

DRAFT
CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

June 1, 2017
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Craft
Vice Chair Montero
Commissioner Chang
Commissioner Maul
Commissioner Malek
Commissioner Thomas

Staff Present

Paul Cohen, Planning Manager, Planning and Community Development
Steve Szafran, Senior Planner, Planning and Community Development
Carla Hoekzema, Planning Commission Clerk

Commissioners Absent

Commissioner Mork

CALL TO ORDER

Chair Craft called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Upon roll call by Ms. Hoekzema the following Commissioners were present: Chair Craft, Vice Chair Montero, and Commissioners Chang, Malek, Maul and Thomas. Commissioner Mork was absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of April 6, 2017 and May 18, 2017 were approved as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

STUDY ITEM: ABATEMENT DEVELOPMENT CODE

Staff Presentation

Mr. Cohen explained that the Development Code (SMC 20.30.775.A) states that civil penalties and abatement funds must be used for abatement of code violations. The City typically budgets \$100,000 a year for the abatement fund, and the funds can only be used to resolve public nuisances on private and public property. Typical abatement projects include boarding up vacant nuisance structures, removing accumulated refuse in extreme cases, payment of relocation assistance funds to displaced tenants, and removal of junk vehicles.

Mr. Cohen advised that, over the past five years, the City has spent about \$27,246 annually on abatement, and the remaining money is passed on to the next year. At the end of 2016, the abatement fund contained \$167,938. Staff is recommending that the provision be amended to expand the potential use of the fund to include other code enforcement activities in support of the City's enforcement program. These other activities could include education, additional inspection, hiring of specialized resources, training, and outside legal assistance.

Mr. Cohen referred to Attachment A of the Staff Report, which outlines the proposed changes to SMC 20.30.775. He explained that the proposed amendment would change Item A to read,

"All monies collected from the assessment of civil penalties, costs, and for abatement reimbursements recovered from violators resulting from code enforcement action shall be deposited in a code enforcement/abatement fund and utilized for future code enforcement action expenses. Eligible expenses shall include, but not be limited to, all costs for abatement whether or not the responsible party is identified, education and outreach, and one-time expenses associated with a specific case necessary for obtaining code compliance."

Mr. Cohen recommended that the Commission approve the proposed amendment, which would broaden the use of the civil penalties collected and abatement funds to include other activities to support the code enforcement program.

Commissioner Malek asked Mr. Cohen to elaborate on the other projects mentioned earlier. Mr. Cohen suggested this is something the Code Enforcement Officer could explain further at the public hearing in July. It was suggested that Board Members forward their questions to the Code Enforcement Officer prior to the hearing.

Mr. Cohen explained that code enforcement is handled by just one person, and she has an endless workload. Issues come up that are beyond her scope and she needs additional training and sometimes it is necessary for her to hire an expert to assist in the appropriate solution. He provided a number of examples, and noted that there is currently no money set aside specifically for this purpose.

Commissioner Malek suggested that funds for education, communication and marketing could be used to give curtesy notices to builders in the area about concerns that come up. Mr. Cohen said they already

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have a handout available, and staff has a lot of experience that allows them to provide early warning to developers. The intent is to head off future problems for both the developers and the City.

Chair Craft asked if the fund would be used to pay for inside counsel from the City Attorney or if it would be used to obtain outside counsel to represent the City in an enforcement issue. Mr. Cohen said it would be used when outside counsel is needed. For example, he shared that there were huge violations associated with a development at the higher part of Richmond Beach, as a result of illegal cutting that occurred in a critical area despite the City's best attempts to control it. So far, they are handling the situation, but it is a big problem that could balloon in terms of demand on staff time. It would be helpful to have funding for education to warn developers that the City would be vigilant in enforcing the code. Commissioner Malek said a communication piece to people living within a certain distance of the project could be done to notify and advise them on how the City is addressing the situation. This could help diffuse some of the tension between community members and builders.

Mr. Cohen commented that trees are a big issue in the City and the City staff is doing its best with enforcement. Fines have been levied in many situations, but the community is still concerned. It is always a shock when trees are removed. However, it is important to understand that the City only has two building inspectors and there are approximately 100 construction projects going on at the same time. It is difficult to be at the sites every moment. This is an ongoing issue that may turn up as a discussion topic for the Council and Commission at some point in the future. Chair Craft commended City staff for the way they handled the situation that occurred on property across the street from the Seattle Golf Course. The problem was taken care of effectively, and perhaps it would be good to share this success with the community. Mr. Cohen agreed that, as a small agency, the City staff is very responsive and tries to deal with issues as quickly and as best they can. However, sometimes outside help is needed.

Commissioner Thomas asked how code enforcement work is currently being funded, and Mr. Cohen said it comes from the Planning and Community Development department's budget. Board Member Thomas asked how many code enforcement cases occur each year, and Mr. Cohen said he did not have the information. Mr. Cohen said the Code Enforcement Officer's work is endless, and she must follow procedures exactly.

Commissioner Chang voiced concern that the Code Enforcement Officer is overworked. Mr. Cohen agreed that there is an endless supply of cases that require follow up, and they all overlap with each other. He recalled that staff previously provided a presentation to the Commission about what the Code Enforcement Officer does. He noted that the workload continually increases as more development occurs. Chair Craft suggested that perhaps the Commission should recommend to the City Council that they fund another Code Enforcement Officer.

Vice Chair Montero noted the clause about assessments and penalties and the ability to place a lien on the property if the fee is not paid right away. He asked about the City's success rate of recouping the money spent on abatement. Perhaps the City's success in this regard is also a cause of the fund increasing. Chair Craft said there are also constraints on how the fund can be used, and the proposed amendment would expand upon how the money could be used rather than being specific to abatement.

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Public Comment

There were no public comments.

Chair Craft encouraged Commissioners to forward their additional questions and concerns to Mr. Cohen.

DIRECTOR'S REPORT

Mr. Cohen provided a report on development activity in the City.

- Staff met with the Shoreline School District regarding projects that will be funded by the recent levy between 2016 and 2021. This includes renovating North City Elementary, updating the Early Learning Center on Meridian Avenue, redesigning Parkwood Elementary School and rebuilding Einstein and Kellogg Middle Schools. These projects will require a lot of staff time.
- Sound Transit activity is building up, and will also require a lot of staff time.
- There are a number of field replacement projects (turf).
- Staff has conducted a number of pre-application meetings with property owners in the MUR-70' zones. Although the projects are very conceptual at this time, the biggest issue is fitting all of the required parking on the small lots. A lot of the MUR-70' zoned properties are being purchased and consolidated, and staff is speculating that the developers are holding them until closer to when the stations open.
- There are a number of short plat applications, as well as applications for two storage buildings.
- The owners of the post office site are starting to get very serious about redevelopment, and staff is working with them to prepare the application materials.
- Staff has had a number of pre-application meetings with people who want to develop the Westminster Triangle, but they are currently waiting for the new design to be ready for review.
- The Sears property will be up for sale soon.

Commissioner Malek recalled that the Economic Development Director recently reported that the permit dollars have increased from \$1 million per year to \$2 million per year over the past five years. Mr. Cohen added that the City has exceeded its projections on development permit monies for the past two years.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

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REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no reports from committees or Commissioners.

AGENDA FOR NEXT MEETING

Mr. Cohen advised that the June 15th meeting was cancelled, and the public hearing on the abatement development code amendment is scheduled for July 6th, if a quorum is available. Also in July, the Commission will consider an amendment to the Transportation Master Plan regarding a discrepancy between the 185th Street Subarea Plan and the Master Plan Cross Section. Another item that will be scheduled on future agendas will be amendments to the Wireless Telecommunication Facility Code to bring the City's code into compliance with the FCC's 2016 ruling. A batch of development code amendments will be presented in August, as well as an update on the Storm and Surface Water Master Plans.

ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

Easton Craft
Chair, Planning Commission

Carla Hoekzema
Clerk, Planning Commission

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