

# AGENDA

## PLANNING COMMISSION REGULAR MEETING



Thursday, March 15, 2012  
7:00 p.m.

Shoreline City Hall  
Council Chamber  
17500 Midvale Ave N.

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00 p.m.
2. ROLL CALL	7:01 p.m.
3. APPROVAL OF AGENDA	7:02 p.m.
4. DIRECTOR'S COMMENTS	7:03 p.m.
5. APPROVAL OF MINUTES	7:08 p.m.
A. None	

### Public Comment and Testimony at Planning Commission

*During General Public Comment, the Planning Commission will take public comment on any subject which is not specifically scheduled later on the agenda. During Public Hearings and Study Sessions, public testimony/comment occurs after initial questions by the Commission which follows the presentation of each staff report. In all cases, speakers are asked to come to the podium to have their comments recorded, state their first and last name, and city of residence. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Generally, individuals may speak for three minutes or less, depending on the number of people wishing to speak. When representing the official position of an agency or City-recognized organization, a speaker will be given 5 minutes.*

6. GENERAL PUBLIC COMMENT	7:08 p.m.
7. PUBLIC HEARINGS	7:15 p.m.
<b>A. Development Code Amendments - 20.60.140</b>	
• Staff Presentation	
• Questions by the Commission	
• Public Testimony	
• Final Questions & Deliberations	
• Vote to Recommend Approval or Denial or Modification	
• Closure of Public Hearing	
<b>B. Development Code Amendments for Tree Regulations</b>	8:15 p.m.
• Staff Presentation	
• Questions by the Commission	
• Public Testimony	
• Final Questions & Deliberations	
• Vote to Recommend Approval or Denial or Modification	
• Closure of Public Hearing	
8. DIRECTOR'S REPORT	9:15 p.m.
9. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS	9:20 p.m.
10. AGENDA FOR April 5	9:25 p.m.
11. ADJOURNMENT	9:30 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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**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Study Session and Public Hearing on Development Code Amendments

**DEPARTMENT:** Planning & Community Development, Public Works

**PRESENTED BY:** Alicia McIntire, Senior Transportation Planner  
Rachael Markle, AICP, Director

Public Hearing  
 Discussion

Study Session  
 Update

Recommendation Only  
 Other

**INTRODUCTION**

In December 2011, the City adopted an updated Transportation Master Plan (TMP), which is the long range vision for the City's transportation system. The plan and complimentary amendments to the City Comprehensive Plan Transportation Element direct the City to update its methodology for measuring transportation concurrency in order to assess the traffic impacts of growth citywide, as well as localized impacts resulting from new development. The Growth Management Act requires cities to identify the transportation projects needed in order to accommodate growth and comply with a city's adopted transportation level of service as well as a funding strategy to complete these projects. This relationship is known as concurrency. Transportation concurrency requires that improvements or strategies are in place at the time of the development or that a financial commitment is in place to complete the improvements within six years.

Traditionally, the City has required developers prepare Traffic Impact Analyses (TIAs), also referred to as Traffic Studies, for proposals that result in an increase in traffic during the evening peak travel period, which is generally from 4 pm to 6 pm. Some land uses, such as schools or churches, have traffic volumes that are highest outside the evening peak travel period. The recommended change to the Development Code will allow the City to require the applicant to produce a TIA and analyze the anticipated traffic impacts for proposed developments that do not have their highest traffic volumes during the evening peak period. Through the City's State Environmental Policy Act (SEPA) review process, developers will be required to mitigate for the traffic impacts associated with their proposal.

As directed by the City Council, staff is currently working with a consultant to develop a new methodology for measuring concurrency. The draft ordinance outlining this methodology is scheduled to go to Council in April, with final adoption in June. The recommended changes to the Development Code presented with this report will accompany the draft concurrency ordinance.

Approved By:

Project Manager 

Planning Director 

## **BACKGROUND**

Before Council can amend the City's Development Code, the Planning Commission must review it and develop their recommendation. Amendments to the Development Code are subject to the criteria established by SMC 20.30.350.

While the TMP was under development, Council directed staff to develop a new methodology for measuring concurrency in Shoreline. Staff has been working with Randy Young of Henderson, Young & Co. to develop this new ordinance, which will be incorporated as part of Shoreline Municipal Code Title 12. Amendments to Title 12 are not reviewed by the Planning Commission. Completion of this work needed to wait until adoption of the Transportation Element of the Comprehensive Plan and the TMP, as these plans adopted a new transportation Level of Service (LOS) for the City. The revised concurrency methodology and associated impact fee program will be based upon this new LOS. Identification of a transportation LOS as well as a funding strategy to maintain that LOS are required by the Growth Management Act.

During the development of the TMP and Comprehensive Plan amendments, staff met with the Planning Commission to provide progress updates. This included a joint meeting with Council to discuss concurrency, where Randy Young made a presentation. In September and October 2011, the Planning Commission reviewed the draft Transportation Element and forwarded a recommendation to Council. One policy contained within this recommendation was a new transportation LOS, which was adopted by Council.

## **PROPOSAL & ANALYSIS**

Attachment A identifies the draft Development Code amendments. They are confined to SMC 20.60.140 and primarily focus on subsection B.

SMC 20.30.350 establishes the following criteria for approval of a Development Code amendment:

1. The amendment is in accordance with the Comprehensive Plan;
2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

The draft Development Code amendments meet the criteria for approval. They are being proposed in order to ensure consistency with the recently adopted changes to the Comprehensive Plan, specifically the policies addressing concurrency and transportation levels of service.

By expanding the field of applicants that must identify the greatest traffic impacts associated with their proposal and subsequently mitigate them, this Development Code amendment will result in processes that further protect the public health, safety or

general welfare of the City's residents. For the same reasons, the Development Code amendment is in the best interest of the City's residents.

### **TIMING AND SCHEDULE**

The City prepared a SEPA checklist for the Development Code amendments and issued a Determination of Nonsignificance (DNS) on February 21, 2012 (Attachment B). The DNS included notice of the scheduled public hearing on March 15, 2012 and was sent to the Washington State Department of Ecology and other parties that receive SEPA notifications from the City of Shoreline. The Department of Commerce was notified of the intent to amend the Comprehensive Plan and Development Code on February 21, 2012.

As of the writing of this staff report (February 23, 2012), no comments have been received in response to the SEPA determination.

### **RECOMMENDATION**

The proposed Plan Amendments meet the criteria listed in SMC 20.30.340 and staff recommends that the Planning Commission recommend approval to the City Council on the proposed amendments to the Development Code. Upon the close of the public hearing, if the Planning Commission is comfortable with the Development Code amendments and all questions have been answered, the Planning Commission may choose to take action and make a recommendation to the City Council.

### **ATTACHMENTS**

Attachment A: Draft Development Code amendments

Attachment B: SEPA Checklist, Threshold Determination and Notice of Public Hearing

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**AMENDMENT #1 SMC 20.60.140**

*This change would modify the ~~development~~ Development Ceode to bring it into compliance with the direction for traffic impact analyses outlined in the Transportation Master Plan. The changes to how the City evaluates traffic impacts from proposed development will coincide with updates to Shoreline's concurrency evaluation methodology.*

**SMC 20.60.140 Adequate streets.**

The intent of this subchapter is to ensure that public streets maintain an adequate Level of Service (LOS) as new development occurs.

A. Level of Service. The level of service standard that the City has selected as the basis for measuring concurrency is as follows:

- LOS D at signalized intersections on arterial streets and at unsignalized intersecting arterials;
- A volume to capacity (V/C) ratio of 0.90 or lower for Principal and Minor arterials

The V/C ratio on one leg of an intersection may exceed 0.90 when the intersection operates at LOS D or better.

These Level of Service standards apply throughout the City unless an alternative Level of Service for particular streets has been adopted in the Comprehensive Plan Transportation Element.

B. Development Proposal Requirements. All new proposals for development that would generate 20 or more new trips during the p.m. peak hour or during the peak hour of usage for the proposed development must submit a traffic ~~study~~ impact analysis at the time of application. The estimate of the number of trips for a development shall be consistent with the most recent edition of the Trip Generation Manual, published by the Institute of Traffic Engineers. Detailed requirements of The the traffic study impact analysis are outlined in the City's Engineering Development Manual and shall include at a minimum:

1. A description of existing conditions
2. An analysis of traffic projections, including trip generation and distribution origin/destination trip distribution proposed;
- ~~23. The identification of any intersection that would receive the addition of 20 or more trips during the p.m. peak hour; and~~ A site evaluation
- ~~34. An analysis demonstrating how impacted intersections could accommodate the additional trips and maintain the LOS standard~~ Recommendations and conclusions.

C. Concurrency Required; Development Approval Conditions. A development proposal that will have a direct traffic impact on a roadway or intersection that causes it to exceed the adopted LOS standards , or impacts an intersection or a road segment currently operating below a level of service identified in 20.60.140~~B~~ 140A will not meet the City's established concurrency threshold and shall not be approved unless:

1. The applicant agrees to fund or build improvements within the existing right of way that will attain the LOS standards; or
2. The applicant achieves the LOS standard by phasing the project or using transportation demand management (TDM) techniques or phasing the development proposal as approved by the City of Shoreline to reduce the number of peak hour trips generated by the project to attain LOS standards.



**STATE ENVIRONMENTAL POLICY ACT  
(SEPA)  
ENVIRONMENTAL CHECKLIST****Planning and Development Services*****Purpose of Checklist:***

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

***Instructions for Applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

*Public notice is required for all projects reviewed under SEPA. Please submit current Assessor's Maps/Mailing Labels showing:*

- Subject property outlined in red.
- Adjoining properties under the same ownership outlined in yellow.
- All properties within 500' of the subject property, with mailing labels for each owner.

**NOTE:** King County no longer provides mailing label services. Planning and Development Services can provide this for a fee or provide you instructions on how to obtain this information and create a mail merge document to produce two sets of mailing labels for your application.

***Use of Checklist for nonproject proposals:***

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply". IN ADDITION complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "propose," and "affected geographic area," respectively.

**17500 Midvale Avenue North, Shoreline, Washington 98133-4905**Telephone (206) 801-2500 Fax (206) 546-8761 [pds@shorelinewa.gov](mailto:pds@shorelinewa.gov)The Development Code (Title 20) is located at [mrsc.org](http://mrsc.org)

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A. BACKGROUND

1. Name of proposed project, if applicable:

**Amendments to Title 20, Shoreline Development Code**

2. Name of applicant:

**City of Shoreline  
Planning and Community Development**

3. Address and phone number of applicant and contact person:

**Alicia McIntire  
Public Works  
17500 Midvale Ave N  
Shoreline, WA 98133-4905  
206.801.2483**

4. Date checklist prepared:

**February 17, 2012**

5. Agency requesting checklist:

**City of Shoreline**

6. Proposed timing or schedule (including phasing, if applicable):

**March 2012 – Planning Commission study session and public hearing  
May 2012 –Amendments presented to City Council  
June 2012 – Amendments adopted by City Council**

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

**Non-project action does not apply**

8. List any environmental information you know about that has been prepared or will be prepared, directly related to this proposal.

**Final Environmental Impact Statement for the City of Shoreline Comprehensive Plan was issued 11/2/98 for the main body of related environmental analysis. SEPA analysis was also conducted for the adoption of the Development Code 6/12/00, and subsequent non-exempt amendments to the Development Code. SEPA analysis was conducted for the adoption of the Transportation Master Plan and a DNS issued on 9/29/11. This SEPA checklist provides a non-project environmental review of the proposed Development Code amendments.**

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- 9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

**The City of Shoreline is currently in the process of updating the Comprehensive Plan. The plan includes a transportation element. The Comprehensive Plan update is not expected to interfere with this development code amendment.**

- 10. List any government approvals or permits that will be needed for your proposal, if known.

**Final adoption of proposed amendments by City Council**

- 11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description).

**Amendments include:**

**20.60.140 – Adequacy of Public Facilities**

**The proposed amendments modify the conditions under which a traffic impact analysis is required in conjunction with a development proposal and the required contents of the analysis.**

- 12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

**City-wide non-project action**

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**B. ENVIRONMENTAL ELEMENTS**

**1. Earth**

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other: \_\_\_\_\_

**Non-project action does not apply.**

b. What is the steepest slope on the site (approximate percent of slope)?

**Non-project action does not apply.**

c. What general types of soils are found on the site (for example clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

**Non-project action does not apply.**

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so describe.

**Non-project action does not apply.**

e. Describe the purpose, type and approximate quantities of any filling or grading proposed. Indicate source of fill.

**Non-project action does not apply.**

f. Could erosion occur as a result of clearing construction or use? If so generally describe.

**Non-project action does not apply.**

g. About what percent of the site will be covered with hardscape after project construction (for example asphalt or buildings)?

**Non-project action does not apply.**

h. Proposed measures to reduce or control erosion , or other impacts to the earth, if any:

**Non-project action does not apply.**

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**2. Air**

- a. What types of emissions to the air would result from the proposal (i.e. dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

**Non-project action does not apply.**

- b. Are there any off site sources of emissions or odor that may affect your proposal? If so, generally describe.

**Non-project action does not apply.**

- c. Proposed measures to reduce or control emissions or other impacts to air if any:

**Non-project action does not apply.**

**3. Water**

**a. Surface:**

- 1. Is there any surface water body on or in the immediate vicinity of the site (including year round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

**Non-project action does not apply.**

- 2. Will the project require any work over, in, or adjacent to (within 200') of the described waters? If yes, please describe and attach available plans.

**Non-project action does not apply.**

- 3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

**Non-project action does not apply.**

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- 4. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities, if known.

**Non-project action does not apply.**

- 5. Does the proposal lie within a 100 year floodplain? If so, note location on the site plan.

**Non-project action does not apply.**

- 6. Does the proposal involve any discharges of waste materials to surface waters? If so describe the type of waste and anticipated volume of discharge.

**Non-project action does not apply.**

**b. Ground:**

- 1. Will ground water be withdrawn or will water be discharged to ground water? Give general description, purpose and approximate quantities if known.

**Non-project action does not apply.**

- 2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals ...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

**Non-project action does not apply.**

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**c. Water Runoff (including storm water):**

- 1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

**Non-project action does not apply.**

- 2. Could waste materials enter ground or surface waters? If so, generally describe.

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**Non-project action does not apply.**

- 3. Proposed measures to reduce or control surface ground and runoff water impacts, if any:

**Non-project action does not apply.**

**4. Plants**

- a. Check or circle types of vegetation found on the site:
  - deciduous tree: alder, maple, aspen, other
  - evergreen tree: fir, cedar, pine, other
  - shrubs
  - grass
  - pasture
  - crop or grain
  - wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
  - water plants: water lily, eelgrass, milfoil, other
  - other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

**Non-project action does not apply.**

- c. List threatened or endangered species known to be on or near the site.

**Non-project action does not apply.**

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- d. Proposed landscaping use of native plants or other measures to preserve or enhance vegetation on the site if any:

**Non-project action does not apply.**

**5. Animals**

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk, heron, eagle, songbirds, other: \_\_\_\_\_

Mammals: deer, bear, elk, beaver, other: \_\_\_\_\_

Fish: bass, salmon, trout, herring, shellfish, other: \_\_\_\_\_

- b. List any threatened or endangered species known to be on or near the site.

**Non-project action does not apply.**

- c. Is the site part of a migration route? If so explain.

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**Non-project action does not apply.**

- d. Proposed measures to preserve or enhance wildlife if any:

**Non-project action does not apply.**

**6. Energy and Natural Resources**

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc

**Non-project action does not apply.**

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

**Non-project action does not apply.**

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- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts if any:

**Non-project action does not apply.**

**7. Environmental Health**

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur a result of this proposal? If so describe.

**Non-project action does not apply.**

- 1. Describe special emergency services that might be required.

**Non-project action does not apply.**

- 2. Proposed measures to reduce or control environmental health hazards, if any:

**Non-project action does not apply.**

**b. Noise**

- 1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

**Non-project action does not apply.**

- 2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate

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what hours noise would come from the site.

**Non-project action does not apply.**

3. Proposed measures to reduce or control noise impacts, if any:

**Non-project action does not apply.**

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**8. Land and Shoreline Use**

a. What is the current use of the site and adjacent properties?

**Non-project action does not apply.**

b. Has the site been used for agriculture? If so, describe

**Non-project action does not apply.**

c. Describe any structures on the site.

**Non-project action does not apply.**

d. Will any structures be demolished? If so, what?

**Non-project action does not apply.**

e. What is the current zoning classification of the site?

**Non-project action does not apply.**

f. What is the current comprehensive plan designation of the site?

**Non-project action does not apply.**

g. If applicable, what is the current shoreline master program designation of the site?

**Non-project action does not apply.**

h. Has any part of the site been classified as an “environmentally sensitive” area? If so, please specify.

**Non-project action does not apply.**

i. Approximately how many people would reside or work in the completed project?

**Non-project action does not apply.**

j. Approximately how many people would the completed project displace?

Non-project action does not apply.

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k. Proposed measures to avoid or reduce displacement impacts, if any:

Non-project action does not apply.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Non-project action does not apply.

**9. Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low income housing.

Non-project action does not apply.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low income housing.

Non-project action does not apply.

c. Proposed measures to reduce or control housing impacts if any:

Non-project action does not apply.

**10. Aesthetics**

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Non-project action does not apply.

b. What views in the immediate vicinity would be altered or obstructed?

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c. Proposed measures to reduce or control aesthetic impacts, if any:

Non-project action does not apply.

**11. Light and Glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

**Non-project action does not apply.**

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

**Non-project action does not apply.**

- c. What existing off site sources of light or glare may affect your proposal?

**Non-project action does not apply.**

- d. Proposed measures to reduce or control light and glare impacts if any:

**Non-project action does not apply.**

**12. Recreation**

- a. What designated and informal recreational opportunities are in the immediate vicinity?

**Non-project action does not apply.**

- b. Would the proposed project displace any existing recreational uses? If so, please describe.

**Non-project action does not apply.**

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- c. Proposed measures to reduce or control impacts on recreation including recreation opportunities to be provided by the project or applicant if any:

**Non-project action does not apply.**

**13. Historic and Cultural Preservation**

- a. Are there any places or objects listed on or proposed for national, state or local preservation registers known to be on or next to the site? If so, generally describe.

**Non-project action does not apply.**

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific or cultural importance known to be on or next to the site.

**Non-project action does not apply.**

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- c. Proposed measures to reduce or control impacts, if any:

**Non-project action does not apply.**

**14. Transportation**

- a. Identify public streets and highways serving the site and describe proposed access to the existing street system. Show on site plans, if any:

**The amendments would require that project applicants analyze impacts to the City's roadway network arising from their proposal.**

- b. Is site currently served by public transit? If not what is the approximate distance to the nearest transit stop?

**The amendments would require that project applicants analyze access to public transit from their project site.**

- c. How many parking spaces would the completed project have? How many would the project eliminate?

**Non-project action does not apply.**

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**EVALUATION FOR AGENCY USE ONLY**

- d. Will the proposal require any new roads, streets or improvements to existing roads or streets not including driveways? If so, generally describe (indicate whether public or private).

**The amendments would require that project applicants analyze impacts to the City's transportation network arising from their proposal and mitigate those impacts to comply with the City's adopted level of service standards.**

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

**Non-project action does not apply.**

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

**The amendments would require that project applicants identify the anticipated traffic volumes associated with their proposal, as well as when the peak volumes will occur.**

- g. Proposed measures to reduce or control transportation impacts if any:

**The amendments would require that project applicants**

**analyze impacts to the City's transportation network arising from their proposal and mitigate those impacts to comply with the City's adopted level of service standards.**

**15. Public Services**

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

**Non-project action does not apply.**

- b. Proposed measures to reduce or control direct impacts on public services, if any.

**Non-project action does not apply.**

**16. Utilities**

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

**Non-project action does not apply.**

**Part Eleven – 197-11-960**

**SEPA Rules**

**TO BE COMPLETED BY APPLICANT**

**EVALUATION FOR AGENCY USE ONLY**

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

**Non-project action does not apply.**

**c. SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Alicia McIntire

Printed Name: Alicia McIntire

Address 17500 Midvale Ave N

Telephone Number: 206.801.2483

Date February 17, 2012

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Part Eleven – 197-11-960

SEPA Rules

EVALUATION FOR  
AGENCY USE ONLY

TO BE COMPLETED  
BY APPLICANT

**D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS  
(DO NOT USE THIS SHEET FOR PROJECT ACTIONS)**

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water/emissions to air/production, storage, or release of toxic or hazardous substances; or production of noise?

**The proposed development code amendments should not directly result in an increase in discharges.**

Proposed measures to avoid or reduce such increases are:

N/A

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

**The proposed development code amendments should not directly affect plants, animals, fish, or marine life.**

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

N/A

Part Eleven – 197-11-960

SEPA Rules

EVALUATION FOR  
AGENCY USE ONLY

TO BE COMPLETED  
BY APPLICANT

3. How would the proposal be likely to deplete energy or natural resources?

**The proposal should not directly result in depletion of energy resources or promote activities which would consume these resources.**

Proposed measures to protect or conserve energy and natural resources are:

**Currently adopted City codes and ordinances provide for resource protection through energy conservation, low impact development, and land development standards.**

- 4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

**There are no proposed changes to the City's regulations that would decrease the protection of critical areas. City regulations provide for mitigation and protect critical areas from impacts associated with development. No wilderness areas, wild and scenic rivers, or prime farm lands are located within the City.**

Proposed measures to protect such resources or to avoid or reduce impacts are:

**Any impact that is allowed within a critical area of buffer must be fully mitigated pursuant to the recommendations of a qualified professional. The critical areas code amendments were drafted in order to more fully protect critical areas and their buffers. Measures are proposed such as identifying slopes and landslide hazard areas more easily, requiring geotechnical studies and allowing the city to use a third party when evaluating reports.**

- 5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

**No changes to the adopted Shoreline Management Program regulations are included with this proposal.**

**Part Eleven - 197-11-960**

**SEPA Rules**

**TO BE COMPLETED BY APPLICANT**

**EVALUATION FOR AGENCY USE ONLY**

Proposed measures to avoid or reduce shoreline and land use impacts are:

**The critical area regulations require avoidance of most of the shoreline environments.**

- 6. How would the proposal be likely to increase demands on

1/2010

**17500 Midvale Avenue North, Shoreline, Washington 98133-4905**

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

The Development Code (Title 20) is located at mrsc.org



transportation or public services and utilities?

**The proposed amendments are not likely to substantially increase demands on transportation or public services and utilities. The amendments would require that project applicants analyze impacts to the City's transportation network arising from their proposal and mitigate those impacts to comply with the City's adopted level of service standards.**

Proposed measures to reduce or respond to such demands(s) are:

**The proposed amendment will require development project applicants to identify and mitigate for transportation impacts arising from their proposal.**

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

**The proposed changes will not conflict with any local, state or federal laws or requirements for the protection of the environment.**

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*Planning & Community Development*

17500 Midvale Avenue North  
Shoreline, WA 98133-4905  
(206) 801-2500 ♦ Fax (206) 801-2788

**SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)**

**PROJECT INFORMATION**

DATE OF ISSUANCE: **February 23, 2012**  
PROPONENT: **City of Shoreline**  
LOCATION OF PROPOSAL: **Not Applicable - Non Project Action**

DESCRIPTION OF PROPOSAL: The City of Shoreline is proposing changes to the Shoreline Development Code that apply citywide. The non-project action to amend the code includes changes to: 20.60.140 – Adequate Streets. The amendment clarifies when a traffic impact analysis is required and what needs to be included in that analysis.

PUBLIC HEARING **March 15, 2012**

**SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)**

The City of Shoreline has determined that the proposal will not have a probable significant adverse impact(s) on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the environmental checklist, the City of Shoreline Comprehensive Plan, the City of Shoreline Development Code, and other information on file with the Department. This information is available for public review upon request at no charge.

This Determination of Nonsignificance (DNS) is issued in accordance with WAC 197-11-340(2). The City will not act on this proposal for 15 days from the date below.

RESONSIBLE OFFICIAL: **Rachael Markle, AICP**  
**Planning Director and SEPA Responsible Official**  
ADDRESS: **17500 Midvale Avenue North** PHONE: **206-801-2531**  
**Shoreline, WA 98133-4905**

DATE: 2/21/12 SIGNATURE: *Rachael Markle*

**PUBLIC COMMENT AND APPEAL INFORMATION**

The public comment period will end on March 9, 2012. There is no administrative appeal of this determination. The SEPA Threshold Determination may be appealed with the decision on the underlying action to superior court. If there is not a statutory time limit in filing a judicial appeal, the appeal must be filed within 21 calendar days following the issuance of the underlying decision in accordance with State law.

The file is available for review at the City Hall, 17500 Midvale Ave N., 1<sup>st</sup> floor – Planning & Community Development.

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PO Box 70, Seattle, WA 98111

CITY OF SHORELINE  
KIM SULLIVAN/PLANNING DEPT  
17500 MIDVALE AVE N  
SHORELINE, WA 981334905



Re: Advertiser Account #6391000  
Ad #: 802712000

## Affidavit of Publication

4157767 / 2

STATE OF WASHINGTON  
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by orders of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper	Publication Date
The Seattle Times	02/27/12

Agent Marilyn Chavez Signature Marilyn Chavez



Subscribed and sworn to before me on February 27, 2012  
(DATE)  
Christina C. McKenna  
(SIGNATURE) Notary Public in and for the State of Washington, residing at Seattle

**Christina C. McKenna**



seattletimes.com

Re Advertiser Account #6391000

Ad # 802712000

**Ad TEXT:** The City of Shoreline  
Notice of Public Hearing of  
the Planning Commission and  
Notice of SEPA Threshold  
Determination

Description of Proposal: The  
City of Shoreline  
is proposing changes to the  
Shoreline  
Development Code that apply  
citywide. The  
non-project action to amend  
the code includes a  
change to SMC 20.60.140 -  
Adequate Streets. The  
proposed amendments modify  
the conditions under  
which a traffic impact analysis  
is required in  
conjunction with a development  
proposal and the  
required contents of the  
analysis.

Public Hearing: The public  
hearing is scheduled  
for Thursday, March 15, 2012 at  
7:00 pm in the  
Council Chamber at City Hall,  
17500 Midvale  
Avenue N, Shoreline, WA.

Threshold Determination: The  
City of Shoreline  
has determined that the  
proposal will not have a  
probable significant adverse  
impact on the  
environment and is issuing a  
Determination of  
Nonsignificance. The Threshold  
determination was  
issued February 21, 2012.

Written comments must be  
received at the address  
listed below before 5:00 p.m.  
March 15, 2012.  
Please mail, fax (206) 801-2788  
or deliver  
comments to the City of  
Shoreline, Attn: Steven  
Szafran 17500 Midvale Avenue  
North, Shoreline,  
WA 98133 or emailed to  
sszafran@shorelinewa.gov.

Copies of the proposal, SEPA  
Checklist and  
applicable codes are available  
for review at the  
City

Hall, 17500 Midvale Avenue  
North.

Judicial Appeal: There is no  
administrative  
appeal available for this  
decision. The SEPA  
Threshold Determination may  
be appealed with the  
decision on the underlying  
action to superior  
court. If there is not a statutory  
time limit in  
filing a judicial appeal, the  
appeal must be  
filed within 21 calendar days  
following the  
issuance of this decision on the  
underlying  
decision in accordance with  
State law.

Questions or More Information:  
Please contact  
Steven Szafran, Planning &  
Community Development  
at (206) 801-2512.

Any person requiring a  
disability accommodation  
should contact the City Clerk at  
(206) 801-2230  
in advance for more  
information. For TTY  
telephone service call (206)  
546-0457. Each  
request will be considered  
individually  
according to the type of  
request, the  
availability of resources, and  
the financial  
ability of the City to provide the  
requested  
services or equipment.

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

**AGENDA TITLE:** Public Hearing on Draft Amendments to the Development Code Regarding Tree Regulations  
**DEPARTMENT:** Planning & Community Development  
**PRESENTED BY:** Paul Cohen, Senior Planner  
Rachael Markle, AICP, Director

Public Hearing  
 Discussion

Study Session  
 Update

Recommendation Only  
 Other

**INTRODUCTION**

The Planning Commission held a study session on March 1, 2012 to discuss proposed code amendments for the regulation of trees (Attachment A). The March 15, 2012 meeting is to hold a public hearing (Attachment B), deliberate, and make final recommendations to the City Council.

**BACKGROUND**

Among the original reasons for undertaking amendments to the City's tree regulations were: (1) the perception that at the citywide scale, the City is losing tree canopy at a significant rate; (2) the ongoing debate at the project scale about the proper balance between retention of existing trees and the accommodation of new development; and (3) the fact that parts of the current regulations are unclear and cumbersome for staff to administer.

In early 2009, the City Council directed the Planning Commission and staff to prepare updated development regulations for trees. The scope was described in nine decision modules. Up until October 2010, staff and the Planning Commission had studied various draft amendments to address the direction given in these nine decision modules. Staff held several community meetings on the topic. Over six study meetings, the Planning Commission discussed and struggled with a consensus about what language to pursue. During the "public comment" part of these study meeting agendas, the Commission heard from various stakeholders who expressed disagreement with different aspects of the approaches and language under consideration. On November 8, 2010 the City Council and Planning Commission jointly met to discuss the tree code.

In early 2011, the staff secured a \$10,000 grant from the Department of Natural Resources to prepare an Urban Tree Canopy (UTC) Assessment to establish a baseline of how much tree canopy the City now has. The Council heard a presentation on the

Approved By:

Project Manager *PL*

Planning Director *Mr*

baseline Urban Tree Canopy (UTC) assessment on April 18, 2011. One of the central conclusions of the assessment was that the City has not lost significant tree canopy over the past two decades, remaining at approximately a 31% canopy. Staff presented the study's findings and analysis to the Commission in May 2011.

The tree code update remains one of the major objectives in the 2011-2012 Council Goal 1: "Implement the adopted Community Vision by updating the Comprehensive Plan and key development regulations in partnership with residents, neighborhoods, and businesses."

Objective: "Adopt amendments to the tree regulations, adopt a policy of increasing tree canopy through voluntary programs, and become a Tree City USA."

Current Code Purpose: "No net loss of tree cover throughout the City over time."

The Planning Commission is authorized by the City Council to review, discuss, and hear proposed amendments to the Development Code. Legislative amendments to the Development Code must meet criteria under SMC 20.30.350.

## **PROPOSAL & ANALYSIS**

One of the major premises of the Council's direction was that the City is experiencing a rapid loss of urban tree canopy (UTC), a premise that the UTC Report dispels. In view of this finding, Council directed staff to narrow the scope of the tree code amendments to the following five areas.

1. Modify the exemption for 6 significant trees removal in a three (3) year period. Currently, the City does not require tracking of these exempt trees. To remove this exemption would mean the City would require approval of all significant trees – even if the request is for one tree. The problem has not been the excessive use of this provision but the lack of ability to track the tree removal so that we can monitor the three (3) year cycle limit.

*Staff recommends that the regulation remain unchanged because the incidence of violations has not been excessive and that the City should survey the tree canopy periodically to determine the effectiveness of the tree code in maintaining or increasing the canopy.*

2. Remove non-active or non-imminent, hazardous trees as a category of the code because they would be part of tree removal. Non-active or non-imminent hazardous trees can easily be applied to the many, perhaps majority of, trees that are not perfect specimens. This recommendation removes the professional opinion of a tree's potential health or hazardousness. Non-imminent or active hazardous trees can still be removed under the six tree exemption provision or a clearing and grading permit to remove up to 80% of significant trees. However, the provision will still be needed in the Critical Area code because there are no alternative provisions to remove significant trees unless hazardous.

*Staff recommends the removal of these provisions in the tree code and their replacement in the Critical Areas code.*



3. Allow active or imminent, hazardous trees to be removed quickly first with documentation and then require a tree removal permit after. The intent is to quickly remove hazards followed by a permit for the City to track changes.

*Staff recommends that an actively hazardous tree can be photographed and cut immediately and then after cutting provide the Director with photographic proof and, if needed, the appropriate application.*

4. Remove the provision that does not allow tree removal without a development proposal. We currently allow developed properties with no future proposals to remove trees. In addition, the current code defines "development" as any permitted activity which includes land clearing and tree removal. Technically, a property owner applying for a permit to remove trees on land with no development proposal can but is contradicted by the more apparent provision that says they cannot.

*Staff recommends removal of the current provision because of its circular reasoning, "preparing the site for future sale" cannot be determined, and because the permitted clearing and removal of trees has regulations to protect and replant site.*

5. Allow the Director the option to require tree maintenance bonds based on the scope of the project. Maintenance bonds for tree replacement are burdensome to homeowners in contrast with large, redevelopment projects. In addition, the current code says both maintenance bonds shall be required and the Director may require maintenance bonds.

*Staff recommends clarification of these provisions so that the Director has the option whether to require maintenance bonds.*

### **SEPA Review**

The SEPA checklist and notice have been publicized (Attachment C) with the intent to make a determination of non-significance. To date, no comments regarding the SEPA checklist have been received. Issuance of a SEPA Determination of Non-significance was made February 27, 2012 with an appeal deadline by March 13, 2012.

### **Development Code Amendment Criteria**

SMC 20.30.350 establishes the following criteria for approval of a Development Code amendment:

1. *The amendment is in accordance with the Comprehensive Plan;*

**LU107:** Develop educational materials, incentives, policies, and regulations to conserve native vegetation on public and private land for wildlife habitat and human enjoyment. The city shall establish regulations to protect mature trees and other native vegetation from the negative impacts of residential and commercial development, including short-plat development.

**LU108:** The removal of healthy trees should be minimized, particularly when they are located in environmentally critical areas.

**LU109:** The City shall encourage the replacement of removed trees on private land and require the replacement of removed trees on public land, wherever feasible. Trees which are removed should be replaced with a suitable number of native trees that are of a size and species which will survive over the long term and provide adequate screening in the short term.

The City may require tree replacement on private property as required project mitigation or subject to terms and limitations in a vegetation conservation and management ordinance.

2. *The amendment will not adversely affect the public health, safety or general welfare;*

The amendment does not adversely affect the public health, safety or general welfare because it amends the administration but not the standards for tree retention, removal, and replacement.

3. *The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.*

The provisions of the amendment are intended to clarify the code and the administration of the code to the best interest of the citizens and property owners of Shoreline by clarifying and simplifying:

- Properties that can remove trees.
- Hazardous trees removal.
- Exempt tree removal.
- Allow the Director to waive small property owners of maintenance bonds.

### **Recommendation**

Staff recommends that the Commission hold and close the public hearing, deliberate, and make recommendations to amend the Development Code (Attachment D) as drafted by staff.

### **ATTACHMENTS**

- A. Proposed Amendments to the Development Code
- B. Notice of Public Hearing
- C. SEPA Determination & Checklist
- D. Draft Planning Commission Recommendation Transmittal Letter
- E. Public Comment Letters

## Proposed Tree Code Amendments Per Council May 9, 2011 Direction

### 20.50.290 Purpose.

The purpose of this subchapter is to reduce the environmental impacts of site development while promoting the reasonable use of land in the City by addressing the following:

- A. Prevention of damage to property, harm to persons, and environmental impacts caused by excavations, fills, and the destabilization of soils;
- B. Protection of water quality from the adverse impacts associated with erosion and sedimentation;
- C. Promotion of building and site planning practices that are consistent with the City's natural topography and vegetative cover;
- D. Preservation and enhancement of trees and vegetation which contribute to the visual quality and economic value of development in the City and provide continuity and screening between developments;
- E. Protection of critical areas from the impacts of clearing and grading activities;
- F. Conservation and restoration of trees and vegetative cover to reduce flooding, the impacts on existing drainageways, and the need for additional stormwater management facilities;
- G. Protection of anadromous fish and other native animal and plant species through performance-based regulation of clearing and grading;
- H. Retention of tree clusters for the abatement of noise, wind protection, and mitigation of air pollution;
- I. Rewarding significant tree protection efforts by granting flexibility for certain other development requirements;
- J. Providing measures to protect trees that may be impacted during construction;
- K. Promotion of prompt development, effective erosion control, and restoration of property following site development; and
- L. Replacement of trees removed during site development in order to achieve a goal of no net loss of tree cover throughout the City over time. (Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(A), 2000).

### 20.50.300 General requirements.

- A. Tree cutting or removal by any means is considered a type of clearing and is regulated subject to the limitations and provisions of this subchapter.
- B. All land clearing and site grading shall comply with all standards and requirements adopted by the City of Shoreline. Where a Development Code section or related manual or guide contains a provision

that is more restrictive or specific than those detailed in this subchapter, the more restrictive provision shall apply.

C. Permit Required. No person shall conduct clearing or grading activities on a site without first obtaining the appropriate permit approved by the Director, unless specifically exempted by SMC [20.50.310](#).

D. When clearing or grading is planned in conjunction with development that is not exempt from the provisions of this subchapter, all of the required application materials for approval of tree removal, clearing and rough grading of the site shall accompany the development application to allow concurrent review.

~~E. No clearing and grading shall be allowed on a site for the sake of preparing that site for sale or future development where no specific plan for future development has been submitted. The Director may issue a clearing and grading permit as part of a phased development plan where a conceptual plan for development of the property has been submitted to the City and the owner or developer agrees to submit an application for a building permit or other site development permit in less than 12 months.~~

Comment [p1]: In response to Council Direction #4.a

F. A clearing and grading permit may be issued for developed land if the regulated activity is not associated with another development application on the site that requires a permit.

G. Replacement trees planted under the requirements of this subchapter on any parcel in the City of Shoreline shall be regulated as protected trees under SMC [20.50.330\(D\)](#).

H. Any disturbance to vegetation within critical areas and their corresponding buffers is subject to the procedures and standards contained within the critical areas chapter of the Shoreline Development Code, Chapter [20.80](#) SMC, Critical Areas, in addition to the standards of this subchapter. The standards which result in the greatest protection of the critical areas shall apply. (Ord. 406 § 1, 2006; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(B), 2000).

**20.50.310 Exemptions from permit.**

A. **Complete Exemptions.** The following activities are exempt from the provisions of this subchapter and do not require a permit:

1. Emergency situation on private property involving danger to life or property or substantial fire hazards.

a. Statement of Purpose. Retention of significant trees and vegetation is necessary in order to utilize natural systems to control surface water runoff, reduce erosion and associated water quality impacts, reduce the risk of floods and landslides, maintain fish and wildlife habitat and preserve the City's natural, wooded character. Nevertheless, when certain trees become unstable or damaged, they may constitute a hazard requiring cutting in whole or part. Therefore, it is the purpose of this section to provide a reasonable and

effective mechanism to minimize the risk to human health and property while preventing needless loss of healthy, significant trees and vegetation, especially in critical areas and their buffers.

b. For purposes of this section, "Director" means the Director of the Department of Planning and Development Services and his or her designee.

c. In addition to other exemptions of Subchapter 5 of the Development Code, SMC [20.50.290](#) through [20.50.370](#), a permit exemption request for the cutting of any tree that is an active and imminent hazard (i.e., an immediate threat to public health and safety) shall be granted if it is evaluated and authorized by the Director under the procedures and criteria set forth in this section.

**Comment [p2]:** Combined with d. below Overlapping with d. below. In response to Council Direction #3.

d. For trees that pose an active and imminent hazard to life or property, such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines, or are uprooted by flooding, heavy winds or storm events, After the tree removal, the City will need photographic proof and the appropriate application approval, if any. Director may verbally authorize immediate abatement by any means necessary.

e. For hazardous circumstances that are not active and imminent, such as suspected tree rot or diseased trees or less obvious structural wind damage to limbs or trunks, a permit exemption request form must be submitted by the property owner together with a risk assessment form. Both the permit exemption request form and risk assessment form shall be provided by the Director.

**Comment [p3]:** In response to Council Direction # 2. Will need to keep these provisions in the Critical Area code because without clearing and grading permit hazardous trees couldn't be removed.

f. The permit exemption request form shall include a grant of permission for the Director and/or his qualified professionals to enter the subject property to evaluate the circumstances. Attached to the permit exemption request form shall be a risk assessment form that documents the hazard and which must be signed by a certified arborist or professional forester.

g. No permit exemption request shall be approved until the Director reviews the submitted forms and conducts a site visit. The Director may direct that a peer review of the request be performed at the applicant's cost, and may require that the subject tree(s) vegetation be cordoned off with yellow warning tape during the review of the request for exemption.

h. Approval to cut or clear trees may only be given upon recommendation of the City-approved arborist that the condition constitutes an actual threat to life or property in homes, private yards, buildings, public or private streets and driveways, sidewalks, improved utility corridors, or access for emergency vehicles and any trail as proposed by the property owner and approved by the Director for purposes of this section.

~~i. The Director shall authorize only such alteration to existing trees and vegetation as may be necessary to eliminate the hazard and shall condition authorization on means and methods of removal necessary to minimize environmental impacts, including replacement of any significant trees. The arborist shall include an assessment of whether a portion of the tree suitable for a snag for wildlife habitat may safely be retained. All work shall be done utilizing hand-held implements only, unless the property owner requests and the Director approves otherwise in writing. The Director may require that all or a portion of cut materials be left on site.~~

2. Removal of trees and/or ground cover by the City and/or utility provider in situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.
3. Installation and regular maintenance of public utilities, under direction of the Director, except substation construction and installation or construction of utilities in parks or environmentally sensitive areas.
4. Cemetery graves involving less than 50 cubic yards of excavation, and related fill per each cemetery plot.
5. Removal of trees from property zoned MUZ and I, CB and NCB, and NB and O, unless within a critical area or critical area buffer.
6. Within City-owned property, removal of noxious weeds or invasive vegetation as identified by the King County Noxious Weed Control Board in a wetland buffer, stream buffer or the area within a three-foot radius of a tree on a steep slope is allowed when:
  - a. Undertaken with hand labor, including hand-held mechanical tools, unless the King County Noxious Weed Control Board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, herbicides or biological control methods; and
  - b. Performed in accordance with SMC [20.80.085](#), Pesticides, herbicides and fertilizers on City-owned property, and King County Best Management Practices for Noxious Weed and Invasive Vegetation; and
  - c. The cleared area is revegetated with native vegetation and stabilized against erosion in accordance with the Department of Ecology 2005 Stormwater Management Manual for Western Washington; and
  - d. All work is performed above the ordinary high water mark and above the top of a stream bank; and

e. No more than a 3,000 square feet of soil may be exposed at any one time.

B. **Partial Exemptions.** With the exception of the general requirements listed in SMC [20.50.300](#), the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

1. The removal of up to six significant trees (see Chapter [20.20](#) SMC, Definitions) and associated removal of understory vegetation from any property. Prior to removal the property owner shall notify the City of the number and diameter of trees to be removed.

**Comment [p4]:** In response to Council Direction #1. However, either the City needs to recover the cost of tracking and entering information per property or remove the 36month time to make the 6 trees fully exempt.

2. Landscape maintenance and alterations on any property that involves the clearing of less than 3,000 square feet, or less than 1,500 square feet if located in a special drainage area, provided the tree removal threshold listed above is not exceeded. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 560 § 4 (Exh. A), 2009; Ord. 531 § 1 (Exh. 1), 2009; Ord. 434 § 1, 2006; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(C), 2000).

**20.50.320 Specific activities subject to the provisions of this subchapter.**

All activities listed below must comply with the provisions of this subchapter. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

A. The construction of new residential, commercial, institutional, or industrial structures or additions.

B. Earthwork of 50 cubic yards or more. This means any activity which moves 50 cubic yards of earth, whether the material is excavated or filled and whether the material is brought into the site, removed from the site, or moved around on the site.

C. Clearing of 3,000 square feet of land area or more or 1,500 square feet or more if located in a special drainage area.

D. Removal of more than six significant trees from any property.

E. Any clearing or grading within a critical area or buffer of a critical area.

F. Any change of the existing grade by four feet or more.

~~G. Any work that occurs within or requires the use of a public easement, City-owned tract or City right-of-way.~~

**Comment [p5]:** Conflicts with the authority of R-o-W chapter of the municipal code.

H. Any land surface modification not specifically exempted from the provisions of this subchapter.

I. Development that creates new, replaced or a total of new plus replaced impervious surfaces over 1,500 square feet in size, or 500 square feet in size if located in a landslide hazard area or special drainage area.

J. Any construction of public drainage facilities to be owned or operated by the City.

K. Any construction involving installation of private storm drainage pipes 12-inch in diameter or larger.

L. Any modification of, or construction which affects a stormwater quantity or quality control system. (Does not include maintenance or repair to the original condition).

M. Applicants for forest practice permits (Class IV – general permit) issued by the Washington State Department of Natural Resources (DNR) for the conversion of forested sites to developed sites are also required to obtain a clearing and grading permit. For all other forest practice per-

mits (Class II, III, IV – special permit) issued by DNR for the purpose of commercial timber operations, no development permits will be issued for six years following tree removal. (Ord. 531 § 1 (Exh. 1), 2009; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(D), 2000).

**20.50.330 Project review and approval.**

A. Review Criteria. The Director shall review the application and approve the permit, or approve the permit with conditions; provided, that the application demonstrates compliance with the criteria below.

1. The proposal complies with SMC [20.50.340](#) through [20.50.370](#), or has been granted a deviation from the engineering standards.
2. The proposal complies with all standards and requirements for the underlying permit.
3. If the project is located in a critical area or buffer or has the potential to impact a critical area, the project must comply with the critical areas standards.
4. The project complies with all requirements of the engineering standards and SMC [13.10.200](#), Surface Water Management Code and adopted standards.
5. All required financial guarantees or other assurance devices are posted with the City.

B. Professional Evaluation. In determining whether a tree removal and/or clearing is to be approved or conditioned, the Director may require the submittal of a professional evaluation and/or a tree protection plan prepared by a certified arborist at the applicant's expense, where the Director deems such services necessary to demonstrate compliance with the standards and guidelines of this subchapter. Third party review of plans, if required, shall also be at the applicant's expense. The Director shall have the sole authority to determine whether the professional evaluation submitted by the applicant is adequate, the evaluator is qualified and acceptable to the City, and whether third party review of plans is necessary. Required professional evaluation(s) and services may include:

1. Providing a written evaluation of the anticipated effects of proposed construction on the viability of trees on a site;



2. Providing a hazardous tree assessment;
3. Developing plans for, supervising, and/or monitoring implementation of any required tree protection or replacement measures; and/or
4. Conducting a post-construction site inspection and evaluation.

C. Conditions of Approval. The Director may specify conditions for work at any stage of the application or project as he/she deems necessary to ensure the proposal's compliance with requirements of this subchapter, critical area standards, engineering standards, the adopted stormwater management regulations, and any other section of the Shoreline Development Code, or to protect public or private property. These conditions may include, but are not limited to, hours or seasons within which work may be conducted, or specific work methods.

D. Designation of Protected Trees.

1. For the following areas, the retention and planting plan and any application and permit plans shall show all trees designated for protection: areas designated as "protected trees," "native growth protection areas," "sensitive areas," "sensitive area buffers," or such other designation as may be approved by the Director. Protected vegetation, including protected trees, shall not be modified, harmed or removed except as provided in this subchapter.
2. The Director may require that protected trees be permanently preserved within a tract, easement or other permanent protective mechanism. When required, the location, purpose, and limitation of these protected areas shall be shown on the face of the deed, plat, binding site plan, or similar document and shall be recorded with the King County Department of Records and Elections or its successor. The recorded document shall include the requirement that the protected areas shall not be removed, amended or modified without the written approval of the City.

E. Preconstruction Meeting Required. Prior to the commencement of any permitted clearing and grading activity, a preconstruction meeting shall be held on-site with the permittee and appropriate City staff. The project site shall be marked in the field as follows:

1. The extent of clearing and grading to occur;
2. Delineation of any critical areas and critical area buffers;
3. Trees to be removed and retained; and
4. Property lines. (Ord. 531 § 1 (Exh. 1), 2009; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(E), 2000).

**20.50.340 Basic operating conditions and standards of performance.**

A. Any activity that will clear, grade or otherwise disturb the site, whether requiring a clearing or grading permit or not, shall provide erosion and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in SMC [13.10.200](#), Surface Water Management Code and adopted standards.

B. Cuts and fills shall conform to the following provisions unless otherwise approved by the Director:

1. Slope. No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless otherwise approved by the Director.

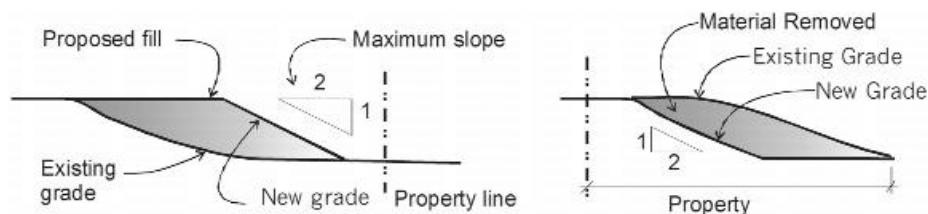


Figure 20.50.340(B): Illustration of fill and cut with maximum slope 2:1.

2. Erosion Control. All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with the Surface Water Design Manual.
3. preparation of Ground. The ground surface shall be prepared to receive fill by removing unsuitable material such as concrete slabs, tree stumps, construction materials, brush and other debris.
4. Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Only earth materials which have no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be used. In the absence of an approved soils engineering report, these provisions may be waived by the Director for minor fills not intended to support structures.
5. Drainage. Provisions shall be made to:
  - a. Prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a fill;
  - b. Carry any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse, or by other means approved by the department of public works;

6. Bench/Terrace. Benches, if required, at least 10 feet in width shall be back-sloped and shall be established at not more than 25 feet vertical intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent.

7. Setbacks. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes. The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes. Slopes and setbacks shall be determined by the Director.

C. Access Roads – Maintenance. Access roads to grading sites shall be maintained and located to the satisfaction of the Director to minimize problems of dust, mud and traffic circulation.

D. Access Roads – Gate. Access roads to grading sites shall be controlled by a gate when required by the Director.

E. Warning Signs. Signs warning of hazardous conditions, if such exist, shall be affixed at locations as required by the Director.

F. Temporary Fencing. Temporary fencing, where required by the Director, to protect life, limb and property, shall be installed. Specific fencing requirements shall be determined by the Director.

G. Hours of Operation. Hours of operation for tree cutting, clearing and grading, unless otherwise authorized by the Director, shall be between 7:00 a.m. and 7:00 p.m. weekdays and 9:00 a.m. to 9:00 p.m. on Saturdays and Sundays. Additionally, tree cutting (felling) shall further be limited to daylight hours.

H. Traffic Control and Haul Plan. The applicant shall be required to submit a plan detailing traffic control and proposed timing, volume, and routing of trucks and equipment as determined to be necessary by the Director. (Ord. 531 § 1 (Exh. 1), 2009; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(F), 2000).

**20.50.350 Development standards for clearing activities.**

A. No trees or ground cover shall be removed from critical area or buffer unless the proposed activity is consistent with the critical area standards.

B. Minimum Retention Requirements. All proposed development activities that are not exempt from the provisions of this subchapter shall meet the following:

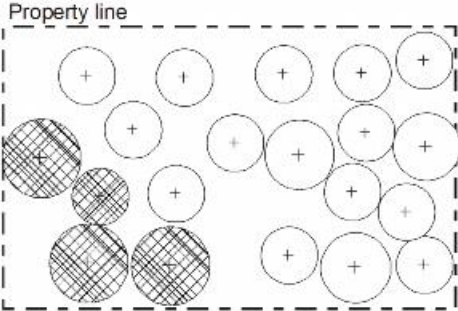
1. At least 20 percent of the significant trees on a given site shall be retained, excluding critical areas, and critical area buffers, or
2. At least 30 percent of the significant trees on a given site (which may include critical areas and critical area buffers) shall be retained.

3. Tree protection measures ensuring the preservation of all trees identified for retention on approved site plans shall be guaranteed during development construction through the posting of a performance bond equal to the value of the installation and maintenance of those protection measures.

4. The minimum amount of trees to be retained cannot be removed ~~Further preservation of retained trees following construction shall be required~~ for a period of 36 months and shall be guaranteed through an approved maintenance agreement.

Comment [p6]: In response to Council Direction #4.b

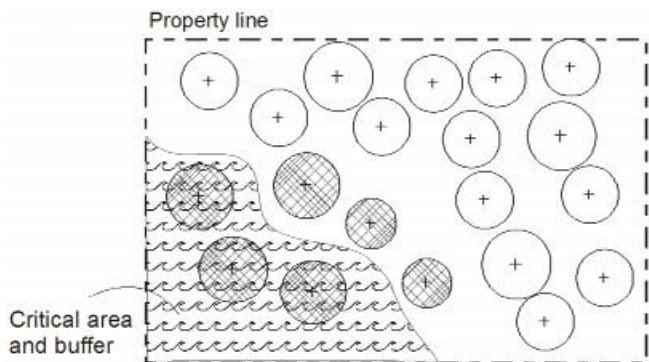
45. The Director may require the retention of additional trees to meet the stated purpose and intent of this ordinance, as required by the critical areas standards, or as site-specific conditions demand using SEPA substantive authority.



**LEGEND**

⊗ Indicates trees to be retained

Figure 20.50.350(B)(1): Demonstration of the retention of 20 percent of the significant trees on a site containing no critical areas.



**LEGEND**

⊗ Indicates significant trees to be retained

Figure 20.50.350(B)(2): Demonstration of the retention of 30 percent of the significant trees on a site containing a critical area.

Exception 20.50.350(B):

1. The Director may allow a reduction in the minimum significant tree retention percentage to facilitate preservation of a greater number of smaller trees, a cluster or grove of trees, contiguous perimeter buffers, distinctive skyline features, or based on the City's concurrence with a written recommendation of an arborist certified by the International Society of Arboriculture and approved by the City that retention of the minimum percentage of trees is not advisable on an individual site.
2. In addition, the Director may allow a reduction in the minimum significant tree retention percentage if all of the following criteria are satisfied: The exception is necessary because:
  - There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.
  - Strict compliance with the provisions of this Code may jeopardize reasonable use of property.
  - Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.
  - The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.
3. If an exception is granted to this standard, the applicant shall still be required to meet the basic tree replacement standards identified in SMC [20.50.360](#) for all significant trees removed beyond the six allowed per parcel without replacement and up to the maximum that would ordinarily be allowed under SMC [20.50.350\(B\)](#).

4. In addition, the applicant shall be required to plant four trees for each significant tree removed that would otherwise count towards the minimum retention percentage. Trees replaced under this provision shall be at least 12 feet high for conifers and three inches in caliper if otherwise. This provision may be waived by the Director for restoration enhancement projects conducted under an approved vegetation management plan.

C. **Incentives for Higher Levels of Tree Protection.** The Director may grant reductions or adjustments to other site development standards if the protection levels identified in subsection (B) of this section are exceeded. On a case-by-case review, the Director shall determine the balance between tree protection that exceeds the established minimum percentage and variations to site development requirements. If the Director grants adjustments or reductions to site development standards under this provision, then tree protection requirements shall be recorded on the face of the plat, as a notice to title, or on some other legal document that runs with the property. Adjustments that may be considered are:

1. Reductions or variations of the area, width, or composition of required open space and/or landscaping;
2. Variations in parking lot design and/or any access driveway requirements;
3. Variations in building setback requirements;
4. Variations of grading and stormwater requirements.

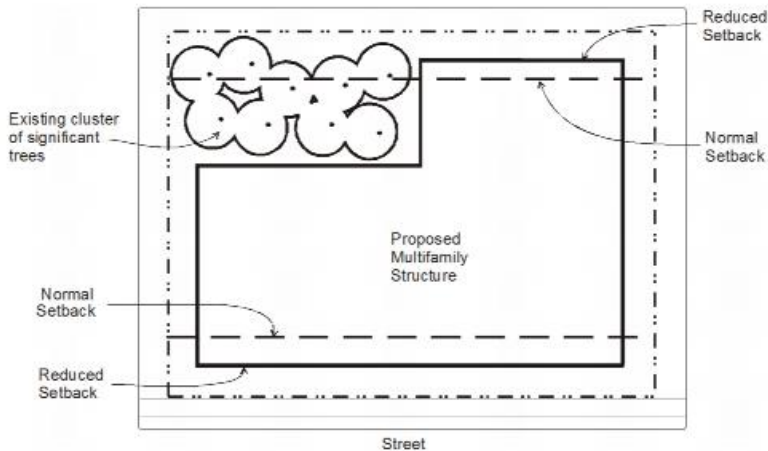


Figure 20.50.350(C): Example of aggregate setback to preserve a cluster of significant trees.

D. **Site Design.** Site improvements shall be designed and constructed to meet the following:

1. Trees should be protected within vegetated islands and stands rather than as individual, isolated trees scattered throughout the site.

2. Site improvements shall be designed to give priority to protection of trees with the following characteristics, functions, or location:

Existing stands of healthy trees that have a reasonable chance of survival once the site is developed, are well shaped to withstand the wind and maintain stability over the long term, and will not pose a threat to life

- or property.
- Trees which exceed 50 feet in height.
- Trees and tree clusters which form a continuous canopy.
- Trees that create a distinctive skyline feature.
- Trees that have a screening function or provide relief from glare, blight, commercial or industrial harshness.
- Trees providing habitat value, particularly riparian habitat.
- Trees within the required yard setbacks or around the perimeter of the proposed development.
- Trees having a significant land stability function.
- Trees adjacent to public parks, open space, and sensitive area buffers.
- Trees having a significant water-retention function, such as cottonwoods.

3. Building footprints, parking areas, roadways, utility corridors and other structures shall be designed and located with a consideration of tree protection opportunities.

4. The project grading plans shall accommodate existing trees and avoid alteration to grades around existing significant trees to be retained.

5. Required open space and recreational space shall be designed and located to protect existing stands of trees.

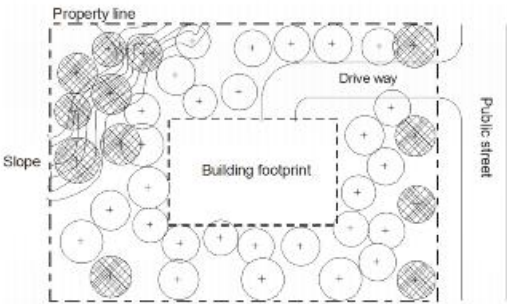
6. The site design and landscape plans shall provide suitable locations and adequate area for replacement trees as required in SMC [20.50.360](#).

7. In considering trees for protection, the applicant shall avoid selecting trees that may become hazardous because of wind gusts, including trees adjacent to utility corridors where falling trees may cause power outages or other damage. Remaining trees may be susceptible to blow downs because of loss of a buffer from other trees, grade changes affecting the tree health and stability and/or the presence of buildings in close proximity.

8. If significant trees have been removed from a closed, forested situation, an adequate buffer of smaller trees shall be retained or planted on the fringe of such significant trees as determined by a certified arborist.

9. All trees located outside of identified building footprints and driveways and at least 10 feet from proposed structures shall be considered as eligible for preservation. However, all significant trees on a site shall be considered when calculating the minimum retention percentage.

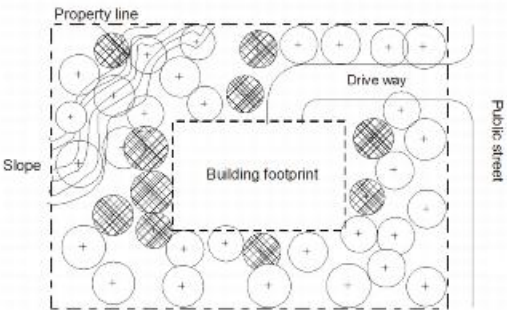
**DO THIS**



**LEGEND**

- Appropriately retained trees - in clusters on a slope and along the street
- Trees proposed for removal

**DON'T DO THIS**



**LEGEND**

- Inappropriately retained trees - too close to the building and/or scattered single trees
- Trees proposed for removal

Figure 20.50.350(D): Example of the application of tree retention site design standards. Appropriate retention of a cluster of trees on a slope and frontage trees are shown above. Inappropriate retention of scattered single trees and trees near structures are shown below.

E. Cutting and Pruning of Protected Trees. Trees protected under the provisions of this section shall not be topped. Pruning and maintenance of protected trees shall be consistent with best management practices in the field of arboriculture and further the long-term health of the tree. Excessive pruning,



including topping, stripping, or imbalances, shall not be allowed unless necessary to protect life and property.

F. **Landmark Trees.** Trees which have been designated as landmark trees by the City of Shoreline because they are 30 inches or larger in diameter or particularly impressive or unusual due to species, size, shape, age, historical significance and/or are an outstanding row or group of trees, have become a landmark to the City of Shoreline or are considered specimens of their species shall not be removed unless the applicant meets the exception requirements of subsection (B) of this section. The Director shall establish criteria and procedures for the designation of landmark trees. (Ord. 406 § 1, 2006; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(G), 2000).

**20.50.360 Tree replacement and site restoration.**

A. **Plans Required.** Prior to any tree removal, the applicant shall demonstrate through a clearing and grading plan, tree retention and planting plan, landscape plan, critical area protection and mitigation plan, or other plans acceptable to the Director that tree replacement will meet the minimum standards of this section. Plans shall be prepared by a qualified person or persons at the applicant's expense. Third party review of plans, if required, shall be at the applicant's expense.

B. The City may require the applicant to relocate or replace trees, shrubs, and ground covers, provide erosion control methods, hydroseed exposed slopes, or otherwise protect and restore the site as determined by the Director.

C. **Replacement Required.** Up to six significant trees and associated vegetation may be removed per parcel with no replacement of trees required. Any significant tree proposed for removal beyond this limit should be replaced as follows:

1. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.
2. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.
3. Minimum size requirements for trees replaced under this provision: deciduous trees shall be at least 1.5 inches in caliper and evergreens six feet in height.

Exception 20.50.360(C):

1. No tree replacement is required when:
  - The tree is proposed for relocation to another suitable planting site; provided, that relocation complies with the standards of this section.
2. The Director may allow a reduction in the minimum replacement trees required or off-site planting of replacement trees if all of the following criteria are satisfied:

- There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.
- Strict compliance with the provisions of this Code may jeopardize reasonable use of property.

Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose

- and intent of the regulations.

The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious

- to other property in the vicinity.

3. The Director may waive this provision for site restoration or enhancement projects conducted under an approved vegetation management plan.

D. The Director may require that a portion of the replacement trees be native species in order to restore or enhance the site to predevelopment character.

E. The condition of replacement trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock.

F. Replacement of removed trees with appropriate native trees at a ratio determined by the Director will be required in critical areas.

G. The Director may consider smaller-sized replacement plants if the applicant can demonstrate that smaller plants are more suited to the species, site conditions, and to the purposes of this subchapter, and are planted in sufficient quantities to meet the intent of this subchapter.

H. All required replacement trees and relocated trees shown on an approved permit shall be maintained in healthy condition by the property owner throughout the life of the project, unless otherwise approved by the Director in a subsequent permit.

I. Where development activity has occurred that does not comply with the requirements of this subchapter, the requirements of any other section of the Shoreline Development Code, or approved permit conditions, the Director may require the site to be restored to as near preproject original condition as possible. Such restoration shall be determined by the Director and may include, but shall not be limited to, the following:

1. Filling, stabilizing and landscaping with vegetation similar to that which was removed, cut or filled;
2. Planting and maintenance of trees of a size and number that will reasonably assure survival and that replace functions and values of removed trees; and
3. Reseeding and landscaping with vegetation similar to that which was removed, in areas without significant trees where bare ground exists.

J. Significant trees which would otherwise be retained, but which were unlawfully removed or damaged or destroyed through some fault of the applicant or their representatives shall be replaced in a manner determined by the Director.

**K. Performance Assurance.**

1. The Director may require a performance bond for tree replacement and site restoration permits to ensure the installation of replacement trees, and/or compliance with other landscaping requirements as identified on the approved site plans.

2. A maintenance bond ~~may shall be~~ required after the installation of required site improvements and prior to the issuance of a certificate of occupancy or finalization of permit and following required landscape installation or tree replacement. ~~If required, t~~The maintenance bond and associated agreement shall be in place to ensure adequate maintenance and protection of retained trees and site improvements. The maintenance bond shall be for an amount not to exceed the estimated cost of maintenance and protection measures for a minimum of 36 months or as determined by the Director.

Comment [p7]: Per Council Direction #5.

L. **Monitoring.** The Director may require submittal of periodic monitoring reports as necessary to ensure survival of replacement trees. The contents of the monitoring report shall be determined by the Director.

M. **Discovery of Undocumented Critical Areas.** The Director may stop work authorized by a clearing and grading permit if previously undocumented critical areas are discovered on the site. The Director has the authority to require additional studies, plans and mitigations should previously undocumented critical areas be found on a site. (Ord. 406 § 1, 2006; Ord. 398 § 1, 2006; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 5(H), 2000).

**20.50.370 Tree protection standards.**

The following protection measures shall be imposed for all trees to be retained on-site during the construction process.

A. All required tree protection measures shall be shown on the tree protection and replacement plan, clearing and grading plan, or other plan submitted to meet the requirements of this subchapter.

B. Tree dripline areas shall be protected. No fill, excavation, construction materials, or equipment staging or traffic shall be allowed in the dripline areas of trees that are to be retained.

C. Prior to any land disturbance, temporary construction fences must be placed around the dripline of trees to be preserved. If a cluster of trees is proposed for retention, the barrier shall be placed around the edge formed by the drip lines of the trees to be retained.

D. Tree protection barriers shall be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the Director. "Tree Protection Area" signs shall be posted visibly on all sides of the fenced areas. On large or multiple-project sites, the Director may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances.

E. Where tree protection areas are remote from areas of land disturbance, and where approved by the Director, alternative forms of tree protection may be used in lieu of tree protection barriers; provided, that protected trees are completely surrounded with continuous rope or flagging and are accompanied by "Tree Leave Area – Keep Out" signs.

F. Rock walls shall be constructed around the tree, equal to the dripline, when existing grade levels are lowered or raised by the proposed grading.

G. Retain small trees, bushes and understory plants within the tree protection zone to the maximum extent practicable.

H. **Preventative Measures.** In addition to the above minimum tree protection measures, the applicant should support tree protection efforts by employing, as appropriate, the following preventative measures, consistent with best management practices for maintaining the health of the tree:

1. Pruning of visible deadwood on trees to be protected or relocated;
2. Application of fertilizer to enhance the vigor of stressed trees;
3. Use of soil amendments and soil aeration in tree protection and planting areas;
4. Mulching over tree drip line areas; and
5. Ensuring proper watering during and immediately after construction and throughout the first growing season after construction.

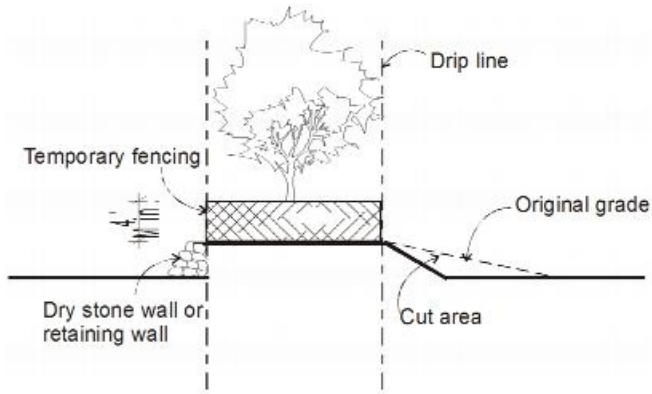


Figure 20.50.370: Illustration of standard techniques used to protect trees during construction.

Exception 20.50.370:

The Director may waive certain protection requirements, allow alternative methods, or require additional protection measures based on concurrence with the recommendation of a certified arborist deemed acceptable to the City. (Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(l), 2000).

**Chapter 20.80**  
**Critical Areas**

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Subchapter 1. Critical Areas – General Provisions

**20.80.030 Exemptions.**

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

H. Removal of hazardous trees:

1. For hazardous circumstances that are not active and imminent, such as suspected tree rot or diseased trees or less obvious structural wind damage to limbs or trunks, a permit exemption request form must be submitted by the property owner together with a risk assessment form. Both the permit exemption request form and risk assessment form shall be provided by the Director.

2. The permit exemption request form shall include a grant of permission for the Director and/or his qualified professionals to enter the subject property to evaluate the circumstances.

Attached to the permit exemption request form shall be a risk assessment form that documents the hazard and which must be signed by a certified arborist or professional forester.

3. No permit exemption request shall be approved until the Director reviews the submitted forms and conducts a site visit. The Director may direct that a peer review of the request be performed at the applicant's cost, and may require that the subject tree(s) vegetation be cordoned off with yellow warning tape during the review of the request for exemption.

4. Approval to cut or clear trees may only be given upon recommendation of the City-approved arborist that the condition constitutes an actual threat to life or property in homes, private yards, buildings, public or private streets and driveways, sidewalks, improved utility corridors, or access for emergency vehicles and any trail as proposed by the property owner and approved by the Director for purposes of this section.

5. The Director shall authorize only such alteration to existing trees and vegetation as may be necessary to eliminate the hazard and shall condition authorization on means and methods of removal necessary to minimize environmental impacts, including replacement of any significant trees. The arborist shall include an assessment of whether a portion of the tree suitable for a snag for wildlife habitat may safely be retained. All work shall be done utilizing hand-held implements only, unless the property owner requests and the Director approves otherwise in writing. The Director may require that all or a portion of cut materials be left on-site.

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SHORELINE, WA 981334905



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Ad #: 802485000

## Affidavit of Publication

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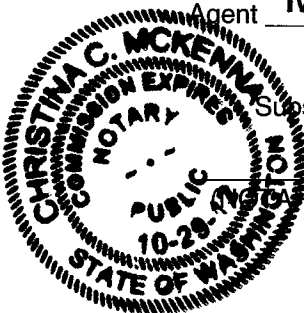
STATE OF WASHINGTON  
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by orders of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper	Publication Date
The Seattle Times	02/27/12

Agent Marilyn Chavez Signature Marilyn Chavez  
 Subscribed and sworn to before me on February 27, 2012  
 (DATE)  
Christina C. McKenna  
 (NOTARY SIGNATURE) Notary Public in and for the State of Washington, residing at Seattle  
**Christina C. McKenna**





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Re Advertiser Account #6391000

Ad # 802485000

**Ad TEXT:** "The City of Shoreline"  
SEPA Determination of  
Non-Significance

**Description of Proposal:**  
The City of Shoreline has  
issued  
a determination of non-signifi  
cance for proposed amend  
ments to the Development Code

for tree removal and retention  
regulations

This may be your only opportu  
nity to submit written com  
ments, including comments on  
the environmental impacts of  
the proposal. Written com  
ments must be received at the  
address listed below before  
5:00  
p.m. March 13, 2012. Please  
mail, fax (206) 801-2788 or deliv  
er comments to the City of  
Shoreline, Attn: Paul Cohen,  
17500 Midvale Avenue North,  
Shoreline, WA 98133 or emailed  
to pcohen@shorelinewa.gov.  
Upon request, a copy of the  
threshold determination for  
this proposal may be obtained  
together with the City Council  
decision on the proposal.

Interested persons are encour  
aged to provide oral and/or  
written comments regarding  
the above project at the Shore  
line Planning Commission Pub  
lic Hearing, March 15, 2012 at 7  
pm in the Council Chamber at  
City Hall, 17500 Midvale Ave  
nue N, Shoreline, WA.

Copies of the proposal, SEPA  
Checklist and applicable codes  
are available for review at the  
City Hall, 17500 Midvale Ave  
nue North or [http://  
cityofshoreline.com/index.  
aspx?page=273](http://cityofshoreline.com/index.aspx?page=273).

There is no administrative ap  
peal of this determination. The

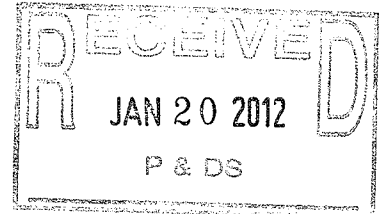
SEPA Threshold Determina  
tion may be appealed with the  
decision on the underlying ac  
tion to superior court. If there is  
not a statutory time limit in fil  
ing a judicial appeal, the ap  
peal must be filed within 21 cal  
endar days following the issu  
ance of the underlying decision  
in accordance with State law.

Questions or More Informa  
tion: Please contact Paul Co  
hen, Planning & Community  
Development at (206) 801-2551.

Any person requiring a disabili  
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2230 in advance for more infor  
mation. For TTY telephone ser  
vice call (206) 546-0457. Each re  
quest will be considered indi  
vidually according to the type  
of request, the availability of  
resources, and the financial  
ability of the City to provide the  
requested services or equip  
ment.



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CITY OF SHORELINE  
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SHORELINE, WA 981334905

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## Affidavit of Publication

4153338 / 2

STATE OF WASHINGTON  
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by orders of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper	Publication Date
The Seattle Times	01/16/12



Marilyn Chavez Signature Marilyn Chavez

Subscribed and sworn to before me on January 17, 2012  
(DATE)

Christina C. McKenna  
(SIGNATURE) Notary Public in and for the State of Washington, residing at Seattle

**Christina C. McKenna**



The City of Shoreline Notice  
of Public Hearings of the  
Planning Commission and  
SEPA DNS Process

**Amend the Development Code  
for Tree Removal and  
Retention Regulations.**

The City of Shoreline has determined that the proposal will not have probable significant adverse impacts on the environment and expects to issue a SEPA Determination of Non-significance (DNS). The DNS process described in WAC 197-11-355 is being used. The City will not act on this proposal for at least 14 days from the date of issuance. This decision was made after review of the environmental checklist and other information on file with the City. The information is available to the public upon request at no charge.

This may be your only opportunity to submit written comments, including comments on the environmental impacts of the proposal. Written comments must be received at the address listed below before 5:00 p.m. January 31, 2012. Please mail, fax (206) 801-2788 or deliver comments to the City of Shoreline, Attn: Paul Cohen - Senior Planner, 17500 Midvale Avenue North, Shoreline, WA 98133 or emailed to . Upon request, a copy of the SEPA checklist for this proposal may be obtained.

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The public hearing is scheduled for March 15, 2012 at 7 PM in the Council Chamber at City Hall, 17500 Midvale Avenue N, Shoreline, WA.

Copies of the SEPA checklist and the proposed code amendments are available for review at the City Hall, 17500 Midvale Avenue North in the Planning and Community Development Department. There is no administrative appeal of this determination. The SEPA Threshold Determination may be appealed with the decision on the underlying action to superior court. If there is not a statutory time limit in filing a judicial appeal, the appeal must be filed within 21 calendar days following the issuance of the underlying decision in accordance with State law.

Questions or More Information: Please contact Paul Cohen, Planning & Community Development at (206) 801-2551.

Any person requiring a disability accommodation should contact the City Clerk at (206) 801-2230 in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

4153338 CITY OF SHORELI Tu 1.17.12 07:37



17500 Midvale Avenue North  
Shoreline, WA 98133-4905  
(206) 801-2500 ♦ Fax (206) 801-2788

**SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)****PROJECT INFORMATION**

DATE OF ISSUANCE: **February 27, 2012**  
PROponent: **City of Shoreline**  
LOCATION OF PROPOSAL: **City-Wide**

DESCRIPTION OF PROPOSAL: **Amend the development code for tree removal and retention regulations SMC 20.50.290**

PUBLIC HEARING **March 15, 2012**

**SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)**

The City of Shoreline has determined that the proposal will not have a probable significant adverse impact(s) on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the environmental checklist, the City of Shoreline Comprehensive Plan, the City of Shoreline Development Code, and other information on file with the Department. This information is available for public review upon request at no charge.

This Determination of Nonsignificance (DNS) is issued in accordance with WAC 197-11-340(2). The City will not act on this proposal for 14 days from the date below.

RESPONSIBLE OFFICIAL: **Rachael Markle, AICP, Director of Planning and Community Development Department**

ADDRESS: **17500 Midvale Avenue North** PHONE: **206 801 2531**  
**Shoreline, WA 98133-4905**

DATE:

2/6/12

SIGNATURE:

Rachael E. Markle**PUBLIC COMMENT AND APPEAL INFORMATION**

The public comment period will end on March 13, 2012. There is no administrative appeal of this determination. The SEPA Threshold Determination may be appealed with the decision on the underlying action to superior court. If there is not a statutory time limit in filing a judicial appeal, the appeal must be filed within 21 calendar days following the issuance of the underlying decision in accordance with State law.

The file is available for review at the City Hall, 17500 Midvale Ave N., 1<sup>st</sup> floor – Planning & Community Development.



Planning & Community Development

STATE ENVIRONMENTAL POLICY ACT  
(SEPA)  
ENVIRONMENTAL CHECKLIST

***Purpose of Checklist:***

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

***Instructions for Applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

*Public notice is required for all projects reviewed under SEPA. Please submit current Assessor's Maps/Mailing Labels showing:*

- Subject property outlined in red.
- Adjoining properties under the same ownership outlined in yellow.
- All properties within 500' of the subject property, with mailing labels for each owner.

**NOTE:** King County no longer provides mailing label services. Planning and Development Services can provide this for a fee or provide you instructions on how to obtain this information and create a mail merge document to produce two sets of mailing labels for your application.

***Use of Checklist for nonproject proposals:***

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply". IN ADDITION complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "propose," and "affected geographic area," respectively.

**17500 Midvale Avenue North, Shoreline, Washington 98133-4921**

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

The Development Code (Title 20) is located at [mrsc.org](http://mrsc.org)

**TO BE COMPLETED  
BY APPLICANT**

**A. BACKGROUND**

1. Name of proposed project, if applicable:  
Tree Code Amendments
  
2. Name of applicant:  
City of Shoreline, Paul Cohen - Project Manager
  
3. Address and phone number of applicant and contact person:  
17500 Midvale Ave N  
206 801 2551
  
4. Date checklist prepared:  
January 10, 2012
  
5. Agency requesting checklist:  
Planning and Community  
Development
  
6. Proposed timing or schedule (including phasing, if applicable):  
Planning Commission study, public hearing, and recommendations  
January 19, February 16, March 15, 2012.
  
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.  
NA
  
8. List any environmental information you know about that has been prepared or will be prepared, directly related to this proposal.  
2010 Shoreline Urban Tree Canopy Survey

**TO BE COMPLETED  
BY APPLICANT**

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

NA

10. List any government approvals or permits that will be needed for your proposal, if known.  
State Dept. of Commerce 60-day review notice and adoption notice.

11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description).  
Amendments to the Development Code for tree retention and removal regulations.

(See attached proposed amendment.)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

City-wide

**TO BE COMPLETED  
BY APPLICANT**

**B. ENVIRONMENTAL ELEMENTS**

**1. Earth:**

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other: NA
- b. What is the steepest slope on the site (approximate percent of slope).  
NA
- c. What general types of soils are found on the site (for example clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.  
NA
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so describe.  
NA
- e. Describe the purpose, type and approximate quantities of any filling or grading proposed. Indicate source of fill.  
NA
- f. Could erosion occur as a result of clearing construction or use? If so generally describe.  
NA
- g. About what percent of the site will be covered with hardscape after project construction (for example asphalt or buildings)?  
NA
- h. Proposed measures to reduce or control erosion , or other impacts to the earth, if any:  
NA

**TO BE COMPLETED  
BY APPLICANT**

**2. Air:**

- a. What types of emissions to the air would result from the proposal (i.e. dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

NA

- b. Are there any off site sources of emissions or odor that may affect your proposal? If so, generally describe.

NA

- c. Proposed measures to reduce or control emissions or other impacts to air if any:

NA

**3. Water:**

**a. Surface:**

1. Is there any surface water body on or in the immediate vicinity of the site (including year round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

NA

2. Will the project require any work over, in, or adjacent to (within 200') of the described waters? If yes, please describe and attach available plans.

NA

3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

NA



**TO BE COMPLETED  
BY APPLICANT**

4. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities, if known.

NA

5. Does the proposal lie within a 100 year floodplain? If so, note location on the site plan.

NA

6. Does the proposal involve any discharges of waste materials to surface waters? If so describe the type of waste and anticipated volume of discharge.

NA

**b. Ground:**

1. Will ground water be withdrawn or will water be discharged to ground water? Give general description, purpose and approximate quantities if known.

NA

2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals ...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

NA

**TO BE COMPLETED  
BY APPLICANT**

**c. Water Runoff (including storm water):**

- 1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

NA

- 2. Could waste materials enter ground or surface waters? If so, generally describe.

NA

- 3. Proposed measures to reduce or control surface ground and runoff water impacts, if any:

NA

**4. Plants:**

- a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

Undetermined amount of significant sized trees may be removed, retained and replanted.

- c. List threatened or endangered species known to be on or near the site.

None known.

**TO BE COMPLETED  
BY APPLICANT**

- d. Proposed landscaping use of native plants or other measures to preserve or enhance vegetation on the site if any:

NA

**5. Animals:**

- a. Mark all boxes of any birds and animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk, heron, eagle, songbirds, other:

Mammals: deer, bear, elk, beaver, other:

Fish: bass, salmon, trout, herring, shellfish, other: \_\_\_\_\_

- b. List any threatened or endangered species known to be on or near the site.

NA

- c. Is the site part of a migration route? If so explain.

NA

- d. Proposed measures to preserve or enhance wildlife if any:

NA

**6. Energy and Natural Resources:**

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc

NA

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

NA

**TO BE COMPLETED  
BY APPLICANT**

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts if any:

NA

**7. Environmental Health:**

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur a result of this proposal? If so describe.

NA

1. Describe special emergency services that might be required.

NA

2. Proposed measures to reduce or control environmental health hazards, if any:

NA

**b. Noise:**

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

NA

2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

NA

3. Proposed measures to reduce or control noise impacts, if any:

NA

**TO BE COMPLETED  
BY APPLICANT**

**8. Land and Shoreline Use:**

- a. What is the current use of the site and adjacent properties?  
NA
  
- b. Has the site been used for agriculture? If so, describe  
NA
  
- c. Describe any structures on the site.  
NA
  
- d. Will any structures be demolished? If so, what?  
NA
  
- e. What is the current zoning classification of the site?  
NA
  
- f. What is the current comprehensive plan designation of the site?  
NA
  
- g. If applicable, what is the current shoreline master program designation of the site?  
NA
  
- h. Has any part of the site been classified as an “environmentally sensitive” area? If so, please specify.  
NA
  
- i. Approximately how many people would reside or work in the completed project?  
NA
  
- j. Approximately how many people would the completed project displace?  
NA

**TO BE COMPLETED  
BY APPLICANT**

- k. Proposed measures to avoid or reduce displacement impacts, if any:  
NA
  
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:  
NA
  
- 9. **Housing:**
  - a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low income housing.  
NA
  
  - b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low income housing.  
NA
  
  - c. Proposed measures to reduce or control housing impacts if any:  
NA
  
- 10. **Aesthetics:**
  - a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?  
NA
  
  - b. What views in the immediate vicinity would be altered or obstructed?  
NA

**TO BE COMPLETED  
BY APPLICANT**

- c. Proposed measures to reduce or control aesthetic impacts, if any:

NA

**11. Light and Glare:**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

NA

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

NA

- c. What existing off site sources of light or glare may affect your proposal?

NA

- d. Proposed measures to reduce or control light and glare impacts if any:

NA

**12. Recreation:**

- a. What designated and informal recreational opportunities are in the immediate vicinity?

NA

- b. Would the proposed project displace any existing recreational uses? If so, please describe.

NA

**TO BE COMPLETED  
BY APPLICANT**

- c. Proposed measures to reduce or control impacts on recreation including recreation opportunities to be provided by the project or applicant if any:

NA

**13. Historic and Cultural Preservation:**

- a. Are there any places or objects listed on or proposed for national, state or local preservation registers known to be on or next to the site? If so, generally describe.

NA

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific or cultural importance known to be on or next to the site.

NA

- c. Proposed measures to reduce or control impacts, if any:

NA

**14. Transportation:**

- a. Identify public streets and highways serving the site and describe proposed access to the existing street system. Show on site plans, if any:

NA

- b. Is site currently served by public transit? If not what is the approximate distance to the nearest transit stop?

NA

- c. How many parking spaces would the completed project have? How many would the project eliminate?

NA



**TO BE COMPLETED  
BY APPLICANT**

- d. Will the proposal require any new roads, streets or improvements to existing roads or streets not including driveways? If so, generally describe (indicate whether public or private).

NA

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

NA

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

NA

- g. Proposed measures to reduce or control transportation impacts if any:

NA

**15. Public Services:**

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

NA

- b. Proposed measures to reduce or control direct impacts on public services, if any.

NA

**16. Utilities:**

- a. Mark all boxes of utilities currently available at the site:

electricity,  natural gas,  water,  refuse service,  
 telephone,  sanitary sewer,  septic system, other: NA

**TO BE COMPLETED  
BY APPLICANT**

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity that might be needed.

NA

**c. SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Printed Name: Paul Cohen

Address 17500 Midvale Ave N

Telephone Number: (206)801 2551 Date Submitted 1/10/12

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8/2011

**17500 Midvale Avenue North, Shoreline, Washington 98133-4905**

Telephone (206) 801-2500 Fax (206) 801-2788 [pcd@shorelinewa.gov](mailto:pcd@shorelinewa.gov)

The Development Code (Title 20) is located at [mrsc.org](http://mrsc.org)

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**TO BE COMPLETED  
BY APPLICANT**

**D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS  
(DO NOT USE THIS SHEET FOR PROJECT ACTIONS)**

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water/emissions to air/production, storage, or release of toxic or hazardous substances; or production of noise?  
Proposed code amendments are unlikely to increase discharges.

Proposed measures to avoid or reduce such increases are:  
No measures are proposed.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?  
Proposed code amendments are unlikely to affect plants, animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:  
No measures are proposed.

**TO BE COMPLETED  
BY APPLICANT**

3. How would the proposal be likely to deplete energy or natural resources?  
the proposed code amendments are unlikely to deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:  
None

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?  
The proposed amendments are unlikely to use or affect sensitive areas.

Proposed measures to protect such resources or to avoid or reduce impacts are:  
None

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?  
The proposed code amendments would unlikely affect land and shoreline use or be encourage incompatible uses.

**TO BE COMPLETED  
BY APPLICANT**

Proposed measures to avoid or reduce shoreline and land use impacts are:  
None.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

NA

Proposed measures to reduce or respond to such demands(s) are:  
None are proposed.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed code amendments would not conflict with local, state, and federal environmental laws.



## Memorandum

**DATE:** March 15, 2012

**TO:** Shoreline City Council

**FROM:** Shoreline Planning Commission

**RE:** Commission Recommendation for Code Amendments to Regulations Regarding Trees

The Planning Commission held a study session and a public hearing on the amendments to the Development Code regarding trees. The Commission voted to recommend the attached development regulations.

The Commission concluded its public hearing on March 15, 2012 regarding Development Code regulations regarding trees and forwarded the attached recommendations. The proposed development regulations have been crafted to meet the Council's May 9, 2011 direction, protect the community, and to clarify and improve the administration of the code.

Planning Commission believes the proposed development regulations meet the applicable criteria set forth in the City's Code.

### A. Public Outreach Chronology

- The Commission publicized their meetings on the City website and in Currents and sent notice to a group email list developed from community meetings and public comments over the past 2 years.
- Public notice for SEPA review and the public hearing was publicized initially January 17, 2012.
- Public notice for the SEPA determination and public hearing reminder was published February 27, 2012
- A public hearing was held on March 15, 2012.

### B. Development Code Amendment Criteria – 20.30.350

SMC 20.30.350 establishes the following criteria for approval of a Development Code amendment:

1. *The amendment is in accordance with the Comprehensive Plan;*

**LU107:** Develop educational materials, incentives, policies, and regulations to conserve native vegetation on public and private land for wildlife habitat and human enjoyment. The city shall establish regulations to protect mature trees and other native vegetation from the negative impacts of residential and commercial development, including short-plat development.

**LU108:** The removal of healthy trees should be minimized, particularly when they are located in environmentally critical areas.

**LU109:** The City shall encourage the replacement of removed trees on private land and require the replacement of removed trees on public land, wherever feasible. Trees which are removed should be replaced with a suitable number of native trees that are of a size and species which will survive over the long term and provide adequate screening in the short term.

The City may require tree replacement on private property as required project mitigation or subject to terms and limitations in a vegetation conservation and management ordinance.

*2. The amendment will not adversely affect the public health, safety or general welfare;*

The amendment does not adversely affect the public health, safety or general welfare because it amends the administration but not the standards for tree retention, removal, and replacement.

*3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.*

The provisions of the amendment are intended to clarify the code and the administration of the code to the best interest of the citizens and property owners of Shoreline by clarifying and simplifying:

- Properties that can remove trees.
- Hazardous trees removal.
- Exempt tree removal.
- Allow the Director to waive small property owners of maintenance bonds.

The Shoreline Planning Commission reviewed the proposal in light of the criteria and concluded that the proposal met the criteria for amendment of the Development Code.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Planning Commission Chair



---

**From:** elaine phelps [REDACTED]@earthlink.net]  
**Sent:** Thursday, March 01, 2012 2:19 PM  
**To:** Plancom  
**Cc:** Paul Cohen; City Council  
**Subject:** Shoreline Tree Code Amendments to the Planning Commission

March 1, 2012

Dear Members of the Shoreline Planning Commission:

Please enter this communication as part of the record for today's hearing.

I appreciate having received from Mr. Cohen an email copy of the proposed Shoreline Tree Code Amendments that you will be studying today.

Unfortunately, the proposed Tree Code Amendments for the City of Shoreline sound to me as if they were prepared by Innis Arden, Inc. for the entire city, to the extreme detriment of our ecologic and aesthetic environments.

As a forty-year resident of Innis Arden, and a former member of the Innis Arden board, I know that Innis Arden has a long history of challenging our city's efforts to protect trees in Shoreline whenever they conflict with its own Draconian rules to cut trees in order to maintain, enhance or create private views for some of its residents, regardless of the negative ecological consequences.

Recently, Innis Arden asserted that it should control trees on the City of Shoreline right-of-ways that run through Innis Arden even though neither the trees nor the land on which they grow belong to Innis Arden and therefore do not come under the provisions of the Innis Arden restrictive easements.

Innis Arden has indicated that it would sue the City of Shoreline if the City does not accede to this demand, an unreasonable demand that seems unlikely to be sustained by a judicial decision. The city must defend against such demands, not accede to them, to preserve the rights of all the city residents outside Innis Arden to enjoy a healthful, beautiful, green environment.

In my opinion, such a suit would be the equivalent of a **SLAPP\***, a suit usually against a member of the public, but in this case it would be against the City of Shoreline.

\* "A **strategic lawsuit against public participation (SLAPP)** is a [lawsuit](#) that is intended to [censor](#), intimidate, and silence critics by burdening them with the cost of a [legal defense](#) until they abandon their criticism or opposition.<sup>[1]</sup>"

**"The typical SLAPP plaintiff does not normally expect to win the lawsuit.** The plaintiff's goals are accomplished if the defendant succumbs to fear, intimidation, mounting legal costs or simple exhaustion and abandons the criticism. A SLAPP may also intimidate others from participating in the debate. **A SLAPP is often preceded by a [legal threat](#).** The difficulty, of course, is that plaintiffs do not present themselves to the Court admitting that their intent is to censor, intimidate or silence their critics. Hence, the difficulty in drafting SLAPP legislation, and in applying it, is to craft an approach which affords an early termination to invalid abusive suits, without denying a legitimate day in court to valid [good faith](#) claims."

For the complete article, please see [http://en.wikipedia.org/wiki/Strategic\\_lawsuit\\_against\\_public\\_participation](http://en.wikipedia.org/wiki/Strategic_lawsuit_against_public_participation)

At a later date, I'll cite specific proposed changes in the Tree Code that I strongly oppose. For the moment, I can say that in general they are the changes that strike out current protective provisions because this severely weakens our Tree Code. This is not the course we should follow if we seriously intend to achieve the designation of Tree City USA, which the Shoreline City Council has set as an objective.

Thank you for your consideration.

Elaine Phelps

██████████ 10th Ave NW

Shoreline, WA 98177

Phone: ██████████

Email: ██████████ [@earthlink.net](mailto:██████████@earthlink.net)

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**From:** Paul Cohen  
**Sent:** Wednesday, March 07, 2012 8:15 AM  
**To:** Plancom  
**Subject:** FW: Tree Code

FYI

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**From:** Marcia Harris [<mailto:marcia.harris@shorelineschools.org>]  
**Sent:** Tuesday, March 06, 2012 6:45 PM  
**To:** Paul Cohen  
**Subject:** Re: Tree Code

Paul,

Thanks for the information on the revisions to the tree code. We have looked at the proposed revisions and support the changes proposed by the city.  
Thank you for the opportunity to comment.

Marcia

**Marcia Harris**

Deputy Superintendent  
Shoreline School District  
18560 1st Ave. NE  
Shoreline, WA 98155  
(206) 393-4113  
Fax: (206) 393-4204

On Feb 28, 2012, at 9:22 PM, Marcia Harris wrote:

Hi Paul,

Do you have bill draft of the new tree code...(strike throughs & strike outs) comparing the existing code to the proposed regulation revision? I looked through the web-site & attachments & didn't find a such document.  
Please advise as to where I might find it on the website.

Thanks,  
Marcia

**Marcia Harris**

Deputy Superintendent  
Shoreline School District  
18560 1st Ave. NE

Shoreline, WA 98155  
(206) 393-4113  
Fax: (206) 393-4204

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**From:** Janet Way [REDACTED]@yahoo.com]  
**Sent:** Thursday, March 08, 2012 9:18 AM  
**To:** Paul Cohen; Jessica Simulcik Smith; Plancom  
**Cc:** Janet Way; Mamie Bollander; Julie Houff; Jan Stewart; Vicki Westberg; Boni Biery; Elaine Phelps; Lance Young  
**Subject:** Comment on Tree Ordinance Amendments  
**Attachments:** Public Comment on Tree Ordinance Amendments.doc

Please accept this letter as official public comment for the Shoreline Preservation Society. Our Urban Forest is a very significant issue to the character of our neighborhoods, and our City's "Sense of Place."

We ask to be made a "Party of Record" with legal standing on this Tree Ordinance matter. We request that you give us notice of any future public meetings or documents related to this matter.

Sincerely,

Janet Way  
Shoreline Preservation Society

**Public Comment on Tree Ordinance Amendments, 3/1/12  
Representing Shoreline Preservation Society**

Thanks to the Commissioners for their diligence on the last agenda item (Shoreline Master Plan Update). I particularly want to thank Commissioners Moss and Esselman. I appreciate the comment from Commissioner Esselman to add Madrona trees to the description and characterization of the Shoreline area.

We hope that the Planning Commission will use the same diligence and attention to detail they've used in deliberation and amendment of the Shoreline Master Plan.

I am testifying on behalf of the Shoreline Preservation Society, a recognized non-profit organization. Shoreline Tree Code Amendments proposed at Planning Commission are destructive and go against the actual intent of the existing code and the Comprehensive Plan.

We advise that just as in the Hippocratic Oath doctors take, in discussion and consideration of tree ordinance amendments, the Commission should **“First, do no harm.”**

Unfortunately, the amendments being proposed for are not “harmless” or “non-controversial” as you've been assured.

The amendments to the code now being considered by the Planning Commission are being proposed apparently in response to “Council direction”, according to the staff report. The Intent and Direction, as stated in the staff report was originally to work for code improvements to better protect and enhance our Urban Forest Canopy. But now it seems to be a frequently cited theory, that our policy needs to reflect the outcome of a study commissioned by the City in 2011 to assess our Urban Forest Canopy, which somehow concluded that there has been “No Net Loss” of canopy and that therefore there is no need to put in place more stringent protections for our existing trees. This conclusion is debatable. But now the “Council Direction” we are told is to “adopt amendments to the tree regulations and adopt a policy to **increase the canopy through voluntary programs...**”

This study was not actually so definitive as to the assertion of the status and quality of the canopy and whether trees have been lost in numbers to prompt concern and action. But we CAN agree that the study also claimed that “Impervious Surfaces” in our city have increased over that last decade by at least 10%. And our Comp Plan, other policy documents and Stormwater Drainage plans DO recommend that Shoreline should work to reduce those surfaces and mitigate their impacts. And one of the easiest ways to do that is clearly to prevent existing trees from being cut, and if possible INCREASE the tree canopy and vegetative cover. In fact, this reduction of impervious surface is a “requirement” of our Stormwater Code and is mandated by the State Law.

So therefore, to introduce new code amendments that provide more incentives to cut existing trees, is counterproductive and the antithesis of what we should be doing.

So this critique is not just based on OUR recommendations, it is based on actual elements IN the very existing codes now on our books. Please consider this question:

• How do the proposed code changes to the Development Code 20.50 actually fit in with or promote the points in the **“Purpose Section”** of the existing code? If one considers the land use points, A through L, the proposed amendments seem to violate all of these “purpose” elements. For instance, how does continuing to allow up to 6 significant trees to be removed over 3 years fulfill this section -

“(A) Prevention of damage to property, harm to persons, and environmental impacts caused by excavations, fills and destabilization of soils;” ?

Or -

“(B) Protection of water quality from the adverse impacts associated with erosion and sedimentation;”?

Or –

“(C) Promotion of building and site planning practices that are consistent with the city’s natural topography and vegetative cover;”?

Or –

“(F) Conservation and restoration of trees and vegetative cover to reduce flooding, the impacts on existing drainageways, and the need for additional stormwater management facilities;”?

OR -

“(H) Retention of tree clusters for the abatement of noise, winds protection and mitigation of air pollution;” ?

In fact, the proposed amendments seem to be designed to do precisely the inverse of what is called for in the “Purpose” section.

Also the “Council Direction” cited in the staff report does not really call for these precise amendments, however we know that recent litigation and threats of litigation and communications from one neighborhood and one Country Club seem to be the main inspiration. When over and over the public has called for better protections for our Urban Forest and for the benefits to our quality of life it provides.

So the Shoreline Preservation Society is wondering why these amendments are being put forward and requests that the Planning Commissioners proceed with great care to prevent potential environmental harm to our community and to protect the environmental functions and values that our trees, particularly that which the evergreens provide to all of us.