AGENDA

CLICK HERE TO COMMENT ON AGENDA ITEMS
STAFF PRESENTATIONS
PUBLIC COMMENT

SHORELINE CITY COUNCIL WORKSHOP DINNER MEETING

Monday, July 14, 2014
5:45 p.m.

Conference Room 104 · Shoreline City Hall
17500 Midvale Avenue North

TOPIC/GUESTS: Rabies Data Reporting

SHORELINE CITY COUNCIL BUSINESS MEETING

Monday, July 14, 2014
7:00 p.m.

Council Chamber · Shoreline City Hall
17500 Midvale Avenue North

		Page	Estimated Time
1.	**CALL TO ORDER**		7:00
2.	**FLAG SALUTE/ROLL CALL**		
3.	**REPORT OF THE CITY MANAGER**		
4.	**COUNCIL REPORTS**		
5.	**PUBLIC COMMENT**		

Members of the public may address the City Council on agenda items or any other topic for three minutes or less, depending on the number of people wishing to speak. The total public comment period will be no more than 30 minutes. If more than 10 people are signed up to speak, each speaker will be allocated 2 minutes. Please be advised that each speaker's testimony is being recorded. When representing the official position of a State registered non-profit organization or agency or a City-recognized organization, a speaker will be given 5 minutes and it will be recorded as the official position of that organization. Each organization shall have only one, five-minute presentation. Speakers are asked to sign up prior to the start of the Public Comment period. Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed. If time remains, the Presiding Officer will call individuals wishing to speak to topics not listed on the agenda generally in the order in which they have signed. If time is available, the Presiding Officer may call for additional unsigned speakers.

6.	**APPROVAL OF THE AGENDA**		7:20
7.	**CONSENT CALENDAR**		7:20
(a)	Minutes of Business Meeting of June 2, 2014	7a1-1	
	Minutes of Workshop Dinner Meeting of June 9, 2014	7a2-1	
	Minutes of Business Meeting of June 9, 2014	7a3-1	
	Minutes of Business Meeting of June 16, 2014	7a4-1	
(b)	Approval of expenses and payroll as of June 27, 2014 in the amount of $7,810,843.59	7b-1	
(c)	Adoption of Res. No. 362 Authorizing Approval of an Interfund Loan for the Aurora Avenue Improvement Project	7c-1	

8. ACTION ITEMS

(a)	Waive Council Rules of Procedure Section 2.4 and appoint Lauren Smith as a Youth Member to the Shoreline Parks, Recreation and Cultural Services Board effective July 14, 2014 through June 30, 2015	8a-1	7:20

9. STUDY ITEMS

(a)	Discussion of 2014 Development Code Amendments	9a-1	7:30
(b)	Discussion of Public Defender Case Weighting Policy	9b-1	8:30

10. ADJOURNMENT 9:00

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2231 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 801-2236 or see the web page at www.shorelinewa.gov. Council meetings are shown on Comcast Cable Services Channel 21 and Verizon Cable Services Channel 37 on Tuesdays at 12 noon and 8 p.m., and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Online Council meetings can also be viewed on the City's Web site at http://shorelinewa.gov.

CITY OF SHORELINE

SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, June 2, 2014 Council Chambers - Shoreline City Hall
7:00 p.m. 17500 Midvale Avenue North

PRESENT: Mayor Winstead, Deputy Mayor Eggen, Councilmembers McGlashan, Hall, McConnell, Salomon, and Roberts

ABSENT: None

1. CALL TO ORDER

At 7:00 p.m., the meeting was called to order by Mayor Winstead, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Winstead led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

3. REPORT OF THE CITY MANAGER

Debbie Tarry, City Manager, provided reports and updates on various City meetings, projects and events.

4. COUNCIL REPORTS

Councilmember Salomon reported he attended the Regional Law, Safety and Justice Committee meeting. He commented on "case weighing" public defense guidelines and recommended an analysis of the City's caseloads. He reported attending the Ridgecrest Neighborhood Association Million Step Challenge Celebration.

Councilmember Hall reported he attended the Puget Sound Partnership Ecosystem Coordination Board meeting and commented that a panel of scientists identified conversion of land as the number one stressor on Puget Sound's ecosystem. He reported attending the Puget Sound Regional Council General Assembly and Awards Meeting and commented on the award received by the City of Mountlake Terrace for Arbor Village, a mixed-use redevelopment in an Urban Setting.

Deputy Mayor Eggen asked Councilmember Hall to provide Council with the scientific references from the Puget Sound Ecosystem Coordination Board meeting.

5. PUBLIC COMMENT

Guy Alloway, Richmond Beach, read a statement on behalf of Tom McCormick that he also supports. The statement requested that the Point Well Traffic analysis, related documents, and files be made available to the public for review. He also requested a Council vote to have City staff release the traffic analysis.

Dan Dale, Shoreline, commented on the upcoming Light Rail DEIS meeting, and asked that Council revisit the BAE Market Study. He commented on residential growth, development opportunity options and advised Council to take a historical perspective when considering an aggressive growth plan.

Lisa Gustaveson, Program Manager for the Faith and Family Homelessness Project at Seattle University, commented on educating communities about family homelessness in Washington State. She provided information on the Project, sponsored by the Bill and Melinda Gates Foundation, in partnership with Ronald United Methodist Church and the City of Shoreline. The exhibit is currently on display in the City Hall Lobby.

Tom Mailhot, Save Richmond Beach, talked about the Traffic Corridor Study agreement with BSRE and encouraged Council to ensure that a comprehensive study is completed. He commented on the potential effects of the Point Wells Project, and questioned why the City has not fought to limit the size of the project.

Al Rutledge, Edmonds, commented on the Costco site opening at Alderwood Mall and increased vehicle trips. He commented on the minimum wage increase and the potential for traffic increases resulting from an increase in development.

Debbie Tarry, City Manager stated the City is currently reviewing the BSRE traffic analysis and looking at ways to make the information available to the public in a usable format. She explained that if the development goes forward as proposed, future residents will likely use Shoreline services and should pay for the services they are using. She commented on the annexation of Point Wells in the future. She encouraged everyone to go see the "Housing for All" photo exhibit on display in the City Hall lobby.

6. APPROVAL OF THE AGENDA

The agenda was adopted by unanimous consent.

7. CONSENT CALENDAR

Upon motion by Councilmember Hall, seconded by Councilmember Roberts and unanimously carried, the following Consent Calendar items were approved:

(a) Minutes of Special Meeting of April 28, 2014; Minutes of Business Meeting of May 5, 2014; Minutes of Special Meeting of May 12, 2014; Minutes of Business Meeting of May 12, 2014; Minutes of Business Meeting of May 19, 2014

8. ACTION ITEMS

(a) Adoption of Ordinance No. 688 - Stay Out of Drug Area

Ms. Tarry introduced Shawn Ledford, Shoreline Police Chief, and Julie Ainsworth-Taylor, Assistant City Attorney, to present the staff report. Chief Ledford provided background on the development of the Ordinance, reviewed past Council discussions, identified drug related calls for service, and presented a map of the proposed SODA area. Ms. Ainsworth-Taylor talked about the constitutionality of the Ordinance.

Councilmember Salomon asked about constitutionality and the challenges of banning someone from an entire area. Ms. Ainsworth-Taylor responded she was not aware of any challenges, and commented on the data and statistics received from other jurisdictions and the University of Washington. She reviewed proposed amendment #1 and proposed amendment #2. Chief Ledford stated the ordinance will provide officers more discretion in arrest decisions.

Councilmember Hall moved adoption of Ordinance No. 688 establishing designated SODA areas. Councilmember McGlashan seconded the motion.

Councilmember Hall stated his appreciation for the work Police are doing to keep the City safe. He views the Ordinance as a tool to make certain that the Aurora Corridor is an active and family friendly part of the city and communicated that it is not a place for drug dealing.

Councilmember Salomon moved to amend Ordinance No. 688 to read under Penalties:

1. **Pre-Trial SODA Order: Any person who knowingly disobeys a SODA order entered as a condition of pre-trial release shall be found in contempt of court.**
2. **Post-Sentencing SODA Order: Any person who knowingly disobeys a SODA order entered as a condition of sentencing shall be guilty of a gross misdemeanor.**

The motion was seconded by Councilmember Roberts.

Councilmember Salomon commented on the issue of civil liberties, and the presumption of innocence until proven guilty. He is concerned about charging someone with a crime who has not yet been proven guilty of the underlying charge. Councilmember Roberts asked about the maximum penalty for a gross misdemeanor. Deputy Mayor Eggen asked for clarification of the process with or without the amendment, and asked if arrests can occur with the amendment. Councilmember McGlashan asked if a SODA Order would only be placed on people who had drugs found on them, and asked questions regarding contempt of court penalties and jail time. He stated he is not in support of the amendment and wants a deterrent for offenders to stay out of Shoreline. Chief Ledford explained that penalties can be a maximum of one year in jail, but are typically one to two days in jail. Ms. Ainsworth-Taylor offered examples of remedies to violations of the SODA Order provided by the prosecuting attorney. Chief Ledford explained the review process that will be completed by detectives to refer cases for a SODA Order and stated that the SODA Order provides officers a clear direction in the field. He commented that contempt of court could be unclear based on what is entered into the system regarding violation

of the Order. Chief Ledford stated that most arrests for drugs are felonies and commented on the challenge of getting the offender back in front of the judge in a timely manner. Councilmember Hall commented that he appreciates civil liberties, but he is inclined not to support the amendment based on the fact that this is how the Ordinance is done routinely in other jurisdictions.

Deputy Mayor Eggen asked for clarification of the contempt of court case process. Ian Sievers, City Attorney, explained that a felony charge would be tried in Superior Court, and a misdemeanor would be tried by the city prosecutor in District Court. A contempt of court would have to go back to the judge that imposed the contempt of court order. Deputy Mayor Eggen stated his support for the amendment and believes people should be treated innocent until proven guilty. Councilmember McConnell stated she will not be supporting the amendment. She stated she does not feel the contempt of court penalty is strong enough, and accepts the advice of the practicing attorneys, and looks forward to seeing the same results with SODA Ordinance as experienced with the SOAP Ordinance. Mayor Winstead stated she will not support the amendment and that the Ordinance aligns with the SOAP Ordinance, which has been effective, as well as with the RCW. Councilmember Salomon commented on the distinction between probable cause and standards for convictions. He commented on the large number of incarcerations in the United States and stated that because there is precedent that it does not make it right.

The proposed amendment, 1. Pre-Trial SODA Order: Any person who knowingly disobeys a SODA order entered as a condition of pre-trial release shall be found in contempt of court. 2. Post-Sentencing SODA Order: Any person who knowingly disobeys a SODA order entered as a condition of sentencing shall be guilty of a gross misdemeanor, failed 3-4 with Councilmembers Roberts, Salomon, and Eggen voting yes; and Councilmembers McGlashan, Hall, Winstead and McConnell voting no.

Councilmember Salomon moved to amend Ordinance No. 688 under SMC 9.10.285 to read: A person is deemed to have notice of the SODA order when:

1. **The signature of the person prohibited in the order is affixed to the bottom of the order, acknowledging receipt of the order; or**
2. **The order otherwise indicated that the person appeared before the court at the time the order was entered.**

Councilmember Hall seconded the motion.

Councilmember Salomon commented on the difficulty some attorneys have in reaching people charged with SODA since they are often indigent or homeless.

The motion passed unanimously.

Councilmember Salomon stated the main motion as amended is a good Ordinance for the most part, but he perceives a conflict with civil liberties and will be voting against the Ordinance. Deputy Mayor Eggen expressed his support for the main motion as amended and stated it will

provide more crime prevention options and safety for the Aurora residents and business owners. Councilmember Roberts commented on drug related activities, asked about parameters for seeking a SODA Order, and about the enforcement process for violation of a SODA Order.

Chief Ledford responded on the difficulty of observing hand-to-hand drug transactions and identified drug related activities that can lead to arrest. Ms. Ainsworth-Taylor responded there are no limitations on seeking a SODA Order and stated it is the prosecuting attorney's discretion to ask for it and the judge's discretion to grant it. She explained the SODA Order violation is a separate criminal offence from the underlying arrest or prior conviction. Councilmember Roberts stated that he will oppose the Ordinance because it sends a message that we are setting up a no trespassing ordinance in the City, commented on its potentially negative impact on people reentering society, and spoke on the list of exemptions. He stated he does not agree with the language where a judge "may" allow an individual to travel along the Aurora corridor. Councilmember McGlashan stated his support for the ordinance and commented that law abiding citizens also deserve civil liberties and need to feel safe in their communities. He stated that it is not a targeted Ordinance, and believes that it is an important tool for police officers to have.

The main motion to adopt Ordinance No. 688 establishing designated SODA areas and establishing regulations for the enforcement of these areas as amended, passed 5-2, with Councilmembers Salomon and Roberts voting no.

(b) Adoption of Ordinance No. 691 - Amending the 2014 Budget by Increasing the Appropriation in the Limited Tax General Obligation Bond Fund 2013

Bob Hartwig, Administrative Services Director, presented the staff report and reviewed the need to budget in one additional fund (Debt Services fund) and to approve an Interfund Loan before December 31, 2014 from the General Fund to the Surface Water Fund.

Councilmember McConnell moved adoption of Ordinance No. 691 - Amending the 2014 Budget by Increasing the Appropriation in the Limited Tax General Obligation Bond Fund 2013. The motion was seconded by Councilmember McGlashan. Deputy Mayor Eggen stepped away from the dais. The motion passed 6-0.

9. STUDY ITEMS

(a) Continued Discussion of Concurrency and Impact Fees

Alicia McIntire, Senior Transportation Planner, was joined by Julie Ainsworth-Taylor, Assistant City Attorney, and Randy Young, Henderson, Young and Associates to present the staff report. She provided background regarding direction from Council to update the City's concurrency methodology and adopt impact fees, and reviewed where Council is in the process. She reviewed questions from the May 12, 2014 City Council Meeting discussion, debriefed Council on the meeting with the Master Builders Association, and talked about exemptions for economic development.

Councilmembers stated support for impact fees, and expressed the need to keep the implementation process simple. They stated that the impact fees are fair in that the cost of new infrastructure should be paid for by new growth. Councilmembers asked for clarification regarding the funding cap, expressed concerned about carving out exemptions, and preferred that property tax exemptions address affordable housing needs. Questions were asked about deferring impact fees for single family homes and providing consideration to small restaurants and small businesses. Ms. McIntire provided an example of how the funding cap would work. Ms. Tarry responded that there is still some thought that exemptions may be appropriate for new affordable housing projects. Mr. Young explained the distinction of deferral between single family and multifamily developments. He stated that a small restaurateur is not likely to build a big restaurant and incur impact fees, but rather they are likely to find an existing building. He commented on the relationship between the mitigation for development and growth with impact fees, and stated that exemptions will require additional funding strategies. A discussion ensued on deferrals, exemptions, and the Master Builders Association's request for deferrals. Mr. Young explained the recovery cost process and stated all costs are assumed by the buyer in the sale price.

Ms. Tarry stated staff will bring back an ordinance that does not include deferrals or exemptions per Council's direction.

At 8:58 p.m. Mayor Winstead called for a recess, and the meeting reconvened at 9:04 p.m.

(b) Discussion and Update - Sound Transit

Alicia McIntire, Senior Transportation Planner commented that this report provides an update on the Lynnwood Link Extension and introduced Nytasha Sowers of Sound Transit. Ms. Sowers presented the Sound Transit Newsletter, discussed the schedule and timeline, and talked about the first segment of the preferred alternative regarding station locations at 145th, 185th, Mountlake Terrace, Lynnwood, and 130th Street. She reviewed the plan and provided a simulation demonstration of the 145th and 185th Streets station locations. Councilmembers commented on traffic issues at the 145th and the I-5 interchange, on transit access roads, pedestrian walkways, and asked if elevation at 145th is high enough to accommodate different interchange options. Councilmembers also asked about the bridge costs, the possibility of federal highway funding, and about the initial rating for grant applications resulting from land use changes.

Councilmembers requested that City staff work with Washington State Department of Transportation (WSDOT) on conceptual design options of the interchange at 145th and I-5. Ms. Sowers provided examples of traffic mitigation options including the use of signal lights, and commented that the existing transit access roads will not be active, and discussed potential uses of those roads. Ms. McIntire stated that 145th and I-5 interchange will be included in the Route Development Plan (RDP) in partnership with WSDOT and Sound Transit. Ms. Sowers commented that the bike pedestrian bridge could cost $2 million depending on placement, stated the Northgate Bridge will cost approximately $10 million, and reminded Council that the bridge is not a mitigation requirement. She reviewed costs and funding, and commented that the RDP gives them the ability to be stronger when requesting funding. She stated that Shoreline land use

changes have been communicated to the Federal Transit Administration. She reviewed next steps for remainder of 2014, and early 2015.

10. ADJOURNMENT

At 9:45 p.m., Mayor Winstead declared the meeting adjourned.

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Jessica Simulcik Smith, City Clerk

CITY OF SHORELINE

SHORELINE CITY COUNCIL
SUMMARY MINUTES OF WORKSHOP DINNER MEETING

Monday, June 9, 2014 Conference Room 104 - Shoreline City Hall
5:45 p.m. 17500 Midvale Avenue North

PRESENT: Deputy Mayor Eggen, Councilmembers McGlashan, Hall, McConnell, Salomon, and Roberts

ABSENT: Mayor Winstead

STAFF: Debbie Tarry, City Manager; John Norris, Assistant City Manager; Dan Eernissee, Economic Development Manager: Rachael Markle, Director, Planning and Community Development; and Bonita Roznos, Deputy City Clerk

GUESTS: Mayor Joshua Freed and City Manager Bob Stowe, City of Bothell

At 5:49 p.m., the meeting was called to order by Deputy Mayor Eggen who presided. Deputy Mayor Eggen moved to excuse Mayor Winstead. The motion was seconded by Councilmember Hall and unanimously approved.

Mayor Joshua Freed and City Manager Bob Stowe shared the Revitalization Plan for the City of Bothell. They presented "knife-edge focus", "outrageous ambition" and "partnerships" as key strategies directing the transformation of Bothell's Downtown area into a vibrant mixed use community. Mr. Stowe shared funding strategies and commented on the City's role as Master Developer, including the assemblage of 25 acres of land for sale and development, the relocation of 32 businesses, and the use of right of way development to establish clear public purpose. He stated the City partnered with the School District, the State of Washington, University of Washington, Bothell/Cascadia Community College and private developers.

City of Shoreline Councilmembers commented on zoning change requirements, federal relocation guidelines and the difficulties of making eminent domain cases based on "public benefit". They inquired about the accuracy of the economic development survey and noted that the purchase of properties served as a catalyst for the City of Bothell project. Mayor Freed explained the two year rezoning effort for the downtown area and the importance of identifying the vision and obtaining citizens' support for the vision. He shared that investors feel safe because they see the City making significant steps forward in a logical approach to development. Mr. Stowe commented on incentivized development, buy-back provisions and on the accuracy of the economic development survey.

Mr. Eernissee asked about capitalizing on land values. Mr. Stowe spoke on property inflation, explained the price lock in with the school district, deferred payments, and the benefits of being the property owner. He talked about making an early decision to purchase the property and mitigating the risk of holding on to it. He commented that the assemblage of property is the most difficult part of the process, and then reviewed capital investments options.

Ms. Tarry inquired about incentives for developers. Mr. Stowe responded that incentives included infrastructure, sidewalk and offsite improvements, discount purchase prices, an administrative approval process, a planned action environmental impact statement, and streamlining the overall permitting processes. Mr. Norris asked how the vision was presented to the development community. Mr. Stowe responded that the vision told the "story of Bothell" and that once the story was laid out they were able to target developers. Mayor Freed stressed the importance of getting developer interest from outside the state, and commented that the marketing piece is a crucial component of the process.

City of Shoreline Councilmembers commented on generating outrageous ambition. Mr. Stowe responded that the City's goals were focused on one vision and identified leadership commitment, the preparation of staff for a relentless task, and not giving up as components for success.

Ms. Tarry recommended a future Council discussion to talk about becoming property owners, bond options and the creation of City generated tax increment financing. Mayor Freed commented on the value of researching debt options that will generate future revenue.

At 6:53 p.m. the meeting was adjourned.

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Bonita Roznos, Deputy City Clerk

CITY OF SHORELINE

SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, June 9, 2014 Council Chambers - Shoreline City Hall
7:00 p.m. 17500 Midvale Avenue North

PRESENT: Deputy Mayor Eggen, Councilmembers McGlashan, Hall, McConnell, Salomon, and Roberts

ABSENT: Mayor Winstead

1. CALL TO ORDER

At 7:00 p.m., the meeting was called to order by Deputy Mayor Eggen, who presided.

2. FLAG SALUTE/ROLL CALL

Deputy Mayor Eggen led the flag salute and the Deputy City Clerk called the roll.

Upon motion by Councilmember McConnell, seconded by Councilmember Hall and carried 6-0, Mayor Winstead was excused from the meeting for personal reasons.

3. REPORT OF THE CITY MANAGER

Debbie Tarry, City Manager, provided reports and updates on various City meetings, projects and events.

Ms. Tarry introduced members of the Council of Neighborhoods, June Howard, Innis Arden and newly elected Chair; Kevin Osborn, Ballinger; and Katie Schielke, Parkwood. She announced that members attended the Neighborhoods, USA Conference where Parkwood was awarded second place for *Neighborhood of the Year* in the Social Revitalization category. Boardmembers commented on the conference and thanked the Council for the opportunity to attend the conference. Ms. Schielke provided an update on activities taking place in the Parkwood Neighborhood.

4. COUNCIL REPORTS

Councilmember McConnell reported attending the Regional Water Quality Meeting and stated she will share the agenda and meeting documents upon request.

Councilmember Roberts reported that he and Councilmember McConnell attending the first meeting of the Ronald Wastewater Assumption Committee of Elected Officials (CEO). He stated the CEO worked on a charter and provided direction to staff on merging the two entities. He announced that meetings are scheduled on the fourth Thursday of each month at 9:00 a.m. in

City Hall Conference Room 104, and that meetings are open to the public. Councilmember McConnell added that Commissioners Robert Ransom and Gretchen Atkinson are the representatives for the Ronald Wastewater District.

Deputy Mayor Eggen reported attending the Seashore Transportation Forum Meeting and stated an update on the State Route 99 Tunnel Project was provided. He reported attending a meeting of cities located along highways 522 and 523 regarding bus service to support the 145th Street Light Rail Station.

5. PUBLIC COMMENT

Ginny Scantlebury, Shoreline resident, commented on the Point Wells project and on negotiating a smaller development with BSRE. She questioned the notification for the upcoming meeting on 195th/196th Triangle, and asked the City to consider charging impact fees.

Nancy Morris, Shoreline resident, commented on contract negotiations with TruGreen, questioned oversight of the contract, recommended the use of companies that have sustainability practices, and requested postponement of the contract.

Krista Tenney, Shoreline resident, commented on the TruGreen contract and wildlife habitats, and expressed concerned with the use of the word "herbicides" contained in the contract.

Tom McCormick, Shoreline resident, commented on the Point Wells project and stated a need for a thorough study of the traffic analysis, and requested that residents be provided equal time to review the study and make their case.

Matthew Villasrose, TruGreen Landcare Manager, commented that no herbicides have been sprayed for the existing contract and that the company honors policies identified in the contract.

Ms. Tarry stated that the City is bringing in Dan Burden, Walkable and Livable Communities Institute, for the 195th/196th Triangle Meeting scheduled for June 25, 2014. He will be conducting a walking tour for the residents regarding the design of that area. She stated the Traffic Impact Fee study is scheduled for adoption by Council on July 21, 2014, and explained that the TruGreen contract does not allow the use of herbicides and pesticides.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

7. CONSENT CALENDAR

Upon motion by Councilmember Hall, seconded by Councilmember McGlashan and carried 6-0, the following Consent Calendar items were approved:

(a) Approval of expenses and payroll as of May 23, 2014 in the amount of $4,050,282.62

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
4/13/14-4/26/14	5/2/2014	55442-55640	13121-13141	56796-56801	$438,460.15
4/27/14-5/10/14	5/16/2014	55641-55840	13142-13164	56871-56876	$460,769.34
					$899,229.49

***Wire Transfers:**

Expense Register Dated	Wire Transfer Number	Amount Paid
4/28/2014	1081	$2,883.02
		$2,883.02

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
5/1/2014	56668	56684	$87,700.81
5/1/2014	56685	56699	$167,295.90
5/1/2014	56700	56719	$76,644.84
5/7/2014	56720	56729	$12,472.67
5/7/2014	56730	56752	$53,157.27
5/7/2014	56753	56786	$370,820.83
5/7/2014	56436	56436	($299.91)
5/7/2014	56787	56795	$3,716.94
5/12/2014	56802	56803	$151,584.21
5/13/2014	56508	56508	($276.00)
5/14/2014	56804	56827	$2,165,773.60
5/14/2014	56828	56841	$22,229.59
5/15/2014	56842	56865	$35,685.69
5/15/2014	56866	56870	$1,563.67
5/21/2014	56877	56878	$100.00
			$3,148,170.11

(b) Authorization to participate in the King County Community Development Block Grant Consortium and HOME Partnerships for the Federal Fiscal years 2015-2017

(c) Approval of Amendment No. 1 to the Human Services Pooled Fund

8. ACTION ITEMS

(a) Motion to Authorize the City Manager to Execute a Contract with TruGreen Landcare for Right-of-way Landscaping Services

Dan Rapp, Utility and Operations Manager, provided the staff report. He reviewed the scope of the contract for right-of-way landscaping services. He then explained Schedule A, B and C contract options, and the cost for landscaping services. He concluded by stating TruGreen Landcare was the lowest bidder.

Councilmember Hall moved to Authorize the City Manager to Execute an Agreement for Right-of-way Landscaping Services with TruGreen Landcare for the remainder of 2014 and for contract extension options in 2015 and 2016 in the amount of $461,192 with the chemical free option defined in Schedule A of the Agreement. The motion was seconded by Councilmember McGlashan.

Councilmembers thanked citizens for their participation and staff for providing a chemical free option. Councilmember Salomon asked if pesticides or herbicides have been used in right-of-ways. Mr. Rapp responded that they have not. Councilmember Roberts asked about enforcement of the contract and how citizens can help regulate it. Mr. Rapp explained the oversight for enforcing the contract and requested that citizens inform the City if they observe TruGreen not adhering to it. He explained the level of service remains the same and stated that staff will be working to address all the City's vegetation needs.

The motion passed 6-0.

9. STUDY ITEMS

(a) Discussion of Res. No. 359 Amending the Personnel Policies

Ms. Tarry acknowledged Paula Itaoka, the new Human Resources Director, and introduced John Norris, Assistant City Manager, and Richard Moore, Senior Human Resources Analyst, to provide the staff report. She pointed out that Council may want to wait for the compensation study before considering the *vacation cap for retirement purposes* amendment proposed in the report.

Mr. Moore reviewed the Religious Holiday and the Family Medical Leave Act policy revisions, and explained that the revisions are required due to legal changes. He then presented the proposed amendments to the Vacation and Sick Leave Cash Out policies. He stated the changes will align practice and policy and provide administrative clarity for staff. He explained the Tobacco Free Work Place amendment and stated it aligns with Shoreline Municipal Code requirements for City parks. He commented that Resolution 359 is scheduled to be brought back before Council on June 23, 2014 for adoption.

Councilmembers expressed support for the regulatory amendment changes for Religious Holiday and the Family Medical Leave Act, and the changes to the Sick Leave Cash Out policy. They also favored postponing the discussion of the Vacation Cap amendment until the comprehensive compensation study is completed, and policy consideration can include the Ronald Wastewater District (RWD) assumption.

Councilmembers asked about the language pertaining to the Vacation and Sick Leave Cash Out policies and commented on current administrative practices. Mr. Moore explained PERS eligibility requirements. Mr. Norris stated the RWD assumption does not occur until 2017 and commented on the logistics of assuming RWD personnel. Ms. Tarry added that the RWD sick leave cash out is higher than what the City currently has and than what is being proposed. She stated the language changes align with current practice, and that staff will bring back the Resolution to include the proposed changes excluding the Vacation Cap.

(b) Discussion of the Costs of Development

Dan Eernissee, Economic Development Manager, presented the staff report. He explained the methodology used in the collection of data for the development cost analysis. He reviewed data from nine comparable cities, four project types, and reviewed cities with and without traffic impact fees. He explained the data shows that profit potential outweighs high impact fees and recommended that Council continue its goal of creating a "place/town center" and projects that attract people and activities to Shoreline. He commented on the potential to raise Shoreline's permit fees, development in the City of Seattle, and the pros and cons of having Seattle as a neighbor.

Councilmembers commented on water connectivity fee differences and utility costs, and expressed a desire for impact fee alignment and uniformity. They recommended a discussion on impact fee recovery rates, and balancing current customer costs with creating an environment that encourages and supports new development. Councilmembers commented on the total cost of development, including the price of land, and developer's profit margins as they relate to impact fees. They questioned if impact fees can drive growth or slow it down based on traffic congestion, and expressed concern about the effect impact fees would have on small businesses taking over existing space. Mr. Eernissee explained that working with water and sewer districts vary, and commented on connection charges in Seattle. He spoke on fixed land costs, explained profit margins, and stated higher rents outweigh high impact fees. Mr. Eernissee commented that Shoreline's growth depends on having superior transportation to Seattle. He explained that impact fees are calculated based on trips, are incurred with a change of use to an existing building, and would not affect a small business assuming an existing space. Ms. Tarry stated the impact fee study is schedule for potential adoption by Council on July 21, 2014.

10. ADJOURNMENT 8:25

At 8:25 p.m., Deputy Mayor Eggen declared the meeting adjourned.

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Bonita A. Roznos, Deputy City Clerk

CITY OF SHORELINE

SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, June 16, 2014 Council Chambers - Shoreline City Hall
7:00 p.m. 17500 Midvale Avenue North

PRESENT: Mayor Winstead, Deputy Mayor Eggen, Councilmembers McConnell, Salomon, and Roberts

ABSENT: Councilmembers McGlashan and Hall

1. CALL TO ORDER

At 7:00 p.m., the meeting was called to order by Mayor Winstead, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Winstead led the flag salute and the City Clerk called the roll.

Upon motion by Councilmember McConnell, seconded by Councilmember Roberts and carried 5-0, Councilmember McGlashan was excused from the meeting for personal reasons and Councilmember Hall was excused from the meeting to conduct city business.

Mayor Winstead read a proclamation declaring June 20, 2014 as World Refugee Day in the City of Shoreline. Tsehaynesh Alemayoh, an East African (Eritrean) refugee and longtime resident of Shoreline accepted the proclamation.

3. REPORT OF THE CITY MANAGER

Debbie Tarry, City Manager, provided reports and updates on various City meetings, projects and events.

4. COUNCIL REPORTS

Deputy Mayor Eggen reported attending the Municipal Solid Waste Advisory Committee meeting and stated that the Sustainable Solid Waste Management Plan was discussed.

Councilmember Roberts reported attending the Sound Cities Association Public Issues Committee meeting and stated the Board recommended adoption of Greenhouse Gas Targets and Metro reduction policies.

Mayor Winstead reported attending the NE 145th Street Station Citizens Committee Light Rail Design Kick-off meeting.

5. PUBLIC COMMENT

Dale Lydin, Echo Lake Neighborhood Association, stated support for the Echo Lake Park Improvement Project scheduled for adoption on tonight's Consent Calendar. He thanked Council, the Parks, Recreation and Cultural Services (PRCS) Board and City staff for their hard work and support for parks. He announced the annual Echo Lake Neighbor Picnic on July 15, 2014 at Shoreline Park.

Ginny Scantlebury, Shoreline resident, wonders why the City did not celebrate Flag Day on June 14, 2014. She commented that it is an important event that needs to be celebrated and asked the City to have a flag out next year.

Tom McCormick, Shoreline resident, commented on reviewing thousands of documents on the Point Wells Development. He stated reading emails from residents in opposition of the project and in support of downsizing the project, and read excerpts from several emails. He commented that more needs to be done to limit the scale of the development.

6. APPROVAL OF THE AGENDA

The agenda was adopted by unanimous consent.

7. CONSENT CALENDAR

Upon motion by Councilmember Roberts, seconded by Deputy Mayor Eggen and carried 5-0, the following Consent Calendar items were approved:

(a) Motion to Authorize the City Manager to Execute a Contract with L.W. Sundstrom for Construction of Echo Lake Park Phase I

8. ACTION ITEMS

(a) Adoption of 10 Year Financial Sustainability Plan

Robert Hartwig, Administrative Services Department Director, presented the staff report for the 10 Year Financial Sustainability Plan. He reviewed the development and the public process component of the Plan. He listed the following sustainability targets recommended by the subcommittee:

1. Achieve the development of an additional 160 units of multi-family residential housing and 7,500 square feet of retail redevelopment annually, beginning in 2014.
2. Reduce the expenditure growth rate to 0.2% below the average projected ten year growth rate and attempt to maintain existing service levels, beginning in 2015. Continue to seek out efficiencies and cost-saving strategies.
3. During 2014, research ways to increase investment returns by 100 basis points (1%) per year, and implement strategies to accomplish this.

4. During 2015, perform a study that will evaluate higher cost recovery percentages for an appropriate combination of fee based programs. The results will be reviewed, with target implementation beginning with the 2016 budget.
5. In 2014, begin to identify ways to replace the $290,000 transfer from the General Fund to the Roads Capital Fund with another dedicated source of funding.
6. In 2016 or later, engage the business community in a discussion regarding the possible future implementation of a Business and Occupation (B&O) Tax.
7. Monitor the City's progress in relation to the Financial Sustainability Model. In 2016 or later, engage Shoreline residents in a discussion regarding the possibility of renewing the property tax levy lid lift.

Mr. Hartwig shared how the Plan will be sent to trade publications for publishing and concluded the report by thanking staff and Council.

Councilmembers expressed their gratitude to staff for all the hard work developing and completing the Plan.

Deputy Mayor Eggen moved acceptance of the 10 Year Financial Sustainability Plan. The motion was seconded by Councilmember McConnell.

Deputy Mayor Eggen stated the Plan provides a good starting point and serves as a road map on how the City will proceed over the next ten years. He commented on the importance of keeping the Plan up-to-date. Councilmember Salomon explained that this project came about due to an initiative prohibiting cities from raising property taxes over 1% per year, which is generally less than the rate of inflation, and shared that this reduction would be unsustainable over a long period of time. He commented that he does not believe the 10 Year Financial Sustainability Plan is sufficient to cover budget deficits, and recommends continued planning to support economic growth, continued reductions in spending, and a Business and Occupancy Tax analysis.

Councilmember Roberts asked about the Plan's ability to weather a recession, and if the Subcommittee explored how other tools would be utilized if one tool did not meet targets. He asked for the percentages of Shoreline revenues received from businesses and from residential property owners.

Mr. Hartwig responded that the seven tools will help the City see an economic downturn sooner and allow the City to respond quicker. He explained that the model allows an item to be turned on or off and adjusted to history. He shared that the base model will be compared to actual numbers during the budget process that will show the City's financial position.

Councilmember Roberts moved an amendment to the language in the sixth sustainability target to read "In 2016 or later, engage the business community in a discussion regarding the possible future implementation of a Business and Occupation (B&O) Tax*, to include a threshold exemption on a certain amount of gross receipts."* The motion was seconded by Councilmember Salomon.

Councilmember Roberts stated his amendment will provide additional comfort to people starting new businesses. Councilmember McConnell asked for staff feedback regarding the amendment, and Ms. Tarry shared staff's support for the amendment.

Mayor Winstead, Deputy Mayor Eggen, and Councilmember Salomon offered their support for the amendment. Deputy Mayor Eggen shared that the Subcommittee talked about exempting certain amounts on gross receipts. Councilmember Salomon shared that the Subcommittee did discuss the advantage/disadvantage of taxing groups differently, and assisting a small business starting up. Mayor Winstead commented on the Subcommittee's discussion regarding the B&O tax, and stated it is important to have the specific language regarding a threshold exemption included in the motion.

The motion passed 5-0.

Mayor Winstead reiterated her appreciation to staff for all the hard work that went into developing the Plan and to Councilmember Hall for his encouragement in developing the Plan. She stated that the Plan will assist the City in being financially sustainable.

The main motion to accept the 10 Year Financial Sustainability Plan as amended passed 5-0.

9. STUDY ITEMS

(a) Discussion and Update of the Capital Improvement Project (CIP)

Mark Relph, Public Works Director, and Tricia Junke, City Engineer, presented the Capital Improvement Plan Update report. Ms. Junke outlined the objectives of the presentation and asked for Council's input and direction for development of 2015-2020 CIP. She reviewed the CIP schedule and development process, and explained that the CIP includes a fund summary of the General, Road, Surface Water, and Facilities Major Maintenance Funds.

She reviewed the following General Capital Fund projects: Parks Repair and Replacement for 2014-2016 which include the Echo Lake Restroom, Sunset School repairs, Northcrest Park play equipment, Hillwood Park parking lot, Shoreline park restroom, Ronald Bog parking lot and Shoreview Park play equipment; the Police Station; the Maintenance Facility; and the Pool Master Plan. She commented on funding for those projects and asked for Council's direction on proceeding with the current plan.

Councilmembers inquired about the Pool Master Plan, asked how it fits in with the Parks, Recreation and Open Space (PROS) Plan and wanted to know how adding in the Pool Master Plan effects funding for other park improvement projects. They inquired if there is technology that can reduce the cost of heating the pool and asked for data on energy savings. They also asked about the scope of the work being completed at Echo Lake Park.

Dick Deal, Parks, Recreation and Cultural Services Director, responded that a pool assessment was just completed and stated that a specific date for pool replacement is not identified in the

PROS Plan. Mr. Deal explained the addition of the Pool Master Plan to the CIP and that its impact on other projects would be dependent upon funding options and if it could be funded as a joint agreement. He talked about efficiency of new pools and noted the public will be asked for input on the design and location of the pool. He then reviewed the improvements to Echo Lake Park.

Councilmembers asked about the status of the Police Station and seizure funds and asked if they can fund the police station. Ms. Tarry responded that the City is working on acquiring the Grease Monkey property and that negotiations are ongoing. She anticipates the design work beginning this year, construction starting in 2015, and relocation of the Police Department to City Hall by 2016. She explained that Shoreline received a portion of the funds from participation in a task force for national and international seizures from criminal activity. $1.7 million is currently in the bank and staff is trying to anticipate what the City might receive over the next few years.

Ms. Junke presented the Roads Capital Fund, reviewed fund balances, explained the relationship to the Transportation Improvement Plan, and commented on Transportation Benefit District funds that are available to transfer to the Roads Capital Fund. She explained funding supports system preservation projects (annual road surface maintenance, curb ramp, gutter and sidewalk maintenance, traffic signal rehabilitation, hidden lake bridge study), and Aurora Avenue N (192nd to 205th). Ms. Junke presented projects submitted for grants, reviewed city match amounts and potential funding sources, and discussed grant opportunities. Mr. Relph shared that the City is in a good position for receiving grant funding.

Councilmembers asked for clarification on grants that the City has been awarded. They asked questions about the sidewalk projects, design costs, and recommended identifying corridors that will be successful in the grant process. They asked about the City's match ratio for Aurora, and urged for prioritization of the Hidden Lake Bridge repair. It was requested that staff come back to Council with requests for grant match program funding. Ms. Junke explained that the Puget Sound Regional Council is recommending the projects she identified for funding. Deputy Mayor Eggen offered information on how the PSRC grant process works. Ms. Junke responded that the match for Aurora was approxmiatly10%, and clarified that the $4 million for 145th and 175th is for the design cost only, and does not include any construction costs.

Ms. Junke recounted the Undergrounding code and stated that it is within Council's authority to designate capital projects for undergrounding. She stated that the plan for the Roads Capital fund is to continue with a preservation strategy, fund repairs on Hidden Lake/10th NW Bridge, continue with the grant funding approach to sidewalks, and identify funding for the grant match program.

Ms. Junke presented the Surface Water Utility Fund and stated it has both operating and capital expenditures. She talked about rate increases, listed the McAleer Basin Plan and Ballinger Creek Drainage Study, and the Hidden Lake Maintenance Study as current projects, and commented on funding for the pipe replacement program.

Deputy Mayor Eggen questioned if the City is working with the Cities of Mountlake Terrace, Lake Forest Park, and Edmonds on the McAleer Creek Basin. Mr. Relph responded about

collaborating with Lake Forest Park and stated the intent is to share information. He stated that he will check with Brian Landau, Surface Water and Environmental Services Manager, about collaborative efforts and report back to Council.

Ms. Junke presented the Facilities Major Maintenance Fund and stated it is funded through general fund contributions. She identified city facilities maintained by this fund and stated staff recommends adding City Hall to the list. Councilmembers expressed support for adding City Hall to the list but questioned the cost. They commented on sharing the cost of the Maintenance Facility with neighboring jurisdictions, and asked how the addition of the Police Station at City Hall will impact maintenance projects and funding. Ms Tarry responded that a discussion regarding the asset management program will be coming before Council and will assist in identifying long term maintenance needs and costs.

Ms. Junke stated next steps will be drafting the 2015-2020 CIP to present at the August 11, 2014 Council Meeting.

10. ADJOURNMENT

Mayor Winstead adjourned the meeting at 8:52 p.m.

_____
Jessica Simulcik Smith, City Clerk

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Expenses and Payroll as of June 27, 2014
DEPARTMENT:	Administrative Services
PRESENTED BY:	R. A. Hartwig, Administrative Services Director

EXECUTIVE / COUNCIL SUMMARY

It is necessary for the Council to formally approve expenses at the City Council meetings. The following claims/expenses have been reviewed pursuant to Chapter 42.24 RCW (Revised Code of Washington) "Payment of claims for expenses, material, purchases-advancements."

RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of $7,810,843.59 specified in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
5/25/14-6/7/14	6/13/2014	56037-56232	13186-13205	57156-57161	$436,437.16
					$436,437.16

***Wire Transfers:**

Expense Register Dated	Wire Transfer Number	Amount Paid
6/26/2014	1083	$5,478.93
		$5,478.93

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
6/10/2014	57019	57019	$2,649.28
6/11/2014	56923	56923	($675.24)
6/12/2014	57020	57041	$2,142,043.96
6/12/2014	57042	57049	$12,658.82
6/12/2014	57050	57072	$375,820.93
6/12/2014	57073	57082	$5,099.19
6/17/2014	57083	57084	$69,384.23
6/19/2014	57085	57119	$404,273.08
6/19/2014	57120	57131	$17,081.28

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
6/19/2014	57132	57155	$4,284,465.56
6/24/2014	57162	57162	$184.70
6/26/2014	57163	57172	$10,908.00
6/26/2014	57173	57192	$13,500.13
6/26/2014	57193	57206	$31,533.58
			$7,368,927.50

Approved By: City Manager ***DT*** City Attorney***IS***

Council Meeting Date: July 14, 2014 **Agenda Item:** 7(c)

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Resolution No. 362, Authorizing an Interfund Loan to the Roads Capital Fund for the Aurora Corridor Improvements Project From the General Fund in an Amount Not to Exceed $2,500,000 with Interest Charges
DEPARTMENT:	Administrative Services Department
PRESENTED BY:	Robert Hartwig, Administrative Services Director
ACTION:	____ Ordinance __X__ Resolution ____ Motion ____ Discussion ____ Public Hearing

PROBLEM/ISSUE STATEMENT:

Construction activities for the 192nd to 205th segments of the Aurora Corridor Improvements project began earlier this year. The majority of the funding sources for this segment are grants and utility reimbursements. The submittal of the reimbursement occurs within 15 to 30 days of payment of expenses each month. Grant reimbursements have been received on average within 30 to 45 days of submittal. This results in a deficit cash flow while the City waits to receive reimbursement from the granting agency. Given this, an interfund loan is needed.

RESOURCE/FINANCIAL IMPACT:

The General Fund is projected to end 2014 with a fund balance of $8,158,541. Council policy requires the General Fund to retain a fund balance of $3 million for cash flow purposes. The policy also requires a budget contingency of 2% of the budgeted operating revenues ($663,459) and an insurance reserve ($255,000). Both of which are already included in the 2014 budget. The General Fund could temporarily loan up to $2.5 million to the Aurora Corridor Improvements project to provide sufficient cash flow to cover the gap between the time of expenditure payments and the receipt of grant reimbursements. The project would repay the loan at the end of the one year term (May 31, 2015) or sooner, returning the fund balance in the General Fund to its current projected level. As required by state law the borrowing fund must pay interest to the lending fund. The additional interest expense for the project is estimated to be less than $2,500. This expense would need to be absorbed within the current project budget.

RECOMMENDATION

Staff recommends that Council approve Resolution No. 362 authorizing a one year interfund loan from the General Fund to the Roads Capital Fund in an amount not to exceed $2.5 million for the period of one year commencing on June 1, 2014.

Approved By: City Manager ***DT*** City Attorney ***IS***

BACKGROUND

Construction activities for the 192nd to 205th segments of the Aurora Corridor Improvements project began earlier this year. The current 2014 project budget includes $19.0 million in expenditures and nearly $18.9 in revenues from grants and utility reimbursements. All of our grant awards and utility agreements require the City to expend funds for the project and then request reimbursement from each agency as appropriate. Most of the agreements include a provision to reimburse the City within 30 days of receipt of a reimbursement request. Historically grant reimbursement requests have been received on average within 30 to 45 days of submittal. The submittal of the reimbursement occurs within 15 to 30 days of payment of expenses each month. This results in a deficit cash flow while the City waits for 45 to 75 days to receive reimbursement after invoices are paid.

During prior phases of this project, Council authorized an interfund loan to offset this reimbursement waiting period. Council approved Resolution No. 311 on December 13, 2010 for the 2011 fiscal year authorizing a $2.5 million loan for the project from the Revenue Stabilization Fund. On January 23, 2012, Council approved Resolution No. 321, to extend the loan for a second year and subsequently approved Resolution No. 336 on December 10, 2012 to extend the loan for another year through December 31, 2013. As project work was completed during 2013, the project repaid the loan on October 30, 2013.

DISCUSSION

In 2014 the Roads Capital Fund is projected to begin the year with a fund balance of just over $3 million. This leaves a limited amount of fund balance available to cover cash flow needs for this and other transportation improvement projects while the City waits for reimbursement payments. The City must ensure that each fund has sufficient cash available to meet its obligations during the year as we cannot end a month with a fund being in a negative cash position.

The City's Financial Policies contain a provision in Section VII Debt Policy that states: "The City will use interfund borrowing where such borrowing is cost effective to both the borrowing and the lending fund." The following guidance is included in the 2014 Budgeting, Accounting, and Reporting System (BARS) manual:

The minimum acceptable procedures for making and accounting for interfund loans are as follows:

1. *The legislative body of a municipality must, by ordinance or resolution, approve all interfund loans, indicating the lending and borrowing funds, and provide in the authorization a planned schedule of repayment of the loan principal as well as setting a reasonable rate of interest (based on the external rate available to the municipality) to be paid to the lending fund. The planned schedule of repayment should specify the due date(s) of payment (s) needed to repay the principal and interest on the loan.*
2. *Interest should be charged in all cases, unless:*
    a. *The borrowing fund has no other source of revenue other than the lending fund; or*
    b. *The borrowing fund is normally funded by the lending fund*

3. *The borrowing fund must anticipate sufficient revenues to be able over the period of the loan to make the specified principal and interest payments as required in the authorizing resolution or resolution*
4. *The loan status should be reviewed annually by the legislative body at an open public meeting*
5. *The term of the loan may continue over a period of more than one year, but must be "temporary" in the sense that no permanent diversion of the lending fund results from the failure to repay by the borrowing fund. A loan that continues longer than three years will be scrutinized for a permanent diversion of moneys. (Note: these restrictions and limitations do not apply to those funds which are legally permitted to support one another through appropriations, transfers, advances, etc.)*
6. *Appropriate accounting records should be maintained to reflect the balances of loans in every fund affected by the transactions*

Staff is proposing an interfund loan from the General Fund in the amount of $2.5 million to the Roads Capital Fund for a one year period beginning on June 1, 2014. As noted earlier, the Roads Capital Fund began the year with an available fund balance of approximately $3 million. Construction work on this project began in late January and very quickly ramped up. Payments to the general contractor were $1,941,420 in May and $1,972,078 in June for work that occurred during April and May. Since the City is required to make payment within 30 days of receipt of the invoices, the available fund balance (cash) was quickly used. Staff was not able to respond to the situation in time to get this item on the Council's agenda prior to the summer recess. Now staff is requesting that Council approve the start of this interfund loan in June to provide adequate available cash in the Roads Capital Fund.

The General Fund has sufficient fund balance to provide a loan at this time. It is projected to end 2014 with a fund balance of $8,158,541. Staff is proposing that the Roads Capital Fund pay interest to the General Fund at a rate of approximately 0.10% annually. This rate is based upon the current rate of return for investments that the City is receiving for a one year investment. Interest would be charged on a monthly basis for the duration of the loan. The additional interest expense for the project is estimated to approximately $2,500.

RECOMMENDATION

Staff recommends that Council approve Resolution No. 362 authorizing a one year interfund loan from the General Fund to the Roads Capital Fund in an amount not to exceed $2.5 million for the period of one year commencing on June 1, 2014.

ATTACHMENTS:
Attachment A – Resolution No. 362

RESOLUTION NO. 362

A RESOLUTION OF THE CITY COUNCIL, CITY OF SHORELINE, WASHINGTON, AUTHORIZING AN INTERFUND LOAN TO THE ROADS CAPITAL FUND FROM THE GENERAL FUND IN AN AMOUNT NOT TO EXCEED $2,500,000 AND INTEREST CHARGES FOR A PERIOD NOT TO EXCEED ONE YEAR

WHEREAS, the Roads Capital Fund was established to account for activities related to capital transportation projects; and

WHEREAS, the Aurora Avenue Improvements project is accounted for in the Roads Capital Fund; and

WHEREAS, a significant portion of the total project funding for the Aurora Avenue Improvements is from grants and utility reimbursements; and

WHEREAS, the City is required to expend monies for project costs before requesting reimbursement from granting agencies and utilities; and

WHEREAS, there is an approximate lag of 30 to 45 days between when payments for expenditures are made and reimbursements are received from granting agencies and utilities; and

WHEREAS, the projected fund balance for the General Fund at the end of 2014 is $8,158,541; now therefore

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES:

Section 1. The General Fund is authorized to loan the Roads Capital Fund up to $2,500,000. The term of the loan is one year commencing on June 1, 2014.

Section 2. The loan amount will be assessed an interest rate which is equal to the current rate of return that the City would receive for a one-year investment on June 1, 2014. As of June 1, 2014 that rate is 0.10%. Interest charges will be assessed monthly based on the loan balance.

ADOPTED BY THE CITY COUNCIL ON JULY 14, 2014.

_____
Shari Winstead, Mayor

ATTEST:

_____
Jessica Simulcik Smith, City Clerk

Council Meeting Date: July 14, 2014 **Agenda Item:** 8(a)

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Appointment of Lauren Smith as a Youth Member to the Parks, Recreation and Cultural Services (PRCS) Board
DEPARTMENT:	Parks, Recreation and Cultural Services
PRESENTED BY:	Dick Deal, Director
ACTION:	____ Ordinance ____ Resolution __X_ Motion ____ Discussion ____ Public Hearing

PROBLEM/ISSUE STATEMENT:
Staff has received and reviewed an application to fill the one remaining youth PRCS Board position, vacant since spring 2012. Following a mutually affirming meeting with the applicant, staff recommends the appointment of Lauren Smith as a youth member of the Shoreline Parks, Recreation and Cultural Services Board effective July 14, 2014.

Staff is recommending that Council waive Council Rules of Procedure Section 2.4 and appoint Lauren Smith to the PRCS Board without the creation of a Council PRCS Board interview subcommittee. In addition, staff is recommending that Ms. Smith be appointed effective July 14, 2014 through the 2014/2015 academic year, with her term expiring in June 30, 2015. This will allow Ms. Smith to participate as a Board member immediately, which she is eager to do.

RESOURCE/FINANCIAL IMPACT:
There is no financial impact to the City as a result of this appointment.

RECOMMENDATION

Staff recommends that Council move to waive Council Rules of Procedure Section 2.4 and appoint Lauren Smith as a youth member to the Shoreline Parks, Recreation and Cultural Services Board effective July 14, 2014 through June 30, 2015.

Approved By: City Manager ***DT*** City Attorney ***IS***

BACKGROUND

The Parks, Recreation and Cultural Services (PRCS) Board advises the City Council and City staff on a variety of parks and recreation issues, including plans and policies, park operation and design, program activities, property acquisition and development of rules and regulations. In 2007, the Council added two youth positions to the PRCS Board. The youth members of the Board must be between the ages of 15 and 19 at the beginning of their term.

While adult members of the Board are appointed by the Council to four-year terms, the youth positions serve one-year terms. These term lengths were established in July of 2013 with the adoption of Ordinance No. 666. This changed the youth board members' terms of service from two years to one year, coinciding with the academic calendar (September through June). Eligible youth may reapply for appointment without a break in service during the summer for a maximum of four consecutive one year terms.

One position on the PRCS Board has been vacant since spring 2012. The second position was filled in January 2014. Staff advertised the vacancy in Currents and on the City's website. An application from Lauren Smith was received and reviewed by staff who subsequently conducted an interview. After meeting the applicant, staff is pleased to recommend Lauren Smith's appointment as a youth member of the Board effective July 14, 2014 through June 30, 2015.

Ms. Smith will begin her junior year at Shorewood High School in the fall. She is a member of the Seattle Fastpitch Softball Club and Shorewood High school softball and volleyball teams and she will be a member of the Shorewood High School Cheer Squad this fall. Lauren is a member of the National Honor Society and serves as a deacon in her church. Lauren enjoys exploring Shoreline's parks and spending time outdoors. She is excited about the opportunity to learn about municipal government by participating on the PRCS Board. She looks forward to meeting staff and Board members, gaining leadership experience and earning community service hours.

RESOURCE/FINANCIAL IMPACT

There is no financial impact to the City as a result of this appointment.

RECOMMENDATION

Staff recommends that Council move to waive Council Rules of Procedure Section 2.4 and appoint Lauren Smith as a youth member to the Shoreline Parks, Recreation and Cultural Services Board effective July 14, 2014 through June 30, 2015.

ATTACHMENT

Attachment A: Lauren Smith's completed Youth Parks, Recreation and Cultural Services Board Application

RECEIVED

MAY 20 2014

CITY CLERK
CITY OF SHORELINE

CITY OF SHORELINE

COMMUNITY SERVICE APPLICATION

For youth membership on the Parks, Recreation & Cultural Services/Tree Board

There are currently two non-voting, youth positions now open on the **Parks, Recreation & Cultural Services/Tree Board**. These positions must be filled by youth ages 15-19. Youth members serve one year terms that coincide with the academic calendar (September through June) and may be renewed. The youth of our community are valuable users of parks and City-sponsored programs and their representation on the Board is encouraged and supported by the City Council.

If you are a youth interested in serving your community and gaining experience with a City board, please provide answers to the questions below. Applications will be accepted until the positions are filled. Visit the PRCS/Tree Board webpage at shorelinewa.gov/parks to learn more about the roles and responsibilities of the Board.

Name: Lauren Smith

How long have you lived in Shoreline? 12 years

Neighborhood: Hillwood

Which school do you attend? Shorewood High School

Year in school: 10th grade

Please list any clubs, groups and/or extra-curricular organizations in which you participate.

Seattle Fastpitch club, shorewood Highschool softball and volleyball tams, Shorewood cheerleading, National Honors Society and I serve as a Diaconate in my congregation at church.

How have you been involved in the Shoreline community? I have been involved in the Shoreline community mostly through sports since I was very young. I played for Richmond Little League Softball and for Hillwood soccer, as well as being involved in many clubs such as Girl Scouts and Math Olympiad throughout elementary and middle school.

Have you ever served on a committee? If so, describe your experience.

I have not served on an official committee, but I have served as a youth leader in my church and an asb leader for my school.

What are your current plans after high school?

Currently, I plan on attending a four-year university and studying math and science.

Describe why you are interested in serving on this Board.

I am interested in serving on this Board because I value the parks in Shoreline. I spend a lot of time playing sports, or walking through the parks. I think that serving on this board will give me a chance to learn more about the parks, and will give me the chance to help the community better enjoy the parks I love.

Describe any special expertise or interest you have which would be relevant to this Board.

I have participated in many sports and activities in Shoreline Parks since I was young. I remember playing soccer on the old fields at Cromwell Park when I was four, and twelve years later I still play on the new fields. I also play softball at fields across the city like Hamlin and Paramount. Finally, I enjoy riding my bike along the Interurban trail, or hiking through the many trails at Shoreview with friends.

The PRCS/Tree Board meets on the 4th Thursday of each month except November and December which are combined on the *first* Thursday of December. Are you available for evening meetings?

(circle one) (Yes) No

Please complete the Applicant's Personal Information on the following page.

Disclosure Notice: *Please note that your responses to the above application questions may be disclosed to the public under Washington State Law. The Personal Information form (page 4), however, is not subject to public disclosure.*

Please return this application to:

Shoreline City Clerk's Office
City of Shoreline
17500 Midvale Avenue North
Shoreline, WA 98133

If you have questions about the Parks, Recreation and Cultural Services Board or the process, please email Lynn at lpeterson@shorelinewa.gov or call (206) 801-2602

Thank you for taking the time to complete this application. Volunteers play a vital role in the Shoreline government. ***We appreciate your interest.***

Council Meeting Date: July 14, 2014 **Agenda Item:** 9(a)

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Proposed 2014 Development Code Amendments
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Steven Szafran, AICP, Senior Planner Rachael Markle, AICP, Director
ACTION:	____ Ordinance ____ Resolution ____ Motion __X__ Discussion ____ Public Hearing

PROBLEM/ISSUE STATEMENT:

Amendments to the Development Code are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for Development Code amendments and is responsible for holding an open record Public Hearing on proposed Development Code amendments and making a recommendation to the City Council on each amendment. The Planning Commission held the required Public Hearing for the proposed Development Code amendments on June 5, 2014 and has recommended that the City Council adopt the proposed amendments as detailed in Attachment A.

The purpose of tonight's discussion is for:

- Council to review the proposed Development Code amendments;
- Staff to present the Planning Commission's recommendations and respond to questions regarding the proposed amendments;
- Council to gather additional public comment; and
- Council to deliberate and, if necessary, provide further direction to staff prior to the scheduled adoption of the proposed Development Code amendments on August 11, 2014.

RESOURCE/FINANCIAL IMPACT:

The proposed amendments have no direct financial impact to the City.

RECOMMENDATION

No Council action is required for this evening. This meeting is intended to gather Council comment on the proposed Development Code amendments which are scheduled to be adopted on August 11, 2014.

Approved By: City Manager ***DT*** City Attorney ***IS***

BACKGROUND

The City's Development Code is codified in Title 20 of the Shoreline Municipal Code (SMC). Amendments to the Development Code are used to bring the City's development regulations into conformity with the City's Comprehensive Plan, State of Washington rules and regulations, or to respond to changing conditions or needs of the City.

Pursuant to SMC 20.30.070, amendments to the Development Code are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for these types of decisions and is responsible for holding an open record Public Hearing on proposed Development Code amendments and making a recommendation to the City Council on each amendment. For the 2014 batch of Development Code amendments, the Planning Commission held a study session on May 1, 2014 and a Public Hearing on the proposed Development Code amendments on June 5, 2014. Attachment B to this staff report provides the proposed Development Code Amendments as presented to the Planning Commission at this Public Hearing.

DISCUSSION

Generally, staff will bring Development Code amendments to Council for approval on an annual basis. The last time Council adopted a batch of administrative Development Code amendments was July 29, 2013 (Ordinance No. 669). This group of Development Code amendments has one privately initiated amendment (Seattle Golf Club, Attachment C) and 35 City-initiated amendments. The proposed Development Code amendments are organized in the following groups: administrative changes, procedural changes, local policy changes, clarification of existing language, codifying administrative orders, updating references, and citizen initiated amendments. The proposed changes are as follows:

Administrative Changes

20.10.050 – Roles and responsibilities (Quasi-judicial hearings shifted from Planning Commission to Hearing Examiner)
20.20.016 – D definitions (updates Department's name)
20.30.085 – Update Department name
20.30.090 – Updates Department name
20.30.315 – Updates Department's name
20.30.340 – Updates Department's name
20.30.680 – Appeals
20.40.600 – Wireless telecommunication facilities
20.50.020 – Dimensional requirements (adding R-18)
20.50.610 – Updates Department's name

Procedural Changes

20.30.040 – Type A actions
20.30.045 – Neighborhood meeting for certain Type A actions
20.30.060 – Summary of Type C actions

20.30.120 – Public notices of application
20.30.480 – Binding site plans

Local Policy Changes
20.40.130 – Nonresidential uses (adding daycare II facilities as an accessory use to churches and schools)
20.40.320 – Daycare facilities
20.50.440 – Bicycle facilities (amending long-term bicycle parking requirements)
20.50.532 – Permit required (for a sign)
20.50.550 – Prohibited signs
20.50.590 – Nonconforming signs
20.50.600 – Temporary signs

Clarifying Existing Language
20.20.012 – B definitions (binding site plan)
20.20.040 – P definitions
20.30.370 – Purpose (of a subdivision)
20.30.380 – Subdivision categories
20.30.390 – Exemptions (from subdivisions)
20.40.140 – Other uses (combining public agency with public utility yard and/or office)
20.40.480 & 490 – Indexed Criteria for Public Agency or Utility Office and Pubic Agency or Utility Yard
20.50.240 – Site design (Commercial code amendments)

Codifying Administrative Orders
20.50.090 – Additions to existing single-family house

Updating References
20.80.240 – Alteration (updates reference to the International Building Code)
20.80.310 – Designation and purpose (of a wetland)
20.80.320 – Designation, delineation, and classification (of a wetland)
20.80.330 – Required buffer areas (for wetlands)

Privately Initiated Amendment
20.50.310 – Exemptions from permit (exempting golf courses from clearing and grading permits)

Possible Clarification
Staff review of the Planning Commission Recommendation (Attachment A) Amendment #4, 20.20.040 P definitions, resulted in the following suggested addition:

Public ~~Agency or~~ Utility Office - An office for the administration of any governmental or public utility activity or program, ~~with no outdoor storage and including, but not limited to:~~

~~A. Executive, legislative, and general government, except finance;~~
~~B. Public finance, taxation, and monetary policy;~~
~~C. Administration of human resource programs;~~
~~D. Administration of environmental quality and housing program;~~

~~E. Administration of economic programs;~~
~~F. International affairs;~~
~~G. Legal counsel and prosecution; and~~
~~H. Public order and safety.~~

The impetus for the addition of the word “public” was to clarify that this definition does not include utilities that may be provided by private entity. If the Council would like to make this change, please advise staff at the study session.

Most of the proposed Development Code amendments in this batch of amendments are “housekeeping” amendments, aimed at “cleaning up” the code and are more administrative in nature. These minor changes include updating the Planning & Community Development Department’s name, updating references to the building code and updating references to the Washington State Department of Ecology’s process for wetland delineation.

This batch of amendments also contains amendments that could change policy direction for the City. These changes include the Seattle Golf Club's requested amendments to exempt golf courses from the clearing and grading provisions of the code (proposed amendment to SMC 20.50.310Another policy change is restricting a property owner from adding on to a home that is currently nonconforming to setbacks without bringing the home into conformance with the Development Code (proposed amendment to SMC 20.50.090). SMC 20.30.100 states that “any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code.” The PCD Director initiated the proposed Seattle Golf Club amendments as revised by staff.

ANALYSIS

The Planning Commission reviewed the proposed Development Code amendments on May 1, 2014 and held a Public Hearing on the proposed amendments on June 5, 2014. The justification and analysis for each of the proposed amendments are found in Attachment D to this staff report under each of the respective amendments. Minutes of the study session and Public Hearing are included in this staff report as Attachment E.

Of the 36 proposed Development Code amendments presented to the Planning Commission, only one generated significant discussion at the study session and public hearing: the proposed amendment to SMC 20.50.310 (the privately initiated amendment regarding exempting golf courses from clearing and grading permits). SMC 20.50.310 is the code section that establishes standards for tree conservation, land clearing and site grading. SMC 20.50.310 lists activities that are completely exempt from the provisions of this subchapter and do not require a permit. The Seattle Golf Club proposed a number of activities that would be exempt from a permit (See Attachment C) including:

- Aerification and sanding of fairways, greens and tee areas
- Augmentation and replacement of bunker sand
- Any land surface modification up to forty feet

- Maintenance and repair of storm drainage pipes
- Unrestricted removal of significant trees
- No tree replacement requirements
- Infrastructure such as irrigation and golf cart paths
- Stockpiling and storage of materials

The Planning Commission as well as the Innis Arden Club, Inc. had objections to the proposed language to SMC 20.50.310. Comment letters submitted about the Seattle Golf Club amendment are included in this staff report as Attachment F. The issues raised and discussed by the Planning Commission were the preferential treatment of one property owner over another, the creation of a process to manage properties with unique features, and the release of control by the City to regulate trees.

The Planning Commission agreed that the golf course should be allowed to manage their property without having to come into the City for a permit every time they want to make improvements to their course. However, on the other hand, the Planning Commission recognized that there are other large property owners throughout the City that should be afforded the same considerations as the golf course. Therefore, the Planning Commission recommended coming up with regulations that are applicable to all large property owners and not just a single-type of property owner.

The Planning Commission argued the City spent a great deal of time working on the current regulations related to tree conservation (SMC Chapter 20.50, Subchapter 5) that gathered input from a wide variety of stakeholders. Tree conservation regulations were passed after much public comment and discussion, and the resolution was the City wanted some control over how clearing and grading, tree removal, and tree retention was managed. The Planning Commission suggested it may be appropriate for the City to work with large land owners to develop a Vegetation Management plan process rather than an exemption.

It was for these reasons that the Planning Commission recommended denial of the proposed language to SMC 20.50.310. The Planning Commission recommended approval of the other 35 Development Code amendments without discussion. Staff supports the Planning Commission's recommendation.

If the Council were interested in the Vegetation Management Plan concept, direction would need to be provided to the City Manager to add this item to the City work plan. It is anticipated that this work effort would include such tasks as:

1. Drafting amendments to the Development Code to:
    a. Define Vegetation Management Plans: content and duration;
    b. Define the process for reviewing and approving a Vegetation Management Plan;
    c. Determine under what circumstances and locations would Vegetation Management Plans be permitted;
    d. Determine if there will be any exemptions from general code requirements such as Critical Area regulations, tree replacement or retention standards (or not) for areas with approved Vegetation Management Plans;
    e. Establish criteria for approving Vegetation Management Plans; and

    f. Define monitoring and maintenance provisions for Vegetation Management Plans.
2. Performing SEPA analysis on proposed Development Code amendments.
3. Defining the submittal items for review of a Vegetation Management Plan.
4. Determining the fee for processing an application for a Vegetation Management Plan.

These steps will require public outreach and processing through the Planning Commission and City Council at a minimum. In addition to staff time for research and development, the City would need to hire Critical Area qualified professionals such as an arborist, geotechnical engineer, and wetland and stream specialists if Vegetation Management Plans are to be allowed in Critical Areas so as to assist in the development of these regulations. Given this, the addition of this work plan item would necessitate additional resources or the reassignment of existing resources.

Staff believes that the development of the Vegetation Management Plan concept has merit, but it would be a new work item. Based on other priorities that the City Council has already identified, it would require additional financial resources and personnel to be allocated in the City's budget to move this project forward at this time. Alternatively, this item could be considered in the future as other projects are concluded, such as the completion of the 185th and 145th light rail station sub-area plans. If this were the case, it is unlikely that this project could be started until 2016 or later. Even if this were the case, it is likely that there would need to be monies budgeted for qualified professionals as mentioned in the previous paragraph.

RESOURCE/FINANCIAL IMPACT

The proposed development code amendments do not have a direct financial impact on the City.

RECOMMENDATION

No Council action is required for this evening. This meeting is intended to gather Council comment on the proposed development code amendments which are scheduled to be adopted on August 11, 2014.

ATTACHMENTS

Attachment A – Proposed Development Code Amendments with Planning Commission's Recommendation
Attachment B – Proposed Development Code Amendments as Presented at the Public Hearing
Attachment C – Seattle Golf Club Development Code Amendment Application
Attachment D – Proposed Development Code Amendment Justification and Analysis as Presented at the Public Hearing
Attachment E – Planning Commission Minutes of May 1, 2014 and June 5, 2014
Attachment F – Public Comment Letters

Amendment #1
20.10.050 Roles and responsibilities.

The elected officials, appointed commissions, Hearing Examiner, and City staff share the roles and responsibilities for carrying out the provisions of the Code.

The City Council is responsible for establishing policy and legislation affecting land use within the City. The City Council acts on recommendations of the Planning Commission or Hearing Examiner in legislative and quasi-judicial matters.

The Planning Commission is the designated planning agency for the City as specified by State law. The Planning Commission is responsible for a variety of discretionary recommendations to the City Council on land use legislation, Comprehensive Plan amendments ~~and quasi-judicial matters~~. The Planning Commission duties and responsibilities are specified in the bylaws duly adopted by the Planning Commission.

The Hearing Examiner is responsible for quasi-judicial decisions designated by this title and the review of administrative appeals.

The Director shall have the authority to administer the provisions of this Code, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within this Code, and to enforce requirements.

The rules and procedures for proceedings before the Hearing Examiner, Planning Commission, and City Council are adopted by resolution and available from the City Clerk's office and the Department. (Ord. 324 § 1, 2003; Ord. 238 Ch. I § 5, 2000).

Amendment #2
20.20.012 B definitions.

Binding Site Plan - A process that may be used to divide commercially and industrially zoned property, as authorized by State law. The binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access, interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. It may include a ~~A~~ plan drawn to scale, which identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography, water bodies and drainage features and building envelopes.

Amendment #3
20.20.016 D definitions.

Department - Planning &~~and~~ Community Development ~~Development Services~~ Department.

Director – Planning & ~~and~~ Community Development ~~Services~~ Director or designee. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 406 § 1, 2006).

Amendment #4
20.20.040 P definitions.

Public ~~Agency or~~ Utility Office - An office for the administration of any governmental or utility activity or program, ~~with no outdoor storage and including, but not limited to:~~

~~A. Executive, legislative, and general government, except finance;~~

~~B. Public finance, taxation, and monetary policy;~~

~~C. Administration of human resource programs;~~

~~D. Administration of environmental quality and housing program;~~

~~E. Administration of economic programs;~~

~~F. International affairs;~~

~~G. Legal counsel and prosecution; and~~

~~H. Public order and safety.~~

Public ~~Agency or~~ Utility Yard - A facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage.

Amendment #5
20.30.040 Ministerial decisions – Type A.

These decisions are based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated. These decisions are made by the Director and are exempt from notice requirements.

However, permit applications, including certain categories of building permits, and permits for projects that require a SEPA threshold determination, are subject to public notice requirements specified in Table 20.30.050 for SEPA threshold determination*, or subsection 20.30.045*.

All permit review procedures and all applicable regulations and standards apply to all Type A actions. The decisions made by the Director under Type A actions shall be final. The Director's decision shall be based upon findings that the application conforms (or does not conform) to all applicable regulations and standards.

Table 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision, and Appeal Authority

Action Type	Target Time Limits for Decision (Calendar Days)	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Administrative Design Review	28 days	20.30.297
15. Floodplain Development Permit	30 days	13.12.700
16. Floodplain Variance	30 days	13.12.800

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21C RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4).

Amendment #6
20.30.045 - Neighborhood meeting for certain Type A proposals.

A neighborhood meeting shall be conducted by the applicant for developments consisting of more than one single family detached dwelling units on a single parcel in the R-4 or R-6 zones. This requirement does not apply to Accessory Dwelling Units (ADUs). (Refer to Chapter 20.30.090 SMC for meeting requirements.)

Amendment #7
20.30.060 Quasi-judicial decisions – Type C.

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision (3), (4)	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.336
6. Final Formal Plat	None	Review by	City	30 days	20.30.450

		Director	Council		
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.40.505
~~8. Street Vacation~~	~~Mail, Post Site, Newspaper~~	~~HE (1), (2)~~	~~City Council~~	~~120 days~~	~~See Chapter 12.17 SMC~~
8. ~~9.~~ Master Development Plan	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.353

Amendment #8
20.30.085 Early community input meeting.

Applicants are encouraged to develop a community and stakeholders consensus-based master development plan. Community input is required to include soliciting input from stakeholders, community members and any other interested parties with bubble diagrams, diagrammatic site plans, or conceptual site plans. The meeting notice shall be provided at a minimum to property owners located within 1,000 feet of the proposal, the neighborhood chair as identified by the Shoreline Office of Neighborhoods (note: if a proposed development is within 1,000 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning & ~~and~~ Community Development Services Department. Digital audio recording, video recording, or a court reporter transcription of this meeting or meetings is required at the time of application. The applicant shall provide an explanation of the comments of these entities to the City regarding the incorporation (or not) of these comments into the design and development of the proposal. (Ord. 669 § 1 (Exh. A), 2013).

Amendment #9
20.30.090 Neighborhood meeting.

B. The neighborhood meeting shall meet the following requirements:

1. Notice of the neighborhood meeting shall be provided by the applicant and shall include the date, time and location of the neighborhood meeting and a description of the project, zoning of the property, site and vicinity maps and the land use applications that would be required.

2. The notice shall be provided at a minimum to property owners located within 500 feet (1,000 feet for master development plan permits) of the proposal, the neighborhood chair as identified by the Shoreline Office of Neighborhoods (note: if a proposed development is within 500 feet of adjacent neighborhoods, those

chairs shall also be notified), and to the City of Shoreline Planning & ~~and~~ Community Development ~~Services~~ Department.

Amendment #10
20.30.120 Public notices of application.

A. Within 14 days of the determination of completeness, the City shall issue a notice of complete application for all Type B and C applications.

B. The notice of complete application shall include the following information:

1. The dates of application, determination of completeness, and the date of the notice of application;

2. The name of the applicant;

3. The location and description of the project;

4. The requested actions and/or required studies;

5. The date, time, and place of an open record hearing, if one has been scheduled;

6. Identification of environmental documents, if any;

7. A statement of the public comment period (if any), not less than 14 days nor more than 30 days; and a statement of the rights of individuals to comment on the application, receive notice and participate in any hearings, request a copy of the decision (once made) and any appeal rights. The public comment period shall be 30 days for a Shoreline Substantial Development Permit, Shoreline Variance, or a Shoreline Conditional Use Permit;

Amendment #11
20.30.315 Site development permit.

B. General Requirements. A site development permit is required for the following activities or as determined by the Director of Planning & ~~and~~ Community Development ~~Services~~:

Amendment #12
20.30.340 Amendment and review of the Comprehensive Plan (legislative action).

4. Amendment proposals will be posted on the City's website and available at the Department of Planning & ~~and~~ Community Development ~~Services~~.

Amendment #13
20.30.370 Purpose.

Subdivision is a mechanism by which to divide land into lots, parcels, sites, ~~units~~, plots, ~~condominiums~~ or tracts, ~~or interests~~ for the purpose of sale. The purposes of subdivision regulations are:

A. To regulate division of land into two or more lots or ~~condominiums~~, tracts ~~or interests~~;

B. To protect the public health, safety and general welfare in accordance with the State standards;

C. To promote effective use of land;

D. To promote safe and convenient travel by the public on streets and highways;

E. To provide for adequate light and air;

F. To facilitate adequate provision for water, sewerage, stormwater drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;

G. To provide for proper ingress and egress;

H. To provide for the expeditious review and approval of proposed subdivisions which conform to development standards and the Comprehensive Plan;

I. To adequately provide for the housing and commercial needs of the community;

J. To protect environmentally sensitive areas as designated in the critical area overlay districts chapter, Chapter 20.80 SMC, Critical Areas;

K. To require uniform monumenting of land subdivisions and conveyance by accurate legal description. (Ord. 238 Ch. III § 8(b), 2000).

Amendment #14
20.30.380 Subdivision categories.

A. Lot Line Adjustment: A minor reorientation of a lot line between existing lots to correct an encroachment by a structure or improvement to more logically follow topography or other natural features, or for other good cause, which results in no more lots than existed before the lot line adjustment.

B. Short Subdivision: A subdivision of four or fewer lots.

C. Formal Subdivision: A subdivision of five or more lots.

D. Binding Site Plan: A land division for commercial, industrial, ~~condominium~~ and mixed use type of developments.

Note: When reference to "subdivision" is made in this Code, it is intended to refer to both "formal subdivision" and "short subdivision" unless one or the other is specified. (Ord. 238 Ch. III § 8(c), 2000).

Amendment #15
20.30.390 Exemption (from subdivisions).

The provisions of this subchapter do not apply to the exemptions specified in the State law and, ~~including but not limited to:~~

~~A. Cemeteries and other burial plots while used for that purpose;~~
~~B. Divisions made by testamentary provisions, or the laws of descent;~~
~~C. Divisions of land for the purpose of lease when no residential structure other than mobile homes are permitted to be placed on the land, when the City has approved a binding site plan in accordance with the Code standards;~~
~~D. D~~divisions of land which are the result of actions of government agencies to acquire property for public purposes, such as condemnation for roads.

~~Divisions under subsections (A) and (B) of this section will not be recognized as lots for building purposes unless all applicable requirements of the Code are met~~ (Ord. 238 Ch. III § 8(d), 2000).

Amendment #16
20.30.480 Binding site plans – Type B action.

A. Commercial and Industrial. This process may be used to divide commercially and industrially zoned property, as authorized by State law. On sites that are fully developed, the binding site plan merely creates or alters interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access, interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. The following applies:

1. S~~The s~~ites ~~that is~~ subject to ~~the~~ binding site plans shall consist of one or more contiguous lots legally created.

2. S~~The s~~ites ~~that is~~ subject to ~~the~~ binding site plans may be reviewed independently, ~~for fully developed sites;~~ or concurrently with a commercial

development permit application. ~~for undeveloped land; or in conjunction with a valid commercial development permit.~~

3. The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

~~B. *Repealed by Ord. 439.*~~

B ~~C~~. Recording and Binding Effect. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor, licensed in the State of Washington. Surveys shall include those items prescribed by State law.

C ~~D~~. Amendment, Modification and Vacation. The Director may approve minor changes to an approved binding site plan, or its conditions of approval. If the proposal involves additional lots, rearrangements of lots or roads, additional impacts to surrounding property, or other major changes, the proposal shall be reviewed in the same manner as a new application. ~~Amendment, modification and vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application.~~ (Ord. 439 § 1, 2006; Ord. 238 Ch. III § 8(m), 2000).

Amendment #17
20.30.680 Appeals.

A. Any interested person may appeal a threshold determination or the conditions or denials of a requested action made by a nonelected official pursuant to the procedures set forth in this section and Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals. No other SEPA appeal shall be allowed.

1. Only one administrative appeal of each threshold determination shall be allowed on a proposal. Procedural appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to approve, condition or deny an action pursuant to RCW 43.21C.060 with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.

2. As provided in RCW 43.21C.075(3)(d), the decision of the responsible official shall be entitled to substantial weight.

3. An appeal of a DS must be filed within 14 calendar days following issuance of the DS.

4. All SEPA appeals of a DNS for actions classified in Chapter 20.30 SMC, Subchapter 2, Types of Actions, as Type A or B, or C actions for which the Hearing Examiner has review authority, must be filed within 14 calendar days following notice of the threshold determination as provided in SMC 20.30.150, Public notice of decision; provided, that the appeal period for a DNS for Type A or B actions issued at the same time as the final decision shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies.

~~5. For Type C actions for which the Hearing Examiner does not have review authority or for legislative actions, no administrative appeal of a DNS is permitted.~~

5. ~~6.~~ The Hearing Examiner shall make a final decision on all procedural SEPA determinations. The Hearing Examiner's decision may be appealed to superior court as provided in Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals.

Amendment #18
Table 20.40.130 Nonresidential Uses.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
RETAIL/SERVICE									
532	Automotive Rental and Leasing						**P**	**P**	**P only in TC-1**
81111	Automotive Repair and Service					**P**	**P**	**P**	**P only in TC-1**
451	Book and Video Stores/Rental (excludes Adult Use Facilities)			**C**	**C**	**P**	**P**	**P**	**P**
513	Broadcasting and Telecommunications							**P**	**P**
812220	Cemetery, Columbarium	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Houses of Worship	**C**	**C**	**P**	**P**	**P**	**P**	**P**	**P**
	Collective Gardens					**P-i**	**P-i**	**P-i**	
	Construction Retail, Freight, Cargo Service							**P**	

Amendment #18
Table 20.40.130 Nonresidential Uses.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Daycare I Facilities	**P-i**	**P-i**	**P**	**P**	**P**	**P**	**P**	**P**
	Daycare II Facilities	**P-i**	**P-i ~~C~~**	**P**	**P**	**P**	**P**	**P**	**P**
722	Eating and Drinking Establishments (Excluding Gambling Uses)	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**
812210	Funeral Home/Crematory	**C-i**	**C-i**	**C-i**	**C-i**		**P-i**	**P-i**	**P-i**
447	Fuel and Service Stations					**P**	**P**	**P**	**P**
	General Retail Trade/Services					**P**	**P**	**P**	**P**
811310	Heavy Equipment and Truck Repair							**P**	
481	Helistop			**S**	**S**	**S**	**S**	**C**	**C**
485	Individual Transportation and Taxi						**C**	**P**	**P only in TC-1**
812910	Kennel or Cattery						**C-i**	**P-i**	**P-i**
	Library Adaptive Reuse	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
31	Light Manufacturing							**S**	**P**
441	Motor Vehicle and Boat Sales							**P**	**P only in TC-1**
	Professional Office			**C**	**C**	**P**	**P**	**P**	**P**
5417	Research, Development and Testing							**P**	**P**
484	Trucking and Courier Service						**P-i**	**P-i**	**P-i**
541940	Veterinary Clinics and Hospitals			**C-i**		**P-i**	**P-i**	**P-i**	**P-i**
	Warehousing and Wholesale Trade							**P**	
	Wireless Telecommunication Facility	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**

Amendment #18
Table 20.40.130 Nonresidential Uses.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
P = Permitted Use				S = Special Use					
C = Conditional Use				-i = Indexed Supplemental Criteria					

(Ord. 669 § 1 (Exh. A), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 643 § 1 (Exh. A), 2012; Ord. 560 § 3 (Exh. A), 2009; Ord. 469 § 1, 2007; Ord. 317 § 1, 2003; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 277 § 1, 2001; Ord. 258 § 5, 2000; Ord. 238 Ch. IV § 2(B, Table 2), 2000).

Amendment #19
Table 20.40.140 Other Uses.

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION									
	Adult Use Facilities						P-i	P-i	
71312	Amusement Arcade							P	P
71395	Bowling Center					C	P	P	P
6113	College and University					S	P	P	P
56192	Conference Center	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
6111	Elementary School, Middle/Junior High School	C	C	C	C				
	Gambling Uses (expansion or intensification of existing nonconforming use only)					S-i	S-i	S-i	S-i
71391	Golf Facility	P-i	P-i	P-i	P-i				

514120	Library	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
71211	Museum	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
	Nightclubs (excludes Adult Use Facilities)						**C**	**P**	**P**
7111	Outdoor Performance Center							**S**	**P**
	Parks and Trails	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
	Performing Arts Companies/Theater (excludes Adult Use Facilities)						**P-i**	**P-i**	**P-i**
6111	School District Support Facility	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6111	Secondary or High School	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6116	Specialized Instruction School	**C-i**	**C-i**	**C-i**	**C-i**	**P**	**P**	**P**	**P**
71399	Sports/Social Club	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6114 (5)	Vocational School	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
GOVERNMENT									
9221	Court						**P-i**	**P-i**	**P-i**
92216	Fire Facility	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Interim Recycling Facility	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	
92212	Police Facility					**S**	**P**	**P**	**P**
92	Public ~~Agency or~~ Utility Office /Yard	**~~S-i~~**	**~~S-i~~**	**S**	**S**	**S**	**P**	**P**	
92	~~Public Agency or Utility Yard~~	**~~P-i~~**	**~~P-i~~**	**~~P-i~~**	**~~P-i~~**			**~~P-i~~**	
221	Utility Facility	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
	~~Utility Facility, Regional Stormwater Management~~	**~~C~~**	**~~C~~**	**~~C~~**	**~~C~~**	**~~P~~**	**~~P~~**	**~~P~~**	**~~P~~**
HEALTH									
622	Hospital	**C-i**	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**
6215	Medical Lab						**P**	**P**	**P**
6211	Medical Office/Outpatient Clinic	**C-i**	**C-i**	**C-i**	**C-i**	**P**	**P**	**P**	**P**
623	Nursing and Personal Care Facilities			**C**	**C**	**P**	**P**	**P**	**P**
REGIONAL									

	School Bus Base	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	
	Secure Community Transitional Facility							**S-i**	
	Transfer Station	**S**	**S**	**S**	**S**	**S**	**S**	**S**	
	Transit Bus Base	**S**	**S**	**S**	**S**	**S**	**S**	**S**	
	Transit Park and Ride Lot	**S-i**	**S-i**	**S-i**	**S-i**	**P**	**P**	**P**	**P**
	Work Release Facility							**S-i**	

P = Permitted Use	**S = Special Use**
C = Conditional Use	**-i = Indexed Supplemental Criteria**

(Ord. 654 § 1 (Exh. 1), 2013; Ord. 560 § 3 (Exh. A), 2009; Ord. 531 § 1 (Exh. 1), 2009; Ord. 309 § 4, 2002; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 258 § 3, 2000; Ord. 238 Ch. IV § 2(B, Table 3), 2000).

Amendment #20
20.40.320 Daycare facilities.

Justification – Currently, the code does not allow Daycare II in R-4 and R-6 zones, which could include churches or schools that are typically in R-4 and R-6 zones. These daycares are usually a reuse of the existing facilities. Expansion of church or school in R-4 or R-6 zones would require a conditional use permit anyway. The intent of Daycare II in residential zones is to protect single family neighborhoods which can still be met if they are allowed within an existing school or church.

A. Daycare I facilities are permitted in R-4 through R-12 zoning designations as an accessory to residential use, house of worship, or a school facility, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of 42 inches; and

2. Hours of operation may be restricted to assure compatibility with surrounding development.

B. Daycare II facilities are permitted in R-8 and R-12 zoning designations through an approved Cconditional Uuse Ppermit or as a reuse of an existing house of worship or school facility without expansion, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of six feet.

2. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.

3. Hours of operation may be restricted to assure compatibility with surrounding development

Amendment #21
20.40.480 Public agency or utility office &
20.40.490 Public agency or utility yard.

~~**20.40.480 Public agency or utility office.**~~

~~A. Only as a re-use of a public school facility or a surplus nonresidential facility; or~~
~~B. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area; and~~
~~C. No outdoor storage. (Ord. 238 Ch. IV § 3(B), 2000).~~

~~**20.40.490 Public agency or utility yard.**~~

~~Public agency or utility yards are permitted provided:~~
~~A. Utility yards only on sites with utility district offices; or~~
~~B. Public agency yards are limited to material storage, vehicle maintenance, and equipment storage for road maintenance, facility maintenance, and parks facilities. (Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).~~

Amendment #22
20.40.600 Wireless telecommunication facilities/satellite dish and antennas.

C. Permit Requirements.

Table 20.40.600(1) – Types of Permits Required for the Various Types of Wireless Telecommunication Facilities

	Type of Permit			
Type of WTF	Building	Conditional Use (CUP)	Special Use (~~C~~SUP)	Rights-of-Way Use
Building-mounted and structure-mounted wireless telecommunication facilities and facilities co-located onto existing tower	X			X (if applicable)
Ground-mounted camouflaged lattice towers	X	X		X

and monopoles				(if applicable)
Ground-mounted uncamouflaged lattice towers and monopoles	X		X	X (if applicable)

Amendment #23
20.50.020 Dimensional requirements.

A. Table 20.50.020(1) – Densities and Dimensions in Residential Zones.

Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min. and 15 ft total sum of two	5 ft min. and 15 ft total sum of two	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft

							(8)	
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

Exceptions to Table 20.50.020(1):

(1) Repealed by Ord. 462.

(2) These standards may be modified to allow zero lot line developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.

(3) For single-family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.

(4) For single-family detached development exceptions to rear and side yard setbacks, please see SMC 20.50.080.

(5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130.

(6) The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.

(7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.

(8) For development on R-48 lots abutting R-12, R-18, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.

(9) Base height for high schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.

Amendment #24
20.50.090 Additions to existing single-family house – Standards.

A. Additions to existing single-family house and related accessory structures may extend into a required yard when the house is already nonconforming with respect to that yard. The length of the existing nonconforming facade must be at least 60 percent of the total length of the respective facade of the existing house (prior to the addition). The line formed by the nonconforming facade of the house shall be the limit to which any additions may be built as described below, except that roof elements, i.e., eaves and beams, may be extended to the limits of existing roof elements. The additions may ~~extend up to the height limit and may~~ include basement additions. New additions to the nonconforming wall or walls shall comply with the following yard requirements:

1. Side Yard. When the addition is to the side of the existing house, the existing side facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the side yard line;

2. Rear Yard. When the addition is to the rear facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the rear yard line;

3. Front Yard. When the addition is to the front facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than 10 feet to the front lot line;

4. Height. Any part of the addition going above the height of the existing roof must meet standard yard setbacks; and

5. This provision applies only to additions, not to rebuilds.

When the nonconforming facade of the house is not parallel or is otherwise irregular relative to the lot line, then the Director shall determine the limit of the facade extensions on case by case basis.

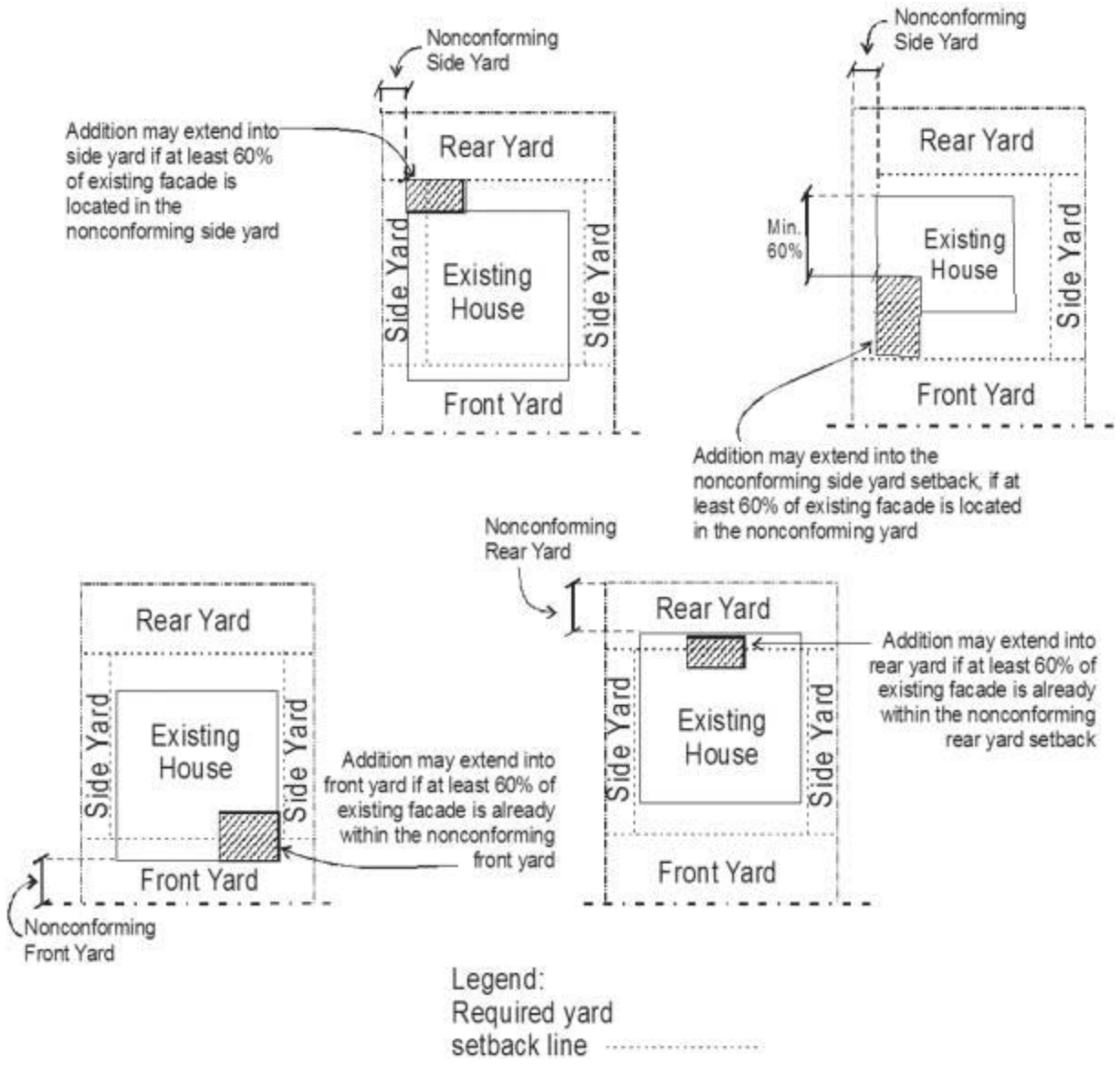


Figure 20.50.090(A): Examples of additions to existing single-family houses and into already nonconforming yards.

Amendment #25
20.50.240 Site design (Commercial Code Amendments).

A. Purpose.

1. Promote and enhance public walking and gathering with attractive and connected development.

2. Promote distinctive design features at high visibility street corners.

3. Provide safe routes for pedestrians and people with disabilities across parking lots, to building entries, and between buildings.

4. Promote economic development that is consistent with the function and purpose of permitted uses and reflects the vision for commercial development ~~the town center subarea~~ as expressed in the Comprehensive Plan.

C. **Site Frontage.**

1. Development abutting NB, CB, MB, TC-1, 2 and 3 shall meet the following standards:

a. Buildings shall be placed at the property line or abutting public sidewalks if on private property. However, buildings may be set back farther if public places, landscaping and vehicle display areas are included or a utility easement is required between the sidewalk and the building;

b. Minimum space dimension for building interiors that are ground-level and fronting on streets shall be 12-foot height and 20-foot depth and built to commercial building code ~~standards~~. These spaces may be used for any permitted land use;

c. Minimum window area shall be 50 percent of the ground floor facade ~~and located between the heights of 30 inches and 10 feet above the ground~~ for each front ~~facade~~ façade which can include glass entry doors;

d. A building's primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible;

e. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the facade where over pedestrian facilities. Awnings may project into public rights-of-way, subject to City approval;

f. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot wide walkway between the back of curb and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees; and

g. Surface parking along street frontages in commercial zones shall not occupy more than 65 lineal feet of the site frontage. Parking lots shall not be located at street corners. No parking or vehicle circulation is allowed between the rights-of-way and the building front facade. See SMC 20.50.470 for parking lot landscape standards.

F. **Public Places.**

1. Public places are required for the commercial portions of development at a rate of 4,000 square feet of public place per 20 square feet of net commercial floor area ~~acre~~ up to a public place maximum of 5,000 square feet. This requirement may be divided into smaller public places with a minimum 400 square feet each.

2. Public places may be covered but not enclosed unless by subsection (F)(3) of this section.

3. Buildings shall border at least one side of the public place.

4. Eighty percent of the area shall provide surfaces for people to stand or sit.

5. No lineal dimension is less than six feet.

6. The following design elements are also required for public places:

a. Physically accessible and visible from the public sidewalks, walkways, or through-connections;

b. Pedestrian access to abutting buildings;

c. Pedestrian-scaled lighting (subsection (H) of this section);

d. Seating and landscaping with solar access at least a portion of the day; and

e. Not located adjacent to dumpsters or loading areas.



Public Places

G. **Multifamily Open Space.**

1. All multifamily development shall provide open space;

a. Provide 800 square feet per development or 50 square feet of open space per dwelling unit, whichever is greater;

b. Other than private balconies or patios, open space shall be accessible to all residents and include a minimum lineal dimension of six feet. This standard applies to all open spaces including parks, playgrounds, rooftop decks and ground-floor courtyards; and may also be used to meet walkway standards as long as the function and minimum dimensions of the open space are met;

c. Required landscaping can be used for open space if it does not obstruct access or reduce the overall landscape standard. Open spaces shall not be placed adjacent to ~~parking lots and~~ service areas without full screening; and

d. Open space shall provide seating that has solar access at least a portion of the day.

J. Utility and Mechanical Equipment.

1. Equipment shall be located and designed to minimize its visibility to the public. Preferred locations are off alleys; service drives; within, atop, or under buildings; or other locations away from the street. Equipment shall not intrude into required pedestrian areas.

Utilities Consolidated and Separated by Landscaping Elements

2. All exterior mechanical equipment, with the exception of solar collectors or wind power generating equipment, shall be screened from view by integration with the building's architecture through such elements as parapet walls, false roofs, roof wells, clerestories, equipment rooms, materials and colors. Painting mechanical equipment strictly as a means of screening is not permitted. (Ord. 663 § 1 (Exh. 1), 2013; Ord. 654 § 1 (Exh. 1), 2013).

Amendment #26
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 & Community ~~and~~ Development Department ~~Services~~ and his or her designee.

c. In addition to other exemptions of SMC 20.50.290 through 20.50.370, a request for the cutting of any tree that is an active and imminent hazard such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events. After the tree removal, the City will need photographic proof or other documentation and the appropriate application approval, if any. 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.

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 NB, CB, MB and TC-1, 2 and 3, unless within a critical area of 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 3,000 square feet of soil may be exposed at any one time.

Amendment #27
20.50.440 Bicycle facilities – Standards.

A. Short-Term Bicycle Parking. Short-term bicycle parking shall be provided as specified in Table A. Short-term bicycle parking is for bicycles anticipated to be at a building site for less than four hours.

Table A: Short-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required
Multifamily	1 per 10 dwelling units
Commercial and all other nonresidential uses	1 bicycle stall per 12 vehicle parking spaces (minimum of 1 space)

Installation of Short-Term Bicycle Parking. Short-term bicycle parking shall comply with all of the following:

1. It shall be visible from a building's entrance;

Exception: Where directional signage is provided at a building entrance, short-term bicycle parking shall be permitted to be provided at locations not visible from the main entrance.

2. It shall be located at the same grade as the sidewalk or at a location reachable by ramp or accessible route;

3. It shall be provided with illumination of not less than one footcandle at the parking surface;

4. It shall have an area of not less than 18 inches by 60 inches for each bicycle;

5. It shall be provided with a rack or other facility for locking or securing each bicycle;

6. The rack or other locking feature shall be permanently attached to concrete or other comparable material; and

7. The rack or other locking feature shall be designed to accommodate the use of U-locks for bicycle security.

B. Long-Term Bicycle Parking. Long-term bicycle parking shall be provided as specified in Table B. Long-term bicycle parking is for bicycles anticipated to be at a building site for four or more hours.

Table B: Long-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required
Multifamily	~~1~~.5 per ~~studio or 1-bedroom~~ unit except for units where individual garages are provided. ~~2 per unit having 2 or more bedrooms~~
Commercial and all other nonresidential uses	1 per 25,000 square feet of floor area; not less than 2 spaces

Installation of Long-Term Bicycle Parking. Long-term bicycle parking shall comply with all of the following:

1. It shall be located on the same site as the building;

2. It shall be located inside the building, or shall be located within 300 feet of the building's main entrance and provided with permanent cover including, but not limited to, roof overhang, awning, or bicycle storage lockers;

3. Illumination of not less than one footcandle at the parking surface shall be available;

4. It shall have an area of not less than 18 inches by 60 inches for each bicycle;

5. It shall be provided with a permanent rack or other facility for locking or securing each bicycle. Up to 25% of the racks may be located on walls in garages.

6. Vehicle parking spaces that are in excess of those required by code may be used for the installation of long-term bicycle parking spaces.

Exception 20.50.440(1). The Director may authorize a reduction in long term bicycle parking where the housing is specifically assisted living or serves special needs or disabled residents.

Exception 20.50.440(2). Ground floor units with direct access to the outside may be exempted from the long term bicycle parking calculation.

Exception 20.50.440(3): The Director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include, but not be limited to:

1. Park/playfield;
2. Marina;
3. Library/museum/arboretum;
4. Elementary/secondary school;
5. Sports club; or
6. Retail business and office (when located along a developed bicycle trail or designated bicycle route).
7. Campus zoned properties and transit facilities. (Ord. 663 § 1 (Exh. 1), 2013; Ord. 555 § 1 (Exh. 1), 2009; Ord. 238 Ch. V § 6(C-2), 2000).

Amendment #28
20.50.532 Permit required.

A. Except as provided in this chapter, no temporary or permanent sign may be constructed, installed, posted, displayed or modified without first obtaining a sign permit approving the proposed sign's size, design, location, and display.

B. No permit is required for normal and ordinary maintenance and repair, and changes to the graphics, symbols, or copy of a sign, without affecting the size, structural design or height. Exempt changes to the graphics, symbols or copy of a sign must meet the standards for permitted illumination.

C. Installation or replacement of electronic changing message or reader board signs requires a permit and must comply with SMC Exception 20.50.550(A)(2) and SMC 20.50.590.

~~C~~D. Sign applications that propose to depart from the standards of this subchapter must receive an administrative design review approval under SMC 20.30.297 for all signs on the property as a comprehensive signage package. (Ord. 654 § 1 (Exh. 1), 2013).

Amendment #29
20.50.550 Prohibited signs.

A. Spinning devices; flashing lights; searchlights, electronic changing messages or reader board signs.
Exception 20.50.550(A)(1): Traditional barber pole signs allowed only in NB, CB, MB and TC-1 and 3 zones.

Exception 20.50.550(A)(2): Electronic changing message or reader boards are permitted in CB and MB zones if they do not have moving messages or messages that change or animate at intervals less than 20 seconds. Replacement of existing, legally established electronic changing message or reader boards in existing signs is allowed, but the intervals for changing or animating messages must meet the provisions of this section, as well as 20.50.532 and 20.50.590. Maximum one electronic changing message or reader board sign is permitted per parcel. ~~, which will be~~ Digital signs which change or animate at intervals less than 20 seconds will be considered blinking or flashing and are not allowed.

B. Portable signs, except A-frame signs as allowed by SMC 20.50.540(I).

C. Outdoor off-premises advertising signs (billboards).

D. Signs mounted on the roof.

E. Pole signs.

F. Backlit awnings used as signs.

G. Pennants; swooper flags; feather flags; pole banners; inflatables; and signs mounted on vehicles. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 631 § 1 (Exh. 1), 2012; Ord. 560 § 4 (Exh. A), 2009; Ord. 369 § 1, 2005; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(C), 2000).

Amendment #30
20.50.590 Nonconforming signs.

A. Nonconforming signs shall not be altered in size, shape, height, location, or structural components without being brought to compliance with the requirements of this Code. Repair and maintenance are allowable, but may require a sign permit if structural components require repair or replacement.

B. ~~Outdoor advertising signs (~~bBillboards~~)~~ now in existence are declared nonconforming and may remain subject to the following restrictions:

1. Shall not be increased in size or elevation, nor shall be relocated to another location.

2. Installation of electronic changing message or reader boards in existing billboards is prohibited.

~~2~~3. Shall be kept in good repair and maintained.

~~3~~4. Any outdoor advertising sign not meeting these restrictions shall be removed within 30 days of the date when an order by the City to remove such sign is given. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(E), 2000).

C. Electronic changing message or reader boards may not be installed in existing, nonconforming signs without bringing the sign into compliance with the requirements of this Code, including Exception 20.50.550(A)(2).

Exception 20.50.590(C)(1): Regardless of zone, replacement or repair of existing, legally established electronic changing message or reader boards is allowed without bringing other nonconforming characteristics of a sign into compliance, so long as the size of the reader board does not increase and the provisions of 20.50.532 and the change or animation provisions of Exception 20.50.550(A)(2) are met.

Amendment #31
20.50.600 Temporary signs.

A. General Requirements. Certain temporary signs not exempted by SMC 20.50.610 shall be allowable under the conditions listed below. All signs shall be nonilluminated. Any of the signs or objects included in this section are illegal if they are not securely attached, create a traffic hazard, or are not maintained in good condition. No temporary signs shall be posted or placed upon public property unless explicitly allowed or approved by the City through the applicable right-of-way permit. Except as otherwise described under this section, no permit is necessary for allowed temporary signs.

B. Temporary On-Premises Business Signs. Temporary banners are permitted in zones NB, CB, MB, TC-1, TC-2, and TC-3 or for schools and houses of worship in all residential zones to announce sales or special events such as grand openings, or prior to the installation of permanent business signs. Such temporary business signs shall:

1. Be limited to not more than one sign per street frontage per business, place of worship, or school;

2. Be limited to 32 square feet in area;

3. Not be displayed for a period to exceed a total of 60 calendar days effective from the date of installation and not more than four such 60-day periods are allowed in any 12-month period; and

4. Be removed immediately upon conclusion of the sale, event or installation of the permanent business signage.

C. Construction Signs. Banner or rigid signs (such as plywood or plastic) identifying the architects, engineers, contractors or other individuals or firms involved with the construction of a building or announcing purpose for which the building is intended.

Total signage area for both new construction and remodeling shall be a maximum of 32 square feet. Signs shall be installed only upon City approval of the development permit, new construction or tenant improvement permit and shall be removed within seven days of final inspection or expiration of the building permit.

D. Temporary signs ~~in commercial zones~~ not allowed under this section and which are not explicitly prohibited may be considered for approval under a temporary use permit under SMC 20.30.295 or as part of administrative design review for a comprehensive signage plan for the site. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(F), 2000).

Amendment #32
20.50.610 Exempt signs.

N. Parks signs constructed in compliance with the Parks Sign Design Guidelines and Installation Details as approved by the Parks Board and Planning <u>&</u> ~~and~~ Community Development Director. Departures from these approved guidelines may be reviewed as departures through the administrative design review process and may require a sign permit for installation.

Amendment #33
20.80.240 Alteration.

A. The City shall approve, condition or deny proposals in a geologic hazard area as appropriate based upon the effective mitigation of risks posed to property, health and safety. The objective of mitigation measures shall be to render a site containing a geologic hazard as safe as one not containing such hazard. Conditions may include limitations of proposed uses, modification of density, alteration of site layout and other appropriate changes to the proposal. Where potential impacts cannot be effectively mitigated to eliminate a significant risk to public health, safety and property, or important natural resources, the proposal shall be denied.

B. Very High Landslide Hazard Areas. Development shall be prohibited in very high landslide hazards areas or their buffers except as granted by a critical areas special use permit or a critical areas reasonable use permit.

C. Moderate and High Landslide Hazards. Alterations proposed to moderate and high landslide hazards or their buffers shall be evaluated by a qualified professional through the preparation of the geotechnical report. However, for proposals that include no development, construction, or impervious surfaces, the City, in its sole discretion, may waive the requirement for a geotechnical report. The recommendations contained within the geotechnical report shall be incorporated into the alteration of the landslide hazard area or their buffers.

The geotechnical engineer and/or geologist preparing the report shall provide assurances that the risk of damage from the proposal, both on-site and off-site, are minimal subject to the conditions set forth in the report, that the proposal will not increase the risk of occurrence of the potential landslide hazard, and that measures to eliminate or reduce risks have been incorporated into the report's recommendations.
D. Seismic Hazard Areas.

1. For one-story and two-story residential structures, a qualified professional shall conduct an evaluation of site response and liquefaction potential based on the performance of similar structures with similar foundation conditions; or

2. For all other proposals, the applicant shall conduct an evaluation of site response and liquefaction potential including sufficient subsurface exploration to determine the site coefficient for use in the static lateral force procedure described in the ~~Uniform~~ International Building Code.

Amendment #34
20.80.310 ~~Designation and p~~Purpose.

A. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions ~~as defined by the Washington State Wetlands Identification and Delineation Manual (Department of Ecology Publication No. 96-94)~~. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, bio-swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Amendment #35
20.80.320 Designation, delineation, and ~~C~~classification.

A. The identification of wetlands and the delineation of their boundaries shall be done in accordance with the federal wetland delineation manual and applicable regional supplements approved by the Washington State Department of Ecology per WAC 173-22-035.

B. All areas identified as wetlands pursuant to the SMC 20.80.320(A), are hereby designated critical areas and are subject to the provisions of this Chapter.

C. Wetlands, as defined by this ~~section~~ subchapter, shall be classified according to the following criteria:

~~A~~ 1. "Type I wetlands" are those wetlands which meet any of the following criteria:

~~1~~a. The presence of species proposed or listed by the Federal government or State of Washington as endangered, threatened, critical or priority, or the presence of critical or outstanding actual or potential habitat for those species; or

~~2~~ b. Wetlands having 40 percent to 60 percent open water in dispersed patches with two or more wetland subclasses of vegetation; or

~~3~~ c. High quality examples of a native wetland listed in the terrestrial and/or aquatic ecosystem elements of the Washington Natural Heritage Plan that are presently identified as such or are determined to be of heritage quality by the Department of Natural Resources; or

~~4~~ d. The presence of plant associations of infrequent occurrence. These include, but are not limited to, plant associations found in bogs and in wetlands with a coniferous forested wetland class or subclass occurring on organic soils.

~~B~~ 2. "Type II wetlands" are those wetlands which are not Type I wetlands and meet any of the following criteria:

~~1~~a. Wetlands greater than one acre (43,560 sq. ft.) in size;

~~2~~ b. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size and have three or more wetland classes; or

~~3~~ c. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size, and have a forested wetland class or subclasses.

~~C~~ 3. "Type III wetlands" are those wetlands that are equal to or less than one acre in size and that have one or two wetland classes and are not rated as Type IV wetlands, or wetlands less than one-half acre in size having either three wetlands classes or a forested wetland class or subclass.

~~D~~ 4. "Type IV wetlands" are those wetlands that are equal to or less than 2,500 square feet, hydrologically isolated and have only one, unforested, wetland class. (Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 5(B), 2000).

Amendment #36
20.80.330 Required buffer areas.

A. Required wetland buffer widths shall reflect the sensitivity of the area and resource or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the critical area. Wetland buffers shall be measured from the wetland's edge as delineated in accordance with the federal wetland delineation manual and applicable regional supplements approved by the Washington State Department of Ecology per WAC 173-22-035. ~~Wetland buffers shall be measured from the wetland edge as delineated and marked in the field using the 1997 Washington State Department of Ecology Wetland Delineation Manual or adopted successor.~~

Amendment #1
20.10.050 Roles and responsibilities.

The elected officials, appointed commissions, Hearing Examiner, and City staff share the roles and responsibilities for carrying out the provisions of the Code.

The City Council is responsible for establishing policy and legislation affecting land use within the City. The City Council acts on recommendations of the Planning Commission or Hearing Examiner in legislative and quasi-judicial matters.

The Planning Commission is the designated planning agency for the City as specified by State law. The Planning Commission is responsible for a variety of discretionary recommendations to the City Council on land use legislation, Comprehensive Plan amendments ~~and quasi-judicial matters~~. The Planning Commission duties and responsibilities are specified in the bylaws duly adopted by the Planning Commission.

The Hearing Examiner is responsible for quasi-judicial decisions designated by this title and the review of administrative appeals.

The Director shall have the authority to administer the provisions of this Code, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within this Code, and to enforce requirements.

The rules and procedures for proceedings before the Hearing Examiner, Planning Commission, and City Council are adopted by resolution and available from the City Clerk's office and the Department. (Ord. 324 § 1, 2003; Ord. 238 Ch. I § 5, 2000).

Amendment #2
20.20.012 B definitions.

Binding Site Plan - A process that may be used to divide commercially and industrially zoned property, as authorized by State law. The binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access, interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. It may include a ~~A~~ plan drawn to scale, which identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography, water bodies and drainage features and building envelopes.

Amendment #3
20.20.016 D definitions.

Department - Planning &~~and~~ Community Development ~~Development Services~~ Department.

Director – Planning & ~~and~~ Community Development ~~Services~~ Director or designee. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 406 § 1, 2006).

Amendment #4
20.20.040 P definitions.

Public ~~Agency or~~ Utility Office - An office for the administration of any governmental or utility activity or program, ~~with no outdoor storage and including, but not limited to:~~

~~A. Executive, legislative, and general government, except finance;~~

~~B. Public finance, taxation, and monetary policy;~~

~~C. Administration of human resource programs;~~

~~D. Administration of environmental quality and housing program;~~

~~E. Administration of economic programs;~~

~~F. International affairs;~~

~~G. Legal counsel and prosecution; and~~

~~H. Public order and safety.~~

Public ~~Agency or~~ Utility Yard - A facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage.

Amendment #5
20.30.040 Ministerial decisions – Type A.

These decisions are based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated. These decisions are made by the Director and are exempt from notice requirements.

However, permit applications, including certain categories of building permits, and permits for projects that require a SEPA threshold determination, are subject to public notice requirements specified in Table 20.30.050 for SEPA threshold determination*, or subsection 20.30.045*.

All permit review procedures and all applicable regulations and standards apply to all Type A actions. The decisions made by the Director under Type A actions shall be final. The Director's decision shall be based upon findings that the application conforms (or does not conform) to all applicable regulations and standards.

Table 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision, and Appeal Authority

Action Type	Target Time Limits for Decision (Calendar Days)	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Administrative Design Review	28 days	20.30.297
15. Floodplain Development Permit	30 days	13.12.700
16. Floodplain Variance	30 days	13.12.800

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21C RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4). (Ord. 654 § 1 (Exh. 1), 2013; Ord. 641 § 4 (Exh. A), 2012; Ord. 631 § 1

(Exh. 1), 2012; Ord. 609 § 5, 2011; Ord. 531 § 1 (Exh. 1), 2009; Ord. 469 § 1, 2007; Ord. 352 § 1, 2004; Ord. 339 § 2, 2003; Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 244 § 3, 2000; Ord. 238 Ch. III § 3(a), 2000).

Amendment #6
20.30.045 - Neighborhood meeting for certain Type A proposals.

A neighborhood meeting shall be conducted by the applicant for developments consisting of more than one single family detached dwelling units on a single parcel in the R-4 or R-6 zones. This requirement does not apply to Accessory Dwelling Units (ADUs). (Refer to Chapter 20.30.090 SMC for meeting requirements.)

Amendment #7
20.30.060 Quasi-judicial decisions – Type C.

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision (3), (4)	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.333
5. Critical Areas	Mail, Post Site,	HE (1), (2)		120 days	20.30.336

Reasonable Use Permit	Newspaper				
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.40.505
~~8. Street Vacation~~	~~Mail, Post Site, Newspaper~~	~~HE (1), (2)~~	~~City Council~~	~~120 days~~	~~See Chapter 12.17 SMC~~
8. ~~9.~~ Master Development Plan	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.353

Amendment #8
20.30.085 Early community input meeting.

Applicants are encouraged to develop a community and stakeholders consensus-based master development plan. Community input is required to include soliciting input from stakeholders, community members and any other interested parties with bubble diagrams, diagrammatic site plans, or conceptual site plans. The meeting notice shall be provided at a minimum to property owners located within 1,000 feet of the proposal, the neighborhood chair as identified by the Shoreline Office of Neighborhoods (note: if a proposed development is within 1,000 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning & ~~and~~ Community Development Services Department. Digital audio recording, video recording, or a court reporter transcription of this meeting or meetings is required at the time of application. The applicant shall provide an explanation of the comments of these entities to the City regarding the incorporation (or not) of these comments into the design and development of the proposal. (Ord. 669 § 1 (Exh. A), 2013).

Amendment #9
20.30.090 Neighborhood meeting.

B. The neighborhood meeting shall meet the following requirements:

1. Notice of the neighborhood meeting shall be provided by the applicant and shall include the date, time and location of the neighborhood meeting and a description of the project, zoning of the property, site and vicinity maps and the land use applications that would be required.

2. The notice shall be provided at a minimum to property owners located within 500 feet (1,000 feet for master development plan permits) of the proposal, the neighborhood chair as identified by the Shoreline Office of Neighborhoods (note: if a proposed development is within 500 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning & ~~and~~ Community Development ~~Services~~ Department.

Amendment #10
20.30.120 Public notices of application.

A. Within 14 days of the determination of completeness, the City shall issue a notice of complete application for all Type B and C applications.

B. The notice of complete application shall include the following information:

1. The dates of application, determination of completeness, and the date of the notice of application;

2. The name of the applicant;

3. The location and description of the project;

4. The requested actions and/or required studies;

5. The date, time, and place of an open record hearing, if one has been scheduled;

6. Identification of environmental documents, if any;

7. A statement of the public comment period (if any), not less than 14 days nor more than 30 days; and a statement of the rights of individuals to comment on the application, receive notice and participate in any hearings, request a copy of the decision (once made) and any appeal rights. The public comment period shall be 30 days for a Shoreline Substantial Development Permit, Shoreline Variance, or a Shoreline Conditional Use Permit;

Amendment #11
20.30.315 Site development permit.

B. General Requirements. A site development permit is required for the following activities or as determined by the Director of Planning & ~~and~~ Community Development ~~Services~~:

Amendment #12
20.30.340 Amendment and review of the Comprehensive Plan (legislative action).

4. Amendment proposals will be posted on the City's website and available at the Department of Planning & ~~and~~ Community Development ~~Services~~.

Amendment #13
20.30.370 Purpose.

Subdivision is a mechanism by which to divide land into lots, parcels, sites, ~~units~~, plots, ~~condominiums~~ or tracts, ~~or interests~~ for the purpose of sale. The purposes of subdivision regulations are:

A. To regulate division of land into two or more lots or ~~condominiums~~, tracts ~~or interests~~;

B. To protect the public health, safety and general welfare in accordance with the State standards;

C. To promote effective use of land;

D. To promote safe and convenient travel by the public on streets and highways;

E. To provide for adequate light and air;

F. To facilitate adequate provision for water, sewerage, stormwater drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;

G. To provide for proper ingress and egress;

H. To provide for the expeditious review and approval of proposed subdivisions which conform to development standards and the Comprehensive Plan;

I. To adequately provide for the housing and commercial needs of the community;

J. To protect environmentally sensitive areas as designated in the critical area overlay districts chapter, Chapter 20.80 SMC, Critical Areas;

K. To require uniform monumenting of land subdivisions and conveyance by accurate legal description. (Ord. 238 Ch. III § 8(b), 2000).

Amendment #14
20.30.380 Subdivision categories.

A. Lot Line Adjustment: A minor reorientation of a lot line between existing lots to correct an encroachment by a structure or improvement to more logically follow topography or other natural features, or for other good cause, which results in no more lots than existed before the lot line adjustment.

B. Short Subdivision: A subdivision of four or fewer lots.

C. Formal Subdivision: A subdivision of five or more lots.

D. Binding Site Plan: A land division for commercial, industrial, ~~condominium~~ and mixed use type of developments.

Note: When reference to "subdivision" is made in this Code, it is intended to refer to both "formal subdivision" and "short subdivision" unless one or the other is specified. (Ord. 238 Ch. III § 8(c), 2000).

Amendment #15
20.30.390 Exemption (from subdivisions).

The provisions of this subchapter do not apply to the exemptions specified in the State law and, ~~including but not limited to:~~

~~A. Cemeteries and other burial plots while used for that purpose;~~
~~B. Divisions made by testamentary provisions, or the laws of descent;~~
~~C. Divisions of land for the purpose of lease when no residential structure other than mobile homes are permitted to be placed on the land, when the City has approved a binding site plan in accordance with the Code standards;~~
~~D. D~~divisions of land which are the result of actions of government agencies to acquire property for public purposes, such as condemnation for roads.

~~Divisions under subsections (A) and (B) of this section will not be recognized as lots for building purposes unless all applicable requirements of the Code are met~~ (Ord. 238 Ch. III § 8(d), 2000).

Amendment #16
20.30.480 Binding site plans – Type B action.

A. Commercial and Industrial. This process may be used to divide commercially and industrially zoned property, as authorized by State law. On sites that are fully developed, the binding site plan merely creates or alters interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access,

interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. The following applies:

1. S~~The~~ site~~s~~ ~~that is~~ subject to ~~the~~ binding site plan~~s~~ shall consist of one or more contiguous lots legally created.

2. S~~The s~~ite~~s~~ ~~that is~~ subject to ~~the~~ binding site plan~~s~~ may be reviewed independently, ~~for fully developed sites;~~ or concurrently with a commercial development permit application. ~~for undeveloped land; or in conjunction with a valid commercial development permit.~~

3. The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

~~B. *Repealed by Ord. 439.*~~

B ~~C~~. Recording and Binding Effect. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor, licensed in the State of Washington. Surveys shall include those items prescribed by State law.

C ~~D~~. Amendment, Modification and Vacation. The Director may approve minor changes to an approved binding site plan, or its conditions of approval. If the proposal involves additional lots, rearrangements of lots or roads, additional impacts to surrounding property, or other major changes, the proposal shall be reviewed in the same manner as a new application. ~~Amendment, modification and vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application.~~ (Ord. 439 § 1, 2006; Ord. 238 Ch. III § 8(m), 2000).

Amendment #17
20.30.680 Appeals.

A. Any interested person may appeal a threshold determination or the conditions or denials of a requested action made by a nonelected official pursuant to the procedures set forth in this section and Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals. No other SEPA appeal shall be allowed.

1. Only one administrative appeal of each threshold determination shall be allowed on a proposal. Procedural appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to approve, condition or deny an action pursuant to RCW 43.21C.060 with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.

2. As provided in RCW 43.21C.075(3)(d), the decision of the responsible official shall be entitled to substantial weight.

3. An appeal of a DS must be filed within 14 calendar days following issuance of the DS.

4. All SEPA appeals of a DNS for actions classified in Chapter 20.30 SMC, Subchapter 2, Types of Actions, as Type A or B, or C actions for which the Hearing Examiner has review authority, must be filed within 14 calendar days following notice of the threshold determination as provided in SMC 20.30.150, Public notice of decision; provided, that the appeal period for a DNS for Type A or B actions issued at the same time as the final decision shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies.

~~5. For Type C actions for which the Hearing Examiner does not have review authority or for legislative actions, no administrative appeal of a DNS is permitted.~~

5. ~~6.~~ The Hearing Examiner shall make a final decision on all procedural SEPA determinations. The Hearing Examiner's decision may be appealed to superior court as provided in Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals.

Amendment #18

Table 20.40.130 Nonresidential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
RETAIL/SERVICE									
532	Automotive Rental and Leasing						**P**	**P**	**P only in TC-1**
81111	Automotive Repair and Service					**P**	**P**	**P**	**P only in TC-1**
451	Book and Video Stores/Rental (excludes Adult Use Facilities)			**C**	**C**	**P**	**P**	**P**	**P**
513	Broadcasting and Telecommunications							**P**	**P**

Amendment #18

Table 20.40.130 Nonresidential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
812220	Cemetery, Columbarium	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Houses of Worship	**C**	**C**	**P**	**P**	**P**	**P**	**P**	**P**
	Collective Gardens					**P-i**	**P-i**	**P-i**	
	Construction Retail, Freight, Cargo Service							**P**	
	Daycare I Facilities	**P-i**	**P-i**	**P**	**P**	**P**	**P**	**P**	**P**
	Daycare II Facilities	**P-i**	**P-i ~~C~~**	**P**	**P**	**P**	**P**	**P**	**P**
722	Eating and Drinking Establishments (Excluding Gambling Uses)	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**
812210	Funeral Home/Crematory	**C-i**	**C-i**	**C-i**	**C-i**		**P-i**	**P-i**	**P-i**
447	Fuel and Service Stations					**P**	**P**	**P**	**P**
	General Retail Trade/Services					**P**	**P**	**P**	**P**
811310	Heavy Equipment and Truck Repair							**P**	
481	Helistop			**S**	**S**	**S**	**S**	**C**	**C**
485	Individual Transportation and Taxi						**C**	**P**	**P only in TC-1**
812910	Kennel or Cattery						**C-i**	**P-i**	**P-i**
	Library Adaptive Reuse	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
31	Light Manufacturing							**S**	**P**
441	Motor Vehicle and Boat Sales							**P**	**P only in TC-1**
	Professional Office			**C**	**C**	**P**	**P**	**P**	**P**
5417	Research, Development and Testing							**P**	**P**

Amendment #18

Table 20.40.130 Nonresidential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
484	Trucking and Courier Service						P-i	P-i	P-i
541940	Veterinary Clinics and Hospitals			C-i		P-i	P-i	P-i	P-i
	Warehousing and Wholesale Trade							P	
	Wireless Telecommunication Facility	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
P = Permitted Use				S = Special Use					
C = Conditional Use				-i = Indexed Supplemental Criteria					

(Ord. 669 § 1 (Exh. A), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 643 § 1 (Exh. A), 2012; Ord. 560 § 3 (Exh. A), 2009; Ord. 469 § 1, 2007; Ord. 317 § 1, 2003; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 277 § 1, 2001; Ord. 258 § 5, 2000; Ord. 238 Ch. IV § 2(B, Table 2), 2000).

Amendment #19

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION									
	Adult Use Facilities						P-i	P-i	
71312	Amusement Arcade							P	P
71395	Bowling Center					C	P	P	P
6113	College and University					S	P	P	P
56192	Conference Center	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i

6111	Elementary School, Middle/Junior High School	**C**	**C**	**C**	**C**				
	Gambling Uses (expansion or intensification of existing nonconforming use only)					**S-i**	**S-i**	**S-i**	**S-i**
71391	Golf Facility	**P-i**	**P-i**	**P-i**	**P-i**				
514120	Library	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
71211	Museum	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
	Nightclubs (excludes Adult Use Facilities)						**C**	**P**	**P**
7111	Outdoor Performance Center							**S**	**P**
	Parks and Trails	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
	Performing Arts Companies/Theater (excludes Adult Use Facilities)						**P-i**	**P-i**	**P-i**
6111	School District Support Facility	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6111	Secondary or High School	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6116	Specialized Instruction School	**C-i**	**C-i**	**C-i**	**C-i**	**P**	**P**	**P**	**P**
71399	Sports/Social Club	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6114 (5)	Vocational School	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
GOVERNMENT									
9221	Court						**P-i**	**P-i**	**P-i**
92216	Fire Facility	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Interim Recycling Facility	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	
92212	Police Facility					**S**	**P**	**P**	**P**
92	Public ~~Agency or~~ Utility Office <u>/Yard</u>	**S-i**	**S-i**	**S**	**S**	**S**	**P**	**P**	
92	~~Public Agency or Utility Yard~~	**P-i**	**P-i**	**P-i**	**P-i**			**P-i**	
221	Utility Facility	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
	~~Utility Facility, Regional Stormwater Management~~	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
HEALTH									
622	Hospital	**C-i**	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**

6215	Medical Lab						**P**	**P**	**P**
6211	Medical Office/Outpatient Clinic	**C-i**	**C-i**	**C-i**	**C-i**	**P**	**P**	**P**	**P**
623	Nursing and Personal Care Facilities			**C**	**C**	**P**	**P**	**P**	**P**
REGIONAL									
	School Bus Base	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	
	Secure Community Transitional Facility							**S-i**	
	Transfer Station	**S**	**S**	**S**	**S**	**S**	**S**	**S**	
	Transit Bus Base	**S**	**S**	**S**	**S**	**S**	**S**	**S**	
	Transit Park and Ride Lot	**S-i**	**S-i**	**S-i**	**S-i**	**P**	**P**	**P**	**P**
	Work Release Facility							**S-i**	

P = Permitted Use	**S = Special Use**
C = Conditional Use	**-i = Indexed Supplemental Criteria**

(Ord. 654 § 1 (Exh. 1), 2013; Ord. 560 § 3 (Exh. A), 2009; Ord. 531 § 1 (Exh. 1), 2009; Ord. 309 § 4, 2002; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 258 § 3, 2000; Ord. 238 Ch. IV § 2(B, Table 3), 2000).

Amendment #20
20.40.320 Daycare facilities.

Justification – Currently, the code does not allow Daycare II in R-4 and R-6 zones, which could include churches or schools that are typically in R-4 and R-6 zones. These daycares are usually a reuse of the existing facilities. Expansion of church or school in R-4 or R-6 zones would require a conditional use permit anyway. The intent of Daycare II in residential zones is to protect single family neighborhoods which can still be met if they are allowed within an existing school or church.

A. Daycare I facilities are permitted in R-4 through R-12 zoning designations as an accessory to residential use, house of worship, or a school facility, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of 42 inches; and

2. Hours of operation may be restricted to assure compatibility with surrounding development.

B. Daycare II facilities are permitted in R-8 and R-12 zoning designations through an approved Cconditional Uuse Ppermit or as a reuse of an existing house of worship or school facility without expansion, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of six feet.

2. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.

3. Hours of operation may be restricted to assure compatibility with surrounding development

Amendment #21
20.40.480 Public agency or utility office &
20.40.490 Public agency or utility yard

~~**20.40.480 Public agency or utility office.**~~

~~A. Only as a re-use of a public school facility or a surplus nonresidential facility; or~~
~~B. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area; and~~
~~C. No outdoor storage. (Ord. 238 Ch. IV § 3(B), 2000).~~

~~**20.40.490 Public agency or utility yard.**~~

~~Public agency or utility yards are permitted provided:~~
~~A. Utility yards only on sites with utility district offices; or~~
~~B. Public agency yards are limited to material storage, vehicle maintenance, and equipment storage for road maintenance, facility maintenance, and parks facilities. (Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).~~

Amendment #22
20.40.600 Wireless telecommunication facilities/satellite dish and antennas.

C. Permit Requirements.

Table 20.40.600(1) – Types of Permits Required for the Various Types of Wireless Telecommunication Facilities

	Type of Permit

Type of WTF	Building	Conditional Use (CUP)	Special Use (~~C~~SUP)	Rights-of-Way Use
Building-mounted and structure-mounted wireless telecommunication facilities and facilities co-located onto existing tower	X			X (if applicable)
Ground-mounted camouflaged lattice towers and monopoles	X	X		X (if applicable)
Ground-mounted uncamouflaged lattice towers and monopoles	X		X	X (if applicable)

Amendment #23
20.50.020 Dimensional requirements.

A. Table 20.50.020(1) – Densities and Dimensions in Residential Zones.

Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4)	5 ft min. and 15 ft	5 ft min. and 15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft

(5)	total sum of two	total sum of two						
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8)	35 ft
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

Exceptions to Table 20.50.020(1):

(1) Repealed by Ord. 462.

(2) These standards may be modified to allow zero lot line developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.

(3) For single-family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.

(4) For single-family detached development exceptions to rear and side yard setbacks, please see SMC 20.50.080.

(5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130.

(6) The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.

(7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.

(8) For development on R-48 lots abutting R-12, R-18, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.

(9) Base height for high schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.

Amendment #24
20.50.090 Additions to existing single-family house – Standards.

A. Additions to existing single-family house and related accessory structures may extend into a required yard when the house is already nonconforming with respect to that yard. The length of the existing nonconforming facade must be at least 60 percent of the total length of the respective facade of the existing house (prior to the addition). The line formed by the nonconforming facade of the house shall be the limit to which any additions may be built as described below, except that roof elements, i.e., eaves and beams, may be extended to the limits of existing roof elements. The additions may ~~extend up to the height limit and may~~ include basement additions. New additions to the nonconforming wall or walls shall comply with the following yard requirements:

1. Side Yard. When the addition is to the side of the existing house, the existing side facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the side yard line;

2. Rear Yard. When the addition is to the rear facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the rear yard line;

3. Front Yard. When the addition is to the front facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than 10 feet to the front lot line;

4. Height. Any part of the addition going above the height of the existing roof must meet standard yard setbacks; and

5. This provision applies only to additions, not to rebuilds.

When the nonconforming facade of the house is not parallel or is otherwise irregular relative to the lot line, then the Director shall determine the limit of the facade extensions on case by case basis.

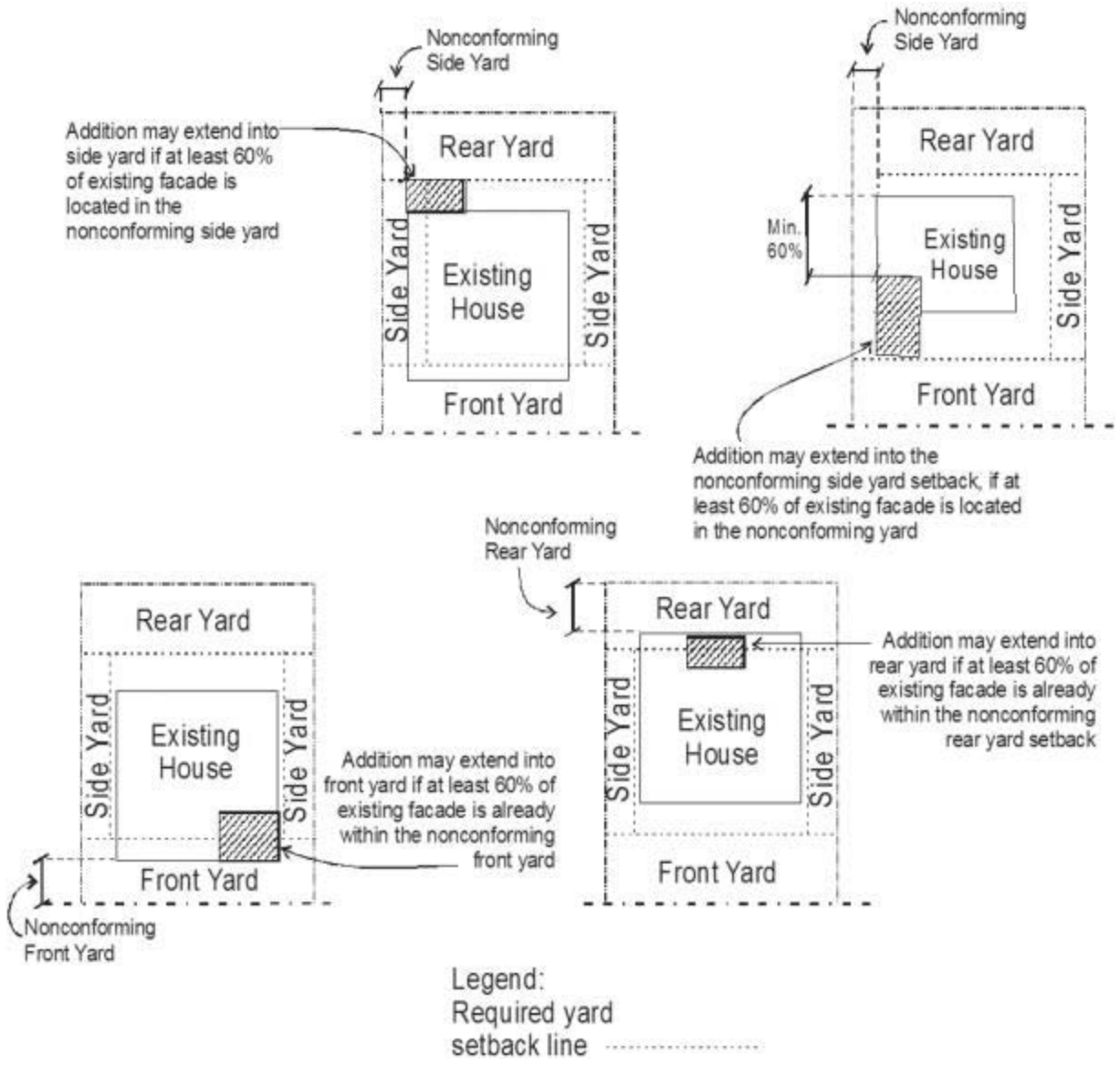


Figure 20.50.090(A): Examples of additions to existing single-family houses and into already nonconforming yards.

Amendment #25
20.50.240 Site design (Commercial Code Amendments).

A. Purpose.

1. Promote and enhance public walking and gathering with attractive and connected development.

2. Promote distinctive design features at high visibility street corners.

3. Provide safe routes for pedestrians and people with disabilities across parking lots, to building entries, and between buildings.

4. Promote economic development that is consistent with the function and purpose of permitted uses and reflects the vision for commercial development ~~the town center subarea~~ as expressed in the Comprehensive Plan.

C. **Site Frontage.**

1. Development abutting NB, CB, MB, TC-1, 2 and 3 shall meet the following standards:

a. Buildings shall be placed at the property line or abutting public sidewalks if on private property. However, buildings may be set back farther if public places, landscaping and vehicle display areas are included or a utility easement is required between the sidewalk and the building;

b. Minimum space dimension for building interiors that are ground-level and fronting on streets shall be 12-foot height and 20-foot depth and built to commercial building code ~~standards~~. These spaces may be used for any permitted land use;

c. Minimum window area shall be 50 percent of the ground floor facade ~~and located between the heights of 30 inches and 10 feet above the ground~~ for each front ~~facade~~ façade which can include glass entry doors;

d. A building's primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible;

e. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the facade where over pedestrian facilities. Awnings may project into public rights-of-way, subject to City approval;

f. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot wide walkway between the back of curb and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees; and

g. Surface parking along street frontages in commercial zones shall not occupy more than 65 lineal feet of the site frontage. Parking lots shall not be located at street corners. No parking or vehicle circulation is allowed between the rights-of-way and the building front facade. See SMC 20.50.470 for parking lot landscape standards.

F. **Public Places.**

1. Public places are required for the commercial portions of development at a rate of ~~4,000~~ square feet of public place per 20 square feet of net commercial floor area ~~acre~~ up to a public place maximum of 5,000 square feet. This requirement may be divided into smaller public places with a minimum 400 square feet each.

2. Public places may be covered but not enclosed unless by subsection (F)(3) of this section.

3. Buildings shall border at least one side of the public place.

4. Eighty percent of the area shall provide surfaces for people to stand or sit.

5. No lineal dimension is less than six feet.

6. The following design elements are also required for public places:
a. Physically accessible and visible from the public sidewalks, walkways, or through-connections;

b. Pedestrian access to abutting buildings;

c. Pedestrian-scaled lighting (subsection (H) of this section);

d. Seating and landscaping with solar access at least a portion of the day; and

e. Not located adjacent to dumpsters or loading areas.



Public Places

G. **Multifamily Open Space.**

1. All multifamily development shall provide open space;

a. Provide 800 square feet per development or 50 square feet of open space per dwelling unit, whichever is greater;

b. Other than private balconies or patios, open space shall be accessible to all residents and include a minimum lineal dimension of six feet. This standard applies to all open spaces including parks, playgrounds, rooftop decks and ground-floor courtyards; and may also be used to meet walkway standards as long as the function and minimum dimensions of the open space are met;

c. Required landscaping can be used for open space if it does not obstruct access or reduce the overall landscape standard. Open spaces shall not be placed adjacent to ~~parking lots and~~ service areas without full screening; and

d. Open space shall provide seating that has solar access at least a portion of the day.

J. Utility and Mechanical Equipment.

1. Equipment shall be located and designed to minimize its visibility to the public. Preferred locations are off alleys; service drives; within, atop, or under buildings; or other locations away from the street. Equipment shall not intrude into required pedestrian areas.

Utilities Consolidated and Separated by Landscaping Elements

2. All exterior mechanical equipment, with the exception of solar collectors or wind power generating equipment, shall be screened from view by integration with the building's architecture through such elements as parapet walls, false roofs, roof wells, clerestories, equipment rooms, materials and colors. Painting mechanical equipment strictly as a means of screening is not permitted. (Ord. 663 § 1 (Exh. 1), 2013; Ord. 654 § 1 (Exh. 1), 2013).

Amendment #26
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 & Community ~~and~~ Development Department ~~Services~~ and his or her designee.

c. In addition to other exemptions of SMC 20.50.290 through 20.50.370, a request for the cutting of any tree that is an active and imminent hazard such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events. After the tree removal, the City will need photographic proof or other documentation and the appropriate application approval, if any. 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.

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 NB, CB, MB and TC-1, 2 and 3, unless within a critical area of 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 3,000 square feet of soil may be exposed at any one time.

7. Normal and routine maintenance of existing golf courses provided that the use of chemicals does not impact any critical areas or buffers. For purposes of this section, "normal and routine maintenance" means grading activities such as those listed below; except for clearing and grading (i) for the expansion of such golf courses, and (ii) clearing and grading within critical areas or buffers of such golf courses:

a. Aerification and sanding of fairways, greens and tee areas.

b. Augmentation and replacement of bunker sand.

c. Any land surface modification including change of the existing grade by four feet, as required to maintain a golf course and provide reasonable use of the golf course facilities.

d. Any maintenance or repair construction involving installation of private storm drainage pipes up to 12 inches in diameter.

e. Removal of significant trees as required to maintain and provide reasonable use of a golf course. Normal and routine maintenance, as this term pertains to removal of significant trees, includes activities such as the preservation and enhancement of greens, tees, fairways, pace of play, preservation of other trees and vegetation which contribute to the reasonable use, visual quality and economic value of the affected golf course. At least 50 percent of significant trees on a golf course shall be retained.

f. Golf courses are exempt from the tree replacement requirements in SMC 20.50.360(C). Trees will be replanted based on enhancing, and maintaining the character of, and promoting the reasonable use of any golf course.

g. Routine maintenance of golf course infrastructures and systems such as irrigation systems and golf cart paths as required.

h. Stockpiling and storage of organic materials for use or recycling on a golf course in excess of 50 cubic yards.

Amendment #27
20.50.440 Bicycle facilities – Standards.

A. Short-Term Bicycle Parking. Short-term bicycle parking shall be provided as specified in Table A. Short-term bicycle parking is for bicycles anticipated to be at a building site for less than four hours.

Table A: Short-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required
Multifamily	1 per 10 dwelling units
Commercial and all other nonresidential uses	1 bicycle stall per 12 vehicle parking spaces (minimum of 1 space)

Installation of Short-Term Bicycle Parking. Short-term bicycle parking shall comply with all of the following:

1. It shall be visible from a building's entrance;

Exception: Where directional signage is provided at a building entrance, short-term bicycle parking shall be permitted to be provided at locations not visible from the main entrance.

2. It shall be located at the same grade as the sidewalk or at a location reachable by ramp or accessible route;

3. It shall be provided with illumination of not less than one footcandle at the parking surface;

4. It shall have an area of not less than 18 inches by 60 inches for each bicycle;

5. It shall be provided with a rack or other facility for locking or securing each bicycle;

6. The rack or other locking feature shall be permanently attached to concrete or other comparable material; and

7. The rack or other locking feature shall be designed to accommodate the use of U-locks for bicycle security.

B. Long-Term Bicycle Parking. Long-term bicycle parking shall be provided as specified in Table B. Long-term bicycle parking is for bicycles anticipated to be at a building site for four or more hours.

Table B: Long-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required

Table B: Long-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required
Multifamily	~~1~~.5 per ~~studio or 1-bedroom~~ unit except for units where individual garages are provided. ~~2 per unit having 2 or more bedrooms~~
Commercial and all other nonresidential uses	1 per 25,000 square feet of floor area; not less than 2 spaces

Installation of Long-Term Bicycle Parking. Long-term bicycle parking shall comply with all of the following:

1. It shall be located on the same site as the building;

2. It shall be located inside the building, or shall be located within 300 feet of the building's main entrance and provided with permanent cover including, but not limited to, roof overhang, awning, or bicycle storage lockers;

3. Illumination of not less than one footcandle at the parking surface shall be available;

4. It shall have an area of not less than 18 inches by 60 inches for each bicycle;

5. It shall be provided with a permanent rack or other facility for locking or securing each bicycle. Up to 25% of the racks may be located on walls in garages.

6. Vehicle parking spaces that are in excess of those required by code may be used for the installation of long-term bicycle parking spaces.

Exception 20.50.440(1). The Director may authorize a reduction in long term bicycle parking where the housing is specifically assisted living or serves special needs or disabled residents.

Exception 20.50.440(2). Ground floor units with direct access to the outside may be exempted from the long term bicycle parking calculation.

Exception 20.50.440(3): The Director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include, but not be limited to:

1. Park/playfield;
2. Marina;
3. Library/museum/arboretum;
4. Elementary/secondary school;
5. Sports club; or

6. Retail business and office (when located along a developed bicycle trail or designated bicycle route).
7. Campus zoned properties and transit facilities. (Ord. 663 § 1 (Exh. 1), 2013; Ord. 555 § 1 (Exh. 1), 2009; Ord. 238 Ch. V § 6(C-2), 2000).

Amendment #28
20.50.532 Permit required.

A. Except as provided in this chapter, no temporary or permanent sign may be constructed, installed, posted, displayed or modified without first obtaining a sign permit approving the proposed sign's size, design, location, and display.

B. No permit is required for normal and ordinary maintenance and repair, and changes to the graphics, symbols, or copy of a sign, without affecting the size, structural design or height. Exempt changes to the graphics, symbols or copy of a sign must meet the standards for permitted illumination.

C. Installation or replacement of electronic changing message or reader board signs requires a permit and must comply with SMC Exception 20.50.550(A)(2) and SMC 20.50.590.

~~C~~D. Sign applications that propose to depart from the standards of this subchapter must receive an administrative design review approval under SMC 20.30.297 for all signs on the property as a comprehensive signage package. (Ord. 654 § 1 (Exh. 1), 2013).

Amendment #29
20.50.550 Prohibited signs.

A. Spinning devices; flashing lights; searchlights, electronic changing messages or reader board signs.
Exception 20.50.550(A)(1): Traditional barber pole signs allowed only in NB, CB, MB and TC-1 and 3 zones.

Exception 20.50.550(A)(2): Electronic changing message or reader boards are permitted in CB and MB zones if they do not have moving messages or messages that change or animate at intervals less than 20 seconds. Replacement of existing, legally established electronic changing message or reader boards in existing signs is allowed, but the intervals for changing or animating messages must meet the provisions of this section, as well as 20.50.532 and 20.50.590. Maximum one electronic changing message or reader board sign is permitted per parcel. ~~, which will be~~ Digital signs which change or animate at intervals less than 20 seconds will be considered blinking or flashing and are not allowed.

B. Portable signs, except A-frame signs as allowed by SMC 20.50.540(I).

C. Outdoor off-premises advertising signs (billboards).

D. Signs mounted on the roof.

E. Pole signs.

F. Backlit awnings used as signs.

G. Pennants; swooper flags; feather flags; pole banners; inflatables; and signs mounted on vehicles. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 631 § 1 (Exh. 1), 2012; Ord. 560 § 4 (Exh. A), 2009; Ord. 369 § 1, 2005; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(C), 2000).

Amendment #30
20.50.590 Nonconforming signs.

A. Nonconforming signs shall not be altered in size, shape, height, location, or structural components without being brought to compliance with the requirements of this Code. Repair and maintenance are allowable, but may require a sign permit if structural components require repair or replacement.

B. ~~Outdoor advertising signs (~~bBillboards~~)~~ now in existence are declared nonconforming and may remain subject to the following restrictions:

1. Shall not be increased in size or elevation, nor shall be relocated to another location.

2. Installation of electronic changing message or reader boards in existing billboards is prohibited.

~~2~~3. Shall be kept in good repair and maintained.

~~3~~4. Any outdoor advertising sign not meeting these restrictions shall be removed within 30 days of the date when an order by the City to remove such sign is given. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(E), 2000).

C. Electronic changing message or reader boards may not be installed in existing, nonconforming signs without bringing the sign into compliance with the requirements of this Code, including Exception 20.50.550(A)(2).

Exception 20.50.590(C)(1): Regardless of zone, replacement or repair of existing, legally established electronic changing message or reader boards is allowed without bringing other nonconforming characteristics of a sign into compliance, so long as the

size of the reader board does not increase and the provisions of 20.50.532 and the change or animation provisions of Exception 20.50.550(A)(2) are met.

Amendment #31
20.50.600 Temporary signs.

A. General Requirements. Certain temporary signs not exempted by SMC 20.50.610 shall be allowable under the conditions listed below. All signs shall be nonilluminated. Any of the signs or objects included in this section are illegal if they are not securely attached, create a traffic hazard, or are not maintained in good condition. No temporary signs shall be posted or placed upon public property unless explicitly allowed or approved by the City through the applicable right-of-way permit. Except as otherwise described under this section, no permit is necessary for allowed temporary signs.

B. Temporary On-Premises Business Signs. Temporary banners are permitted in zones NB, CB, MB, TC-1, TC-2, and TC-3 or for schools and houses of worship in all residential zones to announce sales or special events such as grand openings, or prior to the installation of permanent business signs. Such temporary business signs shall:

1. Be limited to not more than one sign per street frontage per business, place of worship, or school;

2. Be limited to 32 square feet in area;

3. Not be displayed for a period to exceed a total of 60 calendar days effective from the date of installation and not more than four such 60-day periods are allowed in any 12-month period; and

4. Be removed immediately upon conclusion of the sale, event or installation of the permanent business signage.

C. Construction Signs. Banner or rigid signs (such as plywood or plastic) identifying the architects, engineers, contractors or other individuals or firms involved with the construction of a building or announcing purpose for which the building is intended. Total signage area for both new construction and remodeling shall be a maximum of 32 square feet. Signs shall be installed only upon City approval of the development permit, new construction or tenant improvement permit and shall be removed within seven days of final inspection or expiration of the building permit.

D. Temporary signs ~~in commercial zones~~ not allowed under this section and which are not explicitly prohibited may be considered for approval under a temporary use permit under SMC 20.30.295 or as part of administrative design review for a comprehensive signage plan for the site. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(F), 2000).

Amendment #32
20.50.610 Exempt signs.

N. Parks signs constructed in compliance with the Parks Sign Design Guidelines and Installation Details as approved by the Parks Board and Planning & ~~and~~ Community Development Director. Departures from these approved guidelines may be reviewed as departures through the administrative design review process and may require a sign permit for installation.

Amendment #33
20.80.240 Alteration.

A. The City shall approve, condition or deny proposals in a geologic hazard area as appropriate based upon the effective mitigation of risks posed to property, health and safety. The objective of mitigation measures shall be to render a site containing a geologic hazard as safe as one not containing such hazard. Conditions may include limitations of proposed uses, modification of density, alteration of site layout and other appropriate changes to the proposal. Where potential impacts cannot be effectively mitigated to eliminate a significant risk to public health, safety and property, or important natural resources, the proposal shall be denied.

B. Very High Landslide Hazard Areas. Development shall be prohibited in very high landslide hazards areas or their buffers except as granted by a critical areas special use permit or a critical areas reasonable use permit.

C. Moderate and High Landslide Hazards. Alterations proposed to moderate and high landslide hazards or their buffers shall be evaluated by a qualified professional through the preparation of the geotechnical report. However, for proposals that include no development, construction, or impervious surfaces, the City, in its sole discretion, may waive the requirement for a geotechnical report. The recommendations contained within the geotechnical report shall be incorporated into the alteration of the landslide hazard area or their buffers.

The geotechnical engineer and/or geologist preparing the report shall provide assurances that the risk of damage from the proposal, both on-site and off-site, are minimal subject to the conditions set forth in the report, that the proposal will not increase the risk of occurrence of the potential landslide hazard, and that measures to eliminate or reduce risks have been incorporated into the report's recommendations.
D. Seismic Hazard Areas.

1. For one-story and two-story residential structures, a qualified professional shall conduct an evaluation of site response and liquefaction potential based on the performance of similar structures with similar foundation conditions; or

2. For all other proposals, the applicant shall conduct an evaluation of site response and liquefaction potential including sufficient subsurface exploration to determine the site coefficient for use in the static lateral force procedure described in the ~~Uniform~~ International Building Code.

Amendment #34
20.80.310 ~~Designation and p~~Purpose.

A. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions ~~as defined by the Washington State Wetlands Identification and Delineation Manual (Department of Ecology Publication No. 96-94)~~. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, bio-swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Amendment #35
20.80.320 Designation, delineation, and ~~C~~classification.

A. The identification of wetlands and the delineation of their boundaries shall be done in accordance with the federal wetland delineation manual and applicable regional supplements approved by the Washington State Department of Ecology per WAC 173-22-035.

B. All areas identified as wetlands pursuant to the SMC 20.80.320(A), are hereby designated critical areas and are subject to the provisions of this Chapter.

C. Wetlands, as defined by this ~~section~~ subchapter, shall be classified according to the following criteria:

~~A~~ 1. "Type I wetlands" are those wetlands which meet any of the following criteria:

~~1~~a. The presence of species proposed or listed by the Federal government or State of Washington as endangered, threatened, critical or

priority, or the presence of critical or outstanding actual or potential habitat for those species; or

~~2.~~ b. Wetlands having 40 percent to 60 percent open water in dispersed patches with two or more wetland subclasses of vegetation; or

~~3.~~ c. High quality examples of a native wetland listed in the terrestrial and/or aquatic ecosystem elements of the Washington Natural Heritage Plan that are presently identified as such or are determined to be of heritage quality by the Department of Natural Resources; or

~~4.~~ d. The presence of plant associations of infrequent occurrence. These include, but are not limited to, plant associations found in bogs and in wetlands with a coniferous forested wetland class or subclass occurring on organic soils.

~~B.~~ 2. "Type II wetlands" are those wetlands which are not Type I wetlands and meet any of the following criteria:

~~1.~~a. Wetlands greater than one acre (43,560 sq. ft.) in size;

~~2.~~ b. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size and have three or more wetland classes; or

~~3.~~ c. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size, and have a forested wetland class or subclasses.

~~C.~~ 3. "Type III wetlands" are those wetlands that are equal to or less than one acre in size and that have one or two wetland classes and are not rated as Type IV wetlands, or wetlands less than one-half acre in size having either three wetlands classes or a forested wetland class or subclass.

~~D.~~ 4. "Type IV wetlands" are those wetlands that are equal to or less than 2,500 square feet, hydrologically isolated and have only one, unforested, wetland class. (Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 5(B), 2000).

Amendment #36
20.80.330 Required buffer areas.

A. Required wetland buffer widths shall reflect the sensitivity of the area and resource or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the critical area. Wetland buffers shall be measured from the wetland's edge as delineated in accordance with the federal wetland delineation manual

and applicable regional supplements approved by the Washington State Department of Ecology per WAC 173-22-035. ~~Wetland buffers shall be measured from the wetland edge as delineated and marked in the field using the 1997 Washington State Department of Ecology Wetland Delineation Manual or adopted successor.~~

SEATTLE GOLF & COUNTRY CLUB

CODE INTERPRETATION REQUEST

February 16, 2012

Seattle Golf & Country Club
Code Interpretation Request

Table of Contents

CODE INTERPRETATION REQUEST SUBMITTAL CHECKLIST

Planning & Community Development

The following information is typically needed in order to submit an application for review. Depending on the scope of work, some items may not apply or may be combined. If you have a question on required items, please call (206) 801-2500 or stop by our office. Read each item carefully and provide all applicable information. **All construction drawings must be drawn to an architectural scale (e.g. 1/4" = 1'), while site plans and civil drawings must be drawn to an engineering scale (e.g. 1" = 20').** NOT POSSIBLE

- [x] **City of Shoreline Application Form** (attached).
- [x] **Letter to the Director:** Clearly indicate the Development Code provisions (provide a reference to Chapters, Sections and Page Numbers and specific text) that you wish to have interpreted. Accurately and clearly describe any circumstances that may clarify your request for interpretation.

  Please note: A request for interpretation of the Development Code is not intended to replace a pre-application conference for a specific project or to replace the variance, special use or reasonable use application requirements.

- [x] **Critical Areas Worksheet (if the request is site specific).** HART CROWSER LETTER
- [x] **Site Plan – two (2) copies** to clarify your request and drawn approximately to scale, such as 1" = 20' on 8 1/2" x 11" or 8 1/2" x 14" paper.
  - Graphic scale and north arrow.
  - Property lines with dimensions.
  - Centerline of adjacent streets, alleys or roads and their names.
  - Any information that will clarify the request.

BEST EFFORT TO COMPLY BY PROVIDING ATTACHED SITE PLAN

Submittal Fee: $149.50 ($149.50 hourly rate, 1-hour minimum). ATTACHED

Please note: Fees effective 1/2012 and are subject to change.

NOTE: Please be sure that all drawings are clear and information is legible. Number each page consecutively and staple them together with the site plan as your first sheet. No pencil drawings will be accepted. Applications may not be accepted after 4:00 pm.

OTHER PERMITS THAT MAY BE REQUIRED:
Building Permit
Site Development

City of Shoreline applications and submittal checklists may be downloaded from our website www.shorelinewa.gov under "Popular Links" select "Permits".

1/2012

17500 Midvale Avenue North, Shoreline, Washington 98133-4905
Telephone (206) 801-2500 Fax (206) 801-2788 pcd@shorelinewa.gov
The Development Code (Title 20) is located at mrsc.org

City of Shoreline

Planning & Community Development

17500 Midvale Avenue North Shoreline, WA 98133-4905
Phone: (206) 801-2500 Fax: (206) 801-2788
Email: pcd@shorelinewa.gov Web: www.shorelinewa.gov

Print Form

PERMIT APPLICATION

PARCEL INFORMATION (Include all parcel(s) information. Attach additional sheets, if necessary.)

Project Address: (Leave blank if address is not assigned) 210 NW 145th Street, Shoreline, WA 98177

Parcel Number (Property Tax Account Number) 132603-9018

Legal Description (Attach separate sheet for long Legal Description) T26N, R3E, Section 13, SE ¼

PROPERTY OWNER INFORMATION

Name Seattle Golf Club Email mattschuldt@seattlegolfclub.com

Address 210 NW 145th Street City Shoreline State WA Zip 98177

Phone 206–362– 5444 Phone Cell

Owner's Authorized Agent

Name Matt Schuldt Email mattschuldt@seattlegolfclub.com

Address 210 NW 145th Street City Shoreline State WA Zip 98177

Phone 206–362– 1209 Phone Cell

PROJECT INFORMATION

Type of Application: ☐ Single Family ☐ Multi-Family ☐ Non-Residential ☐ Legislative

Building/Construction: ☐ New Construction ☐ Addition/Remodel ☐ Change of Use ☐ Demolition ☐ Mechanical ☐ Plumbing ☐ Other ☐ Fire Sprinkler ☐ Fire Alarm

Land Use: ☐ Clearing & Grading ☐ Subdivision ☐ Short Plat ☐ Site Development ☐ Zoning Variance ☐ Engineering Variance ☐ Use - Home Occupation ☐ Use - Bed & Breakfast ☐ Use - Temporary Use ☐ Conditional Use ☒ Code Interpretation ☐ Rezone

PROJECT DESCRIPTION

Request for interpretation by the Director that Shoreline Municipal Code Subchapter 5 of Title 20 of the Development Code (SMC 20.50.290-20.50.370) is not applicable to the normal and routine maintenance activities of a golf course located within the city of Shoreline, Washington, and that no clearing and grading permit is necessary in connection with such normal and routine maintenance activities.

Construction Value Not Applicable

CONTRACTOR INFORMATION

Company Name Not Applicable Email

Contact Person Phone

Address City State Zip

Contractor's Registration # Expiration Date

I am the property owner or authorized agent of the property owner. I certify that to the best of my knowledge, the information submitted in support of this permit application is true and correct. I certify that I will comply with all applicable City of Shoreline regulations pertaining to the work authorized by the issuance of a permit. I understand that issuance of this permit does not remove the owner's responsibility for compliance with state or federal laws regulating construction or environmental laws. I grant permission for City staff and agents to enter areas covered by this permit application for the sole purpose of inspecting these areas in order to process this application and to enforce code provisions related to the issued permit(s).

Signature / Date

Property Owner and/or Authorized Agent

CRITICAL AREAS WORKSHEET

- [x] Yes [ ] No Is there any standing or running water on the surface of the property or on any adjacent property at any time during the year?
- [ ] Yes [x] No Does the site have steep slopes with little to no vegetation?
- [x] Yes [ ] No Has any portion of the property or any adjacent property ever been identified as a wetland or swamp?
- [ ] Yes [x] No Does the site contain high percentages of silt and/or very fine sand?
- [ ] Yes [x] No Are any willows, skunk cabbage, alders, cottonwoods, or cattails present on your property or adjacent properties?
- [ ] Yes [x] No Does the site contain ground water seepage or springs near the surface of the ground?
- [ ] Yes [x] No Are there any indications on any portion of the property or on any adjacent property of rockslides, earthflows, mudflows, landslides, or other slope failure?

Please indicate which line best represents the steepest slope found on your property. [ ] 0%-5% [ ] 5%-10% [x] 10%-15% [ ] 15%-20% [ ] 20%-25% [ ] 25%+

Please describe the site conditions for any "yes" answer:

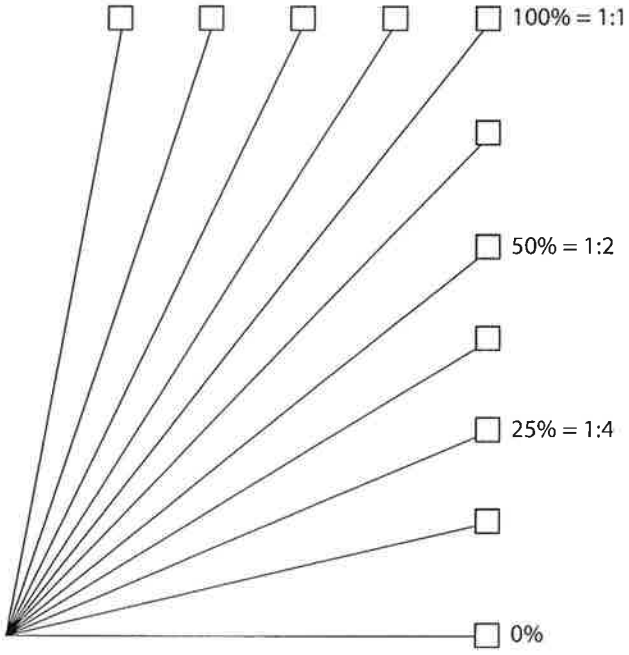
The property consists of about 155 acres, primary use is a golf course which contains one natural pond and several man made ponds. A Wetland delineation of the property was recently prepared for the property owner in connection with its efforts to work with the Shoreline Dept. Planning & Community Development to obtain this code interpretation, or in the alternative, a permit to conduct its normal and routine maintenance activities if necessary. Hart Crowser letter dated January 20, 2012, attached

Who prepared this information? Matt Schuldt.

How to Determine the Slope of a Hillside

The slope is considered the vertical measure as it relates to the horizontal measure. For example if a slope has a rise of one foot over a four foot horizontal distance the slope would be be 1:4 or a 25% slope.

(Check appropriate slope percentage box and mark correct box on diagram below.)



210 NW 145th Street
Shoreline, WA 98177

February 16, 2012

Shoreline Planning & Community Development
17500 Midvale Avenue N.
Shoreline, WA 98133

Re: Request for Code Interpretation Subchapter 5 of Title 20 of the Development Code
Hand Delivered

Ladies and Gentlemen:

Seattle Golf Club ("SGC") has resided in its current location since 1908 and is laid out over 155 acres in the South West corner of Shoreline. According to the United States Census Bureau, the city of Shoreline has a total area of 11.7 square miles (30.3 km²), of which SGC's 155 acres (.611 km²) cover slightly more than 2% of the city of Shoreline. SGC's Course Superintendent estimates SGC to have more than 6,000 trees covering its acreage, which is almost certainly more than 2% of the trees in the city of Shoreline, given the fact that this acreage has few structural improvements other than the golf course itself.

As part of its normal and routine horticultural activities, SGC was recently studying the removal of numerous trees, in an effort to improve the health and playability of its golf course. A recommendation for removal of certain trees was contained in a study commissioned by SGC, and the conclusions of study were confirmed by SGC's local Certified Arborist. Since removal of more than one or two healthy trees in any given year by SGC is rare, its board looked at the Shoreline Municipal Code ("SMC" or "Code") to confirm it could take such action without violating the Code[1].

On the one hand, SMC Subchapter 5 of Title 20 of the Development Code (SMC 20.50.290-20.50.370, hereafter referred to as "Subchapter 5") does not provide an exemption for golf courses from the private property owners' clearing and grading limits, including a limit of removing no more than 6 significant trees every 36 months.

This is in contrast to King County Code 16.82.051, which expressly exempts golf courses from clearing and grading requirements:

"In conjunction with ***normal and routine maintenance activities***, if:

[1] In considering this issue, SGC has chosen a more conservative approach of removing several trees at a time in an effort to balance tree removal with improved health and playability of greens and tees areas.

a. there is no alteration of a ditch or aquatic area that is used by salmonids:
b. the structure, condition or site maintained was constructed or created in accordance with law; and
c. the maintenance does not expand the roadway, lawn, landscaping, ditch, culvert or other improved area being maintained."

King County Code 16.82.051 (C)(13) (Emphasis added).

A similar express exemption exists for golf courses in Seattle (by virtue of their being considered "parks" under Seattle Mun. Code 18.12.030(9)), for tree clearing (Seattle Mun. Code Secs. 25.09.320 & 25.09.045) and grading permit requirements (Seattle Mun. Code Secs. 22.170.060(B)(8), without distinction as to public or private golf courses. An express exemption for golf courses, again without distinction as to public or private courses, exists in the Bellevue code as well (Bellevue Municipal Code Sec. 3.43.020(H)).

Shoreline's Code, in not providing an express exemption for golf courses from clearing and grading requirements for normal and routine maintenance operations, is also distinguishable from numerous other local municipalities' clearing and grading provisions (which exempt golf courses for ordinary and routine maintenance). A sample of some of these municipal code provisions from Kenmore, Sammamish and Snoqualmie are attached hereto as Exhibit A.

Please note that golf courses are also generally exempt from the provisions of the State Environmental Policy Act ("SEPA") which is codified in RCW Ch. 43.21C. See, WAC 197-11-800(13)(c). Respectfully, if the state has determined that golf courses should be exempt from the rigorous provisions of SEPA, it is difficult to see why they should not also be exempt from the provisions of Subchapter 5, including but not limited to the clearing and grading provisions.

On the other hand, Subchapter 5 at SMC 20.50.350 provides clear "[d]evelopment standards for clearing activities" that would appear at odds with 6 significant trees every 36 months clearing and grading limits. It includes "Minimum Retention Requirements" that would allow SGC to a permit for clearing up to 70 or 80 percent of its significant trees. Indeed, pursuant to Exception to 20.50.350(B), the Director has discretion to reduce minimum significant tree retention percentage beyond the baseline 70 to 80% for a number of reasons including cases where "strict compliance with the provisions of this Code may jeopardize reasonable use of property" or where "there are special circumstances related to the size, shape, topography, location or surroundings of the subject property."

During the past several months, SGC has been in discussions with Paul Cohen of the Shoreline Planning & Community Development department ("Planning Department") on how to deal with

the special requirements of SGC, interpretation of and compliance with existing law, and how to minimize the expense to the city in working through these issues.

Stated succinctly, SGC respectfully seeks an interpretation of Subchapter 5 which excludes the need to obtain permits for normal and routine maintenance on golf courses, and that such activities are distinguishable from site development activities which are properly addressed by Subchapter 5, to harmonize Shoreline's Development Code with the numerous local municipalities cited, as well as with King County.

Such an interpretation is consistent with the stated purpose of Subchapter 5, which is to "reduce the environmental impacts of ***site development while promoting the reasonable use of land***." SMC 20.50.290 (emphasis added), as well as the effect of SMC 20.50.350 which would permit the clearing of up to 70 to 80 percent of SGC's trees as part of a site development. ***SGC is not engaging in "site development," but believes that its interpretation of Subchapter 5 is implied by the stated purpose and remaining substantive provisions of Subchapter 5, as well as how numerous neighboring jurisdictions have expressly limited their development codes.***

Further support is found in Shoreline's Clearing & Grading Permit Checklist[2] (see Exhibit B), which requires certain submissions which SGC is incapable of providing. For example, SGC cannot provide "site plans and civil drawings must be drawn to an engineering or architectural scale (e.g. 1" = 20' or 1/4" = 1')" for a site that is 155 acres large in a meaningful (and relatively inexpensive) way. Nor can it provide a depiction on a site plan with each of its 6,000+ trees[3]. As can be seen from Exhibit B, there are numerous other required items that are inapplicable to or unreasonable for SGC to comply with.

Other Background History

In its more than 100 years at this location, SGC has with great pride stewarded its land, trees, other vegetation and golf course in a manner that meets or exceeds the spirit of Subchapter 5 and many of the stated goals listed under SMC 20.50.290 such as:

- Promotion of practices consistent with the city's natural topography and vegetative cover.
- 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.

[2] SCG is contemporaneously seeking a clearing and grading permit in an abundance of caution and desire to avoid violation of Subchapter 5 if this code is interpreted to require such a permit.
[3] Mr. Cohen, at a recent meeting with SGC agreed to modify these requirements in the manner indicated on Exhibit B which includes identification and measurement of about 110 "significant trees."

- Conservation and restoration of trees and vegetative cover to reduce flooding, the impacts on existing drainageways, and the need for additional stormwater management facilities.
- Retention of tree clusters for the abatement of noise, wind protection, and mitigation of air pollution.

Aside from the precedent presented from other local municipalities, and even King County, there is a practical basis as to why an interpretation of Subchapter 5 which permits normal and routine maintenance of golf courses is appropriate.

With all respect, a conclusion that Subchapter 5 applies to the ordinary and routine maintenance of a 155 acre golf course in the same manner as it applies to an average private property owner's ½ acre property[4] seems unreasonable and certainly beyond the purpose and intent of Subchapter 5 set out above. To put this in perspective, SGC's 155 acres if they were developed in ½ acre parcels would be covered by 310 single family residences. In such a case, the residents of those imaginary residences would collectively be able to remove up to 1,860 trees in 36 months and move up to 15,500 cubic yards of soil without permit.[5]

SGC has no intent to make any sort of radical change to its property, but rather seeks an interpretation from the Planning Department that golf course normal and routine maintenance is not subject to Subchapter 5, which would allow SGC to engage in the following activities and other normal maintenance to allow it the reasonable use of its acreage:

1. **Aerification and Sanding of Fairways, Greens and Tee Areas**. SGC has for the last decade or more, aerified the grass areas of the golf course periodically and as a by-product of this process, had grass plugs totaling more than 50 cubic yards that it recycles and reuses throughout the golf course. Additionally, in concert with aerification, SGC applies sand to its golf course once or twice a year totaling more than 50 yards in each application. Under a strict interpretation of Subchapter 5, this activity could arguably require SGC to apply for and receive permits from Shoreline each time it aerifies or sands portions of its golf course.

2. **Periodic Augmentation and Replacement of Bunker Sand.** SGC's golf course incorporates 85 fairway and greenside sand bunkers. The bunkers require periodic maintenance, including supplementing the sand from time to time and replacing the sand on a periodic basis as well. These activities can total more than 50 cubic yards in any given application and in any give year. Again, under a strict interpretation of Subchapter 5, this activity could arguably require SGC to apply for and receive permits from Shoreline each

[4] Permits required for private property owners moving more than 50 cubic yards of soil, as well as for removal of more than 6 "significant trees" in 36 months.
[5] Which is well within the outer limits established in SMC 20.50.350.

time it augments or replaces bunker sand on its golf course. In addition, crows at various times of the year damage turf which occasionally requires the transplantation of turf from various parts of the golf course, which adds to the normal and routine maintenance which could arguably require permit, see Exhibit C for photos of such damage.

3. **Removal of Necessary Healthy Significant Trees**. One of the greatest assets of SGC is the more than 6,000 trees which enhance its grounds. Unless kept in equilibrium, these same trees can become great liabilities as they compete for sunlight with grass and other non-tree vegetation. If normal and routine removal of trees necessary to keep such equilibrium is not permitted, the playability of the golf course is unreasonably affected. Currently, under a strict interpretation of Subchapter 5, SGC is permitted to remove only up to 6 significant trees[6] in any 36 month period. Again, while this sort of restriction makes sense for a ½ acre residential property, it makes little sense on a 155 acre property with more than 6,000 trees.

4. **Removal of Unhealthy and Hazardous Trees**. With more than 6,000 trees on its property, SGC is presented with the need to address handling of diseased, dying and hazardous trees on a regular basis that can as part of its normal and routine maintenance be handled by SGC's Course Superintendent, and its certified arborist. Instead, under a strict interpretation of Subchapter 5, this activity could arguably require SGC to apply for and receive permits from Shoreline each time a tree becomes a hazard to life or limb, or becomes diseased or dying.

5. **No Required Replanting for Removed Trees**. Subchapter 5 also generally requires that four (4) trees be planted for each significant tree removed if more than six (6) significant trees are removed (SMC 20.50.360(C)).[7] Such a requirement makes no sense in connection with trees removed to increase sunlight on adjacent non-tree vegetation or to improve playability. In such cases, the replanting of trees at or near the location of the removed trees would be inappropriate. On the other hand, replanting of trees has always been part of the normal and routine maintenance of the golf course where trees are removed because they are diseased or hazardous and are critical to play. Indeed, SGC in the last week or so added more than 6 significant trees to improve the golf course, without mandate from any governmental authority. See photographs in Exhibit C.

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[6] Minimum size requirements for replacement trees: deciduous trees shall be at least 1.5 inches in caliper and evergreens six feet in height. SMC 20.50.360(C)(3)

[7] This requirement is expressly waivable by the Director under the Exceptions to SMC 20.50.360(C) as: (i) strict compliance with the provisions of this Subchapter 5 restricts SGC's reasonable use of the property as a golf course, (ii) there are special circumstances related to the large size, shape, topography, location and surroundings of SGC's property, and (iii) granting the requested waiver will not be detrimental to the public welfare or injurious to other property in the vicinity given the negligible effect of removal of trees for reasons stated when compared to the total number of trees on SGC's property.

We welcome any questions and thoughts you may have on in considering the proposed interpretation of Subchapter 5 in the most expeditious and appropriate manner.

Very truly yours,

SEATTLE GOLF CLUB

Lawrence C. Calvert

Lawrence C. Calvert, President

Exhibit A
Sample Local Municipal Code Provisions
Exempting Golf Courses from Clearing and Grading Provisions

Kenmore Municipal Code 15.25.050 Clearing and grading permit required – Exceptions.

A. No person shall do any clearing or grading without first having obtained a clearing and grading permit from the director except for the following:

16. Within sensitive areas, as regulated in Chapter 18.55 KMC, the following activities are exempt from the clearing requirements of this chapter and no permit shall be required:

e. ***Normal and routine maintenance of existing public parks and private and public golf courses.*** This does not include clearing or grading in order to develop or expand such activities in sensitive areas. For the purpose of this subsection, a park is defined as any real property managed for public use which has been previously maintained as a park or has been developed as a park pursuant to a properly issued permit. (Emphasis added).

Snoqualmie Municipal Code 15.20.030 Clearing and permit – When required.

A. A clearing and grading permit shall be required for all clearing and grading activity except as provided for in subsections B and C of this section.

B. No clearing and grading permit shall be required for the following activities (hereinafter "exempt activities"), regardless of where they are located:

1. Normal and routine maintenance of existing lawns and landscaping; provided, the use of chemicals does not significantly impact any sensitive area as defined in Chapter 19.12 SMC;

2. Permitted agricultural uses in sensitive areas as provided for in SMC 19.12.030(B)(4);

3. Emergency tree removal to prevent imminent danger or hazard to persons or property;

4. Normal and routine horticultural activities associated with existing commercial orchards, nurseries or Christmas tree farms; provided, that the use of chemicals does not significantly impact any sensitive area as defined in Chapter 19.12 SMC. This exception shall not include clearing or grading for expansion of such existing operations;

5. ***Normal and routine maintenance of existing public and private parks and golf courses; provided, that the use of chemicals does not significantly impact any sensitive area as defined in Chapter 19.12 SMC. This exception shall not include clearing and grading for expansion of such existing parks and golf courses***;(Emphasis added).

Sammamish Municipal Code 16.15.050 Clearing and grading permit required – Exceptions.

No person shall do any clearing or grading without first having obtained a clearing and grading permit from the director except for the following:

(1) An on-site excavation or fill for basements and footings of a building, retaining wall, parking lot, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure;

(2) Maintenance of existing driveways or private access roads within their existing road prisms; provided, that the performance and restoration requirements of this chapter are met and best management practices are utilized to protect water quality;

(3) Any grading within a publicly owned road right-of-way, provided this does not include clearing or grading that expands further into a critical area or buffer;

(4) Clearing or grading by a public agency for the following routine maintenance activities:

(a) Roadside ditch cleaning, provided the ditch does not contain salmonids;

(b) Pavement maintenance;

(c) Normal grading of gravel shoulders;

(d) Maintenance of culverts;

(e) Maintenance of flood control or other approved surface water management facilities;

(f) Routine clearing within road right-of-way;

(5) Cemetery graves; provided, that this exception does not apply except for routine maintenance if the clearing or grading is within a critical area as regulated in Chapter 21A.50 SMC;

(6) Minor stream restoration projects for fish habitat enhancement by a public agency, utility, or tribe as set out in Chapter 21A.50 SMC;

(7) Any clearing or grading that has been approved by the director as part of a commercial site development permit and for which a financial guarantee has been posted;

(8) The following activities are exempt from the clearing requirements of this chapter and no permit shall be required:

(a) Normal and routine maintenance of existing lawns and landscaping, including up to 50 cubic yards of top soil, mulch, or bark materials added to existing landscaped areas subject to the limitations in critical areas and their buffers as set out in Chapter 21A.50 SMC;

(b) Emergency tree removal to prevent imminent danger or hazard to persons or property;

(c) Normal and routine horticultural activities associated with commercial orchards, nurseries, or Christmas tree farms subject to the limitations on the use of pesticides in critical areas as set out in Chapter 21A.50 SMC. This does not include clearing or grading in order to develop or expand such activities;

(d) ***Normal and routine maintenance of existing public park properties and private and public golf courses. This does not include clearing or grading in order to develop or expand such activities in critical areas***; (Emphasis added).

Exhibit B
Shoreline Clearing and Grading Checklist

*ANNOTATIONS IN BODY OF CHECKLIST MADE BY PAUL COHEN DURING VISIT ON 1/27/12 TO DISCUSS IMPOSSIBILITY TO PROVIDE ARCHITECTURAL SCALE DRAWINGS AND DISCUSS OTHER REASONABLE REQUIREMENTS FOR SUBMISSION WITH CLEARING AND GRADING PERMIT. George Treperinas and Matt Schuldt attended this meeting for Seattle Golf Club. TYPED CAP NOTES BY TREPERINAS

CITY OF SHORELINE

CLEARING AND GRADING PERMIT SUBMITTAL CHECKLIST

Planning & Community Development

The following information is typically needed in order to submit an application for review. Depending on the scope of work, some items may not apply or may be combined. If you have a question on required items, please call (206) 801-2500 or stop by our office. Read each item carefully and provide all applicable information. **All site plans and civil drawings must be drawn to an engineering or architectural scale (e.g. 1" = 20' or 1/4" = 1').** 1"=40' 1"=1'

☐ **City of Shoreline Permit Application** (attached) YES

☐ **Critical Areas Worksheet** (attached). Note: a critical area report may be required if a critical area exists on or adjacent to the site. HART CROWSER — BIOLOGIST LETTER ATTACHED

☐ **Cross Sections** – At least **three (3) copies** are required, one in each direction, showing the existing and proposed contours, as well as the horizontal and vertical scale. (This requirement may be waived if the project does not involve grading).

☐ **Environmental Checklist** or any State Environmental Policy Act (SEPA) determination, if applicable. (SEPA fees are in addition to grading permit fees, please see the State Environmental Policy Act (SEPA) requirements handout for additional details). SEE WAC 197-11-800(13)(c) SEPA EXEMPTION

Geotechnical Report – two (2) copies of the soils report or geotechnical evaluations. This provision may be waived if the project does not include grading within a geologic hazard area.

Plan for Temporary and/or Permanent Erosion and Sedimentation Control Facilities: These facilities must be designed in accordance with the *Department of Ecology Stormwater Management Manual for Western Washington.*

☐ **Site Plans – three (2 full size and 1 reduced - maximum 11" x 17") copies** drawn to an engineering scale (e.g. 1" = 20'). Permit applications for co-locations only may not require as detailed of a site plan.

- Site address
- Name, address, and phone number of the person who prepared the drawing.
- Graphic scale and north arrow.
- Location, identification and dimensions of all proposed and existing buildings and their uses.
  - Note structure height. The structure height must be calculated based on the average existing grade. The calculation is to be illustrated on the elevations. LEGAL DECRIPTION IN PERMIT
  - Dimensions of all property lines.
  - ~~Building/structure setbacks from front, side, and rear property lines.~~
  - ~~Buildings within 50' of the proposed structure.~~
  - Easements, including utility, drainage, access, open space. Include the King County recording number for existing easements. NONE IN AFFECTED AREA
  - ~~Location of existing parking spaces, include traffic flow and all internal walkways.~~

☐ **Tree Retention, Protection, and Planting Plan**

- Location of all critical areas and buffers on or adjacent to the site. HART CROWSER LETTER ATTACHED
- Location, size, species, and condition of all existing trees on the property. ATTACHED
- Clearing limits. ATTACHED
- Identification of trees to be removed, trees to be preserved, and location of planted trees. ATTACHED
- Proposed tree protection measures and tree and vegetation planting details.
- Calculation of required tree retention percentage. IN PERMIT LETTER
- Calculation or required replacement trees. ADDRESSED IN PERMIT LETTER
- The Tree Retention, Protection, and Planting Plan may be combined with the Site Plan or the Grading Plan if no landscaping plan is required. GRADING PLAN IN PERMIT LETTER
- The Director may waive these requirements if the applicant can demonstrate that they are removing no more than six significant trees. Please see the *Tree Cutting* handout and the Tree Conservation, Land Clearing, and Site Grading Standards in the Shoreline WAIVER SOUGHT IN PERMIT LETTER FOR STATED REASONS

ATTACHED AERIAL AND DETAIL PICTURES TO IDENTIFY EXACT LOCATIONS. TREES LISTED BY ARBORCOM TAG NUMBERS ALL SUBJECT TO REMOVAL

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

Development Code for additional information and specific requirements.

☐ **Additional Requirements**:

- A registered engineer, licensed in the State of Washington must stamp (1) Plans that include permanent drainage facilities, if such facilities are proposed and (2) Plans for grading in landslide hazard areas.

ADDRESSED IN PERMIT LETTER

- Identify in writing the source of fill material, destination of excavated material, travel routes for hauling material, methods of clean-up and how to minimize problems of dust, mud and traffic circulation.

HART CROWSER LETTER

- Properties with critical areas and their buffers as defined in the Critical Areas Ordinance may require submittal of special reports, and may require implementation of mitigation measure as described in that Chapter.

☐ A certified arborist may be required to prepare a professional evaluation to include the anticipated effects of proposed construction of the viability of trees on site, provide a hazardous tree assessment, develop plans for supervising and/or monitoring implementation of required tree protection or replacement measures, and/or conduct a post construction site inspection.

Submittal Fee: $448.50 ($149.50 hourly rate, 3 hour minimum). ATTACHED

The initial deposit may be reduced for projects that do not include grading.

Please note: Fees effective 1/2012 and are subject to change.

NOTE: Please be sure that all drawings are clear and information is legible. Number each page consecutively and staple them together with the site plan as your first sheet. No pencil drawings will be accepted. Applications may not be accepted after 4:00 pm.

City of Shoreline applications and submittal checklists may be downloaded from our website www.shorelinewa.gov under "Popular Links" select "Permits".

Exhibit C
Photos of Recent Trees Planted as Normal and Routine Maintenance of golf course

Photos of Damage by Birds to be Repaired as Normal and Routine Maintenance of golf course

January 20, 2012

Mr. George Treperinas
Karr Tuttle Campbell
1201 3rd Avenue, Suite 2900
Seattle, WA 98101

Re: Wetland Reconnaissance Investigation
Seattle Golf Club
Shoreline, Washington
12749-01

Dear George:

We conducted a reconnaissance-level wetland investigation on December 30, 2011 at the Seattle Golf Club located at 210 Northwest 145th Street in Shoreline, Washington. Our investigation included observation of the potential presence and extent of three wetland indicator parameters including hydrophytic vegetation, hydric soils, and hydrology. We identified one wetland area on site associated with an existing pond. This letter is a summary of our findings.

SITE DESCRIPTION

The Seattle Golf Club was established in 1908 at its current location. The golf course is situated on approximately 151 acres and contains paved and unpaved pathways, greens, fairways, ponds, a driving range, a club house, and several forested areas. The golf course currently contains five ponds of which one (Pond 11/18) is a natural feature. Based on King County aerial photographs, Pond 11/18 was the only natural water feature present at the site prior to 1936. The remaining four ponds were created after 1936 as the golf club became fully developed. Water levels in the five ponds fluctuate regularly depending on the season, precipitation patterns, and aesthetic needs at the site. In addition, the golf course is operated and maintained year round.

The golf course is surrounded by developed parcels of land, and located in an urban residential neighborhood.

The relatively small forested portions of the golf course are dominated by Douglas fir (*Pseudotsuga menziesii*) and Western redcedar (*Thuja plicata*) with big-leaf maple (*Acer macrophyullum*), English laurel (*Prunus laurocerasis*), sword fern (*Polystichum munitum*), trailing blackberry (*Rubus ursinus*), mowed grasses, and other native and non-native plants present in the understory. Small and

120 Third Avenue South, Suite 110
Edmonds, Washington 98020-8411
Fax 425.778.9417
Tel 425.775.4682

localized patches of Himalayan blackberry (*Rubus armeniacus*), English ivy (*Hedera helix*), and English laurel are present throughout the golf course. The majority of the golf course contains mowed and maintained grasses. In addition, portions of Pond 11/18 were planted with lily pads in 1997 and 1998. While these plants qualify as hydrophytic (wetland) vegetation, they were intentionally installed for aesthetic purposes and are not considered naturally occurring for the purposes of this investigation.

In general, the golf course slopes toward the central portion of the site and Pond 11/18, which is located at one of the lowest points on the property.

The property includes one wetland area located along the southern shoreline of Pond 11/18 within the central portion of the property. This area will be discussed below.

WETLAND FINDINGS

Methods

We identify wetlands and their boundaries based on our standard methodology, professional judgment, and existing site conditions during field analysis, including information provided by the client. The Routine Determinations method described by the Washington State Department of Ecology (Ecology) in the Washington State Wetlands Identification and Delineation Manual (Ecology 1997) in conjunction with the US Army Corps of Engineers Wetland Delineation Manual (1987) and Regional Supplement (2010) is applied to comply with local, state, and federal regulations. Positive wetland indicators must be present with few exceptions for the following three parameters for an area to be identified as a jurisdictional wetland: (1) hydrophytic vegetation, (2) hydric soil, and (3) wetland hydrology. We use standard methods to determine whether the criteria are met for each of the parameters.

We walked the property and visually inspected the vegetation and topography to determine if further investigations were warranted. In multiple locations we examined the soil to a depth of 12 to 16 inches, in areas that were either topographic low points and/or contained vegetation that may have been indicative of wetland conditions.

On-site Wetland

One on-site wetland area is located along a portion of the southern edge of Pond 11/18 (see attached Sketch Map). The wetland area consists of four small vegetated areas totaling approximately 723 square feet (sf) in size. The largest of these areas totals approximately 560 sf,

localized patches of Himalayan blackberry (*Rubus armeniacus*), English ivy (*Hedera helix*), and English laurel are present throughout the golf course. The majority of the golf course contains mowed and maintained grasses. In addition, portions of Pond 11/18 were planted with lily pads in 1997 and 1998. While these plants qualify as hydrophytic (wetland) vegetation, they were intentionally installed for aesthetic purposes and are not considered naturally occurring for the purposes of this investigation.

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and the smallest totals approximately 2 sf. Pond 11/18 does not meet the size requirement of 20 acres for a lacustrine (lake) system, and therefore the identified wetland area is classified as a depressional wetland system under the hydrogeomorphic (HGM) classification system (Brinson 1993).

Greater than 50 percent of the dominant vegetation is facultative (FAC) or facultative wetland (FACW), or obligate (OBL), which meets the hydrophytic vegetation criteria. The wetland areas contained similar dominant emergent vegetation including creeping spikerush (*Eleocharis palustris*, OBL), soft rush (*Juncus effusus*, FACW), and grasses. Based on the Cowardin classification system (Cowardin et al. 1979), the on-site wetland contains one class: a palustrine emergent persistent seasonally flooded (PEM1C) wetland.

At the time of our investigation, we observed wetland primary hydrology indicators including inundation and saturation within the upper 12 inches of the soil. Soils were saturated to the existing soil surface near the shoreline of the pond and inundated waterward of the shoreline. These conditions are expected to have been present and to continue to be present for at least one month during the growing season, which fulfills the criteria for wetland hydrology.

In addition, we observed soils consisting of sandy silt. Gravelly sand was observed below the sandy silt layer at a depth ranging from 4 to 10 inches below ground surface. In our test pits within the wetland area, we observed low-chroma colors that indicate the presence of hydric soils. No redoxymorphic concentrations (mottles) were observed. In general, soils were dark brown in color (10YR 3/1 to 10YR 2/1).

Regulatory Requirements

Based on our reconnaissance-level evaluation and the current Shoreline Municipal Code (SMC) 20.80.320(D), the on-site wetland areas appear to be rated as a Category IV wetland. The total wetland area (723 sf) is less than 2,500 square feet. A natural outlet to Pond 11/18 does not exist and therefore the pond and associated wetlands are considered hydrologically isolated. Finally, the wetland area has only one, unforested, wetland class: emergent. SMC requires a standard 35-foot buffer for Category IV wetlands (SMC 20.80.330(B)).

Currently, the 35-foot standard buffer associated with the on-site Category IV wetland contains maintained greens, tee boxes, benches, and a portion of a paved pathway. SMC 20.80.030(K) provides for "normal and routine maintenance and operation of existing landscaping and gardens" and SMC 20.80.030(L) covers "minor activities not mentioned above and determined by the City to have minimal impacts to the critical area." The golf course grounds and associated landscape features are subject to normal and routine maintenance and operation by the Seattle Golf Club and meet the exemption requirements under the SMC. In addition, it is our professional opinion that

continued maintenance and operational activities within the 35-foot buffer will not have a negative impact on the existing wetland area.

SUMMARY

We investigated the subject property for the presence or absence of wetland conditions. One Category IV wetland area was identified on the golf course along the southern shoreline of Pond 11/18. Based on the SMC 20.80, the wetland requires a standard 35-foot buffer.

LIMITATIONS

Work for this project was performed, and this letter report prepared, in accordance with generally accepted professional practices for the nature and conditions of the work completed in the same or similar localities, at the time the work was performed. It is intended for the exclusive use of Karr Tuttle Campbell and the Seattle Golf Course for specific application to the referenced property. This report is not meant to represent a legal opinion. No other warranty, express or implied, is made.

Photos and a sketch map of the property are attached to this letter report for reference.

If you have any questions, please contact Celina Abercrombie at (425) 329-1173. We thank you for this opportunity to provide our wetland consulting services.

Sincerely,

HART CROWSER, INC.

CELINA A. ABERCROMBIE
Wetland Ecologist
celina.abercrombie@hartcrowser.com

JEFFREY C. BARRETT
Principal
jeff.barrett@hartcrowser.com

Attachments: Sketch Map
Photographs

REFERENCES

Brinson, M., 1993. A Hydrogeomorphic Classification for Wetlands. Wetlands Research Program Technical Report WRP-DE-4. August 1993.

Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe, 1979. Classification of Wetlands and Deepwater Habitats of the United States. Office of Biological Services, US Fish and Wildlife Service, FWS/OBS-79/31, Washington, DC.

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Reed, P.B., Jr., 1988. National List of Plant Species that Occur in Wetlands: Northwest (Region 9). US Fish and Wildlife Service, Biological Report 88(26.9), Washington, DC.

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US Army Corps of Engineers, 1987. Corps of Engineers Wetland Delineation Manual. Technical report Y-87-1, National Technical Information Service, Springfield, Virginia.

Amendment #1
20.10.050 Roles and responsibilities.

Justification – The Hearing Examiner is responsible for quasi-judicial matters and not the Planning Commission. The shift of qausi-judicial hearing responsibilities changed 3 years ago and this amendment reflects that change.

The elected officials, appointed commissions, Hearing Examiner, and City staff share the roles and responsibilities for carrying out the provisions of the Code.

The City Council is responsible for establishing policy and legislation affecting land use within the City. The City Council acts on recommendations of the Planning Commission or Hearing Examiner in legislative and quasi-judicial matters.

The Planning Commission is the designated planning agency for the City as specified by State law. The Planning Commission is responsible for a variety of discretionary recommendations to the City Council on land use legislation, Comprehensive Plan amendments ~~and quasi-judicial matters~~. The Planning Commission duties and responsibilities are specified in the bylaws duly adopted by the Planning Commission.

The Hearing Examiner is responsible for quasi-judicial decisions designated by this title and the review of administrative appeals.

The Director shall have the authority to administer the provisions of this Code, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within this Code, and to enforce requirements.

The rules and procedures for proceedings before the Hearing Examiner, Planning Commission, and City Council are adopted by resolution and available from the City Clerk's office and the Department. (Ord. 324 § 1, 2003; Ord. 238 Ch. I § 5, 2000).

Amendment #2
20.20.012 B definitions.

Justification - This amendment matches the definition of Binding Site Plan with the description under the process section in chapter 20.30.480 Binding Site Plans – Type B Action. The definition does not adequately explain what a binding site plan is only what it should show. The checklist for a Binding Site Plan describes the information included with an application.

Binding Site Plan - A process that may be used to divide commercially and industrially zoned property, as authorized by State law. The binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access, interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. It may include a ~~A~~ plan drawn to scale, which identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography, water bodies and drainage features and building envelopes.

Amendment #3
20.20.016 D definitions.

Justification – The department definition refers to the department's old name. This amendment will update the department's name to the correct title.

Department - Planning ~~&and~~ Community Development ~~Development Services~~ Department.

Amendment #4
20.20.040 P definitions.

Justification – This amendment is based on an Administrative Order issued by the City for the Shoreline Water District Utility Yard and a Special Use Permit. The term "public agency or utility office" is confusing to whether we mean "public agency" or "utility office" or public agency and public utility office. The below definition is to consolidate the use of public utilities into one use that is understandable and administrable. This is more apparent since the intent that public utilities, but not public agencies, may need to locate in residential zones. A public utility office will include uses such as City Hall, the City's Brugger Bog Maintenance facility, Ronald Wastewater, and North City Water District. The public utility yard includes outside uses such as storage, vehicle repair, and maintenance.

Public ~~Agency or~~ Utility Office - An office for the administration of any governmental or utility activity or program, ~~with no outdoor storage and including, but not limited to:~~

A. ~~Executive, legislative, and general government, except finance;~~

~~B. Public finance, taxation, and monetary policy;~~

~~C. Administration of human resource programs;~~

~~D. Administration of environmental quality and housing program;~~

~~E. Administration of economic programs;~~

~~F. International affairs;~~

~~G. Legal counsel and prosecution; and~~

~~H. Public order and safety.~~

Public ~~Agency or~~ Utility Yard - A facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage.

Amendment #5
20.30.040 Ministerial decisions – Type A.

Justification – These amendments will provide early notice of certain larger Type A developments to residents in the neighborhood and to provide a forum for discussion and possible mitigation of impacts. Residents do not currently receive any notification when multiple homes are built on a single parcel. Conversely, if one lot is being subdivided into three parcels, notification would be given to surrounding home owners. This amendment will provide the same level of neighborhood notification when multiple homes proposed to be built on one lot or one lot is being subdivided into multiple lots.

These decisions are based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated. These decisions are made by the Director and are exempt from notice requirements.

However, permit applications, including certain categories of building permits, and permits for projects that require a SEPA threshold determination, are subject to public notice requirements specified in Table 20.30.050 for SEPA threshold determination*, or subsection 20.30.045*.

All permit review procedures and all applicable regulations and standards apply to all Type A actions. The decisions made by the Director under Type A actions shall be final. The Director's decision shall be based upon findings that the application conforms (or does not conform) to all applicable regulations and standards.

Table 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision, and Appeal Authority

Action Type	Target Time Limits for Decision (Calendar Days)	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400

3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Administrative Design Review	28 days	20.30.297
15. Floodplain Development Permit	30 days	13.12.700
16. Floodplain Variance	30 days	13.12.800

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21C RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4). (Ord. 654 § 1 (Exh. 1), 2013; Ord. 641 § 4 (Exh. A), 2012; Ord. 631 § 1 (Exh. 1), 2012; Ord. 609 § 5, 2011; Ord. 531 § 1 (Exh. 1), 2009; Ord. 469 § 1, 2007; Ord. 352 § 1, 2004; Ord. 339 § 2, 2003; Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 244 § 3, 2000; Ord. 238 Ch. III § 3(a), 2000).

Amendment #6
20.30.045 - Neighborhood meeting for certain Type A proposals.

A neighborhood meeting shall be conducted by the applicant for developments consisting of more than one single family detached dwelling units on a single parcel in the R-4 or R-6 zones. This requirement does not apply to Accessory Dwelling Units (ADUs). (Refer to Chapter 20.30.090 SMC for meeting requirements.)

Amendment #7
20.30.060 Quasi-judicial decisions – Type C.

Justification - The procedures for street vacations are regulated elsewhere in State law and SMC Title 12, and are slightly different than either Type C or Type L Actions as defined in the table below. Listing a Street Vacation as a Type C Action in this table is incorrect and creates confusion as to the process.

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision (3), (4)	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.40.505
~~8. Street Vacation~~	~~Mail, Post Site,~~	~~HE (1), (2)~~	~~City~~	~~120 days~~	~~See Chapter~~

	~~Newspaper~~		~~Council~~		~~12.17 SMC~~
8. ~~9.~~ Master Development Plan	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.353

Amendment #8
20.30.120 Public notices of application.

Justification – The recently adopted SMP specifies public comment periods for three different types of Shoreline permits: Shoreline Substantial Development Permit, Shoreline Variance, and a Shoreline Conditional Use Permit. The below amendment will add the necessary public comment periods into the appropriate section of the code.

A. Within 14 days of the determination of completeness, the City shall issue a notice of complete application for all Type B and C applications.

B. The notice of complete application shall include the following information:

1. The dates of application, determination of completeness, and the date of the notice of application;

2. The name of the applicant;

1. The location and description of the project;

2. The requested actions and/or required studies;

3. The date, time, and place of an open record hearing, if one has been scheduled;

4. Identification of environmental documents, if any;

7. A statement of the public comment period (if any), not less than 14 days nor more than 30 days; and a statement of the rights of individuals to comment on the application, receive notice and participate in any hearings, request a copy of the decision (once made) and any appeal rights. The public comment period shall be 30 days for a Shoreline Substantial Development Permit, Shoreline Variance, or a Shoreline Conditional Use Permit;

Amendment #9
20.30.370 Purpose.

Justification – This amendment deletes condominiums from the subdivision section of the code. Condominiums are not subdivisions of land – they are a type of ownership and the City does not regulate forms of ownership (Condos, apartments, rentals).

Subdivision is a mechanism by which to divide land into lots, parcels, sites, ~~units~~, plots, ~~condominiums~~ or tracts, ~~or interests~~ for the purpose of sale. The purposes of subdivision regulations are:

A. To regulate division of land into two or more lots or ~~condominiums~~, tracts ~~or interests~~;

B. To protect the public health, safety and general welfare in accordance with the State standards;

C. To promote effective use of land;

D. To promote safe and convenient travel by the public on streets and highways;

E. To provide for adequate light and air;

F. To facilitate adequate provision for water, sewerage, stormwater drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;

G. To provide for proper ingress and egress;

H. To provide for the expeditious review and approval of proposed subdivisions which conform to development standards and the Comprehensive Plan;

I. To adequately provide for the housing and commercial needs of the community;

J. To protect environmentally sensitive areas as designated in the critical area overlay districts chapter, Chapter 20.80 SMC, Critical Areas;

K. To require uniform monumenting of land subdivisions and conveyance by accurate legal description. (Ord. 238 Ch. III § 8(b), 2000).

Amendment #10
20.30.380 Subdivision categories.

Justification - A condominium does not necessarily need a Binding Site Plan unless parcels of land are actually being created. The City does not regulate condominiums as such – they reflect a type of ownership and not a subdivision of land.

A. Lot Line Adjustment: A minor reorientation of a lot line between existing lots to correct an encroachment by a structure or improvement to more logically follow topography or other natural features, or for other good cause, which results in no more lots than existed before the lot line adjustment.

B. Short Subdivision: A subdivision of four or fewer lots.

C. Formal Subdivision: A subdivision of five or more lots.

D. Binding Site Plan: A land division for commercial, industrial, ~~condominium~~ and mixed use type of developments.

Note: When reference to "subdivision" is made in this Code, it is intended to refer to both "formal subdivision" and "short subdivision" unless one or the other is specified. (Ord. 238 Ch. III § 8(c), 2000).

Amendment #11
20.30.390 Exemption (from subdivisions).
Justification – The code listed uses that are exempt from the subdivision section of the code. Most of this section is governed by State Law and does not need to be repeated here, especially as it is subject to change.

The provisions of this subchapter do not apply to the exemptions specified in the State law and, ~~including but not limited to:~~

~~A. Cemeteries and other burial plots while used for that purpose;~~
~~B. Divisions made by testamentary provisions, or the laws of descent;~~
~~C. Divisions of land for the purpose of lease when no residential structure other than mobile homes are permitted to be placed on the land, when the City has approved a binding site plan in accordance with the Code standards;~~
~~D. D~~divisions of land which are the result of actions of government agencies to acquire property for public purposes, such as condemnation for roads.

~~Divisions under subsections (A) and (B) of this section will not be recognized as lots for building purposes unless all applicable requirements of the Code are met~~ (Ord. 238 Ch. III § 8(d), 2000).

Amendment #12
20.30.480 Binding site plans – Type B action.

Justification – Section A is not written well and seems to imply an either/or method of review, when in fact the word "may" means the review could be done in whatever way is appropriate depending on the circumstances. This language clarifies how the City may review Binding Site Plans. This section has been re-numbered to reflect past amendments.

New language in Section C has been added. Minor changes to Binding Site Plans should not require full process. This amendment allows such changes to be processed the same way as other subdivisions (20.30.420).

A. Commercial and Industrial. This process may be used to divide commercially and industrially zoned property, as authorized by State law. On sites that are fully developed, the binding site plan merely creates or alters interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access, interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. The following applies:

1. S~~The~~ site<u>s</u> ~~that is~~ subject to ~~the~~ binding site plan<u>s</u> shall consist of one or more contiguous lots legally created.

2. S~~The s~~ite<u>s</u> ~~that is~~ subject to ~~the~~ binding site plan<u>s</u> may be reviewed independently, ~~for fully developed sites;~~ or concurrently with a commercial development permit application. ~~for undeveloped land; or in conjunction with a valid commercial development permit.~~

3. The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

~~B. *Repealed by Ord. 439.*~~

B ~~C~~. Recording and Binding Effect. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor, licensed in the State of Washington. Surveys shall include those items prescribed by State law.

C ~~D~~. Amendment, Modification and Vacation. The Director may approve minor changes to an approved binding site plan, or its conditions of approval. If the proposal involves additional lots, rearrangements of lots or roads, additional impacts to surrounding property, or other major changes, the proposal shall be reviewed in the same manner as a new application. ~~Amendment, modification and vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application.~~ (Ord. 439 § 1, 2006; Ord. 238 Ch. III § 8(m), 2000).

Amendment #13
20.30.680 Appeals.

Justification – The amendment is needed since the Hearing Examiner does hear all Type C actions.

A. Any interested person may appeal a threshold determination or the conditions or denials of a requested action made by a nonelected official pursuant to the procedures set forth in this section and Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals. No other SEPA appeal shall be allowed.

1. Only one administrative appeal of each threshold determination shall be allowed on a proposal. Procedural appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to approve, condition or deny an action pursuant to RCW 43.21C.060 with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.

2. As provided in RCW 43.21C.075(3)(d), the decision of the responsible official shall be entitled to substantial weight.

3. An appeal of a DS must be filed within 14 calendar days following issuance of the DS.

4. All SEPA appeals of a DNS for actions classified in Chapter 20.30 SMC, Subchapter 2, Types of Actions, as Type A or B, or C actions for which the Hearing Examiner has review authority, must be filed within 14 calendar days following notice of the threshold determination as provided in SMC 20.30.150, Public notice of decision; provided, that the appeal period for a DNS for Type A or B actions issued at the same time as the final decision shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies.

~~5. For Type C actions for which the Hearing Examiner does not have review authority or for legislative actions, no administrative appeal of a DNS is permitted.~~

5. ~~6.~~ The Hearing Examiner shall make a final decision on all procedural SEPA determinations. The Hearing Examiner's decision may be appealed to superior court as provided in Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals.

Amendment #14

Table 20.40.130 Nonresidential Uses

Justification – This amendment proposes to add Daycare Facilities II as a permitted use in the R-6 and R-8 zones with additional criteria (P-I means permitted with additional criteria). The additional criterion is explained in the 20.40.320 amendment.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
RETAIL/SERVICE									
532	Automotive Rental and Leasing						**P**	**P**	**P only in TC-1**
81111	Automotive Repair and Service					**P**	**P**	**P**	**P only in TC-1**
451	Book and Video Stores/Rental (excludes Adult Use Facilities)			**C**	**C**	**P**	**P**	**P**	**P**
513	Broadcasting and Telecommunications							**P**	**P**
812220	Cemetery, Columbarium	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Houses of Worship	**C**	**C**	**P**	**P**	**P**	**P**	**P**	**P**
	Collective Gardens					**P-i**	**P-i**	**P-i**	
	Construction Retail, Freight, Cargo Service							**P**	
	Daycare I Facilities	**P-i**	**P-i**	**P**	**P**	**P**	**P**	**P**	**P**
	Daycare II Facilities	**P-i**	**P-i ~~C~~**	**P**	**P**	**P**	**P**	**P**	**P**
722	Eating and Drinking Establishments (Excluding Gambling Uses)	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**
812210	Funeral Home/Crematory	**C-i**	**C-i**	**C-i**	**C-i**		**P-i**	**P-i**	**P-i**
447	Fuel and Service Stations					**P**	**P**	**P**	**P**
	General Retail Trade/Services					**P**	**P**	**P**	**P**
811310	Heavy Equipment and Truck Repair							**P**	

Amendment #14

Table 20.40.130 Nonresidential Uses

Justification – This amendment proposes to add Daycare Facilities II as a permitted use in the R-6 and R-8 zones with additional criteria (P-I means permitted with additional criteria). The additional criterion is explained in the 20.40.320 amendment.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
481	Helistop			S	S	S	S	C	C
485	Individual Transportation and Taxi						C	P	P only in TC-1
812910	Kennel or Cattery						C-i	P-i	P-i
	Library Adaptive Reuse	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
31	Light Manufacturing							S	P
441	Motor Vehicle and Boat Sales							P	P only in TC-1
	Professional Office			C	C	P	P	P	P
5417	Research, Development and Testing							P	P
484	Trucking and Courier Service						P-i	P-i	P-i
541940	Veterinary Clinics and Hospitals			C-i		P-i	P-i	P-i	P-i
	Warehousing and Wholesale Trade							P	
	Wireless Telecommunication Facility	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
P = Permitted Use				S = Special Use					
C = Conditional Use				-i = Indexed Supplemental Criteria					

(Ord. 669 § 1 (Exh. A), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 643 § 1 (Exh. A), 2012; Ord. 560 § 3 (Exh. A), 2009; Ord. 469 § 1, 2007; Ord. 317 § 1, 2003; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 277 § 1, 2001; Ord. 258 § 5, 2000; Ord. 238 Ch. IV § 2(B, Table 2), 2000).

Amendment #15

Table 20.40.140 Other Uses

Justification – A Public Utility Office/Yard includes public agencies and should be combined with the utility office/yard function of the agency. This amendment, through proposed definitions, separates the use of public agency and the use of a public utility. A public agency is a general term and should not be included with utilities, which sometimes need to locate in single family zones.

A public utility includes the City, Ronald, Shoreline Water, and any other municipal or special purpose district. A public utility does not include other commercial providers such as Comcast, Verizon, and Century Link which would be required to locate their office/yards in a commercial zoning district.

The definition of a utility facility includes regional stormwater management and does not need to be separated.

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION									
	Adult Use Facilities						**P-i**	**P-i**	
71312	Amusement Arcade							**P**	**P**
71395	Bowling Center					**C**	**P**	**P**	**P**
6113	College and University					**S**	**P**	**P**	**P**
56192	Conference Center	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**
6111	Elementary School, Middle/Junior High School	**C**	**C**	**C**	**C**				
	Gambling Uses (expansion or intensification of existing nonconforming use only)					**S-i**	**S-i**	**S-i**	**S-i**

71391	Golf Facility	**P-i**	**P-i**	**P-i**	**P-i**				
514120	Library	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
71211	Museum	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
	Nightclubs (excludes Adult Use Facilities)						**C**	**P**	**P**
7111	Outdoor Performance Center							**S**	**P**
	Parks and Trails	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
	Performing Arts Companies/Theater (excludes Adult Use Facilities)						**P-i**	**P-i**	**P-i**
6111	School District Support Facility	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6111	Secondary or High School	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6116	Specialized Instruction School	**C-i**	**C-i**	**C-i**	**C-i**	**P**	**P**	**P**	**P**
71399	Sports/Social Club	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6114 (5)	Vocational School	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
GOVERNMENT									
9221	Court						**P-i**	**P-i**	**P-i**
92216	Fire Facility	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Interim Recycling Facility	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	
92212	Police Facility					**S**	**P**	**P**	**P**
92	Public ~~Agency or~~ Utility Office /Yard	**~~S-i~~**	**~~S-i~~**	**S**	**S**	**S**	**P**	**P**	
92	~~Public Agency or Utility Yard~~	**~~P-i~~**	**~~P-i~~**	**~~P-i~~**	**~~P-i~~**			**~~P-i~~**	
221	Utility Facility	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
	~~Utility Facility, Regional Stormwater Management~~	**~~C~~**	**~~C~~**	**~~C~~**	**~~C~~**	**~~P~~**	**~~P~~**	**~~P~~**	**~~P~~**
HEALTH									
622	Hospital	**C-i**	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**
6215	Medical Lab						**P**	**P**	**P**
6211	Medical Office/Outpatient Clinic	**C-i**	**C-i**	**C-i**	**C-i**	**P**	**P**	**P**	**P**

623	Nursing and Personal Care Facilities			**C**	**C**	**P**	**P**	**P**	**P**
REGIONAL									
	School Bus Base	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	
	Secure Community Transitional Facility							**S-i**	
	Transfer Station	**S**	**S**	**S**	**S**	**S**	**S**	**S**	
	Transit Bus Base	**S**	**S**	**S**	**S**	**S**	**S**	**S**	
	Transit Park and Ride Lot	**S-i**	**S-i**	**S-i**	**S-i**	**P**	**P**	**P**	**P**
	Work Release Facility							**S-i**	

P = Permitted Use	**S = Special Use**
C = Conditional Use	**-i = Indexed Supplemental Criteria**

(Ord. 654 § 1 (Exh. 1), 2013; Ord. 560 § 3 (Exh. A), 2009; Ord. 531 § 1 (Exh. 1), 2009; Ord. 309 § 4, 2002; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 258 § 3, 2000; Ord. 238 Ch. IV § 2(B, Table 3), 2000).

Amendment #16
20.40.320 Daycare facilities.

Justification – Currently, the code does not allow Daycare II in R-4 and R-6 zones, which could include churches or schools that are typically in R-4 and R-6 zones. These daycares are usually a reuse of the existing facilities. Expansion of church or school in R-4 or R-6 zones would require a conditional use permit anyway. The intent of Daycare II in residential zones is to protect single family neighborhoods which can still be met if they are allowed within and existing school or church.

A. Daycare I facilities are permitted in R-4 through R-12 zoning designations as an accessory to residential use, house of worship, or a school facility, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of 42 inches; and

2. Hours of operation may be restricted to assure compatibility with surrounding development.

B. Daycare II facilities are permitted in R-8 and R-12 zoning designations through an approved Cconditional Uuse Ppermit or as a reuse of an existing house of worship or school facility without expansion, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of six feet.

2. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.

3. Hours of operation may be restricted to assure compatibility with surrounding development

Amendment #17
20.40.480 Public agency or utility office &
20.40.490 Public agency or utility yard

Justification – The criteria listed below for public agency or utility offices and public agency or utility yards cause confusion and don't provide enough flexibility for when these types of uses locate in a residential area.

For example, the Shoreline Water District recently requested a Special Use Permit to locate their utility office and yard to an existing church site. The code allowed the District to apply for a SUP but only if they also met the criteria under 20.40.480. The first criteria required the District to reuse the church building since that was the surplused nonresidential facility. The District, and the City, was limited by this requirement by making the District reuse the church even though the church was much bigger in terms of space than the District required and the plans proposed by the District would have been much smaller and less intrusive to the neighborhood.

Staff has proposed requiring a Special Use Permit to locate in a residential area without any indexed criteria. This will allow staff to impose conditions that are appropriate for the site in which one of these uses will go. This will allow staff to be flexible with building design and allow new proposal to better fit into existing residential areas.

~~**20.40.480 Public agency or utility office.**~~

~~A. Only as a re-use of a public school facility or a surplus nonresidential facility; or~~
~~B. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area; and~~
~~C. No outdoor storage. (Ord. 238 Ch. IV § 3(B), 2000).~~

~~**20.40.490 Public agency or utility yard.**~~

~~Public agency or utility yards are permitted provided:~~
~~A. Utility yards only on sites with utility district offices; or~~

~~B. Public agency yards are limited to material storage, vehicle maintenance, and equipment storage for road maintenance, facility maintenance, and parks facilities. (Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).~~

Amendment #18
20.40.600 Wireless telecommunication facilities/satellite dish and antennas.

Justification – This amendment corrects an error in Table 20.40.600. The acronym for Special Use Permit should be SUP not CUP.

C. Permit Requirements.

Table 20.40.600(1) – Types of Permits Required for the Various Types of Wireless Telecommunication Facilities

	Type of Permit			
Type of WTF	Building	Conditional Use (CUP)	Special Use (~~C~~SUP)	Rights-of-Way Use
Building-mounted and structure-mounted wireless telecommunication facilities and facilities co-located onto existing tower	X			X (if applicable)
Ground-mounted camouflaged lattice towers and monopoles	X	X		X (if applicable)
Ground-mounted uncamouflaged lattice towers and monopoles	X		X	X (if applicable)

Amendment #19
20.50.020 Dimensional requirements.

Justification – This amendment fills a gap in exception number 8 of Table 20.50.020. R18 should also be included in the exemption along with other multifamily zones above and below R-18.

A. Table 20.50.020(1) – Densities and Dimensions in Residential Zones.

Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Base Density:	4 du/ac	6 du/ac	8	12	18 du/ac	24 du/ac	48 du/ac	Based

Dwelling Units/Acre		(7)	du/ac	du/ac				on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min. and 15 ft total sum of two	5 ft min. and 15 ft total sum of two	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8)	35 ft
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

Exceptions to Table 20.50.020(1):

(1) Repealed by Ord. 462.

(2) These standards may be modified to allow zero lot line developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.

(3) For single-family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.

(4) For single-family detached development exceptions to rear and side yard setbacks, please see SMC 20.50.080.

(5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130.

(6) The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.

(7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.

(8) For development on R-48 lots abutting R-12, R-18, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.

(9) Base height for high schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.

Amendment #20
20.50.090 Additions to existing single-family house – Standards.

Justification – The City allows a home owner to make additions that are nonconforming to setbacks as long as the addition is the same height as the existing height of the house. If a home owner wants to add on to a home horizontally as well as vertically, then the portion of the addition that is higher has to meet current setbacks. For example, if an existing home is 3 feet from the side property line, the owner may extend the home as long as the home goes not closer than 3 feet from the property line. If the owner also wants to add a story onto the addition, the second story must be stepped-back to meet the existing side yard setback requirement of five feet.

The City has made code interpretations that extending a building along the same horizontal plane will not adversely impact an adjacent property owner. The City has also interpreted the code to say that increasing the height of that same addition will negatively impact an adjacent property owner. This code amendment reflects the City's past interpretations of the code.

A. Additions to existing single-family house and related accessory structures may extend into a required yard when the house is already nonconforming with respect to that yard. The length of the existing nonconforming facade must be at least 60 percent of the total length of the respective facade of the existing house (prior to the addition). The line formed by the nonconforming facade of the house shall be the limit to which any additions may be built as described below, except that roof elements, i.e., eaves

and beams, may be extended to the limits of existing roof elements. The additions may ~~extend up to the height limit and may~~ include basement additions. New additions to the nonconforming wall or walls shall comply with the following yard requirements:

1. Side Yard. When the addition is to the side of the existing house, the existing side facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the side yard line;

2. Rear Yard. When the addition is to the rear facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the rear yard line;

3. Front Yard. When the addition is to the front facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than 10 feet to the front lot line;

4. Height. Any part of the addition going above the height of the existing roof must meet standard yard setbacks; and

5. This provision applies only to additions, not to rebuilds.

When the nonconforming facade of the house is not parallel or is otherwise irregular relative to the lot line, then the Director shall determine the limit of the facade extensions on case by case basis.

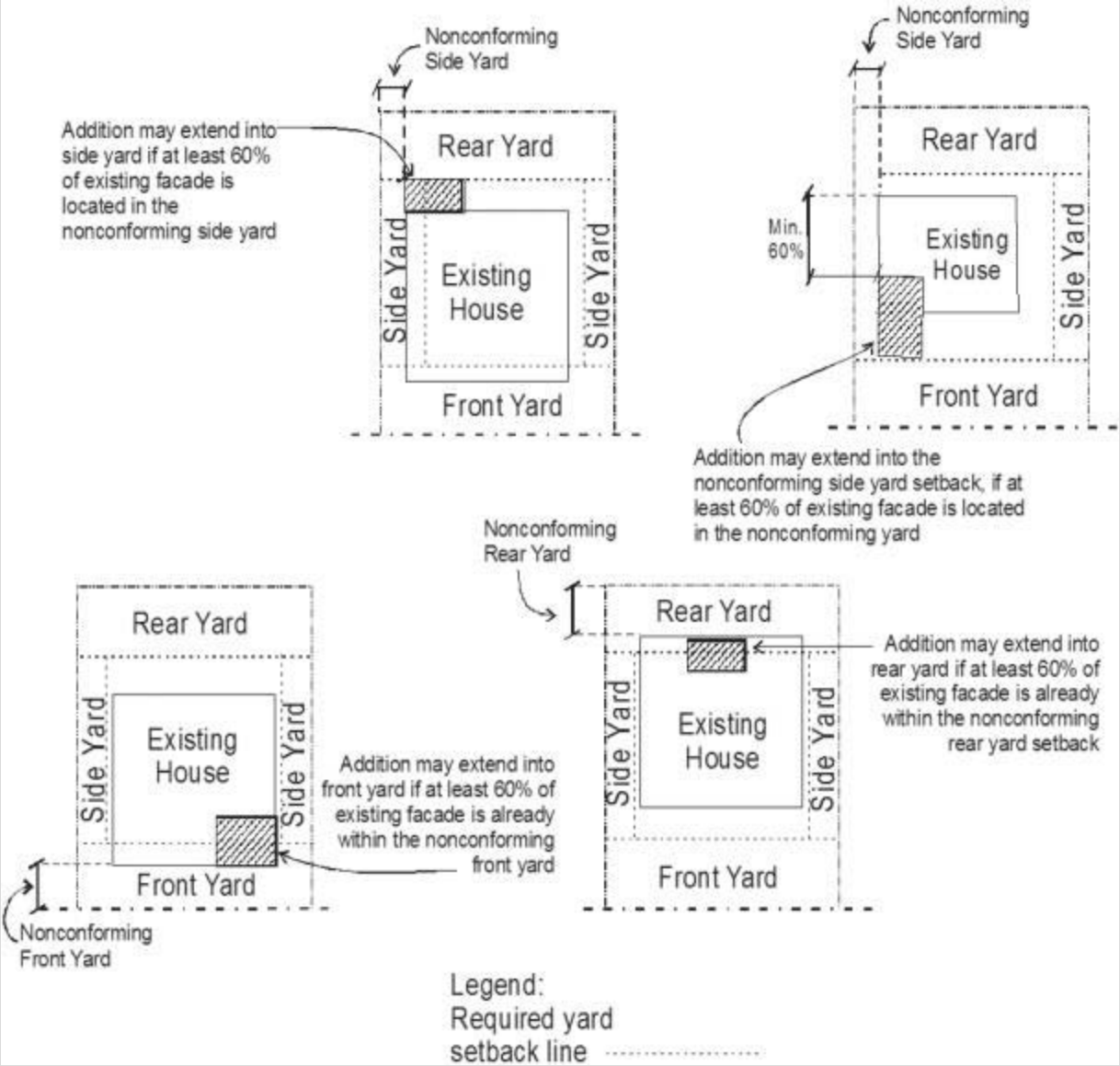


Figure 20.50.090(A): Examples of additions to existing single-family houses and into already nonconforming yards.

Amendment #21
20.50.240 Site design (Commercial Code Amendments).

Justification – The term "town center" was missed in the last commercial code consolidation amendment. It is no longer a separate subarea from the remaining commercially zoned property and should be deleted but included under "commercial development".

A. Purpose.

1. Promote and enhance public walking and gathering with attractive and connected development.

2. Promote distinctive design features at high visibility street corners.

3. Provide safe routes for pedestrians and people with disabilities across parking lots, to building entries, and between buildings.

4. Promote economic development that is consistent with the function and purpose of permitted uses and reflects the vision for commercial development ~~the town center subarea~~ as expressed in the Comprehensive Plan.

Justification – The previous standard was misinterpreted as required for commercial spaces. The International Building Code doesn't require 12-foot ceilings for commercial spaces. Twelve-foot ceilings, especially on smaller projects, make it difficult for the floor plates to match with the remainder of the building ceiling heights.

C. **Site Frontage.**

1. Development abutting NB, CB, MB, TC-1, 2 and 3 shall meet the following standards:

a. Buildings shall be placed at the property line or abutting public sidewalks if on private property. However, buildings may be set back farther if public places, landscaping and vehicle display areas are included or a utility easement is required between the sidewalk and the building;

b. Minimum space dimension for building interiors that are ground-level and fronting on streets shall be ~~12-foot height and~~ 20-foot depth and built to commercial building code ~~standards~~. These spaces may be used for any permitted land use;

Justification – The current code is too inflexible and would not include windows below 30 inches in height or windows above 10 feet in height. A building with a full glass façade and doors would be penalized unnecessarily.

c. Minimum window area shall be 50 percent of the ground floor facade ~~and located between the heights of 30 inches and 10 feet above the ground~~ for each front ~~facade~~ façade which can include glass entry doors;

d. A building's primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible;

e. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the facade where over pedestrian facilities. Awnings may project into public rights-of-way, subject to City approval;

f. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot wide walkway between the back of curb and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees; and

g. Surface parking along street frontages in commercial zones shall not occupy more than 65 lineal feet of the site frontage. Parking lots shall not be located at street corners. No parking or vehicle circulation is allowed between the rights-of-way and the building front facade. See SMC 20.50.470 for parking lot landscape standards.

Justification – The existing standard doesn't take into consideration mixed uses. A mixed use that is 90% multifamily with a 10% commercial would have a huge public place based on the lot size plus the multifamily open space. Based on current development proposals this standards is improbable to meet. The proposed amendment allows the multifamily open space and the public place requirement to be on the same site and proportional to each use.

F. **Public Places.**

1. Public places are required for full commercial development at a rate of 1~~,000~~ square foot of public place ~~eet~~ per 20 square feet of net commercial floor area ~~acre~~ up to a public place maximum of 5,000 square feet. This requirement may be divided into smaller public places with a minimum 400 square feet each.

2. Public places may be covered but not enclosed unless by subsection (F)(3) of this section.

3. Buildings shall border at least one side of the public place.

4. Eighty percent of the area shall provide surfaces for people to stand or sit.

5. No lineal dimension is less than six feet.

6. The following design elements are also required for public places:
a. Physically accessible and visible from the public sidewalks, walkways, or through-connections;

b. Pedestrian access to abutting buildings;

c. Pedestrian-scaled lighting (subsection (H) of this section);

d. Seating and landscaping with solar access at least a portion of the day; and

e. Not located adjacent to dumpsters or loading areas.

Public Places

Justification – Parking lots and open space are not incompatible and may be OK with limited site area to fit all the requirements on site.

G. **Multifamily Open Space.**

1. All multifamily development shall provide open space;

a. Provide 800 square feet per development or 50 square feet of open space per dwelling unit, whichever is greater;

b. Other than private balconies or patios, open space shall be accessible to all residents and include a minimum lineal dimension of six feet. This standard applies to all open spaces including parks, playgrounds, rooftop decks and ground-floor courtyards; and may also be used to meet walkway standards as long as the function and minimum dimensions of the open space are met;

c. Required landscaping can be used for open space if it does not obstruct access or reduce the overall landscape standard. Open spaces shall not be placed adjacent to ~~parking lots and~~ service areas without full screening; and

d. Open space shall provide seating that has solar access at least a portion of the day.

Justification – Environmental equipment such as solar panels cannot be screened to perform as desired. It is logical to exempt such equipment from this code section.

J. Utility and Mechanical Equipment.

1. Equipment shall be located and designed to minimize its visibility to the public. Preferred locations are off alleys; service drives; within, atop, or under buildings; or other locations away from the street. Equipment shall not intrude into required pedestrian areas.

Utilities Consolidated and Separated by Landscaping Elements

2. All exterior mechanical equipment, with the exception of solar collectors or wind power generating equipment, shall be screened from view by integration with the building's architecture through such elements as parapet walls, false roofs, roof wells, clerestories, equipment rooms, materials and colors. Painting mechanical equipment as a means of screening is not permitted. (Ord. 663 § 1 (Exh. 1), 2013; Ord. 654 § 1 (Exh. 1), 2013).

Amendment #22
20.50.310 Exemptions from permit.

Justification – This code amendment is being proposed by the Seattle Golf Course (SGC) to allow them to enhance, update, and maintain their property. These activities are ongoing and they would like to be exempt from activity that includes grading and tree removal and replacement. The applicant points out that King County, Seattle, and Bellevue exempt golf courses from their clearing, grading, and tree removal regulations.

Also attached, is a public comment regarding the inclusion of Innis Arden reserve tracts with the same exemption of golf courses.

The SGC property is approximately 155 acres with many large trees. The number of trees has only been estimated without an exact survey (see attached map). This is Shoreline's only golf course. Their intent is to retain most of the trees they have because they are necessary to define fairways as well as contribute to the attractiveness of the golf course. See their attached proposal and documentation that justifies their proposal.

Staff has worked with the applicant to modify their proposal so that both are in agreement. Staff suggests that the SGC be exempt from the permitting and procedures of regulating tree removal as long as they are aware of the minimum tree retention percentage of 35%. This percentage is above the development code minimum of 30% for property with a critical area (the central pond). The SGC request this exemption mostly because they are constantly modifying and maintaining at a larger scale than other properties in Shoreline and therefore would be constantly requesting and revising approvals from the City. Staff recommends the code amendment because the Staff believes that the SGC will not diminish their tree retention percentage below 35% and that golf courses are an unique type of land use that warrant a different application of the clearing, grading and tree code.

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 SMC 20.50.290 through 20.50.370, a request for the cutting of any tree that is an active and imminent hazard such as

tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events. After the tree removal, the City will need photographic proof or other documentation and the appropriate application approval, if any. 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.

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 NB, CB, MB and TC-1, 2 and 3, unless within a critical area of 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 3,000 square feet of soil may be exposed at any one time.

7. Normal and routine maintenance of existing golf courses provided that the use of chemicals does not impact any critical areas or buffers. For purposes of this section, "normal and routine maintenance" means grading activities such as those listed below; except for clearing and grading (i) for the expansion of such golf courses, and (ii) clearing and grading within critical areas or buffers of such golf courses:

a. Aerification and sanding of fairways, greens and tee areas.

b. Augmentation and replacement of bunker sand.

c. Any land surface modification including change of the existing grade by four feet or more, as required to maintain a golf course and provide reasonable use of the golf course facilities.

d. Any maintenance or repair construction involving installation of private storm drainage pipes up to 12 inches in diameter.

e. Removal of significant trees as required to maintain and provide reasonable use of a golf course. Normal and routine maintenance, as this term pertains to removal of significant trees, includes activities such as the preservation and enhancement of greens, tees, fairways, pace of play, preservation of other trees and vegetation which contribute to the reasonable use, visual quality and economic value of the affected golf course. At least 35 percent of significant trees on a golf course shall be retained.

f. Golf courses are exempt from the tree replacement requirements in SMC 20.50.360(C). Trees will be replanted based on enhancing, and maintaining the character of, and promoting the reasonable use of any golf course.

g. Routine maintenance of golf course infrastructures and systems such as irrigation systems and golf cart paths as required.

h. Stockpiling and storage of organic materials for use or recycling on a golf course in excess of 50 cubic yards.

Amendment #23
20.50.440 Bicycle facilities – Standards.

Justification – SMC 20.50.440 was amended in 2013 to provide for more long-term bicycle parking; however there has been feedback from developers indicating that the new standard is difficult to meet with other development standard. Shoreline's standards are among the highest in the region and the highest in suburban cities. Additional research from Seattle's Comprehensive Neighborhood Parking Study indicates that the proposed long-term bike parking is more among the norm in the area. The other

amendments in the following section provide for flexibility in how to provide the long-term spaces.

A. Short-Term Bicycle Parking. Short-term bicycle parking shall be provided as specified in Table A. Short-term bicycle parking is for bicycles anticipated to be at a building site for less than four hours.

Table A: Short-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required
Multifamily	1 per 10 dwelling units
Commercial and all other nonresidential uses	1 bicycle stall per 12 vehicle parking spaces (minimum of 1 space)

Installation of Short-Term Bicycle Parking. Short-term bicycle parking shall comply with all of the following:

1. It shall be visible from a building's entrance;

   Exception: Where directional signage is provided at a building entrance, short-term bicycle parking shall be permitted to be provided at locations not visible from the main entrance.

2. It shall be located at the same grade as the sidewalk or at a location reachable by ramp or accessible route;

3. It shall be provided with illumination of not less than one footcandle at the parking surface;

4. It shall have an area of not less than 18 inches by 60 inches for each bicycle;

5. It shall be provided with a rack or other facility for locking or securing each bicycle;

6. The rack or other locking feature shall be permanently attached to concrete or other comparable material; and

7. The rack or other locking feature shall be designed to accommodate the use of U-locks for bicycle security.

B. Long-Term Bicycle Parking. Long-term bicycle parking shall be provided as specified in Table B. Long-term bicycle parking is for bicycles anticipated to be at a building site for four or more hours.

Table B: Long-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required

Table B: Long-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required
Multifamily	~~1~~.5 per ~~studio or 1-bedroom~~ unit except for units where individual garages are provided. ~~2 per unit having 2 or more bedrooms~~
Commercial and all other nonresidential uses	1 per 25,000 square feet of floor area; not less than 2 spaces

Installation of Long-Term Bicycle Parking. Long-term bicycle parking shall comply with all of the following:

1. It shall be located on the same site as the building;

2. It shall be located inside the building, or shall be located within 300 feet of the building's main entrance and provided with permanent cover including, but not limited to, roof overhang, awning, or bicycle storage lockers;

3. Illumination of not less than one footcandle at the parking surface shall be available;

4. It shall have an area of not less than 18 inches by 60 inches for each bicycle;

5. It shall be provided with a permanent rack or other facility for locking or securing each bicycle. Up to 25% of the racks may be located on walls in garages.

6. Vehicle parking spaces that are in excess of those required by code may be used for the installation of long-term bicycle parking spaces.

Exception 20.50.440(1). The Director may authorize a reduction in long term bicycle parking where the housing is specifically assisted living or serves special needs or disabled residents.

Exception 20.50.440(2). Ground floor units with direct access to the outside may be exempted from the long term bicycle parking calculation.

Exception 20.50.440(3): The Director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include, but not be limited to:

1. Park/playfield;
2. Marina;
3. Library/museum/arboretum;
4. Elementary/secondary school;
5. Sports club; or

6. Retail business and office (when located along a developed bicycle trail or designated bicycle route).
7. Campus zoned properties and transit facilities. (Ord. 663 § 1 (Exh. 1), 2013; Ord. 555 § 1 (Exh. 1), 2009; Ord. 238 Ch. V § 6(C-2), 2000).

Amendment #24
20.50.532 Permit required.

Justification – Intent of these sign code amendments is to prohibit installation of new electronic changing message or reader board signs in existing, nonconforming signs in zones where electronic changing message or reader board signs are prohibited. An exception is proposed that would allow for replacement where the electronic changing message unit is legal nonconforming. Previously installation of these digital signs in existing cabinets was treated as copy replacement. This has allowed for installation or replacement of digital signs without review and sometimes in signs which exceed the current maximum sign area size for the zone.

Changing message center signs conflict with the purpose (SMC 20.50.530) of the sign code chapter if they are installed in significant number or size or if they have fast flashing and animation rates because of potential for adverse impacts to nearby properties with light pollution and to traffic safety as well as contributing to visual clutter which impacts the aesthetics of business properties.

The proposed change also removes the undefined term "outdoor advertising signs" and retains "billboards" which is a defined term.

A. Except as provided in this chapter, no temporary or permanent sign may be constructed, installed, posted, displayed or modified without first obtaining a sign permit approving the proposed sign's size, design, location, and display.

B. No permit is required for normal and ordinary maintenance and repair, and changes to the graphics, symbols, or copy of a sign, without affecting the size, structural design or height. Exempt changes to the graphics, symbols or copy of a sign must meet the standards for permitted illumination.

C. Installation or replacement of electronic changing message or reader board signs requires a permit and must comply with SMC Exception 20.50.550(A)(2) and SMC 20.50.590.

~~C~~D. Sign applications that propose to depart from the standards of this subchapter must receive an administrative design review approval under SMC 20.30.297 for all signs on the property as a comprehensive signage package. (Ord. 654 § 1 (Exh. 1), 2013).

Amendment #25
20.50.550 Prohibited signs.

A. Spinning devices; flashing lights; searchlights, electronic changing messages or reader board signs.
Exception 20.50.550(A)(1): Traditional barber pole signs allowed only in NB, CB, MB and TC-1 and 3 zones.

Exception 20.50.550(A)(2): Electronic changing message or reader boards are permitted in CB and MB zones if they do not have moving messages or messages that change or animate at intervals less than 20 seconds. Replacement of existing, legally established electronic changing message or reader boards in existing signs is allowed, but the intervals for changing or animating messages must meet the provisions of this section, as well as 20.50.532 and 20.50.590. Maximum one electronic changing message or reader board sign is permitted per parcel. ~~, which will be~~ Digital signs which change or animate at intervals less than 20 seconds will be considered blinking or flashing and are not allowed.

B. Portable signs, except A-frame signs as allowed by SMC 20.50.540(I).

C. Outdoor off-premises advertising signs (billboards).

D. Signs mounted on the roof.

E. Pole signs.

F. Backlit awnings used as signs.

G. Pennants; swooper flags; feather flags; pole banners; inflatables; and signs mounted on vehicles. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 631 § 1 (Exh. 1), 2012; Ord. 560 § 4 (Exh. A), 2009; Ord. 369 § 1, 2005; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(C), 2000).

Amendment #26
20.50.590 Nonconforming signs.

A. Nonconforming signs shall not be altered in size, shape, height, location, or structural components without being brought to compliance with the requirements of this Code. Repair and maintenance are allowable, but may require a sign permit if structural components require repair or replacement.

B. ~~Outdoor advertising signs (b~~Billboards~~)~~ now in existence are declared nonconforming and may remain subject to the following restrictions:

1. Shall not be increased in size or elevation, nor shall be relocated to another location.

2. Installation of electronic changing message or reader boards in existing billboards is prohibited.

~~2~~3. Shall be kept in good repair and maintained.

~~3~~4. Any outdoor advertising sign not meeting these restrictions shall be removed within 30 days of the date when an order by the City to remove such sign is given. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(E), 2000).

C. Electronic changing message or reader boards may not be installed in existing, nonconforming signs without bringing the sign into compliance with the requirements of this Code, including Exception 20.50.550(A)(2).

Exception 20.50.590(C)(1): Regardless of zone, replacement or repair of existing, legally established electronic changing message or reader boards is allowed without bringing other nonconforming characteristics of a sign into compliance, so long as the size of the reader board does not increase and the provisions of 20.50.532 and the change or animation provisions of Exception 20.50.550(A)(2) are met.

Amendment #27
20.50.600 Temporary signs.

Justification – Current temporary sign standards do not provide a means for non-residential uses in residential zones to temporarily advertise event or programs. A-board signs are prohibited as are electronic message centers in residential zones. As currently worded it is not clear whether a temporary signs could be considered for approval under a Temporary Use Permit or Administrative Design Review. This change allows use of banners for schools and churches comparable to what is allowed without permit in commercial zones. Separate provisions for signs without a permit are available for home occupations, adult family homes, and daycares under 20.50.540(J). Government agencies are allowed to install incidental signs without limits under 20.50.610(D) which is commonly used by public schools, but this provision is limited to two square feet for all other incidental signs.

A. General Requirements. Certain temporary signs not exempted by SMC 20.50.610 shall be allowable under the conditions listed below. All signs shall be nonilluminated. Any of the signs or objects included in this section are illegal if they are not securely attached, create a traffic hazard, or are not maintained in good condition. No temporary signs shall be posted or placed upon public property unless explicitly allowed or approved by the City through the applicable right-of-way permit. Except as otherwise described under this section, no permit is necessary for allowed temporary signs.

B. Temporary On-Premises Business Signs. Temporary banners are permitted in zones NB, CB, MB, TC-1, TC-2, and TC-3 or for schools and houses of worship in all

residential zones to announce sales or special events such as grand openings, or prior to the installation of permanent business signs. Such temporary business signs shall:

1. Be limited to not more than one sign per business;

2. Be limited to 32 square feet in area;

3. Not be displayed for a period to exceed a total of 60 calendar days effective from the date of installation and not more than four such 60-day periods are allowed in any 12-month period; and

4. Be removed immediately upon conclusion of the sale, event or installation of the permanent business signage.

C. Construction Signs. Banner or rigid signs (such as plywood or plastic) identifying the architects, engineers, contractors or other individuals or firms involved with the construction of a building or announcing purpose for which the building is intended. Total signage area for both new construction and remodeling shall be a maximum of 32 square feet. Signs shall be installed only upon City approval of the development permit, new construction or tenant improvement permit and shall be removed within seven days of final inspection or expiration of the building permit.

D. Temporary signs ~~in commercial zones~~ not allowed under this section and which are not explicitly prohibited may be considered for approval under a temporary use permit under SMC 20.30.295 or as part of administrative design review for a comprehensive signage plan for the site. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(F), 2000).

Amendment #28
20.80.240 Alteration.

Justification – The City adopted the International Building Code in 2004 and this code amendment reflects the updated code.

A. The City shall approve, condition or deny proposals in a geologic hazard area as appropriate based upon the effective mitigation of risks posed to property, health and safety. The objective of mitigation measures shall be to render a site containing a geologic hazard as safe as one not containing such hazard. Conditions may include limitations of proposed uses, modification of density, alteration of site layout and other appropriate changes to the proposal. Where potential impacts cannot be effectively mitigated to eliminate a significant risk to public health, safety and property, or important natural resources, the proposal shall be denied.

B. Very High Landslide Hazard Areas. Development shall be prohibited in very high landslide hazards areas or their buffers except as granted by a critical areas special use permit or a critical areas reasonable use permit.

C. Moderate and High Landslide Hazards. Alterations proposed to moderate and high landslide hazards or their buffers shall be evaluated by a qualified professional through the preparation of the geotechnical report. However, for proposals that include no development, construction, or impervious surfaces, the City, in its sole discretion, may waive the requirement for a geotechnical report. The recommendations contained within the geotechnical report shall be incorporated into the alteration of the landslide hazard area or their buffers.

The geotechnical engineer and/or geologist preparing the report shall provide assurances that the risk of damage from the proposal, both on-site and off-site, are minimal subject to the conditions set forth in the report, that the proposal will not increase the risk of occurrence of the potential landslide hazard, and that measures to eliminate or reduce risks have been incorporated into the report's recommendations.

D. Seismic Hazard Areas.

1. For one-story and two-story residential structures, a qualified professional shall conduct an evaluation of site response and liquefaction potential based on the performance of similar structures with similar foundation conditions; or

2. For all other proposals, the applicant shall conduct an evaluation of site response and liquefaction potential including sufficient subsurface exploration to determine the site coefficient for use in the static lateral force procedure described in the ~~Uniform~~ International Building Code.

Amendment #29
20.80.310 ~~Designation and p~~Purpose.

Justification – RCW 36.70A.175 requires that wetlands are to be delineated in accordance with the manual adopted per RCW 90.58.380. RCW 90.58.380 states the Ecology must adopt a manual that implements and is consistent with the 1987 manual in use on Jan 1, 1995 by the Army Corps of Engineers and the US Environmental Protection Agency. If the corps and the EPA adopt changes or a different manual is adopted, Ecology shall consider those changes and may adopt rules implementing them.

This is what Ecology has done with WAC 173-22-035. The proposed amendments to 20.80.310 and 20.80.330 mirror the language. However, 20.80.330 doesn't need to include the language that all wetlands meeting the designation criteria are designated as critical areas. SMC 20.80.310 already does this. There is no need to repeat the language in 20.80.330 since this is where buffers are regulated.

The below amendments delete the identification/delineation phrase in 20.80.310 and 20.80.330 and move it into 20.80.320 and change that title to "Identification, Delineation, and Classification". This keeps "Purpose" being just purpose and then creates an identification/delineation/designation section.

A. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions ~~as defined by the Washington State Wetlands Identification and Delineation Manual (Department of Ecology Publication No. 96-94)~~. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, bio-swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Amendment #30
20.80.320 Designation, delineation, and ~~C~~classification.

A. The identification of wetlands and the delineation of their boundaries shall be done in accordance with the federal wetland delineation manual and applicable regional supplements approved by the Washington State Department of Ecology per WAC 173-22-035.

B. All areas identified as wetlands pursuant to the SMC 20.80.320(A), are hereby designated critical areas and are subject to the provisions of this Chapter.

C. Wetlands, as defined by this ~~section~~ subchapter, shall be classified according to the following criteria:

~~A~~ 1. "Type I wetlands" are those wetlands which meet any of the following criteria:

~~1~~a. The presence of species proposed or listed by the Federal government or State of Washington as endangered, threatened, critical or priority, or the presence of critical or outstanding actual or potential habitat for those species; or

~~2~~ b. Wetlands having 40 percent to 60 percent open water in dispersed patches with two or more wetland subclasses of vegetation; or

~~3~~ c. High quality examples of a native wetland listed in the terrestrial and/or aquatic ecosystem elements of the Washington Natural Heritage Plan that are presently identified as such or are determined to be of heritage quality by the Department of Natural Resources; or

~~4~~ d. The presence of plant associations of infrequent occurrence. These include, but are not limited to, plant associations found in bogs and in wetlands with a coniferous forested wetland class or subclass occurring on organic soils.

~~B~~ 2. "Type II wetlands" are those wetlands which are not Type I wetlands and meet any of the following criteria:

~~1~~a. Wetlands greater than one acre (43,560 sq. ft.) in size;

~~2~~ b. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size and have three or more wetland classes; or

~~3~~ c. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size, and have a forested wetland class or subclasses.

~~C~~ 3. "Type III wetlands" are those wetlands that are equal to or less than one acre in size and that have one or two wetland classes and are not rated as Type IV wetlands, or wetlands less than one-half acre in size having either three wetlands classes or a forested wetland class or subclass.

~~D~~ 4. "Type IV wetlands" are those wetlands that are equal to or less than 2,500 square feet, hydrologically isolated and have only one, unforested, wetland class. (Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 5(B), 2000).

Amendment #31
20.80.330 Required buffer areas.

A. Required wetland buffer widths shall reflect the sensitivity of the area and resource or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the critical area. Wetland buffers shall be measured from the wetland's edge as delineated in accordance with the federal wetland delineation manual and applicable regional supplements approved by the Washington State Department of Ecology per WAC 173-22-035. ~~Wetland buffers shall be measured from the wetland edge as delineated and marked in the field using the 1997 Washington State Department of Ecology Wetland Delineation Manual or adopted successor.~~

Approved: June 5, 2014
Revised: June 19, 2014

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

Please note: There is no audio available for this meeting.

May 1, 2014 Shoreline City Hall
7:00 P.M. Council Chamber

Commissioners Present
Chair Scully
Vice Chair Craft
Commissioner Malek
Commissioner Maul
Commissioner Moss
Commissioner Strandberg

Staff Present
Rachael Markle, Director, Planning & Community Development
Paul Cohen, Planning Manager, Planning & Community Development
Steve Szafran, Senior Planner, Planning & Community Development
Kirk McKinley, Transportation Services Manager
Lisa Basher, Planning Commission Clerk

Commissioners Absent
Commissioner Montero

CALL TO ORDER

Planning Commission Chair, Keith Scully, called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Scully, Vice Chair Craft, and Commissioners Malek, Maul, and Strandberg. Chair Moss arrived about 20 minutes after Roll Call. Commissioner Montero was absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of April 17 were not yet available to be approved. They will be approved at the next regular meeting.

GENERAL PUBLIC COMMENT

Chair Scully reviewed the rules for public comment. No one was signed up for general public comment.

STUDY ITEM: UPDATE ON POINT WELLS TRANSPORTATION CORRIDOR PROCESS

Staff Presentation

Kirk McKinley, Transportation Services Manager, introduced himself and explained that the purpose of his report was to update the Commission on the status of the Point Wells Transportation Corridor Study. He explained that members of the Commission were welcome to interrupt to ask questions or ask for clarification throughout his presentation.

Mr. McKinley reviewed that the proposed development, while being under the purview of Snohomish County, will have a severe impact on traffic throughout the Richmond Beach area since there will be no other way to access Point wells from any other direction. He acknowledged that residents of the community have expressed great concern for the impact that a development of this scope will have on the community. He explained that early on in the process, it was decided that the best way for the City to have input and influence on the BSRE project to mitigate traffic concerns was to sign a Memorandum of Understanding with BSRE. The MOU established a process to develop a Transportation Corridor Study funded by the developer and the City. Following completion of the TCS, the data, in conjunction with a development agreement, will be used to inform decisions on the DEIS, mitigation, phasing, the traffic cap (set at a maximum of 11,587 ADT) and future potential annexation plans.

*Mr. McKinley described the TCS process and meeting schedule explaining that there were 7 public meetings held from mid-February to mid-April and that the purpose of these meetings was to hear from the community about transportation issues and concerns and then develop mitigation relating to proposed development at Point Wells. The final meeting presented design options resulting from the feedback given by residents. He mentioned that about 500 residents attended the seven meetings and provided a variety of feedback from concerns over traffic and diversion, pedestrian and bike safety, parking, quality of life, pollution and an overall change to the character of the neighborhood brought about by such a large development. Mr. McKinley described specific concerns about the 196th / 195th 'Triangle' and Richmond Beach drive.

Note: a follow-up request was submitted that the minutes be amended to include the following verbage to more accurately reflect what was said at the meeting, in the opinion of the requestor:

Noting how the City needed to work and join hands with BSRE, Mr. McKinley described the TCS process....

Next steps will include additional analysis, finalization of mitigation package leading to a public open house tentatively scheduled in late summer or early fall, followed by City Council action early fall 2014. Following Council Action the TCS results will be submitted to Snohomish County for inclusion in the Draft Environmental Impact Statement (DEIS). .

Public Comment

Delores Jensen, George Mayer, and James Joke, Shoreline, all spoke against development at Point Wells citing safety concerns and pointing out that the Point Wells site has been designated a corrosion and slide prone zone. Delores recalled the recent events in Oso as an example of what happens when hazards are disregarded in favor of development. They agreed that the development will have a tremendous impact on the character of their neighborhood and that the amount of traffic coming through the neighborhoods will overburden the roads.

Tom McCormick, Shoreline, expressed concern about Staff's statement at the meeting that the City has "joined hands" with the developer on the Transportation Corridor Study, and commented that joining hands with the developer was at the expense of Richmond Beach residents. He urged the Commission to resist efforts to raise the 4,000 trips per day traffic cap for Richmond Beach Drive that is contained in the City's Point Wells Subarea Plan, noting that 4,000 daily trips is about seven times the current traffic volume. He also requested that the existing pedestrian crosswalk at the intersection of Richmond Beach Road and 23rd Ave NW be improved when traffic increases.

STUDY ITEM: DEVELOPEMENT CODE AMENDMENT BATCH

Staff Presentation

Steve Szafran, Senior Planner, began by explaining that the amendments to the Development Code are processed as Legislative decisions. The Planning Commission is tasked with reviewing the amendments and forwarding a recommendation the City Council. He gave a brief review on the purpose of development code amendments. Amendments serve to bring regulations into conformity with the Comprehensive Plan; to respond to changing conditions or needs of the City; and to comply with State Law. In many cases amendments are also necessary to reduce confusion, clarify existing language, respond to local policy changes, update references, and eliminate redundant or inconsistent language.

Mr. Szafran said this batch of 31 proposed amendments were brought forward by Director Markle and staff with one exception, which was introduced by the Seattle Golf Club whose representatives are in attendance to provide information about their proposed amendment and to answer questions. He outlined that the format of the discussion will be to go over each amendment and talk about its purpose, discuss any feedback the Commission might have, and determine if the Planning Commissioners need any additional information or analysis on the proposed amendments. He indicated that the amendments begin on page 14 in the Commissioners packets. Changes to the amendments suggested by the commission will be considered and there will be an opportunity to go over the amendments again in a Public Hearing in the coming weeks.

Amendment 1 - 20.10.050 Roles and responsibilities - Mr. Szafran explained that this amendment catches the code up a change that was implemented three years ago that shifted oversight on quasi-judicial matters from the Planning Commission to the Hearing Examiner. The Commission had no comment on this change.

Amendment 2 - 20.20.012 B definitions - This amendment clarifies the definition of a Binding Site Plan. The Commission had no questions or comments about this change.

Amendment 3 - 20.20.16 D definitions - This corrects an error where the code incorrectly refers to the Department by it's former name. The Commission had no questions or comments about this change. Commissioner Moss requested that staff do a keyword search on the department name throughout the code to correct all instances.

Amendment 4 - 20.20.40 P definitions - This amendment seeks to clarify the difference between a public agency or utility office and a yard. The Commission had no questions or comments about this change.

Amendment 5 - 20.30.040 Ministerial Decisions - Type A - This amendment provides for additional noticing requirements for when multiple homes are built on one lot. This addresses an issue that was recently brought to our attention. The Commission asked several clarifying questions about this amendment but no changes were proposed.

Amendment 6 - 20.30.045 - Neighborhood meeting for certain Type A proposals. Continues applying additional noticing requirements to mitigate potential impacts to residents.

Amendment 7 - 20.30.060 Quasi Judicial decisions - Type C - Removes street vacations from the table as it is regulated elsewhere in State Law and SMC Title 12. Commissioners had no comments or questions about this amendment.

Amendment 8 - 20.30.120 Public notices of application - This amendment adds necessary public comment periods related to the Shoreline Master Program into the appropriate section of the code. Commissioners had no comments or questions about this amendment.

Amendment 9 - 20.30.370 Purpose - This amendment deletes condominiums from the subdivisions section of the code. Condominiums are not subdivisions of land - they are a type of ownership and the City does not regulate forms of ownership (Condominiums, apartments, rental homes). The Commission had some clarifying questions related to what constitutes a subdivision verses multiple units on one lot. The Commission did not suggest .

Amendment 10 - 20.30.380 Subdivision categories - A condominium does not necessarily need a Binding Site Plan unless parcels of land are actually being created. The Commission had no questions or comments about this change.

Amendment 11 - 20.30.390 Exemptions (from subdivisions) Justification - The Code currently lists uses that are exempt from the subdivision section based on State Law. This amendment seeks to delete these exemptions since it is in State Law and subject to change. The Commission had no questions or comments about this change.

Amendment 12 - 20.30.480 Binding site plans - Type B action - Section A is not written well and seems to imply and either/or method of review when in fact the word "may" means the review could be

done in whatever way is appropriate depending on the circumstances. This language clarifies how the City may review Binding Site Plans. The Commission had no questions or comments about this change.

Amendment 13 - 20.30.680 Appeals - Correcting an error that incorrectly states that the Hearing Examiner does not review Type C actions. The Commission had no questions or comments about this change.

Amendment 14 - 20.40.130 Nonresidential Uses - This amendment adds Daycare Facilities II as a permitted use in the R-6 and R-8 zones with additional criteria (P-I means permitted with additional criteria) the additional criterion is explained in the 20.40.320 amendment. The Commission had no questions or comments about this change.

Amendment 15 - 20.40.140 Other Uses - combining public agency/yard and Public Utility office/yard in the use table and making them a Special Use in the R-4-R12 zone.

Amendment 16 - 20.40.320 Daycare facilities - amendment 16 seeks to allow Daycare II in R-4 and R-6 zones if they are proposed within existing facilities such as churches and schools. Commissioner Strandberg pointed out that there seem to be inconsistencies to the two amendments and the tables illustrating them that relate to Daycare II facilities. Mr. Szafran will look at the code and try to address these contradictions.

Amendment 17 - 20.40.480 Public Agency or utility office & 20.40.490 Public Agency or utility yard. Staff proposes requiring a Special Use Permit to locate in a residential area without any indexed criteria. This will allow staff to impose conditions that are appropriate for the site in which one of these uses will go or deny the use if the stringent criteria for a Special Use Permit are not met. This will allow staff to be flexible and allow projects to fit into existing residential areas. The Commission had no questions or comments about this change.

Amendment 18 - 20.40.600 Wireless telecommunication facilities/satellite dish and antennas - corrects an error in a table changing the acronym CUP to SUP. The Commission had no questions or comments about this change.

Amendment 19 - 20.50.020 Dimensional requirements. This amendment fills a gap in exception number 8 of Table 20.50.020. R18 should also be included in the exemption along with other multifamily zones above and below R-18. The Commission had no questions or changes.

Amendment 20 - 20.50.090 Additions to existing single-family house - Standards. The City allows a home owner to make additions that are non-conforming to setbacks as long as the addition is the same height as the existing height of the house. If a home owner wants to add on to a home horizontally as well as vertically, then the portion of the addition that is higher has to meet current setbacks. For example, if an existing home is 3 feet from the side property line, the owner may extend the home as long as the home goes not closer than 3 feet from the property line. If the owner wants to add a story onto the addition, the second story must be stepped back to meet the existing side yard setback requirement of five feet. Mr. Szafran and Mr. Cohen answered multiple questions about this amendment, and the Commission did not suggest any changes. Director Markle also pointed out that the Commission

is free to recommended additional changes to the amendments before them. Commissioner Moss suggested that Figure 20.50.090 (A) be drawn proportionately or to scale to better illustrate the 60% of existing facade.

Amendment 21 - 20.50.240 Site design (Commercial Code Amendments)

A.4 - The term "town center" was missed in the last commercial code consolidation amendment. It is no longer a separate subarea from the remaining commercially zoned property and should be deleted but included under "commercial development".

C.1.b. This would require commercially zoned buildings to have 12 ft ceilings, which would make it difficult for the floor plates to match with the remainder of the building ceiling heights. Mr. Cohen stated that this is too stringent of a requirement for commercial developers and shouldn't be a requirement.

Commissioner Maul made a case for maintaining the 12 ft ceiling at street level requirement. He also suggested possibly a 4-6 ft height bonus for buildings that have 12 ft ceilings on the ground floor. After debating this point, Staff agreed that it would be a good idea to look at surrounding jurisdictions code and see what their commercial design requirements are. Also staff indicated that the 12 ft ceiling height could be reduced to 9 ft through and Administrative Design Review (ADR) process.

C.1.c - The current code is too inflexible and would not include windows below 30 inches in height or windows above 10 feet in height. A building with a full glass facade and doors would be penalized unnecessarily.

F.1 - the existing standard does not take into consideration mixed uses. A mixed use that is 90% multifamily with a 10% commercial would have a huge public place based on the lot size plus the multifamily open space. Based on current development proposals this standard is improbable to meet. the proposed amendment allows the multifamily open space and the public place requirement to be on the same site and proportional to each use.

G.1.c - Environmental equipment such as solar panels cannot be screened to perform as desired. It is logical to exempt such equipment from this code section.

Amendment 22 - 20.50.310 Exemptions from permit - Mr. Szafran explained that this is the amendment brought forward by Seattle Golf Course (SGC) to allow for a more streamlined process for maintaining and repairing golf courses in Shoreline. He explained that these activities are ongoing and so frequent that it is inefficient for them to apply for a permit each time. Many surrounding jurisdictions exempt golf courses from these activities. In the past the Director has issued a 5 year permit allowing SGC to perform these maintenance activities with conditions. The proposed amendment requires golf courses to maintain a minimum tree retention percentage of 35% and conform to the City's regulations when making decisions about their grounds.

Chair Scully pointed out that this agreement would essentially give the Golf Club 'carte blanche' to do whatever they want. His concern is not only how they would decide to use that freedom, but also that it

might set a precedent for other large properties wanting to have the same decision making freedom to the detriment of the environment and possibly public safety. There is nothing built-in to the amendment to define what is 'normal and routine maintenance' and he is hesitant to move forward without such limits being written into the amendment.

Commissioners also were curious about the properties on which the Parking Lot and the Clubhouse occupied, and if they would also be exempt from permitting requirements. Mr. Cohen indicated that those properties were different parcels and therefore not covered by this amendment.

Another element included in the amendment would allow for the Golf Course to stockpile organic materials for use or recycling on a golf course in excess of 50 cubic yards. Both Commissioner Moss and Commissioner Strandberg wondered about the implications of this as it does not specify where this 'material' is to be stored; will it be screened; or how the environment will be protected from runoff. Questions also arose from the Commission regarding the extant of grade change that would be allowed as a result of this amendment.

Amendment 23 - 20.50.440 Bicycle facilities - Standards. SMC 20.50.440 was amended in 2013 to provide for more long-term bicycle parking; however there has been feedback from developers indicating that the new standard is difficult to meet with other development standards. Shoreline's standards are among the highest in the region and the highest in suburban cities. This amendment is intended to make bike parking standards less cumbersome for developers while still making sure ample bike space is set aside. The merits of this amendment were discussed and debated. Commissioner Moss expressed concern that .5 per studio was not enough to handle the volume of a growing community of bike riders. She also commented that family sized apartments with 30 more bedrooms could generate the need for more bike storage. Commissioners discussed whether realistically it's fair to provide the heavy bike parking and storage requirements in a suburban area since most people are reliant on cars. Adding Light Rail could bring more residents that bike and will be less dependent on car travel but in recent years Shoreline hasn't seen much growth in this population so it doesn't make sense to have such a high requirement if it's not being used.

Amendment 24 -20.50.532 - Permit Required, Amendment 25 - 20.50.550 Prohibited Signs, & Amendment 26-20.50.590 Nonconforming Signs. The intent of these amendments is to prohibit installation of new electronic changing message or reader board signs in existing, non conforming signs in zones where electronic changing message or reader board signs are prohibited. An exception is proposed that would allow for replacement where the electronic changing message unit is legal nonconforming. Previously installation of these digital signs in existing cabinets was treated as a copy replacement. This has allowed for installation or replacement of digital signs without review and sometimes in signs which exceed the current maximum sign area size for the zone.

Amendment 27 - 20.50.600 - Temporary Signs. Current temporary sign standards do not provide a means for non-residential uses in residential zones to temporarily advertise events or programs. A board signs are prohibited as are electronic message centers in residential zones. As currently worded it is not clear whether temporary signs could be considered for approval under a Temporary Use Permit or Administrative Design Review. This change allows use of banners for schools and churches comparable to what is allowed without permit in commercial zones. Separate provisions for signs without a permit

are available for home occupations, adult family homes, and daycares under 20.50.540 (J) Government agencies are allowed to install incidental signs without limits under 20.50.610 (D) which is commonly used by public schools, but this provision is limited to two (2) square feet for all other incidental signs.

Commissioner Moss expressed concern that these restrictions don't allow for schools which can take up entire blocks and therefore would only be allowed to place one sign if they are advertising an upcoming school event or activity. She reasons that they should at least be able to have a sign on each street frontage surrounding the block that the school occupies.

Amendment 28 - 20.80.240 Alteration - the City adopted the International Building Code in 2004 and this code amendment reflects the updated code.

Amendment 29 - 20.80.310 Purpose. / Amendment 30 - 20.80.320 Designation, Deliniation, and Classification.

RCW 36.70A.175 requires that the wetlands are to be delineated in accordance with the manual adopted per RCW 90.58.380. RCW 90.58.380 states the Ecology must adopt a manual that implements and is consistent with the 1987 manual in use on Jan 1, 1995 by the Army Corps of Engineers and the US Environmental Protection Agency. If the corps and the EPA adopt changes or a different manual is adopted, Ecology shall consider these changes and may adopt rules implementing them.

This is what Ecology has done with WAC 173-22-035. The proposed amendments to 20.80.310 and 20.80.330 mirror the language. However, 20.80.330 doesn't need to include the language that all wetlands meeting the designation criteria are designated as critical areas. SMC 20.80.310 already does this. There is no need to repeat the language in 20.80.330 since this is where buffers are regulated.

The amendments delete the identification/delineation phrase in 20.80.310 and 20.80.330 and move it into 20.80.320 and change that title to "Identification, Delineation, and Classification." this keeps "Purpose" being just Purpose and then creates a new section for the other aspects.

Amendment 31 - 20.80.330 Required buffer areas - brings the code to compliance with WAC 173-22-035.

Mr. Szafran concluded his presentation.

Public Comment

No one in the audience indicated a desire to address the Commission, and the public comment period was closed.

DIRECTOR'S REPORT

Ms. Markle announced that there would be a Joint meeting with Council on May 12th to discuss 145th street Light Rail planning. She asked the Commission clerk if she was able to determine who would be

there. Ms Basher indicated that 5 people had said they could make it and that she was still waiting to hear back from Commissioner Strandberg. Commissioner Strandberg indicated that she did not yet know if she could make it.

UNFINISHED BUSINESS

There was no unfinished business to discuss.

NEW BUSINESS

There was no new business scheduled on the agenda.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no committee reports.

AGENDA FOR NEXT MEETING

Ms. Basher indicated that there will be a retreat on May 15 and because of this the Planning Commission meeting will start at a different time, 6:00 pm. The Commissioners will be served dinner and Ms. Basher will be in touch with them about food options. Mr. Szafran indicated that the retreat will still be held in Chambers, however it will not be up at the dias but in a more informal room setup. Chair Scully asked if staff needed any suggestions on agenda items and staff responded that the agenda was pretty much set. Director Markle clarified that even though the agenda is set we are always open to suggestions.

ADJOURNMENT

The meeting was adjourned at 9:40 p.m.

_____	_____
Keith Scully	Lisa Basher
Chair, Planning Commission	Clerk, Planning Commission

DRAFT

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF PUBLIC HEARING

June 5, 2014 Shoreline City Hall
7:00 P.M. Council Chamber

Commissioners Present
Chair Scully
Vice Chair Craft
Commissioner Malek
Commissioner Maul

Staff Present
Rachael Markle, Director, Planning & Community Development
Paul Cohn, Senior Planner, Planning & Community Development
Steve Szafran, Senior Planner, Planning & Community Development
Julie Ainsworth-Taylor, Assistant City Attorney
Lisa Basher, Planning Commission Clerk

Commissioners Absent
Commissioner Montero
Commissioner Moss
Commissioner Strandberg

CALL TO ORDER

Chair Scully called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Scully, Vice Chair Craft, and Commissioners Malek and Maul. Commissioners Montero, Moss and Strandberg were absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of April 17, 2014 and May 1, 2014 were adopted as submitted.

PUBLIC HEARING: DEVELOPMENT CODE AMENDMENT BATCH

Chair Scully noted that most members of the audience are present to comment on proposed Amendment 26 that would exempt the Seattle Golf Club from the clearing and grading standards in Shoreline

Municipal Code (SMC) 20.50.310, and the amendment is likely to generate the most Commission discussion. Therefore, he suggested the Commission consider it first. He also recommended that the remaining amendments be considered in bundles of 10, allowing the public to comment and the Commission to take action on each bundle before moving forward. The remainder of the Commission agreed with that approach. Chair Scully reviewed the rules and procedures for the public hearing and opened the hearing.

Amendment 26

Mr. Szafran recalled that some Commissioners questioned portions of Amendment 26 (SMC 20.50.310), which was submitted by the Seattle Golf Club. They specifically discussed:

- ***Item 7c would allow land surface modifications, including changes to the existing grade by four feet or more.*** Mr. Szafran reviewed that the Commission discussed adding an upper limit to Item 7c instead of the proposed language, which would allow an unlimited change of the existing grade. Staff is recommending against the applicant's proposal to allow a change in the existing grade of up to 40 feet without a clearing and grading permit. Instead, staff recommends a limitation on land surface modifications of up to four feet.

- ***Item 7e would allow the removal of significant trees as required to maintain and provide reasonable use of a golf course.*** Mr. Szafran advised that staff supports the applicant's proposal to raise the significant tree retention requirement to 50%. He noted that 50% is greater than what the applicant originally proposed and greater than what is currently required.

- ***Item 7f would exempt golf courses from the tree replacement requirements in* SMC 20.50.360.** Although the applicant has not proposed any alternative language to address the Commission's concerns, Mr. Szafran said the Staff Report recommends some alternative language such as reducing the number of replacement trees, providing the trees in different locations, or paying a fee in lieu of.

- ***Item 7h is related to the stockpiling and storage of organic materials.*** Mr. Szafran advised that the applicant is proposing an amendment that would allow golf courses to stockpile and store organic materials without a permit. Currently, the threshold for stockpiling and storage is 50 cubic yards without a permit. Staff is not recommending any changes to the proposed amendment, but the Commission could choose to increase the requirement if they see fit.

Mr. Szafran explained that, to date, the City has received three public comments specific to the golf club's proposed amendment (SMC 20.50.310), and the comments are outlined on Page 9 of the Staff Report. He summarized that the comments expressed concern about offering preferential treatment to just one property owner, as well as the lack of critical area review. In addition, it was suggested that a vegetative management plan might be a more equitable way to address tree issues on large properties. Lastly, concern as expressed that because an inventory has not been done, the City does not know how many significant trees are on the property.

George Treperinas, Seattle, said the applicant (Seattle Golf Club) is trying to come up with an approach that makes sense for the City, as well as the golf club. He reviewed the comments that were

submitted in opposition to the proposed code amendment. Regarding preferential treatment, he commented that it is not fair to treat the average property owner in the City of exactly the same as a property owner of a parcel that is 155 acres in size. The club's intent was to come up with an amendment that is meaningful, under the circumstances, yet allow them to better utilize the resources of the Planning & Community Development Department. He recalled that about three years ago, the club was able to get a multi-year permit from the City to remove multiple trees. At that time, it was determined that the replanting requirements should be relaxed because of the special nature of the golf course and the code requirement that allows the club reasonable use of its property.

Mr. Treperinas emphasized that the proposed amendment is not intended to allow the club to wholesale cut trees. Although one of the comment letters suggested that the club would remove the trees from the bluff, that would not be normal or routine. As he suggested in the supplemental materials he submitted after the Commission's May 1st study session, it would be very easy for the Planning & Community Development Department and/or Planning Commission to see what is done, and there would likely be sanctions if the club breaches its duties under the terms proposed.

Mr. Treperinas pointed out that other similar municipalities (i.e. Kirkland, Snoqualmie, Sammamish, Seattle, and King County) provide that golf courses can do normal and routine maintenance and do not expound on it. He noted that he previously shared examples of routine and normal maintenance to provide insight into what things the club would be permitted and not permitted to do. He briefly reviewed the changes the club is proposing:

- SMC 20.50.310.A.7 – Introduction. As requested by a Commissioner, the words "of existing golf courses" would be removed from the introductory paragraph.

- SMC 20.50.310.A.7.c – A dump truck holds about 10 cubic yards of dirt. The club believes it needs flexibility to allow changes in the existing grade of at least 40 feet without a clearing and grading permit in order to move materials around to create fairways and greens and to store organic material so it can be reused. They are currently stockpiling sand because their supplier went out of business. This would no longer be allowed if the grade change is limited to just four feet.

- SMC 20.50.310.A.7.e – The applicant proposed two alternatives for the language in this section, one of which would change the percentage that was originally proposed from 35% to 50%. The intent is to provide flexibility so the club does not have to tax City officials with issuing a permit each time. As long as they do a good job of managing the golf course, this extra requirement is probably unnecessary.

- SMC 20.50.310.A.7.f – The proposed amendment would mandate the club to do certain things.

While they do not offer a perfect solution, Mr. Treperinas asked the Commissioners to view the changes in a positive way. In addition, the club is open to looking at other compromises.

Peter Eglick, Attorney for the Innis Arden Club, commented that there is a reason they are called the Planning Commission and not the Exemption Dispensation Committee. He said the Innis Arden Club is

concerned that the proposed amendment would abdicate the planning responsibility. He recalled that the Innis Arden Club has asked the City on numerous occasions to adopt code language that would allow for planning for large tracts. The club consists of more than 300 acres, 50 of which are open space recreational tracts with approximately 8,000 trees. They have surveyed the site and provide this information to the City each time they apply for a clearing or grading permit. He said the Innis Arden Club believes the code should allow for planning of large tracts and not special exemptions. Even if the exemption concept were appropriate, the proposed exemption is flawed and would be impossible to enforce because there is no baseline data available and the code does not require it.

Regarding the proposal to amend the tree replacement requirement, Mr. Eglick pointed out that the Innis Arden Club has spent thousands of dollars on tree replacement to meet City requirements, and it does not understand why the City is considering allowing an exemption to just one property owner. He suggested the code should include provisions that deal equitably with the replacement requirement for all large tract owners. He pointed out that, because the proposed amendment does not provide a specific definition for "golf course," the Innis Arden Club could change its name to the Innis Arden Golf Club to take advantage of the proposed exemption.

Mr. Eglick summarized his belief that the proposed amendment is not good planning. He suggested the Commission direct staff to work with the golf club and the Innis Arden Club on a code provision that would authorize a framework for vegetation management plans that would include an inventory of existing trees and performance standards. This provision would work for all large tract owners. He noted that, although other jurisdictions allow for exemptions, the City's Comprehensive Plan does not support the approach. The City's Comprehensive Plan and Development Code pays a lot of attention to establishing a framework for how tree removal and replacement must occur, and there may be legal issues with the proposed amendment that would allow an exemption for just one property owner.

VICE CHAIR CRAFT MOVED THAT THE COMMISSION RECOMMEND ADOPTION OF AMENDMENT 26 AS PROPOSED. CHAIR SCULLY SECONDED THE MOTION.

Commissioner Maul agreed that, on one hand, golf clubs should be allowed to manage their courses without having to come to the City for a permit every time they want to move dirt. On the other hand, Innis Arden has the same issue. They need to come up with something that works for all large property owners.

Vice Chair Craft pointed out that the Seattle Golf Club is unique in its location and use. It is very difficult to assess that other portions of the City could be deemed golf courses, but it is probably best to clearly define the use. He agreed with Commissioner Maul that it is important to afford some opportunity for the golf course to manage its property as it sees fit, but creating the process through an exemption rather than a defined and clearly stated process would be the wrong approach.

Chair Craft agreed that the current one-size-fits-all approach does not make a lot of sense for the golf club, and there is not enough evidence to determine whether or not it is working for the Innis Arden Club. There is no reason the golf club should have to come to the City for a permit every time they need to replace bunker sand. He is convinced they are doing their best to safeguard trees, and they may not be able to do a one-for-one replacement given the topographical limitations of the site. However, he

expressed concern that, even with the caveats and restrictions, the proposed amendment turns over all control to the golf club. The tree ordinance was passed after a lot of public comment and discussion, and the resolution was that the City wanted some control over how clearing and grading and tree retention was managed. It troubles him to allow an exemption for just this one property. He suggested it would be appropriate for the Innis Arden and Seattle Golf Clubs to work together with other large property owners to come up with a proposal that incorporates a plan rather than an exemption approach.

THE MOTION FAILED UNANIMOUSLY.

Amendments 1 through 10

Mr. Szafran reviewed each of the proposed amendments as follows:

- Amendment 1 (SMC 20.10.050) relates to the roles and responsibilities of the Planning Commission and would simply strike the language regarding quasi-judicial matters.

- Amendment 2 (SMC 20.20.012.B) provides a definition for "binding site plan."

- Amendment 3 (SMC 20.20.016.D) updates the department name to Planning & Community Development. It also adds a definition for "Director."

- Amendment 4 (SMC 20.20.040.P) would change the definition of a "public utility office" and a "public utility yard."

- Amendment 5 (SMC 20.30.040) provides a reference to SMC 20.30.045.

- Amendment 6 (SMC 20.30.045) adds "neighborhood meetings" for certain Type A proposals.

- Amendment 7 (SMC 20.30.060) deletes "street vacations" from the table of Type C Actions and refers them to Chapter 12.

- Amendment 8 (SMC 20.30.085) updates the name of the Planning & Community Development Department.

- Amendment 9 (SMC 20.30.090) also updates the name of the Planning & Community Development Department.

- Amendment 10 (SMC 20.30.120) adds public comment periods for a Shoreline Substantial Development Permit.

No one in the audience offered comments regarding Amendments 1 through 10

COMMISSIONER MAUL MOVED THAT THE COMMISSION RECOMMEND ADOPTION OF DEVELOPMENT CODE AMENDMENTS 1 THROUGH 10 AS WRITTEN. VICE CHAIR CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Amendments 11 through 20

Mr. Szafran reviewed each of the proposed amendments as follows:

- Amendment 11 (SMC 29.30.315) updates the name of the Planning & Community Development Department.

- Amendment 12 (SMC 29.30.340) also updates the name of the Planning & Community Development Department.

- Amendment 13 (SMC 20.30.370) deletes "units," "condominiums" and "interests" from the definition of a subdivision.

- Amendment 14 (SMC 20.30.380) strikes "condominiums" from the subdivision categories and adds "mixed use."

- Amendment 15 (SMC 20.30.390) deletes language from the "subdivision" section.

- Amendment 16 (SMC 20.30.480) revises the language related to "revised site plans."

- Amendment 17 (SMC 20.30.680) strikes Item 5 related to Type C Actions, which all go to the Hearing Examiner.

- Amendment 18 (Table 20.40.130) updates the Nonresidential Use Table to add "Daycare II Facilities" as permitted uses with indexed criteria in the R-4 through R-12 zones.

- Amendment 19 (Table 20.40.140) updates the "Other Use Table" to strike "regional stormwater management utility facility" and revises the uses of a "public utility office" and/or "public utility yard."

- Amendment 20 (SMC 20.30.320) provides indexed criteria for daycare facilities.

No one in the audience offered comments regarding Amendments 11 through 20.

COMMISSIONER MAUL MOVED THAT THE COMMISSION RECOMMEND ADOPTION OF DEVELOPMENT CODE AMENDMENTS 11 THROUGH 20 AS WRITTEN. VICE CHAIR CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Amendments 21 through 30 (excluding Amendment 26)

Mr. Szafran reviewed each of the proposed amendments as follows:

- Amendment 21 (SMC 20.40.320) deletes the index criteria for "public agency" and utility offices" and "public agency and utility yards."

- Amendment 22 (SMC 20.40.600) strikes "Conditional Use Permit (CUP)" and adds "Special Use Permit (SUP)"

- Amendment 23 (SMC 20.50.020.1) adds "R-18" to the table of dimensional requirements.

- Amendment 24 (SMC 20.50.090) adds "and related assessor structures," thus allowing additions to existing single-family homes and related accessory structures to extend into a required yard when the house is already nonconforming with respect to the yard.

- Amendment 25 (SMC 20.50.090) addresses the Commission's concern by adding "12-foot height" back into Item C.1.b. As per the Commission's recommendation, clarity was also added to Item F.1, setting the public space required for the commercial portions of development at a rate of 4 square feet of public space per 20 square feet of net commercial floor area. In Item J.2, the word "strictly was inserted at the request of a Commissioner.

- Amendment 27 (SMC 20.50.440) provides ratios for bicycle facilities.

- Amendment 28 (SMC 20.50.532) identifies when a permit is required for an electric changing message center sign.

- Amendment 29 (SMC 20.50.550) provides an exemption for electronic changing or reader board signs if they do not have moving messages or messages that change or animate at intervals less than 20 seconds.

- Amendment 30 (SMC 20.55.90) changes the term "outdoor advertising signs" to "billboard signs."

No one in the audience offered comments regarding Amendments 21 through 30 (excluding Amendment 26).

COMMISSIONER MAUL MOVED THAT THE COMMISSION RECOMMEND ADOPTION OF DEVELOPMENT CODE AMENDMENTS 21 THROUGH 30 (EXCLUDING AMENDMENT 26) AS WRITTEN. VICE CHAIR CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Amendments 31 through 36

Mr. Szafran reviewed each of the proposed amendments as follows:

- Amendment 31 (SMC 20.50.600) was changed at the recommendation of the Commission to state that temporary business signs shall be limited to not more than one sign per street frontage per business, place of worship or school.

- Amendment 32 (SMC 20.50.610) updates the name of the Planning & Community Development Department.

- Amendment 33 (SMC 20.80.240) updates the reference to the "International Building Code."

- Amendment 34 (SMC 20.80.310) renames the purpose section for "wetlands."

- Amendment 35 (SMC 20.80.320) has a new title, "Designation, delineation and classification." It also provides additional language for delineating wetland buffers.

- Amendment 36 (SMC 20.80.330) also provides language for delineating wetland buffers.

No one in the audience offered comments regarding Amendments 1 through 10

COMMISSIONER MAUL MOVED THAT THE COMMISSION RECOMMEND ADOPTION OF DEVELOPMENT CODE AMENDMENTS 31 THROUGH 36 AS WRITTEN. VICE CHAIR CRAFT SECONDED THE MOTION.

Chair Scully expressed concern about Amendment 31, which limits schools and places of worship to just one temporary sign per street frontage. He does not have a problem allowing additional signs around schools and places of worship during special events. Vice Chair Craft said he would like to limit the number of large temporary signs allowed per street frontage. Mr. Cohen explained that there have been problems with temporary signs throughout the City, and not just at schools and churches. It is difficult to define what is temporary and what is permanent. The proposed amendment is a step towards allowing churches and schools a reasonable opportunity to put up temporary signs.

Mr. Cohen reminded the Commission that signs are typically enforced on a complaint basis. Vice Chair Craft agreed it would be appropriate to allow churches and schools to have one large temporary sign per street frontage, but he would be opposed to allowing an unlimited number of signs. Mr. Cohen noted that, as currently written, temporary signs can only be in place for 60 days. He checked with several schools, and all indicated that the proposed language seems reasonable to meet their needs.

THE MOTION CARRIED UNANIMOUSLY.

Continued Discussion on Amendment 26

Julie Ainsworth-Taylor clarified that the Commission's previous recommendation related to Amendment 26 was to strike Item 7, related to exemptions for the Seattle Golf Course. The remaining amendment is a housekeeping item that would update the Planning & Community Development Department's name.

COMMISSIONER MAUL MOVED THAT THE COMMISSION RECOMMEND ADOPTION OF THE PORTION OF AMENDMENT 26 (SMC 20.60.310.A.1.b), WHICH UPDATES THE NAME OF THE PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT. VICE CHAIR CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

GENERAL PUBLIC COMMENT

No one in the audience indicated a desire to address the Commission during this portion of the meeting.

DIRECTOR'S REPORT

Director Markle reported that the City Council discussed the topic of "impact fees" on June 2nd, and it appears they are looking favorably on the concept. Staff expects that an impact fee ordinance will be adopted after the Council's break in July.

Director Markle announced that the Bothell City Manager is scheduled to make a presentation to the City Council on June 9th, regarding the new development that is taking place there. She further announced that the 145th Street Station Design Dialogue Workshop is scheduled for June 12th from 6:00 to 8:00 p.m., and Commissioners are invited to attend.

Director Markle reported that there was a public meeting earlier in the week for the Draft Environmental Impact Statement (DEIS) for the 185th Street Station Area Plan, and a few Commissioners attended the event. She explained that the DEIS, itself, has not been issued. Staff hopes to release the document on June 6th or June 9th, which will allow more time than is required for public review and comment before the public hearing on July 10th. She advised that a developer focus group on the 145th Street Station Area Plan was held earlier in the day, and a couple of Commissioners attended. In addition, staff met earlier in the day with a consultant for the 185th Street Station Area Plan. The City will move forward this summer with drafting regulations that will implement the vision.

Director Markle announced that the Stay Out Drug Area Ordinance was adopted by the City Council on June 2nd. The ordinance covers the Interurban Trail and offers the City another tool to make the community safer. She also reported that staff is preparing to utilize the newly adopted Chronic Nuisance Ordinance for the first time.

Director Markle announced that a new Permit Services Manager has been hired and will start on June 23rd. Jarrod Lewis comes to the City from King County, where he has worked for the past 15 years. He served as King County's Permit Services Manager for 6 to 7 years.

Director Markle recalled that Commissioners received notice to attend a training session for the Open Government Training Act on August 11th at 5:30 p.m. Dinner will be served, and all the Councilmembers and other City Commissions and Boards will attend. Assistant City Attorney, Julie Ainsworth-Taylor reminded the Commissioners that the training is a requirement of the new State Law that was adopted during the past Legislative session.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no reports or announcements.

AGENDA FOR NEXT MEETING

Mr. Szafran advised that the Planning Commission is responsible for conducting a study session and making a recommendation to the City Council regarding updates to the Hazardous Management Plan, which occurs every five years. This item is scheduled on the Commission's June 19th agenda, and the City's Emergency Management Coordinator will be present to introduce the plan.

ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

_____	_____
Keith Scully	Lisa Basher
Chair, Planning Commission	Clerk, Planning Commission

TIME STAMP
June 5, 2014

CALL TO ORDER:

ROLL CALL: 0:38

APPROVAL OF AGENDA: 1:03

APPROVAL OF MINUTES: 1:08

PUBLIC HEARING: DEVELOPMENT CODE AMENDMENT BATCH: 1:17

GENERAL PUBLIC COMMENT: 43:28

DIRECTOR'S REPORT: 43:35

UNFINISHED BUSINESS: 47:43

NEW BUSINESS: 47:43

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS: 47:50

AGENDA FOR NEXT MEETING: 47:55

ADJOURNMENT:

Peter J. Eglick
Eglick@ekwlaw.com

May 15, 2014

Via Facsimile (206-546-2788)
And E-mail(rmarkle@shorelinewa.gov, (sszafran@shorelinewa.gov), (pcohen@shorelinewa.gov)

Rachel Markle, Director
Steve Szafran, Planning Commission Liaison
Paul Cohen, Planning Manager
Department of Planning &
Community Development
City of Shoreline
17500 Midvale Avenue N
Shoreline, WA 98133

RE: Comments by The Innis Arden Club, Inc. Concerning the SEPA DNS for Amendment Seattle Golf Club Exemptions from permit requirements

Dear Director Markle and Messieurs Szafran and Cohen:

These comments are submitted by The Innis Arden Club Inc. (Innis Arden) concerning the proposed SEPA Determination of NonSignificance for the proposal to amend the Development Code to exempt the Seattle Golf Club (SGC) from clearing and grading permit requirements for tree stewardship activities. Whether or not the DNS is withdrawn (and it should be), these comments should also be considered by the Planning Commission when it takes up the merits of the Golf Club exemption amendment. As explained in detail below, the DNS and the proposed exemption are misguided. In particular, for SEPA purposes there is no basis for the assumption that the exemption will not result in significant adverse impacts on the environment. Further, there is a strong probability that it could and will have such an effect – and that the amendment is drafted in such a way to allow that to occur. This is poor policy and planning, as well as, not coincidentally, contrary to SEPA and the GMA.

The Innis Arden Club is concerned that special Code exemptions for a few adopted without careful attention to issues of compliance and impact are not an appropriate approach and threaten to leave others to shoulder the regulatory burden with regard to trees and maintenance of what some have called the "urban forest". This concern need not translate into leaving the Seattle Golf Club disappointed. However, instead of a piecemeal process of special exemptions without well-considered parameters and definitions, the Code should instead be amended to establish a framework for City review and adoption of Vegetation Management Plans (VMPs) that provide appropriate flexibility within a verifiable framework. The Code would specify the mechanism and criteria for VMPs. The complexity of a specific VMP would depend on the nature of the large site or sites in question. In contrast to this rational, GMA and SEPA-compliant approach, the piecemeal alternative currently being pursued by the Department -- a special exemption for one large property owner -- is ill-advised and legally questionable, especially given the significant questions uncovered in our review. The solution is not to disappoint the Golf Club, but to accommodate it-- and other large stakeholders such as Innis Arden willing to step up -- through adding Code authority for development of stewardship plans for large tracts.

With this principle in mind, the following preclude adoption of the SEPA DNS proposed by the Department:

1. The SEPA Checklist fails to disclose critical areas, including potential landslide hazard areas on the site for which the exemption amendment is being adopted. As shown on the attached map, even on a rough check, there are several such areas on the SGC site.

2. The SEPA Checklist does not recognize the potential streams and wetlands on the site when, for example, water related golf course features are often manifestations of natural rather than man-made systems.

3. The SEPA Checklist fails to disclose that the site for which the exemption is being adopted was formally determined by the Department a decade ago to contain critical areas. A recent explanation for this omission – that the prior formal determination was for a different parcel – is not supported by record documents.

4. The SEPA Checklist fails to disclose the current extent of vegetation including significant trees on the site for which the exemption is being adopted. The Department has acknowledged that there is no baseline inventory of trees against which to measure the exemption's retention requirements regardless of percentage, rendering the requirement nominal rather than actual. This is the case regardless of what alternative retention language is considered.

5. The impacts of the proposal are not disclosed and addressed in that the factors cited in the Checklist and in the proposed amendments as bases for removal of significant trees specifically for a golf course are noncompliant with, inconsistent with, and fail to be guided by the numerous provisions of the Comprehensive Plan which do not allow such an

approach. To cite just one example, "economic value of the affected golf course" is not found in the Comprehensive Plan as a basis for removal of significant trees.

6. The proposal would allow existing (and now, under a May 13, 2014 amended proposal by SGC in concert with the Department, apparently any new) golf courses to avoid tree replacement requirements, generally applicable under the Code and Comprehensive Plan, on bases not consistent with, in compliance with, or guided by the Comprehensive Plan

7. The Checklist assumes that the proposal will apply to only one facility. However, neither golf course, nor golf facility is defined in the Code. A worst case impact approach should therefore have been utilized in light of other large tracts that could readily with a few minor actions claim to contain a golf facility.

8. SEPA notice was not proper. The notice apparently published by the City misstated the comment period, when compared to that published in the SEPA Register, which governs. New SEPA notice must therefore be provided and a new SEPA comment period commenced and concluded before any DNS can become final. It also appears that the SEPA Checklist for the exemption was labeled as a "DRAFT" on at least one version distributed to the public.

All of the factors noted above demonstrate individually and as a whole that there are unmitigated probable significant adverse impacts associated with the proposal. The City should therefore either withdraw the proposal and/or require preparation of an Environmental Impact Statement on it. In the alternative, the City should as a substitute draft and adopt a tree stewardship plan Code provision that will address the needs of large tract owners in a framework that is not skewed toward one use or owner and that respects the mandates of the Comprehensive Plan. InnisArden stands ready to work with the Department and SGC to develop such an approach on a fast track.

Please make sure that these comments are placed on the record in the above matter and distributed to the Planning Commission.

Sincerely,

EGLICK KIKER WHITED PLLC

Peter J. Eglick
Attorneys for The Innis Arden Club Inc.

cc: Client
Shoreline Planning Commission (*plancom@shorelinewa.gov*)

May 16, 2014

Rachel Markle, Director
Steve Szafran, Planning Commission Liaison
Paul Cohen, Planning Manager
Department of Planning & Community Development
City of Shoreline
17500 Midvale Avenue N
Shoreline, WA 98133

Re: Seattle Golf Club Exemptions from permit requirements

Dear Ms. Markle, Mr. Szafran, and Mr. Cohen,

After reviewing the letter sent to you by the Innis Arden Club dated May 15, 2014 I decided to look at the Seattle Golf and Country Club using the King County iMap website. I discovered two areas not mentioned in the letter that should be included in your deliberation.

When I used the parcel number to define all of the area that includes the Seattle Golf and Country Club, I discovered two sections that are in the lower left of the attached drawing that are part of the property. The light green lines define a 5 ft elevation level. The upper left section appears to include the clubhouse; it also has behind it a steep portion of land that has an approximate slope of 50%. This steep slope also appears to be heavily forested. The lower left section also has an approximate slope of 50% and appears to be heavily forested. I point this out since in a meeting that Innis Arden board members and lawyers Jane Kiker and Peter Eglick had with City Manager Debby Tarry that included several of her subordinates, Ms Markel implied that the golf course property is essentially just a large, flat lawn. Clearly there are extensive significant trees and hazardous steep slopes that have not been considered.

Please make sure that these comments are placed on the record in the above matter and distributed to the Planning Commission.

Sincerely yours,

T. Richard Leary
Cc: Innis Arden Board
Planning Commission (plancom@shorelinewa.gov)
Peter Eglick and Jane Kiker, EKW Law

EKW LAW
EGLICK KIKER WHITED PLLC

Peter J. Eglick
Eglick@ekwlaw.com

June 4, 2014

Via Facsimile (206-546-2788)
And E-mail plancom@shorelinewa.gov (sszafran@shorelinewa.gov),

Planning Commission
Steve Szafran, Planning Commission Liaison
City of Shoreline
Department of Planning &
Community Development
City of Shoreline
17500 Midvale Avenue N
Shoreline, WA 98133

RE: Additional Comments by The Innis Arden Club, Inc. Concerning the Proposed Special Code Exemption for the Seattle Golf Club

Dear Planning Commissioners:

The Innis Arden Club Inc. (Innis Arden) wishes the Seattle Golf Club well. But the Golf Club's proposed special Development Code exemption presents a critical fork in the City's planning road. It should not be adopted – and certainly not as part of a package of what are otherwise "housekeeping" Code amendments.[1]

Innis Arden appreciates the Golf Club's concern that it is burdensome and inefficient for large tract owners to comply with current Code requirements for tree removal. Innis Arden has over 50 acres of forested Reserve Tracts dedicated by recorded covenants to open space and recreational activities. The Reserves contain approximately 8000 trees. Innis Arden has spent

[1] These comments supplement and incorporate by reference the May 15, 2014 comments submitted on behalf of Innis Arden as well as the September 16, 2014 letter submitted by Innis Arden Reserves Chair Rick Leary with information concerning the Golf Club site. For your convenience, copies of those prior letters are also attached to the e mail transmitting this one.

thousands of dollars over the last decade on surveys mapping Reserve trees. Innis Arden has spent over $100,000.00 in recent years on Reserve tree stewardship activities. These include limited instances of removal for reasons of hazard and/or view and a much more extensive program of tree planting and forest maintenance. To carry out these activities, Innis Arden has spent tens of thousands of dollars to meet City Code requirements as interpreted by the Department.

As a result of the expense involved in the Code's piecemeal approach even for large tracts, Innis Arden has more than once proposed that the City adopt a Code amendment allowing for vegetation management plans ("VMP"). VMPs would eliminate the piecemeal approach to regulation of tree stewardship on larger holdings. A VMP framework Code amendment would represent sound planning and an equitable approach to regulation of trees in the City of Shoreline. The necessary work to assess and mitigate tree removal on larger tracts would be carried out, but in a holistic rather than piecemeal way.

In contrast, the special exemption before you sets the City on an inappropriate and legally questionable path. Many entities find the current Code requirements needlessly inefficient and burdensome. That is not a proper basis, however, for dispensing with a planning remedy for the over-all situation and instead granting a special exemption to one entity. Respectfully, such an approach is not compliant with the SEPA and GMA mandates for environmental review and does not represent sound regulation to implement the City's Comprehensive Plan.

The inherent flaws in a special exemption approach are illustrated by the Golf Club situation. There is no inventory of Golf Club trees by number or by location or by species or by dimension -- or by any other relevant factor. There is no comprehensive information concerning the antecedent and present features of the entire Golf Club site for which an exemption would be granted. There are no baseline data available for enforcing the proposed Golf Club special exemption's tree retention percentage or, for that matter, for verifying any other factors supposedly brought to bear by the exemption. These are not just practical implementation concerns. They are also indicia that there is not a sufficient record basis to justify the exemption either legally or from a sound planning perspective.

An amendment allowing tract holders an alternative means of complying with the Code through preparation of a VMP would address stakeholder efficiency concerns and satisfy sound planning and legal requirements. It would provide a consistent regulatory approach for the Golf Club and other large tract holders including Innis Arden, rather than establish a precedent for an exemption grab bag.

Now is the time to adopt a Code framework for VMPs, in place of adopting a special Code exemption for just one tract owner. Innis Arden is ready to start work immediately with the Department, the Golf Club, the Commission, and other stakeholders on a VMP framework Code amendment. That avenue should at least be explored before the Commission moves forward a special Code exemption that raises significant concerns about planning policy and legal approach.

Thank you for your consideration of these comments.

Respectfully,

EGLICK KIKER WHITED PLLC

Peter J. Eglick
Attorneys for The Innis Arden Club Inc.

cc: Client
City Manager

Greetings all:

Please advise as to the status of the attached "Draft" SEPA Checklist. Has it been finalized and a threshold determination been issued? If the threshold determination is anything other than a DS, please note for the record that The Innis Arden Club Inc. objects to the threshold determination. Such a broad-brush set of amendments, depending on prior SEPA items extending back almost two decades, does not begin to address the impacts of the varied proposals encompassed in the Checklist. They have significant adverse impacts that have neither been disclosed nor mitigated.

This is particularly the case with regard to the special Code amendment for the Seattle Golf Club noted in the Checklist as follows:

"All amendments except one are City-wide non-project actions. SMC 20.50.310 applies to all golf courses within the City of Shoreline. As of today, Shoreline has one golf course – Seattle Golf Club. The SGC is located at 210 NW 145th Street, Shoreline, WA 98177."

The particulars of the special made-to-order amendment for the Seattle Golf Club have not been widely disseminated to the public, but apparently drafted in private between the Seattle Golf Club and City Staff. The factual environmental premises for the amendments as stated in the SEPA Checklist are questionable (e.g. absence of impact on critical areas, etc.) and appear to have been tailored to facilitate adoption with a minimum of public scrutiny and review. This is not the first time this issue of special legislation for the Golf Club has arisen. Last time, the City assured that the Golf Club proposal had been dropped. Apparently, however, it was resurrected when "the coast was clear."

The Innis Arden Club has for years asked that the City facilitate a more rational approach to maintenance of large tracts. For example, the Club has repeatedly formally requested adoption of Comprehensive Plan and Code amendments to foster Vegetation Management Plans (VMP) such as the longstanding one agreed upon by the City and Innis Arden. That VMP was summarily, unilaterally abrogated by former Planning Director Joseph Tovar with no discussion or negotiation when he took control of the Planning Department.

VMPs would yield substantial benefits to the City and to entities such as Innis Arden or the Golf Club which manage large tracts. The City has repeatedly rebuffed Innis Arden's requests for renewal of the VMP approach. It has repeatedly refused to even schedule the concept for Planning Department and City Council consideration. Now, it turns out that a special Code amendment to give the Golf Club alone relief has been privately drafted and slated for City adoption by September. Golf Clubs are no more environmentally benign than Innis Arden open space or residential tracts. A strong case could be made that they are <u>less</u> so, particularly in light of the unnatural state required for golf play. Again, this is <u>not</u> to say that the Golf Club would be inappropriately included in a comprehensive City review of the situation in which the Golf Club, the Innis Arden Club, and other properties are now placed by the Code. It <u>is</u> to say that the Golf Club's environmental impacts and its over-all use do not justify singling out the Golf Club for a special concessionary Code amendment.

The Innis Arden Club emphasizes that it supports a <u>comprehensive</u> reform effort with participation by all similarly situated entities (owners with responsibility for maintenance of large tracts including open space) to eliminate the needlessly burdensome aspects of the current regulatory system particularly with regard to vegetation. The Innis Arden Club does object however to piecemeal revision of the Code specifically for one owner (here the Seattle Golf Club) without regard to over-all environmental impacts or equity.

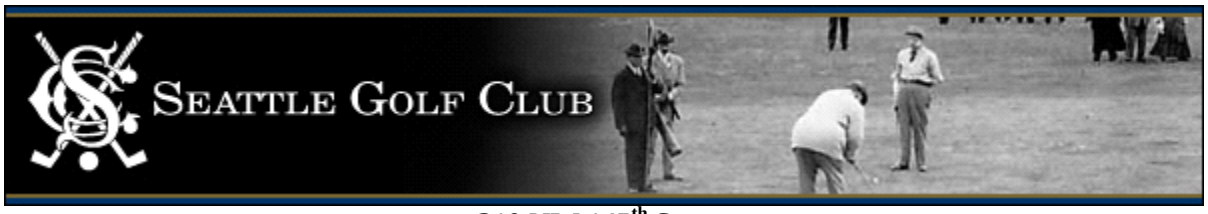
Please provide immediately the latest text of the proposed Code amendments, including in particular the amendment for the Seattle Golf Club. Please also provide the identity of the Seattle Golf Club amendment's author(s), the documentation on which the amendment is based (including, if any, qualified expert inspection reports and analysis of the Seattle Golf Club site to assess impacts) and all other particulars concerning the amendment's origin and review.

Meanwhile, as noted, this initial comment should be placed on the record for the Code amendments and their SEPA review.

Thank you,

Peter Eglick

Attorney for The Innis Arden Club Inc.



210 NW 145th Street
Shoreline, WA 98177

April 10, 2014

Planning Commission
Shoreline City Hall
17500 Midvale Avenue N
Shoreline, WA 98133

Re: Seattle Golf Club – Supplement to Request for Amendment to Development & Tree Code
Transmitted by Email only to plancom@shorelinewa.gov

Dear Planning Commission Members:

This letter supplements the request for amendment to the Development & Tree Code which Seattle Golf Club ("SGC") submitted by letter dated January 31, 2012, and application dated February 16, 2012 (collectively the "Amendment Application"). SGC seeks amendment to SMC 20.50.310[1] to include the following new subsection. We understand this request is supported by the Department of Planning & Community Development:

Proposed New SMC 20.50.310 Subsection – Exemption for Golf Course Normal and Routine Maintenance.

6. Normal and routine maintenance of existing golf courses, provided that the use of chemicals does not impact any critical areas or buffers. For purposes of this section, "normal and routine maintenance" of golf courses includes clearing and grading activities such as those listed below; except for clearing and grading (i) for the expansion of such golf courses, and (ii) clearing and grading within critical areas or buffers of such golf courses:

- ***a. Aerification and sanding of fairways, greens and tee areas.***
- ***b. Augmentation and replacement of bunker sand.***
- ***c. Any land surface modification including change of the existing grade by four feet or more, as required to maintain a golf course and provide reasonable use of the golf course facilities.***
- ***d. Any maintenance or repair construction involving installation of private storm drainage pipes up to 12 inches in diameter.***
- ***e. Removal of significant trees as required to maintain and provide reasonable use of a golf course, such as the preservation and enhancement of greens, tees, fairways, pace of play,***

[1] Found in Subchapter 5 of Title 20.50 (collectively the sections include SMC 20.50.290-20.50.370 and are hereafter referred to as "Subchapter 5".

preservation of other trees and vegetation which contribute to the reasonable use, visual quality and economic value of the affected golf course. At least 35 percent of significant trees on a golf course shall be retained.

f. Golf courses are exempt from the tree replacement requirements in SMC 20.50.360(C). Trees will be replanted based on enhancing, and maintaining the character of, and promoting the reasonable use of any golf course.

g. Routine maintenance of golf course infrastructures and systems, such as irrigation systems and golf cart paths, as required.

h. Stockpiling and storage of organic materials for use or recycling on a golf course in excess of 50 cubic yards.

SMC 20.50.310 Clearing and Grading Permit Requirements Interpreted by Director's Code Interpretation Order. In January 2012, SGC sought interpretation by the Director of the Planning & Community Development Department ("Department") that SGC's normal and routine maintenance activities are exempt from Subchapter 5. Under Administrative Order #301795 (the "Order," attached as Exhibit A), the Director partially denied and partially approved SGC's code interpretation request finding that at least some grading activities are exempt. The Director (at p.3 of 4), in concluding that the tree cutting limits of Subchapter 5 apply to SGC (6 significant trees per year), also made the following factual findings:

> The golf course contains more than 6000 trees that must be maintained for the operation of the course, ***needing to obtain a permit for any tree cutting over the exemption is onerous***. The ***requirement for replacement trees is also seen as counter to the operation of the course***. (Emphasis added).

Extraordinary Clearing and Grading Permit Granted. Upon application made in January 2012, the Director issued a Clearing and Grading Permit #117944 ("Permit") to SGC which authorizes it to conduct certain normal and routine maintenance activities (including removal of enumerated significant trees) for a five (5) year period which runs through November 30, 2017. The Permit was substantively amended by "First Amendment" on July 10, 2012, "Second Amendment" on August 7, 2013, and "Third Amendment" on February 7, 2014 to allow SGC, as part of its routine maintenance, to remove trees not originally designated in the Permit (such trees were replaced with certain trees originally designated for removal). The Department granted SGC an extraordinary Permit[2] at least in part on the following considerations[3]:

(i) That strict compliance with the provisions of SMC 20.50.360 adversely affects SGC's reasonable use of its property as a golf course. SGC estimates they are retaining more than 98 percent of the significant trees remaining on the property, well in excess of what is required by SMC 20.50.350.
(ii) That SGC has conducted a survey of its property and concluded that the addition of up to 103 trees [replacement trees limited to this number even though Permit permits extraction of up to 165 significant trees] will not adversely affect its reasonable use of its property as a golf course.
(iii) That the reduction in the required number of replacement trees by SMC 20.50.350 is directly related to the underlying reasons for removal of the 165 significant trees, which is primarily to increase sunlight on adjacent non-tree vegetation or to improve playability. As a result, requiring

[2] The Department typically issues permits for all activities which exceed the permissible numbers under SMC 20.50.300.
[3] See Section 6 of the supplemental letter to the Permit dated July 31, 2012 signed by the Director.

replacement of these trees at or near the same location of the removed trees would be inappropriate.

(iv) That there are special circumstances related to the large size, shape, topography, location and surroundings of SGC's property. SGC is a very large parcel in relation to other parcels in Shoreline. SCG consists of 155 acres. According to the United States Census Bureau, the city of Shoreline has a total area of 11.7 square miles (30.3 km²), of which SGC's 155 acres (.611 km²) cover slightly more than 2% of the city of Shoreline. SGC's Course Superintendent estimates SGC to have more than 6,000 trees covering its acreage. This acreage has few structural improvements other than the golf course itself.

(v) That granting the requested waiver will not be detrimental to the public welfare or injurious to other property in the vicinity given the negligible effect of removal of the permitted trees under the permit when compared to the total number of trees on the subject property.

Activities Requiring Clearing and Grading Permits. Activities requiring a clearing and grading permit from the Department are summarized in SMC 20.50.320, and are set forth immediately below[4]:

A. The construction of new residential, commercial, institutional, or industrial structures or additions. ***Not normal/routine golf club maintenance, therefore permit required.***

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. ***This activity is now exempted for SGC under the Order.***

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[5] (cumulative during a 36-month period for any given parcel). ***Not normal/routine golf club maintenance, therefore permit required.***

D. Removal of more than six significant trees from any property (cumulative during a 36-month period for any given parcel). See also SMC 20.50.300 and SMC 20.50.310B. Property owners with lots larger than ½ acre must obtain a Clearing and Grading Permit to remove more than 6 "significant" trees in any given year. (SGC's request for exemption from these sections was denied in the Order). ***Permit currently required, exemption sought for trees removed as part of normal and routine maintenance of golf course.***

E. Any clearing or grading within a critical area or buffer of a critical area. ***No exemption sought, permit required.***

F. Any change of the existing grade by four feet or more. ***Order does not expressly permit this, but exemption sought to this as where grade change is normal and routine maintenance of golf course. Department interpretation the Order (see Exhibit B) suggests this activity exempt where grading changes made to man-made tee boxes, greens and other such features.***

H[6]. Any land surface modification not specifically exempted from the provisions of this subchapter. ***Order does not expressly permit this, but exemption sought to this as where grade change is normal and routine maintenance of golf course. Department interpretation the Order (see Exhibit B) suggests this activity exempt where grading changes made to man-made tee boxes, greens and other such features.***

[4] Notations in **bold print** are SGC comments and not part of SMC 20.50.320.
[5] As defined in SMC 13.10.230.
[6] "G" Repealed by Ord. 640.

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. ***Not normal/routine golf club maintenance, therefore permit required.***

J. Any construction of public drainage facilities to be owned or operated by the City. ***Not normal/routine golf club maintenance, therefore permit required.***

K. Any construction involving installation of private storm drainage pipes 12 inches in diameter or larger. ***Normal/routine golf club maintenance would include use of drainage pipes up to 12 inches, no permit required. Golf club use of drainage pipes larger than 12 inches, not normal/routine, therefore permit required.***

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.) ***Normal/routine maintenance already permitted, permit required for anything else.***

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 permits (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. ***Only normal and routine maintenance activities not otherwise expressly limited (such as activities in critical areas) would be permitted without permit.***

Exemption Sought for Non-Development Normal and Routine Maintenance Activities. In not providing an express exemption for golf courses from clearing and grading requirements for normal and routine maintenance operations, Subchapter 5 is distinguishable from numerous other local municipalities' clearing and grading provisions (which exempt golf courses). These municipal code provisions and citations to such provisions are set out for Kenmore, Sammamish, Snoqualmie, Seattle, Bellevue and even King County in the Amendment Application.

We welcome any questions and thoughts you may have on assisting us in achieving our objectives in the most expeditious and appropriate manner.

Very truly yours,

SEATTLE GOLF CLUB

George Treperinas, Secretary

cc: Rachael Markle (email only)
Paul Cohen (email only)
Steve Szafran (email only)

Exhibit A

CITY OF SHORELINE

Planning & Community Development.

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

ADMINISTRATIVE ORDER #301795

CODE INTERPRETATION

CODE SECTION: 20.50 Subchapter 5

I. ISSUE:

The Seattle Golf Club (SGC) requests that the ordinary landscape maintenance activities on the golf course be exempted from the Shoreline Municipal Code (SMC) Section *20.50, Subchapter 5, Tree Conservation, Land Clearing and Site Grading Standards*. The reasoning is that the golf course is vastly different from typical parcels in Shoreline, and that since no development is usually proposed on the golf course, its landscape maintenance practices should be exempt from the provisions governing development standards on a typical lot. Further, the routine practices of maintaining a golf course regularly exceed the exemptions listed in the code, and requiring a permit for each of these activities is onerous. Many municipalities exempt golf courses from such regulations.

II. FINDINGS:

Site Characteristics
Zoning: R-4, Residential, 4 units per acre
Size: Approximately 150 acres
Use: Private Golf Course
Critical Areas: There is one Class IV wetland of approximately 723 sq. ft., according to a report done by *HartCrowser* dated January 20, 2012.

Shoreline Municipal Code (SMC) Section 20.50.300 states that permits are required for any work involving land clearing and grading. Subsequent sections list exemptions and thresholds relating to the permit requirement.

Section 20.50.310(A) lists specific complete exemptions from the permit requirement, among them hazardous conditions, emergencies, and certain activities on City and utility

owned properties. Golf Courses are not listed among the complete exemptions. Section 20.50.310(B) lists partial exemptions as follows:

> *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.*
>
> *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.*

Section 20.50.320 lists the thresholds that trigger permit requirements, among them:

> *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.*

Section 20.50.360 governs the requirement for replacement trees, but also provides an exception as follows:

> *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.

III. CONCLUSIONS

The SGC states that having to obtain a permit each time for routine maintenance activities is onerous. The routine aerification and sanding of the fairways, greens and tee areas involves grass plugs that amount to 50 cubic yards or more of material that recycled and re-used on other parts of the course. Periodic maintenance and replacement of bunker sand also involves moving at least 50 cubic yards of sand.

The golf course contains more than 6000 trees that must be maintained for the operation of the course, needing to obtain a permit for any tree cutting over the exemption is onerous. The requirement for replacement trees is also seen as counter to the operation of the course.

The SGC cites several other municipalities that specifically exempt golf courses from code provisions.

It is obvious that no specific exemption from the clearing and grading provisions for golf courses exists in the Shoreline Municipal Code.

It can be argued that since sand bunkers are an artificial man-made structure, that maintaining the bunkers is not technically "earthwork" as it is meant to be regulated under the Code (see SMC 20.50.290 *Purpose*). Bringing in sand and moving it around in the bunkers is more akin to maintaining a playground or similar structure than it is to grading for earth modification and/or construction purposes.

It can also be argued that, while the of aerification and grass plug work on the links, even though the cumulative amount of earth dug is more than 50 cubic yards, it is being dug in individual

amounts much less than 50 cubic yards. It can also be considered landscape maintenance of 3,000 square feet or less if performed in non-contiguous areas. It should be noted that this type of maintenance work is meant to prevent erosion and preserve vegetative cover on the links.

For clearing of trees, Chapter 20 of the Shoreline Municipal Code (the Development Code) includes clearing and grading in its definition of development. While no "building" in the conventional sense of the term will be proposed on the golf course, it is still subject to the Code when it comes to clearing of land. There are provisions in the Development Code that allow for exceptions to replanting.

IV. DECISION:

The purpose of a Code Interpretation is to provide clarity when the Code is unclear or contradictory. It is clear that a golf course is not listed as being exempt from SMC 20.50, Subchapter 5.

The cutting of trees is not exempt from permit except as otherwise stated in the code (up to six per parcel may be removed in any 36-month period without permit as long as they are not within a critical area or buffer). Hazard trees may be removed without permit under the provisions of 20.50.310(A)(1), with an arborist's report and site visit from City staff. Tree replacement is governed by SMC 20.50.360.

The specific activities of maintaining sand bunkers, including importing sand for existing bunkers, and aerification of links, may be considered to be normal and routine structure and landscape maintenance activities and are therefore exempt from having to obtain a permit under 20.50.310(B)(2), unless any of these activities occur in a critical area or buffer. This exemption does not include any grading activities that create additional features or expand the golf course.

This decision does not exempt any activities from the critical areas ordinance of the Shoreline Municipal Code (20.80).

Richard Meredith

Director's Signature

3/5/12

Date

Exhibit B (highlighting added)

George S. Treperinas

From: George S. Treperinas
Sent: Wednesday, May 29, 2013 11:13 AM
To: Paul Cohen; Steve Szafran
Cc: Roger Nelson; jeffremington@comcast.net; Matthew Schuldt; Wade Esvelt; Rachael Markle
Subject: RE: DOCS-#898729-v1-Seattle_Golf_Club_-_Proposed_Amendment_to_Permit

Paul and Steve:

I understand we have received the amendment to the permit. Thank you!

Steve, we have not received the code revision language which had been proposed by your office for the code revision we have requested as well as copies of any comments submitted in response to the publication of the proposed code revision language. I'd like to review the proposed code revision and review various other local municipalities parallel code language to make sure that the language ultimately proposed to the commission is tailored to this situation in a manner that is consistent with what other municipalities have on their books.

Once any revised proposed code language is acceptable to your office, we would like to get this back in queue for consideration by the Commission and would hope we can have reasonable advance notice before the Commission considers it in an open forum.

Finally, having heard nothing back from you regarding my recollection of our May 16 meeting, I conclude that none of you have any differing recollection of our discussion or interpretation of Director's Administrative Order #301795.

Steve, if there is a problem which precludes you from providing the items you indicated you were willing to provide, please let me know ASAP so I can go through whatever formal request process you may require.

Best regards,

GEORGE S. TREPERINAS
ATTORNEY AT LAW | GTREPERINAS@KARRTUTTLE.COM | OFFICE: 206.224.8053 | MOBILE: 206.369.5221
KARR TUTTLE CAMPBELL | 701 Fifth Avenue, Suite 3300 | Seattle, WA 98104 | www.karrtuttle.com

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From: George S. Treperinas
Sent: Friday, May 17, 2013 8:35 AM
To: Paul Cohen; Steve Szafran
Cc: Roger Nelson; jeffremington@comcast.net; Matthew Schuldt; Wade Esvelt; Rachael Markle
Subject: RE: DOCS-#898729-v1-Seattle_Golf_Club_-_Proposed_Amendment_to_Permit

Paul and Steve:

Thank you for taking the time to meet with us yesterday. We began the meeting by discussing our Request for Amendment and reiterated our written submission to clarify that we are proposing a 1 for 1 swap of trees previously not approved for removal against trees approved for removal under the 2012 permit – total number of trees is 3. You seemed optimistic that this request could and would likely be granted in a prompt manner.

Part of the reason we asked that our meeting begin with the discussion of our Request for Amendment was to educate Steve a bit as to some of the logistical challenges that compliance with the Clearing and Grading Statutes presents to a Shoreline resident which covers 2% of the city, especially when we are only attempting to engage in normal and routine maintenance of our grounds.

1

We began to discuss the various sorts of normal and routine activities that were subject to the Clearing and Grading Statutes prior to the issuance of the Director's Administrative Order #301795, and I shared a concern with you both about how the language in Ms. Markle's Order might be interpreted by some third party. My hypothetical example to you was the movement of more than 50 cubic yards of dirt to create a new tee box on any given hole. I then pointed to the language of the order which states:

> The specific activities of maintaining sand bunkers, including importing sand for existing bunkers, and aerification of links, may be considered to be normal and routine structure and landscape maintenance activities and are therefore exempt from having to obtain a permit under 20.50.310(B)(2), unless any of these activities occur in a critical area or buffer. This exemption does not include any grading activities that create additional features or expand the golf course.

I shared my concern that one might argue that the creation of a new tee box is not permitted under the language of the Order. This sort of activity would be a normal and routine activity for a golf course, but if we were to do this, should we be concerned that the Order does not cover this sort of activity? How many situations like this might there be? Should we interpret the Order to permit all grading activities which are normal and routine for a golf course?

At our meeting you seemed fairly comfortable that my example fell within the purview of the Order – which is consistent with our feeling. But, we are requesting a code revision to expressly permit **all** normal and routine maintenance of the golf course. If granted, this sort of exemption will remove **all** doubt, as our stewardship of the golf course and being a good citizen of the city of Shoreline are of paramount concern to us.

Steve then shared the code revision language which had been proposed by your office for the code revision we have requested. I asked that Steve forward the proposed language to me (as I saw it for the first time yesterday) as well as for a copy of any comments submitted in response to the publication of the proposed code revision language – which Steve agreed to provide me. I will then review the proposed code revision and review various other local municipalities parallel code language to make sure that the language ultimately proposed to the commission is tailored to this situation in a manner that is consistent with what other municipalities have on their books.

Once any revised proposed code language is acceptable to your office, we would like to get this back in queue for consideration by the Commission and would hope we can have reasonable advance notice before the Commission considers it in an open forum.

Please let me know if your recollection of any of the items I have recounted above differs from mine and again many thanks for your continuing cooperation in tackling these issues in a constructive and open manner.

Best regards,

GEORGE S. TREPERINAS
ATTORNEY AT LAW | GTREPERINAS@KARRTUTTLE.COM | OFFICE: 206.224.8053 | MOBILE: 206.369.5221
KARR TUTTLE CAMPBELL | 701 Fifth Avenue, Suite 3300 | Seattle, WA 98104 | www.karrtuttle.com

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From: George S. Treperinas
Sent: Tuesday, May 14, 2013 12:34 PM
To: Rachael Markle; Paul Cohen; Steve Szafran
Cc: Roger Nelson; jeffremington@comcast.net; Matthew Schuldt; Wade Esvelt
Subject: DOCS-#898729-v1-Seattle_Golf_Club_-_Proposed_Amendment_to_Permit

Rachael, Paul and Steve:

Please find attached what I anticipate will likely suffice as an amendment to Shoreline Clearing and Grading Permit #117944 issued on or about July 11, 2012, to Seattle Golf Club while allowing us to conduct the normal and routine maintenance required on our end.

I am not sending this as anything other than our attempt to make this process as simple as possible.

We look forward to visiting with you at 3:00 pm on May 16.

Best regards,

GEORGE S. TREPERINAS
ATTORNEY AT LAW | GTREPERINAS@KARRTUTTLE.COM | OFFICE: 206.224.8053 | MOBILE: 206.369.5221
KARR TUTTLE CAMPBELL | 701 Fifth Avenue, Suite 3300 | Seattle, WA 98104 | www.karrtuttle.com

PLEASE NOTE, AS OF MARCH 18, 2013, KARR TUTTLE CAMPBELL HAS A NEW ADDRESS --

701 FIFTH AVENUE, SUITE 3300
SEATTLE, WA 98104

OUR PHONE NUMBERS REMAIN THE SAME.

Please consider the environment before printing this email

Council Meeting Date: April 14, 2014 **Agenda Item:** 9(b)

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Public Defense Caseload Limits and Case Weighting
DEPARTMENT:	City Manager's Office
PRESENTED BY:	John Norris, Assistant City Manager
ACTION:	____ Ordinance ____ Resolution ____ Motion __X__ Discussion ____ Public Hearing

PROBLEM/ISSUE STATEMENT:

In June of 2012, the Washington State Supreme Court adopted new Standards for Indigent Defense. The standards include many items, including guidelines for caseload limits and types of cases. As well, the standards allow for "case counting" and case weighting. The case counting standard states that if a local government responsible for contracting with public defense attorneys wants to weight their public defense cases, they "should adopt and publish written policies and procedures to implement a numerical case-weighting system to count cases". This staff report discusses case counting and case weighting and recommends against case weighting in assigning future public defense cases.

RESOURCE/FINANCIAL IMPACT:

While it is unknown what the exact financial impact will be to implement the new mandated case load limits, regardless of whether the City chooses to weight public defense cases or not, it is likely that the City's public defense costs will increase in 2015. The City's 2014 contract with our public defense law firm retained for primary public defense services[1] costs $160,000. While the City generally has two associate attorneys in the defender firm who service our annual caseload, these public defenders also provide service to other municipal clients. Since the number of Shoreline cases alone approximates our new case load limits, the cost to service our caseload only for these two associates will likely go up since work for other municipalities would be precluded. Until a Request for Proposal (RFP) is issued and responses are received, staff will not know what the cost impact will be.

RECOMMENDATION:

Staff recommends that the City not weight misdemeanant cases and therefore not adopt and publish written policies and procedures to implement a numerical case-weighting system to count cases.

[1] Shoreline maintains additional contracts for defense where there is a conflict of interest with the primary provider, but the number of conflict cases is not significant, and is not expected to change under the new rules so long as a single firm is retained for primary public defense.

Approved by: City Manager ***DT*** City Attorney ***IS***

BACKGROUND

Since incorporation, the City has contracted with the Schlotzhauer Law Group (SLG) for primary public defense services. The SLG provides legal representation to indigent individuals from the time they are assigned to the public defender (after indigency screening) through trial, sentencing, post-sentence review and any appeals to the King County Superior Court and Washington Court of Appeals, if necessary.

The SLG's representation of clients can include arranging pre-hearing conferences, preparing and attending pre-trial hearings, preparing pleadings, counseling clients, reviewing discovery materials, negotiating pleas, and scheduling, preparing and attending bench and jury trials, among other tasks necessary to provide quality public defense to the accused. The SLG's current contract was entered into on January 1, 2011, and runs through the end of 2015. This contract (which is structured as five one-year contracts) was awarded by Council after an RFP process was conducted.

In June of 2012, the Washington State Supreme Court adopted new Standards for Indigent Defense (Attachment A). The standards include many items, including guidelines for caseload limits and types of cases, administrative costs, limitations on private practice, qualifications of attorneys, appellate representation and use of legal interns. The standards were authored by the Washington State Bar Association's (WSBA) Council on Public Defense (CPD) to address concerns about the quality of indigent defense services in Washington. The WSBA approved the standards, and recommended adoption to the Supreme Court in July of 2011.

All of the new standards became effective September 1, 2012, except for Standard 3.4 regulating caseload limit guidelines, which was initially to become effective September 1, 2013. However, given the Court's acknowledgement that caseload limits will likely have a financial impact on local governments and that it may take some time for local governments to create case weighting policies for the forthcoming caseload limits, the effective date for this standard for misdemeanor cases was moved to January 1, 2015 (Attachment B).

Given these new restrictions on caseload, the City intends to conduct an RFP for a new primary defense contract that will commence January 1, 2015 to coincide with the effective date of the caseload rule, rather than exercise the final option year of the SLG contract with a negotiated change in compensation to reflect the new rule. There are possible alternatives in the scope of work with cost impacts that may be included in the RFP , but the City's approach to case weighting will impact cost and this discussion is offered in anticipation of the RFP.

DISCUSSION

Caseload Limits and Case Weighting Policy

Standard 3.4, Caseload Limits, of the Standards for Indigent Defense state that the caseload of a full-time public defense attorney should not exceed the following levels:

- 300 misdemeanant cases per attorney per year if the jurisdiction *has* adopted a case weighting policy, or
- 400 misdemeanant cases per attorney per year if the jurisdiction *has not* adopted a case weighting policy

The reason that there is a reduction in the required caseload limit if a City has a case weighting policy is that many misdemeanor cases that a City may file might not be that complex or may be resolved early in the process. While cases can also be "weighted upwards" (i.e., complex cases may be weighted at more than one case due to the time and resource required to provide for adequate public defense), the assumption is that there would be more cases weighted downward (less than one standard case as assigned under model rules); thus the reduction from 400 to 300 cases per attorney per year.

The standards for "case counting" and case weighting are Standards 3.5 and 3.6 respectively (also in Attachment A). The case counting standard states that if a local government responsible for contracting with public defense attorneys wants to weight their public defense cases, they "should adopt and publish written policies and procedures to implement a numerical case-weighting system to count cases". The absence of the adoption of these policies means that the jurisdiction will not be engaged in case-weighting. Thus, this staff report will look at the City's past public defense case load to determine if the City should use case weighting or not.

Model Case Weighting Policy

In response to the Case Counting and Case Weighting standards in the Standards for Indigent Defense, the Supreme Court ordered the Washington State Office of Public Defense (OPD) to perform a statewide attorney time study and create a Model Case Weighting Policy for cities to use if they are interested in weighting their misdemeanant cases (Attachment C). As is noted in the model policy:

> *Case weighting, which is done by assigning 'weighted credits' to specific case types based on a formal time study, may be employed at the option of a local government. Since weighted credits are proportional to the average amount of time spent on a case, less complex cases have fewer weighted credits. The OPD Model Case Weighting Policy was developed after tracking public defense attorney time over a period of twenty weeks in fifteen different courts of limited jurisdiction throughout the state. The results of the study showed that attorneys consistently spent more/less time on certain charge types, which forms the basis for the weighted credit values provided in the Model Policy.*

In conducting the analysis of whether the City should or should not case weight our misdemeanant cases, staff has used the weighted credit values in OPD's Model Policy. The weighted values OPD determined using their time study are as follows:

Criminal Charge Categories	Weighted Credits
Alcohol Related Offenses (excluding DUI)	0.50 credits
Assault (not Domestic Violence)	1.0 credit
Criminal Trespass 1 or 2	0.75 credits
Disorderly Conduct (excluding Indecent Exposure)	0.50 credits
Domestic Violence - Assault, Reckless Endangerment	1.5 credits
DUI and Physical Control	1.5 credits
DWLS 1st and 2nd Degree	0.75 credits
DWLS 3rd Degree	0.50 credits
Harassment	1.5 credits
Hit and Run-Attended and Unattended	0.75 credits
Malicious Mischief	0.75 credits
Obstructing a Public Servant	0.75 credits
Racing	1.0 credit
Reckless Driving	1.0 credit
Simple Traffic Offenses (e.g. No Valid Driver's License)	0.50 credits
Theft/Shoplifting	0.75 credits
Violation of a Protection Order/No Contact Order/Restraining Order	0.75 hours
Weapons Related Offenses	1.0 credit
All Other Unlisted Misdemeanors	0.75 credits
Sentence Violations and Other Non Charge Representations	No less than 1/3 of a case
Early Non-Criminal Resolution per Regular Practice	No less than 1/3 of a case
Guilty Plea to Criminal Charge at Arraignment or First Appearance Hearing	1 Case
Partial Representations, and Dockets/Calendars	0.17 Credit for one hour of attorney work

Past City Public Defense Caseload

To determine whether or not it is recommended to weight the City's public defense cases or not, staff and the City's public defense firm, the SLG, looked at the City's misdemeanant case load from the past three years (2011, 2013 and 2013). The new charges that were filed during these years are as follows:

Year	Charges Defended by Shoreline Public Defenders
2011	1016
2012	924
2013	813
Three Year Average	918

However, as is stated in the Standards for Indigent Defense, "In courts of limited jurisdiction, multiple citations from the same incident can be counted as one case." Thus, in incidents where there were multiple charges, the most severe charge is used for the case weighting and other charges are not counted in setting permissible attorney caseloads. When the duplicate charges were removed, the City's annual case load was reduced to the following numbers:

Year	Cases Defended by Shoreline Public Defenders
2011	885
2012	803
2013	711
Three Year Average	800

It should also be noted that these cases are inclusive of hearings held through the end of probation. If there are review hearings held post conviction during a probationary period, these defendants are currently represented by the same public defender without being "re-screened" for a new indigency appointment. Thus, these hearings, if held, are part of the underlying case for case counting purposes.

In addition to all of these standard cases, there are other cases that Shoreline public defenders represent. These include "conflict" cases, where we have another public defense firm provide service when the SLG has a conflict of interest and cannot represent a defendant, and first appearance probable cause and release hearing cases, where a defendant is provided a public defender "for the day" (this occurs prior to screening for indigency) to represent them when the court determines if they City has probable cause to charge them and what their bail amount is if they are in custody. These hearings, which are potentially held five days a week, often last around 5 minutes per defendant; typically less than 20 minutes per day.

As well, if the City Council is interested in having public defenders present at the City's out of custody arraignment calendar, we would also have to contract for public defense services for this hearing. The arraignment calendar, which lasts around 4 hours one day per week, is the court proceeding where the Judge provides a formal reading of the criminal charge in the presence of the defendant to inform the defendant of the charge against them and where the defendant enters a plea (guilty, not guilty, etc.).

As the City has a separate public defense firm providing conflict public defense work and given that the number of conflict cases handled each year is relatively small, the weighting (or not) of these cases is not a consideration for our primary public defense firm. For the first appearance calendar and potential arraignment calendar however, as our primary public defense firm may handle these cases, we would weight these cases using the following case weight measurement: partial representations and dockets/calendars equal 0.17 credit for every one hour of attorney work. This case credit (0.17) would be used if the Council decides to weight our cases. If it decided that the City does not want to case weight, then the OPD states that the City can use a credit hour of 0.22 for these partial representations, as there are proposed amendments

authored by the WSBA CPD that the State Supreme Court is currently reviewing (which are likely to be adopted) that would allow for this. Thus, we will be able to “case weight” these types of partial representation cases only, and not case weight our other cases.

Case Weighting Analysis
In applying the City's past case load to the case weights in OPD's model policy, the following case counts are achieved:

Year	Weighted Cases
2011	701
2012	623
2013	553
Three Year Average	626

Although the raw case weighting data is not provided in this staff report, if the Council is interested in seeing this information, staff can provide this. It should also be noted that in weighting one type of charge, Driving While License Suspended in the 3rd Degree (DWLS 3rd Degree), staff did downgrade this charge from the 0.5 case credit noted in OPD's Model Policy to "not less than a 1/3 of case" (0.34 case credit) under the "Early Non-Criminal Resolution per Regular Practice" charge category. DWLS 3rd Degree is a low level misdemeanor where a defendant has been charged with driving a car while their license was suspended for unpaid tickets. Currently, it is common practice by the City Prosecutor to downgrade the DWLS 3rd Degree charge to a non-criminal "No Valid Operator's License" infraction if a defendant can come to court to show that they are now a licensed vehicle operator. Given this common practice, all DWLS 3rd Degree charges were only counted as 0.34 of a case, rather than 0.5, but even with this favorable local approach to weighting, the result was still an average of 626 cases with a higher attorney requirement under that approach.

Using the weighted case methodology, the City would need 2.09 attorneys to cover this caseload (626 weighted cases/300 cases per year). Using the un-weighted case methodology, the City would need 2.00 attorneys (800 un-weighted cases/400 cases per year).

However, adding the City first appearance calendar weighted case load (average of 1.5 attorney hours per week x 52 weeks x 0.17), an additional 13 cases are added to the weighted total. If the arraignment calendar is also added in the future (4 attorney hours per week x 52 weeks x 0.17), and additional 35 cases would be added. These additional calendars would bring the total attorney need to 2.25 attorneys under a weighted case policy. Using the un-weighted methodology, the total need would be adjusted to 2.16 attorneys.

The following table provides an overview of the two case load methodologies:

	Weighted Cases	Un-weighted Cases
Standard Cases - 3 Year Average	626	800
First Appearance Cases (1.5 hour calendar per week; 0.17 weighted case and 0.22 un-weighted case)	13	17
Arraignment Cases (4 hour calendar per week; 0.17 weighted case and 0.22 un-weighted case)	35	46
Total Caseload	674	863
Attorney Caseload Limit	300	400
Attorney Resources Needed	2.25	2.16

Given this analysis, staff recommends that the City Council not weight misdemeanant cases and therefore not adopt and publish written policies and procedures to implement a numerical case-weighting system to count cases. In addition to the attorney need being slightly less if the City does not weight cases, there is also a significant administrative burden in case typing cases and then weighting them to determine what the City's ongoing attorney need is. It is much more efficient to have attorneys just count their cases without weighting and then apply the 0.22 credit per attorney hour for partial representation calendars.

Next Steps

If Council is supportive of staff's recommendation to not weight misdemeanor cases for the new caseload limit requirements, the Council will not need to adopt a formal case weighting policy. However, given that that there is now a requirement that City public defenders only take on 400 cases per attorney per year, the City will need to conduct a new RFP for primary public defense services that has this identified case load limit.

Although Shoreline associate public defenders have historically serviced this level of caseload, our public defense firm has also used these same attorneys to service other jurisdictions' caseloads, as is common practice with public defense firms with multiple clients. Going forward, each attorney will only be able to handle 400 cases per year, regardless of which City the cases belong to. Public defenders are required under these new standards to submit a certification of compliance on a quarterly basis to the Court that they are complying with the standards. This will shift our public defense firm's business practice and necessitates that we enter into a new contract for public defense.

As noted earlier, the SLG's contract is a one year contract (2011) with four, one year extension terms (2012, 2013, 2014 and 2015). Thus, the City will not exercise the final extension term in the contract and instead enter into a new contract, beginning January 1, 2015, following the RFP process later this year.

Staff is also interested in potentially having public defense services provided at the City's out of custody arraignment calendar (held Monday mornings at the Shoreline Courthouse) as an add-on service in the RFP. This would be a contract option for the Council to consider as part of the new contract authorization. Providing this public defense service was brought to the Council's attention during last year's budget discussion but the Council was not interested in funding the service at that time (staff had proposed an alternative to this that had the potential to mitigate out of custody defendants not being represented by an attorney at arraignment, but the practicality of the alternative was questioned by the Court). As Council may recall, while the City is not required to have a public defender present when these arraignment hearings are held, it is considered a best practice to have a public defender present at arraignment.

Staff is also exploring whether to have our primary public defense firm operate out of the City's jail facility using video court technology as a an add-on service in the RFP. Currently, our primary public defense firm provides public defense services two days a week at the Shoreline Courthouse (Tuesdays and Thursdays). While the City has used video court technology at the Snohomish County Jail (and plans to continue to use this technology at the SCORE Jail when the City enters into a contract with that jail later this month), video court was used only for bail and release hearings, not substantive motions and pre-trial hearings. This was because the City's primary public defender did not operate out of the Snohomish County Jail (substantive video court hearings require that the defendant and public defender be physically together in the same room). Enhancing the use of video court to hold more substantive hearings will streamline the in-custody court hearing process and will also greatly reduce the need for Shoreline Police Court transportation services. Given that it is unknown what this cost will be to have Shoreline public defenders operating out of two locations (the Shoreline Courthouse and SCORE Jail), this service may be included as an add-on for bidding public defense firms.

RESOURCE/FINANCIAL IMPACT

While it is unknown what the exact financial impact will be to implement the new mandated case load limits, regardless of whether the City chooses to weight public defense cases or not, it is likely that the City's public defense costs will increase in 2015. The City's 2014 contract with our public defense law firm retained for primary public defense services costs $160,000. While the City generally has two associate attorneys in the defender firm who service our annual caseload, these public defenders also provide service to other municipal clients. Since the number of Shoreline cases alone approximates our new case load limits, the cost to service our caseload only for these two associates will likely go up since work for other municipalities would be

precluded. Until an RFP is issued and responses are received, staff will not know what the cost impact will be.

RECOMMENDATION

Staff recommends that the City not weight misdemeanant cases and therefore not adopt and publish written policies and procedures to implement a numerical case-weighting system to count cases.

ATTACHMENTS:

Attachment A: Washington State Supreme Court Standards for Indigent Defense
Attachment B: Washington State Supreme Court Standards for Indigent Defense Amendment Memo
Attachment C: Washington State Office of Public Defense Model Case Weighting Policy

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE ADOPTION OF NEW STANDARDS FOR INDIGENT DEFENSE AND CERTIFICATION OF COMPLIANCE

ORDER

NO. 25700-A- 1004

The Washington State Bar Association having recommended the adoption of New Standards for Indigent Defense and Certification of Compliance, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the standards and certificate as attached hereto are adopted.

(b) That the New Standards for Indigent Defense, except Standard 3.4, will be published in the Washington Reports and will become effective September 1, 2012. New Standard 3.4 will be published in the Washington Reports and become effective on September 1, 2013.

DATED at Olympia, Washington this 15th day of June, 2012.

639/4

Madsen, C.J.

Chambers, J.

Wiggins, J.

Stephens, J.

Gonzalez, J.

STANDARDS FOR INDIGENT DEFENSE

The following Standards for Indigent Defense are adopted pursuant to CrR 3.1, CrRLJ 3.1 and JuCR 9.2 and shall have an effective date concurrent with the effectiveness of amendments to those rules approved by the Court July 8, 2010 (effective July 1, 2012);

Standard 3: Caseload Limits and Types of Cases

3.1 The contract or other employment agreement or government budget shall specify the types of cases for which representation shall be provided and the maximum number of cases which each attorney shall be expected to handle.

3.2 The caseload of public defense attorneys shall allow each lawyer to give each client the time and effort necessary to ensure effective representation. Neither defender organizations, county offices, contract attorneys nor assigned counsel should accept workloads that, by reason of their excessive size, interfere with the rendering of quality representation. As used in this Standard, "quality representation" is intended to describe the minimum level of attention, care, and skill that Washington citizens would expect of their state's criminal justice system.

3.3 **General Considerations**

Caseload limits reflect the maximum caseloads for fully supported full-time defense attorneys for cases of average complexity and effort in each case type specified. Caseload limits assume a reasonably even distribution of cases throughout the year.

The increased complexity of practice in many areas will require lower caseload limits. The maximum caseload limit should be adjusted downward when the mix of case assignments is weighted toward offenses or case types that demand more investigation, legal research and writing, use of experts, use of social workers, or other expenditures of time and resources. Attorney caseloads should be assessed by the workload required, and cases and types of cases should be weighted accordingly.

If a defender or assigned counsel is carrying a mixed caseload including cases from more than one category of cases, these standards should be applied proportionately to determine a full caseload. In jurisdictions where assigned counsel or contract attorneys also maintain private law practices, the caseload should be based on the percentage of time the lawyer devotes to public defense.

The experience of a particular attorney is a factor in the composition of cases in the attorney's caseload.

The following types of cases fall within the intended scope of the caseload limits for criminal and juvenile offender cases in Standard 3.4 and must be taken into account when assessing an attorney's numerical caseload: partial case representations, sentence violations, specialty or therapeutic courts, transfers, extraditions, representation of material witnesses, petitions for conditional release or final discharge, and other matters that do not involve a new criminal charge.

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Definition of case: A case is defined as the filing of a document with the court naming a person as defendant or respondent, to which an attorney is appointed in order to provide representation. In courts of limited jurisdiction multiple citations from the same incident can be counted as one case.

3.4 **Caseload Limits**

The caseload of a full-time public defense attorney or assigned counsel should not exceed the following:

150 Felonies per attorney per year; or
300 Misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a numerical case weighting system as described in this Standard, 400 cases per year; or

250 Juvenile Offender cases per attorney per year; or

80 open Juvenile Dependency cases per attorney; or

250 Civil Commitment cases per attorney per year; or

1 Active Death Penalty trial court case at a time plus a limited number of non death penalty cases compatible with the time demand of the death penalty case and consistent with the professional requirements of Standard 3.2 or

36 Appeals to an appellate court hearing a case on the record and briefs per attorney per year. (*The 36 standard assumes experienced appellate attorneys handling cases with transcripts of an average length of 350 pages. If attorneys do not have significant appellate experience and/or the average transcript length is greater than 350 pages, the caseload should be accordingly reduced.*)

Full time Rule 9 interns who have not graduated from law school may not have caseloads that exceed twenty-five percent (25%) of the caseload limits established for full time attorneys. [*Effective September 1, 2013*]

3.5 **Case Counting**

The local government entity responsible for employing, contracting with or appointing public defense attorneys should adopt and publish written policies and procedures to implement a numerical case-weighting system to count cases. If such policies and procedures are not adopted and published, it is presumed that attorneys are not engaging in case weighting. A numerical case weighting system must:

A. recognize the greater or lesser workload required for cases compared to an average case based on a method that adequately assesses and documents the workload involved;
B. be consistent with these Standards, professional performance guidelines, and the Rules of Professional Conduct;

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C. not institutionalize systems or practices that fail to allow adequate attorney time for quality representation; and

D. be periodically reviewed and updated to reflect current workloads; and

E. be filed with the State of Washington Office of Public Defense.

Cases should be assessed by the workload required. Cases and types of cases should be weighted accordingly. Cases which are complex, serious, or contribute more significantly to attorney workload than average cases should be weighted upwards. In addition, a case weighting system should consider factors that might justify a case weight of less than one case.

Notwithstanding any case weighting system, resolutions of cases by pleas of guilty to criminal charges on a first appearance or arraignment docket are presumed to be rare occurrences requiring careful evaluation of the evidence and the law, as well as thorough communication with clients, and must be counted as one case.

3.6 **Case Weighting**

The following are some examples of situations where case weighting might result in representations being weighted as more or less than one case. The listing of specific examples is not intended to suggest or imply that representations in such situations should or must be weighted at more or less than one case, only that they may be, if established by an appropriately adopted case weighting system.

A. **Case Weighting Upwards:** Serious offenses or complex cases that demand more-than-average investigation, legal research, writing, use of experts, use of social workers and/or expenditures of time and resources should be weighted upwards and counted as more than one case.

B. **Case Weighting Downward:** Listed below are some examples of situations where case weighting might justify representations being weighted less than one case. However, care must be taken because many such representations routinely involve significant work and effort and should be weighted at a full case or more.

i. Cases that result in partial representations of clients, including client failures to appear and recommencement of proceedings, preliminary appointments in cases in which no charges are filed, appearances of retained counsel, withdrawals or transfers for any reason, or limited appearances for a specific purpose (not including representations of multiple cases on routine dockets).

ii. Cases in the criminal or offender case type that do not involve filing of new criminal charges, including sentence violations, extraditions,

STANDARDS FOR INDIGENT DEFENSE

representations of material witnesses, and other matters or representations of clients that do not involve new criminal charges. Non-complex sentence violations should be weighted as at least 1/3 of a case.

iii. Cases in specialty or therapeutic courts if the attorney is not responsible for defending the client against the underlying charges before or after the client's participation in the specialty or therapeutic court. However, case weighting must recognize that numerous hearings and extended monitoring of client cases in such courts significantly contribute to attorney workload and in many instances such cases may warrant allocation of full case weight or more.

iv. Cases on a criminal or offender first appearance or arraignment docket where the attorney is designated, appointed or contracted to represent groups of clients on that docket without an expectation of further or continuing representation and which are not resolved at that time (except by dismissal). In such circumstances, consideration should be given to adjusting the caseload limits appropriately, recognizing that case weighting must reflect that attorney workload includes the time needed for appropriate client contact and preparation as well as the appearance time spent on such dockets.

v. Representation of a person in a court of limited jurisdiction on a charge which, as a matter of regular practice in the court where the case is pending, can be and is resolved at an early stage of the proceeding by a diversion, reduction to an infraction, stipulation on continuance, or other alternative non-criminal disposition that does not involve a finding of guilt. Such cases should be weighted as at least 1/3 of a case.

Related Standards

American Bar Association, *Standards for Criminal Justice*, 4-1.2, 5-4.3.

American Bar Association *Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases.* [Link]

American Bar Association, *Ethical Obligations of Lawyers Who Represent Indigent Criminal Defendants When Excessive Caseloads Interfere With Competent and Diligent Representation, May 13, 2006, Formal Opinion 06-441.* [Link]

The American Council of Chief Defenders *Statement on Caseloads and Workloads,* (2007). [Link]

American Bar Association *Eight Guidelines of Public Defense Related to Excessive Caseloads.* [Link]

National Advisory Commission on Criminal Standards and Goals, *Task Force on Courts*, 1973, Standard 13.12.

American Bar Association *Disciplinary Rule 6-101.*

American Bar Association *Ten Principles of a Public Defense Delivery System.* [Link]

STANDARDS FOR INDIGENT DEFENSE

ABA Standards of Practice for Lawyers who Represent Children in Abuse & Neglect Cases, (1996) American Bar Association, Chicago, IL.

The American Council of Chief Defenders Ethical Opinion 03-01 (2003).

National Legal Aid and Defender Association, *Standards for Defender Services*, Standards IV-I.

National Legal Aid and Defender Association, *Model Contract for Public Defense Services* (2002). [Link]

NACC Recommendations for Representation of Children in Abuse and Neglect Cases (2001). [Link]

City of Seattle Ordinance Number: 121501 (2004). [Link]

Seattle-King County Bar Association Indigent Defense Services Task Force, Guideline Number 1.

Washington State Office of Public Defense, *Parents Representation Program Standards Of Representation (2009).* [Link]

Keeping Defender Workloads Manageable, Bureau of Justice Assistance, U.S. Department of Justice, Indigent Defense Series #4 (Spangenberg Group, 2001). [Link]

5.2 Administrative Costs

A. Contracts for public defense services shall provide for or include administrative costs associated with providing legal representation. These costs should include but are not limited to travel, telephones, law library, including electronic legal research, financial accounting, case management systems, computers and software, office space and supplies, training, meeting the reporting requirements imposed by these standards, and other costs necessarily incurred in the day-to-day management of the contract.

B. Public defense attorneys shall have 1) access to an office that accommodates confidential meetings with clients and 2) a postal address, and adequate telephone services to ensure prompt response to client contact.

6.1 Investigators

Public defense attorneys shall use investigation services as appropriate.

Standard 13: Limitations on Private Practice

Private attorneys who provide public defense representation shall set limits on the amount of privately retained work which can be accepted. These limits shall be based on the percentage of a full-time caseload which the public defense cases represent.

Standard 14: Qualifications of Attorneys

14.1 In order to assure that indigent accused receive the effective assistance of counsel to which they are constitutionally entitled, attorneys providing defense services shall meet the following minimum professional qualifications:

A. Satisfy the minimum requirements for practicing law in Washington as determined by the Washington Supreme Court; and

STANDARDS FOR INDIGENT DEFENSE

B. Be familiar with the statutes, court rules, constitutional provisions, and case law relevant to their practice area; and

C. Be familiar with the Washington Rules of Professional Conduct; and

D. Be familiar with the Performance Guidelines for Criminal Defense Representation approved by the Washington State Bar Association; and

E. Be familiar with the consequences of a conviction or adjudication, including possible immigration consequences and the possibility of civil commitment proceedings based on a criminal conviction; and

F. Be familiar with mental health issues and be able to identify the need to obtain expert services; and

G. Complete seven hours of continuing legal education within each calendar year in courses relating to their public defense practice.

14.2 **Attorneys' qualifications according to severity or type of case[1]:**

A. Death Penalty Representation. Each attorney acting as lead counsel in a criminal case in which the death penalty has been or may be decreed and which the decision to seek the death penalty has not yet been made shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and
ii. At least five years criminal trial experience; and
iii. Have prior experience as lead counsel in no fewer than nine jury trials of serious and complex cases which were tried to completion; and
iv. Have served as lead or co-counsel in at least one aggravated homicide case; and
v. Have experience in preparation of mitigation packages in aggravated homicide or persistent offender cases; and
vi. Have completed at least one death penalty defense seminar within the previous two years; and
vii. Meet the requirements of SPRC 2.[2]

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[1] Attorneys working toward qualification for a particular category of cases under this standard may associate with lead counsel who is qualified under this standard for that category of cases.

[2] SPRC 2 APPOINTMENT OF COUNSEL
At least two lawyers shall be appointed for the trial and also for the direct appeal. The trial court shall retain responsibility for appointing counsel for trial. The Supreme Court shall appoint counsel for the direct appeal. Notwithstanding RAP 15.2(f) and (h), the Supreme Court will determine all motions to withdraw as counsel on appeal.

STANDARDS FOR INDIGENT DEFENSE

The defense team in a death penalty case should include, at a minimum, the two attorneys appointed pursuant to SPRC 2, a mitigation specialist and an investigator. Psychiatrists, psychologists and other experts and support personnel should be added as needed.

B. Adult Felony Cases - Class A

Each attorney representing a defendant accused of a Class A felony as defined in RCW 9A.20.020 shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and
ii. Either:
  a. has served two years as a prosecutor; or
  b. has served two years as a public defender; or two years in a private criminal practice; and
iii. Has been trial counsel alone or with other counsel and handled a significant portion of the trial in three felony cases that have been submitted to a jury.

C. Adult Felony Cases – Class B Violent Offense

Each attorney representing a defendant accused of a Class B violent offense as defined in RCW 9A.20.020 shall meet the following requirements.

i. The minimum requirements set forth in Section 1; and
ii. Either;
  a. has served one year as a prosecutor; or
  b. has served one year as a public defender; or one year in a private criminal practice; and
iii. Has been trial counsel alone or with other counsel and handled a significant portion of the trial in two Class C felony cases that have been submitted to a jury.

D. Adult Sex Offense Cases

A list of attorneys who meet the requirements of proficiency and experience, and who have demonstrated that they are learned in the law of capital punishment by virtue of training or experience, and thus are qualified for appointment in death penalty trials and for appeals will be recruited and maintained by a panel created by the Supreme Court. All counsel for trial and appeal must have demonstrated the proficiency and commitment to quality representation which is appropriate to a capital case. Both counsel at trial must have five years' experience in the practice of criminal law be familiar with and experienced in the utilization of expert witnesses and evidence, and not be presently serving as appointed counsel in another active trial level death penalty case. One counsel must be, and both may be, qualified for appointment in capital trials on the list, unless circumstances exist such that it is in the defendant's interest to appoint otherwise qualified counsel learned in the law of capital punishment by virtue of training or experience. The trial court shall make findings of fact if good cause is found for not appointing list counsel.

At least one counsel on appeal must have three years' experience in the field of criminal appellate law and be learned in the law of capital punishment by virtue of training or experience. In appointing counsel on appeal, the Supreme Court will consider the list, but will have the final discretion in the appointment of counsel. [Link]

STANDARDS FOR INDIGENT DEFENSE

Each attorney representing a client in an adult sex offense case shall meet the following requirements:

i. The minimum requirements set forth in Section 1 and Section 2(C); and
ii. Been counsel alone of record in an adult or juvenile sex offense case or shall be supervised by or consult with an attorney who has experience representing juveniles or adults in sex offense cases.

E. Adult Felony Cases - All other Class B Felonies, Class C Felonies, Probation or Parole Revocation

Each attorney representing a defendant accused of a Class B felony not defined in Section 2(C) or (D) above or a Class C felony, as defined in RCW 9A.20.020, or involved in a probation or parole revocation hearing shall meet the following requirements:

i. The minimum requirements set forth in Section 1, and
ii. Either:
    a. has served one year as a prosecutor; or
    b. has served one year as a public defender; or one year in a private criminal practice; and
iii. Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in two criminal cases that have been submitted to a jury; and
iv. Each attorney shall be accompanied at his or her first felony trial by a supervisor if available.

F. Persistent Offender (Life Without Possibility of Release) Representation

Each attorney acting as lead counsel in a "two-strikes" or "three strikes" case in which a conviction will result in a mandatory sentence of life in prison without parole shall meet the following requirements:

i. The minimum requirements set forth in Section 1; [3] and
ii. Have at least:
    a. four years criminal trial experience; and
    b. one year experience as a felony defense attorney; and
    c. experience as lead counsel in at least one Class A felony trial; and
    d. experience as counsel in cases involving each of the following:
        1. Mental health issues; and

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[3] RCW 10.101.060 (1)(a)(iii) provides that counties receiving funding from the state Office of Public Defense under that statute must require *"attorneys who handle the most serious cases to meet specified qualifications as set forth in the Washington state bar association endorsed standards for public defense services or participate in at least one case consultation per case with office of public defense resource attorneys who are so qualified. The most serious cases include all cases of murder in the first or second degree, persistent offender cases, and class A felonies."*

STANDARDS FOR INDIGENT DEFENSE

2. Sexual offenses, if the current offense or a prior conviction that is one of the predicate cases resulting in the possibility of life in prison without parole is a sex offense; and
3. Expert witnesses; and
4. One year of appellate experience or demonstrated legal writing ability.

G. Juvenile Cases - Class A

Each attorney representing a juvenile accused of a Class A felony shall meet the following requirements:

i. The minimum requirements set forth in Section 1, and
ii. Either:
   a. has served one year as a prosecutor; or
   b. has served one year as a public defender; one year in a private criminal practice; and
iii. Has been trial counsel alone of record in five Class B and C felony trials; and
iv. Each attorney shall be accompanied at his or her first juvenile trial by a supervisor, if available.

H. Juvenile Cases - Classes B and C

Each attorney representing a juvenile accused of a Class B or C felony shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and
ii. Either:
   a. has served one year as a prosecutor; or
   b. has served one year as a public defender; or one year in a private criminal practice, and
iii. has been trial counsel alone in five misdemeanor cases brought to a final resolution; and
iv. Each attorney shall be accompanied at his or her first juvenile trial by a supervisor if available.

I. Juvenile Sex Offense Cases

Each attorney representing a client in a juvenile sex offense case shall meet the following requirements:

i. The minimum requirements set forth in Section 1 and Section 2(H); and
ii. Been counsel alone of record in an adult or juvenile sex offense case or shall be supervised by or consult with an attorney who has experience representing juveniles or adults in sex offense cases.

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J. Juvenile Status Offenses Cases. Each attorney representing a client in a "Becca" matter shall meet the following requirements:

i. The minimum requirements as outlined in Section 1; and
ii. Either:
  a. have represented clients in at least two similar cases under the supervision of a more experienced attorney or completed at least three hours of CLE training specific to "status offense" cases; or
  b. have participated in at least one consultation per case with a more experienced attorney who is qualified under this section.

K. Misdemeanor Cases

Each attorney representing a defendant involved in a matter concerning a simple misdemeanor or gross misdemeanor or condition of confinement, shall meet the requirements as outlined in Section 1.

L. Dependency Cases

Each attorney representing a client in a dependency matter shall meet the following requirements:

i. The minimum requirements as outlined in Section 1; and
ii. Attorneys handling termination hearings shall have six months dependency experience or have significant experience in handling complex litigation.
iii. Attorneys in dependency matters should be familiar with expert services and treatment resources for substance abuse.
iv. Attorneys representing children in dependency matters should have knowledge, training, experience, and ability in communicating effectively with children, or have participated in at least one consultation per case either with a state Office of Public Defense resource attorney or other attorney qualified under this section.

M. Civil Commitment Cases

Each attorney representing a respondent shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and
ii. Each staff attorney shall be accompanied at his or her first 90 or 180 day commitment hearing by a supervisor; and
iii. Shall not represent a respondent in a 90 or 180 day commitment hearing unless he or she has either:
  a. served one year as a prosecutor, or
  b. served one year as a public defender, or one year in a private civil commitment practice, and
  c. been trial counsel in five civil commitment initial hearings; and

STANDARDS FOR INDIGENT DEFENSE

iv. Shall not represent a respondent in a jury trial unless he or she has conducted a felony jury trial as lead counsel; or been co-counsel with a more experienced attorney in a 90 or 180 day commitment hearing.

N. Sex Offender "Predator" Commitment Cases

Generally, there should be two counsel on each sex offender commitment case. The lead counsel shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and
ii. Have at least:
  a. Three years criminal trial experience; and
  b. One year experience as a felony defense attorney or one year experience as a criminal appeals attorney; and
  c. Experience as lead counsel in at least one felony trial; and
  d. Experience as counsel in cases involving each of the following:
    1. Mental health issues; and
    2. Sexual offenses; and
    3. Expert witnesses; and
  e. Familiarity with the Civil Rules; and
  f. One year of appellate experience or demonstrated legal writing ability.

Other counsel working on a sex offender commitment cases should meet the Minimum Requirements in Section 1 and have either one year experience as a public defender or significant experience in the preparation of criminal cases, including legal research and writing and training in trial advocacy.

O. Contempt of Court Cases

Each attorney representing a respondent shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and
ii. Each attorney shall be accompanied at his or her first three contempt of court hearings by a supervisor or more experienced attorney, or participate in at least one consultation per case with a state Office of Public Defense resource attorney or other attorney qualified in this area of practice.

P. Specialty Courts

Each attorney representing a client in a specialty court (e.g., mental health court, drug diversion court, homelessness court) shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and
ii. The requirements set forth above for representation in the type of practice involved in the specialty court (e.g., felony, misdemeanor, juvenile); and
iii. Be familiar with mental health and substance abuse issues and treatment alternatives.

STANDARDS FOR INDIGENT DEFENSE

14.3 Appellate Representation.

Each attorney who is counsel for a case on appeal to the Washington Supreme Court or to the Washington Court of Appeals shall meet the following requirements:

A. The minimum requirements as outlined in Section 1; and
B. Either:
   i. has filed a brief with the Washington Supreme Court or any Washington Court of Appeals in at least one criminal case within the past two years; or
   ii. has equivalent appellate experience, including filing appellate briefs in other jurisdictions, at least one year as an appellate court or federal court clerk, extensive trial level briefing or other comparable work.
C. Attorneys with primary responsibility for handling a death penalty appeal shall have at least five years' criminal experience, preferably including at least one homicide trial and at least six appeals from felony convictions, and meet the requirements of SPRC 2.

RALJ Misdemeanor Appeals to Superior Court: Each attorney who is counsel alone for a case on appeal to the Superior Court from a Court of Limited Jurisdiction should meet the minimum requirements as outlined in Section 1, and have had significant training or experience in either criminal appeals, criminal motions practice, extensive trial level briefing, clerking for an appellate judge, or assisting a more experienced attorney in preparing and arguing an RALJ appeal.

14.4 Legal Interns

A. Legal interns must meet the requirements set out in APR 9.
B. Legal interns shall receive training pursuant to APR 9 and in offices of more than seven attorneys, an orientation and training program for new attorneys and legal interns should be held.

STANDARDS FOR INDIGENT DEFENSE

CERTIFICATION OF COMPLIANCE
"Applicable Standards" required by CrR3.1/ CrRLJ 3.1 / JuCR9.2

For criminal and juvenile offender cases, a signed certification of compliance with Applicable Standards must be filed by an appointed attorney by separate written certification on a quarterly basis in each court in which the attorney has been appointed as counsel.

The certification must be in substantially the following form:

SEPARATE CERTIFICATION FORM

_____Court of Washington for	
	Certification of Appointed Counsel of Compliance with Standards Required by CrR 3.1 / CrRLJ 3.1 / JuCR 9.2

The undersigned attorney hereby certifies:

1. Approximately _____% of my total practice time is devoted to indigent defense cases.

2. I am familiar with the applicable Standards adopted by the Supreme Court for attorneys appointed to represent indigent persons and that:

   a. **Basic Qualifications:** I meet the minimum basic professional qualifications in Standard 14.1.

   b. **Office:** I have access to an office that accommodates confidential meetings with clients, and I have a postal address and adequate telephone services to ensure prompt response to client contact, in compliance with Standard 5.2.

   c. **Investigators:** I have investigators available to me and will use investigation services as

STANDARDS FOR INDIGENT DEFENSE

appropriate, in compliance with Standard 6.1.

d. **Caseload:** I will comply with Standard 3.2 during representation of the defendant in my cases. [Effective 9/1/13: I should not accept a greater number of cases (or a proportional mix of different case types) than specified in Standard 3.4, prorated if the amount of time spent for indigent defense is less than full time, and taking into account the case counting and weighting system applicable in my jurisdiction.]

_____ _____

Defendant's Lawyer, WSBA# Date

Washington State Bar Association
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RONALD R. CARPENTER
SUPREME COURT CLERK

SUSAN L. CARLSON
DEPUTY CLERK / CHIEF STAFF ATTORNEY

THE SUPREME COURT
STATE OF WASHINGTON

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May 23, 2013

MEMORANDUM

TO: ***RULES COMMITTEE***
C. Johnson, J., Chairperson
Madsen, C.J., ex officio
Owens, J.
Fairhurst, J.
Stephens, J

FROM: Denise Foster
Capital Case Manager

RE: Court Rules

The following rule order was entered by the Court on May 23, 2013:

Order No. 25700-A-1023 - In the Matter of Amendments to the Standards for Indigent Defense and Certification of Compliance Form for CrR 3.1(d)(4), JuCR 9.2(d)(1) and CrRLJ 3.1(d)(4)

Effective dates of Certification of Compliance Form Section 2(d) and Section 2(e) be changed to October 1, 2013. Effective date for Standards for Indigent Defense 3.4 changed to October 1, 2013. EXCEPT for misdemeanor caseload limits, effective date January 1, 2015.

cc: Nancy Sullins, AOC, w/attachments
Commissioner w/attachments
Clerk w/attachments
Deputy Clerk w/attachments
Elizabeth Turner, WSBA (w/attachments **AS ATTACHMENT TO EMAIL ONLY**)
Jean McElroy, WSBA (w/attachments **AS ATTACHMENT TO EMAIL ONLY**)
AOC, w/attachments (Web Page)

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF AMENDMENTS TO THE STANDARDS FOR INDIGENT DEFENSE AND CERTIFICATION OF COMPLIANCE FORM FOR CrR 3.1(d)(4), JuCR 9.2(d)(1) and CrRLJ 3.1(d)(4)	**ORDER** NO. 25700-A- 1023

WHEREAS under CrR 3.1(d)(4), JuCR 9.2(d)(1), and CrRLJ 3.1(d)(4), and the Certification of Compliance Form, public defense attorneys are required to certify that they comply with the applicable Standards for Indigent Defense Services on a quarterly basis; and

WHEREAS the implemented quarterly certification schedule is October 1, January 1, April 1, and July 1; and

WHEREAS the Certification of Compliance Form at Section 2 (d), Caseload, and Section 2 (e), Specific Qualifications, identify effective dates of September 1, 2013 rather than October 1, 2013; and

WHEREAS the effective date for Standards for Indigent Defense 3.4, Caseload Limits, should be in conformance with the certification schedule;

663/66

Now, therefore, it is hereby

ORDERED:

That the effective dates of Certification of Compliance Form Section 2 (d) and Section 2 (e) be changed to October 1, 2013.

IT IS FURTHER ORDERED

That the effective date for Standards for Indigent Defense 3.4 be changed to October 1, 2013, EXCEPT for misdemeanor caseload limits, which have an effective date of January 1, 2015.

DATED at Olympia, Washington this 23 day of May, 2013.

For the Court

Madsen, C.J.
CHIEF JUSTICE

CERTIFICATION OF COMPLIANCE

[New]

For criminal and juvenile offender cases, a signed Certification of Compliance with Applicable Standards must be filed by an appointed attorney by separate written certification on a quarterly basis in each court in which the attorney has been appointed as counsel.

The certification must be in substantially the following form:

SEPARATE CERTIFICATION FORM

_____Court of Washington **for** _____	
State of Washington _____, Plaintiff vs. _____. Defendant	**No.** CERTIFICATION OF APPOINTED COUNSEL OF COMPLIANCE WITH STANDARDS REQUIRED BY CrR 3.1/CrRLJ 3.1/JuCR 9.2

The undersigned attorney hereby certifies:

1. Approximately _____% of my total practice time is devoted to indigent defense cases.

2. I am familiar with the applicable Standards adopted by the Supreme Court for attorneys appointed to represent indigent persons and that:

a. Basic Qualifications: I meet the minimum basic professional qualifications in Standard 14.1.

b. Office: I have access to an office that accommodates confidential meetings with clients, and I have a postal address and adequate telephone services to ensure prompt response to client contact, in compliance with Standard 5.2.

c. Investigators: I have investigators available to me and will use investigation services as appropriate, in compliance with Standard 6.1.

d. Caseload: I will comply with Standard 3.2 during representation of the defendant in my cases. [Effective ~~September~~ October 1, 2013 for felony and juvenile offender caseloads; effective January 1, 2015 for misdemeanor caseloads: I should not accept a greater number of cases (or a proportional mix of different case types) than specified in Standard 3.4, prorated if the amount of time spent for indigent defense is less than full time, and taking into account the case counting and weighting system applicable in my jurisdiction.]

e. Specific Qualifications: I meet the specific qualifications in Standard 14.2, Sections B-K. [Effective ~~September~~ October 1, 2013.]

_____ _____

Defendant's Lawyer, WSBA No. Date

Standard 3.4. Caseload Limits. The caseload of a full-time public defense attorney or assigned counsel should not exceed the following:

150 Felonies per attorney per year; or

300 Misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a numerical case weighting system as described in this Standard, 400 cases per year; or

250 Juvenile Offender cases per attorney per year; or

80 open Juvenile Dependency cases per attorney; or

250 Civil Commitment cases per attorney per year; or

1 Active Death Penalty trial court case at a time plus a limited number of non-death-penalty cases compatible with the time demand of the death penalty case and consistent with the professional requirements of Standard 3.2; or

36 Appeals to an appellate court hearing a case on the record and briefs per attorney per year. (The 36 standard assumes experienced appellate attorneys handling cases with transcripts of an average length of 350 pages. If attorneys do not have significant appellate experience and/or the average transcript length is greater than 350 pages, the caseload should be accordingly reduced.)

Full time Rule 9 interns who have not graduated from law school may not have caseloads that exceed twenty-five percent (25%) of the caseload limits established for full-time attorneys.

Standard 3.4 adopted effective ~~September~~ October 1, 2013, EXCEPT paragraph 3, misdemeanor caseload limits, adopted effective January 1, 2015.

Washington State Office of Public Defense

Model Misdemeanor Case Weighting Policy

*Case weighting is an **optional** method for calculating public defense misdemeanor caseloads pursuant to the Washington Supreme Court Standards for Indigent Defense.*

What is the Purpose of this Packet?

- To respond to requests for assistance in creating optional public defense misdemeanor case weighting policies consistent with the Supreme Court Standards for Indigent Defense.
- To establish a model misdemeanor case weighting policy as directed by Supreme Court Order 25700-A-1016.

What is Included in this Packet?

- Commentary on the Model Misdemeanor Case Weighting Policy
- Instructions for Customizing the Model Case Weighting Policy Template
- Template for Developing a Local Case Weighting Policy

Commentary on the Model Misdemeanor Case Weighting Policy

In 2012 the Washington Supreme Court adopted the Standards for Indigent Defense (Standards). These are essential to providing quality representation for all public defense clients statewide. Caseload size and composition are critical because they ensure that attorneys have sufficient time to communicate with each client and carefully prepare every case. Along those lines, the Court set caseload limits so that attorneys have enough time to fulfill their legal and ethical obligations for each client. For misdemeanor cases, an attorney may accept appointment to a maximum of 400 new cases each year. Or, if the county/city adopts a case weighting system, an attorney's caseload may consist of a maximum of 300 weighted credits per year.

Caseload limits reflect the maximum caseloads for fully supported full-time defense attorneys for cases of average complexity and effort in each case type specified. Caseload limits assume a reasonably even distribution of cases throughout the year.

What is Case Weighting?

Attorney caseloads include a wide variety of clients, charges, and situations. While each case is unique, data show that attorneys tend to spend, on average, more time on cases with complex charges (e.g. DUI or domestic violence) and less time on cases with less complex charges (e.g. driving with licenses suspended in the 3rd degree). A case weighting system assigns higher and lower time values or weighted credits to cases based on the amount of time that is typically required to provide effective representation.

Even in cases with simple charges, however, public defense attorneys must meet the basic requirements for providing effective assistance of counsel. Attorneys must, for example:

- interview the client and communicate throughout the case,
- carefully review evidence,
- conduct necessary investigations,
- obtain records,
- prepare for court appearances, and
- assess consequences of conviction.

Client communication is one of the most important factors for effective assistance, and is required for all clients, including those who have language barriers, mental health issues, or cognitive or developmental disabilities. In appropriate circumstances, attorneys must also conduct legal research, draft and file motions, prepare other legal documents and undertake other tasks, such as interviewing witnesses and visiting the scene of the offense.

Advantages and Disadvantages of Case Weighting

Case weighting, which is done by assigning 'weighted credits' to specific case types based on a formal time study, may be employed at the option of a local government. Alternatively, attorneys can count each assigned case up to a maximum of 400 cases per year. Case weighting requires additional attorney administrative work in tracking case credits. However, it may be a helpful method to allocate attorney caseloads reflecting case types commonly charged in a court. Because a case weighting policy has already pre-identified the average amount of time required for representing various case types, attorney time keeping is expected to be minimal.

Jurisdictions that will benefit most from misdemeanor case weighting are those with a higher concentration of simple offenses, probation violations, and cases that regularly resolve in early non-criminal dispositions.

Since weighted credits are proportional to the average amount of time spent on a case, less complex cases have fewer weighted credits. Therefore, courts with a high volume of less complex charges may be able to assign a higher number of cases to public defense attorneys under a case weighting system. On the other hand, complex cases tend to require more time to properly defend. Case weighting can ensure that an attorney with a highly complex caseload has a smaller number of cases, and more time to dedicate to each one. Courts with many sentence violation hearings find that case weighting permits the assignment of fewer weighted credits to them, compared to counting them as a regular case under the 400-case caseload. In addition, fewer weighted credits can be assigned to case types that, as a matter of regular court practice, often result in non-criminal sanctions at an early stage of the proceedings. These include routine reductions to infractions or diversions.

Standard 3.5 Case Weighting Policy Requirements

- Create a case weighting system by **assessing** and **documenting** the time required for defending different types of cases
- Identify which case types require more or less time **compared to** other case types. **Ensure adequate attorney time** for quality repre**sentation.**
- **Adopt a written policy that formally establishes** the case weighting system.
- **File** the case weighting policy with the Washington State Office of Public Defense.
- Because laws and practices change over time, periodically **review and update** the case weighting system.

Deciding Whether to Case Weight

Each local government has discretion to decide whether to measure public defense caseloads by 300 weighted credits per year, or 400 non-weighted cases. When a case weighting policy is used, the Standards set out certain requirements. One requirement, for example, is assessing and documenting the time required for defending different case types.

Many cities and counties that may wish to explore whether case weighting would help manage public defense caseloads, do not have the resources to conduct a data-driven assessment. For that reason, the Supreme Court ordered the Washington State Office of Public Defense (OPD) to perform a statewide attorney time study and create this model misdemeanor case weighting policy.

Time Study Findings

The OPD Model Misdemeanor Case Weighting Policy (Model Policy) was developed after tracking public defense attorney time over a period of twenty weeks in fifteen different courts of limited jurisdiction throughout the state. Also, pre-existing data collected from two different courts was included in the study. The existing data was conformed to the new time study data so that the two data sets could be merged. Specific charge types were analyzed and average attorney times for each specific charge type was determined. The results showed that attorneys consistently spent more/less time on certain charge types. This information forms the basis for the weighted credit values provided in the Model Policy.

Data reflecting attorney work in more than three thousand misdemeanor cases revealed that attorneys with a 400-case caseload spend, on average, 4.5 hours per case. The 4.5 hour finding validates that

1,800 hours, on average, are spent annually on case representation for a full-time public defense attorney (400 cases time 4.5 hours per case equals 1,800 attorney hours spent on case representation)[1].

The findings of the study are set forth in the Table below:

Average Attorney Time Spent by Criminal Charge Category

Criminal Charge Category[2]	Average Attorney Hours Spent by Charge Category
Alcohol Related Offenses (excluding DUI)	3.0 hours
Assault (not Domestic Violence)	6.0 hours
Criminal Trespass 1 or 2	4.5 hours
Disorderly Conduct (excluding Indecent Exposure)	3.0 hours
Domestic Violence –Assault and Reckless Endangerment	9.0 hours
DUI and Physical Control	9.0 hours
DWLS 1st and 2nd Degree	4.5 hours
DWLS 3rd Degree	3.0 hours
Harassment	9.0 hours
Hit and Run-Attended and Unattended	4.5 hours
Malicious Mischief	4.5 hours
Obstructing a Public Servant	4.5 hours
Racing	6.0 hours
Reckless Driving	6.0 hours
Simple Traffic Offenses (e.g. No Valid Driver's License)	3.0 hours
Theft/Shoplifting	4.5 hours
Violation of a Protection Order/No Contact Order/Restraining Order	4.5 hours
Weapons Related Offenses	6.0 hours
Other Unlisted Misdemeanors	4.5 hours

[1] This finding is consistent with other time studies such as the Spangenberg Project Report: *King County, Washington Public Defender Case Study* – Final Report (2010).

[2] Hundreds of misdemeanor charges arise in courts of limited jurisdiction based on statutes and municipal codes. In creating this policy, similar charges requiring approximately the same amount of work time have been grouped into the categories in this table. Examples of charges under each category can be found in Appendix A.

Using 1,800 attorney hours spent on case representation per year, 6.0 attorney hours was calculated for a "weighted credit." The 6.0 attorney hours "weighted credit" was calculated by dividing 1,800 attorney hours by 300 weighted credits per year. A conversion table was developed to assist attorneys and public defense administrators in calculating a weighted caseload. An example of how the attorney hours were converted to weighted credits is shown in the Table below:

Hours / Weighted Credit Conversion Table

Attorney Hours Spent by Charge Category	Weighted Credits
9.0 hours	1.5 credits
6.0 hours	1.0 credits
4.5 hours	0.75 credits
3.0 hours	0.5 credits

A complete table listing the charge categories with their corresponding case weights can be found in Appendix B following the Model Policy Template.

Model Policy Template

As directed by the Washington Supreme Court, the Washington State Office of Public Defense (OPD) has developed this model misdemeanor case weighting policy consistent with the Standards for Indigent Defense, incorporating the results of the time study. As noted earlier, case weighting is an optional approach to calculating attorney caseloads, and the Model Policy serves as a tool to help local public defense systems determine whether to case weight. In addition, it demonstrates a policy that is consistent with the Standards. The Model Policy was drafted in template form. The accompanying instructions will assist in filling-out specific portions of the template.

For additional assistance, please contact an OPD Public Defense Services Manager. Katrin Johnson is at 360-586-3164 ext. 108 or Katrin.Johnson@opd.wa.gov. Kathy Kuriyama is at 360-586-3164 ext. 114 or Kathy.Kuriyama@opd.wa.gov.

Instruction Guide for Customizing the OPD Misdemeanor Case Weighting Policy

The purpose of the OPD Model Misdemeanor Case Weighting Policy (Model Policy) is to provide a template to demonstrate a case weighting policy consistent with the Supreme Court Standards for Indigent Defense (Standards). The Model Policy was drafted in template form, so it can easily be customized. Most of the language in the Model Policy can apply to any public defense misdemeanor caseload.

To customize the Model Policy, review the items listed below, and edit the template accordingly:

Section in Model Policy	Description of Customization
Title	Insert city or county name.
2.D.	Insert reference to local ordinance, court rule, and/or any other local regulatory documents that are relevant to this policy.
3.A.	Insert name, title, office, and/or whatever information is appropriate for identifying the local government administrator with authority over public defense services.
6.C.	**Routine Early Non-Criminal Resolutions:** In some courts there are pre-selected categories of charges which, when a case meets a set of requirements, are regularly reduced to infractions, diverted, or are resolved in some other non-criminal manner. For example, DWLS-3 charges may be reduced to infractions when the defendant has a limited number of prior offenses. When local practices routinely utilize such early, non-criminal resolution of criminal charges (as opposed to making such an offer on the morning of trial or some other late stage in the case), the practice can be described in section 6.C. on pages 12-13 as taking no fewer than one-third of a case.[3] If certain case categories are regularly resolved in this manner, identify them and describe the conditions that regularly result in early non-criminal resolution. Those charges may then be added to the **Routine Early Non-Criminal Resolutions** chart. If the court does not engage in such practices, delete all language in section 6.C pages 12-13.
6.E.	**Sentence Violations and Other Non-Charge Representations:** Standard 3.6(B)(ii) states that sentence violations and other non-charge representations must be weighted at a

[3] Standard 3.6(B)(v) states that representation on charges which, as a matter of regular practice, are resolved at an early stage of the proceeding by a non criminal resolution should be weighted at least one-third of a case.

	minimum of one-third of a case. Because the time required to represent clients in sentence violations greatly varies from court to court, in some courts a higher value may be appropriate.
7.B.	**Adjustments for Local Factors:** Public defense attorneys in all jurisdictions work with the same statutes and state court rules. They also are required to spend sufficient time on client communication, case preparation, and court appearances. Therefore, there is a significant degree of similarity in the work done by public defenders from court to court. However, each court experiences some local factors that uniquely impact the time spent on public defense. Local factors may be charge specific, such as aggressive prosecution of certain offenses. Local factors may also be general, such as long waits for public defense attorneys at regular court calendars. Local factors and practices should be examined to determine whether they, overall, substantially increase or reduce attorney time spent on public defense cases. **Where local factors substantially increase the time** required for delivery of quality public defense services, the weighted credits provided in this model policy can be increased. **Where local factors substantially decrease the time** required for delivery of quality public defense services, the weighted credits of section 6.A., on pages 11-12, can be decreased by no more than 0.05 credits. Downward adjustments may not be made to other categories of Section 6. In consultation with OPD, public defense attorneys, judicial officers, and local government administrators have identified the following as potential local factors that ***increase*** the amount of time required for public defense representation: ▪ Long periods of time waiting for cases to be called in court; ▪ Long periods of time waiting for access to clients at jail; ▪ Long travel time to court, jail, crime scenes, or other meetings associated with representation; ▪ The scheduling of court appearances; ▪ Absence of access to technology; ▪ Therapeutic court cases, which tend to require a significantly higher number of court appearances; ▪ Disproportionately high number of limited English proficient clients; and ▪ Disproportionately high number of clients with mental illness. Examples of local factors that have been identified as ***reducing*** attorney time include: ▪ Court calendars or dockets dedicated to public defense cases, resulting in reduced attorney waiting time; and ▪ Utilization of systemically used technology that demonstrably saves public defense

	attorney time. Examples include electronic discovery and video-conferencing of incarcerated clients for confidential attorney communications. If a case weighting policy ***increases*** weighted credits due to local factors in section 7.B on page 13, provide a concise description identifying the relevant local factors and the specific reasons justifying the deviation, and the increase in weighted credit values. If a case weighting policy ***decreases*** weighted credits due to local factors in section 7.B on page 13, provide a concise description in this section identifying the relevant local factors and the specific reasons justifying the decrease. In addition, identify the amount of deviation in the weighted credit values (a maximum of 0.05 fewer credits) that has been made.

TEMPLATE
OPD Model Case Weighting Policy - Misdemeanors

[_*Insert city/county*_] Public Defense Case Weighting Policy – Misdemeanors

1. Purpose

This policy implements a system for weighting public defense cases for purposes of certifying to public defense misdemeanor caseloads pursuant to the Washington Supreme Court's Standards for Indigent Defense. This policy recognizes that appropriate case weighting allows reasonable workloads for public defense attorneys consistent with applicable rules and standards.

2. Applicable Court Rules, Regulations, and Standards

A. Washington State Rules of Professional Conduct
B. Criminal Rules for Courts of Limited Jurisdiction
C. Washington Supreme Court Standards for Indigent Defense (Standards)
D. *[Insert reference to local ordinance, court rule, and/or other local applicable authority.]*

3. Definitions

A. **Administrator**: the designated supervisor of public defense services: [*insert identification information]*.
B. **Case**: the filing of a document with the court naming a person as defendant or respondent, to which an attorney is appointed in order to provide representation.
   i. In courts of limited jurisdiction multiple citations from the same incident can be counted as one "case."
   ii. The number of counts in a single cause number does not affect the definition of a "case."
   iii. When there are multiple charges or counts arising from the same set of facts, the weighted credit will be assigned based on the most serious charge.
C. **Case Weighting**: the process of assigning a numerical value, or "weighted credit," to specific types of cases that recognizes the greater or lesser attorney workload required for those cases compared to an average case.
D. **Caseload**: the complete array of cases in which an attorney represents or provides service to clients.

E. **Docket /Calendar**: a grouping of filings where a public defense attorney is designated to represent indigent defendants without an expectation of further or continuing representation. Examples include, but are not limited to, first appearance calendars and arraignment calendars.
F. **Full Time**: working approximately forty hours per week. It is presumed that a "full-time" public defense attorney spends approximately 1,800 hours annually on case representation. It is expected that other work time is spent on administrative activities, attending CLEs, participating in professional associations or committees, and spending time on vacation, holiday, or sick leave.
G. **Local Factors**: practices, characteristics, or challenges that are unique to the delivery of public defense in a given jurisdiction, and that substantially impact the time required for effective delivery of public defense services.
H. **Non-Charge Representations:** matters where public defense attorneys represent clients who are eligible for public defense representation for matters that do not involve the filing of new criminal charges. Examples include, but are not limited to, sentence violations, extraditions, and representations of material witnesses.
I. **Partial Representations**: situations where clients are charged with crimes, but representation is either cut short at early stages of the case, or begins significantly later. Such situations include, but are not limited to, client failures to appear, preliminary appointments in cases in which no charges are filed, withdrawals or transfers for any reason, or limited appearances for a specific purpose.
J. **Public Defense Attorney**: a licensed attorney who is employed or contracted to represent indigent defendants. "Public Defense Attorney" also refers to a licensed attorney who is list-appointed to represent indigent defendants on a case-by-case basis.
K. **Weighted Credit:** one weighted credit represents a type of case which, on average, requires six hours of attorney time.

4. Misdemeanor Caseload Limits

As provided in the Washington Supreme Court Standards for Indigent Defense, the caseload of a full-time public defense attorney should not exceed 300 misdemeanor weighted credits per year, which is equivalent to the time spent on 400 average misdemeanor cases per year. The caseload of a full-time Rule 9 intern who has not graduated from law school may not exceed 75 misdemeanor weighted credits per year.

5. General Considerations

A. Caseload limits reflect the maximum caseloads for fully supported full-time defense attorneys for cases of average complexity and effort.

B. Caseload limits are set to ensure that all public defense attorneys have adequate time to provide quality representation.
C. Caseload limits assume a reasonably even distribution of cases throughout the year.
D. If the public defense attorney is carrying a mixed caseload with non-misdemeanor cases, the attorney's caseload should be calculated proportionately by case type, as provided in the Standards.
E. If the public defense attorney also maintains a private law practice, the public defense caseload should be proportionate to the percentage of work time the attorney devotes to public defense.
F. If the attorney provides public defense services in multiple courts, the combination of cases from all courts are used for caseload calculations.

6. Weighted Credits

A. **Weighted Credits by Criminal Charge Category.**
The weighted credits to be assigned by criminal charge category are in the Table of Weighted Credits by Charge Category found on the following table:

Table of Weighted Credits by Charge Category

Criminal Charge Categories[4]	Weighted Credits
Alcohol Related Offenses (excluding DUI)	0.50 credits
Assault (not Domestic Violence)	1.0 credit
Criminal Trespass 1 or 2	0.75 credits
Disorderly Conduct (excluding Indecent Exposure	0.50 credits
Domestic Violence - Assault, Reckless Endangerment	1.5 credits
DUI and Physical Control	1.5 credits
DWLS 1st and 2nd Degree	0.75 credits
DWLS 3rd Degree	0.50 credits
Harassment	1.5 credits
Hit and Run-Attended and Unattended	0.75 credits
Malicious Mischief	0.75 credits
Obstructing a Public Servant	0.75 credits
Racing	1.0 credit

[4] Hundreds of misdemeanor charges arise in courts of limited jurisdiction based on statutes and municipal codes. In creating this policy, similar charges requiring approximately the same amount of work time have been grouped into the categories in this table. Examples of charges under each category can be found in Appendix A.

Reckless Driving	1.0 credit
Simple Traffic Offenses (e.g. No Valid Driver's License)	0.50 credits
Theft/Shoplifting	0.75 credits
Violation of a Protection Order/No Contact Order/Restraining Order	0.75 hours
Weapons Related Offenses	1.0 credit
Other Unlisted Misdemeanors	0.75 credits

It is important to remember that in all cases, even those with fewer weighted credits and those that may be resolved by routine non-criminal resolutions such as diversion or reduction to an infraction, an appointed public defense attorney must first meet the basic requirements for providing effective assistance of counsel, such as interviewing and fully communicating with the client, carefully reviewing the evidence, obtaining records, investigating as appropriate, and preparing for court.

B. **Guilty Pleas at First Appearance or Arraignment**

As required by Standard 3.5, resolution of cases by **pleas of guilty to criminal charges at a first appearance or arraignment hearing** are presumed to be rare occurrences requiring careful evaluation of the evidence and the law, as well as thorough communication with clients. Therefore, if the attorney is appointed, these guilty pleas must be valued as one case.

C. **Routine Early Non-Criminal Resolutions**

*[The following paragraph only applies to jurisdictions that use the practice described in section 6.C. of the **Instruction Guide**. If applicable, see the **Instruction Guide** for details on completing this section. If not applicable, remove this portion.* When an attorney is appointed to represent clients facing **charges that, by local practice, are resolved at an early stage** by diversion, reduction to an infraction, stipulated order of continuance, or other alternative **non-criminal disposition** that does not involve a finding of guilt, Standard 3.6(B)(v) permits the attorney to count them at no less than 1/3 of a case.

Routine Early Non-Criminal Resolutions	
*This only applies to public defense attorneys in courts that regularly resolve cases at an early stage by non-criminal disposition. If applicable, see the **Instruction Guide** for details on completing this section. If not applicable, remove this portion.*	
Charge #1	No less than 1/3 of a case
Charge #2	No less than 1/3 of a

	case
Charge #3 (insert additional lines if necessary)	No less than 1/3 of a case

D. **Partial Representation**:
A partial representation is counted based on the amount of time that an attorney has spent on the case. **Each hour** of work is assigned **0.17** weighted **credits**, up to the maximum weighted credits normally assigned for the case type.

E. **Sentence Violations and Other Non-Charge Representation**:
As stated in Standard 3.6(B)(ii) sentence violations and other non-charge representations may be counted as **no fewer credits than one-third of a case**. [*See **Instruction Guide***]

F. **Dockets / Calendars:** Cases on a criminal first appearance or arraignment docket where the attorney is designated, appointed, or contracted to represent groups of clients without an expectation of further or continuing representation and which are not resolved at that time (except by dismissal or amendment to an infraction) are not counted individually. Instead, the attorney's hours needed for appropriate client contact, preparation, and court time are calculated as a percentage of the net annual hours of work time, and then applied to reduce the attorney's caseload. **Each hour of such docket time is assigned 0.17 weighted credits.**

7. Adjustments

A. **Case-Specific Adjustments:** Because credits are assigned to cases based on an average amount of time needed for each charge type, ordinary deviations in how complex a case is or how long it takes do not justify an adjustment to a case's credit value. It is assumed that attorneys will receive a mix of cases of varying complexity and effort, ending with a combination of cases that closely approximates a full-time caseload. However, an attorney may request that the weighted credit be adjusted upward for any particular case that involves substantially more work. Examples may include cases where a client's competency is litigated, extraordinarily long trials, or cases that go to jury trial more than once. Weighted credits may not be adjusted downward unless pursuant to the process identified in 7.B.

B. **Local Factors:** *[The following paragraph only applies to public defense attorneys in courts that have local factors impacting the time required for public defense as described in section 7.B of the **Instruction Guide**. If applicable, see the **Instruction Guide** for details on completing this section. If not applicable, remove this portion.]* Due to the following circumstances, this policy deviates from the Model Misdemeanor Case Weighting Policy by making adjustments to weighted credits as follows:
[_*Insert text here*_]

Appendix A: Charge Category Examples

Charge Categories	Examples of Charges Included
Alcohol Related Offenses	Drinking in Public, Park Violation/Alcohol, Minor in Possession of Alcohol, Serving Minor
Assault/Simple Assault (not domestic violence)	Assault in the 4th Degree, Strangulation
Criminal Trespass 1 or 2	Trespass 1st Degree, Trespass Building, Trespass on Posted Public Property
Disorderly Conduct (Excluding Indecent Exposure)	Public Nuisance, Excessive Noise, Breach of Peace, Urinating in Public, Fighting, Pedestrian Interference
Domestic Violence Related Offenses	DV Assault, DV Reckless Endangerment
DUI or Physical Control	Operating Vessel While Intoxicated, Minor Operate Vehicle After Consuming Alcohol
DWLS 1st and 2nd Degree	Driving with a Suspended License First and Second Degree
DWLS 3rd Degree	Driving with a Suspended License Third Degree
Harassment	Stalking, Cyberspace Stalking, Telephone Harassment, Harassment Threaten Property, DV Harassment
Hit and Run-Attended and Unattended	Hit and Run Unattended Vehicle/Property, Hit and Run Accident/Injury, Hit and Run Bike/Pedestrian
Malicious Mischief	Graffiti, Property Destruction
Obstructing a Public Servant	Hindering Police, Obstructing Liquor Officer
Racing	Racing Vehicles
Reckless Driving	Reckless Driving
Simple Traffic Offenses	No Valid Driver License, Fail to Transfer Title Within 45 days, Trip Permit Violation
Theft/Shoplifting	Identity Theft, Theft of Rental/Lease Property
Violation of a Protection Order / No Contact Order / Restraining Order	Protection Order Violation, Restraining Order Violation, No Contact Order Violation
Weapons Related Offenses	Possession of a Dangerous Weapon, Aiming or Discharging Firearm, Carrying Concealed Pistol Without Permit

Appendix B -- Case Weighting Summary Chart

Criminal Charge Categories	Weighted Credits
Alcohol Related Offenses (excluding DUI)	0.50 credits
Assault (not Domestic Violence)	1.0 credit
Criminal Trespass 1 or 2	0.75 credits
Disorderly Conduct (excluding Indecent Exposure)	0.50 credits
Domestic Violence - Assault, Reckless Endangerment	1.5 credits
DUI and Physical Control	1.5 credits
DWLS 1st and 2nd Degree	0.75 credits
DWLS 3rd Degree	0.50 credits
Harassment	1.5 credits
Hit and Run-Attended and Unattended	0.75 credits
Malicious Mischief	0.75 credits
Obstructing a Public Servant	0.75 credits
Racing	1.0 credit
Reckless Driving	1.0 credit
Simple Traffic Offenses (e.g. No Valid Driver's License)	0.50 credits
Theft/Shoplifting	0.75 credits
Violation of a Protection Order/No Contact Order/Restraining Order	0.75 hours
Weapons Related Offenses	1.0 credit
All Other Unlisted Misdemeanors	0.75 credits

Resolution Categories	
Sentence Violations and Other Non Charge Representations	No less than 1/3 of a case
Early Non-Criminal Resolution per Regular Practice: *This only applies to jurisdictions that use this practice.*	No less than 1/3 of a case
Charge #1	*
Charge #2 (insert additional lines if necessary)	*

Guilty Plea to Criminal Charge at Arraignment or First Appearance Hearing:
Equals 1 case pursuant to Standard 3.5

Partial Representations, and Dockets/Calendars	Credits for Case Weighting
One hour of attorney case work	**0.17 credits**