

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

August 20, 2009
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present

Chair Hall
Vice Chair Wagner
Commissioner Behrens
Commissioner Kaje
Commissioner Kuboi (arrived at 7:01)
Commissioner Perkowski
Commissioner Piro
Commissioner Pyle

Staff Present

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Miranda Redinger, Associate Planner, Planning & Development Services
Paul Cohen, Senior Planner, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

Commissioners Absent

Commissioner Broili

CALL TO ORDER

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

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Hall, Vice Chair Wagner and Commissioners Behrens, Kaje, Perkowski, Piro and Pyle. Commissioner Kuboi arrived at 7:01 p.m., and Commissioner Broili was absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

DIRECTOR'S COMMENTS

There were no comments from the Director during this portion of the meeting.

APPROVAL OF MINUTES

The minutes of August 6, 2009 were approved as amended.

GENERAL PUBLIC COMMENT

Laethan Wene, Shoreline, expressed his belief that the City wasted money on the City Hall Project, particularly the artwork. This money should have been spent on other projects.

Judy Allen, Shoreline, reported on the serious erosion problems at Storm Creek and Eagle Reserve, and citizens have been working with the City and King County since October of 2008 to address the situation. She provided a packet of information for the Commission and asked that they study the documents and recommend the project be placed high on the City's priority list. She expressed appreciation to Chair Hall for visiting the site and becoming acquainted with the area, and she invited other Commissioners to tour the site, as well. She noted that Ocean, Technology and Environmental Consulting (OTEC) has provided a report that identifies a \$300,000 fix for the immediate area. At this time, two homes are being jeopardized, and kids who trespass across the railroad tracks are also in danger.

STAFF REPORTS

Study Session: Shoreline Master Program (SMP)

Ms. Redinger introduced Teresa Vanderburg and Reema Shakra, consultants from ESA Adolfson, who were present to report on the Shoreline Master Program (SMP) Update.

Ms. Vanderburg recalled that the City started updating their SMP in 2007. She explained that the City's SMP applies to all of Puget Sound (any lands that are tidal and below the water up to the ordinary high water mark) and extends 200 feet landward for the shore lands (including coastal bluffs and railroad tracks). Based on Planning Commission comments last November, the consultants investigated whether or not Lake Ballinger fell within the City's Shoreline jurisdiction and learned that it does not.

Ms. Vanderburg reviewed the components of the SMP, which feed into the Comprehensive Plan and regulations. To date, they have:

- Completed the draft Inventory and Characterization Report and Map Folio.
- Completed the draft of the Restoration Plan and Recommendations Report.
- Completed draft general goals and policies.
- Prepared draft shoreline environmental designations but have not gotten into the specific development standards, the administrative procedures, or the cumulative impact analysis.
- Prepared a use matrix, which talks about the different uses relative to the shoreline environments.

Ms. Vanderburg referred to the draft Restoration Plan, which is available on the City's website. The plan gives both site specific and programmatic opportunities for restoration in the shoreline jurisdictions. It also establishes timelines and some general benchmarks. It would look at opportunities for bringing the conditions of the shoreline above the current baseline conditions, with the goal of improving shoreline functions over time. She explained that mitigation would be on a project-by-project basis, and the intent is that mitigation would be provided to bring the shoreline functions back up to the baseline condition to meet the Dept. of Ecology standard of "no net loss".

Ms. Vanderburg explained there are a number of components and maps in the Restoration Plan, which talk about restoration and preservation opportunities. She referred to just one of the maps that provides examples related to culvert improvements and fish passage for some of the stream mouths. They want sediment to flow to Puget Sound to further enhance the near shore environment. Some of the programmatic opportunities outlined in the report include enhancement of the riparian areas and the native vegetation within the shoreline. She specifically noted that some of the creeks could use culvert replacements, and another opportunity involves softening the shoreline wherever possible to remove hardened armoring and bring more natural conditions back along the coastal zone. Although not considered a restoration opportunity, it is important to preserve the feeder and coastal bluffs that are feeding sediment into Puget Sound.

Ms. Vanderburg referred to the draft timelines that were developed for implementation of restoration opportunities and projects. As per the proposed timeline, the City would initiate conversations with Burlington Northern Santa Fe Railroad (BNSF) within the first two years after adoption of the SMP Update. These conversations would include sediment delivery, maintenance, and stream culvert replacement. Also within the first two years, the City would integrate shoreline restoration programs with the City's Capital Improvement Program to establish a funding mechanism. Within five years of adoption, the proposed timeline suggests the City identify at least two bulkhead removal or stabilization projects and develop a vegetation management plan for the Innis Arden Reserve so that native vegetation is retained in the Shoreline environment. Within seven years of adoption, the timeline calls for implementation of at least one of the bulkhead removal projects and a vegetation management plan for Innis Arden.

Ms. Vanderburg announced that benchmarks are another requirement of the SMP Update. She provided some examples of how the City could track their progress and monitor whether or not they have been successful with shoreline restoration. This will be important information when the City updates the SMP again in 7 years as required. At this time, the consultants are suggesting the following benchmarks: acres of riparian enhancement, linear feet of bulkhead removed, number of culverts replaced, number of public education workshops implemented, acres of wetlands restored, etc.

Ms. Shakra advised that shoreline environment designations are another requirement of the SMP Update. At this time, the consultants are proposing four different environment designations, which would function similar to a zoning overlay and would apply to specific parts of the Puget Sound coastline. She reported that policies and regulations that apply to each specific designation would be developed later this year. She explained that three of the proposed designations are based on the Department of Ecology's (DOE) guidelines, and the fourth would be applied to Point Wells because of

its unique use as an industrial facility and the possibility for it to be redeveloped as residential and commercial. She reviewed that the designations were chosen based on the existing ecological conditions, as documented in the inventory report, as well as existing and planned uses. She reviewed each of the designations as follows:

- **Shoreline Residential** - The purpose of this designation is to allow residential structures and accessory uses. It would be applied to Richmond Beach, which is made entirely of residential homes and the railroad. The homes are armored with bulkheads and there is an outlet for Barnacle Creek. The designation would also be applied to the area just south of the Richmond Beach Salt Water Park, which is also mainly residential uses and the railroad facility. There are two outlets, Storm Creek and Blue Herring Creek.
- **Urban Conservancy** - This designation would apply to areas that have some existing ecological functions but have been partially developed. It would be applied to the shoreline area just south of Point Wells between the Richmond Beach homes and the northern City limits. This area does have railroad armoring, but there is also eel grass, kelp, a sand flat spawning area for forage fish, an outlet for Barnacle Creek and the only forested wetland in the City. The designation would also be applied to the Richmond Beach Saltwater Park, which is one of the two areas within the City's shoreline that is unarmored. That means Puget Sound receives sediment input directly from the shoreline. It also has a lot of different types of shellfish, eel grass, kelp, and a forage fish spawning area.
- **Point Wells Urban Conservancy** - This designation would be applied to the southern portion of Point Wells. At this time, the area is not intensely developed, and it does not have an armored shoreline. That means there are also shell fish, eelgrass, kelp, sand and gravel flats, and an unnamed stream outlet.
- **Point Wells Urban** - This designation was created uniquely for Point Wells, which is the most intensely developed portion of the City's shoreline. She observed the difference between the northern portion of Point Wells (highly developed with armoring) as compared to the southern part (vegetation and a softer near shore environment).

Ms. Shakra advised that the consultants have been debating which environment designation to apply to the portion of the shoreline from the Innis Arden Reserve south to the City limits. This stretch of shoreline is in good ecological shape, with the exception of the railroad. The urban conservancy designation applies to areas that are ecologically intact with some development. The natural designation is typically applied to areas that are in nearly pristine condition, but can also be applied to areas that, if developed, would create a risk to human safety. Since this stretch of shoreline has landslide hazard areas, development would pose a definite risk to human safety. The consultants are interested in feedback from the Commission about what they feel the appropriate designation would be.

Ms. Shakra briefly reviewed the proposed list of uses that would be allowed and prohibited in all of the environment designations. She advised that as per guidance from the DOE, all of the uses identified in their guidelines as prohibited are specifically shown in the proposed use matrix. In addition, she explained that the matrix identifies uses that would be allowed in some shoreline environment

designations but prohibited in others. Generally speaking, an environmental designation that is less protective would allow a lot more uses than a “natural” designation.

Ms. Shakra advised that the final step in developing Shoreline Environmental Designations was to prepare vegetation conservation standards based on the DOE’s requirement that vegetation be protected. The consultants have identified protection areas for the different environment designations, with the Point Wells Urban Designation having the least vegetation conservation area. She provided a graphic illustration and explained how the vegetation conservation standards would be applied in each of the designations.

Ms. Shakra summarized that based on Commission feedback and public comments over the next few weeks, the consultants would finalize the shoreline environment designations, send a memorandum to the DOE, and then start working on the goals, policies and regulations. From there, they would prepare a cumulative impact analysis, which considers all of the work products and determines what affect they would have on the existing ecological condition of the shoreline. After that, the consultants would consolidate the SMP and present it to the public for review and comment in early 2010.

Commissioner Kaje asked if there was a specific date associated with the baseline condition. Ms. Shakra answered that baseline conditions were established by the Inventory and Characterization Report, which was finalized in December of 2008.

Vice Chair Wagner invited the consultants to identify what condition the City’s shoreline is in relative to other similar jurisdictions in the area. Ms. Shakra said they were pleasantly surprised to find eel grass, a variety of shellfish, and bird habitat at the southern portion of Point Wells. While there are some ecological conditions still intact, they also have the railroad, bulkhead and a substantial amount of riparian removal. She suggested they are about average. Ms. Vanderburg added that based on existing development, the number of ecological features present in the City of Shoreline was surprising.

Commissioner Kaje pointed out that the channel outside Everett is dredged using the dredged materials to nourish the beach at Jetty Island. He inquired if the draft language would prohibit the City from allowing the disposal of dredged soils as part of a beach nourishment program. If so, he suggested the City’s program should specifically incorporate this exception. Ms. Vanderburg noted that beach nourishment was identified as an enhancement project in the Restoration Plan. Where beach nourishment is needed and is ecologically sound, the use of dredged materials would be allowed. The intent is to allow for enhancement, and the details of where and how beach nourishment projects would be identified and allowed could be addressed later in the process. Ms. Shakra suggested they could either change the use matrix to allow dredged disposal in situations of shoreline enhancement, or they could make sure the definition of “enhancement project” incorporates dredge disposal. Commissioner Kaje felt it would be appropriate to address this issue explicitly since disposal of dredged material provides a very likely source of material for beach nourishment efforts.

Commissioner Pyle questioned why the City would prohibit dredging entirely within their shoreline areas. He referred to the Point Wells site and suggested that if a marina is developed in this location at some point in the future, there may be a need for a navigational dredging program. Rather than

eliminating dredging entirely, perhaps they should allow it in the Point Wells Urban Designation, since there is already an industrial marina-based operation on the site.

Commissioner Behrens requested clarification about the potential impacts associated with dredging hazardous materials. He suggested there is a strong possibility that at least a portion of the Point Wells site has contaminated soil both on the beach and in the water. He cautioned against allowing dredging that could result in having to dispose of dredged up materials that are contaminated. Ms. Vanderburg explained that the Department of Natural Resources would be involved in both dredging and disposal, and she suspects that any dredged material would have to be tested and meet the standard before it could be used for beach nourishment.

Commissioner Pyle clarified that his comments were in reference to strictly navigational dredging and not dredging the upland to create more aquatic environment. Chair Hall noted that the proposed language does not identify any conditional uses; only those that are permitted and those that are prohibited. He suggested that perhaps it would be appropriate to allow navigational dredging at Point Wells as a shoreline conditional use, which would require special approval by the DOE. Ms. Shakra pointed out that there are a few conditional uses proposed, and they are identified on the matrix with a "c." She agreed the use matrix needs refinement.

Chair Hall summarized that the Commission would support allowing the use of dredged material for beach nourishment. They also agreed it would be appropriate to allow for navigational dredging as a conditional use in the event it is needed for a future marina. He cautioned it will be important to deal with any ramifications this would have on pollution or re-suspension of contaminated dredge materials, etc.

Commissioner Pyle said he is also interested in how public access would be addressed in the SMP. He referred to the access point at the end of Apple Tree Lane and noted there has been dispute over time about whether or not the public has the right to access the south end of the lane. He suggested the City consider this issue as part of the SMP update. Chair Hall suggested that if the consultant finds there is no legal public access in this location, perhaps they could encourage the City to negotiate with adjacent landowners to make the access public at some point in the future. Vice Chair Wagner suggested the request be broadened to encourage the City to look at all potential opportunities to increase public access to the beach. The remainder of the Commission concurred.

Commissioner Pyle asked why there is no aquatic designation. Even though the uses mirror themselves on the aquatics side, having the aquatic environment would extend the perception of Shoreline regulation out to the City's actual jurisdiction line. Chair Hall inquired if the consultants are confident the proposed language would effectively capture and regulate any uses (i.e. floating net pens) that can be done without any adjacent shoreline use. Ms. Vanderburg expressed her belief that the aquatic designation would be important if the City were expecting buoys or net pens, or other items that are wholly underwater. The consultants felt that, at this point, there were no uses that could be identified. Therefore, the aquatic designation would make it more difficult to deal with future development that is both in and out of the water, such as a dock or breakwater for a marina because they would be required to deal with both the upland and aquatic designations. Specific regulations would apply to the salt water

habitats within the ordinary high water mark, but uses that are wholly within the water would not be covered by the current designations. Chair Hall said that based on his background with fisheries, he is not in favor of allowing net pens. Therefore, he would tend towards a scheme that would allow the City to prohibit such uses.

Commissioner Kaje asked if Chair Hall's intent is to treat net pens differently than aquaculture because they are wholly aquatic enterprises with no connection to the land. Chair Hall explained that under the current proposal, net pens and buoys could be done with permission from the Department of Natural Resources because they own the bed lands without any need for a City permit. Ms. Vanderburg said the intent was to apply the upland shoreline environment designation in these situations. However, if the Commission envisions specific uses that would occur only in the aquatic environment, it may be appropriate to create an aquatic environment as well.

Commissioner Behrens asked if a recreational use, such as an underwater diving area, would require some type of regulation. Ms. Shakra said that as per the proposed language, all development would need a permit, regardless of whether it is wholly in the water, partially in the water or completely upland. The upland environment designations would be applied waterward of the ordinary high water mark. However, if the Commission wants to allow particular uses and have a specific list of regulations that would apply waterward, it would be a good idea to create an aquatic environment. Otherwise, they could prohibit uses they think are not appropriate waterward of the ordinary high, such as aquaculture. Chair Hall summarized the Commission's desire that the waterward authority be extended outward to the end of the corporate boundaries. Whether they craft the existing environment designations well enough to make this explicit or they do it by creating an aquatic environment designation makes no difference as long as the issue is addressed.

Commissioner Pyle observed that the map is misleading in that it shows the environment ends at the ordinary high water mark. In his mind, everything that is waterward of that point is aquatic. However, it would make it clearer if the map were to show the upland environments extending all the way out to the jurisdiction line.

Commissioner Kaje suggested the language include direction for the City to participate in and take advantage of opportunities to work with neighboring jurisdictions. For example, there are currently feasibility investigations going on in Water Resource Inventory Areas 7 and 8 about how to address beach nourishment given the railroad.

Commissioner Kaje observed that the Point Wells Urban Environment identifies a 50-foot conservation area, which is surprising given that this is the one location where the City has an opportunity to do much better if the property is redeveloped. If the developed environment is going to be drastically altered in the future, the City could take some positive steps towards restoration. He invited the Commissioners to share their thoughts and suggestions about what they could do in this area.

Commissioner Perkowski asked if there is a distinction between buffers and setbacks. Ms. Shakra said "buffer" is the correct term for the area where no major development would be allowed. At some point in the future, but they could finesse the language to include more specifics about how far a development

must be set back from a buffer. Commissioner Perkowski inquired if any of the proposed buffer distances were based on current conditions, or if non-conformities would be created. Ms. Shakra said existing conditions was part of the analysis. They studied the aerial imagery and found that the Richmond Beach homes would not meet the 115-foot setback on Apple Tree Lane. Therefore, a non-conforming situation would be created and the City would have to develop regulations to address these situations. For the rest of the coastline, a 115-foot buffer would blend well with the existing vegetation minus the railroad.

Commissioner Pyle asked about the current Washington Administrative Code (WAC) definition for “structure.” He noted that BNSF would be subject to having many structures within that 115-foot buffer area, which could cause an issue. Ms. Shakra referred to the Federal Pre-Emption Act, which states that railroads such as BNSF and Sound Transit have the ability to pre-empt local regulations. That means they don’t have to get a permit from the City, but they do need a federal permit that requires them to be consistent with the Coastal Zone Management Act, which was established to make sure development along the coastal water bodies is managed. In these situations, the DOE would review the policies of the City’s SMP and indicate whether or not a BNSF project is consistent. She summarized it is more about the policies than permitting requirements or regulations. Generally speaking BNSF should reduce their impact and not create new impacts, etc.

Commissioner Pyle suggested it would be helpful when reviewing the forthcoming non-conforming regulations to have an enlarged map of Apple Tree Lane with an overlay showing the ordinary high water mark and the proposed buffers. This would enable the Commission to visually see what the impact would be to the residential property owners. He said he is also curious about bulkhead rules along this area since many of the properties have bulkheads and armor. Chair Hall observed that as the original small, single-story homes are redeveloped with taller structures, there will be significant issues if all of them are made non-conforming. It will be important to involve these property owners so they will have a clear understanding of what they can and cannot do. Commissioner Pyle agreed and added that it would be important to help the property owners understand to what extent the properties would be made more non-conforming through more restrictive regulations.

Commissioner Behrens noted that in several places, the consultant’s report talks about the importance of having public access to the beach. He asked the consultant to identify places within the coastal zone where the public could possibly have more access and discuss potential for public funding. Ms. Vanderburg said that, typically, you look for right-of-way ends, but there are constraints associated with the steep slopes and railroad.

Chair Hall explained that in natural conditions, the debris from landslides would have flowed right into the intertidal zone and been dispersed by the tide to nourish the beaches. However, the railroad interrupted this and their standard practice is to haul the debris away. At one point, someone got them to agree to move the debris from the upland side of the tracks to the water, which is where it was meant to go. He said he was thrilled to see the City wants to have conversations with BNSF, and he would like the discussion to consider ways to restore the natural process of allowing landslide debris to move from the upland areas to the water.

Chair Hall referred to the coastal area on the southern end of the City where the railroad is present. He said that while he would love to identify the area as natural and try to set aspirational goals, he would struggle to give a natural designation to a section of the shoreline that is 100% armored by the railroad. If they are going to identify it as natural, then the same designation should apply to Richmond Beach Park and the South end of Point Wells.

Commissioner Perkowski suggested that rather than waiting for five years as per the proposed timeline, the Restoration Plan should identify and prioritize potential bulkhead removal projects now. Ms. Vanderburg said the intent was to pace the City's work in both identifying priorities and building funding to accomplish the restoration projects. However, she agreed the bulkhead removal projects could be identified earlier. She emphasized that the City must also identify a funding mechanism for restoration projects. Commissioner Perkowski recommended the projects be identified as soon as possible, without necessarily committing resources.

Chair Hall suggested the consultant come back to the Commission at a later date with funding strategies for implementing the Restoration Plan. Ms. Vanderburg agreed that would be possible and added that some jurisdictions have included stream restoration in their existing capital improvement program, and they are pulling shoreline restoration into these existing programs.

Commissioner Pyle said he is starting to see how the City would integrate the Critical Areas Ordinance (CAO) back into the SMP as required by House Bill 1933, etc. Ms. Shakra said they reviewed the City's CAO to identify the existing regulations. While there is no numerical buffer for Puget Sound, there is still a landslide slope setback, and this was used as a guide. Chair Hall clarified that the CAO is used to regulate environmentally sensitive areas as required by the Growth Management Act, and House Bill 1933 was a legislative attempt to encourage jurisdictions to make sure they are regulating their shorelines through their SMP and their critical areas through their CAO. There has been significant debate over how to make the two regulations work together.

Commissioner Pyle asked how the City would make the dog park fit into the shoreline. Ms. Redinger said staff discussed this concern with a representative from the Department of Ecology when the park was being proposed. She indicated that as long as bags are provided and the hours of use are limited, there should not be an impact on the shoreline in that particular area.

Study Session: Town Center Subarea Plan

Mr. Tovar reminded the Commission that the Town Center Subarea Plan has been on the Commission's work program for more than two years, and they recently conducted a walkabout of the Town Center area. He advised that the purpose of tonight's discussion is to review the proposed work program and discuss opportunities for public outreach.

Mr. Tovar suggested that a public open house be scheduled for October 29th. The event could be advertised in *CURRENTS* and on the City's website. In addition, he would announce the open house at the Council of Neighborhoods meeting on September 2nd and the Richmond Highlands Neighborhood Association Meeting on October 6th. Staff would also seek opportunities to attend neighborhood

meetings to provide information about the Town Center Subarea Plan process. He said staff had originally intended to conduct the public open house in September so that the entire process could have been completed by next spring. However, they now believe it will take a longer period of time to complete the project for the following reasons:

- The Commission will want to consider the traffic and transportation implications of different scenarios before they make a final recommendation. Staff is currently working on the Transportation Master Plan Update, and a computer model would consider the different alternatives, consequences, road segments and intersections, but the information would not be available until next spring or summer.
- The Commission also has the parallel work task of design review. Staff anticipates the Commission would begin scoping the design review process and identifying standards and guidelines sometime between now and next spring. It is likely that the adopted design review standards would be applicable in many places, including Town Center. It would be logical to have this tool ready to go when they consider what the final subarea plan and regulations should look like.
- The entire Comprehensive Plan Update must be completed by the end of 2011, and one element of this process will be figuring out how to accommodate the City's new growth target, which will be in the neighborhood of 5,000 jobs and 5,000 households. Within the next six to eight months, the Commission would discuss how much of this growth could be accommodated in Town Center.

Mr. Tovar explained that it will be important to engage the public during the different phases of the project. He explained that the purpose of the open house is to share information with the public and solicit their feedback. A lot of information has been generated, and it must be presented to the public in a useable and understandable format. After the open house, staff would use the public input and direction from the Commission to fashion a draft vision statement for Town Center. Once a vision statement has been approved by the City Council, the Commission and staff would begin discussions about how to best implement the vision.

Chair Hall recalled that most quasi-judicial matters are being sent to the Hearing Examiner rather than the Planning Commission through the end of the year to enable them to spend their time working on other issues. At some point, the Commission should discuss the option of recommending the City Council extend this practice for an additional time period based on their upcoming work program.

Commissioner Behrens suggested it would be appropriate to solicit input from the business owners within the Town Center study area as soon as possible. These people could be dramatically impacted by whatever happens, so it would be important to hear their ideas and concerns. Chair Hall recalled public concern that if Town Center was all developed residentially, the City would lose businesses. He emphasized that growth targets indicate the City must accommodate 5,000 housing units and 5,000 jobs, and their goal should be a net increase in both measures in the study area.

Commissioner Pyle asked if it would be possible to require a balance between the number of new housing units and the number of new jobs. Otherwise, the number of housing units could easily overrun the job units. Mr. Tovar said this would be a difficult concept to implement. Instead, he suggested the Commission discuss the City's priorities and preferences and identify ways to send signals to the market

about what they want to happen in different parts of the City. These signals could center on where the City spends their money for such things as traffic calming measures, walkways, park facilities, etc.

Chair Hall summarized that the Commission would be in favor of increasing the business and commercial opportunities in the Town Center area. Commissioner Kaje reminded the Commission that this issue was addressed as part of the new vision. He agreed it is important to be more creative on the economic side of the issue and not simply look for a little bit of retail with a stack of houses on top.

Commissioner Piro suggested staff gather information about how other jurisdictions such as Mill Creek, Renton, Kent, and Burien phased in the various components (residential, economic, etc.) of implementing their town center plans. Chair Hall noted that Mill Creek has multiple stories of commercial and retail space, which would also be an option to consider for Town Center.

Commissioner Piro thanked staff for spending time to mine the resources and work that has already been done related to Town Center. He suggested the Commission consider how to package the information for public consumption and review. Mr. Tovar agreed and briefly explained staff's thoughts for preparing information for the open house. Commissioner Piro inquired if it would be possible to conduct the open house at the new City Hall, which is located within the study area. Mr. Tovar explained that there is no access to the parking garage until the old building has been removed, which might not be done in time for the open house. Commissioner Piro suggested that if Town Hall is not available, the meeting should be held in another location within the study area, such as the Fire Station.

Mr. Tovar questioned what role the Planning Commissioners want to play at the open house. They could work the various stations and answer questions and have dialogue with the public, or they could float around the various stations offering thoughts without drawing conclusions. Vice Chair Wagner suggested it would be helpful for representatives of the Housing and ABC Committees to be present to speak on these two issues and engage the public so they can understand what has been done and where their input can help shape the future.

Commissioner Behrens suggested it would be helpful to identify some central concepts (i.e. traffic, housing, job creation, walkability, etc.) to present at various stations and then use the available resources to support the various issues. This would help the public understand all of the pieces that must be dealt with as part of the process. Mr. Tovar agreed it is important to organize the information and concepts in ways that make sense to the public; and using a bulleted graphic format would probably be the best approach.

Commissioner Perkowski suggested the public be invited to respond to three to five specific questions related to the study area. This would enable the Commission to prompt input on certain issues. He also recommended the materials provided to the public be condensed to just a few pages and published on the City's website a few weeks prior to the open house. Rather than being an entirely educational meeting, the open house should focus on obtaining feedback from the public. They could also provide opportunities for citizens to request more information about particular topics.

Chair Hall reviewed that staff would be responsible for collating and working with the input to create a proposal for the Commission's consideration. Once a draft proposal has been prepared, the Commission would sit as the advisory body to review the proposal, consider public testimony, and make a recommendation to the City Council.

Mr. Tovar said staff would give some thought about how to structure the open house so that interested citizens have an opportunity to provide feedback and comments, but also so citizens can obtain information regarding the proposal. He briefly reviewed different methods for collecting public feedback. The Commission concurred that the open house should be used as an opportunity to solicit thoughts and comments, but also to educate the citizens.

Commissioner Kaje suggested that prior to the open house, it might be helpful to conduct additional walkabouts of the study area for either the general public or a targeted audience such as business and property owners. This would be a good way to get people talking ahead of time to become more grounded in the issues. Mr. Tovar agreed. Commissioner Piro suggested that perhaps staff could also prepare a short virtual tour of the study area for the public to view at the open house.

Commissioner Behrens recalled that when the Commissioners participated in their walking tour of the study area, he was taken aback by the amount of traffic, noise, etc. He suggested they specifically seek feedback from the people who live in the neighborhood and interact with the way it works. He suggested they prepare a questionnaire that could be mailed to those living within the study area. The questionnaire could invite the residents to attend the open house and provide input about how they want their neighborhood to be developed. Mr. Tovar agreed this would be possible, but the Commission must have a discussion with the City Council about the budget implications of this type of outreach.

Chair Hall said that while neighborhoods will typically say they don't want anything to change, it was clear in the visioning work and the work of the economic development advisory committee that Aurora Avenue North is the City's signature boulevard and the core of their sales tax base. While the immediate neighbors would be impacted by increased development, everyone in the City would benefit from increasing the tax base. It is good to involve the neighborhood, but it is equally important to involve residents from throughout the City.

PUBLIC COMMENT

Richard Kink, Shoreline, said his comments are related to the Shoreline Master Plan elements that were discussed earlier by the Commission. He noted that he has lived on Apple Tree Lane since 1997, and since that time he has been very actively involved with the Washington State Fisheries and Department of Ecology in their development of the new regulations. He was also involved in the Brightwater siting survey. He reminded the Commission that RCW 90.58.100, which establishes the Shoreline Management Act, states that "when preparing master programs, local governments shall consider all plans, studies, surveys, etc." Nowhere in the several hundred pages of documentation that was provided by the consultants did they note a study called the King County Near Shore Habitat Mapping Data Report, which was completed in March of 2001 for the area from Picnic Point to Point Wells. The report was previously known as the Marine Outfall Siting Survey, which was completed by

Pacific Northwest Laboratories. It mapped 22 kilometers that included side-scanning sonar and 144 kilometers of videotaping. It is one of the most extensive and detailed surveys of the near shore habitat done anywhere in the State of Washington, and would be a good base line for the City's SMP update. He noted there was not a lot of detail provided by the consultant as to where they obtained their information, and there is a lot of generic rather than site-specific information.

Mr. Kink advised that RCW 58.20 states that local designations shall provide a permitting preference for residential bulkheads associated with properties that were occupied before 1992. He noted the consultant has recommended a special designation for Point Wells, and he suggested the City also consider adopting a special shoreline residential designation for Apple Tree Lane. It is unlike any other shoreline in the State in that it is fully armored, developed with all residential uses, and the shoreline is fully established.

Mr. Kink emphasized the law requires the City to recognize and protect private property rights and there is no debate about public access to the water from 27th Avenue Northwest. The properties are all privately owned, and a court case 20 years ago against a private owner was dismissed with prejudice. He encouraged the Planning Commission to adopt special conditions for 27th Avenue Northwest. He observed that the majority of the lots are legally non-conforming.

Wendy DiPeso, Shoreline, thanked the Commission and staff for repeatedly stating how important expansion of the business base is for the benefit of the whole community. As far as public outreach, she suggested that how the City handles their messaging is very important. They should ask what people care about and include such things as traffic, jobs, and safety. To keep the costs down, she suggested that rather than mailing out notices, volunteers could hand deliver the letters to target audiences and neighborhood groups. A personal touch can make a huge difference. Oftentimes, people throw notices from the City away thinking they are junk mail. She suggested the City contact the Chamber of Commerce, Republic and Democratic party committee offices, etc.

Vice Chair Wagner asked Mr. Tovar to follow up with Ms. Redinger with regard to the report referenced by Mr. Kink. Mr. Cohn agreed to check with the consultants to make sure they reviewed this report.

DIRECTOR'S REPORT

Mr. Tovar announced that the Planning and Development Services Department would move to their new office at City Hall this weekend. All City operations would be relocated to City Hall as of Monday, August 24th. The new City Council Chambers is nice, with a large screen and four flat screen televisions. It will be a wonderful place for the open house if parking is available by the end of October.

Mr. Tovar reported that a Point Wells Charette is scheduled for August 22nd from 10 a.m. to 3 p.m. at the Fire Station Headquarters on Aurora Avenue. Planning Commissioners are invited to attend. The event is sponsored jointly by the Richmond Beach Community Association and the City of Shoreline. Volunteers from the community would facilitate the meeting.

Mr. Tovar reminded the Commissioners that they are invited to attend a Planning Short Course on October 14th, with the location to be announced at a later date. Phil Olbrechts from Ogden Murphy Wallace would talk about legal basis for planning, appearance of fairness, conflict of interest, open meetings act, etc. Ed McGuire who was on the Puget Sound Hearings Board for 14 years would talk about the Growth Management Act, case law, etc. Shane Hope, Planning Director for the City of Mountlake Terrace would talk about innovations in land use planning and regulation, form-based codes, design guidelines, and other current planning practices. Chair Hall said he attends a short course session every few years, and he learns something new each time. He encouraged the Commissioners to attend, if possible.

Chair Hall asked staff to report at a future meeting on what the City is pursuing in terms of grant opportunities associated with the Federal Stimulus Act.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

Topic Ideas for Joint City Council/Planning Commission Meeting

Chair Hall recalled the Commission already agreed they would like to discuss how the City can increase opportunities for meaningful public input.

Mr. Tovar suggested the Commission and City Council discuss how they can communicate the following phases of the legislative review process to the public:

- **Preparation.** The City Council places a topic on their work program, giving a general sense of the issues but not identifying the full scope. The public could be invited to share their perception of the problem and what they think should be included in the scope, as well as resources they would like the Commission and staff to consider.
- **Review.** The Planning Commission works with staff to identify a specific scope for the project. At that point, there could be another opportunity for the public to share what they think about the scope as it is being shaped, but the public hearing would not be conducted until an actual proposal has been drafted. The testimony provided would not be part of the record.
- **Public Hearing.** The testimony that is provided at the hearing would become part of the record that is forwarded to the City Council along with the Commission's recommendation.
- **Final Adoption.** After the public hearing, the Planning Commission would forward a recommendation to the City Council along with the record that was established during the public hearing.

Mr. Tovar said it is important to make it clear as to when and how the public can give input and when and how staff and the Commission can do something with the input. He emphasized that public testimony starts when there is a proposal on the table, and that is when the record is built. Any

comments given before the public hearing are not considered public testimony or part of the record. While they do have value and are appropriate, they are different. Another issue the Commission must discuss is how to structure their agendas to take public comment. He reminded the Commission of Council Goal 10 which is related to enhancing the public's opportunity to be engaged in the right way at the right time to be most effective.

Chair Hall summarized there are two broad topic areas for the joint meeting: how to increase opportunities for public input and the work plan. The Commission concurred that they would like to discuss these two topics.

Commissioner Piro noted that repeated attempts to provide information in *CURRENTS* that identifies the Planning Commission and provides contact information have been unsuccessful. He suggested they raise this issue with the City Council. Mr. Tovar agreed that having a specific portion of each edition available to talk about Planning Commission issues would be helpful and consistent with City Council Goal 10. At the very least, Commissioner Piro suggested it would be appropriate for *CURRENTS* to publish where Planning Commission information can be found on the City's website, as well as a phone number for their support staff. Chair Hall summarized that the Commission would like to discuss how they can inform the public of when and how they can provide input through the Planning Commission.

The Commission briefly discussed the structure of the meeting, and staff agreed to provide name plates for the Commissioners and City Councilmembers. As a prelude to the meeting, Mr. Tovar suggested the Chair and Vice Chair of the Commission could meet with the Mayor and Deputy Mayor to discuss the format and agenda for the meeting. Chair Hall agreed that would be helpful.

Mr. Cohn suggested that as the Commission and City Council review the Commission's work program, it will be important to identify projects that will be postponed if other projects are moved forward. Chair Hall said it will also be important to consider the amount of time it will take to involve the public in each of the larger issues. Whenever possible, he suggested it will be helpful to finish one project before starting hearings on another.

Commissioner Behrens observed that if the City Council agrees it is important to improve the City's public outreach program, more staff time would be required. He suggested they have a discussion with the Council about the need for additional funding to support this goal. The remainder of the Commission concurred.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Pyle reported that staff has been working with the Southeast Neighborhoods Subarea Plan Committee, and they now have a draft proposal. He plans to attend their next two meetings where they will discuss the draft and the maps. Mr. Cohn agreed the committee is coming closer to having a draft proposal for the Commission's consideration. It is very possible their report would be ready by the end of September.

Chair Hall reported that he serves on the Puget Sound Regional Council's Regional Staff Committee. He advised that the south county region is engaged in a major overhaul of the regional transportation plan. They are updating a document that used to be called Destination 2030, and the new document would be called Transportation 2040. The draft environmental impact statement was released, and the City of Shoreline provided input. The group is currently reviewing the more than 4,000 comments. Of the people who responded, 65% wanted the most environmentally friendly alternative (Alternative 5), which would make the greatest progress towards increasing bicycle and pedestrian trips compared to single-occupancy vehicle trips and the greatest increase in transit. Funding would rely heavily on user fees. He recalled that three years ago when Vision 2040 was at this same stage, the message from the community was overwhelming in favor of being more progressive about tackling climate change. The committee will create a preliminary preferred alternative to present to elected officials this fall, with final adoption anticipated next spring.

Commissioner Piro said he staffs the Puget Sound Regional Council's Regional Staff Committee. He reported that of the 82 cities in the region, they received comments from 23, including Shoreline. He was glad that Shoreline provided comments to articulate how the work they are doing locally meshes with what is happening regionally.

AGENDA FOR NEXT MEETING

Chair Hall reviewed that the September 3rd agenda will include a discussion on tree regulations and a public hearing on the change to the Transportation Level of Service Standards.

ADJOURNMENT

The meeting was adjourned at 9:24 P.M.

Will Hall
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission