AGENDA

CITY OF SHORELINE PLANNING COMMISSION
REGULAR MEETING

Thursday, October 6, 2005
7:00 p.m.

Shoreline Conference Center
Mt. Rainier Room
18560 1st Avenue NE

		Estimated Time
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. September 15, 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**	7:15 p.m.
8.	**STAFF REPORTS** a. Sidewalks & In-Lieu of Program	7:20 p.m.
9.	**PUBLIC COMMENT**	8:40 p.m.
10.	**UNFINISHED BUSINESS** a. Confirm Cottage Housing Findings & Determination	8:45 p.m.
11.	**NEW BUSINESS**	9:05 p.m.
12.	**AGENDA FOR** October 20th, 2005 Workshop: Annual Development Code Amendments	9:10 p.m.
13.	**ADJOURNMENT**	9:15 p.m.

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 546-8919 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 546-2190.

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These Minutes Subject to October 6th Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF REGULAR MEETING

September 15, 2005 Shoreline Conference Center
7:00 P.M. Board Room

PRESENT
Chair Harris
Vice Chair Piro
Commissioner Kuboi
Commissioner Phisuthikul
Commissioner Sands
Commissioner Broili
Commissioner McClelland
Commissioner Hall

STAFF PRESENT
Ray Allshouse, Building Official
Paul Cohen, Senior Planner, Planning & Development Services
Jessica Simulcik Smith, Planning Commission Clerk

ABSENT
Commissioner MacCully

1. CALL TO ORDER

The regular meeting was called to order at 7:03 p.m. by Chair Harris, who presided.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Vice Chair Piro, Commissioners Kuboi, Sands, Hall, McClelland, Phisuthikul and Broili. Commissioner MacCully was excused.

3. APPROVAL OF AGENDA

The agenda was approved as submitted.

4. DIRECTOR'S REPORT

Ray Allshouse, Building Official, reminded the Commission of the American Planning Association Conference in Bellevue on October 31st through November 2nd. He advised that the City Council has

allocated funds for the Commissioners to attend the event. He urged interested Commissioners to notify the Commission Clerk as soon as possible so that appropriate arrangements could be made.

Mr. Allshouse reported that the City is currently advertising the position that was vacated by Ms. Spencer. However, David Pyle has also announced that he would be leaving the City at the end of September. In the interim, the Planning and Development Services Department would receive support through contract services as required to at least keep things moving forward.

5. APPROVAL OF MINUTES

The minutes of September 1, 2005 were approved as drafted.

6. GENERAL PUBLIC COMMENT

James Acheson, 10th Avenue Northwest, expressed his belief that Cottage Housing would never work in the City of Shoreline. He reported that as he was driving through South Everett, he stumbled upon a Cottage Housing development that was about 15 years old. The garage doors on most of the units were dilapidated and the paint was pealing off the siding. The front yards had multiple cars with lots of kids running around. It appeared the residents did not have the funds to keep up their units, and he suggested this is what the City could expect in the future if Cottage Housing were allowed. He recommended that the City's zoning be changed to eliminate Cottage Housing. He suggested that, instead, they should allow high-rise buildings near commercial areas to provide enough housing units to satisfy the Growth Management Act.

Guy Olivera, Dayton Avenue North, pointed out that the overwhelming majority of people who own homes near Cottage Housing projects object to them and feel betrayed by the City for allowing their neighborhoods to accommodate projects that belong in areas zoned for condominiums. Any assertion that many citizens of Shoreline seem indifferent to this issue is clearly due to the absence of Cottage Housing projects in their neighborhoods. Cottage Housing does not have a place in areas that are zoned for single-family residential. He pointed out that the hopes and claims of the developers seem to run contrary to the market reality. Over the past year, every single-family house that was listed for sale along his stretch of Dayton Avenue was snapped up in days or weeks. Meanwhile, two Cottage Housing units at Dayton and 157th stayed on the market for close to a year and a third unit is up for sale now.

Mr. Olivera suggested that economics would prove overtime that Shoreline must respect the zoning of the single-family neighborhoods. According to the Bureau of Economic Analysis, savings as a percentage of disposable income has dropped to the lowest level ever. People are banking everything on their homes, and property values are important to the next generation's retirement. However, the City has repeatedly ignored the citizens' comments regarding reduced property values as a result of adjacent Cottage Housing development. He advised that his neighborhood group would be forwarding certified letters to each of the City Council Members to inform them that they have consulted a zoning and development attorney. They would also send a letter to the Washington Cities Insurance Authority informing them that the City of Shoreline is considering the resumption of permitting Cottage Housing projects without completing an impact assessment as requested by the citizens. If the City chooses to move forward with the Cottage Housing Ordinance, the legal costs could be extraordinary. Mr. Olivera thanked Mr. Cohen for being willing to work with the citizens to resolve the difficult situations related

to Cottage Housing. On the other hand, he advised that when he and his wife have contacted City Council Members, their concerns were dismissed.

Janice Jaworski, Dayton Avenue North, said she lives in a Cottage Housing development and feels that they have a good neighborhood. She said she does not believe the information Mr. Olivera provided regarding the sales aspect of Cottage Housing units was accurate. She urged the City to consider that many of the occupants of Cottage Housing take care of their homes. In her neighborhood, they socialize and work together to take care of the properties. She expressed her belief that Cottage Housing developments provide a benefit to some residents of Shoreline, and the people who live in them are good community members.

Alan Jaworski, Dayton Avenue North, said he also lives in the Madronna Cottage Housing Development and does not feel there is anything wrong with the concept of Cottage Housing. The people who live in the units are all fine people, and the County collects over $2,000 a year in taxes from each of them. The units are built well, and the residents share a sense of community that is not available in most traditional subdivision developments. He emphasized that no listing for sale of a Cottage Housing unit has ever gone on for a year. The longest it has taken to sell a unit is about five or six months, when there were three available all at once. Mr. Jaworski expressed his belief that Cottage Housing developments are at least as good as most of the current housing stock that exists in the area. There are numerous examples of small, cinderblock homes throughout Shoreline. He summarized that Shoreline has always been a place of good housing values, good people, and conscientious planning to provide affordable housing. He questioned where the future generation would live if a 1,000 square foot new house costs $300,000. He urged the City to continue to look for ways to increase the density in good, wholesome ways so that everyone can continue to enjoy the legacy that Shoreline represents.

Barbara Buxton, Ashworth Avenue, said she lives just south of the Ashworth Cottages. She said she has been through the homes and found them to be very poorly constructed. The living space is ill conceived and small. In addition, they experience problems with flooding. She said that she doesn't think the concept of Cottage Housing is necessarily bad, and that there are appropriate places for these developments to occur. Most cities tuck them away in little nooks and crannies and are separated from single-family homes, and this tends to work well. She expressed her concern about the impact the Ashworth Project would have on her property.

Jim Soules, Cottage Company, Seattle, said his company developed the Greenwood Avenue Cottage Project. He said there have already been two resale situations in this development, and both units were quickly snapped up at a much higher price than the first owner paid. In fact, he noted that some of the Greenwood Avenue Cottages sold for a greater price than a few of the adjacent single-family homes. He pointed out that there has been a huge change in demographics, and now 66 percent of United States households are 1 and 2 persons. Cottage Housing was originally intended to provide a new housing choice for smaller households. The other objective was to provide an alternative to the infill that was coming from the larger houses being built on small lots.

Mr. Soules again suggested the City's Cottage Housing Ordinance require a developer to submit and show how the property would be developed with conventional zoning, and then make sure the neighborhood understands what could happen to them. For example, at the Reserve Cottage Housing Development, it is important to note that while there are units that are 25 feet high next to single-family

residential homes, the property could have been developed up to 35 feet high and only five feet away. He summarized his belief that a lot of the concern is based on anxiety about something that is different. He said his company has shown that Cottage Housing can be done well in existing residential areas. People from other cities are visiting the various projects they have developed because they are excited about the concept of smaller, detached homes that fit within the single-family residential areas.

Mr. Soules pointed out that the ordinance states that a unit cannot be any larger than 1,000 square feet. On the other hand, the single-family zoning regulations for a 7,200 square foot lot would allow a home up to 4,000 or 5,000 square feet in size. The only thing that would limit the floor area would be the envelope of the setbacks and the height. The Cottage Housing Ordinance would permanently control the size of the units forever.

William Vincent, Northwest 195th, said he lives across the street from the Hopper Cottage Housing Development and is waiting to hold judgment until the project has been completed. They may end up with nice people that he will enjoy welcoming into the neighborhood. However, he suggested the biggest underlying problem with Cottage Housing has been the public's misconception that they were protected in their zoning rights. Anytime the City wants to subject the people to change, they must sell the concept effectively to the community. He suggested that a design review might also make it easier to sell the concept to the community. He concluded by stating that he has a strong suspicion that this issue could have an impact on the election and might affect all of the citizens in an adverse fashion.

7. REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Sands reminded the Commission that the City Council directed staff to form an Economic Development Task Force, and he was selected as the chair. They have held three or four meetings, and they are currently going through a process with staff to determine where monies are generated. They have spoken with regional people regarding King County's economic development efforts, as well as bond related people about the possibility of floating some bonds. In addition, they have worked with marketing people about the possibility of generating a marketing program for the City. The task force has been charged with modifying the current economic development plan and making a recommendation for the City Council to consider. However, right now they are just in the information mode. Within the next few weeks, the task force would start to formulate a useful plan for the community.

Commissioner Sands said there is a lot of work to do, starting with the creation of a vision of what Shoreline is supposed to be. He reported that the task force is a diverse group, with numerous opinions and all of their meetings have been and will continue to be open to the public. He advised that the meetings are free flowing and are not being recorded. Tom Boydell, the City's meeting facilitator, prepares summary minutes of each of the meetings. He said he would share these summary minutes with the Commissioners.

Commissioner Kuboi pointed that, oftentimes, what actually happens in the City is largely determined by economics. He suggested that the Commission should have a better understanding of economic development to help them figure out how they could align their efforts, as an advisory body, with the dynamics of the market. Commissioner Sands agreed, and said the task force is trying to address whether or not the City should step in and take an active role in trying to control the economics of the

Shoreline. The task force has agreed that there is a need to compile information on the businesses currently located in Shoreline. He said it would not surprise him if the task force ends up making a recommendation that the City institute a business licensing procedure so they can keep track of information. However, before the task force can come up with a plan, they must know what the City already has, and it will take time to compile the needed information.

Commissioner Kuboi asked if Commissioner Sands was participating on the task force as a citizen of Shoreline or as a representative of the Planning Commission. If he is representing the Planning Commission, he questioned how the Commission would be able to provide their input to him. Chair Harris said the City Council requested the Commission provide a representative for the task force, and they selected Commissioner Sands. Commissioner Hall pointed out that the Commission's by-laws state that only the Chair can represent the Commission as a body. Therefore, Commissioner Sands would not be able to speak on behalf of the Commission. Commissioner Sands said he has never held himself out as being a representative of the Planning Commission. However, he has been introduced as a member of the Commission.

8. STAFF REPORTS

There were no staff reports scheduled on the agenda.

9. PUBLIC COMMENT

Because there were no new staff reports, all public comment was provided as part of Item 6.

10. UNFINISHED BUSINESS

a. Continued Cottage Housing Deliberations and Recommendation

Paul Cohen, Senior Planner, reminded the Commission of the City Council's recent decision to conduct a public forum on the Cottage Housing Ordinance. He reported that the City Manager's Office is working to set up a meeting with the various individuals who have been asked to participate in a work group to discuss the process and content for the public forum. The intent is to hold the public forum sometime near the end of October. The starting point for the forum would be the Planning Commission's recommendation for the Cottage Housing Ordinance. He suggested that the Commission try to put together a draft recommendation at their October 6th meeting.

Mr. Cohen reminded the Commission that at their September 1st meeting, they directed him to come up with a proposal that would include using a Type B review process for Cottage Housing, but it would give the Planning Director the ability to refer controversial projects to the Planning Commission for review. No changes were made to the amendments proposed by staff.

Mr. Cohen recalled that at the last meeting a Commissioner inquired if the City currently has a housing strategy. He explained that the City has housing policies in the Comprehensive Plan. Also, administering the Development Code would provide some bonus for Cottage Housing, affordable housing, and accessory dwelling units. It would also provide for unlimited density in regional business zones and in the North City Business District.

Mr. Cohen recalled that Commissioner Broili previously asked how the City could distribute Cottage Housing or other types of housing throughout the City. He referred to the first code amendment that was proposed, which would limit no more than eight Cottage Housing units within a 1,000 foot radius of any point in the City. This would be one way to distribute housing of a certain type so no one neighborhood would be concentrated with too much. To determine the impact of this proposed amendment, Mr. Cohen said he used a City zoning map and arbitrarily put in 1,000 foot radius circles around the City. He noted that he excluded neighborhoods with covenants, as well as the number of cottage houses that have already been built. He emphasized that while the map is very theoretical, it identifies the potential for 569 Cottage Housing units. However, development is unlikely to happen in that fashion so the Growth Management Act target of 350 Cottage Housing units for the City would probably not be far off if this concept were adopted.

Mr. Cohen pointed out that, as per the proposed amendments, the Planning Director could forward controversial projects to the Planning Commission for review. The Planning Commission would then have the choice of reviewing the project proposal at a regular meeting as an entire body, or they could assign a Design Review Board to meet at a separate time. He estimated that this step would add at least another month and perhaps up to three months to the process if a project had to be reviewed by the entire Planning Commission. On the other hand, if a Design Review Board were set up to review the project at a separate time, the time period would be shortened. Mr. Cohen said it is important to remember that when reviewing a Cottage Housing proposal as a Planning Commission or a Design Review Board assigned by the Planning Commission, it might take more than one session since after holding one hearing, the Commission may find that revisions are necessary. He noted that the estimated staff time and cost would be about $1,000 per meeting.

Mr. Cohen referred to Page 19 of the Staff Report, which lists additional criteria that should be required above the current submittal requirements to assist the Commission in making a decision. He recalled that the Commission previously discussed the need for the applicant to illustrate what the property could be designed like as a typical single-family development. Some Commissioners expressed concern that this illustration could be swayed or made to look less appealing than the project the applicant really wants to develop. Instead, he recommended that an illustrated site plan and elevations be required from all sides of the proposal as well as all sides of the adjacent property. This would allow the Commission to have a clear understanding of the elevation of adjacent buildings, houses and yards. He noted that the City of Kirkland's program would require an applicant to show how a site could be subdivided into a typical single-family development, without necessarily having to propose specific designs. The density bonus could then be calculated based on the number of single-family lots that would be allowed. At this time, the City calculates the density bonus based on the raw square footage. If a property is over 14,400 square feet, as most sites are, the City allows a developer to round up to three units. He summarized that Kirkland's requirement would play down the density bonus.

Mr. Cohen said staff is recommending that the Design Review Board receive a copy of all public comments from neighborhood meetings that happen before an application is submitted and those that are received during the application's comment period. This would allow the Design Review Board to have a full range of public opinion on the proposal.

Mr. Cohen said staff is also recommending that the surrounding properties be surveyed for square footage of buildings, building height, roof forms, setbacks from property lines, parking space and location, access, screening and lot coverage. This would provide the Design Review Board with something to measure the project from.

Mr. Cohen referred the Commission to the code amendments that have been on the table for a few months and noted that the pros and cons of each would likely be highlighted as the process moves forward.

Mr. Cohen reported that he recently reviewed the City of Kirkland's Innovative Housing Program and collected information about the criteria their Planning Commission would use when entertaining proposals for Cottage Housing, compact housing and tri-plex/duplexes that look like single-family homes. He referred to the list on Page 19 of the Staff Report and advised that he adapted Kirkland's criteria to fit the needs of the City of Shoreline. He specifically noted the last item on the list, which allow applicants to propose modifications to the requirements of the Shoreline Muncipal Code, other than those specifically identified in Section 20.40.300 (the Cottage Housing requirements), that are important to the success of the proposal as Cottage Housing. He explained that this criteria means that if a proposal meets the Cottage Housing code requirements, but not other requirements of the Development Code, the requirements could be modified if the Design Review Board felt it necessary to get a top project.

Mr. Cohen said that in order to pursue the proposed criteria, new language would have to be adopted to give the Planning Director the ability to pass the more controversial Cottage Housing proposals to the Planning Commission or a Design Review Board. Also, the additional criteria would have to be added to the ordinance. Mr. Cohen said he spoke with a representative from the Kirkland Planning Department regarding the success of their Innovative Housing Program. She informed him that they are currently watching to see how things go in the City of Shoreline before they decide how they will present the program to the community for implementation in the future.

Vice Chair Piro reminded the Commission of the public forum that would be held sometime in October and suggested he would prefer the Commission have the benefit of reviewing the comments provided at the forum before making a final recommendation to the City Council. However, it is the City Council's intent that the forum start work with the Planning Commission's recommendation. He suggested the Commission work on the proposed amendments and take action on a preliminary draft ordinance that could be made available at the forum. This would allow the Commission an opportunity to work with the feedback that comes from the forum, make some changes to the draft and then forward a recommendation to the City Council.

Commissioner Kuboi agreed that the Commission should draft a proposal that could be used as a reasonable starting point to address some of the concerns raised by the public. He expressed his opinion that while the staff's recommendations would improve the ordinance, they sidestep some of the fundamental issues. Rather than just work on the staff's proposed amendments, he would like the Commission to expand the scope of what they are trying to do. He suggested that they start by identifying the types of ideas they would like to entertain. For example, the Commission has never discussed whether 1,000 square feet is a sensible number for size, given the needs of both the residents of Shoreline and the development community.

Vice Chair Piro recalled that at the end of the Commission's last meeting, Commissioner Broili was willing to put a motion on the table that the Commission begin to act on the ten proposed amendments from staff. He suggested that they identify the ones they can all agree on now, and then determine a timeline for dealing with the remaining issues.

Chair Harris said he attended the City Council meeting at which the public forum concept was discussed. He summarized that the Commission was charged with coming up with a recommendation prior to the public forum. Vice Chair Piro again suggested that the Commission present a proposed draft recommendation for consideration at the public forum. Chair Harris pointed out that any recommendation the Commission comes up with would likely be sent back to them after the forum for more work. Vice Chair Piro suggested the Commission forward a draft recommendation first in order to avoid procedural problems if the Commission were to go in a different direction after the forum.

Commissioner McClelland agreed that tweaking the ordinance may have made progress, and they are closer to having a good ordinance that weeds out unscrupulous developers. However, they have not dealt with all of the issues. She suggested that the intent of the public forum is to create an environment where people are able to interact with the Planning Commission, staff and City Council. She asked for clarification about whether the Commission's recommendation would come back to them after the public forum or go directly to the City Council for revisions and approval. She said she has still not been contacted regarding a meeting date to discuss these types of issues in preparation for the public forum that is to be held around the end of October.

Chair Harris pointed out that the City would be short on Planning Department staff for the next month or two. Commissioner Hall expressed his concern that the Planning Commission, City Council and community have been stuck on this issue for too long given the fact that there are other important City issues that must be dealt with. He suggested that the best recommendation the Commission could offer to the City Council and the participants of the forum now would be better than a perfect solution they could offer in six months. He reminded the Commission that the City Council would make the final decision. They have an idea for a workshop that is designed to get more meaningful public interaction, and the Commission should not stand in their way. He urged the Commission to do their best and then let the process move forward. He summarized that the Commission must balance their desire to act quickly with their desire to act with wisdom. If they act quickly, they could give up a little bit of quality, but if they want the perfect solution, they could spend their entire time working on one problem. He agreed with Chair Harris that the City Council has an expectation that the Commission do the best they can to move a recommendation forward prior to the public forum.

VICE CHAIR PIRO MOVED THAT THE COMMISSION MOVE FORWARD WTH STAFF'S RECOMMENDED AMENDMENTS IN ATTACHMENT B OF THE SEPTEMBER 15, 2005 STAFF REPORT. COMMISSIONER SANDS SECONDED THE MOTION.

VICE CHAIR PIRO MOVED THAT THE MOTION BE AMENDED TO REMOVE PROPOSED AMENDMENTS 1 AND 4 IN ATTACHMENT B OF THE SEPTEMBER 15, 2005 STAFF REPORT FOR FURTHER DELIBERATION. COMMISSIONER HALL SECONDED THE MOTION TO AMEND.

Vice Chair Piro referred to staff's recommended Amendment 1, which states that no more than eight Cottage Housing units could be located within a 1,000 foot radius from any single point in the City. He then referred to staff's recommended Amendment 4, which is an existing provision that has been edited. It states that Cottage Housing shall have a minimum of four units and a maximum of eight units, not including community buildings.

Vice Chair Piro said that while he likes the concept, he would like to perhaps discuss a different dimension. He said he is also uncomfortable with the concept of limiting the number of units in any Cottage Housing unit to between four and eight (Amendment 4). He recalled that part of his apprehension with the Ashworth Cottage Development is that only four units seems a little awkward on the site and might not create a sense of community as the Cottage Housing concept is intended to do. He suggested that four might be too small and eight might be too harsh as a top limit.

Commissioner Sands suggested that the Commission vote down the motion to amend the main motion. Instead, they should simply begin discussion of all of the amendments, leaving Proposed Amendments 1 and 4 until the end. The remainder of the Commission concurred.

VICE CHAIR PIRO WITHDREW HIS MOTION TO AMEND THE MAIN MOTION.

Proposed Amendment 2
The Commission agreed that Proposed Amendment 2 should be accepted as per the staff's recommendation.

Proposed Amendment 3
None of the Commissioners raised a concern about Proposed Amendment 3.

Proposed Amendment 5
Vice Chair Piro asked that the word "structures" be eliminated from the first sentence of the proposed language. He suggested that this was a typographical error. The remainder of the Commission agreed upon this change. No other changes were made to Proposed Amendment 5.

Proposed Amendment 6
Commissioner McClelland suggested that something is missing from the first sentence. It was discussed that the intent is to require all of the units to be oriented around a common open space. The Commission agreed that the sentence was a little awkward, and they asked staff to replace the language to make its intent more clear. No other changes were made to Proposed Amendment 6.

Proposed Amendment 7
Commissioner Sands suggested that the second sentence of Proposed Amendment 7 be changed to read, "Private open space with a dimension of less than 10 feet on one side shall not be included in the area calculation." Mr. Cohen explained that private open space is the yard space in front of the entry, which is adjoining the common open space. This could be all sorts of shapes, but it is important that it is substantial and have a dimension of at least 10 feet in any direction.

Commissioner Sands inquired if it would be better to use a square footage number as opposed to a dimensional number. Commissioner Hall explained that there is a difference between setting a

minimum dimension and setting a square footage requirement. A square footage requirement could be a narrow band around the house. Since the intent is to create open space, having a dimensional requirement would be more appropriate.

Commissioner McClelland suggested that the second sentence be changed to read, "Private open space that is less than 10 feet wide shall not be included in the 250 square foot area calculation." In the next sentence, she suggested that the word "it" be replaced with "private open space." The remainder of the Commission agreed, and they did not make any other changes to Proposed Amendment 7.

Proposed Amendment 8

Vice Chair Piro said he does not particularly like this proposed amendment because it could create a situation where they end up with excessive parking, which translates into excessive asphalt. However, he is sensitive to the comments that have been provided by the community regarding parking issues around Cottage Housing developments. He recalled that the Commission has heard a lot about the changing demographics and the City is in a situation where one of every two units is occupied by a single person. Part of the market for Cottage Housing is geared towards the smaller households. He said he would be comfortable with a requirement of just two parking stalls for each unit, and not requiring additional stalls for guest parking. Commissioner Phisuthikul agreed.

Chair Harris pointed out that the purpose of the proposed amendments is to respond to the community's concerns, and parking was always mentioned as an issue. As the Commission reviews the proposed amendments, they should consider whether or not they respond to the concerns raised by the community. He said he would support Proposed Amendment 8 as recommended by staff. Commissioner Broili agreed. Leaving the parking more restrictive would limit where Cottage Housing could happen. If there is not enough space to accommodate the parking requirement, then Cottage Housing in that location would be prohibited.

Commissioner Kuboi referred to the last bulleted item in Proposed Amendment 8 and recalled that a few months ago the Commission discussed whether or not the parking space must be covered or enclosed. He said the term "covered" means a carport and not a garage. He noted that most of the Cottage Housing units that have been developed in the City have one of the parking spaces as a garage. However, the Meridian Cottages all have carports. He pointed out that the way the proposed amendment is written, a carport would be acceptable. He would like to see the word "covered" be replaced with "enclosed."

Mr. Cohen reviewed that, other than the Meridian Cottages, all of the new Cottage Housing developments have a combination of enclosed parking and open parking. All have at least one enclosed parking stall per unit, allowing the extra parking to be open.

COMMISSIONER KUBOI MOVED THAT THE COMMISSION CHANGE THE LAST BULLETED ITEM IN PROPOSED AMENDMENT 8 BY REPLACING THE WORD "COVERED" WITH "ENCLOSED." VICE CHAIR PIRO SECONDED THE MOTION. THE MOTION CARRIED 8-0.

Chair Harris referred to the third bulleted item in Proposed Amendment 8 and asked if an architectural screen would mean anything but a fence. Mr. Cohen said the intent was to upgrade fences from being

just board fences into making them more of an architectural screen. The term "architectural screen" allows more leeway in terms of design standards versus just a fence, and there tends to be more design and substance.

Commissioner Phisuthikul expressed his concern that the term "architectural screen" is unclear. He asked if the code includes a definition for this term. Mr. Cohen answered that it is not defined in the code, but an architectural screen is meant to be something built to be an effective screen along parking areas and common areas. He suggested that perhaps they could use the term "walls" versus "fencing" and provide some examples. The Commission agreed this would be appropriate.

Mr. Cohen said the Reserve Cottage Housing Project was the first in which the City required screens versus a solid wood fencing all the way around the property. Instead, strategically placed screens were used to break up the views between the properties without building a wall. The use of architectural screens allows the City to look at the design and determine if it is effective and fits with the architecture of the proposed project. They are not meant to be barricades.

Commissioner Hall said the Commission has discussed the need to allow staff discretion when reviewing projects. When a project is proposed, the applicant could work with staff to come up with an effective screen that has some architectural value. Commissioner Broili said it would be somewhat advantageous to have some ambiguity to allow flexibility for the Design Review Board to interpret the code however they feel is appropriate to help shape a project so it better fits into a neighborhood. A bit of ambiguity in this case would not be a bad thing. The remainder of the Commission concurred that no changes should be made to the second bulleted item.

Proposed Amendment 9

COMMISSIONER BROILI MOVED THAT PROPOSED AMENDMENT 9 BE AMENDED TO READ AS FOLLOWS: "SETBACKS FOR ALL STRUCTURES SHALL BE 10 FEET FROM THE PROPERTY LINES AND 15 FEET FROM PUBLC RIGHT-OF-WAY OR PUBLIC SIDEWALK, WHICHEVER IS GREATER. COMMISSIONER MCCLELLAND SECONDED THE MOTION.

Commissioner Broili said he wants to ensure there would be a minimum 10-foot perimeter all around the property. Again, he made the point that if there were not adequate land to provide a 10-foot perimeter, then Cottage Housing would not be appropriate for the site. He said this type of requirement would help weed out the less desirable projects.

Commissioner Sands asked what the typical setbacks are in an R-4 zone. Mr. Cohen said the setbacks requirements are a minimum of 5 feet, with a 15-foot setback requirement for two side yards combined. Commissioner Sands recalled that the Commission previously had a long conversation about this issue. He said he does not believe the setback requirements for Cottage Housing should be more restrictive than what could normally be built in the zone. Chair Harris pointed out that because the Cottage Housing units would be oriented towards a common open space, the rear yards of each unit would abut against the adjacent property owners. In a single-family zone, the rear yard setback requirement would be 15 feet.

Commissioner Sands again urged that the setback restrictions should not be more restrictive than the underlying zoning. Vice Chair Piro agreed. He recalled that the last time the Commission discussed the Cottage Housing Ordinance, they came up with a compromise that the average of ten feet would make sense, with five feet being what is common for a traditional single-family home. He said he would support the proposed amendment as presented by the staff, since it does provide a little more of a buffer but would not unduly burden this type of development.

Commissioner McClelland suggested that the language in Proposed Amendment 9 be changed to make it clear that the setback requirements are from the exterior property line of the compound. She noted that any unit that sits on a public street would have a 15-foot setback requirement, and this is consistent with other residential zoning in the City. Mr. Cohen clarified that the R-6 and R-4 zones require a minimum front setback of 20 feet. The proposed setback requirement for Cottage Housing would be reduced to 15 feet as per the proposed amendment.

Commissioner Hall asked if sidewalks are sometimes built on private property outside of a public right-of-way. Mr. Cohen clarified that people generally assume that property lines goes along the inside of a sidewalk, but that is not always the case. The purpose of Proposed Amendment 9 is to clarify where the setback would be measured. The current code merely mentions the setback from the public street and does not take into account the edge of a property line, the pavement or the future planned sidewalk. If there is a future sidewalk planned, the intent of the proposed amendment is to make sure the setback is measured 15 feet from the sidewalk area, no matter where the property line is.

THE MOTION FAILED 1-7, WITH COMMISSIONER BROILI VOTING IN FAVOR.

The Commission did not make any changes to Proposed Amendment 9.

Proposed Amendment 10
The Commission did not make any changes to Proposed Amendment 10.

Proposed Amendment 4
Vice Chair Piro expressed his concern that four units does not seem to be a critical enough mass for a Cottage Housing project. The intent of the concept is to create a sense of community, with community facilities, etc. He is not sure that four units would achieve this goal. He said he would like this number to be raised to six. He also expressed his concern about limiting the number of units to only eight. He said he would be comfortable with limiting Cottage Housing development to a maximum of 12 units, but if the Commission wants to reduce the limit, he suggested they use 10 instead.

VICE CHAIR PIRO MOVED THAT PROPOSED AMENDMENT 4 BE AMENDED TO IDENTIFY SIX AS THE MINIMUM NUMBER OF UNITS AND 10 AS THE MAXIMUM NUMBER OF UNITS. COMMISSIONER KUBOI SECONDED THE MOTION.

Commissioner Phisuthikul said he would rather the minimum number of units allowed remain at four as proposed by staff.

VICE CHAIR PIRO WITHDREW HIS MOTION.

VICE CHAIR PIRO MOVED THAT PROPOSED AMENDMENT 4 BE CHANGED TO IDENTIFY SIX AS THE MINIMUM NUMBER OF UNITS ALLOWED IN A COTTAGE HOUSING DEVELOPMENT. COMMISSIONER KUBOI SECONDED THE MOTION.

Chair Harris said he would be in favor of keeping the minimum requirement at four since four units could fit better into an existing neighborhood. Vice Chair Piro said he has been very sensitive to the testimony received from Mrs. King that someone is seeking to purchase her property, as well as the neighboring property. This could result in a situation of just four Cottage Housing units being constructed in the middle of a single-family neighborhood. Raising the minimum number to six would require a larger collection of properties.

Commissioner Kuboi said that when you take into consideration that the amenities must be spread over the number of units in a development, four units would make it more difficult for a developer to have the wherewithal to create the initial amenities. He said he would like the minimum number raised from four to six.

Chair Harris asked if the City has a policy that encourage community buildings in conjunction with Cottage Housing developments. Vice Chair Piro said the ordinance requires community open space as part of a Cottage Housing development. He referred to the concept that Mr. Cohen referenced earlier from Kirkland's program that encourages developments such as duplexes and tri-plexes that look like single-family units. These types of uses might be more appropriate on some of the tighter lots than trying to construct four Cottage Housing units.

Commissioner Hall pointed out that the City's subdivision code already allows someone to purchase two properties that are side by side and redevelop them in a manner that is different than if they had only purchased one. As they think about redevelopment in the future, it would be best to see consolidation of properties to encourage more master planned types of development. He expressed his concern that a property owner would be prevented from consolidating two lots and constructing four Cottage Housing units, yet he would be allowed to consolidate and build three very large homes on the same two lots.

Commissioner Hall noted that the citizens who raised concerns about Cottage Housing never indicated that they would rather have six units next to them than four. Therefore, raising the minimum limit would not address the core concerns raised by the public. He does not feel this change would be important when addressing the public's concerns.

Chair Harris pointed out that, with the proposed new standards for density and parking, four units would not fit on two lots. It would take a three-lot buyout in order to construct at least four, and the density would remain the same as a large project in order to meet the open space and density requirements.

THE MOTION FAILED 2-6, WITH VICE CHAIR PIRO AND COMMISSIONER KUBOI VOTING IN FAVOR.

VICE CHAIR PIRO MOVED THAT PROPOSED AMENDMENT 4 BE CHANGED TO IDENTIFY TEN AS THE MAXIMUM NUMBER OF UNITS ALLOWED IN A COTTAGE HOUSING DEVELOPMENT. THE MOTION DIED FOR LACK OF A SECOND.

Commissioner Sands pointed out that a 1.75 density in an R-6 zone would allow 10 units. Therefore, the Commission must either change the 1.75 density or change the maximum number of units allowed from 8 to 10. Mr. Cohen said this would be assuming that a lot is an acre, and the lots are typically closer to 20,000 square feet in size. Commissioner Sands pointed out that if a lot were larger than one acre, the maximum limit of eight units would override the 1.75 density allowance. This would preclude a developer from compiling more than enough land to develop eight cottages.

The majority of the Commission agreed to accept the staff's recommendation for Proposed Amendment 4.

Proposed Amendment 1

Vice Chair Piro said he was uncomfortable with the 1,000-foot radius concept that was proposed in Amendment 1. Commissioner Sands agreed and said he believes the 1,000 linier foot radius is an arbitrary number that may or may not work, depending on the location and situation. For example, it won't make any difference how close together Cottage Housing projects are located along Aurora Avenue, but in a homogenized residential community, 1,000 feet might be too close. He expressed his belief that it would be difficult to come up with a number that would work in every situation. They just have to do the best they can.

Commissioner Broili agreed with Commissioner Sands. He recalled that the map provided by Mr. Cohen shows that the City could accommodate 500 Cottage Housing units using the 1,000 linier foot radius requirement. However, he indicated it would probably not be possible to reach this number and the actual number of units that could be accommodated in the City would be closer to the target goal of 350. He said he would be comfortable using the staff's recommended language for Proposed Amendment 1.

Commissioner McClelland said the Greenwood and Madronna Projects are near the college, near bus lines, etc., which appear to be appropriate urban locations. The City didn't get a lot of negative feedback about the Cottage Housing concept until they started to be constructed in the Richmond Beach area. She suggested that the intent of Proposed Amendment 1 is that no one area in the City feels that they are accepting an over-concentration. The Commission has no way of knowing if the 1,000 linier foot requirement would accomplish this goal. She reminded the Commission that, regardless of the type of housing, the City should avoid allowing an over concentration of a use in any one place.

Vice Chair Piro suggested that the Commission try the 1,000 linear foot radius for now. He recalled that although the Commission previously made changes to the ordinance to address community concerns, they still do not address all of the issues. If the 1,000 linear foot radius does not work, the Commission could consider a change in the future.

Commissioner Kuboi said he would support an increase in the radius from 1,000 to 2,000 square feet. At some point in the future, the Commission could reconsider the number if they find that development is occurring in a more uniform manner across the City. Perhaps in the future there would be a higher level of community acceptance of the concept. Increasing the size of the radius would be one way for the Commission to respond to the community's perspective of over concentration.

COMMISSIONER KUBOI MOVED THAT PROPOSED AMENDMENT 1 BE CHANGED BY REPLACING "1,000" WITH "2,000." THE MOTION DIED FOR LACK OF A SECOND.

Commissioner Sands Proposed New Amendment

Commissioner Sands pointed out that because a Cottage Housing project would require a conditional use permit, the staff has the ability to turn a project down if they do not feel the developer has done enough to blend the project in with the surroundings even if the project would comply with all of the technical code requirements. He suggested that this fact should be stated somewhere in the ordinance. In addition, Commissioner Sands said he would like the ordinance to include a statement that the City of Shoreline has taken the position that they discourage this type of development unless it meets the absolute highest standards. He felt this would ease the concerns of the citizens regarding Cottage Housing. It would also put the burden on the developer to propose a development that exceeds the minimum requirements of the code.

Commissioner Sands said that, at the very least, the Commission should send a recommendation to the City Council to recognize that while they are not willing to completely eliminate the option for Cottage Housing development in the City, they have heard the community's concerns. Commissioner Hall suggested that a statement to this effect could be included in the findings that would accompany the Commission's recommendation. Vice Chair Piro pointed out that the ordinance already includes an intent section to identify the benefits of Cottage Housing. He suggested that it would also be appropriate for this list to identify the things the Commission wants the City to be cautious of. Commissioner Hall said he would not support including the additional language proposed by Commissioner Sands in the body of the development regulation.

COMMISSIONER SANDS MOVED THAT THE COMMISSION DIRECT STAFF TO PREPARE LANGUAGE TO INCLUDE IN THE COTTAGE HOUSING FINDINGS THAT RECOMMENDS STAFF BE ABLE TO DISCOURAGE COTTAGE HOUSING DEVELOPMENT UNLESS HIGHEST STANDARDS ARE MET. VICE CHAIR PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THE MAIN MOTION TO MOVE FORWARD WTH STAFF'S RECOMMENDED AMENDMENTS IN ATTACHMENT B OF THE SEPTEMBER 15, 2005 STAFF REPORT AS AMENDED WAS APPROVED 7-1, WITH COMMISSIONER HALL VOTING IN OPPOSITION.

Commissioner Hall said that while the amendments significantly improve the code, he would vote to eliminate the Cottage Housing Ordinance altogether based on feedback the Commission received from the community. He said he does not believe there is any way the ordinance could be fixed to address all of the problems.

Chair Harris said that he would be in favor of shelving the Cottage Housing Ordinance, but he voted in favor of the motion because the Commission previously made the decision that they would not eliminate the ordinance. Commissioner McClelland said that is the only reason she voted for the motion, as well.

11. NEW BUSINESS

a. Annual Report to City Council

Chair Harris recalled that the Commission previously formed a committee to prepare an annual report for the City Council's review. He requested a progress report. Vice Chair Piro indicated that he would work with Commissioner Sands and Commissioner Hall to complete the report soon.

12. AGENDA FOR NEXT MEETING

Chair Harris advised that the October 6th agenda was scheduled to include a continued discussion of the Cottage Housing Ordinance, as well as a review of the "sidewalk in lieu of program." He pointed out that Mr. Pyle has completed all of the research regarding the sidewalk program, but he would be leaving the City at the end of September. Mr. Cohen said the staff would present the work that Mr. Pyle completed.

Commissioner Hall said that while it would be helpful to receive a staff report regarding the "Sidewalk In-Lieu of Program," he is looking forward to a discussion amongst the Commissioners to try and craft a solution. He said he would be opposed to postponing their discussion.

Vice Chair Piro suggested that the Commission offer some direction to staff regarding the procedures for a design review process. He said he is ready for the staff to move forward with draft language in support of this review, along with the criteria that was outlined in the Staff Report. Chair Harris said he would be opposed to any design review, whatsoever.

VICE CHAIR PIRO MOVED THAT THE COMMISSION DIRECT STAFF TO PROCEED WITH DEVELOPING A DESIGN REVIEW BOARD PROCESS. COMMISSIONER BROILI SECONDED THE MOTION.

Commissioner Hall said he appreciates the work staff did to try and highlight the cost and time associated with a design review process. He said he would prefer the approach recommended by Commissioner Sands that the staff exercise their discretion consistent with the Commission's direction that they carefully review all Cottage Housing development proposals. He said this would be a more efficient way for the City to do business, and it would allow the development community to move forward with greater certainty. Chair Harris noted that the criteria associated with a conditional use permit would already require an added level of design review. He questioned what an additional Planning Commission review would be able to add to the process.

Commissioner Phisuthikul suggested that the design review required by the conditional use permit could run parallel to the design review that Commissioner Sands has suggested. The end result could be a review process that would assure the highest quality of development proposal. He said he would support the concept of establishing a Design Review Board.

Vice Chair Piro said a design review process is one mechanism that would ensure that community character is respected in the process, and this has been one of the major issues raised by the community.

THE MOTION FAILED 4-4, WITH COMMISSIONERS BROILI, HALL, KUBOI AND CHAIR HARRIS VOTING AGAINST AND COMMISSIONERS MCCLELLAND, PHISUTHIKUL, SAND AND VICE CHAIR PIRO VOTING IN FAVOR OF THE MOTION.

13. ADJOURNMENT

The meeting was adjourned at 9:50 p.m.

_____
David Harris
Chair, Planning Commission

_____
Jessica Simulcik Smith
Clerk, Planning Commission

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Commission Meeting Date: October 6, 2005 Agenda Item: 8.A

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Workshop on required Pedestrian Improvements and Associated Fee In-Lieu Program
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Jeff Forry, Permit Services Manager

SUMMARY

The purpose of this meeting is a presentation of the current standards and policies regarding required sidewalk improvements within the City, an overview of fees collected and sidewalks constructed in 2004, and to respond to questions and comments the Commission may have.

The Shoreline City Council adopted Ordinance # 303 on May 16, 2002, that created a voluntary payment program that offered payment in-lieu of required sidewalk and frontage installation for single family construction only. The ordinance established Section 20.70.030 of the Shoreline Municipal Code (SMC) (shown in **Attachment I**)

This report reviews permit activity in 2004 and shows how the fee in-lieu program was utilized for that time period by presenting those projects where fees were collected and those where sidewalk was constructed.

TIMING

This workshop has been scheduled as a result of Planning Commission inquiries for more information on the administration of the City of Shoreline fee in-lieu program. A future work program may be developed as the result of this workshop.

STAFF RECOMMENDATION

As this is an informational workshop, no action is required of the Planning Commission at this time.

INTRODUCTION

Residential curb, gutter and sidewalk improvements are regulated under SMC 20.70.030 (shown in **Attachment I**). Included in these regulations is the voluntary payment in-lieu of construction program option. This enables the City and the developer to enter into an agreement to use the funds the developer would otherwise spend on frontage improvements to supplement a public improvement project. These funds must be used to fund pedestrian facilities improvement projects located in the vicinity of the development activity. The intent of this program is to promote connectivity of sidewalks and drainage improvements on a City-wide basis, and to help avoid the piecemeal installation of frontage improvements that provide no connectivity to other pedestrian facilities.

WHEN REQUIRED

Currently, the installation of drainage and pedestrian facility improvements are required for residential projects if the project is one of the following:

- A long or short subdivision
- The construction of a new single family residence
- A large scale remodel or addition where the work being done exceeds 50% of the assessed valuation of the property plus improvements before the addition (the King County Assessors valuation is used).

AUTHORITY

RCW 82.02 (**Attachment II**) authorizes the voluntary payments by developers in-lieu of the construction of required improvements.

BACKGROUND

On March 7, 2002 a Public Hearing on the addition of the fee-in-lieu program as a Development Code Amendment was held by the Planning Commission and the Commission forwarded a recommendation of approval to the City Council. Following this, Ordinance No. 303 was adopted by City Council on May 13, 2002 revising SMC 20.70.030 to allow for the payment in-lieu-of required improvements. A copy of the May 13, 2002 Council Staff Report which includes a copy of Ordinance No. 303 and the March 7, 2002 Planning Commission Public Hearing Minutes are included as **Attachment III**. The May 13, 2002 City Council minutes are included as **Attachment IV**.

FEE CALCULATION

If a developer decides to participate in the fee-in-lieu program he or she completes the "REQUEST TO PAY FEES IN-LIEU OF CONSTRUCTING SIDEWALK IMPROVEMENTS" (see **Attachment V**). Once the request is made, the City's development review engineer completes a site visit to ensure there are no special circumstances on site, and verifies cost estimates provided by the developer. If both the applicant and the engineer agree on the estimates, then fees are collected as part of the building permit.

2004 FEE-IN-LIEU PROGRAM ACTIVITY

In 2004 the City of Shoreline issued permits for construction at 28 locations that triggered required improvements. Of these 28 locations (some of these locations include cottage housing or multiple unit constructions and have several building permits related to one parcel or subdivision) 24 are new construction and 4 are major remodels. Of these 28 locations, 16 have either been required to build* or have opted to build the frontage improvements, 10 have volunteered to pay the fee in-lieu, and 2 have not finalized their building permits. Because frontage improvements are required as a condition of Certificate of Occupancy (CO), developers or home owners are not required to indicate if they will be requesting a fee-in-lieu, or if they will be applying for a Right of Way permit to construct the improvements prior to building permit issuance. They are only required to comply with the standard by bonding for the improvement, applying for and receiving a ROW permit, or paying the fee in-lieu to receive a CO (finalize the

permit). See **Attachment VI** for a map citing these activities in relation to the City CIP forecast.

**SMC 20.70.030(1) allows for a fee payment in-lieu of required frontage improvements if volunteered for by the applicant and agreed to by the City. The City Public Works department has not agreed to a payment in-lieu of improvements for those parcels that are on corner lots. In most cases, when the development activity is situated on a corner lot, the exemption to required frontage improvements has not been granted because corner lots serve as a point of origin for future expansion projects and provide the largest function of public safety.*

FEES COLLECTED

As a result of development activity at the 28 locations that required frontage improvements in the year 2004, the City of Shoreline has collected $53,849 through the fee in-lieu of program. (Some of these fees have been collected subsequent to 2004 when a CO was requested by the applicant.)

STAFF RECOMMENDATION

No action is required of the Planning Commission at this time. Planning Commission should review the information presented, develop any questions regarding the current program and its administration, and determine if future work is needed regarding this issue.

ATTACHMENTS

Attachment I: Section 20.70.030 of the Shoreline Municipal Code

Attachment II: RCW 82.02

Attachment III: May 13, 2002 Council Staff Report

Attachment IV: May 13, 2002 Council Meeting Minutes

Attachment V: Fee in-lieu Request Form

Attachment VI: Map of sidewalk activity

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20.70.030 Required improvements.

The purpose of this section is to identify the types of development proposals to apply the provisions of the engineering chapter.

A. Street improvements shall, as a minimum, include half of all streets abutting the property. Additional improvements may be required to insure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles, and other modes of travel. This may include tapering of centerline improvements into the other half of the street, traffic signalization, channeling, etc.

B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this chapter.

C. It shall be a condition of approval for development permits that required improvements shall be installed by the applicant prior to final approval or occupancy as follows: The provisions of the engineering chapter shall apply to:

1. All new multifamily, nonresidential, and mixed-use construction and remodeling or additions to these types of buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;

2. Subdivisions;

3. Single-family new constructions and remodels.

Exception 20.70.030(C)(3)(1):

i. Single-family remodel projects where the value of the project does not exceed 50 percent or more of the assessed valuation of the property at the time of application may be exempted from some or all of the provisions of this chapter at the request of the applicant, if approved by the Director.

ii. New single-family construction of a single house may be exempted from some or all of the provisions of this chapter, except sidewalks and necessary drainage facilities, at the request of the applicant, if approved by the Director.

Exception 20.70.030(1): Exemptions to some or all of these requirements may be allowed if:

a. The street will be improved as a whole through a Local Improvement District (LID) or City-financed project scheduled to be completed within five years of approval. In such a case, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from a LID. A LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall still be required.

b. A payment in-lieu-of construction of required frontage improvements including curb, gutter, and sidewalk may be allowed to replace these improvements for single-family developments located on local streets if the development does not abut or provide connections to existing or planned frontage improvements, schools, parks, bus stops, shopping, or large places of employment and:

i. The Director and the applicant agree that a payment in-lieu-of construction is appropriate.

ii. The Director and the applicant agree on the amount of the in-lieu-of payment and the capital project to which the payment shall be applied. The Director shall give priority to capital projects in the vicinity of the proposed development, and the fund shall be used for pedestrian improvements.

iii. At least one of the following conditions exists. The required improvements:

(A) Would not be of sufficient length for reasonable use;

(B) Would conflict with existing public facilities or a planned public capital project; or

(C) Would negatively impact critical areas.

iv. Adequate drainage control is maintained.

v. The payment in-lieu-of construction shall be calculated based on the construction costs of the improvements that would be required. (Ord. 303 § 1, 2002; Ord. 238 Ch. VII § 1(C), 2000).

RCW 82.02.020
State preempts certain tax fields -- Fees prohibited for the development of land or buildings -- Voluntary payments by developers authorized -- Limitations -- Exceptions.

Except only as expressly provided in chapters 67.28 and 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in RCW 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal

corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges: PROVIDED, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged: PROVIDED FURTHER, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

This section does not apply to special purpose districts formed and acting pursuant to Titles 54,57, or87 RCW, nor is the authority conferred by these titles affected.

[1997 c 452 § 21; 1996 c 230 § 1612; 1990 1st ex.s. c 17 § 42; 1988 c 179 § 6; 1987 c 327 § 17; 1982 1st ex.s. c 49 § 5; 1979 ex.s. c 196 § 3; 1970 ex.s. c 94 § 8; 1967 c 236 § 16; 1961 c 15 § 82.02.020. Prior: (i) 1935 c 180 § 29; RRS § 8370-29. (ii) 1949 c 228 § 28; 1939 c 225 § 22; 1937 c 227 § 24; Rem. Supp. 1949 § 8370-219. Formerly RCW 82.32.370.]

Council Meeting Date: May 13, 2002 **Agenda Item:** 8(a)

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 303, adopting a Voluntary Payment In-Lieu-Of Construction Program
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Tim Stewart, Director of Planning and Development Services Sarah Bohlen, Transportation Planner

PROBLEM/ISSUE STATEMENT:

A Development Code Amendment is proposed to Chapter 20.70.030 of the Shoreline Development Code. The proposed amendment would authorize the usage of a Voluntary Payment In-Lieu-Of Construction Program for certain frontage requirements, such as sidewalks, landscaping strips, and stormwater facilities that do not connect to other facilities. Adoption of this amendment will complete 2001 Council Goal #9, to develop a program to avoid piecemeal frontage improvements (sidewalks, storm, sewer, etc.).

FINANCIAL IMPACT:

This program will have a minimal effect on administrative costs: fund collection and tracking. Staff estimates that approximately $30,000 will be collected annually; these funds must be spent on pedestrian amenities related to the development projects from which the funds are collected, within five years of collection.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 303, amending the Development Code Chapter 20.70.030 zoning and use provisions to authorize the usage of a voluntary payment in-lieu-of construction program for certain frontage improvements that do not connect to other facilities.

Approved By: City Manager LB City Attorney

INTRODUCTION

The City Council, with 2001 Council Goal #9, has identified a need to develop a program to avoid piecemeal frontage improvements (sidewalks, curb and gutter, storm, sewer, etc.). Ordinance No. 303 (Attachment A), implementing a Voluntary Payment In-Lieu-Of Construction Program will complete this goal.

BACKGROUND

In June 2000, Council adopted the Shoreline Development Code, which expanded the provisions requiring sidewalk and other frontage improvements for developments. These new requirements, as well as the previous requirements, have resulted in the construction of several small curb, gutter, and sidewalk strips on local streets throughout the City. While the community generally feels there is a need to build sidewalks, many feel that these requirements cause them to be built in an inefficient manner. There is a strong desire to consolidate the resources currently being used to construct these small sidewalk strips into larger capital projects that are more likely to be used.

Staff has been working on the development of a program to support coordinated design and installation of these kinds of improvements. After careful consideration, staff suggests that a Voluntary Payment In-Lieu of Construction program is the most appropriate action to implement Council Goal #9.

The Voluntary Payment In-Lieu-Of Construction Program is authorized under RCW 82.02. This section of State Law limits a city's ability to assess fees to developers, but allows an exception for developers who volunteer for the In-Lieu-Of payment. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact; and
(2) The payment shall be expended in all cases within five years of collection; and
(3) Any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

It is this section of State Law that requires the program to be voluntary.

ALTERNATIVES ANALYSIS

A Voluntary Payment In-Lieu-Of Construction Program allows the City and the Developer to enter into an agreement to use the funds the developer would otherwise spend on frontage improvements for supplementing a public improvement project, reasonably related to the development. The capital project to apply the funds to would be determined on a case-by-case basis.

Staff also considered implementing an Impact Fee Program. However, Impact Fees are required to be used to fund only improvements needed as a direct result of new growth. Because Shoreline has many existing infrastructure deficiencies, an Impact Fee would not be an appropriate solution to the identified problem.

The Development Code will be amended to provide the Director guidance on when the In-Lieu-Of Program would be suitable. The amendment excludes developments abutting other frontage improvements and developments serving priority sidewalk uses described in Comprehensive Plan Policy T25 (text below), and provides examples of site conditions where the in-lieu-of program would be appropriate. Additionally, the Engineering Development Guide would be amended to include a standard detail for a "thickened edge," a thickening of the pavement edge to control drainage. Developments participating in the In-Lieu-Of Program may still need to make this type of drainage improvement.

The proposed amendments are consistent with policies adopted in the Comprehensive Plan, specifically the following policies:

> **T25:** Place high priority on sidewalk projects that abut or provide connections to schools, parks, bus stops, shopping, or large places of employment. Arterial streets should receive sidewalks prior to local streets. Utilize the project priority matrix to refine priorities for publicly funded sidewalk projects.
>
> **T30:** Require all commercial, multifamily, and residential short and long plat developments to provide for sidewalks or separated trails.
>
> **CF20:** Provide a program to allow developers to pay a fee (e.g. an impact fee) if appropriate in lieu of constructing required street frontage improvements, including sidewalk and stormwater facilities.

This proposed amendment is also consistent with State Law, specifically RCW 82.02. This section of State Law limits a city's ability to assess fees to developers, but allows an exception for developers who volunteer for the In-Lieu-Of payment.

Staff also recommends including a methodology for calculating the amount of money a Developer would contribute instead of constructing the frontage improvements eligible for the program in the Engineering Development Guide. The following formula is currently used to calculate the costs of constructing frontage improvements for financial guarantees. Staff proposes to use this calculation for In-Lieu-Of payments as well. Alternatively, a developer could request a different fee amount by submitting an estimate of the construction work that would be required. If the Director finds that amount more closely reflects the cost of the construction, the fee would be set at that amount.

Item	Linear Feet	Cost per LF of Frontage	Total
Frontage	LF	--	--
Curb & Gutter	--	$10	$
Sidewalks & Ramps	--	$10	$
Landscaping/Street Trees/Restoration	--	$5	$
Paving including Patching & Saw Cutting	--	$10	$
Grading & Erosion Control	--	$25	$
Drainage Improvements	--	$25	$
SUBTOTAL	--	--	**$**
8% Design Overhead (Subtotal * 1.08)	--	--	$
Other (Describe Below)	(Lump Sum)	--	$
FRONTAGE TOTAL	--	--	**$**

For example, if a typical 80-foot wide lot were to qualify for the program for curb, gutter and sidewalk, but not drainage, the chart would be filled out accordingly:

Item	Linear Feet	Cost per LF of Frontage	Total
Frontage	*80* LF	--	--
Curb & Gutter	--	$10	$ *800*
Sidewalks & Ramps	--	$10	$ *800*
Landscaping/Street Trees/Restoration	--	$5	$ *400*
Paving including Patching & Saw Cutting	--	$10	$ *800*
Grading & Erosion Control	--	$25	$ *n/a*
Drainage Improvements	--	$25	$ *n/a*
SUBTOTAL	--	--	**$** *2800*
8% Design Overhead (Subtotal * 1.08)	--	--	$ *244*
Other (Describe Below)	(Lump Sum)	--	$
FRONTAGE TOTAL	--	--	**$** *3024*

The P&DS Director (or designee) and the Developer would sign a form stating the amount of the In-Lieu-Of fee, the date of the transaction, and the capital fund to which the collected fee would be applied. The Finance and Public Works Departments would be consulted for this decision. Once the fee is collected, it would be earmarked for the designated capital fund, and the project manager of that fund would be notified of its collection and given the date by which the fee must be expended. Once it is expended, the financial tracking system will be updated with this information, and our legal requirements will have been met.

The project was reviewed under the State Environmental Policy Act (SEPA). The Responsible Official issued a Determination of Nonsignificance (DNS) on February 14, 2002, and a comment period ran from February 14 – 28, 2002. No comment letters on the DNS were received.

The Planning Commission held a public hearing on the proposed amendment on March 7, 2002. One comment letter on the proposal was received:

Issue	Staff Response
Joan M. Eik, 14900 Burke Ave N	
This amendment releases developers from important frontage requirements.	This program would not release developers from any requirements. Instead, it would allow the City to collect an equivalent amount of money to construct frontage improvements in a more logical location, which must be in the vicinity of the project.
Question of whether the City has closely examined the environmental impacts of this program.	Yes, the City has studied this program extensively. Because the funds will be used to construct frontage improvements in the neighborhood, there is no impact. In fact, it allows more flexibility in siting the frontage improvements so that environmentally sensitive areas could be avoided.
Question of overall impact to community.	Both citizens and developers have requested this program. The intent is to provide more efficient and attractive frontage improvements for the community.
Why are sidewalks less important than other public improvements?	Sidewalks continue to be a high priority for the City. This program allows for a more logical sidewalk system to be constructed.
The proposed amendment is too vague.	Additional information is located at City Hall, and the issue will be discussed in greater detail at the public hearing.

The Planning Commission unanimously recommended that City Council adopt this amendment to the Development Code with the following comments:

1. The funds collected from a development project should be used in the same neighborhood, or vicinity, of the project as a highest priority;
2. The funds collected should be eligible for all types of facilities serving non-motorized transportation: e.g. sidewalks, walkways, bikeways, paths, trails;
3. The City should be flexible in determining the amount to be collected on a case-by-case basis, to provide incentive for developers to participate in the program.

These comments are incorporated into the ordinance criteria. Attachment C is the Existing and Future Pedestrian Facilities Map adopted in the Comprehensive Plan, and Attachment D is the Existing and Future Bicycle System Map. These maps show the locations of the high priority pedestrian and bicycle facilities, to which the In-Lieu-Of funds could be applied.

The draft minutes of the Planning Commission Public Hearing and Deliberations are included as Attachment B.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 303, amending the Development Code Chapter 20.70.030 zoning and use provisions to authorize the usage of a

voluntary payment in-lieu-of construction program for certain frontage improvements that do not connect to other facilities.

ATTACHMENTS

Attachment A: Ordinance No. 303
Attachment B: Draft Minutes from the March 7, 2002 Planning Commission Public Hearing
Attachment C: Existing and Future Pedestrian Facilities Map
Attachment D: Existing and Future Bicycle System Map

ORDINANCE NO. 303

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE DEVELOPMENT CODE CHAPTER 20.70.030 ZONING AND USE PROVISIONS TO AUTHORIZE THE USAGE OF A VOLUNTARY PAYMENT IN-LIEU-OF CONSTRUCTION PROGRAM FOR CERTAIN FRONTAGE IMPROVEMENTS THAT DO NOT CONNECT TO OTHER FACILITIES

WHEREAS, the City adopted Shoreline Municipal Code Title 20, the Development Code, on June 12, 2000;

WHEREAS, the Shoreline City Council, with 2001 Council Goal #9, has identified a need to develop a program to avoid piecemeal frontage improvements (sidewalks, storm, sewer, etc.); and

WHEREAS, City staff drafted an amendment to the Development Code; and

WHEREAS, the Planning Commission conducted a public hearing and developed a recommendation on the amendment; and

WHEREAS, a SEPA Determination of Nonsignificance was issued on February 14, 2002 in reference to the proposed amendment to the Development Code; and

WHEREAS, the proposed draft amendment was submitted to the State Department of Community Development for comment pursuant WAC 365-195-820; and

WHEREAS, the Council finds that the amendment adopted by this ordinance is consistent with and implements the Shoreline Comprehensive Plan and complies with the adoption requirements of the Growth Management Act, RCW Chapter 36.70A; and

WHEREAS, the Council finds that the amendment adopted by this ordinance meets the criteria in Title 20 for adoption of an amendment to the Development Code;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Shoreline Municipal Code Chapter 20.70.030 as amended as set forth in Exhibit A, which is attached hereto and incorporated herein.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date and Publication. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON MAY 13, 2002.

Mayor Scott Jepsen

ATTEST:

Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

Ian Sievers
City Attorney

Date of Publication: May 16, 2002
Effective Date: May 21, 2002

EXHIBIT A

20.70.030 Required improvements.

The purpose of this section is to identify the types of development proposals to apply the provision of the engineering section.

A. Street improvements shall, as a minimum, include half of all streets abutting the property. Additional improvements may be required to insure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles, and other modes of travel. This may include tapering of centerline improvements into the other half of the street, traffic signalization, channeling, etc.

B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this section.

C. It shall be a condition of approval for development permits that required improvements shall be installed by the applicant prior to final approval or occupancy as follows: The provisions of the engineering section shall apply to:

1. All new multifamily, nonresidential, and mixed-use construction and remodeling or additions to these types of buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the existing structure;

2. Subdivisions;

3. Single-family new constructions and remodels.

Exception 20.70.030(C)(3)(1):

i. Single-family remodel projects where the value of the project does not exceed 50 percent or more of the assessed valuation of the property at the time of application may be exempted from some or all of the provisions of this section at the request of the applicant, if approved by the Director.

ii. New single-family construction of a single house may be exempted from some or all of the provisions of this section, except sidewalks and necessary drainage facilities, at the request of the applicant, if approved by the Director.

Exception 20.70.030(1): Exemptions to some or all of these requirements may be allowed if:

A. ~~t~~The street will be improved as a whole through a Local Improvement District (LID) or City-financed project scheduled to be completed within ~~six~~ five years of approval. In such a case, a contribution ~~shall~~ may be made ~~to an in-lieu of fund. The fee shall be~~ and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from a ~~local improvement district~~ LID. An LID "no-protest" ~~covenant~~ commitment shall also be recorded. Adequate interim levels of improvements for public safety shall still be required.

B. A payment in-lieu of construction of required frontage improvements including curb, gutter, and sidewalk may be allowed to replace these improvements for single family developments

located on local streets if the development does not abut or provide connections to existing or planned frontage improvements, schools, parks, bus stops, shopping, or large places of employment and:

1. *The Director and the Applicant agree that a payment in-lieu-of construction is appropriate.*
2. *The Director and the Applicant agree on the amount of the in-lieu-of payment and the Capital Project to which the payment shall be applied. The Director shall give priority to Capital Projects in the vicinity of the proposed development, and the fund shall be used for pedestrian improvements.*
3. *At least one of the following conditions exists. The required improvements:*
   a. *Would not be of sufficient length for reasonable use;*
   b. *Would conflict with existing public facilities or a planned public capital project; or*
   c. *Would negatively impact critical areas.*
4. *Adequate drainage control is maintained.*
5. *The payment in-lieu of construction shall be calculated based on the construction costs of the improvements that would be required.*

DRAFT These Minutes Subject to April 4 Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF REGULAR MEETING

March 7, 2002
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT
Chair Gabbert
Commissioner Maloney
Commissioner Marx
Commissioner Doering
Commissioner Harris
Commissioner Monroe
Commissioner McClelland

STAFF PRESENT
Tim Stewart, Director, Planning & Development Services
Rachael Markle, Senior Planner, Planning & Development Services
Sarah Bohlen, Transportation Planner, Planning & Development Services
Lanie Curry, Planning Commission Clerk

ABSENT
Commissioner McAuliffe
Vice Chair Doennebrink

1. CALL TO ORDER

The regular meeting was called to order at 7:00 p.m. by Chair Gabbert, who presided.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Gabbert, Commissioners Doering, Monroe, Marx, Maloney, Harris and McClelland. Commissioner McAuliffe was excused. Vice Chair Doennebrink was absent.

3. APPROVAL OF AGENDA

COMMISSIONER MONROE MOVED TO APPROVE THE AGENDA AS PROPOSED. COMMISSIONER MALONEY SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF MINUTES

COMMISSIONER MONROE MOVED TO ACCEPT THE MINUTES OF MARCH 7, 2002 AS AMENDED. COMMISSIONER MALONEY SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

5. PUBLIC COMMENT

There was no one in the audience who desired to address the Commission during this portion of the meeting.

6. REPORTS OF COMMISSIONERS

Commissioner McClelland referred to the recent Chamber of Commerce Newsletter announcing that the City would be doing a review of the sign code. She noted that the facts were not totally accurate, and perhaps staff should write a letter to the Chamber clarifying that this issue has not been scheduled on the Commission's agenda yet. The letter could also emphasize that when the issue is discussed, there will be significant public involvement opportunities. Chair Gabbert noted that the Commission has gone on record stating that they will be reviewing the sign code in the near future. Commissioner McClelland agreed, but said that she feels it is important to keep the public informed of this process well in advance.

7. STAFF REPORTS

a. Type L Public Hearing on Proposed Amendment to the Development Code for a Payment In-Lieu-Of Construction Program

Ms. Bohlen said the proposed amendment to the Development Code would establish a new program for the City called the "Voluntary Payment In-Lieu-Of Construction Program." This program would allow the City to be more flexible in frontage requirements. Both the Comprehensive Plan and the Development Code have provisions for pedestrian facilities and sidewalks, which have resulted in a number of very small sidewalk sections being built throughout Shoreline in the single-family residential areas. The City has received numerous comments from citizens and developers suggesting that they take the resources being used to build the "spot sidewalks" and pool them to build some sidewalks in the higher priority areas. The City Council decided this was a good idea, and tasked the staff with putting together a program for the Commission and City Council's consideration.

Mr. Bohlen said the staff selected the voluntary payment in-lieu-of construction program because of its flexibility in use. The other choice would be a type of impact fee program that would assess an additional charge to developers to build facilities. The problem with the impact fee program is that the money can only be used to fund improvements that will specifically serve new development. Because Shoreline is predominantly built out, it is too difficult to sort out who would be served by a project. The in-lieu-of program allows more flexibility in that it can be used in places where there are existing deficiencies. She

advised that the program is easy to administer, and there would be very little overhead costs to the City—just a matter of tracking the finances.
Ms. Bohlen explained that if a project is determined to be eligible for the in-lieu-of program, the City and developer would determine what the cost of the frontage improvements would be if the developer were to build the sidewalk on site. Then, instead of building the sidewalk, the developer would give the City the money. The City would direct the money towards a capital project in the area, and the project would have to be completed within five years or the City would lose the money. In determining what criteria should be used to determine whether or not a project would be eligible for the program, staff has concluded that it would make the most sense to put it in the Engineering Development Guide because this is a subjective sort of determination. She referred to the list of criteria (Page 2 of the Staff Report), which matches some of the policies on priority locations for sidewalks.

Ms. Bohlen briefly reviewed the proposed criteria, and noted that a project would not be eligible for the program if it is located on an arterial street, because these are priority locations for sidewalks. Also, if the sidewalk would not connect to a proposed or existing sidewalk or if the required frontage improvements are not of a length suitable for reasonable use of the facility, the project would also be eligible. Ms. Bohlen concluded that the proposed criteria is consistent with the Comprehensive Plan and allows for common sense to be used in the review of applications. The program is simple and easy to administer. Staff recommends the Commission accept public comments tonight and then formulate a recommendation for adoption of the amendment to the City Council.

Commissioner Monroe inquired if the proposed amendment is applicable to sidewalks, only. Ms. Bohlen said the program focuses on sidewalks, but does allow some flexibility to address curbs and gutters, as well. Commissioner Monroe expressed his concern regarding what the in-lieu-of money would be used for. Ms. Bohlen explained that there are some State law requirements that the money must be used for a similar type of improvement and in a location that the development is likely to use.

Commissioner Maloney inquired why there is a provision that the money be returned to the developer if it is not used within five years. Ms. Bohlen answered that State law requires that the City enter into an agreement with the applicant that identifies what the money would be spent on.

Ms. Bohlen expressed her belief that the Interurban Trail project is something that would provide a city-wide benefit. Therefore, the in-lieu-of money could be used for the Interurban Trail. Commissioner McClelland and Harris suggested that it is a stretch to say that the Interurban Trail Project could be related to a proposed new development. He said the justification of collecting the money in the first place is to address the impacts caused by the project. The felt it would be inappropriate for the City to use the in-lieu-of funds for the Interurban Trail instead of for projects that are located in the area surrounding the proposed development. Ms. Bohlen pointed out that the in-lieu-of program would be voluntary on both ends, and the City cannot require a developer to participate. However, if they choose not to participate, they will be required to build the sidewalks on site.

Commissioner Monroe inquired if the staff would object to a restriction that the money be used for projects within the neighborhood where it is collected instead of being used to construct sidewalks along

arterials streets. Ms. Bohlen said that would not be a problem, but the City may run into a problem with the five-year rule if they limit themselves to that specific requirement. Commissioner Monroe suggested that perhaps it would be appropriate to establish some parameters as to how the money can be used. Commissioner McClelland stated that if the money from the in-lieu-of program were placed in an escrow account labeled "neighborhood sidewalks" and allowed to accrue over several years time, the City's CIP program could be done in conjunction with that account, and sidewalks could be extended as the money is available. This would allow the City to see the result of the money.

Ms. Bohlen inquired if the Commission wants to limit the funds collected so that they cannot be used for sidewalks on arterials. Commissioner McClelland agreed with Commissioner Monroe's concern about using the neighborhood in-lieu-of money for arterial improvements that are underfunded. Ms. Bohlen explained that when she met with the City Council to discuss this issue, they were clear that they would like the money from this program included in the capital improvement program as a line item called the "pedestrian improvement fund." The amount collected for this fund is expected to be about $30,000 per year, and would be used to develop new pedestrian projects along schools, arterials, etc.

Commissioner Doering suggested that perhaps the City could establish some type of grant program for neighborhoods to apply for the sidewalk funds. Ms. Bohlen agreed and said that this would also provide an opportunity for the City to partner with the school district to provide pedestrian walkways near schools.

Commissioner Monroe said he has a problem with the proposed program if the money would be collected from development that occurs in one area and then used to provide sidewalks in another area. Ms. Bohlen said that one requirement of the State law is that when money is collected for the program, the City must specify where the money would be spent. Both the City and the developer must agree. Commissioner Monroe said that helps alleviate his concern, but there needs to be some type of provision for the neighborhood projects to have priority for these funds.

Commissioner Harris said he does not feel it is right to collect money from a developer in one neighborhood to use for a capital project that is somewhere else. If there is a need in that neighborhood, the money should be used for that purpose rather than for projects elsewhere.

Commissioner Marx inquired if the in-lieu-of money could be used for a walkway or bikeway trail or path rather than for a sidewalk. Ms. Bohlen answered affirmatively.

Commissioner McClelland said that perhaps the developer could be provided with a menu of projects that the money could be used for. On-going projects could be identified to provide ideas for appropriate choices.

Mr. Stewart said he would anticipate that the money collected in the in-lieu-of fund could be used for projects that are identified within the City's capital improvement plan. There would be a list of sidewalk and pedestrian improvements that are already approved. Developers of projects that qualify for the in-lieu-of program would be asked if they would be willing to pay into the pedestrian improvement fund in lieu of constructing a sidewalk in front of their development. He referred to the question of whether the

in-lieu-of fund would be replacing funds that would have otherwise been available for pedestrian improvements, and said that is a possibility.
However, it may be that they are able to build projects sooner as a result of the in-lieu-of contributions. The intent is to best utilize the available resources and provide the greatest benefit to the community.
Chair Gabbert said his understanding is that the money from the program would go into a separate fund, and this money could not be spent on general fund items. This should allay any fears that the money would end up in the general fund. Chair Gabbert reiterated that the public hearing is regarding the proposed amendment to the Development Code for the Payment In-Lieu-Of Construction Program. He said the Commission has been given the responsibility of conducting the hearing and forwarding a recommendation to the City Council. He reviewed the rules and procedures and then opened the public hearing.

Commissioner Harris inquired how the City would determine the amount that a developer should contribute to the program. Ms. Bohlen answered that there is a Standard Building Construction Practices Manual ~~talks about~~that includes the average costs of preparing and developing sidewalks, and the City will use this to determine the amount of contribution necessary. Commissioner Harris noted that if a developer feels that he can build the sidewalks for less than the cost identified by staff, it would be to his benefit to build the piece of sidewalk instead of participating in the program. Ms. Bohlen said the developer would be able to submit an engineering variance. If he can document that his costs would be less, the City would likely agree to that amount. Mr. Stewart added that the same method that is used for establishing bonds for current development projects ~~would be used for the in-lieu-of project, as well~~.

Commissioner Harris pointed out that a property owner who is doing more than a 51 percent remodel of an existing home would be required to either do the street frontage improvements at front of his property or contribute to the in-lieu-of fund. He suggested that perhaps these people would build the sidewalk rather than provide funding for a project elsewhere.

Commissioner McClelland said she feels the program is a good idea, and the issue of sidewalk value should be established. She said it sounds like the program has potential for being promoted as a beneficial neighborhood investment. While there is no reason for the developer to be committed to the neighborhood, there is a reason for the neighbors to be notified of the available program. Perhaps if projects that would benefit the neighborhood are identified they could obtain more support. Perhaps this program could be used as an incentive to give back to the community. The Commission needs to feel comfortable with how the money is used and the public benefit must be identified.

Mr. Stewart advised that if the determined value is too high, the developer would probably not agree to participate in the program. However, many developers like to cash out a liability. For example, the value of the sidewalk might be $1,500 until a waterline is hit. If the developer chooses to participate in the in-lieu-of program, the risk associated with that improvement goes away, and it becomes a much more certain element of their project. It is hoped that good judgment will prevail on the side of both the City and the developers.

THERE WAS NO ONE IN THE AUDIENCE WHO DESIRED TO PARTICIPATE IN THE PUBLIC HEARING. THEREFORE, THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

COMMISSIONER HARRIS MOVED TO RECOMMEND APPROVAL OF THE PROPOSED AMENDMENT TO THE DEVELOPMENT CODE FOR A PAYMENT IN-LIEU-OF CONSTRUCTION PROGRAM. COMMISSIONER MONROE SECONDED THE MOTION.
Commissioner Marx said she thinks the program is a good idea, but it needs to explicitly require that the funds be used for walkways or bikeways and not just raised sidewalks. This would go along with the already approved capital improvement program.

Commissioner Harris said that while he is not opposed to the program, he does not like the open-ended fee schedule. However, he is more opposed to going off any of the national charts. If the City could work with a developer to arrive at a fair price, the program could work. Otherwise, the developer would build the sidewalk, instead.

Commissioner Monroe said that while he does not know if there is a published schedule for sidewalk construction costs, there is a published schedule for auto repair. Traditionally, this book is about double the time that a good mechanic can accomplish the project. If this is the same case with the sidewalk construction, many developers will choose to construct the sidewalks instead of participate in the in-lieu-of construction program. He said he wants to make sure that the neighborhood from which the money is collected will have priority as to what the money will be spent on. Also, he wants to be sure this is not just another source of funding for the school system. He does not want the in-lieu-of funds used exclusively for sidewalks around the schools.

Commissioner Maloney said he agrees with the previous Commissioners. He pointed out that the $30,000 that will be collected through the program per year is not really significant.

Commissioner Doering said she is in favor of the proposed program. She agrees with Commissioner Marx that the funding should also be used for bicycle paths and with Commissioner Monroe that the money be used in the neighborhoods that are located near the property being developed. She questioned if it would be possible to provide a report to the neighborhoods identifying how much money is available for projects. Her only worry would be that if the neighborhood is significantly involved in determining where the money is spent, it could cause a delay in sidewalk construction beyond the five years allowed.

Commissioner McClelland said she is in favor of the program, as well. But she would like to see it put in the context of a neighborhood improvement opportunity.

Chair Gabbert said he also supports the proposed program. He said that in projects he has been involved with, they have been required to build these sidewalks to nowhere instead of providing in-lieu-of funds. The issue of a developer being able to build a sidewalk for less than what the City determines the cost would be is not really a concern. The cost would be based on the City design standards that are already in place for curbs, sidewalks and gutters. There are published books that identify this value, so this issue is a

mute point from his perspective. He said he feels that the Commission's recommendation to the Council should include the concept of giving priority to the neighborhoods where the money was collected.

Commissioner Marx suggested that this does not have to necessarily be done using the City's recognized neighborhoods because the development could be close to the next neighborhood boundary. A developer may want money for a project to go to an adjacent neighborhood, instead. Commissioner McClelland suggested that rather than using the word "neighborhood," they should use the phrase "projects within a specific radius of the proposed development."
Chair Gabbert said that rather than discussing all of the specifics of this program, they should make their recommendation, note their concerns and issues and allow the Council to make the final decision.

Commissioner Monroe asked that the modifications identified by the Commission throughout their discussion be included in the recommendation for approval to the City Council. Chair Gabbert said these issues would be brought to the Council as part of the minutes from this hearing.

MOTION CARRIED UNANIMOUSLY.

8. ADDITIONAL PUBLIC COMMENT

Les Nelson, 15340 Stone Avenue North, requested clarification of Ordinance 82, which relates to underground utilities and requires that all above ground new installations be submitted to the Planning Commission for approval of site screening prior to the issuance of a permit. He questioned if this is still a requirement for above ground installation in commercial areas.

Mr. Stewart said part of this ordinance was repealed with the adoption of the Development Code. He referred to the letters that Mr. Nelson has presented to the City Council regarding this issue and noted that Mr. Nelson has also addressed the City Council at their last two meetings. Staff is preparing a response to this issue.

Mr. Nelson said that since the City's intent is to require underground utilities for all new development—particularly in the commercial areas that abut residential zones—it would be appropriate for the Commission to review any variance requests to this ordinance.

Mr. Stewart advised that the case Mr. Nelson is referring to is the expansion of the Safeway Store at 155th and Aurora. This expansion to the northeast corner of the building is small in nature, and involves the relocation of an overhead power line. Mr. Nelson alleges that the engineering design standard variance that was granted by the City staff in November should not have been approved, and this is a subject of judicial appeal. The City granted a variance from the design standards so that this particular project was not required to underground the portion of the utility line that runs along the east side of the property. There were four or five criteria standards that had to be met, all of which were found by staff to be true. Mr. Nelson is disputing these facts.

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* Taken from May 13th 2002 Council Meeting Minutes. For complete minutes visit: www.cityofshoreline.com.

CITY OF SHORELINE

SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, May 13, 2002
7:30 p.m.
Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Jepsen, Deputy Mayor Grossman, Councilmembers Chang, Gustafson, Hansen, and Ransom
ABSENT: Councilmember Montgomery

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8. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

(a) Ordinance No. 303 adopting a voluntary payment-in-lieu-of construction program

Tim Stewart, Planning and Development Services Director, said this amendment addresses the "sidewalk to nowhere" problem. It allows developers to choose to donate funds to be allocated to a Capital Improvement Project in the general neighborhood rather than build a sidewalk in front of their project that does not connect to other sidewalks.

Councilmember Hansen moved to adopt Ordinance No. 303. Deputy Mayor Grossman seconded the motion.

Councilmember Chang suggested that the developer should be required to ask the whole block to participate in an LID. Only if the residents decline, would the developer place the money in the fund. This would mean the improvement would be done immediately, rather than waiting up to five years. It would contribute to an upgrade of the whole block, and, if it happened everywhere, to the entire city.

Mr. Stewart said the Development Code allows for an exemption to making an improvement or donating to the CIP if the street will be improved as a whole through an LID within five years of project approval.

Councilmember Chang said the developer should have to go out to the community to initiate the LID, rather than the City.

Councilmember Gustafson was concerned about the flexibility allowed by the ordinance. Mr. Stewart said this was extensively debated by the Planning Commission. The Planning Commission wanted to be sure that participation in the program was not discouraged by requiring a larger contribution to the in-lieu-of program than it would cost to build the improvement. The ordinance requires the developer and the applicant to agree on the

amount of the payment, and it must be based on the construction costs of the improvement required.

Councilmember Gustafson was pleased to see that, in addition to sidewalks, the program includes bikeways, trails, etc.

Responding to Councilmember Ransom's concern about having to expend the money in five years, City Attorney Ian Sievers said this is statutorily regulated. However, the money can be spent for design as well as construction, which allows some additional time.

A vote was taken on the motion, and Ordinance No. 303, amending the Development Code, Chapter 20.70.030 Zoning and Use provisions to authorize the usage of a voluntary payment in-lieu-of construction program for certain frontage improvements that do not connect to other facilities, was passed unanimously.

Planning and Development Services
17544 Midvale Avenue North, Shoreline, WA 98133-4921
Telephone (206) 546-1811 ♦ Fax (206) 546-8761
email: pds@ci.shoreline.wa.us
www.cityofshoreline.com

ITEM 8.A - ATTACHMENT V

REQUEST PAY FEES IN-LIEU OF CONSTRUCTING SIDEWALK IMPROVEMENTS

NOTE: *Please fill out in ink. Application forms in pencil will not be accepted.*

PARCEL INFORMATION

Project Address: _____
(Leave blank if address is not assigned. For multiple addresses, attach a separate sheet.)

Parcel Number (Property Tax Account Number): __ __ __ __ __ __ -- __ __ __ __
(Include all parcels. Attach additional sheets, if necessary.)

PROPERTY OWNER INFORMATION

Name: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone - Day: __ __ __--__ __ __--__ __ __ __ Evening: __ __ __--__ __ __ --__ __ __ __

Owner's Authorized Agent: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone - Day: __ __ __--__ __ __--__ __ __ __ Evening: __ __ __--__ __ __ --__ __ __ __

FEE CALCULATION

Item	Linear Feet	Cost per LF of Frontage	Cost per Item
Frontage			
Curb & Gutter		10	
Sidewalks & Ramps		10	
Landscaping/Street Trees/Restoration		5	
Paving including Patching & Saw Cutting		20	
Grading & Erosion Control		25	
Drainage Improvements			
SUBTOTAL:	-	-	
8% Design Overhead (Subtotal * 1.08)	-	-	
10% Administration Fee (Subtotal * 1.10)	-	-	
Other (Describe)			
TOTAL	-	-	

I am the property owner or authorized agent of the property owner. As owner or authorized agent, I am requesting that a payment in-lieu of right-of-way improvements be considered for the reference project at the address indicated. I agree that the funds will be used for the indicated capital improvements above. By sign this request I am agreeing to pay the calculated fee amount

Property Owner's Signature _____ **Date** _____
or
Authorized Agent's Signature _____ **Date** _____

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INTERNAL USE ONLY

Project and Site Conditions:

❑ Project is Single Family Development
❑ Project does not abut an arterial
❑ Project frontage does not abut or provide connections to existing or planned sidewalks
❑ Project would not abut or provide connections to schools, parks, bus stops, shopping, or high employment
❑ The frontage improvement would not be of sufficient length for reasonable use
❑ The frontage improvement would conflict with a planned or anticipated public capital project
❑ The frontage improvement would negatively impact critical areas

❑ Eligible ❑ Not Eligible

Approved by: _____ Date: _____

CIP Fund Assignment:

Project Name: _____ Budget Number: _____

Approved by: _____ Date: _____

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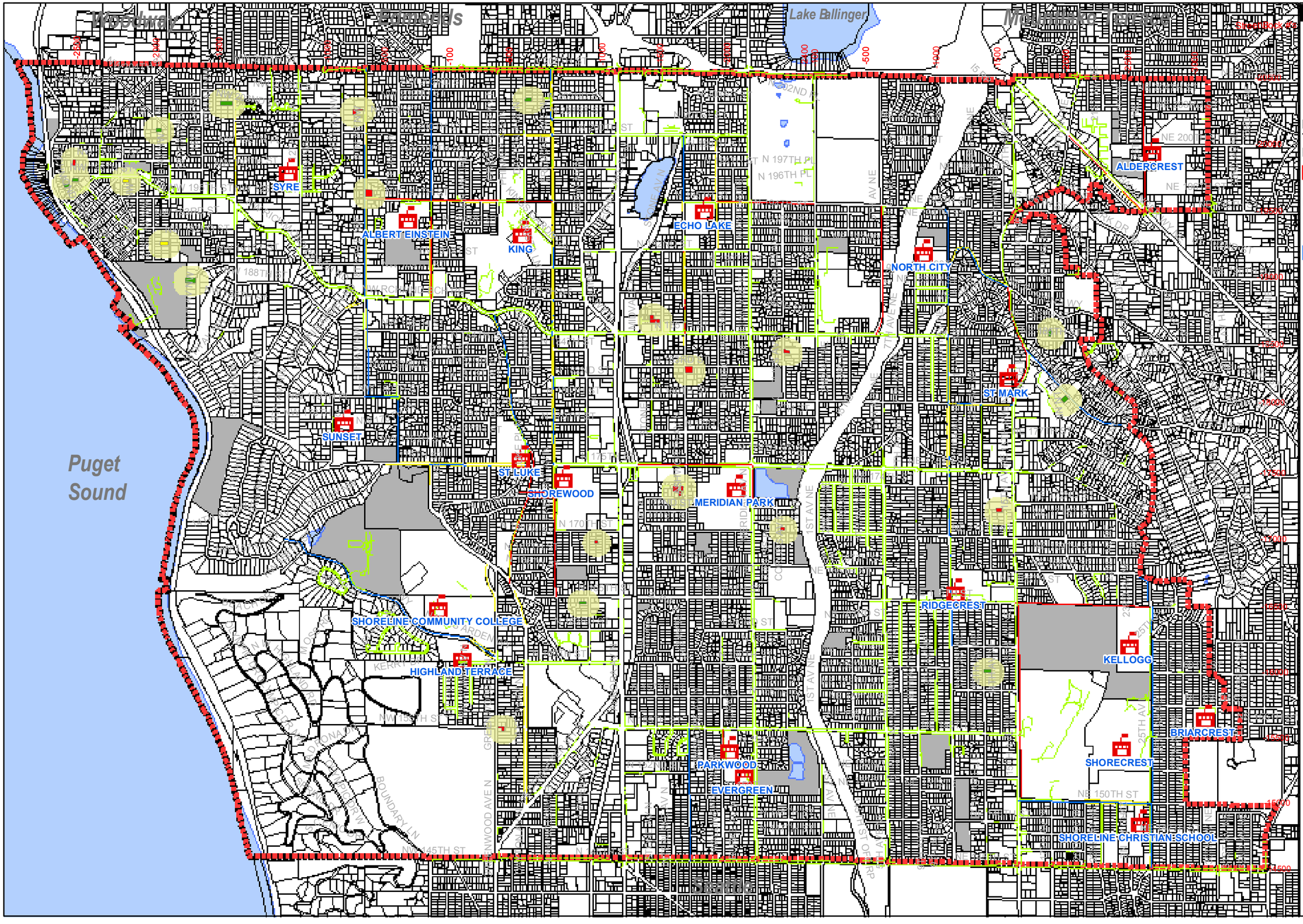

SHORELINE

Geographic Information System

Priority Pedestrian Projects

Pedestrian Projects
Transportation Master Plan
February 2005

Priority 1 Projects

11.5 Road Miles (60,720 LF)
Estimated Cost Range
of Improvements =
$8 - $15 million

Priority 2 Projects

10.2 Road Miles (53,856 LF)
Estimated Cost Range
of Improvements =
$10 - $22 million

2004 Pedestrian Facilities Activity

- Paid Fee In-Lieu
- Project Not Finaled
- Constructed Sidewalk

Other Map Features

- parcel
- City Boundary
- School
- Park
- Widened Shoulders
- Exisitng Sidewalks

N

0 300 600 1,200 1,800 2,400 Feet

CITY OF SHORELINE

Plot Date: April 14, 2004
No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.
G:\PWORKS\Engineering\JCurtin\GIS Info\MAPS\Sidewalks\Pedestrian Priorities

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FINDINGS AND DETERMINATION OF THE CITY OF SHORELINE PLANNING COMMISSION

Summary - The cottage housing regulations have existed since year 2000 when the City developed its first Development Code. Since then seven projects totaling 55 cottage homes have been built. Cottage housing helps meet the City's needs for consistency with the State Growth Management targets, the Comprehensive Plan, and community stated preference for smaller and alternative housing choices. However, most cottage housing projects have been met with controversy in the surrounding neighborhood. This culminated in a moratorium in August 2004 in order to study the concept of cottage housing further. The moratorium has been extended twice by Council to February 19, 2006.

I. FINDINGS OF FACT

1. Project Description

There have been three primary alternatives studied during the moratoria. These alternatives include: Do Nothing (i.e. allow cottage housing to develop to meet existing standards); Prohibit cottage housing in single family residential zones; and amend the Development Code regulations pertaining to cottage housing to address the issues raised by the community. The Planning Commission focused much of its attention on amending the Development Code standards pertaining to cottage housing. The amendments include the following:

(Note: Underlined text represents additions to the regulations; ~~Strikethrough~~ text represents deletions).

Recommended Section 20.40.300 Cottage Housing Amendments.

A. For the definition of cottage housing see SMC 20.20.014. The intent of cottage housing is to:

- <u>Place the burden on the developer for the highest quality development rather than the minimum standards and for the City to deny proposals that do not meet this intent;</u>
- Support the growth management goal of more efficient use of urban residential land;
- Support development of diverse housing in accordance with Framework Goal 3 of the Shoreline Comprehensive Plan;
- Increase the variety of housing types available for smaller households;
- Provide opportunities for small, detached dwelling units within an existing neighborhood;
- Provide opportunities for creative, diverse, and high quality infill development;
- Provide development compatible with existing neighborhoods with less overall bulk and scale than standard sized single-family detached dwellings; and
- Encourage the creation of usable open space for residents through flexibility density and design.

1. No more that 8 cottage housing units shall be located within 1,000 feet from any single point in the City. A proposed cottage development application shall meet this requirement from the property of a previously vested application, issued permit, or built cottage development under the SMC.

2. The total floor area of each cottage unit shall not exceed 1,000 square feet. Total floor area is the area included within the surrounding exterior walls, but excluding any space where the floor to ceiling height is less than six feet. The ~~maximum~~ minimum main floor area for an individual cottage housing unit shall be 700 square feet ~~as follows~~:

   ~~For at least 50 percent of the units in a cluster, total floor area shall not exceed 650 square feet;~~

   ~~For no more that 50 percent of the units in a cluster, the floor area may be up to 800 square feet.~~

3. Up to 1.75 ~~The following number of~~ cottage housing units ~~may~~ be allowed in place of each single-family home allowed by the base density of the zone.

   ~~If all units do not exceed 650 square feet on main floor: 2.00~~

   ~~If any unit is between 651 annd 800 square feet on main floor: 1.75~~

4. Cottage housing developments shall have ~~units shall be developed in clusters of~~ a minimum of four units and a maximum of ~~8~~ units not including community buildings.

5. The height limit for all cottages ~~structures~~ shall not exceed 18 feet. Cottages ~~or amenity buildings~~ having pitched roofs with a minimum slope of six and 12 may extend up to 25 feet at the ridge of the roof. All parts of the roof above 18 feet shall be pitched. Parking structures and community buildings shall not exceed 18 feet.

6. ~~Each~~ Cottages ~~unit~~ shall be oriented around a common open space using covered porches and entries. Cottages fronting on streets shall have an additional entry facing those streets. The common open space shall be at least 250 square feet per cottage ~~housing unit~~ and landscaped primarily with ground cover. Open space with a dimension of less than 20 feet shall not be included in the calculated common open space. Cottages and community building shall be separated at least 40 feet when separated by required open space.

7. ~~Each~~ Ceottages ~~housing unit~~ shall ~~be~~ provided ~~with~~ a minimum private open space of 250 square feet. Private open space that is less than 10 feet wide shall not be included in the 250 sq. ft. area calculation. ~~It~~ Private open space should be contiguous to each cottage, directly accessed from the porch or private walk, for the exclusive use of the cottage resident, and oriented toward the common open space. Fencing or hedges bordering private open space shall not exceed 2 feet in height.

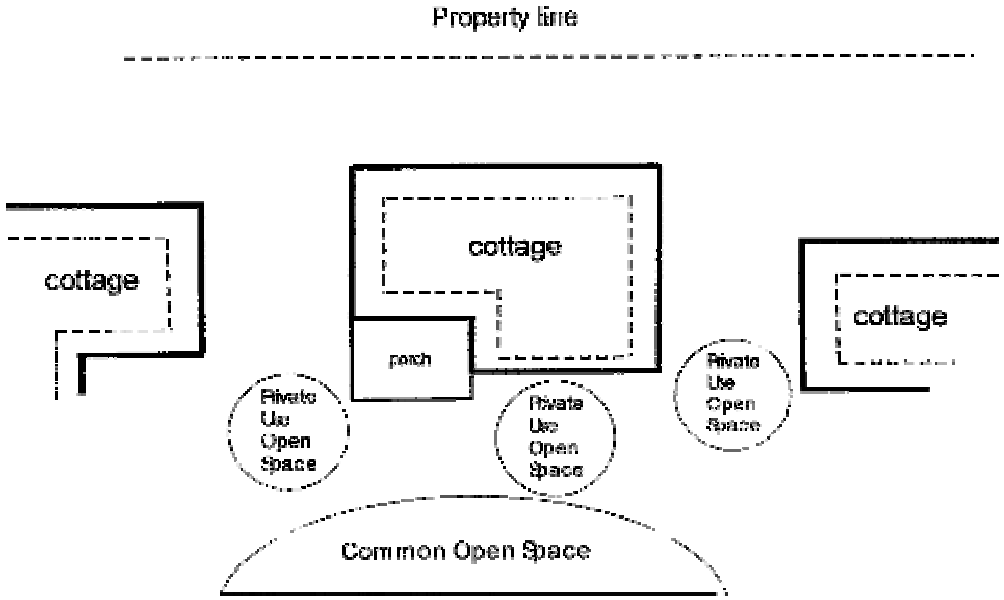

Figure 20.40.300(G): Private use open space should be contiguous to each cottage, for the exclusive use of the cottage resident, and oriented towards the common open space.

8. Cottage housing units shall have a covered porch or entry at least 60 square feet in size with a minimum dimension of six feet on any side.

9. All structures shall maintain no less than 10 feet of separation within the cluster. Projections may extend into the required separation as follows:

   - Eaves may extend up to 12 inches;
   - Gutters may extend up to four inches;
   - Fixtures not exceeding three square feet in area (e.g., overflow pipes for sprinkler and hot water tanks, gas and electric meters, alarm systems, and air duct termination; i.e., dryer, bathroom, and kitchens); or
   - On-site drainage systems.

10. Parking for each cottage ~~housing unit~~ shall be provided as follows:

- Two parking stalls for each cottage housing unit and 1 guest stall for every 2 units shall be provided. Tandem parking is allowed. ~~Units that do not exceed 650 square feet on main floor: 1.5~~. ~~Units that exceed 650 square feet on the main floor: 2.0~~

- Clustered and separated from the private and common area and cottages by landscaping and architectural screen under 4 feet in height with trellis above 6 feet in height.

- Screened from public streets and adjacent residential uses by landscaping and~~/or~~ architectural screen. ~~No solid board fencing allowed as architectural screen.~~

- Set back a minimum of ~~40 feet from a public street, except for and area which is a maximum of (1) 50 feet wide; or (2) 50 percent of the lot width along the public street frontage, whichever is less, where parking shall have a minimum setback of~~ 15 feet from a public street.

- Located in clusters of not more than five abutting spaces.

- A minimum of 50% of the parking space shall be enclosed.

11. Setbacks for all structures from the abutting property lines shall be an average of 10 feet, but not less than five feet, except 15 feet from a public ~~street~~ Right-of-Way or public sidewalk, whichever is greater.

12. ~~All fences on the interior of a lot shall be no more than 3 feet in height.~~ Architectural screens along the property line may be up to six feet in height subject to the sight clearance provisions of SMC 20.70.170, 20.70.180 and 20.70.190(C). No chain link or solid board fences are allowed.

2. Procedural History

2.1 1998 - City adopts the Comprehensive Plan with Policy LU27 allowing cottage housing in R-6 zones of the City.
2.2 1999 - City forms the Shoreline Planning Academy to receive citizen guidance for the City's first Development Code.
2.3 2000 - City adopts the Development Code with provisions for cottage housing (SMC 20.40.300).
2.4 2003 - City adopts refinements to the cottage housing regulations.
2.5 August 2004 - City adopted a six month moratorium on cottage housing.
2.6 February 22, 2005 - City Council amended the moratorium ordinance to be extended another 6 months until August 19, 2005.
2.7 March 5 and 12, 2005 - City conducts a bus tour of Shoreline's cottage housing.
2.8 April 2005 – Council readopts cottage housing Policy LU27 with minor modifications.
2.9 May 11, 2005 - Staff holds a community meeting to discuss and make recommendations on cottage housing.
2.10 May 26, 2005 – SEPA Determination of Non-Significance issued for proposed amendments.
2.11 June 2 and 16, 2005 - Planning Commission holds public hearing and deliberations.
2.12 July 18, 2005 – City Council adopts latest moratorium
2.13 August 22, 2005 - City Council adds joint City Council and Planning Commission forum to cottage housing public process.
2.14 September 1 and 15, 2005 – Planning Commission continues deliberation and directs staff to draft recommendations.

3. Public Comment

A great deal of public comment has been received for this project. The City has received many public comment letters over the past year primarily opposed to cottage housing. The comments seem to be divided between those who want to repeal the provisions because cottages are an inappropriate density increase in traditional single family neighborhoods and those who believe many of the projects are poorly designed. There is a contingent of citizens who support cottage housing either because they live in a cottage, they believe the city needs more alternative housing, or they believe that the regulations need improvement to produce more projects like the Greenwood Cottages. There has not been a city-wide survey of citizen opinions.

4. SEPA Determination

The City issued a SEPA determination of non-significance May 26, 2005 for the proposed amendments.

5. Consistency

Shoreline Development Code 20.30.350 Criteria for Amendment to the Development Code

> **A. The amendment is in accordance with the Comprehensive Plan.**
> Comprehensive Plan - In 1998 Shoreline adopted its Comprehensive Plan. In the plan there are policies that support cottage housing as well as alternative housing choices.

- Housing Element Goal HI: Provide sufficient development capacity to accommodate the 20 year growth forecast in appropriate mix of housing types by promoting the creative and innovative use of land designated for residential and commercial use.

- Policy H1: Encourage a variety of residential design alternatives that increase housing opportunities in a manner that is compatible with the character of existing residential and commercial development throughout the city.

- Goal LU III: To have adequate residential land and encourage a variety of quality residential buildings and infrastructure suitable for the needs of Shoreline's present and future residents.

- Policy LU27: Allow cottage housing in residential areas if they go through design review and adhere to the following characteristics:
  -Common open space
  -Reduced parking areas
  -Detached homes
  -Common amenities (e.g. garden plots, play areas, storage buildings, orchard)

- Policy LU27 was recently re-adopted with by the Council in the 2005 Comprehensive Plan update. In the adoption the Council removed language that allowed cottage housing specifically in "R6 zones and up".

B. The amendment will not adversely affect the public health, safety or general welfare.
The recommended code amendments will not adversely affect the public health, safety or general welfare because they will have the same or similar impacts of conventional single family housing and the amendments will be more restrictive and further limit the growth potential over the current cottage housing provisions of the development code.

C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.
The recommended code amendments are not contrary to the interest of the citizens and property owners of the City because they will help meet the state GMA targets, provide alternative housing for a changing housing market, and not reduce or slow the growth of surrounding, assessed property values.

II. CONCLUSIONS

The Planning Commission concluded that these amendments met the criteria for amending the Development Code. They believed that their recommendations needed more deliberation in regard to the City's housing strategy and other alternatives to meet the State GMA targets, however, the recommendations were also needed to begin discussion with the City Council in the upcoming cottage housing forum in October.