

From: [Janet Way](#)
To: [City Council](#)
Cc: [Heidi Costello](#); [Jessica Simulcik Smith](#)
Subject: Additional Comments on Proposed Amendments to 145th Subarea, Rezone, FEIS, and Planned Action
Date: Monday, September 26, 2016 2:23:13 PM
Attachments: [Comment Letter to Council RE 145th Subarea, Additional Comment.doc](#)

Dear Council,
Please read attached letter before tonight's Council meeting.

Thank you.

Janet Way



c/o
940 NE 147th St
Shoreline, WA 98155

September 26, 2016

Shoreline Planning Commission
c/o Steve Szafran
17500 Midvale Ave N
Shoreline, WA 98155-2148

RE: Additional Comment on 145th Subarea Plan, Planned Action, FEIS, and Rezone

Dear Mayor and Council:

We are submitting additional comments on the 145th Rezone. Please accept this comment as a part of the official public record and we request status as Party of Record with Legal Standing on the matter of the proposed **145th Subarea Plan, Planned Action, FEIS, and Rezone, including Ordinances 750, 751, and 752**. As stated many times before, the Shoreline Preservation Society has longstanding interest and involvement in the community, protection of natural and cultural resources, the character of our neighborhoods and the Thornton Creek watershed. We assert GMA and SEPA standing in this matter on behalf of the Shoreline Preservation Society (SPS) and Janet Way, the President of SPS.

We continue to have serious concerns about the impacts that this action would have on the environment and the rights of citizens. We offer these additional comments and concerns before your decision Monday.

1. Support for Mayor Roberts Amendment to propose a plan for acquisition of properties affected by Critical Areas.

We support Mayor Roberts proposal to create a specific policy to facilitate acquisition of properties within or affected by Critical Areas in Paramount Open Space or Twin Ponds Parks.

(Staff comment that this is already covered in the Subarea Plan does not clarify intent to protect areas close to these environmentally sensitive areas in order to avoid impacts from development and to provide passive recreation there.)

We have many times before emphasized the extraordinary importance of protecting these areas and the risk they face now with regard to intensive development nearby.

2. Phasing motion was passed previously by Council

Staff has gone to great lengths to argue against a motion already passed by Council requesting the Planning Commission to study a bring forward a Phasing Plan.

It seems to us that it should not be the staff's purview to disagree with a Council passed motion. The intent of the Council was clearly to study Phasing. The public has repeatedly requested a phasing plan that gives them some ability to plan their lives and whether to invest in improvements to their homes. This is reasonable.

We request that the Council put in place phasing that allows a 20 timeline between phases in order for the City to evaluate the impacts of development that takes place in a phase, and to require that Council review the situation and provide opportunity for public input on that evaluation.

3. We support Councilmember Scully's proposal to eliminate the Planned Action Ordinance

The reason we support this notion is because we feel that practically speaking, the ordinance as passed in the 185th Rezone is a violation of the constitutional rights of the public that is most affected. The property owners and residents have a fundamental right to comment and receive timely and accurate notice of Land Use changes that will affect their neighborhoods (and yes, opportunity to appeal if necessary), especially when "project level analysis" has not been done, which is the case here. This should be a "given."

The concept of "notice" which is suddenly being considered for permits being issued is useless unless there is an opportunity to comment effectively. Staff is suddenly now stating that the Planning Department might indeed find it useful to obtain information from residents in the development process. But how can this be done if the existing Planned Action Ordinance is implemented? We are glad to hear that the City is now seeing the usefulness of including public input when considering a development.

There seems to be some confusion in the discussion in the staff report. Planning staff WOULD be interested in additional information that could be provided by the community? So if that is the case then skip the PAO and let SEPA be the guiding process as it should be.

4. Concerns about some proposed Council Amendments

The Zoning Amendment (M) offered by Councilmembers McGlashan and Winstead are a concern. This amendment would change the zoning all the way up Fifth Ave NE to NE 165th. There has been virtually no notice up to this time to residents in that vicinity of this proposal. This is unfair for that reason. Though the Ridgecrest Neighborhood Association has been involved, the neighbors along Fifth NE and adjacent likely have no knowledge. We do not believe that this proposal has been properly studied in the FEIS either.

Councilmember Hall's proposal to upzone all of Eighth NE from 145th to 155th to MUR 70 is excessive. This would theoretically put 70 ft buildings across the street from single family. That would leave no transition zone. All of the homes on the East side of the street and Paramount School Park would be in heavy shade for much of the afternoon. Also, the City Light ROW runs along both sides of Eighth NE and would therefore limit any development on the East side of those properties.

5. Strongly support all proposals to limit development in neighborhoods immediately adjacent to Paramount Open Space and Twin Ponds Park.

As you know we have advocated now for many months on the sensitive nature of the properties surrounding Paramount Open Space, its wetlands, creek corridor and steep forested slopes. Since the exact nature of these Critical Areas and buffers have not yet been accurately assessed on a "project level basis", it is very wise to retain R-6 zoning in all of these areas. There are other good reasons to limit development there as well, namely narrow roads and cul-de-sacs, City Light Right of Way along Eighth and potential for eventual open space acquisitions to expand the park are all good reasons to retain R-6.

From our previous letter:

"As mandated by state law, SMC 20.80 must protect the functions and values of the critical area, which includes wetlands, streams, and fish and wildlife habitat. If a critical area exists on the property, SMC 20.80 applies and its functions and values must be protected from degradation. In essence, SMC 20.80 serves as a citywide overlay and has the potential to impact the density and dimensional components of a project."

Also from our previous letter to the Planning Commission:

"The Exhibit A Mitigation Measures makes two clear misstatements:

Concentrations of peat-laden soils appear to be located primarily in existing Publicly owned parklands.

Liquefaction susceptible areas mapped by the City appear to be located primarily in public park areas.

These statements are completely inaccurate. There are many areas of private property that contain wetland soils and also liquefaction zones. Some are actually in the public right of way. This is a seriously incorrect statement that shows a lack of concern for the true impacts of this proposal.”

Conclusion

We believe the Planned Action Ordinance is in conflict with the Comprehensive Plan, the Growth Management Act, SEPA and the Southeast Subarea Plan. The mitigation suggested is not adequate.

But, some of the proposed amendments do make some progress in protecting important areas of the community if the Council will have the wisdom to follow through and pass these provisions.

We understand the burden is heavy and complex in the decisions you will make.

Thank you for your attention to this important matter and for your service to the community.

Respectfully Submitted,

Janet Way, President
Shoreline Preservation Society