



# AGENDA

## STAFF PRESENTATIONS

## PUBLIC COMMENT

### SHORELINE CITY COUNCIL VIRTUAL/ELECTRONIC REGULAR MEETING

Monday, December 7, 2020  
7:00 p.m.

Held Remotely on Zoom  
<https://zoom.us/j/95015006341>

**In an effort to curtail the spread of the COVID-19 virus, the City Council meeting will take place online using the Zoom platform and the public will not be allowed to attend in-person. You may watch a live feed of the meeting online; join the meeting via Zoom Webinar; or listen to the meeting over the telephone.**

**The City Council is providing opportunities for public comment by submitting written comment or calling into the meeting to provide oral public comment. To provide oral public comment you must sign-up by 6:30 p.m. the night of the meeting. Please see the information listed below to access all of these options:**



[Click here to watch live streaming video of the Meeting on shorelinewa.gov](https://www.shorelinewa.gov)



Attend the Meeting via Zoom Webinar: <https://zoom.us/j/95015006341>



Call into the Live Meeting: 253-215-8782 | Webinar ID: 950 1500 6341



[Click Here to Sign-Up to Provide Oral Testimony](#)

*Pre-registration is required by 6:30 p.m. the night of the meeting.*



[Click Here to Submit Written Public Comment](#)

*Written comments will be presented to Council and posted to the website if received by 4:00 p.m. the night of the meeting; otherwise they will be sent and posted the next day.*

Page    Estimated  
Time  
7:00

1.    **CALL TO ORDER**
2.    **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. Speakers are asked to sign up by 6:30 p.m. the night of the meeting via the [Remote Public Comment Sign-in form](#). Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed.*

6.    **APPROVAL OF THE AGENDA** 7:20

- |            |  |                  |
|------------|--|------------------|
| <b>7.</b>  | <b>CONSENT CALENDAR</b>  | 7:20             |
| (a)        | Authorizing the City Manager to Approve a Contract with Capitol Consulting for State Government Relations Services in the Amount of \$225,000 for a Period of Up to Five Years                                 | <u>7a-1</u>      |
| (b)        | Adopting Ordinance No. 912 – Authorizing Assumption of the Ronald Wastewater District and Authorizing the City Manager to Execute and File the Joint Petition of Dissolution of the Ronald Wastewater District | <u>7b-1</u>      |
| (c)        | Authorizing the City Manager to Execute a Professional Services Contract with KPFF, Inc. in the Amount of \$218,659 for Development of a New Sidewalk Implementation Plan                                      | <u>7c-1</u>      |
| (d)        | Authorizing the City Manager to Increase the Hazardous Tree Removal Services Contract with Treecycle LLC, dba Seattle Tree Care, in the Amount of \$300,000  | <u>7d-1</u>      |
| <b>8.</b>  | <b>ACTION ITEMS</b>  |                  |
| (a)        | Adopting Ordinance No. 907 – Amending SMC Title 20 for the Batch Development Code Amendments   | <u>8a-1</u> 7:20 |
| <b>9.</b>  | <b>STUDY ITEMS</b>   |                  |
| (a)        | Continued Discussion of Park Improvement and Acquisition Priorities for Potential Bond Measure   | <u>9a-1</u> 7:50 |
| (b)        | Discussing Mandatory Fire Sprinklers for New Single Family/Duplex Residential Construction   | <u>9b-1</u> 8:20 |
| <b>10.</b> | <b>ADJOURNMENT</b>   | 8:50             |

*Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 801-2230 or see the web page at [www.shorelinewa.gov](http://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>.*

## **SHORELINE CITY COUNCIL CLOSED SESSION**

Monday, December 7, 2020  
8:50 p.m. (Estimated Time)

Held Remotely on Zoom

### **CLOSED SESSION PURSUANT TO RCW 42.30.140(4)(b) – Discussing Collective Bargaining**

Per 42.30.140(4)(b) Council may hold a closed session to plan or adopt a strategy or position to be taken by the City Council during the course of any collective bargaining.

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Authorizing the City Manager to Execute a Contract with Capitol Consulting for State Government Relations Services in the Amount of \$225,000 for a Period of Up to Five Years
<b>DEPARTMENT:</b>	City Manager's Office
<b>PRESENTED BY:</b>	Jim Hammond, Intergovernmental Programs Manager
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

Staff is requesting that the City Council authorize the City Manager to execute a contract with Capitol Consulting for State Government Relations services in the amount of \$225,000 for a period of up to five years. The current contract for the City's state legislative consultant expires December 31, 2020.

The City initiated an open acquisition process for State government relation services through a Request for Proposal (RFP) process from October 8, 2020 through October 30, 2020. Proposals were opened on October 30<sup>th</sup>, and one proposal from Capitol Consulting was received.

Like the City's current arrangement, this contract provides for year-round state legislative services in order to provide resources to better address the need for strategy development and the growing establishment of special legislative committees which operate outside of the formal legislative session. The term of this contract is for 2021 with an automatic renewal of an additional four years unless cancelled by either party.

**RESOURCE/FINANCIAL IMPACT:**

The cost for the 2021 contract will be \$39,600. For future years, the monthly compensation rate will be inflated by the Consumer Price Index for all Urban Consumers. If an annual contract inflator rate of 3.00% is estimated for the life of the contract, the total five-year cost of the contract would be \$210,242. Given this, staff is recommending funding authority of \$225,000 for the life of the contract. The 2019-2020 biennial budget includes sufficient funds for this service.

**RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute a contract with Capitol Strategies for up to five years, from 2021-2025, with a not-to-exceed amount of \$225,000.

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

## **BACKGROUND**

The City of Shoreline has historically utilized a consultant for State legislative relation services to advocate for the City during the state legislative session. In 2019, this consulting work was extended to provide services throughout the year, which has had a demonstrated positive effect on the City's pursuit of its legislative interests. The City's current contract with Capitol Consulting is scheduled to end December 31, 2020. The current contract cost for the 2020 legislative session was a per-month retainer of \$3,000.

The City initiated an open acquisition process for the State government relation services through a Request for Proposal (RFP) process, pursuant to the City's procurement policies as set forth in the Shoreline Municipal Code, Section 2.60.070. The City solicited proposals for the RFP from October 8 through October 30, 2020. The RFP was advertised in the City's paper of record, the Daily Journal of Commerce, both in print and online, as well as shared through professional networks. Proposals were opened on October 30<sup>th</sup> and one proposal from Capitol Consulting was received.

Although the City has delegated authority to execute a one-year contract without Council approval, staff considers a multi-year service contract, renewable for up to five years, with predictability that allows for long-term budgetary and strategic planning, to provide greater benefit to the City.

## **DISCUSSION**

The proposal from Capitol Consulting provides for a monthly retainer in exchange for year-round services, which has been of benefit to the City's legislative interests since this approach was adopted in 2019, as the scope of legislative work has evolved in a dramatic fashion. In contrast to nearly two decades ago, when the first government relations service contract was established, state legislative business has grown to become a year-round activity. Special Select Committees, caucus meetings, and negotiations with the Executive branch of State government now take place extensively outside of the legislative sessions. By extension, the session becomes the field where earlier discussions play out and reach final form. In order for Shoreline's presence in State-level conversations and negotiations to be as effective as possible, staff recommend that the City continue to utilize state legislative services on a year-round basis.

The proposal from Capitol Consulting was reviewed by staff to determine compliance with requested knowledge, skills, and work history, as well as ability to deliver on primary objectives and the requested scope of work. Capitol Consulting was found to meet or exceed all standards, based on their experience advocating for other cities, their established relationships with staff and elected officials from both political parties, their established relationships with associations and business groups, and their proven track record promoting or defeating proposed legislation for their clients. The proposed contract scope of work for Capitol Consulting is attached to this staff report as Attachment A.

If approved by Council, the contract with Capitol Strategies will begin January 1, 2021 and will run for one year. The contract will then automatically extend on a yearly basis for four additional years through December 31, 2025 unless cancelled by either party.

The City will be billed a flat retainer of \$3,300 per month for services provided. If additional contract years are utilized, these monthly rates will be adjusted based on the June to June Consumer Price Index for the Seattle Metro Area.

### **ALTERNATIVES ANALYSIS**

An alternative would be for the City to only contract for state legislative services during the Legislative Session, as has been the City's practice much of the last two decades. This alternative would provide a lower level of service to the City of Shoreline and would need to be negotiated with Capitol Consulting.

### **RESOURCE/FINANCIAL IMPACT**

The cost for the 2021 contract will be \$39,600. For future years, the monthly compensation rate will be inflated by the Consumer Price Index for all Urban Consumers. If an annual contract inflator rate of 3.00% is estimated for the life of the contract, the total five-year cost of the contract would be \$210,242. Given this, staff is recommending funding authority of \$225,000 for the life of the contract. The 2019-2020 biennial budget includes sufficient funds for this service.

### **RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute a contract with Capitol Strategies for up to five years, from 2021-2025, with a not-to-exceed amount of \$225,000.

### **ATTACHMENTS**

Attachment A: Draft Contract Scope of Work with Capitol Consulting.

## **CITY OF SHORELINE Contract #9799 - Exhibit A**

### **State Government Relations Services: Scope of Work**

Works with the City's identified legislative priorities, and identifies emerging issues, to advance the City's position on issues before the state legislature and in state government. Tasks include:

- Consult on the City's legislative agenda and priorities; assist in developing legislative agendas and support City response to emerging issues throughout the year.
- Provide regular communication on bills and issues of interest during session to the Manager for Government Relations, including detailed tracking of bills, tailored to City needs and interests.
- Develop and guide strategy for passing or defeating legislation and for securing state fiscal assistance.
- Provide strategic guidance on the City's priorities and key legislative issues.
- Assist with testimony for legislative hearings.
- Arrange appointments for City Council and City staff both during session and the interim.
- Attend meetings of interest to the City including AWC events and legislative meetings both during the session and the interim.
- Notify the City of legislative and regulatory issues that may impact the City.
- Promote state assistance for operating, transportation and capital budget projects.
- Monitor developments related to Fircrest, annexation, housing, basic city services and other identified issues.
- Take direction on work issues and activities from the Manager for Government Relations.

### **State Government Relations Services: Fees and reimbursable expenses**

For the first year of the contract, the fee for services will be \$3,300 per month. For future years, the yearly compensation rate will be inflated by the Seattle area CPI-U.

Unless otherwise agreed upon in writing, all expenses are covered by the monthly fee. There are no reimbursable expenses.

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Adoption of Ordinance No. 912 - Authorizing Assumption of the Ronald Wastewater District and Authorizing the City Manager to Execute and File the Joint Petition of Dissolution of the Ronald Wastewater District
<b>DEPARTMENT:</b>	City Manager's Office
<b>PRESENTED BY:</b>	John Norris, Assistant City Manager
<b>ACTION:</b>	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

The Ronald Wastewater District (RWD) and the City entered into an Interlocal Operating Agreement (IOA) in 2002 to unify sewer services with the City. To implement the assumption as called for the 2002 IOA, on December 9, 2013, the City Council adopted Ordinance No. 681, which set the assumption date of RWD for October 23, 2017. As the City and RWD approached October 2017, continued litigation related to the District's historical service in the southwestern corner of Snohomish County (Point Wells area) impacted the timing of the assumption as contemplated by the 2002 IOA, requiring an extension of the final assumption date so as to assure that the transition of RWD to the City occurred in an orderly fashion. On June 12, 2017, the City Council adopted the First Amendment to the 2002 IOA, which extended the term of the IOA for two years with an additional two-year extension, if needed.

On October 15, 2020, the City and RWD finally learned that the litigation regarding Ronald's service area had been resolved. The Washington State Supreme Court found that the 1985 Annexation Order that added the Point Wells area to RWD was not valid and, therefore, RWD did not have a service area in Snohomish County. Given this ruling, staff is now proposing to move forward with the full assumption of RWD in King County, as initially contemplated almost 20 years ago.

The City is now in a position to move forward with the full assumption of RWD. While the Council already adopted an assumption ordinance as required by state law at the end of 2013 with adoption of Ordinance No. 681, because the date of the assumption in that ordinance has now long passed, the Council must adopt a new assumption ordinance identifying the date of the final assumption of RWD along with authorizing the filing of the Joint Petition for Dissolution. Proposed Ordinance No. 912 provides for this formal assumption ordinance, setting the date of full assumption on April 30, 2021, and authorizes the City Manager to execute and file the joint petition of dissolution of RWD.

Council discussed proposed Ordinance No. 912 on November 23<sup>rd</sup> and directed staff to bring back this proposed Ordinance for adoption. Tonight, proposed Ordinance No. 912 is scheduled for potential adoption.

**RESOURCE/FINANCIAL IMPACT:**

Adoption of proposed Ordinance No. 912 creates no financial impact to the City, as there will be no cost to the City when the full assumption of RWD is completed at the end of April 2021. Wastewater utility operations, which are already performed by the City on behalf of RWD under a service contract with RWD, are funded by utility rates. RWD's Capital Improvement Program is also rate funded. All assets of RWD, including the utility system itself, will be transferred to the City on the final assumption date and RWD will cease to exist as a separate governmental entity.

**RECOMMENDATION**

Staff recommends that the City Council adopt Ordinance No. 912 authorizing the assumption of the Ronald Wastewater District and authorizing the City Manager to execute and file the joint petition of dissolution of RWD when this ordinance is brought back to Council on December 7, 2020 for potential adoption.

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



## **BACKGROUND**

When Shoreline incorporated in 1995, it was in large part to receive better, more efficient services for their tax dollars. One way for the City to provide more efficient services includes unifying the sewer utility with City operations, which the City has been planning for nearly two decades. To further the goal of consolidating utility services under City management and operation, the City and the Ronald Wastewater District (RWD) entered into an Interlocal Operating Agreement (IOA) in 2002 to unify sewer services with City operations. Procedures for an orderly and predictable transition of the sewer utility from RWD to City ownership are outlined in the IOA. In order to facilitate a smooth consolidation, the City and District agreed to a 15-year timeframe for the transition.

To implement the assumption as called for the 2002 IOA, on December 9, 2013, the City Council adopted Ordinance No. 681, which set the assumption date of RWD for October 23, 2017. Staff also conducted the Assumption Transition Planning Process in the years following the adoption of Ordinance No. 681. This began with the forming of the 'Committee of Elected Officials' (CEO), a joint committee of two City Councilmembers and two RWD Commissioners, whose purpose was to develop an Assumption Transition Plan. Councilmembers McConnell and Roberts served as the City's representatives on the CEO, which met 18 times between June 2014 and February 2016. Following the work of the CEO, the City Council adopted the Assumption Transition Plan on February 29, 2016.

As the City and RWD approached October 2017, continued litigation related to RWD's historical service in the southwestern corner of Snohomish County (Point Wells area) impacted the timing of the assumption as contemplated by the 2002 IOA, requiring an extension of the final assumption date so as to assure that the transition of RWD to the City occurred in an orderly fashion. On June 12, 2017, the City Council adopted the First Amendment to the 2002 IOA, which extended the term of the IOA for two years with an additional two-year extension, if needed.

The First Amendment to the IOA also stated that the City would operate the wastewater utility on behalf of RWD starting on the "target date," which was the former assumption date of October 23, 2017. The First Amendment to the 2002 IOA also provided for District employees becoming City employees on the target date, a Wastewater Utility Operating Services Agreement (WUOSA) being developed, and the RWD Board of Commissioners continuing to exercise their duties, including oversight of the utility, budgeting and rate setting, and responsibility for the utility's Capital Improvement Plan and Sewer Comprehensive Plan, among other considerations.

On October 15, 2020, the City and RWD finally learned that the litigation regarding Ronald's service area had been resolved. The Washington State Supreme Court found that the 1985 Annexation Order that added the Point Wells area to RWD was not valid and, therefore, RWD did not have a service area in Snohomish County. Given this ruling, staff is now proposing to move forward with the full assumption of RWD in King County, as initially contemplated almost 20 years ago.

While the Council already adopted an assumption ordinance as required by state law at the end of 2013 with adoption of Ordinance No. 681, because the date of the assumption in that ordinance has now long passed, the Council must adopt a new assumption ordinance identifying the date of the final assumption of RWD along with authorizing the filing of the Joint Petition for Dissolution. Proposed Ordinance No. 912 (Attachment A) provides for this formal assumption ordinance, setting the date of full assumption on April 30, 2021, and authorizes the City Manager to execute and file the joint petition of dissolution of RWD.

The City Council discussed proposed Ordinance No. 912 on November 23, 2020. The staff report for this Council discussion can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport112320-9b.pdf>.

### **DISCUSSION**

In addition to setting a formal assumption date of April 30, 2021, proposed Ordinance No. 912 also authorizes the City Manager to sign the joint petition of dissolution of RWD as identified in the 2002 IOA. In order for RWD to cease being a special purpose district upon the assumption date, RWD must formally be dissolved by petition of Superior Court. This is outlined in state law ([RCW 35.13A.080](#)), which states that the petition must be signed by the chief administrative officer of the City (which would be the City Manager) and RWD upon authorization of the legislative body of the City and the governing body of RWD. While section 4.8 of the 2002 IOA grants the City a limited power of attorney to execute a joint petition to Superior Court to dissolve RWD on behalf of RWD Board of Commissioners, the City Attorney's Office has recommended that the City still obtain both the City Manager's signature and the Ronald Board President's signature on a joint petition for dissolution. Staff is coordinating with the RWD Board and RWD staff on this task and RWD is willing to provide their signature on the joint petition. Providing authorization for the City Manager to sign the joint petition on behalf of the City is the initial step however, which would be granted in proposed Ordinance No. 912.

The City's SEPA (State Environmental Policy Act) Responsible Official, Planning and Community Development Director Rachael Markle, has determined that the assumption of the Ronald Wastewater District is categorically exempt from SEPA review under Washington Administrative Code (WAC) 197-11-800(14)(h). This determination is provided in a memo dated November 17, 2020 (Attachment B). This categorical exemption is also noted as a recital in proposed Ordinance No. 912.

As is noted above, the City Council discussed proposed Ordinance No. 912 on November 23<sup>rd</sup>. The Council had no concerns with the Ordinance as proposed and directed staff to bring back proposed Ordinance No. 912 for adoption. Tonight, Council is scheduled to adopt proposed Ordinance No. 912, authorizing the assumption of RWD and authorizing the City Manager to sign the joint petition of dissolution of RWD.

### **Next Steps**

If Council adopts proposed Ordinance No. 912 tonight, staff has outlined the following next steps in the assumption process:

- Continue to coordinate with the RWD Board of Commissioners Transition Committee and RWD contracted staff.
- Obtain the RWD Board President’s signature on the joint petition for dissolution of RWD.
- File the joint petition for dissolution with King County Superior Court.
- Obtain petition for dissolution from the Court.
- Continue to implement the remaining Assumption Transition Plan work plan items to ensure a smooth final assumption of RWD.
- Formally assume and dissolve RWD on April 30, 2021.

**COUNCIL GOAL ADDRESSED**

This action supports Council Goal No. 2, “Continue to deliver highly-valued public services through management of the City’s infrastructure and stewardship of the natural environment,” and specifically, Action Step 14, which is to “Complete the assumption of the Ronald Wastewater District in collaboration with the District”.

**RESOURCE/FINANCIAL IMPACT**

Adoption of proposed Ordinance No. 912 creates no financial impact to the City, as there will be no cost to the City when the full assumption of RWD is completed at the end of April 2021. Wastewater utility operations, which are already performed by the City on behalf of RWD under a service contract with RWD, are funded by utility rates. RWD’s Capital Improvement Program is also rate funded. All assets of RWD, including the utility system itself, will be transferred to the City on the final assumption date and RWD will cease to exist as a separate governmental entity.

**RECOMMENDATION**

Staff recommends that the City Council adopt Ordinance No. 912 authorizing the assumption of the Ronald Wastewater District and authorizing the City Manager to execute and file the joint petition of dissolution of RWD when this ordinance is brought back to Council on December 7, 2020 for potential adoption.

**ATTACHMENTS**

- Attachment A – Proposed Ordinance No. 912
- Attachment B – November 17, 2020 Memo Outlining Assumption of the Ronald Wastewater District is Categorically Exempt from SEPA Review

**ORDINANCE NO. 912**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON  
AUTHORIZING THE ASSUMPTION OF THE RONALD WASTEWATER  
DISTRICT AS AUTHORIZED BY RCW 35.13A.030 AND PURSUANT TO  
THE 2002 INTERLOCAL OPERATING AGREEMENT RELATING TO  
THE PROVISION OF SANITARY SEWER SERVICES.**

WHEREAS, RCW 35.13A.030 authorizes a city to assume the full and complete management and control of a sewer district whenever a portion of that district, equal to at least sixty percent of the area or sixty percent of the assessed valuation of the real property lying within that district, is included within the corporate boundaries of the City; and

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70C RCW (hereinafter referred to as “City”); and

WHEREAS, the Ronald Wastewater District is a special purpose sewer district formed and organized pursuant to Title 57 RCW and other laws of the state of Washington (hereinafter referred to as “District”) and, the District’s total geographic service area is located within the corporate boundaries of the City; and

WHEREAS, on October 22, 2002, the City and the District entered into an Interlocal Operating Agreement (“IOA”) approved by resolutions of the governing bodies of both parties related to the provision of sanitary sewer services which at Section 3.2, allows the City to assume jurisdiction of the District and any District responsibilities, property, facilities, or equipment within the City’s corporate limits, including future annexation areas; this IOA was subsequently amended in June 2017; and

WHEREAS, on December 9, 2013, the City Council adopted Ordinance No. 681, authorizing the filing of a Notice of Intent to Assume with the Boundary Review Board and setting October 23, 2017, as the date for assumption; and

WHEREAS, on September 18, 2014, the Boundary Review Board for King County approved the Notice of Intent to assume the District in relationship to King County; due to an error in the legal description of the District, the Boundary Review Board issued a subsequent approval on June 7, 2019; and

WHEREAS, the City has already commenced steps to ensure an orderly transition of governance, including creation of a City-District Assumption Transition Plan; transfer of District employees; execution of a Wastewater Utility Operating Services Agreement on October 23, 2017; and a Second Wastewater Utility Operating Services Agreement on March 17, 2020; and

WHEREAS, a portion of the southwest corner of Snohomish County, referred to as Point Wells, was considered part of the District’s service area; however, this was disputed and resulted

in two (2) denials for assumption by the Boundary Review Board of Snohomish County, in 2014 and again in 2017; and

WHEREAS, this dispute over the District's service area ultimately reached the Washington State Supreme Court which, on October 15, 2020, issued a ruling finding that the District's geographic boundary did not include Point Wells and does not extend into Snohomish County; and

WHEREAS, given that the original assumption date has passed, the City Council must establish a new assumption date and authorize the filing of a Petition for Dissolution with the King County Superior Court as required by RCW 35.13A.080; and

WHEREAS, the SEPA Responsible Official for the City of Shoreline has determined that the assumption of the Ronald Wastewater District is categorically exempt from SEPA review under WAC 197-11-800(14)(h); and

WHEREAS, the City Council in 2002, 2013, and by the actions the Council has previously authorized to be taken, and again with this Ordinance, has determined that it is in the best interests of the citizens of Shoreline to assume the District's sewer facilities, within and without of the City's boundaries, for the purpose of guaranteeing the City and its citizens with efficient, high quality sanitary sewer services for all purposes, public and private;

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

**Section 1. Assumption.** As provided in chapter 35.13A RCW, effective at 12:01 a.m. April 30, 2021, or on an earlier date if mutually agreed upon by the City of Shoreline and the Ronald Wastewater District, the City of Shoreline hereby assumes jurisdiction and ownership of the Ronald Wastewater District's service area, assets, facilities, responsibilities, property, and equipment.

**Section 2. City Manager Authorization.**

**A. Petition for Dissolution.** The City Council hereby confers upon the City Manager or designee the authority to jointly file with the Ronald Wastewater District a Petition for Dissolution with the court as provided for in RCW 35.13A.080 seeking dissolution by no later than April 30, 2021. And, upon dissolution by the court, file a certified copy of the court order with the King County Auditor.

**B. Orderly Transition of Governance.** The City Council confers upon the City Manager or designee the authority to continue to negotiate, in good faith, with the District the terms of a final transition plan so as to ensure a smooth transition from District to City operations. The transition plan shall include operational issues, financial issues, and facility issues.

**Section 3. Directions to the City Clerk.** Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this Ordinance, including the correction of

scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**Section 4. Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

**Section 5. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

**ADOPTED BY THE CITY COUNCIL ON DECEMBER 7, 2020.**

\_\_\_\_\_  
Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik Smith, City Clerk

\_\_\_\_\_  
Julie Ainsworth-Taylor  
Assistant City Attorney on behalf of  
Margaret King, City Attorney

Date of Publication: \_\_\_\_\_, 2020  
Effective Date: \_\_\_\_\_, 2020



## MEMORANDUM

**DATE:** November 17, 2020  
**TO:** John Norris, Assistant City Manager  
**FROM:** Rachael Markle, SEPA Official *Rm*  
**RE:** Assumption of Ronald Wastewater District and SEPA Review

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The adoption of Ordinance No. 912 by the City Council that would authorize the City to assume the Ronald Wastewater District as permitted by RCW 35.13A.030 and in accordance with the 2002 joint Interlocal Operating Agreement is categorical exempt from SEPA review. This action is exempt from SEPA review under WAC 197-11-800(14)(h) as an organization and internal operational planning and coordination effort.

### **WAC 197-11-800**

#### **Categorical exemptions.**

**(14) Activities of agencies.** The following administrative, fiscal and personnel activities of agencies shall be exempt:

- (a) The procurement and distribution of general supplies, equipment and services authorized or necessitated by previously approved functions or programs.
- (b) The assessment and collection of taxes.
- (c) The adoption of all budgets and agency requests for appropriation: Provided, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.
- (d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.
- (e) The review and payment of vouchers and claims.
- (f) The establishment and collection of liens and service billings.
- (g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.
- (h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.
- (i) Adoptions or approvals of utility, transportation and solid waste disposal rates.
- (j) The activities of school districts pursuant to desegregation plans or programs; however, construction of real property transactions or the adoption of any policy, plan or program for such construction of real property transaction shall not be considered exempt under this subsection.
- (k) Classification of land for current use taxation under chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW.

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA</b>	Authorizing the City Manager to Execute a Professional Services Contract with KPFF, Inc. in the Amount of \$218,659 for Development of a New Sidewalk Implementation Plan
<b>DEPARTMENT:</b>	Public Works
<b>PRESENTED BY:</b>	Tricia Juhnke, City Engineer
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

In November 2018, Shoreline residents approved an increase in the Sales and Use Tax to construct new sidewalks. The ballot measure included 12 specific locations for construction of new sidewalk. KPFF is one of two consultants that has been selected to support staff in the delivery of this program and is currently designing one of the initial sidewalk projects. Under this contract, KPFF will develop an Implementation Plan for the ten remaining sidewalk projects. Staff is requesting that the City Council authorize the City Manager to execute a contract with KPFF, Inc. in the amount of \$218,659 to perform this planning work.

**RESOURCE/FINANCIAL IMPACT:**

The ballot measure requires all projects be funded with bond revenue that is then paid for with the Sales and Use Tax collected over the next 20 years. In 2019, the City issued the first series of bonds in the amount of \$11.6 million to fund the initial programming, design, and construction of several sidewalk routes. Ordinance No. 903 provided \$4,700,000 in the 2021-2022 biennium for this program. This contract is within that authorized budget.

The project cost and budget summary is as follows:

**EXPENDITURES**

City Staff	\$ 44,000.00
Consultant Base Contract	\$ 218,659.00
Contingency	\$ 10,000.00
<b>Total Expenditures</b>	<b>\$ 272,659.00</b>

**REVENUE**

Bond Revenue	\$272,659.00
<b>Total Revenue</b>	<b>\$272,659.00</b>



Additional bonds will be issued in future years. The initial programming within this scope of work will inform a more detailed budget and schedule for expenditures and issuance of future bonds.

### **RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute an agreement with KPFF, Inc. in the amount of \$218,659 for a professional services contract to provide planning services for developing an Implementation Plan for the ten remaining sidewalk projects.

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

## **INTRODUCTION**

Staff has identified the need for a consultant to prepare an Implementation Plan to program the design and completion of the remaining ten sidewalk projects identified in the 2018 ballot measure for the New Sidewalks Program. Council action is required to authorize execution of the contract for these planning services.

## **BACKGROUND**

In November 2018, voters approved the 0.2% increase in Sales and Use Tax for the construction and repair of sidewalks. The ballot measure included 12 specific locations for installation of new sidewalk. In March 2019, Council authorized the issuance of bonds to support the program.

Following the adoption of the ordinances, Council authorized the City Manager to execute contracts for the design of the first two sidewalk projects in April 2020. The staff reports for these authorizations can be found at the following links.

Authorizing the City Manager to Execute a Professional Services Contract with KPFF, Inc. in the Amount of \$590,011 for Design of a Sidewalk Project on 5<sup>th</sup> Avenue NE from NE 175<sup>th</sup> Street to NE 182<sup>nd</sup> Street:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport040620-7d.pdf>.

Authorizing the City Manager to Execute a Professional Services Contract with DOWL, LLC in the Amount of \$241,792 for Design of a Sidewalk Project on 1<sup>st</sup> Avenue NE from NE 192<sup>nd</sup> Street to NE 195<sup>th</sup> Street:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport040620-7e.pdf>.

The contract will provide concept designs, updated estimates and develop a program schedule for the remaining ten locations. While design has proceeded on two of the routes, this element of the program was delayed to staffing turnover and transition.

## **ALTERNATIVES ANALYSIS**

In October 2019, staff issued a Request for Qualifications (RFQ) to identify two consultant firms to provide program support and design for the new sidewalk and sidewalk rehabilitation programs. Nine firms submitted Statement of Qualifications. Based on these proposals, staff interviewed four firms, of which two firms (KPFF, INC and DOWL, LLC) were identified as the best qualified to provide design services.

Out of these two firms, KPFF was identified to provide the planning and design services for development of the Implementation Plan. Attachment A to this staff report includes the scope of work for this proposed contract. The scope of work involves the development of an implementation plan for the remaining phases of the sidewalk program. The implementation plan will include conceptual designs and cost estimates for the final ten sidewalks, a schedule for implementation, public outreach materials for

the overall sidewalk program, and a financial plan for issuance of bonds to support the program.

The alternative to awarding this design contract to KPFF is to not authorize this contract, which would result in not proceeding with the development of an Implementation Plan. As staff does not currently have capacity to perform this work in-house, this alternative is not recommended.

### **COUNCIL GOAL(S) ADDRESSED**

Award of this contract supports Council Goal 2: Continue to deliver highly-valued public services through management of the City’s infrastructure and stewardship of the natural environment, and specifically Action Step 1: Implement the new Sidewalk Construction Program.

### **RESOURCE/FINANCIAL IMPACT**

The ballot measure requires all projects be funded with bond revenue that is then paid for with the Sales and Use Tax collected over the next 20 years. In 2019, the City issued the first series of bonds in the amount of \$11.6 million to fund the initial programming, design, and construction of several sidewalk routes. Ordinance No. 903 provided \$4,700,000 in the 2021-2022 biennium for this program. This contract is within that authorized budget.

The project cost and budget summary is as follows:

<b>EXPENDITURES</b>	
City Staff	\$ 44,000.00
Consultant Base Contract	\$ 218,659.00
Contingency	\$ 10,000.00
<b>Total Expenditures</b>	<b>\$ 272,659.00</b>

<b>REVENUE</b>	
Bond Revenue	\$272,659.00
<b>Total Revenue</b>	<b>\$272,659.00</b>

Additional bonds will be issued in future years. The initial programming within this scope of work will inform a more detailed budget and schedule for expenditures and issuance of future bonds.

### **RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to execute an agreement with KPFF, Inc. in the amount of \$218,659 for a professional services contract to provide planning services for developing an Implementation Plan for the ten remaining sidewalk projects.

**ATTACHMENTS**

Attachment A – KPFF, Inc. Contract Scope of Work



## EXHIBIT A

### SCOPE OF WORK

#### **New Sidewalks Implementation Plan City of Shoreline**

#### **INTRODUCTION**

During the term of this Professional Services Agreement (AGREEMENT), KPFF (CONSULTANT) shall perform professional services for the City of Shoreline (CITY) in connection with the following project: **New Sidewalks Implementation Plan (PROJECT)**

#### **PROJECT DESCRIPTION**

The City of Shoreline is developing a new sidewalk program to prepare for the construction of 10 new sidewalk projects over the next 7-8 years. The project locations are listed below:

- 15<sup>th</sup> Avenue NE: NE 150<sup>th</sup> Street to NE 160<sup>th</sup> Street
- Meridian Avenue: N 194<sup>th</sup> Street to N 205<sup>th</sup> Street
- 8<sup>th</sup> Avenue NW: Sunset Park to Richmond Beach Road NW
- Dayton Avenue N: N 178<sup>th</sup> Street to N Richmond Beach Road
- 19<sup>th</sup> Avenue NE: NE 196<sup>th</sup> Street to NE 205<sup>th</sup> Street
- Westminster Way N: N 145<sup>th</sup> Street to N 153<sup>rd</sup> Street
- Ballinger Way NE: 19<sup>th</sup> Avenue NE to 25<sup>th</sup> Avenue NE
- Dayton Avenue N: N 155<sup>th</sup> Street to N 160<sup>th</sup> Street
- Linden Avenue N: N 175<sup>th</sup> Street to N 185<sup>th</sup> Street
- 20<sup>th</sup> Avenue NW: Saltwater Park to NW 195<sup>th</sup> Street

The CONSULTANT will assist the City by performing the following tasks:

1. Develop preliminary designs and cost estimates for each site identified above. This includes identification of key project issues such as need for walls, right-of-way, environmental impacts, etc.
2. Develop a 10-year implementation plan for design and construction of each site, including a plan for issuance of bonds.
3. Provide support in prioritizing sidewalk rehabilitation projects and facilitate a design workshop with City staff.

- 4. Support development of a communications/outreach plan to inform and provide opportunities for input on a program level.

**PROJECT TEAM**

The project team includes:

Owner	City of Shoreline
Prime Consultant	KPFF
Civil Engineer	KPFF
Drainage Engineer	KPFF
Public Outreach	EnviroIssues
Environmental / Permitting	The Watershed Company

**MAJOR MILESTONE SCHEDULE**

The following preliminary schedule of major milestones for the project:

NTP.....	January 2021
Preliminary Alternatives .....	April 2021
Design Workshop.....	May 2021
Draft Plan .....	July 2021
Final Plan .....	August 2021

**PROJECT ASSUMPTIONS**

**General Assumptions**

- 1. The CITY shall provide or make available the following items to the CONSULTANT:
  - a. CITY of Shoreline Design Standards & Guidelines
  - b. Existing GIS mapping information of the project including but not limited to general utility location maps.
  - c. Copies of existing record drawing information of the project area.
  - d. Updated utility contact information.
  - e. One set of consolidated review comments for each Major Milestone Submittal.
- 2. The CONSULTANT’s deliverables, including record drawings, are limited to the sealed and signed hard copies. Computer-generated files furnished by the CONSULTANT are for the CITY or other’s convenience. Any conclusions or information derived or obtained from these files will be at user’s sole risk.

### **Design Standards and References**

The project shall be developed in accordance with the latest edition, amendments and revisions (as of execution of this AGREEMENT) of the following publications, where applicable:

1. City of Shoreline Publications:
  - a. City of Shoreline Engineering Development Manual, 2019
  - b. City of Shoreline Standard Details, 2019
  - c. Shoreline Municipal Code
2. State Publications
  - a. 2020 Standard Specifications for Road, Bridge, and Municipal Construction
  - b. Amendments to the General Special Provisions
  - c. Ecology Stormwater Management Manual for Western Washington, 2019
  - d. WSDOT Standard Plans for Road, Bridge, and Municipal Construction
  - e. WSDOT Design Manual
  - f. WSDOT Standard Item Table
  - g. WSDOT Highway Runoff Manual
  - h. WSDOT Environmental Manual
  - i. WSDOT Traffic Manual
  - j. WSDOT Local Agency Guidelines
  - k. American Association of State Highway and Transportation Officials (AASHTO)
  - l. A Policy on Geometric Design of Highways and Streets ("Green Book"); 2011, 6th Edition
  - m. Any AASHTO policies where said policy is not in conflict with the standards of the City of Shoreline
3. U.S. Department of Transportation Publications:
  - a. Manual on Uniform Traffic Control Devices for Streets and Highways (2009 Edition with Revision Numbers 1 and 2, dated May 2012)

The services will include the tasks as outlined below:

#### ***TASK 1: PROJECT MANAGEMENT (KPFF)***

The CONSULTANT shall provide project administration and coordination with the CITY to facilitate efficient progress and timely completion of the project.

***TASK 1.1: MONTHLY PROGRESS REPORTING AND INVOICING***

Prepare and submit monthly progress reports containing the following:

1. Invoices showing the actual costs; and
2. Status of work performed during work period.

***TASK 1.2: INTERNAL MEETINGS***

The CONSULTANT will hold a meeting every two weeks with the project team to ensure coordinate design tasks and ensure submittal schedules are on track. A submittal log will be created and maintained to track all deliverables sent to the CITY and other agencies.

**Deliverable(s):**

- Prepare and maintain a Submittal Log

***TASK 1.3: PROJECT MEETINGS***

Project meetings will be held monthly to coordinate with the project team, inform the CITY Project Manager of progress, identify issues, and receive direction. These meetings will be virtual. For scoping purposes, the CONSULTANT shall assume a maximum of two (2) CONSULTANT staff will attend five (5) meetings.

***TASK 1.4: MANAGEMENT AND QUALITY CONTROL***

The CONSULTANT will provide direction and oversight of the project design team to ensure accurate and timely implementation of the work plan and the appropriate coordination of work activities, including the review of each project design team member's work over the course of the project.

This effort is for the overall design project and is intended to provide the leadership that the team will need to understand project interfaces, deadlines, budget constraints, and other issues.

The schedule will be developed in coordination with the CITY under this task.

This task includes the effort related to providing quality control for the work activities in this scope of work. It will include a review by staff with technical expertise in the specific work area and by senior staff to ensure that the project is technically correct and meets the requirements of the scope of work.



## **TASK 2: PRELIMINARY ENGINEERING (KPFF)**

### **TASK 2.1: SITES VISIT**

The CONSULTANT will visit the site to document the existing conditions, and will gather, review, and process available CAD, GIS, aerials, plans, and engineering studies pertinent to each individual sidewalk project.

### **TASK 2.2: ADA EVALUATION**

The CONSULTANT will investigate the existing pedestrian facilities within the project limits to identify deficiencies per the current ADA standards. The City's ADA transition plan will be assessed to determine if upgrades identified in the plan can be incorporated into the project.

### **TASK 2.3: PREPARATION OF ALTERNATIVES**

1. The CONSULTANT will prepare one (1) conceptual design for each of the projects as described in the City's Sidewalk Prioritization Plan and in compliance with the City's design standards. The conceptual design will include proposed elements such as curbs, sidewalk, and paving limits. Potential wall locations and impacts to ROW, trees, utilities, environmentally critical areas, and other key elements will be identified. Figures will be created that display the conceptual designs on aerials. The CONSULTANT will provide recommendations for design modifications to avoid major impacts and solicit input from the CITY.
2. Concept level cost estimates will be generated for each alternative based on measurements of major bid items. Unit prices will be based on the WSDOT Unit Bid Analysis and recent bid results. The costs for some bid items such as landscaping, illumination, drainage, and traffic control, will be estimated as a lump sum or percentage of the total construction cost. The estimates will also include a contingency that is appropriate for this level of design.

### **Deliverables:**

- 11x17 Concept figures. (PDF)
- Cost comparisons of major bid items. (PDF and Excel)

### **TASK 2.4: DESIGN WORKSHOP**

The CONSULTANT and CITY will meet virtually to discuss the opportunities and challenges of each concept. The CONSULTANT will present an assessment of the project complexities; recommend design modifications to reduce right-of-way, utility, and environmental impacts; and discuss issues related to constructability, schedule, and construction cost.

**Deliverables:**

- Materials for Design Workshop
- Meeting Notes

***TASK 2.5: STORMWATER ASSESSMENT***

The CONSULTANT will develop a stormwater strategy for each project based on guidance provided in the Shoreline Engineering Development Manual and Ecology's Stormwater Management Manual for Western Washington (SWMMWW). New hard surfaces and pollution generating surfaces will be measured to determine which Minimum Requirements will be triggered. Preliminary sizing of flow control and water quality facilities will be calculated in conjunction with an investigation into LID opportunities at the site. Known stormwater issues within the project limits will be assessed and potential mitigation measures will be recommended. The stormwater strategy developed in this task will be summarized and included in the Implementation Plan.

***TASK 3: IMPLEMENTATION PLAN (KPFF)***

The CONSULTANT will develop an implementation plan documenting preliminary engineering and mapping out a path forward for implementation of the projects.

***TASK 3.1: INFORMATION GATHERING***

Review and document all available studies and plans previously completed that have relevance to the project. Assess the relevance of the documents for use in future sidewalk design and incorporate into the Implementation Plan.

***TASK 3.2: STAKEHOLDER INVOLVEMENT PLAN***

Develop a plan that lays out the process for identifying stakeholders, engaging them through the duration of the project, and methods to receive feedback. Document any communications or decisions that were made during the Preliminary Engineering task.

***TASK 3.3: PUBLIC OUTREACH AND COMMUNICATION PLAN***

Determine how project information, schedules, and property impacts will be communicated to the public.

***TASK 3.4: PRIORITIZATION PLAN AND IMPLEMENTATION SCHEDULE***

1. Document the design criteria with a matrix for each project based on applicable standards.
2. Work with the City to determine prioritization metrics and create matrix showing scoring

results.

3. Analyze the findings of the preliminary engineering phase, prioritization, and funding availability to develop an implementation schedule.
4. Summarize the prioritization, document the decision making process, and clearly show justification for project scheduling.

***TASK 3.5: UTILITY COORDINATION PLAN***

Describe the utility impacts identified in the preliminary engineering phase, potential cost and schedule risks, summarize the coordination efforts with utility representatives, and evaluate undergrounding the electrical service within each project corridor. Define the coordination procedures for future sidewalk design work.

***TASK 3.6: GRANT APPLICATION PLAN***

Review available grant funding sources and assess project elements and locations to determine favorability for future grant funding. Develop a grant funding schedule to be used to inform the project implementation schedule.

***TASK 3.7: GEOTECHNICAL REQUIREMENTS***

Describe potential geotechnical requirements and exploration locations for structures and drainage infiltration.

***TASK 3.8: ENVIRONMENTAL REQUIREMENTS***

Summarize the environmental assessment performed by The Watershed Company to describe critical areas near the project limits and identify potential impacts, mitigation, and costs.

***TASK 3.9: RIGHT OF WAY IMPACT ASSESSMENT***

Summarize the potential need for right-of-way acquisition and temporary construction easements, and identify the parcels and areas impacted.

***TASK 3.10: DRAFT PLAN***

Assembly of content created in Task 3 into a formal Implementation Plan.

***TASK 3.11: FINAL PLAN***

Response to City comments and updates to Implementation Plan.

**Deliverables:**

- Draft Implementation Plan: one (1) electronic memo in Word format; one (1) electronic memo in PDF format; up to five (5) hard copies as needed.
- Final Implementation Plan: one (1) electronic memo in Word format; one (1) electronic memo in PDF format; up to five (5) hard copies as needed.

***TASK 4: PUBLIC OUTREACH (ENVIROISSUES)***

***TASK 4.1: PROJECT MANAGEMENT***

Provide program management (billing invoices, monthly progress reports) and coordination with KPFF and City staff throughout the program development phase. Monitor the project budget and schedule. Meet with the City and KPFF as needed and assist in coordination between contractors.

**Deliverables:**

- Seven (7) Monthly invoices
- Up to two meetings with the City and KPFF
- General support for the City in coordinating program and project outreach with both KPFF and DOWL.

***TASK 4.2: OUTREACH SUPPORT AND MATERIALS***

Envirolssues will provide support to the City and KPFF to conduct outreach and build the framework for the sidewalk improvement program, including branding, website revisions, notifications and public information materials. Our work will include:

1. Develop a communications and outreach plan for implementation of the sidewalk improvement program.
2. Create a simple visual identity for the program aligned with City of Shoreline branding/identity.
3. Revisions to the existing webpage for the overall sidewalk plan to include:
  - a. Website copy; including answers to frequently asked questions, schedule and progress of sidewalk projects
  - b. Graphics to support sidewalk schedule and progress
  - c. An introduction video to explain the previous sidewalk prioritization work and goals of the program. (AS DIRECTED)

**Assumptions:**

- Assumes a project schedule of January 1, 2021 through July 30, 2021 (7 months) and includes the program development phase only.
- This scope does not include outreach to be performed as part of specific projects. Project-specific outreach will be addressed in separate scopes of work.
- EnviroIssues will develop copy, coordinate review, develop graphics, and coordinate printing for all materials and notifications.
- The sidewalk program projects will use the same City webpage. EnviroIssues will draft content for the full program webpage. Content about specific projects will be added as needed. The City will host and manage website updates.
- Assumes one creative meeting between EnviroIssues and the City of Shoreline to discuss visual identity and introduction video.
- The introduction video will have an approximate length of one minute and raw footage will be provided by the City.

**Deliverables:**

- One (1) communications and outreach plan
- Copy for one webpage, including graphics.
- One (1) introduction video for the website (AS DIRECTED).
- Translation of up to three documents, in up to three languages.

***TASK 5: ENVIRONMENTAL SERVICES (THE WATERSHED COMPANY)***

***TASK 5.1: ENVIRONMENTAL REVIEW***

For the ten sidewalk projects, Watershed staff will perform a reconnaissance-level screening for critical areas (limited to wetlands and streams) located in close proximity to the proposed locations of the sidewalk improvements. Determination of critical areas will be consistent with the definitions and requirements of local, state, and federal regulations. Any critical areas encountered will be field located using GPS. Watershed will subsequently prepare a report documenting the findings of the reconnaissance. The report will include: field sketches of critical areas encountered indicating their approximate size and location; estimated classification of the critical areas; a description of available mitigation opportunities; identification of permit requirements; and key regulatory implications including estimated standard buffer widths.

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Authorizing the City Manager to Increase the Hazardous Tree Removal Services Unit Price Contract with Treecycle LLC, dba Seattle Tree Care, in the Amount of \$300,000
<b>DEPARTMENT:</b>	Administrative Services Department
<b>PRESENTED BY:</b>	Dan Johnson, Parks, Fleet & Facilities Manager
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

On July 7, 2019, the Shoreline Parks Operations Division and Treecycle LLC executed a unit price contract for hazardous tree removal services. Staff is requesting that City Council authorize the City Manager to increase the existing hazardous tree removal services contract with Seattle Tree Care in the amount of \$300,000 to continue to remove hazardous trees in accordance with the contract workplan.

Seattle Tree Care has been performing the scope of work after completing a competitive bid process (Bid No. 9354) for hazardous tree removal services. The contract totals \$300,000 with a three-year term and with an option for a fourth year. Parks Operations spent \$280,000 in the first year of the contract working to complete a backlog of hazardous trees. A total of 100 hazardous trees were removed with 79 trees remaining on the current hazardous tree list to catch up. A significant backlog of resident requests was addressed in the first year of this unit price contract. In accordance with Shoreline Municipal Code (SMC) 2.60.040 D1(c), City Council approval is required for this contract amendment because the requested contract increase amount exceeds the City Manager's contract amendment authorization limit of \$100,000.

**RESOURCE/FINANCIAL IMPACT:**

In order to complete the remaining work and the terms of the contract, staff is requesting approval to increase the contract an additional \$300,000 for a total contract authorization amount of \$600,000. The Parks Operations Budget includes annual funding in the general fund of \$72,000 for hazardous tree removals services. Additional funding may be necessary and will be supported using savings from other areas or through a budget amendment requested as the unfunded needs are identified.

**RECOMMENDATION**

Staff recommends that Council authorize the City Manager to increase the current Unit Price Contract with Treecycle LLC, dba Seattle Tree Care from \$300,000 to \$600,000 for Hazardous Tree Removal Services.

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

## **BACKGROUND**

The Shoreline Parks Operations Division provides vegetation management, including tree pruning and hazardous tree removal, along the City's rights-of-ways, in Shoreline parks and in other City-owned facilities. The Parks Operations Division utilizes a private contractor whenever possible to complete this annual work. A tree is considered hazardous if it has defects that may cause the tree or a tree limb to fall, resulting in property damage, personal injury or death.

In July 2019, the Parks Operations Division completed a bidding process (Bid No. 9354) and awarded a unit price contract in the amount of \$300,000 to Treecycle LLC, dba Seattle Tree Care, for hazardous tree removal services. The contract duration includes three annual terms with an option for a fourth year. In addition to hazardous tree and stump removal work, Seattle Tree Care is responsible for performing all work under the contract, including traffic control while work, set-up and clean-up are being conducted. The contractor is also required to comply with applicable Occupational Safety and Health Administration (OSHA) standards, as well as any applicable state and local regulations, including waste disposal regulations.

## **DISCUSSION**

After beginning work to complete a backlog of hazardous tree removal work, Parks Operations spent \$280,000 in the first year of the contract. A total of 100 hazardous trees were removed with 79 trees remaining on the hazardous tree list. In order to complete the remaining work plan and fulfil the term of the contract, staff is requesting approval to increase the contract with Seattle Tree Care.

Resident and Park patron requests for tree health review continue to be addressed on public property. Most of the requests are adjacent to residents' homes and property. Staff estimates that backlogs will continue but will most likely not need additional funding unless there is a severe weather event or a circumstance where there is a safety or liability situation. Should this occur, staff will monitor and may return to Council in the future to request additional funding and contract authorization.

Staff is requesting that Council authorize the City Manager to amend this contract by increasing the amount by \$300,000, bringing the total contract amount to \$600,000. In accordance with Shoreline Municipal Code (SMC) 2.60.040 D1(c), City Council approval is required because the requested contract increase of \$300,000 exceeds the City Manager's contract amendment authorization limit of \$100,000.

## **RESOURCE/FINANCIAL IMPACT**

In order to complete the remaining work and the terms of the contract, staff is requesting approval to increase the contract an additional \$300,000 for a total contract authorization amount of \$600,000. The Parks Operations Budget includes annual funding in the general fund of \$72,000 for hazardous tree removals services. Additional funding may be necessary and will be supported using savings from other areas or through a budget amendment requested as the unfunded needs are identified.

## **RECOMMENDATION**

Staff recommends that Council authorize the City Manager to increase the current Unit Price Contract with Treecycle LLC, dba Seattle Tree Care from \$300,000 to \$600,000 for Hazardous Tree Removal Services.



**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Adopting Ordinance No. 907 - Amending Development Code Sections 20.20, 20.30, 20.40, 20.50, and 20.80
<b>DEPARTMENT:</b>	Planning & Community Development
<b>PRESENTED BY:</b>	Steven Szafran, AICP, Senior Planner Nora Gierloff, Planning Manager
<b>ACTION:</b>	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

Amendments to the Development Code (Shoreline Municipal Code Title 20) 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 legislative decisions and is responsible for holding a public hearing on proposed Development Code amendments and making a recommendation to the City Council on each amendment.

The Planning Commission held study sessions to discuss the proposed amendments and give staff direction on the amendments on July 2 and August 20, 2020. The Commission then held the required public hearing on October 1, 2020. The Planning Commission recommended that the City Council adopt the proposed amendments as detailed in proposed Ordinance No. 907 (Attachment A).

The amendments included in this staff report address the questions and amendments proposed by staff and Council from the Council's discussions on November 9 and November 23. Tonight, Council is scheduled to further discuss and adopt proposed Ordinance No. 907.

**RESOURCE/FINANCIAL IMPACT:**

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

**RECOMMENDATION**

Staff recommends that the City Council adopt Ordinance No. 907 with the staff-proposed amendments to the Planning Commission's recommendations as outlined in this staff report.

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

## **BACKGROUND**

The City's Development Code is codified in Title 20 of the Shoreline Municipal Code (SMC). Amendments to Title 20 are used to ensure consistency between the City's development regulations and the City's Comprehensive Plan, to reflect amendments to state 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 any proposed amendments and making a recommendation to the City Council on each amendment.

The 2020 'batch' of Development Code amendments is comprised of 52 amendments. The proposed Development Code amendments include administrative changes (reorganization and minor corrections), clarifying amendments, and policy amendments.

The Planning Commission held two study sessions on July 2 and August 20, 2020, and a Public Hearing on October 1, 2020, on the batch Development Code Amendments. Staff reports for these Planning Commission agenda items can be found at the following links:

- July 2<sup>nd</sup>: <https://www.shorelinewa.gov/home/showdocument?id=47576>.
- August 20<sup>th</sup>: <https://www.shorelinewa.gov/home/showdocument?id=49118>.
- October 1<sup>st</sup>: <https://www.shorelinewa.gov/home/showdocument?id=49401>.

At the conclusion of the Public Hearing, the Planning Commission recommended approval of 52 amendments (one amendment is recommended for inclusion into the Housing Action Plan for additional study and one amendment was duplicated in the Administrative and Clarifying Amendments). A memo to the City Council from the Planning Commission regarding their recommendation is included as Attachment B.

The Planning Commission-recommended Development Code amendments are included in proposed Ordinance No. 907. Although most of the proposed Development Code amendments in this group of amendments are aimed at "cleaning up" the code and are more administrative in nature, other amendments are more substantive and have the possibility of changing policy direction for the City.

## **DISCUSSION**

The Council had the opportunity to study the Administrative (Exhibit A) and Clarifying Amendments (Exhibit B) on November 9 and the Policy Amendments (Exhibit C) on November 23. The staff report and attachments for the Administrative and Clarifying Amendments can be found at the following link – <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport110920-9b.pdf>.

The staff report and attachments for the Policy Amendments can be found at the following link - <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport112320-9a.pdf>.

The Council had questions and revisions to the amendments that are listed below. Staff has addressed the Council's questions, and in some cases, provided the amendatory language if a Councilmember wishes to change the Planning Commission's recommendation.

### **Administrative Amendments (Attachment A, Exhibit A)**

#### **Amendment #2**

20.30.315 – Site Development Permit

A. Purpose. The purpose of a site development permit is to provide a mechanism to review activities that propose to develop or redevelop a site, not including structures, to ensure conformance to applicable codes and standards.

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

1. The construction of two or more detached single-family dwelling units on a single parcel;
2. Site improvements associated with short and formal subdivisions; or
3. The construction of two or more nonresidential or multifamily structures on a single parcel; or
4. Site improvements that require Minimum Requirements Nos. 1 to 5, as set forth in the Stormwater Manual, as modified by Division 3 the Engineering Development Manual.

**Justification** – The proposed amendment is a duplicate of Clarifying Amendment #7.

**Recommendation** – Staff recommends that this amendment be withdrawn from the Administrative Amendments and remain as a Clarifying Amendment.

**Staff-Recommended Amendatory Motion** – If Council would like to withdraw Administrative Amendment #2, a Councilmember would need to move to modify the Planning Commission's recommendation as follows:

***I move to modify the Planning Commission's recommendation by withdrawing Administrative Amendment #2.***

## **Amendment #9**

### 20.70.240(F) – Private streets

Local access streets may be private, subject to the approval of the City. If the conditions for approval of a private street cannot be met, then a public street will be required.

Private streets may be allowed when all the following conditions are present:

- A. The private street is located within a tract or easement; and
- B. A covenant, tract, or easement which provides for maintenance and repair of the private street by property owners has been approved by the City and recorded with King County; and
- C. The covenant or easement includes a condition that the private street will remain open at all times for emergency and public service vehicles; and
- D. The private street would not hinder public street circulation; and
- E. The proposed private street would be adequate for transportation and fire access needs; and
- F. At least one of the following conditions exists:
  - 1. The street would ultimately serve ~~four~~ five or ~~fewer~~ more single-family detached dwelling units or lots; or
  - 2. ~~The private street would ultimately serve more than four lots, and the Director determines that no other access is available; or~~
  - 3. The private street would serve developments where no circulation continuity is necessary.

**Justification** – Planning and Public Works staff met to discuss Amendment #9 and have determined that this amendment warrants more analysis by both departments. There is a greater policy discussion on the pros and cons of private vs public streets. Public Works would like the opportunity to provide information/reasons to not take on new public streets particularly if they aren't providing connectivity or provide greater public value. This policy level discussion was not intended to be part of the proposed code change however it's a good conversation to bring up in the future.

**Recommendation** – Staff recommends withdrawing this amendment for additional analysis and bringing the amendment back in the 2021 Development Code batch. This way, the Planning Commission can discuss the pros and cons of public versus private streets and the public can comment on the proposal.

**Staff-Recommended Amendatory Motion** – If Council would like to withdraw Administrative Amendment #9, a Councilmember would need to move to modify the Planning Commission's recommendation as follows:

***I move to modify the Planning Commission's recommendation by withdrawing Administrative Amendment #9.***

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**Clarifying Amendments (Attachment A, Exhibit B)**

**Amendment #2**

20.20.028 – J definitions

- Junk Vehicle A vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:
- A. Is three years old or older;
  - B. Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor or transmission;
  - C. Is apparently inoperable including a condition which makes the vehicle incapable of being operated legally on a public highway;
  - D. Has an approximate fair market value equal only to the approximate value of the scrap in it.

**Council Discussion** – The proposed amendment to the definition of junk vehicle will allow the City's Code Enforcement and Customer Response Team and the Police Department to determine when a vehicle qualifies as a junk vehicle. The proposed language to letter "C" matches the language in RCW 46.55.230. It is not the City's intent to actively seek out code enforcement for residents that may have vehicles that have minor infractions but those vehicles that are clearly incapable of being operated legally on a public highway.

**Recommendation** – Planning Commission recommends that this amendment be approved.

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**Amendment #8**

20.30.355(D) – Development Agreement Contents for Property Zoned MUR-70' in Order to Increase Height Above 70 Feet.

Each development agreement approved by the City Council for property zoned MUR-70' for increased development potential above the provision of the MUR-70' zone shall contain the following:

1. Twenty percent of the housing units constructed on site shall be affordable to those earning less than 60 percent of the median income for King County adjusted for household size. The units shall remain affordable for a period of no less than 99 years. The number of affordable housing units may be decreased to 10 percent if the level of affordability is increased to 50 percent of the median income for King County adjusted for household size. A fee in lieu of constructing any fractional portion of mandatory units is available upon the City Council's establishment of a fee in lieu formula. Full units are not eligible for fee in lieu option and must be

~~built on site. constructing the units may be paid upon authorization of the City's affordable housing program instead of constructing affordable housing units on-site. The fee will be specified in SMC Title 3.~~

3.01.025 Affordable housing fee in lieu.

2019 Fee Schedule		
A. Rate Table		
Zoning district	Fee per unit if providing 10% of total units as affordable	Fee per unit if providing 20% of total units as affordable
MUR-45	\$206,152	\$158,448
MUR-70	\$206,152	\$158,448
MUR-70 with development agreement	\$253,855	\$206,152

Note: The fee in lieu is calculated by multiplying the fee shown in the table by the fractional mandated unit. For example, a 0.40 fractional unit multiplied by \$206,152 would result in a fee in lieu of \$82,460.80.

**Justification** – This amendment seeks to strike the last sentence under #1 which refers to a fee in lieu for constructing affordable housing units. This was not the intention of the fee in lieu program. The fee in lieu was authorized for partial units, or the units that are fractional when performing affordable unit calculations. The fee in lieu program is not intended to replace full affordable units for a fee.

**Recommendation** – The Planning Commission-proposed language includes a statement that a fee in lieu of constructing any fractional portion of mandatory units is available upon the City Council's establishment of a fee in lieu formula. When this Development Code amendment was submitted, the City did not have a fee-in-lieu formula for affordable housing units. Staff recommends amending the Planning Commission's recommended language to strike this part of the code and replace it with a reference to the adopted fee schedule in Chapter 3.01 of the SMC.

**Staff-Recommended Amendatory Motion** – If Council would like to amend Clarifying Amendment #8, a Councilmember would need to move to modify the Planning Commission's recommendation as follows:

***I move to modify the Planning Commission's recommendation by amending SMC 20.30.355 (D)(1) to read, "A fee in lieu of constructing any fractional portion of mandatory units is based on the adopted fee schedule (Chapter 3.01 SMC). Full units are not eligible for fee in lieu option and must be built on site".***

## Amendment #18

### 20.50.370 – Tree protection standards

The following protection measures shall be imposed for all trees to be retained on site or on adjoining property, to the extent off-site trees are subject to the tree protection provisions of this chapter, during the construction process:

- A. All required tree protection measures shall be shown on the tree protection and replacement plan, clearing and grading plan, or other plan submitted to meet the requirements of this subchapter.
- B. Tree dripline areas or critical root zones (tree protection zone) as defined by the International Society of Arboriculture shall be protected. No development, fill, excavation, construction materials, or equipment staging, or traffic shall be allowed in the dripline areas of trees that are to be retained.
- C. Prior to any land disturbance, temporary construction fences must be placed around the ~~dripline of trees~~ tree protection zone to be preserved. If a cluster of trees is proposed for retention, the barrier shall be placed around the edge formed by the drip lines of the trees to be retained. Tree protection shall remain in place for the duration of the permit unless earlier removal is addressed through construction sequencing on approved plans.
- D. Tree protection barriers shall be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the Director. “Tree Protection Area” signs shall be posted visibly on all sides of the fenced areas. On large or multiple-project sites, the Director may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances.
- E. Where tree protection ~~areas~~ zones are remote from areas of land disturbance, and where approved by the Director, alternative forms of tree protection may be used in lieu of tree protection barriers; provided, that protected trees are completely surrounded with continuous rope or flagging and are accompanied by “Tree Leave Area – Keep Out” signs.
- F. Rock walls shall be constructed around the tree, equal to the dripline, when existing grade levels are lowered or raised by the proposed grading.
- G. Retain small trees, bushes, and understory plants within the tree protection zone, unless the plant is identified as a regulated noxious weed, a non-regulated noxious weed, or a weed of concern by the King County Noxious Weed Control Board to the maximum extent practicable.

**Council Discussion** – The Council generally agreed with the proposed amendments shown above but had questions about the monitoring of trees that were required to be protected and what happens after a building permit is finale. The below information outlines the steps a planner takes when approving a permit and what happens after the permit is finale.

Steps for tree removal approval/replacement and retention:

1. 20% of significant size trees shall be retained (30% on sites with Critical Areas), after subtraction of the trees that may be removed under the partial exemption section.
2. If non-standard tree protection is proposed (i.e., not at the dripline) then the applicant needs to have an arborist report that looks at impacts to the tree and makes recommendations for alternative tree protection if they are of the opinion the non-standard is appropriate (won't impact health of tree(s)).
3. Planner visits site prior to zoning approval to confirm tree info on plans is accurate and trees proposed for removal are flagged.
4. Prior to zoning approval, a tree performance bond is required (125% the cost of the tree for materials, labor, and tax).
5. Planner approves the permit; if an arborist report was approved as part of the project, one should be stapled to the approved permit and stamped "approved."
6. Building inspector confirms tree protection is in place at the pre-construction meeting.
7. Developer calls for tree replacement inspection.
8. Planner makes inspection.
9. If trees are planted per the approved plan, then a three-year tree maintenance bond is required.
10. Once maintenance bond is provided, the planner can approve tree inspection and performance bond can be released.
11. At the end of the three-year period, the planner makes a tree inspection. If trees are still alive then bond can be released.
12. If trees are not alive, or at least some of them are not alive, new trees are to be planted and then maintenance period gets extended another three years.

**Recommendation** – Planning Commission recommends that this amendment be approved.

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## **Amendment #21**

### 20.50.400 – Reductions to minimum parking requirements

20.50.400 Reductions to minimum parking requirements.

A. Reductions of up to 25 percent may be approved by the Director when criterion 1 is met, or when using a combination of the following two or more of criteria 2-9 are met:

1. On-street parking along the parcel's street frontage. A high-capacity transit service stop is within one-quarter mile of the development's property line with a complete pedestrian route from the development to the transit stop that includes City-approved curbs, sidewalks, and street crossings.
2. Shared parking agreement with nearby parcels within reasonable proximity where land uses do not have conflicting parking demands. ~~The number of on-site parking stalls requested to be reduced must match the number provided in the agreement.~~ A record on title with King County is required.
3. Parking management plan according to criteria established by the Director.



4. A City-approved residential parking zone (RPZ) for the surrounding neighborhood within one-quarter mile radius of the subject development's property line. The management cost for the RPZ must be paid by the applicant and/or developer property owner on an annual basis.

~~5. A high capacity transit service stop within one-quarter mile of the development property line with complete City approved curbs, sidewalks, and street crossings.~~

~~65. A pedestrian public access easement that is a minimum of eight feet wide, safely lit, and connects through a parcel between minimally at least two different rights-of-way. The access easement shall be developed with a sidewalk or shared use path that complies with the Engineering Design Manual. This easement may include other pedestrian facilities such as walkways and plazas and bike facilities.~~

~~76. City-approved traffic calming or traffic diverting facilities to protect the surrounding single-family neighborhoods within a one-quarter mile radius of the development's property line.~~

~~87. Retention of at least 20 percent of the significant trees on a site zoned MUR-70'.~~

~~98. Replacement of all significant trees removed on a site zoned MUR-70' as follows:~~

~~a. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.~~

~~b. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.~~

~~c. Minimum Size Requirements for Replacement Trees under This Provision this subsection. Deciduous trees shall be at least one and one-half inches in caliper and evergreens at least six feet in height.~~

~~9. A On-site dedicated parking spaces for a car-sharing service with an agreement with the provider(s) is available and parking spaces are dedicated to that service.~~

~~B. A project applying for Parking reductions for under the Deep Green Incentive Program projects are set forth in SMC 20.50.630, may be eligible based on the intended certification. Parking reductions are not available in R-4 and R-6 zones. Reductions will be based on the following tiers:~~

~~1. Tier 1 — Living Building or Living Community Challenge Certification: up to 50 percent reduction in parking required under SMC 20.50.390 for projects meeting the full International Living Future Institute (ILFI) program criteria;~~

~~2. Tier 2 — Living Building Petal or Emerald Star Certification: up to 35 percent reduction in parking required under SMC 20.50.390 for projects meeting the respective ILFI or Built Green program criteria;~~

~~3. Tier 3 — LEED Platinum, 5-Star, PHIUS+ Source Zero/Salmon Safe, or Zero Energy/Salmon Safe Certification: up to 20 percent reduction in parking required under SMC 20.50.390 for projects meeting the respective US Green Building Council, Built Green, PHIUS, ILFI and/or Salmon Safe program criteria.~~

~~4. Tier 4 — PHIUS+ or 4-Star: up to five percent reduction in parking required under SMC 20.50.390 for projects meeting the PHIUS or Built Green program criteria.~~

C. ~~In the event that the Director approves reductions in the parking requirement, the basis for the determination shall be articulated in writing. A request for a parking reduction shall be processed as an Interpretation of the Development Code.~~

D. When granting a parking reduction, tThe Director may impose performance standards and conditions of approval on a project, including a financial guarantee.

E. Reductions of up to 50 percent may be approved by the Director for the portion of housing providing low-income housing units that are 60 percent of AMI or less as defined by the U.S. Department of Housing and Urban Development. This parking reduction may not be combined with parking reductions identified in subsection A of this section.

F. A parking reduction of 25 percent may be approved by the Director for multifamily development within one-quarter mile of the light rail stations. ~~These~~ This parking reductions may not be combined with parking reductions identified in subsections A and E of this section.

G. Parking reductions for ~~affordable housing~~ or the Deep Green Incentive Program may not be combined with parking reductions identified in subsection A of this section.

**Council Discussion** – The Mayor has made a request to allow parking reductions for affordable housing up to 50% to be combined with general parking reductions of up to 25% in subsection A. This proposed change to Sections E and G will allow greater parking reductions when affordable housing developments are in proximity of rapid transit on Aurora Avenue or in the light rail station subareas.

**Amendatory Motion** – If Council would like to amend Clarifying Amendment #21, a Councilmember would need to move to modify the Planning Commission’s recommendation as follows:

***I move to modify the Planning Commission’s recommendation by amending SMC 20.50.400(E) to remove the word “not” from the second sentence that currently reads, “This parking reduction may not be combined with parking reductions identified in subsection A of this section”.***

***Also,***

***I move to modify the Planning Commission’s recommendation by amending SMC 20.50.400(G) to read, “Parking reductions for the Deep Green Incentive Program may not be combined with parking reductions identified in subsection A of this section.”***

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## Policy Amendments (Attachment A, Exhibit C)

### **Amendment #1**

20.20.028 – E definitions

**Emergency Temporary Shelter** means a facility, the primary purpose of which is to provide accommodations and may also provide essential services for homeless individuals or families during emergency situations, such as severe weather conditions or other emergency events, for a limited period. This term does not include transitional encampments or homeless shelters.

**Justification** – The proposed amendment adds Emergency Temporary Shelter to SMC 20.20 – Definitions. This amendment is related to Amendment #7 which is the section that regulates Emergency Homeless Shelters. This would allow severe weather shelters to be activated on an intermittent basis, such as when temperatures are predicted to fall below freezing.

**Council Discussion** – Councilmember Roberts commented that by including the phrase “such as severe weather conditions” could be interpreted to mean that an emergency temporary shelter will only open during times of inclement weather. This was not the intent of the amendment. Any emergency that may occur including earthquakes, floods, and/or landslides may necessitate a shelter open on a temporary basis.

**Recommendation** – Staff recommends Council modify the Planning Commission recommendation by adding to this definition the phrase “*or other emergency events*” so that the intent of the Code is clear that Emergency Temporary Shelters may be opened during any emergency event, including when severe weather conditions exist.

**Staff-Recommended Amendatory Motion** – If Council would like to amend Policy Amendment #1, a Councilmember would need to move to modify the Planning Commission’s recommendation as follows:

***I move to modify the Planning Commission’s recommendation by amending the definition of Emergency Temporary Shelter in SMC 20.20.028-E definitions to add the phrase “or other emergency events” after “such as severe weather conditions” in the first sentence of the definition.***

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### **Amendment #16**

20.50.020(B) and (4) – Adding Bonus Density Exception

**B. Base Density Calculation.** The base density for an individual site shall be calculated by multiplying the site area (in acres) by the applicable number of dwelling units. When calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 and above shall be rounded up except for lots less than 14,400 square feet in R-6 zones. See Exception (7) to Table 20.50.020(1) **and density bonus exception SMC 20.50.020(B)(4).**

2. Fractions below 0.50 shall be rounded down.

Example #1 – R-6 zone, 2.3-acre site:  $2.3 \times 6 = 13.8$   
The base density for this site would be 14 dwelling units.

Example #2 – R-24 zone, 2.3-acre site:  $2.3 \times 24 = 55.2$   
The base density for the site would be 55 dwelling units.

Example #3 – R-6 zone, 13,999-square-foot site:  $(13,999/43,560 = .3214$  acres) so  $.3214 \times 6 = 1.92$ . The base density for single-family detached dwellings on this site would be one unit (**See Exception SMC 20.50.020(B)(4).**)

Example #4 – R-6 zone, 14,400-square-foot site ( $14,400/43,560 = .331$  acres) so  $.331 \times 6 = 1.986$ . The base density for the site would be two units.

3. For development in the MUR zones: minimum density calculations resulting in a fraction shall be rounded up to the next whole number.

#### 4. Base Density Bonus

A. Purpose. The purpose of the section is to establish an incentive program which encourages development that provides affordable housing as single family detached dwellings on the same tax parcel that will be granted the following incentives.

1. Parking reduction of 50 percent for developments within one-half mile of light rail stations.

2. Parking reduction of 50 percent for developments outside one-half mile of light rail stations if level 2 electric vehicle charging stations are installed per each new single-story detached dwelling unit.

B. Project Qualifications. Base density bonus allows a second detached single-family dwelling unit on the same minimum lot size of 10,000 square feet or greater if the following conditions are met within R-4, R-6, R-8, R-12 and R-48 zoning.

1. Only single-story dwelling units are allowed.

2. The building height shall be limited to 15 feet to the top of plate with a 5-foot height bonus for roofs pitched a minimum of 4:12 for a total height of 20-feet.

3. The base density for the zone for this density bonus designation may exceed zoning density maximum in order to request a density bonus.

4. Minimum lot size of 10,000 square feet is required in all zones to request a density bonus.

5. Two parking spaces are required for each single-family home.

6. Lot sizes smaller than 14,400 square feet may not be subdivided yet dwelling may be segregated using Washington Uniform Common Interest Ownership Act (WUCIOA).

Exception: Parking and/or other nonliving space structures below detached single-story dwelling units would be allowed for steep slope properties where development is terracing sloped lands.

**Justification** – This is a privately-initiated amendment that seeks to add an additional separate living unit (not an ADU) on parcels zoned R-4 through R-48 if certain conditions are met. The intent of the amendment is to add density to larger single-family lots if the second dwelling is smaller and less intrusive to the neighborhood. The amendment will also allow parking reductions if within a ½ mile from light rail stations or electric vehicle charging facilities are installed.

The Comprehensive Plan contains goals and policies supporting the amendment and contains goals and policies that conflict with the amendment (emphasis added with bolded text). Staff will provide analysis under each goal or policy. Some policies that encourage the amendment include:

*Goal LU I: Encourage development that creates a **variety of housing**, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods.*

Allowing an additional single-story dwelling on lots greater than 10,000 square feet in the R-4 and R-6 zones will create more variety of housing in our residential neighborhoods, but the City already allows Accessory Dwelling Units. The difference between the two is the applicant's proposal will allow two separate units to be built without the restriction of being owner-occupied. Both units can be segregated and sold or rented separately.

*Goal LU V: Enhance the character, quality, and function of existing residential neighborhoods while **accommodating anticipated growth**.*

The applicant's proposal will accommodate additional growth in the City's residential neighborhoods. The City recently completed the 2020 Urban Land Capacity Study where the City must show capacity to accommodate growth over the next 20 years. This report shows the City can support increased population over the next 20 years and beyond with or without the applicant's proposal.

*LU5: **Review and update infill standards** and procedures that promote*

*quality development and consider the existing neighborhood.*

*Goal H V: Integrate new development with consideration to design and scale that complements existing neighborhoods and provides effective transitions between different uses and intensities.*

This proposal does consider the existing neighborhood by limiting the height of any new structure being built under the proposed regulations. The City's Accessory Dwelling Regulations allow an ADU to be built up to the height of the zone which is 35 feet. This amendment will restrict a second structure to be limited to 20 feet. Since the amendment limits the height of a second single family home, the design and scale will be less intrusive to the neighborhood.

*Some policies that discourage the amendment include:*

*LU1: The Low-Density Residential land use designation allows single-family detached dwelling units. Other dwelling types, such as duplexes, single-family attached, cottage housing, and accessory dwellings may be allowed under certain conditions. **The permitted base density for this designation may not exceed 6 dwelling units per acre.***

This amendment will allow increased density in the single-family zones and will exceed the permitted base density of six (6) units per acre.

*Goal H II: Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations.*

*H1: Encourage a variety of residential design alternatives that **increase housing choice.***

The proposed amendment does not provide a mix of housing choice or increase housing choice. The amendment is asking to build a **second** single-family home on a parcel. The only difference is the single-family home is limited in height.

*H8: Explore a variety and combination of incentives to encourage market rate and non-profit developers to build more units with deeper levels of affordability.*

The proposed amendment will allow more single-family dwellings to be built in the City's residential neighborhoods. The City does not require these units be affordable to any segment of the population. That is to say, the new homes can be sold or rented for whatever the market can get. The homes will be smaller and limited in height which may limit the cost of the structure but that is not a City requirement and ultimately, the market will dictate the cost of these units.

**Recommendation** – Staff recommends Council withdraw the Planning Commission recommendation with language provided in the amendatory motion below so that this proposal can be studied further through the Housing Action Plan.

**Staff-Recommended Amendatory Motion** – If Council would like to study this proposal through the Housing Action Plan, a Councilmember would need to move to withdraw the amendment and modify the Planning Commission’s recommendation as follows:

***I move to withdraw Policy Amendment #16 and direct staff to study and analyze, with other policy options being proposed, this amendment through the Housing Action Plan and Housing Toolkit.***

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**Amendment #17**

20.50.235 – Threshold – Required building design (New Section).

**20.50.235 Threshold – Required building design.**

The purpose of this section is to establish thresholds for the application of building design standards set forth in this chapter to development proposals in commercial and mixed-use residential zones.

A. Building design standards apply to development in the NB, CB, MB, TC-1, 2 and 3, MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street. Building design shall be required:

1. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing land and structure(s) on the parcel. This shall include all structures on other parcels if the building under permit review extends into other parcels; or

2. When aggregate building construction valuations for issued permits, within any consecutive five-year period, exceed 50 percent of the County assessed or an appraised value of the existing land and structure(s) at the time of the first issued permit.

**Justification** – This is a new proposed section. Currently, there is no threshold to require building design improvements when a structure is being remodeled or rebuilt. This issue has come up as properties have been redeveloping in the Station Subareas.

**Staff Update** – Staff noticed that the language in the proposed amendment does not address new multifamily buildings that are constructed in the higher-density residential zones such as the R-24 and R-48 zones. Staff believes in order to encourage new multifamily buildings with quality design in terms of building, site, and landscaping, the language should be amended to include all commercial and multifamily zones. The proposed amendment will read:

*The purpose of this section is to establish thresholds for the application of building design standards set forth in this chapter to development proposals in multifamily, commercial and mixed-use residential zones.*

~~A. Building design standards apply to development in the NB, CB, MB, TC-1, 2 and 3, MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street. Building design shall be required:~~

1. ~~When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing land and structure(s) on the parcel. This shall include all structures on other parcels if the building under permit review extends into other parcels; or~~
2. ~~When aggregate building construction valuations for issued permits, within any consecutive five-year period, exceed 50 percent of the County assessed or an appraised value of the existing land and structure(s) at the time of the first issued permit.~~

**Recommendation** – Staff recommends Council amend the Planning Commission recommendation with language provided in the amendatory motion below.

**Staff-Recommended Amendatory Motion** – If Council would like to amend Policy Amendment #17, a Councilmember would need to move to modify the Planning Commission’s recommendation as follows:

***I move to modify the Planning Commission’s recommendation by amending SMC 20.50.235 to add the word “multifamily,” to the purpose section prior to the word “commercial” and delete the first sentence of subsection A so it reads “Building design shall be required:”***

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### **Amendment #18**

Exception 20.50.360 – Tree replacement and site restoration

20.50.360 Tree replacement and site restoration.

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

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

C. Replacement Required. Trees removed under the partial exemption in SMC 20.50.310(B)(1) may be removed per parcel with no replacement of trees required. Any significant tree proposed for removal beyond this limit should be replaced as follows:



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

Exception 20.50.360(C):

a. 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.

b. To the extent feasible, all replacement trees shall be replaced on-site. When an applicant demonstrates that the project site cannot feasibly accommodate all of the required replacement trees, tThe Director may allow a reduction in the minimum replacement trees required or the payment of a fee in lieu of replacement at the rate set forth in SMC 3.01 Fee Schedule for replacement trees or a combination of reduction in the minimum number of replacement trees required and payment of the fee in lieu of replacement at the rate set forth in SMC 3.01 Fee Schedule ~~off-site planting of replacement trees~~ if all of the following criteria are satisfied:

- i. There are special circumstances related to the size, shape, topography, location or surroundings of the subject property
- ii. Strict compliance with the provisions of this Code may jeopardize reasonable use of property.
- iii. Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.
- iv. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.

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

d. ~~The Director may not require the r~~Replacement of significant tree(s) approved for removal pursuant to Exception SMC 20.50.350(B)(5) is not required.

4. Replacement trees required for the Lynnwood Link Extension project shall be native conifer and deciduous trees proportional to the number and type of trees removed for construction, unless as part of the plan required in subsection A of this section the qualified professional demonstrates that a native conifer is not likely to survive in a specific location.

5. Tree replacement where tree removal is necessary on adjoining properties to meet requirements in SMC 20.50.350(D) or as a part of the development shall be at the same ratios in subsections (C)(1), (2), and (3) of this section with a minimum tree size of eight feet in height. Any tree for which replacement is required in connection with the construction of a light rail system/facility, regardless of its location, may be replaced on the project site.

6. Tree replacement related to development of a light rail transit system/facility must comply with this subsection C.

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

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

F. Replacement of removed trees with appropriate native trees at a ratio consistent with subsection C of this section, or as determined by the Director based on recommendations in a critical area report, will be required in critical areas.

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

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

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

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

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

K. Nonsignificant trees which are required to be retained as a condition of permit approval, but are unlawfully removed, damaged, or destroyed through some fault of the

applicant, representatives of the applicant, or the property owner(s), shall be replaced at a ratio of three to one. Minimum size requirements for replacement trees are deciduous trees at least 1.5 inches in caliper and evergreen trees at least six feet in height.

**Justification** – The first amendment may allow the Director to reduce the number of replacement trees planted onsite. When a significant tree is removed, that tree typically requires three replacement trees to be planted. Parcels with many significant trees may not require the replacement trees be planted since the parcel will have an abundance of trees remaining. The amendment also allows the Director to use fee-in-lieu when reducing the amount of replacement trees required. The proposal includes the ability to allow the use of the established fee in lieu currently set at \$2,611 per tree when a project meets the criteria in Exception 20.50.360(C)(b). The payment of a fee in lieu would be used by the City to plant trees in parks or other areas.

The second amendment allows the City to require mitigation when non-regulated trees that were required to be retained are instead deliberately removed.

**Council Discussion** – Council was concerned about the policy decision behind the Director decision to allow a reduction in the number of replacement trees versus the decision to require a fee-in-lieu payment for the trees that cannot be replaced onsite. The proposed amendment will relieve certain homeowners for overly burdened costs. For example, if a homeowner has a hazardous tree over 30" that needs to be removed for life and safety issues and that removed hazardous tree requires replacement trees, and the homeowner isn't causing the issue by expanding or developing and they don't have room on their lot for three additional trees, they would be stuck paying for the cost to remove the hazardous tree and up to \$7,500 for tree replacement. That could be a hardship for the homeowner, in which case the Director could have some discretion to waive one or more of the replacement trees. In other cases where a developer is removing significant trees and doesn't have room to replant, the developer is causing the impact to the trees and will be required to pay the fees for the trees that cannot be replanted.

In most cases, the Director would not allow a fee-in-lieu or off-site tree planting unless the applicant requested it. On-site tree replacement is always the first and best option when reviewing and approving new permits. The provision to reduce replacement trees may be needed for reasons such as no room for replacement trees or the site contains an abundance of existing trees and the new trees may not survive. Currently, reductions for tree replacement are given with supporting documentation from an arborist after the applicant and staff have reviewed the site together to first save trees, find room for replacements trees, and alter the project. Staff also utilizes third party review of the original arborists reports when conflicting opinions arise. All this to say, the current process does seem balanced and yet can be improved.

The Council also asked how the above amendments work with the batch of recently submitted 2021 amendments by the Save Shoreline Trees Advisory Board. Staff has included a comparison of Save Shoreline Trees proposed amendment and the amendment considered by the Planning Commission.

**Current code: Exception 20.50.360(C)(b):**

b. 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: (see *i. ii. iii. iv. below*)

**Proposed Code as Recommended by the Planning Commission:**

b. To the extent feasible, all replacement trees shall be replaced on-site. When an applicant demonstrates that the project site cannot feasibly accommodate all of the required replacement trees, tThe Director may allow a reduction in the minimum replacement trees required or the payment of a fee in lieu of replacement at the rate set forth in SMC 3.01 Fee Schedule for replacement trees or a combination of reduction in the minimum number of replacement trees required and payment of the fee in lieu of replacement at the rate set forth in SMC 3.01 Fee Schedule ~~off-site planting of replacement trees~~ if all of the following criteria are satisfied:

- i. There are special circumstances related to the size, shape, topography, location or surroundings of the subject property
- ii. Strict compliance with the provisions of this Code may jeopardize reasonable use of property.
- iii. Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.
- iv. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.

**Code Amendment as Submitted by Save Shoreline Trees (Differences Indicated by Red Text):**

To the extent feasible, all replacement trees shall be replaced on-site. When an applicant demonstrates that the project site cannot feasibly accommodate all of the required replacement trees, tThe Director may allow ~~a reduction in the minimum replacement trees required or~~ the payment of a fee in lieu of tree replacement at the rate set forth in SMC 3.01 Fee Schedule for replacement trees or a combination ~~of reduction in the minimum number~~ of replacement trees required on-site and the payment of the fee in lieu of replacement at the rate set forth in SMC 3.01 Fee Schedule for replacement trees if ~~all of~~ the following criteria are satisfied:

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

ii. Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.

~~iv. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.~~

**Recommendation** – Planning Commission recommends that this amendment be approved.

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## **Amendment #21**

20.80.220 Geological hazard - Classification

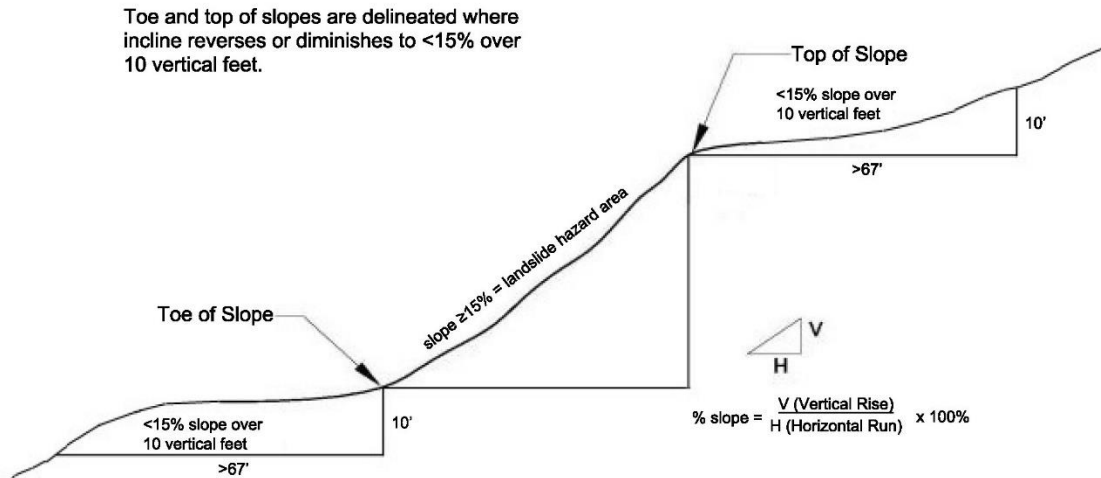
### **SMC 20.80.220 Geological hazard - Classification**

Geologic hazard areas shall be classified according to the criteria in this section as follows:

A. **Landslide Hazard Areas.** Landslide hazard areas are those areas potentially subject to landslide activity based on a combination of geologic, topographic and hydrogeologic factors as classified in subsection B of this section with slopes 15 percent or steeper within a vertical elevation change of at least 10 feet or all areas of prior landslide activity regardless of slope. A slope is delineated by establishing its toe and top and measuring the inclination over 10 feet of vertical relief (see Figure 20.80.220(A)). The edges of the geologic hazard are identified where the characteristics of the slope cross-section change from one landslide hazard classification to another, or no longer meet any classification. Additionally:

1. The toe of a slope is a distinct topographic break which separates slopes inclined at less than 15 percent from slopes above that are 15 percent or steeper when measured over 10 feet of vertical relief; and
2. The top of a slope is a distinct topographic break which separates slopes inclined at less than 15 percent from slopes below that are 15 percent or steeper when measured over 10 feet of vertical relief.

### Slope Delineation



**Figure 20.80.220(A): Illustration of slope calculation for determination of top and toe of landslide hazard area.**

**B. Landslide Hazard Area Classification.** Landslide hazard areas are classified as follows:

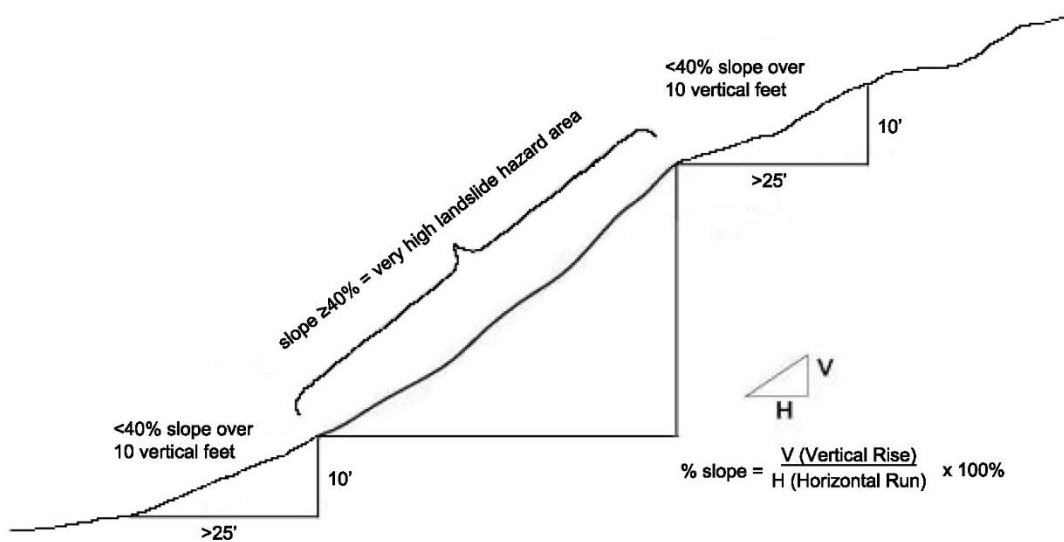
**1. Moderate to High Risk.**

- a. Areas with slopes between 15 percent and 40 percent and that are underlain by soils that consist largely of sand, gravel or glacial till that do not meet the criteria for very high-risk areas in subsection (B)(2) of this section;
- b. Areas with slopes between 15 percent and 40 percent that are underlain by soils consisting largely of silt and clay and do not meet the criteria for very high-risk areas in subsection (B)(2) of this section; or
- c. All slopes of 10 to 20 feet in height that are 40 percent slope or steeper and do not meet the criteria for very high risk in subsection (B)(2)(a) or (b) of this section.

**2. Very High Risk.**

- a. Areas with slopes steeper than 15 percent with zones of emergent water (e.g., springs or ground water seepage);
- b. Areas of landslide activity (scarps, movement, or accumulated debris) regardless of slope; or
- c. All slopes that are 40 percent or steeper and more than 20 feet in height when slope is averaged over 10 vertical feet of relief.

Very High Landslide Hazard  
40% Slope Delineation



**Figure 20.80.220(B): Illustration of very high-risk landslide hazard area delineation (no midslope bench).**

**C. Seismic Hazard Areas.** Seismic hazard areas are lands that, due to a combination of soil and ground water conditions, are subject to risk of ground shaking, lateral spreading, subsidence or liquefaction of soils during earthquakes. These areas are typically underlain by soft or loose saturated soils (such as alluvium) or peat deposits and have a shallow ground water table. These areas are designated as having “high” and “moderate to high” risk of liquefaction as mapped on the Liquefaction Susceptibility and Site Class Maps of Western Washington State by County by the Washington State Department of Natural Areas.

**D. Erosion Hazard Areas.** Erosion hazard areas are lands or areas underlain by soils identified by the U.S. Department of Agriculture Natural Resources Conservation Service (formerly the Soil Conservation Service) as having “severe” or “very severe” erosion hazards. This includes, but is not limited to, the following group of soils when they occur on slopes of 15 percent or greater: Alderwood-Kitsap (AkF), Alderwood gravelly sandy loam (AgD), Kitsap silt loam (KpD), Everett (EvD) and Indianola (InD).

**E. Slopes Created by Previous Grading.** Artificial slopes meeting the criteria of a landslide hazard area based on slope steepness and height that were created through previous permitted grading shall be exempt from the provisions of this subchapter 2, provided the applicant submits documentation from a qualified professional demonstrating that the naturally occurring slope, as it existed prior to the permitted grading, did not meet any of the criteria for a landslide hazard area and that a new hazard will not be created. Previously graded slopes meeting the criteria of a landslide hazard area that were not permitted or were illegally created are landslide hazard areas.

**F. Slope Modified by Stabilization Measures.** Previously permitted slopes modified by stabilization measures, such as rockeries and retaining walls, that have been

engineered and approved by the engineer as having been built according to the engineered design shall be exempt from the provisions of subchapter 2 based on the opinion of a qualified professional. If the rockery or wall(s) are determined to be inadequate by a qualified professional, a permit for new or rebuilt rockery or wall(s) shall be submitted and reviewed by the Department for code compliance.

**Justification** – This proposed amendment will exempt existing, previously permitted stabilization measures, such as rockeries and retaining walls that have been designed and approved by an engineer as having been built according to the engineered design. Existing retaining walls are currently mapped as either moderate to high-risk or very-high risk landslide hazard areas. Therefore, anytime someone proposes any site work such as a small house addition it requires a comprehensive critical area review to classify the hazard, provide recommended buffers and setbacks and provide recommended mitigation measures. This critical area geotechnical report is in addition to the one already required with the building permit to address loads adjacent to the wall.

**Council Discussion** – Council was concerned that the amendments in E and F may allow an applicant to bypass the City’s critical area ordinance and staff may not get all of the relevant information to approve a safe development. Staff has addressed each of the Council’s comments/concerns below.

**1. What will the inclusion of E and F practically do?**

After consulting further with the City’s professional Geotech, staff is proposing not to pursue (E), Slopes Created by Previous Grading, because it’s difficult to know what the previous existing grade was and there is no best available science to support the amendment.

Provision (F) will allow stabilization measures such as (rockeries and retaining walls) to be exempt from the provisions of subchapter 2 which means critical area review would not be required. Similarly, a recent amendment to the Shoreline Master Program (SMP 20.230.150(A)(11)) approved in 2019 added a provision which states “existing, previously permitted stabilization measures, such as bulkheads and retaining walls, are considered engineered and abated hazards and shall not be classified as geologic hazard areas.” There are many instances where existing retaining walls/rockeries that have been previously engineered are regulated as a geologic hazard area simply because of the height of the wall. Existing retaining walls are mapped as either moderate to high risk or very-high risk landslide hazard areas depending on the height of the wall. One example of where this is often seen is rockeries and retaining walls that were legally created to construct existing public and private roadways or retaining walls that were created through previous legal grading. The geotechnical critical area report currently required is in addition to the report/analysis already required with the building permit to address surcharge/load bearing and seismic design standards adjacent to the rockery/retaining wall. Requiring the geotechnical critical area review in addition to the analysis already required through the building permit is cumbersome and adds a significant amount of time and cost to a permit.



**2. Is a Critical Area Report still required?**

No, a critical area report is not required but surcharge/seismic load bearing analysis and compliance with the Engineering Design Manual (EDM) standards is required with the building permit to deem the project as a safe development.

**3. Do the subject slopes still get treated as a steep slope?**

The retaining walls/rockeries will still be mapped as critical areas but provision (F) will allow for an exemption from the provisions of subchapter 2 based on the opinion of a qualified professional that the walls have been engineered and built according to the engineered design and the applicant will still need to submit documentation per the International Building Code (IBC) and EDM standards.

**4. Concerned that relying on past critical area reports won't meet current code, especially for seismic issues.**

The City will not be relying on past critical area reports but rather current analysis per IBC/EDM standards.

**5. Will the inclusion of E and F give applicants a way around the City's Critical Area Ordinance?**

If the subject site qualifies for F based on a qualified professional's opinion stating that the existing retaining/rockery wall is structurally sound, then a critical area report is not required; however, a surcharge/seismic load analysis prepared by a qualified professional is required for site work proposed adjacent to a retaining wall.

**6. If we approve E and F, do we still get the info we need to approve a safe development?**

Yes, the surcharge/seismic load bearing analysis and the EDM standards will give staff the information needed to verify a safe development.

**7. What kind of documentation do we require from a qualified professional and can we accept any qualified professional to provide the documentation?**

The applicant will need to submit a letter from a qualified professional stating that the existing retaining/rockery wall is structurally sound, and the surcharge/seismic load bearing analysis will need to be submitted along with applicable EDM criteria. The qualified professional must be licensed and endorsed in the State of Washington in the related professional field.

**Recommendation** – Staff recommends Council amend the Planning Commission recommendation with language provided in the amendatory motion below.

**Staff-Recommended Amendatory Motion** – If Council would like to amend Policy Amendment #21 to remove subsection E from this section, a Councilmember would need to move to modify the Planning Commission's recommendation as follows:

***I move to modify the Planning Commission's recommendation by deleting SMC 20.80.220(E).***

## **RESOURCE/FINANCIAL IMPACT**

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

## **RECOMMENDATION**

Staff recommends that the City Council adopt Ordinance No. 907 with the staff-proposed amendments to the Planning Commission's recommendations as outlined in this staff report.

## **ATTACHMENTS**

Attachment A – Proposed Ordinance No. 907

Attachment A, Exhibit A – Proposed Administrative Amendments

Attachment A, Exhibit B – Proposed Clarifying Amendments

Attachment A, Exhibit C – Proposed Policy Amendments

Attachment B – October 2, 2020 Memorandum to the City Council from the Shoreline Planning Commission

**ORDINANCE NO. 907**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, TO PROVIDE CLARITY FOR EXISTING REGULATIONS AND FOR BETTER ADMINISTRATION OF THE REGULATIONS.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70A RCW; and

WHEREAS, Shoreline Municipal Code (SMC) Title 20 is the Unified Development Code setting forth the zoning and development regulations for the City; and

WHEREAS, on July 2, 2020 and August 20, 2020, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments; and

WHEREAS, on October 1, 2020, the City of Shoreline Planning Commission held a public hearing on the proposed Development Code amendments so as to receive public testimony; and

WHEREAS, at the conclusion of the public hearing, the City of Shoreline Planning Commission voted that the proposed amendments recommended by Planning Staff, as amended by the Planning Commission, be approved by the City Council; and

WHEREAS, on November 9, 2020 and November 23, 2020, the City Council held study sessions on the proposed Development Code amendments as recommended by the Planning Commission; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City provided public notice of the amendments and the public hearing as provided in SMC 20.30.070; and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, the environmental impacts of the amendments to the Unified Development Code resulted in the issuance of a Determination of Non-Significance (DNS) on September 3, 2020, and

WHEREAS, the City Council has determined that the amendments are consistent with and implement the Shoreline Comprehensive Plan and serve the purpose of the Unified Development Code as set forth in SMC 20.10.020; and

WHEREAS, the City Council concurs with the Shoreline Planning Commission’s recommendation;

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

**Section 1. Amendment.** Title 20 of the Shoreline Municipal Code, Unified Development Code is amended as set forth in Exhibit A, Exhibit B, and Exhibit C to this Ordinance.

**Section 2. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**Section 3. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

**Section 4. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON DECEMBER 7, 2020.**

\_\_\_\_\_  
Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

\_\_\_\_\_  
Margaret King  
City Attorney

Date of Publication:           , 2020  
Effective Date:               , 2020

**DEVELOPMENT CODE AMENDMENTS BATCH 2020 – Administrative Amendments**

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**20.20 Amendments**

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**Amendment #1****20.20.010 – A definitions**

**Affordable Housing** Housing reserved for occupancy to households whose annual income does not exceed a given percent of the King County median income, adjusted for household size, and has housing expenses no greater than 30 percent of the same percentage of median income. ~~For the purposes of this title, the percent of King County median income that is affordable is specified in SMC 20.40.235~~

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**Amendment #2****20.30.315 – Site Development Permit**

A. Purpose. The purpose of a site development permit is to provide a mechanism to review activities that propose to develop or redevelop a site, not including structures, to ensure conformance to applicable codes and standards.

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

1. The construction of two or more detached single-family dwelling units on a single parcel;
2. Site improvements associated with short and formal subdivisions; or
3. The construction of two or more nonresidential or multifamily structures on a single parcel; or
4. Site improvements that require Minimum Requirements Nos. 1 to 5, as set forth in the Stormwater Manual, as modified by Division 3 the Engineering Development Manual.

**20.40 Amendments**

**Amendment #3**

**20.40.160 – Station Area Uses**

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
RESIDENTIAL				
<del>Tent City</del>		<del>P-i</del>	<del>P-i</del>	<del>P-i</del>

**20.50 Amendments**

**Amendment #4**

**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.

<b>Residential Zones</b>								
<b>STANDARDS</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-24</b>	<b>R-48</b>	<b>TC-4</b>
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

<b>Residential Zones</b>								
<b>STANDARDS</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-24</b>	<b>R-48</b>	<b>TC-4</b>
Min. Lot Area (2) <b>(13) (14)</b>	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) <b>(14) (15)</b>	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.	5 ft min.	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) (16)	35 ft (40 ft with pitched roof) (8) (16)	35 ft (16)
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%

**Table 20.50.020(2) – Densities and Dimensions in Mixed Use Residential Zones.**

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

<b>STANDARDS</b>	<b>MUR-35'</b>	<b>MUR-45'</b>	<b>MUR-70' (10)</b>
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (17)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street	15 ft if located on 185th Street (15)	15 ft if located on 185th Street (15)

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
	10 ft on nonarterial street 22 ft if located on 145th Street (15)	0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	22 ft if located on 145th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street (18)
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9) (16)	35 ft	45 ft	70 ft (11) (12) (13)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

*Exceptions to Table 20.50.020(1) and Table 20.50.020(2):*

(1) Repealed by Ord. 462.

(2) These standards may be modified to allow zero lot line and unit lot 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 public and private K through 12 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.
- (10) Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.
- (11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.
- (12) Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained.
- (13) All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Alternatively, a building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.
- (14) The minimum lot area may be reduced proportional to the amount of land needed for dedication of facilities to the City as defined in Chapter 20.70 SMC.
- (15) The exact setback along 145th Street (Lake City Way to Fremont Avenue) and 185th Street (Fremont Avenue to 10th Avenue NE), up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.
- (16) Base height may be exceeded by 15 feet for rooftop structures such as elevators, arbors, shelters, barbeque enclosures and other structures that provide open space amenities.
- (17) Single-family detached dwellings that do not meet the minimum density are permitted in the MUR-35' zone subject to the R-6 development standards.
- (18) The minimum front yard setback in the MUR-70' zone may be reduced to five feet on a nonarterial street if 20 percent of the significant trees on site are retained.

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**Amendment #5**  
**20.50.080(B) and Figure 20.50.080(B)**

~~B. The side yard setback requirements are specified in Subchapter 1 of this chapter, Dimensional and Density Standards for Residential Development, except that on irregular lots~~

with more than two side yards, the sum of the two longest side yards must be minimum 15 feet, but none of the remaining side yard setbacks shall be less than five feet. If an irregular lot, such as a triangle lot, which contains only one designated side yard, it shall be a minimum of five feet.

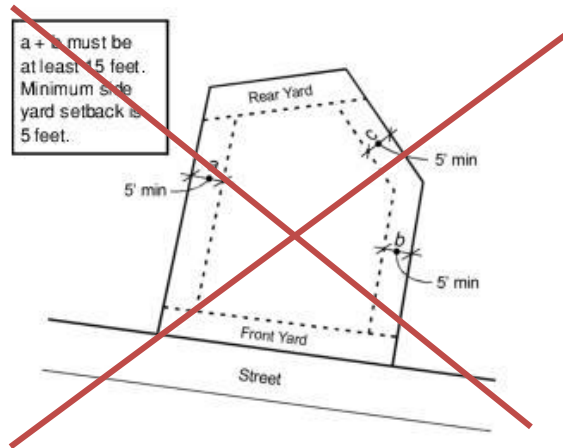


Figure 20.50.080(B): Side yard requirements for irregular lots.

### Amendment #6

#### **SMC 20.50.310(B) – Exemptions from permit**

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:

20. The removal of three significant trees on lots up to 7,200 square feet and one additional significant tree for every additional 7,200 square feet of lot area.
2. The removal of any tree greater than 30 inches DBH or exceeding the numbers of trees specified in the table above, shall require a clearing and grading permit (SMC 20.50.320 through 20.50.370).
3. Landscape maintenance and alterations on any property that involve 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.

**Amendment #7**  
**20.50.390(D) – Special Nonresidential Standards**

**Table 20.50.390D – Special Nonresidential Standards**

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Nursing and personal care facilities:	1 per 4 beds

**Amendment #8**  
**20.50.450 – Purpose**

The purposes of this subchapter are:

1. To enhance the visual continuity within and between neighborhoods;
2. To establish at least an urban tree canopy through landscaping and street trees;
3. To screen areas of low visual interests and buffer potentially incompatible developments; and
4. To complement the site and building design with landscaping.

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**20.70 Amendments**

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**Amendment #9**  
**20.70.240(F) – Private streets**

Local access streets may be private, subject to the approval of the City. If the conditions for approval of a private street cannot be met, then a public street will be required. Private streets may be allowed when all of the following conditions are present:

- A. The private street is located within a tract or easement; and
- B. A covenant, tract, or easement which provides for maintenance and repair of the private street by property owners has been approved by the City and recorded with King County; and
- C. The covenant or easement includes a condition that the private street will remain open at all times for emergency and public service vehicles; and
- D. The private street would not hinder public street circulation; and

E. The proposed private street would be adequate for transportation and fire access needs; and

F. At least one of the following conditions exists:

1. The street would ultimately serve four five or fewer more single-family detached dwelling units or lots; or

2. The private street would ultimately serve more than four lots, and the Director determines that no other access is available; or

3. The private street would serve developments where no circulation continuity is necessary.

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**DEVELOPMENT CODE AMENDMENT BATCH 2020 – Clarifying Amendments**


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**20.20 Amendments**


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**Amendment #1****20.20.010 – A definitions**

**Assisted Living Facilities**      Any home or other institution that provides housing, housekeeping services, meals, laundry, activities, and assumes general responsibility for the safety and well-being of the residents, and may also provide domiciliary care, consistent with chapter 18.20 RCW, chapter 74.39A, RCW, and chapter 388-78A WAC, as amended, to seven or more residents. "Assisted living facility" does not include facilities certified as group training homes under RCW 71A.22.040, nor any home, institution, or section that is otherwise licensed and regulated under state law that provides specifically for the licensing and regulation of that home, institution, or section. "Assisted living facility" also does not include senior independent housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the U.S. Department of Housing and Urban Development.

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**Amendment #2****20.20.028 – J definitions**

Junk Vehicle      A vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

- A. Is three years old or older;
- B. Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor or transmission;
- C. Is apparently inoperable including a condition which makes the vehicle incapable of being operated legally on a public highway;
- D. Has an approximate fair market value equal only to the approximate value of the scrap in it.

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**Amendment #3**

**20.20.034 – Manufactured and Mobile homes**

**Manufactured Home**     *A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”*  
~~factory assembled structure intended solely for human habitation installed on a permanent foundation with running gear removed and connected to utilities on an individual building lot.~~

**Amendment #4**

**20.20.040 – P definitions**

Party of Record     A. A person who testifies at a hearing;  
                               B. The applicant;  
                               C. For Type B and C actions, pPersons submitting written testimony about a matter pending before the decision-making authority; or  
                               D. The appellant(s) and respondent(s) in an administrative appeal.

**Amendment #5**

**20.20.046 – S definitions**

Senior Citizen Assisted Housing     ~~Housing in a building consisting of two or more dwelling units restricted to occupancy by at least one occupant 55 years of age or older per unit, and must include at least two of the following support services:~~  
   A. ~~Common dining facilities or food preparation service;~~  
   B. ~~Group activity areas separate from dining facilities;~~  
   C. ~~A vehicle exclusively dedicated to providing transportation services to housing occupants;~~  
   D. ~~Have a boarding home (assisting living) license from Washington State Department of Social and Health Services.~~

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**20.30 Amendments**

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**Amendment #6****20.30.60 – 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**

<b>Action</b>	<b>Notice Requirements for Application and Decision <sup>(3), (4)</sup></b>	<b>Review Authority, Open Record Public Hearing</b>	<b>Decision Making Authority (Public Meeting)</b>	<b>Target Time Limits for Decisions</b>	<b>Section</b>
<b>Type C:</b>					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450
67. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.40.502
78. Master Development Plan	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.353

Action	Notice Requirements for Application and Decision <sup>(3), (4)</sup>	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
89. Plat Alteration with Public Hearing <sup>(5)</sup>	Mail	HE <sup>(1), (2)</sup>		120 days	20.30.425

<sup>(1)</sup> Including consolidated SEPA threshold determination appeal.

<sup>(2)</sup> HE = Hearing Examiner.

<sup>(3)</sup> Notice of application requirements are specified in SMC 20.30.120.

<sup>(4)</sup> Notice of decision requirements are specified in SMC 20.30.150.

<sup>(5)</sup> A plat alteration does not require a neighborhood meeting.

**Amendment #7**

**20.30.315 – Site Development Permit**

A. Purpose. The purpose of a site development permit is to provide a mechanism to review activities that propose to develop or redevelop a site, not including structures, to ensure conformance to applicable codes and standards.

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

1. The construction of two or more detached single-family dwelling units on a single parcel;
2. Site improvements associated with short and formal subdivisions; or
3. The construction of two or more nonresidential or multifamily structures on a single parcel; or
4. Site improvements that require Minimum Requirements Nos. 1 to 5, as set forth in the Stormwater Manual, as modified by Division 3 the Engineering Development Manual.



**Amendment #8**

**20.30.355(D) – Development Agreement Contents for Property Zoned MUR-70' in Order to Increase Height Above 70 Feet.**

Each development agreement approved by the City Council for property zoned MUR-70' for increased development potential above the provision of the MUR-70' zone shall contain the following:

1. Twenty percent of the housing units constructed on site shall be affordable to those earning less than 60 percent of the median income for King County adjusted for household size. The units shall remain affordable for a period of no less than 99 years. The number of affordable housing units may be decreased to 10 percent if the level of affordability is increased to 50 percent of the median income for King County adjusted for household size. A fee in lieu of constructing any fractional portion of mandatory units is available upon the City Council's establishment of a fee in lieu formula. Full units are not eligible for fee in lieu option and must be built on site. ~~constructing the units may be paid upon authorization of the City's affordable housing program instead of constructing affordable housing units on site.~~ The fee will be specified in SMC Title 3.

3.01.025 Affordable housing fee in lieu.

2019 Fee Schedule		
A. Rate Table		
Zoning district	Fee per unit if providing 10% of total units as affordable	Fee per unit if providing 20% of total units as affordable
MUR-45	\$206,152	\$158,448
MUR-70	\$206,152	\$158,448
MUR-70 with development agreement	\$253,855	\$206,152

Note: The fee in lieu is calculated by multiplying the fee shown in the table by the fractional mandated unit. For example, a 0.40 fractional unit multiplied by \$206,152 would result in a fee in lieu of \$82,460.80.

**Amendment #9**

**20.30.425 – Alteration of recorded plats.**

E. Recording of Alteration. No later than 30 calendar days after approval of the alteration, the applicant shall produce a revised drawing or text of the approved alteration to the plat, conforming to the recording requirements of Chapter 58.17 RCW and processed for signature in the same manner as set forth for final plats in this chapter. ~~No later than 60 calendar days after the City has signed the altered plat, the applicant shall file, at their sole cost and expense, the revision approved by the alteration to the altered plat with the King County Recorder to become the lawful plat of the property. The Director may approve a 30-day extension of the recording deadline if requested by the applicant for prior to expiration of the approval.~~

**20.40 Amendments**

**Amendment #10**  
**20.40.120 – Residential Uses**

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
<b>RESIDENTIAL GENERAL</b>									
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
-	<del>Apartment</del>	-	<del>C</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i	P-i				
	Mobile Home Park	P-i	P-i	P-i	P-i				
	Multifamily		C	P	P	P	P-i	P	P
	Single-Family Attached	P-i	P	P	P	P			
	Single-Family Detached	P	P	P	P				
<b>GROUP RESIDENCES</b>									
	Adult Family Home	P	P	P	P				
	<b><u>Assisted Living Facility</u></b>		<b><u>C</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i	P-i	P-i
	Residential Care Facility	C-i	C-i	P-i	P-i				
721310	Dormitory		C-i	P-i	P-i	P-i	P-i	P-i	P-i
<b>TEMPORARY LODGING</b>									
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Homeless Shelter						P-i	P-i	P-i
72111	Hotel/Motel						P	P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
<b>MISCELLANEOUS</b>									
	Animals, Small, Keeping and Raising	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

**Amendment #11**  
**20.40.140 – Other Uses**

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
<b>HEALTH</b>									
622	Hospital			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	P	P	P	P
623	Nursing Facility			C	C	P	P	P	P
	<b>Residential Treatment Facility</b>			<b>C-i</b>	<b>C-i</b>	<b>C-i</b>	<b>P-i</b>	<b>P-i</b>	<b>P-i</b>

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

**Amendment #12**  
**20.40.150 – Campus Uses**

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
513	Broadcasting and Telecommunications	P-m			P-m
	Bus Base	P-m			P-m
	Child and Adult Care Services	P-m	P-m		P-m
	Churches, Synagogue, Temple	P-m	P-m		
6113	College and University				P-m
	Conference Center	P-m			P-m
	<u>Dormitory</u>	<u>P-m</u>	<u>P-m</u>		<u>P-m</u>
6111	Elementary School, Middle/Junior, High School	P-m			

**Amendment #13**  
**20.40.320 Daycare facilities.**

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 conditional use permit. Daycare II facilities are permitted ~~or~~ as a reuse of an existing house of worship or school facility without expansion in the R-4 and R-6 zones, 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.

**20.50 Amendments**

**Amendment #14**

**Exceptions to Table 20.50.020(3) – Transition Areas**

**Table 20.50.020(3) – Dimensions for Development in Commercial Zones**

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

<b>Commercial Zones</b>				
<b>STANDARDS</b>	<b>Neighborhood Business (NB)</b>	<b>Community Business (CB)</b>	<b>Mixed Business (MB)</b>	<b>Town Center (TC-1, 2 &amp; 3)</b>
Min. Front Yard Setback (Street) (1) (2) (5) (see Transition Area Setback, SMC 20.50.021)	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from Commercial Zones and the MUR-70' zone	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from R-4, R-6 and R-8 Zones (see Transition Area Setback, SMC 20.50.021)	20 ft	20 ft	20 ft	20 ft
Min. Side and Rear Yard Setback from TC-4, R-12 through R-48 Zones, MUR-35' and MUR-45' Zones	15 ft	15 ft	15 ft	15 ft
Base Height (3)	50 ft	60 ft	70 ft	70 ft
Hardscape (4)	85%	85%	95%	95%

*Exceptions to Table 20.50.020(3):*

- (1) Front yards may be used for outdoor display of vehicles to be sold or leased.
- (2) Front yard setbacks, when in transition areas (SMC 20.50.021(A)) ~~and across rights-of-way~~, shall be a minimum of 15 feet except on rights-of-way that are classified as principal

arterials or when R-4, R-6, or R-8 zones have the Comprehensive Plan designation of Public Open Space.

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**Amendment #15**

**20.50.040(F) Setbacks – Designation and measurement**

F. Allowance for Optional Aggregate Setback. For lots with unusual geometry, flag lots with undesignated setbacks, or site conditions, such as critical areas, an existing cluster of significant trees, or other unique natural or historic features that should be preserved without disturbance, the City may reduce the individual required setbacks; however, the total of setbacks shall be no less than the sum of the minimum front yard, rear yard, and side yards setbacks. In order to exercise this option, the City must determine that a public benefit is gained by relaxing any setback standard. The following criteria shall apply:

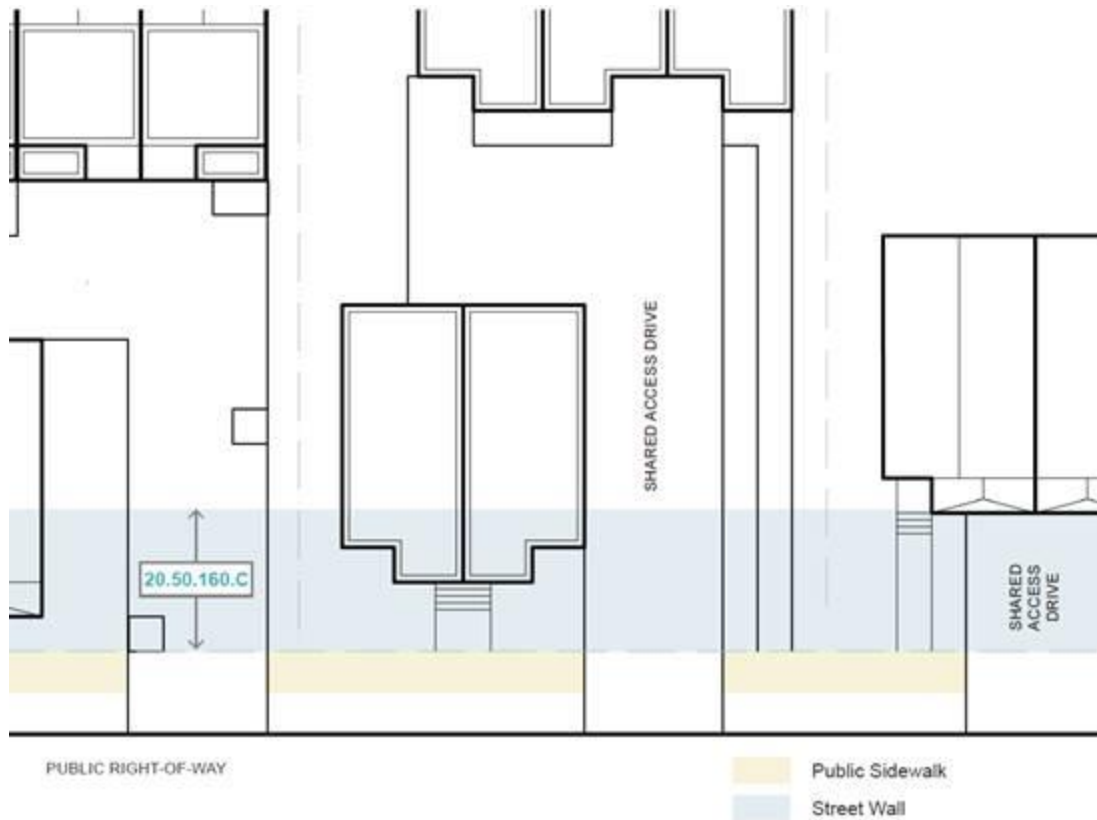
1. No rear or side yard setback shall be less than five feet.
2. The front yard setback adjacent to the street shall be no less than 15 feet in R-4 and R-6 ~~and 10 feet in all other zones.~~ (See Exception 20.50.070(1).)

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**Amendment #16**

**20.50.160(C) – Site Configuration**

C. **Site Configuration.** At least 40 percent of units within a site shall be located between the front property line and a 25-foot distance from the front property line, with the front façade of the unit(s) oriented towards the public right-of-way, to create a “street wall” which enhances the streetscape and overall pedestrian experience.



**Amendment #17**  
**20.50.240(E) – Internal site walkways**

E. Internal Site Walkways.

1. Developments shall include internal walkways or pathways that connect building entries, public places, and parking areas with other nonmotorized facilities including adjacent public sidewalks and the Interurban Trail, where adjacent, (except in the MUR-35' zone).

a. All development shall provide clear and illuminated pathways between the main building entrance and a public sidewalk. Pathways shall be separated from motor vehicle traffic or raised six inches and be at least eight feet wide. Separated from motor vehicle traffic means (1) there is at least three (3) linear feet of landscaping between the closest edge of the vehicular circulation area and closest edge of the pedestrian access or (2) separation by a building;

**Amendment #18****20.50.370 – Tree protection standards**

The following protection measures shall be imposed for all trees to be retained on site or on adjoining property, to the extent off-site trees are subject to the tree protection provisions of this chapter, during the construction process:

- A. All required tree protection measures shall be shown on the tree protection and replacement plan, clearing and grading plan, or other plan submitted to meet the requirements of this subchapter.
- B. Tree dripline areas or critical root zones (tree protection zone) as defined by the International Society of Arboriculture shall be protected. No development, fill, excavation, construction materials, equipment staging, or traffic shall be allowed in the dripline areas of trees that are to be retained.
- C. Prior to any land disturbance, temporary construction fences must be placed around the ~~dripline of trees~~ tree protection zone to be preserved. If a cluster of trees is proposed for retention, the barrier shall be placed around the edge formed by the drip lines of the trees to be retained. Tree protection shall remain in place for the duration of the permit unless earlier removal is addressed through construction sequencing on approved plans.
- D. Tree protection barriers shall be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the Director. “Tree Protection Area” signs shall be posted visibly on all sides of the fenced areas. On large or multiple-project sites, the Director may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances.
- E. Where tree protection ~~areas~~ zones are remote from areas of land disturbance, and where approved by the Director, alternative forms of tree protection may be used in lieu of tree protection barriers; provided, that protected trees are completely surrounded with continuous rope or flagging and are accompanied by “Tree Leave Area – Keep Out” signs.
- F. Rock walls shall be constructed around the tree, equal to the dripline, when existing grade levels are lowered or raised by the proposed grading.
- G. Retain small trees, bushes, and understory plants within the tree protection zone, unless the plant is identified as a regulated noxious weed, a non-regulated noxious weed, or a weed of concern by the King County Noxious Weed Control Board ~~to the maximum extent practicable.~~
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**Amendment #19**  
**20.50.390(A) – General residential parking standards**

**Table 20.50.390A – General Residential Parking Standards**

<b>RESIDENTIAL USE</b>	<b>MINIMUM SPACES REQUIRED</b>
<u>Single-Family detached/townhouse:</u>	<del>2.0 per dwelling unit. 4.0 per dwelling unit in the MUR zones for single-family attached/townhouse dwellings.</del>
<u>Single-Family attached:</u>	<u>2.0 per dwelling unit. 1.0 per dwelling unit in the MUR zones.</u>
<u>Multifamily DwellingApartment:</u>	<del>Ten percent of required spaces in multifamily and residential portions of mixed use development must be equipped with electric vehicle infrastructure for units where an individual garage is not provided.<sup>4</sup></del>
Studio units:	0.75 per dwelling unit
One-bedroom units:	0.75 per dwelling unit
Two-bedroom plus units:	1.5 per dwelling unit
Accessory dwelling units:	1.0 per dwelling unit
Mobile home park:	2.0 per dwelling unit

<sup>4</sup>~~Electric vehicle infrastructure requires that the site design must provide conduit for wiring and data, and associated ventilation to support the additional potential future electric vehicle charging stations pursuant to the most current edition of the National Electrical Code Article 625.~~

~~If the formula for determining the number of electric vehicle parking spaces results in a fraction, the number of required electric vehicle parking spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.~~

**Amendment #20**

**20.50.390(B) – Special residential parking standards**

**Table 20.50.390B – Special Residential Parking Standards**

<b>RESIDENTIAL USE</b>	<b>MINIMUM SPACES REQUIRED</b>
Bed and breakfast guesthouse:	1 per guest room, plus 2 per facility
Residential care facilities:	1 per 3 patients, plus 1 per FTE employee on duty
Dormitory, including religious:	1 per 2 units
Hotel/motel, including organizational hotel/lodging:	1 per unit
<del>Senior citizen</del> <u>Assisted living facilities:</u>	1 per 3 dwelling or sleeping units

**Amendment #21**

**20.50.400 – Reductions to minimum parking requirements**

20.50.400 Reductions to minimum parking requirements.

A. Reductions of up to 25 percent may be approved by the Director when criterion 1 is met, or when using a combination of the following two or more of criteria 2-9 are met:

1. ~~On-street parking along the parcel's street frontage.~~ A high-capacity transit service stop is within one-quarter mile of the development's property line with a complete pedestrian route from the development to the transit stop that includes City-approved curbs, sidewalks, and street crossings.
2. Shared parking agreement with nearby parcels within reasonable proximity where land uses do not have conflicting parking demands. ~~The number of on-site parking stalls requested to be reduced must match the number provided in the agreement.~~ A record on title with King County is required.
3. Parking management plan according to criteria established by the Director.
4. A City-approved residential parking zone (RPZ) for the surrounding neighborhood within one-quarter mile radius of the ~~subject~~ development's property line. The management cost for the RPZ must be paid by the applicant and/or developer property owner on an annual basis.
5. ~~A high-capacity transit service stop within one-quarter mile of the development property line with complete City approved curbs, sidewalks, and street crossings.~~
65. A ~~pedestrian~~ public access easement that is a minimum of eight feet wide, safely lit, and connects through a parcel between ~~minimally~~ at least two different rights-of-way. The access

easement shall be developed with a sidewalk or shared use path that complies with the Engineering Design Manual. This easement may include other pedestrian facilities such as walkways and plazas and bike facilities.

76. City-approved traffic calming or traffic diverting facilities to protect the surrounding single-family neighborhoods within a one-quarter mile radius of the development's property line.

87. Retention of at least 20 percent of the significant trees on a site zoned MUR-70'.

98. Replacement of all significant trees removed on a site zoned MUR-70' as follows:

- a. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.
- b. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.
- c. Minimum Size Requirements for Replacement Trees under ~~This Provision~~ this subsection. Deciduous trees shall be at least one and one-half inches in caliper and evergreens at least six feet in height.

9. AOn-site dedicated parking spaces for a car-sharing service with an agreement with the provider(s) is available and parking spaces are dedicated to that service.

~~B. A project applying for parking reductions for under the Deep Green Incentive Program projects are set forth in SMC 20.50.630. may be eligible based on the intended certification. Parking reductions are not available in R-4 and R-6 zones. Reductions will be based on the following tiers:~~

~~1. Tier 1—Living Building or Living Community Challenge Certification: up to 50 percent reduction in parking required under SMC 20.50.390 for projects meeting the full International Living Future Institute (ILFI) program criteria;~~

~~2. Tier 2—Living Building Petal or Emerald Star Certification: up to 35 percent reduction in parking required under SMC 20.50.390 for projects meeting the respective ILFI or Built Green program criteria;~~

~~3. Tier 3—LEED Platinum, 5-Star, PHIUS+ Source Zero/Salmon Safe, or Zero Energy/Salmon Safe Certification: up to 20 percent reduction in parking required under SMC 20.50.390 for projects meeting the respective US Green Building Council, Built Green, PHIUS, ILFI and/or Salmon Safe program criteria.~~

~~4. Tier 4—PHIUS+ or 4-Star: up to five percent reduction in parking required under SMC 20.50.390 for projects meeting the PHIUS or Built Green program criteria.~~

~~C. In the event that the Director approves reductions in the parking requirement, the basis for the determination shall be articulated in writing. A request for a parking reduction shall be processed as an Interpretation of the Development Code.~~

~~D. When granting a parking reduction, tThe Director may impose performance standards and conditions of approval on a project, including a financial guarantee.~~

E. Reductions of up to 50 percent may be approved by the Director for the portion of housing providing low-income housing units that are 60 percent of AMI or less as defined by the U.S. Department of Housing and Urban Development. This parking reduction may not be combined with parking reductions identified in subsection A of this section.

F. A parking reduction of 25 percent may be approved by the Director for multifamily development within one-quarter mile of the light rail stations. ~~These~~This parking reductions may not be combined with parking reductions identified in subsections A and E of this section.

G. Parking reductions for affordable housing or the Deep Green Incentive Program may not be combined with parking reductions identified in subsection A of this section.

### **Amendment #22**

#### **20.50.410 – Parking design standards**

A. All vehicle parking and storage for single-family detached dwellings and duplexes must be in a garage, carport or on an approved impervious surface or pervious concrete or pavers. Any surface used for vehicle parking or storage must have direct and unobstructed driveway access.

B. All vehicle parking and storage for multifamily and commercial uses must be on a paved surface, pervious concrete or pavers. All vehicle parking shall be located on the same parcel or same development area that parking is required to serve.

C. Parking for residential units must be included in the rental or sale price of the unit. Parking spaces cannot be rented, leased, sold, or otherwise be separate from the rental or sales price of a residential unit.

I. ~~Required p~~Required parking spaces shall be located outside of any required setbacks, provided driveways located in setbacks may be used for parking.

## **20.80 Amendments**

### **Amendment #23**

#### **20.80.280(C) – Required Buffer Areas**

C. **Standard Required Stream Buffer Widths.** Buffer widths shall reflect the sensitivity of the stream type, 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 stream area. Stream buffers shall be located on both sides of the stream and measured from the ordinary high-water mark (OHWM) or the top of the bank, if the OHWM cannot be determined. Buffers shall be measured with rounded ends where streams enter or exit piped segments.

1. The following buffers are established for streams based upon the Washington State Department of Natural Resources water typing system and further classification based on anadromous or nonanadromous fish presence for the Type F streams:

**Table 20.80.280(1)**

<b>Stream Type</b>	<b>Standard Buffer Width (ft) <u>Required on both sides of the stream</u></b>
Type S	150
Type F-anadromous	115
Type F-nonanadromous	75
Type Np	65
Type Ns	45
Piped Stream Segments	10

**DEVELOPMENT CODE AMENDMENTS – Policy Amendments**

**20.20 Amendments**

**Amendment #1**

**20.20.028 – E definitions**

**Emergency  
Temporary  
Shelter**

Emergency Temporary Shelter means a facility, the primary purpose of which is to provide accommodations and may also provide essential services for homeless individuals or families during emergency situations, such as severe weather conditions, for a limited period. This term does not include transitional encampments or homeless shelters.

**20.30 Amendments**

**Amendment #2**

**20.30.040 – Ministerial decisions – Type A**

**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
<b>Type A:</b>		
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 <u>or Formal Plat</u>	30 days	20.30.450

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 #3**

**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 <sup>(3), (4)</sup>	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
<b>Type C:</b>					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>	City Council	120 days	20.30.320
<u>3. Site-Specific Comprehensive Plan Map Amendment</u>	<u>Mail, Post Site, Newspaper</u>	<u>HE <sup>(1), (2)</sup></u>	<u>City Council</u>		<u>20.30.345</u>
<u>4.3. Special Use Permit (SUP)</u>	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.330
<u>5.4. Critical Areas Special Use Permit</u>	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.333
<u>6.5. Critical Areas Reasonable Use Permit</u>	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450

Action	Notice Requirements for Application and Decision <sup>(3), (4)</sup>	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.40.502
8. Master Development Plan	Mail, Post Site, Newspaper	HE <sup>(1), (2)</sup>		120 days	20.30.353
9. Plat Alteration with Public Hearing <sup>(5)</sup>	Mail	HE <sup>(1), (2)</sup>		120 days	20.30.425

<sup>(1)</sup> Including consolidated SEPA threshold determination appeal.

<sup>(2)</sup> HE = Hearing Examiner.

<sup>(3)</sup> Notice of application requirements are specified in SMC 20.30.120.

<sup>(4)</sup> Notice of decision requirements are specified in SMC 20.30.150.

<sup>(5)</sup> A plat alteration does not require a neighborhood meeting.

**Amendment #4**  
**20.30.100 Application.**

A. Who may apply:

1. The property owner or an agent of the owner with authorized proof of agency may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment.
2. Prior to purchase, acquisition, or owner authorization, a regional transit authority may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment in order to develop any light rail transit facility or any portion of a light rail transit system for property that has been duly authorized by the public agency for acquisition or use. No work shall commence in accordance with issued permits or approvals until all of the necessary property interests are secured and/or access to the property for such work has been otherwise approved by the owner of the property.
3. Nothing in this subsection shall prohibit the regional transit authority and City from entering into an agreement to the extent permitted by the Code or other applicable law.



4. The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.
5. Any person may propose an amendment to the Comprehensive Plan. The amendment(s) shall be considered by the City during the annual review of the Comprehensive Plan.
6. Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code.
7. Application(s) for any Type A, B, or C permits shall not be accepted and/or issued for any lot, tract, or parcel of land following the issuance of a notice and order to correct regarding activity occurring on that lot, tract or parcel of land, unless the identified violations are corrected or required to be corrected as a condition of approval and all fees or penalties satisfied prior to application except when the permit is required to obtain compliance or where an enforceable compliance plan to resolve the violation(s) has been entered into by the City.

#### **Amendment #5**

#### **20.30.110 Determination of completeness and requests for additional information.**

- A. An application shall be determined complete when:
  1. It meets the procedural requirements of the City of Shoreline;
  2. All information required in specified submittal requirements for the application has been provided, and is sufficient for processing the application, even though additional information may be required. The City may, at its discretion and at the applicant's expense, retain a qualified professional to review and confirm the applicant's reports, studies and plans.
- B. Within 28 days of receiving a permit application for Type A, B and/or C applications, the City shall mail a written determination to the applicant stating whether the application is complete or incomplete and specifying what is necessary to make the application complete. If the Department fails to provide a determination of completeness, the application shall be deemed complete on the twenty-ninth day after submittal.
- C. If the applicant fails to provide the required information within 90 days of the date of the written notice that the application is incomplete, or a request for additional information is made, the application shall be deemed null and void. In this case the applicant may request a refund of the application fee minus the City's cost of processing. ~~The Director may grant a 90-day extensions on a one-time basis if the applicant requests the extension in writing prior to the expiration date and documents that the failure to take a substantial step was due to circumstances beyond the control of the applicant. The applicant may request a refund of the application fee minus the City's cost of processing.~~
- D. The determination of completeness shall not preclude the City from requesting additional information or studies if new information is required or substantial changes are made to the proposed action.

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**Amendment #6**

## 20.30.290 – Deviation from the Engineering Standards (Type A action)

A. **Purpose.** Deviation from the engineering standards is a mechanism to allow the City to grant an adjustment in the application of engineering standards where there are unique circumstances relating to the proposal.

B. **Decision Criteria.** The Director of Public Works ~~may~~ **shall** grant an engineering standards deviation only if the applicant demonstrates all of the following:

1. The granting of such deviation will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;
2. The authorization of such deviation will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with State law;
3. The deviation is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II;
4. A deviation from engineering standards ~~may~~ **shall** only be granted if the proposal meets the following criteria:
  - a. Conform to the intent and purpose of the Code;
  - b. Produce a compensating or comparable result which is in the public interest; and
  - c. Meet the objectives of safety, function and maintainability based upon sound engineering judgment;
5. Deviations from road standards must meet the objectives for fire protection. Any deviation from road standards, which does not meet the International Fire Code, shall also require concurrence by the Fire Marshal;
6. Deviations from drainage standards contained in the Stormwater Manual and Chapter 13.10 SMC must meet the objectives for appearance and environmental protection;
7. Deviations from drainage standards contained in the Stormwater Manual and Chapter 13.10 SMC must be shown to be justified and required for the use and situation intended;
8. Deviations from drainage standards for facilities that request use of emerging technologies, an experimental water quality facility or flow control facilities must meet these additional criteria:
  - a. The new design is likely to meet the identified target pollutant removal goal or flow control performance based on limited data and theoretical consideration;
  - b. Construction of the facility can, in practice, be successfully carried out; and

c. Maintenance considerations are included in the design, and costs are not excessive or are borne and reliably performed by the applicant or property owner;

9. Deviations from utility standards ~~may~~ shall only be granted if following facts and conditions exist:

- a. The deviation shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located;
- b. The deviation is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
- c. The granting of such deviation is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same zone or vicinity.

### **Amendment #7**

#### **20.30.295 – Temporary use**

A. A temporary use permit is a mechanism by which the City may permit a use to locate within the City (on private property or on the public rights-of-way) on an interim basis, without requiring full compliance with the Development Code standards or by which the City may permit seasonal or transient uses not otherwise permitted.

B. The Director may approve or modify and approve an application for a temporary use permit if:

1. The temporary use will not be materially detrimental to public health, safety, or welfare, nor injurious to property and improvements in the immediate vicinity of the subject temporary use;
2. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use;
3. Adequate parking is provided for the temporary use and, if applicable, the temporary use does not create a parking shortage for the existing uses on the site;
4. Hours of operation of the temporary use are specified;
5. The temporary use will not create noise, light, or glare which would adversely impact surrounding uses and properties; and
6. The temporary use is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and is located outside the shoreline jurisdiction regulated by the Shoreline Master Program, SMC Title 20, Division II.

C. Except for transitional encampments and emergency temporary shelters, a temporary use permit is valid for up to 60 calendar days from the effective date of the permit, except that the Director may establish a shorter time frame or extend a temporary use permit for up to one year.

**D. Additional Criteria for Transitional Encampment and Emergency Temporary Shelters.**

1. The site must be owned or leased by either a host or managing agency.
2. The application fee for a temporary use permit (TUP) for a transitional encampment or emergency temporary shelter is waived.
3. Prior to application submittal, the applicant is required to hold a neighborhood meeting and provide a written summary as set forth in SMC 20.30.045 and 20.30.090.
4. For transitional encampments, ~~t~~The applicant shall utilize only government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sheriff's Office Communications Center. No identification is required for people to utilize an emergency temporary shelter.
5. The applicant shall have a code of conduct that articulates the rules and regulation of the encampment or shelter. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; ~~and exclusion of sex offenders.~~ Transitional encampments must also include provisions that, at minimum, prohibit sex offenders. For transitional encampments, ~~T~~the applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment. The applicant shall provide an affidavit of assurance with the permit submittal package that this procedure ~~is being~~ will be met and will continue to be updated during the duration of the encampment.
6. The maximum number of residents at a transitional encampment site shall be determined taking into consideration site conditions but shall in no case be greater than 100 residents at any one time. Any proposed site shall meet the site requirements in subsection (D)(7) of this section and be of sufficient size to support the activities of the transitional encampment without overcrowding of residents.
7. Site Requirements for Transitional Encampments.
  - a. The minimum useable site area for a transitional encampment shall be: 7,500 square feet for the first 50 residents, plus 150 square feet for each additional resident, up to the maximum allowable of 100 residents. The useable site area may be a combination of contiguous parcels in the same ownership of the host or managing agency.
  - b. Tents and supporting facilities within an encampment must meet 10-foot setbacks from neighboring property lines, not including right-of-way lines or properties under the same ownership as the host agency. Setback from rights-of-way must be a minimum of five feet. Additional setback from rights-of-way may be imposed based on the City's Traffic Engineer's analysis of what is required for

safety. Setbacks to neighboring property lines may be reduced by the Director to a minimum of five feet if it can be determined that the reduction will result in no adverse impact on the neighboring properties, taking into account site conditions that extend along the entire encampment area, including but not limited to:

- i. Topography changes from adjoining property;
- ii. Visually solid, minimum six-foot height, intervening structures;
- iii. Distance from nearest structure on neighboring property;
- iv. Vegetation that creates a visual screen.

c. The transitional encampment shall be screened. The screening shall meet setbacks except screening or structures that act as screening that are already in existence. The color of the screening shall not be black.

d. A fire permit is required for all tents over 400 square feet. Fire permit fees are waived.

e. All tents must be made of fire-resistant materials and labeled as such.

f. Provide adequate number of 2A-10BC rated fire extinguishers so that they are not more than 75 feet travel distance from any portion of the complex. Recommend additional extinguishers in cooking area and approved smoking area.

g. Smoking in designated areas only; these areas must be a minimum of 25 feet from any neighboring residential property. Provide ashtrays in areas approved for smoking.

h. Emergency vehicle access to the site must be maintained at all times.

i. Members of the transitional encampment shall monitor entry points at all times. A working telephone shall be available to ensure the safety and security of the transitional encampment at all times.

j. Provide adequate sanitary facilities.

8. Emergency temporary shelters may be located within an existing building subject to applicable Building and Fire codes and must obtain a Fire Operational Permit prior to occupancy.

9. For emergency temporary shelters, the applicant shall provide a list of conditions that warrant opening the shelter.

10. 8. Transitional encampments and emergency temporary shelters The encampment shall permit inspections by City, King County Health Department, and Fire Department inspectors at reasonable times during the permit period without prior notice to ensure compliance with the conditions of the permit.

11. 9. Transitional encampments and emergency temporary shelters The encampment shall allow for an inspection by the Shoreline Fire Department during the initial week of the encampment's occupancy.

12. 40. Transitional encampments and emergency temporary shelters Encampments may be allowed to stay under the temporary use permit for up to 90 days. A TUP extension may be granted for a total of 180 days on sites where hosts or agencies in good standing have shown to be compliant with all regulations and requirements of the TUP process, with no record of rules violations. The extension request must be made to the City but does not require an additional neighborhood meeting or additional application materials or fees.

13. 44. Host or managing agencies may not host a transitional encampment or temporary emergency shelter on the same site within 180 days of the expiration date of the TUP for a transitional encampment or temporary emergency shelter.

14. 42. At expiration of the permit, the host or managing agency shall restore the property to the same or similar condition as at permit issuance.

### **Amendment #8**

#### 20.30.310 – Zoning Variance

A. Purpose. A zoning variance is a mechanism by which the City may grant relief from the zoning provisions and standards of the Code, where practical difficulty renders compliance with the Code an unnecessary hardship.

B. Decision Criteria. A variance ~~shall~~ may be granted by the City, only if the applicant demonstrates all of the following:

1. The variance is necessary because of the unique size, shape, topography, or location of the subject property;
2. The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
3. The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;
4. The need for the variance is not the result of deliberate actions of the applicant or property owner, including any past owner of the same property;
5. The variance is compatible with the Comprehensive Plan;
6. The variance does not create a health or safety hazard;
7. The granting of the variance will not be materially detrimental to the public welfare or injurious to:
  - a. The property or improvements in the vicinity, or
  - b. The zone in which the subject property is located;

8. The variance does not relieve an applicant from:
  - a. Any of the procedural or administrative provisions of this title, or
  - b. Any standard or provision that specifically states that no variance from such standard or provision is permitted, or
  - c. Use or building restrictions, or
  - d. Any provisions of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and is located outside the shoreline jurisdiction regulated by the Shoreline Master Program, SMC Title 20, Division II;
9. The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities;
10. The variance does not allow the establishment of a use that is not otherwise permitted in the zone in which the proposal is located; or
11. The variance is the minimum necessary to grant relief to the applicant.

#### **Amendment #9**

##### 20.30.333 – Critical Area Special Use Permit (Type C Action)

A. Purpose. The purpose of the critical areas special use permit is to allow development by a public agency or public utility when the strict application of the critical areas standards would otherwise unreasonably prohibit the provision of public services. This type of permit does not apply to flood hazard areas or within the shoreline jurisdiction.

B. Decision Criteria. A critical areas special use permit ~~shall~~ may be granted by the City only if the utility or public agency applicant demonstrates that:

1. The application of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, would unreasonably restrict the ability of the public agency or utility to provide services to the public;
2. There is no other practical alternative to the proposal by the public agency or utility which would cause less impact on the critical area;
3. The proposed development does not create a health or safety hazard on or off the development site, will not be materially detrimental to the property or improvements in the vicinity;

#### **Amendment #10**

##### 20.30.336 – Critical Areas Reasonable Use Permit (CARUP) (Type C Action)

A. Purpose. The purpose of the critical areas reasonable use permit is to allow development and use of private property when the strict application of the critical area regulations would otherwise deny all reasonable use of a property. This type of permit does not apply to flood hazard areas or within the shoreline jurisdiction.

B. Decision Criteria. A reasonable use permit ~~shall~~ may be granted by the City only if the applicant demonstrates that:

1. The application of the critical area regulations, Chapter 20.80 SMC, Critical Areas, would deny all reasonable use of the property; and
2. There is no other reasonable use of the property with less impact on the critical area; and
3. Any alterations to the critical area would be the minimum necessary to allow for reasonable use of the property; and
4. The proposed development does not create a health or safety hazard on or off the development site, will not be materially detrimental to the property or improvements in the vicinity, is consistent with the general purposes of this title and the public interest, and all reasonable mitigation measures have been implemented or assured; and
5. The inability to derive reasonable economic use is not the result of the applicant's action unless the action (a) was approved as part of a final land use decision by the City or other agency with jurisdiction; or (b) otherwise resulted in a nonconforming use, lot or structure as defined in this title; and

#### **Amendment #11**

#### **20.30.345 – Site-specific comprehensive plan land use map amendment**

#### **20.30.345 Site-Specific Land Use Map Amendment to the Comprehensive Plan (quasi-judicial action).**

A. Purpose. Site-specific Comprehensive Plan map amendments are a mechanism by which the City Council may modify the land use map of the Comprehensive Plan in accordance with the provisions of the Growth Management Act, in order to implement a concurrent site-specific rezone in response to changing circumstances of needs of the City. The purpose of this section is to establish such a procedure for amending the City's Comprehensive Plan land use map in conjunction with a rezone.

B. Decision Criteria. The Hearing Examiner may recommend, and the City Council may approve, or approve with modifications, an amendment to the Comprehensive Plan Land Use Map if:

1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies; and
2. The amendment addresses changing circumstances, changing community values, incorporates a subarea plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan; and
3. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare; and
4. The amendment is warranted in order to achieve consistency with the Comprehensive Plan goals and policies; and



5. The amendment will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

6. The amendment has merit and value for the community.

C. Amendment Procedures.

1. A proposed site-specific comprehensive plan land use map amendment shall be incorporated in the City's annual docket established and processed pursuant to SMC 20.30.340(C), including deadline for submittal, application requirements, and docket review process, EXCEPT as modified in this subsection.

2. Site Specific Land Use Map Amendment Review.

a. The Department shall provide notice of the application and docketing decision for a proposed land use map amendment as provided in SMC Table 20.30.060. The environmental review of an amendment seeking a site-specific land use map amendment shall be the responsibility of the applicant.

b. Once the final annual docket has been established by the City Council, an open record public hearing before the Hearing Examiner shall be held on the proposed map amendment. Notice of this hearing shall be as provided in SMC 20.30.180 and clearly state that this proposed amendment is related to a concurrent site-specific rezone. The Hearing Examiner shall make a recommendation on the amendment and transmit that recommendation to the City Council.

c. The Hearing Examiner's recommendation shall be consolidated with the Planning Commission's recommendations on other docketed amendments and transmitted to the City Council for concurrent review of the proposed amendment consistent with the criteria set forth in subsection B of this section and taking into consideration the recommendations of the Hearing Examiner and the Department. The City Council may deny, approve, or modify the Hearing Examiner's recommendation.

d. The City Council may hold additional public hearings, meetings, or workshops as warranted by the proposed amendments.

**Amendment #12**

**20.30.440 – Installation of improvements**

A. Timing and Inspection Fee. The applicant shall not begin installation of improvements until the Director has approved and issued the site development and right-of-way permits and the Director and the applicant have agreed in writing on a time schedule for installation of the improvements.

B. Completion – Bonding. The applicant shall either complete the improvements before the final plat is submitted to the Director for ~~City Council~~ approval, or the applicant shall post a bond

or other suitable surety to guarantee the completion of the improvements within one year of the approval of the final plat. The bond or surety shall be based on the construction cost of the improvement as determined by the Director.

C. Acceptance – Maintenance Bond. The Director shall not accept the improvements for the City of Shoreline until the improvements have been inspected and found satisfactory, and the applicant has posted a bond or surety for 15 percent of the construction cost to guarantee against defects of workmanship and materials for two years from the date of acceptance.

### **Amendment #13**

#### **20.30.450 – Final plat review procedures**

Time limit: A final short plat or final formal plat meeting all of the requirements of this chapter and Chapter 58.17 RCW shall be submitted for approval within the time frame specified in RCW 58.17.140.

A. Submission. The applicant may not file the final plat for review until the work required for the site development and right-of-way permits is completed and passed final inspection or bonded per the requirements of SMC 20.30.440.

B. Final Short Plat. The Director shall conduct an administrative review of a proposed final short plat. Only when the Director finds that a proposed short plat conforms to all terms of the preliminary short plat and meets the requirements of Chapter 58.17 RCW, other applicable State laws, and SMC Title 20 which were in effect at the time when the preliminary short plat application was deemed complete, the Director shall sign on the face of the short plat signifying the Director's approval of the final short plat.

C. Final Formal Plat. After an administrative review by the Director and a finding, ~~the final formal plat shall be presented to the City Council. Only when the City Council finds~~ that a subdivision proposed for final plat approval conforms to all terms of the preliminary plat, and meets the requirements of Chapter 58.17 RCW, other applicable State laws, and SMC Title 20 which were in effect at the time when the preliminary plat application was deemed complete, the Director ~~City Manager~~ shall sign on the face of the plat signifying the City's ~~Council~~ approval of the final plat.

D. Acceptance of Dedication. ~~City Council's approval of a final formal plat or t~~The Director's approval of a final ~~short~~ plat constitutes acceptance of all dedication shown on the final plat.

E. Filing for Record. The applicant for subdivision shall file the original drawing of the final plat for recording with the King County Department of Records and Elections. ~~One reproduced full copy on mylar and/or sepia material shall be furnished to the Department. Upon recording, the applicant shall provide a copy of the recorded plat to the Department.~~

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## 20.50 Amendments

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**Amendment #14****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.

<b>Residential Zones</b>								
<b>STANDARDS</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-24</b>	<b>R-48</b>	<b>TC-4</b>
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) (13)	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) (14)	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.	5 ft min.	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) (16)	35 ft (40 ft with pitched roof) (8) (16)	35 ft (16)

<b>Residential Zones</b>								
<b>STANDARDS</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-24</b>	<b>R-48</b>	<b>TC-4</b>
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)(19)	45%	50%	65%	75%	85%	85%	90%	90%

**Table 20.50.020(2) – Densities and Dimensions in Mixed Use Residential Zones.**

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

<b>STANDARDS</b>	<b>MUR-35'</b>	<b>MUR-45'</b>	<b>MUR-70' (10)</b>
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (17)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 22 ft if located on 145th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street (18)
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9) (16)	35 ft	45 ft	70 ft (11) (12) (13)
Max. Building Coverage (2) (6)	N/A	N/A	N/A

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Max. Hardscape (2) (6)	85%	90%	90%

*Exceptions to Table 20.50.020(1) and Table 20.50.020(2):*

- (1) Repealed by Ord. 462.
- (2) These standards may be modified to allow zero lot line and unit lot 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 public and private K through 12 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.
- (10) Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.
- (11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.
- (12) Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained.
- (13) All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Alternatively, a building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an

additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.

(14) The minimum lot area may be reduced proportional to the amount of land needed for dedication of facilities to the City as defined in Chapter 20.70 SMC.

(15) The exact setback along 145th Street (Lake City Way to Fremont Avenue) and 185th Street (Fremont Avenue to 10th Avenue NE), up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.

(16) Base height may be exceeded by 15 feet for rooftop structures such as elevators, arbors, shelters, barbeque enclosures and other structures that provide open space amenities.

(17) Single-family detached dwellings that do not meet the minimum density are permitted in the MUR-35' zone subject to the R-6 development standards.

(18) The minimum front yard setback in the MUR-70' zone may be reduced to five feet on a nonarterial street if 20 percent of the significant trees on site are retained.

(19) The maximum hardscape for Public and Private Kindergarten through grade 12 schools is 75 percent.

**Amendment #15**

**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.

<b>Residential Zones</b>								
<b>STANDARDS</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-24</b>	<b>R-48</b>	<b>TC-4</b>
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

<b>Residential Zones</b>								
<b>STANDARDS</b>	<b>R-4</b>	<b>R-6</b>	<b>R-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-24</b>	<b>R-48</b>	<b>TC-4</b>
Min. Lot Area (2) (13)	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) (14)	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.	5 ft min.	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) (16)	35 ft (40 ft with pitched roof) (8) (16)	35 ft (16)
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%

**Table 20.50.020(2) – Densities and Dimensions in Mixed Use Residential Zones.**

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

<b>STANDARDS</b>	<b>MUR-35'</b>	<b>MUR-45'</b>	<b>MUR-70' (10)</b>
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (17)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street	15 ft if located on 185th Street (15)	15 ft if located on 185th Street (15)

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
	10 ft on nonarterial street 22 ft if located on 145th Street (15)	0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	22 ft if located on 145th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street (18)
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft <b>(20)</b>
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft <b>(20)</b>
Base Height (9) (16)	35 ft	45 ft	70 ft (11) (12) (13)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

*Exceptions to Table 20.50.020(1) and Table 20.50.020(2):*

- (1) Repealed by Ord. 462.
- (2) These standards may be modified to allow zero lot line and unit lot 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 public and private K through 12 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.
- (10) Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.
- (11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.
- (12) Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained.
- (13) All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Alternatively, a building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.
- (14) The minimum lot area may be reduced proportional to the amount of land needed for dedication of facilities to the City as defined in Chapter 20.70 SMC.
- (15) The exact setback along 145th Street (Lake City Way to Fremont Avenue) and 185th Street (Fremont Avenue to 10th Avenue NE), up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.
- (16) Base height may be exceeded by 15 feet for rooftop structures such as elevators, arbors, shelters, barbeque enclosures and other structures that provide open space amenities.
- (17) Single-family detached dwellings that do not meet the minimum density are permitted in the MUR-35' zone subject to the R-6 development standards.
- (18) The minimum front yard setback in the MUR-70' zone may be reduced to five feet on a nonarterial street if 20 percent of the significant trees on site are retained.
- (20) Setback may be reduced to 0-feet when a direct pedestrian connection is provided to an adjacent to light rail transit stations, light rail transit parking garages, transit park and ride lots, or transit access facilities.
-

**Amendment #16**  
**20.50.020(B) and (4) – Adding Bonus Density Exception**

**B. Base Density Calculation.** The base density for an individual site shall be calculated by multiplying the site area (in acres) by the applicable number of dwelling units. When calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 and above shall be rounded up except for lots less than 14,400 square feet in R-6 zones. See Exception (7) to Table 20.50.020(1) **and density bonus exception SMC 20.50.020(B)(4).**

2. Fractions below 0.50 shall be rounded down.

Example #1 – R-6 zone, 2.3-acre site:  $2.3 \times 6 = 13.8$   
 The base density for this site would be 14 dwelling units.

Example #2 – R-24 zone, 2.3-acre site:  $2.3 \times 24 = 55.2$   
 The base density for the site would be 55 dwelling units.

Example #3 – R-6 zone, 13,999-square-foot site:  $(13,999/43,560 = .3214$  acres) so  $.3214 \times 6 = 1.92$ . The base density for single-family detached dwellings on this site would be one unit (**See Exception SMC 20.50.020(B)(4).**)

Example #4 – R-6 zone, 14,400-square-foot site ( $14,400/43,560 = .331$  acres) so  $.331 \times 6 = 1.986$ . The base density for the site would be two units.

3. For development in the MUR zones: minimum density calculations resulting in a fraction shall be rounded up to the next whole number.

**4. Base Density Bonus**

**A. Purpose.** The purpose of the section is to establish an incentive program which encourages development that provides affordable housing as single family detached dwellings on the same tax parcel that will be granted the following incentives.

**1. Parking reduction of 50 percent for developments within one-half mile of light rail stations.**

**2. Parking reduction of 50 percent for developments outside one-half mile of light rail stations if level 2 electric vehicle charging stations are installed per each new single-story detached dwelling unit.**

**B. Project Qualifications.** Base density bonus allows a second detached single-family dwelling unit on the same minimum lot size of 10,000 square feet or greater if the following conditions are met within R-4, R-6, R-8, R-12 and R-48 zoning.

**1. Only single-story dwelling units are allowed.**

**2. The building height shall be limited to 15 feet to the top of plate with a 5-foot height bonus for roofs pitched a minimum of 4:12 for a total height of 20-feet.**

3. The base density for the zone for this density bonus designation may exceed zoning density maximum in order to request a density bonus.

4. Minimum lot size of 10,000 square feet is required in all zones to request a density bonus.

5. Two parking spaces are required for each single-family home.

6. Lot sizes smaller than 14,400 square feet may not be subdivided yet dwelling may be segregated using Washington Uniform Common Interest Ownership Act (WUCIOA).

Exception: Parking and/or other nonliving space structures below detached single-story dwelling units would be allowed for steep slope properties where development is terracing sloped lands.

#### **Amendment #17**

#### **20.50.235 – Threshold – Required building design (New Section).**

#### **20.50.235 Threshold – Required building design.**

The purpose of this section is to establish thresholds for the application of building design standards set forth in this chapter to development proposals in commercial and mixed-use residential zones.

- A. Building design standards apply to development in the NB, CB, MB, TC-1, 2 and 3, MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street. Building design shall be required:
1. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing land and structure(s) on the parcel. This shall include all structures on other parcels if the building under permit review extends into other parcels; or
  2. When aggregate building construction valuations for issued permits, within any consecutive five-year period, exceed 50 percent of the County assessed or an appraised value of the existing land and structure(s) at the time of the first issued permit.

#### **Amendment #18**

#### **Exception 20.50.360 – Tree replacement and site restoration**

20.50.360 Tree replacement and site restoration.

- A. Plans Required. Prior to any tree removal, the applicant shall demonstrate through a clearing and grading plan, tree retention and planting plan, landscape plan, critical area report, mitigation or restoration plans, or other plans acceptable to the Director that tree replacement

will meet the minimum standards of this section. Plans shall be prepared by a qualified person or persons at the applicant's expense. Third party review of plans, if required, shall be at the applicant's expense.

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

C. Replacement Required. Trees removed under the partial exemption in SMC 20.50.310(B)(1) may be removed per parcel with no replacement of trees required. Any significant tree proposed for removal beyond this limit should be replaced as follows:

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

Exception 20.50.360(C):

a. 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.

b. To the extent feasible, all replacement trees shall be replaced on-site. When an applicant demonstrates that the project site cannot feasibly accommodate all of the required replacement trees, the Director may allow a reduction in the minimum replacement trees required or the payment of a fee in lieu of replacement at the rate set forth in SMC 3.01 Fee Schedule for replacement trees or a combination of reduction in the minimum number of replacement trees required and payment of the fee in lieu of replacement at the rate set forth in SMC 3.01 Fee Schedule ~~off-site planting of replacement trees~~ if all of the following criteria are satisfied:

- i. There are special circumstances related to the size, shape, topography, location or surroundings of the subject property
- ii. Strict compliance with the provisions of this Code may jeopardize reasonable use of property.
- iii. Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.
- iv. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.

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

d. ~~The Director may not require the r~~Replacement of significant tree(s) approved for removal pursuant to Exception SMC 20.50.350(B)(5) is not required.

4. Replacement trees required for the Lynnwood Link Extension project shall be native conifer and deciduous trees proportional to the number and type of trees removed for construction, unless as part of the plan required in subsection A of this section the qualified professional demonstrates that a native conifer is not likely to survive in a specific location.
5. Tree replacement where tree removal is necessary on adjoining properties to meet requirements in SMC 20.50.350(D) or as a part of the development shall be at the same ratios in subsections (C)(1), (2), and (3) of this section with a minimum tree size of eight feet in height. Any tree for which replacement is required in connection with the construction of a light rail system/facility, regardless of its location, may be replaced on the project site.
6. Tree replacement related to development of a light rail transit system/facility must comply with this subsection C.
  - D. The Director may require that a portion of the replacement trees be native species in order to restore or enhance the site to predevelopment character.
  - E. The condition of replacement trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock.
  - F. Replacement of removed trees with appropriate native trees at a ratio consistent with subsection C of this section, or as determined by the Director based on recommendations in a critical area report, will be required in critical areas.
  - G. The Director may consider smaller-sized replacement plants if the applicant can demonstrate that smaller plants are more suited to the species, site conditions, and to the purposes of this subchapter, and are planted in sufficient quantities to meet the intent of this subchapter.
  - H. All required replacement trees and relocated trees shown on an approved permit shall be maintained in healthy condition by the property owner throughout the life of the project, unless otherwise approved by the Director in a subsequent permit.
  - I. Where development activity has occurred that does not comply with the requirements of this subchapter, the requirements of any other section of the Shoreline Development Code, or approved permit conditions, the Director may require the site to be restored to as near pre-project original condition as possible. Such restoration shall be determined by the Director and may include, but shall not be limited to, the following:
    1. Filling, stabilizing and landscaping with vegetation similar to that which was removed, cut or filled;
    2. Planting and maintenance of trees of a size and number that will reasonably assure survival and that replace functions and values of removed trees; and
    3. Reseeding and landscaping with vegetation similar to that which was removed, in areas without significant trees where bare ground exists.

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

K. Nonsignificant trees which are required to be retained as a condition of permit approval, but are unlawfully removed, damaged, or destroyed through some fault of the applicant, representatives of the applicant, or the property owner(s), shall be replaced at a ratio of three to one. Minimum size requirements for replacement trees are deciduous trees at least 1.5 inches in caliper and evergreen trees at least six feet in height.

**Amendment #19**

**20.50.390(E) – Electric vehicle parking standards**

**Table 20.50.390E – Electric Vehicle (EV) Charging Infrastructure Parking Standards**

<b><u>RESIDENTIAL USE</u></b>	<b><u>MINIMUM EV SPACES REQUIRED</u></b>
<u>Single-Family Detached/Single-Family Attached:</u>	<u>An EV-ready space for each private garage or private parking area provided for a dwelling unit</u>
<u>Multifamily Dwelling:</u>	<u>A minimum of 20 percent of EV-ready spaces in shared parking garages or shared parking spaces</u>
<u>Nonresidential:</u>	<u>A minimum of 10 percent EV-ready spaces of the required parking spaces.</u>

1. An EV-ready space is a space that provides a complete electric circuit with 208/240 volt, 40-ampere capacity charging receptable outlet or termination point, including electrical service capacity.
2. For multifamily and non-residential uses, one accessible parking space shall be an EV-ready space.
3. If the formula for determining the number of EV-ready spaces results in a fraction, the number of required spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

**Amendment #20**

**20.70.340 Sidewalks, walkways, paths and trails.**

- A. Sidewalks required pursuant to SMC 20.70.320 and fronting public streets shall be located within public right-of-way or a public easement as approved by the Director.
- B. Walkways, paths or trails provided to mitigate identified impacts should use existing undeveloped right-of-way, or, if located outside the City's planned street system, may be located across private property in a pedestrian easement or tract restricted to that purpose.
- C. Required sidewalks on public and private streets shall be installed as described in the Transportation Master Plan and the Engineering Development Guide for the specific street classification and street segment.
- D. Installation, or a financial security of installation subject to approval by the Director, is required as a condition of development approval.
- E. On development projects that front onto two parallel public rights-of-ways where the nearest public connection between the parallel rights-of-way is at least 250 linear feet from any point of the development, a paved shared-use path shall be required within a public easement to connect the parallel rights-of-way. The shared-use path may also function as an alley way for limited vehicular access.

## 20.80 Amendments

### Amendment #21

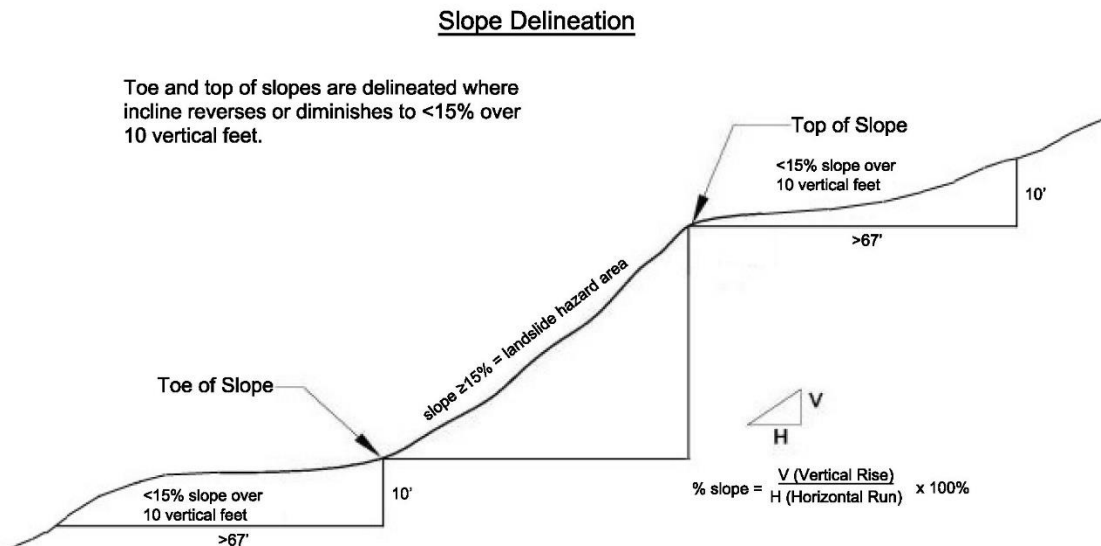
#### **20.80.220 Geological hazard - Classification**

#### **SMC 20.80.220 Geological hazard - Classification**

Geologic hazard areas shall be classified according to the criteria in this section as follows:

- A. **Landslide Hazard Areas.** Landslide hazard areas are those areas potentially subject to landslide activity based on a combination of geologic, topographic and hydrogeologic factors as classified in subsection B of this section with slopes 15 percent or steeper within a vertical elevation change of at least 10 feet or all areas of prior landslide activity regardless of slope. A slope is delineated by establishing its toe and top and measuring the inclination over 10 feet of vertical relief (see Figure 20.80.220(A)). The edges of the geologic hazard are identified where the characteristics of the slope cross-section change from one landslide hazard classification to another, or no longer meet any classification. Additionally:

1. The toe of a slope is a distinct topographic break which separates slopes inclined at less than 15 percent from slopes above that are 15 percent or steeper when measured over 10 feet of vertical relief; and
2. The top of a slope is a distinct topographic break which separates slopes inclined at less than 15 percent from slopes below that are 15 percent or steeper when measured over 10 feet of vertical relief.



**Figure 20.80.220(A): Illustration of slope calculation for determination of top and toe of landslide hazard area.**

**B. Landslide Hazard Area Classification.** Landslide hazard areas are classified as follows:

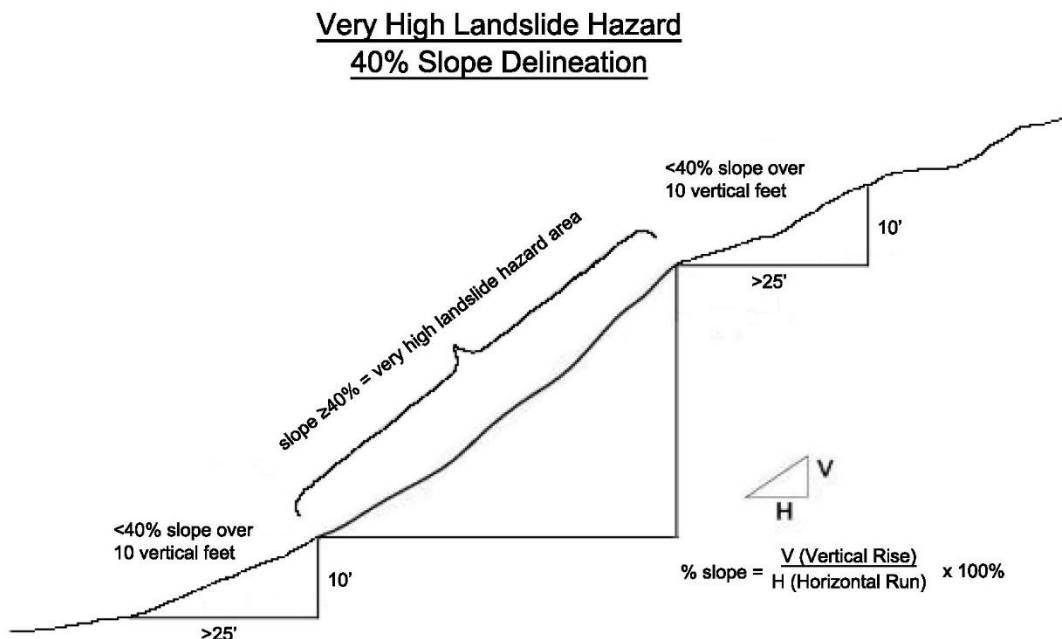
**1. Moderate to High Risk.**

- a. Areas with slopes between 15 percent and 40 percent and that are underlain by soils that consist largely of sand, gravel or glacial till that do not meet the criteria for very high-risk areas in subsection (B)(2) of this section;
- b. Areas with slopes between 15 percent and 40 percent that are underlain by soils consisting largely of silt and clay and do not meet the criteria for very high-risk areas in subsection (B)(2) of this section; or
- c. All slopes of 10 to 20 feet in height that are 40 percent slope or steeper and do not meet the criteria for very high risk in subsection (B)(2)(a) or (b) of this section.



## 2. Very High Risk.

- a. Areas with slopes steeper than 15 percent with zones of emergent water (e.g., springs or ground water seepage);
- b. Areas of landslide activity (scarps, movement, or accumulated debris) regardless of slope; or
- c. All slopes that are 40 percent or steeper and more than 20 feet in height when slope is averaged over 10 vertical feet of relief.



**Figure 20.80.220(B): Illustration of very high-risk landslide hazard area delineation (no midslope bench).**

C. **Seismic Hazard Areas.** Seismic hazard areas are lands that, due to a combination of soil and ground water conditions, are subject to risk of ground shaking, lateral spreading, subsidence or liquefaction of soils during earthquakes. These areas are typically underlain by soft or loose saturated soils (such as alluvium) or peat deposits and have a shallow ground water table. These areas are designated as having “high” and “moderate to high” risk of liquefaction as mapped on the Liquefaction Susceptibility and Site Class Maps of Western Washington State by County by the Washington State Department of Natural Areas.

D. **Erosion Hazard Areas.** Erosion hazard areas are lands or areas underlain by soils identified by the U.S. Department of Agriculture Natural Resources Conservation Service

(formerly the Soil Conservation Service) as having “severe” or “very severe” erosion hazards. This includes, but is not limited to, the following group of soils when they occur on slopes of 15 percent or greater: Alderwood-Kitsap (AkF), Alderwood gravelly sandy loam (AgD), Kitsap silt loam (KpD), Everett (EvD) and Indianola (InD).

**E. Slopes Created by Previous Grading.** Artificial slopes meeting the criteria of a landslide hazard area based on slope steepness and height that were created through previous permitted grading shall be exempt from the provisions of this subchapter 2, provided the applicant submits documentation from a qualified professional demonstrating that the naturally occurring slope, as it existed prior to the permitted grading, did not meet any of the criteria for a landslide hazard area and that a new hazard will not be created. Previously graded slopes meeting the criteria of a landslide hazard area that were not permitted or were illegally created are landslide hazard areas.

**F. Slope Modified by Stabilization Measures.** Previously permitted slopes modified by stabilization measures, such as rockeries and retaining walls, that have been engineered and approved by the engineer as having been built according to the engineered design shall be exempt from the provisions of subchapter 2 based on the opinion of a qualified professional. If the rockery or wall(s) are determined to be inadequate by a qualified professional, a permit for new or rebuilt rockery or wall(s) shall be submitted and reviewed by the Department for code compliance.



TO: Honorable Members of the Shoreline City Council

FROM: Jack Malek, Vice Chair  
Shoreline Planning Commission

DATE: October 2, 2020

RE: 2020 Development Code “Batch” Amendments

The Shoreline Planning Commission has completed its review of the proposed “Batch” amendments to the City’s development regulations set forth in SMC Title 20. The Planning Commission held two (2) study sessions on the proposed amendments and a public hearing on October 1, 2020.

The proposed amendments include administrative housekeeping modifications, clarifications to existing regulations, and policy amendments that have the potential to substantially change development patterns throughout the City. For ease of analysis, Planning Staff divided these proposed amendments into three separate exhibits. Amendments that raised some questions and concerns for the Planning Commission, which have been addressed in the recommendation, included the addition of a provision to assist in the resolution of code enforcement actions by prohibiting permit application when there is an outstanding code violation on the property; establishing emergency temporary shelters as a temporary use; setting a maximum hardscape for school properties; and addressing tree replacement standards when non-significant trees were to be retained but subsequently removed.

In consideration of the Planning Staff’s recommendations and written and oral public testimony, the Planning Commission respectfully recommends that the City Council adopt the proposed amendments, as recommended by the Planning Staff and amended by the Planning Commission, as set forth in the attachments to this recommendation.

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Discussing Park Improvements and Property Acquisition Priorities and Funding
<b>DEPARTMENT:</b>	City Manager's Office
<b>PRESENTED BY:</b>	Christina Arcidy, Management Analyst
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Discussion

**PROBLEM/ISSUE STATEMENT:**

In July 2017, following an 18-month community engagement process, the City Council adopted the 2017-2023 Parks, Recreation and Open Space Plan (PROS Plan) via Resolution No. 412. The PROS Plan identifies a 20-year vision and framework for Shoreline's recreation and cultural programs, and for maintenance and investment in park, recreation, and open space facilities. Strategic Action Initiative (SAI) #3 in the PROS Plan established a goal to "expand recreation facility opportunities" and SAI #7 established a goal to "ensure adequate parkland for future generations." Since the adoption of the PROS Plan, staff have developed concept designs for selected parks and reviewed opportunities for property acquisition to achieve those goals.

The City Council's Goals for 2020-2022 includes an Action Step to "Implement the Parks, Recreation, and Open Space Plan, including priority park improvements and acquisition of additional park properties." At its Strategic Planning Workshop on February 28, 2020, the Council asked staff to prepare a proposal and recommendations for placing a bond measure before the voters in 2020 for priority park improvements and property acquisition.

The Council Strategic Planning Workshop was held prior to the Declaration of Health Emergency for COVID-19. On March 30, 2020, the City Council discussed whether to place a bond measure, ranging from \$21.1M to \$38.5M, for park property acquisition and park improvements on the August 2020 primary ballot. The Council determined that the timing was not appropriate for the measure to appear on the August ballot given the COVID-19 Health Emergency. The Council directed staff to bring this item back for further discussion to determine if a measure should be placed on the November 2020 General Election ballot or a future election. On June 15, 2020, the City Council discussed whether to place the bond measure on the November 2020 General Election or a future election. The Council determined again that the timing was not appropriate for the measure to appear on the November 2020 due to the ongoing impacts of COVID-19. The Council directed staff to bring this item back for further discussion to determine if a measure should be placed on the April 2021 Special Election or a future election.

Tonight, staff will be asking Council for guidance on next steps towards potentially placing a bond measure before the voters. Several policy questions and four potential ballot measure alternatives are presented for discussion.

**FINANCIAL IMPACT:**

This staff report presents four alternatives with a different mix of park improvements and levels of property acquisition funding. Each alternative has associated cost estimates ranging from \$26M to \$38.5M. Detailed analysis of the financial impact on taxpayers is included in the Discussion section of this report.

**RECOMMENDATION**

Staff recommends that Council direct staff to prepare legislation and other materials necessary for placing a funding measure on the April 2021 Special Election ballot for \$38,500,000 for park improvements and park land acquisition.

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

## INTRODUCTION

The [2017-2023 Parks, Recreation and Open Space Plan](#) (PROS Plan), adopted by the City Council on July 31, 2017, establishes a 20-year vision and framework for Shoreline's recreation and cultural programs, and guides maintenance and investments in park, recreation and open space facilities. The PROS Plan includes a series of Strategic Action Initiatives with goals and objectives, including:

- Strategic Action Initiative #3 established the objective to “Expand recreation facility opportunities by adding at least one community garden, two basketball courts, two multi-purpose/pickleball courts, one playground, one swing set, one paved loop path, one spray park, and one adventure playground.”
- Strategic Action Initiative #7 established the objective to “Ensure adequate parkland for future generations by adding five acres of new parkland by 2023 and 20 additional acres by 2030.”

The City Council re-emphasized the importance of park improvements and land acquisition in its 2020-2022 City Council Goals and Workplan:

- Goal 2: Continue to deliver highly valued public services through management of the City's infrastructure and stewardship of the natural environment.
  - Action Step 2: Implement the Parks, Recreation, and Open Space Plan, including priority park improvements and acquisition of additional park properties

The City Council's guidance from its February 28, 2020, Strategic Planning Workshop was for staff to develop a proposal for a voter approved bond measure to fund improvements to parks and park land acquisition. The Council's Strategic Planning Workshop was held prior to the Declaration of Health Emergency for COVID-19. The Council discussed whether to place a bond measure on the ballot at their March 30 and June 15 meetings, and both times directed staff to bring it back for further discussion at a future Council meeting because of the unknown economic impacts of COVID-19.

If Council is interested in moving forward with a ballot measure in 2021, staff would like guidance on these additional policy questions:

1. Should the City move forward with the ballot measure for the April 2021 Special Election?
2. What is the overall bond measure cost?
3. What park improvements and park land acquisitions should be included in a bond measure

There are staff recommendations associated with each of these policy questions outlined in the Discussion section below.

## **BACKGROUND**

### **2006 Park Bond Measure**

In May 2006, Shoreline voters approved a \$18.8M parks and open space ballot measure. This was a 15-year measure, which provided funding for a number of park and recreational facility improvements and the acquisition of open space properties, including South Woods and the Kruckeberg Botanical Garden. The final year of property tax collections for this bond measure is 2021, as the bonds will be completely repaid by the end of 2021. A property owner of a median valued home has paid an average of \$76 per year in property tax to pay for this bond measure.

### **2019 Proposition 1**

The City Council adopted the 2017-2023 Parks, Recreation and Open Space (PROS) Plan on July 31, 2017. It establishes a 20-year vision and framework for Shoreline's recreation and cultural programs, and guides maintenance and investments in park, recreation and open space facilities. The PROS Plan includes a series of Strategic Action Initiatives with goals and objectives, including:

- Strategic Action Initiative #3 established the objective to “Expand recreation facility opportunities by adding at least one community garden, two basketball courts, two multi-purpose/pickleball courts, one playground, one swing set, one paved loop path, one spray park, and one adventure playground.”
- Strategic Action Initiative #7 established the objective to “Ensure adequate parkland for future generations by adding five acres on new parkland by 2023 and 20 additional acres by 2030.”

The PROS Plan also includes a recommendation for a new Community and Aquatics Center (CAC) to replace the Shoreline Pool and Spartan Recreation Center and strategies to make sure Shoreline's park and urban forest system keeps pace with growth in the City.

The City Manager appointed Shoreline residents to serve on the Parks Funding Advisory Committee (PFAC) to explore funding options and prioritize projects for park improvements and the CAC based on the PROS Plan vision and framework. Using the Committee's input, the City Manager made a recommendation on park funding to the City Council.

On July 29, 2019, the City Council approved placing Shoreline Proposition 1 on the November 5, 2019, general election ballot. Approval of Proposition 1 would have funded the construction of the new Shoreline Aquatics, Recreation, and Community Center (ShARCC) as well as improvements to four community parks. With an approval vote of 54% (60% approval is needed for a bond measure), Shoreline Proposition 1 failed.

### **Prop 1 – Park Improvements**

The City Council included improvements to four parks in the 2019 Proposition 1 general election ballot measure: Brugger's Bog, Briarcrest (Hamlin Park), Richmond Highlands, and Hillwood. Those priority park improvements accounted for \$17.9 million of the

\$103.6 million Proposition 1. Those four parks were selected by the Council after considering the recommendations of PFAC. PFAC, which was a committee of 16 community members from a diverse cross-section of Shoreline residents, met 10 times from September 2018 to March 2019 releasing its final recommendations in April 2019.

The proposed improvements to the four parks were identified as the result of concept designs that were completed for selected parks to guide the implementation of the PROS Plan. General information about the concept designs for expanding recreation amenities can be found here: [www.shorelinewa.gov/parksdesign](http://www.shorelinewa.gov/parksdesign).

As noted above, the cost of the priority park improvements included in Proposition 1 was estimated in 2019 at \$17.9 million. The estimate has been revised to account for cost inflation (\$501,000) and increases in the projected cost of acquiring necessary property for improvements at Brugger’s Bog Park (\$750,000). The 2020 estimated cost for improvements to the four parks is \$19.2 million. The amenities included as part of Proposition 1 are listed in the table below.

**Prop 1 Priority Park Improvements**

Park	Improvements	2020 Estimated Cost (millions)
Briarcrest – Hamlin Park	Play area, splash pad, community garden, picnic area, enhanced entrance form 25 <sup>th</sup> Ave NE	\$5.1
Brugger’s Bog	Relocated play area, multi-sports court, picnic shelter, landscaping,	\$4.8
Hillwood	Renovated play area, splash pad, perimeter trail, picnic shelter, adventure play area,	\$3.8
Richmond Highlands	Fully accessible play area, multi-sport court, picnic shelter, perimeter trail, sensory trail	\$5.5
<b>TOTAL</b>		<b>\$19.2</b>

The Council identified the four parks as the highest priority for improvements in 2019 from a longer list of possible park improvements based on the desire to limit the impact to taxpayers of Proposition 1. The concept design process and the PFAC considered a larger list of park improvements.

The PFAC prioritized list of park improvements is presented in the table below.

**PFAC Prioritized Park Investment Opportunities List**

	Investment Opportunity	2019 Estimated Project Cost (in millions)
1	Trails	\$2.4
2	Brugger’s Bog Park	\$5.4
3	Property Acquisition	\$15.0
4	Park at Town Center	\$3.0
5	James Keough Park	\$4.3
6	Richmond Highlands Park	\$5.6
7	Hillwood Park	\$4.2



Investment Opportunity		2019 Estimated Project Cost (in millions)
8	Briarcrest Community Park	\$6.7
9	Forest Restoration	\$1.0
10	Ridgecrest Park	\$3.4
11	Shoreview Park	\$1.8

### Prop 1 – Park Land Acquisition

The Council did not include funding for general park land acquisition in the 2019 Proposition 1. Potential park land acquisitions were included in the PROS Plan and can be viewed in the table below. Funding in the 2019 Proposition 1 was only included for acquisition of property at 17828 Midvale Avenue N for the proposed ShARCC.

### ***PROS Plan Potential Park Land Acquisition (PROS Plan Table 6.6 + Westminster Triangle)***

Park or Area for New Park Land	2020 Estimated cost	
	Acquisition	Development
Paramount Open Space Acquisition	\$1,070,000	\$257,000
185 <sup>th</sup> & Ashworth Acquisition	\$1,076,900	\$520,000
Westminster Triangle*	\$620,000	\$310,000
Brugger's Bog Park	\$750,000	\$0
Rotary Park	\$4,975,000	\$1,406,000
Cedarbrook Acquisition (1/4 of full cost estimate)	\$2,779,000	\$503,000
145 <sup>th</sup> Station Area Acquisition	\$6,291,000	\$1,113,000
5 <sup>th</sup> & 165 <sup>th</sup> Acquisition	\$7,041,000	\$4,456,000
Aurora-I-5 155 <sup>th</sup> -165 <sup>th</sup> Acquisition	\$9,931,000	\$1,615,000
DNR Open Space Access Acquisition	\$2,027,000	\$616,000
<b>Total</b>	<b>\$36,339,000</b>	<b>\$10,769,000</b>

- *Westminster Triangle park land was not included in the PROS Plan but was later added as a priority acquisition.*
- *Note: Development of property at Brugger's Bog Park was included in the project budget for improvements at that park and is not included here.*

### **2020 Parks, Recreation, and Cultural Services/Tree Board Recommendation**

After Proposition 1 failed and Council postponed the placement of a different bond measure on the August 2020 Primary and November 2020 General Election ballots, the Parks, Recreation, and Cultural Services/Tree (PRCS) Board's Parks Sub-Committee focused their attention on reviewing the prior recommendations for funding park improvements and park acquisitions for a potential April 2021 Special Election bond measure.

The Parks Sub-Committee met 14 times between July 2020 and September 2020, which included four meetings with City staff. The sub-committee, which was comprised

of three board members who had all served on PFAC, used five criteria to craft their recommendation to the PRCS/Tree Board:

- Community Engagement – prioritize input from the Shoreline Community (PFAC and PROS Plan)
- Equity-Based Investment – Considered underfunded parks and underserved groups
- Invest Across the Shoreline Community
- Balance Investment in Current Parks with Acquisition – Consider improving existing property with the need for future park development
- Bond Size – Renewal level at \$26M versus increased at \$38.5M

The Parks Sub-Committee presented their recommendation to the full PRCS/Tree Board on September 24, 2020. The PRCS/Tree Board voted unanimously to endorse the Sub-Committee’s recommendation, which will be discussed in further detail in this staff report. Staff has considered the PRCS/Tree Board Recommendation as part of the staff recommendation presented to Council tonight.

The PRCS/Tree Board recommendation is included in this staff report as Attachment A: Parks, Recreation, and Cultural Services/Tree Board Bond Measure Recommendation.

### **Council Discussions**

The City Council’s Goals for 2020-2022 includes an Action Step to “Implement the Parks, Recreation, and Open Space Plan, including priority park improvements and acquisition of additional park properties.” At its Strategic Planning Workshop on February 28, 2020, the Council asked staff to prepare a proposal and recommendations for placing a bond measure before the voters in 2020 for priority park improvements and property acquisition. The Strategic Planning Workshop agenda and white papers can be found here: [Strategic Planning Workshop Packet, February 28-29, 2020](#).

The Council’s Strategic Planning Workshop was held prior to the Declaration of Health Emergency for COVID-19. On March 30, 2020, the City Council discussed whether to place a bond measure, ranging from \$21.1M to \$38.5M, for park property acquisition and park improvements, on the August 2020 primary ballot. The Council determined then that the timing was not appropriate for the measure to appear on the August ballot given the COVID-19 Health Emergency. Council directed staff to bring this item back for further discussion to determine if a measure should be placed on the November 2020 General Election ballot or a future election. The staff report from the March 30 discussion can be found here: [Discussing Park Improvements and Property Acquisition Priorities and Funding](#).

This was discussed again at the June 15, 2020, Council meeting, where the Council again determined the time was not appropriate given the continued impacts of COVID-19. The Council directed staff to bring this item back for further discussion to determine if a measure should be placed on the April 2021 Special Election. The staff report from the June 15 discussion can be found here: [Discussing a Potential General Election Bond Measure for Park Improvements and Acquisition](#).

This was last discussed at the November 2, 2020, Council meeting. Of the four policy questions discussed that evening, Council only gave direction on the bond measure length, which they agreed could be 20 years. Given the expected record breaking returns for the 2020 November General Election, Council determined that they wanted to know the validation requirements for the 2021 elections before they gave further direction on the other three policy questions. The staff report from the November 2 discussion can be found here: [Discussing Park Improvements and Acquisition Priorities and Funding](#).

## **DISCUSSION**

Tonight, Council is asked to discuss the following three policy questions regarding a possible bond measure for park improvements and park land acquisitions:

1. Should the City move forward with the ballot measure for the April 2021 Special Election?
2. What should the overall bond measure cost?
3. What park improvements and park land acquisitions should be included in a bond measure?

### **Should the City Move Forward with the Ballot Measure for the April 2021 Special Election?**

Council should consider several issues regarding whether or not to place a ballot measure on the April 2021 Special Election: COVID-19 economic impacts, other upcoming ballot measures, bond measure approval and validation requirements, and election costs.

#### **COVID-19 Economic Impacts**

As discussed previously in this staff report, the COVID-19 Health Emergency changed the environment for a potential bond measure in 2020. Since that time, staff has been monitoring a variety of metrics to determine the economic impacts of COVID-19 to Shoreline and whether to recommend that Council continue considering placing a bond measure on the ballot.

*2020 2<sup>nd</sup> Quarter Financial Report:* The 2020 2<sup>nd</sup> quarter financial report reflects that while certain revenue streams have been negatively impacted by COVID-19, some revenues, construction related sales tax especially, have managed to perform strongly through the 2<sup>nd</sup> quarter, counterbalancing some of the negative results. As a result, the City's 2020 General Fund Revenues are slightly ahead of 2019 2<sup>nd</sup> quarter revenues through the 2<sup>nd</sup> quarter.

*October Unemployment Data:* Shoreline's unemployment data from October 2020 shows a continued improvement over prior months earlier this year during the pandemic. Shoreline's Unemployment Rate in October was 5.2%, which was a decrease of 2.6% from September 2020, and a significant reduction from April when the rate was 16.1%. However, it is still 2.6% higher than February 2020, the last month pre-COVID-19 impact. Shoreline's Number of Unemployed People in October 2020 was 1,608, which is a 34.0% decrease from September 2020 and a 93.7% increase over February 2020. While this is trending in positive direction, the Governor has recently

implemented new restrictions on businesses (effective November 16) as COVID-19 cases increased sharply in the last month. There is no information regarding the possibility of a new Federal stimulus package and what would be included should one be passed. It is safe to say that the true ongoing economic impact of COVID-19 is unknown at this point.

*September 2020 REET:* The September 2020 Real Estate Excise Tax (REET) data was very good for the City. Shoreline has benefited from the good housing market trends the region has seen recently. September saw a slight increase over August’s activity, as there was a month-over-month increase of 2.0% in the number of transactions. The transaction value/tax collected increased by 9.3% month-over-month, up 59.3% compared to September 2019, and 24.2% compared to September 2018. The 3<sup>rd</sup> Quarter 2020 collections were ahead of 2019 for the same period by 3.0%, which is the first time 2020 has surpassed 2019. The 3<sup>rd</sup> Quarter 2020 collections are ahead of the projected budget by 40.0% and are ahead of the revised projections by 13.9%. While COVID-19 continues to impact the regional and Shoreline economies, it appears that there have been significant improvements since the beginning of the pandemic. It seems reasonable, given currently available information and trends, for Council to consider a bond measure at this time.

**Upcoming Ballot Measures**

When the City considers placing a bond measure on the ballot, it takes into account the other potential measures likely in front of voters around the same time. The following table presents a list of anticipated ballot measures between 2021 and 2022.

**Potential Ballot Measures 2021-2022**

Election	Potential Measure
2021	Fire Department Fire Benefit Charge Renewal
2021	King County Best Start for Kids Renewal
2021	King County Family Justice Center
2022	City of Shoreline Property Tax Levy Lid Lift
2022	Shoreline School District O&M Levy Replacement/Renewal
2022	Shoreline School District Technology Levy Replacement/Renewal

King County Elections published special election dates of February 9<sup>th</sup> and April 27<sup>th</sup>. Council would need to act on a resolution to place a bond measure on the ballot by February 26, 2021, to appear on the April Special Election.

**Approval and Validation Requirements**

As noted above, a bond measure requires a minimum 60% ‘yes’ vote to pass. Special and primary elections require that in order for the ballot measure to ‘validate,’ that at least 40% of the number of votes cast in the previous general election need to be cast in the special or primary election.

King County Elections provided the validation requirements for Shoreline’s 2021 elections to staff on November 30, 2020. They expect to publish the full summary after completing proofing by December 4. For the City of Shoreline, the numbers are as follows:

## Shoreline Validation Requirements

Active registered voters	Voters who voted on 11/3/20	40% of votes cast min. to validate	60% of 40% min. Yes votes
40,520	35,254	14,102	8,461

Staff also researched voter turnout for Shoreline for the years 2016-2019. Registered Voters and Times Counted for Shoreline precincts for the February 2017, February 2018, and August 2018 elections can be used to illustrate how many voters were sent ballots and how many ballots were returned. For Special and Primary Elections, ballot returns for this time period have fluctuated between 11,743 and 16,987, with an average of 13,778 ballots returned. This is a little over 300 less than what would be necessary to meet the validation threshold in a 2021 election. In the table below, if there is an “N/A” under the Active Registered Voters and Ballots Returned columns, that means there were no ballots mailed to Shoreline precincts.

## Ballot Return Statistics

Ballot Return Statistics												
Past Elections: <a href="https://www.kingcounty.gov/depts/elections/elections/past-elections.aspx">https://www.kingcounty.gov/depts/elections/elections/past-elections.aspx</a>												
Year =>	2016			2017			2018			2019		
Month	Active Registered Voters	Ballots Returned	Ballots Ready for Counting	Active Registered Voters	Ballots Returned	Ballots Ready for Counting	Active Registered Voters	Ballots Returned	Ballots Ready for Counting	Active Registered Voters	Ballots Returned	Ballots Ready for Counting
November	37,993	31,231	30,863	37,451	14,632	14,459	37,633	28,978	N/A	38,359	19,606	N/A
August	N/A	N/A	N/A	37,801	12,205	12,056	37,430	16,987	N/A	38,427	13,431	N/A
May	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
April	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
February	N/A	N/A	N/A	37,865	14,526	N/A	37,264	11,743	N/A	N/A	N/A	N/A
Final Precinct Level Election Results												

During the November 2<sup>nd</sup> discussion, a question was raised about if the numbers included Lake Forest Park voters when there was a Shoreline School District measure or School Board Member Election on the ballot. Lake Forest Park ballot returns are not reported with Shoreline ballot returns, and therefore the data in this staff report only includes Shoreline voter information.

## Election Costs

Election costs are based upon a jurisdiction’s proportionate share. Each jurisdiction’s cost is determined by taking the total number of registered voters in the jurisdiction and dividing it by the total number of all registered voters in all participating jurisdictions in the election. Election costs vary from one election to the next, depending on a variety of factors. Special elections in February and April are often shared by a smaller number of jurisdictions, thus the proportional share is often greater. In the case of a single jurisdiction election, the cost would be 100%.

The cost of participating in a local voters’ pamphlet is processed separately from election costs. This is done in part because the number of jurisdictions participating in an election is not always the same as those participating in a local voters’ pamphlet. In addition, the cost allocation method is slightly different. Local voters’ pamphlet costs are determined for each participating jurisdiction based on the number of registered voters, but the cost is separated into two categories: printing and Election Costs Information

about calculating the cost of participating in an election and the cost of publishing a local voters' pamphlet.

Staff is working with King County Elections to receive an estimate of the election costs as well as the costs of participating in a local voters' pamphlet for a 2021 Special Election. If an estimate is received before the December 7<sup>th</sup> Council meeting, staff will share it with Council ahead of the meeting.

**What Should the Overall Bond Measure Cost?**

The current parks and open spaces bond measure (approved by voters in 2006) is set to be retired in 2021 and removed from property tax bills in 2022. A property owner of a median priced home is paying approximately \$76 in 2020 in property tax towards the repayment of the 2006 bonds. The staff recommendations for park improvements and property acquisition total \$38.5 million, which are outlined in the table below.

***Staff Recommended Bond Measure***

Bond measure component	Cost (millions)
Priority Park Improvements	\$20.6
Priority Park Amenities	\$4.7
Park land Acquisition	\$9.5
Improvement to Acquired Property	\$3.7
<b>TOTAL</b>	<b>\$38.5</b>

The impact of a \$38.5 million bond measure on a median valued home (\$517,000), a home valued at \$750,000 and a home valued at \$1,000,000 is shown in the next table. The net impact, or difference between the current 2006 Parks Bond and the proposed Parks Bond, on the owner of a median valued home would be between \$0 and \$12 per month depending on the length of the bond issue.

***Impacts of an \$38.5 Million Bond Measure Over 20 Years***

	Amount of Bond Issue = \$38,500,000			Cost of Expiring Bond		Net Increase	
	Length of Issue (Years)	Annual Impact	Monthly Impact	Annual	Monthly	Annual	Monthly
2020 Median Valued Home (\$517,000)	20	\$112	\$9	\$76	\$6	\$36	\$3
Home Valued at \$750,000	20	\$163	\$14	\$110	\$9	\$53	\$4
Home Valued at \$1,000,000	20	\$217	\$18	\$147	\$12	\$70	\$6

**What Park Investments Should be Included in a Bond Measure?**

There are four categories of investments that should be considered for possible inclusion in the bond measure: park improvement investments, park amenity

investments, new park land acquisitions, and new park land acquisition associated improvements. These are each discussed in the sections that follow.

**Park Improvement Investments**

As mentioned above, the cost of the improvements for the four prioritized parks recommended to Council in June 2020 was \$19.2 million. The decision to prioritize these park improvements was based in part on the dollar amount the Council considered acceptable for the overall Proposition 1 measure in 2019. Parks in this category would benefit from an overall park redesign and include a variety of improvements, including a number of new amenities.

Staff has revised its June 2020 recommendation to Council after reviewing the PRCS/Tree Board September 2020 recommendation. James Keough Park has been moved into the park improvement category with an increase to the previous staff recommended investment of \$1.8M to \$3.0M. The park acquisition costs associated with Brugger’s Bog has been moved intact from this category to the park acquisition category. This is a change from \$19.2M to \$20.6M, or a net change of \$0.6M.

During the November 2 meeting, Council discussed possible alternatives at James Keough Park. The staff recommendation is to fund the park at \$3M and includes most of the amenities envisioned by PFAC, including small picnic shelter, benches and picnic tables (4 each), a Portland Loo, and the amenities included in the June 2020 recommendation. The June 2020 staff recommendation of \$1.8M would fund amenities similar to the City’s dog parks, including parking improvements, a play spot, paved trails, and fenced in off leash dog area. The PRCS/Tree Board and PFAC recommendation would include a sports court, larger play area, dog agility course withing the off leash dog area, and drinking fountain, as well as more benches, picnic tables, decorative features, trees, and a tradition bathroom with full utilities.

Alternative funding for overall park improvement investments would be to reduce the scope of park improvements, provide less funding or expand the scope and add more funding. If the Council wants to consider other park improvements for inclusion in a 2021 bond measure, the table titled “*PFAC Prioritized Park Investment Opportunities List*” above presents the list of park improvements that were considered by the PFAC and Council in 2019.

**Park Improvement Investments – Staff Recommendation**

Park	Improvements	2020 Estimated Cost (millions)
Briarcrest – Hamlin Park	Play area, splash pad, community garden, picnic area, enhanced entrance form 25 <sup>th</sup> Ave NE	\$5.1
Brugger’s Bog	Relocated play area, multi-sports court, picnic shelter, landscaping	\$3.2
Hillwood	Renovated play area, splash pad, perimeter trail, picnic shelter, adventure play area,	\$3.8
Richmond Highlands	Fully accessible play area, multi-sport court, picnic shelter, perimeter trail, sensory trail	\$5.5

James Keough	Off-leash area, play area, parking, landscaping, perimeter trail, picnic tables, small picnic shelter, restroom	\$3.0
<b>TOTAL</b>		<b>\$20.6</b>

### Park Amenity Investments

The highest priority amenities have been identified from each park previously considered by the PFAC and Council and are presented in the table below. This category of investment generally means adding new or improving one or more existing amenities at a park without an overall park redesign.

These amenities include:

- Funding for public art to be included throughout the park system;
- Development of a play area and an off-leash area at Ridgecrest that would recognize the uncertain future of the Eastside Off-Leash Area at Fircrest;
- Making permanent the off-leash area at Shoreview Park that was established as a temporary facility and has not had permanent fencing or other amenities provided;
- Converting the unusable dirt soccer field at Shoreview Park to grass, which would make it available for multiple uses, including little league, softball, lacrosse, ultimate frisbee, and youth soccer; and
- Recognizing the ADA needs of the Kruckeberg Botanic Garden, which was not included on the PFAC recommended list but is proposed here to augment a \$200,000 bequest received by the garden, for access improvements to the children’s garden area.

Based on this, staff recommends including \$4.7 million in funding for additional park improvements in a bond measure. An alternative would be to include fewer, different or no additional park amenities.

### ***Park Amenity Investments – Staff Recommendation***

Park	Improvements	Estimated Cost (millions)
Public Art	Significant piece(s) of art	\$1.0
Ridgecrest	Off-leash area, play area	\$1.5
Shoreview	Off-leash area upgrades, dirt soccer field conversion to grass for rentals, etc.	\$1.7
Kruckeberg	ADA improvements to education center and children’s garden	\$0.5
<b>TOTAL</b>		<b>\$4.7</b>

### Park Land Acquisition and Associated Improvements

At its Strategic Planning Workshop on February 28, 2020, the Council expressed interest in including funding for park land acquisition in a bond measure in 2020. The table below presents optional levels of funding for park land acquisition. Costs are also included for making improvements to park land that is newly acquired. The associated improvement costs are included as general estimates given that no design work or



community outreach has been done to identify what improvements might be desired or appropriate for these new park lands. The new park land improvements budget would provide basic park improvements and it is anticipated that park impact fees and grants would provide additional funding for a higher level of improvements.

Staff recommends \$9.5 million be included in a bond measure for park land acquisition and \$3.7 million for improvements to acquired property. An alternative would be to add more or include less funding for park land acquisition.

**Park Land Acquisition & Improvement Options – Staff Recommendation**

Possible Acquisition	Funding Level (millions)	Associated Improvement Costs (millions)
Match for Conservation Futures Tax (CFT) grant for Paramount Open Space	\$0.6	\$0.77
Brugger’s Bog	\$1.6	
A portion of property at Rotary Park	\$2.2	\$0.73
Additional property at Rotary Park, light rail station areas	\$5.1	\$2.2
<b>Total</b>	<b>\$9.5</b>	<b>\$3.7</b>

**Staff Recommendation**

1. *Should the City move forward with the ballot measure for the April 2021 Special Election?* – **Staff recommends yes.** The Shoreline community has consistently ranked parks and recreation services as a priority. Based on historical responses to resident surveys there has been a high level of satisfaction with parks and an indication that residents want continued investment in park improvements and increased park/open space properties.

Staff also feels that the economy and impacts to COVID-19 have improved enough that the April 2021 Special Election is a better time to place a ballot measure before voters than during the primary or general election in 2020.

Staff’s primary concern with the April 2021 Special Election is the 40% validation requirement based on the November 2020 General Election. The City’s 2006 Park Bond was approved at a May Special Election and received the needed 60% approval rate to pass, along with sufficient ballots cast to reach the required 40% validation, but 2006 validation numbers were not based on a large voter-turnout in November 2005. While meeting the validation requirement for the April 2021 Special Election is a concern, staff feels that this is still the best timeframe for moving forward this ballot measure.

2. *What is the overall bond measure cost?* – **Staff recommends \$38.5M years.**
3. *What park investments should be included in a bond measure?* – **Staff recommends a total of \$29M for park improvements and \$9.5M for park land acquisition.** Staff recommends that the ballot measure include \$20.6M for

the four priority parks that were included in the 2019 Proposition No. 1 and the improvements to James Keough Park; \$4.7M for park amenity improvements at Ridgecrest and Shoreview parks and the Kruckeberg Botanic Garden, and to purchase public art for the park system; and \$3.7M in improvements on newly acquired park land.

## **ALTERNATIVES DISCUSSION**

Based on previous Council direction, staff prepared alternatives for a larger park investment bond at \$38.5M and at the same level as the 2006 expiring bond at \$26M. Any of these alternatives could be placed on the April 2021 Special Election ballot or delayed to a future election. The alternatives are as follows:

### **Alternative 1a: Staff Recommendation - \$38.5M**

Alternative 1a, which is the staff recommendation, would place a 20-year \$38.5M bond measure on the April 2021 Special Election ballot. As noted above, this alternative includes in the ballot measure \$20.6M for five priority parks; \$4.7M for park amenity improvements at Ridgecrest Park, Shoreview Park, Kruckeberg Botanic Garden, and additional funding for public art; \$9.5M for park land acquisition; and \$3.7M in improvements on newly acquired park land.

### **Alternative 1b: Park Board Recommendation \$38.5M**

Alternative 1b, which was recommended by the PRCS/Tree Board at their September 2020 meeting, would place a 20-year \$38.5M bond measure on the April 2021 Special Election ballot, but with different investments than recommended by staff. This alternative would include \$21.9M for the five priority parks; \$5.1 for park amenity improvements at Town Center, Ridgecrest Park, Shoreview Park, Kruckeberg Garden and additional funding for public art; \$9.5M for park land acquisition; and \$2.0M in improvements on newly acquired park land.

#### *Differences between 1a and 1b:*

- **James Keough:** The staff recommendation of \$3.0M removed certain park amenities or replaced higher cost amenities with a lower cost amenity. Examples include removing the multi-sport court and kids garden; reducing the number of benches and picnic tables; and replacing the play area with a smaller play spot.
- **Town Center:** The staff recommendation does not include investments at this park. Staff recommends investing in this park as new development occurs and if there were a future bond measure for the City-acquired property at 17828 Midvale Ave N (former Storage Court).
- **Shoreview Park:** The staff recommendation includes converting the dirt field to grass for multi-sport use and rentals.
- **Improvements to Newly Acquired Parks:** The staff recommendations includes \$1.7M more funding for the improvements to the newly acquired park land.

### **Alternative 2a: Park Improvements and Minimal Park Acquisition - \$26.0M**

Alternative 2a would include the five priority park improvements as described in Alternative 1a. In addition, Alternative 2a would include \$1.0M for improvements to Kruckeberg Garden and investments in public art; and \$4.4M for park land acquisition at

Paramount Open Space, Brugger's Bog and Rotary Park. It would not include funding for improvements to the acquired land.

**Alternative 2b: Park Board Renewal Bond - \$26.0M**

Alternative 2b would include most of the priority park improvements from Alternative 1b, but with lesser funding for Briarcrest (Hamlin) Park and Hillwood Park. Alternative 2b would include \$2.1 for improvements to Town Center and Kruckeberg Garden and investments in public art. The amount allocated to park land acquisition would be adjusted to maintain a no net change in property tax levels. The result is \$4.4M available for park land acquisition. It would not include funding for improvements to the acquired land.

*Differences between 2a and 2b:*

- **Park Improvements:** Staff recommendation is the same as 1a; the PRCS/Tree Board recommendation is the same as 1b, with the exception of removing the splash pads at both Briarcrest (Hamlin) and Hillwood parks.
- **Town Center:** The staff recommendation does not include investments at this park.
- **Property Acquisition:** The amount allocated is adjusted in both 2a and 2b to have no net change in property tax levels. The staff recommendation is for \$4.4M and the PRCS/Tree Board recommendation is for \$4.0M.

***Bond Measure Alternatives***

Bond measure component	Cost (millions)			
	Alternative 1a (Staff Recommendation)	Alternative 1b	Alternative 2a	Alternative 2b
Priority Park Improvements	\$20.6	\$21.9	\$20.6	\$19.9
Park Amenities	\$4.7	\$5.1	\$1.0	\$2.1
Land Acquisition	\$9.5	\$9.5	\$4.4	\$4.0
Improvement to Acquired Property	\$3.7	\$2.0	\$0.0	\$0.0
<b>TOTAL</b>	<b>\$38.5</b>	<b>\$38.5</b>	<b>\$26.0</b>	<b>\$26.0</b>
<b>Net Monthly Impact of 20-year bond measure on median valued home compared to current 2006 Park Bond</b>	\$3	\$3	\$0	\$0

A more detailed table of the investments within each alternative is attached at Attachment B: Parks Investment Bond Measure Alternatives Detail.

## **STAKEHOLDER OUTREACH**

After the adoption of the PROS Plan, staff actively engaged the community in development of park concept designs. The PFAC provided a forum for stakeholders to provide input into park improvements. The PRCS/Tree Board has consistently been kept informed and provided input at its monthly meetings.

The PRCS/Tree Board voted at its May 28, 2020, meeting to recommend the City Council move forward with a Bond measure in November 2020 for park improvements and acquisition that would be a renewal (approximately \$26 million) of the expiring parks bond and the Board would like to offer input on the contents of that Bond measure. The PRCS/Tree Board voted at its September 24, 2020, meeting to recommend the City Council move forward with a bond measure in April 2021 for park improvements and acquisition that would be \$38.5M, as opposed to the May 2020 recommendation of a renewal bond. The Board has offered their input on the contents of the potential bond measure.

## **NEXT STEPS**

If Council directs staff to move forward with a ballot measure to fund park improvements and park land acquisition for the April 2021 Special Election, the next steps in the process would be as follows:

- Develop a proposed ordinance for Council discussion on January 11, 2021, which would place the ballot measure on the April 2021 Special Election ballot.
- Council would potentially take action on the proposed ordinance at its January 25, 2021, meeting.
- If the proposed ordinance is adopted, staff would solicit interested persons and Council would appoint Pro and Con Committees for the Voters' Pamphlet on February 8, 2021.
- Staff would then execute the Communication Plan regarding the ballot measure.

## **COUNCIL GOAL ADDRESSED**

This potential bond measure relates to Council Goal 2, Action Step 2:

- Goal 2: Continue to deliver highly valued public services through management of the City's infrastructure and stewardship of the natural environment.
  - Action Step 2: Implement the Parks, Recreation, and Open Space Plan, including priority park improvements and acquisition of additional park properties

## **FINANCIAL IMPACT**

This staff report presents four alternatives with a different mix of park improvements and levels of property acquisition funding. Each alternative has associated cost estimates ranging from \$21.1M to \$38.5M. Detailed analysis of the financial impact on taxpayers is included in the Discussion section of this report.

## **RECOMMENDATION**

Staff recommends that Council direct staff to prepare legislation and other materials necessary for placing a funding measure on the April 2021 Special Election ballot for \$38,500,000 for park improvements and park land acquisition.

## **ATTACHMENTS**

Attachment A – Parks, Recreation, Cultural Services/Tree Board Recommendation  
Attachment B – Parks Investment Bond Measure Alternatives Detail

# Parks Improvement and Acquisition Bond Proposal Recommendation

PRCS/T Board – PARKS Subcommittee  
September 2020

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The Parks, Recreation, Cultural Services, and Tree (PRCS/T) Board is pleased to present the attached 2021 Parks Bond Recommendation for your consideration. This recommendation was unanimously approved by the PRCS/T Board at its September 24, 2020 meeting.

A subcommittee of three PRCS/T Boardmembers worked collaboratively over three months to develop this recommendation. During the development of this proposal, the Parks subcommittee met with staff members from both the PRCS Department and the City Manager's office to discuss our priorities and to receive additional context and information. We greatly appreciate staff's willingness to share with us, and we understand their forthcoming bond proposal may differ from ours.

Each Parks subcommittee member had previously served as volunteer members of the Parks Funding Advisory Committee (PFAC) in 2018-19. As described in our *Vision and Approach*, we viewed the community engagement that the City has conducted in recent years as a critical foundation for the development of the bond proposal. These community priorities include equity-based investment focused on meeting critical level-of-service goals and community need, and distributing investments across a wide range of Shoreline parks.

Our recommendation strikes a critical balance between the need for investment in existing parks and growing the system for the future through acquisition of new parkland.

The full PRCS/T board asked the Parks subcommittee to develop both a \$26 million, renewal-level bond proposal and a larger, higher-level proposal for consideration. It is our recommendation that the \$38.5m bond level will fund the critical park improvements needed to meet the growing needs of the City of Shoreline as outlined in our attached presentation.

We appreciate your thoughtful consideration of the PRCS/T Board's bond recommendation.

Sincerely,  
PRCS/T Board Parks Subcommittee Members, on behalf of the full Board:

Bill Franklin  
Jeff Potter  
Sara Raab McInerney

# 2020 Park Improvements and Acquisitions Bond Proposal

PRCS Board - Parks Subcommittee Recommendation

24 September 2020

## 2020 Park Improvements & Acquisitions Bond Proposal - Vision and Approach

**Community Engagement: Prioritize Input from the Shoreline Community** - The citizen engagement processes that were a part of the PROS Plan (2017-2023), the Parks Funding Advisory Committee (2018-19), and the Parks Concept Designs (2018), together create a vision for the future of Shoreline parks grounded in community engagement. This bond recommendation prioritizes that citizen input in its recommendations.

**Equity-based Investment:** The PROS Plan and PFAC Final Recommendations focus on meeting Level of Service (LOS) goals, and strategically locating essential park amenities where investment has been low and need is high, particularly near higher-density housing, lower income populations, and underserved groups. This bond recommendation prioritizes equitable investment in the places where need is higher.

**Invest Across the Shoreline Community** - Rather than limiting investment to a small number of priority parks, this bond recommendation proposes a broad range of strategic investments across many parks across the City, driven by equity and Level of Service goals.

**Balance Investment in Current Parks with Acquisition of Property for Future Park Development:** This bond recommendation recognizes the need to both address current needs, and plan for the future. In allocating funds, this bond recommendation allocates a larger proportion of funds toward existing substandard parks (\$27M), and a smaller proportion toward acquisition and improvements to newly acquired, and yet to be acquired, properties (\$11.5M).

**Bond Size:** Recognizing that a bond measure is a rare opportunity to make a significant, long-term impact to the City's park system, this recommendation is to propose a \$38.5 million bond measure over 20 years that addresses both the present challenges, and the future growth, across the City of Shoreline. The impact to the median household property tax bill of the \$38.5 million bond measure, over a 20 year term, is approximately \$3/month above the current parks bond which will expire in 2021.



# 2020 Park Improvements and Acquisitions Bond Proposal

PRCS Board - Parks Subcommittee Recommendation

24 September 2020

2020 Park Improvements & Acquisitions Bond Recommendation - FULL \$38.5M			
<i>(in millions)</i>			
Investment Opportunity (in PFAC priority order)	Renewal Level	Committee Recommendation	Notes
Trails	\$0.0	\$0.0	Trail improvements were ranked highly by the PFAC and are incorporated as path amenities in each park improvement plan. A separate line item investment is not included in the recommended bond measure.
Brugger's Bog Park	\$3.2	\$3.2	Brugger's Bog Park amenities include: relocated and improved playground, new multi-sport court, picnic shelter, parking improvements, restroom, and a loop trail along the stream and natural areas of the park. The PFAC ranked Brugger's Bog Park as the highest priority park investment due to equity, need, and urgency. The suggested investment amount funds park development equivalent to the 'Full' Improvement level from the PFAC Investment Opportunities. The park concept design reflects acquisition of adjacent property.
Property Acquisition	\$4.0	\$9.5	As the City of Shoreline continues to grow, and density increases, the acquisition of new park property becomes increasingly important to meet the projected needs of the community. Key acquisition priorities include property adjacent to Brugger's Bog Park, Paramount Open Space, Rotary Park properties, additional parcels in the light rail station subareas, and other underserved neighborhoods across Shoreline where equity in Level of Service is lacking. The recommended bond measure recognizes that Park Impact Fees will contribute to the funding stream for property acquisition as development continues in the upzoned station subareas.

# 2020 Park Improvements and Acquisitions Bond Proposal

*PRCS Board - Parks Subcommittee Recommendation*

*24 September 2020*

Investment Opportunity (in PFAC priority order)	Renewal Level	Committee Recommendation	Notes
<b>Acquired Property Improvements</b>	\$0.0	\$2.0	Newly acquired property requires a base level of 'improvement' to ensure public safety, before a full park design is developed. The recommended bond measure recognizes these basic improvements are necessary, but prioritizes investing in existing neighborhood parks with substandard amenities over designating funding for improvement to future park properties.
<b>The Park at Town Center</b>	\$1.1	\$1.1	Proposed improvements to the Park at Town Center include enhanced landscaping, new gathering spaces, and a public art plaza at this highly visible park. The Park at Town Center was ranked as a high priority park investment by the PFAC due to assessment of need and equity. The location and terrain provides a highly accessible park experience for elderly and those with mobility challenges, is linked to the Interurban Trail, and is adjacent to high-density multifamily housing. The proposed funding level recognizes the potential for utilizing Park Impact Fees from adjacent and nearby development for additional funding.
<b>Public Art (system-wide)</b>	\$0.5	\$1.0	Public Art funding supports the development and installation of multiple significant public art pieces throughout the Shoreline Parks system, in alignment with the Public Art Plan. Investing in Public Art supports the PROS Plan Strategic Goal #6 "Enhancing Placemaking through Public Art" and enhances the public realm for all Shoreline residents. This investment amount is in addition to public art funding generated by the bond measure through the 1% for the Arts program, estimated to be approximately \$375,000.

# 2020 Park Improvements and Acquisitions Bond Proposal

*PRCS Board - Parks Subcommittee Recommendation*

*24 September 2020*

Investment Opportunity (in PFAC priority order)	Renewal Level	Committee Recommendation	Notes
<b>James Keough Park</b>	\$4.3	\$4.3	James Keough Park amenities include a new off-leash dog area, a new children's play area, a picnic shelter, a restroom, parking improvements, perimeter trails, and buffer plantings. This park was identified as a high priority by the PFAC due to equity concerns and its current state of disrepair. The recommended funding level recognizes that significant investment is critical in order to develop a quality park that meets the underserved community's needs. The recommended funding amount is equivalent to the PFAC 'Option A' budget. In addition, the recreational cycling community in Shoreline has identified this park as a strong candidate for incorporating cycling into a Shoreline park, and this recommendation includes flexibility in program elements to include a bicycle park element (such as a pump track), built in conjunction with community support.
<b>Richmond Highlands Park</b>	\$5.5	\$5.5	Richmond Highlands Park amenities include a fully accessible ADA play area and sensory trail, access improvements, multisport court, perimeter trail, picnic shelter, and ball field renovations. The PFAC ranked this park highly in terms of equity related to dense neighborhood development as well as serving the specialized recreation and teen programs at the adjacent recreation center.
<b>Hillwood Park</b>	\$2.8	\$3.8	Hillwood Park amenities include a replacement children's play area, new splash pad, multisport court, picnic shelter, community kiosk, perimeter trail, and landscape improvements. The wide variety of park amenities strengthen neighborhood connection to this community park.

# 2020 Park Improvements and Acquisitions Bond Proposal

*PRCS Board - Parks Subcommittee Recommendation*

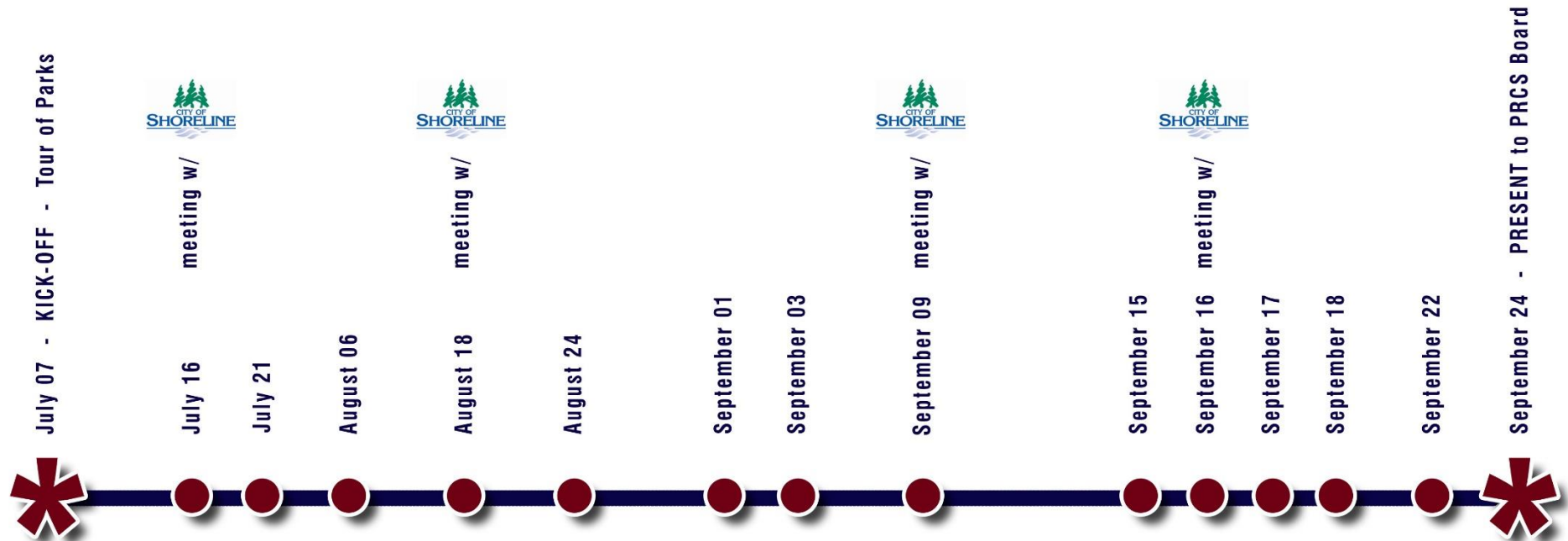
*24 September 2020*

Investment Opportunity (in PFAC priority order)	Renewal Level	Committee Recommendation	Notes
<b>Briarcrest (Hamlin East)</b>	\$4.1	\$5.1	The development of the southeast corner of Hamlin Park into a community-focused Briarcrest Park includes: access improvements at the entrance from 25th Ave, a new children's play area, splash pad, picnic shelter, a perimeter trail, and landscaping. The redevelopment improves access and strengthens community identity for the Briarcrest neighborhood.
<b>Forest Restoration</b>	\$0.0	\$0.0	In light of the 2019 initiation of the Green Shoreline partnership and its partnerships and funding stream, additional funding for forest restoration is not included in the proposed bond measure.
<b>Ridgecrest Park</b>	\$0.0	\$1.5	Investment in Ridgecrest Park prioritizes a new off-leash dog area (OLA) and a children's play area, and includes a picnic area, perimeter path, open lawn, and landscaping. Investment in this park leverages new parking built by Sound Transit.
<b>Shoreview Park</b>	\$0.0	\$1.0	The recommended bond proposal prioritizes investment to the temporary off-leash dog area (OLA) at Shoreview Park to make it permanent and more accessible to the community. Proposed OLA amenities include parking improvements, new plumbed water supply, permanent fencing, benches, and a community kiosk. This recommendation further identifies the existing sand field as a prime candidate for a future improvement opportunity, and is not a part of this bond recommendation in order to distribute new investment funding more equitably across Shoreline.
<b>Kruckeberg ADA Improvements</b>	\$0.5	\$0.5	ADA improvements at Kruckeberg Botanic Garden (KBG) will increase community access to the children's garden and education center. While established as lower priority by the PFAC due to previous investment, the bond proposal leverages funding recently raised by the KBG Foundation to make critical accesibility improvements to this City park.
<b>TOTAL BOND LEVEL</b>	<b>\$26.0</b>	<b>\$38.5</b>	

# Vision and Guiding Principles

- Community Engagement – Prioritize Input from the Shoreline Community
- Equity-Based Investment – considered underfunded parks and underserved groups
- Invest Across the Shoreline Community
- Balance Investment in Current Parks with Acquisition of Property and Future Park Development
- Bond Size – Renewal Level at \$26M vs Increased at \$38.5M

# Timeline and Approach



- Carefully reviewed the Final Report from the Parks Funding Advisory Committee (PFAC) to understand the PFAC recommendations
- Considered Open House feedback and other Public Comment
- Personally Toured the Parks
- Convened fourteen times, including four meetings with City Staff, and incorporated Staff Feedback into our recommendation

# PARKS Subcommittee Recommendation

2020 Park Improvements & Acquisitions Bond Recommendation - FULL \$38.5M		
<i>(in millions)</i>		
Investment Opportunity (in PFAC priority order)	Renewal Level	Committee Recommendation
Trails	\$0.0	\$0.0
Brugger's Bog Park	\$3.2	\$3.2
Property Acquisition	\$4.0	\$9.5
Acquired Property Improvements	\$0.0	\$2.0
The Park at Town Center	\$1.1	\$1.1
Public Art (system-wide)	\$0.5	\$1.0
James Keough Park	\$4.3	\$4.3
Richmond Highlands Park	\$5.5	\$5.5
Hillwood Park	\$2.8	\$3.8
Briarcrest (Hamlin East)	\$4.1	\$5.1
Forest Restoration	\$0.0	\$0.0
Ridgecrest Park	\$0.0	\$1.5
Shoreview Park	\$0.0	\$1.0
Kruckeberg ADA Improvements	\$0.5	\$0.5
<b>TOTAL BOND LEVEL</b>	<b>\$26.0</b>	<b>\$38.5</b>



# Bruggers Bog Park - \$3.2M

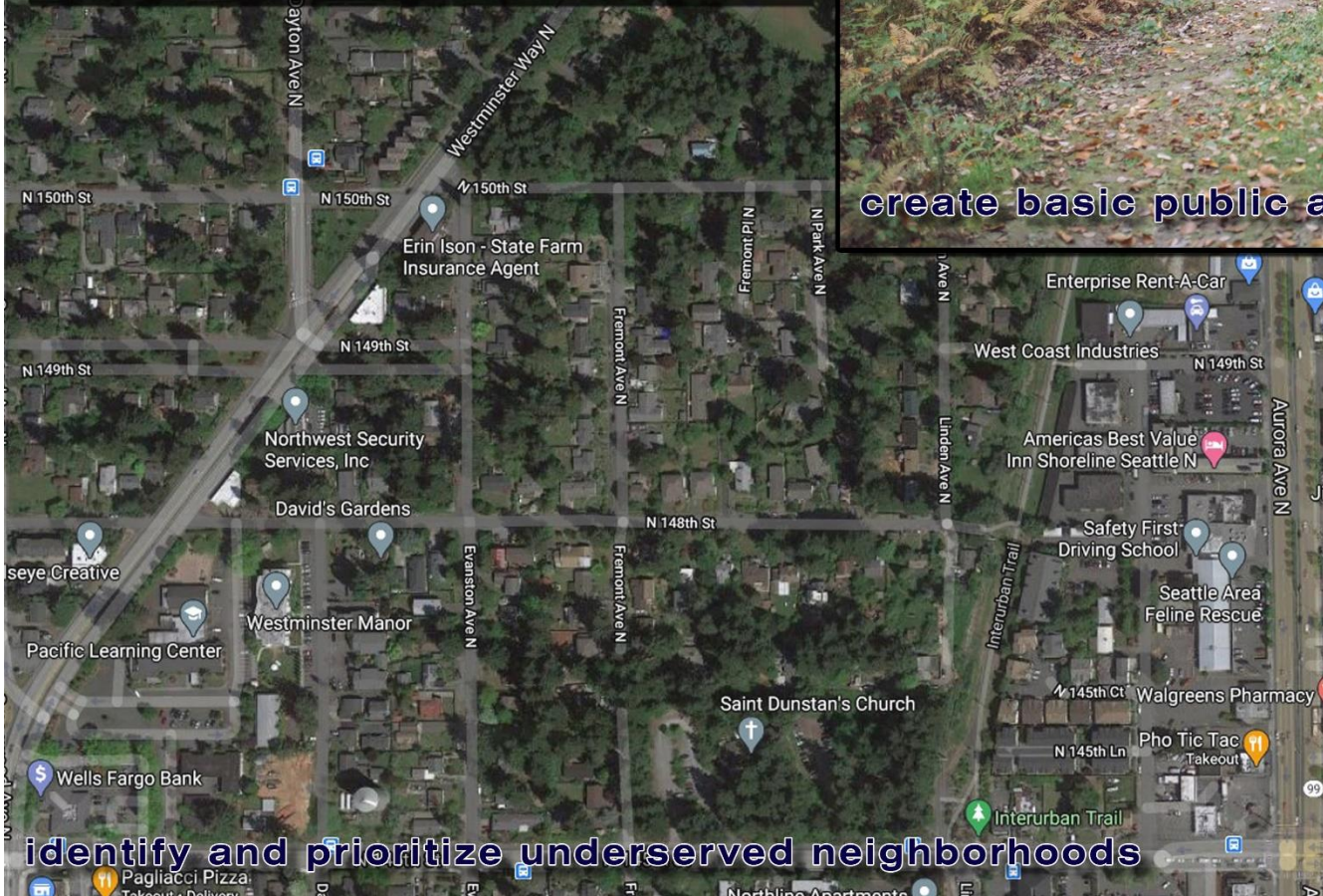




**demolish old structures**



**create basic public access**



**identify and prioritize underserved neighborhoods**



**clear blackberry and invasive weeds**

**Acquisition & Improvement**  
**\$9.5M-acquisition,**  
**\$2.0M-improvements**

# the Park at Town Center - \$1.1M





**Public Art - \$1.0M**

# James Keough Park - \$4.3M



# Richmond Highlands Park - \$5.5M



EINSTEIN MIDDLE SCHOOL

# Hillwood Park

\$3.8M



# Briarcrest / Hamlin East - \$5.1M





future trail connection

forested off-leash area

forested trails

off-leash area

open lawn

paved loop path

covered play area

picnic shelter, typ

restroom

multi-sport court / handball

ramp and stairs

public art (integrated)

sloped lawn

entry plaza

off-street parking (by sound transit)

existing trees to remain

off-leash area fence

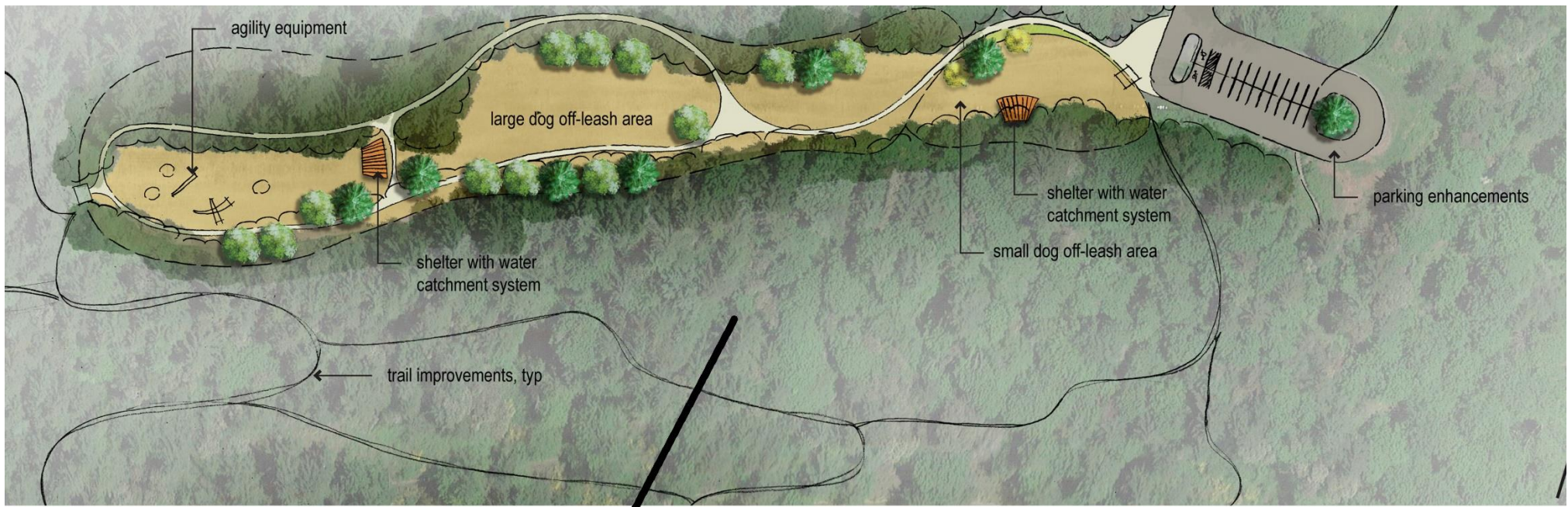
# Ridgecrest Park - \$1.5M

9a-37  
NE 161ST ST

3rd AVE NE







# Shoreview Park OLA

\$1.0M



# Kruckeberg ADA Improvements - \$0.5M



concept graphic by  
Kruckeberg Botanic Garden

Item	PFAC	Staff Recommendation	PRCS Board Recommendation	Staff Renewal Level	PRCS Board Renewal Level
		Alternative 1a	Alternative 1b	Alternative 2a	Alternative 2b
<b>Priority Park Improvements</b>					
Briarcrest – Hamlin Park	\$6.7	\$5.1	\$5.1	\$5.1	\$4.1
Brugger's Bog	\$5.4	\$3.2	\$3.2	\$3.2	\$3.2
Hillwood	\$4.2	\$3.8	\$3.8	\$3.8	\$2.8
Richmond Highlands	\$5.6	\$5.5	\$5.5	\$5.5	\$5.5
James Keough	\$4.3	\$3.0	\$4.3	\$3.0	\$4.3
<b>Sub-Total</b>	<b>\$26.2</b>	<b>\$20.6</b>	<b>\$21.9</b>	<b>\$20.6</b>	<b>\$19.9</b>
<b>Priority Park Amenities</b>					
Town Center	\$3	\$0.0	\$1.1	\$0.0	\$1.1
Public Art	NA	\$1.0	\$1.0	\$0.5	\$0.5
Ridgecrest	\$3.4	\$1.5	\$1.5	\$0.0	\$0.0
Shoreview	\$1.8	\$1.7	\$1.0	\$0.0	\$0.0
Kruckeberg	NA	\$0.5	\$0.5	\$0.5	\$0.5
Trails	\$2.4	\$0.0	\$0.0	\$0.0	\$0.0
Forest Restoration	\$1	\$0.0	\$0.0	\$0.0	\$0.0
<b>Sub Total</b>	<b>\$11.6</b>	<b>\$4.7</b>	<b>\$5.1</b>	<b>\$1.0</b>	<b>\$2.1</b>
<b>Park Improvements &amp; Park Amenity Sub Total</b>	<b>\$37.8</b>	<b>\$25.3</b>	<b>\$27.0</b>	<b>\$21.6</b>	<b>\$22.0</b>
<b>Park Land Acquisition</b>					
Match for Conservation Futures Tax (CFT) grant for Paramount Open Space		\$0.6	\$0.6	\$0.6	\$0.6
Westminster Triangle Park		\$0.0	\$0.0	\$0.0	\$0.0
Brugger's Bog		\$1.6	\$1.6	\$1.6	\$1.6
Portion of property at Rotary Park		\$2.2	\$2.2	\$2.2	\$1.8
Additional property at Rotary Park, light rail station areas		\$5.1	\$5.1	\$0.0	\$0.0
Acquisition of 17828 Midvale Avenue N (Storage Court)		\$0.0	\$0.0	\$0.0	\$0.0
<b>Sub Total</b>	<b>\$15.0</b>	<b>\$9.5</b>	<b>\$9.5</b>	<b>\$4.4</b>	<b>\$4.0</b>
<b>Improvement to Acquired Property</b>					
Paramount Open Space, Westminster Triangle		\$0.77	\$0.77	\$0.0	\$0.0
Portion of property at Rotary Park		\$0.73	\$0.73	\$0.0	\$0.0
Additional property at Rotary Park, light rail station areas		\$2.2	\$0.5	\$0.0	\$0.0
<b>Sub Total</b>		<b>\$3.7</b>	<b>\$2.0</b>	<b>\$0.0</b>	<b>\$0.0</b>
<b>Park Acquisitions &amp; Related Improvements Sub Total</b>		<b>\$13.2</b>	<b>\$11.5</b>	<b>\$4.4</b>	<b>\$4.0</b>
<b>Total Proposed for Bond</b>	<b>\$52.8</b>	<b>\$38.5</b>	<b>\$38.5</b>	<b>\$26.0</b>	<b>\$26.0</b>
<b>Taxpayer Amount</b>					
20 Year	NA	\$112/year; \$9/month	\$112/year; \$9/month		
<b>Over/Under 2006</b>					
	NA	\$36/year; \$3/month	\$36/year; \$3/month		No change

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Discussion of Mandatory Fire Sprinklers for New Single Family/Duplex Residential Construction
<b>DEPARTMENT:</b>	Planning & Community Development Shoreline Fire Department
<b>PRESENTED BY:</b>	Ray Allshouse, Building Official Derek LaFontaine, Fire Marshal
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

The Shoreline Fire Department is seeking to move towards expanding mandatory fire sprinkler installation coverage to include all new single family and duplex projects constructed in the City. This would potentially occur with the next update of the Construction and Building Code, which is currently slated to take effect on February 1, 2021. If approved, this will allow adoption of model code language originally adopted nationally as part of the 2009 International Residential Code (IRC). This requirement has not been adopted in Washington State by the Washington State Building Code Council (WASBCC) due to recognized implementation barriers, such as concern from local water purveyors and the cost of installation. Over the ensuing years, several local jurisdictions in the State have adopted this regulation.

This past Spring, the Shoreline Fire Commission authorized the Fire Marshal to pursue implementation of this mandatory fire sprinkler regulation. Tonight, staff is seeking direction from the Council on whether the Council would like to include this new requirement in the forthcoming amendments to the Construction and Building Code (SMC Chapter 15.05) when it is brought before Council for discussion on January 4 and potential adoption on January 25, 2021.

**RESOURCE/FINANCIAL IMPACT:**

There will be little or no impact to City resources. Fire Department permit fee revenue will see a modest increase as reflected below.

**RECOMMENDATION**

No formal action is required tonight. Staff recommends that the Council discuss this potential requirement and provide direction on whether to include this requirement in the Construction and Building Code amendments when they are brought back to Council for review and adoption in January. Staff recommends that Council expand mandatory fire

sprinkler installation coverage to include all new single family and duplex projects constructed in the City in the forthcoming Building Code update.

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

## BACKGROUND

Since 2006, the City of Shoreline has had a 'sprinkler ordinance' requiring installation of residential fire sprinkler systems in new single-family and duplex homes based on any one of these three factors:

- **Size** - Residences in excess of 4,800 square feet;
- **Low Fire Flow** - Residences over 3,600 square feet (sf) require 1,750 gallons per minute (gpm) in flow and residences under 3,600 sf require 1,000 gpm; or
- **Distance to the Fire Hydrant** – Residences over 500 feet away from the hydrant.

This has resulted in 45% of new homes, and almost all new townhomes, installing fire sprinkler systems.

All King County Zone One Fire jurisdictions<sup>1</sup> have similar sprinkler ordinances to Shoreline's current requirements. Over the years, the nearby jurisdictions of Kenmore, Redmond, Tukwila and Mercer Island have expanded to full coverage fire sprinkler regulations, meaning all new single family and duplex projects constructed in those cities must have residential fire sprinkler systems. Additionally, five other jurisdictions in the State of Washington have full fire sprinkler regulations, for a total of nine jurisdictions statewide. The Shoreline Fire Department, through authorization of the Shoreline Fire Commission, is now seeking to include this requirement in the City's Building Code.

### Residential Fire Sprinkler History and Regulations

The following provides a brief history of residential fire sprinklers in the United States and locally:

- **1973 - America Burning Report Issued:** Because residential fires are responsible for 70% of fire loss, civilian and firefighter fatality and injury, the report states "*Automatic extinguishing systems in residences would not only save lives and reduce direct losses from fire, but would also reduce other expenses to the Nation, such as the costs of treating burn and smoke injuries, insurance costs (both premiums and payouts), and the costs of maintaining fire departments.*"
- **1975 - National Fire Protection Association (NFPA) Standard 13D Developed:** The first residential sprinkler code developed in response to the America Burning Report.
- **2006 - NFPA Standard 5000 Adopted:** Building Construction and Safety Code includes first ever requirement in a US building code for sprinklers in one-and two-family dwellings.
- **2006 - International Residential Code (IRC) Adopted:** Adds optional sprinkler provision.
- **2006 – Current Shoreline Fire Sprinkler Ordinance (in Construction and Building Code; SMC Chapter 15.05) Adopted:** Added fire sprinkler ordinance based on size, low fire flow, and distance to hydrant thresholds (current City regulations as described above).

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<sup>1</sup> Zone One Fire jurisdictions include Shoreline, Northshore, Bothell, Woodinville, Redmond, Kirkland, Bellevue, Mercer Island and Eastside Fire and Rescue.

- **2009 - IRC Adopted:** Makes sprinklers a requirement in all new single-family homes. However, the Washington State Building Code Council (WASBCC) does not adopt this portion of the IRC and leaves it up to municipalities to adopt these regulations if they choose to. The IRC has since maintained the requirement with every edition.

Today, while all US model building codes include sprinkler requirements for one-and-two family dwellings, the WASBCC has not adopted this requirement and continues to leave it up to local jurisdictions to adopt this requirement or not.

**Fire Response Calls in Shoreline**

For context, the following information provides fire response calls by type of fire and year. Between 2015 and 2019, Shoreline has experienced 861 fire involved calls, 276 of which were structure fires. The data breaks down as follows:

**2015-19 Structure Fire Data**

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>Total</b>
Unconfined Structure Fires	32	45	30	43	40	<b>190</b>
Confined Cooking	9	10	17	14	17	<b>67</b>
Confined Chimney	3	6	3	1	6	<b>19</b>
<b>Total</b>	<b>44</b>	<b>61</b>	<b>50</b>	<b>58</b>	<b>63</b>	<b>276</b>

These fires have resulted in a fatality, civilian injuries, firefighter injuries, and several instances where a citizen or firefighter were very close to becoming seriously injured. For instance, there were a number of times where successful escapes from smoke and fire would have resulted in a very different outcome yet for a moments delay.

**National Residential Fire Statistics**

Additionally, the following data provides more context about residential fires across the Country. This data spans the years of 2008 through 2017:

- 1.34 million fires per year; 38% (510,758) are residential
- 3,190 deaths per year; 72% (2,296) are in residences
- 16,225 civilian injuries; 76% in residential fires
- \$14.7 billion in direct property loss value
- Cooking fires are the leading cause of residential fire loss and injury

**DISCUSSION**

As is noted above, since 2006, Shoreline’s Construction and Building Code (SMC Chapter 15.05) has required sprinkler systems based on size, low fire flow, distance to hydrant, or access issues. The issue with this current regulation is that fire does not care how big or small your residential structure is; fires happen in homes both big and small. In fact, 79% of the Shoreline structure fires from 2015 to 2019 occurred in homes under 3,000 sf.

Based on this issue, this past Spring, the Shoreline Fire Commission authorized the Shoreline Fire Marshal to pursue implementation of this regulation. A letter from Shoreline Fire Department Chief Matt Cowan to the City Council supporting this regulation is attached to this staff report as Attachment A.

Tonight, staff is seeking direction from the Council on whether the Council would like to include this new requirement in the Construction and Building Code amendments when they are brought before Council in January 2021. Full fire sprinkler coverage can be achieved by a local amendment that simply removes the WASBCC rulemaking provisions that repealed the applicable sprinkler sections of the IRC residential model code language (See Attachment B).

### **Regulation Analysis**

The following section provides the pros and cons of this regulation for Council consideration:

#### **Pros:**

- Nationally, sprinklers are responsible for an estimated 65% reduction in fire-fighting injuries.
- Sprinklers reduce direct property damage by 69%.
- National average fire loss in a sprinklered home is \$2,166 versus \$45,019 for an un-sprinklered home.
- Shoreline has had several one-head sprinkler fires in new multi-family residences. These are huge success stories as the residents can re-occupy the building immediately after cleanup. This minimizes temporary lodging needs.
- Much less water is used for fire suppression: A 13 gpm sprinkler head puts the fire out in its incipient phase, as opposed to a 150 gpm hose line.
- Fewer catastrophic house fires reduce contaminated runoff into the City storm water utility infrastructure.
- Use of sprinklers results in less smoke production and associated air-quality degradation including carbon monoxide (CO) and carbon dioxide (CO<sub>2</sub>).

#### **Cons:**

The primary downside of required residential sprinkler systems is the cost. The current average installation cost of a sprinkler system is \$2.00-\$2.50 per square foot in the Puget Sound area and the cost of a Fire Sprinkler permit is currently \$612. This additional cost may reduce demand for new residential development in the City. However, Shoreline allows “flow through” sprinkler systems which tie the sprinkler system to a regularly used plumbing fixture such as a toilet. This removes both the need for an extra water meter as well as a backflow device (which otherwise must be professionally tested annually). These provisions have resulted in making the installation of fire sprinklers in residential structures easier and less expensive. Furthermore, “flow through” sprinkler systems can be constructed with less expensive pex (flexible plastic) piping material.



## **ALTERNATIVES ANALYSIS**

If the Council is not in support of moving forward with this full sprinkler regulation, then the existing Code thresholds established locally in 2006 can be revisited with the intent of expanding the number of new residences that would need to have sprinklers installed. For instance, the building size threshold can be dropped below 4,800 square feet and/or the distance to the closest hydrant can be reduced to less than 500 feet. The existing standards are based on a combination of historic code-based criteria and Shoreline Fire Department' operational standards.

### **Options for Council Consideration**

Options for Council consideration tonight include:

- Including this mandatory fire sprinkler regulation for all new single family and duplex projects constructed in the City in the forthcoming Construction and Building Code amendments, including amendments to provisions related to establishing a threshold for requiring fire sprinklers for the full structure when a single family or duplex addition is proposed, or
- Amending the thresholds in the City's current fire sprinkler regulations as identified in the Alternatives Analysis section above, or
- Maintaining the status quo and not amending the City's current residential fire sprinkler regulations.

The local amendments to the Construction and Building Code (SMC Chapter 15.05) will be presented to Council for discussion on January 4, 2021, with potential adoption scheduled for January 25, 2021. Staff will include any amendments to the draft Code language based on direction provided tonight for Council's review on January 4<sup>th</sup>.

## **RESOURCE/FINANCIAL IMPACT**

There will be little or no impact to City resources. Fire Department permit fee revenue will see a modest increase.

## **RECOMMENDATION**

No formal action is required tonight. Staff recommends that the Council discuss this potential requirement and provide direction on whether to include this requirement in the Construction and Building Code amendments when they are brought back to Council for review and adoption in January. Staff recommends that Council expand mandatory fire sprinkler installation coverage to include all new single family and duplex projects constructed in the City in the forthcoming Building Code update.

## **ATTACHMENTS**

- Attachment A – November 30, 2020 Letter from Shoreline Fire Chief Matt Cowan to the Shoreline City Council Regarding Citywide Sprinkler Ordinance
- Attachment B - Draft Local Amendments to the International Residential Code and International Fire Code Related to Mandatory Fire Sprinklers in Single Family and Duplex Structures



**Shoreline Fire Department**  
*Dedicated to the Protection of Life and Property*  
*Serving the Shoreline Community for over 80 years, since 1939*

**FIRE CHIEF**  
Matt Cowan

**COMMISSIONERS**  
Ken Callahan      Rod Heivilin  
Kim Fischer      Barb Sullivan  
David Harris

November 30, 2020

Dear City Council Members,

I am writing today because I understand that you will be considering a City-wide sprinkler ordinance. I know for many that this is a contentious topic considering the pressure that the building industry has exerted on these types of requirements. While I agree with the builders that this will increase the cost of construction and might be passed along to the homeowner, I believe that the benefits far outweigh the costs. The most recent estimate is between \$2.00 and \$2.50 per square foot, which on a 2,000 square-foot house would be \$4,000 to \$5,000 dollars. While this may appear like a significant amount of money, it is a small fraction of the overall construction costs.

In the fire service, we are continually performing cost/benefit analyses. On emergency scenes, the cost is more commonly referred to as "risk," which is the risk of personnel being injured versus what we can save. In other programs, we consider the cost of a program versus the benefit gained, and sprinklers are a significant and undeniable benefit. The saying that "sprinklers save lives" is absolutely true, as it makes it much more likely that victims will have a chance to survive by "buying time." Even if sprinklers do not put the fire out, it slows the progress allowing the time to arrive and fully extinguish or perform a rescue.

We have fewer structure fires today than 20 years ago, but the ones we encounter are much more powerful due to the materials used in construction. And most structures are more likely to fail due to the use of trusses and other engineered construction practices. Again, I understand that there is a cost, but can we ignore the great benefits that can be provided by sprinklers? Please consider this when weighing the arguments for and against this measure. Speaking for myself and the Shoreline Fire Department, we hope that you rule in favor of the ordinance. Thanks for your time and consideration!

Sincerely,

Matt Cowan  
Fire Chief  
Shoreline Fire Department

Proposed Local Amendments Excerpt  
Residential Sprinklers

**International Residential Code (IRC) Section R313.1 is adopted and Section R313.2 is amended to read as follows:**

**R313.2 One- and two-family dwellings automatic fire sprinkler systems.**

An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

**Exception:** An automatic residential fire sprinkler system shall not be required for additions to existing buildings that are not already provided with an automatic residential sprinkler system unless otherwise required under IFC Section 102.5.

**R313.2.1 Design and installation.** *(no changes)*

**International Fire Code (IFC) A. Section 102.5 is amended to read as follows:**

**102.5 Application of residential code.**

Where structures are designed and constructed in accordance with the International Residential Code, including all new licensed adult family homes in existing dwellings without exception, the provisions of this code shall apply.

**102.5.1 Scope.** Construction and design provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall apply.

**Exceptions:**

1. Additions to existing structures of up to 500 square feet with a resulting total area that does not exceed 6,200 square feet are not required to comply with fire apparatus access or water supply requirements.
2. Additions to existing structures greater than 500 square feet are not required to comply with fire apparatus access or water supply requirements, provided the addition to a dwelling is less than 25% of the existing total living area square footage and the resulting total does not exceed 6,200 square feet.
3. Additions to existing structures greater than 500 square feet are not required to comply with fire apparatus access or water supply requirements, provided the addition to a dwelling is greater than 25% but less than 50% of the existing total living area square footage, the resulting total does not exceed 6,200 square feet, and interconnected carbon monoxide and smoke alarm devices are monitored by an approved central station.