

AGENDA
CITY OF SHORELINE PLANNING COMMISSION
REGULAR MEETING

Thursday, August 4, 2005
7:00 p.m.

Shoreline Conference Center | Board Room
18560 1st Ave NE

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00 p.m.
2. ROLL CALL	7:01 p.m.
3. APPROVAL OF AGENDA	7:02 p.m.
4. DIRECTOR'S REPORT	7:03 p.m.
5. APPROVAL OF MINUTES a. July 7, 2005	7:08 p.m.
6. GENERAL PUBLIC COMMENT	7:10 p.m.

The Planning Commission will take public testimony on any subject which is not of a quasi-judicial nature or specifically scheduled for this agenda. Each member of the public may comment for up to two minutes. However, Item 6 (General Public Comment) will be limited to a maximum period of twenty minutes. Each member of the public may also comment for up to two minutes on action items after each staff report has been presented. The Chair has discretion to limit or extend time limitations and number of people permitted to speak. In all cases, speakers are asked to come to the front of the room to have their comments recorded. Speakers must clearly state their name and address.

7. REPORTS OF COMMITTEES AND COMMISSIONERS	7:20 p.m.
8. STAFF REPORTS <i>No new staff reports</i>	7:25 p.m.
9. PUBLIC COMMENT <i>No new staff reports – public comments should be provided in Item 6</i>	7:25 p.m.
10. UNFINISHED BUSINESS <i>Continued Critical Areas Ordinance Update Deliberations (See packet prepared for July 21, 2005 Planning Commission Meeting)</i>	7:25 p.m.
11. NEW BUSINESS	9:30 p.m.
12. AGENDA FOR AUGUST 18, 2005 <i>Continuance of Critical Areas Ordinance Update Deliberations (if needed)</i>	9:35 p.m.
13. ADJOURNMENT	9:40 p.m.

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CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

July 7, 2005
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Harris
Vice Chair Piro (arrived at 7:11 p.m.)
Commissioner Hall
Commissioner MacCully
Commissioner Sands
Commissioner Phisuthikul

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Steve Burkett, City Manager
Bob Olander, Deputy City Manager
Rachael Markle, Assistant Director, Planning & Development Services
Andrea Spencer, Senior Planner, Planning & Development Services
Kristie Anderson, Code Enforcement Officer
Jessica Simulcik, Planning Commission Clerk

ABSENT

Commissioner Broili
Commissioner Kuboi
Commissioner McClelland

1. CALL TO ORDER

The regular meeting was called to order at 7:05 p.m. by Chair Harris, who presided.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Commissioners Hall, MacCully, Sands and Phisuthikul. Vice Chair Piro arrived at 7:11 p.m. and Commissioners Broili, Kuboi and McClelland were excused.

3. APPROVAL OF AGENDA

A letter from Commissioner MacCully requesting a leave of absence was placed on the agenda under Item 11. The remainder of the agenda was approved as submitted.

4. DIRECTOR'S REPORT

City Manager Update on Planning and Development Services Director Recruitment

Mr. Stewart advised that he and his wife have been offered an exciting opportunity to teach and do research next year at a university in Ethiopia. As a result of this, he will be leaving the City's employment at the end of the summer, just after Labor Day. He thanked the Commission for their support and good work since he has been the Planning Director. He said the Commission is one of the most highly functioning groups he has had the pleasure to work with over the past 25 years. They challenge the staff and debate the issues effectively to oftentimes come up with better recommendations than those presented by staff.

Mr. Stewart introduced Steve Burkett, the City Manager, and Bob Olander, the Deputy City Manager, who were present to talk to the Commission about the recruitment process for the new Planning and Development Services Director. He suggested that it would be appropriate for him to leave the room during this discussion so that the Commission could be candid and honest in their comments. He said he would return for the Commission's debate regarding the proposed enhancements to the Code Enforcement Program.

Bob Olander, Deputy City Manager, said it has been his pleasure to work with Mr. Stewart, and it is with regret that they accept his resignation. He will be hard to replace. Mr. Olander briefly reviewed the process and tentative timeline for recruiting a new director. He advised that the City has hired a recruitment firm, Prothman and Associates, to help in the process. They have experience throughout the Northwest and the Country in doing executive level recruitment, particularly for cities. The position will be advertised very shortly, and the initial round of applications will be due approximately the middle of August. They plan to focus their search in the western states, which seem to have similar planning ethics and background. However, they will also advertise the position nationally in the various planning journals.

Mr. Olander advised that after the application deadline, the pool of candidates would be narrowed down to a manageable number of ten or twelve. Then the remaining applications would be reviewed by both he and Mr. Burkett, the City Manager, and the pool would be further narrowed to five or six candidates. He recalled that in the past, they have been successful using multiple interview panels, and they will likely use this process again. An interview panel of selected representatives from the Planning and Development Services Department would be created to solicit input regarding the candidates. A second panel would be formed consisting of the other department directors to allow them an opportunity to evaluate each of the candidates and provide comments about how each would fit within the City's organization. Lastly, he and Mr. Burkett would conduct the final interviews, consider the input from the two panels and make a final decision. He advised that it is anticipated the interviews would be conducted in September, with final selection being made by the end of September.

Steve Burkett, City Manager, said they are currently in the process of putting together a profile for the position. They have met with several groups as part of this process, and in addition to meeting with the Planning Commission, they will also meet with the Planning Staff, the City's Leadership Team, and the City Council. He advised that the Planning Commission is a very important element of this process,

since the relationship between the Director and the Commission is of key concern. Because the Planning Commission has a reputation of working well together, it should be easier to recruit talented individuals for the Director position. He pointed out that planning directors work in an environment where there are conflicting values, and these conflicts are brought out in many of the issues the Planning Commission deals with. It is the Planning Director's job to articulate the staff recommendations that are focused primarily on the planning concepts. It is the Planning Commission's responsibility to reflect the community values in their decisions.

Mr. Burkett said they are interested in hearing the Planning Commission's ideas and thoughts regarding the skills, strengths and experience that should be emphasized when searching for a new Planning Director. He said they are also seeking feedback from the Commission regarding the three or four key issues the Director would be faced with in the next few years since it is important to consider candidates who have experience in dealing with these particular issues. For example, the City is now at a point where they are ready to deal with economic development issues, so it would be important for the new Planning Director to have some experience in this area as it relates to planning policies and practices.

Commissioner Phisuthikul suggested that it would be important that the new director have some experience in working with a Growth Management Act, particularly in a state that has the same type of law. He would also like the new director to have experience in establishing long-range plans for the development of an urban center that could become the focal point and downtown area of the City.

Vice Chair Piro said not only is it important that the new director have a good knowledge of growth management, but that he/she have a real passion for it, since this would reflect the desires of the community to encourage and embrace growth management in the City. Some of the issues that have been raised between the Planning Staff and citizens may be the result of different visions of how to implement the Growth Management Act.

Vice Chair Piro said it is also important that the new Director have experience in creating a vision for the City. The new Director could compliment the City's current vision to develop a vibrant, robust core and bring fresh ideas and innovations forward that can help the City achieve their development goals and objectives, economic development strategies, etc.

Commissioner MacCully said he would like the new Director's management style to include a passion for planning. This person must understand the need for balance and be able to focus on the issues. The new Director must have good emotional control, while still being passionate about their goals. The person should have a broad experience base in small and medium-sized cities rather than a narrow experience base in large cities. The person should also have the ability to operate at a variety of levels (State, regional and local) and also have experience in working with the public. One of the key issues that must be addressed in the near future is the inevitable conflict between environmental and economic concerns. It is important that the new Director have the ability to marry the two together for successful development in the future.

Commissioner Sands said one thing he appreciates the most about Mr. Stewart is his ability to quickly explain the various statutory language that could impact an issue the Commission is discussing. He

said there have been many situations where someone has asked Mr. Stewart a question for clarification and he has been able to reference numerous code sections and explain how each would apply to the situation at hand. This would be a helpful skill for the new Director to have, as well.

Chair Harris agreed with Commissioner Sands. He added that it would be important for the new Director to have a broad-based background, perhaps even someone who has had an opportunity to solve controversial issues in another city.

Commissioner Hall said that, in the long term, the successful growth of Shoreline would depend upon having someone who could forge partnerships with other cities to solve regional issues such as transportation. In addition, Commissioner Hall said it is important that the new Director have the ability to continually improve the permit process and the administration of the City's plans and policies. Once the vision and infrastructure for economic development has been put in place, it is important that the City's administrative processes not hold up the progress.

Mr. Burkett advised that Mr. Stewart and the Planning Staff have been working to improve the permit process, and this work should continue. They now have an Economic Development Manager to aid in this effort. He said it is important to achieve an efficient and predictable process for implementing the policies and regulations that have been set forth by the Planning Commission and the City Council. It is also important that people are able to understand the City's policies and that they can get through the review process as quickly as possible and develop something that is consistent with the City's codes.

Mr. Burkett said that his first thought when Mr. Stewart informed him about his opportunity to go to Ethiopia was that the City would lose his ability to think on his feet. He said he has never seen Mr. Stewart stumped for an answer, no matter how technical or complex the question. He said Mr. Stewart is also very good at explaining the practical and policy implications of the various proposals that are brought forward. Mr. Olander added that he particularly appreciates Mr. Stewart's strategic ability. He can look through a complex problem and help map out a way to get through it step by step. He has the ability to explain the strategy and help keep the process on track. He said he would look for this same ability in the future Director.

Mr. Olander thanked the Commissioners for their input and said he is confident they will be able to attract some very good candidates since the City has a lot to offer right now. He referred to the article in the recent issue of Seattle Magazine where they rated 84 neighborhoods in the Seattle Region. Shoreline was identified as the number one neighborhood. Those citizens who have participated on the Planning Commission and the City Council have had a lot to do with developing this reality for Shoreline.

Commissioner Hall said he would like the Commission to be invited to any recognition event that is held to honor Mr. Stewart's service. Mr. Stewart has done a lot of great things for the City and a tremendous job of working with the Commission.

5. APPROVAL OF MINUTES

COMMISSIONER HALL MOVED THAT THE MINUTES OF JUNE 16, 2005 BE APPROVED AS CORRECTED. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION. THE MOTION CARRIED 6-0.

6. GENERAL PUBLIC COMMENT

Bob Barta, Shoreline, advised that he represents the Highland Terrace Neighborhood. He said he is also a volunteer with the Shoreline Fire Department Facility Communications Service and is on the Emergency Management Council for the City. He said he appreciates the volunteer work that the Planning Commissioners do, as well. He explained that since ancient times, cities have depended upon three strengths: a safe place to live, commercially friendly, and the preservation of sacredness. He said the City has done a good job of improving safety and becoming more commercial friendly. However, they need to work more on preserving the sacredness of the City. For example, when someone purchases property in an R-4 or R-6 zoned neighborhood, they should be able to anticipate that the development would remain consistent. He suggested that the R-4 and R-6 zones should not be considered as possible sites for cottage housing developments.

Mr. Barta referred to the concept of constructing “gateways” for the City. He suggested that these “gateways” immediately identify the character of the City and the City’s expectations. The City’s gateway program is important and should continue since the gateways provide an indication that Shoreline is a classy place to live.

Regarding Economic Development, Mr. Barta advised that Tom Boydell, the City’s Economic Development Director, has attended one of their neighborhood meetings. He pointed out that there are a number of shopping areas throughout the City to serve the neighborhoods. He suggested that, in the future, they should use their imagination to make these places inviting for people to come and meet eye-to-eye. He agreed that there should be a central core created along 175th and Aurora, and this would be an excellent location for the new City Hall since wireless communication access would be readily available.

7. PUBLIC HEARING ON PROPOSED ENHANCEMENTS OF THE CODE ENFORCEMENT PROGRAM

Chair Harris reviewed the rules and procedures for the public hearing. Ms. Markle reminded the Commission of the lengthy presentation that was presented by the staff at the Commission’s last meeting, which included slides and pictures. She suggested that the staff provide an abbreviated version of their presentation. She pointed out that the photographs would be on display and Commissioners and the public could ask questions about specific issues. The Commission agreed that an abbreviated presentation would be appropriate.

Kristie Anderson, Code Enforcement Officer, explained that the purpose of the meeting is to briefly introduce the code enforcement issues and the proposed solutions, to briefly respond to the questions

staff received from the Planning Commissioners, to conduct a public hearing, and to assist the Commission with the development of a recommendation to the City Council.

Ms. Anderson reviewed the most significant issues that were identified by the citizens. They include: deteriorating properties on both the interior and exterior, junk vehicles stored outside on private property, the number of vehicles allowed to be parked outside on single-family properties, inhabited vehicles parked on the public right-of-way, and a required interval for the removal of garbage. She said other issues were also raised, but were not confirmed as significant. These include: keeping of animals, enforcement or enhancement of sign regulations, mowing and cutting of weeds on private property, and maintenance of planting strips.

Ms. Anderson said staff is proposing the following changes:

- Amend Title 20 to address the number of vehicles allowed on single-family property and to streamline the procedural and administrative requirements in the code.
- Amend Title 10 to address junk and abandoned vehicles parked on the right-of-way.
- Amend Title 13 to establish a required interval for the removal of garbage.
- Adopt the International Property Maintenance Code (IPMC) to address minimum standards for the exterior and interior of properties. Staff is suggesting that the interior standards be limited to rental housing only.

Ms. Anderson recalled that at the last meeting the Commissioners raised several questions, and these were answered in the staff report that was provided in the Commission's packet. She specifically reviewed the following questions that were raised by the Commission:

- *Can the City add or alter the proposed amendments or regulations that are proposed for adoption?* Ms. Anderson advised that after accepting public testimony on the proposed amendments and adoption of new regulations, the Commission would deliberate and formulate a recommendation. Their recommendation could include new amendments that were not previously advertised. The City Council would hold a second hearing to receive public comments on the Planning Commission's recommendation.
- *Can staff provide additional information on the International Property Maintenance Code (IPMC) and the options to apply the IPMC to rental occupied units?* Ms. Anderson explained that the IPMC is one of a group of codes that is adopted by the International Code Council. These codes are evaluated at the State level and certain ones are adopted. The City of Shoreline has adopted the 2003 Series for the International Residential Code, the Building Code, the Mechanical Code, the Plumbing Code, and the Fuels/Gas Code. Staff is now proposing the adoption of the International Property Maintenance Code with applicable amendments for Shoreline.

Ms. Anderson said that if the Commission decides they would like the IPMC to apply to both owner-occupied and rental units, they should recommend denial of Amendments 2 and 47, which exempt owner-occupied units. She briefly reviewed the pros and cons of adopting the IPMC. She said concerns have been raised that the regulations would unduly burden rental-housing owners and

provide the ability for the City to enforce minimum standards for light, ventilation, occupancy, plumbing, and mechanical/electrical systems in owner-occupied units should a complaint be filed. She explained that while the City wants all owner-occupied units to be safe, healthy and sanitary, staff is concerned that regulating some internal aspects of a owner-occupied structure might be too invasive. The City must prove that a violation exists, and if a violation were internal to the structure, the property owner would have to invite the City to inspect. Also, she pointed out that the City's code enforcement program is complaint driven, and staff does not anticipate many property owners reporting themselves. Neither do they expect complaints being called in from invited visitors to these properties.

On the other hand, Ms. Anderson pointed out that rental properties are business enterprises, and government routinely regulates businesses by providing standards for facilities and other physical features. The intent is to ensure that the facilities are safe, sanitary and fit for use as an occupation. The business of rental housing should be no different. Ensuring safe and habitable rental housing is necessary to provide safe and attractive neighborhoods in the City.

- *How would the regulations be enforced and violations be triggered?* Ms. Anderson said staff is proposing that the City's Code Enforcement Team would use the same methodology as is currently in place for enforcement. The program is complaint driven, and a violation would be "triggered" by the receipt of a complaint followed by an official inspection. She briefly reviewed the 4-step enforcement program as outlined in the Staff Report.
- *Does the International Property Maintenance Code conflict with other adopted codes?* Ms. Anderson explained that an inter-departmental team worked on the revisions to the IPMC to physically consider how it would fit in with the rest of the City's codes and programs. Language was included in the document that states that codes, repairs, additions or alterations to a structure or changes of occupancy should be done in accordance with the provisions and procedures of Title 15 (building codes). Additional language was provided to state that nothing in the IPMC shall be construed to cancel, modify or set aside any provision of Title 20 of the Shoreline Municipal Code (Development Code).

Ms. Anderson advised that additional amendments have been proposed to Title 10 (Vehicles and Traffic Title). As per comments received from the City Attorney's Office, staff has moved provisions from the Model Traffic Ordinance definition of Junk Vehicle to the Unauthorized Vehicle Section. They also added "vehicles used for human habitation" to the list of unauthorized vehicles. In addition, they changed the order of the proposed amendment language in the Stopping, Standing or Parking Prohibited Section. She advised that Attachment A contains the same language, but it has been rearranged.

Bob Barta, Shoreline, asked that the Commission consider the enhancement of the code and its enforcement related to boats and trailers being parked on residential streets. The current Highland Terrace Residential Parking Zone, which was adopted by the City Council in September, prohibits boats and trailers from parking on the streets. He suggested that boat and trailer parking on streets be eliminated throughout the City, but allow boats and trailers to park on side yards on impervious surfaces. Because of the slopes that exist on streets in Shoreline, trailers and boats on the streets could

pose safety problems. He reminded the Commission that one of the goals of the City is to maintain health and vibrant neighborhoods.

Bernadette Hart, Shoreline, referred to Page 26 of the Staff Report. Staff states that it is important to remember that the City's Code Enforcement Program is complaint driven, which means that citizens must complain before something happens. She suggested that code compliance is dependent upon the citizens of Shoreline knowing what the code is in order to assist in its enforcement. This requires that the original code and any amendments be promulgated amongst the citizens of the City. Usually a citizen will not complain until a situation is terrible, which could be years after the problem originated. She briefly shared a case that occurred in her neighborhood where much of the problem could have been avoided if the violation had been noted early on. She also expressed her concern that when citizens complain, a great deal of damage can be done to the neighborhood relationship. If codes are important and need to be enforced, the City should provide more mandatory enforcement rather than waiting for a neighbor to complain.

Bob Barta, Shoreline, agreed with Ms. Hart that a great deal of damage could be done to a neighborhood relationship when someone complains about another property owner. He agreed that there should be more teeth in the City's Code Enforcement Program. He said he believes Bob Crozier does an excellent job of scouting out code violations for the City.

Commissioner Phisuthikul asked if the State of Washington has adopted the 2003 IPMC. Ms. Anderson answered that the State of Washington has not adopted the document, but numerous cities in the State have. Mr. Stewart pointed out that this is a local option for cities and not mandatory. Commissioner Phisuthikul inquired if staff is familiar with RCW 59.18.060, which is the Landlord/Tenant Law. Ms. Anderson said she is aware that the State does have a Landlord/Tenant Law, but the IPMC is distinctly different in that the City is not looking to get involved in tenant/landlord issues. She said the IPMC requirements would be similar to what happens when the City receives calls regarding the violation of a private neighborhood covenant. The staff speaks to the property owner about the violation of code, but they do not get involved in civil matters. The Landlord/Tenant Act is a civil action between a landlord and a tenant.

Commissioner Phisuthikul concluded that there is already a State law to protect tenants, and it is more a matter of enforcing what already exists. Ms. Anderson explained that the enforcement provisions within the Landlord/Tenant Act are extremely narrow. An inspector can only view the issue that has been complained about by the tenant. They cannot look for any other violations. Many people are not familiar enough with safety requirements to even know that they should complain. Commissioner Phisuthikul asked if adoption of the IPMC would allow the City staff to find other violations when inspecting a property based on a complaint. Ms. Anderson answered affirmatively, but she pointed out that the standards in the IPMC are minimum. Adoption of the IPMC would give them a tool to deal with substandard living situations so that renters are insured a safe place to live.

Again, Commissioner Phisuthikul suggested that the laws to deal with substandard living situations are already provided at the State level, and need to be enforced. Ms. Anderson explained that under the Landlord/Tenant Act, the City can inspect the site and identify the deficiency, but there is nothing in the

law that would give the City the right to pursue enforcement action. The staff's intent in recommending adoption of the IPMC is to provide more objective safety and health standards for rental units. They would like the City to have the ability to inspect properties and require rental units to meet the minimum standards.

Chair Harris asked if the City would require that older buildings meet the new building code requirements? Ms. Anderson answered that a building would have to meet the building standards that existed at the time it was constructed. Commissioner MacCully asked if existing units would be grandfathered or if they would be required to meet the new code requirements. Ms. Anderson explained that Shoreline has a lot of illegal dwelling units that have been constructed in basements and garages of existing homes because no permits were obtained. In these situations, the City would require that the modifications meet the current code requirements in order to obtain the necessary permits.

Commissioner MacCully asked if a landlord could request that the City inspect a rental unit to determine if there are too many occupants in the unit based on City code. If so, he asked if the City could issue a citation? Ms. Anderson said the City would never issue a citation without going through the education process to inform both the tenant and the landlord that there appears to be a problem. Also, the City must be granted legal access to the unit in order to inspect. Ms. Markle noted that staff has proposed that the provisions in the IPMC regarding overcrowding be deleted since they conflict with the City's Development Code definition for "family." Staff is not proposing any new regulation for the number of people who can occupy a unit.

Commissioner Sands said that while he understands that there is a Landlord/Tenant Act that allows a tenant or a landlord to file a civil action, he felt it would be helpful to expedite the matter by allowing the City to inspect the situation and issue a code compliance process that is different from the Landlord/Tenant Act.

Mr. Stewart clarified that in the situation described by Commissioner MacCully, the enforcement would be against the owner and not the occupant. The City would notify the owner that the unit was overcrowded and that he/she must fix it. Ms. Anderson further explained that there is typically a provision in most rental agreements that prohibits a tenant from using the property in an illegal manner, and this is a great tool for a landlord to handle a problem tenant.

VICE CHAIR PIRO MOVED THAT THE PUBLIC HEARING BE CLOSED. COMMISSIONER SANDS SECONDED THE MOTION. THE MOTION CARRIED 6-0.

8. COMMISSION DELIBERATION ON PROPOSED ENHANCEMENTS OF THE CODE ENFORCEMENT PROGRAM

COMMISSIONER MACCULLY MOVED THAT THE COMMISSION RECOMMEND DENIAL OF THE PROPOSED AMENDMENTS TO THE CODE ENFORCEMENT PROGRAM. CHAIR HARRIS SECONDED THE MOTION.

Commissioner MacCully said that the clarification provided by Mr. Stewart was helpful. However, his concern is that the City could wind up in the position of enforcing relations between landlords and tenants. As a landlord, he said he would not necessarily be opposed to this because it is currently almost impossible to take care of issues created by a problem tenant because tenants typically have more power. He said that according to Mr. Stewart's comment, whenever there is a violation of the IPMC, the only person who would be cited is the owner of the property. Commissioner Sands clarified that Mr. Stewart's comment was only related to the overcrowding example cited by Commissioner MacCully. As an example, Ms. Anderson said the City currently has provisions regarding the storage of refuse, and in some cases the City has determined that if refuse was put on the property by the tenant, the warning and/or citation would go to the tenant. However, the City makes sure the property owner is aware that a violation has occurred on the property. Ultimately, if the City cannot get the tenant to correct the problem, they approach the landlord since they are the responsible party. The landlord would then be responsible for requiring the tenant to resolve the issue. Commissioner Sands said that even if the City did not get involved, the landlord would be held responsible for compliance with all of the City codes and requirements. The landlord would have to take some action under the Landlord/Tenant Act, which is very difficult and lengthy process. He questioned whether or not adoption of the IPMC would change the current situation.

Chair Harris said he believes the code enforcement amendments were driven by the issues related to the external appearance of neighborhoods. He questioned whether the City wants to commit to the additional expense and time associated with new code requirements related to the interior of structures. Commissioner Sands questioned why it would be more difficult for the City to inspect both the exterior and interior of housing units as opposed to just the exterior. Chair Harris said it would not be more difficult, but it would likely require more staff time.

Commissioner Phisuthikul referred to Attachment 8a of the June 16th Staff Report, which discusses the financial impacts of adopting the IPMC. It states that "if the City Council chooses to respond by adopting the recommended solutions or increasing the priority of an issue or adding issues to the priority list, then the priority of other issues would need to shift or additional resources would need to be allocated to the code enforcement program." He suggested that adopting the IPMC would result in the creation of another bureaucracy.

Commissioner MacCully asked what the impact on staff time would be if the City Council were to adopt the IPMC and the amendments as proposed. Ms. Anderson answered that staff does not have firm data on the costs associated with implementing the proposed changes since the Customer Response Team already receives calls of this nature. However, they estimate that they receive less than two calls a month that pertain to the interior condition of a property.

Commissioner Hall reminded the Commission of the citizen workshop meetings that have been conducted by staff. The community was asked to prioritize their issues and concerns, and the Commission should carefully consider the input they provided. Chair Harris agreed. He said his only concern is related to the adoption of standards for the interior of rental properties. He pointed out that this was not an issue raised by the citizens. Commissioner Hall reminded the Commission that Commissioner MacCully's motion was to recommend denial of all of the proposed amendments.

THE MOTION FAILED 1-5, WITH COMMISSIONER MACCULLY VOTING IN FAVOR AND THE REMAINDER OF THE COMMISSIONERS VOTING IN OPPOSITION.

COMMISSIONER HALL MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE AMENDMENTS TO TITLE 10 (VEHICLES AND TRAFFIC) AND TITLE 13 (UTILITIES) OF THE SHORELINE MUNICIPAL CODE AS PROPOSED BY STAFF WITH THE CORRECTION OF THE TYPOGRAPHICAL ERROR IN ITEM 13a ON PAGE 31 (ITEM 7.1 – ATTACHMENT A) OF THE JULY 7TH PACKET. VICE CHAIR PIRO SECONDED THE MOTION.

Commissioner Hall said he believes the proposed amendments are tweaks to the code rather than huge changes. He said he is a little concerned about interpretive issues related to boats and trailers, but he trusts the staff's discretion to work through voluntary measures to resolve issues that arise. Chair Harris agreed. He said it is important that the City have the necessary tools to apply the codes in extreme situations.

THE MOTION CARRIED 6-0.

COMMISSIONER HALL MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE AMENDMENTS TO TITLE 20 (SHORELINE DEVELOPMENT CODE) OF THE SHORELINE MUNICIPAL CODE AS PROPOSED BY STAFF. COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED 6-0.

COMMISSIONER HALL MOVED THAT THE COMMISSION RECOMMEND THE ADOPTION OF THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE AS PROPOSED BY STAFF. VICE CHAIR PIRO SECONDED THE MOTION.

Commissioner Hall said he appreciates the research staff conducted regarding the IPMC's applicability to owner-occupied versus rental housing units. He said he understands staff's logic and the unlikely event that the City would actually have an owner file a complaint against their own property. However, he can imagine situations where this could happen, and he is not confident that the City should get involved with regulating the interior of owner-occupied units. However, if the goal of adopting the IPMC is to ensure that the living standards of people in Shoreline are safe, he would be more comfortable if the IPMC requirements were applied equally to both owner-occupied or rental units.

COMMISSIONER HALL MOVED THAT THE MAIN MOTION BE AMENDED BY STRIKING ITEMS 2 AND 47 IN STAFF'S MATRIX SO THAT THE IPMC STANDARDS WOULD APPLY EQUALLY TO BOTH RENTAL AND OWNER-OCCUPIED UNITS. VICE CHAIR PIRO SECONDED THE MOTION.

Vice Chair Piro said he believes citizens who live in owner-occupied units should also have the benefit of what the City is trying to achieve by adopting the IPMC. Commissioner Hall agreed and noted that these people are not covered by the Landlord/Tenant Act. Commissioner MacCully said that while he

would like to support Commissioner Hall's motion, he is concerned that if the IPMC is adopted, existing properties owners could potentially be forced to build to a new standard. Secondly, he worries that adoption of the IPMC could provide a tool for divorcees or other family members to get back at each other by filing a complaint against a property.

Mr. Stewart clarified that the IPMC was written without distinction between owner-occupied and rental units. The amendment proposed by staff would create a distinction, and the motion that is before the Commission would remove this distinction. Commissioner Sands questioned if when the IPMC was created, there was any discussion about making a distinction between owners and renters. Ms. Markle said that when the list of issues and the idea of adopting the IPMC was presented to the City Council, staff received mixed feedback. Some of the Council Members were nervous about adopting rules that would apply to owners as well as renters. There was concern expressed that this would be too intrusive. On the flip side, there was some interest expressed that the IPMC should apply equally to both rental and owner-occupied units. The staff especially wanted the exterior standards to be adopted since they address some of the highest level of complaints they received. Staff proposed a compromise that the interior standards only apply to rental properties. The Commission's feedback would be helpful to the City Council since they seemed to be split on the issue.

Mr. Stewart clarified that the general rule on code enforcement and grandfathering is that property that was legally constructed would always be vested. But any changes must be consistent with the code that is in effect at the time of modification. If a property owner can show a legal permit for a change, the property would be vested and no enforcement action would be taken.

Commissioner MacCully inquired if adoption of the IPMC would bring an additional complexity into the acquisition of income producing property since it would be the property owner's responsibility to ensure that it is in compliance with the IPMC. Commissioner Hall pointed out that the standards in the IPMC are not extraordinary or difficult to meet. He expressed his belief that the standards are designed to be widely applicable and not particularly onerous. Commissioner MacCully said he is not concerned about applying the IPMC to new construction, but he is concerned about it being applied to existing construction, too.

Commissioner Phisuthikul asked if it is true that the City has no guidelines for enforcing the exterior maintenance of a house. Ms. Anderson answered affirmatively. Commissioner Phisuthikul summarized that staff anticipates using the IPMC as a tool and guideline for enforcement. Mr. Stewart referred to the pictures of homes that were presented by the staff at the June 16th meeting. He advised that, currently, these situations could only be considered code violations if they were found to be structurally unsound. Another option would be for the City to pursue the situation under some nuisance, which is very vague. He explained that there are actually two parts to the IPMC. He advised that the Commission could recommend adoption of the exterior standards and exclude the interior standards.

Commissioner Hall pointed out that Amendment 3 on the staff's matrix adds an exception that the standards in Section 305 and in Chapters 4, 5 and 6 are advisory only for owner-occupied dwellings. Chapter 4 contains the light, ventilation and occupancy limitations, Chapter 5 addresses plumbing facilities and fixture requirements, and Chapter 6 contains the mechanical and electrical requirements.

He said his motion to amend would only be relative if the Commission were to adopt the interior standards of the IPMC as recommended by staff. He further explained that if interior standards are to be adopted, the intent of his motion is to address whether they should apply to all properties or just to rental properties. Even if the Commission recommends denial of the entire IPMC, he would like to go on record saying that if interiors are regulated, the standards should apply to all properties.

THE MOTION TO AMEND THE MAIN MOTION SO THAT THE INTERIOR STANDARDS WOULD APPLY TO BOTH RENTAL AND OWNER-OCCUPIED PROPERTIES WAS APPROVED 6-0.

Commissioner Phisuthikul proposed that the Commission recommend adoption of only the IPMC standards that apply to the exterior of the building. Commissioner Hall reminded the Commission of the main motion that is on the table to adopt the IPMC and suggested that the more appropriate action would be to either amend the main motion to adopt only those portions that apply to the exterior, or amend the main motion to delete Section 305 and Chapters 4, 5 and 6.

COMMISSIONER HALL MOVED THAT THE MAIN MOTION BE AMENDED TO DELETE THE INTERIOR STANDARDS FROM THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE (SECTION 305 AND CHAPTERS 4, 5, 6, 7 AND ANY OTHER STANDARDS THAT APPLY TO THE INTERIOR OF A STRUCTURE). COMMISSIONER SANDS SECONDED THE MOTION.

Vice Chair Piro said he can appreciate the concern of his fellow Commissioner, but what they are trying to achieve overall to improve the public's health and safety depends on what takes place on both the interior and exterior of housing units. He said he would vote against the motion.

Commissioner MacCully noted that in the preference exercise that staff conducted with the Ridgcrest and North City Neighborhoods, approximately 10 percent of the respondents identified interior as a significant issue and the other 90 percent focused on the exterior. This is a clear indication of what the citizens are concerned about. He said he shares Vice Chair Piro's concerns about the condition of the interior of units, but more thought must go into the interior standards before they are adopted.

Commissioner MacCully recalled that staff previously stated that the City does not appear to have a way of enforcing the RCW's. Ms. Anderson clarified that the Landlord/Tenant Act details how to handle civil disputes between the owners and the renters. When the act was crafted, it did not provide enforcement provisions for local governments.

Vice Chair Piro suggested that the Commission consider a substitute motion to table or postpone action on the interior standards and consider them at a later date. He expressed his concern that the issues pertaining to the interior of a dwelling unit are also important.

Commissioner MacCully noted staff's previous indication that there would likely be an average of only two complaints per month regarding interior issues. He suggested that the amended motion would address the vast majority of the concerns and complaints that have been identified by the citizens as

significant issues. Mr. Stewart suggested that if the amended motion is passed, the Commission could ask the staff to monitor the level of calls regarding the interior of dwelling units and provide a report to the Commission.

COMMISSIONER HALL MOVED THAT HIS MOTION TO AMEND BE CHANGED TO ADD A REQUEST THAT STAFF FURTHER MONITOR THE LEVEL OF COMPLAINTS REGARDING INTERIOR HOUSING PROBLEMS. COMMISSIONER SANDS SECONDED THE AMENDMENT. THE MOTION TO AMEND WAS APPROVED 6-0.

THE MOTION TO AMEND THE MAIN MOTION TO DELETE THE INTERIOR STANDARDS FROM THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE AND TO FURTHER MONITOR THE LEVEL OF COMPLAINTS REGARDING INTERIOR HOUSING PROBLEMS CARRIED 5-1, WITH VICE CHAIR PIRO VOTING IN OPPOSITION.

THE MAIN MOTION TO RECOMMEND THE ADOPTION OF THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE AS AMENDED WAS APPROVED 6-0.

9. REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Hall reported that groundbreaking for the Aurora Corridor Project took place last week. This is a major milestone in the City's history. Mr. Stewart said there was a nice ceremony that was attended by Senator Murray, Congressman Inslee, and a number of other dignitaries.

Commissioner Hall said he recently received an official announcement of the 10-year City of Shoreline Celebration co-sponsored by the Shoreline Historical Society. This is another huge milestone for the City.

10. UNFINISHED BUSINESS

There was no new business scheduled on the agenda.

11. NEW BUSINESS

Planning Commission Agenda Planner

Ms. Spencer referred the Commission to the memorandum that was provided on Page 35 of their packets. She recalled that there are two significant tasks that have to be completed by the Planning Commission before the end of the year: the Critical Areas Ordinance Update and the Cottage Housing Update. She advised that a State mandate requires the City to complete the adoption of the Critical Areas Ordinance Update by December 1st. Because of that deadline and the need to get the document to the City Council as soon as possible, staff is recommending that the Commission deal with the Critical Areas Ordinance Update next. Vice Chair Piro said it makes sense for the Commission to get the Critical Areas Ordinance to the City Council by the end of August or first of September so that they

have ample time to work through their issues and concerns before the December 1st deadline. The remainder of the Commission concurred.

Commissioner Hall reminded the Commission of their previous decision that they would only deliberate on amendments that Commissioners have already sent to the staff, and that they would not add additional amendments on the spot. Any additional amendments staff wants to add should be identified before the July 21st meeting. Once the list of amendments is solidified, the Commission would be able to add structure to their review.

Vice Chair Piro said it would be important for the staff to provide clarification regarding the proper process for the deliberations. Since this is a continuing issue, staff should identify which Commissioners can and cannot vote on each of the proposed amendments. Mr. Stewart explained that because this issue is a legislative action, the rules are not as stringent.

Ms. Spencer referred the Commission to a letter that was prepared by staff on behalf of the Commission regarding their recommendation to the City Council to extend the moratorium on Cottage Housing. The recommendation would be considered by the City Council on July 18th. Vice Chair Piro asked that Commissioners provide their comments regarding the letter so that it can be signed and transmitted to the City Council as soon as possible.

Commissioner Hall referred to the second paragraph and recalled that he cast a couple of dissenting votes and made a motion that was ruled out of order. He suggested that since the vote tally is identified in the first paragraph, then the vote tally for the final recommendation should be identified in the letter, as well. He emphasized that he did not vote in support of the Commission's recommendation that the City Council continue the moratorium. He recalled that he expressed his belief that the City should make a decision one way or another as soon as possible since the debate has gone on for quite some time. The Commission agreed that Commissioner Hall's recommended change should be made to the letter.

Request for Leave by Commissioner MacCully

Mr. Stewart referred to the letter that was submitted to the Commission by Commissioner MacCully requesting a leave of absence. He referred to the Article 5, Section 1 of the Commission rules, which states that unexcused absences of more than three consecutive meetings shall be cause for removal. It also states that members must communicate their request for an excused absence with the Chair, Vice Chair or Planning and Development Services Director prior to the meeting. The Chair of the Commission has the authority to approve excused absences.

Chair Harris indicated that he would excuse Commissioner MacCully's absences as requested.

12. ANNOUNCEMENTS

No announcements were provided.

13. AGENDA FOR NEXT MEETING

Mr. Stewart advised that staff would provide a new packet related to the Critical Areas Ordinance Update that is scheduled for deliberation at the July 21st meeting.

14. ADJOURNMENT

The meeting was adjourned at 9:35 p.m.

David Harris
Chair, Planning Commission

Jessica Simulcik
Clerk, Planning Commission



Memorandum

DATE: August 4, 2005
TO: Planning Commissioners
FROM: Matt Torpey, Planner II
RE: Planning Commission Recommended Changes to Draft CAO

Attached you will find a new matrix; the intention of this document is to replace the matrix that the Commission worked from during the previous deliberation. (Attachment VI, page 175) On the left hand column of the matrix is the existing draft code section as originally provided to the Commission in January 2005.

In the right hand column, is the code language as recommended by the Planning Commission. The items are numbered to correspond with the same code as it appeared in the previous matrix (Attachment VI from the last meeting). Proposed amendments that were not on the previous matrix and were brought forth and recommended by the Commission include a letter in their item# (i.e. item 1a). The matrix also now includes Commissioner Hall's comments on the tree conservation standards, note that these items have not yet been deliberated on by the Commission as a whole.

Additionally, three public comments have recently been received in regards to the draft critical areas ordinance. You will find them attached to this document.

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Item #	Staff Proposed Draft Code Section (Jan 10, 2005 Draft)	Planning Commission Recommended Changes to Draft Code Section	PC Rec. Date / Notes
1	<p>20.20.046 S definitions.</p> <p>Streams</p> <p>Those areas in the City of Shoreline where <u>open</u> surface waters produce a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial <u>open</u> watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction in such watercourses. <u>A channel or bed need not contain water year-round, provided that there is evidence of at least intermittent flow during years of normal rain fall.</u></p>	<p>20.20.046 S definitions.</p> <p>Streams</p> <p>Those areas in the City of Shoreline where surface waters produce a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction in such watercourses. <u>A channel or bed need not contain water year-round, provided that there is evidence of at least intermittent flow during years of normal rain fall.</u></p>	Recommended 7-21-05
1a	<p>20.80.460 Description Designation and purpose</p> <p><u>A. Streams are those areas where open surface water produce a defined channel or bed not including irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial open watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction. A channel or bed need not contain water year-round, provided that there is evidence of at least intermittent flow during years of normal rain fall.</u></p>	<p>20.80.460 Description Designation and purpose</p> <p>A. Streams are those areas where open surface water produce a defined channel or bed not including irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial open watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction. A channel or bed need not contain water year-round, provided that there is evidence of at least intermittent flow during years of normal rain fall.</p> <p><u>A. Streams are those areas where surface waters produce a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction. A channel or bed need not contain water year-round, provided that there is evidence of at least intermittent flow during years of normal rain fall.</u></p>	Recommended 7-21-05

Item #	Staff Proposed Draft Code Section (Jan 10, 2005 Draft)	Planning Commission Recommended Changes to Draft Code Section	PC Rec. Date / Notes
2	20.80.030 Exemptions. <u>L. Educational activities, scientific research, and outdoor recreational activities, including but not limited to interpretive field trips, bird watching, and use of existing trails for horseback riding, bicycling and hiking, that will not have an adverse effect on the critical area;</u>	20.80.030 Exemptions. <u>L. Educational activities, scientific research, and outdoor recreational activities, including but not limited to interpretive field trips, bird watching, public beach access including water recreation related activities, and use of existing trails for horseback riding, bicycling and hiking, that will not have an adverse effect on the critical area;</u>	Recommended 7-21-05
3	20.80.080 Alteration or development of critical areas – Standards and criteria. All impacts to critical areas functions and values shall be mitigated. This section applies to mitigation required with all critical areas reviews, approvals and enforcement pursuant to this Chapter. This section is supplemented with specific measures under subchapters for particular critical areas. The proponent for a project involving critical areas shall seek to avoid, minimize and mitigate the impacts to the critical areas through Mitigation actions by an applicant or property owner shall that occur in the following sequence:	20.80.080 Alteration or development of critical areas – Standards and criteria. All impacts to critical areas functions and values shall be mitigated. This section applies to mitigation required with all critical areas reviews, approvals and enforcement pursuant to this Chapter. This section is supplemented with specific measures under subchapters for particular critical areas. The proponent for a project involving critical areas shall seek to avoid, minimize and mitigate the impacts to the critical areas through Mitigation actions by an applicant or property owner shall that occur in the following sequence:	Recommended 7-21-05
4	20.80.230 Required buffer areas. D. Landslide hazard area buffers may be reduced to a minimum of 15 feet when technical studies conclusively demonstrate that the reduction will adequately protect people and the proposed and surrounding development from the landslide hazard.	20.80.230 Required buffer areas. D. Landslide hazard area buffers may be reduced to a minimum of 15 feet when technical studies conclusively demonstrate that the reduction will <u>not increase the risk of the hazard to people or property on or off site.</u> adequately protect people and the proposed and surrounding development from the landslide hazard.	Recommended 7-21-05

Item #	Staff Proposed Draft Code Section (Jan 10, 2005 Draft)	Planning Commission Recommended Changes to Draft Code Section	PC Rec. Date / Notes
5	<p>20.80.270 Classification.</p> <p>Fish and wildlife habitat areas are those areas <u>designated by the City based that meet on</u> any of the following criteria, <u>review of the best available science, and input from Washington Department of Fish and Wildlife, Washington Department of Ecology and other agencies:</u></p> <p>A. The documented presence of species proposed or listed by the Federal government or State of Washington as endangered, threatened, critical, or priority <u>documented by best available science</u>; or</p> <p>B. The presence of heron rookeries or <u>priority</u> raptor nesting trees; or</p> <p>C. Type I wetlands, as defined in these regulations; or</p> <p>D. Type I streams, as defined in these regulations; or</p> <p>E. Those areas which include the presence of locally significant species, if the City has designated such species.</p> <p>(Ord. 238 Ch. VIII § 4(B), 2000).</p>	<p>20.80.270 Classification.</p> <p><u>A. Fish and wildlife habitat conservation areas are those areas designated by the City based that meet on review of the best available science; input from Washington Department of Fish and Wildlife, Washington Department of Ecology, and other agencies; and any of the following criteria, review of the best available science, and input from Washington Department of Fish and Wildlife, Washington Department of Ecology and other agencies:</u></p> <p><u>1. A. The documented</u> presence of species proposed or listed by the Federal government or <u>the</u> State of Washington as endangered, threatened, critical, or priority <u>documented by best available science</u>; or</p> <p><u>2. B. The presence of heron rookeries or priority</u> raptor nesting trees; or</p> <p><u>3. Streams and wetlands and their associated buffers that provide significant habitat for fish and wildlife.</u></p> <p><u>B. The City designates the following fish and wildlife habitat conservation areas that meet the above criteria, and this designation does not preclude designation of additional areas as provided in SMC 20.80.270(A):</u></p> <p><u>1. All regulated streams and wetlands and their associated buffers as determined by a qualified specialist.</u></p> <p><u>2. The waters, bed and shoreline of Puget Sound up to the ordinary high water mark.</u></p> <p><u>C. Type I wetlands, as defined in these regulations; or</u> <u>D. Type I streams, as defined in these regulations; or</u> <u>E. Those areas which include the presence of locally significant species, if the City has designated such species.</u></p> <p>(Ord. 238 Ch. VIII § 4(B), 2000).</p>	Recommended 7-21-05

Item #	Staff Proposed Draft Code Section (Jan 10, 2005 Draft)	Planning Commission Recommended Changes to Draft Code Section	PC Rec. Date / Notes
6	<p>20.80.470 Classification. [Numbering is corrected in this section.]</p> <p>Streams shall be designated Type I, Type II, Type III, and Type IV according to the criteria in this section. When more than one stream type is present in short alternating segments on a subject property, it will be classified according to the stream type which is more restrictive.</p> <p>A. "Type I streams" are those streams identified as "Shorelines of the State" under the City Shoreline Master Program.</p> <p>B. "Type II streams" are those natural streams that are not Type I streams and are either perennial or intermittent and <u>have salmonid fish use</u> have one of the following characteristics:</p> <ol style="list-style-type: none"> 1. Salmonid fish use; 2. Potential for salmonid fish use; or 3. Significant recreational value. <p>C. "Type III streams" are those natural streams with perennial (year-round) or intermittent flow and are not used by salmonid fish and have no potential to be used by salmonid fish.</p> <p>D. "Type IV streams" are those streams and natural drainage swales with perennial or intermittent flow with channel width less than two feet taken at the ordinary high water mark that are not used by salmonid fish.</p> <p><u>E. For the purposes of this section, "salmonid fish use" and "used by salmonid fish" is presumed for:</u></p> <ol style="list-style-type: none"> <u>1. Streams where naturally reoccurring use by salmonid populations has been documented by a government agency;</u> <u>2. Streams that are fish passable by salmonid populations from Lake Washington or Puget Sound, as determined by a qualified professional based on</u> 	<p>20.80.470 Classification. [Numbering is corrected in this section.]</p> <p>Streams shall be designated Type I, Type II, Type III, and Type IV according to the criteria in this section. When more than one stream type is present in short alternating segments on a subject property, it will be classified according to the stream type which is more restrictive.</p> <p>A. "Type I streams" are those streams identified as "Shorelines of the State" under the City Shoreline Master Program.</p> <p>B. "Type II streams" are those natural streams that are not Type I streams and are either perennial or intermittent and <u>have salmonid fish use</u> have one of the following characteristics:</p> <ol style="list-style-type: none"> 1. Salmonid fish use; 2. Potential for salmonid fish use; or 3. Significant recreational value. <p>C. "Type III streams" are those natural streams with perennial (year-round) or intermittent flow <u>with channel width of two feet or more taken at the ordinary high water mark that</u> and are not used by salmonid fish and have no potential to be used by salmonid fish.</p> <p>D. "Type IV streams" are those streams and natural drainage swales with perennial or intermittent flow with channel width less than two feet taken at the ordinary high water mark that are not used by salmonid fish.</p> <p><u>E. "Piped stream segments" are those segments of streams, regardless of their type, that are fully enclosed in an underground pipe or culvert.</u></p> <p>F. E- <u>For the purposes of this section, "salmonid fish use" and "used by salmonid fish" is presumed for:</u></p> <ol style="list-style-type: none"> <u>1. Streams where naturally reoccurring recurring use by salmonid populations has been documented by a</u> 	Recommended 7-21-05

Item #	Staff Proposed Draft Code Section (Jan 10, 2005 Draft)	Planning Commission Recommended Changes to Draft Code Section	PC Rec. Date / Notes
6 Cont.	<p><u>review of stream flow, gradient and barriers and criteria for fish passability established by the Washington Department of Fish and Wildlife; and</u></p> <p>3. <u>Streams that are planned for restoration in a 6-year capital improvement plan adopted by a government agency that will result in a fish passable connection to Lake Washington or Puget Sound.</u></p> <p><u>The Department may waive the presumption of salmonid fish use for stream segments where a qualified professional has determined there are confirmed, long term water quality parameters making the stream segment incapable of supporting fish.</u></p> <p>E. "Intentionally created streams" are those manmade streams defined as such in these regulations, and do not include streams created as mitigation. Purposeful creation must be demonstrated to the City through documentation, photographs, statements and/or other evidence. Intentionally created streams may include irrigation and drainage ditches, grass-lined swales and canals. Intentionally created streams are excluded from regulation under this subchapter, except manmade streams that provide critical habitat for species of fish and wildlife that are proposed or listed by the Federal government or State of Washington as endangered, threatened, critical, or priority species. Intentionally created streams that provide documented critical habitat for these species shall be classified and treated as natural streams.</p> <p>(Ord. 238 Ch. VIII § 8(B), 2000).</p>	<p><u>government agency;</u></p> <p>2. <u>Streams that are fish passable by salmonid populations from Lake Washington or Puget Sound, as determined by a qualified professional based on review of stream flow, gradient and barriers and criteria for fish passability established by the Washington Department of Fish and Wildlife; and</u></p> <p>3. <u>Streams that are:</u></p> <p><u>a. planned for restoration in a 6-year capital improvement plan adopted by a government agency that will result in a fish passable connection to Lake Washington or Puget Sound.</u></p> <p><u>b. Planned for removal of private dams that will result in a fish passable connection to Lake Washington or the Puget Sound.</u></p> <p>E. "Intentionally created streams" are those manmade streams defined as such in these regulations, and do not include streams created as mitigation. Purposeful creation must be demonstrated to the City through documentation, photographs, statements and/or other evidence. Intentionally created streams may include irrigation and drainage ditches, grass-lined swales and canals. Intentionally created streams are excluded from regulation under this subchapter, except manmade streams that provide critical habitat for species of fish and wildlife that are proposed or listed by the Federal government or State of Washington as endangered, threatened, critical, or priority species. Intentionally created streams that provide documented critical habitat for these species shall be classified and treated as natural streams.</p> <p>(Ord. 238 Ch. VIII § 8(B), 2000).</p>	Recommended 7-21-05

Item #	Staff Proposed Draft Code Section (Jan 10, 2005 Draft)			Planning Commission Recommended Changes to Draft Code Section			PC Rec. Date / Notes
6.a	Table 20.80.480B			Table 20.80.480B			Recommended 7-21-05
	Stream Type	Maximum Standard Buffer Width (ft)	Minimum Buffer Width (ft)	Stream Type	Maximum Standard Buffer Width (ft)	Minimum Buffer Width (ft)	
	Type I	150	400 <u>115</u>	Type I	150	400 <u>115</u>	
	Type II	400 115	75	Type II	400 115	75	
	Type III	50 65	25 <u>35</u>	Type III	50 65	25 <u>35</u>	
	Type III	25 35	40 <u>25</u>	Type III	25 35	40 <u>25</u>	
				<u>Piped Stream Segments</u>	<u>10</u>	<u>10</u>	

Item #	Staff Proposed Draft Code Section (Jan 10, 2005 Draft)	Planning Commission Recommended Changes to Draft Code Section	PC Rec. Date / Notes
6.b	<p>20.80.480D</p> <p>D. No structures or improvements shall be permitted within the stream buffer area, including buildings, decks, docks, except as otherwise permitted or required under the City's adopted Shoreline Master Program, or under one of the following circumstances:</p> <ol style="list-style-type: none"> 1. When the improvements are part of an approved rehabilitation or mitigation plan; or 2. For the construction of new roads and utilities, and accessory structures, when no feasible alternative location exists; or 3. The construction of trails, consistent with the following criteria: <ol style="list-style-type: none"> a. Trails should be constructed of permeable materials; b. Trails shall be designed in a manner that minimizes impact on the stream system; c. Trails shall have a maximum trail corridor width of 10 feet; and d. Trails should be located within the outer half of the buffer, i.e., that portion of the buffer that is farther away from the stream; or 4. The construction of footbridges; or 5. The construction and placement of informational signs or educational demonstration facilities limited to no more than one square yard surface area and four feet high, provided there is no permanent infringement on stream flow; or 6. The establishment of stormwater management facilities, such as grass lined swales, when located outside of the minimum buffer area as set forth in the Table 20.80.480B. 	<p>20.80.480D</p> <p>D. No structures or improvements shall be permitted within the stream buffer area, including buildings, decks, docks, except as otherwise permitted or required under the City's adopted Shoreline Master Program, or under one of the following circumstances:</p> <ol style="list-style-type: none"> 1. When the improvements are part of an approved rehabilitation or mitigation plan; or 2. For the construction of new roads and utilities, and accessory structures, when no feasible alternative location exists; or 3. <u>The construction of trails over and in the buffer of piped stream segments, and the construction of trails near other stream segments; or</u> <u>4.</u> 3. The construction of trails, consistent with the following criteria: <ol style="list-style-type: none"> a. Trails should be constructed of permeable materials; b. Trails shall be designed in a manner that minimizes impact on the stream system; c. Trails shall have a maximum trail corridor width of 10 feet; and d. Trails should be located within the outer half of the buffer, i.e., that portion of the buffer that is farther away from the stream; or <u>5.</u> 4. The construction of footbridges; or <u>6.</u> 5. The construction and placement of informational signs or educational demonstration facilities limited to no more than one square yard surface area and four feet high, provided there is no permanent infringement on stream flow; or <u>7.</u> 6. The establishment of stormwater management facilities, such as grass lined swales, when located outside of the minimum buffer area as set forth in the Table 20.80.480B. 	Recommended 7-21-05

Item #	Staff Proposed Draft Code Section (Jan 10, 2005 Draft)	Planning Commission Recommended Changes to Draft Code Section	PC Rec. Date / Notes
7	<p>20.80.480 Required buffer areas.</p> <p>G. Relocation of a Type I, II, III stream in order to facilitate general site design shall not be allowed. Relocation of these classes of streams may take place only when the proposed relocation is part of an approved mitigation or rehabilitation plan, will result in equal or better habitat and water quality, and will not diminish the flow capacity of the stream.</p> <p><u>H. Restoring piped watercourses.</u></p> <p>1. <u>The city encourages the opening of previously channelized/culverted streams and the rehabilitation and restoration of streams.</u></p> <p>2. <u>When piped watercourse sections are restored, a protective buffer shall be required of the stream section. The buffer distance shall be based on an approved restoration plan, regardless of stream classification, and shall be a minimum of 10 feet to allow for restoration and maintenance. The stream and buffer area shall include habitat improvements and measures to prevent erosion, landslide and water quality impacts. Opened channels shall be designed to support fish access, unless determine to be unfeasible by the City.</u></p> <p>4. <u>Removal of pipes conveying streams shall only occur when the City determines that the proposal will result in a net improvement of water quality and ecological functions and will not significantly increase the threat of erosion, flooding, slope stability or other hazards.</u></p> <p>5. <u>Where the buffer of the restored stream would extend beyond a required setback on an adjacent property, the applicant shall seek written agreement from the affected neighboring property owner.</u></p> <p>(Ord. 299 § 1, 2002; Ord. 238 Ch. VIII § 8(C), 2000).</p>	<p>20.80.480 Required buffer areas.</p> <p>G. Relocation of a Type I, II, III stream in order to facilitate general site design shall not be allowed. Relocation of these classes of streams may take place only when the proposed relocation is part of an approved mitigation or rehabilitation plan, will result in equal or better habitat and water quality, and will not diminish the flow capacity of the stream.</p> <p><u>H. Restoring piped watercourses stream segments.</u></p> <p>1. <u>The city encourages the opening and restoration of piped stream segments of previously channelized/culverted streams and the rehabilitation and restoration of streams.</u></p> <p>2. <u>When piped watercourse sections stream segments are restored, a protective buffer shall be required of the stream section. The buffer distance shall be based on an approved restoration plan, regardless of stream classification, and shall be a minimum of 10 feet to allow for restoration and maintenance. The stream and buffer area shall include habitat improvements and measures to prevent erosion, landslide and water quality impacts. Opened channels shall be designed to support fish access, unless determined to be unfeasible by the City.</u></p> <p>3. 4. <u>Removal of pipes conveying streams shall only occur when the City determines that the proposal will result in a net improvement of water quality and ecological functions and will not significantly increase the threat of erosion, flooding, slope stability or other hazards.</u></p> <p>4. 5. <u>Where the buffer of the restored stream would extend beyond a required setback on an adjacent property, the applicant shall seek written agreement from the affected neighboring property owner.</u></p> <p>(Ord. 299 § 1, 2002; Ord. 238 Ch. VIII § 8(C), 2000).</p>	Recommended 7-21-05

Item #	Staff Proposed Draft Code Section (Jan 10, 2005 Draft)	Planning Commission Recommended Changes to Draft Code Section	PC Rec. Date / Notes
8	<p>20.80.320 Classification.</p> <p>Wetlands, as defined by this section, shall be designated Type I, Type II, Type III, Type IV and artificial <u>classified</u> according to the following criteria:</p> <p>A. "Type I wetlands" are those wetlands which meet any of the following criteria:</p> <ol style="list-style-type: none"> 1. The presence of species proposed or listed by the Federal government or State of Washington as endangered, threatened, critical or monitored priority, or the presence of critical or outstanding actual or potential habitat for those species; or 2. Wetlands having 40 percent to 60 percent open water in dispersed patches with two or more wetland subclasses of vegetation; or 3. High quality examples of a native wetland listed in the terrestrial and/or aquatic ecosystem elements of the Washington Natural Heritage Plan that are presently identified as such or are determined to be of Heritage quality by the Department of Natural Resources; or 4. The presence of plant associations of infrequent occurrence. These include, but are not limited to, plant associations found in bogs and in wetlands with a coniferous forested wetland class or subclass occurring on organic soils. <p>B. "Type II wetlands" are those wetlands which are not Type I wetlands and meet any of the following criteria:</p> <ol style="list-style-type: none"> 1. Wetlands greater than one acre (43,560 sq. ft.) in size; 2. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size and have three or more wetland classes; or 3. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in 	<p>20.80.320 Classification.</p> <p>Wetlands, as defined by this section, shall be designated Type I, Type II, Type III, Type IV and artificial <u>classified</u> according to the following criteria:</p> <p>A. "Type I wetlands" are those wetlands which meet any of the following criteria:</p> <ol style="list-style-type: none"> 1. The presence of species proposed or listed by the Federal government or State of Washington as endangered, threatened, critical or monitored priority, or the presence of critical or outstanding actual or potential habitat for those species; or 2. Wetlands having 40 percent to 60 percent open water in dispersed patches with two or more wetland subclasses of vegetation; or 3. High quality examples of a native wetland listed in the terrestrial and/or aquatic ecosystem elements of the Washington Natural Heritage Plan that are presently identified as such or are determined to be of Heritage quality by the Department of Natural Resources; or 4. The presence of plant associations of infrequent occurrence. These include, but are not limited to, plant associations found in bogs and in wetlands with a coniferous forested wetland class or subclass occurring on organic soils. <p>B. "Type II wetlands" are those wetlands which are not Type I wetlands and meet any of the following criteria:</p> <ol style="list-style-type: none"> 1. Wetlands greater than one acre (43,560 sq. ft.) in size; 2. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size and have three or more wetland classes; or 3. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in 	<p>Recommended 7-21-05</p>

Item #	Staff Proposed Draft Code Section (Jan 10, 2005 Draft)	Planning Commission Recommended Changes to Draft Code Section	PC Rec. Date / Notes
8 Cont.	<p>size, and have a forested wetland class or subclasses.</p> <p>C. "Type III wetlands" are those wetlands that are equal to or less than one acre in size and that have one or two wetland classes and are not rated as Type IV wetlands, or wetlands less than one-half acre in size having either three wetlands classes or a forested wetland class or subclass.</p> <p>D. "Type IV wetlands" are those wetlands that are equal to or less than 2,500 square feet, hydrologically isolated and have only one, unforested, wetland class.</p> <p>E. "Artificially created wetlands" are those landscape features, ponds and stormwater detention facilities purposefully or accidentally created. Artificially created wetlands do not include wetlands created as mitigation or wetlands modified for approved land use activities. Purposeful or accidental creation must be demonstrated to the City through documentation, photographs, statements or other evidence. Artificial wetlands intentionally created from nonwetland sites for the purposes of wetland mitigation are regulated under this subchapter.</p> <p>(Ord. 238 Ch. VIII § 5(B), 2000).</p>	<p>size, and have a forested wetland class or subclasses.</p> <p>C. "Type III wetlands" are those wetlands that are equal to or less than one acre in size and that have one or two wetland classes and are not rated as Type IV wetlands, or wetlands less than one-half acre in size having either three wetlands classes or a forested wetland class or subclass.</p> <p>D. "Type IV wetlands" are those wetlands that are equal to or less than 2,500 square feet, hydrologically isolated and have only one, unforested, wetland class.</p> <p>E. "Artificially created wetlands" are those landscape features, ponds and stormwater detention facilities purposefully or accidentally created. Artificially created wetlands do not include wetlands created as mitigation or wetlands modified for approved land use activities. Purposeful or accidental creation must be demonstrated to the City through documentation, photographs, statements or other evidence. Artificial wetlands intentionally created from nonwetland sites for the purposes of wetland mitigation are regulated under this subchapter.</p> <p>(Ord. 238 Ch. VIII § 5(B), 2000).</p> <p>NOTE: PLANNING COMMISSION REQUESTS TO COMPLETE MORE WORK ON THIS SECTION IN THE FUTURE. A WORK PROGRAM ITEM HAS BEEN ADDED TO THE AGENDA PLANNER TO EXAMINE WASHINGTON STATE DEPARTMENT OF ECOLOGY'S STATE WETLAND RATING SYSTEM FOR WESTERN WASHINGTON AND ITS CONSISTENCY WITH THIS SECTION.</p>	<p>Recommended 7-21-05</p>

Item #	Staff Proposed Draft Code Section (Jan 10, 2005 Draft)	Planning Commission Recommended Changes to Draft Code Section	PC Rec. Date / Notes
9	<p>20.80.030 (F) exemptions</p> <p>F. Activities affecting <u>isolated</u> Type IV wetlands which are individually smaller than 1,000 square feet and cumulatively smaller than 2,500 square feet in size <u>where 80 percent or greater of the wetland area has been altered or is covered by invasives and the wetland has been determined to be of low hydraulic and habitat function</u>;</p>	<p>20.80.030 (F) exemptions</p> <p>F. Activities affecting <u>hydrologically isolated</u> Type IV wetlands which are individually smaller than 1,000 square feet and cumulatively smaller than 2,500 square feet in size <u>where 80 percent or greater of the wetland area has been altered or is covered by invasives and the wetland has been determined to be of low hydraulic and habitat function</u>;</p>	Recommended 7-21-05
10	<p>20.80.080 Alteration or development of critical areas – Standards and criteria.</p> <p>All impacts to critical areas functions and values shall be mitigated. <u>This section applies to mitigation required with all critical areas reviews, approvals and enforcement pursuant to this Chapter. This section is supplemented with specific measures under subchapters for particular critical areas. The proponent for a project involving critical areas shall seek to avoid, minimize and mitigate the impacts to the critical areas through Mitigation actions by an applicant or property owner shall that occur in the following sequence:</u></p> <p>A. Avoiding the impact altogether by not taking a certain action or parts of actions;</p> <p>B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;</p> <p>C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;</p> <p>D. Reducing or eliminating the impact over time through preservation and maintenance operations during the life of the action; and/or</p> <p>E. Compensating for the impact by replacing or providing substitute resources or environments. (Ord. 324 § 1, 2003;</p> <p>Ord. 238 Ch. VIII § 2(B), 2000. Formerly 20.80.170.).</p>	<p>20.80.080 Alteration or development of critical areas – Standards and criteria.</p> <p>All impacts to critical areas functions and values shall be mitigated. <u>This section applies to mitigation required with all critical areas reviews, approvals and enforcement pursuant to this Chapter. This section is supplemented with specific measures under subchapters for particular critical areas. The proponent for a project involving critical areas shall seek to avoid, minimize and mitigate the impacts to the critical areas through Mitigation actions by an applicant or property owner shall that occur in the following sequence:</u></p> <p>A. Avoiding the impact altogether by not taking a certain action or parts of actions;</p> <p>B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;</p> <p>C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;</p> <p>D. Reducing or eliminating the impact over time through preservation and maintenance operations during the life of the action; and/or</p> <p>E. Compensating for the impact by replacing or providing substitute resources or environments. (Ord. 324 § 1, 2003;</p> <p><u>F. Monitoring the impact and taking appropriate corrective measures.</u></p> <p>Ord. 238 Ch. VIII § 2(B), 2000. Formerly 20.80.170.).</p>	Recommended 7-21-05

Item #	Staff Proposed Draft Code Section (Jan 10, 2005 Draft)	Planning Commission Recommended Changes to Draft Code Section	PC Rec. Date / Notes
11		Do word search: Change all instances of "grass lined swales" to "bioswale"	Recommended 7-21-05
12		Do word search: Change all instances of "piped water course" to "piped stream segments"	Recommended 7-21-05
13	<p>20.80.030 Exemptions</p> <p><u>J. View preservation and enhancement programs may be permitted in Critical Areas and their buffers if a Critical Area Stewardship Plan is approved as a Clearing Permit under SMC 20.50.290 and 20.50.300. The Critical Area Stewardship Plan must meet all of the following criteria:</u></p> <ol style="list-style-type: none"> <u>1. The Plan will result in no net loss of the functions and values of each critical area.</u> <u>2. The Plan will maintain or enhance the natural hydrologic systems on the site.</u> <u>3. The Plan will maintain, enhance or restore native vegetation on the site.</u> <u>4. The Plan will maintain habitat for fish and wildlife on the site and enhance the existing habitat.</u> <p><i>A list of all "exemptions" starts on page 18 of the July 21, 2005 Planning Commission Packet.</i></p>	<p>Commissioner Hall: I propose the following amendments (marked up relative to the current code, not the draft update, for clarity) to continue to protect trees in critical areas because of the functions and values provided by mature, native trees that cannot be fully mitigated by replanting or other measures. Trees play critical roles in slope stability, erosion control, water quality and hydrology, which are important for public health and safety. Even many of the members of the public who favor tree removal value public health and safety, and landslides and erosion along streambanks may be as much of a hazard as hazardous trees near streams and steep slopes hazard trees. Mature trees are also important for their contributions to bird, wildlife and fish habitat. Outside of Innis Arden, where opinions are mixed and numerically in favor of view preservation, I have heard overwhelming support from Shoreline residents for protection of trees in critical areas as a higher priority than view preservation. Outside of critical areas, there is strong support for balancing preservation of views through trees with preservation of views of trees. That is, many people find trees, water and mountain views important to the aesthetics of Shoreline.</p> <p>Do not amend 20.80.030 to create a new exemption for view enhancement with a stewardship plan.</p>	NOT YET DELIBERATED ON BY COMMISSION AS A WHOLE

Item #	Staff Proposed Draft Code Section (Jan 10, 2005 Draft)	Planning Commission Recommended Changes to Draft Code Section	PC Rec. Date / Notes
14	<p>20.80.030 Exemptions</p> <p><u>P. Up to six significant trees may be removed from a critical area or a critical area buffer if a Clearing Permit is approved under SMC 20.50.290 and 20.50.300 and includes sufficient mitigation so that there is no net loss of the functions and values of each type of critical area.</u></p> <p><i>A list of all “exemptions” starts on page 18 of the July 21, 2005 Planning Commission Packet</i></p>	<p>Commissioner Hall: Do not add a new subsection (P) to allow up to six trees to be cut in critical areas for no reason whatsoever. The purpose of the Tree Preservation, Land Clearing and Site Grading Standards subchapter of Chapter 20.50 is to reduce the environmental impacts of site development while promoting reasonable use. Removal of trees in critical areas directly conflicts with eight of the methods listed to further the purpose stated in 20.50.290 (A, B, C, D, E, F, G and H) and is not supported by the other four (I, J, K and L).</p>	NOT YET DELIBERATED ON BY COMMISSION AS A WHOLE
15	<p>20.80.030 Exemptions</p> <p><u>J. View preservation and enhancement programs may be permitted in Critical Areas and their buffers if a Critical Area Stewardship Plan is approved as a Clearing Permit under SMC 20.50.290 and 20.50.300. The Critical Area Stewardship Plan must meet all of the following criteria:</u></p> <ol style="list-style-type: none"> <u>1. The Plan will result in no net loss of the functions and values of each critical area.</u> <u>2. The Plan will maintain or enhance the natural hydrologic systems on the site.</u> <u>3. The Plan will maintain, enhance or restore native vegetation on the site.</u> <u>4. The Plan will maintain habitat for fish and wildlife on the site and enhance the existing habitat.</u> 	<p>Commissioner Hall: Alternatively, if the Planning Commission feels strongly that trees can be cut in critical areas to create and enhance views, then I would want to provide a much greater level of oversight, review, and enforcement for such clearing. A tour of the reserves showed that many of the newly planted trees had been vandalized by breaking off, and in some cases even clipping off, the tops. There were others that had completely disappeared. Requiring third party review and dedicating an easement to the City for enforcement might help, even though many people commented that the assumption that mitigation can completely replace all functions and values of mature, native trees is patently false. The following would put these protections in place:</p> <p>Add new section to 20.80.030 as follows (double-underline are the new changes):</p> <p><u>J. View preservation and enhancement programs may be permitted in Critical Areas and their buffers if a Critical Area Stewardship Plan is approved as a Clearing Permit under SMC 20.50.290 and 20.50.300. The Critical Area Stewardship Plan must meet all of the following criteria, and may be subject to third party review, paid for by the applicant, at the Director’s discretion.</u></p> <ol style="list-style-type: none"> <u>1. The Plan will result in no net loss of the functions and values of each critical area.</u> <u>2. The Plan will maintain or enhance the natural</u> 	NOT YET DELIBERATED ON BY COMMISSION AS A WHOLE

Item #	Staff Proposed Draft Code Section (Jan 10, 2005 Draft)	Planning Commission Recommended Changes to Draft Code Section	PC Rec. Date / Notes
15 Cont.		<p><u>hydrologic systems on the site.</u></p> <p><u>3. The Plan will maintain, enhance or restore native vegetation on the site.</u></p> <p><u>4. The Plan will maintain habitat for fish and wildlife on the site and enhance the existing habitat.</u></p> <p><u>The Plan may be phased. A permanent easement for the purpose of monitoring and code enforcement must be dedicated to the City and recorded on the title of the parcels affected. A performance bond or other acceptable security device to ensure the implementation of the plan may be required in an amount to be determined by the Director. The Director may require submittal of periodic monitoring reports as necessary to ensure that the criteria of the plan are being met. The contents of the monitoring report shall be determined by the Director, and may be subject to third party review, paid for by the applicant, at the Director's discretion.</u></p>	NOT YET DELIBERATED ON BY COMMISSION AS A WHOLE
16	<p>20.50.310 Exemptions from permit.</p> <p>A. Complete Exemptions. The following activities are exempt from the provisions of this subchapter and do not require a permit:</p> <p>1. Emergency situations on private property involving danger to life or property or substantial fire hazards. Any hazardous tree or vegetation which is an immediate threat to public health, safety, or welfare, or property may be removed without first obtaining a permit regardless of any other provision contained in this subchapter. If possible, trees should be evaluated prior to removal using the International Society of Arboriculture method, Hazard Tree Analysis for Urban Areas, in its most recent adopted form. The party removing the tree will <u>shall</u> contact the City regarding the emergency, if practicable, prior to removing the tree, <u>and no later than one working day following the emergency. After the emergency, the person or agency taking the action shall conduct a professional</u></p>	<p>Commissioner Hall: Do not amend 20.50.310 to create a new complete exemption for clearing and grading with a critical areas stewardship plan.</p> <p>A. Complete Exemptions. The following activities are exempt from the provisions of this subchapter and do not require a permit:</p> <p>1. Emergency situations on private property involving danger to life or property or substantial fire hazards. Any hazardous tree or vegetation which is an immediate threat to public health, safety, or welfare, or property may be removed without first obtaining a permit regardless of any other provision contained in this subchapter. If possible, trees should be evaluated prior to removal using the International Society of Arboriculture method, Hazard Tree Analysis for Urban Areas, in its most recent adopted form. The party removing the tree will <u>shall</u> contact the City regarding the emergency, if practicable, prior to</p>	NOT YET DELIBERATED ON BY COMMISSION AS A WHOLE

Item #	Staff Proposed Draft Code Section (Jan 10, 2005 Draft)	Planning Commission Recommended Changes to Draft Code Section	PC Rec. Date / Notes
16 Cont.	<p><u>evaluation and perform site restoration consistent with SMC 20.50.330 and 20.50.360.</u></p> <p>2. Removal of trees and/or ground cover by the City and/or utility provider in situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.</p> <p>3. Installation and regular maintenance of public utilities, under direction of the Director, except substation construction and installation or construction of utilities in parks or environmentally sensitive areas.</p> <p>4. Cemetery graves involving less than 50 cubic yards of excavation, and related fill per each cemetery plot.</p> <p><u>5. Tree and vegetation removal in accordance with an approved Critical Area Stewardship Plan.</u></p> <p><u>6. Removal of trees from property zoned RB & I, CB & NCBD and NB &O, unless within a Critical Area or Critical Area Buffer.</u></p>	<p>removing the tree, <u>and no later than one working day following the emergency. After the emergency, the person or agency taking the action shall conduct a professional evaluation and perform site restoration consistent with SMC 20.50.330 and 20.50.360.</u></p> <p>2. Removal of trees and/or ground cover by the City and/or utility provider in situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.</p> <p>3. Installation and regular maintenance of public utilities, under direction of the Director, except substation construction and installation or construction of utilities in parks or environmentally sensitive areas.</p> <p>4. Cemetery graves involving less than 50 cubic yards of excavation, and related fill per each cemetery plot.</p> <p><u>5. Tree and vegetation removal in accordance with an approved Critical Area Stewardship Plan.</u></p> <p><u>6. Removal of trees from property zoned RB & I, CB & NCBD and NB &O, unless within a Critical Area or Critical Area Buffer.</u></p>	NOT YET DELIBERATED ON BY COMMISSION AS A WHOLE

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-----Original Message-----

From: Marion Woodfield [mailto:Marion.Woodfield@publicis-usa.com]

Sent: Thursday, July 21, 2005 12:54 PM

To: Matt Torpey

Subject: 7/21 Planning Commission meeting

good morning,
unfortunately it doesn't look like there will be an opportunity to comment re. the critical areas ordinance tonight, however, I feel compelled to comment in writing. One of the early owners of our house in Innis Arden was shocked when she saw all of the trees that are not only view blocking on adjoining private properties, but especially those in the reserves that never existed when she and her husband lived here. The very layout of our house makes it clear that it was positioned towards the view, but you wouldn't know that now. It's all the result of the nonstop bickering that has held this community hostage for 30 some years; in the meantime, of course, new seedlings became towering trees and all were allowed to keep on growing.

As an environmentalist I understand the many basic issues. However, I fail to see how this is being properly addressed by our community, or the city, from a truly rational point of view. Any attempts by I.A. Board members are often squelched because the ARM group appears to have nothing better to do than file (frivolous) law-suits against its own members.

A common sense approach appears to be missing and I would like to cite some examples of why I feel that way:

In my own backyard, because of a planned balance of shrubs, medium sized trees, native plants, etc. I have more wildlife and birds than you will find in the reserves which have turned into an unmanaged jungle of invasive (and frequently non-native) plant species.

The I.A. tree issue are solely an excuse by the Elaine Phelps and Blauert ARM members to lash out at those who love their views of Puget Sound. What's not to love? That's my first question. Their arguments are totally void of any genuine environmental or wildlife concerns. Any arborist will tell you that our reserves are hardly conducive to a wide variety of wildlife. There are no eagles nesting, you hardly ever see a Blue Heron, and the Quail chicks hardly ever survive since free roaming cats further put these creates in peril.

So, how are the diverse needs of wildlife and bird habitat really being addressed? What about the fact that trees need to be managed to remain healthy? That hazardous trees need to be attended to because the might injure or kill someone who walks through the woods? Ask Elaine Phelps and her cohorts and all you get it is a litany of BS (sorry to be so blunt). She and her group is also unable to answer simple questions about overgrowth of invasive plants that strangle everything in its path and rob the very plants/trees that should be preserved to provide the nutrients and water they need for their long term survival.

Who is addressing the fact that our reserves could turn into an inferno because of the out of control density of trees and underbrush?

I believe that a common sense solution hasn't been found yet. I urge you to address and consider the points I have raised since for most of us our homes are our single most valuable investment.

Thank you!

Marion Woodfield
18474 16th Ave NW
Shoreline, WA 98177
Phone 206.270.4697



Shoreline Planning Commission

July 21, 2005

Written Comment

I strenuously object to Commissioner Hall's characterization of a naturally occurring event as vandalism. There is a large population of mountain beaver living in the Reserves of Innis Arden. The main food source of these animals are the tops and branches of sapling trees. The newly planted trees have been altered by the mountain beavers. Also his suggestion of a permanent easement for enforcement purposes is patently illegal for private property.

David Fosmire
Vice President
Innis Arden Club, Inc.

Please leave this form with the clerk at the end of the meeting

This is a public record

-----Original Message-----

From: John Hollinrake [mailto:hollinj@comcast.net]

Sent: Saturday, July 23, 2005 2:24 PM

To: Tim Stewart; Matt Torpey

Subject: Commissioner Hall's Proposals

Mr. Stewart and Mr. Torpey:

I received a copy of the amendments to the CAO proposed by Commissioner Hall at the recent Planning Commission meeting. These amendments do not appear to be based on the best available science. Instead, the proposed amendments appear to be designed to make it impossible for the residents of Innis Arden to maintain their valuable views.

I am writing to urge the Planning Commission and the Staff to oppose these amendments.