

DRAFT
CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF PUBLIC HEARING
(Via Zoom)

February 3, 2022
7:00 P.M.

Commissioners Present

Chair Pam Sager
Vice Chair Julius Rwamashongye
Commissioner Jack Malek
Commissioner Janelle Callahan
Commissioner Mei-shiou Lin

Staff Present

Rachel Markle, Planning Director
Andrew Bauer, Planning Manager
Steve Szafran, Senior Planner
Julie Ainsworth-Taylor, Assistant City Attorney
Carla Hoekzema, Planning Commission Clerk

Commissioners Absent

Commissioner Andy Galuska (excused)

CALL TO ORDER

Chair Sager called the public hearing of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Ms. Hoekzema called the roll.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of January 20, 2022 were accepted as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

**PUBLIC HEARING: 2021 DEVELOPMENT CODE AMENDMENTS BATCH #2 – MISC.,
SEPA & TREE AMENDMENTS**

Chair Sager made introductory comments regarding the purpose of and procedures for the public hearing. She opened the public hearing at 7:02 p.m.

Staff Presentation: Senior Planner Szafran made the staff presentation regarding the 2021 Development Code Amendment Batch #2 – Miscellaneous, SEPA, and Tree Amendments.

Miscellaneous Amendments: The staff-initiated amendments discussed on July 15 are a mix of updates, clarifications, and policy changes to parking, setbacks, and adaptive reuse of commercial buildings. Staff is recommending that these be approved as written.

SEPA (State Environmental Policy Act Amendments): These are related to the SEPA process and are staff initiated. They are related to the way certain permits are reviewed and appealed and how SEPA, if required, is reviewed and appealed. None of the amendments will substantively change the City's evaluation of environmental impacts of a proposal. Staff is recommending approval of amendments shown.

Tree Amendments: These are mostly privately initiated amendments with one staff-initiated proposal. It includes new and revised definitions, protection of trees during development, tree retention, tree replacement, and public notification when trees are removed in the public right-of-way.

- Tree Amendment #1 – This would add definitions for Critical Root Zone (CRZ) and Inner Critical Root Zone (ICRZ).
- Tree Amendment #2 – This would add revised definitions for Tree Canopy, Hazardous Tree, and Landmark Tree.
- Tree Amendment #3 – This would add the definition for Urban Forest and Urban Tree Canopy.
- Tree Amendment #5 – This would revise the Purpose section of Tree Code and would strengthen the language related to Shoreline's commitment to protecting and maintaining the tree canopy in the City.
- Tree Amendment #6 – This would revise General Requirements for Trees. Staff agrees the language should be added to provide additional protections for protected trees and vegetation where applicable. The original amendment has been amended by staff for consistency with existing provisions of the Shoreline Development Code.
- Tree Amendment #8 – Development standards for clearing activities. Staff agrees with the applicant's proposed increase of minimum tree retention requirements from 20% to 25% provided that the recommended language in Amendment #9 is included as well.
- Tree Amendment #9 – This would allow the Director to waive or reduce the minimum significant tree retention if an applicant meets certain criteria.

- Tree Amendment #11 – This relates to tree protection standards during construction and onsite arborist observation when work is near the critical root zone. It increases the size for tree protection fencing from 4-feet to 6-feet and removes “plastic safety fencing”. Staff recommends keeping the language requiring pruning of visible deadwood on trees to be protected or relocated.

Mr. Szafran summarized that staff is recommending approval of all the amendments shown in Attachment A of the Staff Report.

Clarification Questions by the Planning Commission:

Commissioner Malek asked for clarification about how they arrived at the number for the increase of significant tree retention from 20 to 25%. Mr. Szafran explained it was requested by the public to increase it by 5%. Originally, there was an incentive table where everything was increased to 25% with incentives for additional retention. Those incentives were pulled out by staff to possibly be worked on in the future. Staff can support an increase from 20 to 25% because most of the development applications are saving more than that anyway.

Public Testimony:

Bob Gregg, Clinton, Washington, spoke in support of the staff recommendation to unbundle the parking in the Miscellaneous Amendments. He stated he also has submitted a written document. He does a lot of development in this area. He is a LEED (Leadership in Energy and Environmental Design) accredited professional, and they strongly encourage unbundling parking for environmental reasons, noting it has been very effective in getting people to use public transportation, ridesharing, carpooling, etc.

Susie Good, Seattle, spoke in support of unbundling parking on behalf of a property management company that has properties in Shoreline. She spoke to environmental reasons and noted that most of the parking garages they have are not on a one-to-one ratio. This makes it harder to comply with the code the way it is written and ends up with empty parking spots. She added it is also difficult to manage the spaces for renters.

Bill Turner, Shoreline, spoke on behalf of the Tree Preservation Code Team related to Amendment #2, Significant Tree definition in support of measuring of 6” diameter breast height (DBH). He noted that most surrounding cities have defined 6” DBH for their significant trees. Shoreline’s own code definition for significant public street trees is 6” DBH. Unfortunately, Bothell’s significant 8” DBH has been cited as an example, but Bothell is not an example to follow as they are behind the times in tree protection. The Tree Preservation Code Team is joined by the Citizens Advisory Group in recommending 6” DBH for the definition of significant trees. In light of all this he encouraged the Planning Commission to recommend the 6” DBH to the City Council.

Nancy Morris, Shoreline, spoke to the importance of preserving mature trees. She urged the Planning Commission to repeat the wisdom of the 2012 Planning Commission and recommend the protective tree code amendments 2, 6, and 10 as written by the Tree Preservation Code Team along with the other tree code amendments. She encouraged everyone to protect the trees and do what they can to help mitigate the climate extremes.

Kathleen Russell, Shoreline, Tree Preservation Code Team member, said she was confused by the staff presentation because several of the recommendations by the Code Team were not included in the presentation. These include Amendment 2, significant 6” definition; Amendment 2, landmark 24” definition; Amendment 6, general requirements penalties; Amendment 7, tree exemption on large properties; and Amendment 10, tree replacement or fee in lieu. She asked if the Planning Commission would have the opportunity to vote on those proposed codes tonight. She stated that the proposed codes would save some trees in the neighborhoods, especially at MUR35 and MUR45 sites. They do not pertain to the seven zones where none of the trees must be retained. She asked the Planning Commission to recommend all the proposed code changes to Council.

Ann Bates, Shoreline, spoke in support of the amendments 2, 6, and 10 as proposed by the Tree Preservation Code Team. These will help to preserve more and larger trees. The Shoreline Comprehensive Plan states that Shoreline should maintain and improve its tree canopy. Development is resulting in cutting down trees that are needed to lessen the effects of global warming. These amendments are meant to improve the environment and the health of the people in the City.

Peter Eglick, Attorney for the Innis Arden Club, Shoreline, stated that Innis Arden is the steward for 50 acres of forested reserve tracts. They have planted several hundred trees over the last few years. They strongly believe that trees and forests are important; however, they believe that what is being proposed by the Tree Preservation Code Team is not well thought through and not well supported. He hasn’t seen actual review of these proposed amendments by experts in the field to understand what their effects will be. He commented that Innis Arden was never invited as a stakeholder to participate in conversations that took place with staff before these amendments were brought forward. When they found out about them, they submitted comments on December 2, January 6, and January 18. Their recommendation is that none of the amendments related to trees should go forward. Instead, the City should establish a stakeholder process with an eye toward preparing an Environmental Impact Statement that addresses what it means to make regulatory changes in the City. He commented on the lack of science used to determine what level of replacement is appropriate and viable. The City’s own engineering standards are in conflict with the aspirations of some of these amendments.

Seeing no further comments, the public hearing was closed at 7:36 p.m.

Mr. Szafran mentioned that staff presented the Planning Commission with the amendments recommended for approval. The other amendments which he did not go over are in Attachment B of the Staff Report. He did not review them in the PowerPoint because they are not part of the staff recommendation.

Miscellaneous Amendments:

VICE CHAIR RWAMASHONGYE MOVED TO APPROVE THE MISCELLANEOUS AMENDMENTS AS PRESENTED BY STAFF AND TO FORWARD A RECOMMENDATION FOR APPROVAL TO CITY COUNCIL. COMMISSIONER MALEK SECONDED THE MOTION.

Vice Chair Rwamashongye spoke in support of the amendments as presented by staff.

THE MOTION WAS UNANIMOUSLY APPROVED (5-0).

SEPA Amendments:

Commissioner Callahan moved to approve the 2021 Comprehensive Plan Amendments, related to SEPA, in the Staff Report dated February 3 and forward a recommendation of approval to City Council. Commissioner Lin seconded the motion.

THE MOTION WAS UNANIMOUSLY APPROVED (5-0).

Tree Amendments:

Commissioner Callahan asked procedural questions. City Attorney Ainsworth-Taylor responded. Commissioner Malek asked how Mr. Eglick's recommendation would play out. City Attorney Ainsworth-Taylor explained the Planning Commission would make a recommendation to the City Council to not approve any of the Tree Code amendments, and the City Council would make the ultimate decision.

COMMISSIONER MALEK MOVED TO DENY ALL AMENDMENTS AS WRITTEN IN THEIR ENTIRETY AND REFER THEM BACK TO STAFF FOR MORE STUDY AND TO INCLUDE MORE SCIENCE AND MORE STAKEHOLDER PARTICIPATION. THE MOTION WAS SECONDED BY VICE CHAIR RWAMASHONGYE.

Commissioner Malek commented that he believes there have been some well-organized private citizen stakeholder groups represented, but not enough of a cross section of stakeholders in the community have been heard from. He urged everyone to think carefully about this because it is a big issue and goes to the character of Shoreline as one of the most treed communities.

Commissioner Lin stated she agrees they would like to have more study and a more holistic look, but she also feels these amendments have been looked at and studied for a long time. Many of the suggestions are aligned with cities that are moving toward preservation or fighting climate change. She suggested they continue to improve the code with more considerations and additional work that will happen in the future. She was not in support of denying all the recommendations.

Vice Chair Rwamashongye spoke to the importance of balancing accountability and responsibility with respect to development. This issue is so important to the City of Shoreline that more engagement with the citizens makes sense. He acknowledged that staff has done a lot of work and attempted to get public engagement, but it looks like there is an opportunity to do more.

Chair Sager agreed with Commissioner Lin that there is more work to be done, but it is important to take a step in the right direction. It is not over, but these amendments are a good start.

Commissioner Malek expressed concern that there is no impetus to continue refining this if it is not on the table. He spoke in support of looking at these as a group and allow for a better cross-section of the community to speak to this.

Commissioner Lin agreed that further study will be needed but this is a step in the right direction. She thinks this is an opportunity to listen to concerns that they are losing tree canopy. She thinks this may trigger further looking into regulations.

UPON A ROLL CALL VOTE, THE MOTION FAILED 2-3 WITH COMMISSIONERS MALEK AND RWAMASHONGYE VOTING IN FAVOR AND COMMISSIONERS CALLAHAN, LIN AND SAGER VOTING AGAINST THE MOTION.

COMMISSIONER CALLAHAN MOVED TO APPROVE THE 2021 COMPREHENSIVE PLAN AMENDMENTS, ATTACHMENT C, TREE CODES, TO THE STAFF REPORT DATED FEBRUARY 3, 2022 AS RECOMMENDED BY STAFF AND FORWARD A RECOMMENDATION FOR APPROVAL TO CITY COUNCIL. THE MOTION WAS SECONDED BY COMMISSIONER LIN.

Amendment #C1:

AMENDMENT #C1 PASSED UNANIMOUSLY (5-0).

Amendment #C2:

AMENDMENT #C2 PASSED UNANIMOUSLY (5-0).

COMMISSIONER CALLAHAN MOVED TO WITHDRAW THE VOTE ON AMENDMENT #C2 DUE TO CONFUSION AMONG THE PLANNING COMMISSION ABOUT THE SUBSTANCE OF THE VOTE. THE MOTION WAS SECONDED BY COMMISSIONER MALEK. THE MOTION PASSED UNANIMOUSLY (5-0).

COMMISSIONER CALLAHAN MOVED TO APPROVE TREE AMENDMENT #C2 AS PRESENTED BY STAFF AND FORWARD A RECOMMENDATION TO CITY COUNCIL. THE MOTION WAS SECONDED BY COMMISSIONER LIN.

COMMISSIONER CALLAHAN MOVED TO AMEND THE DEFINITION OF A LANDMARK TREE FROM OVER 30” DBH TO 24” DBH. CHAIR SAGER SECONDED THE MOTION.

Commissioner Callahan stated she wants the City to go further in saving trees as other jurisdictions are doing so that more trees are protected. She noted that the code may benefit from further refinement and study, but that is not a reason to stop this now.

Chair Sager agreed that this is important, and they need to start somewhere.

THE AMENDMENT TO THE MAIN MOTION RELATED TO #C2 PASSED (4-1) WITH COMMISSIONER MALEK VOTING AGAINST THE MOTION.

THE MAIN MOTION TO APPROVE AMENDMENT #C2 AS AMENDED PASSED (4-1) WITH COMMISSIONER MALEK VOTING AGAINST THE MOTION.

Amendment #C3:

COMMISSIONER CALLAHAN MOVED TO APPROVE AMENDMENT #C3 AS PRESENTED BY STAFF. THE MOTION WAS SECONDED BY COMMISSIONER LIN. THE MOTION PASSED UNANIMOUSLY (5-0).

Amendment #C5:

COMMISSIONER CALLAHAN MOVED TO APPROVE AMENDMENT #C5 AS PRESENTED BY STAFF. THE MOTION WAS SECONDED BY COMMISSIONER LIN. THE MOTION PASSED (4-1) WITH COMMISSIONER MALEK VOTING AGAINST THE MOTION.

Amendment #C6:

COMMISSIONER CALLAHAN MOVED TO APPROVE AMENDMENT #C6 AS PRESENTED BY STAFF. THE MOTION WAS SECONDED BY COMMISSIONER LIN.

Commissioner Malek expressed concern about devising their own science and pandering to a group that is very focused on using trees alone to impact the carbon footprint and global warming. He thinks trees are extremely important, but he also thinks they will lose more trees if they don't address bigger problems that are happening around us. Trees are great carbon sponges, but not putting carbon in the air at all is as good a way to mitigate and address the global warming issue. He expressed concern about the impact this could have on the goal of getting reasonable income and low-income housing as well as good housing that is dense and located near a multi-modal corridor. Eliminating carbon from the environment by concentrating density needs to also be considered.

THE MOTION TO APPROVE AMENDMENT #C6 PASSED (4-1) WITH COMMISSIONER MALEK VOTING AGAINST THE MOTION.

Amendment #C8:

COMMISSIONER LIN MOVED TO APPROVE AMENDMENT #C8 AS PRESENTED BY STAFF. THE MOTION WAS SECONDED BY COMMISSIONER CALLAHAN.

Commissioner Lin stated she is happy to hear from staff that many developments are already saving 25% of trees.

THE MOTION TO APPROVE AMENDMENT #C8 PASSED UNANIMOUSLY (5-0).

Amendment #C9:

COMMISSIONER CALLAHAN MOVED TO APPROVE AMENDMENT #C9 AS PRESENTED BY STAFF. THE MOTION WAS SECONDED BY COMMISSIONER LIN.

Commissioner Callahan stated she thinks it is important for the director to have this authority in those rare cases where waiving the requirement may be helpful for a homeowner who has a difficult situation.

Commissioner Lin commented on the importance of allowing this flexibility until the code is more refined.

THE MOTION TO APPROVE AMENDMENT #C9 PASSED UNANIMOUSLY (5-0).

Amendment #C11:

COMMISSIONER LIN MOVED TO APPROVE AMENDMENT #C11, TREE PROTECTION STANDARDS, AS PRESENTED BY STAFF. THE MOTION WAS SECONDED BY COMMISSIONER CALLAHAN.

Commissioner Lin stated she thinks this is a good step to preserving trees.

Vice Chair Rwamashongye asked how construction would happen within the dripline of a tree. Mr. Szafran replied that an arborist would have to be on site to make sure there isn't any damage to the tree.

Commissioner Malek commented that it seems excessive to expect an arborist to be there.

COMMISSIONER MALEK MOVED TO STRIKE PART E. THE MOTION DIED FOR LACK OF A SECOND.

Commissioner Lin commented that a protective fence is usually put up around the critical root zone. This item states that if the work must happen within that area, an arborist will need to be present to help the tree's survivability.

THE MOTION PASSED (4-1) WITH COMMISSIONER MALEK VOTING AGAINST THE MOTION.

THE MAIN MOTION AS AMENDED ABOVE PASSED (4-1) WITH COMMISSIONER MALEK VOTING AGAINST THE MOTION.

Commissioner Lin asked if the amendments not recommended by Planning staff will still be forwarded to City Council. Staff replied that they would. Commissioner Lin asked if the Commission should vote

on them. City Attorney Ainsworth-Taylor stated they could do that if they wanted to attach a recommendation. Either way, Council will still get the amendments in their packet. Commissioner Lin stated that staff has done a study of the denied items, but she would like to recommend that the 6” versus 8” significant tree definition be studied further to better understand the impacts. Chair Sager concurred. City Attorney Ainsworth-Taylor stated that when she drafts the recommendation letter to the Council, she will include the points and concerns the Commission has raised.

Vice Chair Rwamashongye asked if there are opportunities for developers to work with neighboring properties to plant a tree there if they remove one on their property to offset the loss. If so, would a 6” tree be the appropriate tree. He recommended looking at counterbalances in writing the regulations as opposed to just being restrictive.

Commissioner Malek noted they used to do the tree swap thing with the Parks where people could plant trees in the parks. He commented that he loves trees, but thinks it is very important that they don’t go down the path where they start to create landscape architect permits and plans for every individual, residential home. He thinks they need more science behind how the trees will be impacted. He agreed that keeping trees in the community by some sort of swap as suggested by Commissioner Rwamashongye is a good idea.

Commissioner Lin agreed with having a more creative approach. She recommended looking at the big picture and how they manage the larger parcels. She wondered about having a sort of forest management overlay to look at tree removal or preservation. This relates to Commissioner Malek’s point of looking at the Shoreline community as a whole.

Director Markle pointed out that the current code says that you can relocate a tree to another lot, but it doesn’t say that you can plant another tree.

STUDY ITEM: 2022 DRAFT COMPREHENSIVE PLAN DOCKET

Mr. Szafran reviewed the 2022 Draft Comprehensive Plan Docket:

- Amendment #1 – Amend the Transportation Master Plan (TMP) and Transportation Element which includes updated goals and policies.
- Amendment #2 – Begin 2024 Comprehensive Plan Major Update. Staff has included a proposed outline schedule.
- Amendment #3 – Amend the Comprehensive Plan Land Use Map Designation from Public Facility to Mixed Use 1 and change the zoning from Residential, 18 units/acre (R-18) and Mixed-Business (MB) to Mixed-Business (MB) at the King County metro Park & Ride Facility at 19000 Aurora Avenue N.
- Amendment #4 – Amend the Land Use Element to add a new policy “Housing development and preservation of significant trees can co-exist with the goal of maintaining and increasing Shoreline’s urban tree canopy”.
- Amendment #5 – Add Short Term Rental definition, licensing requirements, and location. Staff’s recommendation is not to include this in the Comprehensive Plan process but address it in other ways such as the Development Code process.

Staff is recommending that Amendments 1-4 be included in the Final 2022 Docket.

VICE CHAIR RWAMASHONGYE MOVED TO RECOMMEND TO COUNCIL APPROVAL OF THE 2022 COMPREHENSIVE PLAN DOCKET AS PRESENTED BY STAFF. THE MOTION WAS SECONDED BY COMMISSIONER MALEK.

Vice Chair Rwamashongye spoke to the importance of the Comprehensive Plan updated and aligned with goals and policies.

MOTION PASSED UNANIMOUSLY (5-0).

UNFINISHED BUSINESS

None

NEW BUSINESS

Commissioner Malek commented that a community member is doing work regarding safe and accessible park access. Commissioners should be receiving something soon.

REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS

None

AGENDA FOR NEXT MEETING

Staff reviewed the agenda for the next meeting which is scheduled for February 17, 2022.

ADJOURNMENT

The meeting was adjourned at 9:13 p.m.

Pam Sager
Chair, Planning Commission

Carla Hoekzema
Clerk, Planning Commission