

**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<p><b>AGENDA TITLE:</b> Type C Action: Quasi Judicial Public Hearing Site-specific Comprehensive Plan Amendment Echo Lake Properties, LLC, Located at 19250 Aurora Ave N. File #201372</p> <p><b>DEPARTMENT:</b> Planning and Development Services</p> <p><b>PRESENTED BY:</b> Tim Stewart, Director Kim Lehmborg, Planner II</p>
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**I. PROPOSAL**

The proposal before the Planning Commission is a request for a Comprehensive Plan Amendment. The amendment requested is to change the land use designation of a portion of the property from High Density Residential (HDR) and Public Open Space (PubOS), to Mixed Use (MU).

The existing Comprehensive Plan designations for the parcel are as follows: the western portion of the site (approximately 1.85 acres) is designated as Mixed Use (MU), the eastern portion (approximately 6.1 acres) is designated as High Density Residential (HDR). There is a 50-foot wide strip (approximately 34,773 square feet) along the northern border from Aurora to the interurban trail that is designated Public Open Space (PubOS).

Consistent zoning for the MU land use designation ranges from R-8 to R-48, Neighborhood Business, Community Business, Regional Business, or Industrial. The existing zoning of the parcel is consistent with the proposed change in land use designation.

At the April 14, 2005 Public Hearing, the Planning Commission directed staff to offer additional analysis of the open space designations and several Comprehensive Plan goals and policies that should be taken into consideration that were not presented in the April 14 staff report. Both the 1998 and the 2004 Planning Commission recommended changes are presented. In addition to the additional policy analysis, this report contains Shoreline Municipal Code (SMC) Section 20.30.340, outlining the criteria for Comprehensive Plan amendment review.

## **II. ADDITIONAL ANALYSIS**

### **Private Open Space**

**LU 70**(1998): "Private open space": *"The Private Open Space designation should be applied to all privately owned open space. It is anticipated that the underlying zoning for this designation shall remain"*.

**LU 70**(2004 PC Recommended Plan): "Private open space": *"The Private Open Space designation applies to all privately owned open space. It is anticipated that the underlying zoning for this designation shall remain."*

The PubOS designation was recommended by staff to ensure that there would not be a net loss of open space designations in the City. The designation does not on its own prohibit or allow development, because the underlying zoning designation remains in place. The Critical Areas Ordinance governs what can take place within the wetland buffer. Only low impact uses that will not adversely impact the function of the wetland buffer are allowed under the Critical Areas Ordinance.

A land use designation of Open Space (either Public or Private) could come into play in the instance of an application for a land use action that had to be compatible with the Comprehensive Plan. For instance, an application for a zoning variance or a conditional use permit are reviewed under a set of approval criteria that includes compatibility with the Comprehensive Plan. As an example, if a zoning variance to height limitations was requested, and the proposed height would negatively impact the Open Space designation, then that could be grounds to have such a variance denied.

### **Public Open Space**

**LU 69** (1998): "Public open space": *"This designation has been applied to all publicly owned open space and to some privately owned open space that might be appropriate for public acquisition. It is anticipated that the underlying zoning for this designation shall remain."*

**LU 69** (2004 PC Recommended Plan): "Public open space": *"This designation applies to all publicly owned open space and to some privately owned open space that might be appropriate for public acquisition. It is anticipated that the underlying zoning for this designation shall remain."*

Again, the underlying zoning regulations would govern the development of a parcel with this designation. The existing strip is already developed except in the grassy area south of the lake. The land use designation would not prohibit development that was in keeping with the zoning designation and the development code. The applicant could build an access road, parking, or structures, whatever was allowed by the underlying zoning in this land use designation. If, however, an applicant requested a variance to the underlying zoning standards, or a conditional use permit, there could be grounds for denying such variance or conditional use if such variance or use would be incompatible with the open space designation.

**Goal PR 1** (1998 & 2004 PC Recommended Plan) : *Enrich quality of life for all Shoreline residents by ensuring that a broad range of high quality parks, recreation and cultural opportunities are readily available, by preserving open spaces and maintaining a quality parks and recreation system.*

The Interurban Trail provides an excellent recreation opportunity that is in proximity to the south end of Echo Lake. The 50 foot strip across the northern boundary of the site that is currently designated Public Open Space stretches from Aurora to the new Interurban Trail. Public access to the lake could be considered desirable if the area currently designated Public Open Space were obtained and developed as such by the City. Recreation opportunities in the wetland buffer would be limited to passive uses allowed by the Critical Areas Ordinance, such as wildlife viewing platforms, permeable trails, picnic tables, etc.

**Policy PR2** (1998): *Preserve, protect and enhance areas (where practical) with critical or unique natural features – such as stream corridors, wildlife habitats, shorelines and wetlands – especially if endangered by development.*

**Policy PR2** (2004 PC Recommended Plan): *Preserve, protect and enhance areas with critical or unique natural features – such as stream corridors, wildlife habitats, shorelines and wetlands – especially if endangered by development, and educate the public on the importance of stewardship through a variety of mechanisms.*

Echo Lake is a critical and unique natural feature. The current Comprehensive Plan designation of High Density Residential restricts the zoning from being changed to anything but high density residential. The R-48 zoning district allows intensive development with up to 90% impervious surface and 48 units per acre.

The Mixed Use designation provides for zoning districts that allow more as well as less intensive development. Compatible zoning designations for Mixed use include the range from R-8 to R-48, Neighborhood Business, Community Business, Regional Business, or Industrial. The Regional Business zone allows commercial and residential development of up to 95% impervious surface and up to 60 feet in height.

Having a Comprehensive Plan designation of Public or Private Open Space near the lake would signal the City's intent to address this policy. However, neither of these designations controls the underlying zoning or allowable development. The Critical Areas Ordinance governs development near the lake.

**Goal PR IV** (1998): *Seek to develop a diverse City-wide trail system that provides linkages between parks, greenways, open spaces, regional trail systems, residential neighborhoods, and community businesses.*

**Goal PR IV** (2004 PC Recommended Plan): *Seek to develop a diverse City-wide trail system linking key community elements such as parks, greenways, open spaces, regional trail systems, residential neighborhoods, and community businesses.*

The area currently designated public open space would, if it were publicly owned and developed as such, provide a link between Aurora Avenue and the Interurban trail.

**Policy PR24** (1998): *Seek opportunities to develop pedestrian and bicycle connections in and around the City to connect neighborhoods with parks.*

**Policy PR24** (2004 PC Recommended Draft): *Identify opportunities to develop pedestrian and bicycle connections in and around the City to expand connectivity of community amenities with a specific focus on linking neighborhoods with parks.*

The designated strip would provide excellent connections between Aurora Avenue and the Interurban trail, if it were acquired and developed for public access. Removing the open space designation could serve as a negative policy signal that the City is no longer interested in acquiring this area for public access.

**Goal LU1** (1998 & (2004 PC Recommended Draft): *Preserve environmental quality by taking into account the land's suitability for development and directing intense development away from natural hazards and important natural resources.*

Intensive development on this site would result in the loss of a large number of significant trees, many of which provide habitat for the waterfowl and other animals that use the lake. Having a designation of open space near the lake, while not governing the underlying zoning, would signal the City's intention to preserve open space designations, especially near critical areas.

**Policy LU30** (1998): *Encourage the integration of open spaces into residential neighborhoods, including identification and protection of existing stands of trees and vegetation which serve as a greenbelt buffer, and small pocket parks when adopted and maintained to City park standards by private organizations.*

**Policy LU30** (2004 PC Recommended Draft): *Encourage the integration of public open spaces into residential neighborhoods (including small pocket parks) and protection of existing stands of trees and vegetation which serve as buffers.*

A designation of private open space would be supportive of this policy to have privately maintained open space in a neighborhood. However, removing the Public Open Space designation from the strip of property that connects Aurora to the Interurban Trail decreases the integration of the open space with other neighborhoods, in conflict with this policy.

**LU47** (1998): *Include parks in the Aurora Corridor at Echo Lake and at N. 160<sup>th</sup> Street.*

**LU47 (2004 PC Recommended Plan):** *Include parks and open space in the Aurora Corridor Plan.*

During deliberations of the 2004 Major Update of the Comprehensive Plan Commission heard testimony regarding this policy. Commenters suggested that the policy should not specifically call out locations for parks and open space along the Aurora Corridor, and that the policy should be more generalized to allow additional locations for parks and open space. The Planning Commission heard this testimony and recommended removal of the site specific locations in the policy.

The policy however does not preclude the inclusion of parks and open space at the subject site, and would support city ownership and creation of a public open space at this location.

### **Section 20.30.340 - Amendment and review of the Comprehensive Plan**

Comprehensive Plan Amendments are subject to criteria listed in Section 20.30.340 of the SMC. The section reads as follows:

- A. Purpose. A Comprehensive Plan amendment or review is a mechanism by which the City may modify the text or map of the Comprehensive Plan in accordance with the provisions of the Growth management Act, in order to respond to changing circumstances or needs of the City, and to review the Comprehensive Plan on a regular basis.
- B. Decision Criteria. The Planning Commission may recommend and the City Council may approve, or approve with modifications an amendment to the Comprehensive Plan if:
  - 1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies; or
  - 2. The amendment addresses changing circumstances, changing community values, incorporates a sub area plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan; or
  - 3. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare; or

### **III. PLANNING COMMISSION ROLE AND OPTIONS**

As this is a Type C action, the Planning Commission is required to conduct a Public Hearing on the proposal. The Commission should consider the application and any public testimony and develop a recommendation for site-specific comprehensive plan land use change approval or denial. The City Council will then consider this recommendation prior to their final adoption of the application.

Planning Commission has the following options for the application:

1. Recommend approval to change the Comprehensive Plan land use designation for the subject parcel from High Density Residential (HDR), Public Open Space (PubOS), and Mixed Use (MU), to Mixed Use (MU) for the developable portion, and Private Open Space (PrOS), for the wetland buffer, based on the amended draft findings (see Attachments VII-A and Attachment VIII of the April 121, 2005 packet).
2. Recommend approval to change the Comprehensive Plan land use designation for the subject parcel from High Density Residential (HDR), Public Open Space (PubOS), and Mixed Use (MU), to Mixed Use (MU), based on (specific findings made by the Planning Commission). See Attachment VII-B of the April 121, 2005 packet.
3. Recommend approval to change the Comprehensive Plan land use designation for that portion of subject parcel that is designated High Density Residential (HDR) to Mixed Use (MU) based on (specific findings made by the Planning Commission). Refer to yellow map handed out at April 14, 2005 Public Hearing.
4. Recommend denial of the Echo Lake Comprehensive Plan Amendment and the existing High Density Residential (HDR), Public Open Space (PubOS), and Mixed Use (MU) will remain in place, based on (specific findings made by the Planning Commission).

### **IV. STAFF RECOMMENDATION**

Staff recommends approval of a site-specific Comprehensive Plan amendment to change that portion of the land use designation from High Density Residential (HDR) and Public Open Space PubOS to Mixed Use (MU), except for an area that corresponds to a 115-foot wetland buffer, to be designated as Private Open Space (PrOS), for property located at 19250 Aurora Ave. N.