



City of Shoreline | 17500 Midvale Avenue North | Shoreline, WA 98133
Phone 206-801-2700 | Email: clk@shorelinewa.gov | www.shorelinewa.gov

**SHORELINE CITY COUNCIL
VIRTUAL/ELECTRONIC REGULAR MEETING
REVISED AGENDA V.2
Monday, March 7, 2022 at 7:00 p.m. on Zoom**

Join Zoom Webinar: <https://zoom.us/j/95015006341>
Call into Webinar: 253-215-8782 | Webinar ID: 950 1500 6341
(long distance fees may apply)

The City Council is providing opportunities for public comment by submitting written comment or by joining the meeting webinar (via computer or phone) to provide oral public comment:



[Sign-Up to Provide Oral Testimony](#) *Pre-registration is required by 6:30 p.m. the night of the meeting.*



[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.*

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		7:00
2. ROLL CALL		
3. APPROVAL OF THE AGENDA		
4. REPORT OF THE CITY MANAGER		
5. COUNCIL REPORTS		
6. PUBLIC COMMENT		
<i>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 up.</i>		
7. CONSENT CALENDAR		
(a) Authorize the City Manager to Execute a Construction Contract with Northend Excavating, Inc. in the Amount of \$490,437 for the NE 148th Street Infiltration Facilities Project	<u>7a-1</u>	
(b) Authorize the City Manager to Execute an Agreement with the Department of Justice Accepting a Grant in the amount of \$500,000 for the North Sound RADAR Program	<u>7b-1</u>	
8. ACTION ITEMS		
(a) Action on Ordinance No. 958 – Waiving Council Rule of Procedure 3.6 and Amending Shoreline Municipal Code Section 13.20.040 to Except Temporary Construction Power from the City's Undergrounding Requirement	<u>8a-1</u>	7:20
• Staff Presentation		
• Public Comment		

- Council Action

9. STUDY ITEMS

- | | | | |
|-----|---|-------------|------|
| (a) | Transportation Master Plan (TMP) Update - Draft Multimodal Level of Service Approach | <u>9a-1</u> | 7:35 |
| (b) | Second Discussion on Ordinance No. 955 – 2021 Batch #2 Development Code Amendments – Miscellaneous and SEPA Related Amendments Amending Development Code Sections 20.20, 20.30, 20.40 and 20.50 | <u>9b-1</u> | 8:05 |
| (c) | Discussion of the 2022 Comprehensive Plan Amendment Docket | <u>9c-1</u> | 8:45 |

10. ADJOURNMENT

9:15

Any person requiring a disability accommodation should contact the City Clerk’s Office at 206-801-2230 in advance for more information. For TTY service, call 206-546-0457. For up-to-date information on future agendas, call 206-801-2230 or visit the City’s website at shorelinewa.gov/councilmeetings. Council meetings are shown on the City’s website at the above link and on Comcast Cable Services Channel 21 and Zply Fiber 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.

DOWNLOAD THE ENTIRE CITY COUNCIL PACKET FOR MARCH 7, 2022



[LINK TO STAFF PRESENTATIONS](#)



[LINK TO PUBLIC COMMENT RECEIVED](#)

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize the City Manager to Execute a Construction Contract with Northend Excavating, Inc. in the Amount of \$490,437 for the NE 148 th Street Infiltration Facilities Project
DEPARTMENT:	Public Works
PRESENTED BY:	Tricia Juhnke, City Engineer
ACTION:	<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:

Runoff quickly overwhelms the existing surface water system in NE 148th Street between 12th Avenue NE and 15th Avenue NE, resulting in numerous ponding and flooding events. The NE 148th Street Infiltration Facilities project will install multiple infiltration facilities to help address this issue while also providing storm water treatment to protect nearby Littles Creek.

Between January 27 and February 17, 2022, the City solicited bids for contractors to construct the NE 148th Street Infiltration Facilities project as Bid #9974. The base bid from Northend Excavating Inc. in the amount of \$445,852 was the apparent low bid. City staff has determined that the bid from Northend Excavating is responsive and that they have met the City's requirements. Staff is requesting that the City Council authorize the City Manager to execute a contract with the lowest responsive bidder, Northend Excavating, for construction of the NE 148th Street Infiltration Facilities project in the amount \$445,852 with a change order authority of \$44,585. Construction is anticipated to start in March 2022 with a total contract time of 60 working days.

RESOURCE/FINANCIAL IMPACT:

This project is funded by two grants from the Department of Ecology and King County WaterWorks and the surface water utility bond funds. Project costs and budget summary follows:

EXPENDITURES

Design

Project Administration	\$ 85,000
Right-of-Way Acquisition	\$ 21,500

Construction

Staff and other Direct Expenses	\$ 5,000
Construction Management (CM) Services	\$ 85,400
<i>Northend Excavating Construction Contract</i>	\$ 445,852
<u>Contingency (10%)</u>	<u>\$ 44,585</u>
TOTAL (Design and Construction)	\$ 687,337

REVENUE

Surface Water Utility Bond	\$ 331,009
Ecology SFAG Grant	\$ 293,125
<u>King County WaterWorks Grant</u>	<u>\$ 63,203</u>
TOTAL Revenue	\$ 687,337

RECOMMENDATION

Staff recommends that City Council authorize the City Manager to execute a construction contract with Northend Excavating in the amount of \$445,852 with an additional change order authority of \$44,585 for the NE 148th Street Infiltration Facilities Project.

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

BACKGROUND

Design of the NE 148th Street Infiltration Facilities project began in January 2014 and progressed to a nearly 90% level before it was placed on hold when grant funds were no longer being available due to State revenue shortfalls. After many delays and reapplying for funding, Council [authorized the City Manager to obligate grant money from the State of Washington Department of Ecology Stormwater Financial Assistance Program](#) (SFAP) in January 2019. The project also received grant funding from King County in 2018, and [Council authorized the obligation of this funding](#) shortly after.

Once City staff resources were made available and allocated to the project, design was finalized in 2021. The design addresses the reoccurring flooding issues along NE 148th Street between 12th Avenue NE and 15th Avenue NE. Flooding will be reduced with the installation of multiple infiltration facilities.

Most recently, Council authorized the execution of a [contract to provide construction management and inspection services](#) for this project on January 24, 2022.

DISCUSSION

Between January 27 and February 17, 2022, the City solicited bids for contractors to construct the Project under Bid #9974 as noted above. Bids were opened on February 17, 2022, and six (6) bids were received. Northend Excavating was the low bidder with a base bid of \$445,852. The engineer's estimate for construction of the Project was \$551,663.

The lowest bid from Northend Excavating was determined to be responsive and met the requirements of the City. This was verified by:

- Evaluation and analysis of the bid through the creation of bid tabulations, and
- Verification that the contractor is properly licensed in Washington State and has not been barred from contracting on federal- and state-funded projects.

Construction is anticipated to start in March 2022 and be completed within 60 working days.

COUNCIL GOAL(S) ADDRESSED

This Project addresses Council Goal #2: Continue to deliver highly valued public services through management of the City's infrastructure and stewardship of the natural environment.

RESOURCE/FINANCIAL IMPACT

This project is funded by two grants from the Department of Ecology and King County WaterWorks and the surface water utility bond funds. Project costs and budget summary follows:

EXPENDITURES

Design

Project Administration	\$ 85,000
Right-of-Way Acquisition	\$ 21,500

Construction

Staff and other Direct Expenses	\$ 5,000
Construction Management (CM) Services	\$ 85,400
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TOTAL Revenue	\$ 687,337

RECOMMENDATION

Staff recommends that City Council authorize the City Manager to execute a construction contract with Northend Excavating in the amount of \$445,852 with an additional change order authority of \$44,585 for the NE 148th Street Infiltration Facilities Project.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize the City Manager to Execute an Agreement with the Department of Justice Accepting a Grant in the amount of \$500,000 for the North Sound RADAR Program
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Christina Arcidy, Management Analyst
ACTION:	<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 an agreement with the Department of Justice accepting a \$500,000 grant to fund expansion of the North Sound RADAR Program. The North Sound RADAR Program combines information sharing across law enforcement agencies and outreach by Mental Health Professional Navigators to serve individuals in behavioral crisis within the cities of Bothell, Kenmore, Kirkland, Lake Forest Park, and Shoreline.

The RADAR Program is actively seeking additional funding to expand the program. The City applied to the Department of Justice grant in fall 2021 and was notified in December 2021 of the grant award. Funding would be used both to help expand RADAR and target a weak point in the current treatment system, which is the transition from law enforcement contact during a crisis to ongoing treatment services. The City would contract with the City of Bothell to provide additional co-responder capacity in the RADAR Program (0.5 FTE) and the Center for Human Services to provide a fulltime Mental Health Professional Treatment Navigator. The grant would also cover some of the time of co-responding police officers.

RESOURCE/FINANCIAL IMPACT:

The grant award to the City totals \$500,000 for expense over three years, 2022-2024. The 2021-2022 Mid-Biennial Budget update presented to Council in November 2022 will include amendments needed for this grant award. Staff will also include a budget request for the 2023-2024 Biennial Budget related to this grant.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute an agreement with the Department of Justice accepting a grant in the amount of \$500,000 for the North Sound RADAR Program.

Approved By: City Manager City Attorney

BACKGROUND

In 2016, the Shoreline Police Department started a pilot program called RADAR (Response Awareness, De-escalation and Referral) after being one of seven successful applicants out of over 100 to receive a United States Department of Justice grant for projects under their Smart Policing Initiative (SPI) in October 2015. The goal of SPI was to identify the development of programs and strategies that are effective, efficient, and economical ways to reduce crime, ensure higher case closure rates, and increase agency efficiency and improve community collaboration and relations. Shoreline collaborated with the King County Sheriff's Office (KCSO) and potential research partners from George Mason University and the Police Foundation to develop a competitive application for RADAR. Further information on the RADAR pilot funded by the Department of Justice grant can be found here: [Approval of the Grant Agreement Between the United States Department of Justice and the City of Shoreline for the Risk Awareness, De-escalation, and Referral \(RADAR\) Program and Approval for the City Manager to Enter into Agreements to Implement the Program.](#)

When the program was first envisioned, the overall goal of RADAR was to enhance community and first responder safety through relationship-based policing, community care-taking, and procedural justice. The RADAR program was designed as follows:

1. Identify, assess, and establish cooperative relationships with individuals at risk of violence due to mental health issues, cognitive deficits, or substance abuse.
2. Engage in a cooperative alliance with these individuals and the "circle of support" (family members and friends).
3. Establish safety protocols, de-escalation techniques, and voluntary strategies to remove weapons prior to crisis events.
4. Share accurate and updated de-escalation information with first responders to ensure a safe and consistent response.
5. Evaluate the effectiveness of RADAR using a rigorous program evaluation process.

RADAR provides police officers with response plans designed to assist in the field with de-escalation and crisis intervention response. It also provides resources for officers to follow up with a Mental Health Professional (MHP) Navigator for at-risk individuals in the community. While all officers may make a referral to RADAR, between five to seven Shoreline deputies and one sergeant currently work in the RADAR program, co-responding with a MHP Navigator. Deputies self-select to work with RADAR based on their interest in supporting people with behavioral and mental health needs. Once selected, the deputies shadow an experienced RADAR co-responder team (a deputy and MHP Navigator) before going out into the field on calls. The goals of the RADAR program are to strengthen community/police partnerships, to increase the connection of at-risk individuals with effective behavioral health services and treatments, to enhance community and first responder safety by reducing the potential for police use of physical force, and to reduce repeat calls for service.

At the 2021 City Council Strategic Planning Workshop, City Council created a new Action Step for Council Goal 5, which directed staff to "Support the effective and efficient delivery of public safety services by maximizing the North Sound RADAR

service delivery model; explore opportunities using an alternative-responder model similar to CAHOOTS (Crisis Assistance Helping Out on the Streets) through the North Sound cities partnership; and collaborate with King County District Court and other criminal justice service partners to address the inequitable treatment of low-income misdemeanor defendants through options such as a warrant release program, a relicensing program, and other efforts to lower Court Failure to Appear rates.” As part of this directive and working with the other RADAR Program cities, the City of Shoreline applied for and received a Department of Justice grant. The RADAR Program cities will continue to look for additional grant funding sources to expand the RADAR Program, as well as work with the councils of each city for possible municipal general fund support for the program.

DISCUSSION

The City applied to the Department of Justice (DOJ) for grant funding in Fall 2021. The City was selected by the DOJ to receive a \$500,000 grant, which the City was notified of in December 2021. Funding will be used to both help expand RADAR and target a weak point in the current treatment system, which is the transition from law enforcement contact during a crisis to ongoing treatment services. The City would contract with the City of Bothell to provide additional co-responder capacity in the RADAR Program (0.5 FTE) and the Center for Human Services to provide a fulltime Mental Health Professional Treatment Navigator. The grant would also cover some of the time of co-responding Police officers.

The partnership with the Center for Human Services to host a Mental Health Professional Treatment Navigator aims to help people in crisis connect with the behavioral health system when the person is not currently enrolled in Medicaid or does not have private insurance. The behavioral health system is not set up to take someone in immediately if there is no one to pay for treatment, so this grant fills the gap to pay for services received by someone in crisis to both help connect them with services and set them up with Medicaid or private insurance.

Once Council authorizes the City Manager to accept this award, staff will begin the contracting process with the City of Bothell and Center for Human Services. These contracts would be brought back to Council in Q1 or Q2 of 2022.

Not authorizing acceptance of this grant would result in the RADAR Program no longer being able to expand from 3.5 to 4.0 FTE Mental Health Navigators in 2022. There would be no funding for the Center for Human Services to host a Mental Health Professional Treatment Navigator to help connect people with the behavioral health system.

COUNCIL GOAL(S) ADDRESSED

This grant supports 2021-2023 City Council Goal 5, Action Step 5:

Support the effective and efficient delivery of public safety services by maximizing the North Sound RADAR service delivery model; explore opportunities using an alternative-responder model similar to CAHOOTS (Crisis

Assistance Helping Out on the Streets) through the North Sound cities partnership; and collaborate with King County District Court and other criminal justice service partners to address the inequitable treatment of low-income misdemeanor defendants through options such as a warrant release program, a relicensing program, and other efforts to lower Court Failure to Appear rates.

RESOURCE/FINANCIAL IMPACT

The grant award to the City totals \$500,000 for expense over three years, 2022-2024. The 2021-2022 Mid-Biennial Budget update presented to Council in November 2022 will include amendments needed for this grant award. Staff will also include a budget request for the 2023-2024 Biennial Budget related to this grant.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute an agreement with the Department of Justice accepting a grant in the amount of \$500,000 for the North Sound RADAR Program.

ATTACHMENTS

Attachment A: Department of Justice Grant Agreement

▼ Award Letter

December 16, 2021

Dear BETHANY WOLBRECHT-DUNN,

On behalf of Attorney General Merrick B. Garland, it is my pleasure to inform you the Office of Justice Programs (OJP) has approved the application submitted by SHORELINE, CITY OF for an award under the funding opportunity entitled 2021 BJA FY 21 Connect and Protect: Law Enforcement Behavioral Health Responses. The approved award amount is \$500,000.

Review the Award Instrument below carefully and familiarize yourself with all conditions and requirements before accepting your award. The Award Instrument includes the Award Offer (Award Information, Project Information, Financial Information, and Award Conditions) and Award Acceptance.

Please note that award requirements include not only the conditions and limitations set forth in the Award Offer, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds). Therefore, all key staff should receive the award conditions, the assurances and certifications, and the application as approved by OJP, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award.

Should you accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

To accept the award, the Authorized Representative(s) must accept all parts of the Award Offer in the Justice Grants System (JustGrants), including by executing the required declaration and certification, within 45 days from the award date.

Congratulations, and we look forward to working with you.

Amy Solomon
Principal Deputy Assistant Attorney General

Office for Civil Rights Notice for All Recipients

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, require recipients of federal financial assistance to give assurances that they will comply with those laws. Taken together, these civil rights laws prohibit recipients of federal financial assistance from DOJ from discriminating in services and employment because of race, color, national origin, religion, disability, sex, and, for grants authorized under the Violence Against Women Act, sexual orientation and gender identity. Recipients are also prohibited from discriminating in services because of age. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>.

7b-5

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria. These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a nondiscriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEO requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5).

The OCR is available to help you and your organization meet the civil rights requirements that are associated with DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to contact the OCR at askOCR@ojp.usdoj.gov.

Memorandum Regarding NEPA

NEPA Letter Type

OJP - Categorical Exclusion

NEPA Letter

None of the following activities will be conducted whether under the Office of Justice Programs federal action or a related third party action:

- (1) New construction
- (2) Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species
- (3) A renovation that will change the basic prior use of a facility or significantly change its size
- (4) Research and technology whose anticipated and future application could be expected to have an effect on the environment
- (5) Implementation of a program involving the use of chemicals (including the identification, seizure, or closure of clandestine methamphetamine laboratories)

Additionally, the proposed action is neither a phase nor a segment of a project that when reviewed in its entirety would not meet the criteria for a categorical exclusion.

Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of Title 28 of the Code of Federal Regulations.

Questions about this determination may be directed to your grant manager or Environmental Coordinator for the Bureau of Justice Assistance.

NEPA Coordinator

First Name

Middle Name

Last Name

▼ Award Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

 Recipient Information

Recipient Name

SHORELINE, CITY OF

DUNS Number

961859345

UEI

NEJSNQ96AG81

Street 1

17500 MIDVALE AVENUE N

Street 2

City

SHORELINE

State/U.S. Territory

Washington

Zip/Postal Code

98133

Country

United States

County/Parish

Province

 Award Details

Federal Award Date

12/16/21

Award Type

Initial

Award Number

15PBJA-21-GG-04301-MENT

Supplement Number

00

Federal Award Amount

\$500,000.00

Funding Instrument Type

Grant

[Assistance Listing Number](#) [Assistance Listings Program Title](#)

16.745

Criminal and Juvenile Justice and Mental Health Collaboration Program

Statutory Authority

34 USC 10651; Pub. L. No. 116-260, 134 Stat 1182, 1259

I have read and understand the information presented in this section of the Federal Award Instrument.

Project Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Solicitation Title

2021 BJA FY 21 Connect and Protect: Law Enforcement Behavioral Health Responses

Awarding Agency

OJP

Program Office

BJA

Application Number

GRANT13415928

Grant Manager Name Phone Number

202-616-8241

Nikisha Love

E-mail Address

Nikisha.Love@ojp.usdoj.gov

Project Title

RADAR: Bridging the gap between law enforcement and behavioral health with treatment navigators.

Performance Period Start Date

10/01/2021

Performance Period End Date

09/30/2024

Budget Period Start Date

10/01/2021

Budget Period End Date

09/30/2024

Project Description**RADAR: Bridging the Gap Between Law Enforcement and Behavioral Health with Treatment Navigators Project**

Lead Applicant/ Law Enforcement Entity: City of Shoreline/ Shoreline Police Department (representative member of the RADAR Navigator agencies: Police Departments of Shoreline, Lake Forest Park, Kenmore, Bothell, and Kirkland, WA)

Partner Applicant/ Mental Health Agency: Center for Human Services

Target population, proposed number of individuals served: The project is aimed at individuals with MI/CMISA at the law enforcement intercept point due to their MI and CMISA, who have historically not successfully engaged with the treatment system. The number of individuals to be served will be defined during the planning year and with the BJA training and technical assistance partner.

Jurisdiction's population and demographic characteristics: The North King County region which would be served under this funding includes the cities of Shoreline, Lake Forest Park, Kenmore, Bothell, and Kirkland, Washington. Approximate Population 227,000 people, 245 sworn officers, covers approximately 53.11 square miles. 79% White, 21% Black, Indigenous and People of Color. An average of 4.8% of the population below the poverty line.

Brief Project Description: Enhancing Co-Response capacity, adding a Mental Health partner to enroll people in MI/CMISA treatment.

In order to better meet the needs of people with MI/CMISA, the five RADAR Police Departments will partner with the Center for Human Services to create a bridge from the law enforcement intercept to treatment via a full-time mental health professional "Treatment Navigator" position and additional co-response Navigator capacity. The Co-Response Navigator will respond with officers to in-progress calls and follow up with people with MI/CMISA to get them enrolled in treatment at Center for Human Services. Center for Human Services position will create a dedicated pipeline to services. Deliverables will include a Planning and Implementation Guide, hiring two staffers (Planning Year); providing services for people with MI/CMISA; and a Report or White Paper sharing our data, results and funding with other jurisdictions (Implementation Years). This funding will enhance an existing co-response program by creating and formalizing a bridge to the community mental health treatment system.

Federal funding requested: \$500,000.00

Match funds: \$414,754.00

Previous recipient of JMHCP Grant Funds: No

Proposed subcontractors: None

Program Specific Priority Areas to be addressed in the application:

- 1. Promote effective strategies by law enforcement to identify and reduce the risk of harm to individuals with MI/CMISA and to public safety.*
- 2. Promote effective strategies for identification and treatment of female offenders with MI/CMISA.*

I have read and understand the information presented in this section of the Federal Award Instrument.

✓ Financial Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

The recipient budget is currently under review.

I have read and understand the information presented in this section of the Federal Award Instrument.

✓ Award Conditions

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.



Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2021 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2021 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2021 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or

distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

2

Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

3

Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2019, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after January 1, 2019, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

4

Safe policing and law enforcement subrecipients

If this award is a discretionary award, the recipient agrees that it will not make any subawards to State, local, college, or university law enforcement agencies unless such agencies have been certified by an approved independent credentialing body or have started the certification process. To become certified, law enforcement agencies must meet two mandatory conditions: (1) the agency's use of force policies adhere to all applicable federal, state, and local laws; and (2) the agency's use of force policies prohibit chokeholds except in situations where use of deadly force is allowed by law. For detailed information on this certification requirement, see <https://cops.usdoj.gov/SafePolicingEO>.

5

Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required

by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

6

Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

7

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

8

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

9

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

10

Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

11

Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

12

Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

 **13**

Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

 **14**

Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

 **15**

Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

 **16**

Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

 **17**

Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the

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course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

18

Compliance with general appropriations-law restrictions on the use of federal funds (FY 2021)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2021, are set out at <https://ojp.gov/funding/Explore/FY21AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

19

Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

20

Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.



Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

22

Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

23

OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.

24

All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not

consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

25

Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

26

Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

27

Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at

<https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

28

Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

29

Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

30

Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

31

The recipient understands that, in accepting this award, the Authorized Representative declares and certifies, among other things, that he or she possesses the requisite legal authority to accept the award on behalf of the recipient entity and, in so doing, accepts (or adopts) all material requirements that relate to conduct throughout the period of performance under this award. The recipient further understands, and agrees, that it will not assign anyone to the role of Authorized Representative during the period of performance under the award without first ensuring that the individual has the requisite legal authority.

 **32**

Verification and updating of recipient contact information

The recipient must verify its Grant Award Administrator, Financial Manager, and Authorized Representative contact information in JustGrants, including telephone number and e-mail address. If any information is incorrect or has changed, the award recipient's Entity Administrator must make changes to contact information through DIAMD. Instructions on how to update contact information in JustGrants can be found at <https://justicegrants.usdoj.gov/training/training-entity-management>.

 **33**

The recipient agrees to submit to BJA for review and approval any curricula, training materials, proposed publications, reports, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date. Any written, visual, or audio publications, with the exception of press releases, whether published at the grantee's or government's expense, shall contain the following statements: "This project was supported by Grant No. <AWARD_NUMBER> awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the DOJ Grants Financial Guide provides guidance on allowable printing and publication activities.

 **34**

The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

 **35**

The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

 **36**

Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

 **37**

The recipient shall submit semiannual performance reports. Performance reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, on-line through the Internet at <https://justgrants.usdoj.gov>

 **38**

The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other term or condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.

 **39**

Limit on use of grant funds for grantees' employees' salaries

With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

 **40**

FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$30,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

 **41**

Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at

<https://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

42

To the extent that direct services will be provided to participants as a component of the JMHCP project, grant funds must be used to support a target population that includes adults or juveniles who: 1) have been diagnosed as having MI or CMISA or manifest obvious signs of MI or CMISA during arrest or confinement or before any court; 2) have been unanimously approved for participation in a program funded under this award by (as appropriate) the relevant prosecuting attorney, defense attorney, probation or corrections official, judge, and a representative from the relevant mental health agency, and having been determined by each of these relevant individuals to not pose a risk of violence to any person in the program, or the public; and 3) have not been charged with or convicted of any sex offense (as defined at 34 U.S.C. § 20911) or any offense relating to the sexual exploitation of children, or murder or assault with intent to commit murder.

43

Recipient understands that significant project delays (over 90 days) may lead to increases in the required cost match, pursuant to 34 USC 10651(d), and agrees to cooperate with BJA on any budget revisions that may be necessary, particularly following such significant project delays. Recipient further understands that the required match set forth in the proposed budget and any budget revisions will be reviewed in accordance with statutory requirements, leading to a total match amount for which the recipient will be responsible.

44

JMHCP Planning Phase: The recipient may incur obligations, expend, and draw down funds in an amount not to exceed \$100,000 for the sole purpose of completing the required planning phase during which it must develop a Planning and Implementation Guide. The grantee is not authorized to incur any additional obligations, make any additional expenditures, or drawdown any additional funds until BJA has reviewed and approved the grant recipient's completed Planning and Implementation Guide and has issued an Award Condition Modification (ACM) removing this condition.

45

Conditional Clearance

The recipient may not obligate, expend or draw down funds until the Office of the Chief Financial Officer (OCFO) has approved the budget and budget narrative and an Award Condition Modification (ACM) has been issued to remove this award condition.

I have read and understand the information presented in this section of the Federal Award Instrument.

✓ Award Acceptance

Declaration and Certification to the U.S. Department of Justice as to Acceptance

By checking the declaration and certification box below, I--

A. Declare to the U.S. Department of Justice (DOJ), under penalty of perjury, that I have

7b-22

authority to make this declaration and certification on behalf of the applicant.

B. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted (including by applicant's legal counsel as appropriate and made available to me) a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.

C. Accept this award on behalf of the applicant.

D. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

Agency Approval

Title of Approving Official	Name of Approving Official	Signed Date And Time
Principal Deputy Assistant Attorney General	Amy Solomon	12/14/21 8:25 AM

Authorized Representative



Entity Acceptance

Title of Authorized Entity Official
Customer Services Manager

Signed Date And Time

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Action on Ordinance No. 958 – Waiving Council Rule of Procedure 3.6 and Amending Shoreline Municipal Code Section 13.20.040 to Except Temporary Construction Power from the City’s Undergrounding Requirement
DEPARTMENT:	City Manager’s Office
PRESENTED BY:	John Norris, Assistant City Manager
ACTION:	<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:

Shoreline Municipal Code (SMC) Chapter 13.20 provides the City’s regulations for electrical and communication facilities. SMC Section 13.20.040 provides the exceptions for the Chapter where undergrounding would not be required, and there currently is no exception for temporary construction power. Allowing temporary construction power facilities to be constructed overhead (not be undergrounded) is fairly standard in many jurisdictions’ electrical facility regulations.

Tonight, Council will discuss proposed Ordinance No. 958 (Attachment A) which would amend SMC Section 13.20.040 to allow for overhead temporary construction power. As there are members of the development community actively looking to permit and install temporary construction power, staff recommends that Council review and take action on this proposed Ordinance as soon as possible. Therefore, staff is also recommending that Council waive Council Rule of Procedure 3.6 which requires three readings of Ordinances for adoption. Taking action on proposed Ordinance No. 958 tonight will provide for two readings of this proposed Ordinance. Additionally, per Council Rule of Procedure 6.1.B., because this is an Action Item before the Council for the first time and this item is not on tonight’s Consent Calendar, Council is required to hold a public comment period for this item following the staff presentation but preceding Council review and potential action.

RESOURCE/FINANCIAL IMPACT

There is no financial impact to the City in amending SMC Section 13.20.040 to allow overhead temporary construction power. If this section of the Code is not amended, there may be significant indirect financial impacts if certain development projects are delayed or are not constructed due to being required to construct temporary construction power for their developments underground. It is difficult to quantify what this lost investment in Shoreline would be, but it is clear that some development would be delayed if not severely curtailed for several years if connection to electrical power is

not financially feasible for the construction of core development in the MUR-70' zoning district of the 145th Street Station Subarea.

RECOMMENDATION

Staff recommends that the City Council waive Council Rule of Procedure 3.6 requiring three readings of Ordinances and adopt Ordinance No. 958 amending SMC Section 13.20.040 to except temporary construction power from the City's undergrounding requirement.

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

BACKGROUND

On February 28th, the City Council discussed the issue of required electrical utility undergrounding in the 145th Street Station Subarea and the impact on the Sound Transit Lynnwood Link Extension Project and development in the Subarea. 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/2022/staffreport022822-9a.pdf>.

This discussion was prompted by Seattle City Light's (SCL's) announcement that it was delaying its critical underground infrastructure project that is necessary to serve the Sound Transit light rail project at 145th street. The City's current Municipal Code regulations prohibit new electrical facilities or extensions, additions, duplications, or rebuilds of existing electrical facilities being constructed on overhead poles (SMC Section 13.20.050). The City has an interest in addressing the need for electrical service to Sound Transit's light rail station on an interim basis until SCL's delayed infrastructure upgrade is installed in the Subarea. Additionally, when reviewing these provisions to address the SCL delay, it was noted that the current Code does not explicitly allow for overhead temporary construction power in any part of the City. This issue impacts planned development in the 145th Street Station Subarea and may also impact development elsewhere in the future.

At the conclusion of this discussion, Council directed staff to move forward with the staff recommendation of returning to Council with proposed Code amendments to Chapter 13.20 of the Municipal Code to allow for overhead temporary construction power and to allow for some level of interim overhead power until SCL-planned facilities are installed in the 145th Street Station Subarea. As there are members of the development community actively looking to permit and begin construction on development projects with the need for streamlined temporary construction power, staff recommended a two-phase process which would address the issue of allowing overhead temporary construction power first. Thus, tonight's discussion and proposed action will focus on amending SMC Section 13.20.040 to add an exception to the City's undergrounding requirements for electrical facilities to explicitly allow for temporary construction power to be installed aboveground during the construction phase of a project.

DISCUSSION

Proposed Ordinance No. 958 (Attachment A) provides for this proposed Code amendment to SMC Section 13.20.040. This Ordinance would add a new Subsection E to this section of Code that would allow overhead temporary electrical service for construction. As currently drafted, proposed Ordinance No. 958 would apply Citywide and to all development projects. The proposed Code language also states that "overhead temporary electrical service must be disconnected and removed when the project is connected to permanent electrical service or prior to Certificate of Occupancy, whichever occurs sooner." This will ensure that temporary construction power will truly remain temporary and that these temporary facilities will be removed from the City once no longer being utilized.

Alternative for Narrower Allowance of Overhead Temporary Construction Power

During the February 28th Council discussion on required electrical utility undergrounding in the 145th Street Station Subarea, a Councilmember requested that staff also consider narrowing this allowance for overhead temporary construction power to apply to just certain areas of the City, such as the light rail station subareas. This concept was provided with the understanding that allowing for overhead temporary construction power in the locations that the City is most likely to see development and/or where developers would most likely need to provide temporary construction power may minimize overhead electrical facility installation, even if that installation only occurs on a temporary (typically one to two year) basis. While staff understands this concept and agrees that certain areas of the City will likely have higher utilization of this Code allowance than others, it is difficult to predict when and where there may be a need for temporary construction power to support development in the community.

Additionally, it is staff's understanding that providing for overhead temporary construction power on a citywide basis is a standard practice. Staff have reviewed the municipal codes of 16 jurisdictions, of which eight of those jurisdictions had codes that addressed the undergrounding of electrical facilities. Of those eight jurisdictions, five of the jurisdictions had specific exemptions for overhead temporary construction power on a citywide basis, and the codes of the other three jurisdictions were silent regarding temporary construction power. Staff has also reached out to the Municipal Research Services Center (MRSC) to see if they can support a broader review and analysis of municipal electrical codes in the region regarding overhead temporary construction power, but as of the writing of this staff report, staff have not yet heard back about their ability to conduct this review.

Although it would not be staff's recommendation, if Council is interested in narrowing this allowance for overhead temporary construction power to the light rail station subareas only, staff recommends the following amendatory language:

I move to amend Ordinance No. 958 by amending Subsection E in Section 1 of this Ordinance to read as follows: Temporary electrical service for construction in the 145th and 185th Street Station Subareas. Overhead temporary electrical service for construction is a means of supplying electricity aboveground during the construction phase of a project. Overhead temporary electrical service for construction is allowed in the 145th and 185th Street Station Subareas of the City and this temporary electrical service must be disconnected and removed when the project is connected to permanent electrical service or prior to Certificate of Occupancy, whichever occurs sooner.

This amendatory language could also be used if Council was interested in narrowing this allowance to use in the MUR-70' zone only. Council would just need to substitute the above underlined language as follows: "MUR-70' zone" for "145th and 185th Street Station Subareas".

Tonight's Council Meeting and Potential Action

As there are members of the development community actively looking to permit and install temporary construction power, staff recommends that Council review and take

action on this proposed Ordinance as soon as possible. Staff therefore recommends that Council waive Council Rule of Procedure 3.6 which requires three readings of Ordinances for adoption. Taking action on proposed Ordinance No. 958 tonight will provide for two readings of this proposed Ordinance. Additionally, per Council Rule of Procedure 6.1.B., because this is an Action Item before the Council for the first time and this item is not on tonight's Consent Calendar, Council is required to hold a public comment period for this item following the staff presentation but preceding Council review and potential action.

COUNCIL GOAL(S) ADDRESSED

This item addresses City Council Goal 1: Strengthen Shoreline's economic climate and opportunities, and specifically the second portion of Action Step 1 under this Council Goal, which reads: "identify City policies and regulations that may need to be revised in order to realize the City's vision of mixed-use, environmentally sustainable, and equitable neighborhoods within the MUR zones."

RESOURCE/FINANCIAL IMPACT

There is no financial impact to the City in amending SMC Section 13.20.040 to allow overhead temporary construction power. If this section of the Code is not amended, there may be significant indirect financial impacts if certain development projects are delayed or are not constructed due to being required to construct temporary construction power for their developments underground. It is difficult to quantify what this lost investment in Shoreline would be, but it is clear that some development would be delayed if not severely curtailed for several years if connection to electrical power is not financially feasible for the construction of core development in the MUR-70' zoning district of the 145th Street Station Subarea.

RECOMMENDATION

Staff recommends that the City Council waive Council Rule of Procedure 3.6 requiring three readings of Ordinances and adopt Ordinance No. 958 amending SMC Section 13.20.040 to except temporary construction power from the City's undergrounding requirement.

ATTACHMENTS

Attachment A: Proposed Ordinance No. 958

ORDINANCE NO. 958

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING SHORELINE MUNICIPAL SECTION 13.20.040 TO EXCEPT
TEMPORARY CONSTRUCTION POWER FROM THE CITY'S
UNDERGROUNDING REQUIREMENT**

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; and

WHEREAS, SMC Chapter 13.20 sets forth the City's undergrounding requirements for electrical facilities with exceptions to these requirements set forth in SMC 13.20.040; and

WHEREAS, on February 28, 2022, the City Council discussed the provision of electrical power within certain areas of the City and the need to provide clarity within the SMC allowing for temporary construction power to be aboveground; and

WHEREAS, on March 7, 2022, the City Council discussed this Ordinance and waived Council Rule of Procedure 3.6 to take action on this Ordinance;

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

Section 1. Amendment. SMC 13.20.040, Exceptions, is amended to add a new Subsection E, which shall read as follows:

This chapter shall not apply to the following facilities:

- A. Freestanding streetlights;
- B. Police and fire sirens, or any similar municipal equipment, including traffic control equipment;
- C. Electrical carrying facilities of a voltage over 35-kV (this exemption only applies to physical structures strictly necessary for the conveyance of an electrical charge in excess of 35-kV. Other facilities attached to these structures are not exempted by this subsection);
- D. Communication facilities relying on a carrying source other than that which could be installed aboveground on poles and which cannot function underground as designed including, but not limited to, antennas and satellite communication systems;
- E. Temporary electrical service for construction. Overhead temporary electrical service for construction is a means of supplying electricity aboveground during the construction phase of a project. Overhead temporary electrical service must be disconnected and removed when the project is connected to permanent electrical service or prior to Certificate of Occupancy, whichever occurs sooner.

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 MARCH 7, 2022

Mayor Keith Scully

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: , 2022
Effective Date: , 2022

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of the TMP Update: Draft Auto Level of Service Approach
DEPARTMENT:	Public Works
PRESENTED BY:	Nora Daley-Peng, Senior Transportation Planner Kendra Dedinsky, City Traffic Engineer
ACTION:	<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 City’s Transportation Master Plan (TMP) is the long-range blueprint for multimodal travel and mobility within Shoreline. The last update to the TMP was in 2011. The TMP, which serves as the supporting analysis for the City’s Comprehensive Plan Transportation Element, must be updated by 2024 to align with the City’s Comprehensive Plan periodic update, meet the Growth Management Act requirements, maintain the City’s eligibility for pursuing future grant funding, and set transportation policies for guiding development in Shoreline.

Tonight, staff will provide the Council with a briefing on auto level of service (LOS) policies options, as part of the TMP update. These LOS policies directly influence how the City will grow as well as how it conducts development reviews and transportation concurrency assessments. In addition, these auto LOS policies guide the development of the TMP update project list and Transportation Impact Fee (TIF) program.

RESOURCE/FINANCIAL IMPACT:

There is no additional financial impact associated with the continued work on this project.

RECOMMENDATION

There is no action required tonight; this meeting will provide a briefing on draft LOS policies options as part of the TMP update. Staff is seeking Council’s input on the recommended draft preferred auto LOS policy.

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

INTRODUCTION

The City is currently updating its Transportation Master Plan (TMP) to better serve the community's current and future transportation needs. The TMP supports all forms of travel – by foot, bicycle, skateboard, scooter, stroller, wheelchair, transit, motorcycle, automobile, etc. With the coming arrival of light rail transit, new and higher frequency bus service, new pedestrian/bicycle connections, and land use changes and growth, the TMP update provides an opportunity to better align transportation goals, objectives, and policies with the City's Comprehensive Plan.

The TMP update will provide a framework to guide investments in existing and new transportation infrastructure and programs over the next 20 years in accordance with the community's transportation priorities. The TMP update will be developed through close collaboration between City staff, stakeholders, and the public, as well as the Planning Commission and Council, to help improve mobility and quality of life.

BACKGROUND

In fall 2020, the City launched a multi-year process to update the TMP with the goal of adoption by the end of 2022. On October 26, 2020, Council discussed and approved authorization to execute a consultant contract to support the TMP update. The staff report for that discussion can be found at the following link: [Authorizing the City Manager to Execute a Professional Services Contract with Fehr & Peers in the Amount of \\$548,651 for the Transportation Master Plan Update](#).

On May 24, 2021, Council discussed and agreed with the vision and goals for the TMP update. The staff report for that discussion can be found at the following link: [Discussion of the Transportation Master Plan Update](#).

On November 22, 2021, Council discussed and agreed with the project evaluation framework for the TMP update. The staff report for that discussion can be found at the following link: [Discussion of the Transportation Master Plan Update](#).

The following overview schedule shows key milestones for the TMP update process.



To date, the project team has assessed existing conditions, conducted two rounds of public outreach, developed the TMP Vision, Goals, and Project Evaluation Framework. The team is now working on multimodal LOS policies, draft modal plans, a process for prioritizing projects, and is preparing to launch Outreach Series 3 in April.

Tonight, Council will receive an overview of auto level of service (LOS) policy options that define the adequacy of general-purpose vehicle capacity and flow on City arterials as part of TMP update. A presentation and discussion on multi-modal LOS in the TMP update will be held April 2022. These LOS policies directly influence how the City will grow as well as how it conducts development reviews and transportation concurrency assessments. In addition, LOS policies guide the development of the TMP update project list and Transportation Impact Fee (TIF) program.

DISCUSSION

Tonight, staff will provide an overview of auto LOS policies options, as part of the TMP update.

Measuring Vehicle Operations

Jurisdictions in Washington have significant flexibility in choosing level of service standards appropriate for their cities. Shoreline currently uses two standards: an intersection LOS standard that is supplemented with a roadway volume to capacity (V/C) ratio standard.

Shoreline’s Current Intersection LOS Policy

The operational performance of intersections within Shoreline is measured using a standard methodology known as level of service (LOS). LOS represents the degree of congestion at an intersection based on a calculation of average delay per vehicle at a controlled intersection, such as a traffic signal or stop sign.

Individual LOS grades are assigned on a letter scale, A-F, with LOS A representing free-flow conditions with no delay and LOS F representing highly congested conditions with long delays, as illustrated below in **Figure 1**. LOS assessments are conducted specifically for the peak hour of traffic volumes, which usually occurs between 4:00-6:00 p.m. As such, the LOS assessment represents the worst-case scenario, whereas the intersection likely performs with significantly lower delays most of the day.

Figure 1: Intersection Level of Service

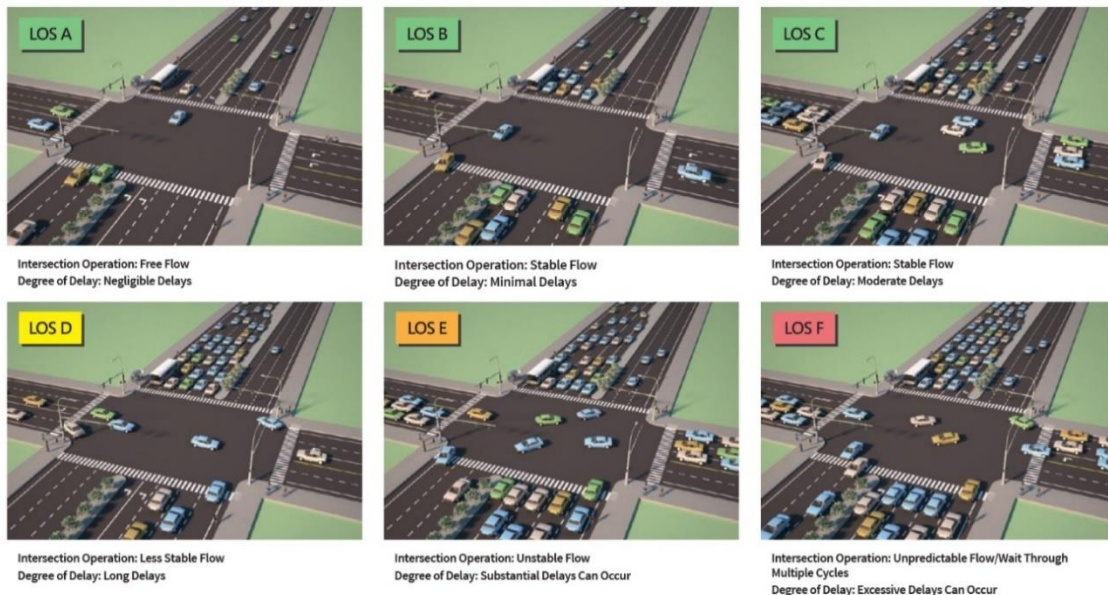


Table 1 includes the definition of each intersection LOS grade from the 6th Edition Highway Capacity Manual (HCM) methodology, which is based on the average control delay per vehicle. Signalized intersections have higher delay thresholds compared with two-way and all-way stop-controlled intersections. HCM methodologies prescribe how delay is measured at different types of intersections. For signalized and all-way stop intersections, LOS grades are based on the average delay for all vehicles entering the intersection. For two-way stop-controlled intersections, the delay from the most congested movement is used to calculate LOS.

Table 1: Intersection Level of Service Criteria Based on Delay

Level of Service	Signalized Intersections (seconds per vehicle)	Stop-Controlled Intersections (seconds per vehicle)
A	<= 10	<= 10
B	10 to 20	10 to 15
C	20 to 35	15 to 25
D	35 to 55	25 to 35
E	55 to 80	35 to 50
F	> 80	> 50

Source: 6th Edition Highway Capacity Manual

It is worth noting that while LOS A represents the lowest traffic delay, it is not necessarily the ideal standard to strive for as it is largely unattainable in more urban environments and significantly limits desired redevelopment. While little to no delay might be convenient for drivers, it may also indicate that resources and space dedicated to streets could be better used for other purposes, such as sidewalks, bike lanes, greenery, on-street parking, or other urban amenities.

The City’s current LOS policy requires LOS D at signalized intersections on arterials and most unsignalized intersecting arterials.

Shoreline’s Current Roadway Volume-to-Capacity (V/C) Ratio Policy

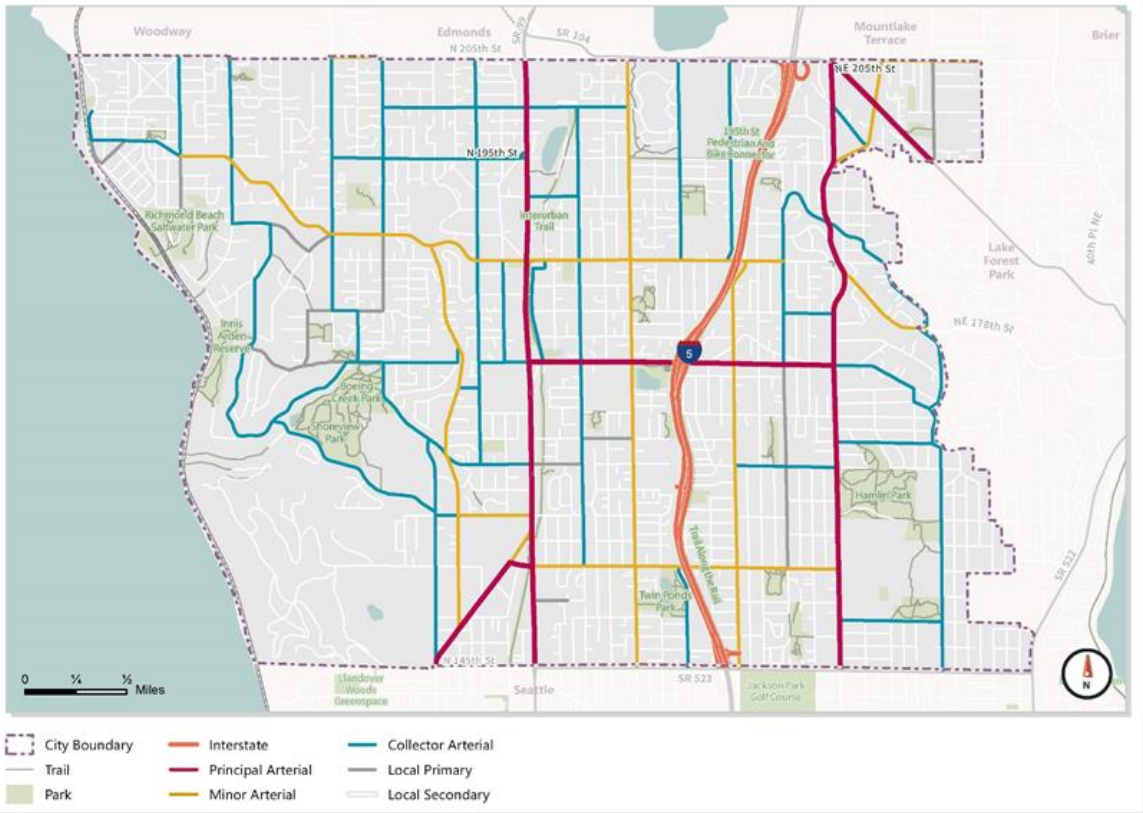
In addition to the intersection LOS, Shoreline currently uses a standard that evaluates the highest peak hour traffic volume divided by the assumed hourly volume capacity of the roadway. This is referred to as a volume to capacity (V/C) ratio. The City currently applies a documented V/C Ratio standard of 0.90 or lower for principal/minor arterials.

Figure 2 shows the functional classification of Shoreline’s streets.

The following two roadway segments are exempted from this standard:

- Dayton Avenue N from N 175th Street to N 180th Street
- 15th Avenue NE from NE 150th Street to NE 175th Street

Figure 2: Shoreline’s Street Functional Classification



ANALYSIS – OPTIONS CONSIDERED

Options for Updating Intersection LOS Policy

The project team considered three potential options for intersection level of service (see **Table 2**). Options include staying with the status quo and making modifications that would provide more flexibility and nuance to ensure that roadway conditions are still comfortable for people walking, bicycling, riding transit, and other non-auto modes.

Table 2: Options for Updating Intersection LOS

1. No Change	2. District Approach	3. District Approach + Corridor Averaging
<ul style="list-style-type: none"> LOS D at intersections. 	<ul style="list-style-type: none"> LOS D at intersections in residential settings. LOS E at intersections adjacent to higher land uses. 	<ul style="list-style-type: none"> Instead of applying LOS D or E to individual intersections, group multiple intersections along a corridor and use the average delay of the group. Average LOS D in residential settings. Average LOS E at intersections adjacent to higher land uses.

1. No Change	2. District Approach	3. District Approach + Corridor Averaging
<ul style="list-style-type: none"> • Most conservative – results in requiring the most mitigation/growth projects. • Concern that TIF would be too high, discouraging redevelopment. • Concern that it could result in much larger and costly intersection improvements with greater impacts than Option 2 (District Approach) and Option 3 (District Approach + Corridor Averaging) to pedestrian comfort and safety, as well as the natural environment. 	<ul style="list-style-type: none"> • Allows for a more context sensitive approach and better balance to modal priorities in denser areas. • Results in fewer mitigation/growth projects compared to Option 1 “No Change” but slightly more compared to Option 3 “District Approach + Corridor Averaging”. • Relatively simple to administer. • Travel time and delay will be greater than Option 1 along corridors adjacent to higher land use. 	<ul style="list-style-type: none"> • Even greater flexibility resulting in even fewer mitigation/growth projects than Option 2 “District Approach” • Challenging to determine how to group intersections without seeming arbitrary. • More difficult to administer than Option 1 or 2. • Travel time and delay will be greater than Option 1 or Option 2 along corridor adjacent to higher land use.

Options for Updating V/C Ratio Supplemental LOS Standard

The project team discussed two main options for the segment V/C ratio supplemental LOS standard (see **Table 3**); whether the City should continue using the segment V/C ratios as a supplemental measure or remove the supplemental measures altogether.

Table 3: Options for Updating V/C Supplemental LOS Standard

1. Keep it the same (0.9 V/C)	2. District	3. Remove V/C
<ul style="list-style-type: none"> • Apply a 0.9 V/C ratio to all principal and minor arterials within the City. 	<ul style="list-style-type: none"> • Apply 0.9 V/C ratio to 0.90 to principal/minor arterials within low density land use areas. • Apply 1.1 V/C ratio to principal/minor arterials within high density land use areas. 	<ul style="list-style-type: none"> • Remove V/C standard throughout the entire City.

1. Keep it the same (0.9 V/C)	2. District	3. Remove V/C
<ul style="list-style-type: none"> Retaining the 0.9 VC on some corridors in the City is likely infeasible as it would require a large investment including significant property acquisition to meet this LOS. In conflict with modal priorities in City's denser areas, as mitigating to meet standards would mean wider, less pedestrian-friendly corridors. Difficult to administer from a development review perspective, as there is no accepted industry standard for how capacity is calculated. 	<ul style="list-style-type: none"> Encourages growth in target areas/discourages growth in areas of the City that lack robust supportive transportation infrastructure. Context sensitive. Balance modal priorities in growth centers. Consistent with intersection LOS. 	<ul style="list-style-type: none"> Removing the 0.9 V/C standard eliminates the issues described in Option 1 and allows for simplicity in reviewing for concurrency. However, removing the standard weakens the City's ability to discourage significant growth in areas that lack robust supportive land uses and transportation choices as alternatives to auto-dependency.

DRAFT PREFERRED OPTION

In working through potential refinements to best align the City's transportation standards with the Shoreline Comprehensive Plan and TMP Vision and Goals, the team developed the following proposed staff recommendation.

Intersection LOS

The project team recommends Intersection LOS Option 2 (See **Table 2**) with some refinements. After thinking through how to apply a context sensitive standard, staff looked at applying a district approach to intersections within the City's Candidate Countywide Centers¹ (listed below). This approach would align areas where the City could accept higher levels of delay with where the City expects and wants to encourage growth.

- 148th Street Station Area
- 185th Street Station Area
- Shoreline Place

¹ Countywide growth centers serve important roles as places for equitably concentrating jobs, housing, shopping, and recreational opportunities. These are often smaller downtowns, high-capacity transit station areas, or neighborhood centers that are linked by transit, provide a mix of housing and services, and serve as focal points for local and county investment. On December 1, 2021, the Growth Management Planning Council (GMPC) approved the City of Shoreline's 148th St. Station Area, 185th St. Station Area, Shoreline Place, and Shoreline Town Center as candidate countywide centers. Jurisdictions with Candidate Countywide Centers are expected to fully plan for their centers as a part of the 2024 comprehensive plan periodic update or in parallel local planning efforts.

- Town Center

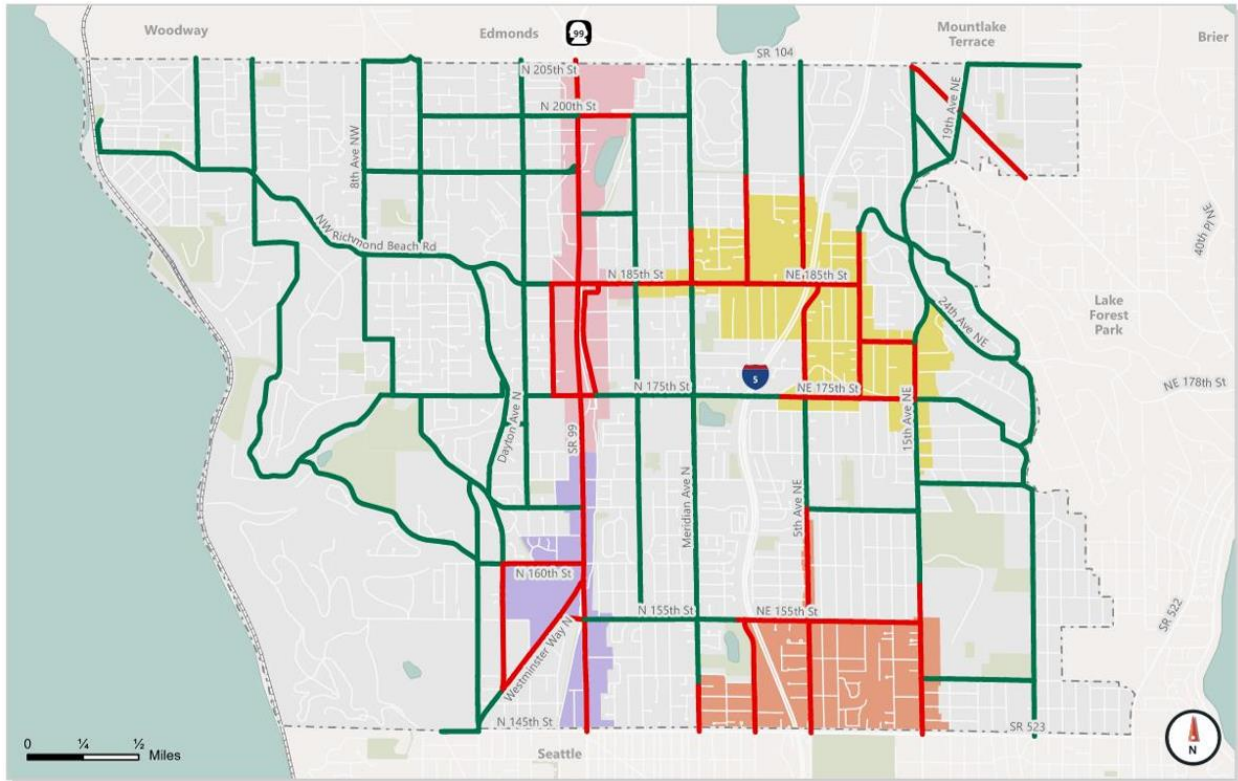
By focusing on flexibility in the City's Countywide Centers (Centers), as opposed to allowing more delay at every location with non-residential land use, the City could uphold what is likely a more appropriate delay standard in locations with less supportive transportation infrastructure (e.g., small pockets of commercial land use) while further incentivizing growth in these Centers where more trips by foot, bike, and transit are expected and therefore, better balancing modal priorities based on City context.

Segment LOS – V/C Ratio

By refining the intersection LOS as described above, the City can consistently tie the roadway segment V/C Option 2 to it (See **Table 3**). Staff proposes a V/C of 1.1 within Centers and 0.9 elsewhere. Accepting a certain level of future congestion for general-purpose traffic in the Centers will complement the Center's planned dense and diverse land uses within a network of walkable, bikeable, transit-supportive streets. This again reinforces the City's goal of growth in these Centers, while providing a measure of protection in areas of the City that may be less walkable, with less robust transit, and with less supportive land uses. In addition, this option provides for consistency and simplicity in application between intersection and segment standards.

Figure 3 is a draft of staff's recommended draft intersection and segment preferred LOS policy.

Figure 3: Draft Intersection and Segment LOS Preferred Option



King County Candidate Countywide Centers

- 148th St Station Area
- 185th St Station Area
- Shoreline Place
- Town Center

Traffic Level of Service Standard

- City Boundary
- Residential (Intersection LOS D, Segment V/C .9)
- King County Countywide Candidate Centers & State Highways (Intersection LOS E, Segment V/C 1.1)

City of Shoreline
Traffic Level of Service Standard

NEXT STEPS

Over the winter 2022, the project team will develop a draft layered transportation network of modal plans for pedestrian, bicycle, transit, shared-use mobility, and auto/freight modes.

Staff will return to Council in late March with a process for prioritizing TMP projects and an overview of activities and events for Outreach Series 3. In addition, staff will return to Council in early April to discuss the TMP's draft modal plans for transit, pedestrian, bicycle, and shared-use mobility.

The project team plans to conduct Outreach Series 3 in April 2022 to share the results of Outreach Series 2, get feedback on draft modal plans, and draft project prioritization process.

COUNCIL GOAL(S) ADDRESSED

The TMP update supports all five of the 2021-2023 City Council Goals and directly supports the following City Council Goals:

- *Goal 2: Continue to deliver highly-valued public services through the management of the City's infrastructure and stewardship of the natural environment.*
- *Goal 3: Continue preparation for regional mass transit in Shoreline.*

RESOURCE/FINANCIAL IMPACT

There is no additional financial impact associated with the continued work on this project.

RECOMMENDATION

There is no action required tonight; this meeting will provide a briefing on draft LOS policies options as part of the TMP update. Staff is seeking Council's input on the recommended draft preferred auto LOS policy.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussing Ordinance No. 955 – 2021 Batch #2 – Miscellaneous and SEPA Related Amendments Amending Development Code Sections 20.20, 20.30, 20.40 and 20.50
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Steven Szafran, AICP, Senior Planner
ACTION:	<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:

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 2021 Batch Development Code Amendments and give staff direction on the amendments on July 15, August 5, October 7, November 18, December 2, 2021, and January 6, 2022. The Commission then held the required Public Hearing on February 3, 2022. The Planning Commission recommended that the City Council adopt certain amendments as set forth Exhibit A to proposed Ordinance No. 955 (Attachment A). Amendments that the Planning Commission recommended denial of are also detailed in this Staff Report.

The Development Code Batch Amendments consists of three distinct groups of amendments that have been grouped by topic:

- **Group A:** Miscellaneous amendments proposed by City of Shoreline staff.
- **Group B:** Amendments to the procedure and administration of the State Environmental Policy Act (SEPA). The proposed amendments to SEPA procedures are largely clarifying amendments that make the administration of SEPA less cumbersome and clarify that SEPA is not a permit type but a decision that is tied to a proposed permit or action.
- **Group C:** Amendments to tree regulations. The proposed tree amendments are mostly proposed by individual members of the Tree Preservation Code Team, which is a group of residents committed to protecting and preserving trees in Shoreline. One amendment in the Group was proposed by staff.

In addition to the tree related and SEPA amendments, some highlights of these Batch amendments include new regulations related to existing commercial structures that are

having difficulty attracting new tenants because of nonconforming parking, landscaping, lighting, and sign standards. Staff is proposing amendments to encourage “commercial adaptive reuse” of existing buildings to encourage new activity in these vacant buildings that can benefit the neighborhood while providing more affordable rents for local businesses.

Other topics included in these Batch amendments are parking for multifamily dwelling units, commercial design standards, thresholds for a Conditional Use Permit, residential setbacks, hardscape, and critical area review.

Proposed Ordinance No. 955 (Attachment A) provides for the Batch amendments (Exhibit A). Tonight’s Council discussion will focus on Groups A and B - the miscellaneous and SEPA related amendments of the Batch. Staff has separated these amendments from the rest of the Batch for ease of discussion and they have been included as Attachment B.

The potential adoption of proposed Ordinance No. 955, which will encompass all three Groups, is currently scheduled for March 21, 2022.

RESOURCE/FINANCIAL IMPACT:

The proposed Development Code amendments will not have a direct financial impact to the City.

RECOMMENDATION

No formal action is required by Council at this time. The Planning Commission has recommended adoption of the proposed amendments in Attachment A, Exhibit A of Ordinance No. 955. Staff further recommends adoption of Ordinance No. 955 when it is brought back to Council for potential adoption on March 21, 2022.

Approved By: City Manager City Attorney

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 2021 Planning Commission-recommended Batch consists of 38 total Development Code amendments. The Group A Miscellaneous Amendments consist of 14 Director-initiated amendments; the Group B SEPA Amendments consist of 16 Director-initiated amendments; and the Group C Tree Amendments consist of 8 amendments (some amendments include multiple code sections); 7 of which were privately-initiated and one is Director-initiated.

The Planning Commission started discussing the Batch Development Code Amendments in July of 2021 on the following schedule:

- The Planning Commission held a meeting on [July 15, 2021](#) to discuss the Group A Miscellaneous Amendments.
- The Planning Commission held a subsequent meeting on [August 5, 2021](#) to discuss the Group B SEPA Amendments.
- The Planning Commission held meetings on [October 7, 2021](#), [November 18, 2021](#), and [December 2, 2021](#), to discuss the Group C Tree Amendments.
- The Planning Commission reviewed all three of the Groups of amendments on [January 6, 2022](#).

At the conclusion of the Planning Commission Public Hearing on the Batch Development Code Amendments, which was held on [February 3, 2022](#), the Planning Commission recommended approval of 41 amendments. A memo to the City Council from the Planning Commission regarding their recommendation is included as Attachment C.

DISCUSSION

All the miscellaneous and SEPA related Development Code amendments recommended by the Planning Commission are listed below. Each amendment includes a description of the amendment, justification for the amendment and Planning Commission recommendations.

Miscellaneous Amendments

Amendment #A1

20.20.020 – F Definitions

Family An individual; two or more persons related by blood or marriage, ~~a group of up to eight persons who may or may not be related,~~ living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or nonresident staff. ~~For purposes of this definition, minors living with a parent shall not be counted as part of the maximum number of residents.~~

Justification – Three recent laws made changes to how cities may regulate the location and occupancy of specific types of housing. Passed this year and going into effect July 25, Senate Bill (SB) 5235 restricts occupancy requirements of unrelated persons:

“Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 18 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or county ordinance, a city may not limit the number of unrelated persons that may occupy a household or dwelling unit.”

The definition of family in the Development Code refers to eight persons who may or may not be related. Based on direction of State Law, this restriction is proposed to be removed from the definition.

Recommendation – The Planning Commission recommends approval of this amendment to comply with State Law.

Amendment #A2

20.20.024 – H Definitions

Host Agency A public agency; State of Washington registered nonprofit corporation; a federally recognized tax exempt 501(c)(3) organization; or a religious organization as defined in RCW 35A.21.360, religious or not for profit organization that invites a transitional encampment to reside on the land that they own or lease.

Justification – SMC 20.40.355 was amended on [May 10, 2021](#), which added Enhanced Shelters to the Development Code. Part of that package of amendments reflected Council’s desire to add public agency to the list of approved providers for an Enhanced Shelter. More recently, Council discussed adding public agency to other transitional housing uses such as Homeless Shelters. This amendment adds public

agency to the definition of Host Agency. A Host Agency is an organization that operates a transitional encampment.

Recommendation – Planning Commission recommends approval of this amendment.

Amendment #A3

20.20.024 – H definitions

Hardscape – Any structure or other covering on or above the ground that includes materials commonly used in building construction such as wood, asphalt and concrete, and also includes, but is not limited to, all structures, decks and patios, paving including gravel, pervious or impervious concrete and asphalt. Retaining walls, gravel, or paver paths less than four feet wide with open spacing are not considered hardscape. Artificial turf with subsurface drain fields and decks that drain to soil underneath have a 50 percent hardscape and 50 percent pervious value. Coverings that allow growth of vegetation between components with the ability to drain to soil underneath have a hardscape percent pervious value as determined by the Director based on the manufacturer's specifications, which shall be provided by the applicant.

Justification – Even though the definition of hardscape includes pervious concrete and asphalt, for newer products like Grasscrete, the Director has determined that staff can consider these newer technologies to be only a percentage of hardscape, based on the manufacturer's specifications. This reduction in the hardscape calculation is only applicable if grass or soil is underneath rather than gravel (which is defined as hardscape per code). The applicant will be required to provide the manufacturer's specifications for the Director to make a final determination on the actual reduction of Hardscape during the building permit review of the proposed project.

Recommendation – Planning Commission supports amending the definition of hardscape to provide flexibility and to rely on newer technology to treat and manage surface water.

Amendment A3.1

20.20.024 – H definitions

Housing Expenses, Rental
Housing

Includes rent, ~~parking~~ and appropriate utility allowance.

Justification – This amendment was inadvertently omitted from the batch of amendments considered by the Planning Commission but within the scope of the amendment to SMC 20.50.410 to remove the requirement of bundling parking with the rent of the dwelling unit. This amendment is needed to ensure the amendment to SMC 20.40 is effectuated.

Recommendation – Staff recommends approval of this proposed amendment in order to further the City's affordable housing goals by removing the cost of parking from the living expenses of the residents of affordable housing units.

Amendment #A4
20.20.034 – M Definitions

Managing Agency An organization that has the capacity to organize and manage a transitional encampment. A managing agency must be a public agency; State of Washington registered nonprofit corporation; a federally recognized tax exempt 501(c)(3) organization; a religious organization as defined in RCW 35A.21.360; or a self-managed homeless community. A managing agency may be the same organization as the host agency.

Justification – SMC 20.40.355 was amended on [May 10, 2021](#), which added Enhanced Shelters to the Development Code. Part of that package of amendments reflected Council’s desire to add public agency to the list of approved providers for an Enhanced Shelter. More recently, Council discussed adding public agency to other transitional housing uses such as Homeless Shelters. This amendment adds public agency to the definition of Managing Agency. A Managing Agency is an organization that operates a transitional encampment.

Recommendation – Planning Commission recommends approval of the proposed amendment.

Amendment #A5
20.30.300 Conditional use permit-CUP (Type B action).

A. **Purpose.** The purpose of a conditional use permit is to locate a permitted use on a particular property, subject to conditions placed on the permitted use to ensure compatibility with nearby land uses.

B. **Threshold.** The purpose of this section is to determine when a conditional use permit is required. A conditional use permit is required if either of the following occurs:

1. The use area is expanded by twenty percent (20%) or more of the current use area (measured in square feet). For example, the use area is currently 2,000 sq. ft. and a 400 sq. ft. addition that expands the use area is proposed, so a conditional use permit is required.
2. The parking area (measured in the number of parking spaces) is expanded by twenty percent (20%) or more of the current parking area (measured in the number of parking spaces). For example, twenty (20) parking spaces are currently associated with the use and four (4) additional parking spaces for the use are proposed, so a conditional use permit is required.

Thresholds are cumulative during a 10-year period for any given parcel. This shall include all structures on other parcels if the use area and/or parking area under permit review extends into other parcels.

CB. Decision Criteria. A conditional use permit may be granted by the City, only if the applicant demonstrates that:

1. The conditional use is compatible with the Comprehensive Plan and designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property;
2. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
3. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
4. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
5. The conditional use is not in conflict with the health and safety of the community;
6. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;
7. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
8. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

DC. Suspension or Revocation of Permit.

1. The Director may suspend or revoke any conditional use permit whenever:
 - a. The permit holder has failed to substantially comply with any terms or conditions of the permit's approval;
 - b. The permit holder has committed a violation of any applicable state or local law in the course of performing activities subject to the permit;
 - c. The use for which the permit was granted is being exercised as to be detrimental to the public health, safety, or general welfare, or so as to constitute a public nuisance;
 - d. The permit was issued in error or on the basis of materially incorrect information supplied to the City; or

- e. Permit fees or costs were paid to the City by check and returned from a financial institution marked nonsufficient funds (NSF) or canceled.
2. The Director shall issue a notice and order in the same manner as provided in SMC 20.30.760.
 - a. The notice and order shall clearly set forth the date that the conditional use permit shall be suspended or revoked.
 - b. The permit holder may appeal the notice and order to the Hearing Examiner as provided in SMC 20.30.790. The filing of such appeal shall stay the suspension or revocation date during the pendency of the appeal.
 - c. The Hearing Examiner shall issue a written decision to affirm, modify, or overrule the suspension or revocation, with or without additional conditions, such as allowing the permit holder a reasonable period to cure the violation(s).
 3. Notwithstanding any other provision of this subchapter, the Director may immediately suspend operations under any permit by issuing a stop work order.
 4. If a conditional use permit has been suspended or revoked, continuation of the use shall be considered an illegal occupancy and subject to every legal remedy available to the City, including civil penalties as provided for in SMC 20.30.770(D).

ED. Transferability. Unless otherwise restricted by the terms and conditions at issuance of the conditional use permit, the conditional use permit shall be assigned to the applicant and to a specific parcel. A new CUP shall be required if a permit holder desires to relocate the use permitted under a CUP to a new parcel. If a CUP is determined to run with the land and the Director finds it in the public interest, the Director may require that it be recorded in the form of a covenant with the King County Recorder's Office. Compliance with the terms and conditions of the conditional use permit is the responsibility of the current property owner, whether the applicant or a successor.

EE. Expiration.

1. Any conditional use permit which is issued and not utilized within the time specified in the permit or, if no time is specified, within two years from the date of the City's final decision shall expire and become null and void.
2. A conditional use permit shall be considered utilized for the purpose of this section upon submittal of:
 - a. A complete application for all building permits required in the case of a conditional use permit for a use which would require new construction;
 - b. An application for a certificate of occupancy and business license in the case of a conditional use permit which does not involve new construction; or
 - c. In the case of an outdoor use, evidence that the subject parcel has been and is being utilized in accordance with the terms and conditions of the conditional use permit.

3. If after a conditional use has been established and maintained in accordance with the terms of the conditional use permit, the conditional use is discontinued for a period of 12 consecutive months, the permit shall expire and become null and void.

GF. Extension. Upon written request by a property owner or their authorized representative prior to the date of conditional use permit expiration, the Director may grant an extension of time up to but not exceeding 180 days. Such extension of time shall be based upon findings that the proposed project is in substantial conformance, as to use, size, and site layout, to the issued permit; and there has been no material change of circumstances applicable to the property since the granting of said permit which would be injurious to the neighborhood or otherwise detrimental to the public health, safety, and general welfare.

Justification – This amendment will set a threshold for when a conditional use permit is required. The current code is silent on this, which means a conditional use permit is required for any expansion of the use area, even if it is negligible and has a de minimis impact. For example, a house of worship is a conditional use in the R-6 zoning district and if that house of worship wants to add an entry vestibule for greeting parishioners a conditional use permit is currently required even though this is not added assembly area and does not intensify the use. The threshold for expansion could be any number. Staff recommends between 10%-30% based on recently approved CUPs for expansion of an existing use. Staff would also like to point out that a new CUP could include a condition that prohibits or further limits expansion without a new CUP as defined under SMC 20.30.300 as proposed for amendment. This added condition ensures that the potential impacts from an expanded CUP will not unduly burden adjacent neighbors.

Recommendation – Planning Commission recommends approval of the proposed amendment.

Amendment #A6

20.40.405 Homeless shelter.

The intent of a homeless shelter is to provide temporary relief for those in need of housing. Homeless shelters are allowed in the mixed business, community business and town center 1, 2, and 3 zones subject to the below criteria.

A. The homeless shelter must be operated by a public agency; a State of Washington registered nonprofit corporation; or a Federally recognized tax exempt 501(C)(3) organization that has the capacity to organize and manage a homeless shelter.

B. The homeless shelter shall permit inspections by City, Health and Fire Department inspectors at reasonable times for compliance with the City's requirements. An inspection by the Shoreline Fire Department is required prior to occupancy.

C. The homeless shelter shall have a code of conduct that articulates the rules and regulations of the shelter. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; and exclusion of sex offenders. The homeless

shelter shall keep a cumulative list of all residents who stay overnight in the shelter, including names and dates.

D. The homeless shelter shall check that adult residents have government-issued identification such as a state or tribal issued identification card, driver's license, military identification card, or passport from prospective shelter residents for the purpose of obtaining sex offender and warrant checks. Prospective residents will not be allowed residency until identification can be presented. If adult residents do not have identification, the operator of the shelter shall assist them in obtaining such. No documentation is required to be submitted to the City for the purpose of compliance with this condition.

Justification – SMC 20.40.355 was amended on [May 10, 2021](#), which added Enhanced Shelters to the Development Code. Part of that package of amendments reflected Council's desire to add public agency to the list of approved providers for an Enhanced Shelter. More recently, Council discussed adding public agency to other transitional housing uses such as Homeless Shelters. This amendment adds public agency to the indexed criteria for Homeless Shelters.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #A7

20.40.570 – Unlisted Use

A. Recognizing that there may be uses not specifically listed in this title, either because of advancing technology or any other reason, the Director may permit, ~~or~~ condition or prohibit such use upon review of an application for Code interpretation for an unlisted use (SMC 20.30.040, Type A action) and by considering the following factors:

1. The physical characteristics of the unlisted use and its supporting structures, including but not limited to scale, traffic, hours of operation, and other impacts; and
2. Whether the unlisted use complements or is compatible in intensity and appearance with the other uses permitted in the zone in which it is to be located.

B. A record shall be kept of all unlisted use interpretations made by the Director; such decisions shall be used for future administration purposes.

Justification – As written, it is not clear if the Director has the authority to deny/prohibit/not allow an unlisted use. Shoreline's Code is set up to list permitted uses and to not list unpermitted uses. The Director should have clear authority to not permit an unlisted use that is inconsistent with the policies set for each zoning category.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #A8

20.50.040 – Setbacks – Designation and Measurement

A. The front yard setback is a required distance between the front property line to a building line (line parallel to the front line), measured across the full width of the lot.

Front yard setback on irregular lots or on interior lots fronting on a dead-end private access road shall be designated by the Director.

B. Each lot must contain only one front yard setback and one rear yard setback except lots abutting two or more streets, as illustrated in the Shoreline Development Code Figure 20.50.040(C). Lots with two front yards may reduce one of the front yard setbacks by half the setback specified in Table 20.50.020(1). The Director will determine the reduced front yard setback based on the development pattern of adjacent houses and location of lot access.

C. The rear and side yard setbacks shall be defined in relation to the designated front yard setback.

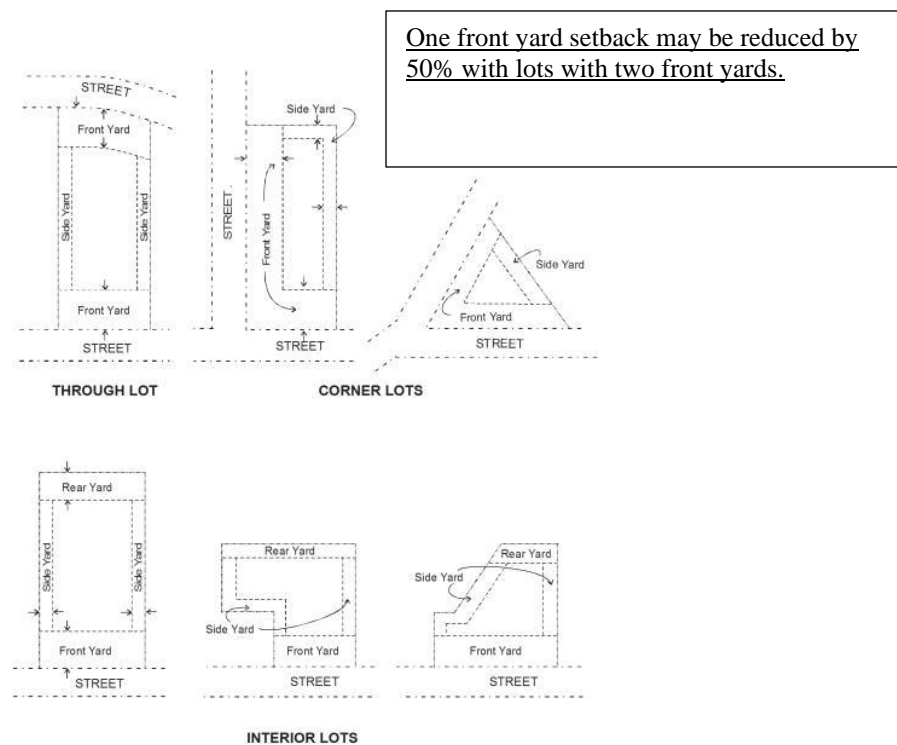


Figure 20.50.040(C): Examples of lots and required yards.

Justification – Setting aside the lot area for parcels with two front yards can make it challenging to develop, expand an existing house, or add an ADU to corner lots. Allowing one of the front yards for these parcels increases flexibility and development options and allows the homeowner to use the space in the second front yard like other properties not on a corner lot.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #A9

20.50.070 Site planning – Front yard setback – Standards.

The front yard setback requirements are specified in Subchapter 1 of this chapter, Dimensions and Density for Development, except as provided for below. For individual garage or carport units, at least 20 linear feet of driveway shall be provided between any garage, carport entrance and the property line abutting the street, measured along the centerline of the driveway. See SMC 20.50.040(B) for exceptions to lots with two front yards.

Exception 20.50.070(1): The front yard setback may be reduced to the average front setback of the two adjacent lots, provided the applicant demonstrates by survey that the average setback of adjacent houses is less than 20 feet. However, in no case shall an averaged setback of less than 15 feet be allowed.

If the subject lot is a corner lot, the setback may be reduced to the average setback of the lot abutting the proposed house on the same street and the 20-foot required setback. The second front yard setback may be reduced by half of the front yard setback established through this provision. ~~(This provision shall not be construed as requiring a greater front yard setback than 20 feet.)~~

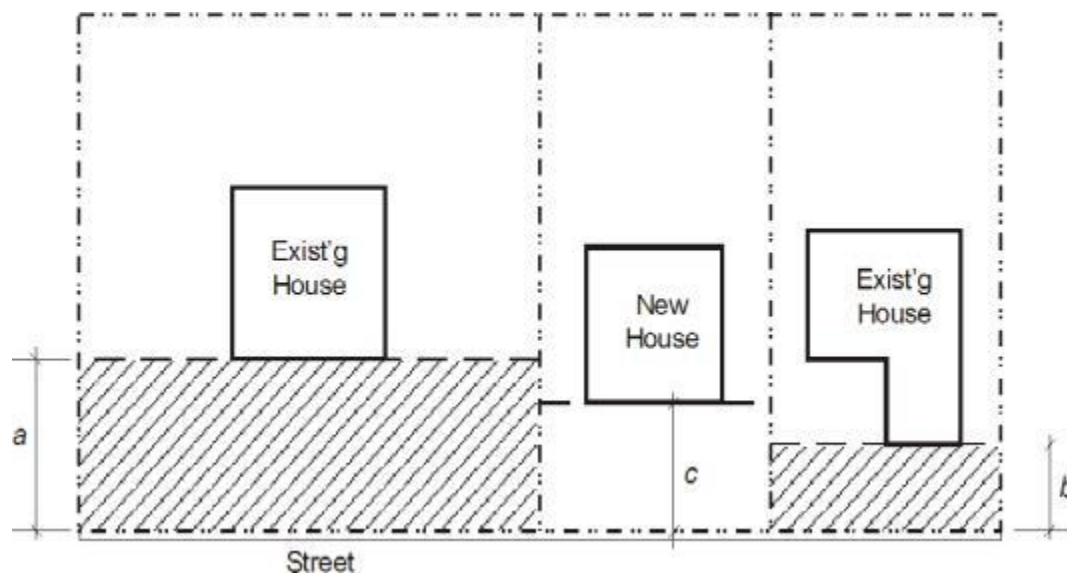
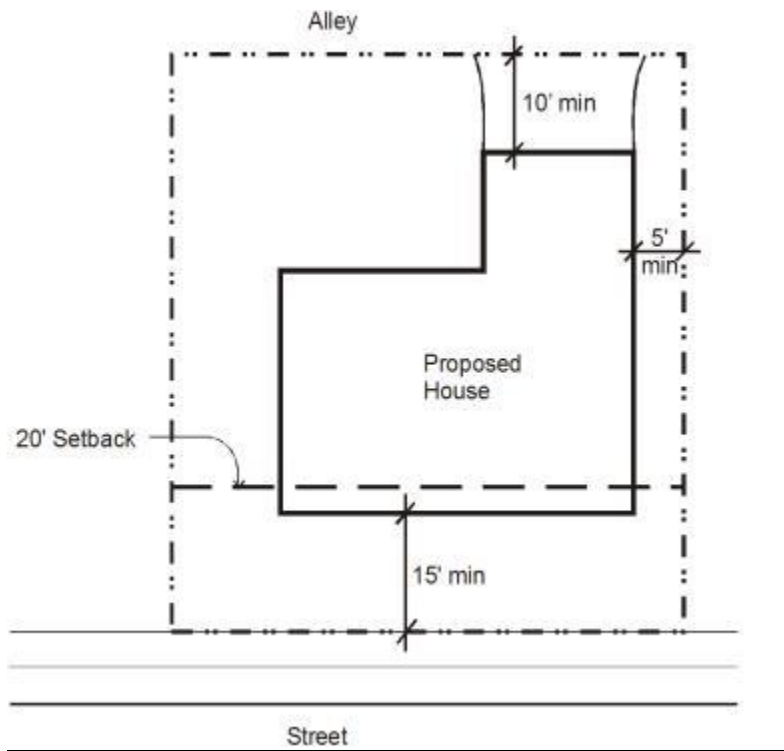


Figure Exception to 20.50.070(1): Minimum front yard setback (c) may be reduced to the average setback of houses located on adjacent lots (a and b).

Calculation: $c \text{ (min)} = (a + b) / 2$.

Exception 20.50.070(2): The required front yard setback may be reduced to 15 feet provided there is no curb cut or driveway on the street and vehicle access is from another street or an alley.



Justification – This amendment is related to amendment #A8 which reduced one of the front yard setbacks on parcels that have two front yards. Parcels with two front yards have less flexibility in site planning since the front yard setback in the R-6 zones is 20 feet. This is overly restrictive since homes with two front yards do not usually have two driveways that are accessed by car, especially since most of these cases apply to homes that have a private driveway on one side and the other side acts a side-setback.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #A10

20.50.220 – Purpose

The purpose of this subchapter is to establish design standards for all commercial zones – neighborhood business (NB), community business (CB), mixed business (MB) and town center (TC-1, 2 and 3). This subchapter also applies to the MUR-35' and the MUR-45' zones for all uses except single-family attached and mixed single-family developments,; and the MUR-70' zone, and the R-8, R-12, R-18, R-24, R-48, PA 3 and TC-4 zones for commercial and multifamily uses all uses except single-family detached, attached and mixed single-family developments. Refer to SMC 20.50.120 when

developing single-family attached and detached dwellings in the MUR-35' and MUR-45' zones. Some standards within this subchapter apply only to specific types of development and zones as noted. Standards that are not addressed in this subchapter will be supplemented by the standards in the remainder of this chapter. In the event of a conflict, the standards of this subchapter shall prevail.

Justification – The intent with passing Ordinance No. 871, Townhouse Design Standards, was for the Commercial and Multifamily design standards to apply to commercial and multifamily development in MUR-35' and MUR-45' and for the Townhouse Design Standards to apply to single-family attached and mixed single-family developments in MUR-35' and MUR-45'. The intent was not to require compliance with the Commercial and Multifamily Design Standards for all uses other than single-family attached and mixed single-family developments in the R-8, R-12, R-18, R-24, R-48, PA 3 and TC-4 zones (e.g., institutional uses). This amendment clarifies that the Commercial and Multifamily design standards only apply to commercial and multifamily uses in the R-8, R-12, R-18, R-24, R-48, PA 3, and TC-4 zones.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #A11

20.50.230 Threshold – Required site improvements.

The purpose of this section is to determine how and when the provisions for site improvements cited in the General Development Standards apply to development proposals. Full site improvement standards apply to a development application in commercial zones NB, CB, MB, TC-1, 2 and 3, and the MUR-70' zone. This subsection also applies in the following zoning districts except for the single-family attached use: MUR-35', MUR-45', PA 3, and R-8 through R-48. Full site improvement standards for signs, parking, lighting, and landscaping shall be required:

- A. 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
- B. When aggregate building construction valuations for issued permits, within any cumulative 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.
- C. When a single-family land use is being converted to a commercial land use then full site improvements shall be required.

D. Commercial Adaptive Reuse. When an existing building was previously used as a legally established commercial use and is proposed to be reused as a commercial use, then site improvements may be waived based on the following conditions:

1. The following list of uses may qualify to be exempt from the required site improvement thresholds in Section 20.50.230(A) and (B) above:

- Theater
- Health/Fitness Club
- Daycare
- Professional Office
- Medical Office
- Veterinary Clinics
- General Retail Trade and Services
- Market
- Eating and Drinking Establishments
- Brewpub/Microbrewery/Microdistillery

2. The proposed use will not cause significant noise to adjacent neighbors.

3. No expansion of the building is allowed.

4. No new signs facing abutting residential uses.

5. Landscape buffers will be installed between parking spaces and/or drive aisles and abutting residential uses. If no room exists to provide a landscape buffer, then an opaque fence or wall can be provided as a buffer.

6. No building or site lighting shall shine on adjacent properties.

7. Administrative Design Review. Administrative design review approval under SMC 20.30.297 is required for all development applications that propose departures from the parking standards in Chapter 20.50 SMC, Subchapter 6, landscaping standards in Chapter 20.50 SMC, Subchapter 7, or sign standards in Chapter 20.50 SMC, Subchapter 8.

Justification – The City has several vacant commercial buildings that are shown to be difficult to sell or lease based on existing development regulations such as parking, landscaping, vehicular and pedestrian circulation, and setbacks. In many cases, these buildings are difficult to sell or lease because any new use proposed in these buildings will be unable to comply with current development standards.

The City wants to encourage the reuse of these structures to activate dormant parcels and provide a more affordable rent for small businesses such as restaurants, retail, and

services. The reuse of these buildings will also provide the neighborhood services instead of vacant buildings.

If the City cannot be flexible with these existing buildings and encourage reuse, the existing structures will be demolished and replaced by newer likely residential buildings with higher rents that will be unaffordable to small, local businesses.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #A12

20.50.330(B) - Project review and approval.

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

1. The proposal complies with SMC 20.50.340 through 20.50.370 or has been granted a deviation from the Engineering Development Manual.
2. The proposal complies with all standards and requirements for the underlying permit.
3. If the project is located in a critical area or buffer, or has the potential to impact a critical area, the project must comply with the critical areas standards.
4. The project complies with all requirements of the City's Stormwater Management Manual as set forth in SMC 13.10.200 and applicable provisions in Chapter 13.10 SMC, Engineering Development Manual and Chapter 13.10 SMC, Surface Water Management Code and adopted standards.
5. All required financial guarantees or other assurance devices are posted with the City.

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

1. Providing a written evaluation of the anticipated effects of any development within five feet of a tree's critical root zone that may impact the viability of trees on and off site.

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

Justification – This amendment adds the ability for the Director to require third-party review of a qualified profession’s report at any time during the development process. This provision applies when tree removal is proposed, and a clearing and grading permit is required to remove non-exempt significant trees from a parcel. The amendment is needed because, in some circumstances, the City will receive more than one arborist report for a tree removal proposal with conflicting recommendations and mitigations. In these cases, the Director should have the authority to send the conflicting reports to the City’s contracted arborist for review.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #A13

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.~~

Justification – This proposed amendment will strike letter “C” which requires the cost of a parking space for residential units must be included in the rental or sales price of the residential unit. The parking space cannot be sold or leased separately. Staff believes section C should be removed for the following reasons:

1. The Planning Commission and Council considered an amendment in Ordinance No. 930 that removed the requirement that every residential unit in a new multifamily building shall be assigned a parking space. The City’s requirements for parking do not require a 1:1 ratio for parking spaces so the provision did not make sense. The removal of C below follows the same logic that every residential dwelling unit will not be assigned a parking space and every new resident moving into these units will not have a car.

2. Affordability and equity. Requiring the cost of a parking space in the monthly rent for a residential unit will increase the cost of rent for that unit. This is especially unfair if a resident does not own a car and must pay the additional cost of a parking space when the space will go unused.
3. Sustainability. It is the City's goal to encourage less single-occupancy vehicles, and this is especially true for new multifamily projects near bus-rapid transit and the City's two light-rail stations.
4. Enforcement. It is very difficult for staff to enforce this provision. When a building permit is issued for a new residential project, staff places a condition on the permit that parking cannot be separated from the rental rate of the multifamily unit. After issuance of the permit, the leasing company may or may not comply with the condition without staff's knowledge.

The City does not have dedicated parking enforcement, and parking enforcement is generally a low priority for Police. As such, it is hard to keep street parking organized and legal. Another concern is many areas of the city lack defined curbs/driveways which leads to more illegal parking, as it is less clear to drivers where they should be parking. Redevelopment builds sidewalks which mitigate its own problem, however, parking impacts do tend to sprawl beyond the directly adjacent property.

The City's Public Works Department will be asking Council for parking enforcement resources for effective management of parking to track and mitigate potential issues but from recent studies of available parking within the station areas, the City has a surplus of on-street parking. These on-street parking spaces are a valuable public resource, and it is not being leveraged as much as it could be.

Recommendation – Planning Commission recommends approval of this Development Code amendment to support actions steps in the Public Works Station Area Parking Report. As stated by the City's Traffic Engineer, unbundling the cost of the parking spaces from the rent of the unit may have the effect of spill over parking. However, there is more than enough capacity for on street parking availability in nearly every area of the city based on the most recent update to the [Light Rail Station Subareas Parking Study](#). Residents are likely to park for free on the street rather than pay for onsite parking if they have the choice. This will continue to happen until growth and associated street parking rises to a level to make it uncomfortable enough to pay for.

While staff supports the amendment to unbundle parking, there may be challenges to nearby homeowners that are used to using street parking as their personal parking and can no longer park directly in front of their homes. The City does not currently have a parking enforcement resource to manage on street parking well, which results in frustration due to blocked driveways, mailboxes, and other possible disruptions. Staff is seeking solutions by advocating for parking enforcement. Staff believes it is needed now and will be especially needed as growth continues and as light rail stations open. Staff's suggestion is to bring parking enforcement on board by 2024.

SEPA Amendments

Amendment #B1

20.30.040 Ministerial decisions – Type A.

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

However, Type A permit applications that exceed the categorical exemptions in SMC 20.30.560, including certain categories of building permits, and permits for projects that require a SEPA threshold determination, are subject to SEPA review. SEPA regulations including process, noticing procedures, and appeals are specified in SMC 20.30, Subchapter 8. procedures, public notice requirements specified in Table 20.30.050 for SEPA threshold determination, or SMC 20.30.045

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

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

Action Type	Target Time Limits for Decision (Calendar Days)	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short or Formal Plat	30 days	20.30.450

Action Type	Target Time Limits for Decision (Calendar Days)	Section
5. Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.30.295
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Administrative Design Review	28 days	20.30.297
15. Floodplain Development Permit	30 days	13.12.700
16. Floodplain Variance	30 days	13.12.800
17. Planned Action Determination	14 days	20.30.357
17. 18. Noise Variance	30 days	9.05

An administrative appeal authority is not provided for Type A actions. Appeals of a Type A Action are to Superior Court pursuant to RCW 36.70(C), Land Use Petition Act. 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).

Justification – The intent of these amendments to the Type A table and Type A permits is to clarify that Type A actions are not subject to SEPA unless the categorical thresholds are exceeded in SMC 20.30.560.

The Planned Action Determination has been removed from the table since a Planned Action Determination is not a permit type as the determination is always tied to a building permit.

Lastly, all of the appeal language in the footnotes of the table have been removed since the appeal language will be consolidated in the SEPA section of the code in SMC 20.30, Subchapter 8.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #B2
20.30.050 – Type B actions

Type B decisions require that the Director issues a written report that sets forth a decision to approve, approve with modifications, or deny the application. The Director's report will also include the SEPA Threshold Determination if applicable ~~City's decision under any required SEPA review.~~

All ~~Director's Type B decisions made under Type B actions~~ are appealable in an open record appeal hearing, except Shoreline Substantial Development Permits, Shoreline Variances and Shoreline CUPs that shall be appealed to the Shorelines Hearing Board pursuant to RCW 90.58 Shoreline Management Act. Such hearing shall consolidate with any SEPA threshold determination. ~~appeals of SEPA negative threshold determinations. SEPA determinations of significance are appealable in an open record appeal prior to the project decision.~~

All ~~appeals shall be heard by the Hearing Examiner except appeals of shoreline substantial development permits, shoreline conditional use permits, and shoreline variances that shall be appealable to the State Shorelines Hearings Board.~~

Table 20.30.050 – Summary of Type B Actions, Notice Requirements, Target Time Limits for Decision, and Appeal Authority

Action	Notice Requirements: Application and Decision ^{(1), (2), (3)}	Target Time Limits for Decision	Appeal Authority	Section
Type B:				
1. Binding Site Plan ⁽⁴⁾	Mail	90 days	HE	20.30.480
2. Conditional Use Permit (CUP)	Mail, Post Site, Newspaper	90 days	HE	20.30.300
3. Preliminary Short Subdivision ⁽⁴⁾	Mail, Post Site, Newspaper	90 days	HE	20.30.410
4. SEPA Threshold Determination of Significance	Mail, Post Site, Newspaper	60 days	HE	20.30.490— 20.30.710
5. Shoreline Substantial Development Permit, Shoreline Variance, and Shoreline CUP	Mail, Post Site, Newspaper	120 days	State Shorelines Hearings Board	Shoreline Master Program
6. Zoning Variances	Mail, Post Site, Newspaper	90 days	HE	20.30.310
7. Plat Alteration ^{(5), (6)}	Mail	90 days	HE	20.30.425

Key: HE = Hearing Examiner

(1) Public hearing notification requirements are specified in SMC 20.30.120.

(2) Notice of application requirements are specified in SMC 20.30.120.

(3) Notice of decision requirements are specified in SMC 20.30.150.

(4) These Type B actions do not require a neighborhood meeting. A notice of development will be sent to adjacent properties.

(5) A plat alteration does not require a neighborhood meeting.

(6) If a public hearing is requested, the plat alteration will be processed as a Type C action per SMC Table 20.30.060

Justification – SEPA is a review associated with an action. Table 20.30.050 is a summary for Type B Actions. Actions include the approval of uses subdivisions and variances. SEPA is a review triggered by proposed development, plans, and activities that meet or exceed thresholds as defined by the State. Therefore, staff is proposing that the SEPA process be defined separately in SMC 20.30.680 and not included in Table 20.30.050.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #B3**20.30.060 Quasi-Judicial Decisions – Type C.**

These decisions are made by the City Council or the Hearing Examiner, as shown in Table 20.30.060, and involve the use of discretionary judgment in the review of each specific application.

Prior to submittal of an application for any Type C permit, the applicant shall conduct a neighborhood meeting to discuss the proposal and to receive neighborhood input as specified in SMC 20.30.090.

Type C decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision made by the City Council or Hearing Examiner. ~~Any administrative appeal of a SEPA threshold determination shall be consolidated with the open record public hearing on the project permit, except a determination of significance, which is appealable under SMC 20.30.050.~~

There is no administrative appeal of a Type C actions decision. Any appeal of a Type C decision is to King County Superior Court pursuant to RCW 36.70(C), Land Use Petition Act.

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 ⁽²³⁾ , ⁽³⁴⁾	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾	City Council	120 days	20.30.320
3. Site-Specific Comprehensive Plan Map Amendment	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾	City Council		20.30.345
4. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.330
5. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.333
6. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.336
7. Secure Community Transitional Facility – Special Use Permit	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.40.502
8. Essential Public Facility – Special Use Permit	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.330
9. Master Development Plan	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.353
10. Plat Alteration with Public Hearing ⁽⁵⁴⁾	Mail	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.425

~~(1) Including consolidated SEPA threshold determination appeal.~~

~~(1)(2)~~ HE = Hearing Examiner.

~~(2)(3)~~ Notice of application requirements are specified in SMC 20.30.120.

~~(3)(4)~~ Notice of decision requirements are specified in SMC 20.30.150.

~~(4)(5)~~ A plat alteration does not require a neighborhood meeting.

Justification – The amendments proposed in this section clarify that a consolidated SEPA appeal process is not available for all Type C actions and that SEPA appeal processes are provided for in SMC 20.30.680.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #B4

20.30.070 – Legislative Decisions

These decisions are legislative, nonproject decisions made by the City Council under its authority to establish policies and regulations regarding future private and public developments, and management of public lands. There is no administrative appeal of legislative decisions.

Table 20.30.070 – Summary of Legislative Decisions

Decision	Review Authority, Public Hearing	Decision Making Authority (in accordance with State law)	Section	<u>Appeal Authority</u>
1. Amendments and Review of the Comprehensive Plan	PC ⁽¹⁾	City Council	20.30.340	<u>Growth Management Hearings Board</u>
2. Amendments to the Development Code	PC ⁽¹⁾	City Council	20.30.350	<u>Growth Management Hearings Board</u>

Decision	Review Authority, Public Hearing	Decision Making Authority (in accordance with State law)	Section	<u>Appeal Authority</u>
3. Development Agreements	PC ⁽¹⁾	City Council	20.30.355	<u>King County Superior Court</u>

(1) PC = Planning Commission

Legislative decisions include a hearing and recommendation by the Planning Commission and final action by the City Council.

The City Council shall take legislative action on the proposal in accordance with State law.

There is no administrative appeal of legislative ~~actions~~ decisions of the City Council, ~~but such actions may be appealed together with any SEPA threshold determination according to State law.~~ Amendments to the Comprehensive Plan and the Development Code and any related SEPA determination are appealable to the Growth management Hearings Board pursuant to RCW 36.70A Growth Management Act. Any appeal of a Development Agreement is appealable to King County Superior Court pursuant to RCW 36.70(C) Land Use Petition Act.

Justification – The following provision in SMC 20.30.070 has caused confusion and to interested parties, applicants, and the City: “There is no administrative appeal of legislative actions of the City Council, but such actions may be appealed together with any SEPA threshold determination according to State law.”

Staff is proposing that Legislative Decisions do not provide for an administrative appeal to Council’s decision when combined with an appeal of the SEPA determination. Instead, all appeals related to Legislative Decisions would be filed either with the Growth Management Hearings Board pursuant to RCW 36.70A Growth Management Act or to Superior Court pursuant to RCW 36.70C, Land Use Petition Act. These amendments would alleviate the internal contradictions in this clause and Table 20.30.070. These amendments streamline the appeals process by removing questions about when and to what authority one must submit an appeal.

This amendment also adds a column for appeal authorities to Table 20.30.070 – Summary of Legislative Decisions.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #B5

20.30.170 – Limitations on the Number of Hearings

No more than one open record hearing shall be heard on any land use application. ~~The appeal hearing on SEPA threshold determination of nonsignificance shall be consolidated with any open record hearing on the project permit. (Ord. 238 Ch. III § 5(a), 2000).~~

Justification – The SEPA appeal information is being added to SMC 20.30.680 – Appeals and the language that is proposed to be struck from this section is being moved to 20.30.230.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #B6

20.30.200 – General Description of Appeals

A. Type A decisions may be appealed to the King County Superior Court pursuant to RCW 36.70C Land Use Petition Act.

B. Type B Administrative decisions, ~~except for shoreline permits, (Type B) are~~ appealable ~~may be appealed~~ to the Hearing Examiner ~~who conducts an open record appeal hearing~~ pursuant to SMC 20.30 Subchapter 4 Land Use Hearings and Appeals. ~~Shoreline substantial development, variance, and conditional use permits may be~~ appealed to the Shoreline Hearings Board pursuant to RCW 90.58 Shoreline Management Act.

~~BC. Type C decisions may be appealed~~ Appeals of City Council decisions without ministerial decisions (Type A), an administrative appeal, and appeals of an appeal authority's decisions shall be made to the King County Superior Court pursuant to RCW 36.70C Land Use Petition Act.

D. Type L decisions, except for Development Agreements, may be appealed to the Growth Management Hearings Board pursuant to RCW 36.70A Growth Management Act. Development Agreements may be appealed to the King County Superior Court pursuant to RCW 36.70C Land Use Petition Act.

<u>Decision Type</u>	<u>Appeal Authority</u>
<u>Type A</u>	<u>King County Superior Court - RCW 36.70C</u>
<u>Type B (non-shoreline)</u>	<u>Hearing Examiner – SMC 20.30 Subchapter 4</u> <u>[1]</u>
<u>Type B (shoreline)</u>	<u>Shoreline Hearings Board – RCW 90.58</u>
<u>Type C</u>	<u>King County Superior Court – RCW 36.70C</u>
<u>Type L (Comprehensive Plan and Development Regulations)</u>	<u>Growth Management Hearings Board – RCW 36.70A</u>
<u>Type L (Development Agreements)</u>	<u>King County Superior Court – RCW 36.70C</u>

[1] Final decisions of an appeal on a Type B decision to the Hearing Examiner may be appealed as provided in SMC 20.30 Subchapter 4.

C. SEPA Determinations are appealable with Type A, Type C and Type L decisions to Superior Court.

Justification – The amendments in this section clarify the types of appeals heard by the Council, Hearing Examiner, Superior Court, or the Growth Management Hearings Board depending on the type of permit that is being appealed. Item “C” is proposed to be removed from the section since all SEPA appeal information is now contained in SMC 20.30.680 – Appeals.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #B7

20.30.220 Filing Commencing an administrative appeals.

A. Any aggrieved person may appeal a decision to the Hearing Examiner. Only Type B decisions may be appealed.

~~B. Appeals, and the appeal fee set forth in the fee schedule adopted pursuant to SMC 3.01, must be received by the City Clerk no later than 5:00 pm local time on the shall be filed within 14 fourteenth calendar days ~~from~~ following the date of the notice of the Director's decision receipt of the mailing. A decision shall be deemed received three days ~~from date of mailing.~~~~

~~BC. Appeals shall be filed in writing with the City Clerk. The appeal shall and comply with the form and content requirements of the rules of procedure adopted by the Hearing Examiner pursuant to 2.15.070 SMC in accordance with this chapter. The written appeal statement shall contain a concise statement demonstrating the person is adversely affected by the decision; identifying each alleged error of fact, law, or procedure and the manner in which the decision fails to satisfy the applicable decision criteria; and the specific relief requested.~~

~~D. B. Appeals shall be accompanied by a filing fee in the amount to be set in Chapter 3.01 SMC.~~

~~C. Within 10 calendar days following timely filing of a complete appeal with the City Clerk, notice of the date, time, and place for the open record hearing shall be mailed by the City Clerk to all parties of record.~~

Justification – This proposed amendment clarifies the process for filing an administrative appeal.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #B8

20.30.230 Administrative Appeal process.

~~A. All administrative appeals are conducted pursuant to rules of procedure adopted by the Hearing Examiner pursuant to 2.15.070 SMC.~~

~~B. A. No more than one open record hearing shall be heard on any permit decision.~~

~~C. An appeal shall be heard and decided within 90 days from the date the appeal is filed. The parties may agree in writing to extend this time. Any extension of time must be submitted to the Hearing Examiner for approval.~~

~~C. B. Timely filing of an appeal shall stay ~~delay~~ the effective date of the Director's decision until the appeal is ruled upon by the Hearing Examiner or withdrawn by the~~

appellant. A subsequent appeal of the Hearing Examiner's decision to the King County Superior Court shall not stay the effectiveness of the Director's decision unless the Court issues an order staying the decision.

D. G. The hearing shall be limited to the issues ~~included~~ set forth in the written appeal statement. Participation in the appeal shall be limited to the appellant, City, including all staff, and the applicant for the proposal subject to appeal, if not the appellant, ~~and those persons or entities which have timely filed complete written appeal statements and paid the appeal fee.~~

Justification – This amendment clarifies that a decision can be from someone other than the Director and clarifies the permit appeal process.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #B9

20.30.540 – Timing and Content of Environmental Review.

A. **Categorical Exemptions.** The City will normally identify whether an action is categorically exempt within ~~40~~ 28 days of receiving an ~~complete~~ application.

B. **Threshold Determinations.** When the City is lead agency for a proposal, the following threshold determination timing requirements apply:

1. If a Determination of Significance (DS) is made concurrent with the notice of application for a proposal, the DS and scoping notice shall be combined with the notice of application ~~(RCW 36.70B.110)~~. Nothing in this subsection prevents the DS/scoping notice from being issued before the notice of application. If sufficient information is not available to make a threshold determination when the notice of application is issued, the DS may be issued later in the review process.

2. SEPA determinations for city capital projects may be appealed to the Hearing Examiner as provided in SMC 20.30, Subchapter 4. ~~If the City is lead agency and project proponent or is funding a project, the City may conduct its review under SEPA and may allow appeals of procedural determinations prior to submitting a project permit application.~~

~~2. 3.~~ If an open record predecision hearing is required on the proposal, the threshold determination shall be issued at least 15 calendar days before the open record predecision hearing ~~(RCW 36.70B.110 (6)(b))~~.

3. 4. The optional DNS process provided in WAC 197-11-355 may be used to indicate on the notice of application that the lead agency is likely to issue a Determination of Non-Significance (DNS). If this optional process is used, a separate comment period on the DNS may not be required (~~refer to WAC 197-11-355(4)~~).

C. For nonexempt proposals, the DNS or draft Environmental Impact Statement (EIS) for the proposal shall accompany the City's staff recommendation to the appropriate review authority. If the final EIS is or becomes available prior to review, it shall be substituted for the draft.

D. The optional provision of WAC 197-11-060(3)(c) analyzing similar actions in a single environmental document is adopted.

Justification – This amendment will align the determination of completeness of a land use application with the determination of a SEPA categorical exemption.

The second amendment to this section deletes SMC 20.30.540(2), which states that if the City is lead agency for a project, SEPA may be appealed before a permit is submitted. The purpose of these SEPA amendments is to consolidate and clarify the SEPA review and appeal process so SMC 20.30.540(2) will be deleted, and all of the appeal language will be stated in SMC 20.30.680 – Appeals.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #B10

20.30.565 Planned Action Determination of Consistency approval SEPA exemptions.

Projects proposed within a planned action area, as defined by the City, may be eligible for planned action status. The applicant shall submit a complete Planned Action Determination of Consistency Review Checklist and any other submittal requirements specified by the Director at the time of application submittal. If the City determines the project is within a planned action area and meets the thresholds established by the planned action, no additional SEPA analysis is required. If a project does not qualify as a planned action, SEPA review will be required. A planned action determination appeal is a Type A decision and may be appealed as provided in SMC 20.30.200. Development approvals in planned action districts identified on the City zoning map are designated planned action approvals pursuant to WAC 197-11-164. The environmental impacts of

~~development in these districts consistent with the applicable code provisions have been addressed in a planned action EIS and do not require additional SEPA review.~~

Justification – The amendment clarifies that projects within a Planned Action Area may not require an additional SEPA determination. Projects within a Planned Action Area do require a form be filled out that describes the project and documents the impacts from that proposal.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #B11

20.30.570 – Categorical Exemptions and Threshold Determinations – Use of exemptions

A. The determination of whether a proposal is categorically exempt shall be made by the responsible official.

B. The determination that a proposal is exempt shall be a final decision, ~~and not subject to administrative review.~~

C. If a proposal is exempt, none of the procedural requirements of this subchapter shall apply to the proposal.

~~D. The responsible official shall not require completion of an environmental checklist for an exempt proposal.~~

E. If a proposal includes both exempt and nonexempt actions, the responsible official may authorize exempt actions prior to compliance with the procedural requirements of this ordinance, except that:

1. The responsible official shall not give authorization for:

- Any nonexempt action;
- Any action that would have an adverse environmental impact; or
- Any action that would limit the choice of alternatives.

2. The responsible official may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and

3. The responsible official may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

Justification – This amendment clarifies that a SEPA determination is a final decision by the Director or decision-making authority and may or may not be an administrative review.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #B12

20.30.580 Environmental Checklist.

A. A completed environmental checklist shall be filed at the same time as an application for a permit, license, certificate, or other approval not exempted in this ordinance; except, a checklist is not needed if the City's responsible official and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. Except as provided in subsection E of this section, the checklist shall be in the form of WAC 197-11-960 with such additions that may be required by the responsible official in accordance with WAC 197-11-906(4).

B. For private proposals, the responsible official will require the applicant to complete the environmental checklist, providing assistance as necessary. For City proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

C. The responsible official may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if any ~~either~~ of the following occurs:

1. The City has technical information on a question or questions that is unavailable to the private applicant; or
2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration; ~~or~~
3. ~~On the request of the applicant.~~

D. The applicant shall pay to the City the actual costs of providing information under subsections (C)(2). and (C)(3) of this section.

E. For projects ~~submitted as~~ seeking to qualify as ~~planned actions under WAC 197-11-164,~~ the City shall use its applicant shall submit a planned action determination of consistency review checklist and any other submittal requirements specified by the Director. ~~existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist~~

~~form may be prepared and adopted along with or as part of a planned action ordinance; or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the Department of Ecology to allow at least a 30-day review prior to use.~~

F. The lead agency shall make a reasonable effort to verify the information in the environmental checklist and planned action checklist and shall have the authority to determine the final content of the ~~environmental checklists~~.

Justification – The submittal of an environmental checklist is required for all projects subject to SEPA review. It is the applicant’s responsibility to complete all sections of the checklist and submit it to the City for review and to issue a determination. This amendment removes the provision that the applicant can request the City fill out portions of the checklist on the request of the applicant.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #B13

20.30.610 – Environmental Impact Statement and Other Environmental Documents–Additional considerations.

~~A. Pursuant to WAC 197-11-408(2)(a), all comments on determinations of significance and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410(1)(b).~~

~~BA. Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the Department shall be responsible for preparation and content of an EISs and other environmental documents by or under the direction of the SEPA Responsible Official. The Department may contract with consultants as necessary for the preparation of environmental documents. The Department may consider the opinion of the applicant regarding the qualifications of the consultant but the Department shall retain sole authority for selecting persons or firms to author, co-author, provide special services or otherwise participate in the preparation of required environmental documents. An EIS may be prepared by the lead agency’s staff; by an applicant or its agent; or by an outside consultant retained by either an applicant or the lead agency. The lead agency shall assure that the EIS is prepared in a professional manner and with appropriate interdisciplinary methodology. The responsible official shall direct the areas of research and examination to be undertaken as a result of the scoping process, as well as the organization of the resulting document.~~

~~CB. Consultants or sub-consultants selected by the Department to prepare environmental documents for a private development proposal shall not:~~

- ~~(1) act as agents for the applicant in preparation or acquisition of associated underlying permits;~~
- ~~(2) have a financial interest in the proposal for which the environmental document is being prepared; and~~

(3) perform any work or provide any services for the applicant in connection with or related to the proposal.

DC. All costs of preparing the any required environment document shall be borne by the applicant.

ED. If the responsible official requires an EIS for a proposal and determines that ~~someone other than~~ the City will prepare the EIS, the responsible official shall notify the applicant ~~immediately~~ as soon as reasonably possible after completion of the threshold determination. The responsible official shall also notify the applicant of the City's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

FE. The City may require an applicant to provide information ~~the City does not possess, including information~~ that must be obtained by specific investigations. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100, or other provisions of regulations, statute, or ordinance. An applicant shall not be required to produce information under this provision which is not specifically required by this subchapter nor is the applicant relieved of the duty to supply any other information required by statute, regulation or ordinance.

GF. In the event an applicant decides to suspend or abandon the project, the applicant must provide formal written notice to the Department ~~and consultant~~. The applicant shall continue to be responsible for all monies expended by the Department ~~or consultants~~ to the point of the Department's receipt of notification ~~to suspend or abandon, or other obligations or penalties under the terms of any contract let for preparation of the environmental documents.~~

HG. The Department shall only publish ~~an environmental impact statement (an EIS)~~ when it believes that the EIS adequately discloses the significant direct, indirect, and cumulative adverse impacts of the proposal and its alternatives; mitigation measures proposed and committed to by the applicant, and their effectiveness in significantly mitigating impacts; mitigation measures that could be implemented or required; and unavoidable significant adverse impacts.

Justification – This amendment allows the applicant, qualified professional, or the Department to prepare an Environmental Impact Statement (EIS) and to dictate the contents of the EIS based on the EIS Scoping process, which informs what topics will be evaluated within the EIS. This amendment takes the burden from the department and the Director and places it on the applicant when preparing and managing the EIS process. Letter "A" is being moved from the section to SMC 20.30.630 since that is the comment section of the code.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #B14

20.30.630 Comments and Public Notice – Additional considerations.

A. For purposes of WAC 197-11-510, public notice for SEPA threshold determinations shall be required as provided in Chapter 20.30.120, Subchapter 3, Permit Review Procedures, except for Type L actions. At a minimum, notice shall be provided to property owners located within 500 feet, posted on the property (for site-specific proposals), and the Department shall publish a notice of the threshold determination in the newspaper of general circulation for the general area in which the proposal is located. This notice shall include the project location and description, the type of permit(s) required, comment period dates, and the location where the complete application and environmental documents may be reviewed.

B. Publication of notice in a newspaper of general circulation in the area where the proposal is located shall also be required for all nonproject actions and for all other proposals that are subject to the provisions of this subchapter but are not classified as Type A, B, ~~or~~ C, or L actions.

C. The SEPA responsible official may require further notice if deemed necessary to provide adequate public notice of a pending action. Failure to require further or alternative notice shall not be a violation of any notice procedure.

D. Pursuant to WAC 197-11-408(2)(a), all comments on determinations of significance and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410(1)(b).

Justification – This amendment clarifies that a notice of SEPA determination shall be mailed, posted onsite, and advertised in the general paper of circulation (Seattle Times) for all determinations that are subject to this chapter.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #B15
20.30.670 SEPA Policies.

~~A. The policies and goals set forth in this section are supplementary to those in the existing authorization of the City of Shoreline.~~

~~B. For the purposes of RCW 43.21C.060 and WAC 197-11-660(a), the following policies, plans, rules and regulations, and all amendments thereto, are designated as potential bases for the exercise of the City's substantive authority to condition or deny proposals under SEPA, subject to the provisions of RCW 43.21C.240 and SMC 20.30.660.~~

1. The policies of the State Environmental Policy Act, RCW 43.21C.020.
2. The Shoreline Comprehensive Plan, its appendices, subarea plans, surface water management plans, park master plans, and habitat and vegetation conservation plans.

3. ~~The City of Shoreline Municipal Code.~~
4. The Shoreline Historic Inventory.
5. The Shoreline Environmental Sustainability Strategy.
6. The Shoreline Climate Action Plan.
7. The Shoreline Diversity and Inclusion Goals.

Justification – This amendment strikes letter “A,” as the current language is confusing. The second amendment adds more recent plans, goals, and initiatives that the Department relies on when issuing SEPA determinations.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #B16
20.30.680 – Appeals.

A. There are no administrative appeals of a SEPA threshold determination except threshold determinations associated with a Type B actions. Any appeal of a SEPA determination, together with the City’s final decision on a proposal, may be appealed to the King County Superior Court, the Growth Management Hearings Board, or the Shoreline Hearings Board, based on the type of permit action being appealed, as provided in RCW 43.21.075.

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

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

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

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

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

~~5.—The Hearing Examiner shall make the final decision on all Administrative Appeals as allowed in SMC Chapter 20.30, Subchapter 2, Types of Actions – Type B. Hearing Examiner shall make a final decision on all procedural SEPA determinations. The Hearing Examiner’s decision may be appealed to superior court as provided in Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals.~~

~~B.—Notwithstanding the provisions of subsection (A) of this section, the Department may adopt procedures under which an administrative appeal shall not be provided if the Director finds that consideration of an appeal would be likely to cause the Department to violate a compliance, enforcement or other specific mandatory order or specific legal obligation. The Director’s determination shall be included in the notice of the SEPA determination, and the Director shall provide a written summary upon which the determination is based within five days of receiving a written request. Because there would be no administrative appeal in such situations, review may be sought before a court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action.~~

Justification – The amendments to this section consolidate and clarify all the SEPA related appeal information that is currently located in SMC 20.30 Subchapter 2. As currently written, it is difficult to know how to appeal a SEPA determination when that SEPA determination is associated with a building permit (which is a Type-A administrative decision); a Type-B land use application which is an administrative decision by the Director; a Type-C action which is either approved by the Hearing Examiner or the City Council; or a Type-L action which is approved by the City Council.

The confusion mainly occurs when a Type-A action has SEPA attached to it. A Type-A action is an administrative approval, which means an appeal of a Type-A action goes to Superior Court. The SEPA determination on the Type-A permit would also need to go to Superior Court. Staff’s proposal is to have all SEPA appeals go to either the State Superior Court, the Growth Management Hearings Board, or the State Shoreline Hearings Board based on the type or permit being appealed. For example, a Comprehensive Plan Amendment is classified as a Type L – Legislative action approved by Council. An appeal of Council’s action of a Type L action will go to the Growth management Hearings Board. It makes sense for the SEPA appeal to go to the same hearing body as the permit.

Recommendation – Planning Commission recommends that this amendment be approved.

RESOURCE/FINANCIAL IMPACT

The proposed Development Code amendments will not have a direct financial impact to the City.

RECOMMENDATION

No formal action is required by Council at this time. The Planning Commission has recommended adoption of the proposed amendments in Ordinance No. 955. Staff further recommends adoption of Ordinance No. 955 when it is brought back to Council for potential adoption on March 21, 2022.

ATTACHMENTS

- Attachment A – Proposed Ordinance No. 955
- Attachment A, Exhibit A – Amendments Recommended for Approval
- Attachment B – Miscellaneous and SEPA Amendments Recommended for Approval
- Attachment C – February 3, 2022 Memorandum to the City Council from the Shoreline Planning Commission

ORDINANCE NO. 955

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, REPRESENTING PART TWO OF THE 2021 DEVELOPMENT CODE BATCH AMENDMENTS TO PROVIDE CLARITY TO EXISTING REGULATIONS, PROVIDE FOR BETTER ADMINISTRATION OF THE REGULATIONS, INCLUDING SEPA PROCEDURES, AND REFLECT POLICY MODIFICATIONS IN RESPONSE TO CITIZEN PROPOSALS AND THE CHANGING NEEDS OF THE CITY.

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, sets forth the City's Unified Development Code; and

WHEREAS, the 2021 Development Code Amendments are being processed in multiple batches with the first batch adopted by Ordinance No. 930 on May 3, 2021; the second batch is encompassed by this Ordinance and is comprised of three (3) groups; and

WHEREAS, Group A are general administrative corrections, procedural changes, clarifying language, and codification of administrative orders; Group B are amendments to the administration and procedural aspect of SEPA; and Group C are primarily privately-initiated amendments to the City's tree regulations; 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 amendments resulted in the issuance of a Determination of Non-Significance (DNS) on September 30, 2021; and

WHEREAS, on July 15, 2021, August 5, 2021, October 7, 2021, November 18, 2021, December 2, 2021, and January 6, 2022, the City of Shoreline Planning Commission reviewed the proposed amendments; on February 3, 2022, the Planning Commission held a public hearing on the proposed amendments so as to receive public testimony; and

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

WHEREAS, on February 28, 2022, and March 7, 2022, the City Council held study sessions on the proposed amendments; 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, the City Council has determined that the amendments to Title 20 are consistent with and implement the Shoreline Comprehensive Plan and serves the purpose of the Unified Development Code as set forth in SMC 20.10.020;

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

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

Section 2. Transmittal of Amendments to Washington State Department of Commerce. Pursuant to RCW 36.70A.106, the Director of Planning and Community Development, or designee, is directed to transmit a complete and accurate copy of this Ordinance and Exhibit A to the Washington State Department of Commerce within ten (10) calendar days of the date of passage of this Ordinance.

Section 3. 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 4. 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 5. Publication and Effective Dates. A summary of this Ordinance consisting of the title shall be published in the official newspaper and shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON MARCH 21, 2022

Keith Scully, Mayor

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: , 2022

Effective Date: , 2022

**2021 DEVELOPMENT CODE AMENDMENT BATCH-
Planning Commission Recommended Miscellaneous Amendments (Staff Initiated)
GROUP A**

**GROUP A – Miscellaneous Amendments
COMMISSION RECOMMENDATION – PROPOSED MISCELLANEOUS AMENDMENT**

STAFF RECOMMENDED AMENDMENTS			
Number	Section	Topic	Recommendation
20.20 – Definitions			
A1	20.20.020	Family	Approve
A2	20.20.024	Hardscape for Grasscrete	Approve
A3	20.20.024	Host Agency	Approve
A3.1	20.20.024	Housing Expenses	Approve (Staff)
A4	20.20.034	Managing Agency	Approve
20.30 – Procedures and Administration			
A5	20.30.300	Threshold for when a Conditional Use Permit is Required	Approve
20.40 - Uses			
A6	20.40.405	Homeless Shelter	Approve
A7	20.40.570	Director Approval of Unlisted Uses	Approve
20.50 – General Development Standards			
A8	20.50.040	Setbacks – Second Front Yard	Approve
A9	20.50.070	Setbacks – Second Front Yard	Approve
A10	20.50.220	Purpose of the Commercial Design Standards	Approve
A11	20.50.230	Thresholds – Exemptions for Existing Commercial Structures to Encourage Reuse	Approve
A12	20.50.330(B)	Third Party Review	Approve
A13	20.50.410(C)	Parking for Multifamily Units	Approve

PLANNING COMMISSION RECOMMENDED MISCELLANEOUS DEVELOPMENT CODE
AMENDMENTS

20.20 Amendments

Amendment #A1

20.20.020 – F Definitions

Family An individual; two or more persons related by blood or marriage, ~~a group of up to eight persons who may or may not be related~~, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or nonresident staff. ~~For purposes of this definition, minors living with a parent shall not be counted as part of the maximum number of residents.~~

Amendment #A2

20.20.024 – H Definitions

Host Agency A public agency; State of Washington registered nonprofit corporation; a federally recognized tax exempt 501(c)(3) organization; or a religious organization as defined in RCW 35A.21.360, ~~religious or not for profit organization~~ that invites a transitional encampment to reside on the land that they own or lease.

Amendment #A3

20.20.024 – H Definitions

Hardscape – Any structure or other covering on or above the ground that includes materials commonly used in building construction such as wood, asphalt and concrete, and also includes, but is not limited to, all structures, decks and patios, paving including gravel, pervious or impervious concrete and asphalt. Retaining walls, gravel, or paver paths less than four feet wide with open spacing are not considered hardscape. Artificial turf with subsurface drain fields and decks that drain to soil underneath have a 50 percent hardscape and 50 percent pervious value. Coverings that allow growth of vegetation between components with the ability to drain to soil underneath have a hardscape percent pervious value as determined by the Director based on the manufacturer's specifications, which shall be provided by the applicant.

Amendment A3.1**20.20.024 – H Definitions**

Housing Expenses, Rental Housing	Includes rent, parking and appropriate utility allowance.
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Amendment #A4**20.20.034 – M Definitions**

Managing Agency	An organization that has the capacity to organize and manage a transitional encampment. A managing agency must be a <u>public agency</u> ; State of Washington registered nonprofit corporation; a federally recognized tax exempt 501(c)(3) organization; a religious organization as defined in RCW <u>35A.21.360</u> ; or a self-managed homeless community. A managing agency may be the same organization as the host agency.
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20.30 Amendments

Amendment #A5**20.30.300 Conditional use permit-CUP (Type B action).**

A. **Purpose.** The purpose of a conditional use permit is to locate a permitted use on a particular property, subject to conditions placed on the permitted use to ensure compatibility with nearby land uses.

B. **Threshold.** The purpose of this section is to determine when a conditional use permit is required. A conditional use permit is required if either of the following occurs:

1. The use area is expanded by twenty percent (20%) or more of the current use area (measured in square feet). For example, the use area is currently 2,000 sq. ft. and a 400 sq. ft. addition that expands the use area is proposed, so a conditional use permit is required.
2. The parking area (measured in the number of parking spaces) is expanded by twenty percent (20%) or more of the current parking area (measured in the number of parking spaces). For example, twenty (20) parking spaces are currently associated with the use and four (4) additional parking spaces for the use are proposed, so a conditional use permit is required.

Thresholds are cumulative during a 10-year period for any given parcel. This shall include all structures on other parcels if the use area and/or parking area under permit review extends into other parcels.

CB. Decision Criteria. A conditional use permit may be granted by the City, only if the applicant demonstrates that:

1. The conditional use is compatible with the Comprehensive Plan and designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property;
2. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
3. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
4. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
5. The conditional use is not in conflict with the health and safety of the community;
6. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;
7. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
8. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

DC. Suspension or Revocation of Permit.

1. The Director may suspend or revoke any conditional use permit whenever:
 - a. The permit holder has failed to substantially comply with any terms or conditions of the permit's approval;
 - b. The permit holder has committed a violation of any applicable state or local law in the course of performing activities subject to the permit;
 - c. The use for which the permit was granted is being exercised as to be detrimental to the public health, safety, or general welfare, or so as to constitute a public nuisance;
 - d. The permit was issued in error or on the basis of materially incorrect information supplied to the City; or
 - e. Permit fees or costs were paid to the City by check and returned from a financial institution marked nonsufficient funds (NSF) or canceled.

2. The Director shall issue a notice and order in the same manner as provided in SMC 20.30.760.

a. The notice and order shall clearly set forth the date that the conditional use permit shall be suspended or revoked.

b. The permit holder may appeal the notice and order to the Hearing Examiner as provided in SMC 20.30.790. The filing of such appeal shall stay the suspension or revocation date during the pendency of the appeal.

c. The Hearing Examiner shall issue a written decision to affirm, modify, or overrule the suspension or revocation, with or without additional conditions, such as allowing the permit holder a reasonable period to cure the violation(s).

3. Notwithstanding any other provision of this subchapter, the Director may immediately suspend operations under any permit by issuing a stop work order.

4. If a conditional use permit has been suspended or revoked, continuation of the use shall be considered an illegal occupancy and subject to every legal remedy available to the City, including civil penalties as provided for in SMC 20.30.770(D).

DD. Transferability. Unless otherwise restricted by the terms and conditions at issuance of the conditional use permit, the conditional use permit shall be assigned to the applicant and to a specific parcel. A new CUP shall be required if a permit holder desires to relocate the use permitted under a CUP to a new parcel. If a CUP is determined to run with the land and the Director finds it in the public interest, the Director may require that it be recorded in the form of a covenant with the King County Recorder's Office. Compliance with the terms and conditions of the conditional use permit is the responsibility of the current property owner, whether the applicant or a successor.

EE. Expiration.

1. Any conditional use permit which is issued and not utilized within the time specified in the permit or, if no time is specified, within two years from the date of the City's final decision shall expire and become null and void.

2. A conditional use permit shall be considered utilized for the purpose of this section upon submittal of:

a. A complete application for all building permits required in the case of a conditional use permit for a use which would require new construction;

b. An application for a certificate of occupancy and business license in the case of a conditional use permit which does not involve new construction; or

c. In the case of an outdoor use, evidence that the subject parcel has been and is being utilized in accordance with the terms and conditions of the conditional use permit.

3. If after a conditional use has been established and maintained in accordance with the terms of the conditional use permit, the conditional use is discontinued for a period of 12 consecutive months, the permit shall expire and become null and void.

GF. Extension. Upon written request by a property owner or their authorized representative prior to the date of conditional use permit expiration, the Director may grant an extension of time up to but not exceeding 180 days. Such extension of time shall be based upon findings that the proposed project is in substantial conformance, as to use, size, and site layout, to the issued permit; and there has been no material change of circumstances applicable to the property since the granting of said permit which would be injurious to the neighborhood or otherwise detrimental to the public health, safety and general welfare.

20.40 Amendments

Amendment #A6

20.40.405 Homeless shelter.

The intent of a homeless shelter is to provide temporary relief for those in need of housing. Homeless shelters are allowed in the mixed business, community business and town center 1, 2, and 3 zones subject to the below criteria.

- A. The homeless shelter must be operated by a public agency; a State of Washington registered nonprofit corporation; or a Federally recognized tax exempt 501(C)(3) organization that has the capacity to organize and manage a homeless shelter.
- B. The homeless shelter shall permit inspections by City, Health and Fire Department inspectors at reasonable times for compliance with the City's requirements. An inspection by the Shoreline Fire Department is required prior to occupancy.
- C. The homeless shelter shall have a code of conduct that articulates the rules and regulations of the shelter. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; and exclusion of sex offenders. The homeless shelter shall keep a cumulative list of all residents who stay overnight in the shelter, including names and dates.
- D. The homeless shelter shall check that adult residents have government-issued identification such as a state or tribal issued identification card, driver's license, military identification card, or passport from prospective shelter residents for the purpose of obtaining sex offender and warrant checks. Prospective residents will not be allowed residency until identification can be presented. If adult residents do not have identification, the operator of the shelter shall assist them in obtaining such. No documentation is required to be submitted to the City for the purpose of compliance with this condition.

Amendment #A7

20.40.570 – Unlisted Use

- A. Recognizing that there may be uses not specifically listed in this title, either because of advancing technology or any other reason, the Director may permit, ~~on condition~~ or prohibit such

use upon review of an application for Code interpretation for an unlisted use (SMC 20.30.040, Type A action) and by considering the following factors:

1. The physical characteristics of the unlisted use and its supporting structures, including but not limited to scale, traffic, hours of operation, and other impacts; and
 2. Whether the unlisted use complements or is compatible in intensity and appearance with the other uses permitted in the zone in which it is to be located.
- B. A record shall be kept of all unlisted use interpretations made by the Director; such decisions shall be used for future administration purposes.

20.50 Amendments

Amendment #A8

20.50.040 – Setbacks – Designation and Measurement

A. The front yard setback is a required distance between the front property line to a building line (line parallel to the front line), measured across the full width of the lot.

Front yard setback on irregular lots or on interior lots fronting on a dead-end private access road shall be designated by the Director.

B. Each lot must contain only one front yard setback and one rear yard setback except lots abutting two or more streets, as illustrated in the Shoreline Development Code Figure 20.50.040(C). Lots with two front yards may reduce one of the front yard setbacks by half the setback specified in Table 20.50.020(1). The Director will determine the reduced front yard setback based on the development pattern of adjacent houses and location of lot access.

C. The rear and side yard setbacks shall be defined in relation to the designated front yard setback.

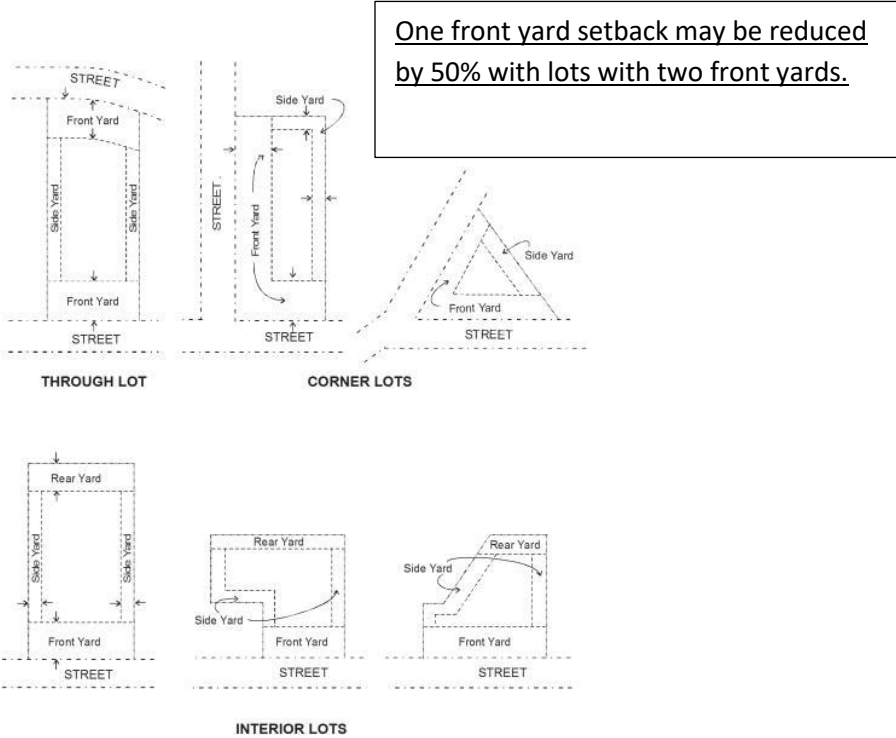


Figure 20.50.040(C): Examples of lots and required yards.

Amendment #A9

20.50.070 Site planning – Front yard setback – Standards.

The front yard setback requirements are specified in Subchapter 1 of this chapter, Dimensions and Density for Development, except as provided for below. For individual garage or carport units, at least 20 linear feet of driveway shall be provided between any garage, carport entrance and the property line abutting the street, measured along the centerline of the driveway. See SMC 20.50.040(B) for exceptions to lots with two front yards.

Exception 20.50.070(1): The front yard setback may be reduced to the average front setback of the two adjacent lots, provided the applicant demonstrates by survey that the average setback of adjacent houses is less than 20 feet. However, in no case shall an averaged setback of less than 15 feet be allowed.

If the subject lot is a corner lot, the setback may be reduced to the average setback of the lot abutting the proposed house on the same street and the 20-foot required setback. The second front yard setback may be reduced by half of the front yard setback established through this provision. (This provision shall not be construed as requiring a greater front yard setback than 20 feet.)

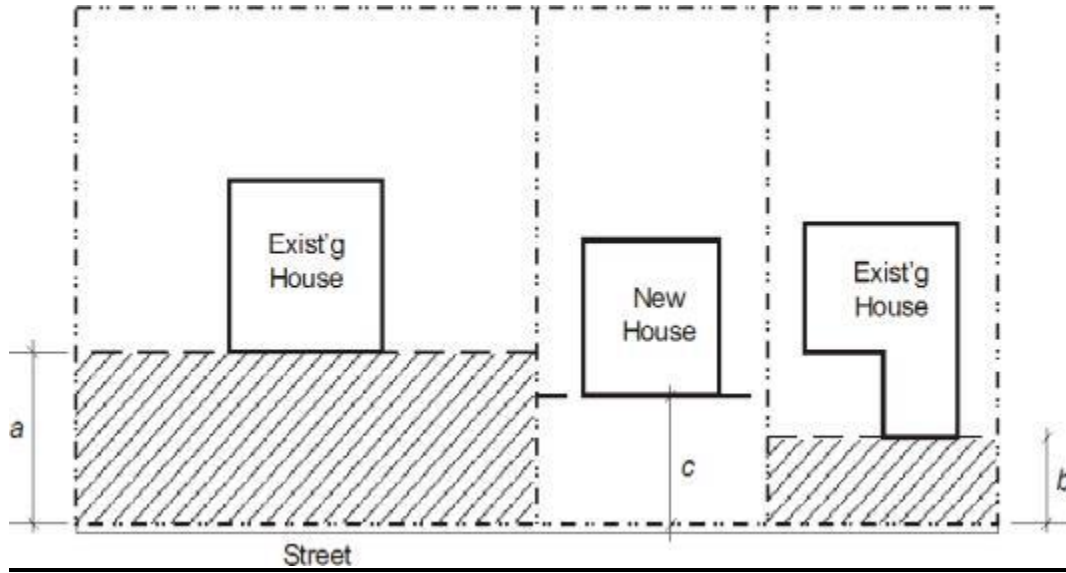
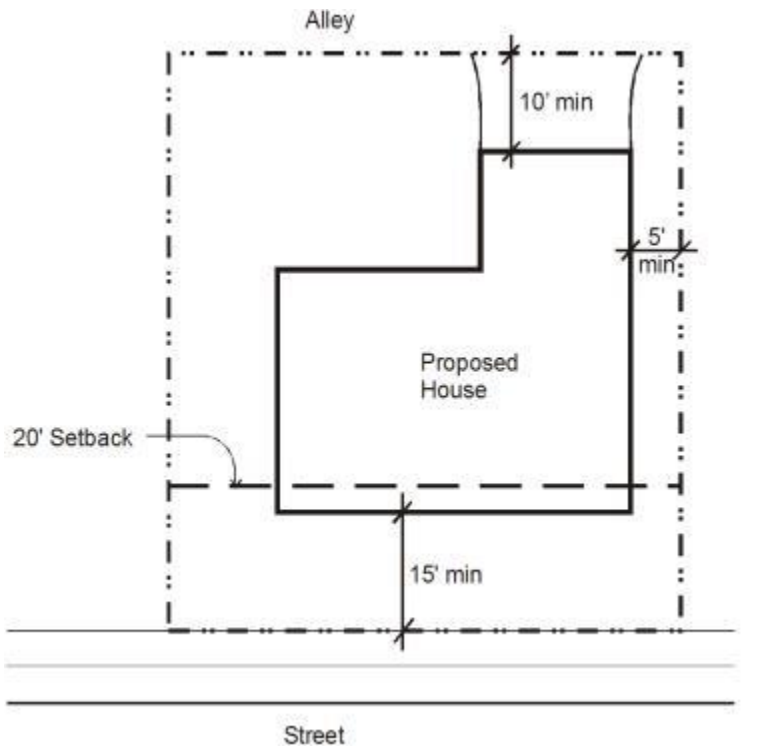


Figure Exception to 20.50.070(1): Minimum front yard setback (c) may be reduced to the average setback of houses located on adjacent lots (a and b).
 Calculation: $c \text{ (min)} = (a + b) / 2$.

Exception 20.50.070(2): The required front yard setback may be reduced to 15 feet provided there is no curb cut or driveway on the street and vehicle access is from another street or an alley.



Amendment #A10**20.50.220 – Purpose**

The purpose of this subchapter is to establish design standards for all commercial zones – neighborhood business (NB), community business (CB), mixed business (MB) and town center (TC-1, 2 and 3). This subchapter also applies to the MUR-35' and the MUR-45' zones for all uses except single-family attached and mixed single-family developments; and the MUR-70' zone, and the R-8, R-12, R-18, R-24, R-48, PA 3 and TC-4 zones for commercial and multifamily uses ~~all uses except single-family detached, attached and mixed single-family developments.~~ Refer to SMC 20.50.120 when developing single-family attached and detached dwellings in the MUR-35' and MUR-45' zones. Some standards within this subchapter apply only to specific types of development and zones as noted. Standards that are not addressed in this subchapter will be supplemented by the standards in the remainder of this chapter. In the event of a conflict, the standards of this subchapter shall prevail.

Amendment #A11**20.50.230 Threshold – Required site improvements.**

The purpose of this section is to determine how and when the provisions for site improvements cited in the General Development Standards apply to development proposals. Full site improvement standards apply to a development application in commercial zones NB, CB, MB, TC-1, 2 and 3, and the MUR-70' zone. This subsection also applies in the following zoning districts except for the single-family attached use: MUR-35', MUR-45', PA 3, and R-8 through R-48. Full site improvement standards for signs, parking, lighting, and landscaping shall be required:

- A. 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
- B. When aggregate building construction valuations for issued permits, within any cumulative 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.
- C. When a single-family land use is being converted to a commercial land use then full site improvements shall be required.

D. Commercial Adaptive Reuse. When an existing building was previously used as a legally established commercial use and is proposed to be reused as a commercial use, then site improvements may be waived based on the following conditions:

1. The following list of uses may qualify to be exempt from the required site improvement thresholds in Section 20.50.230(A) and (B) above:

- Theater

- Health/Fitness Club
- Daycare
- Professional Office
- Medical Office
- Veterinary Clinics
- General Retail Trade and Services
- Market
- Eating and Drinking Establishments
- Brewpub/Microbrewery/Microdistillery

2. The proposed use will not cause significant noise to adjacent neighbors.

3. No expansion of the building is allowed.

4. No new signs facing abutting residential uses.

5. Landscape buffers will be installed between parking spaces and/or drive aisles and abutting residential uses. If no room exists to provide a landscape buffer, then an opaque fence or wall can be provided as a buffer.

6. No building or site lighting shall shine on adjacent properties.

7. Administrative Design Review. Administrative design review approval under SMC 20.30.297 is required for all development applications that propose departures from the parking standards in Chapter 20.50 SMC, Subchapter 6, landscaping standards in Chapter 20.50 SMC, Subchapter 7, or sign standards in Chapter 20.50 SMC, Subchapter 8.

Amendment #A12

20.50.330(B) - Project review and approval.

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

1. The proposal complies with SMC 20.50.340 through 20.50.370 or has been granted a deviation from the Engineering Development Manual.
2. The proposal complies with all standards and requirements for the underlying permit.
3. If the project is located in a critical area or buffer, or has the potential to impact a critical area, the project must comply with the critical areas standards.
4. The project complies with all requirements of the City's Stormwater Management Manual as set forth in SMC 13.10.200 and applicable provisions in Chapter 13.10 SMC, Engineering Development Manual and Chapter 13.10 SMC, Surface Water Management Code and adopted standards.

5. All required financial guarantees or other assurance devices are posted with the City.

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

1. Providing a written evaluation of the anticipated effects of any development within five feet of a tree's critical root zone that may impact the viability of trees on and off site.
2. Providing a hazardous tree assessment.
3. Developing plans for, supervising, and/or monitoring implementation of any required tree protection or replacement measures; and/or
4. Conducting a post-construction site inspection and evaluation.

Amendment #A13

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.~~

**2021 DEVELOPMENT CODE AMENDMENT BATCH –
Planning Commission Recommended SEPA Amendments (Staff Initiated)
GROUP B**

**GROUP B – SEPA Amendments
COMMISSION RECOMMENDATION – PROPOSED SEPA REGULATION AMENDMENTS:**

Number	Section	Topic	Recommendation
20.30 – Procedures and Administration			
B1	20.30.040	SEPA and Type A Permits	Approve
B2	20.30.050	SEPA and Type B Permits	Approve
B3	20.30.060	SEPA and Type C Permits	Approve
B4	20.30.070	SEPA and Type L Permits	Approve
B5	20.30.170	Move SEPA Appeal Hearings	Approve
B6	20.30.200	Move SEPA Appeal Language	Approve
B7	20.30.220	Update and Add link to Fee Schedule	Approve
B8	20.30.230	Clarify Administrative Appeal Process	Approve
B9	20.30.540	Identifying Timing of Categorically Exempt Projects	Approve
B10	20.30.565	Planned Action Determination Forms Required	Approve
B11	20.30.570	Clarification of Exempt Projects	Approve
B12	20.30.580	Completion of Environmental Checklist	Approve
B13	20.30.610	EIS Management	Approve
B14	20.30.630	SEPA Public Notice and Comments	Approve
B15	20.30.670	Adding Relevant Documents for the Review or SEPA	Approve
B16	20.30.680	SEPA Appeal Process	Approve

PLANNING COMMISSION RECOMMENDED SEPA DEVELOPMENT CODE AMENDMENTS

20.30 Amendments**Amendment #B1****20.30.040 Ministerial decisions – Type A.**

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

However, Type A permit applications that exceed the categorical exemptions in SMC 20.30.560, including certain categories of building permits, and permits for projects that require a SEPA threshold determination, are subject to SEPA review. SEPA regulations including process, noticing procedures, and appeals are specified in SMC 20.30, Subchapter 8. procedures, public notice requirements specified in Table 20.30.050 for SEPA threshold determination, or SMC 20.30.045

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

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

Action Type	Target Time Limits for Decision (Calendar Days)	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short or Formal Plat	30 days	20.30.450

Action Type	Target Time Limits for Decision (Calendar Days)	Section
5. Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.30.295
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Administrative Design Review	28 days	20.30.297
15. Floodplain Development Permit	30 days	13.12.700
16. Floodplain Variance	30 days	13.12.800
17. Planned Action Determination	14 days	20.30.357
17. 48. Noise Variance	30 days	9.05

An administrative appeal authority is not provided for Type A actions. Appeals of a Type A Action are to Superior Court pursuant to RCW 36.70(C), Land Use Petition Act. ~~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 #B2**20.30.050 – Type B actions**

Type B decisions require that the Director issues a written report that sets forth a decision to approve, approve with modifications, or deny the application. The Director's report will also include the SEPA Threshold Determination if applicable ~~City's decision under any required SEPA review.~~

All ~~Director's Type B decisions made under Type B actions~~ are appealable in an open record appeal hearing, except Shoreline Substantial Development Permits, Shoreline Variances and Shoreline CUPs that shall be appealed to the Shorelines Hearing Board pursuant to RCW 90.58 Shoreline Management Act. Such hearing shall consolidate with any SEPA threshold determination. ~~appeals of SEPA negative threshold determinations. SEPA determinations of significance are appealable in an open record appeal prior to the project decision.~~

All ~~appeals shall be heard by the Hearing Examiner except appeals of shoreline substantial development permits, shoreline conditional use permits, and shoreline variances that shall be appealable to the State Shorelines Hearings Board.~~

Table 20.30.050 – Summary of Type B Actions, Notice Requirements, Target Time Limits for Decision, and Appeal Authority

Action	Notice Requirements: Application and Decision ^{(1), (2), (3)}	Target Time Limits for Decision	Appeal Authority	Section
Type B:				
1. Binding Site Plan ⁽⁴⁾	Mail	90 days	HE	20.30.480
2. Conditional Use Permit (CUP)	Mail, Post Site, Newspaper	90 days	HE	20.30.300
3. Preliminary Short Subdivision ⁽⁴⁾	Mail, Post Site, Newspaper	90 days	HE	20.30.410

Action	Notice Requirements: Application and Decision ^{(1), (2), (3)}	Target Time Limits for Decision	Appeal Authority	Section
4. SEPA Threshold Determination of Significance	Mail, Post Site, Newspaper	60 days	HE	20.30.490— 20.30.710
5. Shoreline Substantial Development Permit, Shoreline Variance, and Shoreline CUP	Mail, Post Site, Newspaper	120 days	State Shorelines Hearings Board	Shoreline Master Program
6. Zoning Variances	Mail, Post Site, Newspaper	90 days	HE	20.30.310
7. Plat Alteration ^{(5), (6)}	Mail	90 days	HE	20.30.425

Key: HE = Hearing Examiner

(1) Public hearing notification requirements are specified in SMC 20.30.120.

(2) Notice of application requirements are specified in SMC 20.30.120.

(3) Notice of decision requirements are specified in SMC 20.30.150.

(4) These Type B actions do not require a neighborhood meeting. A notice of development will be sent to adjacent properties.

(5) A plat alteration does not require a neighborhood meeting.

(6) If a public hearing is requested, the plat alteration will be processed as a Type C action per SMC Table 20.30.060

Amendment #B3**20.30.060 Quasi-Judicial Decisions – Type C.**

These decisions are made by the City Council or the Hearing Examiner, as shown in Table 20.30.060, and involve the use of discretionary judgment in the review of each specific application.

Prior to submittal of an application for any Type C permit, the applicant shall conduct a neighborhood meeting to discuss the proposal and to receive neighborhood input as specified in SMC 20.30.090.

Type C decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision made by the City Council or Hearing Examiner. ~~Any administrative appeal of a SEPA threshold determination shall be consolidated with the open record public hearing on the project permit, except a determination of significance, which is appealable under SMC 20.30.050.~~

There is no administrative appeal of a Type C actions decision. Any appeal of a Type C decision is to King County Superior Court pursuant to RCW 36.70(C), Land Use Petition Act.

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 ⁽²³⁾ , ⁽³⁴⁾	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾	City Council	120 days	20.30.320

Action	Notice Requirements for Application and Decision ⁽²³⁾ , ⁽³⁴⁾	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
3. Site-Specific Comprehensive Plan Map Amendment	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾	City Council		20.30.345
4. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.330
5. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.333
6. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.336
7. Secure Community Transitional Facility – Special Use Permit	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.40.502
8. Essential Public Facility – Special Use Permit	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.330
9. Master Development Plan	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.353
10. Plat Alteration with Public Hearing ⁽⁵⁴⁾	Mail	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.425

⁽⁴⁾ ~~Including consolidated SEPA threshold determination appeal.~~

⁽¹⁾⁽²⁾ HE = Hearing Examiner.

⁽²⁾⁽³⁾ Notice of application requirements are specified in SMC 20.30.120.

⁽³⁾⁽⁴⁾ Notice of decision requirements are specified in SMC 20.30.150.

~~(4)~~⁽⁵⁾ A plat alteration does not require a neighborhood meeting.

Amendment #B4
20.30.070 – Legislative Decisions

These decisions are legislative, nonproject decisions made by the City Council under its authority to establish policies and regulations regarding future private and public developments, and management of public lands. There is no administrative appeal of legislative decisions.

Table 20.30.070 – Summary of Legislative Decisions

Decision	Review Authority, Public Hearing	Decision Making Authority (in accordance with State law)	Section	<u>Appeal Authority</u>
1. Amendments and Review of the Comprehensive Plan	PC ⁽¹⁾	City Council	20.30.340	<u>Growth Management Hearings Board</u>
2. Amendments to the Development Code	PC ⁽¹⁾	City Council	20.30.350	<u>Growth Management Hearings Board</u>
3. Development Agreements	PC ⁽¹⁾	City Council	20.30.355	<u>King County Superior Court</u>

⁽¹⁾ PC = Planning Commission

Legislative decisions include a hearing and recommendation by the Planning Commission and final action by the City Council.

The City Council shall take legislative action on the proposal in accordance with State law.

There is no administrative appeal of legislative ~~actions~~ decisions of the City Council, ~~but such actions may be appealed together with any SEPA threshold determination according to State law.~~ Amendments to the Comprehensive Plan and the Development Code and any related

SEPA determination are appealable to the Growth management Hearings Board pursuant to RCW 36.70A Growth Management Act. Any appeal of a Development Agreement is appealable to King County Superior Court pursuant to RCW 36.70(C) Land Use Petition Act.

Amendment #B5

20.30.170 – Limitations on the Number of Hearings

No more than one open record hearing shall be heard on any land use application. ~~The appeal hearing on SEPA threshold determination of nonsignificance shall be consolidated with any open record hearing on the project permit. (Ord. 238 Ch. III § 5(a), 2000).~~

Amendment #B6

20.30.200 – General Description of Appeals

A. Type A decisions may be appealed to the King County Superior Court pursuant to RCW 36.70C Land Use Petition Act.

B. ~~Type B Administrative decisions, except for shoreline permits, (Type B) are appealable~~ may be appealed to the Hearing Examiner who conducts an open record appeal hearing pursuant to SMC 20.30 Subchapter 4 Land Use Hearings and Appeals. Shoreline substantial development, variance, and conditional use permits may be appealed to the Shoreline Hearings Board pursuant to RCW 90.58 Shoreline Management Act.

~~BC. Type C decisions may be appealed Appeals of City Council decisions without ministerial decisions (Type A), an administrative appeal, and appeals of an appeal authority's decisions shall be made to the King County Superior Court pursuant to RCW 36.70C Land Use Petition Act.~~

D. Type L decisions, except for Development Agreements, may be appealed to the Growth Management Hearings Board pursuant to RCW 36.70A Growth Management Act. Development Agreements may be appealed to the King County Superior Court pursuant to RCW 36.70C Land Use Petition Act.

<u>Decision Type</u>	<u>Appeal Authority</u>
<u>Type A</u>	<u>King County Superior Court - RCW 36.70C</u>
<u>Type B (non-shoreline)</u>	<u>Hearing Examiner – SMC 20.30 Subchapter 4 ^[1]</u>
<u>Type B (shoreline)</u>	<u>Shoreline Hearings Board – RCW 90.58</u>
<u>Type C</u>	<u>King County Superior Court – RCW 36.70C</u>
<u>Type L (Comprehensive Plan and Development Regulations)</u>	<u>Growth Management Hearings Board – RCW 36.70A</u>
<u>Type L (Development Agreements)</u>	<u>King County Superior Court – RCW 36.70C</u>

[1] Final decisions of an appeal on a Type B decision to the Hearing Examiner may be appealed as provided in SMC 20.30 Subchapter 4.

C. ~~SEPA Determinations are appealable with Type A, Type C and Type L decisions to Superior Court.~~

Amendment #B7

20.30.220 Filing Commencing an administrative appeals.

A. Any aggrieved person may appeal a decision to the Hearing Examiner. Only Type B decisions may be appealed.

B. Appeals, and the appeal fee set forth in the fee schedule adopted pursuant to SMC 3.01, must be received by the City Clerk no later than 5:00 pm local time on the ~~shall be filed within~~ 14 ~~fourteenth~~ calendar days ~~from~~ following the date of the notice of the Director's decision receipt of the mailing. A decision shall be ~~deemed received three days from date of mailing.~~

BC. Appeals shall be filed in writing with the City Clerk. The appeal shall ~~and~~ comply with the form and content requirements of the rules of procedure adopted by the Hearing Examiner pursuant to 2.15.070 SMC in accordance with this chapter. The written appeal statement shall contain a concise statement demonstrating the person is adversely affected by the decision;

identifying each alleged error of fact, law, or procedure and the manner in which the decision fails to satisfy the applicable decision criteria; and the specific relief requested.

~~D. B. Appeals shall be accompanied by a filing fee in the amount to be set in Chapter 3.01 SMC.~~

~~C. Within 10 calendar days following timely filing of a complete appeal with the City Clerk, notice of the date, time, and place for the open record hearing shall be mailed by the City Clerk to all parties of record.~~

Amendment #B8

20.30.230 Administrative Appeal process.

A. All administrative appeals are conducted pursuant to rules of procedure adopted by the Hearing Examiner pursuant to 2.15.070 SMC.

B. A. No more than one open record hearing shall be heard on any permit decision.

C. An appeal shall be heard and decided within 90 days from the date the appeal is filed. The parties may agree in writing to extend this time. Any extension of time must be submitted to the Hearing Examiner for approval.

~~C. B. Timely filing of an appeal shall stay delay the effective date of the Director's decision until the appeal is ruled upon by the Hearing Examiner or withdrawn by the appellant. A subsequent appeal of the Hearing Examiner's decision to the King County Superior Court shall not stay the effectiveness of the Director's decision unless the Court issues an order staying the decision.~~

~~D. C. The hearing shall be limited to the issues included set forth in the written appeal statement. Participation in the appeal shall be limited to the appellant, City, including all staff, and the applicant for the proposal subject to appeal, if not the appellant, and those persons or entities which have timely filed complete written appeal statements and paid the appeal fee.~~

Amendment #B9

20.30.540 – Timing and Content of Environmental Review.

A. Categorical Exemptions. The City will normally identify whether an action is categorically exempt within ~~40~~ 28 days of receiving an ~~complete~~ application.

B. **Threshold Determinations.** When the City is lead agency for a proposal, the following threshold determination timing requirements apply:

1. If a Determination of Significance (DS) is made concurrent with the notice of application for a proposal, the DS and scoping notice shall be combined with the notice of application (~~RCW 36.70B.110~~). Nothing in this subsection prevents the DS/scoping notice from being issued before the notice of application. If sufficient information is not available to make a threshold determination when the notice of application is issued, the DS may be issued later in the review process.

2. SEPA determinations for city capital projects may be appealed to the Hearing Examiner as provided in SMC 20.30, Subchapter 4. ~~If the City is lead agency and project proponent or is funding a project, the City may conduct its review under SEPA and may allow appeals of procedural determinations prior to submitting a project permit application.~~

~~2. 3-~~ If an open record predecision hearing is required on the proposal, the threshold determination shall be issued at least 15 calendar days before the open record predecision hearing (~~RCW 36.70B.110 (6)(b)~~).

~~3. 4-~~ The optional DNS process provided in WAC 197-11-355 may be used to indicate on the notice of application that the lead agency is likely to issue a Determination of Non-Significance (DNS). If this optional process is used, a separate comment period on the DNS may not be required (~~refer to WAC 197-11-355(4)~~).

C. For nonexempt proposals, the DNS or draft Environmental Impact Statement (EIS) for the proposal shall accompany the City's staff recommendation to the appropriate review authority. If the final EIS is or becomes available prior to review, it shall be substituted for the draft.

D. The optional provision of WAC 197-11-060(3)(c) analyzing similar actions in a single environmental document is adopted.

Amendment #B10

20.30.565 Planned Action Determination of Consistency approval SEPA exemptions.

Projects proposed within a planned action area, as defined by the City, may be eligible for planned action status. The applicant shall submit a complete Planned Action Determination of Consistency Review Checklist and any other submittal requirements specified by the Director at

~~the time of application submittal. If the City determines the project is within a planned action area and meets the thresholds established by the planned action, no additional SEPA analysis is required. If a project does not qualify as a planned action, SEPA review will be required. A planned action determination appeal is a Type A decision and may be appealed as provided in SMC 20.30.200. Development approvals in planned action districts identified on the City zoning map are designated planned action approvals pursuant to WAC 197-11-164. The environmental impacts of development in these districts consistent with the applicable code provisions have been addressed in a planned action EIS and do not require additional SEPA review.~~

Amendment #B11

20.30.570 – Categorical Exemptions and Threshold Determinations – Use of exemptions

- A. The determination of whether a proposal is categorically exempt shall be made by the responsible official.
- B. The determination that a proposal is exempt shall be a final decision, ~~and not subject to administrative review.~~
- C. If a proposal is exempt, none of the procedural requirements of this subchapter shall apply to the proposal.
- ~~D. The responsible official shall not require completion of an environmental checklist for an exempt proposal.~~
- E. If a proposal includes both exempt and nonexempt actions, the responsible official may authorize exempt actions prior to compliance with the procedural requirements of this ordinance, except that:
1. The responsible official shall not give authorization for:
 - Any nonexempt action;
 - Any action that would have an adverse environmental impact; or
 - Any action that would limit the choice of alternatives.
 2. The responsible official may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and

3. The responsible official may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

Amendment #B12

20.30.580 Environmental Checklist.

A. A completed environmental checklist shall be filed at the same time as an application for a permit, license, certificate, or other approval not exempted in this ordinance; except, a checklist is not needed if the City's responsible official and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. Except as provided in subsection E of this section, the checklist shall be in the form of WAC 197-11-960 with such additions that may be required by the responsible official in accordance with WAC 197-11-906(4).

B. For private proposals, the responsible official will require the applicant to complete the environmental checklist, providing assistance as necessary. For City proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

C. The responsible official may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if any either of the following occurs:

1. The City has technical information on a question or questions that is unavailable to the private applicant; or
2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration; or
3. ~~On the request of the applicant.~~

D. The applicant shall pay to the City the actual costs of providing information under subsections (C)(2). and ~~(C)(3) of this section.~~

E. For projects ~~submitted as seeking to qualify as~~ planned actions under WAC 197-11-164, ~~the City shall use its~~ applicant shall submit a planned action determination of consistency review checklist and any other submittal requirements specified by the Director. ~~existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action ordinance; or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the Department of Ecology to allow at least a 30-day review prior to use.~~

F. The lead agency shall make a reasonable effort to verify the information in the environmental checklist and planned action checklist and shall have the authority to determine the final content of the ~~environmental~~ checklists.

Amendment #B13**20.30.610 – Environmental Impact Statement and Other Environmental Documents–
Additional considerations.**

~~A.~~ Pursuant to ~~WAC 197-11-408(2)(a)~~, all comments on determinations of significance and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to ~~WAC 197-11-410(1)(b)~~.

~~BA.~~ Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the Department shall be responsible for preparation and content of an EISs and other environmental documents by or under the direction of the SEPA Responsible Official. ~~The Department may contract with consultants as necessary for the preparation of environmental documents. The Department may consider the opinion of the applicant regarding the qualifications of the consultant but the Department shall retain sole authority for selecting persons or firms to author, co-author, provide special services or otherwise participate in the preparation of required environmental documents.~~ An EIS may be prepared by the lead agency's staff; by an applicant or its agent; or by an outside consultant retained by either an applicant or the lead agency. The lead agency shall assure that the EIS is prepared in a professional manner and with appropriate interdisciplinary methodology. The responsible official shall direct the areas of research and examination to be undertaken as a result of the scoping process, as well as the organization of the resulting document.

~~CB.~~ Consultants or sub-consultants selected by ~~the Department~~ to prepare environmental documents for a private development proposal shall not:

- (1) act as agents for the applicant in preparation or acquisition of associated underlying permits;
- (2) have a financial interest in the proposal for which the environmental document is being prepared; and
- (3) perform any work or provide any services for the applicant in connection with or related to the proposal.

~~DC.~~ All costs of preparing the any required environment document shall be borne by the applicant.

~~ED.~~ If the responsible official requires an EIS for a proposal and determines that ~~someone other than the City~~ will prepare the EIS, the responsible official shall notify the applicant immediately as soon as reasonably possible after completion of the threshold determination. The responsible official shall also notify the applicant of the City's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

~~FE.~~ The City may require an applicant to provide information ~~the City does not possess, including information~~ that must be obtained by specific investigations. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100, or other provisions of regulations, statute, or ordinance. An applicant shall not be required to produce information under this provision which is not specifically required by this subchapter nor is the applicant relieved of the duty to supply any other information required by statute, regulation or ordinance.

~~GF.~~ In the event an applicant decides to suspend or abandon the project, the applicant must provide formal written notice to the Department ~~and consultant~~. The applicant shall continue to be responsible for all monies expended by the Department ~~or consultants~~ to the point of the Department's receipt of notification to suspend or abandon, or other obligations or penalties under the terms of any contract let for preparation of the environmental documents.

~~HG.~~ The Department shall only publish ~~an environmental impact statement (an EIS)~~ when it believes that the EIS adequately discloses the significant direct, indirect, and cumulative adverse impacts of the proposal and its alternatives; mitigation measures proposed and committed to by the applicant, and their effectiveness in significantly mitigating impacts; mitigation measures that could be implemented or required; and unavoidable significant adverse impacts.

Amendment #B14

20.30.630 Comments and Public Notice – Additional considerations.

A. For purposes of WAC 197-11-510, public notice for SEPA threshold determinations shall be required as provided in Chapter 20.30.120, ~~Subchapter 3, Permit Review Procedures, except for Type L actions.~~ At a minimum, notice shall be provided to property owners located within 500 feet, posted on the property (for site-specific proposals), and the Department shall publish a notice of the threshold determination in the newspaper of general circulation for the general area in which the proposal is located. This notice shall include the project location and description, the type of permit(s) required, comment period dates, and the location where the complete application and environmental documents may be reviewed.

B. Publication of notice in a newspaper of general circulation in the area where the proposal is located shall also be required for all nonproject actions and for all other proposals that are subject to the provisions of this subchapter but are not classified as Type A, B, ~~or C,~~ or L actions.

C. The SEPA responsible official may require further notice if deemed necessary to provide adequate public notice of a pending action. Failure to require further or alternative notice shall not be a violation of any notice procedure.

D. Pursuant to WAC 197-11-408(2)(a), all comments on determinations of significance and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410(1)(b).

Amendment #B15

20.30.670 SEPA Policies.

~~A. The policies and goals set forth in this section are supplementary to those in the existing authorization of the City of Shoreline.~~

~~B.~~ For the purposes of RCW 43.21C.060 and WAC 197-11-660(a), the following policies, plans, rules and regulations, and all amendments thereto, are designated as potential bases for the exercise of the City's substantive authority to condition or deny proposals under SEPA, subject to the provisions of RCW 43.21C.240 and SMC 20.30.660.

1. The policies of the State Environmental Policy Act, RCW 43.21C.020.
2. The Shoreline Comprehensive Plan, its appendices, subarea plans, surface water management plans, park master plans, and habitat and vegetation conservation plans.
3. The City of Shoreline Municipal Code.
4. The Shoreline Historic Inventory.
5. The Shoreline Environmental Sustainability Strategy.
6. The Shoreline Climate Action Plan.
7. The Shoreline Diversity and Inclusion Goals.

Amendment #B16
20.30.680 – Appeals.

A. There are no administrative appeals of a SEPA threshold determination except threshold determinations associated with a Type B actions. Any appeal of a SEPA determination, together with the City's final decision on a proposal, may be appealed to the King County Superior Court, the Growth Management Hearings Board, or the Shoreline Hearings Board, based on the type of permit action being appealed, as provided in RCW 43.21.075.

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

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

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

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

~~4.—All Administrative appeals of SEPA determinations are allowed for appeals of a DNS for actions decisions classified in Chapter 20.30 SMC, Subchapter 2, Types of Actions, as Type A or B, or C actions decisions for which the Hearing Examiner is the has review appeal authority., must These appeals must be filed within 14 calendar days following notice of the SEPA threshold determination as provided in SMC 20.30.150, Public notice of decision; provided, that the appeal period for a DNS for a Type A or B actions issued~~

~~at the same time as the final decision shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies.~~

~~5. The Hearing Examiner shall make the final decision on all Administrative Appeals as allowed in SMC Chapter 20.30, Subchapter 2, Types of Actions – Type B. Hearing Examiner shall make a final decision on all procedural SEPA determinations. The Hearing Examiner’s decision may be appealed to superior court as provided in Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals.~~

~~B. Notwithstanding the provisions of subsection (A) of this section, the Department may adopt procedures under which an administrative appeal shall not be provided if the Director finds that consideration of an appeal would be likely to cause the Department to violate a compliance, enforcement or other specific mandatory order or specific legal obligation. The Director’s determination shall be included in the notice of the SEPA determination, and the Director shall provide a written summary upon which the determination is based within five days of receiving a written request. Because there would be no administrative appeal in such situations, review may be sought before a court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action.~~

GROUP C

GROUP C – Tree Amendments COMMISSION RECOMMENDATION – PROPOSED TREE REGULATION AMENDMENTS:

STAFF RECOMMENDED AMENDMENTS				
Number	Section	Topic	Submitted By	PC Recommendation
20.20 – Definitions				
C1	20.20.014	1. Critical Root Zone 2. Critical Root Zone, Inner	Tree Preservation Code Team	Approve Approve
C2	20.20.048	1. Tree Canopy 2. Tree, Hazardous 3. Tree, Landmark 4. Tree, Significant	Tree Preservation Code Team	Approve Approve Approve <i>Deny</i>
C3	20.20.050	1. Urban Forest 2. Urban Tree Canopy	Tree Preservation Code Team	Approve Approve
20.50 – General Development Standards				
C4	20.50.290	Tree Policy	Tree Preservation Code Team	Approve
C5	20.50.300	General Requirements	Tree Preservation Code Team	Approve
C6	20.50.310	Exemptions from Permit	Tree Preservation Code Team	<i>Deny</i>
C7	20.50.350	Increases Significant Tree Retention	Tree Preservation Code Team	Approve
C8	Exception 20.50.350(B)(1)	Waiving Tree Retention Requirements	Staff	Approve
C9	20.50.360	Tree Replacement	Tree Preservation Code Team	<i>Deny</i>
C10	20.50.370	Tree Protection Measures	Tree Preservation Code Team	Approve

PC RECOMMENDED DEVELOPMENT CODE AMENDMENTS

20.20 Amendments**Amendment #C1 (Johnstone)****20.20.014 – C definitions**

Critical Root Zone (CRZ) The area, as defined by the International Society of Arboriculture (ISA), equal to one-foot radius from the base of the tree’s trunk for each one inch of the tree’s diameter at 4.5 feet above grade (referred to as diameter at breast height). Example: A 24-inch diameter tree would have a critical root zone radius (CRZ) of 24 feet. The total protection zone, including trunk, would be 50 feet in diameter. This area is also called the Tree Protection Zone (TPZ). The CRZ area is not synonymous with the dripline.

Critical Root Zone, Inner The area, as defined by the International Society of Arboriculture (ISA), encircling the base of a tree equal to one-half the diameter of the critical root zone. This area may also be referred to as the interior critical root zone. Disturbance of this area would cause significant impact to the tree, potentially life threatening, and would require maximum post-damage treatment to retain the tree.

Amendment #C2 (Turner)**20.20.048 – T definitions**

Tree Canopy The total area of the tree or trees where the leaves and outermost branches extend, also known as the “dripline.” ~~uppermost layer of the tree or group of trees are formed by the leaves and branches of dominant tree crowns.~~

Tree, Hazardous A tree that is either dead, permanently damaged and/or is continuing in declining health or is so affected by a significant structural defect or disease that falling or failure appears imminent, or a tree that impedes safe vision or traffic flow, or that otherwise currently poses a threat to life or property.

Tree, Landmark Any healthy tree over 24 30 inches in diameter at breast height (dbh) that is worthy of long-term protection due to a unique combination of ~~or any tree that is particularly impressive or unusual due to its size, shape, age, location, aesthetic quality for its species~~ historical significant or any other trait that epitomizes the character of the species, and/or has cultural, historic or ecological importance or that is a regional erratic. Long term protection and recognition of any landmark tree may be obtained through the Landmark Tree Designation program as detailed in SMC 20.50.350(F).

Amendment #C3 (Johnstone)

20.20.050 – U definitions

Urban Forest All trees within the city limits and the various ecosystem components that accompany these trees (soils, understory flora, diverse species, and habitats) under any public or private ownership and land use type, developed or undeveloped. This includes public parks, city streets, private yards and shared residential spaces, community spaces (such as libraries) and commercial and government property.

Urban Tree Canopy From an aerial view during summer, the percentage of ground that is obscured from view by trees.

20.50 Amendments

Amendment #C4 (Kaye)

20.50.290 – Policy Purpose

20.50.290 – Purpose

The purpose of this subchapter ~~The City's policy~~ is to reduce environmental impacts including impacts on existing significant and landmark trees ~~of during~~ site development while promoting the reasonable use of land in the City by addressing the following:

- A. Prevention of damage to property, harm to persons, and environmental impacts caused by excavations, fills, and the destabilization of soils;
- B. Protection of water quality from the adverse impacts associated with erosion and sedimentation;
- C. Promotion of building and site planning practices that are consistent with the City's natural topography and vegetative cover.

D. Preservation and enhancement of trees and vegetation which contribute to the visual quality and economic value of development; provide habitat for birds and other wildlife; protect biodiversity; lower ambient temperatures; and store carbon dioxide and releasing oxygen, thus helping reduce air pollution in the City and provide continuity and screening between developments. Preserving and protecting viable healthy significant existing trees and the urban mature tree canopy shall be encouraged instead of removal and replacement;

E. Protection of critical areas from the impacts of clearing and grading activities;

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

G. Protection of anadromous fish and other native animal and plant species through performance-based regulation of clearing and grading;

H. Retain tree clusters for the abatement of noise, wind protection, and mitigation of air pollution.

I. Rewarding significant tree protection efforts by property owners and developers by granting flexibility for certain other development requirements;

J. Providing measures to protect trees that may be impacted during construction;

K. Promotion of prompt development, effective erosion control, and restoration of property following site development; and

L. Replacement of trees removed during site development in order to achieve a goal of no net loss of tree cover throughout the City over time.

Amendment #C5 (Russell)

20.50.300 – General Requirements

A. Tree cutting or removal by any means is considered a type of clearing and is regulated subject to the limitations and provisions of this subchapter.

B. All land clearing and site grading shall comply with all standards and requirements adopted by the City of Shoreline. Where a Development Code section or related manual or guide contains a provision that is more restrictive or specific than those detailed in this subchapter, the more restrictive provision shall apply.

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

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

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

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

G. Any disturbance to vegetation within critical areas and their corresponding buffers is subject to the procedures and standards contained within the critical areas chapter of the Shoreline Development Code, Chapter 20.80 SMC, Critical Areas, in addition to the standards of this subchapter. The standards which result in the greatest protection of the critical areas shall apply.

H. In addition to Subsections A to G, for new development in the R-8, R-12, R-18, R-24, R-48, TC-4, MUR-35', and MUR-45' zoning districts, the following standards shall also apply:

1. Best Management Practices. All allowed activities shall be conducted using the best management practices resulting in no damage to the trees and vegetation required for retention at the development site. Best management practices shall be used for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The City shall require the use of best management practices to ensure that activity does not result in degradation to the trees and vegetation required for retention at the development site. Any damage to, or alteration of trees and vegetation required to be retained at the development site shall be restored, rehabilitated, or replaced at the responsible party's expense.

2. Unauthorized development site violations: stop work order. When trees and vegetation on a development site have been altered in violation of this subchapter, the City shall have the authority to issue a stop work order to cease all development, and order restoration measures at the owner's or other responsible party's expense to remediate the impacts of the violation of the provisions of this subchapter.

3. Requirement for Restoration Plan. All development shall remain stopped until a restoration plan for impacted trees and vegetation is prepared by the responsible party and an approved permit or permit revision is issued by the City. Such a plan shall be prepared by a qualified professional. The Director of Planning may, at the responsible party's expense, seek expert advice, including but not limited to third party review by a qualified professional under contract with or employed by the City, in determining if the plan meets performance standards for restoration in SMC 20.50.360 Tree replacement and site restoration.

4. Site Investigation. The Director of Planning is authorized to take such actions as are necessary to enforce this subchapter. The Director shall present proper credentials and obtain permission before entering onto private property.

20.50.350 – Development standards for clearing activities

- A. No trees or ground cover shall be removed from critical area or buffer unless the proposed activity is consistent with the critical area standards.
- B. Minimum Retention Requirements. All proposed development activities that are not exempt from the provisions of this subchapter shall meet the following:
1. At least ~~25~~ 20 percent of the ~~S~~significant trees on a given site shall be retained, excluding critical areas, and critical area buffers, or
 2. At least 30 percent of the significant trees on a given site (which may include critical areas and critical area buffers) shall be retained.

Amendment #C8 (City Staff)

Exception 20.50.350(B)(1) – Significant Tree Retention

Exception 20.50.350(B):

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

Amendment #C10 (Hushagen)
20.50.370 Tree protection standards.

The following protection ~~measures~~ guidelines 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. Tree protection shall remain in place for the duration of the permit unless earlier removal is addressed through construction sequencing on approved plans.

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 Critical Root Zone ~~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~~ six 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. If any construction work needs to be performed inside either the tree drip line, critical root zone, and/or the inner critical root zone, the project arborist will be on site to supervise the work. When excavation must occur within or near the Critical Root Zone, any found roots of 3" or greater in diameter will be cleanly cut to the edge of the trench to avoid ripping of the root.

F. E. Where tree protection 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.

G. 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.

H. 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.

I. H. Preventative Measures Mitigation. In addition to the above minimum tree protection measures, the applicant ~~should~~ shall support tree protection efforts by employing, as

appropriate, the following preventative measures, consistent with best management practices for maintaining the health of the tree:

1. Pruning of visible deadwood on trees to be protected or relocated;
2. Application of fertilizer to enhance the vigor of stressed trees;
3. Use of soil amendments and soil aeration in tree protection and planting areas;
2. 4. Mulching with a layer of 4" to 5" of wood chips in the ever-tree critical root zones of retained trees drip-line areas; and
3. 5. Ensuring 1" of irrigation or rainfall per week proper watering during and immediately after construction and from early May through September until reliable rainfall occurs in the fall throughout the first growing season after construction.

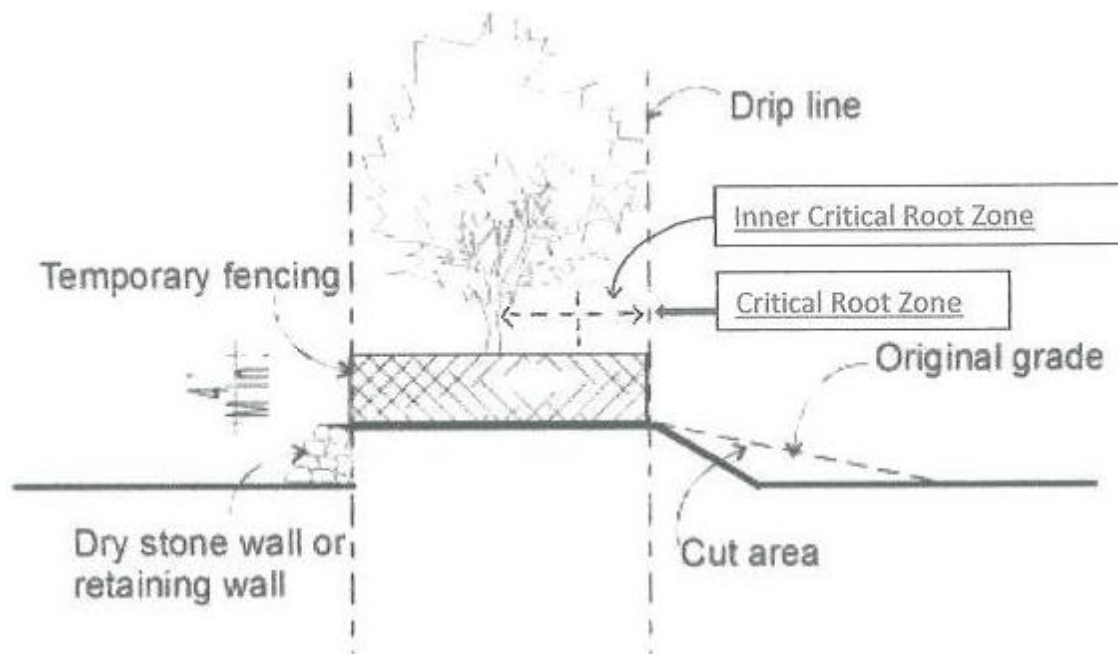


Figure 20.50.370: Illustration of standard techniques used to protect trees during construction.

Exception 20.50.370:

The Director may waive certain protection requirements, allow alternative methods, or require additional protection measures based on concurrence with the recommendation of a certified arborist deemed acceptable to the City.

**2021 DEVELOPMENT CODE AMENDMENT BATCH-
Planning Commission Recommended Miscellaneous Amendments (Staff Initiated)
GROUP A**

**GROUP A – Miscellaneous Amendments
COMMISSION RECOMMENDATION – PROPOSED MISCELLANEOUS AMENDMENT**

STAFF RECOMMENDED AMENDMENTS			
Number	Section	Topic	Recommendation
20.20 – Definitions			
A1	20.20.020	Family	Approve
A2	20.20.024	Hardscape for Grasscrete	Approve
A3	20.20.024	Host Agency	Approve
A3.1	20.20.024	Housing Expenses	Approve (Staff)
A4	20.20.034	Managing Agency	Approve
20.30 – Procedures and Administration			
A5	20.30.300	Threshold for when a Conditional Use Permit is Required	Approve
20.40 - Uses			
A6	20.40.405	Homeless Shelter	Approve
A7	20.40.570	Director Approval of Unlisted Uses	Approve
20.50 – General Development Standards			
A8	20.50.040	Setbacks – Second Front Yard	Approve
A9	20.50.070	Setbacks – Second Front Yard	Approve
A10	20.50.220	Purpose of the Commercial Design Standards	Approve
A11	20.50.230	Thresholds – Exemptions for Existing Commercial Structures to Encourage Reuse	Approve
A12	20.50.330(B)	Third Party Review	Approve
A13	20.50.410(C)	Parking for Multifamily Units	Approve

PLANNING COMMISSION RECOMMENDED MISCELLANEOUS DEVELOPMENT CODE
AMENDMENTS

20.20 Amendments

Amendment #A1

20.20.020 – F Definitions

Family An individual; two or more persons related by blood or marriage, ~~a group of up to eight persons who may or may not be related~~, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or nonresident staff. ~~For purposes of this definition, minors living with a parent shall not be counted as part of the maximum number of residents.~~

Amendment #A2

20.20.024 – H Definitions

Host Agency A public agency; State of Washington registered nonprofit corporation; a federally recognized tax exempt 501(c)(3) organization; or a religious organization as defined in RCW 35A.21.360, ~~religious or not for profit organization~~ that invites a transitional encampment to reside on the land that they own or lease.

Amendment #A3

20.20.024 – H Definitions

Hardscape – Any structure or other covering on or above the ground that includes materials commonly used in building construction such as wood, asphalt and concrete, and also includes, but is not limited to, all structures, decks and patios, paving including gravel, pervious or impervious concrete and asphalt. Retaining walls, gravel, or paver paths less than four feet wide with open spacing are not considered hardscape. Artificial turf with subsurface drain fields and decks that drain to soil underneath have a 50 percent hardscape and 50 percent pervious value. Coverings that allow growth of vegetation between components with the ability to drain to soil underneath have a hardscape percent pervious value as determined by the Director based on the manufacturer's specifications, which shall be provided by the applicant.

Amendment A3.1

20.20.024 – H Definitions

Housing Expenses, Rental Housing	Includes rent, parking and appropriate utility allowance.
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Amendment #A4

20.20.034 – M Definitions

Managing Agency	An organization that has the capacity to organize and manage a transitional encampment. A managing agency must be a <u>public agency</u> ; State of Washington registered nonprofit corporation; a federally recognized tax exempt 501(c)(3) organization; a religious organization as defined in RCW <u>35A.21.360</u> ; or a self-managed homeless community. A managing agency may be the same organization as the host agency.
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20.30 Amendments

Amendment #A5

20.30.300 Conditional use permit-CUP (Type B action).

A. **Purpose.** The purpose of a conditional use permit is to locate a permitted use on a particular property, subject to conditions placed on the permitted use to ensure compatibility with nearby land uses.

B. **Threshold.** The purpose of this section is to determine when a conditional use permit is required. A conditional use permit is required if either of the following occurs:

1. The use area is expanded by twenty percent (20%) or more of the current use area (measured in square feet). For example, the use area is currently 2,000 sq. ft. and a 400 sq. ft. addition that expands the use area is proposed, so a conditional use permit is required.
2. The parking area (measured in the number of parking spaces) is expanded by twenty percent (20%) or more of the current parking area (measured in the number of parking spaces). For example, twenty (20) parking spaces are currently associated with the use and four (4) additional parking spaces for the use are proposed, so a conditional use permit is required.

Thresholds are cumulative during a 10-year period for any given parcel. This shall include all structures on other parcels if the use area and/or parking area under permit review extends into other parcels.

CB. Decision Criteria. A conditional use permit may be granted by the City, only if the applicant demonstrates that:

1. The conditional use is compatible with the Comprehensive Plan and designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property;
2. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
3. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
4. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
5. The conditional use is not in conflict with the health and safety of the community;
6. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;
7. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
8. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

DG. Suspension or Revocation of Permit.

1. The Director may suspend or revoke any conditional use permit whenever:
 - a. The permit holder has failed to substantially comply with any terms or conditions of the permit's approval;
 - b. The permit holder has committed a violation of any applicable state or local law in the course of performing activities subject to the permit;
 - c. The use for which the permit was granted is being exercised as to be detrimental to the public health, safety, or general welfare, or so as to constitute a public nuisance;
 - d. The permit was issued in error or on the basis of materially incorrect information supplied to the City; or
 - e. Permit fees or costs were paid to the City by check and returned from a financial institution marked nonsufficient funds (NSF) or canceled.
2. The Director shall issue a notice and order in the same manner as provided in SMC 20.30.760.
 - a. The notice and order shall clearly set forth the date that the conditional use permit shall be suspended or revoked.

b. The permit holder may appeal the notice and order to the Hearing Examiner as provided in SMC 20.30.790. The filing of such appeal shall stay the suspension or revocation date during the pendency of the appeal.

c. The Hearing Examiner shall issue a written decision to affirm, modify, or overrule the suspension or revocation, with or without additional conditions, such as allowing the permit holder a reasonable period to cure the violation(s).

3. Notwithstanding any other provision of this subchapter, the Director may immediately suspend operations under any permit by issuing a stop work order.

4. If a conditional use permit has been suspended or revoked, continuation of the use shall be considered an illegal occupancy and subject to every legal remedy available to the City, including civil penalties as provided for in SMC 20.30.770(D).

ED. Transferability. Unless otherwise restricted by the terms and conditions at issuance of the conditional use permit, the conditional use permit shall be assigned to the applicant and to a specific parcel. A new CUP shall be required if a permit holder desires to relocate the use permitted under a CUP to a new parcel. If a CUP is determined to run with the land and the Director finds it in the public interest, the Director may require that it be recorded in the form of a covenant with the King County Recorder's Office. Compliance with the terms and conditions of the conditional use permit is the responsibility of the current property owner, whether the applicant or a successor.

EE. Expiration.

1. Any conditional use permit which is issued and not utilized within the time specified in the permit or, if no time is specified, within two years from the date of the City's final decision shall expire and become null and void.

2. A conditional use permit shall be considered utilized for the purpose of this section upon submittal of:

a. A complete application for all building permits required in the case of a conditional use permit for a use which would require new construction;

b. An application for a certificate of occupancy and business license in the case of a conditional use permit which does not involve new construction; or

c. In the case of an outdoor use, evidence that the subject parcel has been and is being utilized in accordance with the terms and conditions of the conditional use permit.

3. If after a conditional use has been established and maintained in accordance with the terms of the conditional use permit, the conditional use is discontinued for a period of 12 consecutive months, the permit shall expire and become null and void.

GF. Extension. Upon written request by a property owner or their authorized representative prior to the date of conditional use permit expiration, the Director may grant an extension of time up to but not exceeding 180 days. Such extension of time shall be based upon findings that the proposed project is in substantial conformance, as to use, size, and site layout, to the issued permit; and there has been no material change of circumstances applicable to the property since the granting of said permit which would be injurious to the neighborhood or otherwise detrimental to the public health, safety and general welfare.

20.40 Amendments

Amendment #A6

20.40.405 Homeless shelter.

The intent of a homeless shelter is to provide temporary relief for those in need of housing. Homeless shelters are allowed in the mixed business, community business and town center 1, 2, and 3 zones subject to the below criteria.

- A. The homeless shelter must be operated by a public agency; a State of Washington registered nonprofit corporation; or a Federally recognized tax exempt 501(C)(3) organization that has the capacity to organize and manage a homeless shelter.
- B. The homeless shelter shall permit inspections by City, Health and Fire Department inspectors at reasonable times for compliance with the City's requirements. An inspection by the Shoreline Fire Department is required prior to occupancy.
- C. The homeless shelter shall have a code of conduct that articulates the rules and regulations of the shelter. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; and exclusion of sex offenders. The homeless shelter shall keep a cumulative list of all residents who stay overnight in the shelter, including names and dates.
- D. The homeless shelter shall check that adult residents have government-issued identification such as a state or tribal issued identification card, driver's license, military identification card, or passport from prospective shelter residents for the purpose of obtaining sex offender and warrant checks. Prospective residents will not be allowed residency until identification can be presented. If adult residents do not have identification, the operator of the shelter shall assist them in obtaining such. No documentation is required to be submitted to the City for the purpose of compliance with this condition.

Amendment #A7

20.40.570 – Unlisted Use

- A. Recognizing that there may be uses not specifically listed in this title, either because of advancing technology or any other reason, the Director may permit, ~~or condition~~ or prohibit such use upon review of an application for Code interpretation for an unlisted use (SMC 20.30.040, Type A action) and by considering the following factors:
1. The physical characteristics of the unlisted use and its supporting structures, including but not limited to scale, traffic, hours of operation, and other impacts; and
 2. Whether the unlisted use complements or is compatible in intensity and appearance with the other uses permitted in the zone in which it is to be located.

B. A record shall be kept of all unlisted use interpretations made by the Director; such decisions shall be used for future administration purposes.

20.50 Amendments

Amendment #A8

20.50.040 – Setbacks – Designation and Measurement

A. The front yard setback is a required distance between the front property line to a building line (line parallel to the front line), measured across the full width of the lot.

Front yard setback on irregular lots or on interior lots fronting on a dead-end private access road shall be designated by the Director.

B. Each lot must contain only one front yard setback and one rear yard setback except lots abutting two or more streets, as illustrated in the Shoreline Development Code Figure 20.50.040(C). Lots with two front yards may reduce one of the front yard setbacks by half the setback specified in Table 20.50.020(1). The Director will determine the reduced front yard setback based on the development pattern of adjacent houses and location of lot access.

C. The rear and side yard setbacks shall be defined in relation to the designated front yard setback.

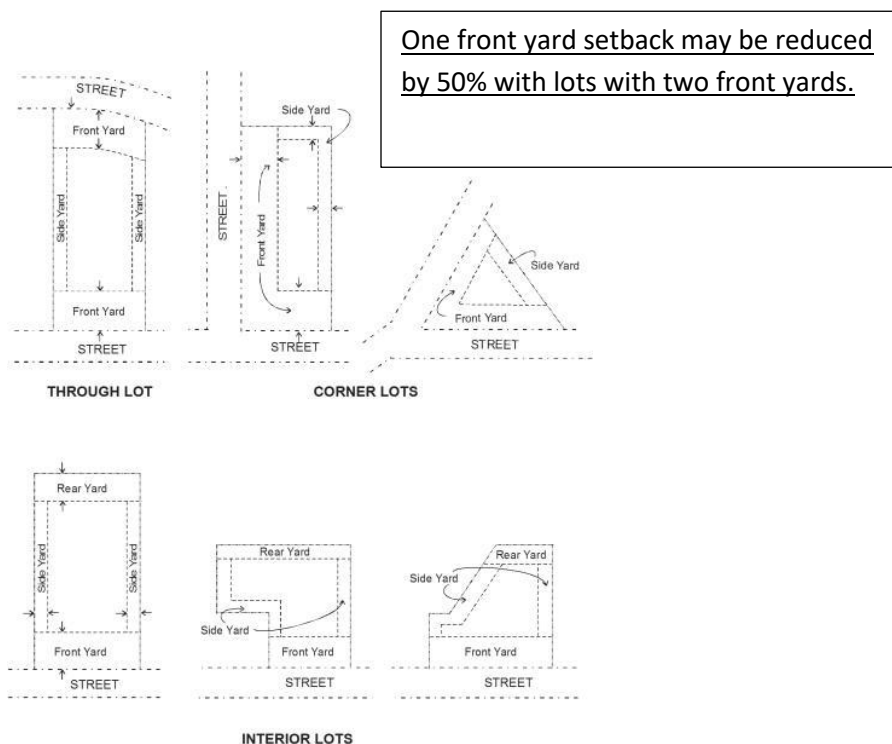


Figure 20.50.040(C): Examples of lots and required yards.

Amendment #A9**20.50.070 Site planning – Front yard setback – Standards.**

The front yard setback requirements are specified in Subchapter 1 of this chapter, Dimensions and Density for Development, except as provided for below.

For individual garage or carport units, at least 20 linear feet of driveway shall be provided between any garage, carport entrance and the property line abutting the street, measured along the centerline of the driveway. See SMC 20.50.040(B) for exceptions to lots with two front yards.

Exception 20.50.070(1): The front yard setback may be reduced to the average front setback of the two adjacent lots, provided the applicant demonstrates by survey that the average setback of adjacent houses is less than 20 feet. However, in no case shall an averaged setback of less than 15 feet be allowed.

If the subject lot is a corner lot, the setback may be reduced to the average setback of the lot abutting the proposed house on the same street ~~and the 20 feet required setback.~~ The second front yard setback may be reduced by half of the front yard setback established through this provision. ~~(This provision shall not be construed as requiring a greater front yard setback than 20 feet.)~~

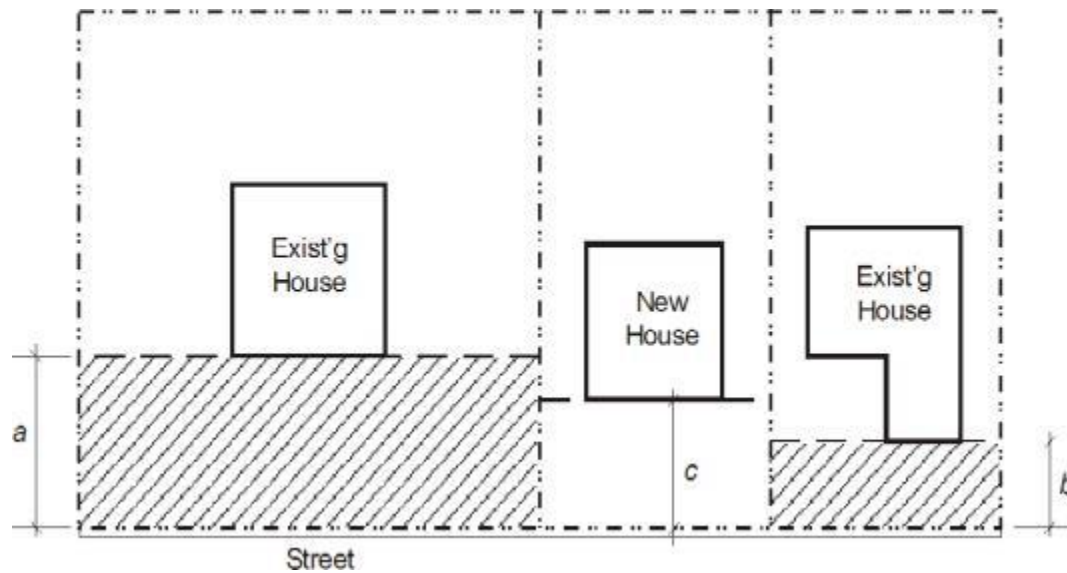
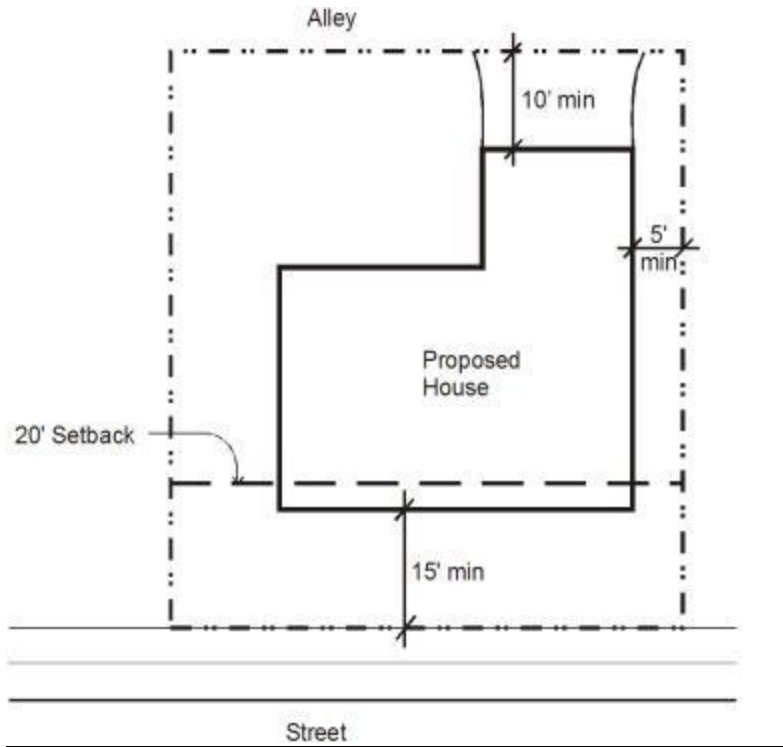


Figure Exception to 20.50.070(1): Minimum front yard setback (c) may be reduced to the average setback of houses located on adjacent lots (a and b).

Calculation: $c \text{ (min)} = (a + b) / 2$.

Exception 20.50.070(2): The required front yard setback may be reduced to 15 feet provided there is no curb cut or driveway on the street and vehicle access is from another street or an alley.



Amendment #A10
20.50.220 – Purpose

The purpose of this subchapter is to establish design standards for all commercial zones – neighborhood business (NB), community business (CB), mixed business (MB) and town center (TC-1, 2 and 3). This subchapter also applies to the MUR-35' and the MUR-45' zones for all uses except single-family attached and mixed single-family developments; and the MUR-70' zone, and the R-8, R-12, R-18, R-24, R-48, PA 3 and TC-4 zones for commercial and multifamily uses ~~all uses except single-family detached, attached and mixed single-family developments.~~ Refer to SMC 20.50.120 when developing single-family attached and detached dwellings in the MUR-35' and MUR-45' zones. Some standards within this subchapter apply only to specific types of development and zones as noted. Standards that are not addressed in this subchapter will be supplemented by the standards in the remainder of this chapter. In the event of a conflict, the standards of this subchapter shall prevail.

Amendment #A11
20.50.230 Threshold – Required site improvements.

The purpose of this section is to determine how and when the provisions for site improvements cited in the General Development Standards apply to development proposals. Full site improvement standards apply to a development application in commercial zones NB, CB, MB, TC-1, 2 and 3, and the MUR-70' zone. This subsection also applies in the following zoning districts except for the single-family attached use: MUR-35', MUR-45', PA 3, and R-8 through R-

48. Full site improvement standards for signs, parking, lighting, and landscaping shall be required:

A. 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

B. When aggregate building construction valuations for issued permits, within any cumulative 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.

C. When a single-family land use is being converted to a commercial land use then full site improvements shall be required.

D. Commercial Adaptive Reuse. When an existing building was previously used as a legally established commercial use and is proposed to be reused as a commercial use, then site improvements may be waived based on the following conditions:

1. The following list of uses may qualify to be exempt from the required site improvement thresholds in Section 20.50.230(A) and (B) above:

- Theater
- Health/Fitness Club
- Daycare
- Professional Office
- Medical Office
- Veterinary Clinics
- General Retail Trade and Services
- Market
- Eating and Drinking Establishments
- Brewpub/Microbrewery/Microdistillery

2. The proposed use will not cause significant noise to adjacent neighbors.

3. No expansion of the building is allowed.

4. No new signs facing abutting residential uses.

5. Landscape buffers will be installed between parking spaces and/or drive aisles and abutting residential uses. If no room exists to provide a landscape buffer, then an opaque fence or wall can be provided as a buffer.

6. No building or site lighting shall shine on adjacent properties.

7. Administrative Design Review. Administrative design review approval under SMC 20.30.297 is required for all development applications that propose departures from the parking standards in Chapter 20.50 SMC, Subchapter 6, landscaping standards in Chapter 20.50 SMC, Subchapter 7, or sign standards in Chapter 20.50 SMC, Subchapter 8.

Amendment #A12**20.50.330(B) - Project review and approval.**

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

1. The proposal complies with SMC 20.50.340 through 20.50.370 or has been granted a deviation from the Engineering Development Manual.
2. The proposal complies with all standards and requirements for the underlying permit.
3. If the project is located in a critical area or buffer, or has the potential to impact a critical area, the project must comply with the critical areas standards.
4. The project complies with all requirements of the City's Stormwater Management Manual as set forth in SMC 13.10.200 and applicable provisions in Chapter 13.10 SMC, Engineering Development Manual and Chapter 13.10 SMC, Surface Water Management Code and adopted standards.
5. All required financial guarantees or other assurance devices are posted with the City.

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

1. Providing a written evaluation of the anticipated effects of any development within five feet of a tree's critical root zone that may impact the viability of trees on and off site.
2. Providing a hazardous tree assessment.
3. Developing plans for, supervising, and/or monitoring implementation of any required tree protection or replacement measures; and/or
4. Conducting a post-construction site inspection and evaluation.

Amendment #A13**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.~~

**2021 DEVELOPMENT CODE AMENDMENT BATCH –
Planning Commission Recommended SEPA Amendments (Staff Initiated)
GROUP B**

**GROUP B – SEPA Amendments
COMMISSION RECOMMENDATION – PROPOSED SEPA REGULATION AMENDMENTS:**

Number	Section	Topic	Recommendation
20.30 – Procedures and Administration			
B1	20.30.040	SEPA and Type A Permits	Approve
B2	20.30.050	SEPA and Type B Permits	Approve
B3	20.30.060	SEPA and Type C Permits	Approve
B4	20.30.070	SEPA and Type L Permits	Approve
B5	20.30.170	Move SEPA Appeal Hearings	Approve
B6	20.30.200	Move SEPA Appeal Language	Approve
B7	20.30.220	Update and Add link to Fee Schedule	Approve
B8	20.30.230	Clarify Administrative Appeal Process	Approve
B9	20.30.540	Identifying Timing of Categorically Exempt Projects	Approve
B10	20.30.565	Planned Action Determination Forms Required	Approve
B11	20.30.570	Clarification of Exempt Projects	Approve
B12	20.30.580	Completion of Environmental Checklist	Approve
B13	20.30.610	EIS Management	Approve
B14	20.30.630	SEPA Public Notice and Comments	Approve
B15	20.30.670	Adding Relevant Documents for the Review or SEPA	Approve
B16	20.30.680	SEPA Appeal Process	Approve

PLANNING COMMISSION RECOMMENDED SEPA DEVELOPMENT CODE AMENDMENTS

20.30 Amendments**Amendment #B1****20.30.040 Ministerial decisions – Type A.**

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

However, Type A permit applications that exceed the categorical exemptions in SMC 20.30.560, including certain categories of building permits, and permits for projects that require a SEPA threshold determination, are subject to SEPA review. SEPA regulations including process, noticing procedures, and appeals are specified in SMC 20.30, Subchapter 8. procedures, public notice requirements specified in Table 20.30.050 for SEPA threshold determination, or SMC 20.30.045

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

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

Action Type	Target Time Limits for Decision (Calendar Days)	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short or Formal Plat	30 days	20.30.450

Action Type	Target Time Limits for Decision (Calendar Days)	Section
5. Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.30.295
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Administrative Design Review	28 days	20.30.297
15. Floodplain Development Permit	30 days	13.12.700
16. Floodplain Variance	30 days	13.12.800
17. Planned Action Determination	14 days	20.30.357
17. 48. Noise Variance	30 days	9.05

An administrative appeal authority is not provided for Type A actions. Appeals of a Type A Action are to Superior Court pursuant to RCW 36.70(C), Land Use Petition Act, 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 #B2

20.30.050 – Type B actions

Type B decisions require that the Director issues a written report that sets forth a decision to approve, approve with modifications, or deny the application. The Director's report will also include the SEPA Threshold Determination if applicable ~~City's decision under any required SEPA review.~~

All ~~Director's Type B decisions made under Type B actions~~ are appealable in an open record appeal hearing, except Shoreline Substantial Development Permits, Shoreline Variances and Shoreline CUPs that shall be appealed to the Shorelines Hearing Board pursuant to RCW 90.58 Shoreline Management Act. Such hearing shall consolidate with any SEPA threshold determination. ~~appeals of SEPA negative threshold determinations. SEPA determinations of significance are appealable in an open record appeal prior to the project decision.~~

All ~~appeals shall be heard by the Hearing Examiner except appeals of shoreline substantial development permits, shoreline conditional use permits, and shoreline variances that shall be appealable to the State Shorelines Hearings Board.~~

Table 20.30.050 – Summary of Type B Actions, Notice Requirements, Target Time Limits for Decision, and Appeal Authority

Action	Notice Requirements: Application and Decision ^{(1), (2), (3)}	Target Time Limits for Decision	Appeal Authority	Section
Type B:				
1. Binding Site Plan ⁽⁴⁾	Mail	90 days	HE	20.30.480
2. Conditional Use Permit (CUP)	Mail, Post Site, Newspaper	90 days	HE	20.30.300
3. Preliminary Short Subdivision ⁽⁴⁾	Mail, Post Site, Newspaper	90 days	HE	20.30.410
4. SEPA Threshold Determination of Significance	Mail, Post Site, Newspaper	60 days	HE	20.30.490 20.30.710

Action	Notice Requirements: Application and Decision ^{(1), (2), (3)}	Target Time Limits for Decision	Appeal Authority	Section
5. Shoreline Substantial Development Permit, Shoreline Variance, and Shoreline CUP	Mail, Post Site, Newspaper	120 days	State Shorelines Hearings Board	Shoreline Master Program
6. Zoning Variances	Mail, Post Site, Newspaper	90 days	HE	20.30.310
7. Plat Alteration ^{(5), (6)}	Mail	90 days	HE	20.30.425

Key: HE = Hearing Examiner

(1) Public hearing notification requirements are specified in SMC 20.30.120.

(2) Notice of application requirements are specified in SMC 20.30.120.

(3) Notice of decision requirements are specified in SMC 20.30.150.

(4) These Type B actions do not require a neighborhood meeting. A notice of development will be sent to adjacent properties.

(5) A plat alteration does not require a neighborhood meeting.

(6) If a public hearing is requested, the plat alteration will be processed as a Type C action per SMC Table 20.30.060

Amendment #B3

20.30.060 Quasi-Judicial Decisions – Type C.

These decisions are made by the City Council or the Hearing Examiner, as shown in Table 20.30.060, and involve the use of discretionary judgment in the review of each specific application.

Prior to submittal of an application for any Type C permit, the applicant shall conduct a neighborhood meeting to discuss the proposal and to receive neighborhood input as specified in SMC 20.30.090.

Type C decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision made by the City Council or Hearing Examiner. ~~Any administrative appeal of a SEPA threshold determination shall be consolidated with the open record public hearing on the project permit, except a determination of significance, which is appealable under SMC 20.30.050.~~

There is no administrative appeal of a Type C actions decision. Any appeal of a Type C decision is to King County Superior Court pursuant to RCW 36.70(C), Land Use Petition Act.

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 ⁽²³⁾ , ⁽³⁴⁾	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE ⁽¹⁾ , (2)	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE ⁽¹⁾ , (2)	City Council	120 days	20.30.320
3. Site-Specific Comprehensive Plan Map Amendment	Mail, Post Site, Newspaper	HE ⁽¹⁾ , (2)	City Council		20.30.345

Action	Notice Requirements for Application and Decision ⁽²³⁾ , ⁽³⁴⁾	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
4. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.330
5. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.333
6. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.336
7. Secure Community Transitional Facility – Special Use Permit	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.40.502
8. Essential Public Facility – Special Use Permit	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.330
9. Master Development Plan	Mail, Post Site, Newspaper	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.353
10. Plat Alteration with Public Hearing ⁽⁵⁴⁾	Mail	HE ⁽¹⁾ , ⁽²⁾		120 days	20.30.425

~~⁽¹⁾Including consolidated SEPA threshold determination appeal.~~

⁽¹⁾⁽²⁾ HE = Hearing Examiner.

⁽²⁾⁽³⁾ Notice of application requirements are specified in SMC 20.30.120.

⁽³⁾⁽⁴⁾ Notice of decision requirements are specified in SMC 20.30.150.

⁽⁴⁾⁽⁵⁾ A plat alteration does not require a neighborhood meeting.

Amendment #B4
20.30.070 – Legislative Decisions

These decisions are legislative, nonproject decisions made by the City Council under its authority to establish policies and regulations regarding future private and public developments, and management of public lands. There is no administrative appeal of legislative decisions.

Table 20.30.070 – Summary of Legislative Decisions

Decision	Review Authority, Public Hearing	Decision Making Authority (in accordance with State law)	Section	<u>Appeal Authority</u>
1. Amendments and Review of the Comprehensive Plan	PC ⁽¹⁾	City Council	20.30.340	<u>Growth Management Hearings Board</u>
2. Amendments to the Development Code	PC ⁽¹⁾	City Council	20.30.350	<u>Growth Management Hearings Board</u>
3. Development Agreements	PC ⁽¹⁾	City Council	20.30.355	<u>King County Superior Court</u>

⁽¹⁾ PC = Planning Commission

Legislative decisions include a hearing and recommendation by the Planning Commission and final action by the City Council.

The City Council shall take legislative action on the proposal in accordance with State law.

There is no administrative appeal of legislative ~~actions~~ decisions of the City Council, ~~but such actions may be appealed together with any SEPA threshold determination according to State law.~~ Amendments to the Comprehensive Plan and the Development Code and any related SEPA determination are appealable to the Growth management Hearings Board pursuant to RCW 36.70A Growth Management Act. Any appeal of a Development Agreement is appealable to King County Superior Court pursuant to RCW 36.70(C) Land Use Petition Act.

Amendment #B5**20.30.170 – Limitations on the Number of Hearings**

No more than one open record hearing shall be heard on any land use application. ~~The appeal hearing on SEPA threshold determination of nonsignificance shall be consolidated with any open record hearing on the project permit. (Ord. 238 Ch. III § 5(a), 2000).~~

Amendment #B6**20.30.200 – General Description of Appeals**

A. Type A decisions may be appealed to the King County Superior Court pursuant to RCW 36.70C Land Use Petition Act.

B. Type B Administrative decisions, ~~except for shoreline permits, (Type B) are appealable~~ may be appealed to the Hearing Examiner who conducts an open record appeal hearing pursuant to SMC 20.30 Subchapter 4 Land Use Hearings and Appeals. Shoreline substantial development, variance, and conditional use permits may be appealed to the Shoreline Hearings Board pursuant to RCW 90.58 Shoreline Management Act.

BC. Type C decisions may be appealed Appeals of City Council decisions without ministerial decisions (Type A), an administrative appeal, and appeals of an appeal authority's decisions shall be made to the King County Superior Court pursuant to RCW 36.70C Land Use Petition Act.

D. Type L decisions, except for Development Agreements, may be appealed to the Growth Management Hearings Board pursuant to RCW 36.70A Growth Management Act. Development Agreements may be appealed to the King County Superior Court pursuant to RCW 36.70C Land Use Petition Act.

<u>Decision Type</u>	<u>Appeal Authority</u>
<u>Type A</u>	<u>King County Superior Court - RCW 36.70C</u>
<u>Type B (non-shoreline)</u>	<u>Hearing Examiner – SMC 20.30 Subchapter 4^[1]</u>

<u>Type B (shoreline)</u>	<u>Shoreline Hearings Board – RCW 90.58</u>
<u>Type C</u>	<u>King County Superior Court – RCW 36.70C</u>
<u>Type L (Comprehensive Plan and Development Regulations)</u>	<u>Growth Management Hearings Board – RCW 36.70A</u>
<u>Type L (Development Agreements)</u>	<u>King County Superior Court – RCW 36.70C</u>

[1] Final decisions of an appeal on a Type B decision to the Hearing Examiner may be appealed as provided in SMC 20.30 Subchapter 4.

C. SEPA Determinations are appealable with Type A, Type C and Type L decisions to Superior Court.

Amendment #B7

20.30.220 Filing Commencing an administrative appeals.

A. Any aggrieved person may appeal a decision to the Hearing Examiner. Only Type B decisions may be appealed.

B. Appeals, and the appeal fee set forth in the fee schedule adopted pursuant to SMC 3.01, must be received by the City Clerk no later than 5:00 pm local time on the shall be filed within 14 fourteenth calendar days from following the date of the notice of the Director's decision receipt of the mailing. A decision shall be deemed received three days from date of mailing.

BC. Appeals shall be filed in writing with the City Clerk. The appeal shall and comply with the form and content requirements of the rules of procedure adopted by the Hearing Examiner pursuant to 2.15.070 SMC in accordance with this chapter. The written appeal statement shall contain a concise statement demonstrating the person is adversely affected by the decision; identifying each alleged error of fact, law, or procedure and the manner in which the decision fails to satisfy the applicable decision criteria; and the specific relief requested.

D. B. Appeals shall be accompanied by a filing fee in the amount to be set in Chapter 3.01 SMC.

~~C. Within 10 calendar days following timely filing of a complete appeal with the City Clerk, notice of the date, time, and place for the open record hearing shall be mailed by the City Clerk to all parties of record.~~

Amendment #B8

20.30.230 Administrative Appeal process.

A. All administrative appeals are conducted pursuant to rules of procedure adopted by the Hearing Examiner pursuant to 2.15.070 SMC.

B. A. No more than one open record hearing shall be heard on any permit decision.

C. An appeal shall be heard and decided within 90 days from the date the appeal is filed. The parties may agree in writing to extend this time. Any extension of time must be submitted to the Hearing Examiner for approval.

~~C. B.~~ Timely filing of an appeal shall ~~stay~~ delay the effective date of the Director's decision until the appeal is ruled upon by the Hearing Examiner or withdrawn by the appellant. A subsequent appeal of the Hearing Examiner's decision to the King County Superior Court shall not stay the effectiveness of the Director's decision unless the Court issues an order staying the decision.

~~D. C.~~ The hearing shall be limited to the issues ~~included~~ set forth in the written appeal statement. Participation in the appeal shall be limited to the appellant, City, including all staff, and the applicant for the proposal subject to appeal, ~~if not the appellant, and those persons or entities which have timely filed complete written appeal statements and paid the appeal fee.~~

Amendment #B9

20.30.540 – Timing and Content of Environmental Review.

A. Categorical Exemptions. The City will normally identify whether an action is categorically exempt within 40 28 days of receiving an ~~complete~~ application.

B. Threshold Determinations. When the City is lead agency for a proposal, the following threshold determination timing requirements apply:

1. If a Determination of Significance (DS) is made concurrent with the notice of application for a proposal, the DS and scoping notice shall be combined with the notice of application (~~RCW 36.70B.110~~). Nothing in this subsection prevents the DS/scoping notice from being issued before the notice of application. If sufficient information is not available

to make a threshold determination when the notice of application is issued, the DS may be issued later in the review process.

2. SEPA determinations for city capital projects may be appealed to the Hearing Examiner as provided in SMC 20.30, Subchapter 4. ~~If the City is lead agency and project proponent or is funding a project, the City may conduct its review under SEPA and may allow appeals of procedural determinations prior to submitting a project permit application.~~

~~2. 3-~~ If an open record predecision hearing is required on the proposal, the threshold determination shall be issued at least 15 calendar days before the open record predecision hearing ~~(RCW 36.70B.110 (6)(b))~~.

~~3. 4-~~ The optional DNS process provided in WAC 197-11-355 may be used to indicate on the notice of application that the lead agency is likely to issue a Determination of Non-Significance (DNS). If this optional process is used, a separate comment period on the DNS may not be required ~~(refer to WAC 197-11-355(4))~~.

C. For nonexempt proposals, the DNS or draft Environmental Impact Statement (EIS) for the proposal shall accompany the City's staff recommendation to the appropriate review authority. If the final EIS is or becomes available prior to review, it shall be substituted for the draft.

D. The optional provision of WAC 197-11-060(3)(c) analyzing similar actions in a single environmental document is adopted.

Amendment #B10

20.30.565 Planned Action Determination of Consistency approval SEPA exemptions.

Projects proposed within a planned action area, as defined by the City, may be eligible for planned action status. The applicant shall submit a complete Planned Action Determination of Consistency Review Checklist and any other submittal requirements specified by the Director at the time of application submittal. If the City determines the project is within a planned action area and meets the thresholds established by the planned action, no additional SEPA analysis is required. If a project does not qualify as a planned action, SEPA review will be required. A planned action determination appeal is a Type A decision and may be appealed as provided in SMC 20.30.200. ~~Development approvals in planned action districts identified on the City zoning map are designated planned action approvals pursuant to WAC 197-11-164. The environmental impacts of development in these districts consistent with the applicable code provisions have been addressed in a planned action EIS and do not require additional SEPA review.~~

Amendment #B11**20.30.570 – Categorical Exemptions and Threshold Determinations – Use of exemptions**

- A. The determination of whether a proposal is categorically exempt shall be made by the responsible official.
- B. The determination that a proposal is exempt shall be a final decision, ~~and not subject to administrative review.~~
- C. If a proposal is exempt, none of the procedural requirements of this subchapter shall apply to the proposal.
- ~~D. The responsible official shall not require completion of an environmental checklist for an exempt proposal.~~
- E. If a proposal includes both exempt and nonexempt actions, the responsible official may authorize exempt actions prior to compliance with the procedural requirements of this ordinance, except that:
1. The responsible official shall not give authorization for:
 - Any nonexempt action;
 - Any action that would have an adverse environmental impact; or
 - Any action that would limit the choice of alternatives.
 2. The responsible official may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
 3. The responsible official may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

Amendment #B12**20.30.580 Environmental Checklist.**

- A. A completed environmental checklist shall be filed at the same time as an application for a permit, license, certificate, or other approval not exempted in this ordinance; except, a checklist is not needed if the City's responsible official and applicant agree an EIS is required, SEPA

compliance has been completed, or SEPA compliance has been initiated by another agency. Except as provided in subsection E of this section, the checklist shall be in the form of WAC 197-11-960 with such additions that may be required by the responsible official in accordance with WAC 197-11-906(4).

B. For private proposals, the responsible official will require the applicant to complete the environmental checklist, providing assistance as necessary. For City proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

C. The responsible official may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if any ~~either~~ of the following occurs:

1. The City has technical information on a question or questions that is unavailable to the private applicant; or
2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration; or
3. ~~On the request of the applicant.~~

D. The applicant shall pay to the City the actual costs of providing information under subsections (C)(2). and ~~(C)(3) of this section.~~

E. For projects ~~submitted as seeking to qualify as planned actions under WAC 197-11-164,~~ the City ~~shall use its~~ applicant shall submit a planned action determination of consistency review checklist and any other submittal requirements specified by the Director. ~~existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action ordinance; or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the Department of Ecology to allow at least a 30-day review prior to use.~~

F. The lead agency shall make a reasonable effort to verify the information in the environmental checklist and planned action checklist and shall have the authority to determine the final content of the ~~environmental checklists.~~

Amendment #B13

20.30.610 – Environmental Impact Statement and Other Environmental Documents– Additional considerations.

A. ~~Pursuant to WAC 197-11-408(2)(a), all comments on determinations of significance and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410(1)(b).~~

BA. Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the Department shall be responsible for preparation and content of an EISs and other environmental documents by or under the direction of the SEPA Responsible Official. ~~The Department may contract with consultants as necessary for the preparation of environmental documents. The Department may consider the opinion of the applicant regarding the qualifications of the consultant but the Department shall retain sole authority for selecting persons or firms to author, co-author, provide special services or otherwise participate in the preparation of required environmental~~

~~documents.~~ An EIS may be prepared by the lead agency's staff; by an applicant or its agent; or by an outside consultant retained by either an applicant or the lead agency. The lead agency shall assure that the EIS is prepared in a professional manner and with appropriate interdisciplinary methodology. The responsible official shall direct the areas of research and examination to be undertaken as a result of the scoping process, as well as the organization of the resulting document.

~~GB.~~ Consultants or sub-consultants selected by the Department to prepare environmental documents for a private development proposal shall not:

- (1) act as agents for the applicant in preparation or acquisition of associated underlying permits;
- (2) have a financial interest in the proposal for which the environmental document is being prepared; and
- (3) perform any work or provide any services for the applicant in connection with or related to the proposal.

~~DC.~~ All costs of preparing the any required environment document shall be borne by the applicant.

~~ED.~~ If the responsible official requires an EIS for a proposal and determines that ~~someone other than~~ the City will prepare the EIS, the responsible official shall notify the applicant immediately as soon as reasonably possible after completion of the threshold determination. The responsible official shall also notify the applicant of the City's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

~~FE.~~ The City may require an applicant to provide information ~~the City does not possess, including information~~ that must be obtained by specific investigations. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100, or other provisions of regulations, statute, or ordinance. An applicant shall not be required to produce information under this provision which is not specifically required by this subchapter nor is the applicant relieved of the duty to supply any other information required by statute, regulation or ordinance.

~~GE.~~ In the event an applicant decides to suspend or abandon the project, the applicant must provide formal written notice to the Department ~~and consultant~~. The applicant shall continue to be responsible for all monies expended by the Department ~~or consultants~~ to the point of the Department's receipt of notification to suspend or abandon, or other obligations or penalties under the terms of any contract let for preparation of the environmental documents.

~~HG.~~ The Department shall only publish an ~~environmental impact statement (an EIS)~~ when it believes that the EIS adequately discloses the significant direct, indirect, and cumulative adverse impacts of the proposal and its alternatives; mitigation measures proposed and committed to by the applicant, and their effectiveness in significantly mitigating impacts; mitigation measures that could be implemented or required; and unavoidable significant adverse impacts.

Amendment #B14

20.30.630 Comments and Public Notice – Additional considerations.

A. For purposes of WAC 197-11-510, public notice for SEPA threshold determinations shall be required as provided in Chapter 20.30.120, Subchapter 3, Permit Review Procedures, except for Type L actions. At a minimum, notice shall be provided to property owners located within 500 feet, posted on the property (for site-specific proposals), and the Department shall publish a notice of the threshold determination in the newspaper of general circulation for the general area in which the proposal is located. This notice shall include the project location and description, the type of permit(s) required, comment period dates, and the location where the complete application and environmental documents may be reviewed.

B. Publication of notice in a newspaper of general circulation in the area where the proposal is located shall also be required for all nonproject actions and for all other proposals that are subject to the provisions of this subchapter but are not classified as Type A, B, or C, or L actions.

C. The SEPA responsible official may require further notice if deemed necessary to provide adequate public notice of a pending action. Failure to require further or alternative notice shall not be a violation of any notice procedure.

D. Pursuant to WAC 197-11-408(2)(a), all comments on determinations of significance and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410(1)(b).

Amendment #B15

20.30.670 SEPA Policies.

A. ~~The policies and goals set forth in this section are supplementary to those in the existing authorization of the City of Shoreline.~~

B. For the purposes of RCW 43.21C.060 and WAC 197-11-660(a), the following policies, plans, rules and regulations, and all amendments thereto, are designated as potential bases for the exercise of the City's substantive authority to condition or deny proposals under SEPA, subject to the provisions of RCW 43.21C.240 and SMC 20.30.660.

1. The policies of the State Environmental Policy Act, RCW 43.21C.020.
2. The Shoreline Comprehensive Plan, its appendices, subarea plans, surface water management plans, park master plans, and habitat and vegetation conservation plans.
3. The City of Shoreline Municipal Code.
4. The Shoreline Historic Inventory.
5. The Shoreline Environmental Sustainability Strategy.
6. The Shoreline Climate Action Plan.
7. The Shoreline Diversity and Inclusion Goals.

Amendment #B16

20.30.680 – Appeals.

A. There are no administrative appeals of a SEPA threshold determination except threshold determinations associated with a Type B actions. Any appeal of a SEPA determination, together with the City's final decision on a proposal, may be appealed to the King County Superior Court, the Growth Management Hearings Board, or the Shoreline Hearings Board, based on the type of permit action being appealed, as provided in RCW 43.21.075.

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

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

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

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

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

~~5.—The Hearing Examiner shall make the final decision on all Administrative Appeals as allowed in SMC Chapter 20.30, Subchapter 2, Types of Actions – Type B. Hearing Examiner shall make a final decision on all procedural SEPA determinations. The Hearing Examiner's decision may be appealed to superior court as provided in Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals.~~

~~B.—Notwithstanding the provisions of subsection (A) of this section, the Department may adopt procedures under which an administrative appeal shall not be provided if the Director finds that consideration of an appeal would be likely to cause the Department to violate a compliance, enforcement or other specific mandatory order or specific legal obligation. The Director's determination shall be included in the notice of the SEPA determination, and the Director shall provide a written summary upon which the determination is based within five days of receiving a written request. Because there would be no administrative appeal in such situations, review may be sought before a court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action.~~



TO: Honorable Members of the Shoreline City Council

FROM: Pam Sager, Chair
Shoreline Planning Commission

DATE: February 4, 2022

RE: 2021 Development Code Amendments – Batch #2

The Shoreline Planning Commission has completed its review of the proposed amendments to the Shoreline Municipal Code that are contained in Batch #2. These amendments were presented into three (3) sections: (1) miscellaneous amendments proposed by Planning Staff to provide clarity and efficient administration, (2) updates to the procedures and administration of SEPA proposed by Staff, and (3) modifications to regulations affecting the protection and preservation of trees proposed primarily by a citizen group named the Tree Preservation Code Team.

The Planning Commission started discussing the proposed amendments on July 15, 2021 and held subsequent study sessions on August 5, 2021, October 7, 2021, November 18, 2021, December 2, 2021, and January 6, 2022. A public hearing was held on February 3, 2022. As noted above, the Planning Commission considered these amendments in three (3) sections. For the Miscellaneous Amendments and for the SEPA Amendments, the Planning Commission recommended approval of those amendments as presented by Planning Staff with a vote of 5-0.

The amendments to the City's tree protection and preservation regulations were comprised of 11 privately-initiated amendments and one (1) proposed by Planning Staff. After one (1) private amendment was withdrawn, Planning Staff recommended approval or approval as modified by Planning Staff for eight (8) of the proposed amendments and recommended denial for three (3) proposed amendments. These amendments were subject to extensive public comment. The Planning Commission gave consideration to each of these proposed amendments, approved modifications to the amendments that Staff recommendation approval, and with a vote of 4-1, recommended approval of the amendments as modified by the Planning Commission. With these amendments, the Planning Commission believes that the City of Shoreline is aligning with a variety of cities that are utilizing tree protection and preservation as a method to fight climate change.

In consideration of the City Planning Staff's recommendations, extensive written and oral public testimony, the Planning Commission respectfully recommends that the City Council adopt the proposed amendments as attached to this recommendation. However, with this recommendation the Planning Commission encourages the City Council to direct Planning Staff to further refine these regulations by engaging in additional study of the issues surrounding protection and preservation of trees, including smaller trees and additional counterbalancing incentives, with a holistic approach that engages all stakeholder interests and balances those interests in the future.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of the 2022 Comprehensive Plan Amendment Docket		
DEPARTMENT:	Planning & Community Development		
PRESENTED BY:	Steven Szafran, AICP, Senior Planner Rachael Markle, AICP, Director		
ACTION:	<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 City is limited by state law and the City’s adopted procedures to processing Comprehensive Plan amendments once a year, with exceptions only in limited situations. Proposed amendments are collected throughout the previous year with a deadline of December 1st for public and staff submissions of suggested amendments to be considered in the following year. Shoreline Municipal Code (SMC) Section 20.30.340(C)(2)(b) permits the Council to submit an amendment to the Docket at any time before the final Docket is set.

The Docket establishes the amendments that will be reviewed and studied during the year by staff and the Planning Commission prior to their recommendation to the City Council for final approval to amend the Comprehensive Plan by the end of the following year. In addition, the Docket ensures that all the proposed amendments are considered concurrently so that the cumulative effect of the various proposals can be ascertained when the City Council is making its final decision, as required by RCW 36.70A.130(2)(b).

This year’s Preliminary 2022 Docket was presented to the Planning Commission on February 3, 2022, and contained two (2) privately-initiated amendments and three (3) city-initiated amendments. Ultimately, the Planning Commission voted to recommended one (1) privately-initiated and three (3) city-initiated amendments be placed on the 2022 Final Docket (Attachment A).

Tonight, Council is scheduled to discuss the proposed 2022 Final Comprehensive Plan Amendment Docket. The 2022 Final Comprehensive Plan Amendment Docket is scheduled to be brought back to Council for final action on March 21, 2022.

RESOURCE/FINANCIAL IMPACT:

The proposed Comprehensive Plan Amendments on the 2022 Final Docket will not have a direct financial impact to the City.

RECOMMENDATION

No action is required by the Council tonight as this is a Discussion Item only. The Planning Commission recommends that the City Council approve amendment Nos. 1-4 on the Preliminary 2022 Comprehensive Plan Amendment Docket as shown in Attachment A. Council is scheduled to take final action on the 2022 Docket on March 21, 2022.

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

BACKGROUND

The State Growth Management Act, Chapter 36.70A RCW, limits consideration of proposed Comprehensive Plan amendments to no more than once a year. To ensure that the public can view the proposals within a concurrent, citywide context, the Growth Management Act directs cities to create a Docket that lists the amendments to be considered in this “once a year” review process.

Proposed amendments are collected throughout the previous year with a deadline of December 1st for public and staff submissions of suggested amendments to be considered in the following year. SMC Section 20.30.340(C)(2)(b) permits the Council to submit an amendment to the Docket at any time before the final Docket is set. The Docket establishes the amendments that will be reviewed and studied during the year by staff and the Planning Commission prior to their recommendation to the City Council for final approval to amend the Comprehensive Plan by the end of the following year.

Comprehensive Plan amendments usually take two forms: privately-initiated amendments and City-initiated amendments. This year, the Planning Commission was presented with two (2) privately-initiated amendments and three (3) City-initiated amendments.

The Planning Commission has recommended the Preliminary 2022 Docket (Attachment A) and the City Council is now tasked with establishing the Final 2022 Docket which will direct staff’s preparation of an amendment that will be considered for adoption later this year.

DISCUSSION

The Planning Commission considered the Preliminary 2022 Comprehensive Plan Docket on February 3, 2022, and voted to forward the recommended Preliminary 2022 Docket to the City Council for its consideration in establishing the Final 2022 Docket. The staff report for this Planning Commission meeting can be reviewed at the following link: [Draft 2022 Comprehensive Plan Docket](#).

The Planning Commission meeting minutes from the February 3, 2022 meeting are included as Attachment B to this staff report.

A description and the Planning Commission’s recommendation for the proposed Comprehensive Plan Amendment is shown below:

Amendment 1 – Amend the Transportation Master Plan (TMP) and Transportation Element which includes updated goals and policies.

This amendment will replace the current TMP with a new TMP. The City is currently updating its TMP to better serve the community’s current and future transportation needs. The TMP supports all forms of travel – by foot, bicycle, skateboard, scooter, stroller, wheelchair, transit, motorcycle, and automobile. With the coming arrival of light rail transit, new and higher frequency bus service, new pedestrian/bicycle connections, land use changes, and anticipated population growth, the TMP update provides an

opportunity to better align transportation goals, objectives, and policies with the City's Comprehensive Plan.

The last update to the TMP was in 2011. The TMP update will guide local and regional transportation investments and define the City's future transportation policies, programs, and projects for the next 20 years.

The TMP, which serves as the supporting analysis for the City's Comprehensive Plan Transportation Element, must be updated to align with the City's Comprehensive Plan periodic update by 2024 and meet the Growth Management Act requirements; maintain the City's eligibility for pursuing future grant funding; and set transportation policies for guiding the development of Shoreline. In fall 2020, the City launched a multi-year process to update the TMP with the goal of adoption by the end of 2022.

Recommendation:

The Planning Commission recommends that this amendment be placed on the 2022 Comprehensive Plan Docket.

Amendment #2 – 2024 Comprehensive Plan Major Update

The State Growth Management Act (GMA) requires counties and cities to periodically conduct a thorough review of their Comprehensive Plan and regulations to bring them up to date with any relevant changes in the GMA and to respond to changes in land use and population growth. This mandatory "periodic update" takes place at least once every eight years. Shoreline last completed a major update of the Comprehensive Plan in 2012. The deadline for adoption of this periodic update is June 2024.

There are four overall tasks counties and cities must take during the periodic update process:

1. Establish a public participation program – Develop a plan that includes a schedule for steps in the update process to ensure the public is aware of the process and knows how they can participate (RCW 36.70A.130(2) and WAC 365-196-600).
2. Review relevant plans and regulations – Evaluate whether there is a need to revise the urban growth area, comprehensive plan, or development regulations to ensure they are consistent with the GMA (RCW 36.70A.130(3) and WAC 365-195-610).
3. Take legislative action – Adopt an ordinance or resolution finding that a review has occurred, and identifying revisions made or concluding that revisions were not needed (RCW 36.70A.130(1)(b)).
4. Submit notice to state – Send formal notice of intent to adopt to the state at least 60 days prior to taking legislative action. Send a copy of the signed adopted ordinance or resolution 10 days after final action (RCW 36.70A.106).

Staff has created an outline schedule to propose a process for the update of the 2012 Comprehensive Plan (Attachment C). There are opportunities for efficiencies and cost savings through a collaborative approach with functional plans scheduled for updates before June 2024. To combine resources and prevent meeting fatigue for both the public and City, staff proposes that some Comprehensive Plan Element updates be considered concurrently with the development or update of other relevant plans. For example, the following Element reviews and plan updates could be combined:

- Housing Element (2022) with Housing Action Plan (adopted 2021)
- Transportation Element with Transportation Master Plan (TMP), deadline December 2022
- PROS Element with Parks, Recreation, and Open Space (PROS) Plan, deadline July 2023
- Capital Facilities Element with Capital Improvement Plan, updated annually

Due to the different adoption schedules for the plans listed above staff proposes to adopt changes to the Elements (Goals, Policies, and Supporting Analysis) along with each of the relevant plans. This will entail updating certain elements sooner than others. In the case of the Housing Element up to two years prior to the Comp Plan deadline.

Recommendation:

The Planning Commission recommends that this amendment be placed on the 2022 Comprehensive Plan Docket.

Amendment #3 – Amend the Comprehensive Plan Land Use Map Designation from Public Facility to Mixed-Use 1 and change the Zoning from Residential, 18 units/acre (R-18) and Mixed-Business (MB) to Mixed-Business (MB) at the King County Metro Park & Ride Facility at 19000 Aurora Avenue N.

This amendment was originally initiated by King County Metro (KC Metro) to change the Comprehensive Plan Land Use Map designation of one parcel from Public Facilities to Mixed-Use 1 (Attachment D) and to concurrently rezone the parcel from R-18 and MB to entirely MB (Attachment E) in 2021. The zoning designation of the park & ride is split with roughly a third of the site zoned R-18 and the rest zoned MB. The request will allow the applicant to pursue greater redevelopment potential on the site.

The City previously engaged the State and KC Metro on the desire for long-term planning of the 192nd Park & Ride for transit-oriented development (TOD). Through a property ownership transition from the State, KC Metro is the current owner of the park and ride. KC Metro TOD planners indicate that they are finalizing the 192nd Park and Ride TOD study and that a change in comprehensive plan land use designation and zoning would be one of the key first steps in the process. A change in the land use designation and zoning will allow KC Metro to go to market and secure a development partner for the park & ride. The TOD Study will be completed early this year and community outreach on the plan will occur before City Council would be discussing any changes to the Comprehensive Plan Land Use Map or the Zoning Map.

Amendment #3 supports Goal 1, Action Step 10, which states: “Support King County Metro’s evaluation of the 192nd Park and Ride as a potential location for expanded transit operations and transit-oriented-development.” Adding this amendment to the Final 2022 Docket would support that action step if it were included in the final goals. Previous Council Goal language has also directed staff to support redevelopment of the park & ride.

Recommendation:

The Planning Commission recommends that this amendment be added to the 2022 Comprehensive Plan Docket.

Amendment #4 – Amend the Land Use Element to add a new policy “Housing development and preservation of significant trees can co-exist with the goal of maintaining and increasing Shoreline’s urban tree canopy”.

This is a privately initiated amendment (Attachment F) to add a new Land Use Element Policy – “Housing development and preservation of significant trees can co-exist with the goal of maintaining and increasing Shoreline’s urban tree canopy.”

The applicant states that the Comprehensive Plan contains many statements about the need to protect and preserve the tree canopy in Shoreline. This proposed amendment adds the recommendation that building and the protection of the tree canopy can coexist.

Recommendation:

The Planning Commission recommends that this amendment be added to the 2022 Comprehensive Plan Docket.

Amendment #5 – Add Short Term Rental definition, licensing requirements, and location.

This is a privately initiated amendment to add requirements for short-term rentals (Attachment G) and includes the following:

A. Short-term rental definition – The use of an entire dwelling unit by any person or group of persons to occupy for rent for a period of less than thirty consecutive days. Short-term rentals do not include bed and breakfast inns, hotels and motels, or boarding houses.

B. License Required. A City business license is required to operate a short-term rental. No more than two short-term rental sites may be operated by any individual, marital group, a group of people, or a corporate entity such as an LLC, within the City.

C. Location. A short-term rental use may be located in a dwelling unit or an accessory dwelling unit. See SMC 20.40.210 for applicable accessory dwelling unit requirements.

The applicant states that short-term rentals have the potential to generate income for the operator and tax revenue for the City. In this sense, short-term rental regulations support Goal III to “Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations”, and Economic Development Goal I to create jobs, support businesses, and “reduce reliance on residential property tax to fund City operations and capital improvements”. By defining what a short-term rental is, and what the requirements are, the City can provide clarity to short-term rental operators and grow tax revenue from short-term rental businesses by making clear it is an allowed use.

Recommendation:

The Planning Commission recommends this request not be added to the docket. As the applicant stated in their justification for the amendment, the proposed addition of a short-term rental use is already supported by Comprehensive Plan Housing Goals II, Housing Goal III, and Economic Development Goal I.

The City’s recently adopted [Housing Action Plan](#) addresses short term rentals as part of the Action 4.3 which states,

“Short-term rentals are sometimes perceived to have a negative impact on the availability of housing for full-time residents, as investors may purchase properties to rent them to visitors and others will short-term needs. This could create displacement pressure and is also related to issues of housing supply. Some jurisdictions, particularly in places with higher levels of tourism and visitation, have taken steps to regulate or even ban short-term rentals to maintain existing housing stock to meet the needs of their residents. Shoreline could consider such regulations if it determined that short-term rentals are negatively impacting housing availability for full-time residents”.

The report goes on to say,

“Shoreline should analyze the impact of short-term rentals on housing availability and housing price before determining whether such regulations are necessary. Short-term rentals can have positive economic impacts by increasing visitation and visitor spending at local businesses. If such regulations are deemed necessary and appropriate for Shoreline, the City may consider tailoring the regulations to apply only in places that are at a higher risk of displacement or that are not equipped to handle high levels of visitation. The magnitude of the short-term rental market in Shoreline is currently unknown”.

Through the development and adoption of the Housing Action Plan, the Planning Commission identified seven High Implementation Priorities for near term implementation:

- Updated the Deep Green Incentive Program
- Develop cottage housing regulations
- Develop “missing middle” friendly zoning
- Develop standards for small lot single-family development

- Partner with affordable housing providers
- Support community land trusts through incentives or partnerships
- Identify surplus City property for development of affordable housing

This list of High Implementation Priorities will be used to inform future work plan priorities. For example, preliminary work is underway to develop cottage housing regulations. While short-term rentals were identified in the Housing Action Plan, they did not rise to the list of High Implementation Priorities.

Since policy support for short-term rentals currently exists in the Comprehensive Plan, staff did not recommend adding any new goals or policies and therefore recommended this request not be added to the docket.

The topic of short-term rentals is most appropriately addressed as an independent work plan item for which Council can direct staff to study the impact of short-term rentals on housing availability and housing price to inform a future decision on adding the proposed use of short-term rental, licensing requirements, and location requirements to the Development Code through the Development Code Amendment process. Significant stakeholder and community engagement would also be a component of this topic as an independent work plan item.

Regulation of short-term rentals also likely requires additional City resources to fully regulate, monitor, and enforce, all of which would require further study and analysis.

For the reasons noted above, the Planning Commission recommends this request not move forward to the docket and be tabled for potential future consideration in the context of implementing the Housing Action Plan High Implementation Priorities.

RESOURCE/FINANCIAL IMPACT

The proposed Comprehensive Plan Amendments on the 2022 Final Docket will not have a direct financial impact to the City.

RECOMMENDATION

No action is required by the Council tonight as this is a Discussion Item only. The Planning Commission recommends that the City Council approve amendment Nos. 1-4 on the Preliminary 2022 Comprehensive Plan Amendment Docket as shown in Attachment A. Council is scheduled to take final action on the 2022 Docket on March 21, 2022.

ATTACHMENTS

- Attachment A – Planning Commission Recommended 2022 Comprehensive Plan Amendment Docket
- Attachment B – February 4, 2021 Planning Commission Meeting Minutes
- Attachment C – 2024 Comprehensive Plan Periodic Update Schedule
- Attachment D – Comprehensive Plan Amendment: KC Metro Park & Ride

Attachment E – Zoning Amendment: KC Metro Park & Ride
Attachment F – Kathleen Russell Application
Attachment G – Janelle Callahan Application



DRAFT 2022 COMPREHENSIVE PLAN AMENDMENT DOCKET

The State Growth Management Act generally limits the City to amending its Comprehensive Plan once a year and requires that it create a Docket (or list) of the amendments to be reviewed.

Planning Commission Recommended 2022 Comprehensive Plan Amendments

1. Amend the Transportation Master Plan and Transportation Element which includes updated goals and policies.
2. 2024 Comprehensive Plan Major Update. Begin the update of the City of Shoreline Comprehensive Plan.
3. Amend the Comprehensive Plan Land Use Map Designation from Public Facility to Mixed-Use 1 and change the Zoning from Residential, 18 units/acre (R-18) and Mixed-Business (MB) to Mixed-Business (MB) at the King County Metro Park & Ride Facility at 19000 Aurora Avenue N.
4. Amend the Land Use Element to add a new policy "Housing development and preservation of significant trees can co-exist with the goal of maintaining and increasing Shoreline's urban tree canopy".
5. ~~Add Short Term Rental definition, licensing requirements, and location.~~

Estimated timeframe for Council review/adoption: December 2022.

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF PUBLIC HEARING (Via Zoom)

February 3, 2022
7:00 P.M.

Commissioners Present

Chair Pam Sager
Vice Chair Julius Rwamashongye
Commissioner Jack Malek
Commissioner Janelle Callahan
Commissioner Mei-shiou Lin

Staff Present

Rachel Markle, Planning Director
Andrew Bauer, Planning Manager
Steve Szafran, Senior Planner
Julie Ainsworth-Taylor, Assistant City Attorney
Carla Hoekzema, Planning Commission Clerk

Commissioners Absent

Commissioner Andy Galuska (excused)

CALL TO ORDER

Chair Sager called the public hearing of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Ms. Hoekzema called the roll.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of January 20, 2022 were accepted as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

PUBLIC HEARING: 2021 DEVELOPMENT CODE AMENDMENTS BATCH #2 – MISC., SEPA & TREE AMENDMENTS

Chair Sager made introductory comments regarding the purpose of and procedures for the public hearing. She opened the public hearing at 7:02 p.m.

Staff Presentation: Senior Planner Szafran made the staff presentation regarding the 2021 Development Code Amendment Batch #2 – Miscellaneous, SEPA, and Tree Amendments.

Miscellaneous Amendments: The staff-initiated amendments discussed on July 15 are a mix of updates, clarifications, and policy changes to parking, setbacks, and adaptive reuse of commercial buildings. Staff is recommending that these be approved as written.

SEPA (State Environmental Policy Act Amendments): These are related to the SEPA process and are staff initiated. They are related to the way certain permits are reviewed and appealed and how SEPA, if required, is reviewed and appealed. None of the amendments will substantively change the City's evaluation of environmental impacts of a proposal. Staff is recommending approval of amendments shown.

Tree Amendments: These are mostly privately initiated amendments with one staff-initiated proposal. It includes new and revised definitions, protection of trees during development, tree retention, tree replacement, and public notification when trees are removed in the public right-of-way.

- Tree Amendment #1 – This would add definitions for Critical Root Zone (CRZ) and Inner Critical Root Zone (ICRZ).
- Tree Amendment #2 – This would add revised definitions for Tree Canopy, Hazardous Tree, and Landmark Tree.
- Tree Amendment #3 – This would add the definition for Urban Forest and Urban Tree Canopy.
- Tree Amendment #5 – This would revise the Purpose section of Tree Code and would strengthen the language related to Shoreline's commitment to protecting and maintaining the tree canopy in the City.
- Tree Amendment #6 – This would revise General Requirements for Trees. Staff agrees the language should be added to provide additional protections for protected trees and vegetation where applicable. The original amendment has been amended by staff for consistency with existing provisions of the Shoreline Development Code.
- Tree Amendment #8 – Development standards for clearing activities. Staff agrees with the applicant's proposed increase of minimum tree retention requirements from 20% to 25% provided that the recommended language in Amendment #9 is included as well.
- Tree Amendment #9 – This would allow the Director to waive or reduce the minimum significant tree retention if an applicant meets certain criteria.

- Tree Amendment #11 – This relates to tree protection standards during construction and onsite arborist observation when work is near the critical root zone. It increases the size for tree protection fencing from 4-feet to 6-feet and removes “plastic safety fencing”. Staff recommends keeping the language requiring pruning of visible deadwood on trees to be protected or relocated.

Mr. Szafran summarized that staff is recommending approval of all the amendments shown in Attachment A of the Staff Report.

Clarification Questions by the Planning Commission:

Commissioner Malek asked for clarification about how they arrived at the number for the increase of significant tree retention from 20 to 25%. Mr. Szafran explained it was requested by the public to increase it by 5%. Originally, there was an incentive table where everything was increased to 25% with incentives for additional retention. Those incentives were pulled out by staff to possibly be worked on in the future. Staff can support an increase from 20 to 25% because most of the development applications are saving more than that anyway.

Public Testimony:

Bob Gregg, Clinton, Washington, spoke in support of the staff recommendation to unbundle the parking in the Miscellaneous Amendments. He stated he also has submitted a written document. He does a lot of development in this area. He is a LEED (Leadership in Energy and Environmental Design) accredited professional, and they strongly encourage unbundling parking for environmental reasons, noting it has been very effective in getting people to use public transportation, ridesharing, carpooling, etc.

Susie Good, Seattle, spoke in support of unbundling parking on behalf of a property management company that has properties in Shoreline. She spoke to environmental reasons and noted that most of the parking garages they have are not on a one-to-one ratio. This makes it harder to comply with the code the way it is written and ends up with empty parking spots. She added it is also difficult to manage the spaces for renters.

Bill Turner, Shoreline, spoke on behalf of the Tree Preservation Code Team related to Amendment #2, Significant Tree definition in support of measuring of 6” diameter breast height (DBH). He noted that most surrounding cities have defined 6” DBH for their significant trees. Shoreline’s own code definition for significant public street trees is 6” DBH. Unfortunately, Bothell’s significant 8” DBH has been cited as an example, but Bothell is not an example to follow as they are behind the times in tree protection. The Tree Preservation Code Team is joined by the Citizens Advisory Group in recommending 6” DBH for the definition of significant trees. In light of all this he encouraged the Planning Commission to recommend the 6” DBH to the City Council.

Nancy Morris, Shoreline, spoke to the importance of preserving mature trees. She urged the Planning Commission to repeat the wisdom of the 2012 Planning Commission and recommend the protective tree code amendments 2, 6, and 10 as written by the Tree Preservation Code Team along with the other tree code amendments. She encouraged everyone to protect the trees and do what they can to help mitigate the climate extremes.

Kathleen Russell, Shoreline, Tree Preservation Code Team member, said she was confused by the staff presentation because several of the recommendations by the Code Team were not included in the presentation. These include Amendment 2, significant 6” definition; Amendment 2, landmark 24” definition; Amendment 6, general requirements penalties; Amendment 7, tree exemption on large properties; and Amendment 10, tree replacement or fee in lieu. She asked if the Planning Commission would have the opportunity to vote on those proposed codes tonight. She stated that the proposed codes would save some trees in the neighborhoods, especially at MUR35 and MUR45 sites. They do not pertain to the seven zones where none of the trees must be retained. She asked the Planning Commission to recommend all the proposed code changes to Council.

Ann Bates, Shoreline, spoke in support of the amendments 2, 6, and 10 as proposed by the Tree Preservation Code Team. These will help to preserve more and larger trees. The Shoreline Comprehensive Plan states that Shoreline should maintain and improve its tree canopy. Development is resulting in cutting down trees that are needed to lessen the effects of global warming. These amendments are meant to improve the environment and the health of the people in the City.

Peter Eglick, Attorney for the Innis Arden Club, Shoreline, stated that Innis Arden is the steward for 50 acres of forested reserve tracts. They have planted several hundred trees over the last few years. They strongly believe that trees and forests are important; however, they believe that what is being proposed by the Tree Preservation Code Team is not well thought through and not well supported. He hasn’t seen actual review of these proposed amendments by experts in the field to understand what their effects will be. He commented that Innis Arden was never invited as a stakeholder to participate in conversations that took place with staff before these amendments were brought forward. When they found out about them, they submitted comments on December 2, January 6, and January 18. Their recommendation is that none of the amendments related to trees should go forward. Instead, the City should establish a stakeholder process with an eye toward preparing an Environmental Impact Statement that addresses what it means to make regulatory changes in the City. He commented on the lack of science used to determine what level of replacement is appropriate and viable. The City’s own engineering standards are in conflict with the aspirations of some of these amendments.

Seeing no further comments, the public hearing was closed at 7:36 p.m.

Mr. Szafran mentioned that staff presented the Planning Commission with the amendments recommended for approval. The other amendments which he did not go over are in Attachment B of the Staff Report. He did not review them in the PowerPoint because they are not part of the staff recommendation.

Miscellaneous Amendments:

VICE CHAIR RWAMASHONGYE MOVED TO APPROVE THE MISCELLANEOUS AMENDMENTS AS PRESENTED BY STAFF AND TO FORWARD A RECOMMENDATION FOR APPROVAL TO CITY COUNCIL. COMMISSIONER MALEK SECONDED THE MOTION.

Vice Chair Rwamashongye spoke in support of the amendments as presented by staff.

THE MOTION WAS UNANIMOUSLY APPROVED (5-0).

SEPA Amendments:

COMMISSIONER CALLAHAN MOVED TO APPROVE THE 2021 COMPREHENSIVE PLAN AMENDMENTS, RELATED TO SEPA, IN THE STAFF REPORT DATED FEBRUARY 3 AND FORWARD A RECOMMENDATION OF APPROVAL TO CITY COUNCIL. COMMISSIONER LIN SECONDED THE MOTION.

THE MOTION WAS UNANIMOUSLY APPROVED (5-0).

Tree Amendments:

Commissioner Callahan asked procedural questions. City Attorney Ainsworth-Taylor responded. Commissioner Malek asked how Mr. Eglick's recommendation would play out. City Attorney Ainsworth-Taylor explained the Planning Commission would make a recommendation to the City Council to not approve any of the Tree Code amendments, and the City Council would make the ultimate decision.

COMMISSIONER MALEK MOVED TO DENY ALL AMENDMENTS AS WRITTEN IN THEIR ENTIRETY AND REFER THEM BACK TO STAFF FOR MORE STUDY AND TO INCLUDE MORE SCIENCE AND MORE STAKEHOLDER PARTICIPATION. THE MOTION WAS SECONDED BY VICE CHAIR RWAMASHONGYE.

Commissioner Malek commented that he believes there have been some well-organized private citizen stakeholder groups represented, but not enough of a cross section of stakeholders in the community have been heard from. He urged everyone to think carefully about this because it is a big issue and goes to the character of Shoreline as one of the most treed communities.

Commissioner Lin stated she agrees they would like to have more study and a more holistic look, but she also feels these amendments have been looked at and studied for a long time. Many of the suggestions are aligned with cities that are moving toward preservation or fighting climate change. She suggested they continue to improve the code with more considerations and additional work that will happen in the future. She was not in support of denying all the recommendations.

Vice Chair Rwamashongye spoke to the importance of balancing accountability and responsibility with respect to development. This issue is so important to the City of Shoreline that more engagement with the citizens makes sense. He acknowledged that staff has done a lot of work and attempted to get public engagement, but it looks like there is an opportunity to do more.

Chair Sager agreed with Commissioner Lin that there is more work to be done, but it is important to take a step in the right direction. It is not over, but these amendments are a good start.

Commissioner Malek expressed concern that there is no impetus to continue refining this if it is not on the table. He spoke in support of looking at these as a group and allow for a better cross-section of the community to speak to this.

Commissioner Lin agreed that further study will be needed but this is a step in the right direction. She thinks this is an opportunity to listen to concerns that they are losing tree canopy. She thinks this may trigger further looking into regulations.

UPON A ROLL CALL VOTE, THE MOTION FAILED 2-3 WITH COMMISSIONERS MALEK AND RWAMASHONGYE VOTING IN FAVOR AND COMMISSIONERS CALLAHAN, LIN AND CHAIR SAGER VOTING AGAINST THE MOTION.

COMMISSIONER CALLAHAN MOVED TO APPROVE THE 2021 **COMPREHENSIVE PLAN AMENDMENTS, ATTACHMENT C, TREE CODES, TO THE STAFF REPORT DATED FEBRUARY 3, 2022 AS RECOMMENDED BY STAFF AND FORWARD A RECOMMENDATION FOR APPROVAL TO CITY COUNCIL. THE MOTION WAS SECONDED BY COMMISSIONER LIN.**

Amendment #C1:

AMENDMENT #C1 PASSED UNANIMOUSLY (5-0).

Amendment #C2:

AMENDMENT #C2 PASSED UNANIMOUSLY (5-0).

COMMISSIONER CALLAHAN MOVED TO WITHDRAW THE VOTE ON AMENDMENT #C2 DUE TO CONFUSION AMONG THE PLANNING COMMISSION ABOUT THE SUBSTANCE OF THE VOTE. THE MOTION WAS SECONDED BY COMMISSIONER MALEK. THE MOTION PASSED UNANIMOUSLY (5-0).

COMMISSIONER CALLAHAN MOVED TO APPROVE TREE AMENDMENT #C2 AS PRESENTED BY STAFF AND FORWARD A RECOMMENDATION TO CITY COUNCIL. THE MOTION WAS SECONDED BY COMMISSIONER LIN.

COMMISSIONER CALLAHAN MOVED TO AMEND THE DEFINITION OF A LANDMARK TREE FROM OVER 30" DBH TO 24" DBH. CHAIR SAGER SECONDED THE MOTION.

Commissioner Callahan stated she wants the City to go further in saving trees as other jurisdictions are doing so that more trees are protected. She noted that the code may benefit from further refinement and study, but that is not a reason to stop this now.

Chair Sager agreed that this is important, and they need to start somewhere.

THE AMENDMENT TO THE MAIN MOTION RELATED TO #C2 PASSED (4-1) WITH COMMISSIONER MALEK VOTING AGAINST THE MOTION.

THE MAIN MOTION TO APPROVE AMENDMENT #C2 AS AMENDED PASSED (4-1) WITH COMMISSIONER MALEK VOTING AGAINST THE MOTION.

Amendment #C3:

COMMISSIONER CALLAHAN MOVED TO APPROVE AMENDMENT #C3 AS PRESENTED BY STAFF. THE MOTION WAS SECONDED BY COMMISSIONER LIN. THE MOTION PASSED UNANIMOUSLY (5-0).

Amendment #C5:

COMMISSIONER CALLAHAN MOVED TO APPROVE AMENDMENT #C5 AS PRESENTED BY STAFF. THE MOTION WAS SECONDED BY COMMISSIONER LIN. THE MOTION PASSED (4-1) WITH COMMISSIONER MALEK VOTING AGAINST THE MOTION.

Amendment #C6:

COMMISSIONER CALLAHAN MOVED TO APPROVE AMENDMENT #C6 AS PRESENTED BY STAFF. THE MOTION WAS SECONDED BY COMMISSIONER LIN.

Commissioner Malek expressed concern about devising their own science and pandering to a group that is very focused on using trees alone to impact the carbon footprint and global warming. He thinks trees are extremely important, but he also thinks they will lose more trees if they don't address bigger problems that are happening around us. Trees are great carbon sponges, but not putting carbon in the air at all is as good a way to mitigate and address the global warming issue. He expressed concern about the impact this could have on the goal of getting reasonable income and low-income housing as well as good housing that is dense and located near a multi-modal corridor. Eliminating carbon from the environment by concentrating density needs to also be considered.

THE MOTION TO APPROVE AMENDMENT #C6 PASSED (4-1) WITH COMMISSIONER MALEK VOTING AGAINST THE MOTION.

Amendment #C8:

COMMISSIONER LIN MOVED TO APPROVE AMENDMENT #C8 AS PRESENTED BY STAFF. THE MOTION WAS SECONDED BY COMMISSIONER CALLAHAN.

Commissioner Lin stated she is happy to hear from staff that many developments are already saving 25% of trees.

THE MOTION TO APPROVE AMENDMENT #C8 PASSED UNANIMOUSLY (5-0).

Amendment #C9:

COMMISSIONER CALLAHAN MOVED TO APPROVE AMENDMENT #C9 AS PRESENTED BY STAFF. THE MOTION WAS SECONDED BY COMMISSIONER LIN.

Commissioner Callahan stated she thinks it is important for the director to have this authority in those rare cases where waiving the requirement may be helpful for a homeowner who has a difficult situation.

Commissioner Lin commented on the importance of allowing this flexibility until the code is more refined.

THE MOTION TO APPROVE AMENDMENT #C9 PASSED UNANIMOUSLY (5-0).

Amendment #C11:

COMMISSIONER LIN MOVED TO APPROVE AMENDMENT #C11, TREE PROTECTION STANDARDS, AS PRESENTED BY STAFF. THE MOTION WAS SECONDED BY COMMISSIONER CALLAHAN.

Commissioner Lin stated she thinks this is a good step to preserving trees.

Vice Chair Rwamashongye asked how construction would happen within the dripline of a tree. Mr. Szafran replied that an arborist would have to be on site to make sure there isn't any damage to the tree.

Commissioner Malek commented that it seems excessive to expect an arborist to be there.

COMMISSIONER MALEK MOVED TO STRIKE PART E. THE MOTION DIED FOR LACK OF A SECOND.

Commissioner Lin commented that a protective fence is usually put up around the critical root zone. This item states that if the work must happen within that area, an arborist will need to be present to help the tree's survivability.

THE MOTION PASSED (4-1) WITH COMMISSIONER MALEK VOTING AGAINST THE MOTION.

THE MAIN MOTION AS AMENDED ABOVE PASSED (4-1) WITH COMMISSIONER MALEK VOTING AGAINST THE MOTION.

Commissioner Lin asked if the amendments not recommended by Planning staff will still be forwarded to City Council. Staff replied that they would. Commissioner Lin asked if the Commission should vote

on them. City Attorney Ainsworth-Taylor stated they could do that if they wanted to attach a recommendation. Either way, Council will still get the amendments in their packet. Commissioner Lin stated that staff has done a study of the denied items, but she would like to recommend that the 6” versus 8” significant tree definition be studied further to better understand the impacts. Chair Sager concurred. City Attorney Ainsworth-Taylor stated that when she drafts the recommendation letter to the Council, she will include the points and concerns the Commission has raised.

Vice Chair Rwamashongye asked if there are opportunities for developers to work with neighboring properties to plant a tree there if they remove one on their property to offset the loss. If so, would a 6” tree be the appropriate tree. He recommended looking at counterbalances in writing the regulations as opposed to just being restrictive.

Commissioner Malek noted they used to do the tree swap thing with the Parks where people could plant trees in the parks. He commented that he loves trees, but thinks it is very important that they don’t go down the path where they start to create landscape architect permits and plans for every individual, residential home. He thinks they need more science behind how the trees will be impacted. He agreed that keeping trees in the community by some sort of swap as suggested by Commissioner Rwamashongye is a good idea.

Commissioner Lin agreed with having a more creative approach. She recommended looking at the big picture and how they manage the larger parcels. She wondered about having a sort of forest management overlay to look at tree removal or preservation. This relates to Commissioner Malek’s point of looking at the Shoreline community as a whole.

Director Markle pointed out that the current code says that you can relocate a tree to another lot, but it doesn’t say that you can plant another tree.

STUDY ITEM: 2022 DRAFT COMPREHENSIVE PLAN DOCKET

Mr. Szafran reviewed the 2022 Draft Comprehensive Plan Docket:

- Amendment #1 – Amend the Transportation Master Plan (TMP) and Transportation Element which includes updated goals and policies.
- Amendment #2 – Begin 2024 Comprehensive Plan Major Update. Staff has included a proposed outline schedule.
- Amendment #3 – Amend the Comprehensive Plan Land Use Map Designation from Public Facility to Mixed Use 1 and change the zoning from Residential, 18 units/acre (R-18) and Mixed-Business (MB) to Mixed-Business (MB) at the King County metro Park & Ride Facility at 19000 Aurora Avenue N.
- Amendment #4 – Amend the Land Use Element to add a new policy “Housing development and preservation of significant trees can co-exist with the goal of maintaining and increasing Shoreline’s urban tree canopy”.
- Amendment #5 – Add Short Term Rental definition, licensing requirements, and location. Staff’s recommendation is not to include this in the Comprehensive Plan process but address it in other ways such as the Development Code process.

Staff is recommending that Amendments 1-4 be included in the Final 2022 Docket.

VICE CHAIR RWAMASHONGYE MOVED TO RECOMMEND TO COUNCIL APPROVAL OF THE 2022 COMPREHENSIVE PLAN DOCKET AS PRESENTED BY STAFF. THE MOTION WAS SECONDED BY COMMISSIONER MALEK.

Vice Chair Rwamashongye spoke to the importance of the Comprehensive Plan updated and aligned with goals and policies.

MOTION PASSED UNANIMOUSLY (5-0).

UNFINISHED BUSINESS

None

NEW BUSINESS

Commissioner Malek commented that a community member is doing work regarding safe and accessible park access. Commissioners should be receiving something soon.

REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS

None

AGENDA FOR NEXT MEETING

Staff reviewed the agenda for the next meeting which is scheduled for February 17, 2022.

ADJOURNMENT

The meeting was adjourned at 9:13 p.m.

Pam Sager
Chair, Planning Commission

Carla Hoekzema
Clerk, Planning Commission

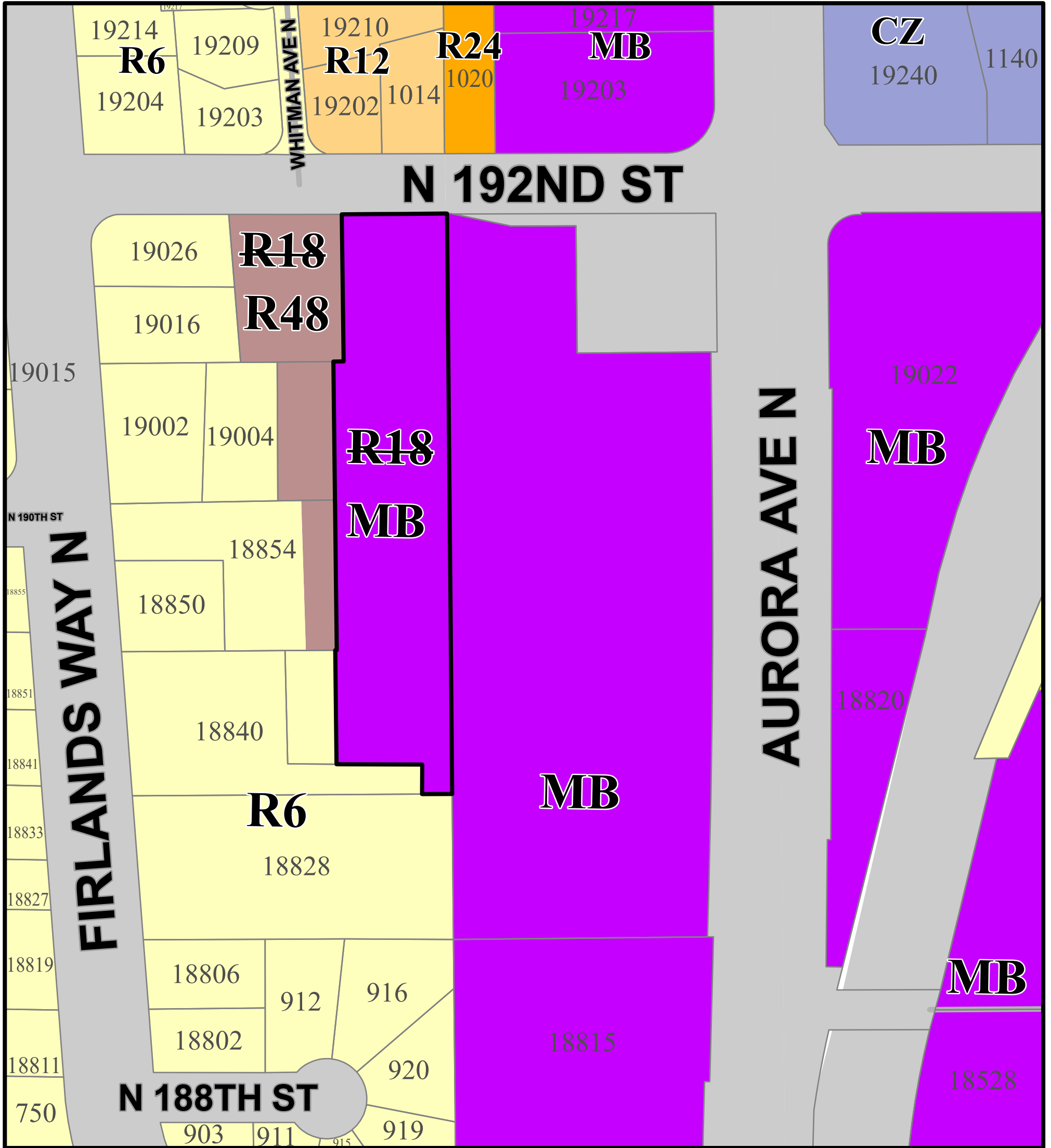
2024 Comprehensive Plan Periodic Update – Tentative Schedule

2022	2023	2024
<p>Q4 2021 / Q1 2022 Completed:</p> <ul style="list-style-type: none"> • Comp Plan Docket • Early Scope (new CPP's and other requirements, best practices, emerging issues to incorporate, themes) • Develop Charter • Draft engagement strategy/public participation plan 	<p>Q1 Completed:</p> <ul style="list-style-type: none"> • Introduction • Land Use Element 	<p>Q1 Completed:</p> <ul style="list-style-type: none"> • Utilities • Capital Facilities • Subarea Plans (to the extent they need to be integrated with the document)
<p>Q2 Completed:</p> <ul style="list-style-type: none"> • Council briefing on early scope/schedule for update (tentative) 	<p>Q2 Completed:</p> <ul style="list-style-type: none"> • Community Design • Housing Element (build and use work from Housing Action Plan) 	<p>Q2 Completed:</p> <ul style="list-style-type: none"> • Integrate final document (design, graphics, etc.) • Adopt SEPA (early Q2) • Adoption of final ordinance completing periodic update (June 30, 2024)
<p>Q3 Completed:</p> <ul style="list-style-type: none"> • Kick-off visioning/engagement 	<p>Q3 Completed:</p> <ul style="list-style-type: none"> • Economic Development Element 	<p>Q3 Completed:</p> <ul style="list-style-type: none"> • Plan submittal for review/certification (PSRC) • Other regulatory filings (Commerce, etc.)
<p>Q4 Completed:</p> <ul style="list-style-type: none"> • Transportation Master Plan • Transportation Element • Climate Action Plan Update 	<p>Q4 Completed:</p> <ul style="list-style-type: none"> • PROS (due by 2024) – Parks Board & PC/CC • Natural Environment (integrate work from Climate Action Plan and Surface Water Master Plan) 	<p>Q4 Completed:</p>

NOTES:

- Functional plan updates will update goals, policies, and supporting analysis, where able (e.g. Transportation Master Plan, Surface Water Master Plan, PROS, etc.)

Zoning Update: 192nd St Park & Ride



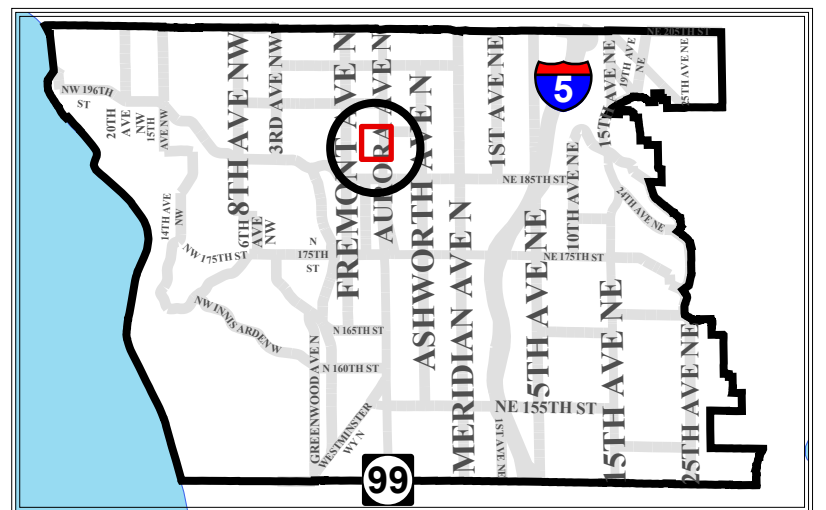
192nd St Park & Ride Zoning Update R-18 to MB

Land Use Legend

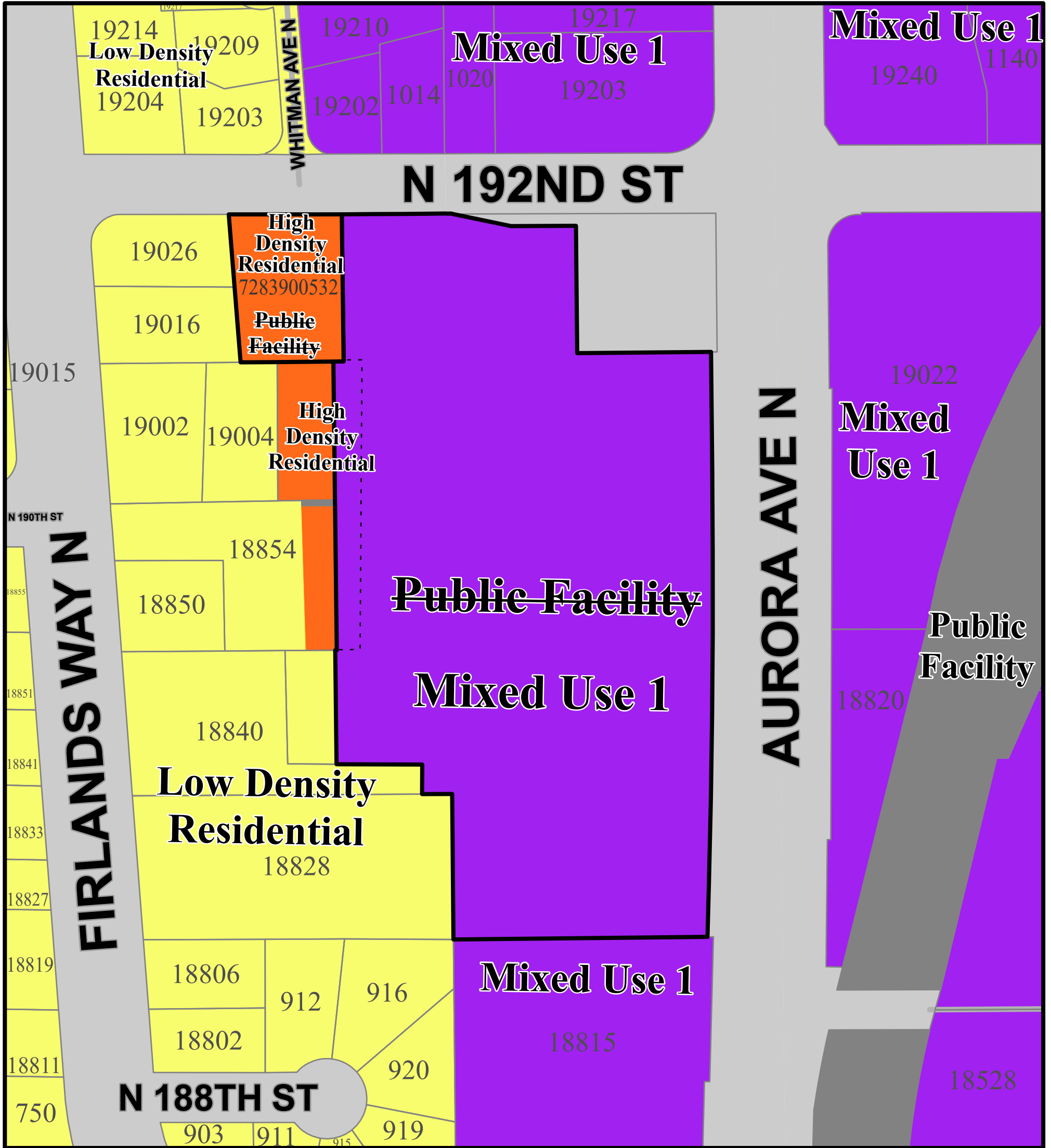
- | | |
|--|----------------------------------|
| - Parcel Line | C; Campus |
| TC-1 to TC-4; Town Center | CZ; Contract Zone |
| MUR-70; Mixed Use Residential (70' height) | R-48; Residential, 48 units/acre |
| MUR-45; Mixed Use Residential (45' height) | R-24; Residential, 24 units/acre |
| MUR-35; Mixed Use Residential (35' height) | R-18; Residential, 18 units/acre |
| MB; Mixed Business | R-12; Residential, 12 units/acre |
| CB; Community Business | R-8; Residential, 8 units/acre |
| NB; Neighborhood Business | R-6; Residential, 6 units/acre |
| PA 3; Planned Area 3 | R-4; Residential, 4 units/acre |

Feature Legend

- | | |
|-----------------|--------------------|
| - Parcel Change | - Unclassified ROW |
| - City Boundary | - Parcel Line |



Comp Plan Update: 192nd St Park & Ride



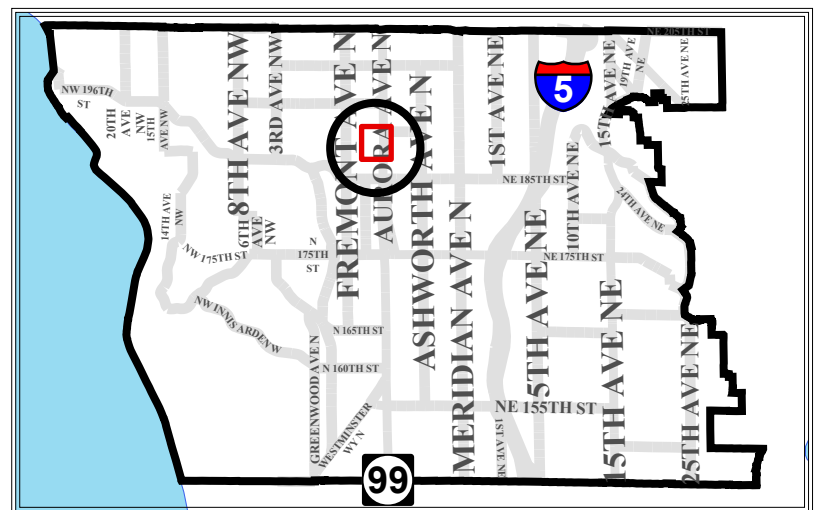
**192nd St Park & Ride
Comprehensive Plan Amendment
Public Facility/High Density Residential to Mixed Use 1**

Land Use Legend

- | | |
|----------------------------|----------------------|
| Station Area 1 | Mixed Use 2 |
| Station Area 2 | Mixed Use 1 |
| Station Area 3 | Town Center District |
| Low Density Residential | Public Facility |
| Medium Density Residential | Public Open Space |
| High Density Residential | Private Open Space |
| Institution/Campus | - Parcel Line |
| Planned Area 3 | |

Feature Legend

- | | |
|-----------------|--------------------|
| - Parcel Change | - Unclassified ROW |
| - City Boundary | - Parcel Line |



No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

Date Printed: Date: 3/12/2021 | Request: 28859



Comprehensive Plan General Amendment Application

Applicant name: Save Shoreline Trees

Address: 16069 Dayton Ave N, Shoreline, WA 98133

Phone: 510-599-7135

Submitted by: Kathleen Russell, Save Shoreline Trees/Communications

Email: krussell@russell-gordon.com

Proposed amendment:

"Housing development and preservation of Significant trees can co-exist with the goal of maintaining and increasing Shoreline's urban tree canopy."

Reference Element: Land Use

Why is this being proposed?

There are many statements in the Comprehensive Plan stating the need to protect and preserve the tree canopy in Shoreline. This proposed amendment adds the recommendation that building development and the urban tree canopy can co-exist.

How does the amendment address changing circumstances or values in Shoreline?

This amendment addresses the increasing development taking place in Shoreline and the need to preserve the tall conifers and native trees.

Describe how the amendment is consistent with the current Shoreline Comprehensive Plan?

The current Shoreline Comprehensive Plan mentions the importance of trees in several Elements. In the introduction, Land Use, Community Design, and Natural Environment, there are many supportive statements regarding trees and the urban tree canopy. The proposed amendment addresses both Land Use, Community Design and Natural Environment. This proposed amendment is definitely consistent with the current Shoreline Comprehensive Plan.

How will this amendment benefit the citizens of Shoreline?

As mentioned in the introduction of the Comprehensive Plan, Vision 2029, page 3:

"People are first drawn here by the city's beautiful natural setting and abundant trees..."

The proposed amendment confirms that the urban tree canopy is important to citizens. This amendment addresses the City vision of housing development and the importance of Shoreline's mature conifer and native trees.

As stated in the Shoreline's own 2020 Green Shoreline publication: *"Protecting, enhancing, and maintaining the trees that comprise Shoreline's urban forest – in neighborhoods, urban areas and parks-is critical to the health and welfare of the citizens of Shoreline and will have a positive impact on the entire region."*

Include any data, research or reasonings that support the proposed amendment.

As included in the current Comprehensive Plan, there are many references to Shoreline's urban canopy as listed in the following Elements: Land Use, Community Design, and Natural Environment.

Examples:

- **Land Use:** Policy LU6: "Allow flexibility in regulations to protect existing stands of trees."
- **Community Design:** Policy CD37: "Minimize the removal of existing vegetation, especially mature trees, when improving streets or developing property."
- **Natural Environment:** Goal NE X: "Maintain and improve the city's tree canopy."
- **Natural Environment:** Policy NE 19: "Minimize removal of healthy trees, and encourage planting of native species in appropriate locations."

Additional sources: why urban trees are necessary

Established Trees and Housing Can Co-Exist

Letter to the Editor by Claudia Turner

Shoreline Area News, July 27, 2021

<https://www.shorelineareanews.com/2021/07/shoreline-trees-established-trees-and.html>

Importance of urban trees

US Cities Losing Millions of Trees, CNN Sept. 18, 2019

<https://www.cnn.com/2019/07/20/health/iyw-cities-losing-36-million-trees-how-to-help-trnd/index.html>

<https://www.treepeople.org/22-benefits-of-trees/>

"Trees are major capital assets in cities across the United States. Just as streets, sidewalks, public buildings and recreational facilities are a part of a community's infrastructure, so are publicly owned trees. Trees -- and, collectively, the urban forest -- are important assets that

require care and maintenance the same as other public property. Trees are on the job 24 hours every day working for all of us to improve our environment and quality of life.” Colorado Trees/benefits

The Benefits of Trees for Livable and Sustainable Communities

<https://nph.onlinelibrary.wiley.com/doi/full/10.1002/ppp3.39>

Benefits of Urban Trees

<https://www.state.sc.us/forest/urbben.htm>

Birds and Trees

For the Birds: The Birds and the Trees

<https://www.shorelineareanews.com/search?q=for+the+birds+trees>

by Christine Southwick as published in *Shoreline Area News*

Heat Island Effect in cities and how urban trees can lower temperatures

<https://www.epa.gov/heatislands/learn-about-heat-islands>

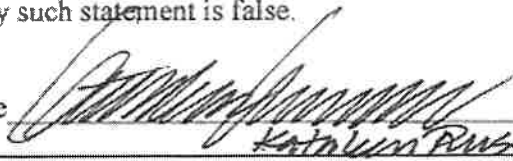
<https://www.kuow.org/stories/heat-wave-death-toll-in-washington-state-jumps-to-112-people>

Support for the Amendment - Explain the need for the amendment. Why is it being proposed? How does the amendment address changing circumstances or values in Shoreline? Describe how the amendment is consistent with the current Shoreline Comprehensive Plan, if inconsistent, explain why. How will this amendment benefit the citizens of Shoreline? Include any data, research, or reasonings that supports the proposed amendment. (A copy of the Shoreline Comprehensive Plan is available for use at the Planning & Community Development department, Shoreline Neighborhood Police Centers, and the Shoreline and Richmond Beach libraries).

See separate form as submitted by Save Shoreline Trees

Signature - An amendment application can not be accepted unless the signature block below has been completed. The applicant certifies that all of the aforementioned statements in this application, any exhibits and/or maps transmitted herewith are true and the applicant acknowledges that any amendment granted based on this application may be revoked if any such statement is false.

Application Signature



Date

12-1-21

Kathleen Russell, Save Shoreline Trees

PROPOSED AMENDMENTS WITHOUT THE REQUIRED APPLICATION INFORMATION MAY BE REJECTED OR RETURNED FOR ADDITIONAL INFORMATION.



City of Shoreline

Planning & Community Development

17500 Midvale Avenue North Shoreline, WA 98133-4905

Phone: (206) 801-2500 Fax: (206) 801-2788

Email: pcd@shorelinewa.gov Web: www.shorelinewa.gov

Permit Hours – M, T, TH, F: 8:00 a.m. to 4:00 p.m. | W: 1:00 to 4:00 p.m.

COMPREHENSIVE PLAN
GENERAL AMENDMENT
APPLICATION

Amendment proposals may be submitted at any time, however if it is not submitted prior to the deadline for consideration during that annual amendment cycle, ending on December 1st, the amendment proposal will not be considered until the next annual amendment cycle.

Please attach additional pages to this form, as needed.

Contact Information - If the proposal is from a group, please provide a contact name.

Applicant Name Janelle Callahan

Address 15532 11th Ave NE City Shoreline State WA Zip 98155

Phone (206) 420-3320 Fax n/a Email janellecallahan@gmail.com

Proposed General Amendment - This can be either conceptual: a thought or idea; or specific changes to wording in the Comprehensive Plan, but please be as specific as possible so that your proposal can be adequately considered. If specific wording changes are proposed please use underline to indicate proposed additions and strikethrough to indicate proposed deletions. **Please note that each proposed amendment requires a separate application.**

Communities worldwide are having to adapt to a multi-billion-dollar industry¹ that no one imagined just 20 years ago. Short-term rentals affect how homes are used in a community, and local government regulations can help guide this usage. Like many communities, Shoreline’s municipal code currently says nothing about short-term rentals. The existing definitions for “bed and breakfasts”² and “boarding houses”³ are insufficient. They only address single-room or suite rentals, not the rental of an entire house, apartment, or accessory dwelling unit (ADU). Someone who is renting a room/suite and living on-site could be considered a bed and breakfast operator in Shoreline. A boarding house does not require owner occupancy, but it is for dwellings like “fraternity houses, sorority houses, off-campus dormitories, and residential clubs.” It is not known if those who advertise on short-term rental platforms have bed and breakfast or boarding house permits from the city. Because these definitions do not reflect the current business model, operators may not realize they should have a permit. By adopting the following definition for short-term rentals, requiring a city business license and other clarifications, the city would be addressing rapidly changing circumstances and benefit Shoreline’s citizens.

Short-term rentals.

- A. Short-term rentals are the use of an entire dwelling unit by any person or group of persons to occupy for rent for a period of less than thirty consecutive days. Short-term rentals do not include bed and breakfast inns, hotels and motels, or boarding houses.
- B. License Required. A city business license is required to operate a short-term rental. No more than two short-term rental sites may be operated by any individual, marital group, a group of people, or a corporate entity such as an LLC, within the city.
- C. Location. A short-term rental use may be located in a dwelling unit or an accessory dwelling unit. See SMC 20.40.210 for applicable accessory dwelling unit requirements.

¹ Estimated revenue from the short-term rental industry in the U.S. is expected to be about \$15 billion in 2021. <https://ipropertymanagement.com/research/vacation-rental-industry-statistics>

² <https://www.codepublishing.com/WA/Shoreline/#!/Shoreline20/Shoreline2040.html#20.40.250> (Last updated 2004).

³ <https://www.codepublishing.com/WA/Shoreline/#!/Shoreline20/Shoreline2040.html#20.40.260> (Last updated 2008).

Reference Element of the Shoreline Comprehensive Plan (required) and page number (if applicable) - (e.g. Land Use, Transportation, Capital Facilities, Housing, etc.)

This proposed amendment supports:

- Housing Goal II, to “Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations” (p. 39).
- Housing Goal III, to “Preserve and develop housing throughout the city that addresses the needs of all economic segments of the community, including underserved populations, such as households making less than 30% of Area Median Income” (p. 39).
- Economic Development Goal I, to “Maintain and improve the quality of life in the community by: increasing employment opportunities and the job base; supporting businesses that provide goods and services to local and regional populations; and reducing reliance on residential property tax to fund City operations and capital improvements” (p. 55).

Support for the Amendment - Explain the need for the amendment. Why is it being proposed? How does the amendment address changing circumstances or values in Shoreline? Describe how the amendment is consistent with the current Shoreline Comprehensive Plan, if inconsistent, explain why. How will this amendment benefit the citizens of Shoreline? Include any data, research, or reasonings that supports the proposed amendment. (A copy of the Shoreline Comprehensive Plan is available for use at the Planning & Community Development department, Shoreline Neighborhood Police Centers, and the Shoreline and Richmond Beach libraries).

Short-term rentals serve a variety of purposes. A search on popular short-term rental platforms reveals that there are short-term rentals in Shoreline. Guests come here as tourists, as well as for extended stays for a few weeks or months for various reasons (e.g., academics, business travelers, health care providers, patients or their families). Many of the listings publicize Shoreline’s closeness to downtown Seattle as a great feature. A short-term rental generates income for the operator and tax revenue for the city.⁴ In this sense, short-term rentals regulations support Goal H II of the Comprehensive Plan, to “Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations,” and Economic Development Goal I to create jobs, support businesses, and “reduce reliance on residential property tax to fund City operations and capital improvements.”⁵ By defining what a short-term rental is, and what the requirements are, the city can provide clarity to short-term rental operators and grow tax revenue from short-term rental businesses by making clear it is an allowed use.

The number of short-term rentals in Shoreline is currently unknown. It is not known how short-term rentals may be affecting housing affordability and availability. In a 2019 report prepared for the Washington State Department of Commerce on “Issues Affecting Housing Availability and Affordability,” it is recommended that: “In an urban or suburban setting, demand for housing also can occur from uses that are temporary or second home in nature... Local jurisdictions in an urban or suburban setting should, therefore, seek to understand not only the volume of second home and temporary rental demand, but also the potentially complex nature of temporary rentals and second home demand.”⁶

It is also unknown how many short-term rental listings in Shoreline are owner-occupied “bed and breakfasts” or whole dwelling (“absentee landlord”) rentals. A study found that areas where owner-occupancy rates are higher are less affected by increases in rental rates or housing costs associated with short-term rentals. Bed and breakfast rentals do not take away from housing stock because someone is living there. Whole house short-term rentals, on the other hand, reduce the supply and create greater competition for long-term resident housing.⁷

Those who are renting long-term, especially those who are renting single-family homes here in Shoreline, may be vulnerable to displacement. An owner may decide to turn their property into a short-term rental because there may be potential to earn more income. The Department of Commerce report noted that: “Vacation rentals tend to earn more in rent per-night than as permanent housing.” The average nightly rate in Seattle is estimated to be \$163/per night.⁸ If a property can be booked only 10 nights per month, the operator’s income would be more than the average monthly long-term rent in our area (\$1,476).⁹

This proposed amendment supports Goal H III, to “Preserve and develop housing throughout the city that addresses the needs of all economic segments of the community, including underserved populations, such as households making less than 30% of Area Median Income” (p. 39). Currently, existing data assumes a single-family home in Shoreline is occupied by an owner, and a unit in a multi-family building is assumed to be occupied by a renter. The problem is that there are, in fact, single-family homes being used as rentals, but we do not know how many there are, or if demand for single-family homes as short-term rentals may be increasing. To assess and respond to the problem of housing affordability and availability, the city must be able to track short-term rentals.

⁴ [Substitute House Bill 1798](https://lawfilesexp.leg.wa.gov/biennium/2019-20/Pdf/Bill%20Reports/House/1798-S%20HBR%20FBR%2019.pdf?q=20211021190200) - Requires short-term rental operators and platform providers register with the state Department of Revenue and remit all local, state, and federal taxes - Effective July 28, 2019. <https://lawfilesexp.leg.wa.gov/biennium/2019-20/Pdf/Bill%20Reports/House/1798-S%20HBR%20FBR%2019.pdf?q=20211021190200>

⁵ [City of Shoreline Comprehensive Plan](#)

⁶ Department of Commerce, [Housing Memorandum: Issues Affecting Housing Availability and Affordability](https://deptofcommerce.app.box.com/s/npwem3s3rvcsya15nylbroj18e794yk7) - July 16, 2019. <https://deptofcommerce.app.box.com/s/npwem3s3rvcsya15nylbroj18e794yk7>

⁷ [Research: When Airbnb Listings in a City Increase, So Do Rent Prices](https://hbr.org/2019/04/research-when-airbnb-listings-in-a-city-increase-so-do-rent-prices) Barron et al. *Harvard Business Review*, April 17, 2019. <https://hbr.org/2019/04/research-when-airbnb-listings-in-a-city-increase-so-do-rent-prices>

⁸ [InsideAirBNB](http://insideairbnb.com/seattle/) – Seattle - Accessed Oct. 21, 2021. <http://insideairbnb.com/seattle/>

⁹ [MIT Living Wage Calculator](https://livingwage.mit.edu/metros/42660) - Seattle - Housing for a single adult with no children. Accessed Oct. 21, 2021. <https://livingwage.mit.edu/metros/42660>

Other local jurisdictions have adopted codes to regulate short-term rentals. Most notably, the city of Seattle adopted regulations in 2018 because of the recognized impact the abundance of short-term rentals was having on housing affordability and availability.¹⁰ In August 2021, the city of Everett adopted a definition of short-term rental and required operators to have a city business license.¹¹ This proposal is based on the city of Everett’s code. Shoreline should adopt similar code to define and track short-term rentals, trends, and possible effects on housing, and to be fair among all types of businesses in Shoreline. A short-term rental operator should be held to the same standard as any business owner. Shoreline requires a city business license for any business generating \$2,000 or more per year.¹² The code should be updated to make clear that this requirement includes short-term rental operators. This proposal may also raise awareness that owners of bed and breakfast types of rentals need permits.

Since 2019 in Washington state, short-term rental operators are required to register with the Department of Revenue, pay applicable state and local taxes, and have liability insurance. The state does not ask for or report the numbers or locations of short-term rentals, however, leaving it up to local governments to determine specific regulations. Since the state clarified that a short-term rental is a business, the city of Shoreline should as well. Since the state’s role is limited to requiring liability insurance and collecting taxes for short-term rentals, the city should adopt code to say how short-term rentals may operate in our community.

One might question whether we should allow short-term rentals in Shoreline. Banning short-term rentals entirely is likely not the answer. They are here already, they serve a purpose by providing different types of housing, and they have economic benefit. A study found cities that restrict short-term rentals have reduced development compared with cities that do not. Cities that allow short-term rentals had 17% more accessory dwelling unit (ADU) permit applications and 9% more permit applications of other types. The results suggest demand for short-term rentals helped spur creation of new housing.¹³ If an ADU can be used as a short-term rental, it may provide the financing opportunities and rental income to allow a person to continue to live in their house in Shoreline. It may eventually be necessary to cap the number of whole house short-term rental permits at some point in the future. If the process of tracking these changes starts now, the city will be in a better position to leverage the advantages of short-term rentals and prevent or minimize negative impacts.

One might question why Shoreline should address the issue of short-term rentals right now. One might assume it is not a problem in Shoreline because we have not had widespread or visible problems with short-term rentals (e.g., “party houses”) like other communities. But the fact is, we have no analytical insight into how short-term rentals may be affecting housing availability and affordability. The city and its residents may also be missing opportunities for growing tax revenue, incomes, jobs, and new housing development by continuing to ignore short-term rentals. This proposal would deliver information needed to understand the impact of short-term rentals on the city housing market and help make informed policy decisions.

There is a tremendous upheaval now with “the Great Resignation.” People are quitting jobs and moving in record numbers. More than 4 million workers voluntarily resigned from their jobs in August 2021, the highest number ever recorded in the 20 years since the U.S. Department of Labor began reporting these figures.¹⁴ In September 2021, this record was broken with 4.4 million workers quitting.¹⁵ It is unknown how opportunities for remote work may be affecting choices to continue living in Shoreline or move somewhere else where the cost of living may be lower. It is possible some Shoreline homeowners may be purchasing second homes elsewhere and renting their Shoreline homes. There may also be residents for whom renting space on their property provides much-needed supplementary income. For these reasons, it is urgent to gather data on short-term rentals now.

This proposal benefits the citizens of Shoreline by creating a definition of short-term rental to help understand the situation in our city. It provides clarity for short-term rental operators who generate tax revenue for the city. It specifies that a short-term rental may be in an ADU and is subject to the requirements under the city’s ADU code. It limits the number of short-term rental sites to two per operator to ensure that no single entity dominates the short-term rental market in Shoreline.

¹⁰ [Seattle Municipal Code 23.42.060](https://www.seattle.gov/sdci/codes/common-code-questions/short-term-rentals) - Effective Jan. 7, 2018. <https://www.seattle.gov/sdci/codes/common-code-questions/short-term-rentals>

¹¹ [City of Everett Municipal Code 19.08.150](https://everett.municipal.codes/EMC/19.08.150) - Effective Aug. 25, 2021. <https://everett.municipal.codes/EMC/19.08.150>

¹² [City of Shoreline Business Licenses](https://www.shorelinewa.gov/government/departments/city-clerk-s-office/business-licenses) - Accessed Oct. 21, 2021. <https://www.shorelinewa.gov/government/departments/city-clerk-s-office/business-licenses>

¹³ [Research: Restricting Airbnb Rentals Reduces Development](https://hbr.org/2021/11/research-restricting-airbnb-rentals-reduces-development). Bekkerman et al., *Harvard Business Review*, November 17, 2021. <https://hbr.org/2021/11/research-restricting-airbnb-rentals-reduces-development>

¹⁴ [Workers quitting their jobs hit a record in the U.S. in August](https://www.nytimes.com/2021/10/12/business/economy/workers-quitting-august.html). *New York Times*, Oct. 12, 2021. <https://www.nytimes.com/2021/10/12/business/economy/workers-quitting-august.html>

¹⁵ [The number of U.S. workers quitting their jobs in September was the highest on record](https://www.nytimes.com/2021/11/12/business/economy/jobs-labor-openings-quit.html). *New York Times*, Nov. 12, 2021. <https://www.nytimes.com/2021/11/12/business/economy/jobs-labor-openings-quit.html>

