan land use designation. The main access point would be at the signalized intersection. Commissioner Kuboi said he anticipates that a number of citizens would testify at the public hearing regarding the traffic impacts. Therefore, he asked staff to provide additional information related to traffic.

Commissioner Broili recalled Ms. Way's previous comment regarding an underground creek. Mr. Stewart pointed out the location of the creek. He said the site is located at the base of the drainage basin and collects stormwater from a very large area. He described the location of the drainage pipes. He reported that one opportunity that is also being considered is the utilization of this development site to improve water quality and quantity of Echo Lake where there is a problem as a result of sheet runoff from parking lots and roads. Building a centralized system for water quality improvements might result in dramatic improvements to the water quality of Echo Lake. He further explained that the water drains off the urbanized areas of Shoreline down into Echo Lake. From Echo Lake it flows into Lake Ballinger and then into McAleer Creek. Improving the water quality at the headwater would result in very positive effects through the whole entire system.

Vice Chair Piro inquired if there are any known soil contamination issues on the subject property. Mr. Stewart said a Level I Environmental Assessment has been completed, and no issues were identified. While he has not yet reviewed the report, it will be part of the “due diligence” the City is now going through for its purchase agreement. There has also been extensive soil testing to determine the quality and characteristics of the soil.

Vice Chair Piro inquired if the City would require a market analysis as part of their review of the residential component. Mr. Stewart said he does not anticipate that a market analysis would be done. The number of units being proposed is fewer than the number of units that the current zone would allow.

Commissioner McClelland said she would be interested in learning more about how the lake is currently being used by the residents on the eastern side. She also would like more information about what is currently developed on the west side. Mr. Stewart said there are very high-density condominiums located on the west side of the lake. Commissioner McClelland asked if it would be possible for the City to provide public access all the way around the lake at some point in the future. Mr. Stewart said this desire has been discussed by a number of groups, but it is not included as part of the proposal. He noted that it would be a difficult task to accomplish. Lastly, Commissioner McClelland inquired if a parking study would be required for the proposed development. Mr. Stewart answered affirmatively.

Commissioner Kuboi asked if the contract rezone would have to come back before the Commission if the applicant wanted to exceed the square footage identified in the contract. Mr. Stewart explained that the contract rezone would establish the general development pattern for the area. If the applicant wants to deviate from this pattern, the contract rezone would have to be amended.

Commissioner Hall requested information about the elevation level of the lake’s surface given that underground parking is being proposed in close proximity to the lake. Mr. Stewart said staff recognizes that this is an issue. He said the elevation change is not great, and one of the conceptual stormwater management ideas being considered would collect the storm water, clean it at a centralized location, use some type of fountain mechanism to bring it to the surface, then run it down the surface and into the lake. This would result in a water feature amenity and an aeration and cleansing process that would discharge the water into the lake in a more natural way.

Commissioner Hall said that because of the way water moves in a headwater area around a lake, he would presume that the water table is at or very near the lake level or slightly higher. Therefore, the idea of excavating a large parking garage below the water table has the potential to interrupt the subterranean floor ground water and reduce the underground storage of water. He would be interested in hearing further analysis regarding this issue.

Commissioner Kuboi pointed out that the proposal is conceptual at this point. The only thing that is really locked in is the 182,000 square feet of commercial and 350 housing units. The contract does not include any restrictions associated with underground parking. Mr. Stewart said the contract would be directed to a site plan, and the details of the site plan would need to be articulated. Any particular development conditions or notes could be added to the site plan for clarification. Commissioner Kuboi

inquired how much an applicant could deviate from the site plan before the changes would trigger a review of the contract rezone. Mr. Stewart said this would all depend on the specific wording of the contract agreement.

Commissioner MacCully asked how likely it is that the rezone would not be considered until negotiations with potential occupants have been completed. Mr. Stewart again pointed out that the proposal is not dependent upon the agreement negotiations. The staff is not concerned with negotiations with the ultimate users since their responsibility is to process the application as a Comprehensive Plan amendment. Vice Chair Piro asked if there are other sites being considered for possible location of a new City Hall. Mr. Stewart answered that he does not know the answer to this question, and again, he cautioned that this is not something the Commission should be concerned about when reviewing the application.

Vice Chair Piro asked regarding future proposals for the redevelopment of the park-and-ride site. Mr. Stewart advised that State ownership has indicated that they are reluctant to relinquish development rights for this property. The proposal cannot move forward until this issue is resolved.

Commissioner Kuboi asked what physical parameters the contract rezone would entail. Mr. Stewart said it is likely that the contract rezone would contain images showing the site plan and cross section. It is likely to address the size and include words that would qualify the intensity of use. The contract agreement might also contain other qualifications of the site development such as the use of the open space at the north end of the lake if it is not developed as a City Park. The bulk and scale would be addressed, as well. The square footage of the open space area could also be part of the contract rezone. Mr. Stewart explained that the Regional Business Zoning Designation has specific design standards associated with it, and these design standards would have to be met in addition to the contract rezone. The contract rezone would consider issues such as mass, bulk, scale, etc. The design standards and other zoning criteria placed upon the property would be consistent with the underlying zoning, so that a complete new zoning text would not have to be written for this one development.

Commissioner Kuboi suggested that it might be appropriate for the contract rezone to deviate from the normal standards that would be applied because the subject property is a special and sensitive site. He asked if the Commission would have the ability to modify the normal requirements. Mr. Stewart answered that this type of deviation might be appropriate. He said it would be important for the Commission to have a clear understanding of the scope of their work. He said he anticipates that during the public hearing, citizens will present ideas and concepts that are outside of the Commission's scope of work, and it will be important for the Commission to manage these comments and expectations.

Commissioner McClelland suggested that the City do everything they can to require the applicant to notify all members of the public who have a stake in the proposal of the public hearing that is scheduled for March 3rd. Mr. Stewart reported that the applicant has already conducted two neighborhood meetings, and the project has received a lot of public attention. He noted that the property is bordered on three sides by 192nd Street, Aurora Avenue North, and the Interurban Trail. And because of the grade elevation, much of the site would be shielded from the neighborhood to the east. He summarized that most of the property owners who abut the site have indicated that they are very pleased to see the

land use change to a much higher level. However, he anticipates others will present different viewpoints as they move through the public hearing process.

7. REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Hall reported that several Commissioners attended the January 31st City Council Meeting. The City Council is meticulously reviewing the Commission's Comprehensive Plan recommendation by collecting additional input and examining every recommended change.

Vice Chair Piro announced that the first phase of work is underway on updating the Regional Growth and Transportation Strategy, which also includes the multi-county policies. An event has been scheduled for May 20th to present the results of the work that has been done on a series of ten issues related to updating the plan. A major effort is underway to introduce new features that have not been dealt with in the past, including environment health, etc. Planning Commissioners will be one of the target groups invited to review this work.

Chair Harris reported that the City Council opted to review the Comprehensive Plan amendments, setting aside those items that had controversy for further discussion. At some point, the Commission will likely be asked to meet with the City Council to explain their thoughts related to each.

Vice Chair Piro requested a status report regarding the Comprehensive Plan amendments. Mr. Stewart reported that since the Commission forwarded their recommendation to the City Council, staff has received comments from about 150 additional citizens. A new matrix has been prepared to review each of the policies associated with the comments. At the last City Council meeting, staff reviewed 131 policies, and 46 were pulled off for future discussion. They still have about 400 policies to review before they even start debating the changes that should be made in the policies. Many of the changes were minor in nature. Four meetings are scheduled at the City Council level, and staff is researching the individual policies at the request of the City Council. He further said that in addition to comments related to the individual policies, a number of general comments have been made such as compliance with the Growth Management Act, the County-wide Planning Policies, the concurrency regulations, etc. Some of these issues could result in an appeal of the draft plan to the Central Puget Sound Hearings Board. Mr. Stewart reminded the Commission of the State's mandate to adopt the plan by December 1, 2004, so the City is now in a position where failing to move forward could result in loss of access to trust funding, etc.

Vice Chair Piro inquired if there is any likelihood that the Commission and City Council would have an opportunity to meet and discuss particular issues related to the Comprehensive Plan amendments. He also asked if staff anticipates any issues coming back to the Commission for additional deliberation. Mr. Stewart said one suggestion was made to merge the Planning Commission and City Council deliberations. The participation of the individual Commissioners in the City Council's discussion was highly valued by a number of City Council members. Citizens have made the accusation over and over again that the proposed amendments are staff driven and that they received little or no input from the community, including the Commission. It is important for the City Council to understand that the Commission held 19 workshops to review the issues one-by-one.

Chair Harris expressed his belief that it would be difficult for the Commission to pull themselves back into the Comprehensive Plan amendment review process now that they are just getting started on their review of the Critical Areas Ordinance. He suggested that the Commission could draft a letter to the City Council stating that they have reviewed the issues and provided their best recommendation.

Vice Chair Piro recalled that at a previous City Council meeting it was mentioned that some groups have retained legal counsel. While they are not currently in a litigation situation, he previously requested guidance from the staff about the type of Commission actions that are and are not appropriate. Mr. Stewart said a number of comments have been made during the City Council public hearings suggesting that appeals would be filed. The staff is working with the City Attorney to make sure they put forward the best case possible to represent the City. He agreed that it is possible that comments made by the Commissioners might be used in a future deposition or future appeal. The Commission should always be aware of this possibility.

Commissioner Broili requested an update on a previous suggestion that a joint meeting be scheduled with the City Council, the Planning Commission and outside groups. Mr. Stewart said the City Council passed a motion at their last meeting that the City Council would meet with the Sno-King Environmental Council. He said he is not sure if this would include the Planning Commission, as well. Commissioner Hall said his understanding is that the City Council was comfortable allowing a City Council Member to call the meeting and invite whoever chooses to show up. Mr. Stewart cautioned that if a quorum of Commissioners decides to attend this meeting, it would constitute a legal meeting that must be posted.

Mr. Stewart advised that a number of City Council Members approached him to express their appreciation for the attendance of the Commissioners at the meeting and for the great amount of work they have done to get the plan to its current state. Chair Harris said a City Council Member also thanked him.

Commissioner Hall referred to Chair Harris' previous suggestion that the Commission forward a letter to the City Council advising them that the Planning Commission worked hard on their review of the Comprehensive Plan amendments, including the wording of each of the proposed changes. He said he feels honored to be on a Commission that has so many professional planners, architects, builders, etc. He believes they really did put forth their best effort.

Vice Chair Piro said there are definitely some issues that deserve further attention from the City Council. He questioned if it would be appropriate to recommend that the City Council docket the more significant issues for future discussion, and then adopt the other items so they can be implemented. He explained that in his professional experience with the Regional Council, he reviews Comprehensive Plans from throughout the region. He is not aware of any jurisdiction that has felt they have addressed everything when they take an action. While there have been a lot of legitimate issues raised over the past several weeks, he does not see how adopting what has been reviewed to date would close the door on continued work. He suggested that the City move forward to meet the deadlines put in place by the

State by taking some adoption action. Then they could continue to consider issues of interest in an attempt to improve the Comprehensive Plan over time.

Commissioner McClelland agreed. She asked if it would be possible for the City Council Members to contact staff for clarification of terminology, etc. rather than spending valuable City Council and public time to find out this type of information. If not, it could take the City Council an extreme amount of time to get through their review of the document.

Commissioner Hall recommended the following resolution be forwarded to the City Council: “The Planning Commission received and considered a very substantial collection of public input during its preparation of its Comprehensive Plan update recommendations. Through a series of workshops, hearings and meetings, we considered every word over every proposed change in light of all comments received and aided by staff and consultants. On that basis, we offered our recommendations.”

Because the Commission unanimously approved each of the recommendations, Commissioner Hall suggested that perhaps the last sentence of his proposed resolution be changed to read, “On that basis, we unanimously approved our recommendations to Council on the Comprehensive Plan update.” The Commission discussed that they took a great deal of time to carefully consider all of the concerns. They spent additional time on some issues to modify and rework the staff recommendations. But in the end, the agreement was unanimous.

Commissioner Kuboi referred to City Council discussions that were related to wordsmithing the proposed amendments. He said he does not believe the Comprehensive Plan is a contractually enforceable document down to that level of detail. However, there are also more substantive disagreements related to the Commission’s recommendation, and he felt the City Council should focus their discussion on the more substantive issues. The remainder of the Commission agreed that it is important for the Commission to convey to the City Council their belief that it is more important for them to focus on the substantive issues than on wordsmithing. They discussed how the resolution could be changed to make their point more clear.

Commissioner McClelland reminded the Commission that the purpose of the Comprehensive Plan is to address the long-range goals of the City. When they attempt to make the plan a detailed manual for what to do tomorrow, they miss the purpose of figuring out where they want to be in 20 years. The proposed Comprehensive Plan has a horizon for 2022, which represents what the City wants to get done over many years.

COMMISSIONER HALL MOVED THAT THE COMMISSION FORWARD THE FOLLOWING COMMUNICATION TO THE CITY COUNCIL IN ADVANCE OF THEIR NEXT CITY COUNCIL MEETING:

THE PLANNING COMMISSION RECEIVED AND CONSIDERED A VERY SUBSTANTIAL COLLECTION OF PUBLIC INPUT DURING ITS PREPARATION OF ITS COMPREHENSIVE PLAN UPDATE RECOMMENDATIONS. THROUGH A SERIES OF WORKSHOPS, HEARINGS, AND MEETINGS, WE CONSIDERED EVERY WORD OF EVERY PROPOSED CHANGE IN

LIGHT OF ALL COMMENTS RECEIVED AND AIDED BY STAFF AND CONSULTANTS. WE GRAPPLED WITH SEVERAL SUBSTANTIVE ISSUES AND WE ENCOURAGE COUNCIL TO FOCUS ITS DELIBERATIONS ON MAJOR ISSUES AND MOVE FORWARD RECOGNIZING THAT THE PLAN CAN BE CONTINUALLY IMPROVED IN FUTURE YEARS.

COMMISSIONER MACCULLY SECONDED THE MOTION.

Commissioner MacCully said it is important that this resolution is presented in a format the City Council would accept. Mr. Stewart said he does not anticipate a problem with forwarding the Commission's communication to the City Council via written form in their packet.

Commissioner Broili said he would abstain from voting since he did not participate in the Comprehensive Plan amendment process.

THE MOTION CARRIED 7-0, WITH COMMISSIONER BROILI ABSTAINING.

8. UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

9. NEW BUSINESS

There was no new business scheduled on the agenda.

10. ANNOUNCEMENTS

Mr. Stewart announced that a joint Planning Commission/City Council Cottage Housing Tour has been scheduled. The public will be invited to fill up the empty seats on the bus. If the bus fills up, the remaining public will be provided with maps so they can follow along in their own cars.

Mr. Stewart thanked the Commissioners for providing their written comments related to the Critical Areas Ordinance. These comments were compiled and provided to all of the Commissioners. Commissioner Hall indicated that he sent two comment letters, but only one was reflected in the packet. Mr. Stewart advised that staff is preparing responses to each of the comments, and a report should be available soon. Staff is continuing to meet with various interest groups on the Critical Areas Ordinances.

Mr. Stewart referred the Commission to the memorandum from Ms. Spencer outlining some of the issues that have been raised by the Commission as possible retreat discussion topics. He explained that, right now, the staff is really occupied with the Critical Areas Ordinance Update, the Comprehensive Plan Amendments, the rezone applications, cottage housing, etc. Therefore, they believe that it would be challenging for them to move forward with a Commission retreat at this time. He asked that the Commission consider deferring the retreat for a few months.

Vice Chair Piro agreed that they could defer the retreat to a more appropriate time or moving forward with a retreat in which the burden is not so much on staff. Commissioner Kuboi suggested that perhaps the Commission could self-facilitate a retreat meeting, realizing they would lose a certain amount of input because the staff would not be present. He suggested that they not hold the retreat off for too long since the terms of some of the Commissioners expire in a year. He felt the Commission could work together to come up with goals and make progress in addressing some of their concerns and issues.

Commissioner Phisuthikul said it would be important for the staff to be present to provide direction and background during the Commission's discussion. Commissioner McClelland agreed. She said that if the meeting were going to be advertised to the public, she would be concerned about not having any staff present to provide direction.

Commissioner Kuboi expressed his concern about further postponing the retreat, and that is why he suggested that the Commission self-facilitate the meeting. He recalled a previous Commission discussion that they wanted to take on a more proactive role rather than just reacting to the information that is provided by the staff each week. If this is still the Commission's goal, they need to hold a meeting in the near future to discuss their 2005 agenda. He said he is willing to do the work necessary to put the retreat together.

Commissioner MacCully said he is opposed to the Commission holding a retreat without the staff present. While he doesn't disagree there would be value to the Commission meeting to discuss some issues, the staff must be present in order for the Commission to work through the six issues that have been identified. He said he believes a relationship between the staff and the Commission is crucial and should be revisited on a yearly basis.

Mr. Stewart pointed out that they have a new team of staff members supporting the Commission. Part of the purpose of a retreat would be to get all of the staff and Commission together to establish a relationship. If the Commission thinks a retreat is really important, the staff will make some time for it.

Commissioner McClelland suggested that they accept Commissioner Kuboi's idea that the Commission self-facilitate the retreat. The Commissioners could also take responsibility for producing the agenda and taking care of the other details necessary to prepare for the retreat. All the staff would have to do is attend the retreat and become part of the discussion.

Commissioner Hall said the fact that the Commission and staff are so busy is a compelling argument in support of taking the time to get together. Even if they don't have a formal agenda, they could block out a time for the retreat. Commissioner Broili agreed with Commissioner Hall that, in light of the Commission and staff's heavy load, it would be helpful to hold a retreat as soon as possible.

The Commission agreed to add this topic to the February 17th agenda. Staff was directed to come back with ideas for the retreat schedule. Mr. Stewart asked the Commissioners to provide feedback regarding the retreat agenda.

Mr. Stewart reported that Commissioner Kuboi recently raised an issue about email contact amongst the Commission Members. City Attorney Sievers issued counsel regarding this issue on June 17, 2002, and he provided a copy of his opinion to each of the Commissioners. He summarized that if Commissioners use emails to deliberate amongst themselves, it is considered to be a “virtual meeting.” The Commission should avoid these situations.

Commissioner Kuboi said that his question regarding email was related to a different concern. He said that when he sends information or comments to the staff, he does not email the information to his fellow Commissioners. However, some Commissioners send copies of their email correspondence with staff to each of the Commissioners for their information. He questioned if this type of contact could become a legal issue in the future. Mr. Stewart said the danger in emailing fellow Commissioners is when they start debating or reaching conclusions on specific proposals.

Chair Harris said that the Commissioners all received a copy of the Pond and Stream Habitat Book a few weeks ago. Although he read through the document, he did not feel he received any value from the time he spent. He expressed his concern that staff has to spend a significant amount of time and resources to reproduce documents such as this.

11. AGENDA FOR NEXT MEETING

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

12. ADJOURNMENT

The meeting was adjourned at 10:40 p.m.

David Harris
Chair, Planning Commission

Jessica Simulcik
Clerk, Planning Commission