

# AGENDA

## CITY OF SHORELINE PLANNING COMMISSION REGULAR MEETING



Thursday, May 7, 2009  
7:00 p.m.

Shoreline Conference Center  
Mt. Rainier Room  
18560 1<sup>st</sup> Avenue NE

	<u>Estimated Time</u>
<b>1. CALL TO ORDER</b>	7:00 p.m.
<b>2. ROLL CALL</b>	7:01 p.m.
<b>3. APPROVAL OF AGENDA</b>	7:02 p.m.
<b>4. DIRECTOR'S COMMENTS</b>	7:03 p.m.
<b>5. APPROVAL OF MINUTES</b> a. March 26, 2009      b. April 16, 2009	7:08 p.m.
<b>6. GENERAL PUBLIC COMMENT</b>	7:10 p.m.
<i>During the General Public Comment period, the Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled later on the agenda. Each member of the public may comment for up to two minutes. However, the General Public Comment period will generally be limited to twenty minutes. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Speakers are asked to come to the front of the room to have their comments recorded and must clearly state their first and last name, and city of residence.</i>	
<b>7. STAFF REPORTS</b> a. Tree Regulations Background Information	7:25 p.m.
<b>8. PUBLIC COMMENT</b>	8:30 p.m.
<b>9. DIRECTOR'S REPORT</b>	8:35 p.m.
<b>10. UNFINISHED BUSINESS</b>	8:40 p.m.
<b>11. NEW BUSINESS</b>	8:45 p.m.
<b>12. REPORTS OF COMMITTEES &amp; COMMISSONERS/ANNOUNCEMENTS</b>	8:50 p.m.
<b>13. AGENDA FOR May 21</b>	8:55 p.m.
<b>14. ADJOURNMENT</b>	9:00 p.m.

*The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236.*

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## CITY OF SHORELINE

### SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF SPECIAL MEETING

March 26, 2009  
7:30 P.M.

Shoreline Conference Center  
Mt. Rainier Room

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#### **Commissioners Present**

Chair Kuboi  
Vice Chair Hall (arrived at 8:15 p.m.)  
Commissioner Broili  
Commissioner Kaje  
Commissioner Perkowski  
Commissioner Wagner

#### **Staff Present**

Joe Tovar, Director, Planning & Development Services  
Steve Cohn, Senior Planner, Planning & Development Services  
David Levitan, Associate Planner, Planning & Development Services  
(arrived at 8:20 p.m.)  
Jessica Simulcik Smith, Planning Commission Clerk

#### **Commissioners Absent**

Commissioner Behrens  
Commissioner Piro  
Commissioner Pyle

#### **CALL TO ORDER**

Chair Kuboi called the special meeting of the Shoreline Planning Commission to order at 7:34 p.m.

#### **ROLL CALL**

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Kuboi and Commissioners Broili, Kaje, Perkowski and Wagner. Vice Chair Hall arrived at 8:15 p.m. and Commissioners Behrens, Piro and Pyle were excused.

#### **APPROVAL OF AGENDA**

The Commission added Item 10.a (Finalization of Vision Statement and Framework Goals) to the agenda. The remainder of the agenda was accepted as presented.

#### **DIRECTOR'S COMMENTS**

Mr. Tovar indicated he would hold his comments until the Director's Report, when he would update the Commission regarding the Shorewood High School Design Concepts and a proposed Development

Code amendment to increase building heights. In addition, he would report on a public hearing that took place before the City Council on March 23<sup>rd</sup> related to a proposal to increase density for a portion of the Regional Business (RB) zone along Midvale Avenue. The City Council will continue the public hearing on April 6<sup>th</sup>.

### **APPROVAL OF MINUTES**

There were no minutes available for Commission approval.

### **GENERAL PUBLIC COMMENT**

**Doug Reid, Shoreline**, distributed his written comments, along with pictures to illustrate his concerns related to property located at 14927 Aurora Avenue North where a great deal of soil is being removed. As illustrated by the pictures he provided, he pointed out that the soil residue spreads across the sidewalk and Aurora Avenue. He recalled that the property is the former site of the Skyline Motel, which was never hooked up to the public sewer system. He summarized that residents in the area have concerns about contaminated soil since their children play and ride their bikes in the area. He asked if a soil test has been done on the subject property or if permits have been pulled.

Commissioner Kaje asked Mr. Reid if he reported this situation to the City. Mr. Reid said he called the City earlier in the afternoon prior to taking the photographs. Since he did not have a specific address, he was told no information could be given. He said he plans to visit the Planning and Development Services Office to review the permits and soil tests associated with the property. Mr. Tovar agreed to look into Mr. Reid's concern tomorrow.

Commissioner Broili pointed out that this is not the first time he has seen a situation such as the one illustrated by Mr. Reid. He said he reported the same scenario at another site and expressed concern that residue was going into the storm drain, which goes into the creeks and streams. He said he would like the City to take permanent action to address these unacceptable situations. Mr. Tovar said he would ask the Building Department Staff or Community Response Team to visit the site as soon as possible. Chair Kuboi expressed concern that when Mr. Reid contacted the City, staff did not make more of an effort to figure out the correct address. Again, Mr. Tovar agreed to look into the situation.

**Laethan Wene, Shoreline**, questioned where the students and teachers would hold classes while Shorewood High School is being redeveloped. He expressed his belief that the students need to have a place to continue their regular classes.

### **STAFF REPORTS**

#### **Point Wells Comprehensive Plan Amendment Study Session**

Mr. Tovar advised that the Commission would conduct a public hearing regarding the Point Wells Comprehensive Plan Amendment April 16<sup>th</sup> at 7:30 p.m. He referred to the staff's proposed amendment to the Shoreline Comprehensive Plan, which consists of two pages of text and a map. He explained that while the text of the Comprehensive Plan identifies Point Wells as a potential annexation area for

Shoreline and that the use should be a mixture of uses, it does not talk about building form, building height, unit count, or other details.

Mr. Tovar reviewed that Snohomish County has been processing a proposal to amend their comprehensive plan to re-designate Point Wells from Industrial to Urban Center, which is a new Snohomish County land-use designation that allows a variety of uses. He explained that staff has reviewed Snohomish County's draft Supplemental Environmental Impact Statement (SEIS) and prepared an evaluation of the likely environmental consequences of approving the proposal by the property owner (Paramount Northwest). He noted that Paramount Northwest owns the old industrial use area to the west of the tracks and the office/industrial use area to the east of the tracks. The only access to the property comes from Richmond Beach Road.

Mr. Tovar reported that the Snohomish County Planning Commission conducted a public hearing on the draft SEIS, and Councilmember Hansen attended on behalf of the City of Shoreline to express the City's concerns about the magnitude of development that would be permitted by a designation of Urban Center. He said the amendment associated with the draft SEIS describes a potential future project of up to 3,500 dwelling units and between 80,000 to 100,000 square feet of commercial space and does not talk about water related activities. In addition to attending the public hearing, Mr. Tovar advised that the City submitted a letter taking issue with a number of the facts, assumptions and conclusions in the draft SEIS. For example, the City has asked the Council to respond to Shoreline's concerns about the flaws in their methodology and conclusions before the final SEIS is issued.

Mr. Tovar further reported that the City's comment letter to Snohomish County noted that the County has not discussed how police or fire services would be provided to the property if it were to be developed under an Urban Center designation in unincorporated Snohomish County. The letter points out that both the Shoreline Fire District and Shoreline Fire Department have also submitted letters in opposition, indicating they would not be providing fire or police services to a more intense development on the property if it is not part of Shoreline. In addition, the Town of Woodway filed comments indicating their concern about the character of whatever is developed on the property. Woodway is proposing specific design criteria and guidelines that would factor into the shape, configuration and activities on the property if Snohomish County were to permit redevelopment at some point in the future.

Mr. Tovar announced that the comment period for the draft SEIS has been closed, and the final SEIS would be issued at some point in the near future. The Snohomish County Council would then consider the matter and take action on the final SEIS. The Snohomish County Planning Commission did not formulate a formal recommendation for the County Council because they were unable to obtain the six votes necessary to approve a motion to recommend approval or denial. All of the public testimony and the Commission's discussion would be forwarded to the County Council for consideration at some point this summer. He summarized that staff would provide comments before the Snohomish County Council when the opportunity becomes available.

In addition to Snohomish County's proposed comprehensive plan amendment, Mr. Tovar advised that the City of Shoreline has proposed a separate amendment to the Shoreline Comprehensive Plan related to the Point Wells site. He explained that Shoreline's proposed amendment is to identify on a map the Point Wells property (approximately 100 acres), which is currently an unincorporated island of

Snohomish County. The map also shows the boundaries of the Town of Woodway and the City of Shoreline, as well as the location of the King/Snohomish County line. The proposed Comprehensive Plan amendment text makes reference to two areas on the maps that were distributed: lowland (purple) and upland (white). The lowland area can only be accessed by vehicle via Richmond Beach Road, and there is no access into the upland area because of the steep, heavily-vegetated slope. Because this is a critical area, creating vehicular access would be very expensive and probably not permitted under current environmental laws.

Mr. Tovar pointed out that the Town of Woodway touches and actually includes about 200 feet of Richmond Beach Road. In the recent past, the Town of Woodway annexed this right-of-way. To leave the unincorporated island, you have to travel through Woodway for 200 feet and then you are into Shoreline on Richmond Beach Road for the next three miles until you reach the regional road network. He summarized that the only access to this property, which the amendment proposes to designate as the Shoreline's future service and annexation area, is through Shoreline. The segment of roadway that is in the Town of Woodway does not connect to any other road in Woodway or the County.

Mr. Tovar said the City's current Comprehensive Plan identifies all 100 acres of the Point Wells site as the City of Shoreline's "potential annexation area," which is a phrase adopted by King County to describe the interest that cities adjacent to unincorporated areas in King County could declare. He pointed out that while King County has identified potential annexation areas for all the cities in the County, Snohomish County has no such thing as a "potential annexation area." The term they use to describe the relationship of an unincorporated area to an adjacent city is "a municipal urban growth area." The proposed Comprehensive Plan Amendment would describe the Point Wells Property as the City's proposed "future service and annexation area." The Comprehensive Plan amendment would also clarify the City has no interest in annexing or serving the upland portion of the island because it is not accessible from the City of Shoreline. In addition, it points out that since neither Woodway nor Snohomish County has access to the lowland portion of the island, it shouldn't be in their service area.

Mr. Tovar announced that he has met with Snohomish County staff to review their official position. They indicated that Snohomish County's comprehensive plan policies actually state that cross county annexations are disfavored and/or would be opposed. County staff referred to the Town of Bothell, which annexed across the County line a number of years ago so that half of the City of Bothell is now in Snohomish County. Snohomish County felt this was problematic for a number of reasons, and they adopted their basic policy position that no more cross county annexations should be allowed. Mr. Tovar recalled that Woodinville attempted to annex across the County line a number of years ago, and Snohomish County expressed opposition and the proposal was abandoned. Mr. Tovar said he would respond to a letter he received from Snohomish County regarding their policies by explaining that while the City can understand the County's reluctance to support an annexation on the order of magnitude of Bothell or Woodinville, Shoreline's situation is very different. There is no issue of annexation by the City of Shoreline further up into Snohomish County, and there are no service delivery dilemma's for Snohomish County because they don't provide any services to the area. Mr. Tovar said he also knows of other law by the growth boards and appellant courts, and he does not believe the County would prevail if they tried to enforce their policies.

Mr. Tovar summarized that the City's interests are best served by clarifying, via a Comprehensive Plan amendment, the City's interest and reasons for articulating that the Point Wells property should be

served by the City of Shoreline if it is going to develop into a mixed-use or more intense urban configuration than what has been there in the past. In addition, the City would continue to oppose it being developed in Snohomish County as an Urban Center, which would allow up to 3,500 dwelling units. The City's current map identifies the property as mixed-use, and the proposed amendment does not suggest the appropriate density at this time. Questions regarding the appropriate scale of development would be addressed in a pre-annexation ordinance, and environmental information would be prepared to describe the impacts.

Mr. Tovar concluded by stating that the draft amendments are ready to move forward to a public hearing, and the City Council has asked staff to initiate the action. They won't adopt any final language until they receive a recommendation from the Commission and have an opportunity to review the entire record. Mr. Tovar cautioned that the Commission's public hearing may need to extend beyond April 16<sup>th</sup> since the City's environmental review cannot be completed until Snohomish County has finished their environmental review, which would describe the impacts associated with a mixed-use center that provides up to 3,500 dwelling units. He emphasized that the final environmental documents would be presented to the Commission before they close the public hearing and formulate a final recommendation to the City Council. Once the Comprehensive Plan amendments have been adopted by the City Council, staff would begin to prepare the pre-annexation ordinance that would get into more detail. This process would involve a public hearing before the Planning Commission and final adoption by the City Council.

Commissioner Broili clarified that the environmental review would only look at the impacts of an Urban Center type of development. Mr. Tovar answered that Snohomish County's environmental review would look at an Urban Center of up to 3,500 units. The City would utilize the County's environmental review as a starting point, but they would conduct their own analysis to address points where they disagree with the County. For example, the City would conduct its own traffic analysis and adopt the document as a supplement to Snohomish County's document. Commissioner Broili summarized that the City's environmental review would only consider the impacts of future development on the site. He pointed out that the Point Wells property has historically been used as a fuel loading dock, and he questioned what sort of environmental cleanup issues would arise as part of any development proposal. Mr. Tovar said the County's draft SEIS talks at length about the contamination of soil and what would be required to remediate the site.

Commissioner Kaje questioned if it is possible to access the upland portion (white) from the sliver of lowland area (purple) that is located on the east side of the track. He wondered where the actual road network barrier is located. Mr. Tovar said the SEIS provides a detailed contour map to illustrate the steepness of the slope throughout the whole area. He noted that Richmond Beach Road used to continue up the hillside using switchbacks all the way to 238<sup>th</sup> Street in Woodway. However, this road washed out a number of years ago. The old right-of-way was vacated in the early 1960's, so there is no public road coming through the upland (white) area.

Commissioner Kaje requested clarification about whether Snohomish County's proposal to allow up to 3,500 dwelling units refers to what would be allowed on the entire island (both the white and the purple). Mr. Tovar clarified that Snohomish County's proposed amendment is related only to the lowland (purple) portion of the island, which is owned by Paramount Northwest. The County is proposing to allow up to 3,500 dwelling units on the 60-acre lowland area.

Commissioner Kaje invited Mr. Tovar to explain why the City is proposing to change the designation of the property to “Future Service and Annexation Area.” Mr. Tovar answered that there has been some litigation regarding the planning and designation of Point Wells. Previously, the City of Shoreline designated the property as a “Potential Annexation Area,” and then the Town of Woodway designated it as a “Municipal Urban Growth Area,” Shoreline filed an appeal to the State Growth Management Hearings Board arguing that allowing both cities to identify the property for future annexation created an impermissible inconsistency. The Court of Appeals eventually determined that both cities could show the annexation in their comprehensive plans. He recalled that during this dispute, Snohomish County and the Town of Woodway were put off by Shoreline’s use of the term “Potential Annexation Area” because they felt it inappropriate to use a King County term to describe a Snohomish County property. Regardless of the term that is used, the notion is that Shoreline should serve this property since all the access comes via Shoreline.

### **Growth Management Act (GMA) Targets Background Update**

Mr. Cohn explained that, every five years, the State Office of Financial Management (OFM) issues population projections for each county in the state as a basis for Growth Management Act (GMA) planning. In addition, under GMA, King County and its cities must adopt comprehensive plans that accommodate 20 years of anticipated population and employment growth. He announced that the State has just recently issued new growth targets for King County. While local governments have discretion as to how they accommodate the growth targets, they must update their Comprehensive Plans at least every seven years. The deadline for the next plan update is December 2011. He cautioned that the purpose of tonight’s discussion is to provide background information regarding the process of allocating the growth targets. The discussion would not involve specific target numbers at this time.

Mr. Cohn said the last OFM forecast, which was completed in 2007, showed King County growing faster over the long term than in previous forecasts. He provided a graph to compare the 2002 and 2007 forecasts. He noted that by the year 2025, the 2002 forecast showed 2,019,000 and the new forecast shows 2,114,000, which is a sizeable difference.

Mr. Cohn explained that King County allocates growth targets via the Growth Management Planning Council (GMPC), which is a body of elected officials from King County, Seattle, Bellevue, other cities and towns, special purpose districts, and the Port of Seattle. These representatives would work jointly to develop target allocations for King County, and each jurisdiction would be required to take their fair share of the growth. He said that the Countywide Planning Policies, which were originally adopted by the GMPC in 1994, establish the policy framework for allocating growth targets. The policies include:

- Limiting the growth in Rural and Resource areas.
- Focusing growth in Urban Growth Area, within cities and within Urban Centers and Manufacturing/Industrial Centers.
- Fostering a pattern of growth that ensures efficient use of infrastructure and can be served by public transportation.
- Improving job/housing balance within the four planning subareas.

Mr. Cohn explained that the GMPC divided King County’s Urban Growth Areas as follows: Sea-Shore (Seattle and Shoreline), the Eastside, and South County. They considered the PSRC’s forecast for job



growth and how much of the growth would go into the three areas, and then they divided the household growth using the same percentage as the forecasted growth in jobs. He explained that the intent was to focus growth in the urban and manufacturing centers. He noted that Seattle's Urban and Manufacturing Centers are solid and have been growing for a number of years. While the Urban and Manufacturing Centers on the Eastside are not quite as solid, they have also been growing for a number of years. However, the Urban Centers in South County have not been growing for a number of years, and many jurisdictions do not have Urban or Manufacturing Centers. This makes it more difficult to divide households fairly.

Mr. Cohn said that in addition to considering the State's 25-year growth forecast, the GMPC must also look at the Regional Growth Strategy, which is the PSRC's 40-year growth forecast. The growth target allocations must be consistent with both documents. He explained that the PSRC used a different strategy (other than jobs/housing balance) to allocate growth. Their strategy calls for increased growth in mid to large cities, especially cities with designated centers, decreased growth in rural areas, urban unincorporated areas, and smaller cities, and increased job-housing balance in the region.

Mr. Cohn summarized that staffs from cities throughout the County have been reviewing and providing input on a range of potential scenarios that allocate housing and job growth throughout the County. Based on this process, recommended draft targets may go to the GMPC as early as July 2009, with a vote for adoption possible at their September 2009 meeting. Once adopted, growth targets must be ratified by the County Council and a majority of cities before they go into effect.

Mr. Cohn said that while the OFM may come out with a new forecast in 2012, the PSRC is fairly confident that their forecasts are accurate, even considering the recent downturn in the economy. He briefly reviewed the following graphs that were developed by the PSRC:

- **Near-Term Population Growth Forecast.** This graph shows that the actual current forecasts are lower than the long-term growth forecast suggested.
- **Near-Term Job Growth Forecast.** This graph indicates that while the forecast was high, job growth has flattened out.
- **Long-Term Population Growth Forecast and Trends.** This graph provides data indicating that in terms of population, the PSRC forecasts are actually lower than the long-term trend over the last 50 years.
- **Long-Term Employment Growth Forecast.** This graph indicates that the PSRC forecast was actually less than the actual long-term growth trends. The graph shows that employment growth has its ups and down, unlike population growth, which tends to be relatively stable.

Vice Chair Hall arrived at the meeting at 8:15 p.m.

## **PUBLIC COMMENT**

There was no one present to provide public comment during this portion of the meeting.

## **DIRECTOR'S REPORT**

DRAFT

## **Shorewood High School Design Concepts and Pending Code Amendment to Increase Building Heights**

Mr. Tovar announced that both Shorewood and Shorecrest High Schools are going through some major design work. Shorecrest High School would be renovated and updated, and Shorewood High School would be replaced. He noted that the School District plans to continue to use the facilities while they construct a new high school on the same property. The existing buildings are currently located on the west half of the site, and the proposed new high school would be constructed on the eastern half.

Mr. Tovar displayed the zoning map for the Aurora Corridor, which identifies the specific location of the Shorewood High School site. He reported that the School District has conducted two public meetings to show four different schematic alternatives for how they might develop the property. The Old Ronald School (museum) would remain in all four scenarios. He reviewed each of the schematic alternatives and said City staff has asked the District to keep in mind that at some point in the future, the adjacent car dealership properties might be redeveloped into some type of mixed or commercial uses. Therefore, it might be appropriate to make the service road more of a “city lane” to integrate the high school and business district uses. He said that while it is unfortunate the Town Center Subarea Plan has not been completed, it is important to anticipate ways to create some connection between the high school site and the town center. Staff has also raised the idea of creating some public space between the museum and theater.

Mr. Tovar said the School District is asking for permission to build up to three stories in some locations. In addition, the new gymnasium would be as high as 55 feet, and the fly space for the new theater would be up to 68 feet. Three of the scenarios place the gymnasium and theater as far away from the residential neighborhood as possible and closer to Aurora Avenue North. The amendments that are scheduled to come before the Commission on April 16<sup>th</sup> will deal with code changes to enable the proposed building heights. He noted that the majority of the Shorewood High School property is currently zoned single-family residential, and the maximum building height is 35 feet.

Chair Kuboi recalled an earlier discussion that if the School District were allowed a greater height, there is a potential for other development. Mr. Tovar said the only additional height beyond three stories would be to accommodate the gym and theater. The District is not interested in having any office space or classroom space above three stories. He noted the City Hall Building that is currently under construction is four-stories or about 52 feet high.

Chair Kuboi recalled that the Commission had previously discussed this project as an opportunity to do something more with the site than just build a new school. Mr. Tovar said the School District seems to be open to the idea of the theater becoming more of a community facility rather than just for high school productions. He suggested that perhaps the City’s Arts Council would be interested in talking about possible community use of the space, as well.

## **Proposal to Increase Density for a Portion of the Regional Business (RB) Zone Along Midvale Avenue**

Mr. Tovar reminded the Commission that the interim RB zoning ordinance expires on May 12<sup>th</sup>, and their work program includes a process for developing permanent regulations for the RB zone. Extending the moratorium and interim ordinance would require the Commission to complete their work and forward a recommendation to the City Council for final adoption by November 12<sup>th</sup>. In the near term, staff has presented a proposal to the City Council to extend the moratorium and interim ordinance for all RB zoned lands throughout the City for an additional six months. In addition, staff's proposal recommends the City Council create a Regional Business Demonstration area on Midvale Avenue between 175<sup>th</sup> and 185<sup>th</sup> Streets (between the Gateway Project and the new City Hall). Within this area (about 7.5 acres) staff proposes the City remove the unit density cap and apply the administrative design review and design standards that were reviewed by the Commission and ultimately adopted by the City Council for the Ridgecrest Commercial Center. He summarized that the demonstration area would provide flexibility for development to take place.

Mr. Tovar provided a bird's eye view of the area in question. He said he does not anticipate redevelopment of the warehouse portion of the site to occur right away. However, if mixed-use, mid-rise development occurs nearby to take advantage of the amenities and transit opportunities, redevelopment could eventually occur depending on the permanent RB and Town Center regulations that are adopted by the City Council. He summarized this is an area of opportunity, and redevelopment could take place within the next six months if the City Council adopts the revisions to the interim regulations for this one section of RB zoning.

Mr. Tovar referred to the Central Shoreline Subarea Study that was completed in 2003. The study focused specifically on Midvale Avenue and indicated that desirable characteristics for development include mixed-use, mid-rise, retail uses on the ground floor, pedestrian orientation, buildings up to the back of the sidewalk, etc. While the study was never formally adopted, it was presented to the City Council as a model of what citizens desire for the area. He noted that the Commission would not be invited to provide a formal recommendation regarding the interim regulation to create the demonstration area. However, Commissioners could provide comments at the public hearing before the City Council on April 6<sup>th</sup>.

Commissioner Kaje asked Mr. Tovar to identify the portion of the site that would most likely be redeveloped in the near future. Mr. Tovar said the most likely site to redevelop first would be the area immediately north of the warehouse site. He noted that while the Ridgecrest Commercial Center regulations required a developer to meet the Three Star Built Green standard, one Councilmember has suggested that developers be required to meet the Four Star Built Green Standard, which would require certification and a third-party review. Requiring electric vehicle charging facilities is another recommended condition.

Commissioner Kaje voiced concern about what the demonstration area would tell the rest of the community about the City's intentions for permanent regulations. It appears that the City is cutting a deal to get a developer on board. While he likes the idea of requiring Built Green Standards, he is concerned about the negative reaction the interim ordinance might receive, particularly from other RB property owners. He questioned if the interim ordinance would make it more difficult to get permanent RB regulations in place that are more meaningful and ask more of developers. Mr. Tovar said the City Council did raise concern about whether or not the interim ordinance would become a precedent. They also questioned if allowing too much residential development would drive out retail uses. He said he

pointed out to the City Council that this RB zoned area is unique because it is located adjacent to the Interurban Trail and has a green space in front of it. He informed the City Council that he did not believe the interim ordinance would set a precedent for other RB zoned properties unless there are similar circumstances. The staff report makes the point that the subject area is not a good place for auto-intensive uses such as car dealerships, fast food, etc. The lot size is not large enough and the circulation pattern does not lend itself to these uses. Mr. Tovar recalled that the Commission and staff have previously discussed that there are four or five discreet sub districts of the Aurora Corridor, and this area is very different than the others. The purpose of the demonstration area is to test out the concept.

Commissioner Kaje said he was not so concerned about the precedent of the details in the interim ordinance. His concern was more related to a precedent of the process of considering a demonstration area at the same time they are talking about creating permanent regulations. Mr. Tovar said that from his perspective, this is a unique opportunity for the City to be creative and seize opportunities that present themselves. He said he would not recommend this approach often, but the circumstances justify his recommending the interim ordinance to the City Council.

## **UNFINISHED BUSINESS**

### **Formalization of Vision Statement and Framework Goals**

Mr. Levitan recalled that at their last meeting, the Commission reviewed an updated draft of the vision statement and framework goals that incorporated the recommendations made previously by the Commission. The Commission provided additional direction and staff incorporated those changes. He noted that arts and history were incorporated both into the framework goals and the vision statement. He recalled that staff presented a map that was not favorably received by the Commission because it focused too specifically on certain neighborhoods instead of addressing general principles, which is the goal of the vision statement. The Commission suggested that staff follow the example provided in the Corvallis, Oregon vision statement and incorporate images into the document. However, it might not be necessary to incorporate the images at this point. The Commission suggested they ask local artists in the community to submit drawings or images that they think fit the text.

Mr. Levitan said staff anticipates posting the draft documents that would be considered at the April 13<sup>th</sup> Public Hearing on the City's website. However, they need final input from the Commission before they move forward with this posting.

**VICE CHAIR HALL MOVED THE COMMISSION RECOMMEND TO THE CITY COUNCIL THAT THEY ADOPT THE VISION STATEMENT AND FRAMEWORK GOALS WITH ALL THE CHANGES IDENTIFIED IN THE NEW DRAFT. WHERE THERE ARE CHOICES, THE FOLLOWING LANGUAGE WOULD BE INCORPORATED:**

- **THE OPENING SENTENCE OF THE VISION STATEMENT WOULD READ, "IMAGINE FOR A MOMENT THAT IT IS THE YEAR 2029 AND YOU ARE IN THE CITY OF SHORELINE. THIS VISION STATEMENT IS WHAT YOU WILL SEE."**
- **THE FRAMEWORK GOAL RELATED TO ARTS AND CULTURE SHOULD READ, "ENCOURAGE AN EMPHASIS ON ARTS, CULTURE AND HISTORY THROUGHOUT THE COMMUNITY."**

- **INCORPORATE BONI BIERY'S RECOMMENDATION FOR FRAMEWORK GOAL 3 TO READ, "PROVIDE A VARIETY OF GATHERING PLACES AND RECREATIONAL OPPORTUNITIES FOR ALL AGES AND EXPAND THEM TO BE CONSISTENT WITH THE POPULATION GROWTH."**
- **INCORPORATE BONI BIERY'S RECOMMENDATION FOR FRAMEWORK GOAL 5 TO READ, "CONSERVE AND PROTECT OUR NATURAL RESOURCES; ENCOURAGE RESTORATION THROUGH INNOVATIVE DEVELOPMENT AND PUBLIC OUTREACH PROJECTS; AND APPLY INNOVATIVE ENVIRONMENTALLY SENSITIVE BUILDING AND DEVELOPMENT PRACTICES."**

**COMMISSIONER WAGNER SECONDED THE MOTION.**

Vice Chair Hall said he believes all of the alternatives are really great vision and framework goal statements. While it would be appropriate to make additional changes, he felt the Commission has affectively addressed the things he heard most strongly at the recent town hall meeting.

Commissioner Wagner agreed that the two documents are well-written. The Commission has spent a lot of time and energy being very thoughtful. The end result is a good product, but they still should address some of the remaining open questions. She suggested, and the remainder of the Commission concurred, that the framework goals should be renumbered sequentially before they are posted on the web.

Commissioner Perkowski referred to the second recommended alternative for the second sentence of the vision statement and suggested the language is awkward. **The Commission agreed to change this sentence to read, "This vision statement describes what you will see."**

Mr. Levitan recalled the Commission previously discussed that the second sentence in the second to the last paragraph in the vision statement was awkwardly written, as well. He noted that staff provided two different alternatives and suggested the second alternative more accurately reflects the Commission's recent comments. The Commission agreed to use the language contained in the March 20<sup>th</sup> draft, which would read, **"As the population ages and changes over time, the City continues to expand and improve senior services, housing choices and other amenities that make Shoreline such a desirable place to live."**

Mr. Tovar said the City was recently notified by Sound Transit that the Environmental Impact Statement they are preparing for the light rail line has to look at alternatives, and one alternative is Highway 99. However, the "Signature Boulevard" section of the vision statement only makes reference to frequent regional bus rapid transit throughout the day. He suggested it would be appropriate to remove the word "bus" and say instead, frequent regional rapid transit throughout the day. This would allow the City to accommodate both bus and rail service. **The Commission agreed to this change in the second sentence in the second paragraph of "The Signature Boulevard" section to read, "As a major transportation corridor, there is frequent regional rapid transit throughout the day and evening."**

Commissioner Wagner referred to the language proposed for Framework Goal 3 and suggested the word "changes" replace the word "growth." This would incorporate both aging and other demographic changes. **The Commission agreed to change Framework Goal 3 to read, "Provide a variety of**

**gathering places and recreational opportunities for all ages and expand them to be consistent with population changes.”**

The Commission discussed the proposed framework goal related to arts, culture and history. They agreed it should read, **“Encourage an emphasis on arts, culture and history throughout the community.”**

The Commission recalled their earlier discussion to combine Framework Goals 5 and 6. They referred to the language suggested by Boni Biery, which combines the two framework goals. Commissioner Kaje said that while he likes Ms. Biery’s recommendation, he suggested the words “through innovative development” be deleted since the intent is captured in the third clause. In addition, he questioned what is meant by the term “through public outreach projects.” He noted that public outreach is just one way to encourage restoration.

Commissioner Broili said he is not opposed to striking the term “public outreach projects”, but he likes the idea of leaving “innovative development” in. It’s more than just restoration; they want Shoreline to be a place where innovation is embraced and encouraged. Commissioner Perkowski suggested another option would be to further simplify the language to read, “Preserve, protect and restore our natural resources and apply innovative and environmentally sensitive development practices.

Commissioner Wagner said the language does not talk about the City’s desire to encourage development, except in high-density areas. She expressed concern that if large areas of land become available for development, the proposed language could imply that the City would protect 100% of the property. Commissioner Broili said his concern with development, in general, is that it be done sensitively and with a thought towards innovative design. He said he does not see a conflict with the current language. Commissioner Wagner provided an example of a school that becomes available for redevelopment. Would the City require that all of the lawn or field area be retained in its current state, or would they allow a portion of this area to be developed into a mixture of uses? She noted that the proposed framework goals encourage density and redevelopment in places that are already paved or have concrete. Commissioner Broili pointed out that the Built Green and LEEDS Standards emphasize innovative design that actually encourages preserving the green spaces and redeveloping the brown fields first. He said he believes the language is already in place to address Commissioner Wagner’s concern about flexibility.

Vice Chair Hall expressed his belief that the proposed framework goals provide an appropriate balance between development and the need to protect the environment. For example, meeting the affordable housing goals will likely require the removal of at least some trees. Also, if the City were to tell businesses they must protect every inch of undeveloped land, they would not be creating a business friendly environment.

Vice Chair Hall expressed concern about a framework goal that would require the City to restore natural resources. Although he previously recommended that Framework Goals 5 and 6 be combined, he recommended they be separated again in order to clarify the intent of each one. The remainder of the Commission agreed.

Mr. Tovar suggested the intent of the term “public outreach” in Framework Goal 5 is to culture some type of individual stewardship and environmental awareness. Much of what can happen will not be done by developers as they build projects under best practices and innovative techniques. It will be up to the individual homeowners to decide how they will manage their properties. Commissioner Broili pointed out that an educational element would be extremely important as part of a public outreach program. The City must provide leadership through education and modeling. Commissioner Perkowski suggested that Framework Goal 5 be changed by deleting everything after “resources” and add “and encourage restoration, environmental education and stewardship.” **The Commission agreed that Framework Goal 5 should read, “Conserve and protect our environment and natural resources and encourage restoration, environmental education and stewardship,” and Framework Goal 6 should read, “Apply innovative and environmentally sensitive development practices.”**

**The Commission continued to support the deletion of Framework Goal 15, since the intent was already addressed as part of Framework Goal 3.**

The Commission discussed Framework Goal 16 and recalled earlier concerns regarding its intent. Vice Chair Hall reminded the Commission that the intent of each of the framework goals is to support the vision statement. Commissioner Kaje referred to Framework Goal 16 and suggested the term “non-governmental” should be used instead of “non-profit.” **The Commission concurred that Framework Goal 16 should be changed to read, “Strengthen partnerships with schools, non-governmental organizations, volunteers, public agencies and the business community.**

Commissioner Wagner referred to Framework Goal 17 and suggested the intent is already addressed by Framework Goal 2. Vice Chair Hall said the intent of this goal is to deal with underserved populations and support non-governmental (faith based) organizations that might provide human services. He expressed his belief that a thriving community is one where services are available to everyone who needs them. He said that while Framework Goal 17 is similar to Framework Goal 2, Framework Goal 2 seems more mechanical in terms of the basic functions of the City. Commissioner Wagner suggested that Framework Goal 17 be moved next to Framework Goal 2 so it is apparent that they represent two different things. Vice Chair Hall pointed out that some felt human services was lacking in the initial draft framework goals. **The Commission agreed that Framework Goal 17 should be placed after Framework Goal 2, and the language should be changed to read, “Support the provision of human services to meet community needs.”**

The Commission noted that the framework goals would have to be renumbered. However, they emphasized that the goals were not intended to be listed in order of priority.

**THE COMMISSION UNANIMOUSLY APPROVED THE MOTION TO RECOMMEND TO THE CITY COUNCIL THAT THEY ADOPT THE VISION STATEMENT AND FRAMEWORK GOALS WITH THE CHANGES IDENTIFIED IN THE NEW DRAFT AND AS AMENDED (SEE BOLD TEXT ABOVE).**

### **NEW BUSINESS**

No new business was scheduled on the agenda.

## **REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

### **Development Impact Fees**

Commissioner Kaje expressed concern that the Long-Range Financial Planning Committee has recommended not to implement development impact fees in the City of Shoreline, particularly given the economic downturn and the fact that the City has inherited aging infrastructure facilities from King County. He asked if the Long-Range Financial Planning Committee was specifically charged with answering that question. If so, is the City Council looking to the Committee to tell them whether development impact fees are reasonable or would they also look to the Planning Commission for a recommendation? Mr. Tovar said the City Council specifically asked the Long-Range Financial Planning Committee to focus on the question of impact development fees, along with a broader ray of questions related to potential revenues. He suggested the Commission raise this issue in their joint meeting with the City Council.

Commissioner Kaje suggested that staff provide examples of how other jurisdictions deal with development impact fees, especially from jurisdictions that have impact fees and primarily deal with infill or redevelopment. This could help the City understand exactly what it is they have chosen not to do. Mr. Tovar agreed to send the Commissioners the materials that were provided to the Long-Range Financial Planning Committee. In addition, staff could research with the MRSC. Vice Chair Hall pointed out that information could be obtained from the Master Builders Association. Commissioner Wagner recalled that Commissioner Behrens has done extensive research on the topic of development impact fees. She suggested that rather than asking staff to duplicate the work, they could invite Commissioner Behrens to share his findings.

Vice Chair Hall reminded the Commission that they have discussed at length “sidewalks to nowhere” and their desire to connect the pedestrian and bicycle networks. He said he would like to explore the possibility of using development impact fees to fund these projects. Mr. Tovar agreed there are a lot of aspects associated with the question of impact fees. They must not only identify how much money could be generated via impact fees, but how much it would cost the City to administer the program. They must also consider the negative aspects associated with impact fees, such as discouraging development the City might want to encourage. The Commission agreed they would like more information and discussion about development impact fees.

### **Ballinger Open Space**

Commissioner Kaje referred to the Ballinger Open Space, which is a sliver of open space nested between 200<sup>th</sup> and about 203<sup>rd</sup> and 23<sup>rd</sup> and 22<sup>nd</sup> Northeast. A creek goes through the property, but it is completely choked by blackberry bushes, etc. No trails or public amenities are provided, and the property has become a dumping ground. He said he used the City’s website to report specific dumping, but nothing has been done to date. He asked staff to provide feedback about the City’s management plan for this non-recreational park. While kids play in the area, it is a very unsafe and unclean situation.

Mr. Tovar suggested the Commission invite a representative from the Parks Department to meet with the Commission and answer their park-related questions. Another option would be to conduct a joint



meeting between the Park Board and Planning Commission. As far as code enforcement, Mr. Tovar suggested Commissioner Kaje contact the Code Response Team to report illegal activities.

### **AGENDA FOR NEXT MEETING**

Ms. Simulcik Smith referred the Commission to the agenda packet that was provided for their April 2<sup>nd</sup> meeting. The agenda includes a study session for a proposed Development Code amendment for building heights for high schools. The agenda would also include an update regarding the Tree Regulations and an opportunity for the Commission to prepare for their joint meeting with the City Council on April 13<sup>th</sup>. In addition, the Commission would hold elections for Chair and Vice Chair.

Commissioner Wagner suggested it might make sense to have a joint meeting with the Parks Board to discuss the proposed tree regulations and how they would impact the park properties. The Commission and staff agreed that a joint meeting would be helpful.

Mr. Cohn reminded the Commission that he previously invited them to provide their thoughts about agenda items for the joint meeting with the City Council. While staff can come up with some ideas for the Commission to consider on April 2<sup>nd</sup>, he would like the Commissioners to contact staff with their ideas, as well.

Ms. Simulcik Smith asked the Commissioners to identify whether or not they would be present at the joint City Council/Planning Commission Meeting on April 13<sup>th</sup> at 6:00 p.m. Commissioners Hall, Wagner, Kaje and Perkowski indicated they would be present.

### **ADJOURNMENT**

The meeting was adjourned at 10:05 P.M.

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Sid Kuboi  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

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# DRAFT

These Minutes Subject to  
May 7<sup>th</sup> Approval

## CITY OF SHORELINE

### SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

April 16, 2009  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

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#### **Commissioners Present**

Chair Hall  
Vice Chair Wagner  
Commissioner Kaje  
Commissioner Kuboi (arrived at 7:08 p.m.)  
Commissioner Perkowski  
Commissioner Pyle

#### **Staff Present**

Joe Tovar, Director, Planning & Development Services  
Steve Cohn, Senior Planner, Planning & Development Services  
Jessica Simulcik Smith, Planning Commission Clerk

#### **Commissioners Absent**

Commissioner Behrens  
Commissioner Broili  
Commissioner Piro

#### **CALL TO ORDER**

Chair Hall called the regular meeting of the Shoreline Planning Commission to order at 7:03 p.m.

#### **ROLL CALL**

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Hall, Vice Chair Wagner, and Commissioners Kaje, Perkowski and Pyle. Commissioner Kuboi arrived at 7:08 p.m. and Commissioners Behrens, Broili and Piro were excused.

#### **APPROVAL OF AGENDA**

The agenda was accepted as proposed.

#### **DIRECTOR'S COMMENTS**

Mr. Tovar did not provide any comments during this portion of the meeting.

## **APPROVAL OF MINUTES**

The Minutes of April 2, 2009 were approved as amended.

## **GENERAL PUBLIC COMMENT**

**Laethan Wene, Shoreline**, said that on behalf of Washington State Special Olympics, he encouraged the community to support the Special Olympics all-day event scheduled for Saturday, April 25<sup>th</sup>, at the Shoreline Stadium.

## **LEGISLATIVE PUBLIC HEARING ON DEVELOPMENT CODE AMENDMENTS FOR HIGH SCHOOLS BUILDING HEIGHT**

Chair Hall reviewed the rules and procedures for the legislative public hearing.

### **Staff Overview and Presentation of Preliminary Staff Recommendation**

Mr. Cohn advised that the proposed amendment would modify the height limits in the Development Code for high schools in all zones except R-4 allowing high schools to build to a height of up to 50 feet, which is basically three stories. The proposed amendment also includes two exceptions: gyms would be allowed a height of up to 55 feet and theater fly spaces would be allowed a height of up to 70 feet to accommodate scenery storage.

Mr. Cohn advised that staff has determined the proposal is in accord with all three criteria that must be considered when reviewing Development Code amendments based on the following:

- Shoreline is identified in the introduction of the Comprehensive Plan as a place with strong neighborhoods with excellent schools. Staff believes the proposed amendment would allow schools to be rebuilt and renovated based on today's economic situation.
- Allowing high schools to be built taller would result in a smaller footprint, which would tend to be more energy efficient and less costly to develop. Staff believes the City should encourage taller buildings with smaller footprints as they move through the 21<sup>st</sup> century.
- The proposed amendment would be consistent with the City's newly adopted Sustainability Strategy because it would result in more energy-efficient buildings. It would also be consistent with the Stormwater Manual, which encourages redevelopment projects to look at low-impact development techniques such as consolidating the footprint.
- Since schools require a Conditional Use Permit in residential zones, specific impacts of taller buildings could be mitigated by conditions assuring that higher buildings would not be a detriment to adjacent single-family property owners.

Mr. Cohn pointed out that the Staff Report includes maps of the four high schools located in the City. He explained that not only would the proposed amendment apply to the two public high schools (Shorewood and Shorecrest), but it would also apply to private high schools (Kings and Shoreline

Christian). In addition, the Staff Report included the proposed ordinance language and a memorandum from the Shoreline School District dated April 9, 2009.

### **Questions by the Commission**

Commissioner Kuboi asked if the proposed amendment would apply to only the high school portion of a K-12 facility. Mr. Cohn said the proposed amendment would only apply to high schools. If the Shoreline Christian School wanted to rebuild for a K-12 program, the proposed ordinance would be applied. However, he reminded the Commission that the Conditional Use Permit requirement would allow staff to determine where the additional height should be located.

Commissioner Pyle asked if the theater structure that is currently located on the Shorecrest High School site is considered non-conforming. Mr. Cohn said the current theater is approximately 68 feet tall, which would be considered a legal non-conforming use. Commissioner Pyle observed that if the proposed amendment were denied, the current code would require the School District to demolish the theater fly space as part of any redevelopment project because it does not conform to the zoning standards. Mr. Tovar explained that the City adopted the current 35-foot maximum building height in single-family zones five or six years ago. This resulted in a situation of the School District running afoul of the non-conforming provisions. The proposed amendment would cure this dilemma and make the current theater on the Shorecrest site a conforming use.

Commissioner Pyle noted that Mr. Cohn previously mentioned that the conditional use process would allow staff to work diligently with the developer (School District) to locate larger buildings away from the single-family zones and nearer the more intensely zoned properties. He observed that the existing location of the Shorecrest High School theater fly space is actually located closer to the single-family development than the balance of the site; and the district has indicated they do not intend to relocate the theater as part of their project. Therefore, the facility would remain an impact to the adjacent single-family community. Mr. Cohn emphasized that staff would review the plans and consider the impacts of any proposal that is submitted. Mr. Tovar agreed that the School District has no intention of relocating the Shorecrest High School theater or revising the size of the fly space, and the proposed amendment would have no affect in that regard.

Commissioner Kaje observed that the current Development Code allows an additional 15 feet of height for utilities, etc. He asked if a 70-foot height limit for the theater fly space could result in an 85-foot height if utilities were located on top. Mr. Cohn replied that staff would ask the applicant to locate utilities somewhere else besides the fly space roof if possible. However, he acknowledged that additional height above 70 feet would be allowed if necessary to accommodate utilities.

Commissioner Kaje asked about the current height of the Shoreline Christian School. He questioned how the proposed amendment would impact this site, which has a narrow orientation with houses on both sides. Mr. Tovar advised that the existing buildings are less than 50 feet in height, but he agreed the parcel's size and shape is problematic. Not only is it long and narrow with houses on both sides, it is also a heavily treed site. However, because most of the trees are located around the perimeter, redevelopment of the site would not likely require a lot of tree removal. Tree retention would be

important to help soften the impacts of redevelopment, and it would be extremely difficult for the site to accommodate a structure such as a theater or gymnasium.

Commissioner Kuboi asked staff to clarify the definition of a “high school.” Mr. Cohn said the current Development Code does not provide this definition. Therefore, the City would use the current dictionary definition, which is grades 10 through 12 or grades 9 through 12. Commissioner Kuboi asked if it would be possible for someone to interpret the definition to include additional grades. Mr. Cohn answered that while they only know of four sites in the City where the proposed amendment would be applicable, it is possible there could be another site in the City at some point in the future.

Commissioner Pyle asked if the School District’s redevelopment plan would be obtainable through the variance process. He observed that a variance could be more site-specific and predictable as opposed to a broad change of the code. Mr. Tovar answered that, theoretically, a variance would allow more control, but this approach would require the district to demonstrate a physical hardship associated with the property such as size, shape or topography. On the other hand, the Conditional Use Permit would get right at the impacts that could be mitigated based on the location of the facilities. He summarized his belief that the Conditional Use Permit process would allow the City more control regarding the location of the individual buildings. A variance would not result in the outcome the Commission is looking for because it would be very difficult to meet the criteria.

#### **Public Testimony or Comment**

**Rich Hill, Seattle, Land Use Counsel for the Shoreline School District,** said the district appreciates the Commission’s consideration of the proposed amendment and urges them to recommend approval. He referred to the letter the district sent to the Commission (Attachment 6), which sets forth the district’s position on the proposed amendment. He summarized that the district believes the Conditional Use Permit process is the appropriate method for evaluating the site-specific concerns identified by the Commission. It would give the Planning Director the opportunity to look at a specific project and design, as well as the context in which the project is located and potential for mitigation of impacts on the community. The other advantage is that it would afford an opportunity for the community to comment and stakeholders to have input into the process. Again, he encouraged the Commission to recommend approval of the proposed amendment.

**Charles Brown, Shoreline,** said he lives just a few blocks east of Shorecrest High School. He expressed concern that placing a tall building on the tallest hill in the neighborhood creates a problem. He pointed out that during most of the warm months of the year, he watches the sun go down behind the theater building. He summarized that while he enjoys the theater from the inside, it is unsightly from the outside. He said he doesn’t know how the district was able to build this large, ugly structure based on the current restrictions, and he is concerned that they are now proposing a more liberal possibility.

**Laethan Wene, Shoreline,** asked the School District representatives to explain where the students would be housed during the construction process. He emphasized his desire that they be allowed to continue their education without interruption.

Mr. Cohn said staff anticipates the district would submit a proposal to rebuild Shorewood High School on the areas currently used for parking and ball fields. That would leave the current facility undisturbed and the students would be able to continue their classes throughout the construction process.

### **Final Questions by the Commission**

Commissioner Hall asked the district representatives to provide clarification regarding the district's proposal for Shorecrest High School, particularly the theater facility.

**Marcia Harris, Shoreline School District Deputy Superintendent**, explained the theater is an expensive building that was constructed in the mid 80's and recently renovated. It continues to serve both the students and the community very well. None of the planning discussions have included the option of replacing the theater, and this is reflected in her letter to the Planning Commission.

### **Deliberations**

Commissioner Pyle said he lives near the Shorecrest High School site, and he expressed concern that the community would be negatively impacted by the proposed amendments. While the district has indicated their plans to keep the theater in its current location, the proposed amendment would potentially allow the theater to be located anywhere on the site, assuming it could meet the criteria for a Conditional Use Permit. While he assumes staff would do a good job of locating it in the area of least impact, the community is already significantly impacted by the school facility. While the amenity is great for the community and he would like to see the facility redeveloped, allowing for the continuation of up to a 70-foot structure on the site would be inappropriate. He understands the district's need to provide a theater, but he suggested the proposed amendment be changed to allow the minimum height necessary up to 70 feet rather than an outright height allowance of 70 feet. He summarized his belief that allowing a 70-foot structure on top of the hill would be a mistake that would negatively impact the community.

Chair Hall recognized that schools tremendous impacts on the community, regardless of where they are located. However, they are vital to the community. He noted that gymnasiums and theaters are normal parts of a high school, as are parking lots and traffic. He emphasized that the Shoreline School District is part of the impetus behind the creation of the City of Shoreline and the district has been an important part of the community for a long time. He reminded the Commission that the proposed amendment is a legislative action rather than a site-specific action, and project details can always change. The Commission must consider whether it is appropriate for the Development Code to allow for taller high schools. He summarized his belief that it would be appropriate to allow schools to build taller structures (up to three stories). In addition, it has been noted that gymnasiums and theaters provide a benefit to the community on the inside, even though they can create a visual impact on the outside. He said he would be inclined to support the staff's recommendation.

Chair Hall thanked staff for presenting the proposed amendment in the form of an ordinance, which allows the Commission to consider the actual verbiage that would be forwarded to the City Council. He reminded the Commission that, regardless of their recommendation to the City Council, they also have the ability to add their own findings to those presented by staff.

**VICE CHAIR WAGNER MOVED THE COMMISSION RECOMMEND TO THE CITY COUNCIL THE DRAFT ORDINANCE AMENDING THE PERMITTED HEIGHT FOR HIGH SCHOOLS, AS SHOWN IN ITEM 7.a – ATTACHMENT 5 OF THE APRIL 16<sup>TH</sup> AGENDA PACKET. COMMISSIONER KAJE SECONDED THE MOTION.**

Vice Chair Wagner agreed with Chair Hall that one thing that makes Shoreline great is the schools and that the theater is a community asset. They must carefully consider how to support the School District in every way possible. Allowing them to redevelop and create institutions that are more efficient and provide better community gathering places where students can interact more freely would provide a benefit to the community. In addition, the Commission and the City have indicated their desire to encourage more energy efficient development. She reminded the Commission that the theater structure is already in place, and even if the proposed amendment is denied, the district would still be allowed to redevelop or renovate the property. However, the end result would not be as good and the district would not have the tools they need to negotiate what is best for the entire package. She expressed her belief that it is important to move forward, and the proposed amendment appears to be the appropriate tool to allow this to occur.

Commissioner Kuboi asked if the School District would be required to go through the Conditional Use Permit process in order to redevelop a high school site. Mr. Cohn answered that any redevelopment or renovation would require a Conditional Use Permit.

Commissioner Kaje agreed with Commissioner Wagner. He pointed out that the School District has already shown a commitment to want to involve the community in the design process. He said he also shares the concern raised by Commissioner Pyle and Mr. Brown regarding the height and location of the current theater fly space. He recalled his earlier observation that utilities would be allowed an additional 15 feet on top of the maximum height allowed for a structure, and suggested the Commission may want to discuss this issue at some point in the future. However, he said he would be inclined to recommend approval of the amendment as proposed.

Commissioner Perkowski observed that the current height of the Shorecrest High School theater fly space is 68 feet so the proposed amendment would allow two feet of additional height over what already exists. Commissioner Pyle clarified that it is not his intent to stop redevelopment on the site. His intent is to focus development on the site to result in the least impact to the community while still providing the desired amenities for the school and the students. While he agrees that high schools are great amenities for the community, the Commission should keep in mind that the theater, itself, is a major draw to traffic and congestion in the neighborhood on certain nights of the year.

**COMMISSIONER PYLE MOVED TO AMEND THE MOTION TO ADD THE FOLLOWING LANGUAGE AS ITEM d IN SECTION 20.50.020.1.B.2: “THESE ADDITIONAL HEIGHT BONUSES MAY NOT BE USED IN COMBINATION.” COMMISSIONER KAJE SECONDED THE MOTION.**



Commissioner Pyle observed that Section 20.50.020.1.B.2 would allow certain roof and utility structures to be erected above the height limit in all zones, and his proposed amendment would not allow additional structures to be placed on top of the fly space to extend beyond the 70-foot height limit. Commissioner Kaje said that while he agrees with Commissioner Pyle's concern, it is important to keep in mind that the provision would be limited to high schools. He suggested it might be more appropriate to include this language in Section 20.50.020.1.B.2.c and indicate that it would only be applicable to the 70-foot fly space. He cautioned that it is very likely that utilities would be required on top of the base height of the building. Commissioner Pyle agreed. Vice Chair Wagner suggested it might be more appropriate to add language to Item c of Section 20.50.020.1.B.2 to indicate that the maximum height allowed would not exceed 70 feet.

Mr. Tovar said that, typically, the appurtenances that are on top of structures need to be above the roofline of the building. While there may be design alternatives to deal with some of the issues, he suggested it might be problematic to say that 70 feet is an absolute height limit ceiling. He suggested it might be more appropriate for the Commission to consider a separate code amendment at some point in the future to address the kinds of appurtenances that should be allowed, what the height limit should be, and whether they should be minimized. However, that is not the topic currently before the Commission. He emphasized that while an applicant could propose to place a rooftop appurtenance on top of the 70-foot fly space, the proposal would still be subject to the Conditional Use Permit. He cautioned that the District's building designs are at the conceptual stage. While staff has not focused specifically on appurtenances, they have concluded that 70 feet would be a reasonable height for the fly space.

Chair Hall said he would not support the proposed amendment to the main motion. He recognized that height is an issue and that the current theater is unattractive, but he does not support the City getting involved with micromanaging this level of detail. Antennas or wenchers on top of the fly space would not make the shadow that much more massive, and the Conditional Use Permit requirement would give staff the ability to ensure that anything that extends beyond 70 feet is strategically located to minimize impacts. He recommended the Commission take action on the proposed amendment tonight and not cloud it with other issues related to roof appurtenances, since these could be addressed at a later date.

**COMMISSIONERS PYLE AND KAJE AGREED TO WITHDRAW THE MOTION TO AMEND THE MAIN MOTION.**

**Vote by Commission to Recommend Approval or Denial or Modification**

**THE MAIN MOTION TO RECOMMEND THE CITY COUNCIL APPROVE THE DRAFT ORDINANCE AMENDING THE PERMITTED HEIGHT FOR HIGH SCHOOLS, AS SHOWN IN ITEM 7.a – ATTACHMENT 5 OF THE APRIL 16<sup>TH</sup> AGENDA PACKET WAS APPROVED 5-1, WITH COMMISSIONER PYLE VOTING IN OPPOSITION.**

**Closure of Public Hearing**

**THE PUBLIC HEARING WAS CLOSED.**

## **LEGISLATIVE PUBLIC HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR POINT WELLS**

Chair Hall pointed out that he is an employee of Snohomish County. Because this is an intergovernmental issue between Snohomish County and the City of Shoreline, it has been suggested that his participation in the hearing could lead some people to be concerned about whether the Planning Commission is completely independent. He said he believes the ethics and independence of the legislative hearing process is important and the issue is far too important to the City and to Richmond Beach for there to be any concerns. Therefore, he recused himself from the hearing. In addition, he indicated he has not and would not be involved with Snohomish County's evaluation or recommendations on the Point Wells site. He passed the gavel to Vice Chair Wagner to continue the public hearing.

Vice Chair Wagner reviewed the rules and procedures for the public hearing.

### **Staff Overview and Presentation of Preliminary Staff Recommendation**

Mr. Tovar recalled that the Commission initially received a draft of the proposed Comprehensive Plan Amendment for Point Wells on April 2<sup>nd</sup>, and it was provided again in the current Staff Report along with a copy of Resolution 285, which was adopted by the City Council on April 13<sup>th</sup>. The resolution speaks to Point Wells generally, both to this plan amendment process, as well as the plan amendment process that is underway in Snohomish County. The resolution provides a number of facts, as well the City Council's position regarding Snohomish County's process for designating Point Wells as an Urban Center. In addition, Section 3 of the resolution directs the City staff and Planning Commission to proceed with preparation of an amendment to the City's Comprehensive Plan to reiterate and clarify the City's concerns and interest with respect to land use, service delivery, governance, traffic safety, and other impacts associated with future development at Point Wells. Section 4 directs the staff to continue with the open and continuous process of public involvement on the City's Comprehensive Plan amendment, with particular attention being paid to the Richmond Beach Neighborhood.

Mr. Tovar reported that on April 14<sup>th</sup> he attended the Richmond Beach Neighborhood Association Meeting to give them an update regarding both the City and County's process for the Point Wells site. In addition, the City's website also provides a page that deals specifically with Point Wells, including all of the documents generated by the City regarding both the City and County processes. He summarized that staff has attempted to conduct a very open and inclusive public process, since the community has expressed a significant interest. He clarified that this is only the first hearing in the process, but not the last. While tonight's hearing would be closed at the end of the meeting, a second public hearing would be conducted on a subsequent night. Staff would give new notice of the hearing once a date has been established and all of the environmental and traffic information required by SEPA has been assembled. He summarized that the primary focus of this hearing is to offer the public their first opportunity to address the Commission on the proposal. He cautioned that it is not intended to be a hearing regarding Snohomish County's proposal, but people may want to make comments by way of comparison. It is important for the public to have a clear understanding that the Planning Commission would not have an

opportunity to vote on Snohomish County's Comprehensive Plan, but they would make a recommendation to the Shoreline City Council regarding the City's Comprehensive Plan.

Mr. Tovar emphasized that the proposal before the Commission is a Comprehensive Plan amendment and not a Development Code amendment. If and when the City Council adopts the amendment into the Comprehensive Plan, the next step would be to prepare a zoning ordinance that would implement the City Council's policy choices. He advised that concern has been raised about the magnitude and/or scale of what would ultimately be allowed on the site by comprehensive plans and development regulations. However, staff has not developed a recommendation regarding the appropriate unit count, floor area, vehicle trips, etc. At some point, the Commission must debate and analyze these questions and then forward a recommendation to the City Council, whether they do so as part of the Comprehensive Plan process or when they get into the details of a pre-annexation zoning ordinance.

Mr. Tovar reported that staff has received a number of comments from citizens regarding potential traffic impacts on Richmond Beach Road, which is the only access to and from the Point Wells site. Concern has been raised regarding traffic safety, traffic flow, and the impact to level of service at different intersections and road segments. The Public Works Department is in the process of preparing a Supplemental Traffic and Safety Analysis, which would describe and disclose the impacts that might be expected on Richmond Beach Road from various alternatives for development at Point Wells. He summarized that staff would have this analysis, along with other environmental information, ready for the Commission's second hearing. The information would also be posted on the City's website and the public would be invited to provide their thoughts at the second hearing sometime this summer.

### **Questions by the Commission**

Commissioner Perkowski asked how the Comprehensive Plan language would dictate the parameters of the future pre-annexation zoning ordinance. Mr. Tovar said staff's intent was to draft the proposed Comprehensive Plan language to reflect that the City Council has confirmed their 1998 policy that Point Wells should continue to be shown as the future annexation area of the City of Shoreline and that mixed-use is an appropriate use for the property. However, they have not provided specific policy direction regarding the number of vehicle trips, maximum amount of floor area, etc. The proposed Comprehensive Plan language indicates that these are important questions that should be answered by a subsequent Development Code amendment. He suggested it would be appropriate for the Commission to have a more detailed conversation about what the pre-annexation zoning ordinance should reflect, but staff has avoided this level of detail because not all of the necessary traffic information is available at this time. He summarized that the purpose of the proposed Comprehensive Plan amendment is to identify the important issues and facts, such as service delivery and the statement from the Shoreline Police and Fire Departments that they would not provide service to a development at an urban center intensity in unincorporated Snohomish County.

Vice Chair Wagner clarified that the pre-annexation zoning ordinance that would be created at a later time would apply to the Point Wells property immediately upon its annexation into the City. Mr. Tovar agreed. Vice Chair Wagner asked if staff intends to recommend the application of one of the City's current zone designations. Mr. Tovar answered that the specific pre-annexation zoning ordinance would

be crafted based on the Comprehensive Plan policies that are ultimately adopted by the City Council, and a new zoning designation would certainly be one option for accomplishing this task. A new zone would allow the City to be more prescriptive and create as much certainty as possible about how the property would be allowed to develop if annexation were to occur. Vice Chair Wagner asked if the property could potentially have more than one zoning designation. Mr. Tovar explained that the planned area zoning process would allow the City to identify exactly what the regulations should be rather than trying to make an existing zoning designation fit.

Commissioner Kaje referred to the traffic study that staff is in the process of preparing and asked about their assumptions regarding the number of developable acres. Mr. Tovar said the entire lower site is about 61 acres, and the City has made the decision not to consider the upper portion of the site (40 acres). Commissioner Kaje observed that not all of the 61 acres would be considered developable property since vehicular and pedestrian access, etc. would have to be provided. He further observed that if the City were to allow 1,000 units on the site, the density would be about 17 units per acre. On the other hand, the scenario currently being considered by Snohomish County would allow about 3.5 times more density. Mr. Tovar explained that the purpose of doing a traffic study using different development scenarios up to 3,500 units is to illustrate how the most extreme density would impact the City. He cautioned that the City is not advocating 3,500 units on the property and the resolution states that is too high. Staff does not have a recommendation about what the correct density should be, and the issue would be addressed as part of the pre-annexation zoning ordinance process. Mr. Cohn cautioned that rather than talking about the density, i.e. units per acre, that should be allowed on the site, it might be more helpful to talk about the total number of units and square footage that should be allowed.

Commissioner Pyle asked if the City of Shoreline currently provides or has historically provided any services to the Town of Woodway. Mr. Tovar answered no.

### **Public Testimony or Comment**

**Caycee Holt, Shoreline**, said she was present to represent a group of Richmond Beach residents. She asked the Commission to think about the possibility of looking at an alternate egress from Point Wells. They have not seen any studies to indicate this option has been considered, and they feel that Snohomish County should be responsible for their own property. Richmond Beach Road should not turn into the Point Wells Speedway. She submitted a petition, which was circulated in the Richmond Beach area for just three days and already has approximately 115 signatures. She explained that their primary concern is related to Richmond Beach Road being dangerous and noisy. They are also concerned about wear and tear on the infrastructure that goes through their small neighborhood. She suggested that if Richmond Beach Road is the only access for the Point Wells site, the density should be limited to zero. She said she would like the City to consider other options for accessing the property via Snohomish County.

Commissioner Kuboi asked if Ms. Holt's opinion about traffic would change if Point Wells were to annex into the City of Shoreline. Ms. Holt said her group would prefer that the property remain part of Snohomish County and that they figure out how to provide access via Snohomish County. They do not

support annexation into the City of Shoreline because they don't believe Richmond Beach Road could support the additional traffic.

**Sandra Greene, Shoreline**, said she also lives in Richmond Beach and supports the comments provided by Ms. Holt. She requested the City give consideration to a public vote prior to any decision being made by only six members of the Commission. Given the present economic circumstances of the State and the number of homes on the market, she questioned why the Commission is contemplating such a grand project to financially benefit the owner of the Point Wells property.

**Brian Cohee, Shoreline**, agreed with both Ms. Greene and Ms. Holt. He said he lives on one of the "hot spots" on Richmond Beach Road, and his neighbor has had two people die in his yard within the last three years. He said he made a video of an accident where a woman went off the bank and died in his neighbor's yard. He said he has responded first to numerous accidents, one in which a pedestrian was hit while walking on the sidewalk. He said he collected statistic from the Washington State Department of Transportation and the City of Shoreline, which indicate that 257 recorded accidents have occurred over the last 8 years along the section of Richmond Beach Road Proper (1.4 miles between 15<sup>th</sup> Avenue Northwest and Fremont Avenue). Both the State and the City have indicated that these statistics are incomplete. He noted that this number equates to an accident every 11 days on this one small section of roadway. The accidents have involved 474 vehicles, 121 injuries, 4 fatalities, and approximately \$3 million in vehicle property damage alone. He questioned what price you can put on fatal accidents. He summarized that the residents understand what some of the costs of annexation would be, but he asked the City to clarify what benefits the City would receive.

**Karen Davis, Shoreline**, said she is a new resident of Richmond Beach, and she moved there because she found it had great solitude. She said she previously lived in Mill Creek on Seattle Hill Road, which became a major thoroughway over the course of just five years. They had to escape this devastating situation because all they heard was traffic and it was not safe for their children to go out and play. She implored the Commission to consider the devastating social and environmental impacts the annexation would have on the community and families of Richmond Beach in the future.

**Scott Becker, Shoreline**, said he is a member of the Richmond Beach Community Association Board. He said they just received the proposal and they intend to put out a white response paper to serve the constituents within the association, as well as the general Richmond Beach Neighborhood. In addition to the issues that have already been raised, he noted the contaminated soils that exist on the Point Wells site. He suggested this should be a major concern, and the remediation and potential down beach impacts need to be seriously considered when scoping what will be allowed on the site and deciding what the land could support. Given that the land has been spoiled for over 100 years, consideration should be given for limiting the development to contain the worst of the contamination. Like traffic, until the contamination is studied thoroughly and to the satisfaction of the residents, he suggested the City should hold off on further action. He observed that some citizens are concerned about what could take place if the Point Wells site is not under the City of Shoreline's control.

### **Final Questions by the Commission**

Commissioner Kaje thanked the citizens for the amount of time they spent analyzing the issue and preparing comments for the Commission's consideration. He clarified that the Planning Commission is an advisory body of neighbors that have been asked to conduct public hearings and provide their best advice to the City Council, who would make the final decision. He said they share all of the same concerns raised by the citizens. Again, he emphasized that the Commission would not make the final decision, but they would make a recommendation to the City Council based on the information they receive from the staff and from the public hearings.

Commissioner Pyle reminded the Commission that they previously discussed the opportunities that exist on the site for access. Due to slope stability and fire and road standards, it would be very difficult to design and obtain access out of the site without utilizing existing infrastructure. Mr. Tovar agreed with those who spoke that the City should do a more thorough analysis of whether or not alternative access would be feasible, and if not, why. At the next public hearing, staff would provide a thorough analysis of the topography, geology, applicable environmental regulations, fire safety standards, etc.

Commissioner Pyle asked if it would be possible for the Town of Woodway or Snohomish County to show there is no feasible alternative access and then sue the City of Shoreline to obtain access and the right to use Richmond Beach Road if the Point Wells property is annexed into the Town of Woodway. Mr. Tovar said the property owner already has a right to use Richmond Beach Road for access since it is a public right-of-way. He agreed to request a legal opinion from the City Attorney about whether the City would have the ability to prevent this access in the future.

Commissioner Pyle asked staff to describe some of the pros and cons of pursuing annexation of the Point Wells Property. Mr. Tovar said one down side of not pursuing annexation is that the property would be allowed to develop under Woodway or Snohomish County's standards. If they could build a wall at the County line, the situation would be much simpler, but that is not likely to occur. Vice Chair Wagner summarized that the City staff's belief is that the site would be developed regardless of whether or not it is annexed by Shoreline. Mr. Tovar agreed that development would occur on the site at some point in time and it is very likely that access would come from Richmond Beach Road. The real questions are how much development should be allowed to occur, under whose jurisdiction, and to what regulations and standards. He summarized that if there was an alternate existing access to the site from Snohomish County, the City could possibly have the option of closing off Richmond Beach road, but that is not the case.

At the request of Vice Chair Wagner, Mr. Tovar clarified that the purpose of this first hearing was to allow the public an opportunity voice their concerns and the Commission an opportunity to ask questions of clarification. Staff is not asking the Commission to make a recommendation at this point because they don't have all the facts yet.

Commissioner Perkowski asked staff to share more information about the meaning of the term "urban densities" as used on Page 36 of the Staff Report. Mr. Tovar explained that the intent is that "urban densities" should be supported by appropriate levels of facilities and services. Mr. Cohn added that a typical "urban density" is six to eight units per acre or higher. He summarized that if the property is developed under the jurisdiction of Shoreline, the density would be above that threshold level because

the property is located within Snohomish County's Urban Growth Area. Commissioner Perkowski said he is troubled by the argument that the proposed amendment would be consistent with the Growth Management Act because an urban level of services could be provided to the site by the fire and police department. Mr. Cohn agreed that the next staff report would address this issue more fully.

Commissioner Pyle said the proposal suggests that the City's objective is to annex the lowland portion and leave the upland portion to be a part of Woodway if they choose to take it. He asked staff to compare the acreage of the upland and lowland areas. Mr. Tovar said his understanding is that the lowland portion (area that can only be accessed via Richmond Beach Road) is approximately 61 acres. The upland portion is approximately 40 acres. The City is not interested in including the upland portion in their future service and annexation area and it cannot be reached from Richmond Beach Road. Commissioner Pyle asked about the width of the right-of-way section of Richmond Beach Road that drives down to the lowland area. Mr. Tovar agreed to provide some drawings and cross sections of Richmond Beach Road at the Commission's second hearing.

Commissioner Kuboi invited staff to review the issues, besides traffic, that would have to be dealt with as part of the SEPA review. Mr. Tovar said the Draft Supplemental Environmental Impact Statement (SEIS) that was prepared by Snohomish County for their proposed comprehensive plan amendment talks about the brown fields referenced by Mr. Becker. It also talks about earth, air, noise, and impacts likely from approving the proposed action (urban center). The City would adopt those elements of the County's SEIS that they believe are valid and accurately describe and disclose the likely impacts. Mr. Cohn said the SEIS would also address where services would come from.

Commissioner Kaje said he heard disturbing testimony about the current level of safety on Richmond Beach Road, and he invited staff to bring back good information about how that road compares with other major roads in the City. Aside from the Point Wells proposal, he asked if Richmond Beach Road has already been identified as a priority for safety improvements. Mr. Tovar explained that the Public Works Department maintains their own data for streets in the City, and they know that part of the report should describe the existing and historical conditions, as well as traffic safety, accidents, fatalities, etc. This information would be provided as part of the second hearing.

Commissioner Kaje asked for clarification on how the City of Shoreline would conduct their SEPA review. Would there be a typical scoping process that would allow the public to indicate what items they would like the City to analyze? Mr. Tovar advised that the SEPA review process would proceed as per State code requirements. Commissioner Kaje summarized that the public would have an opportunity to participate in the City's SEPA review process and identify areas where they believe the Snohomish County analysis was incomplete or inaccurate.

Commissioner Perkowski asked if the Point Wells property would be part of the future Shoreline Master Program Analysis. Mr. Tovar explained that the Shoreline Master Program amendment is not due until 2011, but they could provide some of the background information from the consultant. Commissioner Perkowski pointed out that there would likely be more onerous State restrictions on the shoreline than what the City's zoning would require.

A member of the audience requested another opportunity to speak before the Commission. Vice Chair Wagner reminded the public that this is a legislative process, and citizens can submit written comments via email to [plancom@shorelinewa.gov](mailto:plancom@shorelinewa.gov) for consideration as part of the public testimony.

Vice Chair Wagner summarized that the Commission would like staff to provide the following items prior to the Commission's next discussion related to the Point Wells Comprehensive Plan amendment:

- Historical traffic safety information and what plans the City has in place to deal with the hazardous situations that currently exist on Richmond Beach Road.
- Information about what the potential traffic impacts would be based on various development scenarios up to 3,500 units on the site.
- Topographical maps to discuss access points that previously existed and why the City does not believe there are alternative access opportunities via Snohomish County.
- Drawings and right-of-way cross sections for Richmond Beach Road.
- More information to support the staff's position that the proposed amendment is consistent with the Growth Management Act because it would encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

Commissioner Kuboi asked if would be possible for staff to provide the Commissioners with a draft scope of the City's SEPA review. Mr. Tovar answered that staff anticipates using parts of the existing Supplemental Draft Environmental Impact Statement that Snohomish County has already prepared, and staff could provide this information to the Commission now. However, the other SEPA information would not be ready for at least another month. Commissioner Kuboi said he does not yet have a clear understanding of what staff believes to be the salient environmental issues other than traffic. Mr. Tovar said that once staff has prepared their initial SEPA report, the Commission would have a better idea of what the concerns would be. He advised that staff would complete the SEPA review and present the results to the Commission before the next hearing.

Vice Chair Wagner thanked the citizens who came to speak before the Commission. Their comments were helpful.

### **Closure of Public Hearing**

The public hearing was closed. *(Note: An additional hearing would be conducted at a later date.)*

### **DIRECTOR'S REPORT**

Mr. Tovar did not have any items to report.

### **UNFINISHED BUSINESS**

### **Appointment of a Commissioner to the Southeast Neighborhood Sub Area Plan Community Advisory Committee**



Mr. Cohn said none of the Commissioners provided feedback to staff regarding the appointment. He recalled that Commissioner Pyle offered to continue to serve on the committee on a part-time basis, but he didn't want to remain as the primary contact. He reported that the committee is getting close to the point of finalizing their recommendations for an open house. The idea is that a Planning Commissioner would serve as a liaison to attend the meetings and provide Planning Commission expertise.

Commissioner Kuboi asked if the liaison must be a current Commissioner, or just someone with a good planning background. Mr. Cohn reviewed that there have been two major community advisory committees over the past three years, and each time there has been a Commissioner liaison. The purpose of the liaison is to inform the Commission about what is going on. He suggested that if they appoint someone who is not on the Commission, they would need to seek City Council approval.

Commissioner Kuboi said he is more concerned about the liaison's ability to provide a planning perspective to the committee and less concerned about the liaison's ability to report to the Commission. Therefore, it would be important that this person have a planning/land use perspective, and this would not necessarily require a Commissioner. Again, Mr. Cohn cautioned that if the Commission wants to recommend someone other than a Commissioner to serve on the committee, they would need to obtain City Council approval. Commissioner Pyle reported that City staff has done a great job of providing the committee with the necessary planning and land use perspective.

Mr. Cohn agreed to send an email to all of the Commissioners requesting a volunteer to serve on the committee. If there are no volunteers amongst the Commission, they agreed to consider alternatives at their next meeting.

### **NEW BUSINESS**

There was no new business scheduled on the agenda.

### **REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

Commissioner Kaje asked staff to report on what happened after the joint City Council/Commission meeting on April 13<sup>th</sup> regarding the Vision and Framework Goals.

Vice Chair Wagner reported that she and Chair Hall stayed after the joint meeting to talk about the process and summarize the Commission's recommendation. The City Council did some wordsmithing, and they asked staff to make some additional changes. Staff was directed to prepare an updated version of the Vision and Framework Goals, including the proposed modifications.

Mr. Tovar said some of the City Councilmembers proposed amendments to the language, and the Council asked staff to craft some updated language to present at their May 11<sup>th</sup> meeting. At that time, staff would provide different iterations of amendatory language, and invite the City Councilmembers to consider and take specific action on each of the alternatives. Staff anticipates the City Council would complete their review and adopt the Vision and Framework Goals on May 11<sup>th</sup>. Vice Chair Wagner

pointed out that three people spoke during the public hearing regarding the draft language, and most of the comments were positive and encouraging.

Mr. Cohn agreed to send the Commissioners a copy of the proposed language as soon as it has been prepared for the City Council's May 11<sup>th</sup> meeting. Mr. Tovar reminded the Commission that they played a large role in crafting the Vision and Framework Goals that were presented to the City Council, and the City Council is not looking for additional recommendations from the Commission. However, they could still forward their thoughts to staff as part of the public process, which is still open. He summarized that he does not anticipate the City Council would make a substantial number of changes.

### **AGENDA FOR NEXT MEETING**

Mr. Cohn reported that the May 7<sup>th</sup> agenda includes a tentative public hearing on the CRISTA Master Plan. In addition, Mr. Cohen would be present to discuss the tree ordinance.

Ms. Simulcik Smith reminded the Commissioners of the volunteer breakfast that is scheduled for April 17<sup>th</sup>.

### **ADJOURNMENT**

The meeting was adjourned at 9:08 P.M.

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Will Hall  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission



## Memorandum

**DATE:** May 7, 2009

**TO:** Shoreline Planning Commission

**FROM:** Joseph W. Tovar, FAICP, Director of Planning and Development Services  
Paul Cohen, Senior Planner

**RE:** Tree Code Amendments – Other Jurisdiction and Proposal Comparisons

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As a part of the discussion of tree code amendments, staff presented the background support for and orientation to the City's tree code on March 26<sup>th</sup>. At your May 7 meeting staff will provide a selection of tree codes from other jurisdictions to provide comparisons with Shoreline and context for future discussions. In addition to looking at adopted regulations in Lake Forest Park, Bellevue, and Edmonds staff included a Shoreline citizen's and Innis Arden Club proposals. The Innis Arden Club proposal only modifies the hazardous tree provisions. Attached are their summaries and their public handouts as comparison to Shoreline's code.

In addition, staff suggests several key issues to consider in the context of amending our code.

1. Most of the positive environmental impacts coming from tree preservation occur when preserving other forms of vegetation as well. All plants such as grasses, vines, shrubs, and small trees have erosion control, water absorption, carbon sequestration, wildlife habitat, and oxygen producing attributes. Different types of vegetation are good because they provide plant community diversity. The percentage of lot coverage by vegetation is correlated to a large degree with our environmental health and the preservation of significant trees is a subset of that.
2. Counting trees, units, or percentages is necessary but may not satisfy preservation of large, prominent trees. A focus on numbers or percentages will satisfy the need to preserve a certain number of trees, but could result in the removal of large prominent trees. It is staff's experience that most of the tree comments and complaints that the City receives focus on the loss of the large trees. This is for a good reason – the presence of large trees is a part of Shoreline's identity and seen as a barometer of our environmental health. Staff will suggest incentives to preserve the more prominent trees.

3. The Commission asked for information about the number of trees removed in 2008. In 2008, 15 hazardous trees and 124 significant trees were removed through development permits for site development, remodels, and new construction. Annually, the City code enforcement officer handles between 10 and 20 illegally cut trees. These numbers do not include trees outside of a development permit that may have been legally removed under the code provision to remove up to 6 significant trees within a 3 years period.

At your May 7<sup>th</sup> meeting, Paul Cohen will discuss the differences and relative attributes of the other codes and proposals. If you have any questions prior to the meeting, contact Paul at (206) 801 2551 or at [pcohen@shorelinewa.gov](mailto:pcohen@shorelinewa.gov).

**Tree Code**  
**City of Shoreline**  
Municipal Code Chapter 20.50.290

**A. Intent/Purpose:** Preserve and enhance trees, reduce the environmental impacts of site development while promoting the reasonable use of land.

**B. Tree Removal requires a permit:**

- All tree removal requires a permit except:
  - 6 significant trees/ 3 years
  - Smaller than significant trees
  - City or utility provider in emergencies
  - Commercial zones RB, I, CB, NCBD, NB, and O, unless within a critical area or buffer
  - Pruning 25% of tree crown with no topping

**C. Hazardous Trees**

- Private property emergency situations trees may be removed by Director permission.
- Potentially hazardous trees require a permit.

**D. Retention Requirements for Development**

- 20% significant trees excluding critical areas and buffers OR 30% significant trees including critical areas and buffers.
- Retained trees must be protected for 3 years.
- Director discretion allowed for reduction in retention requirements when:
  - Special circumstances regarding size, shape, topography or location.
  - Retention jeopardizes reasonable use of property.
  - Consistent with the purpose and intent of the regulations.
  - Not harmful to the public welfare or other property.
- Each significant tree removed beyond the retention percentage must be replaced with 4 trees -12 feet high for conifers and three inches in caliper for deciduous.

**E. Landmark Trees**

- May be designated and removed by Director from the retention requirements.

**F. Site Design Criteria**

- Promote tree groupings/clusters; large and healthy trees; visual interest; screening; habitat; land stability and water-retention; and trees within vegetated stands.

**G. Incentives**

When tree preservation levels are exceeded variations can occur for:

- Area, width, or composition of required open space and/or landscaping.
- Parking lot design and/or any access driveway requirements.
- Building setback requirements.
- Grading and storm water requirements.

## H. Tree Replacement

- Any significant tree proposed for removal beyond 6 significant trees is replaced as follows:
  - One new tree = one existing significant tree 8" – 11" in diameter
  - Two new trees = one existing significant tree 11" – 14" in diameter
  - Three new trees = one existing significant tree 14" – 17" in diameter
  - Deciduous trees ≤ 1.5" in caliper and evergreens ≤ 6' in height.
  -
- Excessive tree replacement can be relocated to another suitable site.
- Director discretion allowed for reduction of required replacement trees when:
  - Situation meets same criteria as for discretion of retention requirements
  - Approved site restoration or enhancement projects are conducted under an approved vegetation management plan

## I. Tree Protection Standards during construction

## J. Enforcement

- Fines for intentional tree violations up to \$1,000 per tree.

## K. Definitions

- **Landmark Tree:** Any healthy tree over 30 inches in diameter or any tree that is particularly impressive or unusual due to its size, shape, age, historical significant or any other trait that epitomizes the character of the species, or that is a regional erratic.
- **Significant Tree:** Any healthy, windfirm, and non-hazardous tree 8 inches or greater in diameter and deciduous trees 12 inches or greater in diameter.



**Planning and  
Development Services**

17500 Midvale Ave. N.  
Shoreline, WA 98133-4921  
(206) 801-2500  
Fax (206) 546-8761  
pds@shorelinewa.gov  
www.shorelinewa.gov

**Shoreline Municipal Code  
20.50, Subchapter 5  
20.80**

1/2009

## Tree Removal

The City of Shoreline regulates tree removal in the various situations. The following information is intended to educate property owners and contractors of the general requirements regarding tree removal. Please contact Planning and Development Services for specific regulations on each of these situations below. Development Code Section 20.30.290.370 contains most of what you need to know.

### Trees in Environmentally Critical Areas

If a tree is near an area such as a stream, wetland, or steep slope, then the tree may be in a critical area or its buffer. City review is required to determine whether trees in critical areas or buffers may be removed or pruned through a Clearing and Grading Permit. To find out if your tree is in or near a critical area contact the City's Planning and Development Services office. See Development Code Section 20.50 and 20.80.

### Exempt Zones of the City

The removal of trees on properties zoned Community Business, Regional Business, Industrial, Neighborhood Business, Office, or North City Business District is exempt from tree regulations unless the trees are located within a critical area or its buffer.

### Hazardous Trees

Trees of a significant size must be determined as dangerous, unhealthy, and within striking distance of a habitable building to be considered hazardous. Hazardous tree removal may be allowed after submitting a Tree Evaluation Form to the City. This form must be completed by a certified arborist and submitted to the City before the tree is removed. If the threat is an active and imminent hazard to life or property the Director may verbally authorize immediate removal. Call (206) 801-2500 during business hours or (206) 801-2260 after hours to obtain approval. See Development Code Section 20.50.310.

### Tree Pruning

Minor pruning is allowed without a permit for protected trees located outside critical areas and their buffers. Minor tree pruning does not include coppicing or the topping of tree crowns. Minor pruning in critical areas may be allowed with a Clearing and Grading Permit if the pruning meets tree removal and critical area regulations.

### Tree Removal Outside of Critical Areas

Up to 6 significant trees that are outside critical areas and their buffers may be removed during a three year period. A "significant tree" is defined as:

*Any healthy, wind-firm, and non-hazardous tree eight inches or greater in diameter at breast height if it is a conifer and 12 inches or greater at breast height if deciduous.*

Unless located in a critical area or buffer, any number of non-significant (smaller) trees may be removed without a permit.

*Note: This handout is for informational use only and is not to be substituted for the Shoreline Development Code.*

### **Tree Removal for Site Development**

Tree removal is not allowed on a site for the purpose of preparing the site for sale or future development. The site must minimally retain 20% of existing significant trees excluding critical areas or minimally retain 30% of significant trees including all significant trees in critical areas. A Clearing Grading Permit is required if more than 3,000 square feet are to be cleared or if more than 6 significant trees are to be removed. Trees retained as a condition of a development plan must be protected and maintained for at least 3 years. See Development Code Section 20.50.350.

**175004 Midvale Avenue North, Shoreline, Washington 98133-4921**

Telephone (206) 801-2500 Fax (206) 546-8761 [pds@shorelinewa.gov](mailto:pds@shorelinewa.gov)

The Municipal Code (Title 15 Buildings and Construction) can be reviewed at [mrsc.org](http://mrsc.org)



## **Tree Code Shoreline Citizens' Proposal**

**A. Intent/Purpose:** Enhance the existing tree canopy to a minimum of 40% citywide; promote the economic, environmental, and aesthetic benefits of retention; enhance, maintain and protect the public health, safety, and general welfare; and minimize adverse impact to the land, fish and wildlife.

**B. Tree Removal requires a permit**

- A tree survey is required for all permit types
- Level I permit is required for:
  - Removal of up to 2 significant trees/year
  - For more than 2 significant trees with a solar permit and panel.
- Level II permit is required for:
  - Removal of trees for development
  - Removal of landmark or exceptional trees
- Exceptions, tree removal allowed:
  - Emergency situations by either Director permission or permit
  - City or utility provider in emergencies or utility service interruption.
  - Director discretion when:
    - Special circumstances regarding size, shape, topography or location.
    - Retention jeopardizes reasonable use of property.
    - The exception is consistent with the purpose and intent of the regulations.
    - The exception is not harmful to the public welfare or other property.
    - Approved site restoration or enhancement projects are conducted under an approved vegetation management plan

**C. Hazardous Trees**

- In emergency situations trees may be removed by Director permission
- Potentially hazardous trees require a permit

**D. Retention Requirements**

- In all cases, a minimum of 35 tree units of significant trees per acre
  - A base date should be set
  - Replacement trees planted in the interim must be viable to be considered part of the retention percentage
- Tree Units
  - Significant Trees 6" – 10" in diameter at breast height = 1 unit
  - Each additional 2" of a significant tree over 10" = 1 more unit, until 21 units.
- Director discretion allows higher minimum when viable trees are retained in a grove
- Urban Forestry Accounts to achieve a minimum 40% canopy across City:
  - Operational Account: to maintain and preserve wooded areas and plant and maintain trees within City paid by fines and violations related to tree code.
  - Capital Improvement Account: to acquire and plant trees in new locations paid by donations and mitigation fees related to tree preservation.

**E. Landmark Trees**

- May be removed by Director as a part of the retention requirements.
- Two-for-one replacement required for all landmark trees removed, 1 tree unit = 2 new trees.

## **F. Site Design**

- Promote tree groupings/clusters, large and healthy trees, visual interest, screening, habitat, and land stability and water-retention. Trees should be protected within vegetated islands and stands

## **G. Incentives**

When 35% of existing, healthy, significant trees is exceeded:

- Reductions or variations of the area or width of required open space and/or landscaping
- Variations in parking lot design and/or access requirements
- Reduction in the width of certain easements

## **H. Tree Replacement**

- One tree unit removed = one new tree (units based on Table and tree type consistent with City Tree List)
  - deciduous trees and broad leafed evergreens  $\geq 2$ " in caliper
  - evergreen trees  $\geq 8'$  in height
  - native conifer species  $\geq 6'$  in height
- No tree replacement required when relocated to another suitable site.

## **I. Tree Protection Standards during construction**

## **J. Enforcement**

- Fines for intentional tree violations up to \$3,000 per tree.
- Replacement of trees illegally removed and cost of damages

## **K. Definitions**

- **Landmark Tree:** Any healthy tree over 28" (dbh) or any tree that is particularly impressive or unusual due to its size (relative to its species), shape, age, historical significant or any other trait that epitomizes the character of the species or that is a regional erratic.
- **Significant Tree:** any healthy tree a minimum diameter of 6" (dbh) or with a minimum diameter of 4" (dbh) that, after considering age, height, value or function the tree is considered significant.

## **Tree Code**

### **City of Lake Forest Park**

Ordinance No. 990 – An Ordinance of the City Council of the City of Lake Forest Park  
Amending Chapter 16.14 of the Lake Forest Park Municipal Code

**A. Intent/Purpose:** Maintain the existing tree canopy with no net loss; mitigate the economic, environmental, and aesthetic consequences of removal; allow flexibility for site improvement.

**B. Tree Removal requires a permit:**

- Tree survey required for all permit types
- Level I permit required for removal of up to 2 significant trees/year.
- Level II permit required for
  - Removal of 2 to 5 significant trees/year
  - Grading on a developed site
  - Removal related to new development
- Exceptions, tree removal allowed:
  - Emergencies
  - City or utility provider in emergencies or utility service interruption.
  - Director discretion when:
    - Special circumstances regarding size, shape, topography or location.
    - Retention jeopardizes reasonable use of property.
    - The exception is consistent with the purpose and intent of the regulations.
    - The exception is not harmful to the public welfare or other property.
    - Significant trees removed by director discretion must be replaced: at least 3 trees for each significant tree.

**C. Hazardous Trees**

- May be removed in emergency situations

**D. Retention Requirements**

- In all cases, a minimum of 35% of all significant trees based on trees existing in 2004
  - Replacement trees planted in the interim must be viable to be considered part of the retention percentage
- City Forestry Account
  - To acquire, maintain, and preserve wooded areas within City.
  - For planting and maintaining trees within City.
  - Paid by fines, fees and donations related to tree code.
- City Forestry Account to acquire, maintain, and preserve wooded areas within City and for planting and maintaining trees within City paid by fines, fees and donations related to tree code.

**E. Landmark Trees**

- May be removed by Director as part of the retention requirements.
- Two-for-one replacement required for all landmark trees removed.

**F. Site Design**

- Reflect a strong emphasis on tree protection; retain a forested look, value, and function; protect groups of healthy trees, promote screening, habitat, and land stability and water-retention.

## **G. Incentives**

When 35% retention levels are exceeded:

- Reductions or variations of required open space and/or landscaping
- Variations in parking lot design and access requirements
- Reduction in the width of easements.

## **H. Tree Replacement**

- One significant tree removed = one new tree
  - deciduous trees  $\geq 2''$  caliper
  - evergreen trees  $\geq 6' - 8'$  in height
- No tree replacement is required when relocated to another suitable site.

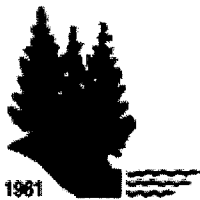
## **I. Tree Protection Standards during construction**

## **J. Enforcement**

- Fines for intentional tree violations up to \$3,000 per tree.
- Replacement of trees illegally removed and cost of damages.

## **K. Definitions**

- **Landmark Tree:** Any tree that is at least 28 inches in diameter.
- **Significant tree:** Any healthy tree 6 inches or greater in diameter (dbh)



## Forest is Our Middle Name CITY OF LAKE FOREST PARK

17425 BALLINGER WAY NE • LAKE FOREST PARK • WA • 98155 • USA • 206.368.5440

[Home](#) • [City Hall](#) • [Services](#) • [Our Community](#) • [City Calendar](#) • [News](#) • [Se](#)

### A Guide to Appreciating and Protecting Our Urban Forest

- ▶ [Urban Forest Guide Home](#)
- ▶ [Tree Walks of Lake Forest Park](#)
- ▶ [Forest Activities](#)
- ▶ [Forest News and Events](#)
- ▶ [Forest Resources and Links](#)

- ▶ [City Information Bulletins](#)
- ▶ [City Forms](#)
- ▶ [City Comprehensive Plan](#)
- ▶ [City Planning Department](#)



Adobe Acrobat® reader may be required to open some materials on this

website. It is available without charge by selecting the icon above.



Photo ©2007 Tyson Greer

This guide was developed by the **Urban Forest Task Force**, a group of Forest Park citizens convened by the Mayor to look at the existing tree ordinance and make recommendations for changes, if necessary. The task force, assisted by a consultant, hosted a focus group and held two public meetings to input into the proposed changes. The task force submitted their recommendations to the City in January, 2007.

Members of the task force have worked on several non-code projects to increase appreciation for and protection of the forests of Lake Forest Park. This guide is a result of that work.

- ▶ [Click here for the Urban Forest Task Force Final Report.](#)
- ▶ [Click here for Proposed revisions to chapter 16.14: Tree Protection and Replacement \(final draft\).](#)
- ▶ For information on current permits, click to contact Lake Forest Park Planning Department.
- ▶ To contribute to this guide or contact the members of the task force, please email: [forest@cityoflfp.com](mailto:forest@cityoflfp.com)



#### Events and News

- ▶ On **Saturday, April 21st**, attend the LFP "Dig-It" Fair at Third Place Church to learn more about maintaining healthy trees.
- ▶ **Arbor Day is April 27th.** Scroll to the bottom of the page to watch a video of Trees Are Terrific from the National Arbor Day Foundation



#### Learn More About Trees

- ▶ Check the [Resources Page](#) for links to useful information and suggestions for activities for the whole family.
- ▶ Read "[Forest](#)" Is Our Middle Name
- ▶ [More Events and News](#)



#### Related LFP Resources

- ▶ [LFP's Environmental Quality Commission](#)
- ▶ [LFP's Planning Commission](#)
- ▶ [LFP Streamkeepers](#)
- ▶ [LFP Stewardship Foundation](#)
- ▶ [Volunteering in Lake Forest Park](#)

[Click to watch an ad by The National Arbor Day Foundation](#)

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## **Tree Code City of Bellevue**

### **Land Use Code 20.20.900 – General Development Requirements: Tree Retention and Replacement**

**A. Intent/Purpose:** Maintain and protect property values, enhance the visual appearance of the City and preserve its wooded character, promote utilization of natural systems, reduce the impacts of development on the storm drainage system and water resources, and provide a better transition between the various land uses.

**B. Tree Removal requires a permit:**

- Significant tree removal on Land Use R-1 (Bridle Trails Subarea)
- Exemptions
  - Agricultural crop management of existing farmed areas.
  - Emergency with immediate danger to life or property.
  - No removal allowed for critical areas, buffers, habitat areas, and Retained Vegetation Areas.

**C. Hazardous Tree**

- No designation for hazardous tree

**D. Retention:** Specified by land use

Area 1: Planned development in subdivisions and short subdivisions

Area 2: Bridle Trails Subarea

Area 3: New or Expanding Single-Family Structures

- Perimeter Setback:
  - Area 1: complete retention required
  - Area 2: complete retention in first 20 feet adjacent to all property required
- Site Interior to Set Back:
  - Area 1: 15% significant trees
  - Area 2: 25% significant trees
  - Area 3: 30% significant trees
- Director discretion allowed for reduction in retention requirements .

**E. Landmark Tree**

- No designation for landmark trees.

**F. Site Design**

- Priorities for tree retention in Area 1 and 3 that promote large, healthy trees in groups which provide protection, land stability, water-quality, and visual interest.

**G. Incentives**

- Area 1 – When tree retention  $\geq 15\%$ , up to 10% reduction in required number of parking spaces.

**H. Tree Replacement**

- Required on Area 2 lots with 8 significant trees or less
  - 1:1 ratio of replacement trees, a minimum of six feet in height at planting

## **I. Tree Protection Standards during construction**

### **J. Definitions**

- **Significant Tree:** A healthy evergreen or deciduous tree, 8 inches in diameter or greater, measured 4 feet above existing grade.



## May I remove trees from my property?

Yes, if: (1) There are no restrictions on your property. Generally, you can remove several trees without a permit. Tree removal that results in over 1,000 square feet of disturbance of the ground requires a clearing & grading permit. (2) Your property is NOT located in a R-1 zone in Bridle Trails.

## What restrictions may prevent me from removing any trees I want from my property?

Generally, a decision about tree removal is yours to make. However, there can be restrictions for designated trees to remain, regardless of the amount of disturbance of the ground. If you are considering removing trees on your property, please check the following:

**Plat/PUD Restrictions:** Does your subdivision or planned unit development (PUD) have restrictions which prohibit tree removal? For example, does the plat or PUD document contain Native Growth Protection Areas (NGPAs), Retained Vegetation Areas (RVAs), or a Tree Retention Plan?

**Critical Areas:** Does your property contain a critical area (steep slope, stream corridor, wetland, etc.) or is one located adjacent to or near your property? If you are unsure, a land use planner can assist you in making this determination through the Land Use desk in Development Services.

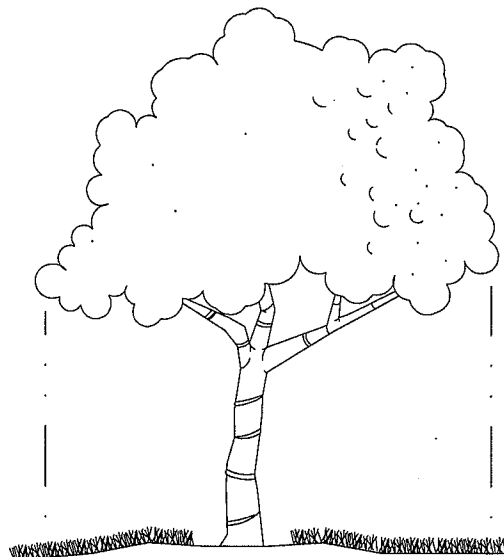
**Private Agreements:** Is your property subject to private contracts, covenants, or homeowner associations that might affect your ability to remove trees? Please note that the city does not enforce such private restrictions. If your property is located within a Bridle Trails R-1 zoning district, refer to Handout 27a for tree removal restrictions.

Any vegetation removal, including trees, is prohibited within the above areas. In some

cases, if trees are diseased or dying and are deemed hazardous by a certified arborist, they can be removed if a permit is obtained from the Land Use desk in Development Services. In such cases, the city will require replanting or other mitigation in place of the removed trees. Always check with a land use planner for needed permits and approvals prior to trimming, pruning, or removing trees within the areas listed above.

## What is disturbance of the ground?

Disturbance of the ground results from any action that displaces or destroys vegetation, resulting in increased exposure of the underlying soils. This can include exposure of the existing ground due to removal of tree canopy where no other vegetation is growing under the tree. Disturbance can also result from the physical process of tree removal, where foot and vehicle traffic, construction of access roads, felling of trees, dragging of felled trees, and excavation of stumps disturb the ground.



**Tree Canopy Area**  
elevation view

**How do I know if the tree I want to remove will result in disturbance of the ground of less than 1,000 square feet?**

For most single-family lots with a house, tree removal is done by hand or by using a crane. In these cases, disturbance would be minimal and can be estimated at 50 square feet of disturbance for each living evergreen or deciduous tree, eight inches or greater in diameter measured four feet above existing grade.

For larger and/or less developed areas, estimates of disturbance must be made on the anticipated amount of disturbance due to equipment access, tree felling, and dragging or skidding of trees.

**What if I want to remove more than one tree?**

For most developed single-family lots, you would determine the number of trees to be removed and multiply by 50 square feet. If the total does not exceed 1,000 square feet, a permit is not required. For larger or less developed lots, total disturbance must be estimated based on the expected number of trees to be removed, foot and vehicle traffic, construction of access, and felling and dragging of trees.

**What if the tree removal will result in more than 1,000 square feet of disturbance of the ground?**

A clearing & grading permit is required. Depending on the amount of tree removal proposed, site conditions such as critical areas, and other factors, the city might impose special conditions on the permit to minimize risk of damage to your site, surrounding properties, or the environment.

**Can someone help me estimate how much disturbance of the ground will result from my tree removal?**

The city's clearing & grading staff can help you with these estimates and with other questions related to tree removal. They can be reached at 425-452-2019.

**Where can I get more information?**

- Bellevue City Code 23.76
- Land Use Code 20.25H, Sensitive Area Overlay District

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This document is intended to provide guidance in applying certain Land Use Code regulations and is for informational use only. It cannot be used as a substitute for the Land Use Code or for other city codes, such as the Construction Codes. Additional information is available from Development Services at Bellevue City Hall or on the city website at [www.bellevuewa.gov](http://www.bellevuewa.gov).

For land use regulations that may apply to your project, contact the Land Use Information Desk in Development Services. Phone: 425-452-4188. E-mail: [landusereview@ci.bellevue.wa.us](mailto:landusereview@ci.bellevue.wa.us). Assistance for the hearing impaired: dial 711.

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## **Tree Code City of Edmonds**

### **Municipal Code 18.45 – Public Works Requirements: Land Clearing and Tree Cutting Code**

**A. Intent/Purpose:** Promote the public health, safety, and general welfare of the citizens by preserving the physical and aesthetic character of the city; protect the environment and implement SEPA; implement and further the goals and policies of the city's comprehensive plan; and promote improvement and development of land use

**B. Tree Removal requires a permit:**

- All tree removal requires a permit
- Exceptions, tree removal allowed for:
  - Developed, single-family lots
  - Unimproved lots with no potential to subdivide
  - Emergency situations
  - City or utility provider in emergencies or utility service interruption
- No tree removal is allowed on any portion of property:
  - That is located in a designated environmentally sensitive area
  - That is located within 25 feet of any stream or wetland
  - That that has slopes exceeding 25 percent
  - Clearing in wetlands may occur for installation of roads and utilities where no feasible alternative exists and it is part of an approved development plan

**C. Tree Replacement**

May be required for tree removal in critical areas or due to illegal removal of trees in any area

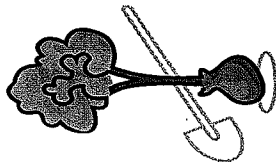
**D. Site Design**

- Should protect environmentally sensitive and critical areas; bodies of water, including wetlands; and steep slopes to avoid erosion and degradation of water quality and wildlife.

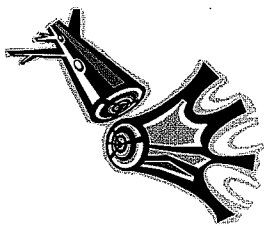
**E. Enforcement**

- Intentional violations are considered a misdemeanor and fines are up to \$1,000 per day and/or \$500.00 per tree
- When trees are removed from a protected area fines are tripled to \$3,000 per day and/or \$1,500 per tree

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Why is tree cutting regulated?



There are multiple reasons why trees are protected as noted verbatim in ECDC Chapter 18.45.000 below:

This chapter provides regulations for the clearing of and the protection and preservation of trees and associated significant vegetation for the following purposes:

- To promote the public health, safety, and general welfare of the citizens of Edmonds by preserving the physical and aesthetic character of the city through the prevention of indiscriminate removal or destruction of trees and ground cover on undeveloped or partially developed property;
- To implement the policies of the State Environmental Policy Act of 1971 as revised in 1984;
- To implement and further the goals and policies of the city's comprehensive plan in regard to the environment, open space, wildlife habitat, vegetation, resources, surface drainage, watershed, and economics;
- To ensure prompt development, restoration and replanting and effective erosion control of property during and after land clearing;
- To promote land development practices that result in a minimal adverse disturbance to existing vegetation and soils within the city;
- To minimize surface water and ground water runoff and diversion;
- To aid in the stabilization of soil, and to minimize erosion and sedimentation;
- To minimize the need for additional storm drainage facilities caused by the destabilization of soils;
- To retain clusters of trees for the abatement of noise and for wind protection;
- To acknowledge that trees and ground cover reduce air pollution by producing pure oxygen from carbon dioxide;
- To preserve and enhance wildlife and habitat including streams, riparian corridors, wetlands and groves of trees;
- To promote building and site planning practices that are consistent with the city's natural topographic and vegetation features while recognizing that certain factors such as condition (e.g., disease, danger of falling, etc.), proximity to existing and proposed structures and improvement, interference with utility services, and the realization of a reasonable enjoyment of property may require the removal of certain trees and ground cover;
- To promote the reasonable development of land in the city of Edmonds.

The complete Landclearing and Tree Cutting Code can be found in Chapter 18.45 of the Edmonds Community Development Code at [www.ci.edmonds.wa.us](http://www.ci.edmonds.wa.us)

I live in a single-family residential zone. Do I need a permit to cut any trees on my property?

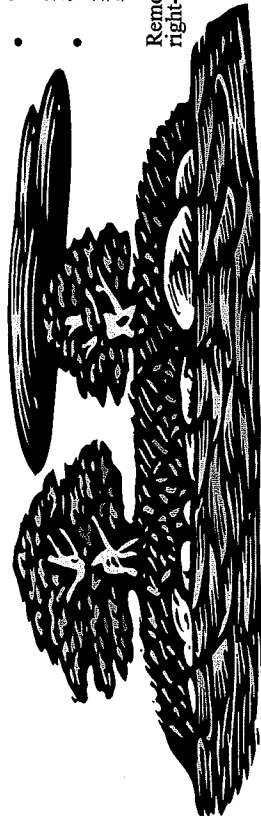


Per ECDC 18.45.020, a permit is required to engage in or cause any land to be cleared. However, many single-family zoned lots are exempt from this requirement as noted verbatim in ECDC Chapter 18.45.030 below. *If you have a slope, eagle's nest, wetland, or any type of stream or waterfront on or near your property, you should check with the Planning Division before proceeding.* If your property is in any zone other than single-family, a tree cutting permit is required. If you are not sure about the situation, please contact the Planning Division prior to proceeding.

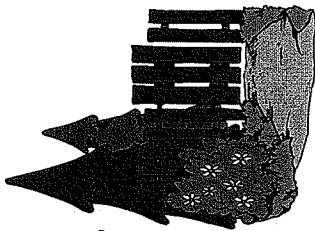
#### 18.45.030 Exemptions.

The following shall be exempt from the provisions of this chapter:

- Clearing on a developed single-family lot or clearing on a partially developed single-family lot, which is capable of being divided into one additional lot, except for:
  - That portion of the lot that is located in a designated environmentally sensitive area;
  - That portion of the lot that is located within 25 feet of any stream or wetland;
  - That portion of the lot that has slopes exceeding 25 percent;
- Undeveloped lots which are not capable of being further subdivided, except for:
  - That portion of the lot that is located in a designated environmentally sensitive area;
  - That portion of the lot that is located within 25 feet of any stream or wetland;
  - That portion of the lot that has slopes exceeding 25 percent;
- Routine landscape maintenance and gardening;
- Removal of trees and/or ground cover by the public works department, parks department, fire department and/or public or private utility in situations involving danger to life or property, substantial fire hazards, or interruption of services provided by a utility;
- Installation and maintenance of public utilities, after approval of the route by the planning division manager or his or her designee, except in parks or environmentally sensitive areas;
- Emergency situations on private property involving danger to life or property or substantial fire hazards. [Ord. 3507 § 1, 2004].



Can I cut or trim any of the trees in the City right-of-way or alley around my property?



**Not without prior review.** The City Public Works Department has specific procedures for approval/permitting of tree removal and/or trimming within the City right-of-way.

A Right-of-Way Construction Permit is required for any party other than the City for any/all removal or trimming of trees located within City right-of-way under any of the following conditions:

- Any removal or trimming of a "street tree" as defined in the City Street Tree Plan.
- Any removal of trees as defined in ECDC 18.45.040 Q.
- Any trimming of trees above a height of eight feet above the ground as measured from the down slope side of the tree.
- Any trimming of trees requiring or using equipment other than hand held equipment.
- Any trimming or removal of trees on City or private property of any size that will result in any branches or portions of the tree falling within the traveled way (e.g., street, sidewalk, etc.) of the City right-of-way.



**What kind of criteria does the City use to determine what trees can be cut or trimmed in the right-of-way?**

Removal or trimming of trees located in City right-of-way as delineated above will be approved only if one of the following conditions is met:

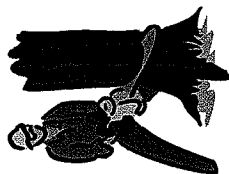
- The tree presents a safety or sight distance hazard;
- The tree's root system causes blockage of underground utility systems or damages other public improvements such as roadways, sidewalks, etc.;
- The tree is damaged or diseased requiring its removal or trimming in the interests of the public health, safety and general welfare.

Removal or trimming of trees located in the City right-of-way to enhance views will not be approved.

## How do I apply for a Right-of Way Construction Permit?

Applications for Right-of-Way Construction Permits for removal or trimming of trees in the City right-of-way can be obtained at the Development Services Department.

- Only a licensed and bonded contractor or a utility company may apply for and obtain a right-of-way permit with the exception that, if the work is only trimming of branches using hand equipment and no branches will fall in the traveled way of the right-of-way, the property owner may apply.
- Only contractors authorized to represent the owner or the owner themselves of the property abutting the City right-of-way upon which the trees are located or a utility company may apply for the permit.



## What is marketable timber? What if the trees in the right-of-way have a marketable value?

"Marketable timber" means any portion of the trees that has resale value, could be offered for sale, and/or could result in money being paid to the City, abutting property owner, or entity removing/trimming the trees or could result in a reduction in the cost to have the trees removed/trimmed. Examples include but are not limited to fire wood, lumber, pulp,

**My neighbor's tree branches and roots appears to be on/over/beyond our shared property line? What can the City do?**

Private property line issues are a civil matter. The City would only be included when there was a safety issue or if code violations were involved. A privately obtained licensed survey may be needed to clearly establish the property line.

## How can I get more information?

If you have questions involving trees or land clearing:

- Planning or Engineering - 425-771-0220
- Public Works - 425-771-0235
- Parks Maintenance Manager (street trees) 425-771-0230

The Development Services Department provides many handouts and brochures to assist citizens with code enforcement, building, planning and engineering questions.

The City's website at [www.ci.edmonds.wa.us](http://www.ci.edmonds.wa.us) also provides contact information and is continually updated.

## Other selected brochures and information available:

- Accessory Dwelling Units
- Checklist For Good Neighbors
- Code Enforcement: Frequently Asked Questions
- Commercial Signs
- Dispute Resolution Center
- Frequently asked Questions
- Home Occupations
- Junk Vehicles
- Mold - Environmental Protection Agency - general resource references.
- Neighborhood Issues
- Nuisance Violations
- Outdoor Burning is Out - Puget Sound
- Clean Air Agency
- Pet Waste
- Rats: Snohomish Health
- Snohomish County Housing Authority
- Housing Rehabilitation Loan Program
- Summary of the Residential Landlord-Tenant Act of Washington
- Vehicles
- West Nile Virus

## Development Services

### Office Hours:

Monday—Friday

9:00am-12:00pm 1:00pm-4:00pm

Excluding Holidays

Phone: 425-771-0220

Fax: 425-771-0221

[www.ci.edmonds.wa.us](http://www.ci.edmonds.wa.us)

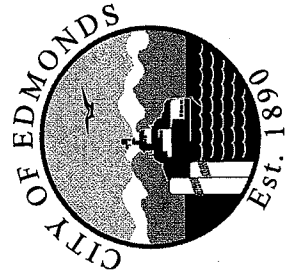
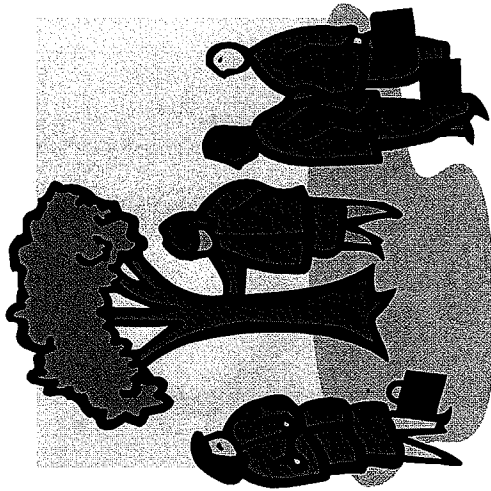
[codeenforcement@ci.edmonds.wa.us](mailto:codeenforcement@ci.edmonds.wa.us)

City of Edmonds  
Code Enforcement

City of Edmonds

## TREES

- Tree Cutting
- Trees in R-O-W



## **Tree Code**

### **Innis Arden Proposal (Underlined)**

#### **A. Shoreline Code for Hazardous Trees**

- In emergency situations trees may be removed by Director's verbal permission.
- Potentially hazardous trees require a permit.
  - Permit exemption request form and a risk assessment form, both forms provided by Director.
  - Approval is based on form review and a site visit, exemption request form includes a grant of permission for a site visit.

#### **B. Additions to permit submittal for potentially hazardous trees:**

- Permit exemption request form
  - Submission of this form is a grant of permission for the Director, staff, and or qualified professionals to visit site at an agreed time and date to evaluate specific circumstances.
  - Site visit permission is only relevant to the matter of the request form and may not be used for other purposes.
  - The applicant will be held exempt from any liability, damages or claims arising out of injuries suffered to City personnel or consultants related to the site visit
  - Director determines if site visit is necessary.
- Risk assessment form signed by a certified arborist or professional forester.
  - When forms are not made available by Director, may use form from the International Society of Arborists (ISA).
- Arborist must include an assessment if partial tree retention is useful and safe for a snag of wildlife habitat.